

**LAW NO. 04/L-149  
ON EXECUTION OF PENAL SANCTIONS**

**Assembly of Republic of Kosovo;**

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

Approves

**LAW ON EXECUTION OF PENAL SANCTIONS**

**PART ONE  
GENERAL PART**

**CHAPTER I  
BASIC PROVISIONS**

**Article 1  
Purpose of the Law**

Purpose of this law is execution of penal sanctions, sanctions on offences and measures of mandatory treatment, and application of detention measure.

**Article 2  
Scope of the Law**

1. Penal sanctions shall be executed in accordance with the present Law.
2. For the purposes of the present Law, penal sanctions are principal punishments, alternative punishments, accessory punishments and judicial admonition.
3. Execution of mandatory treatment measures of rehabilitation shall be carried out in accordance with the present Law.

**Article 3  
Execution of penal sanctions imposed by domestic and foreign courts**

The provisions of the present Law shall apply to the execution of penal sanctions imposed by domestic and foreign courts in accordance with the Code of Criminal Procedure, Juvenile Justice Code, Law on Offence and international agreements.

**Article 4  
The purpose of the execution of criminal sanctions**

The execution of penal sanctions shall aim at the re-socialization and reintegration of the convicted person into society and prepare him or her to conduct his or her life in a socially responsible way. The execution of penal sanctions shall also serve the purpose of protecting society by preventing the commission of further criminal offences and restraining others from committing criminal offences

## **Article 5 Guiding Principles**

1. Penal sanctions shall be executed in such a way as to assure humanity of treatment and respect for the dignity of each individual. The convicted person shall not be subject to torture or to inhuman or degrading treatment or punishment.
2. Penal sanctions shall be executed with absolute impartiality. No one shall be discriminated on ground of race, color, gender, language, religious beliefs, political opinion or other, national or social origin, affiliation to a community, property, economic and social status, sexual orientation, birth status, disability or other personal status in the Republic of Kosovo.
3. For the purpose of eliminating the causes of corruption in the Correctional Service, correctional institutions and the Probation Service and in compliance with the present Law, the respective secondary legislation to be issued for the implementation of the present Law shall provide for anti-corruptive provisions in particular the promotion and existence of a clear system of rewards and sanctions as part of the implementation of the action program, development of ethical standards, etc., as mechanisms to fight corruption.
4. During the execution of a penal 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 penal sanction, in compliance with the applicable law and international human rights standards.
5. The execution of penal sanctions and should, as far as possible, stimulate the participation of the convicted person in his or her own social reintegration and re-socialization, through the planning of conviction and individual plan, as well as the cooperation of society in achieving such aims.
6. The aim of re-socializing and reintegrating the convicted person into the community shall also be pursued by urging and organizing the participation of public and private institutions or bodies, as well as of individuals, in the reintegration process.

## **Article 6 Commencement of execution of penal sanctions**

1. The execution of a penal sanction shall commence when the decision by which the penal sanction is imposed becomes final and there is no legal impediment to the execution of the penal sanction.
2. The execution of a penal sanction may commence before the decision by which the penal sanction is imposed becomes final only exceptionally in the cases when it is expressly provided by law.

## **Article 7 Postponement and suspension of penal sanction**

The execution of a penal sanction may be stayed and suspended under conditions provided by law.

## **Article 8 Administrative fees for submissions**

Administrative fees shall not be paid in regard to submissions, official actions and decisions in connection with the application of the provisions of the present Law, unless otherwise provided by law.

## **Article 9 Maintenance of records**

1. Appropriate records shall be maintained on persons against whom penal sanctions and detention on remand are executed.

2. Minister of Justice (hereinafter referred to as: the Minister) shall regulate with secondary legislation the maintenance and collection of records.

**Article 10**  
**Resources for the execution of penal sanctions**

1. Resources for the execution of penal sanctions shall be provided by the budget of the Republic of Kosovo.
2. The convicted person shall not pay the costs of executing a penal sanction, unless otherwise provided by law.

**PART TWO**  
**EXECUTION OF PRINCIPAL PUNISHMENTS**

**CHAPTER II**  
**EXECUTION OF IMPRISONMENT AND LIFE IMPRISONMENT**

**Article 11**  
**Sending the convicted person to a correctional facility**

1. Persons sentenced to imprisonment and life imprisonment shall be sent to correctional facilities for the execution of imprisonment and life imprisonment in accordance with an act enforced by the Minister.
2. Exceptionally, on the request of the convicted person, the General Director of the Correctional Service, for justifiable reasons may waive the enforced act and change the place of execution of the sentence. The Minister should be notified in written as soon as possible on this matter and on the reasons for change.
3. The appeal of the Minister against the decision of the General Director of the Correctional Service from paragraph 2. of this Article is allowed within a time period of three (3) days from the day of receiving the decision. The appeal does not cease the execution of the decision.

**Article 12**  
**Placement of the convicted persons in the correctional facilities**

1. A person sentenced to imprisonment may be placed in a detention centre if the duration of the imprisonment after taking account of detention on remand or other deprivation of liberty in connection with the criminal offence does not exceed three (3) months.
2. A person sentenced to imprisonment shall be placed in a correctional facility if the duration of the imprisonment, after taking account of detention on remand or other deprivation of liberty in connection with the criminal offence, exceeds three (3) months.
3. A person sentenced to life imprisonment shall be placed in a correctional facility.

**Article 13**  
**Actions which precede sending convicted persons to correctional facilities**

1. If a court that rendered the first-instance decision does not have jurisdiction to send the convicted person to serve a sentence of imprisonment or life imprisonment, it shall send the final decision together with personal data on the convicted person collected during the criminal proceedings to the competent court within three (3) days of the day on which the decision becomes final.

2. Within three (3) days of receiving the decision, the competent court should initiate the process of sending the convicted person to serve the sentence of imprisonment or life imprisonment.

#### **Article 14**

##### **Jurisdiction to send convicted persons to serve sentences of imprisonment or life imprisonment**

1. The basic court that imposed the sentence shall have jurisdiction to send the convicted person to serve a sentence of imprisonment or life imprisonment.
2. The same court shall maintain its jurisdiction if the current or permanent residence of the convicted person subsequently changes.

#### **Article 15**

##### **Competent Court for sending the person to serve the sentence when the residence of convicted person is unknown**

When the current and the permanent residence of the convicted person are unknown, the basic court that rendered the first-instance decision shall have jurisdiction to send the convicted person to serve a sentence of imprisonment or life imprisonment and if this decision was rendered by the Appeal Court, the basic court at the seat of the Appeal Court shall have jurisdiction.

#### **Article 16**

##### **Court order to appear in the institution to serve the sentence**

1. The competent court shall order the convicted person in writing to report to the correctional facility to serve the sentence of imprisonment or life imprisonment on a specific day.
2. The period of time between the receipt of the order and the day of reporting shall be no less than eight (8) days and no more than fifteen (15) days.
3. The competent court shall inform the correctional facility of the date on which the convicted person shall report and deliver the final decision along with personal information about the convicted person collected during the criminal proceedings.

#### **Article 17**

##### **Commencement of execution of imprisonment or life imprisonment sentence**

1. The correctional facility shall inform the competent court whether the convicted person reported to serve the sentence.
2. Service of the sentence of imprisonment or life imprisonment shall be counted from the day on which the convicted person reported to the correctional facility.

#### **Article 18**

##### **Compelling the convicted person serve the sentence**

1. If a convicted person who has been properly summoned to service of sentence does not report to the correctional facility, the court shall order that he or she be brought forcibly. If the convicted person hides or is at large, the court shall order the issuance of a wanted notice.
2. Execution of the sentence of imprisonment or life imprisonment shall be counted from the day on which the convicted person is deprived of liberty.

**Article 19**  
**Transportation expenses**

1. The correctional facility shall compensate the convicted person for public transportation expenses from the place of permanent or current residence of the convicted person to the correctional facility.
2. The convicted person shall pay the expenses of being brought forcibly to the correctional facility.

**Article 20**  
**Postponement of execution of sentences of imprisonment**

1. The execution of a sentence of imprisonment can be postponed upon the request of the convicted person:
  - 1.1. until the end of an illness, if the convicted person is suffering from a serious acute illness;
  - 1.2. until, at the latest, the end of the third year of life of the child, if the female convicted person has completed the sixth month of pregnancy or has a child younger than one (1) year of age;
  - 1.3. until, at the latest, three (3) months from the day of the commencement of the stay of execution, if a spouse, a child, an adopted child, a parent or an adoptive parent of the convicted person has died or is suffering from a serious illness;
  - 1.4. until, at the latest, six (6) months from the day of commencement of the postponement of execution, if the wife of the convicted person has three (3) months until the day of giving birth, or if less than six (6) months have elapsed from the day on which she gave birth and there is no other member of the household who would help her;
  - 1.5. until, at the latest, six (6) months from the day of commencement of the postponement of execution, if the spouse or some other member of the family union of the convicted person is summoned with the convicted person to serve a sentence if any of them is already in prison;
  - 1.6. until, at the latest, three (3) months from the day of commencement of the postponement of execution, if the postponement is required by the convicted person for agricultural or seasonal work which cannot be delayed or work caused by some accident and the family of the convicted person does not have the necessary manpower;
  - 1.7. until, at the latest, three (3) months from the day of commencement of the postponement of execution, if the convicted person is obliged to complete work which has already been started and considerable damage may result from the failure to complete it;
  - 1.8. until, at the latest, six (6) months from the day of commencement of the postponement of execution, if the convicted person requires a postponement to complete schooling or to take an examination for which he or she has prepared.
2. The day on which the ruling on the postponement of execution is rendered shall be considered the day of commencement of the postponement of execution.
3. The convicted can require postponing the sentence at most twice for any of the reasons foreseen with this Article.
4. Execution of the sentence can not be postponed, if the execution of the sentence, or of a part of the sentence shall become impossible because of the prescription.

**Article 21**  
**Procedure for postponement of execution of sentence of imprisonment**

1. A convicted person shall submit a request for a postponement of execution of a sentence within seven (7) days of receiving an order for serving the sentence of imprisonment.
2. If the order can not be submitted to the defendant then it will be submitted to one of the adult members of the family, or the notification shall be left on the day and hour of submission. If the defendant is not present in his/her address on certain day and time the order will be stucked on the door. Such submission is considered as regular.
3. If a serious acute illness of the convicted person or the death of his or her spouse, child, an adopted child, parent or adoptive parent occurs after the expiry of the seven (7) days period, the request may be submitted up to the day on which the convicted person is required to report to serve the sentence.
4. The request for a postponement of execution shall cite the reasons for the postponement, shall enclose evidence that supports the reasons and shall state the period of time for which the postponement is requested.

**Article 22**  
**Request to postpone the sentence execution**

1. The request for a postponement of execution of a sentence shall be submitted to the president of the competent basic court.
2. If evidence is not enclosed with the request, the president of the basic court shall order the convicted person to submit the evidence within eight (8) days, and shall warn him or her that the failure to do so will result in the dismissal of the request.

**Article 23**  
**Decision regarding the request to postpone the sentence execution**

1. The president of the competent basic court shall decide on the request for a postponement of execution of a sentence within three (3) days of receipt of the request. Before rendering the ruling, the court may carry out necessary investigations in order to confirm the facts stated in the request.
2. The president of the competent basic court shall dismiss a request for a postponement of execution of a sentence if the request:
  - 2.1. is not submitted on time;
  - 2.2. is submitted by an unauthorized person;
  - 2.3. is not enclosed duly with the supporting evidence.

**Article 24**  
**Appeal**

1. A convicted person may file an appeal against a first instance ruling to the president of the Appeal court within three (3) days of receipt of the ruling.
2. The president of the Appeal court shall decide on the appeal within three (3) days of its receipt.

#### **Article 25**

##### **Suspension of sentence execution because of the request for postponement of execution**

1. The request for a postponement of execution postpones the execution of the sentence of imprisonment until the final ruling on the request.
2. The president of competent basic court who, after the second dismissal of a request establishes that the right to request a postponement has been abused, shall decide that an appeal shall not postpone the execution of the decision.

#### **Article 26**

##### **Report on health condition due to serious illness**

A convicted person for whom the execution of a sentence has been postponed due to serious acute illness must submit a report on his or her state of health by the medical institution where he or she is being treated once every three (3) months or, on the request of the competent court, more frequently.

#### **Article 27**

##### **Revocation and termination of the postponement of execution of a sentence of imprisonment**

1. The president of the competent basic court shall revoke the postponement of execution of a sentence of imprisonment if, in the meantime it is established that the reasons for granting the postponement did not exist or have ceased to exist, or that the convicted person has used the period of the postponement for a purpose other than that for which it was granted.
2. If the postponement has been granted to a pregnant woman whose child is not born alive, the postponement shall be terminated six (6) months after the delivery, and if the child dies after the delivery the postponement shall be terminated six (6) months after the death of the child.
3. If a postponement has been granted to a mother of a child younger than one (1) year of age who dies, the postponement shall be terminated six (6) months after the death of the child.

#### **Article 28**

##### **Appeal against the decision to revoke, or terminate the postponement of execution of sentence of imprisonment**

1. The convicted person of imprisonment has the right to appeal against a ruling on the revocation or termination of the postponement of execution of sentence of imprisonment under the same conditions as against a ruling by which a request for a postponement is decided upon.
2. The appeal postpones the execution of the ruling.

#### **Article 29**

##### **Postponement of execution in regard to extraordinary legal remedies**

1. The court that decides on a request for reopening criminal proceedings submitted in favor of a convicted person may postpone the execution of a sentence of imprisonment, even before the entry into force of the ruling allowing the reopening of criminal proceedings.
2. The court that decides on a request for the extraordinary mitigation of punishment may postpone the execution of sentence, depending on the content of the request.

**Article 30**  
**Permission to postpone the execution of sentence of imprisonment at the request of State Prosecutor**

1. A postponement of execution of a sentence of imprisonment shall always be granted on the request of the competent state prosecutor until a decision on the use of a legal remedy is rendered.
2. A decision on the postponement of execution of a sentence of imprisonment ceases to have effect if the state prosecutor does not use a legal remedy within thirty (30) days of receipt of the decision on the postponement of execution.

**Article 31**  
**Receiving a convicted person at correctional facility**

1. When a convicted person is admitted to a correctional facility, his or her identity and the grounds and authority for his or her imprisonment or life imprisonment shall first be established and then he or she shall undergo a medical examination within twenty four (24) hours of arrival or on the first working day after arrival. The name of the convicted person, the grounds and authority for his or her imprisonment or life imprisonment and the date and time of his or her arrival at the correctional facility, control and medical report shall be recorded in a register.
2. On the occasion of admission to a correctional facility, the convicted person shall be informed in written about the rights and obligations entitled to during the service of sentence. An illiterate convicted person shall be given this information orally.
3. The text of the present Law and the secondary legislation on domestic order within correctional facilities shall be available in the languages of convicted persons, while serving the sentence, in compliance with the Law on the Use of Official Languages.
4. The procedures under paragraphs 1, 2 and 3 of the present Article shall not, be carried out in the presence of other convicted persons. The convicted person shall be photographed.

**Article 32**  
**Domestic order**

1. The secondary legislation on domestic order within correctional institutions (hereinafter referred to as: the domestic order act), to be issued by the Minister, shall regulate the organization and way of life of convicted persons and detained persons, in particular:
  - 1.1. admission and accommodation;
  - 1.2. informing them on the domestic order and other provisions;
  - 1.3. food, health care and implementation of hygienic measures;
  - 1.4. way of exercising religious needs;
  - 1.5. correspondences, visits and receipt of packages;
  - 1.6. types and quantities of food products that may be received;
  - 1.7. terms and forms of keeping cash gained as a compensation for work and rewards;
  - 1.8. form of using the annual leave;
  - 1.9. keeping order and discipline;



- 1.10. system of disciplinary violations and sanctions;
- 1.11. terms and form of application of disciplinary measures, measures of solitary confinement;
- 1.12. types of benefits, conditions and forms of utilizing all benefits;
- 1.13. organization of cultural, educational, sports and entertainment activities;
- 1.14. staying in the open space;
- 1.15. release and assistance when releasing from the imprisonment sentence or from detention;
- 1.16. other issues that may be important for the conditions and form of serving the imprisonment sentence and detention.

**Article 33**  
**Placement of convicted persons within a correctional facility**

1. The correctional facility shall allow the convicted person to call family members immediately after admission. A foreign national shall be provided with the opportunity to contact a representative of the liaison office or diplomatic mission of his or her State of nationality in writing or by telephone.
2. If the convicted person has minor children or persons for whom he has the exclusive responsibility to care, the correctional facility shall inform the Guardianship Authority about this.
3. The placement of a convicted person in a particular correctional facility or in a particular unit of a correctional facility should take into account his or her age, the type of sentences, their weight of sentences and the fact that he or she was previously sentenced, his or her physical and mental health, any special treatment requirements, the location of the current or permanent residence of his or her family and security, as well as reasons pertaining to education or work that might be relevant for his or her social re-integration and other criteria determined with secondary legislation which shall be issued by the Minister.
4. The placement of a convicted person should also take into account the possibility of carrying out common rehabilitation programs as well as the need to avoid negative influences.
5. Male and female convicted persons shall be accommodated separately. Pregnant women, childbearing women and mothers who are caring for their children shall be accommodated separately from other sentenced women.
6. Adults shall not be accommodated in the same correctional institution or in one part of the correctional institution where the minors are.
7. Convicted persons shall not be accommodated in the same part of the facility as persons detained on remand.
8. All efforts should be made to separate persons sentenced for the first time and persons who have previously served a prison sentence.

**Article 34**  
**Separation from convicted persons**

1. Upon the request of a convicted person, the director of the correctional facility may permit the convicted person to be separated from other convicted persons in a special unit of the correctional facility if the director determines that the reasons underlying the convicted person's request are reasonable and there are no other alternatives for addressing his or her concerns.

2. The director of the correctional facility may order a convicted person to be separated from other convicted persons, without the request of the convicted person for such separation, only if such measure is necessary:

2.1. to avert danger to the life or health of the convicted person or other persons;

2.2. to avert a threat to the security of the correctional facility posed by the continued presence of the convicted person and in the general prison population; or

2.3. to ensure the integrity of an investigation of a disciplinary matter.

3. A decision under paragraphs 1. and 2. of the present article shall be made after an investigation of all relevant circumstances. Separation may not be ordered for a period exceeding thirty (30) days. Such decision shall be reviewed as often as there is a reason to do so and, in any case, once every ten (10) days.

4. Where separation has been ordered to prevent the convicted person from influencing another convicted person to seriously disturb order within the correctional facility or to prevent the commission of continued criminal activity in the correctional facility, the convicted person may be placed in a special unit of the correctional facility if the separation is expected to be of a long duration.

5. The director of the correctional facility may order a convicted person who behaves violently to be separated from other convicted persons, without the request of the convicted person for such separation, for as long as is necessary to restrain the violent behavior of the convicted person.

6. A convicted person separated from other convicted persons shall be accorded the same rights, privileges and conditions as those enjoyed by the general prison population except for those privileges that can only be enjoyed in association with other prisoners or cannot be reasonably provided owing to the limitations specific to the unit of the correctional facility where the separated convicted person is placed.

7. The qualified medical personnel shall examine the convicted person at least once a day and as necessary.

8. A decision to separate a convicted person from other convicted persons shall be terminated as soon as the grounds for ordering the separation cease to exist or where a medical officer determines continued separation will be harmful to the health of the convicted person.

### **Article 35 Searches**

1. No search of a convicted person shall be conducted in a manner which undermines his or her dignity. The intrusiveness of a search of a convicted person shall be proportionate to its purpose as set forth in the present Article.

2. If a correctional staff member has a reasonable suspicion that a convicted person has in possession an item that he or she is not permitted to have in his or her possession pursuant to the rules on internal order an unauthorized item, a search of the convicted person may be conducted manually or by technical means, while he or she is clothed. A manual search shall be conducted by a correctional staff member of the same gender as the convicted person.

3. A correctional staff member may conduct a search by visual inspection of the convicted person's naked body, without individualized suspicion, in accordance with the conditions set forth in paragraph 6. of this Article:

- 3.1. in prescribed circumstances, set out in a secondary legislation, limited to situations in which the convicted person has been in a place where there was a likelihood of access to an unauthorized item that is capable of being hidden on or in the body; or
- 3.2. when the convicted person is entering or leaving the area for separated convicted persons.
4. If a correctional staff member has a reasonable suspicion that a convicted person is in possession of an unauthorized item and has satisfied the director of the correctional facility that a search by visual inspection of the convicted person's naked body is necessary to find the unauthorized item, such search may be conducted in accordance with the conditions set forth in a paragraph 6. of this Article.
5. If a correctional staff member has a reasonable suspicion that a convicted person possesses an unauthorized item and that a search by visual inspection of the convicted person's naked body is necessary to find the unauthorized item, he or she may conduct such search 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 caused by seeking such approval would result in danger to human life or safety.
6. A search by visual check of the convicted person's naked body:
  - 6.1. shall be conducted by two (2) correctional staff of the same gender as the convicted person and in a private area out of sight of other persons;
  - 6.2. shall never be conducted in the presence of persons of different gender from the convicted person; and
  - 6.3. shall not involve the undressing of the upper and lower parts of the body of the convicted person at the same time.
7. If a correctional staff member has a grounded suspicion that a convicted person possess of an unauthorized item hidden in his or her body cavities, he or she shall inform the director of the correctional facility. If the director of the correctional facility is satisfied that there is a grounded suspicion that the convicted person is in possession of an unauthorized item hidden in his or her body cavities and that a physical examination of his or her body cavities is necessary to find the unauthorized item, the director may issue a written authorization for such physical examination with the consent of the convicted person. Such physical examination shall be conducted only by a medical officer of the same gender as the convicted person, in a private area.
8. Any unauthorized item discovered as a result of a search or physical examination of body cavities may be confiscated.
9. A search of the cell of a convicted person shall be conducted with respect for his or her personal property.

### **Article 36 Accommodation of convicted persons**

1. A convicted person has a right to accommodation which corresponds to contemporary hygienic conditions and local climatic circumstances.
2. The premises in which a convicted person lives and works must be of sufficient space for each convicted person to have at a minimum eight (8) cubic meters of space, when is possible and nine (9) cubic meters for the convicted in joint cells and four (4) cubic meters for single cells, and an adequate amount of natural and artificial lighting for work and reading, heating and ventilation.
3. The premises may not be damp and they must have adequate sanitary installations and other devices necessary for personal hygiene.

4. Where accommodation is shared, it shall be occupied by convicted persons suitable to associate with others in those conditions.

**Article 37**  
**Physical Exercises**

A convicted person has the right to exercise sufficiently in order to remain healthy and to spend at least two (2) hours daily outside closed premises during free time. If the weather permits, a convicted person may engage in physical exercise in the open air.

**Article 38**  
**Hygiene**

1. The hygiene of convicted persons and the hygiene of premises shall be regularly monitored in correctional facilities.

2. In order to ensure the hygiene of convicted persons and the hygiene of premises, convicted persons shall be provided with sufficient cold and hot water, and appropriate toilet and cleaning articles. Installations and devices for personal hygiene shall assure sufficient privacy and shall be well-maintained and clean.

3. A convicted person shall be provided with a separate bed and sufficient bedding which shall be clean when issued, kept in good order and changed regularly.

4. Standards for hygiene-sanitary conditions shall be regulated through a secondary legislation.

**Article 39**  
**Nutrition of convicted persons**

1. A convicted person has the right to food suitable for him or her to maintain good health and strength in three (3) meals each day, which must be varied and nutritious. The food provided to a convicted person shall take into account his or her age and health, the nature of his or her work, the season and climatic conditions and, as far as possible, his or her religious and cultural requirements.

2. A convicted person who works in heavier duties, a sick person, a pregnant woman or a woman who has borne a child has the right to food ordered by a physician.

3. A physician or other expert shall check and advise the director of the correctional facility on the quality of meals before delivery and shall record his or her findings in an appropriate book.

4. The Minister shall issue an administrative instruction to regulate closely food of convicted persons.

5. The Correctional Service shall, as a rule, directly manage the service of providing meals to convicted persons in the correctional facility.

**Article 40**  
**Continuous availability of drinking water**

1. A convicted person must have drinking water continuously available.

2. The medical suitability of food and water, the application of dietary scales and the preparation of meals shall be regularly monitored by the medical service in each correctional facility.

**Article 41**  
**Clothing of convicted persons**

1. A convicted persons has the right to have free of charge underwear, clothes and shoes which are suited to the local climatic conditions and the time of year.
2. A convicted person has the right to special work clothes, shoes and equipment required by the work that he or she undertakes.

**Article 42**  
**Wearing the uniform of correctional facility**

1. A convicted person shall wear the uniform of the correctional facility.
2. The clothing of a convicted person may not have a humiliating or degrading effect.
3. The competent public entity in the field of judicial affairs may permit persons in a detention centre, an open correctional facility or an open unit of a correctional facility to wear their own clothes.
4. The director of a correctional facility shall allow detainees on remand and convicted persons to wear their own clothes when they appear in court or go outside the prison, unless this will increase the risk of flight.

**Article 43**  
**Health care**

1. A convicted person has the right to health care free of charge.
2. A convicted person who cannot be offered appropriate medical treatment in the correctional facility shall be sent to a prison hospital, psychiatric institution or another health care institution.
3. The time spent receiving medical treatment outside the correctional facility is counted in the sentence of imprisonment or life imprisonment.

**Article 44**  
**Specialized medical examination**

1. Upon the request of the convicted person, the director of the correctional facility may allow a specialist medical examination, if the medical officer has not ordered such an examination.
2. The convicted person shall bear the costs of such an examination, unless the director of the correctional facility decides otherwise.

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

1. When a convicted person is seriously ill, the correctional facility shall inform his or her spouse, children and adopted children and if the convicted person has no such relations, the correctional facility shall notify his or her parents, adoptive parents, brother, sister or more distant relatives.
2. Upon the request of the convicted person, the director of the correctional facility may approve the notification of other persons about the illness.

**Article 46**  
**Health care**

1. Health care in a correctional facility shall be implemented in accordance with general regulations on health care, health insurance and medical and pharmaceutical services, unless otherwise provided by the present Law.
2. An appropriate health care facility with the Ministry of Health (hereinafter referred to as: health care facility) shall provide conditions for basic medical services.
3. An appropriate health care facility with the Ministry of Health shall be equipped with a medical service, nursing service and pharmacy service in order to meet the health care needs of convicted persons.

**Article 47**  
**Medical examinations and visits**

1. A medical officer shall see and examine every convicted person after admission and thereafter, as necessary, in order to identify possible physical or mental diseases and to take all measures necessary for medical treatment.
2. Health care is provided during service of sentence of imprisonment or life imprisonment by periodic and frequent examinations, regardless of whether a request is made by the convicted person.
3. A medical officer shall visit daily all sick persons, persons who report illness or injury and persons to whom attention is specially directed. The medical officer shall report immediately the presence of illness requiring particular investigation and specialist care.
4. When a convicted person exhibits behavior indicating that he or she may attempt to harm him or herself or to commit suicide, staff shall take all the necessary measures to prevent self-injury or suicide. If a convicted person attempts to harm him or herself or to commit suicide, a professional multidisciplinary team shall initiate the action necessary to assist him or her to address whatever is causing him or her to be inclined to attempt such action.
5. A convicted person suspected or diagnosed as suffering from an infectious or contagious disease shall be immediately treated. When a mental disorder or an emotional disturbance is suspected, appropriate measures shall be taken without delay, in accordance with the applicable law and rules concerning psychiatric assistance and mental health.

**Article 48**  
**Medical care**

1. A medical care, a psychiatric or psychological assessment or treatment a procedure may only be applied to a convicted person with his or her consent.
2. Pursuant to paragraph 1. of the present Article, the convicted person may refuse to consent. In the event that a convicted person refuses to consent, he or she shall normally be asked to sign a statement of disagreement.
3. To prevent self-injury or injury to others or to property, the correctional facility may use restraint equipment without his or her consent.

**Article 49**  
**Medical findings**

A convicted person's medical information shall be treated as confidential in accordance with professional medical practice and medical codes of ethics.

**Article 50**  
**Notification for deteriorated physical or mental health of the convicted person**

1. A medical officer shall report to the director of the correctional facility whenever he or she considers that the physical or mental health of a convicted person has been or will be adversely affected by continued imprisonment or in life imprisonment or by any condition of imprisonment or life imprisonment.
2. The medical officer, in cooperation with the competent health organ, shall conduct regular inspections of the correctional facility and advise in written the director of the correctional facility on:
  - 2.1. the quantity, quality, preparation and serving of food and water;
  - 2.2. the hygiene and cleanliness of the correctional facility and the convicted persons;
  - 2.3. the hydro sanitarian installations, heating, lighting and ventilation of the correctional facility; and
  - 2.4. the suitability and cleanliness of the convicted person's clothing and bedding.
3. In the event the convicted person suffers from a serious health sickness, then measures will be undertaken to provide him or her with best treatment available.

**Article 51**  
**Prohibition to force a convicted person to take food**

1. It is prohibited to force a convicted person to take food.
2. If a convicted person refusing food or health care risks his or her life and health, medical measures necessary will be undertaken, even without his or her consent.

**Article 52**  
**Providing health care services to pregnant women**

1. In the correctional facility for women, health care services for the health care of pregnant women shall be provided by health institution.
2. Arrangements shall be made wherever practicable for children to be born in a hospital outside the institution. If a child is born in the correctional facility, this fact shall not be mentioned in the birth certificate.

**Article 53**  
**Retention of Child by convicted woman**

1. A convicted woman who has a child may keep the child until he or she is eighteen (18) months old, and, thereafter, the parents of the child shall agree whether the custody of the child shall be entrusted to the father, other 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 that is competent according to the permanent or current residence of the mother at the time she was sentenced shall decide to whom the child shall be entrusted.
3. When rendering a decision under paragraph 2. of this Article, the court shall give primary consideration to the best interests of the child, including the child's safety and security as well as his or her physical and emotional well being.

4. When a child remains in a correctional facility with his or her mother, special provision shall be made for a nursery staffed by qualified persons, where the child shall be placed when he or she is not in the care of his or her mother

#### **Article 54**

##### **Special circumstances and needs for re-socialization in correctional facilities**

1. Rehabilitation in a correctional facility shall meet the particular needs of each convicted person. In order to determine all the circumstances and all the factors that are relevant to plan the person's rehabilitation in the correctional facility and his or her social rehabilitation when he or she is released, the observation of the personality shall be carried out at the beginning of the execution of the sentence and continued throughout the sentence.

2. In the course of the execution of the sentence, the rehabilitation program shall be integrated or modified so as to adapt it to the progress observed and to other relevant circumstances. Toward this end, an adequate time schedule shall be provided in the program.

3. The cooperation of the convicted person shall be encouraged in relation to the observation and rehabilitation activities.

#### **Article 55**

##### **Individual program for correction and re-socialization**

1. On the basis of the recommendations of the professional staff of the correctional facility, the director of the correctional facility shall develop an individual program for correction and rehabilitation of any of sentenced person.

2. The rehabilitation program shall refer to at least the following:

2.1. placement in an institution or a section within an institution;

2.2. participation in educational activities;

2.3. participation in vocational training activities;

2.4. participation in cultural, formative and sport activities;

2.5. work and improvement in professional skills;

2.6. family links and contacts with the outside world;

2.7. conditions for eligibility for home leave, conditional release or early release; and

2.8. measures aiming at preparation for the final release.

#### **Article 56**

##### **The purpose of the reintegration of convicted persons**

1. The aim of reintegrating convicted persons into the community shall also be pursued by means of urging and organizing the participation of public and private institutions or bodies, as well as of individuals, in rehabilitation activities.

2. Persons who are interested and demonstrate ability to promote contacts between convicted persons in correctional facilities and the outside community shall be permitted to visit correctional facilities under the supervision of the director on the authorization of the Minister of justice.



**Article 57**  
**Submissions**

1. A convicted person has the right to send submissions to the competent authorities.
2. A foreign national has the right to send submissions to the liaison office or the diplomatic mission of the State of which he or she is a national or the State which protects his or her interests. A foreign national who is not under the protection of any State has the right to send submissions to competent authorities and organizations in the Republic of Kosovo and competent international organizations.
3. A convicted person may receive and send submissions through the correctional facility.

**Article 58**  
**Correspondence**

1. A convicted person has an unrestricted right to correspondence.
2. A convicted person has the right to privacy of letters and other means of communication.
3. A letter or another postal item may only be opened if there is a reasonable suspicion that it contains an unauthorized object.
4. The convicted person shall be given an opportunity to be present when a letter or another other postal item addressed to or from him or her is opened pursuant to paragraph 3. of the present Article. If he or she is not present, he or she shall be informed immediately. When a letter or another postal item is opened pursuant to paragraph 3. of the present Article, the contents shall only be examined to the extent necessary to determine whether the letter or postal item contains an unauthorized item.
5. The director of a correctional facility may issue a written decision authorizing that a letter or another postal item be opened and read, if there is a reasonable suspicion that it contains evidence of:
  - 5.1. an act that would endanger the security of the correctional facility or any person;
  - 5.2. a criminal offence or a plan to commit a criminal offence; and
  - 5.3. opening and reading the letter or postal item is the least intrusive measure available in the circumstances.
6. Where a letter or postal item is opened and read pursuant to paragraph 5. of the present Article, the director of the correctional facility shall promptly inform the convicted person in writing of the reasons for such action and shall give the convicted person an opportunity to make representations with respect thereto, unless the information would adversely affect an ongoing investigation, in which case the convicted person shall be informed of the reasons therefore and given an opportunity to make representations with respect thereto on completion of the investigation.
7. A letter or postal item which has been opened and read pursuant to paragraph 5 of the present Article may be withheld if the security of the correctional facility or any person would be endangered. In such case the convicted person shall be informed immediately and, in the case of an incoming letter or postal item which is withheld, he or she shall be informed, to the extent appropriate, of its contents. A letter which has been withheld shall be handed over to the convicted person as soon as the grounds for withholding it cease to exist and at the latest at the end of his or her service of imprisonment, unless exceptionally a competent court decides otherwise. The appeal of the high competent court against the decision of court is allowed. The appeal does not postpone the execution of the decision.
8. Letters and other postal items from convicted persons addressed to the Ombudsperson do not examine.

**Article 59**  
**Correspondence with the lawyer by the convicted person**

1. A convicted person may correspond with his or her defense counsel without restriction and supervision of the content of the correspondence.
2. Exceptionally, a panel of three (3) judges of the competent basic court may issue a ruling upon the request of the director of the correctional facility that:
  - 2.1. correspondence of a convicted person with his or her defense counsel may be opened if the conditions set forth in paragraph 3. Article 58 of this Law, are met. In such case, paragraph 4. of Article 58 of this Law shall apply.
  - 2.2. the director of the correctional facility may open and read correspondence of a convicted person with his or her defense counsel if the conditions set forth in paragraph 5. Article 58 of this Law are met. In such case, paragraph 6. of Article 58 of this Law shall apply.
3. The ruling of the panel of three (3) judges shall be issued within forty eight (48) hours of the receipt of the request of the director of the correctional facility.

**Article 60**  
**Right on phone calls**

1. A convicted person has the right to place telephone calls.
2. The provisions of Article 58 of the present law shall be applied suitably for phone call observation as well.

**Article 61**  
**Legal assistance**

The correctional facility shall facilitate the access of the convicted person to legal assistance in connection with the execution of the sentence of imprisonment or life imprisonment and undertaking necessary actions to protect rights and interests guaranteed by law.

**Article 62**  
**Visits**

1. A convicted person shall have the right to receive a visit at least once each month for a minimum of one (1) hour by his or her spouse, child, adopted child, parent, adoptive parent and other relatives by blood in a direct line or in a collateral line to the fourth degree.
2. Such visits shall take place in special premises within sight of the staff of the correctional facility.
3. The director of the correctional facility may allow a convicted person to receive visits from other persons.
4. Special rules shall apply to visits to convicted mothers by their children which shall take place on a more regular basis.
5. The president of the competent basic court where the correctional facility is located or his or her delegate may visit and speak to convicted persons at any time at his or her request.
6. Issues regarding the screening of visitors of convicted persons, security during visits, the procedures for specific categories of visitors and the conditions under which visits may be refused or suspended by the director of the correctional facility for security and safety reasons shall be regulated with a secondary legislation on domestic order.

**Article 63**  
**Visits by authorized representatives**

1. A convicted person may be visited by his or her authorized representative who represents him or her in legal proceedings.
2. The convicted person has the right to communicate confidentially with his or her authorized representative orally. Communications between the convicted person and his or her authorized representative may be within sight but not within the hearing and intercepting range of staff of the correctional facility.

**Article 64**  
**Visits of foreign nationals by a consular or diplomatic representative**

1. A foreign national has the right to be visited by the consular or diplomatic representative of the State of which he or she is a national or the State which protects his or her interests. A foreign national who is not under the protection of any State has the right to be visited by competent authorities and organizations in Kosovo and competent international organizations.
2. A consular or diplomatic representative of a foreign State and a representative of a competent international organization is obliged to notify the director of the correctional facility of the visit that he or she will conduct in accordance with international legal act executable in Kosovo.

**Article 65**  
**Spending time in special premises**

1. A convicted person has the right to spend time with his or her spouse and children at least once every three (3) months for minimum of three (3) hours.
2. Time, duration, the manner of visits, nature of visits and spending time in special bars shall be regulated with a secondary legislation on domestic order.

**Article 66**  
**Receiving parcels**

1. The convicted person has the right to receive parcels containing items for personal use food groceries, drinks and sanitary-hygienic items at least once a month.
2. Parcels shall be inspected in the presence of the convicted person before delivery to him or her.
3. The weight and permissible content of the parcels shall be regulated with a secondary legislation on domestic order.

**Article 67**  
**Items retention**

1. Convicted persons may not keep with them any objects other than those authorized by the secondary legislation on domestic order.
2. Personal property of convicted persons placed in safe custody by the director of the correctional facility shall be kept in good condition. If it is found necessary to destroy any object, this shall be recorded and the convicted person shall be informed.
3. Any property belonging to a convicted person who remains unclaimed for a period of more than three (3) years after his or her release or death, may be sold or otherwise disposed of. The proceeds of any sale shall be credited to the Kosovo Budget.

**Article 68**  
**Money of the convicted person**

1. A convicted person may not carry money while serving a sentence of imprisonment or life imprisonment unless this is authorized by the secondary legislation on domestic order.
2. Any money that the prisoner has with him or her on being admitted to a correctional facility must be deposited in a savings account in his or her name, unless he or she decides otherwise.
3. The act on Domestic Order sets the amount of money which the convicted person may freely possess, as well as the amount that he or she deposits in a savings account.

**Article 69**  
**Work**

1. A convicted person who is capable of working has the right and obligation to work.
2. The purpose of such work is for a convicted person to gain, maintain and develop his or her working capabilities, working practices and professional knowledge in order to begin living a normal life again as soon as possible after serving the sentence.

**Article 70**

1. The work of convicted persons shall be useful and shall not be degrading.
2. Work may not be imposed as form of disciplinary punishment.
3. Realizing economic profit must not harm the achievement of the purpose of the work or the interests of convicted persons.

**Article 71**  
**Work selection**

1. A convicted person may choose the type of work he or she prefers to perform, if such choice is practicable and in accordance with an appropriate vocational program.
2. A professional team at the correctional facility shall assess the abilities of the convicted person.

**Article 72**  
**Employment of convicted person within or outside the correctional facility**

1. A convicted person may be employed inside or outside the correctional facility.
2. The organization and method of work inside a correctional facility shall resemble as closely as possible those of similar work outside a correctional facility.

**Article 73**  
**Working hours**

1. A convicted person shall work forty (40) hours each week, but working hours may be longer under conditions established by law.
2. A convicted person who attends general or vocational education classes shall work proportionately fewer hours.
3. A convicted person may be ordered to work outside working hours for up to two (2) hours each day on the maintenance of cleanliness and other routine duties in a correctional facility.

4. When, in accordance with general provisions, time spent on work is recognized for the purpose of gaining a professional qualification, time spent on the same type of work during the duration of a sentence of imprisonment or life imprisonment shall also be recognized for that qualification.

**Article 74**  
**Monthly remuneration**

A convicted person has the right to remuneration for his or her work which shall be paid every month. The remuneration for each category shall be set at an equitable rate to be decided upon by the Minister of Justice and to be established in relation to the quantity, quality the organization of work actually carried out.

**Article 75**  
**Disposition of remuneration**

1. The convicted person may freely have at his or her disposal seventy percent (70%) of the remuneration for work and the remainder shall be placed in a savings account.
2. The director of correctional facility may approve the expenditure of money from the savings account if the money is essential for the convicted person or his or her family.

**Article 76**  
**Right to benefits**

1. A convicted person has the right to benefits and safety and health precautions for his or her work in accordance with the general provisions. Provision shall be made to indemnify prisoners against occupational injuries, including occupational disease, on terms not less favorable than those extended by law to workers outside the correctional facility.
2. A correctional facility shall cover the most urgent needs of a convicted person who through no fault of his own cannot work and does not possess money of his or her own.
3. The Minister of Justice should issue a secondary legislation on the terms and conditions of work, including compensation in case of incapacity for work.

**Article 77**  
**Maximum daily or weekly working hours for convicted persons**

1. The maximum daily and weekly working hours of convicted persons shall be determined in accordance with the general provisions on labor. The hours shall allow one (1) day of rest each week and sufficient time for education and other activities which are necessary as part of the rehabilitation of convicted persons.
2. A convicted person who has worked for more than six (6) months while in the correctional facility shall be entitled to annual vacation in accordance with the general provisions on labor.
3. A convicted person shall be remunerated during the period of his or her annual vacation as if he or she is working.

**Article 78**  
**The work rights of the convicted women due to pregnancy, birth and motherhood**

A convicted woman has the right not to work because of pregnancy, giving birth and maternity in accordance with the general provisions on labor.

**Article 79**  
**Rights related to discoveries and technical innovations**

1. A convicted person has all rights pursuant to general provisions in relation to discoveries and technical innovations achieved during the period of serving a sentence.
2. Artistic and other creative works produced by a convicted person during his or her free time are his or her intellectual property.

**Article 80**  
**Vocational Training**

A correctional institution shall provide opportunities for convicted persons to obtain vocational training to improve their skills or to learn new skills.

**Article 81**  
**Organizing vocational training courses**

The competent public entities responsible for public education and labor shall cooperate in organizing vocational training courses.

**Article 82**  
**Attending vocational training courses**

Participation in vocational training courses shall take place during working hours. A convicted person who does not work as a consequence of participation in vocational training courses shall be entitled to an allowance.

**Article 83**  
**Education**

1. A convicted person has the right to primary and secondary education which shall be in accordance with the law on primary and secondary school education.
2. The Correction Service is responsible for settlement of the infrastructure and location where educational process will take place.
3. The Ministry competent for education is responsible to provide primary and secondary education within correctional facility.
4. Special courses shall be organized for illiterate convicted persons.
5. To the extent possible, the access of convicted persons to education courses provided by mail, radio or television, will be facilitated.
6. A correctional facility shall also organize other forms of education for convicted persons.
7. The education of the convicted persons shall be regulated through a secondary legislation issued by the Minister of Education with the consent of the Minister of Justice.

**Article 84**  
**Special programs for school attendance**

1. The director of the correctional facility shall allow special arrangements to enable the convicted person to receive primary, secondary, university and other education. The convicted person shall pay the expenses of such special arrangements.

2. Volunteers who wish to assist convicted persons with secondary and university education may be authorized to enter the correctional facility by the director of the correctional facility.

#### **Article 85**

#### **The participation in educational courses during working hours**

Participation in educational courses shall take place during working hours. A convicted person who does not work as a consequence of participation in educational courses shall be entitled to compensation.

#### **Article 86**

#### **Document after completion of vocational training or educational courses**

A document issued upon completion of vocational training or educational courses shall not indicate that the courses were completed while the convicted person was in a correctional facility.

#### **Article 87**

#### **Information**

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

2. A convicted person has the right to have access to radio and television programs. The selection of programs shall take account of the preferences of convicted persons as well as their educational and recreational needs.

3. All correctional facilities shall be equipped with a library for the use of convicted persons. The library shall contain books (including basic texts on human rights and criminal laws), magazines and newspapers in the mother tongue of the convicted persons to provide a choice for the convicted persons.

4. Books, magazines and newspapers in the library shall be selected so as to improve the convicted persons' level of knowledge, to develop their ability to have a critical approach to daily events as well as to give them recreational opportunities.

5. A convicted person has the right to read books from the library of the correctional facility and books obtained by himself or herself. The Correctional Service can limit the access in literature that is dangerous for security of correction facility environment or toward security of particular person, that encourages hatred or violence, contains pornographic materials or which in any way influence in appearance of turbulences or different forms of criminality.

#### **Article 88**

#### **Cultural, recreational and sport activities**

1. Cultural, recreational and sport activities, as well as other activities aimed at the development of the convicted person's personality, shall be organized inside correctional facilities with the assistance of public and private entities interested in reintegrating convicted persons in the community.

2. The active participation of convicted persons in the organization of cultural, recreational and sport events shall be encouraged without prejudice to security and order.

#### **Article 89**

#### **Right to practice religion**

1. A convicted person has the right to take part in religious ceremonies and to read religious literature.

2. The right to be visited by a qualified representative of a religion cannot be restricted. The time of visits is determined by the secondary legislation on domestic order.

3. Upon the request of convicted persons, the director of a correctional facility may arrange for regular visits by a qualified representative of a religion to the correctional facility, if the number of convicted persons of the same religious faith justifies it.

4. The director of the correctional facility may temporarily exclude convicted persons from a religious ceremony, if such exclusion is necessary to maintain order and safety and the qualified representative of the religion will be notified of this.

5. Religious ceremonies shall be held in special suitable premises of a correctional institution.

#### **Article 90 Compassionate leave**

1. In case of the serious illness, imminent danger of death or the death of a family member, a convicted person may be granted leave by the director of the correctional facility, in accordance with the secondary legislation on domestic order.

2. Leave may also be granted exceptionally for particularly serious personal or family events.

3. The director of the correctional facility may impose any conditions that he or she considers reasonable and necessary in order to protect society when granting leave pursuant to the present article, including ordering the convicted person to be escorted while on leave by a correctional staff member or other person authorized by the director.

#### **Article 91 Complaints and petitions**

1. A convicted person shall be provided with information about prisoners' rights and obligations and about the proceedings for submitting complaints and petitions.

2. A convicted person shall be entitled to make a complaint against the procedure and the decision of employees in the correctional institutions. Complaint may be verbal or in writing through the director of the correctional institution, Central Correctional Service Office. Written complaint to the Central Office shall be sent in an envelope, which the directorate of the correctional institution is not allowed to open.

3. A convicted person shall be entitled to a verbal complaint in the absence of the employee of the correctional institution or in the absence of the person against whose procedures and decisions the complaint is being made.

4. The director of the correctional facility will respond in the appeal filed in a time period of fifteen (15) days, whereas the Head Office of the Correctional Service in a time period of thirty (30) days. In a written appeal a response in the written form will be issued.

5. A convicted person has the right to submit a complaint to the director of the correctional facility regarding a violation of his or her rights or other irregularities committed against him or her in the correctional facility.

6. The director of the correctional facility or a person authorized by him or her is obliged to respond in written.

7. The director of the correctional facility or a person authorized by him or her is obliged to:

7.1. record all complaints and any measures taken to address them;

7.2. deal with complaints promptly and serve on the convicted person the Ruling on the complaint;



- 7.3. if the complaint concerns an alleged assault, ensure that the convicted person undergoes an immediate medical examination and receives prescribed treatment; and
- 7.4. report any criminal offence to the competent State in accordance with the provisions relevant to the criminal leader of the Criminal Procedure Code.
8. If the convicted person does not receive a reply to the complaint or is not satisfied by the response taken, he has the right to submit a written petition to the General Director of the Correctional Service which shall review the complaint and serve the response on the convicted person.
9. The convicted person who is not satisfied with the response taken by the General Director of the Correctional Service has the right to make a complaint to the Minister.
10. The content of a complaint and a petition is confidential.

### **Article 92 Privileges of a sentenced person**

1. The director of a correctional facility after the motion of the team for planning on holding sentence may allocate to a convicted person who is behaving well and is working hard the following privileges:
- 1.1. an extended right to receive visits, including visits from a wider circle of persons;
  - 1.2. receiving visits in the correctional institution within sight, but not within the hearing range of supervisors.
  - 1.3. the extended right of spending certain time with the his/her spouse in a specific location;
  - 1.4. receiving visits outside the correctional institution;
  - 1.5. leave outside correctional facility;
  - 1.6. visits to the family and relations during weekends and holidays;
  - 1.7. leave from the correctional facility for up to seven (7) days each year;
  - 1.8. extraordinary leave of seven (7) days; and
  - 1.9. the right to spend annual leave outside the correctional facility.
2. The conditions and manner of use of the privileges from Articles 90, 91, 92 of the present law are determined by the secondary legislation on domestic order.

### **Article 93 Transfer of convicted persons**

1. A convicted person may be transferred from one correctional facility to another or from one unit of the correctional facility to another if this is necessary:
- 1.1. to implement his or her rehabilitation program or work program;
  - 1.2. to encourage contacts between the convicted person and his or her family and community with a view towards facilitating his or her final social reintegration;
  - 1.3. for reasons of safety and security of the convicted person; or
  - 1.4. in the interests of preserving order and discipline within the correctional facility.

- 1.5. for the reason of medical treatment.
2. A decision on transfer of a convicted person shall be rendered by the General Director of the Correctional Service on the motion of the director of the correctional facility or on the request of the convicted person or an immediate family member.
3. In case of a transfer which the convicted person has not requested, the director of the correctional facility shall ensure that the convicted person is notified of the reasons for the transfer within twenty four (24) hours of the decision being rendered.
4. The spouse of the convicted person, a family member or any other person designated by the convicted person should be notified of the transfer within twenty four (24) hours of the decision being rendered.
5. The prisoner may not resubmit a request for transfer until six (6) months have elapsed from his or her last request for a transfer.

**Article 94**  
**Suspension of execution of sentence by a decision of the Minister**

1. Upon the request of a convicted person or a member of his or her immediate family or on the motion of the General Director of the Correctional Service and with a recommendation of the General Director of the Correctional Service, the Minister may on reasonable grounds permit a suspension of the execution of a sentence of imprisonment, which may not last longer than three (3) months. Exceptionally, for the purpose of medical treatment the suspension may last until the completion of the treatment.
2. Convicted person is obliged that through medical report signed each month from particular commission of three (3) doctors to inform the Correctional Service regarding his health condition.
3. The decision regarding suspension shall be issued by the Minister based on proposal of the commission compiled by three (3) doctors appointed by the Minister.
4. In such a case prior to execution of a sentence in accordance with the present article the duration of suspension is not to be counted in the length of the sentence.

**Article 95**  
**Suspension of execution of a sentence due to extraordinary legal remedies**

The competent court which decides on a request for reopening criminal proceedings submitted in favor of the convicted person may suspend the execution of the sentence even before the ruling which allows the reopening of criminal proceedings enters into force.

**Article 96**  
**Suspension of execution of sentence due to the request of the competent state prosecutor**

1. The suspension of the execution of a sentence is always allowed on the request of the competent state prosecutor until a decision is rendered on the exercising of a legal remedy.
2. The decision on the suspension of the execution of a sentence ceases to have effect if the public prosecutor does not use the legal remedy within thirty (30) days from the date of receipt of the decision on suspension.

**Article 97**  
**Revocation of suspension of execution of sentences**

1. The Minister of Justice shall revoke the suspension of the execution of a sentence if it later establishes that reasons supporting the suspension did not exist or ceased to exist or that the convicted person used the suspension contrary to the approved purpose.

2. If a convicted person does not report to the correctional facility, after the suspension of the execution of the sentence lapses or is revoked, the correctional facility shall immediately inform the police who shall bring the convicted person for further service of sentence.

**Article 98**  
**Effects of suspension of execution of sentences**

1. The period of suspension of the execution of a sentence shall not be counted as part of the sentence to be served.
2. During the suspension of the execution of a sentence, the convicted person does not have the rights provided by the present Law.
3. In all other matters the provisions of the present Law regulating a stay of execution of a sentence shall be applied mutatis mutandis to the suspension of the execution of a sentence.

**Article 99**  
**Death of convicted persons**

1. In the case of the death of a convicted person, the Correctional Service shall immediately notify his or her spouse, children and adopted children and, if there are no such persons, his or her parents, adoptive parent, brother or sister or more distant relatives.
2. The sentencing court, the Minister and the Central Civil Registry shall be notified of the death of the convicted person.

**Article 100**  
**Delivery of the remains and personal belongings to the family**

1. The physical remains of the convicted person and his or her personal belongings shall be delivered to his or her family.
2. If the convicted person has no family or if his or her family does not accept his or her physical remains, the physical remains of the convicted person shall be buried at the expense of the correctional facility.

**Article 101**  
**The disciplinary violations and punishments**

1. The purpose of the disciplinary procedures established is to encourage convicted persons to conduct themselves in a manner that promotes the good order of the correctional facility, through a process that contributes to the rehabilitation of the convicted person and his or her successful reintegration into the community.
2. Disciplinary punishments shall only be imposed on convicted persons in accordance with the following provisions of the present Law.
3. A convicted person commits a minor disciplinary violation if he or she:
  - 3.1. disobeys a reasonable order of a staff member;
  - 3.2. is in an area prohibited to convicted persons without authorization;
  - 3.3. is disrespectful or abusive towards a staff member;
  - 3.4. is disrespectful or abusive towards any person in a manner that is likely to provoke that person to be violent;

- 3.5. refuses to work or leaves work or does not attend work without a reasonable excuse;
  - 3.6. engages in gambling;
  - 3.7. willfully disobeys a written rule governing the conduct of convicted persons; or
  - 3.8. attempts to do, or assists another person to do any action set forth in subparagraphs 3.1 to 3.7 of this paragraph.
4. A convicted person commits a serious disciplinary violation, if he or she:
- 4.1. fights with, assaults or threatens to assault another person;
  - 4.2. willfully or recklessly damages or destroys property that is not his or her own;
  - 4.3. commits theft;
  - 4.4. is in possession of stolen property;
  - 4.5. offers, gives or accepts a bribe or reward;
  - 4.6. is in possession of or deals in an unauthorized item;
  - 4.7. consumes without authorization a dangerous narcotic drug, a psychotropic substance or alcohol;
  - 4.8. creates or participates in a disturbance or any other activity that is likely to jeopardize the safety and security of the correctional facility;
  - 4.9. performs any preparatory action for the purpose of escaping; or
  - 4.10. leaves the correctional facility or fails to return to the correctional facility without authorization.

**Article 102  
Disciplinary punishments**

- 1. Disciplinary violations are punished by disciplinary punishments.
- 2. Disciplinary punishments are the following:
  - 2.1. reprimand;
  - 2.2. deprivation of an assigned privilege;
  - 2.3. an order to make restitution; and
  - 2.4. solitary confinement.

**Article 103  
Imposing of disciplinary punishments**

- 1. A disciplinary punishment shall be proportionate to the disciplinary violation committed by the convicted person. A convicted person shall not be punished twice for the same act.
- 2. A reprimand may be imposed when a convicted person has committed a minor disciplinary violation.

3. A deprivation of an assigned privilege or an order to make restitution may be imposed when a convicted person has committed a minor or a serious disciplinary violation.

4. Solitary confinement for a period not exceeding fifteen (15) days may be imposed only for a serious disciplinary violation if the other disciplinary punishments would not be sufficient to achieve the purpose of a disciplinary punishment. In such case, solitary confinement shall be imposed for the shortest period necessary to achieve the purpose of a disciplinary punishment.

**Article 104**  
**Imposing of unified disciplinary punishment**

1. If a convicted person, by one or more acts, has committed several disciplinary violations for which unified disciplinary procedures are conducted (concurrent disciplinary violations), the disciplinary punishment for each disciplinary violation shall be determined first and then an aggregate disciplinary punishment shall be imposed for all disciplinary violations.

2. In case of the imposition of a single disciplinary punishment for concurrent disciplinary violations, solitary confinement shall not exceed thirty (30) days.

3. The total period of solitary confinement of a convicted person may not exceed two (2) months during a single calendar year.

**Article 105**  
**Conditional stay of execution of disciplinary punishments**

If the purpose of a disciplinary punishment other than a reprimand may 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 106**  
**Reasons for postponement of the execution of disciplinary measures**

1. The conditional postponement of the execution of a disciplinary punishment shall be revoked if during the period of postponement of execution a new disciplinary punishment other than a reprimand is imposed on the convicted person.

2. When a conditional postponement of the execution of a disciplinary punishment is revoked, an aggregate punishment shall be imposed for both the prior and the new disciplinary violation. The earlier disciplinary punishment shall be treated as determined and the aggregate disciplinary punishment shall be imposed by the application of the rules for calculating disciplinary punishments for concurrent disciplinary offences.

3. When a conditional postponement of execution of the disciplinary punishment of solitary confinement is revoked, the solitary confinement imposed shall not exceed twenty (20) days if deprivation of assigned privileges is imposed for the later violation, but if solitary confinement is imposed for the later offence, the solitary confinement for a maximum of thirty (30) days may be imposed.

**Article 107**  
**Disciplinary procedure**

1. In cases of serious disciplinary violations, the director of the correctional institution conducts disciplinary procedures and renders decisions on them. In cases of minor disciplinary violations, a senior supervisor at the correctional institution conducts disciplinary procedures and renders decisions on them.

2. Disciplinary procedures shall be conducted at a hearing at which the convicted person shall be heard and his or her statements shall be verified. A convicted person who does not have an adequate understanding of the language used in the disciplinary procedures is entitled to the assistance of an

interpreter. He or she shall be given a reasonable opportunity to summon witnesses, question witnesses, introduce evidence, examine exhibits and documents and make submissions, including submissions respecting the disciplinary punishment.

3. Before a disciplinary punishment is imposed, the behavior and work performance of the convicted person shall be assessed.

4. The disciplinary punishment of solitary confinement cannot be executed before a written medical opinion is obtained which states that the convicted person is in a physical and psychological condition and capable to endure a period of time of solitary confinement in the room in which solitary confinement is executed.

5. A reasoned decision on a disciplinary punishment shall be set out in writing and delivered to the convicted person.

#### **Article 108 Appeal against the solitary imposing**

1. A convicted person has the right to appeal against a decision imposing the disciplinary punishment of solitary confinement within three (3) days of receiving the decision.

2. The appeal does not stay the execution of the decision.

#### **Article 109 Decision regarding the appeal**

1. The director of the correctional facility or the senior supervisor may modify or rescind a decision on a disciplinary punishment within seventy-two (72) hours of receiving an appeal.

2. If, within seventy-two (72) hours of receiving the appeal, the director of the correctional facility or the senior supervisor does not modify or rescind the ruling or modifies it in a manner not proposed in the appeal, he or she shall deliver the appeal, within a further period of twenty four (24) hours, to the General Director of the Correctional Service.

3. The General Director of the Correctional Service shall decide on the appeal within three (3) days of receiving it.

#### **Article 110 Termination of the execution of disciplinary punishments**

1. When the purpose of the disciplinary punishment has been achieved, the director of the correctional facility may terminate the execution of a disciplinary punishment before the expiry of the period for which it has been imposed.

2. The director of the correctional facility shall terminate the execution of a disciplinary punishment of solitary confinement, if according to a written opinion of a medical officer further solitary confinement will threaten the health of a convicted person.

#### **Article 111 Execution of the disciplinary punishment of solitary confinement**

1. The disciplinary punishment of solitary confinement consists of the continuous and isolated confinement of a convicted person in a special room.

2. The room for the execution of solitary confinement shall consist of at least ten (10) cubic meters of space, a sanitary device, daily light, potable water, a bed with bed sheets, a table, a chair and heating.

## **Article 112**

### **The rights of the convicted person in confinement**

1. During the execution of the disciplinary punishment of solitary confinement, a convicted person shall have the same hygienic and health conditions as other convicted persons in the correctional facility and shall be permitted to be outside the closed premises for at least one (1) hour each day for fresh air and exercise. The convicted person shall also have the right to one visit from a spouse or other family member in a fifteen (15) days period.
2. During the period of solitary confinement, a convicted person shall have access to textbooks, books and the daily press.
3. A convicted person who is subject to solitary confinement shall be visited by a medical officer every day and by the director of the correctional facility and an educator once every seven (7) days.

## **Article 113**

### **Secondary legislation on disciplinary procedure and punishments**

The Minister shall issue a secondary legislation on regulating closely the disciplinary procedure and punishments.

## **Article 114**

### **Material responsibility of convicted persons**

1. A convicted person is obliged to compensate for damage caused deliberately or by conscious gross negligence to the correctional facility.
2. The director of the correctional facility shall decide on the damage, the cost of the damage and the period within which the compensation shall be paid.
3. A convicted person may appeal to the General Director of the Correctional Service against a decision on compensation for damage within eight (8) days of receipt of the decision.

## **Article 115**

### **Compensation for the damage**

1. If, after the decision of the General Director of the Correctional Service, the convicted person does not pay for damage of an amount less than a hundred (100) EUR, the correctional facility shall be compensated from the account of the convicted person.
2. A convicted person may, through civil litigation, request the return of the money taken from him or her to cover the damage.
3. A convicted person serving a sentence shall be entitled to judicial protection in case the final decision restricts or violates any of the rights provided for by the present Law.

## **Article 116**

### **Conditions for use of force against convicted persons**

1. Force may be used against a convicted person only if it is strictly necessary to prevent:
  - 1.1. escape;
  - 1.2. physical attack on another person;
  - 1.3. self-inflicted injury;

- 1.4. causing material damage; or
  - 1.5. active or passive resistance during the execution of legal orders by a correctional official.
2. The force that is used must be the minimum and proportionate to the attack.
  3. The force may be used only when it is authorized by the director of the correctional facility, unless a correctional officer reasonably believes that the director would authorize the use of force and that delay in obtaining that authorization would result in the objective not being attained.
  4. If force is used without authorization, pursuant to paragraph 3. of the present Article, the correctional officer shall report the action taken to the director of the correctional facility as soon as possible.
  5. Where force is used, the convicted person concerned shall undergo an immediate medical examination and receive the prescribed treatment.
  6. After using any kind of force, the report shall be submitted without any delay explaining the reason for the use of such force.

#### **Article 117 Restraint equipment**

1. Restraint equipment may only be issued to a correctional officer upon the approval of the director of a correctional facility if the correctional officer is trained in the use of such equipment.
2. Restraint equipment includes any device used to temporarily restrict or limit the free movement of a convicted person. The use of chains and irons shall be prohibited.
3. Restraint equipment shall not be applied as punishment and may only be used:
  - 3.1. to effect a transfer or escort;
  - 3.2. on medical grounds under the direction and supervision of a medical officer;
  - 3.3. if a convicted person fails to lay down a weapon or some other dangerous item after of being ordered to do so;
  - 3.4. by the order of the director of the correctional facility, as a last resort, to protect a convicted person, to prevent injury to others or to prevent serious damage to property; or
  - 3.5. to prevent an escape.
4. The use of restraint equipment shall be reported in writing.

#### **Article 118 Use of firearms**

1. With approval of the Ministry of Justice, the Ministry of internal Affairs may allow the firearm only for the correctional officer who is trained in its use.
2. A firearm may only be used as a last mean during the accomplishment of duty. A firearm may only be used where the security of the correctional facility or the safety of persons is threatened by one or more convicted persons.
3. The use of firearm shall be in proportion with the scale of risk.



4. Before the usage of the firearm, the correctional officer or other correctional official who carries an arm shall order the person to halt by warning him verbally that he shall fire his arm if that person does not halt.
5. Notwithstanding paragraph 4. of this Article, the order and the warning may not happen if that shall endanger the life of the correctional officer or other persons.
6. Correctional officer and other staff who are in a contact with the prisoners shall not keep their arms charged within the perimeter of the prison, unless it is required differently for the security of the correctional institutions and persons.
7. The Correctional Service shall provide an appropriate place for safe storage of the firearms and the ammunition.
8. The General Director of the Correctional Service shall be reported on the usage of the firearm in a written form.

**Article 119**  
**Duty to inform about the application of force**

The director of a correctional facility shall immediately inform the General Director of the Correctional Service about the application of force against a convicted person.

**Article 120**

The Minister shall issue a secondary legislation on the use of force, the issuance and use of restraint equipment and the issuance, use and storage of firearms.

**Article 121**  
**Conditional Release**

1. A convicted person is eligible for conditional release in accordance with the Criminal Code of Kosovo.
2. A convicted person has the right to submit a request for conditional release through the correctional facility in which he or she is serving his or her sentence to the panel for conditional release established pursuant to the Criminal Code of Kosovo.
3. The director of the correctional facility may submit a motion for conditional release.
4. After submission of appeal for conditional release, the Director of correctional facility shall request from Probation Service to conduct the visit of convicted person and to sign agreement on its supervision after conditional release.
5. Upon the submission of a request or a motion for conditional release, the director of the correctional facility shall immediately submit to the conditional release panel a copy of the personal file of the convicted person and a report on the convicted person by a professional team in the correctional facility through annexed letter signed by General Director of correctional institution.
6. If the conditional release panel doesn't have enough information, may request from correctional facility additional information.
7. The report under paragraph 5. of the present Article shall set forth:
  - 7.1. the nature of the criminal offence committed by the convicted person;
  - 7.2. the attitude of the convicted person to the criminal offence and the victim and the victim's family;

- 7.3. any previous criminal offences committed by him or her;
- 7.4. his or her family circumstances and social background;
- 7.5. his or her physical or psychological state, including evaluation of hazardous state whenever is necessary from a Psychiatrist or Psychologist;
- 7.6. his or her behavior in the correctional facility and the progress achieved in removing the factors that caused the criminal offence;
- 7.7. his or her post-release plans;
- 7.8. the support that would be available to him or her on release; and
- 7.9. any circumstances indicating that he or she will not commit a new criminal offence.

**Article 122**  
**Conditional Release panel**

1. For a conditional release shall decide the parole.
2. The parole panel is comprised of three (3) members: one (1) judge from Supreme Court delegated by the President of the Supreme Court; one (1) state prosecutor delegated by the Chief State Prosecutor; one (1) representative from MIA/Kosovo Police, with knowledge on relevant professional fields (legal, pedagogy, sociology, psychology) delegated by the General Director of the Kosovo Police. Kosovo Judicial Council appoints also one (1) representative delegated by Rectorate/Faculty of Law, as a fourth member with knowledge and experience from respective professional field, which is elected in readiness to decide on cases where with law is foreseen exclusion of the panel member in certain matter or replacement in absence of another member.
3. The parole panel shall decide on all requests and motions for conditional release.
4. The Kosovo Judicial Council shall issue the rules of procedure for the parole panel.
5. There is no right on appeal against parole panel ruling and also cannot be raised an administrative conflict.

**Article 123**  
**Execution of the decision of conditional release panel**

1. A ruling on conditional release shall be delivered to the convicted person within three (3) days of its issuance and it shall also be filed with the court which sentenced him or her.
2. A ruling of the parole panel together with the file of convicted person shall be delivered to Probation service during the time period of three (3) days after receiving the decision for conditional release.
3. A ruling granting a parole shall contain, inter alia, the date on which the convicted person shall be released from serving his or her sentence.
4. If parole is not granted, the ruling shall contain, inter alia, the date on which the conditional release panel may reconsider the convicted person's request for conditional release. The date of reconsideration can't be shorter than three (3) months and not longer than twelve (12) months.
5. If a disciplinary punishment of solitary confinement is imposed on the convicted person between the date of issuance of the ruling on conditional release and the date of conditional release from service of the sentence, the conditional release panel shall reconsider the ruling.

**Article 124**  
**Obligations of conditionally released person**

1. Within five (5) days of the date of release, a person who is conditionally released is obliged to inform the police or Probation Service of his or her temporary residence during the period of his or her conditional release.
2. A person who is conditionally released is obliged to report to the Probation Service during the period of his or her conditional release.
3. If a person who is conditionally released changes temporary residence, he or she is obliged to inform the police and the Probation Service.
4. If the person who is on parole fails to perform any one of the obligations set forth in paragraphs 1.,2.,3. of this Article, the Panel on conditional release by the proposal of Probation Service may revoke the decision of conditional release.
5. If the parole, which is set forth in paragraph 4. of this Article, is being revoked, the punished person shall serve the remaining part of the punishment.
6. If the released person does not voluntarily turn in to serve the punishment within twenty four (24) hours after the submission of the ruling in a written form for the revocation of the ruling for parole, then the Kosovo police shall by force take him to the Correctional Institute to serve the remaining part of the punishment.
7. Probation Service drafts written reports on the Parole Panel regarding the observance of the persons on parole.
8. The duration criteria and period for the drafting of the reports and the supervision of the persons on parole is regulated with a special secondary act issued by the Minister.

**Article 125**  
**Effect of conditional release on rights provided by the present Law**

During the period of conditional release a convicted person does not have the rights provided by the present Law.

**Article 126**  
**Release due to completion of sentence**

1. A convicted person shall be released from the correctional facility on the day when his sentence of imprisonment is completed.
2. If the last day of the sentence falls on a Saturday, a Sunday or an official holiday, the convicted person shall be released the last working day before that day.
3. Release foreseen according to paragraph 2. of the present Article shall not be executed for the minor offence envisaged for least than seven (7) days imprisonment.
4. A convicted person shall be released from any work or tasks at least three (3) days before the day of release.

**Article 127**  
**Early release**

1. The director of a correctional facility may release a convicted person before the completion of his or her service of the sentence of imprisonment if he or she has demonstrated good behavior, success in his or her work and other activities.
2. The director of a correctional facility may grant early release under paragraph 1. of the present Article, if the sentenced person has served at least three-quarters (3/4) of the sentence of imprisonment and if not more than three (3) months of his or her sentence remains.
3. If a disciplinary punishment of solitary confinement is imposed on the convicted person between the date of issuance of the ruling on early release and the date of early release from service of the sentence, the director of a correctional facility shall reconsider the ruling.
4. The ruling on early release under the present article shall be delivered to the convicted person within three (3) days of its issuance and filed with the sentencing court.

**Article 128**  
**Release from service of sentence on grounds of pardon**

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

**Article 129**  
**Other provisions on release of a convicted person from the service of a sentence**

1. Before the release, a convicted person shall be examined by a medical officer no more than three (3) working days prior to the date of release and a medical report shall be placed in the health file of the convicted person.
2. Where medical treatment is necessary after release, the medical officer, in consultation with the director of the correctional facility, shall arrange for such treatment prior to release. The convicted person shall be given a three (3) days supply of requisite medication upon release.
3. A convicted person who is seriously ill or is not able to travel due to illness shall be sent by the correctional facility to the nearest health care institution.

**Article 130**  
**Issuing release paper**

1. Upon release from a correctional facility, a convicted person shall be issued a release paper which shall contain, inter alia, identifying data on the convicted person, the date of admission to the correctional facility, the date of release and, where appropriate, the date when the convicted person must report to a police station. A convicted person who has been conditionally released shall be issued a release paper indicating his or her obligation not to commit any new criminal offence and specifying the period of conditional release granted to him or her.
2. The release paper serves as evidence of the identity of the convicted person until he arrives at a place of permanent or temporary residence.

**Article 131**  
**Personal items**

1. Upon release, a convicted person shall be given all personal effects and items, which were kept for him or her by the correctional facility, his or her savings and any money he or she received during the period of the sentence.

2. The correctional facility shall provide underwear, clothes and shoes to a convicted person who does not have such items or financial resources to obtain them.

**Article 132**  
**Transport expenses**

1. The costs of transportation to the place of permanent or temporary residence shall be paid for a convicted person.

2. The costs of transportation to a border crossing-point shall be paid for a convicted foreigner, if special provisions do not provide otherwise.

3. Transportation expenses shall be covered by the correctional facility from which a convicted person is released.

**Article 133**  
**Notification prior to conditional release**

1. Prior to release, the correctional facility shall inform the sentencing court and the police station closest to the place of permanent or temporary residence of the convicted person about the release of the convicted person.

2. In case of a convicted person who is a minor, the correctional facility shall inform his or her family, Probation Service and the competent Centre for Social Work, about the release of the convicted person.

3. The preparation for the release of a person with a mental disorder shall be undertaken in consultation with the director of the correctional facility, the psychiatrist treating the convicted person in the correctional facility and the appropriate mental health authorities in the community.

**Article 134**  
**Assistance after release from sentence**

1. If the convicted person needs assistance after release, the correctional facility shall inform the Centre for Social Work that is competent according to the permanent or temporary residence of the convicted person about this at least three (3) months before the release.

2. The correctional facility shall inform the Centre for Social Work of the nature of the assistance that the convicted person requires.

**CHAPTER III**  
**EXECUTION OF FINES**

**Article 135**  
**Jurisdiction and procedure for execution of fines**

1. The sentencing court orders the execution of the fine.

2. Provisions of the applicable Law on Executive Procedure shall be applied to the jurisdiction and procedure for the execution of a fine, unless provided otherwise by this Law.

**Article 136**  
**Effect of replacing fines with imprisonment**

A convicted person whose fine is replaced by a term of imprisonment in accordance with the Criminal Code of Kosovo is treated as a person who serves a sentence of imprisonment for a minor offence.

**Article 137**  
**Relationship between execution of fines, costs of criminal proceedings and property claims of injured parties**

1. When the costs of criminal proceedings and the fine are to be executed at the same time, the costs of criminal proceedings shall be executed first.
2. If the property of the convicted person has, due to the payment of a fine, decreased to such an extent that the property claim of the injured party cannot be realized, the property claim shall be realized from the paid fine but only to the extent of the value of the fine.

**Article 138**  
**Expenses of execution of a fine**

1. A convicted person shall pay the expenses of the forcible execution of a fine.
2. A paid fine shall be credited to the Kosovo Consolidated Budget.

**PART THREE**  
**EXECUTION OF ALTERNATIVE PUNISHMENTS**

**CHAPTER IV**  
**GENERAL PROVISIONS ON THE EXECUTION OF ALTERNATIVE PUNISHMENTS**

**Article 139**  
**Beginning of execution of suspended alternative sentence**

1. The execution of an alternative punishment begins after the judgment is final.
2. The permanent residence or the temporary place of residence of the convicted person is the place where an alternative punishment shall be executed.
3. The Probation Service shall prepare, manage and observe the execution of the alternative punishments.

**Article 140**  
**The manner of the execution of alternative punishments**

1. An alternative punishment shall be executed in a manner that is consistent with the dignity and basic rights and freedoms of the convicted person and his or her family.
2. A convicted person whose dignity or basic rights and freedoms were violated during the execution of an alternative punishment shall be entitled to appeal.
3. A convicted person serving an alternative sentence shall be entitled to judicial protection in case the final decision restricts or violates any of the rights provided for by the present Law.

**Article 141**  
**Pre-sentence report of alternative punishment**

1. Prior to the imposition of an alternative punishment the court may request a pre-sentence report from the Probation Service. The Probation Service shall submit the pre-sentence report to the court within three (3) weeks of such request.

2. The pre-sentence report shall identify which alternative punishment or punishments would be appropriate for the convicted person in view of the objectives of rehabilitation and prevention of the commission of criminal offences in the future.

#### **Article 142**

#### **Report on alternative punishment revocation**

1. When a court receives a Probation Service report which contains information about a violation of the conditions of an alternative punishment or a failure to perform an obligation, the court shall consider the revocation of the alternative punishment and inform the convicted person of the content of the report and shall give him or her the right to respond to the report. The convicted person shall be advised of his or her right to the assistance of defense counsel at his or her own expense.

2. During the period that the revocation of an alternative punishment is under consideration, the execution of the alternative punishment shall be suspended.

3. After reviewing the report of the Probation Service and any response received from the convicted person or his or her defense counsel, the court shall determine whether to revoke the alternative punishment or to take other action in accordance with the Criminal Code of Kosovo

4. The court shall issue a reasoned decision in writing within thirty (30) days of receiving the report from the Probation Service. The decision shall be sent to the convicted person, defense counsel, Probation Service and the state prosecutor.

5. The decision may be appealed by the convicted person within eight (8) days of receiving the decision

### **CHAPTER V**

### **EXECUTION OF A SUSPENDED SENTENCE**

#### **Article 143**

#### **The manner of execution of suspended sentence**

1. When the court imposes a suspended sentence, it shall immediately send the judgment and all information in its possession to the competent Probation Service to execute this alternative punishment.

2. If a convicted person is held in detention on remand, the court shall also send the decision to the detention facility where he or she is held. The director of the detention facility shall release the convicted person in order to execute this alternative punishment.

#### **Article 144**

#### **Supervision of obligations performance**

1. When the court imposes a suspended sentence and orders the performance of an obligation as per the provisions of the Criminal Code of Kosovo, the Probation Service shall supervise the performance of the obligation.

2. If a convicted person fails to perform an obligation ordered by the court, according to paragraph 1. of the present Article, the Probation Service shall inform the court after verifying facts and the reasons for the failure to perform the obligation.

**CHAPTER VI  
EXECUTION OF SUSPENDED SENTENCE WITH ORDER FOR MANDATORY  
REHABILITATION TREATMENT**

**Article 145**

**The manner of execution of a suspended sentence with the order for mandatory  
rehabilitation treatment**

1. A suspended sentence with an order for mandatory rehabilitation treatment shall be executed in a health care institution or another appropriate institution.
2. When the court imposes a suspended sentence with an order for mandatory rehabilitation treatment, it shall immediately send the judgment and all information in its possession to the competent Probation Service and the competent health care institution or appropriate institution to execute this punishment.
3. If a convicted person is held in detention on remand, the court shall also send the decision to the detention facility where he or she is held. The director of the detention facility shall release the convicted person in order to execute this alternative punishment.

**Article 146**

**Rehabilitation treatment program**

1. The competent health care institution or appropriate institution, in cooperation with the Probation Service, shall determine the rehabilitation treatment program for a person subject to a suspended sentence with an order for mandatory rehabilitation treatment. The Probation Service shall supervise such person's compliance with the rehabilitation treatment program, in cooperation with the competent health care institution or appropriate institution.
2. Every four (4) months, the Probation Service shall send reports to the court on the progress of the rehabilitation treatment program based on information provided by the competent health care institution or other appropriate institution.
3. The competent health care institution or other appropriate institution shall immediately inform the Probation Service if the convicted person fails to comply with the rehabilitation treatment program. Failure by the convicted person to comply with the rehabilitation treatment program shall be assessed by the Probation Service and reported to the court.
4. Upon the notification from the competent health institution on successful completion of the rehabilitation treatment program, such a report shall be sent to the court the Probation Service.

**CHAPTER VII  
EXECUTION OF SUSPENDED SENTENCE WITH ORDER FOR SUPERVISION  
BY THE PROBATION SERVICE**

**Article 147**

**The manner of execution of a suspended sentence with an order for supervision by the Probation  
Service**

1. When the court imposes a suspended sentence with an order for supervision by the Probation Service in accordance with the Criminal Code of Kosovo, it shall immediately send the judgment and all information in its possession to the competent Probation Service to execute this alternative punishment.
2. If a convicted person is held in detention on remand, the court shall also send the ruling to the appropriate correctional institution where he or she is held. The director of the appropriate correctional institution shall release the convicted person in order to execute this alternative punishment.



**Article 148**  
**Supervision by the Probation Service**

1. The Probation Service shall supervise the execution of a suspended sentence with an order for supervision by the Probation Service.
2. If a convicted person fails to maintain contact with the Probation Service, the Probation Service shall inform the court after verifying facts and the reasons for the failure to maintain contact.

**Article 149**  
**Supervision of the performance of obligations**

1. When the court imposes a suspended sentence with an order for supervision by the Probation Service and orders the performance of an obligation in accordance with the Criminal Code of Kosovo, the Probation Service shall supervise the performance of the obligation.
2. If a convicted person fails to perform an obligation ordered by the court, the Probation Service shall inform the court after verifying facts and the reasons for the failure to perform the obligation.

**Article 150**  
**Reporting of Probation Service**

The successful completion of the verification period of the sentenced persons' alternative punishment execution shall be reported by the Probation Service to the court. Upon the receipt of such report, the court shall issue a decision stating that the alternative punishment has been served.

**CHAPTER VIII**  
**EXECUTION OF SENTENCE WITH ORDER FOR COMMUNITY SERVICE WORK**

**Article 151**  
**The manner of execution of sentence with an order for community service**

1. When the court imposes a suspended sentence with an order for community service work in accordance with the Criminal Code of Kosovo, it shall immediately send the judgment and all information in its possession to the competent Probation Service to execute this alternative punishment.
2. If a convicted person is held in detention on remand, the court shall also send the decision to the detention facility where he or she is held. The director of the appropriate correctional institute shall release the convicted person in order to execute this alternative punishment.

**Article 152**  
**Community Service work program**

1. Probation Service shall develop a program for community service work for a convicted person, in accordance with the Criminal Code of Kosovo and with his or her abilities, skills and background.
2. Probation Service shall supervise the execution of a suspended sentence with an order for community service work.
3. Probation Service, in coordination with the organization where the community service work is to be performed, shall develop rules for insurance for workplace injury or illness, general behavior in the workplace and other relevant matters prior to the commencement of community service work. The general rules relating to working hours, breaks, weekly rests and workplace safety shall apply to the performance of community service work.

**Article 153**  
**Community Service performance supervision**

1. When the court imposes a sentence with an order for community service work and orders the convicted person to maintain contact with the Probation Service or to perform one or more of the obligations provided for in accordance with the Provisional Criminal Code, the Probation Service shall supervise the maintenance of contact or the performance of the obligation.
2. If a convicted person fails to maintain contact with the Probation Service or to perform an obligation ordered by the court, the Probation Service shall inform the court after verifying facts and the reasons for the failure to maintain contact or to perform the obligation.
3. Central and local level administration bodies, institutions and other legal persons as well as natural persons are obliged to cooperate with the Probation Service and the Regional Probation Offices in the execution of sentences ordering community service work.
4. The Minister shall conclude cooperation agreements with regard to the execution of sentences ordering community service work from paragraph 3. of the present Article. The cooperation agreements shall set out mutual rights and obligations.

**Article 154**  
**Notification**

1. The organization where the community service work is to be performed shall immediately inform the Probation Service if the convicted person fails to perform the community service work satisfactorily. Failure to perform the community service work satisfactorily shall be assessed by the Probation Service and reported to the court.
2. Failure to perform the community service work satisfactorily includes late arrival to work; unauthorized absence from work; failure to comply with work rules.

**Article 155**  
**Correction of the community service work program**

1. If a convicted person is unable to perform the community service work due to changed circumstances, the Probation Service may revise the program for community service work.
2. The execution of an order for community service work ordered with a sentence may be stayed or suspended due to:
  - 2.1. the sudden illness of the convicted person, which requires him or her to obtain medical treatment and prevents him or her from performing community service work;
  - 2.2. the death of a family member, which requires him or her to act as the primary caregiver to other family members and prevents him or her from performing community service work; or
  - 2.3. any other extraordinary circumstances which require the constant presence of the convicted person for humanitarian reasons and prevent him or her from performing community service work.
3. A request to postpone or suspend the execution of an order for community service work ordered with a suspended sentence may be submitted to the court by the convicted person, defense counsel or a representative from the Probation Service. The submission of the request suspends the obligation to perform community service work until the court decides on the request.
4. The court shall decide on the postponement or suspension of the execution of an order for community service work ordered with a sentence within three (3) days of receiving the request. If the court approves

a postponement or suspension of the execution of the order for community service work, the act shall specify the period of the postponement or suspension.

5. The postponement or suspension of the execution of an order for community service work ordered with a suspended sentence may last:

5.1. until the end of the illness, in cases under subparagraph 2.1. paragraph 2. of the present Article; and

5.2. for up to twenty (20) days, in cases under subparagraphs 2.2. and 2.3. of paragraph 2. of the present Article.

#### **Article 156 Reporting**

The successful completion of the community service work shall be reported by the Probation Service to the court. Upon the receipt of such report, the court shall issue a decision stating that the alternative punishment has been served.

### **CHAPTER IX EXECUTION OF IMPRISONMENT IN SEMI-LIBERTY**

#### **Article 157 The manner of execution of imprisonment in semi-liberty**

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

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

#### **Article 158 Supervision of the convicted person in semi-liberty**

1. The director of the correctional facility shall supervise the convicted person while he or she is imprisoned and the competent Probation Service shall supervise the convicted person while he or she is at liberty.

2. If a convicted person fails to return to the correctional facility after performing his or her obligations, the director of the correctional facility shall inform the court after verifying facts and the reasons for the failure to return to the correctional facility.

3. If a convicted person fails to perform his or her obligations related to work, education or vocational training, family responsibilities or medical treatment or rehabilitation, the Probation Service shall inform the court after verifying facts and the reasons for the failure to perform such obligations.

**PART FOUR  
EXECUTION OF ACCESSORY PUNISHMENTS**

**CHAPTER X  
DEPRIVATION OF THE RIGHT TO BE ELECTED**

**Article 159  
The manner of execution of the removal of the right to be elected**

1. When the court decides to deprive a perpetrator of the right to be elected in accordance with the Criminal Code of Kosovo, it shall immediately send the judgment and all information in its possession to the police station in the territory where the convicted person has his or her permanent residence to execute this accessory punishment.
2. The administrative unit of the police station shall inform the Central Election Committee of Kosovo and the Local Election Committee where the convicted person has his or her permanent residence that the convicted person has been deprived of the right to be elected by a final act of the court.
3. If the convicted person changes his or her permanent residence, he or she shall inform the court and the police about the new permanent residence. The police station in the territory where the convicted person had his or her former permanent residence shall inform the police station where the convicted person has his or her new permanent residence.

**CHAPTER XI  
PROHIBITION ON EXERCISING PUBLIC ADMINISTRATION OR PUBLIC SERVICE FUNCTIONS**

**Article 160  
The manner of execution of the prohibition on exercising the functions in public administration or public service**

1. When the court decides to prohibit a perpetrator from exercising public administration or public service functions, in accordance with the Criminal Code of Kosovo, it shall immediately send the judgment and all information in its possession to the Ministry of Public Administration to execute this accessory punishment.
2. If the convicted person fails to comply with the prohibition on exercising public administration or public service functions, the Ministry of Public Administration shall inform the court of the failure to comply with the prohibition.

**CHAPTER XII  
PROHIBITION ON EXERCISING PROFESSION, ACTIVITY OR DUTY**

**Article 161  
Execution of prohibition to perform profession, activity or duty**

When the court decides to prohibit a perpetrator from exercising a profession, an independent activity, management duties or administrative duties, in accordance with the Criminal Code of Kosovo, it shall immediately send the judgment and all information in its possession to the public or private enterprise where the convicted person has been employed, to the body authorized to issue a license for practicing a profession or activity and to the Ministry of Labor and Social Welfare to execute this accessory punishment.

**Article 162**  
**Revocation of license**

1. When a prerequisite for exercising a profession, activity or a duty is a license issued by an authorized body, this accessory punishment shall be executed by revoking the license or by prohibiting the issuance of the license during the time when the accessory punishment is in force.
2. In other cases, the Ministry of Labor and Social Welfare shall undertake appropriate actions to prevent the convicted person from exercising a profession, activity or duty.
3. The public or private enterprise, the authorized body or the Ministry of Labor and Social Welfare shall inform the court which imposed the accessory punishment when such punishment has been executed.

**Article 163**  
**Court Notification**

If the convicted person fails to comply with the prohibition on exercising a profession, activity or duty, the public or private enterprise, the authorized body or the Ministry of Labor and Social Welfare shall inform the court of the failure to comply with the prohibition.

**CHAPTER XIII**  
**PROHIBITION ON DRIVING MOTOR VEHICLES**

**Article 164**  
**Execution of vehicle driving prohibition**

1. When the court decides to prohibit a perpetrator from driving a motor vehicle in accordance with the Criminal Code of Kosovo, it shall immediately send the judgment and all information in its possession to the competent entity authorized to issue drivers' licenses in the territory where the convicted person has his or her permanent residence to execute this accessory punishment.
2. If the permanent residence of the convicted person cannot be identified, the competent entity authorized to issue drivers' licenses in the territory where the convicted person has his or her temporary residence shall execute the accessory punishment.
3. If the convicted person does not have a permanent residence in Kosovo, the judgment shall be sent to the competent entity authorized to issue drivers' licenses in the territory where the criminal offence was committed.

**Article 165**  
**Invalidity of drivers' license**

1. The competent entity authorized to issue drivers' licenses shall execute this punishment by summoning the convicted person and writing on his or her driver's license that it is invalid during the execution of this accessory punishment for the specific kind and category of the motor vehicle.
2. If the convicted person does not have a driver's license or has a driver's license issued by a foreign authority, this accessory punishment shall be executed by recording the punishment in the register of competent entity authorized to issue drivers' licenses. The competent public entity shall register the data on the convicted person, the imposed accessory punishment and its duration.
3. When the term of this accessory punishment has been completed, the convicted person may apply for a new driver's license with the competent entity authorized to issue drivers' licenses.

## **Article 166**

If the convicted person fails to comply with the prohibition on driving a motor vehicle, the competent entity authorized to issue drivers' licenses shall inform the court of the failure to comply with the prohibition.

## **CHAPTER XIV CONFISCATION OF DRIVER'S LICENSE**

### **Article 167 Execution of confiscation of driving license**

1. When the court decides to confiscate a driver's license in accordance with the Criminal Code, it shall immediately send the judgment and all information in its possession to the police station in the territory where the convicted person has his or her permanent residence to execute this accessory punishment.
2. If the permanent residence of the convicted person cannot be identified, the police station in the territory where the convicted person has his or her temporary residence shall execute the accessory punishment.

## **Article 168**

1. If the convicted person is in possession of a driver's license, the police shall execute this accessory punishment by summoning the convicted person and confiscating the driver's license for the duration of the punishment.
2. If the convicted person is not in possession of a driver's license, this accessory punishment shall be executed by recording the punishment in the register of the administrative body which is competent for issuing drivers' licenses. The competent body shall register the data on the convicted person, the imposed accessory punishment and its duration.
3. The execution of this accessory punishment commences on the date of the confiscation of the driver's license or of the recording of the punishment in the register of the competent body which is competent for issuing drivers licenses.

## **CHAPTER XV CONFISCATION OF AN OBJECT**

### **Article 169 Execution of confiscation of objects**

1. The accessory punishment of confiscation of objects in accordance with the Criminal Code of Kosovo shall be executed by the court which has imposed the punishment at first instance.
2. The court shall determine whether to sell the confiscated object, according to law provisions on execution procedure will deliver it to a competent entity, a museum of criminology or other appropriate institution, or to destroy it.
3. Proceeds from the sale of confiscated objects shall be deposited in the Kosovo Budget.

**CHAPTER XVI  
THE ORDER TO PUBLISH THE JUDGMENT**

**Article 170  
Publication of a judgment**

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

**CHAPTER XVII  
THE EXPULSION OF A FOREIGNER FROM THE TERRITORY OF KOSOVO**

**Article 171**

When the court decides to expel a foreigner from the territory of Kosovo in accordance with the Criminal Code of Kosovo, it shall immediately send the judgment and all information in its possession to the police station in the territory where the convicted person has his or her temporary residence to execute this accessory punishment.

**CHAPTER XVIII  
EXECUTION OF MANDATORY TREATMENT MEASURES**

**Article 172**

**The manner of execution of mandatory rehabilitation treatment of perpetrators addicted to drugs or alcohol**

1. A measure of mandatory rehabilitation treatment of perpetrators addicted to drugs or alcohol shall be executed in a health care institution or another appropriate institution. If the measure is imposed in addition to a punishment of imprisonment, the measure shall be served in health institution.
2. The court shall decide on the health care institution, the correctional facility or other appropriate institution where the measure of mandatory treatment is to be executed.
3. When the court imposes a measure of mandatory rehabilitation treatment, it shall immediately send the decision and all information in its possession to the competent Probation Service and the competent health care institution, the correctional facility or appropriate institution to execute this measure.
4. If a convicted person is held in detention on remand, the court shall also send the decision to the detention facility where he or she is held. The director of the detention facility shall release the convicted person in order to execute this measure.

**Article 173  
Rehabilitation treatment program**

1. The health institution, the correctional facility or appropriate institution, in cooperation with the Probation Service, shall determine the rehabilitation treatment program for a person subject to a measure of mandatory rehabilitation treatment. The Probation Service shall supervise such person's compliance with the rehabilitation treatment program, in cooperation with the health institution, the correctional facility or appropriate institution.
2. Every two (2) months, the Probation Service shall send a report to the court on the progress of the rehabilitation treatment program based on information provided by the competent health care institution, the correctional facility or other appropriate institution.

3. The health institution, the correctional facility or appropriate institution shall immediately inform the Probation Service if the convicted person fails to comply with the rehabilitation treatment program. Failure by the convicted person to comply with the rehabilitation treatment program shall be assessed by the Probation Service and reported to the court.

4. The successful completion of the rehabilitation treatment program shall be reported by the Probation Service to the court. Upon the receipt of such report, the court shall issue a decision stating that the measure has been served.

#### **Article 174**

##### **The manner of execution of the measure of mandatory psychiatric treatment upon detention the health care institution**

1. The measure of mandatory psychiatric treatment upon detention is executed in the health institution or in another special institution, that is located in the permanent residence or temporary location of the defendant, or if such a location is not located in that place, in the closest one with the place where the defendant has his permanent residence or the his/her temporary location or in the place where the criminal proceedings took place.

2. The court shall decide about the health institution or the other appropriate institution where the measure of mandatory psychiatric treatment in detention must be executed. Upon deciding on the health care institution, the court shall take into consideration the risk that the defendant presents for his or her environment, for his/her permanent residence or his temporary location also taking into consideration his/her needs for treatment.

3. When the court renders the measure of mandatory psychiatric treatment in detention it shall immediately send the decision and all of the data possessed to the competent Correctional Service and the health institution and the correctional institution for treatment.

4. If the measure is rendered alongside the imprisonment sentence, the carrier of the criminal offence firstly will be sent to the healthcare institution for treatment.

#### **Article 175**

##### **Transferring the person to whom is imposed the measure of mandatory psychiatric treatment in detention in the health care institution**

1. If the person towards whom the measure of mandatory psychiatric treatment in detention is rendered, is in freedom, the court orders its transfer in the institution of health care or shall order the issuing of warrant order. If the person is in pre trial detention, the personnel of the Kosovo Correctional Service shall escort him or her to the health care institution.

2. The person towards whom this measure is rendered will be transferred to the health care institution escorted by the health care employees.

3. The person towards him this measure is applied has the same rights and obligations as the person that is serving an imprisonment sentence, unless the treatment needs foresee differently.

4. Upon the proposal of the health care institution, where this measure is being executed, during the period of application of the measure the court can decide for the transfer of the person from one healthcare institution to another one.

5. The court that has rendered this measure on the first instance shall monitor the legality of its execution. The component public organ for health care shall monitor the professional capabilities for treatment that is offered during the execution of this measure



**Article 176**  
**Reporting of health care institution**

1. The health care institution shall send to the court that has rendered this measure on the first instance, a report on the health conditions and the successes of the treatment of the person towards whom the measure is being executed, at least once in six (6) months and even often upon request of the court.
2. When the health care institution or the responsible doctor for mental treatment concludes that it is not necessary to treat or to further detain the carrier of the criminal offence in the health care institution, he shall immediately inform the court that had rendered this measure on the first instance.
3. Every six (6) months, the court that has rendered the measure at its first instance evaluates the need for the continuation of the measure after the deliberation made by the health care institution and the opinion of the independent expert that is not employed at the health care institution where the measure is being executed.
4. As per official duty or by the proposal of the defendant, the representative of the health care institution or the custody organ that is competent based on the temporary place of residence or the permanent place of residence at the time when the order entered into force, by which this measure was ordered, the court that has ordered the measure at the first instance can discontinue it if it concludes that it is not necessary to treat and further detain the defendant at that institution. When the measure is discontinued, the court can order the measure of mandatory psychiatric treatment in freedom if there are reasons for rendering such a measure.
5. The decision as per paragraph 4. of this Article is taken after the state prosecutor is heard, the defense attorney and of the defendant if his or her condition allows this even after the medical experts' opinion has been elaborated upon.
6. When the court discontinues the measure, it informs the health care institution, and releases the person towards the measure was rendered to, immediately after this decision is taken.

**Article 177**  
**Providing help after release from health care**

1. After the person is released from the health institution, the competent custody organ is responsible for the person to give him aid after the release from the health care institution.
2. If the carrier of the criminal offence, that was of a diminished mental capacity at the time of the commission of the criminal offence, is now released from the health institution and if he/she has spent less time at the health institution than the time foreseen for imprisonment, the court shall elaborate the possibility of conditioned release for that person.
3. Upon deciding for a conditioned release, the court shall specifically take into consideration the success of the treatment of the convicted person, his health condition, the time spent at the health institution and the time remained for serving the sentence.
4. If the court decides the conditional release, it can also render the measure of mandatory psychiatric treatment in freedom in case there are reasons for such a decision.
5. If the court decides that the convicted person shall serve the remaining part of the sentence with imprisonment, the personnel of the Kosovo Correctional Service shall escort him to the correctional institution for serving the sentence.

### **Article 178**

#### **The execution of the mandatory measure of psychiatric treatment in freedom**

1. The measure of mandatory psychiatric treatment in freedom is executed in the health institution determined by the court that had rendered this measure at the first instance.
2. The court shall inform the health institution of the date when the person towards whom the measure of psychiatric treatment in freedom is rendered shall appear for treatment.
3. The person towards whom the measure is appointed is obliged to appear in front of the health institution for treatment within the time set forth by the court.

### **Article 179**

#### **Reporting of health care institution**

1. The health institutions send to the court that has rendered this measure at the first instance, a report on the health conditions and the success of the treatment of the person towards whom the measure was executed, at least once in six (6) months and even often upon request of the court.
2. When the institution of health estimates that it is not necessary anymore to treat the person whom the measure was executed it informs the court immediately which has rendered this decision at its first instance
3. The court that has rendered the measure on the first instance, as per its official duties or as per the proposal of the defendant, the defense attorney, the health institution or the competent custody organ discontinues the measure if it comes to the conclusion that it is not necessary to treat anymore the person whom the measure was executed.
4. The decision to discontinue the measure is taken after the hearing of the state prosecutor, defense attorney and the person whom the measure was executed, if this is permitted by his conditions and after the elaboration of the experts' opinion

### **Article 180**

1. The institution of health institution immediately informs the court that has rendered the measure at the first instance, when the person whom the measure was executed has not undergone the treatment while in freedom, in case he has arbitrarily discontinued the treatment or if he considers the treatment was unsuccessful.
2. The court, as per this official duty or upon proposal of the health care institution, in which the person is being treated or should be treated, can order the measure of the mandatory psychiatric treatment in detention if:
  - 2.1. the carrier of the of the criminal offence had not undergone the treatment in freedom, has discontinued his her treatment arbitrarily or when the treatment was considered as unsuccessful by the health care institution; and
  - 2.2. if there are reasons for the rendering of such a measure.
3. The decision for the rendering of the measure of mandatory psychiatric treatment in detention is taken after having heard the public prosecutor, the defense attorney and the person whom the measure was executed if his health conditions allow this and after the evaluation of the opinion of an independent expert, that is not employed at the health care institution where the measure is executed.
4. Since the person does not need any more treatment at the institute of health, the competent organ for custody is responsible for the person towards whom the measure is executed for giving help after the discontinuation of the mandatory treatment in freedom.

**CHAPTER XIX**  
**THE EXECUTION OF THE IMPRISONMENT SENTENCE FOR MINOR OFFENCE**

**Article 181**  
**The application of the provisions of this law**

The imprisonment sentence rendered for minor offences or with which the sentence of a fine is replaced with shall be executed as per the provisions of this law, if by a special law is not foreseen differently.

**Article 182**  
**The accommodation of the sentenced persons in the correctional institutions**

1. The sentenced persons with imprisonment due to a minor offence shall serve their sentence in the correctional institution separated from people held in pre-trial detention.
2. The female persons sentenced with imprisonment due to minor offences serve their sentence in the correctional facility for women separately from female persons in pre-trial detention
3. The juvenile persons sentenced with an imprisonment sentence due to a minor offence shall serve their sentence separately from adults.

**Article 183**  
**The competencies on transferring the persons sentenced for serving imprisonment sentences due to minor offences**

1. The basic court, in the territory of which the sentenced person has its place of residence or his temporary residence, at the time when the decision rendered for becomes legally binding, is competent to send the sentenced person to serve his sentence of imprisonment due to minor offences.
2. When the place of residence or the temporary place of residence of the sentenced person is unknown, then the basic court is the Municipal Minor Offences court that took the decision in the first instance.
3. If in the minor offence proceedings it is decided that the imprisonment sentence shall be executed immediately regardless of the appeal, the sending of the sentenced person to serve his sentence is done by the basic court which took the decision at the first instance.

**Article 184**

If the basic court, which has rendered the imprisonment sentence or has replaced the sentence of a fine with an imprisonment sentence, is not competent for its execution, then it is obliged to send to the competent basic court the decision that has becomes legally binding and executable, for not later than within the time limit of three (3) days after the decision took its executable form.

**Article 185**

1. The basic court shall order in written the sentenced person to be present on the foreseen day at the correctional institution for serving his sentence due to minor offences.
2. The time period between the receiving of the order and the day of when one has to be present for serving the sentence shall not be shorter than eight (8) days and not longer than fifteen (15) days.
3. The basic court shall inform the correctional institution related to the date when the sentenced person should appear at the institution and hand over the legally binding decision, the personal data for the sentenced person that were gathered during the minor offences proceedings.

#### **Article 186**

##### **The commencement of serving the sentence of minor offences sentence**

1. The correction institution shall inform the basic court whether the sentenced person showed up to serve his sentence due to minor offences.
2. The commencement of serving of the imprisonment sentence shall be calculated from the day when the sentenced person appeared to serve the sentence at the correctional facility.

#### **Article 187**

1. If the sentenced person with imprisonment due to minor offences was summoned in a regular manner and does not appear at the correctional institution, the competent court for minor offences shall order his escorting, and if he is hiding or at large, the court shall order the issuing of an arrest order.
2. In cases as foreseen under paragraph 1. of this Article the commencement of the execution of the imprisonment sentence due to minor offences shall be calculated from the day when the sentenced person was apprehended whereas the transportation fees shall be covered by the sentenced person.

#### **Article 188**

##### **The postponement of execution of the imprisonment sentence for minor offences**

1. The execution of the imprisonment sentence for minor offences can be postponed for the same reasons for which the execution of imprisonment sentence rendered for a criminal offence can be postponed.
2. The postponement of the commencement of serving the imprisonment sentence due to minor offences, as per paragraph 1. of this Article, cannot last longer than sixty (60) days.

#### **Article 189**

##### **The procedure of postponing the execution of the imprisonment sentence due to a minor offence**

1. The convicted person submits the request for the postponement of the execution of imprisonment sentence with imprisonment due to minor offences within three (3) days from having received the order for holding the sentence.
2. The request for the execution of the imprisonment sentence due to minor offences should be submitted to the competent President of the basic court.
3. The President of the basic court decides on the request for the postponement of execution of the sentence within three (3) days from the moment when the request was received
4. The President of the basic court can refute the request for the execution of the imprisonment sentence or if it is not submitted within the foreseen time period, if submitted by an unauthorized person or if the evidence that support it is not attached within the foreseen time period.

#### **Article 190**

1. Against the decision of the first instance court, which refuses the postponement of the execution of the imprisonment sentence due to minor offences, the defendant can file an appeal to the President of the Appeal Court within a time period of three (3) days from the day of receiving the decision.
2. The President of the Appeal Court decides on the appeal within three (3) days after having received it.

**Article 191**  
**Suspension of execution of sentence**

1. The request for the postponement of the execution suspends the execution of the sentence until a legally binding decision is taken related to that request.
2. The President of the basic court after having received the second request comes to the conclusion that the right to appeal is misused decides that the appeal shall not suspend the execution of the sentence.

**Article 192**  
**Revocation of execution of sentence**

1. The President of the basic court revokes the execution of the imprisonment sentence if later it is concluded that the reasons for the allowing of the execution have not existed or have ceased to exist or if the sentenced person has used the postponement for other aims and not what it is allowed for.
2. The sentenced person has the right to appeal against the decision for revoking or the discontinuation of the suspension for the execution of the sentence under the same conditions as against the decision based on which it was decided regarding the request for postponement.
3. The appeal shall suspend the execution of the decision

**Article 193**  
**The discontinuation of serving of the imprisonment sentence**

1. Upon request of the sentenced person for minor offences, excluding reasonable cases, the discontinuation of serving of the imprisonment sentence can be allowed but not longer than ten (10) days. In extraordinary cases, aiming medication the discontinuation can be extended and last until the end of the medication.
2. The spent in the allowed in the allowed discontinuation shall not be calculated in the serving of the sentence.

**Article 194**  
**Enforcement of the provisions on the conditioned release of the convicted persons**

The provisions of this law refer to the conditioned release and the release of persons sentenced, in an adjustable manner, also to the persons sentenced with imprisonment due to minor offences.

**CHAPTER XX**  
**THE EXECUTION OF THE SENTENCES WITH A FINE AND OF PROTECTION MEASURES**  
**RENDERED DUE TO MINOR OFFENCES**

**Article 195**

The provisions of this law that refer to the execution of the sentence with a fine and of the additional sentences rendered due to criminal offences are applied in an adjustable manner, also when related to the sentence with a fine and the protection measures rendered for minor offences unless by law is not foreseen differently.

**CHAPTER XXI  
EXECUTION OF DETENTION MEASURES**

**Article 196  
The manner of execution of detention measure**

1. Detention measures according to judgments of the competent courts shall be executed at respective correctional institutions.
2. Detained persons shall be subject to the respective provisions of the Criminal Procedure Code and the provisions of the present Law.
3. Upon prosecutor's request and if in the interest of justice, the court may order the restriction of certain rights of a detained person.

**Article 197  
Accommodation of detained person**

1. Respective correctional institutions shall accommodate persons who have been ordered detention by a judgment of the competent court. Respective correctional institutions shall be provided with the judgment ordering detention and the written order for the admission of the detained person.
2. Respective correctional institutions shall issue a written certificate on the admission of the detained person, which, among other, shall include the date and time of admission as well as the name and surname of the person that escorted the detainee.

**Article 198  
Medical check and notifying him of his rights**

1. Immediately after admission in the respective correction institution, the detainee shall be subject to the medical check and doctor's conclusion and opinion shall be recorded in the medical card of the detainee.
2. After admission in the respective correctional institution, the detainee shall be informed on the domestic order act for the execution of detention measure and other rights and obligations during the implementation of the detention measure.
3. Detainees who jointly committed a criminal act shall be accommodated in separate premises.

**Article 199  
Conditions for persons in detention**

1. Respective correctional institutions shall provide the same conditions to detainees in terms of accommodation, food, health care, use of measures of force, special measures to keep order and security and compensation of the damage caused during the implementation of the detention measure as for convicted persons.
2. In case a detainee has to be escorted outside the premises of the correctional institution regardless of the grounds of exit, police shall provide security.

**Article 200**

1. A detainee may work in the workshop, workshops of the economic units within the respective correctional institution only with the approval of the competent court.
2. A detainee working shall be entitled to compensation and other work-related rights envisaged for convicted persons in compliance with the present Law.

### **Article 201**

1. If during the execution of the detention measure the detainee commits a disciplinary violation or any other minor offence, the correctional institution shall inform the court that led the procedure of the case.
2. Competent court shall also be notified in case the detained person escapes. The court shall issue an order for an arrest warrant in order to find and bring in the detainee.
3. The president of the competent court shall oversee the execution of the detention measure, in compliance with the Criminal Procedure Code.

### **Article 202**

The detainee shall be released from the correction institution with a judgment abrogating the detention order issued by the competent court or after the completion of the term set out in the detention measure.

### **Article 203**

A detainee, who, on the basis of the provisions of the Criminal Procedure Code is sent to serve the improvement sentence upon his/her own request, prior to the final judgment, shall be treated the same as other convicted persons with regard to rights and obligations.

### **Article 204**

1. The domestic order act within correctional institutions shall particularly set out, as follows:
  - 1.1. admission and accommodation of detainees;
  - 1.2. health and hygiene measures and food;
  - 1.3. visits;
  - 1.4. receipt of deliveries and press;
  - 1.5. work and behavior of detainees and maintenance of order and discipline;
  - 1.6. procedure in case of escape or pass away of the detained person;
  - 1.7. behavior of detainees and release; and
  - 1.8. other issues of importance for the execution of the detention measure.

## **PART FIVE EXECUTIVE BODIES TO EXECUTE PENAL SANCTIONS**

### **CHAPTER XXII KOSOVO CORRECTIONAL SERVICE**

#### **Article 205 Activity of the Kosovo Correctional Service**

1. The Kosovo Correctional Service (hereinafter referred to as: the Correctional Service) is the central body of state administration, professional, independent, uniformed with ranks and partly armed, within the Ministry of Justice (hereinafter referred to as: the Ministry).

2. The Correctional Service is partially responsible to carry out the duties below:
  - 2.1. organizing, applying and supervising the execution imprisonment and life imprisonment;
  - 2.2. organizing, applying and supervising the juvenile imprisonment and educational measures, unless otherwise provided for in the Juvenile Justice Code;
  - 2.3. organizing programs that contribute to the rehabilitation, preparation for release and long-term supervision of persons sentenced to imprisonment and life imprisonment.
  - 2.4. evaluating criminal risk and assessing the treatment needs of the committers of criminal acts;
  - 2.5. instructing and supporting convicted persons to complete serving their sentence;
  - 2.6. undertaking measures to educate and professional train the civil staff and officers of the Correctional Service;
  - 2.7. cooperating with respective institutions, associations and organizations dealing with problems in the execution of penal sanctions.
3. The Correctional Service shall hold the status of the legal person.
4. The Correctional Service has its identifying badge and has its seat in Prishtina.

**Article 206**  
**Organizational Structure of the Correctional Service**

1. The following basic organizational units shall be established for the performance of tasks and duties by the Correctional Service:
  - 1.1. Central Correctional Service Office, resident in Prishtina; and
  - 1.2. Correctional institutions.
2. Internal organization and structuring of the Correctional Service and correctional institutions shall be regulated with a special act to be approved by the Minister and shall be included as a special chapter in the Regulation on the Internal Organization and Systematization of Posts in the Ministry.

**Article 207**  
**Responsibilities of central correctional service office**

1. Central Correctional Service Office shall monitor and oversee the legality of work and actions of the organizational units of the Correctional Service as well as correctional institutions.
2. Central Correctional Service Office shall establish directorates and sectors. Directorates shall be led by Heads, who shall be appointed by the General Director of the Correctional Service.
3. The General Director of the Correctional Service shall simultaneously serve as the Head of the Central Correctional Service Office.

**Article 208**  
**Kinds of correctional facilities**

1. In the Correctional Service exist the following kinds of correctional facilities:
  - 1.1. prisons, for the execution of imprisonment and life imprisonment;



1.2. detention centers, for the execution of detention on remand and the execution of sentences of imprisonment up to three (3) months;

1.3. prisons for women, for the execution of, imprisonment, long term imprisonment and juvenile imprisonment imposed on women;

1.4. prisons for minors, for the execution of juvenile imprisonment;

1.5. educational-correctional institutions, for the execution of the educational measure of committal of a minor offender to an educational-correctional institution;

1.6. prison hospitals, for the treatment of detainees on remand and convicted persons.

### **Article 209** **Types of correctional facilities**

1. According to the level of security and the nature of the treatment of the convicted persons correctional facilities may be of the confined, semi-confined and open type.

2. In confined correctional facilities, there are elements of physical and material security such as armed guards, surrounding walls or surrounding wires, technical devices and other security measures which constitute impediments to the escape of convicted persons. Within confined correctional facilities is High security prison for the execution of sentences against persons who are qualified as highly dangerous persons, detaining highly dangerous persons and those who are sentenced with life imprisonment

3. In semi-confined correctional facilities, there are no elements of physical security in the form of the supervision of the movement and work of the convicted persons, but there are elements of material security which would constitute impediments to the escape of convicted persons.

4. In open correctional facilities there are no elements of material nor physical security which would constitute impediments to the escape of convicted persons. Conduct towards the convicted persons is based on their self-discipline and personal responsibility and the correctional staff supervises the movement and work of the convicted persons.

5. At least one-third (1/3) of life imprisonment shall be served in correctional facilities of the confined type.

### **Article 210**

Within a correctional facility there can be open, semi-confined and confined units.

### **Article 211** **Establishment of correctional facilities**

Upon the proposal of the Minister the correctional facilities shall be established with a secondary legislation of the Government of the Republic of Kosovo. Kind, type and seat of the correctional facilities shall be determined by a secondary legislation.

### **Article 212** **Economic units**

1. Correctional institutions shall establish one or more economic units for the work of convicted persons.

2. Economic unit shall be established with the decision of the Ministry of Justice.

3. The request initial funds for the establishment of economic unit shall be provided by the Budget of the Republic of Kosovo.

4. The work of economic unit shall be led by the head of the institution or a person authorized by him/her.

**Article 213**  
**The status of economic unit**

1. Economic unit shall hold the status of the legal person and shall be represented with its designation and on its account.
2. Economic unit shall generate dedicated revenues for needs of the Correctional Service.

**Article 214**  
**Dedicated Revenues**

Ministry of Justice shall issue sub-legal act for use and allocation of dedicated revenues.

**Article 215**  
**General Director of the Correctional Service**

1. The Correctional Service shall be managed by the General Director of the Correctional Service (hereinafter referred to as: the General Director).
2. The General Director shall be appointed following an open competition by the Ministry of Justice in compliance with Civil Service provisions on the appointment of senior management posts within the Civil Service of the Republic of Kosovo. The professional assessment commission shall comprise professional representatives from the Ministry of Justice, Correction Service, a judge from the Appeal Court, state prosecutor and a professor from Faculty of Law – Criminal – Law branch.
3. The General Director is heading, controls and manages the Correctional Service in all matters connected with the Correctional Service.
4. The General Director shall be appointed for a period of five (5) years with the possibility of reappointment.
5. The General Director reports directly to the Minister for its work.

**Article 216**  
**Conditions for the appointment of the General Director**

1. A person (candidate) to exercise the task of the General Director of the Correctional Service should have the following qualities:
  - 1.1. to be a citizen of the Republic of Kosovo;
  - 1.2. to have a University degree;
  - 1.3. to have eight (8) years of professional experience, out of which, at least, five (5) years of experience in management positions;
  - 1.4. not to be a member of any political party;
  - 1.5. to have a moral and professional reputation and not to be convicted for any criminal act.
2. The Correctional Service may also have Deputy General Directors who shall be appointed according to procedures, conditions and duration provided for a General Director.

**Article 217**  
**Directors of the Correctional Institutions**

1. Directors of the Correctional Institutions shall be appointed through an open vacancy by the Ministry of Justice, in accordance with the provisions of Civil Service for appointment to senior managing positions in the Civil Service of the Republic of Kosovo.
2. Directors of the Kosovo Correctional Institutions shall be appointed in compliance with the provisions to appointment of General Directors.
3. Directors of the Correctional Institutions shall be appointed for a time period of five (5) years with a possibility of extension.
4. A person (candidate) to exercise the task of the Director of the Correctional Institutions shall have the following qualities:
  - 4.1. to be a citizen of the Republic of Kosovo;
  - 4.2. to have a University degree;
  - 4.3. to have six (6) years of professional experience, out of which, at least, three (3) years of experience in management positions;
  - 4.4. not to be a member of any political party;
  - 4.5 to have a moral and professional reputation and not to be convicted for any criminal act.
5. The Minister himself or herself may suspend or discharge the Directors of the Correctional Institutions for the breach of the law or inefficiency at work.
6. The decision of the Minister to suspend or discharge the Directors of the Correctional Institutions is final.
7. The Correctional Institutions may also have General Deputy Directors who shall be appointed according to procedures, conditions and duration foreseen for directors of correctional institutions.

**Article 218**  
**Internal Organization of Correctional Institutions**

Correctional institutions, depending from size and content of the works of the correction institutional, may establish directorates and sectors. Directorates may be established on: security, treatment and administration. Services may be organized into sector or other special structures. The secondary legislation on Internal Organization and Systematization of Posts in the Correctional Service shall define the internal organization and posts in correctional institutions.

**Article 219**  
**Staff of Correctional Service**

1. Personnel of the Correctional Service and correctional institutions, in accordance with the Kosovo Civil Service provisions, consist of civil servants, while correctional officers of Correctional Service shall be regulated in accordance with the present law.
2. The work relation of correctional officers shall be regulated with a secondary legislation issued by the Minister.
3. The Correctional Service drafts, while the Minister approves the Code of Professional Ethics for correctional officers of the Correctional Service.

**Article 220**  
**Correctional officers**

1. Correctional officers shall be appointed and dismissed by the General Director on the basis of the open competition and in compliance with the present Law.

2. Correctional Service shall employ as correctional officers, persons fulfilling the following:

2.1. general conditions on civil staff provided for by the Law on Civil Service;

2.2. specific conditions with a view to the respective school and professional qualification, work experience and other conditions set out in the Regulation on Internal Organization and Systematization of Posts in the Ministry of Justice.

3. Persons establishing employment relationship as correctional officers with the Correctional Service on security directorates, treatment as educators and as instructors, apart from conditions set out in paragraph 1. of the present Article, shall possess the required health and psycho-physical abilities and skills for the performance of these jobs.

**Article 221**

1. Due to hazard, gravity of work and special working conditions, each twelve (12) months of work by correctional officers, shall be calculated as sixteen (16) months of work experience, and when calculating their salaries an allowance shall be ensured.

2. Categorization of correctional officers, who shall be entitled to benefits provided for in paragraph 1. of the present Article, shall be regulated with a special secondary legislation to be issued by the Minister.

**Article 222**

With the decision of the Director of correctional institution and for the interest of the service, when needed, an employed person shall be obliged to work extra hours and his/her annual leave may be interrupted or postponed.

**Article 223**

1. Employees as correctional officers in the correctional institutions, working in the execution of penal sanctions, shall be obliged to have a completed education and permanent vocational training in compliance with the vocational training and education curricula.

2. For the vocational training and education of employees set out in paragraph 1. of the present Article, Correctional Service may independently or through a professional local or international organization organize seminars, counseling and other forms of vocational training.

3. Vocational training and education curricula shall be issued by the General Director upon the approval of the Minister.

**Article 224**

1. Confirmation of health and psycho-physical abilities of employees as correctional officers working in the area of security shall be conducted every two (2) years. However, if necessary the General Director may decide to conduct the confirmation in shorter periods of time.

2. Confirmation of health and psycho-physical abilities of employees working in other posts, whose work experience is calculated in an increased form, shall be performed every three (3) years. However, if necessary the director of the correctional institution may decide to conduct the confirmation in shorter periods of time.

3. If an employee from paragraphs 1. and 2. of the present Article suffers psychic or general health condition changes, which make the employee incapable of performing his/her tasks, the competent body shall be instructed to assess the working ability of the employee in line with the Law setting out entitlements from the pension and disability insurance.

4. If the competent body determines the existence of limited professional abilities, the employee shall be assigned to another post within the possibilities of the Correctional Service or shall be subject to re-qualification. If there are no possibilities of assignment to another post, the employment relationship with the employee shall be terminated.

5. Decision on the termination of employment relationship shall be made by the General Director.

#### **Article 225 Transfer**

1. Due to work requirements or due to an increase in the volume of work, an employee of the correctional institution in the context of Article 221, paragraph 1. of the present Law, may be transferred provisionally without the employee's consent to another correctional institution for a maximum of six (6) months within a two (2) year period and with employee's consent for a maximum of twelve (12) months.

2. Decision on transfer shall be made by the General Director. There is no right of appeal to the decision on transfer.

#### **Article 226**

1. Correctional officers, employed in the correctional institution, apart from the director and deputy director of the correctional institution and heads of organizational units, may, with the consent of the General Director, be assigned to other posts in the correctional institution provided that the employee fulfils the conditions envisaged in the Regulation on the Organization and Systematization of Posts and if the assignment is deemed necessary with the new organization or rationalization of work or is needed for the purpose of work.

2. An appeal against the decision from the previous paragraph may be initiated with the Minister within eight (8) days from the day the decision is received.

#### **Article 227 Termination of Employment Relationship for Correctional Officers**

1. Employment relationship of the correctional officers in the Correctional Service shall be terminated:

1.1 in case of pass away;

1.2 with the expiry of the term, if the employment relationship had a certain period of time defined;

1.3 on request/agreement;

1.4 when completing conditions on the retirement age as provided for by the law;

1.5 in case of reorganization of the correctional institution or termination of the post, unless the employee is reassigned to another post within three months from the point of reorganization or termination;

1.6 with a final judgment ordering an imprisonment sentence for at least six (6) months;

1.7 if the employee refuses reassignment or when for unreasonable grounds the employee fails to appear in the reassigned post;

1.8 if when establishing employment relationship, the employee did not reveal or provided inaccurate data that are of importance for the establishment of the employment relationship; and

1.9 if there are no possibilities of reassignment to another post, within three (3) months as of dismissal, that would meet employee's professional qualification level.

2. A decision shall be made on the termination of employment relationship with the right of appeal to the General Director within eight (8) days from the day the decision is received. The decision of the General Director shall be final, however an administrative dispute with the competent court may be initiated against the General Director's decision.

3. In case there is a reorganization or cessation of the correctional institution, the Minister shall set out the criteria for the determination of redundant correctional staff and the rights the staff are entitled to on these grounds.

#### **Article 228**

##### **Compensation for Pass Away while on Duty or during the Performance of Duties**

1. Correctional Service shall cover the funeral ceremony expenses for the correctional officer passing away while on duty or during the performance of duties. The burial location shall be determined by the members of the family of the deceased correctional officer. Correctional Service shall cover the following expenses:

1.1. transport for the corpse;

1.2. travel costs for two (2) escorting persons;

1.3. funeral costs that have not been paid in other forms;

1.4. other expenditures with the approval of the Minister.

2. Correctional Service shall transfer to the spouse or children under the age of eighteen (18) of the correctional officer passing away while on duty or during the performance of duties an immediate financial assistance in an amount equal to six (6) months' gross salaries. Such a transfer will be executed only when ascertaining that the spouse or children were dependent on the correctional officer prior to his/her pass away. At certain cases, following an assessment, the Government may allocate a higher financial sum for the correction officer passing away during the performance of duties.

3. The dependent spouse and children under the age of eighteen (18) of the correctional officer who passed away during the performance of duties, shall be entitled to a family pension in the amount of sixty percent (60%) of the officer's gross salary.

4. With the proposal of the Ministry of Justice, the Government shall approve secondary legislation setting out compensations for correctional officers passing away while on duty or during the performance of duties.

#### **Article 229**

##### **Disciplinary Procedures for Correctional Officers**

1. All disciplinary violations involving a correctional officer shall be investigated and decided upon by the Central Correctional Service Office.

2. Disciplinary violations, procedure and measures for correctional officers shall be regulated by secondary legislation to be issued by the Minister.

**Article 230**  
**Disciplinary procedures**

1. The Disciplinary Committee, which is appointed by the correctional institution director, shall manage the disciplinary procedure for employees (civil staff and correctional officials) within the correctional institution. With the proposal of the Disciplinary Committee, the correctional institution director shall decide for the disciplinary responsibility.
2. The Disciplinary Committee, which is appointed by the General Director, shall manage the disciplinary procedure against the correctional institution director and the employees in the Head Office of the Correctional Service. With the proposal of the Disciplinary Committee, the General Director shall decide for the disciplinary responsibility.
3. The General Director may file an appeal against the first-instance decision issued in a disciplinary procedure in a period of eight (8) days from the date of receipt of the decision.
4. The General Director establishes a Committee on appeal in order to review appeals and granting of proposals with regard to their highlights and the legality of decisions in a disciplinary procedure.
5. The decision of the General Director in relation to the appeal is final.

**Article 231**  
**Disciplinary measures**

1. Commission may impose disciplinary measures as in the following:
  - 1.1. warning;
  - 1.2. warning in written;
  - 1.3. reduction of personal income up to thirty percent (30%), having into consideration the nature of the violation;
  - 1.4. transfer to other correctional institutions for a maximum period of six (6) months;
  - 1.5. degradation;
  - 1.6. termination of the work relation.
2. Commission shall propose sanctions in harmony with the level of the disciplinary liability and the consequences of violation.

**Article 232**  
**Publicity of work of Correctional Service and Probation Service**

1. Correctional Service and Probation Service work is public.
2. The Minister and the General Director of the Correctional Service or the General Director of the Probation Service shall inform the public, directly or through authorized persons, on the execution of sanctions or probation works provided that the official confidentiality is preserved, there is no serious security or maintenance of order threat in the correctional institution executing the sanction and probation works.
3. With the consent of the Minister, the directors of the Correctional Service and Probation Service shall appoint a spokesperson.

4. All information concerning convicted persons and detainees on remand is confidential and shall not be disclosed or shared with the public or media.

5. Exceptionally, from paragraph 3. of this Article the Ministry of Justice may disclose confidential information to the media or other public information groups if the release of such information is in compliance with the overall social interest. Such confidential information shall not be disclosed if disclosure would be dangerous for the overall security and order of the correctional facilities or when the release of such information could harm the aim of the sentence.

6. Convicted persons shall not be interviewed by the media, local public groups or other individuals without his or her prior informed consent.

7. The Minister shall issue a secondary legislation on the confidentiality of information, information sharing and disclosure and media guidelines.

8. The provisions of the present Article are without prejudice to the powers of access that the Ombudsperson, judges and other judicial officials may have under the applicable law on confidential documents, files and information, Kosovo Criminal Code.

9. The Minister, in accordance with the act on domestic order of correctional institutions, may grant the access to the organization documents that are dealing with the Human Rights issues.

### **Article 233**

#### **Visits by individuals or groups to correctional facilities**

1. The General Director has the authority to approve visits by individuals or groups to correctional facilities.

2. Provisions from paragraph 1. of the present Article shall not be valid for representatives of state bodies when performing duties within their area of competencies.

3. Special attention shall be paid to enabling visits of local and international institutions and associations' representatives dealing with the protection of human rights, scientific researchers dealing with crime research, representatives of the media and students of the respective faculties.

4. The General Director may approve conversations with convicted persons, with or without the presence of the official person, for persons visiting correctional institutions.

### **Article 234**

#### **Medals, Appreciations, Acknowledgements and Rewards**

1. Prime Minister, Minister and General Director are authorized to give medals, appreciations, rewards and acknowledgements to correctional officers, other employees of the Correctional Service, distinct national and international legal and natural persons on the basis of merits.

2. The Prime Minister shall award the following medal:

2.1. Medal of Honor;

3. The Minister shall award the following medals:

3.1. Medal of Merit;

3.2. Medal of Courage; and

3.3. Medal on Life Saving.

4. General Director shall award the following medals:



- 4.1. Medal on Distinctive Service;
- 4.2. Correctional Medal of Appreciation; and
- 4.3. Medal on Loyal Service.

## **CHAPTER XXIII PROBATION SERVICE**

### **Article 235 Activities of Probation Service**

1. The Probation Service is a central organ of the state administration within the Ministry.
2. The Probation Service is responsible to carry out the duties below:
  - 2.1. organizing, applying and supervising the execution of the alternative punishments and the social re-integration of the convicted persons (probation duties);
  - 2.2. preparing social inquiries and pre-punishment reports for the committals of criminal acts;
  - 2.3. evaluating criminal risk and assessing the treatment needs of the committers of criminal acts;
  - 2.4. executing diversity measures and educational measures for juvenile;
  - 2.5. supervising and assisting convicted persons serving alternative punishments;
  - 2.6. supervising and assisting perpetrators addicted to drugs or alcohol subject to mandatory rehabilitation treatment which is executed in liberty;
  - 2.7. supervising and supporting the convicted persons on parole;
  - 2.8. developing of individual supervising programs;
  - 2.9. drafting of reports on execution the alternative punishments and on parole by jail for the prosecutors, courts and Parole Panel;
  - 2.10. guiding and supporting convicted persons on the completion of their sentence;
  - 2.11. keeping evidence and registry of the execution of alternative measures and punishments in electronic system for data management;
  - 2.12. any other task as defined by the Minister.
3. Ministry of Justice and Probation Service shall cooperate with state bodies, scientific and other institutions, local government bodies and other institutions and legal persons as well as share relevant information for the purpose of implementing probation duties.
4. Probation Service shall hold the status of a legal person.
5. Probation Service shall have its identification badge and shall be resident in Prishtina.
6. Internal organization and systematization of the Probation Service and the Regional Probation Offices shall be regulated with a special act to be approved by the Minister. This act shall be included as a special chapter in the Regulation on Internal Organization and Systematization of Posts in the Ministry.

**Article 236**  
**General Director of the Probation Service**

1. Probation Service shall be led by the General Director of the Probation Service.
2. General Director shall be appointed following an open competition by the Ministry of Justice in compliance with Civil Service provisions on the appointment of senior management posts within the Civil Service of the Republic of Kosovo. The professional assessment commission shall comprise professional representatives from the Ministry of Justice, Correction Service, a judge from the Appeal Court, state prosecutor and a professor from Faculty of Law – Criminal – Law branch.
3. The General Director shall be appointed for a five (5) year mandate with a possibility of re-appointment.
4. The General Director shall be directly accountable to the Minister.
5. The General Director shall lead, manage and control the Probation Service and all other issues related with the Probation Service.

**Article 237**  
**Conditions for the Appointment of the General Director of the Probation Service**

1. The duties of the General Director of the Probation Service may only be exercised by a person (incumbent), fulfilling the following conditions:
  - 1.1. shall be a citizen of the Republic of Kosovo;
  - 1.2. shall hold a university degree;
  - 1.3. has eight (8) years of professional work experience, out of which at least (5) in managerial posts;
  - 1.4. shall not be a member of any political party;
  - 1.5. shall hold a moral and professional reputation and was not convicted for a criminal act.

**Article 238**  
**Organizational Structure of the Probation Service**

1. Probation Service shall establish the following basic organizational units for the purpose of performing duties and tasks within its area of competency:
  - 1.1. Central Probation Service Office, resident in Prishtina; and
  - 1.2. Regional Probation Offices.
2. Internal organization and systematization of the Probation Service and the Regional Probation Offices shall be governed by the Regulation on the Internal Organization and Systematization of Posts in the Probation Service, to be approved by the Minister and it shall be included as a special chapter in the Regulation on the Internal Organization and Systematization of Posts in the Ministry.
3. Central Probation Service Office shall monitor and oversee the legality of work and actions of the organizational units of the Probation Service and Regional Probation Offices.
4. Central Probation Service Office shall establish its directorates and sectors. Directorates shall be led by Heads, to be appointed by the General Director of the Probation Service.

5. General Director of the Probation Service shall simultaneously serve as the Head of the Central Probation Service Office.

6. Regional Probation Offices, performing probation work within the responsibilities of the Probation Service, shall be established with a decision of the Minister for the territory of the basic courts. Regional Probation Offices shall be led by the Heads of Offices, who shall be appointed by the General Director of the Probation Office through an open competition in compliance with the Law on Civil Service.

#### **Article 239**

1. Having into consideration the risk, the importance and the special conditions of the work, every twelve (12) working months shall be calculated as sixteen (16) months of secured experience for the personnel of the Probation Service, whilst in the calculation of their salaries an additional income shall be provided.

2. Categorization of the personnel, the ones that shall realize the benefits which are set forth in paragraph 1. of this Article, shall be regulated with a special secondary legislation drafted by the Ministry of Justice.

### **CHAPTER XXIV SUPERVISION OF WORK OF CORRECTIONAL INSTITUTIONS**

#### **Article 240 Administrative supervision**

1. The administrative supervision of correctional institutions shall be carried out by the Head Office of the Probation Service in accordance with the legal provisions.

2. In implementing the administrative supervision, the legality of work and action, the legality of acts from the powers of the correctional institution director, work efficiency and suitability in carrying out the works out of the scope of correctional institutions shall be supervised.

3. Supervision with regard to providing health protection for imprisoned persons shall be carried out by the ministry in charge of health, while toward the ministry in charge of education shall provide education programs for convicted persons and their application.

#### **Article 241 Professional Board**

For the purpose of monitoring, research and advancing the system of the execution of criminal sanctions, a Professional Board shall be established comprising the representatives of scientific institutions, courts, administrative bodies, professional associations, civil society and other institutions dealing with criminality and education of convicted persons.

#### **Article 242 Internal Inspection of Correctional Facilities**

1. The Minister establishes the Inspectorate for the observation of the work of the Correctional Facilities (hereinafter referred to as: the Inspectorate)

2. The Inspectorate is a special organized structure and operates within the Ministry of Justice. The Head Inspector manages the Inspectorate.

3. Appointment and discharge of the Head Inspector and inspectors for the management positions shall be done in accordance with the rules of the Law for Public Service

4. According to this law and secondary legislation drafted for its implementation, the Ministry of Justice through the inspectors shall carry out the activities of inspection

5. Head of inspectors may be appointed a person who has a University degree and has at least seven (7) years of working experience, and four (4) years of working experience in management positions.

6. Inspector may be appointed a person who has a University degree and at least three (3) years of relevant working experience

### **Article 243** **Rights and duties of the inspectors**

1. The Ministry supervises the application of the provisions and professional work of correctional institutions, in order to ensure a unique system of the execution of penal sanctions, conveyance of the positive experiences, analysis and follow up of the performance of several organization units of correctional institutions, as well as providing professional assistance for those units.

2. The inspector shall supervise the implementation of the provisions of this law, secondary legislation drafted for its appliance, and has the authority:

2.1. to enter, at any time and without an announcement, in all the places and facilities of the Correctional Service with the intention of inspection;

2.2. to order that all the detected faults and failures be eliminated within a period of time determined by him;

2.3. to verify each case separately any time when there is suspicion of law violation. The inspector shall initiate the procedure either through his official duty or with the initiative of the interested person;

2.4. to recommend liable subjects to take disciplinary measures in accordance with the hierarchic structure.

3. The subject which has been ordered to eliminate his faults and irregularities according to paragraph 2., sub-paragraph 2.2. of this Article, after the elimination of the faults and irregularities, is obliged to inform the inspectorate within a time limit determined by the inspector and which time limit may not be longer than eight (8) days.

4. The inspector is obliged:

4.1. to make a report related to the supervision of the inspection he is operation;

4.2. to keep secret all the notes that he gathers during the inspection work which, and with the internal acts they are considered as confidential. The disclosure of such acts shall be done in front of the authorities determined by the law only;

4.3. to write regular reports for the Permanent Secretary, and, at least, once in three (3) months for the Ministry of Justice in connection with his detections.

5. Supervision of the work of correctional institutions with regard to financial control, employment, occupational safety, health care, sanitary measures of convicted and detained persons as well as conditions and the manner of nutrition, shall be performed by authorized bodies in compliance with special provisions.

### **Article 244** **Independence and Objectiveness**

1. During the performance of their duties the inspectors shall be independent and objective from any type of interference which may have a direct or indirect influence.

2. Inspectors shall perform their duties with professional skills and full responsibility and shall be free from any type of interference which may have an influence on the correct judgment or in the result of the inspection.

3. In the performance of inspection supervision, inspector is independent and takes actions based on the law and other provisions. Due to risk, importance and special working conditions, the Minister with a decision determines the additional amount on personal income for the inspectors.

4. The annual evaluation of each correctional institution is done based on inspection and that is:

4.1. by determining if the activities have been carried out effectively, especially those related to the admission procedure, applying of the disciplinary punishment, security matters, security matters, health and medical insurance and the provision of educational and social help;

4.2. by reviewing the confidentiality of the financial information and of those of management;

4.3. by verifying if the estates which belong to the Correctional Service are controlled and secured from loss, in particular, maintenance and cleaning of the premises;

4.4. by evaluating the effective usage of the human resources; and

4.5. by supervising if the determined objectives of the program have been achieved.

5. The Minister shall issue the secondary legislation in relation to inspection supervision of the work of correctional institutions.

#### **Article 245**

1. The director of a correctional institution and all employees are obliged to cooperate with inspectors in fulfilling their authorizations and duties with regard to oversight, make available all documentation and required data and enable them an unhindered performance.

2. During oversight, inspectors may talk with convicted persons in the absence of the correctional institution employees as well as all employees of the correctional institution in the absence of their direct superiors or the head of the correctional institution.

3. When deemed necessary, an inspector may put in the minutes the statements of persons from paragraph 2. of the present Article.

#### **Article 246**

1. The minutes from the performance of inspection supervision shall be sent to the Minister, General Director and Director of Correctional Institution, where the inspection supervision was conducted.

2. Correctional institution is obliged to act on the basis of measures ordered and timelines set and shall inform the Inspectorate in writing of its actions.

3. A director of the correctional institution may submit an objection with the Minister against the measures ordered and/or timelines set within eight (8) days from the day the minutes is received. The objection shall not postpone the execution of ordered measures.

4. On the basis of arguments in the objection, the Minister may stop or set other timelines for the execution of ordered measures or may order other measures for the elimination of deficiencies observed.

5. The object shall postpone the execution of ordered measures only if the report evaluates that in acting so the immediate danger for the life, health or property is eliminated and when this is in the interest of correctional institution security.

#### **Article 247**

1. If the oversight procedure finds that the correctional institution does not fulfill the health and hygiene conditions or if there is a security risk, the Minister may make a decision on provisional termination of operation of the correctional institution and transfer convicted persons or detained persons at another correctional institution.

2. If there is a security breach in the correctional institution, the Minister may dismiss the director of the correctional institution and appoint, provisionally, another person to perform the duties of the director of the correctional institution.

#### **Article 248**

1. Supervision with regard to the protection and the state of human rights and conditions where penal sanctions and other measures of the penal procedure are executed shall be conducted by the Officer on the Rights of Prisoners within the Office of the Human Rights in the Ministry.

2. Officer on the Rights of Prisoners shall perform supervision with regard to the protection and the state of human rights and conditions where penal sanctions and other measures of the penal procedure are executed by correctional institutions independently or in cooperation with competent inspectors or with international or other institutions that are competent in the oversight and achievement of fundamental human rights and freedoms in compliance with the law and respective international documents.

3. Officer on the Rights of Prisoners shall be independent in its work and the competent bodies and institutions are obliged to make available all data of importance for his/her work.

4. Officer on the Rights of Prisoners shall report to the Head of the Office on Human Rights and the General Secretary of the Ministry.

### **PART SIX TRANSITIONAL AND FINAL PROVISIONS**

#### **CHAPTER XXV TRANSITIONAL AND FINAL PROVISIONS**

##### **Article 249 Secondary legislation**

1. The Minister shall issue the Secondary legislation for the implementation of this Law within twelve (12) months of the entry into force of this Law.

2. Until drafting the secondary legislation provided by this law, the provisions issued under present provisions shall be applied, unless they are inconsistent with this law.

3. The Minister of Education with the consent of the Minister of Justice in a period of six (6) months following entry into force of the present law will issue the secondary legislation, regulating the education of the convicted persons (Article 83 paragraph 7.).

##### **Article 250**

The execution of sentences initiated before the date of entry into force of this Law but which have not been completed by this date shall be continued and finished according to the provisions of the present Law, unless the provisions of the previous applicable law are more beneficial to the convicted person

### **Article 251**

Upon the entry into force of this Law, if any prescribed period of time is running, such period shall be counted pursuant to the provisions of this Law, except if the previous period of time was longer or the provisions of the present Chapter provide otherwise.

### **Article 252**

1. With the entry into force of the present Law, the following correctional institution in the Republic of Kosovo shall continue working:

- 1.1. Correctional Centre Dubrava- closed-type correctional facility;
- 1.2. Correctional Centre Lipjan- semi-open type correctional facility;
- 1.3. Correctional Centre Smrekovica - open-type correctional facility;
- 1.4. High Level Security Prison – closed type correctional facility with maximum physical and technical security.
- 1.5. Detention Centre Lipjan- closed/semi-open type correctional facility;
- 1.6. Detention Centre Prishtina- closed-type correctional facility;
- 1.7. Detention Centre Prizren- closed-type correctional facility;
- 1.8. Detention Centre Gjilan- closed-type correctional facility;
- 1.9. Detention Centre Peja- closed-type correctional facility;
- 1.10. Detention Centre Mitrovica- closed-type correctional facility.

### **Article 253**

#### **Superseding provisions**

The entry into force of the present Law shall supersede the Law on Execution of Penal Sanctions, Official Gazette of the Republic of Kosovo No. 79/2010 and Law on Organization and Business of the Economic Units within Facilities for the Execution of Penal Sanctions ("SAPK Official Gazette, No. 46/77).

### **Article 254**

#### **Entry into force**

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

**Law No. 04/L-149**  
**29 July 2013**

**Promulgated by Decree No.DL-035-2013, dated 16.08.2013, President of the Republic of Kosovo**  
**Atifete Jahjaga**