



**KËSHILLI PËR MBROJTJEN E TË DREJTAVE E TË LIRIVE TË NJERIUT**  
COUNCIL FOR THE DEFENCE OF HUMAN RIGHTS AND FREEDOMS  
Rr. Nëna Terezë nr. 24/2 – I/I, Prishtinë-Kosovë; tel. 381 (0) 249006 fax: 381 (0) 38 244029  
E-mail: [kmdl nj.cdhrf@gmail.com](mailto:kmdl nj.cdhrf@gmail.com); <http://www.cdhrf.net>

# Monitoration Report 2016

**Ministry of Justice, Correctional Service and  
persons deprived of liberty, to salvation or boat  
sinking in the absence of transparency and  
accountability**



Prishtinë, 2017

All rights are reserved, except for the quotation of short passages for the purpose to criticise and review, no part of this document can't be reproduced, be saved in renewable systems, or be transmitted in any form including electronic, mechanic, photocopying, recording tools, etc., without written or said permission of CDHRF.

Prepared by:

Behxhet Sh. SHALA & Valentina DEMOLLI

**Content:**

History of Council for the Defense of Human Rights and Freedoms.....	4
CDHRF activities.....	4
Infrastructure of Correctional Service of Kosova.....	5
Treatment .....	7
Material Conditions .....	10
Food and Hygiene.....	12
Hygiene.....	13
Health Care .....	14
Complaints Mechanism .....	19
Law on execution of criminal sanctions .....	20
Kosova Probation Service.....	26
Findings.....	31
Recomandations.....	36

## **Council for the Defense of Human Rights and Freedom History**

Council for Protection of Human Rights and Freedom is the first NGO that was formed in Kosovo. It was formed on 14th December 1989, by a group of human rights activists, that talked in the name of those who had no rights, that means their rights that were denied. CDHRF represents a heterogeneous organization of intellectual and national structures. CDHRF is a nongovernmental, nonpolitical and nonprofit organization, and its headquarters is in Prishtina. Also, there are honorary members, who are honored by USA and different European Countries. They represent CDHRF in certain situations. Adem Demaçi, winner of Sakharov Prize, is honorary chairman of CDHRF. CDHRF is a member of the International Federation for Human Rights, that is based in Paris, and also is a member of Balkan Network for Human Rights. Moreover, CDHRF is a member of the Association of Endangered Peoples in Göttingen (Germany).

### **CDHRF activities**

CDHRF documents violations of human rights and denounces the perpetrators of these acts to inform the public through reports, publications, press releases etc. CDHRF publishes feedbacks, information or reports, in case of violations of human rights. CDHRF has published some books. They are: "Te drejtat e mia" (My Rights) I, II and III, for students from grade III to grade IX; "Te drejtat e njeriut" (Human Rights), "Monografine e Kosoves per Krime Lufte 1998-1999 - Vellimi i pare" (Kosova Monography of War Crimes 1998-999 - First volume); "Mbrojtja nderkombetare e te drejtave te njeriut" (The international protection of human rights); " çeshtja dita"; " Te drejtat e pakicave" (minority rights) etc - those all are for high school students, teachers and university professors. CDHRF was the first non-governmental organization from Kosovo that has collaborated with the International Criminal Tribunal and that has submitted criminal denunciation against Yugoslav leaders, that are suspected for war crimes. One of CDHRF goals is to find people who are considered missing, and to know their destiny. CDHRF does interviews with returning refugees and displaced persons and monitoring the process of their integration into society.

Protecting the rights of minorities and their integration in society are long-term strategic commitment to CDHRF.

CDHRF deals with education for human rights. In this context have organized training for human rights for members of the KSF and KP. CDHRF monitors the local and general elections, monitoring the proceedings, detention, detention, investigation prisons and correctional facilities and other institutions following the election. CDHRF organizes roundtables, debates, seminars etc. dealing with human rights. Within CDHRF works SOS phone service for free legal services. CDHRF since 2000, for ten years organized the International Documentary Film Festival on

Human Rights "One World". CDHRF has been the main organization that monitored the elections that were held in Kosovo - 2 local elections and two general elections. CDHRF monitors for years the choice of the Ombudsman and the election of judges to the Constitutional Court. CDHRF is a member and Deputy Chairpersons of the Ministerial Working Group on Dealing with the Past and Reconciliation.

### **About Project:**

During implementation of the project supported by KFOS, CDHRF has made a general assessment on the findings of the monitoring process in Police Detention places, detention centers and correctional centers, divided into 7 core areas that are considered by CDHRF staff :

- a. Treatment of prisoners and correctional staff in view of the protection of human rights;
- b. Material conditions;
- c. Regime and activities;
- d. Service and medical care;
- e. Implementation of the Law on Execution of Criminal Sanctions;
- f. Correctional Center staff, detention and police detention centers;
- g. Assistance and legal issues.

### **Infrastructure of correctional service of Kosova:**

Correctional service of Kosova is responsible to manage the objects where are placed deprived persons from freedom and also offering good conditions, so they can hold the penalty according to LESP, by respecting their dignity and human rights according to international standards. In Kosova there are some detention places, and some of them are in: Prishtina, Peja, Gjilan, Lypjan Prizren and Mitrovica. Because there is not enough space, a pavilion of Dubravaa jail and one on the high security jail are used as a detention place, even though this is a correctional place. Detention places are used for persons that are under investigation or for them that are going to get the full judgment. Also on detention places may go people that are not punished for a long time but ask for that, and also for a period of time people that are dangerous, according to relevant authorities.

Correctional places are: Correctional place in Dubravaa, where are people that are punished for a longer time; Correctional place in Lypjan, where are punished women or those that are on custody and also young people that should be under control; Correctional place in Smerkonica, where are people that are not dangerous and haven't made big crimes. Also, you may find in

Dubrava people who passed the resettlement process and people who have less than 2 years detention on getting the final punishment. In Dubrava are closed pavilions, half opened pavilions, opened pavilions and jail for the protected witnesses. And also the high security jail in Gerdoc, Besiana. Pavilion for protected witnesses, in Correctional place in Dubrava does not work because there are no detainee, and this means that all investments there have failed. Protected and cooperative witnesses are located in High Security Prison in Gerdoc.

Financial support for Correctional Services of Kosova for 2016:

Wages and salaries	9,762.593.57 €
Wares and services	3,807,526.97 €
Utilities	605,312.72 €
Capitals	1,422,500.00 €
Total	15,597,933.26 €

KCS objectives for 2016 are: Getting in function 2 new detention places in Pristina (Hajvali) and in Gjilan, also getting in function the detention place that includes educational part for younger people in Lipjan. Moreover, KCS says that budget for this year is not enough. CDHRF also estimates that this year budget for KCS is not enough to make them function and stable. KCS budget hasn't changed since 2015, although there is a lot of shortage, mostly when it comes on increase of correctional and administrative staff, completion of the roles where still work undefined employees, and also on improvement of conditions for the correctional staff. This budget is not or almost enough to develop prison economy or to create new jobs for people that are deprived of liberty.

### **How many people were deprived of liberty at the end of 2016:**

Numeric state in all institutiona in December 2016: punished people 1238; detainees 444.

If there isn't congestion in correctional and custody places, there are around 1600-1800 detainees.

KCS objectives for 2016 are: Getting in function 2 new detention places in Pristina (Hajvali) and in Gjilan, also getting in function the detention place that includes educational part for younger people in Lipjan. Moreover, KCS says that budget for this year is not enough. CDHRF

also estimates that this year budget for KCS is not enough to make them function and stable. KCS has build two new centers in custody place in Gjilan and Hajvali (Prishtina), where they can accept around 300 people.

There can not be covered all neccessary costs notably, when we know the fact that during 2016 there were 1238 punished people and 444 detainees.

In Correctional Service of Kosova and in most of correctional institutions, punished people can work and they will be paid 1€ per day. During 2016, around 600 punished people have worked in all institutions of KCS. CDHRF estimates that this number is little according to the capacity of KCS.

KCS has 1613 people in their staff, 174 of them are civil employees, 118 of them are supporting staff and 1321 are uniformed staff. Whileas, in Februar 2017 it it was opened an application to hire 70 correctional officers for 2 places: High Security Prisom and Custody Place in Gjilan. In the incoming 2 years is predicted at least 200 correctional officers to retire, so as an strategic plan is the increase of professional staff, in order that this transitional period to be passed in the best way. Professional staff increase is important, mostly in Correctional place in Lipjan where women corectional and educative staff that will work with youth, should be rechoosed.

#### **Acceptance and life organization:**

By bylaw on domestic order in correctional institutions regulates the organization and ways of life of inmates and detainees, in particular:

1. Acceptance and placement;
2. Familiarity with house rules and other provisions;
3. Food, health protection and implementation of hygiene measures;
4. Ways of meeting the religious needs;
5. correspondence, receiving visits and packages;
6. conditions and ways of disposing of the money earned as compensation for work and rewards;
7. the way of using annual holiday;
8. keeping order and discipline;
9. The system of disciplinary offenses and sanctions;
10. Conditions and the way disciplinary and lonliness offenses are applied;
11. Types of benefits, conditions and the way benefits are used;
  - 1.13. organization of cultural, educational, sports and entertainment activities;
12. Open space staying;
13. Release and help when they finish they detention in prison or in custody;
  - 1.16. other cases that are important for the conditions and the way keeping the measure of imprisonment and detention.

Even though in correctional institutions has been tried to improve the placement of deprived of liberty people into right pavilions, there is still missing a strict and correct placement of them, because there aren't good divided in pavilions by age, kind and how bad was the crime, ignoring the fact if they were punished before, their mental and physic health, requests for special treatment, their location of residence or location of residence of his family, his safety, as well as reasons pertaining to education or work that may be important for their social reintegration, after they finish their resocialization process. Also, in C.P Lipjan there isn't a division between youth and older women, and this can be a problem and be dangerous for the youth that are placed in common areas with the older ones. The categorization of prisoners, especially their classification remains a concern for CDHRF. It is promising fact that when Custody Place in Prishtina will be in fully functionalized, there will be placed classification unit for punished people, so, there will be less problems.

## **Treatment:**

In Kosova there were absences of human and professional infrastructure about the treatment of prisoners, because there wasn't any treatment according to professional and temporary principles. Unfortunately there are so many cases when people were not treated under human dignity, had psychological pressure, there were not enough medical care, not enough medicaments, and also they were discriminated during the benefits delivery.

Even though, lately there are made some investments on conditions in correctional and custody places, where prisoners have to take the punishment are far from international standards, that must be on every country that is or wants to be on EU. But Kosova is before some EU countries about physical conditions and about people who are deprived of liberty.

Based on CDHRF methodology about monitoring human rights at correctional institutions, punished people treatments and conditions during the reporting period most attention were dedicated between staff and inmates, and also the climate inside correctional institutions. In general inmates and detainees treatment is good, especially at custody places. Good reports can be seen even in Correctional Places, but what worries us is "to friendly and close" relations between prisoners and uniformed staff. Familiarity between some prisoners and staff makes us think that there are personal benefits.

But, based on the closed nature of institutions (that are for depriving of liberty), knowing that those are away from citizens and others eyes and that they can not be monitored all the time from outside, there are cases when uniformed employees have exceeded their official authority. In 2016, during the monitoring period, but also even when we weren't there, deprived people call and tell us about eventual violations. Also, there were some cases (less than in 2015) where they were abused. Those cases were raported in C.P Dubrava, and then they leaders were informed. There were some declarations that there is present corruption, nepotism, and double standarts in

application of regimes and privileges. The only case of suspension was in C.P Dubrava, also there have been suspended some of the staff of this place because of the missuse of official position, including the leader and main doctor.

All those people that have better economic and social status in society, are treated better and are differentiated, meaning that they are treated better than the others. This starts from the determination of the place where they will stay, determination of the pavilion, room and its conditions, social and health treatment, and in the end in the process of forgiveness from Parole Panel or director. And what's more is non equal treatment during the benefits, where the "strongest ones" are more privileged.

- **In High Security Prison in Gerdoc** in general there were no complains about staff behavior, even though most of them are new and have less experience. There have been some complaints that there were verbal insults by the staff, but we could not prove that, because we are not allowed to use camera, but even detainees don't have this right. Were reported 6 cases when prisoners were insulted, but also 3 cases when staff was insulted and threatened.
- CDHRF had some complaints from inmates for incorrect behavior, insults or physical mistreatment from staff of Correctional place **in Dubrava**. 4 cases were reported during the reporting period when physical force was used against prisoners. Inmates particularize some pavilions for incorrect behavior from correctional staff, ignoring their requests etc. Also is said that there is corruption and nepotism, discrimination or double standards on applying of regimes and privileges or benefits. There were lack of specific treatment for people in need (pavilion 7 on Correctional place in Dubrava). People in need are arranged separately, but they do not have any special treatment – for their needs or requests. There are no provisions or guidelines that fix treatments and administration with this category. Great number of elderly inmates does not have special treatments that they need. These are located in center of the stationary, on the second floor , which is not eligible to stay, and much less for proper treatment. Here are as well placed people with restrictions on movement who do not even have toilets in the room (room no.8) where they stay, toilets are located outside the room and always staff should be called to help those people. The situation gets harder when this room doesn't even have drinkable water, and their basic needs and conditins are not met.
- Complaints for severe behavior and nonchalance from certain members of staff had in **Correctional place in Prizren** too. CP in Prizren is the most problematic center of KCS. For this kind of cases CDHRF, respectively CDHRF office in Prizren (CDHRF- Prizren) has made some reports getting inmates statements, and sent them to Police inspectorate (they are responsible for those kind of investigations/doubts). Moreover, death of a detainee (A.D 07.11.2016) in unclear circumstances was the worst case This case has aroused great public interest and in institutions, due to the irresponsibility of correctional staff because in the custody situation detained person is not allowed to stay alone in a

custody room. On 11 until 14/11/2016 convict XH.K from Prizren, serving a sentence in Dubrava Prison was in a weekend leave, with the permission of the relevant authorities. The person has been wanting to return to the Dubrava Prison on 14.11.2016 up to 15.00. According to CDHRF, it was only the first day in Prizren for a few minutes and then no one knows where he went. So there have been cases of escape. Xh.K. has been convicted of murder and grievous bodily harm to 20 years in prison, and was serving a sentence in Dubrava Prison. It is not known if the aforementioned fled abroad or is hiding, as the family has stayed with him on date 11.11.2016 few minutes and left in an unknown direction. Also, DC Prizren dated 23.11.2016 has begun a hunger strike by detainees refusing meals of breakfast, lunch and dinner. Also involved in the strike have not been put on the usual hike on Wednesday. While treating with therapy, they have rejected it. That strike lasted only a day. Officially on date 11/24/2016 strike was stopped. But, on 12.25.2016 in Prizren a detainee in DC (G. E.) assaulted a correctional officer (S. M). According to the records of security cameras shows the clash, from which greater injury received correctional officer.

- In **Correctional Center for women and minors** during this period of time there were some complaints about the treatment, whether to minors or to women. Is worth mentioning that CDHRF in cooperation with Kosovo center of rehabilitation of tortured victims (Task force group on preventing torture) have monitored closely implementation of EQUIP program, funded by Dutch Helsinki Committee whose goal is security improvement of minors and also the management of stress and anger to the relief of re-socialization after release. 3 cases were reported by minors, that was used violence against them, but they couldn't prove that. Whereas at women place was reported only 1 case when correctional officers intervened in a physical fight between Albanian and Serbian prisoners.
- In **Correctional Center in Smerkonice** where are located people that have only 2 years left on their punishment, were no complaints about the treatment from correctional staff. Correctional Place Smerkonice is half opened type, where relations between inmates and staff, and also inmates between them are good. There are no severe cases of harassment or inhuman treatments. There were complaints about the work of Parole Panel and requests to spend more time at home during weekends.

## Material Conditions:

State of population in correctional places during the reporting period was:

- **Correctional Center in Dubrava**, as one of centers with most placement capacity, this year wasn't faced with overcrowding problem because of this is because of renovations that were made and also because of the fact that in some pavilions, like pavilion 8, where

are placed high risked people, there couldn't be set other punished people. Damaged objects, including residential premises of Dubrava C.C (pavilion 1,2,4 and 5); is being renovated Pavilion 3. Also in 2013 were painted pavilions 4,5 and 6. Kitchen on Dubrava C.C was renovated in the beginning of 2013, but it's equipments were the same, and most of them now don't work even after 2 years. Even though the stationart of C.C Dubrava was renovated, doesn't mee conditions for old people and people in needs. In halls and corridors In corridors and halls damaged and not in good conditions tiles and sinks could be noticed, so that's not a place to hold deprived of liberty people and those with diseases. Even for staff who work here, the conditions are not good.

- **Correctional Center in Lipjan** there are placed 43 women, including 2 minors. In other pavilions are placed 45 minors. 9 of them that are convicted of misdemeanor are held to work and the others are transferred in other correctional places. C.C Lipjan is in shortage of rooms interior in (cupboards for clothes). In C.C Lipjan bathrooms are common, and toilets are placed in rooms and are opened (without physical separation). Every room has a TV, and also they have a room where they can stay together.
- **Correctional Center in Smerkonic**, that is half opened type, has a capacity of 200 places in pavilions, and 16 places in reception rooms or called passing rooms. There are 201 people. In the end of 2013 it was all renovated, which now offers better conditions for inmates and also for the working staff. Space out of buildings is loaded with unnecessary containers that strangle this space which can and should be used for other purposes.
- **HSP in Gërdovc**, that has a capacity of 390 places, made the first admission on may 31th 2014, and now has about 82 prisoners. Should be mentioned that this year HSP in Gerdoc will have it's first anniversary in May, since it was fully functionalized. This prison is built by highest standards and satisfies physical conditions for all inmates and staff too. CDHRF review is that HSP looks more like a custody place and not like a correctional place, so that can produce negative psychological effects for those who are punished with high detentions, and those who are punished for life.
- **Custody Center in Lipjan**, which has a capacity of 170 places are placed about 144 detainees, 23 of them are punished. After some renovations this place still doesn't have good conditions for prisoners and staff. It's worth mentioned that CDHRF has recommended to close the clinical centre, because it does not meet physical conditions for all the people for medical treatment, and not even the conditions for medical staff. There was a water leak that passed near cupboard where medications were. When C.C in Hajvali will be functionalized, C.C in Lypjan will be closed.

- **CC Mitrovicë**, has a capacity of 55 places, where are placed 39 people. It's located in the north part of Mitrovica, and there are only Serbian detainees and not Albanians. The renovations that were made have improved conditions for punished people, detainees and staff. The room for free visits for prisoners hasn't still been functionalized.
- **CC in Prizren**, has a capacity of 92 places, there are about 97 people. It is a center that has good conditions, and is in accordance with standards, but it has some problems.
- **CC in Pejë** has a capacity of 80 places, plus 6 that are separated, and there are placed about 71 people. It has very little natural lights, for people that are placed and for the staff. In CC in Peja shared bathrooms are constructed in that way that violates detainee's privacy – without any physical separation.
- **CC in Gjilan** has a capacity of 94 places, and there are placed 82 places. CDHRF has recommended building a new place for CC in Gjilan. During the reporting year we were announced that works were already finished. The new place will have a capacity of 300 people and will contribute to reduce overcrowding in other correctional places. This place didn't meet the conditions for the inmates and also for the working staff. Punished people and detainees have assessed the will and the good behavior of the staff in this place. The new place is inaugurated. There were some problem with drinkable water, and this has prevented transfers in this object. In the meetings that we had with KCS, they told us that in cooperation with municipality of Gjilan, they achieved to pass this problem, and transfer in the new object will be made soon. It should be completed the construction of infrastructure and processing plant wastewater. In this place are 2 divided rooms for non-albanian and serbian detainees and prisoners.
- **CC in Prishtina** because of bad conditions, fortunately is closed, so staff and detainees got transferred in other places. In Hajvali is being build the new object that is thought to substitute C.C in Prishtina. This center will have a capacity of 300 detainees and prisoners. Even for this center works lasted more due to tendering procedures for the construction of a wastewater plant. In Custody Places in Mitrovica, Gjilan, Peja and Lipjan were no remarks on use of physical force except verbal insults that are interrelated. For the first time detainees from Mitrovica (Serbs and Romans) have requested to move to other prisons in Kosova, mainly in Lipjan and Gjilan, so they were "breaking the ice" of ethnic separation.

Those that were transferred in other places (Lipjan, Gjilan and HSP) are satisfied with the treatment and they don't feel discriminated in ethnical way.

Almost in every correctional institution, cupboards for clothes and other personal things are in lack. So, they are obliged to put those things into bags or paper packages and to put them under their beds. Even for the staff there are no drawers, chairs and tables.

During 2016 were renovated (inside spaces) in half-opened pavilion in Dubrave, pavilion 5 in Dubrave and the kitchen in C.C in Lipjan.

## **Security and staff:**

Regarding to security, still all correctional places aren't equipped with security cameras, notably C.C in Dubrava and Smerkonica.

During 2016 only one case was that the prisoner escaped (C.P Lipjan). Whereas from 11 cases of leaving, only 5 came back.

The measures imposed on staff; suspended officials are 5.

19 people were left: 9 retired, 3 resigned, 2 left disciplinary committee, 5 died and 19 employees were punished with -30% of their wage.

## **Food :**

A punished person has the right for adequate food, so they can have good health and strength as well as 3 meals a day, which have to be different and need to have enough calories. The food provided to a convicted person must adapt to their age and health condition, nature of work, seasonal and climatic conditions and as far as possible, his or her religious and cultural requests. A convicted person who does heavier jobs, a sick person, a pregnant woman, or a woman who has given birth, has the right to have the food which was given by a doctor. Except the sustainability of supplying food, special attention should be paid to the quality and diversity of the food that is offered. Food calories should be within established norms, while the amount of food should be within the allowable limits; Content, origin and shelf life of food should be made known to prisoners and detainees. Management of correctional institutions claim that centralized procurement procedures are the main cause of problems with the supply and quality of products, not only hygiene products but others too, including equipments or inventory. Decentralization of procurement procedures has been mentioned for nearly five years, but has not yet been reached.

Quality, ways of serving, hygiene and food supply in 2016 were mainly on the level. There was an interruption of supply with meat and fruit but, according to KCS that has been as a result of the tendering process. All participants in the kitchens have sanitary booklet and food samples are always stored.

Dubrava C.C kitchen has been renovated but this renovation, as well as many others that were made in correctional institutions are not made in the best way and accordance to standards. In food warehouse there were water leaks, and those leaks damaged the ceiling of this warehouse.

There are complaints regarding the quality of hygiene packages, of which there are cases when they are missing. Food stuff are stored under suitable conditions (meat and milk items) and the supplying is made weekly. There are allowed food packages from the family but, for those who can afford it, the supplying is made from the prison shop (canteen).

## Hygiene:

**Correctional Center in Dubrava** – Bathrooms are placed into rooms, including toilets, and their condition is out of every standard; Some pavilions has shared baths and toilets, but cleanliness it's not in a good level.

There's not always warm water (2 times per week) and because of this inmates are forced to improvise different methods to make water warmer, and it's dangerous; There are complains about the quality of hygiene products. There are expired items and replacement of items that are not included in the specification. In some pavilions there are no sheets and covers for pads for months; maintenance of hygiene and laundry of rooms got more difficult because of problems with moisture.

**Correctional Center for Minors and Women in Lipjan** (Punished and detained women): Bathrooms are shared, and toilets are into rooms and are opened, there are water leaks in most of toilets; There is humidity into rooms and halls, so is impossible to be cleaned; Warm water supply is good; Every 15 days sheets are changed, and clothes are cleaned by machines every week; Supply with hygiene stuffs is satisfactory, but their quality is not good. Despite those problems, women keep the areas where they stay in good conditions.

**Minors:** Bathrooms are shared, in most of toilets ceiling is moldy from water leaks, and cleanliness it's not in a good level; they have warm water, and they take 3-4 showers per week; Sheets are changed every 15 days, and clothes are sent to laundry every week. Supply with hygiene stuffs is satisfactory, but their quality is not good.

**In High Security Prison in Gerdac** all rooms are equipped with toilets, which aren't separated from other parts of the room, on which CDHRF reacted. Whereas cleaning bathrooms are in common, and they have separated cleaning days.

Contract to supply with hygienic material for institutions of KCS has the company "BENI DONA PLAST" connected by the Central Agency for Public Procurement. There is lack of some items that are necessary for the maintenance of hygiene.

## Health Care:

Health system of prisons is under the management of Ministry of Health, the health department of the prison (Department of Internal) in Kosovo, that manages and monitors the functions of health services through health units in health institutions, which are located in prisons that are owned by the Ministry of Justice. Prison Health Unit is a specific and organizational health form, which is located in this prison and includes all health activities

conducted in the prison. Prison Health Department has 122 regular staff and 16 medical consultants in different fields.

Prison Health Service (PHS) a few years ago was divided by the Correctional Service and the Ministry of Justice going so under the Ministry of Health. Relations between Preason Helth Department and KCS are noted that aren't that good, sometimes their representatives don't even communicate. Health Service in prisons currently collects the greatest number of complaints, including non - professionalism in service delivery, lack of specialized staff in relevant areas, lack of nurses and tracking staff, lack of preparations health for examination, lack of specific medicines, lack of treatment of serious diseases, etc.. It has consistently 24 hour nursing service in all Preason Helth Unit. All PHU had doctors every day and those on call too, and Dubrava Prison had 24-hour medical service.

Budget for Prison Health Service for 2016 was €2,328,518.93 and for 2017 is thought to be €1,027,431.31. So in 2017 this service will have a smaller budget and this will make the quality of health services lower..

According to LEPS medical care, evaluation, psychiatric or psychological treatment can be applied to a convicted person only with his consent (Article 48).

**Correctional Center in Dubrava:** Staff is composed of: 6 doctors, 28 technicians, and a psychologist that also works on Custody Place in Peja. During the day, there work: 2 doctors and 6 technicians, laboratory worker, pharmacist technician and during the night a doctor and 2 technicians. Even areas that are intended to offer health services, in many institutions do not meet the requirements to provide health treatment. A special case is C.C Dubrava, which have a so-called "polyclinic" where health services are provided. This building was recently renovated but the quality of the work has been very weak, so, the floor tiles are damaged. Also sinks on the second floor, where are located deprived persons that have various diseases. This polyclinic don't meet conditions even for medical staff.

Also, this polyclinic does not meet conditions to keep people with disabilities. We have a case where B.I which is paralysis of the lower extremities and is in a cart for disabilities. The same person is in room 7, where there is neither water nor toilet inside the room. For all the needs he needs ask for the help of correctional officers. Baths are in front of the room, which also makes it difficult to access because its entrance has a higher portion which prevents persons with wheelchair to access easily and without being helped. D. H is diagnosed with a disease that in the absence of conditions in Prisons Health Service can not be treated here or in Clinical University Center of Kosova (QKUK in al) Moreover, for those that we mentioned earlier, the prison does not provide main medications for the diagnosis, so, they are obliged to to get those medications through family, which is very costly. Even the director of Prisons health service says that this situation can be dangerous for the life of those prisoners.

In 2016 there was no absence of the essential medicines. Supply was made regularly (monthly), but there are lacks of medicines for specific diseases for which the detainees are

obliged to get them by family members. Waitings for a prisoner to be treated are some of the biggest concerns that the prison health system has currently.

There is an adequate warehouse for medicaments. Medicaments are ordered on the basis of need, twice a year, for stocks, in charge is the technician of the pharmacy. Ministry of Health deals with expired medicaments.

During this year, there were also prisoners accepted with mental illness, and psychiatry takes care of them. For the moment, these prisoners are treated only with medicaments and there is no other rehabilitation activity.

Loneliness; The punished in loneliness person gets examined by a physician before isolation, it has regular visits every day and extra as required. There is no evidence that on any minority group loneliness is applied more.

The hospital is organized in some specialist services: Small Surgery Service, Orthopaedics, Cardiology, Pulmology, Physiatry (which was very well equipped with modern exercise equipments), psychiatry, dentistry and pharmacy. This center still has in function only one vehicle which is modified and is used as an ambulance, but it does not meet the requirements.

**Correctional Center for minors and women in Lipjan** – Hospital: Staff is composed of: 6 technicians, 4 doctors, 1 dermatologist doctor - who is responsible for the polyclinic and a doctor who is practican. - 1 psychiatrist, once a week and when is called, 1 gynecologist Dr. H.Q, that works twice a week. Also, in this correctional place is a dentistry polyclinic, who works 4 hours per day, 3 times per week. Gynecology room is equipped with good equipments, but an old ultrasound device is not fixed, and an portable device is not in a good level. Now is being used even the stationary, that it serves for operated people or those with contagious. During our monitoration we didn't notice that any medication was missing.

Whereas in **Custody Place in Lipjan** - CDHRF recommended to close it as soon as possible, because it does not meet physical conditions: it doesn't have proper height, there is water leak (under matron table) and also leak go near cupboards where medications are. We have evaluated that this polyclinic does not meet working and treating conditions.

In **Correctional place in Smerkonice** polyclinic is in good conditions because it was renovated in accordance with European standards.

In Correctional Place in Smerkonice works only 1 doctor, and how is said she doesn't work 8 hour (full schedule), even though she has regular contract. There also work 2 technicians (and how it was confirmed to us, in July there will be 2 more technicians). As regards food and medicaments there are no problems, and condition is getting better. But, in this place there is no dentist and psychologist.

**HSP Hospital in Gerdoc** every space is at a good level and almost everything meets conditions. In HSP Prison there was a doctor every day who could be in service for 12 hours and when he was on call. Dentist room is in good conditions, and has all needed equipments, but

there were no dentist, even though his contract includes full working hours. In lab room were performed blood and urine tests, and those were made by laboratory technician, who comes from Correctional Place in Dubrava once a week. Also this hospital had a special room, where were saved every punished and detainee data, and those were saved in different cupboards. This hospital also had emergency room, and had ECG device. Doctor and nurse said to us that this hospital was good equipped with medicaments, and they were saved in magazines, on which were controlled by store-keeper, who the day we went was accepting the new packages. Doctor also said that there were all needed medicaments, and especially those that are most used.

Hospitalization room had a capacity of 11 people. Also there is an infective room, but within a year there weren't any cases to be treated here. Hospital had even a special room and a kitchen for nurses. Something disturbing for CDHRF was that at entrance there were no turnkey, even though in that place should be one.

**Cases of treatments made by medical staff in correctional centers and custody places during 2016:**

Nr.	Indicator	C.C Dubrava	C.C Lipjan	C.P Lipjan	C.C Smrekonica	High Security Prison	C.P Peja	C.P Prizren	C.P Gjilan	C.P Mitrovica	Total
1	Accepted Prisoners	1124	256	426	459	55	465	538	739	92	4154
2	Released Prisoners	775	230	316	412	8	367	531	552	71	3262
3	Prisoners on reported day	9381	1080	1540	120	148	578	997	794	474	15112
4	First doctor visit when accepted	1124	256	426	459	55	464	583	739	92	4198
5	Medical consultations	17260	2929	3112	2475	2860	2089	1122	1463	514	33824
6	Psychiatric consultations	597	336	319	65	286	257	880	795	332	3867
7	Psychological consultations	854	628	615	0	427	0	681	592	0	3797
8	Dental services	975	780	229	397	372	79	127	0	102	3061
9	Other medical services	10214	2433	0	244	56	485	169	726	1	14328
10	Total of health consultations	30041	7211	5016	3640	4001	3849	3562	2850	1031	61201
11	Hospitalization in Dubravas Hospital	82	0	1	5	5	28	0	2	0	123
12	Hospitalization in cyvil hospitals	60	11	24	8	14	4	12	11	7	151
13	Sendings out of correctional institutions for consultations	886	287	191	167	357	6	0	245	48	2187
14	Sendings outside the correctional institution for intervention	0	2	23	75	14	9	0	1	6	130
15	Institutional transfers for health reasons	0	251	0	10	0	4	0	4	0	269
16	TB Cases	0	1	0	1	0	2	0	0	0	4

Fehler! Verwenden Sie die Registerkarte 'Start', um Heading 1 dem Text zuzuweisen, der hier angezeigt werden soll.

17	Hepatitis Cases	7	0	0	2	0	0	1	2	2	14
18	HIV positive Cases	1	0	0	0	0	0	0	0	0	1
19	Neurosis	584	199	87	43	0	197	583	412	136	2241
20	Psychosis	169	4	64	8	352	189	111	12	31	940
21	Cardiovascular diseases										
22	Respiratory diseases	588	511	384	198	227	251	468	114	107	2848
23	Gastrointestinal diseases	661	325	413	103	322	139	263	57	106	2389
24	Urogenital diseases	293	109	102	41	107	49	132	28	25	886
25	Skin diseases	239	242	43	50	178	50	148	47	47	1044
26	Sexually transmitted diseases	14	1	0	0	5	1	0	0	0	21
27	Locomotor system diseases	1044	555	52	111	289	133	154	117	50	2505
28	Infectious diseases	42	0	84	31	1	11	5	4	0	178
29	Self-injuries	88	26	3	0	9	10	2	4	0	142
30	Body injuries	38	95	3	15	19	11	5	2	0	188
31	Sexual abuse	1	0	0	0	0	0	0	0	0	1
32	Hunger strike Cases	55	2	5	0	9	12	4	4	46	137
33	Attempted murder	6	1	1	0	3	0	0	0	0	11
34	Loneliness (isolation)	162	24	3	25	13	19	0	3	1	250
35	Deaths in prison	2	1	0	0	0	0	1	0	0	4

Cases from Polyclinic  
in 2016

	Data Type	Dubrava	C.C.L	C.P.L	Smrek.	H.S.P	Peja	Prizren	Gjilan	Mitrovica	Total	Percentage
1	Visited prisoners for the first time	1124	259	426	456	55	207	538	739	82	3899	100%

2	Number of smokers	690	167	261	300	28	138	366	473	57	2480	63.61%
3	Number of alcohol consumers	137	24	2	14	4	37	56	5	33	309	7.93%
4	Number of drugs consumers	114	22	22	26	10	18	58	76	15	361	9.26%
5	Hepatitis Cases	8	1	2	2		1	1	1	2	18	0.46%
6	TB Cases		1	0	1			0			2	0.05%
7	Diabetes Cases	15	1	23	25	3	1		13	9	90	2.31%
8	SST (AIDS) Cases	1	1	0	0			0			2	0.05%
9	Arterial Hypertension Cases	26	1	50	78	12	3	2	49	24	245	6.28%

\*We got those data from Prisons Health Service.

## Complaints Mechanism:

CDHRF has realized monitoring visits in prisons, custody places, detention places and other institutions, where freedom of movement is limited. Complaints were accepted by post, cell phone calls, relatives, and lawyer or by social workers of those institutions. Emergency complaints are immediately processed, through E-mail or phone and also through management of correctional institutions. Most complaints were against court decision, panel for parole (KPP), un-forgiveness by President, health treatment, detention extension, not allowing holidays on weekends, transfers, extraditions.

The prisoners who complain about certain issues should ask for complaint card form correctional officers. There are two types of forms depending on the type of complaint, one is for the director and the other for monitoring institutions. In correctional institutions there still isn't a system that guarantees privacy or fairness for people who complain, because they have to first ask for the complaining letter from correctional staff and the same letter they must submit to the same people. This does not guarantee that the complaint will arrive to the person or institution that was addressed.

Even that in 2016 a slight decrease in complaints could be noticed, it still has problems with confidentiality as well as with the period until the response returns. KCS doesn't have a system (database), in institutional or service level, where regarding the number of complaints and grievances data would be kept.

## **Law on Execution of Criminal Sanctions:**

Criminal sanctions are the main sentences, alternative sentences, additional sentences and litigation- warnings. This law provides "*Criminal sanctions are executed in that way that provides human treatments and respects dignity of anyone*". Punished person does not submit the inhuman or degrading tortures or treatments".

Law on Execution of Criminal Sanctions (nr. 04/L-149) is determinative about criminal sanctions execution, misdemeanor sanctions and about compulsory treatment measures, and applying custody measures on institutions of deprivation of liberty. During execution of Criminal Sanctions, human rights are always respected. Those rights may be limited only when is necessary that Criminal sanctions to be executed in accordance with law and international standards about human rights. Goal of this applying those measures is to make people to be re-socialized as much as possible.

According to rules, people who are sentenced, even if it's temporary or life sentence, they must be sent to Correctional places. Also placement of inmates depends on the kind of act they have done, thing that CDHRF lobbied for a long time, even though that it's not in a desirable level. Good thing is that categorizing sentenced people started, and they are sending them to correctional places and pavilions.

LESP provides: 1. Sentenced person, can be sent to custody place, if detention time after custody is less than 3 months; 2. Sentenced person, can be sent to custody institutions, if detention time after custody, or other deprivation from liberty is more than 3 months; 3. Also, a person who is life sentenced is sent to correctional institution.

### **Functioning legal bases of parole panel:**

Parole panel is founded by Kosova Judicial Council (KJC) in accordance with Criminal Code of Republic of Kosova and Law on Execution of Penal Sanctions.

Legal bases of organizing and functioning of parole panel is based on orders that modulate its governance. Except them, Panel activity is based on applying Criminal Code of Kosova provisions, Law on Execution of Penal sanctions and also Juvenile Justice Code. Based on Criminal Code of Kosova, bail is given to someone who had good behavior, and if there are reasonable grounds that he won't make any other crime. So, bail's goal is to reintegrate sentenced person in society, and to prepare them to make a good live, without committing any crime. Also, this is a good thing for society, because prevents other crimes.

There are 3 people in this panel, respectively is made of 1 judge from Supreme Court of Kosova, that is sent by director of the court, 1 prosecutor from office of the chief state prosecutor, sent by chief state persecutor, and also someone from Kosova Police, that is sent by head of Kosova Police. Because of some sensitive reasons, this panel is headed by judge from Supreme Court of Kosova. Also Judicial council appointed one more person in the panel, that is sent by University Dean Office or by law faculty. Law faculty representative was appointed to decide when someone of the Panel Staff is excluded by law.

Except inmates, even directors of Correctional institutions can ask for someone to be released on bail, by sending the requested file to Bail Panel. Criminal Code of Kosova gives the right for bail to those that have kept half of the detention. They will be free, providing that they won't commit any crime before the expiration of detention. Also other inmates can be released on bail inmates that kept 1/3 of the detention, but only if the prisoner won't commit any other crime. And the last category that can be released on bail, are inmates that kept 3/4 of the long detention. Whereas Juvenile Justice Code gives the right for bail to those minors that kept 1/3 of their detention.

Health care by Law on Execution of Criminal Sanctions provides that: "Health care in a correctional institution is made in accordance with general rules of health care, health insurance, medical and pharmaceuticals services. Health care institutions, provide the conditions for basic medical services."

Whereas in Article 47, point 1 and 2: "Doctor visits and examines every punished person after admission, if necessary even later, so doctor can identify the possible disease that can be physical or mental, so then the punished person can take all necessary measures for medical treatment. 2. The convicted person, while being in prison, even if is temporary or life sentenced, health care is provided through regular and frequent examinations, despite a request made for this or not. "Therefore, in many cases when the monitoring team of CDHRF - has done the monitoring of health services and the givings of essential medicaments for the disease of the punished person, could notice that the most important steps were missing and correctional institutions didn't have pharmacies. But when doctors were asked what they do in those cases when there is absence of essential medicaments, they responded that they refer to the detainees families to find them. We have made it known that when punished people are in correctional places, Law on Execution of

Criminal Sanctions guarantees the quality of health services and families do not have any obligation.

#### **Work Commitment:**

The convicted person is capable of working, has the right and is obligated to work. The purpose of such work is that the convicted person can gain, maintain and develop work ability, work habits and professional knowledge to start a normal life as soon as possible after finishing the sentence. The work of convicted persons must be useful and mustn't be degrading. Work can not be imposed as a form of disciplinary punishment. A convicted person can choose the type of work he or she wants, if such choice is practicable and in accordance with appropriate program. But in our institutions there is a lack of opportunities for work engagement and activation of economic divisions. A convicted person may freely dispose seventy percent (70%) of the benefits of work that he/she has done, and the remainder is deposited in savings account. The detainees are currently paid €1 per day, if they work.

#### **Education and trainings:**

correctional facility offers the opportunity to obtain vocational training to improve their skills, or to learn new skills to convinced person. A convicted person has the right on primary and secondary education in accordance with the law on primary and secondary education. Correctional Service is responsible for setting the infrastructure and location where classes will be hold. In Juvenile and Women C.C, where primary education in areas of this institution is organized, this year there were problems regarding the organization of education. Each year the Ministry of Education and the municipality of Lipljan blame one - another for the delay in organizing the classes.

#### **Cultural Commitment:**

A convicted person has the right to access daily and periodical press and other sources of public information in his native language. A convicted person has the right to access radio and television channels. During the selection of programs are considered preferences of convicted persons, as well as their educational needs and recreation. In our institutions are transmitted only 3 Albanian national channels, but channels in other languages are missing. Also, for more than a year daily press has stopped being served and detainees are not able to have daily newspapers, which is one of the fundamental rights to get informed.

#### **The right of religion:**

Convicted persons also have the right to be religious . In all correctional institutions are areas where they can implement religious rites. Whereas in libraries the most requested books are about religion. The Islamic Community did a literature review which must be in accordance with religious legal direction of BIK after numerous problems related to the arrest of a large number of Islamic clerics that were described as Islamic radicals. According to CDHRF, BIK is delaying the list of religious literature that is allowed for this category of prisoners.

During religious holidays for the Believers of the three religions are prepared meals as well as organization of additional activities for fulfilling their religious obligations. CDHRF has not found any cases when a person is discriminated because of their religious beliefs.

**Benefits :**

For good behavior and job commitment , the director of the correctional institution, after taking the recommendation of team of planning on holding the sentence, may provide the following benefits to the convicted person: the right on the acceptance of visits, including visits from people that aren't from their family; receiving visits in correctional institutions in presence of supervisors, but without being heard from them; the right to spend time in special premises with his / her wife/husband; receiving visits outside the correctional institution; the right to rest outside correctional institution; visits to family and relatives on weekends and holidays; getting out of the correctional facility for up to seven (7) days each year as "vocations"; extraordinary leave of seven (7) days; the right to use annual leave outside the correctional institution. In our correctional institutions, economic and political status - determine social benefit from the benefits of punished people, which is contrary with international law and standards for the maintenance and treatment of inmates.

One of the problems in KCS are frequently transfers . LESP provides: "A convicted person may be transferred from one correctional institution to another or from one unit of a correctional institution to another, if it is necessary: 1.1. for the implementation of correctional and rehabilitation program, oe the work program; 1.2. to encourage contacts between the convicted person and his family and community, in order to make easier his/her final reintegration into society; 1.3. For reasons of safety and security of the convicted person; 1.4. in interest of maintaining order and discipline within the correctional institution; 1.5. because of health treatment." In KCS transfers are made without a decision. There are lacks about the duration of the transfer and also, transfers are made for cases which are not foreseen by law. Transferees do not get a written decision for separation or transfer, and this is considered violation of human rights of persons deprived of their liberty by CDHRF.

LESP also recognizes the right of suspension of sentence, but currently it isn't getting applied in Kosovo, because that stopped by a decision of the minister. Decisively Article 94, paragraph 1 provides that: With the request of the convicted person, a close member of his family, or with the proposal of the director of the correctional institution and the recommendation of the General Director of the Correctional Service, the Minister may give permission on the execution of sentence (that says that a certain person must go to prison), if there are reasons for this, that suspension can be mostly three (3) months. In case of medical treatment, the suspension can last till the end of the treatment.

For each parole, the Law on Execution of Criminal Sanctions stipulates the obligation of those who win this right, after parole to sign an agreement for supervision by the Probation Service of Kosovo. The Criminal Code has made sanctions for cases when released people, disregard the conditions specified when they win this right, which results in revocation of parole.

Parole Panel works in rooms of three members. Currently there are three such rooms, which consist of 1 professional judge, 2 lay judges who have knowledge and experience in psychology, criminology, psychiatry, pedagogy, sociology and other social sciences related to parole. They are always assisted by the coordinator of Panel. Digital implementation of the parole institution in Kosovo, is based on the British model, where the decision belongs to a judicial body. For the activity of this body, isn't any problem, but leaders of the Kosovo Correctional Service are concerned about the composition and the legal concept of the Panel. In these cases as an excuse is used the sentence "judges are those who judge and give the right for parole". Although there are steps that have been taken to improve work of this institution, laws and practice implementation is still far from Recommendations of the Committee of Ministers of the Council of Europe. Therefore it remains that these recommendations will be reflected on improvement of the legislation and function of the mechanism in the upcoming initiatives.

In the parole system of Republic of Kosova, the minimum that should be held in prison for adults is defined in the Criminal Code of the Republic of Kosova (code no. 04 / L-082) where Article 94 of this Code provides: "A punished person, who is convicted at least 5 years in prison, can be released after he finishes 2/3 of his detention. For other crimes, the punished person can be released on parole after having held half of the sentence". And for minors is 1/3 of their detention.

## **Criteria and Procedures:**

Everyone who is punished by final judgment has their rights to ask for parole from Panel. Request for parole are accepted according to conditions in chapter III, item3, in directive on panel governance about parole. One of criteria is acceptable if punished people suffered 1/3 or 1/4 of sentence or for minors if they suffered 1/3 of sentence.

Criteria to assess if someone has meet conditions for parole are determined on Panel for parole orders, and they include:

- Crime weight,
- Criminal history,
- Describing person who is convicted of crime,
- Residence of convicted person against victim,
- Behavior during detention,
- Psychiatric condition,
- Social history and contacts with family,
- Individual plans after release,

- Accepting to be controlled and helped by Probation Service of Kosova,
- The existence of a risk for people,
- Perspective of a punished person who is foreign who's is goal to go home.

For assessment of those conditions Panel for parole, gets files and reports on prisoners, and those are made by multi-professional teams of Correctional Places of Kosova. Those reports should contain: judgment of prisoner, a full report about previous punishments, information sheet that was completed by legal officer of jail or by manager of jail, report of social workers in jail, report of medical staff, report of psychologist and psychiatrist of jail, report of officers including history of incidents, thought of correctional institution director and also the report on training curriculum or professional training that the prisoner made, and also the opportunities to work after being free. Making those reports, like is said during this survey, is contested according to truth and objectivity by Correctional Service of Kosova. 95% of reports that are sent in Panel, good recommendations for the prisoner to be parole. Panel can pick 3 options: to accept request, to deny or to delay decision. When the request for parole is denied, review is made not earlier than 3 months, and not more than 12 months. Also is worth saying that Panel's decision is powerful and they cannot be appealed. CDHRF considers that reports sent by KCS for discussion are almost 90% the same (stereotypes), such as the refusal for parole is almost 100% the same. It is neither objective nor in accordance with the law.

## **Panel work during 2016:**

During 2016, 427 cases were treated, 138 of them ended up the prisoners being released; 250 refusals; 26 suspension of proceedings; 8 suspensions; 2 rejected cases as unacceptable; and 6 cases were delayd for 30 days because of lack of information, or was asked for extra information.

5 youth cases were treated, 4 were released and 1 was rejected with the possibility of review in 3 months, while in the process of reviewing are two cases that are thought to be reviewed by 25th of January 2017. (for which we don't have any information how they ended)

Regarding to females, there were 9 applications, 1 was released, 4 were refused, and 4 are going to bw reviewed by 26th of january 2017.

From 2016 to 2017 were transferred 28 cases that need to be reviewed. 15 of them are going to be reviewed on 25th of January 2017, and 13 of them on 26th og january. An initiative for changes in Parole Panel had started, so, that was the reason why those cases were stucked.

New law provides some changes on Panel compound, and also complaints against PLK decisions are allowed.

**Table 6. Cases in 2016:**

Parole	138
Refusals for Parole	250
Suspension of proceedings	26
Postponed for 30 days	6
Suspended Cases	8
Rejected as unacceptable	2

CDHRF warning is that the number of minors who have benefited from the Conditional Release Panel is extremely small. Almost the same is even the number of released women.

## **The right of forgiveness by President:**

Kosova's constitution recognizes President the right to use the act of forgiveness. Article 84 provides: (29) President grants individual forgiveness in accordance with the law.

During now none of Kosova's Presidents used this right, because they have forgiven only few people. President Jahjaga has forgiven only 2 persons, and this thing has produced displeasure and rebellion on punished people. Even then CDHRF addressed an open letter to President, saying her to use her right and from that to benefit more deprived persons who meet the requirements and have achieved socialization. In the same form, CDHRF has addressed to the actual President (on February 2017) when is being created a forgiveness commission, so the same actions like the previous president did, won't be repeated, because CDHRF thinks that about 30% of punished people deserve forgiveness and we made it public.

## **Kosova Probation Service:**

Probation Service mission is to raise social awareness by cooperating with all state bodies for humanity of alternative punishments execution, to reduce crime, and to reduce the recidivism rate and increasing overall security to society. Legal bases of Kosova Probation Service is made up by these laws: Criminal code of Kosova, nr. 04/L-82, 20th April 2012; Penal Procedure Code, Nr. 04/L-123, 13th December 2012; Juvenile Justice Code, Nr. 03/L-193, 8th July 2010; Law on execution of Penal Sanctions, Law nr. 04/L-149, 29th July 2013.

Kosova Probation Service organizes, implements and oversees execution of alternative detentions and social reintegration of sentenced people (probation jobs):

- preparing surveys and punitive reports for criminals;
- review of criminal danger and scheduling needs for treatments for criminals;
- execution of diversity measures and educative minors measures;
- oversight and helping people that are sentenced, during alternative detentions;
- oversight and helping perpetrators that are addicted to drugs, or alcohol to undergo the treatments that should be while is on freedom;
- oversight and helping people that are paroled;
- development of individual supervising programs;
- draft reports about execution of alternative detentions and people released on 1bail by prosecutor, Courts and Parole Panel;
- instruction and supporting punished people, that are ready to finish their detention;
- to keep records and registers for measure executing and alternative detentions in electronic system about data management;

During August, Probation service accepted these new cases:

- 103 requests for conducting social surveys for minors;
- 57 decisions for diversity measures for minors;
- 16 decisions for educative measures - Increased supervision by parents and Probation Service;
- 2 cases with warrant to work for the good of community;
- 2 cases for solicitude after being released;
- 72 invitations to be participate in court hearings for minors;

Whereas, till July 2016, Probation Service has succesfully finished:

- 101 requests for conducting social surveys;
- 53 decisions for diversity measures for minors;
- 26 decisions for educative measures - Increased supervision by parents and Probation Service;
- 1 cases for solicitude after release;

- 89 cases of participation of official probation workers in court (info loaned by Kids Protection Platform)

## **Studying visits within supported project by KFOS:**

On September 12th, 2016, CDHRF in regional cooperation in the field of the rights of deprived of freedom people, supported by KFOS met the Minister of Justice of Macedonia, Mr. Valdet Xhaferi by who received enough information about the treatment of persons deprived of liberty, that are citizens of Kosova, who are detainees or are serving a sentence in this country.

CDHRF in Pristina several times was visited by Council of Families in "Kumanova's Case" expressing concern about the bad treatment and violence that is being used by Macedonian authorities, after the arrest, in detention, and while being sent in court. CDHRF attempted to visit the detainees of "case of Kumanova", and despite the fact that fulfilled the conditions required by the Macedonian side, the permission to visit was not given. CDHRF during the meeting with Mr. Xhaferi, Minister of Justice, reiterated doubts that arrested people could have been executed after they have fallen into the hands of police, the autopsy results have been delayed and that the report has been generalized, that this judgment could be politically influenced and it is still doubted that is still being used violence against detainees. CDHRF has told Mr. Xhaferi the concerns of Macedonian prisoners that are in prison in Kosova.

As a special request from CDHRF for Mr. Xhaferi was to provide information and to find the solution of disappearances of 2 Kosova citizens, Mr Vitia and Mr. Ibishi, that were disappeared inside the borders of this country, and no one has any information for them since they were considered disappeared.

Macedonian Minister of Justice, Mr. Xhaferi assured CDHRF that as a minister took all legal actions that detainees of "case of Kumanova" to be treated in accordance with international laws and standards for the treatment of persons deprived of their liberty, and in this context he has said asked for responsibility to all those who have exceeded official powers and those whose are proven guilty. He said to CDHRF that he has regular meetings with the Council of Families of "Kumanova case" and has asked the International Committee of the Red Cross to visit the detainees and to investigate whether their human rights are being violated or not. The continuing trial is qualified as transparent, monitored by local and international people and those who are politically unaffected. Arrested persons for "Kumanovo case", according to Minister Xhaferi are not mistreated in detention centers (Shutka, Bitola and Prilep) except that there might be provocations or psychological pressure during transfer (special police forces) from custody in the courtroom.

Minister Xhaferi said they are very responsive to the treatment of arrested persons and that they respect and fulfill these rights in accordance with standards that come from the relevant international human rights documents.

Minister of Justice, Mr. Xhaferi asked if there will be any other concern from families of those people who are arrested for "Kumanova case" to represent to the Ministry and Minister of Justice.

Regarding to people who are considered missing in the territory of Macedonia, Mr. Viti and Ibish, Minister of Justice asked for the searching requests to be completed with sufficient information in order to request the solution of this case.

CDHRF team showed interest on visiting arrested people who are citizens of Kosova but such thing was impossible. They didn't gave us even the right to visit any other correctional institution where we could see the conditions and treatment of the detainees and could compare it with Kosova.

CDHRF also met Ambassador of Kosova in Macedonia, Mr. Ylber Hysa to who expressed concerns about the treatment of persons deprived of liberty, that are citizens of Kosova, and are in prisons in Macedonia asking them to visit, to offer the assistance provided by law, from material to legal bases.

CDHRF asked for information from Mr. Hysa for his and Embassy of Kosova commitment , within the mandate and competence to the citizens of Kosova that are arrested in general, and are in Macedonian prisons, and specially to those of "Kumanova Case".

Ambassador Hysa said that since the beginning of mandate, he has been engaged in the protection of the citizens of Kosovo and to the "case of Kumanova". He and his staff were engaged like now on treatment of detainees and they also, monitor the trial. Also, despite the limited possibilities they have made efforts to help families of detainees.

Ambassador Hysa told CDHRF all the services that Kosova's embassy in Skopje offers, including consulting services.

## **Meetings of CDHRF in Tirana and visit in Women Prison 325:**

A CDHRF team, in regional cooperation for the rights of persons deprived of liberty and preventing torture, was on a working and monitoring visit in Albania. Previously they had a similar visit in Macedonia, and also are planning a visit to Montenegro and Serbia (if visit permission will be provided).

1. During this visit CDHRF team - met Mr. Ylli Manjani, Minister of Justice and with him discussed the treatment of persons deprived of liberty, citizens of Albania who serve their sentence in Kosova and Kosova citizens who serve their sentence in Albania. CDHRF estimated that those punished citizens have their fundamental rights violated ,and requestet, regardless of where they committed the crime, they should suffer it in their place, so Minister Manjani was asked this right be respected. Mr. Manjani agreed with this but gave arguments that this issue is currently not realizable due to prison

overcrowding in Albania and the request of some EU countries to accept punished Albanians, whose number is not small.

2. In meeting with the Director of Prisons, Mr. Miklovan Kopani, CDHRF told him its mission for monitoring of the human rights of persons deprived of their liberty in Kosova and in region by trying to improve these rights. Director of Prisons, Mr. Miklovan Kopani informed CDHRF about the condition and the treatment of detainees in Albania, the progress that was made and challenges that are facing such as rising of crime, obstacles due to lack of funds and lack of capacity of placing those who have violated the law. Director of Prisons assured CDHRF that Kosova citizens who are being held in prisons in Albania are treated in accordance with momental laws.
3. CDHRF met the Ombudsman Institution and chairman of the National Mechanism for the Prevention of Torture to Albania, Mr. Alfred Koçobashi, with whom they talked about human rights in Albania and Kosova as the continuation of cooperation between the two institutions in the future, and tryings to stop the torture for persons deprived of their liberty.
4. Then, CDHRF met with the director of the Prison for Women 325 (Ali Demi), Mrs. Jakaj and her staff, who informed CDHRF - on the situation in this institution where female detainees held in prison and that is the only one in Albania as well as efforts to help them integrate into society after they have serving a sentence. In all meetings, CDHRF presented the situation of human rights in general and the situation of persons deprived of their liberty, in particular in Kosovo as even handed monograph for War Crimes in Kosovo and Report 2015 for monitoring of detention centers and Correctional houses in Kosovo supported by KFOS. CDHRF, after these study visits to Macedonia and Albania concludes that the conditions of physical placement, food, health care and treatment is incomparably better in Kosovo in these two states.

## Findings:

CDHRF during 2015 made visits in every deprivation institution, in order to watch if human rights for deprived people are being respected. After every visit CDHRF noticed the progress of those institutions and also told them about irregularities. Findings were supported by different resources like interviewing punished people and detainees, i interviewing correctional and management staff, interviewing professional and medical staff, by observing inmates staying places, kitchens, ambulances, and other parts of all institutions.

Also, CDHRF meets inmate's families, relatives and their lawyers, media reports etc.

After every visit CDHRF team, reports to competent correctional institutions.

- Even during this year, we had complaints about bad treatment from Correctional Place in Dubrava, HSP and Lipjan staff. All those cases were reported. CDHRF assesses as isolated cases;
- Correctional institutions in Kosova have made some changes and fixed the way of complaints from inmates, even though we still have doubts that some of those complaints are taken on basis. Inmates have the right to complain to institution management with a letter, even if it is written or they only say it. In most of correctional institutions, directors make visits at least once a week to the pavilions they get complaints from. But in some institutions this method is not supplied, because it is all about the management. In Correctional places, inmates give the complaints to their reeve, and this is a thing where they get no guarantee if that complain is going to be in management or any institution hands. If inmates want to send complain to CDHRF they do it by calling, by their relatives, social workers of that place or legal protectors. Also in those places, there are boxes of Ombudsman, and they open them once a month.
- There also were complaints about corruption, nepotism, discrimination and double standards on applying for advanced regime or for privileges. Is hard to prove cases of corruption in KCS. We are talking about passive and material corruption.
- Inmates in some cases tried suicide as a method to reach their goals (in Correctional Place in Dubrava) or through hunger-strike (in Custody Place in Prishtina and BSL). In all those cases CDHRF helped KCS to resolve them. There were 11 cases who wanted to commit suicide.

- People with disabilities have the worst conditions from all inmates, because none of these institutions meet the conditions for them. KCS said that they're make a special pavilion, that'll have a capacity for 100 people, and that will be only for people with disabilities.
- In bad conditions are also people with mental problems, because KCS has no physical or professional capacity to treat people with those problems. In some cases their custody is longer than is allowed, and that presents legal violence, and violation against their rights. There is no special treatment for this category of people, especially for narcotics
- Smuggling and corruption were expressed even on 2016. During conversations with prisoners, they were asked if there was corruption, and most of them think that there is corruption but still have no evidence, also they still don't trust the mechanism and institutions of complaints. In prison is said that everything has a price, starting from forbidden things, different evidences and when it is the time to devide the benefits.
- There are made good improvements on physical conditions in correctional places. Luckily Custody Place in Prishtine was closed because it didn't meet the condition to keep people and even to keep the working staff. A new custody place is being built in Hajvali, and it will have a capacity of 300 beds (as we know this place should be finished but we still don't know when it will be in function). Also even Custody Place in Gjilan was inaugurated, and has a capacity of 300 beds, but is not yet fully functional because of problems with the water supply system, infrastructure and plant construction even though it was promised that in cooperation with the Municipality a solution has been found, but detainees hasn't still been transferred. Also Custody Place in Lipjan is in a bad condition, because even the clinical space doesn't meet the conditions for people with health problems, but even for the working staff. Some pavilions in Correctional Place in Dubrava were renovated with stationary together, but it still doesn't meet the conditions for detainees to be treated. In the end, there should also be some repairs in Custody Place in Peja and Prizren.
- In Correctional place in Dubrava there are pipeline leak, damaged ceilings, water leaks in medical magazine ceiling. Even in HSP there are some problems with floors, and weeping walls. Work environments of chef in HSP are moldy, even that the object is new. In Correctional place in Lipjan there are some things that are missing into rooms (chairs, tables, cupboards, TVs). Those kind of problems with things into rooms, are almost in every correctional institutions.
- HSP in Gerdoc works near the village, and it doesn't have a alternative road, so the securite can be in danger in future.
- Different from previous years, during 2016 the phenomenon of overcrowding is almost disappeared, but, this happens sometimes when some pavilions are being renewed, or when there is danger of security outside. That happens more in Correctional Place in Dubrava and in Correctional Place in Lipjan, in pavilion where women are placed.

- Lack of information, as a fundamental right. There is more than a year that inmates couldn't have access to daily newspapers. Also, in those rooms where are set people of Serbian nationality, there are no channels in Serbian. Also other nationalities have problems to be informed in their language, to talk with lawyers or diplomatic representatives.
- Food supply procedures were stable, but sometimes there were problems and procurement procedures were partly guilty for this. For months meat products were missing. Punished people say that food is good, but sometimes they find it not enough, mostly on dinner. We also gave some remarks about meat quality, because is not the same as it's said on contract with supplying company, and also for tendering procedures that let those institutions without products for so many times, especially without meat.
- In penitentiary institutions, residents have the possibility of realization of religious freedom. They have certain areas where they can apply these rights. CDHRF has not noticed any discrimination on these grounds, excluding deradikalisation process of those arrested and convicted for participation in Syria war. CDHRF considers this process more political rhetoric than as part of the implementation process of socialization because there is no professional staff that can do this. Separation of this category of prisoners and the different treatment, CDHRF considers as discriminatory, due to a fact that everyone should be treated according to the law
- The interviewed inmates said that they realize their rights for casual visits, family visits, weekend's visits if they meet conditions or for annual leave at home. Even though we noticed that some prisoners don't have those rights.
- We had complaints about bad health treatment from almost every place. Even Health Service leaders of Correctional Places accepted that there is not enough material or professional capacity to satisfy inmates that have diseases that can't be treated in these institutions.
- The most common are complaints related to delays in treatment and lack of medicines for specific diseases, which deprived obliged to provide through families. According to the Law on Execution of Criminal Sanctions, the detainees until they are in correctional institutions are eligible to receive medical treatment in accordance with medical diagnoses, which in our correctional institutions is missing or partially egzist.
- Since health service passed into Health Ministry management, thing that even CDHRF was against, and since then, we had most complaints that were addressed to us, about this. That's because there is not good infrastructure, most of equipments are missing, and there is not enough professional staff. So, the highest number of respondents is not satisfied with health services. What's more, we noticed that there were a good number of medicaments compared to previous years, at least needed medicaments were there. Lately complaints boxes were set, and we are waiting for the first results.

- It is also envisaged the creation of a commission to handle complaints about the health service in Correctional Institutions, but it still isn't seen to be working. This commission proposes measures like temporarily suspension of detention, thing that gets signet by Minister of Justice.
- It is necessary the creation of institution for treatments of people with special needs, and this would improve their treatment.
- To motivate inmates to behave well, there should be some "gifts" or benefits for those who meet conditions, and forgiveness. For Parole Panel, most of inmates are dissatisfied and outraged for not getting answers and for it taking long time.
- Correctional and Probation Service of Kosova don't have a proper program to re-socialize people. Those programs only are “half re-socionalizing”, so, they only increase the chances for the crime to be repeated.
- CDHRF estimates that annual budget is not enough for KCS, to make it fully functional and to have strategic stability. Institutions couldn't even change light bulbs, because they didn't have enough budedg, and to do that they have to take a “yes” from Prishtina. It's also worth saying that even tendering procedures that are unreasonable, take to long, and are a barrier
- During our survey, we found out that there's not equal treatment between punished civil and punished VIPs, and this is linked to political support, as social and economic status in society. This thing caused KCS, mostly in health terms, sharing of benefits and parole.
- Separating inmates ethnically is something that is made every year, and it's getting more powerful. We can talk about Serbian or other foreign inmates, that are mostly placed in Gjilan and Mitrovice. Isn't made any attempt to integrate them into society. This year a step forward was done when in HSP from Mitrovica were brought 3 serbian nationality detainees, as well as the fact that the convicted serbs, or romans through CDHRF ask to be transferred to Lipljan, Gjilan or Smrekonica. There is positive movement in this direction.
- Difficult conditions for working staff (lack of physical conditions for work, health insurance, lack of promotion and risk rejection for the work they do).
- Non strategic stability of management, because there are to many management positions, and for a long time there had leaders who were only for a short time, thing that made them demoralized on their commitment. So KCS is led by a Director that is appointed for a short time, just like Dubrava Prison and Custody Center in Prizren and Mitrovica. Key positions in key institutions led by short time employees.
- The extreme centralization on making decisions plan and in other activities is barrier for KCS.

- Lack of empowerment of economic divisions within the KCS, that not only they would supply KCS with different products, but they'd also produce for market and would create funds for capital investments.
- Impact of politic in KCS, from appointments, promotions, benefits to training inmates to creating discriminatory reports. CDHRF warned that leaderships in correctional institutions are appointed by politics and the politics is the one who "burns" them.
- Lack of using alternative measures of detention and lack of willingness to make Correctional Service of Kosova better.
- Lonliness being applied a lot. It was used 160 times during this year.
- Frequent transfers, lack of written decisions on transfers.
- There are still lacks in the categorization and classification of persons deprived of their liberty.
- There is absence of review of categorization, thing that should be done every 6 months.
- Re-socialization is backed up in individual direction.
- Another identified problem is lack of strategy for staff renewals. In upcoming two years is expected around 150-200 correctional officers to be retired, but nothing has been planned or worked toward replacing them with a professional staff. Knowing that we are dealing with a specific service, and staff can not be created overnight, KCS should make plans and strategic actions to make staff more professional, and to not accept the staff that has no experience in Kosova Correctional Service and that are without professional profile to work in Kosovo Correctional Service. There is a lack of staff that have professional preparations who work with deprived of liberty and education measures minors, and those who work with female detainees and prisoners.
- There are insufficient cultural, sports and other activities that help in the re-socialization of deprived of liberty people.
- The lack of an independent monitoring mechanism in cases of shared benefits, promotions of officers, in cases of forgiveness and in cases of sanctions.
- Concerning for CDHRF is that prisoners don't get systematized at the time when they are placed in correctional institutions, and this not only can be followed by consequences, but it constitutes a violation of human rights guaranteed by national and international laws and has been one of the recommendations that has been being continuously repeated by CDHRF.
- As overwhelmingly positive finding is the transparency shown by KCS, from the General Director to the correctional officers during the monitoring, because they offered to the monitoring organizations all requested documents and were very cooperative on complying the recommendations. And the same observation serves for Prison Health

Service and its leaders, who have responded to us in any application and have made efforts to resolve them for the benefit of persons deprived of liberty but their opportunities have been very limited, despite readiness and willingness that was showed by them.

- The necessity of building a hospital for prisoners in KCS is a constant demand of CDHRF. The hospital would reduce material costs, will contribute to enhancing security by hiring fewer redirects unit, will reduce discrimination against health treatment is now highlighted. Construction or functioning of separate rooms for the treatment of prisoners within the University Clinical Center of Kosovo is a temporary solution and not the best. Health discriminatory treatment within the KCS has produced large bids where the beneficiaries of these services have not been inmates with health needs. This has increased the charges for managing many health and correctional creating a hesitant approach to their offspring suffer the consequence of those prisoners who have serious health problems that should be treated by a health professional. These scandals have affected the Committees established for the treatment of serious medical cases not consolidated, not to take responsibility so often resigned. These scandals have led to the Minister of Justice hesitate to sign decisions on temporary suspension of the penalties foreseen by the Law on Execution of Criminal Sanctions and consequently have deteriorated health condition of some prisoners and ending in fatality.

## **Rekommendations:**

Recommendations for detention officers / Detention / Correctional Centres and Health Services of Prisons:

1. Full investigation when there are doubts about cases of official authority abuse or unlawful use of force and should be taken legal action against correctional officers;
2. Cases of prolonged detention should be eliminated;
3. To improve the physical conditions in the locations where prisoners are placed; rooms should have ventilation system;
4. As soon as possible prisoners be categorized according to the nature of the offenses;
5. Ensure natural lighting in the Detention Centre in Peja;
6. The rooms where prisoners stay must be equipped with the necessary tools such as tables, chairs, shoes for room and drawers for clothes and food items;
7. Ensuring the possibility for sport activities such as table tennis, basketball in promenade and providing a room hall where the prisoners would deal with sports activities (for all detention centres);
8. Creating conditions (especially in the summer season) inside, a side of pavilion, during the day to have open doors to enable communication between prisoners, where investigations not hampered ;
9. The prisoners should be engaged in doing works inside and outside and when is possible to be the classification of prisoners in accordance with the nature of the offense and ages;
10. Improve the supply of prisoners with food and hygiene items, also, libraries should be supplied with new titles;
11. Improve information for prisoners in general and especially of prisoners, foreigners and minorities, ensuring that through written and electronic medias in a language they understand, as provided by law;
12. To end the division of prisoners / detainees based on ethnicity;

13. To install the TV cable system for prisoners. This can be donated by the cable operators in Kosovo. In this way the Serb prisoners would be able to watch TV in their native language
14. To improve working conditions for correctional officers and civilian staff;
15. Health insurance should be provided for Correctional staff and civil staff;
16. To have more professional training for human rights staff;
17. For those prisoners who stay a long time in detention centers should organize vocational training courses in fields where can be created conditions
18. To be increased budget for Kosovo Correctional Service;
19. To decentralized budget allocated for Kosovo Correctional Service;
20. Increase the number of uniformed staff in all centres and fill all empty positions in administrative staff;
21. The positions that work with acting should be filled
22. To be created the possibility to suspend the punishment of persons who meet the criteria;
23. Number of transfers to be decreased;
24. To be offered transfer decisions to prisoners defining duration;
25. Lonliness to be applied less and medical staff to be more careful in these cases;
26. D.C Lipljan ambulance should be closed because it does not fit conditions;
27. Tendering for foodstuff should carried out before the end of that preliminary period;
28. Contracts to be followed regularly. Tendering procedures to be carried out in a timetable which does not leave the centres without access to that product;
29. KCS to be more transparent in the allocation of budgetary resources;
30. KCS to publish annual reports
31. KCS web page to be updated;
32. Increase the number of convicted persons that enjoy the benefits;
33. Increase if the number of those grant an official pardon by the Parole Panel or by the President;
34. Amnesty Law to be approved as soon as possible;
35. 35. To be considered the chance that 9 months of detention to be counted as a calendar year;
36. The Ministry of Health oversees more strictly provision of health services and to improve the supply of medicines;

37. Prison Health Service to reach an agreement with the Faculty of Medicine and in collaboration with the University Clinical Center of Kosovo, to offer students internships in correctional institutions;
38. Professional health staff to be recruited;
39. To be provided the necessary therapy for severe diseases;
40. The appeal method should be unified and all of the complaints of prisoners / detainees gets answers;
41. The accelerated review of cases that have accumulated for years in the courts of all levels and the parties are notified in time;
42. Offenders to work during the day in the detention centres and in the evening to return home;
43. Applying as many alternative sentences;
44. Become regular supply of daily press;
45. Enriched with new titles, libraries of centres;
46. Lipjan Detention Centre to become Central Hospital of KCS, in this way it would avoid the problems of sending convicts to UCC, and will have the lowest cost;
47. End within the foreseen time frame construction and handover of the Detention Centre building of Pristina / Hajvali;
48. Parole panel to be more transparent and increase the number of beneficiaries;
49. KCS and Kosovo Probation Service to progress with resettlement programs for the prisoners.
50. Decisions on the allocation of benefits should be monitored;
51. To facilitate the detainees (foreigners) contact with the family, defense and diplomatic representatives of the countries, citizens of which they are;
52. Economic capacity building within the Correctional Service as an opportunity for material gain, (weekends at home, the Panel release, amnesty by President)etc;
53. Do not build new capacity for persons deprived of liberty at a time when the alternative penalty measures required to increase and become re-designation of existing capacities that could be used more rationally;
54. Departization of management staff become choosing in leading positions people who did not have political positions;
55. Not to allow discrimination of persons deprived of liberty on the basis of ethnicity, religion or social status;

56. Improve the treatment of persons with special needs as well as to demonstrate a more humane approach to older persons serving a sentence or those who suffer from incurable diseases;
57. Create conditions for convicts, Kosovo citizens serving sentences in other countries, who wish to be transferred to correctional institutions in Kosovo and vice versa, foreign nationals transferred to their countries as a fundamental right of persons deprived liberty.
58. KCS to determine in accordance with internal regulations a prescribing period for observations of prisoners.