



**QKRMT** Qendra Kosovare për Rehabilitimin  
e të Mbijetuarve të Torturës  
**KRCT** The Kosova Rehabilitation  
Center for Torture Victims

# HUMAN RIGHTS IN KOSOVO CORRECTIONAL INSTITUTIONS

## MONITORING REPORT 2023

Fifteenth Annual Report  
April 2024, Prishtina

Supported by:  
**SIGRID RAUSING TRUST**





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The assessments and opinions expressed in this report are the responsibility of The Kosova Rehabilitation Center for Torture Victims - KRCT, and do not necessarily reflect the views or positions of Sigrid Rausing Trust (SRT).

The assessments, conclusions and recommendations in this report are the result of the monitoring and advocacy work of the multidisciplinary teams of KRCT throughout the year 2023.

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# ABBREVIATIONS

<b>CC</b>	Correctional Center
<b>CCJ</b>	Correctional Center for Juveniles
<b>CCW</b>	Correctional Center for Women
<b>CEC</b>	Correctional Education Center
<b>CRP</b>	Conditional Release Panel
<b>DC</b>	Detention Center
Pavilion D -Healthcare Institution for the Treatment of Individuals with Special Needs	
<b>HSP</b>	High Security Prison
<b>KCS</b>	Kosovo Correctional Service
<b>KIFP</b>	Kosovo Institute of Forensic Psychiatry
<b>KRCT</b>	The Kosova Rehabilitation Center for Torture Victims
<b>LECS</b>	Law on Execution of Criminal Sanctions
<b>MH</b>	Ministry of Health
<b>MJ</b>	Ministry of Justice
<b>PHD</b>	Prisons Health Department
<b>SOP</b>	Semi-open Pavilion

*Prisoner* – refers to individuals deprived of liberty in correctional institutions, including convicts and inmates.

# KRCT – REFERENCE CENTER FOR HUMAN RIGHTS

The Kosova Rehabilitation Center for Torture Victims (KRCT), this year marks the 25th anniversary of its establishment. Throughout its existence, KRCT has over 17 years of experience in monitoring places of deprivation of liberty, where it has conducted over 250 monitoring visits and has interviewed over 4000 individuals deprived of liberty. Based on the findings of the monitoring visits, KRCT has published regular annual reports. **This is the Fifteenth Annual Report: “Human rights in correctional institutions.”**

The annual reports are drawn up on the basis of direct monitoring visits, contacts with families and lawyers of prisoners, phone calls from prisoners, meetings with the staff of correctional institutions and the directors of the Kosovo Correctional Service, as well as communication with relevant actors.

KRCT’s monitoring reports serve to generate concrete actions from decision-making institutions and its findings are a reference to international reports, including regular citation from the US State Department’s Human Rights Report, the European Union Commission’s Progress Report, the European Committee for the Prevention of Torture, the local report of the civil society on human rights in Kosovo, etc.





# THE VICTIM OF RAPE IN PRISON IS COMPENSATED FOR THE FIRST TIME



## SUCCESS STORY: KRCT REPRESENTED SUCCESSFULLY THE PRISONER-VICTIM OF RAPE IN PRISON

KRCT has been supporting a rape victim from the Dubrava prison since **2014**. Along with rehabilitation services, the victim has received legal representation to seek justice for the incident.

In **September of 2023**, the Basic Court in Prishtina partially approved the lawsuit of a victim who suffered mistreatment in 2014 while in a correctional institution due to negligence on the part of the security personnel. The court recognized the victim's right to compensation for damages under the legal security responsibilities in correctional institutions. As per the court's ruling, the Ministry of Justice, which is responsible for the Kosovo Correctional Service, has been ordered to compensate the victim for the emotional distress, physical pain, and violation of dignity and honor caused by the mistreatment.

After fully enforcing the court decision, the Ministry of Justice compensated the victim as initially stipulated in the court ruling.

This is the first case of its kind where the court holds state institutions accountable for violations of the rights of prisoners.

This strategic case will serve as a reference for any violation of the rights of individuals deprived of liberty.



*The beginning of a harrowing story: A young man was sentenced to a fine of 400.00 euros, marking the beginning of a journey where hardships and challenges would become undeniable parts of his life!*

In September 2014, a young man was fined 400.00 euros for a crime he committed and was unable to pay due to poor economic conditions. As a result, the fine was substituted for a 22-day prison sentence. Following the court's order, he was arrested and sent straight to the Dubrava Correctional Center to serve his sentence.

Unfortunately, the prison was overcrowded, and he was placed in a room with four other prisoners who had long-term sentences spanning several years. This violated the essential criteria for the prison system upon admission. To make things worse, he was only provided with one mattress, which made his stay even more uncomfortable.

The young man, upon being placed in this room, began to be harassed by the other prisoners, and despite staff being notified of this harassment, no action was taken. During the evening hours, the same person was raped.

After reporting, the case of the rape was handled by the Basic Court in Peja, where rape was proven. KRCT provided a defense lawyer for the victim throughout the entire procedure. Regarding the perpetrator who committed the rape, proceedings were terminated due to his passing away, while three other prisoners were sentenced to actual imprisonment for failure to report the incident.

After the completion of the trial where rape was proven, KRCT ensured legal representation for the victim to pursue ***compensation for damages due to the failure of legal responsibility for security in the correctional institution and the mistreatment*** the victim endured during the serving of the sentence in the correctional institution. In this case, the victim, as the plaintiff, sued the Ministry of Justice / Kosovo Correctional Service, as well as the other prisoners present during the sexual assault.

After reviewing the case, in September 2023, the Basic Court in Prishtina issued a Judgment partially approving the plaintiff's claim, the victim of rape. With this Judgment, the court obliged the Government of the Republic of Kosovo – the Ministry of Justice to compensate on behalf of the damages caused due to the

failure of legal responsibility for security in correctional institutions and the mistreatment endured in September 2014, for:

- ***Emotional distress;***
- ***Physical pain;***
- ***Dignity and honor violation.***

Eventhoughthelawsuitwaspartiallyapproved,intermsofmonetarycompensation, the amount awarded was significantly lower than the plaintiff's claim, and this Judgment confirms the state's responsibility in this case. Specifically, this case reminds correctional institutions of their state responsibilities for the security and protection of the rights of individuals deprived of liberty. Among other things, the court concluded that ***In this specific case, it had been proven that there was a lack of adequate commitment from state institutions to provide sufficient security to the plaintiff. By placing him in a room with individuals convicted of more serious crimes, they exposed the plaintiff to a risk that resulted in the violation of his security, dignity, and honor, for which the defendant (Ministry) must be held accountable. Additionally, the court adds that: In this case, it can be said that the Kosovo Correctional Service knew or should have known that an individual's life was at risk, so it should have taken further steps to provide security and protection.***"

Following the full enforcement of the Judgment, the Ministry of Justice / Kosovo Correctional Service has implemented this Judgment by compensating the damages as determined by the court.

For such cases, continuous engagement is necessary, where KRCT, over the years, has provided comprehensive support and legal services to the victim to ensure justice is served.

*"After the trauma... I found myself abandoned and lost: I lost my fiancée and friends, I thought I had reached the bottom. But the help of KRCT brought me to life and made me stronger. Because of their contribution, I am now better, they were always by my side; they have been a great help to me, giving me the strength to accept that life must go on" - the words of the beneficiary.*

# KRCT MANDATE, METHODOLOGY AND THE PURPOSE OF MONITORING

The Kosova Rehabilitation Centre for Torture Victims (KRCT) is an independent, nongovernmental and non-profit organization, established in 1999 with the mission of providing treatment and rehabilitation services to victims of torture and ill-treatment during the Kosovo war.

KRCT is also committed to promoting, respecting and advancing human rights for all ethnicities in Kosovo, as well as to preventing and abolishing torture and any other form of ill-treatment through monitoring of human rights in places of detention in Kosovo.

## 1. Mandate

The Program for Human Rights leads, coordinates and plans all activities related to the promotion and respect of human rights and freedoms, as well as providing legal assistance and advice for the advancement and protection of the rights of persons deprived of their liberty, as well as victims of torture in general. Within this mandate, KRCT conducts regular monitoring of places of detention, such as: prisons, detention centers, Police custodial cells, mental health and social care institutions, and promotes practices and legislative standards for the protection and advancing the rights of persons deprived of their liberty.

Monitoring visits to correctional facilities are carried out on the basis of a Memorandum of Understanding with the Ministry of Justice, which sets out the terms of cooperation between the Ministry of Justice and KRCT, enabling KRCT monitoring team full access to all correctional facilities. KRCT has also signed a Memorandum of Understanding with the Prisons Health Department - Ministry of Health for access to health monitoring in prisons.

## 2. Methodology

KRCT human rights monitoring in closed institutions is based on international human rights assessment indicators in places of deprivation of liberty such as: The Standard Minimum Rules for the Treatment of Prisoners (Mandela Rules), European Prison Rules (EPR), Norms of the European Committee for the Prevention of Torture (CPT); Bangkok Rules t, etc., as well as the legal framework applicable in Kosovo, including the Kosovo Criminal Code (KPC) and the Criminal Code of Procedure of Kosovo (PCCK), the Law on Execution of Penal Sanctions (LEPS), the Juvenile Justice Code, the Law on Mental Health, etc., as well as other bylaws. KRCT monitoring teams are multidisciplinary (lawyers, doctors, social workers and psychologists), while the access to monitoring has a preventive and identifying character of issues related to the treatment and respect of human rights in detention facilities. Thus, KRCT undertakes regular visits; thematic visits; and ad-hoc visits.

## 3. Monitoring Principles

Monitoring places of detention through visits is a sensitive and also a delicate task. For ethical and efficiency reasons, it is important that these monitoring visits take into consideration and comply with a number of basic principles, including:

**Do not harm:** Persons deprived of liberty are particularly unprotected and their security every time must be considered by monitors who should never undertake actions that could endanger a detained person.

**Practice of good judgment:** Monitors must be aware of standards and rules of institutions where monitoring is carried out. However, despite a number of them, importance and their value, the rules cannot substitute for a good personal and logical judgment. Therefore, monitors should possess and exercise good judgment in all circumstances.

**Respect towards authorities and officials in charge:** Apart from when a mutual respect is built between staff and monitors, the work at places of detention may be endangered. Therefore, monitors must always respect the functioning of authorities and identify hierarchy and responsibility levels to be able to deal with any problem in due course.



**Respect towards persons deprived of liberty:** Regardless of reasons of deprivation of liberty, the detainees must be treated with respect and good behavior. Visitor (monitor) must always introduce himself.

**Being truthful:** Monitors must make it clear to detainees and staff, the objectives and limits of their monitoring work, and behave in accordance to circumstances. They must not promise or undertake any action, which could not be brought to an end.

**Respect of confidentiality:** Maintaining confidentiality regarding information learned during private interviews is crucial. Monitors cannot act as representatives, using the name of a detainee without his/her expressed consent or without informing them.

**Respect security:** It is important to respect the internal rules of the visiting institution. Authorities may, for security reasons, prohibit a visit at special places or can put special requirements, and then it's the monitors' responsibility if and how they will comply with these requirements. Monitors must identify themselves and wear clear visible tags (ID) or other mark that enables identification.

**Be persistent, consistent and patient:** The legitimacy of the monitoring team is established over time, primarily as a result of the importance, persistence, and consistency of its work. Monitoring of places of detention requires efficiency, order, and continuity. This means regular visits to the same places and gathering sufficient evidence to draw conclusions and make recommendations. It is essential to be persistent in follow-up monitoring activities.

**Be correct and accurate:** During a visit it is important to gather accurate and sound information in order to draft good and well documented reports and relevant recommendations.

**Be sensitive:** Monitors must especially be sensitive whether detainees interviewed are moody or having individual needs, as well as of circumstances when it is needed to undertake necessary steps to protect their security. In cases of allegation of torture or ill treatment, monitors must be aware of problems with re-trauma.

**Be objective:** Monitors must make efforts to objectively register actual facts and treat staff and detainees in a manner that is not influenced by feelings, bias or prejudicing thoughts.

**Behave with integrity:** Monitors must treat all detainees, authorities and staff with respect and always act in accordance with their mandate and national and international standards of human rights.

**Be visible:** Inside detention places, monitors must ensure that staff and detainees are aware of monitoring teams' mandate and work methodology, and the fact how to approach them (holding IDs).

The above principles derive from eighteen identified principles of a Manual on Monitoring from UN training on monitoring human rights. They have been adopted in accordance with needs and considering particularities of monitoring of detention places.

KRCT has adopted these principles as part of its working methodology in monitoring places of detention which serves as guidance for monitoring teams in every visit at places of detention.

## 4. Types of visits

The different types of monitoring visits may be broadly defined into three categories:

**Systematic or regular visits:** These visits have systematic assessment and preventive character. Such visits are taken with aim to fully assess facility and living conditions and to conduct private interviews with convicted and detained persons. Regular visits aims to prevent torture and ill-treatment before happens and to improve conditions under which a detainee is held. Through these visits, analyze information associated with all aspects of treatment and protection of convicted/detained and material living conditions. The general situation is assessed on the basis of preliminary indicators, previous recommendations as well as recent developments at these centers.

**Follow up visits:** are aimed to check up on specific aspects of detention/imprisonment, individual cases or implementation of previous recommendations.

**Thematic visits:** focuses on assessing aspects such as: system of complaints, management of disciplinary measures, contacts with outside world, health care, relation between personnel/management and detainees/convicted, persons with special needs and other vulnerable groups etc.



## 5. Monitoring of Correctional Institutions

During 2023 KRCT has conducted nineteen (19) visits to detention and correctional centers.

This year as well, health services in prisons, the Forensic Psychiatry Institute and the Detention Center in Mitrovica were not monitored during the monitoring period. The monitoring was conducted within the KRCT scope and in accordance with the Memorandum of Understanding (MoU) with the Ministry of Justice. Based on the modalities of the new MoU, the monitoring visits were conducted without prior notice. Based on monitoring visits, KRCT assessed that the general condition of the treatment of prisoners remains largely the same as in previous years. During this year as well, prison health monitoring has been challenging due to the impossibility to conduct monitoring since the last MoU with the Prisons Health Department (PHD) expired on 14.02.2022, and it has not been possible to sign a new MoU with the PHD on prison health monitoring ever since. The lack of prison health monitoring limited the thorough monitoring and reflection of the clear picture of the treatment of prisoners since not all issues addressed by prisoners in relation to health have been managed to be monitored. In addition to restricting access to health monitoring in correctional institutions, KRCT had no monitoring access to the Kosovo Forensic Psychiatry Institute (KFPI). This is due to the lack of readiness of the current management of this institution. KRCT expects that this institution to be as transparent as possible, allowing KRCT to have unhindered monitoring access.

***After each monitoring visit, KRCT compiled detailed reports with findings and recommendations, which reports have been submitted to the monitored institutions.***

***In some cases, the heads of the monitored institutions have responded to the submitted report, clarifying the actions taken in relation to the findings and recommendations.***

***However, the findings presented in this report reflect the state of play of correctional institutions and the treatment of prisoners on the day of the monitoring visit. KRCT will present the improvement of the conditions and the implementation of the recommendations in the reports following future monitoring visits.***

## 6. Conducted monitoring visits in correctional institutions during 2023

No.	Date	Institution
1.	22.02.2023	Correctional Center for Women in Lipjan
2.	25.05.2023	Correctional Center for Juveniles in Lipjan
3.	08.06.2023	Detention Center in Prishtina
4.	14.06.2023	Correctional Center in Dubrava
5.	05.07.2023	Correctional Center for Women in Lipjan
6.	13.07.2023	Detention Center in Gjilan
7.	19.07.2023	Detention Center in Peja
8.	16.08.2023	Correctional Center in Dubrava
9.	21.09.2023	Correctional Center for Juveniles in Lipjan
10.	21.09.2023	Correctional Education Center in Lipjan
11.	04.10.2023	High Security Prison in Gërdoc
12.	11.10.2023	Correctional Center in Dubrava
13.	01.11.2023	Detention Center in Prizren
14.	09.11.2023	Correctional Center in Smrekonicë
15.	23.11.2023	Correctional Center for Women in Lipjan
16.	07.12.2023	Correctional Center for Juveniles in Lipjan
17.	07.12.2023	Correctional Education Center in Lipjan
18.	12.12.2023	Detention Center in Prishtina
19.	14.12.2023	Correctional Center in Dubrava

# ADVANCEMENT OF THE RIGHTS OF PERSONS DEPRIVED OF LIBERTY

Progress during 2023

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## 1. The increase of the annual budget for capital investments

The Ministry of Justice, in cooperation with the Correctional Service, has prepared and proposed a budget of 8 million euros solely for capital investments for the year 2024. In previous years, the budget for capital investments has been approximately 1 million euros per year. However, for 2024, it will be eight times higher. This increase is planned to facilitate the construction of new facilities for correctional institutions, along with necessary renovations.

## 2. Designing the construction of new correctional objects

With the approval of the new budget in the amount of 8 million euros, the construction of the new Correctional Center for Women is planned as well as the new Detention Center in Prizren, in which the prisoners from the Prizren Detention Center (hereinafter DC) and Peja DC will be relocated. The construction of these institutions is expected to begin in 2024.

KRCT has continuously recommended that new facilities to be built for the Correctional Center for Women and the in Prizren DC and Peja DC, therefore it welcomes the investment that will be made, which will undoubtedly affect the advancement of the conditions and rights of prisoners, both in terms of infrastructure, as well as in the possibility of adding different activities. In addition, KRCT has been invited to meetings for discussions about the conceptual designs of these facilities.

Also, during 2023, the construction of the Home for Mothers with Children in Lipjan, near the Correctional Center for Women in Lipjan (hereinafter CCW), has started. The construction of this house was necessary considering that such a house was in the premises of the Juvenile Correctional Center for Juveniles (hereinafter CCJ) and the material conditions were not suitable for the placement of mothers with children. The law has foreseen that prisoners who are mothers of children up to 18 months old, will be placed together with their children in separate facilities. KRCT has continuously recommended the inadequate conditions of this facility and the urgent need for the construction of a new facility with appropriate standards for accommodating mothers with children.

### **3. Appointment of leaders of correctional institutions**

For several years, the KRCT has reported on the lack of stable management of the KCS and correctional institutions, calling for the appointment with a full mandate of the leaders of the correctional institutions.

During the year 2023, some of the positions of directors with a regular mandate have been filled, such as the appointment of the General Director of the KCS. Also, more than half of the correctional institutions have an elected director with a full mandate, such as: HSP, CCW, CCJ and ECC, Mitrovica DC, Peja DC. While still with acting positions are: Dubrava CC, Smrekonicë DC, Prishtina DC, Gjilan DC, Prizren DC.

### **4. Recruitment of new correctional officers**

During the year 2023, 45 female correctional officers started working. The recruitment of 70 new correctional officers has also begun. The number of correctional officers has been insufficient in relation to the number of prisoners and the capacities of correctional institutions, therefore the recruitment of new correctional officers will directly affect the better management of correctional institutions.

### **5. Opening of the health institution for the treatment of persons with special needs**

In February 2023, the inauguration and opening of the health institution for the treatment of persons with special needs (Pavilion D) was made, as a special institution mainly for the treatment of cases at risk of suicide and users of narcotic substances. The capacity of this institution is 60 beds.

### **6. Organization of special education for juveniles**

Following continuous recommendations and specific publications by KRCT, in the academic year 2023/24, the implementation of special education for juveniles who could not read and write began. The Juvenile Justice Code provides that in such cases, special education should be organized; however, until 2023, education was only organized from the 5th grade onwards.

## **7. Achievements of the Correctional Service in combating smuggling and corruption**

One of the greatest successes of the Kosovo Correctional Service (KCS) in the last 2 years has been the fight against smuggling and corruption in correctional institutions. KCS has taken continuous actions in the fight against these phenomena, where during 2023, 53 cases of smuggling have been prevented. Also, 14 cases of corruption of correctional officers have been discovered, against which concrete actions have been taken (suspension, termination).

## **8. Work of prisoners outside correctional institutions - success story**

The Administrative Instruction that defines the criteria for engagement in work outside correctional institutions has been fully implemented in the Correctional Center in Smrekonica, where 1/3 of the prisoners were engaged in work outside the correctional institution. They have been allowed to conclude contracts with private businesses, while the income is managed through the correctional institution. Prisoners engaged in work leave the institution at 7:00 AM and return at 4:00 PM without escort. Meanwhile, a monitoring team operates to monitor the implementation of the employment contract and the compliance with the Administrative Instruction by the prisoners.





# **SUMMARY OF OVERALL FINDINGS 2023**



# 1. TREATMENT OF PERSONS DEPRIVED OF LIBERTY

*Mistreatment, torture, or inhuman, degrading, or humiliating treatment are prohibited by both international and domestic law. Protection from torture or inhuman or degrading treatment is an absolute and inalienable human right, whether it be in times of public emergency, matters of state security, or other reasons.*

The Kosova Rehabilitation Center for Torture Victims (KRCT) since 2007 systematically monitors correctional institutions in order to prevent torture or other forms of ill-treatment. As an independent organization, KRCT carries out monitoring visits for the purpose of assessing the respect for human rights in places of deprivation of liberty. KRCT has monitored the treatment of convicts and detainees, paying special attention to *the placement and treatment of sensitive categories; categorization of prisoners; individual treatment plan; procedural guarantees and disciplinary measures; cases of injuries, self-harms, attempted-suicides, suicides and deaths; conflicts between prisoners; use of force and ill-treatment; overcrowding as well as other aspects related to the rights and treatment of prisoners.*

Some of the situations presented in the following of this report show indications that the level of treatment of prisoners should be advanced, namely the actions of the state should be proactive in preventing any possibility of ill-treatment and advancing the respect of the rights of persons deprived of freedom. The state's actions or inactions in the prevention of some cases, as presented below, can lead to situations that are considered inhumane.

For more than two years, KRCT has not been allowed access to monitor health services in prisons, which, in addition to monitoring the health services provided in prisons. This, has prevented the monitoring and confirmation of some cases indicating improper treatment in prisons, such as injuries, self-harm, suicide attempts, reported cases of the use of physical force, mental health problems, drug users, etc. For these cases, KRCT has had to utilize sources other than meetings and interviews with prisoners for data collection and confirmation. Exceptionally, for cases where KRCT has requested information on the individual treatment of prisoners, the Prison Health Department has responded positively by providing an individual report on the respective case.

***Therefore, KRCT calls on the Ministry of Health and the Prison Health Department to reconsider KRCT's request for access to monitor health services in prisons, in order to accurately document the claims or assumptions regarding cases of improper treatment.***

The report below outlines how prisoners are treated in various areas.

### **1.1. Placement and treatment of sensitive categories (categorization)**

**Placement and treatment of sensitive categories or** in correctional institutions has been the focus of KRCT monitors during 2023. Despite all the efforts of the Correctional Service and the Prison Health Department, the placement and treatment of prisoners according to certain categories was a challenge even during this year.

In many cases, KRCT has observed that individuals with ***various illnesses***, those with ***mental health disorders, and substance users*** were placed in almost all institutions alongside other inmates. Despite the operationalization of the Health Institution for the Treatment of Persons with Special Needs at the Dubrava Correctional Center Institution (*referred to as Pavilion D*), which has a capacity of 60 beds, the number of individuals placed in this institution was up to 20 (*according to data from the last monitoring visit to Dubrava Correctional Center Institution in December 2023*), while other individuals with specific health needs continued to be housed in other wards within Dubrava Correctional Center Institution or in other correctional institutions.

**Women** prisoners are placed in a special correctional institution (Correctional Center for Women in Lipjan). For women with mental health problems, there are no special institutions or spaces for treatment. In the Kosovo Institute of Forensic Psychiatry (KIFP) there is no special ward for women, and in cases where a psychiatric examination must be done in this institution, they are placed in several separate cells, but which are limited to the realization of other activities of this institution. Likewise, with the opening of Pavilion D in the Dubrava CC, no separate space or unit for women has been provided.

**The juveniles** are housed in the Juvenile Correctional Center and the Educational Correctional Center in Lipjan. Also, for juveniles, there is no special institution for the treatment of juveniles deprived of their liberty who have mental health problems. Over the years, KRCT has grown concerned with the placement of juveniles with educational measures in the Correctional Center instead of the Educational Correctional Center that was built for this purpose. Likewise, there are no special spaces for **juvenile girls**, they are placed in the same institution and spaces as adult convicts. It is a concern, the lack of relevant social workers and educators for the treatment of juveniles. Currently, only one social worker is engaged for both centers, while there is no educator as provided by the Juvenile Justice Code. Moreover, until 2023, the staff at ECC worked in civilian clothes, while from 2023 the uniform was re-introduced.

***KRCT reiterates the recommendation that there should be special health units for women and juveniles with mental health problems. Also, all juveniles with Educational Measures must be placed in the Educational Correctional Center.***

Correctional institutions still do not have specific policies for the placement and categorization of persons from the **LGBTQI+ community**. KRCT has requested information regarding this category of prisoners; however, the response has been that there are no such cases, and there are no procedures for their placement and categorization. The lack of placement and categorization procedures is one of the reasons why it is not known if there are people from this community in prisons because they may feel stigmatized and without an address to seek placement and proper treatment.

During the conversations with the monitoring team, in some cases the prisoners raised the issue of prisoners who, according to them, belong to the LGBTQI+ community and asked to be placed in separate units. KRCT has brought these requests to the prison management, but the answer has been that there have been no such cases.

As for **foreign citizens prisoners**, in correctional institutions main challenges are about family visits and communicating with their families. For more than two years, the Kosovo Correctional Service has been unable to reach an agreement with the Kosovo Telecom -Post Office regarding the possibility of making calls outside the territory of the Republic of Kosovo. As a result, all foreign citizens are unable to make calls outside the country. Regarding access to Skype (as a

communication tool used in correctional institutions), in some of the countries from which these prisoners come, this platform is not available. Their requests are to allow the possibility of communication through WhatsApp, but there is no decision that allows such communication.

Institutionalized members of **minority communities** are sometimes mixed with other prisoners, but when possible and space allows, members of the same community are housed together. Generally, they are treated equally, but there are occasional complaints that their needs are neglected or even cases where they are discriminated against by staff and other inmates simply because they belong to a minority community (such as Roma, Ashkali, or Egyptian). As for the prisoners of **the Serbian community**, they are divided into separate units (pavilions) within the correctional institutions in HSP, Prishtina DC, Gjilan DC and Mitrovica DC. During the monitoring visits of the KRCT, Serbian prisoners are also visited and they have not submitted complaints regarding their treatment.

In Smrekonica CC, an open-type institution, prisoners are placed directly based on court orders. Therefore, despite being an institution where only prisoners who meet the criteria for placement in an open-type institution should be placed, cases that are arrested by court order, without going through the preliminary assessment process, are also sent there. This has posed significant challenges in their management. According to Correctional Service procedures, every new admission for serving a sentence should initially be placed in a separate Pavilion in Prishtina DC for preliminary assessment and categorization. This rule is not always applied, thus affecting the proper categorization of inmates.

## 1.2. Treatment of cases of sexual abuse

*(State responsibility to address and protect their rights)*

KRCT places special importance on the treatment of sexual abuse cases or of cases which are in vulnerable positions, including monitoring, identification, treatment, and response to it.

Although during 2023, correctional institutions and the Department of Corrections did not report any cases of sexual abuse, during a regular visit, the monitoring team of KRCT, identified one of them as a victim of sexual assault within the prison.

The prisoner had mental health problems and had been a user of narcotic substances. The same one was moved to several different pavilions, while with

the operationalization of Pavilion D, he was transferred there and was placed together with another prisoner. Pavilion D was opened precisely for the treatment of such cases (with mental health problems and users of narcotic substances).

During his several-day stay in Pavilion D, the same prisoner was sexually assaulted by another prisoner. Immediately after the sexual assault, he had asked to leave that pavilion, where he had also committed self-harm as a desperate act for transfer. He was then transferred from Pavilion D. Despite his reactions, he was never treated for the reasons of his persistent request to leave Pavilion D. According to the PHD Report, he insisted on leaving Pavilion D due to his inadequacy in that pavilion.

During the KRCT's monitoring visit in August 2023, the monitoring team, consisting of a lawyer and a psychologist, met with this prisoner. During the conversation with him, he expressed feeling very worried and scared, and he reported that a few weeks ago, while he was housed in Pavilion D, he was **sexually assaulted** by another prisoner. When asked if anyone else knew about the incident, the prisoner replied that out of fear, he did not report it anywhere. The monitoring team discussed with the prisoner. The prisoner agreed for the monitoring team to address his case. Due to the specifics of the case and his mental health condition, the monitoring team refrained from asking for details to prevent re-traumatization, so after the monitoring visit, KRCT promptly reported this case to the DCS and requested sensitive handling due to the prisoner's severe emotional distress.

Following KRCT's request, the DCS responded that the psychiatrists and psychologists at the Dubrava CC had taken the case into treatment, and the prisoner had also acknowledged the incident to them. KRCT also informed the management of Dubrava CC and requested immediate treatment for the case. Meanwhile, KRCT was notified by Dubrava CC that an investigative commission had been formed, and the case was being handled according to procedures.

In October 2023, the KRCT conducted a follow-up visit to see the actions taken to deal with this case. The Directorate of Dubrava CC has informed the monitoring team that the Investigative Commission within Dubrava CC has investigated the case, but has not found that the case happened. KRCT was granted access to the file of the Investigative Commission, which had interviewed the injured party and the suspected perpetrator. The injured party, in this case the prisoner who was the victim of sexual assault, described in detail how the case happened before the members of the Commission. While the prisoner suspected of this case,

categorically denied that he is involved in the case. Therefore, the Investigative Commission had closed the case.

During the review of the investigation file, based on the description of the case by the prisoner, the monitoring team assessed that the actions against the sexual integrity of the prisoner, according to his statement, have elements of the criminal offense “Sexual assault” according to Article 229 of the Criminal Code of the Republic of Kosovo, and in the future, the Criminal Procedure Code has referred to it as sexual assault and not sexual harassment.

After confirming that it was not continued with other procedures to investigate this case, on 16.10.2023, KRCT submitted **a criminal complaint** to the Basic Prosecutor’s Office in Peja. Regarding the criminal report, the Correctional Service and the Health Department of Prisons have been notified.

KRCT has continuously been interested in the case, where in December 2023 it visited the prisoner who was the victim of sexual assault, but until that time the victim was not interviewed by the police or the prosecution.

Also, at the beginning of 2024 KRCT, addressed to the Basic Prosecutor’s Office in Peja to request information about the handling of this case, but never received an answer.

It is quite concerning that these cases are not handled adequately both by the KCS, PHD and also by the Prosecutor’s Office, where for months the victim has not been interrogated by the investigator regarding the reported case, especially for such cases that should have been handled with high priority and sensitivity.

***Despite KRCT’s initial reporting of the case to the KCS and the PHD in August 2023, followed by reporting to the prosecutor’s office in October, until the publication of this report, this case has not been addressed by the responsible authorities. The victim continued to be held without being questioned by the competent authorities.***

Such negligence by the relevant institutions in handling such cases can lead to re-victimization of the prisoners and also does not guarantee the protection of human rights for people deprived of liberty. In this case, the failure to timely address these cases imply that victims do not have the courage and confidence to report such incidents because there is no guarantee that they will be handled with efficiency and professionalism. Professional failure (with urgency and



sensitivity) to handle cases of sexual assault) may be a cause of the recurrence of such acts and the non-reporting of them by the victims.

In addition, in the report of the Prisons Health Department for the year 2023 (published in January 2024<sup>1</sup>), the case of sexual assault in the Dubrava CC was not presented at all, even though it was reported by the KRCT to the PHD. So, in the reporting section and the category of sexual abuse cases for 2023, the number of reported cases is zero (0).

***KRCT informs all responsible authorities that failure to handle such cases falls under the responsibility of the state, which must protect human rights of people deprived of liberty.***

***KRCT reminds the responsible authority that during 2023 the first Judgment was issued by the Basic Court in Prishtina, which makes the state responsible for the failure to protect the prisoner who was the victim of rape while serving his sentence in the Dubrava CC in 2014. This case that has been represented by KRCT since 2014.***

### 1.3. Treatment of drug users

The number of prisoners ***who use narcotic substances*** is in an increasing trend from year to year, where according to the annual report of the PHD for 2023, the number of prisoners who are users of narcotic substances (those who declare) has reached 16.40% of prison population, while in the previous three years (2020, 2021 and 2022) the percentage was around 14.5%.

The trend of increasing this percentage makes their treatment challenging, since the same are distributed in all correctional institutions and due to their state of dependence, they are often subject to conflicts between prisoners and subject to disciplinary violations. In the treatment of users of narcotic substances, the methadone program is applied. However, KRCT considers that there is a lack of genuine categorization and an individual treatment plan for this category, considering that there has been no progress in this area.

1 <https://msh.rks-gov.net/Department/Index/10?type=1>

***KRCT recommends that a special strategy be drawn up for the treatment and prevention of the use of narcotic substances by prisoners, which would positively affect their rehabilitation and reintegration into society.***

## **1.4. Placement and treatment of mentally disordered offenders**

As in previous years, the year 2023 has also been quite challenging for the placement and treatment of offenders with mental disorders. Correctional institutions were facing the continuous increase in the number of prisoners with mental disorders, while the professional and infrastructural human capacities suitable for their placement are lacking, so the treatment for prisoners with mental health problems remained below standard.

All correctional institutions deal with prisoners with mental health problems, on the other hand, there is a lack of capacity to accommodate them, as required by law.

Prisoners with mental health problems placed in correctional institutions are divided into several categories, depending on their status:

- Convicted prisoners, but with mental disorders;
- Detainees, some of which awaiting psychiatric examination, a number of them examined but still in detention in correctional institutions;
- Detainees undergoing examination at the Kosovo Institute of Forensic Psychiatry (KIFP);
- Persons with a measure of compulsory psychiatric treatment with detention at the Institute of Forensic Psychiatry of Kosovo (KIFP).

Currently, prisoners with mental health problems are placed in all correctional centers and detention centers, in the KIFP, the Hospital Pavilion in the Dubrava CC, and Pavilion D in the Dubrava CC.

Due to the specifics of each institution, many of the prisoners are placed in correctional and detention centers, contrary to the legal provisions in force.

The Criminal Procedure Code expressly stipulates that detention for persons with mental disorders must be held in health institutions. Article 509, paragraph 2 of the Criminal Procedure Code: *“Detention on remand is served in a healthcare institution and may last for as long as the defendant is dangerous but does not exceed the prescribed periods of time for detention on remand set forth in Article 187 of the present Code”*. So, despite this legal provision, the detention of persons with mental disorders continues to be executed in correctional institutions.

- Detainees are sent to the KIFP only for psychiatric examination, where the wait for the examination is relatively long, there are cases where they wait for months to be sent for a psychiatric examination, due to the lack of places in the KIFP which has a capacity of only 12 beds for examination and 24 beds for the execution of the Measure of compulsory psychiatric treatment with detention. Given that the duration of the examination lasts up to 4 weeks, a waiting list is created, so detainees continue to be held in detention centers, despite the lack of adequate treatment as provided by law.
- In the Hospital Pavilion in the Dubrava CC, the psychiatric section, which has 11 beds, mainly serious psychiatric cases are sent, both convicted and remanded in custody. Part of the Hospital Pavilion is Pavilion 7 in the Dubrava CC, with 21 beds, dedicated to persons with special needs and the elderly with mental disorders are also housed in this pavilion. Although Pavilion 7 is part of the Hospital Pavilion, none of the health staff stays there, except when dispensing therapy.
- In February 2023, the Institution for the treatment of persons with special needs was opened and operationalized in the Dubrava CC (Pavioni D), which is managed by the Prison Health Department. The population of this Pavilion started in July 2023. The number of persons settled in this pavilion was up to 20 (data until December 2023).

In the absence of the Agreement for health monitoring in prisons, the KRCT has failed to monitor the treatment and provision of services to prisoners in Pavilion D and the Hospital Pavilion. Additionally, KRCT does not have an agreement for monitoring the KIFP.

The number of people with mental disorders is much higher than the current capacity in specialized institutions. In 2023, around **240** inmates with mental disorders were treated only in Prishtina DC. During the monitoring visit in

December 2023, **14 people with mental disorders** were placed in Prishtina DC, 8 of whom had an Order from the court for a psychiatric examination in KIFP. But due to the lack of places in KIFP they were kept in Prishtina DC. Prishtina DC faces the largest number of people with mental disorders, however, other correctional institutions also faced this challenge (Dubrava Correctional Center, Gjilan Correctional Center, Peja Correctional Center, Prizren Correctional Center, Women's Correctional Center in Lipjan, and Juvenile Correctional Center in Lipjan).

So, *the implementation of detention for persons with mental disorders* is being carried out in correctional institutions, which is contrary to the laws in force. Any detention of such persons in correctional institutions constitutes a violation of human rights.

*Based on the fact that the number of detainees with mental disorders is increasing, the KRCT reiterates the call for the Kosovo Judicial Council, the Kosovo Prosecutorial Council, the Ministry of Justice, the Ministry of Health, as well as other responsible mechanisms, should take measures to establish specialized health institutions for the placement and treatment of offenders with mental disorders, including implementing pre-trial detention measures towards them.*

In the absence of appropriate treatment for persons with mental disorders, they often become the cause of various incidents within correctional institutions, endangering their lives, and often putting the correctional staff and other prisoners at risk. Such a situation was in Prizren CC, where a detainee burned his room, and the correctional staff, in an attempt to stop the fire, were physically attacked by the detainee.

KRCT has addressed the treatment of cases with severe mental disorders, especially those placed in Pavilion 5 at the Dubrava CC under constant supervision. In other words, the most challenging cases to manage were not placed in Pavilions directly managed by medical staff, such as Pavilion D and the Hospital Pavilion. Instead, they were placed in Pavilion 5 (the solitary confinement ward) and, in certain cases (when constant supervision was required), they were monitored 24 hours a day by correctional officers.

***The KRCT has opposed this practice in the Dubrava CC, and has recommended that cases with serious mental disorders should be managed and supervised by professional health staff and not by correctional officers.***

*In a separate publication, KRCT deals with the obligations of the state for the placement and treatment of offenders with mental disorders.*

### **1.5. The Health Institution for the Treatment of Persons with Special Needs in the Dubrava CC (Pavilion D)**

The Health Institution for the Treatment of Persons with Special Needs at the Dubrava CC (Pavilion D) was inaugurated at the end of February 2023 as an institution for inmates with special needs; however, its work did not commence until July 2023. KRCT monitoring team during the visit on June 14, 2023 visited this pavilion to assess the progress of the work. From this visit, it was evident that despite the inauguration of this institution, there were still unfinished tasks, and some areas lacked inventory. In the soft cells on both sides, the work had not yet been completed, such as walls, flooring, and lighting. KRCT had requested information about the functionality of these cells, but according to the response from the PHD, these cells would not be utilized, as per the recommendations of experts from the Council of Europe. The family visitation rooms were quite small, and the space was divided by transparent glass with several holes. Adjacent to the visitation rooms was a small corridor not covered by security cameras. Additionally, the kitchen facilities were disorganized and not functioning. The food was supposed to be distributed from the general kitchen of the Dubrava CC, which has a considerable distance from this pavilion.

From other monitoring visits to the Dubrava CC, the KRCT team was informed that the management of Pavilion D is handled by the PHD, while the KCS is responsible only for security aspects. According to the management of the Dubrava CC, the work of the KCS staff in this pavilion is carried out through four shifts, composed of seven officers per shift. According to information from the PHD, this pavilion has a capacity for accommodating 60 inmates, divided into 3 categories:

- 20 beds for increased mental treatment (persons at risk of suicide and acute, temporary, mental disorders);
- 20 beds for the treatment of people with addiction diseases (treatment of addictions, substitution treatment, occupational therapy and rehabilitation); and
- 20 beds for the treatment of chronic diseases (treatment of persons with chronic diseases with permanent health care, monitored).

Since KRCT did not have access to monitor healthcare, there was no opportunity to visit this pavilion after its population started. However, data was obtained from inmates and staff at the Dubrava CC.

According to the management of the Dubrava CC, during the monitoring visit in August 2023, 14 inmates with non-severe mental health problems were placed, cases deemed manageable, selected by the multidisciplinary commission. Based on the monitoring of other pavilions where individuals with severe mental disorders are placed, KRCT considers that selecting lighter and more manageable cases to be placed in Pavilion D, while leaving severe cases in other pavilions, may contradict the purpose of establishing this institution.

Additionally, KRCT has observed many cases being sent to Pavilion 5 for permanent observation or every 15 minutes due to suicide risk, while they were not placed in Pavilion D, which is functionalized for this purpose.

During the monitoring visit in December 2023, the monitoring team was informed that 20 inmates had been placed in Pavilion D.

KRCT has identified two cases where individuals were returned from Pavilion D to Pavilion 7 due to non-adaptation.

***KRCT recommends that inmates placed in Pavilion D be pre-evaluated and an individual treatment plan be prepared to ensure that their placement in that pavilion achieves the goal of adequate treatment and supervision.***

***As for the infrastructure of this Pavilion, KRCT recommends to intervene in the external shutters of the windows and adapt them to the purpose of this institution.***

In this institution, there are no separate spaces for women and juveniles, therefore the treatment of these categories will continue to be challenging.

## 1.6. Injuries, self-harm, suicides and deaths in prisons

Based on ***indicators of injuries, self-harm, suicides, and deaths in prisons***, the KRCT monitoring team has encountered challenges in confirming accurate data and directly monitoring the health treatment of these cases due to limited access to health services in correctional institutions. However, through conversations with prisoners and meetings with correctional institution officials, KRCT has observed an increase in injuries and self-harm incidents within prisons.

According to reports from prisoners, especially for cases of self-injury, the reasons why they cause self-injury are mainly related to the judicial system and lack of health services according to their requests.

It is worth noting that while some bodily injuries occur during work, sports activities, or accidents, many are attributed to violence between prisoners and, in some cases, the use of physical force by staff. The significant rise in the number of physical injuries over three years is concerning. In 2021, there were 283 recorded bodily injuries, which increased to **381** in 2023. Similarly, the number of ***self-harm*** incidents has been steadily increasing, with 102 incidents reported in 2021 and **189** in 2023 within correctional institutions.

This ongoing increase in bodily injuries and self-harm cases indicates a prevalence of ***violence in prisons*** and highlights deficiencies in the provision of adequate professional and health services for their treatment and rehabilitation.

*Comparison of cases of injuries and self-harms by year, referring to the annual work report of the PHD for the year 2023:*

	2020	2021	2022	2023
Bodily injuries	278	283	341	<b>381</b>
Self-injury	130	102	125	<b>189</b>

As for ***suicides and attempted suicides***, in 2023 there was a much better management of cases at risk of suicide, where there was a marked decrease in those who attempted suicide. However, during the year 2023, a suicide occurred in the prison, as well as in 2022, where a case of suicide was recorded.

In this regard, according to official information, ***the implementation of the Suicide Prevention Strategy has had an important role in the prevention of suicides***, where the systematic assessment and coordination related to the increased risk of suicide by the mental health staff has been continuous and with results of satisfactory in preventing suicides. According to the official data published by PHD, during the year 2023, 222 prisoners with a high risk of suicide were identified, who were treated and monitored continuously. Of the 222 recorded cases, 24 of them attempted suicide, but with the quick response of the correctional and health staff, 23 of them managed to escape from death, while one of them unfortunately committed suicide.

Based on the evidenced cases, it is observed that the multidisciplinary team for the implementation of the strategy for the prevention of suicides have carried out important work that has influenced the decrease in the number of suicides and suicide attempts.

*The following is a comparative table with data on suicides and attempted suicides for recent years, referring to the Annual Work Report of the PHD for the year 2023:*

	2020	2021	2022	2023
Suicide attempt	29	28	34	24
Suicide	3	3	1	1

***KRCT encourages the health staff to continue with the treatment of these cases, bringing concrete results in the prevention of suicides in prisons.***



During 2023, there were 6 cases of prisoner deaths, including one suicide. The same number of deaths was recorded in 2022. Cases of prisoner deaths in prisons are promptly reported to the public by the KCS and the PHD, providing information on where the prisoners passed away, whether within correctional institutions or in public hospitals, as well as data on any pre-existing illnesses.

Autopsies are mandatory for cases of prisoner deaths to determine the cause of death. However, the KRCT monitoring team has been unable to obtain accurate information on these cases as correctional institutions do not possess autopsy reports. Therefore, the cause of death officially remains unknown in such cases.

***KRCT appreciates the efforts of the correctional and health staff for providing emergency assistance to prisoners.***

## **1.7. Overcrowding**

The construction of new prisons and adequate capacities for housing prisoners has largely prevented **overcrowding** in correctional institutions for years. However, overcrowding remains an issue in detention centers, especially during renovations or when capacities are filled with detainees.

During a monitoring visit to the in Gjilan DC in July 2023, KRCT observed overcrowding due to defects in the water system, which rendered three wards of Pavilion 2 unusable and awaiting renovation. Detainees from these wards were relocated to other areas, resulting in overcrowding. **The monitoring team found ten cells with only one bed each, where detainees were placed with mattresses on the floor.** These cells lacked chairs and tables, and the detainees were not provided with proper bedding, which is mandated by law and international standards.

In addition to the fact that the prisoners were not provided with a bed, as required by law and international standards, at that time the temperatures were very high, around 36 degrees Celsius, conditions that were contrary to any standard for the placement of prisoners, considering that the prisoners were kept locked inside the room during 22 hours, while only 2 hours during the day they went for a walk in the fresh air.

## The Standards of the Committee Against Torture (CAT)

*46. Overcrowding is a matter of direct concern for the mandate of the KRCT. All services and activities within a prison would be adversely affected if more prisoners were to be housed than the facility is designed to accommodate; the overall quality of life in the institution would likely decrease, perhaps significantly. Furthermore, the level of overcrowding in a prison, or specific parts of it, may be such that it is inherently dehumanizing or degrading from a physical standpoint.*

*50. The Committee Against Torture (CAT) would like to emphasize that it is particularly concerned when it finds a combination of overcrowding, poor regime activities, and inadequate toilet/washing facilities in the same institution. The cumulative effect of these conditions can be severely detrimental to the prisoners.*



## The Rules of Nelson Mandela

*Rule 12. When sleeping accommodation is in individual cells or cells, each prisoner shall occupy his or her cell or room alone at night. If, for special reasons, such as temporary overcrowding, it becomes necessary for the central prison administration to make an exception to this rule, it is not desirable to have two prisoners in a cell or room.*

*Rule 21. Every prisoner shall, in accordance with local or national standards, be provided with a separate bed and separate and sufficient bedding which shall be clean when issued, kept in good order, and changed often enough to ensure cleanliness.*



## The Law on the Execution of Criminal Sanctions

*Article 37, paragraph 3. The convicted person is provided with a separate bed and sufficient layers and covers which must be clean when given to him, must be properly maintained and changed regularly*



***International standards and local legislation provide that every prisoner must be provided with a personal bed and clean sheets and covers.***

***Based on local legislation and international indicators that the KRCT uses to monitor places of deprivation of liberty, the placement of pre-trial detainees in such overcrowded accommodation conditions, as in this case within the cells, may constitute inhuman or degrading treatment from a physical condition's standpoint. Therefore, the KRCT requested that the Gjilan DC, in coordination with the Kosovo Correctional Service, urgently find a solution for the placement of prisoners in acceptable accommodation conditions, as provided for by local legislation and international standards, to prevent the violation of the rights of persons deprived of their liberty.***

***Immediately after the visit, KRCT addressed the Correctional Service, the Ministry of Justice, the Judicial Council of Kosovo, and the Office of the People's Advocate/National Mechanism for the Prevention of Torture to take immediate measures to prevent such a situation.***

The Correctional Service reacted promptly, and after being addressed by the KRCT, announced that **“all prisoners have been accommodated in cells with beds according to standards and are being treated like other prisoners.”**

Similarly, the National Mechanism for the Prevention of Torture of the People's Advocate informed the KRCT that they had visited the Gjilan DC and that **“all persons deprived of their liberty have returned to their cells.”**

KRCT welcomes the immediate reactions of the relevant institutions for such cases, and continues to communicate with them in the spirit of cooperation in advancing the standards for the placement and treatment of persons deprived of their liberty.

However, cases of overcrowding within the cells were also observed at the Smrekonica CC, where two cells in the Reception Pavilion, which had a space of around 20 square meters, had up to 8 beds, a situation that contradicted accommodation standards.

The Detention Center in Peja was operating at full capacity, while KRCT has received claims that in certain cases there is overcrowding, where, in addition to the 4 beds for prisoners, an additional one is placed on a mattress (on the floor) until a spot is freed up. KRCT has opposed this practice, considering the

unsuitable living conditions in this center, such as the lack of adequate natural lighting and ventilation. Especially during high temperatures, the conditions for accommodating 4 people were unacceptable, let alone 5 (4 beds + 1 on the floor with a mattress).

Similarly, in the Dubrava CC, there are almost always 4 prisoners placed in one room in almost every pavilion, while in some wards there are up to 6 beds.

Considering that there are available spaces in this institution, specifically pavilions that are not in use, the KRCT recommends the distribution of prisoners within the institution and avoiding the placement of four to six prisoners in one room.

Furthermore, the KRCT assesses that in the event of the Ratification of the Agreement between Kosovo and Denmark, where the Gjilan DC will be handed over to Denmark, 200 prisoners currently housed in the Gjilan DC will be relocated to other pre-trial detention centers, which could lead to overcrowding.

## **1.8. Use of force and ill-treatment**

Correctional institutions in Kosovo have been advancing standards for respecting human rights in correctional facilities year by year. Overall, KRCT assesses that there is no torture in Kosovo's correctional institutions, and likewise, other forms of mistreatment are not used as institutional measures against inmates. However, in some cases, KRCT has received information about allegations of the use of force against prisoners, including institutions such as the Dubrava CC, the Prishtina DC, the DCW, and the CCJ in Lipjan.

KRCT has received information about the use of force with concern, especially at the Juvenile Correctional Center, where it has investigated and monitored these cases.

KRCT had not received prior notification from the prison management regarding the use of force in these cases, even when the use of force was deemed necessary. Only after the identification and treatment of these cases by the KRCT monitoring team did the management respond that in the identified cases, the use of force was proportional and necessary, invoking legal provisions allowing proportional and necessary force to be used.

*The Law on the execution of criminal sanctions provides:*

#### **Article 114**

##### **Use of force and restraint equipment against convicted persons**

1. The correctional officer shall use force and restraint equipment against the convicted person only when it is necessary to prevent:
  - 1.1. escape;
  - 1.2. physical attack on another person;
  - 1.3. self-harm;
  - 1.4. causing material damage;
  - 1.5. active or passive resistance during the execution of legal orders by the correctional officer.

*For some of the identified cases, the KRCT has requested an investigation by the Inspectorate of the Ministry of Justice, but after investigating the cases, they did not find any use of force by the correctional staff.*

Below are described some of the cases of use of force reported to the KRCT:

- During regular monitoring visits to the Juvenile Correctional Center (CCJ) in Lipjan, the monitoring teams received reports of physical force being used by correctional staff. In the visit conducted in September 2023, the monitoring team, split into two groups, was informed by several juveniles that an incident had occurred a few days prior in the school area of CCJ, where correctional staff had used physical force against some juveniles. Additionally, the monitoring team visited three Juveniles who were under isolation measures and spoke with them. According to the juveniles in isolation and those in other wards, there was an altercation among juveniles at school, prompting correctional staff to intervene. After the altercation ceased, all juveniles involved were brought into a classroom where the correctional staff used physical violence (slaps) against them. The juveniles also reported that the officers used insulting language. As a result of this incident, the juveniles involved (total 3) were placed in isolation as a disciplinary measure. The juveniles claimed they requested complaint forms but were not provided any. They also reported various neck and head injuries (Behind the ears).

- During the monitoring visit in **December 2023**, the monitoring team received complaints from two juveniles at CCJ who allegedly were beaten by correctional officers following a verbal altercation with another juvenile. They stated that the incident occurred the day before the monitoring visit when they were taken to the ward officers' office and physically assaulted, as well as verbally abused. One of the juveniles showed signs of injury on the back of the neck, which he attributed to the violence by the correctional officers. He also complained of pain in his left rib and right hand. They claimed they were not allowed to use the phone to contact the KRCT and were not sent for a medical examination despite their request.
- Also, **in May 2023**, KRCT received information about the use of force against a juvenile at Lipjan CCJ. During the juvenile's visit, he stated that correctional officers intervened and used excessive physical force against him after a conflict with another juvenile. KRCT requested an investigation by the Inspectorate of the Ministry of Justice. According to the inspection report, the Inspectorate found that: all necessary legal actions were taken by the institution's leaders to prevent further actions by the juveniles *since, according to the assessment, these two juveniles are observed to have instability and health problems and are considered recidivists for breaking the domestic order. The medical report notes that the juvenile has an unstable psychological state and is under therapy of a psychiatrist, psychologist.* Whereas, from the juvenile's statement given to the Inspectorate, the juvenile had apologized to the staff for accusing them falsely. Continuing that *he is writing this statement in the presence of his parents, without any pressure and that he himself is guilty.* This statement is signed by the juvenile and his parents. *It is important that after the end of this statement, a sentence was added by the juvenile as follows: "and I apologize to the chief/inspector".* Such a statement given during the investigation, especially the apology to the inspectorate, was taken with great reserve by the KRCT because every prisoner, in this case juveniles, have no obligation to apologize to the inspectorate, who carry out the inspection in any suspicious case. So this case calls into question the objectivity of the investigation by the inspectorate!

Such cases reported by juveniles regarding the use of force, as well as frequent incidents of violence among juveniles, are alarming for justice institutions. Urgent measures need to be taken for their rehabilitation, education, and reintegration so that when they are released, they are responsible and re-educated, rather than exhibiting more problematic behavior than when they entered prison.

- The monitoring team received information about a case of the use of force at the Prishtina DC in May **2023**. During the conversation with the prisoner, he informed the monitoring team about the incident on 17.05.2023, where, according to him, some correctional officers used physical force against him. Based on the meeting with the prisoner and the staff of the Prishtina DC, as well as reviewing the documents and the file, the monitoring team has evidenced that: on 15.05.2023, narcotics were found on the prisoner and he was sent to solitary confinement (pending investigative procedures); after the formation of the commission and the investigation of the case, on 17.05.2023 he was sentenced to solitary confinement for 10 days; after the imposition of the solitary confinement measure, a correctional officer went to the room where the prisoner was isolated to inform him about the disciplinary measure, where the incident took place, then two other officers also went; the same day there was an incident in the visiting room with the lawyer; after the incident in the isolation room, on 18.05.2023 deputy director of Prishtina DC by Decision formed the Investigative Commission for the alleged use of force, where the Commission was asked to ascertain whether proportional force was used to bring the situation under control; the three correctional officers involved in the incident stated that after entering the room, the officer was attacked by the inmate, then had to use reciprocal-proportional force in order to keep the inmate under control. The monitoring team also looked at the photos in the file where the injured officer was seen during this incident. After this incident, the prisoner had a meeting with his lawyer, where during the meeting he injured himself in order to blame the correctional staff for these injuries. After the discovery by the security cameras, it was proven that the prisoner caused self-injury according to the instructions of the defense lawyer, for which the case was also initiated in the Kosovo Bar Association.

In the report of the Investigative Commission compiled on 19.05.2023, in addition to the other issues that have been listed, as for the main purpose that this commission had to investigate, whether “***proportional force was used to bring the situation under control***”, in one of the points of the report it was found as follows: “**The critical moment of the alleged incident is not seen on the camera**”.

Since, based on the internal investigations, it was not established whether the use of force was proportionate and necessary or not, the KRCT turned to the Inspectorate of the Ministry of Justice to investigate this case. This is a case that, according to the procedures, the Inspectorate had to investigate even without the initiation of the KRCT.

KRCT has requested the report of the Inspectorate, which after the investigation of the case came to this conclusion: *The Inspectorate after examining the case, administering the evidence, receiving testimonies from the correctional officers, talking with the former Deputy Director of the institution, as well as watching the cameras ascertains that the actions undertaken by the Institution are fair and in accordance with the legal procedures as well as the Institution's regulations in terms of security.*

**KRCT has analyzed the Report of the internal investigative Commission and the Inspectorate, but it is noted that the investigation and treatment of this case did not have clear and concrete conclusions that the use of force was proportionate and necessary.** The use of force was evident, as well as the report and photographs of the correctional officer's injury, but the reasoned conclusion by the Commission and the Inspectorate that the use of force was in accordance with the law and relevant procedures is missing.

Despite the official evidence showing that the detainee physically attacked the correctional officer, which was also proven through photographs, the monitoring team did not document any disciplinary measure or other procedure against the detainee, except for the imposition of solitary confinement for a duration of 10 days due to the discovery of contraband - narcotics (for which the police have been notified).

The use of physical force is permitted in certain circumstances according to the Law on Execution of Sanctions and other procedures, but it must be reported and substantiated according to the relevant procedures. Therefore, the initiation of this case was to investigate whether physical force was used in accordance with legal provisions and relevant procedures.

- Similarly, in Dubrava CC, prisoners have claimed the use of force, primarily referring to cases involving other prisoners, but there was no further information available about those cases.
- Additionally, at the Correctional Center for Women in Lipjan, a prisoner reported the use of physical force against her. KRCT notified the Inspectorate, which opened the case, and during the visit to the prisoner, she had caused several self-injuries. The Inspectorate determined that the self-injuries were recent and did not correspond to the assertions about the alleged use of force that occurred a few days ago.



## 1.9. Placement and treatment of detainees

The measure of detention against detained persons is executed in the detention centers (Prishtina, Gjilan, Prizren, Peja and Mitrovica), in the High Security Prison, in CCJ, CCW as well as cases with health problems in the Dubrava CC.

The treatment of prisoners is done according to the Code of Criminal Procedure and the Law on the Execution of Criminal Sanctions, but for any action against them, the court and the competent judge must be notified.

During 2023, all detention centers were operating at full capacity, so the number of vacancies was very low.

One of the concerns that KRCT addresses in pre-trial detention is the excessive confinement of pre-trial detainees, who spend almost the entire day locked inside their cells, except for 2 hours of outdoor recreation. Therefore, they remain confined within their cells for 22 hours.

***KRCT has recommended that since there are no legal restrictions, the routine for pre-trial detainees should be reorganized so that they have free time within the ward during the day.***

Additionally, in some pre-trial detention centers, pre-trial detainees are prohibited from having watches inside the facility, often resulting in complaints that they cannot orient themselves in time. Furthermore, in some centers, the number of television channels was limited to only 3-4 programs.

Moreover, the monitoring team has identified several cases where detainees have been without charges for months.

## 1.10. Execution of solitary confinement

KRCT pays special attention to the execution of solitary confinement measures, particularly the conditions of solitary confinement.

In Dubrava CC, solitary confinement is executed in a separate ward in Pavilion 5, where the conditions are not suitable even remotely compared to human rights standards, while in other correctional institutions, solitary confinement is executed in separate cells within the units. In HSP and Prishtina DC, the dedicated solitary confinement pavilions are not in use because they do not meet physical conditions, while in Gjilan DC, solitary confinement is executed in a separate section, which according to monitors is considered inadequate space for housing detainees.

Regarding regular medical visits during the execution of solitary confinement measures, KRCT found that in Dubrava DC, the prisoners in solitary confinement are not visited by the doctor, but only from nurses. This practice is contrary to the Law on the Execution of Criminal Sanctions, which clearly stipulates that detainees must be visited every day by a doctor during solitary confinement execution. Article 111, paragraph 3 of this Law states: *“The convicted person in solitary confinement is visited by a doctor every day and by the director of the correctional facility and the social worker once every seven (7) days, or when the need arises even more often.”* In addition to detainees not being visited by a doctor every day as required by law, Administrative Instruction MD-No.10/2023 on Household Order in Correctional Institutions stipulates that: *“The prisoner in solitary confinement must be visited by medical staff every day and by the director of the correctional institution once every seven (7) days, as needed more frequently, while the social officer at least once every 3 days.”* With this provision of the Administrative Instruction, which contradicts the Law, it has been allowed for nurses to conduct visits without the presence of a doctor.

***KRCT recommends that the legal provisions of the LECS be implemented and that every prisoner with solitary confinement be visited by a doctor every day.***

Another concern that KRCT has addressed in the Juvenile Correctional Center is the imposition of solitary confinement on juveniles.

The Juvenile Justice Code has determined that juveniles cannot be sentenced to solitary confinement. Article 90, paragraph 2 of the Code of Juvenile Justice: *“A juvenile may not be subject to solitary confinement as a disciplinary punishment”*.

The practice of imposing solitary confinement, called “solitary”, has been repeatedly imposed on juveniles as a disciplinary measure. In the visit of the CCJ in September 2023, when KRCT visited 3 juveniles in isolation, it requested that this practice be stopped immediately because it is contrary to the Juvenile Justice Code. In the following, the KRCT was informed by the management of the CCJ and KCS that the measure of solitary/segregation was no longer imposed on juveniles.

***KRCT has welcomed the reaction of CCJ and KCS, in stopping this illegal practice.***

Furthermore, the juveniles in solitary confinement had their educational process interrupted, and they also lacked access to textbooks.

### **1.11. Handling of requests and complaints of prisoners**

The mechanism of internal complaints in correctional institutions still remains at an unsatisfactory level in the handling of complaints from prisoners, both in terms of the time of their treatment as well as in the protection of confidentiality, so the situation is the same as in previous years.

Prisoners have the opportunity to submit their complaints in two forms: through an open form, which they can submit through the respective supervisor, and through complaint boxes.

Confidentiality is maintained by assigning only one official to open the complaint boxes and ensuring that each complaint is addressed to the right person. However, in practice, this option for submitting complaints is rarely utilized. According to prisoners, the reason for not using the complaint boxes is that responses to complaints are often delayed, with some complaints never receiving a response, leaving them with no recourse to seek answers.

Regarding the submission of complaints through open forms, this method is sometimes used; however, it does not guarantee confidentiality, especially if the complaint involves correctional staff within the Unit or Ward, as the open form must be submitted through the supervisor of that unit. According to prisoners, in cases where they submit complaints and officers from the unit where the prisoners are located are involved in the complaint, they retaliate against them by not treating them equally with other prisoners.

During monitoring visits, the KRCT team observed that prisoners directly submitted their complaints to the office of the senior supervisor, and there were no return copies for the prisoners. Additionally, the complaints were open, and in this case, the data regarding the complaint from the prisoners were not confidential.

The complaint form is available in two languages: Albanian and Serbian. As for Serbian community prisoners, they use these forms and address their complaints in Serbian; however, there are cases where the response to the complaint is returned in Albanian, requiring someone from the staff or the prisoners to translate the response into the complaint language. As for foreign national prisoners, there is no specific form available in a language they understand, and in these cases, prisoners often fail to address their complaints and concerns. Additionally, there are not always sufficient copies of complaint forms available in each unit of correctional institutions.

### 1.12. Cell raids

KRCT has received complaints from prisoners that there are frequent raids. According to the staff, these raids are carried out in order to fight and prevent smuggling. The prisoners have claimed that during the raids none of the prisoners are allowed to stay inside the cell, an action that is contrary to the LECS. Article 34, paragraph 9 of LECS: *“The search of the prison cell of the convicted person or of the detainee, shall be carried out by respecting his personal property and in the presence of the convicted person or of the detainee, unless their presence would pose an immediate threat to the staff or security of the facility”*.

## 2. MATERIAL CONDITIONS

In accordance with international standards for human rights, the Law on the Execution of Criminal Sanctions has defined housing conditions that *“The convicted person has the right to housing that corresponds to contemporary hygienic conditions and local climatic conditions; The premises in which the convicted person lives and works must have sufficient space so that each convicted person has at least eight (8) square meters of space for single cells and four (4) square meters for convicts in shared cells, common, and sufficient amounts of natural and artificial light for work and reading, heating and ventilation; The spaces must not have moisture and must have adequate sanitary equipment and other tools necessary for personal hygiene; Convicted persons who are fit to socialize with others under such conditions are placed in common spaces”*. Likewise, for pre-detainees it has been determined that: *“Detainees in the relevant correctional institution remain under the same conditions as convicted persons regarding placement, food, health protection, use of violence measures, special measures for keeping order and security, and compensation for the damage caused during the implementation of the detention measure.”*

Based on these legal provisions that are in force as well as international standards, the monitoring team of KRCT has carefully observed the housing conditions in correctional institutions. The standard of material conditions for the placement of prisoners varies from institution to institution, because the facilities also differ due to their age and building infrastructure. In recent years, with the construction of new residential buildings, there has been a slight increase in the quality of living conditions, but from year to year, defects and depreciation have started even in new buildings, such as HSP, Gjilan DC and Prishtina DC. As for other housing facilities in correctional institutions, housing conditions are not at a satisfactory level, given the age of the facilities and the constant need for their maintenance.

During the year 2023, the Correctional Service has made continuous renovations in some of the spaces of the correctional institutions ( Pavioni 3 and 5 in the Dubrava CC , whitewashing in some detention centers, interventions in some parts of the Smrekonica CC,etc. ), however From the general monitoring point of view, in many residential premises suitable living conditions are lacking, including: humidity, defects in sanitary joints , lack of hot water, age of mattresses (with the exception of the supply of mattresses in some institutions), lack of pillows and bedding and adequate cover (in many cases prisoners bring them from home), lack of ventilation, toilets inside the room without physical separation (PC Prishtina),

water leaking through the walls (Dubrava CC and for CCW in Lipjan), the lack of natural lighting (Peja DC), the lack of chairs and tables in many residential premises, the lack of an inverter for personal belongings, etc.

The condition of the showers in the Dubrava CC, where prisoners still use dangerous alternative means to heat the water for cleaning, remains worrying.

In Prishtina DC, in some of the wards of the institution, the structure of the toilets inside the cells is without physical separation. In some of the cells, two people are placed while the toilets are open, where, in addition, due to their status as pre-detainees, they are kept locked in these premises for 22 hours, where they also consume food there.

***KRCT reiterates the recommendation that the parts of the toilets inside the cells be walled off as soon as possible.***

KRCT has repeatedly recommended that the housing conditions for prisoners be improved because such situations are contrary to human rights standards. Inappropriate housing conditions can lead to inhumane or degrading treatment from the point of view of physical conditions.

Likewise, Pavilion 2 in the Dubrava DC was out of order for more than two years, awaiting renovation. Even the 2nd floor of Pavilion 2 in HSP was out of order for more than two years and awaiting renovation. In HSP, the corridors were much damaged and it is necessary to renew them. Also, Pavilion 2 of Gjilan DC was out of order due to the defects of the sanitary joints.

In some institutions, the renovations made have failed to be maintained because the contracting companies have applied equipment, mainly sanitary, which are not accessible in the local market, so that for a breakdown however small, they cannot be replaced.

In Dubrava CC, the cells are mostly with 4 beds, but there are still cells with 6 beds.

Peja DC and Prizren DC are two of the oldest correctional institutions in terms of construction time, and the constant recommendation has been that these centers should be closed and replaced with new centers. Likewise, in the CCW in

Lipjan, the living conditions do not even come close to responding to the demands and needs of the prisoners in this institution, where it has been constantly recommended for the construction of new facilities for these institutions.

There are 4 beds in the cells in the Peja DC, while the space according to the standards is provided for 3 beds. Likewise, the structure of the cells is the same in Prizren DC, but during 2023 the new management had restructured the center, where only 3 prisoners were placed in each cell in order to create a more suitable space. Likewise, the Prizren DC had applied to open the doors of the cells so that the prisoners could move inside the ward, especially during the summer when the temperatures were very high. ***KRCT has welcomed these actions in the Prizren DC, which have at least slightly influenced better accommodation conditions.*** Also, KRCT has assessed that despite the fact that they are very old facilities (Prizren DC and Peja DC), the level of cleanliness in these facilities was satisfactory.

The separate facility for mothers with children, which was planned as such, besides being outside the Juvenile Correction Center in Lipjan (located within the premises of the CCJ), had substandard accommodation conditions. During the year 2023, the monitoring team visited a mother with children who was serving her sentence, and they assessed that even the basic conditions were lacking. ***However, KRCT has welcomed the start of construction for a new facility near the CCJ, and the construction work began during 2023.***

***KRCT has welcomed the planning and allocation of the budget for the construction of new centers for these institutions. Therefore, with the capital investment budget allocated to the Correctional Service, the construction of a new center for women in Lipjan is planned, as well as the construction of a new Pre-Trial Detention Center in Prizren, where prisoners from Prizren DC and Peja DC will be accommodated.***

***KRCT recommends that there should be continuous renovations, namely that the prisoners should also be trained and engaged in renovations, so that in addition to contributing to the maintenance of institutions, this would influence them to be more careful in maintaining facilities and hygiene.***

***KRCT also recommends that there be a supply of chairs and tables for each room, as well as a sufficient and quality supply of mattresses and bed covers, and adequate ventilation.***

***General and immediate renovations must be done in the Gjilan DC, Prishtina DC, HSP and Dubrava CC, while Peja DC, Prizren DC and Lipjan CCW should be maintained until their construction.***

**Heating:** Regarding heating, at the beginning of the winter season there were complaints from the prisoners in the CCW, but after addressing this concern, the necessary heating was provided. In the other institutions, there was adequate heating and there was no concern from the prisoners.

KRCT has documented that fire extinguishers in all institutions have not been serviced for more than two years, due to the expiration of their maintenance contract.

***KRCT has recommended that urgent measures be taken for the regular servicing of all fire extinguishing equipment.***

## 2.1. Food and kitchen

KRCT has monitored the food served to the prisoners as well as the kitchen with accompanying equipment. In some of the monitored institutions, breakdowns of kitchen equipment, such as refrigerators, electric plates, dishwashers (CCW, Prishtina DC, Dubrava DC, etc.) have been identified. In some of the monitored institutions, there was a lack of storage of food samples according to the procedures, also not all employees in the kitchens had certified sanitary booklets. Regarding the quality of the food, even though there were occasional complaints from prisoners, the KRCT estimates that the food prepared and served was acceptable in terms of quality and quantity. Exceptionally, in some cases KRCT has received statements in cases of diets determined by the doctor, the institution does not always adhere to these diets.

KRCT has received several complaints regarding the products of the canteen, which are paid for by the prisoners. According to them, the prices are more expensive than in the market outside the institutions; there is not much choice of



products; in some cases, only the type of product is marked in the list of offers without determining the name of the manufacturer, while after the order they bring in the lowest quality products. In addition, the monitoring team witnessed that one of the types of rice that was supplied to the prisoners in the Dubrava CC contained insects that were alive and moving inside the sealed bag. KRCT immediately notified the staff of the pavilion and the management of Dubrava CC and requested that this product be removed from use as a matter of urgency.

***KRCT recommended that the Commissions for the acceptance of products be more professional and verify the products before accepting them from the contracted companies.***

***Receiving food packages from family members*** – With the new Law on the Execution of Criminal Sanctions, which came into force in 2022, convicted prisoners are allowed to receive food packages from their families. This right was not implemented until mid-2023 when a specific regulation was issued to specify the conditions for the implementation of this right. According to the law, a convicted person is entitled to one food package from their family once every three months, provided that the food items will not be served within the correctional institution. By a sub-legal act, it was determined that prisoners are entitled to one food package every three months, weighing 3 kg, and the food must be consumed during the visitation time, specifically in the visitation room. The implementation of this right has presented many challenges in management, due to inadequate space in the visitation rooms, and it has also placed other prisoners in an uncomfortable situation when multiple prisoners consume food at the same time in the visitation room, while others watch. Additionally, prisoners have complained that it is inconvenient and impossible for them to consume 3 kg of food in the presence of visitors.

***KRCT recommends that this legal provision be reviewed, and as soon as amendments to the law are made, this provision should be changed, and prisoners should be allowed to receive food inside their cells as the current practice is difficult to implement.***

### 3. HEALTH IN PRISONS

More than two years have passed since KRCT has not had access to health monitoring in prisons, where the relations between the KRCT and PHD have remained unchanged in the progressive aspect of cooperation. After the expiration of the agreement with the Ministry of Health on 14.02.2022. Also, during 2023 KRCT did not have access to health monitoring in correctional institutions according to the work methodology. Regarding the health services for prisoners, the KRCT has evaluated and reported on interviews with prisoners, their families and the staff of correctional institutions. So, the usual monitoring that includes the meeting with the supervisor of the Health Unit, viewing the files, protocols and other, even during 2023, has not been carried out.

The reason for not signing the Agreement with the Prison Health Department (PHD)/ Ministry of Health was the amendment of the Agreement with the Ministry of Justice for the monitoring of correctional institutions, which from 2022 enables the KRCT to carry out **unannounced visits**. The implementation of unannounced visits has not been allowed by the Prison Health Department of, in which case the agreement has not been signed.

KRCT assesses that in order to achieve the goal of monitoring, access to health services for prisoners is necessary. KRCT remains ready to continue the cooperation and is waiting for the response of the Ministry of Health for the continuation of the cooperation agreement.

During the monitoring visits, as in other years and during 2023, KRCT has continued to receive dissatisfaction with health services. Complaints and claims from prisoners have been presented regarding the approach and treatment of their requests not seriously, delays and missed deadlines in handling requests for specialist checks outside the institution, delays in carrying out checks, complaints in dental services, etc. Since all these claims have not been proven due to the lack of a monitoring approach in health, the monitoring team has found that in some cases, the therapy was not distributed according to the rules, i.e. by the nurses, but the same was given to the prisoners in the morning for the whole day, and in some cases therapy was left to correctional staff to administer to inmates, a practice that is contrary to all inmate treatment protocols. Such cases have been recorded in institutions where the health staff does not take care every time during the night, as was the case with the Smrekonica CC. This practice has continued since earlier years.

As for the aforementioned complaints regarding the health service, the KRCT has confirmed them during the presence of monitoring visits, as follows:

- Lack of regular visits to prisoners under solitary confinement CC in Dubrava, with the exception of only a few doctors who carry out these visits as required by law;
- The monitoring team, during visits to the prisoners' cells, has identified significant amounts of medication that have been collected by the prisoners, due to the mismanagement of the distribution of therapy. Such cases present a risk of attempted suicide;
- On the other hand, there were many complaints that the prescribed therapy was missing and in cases that the prisoners could not provide through the family, they were left without therapy. There have been cases that for two months the drugs for the treatment of triglycerides and cholesterol were missing;
- During a monitoring visit to the Dubrava CC, in Pavilion 4, a prisoner with mental disorders continuously asked to be seen by a psychiatrist, but the answer he was given was that the doctor has been notified, but he is not ready to be treated;
- The monitoring team witnessed that a prisoner who tested positive for scabies, despite requests for treatment, was not visited by a doctor. The same one stops the doctor in the corridor and only after showing him the marks on his body, actions are taken to treat and isolate him;
- Also, another prisoner complained that he has had some marks on his body for a month. The doctor had only checked him once, he had given him a cream to apply and no other visits were made. The prisoner continued with the same complaints such as: itching, fever, pain, etc., but he was not visited by a doctor.
- There were constant complaints about the lack of adequate dental services, especially in Dubrava CC;
- Prisoners who have been users of narcotic substances have often complained about the lack of treatment, where as a result they have faced more continuous crises;
- KRCT has also, through phone calls from prisoners, received numerous complaints about the lack of relevant health services: not being sent for checks to a specialists outside the institution, where they report that they were treated only with medications as pain killers (in many cases they report that they only use Trodon); missed deadlines without knowing the cause; placement of persons with health problems in cells with 6 beds / prisoners; complaints that you have lost the results of tests / examinations, etc.

In some specific cases where there have been complaints directly from prisoners, the KRCT has addressed these concerns to the PHD, from which it has received answers for the cases in question.

***Based on the complaints reported by the prisoners about health services and treatment, the KRCT considers it necessary to approach the monitoring of health services in correctional institutions, in order to address and clarify these complaints.***

***Therefore, KRCT reiterates the request to the Ministry of Health and the Prison Health Department that the monitoring team of KRCT be allowed access according to the monitoring methodology.***

## 4. PROGRAMS AND ACTIVITIES

In all correctional centers, various programs are offered through professional training, depending on the type of institution and the category of prisoners. However, based on monitoring, there is a need for more programs tailored to the individual assessment of prisoners.

Despite the existence of an individual treatment plan, KRCT considers it to be quite deficient, as in practice the provision of programs, especially rehabilitative ones, is generalized rather than based on the individual needs of prisoners.

Across the correctional system, three regular rehabilitation programs: “TOPS”, “Anger Management” and “Conversation for Change”. Recently, some training on combating domestic violence has also been offered, such as: program against domestic violence, Program “Y+” and the “Addiction Treatment” Program. Also, the development of a specific program for the treatment of prisoners with substance addiction has begun, benefiting six individuals.

KRCT has had the opportunity to contribute to the inception of these three first programs, as a partner organization, participating in capacity-building for staff within a project supported by the Dutch Helsinki Committee.

The organized trainings during 2023 were water installation, electrical installation, heating installation, construction, IT, culinary arts, welder/plumber, printing, tailoring, and first aid. One hundred seventy-five (175) prisoners participated in these trainings.

In Dubrava, HSP, CCJ, and CCW, there are various workshops for production that are functional and have qualified inmates for engagement. However, there have been instances during monitoring visits where there was a lack of basic materials for work, resulting in these workshops not functioning fully at times.

In BSL, inmates are engaged in workshops for wood products, bags, and toilet paper. All products are utilized for the needs of the correctional institutions.

In WCC, women are mainly engaged in hairdressing and tailoring where they produce bed sheets for the needs of correctional institutions, they are also provided with IT training. For a long period, there has been a shortage of sewing trainers in this center.

Juveniles in ECC have several opportunities to become skilled, such as tailoring, hairdressing, culinary, printing and design, IT, etc. During the monitoring visit, there was a lack of work material in this center, who were waiting to cooperate with UNICEF in order to provide work material. Likewise, the organization of professional trainings for water installers, construction workers, IT, cooks and electricians are possible for juveniles in CCJ.

Various cultural and tourist activities are organized for juveniles, allowing them to participate in these activities even outside the center.

In the Dubrava CC, during 2023, a poultry farm was opened, providing an opportunity for the poultry to be used for the needs of the correctional institution, in addition to engaging the inmates in work. Additionally, there is also a livestock stable operating in the Dubrava Correctional Center.

In addition to professional work, prisoners are engaged in the daily work of correctional institutions such as: cleaning, laundry, kitchen and agriculture.

For all work engagements of prisoners, they are rewarded with 1.00 euros per working day, regardless of the nature of the work they perform, a sum that has not been changed for years.

***Considering the opportunities for engagement of prisoners as well as the needs of correctional institutions for work, KRCT reiterates the recommendation that the Economic Unit be operationalized as soon as possible, as provided by law. In this direction, it is required to undertake adequate actions to improve the working conditions for the convicts, including raising the salary as well as the payment of contributions.***

## Success story

### Four (4) HSP inmates since 2019 have been engaged in laying epoxy in all correctional institutions

This is a very professional work, where with their willingness the prisoners have served the Correctional Service for laying epoxy in several correctional institutions, including: HSP, Dubrava CC, Lipjan CC, Mitrovica DC.

Until now, this team of prisoners have laid about 12,000 square meters of epoxy in the correctional institutions, where the value of these works is calculated in hundreds of thousands of euros.

However, despite the professional commitment, and given the lack of capacity for this profession, prisoners engaged in this work are paid like other prisoners who perform other work, such as one who sweeps the floors. So, the payment they receive is about 24 euros per month.

### Smrekonica CC implements the Administrative Instruction for work outside the institution

During the monitoring visit to Smrekonica CC, an open-type correctional institution, about 30 prisoners or 1/3 of the prisoners of this institution were working outside the correctional institution.

Work outside the institution is regulated by Administrative Instruction MD-No 04/2023, which regulates the special conditions and procedures for granting permission to convicts to work outside the correctional institution. Convicts interested in working outside the institution must first submit a request to the Smrekonica CC Panel, which evaluates their requests and gives proposals for or against permission to work outside the institution. The Director of Smrekonica CC then decides on granting the permit or not. Among the main criteria is the provision of the contract by a registered business.

## 4.1. Education

Primary and secondary education is organized in the Juvenile Correctional Center. Until 2023, education is offered from the 5th grade onwards. Following the continuous recommendations of the KRCT, in the new school year 2023/24, the organization of special lessons for grades 1–4, for juveniles who did not know how to read and write, has begun. The KRCT has welcomed the implementation of this recommendation, which simultaneously implements the provisions of the Juvenile Justice Code, which foresees the organization of special education for this category.

One of the concerns that KRCT has acknowledged is that juveniles are not allowed to keep textbooks in their cells. So, they have access to books only during the school hours in the school premises. Likewise, juveniles who were in isolation during the implementation of the isolation measure were not allowed access to textbooks.

Some juveniles have also been allowed to engage in studies outside the correctional institution.

Secondary education is also organized in the Dubrava CC. While female prisoners are not provided with educational opportunities during their time in correctional facilities.



## 5. OTHER MONITORED ISSUES

### 5.1 Capacities of correctional institutions and working conditions of the staff

During the year 2023, 45 female correctional officers were recruited and started work, and 70 correctional officers are also in the process of being recruited and are following the process at the Public Safety Academy. With the increase in the number of correctional staff, the Correctional Service has raised the quality of service in correctional institutions, considering that the recruitment of new staff has now reduced the average age of correctional staff.

As for the working conditions of the correctional staff, KRCT has documented that for five years the correctional officers were not supplied with complete uniforms. The process of supplying uniforms has started in some centers at the end of 2023. Also, in the work premises of the correctional officers, the complete inverter for daily work was missing, in some cases even the computers were out of order.

As for social workers, not all the necessary social worker positions have been filled in relation to the demands according to the number of prisoners.

### 5.2. The Agreement with Denmark for the lease of the Detention Center in Gjilan

The treaty signed on April 24, 2022, between the Republic of Kosovo and the Kingdom of Denmark has yet to be implemented as it has not been ratified by the Assembly of Kosovo. According to the Constitution of the Republic of Kosovo, any international agreement must be ratified by the Assembly, with a two-thirds majority of all deputies. This agreement has been on the Kosovo Assembly's agenda multiple times for ratification, but it has failed to be voted on because of a lack of quorum (two-thirds of deputies). The opposition deputies have not participated in the voting session for this agreement due to political reasons, i.e., disagreements with the governing party rather than opposition to the agreement's content. This agreement has faced opposition on the international level as it is believed to violate human rights potentially.

The report of the United Nations Committee against Torture published on December 8, 2023<sup>2</sup>, adds that: *“The Committee is concerned over plans introduced by the State party to extraterritorially incarcerate third-country nationals who have committed crimes prior to their deportation. Specifically, the Committee takes note of the stated intention of the State party to lease a prison facility in Kosovo<sup>6</sup> and is concerned about the ramifications that this may have on inmates’ access to health care and family visits. The Committee is also concerned that although the State party has stated that the prison itself will be subject to Danish jurisdiction, questions remain regarding the disciplinary authority and criminal jurisdiction for acts of torture or ill-treatment that may be committed by prison staff, access of monitoring mechanisms and investigatory competencies in cases of such allegations. The Committee is further concerned over the potentially discriminatory nature of the proposed regime, which allegedly includes differentiation of the treatment of detainees on the basis of nationality and family status (arts. 2, 3, 5, 11–13 and 16).”*

KRCT also presented similar concerns about human rights in the analysis and research published in March 2022: “Agreement between Kosovo and Denmark on the Transfer of Prisoners to Kosovo-Implications on Human Rights Standard.

### 5.3. The Work of the Conditional Release Panel

KRCT continues to accept complaints from prisoners regarding the work of the Conditional Release Panel even though the KCS and correctional institutions have reported very good cooperation with the Panel during 2023. In the Smrekonica Correctional Center, it has been reported that 90% of the prisoners who have met the conditions have been released by the Panel.

The monitoring team has received complaints from prisoners, mainly in CC Dubrava and HSP, as well as from pre-trial detention centers, stating that refusal by the Panel is made without any specific reason other than the standard justification given to every prisoner. Some prisoners have reported that despite their good behavior during their time in prison, compliance with all offered programs, and no disciplinary violations, their requests for conditional release are still denied. Prisoners have made comparisons with other prisoners, claiming that those with problematic behaviors during their sentences are sometimes released, while those with good behaviors are refused. According to them, there

<sup>2</sup> The Committee considered the eighth periodic report of Denmark at its 2050th and 2053rd meetings, held on 8 and 9 November 2023, and adopted the present concluding observations at its 2067th meeting, held on 22 November 2023

are cases where prisoners with remaining sentences of up to 7 years have been granted conditional release.

KRCT has analyzed data published by the Conditional Release Panel, where it has been evident that in cases of refusal, the justification is standardized or nearly the same for all: “The seriousness of the crime is an indicator of the need to protect society by preventing the commission of such or similar criminal acts.” Furthermore, several cases have been identified where prisoners who were denied release had no negative remarks in their behavior during their time in prison. Reports from prisoners have revealed that individuals convicted of serious crimes, such as rape, have been released, while those convicted of much lighter offenses, such as theft, have been refused. KRCT has analyzed several cases of rape and sexual assault from the Conditional Release Panel’s records and found that primarily these individuals were granted release by the panel.

Regarding the general justification that “The seriousness of the crime is an indicator of the need to protect society by preventing the commission of such or similar criminal acts,” KRCT recommends that the Conditional Release Panel reconsider this general reasoning because the law generally does not restrict conditional release based on the severity of the criminal offenses.

## **5.4 Monitoring of court hearings**

KRCT has continued to monitor court hearings for detainees, mainly cases identified during monitoring visits. Detainees have requested that these hearings be monitored, especially in cases with long detentions, or even cases in retrials several times. KRCT has monitored several such cases, which have been facing the judicial process for years. Prisoners who are in the process of retrial cannot be treated as convicts, which limits them in realizing the rights foreseen for convicts.

Monitoring of court hearings is carried out on the basis of the Agreement between the Kosovo Judicial Council (KJC) for monitoring court hearings.

## **5.5. Advocacy and legal assistance of KRCT**

With the aim of protecting and advancing the rights of individuals deprived of liberty, KRCT has undertaken advocacy activities, both for individual cases and for policy changes at institutional levels.

Individual cases of violations identified during monitoring visits or reported through other channels have been addressed to the relevant authorities, and appropriate treatment of these cases has been requested.

KRCT has maintained ongoing communication with judicial authorities whenever complaints and concerns from prisoners arise. Additionally, KRCT has engaged in continuous advocacy communication with correctional institutions and the Public Health Department. In terms of public advocacy, KRCT has issued public letters to the relevant institutions, followed by media releases.

***At the end of 2023, KRCT together with five other non-government organizations have been selected by the Free Legal Aid Agency as organizations to provide free legal aid.***

# **SPECIAL REPORTS FROM THE MONITORING OF CORRECTIONAL INSTITUTIONS-2023**

(Separate monitoring reports for each monitored institution)

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## 1. CORRECTIONAL CENTER IN DUBRAVA

On June 14, August 16, and December 14, 2023, the Kosova Rehabilitation Center for Torture Victims (KRCT) conducted regular monitoring visits to the Correctional Center in Dubrava.

During the last visit to this center, there were 678 prisoners, of which 10 were remanded in custody, while 1 was receiving medical treatment outside the institution (in KFPI). CC in Dubrava continues with the positive trend regarding the placement and treatment of prisoners, by accommodating detainees only for health reasons, namely in the Pavilions where prisoners with health problems are treated (located in the Hospital Pavilion and Pavilion 7).

The monitoring team also noticed that the Dubrava CC also accommodates convicts with sentences longer than 15 years, who were placed in this institution for educational and health reasons.

It remains challenging the increased number of prisoners who use narcotics who are oftenly problematic and unmanageable, especially in cases where there is a lack of medication for their treatment.

The project for the supply of about 2,000 chickens, from which they are expected to have a supply of eggs, has started where the Dubrava CC also supplies other centers as needed. **KRCT welcomes such a project that enables prisoners to engage in work, as well as affects the decrease of the expenses of the KCS for food supply.**

Dubrava CC continues to face with cases of smuggling, even though in recent months the number of cases is decreased. In relation to this phenomenon, regular raids have been organized against both prisoners and staff members, where legal procedures have been initiated and disciplinary measures have been taken against those who have found contrabanded materials. Raids were frequent in the Dubrava Correctional Center. **The KRCT staff was informed that during raids, none of the prisoners are allowed to remain in the room.**

Dubrava CC, like other centers, continues to have challenges in managing prisoners with mental health problems and this is the one of the biggest challenges. This category of inmates is a concern for both, correctional staff and other inmates. The KRCT team on 14.06.2023 visited Pavilion D, where some prisoners with mental health problems were expected to be housed. During the visit, Pavilion D had not yet been operationalized. In contrast on the visit dated 16.08.2023,

we were informed that Pavilion D had started work and that 14 prisoners with non-serious disorders mental health problems were accommodated there, and multidisciplinary commission has decided it.

Dubrava CC continues to lack stable staff management. Substitutes exercise the position of director. To strengthen sustainable management, *the KRCT reiterates the recommendation to the Ministry of Justice and the Kosovo Correctional Center to appoint persons with a full mandate to leadership positions.*

Dubrava CC is experiencing a shortage of correctional staff. Currently, there are 522 officers, comprising 457 uniformed staff and 65 civilian staff. In addition to the insufficient numbers, a portion of the staff is elderly, and some are facing health issues. Although there are plans to employ 20 new staff at Dubrava CC, during our last visit, we were informed that only 4 female officers, transferred from other correctional centers, had commenced their duties.

KRCT has received multiple complaints from prisoners regarding the misconduct of correctional staff. According to some inmates, the behavior of the staff was inappropriate, and they have lodged complaints against being subjected to solitary confinement.

Incidents between prisoners, including physical altercations among themselves, persist, although according to the center's leadership, they have decreased in recent months both in frequency and severity.

A prisoner from a minority community lodged a complaint stating that he has been persistently harassed by other inmates due to his ethnicity. He claimed that, as a result of this ongoing harassment, he consumed sanitary products, leading to his current monitoring process.

*KRCT recommends that sensitive cases should be handled professionally by staff, and prisoners should be accommodated appropriately to prevent harassment by other inmates.*

There have been cases of self-injury, with the most frequent reason being the lack of medications, which are occasionally unavailable. During the monitoring visit, we were informed of a suicide attempt in Pavilion 5. KRCT encountered prisoners who were in possession of quantities of tablets they had saved, which could pose a danger if accumulated in larger quantities by prisoners.



Dubrava CC faces the issue of housing prisoners with mental health problems and substance abuse issues. Due to the lack of suitable facilities for these groups, they are distributed across almost all pavilions of Dubrava CC. The absence of professional services and appropriate facilities presents a challenge in managing this population. Pavilion D, initially designated for prisoners with mental health issues, and has only accommodated those with mild problems so far. Besides the methadone program for prisoners with substance addiction, Dubrava CC does not offer other treatment options.

Complaints were submitted by some prisoners regarding delays in responding to requests, and in certain cases, no responses were received at all. Among the interviewees, there were prisoners who complained about the performance of social workers and legal officers, stating they did not provide necessary assistance when needed. Dubrava CC has a limited number of social workers and legal officers relative to the prisoner population, and we believe their numbers should be increased to ensure quality services for prisoners.

Also, the current complaints mechanism does not offer the opportunity to submit a complaint while maintaining confidentiality and ensuring objective treatment.

The KRCT monitoring team documented a case of sexual assault/harassment during its stay in Pavilion D. ***The handling of this case was conducted through a separate report.***

Despite the renovations, the KRCT monitors observed that the material conditions in Dubrava CC are still inadequate. Some bathrooms had malfunctioning water faucets, water leakage, moisture on walls, and damaged floors. Complaints were also received about the state of bed mattresses. In some visited rooms, the monitoring team found damaged mattresses that needed replacement.

Pavilion 2 remains out of order, with works expected to be completed by December 2023. This Pavilion has been unavailable for over two years. Renovations have been undertaken in Pavilion 3 and Pavilion 5, with prisoners themselves carrying out much of the work. Primarily, renovations involved wall cladding, hydro sanitary joint repairs, flooring, and mattress replacements as needed. In Pavilion 5, despite the renovations, issues arose with the hydro sanitary system, resulting in water problems in solitary rooms and a water leak in one of the common halls. Furthermore, in the solitary and regime side (V1 and V2), there are no shared bathrooms, forcing prisoners to wash themselves in bathrooms within their rooms, where hot water was also lacking. Pavilion 1 exhibited very poor conditions; prisoners lacked basic necessities such as pillows and resorted to using pieces of cotton wool from mattresses as substitutes. Hot water was

insufficient, and several rooms lacked proper housekeeping. Pavilion 6 received numerous complaints about accommodation conditions. Shared bathrooms were substandard, with toilets in some rooms malfunctioning and inadequate ventilation. Dining rooms showed signs of mold, and water faucets leaked when used. Rooms were not maintained to acceptable standards.

Prisoners have complained about the lack of hot water, with KRCT staff witnessing inmates resorting to classical methods to heat water for personal hygiene, posing a danger to them. In Pavilion 6, prisoners also raised concerns about the shortage of hygiene products for cleaning within the pavilion.

Beyond the conditions for prisoner accommodation, Dubrava CC faces inventory shortages (such as tables, chairs) and basic work equipment for correctional officers. Among the available items, some are outdated or damaged. Additionally, in Pavilion 5, the pavilion manager's computer was out of order. ***KRCT considers that inadequate working conditions directly impact staff performance and prisoner management.***

In Wing V1 of Pavilion 5, the maximum allowable stay is 28 days. However, there have been instances where this period was exceeded, and prisoners were not relocated.

During the latest visit, the KRCT monitoring staff received numerous complaints regarding the food quality in the canteen. In Pavilion 6, prisoners revealed that their canteen-provided food contained insects (bugs). They demonstrated this to the KRCT staff by opening some rice packages of (800g), one of which had an expiration date of 13.10.2024, while the other, imported from outside, lacked an expiration date. Upon opening, insects were discovered, with further inspection revealing more insects. This raised significant concerns among the prisoners, who felt unsafe consuming food purchased from the canteen. According to them, these issues have persisted for some time without resolution.

***The KRCT monitoring team promptly reported this situation to the management of Dubrava CC and requested urgent measures to prevent the availability of such products. They also urged informing the procurement mechanisms to ensure that such items are not accessible to the canteen without being assessed by competent authorities.***

Also, in the prisoners' cells, there were large quantities of food, particularly canned fish (approximately 20 pieces in a cell), which can be dangerous to consume after being exposed to hot temperatures.

While the monitoring visit was taking place, we were informed that a prisoner in Pavilion 5 (J1) had been identified as being infected with scabies (mange). According to the leader of the Pavilion, the same person has been singled out, but the KRCT did not receive information about the further proceedings of the case, such as medical control of other inmates in that cell as well as other measures to prevent the spread of infection.

Dubrava CC, as a correctional institution, offers a number of activities for prisoners. Vocational training, schooling, and opportunities for employment are provided to them.

At the Dubrava CC, the opportunity for secondary school-level education is offered. In addition to education, several types of vocational training are available to inmates, including IT training, as well as an Anger Management Program for convicts in Pavilion 8.

The types of jobs available to convicts include cleaning, kitchen work, yard maintenance, agricultural work, etc. The number of employed convicts varies depending on the season. There is a continuous demand for providing more job options. A significant opportunity is expected to be offered to convicts in the Semi-Open Pavilion, where, upon completion of the Administrative Instruction, employment outside the institution is foreseen. KRCT estimates that this opportunity will facilitate the preparation of convicts for reintegration into society after their release.

Prisoners also have a daily routine, which includes outdoor walks and sports activities. Prisoners housed in the Reception Pavilion (1) have two 45-minute walks during the day.

Periodically, sports competitions are organized among prisoners in Dubrava CC as additional rehabilitative activities. Additionally, a new initiative is the formation of a music group by prisoners, with plans to organize cultural and recreational activities within Dubrava CC.

Regarding contact with the outside world, prisoners have family visits, phone calls, and SKYPE sessions for those with family members abroad. Prisoners with privileges also have the opportunity to spend weekends outside the institution. The monitoring team did not have access to and could not observe the healthcare facilities at Dubrava CC due to the expiration of the agreement with the Ministry of Health. However, interviews conducted with prisoners revealed a number of complaints regarding medical services, including delays in appointment scheduling, improper treatment by healthcare staff, irregular medical check-

ups, and lack of medication supply for periods of time, causing serious concerns among the inmates. Some undergoing drug treatment reported experiencing difficulties during that period, as well as delays in therapies scheduled by the doctor. Numerous complaints were also made about not receiving treatment from the dentist.

During the December visit, the KRCT monitoring staff witnessed a prisoner who complained of pimples appearing on his body for some time. The doctor had only prescribed a cream for him to apply and nothing more, despite ongoing complaints of fever, itching, pain, and burning marks. The prisoner indicated that he was not receiving further treatment.

The failure to conduct regular daily checks on inmates under solitary confinement, as outlined in the procedure, remains concerning. According to prisoners and some staff members, only a few doctors conduct regular daily visits, while many others only visit as needed.

*KRCT reminds that medical visits to prisoners in solitary confinement are obligatory and should take place every day.*

During the June visit to Pavilion 4, the monitoring team witnessed a prisoner (with mental disorders) continuously requesting to see a psychiatrist, but was told that the doctor had been notified and said he was not in line to be treated. KRCT considers this neglectful in addressing the treatment needs of prisoners according to their requirements.

Also, during the August visit, the prisoner who was found to have scabies managed to stop the doctor in the corridor and inquire about skin symptoms. After examination, he was invited for a medical visit to the infirmary, where he was diagnosed with scabies.

The monitoring team met with a prisoner who had gone on a hunger strike and was placed in solitary confinement. According to him, he had not undergone a medical examination before being placed in solitary confinement.

## 2. HIGH SECURITY PRISON

The Kosova Rehabilitation Center for Torture Victims (KRCT) conducted a regular monitoring visit to the High Security Prison (HSP) on October 14, 2023.

On the day of the monitoring, there were a total of 197 prisoners present in HSP, 53 of whom were pre-trial detainees. In terms of material conditions, HSP has the capacity to accommodate an even larger number of prisoners, but lacks sufficient staff. Currently, including civilian officials, HSP has 173 staff members. Despite recent recruitment efforts, accepting a larger number of officials is necessary to meet staffing needs.

As a high-security institution, HSP houses convicts and detainees categorized as high or very high risk. Safety at HSP remains at a manageable level, and measures to prevent phenomena such as smuggling are considered successful. Attempted smuggling is rare, with no reported cases for 2023.

Based on observations and conversations with prisoners and staff, KRCT assesses that there is generally a positive relationship between prisoners and correctional officers. Regarding relationships among prisoners, there were some isolated incidents during the year.

There continues to be a request for food products with higher nutritional value to be included in the list of available items.

Prisoners with mental disorders are also housed in HSP. Despite declaring that they are not serious cases and are manageable, the KRCT continues to advocate that the placement of persons with mental disorders in these institutions is inadequate and continues to present one of the biggest challenges for the Kosovo Correctional Service. In addition to the difficulties and danger that this category of prisoners presents to the correctional officers, they also cause dissatisfaction and various concerns among other prisoners. In HSP, there are approximately 30 cases undergoing psychiatric therapy.

Unlike previous visits where HSP also housed convicted prisoners for acts of terrorism, this category of convicts had been transferred to CC Dubrava.

According to some prisoners, in some cases, there is favoritism from the management and staff of HSP in the sense of treatment and realization of rights, such practices mentioned in cases of engagement in work and realization of benefits.

The monitoring team also visited the detainees and convicts of the Serbian community, who are placed in a separate segment. During the conversation with them, there were no complaints regarding treatment or discrimination. Their complaints are mainly related to court proceedings. Also, they have access to the library, but according to them, it is lacking in books. One of the prisoners supplied the library with some books in the Serbian language.

As for the form of the requests and letters, they are in two languages (Albanian and Serbian), but according to the prisoners, the answers are returned in the Albanian language.

Some of the convicts lodged complaints about the work of the Conditional Release Panel, stating that despite their correct behavior, they are being denied requests for parole benefits by the panel.

HSP continues to offer a mostly satisfactory level of material conditions for the placement of prisoners, although it is constantly faced with the need for continuous renovations, especially on the floor due to the poor quality of the works. Prisoners are housed in single cells. This is the second year that Pavilion 2 is not fully functional due to waiting for renovation. During the monitoring visit, the second floor of this Pavilion was out of order.

***KRCT reiterates the recommendation to KCS to supply HSP with relevant material as soon as possible, so that the interrupted renovation on the second floor of Pavilion 2 can be resumed.***

From some of the interviewed prisoners, the monitoring team received complaints about the state of the sports field, where, according to them, it is damaged, and they cannot carry out sports activities properly. Moreover, they mentioned cases where prisoners have been injured due to this damaged sports field.

During the visit to the A1 segment in Pavilion 1, the monitoring team noticed moisture and damage to the ceiling and tiles of the bathrooms, despite the segment officer's claim that they had been recently renovated.

Detainees informed the monitoring team that during the summer, they were allowed to open the exterior doors due to high temperatures and requested that the doors be opened from time to time during the day for better ventilation.

There were also complaints in HSP about the non-functioning of the phone package for calls abroad, forcing them to communicate through SKYPE and thus losing the opportunity for visits from other family members living in the country. According to the interviewed prisoners, communication via SKYPE is considered a time-consuming substitute for family visits.

Prisoners in HSP engage in walks, sports (soccer during outdoor activities), and utilize the fitness room, chess and Ping-Pong for convicts with an advanced regime, as well as opportunities for work.

Convicts are permitted to work in workshops for the production of toilet paper, bags, wood products, renovations of the institution's premises, kitchen cleaning, etc. However, production of toilet paper and epoxy floor works are often interrupted due to the lack of raw materials for financial reasons. Woodwork is conducted in Workshop 1, while Workshop 2 is dedicated to bag production. A section of Workshop 2 is adapted as a fitness space equipped with exercise equipment for convict use.

Prisoners who meet legal conditions can have free visits, with three separate rooms available for such visits in the institution.

In general, prisoners express complaints about the lack of activities in this institution.

HSP has a TV package that includes more than 20 channels, including three TV channels in the Serbian language. Due to legal restrictions for detainees, a more limited number of activities are available to them, and their request for increased activities continues.

KRCT continues to advocate to the Ministry of Justice and KCS for the reform and advancement of the Economic Unit. In this regard, appropriate actions are requested to improve working conditions for inmates, including raising wages and paying contributions.

*Since 2019, four BSL inmates have been engaged in laying epoxy in all correctional institutions where there was a need. This is highly professional work, and with their willingness, the prisoners have assisted the Correctional Service in laying epoxy in several correctional institutions, including: HSL, CC Dubrava, CC Lipjan, and DC Mitrovica.*

During the monitoring visit, 12 personnel were engaged in the kitchen, with 4 being officials and the rest being working inmates. They were well-supplied with products, including fruits and vegetables. The kitchen environment was well-maintained, and the equipment functional, except for a fridge that had recently broken. Food samples were properly stored. Sanitary booklets were not present during the visit, and according to the head chef, they had been submitted approximately 2 weeks ago for an extension of validity, but they had not been received yet. Food reserves were well-kept, and no expired food items were found.

In HSP, there are still prisoners who are on a food regime (diet), as a result of which the kitchen staff said that this is quite challenging. However, they are trying to implement the doctors' recommendations within their capacities.

With the entry into force of the new House Order, convicts are also allowed a food package every three months. But according to the legislation in force, the food brought by the family must be consumed during the visit, namely in the visiting room. This modality has presented many challenges in the realization of this right since it is quite difficult to manage that 3 kg of food is consumed during the family visit.

From conversations with the inmates, complaints were raised regarding the healthcare services provided to them. There were complaints that therapies were not regularly provided, external visits were delayed, and there were complaints that the healthcare staff neglected their requests and did not treat them properly.



### 3. CORRECTIONAL CENTER IN SMREKONICA

The Kosova Rehabilitation Center for Torture Victims (KRCT) conducted a regular monitoring visit at the Smrekonica Correctional Center on November 9, 2023.

Smrekonica CC, as an open-type institution, has the capacity to accommodate 200 convicts. During the monitoring visit, 104 convicts were in this center. Although, according to the Law on the Execution of Criminal Sanctions, Smrekonica CC is an open-type correctional institution, it still continues to be governed by the same rules and house rules as other correctional institutions.

**KRCT reiterates the recommendation for the Ministry of Justice and the KCS to take the necessary actions to issue adequate instructions and house order that suits the open regime of this institution.**

From the monitoring visit, KRCT assesses that, in general, there is a good ambiance in Smrekonica CC in terms of treatment, relationships among convicts, and relationships between convicts and the staff of the center. However, the monitoring team encountered some prisoners who complained about misbehavior of some correctional officers (further details on this matter will be presented in the chapter on Treatment).

During this visit, the monitoring team was informed that there is better coordination with the Conditional Release Panel (CRP) in Smrekonica. In addition to having more exemptions, the delivery of decisions is also regular by the CRP. The CRP has started to present in their decisions the legal advice that convicts are allowed to appeal to the Supreme Court against the decisions of the CRP. Convicts file complaints privately, engaging lawyers, since the LECS does not foresee the possibility for the institution to assist in this aspect. The waiting time for decisions from the CRP has been shortened, while about 90% of convicts benefit from conditional release. Recently, there were prisoners who were released on parole with remaining sentences for several years, where one of the last cases was released on conditional release with 7 years remaining on the sentence. Regarding this case, there were several complaints from other prisoners who were rejected by the CRP, according to which the panel is not treating all requests fairly.

In Smrekonica CC, the number of prisoners who work outside the institution is increasing. Thirty-three prisoners work outside the institution, which is one-third of all prisoners, according to the schedule from 6:30 to 17:30. The

previous agreement with the Kosovo Energy Corporation (KEC) has not yet been implemented; the reasons are unknown because this issue is under the competence of the KCS with the Minister of Justice.

**KRCT assesses very positively the opportunity offered in Smrekonica CC for convicts to engage in work outside the institution, directly influencing their re-socialization and reintegration into society. The number of those who have violated the rules for work outside the correctional institution is extremely low, so this is a good opportunity for the re-socialization of convicts.**

The biggest complaints of the convicts are related to the work of the CRP, the material conditions of housing, the need for more activities and opportunities for employment, as well as the lack of a doctor and nurses on a regular basis.

In Smrekonica CC during 2023, there have been no cases of smuggling. As for the incidents, the monitoring team was informed that there have been few cases, but not of a serious nature. For these incidents, two of the prisoners were sentenced to solitary confinement and the others to lighter measures, mainly reprimands. A total of 9 disciplinary measures were imposed in the year 2023 (up to the day of the monitoring visit).

Based on the criteria for the placement of convicts in this center, anyone who has served half of their sentence in other correctional institutions and has positive evaluations can be transferred to the Smrekonica CC. In addition to these criteria, according to a decision of the General Directorate of the KCS, even persons with sentences of less than six months can be sent directly to this center. These convicts do not go through the Assessment Unit at Prishtina but are sent directly to Smrekonica CC, mainly by the Police. According to the KRCT assessment and Smrekonica CC, this practice is not a good one, since people who have no prior assessment are sent directly to Smrekonica CC. In many cases, users of narcotic substances are placed directly from their freedom in Smrekonica CC.

**KRCT assesses that the criteria for the placement of convicts in Smrekonica CC should be more specific and enable the majority of convicts with good behavior to benefit from this regime in function of the purpose of punishment - rehabilitation and reintegration of convicts.**

**KRCT recommends that the practice of sending persons directly to serve their sentences in Smrekonica CC, without a preliminary assessment, should be changed as soon as possible.**

Smrekonica CC faces a shortage of staff. For this reason, some of the officials have to cover other positions, which represents an additional burden for them. There are only two female correctional officers. Recently, 6 new officers were engaged in this institution, of which 4 are women, while 2 have been transferred from other centers. The total number of staff is 57, of which 37 are in uniform, while the average age of the staff is over 55 years old.

The correctional staff engaged in Smrekonica CC, as well as in other institutions, face unfavorable working conditions. There has been a shortage of uniforms for many years. They must provide their own shoes.

As in other centers and in Smrekonica CC, the monitoring team found that the fire extinguishers have not been serviced for more than 2 years. The last date of servicing of the fire extinguishers in Smrekonica CC was 03.09.2021. Therefore, we consider that this issue should be treated more seriously by the Correctional Service because it is directly related to the security of the institution.

In general, a good climate was observed inside the institution. However, some prisoners complained about the behavior of some officers, who, according to them, provoked them with different words and threatened them with transfer from Smrekonica CC to Dubrava CC if they did not comply.

Smrekonica CC also has the Reception Pavilion, with a capacity of 16 places, in which all convicts must be placed first when they are admitted to this center. The stay in this Pavilion lasts up to 28 days. During the monitoring visit, the Reception Pavilion had 7 people, located in two rooms. According to the prisoners, there are cases when this pavilion reaches its capacity.

In the Reception Pavilion, a complaint box was noticed. KRCT welcomes such an action, as it was a recommendation from the previous year. Some convicts expressed that they are not better informed about the domestic order, e.g., as for the cleaning routine. There was a complaint about poor material conditions.

In Smrekonica CC, there continue to be cases that, due to disciplinary violations, are transferred to other correctional institutions, most often to the Correctional Center in Dubrava. Disciplinary measures are imposed on them, and at the same time, they are transferred to other centers.

KRCT reiterates its assessment that the imposition of the disciplinary measure, as well as the dismissal from Smrekonica CC due to disciplinary violations, represents a double disciplinary measure. The very fact of leaving Smrekonica CC is an action that negatively affects the convicts. Transfer/removal from one institution to another is not provided as a disciplinary measure by the LECS. This practice is not regulated by legal provisions; therefore, it is recommended that Smrekonica CC needs to be careful how it deals with persons who commit disciplinary violations.

Unlike other correctional institutions, Smrekonica CC does not have convicts with mental problems. KRCT positively evaluates this aspect since neither this center has the infrastructural nor human conditions for the adequate treatment of convicts with mental problems.

Also, the issue of providing medical therapy by the correctional staff, especially during the night shift, in the absence of nurses, continues to be present in the Smrekonica Correctional Institution. **KRCT again brings to attention this issue which must be addressed, as this practice is unacceptable. Correctional officers are neither competent nor have the professional training to administer medical therapies.**

One of the most important aspects for evaluating the treatment of convicts is the aspect of material conditions for housing for convicts. Smrekonica CC is not at a satisfactory level. There is a yard and a large and very good space for spending time outside the cells, but the living conditions in the pavilions are below the required level. Some of the rooms where the convicts are housed have between 6 and 8 beds.

During the year 2023, several renovations were made, which Smrekonica CC carried out by engaging the convicts, mainly in the external parts of the pavilions, such as painting and insulation, including the adjustment of the roof of the pavilion. Smrekonica CC needs a complete renovation of the living spaces for convicts. The walls of the cells, corridors, and bathrooms are damaged by moisture and need to be renovated.

The cells in the Reception Pavilion are damaged by moisture and mold. The bathrooms of the two cells need to be renovated due to damage. Also, the blankets of the convicts in this Pavilion were dirty, the TV did not work, the bathrooms of the cells are without ventilation, there was moisture on the corridor walls and in the bathroom, walls requiring cleaning. Additionally, the shower stalls in the shower bathroom were damaged; only one of them was functional, and the hot water was running with a significant delay.

**KRCT recommends that more substantive interventions have to be made in the Reception Pavilion to improve material conditions.**

The convicts expressed dissatisfaction with the quantity and quality of hygiene products. In order to keep the spaces at a satisfactory level, they requested that the institution supply hygiene products more often.

The two cells of the Reception Pavilion, with 8 beds each, do not meet the minimum requirements for the space needed to accommodate convicts. According to the LECS, in shared cells, each person must have at least 4 square meters of space. Cells in the Reception Pavilion are less than 20 square meters each. ***KRCT has constantly emphasized the fact that there is no overcrowding in correctional institutions; however, the placement of 8 people in rooms that are less than 20 square meters is contrary to the legal criteria provided by the LECS, but also to international standards on the protection of human rights.***

Convicts in Smrekonica CC are free-range and can move inside the buildings and in the yard most of the time. Exceptions to this possibility are the convicts placed in the Reception Pavilion, who, apart from walks and dining time, spend the rest of the time locked in their rooms.

Phone calls, family visits, weekends leave from the institution, recreation halls, some training, and the opportunity to engage in work are available for the convicts. **However, KRCT reiterates the recommendation that Smrekonica CC, as an open-type correctional institution, should have more activities for convicts, especially more opportunities and types of engagement in work even within the institution. This is also the request of the convicts themselves.**

Work outside the institution is regulated by Administrative Instruction MD-No 04/2023, which regulates the special conditions and procedures for granting permission to convicts to work outside the correctional institution. Convicts interested in working outside the institution must first submit a request to the

Smrekonica CC Panel, which evaluates their requests and gives proposals for or against permission to work outside the institution. The Director of Smrekonica CC then decides on granting the permit or not. Among the main criteria is the provision of the contract by a registered business.

According to this Administrative Instruction, convicts are not allowed to work outside the institution in their businesses or those of their family members. There were complaints from convicts that there are cases where some convicts are allowed to work in businesses registered in the name of family members, while others are not.

Convicts employed outside the institution are monitored by a team of Smrekonica CC, who are in contact with the employer, to ensure that the convicts fulfill their obligation.

***KRCT considers as a success story the process of engaging convicts in work outside the institution, where one-third of the convicts in this center continue to work outside the institution, adhering to the rules and the Administrative Instruction for this purpose.***

As for the additional benefits offered to those convicted under the new Law on the Execution of Criminal Sanctions, the implementation of additional days/weekends has begun. Food packages have also started to be allowed according to the new domestic order, only in the visiting room, for which the convicts expressed dissatisfaction because the allowed amount is impossible to consume during the visit, and they do not feel comfortable in the presence of family members.

In addition to telephones, convicts also have access to Skype, which is allowed on special occasions when they do not have visitors.

Smrekonica CC offers several training opportunities for convicts, such as mechanics, welding, hairdressing, etc.

Facility for free/recreational activities - Smrekonica CC also offers prisoners the opportunity to engage in free/recreational activities such as: the fitness room, the hall for religious activities, the training rooms, and the library.

The convicts placed in the Reception Pavilion spend most of their time indoors. Apart from walks and meal times, they spend the rest of their time locked in

their rooms. This treatment applies to both individuals coming from liberty and those coming from other correctional institutions. **Although it is the Reception Pavilion, given that it is in the Smrekonica Correctional Center, an open-type institution, the KRCT considers it more necessary for these convicts to have longer time outside their rooms and also to be offered more activities available besides walking.**

During the monitoring, the KRCT team visited the kitchen spaces, including the food warehouse. During the visit, the team was received by the head chef, who informed them about the current situation in the kitchen. Since the kitchen in Smrekonica CC was recently renovated, the equipment was functional, and the spaces were spacious enough for work and well-maintained.

Currently, a total of 9 prisoners with different jobs and 3 staff are engaged in the kitchen. Food samples were kept in order, as were sanitary booklet.

## 4. CORRECTIONAL CENTER FOR WOMEN IN LIPJAN

On February 22, 2023, July 5, 2023, and November 23, 2023, the Kosova Rehabilitation Centre for Torture Victims (KRCT) conducted monitoring visits to the Correctional Center for Women in Lipjan (CCW).

CCW accommodates pre-trial detainees as well as convicts with various long-term sentences. During the visit on July 5, 2023, there was a juvenile undergoing educational measures in the same place as adult convicts. Prisoners are housed in four different pavilions: Pavilion B for pre-trial detainees and those with a basic regime, Pavilion D for convicts with a standard regime, as well as Pavilion A and C for convicts with privileges. At the time of this monitoring visit, there were 17 convicts, while 6 were detained, including those with mental health disorders and drug users.

Based on the systematic monitoring over the years at this institution, this is the lowest number of female prisoners the monitoring team has identified, totaling 23 women deprived of liberty.

One of the most disturbing issues observed by the monitoring team, but also a problem raised by the correctional staff, continues to be the detention of prisoners with mental health disorders in the CCW. People with mental health disorders, due to the impossibility of being kept in a closed institution that would offer conditions regarding their needs, with regular psychiatric care, are accommodated in the CCW together with other detainees/convicts, which causes dissatisfaction among the detainees/convicts due to the disruption of peace and order in the pavilion, and can sometimes be a source of conflicts between them. Correctional staff lack the professional training to handle such cases, as they are not trained to deal with psychiatric cases. Moreover, this institution also faces an insufficient number of correctional staff in general. On the other hand, the Institute of Forensic Psychiatry of Kosovo (IFPK) is dedicated to psychiatric assessment and expertise and mandatory psychiatric treatment, but this institution has a small number of beds to respond to the real needs that exist.

The monitoring team confirmed that at the time of the visit, a significant number of prisoners with mental health disorders were housed in the CCW.



***CCW does not offer adequate conditions for the treatment of this category, neither from the aspect of professional human resources as regards health and correctional staff, nor from the existing material conditions.***

There was a case of attempted suicide, but with the immediate intervention of the staff, it was possible to prevent the suicide.

A general raid was made where nothing was found. But according to the assertions within the CCW, there are cases when prohibited/smuggled devices are circulating, including mobile phones.

From the observations made, KRCT estimates that in CCW there are occasional disputes between the detainees/convicts among themselves while with CC staff is generally good.

Additionally, there was a number of prisoners who are or have been drug users, leading to complaints from other inmates about their behavior. This includes complaints about theft of belongings in their cells, especially in rooms where prisoners are working. It was requested that during their working hours, the staff lock their rooms to prevent access by other individuals.

**Based on these complaints, the KRCT recommended that during the time when the prisoners are at work, their rooms should be closed and safe from the entry of other persons.**

Regarding the execution of solitary confinement and stay in basic regime, there were complaints that all female prisoners are not treated the same, so there are differences in treatment by the staff.

The infrastructure of the CCW building has not been improved since the last visit. CCW is located in the old building. Everyone including the correctional staff and the detainees/convicts are dissatisfied with the conditions of the institution.

**In this institution, despite the last regular visit where the room for free visits was missing, during this visit, this room was arranged/improvised within the premises of the correctional center, allowing the exercise of the right to free visits as provided for in the Law on Execution of Sentences and Probation. KRCT has addressed the inability to exercise this right for years, so it welcomes this development at CCW.**

Detainees and convicts were mostly housed one per cell. The cleanliness was maintained by the detainees/convicts themselves and was at a good level.

The monitoring team observed that the bathrooms where pre-trial detainees/convicts in Pavilion B shower were in an unsatisfactory condition. Although there was hot water, only two out of six showers were functional. During this monitoring visit, it was noticed that there was a TV in almost every room, however, the number of channels in the Albanian language was limited, around 3-4 channels, which caused dissatisfaction among the prisoners, especially those in pre-trial detention.

Also, as in every other visit, it was noted that there was water leakage in the corridor and bathroom of Pavilion C from the heavy rains.

The KRCT monitoring team was informed by the management that a sum of 60,000 euros has been allocated for the renovation of the special facility for accommodating mothers with children. The construction of this facility has started at the end of 2023. During 2023, there was a case where the house for mothers was needed, and according to the KRCT visit, the conditions were not adequate for a mother and a child to live there. The staff and management were compelled to send the mother and her child to the juvenile center, where the special facility was located.

According to the KRCT, the facility where the pre-trial detainees and convicts are located does not meet the adequate infrastructure conditions. The facility is quite isolating, so KRCT welcomes the implementation of the recommendation for the construction of a new facility, which is planned with the budget for 2024. In the CCW, in Pavilion B, there were 3 cells under camera surveillance that were currently without any detainees/convicts and there was a solitary confinement cell which was also without any prisoners.

In the CCW, in the B, C, and D Pavilions, are placed three boxes for (complaints, requests, and a complaint box for Ombudsperson Institution). There were also three boxes in Pavilion A.

The pre-trial detainees/convicts complained about the lack of various activities and a fitness room. They have two hours of outdoor exercise per day. A shelter has been built in the outdoor exercise area for use during extreme weather conditions.

Convicted individuals who wish to work are engaged in various tasks within CCW, such as in the kitchen, cleaning, gardening, or bakery. Apart from convicts, with the court's permission, some pre-trial detainees also work because more labor is needed.

The CCW furnace also supplies two other correctional centers: The Juvenile Correctional Center and the ECC.

Other activities are very lacking. The sewing room which was being used until the last visit was no longer being used because the instructor had retired.

**KRCT recommends that a decision be made as soon as possible for the engagement of a tailoring instructor.**

Furthermore, 5 of the convicts at CCW have completed the filigree jewelry program, but this program was not continuing due to a lack of materials and planning for its development. Meanwhile, 7 convicts continue to attend a course on information technology. There are plans to hold a "Conversation for Change" activity aimed at involving pre-trial detainees/convicts who were drug users. Additionally, training on domestic violence is scheduled to begin, with 7 inmates participating.

In this center, there is a courtyard for conducting sports activities, but in very hot or very cold conditions, it is not possible to carry out these activities. Therefore, the creation of an indoor area for conducting these activities would be very necessary.

**The infrastructure of this center makes it impossible to organize and carry out various activities, as long as there are constant requests from the convicts to have the opportunity to carry out these activities.**

Despite the old facility, the kitchen space was well-maintained. During the monitoring, it was noted that apart from one of the large refrigerators not working and two out of four hot plates not heating during the last visit, on this visit, the dishwasher was also not working, and the dishes had to be washed by hand.

**In the kitchen, a concerning issue was the absence of sanitary booklets, which had been missing for two months. According to the staff, they had been requested from the competent authorities, but the staff had not received them yet.**

The condition of the warehouse was not good. The entrance to the warehouse was moldy and rodents could easily get in. There were complaints about the food supply as well; there has been a shortage of fruits and vegetables at times.

From conversations with the convicted/pre-convicted, it was evident that there is dissatisfaction with the medical staff because they do not always address their requests. In most cases, they have to buy their therapies because there is a lack of supply of medicines.

## 5. CORRECTIONAL CENTER FOR JUVENILE IN LIPJAN

The Kosova Rehabilitation Center for Torture Victims (KRCT) conducted monitoring visits to the Correctional Center for Juveniles in Lipjan on May 25, 2023, September 21, 2023, and December 7, 2023.

During the last monitoring visit, a total of 35 juveniles were placed in the CCJ. The only two functioning pavilions were Pavilion A, where juveniles with educational measures are placed, and Pavilion D, where convicted and pre-detained juveniles are housed. According to CCJ management, Pavilion B continues to be under renovation.

KRCT was informed that during this year, a case of smuggling narcotics was discovered involving a juvenile, and another case was discovered when one of the trainers used a phone in areas where it is not allowed. During the monitoring visit on September 21, 2023, three juveniles were in isolation as a disciplinary measure against them.

In CCJ, even during 2023, there continues to be no convicted adult, which is commendable and proves the work of the CC for Juveniles is in accordance with its mission and purpose, as well as with the principles for the adequate placement of prisoners.

During the last visit, KRCT was informed that there is currently a juvenile with mild mental problems in the CCJ, while three were during the visit on September 21, 2023, and there is only a small number of drug users. CCJ does not provide adequate conditions for the treatment of persons with mental problems or those using narcotic substances, making the management of such cases quite difficult, although the current situation is considered manageable.

CCJ also offers several rehabilitative and resocialization programs that juveniles can follow, such as the “Be a Man” program, TOPS program, “Conversation for Change” program, as well as the program on the consequences of drug use. All programs are led by local instructors.

The KRCT team was informed that several renovations are being made in the CCJ except for those in Pavilion B, where renovations are being made to the windows, walls, floors, bathrooms, and lighting. Two new boilers have been installed in CCJ, so during this year it is expected that there will be no problems with heating as there were last year. CCJ, like most other correctional institutions, continues to face staff shortages and management changes. The evident shortage is

insufficient number of social workers in relation to the number of minors, as currently there is only one social worker employed at this center. Also, there are no educators, despite the fact that the Juvenile Justice Code stipulates that educators should also be engaged.

The CC for Juveniles and ECC in Lipjan are two different centers managed by the same management. Considering the needs of juveniles in ECC are completely different from those in CCJ, it can be concluded that **ECC should have a special management based on the nature of the center and the specific needs of juveniles.**

KRCT monitors visited the residences of juveniles as well as other spaces where juveniles spend their free time. After observations and conversations with the juveniles, KRCT received complaints from some juveniles regarding their treatment by the correctional staff.

These cases are addressed in a **separate section of this report.**

According to official data from the CCJ during the period January-August 2023, 29 disciplinary violations were recorded, of which 21 measures of “separation from other juveniles”, 13 measures of “reprimands”, 2 measures of “sports ban”, and 2 measures of “oral remarks”.

The KRCT team also received complaints about food from most of the juveniles. According to them, they have been served cold food. The Children’s Center does not have its own kitchen. Food is prepared and delivered by the Women’s Correctional Center, which is a short distance away. Although the distance between the institutions is not far, this presents a challenge because the food can be cold until it reaches them. In case the juveniles ask for additional food, this can hardly be done since the food is sent in certain portions.

In some of the rooms, the windows are damaged and do not close properly. In the rooms of Pavilion A, the windows are made of metal, and many of them do not provide adequate protection from the cold. Moisture formation was also observed in some bathrooms of the rooms. The monitoring team also observed that in some beds the mattresses were in poor condition and not suitable for sleeping. In Pavilion D of CCJ, in some cases, the juvenile detainees did not have a pillow.

From the conversations with the juveniles, as before, this time too, a request was made to supply more hygiene products and other equipment for hygiene maintenance.

CC for Juveniles offers several types of activities, including the opportunity for education fields such as hydro, electrical, hairdressing, tailoring, sports, and cultural activities, etc. Juveniles have regular family visits, utilize weekends, are allowed phone conversations according to household order, and in case of inability to have family visits, contact with family members through Skype is facilitated.

In CCJ, the educational process started in September 2023 under the leadership of the Municipal Directorate of Education (MDE) Lipjan, while the number of students was 21 and was expected to increase further until the passage permit for some juveniles is arranged. Two juveniles are continuing their studies, one sentenced and the other with an educational measure.

The innovation during the year 2023 represents the beginning of special education for juveniles who have not continued education from grades 1 to 5. During the monitoring visit on September 21, 2023, there were no books for students attending special education, but according to the staff, it was a pilot project and it is expected that this issue will be fixed in the meantime. Regarding the provision of books, the problem was also due to the subvention with textbooks by the Ministry of Education, which presented difficulties for this category.

***KRCT has welcomed the organization of special education for illiterate juveniles, where it has been a constant recommendation to organize special education as provided by the Juvenile Justice Code.***

Also, about 30 juveniles are engaged in professional training in a total of 5 fields such as plumber, construction, IT, cook, and electrician.

According to the management, the number of juveniles in CCJ who are engaged in work is 30, who work mainly in the kitchen, cleaning, and in the garden.

The juveniles have TVs, which they have to provide for themselves, but they continue to complain that they have few television channels available. Considering that there are no newspapers/magazines anymore, the only source of information for juveniles remains through television channels, therefore, ***KRCT recommends that concrete actions be taken to offer juveniles access to more TV channels.*** What is more worrying is the lack of TV channels for juveniles in detention, who, apart from 2 walks during the day, spend another 22 hours locked inside the room, where some did not even have a television in the room.

## 6. EDUCATIONAL-CORRECTIONAL CENTRE FOR JUVENILES IN LIPJAN

The Kosova Rehabilitation Center for Torture Victims (KRCT) conducted regular monitoring visits to the Educational-Correctional Centre for Juveniles in Lipjan (ECC) on May 25, 2023, September 21, 2023, and December 7, 2023.

ECC is a specialized institution for the execution of educational measures for juveniles and still operates under the management of the Correctional Center for Juveniles (CCJ). The ECC has a capacity of 36 places, while on the day of the visit on September 21, 2023, there were 12 juveniles, and during the visit on December 7, 2023, there were only 9 juveniles; 16 juveniles with Educational Measures were in the CCJ. Based on the criteria defined for placement in this institution, the multi-disciplinary panel gives a recommendation to the director as to which juveniles meet the criteria to be placed in the ECC. For juveniles who do not adhere to the house rules and commit disciplinary violations, there is the possibility of their return from the ECC to the CCJ. Among the offenses for which juveniles can leave the ECC are attempting to escape from the ECC, smuggling, or causing a more serious incident. ECC has a separate pavilion for female juveniles, but this pavilion has never been inhabited by juveniles.

The premises of ECC are friendly towards juveniles and do not give the feeling of a prison. However, the KRCT Team noticed during these visits that the correctional staff were wearing the uniform of the KCC, unlike previous visits.

**KRCT considers that such a step is not appropriate and represents a regression in terms of providing a friendly and rehabilitative environment for juveniles, and as such, does not contribute to the goal of ECC. KRCT recalls that even during the opening of the center, as well as on the website of the KCC, special emphasis has been given to this aspect, where the staff are in civilian clothes. This presentation has been regarded as a positive achievement regarding the treatment of juveniles in this institution, with the center having the best interest of the juvenile at heart, considering that there is no educator engaged, as provided by law.**

During 2023, a juvenile was found with narcotic substances in the ECC and, as a result, was returned to the CC for Juveniles. There have also been 5 cases of leaving the ECC, one of which involved a juvenile not returning from weekend leave, while 4 others left the center. Four of these cases left the center, while one did not return from weekend leave.



ECC has a total of 23 staff members. Currently, two staff members are undergoing training for case management provided by EULEX. The lack of a social worker remains problematic, currently replaced by the social worker of the Correctional Center for Juveniles, which represents an additional burden and does not provide the opportunity to deliver necessary services to the two centers.

KRCT positively evaluates the good relationship between juveniles and ECC staff, although the wearing of uniforms by correctional officers has influenced the environment in ECC to be more similar to that of a prison for some juveniles. Juveniles have presented some complaints regarding the food served, noting that it is often cold. ECC receives food from the Correctional Center for Women as it does not have its own kitchen.

ECC is one of the recently built correctional institutions, therefore offering satisfactory infrastructural conditions for juveniles. However, during the monitoring visit, it was evident that some of the mattresses for juveniles were not of good enough quality as they were deformed. Additionally, some visited rooms showed damage to bathroom door handles, damaged bathroom ceilings, missing tiles, and these damages were also noted during the last visit, although it was observed that the walls were newly painted.

During this visit, juveniles submitted a request for more hygiene products, as the ones offered are often insufficient to maintain good hygiene in their living environment. According to ECC responsible officials, two thermal pumps have been replaced, and they are awaiting other investments to ensure there are no problems with insufficient heating during the winter season, as experienced in the past. KRCT positively evaluates investments in this aspect, considering it crucial to provide adequate heating for juveniles during the winter season. During the visit on December 7, 2023, the monitoring team was informed that heating is functional in most of the facility, including the residential area for juveniles, and conversations with the juveniles confirmed that it is warm enough.

ECC offers several opportunities for juveniles in terms of activities they can participate in both inside and outside the institution. Juveniles regularly have family visits once a week and are allowed to talk on the phone. If necessary, they can have more frequent family visits and utilize weekend leave. They have access to TVs, and video games are allowed.

Education is organized in the Correctional Center for Juveniles, where juveniles from ECC learn alongside those from the center.

**We received a complaint from some juveniles who were attending school that they are not allowed to take their books with them to their rooms, but only during class hours. This posed a problem for them in studying and preparing as best as possible for the teaching units.**

In addition to school, ECC offers several opportunities for juveniles to train. Tailoring, hairdressing, culinary, print-design workshops, as well as IT courses, are some of the opportunities available for juveniles. The workshops at ECC are regulated and offer very good conditions for the development of their skills. At ECC, juveniles also have access to the library.

Currently, the workshops are not operational, and the main reason is the lack of materials for work (sewing and printing materials). It is expected that in cooperation with UNICEF, the necessary materials will be provided, and this issue will be resolved.

**KRCT recommends that KCS find the possibility for regular supply of working material, so that the engagement of juveniles in work is uninterrupted.**

ECC constantly organizes activities outside the center for juveniles, of various types, such as cultural visits and tourism. The next activity is expected to be a visit to the Gadime Cave. KRCT considers these activities to be welcomed and quite necessary in the process of rehabilitating and re-socializing juveniles.

## GENERAL RECOMMENDATION

*KRCT reiterates the recommendation to the Correctional Service to review the placement procedures of juveniles with educational measures, ensuring that all juveniles with educational measures are placed in the Educational Correctional Center, as this institution was built for this purpose and offers very good conditions for their rehabilitation. ECC has a capacity of 36 beds, yet only 12 juveniles with educational measures are located in this center, while 16 juveniles with educational measures are located in the Juvenile Correctional Center.*

*Additionally, KRCT recommends that the KCS review the decision on the uniforming of staff in the ECC and revert to the previous decision, allowing all staff in the ECC to work in civilian clothes.*

## 7. DETENTION CENTER IN PRISHTINA

The Kosova Rehabilitation Center for Torture Victims (KRCT) conducted monitoring visits to the Prishtina Detention Center on June 8 and December 12, 2023.

Based on observations and conversations with prisoners and staff, KRCT assesses that there is generally a good climate between prisoners and correctional officers. Regarding relationships among prisoners, no incidents were reported.

The main complaints of detainees relate to the prosecutorial and judicial system. Despite a recent reduction in cases with long detentions, some individuals in this institution were identified as being detained for longer than 24 months.

During 2023, cases of smuggling occurred in Prishtina DC, along with instances of prevention.

New correctional officers from the Public Safety Academy are expected to join the Prishtina Detention Center, which faces a shortage of staff. Currently, 132 staff members are engaged, with an average age of over 50 years.

Regarding Conditional Release Panel, officials at the Prishtina Detention Center stated that they have good cooperation, especially regarding coordination (sending decisions of the CRP on time). The Prishtina DC accommodates both pre-trial detainees and convicted individuals. During the last visit, there were 245 inmates, with 63 convicted and the remainder being pre-trial detainees. Six of the inmates were outside the institution, with one at CUCK (University Clinical Center of Kosovo) and five at KFPI. The facility also includes a Reception Unit for new admissions and accepts voluntary surrenders. For these reasons, there is a lot of movement of inmates to and from the Prishtina Detention Center, whether due to new admissions, transportation to courts and hospitals, transfers, etc.

Like other correctional institutions, the Prishtina DC continues to face a lack of stable management. The position of the director is currently being held by an acting director, as there is currently no deputy director. The Deputy Director was transferred from the Gjilan DC a few days before the monitoring visit of June 8, 2023. In order to strengthen stable management, KRCT reiterates the recommendation to the Ministry of Justice and the Kosovo Correctional Service that persons with full mandates be appointed to leadership positions. Due to frequent changes in leadership (mainly every six months), there is often difficulty in tracking cases by the monitors.

Placement of detainees with mental problems continues to remain among the main challenges in the correctional system in the Republic of Kosovo. The KRCT has noticed that this is more pronounced in the Prishtina DC due to the high flow of detainees and the proximity to the KPFI and the Basic Court in Prishtina.

Although the Prishtina DC is intended as a detention center, it also accommodates a significant number of convicts, including those sentenced to a long sentence. During the visit, the monitoring team met a convict with a long sentence of 18 years, where he has served 8 years so far, but who is engaged in work.

The high number of people with mental problems continues to be present in the Prishtina DC. There were cases that people who, by the Court's decision, should have been treated in the KFPI, but as a result of the lack of space, they were placed in the Prishtina DC. In many cases, the Court issues a decision on the appointment of detention, in which the Prishtina DC is ordered to send the detainees for examinations to the KFPI, but that the same are kept in the Prishtina DC since the KFPI returns them on the grounds that they have no vacancies. The number of this category of prisoners has increased compared to last year, where only during the year 2023 it is said that 240 cases of mental disorders were treated in the Prishtina DC, therefore their management presents many difficulties for the staff as well as dissatisfaction among the prisoners others. On the day of the monitoring visit, on December 12, 2023, 14 people with mental disorders were located in Prishtina DC, who have a decision from the court for treatment in KFPI, while 8 people were ordered for examination.

According to management staff, during 2023 there were no reports of any use of force by correctional officers. However, the monitoring team during the visits to the detainees received information that such a case happened to a prisoner. The treatment of this case is developed in a separate part of this report.

During 2023, no serious incidents among prisoners were reported.

Regarding the disciplinary measures, the staff of the Prishtina DC said that the right to appeal against the decisions of the Disciplinary Commission is very rarely used, as well as in other cases the right to appeal is very rarely applied by the prisoners. KRCT recommends Prishtina DC to undertake actions in the direction of improving the perception of prisoners on their right to appeal, including the appeal against disciplinary measures. During the monitoring visit, the monitoring team found that the convicts brought the complaints directly to the office of the senior supervisor and that there was no return copy for the prisoners, also the

complaints were open and in this case the prisoners' data about the complaint were not confidential.

As for the complaint box, it is opened once a week, where only 3 complaints were received during the first period of 2023.

Prishtina DC has 3 cells equipped with cameras, which are used for observation cases.

Regarding the placement of the prisoners, the design of the toilets in their cells remains a concern. In many of the cells, the toilets are completely open, without any physical separation, while in most of the cells they are shared by two people. Food is served in the cells. KRCT considers that this situation should be improved, as it directly affects the dignity of prisoners. Such treatment can also be considered as an inhumane and degrading form of treatment of convicts. Prishtina DC must take actions to improve these conditions.

Prishtina DC has carried out several renovations during the year 2023, specifically it has whitewashed some spaces, where even during the monitoring visit they continued to the works were carried out.

The monitoring team also observed that in the cells visited most of the mattresses were deformed and most of the bunk-beds did not have stairs to facilitate access to the upper beds. During this visit, several cases were identified where stairs were added to the upper beds, therefore, the KRCT recommends that all bunk-beds have stairs for climbing to the upper bed.

There was also a lack of chairs in the cells visited. Monitoring team received complaints regarding the cleaning of blankets and mattress covers, according to them they are cleaned very rarely, for months at a time.

In one of the visited rooms, the ceiling of the cell was damaged by water drops and moisture had been formed. The monitoring team also accepted complaints regarding the condition of the showers, where according to them the shower batteries are mostly damaged and as an alternative they fixed them with plastic bottles.

Regarding the small number of television channels, the KRCT team received complaints from all the interviewed prisoners, the biggest concern is the detainees, where according to them they are forced to stay locked up for 22

hours and the increase in the number of canals would ease this situation even a little.

The solitary confinement cells are located in pavilion B4, with a total of 4 cells, but they are currently out of use due to poor conditions. These cells lack natural light, suffer from humidity, and have inadequate walking space, not meeting the necessary infrastructural conditions. These cells were not previously used due to the structural limitations that prevent access to fresh air. Cameras are installed in the corridor leading to the solitary confinement cells, but there are no cameras in the long corridor leading to these cells. As for disciplinary measures, solitary confinement is enforced in the cells where the prisoners are housed.

The A5 wing is not functional as the installation of cameras and door opening chips is underway. A private company donated a TV and camera for this wing. There are 16 rooms in total in this pavilion, where chips will be installed in each cell. Additionally, there is a room/courtroom in this pavilion where court hearings will take place from the prison, and a camera is installed there. However, the method of operation for this has not been defined yet, and there is no work plan in place. Questions remain about whether lawyers will participate in the courtroom or in court, and whether correctional officers should attend the sessions. The Central Directorate should develop a plan on how to handle these cases in the future.

Prishtina DC offers a limited number of activities for prisoners. In addition to walks, some convicts have the opportunity for employment in various tasks such as kitchen work, welding, cleaning, laundry, and gardening. However, prisoners continue to request additional activities, despite the existence of a fitness room in the A6 wing that is active this year. Detainees have visitation and phone call privileges, while convicts also have the opportunity for weekend privileges. For prisoners who do not receive visits, Prishtina DC has enabled the use of Skype as a substitute.

Detainees have complained about excessive isolation and lack of free activities. This is due to legal restrictions and prohibitions for this category, as current legislation does not provide opportunities for offering additional activities or work engagement for pre-detainees. Consequently, detainees spend 22 hours locked in their cells within a 24-hour period.

As DC Prishtina primarily serves as a detention center, there are no rehabilitation programs or other activities available for convicts. Some convicts are engaged in work and utilize weekend privileges. The challenge for Prishtina DC lies in the category of individuals who have not yet received final sentences, as they are unable to enjoy the rights afforded to convicts. While the law limits the possibility of free activities for pre-detainees, Prishtina DC should still offer adequate programs that could positively impact their rehabilitation. However, beyond walking and some sports activities, opportunities for other activities are very limited in Prishtina DC.

In Prishtina DC, the visitation space for pre-detainees has been a concern. The visitation areas were divided by glass, making physical contact with family/visitors impossible. With the initiative of Prishtina DC, these conditions have been changed, and a small space behind glass has been opened. This change has had a positive impact on pre-detainees, although they still find the space to be very small. Some of those interviewed complained that they cannot even hug their children.

The kitchen facilities are well-maintained, and apart from two non-functional refrigerators, the other appliances were operational. Four cooks and twelve convicts are employed in the kitchen.

From conversations with both prisoners and correctional staff, there were no complaints about the food served. Staff members have their meals in the room near the kitchen, while prisoners have theirs in their cells.

Food samples were being stored in a refrigerator that was not functioning. During the kitchen monitoring, the monitoring team identified 3 packages of expired red pepper, totalling 3 kg net (expiration date: 06.06.2022-06.06.2023). One of these packages was identified in the bread preparation area and was in use, while the other two were in storage. Additionally, 2 packages of flour, each weighing 5 kg with expired dates (26.04.2022-12 months of use), and a 5 kg package of sugar with an expiration date of 14.05.2023 were identified.

***KRCT has recommended continuous monitoring of food product expiration dates to prevent their use and presence beyond the specified date.***

Sanitary booklets for kitchen staff were awaiting validation from the Institute of Public Health and were located in the Institute's premises, so they could not be reviewed by the monitoring team.



Another challenge faced by Prishtina DC is cases of fines, as all admission and accommodation procedures must be undertaken for them, and after paying the fine, they are released by the court. There are cases where they are released immediately the next day after being admitted.

Regarding disciplinary measures, the monitoring team encountered a case under the solitary confinement measure for 12 days. What drew the attention of the monitoring team is the inmate's confinement for 5 days while awaiting the decision, and the implementation of the solitary confinement measure began without considering the 5 days of confinement, resulting in the inmate having to serve 17 days of solitary confinement in total.

***KRCT considers it unfair not to calculate the days of isolation until the Decision on the imposition of the solitary confinement measure is taken.***

Regarding the application of solitary confinement in this manner, the director informed the monitoring team that this practice of placing individuals in isolation will be changed.

From conversations with the prisoners, the monitoring team also acknowledged complaints from some prisoners regarding the raids that occur, where according to them, raids are usually conducted when they are walking and without their presence.

As for a separate wing where the electronic system for opening doors with cards has been installed, it has not yet been operationalized. This pilot project was invested by the US Embassy in Prishtina.

## 8. DETENTION CENTER IN GJILAN

The Kosova Rehabilitation Center for Torture Victims (KRCT), on July 13, 2023, conducted a regular monitoring visit to the Pre-Trial in Gjilan Detention Center.

From the observations and conversations with the inmates, the director, and the correctional staff, it is evident that there is generally a good atmosphere/climate. However, some ongoing general problems faced by this center include damages to the infrastructure of the facility (P2 was out of function due to renovation, with only one wing functioning where 25 inmates were placed), water shortages, staff shortages, and the placement and treatment of inmates with mental disorders. Additionally, inmates continue to complain about the effectiveness of the court's work and the lack of activities.

Gjilan DC accommodates detainees but also a number of convicts. On the day of the visit, there were 29 convicts, with different punishments. There are also prisoners with mental problems, users of narcotic substances, as well as the growing number of people for domestic violence. These categories present difficulties in adequate management, since neither the environment nor the staff are compatible with their needs.

Prisoners with mental problems remain one of the most disturbing issues in Gjilan Prison. The Institute of Forensic Psychiatry of Kosovo has a small number of beds, so a number of prisoners with mental problems are often placed in this center.

GDC employs a total of 109 staff members, of which 87 are correctional officers. It is one of the correctional institutions that also has staff from non-majority communities. There is a need to increase the number of correctional officers in relation to the number of prisoners (about 200 prisoners), moreover, recently there has been a transfer of staff to other centers (13 of them). It has been evidenced as a practice that during the recruitment for the GDC they applied from other municipalities and after a while they requested a transfer to the centers closest to their place of residence.

The KRCT team also received complaints from staff members about poor working conditions, and the lack of supply of new uniforms was one of the most common complaints. According to them, it has been more than 5 years since they were last provided with new uniforms.

Convicted and remanded prisoners, among whom there are also foreign citizens, are located in the DC Gjilan. During the monitoring, special attention was paid to the treatment of inmates, the services offered to them, and the behavior of the correctional staff, with a particular emphasis on any potential mistreatment, whether physical or psychological. From the monitoring conducted, QKRMT received complaints and claims from inmates regarding inadequate treatment by certain shifts of correctional staff. There were several cases of conflicts among inmates, including incidents between them, as well as cases of self-harm and one attempted suicide. According to data provided by the management for the first six months of 2023 (up to the day of the monitoring visit), 25 incidents were recorded, whereas 4 cases resulted in disciplinary measures.

In the Gjilan Detention Center, there are inmates with mental disorders who require psychiatric examination at the Psychiatric Forensic Institute (KFPI). However, due to the lack of space at KFPI premises, they are housed in this center. The placement of pretrial detainees with mental health problems remains one of the main challenges in Kosovo's correctional system. The Gjilan Detention Center does not provide adequate conditions for the treatment of this category, neither in terms of professional human resources nor in terms of material conditions. According to the management, 6 inmates with mental disorders are under supervision, with 1 under permanent observation (in a room with a camera). The Gjilan Detention Center has a camera-equipped cell for cases requiring permanent monitoring.

A very disturbing issue identified during the monitoring visit is the placement of prisoners on mattresses on the floor. Due to sanitary defects in Pavilion 2, the prisoners were moved only to wing L-4, where 25 prisoners were housed, as well as others in Pavilion 1.

*On this issue, the KRCT has reacted through a special report which was sent on 17.07.2023 to the mechanisms responsible for the supervision of places of deprivation of liberty. KRCT requested that the Gjilan DC, in coordination with the Kosovo Correctional Service, urgently make a solution for the placement of prisoners in acceptable accommodation conditions, as provided by local legislation and applicable Conventions in the Republic of Kosovo, in order to avoid the violation of the rights of persons deprived of liberty, since the placement of detainees in such accommodation conditions, in this case overcrowding inside the cells, may constitute inhumane or humiliating treatment from a physical point of view. After this reaction, the Correctional Service informed us on 20.07.2023 that they have taken immediate actions where all prisoners have been accommodated*

*in rooms with beds according to standards and are being treated same as other prisoners. Also, on 21.07.2023 KRCT received a notification from the National Mechanism of the People's Advocate for the Prevention for Torture, that this mechanism has carried out a monitoring visit to the Prishtina Detention Center on 20.07.2023.*

Despite the fact that the Gjilan DC is one of the newest centers built in recent years, the material conditions for the placement of prisoners are faced with the problems of water damage to the facility's infrastructure. During the monitoring visit, the KRCT team was informed that Pavilion 2 is undergoing renovations due to the clogging of the water pipes. There was also moisture in the parts of the corridors and in some cells where the prisoners were visited.

According to the management, another obstacle to the realization of major investments in this center is the issue of the agreement between Kosovo and Denmark regarding the transfer of the Gjilan Correctional Center to the control of the state of Denmark. Since the agreement has not yet been ratified by the Kosovo parliament, they are unable to move forward in that direction. Upon the entry into force of the agreement, investments will be made according to the requirements and needs outlined by Denmark.

The prisoners are placed in 1st and 2nd cells. Even though the Gjilan DC is among the new correctional institutions, it is necessary to renovate some of the premises. Prisoners' cells in many cases were drawn or written and scrawled, and in some rooms the prisoners were forced to improvise on the walls of the room because the entire wall was moldy.

As a result of the renovation in Pavilion 2, there were also movements of prisoners to other wings, in which case the KRCT team during the monitoring came across several cells where mattresses were placed on the floor, respectively the monitoring team visited 10 single cells wherein an additional prisoner was placed on the floor (on a mattress).

**KRCT recommends that each room should have a bed for every person placed there, regardless of specific circumstances due to renovation or any other reason, as it represents the below minimal standard level of providing material-accommodation conditions for an individual prisoner.**

The works for the expansion of the spaces at the main entrance for the easier development of family visits had not yet been completed, although the works were also being developed during the monitoring visit of 2022, which shows that the works in this part are going very slowly.

Another worrying issue that the monitoring team has identified during past visits and continues to be present is the issue of open toilets in some cells, for which the monitoring team received complaints from the prisoners, because it represents an invasion of privacy and in addition during the temperatures high pollution is quite heavy, adding here that in some cells there was also water leakage.

In most of the cells visited, the chairs were missing, or in some cases they were badly damaged and out of order. In the absence of chairs during dining, the prisoners have to sit on the bed or in some cases even on the ground (cases recorded by the monitoring team), it was especially disturbing in the overcrowded cells where one prisoner was placed on the floor.

Regarding solitary confinement measures, their execution continues to take place in separate cells, which lack natural light and access to fresh air. As before, KRCT assesses that these cells do not meet the conditions for placing inmates. Similarly, to Gjilan DC, the infrastructure of solitary confinement rooms is the same in DC in Prishtina, but these rooms have never been used in Prishtina DC because they do not meet the physical conditions for placing inmates. Therefore, KRCT reiterates the recommendation to reconsider the possibility of using these spaces.

The staff of KRCT received complaints from inmates regarding hygiene products because, according to them, they are not provided with enough, and they have to buy cleaning products for their rooms with their own money. For individuals living in economically disadvantaged conditions who cannot afford to buy these products from the canteen, their rooms remain enough unclean.

In the Gjilan DC, in the absence of free activities, prisoners spend most of their time in their rooms watching TV. Of the rooms visited, there were TVs that offered only 3-4 channels for viewing, some up to 16, but 12 of them were in Serbian, however, they are allowed DVDs and the possibility of owning CDs. The prisoners are supplied with TV by their own means through the canteen, those who can afford it.

The monitoring team found that the fire extinguishing equipment was out of date. The last servicing (checkup) was done on 04.02.2021 with a validity period of 6 months. So, since 04.08.2021, the fire extinguishing equipment has no expiration date.

As for the activities in the Gjilan DC, the convicts are engaged in work, mainly in maintenance, in the kitchen and the renovations that are done in this institution. While there are also some of the detainees who, with the permission of the court, are engaged in work.

Family visits are carried out regularly, twice a month. For prisoners who do not have regular visits, it can communicate via Skype sessions. Calls are made through the package provided by the contracted operator, in which case the prisoners have to pay from 5 Euros per month. Currently, phone calls can only be made within the country, while for prisoners who have family members abroad as well as for foreigners, communication is possible through SKYPE. In addition to visits and phone calls, detainees are also allowed to walk in the open twice a day for 1 hour.

Detainees complained about excessive isolation and lack of free activities. This is as a result of legal prohibitions and restrictions for this category, since the legislation in force does not foresee the possibility of offering additional activities or engagement in work for detainees without a court decision. Even in Gjilan DC there are individuals with long detentions, which are the result of court delays in deciding cases, retrials, etc. During the 24 hours, except for two hourly walks, detainees are locked up for the rest of the day. While they have the status of pre-trial detainees, they have fewer rights, privileges and activities during their stay in correctional institutions. This situation is influencing the increase of the discontent of the detainees.

However, apart from the restrictions based on the status of the detainees, in this detention center there is no special space for carrying out activities, and therefore no physical activity is organized even for the convicts placed in the Gjilan DC.

KRCT was informed that two activities with the prisoners, 'Anger Talk' and 'Anger Management', were conducted.

The monitoring team also visited the kitchen premises where it met with the responsible officials. There are about 11 people working in the kitchen, 3 workers including the cook, while the rest are working convicts.

The kitchen environment is well-maintained and most of the equipment is functional, except for the gas stoves which continue to be out of order due to lack of gas and as a result food preparation continues to be done only with electricity. The KRCT team also observed that the ventilation system had been adjusted. Food samples were preserved. Sanitary books were also certified.

The prisoners interviewed were mostly satisfied with the food served. Some of the prisoners complained about the food served at dinner and breakfast, where they are usually given canned food. The food is distributed in the rooms.

KRCT monitors also visited the premises where food stocks are kept. In Gjilan DC there are two warehouses where food stocks are stored, the daily warehouse and the emergency warehouse. In the warehouse where the meat was kept, the KRCT team found 1 package of open sugar, weighing 5 kg, which had expired on the date. 01.06.2023, who immediately was carried away from the kitchen manager.

**According to the inmates, there were several complaints regarding healthcare treatment as well as expectations for visits.** In addition to medical visits, there were specific complaints about the lack of adequate treatment from psychiatrists as well as expectations for treatment from dentists. There were also complaints about occasional shortages of medication.

## 9. DETENTION CENTER IN PEJA

On July 19, 2023, the Kosovo Rehabilitation Center for Torture Victims (KRCT) conducted a monitoring visit to the Peja Detention Center. The Peja DC accommodates pre-trial detainees as well as convicts. On the day of the visit, there were 9 convicts, each serving different sentences. This year, there have been changes in the leadership staff of the center, including the replacement of the deputy director.

In Peja DC, some individuals have experienced relatively long pre-trial detentions, with their main complaints revolving around the efficiency of the judicial system. During the monitoring visit, there were a total of 77 prisoners present, almost reaching full capacity considering the 80 available places. Among them, 68 were pre-trial detainees and 9 were convicted. Additionally, 1 inmate was in the psychiatric hospital (KPIF). Compared to the last visit, there has been a slight increase in the number of prisoners.

According to officials from the Peja DC, there was a case of smuggling involving a mobile phone during the year, which the center's officials managed to intercept during a raid. There were also attempted cases of smuggling through USB devices, but these were successfully prevented.

The average age of the Peja correctional staff is approximately 55 years old. Regular retirements due to age and health issues, as well as transfers to other correctional facilities, present significant challenges in managing the staff effectively, especially during the summer vacation period.

During the monitoring, KRCT did not receive complaints or allegations of mistreatment from prisoners in this center. However, while most interviewees stated they had good relations with the correctional staff, some prisoners admitted allegations of mistreatment by certain staff members. Despite some complaints, KRCT evaluates that there is generally a good atmosphere between prisoners and correctional officers in Peja DC. According to senior officials of the center, there have been no cases of the use of force.

Incidents among pre-trial detainees are reported rarely, but cases of self-harm have been noted. In Peja DC, there were some prisoners with mental disorders (a total of 18 since January 2023). The placement of prisoners with mental



health problems remains one of the main challenges in the correctional system of Kosovo. Peja DC does not provide adequate conditions for the treatment of this category, neither in terms of professional human resources nor material conditions.

From time to time, additional supervision is required due to mental health issues. According to records, during the first period of 2023 (up to the day of the monitoring visit), there were 15 cases under additional supervision.

**KRCT emphasizes that placing pre-trial detainees with mental health problems in pre-trial detention centers violates legal provisions and human rights standards, posing a challenge for staff to treat and manage these cases. KRCT reiterates the need to place individuals with mental health issues in a separate institution as soon as possible, which meets the material and human conditions for their treatment.**

As in other centers, in Peja DC, the number of prisoners involved in drug-related crimes is increasing. Correctional officers find this category of prisoners challenging to manage.

The main concerns of pre-trial detainees relate to the operations of the courts and the lack of recreational activities.

A particular concern during this monitoring visit was the heat and inadequate ventilation, due to high temperatures prevailing during this period. The indoor facilities were notably hot, and the lack of oxygen was evident. Even the center's staff complained about this issue. To somewhat alleviate this situation, the center's leader approved the prisoners' request to purchase small fans.

KRCT also highlights prisoners' complaints about the reduction of space between prisoners and visitors in the visiting facilities. Previously, there were opportunities for greater physical contact with family members, but now there is only a very small space left, which is concerning for prisoners, especially those with children. The center's leaders explained that this was done for security reasons, to prevent smuggling.

**KRCT assesses that reducing space between prisoners and visitors represents a regression in treatment, especially for convicted prisoners, as physical contact with family members is important for their emotional and psychological well-being. As for the security aspect, we consider that it is not right that for the actions of some individuals, all other prisoners suffer, and we also consider that the actual checks that are carried out during the entrance to the center by visitors are foreseen for the prevention of smuggling, such as for other security issues.**

The Peja DC applies an electronic data system which includes a range of data on prisoners, such as general information, disciplinary violations, measures, isolation, strikes, hunger strikes, increased surveillance, deaths, suicide attempts, etc. The system is continuously updated with data according to cases, where it is also possible to generate data according to the types of requests. This system has been in use since 2010.

**KRCT appreciates the continuous maintenance and updating of the electronic data system and encourages other centers to adopt similar practices.**

The Peja DC remains housed in old facilities. The management announced that over the past 6-7 months, all rooms have been repainted, but issues with sanitary joints and inadequate ventilation persist. Despite these problems, cleanliness is maintained.

Due to the building structure, the cells are narrow. Typically, each cell accommodates 4 people, though there have been instances of placing 5 people in one cell, requiring one person to sleep on a mattress on the floor. This practice does not meet legal criteria (Article 35, LECS), as regulations dictate no more than 3 prisoners per cell.

**Placing prisoners on the floor is contrary to standards, and KRCT recommends prohibiting this practice.**

Additionally, the living cells lack windows according to standards, although they have access to natural light through the corridor. These conditions fall below minimum standards.

The lack of ventilation in cells and corridors, along with traces of moisture from water leaks observed on walls and in some bathrooms, is concerning.

**KRCT reiterates the recommendation for the KCS to undertake concrete actions to improve ventilation and sanitary facilities. KRCT welcomes the implementation of the recommendation for the construction of a new facility, which is planned in the budget for 2024.**

As for food supply, the center's officials declare it sufficient, but there have been recent issues with the supply of hygiene products, which prisoners have complained about. A small supply of 50 sheets was provided, but more supplies are needed as most mattresses are damaged.

**As a positive change and welcomed by the prisoners is the installation of the cable system, because there have been constant complaints from the detainees that the 22-hour stay locked up would be made a little easier by increasing the number of channels.**

Family visits are carried out regularly as provided by law. Currently, there were none among the convicts who are weekend users. As for communication by phone, communication continues through the package of 5 euros per month, according to the agreement made by the KCS with PTK, while for prisoners who have their family members abroad, they are enabled to communicate through SKYPE.

Regarding activities, a limited number are available to convicts, mainly work in the kitchen and cleaning. They have access to a small courtyard and a tennis-table.

Detainees complain about excessive isolation and lack of free activities, due to legal restrictions and prohibitions. Pre-trial detainees have fewer rights and privileges, spending about 22 hours locked up each day. The installation of the cable system has somewhat eased this situation.

The kitchen space is generally well-maintained, but there are frequent breakdowns of appliances due to age. During the monitoring, no expired food products were found, indicating improved management. The monitoring team also looked at the food samples and sanitary booklets, where the samples were missing the one

dated 18.07.2023, while as for the sanitary booklets, they have been notified for continuation for at least 1 month, but they have not been brought yet. We consider it important to also mention the small number of staff working in the kitchen. Currently, 2 official staff and 2 prisoners were employed.

The interviewed inmates expressed satisfaction with the food served, though some complained about canned dinners, which have affected cleanliness in the cells.

## 10. DETENTION CENTER IN PRIZREN

On November 1, 2023, the Kosova Rehabilitation Center for Torture Victims (KRCT) conducted a monitoring visit to the Prizren Detention Center.

The DC in Prizren accommodates detainees as well as convicts. The capacity of Prizren DC in the past was 88, while now it is 72+2 beds.

On the day of the visit, there were 67 prisoners, of which 53 were in custody and 15 were convicted, with various sentences, among them there were also those sentenced to 17, 14 and 12 years of imprisonment. In this visit, the staff of KRCT was informed that he was a very high-risk person.

The institution's leaders informed the team that treating people with mental disorders remains challenging. There were a total of 10 individuals with mental disorders; however, on the day of the visit, there were 9 present, with one being in KPFI. Out of these 10 individuals, one was under increased surveillance, checked every 30 minutes. It is common for prisoners with mental disorders to cause issues in the institution, as was the case a few days ago when a prisoner, despite having a Decision on Compulsory Psychiatric Treatment, was placed in Prizren DC due to a lack of space in KPFI. This individual caused problems during their stay in this institution and was subsequently transferred to Dubrava CC.

In Prizren DC it has always been a good practice for visits by the president of the Basic Court of Prizren, but with the changes made in the Basic Court of Prizren, the detainees were visited for the last time in April 2023 by the new president. According to the management, during the year 2023 (up to the day of the monitoring visit) there have been no cases of smuggling and no incidents or cases of serious self-harm have been reported in the Prizren DC.

DC Prizren employs 92 staff members, of which 77 are in uniform and 15 are civilians. There is no new recruitment of correctional staff.

KRCT has not received any complaints from prisoners regarding improper treatment by staff. The interviewees stated that the staff treats them well and are always available. KRCT has generally observed a good climate between prisoners and correctional officers.

There were ten prisoners with mental disorders in Prizren DC. According to the management of DC Prizren, they are currently managing them well; however, one of them was under increased surveillance. Prizren DC does not offer adequate conditions for the treatment of this category, neither in terms of professional human resources nor in terms of material conditions.

**KRCT recommends the KCS to consider the status as a detention center, the structure of the facility, the training of the staff as well as the location of the institution, in the case of the placement of persons with mental disorders.**

The main concerns of the detainees are related to the work of the courts but also to the lack of free activities in the Prizren DC.

The convicts of Prizren DC also express their concerns regarding the work of the Conditional Release Panel (CRP). They have complaints about the examination of their requests, the late responses of the CRP, and other related issues. Additionally, the convicts' complaints concern the food package. Initially, with the introduction of food packages into the law, this center began implementation immediately, even though other centers had not yet started. The convicts continued to receive packages of 5 kg for 9 months, with the option of consuming the food in their rooms. However, this package was temporarily banned until the issuance of the new Home Order, after which it was reinstated, but now convicts can only accept 3 kg of food and must consume it during family visits. This change is not well received by the convicts because the allotted time during family visits is insufficient for them to enjoy the food comfortably in front of their family members.

There were also numerous complaints regarding the right to early release, where according to the convicts, the Basic Court in Prizren is mainly delaying the answers to the convicts' requests for early release.

The KRCT team also encountered complaints from some prisoners regarding the list of canteen products. They requested that, with the completion of the company's tender for the canteen, the list of products should be changed to match that of other correctional centers in Kosovo. Additionally, some convicts in this center requested the provision of equipment for cooking food (electric plates), as they claim it is allowed for convicts in other centers.

The Prizren DC remains among the correctional institutions housed in old buildings. However, despite its age - built in 1964 - cleanliness was maintained at a very high level. Hygiene is primarily upheld by the prisoners themselves, with some engaging in cleaning work.

During this year, the bathrooms underwent renovation, with fixes to the boiler, tiles, and ventilation system. However, the ventilation system was only repaired on one side, leaving the other side unresolved. This has caused dissatisfaction among the convicts due to the bad odor emanating from the bathrooms in the cells. Management attributes this issue to the contracted company's inability to provide equipment according to the required capacity and criteria.

**Regular ventilation, and especially in the cells in the Prizren DC where the toilets are located, the regular operation of the ventilation is necessary. Also considering the fact that the facility is an old building and the narrow spaces for the placement of prisoners, it should be considered to adjust the ventilation as soon as possible, in order to provide the best conditions for the prisoners.**

In the cells, there were mainly 4 people accommodated, but since August 2023, due to the structure of the facility and the narrow cells, the number per cell has been reduced to 3 people, except for two larger cells. According to the management, there is now a space of 4 m<sup>2</sup> per prisoner in these cells, which meets the required standards. This practice continues unless overcrowding occurs, in which case removed beds will be reinstated. This change during the summer season has made staying in these cells easier and has been welcomed by the prisoners. Additionally, during the summer, inmates were allowed to open doors for increased airflow and use fans until 2 a.m.

KRCT has welcomed the reduction in the number of prisoners placed in each cell, considering the conditions of this institution, and recommends that no more than 3 prisoners be placed in the cells in the future.

In the Prizren Detention Center, there were two cells used for solitary confinement cases. One was equipped with a camera, but when used only for solitary confinement and not for surveillance, the camera is not used due to privacy concerns.

Family visits at the Prizren DC were conducted normally according to the visitation plan, while Skype is currently available for inmates who do not have visits.

Regarding phone contact, the issue of a lack of phone cards for phone calls continues to persist. As an alternative, the KCS, in collaboration with the telephone operator, has found a solution for telephone booths to operate without cards. However, inmates have to pay 5 euros per month for their communication usage. For those who have relatives outside of Kosovo, it remains problematic to contact them, as the current method offered by the operator does not facilitate such communication. Phone calls are allowed twice a week for 15 minutes for pre-trial detainees, while convicts have access to using the phone whenever they want from 7:00 am to 7:00 pm.

As for activities, only a limited number of options are available to the convicts. Fifteen of them are engaged in work, mainly in the kitchen and cleaning, and their payments have been made regularly. They have access to a very small yard, and although they used to have a tennis table, it was damaged by the rain.

***Considering that some of the convicts have long sentences, these limited activities are not sufficient. This poses a problem for their re-socialization and rehabilitation. KRCT recommends that the KCS take action to increase the rehabilitation programs for the convicts of Prizren DC.***


Pre-trial detainees have indicated that they are isolated for a long period during the day and do not have many activities. This is a result of prohibitions and legal restrictions for this category, as the current legislation does not allow for offering additional activities or work engagement for pre-trial detainees. There are also individuals in the Prizren DC with long pre-trial detentions due to court delays in deciding cases, retrials, etc. During a 24-hour period, apart from twice hourly walks and meal times, pre-trial detainees are locked up for about 22 hours during the day. While they have the status of pre-trial detainees, they have fewer rights, privileges, and activities during their stay in correctional institutions.

Despite the old facility, the kitchen space was generally well maintained. The kitchen was clean, and only one stove was not working due to a gas shortage. The daily menu was determined centrally. On the day of the visit, the food was well-prepared and sufficient.



The interviewed inmates expressed mostly satisfaction with the food served. The three meals are served in joint halls. This has contributed to maintaining cleanliness in the cells. The dining halls were kept very clean. Food samples and sanitary booklets were regular.

## Fulfillment of recommendations for 2023

Recommendation	Implementation of recommendation	Recommendation continues
 Take concrete actions to improve the treatment of prisoners, including:		
<ul style="list-style-type: none"><li>• Updating and advancing rehabilitative programs in correctional institutions;</li></ul>	Some programs have started.	2024 ✓
<ul style="list-style-type: none"><li>• Further development of initial evaluation and individual plan;</li></ul>	Partly implemented.	2024
<ul style="list-style-type: none"><li>• Strengthening social services, increasing the number of social workers;</li></ul>	In 2023, three social workers started their work while an additional five social workers are expected to begin in 2024.	2024
<ul style="list-style-type: none"><li>• Development of programs for the treatment of prisoners addicted to narcotics;</li></ul>	A program with an NGO has started in Lipjan. Six minors have benefited.	2024 ✓
<ul style="list-style-type: none"><li>• Provide appropriate treatment for prisoners with mental health problems;</li></ul>	Has not been implemented.	2024
<ul style="list-style-type: none"><li>• Pavilion D to be operationalized in Dubrava CC;</li></ul>	Pavilion D has been operationalized.	✓
<ul style="list-style-type: none"><li>• To provide necessary spaces for the placement and treatment of women and minors with mental health issues;</li></ul>	Has not been implemented.	2024

<ul style="list-style-type: none"> <li>● To increase the accommodation capacities in the Institute of Forensic Psychiatry;</li> </ul>	Has not been implemented.	2024
<ul style="list-style-type: none"> <li>➤ Ensuring inclusive education for minors who are deprived of liberty;</li> </ul>	Has been implemented.	✓
<ul style="list-style-type: none"> <li>➤ To strengthen the internal complaints mechanism, in terms of increasing confidentiality;</li> </ul>	Has not been implemented.	2024
<ul style="list-style-type: none"> <li>➤ Taking steps to ensure that proper measures are in place to prevent mistreatment and to respect the rights of individuals:</li> </ul>		
<ul style="list-style-type: none"> <li>● Strictly follow the procedures in case of allegations of ill-treatment;</li> </ul>	According to the visits of KRCT and findings, this has not been implemented, considering the cases that have occurred in CCJ and in Prishtina DC.	2024
<ul style="list-style-type: none"> <li>● In case of use of force, the prisoner should be given immediate access to a doctor, and for correctional staff to make a detailed assessment on the need to use force;</li> </ul>	According to the visits of KRCT and findings, this has not been implemented, considering the cases that have occurred in CCJ and in Prishtina DC.	2024
<ul style="list-style-type: none"> <li>● The Inspectorate of the Ministry of Justice to conduct more detailed investigations in cases of allegations of ill-treatment;</li> </ul>	According to the visits of KRCT and findings, this has not been implemented, considering the cases that have occurred in CCJ and in Prishtina DC.	2024

➤ Pay more attention to managing incidents between prisoners, self-harm and suicide attempts and suicides;	<p>There has been an increase in injuries and self-harm with no successful prevention efforts.</p> <p>There have been some successes in preventing suicides and suicide attempts.</p>	<p>2024</p> <p>✓</p>
➤ The Ministry of Justice and the KCS, within their competencies, to address the issue of the proper functioning of the Conditional Release Panel;	According to the data from KCS during 2023, approximately 50% of cases were released through the Conditional Release Panel.	<p>2024</p> <p>✓</p>
➤ Increase vocational training for convicts as well as activities where they can engage in their free time;	Some activities have been added.	<p>2024</p> <p>✓</p>
➤ Take action to prevent corruption;	In 2023, 14 cases of dismissals due to corruption occurred, and whistle-blowing officers were employed in every correctional institution.	<p>2024</p> <p>✓</p>
➤ To plan the construction of new facilities for correctional institutions: the Correctional Center for Women, the Detention Center in Peja, the Detention Center in Prizren;	The budget has been allocated, and the design phase of these facilities has begun.	<p>✓</p>

➤ To establish distinct areas for pregnant women and mothers with children within correctional facilities;	The construction of the new facility has begun.	✓
➤ To maintain and renovate all correctional institutions as needed;	Some pavilions have undergone renovations.	2024
➤ Ensure consistency in the management of the KCS and correctional institutions;	Directors have been appointed in 50% of the institutions.	2024 ✓
➤ Increase the number of civilian staff and correctional officers and improve working conditions for them;	Forty-five correctional officers have started their work, and the recruitment of an additional 70 officers has begun.	2024 ✓
➤ To issue all Administrative Instructions based on the Law for the Execution of Criminal Sanctions;	During the year 2023, 12 Administrative Instructions were issued, while another 8 are expected to be approved.	
➤ To review the House Rules and adjust them according to the specific needs of different correctional facilities;	The new House Rules has been issued, however, the recommendation regarding adaptation according to the types of correctional institutions has not been implemented.	2024 ✓

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