



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

# HUMAN RIGHTS IN KOSOVO CORRECTIONAL INSTITUTIONS

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## MONITORING REPORT 2021

Supported by  
**SIGRID RAUSING TRUST**

**THIRTEENTH  
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**QKRMT-KRCT**

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correctional institutions  
is supported by:

***SIGRID RAUSING TRUST***

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The assessments and views expressed in this report are entirely of the Kosova Rehabilitation Centre for Torture Victims – KRCT and do not necessarily reflect the views or position of the SRT.

The evaluations, conclusions and recommendations in this report are the result of the monitoring and advocacy work of the multidisciplinary teams of KRCT during the 2021.

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## Contents

Abbreviations.....	8
PREFACE .....	9
KRCT MANDATE, METHODOLOGY AND THE PURPOSE OF MONITORING .....	12
The Human Rights Sector Mandate.....	12
Methodology .....	13
Purpose of monitoring .....	14
I - SUMMARY OF GENERAL FINDINGS .....	17
1. MANAGEMENT OF CORRECTIONAL INSTITUTIONS.....	18
1.1. Lack of staff in correctional facilities .....	18
2. TREATMENT OF PRISONERS .....	19
2.1. Ill-treatment and use of force .....	19
2.2. Inter-prisoner's violence and conflicts .....	20
2.3. Deaths, suicides, attempted suicides and self-harm in prisons.....	20
2.4. Individual treatment plan.....	23
2.5. Treatment of persons with mental disorders.....	23
2.6. Camera surveillance in solitary confinement rooms .....	25
3. SMUGGLING, CORRUPTION AND APPLICATION OF DOUBLE STANDARDS .....	26
4. ECONOMIC UNIT IN KCS .....	27
5. COMPLAINTS PROCEDURE.....	28
6. MATERIAL CONDITIONS.....	29
7. FOOD AND KITCHEN .....	31
8. EDUCATION, ACTIVITIES AND OTHER ENGAGMENTS .....	32
9. HEALTH IN PRISON.....	33
10. COVID-19 PANDEMIC MANAGEMENT.....	35
11. WORK OF THE CONDITIONAL RELEASE PANEL.....	36
12. TREATMENT OF JUVENILES DURING DEPRIVATION OF LIBERTY .....	38
13. ADDRESSING LEGAL AMENDMENTS .....	42
14. RENTAL AGREEMENT OF DETENTION CENTER IN GJILAN .....	43

15. ADVOCATION AND LEGAL ASSISTANCE OF KRCT .....	44
II - FINDINGS FROM MONITORING CORRECTIONAL INSTITUTIONS .....	46
1. CORRECTIONAL CENTER IN DUBRAVA .....	47
2. HIGH SECURITY PRISON IN GERDOC (HSP) .....	54
3. CORRECTIONAL CENTER IN SMREKONICA .....	58
4. CORRECTIONAL CENTER FOR WOMEN IN LIPJAN .....	62
5. CORRECTIONAL CENTER FOR JUVENILE IN LIPJAN .....	66
6. CORRECTIONAL EDUCATIONAL CENTER IN LIPJAN .....	69
7. DETENTION CENTER IN PRISTINA .....	73
8. DETENTION CENTER IN GJILAN .....	77
9. DETENTION CENTER IN PRIZREN .....	83
10. DETENTION CENTER IN PEJA .....	88
RECOMMENDATION .....	91



## Abbreviations

CC – Correctional Center

CEC – Correctional Education Center

CRP – Conditional Release Panel

DC – Detention Center

ECHR – European Court of Human Rights

HSP – High Security Prison

KCS – Kosovo Correctional Service

KIFP – Kosovo Institute of Forensic Psychiatry

KRCT – The Kosova Rehabilitation Center for Torture Victims

LEPS – Law on Execution of Penal Sanctions

MH – Ministry of Health

MJ – Ministry of Justice

PHD – Prisons Health Department

SOP – Semi-open Pavilion

UCCK – The University Clinical Center of Kosovo



## PREFACE

The humane treatment and respect for the dignity of persons deprived of their liberty are a fundamental and universally enforced rule. As such, the rights of persons deprived of their liberty are enshrined in international, regional and national instruments having a legally binding character.

Detainees and convicts are particularly at risk of having their rights violated, as they are kept out of the public eye. Therefore, the role of civil society as an external and independent monitor is essential in preventing, documenting and addressing potential human rights violations in places of detention in Kosovo.

Since its establishment [1999], KRCT has worked to prevent torture and rehabilitate war survivors in Kosovo. Our mandate remains unique, in terms of accomplishing a very specific mission, which focuses on combating torture by monitoring and documenting human rights violations, providing assistance to victims of torture through its rehabilitation programs.

In this regard, the implementation of monitoring activities aims to assess compliance with and respect of international standards in places of detention, preventing human rights violations in these places, perfecting the professionalism and education of responsible institutions, as well as increasing the transparency and accountability of institutions in the spirit of humanizing penal sanctions.

Furthermore, KRCT through advocacy activities has influenced the advancement of laws, policies, and strategies for the protection of human rights in places of deprivation of liberty, including the judicial system, i.e., cases related to fair trial and enforcement of pre-trial detention. Consequently we have built a professional cooperation with the judicial system, in order to promote the judicial protection of the rights of convicted persons, including the promotion of the importance and efficiency of parole.

Thus, in order to respect and promote the rights of persons deprived of their liberty, during 2021 we have conducted 16 monitoring visits to correctional institutions in

Kosovo. This Report, which is a result of these regular monitoring visits, in its first part presents the main findings in summary, while in the second part these findings are illustrated separately for each of the monitored correctional institutions, while the recommendations are presented at the end of the Report.

The findings and recommendations of KRCT, in addition to serving the relevant institutions in advancing services and better treatment of persons deprived of their liberty, as well as professionals and scientific scholars, they are constantly cited by credible regional and international reports [CPT, European Commission Country Report, US Department of Human Rights Report, etc.].

Finally, KRCT expresses its gratitude for the continuous and constructive cooperation between the KCS and the PHD. We also consider the evaluation of our work by the institutions to be very important, as the authorities have often responded positively to our recommendations, taking concrete actions to improve the conditions and treatment of persons deprived of their liberty.

**Dr. Feride Rushiti,**  
**Executive Director, KRCT**



### KRCT MANDATE, METHODOLOGY AND THE PURPOSE OF MONITORING

The Kosova Rehabilitation Centre for Torture Victims (KRCT) is an independent, non-governmental 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 and respecting 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.

#### The Human Rights Sector Mandate

The Sector 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 teams 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.

### Methodology

Human rights monitoring in closed institutions is based on international human rights assessment indicators in places of deprivation of liberty such as: Norms of the European Committee for the Prevention of Torture [CPT]; European Prison Rules [EPR], the Standard Minimum Rules for the Treatment of Prisoners and the Nelson Mandela Rules [SMR and NMR], 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. This summary report identifies the main issues and reveals the findings from 16 monitoring visits to Kosovo correctional institutions during 2021, related to respect for human rights in detention facilities.

## Calendar of monitoring visits conducted in correctional institutions – 2021

No.	Date	Institution
1.	11.02.2021	High Security Prison in Gerdac (HSP)
2.	24.02.2021	Detention Center (CC) in Prishtinë
3.	21.05.2021	Detention Center (CC) in Prizren
4.	11.06.2021	Correctional Center for Juveniles in Lipjan
5.	02.09.2021	Correctional Center (CC) in Dubrava
6.	06.10.2021	Correctional Center (CC) in Dubrava
7.	15.10.2021	Correctional Center for Women (CC) in Lipjan
8.	28.10.2021	Correctional Center for Women (CC) in Lipjan
9.	27.10.2021	Detention Center (CC) in Pejë
10.	28.10.2021	Correctional Center (CC) in Smrekonice
11.	18.11.2021	Correctional Education Center (CEC) in Lipjan
12.	18.11.2021	Correctional Center for Juveniles in Lipjan
13.	23.11.2021	High Security Prison in Gerdac (HSP)
14.	01.12.2021	Detention Center (CC) in Gjiilan
15.	15.12.2021	Detention Center (CC) in Prishtinë
16.	21.12.2021	Correctional Center (CC) in Dubrava

## Purpose of monitoring

The right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment is manifested in international and national legislation.

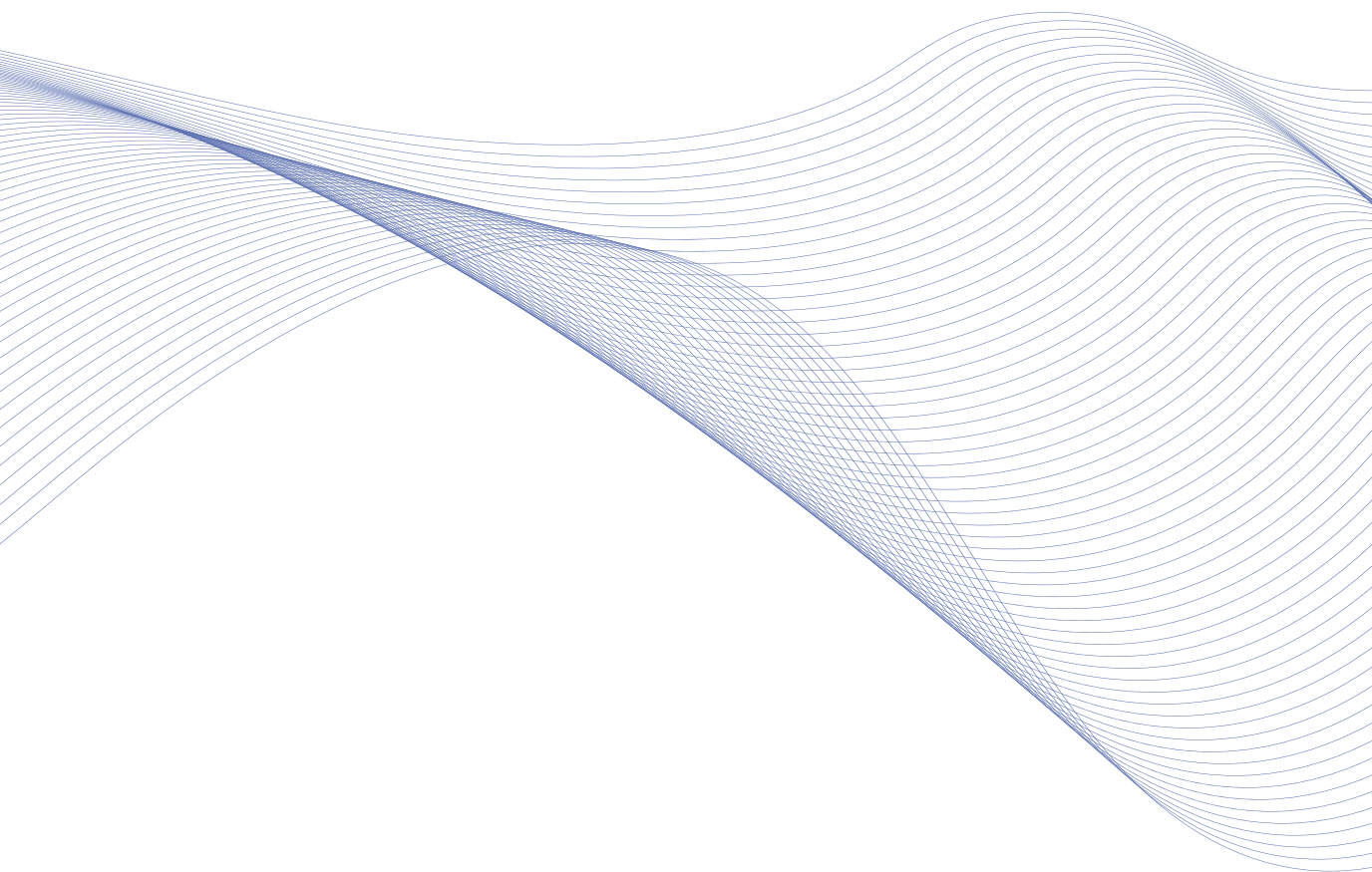
Monitoring places where persons deprived of their liberty are being held is essential, as they are vulnerable and at risk of being mistreated and even tortured.

Persons deprived of their liberty have a very limited influence on their fate and depend entirely on the authorities to guarantee and protect their rights.

Monitoring of correctional and detention institutions contributes to greater transparency and accountability and strengthens the legitimacy and trust of the public in these institutions.

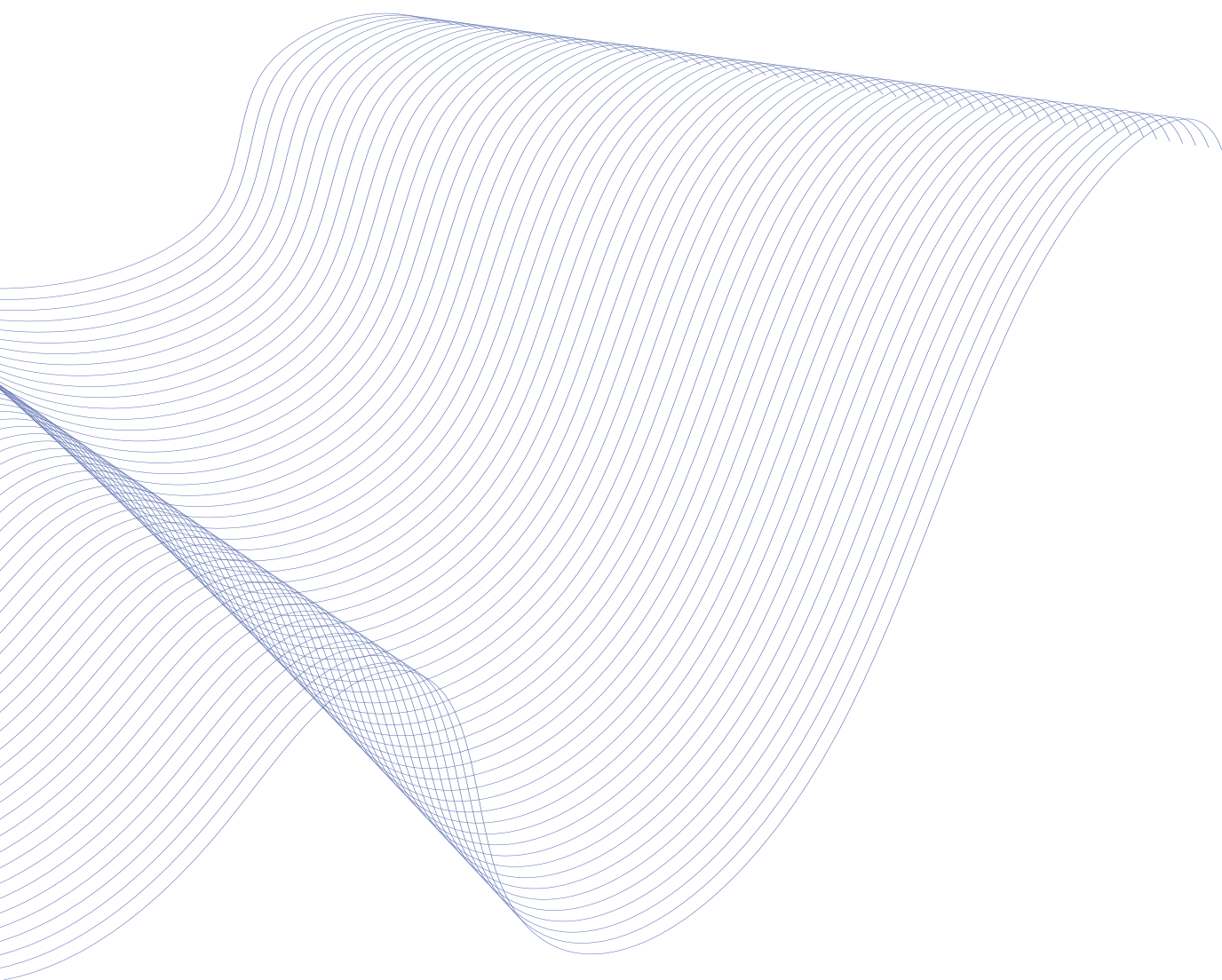
In particular, the monitoring visits undertaken by KRCT aim to ensure:

- a) Assessment of the treatment and protection of convicts and detainees;
- b) Assessment of material and living conditions in Correctional Centers and Detention Centers;
- c) A review of other relevant parameters, including regime and activities, information, contact with the outside world, health, special needs of vulnerable / sensitive groups, etc.; as well as
- d) Drafting the main findings and recommendations for the heads of correctional institutions, their staff, KCS, DHS, MJ, MH and the judicial system - courts in Kosovo.





# SUMMARY OF GENERAL FINDINGS



### 1. MANAGEMENT OF CORRECTIONAL INSTITUTIONS

The Kosovo Correctional Service [KCS] as well as correctional and detention centers have not had a stable full-time management for years. Also, with the government changes at the beginning of 2021, the Ministry of Justice had initiated the procedure for dismissal of the General Director of the KCS, who after the Decision of the State Council for Evaluation and Discipline was dismissed from the position of General Director. The Ministry of Justice during the first months of government, made changes and transferred all directors of correctional institutions, some of whom after the transfers were suspended / dismissed from office.

The directors of correctional institutions have been replaced, suspended or dismissed mainly due to disciplinary or investigative procedures against them but also for reasons of transfers or replacements. Consequently, this lack of functional management, with full competencies and responsibilities, has a direct impact on the management of correctional institutions, including the treatment of prisoners.

The Ministry of Justice, during November 2021 has published the procedures for the selection of the General Director of the KCS, but the vacancy was canceled due to legal reasons. As for the new directors of correctional institutions in Kosovo, until the end of 2021, Ministry of Justice did not initiated any procedure of fulfilling vacancies.

#### 1.1. Lack of staff in correctional facilities

The lack of staff, both correctional officers and professional staff, such as social workers, it represents a challenge in the management of correctional institutions for the KCS. In addition to the small number of staff, in this regard is also worrying the average age of staff which is, in some correctional institutions over 50 years old. This poses an additional challenge to the overall performance of correctional institutions.

### 2. TREATMENT OF PRISONERS

The foremost purpose of monitoring visits is to assess respect for human rights in places of deprivation of liberty. During the visits, KRCT monitored aspects of the treatment of convicts and detainees, including the categorization and treatment of convicts, services provided and medical treatment, possible cases of physical and mental abuse, conflicts between convicts and detainees and other aspects related to the treatment of prisoners.

KRCT estimates that categorization and regimes have made general progress, especially in institutions where housing facilities are newly built, enabling adequate accommodation of convicts and detainees. While in correctional institutions where facilities are old, categorization is challenging due to lack of adequate space. Thus, in the CC of Dubrava the regimes are divided and the placement of convicts by categories is foreseen. However, their placement is mixed since within the same ward are placed convicts of different categories, which include different criminal offenses, sentence, age, health status, addiction, behavior, etc.

The placement and treatment of the elderly, people with chronic health problems, mental disorders and users of narcotic substances remains a concern. Mixing these categories with other convicts is difficult to manage due to the specifics they have.

Convicts and detainees generally report good and humane behavior by correctional staff. However, there are some cases where correctional officers are reported to have offended and verbally harassed the prisoners. Also, in some cases monitors have received allegations of physical ill-treatment by correctional staff against prisoners.

#### 2.1. Ill-treatment and use of force

Ill-treatment and use of force against convicts and detainees is not a phenomenon that has been identified in all correctional institutions. However, KRCT has received allegations of ill-treatment and use of force against convicts, detainees and juveniles. KRCT has received allegations of use of force against prisoners in the

following institutions: Dubrava Correctional Center, High Security Prison, Pristina Detention Center and Juvenile Correctional Center in Lipjan.

KRCT has handled these complaints professionally and has noted that the use of force against them has been evident. In addition to direct conversations with prisoners who have reported cases of ill-treatment, KRCT has requested information from the institution's management about these cases, reviewed medical records and health protocols. Although there has not always been regular evidence of these cases, it has been observed that force was used.

Cases of ill-treatment have been addressed to the management of institutions, which have assessed as necessary and proportionate the use of force in order to bring the situation under control. However, during each monitoring visit the monitoring team met in advance with the management of the institution and had not received information on the use of proportional force in these cases, despite being asked by KRCT monitors beforehand. Furthermore, correctional institutions have not provided relevant protocols or procedures for handling these cases. Two of the reported cases, KRCT addressed to the Inspectorate of the Ministry of Justice.

### 2.2. Inter-prisoner's violence and conflicts

The phenomenon of violence and conflicts between prisoners remains present in correctional institutions. Cases of violence and conflicts between prisoners have been identified in almost all correctional institutions, but this phenomenon is more pronounced in CC of Dubrava, HSP, CC for Juveniles and CC for Women. Such cases have often ended in injuries among prisoners.

### 2.3. Deaths, suicides, attempted suicides and self-harm in prisons

During 2021, 9 deaths were recorded in correctional institutions, out of which 3 were suicides. Prisoners who died while in prison were mostly cases of chronic diseases.

Three suicides in prisons were committed by persons with mental disorders. KRCT has monitored these cases, of which one suicide occurred in the DC in Prishtina, one

in the DC in Prizren, as well as the latest case in the CC for Women in Lipjan. *KRCT estimates that all three cases of suicide that occurred in correctional facilities were persons who should not have been placed in correctional institutions due to their aggravated mental health condition.*

The 22-year-old convict who committed suicide in her room at the Women's Correctional Center in Lipjan had serious mental health problems. KRCT had visited the convict several months before the suicide, where she was being held alone in a room and was unable to take care of herself and her actions.

The detainee who committed suicide in the Prizren Detention Center, had a mental health disorder, for which his lawyer had requested that the detention measure be replaced with other measures and that a medical examination be performed, but this request was not taken into account by the competent court.

The suicide that took place in the Detention Center in Prishtina, was committed by the 33-year-old detainee, who had an order from the court for the detention measure, which was assigned to be implemented at the Kosovo Institute of Forensic Psychiatry [KIFP], due to his aggravated mental health condition. In the absence of available places in the KIFP, the detainee was placed in DC of Prishtina, contrary to the court decision and the legal provisions in force. So, the detainee at the time of committing suicide was being held in an institution where by the court decision he should not have been held. *In this case, the institutions which did not implement the court decision for his placement and treatment in the Institute of Forensic Psychiatry must take responsibility for the failure to protect his life.*

Such a practice, in addition to being contrary to the Criminal Code of Procedure, is also contrary to international standards for the treatment of prisoners with mental disorders. The ECtHR has in many cases found that the placement of persons with health problems in correctional facilities, in which there are no adequate conditions for their treatment, constitutes a violation of Article 3 of the European Convention on Human Rights [Article 3 - Prohibition of Torture].<sup>1</sup>

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<sup>1</sup> Dybeku v. Albania 18.12.07; Rupa v. Romania 16.12.08; Arrêt de chambre G. c. France 23.02.2012;

In addition to the suicides committed during 2021, there have been several other cases that have remained in the tentative, due to the immediate response of correctional staff and health staff in their prevention.

KCS and the Prisons Health Department [PHDD] have established and operationalized special commissions to implement the strategy for suicide prevention in prisons.

During the reporting period PHD has estimated that 136 prisoners are at high risk of committing suicide, who have been treated specifically by the commissions established for this purpose. During 2021, 25 prisoners attempted suicide, while 3 of them managed to commit suicide.<sup>2</sup>

One of the concerns addressed by correctional staff and health staff is self-harm cases management. Compared to previous years, during 2021 there has been a decrease in the number of self-harms (while during 2020 were identified 130 cases, in 2021 the identified cases of self-harms was 102).<sup>3</sup>

Self-harm is mainly due to various dissatisfactions that prisoners have, such as dissatisfaction with the courts (sentences or detention), due to complaints against correctional staff, mainly due to the rejection of requests for transfers to institutions closer to the family, while some Prisoners' requests are approved, complaints about non-realization of benefits, etc. Also, there have been cases that have caused self-harm for health reasons, when they have sought health services inside or outside the institution and if their request has not been realized, they have caused self-harm. Such cases have occurred when health staff have applied double standards to prisoners, where some privileged prisoners have been continuously sent for medical visits outside correctional facilities, while others have waited long periods for such visits to take place. Other reasons that have led to self-harm are family issues or even other grievances.

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<sup>2</sup> Annual work report of PHD 2021

<sup>3</sup> Annual work report of PHD 2021

In addressing self-harm phenomenon, the responses of correctional staff and health staff have often been that prisoners injure themselves primarily to attract attention or to achieve a goal [fulfillment of a request]. *KRCT has consistently recommended that indications for self-harm should be treated professionally and without prejudice.*

### 2.4. Individual treatment plan

An important impact on the treatment of prisoners is the development of individual plans, which are still lacking in correctional facilities. Through these plans specific programs would be developed for each prisoner and thus would significantly result in the preparation of prisoners for re-socialization and also in their rehabilitation. In this way, the intention to prepare them for a normal life after serving the sentence would be achieved and the possibility of recurrence of criminal offenses would be reduced. Recently, the CC in Dubrava has started applying the individual plan but is still in the initial stage.

Regarding the new cases that are admitted, respectively the convicts who volunteer to serve their sentences, they are evaluated in the Unit for Evaluation and Classification of Prisoners which is located in the DC Prishtina. During the 28-day stay in this unit, the convicts are classified in which correctional center they will be placed to serve their sentence.

### 2.5. Treatment of persons with mental disorders

Adequate management of persons with mental disorders remains one of the main challenges in the treatment of prisoners in Kosovo. Within correctional institutions there is no special institution for the placement and treatment of perpetrators with mental disorders.

In addition to the difficulties in dealing with and managing cases of mental disorders, the prevention of suicides of persons with mental disorders remains challenging,

where three cases of suicides occurred in prisons during 2021, all committed by persons with mental disorders.

*Following the case of suicide that occurred in the Detention Center in Prishtina, in August 2021, KRCT has made a public call to the Ministry of Justice, the Ministry of Health and the Kosovo Judicial Council, to take immediate measures to create space and conditions for necessary for the placement and treatment of perpetrators with mental disorders.*

In the continuous reports of KRCT, the impossibility for handling these cases within the correctional institutions has been emphasized, highlighting:

- lack of continuous provision of psychiatric services;
- lack of adequate space;
- lack of capacity of correctional staff, as well as
- the potential risk posed by perpetrators with mental disorders, including self-harm and suicide.

The Ministry of Justice has initiated the procedure for the adaptation of Pavilion D in CC Dubrava for the placement and treatment of perpetrators with mental disorders. The realization of this project is expected to take place during 2022. At the end of 2021 KCS has opened the vacancy for the admission of 30 correctional officers and 2 social workers for Pavilion D. It is expected to engage also 11 nurses, 1 doctor, 1 psychiatrist and 1 psychologist, who will be present at this Pavilion on a regular basis.

KRCT has welcomed this initiative of the Ministry of Justice. However, while monitoring this process, KRCT remains concerned that the plans for the adaptation of this institution will only alleviate the situation in the treatment of persons with mental disorders. This form of management does not provide adequate and sustainable solutions to the situation in which the Correctional Service finds itself in the management of these cases. This Pavilion is planned to accommodate prisoners with special needs [mental problems, other diseases, drug addiction, etc.].



Pavilion D was originally built to accommodate protected witnesses and cooperating witnesses, but has not been operational for several years. The capacity of this institution at the time when it was functional was for 20 people, while with its re-functionalization and adaptation for the placement of persons with special needs, it is expected that 60 persons will be placed there.

Expectations that a solution will be found for the placement and treatment of prisoners with mental disorders are not feasible because the number of prisoners with mental disorders in correctional facilities is much higher than the planned capacity in this Pavilion. Only in DC of Prishtina during the last monitoring visit of KRCT there were about 40 inmates with mental disorders.

Furthermore, according to current plans, there is no space in Pavilion D for juveniles and women prisoners with special health needs. Even these two sensitive categories should be considered by the relevant institutions, in order to ensure adequate and dignified treatment.

Despite the fact that it positively evaluates such an initiative, KRCT encourages the relevant institutions to address this issue according to the needs and requirements for the treatment of prisoners with special needs in accordance with their specifics, as the mix of prisoners of different categories in this institution it will be difficult to manage.

In order to provide adequate treatment and proper management of prisoners with mental health problems, KRCT recommends that new spaces be added to the Kosovo Institute of Forensic Psychiatry, as the current capacity is unaffordable for the requirements for examination and mandatory psychiatric treatment.

### 2.6. Camera surveillance in solitary confinement rooms

In some of the correctional facilities, actions have been taken to fix the solitary confinement rooms, including the installation of surveillance cameras for cases that need constant supervision. Despite the fact that for serious cases of mental health for correctional institutions may remain the only alternative in order to prevent injury or suicide, however KRCT recommends that this issue be regulated by special

provisions through bylaws, in order to avoid the possibility of abuse and violation of the privacy and dignity of prisoners.

### 3. SMUGGLING, CORRUPTION AND APPLICATION OF DOUBLE STANDARDS

During the monitoring visits carried out in 2021, continuous cases of smuggling within correctional institutions were reported. The most frequent cases of smuggling are in CC of Dubrava. The High Security Prison [BSL] remains the best example of smuggling prevention.

KRCT appreciates the fact that compared to previous years, KCS during 2021 has been quite transparent in publishing cases of smuggling. Cases reported to the public by the KCS are those cases that have managed to be prevented at the entrance of correctional institutions, mainly cases involving family visits or even through staff.

The cases of smuggling involving the staff of correctional institutions remain a concern. During the monitoring, KRCT received allegations from prisoners that the staff themselves are involved in the smuggling of prohibited devices within correctional facilities. The most common cases of smuggling are with mobile phones, narcotics, alcohol, etc.

During conversations with prisoners, they state that smuggling in most cases is done by corrupting the staff of correctional institutions. Prisoners also state that the realization of benefits and privileges as well as transfers to other correctional institutions are done through corruption. KRCT received allegations from prisoners about treatment according to double standards for many prisoners, who realize benefits through corruption, including transfers. According to prisoners, these benefits are provided only to convicts who have direct connections with officials of correctional institutions or through corruption. Cases with long sentences have been reported who have been transferred to detention centers, despite not meeting the legal requirements for such transfers.

*These allegations are also evidenced by the arrest of a correctional officer, who is suspected that during August 2021, had received 2,000.00 euros from a prisoner to transfer him from the closed type wards to the Semi-Open Pavilion in CC of Dubrava. In November 2021, the Basic Prosecution in Peja filed an indictment against this correctional officer.*

Also, smuggling is present within institutions, with special emphasis on CC of Dubrava. The staff of correctional institutions report that prisoners who are engaged in work, mainly in the kitchen and slaughterhouse, take meat products and other food and hygiene items, and smuggle them with other prisoners in exchange for value of cigarettes or other products.

#### 4. ECONOMIC UNIT IN KCS

KRCT wants to bring to the attention of the Ministry of Justice and the KCS the need for reform and advancement of the Economic Unit. The functioning of the Economic Unit should be treated as a priority by enabling the management of employed prisoners. The establishment of the Economic Unit is foreseen by the 2013 LESP, but so far it has not been established as a separate unit.

One of the most important aspects that affects the rehabilitation and re-socialization of prisoners is the opportunity to engage in work while serving their sentence. Providing vocational training and engaging convicts on the job, in addition to having positive effects on the treatment of convicts, also has an impact on life outside institutions. A convict who attends vocational training and engages in work will find it much easier to re-socialize after serving his sentence.

High Security Prison is one of the institutions with the best practice for the employment of convicts. During the visit conducted in November 2021, 89 convicts were engaged in work [out of a total of 136 convicts present]. HSP convicts have the opportunity to work in workshops for the production of toilet paper, bags, wood products, renovations of the institution, cleaning, kitchen, etc. HSP supplies other correctional centers with toilet paper, and in some cases with woodwork, such as

desks. Also in the CC of Dubrava, prisoners are engaged in various jobs, including livestock and agricultural products. In CC in Smrekonica, prisoners are engaged in agricultural products, where some of the products grown in this center [various vegetables] are supplied to the kitchens of almost all correctional facilities.

In the Correctional Center for Women, the convicts are engaged in tailoring, where as in 2020 and during 2021 they continued to sew masks for protection from Covid-19. The juveniles in the CEC have worked with different designs, printing cups and uniforms with different signs. Juveniles have also been able to successfully produce various hassock for the market outside correctional facilities.

In other institutions, prisoners are mainly engaged only in cleaning, cooking, laundry and other work in the maintenance of correctional facilities.

The salary of prisoners engaged in work is 1.00 Euro per day for all types of work performed, regardless of whether they are simple work [e.g. cleaning] or even professional work. Also, in certain periods of time, there have been complaints from prisoners about delays in the execution of payments.

From the practice so far, it can be understood that among the convicts engaged in work, there are also professional jobs performed by convicts. These jobs, in addition to bringing benefits, also provide savings for the KCS budget. In this regard, it is necessary to take adequate actions to improve working conditions for convicts, including raising salaries. Therefore, it is more than necessary to make the Economic Unit operational within the KCS.

## 5. COMPLAINTS PROCEDURE

Prisoners have stated that the internal complaints mechanism is not adequate and efficient. According to them, responses to complaints are late and often lose their effect until they receive a response. They state that there are cases when they never receive a response to their complaints, so some of the inmates do not use the complaints procedure due to delays in treatment and because the current

mechanism does not ensure the confidentiality of inmates. It has been reported that there are cases where staff retaliate against prisoners who file complaints against them. KRCT has identified several cases where complaints forms were missing.

### 6. MATERIAL CONDITIONS

From the monitoring conducted during 2021, KRCT estimates that the accommodation of prisoners in terms of material conditions in general has been at an acceptable level. The standard of material conditions for the placement of prisoners varies depending on the institution. In recent years, several new centers have been built and operationalized, which have a satisfactory level of material conditions in general. Also during 2020 and 2021, several renovations were carried out in correctional facilities, which have improved the general conditions of detention of prisoners.

However, even in the centers built in recent years, various infrastructural damages have been identified:

- The DC of Gjilan faces the lack of hot water; The floor in the hallway and the walls of some rooms are badly damaged and need to be renovated. Due to water leakage, 10 rooms were out of order. The batteries / taps are damaged and these rooms will not be used until they are repaired;
- In HSP, the first floor of Pavilion 2 was more severe in terms of material conditions. The floor was very damaged. The first floor convicts have been awaiting transfer to the third floor of Pavilion 2, which has completed the renovations. The second floor of Pavilion 2 was out of order, because works were being carried out.
- DC in Prishtina since its functioning has faced various challenges in terms of material conditions. There is lack of hot water. Some parts of the DC in Prishtina have undergone renovations, while others are expected to start in the meantime. In the near future it is expected to build a gym as well as a fitness room.

Material conditions below the required standards were identified in CC of Dubrava, CC of Smrekonicë, DC of Peja, DC of Prizren and CC for Women in Lipjan.

Pavilion 2 of CC of Dubrava has been out of order, due to water leakage and is planned to be renovated during 2022. Pavilions 3 and 5 have more severe material conditions. The floor is badly damaged in the corridors and in the convicts' rooms. Pavilion 5 has not been renovated for some time. Even in these two Pavilions there are problems with electricity and water installations, in some parts of the pavilions water was dripping. In Semi-Open Pavilion, the material condition of the bathrooms has been quite severe, especially the one on the second floor where there was a constant flow of water. Also, improvised electrical installations in the prisoners' rooms pose a risk to the lives of the prisoners.

In DC of Peja there is lack of natural light and ventilation does not work. Traces of moisture formed by water leaks were observed on the walls of some rooms, while moisture and mold formation were observed in all the bathrooms of the visited rooms. Mold because of moisture has also been observed in the food depot.

Even in DC of Prizren the ventilation is not functional, especially in the rooms toilets inside, regular operation of ventilation is necessary. Considering that the facility is an old construction and the narrow spaces for the accommodation of prisoners, the KCS should consider regulating ventilation, in order to provide better conditions for prisoners.

It has been a while since CC in Smrekonica had any renovation inside the residential premises. The walls in some of the rooms visited, especially in Wing A, have been damaged and moldy. Shared bathrooms are damaged and in need of renovation, especially quicker intervention is needed on the bathroom ceiling, as the ceiling panels were completely demolished after the raids were carried out and as a result the power cables were exposed and pose a potential risk to the prisoners.

During the reporting period, the Correctional Service supplied most of the correctional facilities with new anti-fire mattresses, blankets and pillows. KRCT has annually reported on the need for this supply, as for more than 10 years there has

been no such supply. *Therefore, KRCT positively assesses the action of the KCS to equip correctional institutions with new mattresses and blankets.*

Excluding the HSP, where all rooms are of one-bed, in DC Prishtina and DC Gjilan the rooms have one and two beds, while in other correctional institutions the standard rooms have four beds each. In DC of Peja, DC of Prizren and Women's CC, the rooms are small in terms of accommodating four beds.

In DC Prishtina, prisoners express complaints about the structure of the beds, which are one above the other and do not have a ladder to go to the upper bed. Some of the prisoners, voluntarily slept on the floor just not to climb on the upper bed because they had difficulty climbing without stairs, and some were afraid of heights.

Correctional institutions continue to face the lack of basic inventory for the placement of personal belongings. In the absence of inventory, prisoners are forced to put their clothes and personal belongings under the beds, putting them in bags or cardboard packages. Monitors have also received complaints regarding the supply of hygienic products.

## 7. FOOD AND KITCHEN

KRCT pays special attention to the food served to prisoners. During this year, the kitchens of correctional institutions were visited, as well as the warehouses where food stocks are stored. KRCT estimates that the level of food served in correctional facilities is generally at an acceptable standard.

During the monitoring it was noticed that food samples are properly stored in all correctional facilities. Also, for kitchen workers, sanitary booklets have been regular.

In some cases, KRCT monitors found expired food products kept in the kitchens of correctional facilities. These findings have been addressed to the relevant institutions and KRCT demanded actions to be taken to remove them from use.

Although the food situation has been generally good, in some cases inmates have complained about the quality and quantity of food. In some institutions, inmates have complained that food preparation is not good. Prisoners have requested for more food items to be allowed in the canteen, as well as food packages from families to be allowed.

### 8. EDUCATION, ACTIVITIES AND OTHER ENGAGMENTS

According to the Law on the Execution of Criminal Sanctions, prisoners during their sentence are subject to a variety of activities aimed at re-socialization and rehabilitation. In this regard, convicts have the right to participate in school activities, vocational training, sports activities, etc.

Regarding the school, in the CC in Dubrava and in the CC for Juveniles in Lipjan is offered the opportunity to attend school within the institutions. Some convicted juveniles have also been enabled to study at the faculty. In addition to school activities, convicts, although not enough, are offered the opportunity to attend vocational training [Information Technology and Accounting; Adjacent [welder]; water and sewerage installation; hairdresser, etc.]. During the monitoring visits, the need for increased professional training was presented by a large proportion of the convicts interviewed.

During their stay in correctional facilities, prisoners are entitled to regular family visits. Convicts also have the opportunity of special family visits and are entitled to telephone calls. Depending on the level of the regime and the fulfillment of other legal criteria, convicts are entitled to weekends, and during the year have the right to leave up to 7 days outside the correctional facility. The increase of days outside the correctional institutions remains a constant request of the convicts.

Regarding other activities, prisoners have the right to regular daily walks, physical activities, engage in work, access to the libraries of correctional institutions.

One of the rights of prisoners is the right to information. Every prisoner has the right to have access to the daily and periodical press in his mother tongue and to other



sources of public information. There are no longer printed newspapers in Kosovo that could be distributed to prisoners. Prisoners are allowed to own a TV, but accessible programs are very limited. In some institutions prisoners have access to only 3 channels.

In order to respect the right to information, and based on international trends, KRCT suggests to affirm Internet access for convicts, under the conditions and specifics of the sentence regime. Such a practice would have positive effects on the behavior of convicts, as well as on their rehabilitation and preparation for the post-release period. Thus, we suggest that among the media, the option of accessing information through the Internet be added. With the latest technological developments, access to browsers and web pages may be restricted, making it easier for correctional institutions to manage Internet access for convicts.

### 9. HEALTH IN PRISON

Prison health is independent of correctional institutions and is managed by the Prisons Health Department (PHD), within the Ministry of Health. Monitoring access to health in prisons is enabled under the Memorandum of Understanding with the PHD.

In the framework of the monitoring mandate, KRCT has paid special attention to the provision of health services to prisoners, while in a special focus has been the treatment of sensitive categories, such as: persons with mental disorders, self-injured, injured and those ill-treated, drug users, with serious illnesses, infectious diseases, etc.

During 2021, health units within correctional facilities have been well equipped and supplied with the necessary products. There have been new supplies of modern equipment which have facilitated the work of health staff.

KRCT has assessed that the facilities and infrastructure in some institutions have been inadequate, presenting difficulties in providing adequate services to prisoners. Institutions with poor infrastructure remain DC of Peja, DC of Prizren and CC for

Women in Lipjan. In addition to poor conditions in infrastructure, in these institutions [DC of Peja and CC for Women] health units are located in residential areas where prisoners have constant access.

During 2021, dental services were provided in all correctional institutions, although not all of them were functional [DC in Peja was supplied with a dental chair, but by the end of 2021, the dentist was not engaged].

Regarding the supply of medicines, during this year no cases of lack of basic medicines have been reported, with the exception of some specific types which the prisoners themselves had to provide through their families.

During the monitoring visits, in some cases expired drugs were found placed together with the drugs in use. Another concerning remains the management of expired drugs, where in each institution, drugs must be moved from the institution's pharmacy to a separate area, but for several years they have not been disposed of and they have remained isolated.

Regarding the treatment of prisoners, KRCT monitors have received complaints in health treatment, related to loss of appointments, failure to address requests for specialist examinations, numerous complaints in dental services in CC of Dubrava, etc. According to prisoners, requests for health treatment are not taken seriously every time and are not recorded in the checklist. As a result, prisoners often inflict self-harm in order to have access to medical examinations.

The greatest demands from prisoners are for health treatment outside correctional facilities. The main reasons for visits outside the institution are: they do not trust services within the institution; consider that they do not have equal treatment with others because they report on some privileged prisoners who according to them due to the double standard are sent for visits outside correctional institutions even without the need, respectively their health complaints are not more specific than others, etc.

Medical records and protocols are of particular importance in the treatment of prisoners. Only in some of the institutions, these protocols are well maintained and

according to standard procedures. In many centers, the records are often inaccurate and inconsistent with the medical records and records of correctional facilities.

KRCT pays special attention to cases of alleged ill-treatment and their identification by health staff. In some cases there were discrepancies between the records and the protocols regarding injury cases.

In one case in Educative Center for Juveniles, in the personal file of a juvenile, bodily injury was identified, but the evidence was missing in the protocol of injuries. This juvenile was injured on the day he was listed in the isolation protocol as a juvenile in quarantine, while he had received the injury at school. So there were discrepancies between the 2 protocols and the personal file. Also, in CC of Dubrava, one case that had swallowed 20 tablets was identified in the protocol of suicide attempts, while the other case that had swallowed 81 tablets was identified in the protocol of self-harm. So, medical evidence which is very important in cases of injuries, deaths and suicides, is not always professional and in accordance to standard procedures.

Prisoners report that doctors do not stay at institutions at all times, especially for external consultants.

The lack of psychiatric services is evident in the CC of Dubrava, where only one psychiatrist engaged in an institution with over 600 prisoners, most with special needs, is unable to respond to all the requests of the prisoners. Also, only one psychologist is engaged in CC of Dubrava.

## 10. COVID-19 PANDEMIC MANAGEMENT

During 2021, the health units, together with the correctional institutions, have managed the situation with the Covid-19 Pandemic quite well. Vaccination of health staff was done from the beginning of the vaccine application, while vaccination of prisoners and correctional staff was done according to priorities and procedures set by the Ministry of Health.

With the arrival of the first contingent of vaccines in Kosovo, in June 2021, KRCT called on the Ministry of Health [MoH] to treat specific categories, including prisoners, with priority, but this suggestion of KRCT was not taken into consideration by the Ministry of Health, which applied vaccination to prisoners as well as to persons at liberty, only according to predetermined priorities [chronically ill and by age].

After the start of vaccination of the entire population, the prisoners were also voluntarily vaccinated. Restrictive measures have changed depending on the circumstances, the increase in the number of Covid-19 cases and the recommendations of the MoH and the National Institute of Public Health of Kosovo. In cases where family visits have been interrupted, they have been replaced by the ability to communicate via the Skype platform.

There were no complaints about the supply of masks. The supply of disinfectants was sufficient in the health facilities and in the administration premises, but not in the residential premises for prisoners.

### 11. WORK OF THE CONDITIONAL RELEASE PANEL

Among the issues constantly raised as a concern by convicts is the functioning of the Conditional Release Panel [CRP]. The main complaints of the convicts are related to the content of the reasoning of the CRP decisions and the delays in the review and response. The justifications are mainly as models / templates and are often not in line with the positive reports provided by correctional facilities or the benefits that convicts enjoy as a result of their behavior while serving their sentence. The Panel's rejection decisions are dominated by reasons such as: *"the purpose of the sentence has not been achieved", "high risk of the offense", "long remaining sentence period", "the re-socialization process has not been completed", etc.*

From the monitoring practice, KRCT has met convicts who during the serving of the sentence have been engaged in work outside the institution, but the same ones were rejected by the CRP on the grounds that the degree of resocialization has not been achieved. Although they were allowed to leave the institution and work

regularly, the CRP found that a sufficient degree of re-socialization had not been achieved.

Conditional Release is provided by the Criminal Code as an opportunity for convicts to be released from serving the sentence, without having fully served the sentence imposed by the court. Based on the LEPS, the Conditional Release Panel consists of three [3] members: one [1] Supreme Court Judge, delegated by the President of the Supreme Court; one [1] judge of the Court of Appeals delegated by the President of the Court of Appeals and one [1] judge of the Basic Court in Prishtina, delegated by the President of the Basic Court. The Panel is competent to review all requests and proposals for parole, based on reports compiled by professional teams of Kosovo Correctional Institutions.

An appeal is not allowed against the ruling of the Panel, which operates within the Kosovo Judicial Council, and no administrative dispute can be raised.

KRCT has consistently raised as a matter of concern the fact that the CRP decisions have been final and convicts have not been allowed the right to appeal. The new draft LEPS provides for the right to appeal against CRP decisions. According to the draft of the Ministry of Justice, *the party dissatisfied with the decision of the CRP, has the right to appeal against the decisions, directly to the Supreme Court of Kosovo, within fifteen [15] days from the date of receipt of the decision*. KRCT positively evaluates the included proposal, for the right to appeal against CRP decisions. In addition to the fact that the second instance will have the opportunity to re-evaluate the case, the right to appeal can also have an effect on increasing the quality and efficiency of the CRPs work. The practice of the right to appeal against the decisions of the Parole Board is also supported and promoted by the Council of Europe<sup>4</sup>.

KRCT will continue to follow closely this draft of LEPS, to ensure and advocate that the possibility of appealing the decision of CRP, will remain in the version that is expected to be approved by the Assembly of Kosovo.

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<sup>4</sup> Recommendation Rec[2003]22 of the Committee of Ministers to member states on conditional release [parole], paragraph 33, <https://rm.coe.int/16800ccb5d>

### 12. TREATMENT OF JUVENILES DURING DEPRIVATION OF LIBERTY

The correctional system in Kosovo has two institutions for the placement and treatment of juveniles who have committed or are suspected of having committed criminal offenses: 1) Juvenile Correctional Center in Lipjan, and 2) Correctional Education Center in Lipjan.

The Juvenile Correctional Center in Lipjan has for a long time accommodated various categories of persons deprived of their liberty, such as: juveniles of both sexes in detention, with juvenile imprisonment and educational measures; women in detention, convicted women; as well as adult convicts / offenders.

At the end of 2019, convicted and detained women, as well as female juveniles were transferred to a special institution: Correctional Center for Women in Lipjan, respectively in the building of the former Detention Center in Lipjan.

In order to place and treat juveniles with correctional education, in 2017 was inaugurated the Correctional Education Center (CEC), a new institution and open type with a capacity of 36 beds. With the opening of this institution, the placement of juveniles with corrective educational measures in this center had gradually started, but all capacities for the placement of all juveniles with educational measures were never used. During 2021, only 8 juveniles were placed in the CEC, while the number of over 20 juveniles with educational measures continue to stay in the Juvenile Correctional Center.

The Juvenile Justice Code stipulates that *“The educational measure of sending to a correctional educational institution is executed in a correctional educational institution established for this purpose. The correctional educational institution is a semi-open and open correctional institution.”*

The Correctional Center and the Correctional Education Center are administered by the same management. According to the management of these centers, the placement of juveniles with correctional education in the Correctional Education Center is done only after the juveniles are initially placed in the Correctional Center

and after meeting certain criteria can be transferred to the Correctional Education Center.

One of the main concerns identified by KRCT is *the placement of adult convicts in the Juvenile Correctional Center*. During 2021, in the Juvenile Correctional Center in Lipjan, adult convicts were also housed in a special ward. The capacity of this Pavilion is 20 beds. In the monitoring visit conducted in June 2021, the number of adult convicts was 18, while in November 2021, 11 adult convicts were placed there.

The placement of adult convicts in this center was done in accordance with the Internal Regulation on *"Transfer of convicts to the semi-open ward in the Correctional Center in Lipjan,"* issued in January 2020 by the Kosovo Correctional Service.

KRCT assessed that this Regulation, which sets out the criteria for the placement of adult convicts in the semi-open ward in the Juvenile Correctional Center in Lipjan, was issued in violation of applicable law on the execution of criminal sanctions. Article 33 para.6 of Law no. 04 / L-149 on the Execution of Criminal Sanctions [LEPS] stipulates as follows: *"Adults are not placed in a correctional facility, or in a part of a correctional facility with juveniles"*.

The Juvenile Justice Code [Article 4, p.6] among the basic principles for the placement and treatment of juveniles provides that *"every juvenile deprived of liberty is separated from adults, unless it is considered in the interest of the juvenile not to be separated."*, while article 100 para.1 stipulates that: *"Juvenile detention is held in a juvenile correctional facility and, in exceptional cases, in separate wards of the correctional facility for adults. The juvenile correctional facility is of the semi-open type. Exceptionally, juveniles can serve the sentence of imprisonment for juveniles in a closed correctional facility."*

KRCT does not agree with this practice of placing adult convicts in the Juvenile Correctional Center, as there were no exceptional circumstances that would justify the placement of adult convicts in the Juvenile Correctional Center. Furthermore,

KRCT during the monitoring visit in November 2021, identified 11 adult convicts for serious criminal offenses as well as long sentences of up to 25 years' imprisonment [among them sentenced to **25, 17 and 12 years'** imprisonment]. While the offenses for which they were serving a sentence, all of which were of a serious nature, where most were convicted of **Murder/Aggravated Murder** and **Robbery**, followed by a case of **domestic violence**, and a case of **Sexual Abuse of persons under 16 years old.**

KRCT considered that the placement of adult convicts of serious offenses such as murder and robbery is unacceptable and contrary to any standard for the treatment of juveniles. Moreover, the placement of a convict with **7 years** of imprisonment for the criminal offense of "**Sexual abuse of persons under 16 years of age**" is contrary to all principles for the treatment of juveniles in correctional facilities.

Initially, KRCT requested at the level of the institution and the Correctional Service to review this procedure because it was not in line with legal provisions, but the management of the Juvenile Correctional Center informed KRCT that this issue has been addressed for legal changes and have proposed that in the new draft of LESP to regulate this issue in order to enable by law the placement of adult convicts in the Juvenile Correctional Center, as for the needs of the institution it is necessary to place some adult convicts [due to engagement in work].

Subsequently, KRCT addressed a letter to the Correctional Service and the Ministry of Justice, on the need to review the procedures for the transfer of adult convicts to the Juvenile Correctional Center and repeal the regulation by which this transfer is made, since this regulation is contrary to Article 33 para. 6 of the LEPS.

- Current legal provisions in force, Law no. 04 / L-149 on the Execution of Criminal Sanctions (LESP):

**Placement of convicted persons in correctional institutions**  
**Article 33 paragraph 6:** *Adults are not placed in the institution correctional facility, or in a part of the juvenile correctional facility*



- Proposed amendment by the KCS and the Ministry of Justice to the draft LEPS finalized by the Ministry of Justice [October 2021]:

### **Placement of convicted persons in correctional institution**

**Article 13 paragraph 5:** "Adults are not placed in the institution correctional facility, or in a part of a juvenile correctional facility, exceptionally adults may be placed in a separate part of Juvenile correctional facility who perform work of a specific nature or heavy work for the needs of the Institution, which juvenile work was not they are allowed to do so."

Regarding this amendment proposal, KRCT submitted comments and justifications to the legal office of the Ministry of Justice, and requested that this provision be rewrote, but such a proposal was rejected by the legal office / working group for drafting the LEPS.

KRCT will advocate at all stages of amending the law, that this provision is not approved as such, in order to prevent the placement of convicts for serious criminal offenses in the Juvenile Correctional Center.

Regarding the reasoning of the Correctional Service and the Ministry of Justice, that the transfer of adult convicts to the Juvenile Correctional Center is done in order to engage them in hard work for the needs of the institution, in practice this does not happen, as based on of monitoring of all correctional institutions in Kosovo, KRCT has identified that despite the placement of adult convicts in this center, heavy and specific work has been performed by other prisoners who have been brought by other correctional institutions to complete these works.

### 13. ADDRESSING LEGAL AMENDMENTS

In addition to the aspect of monitoring correctional institutions, KRCT is committed and advocates for the change of relevant legislation. Thus, even during 2021, KRCT was constantly committed to ensure that the requirements of prisoners as well as international standards and best practices are reflected in the relevant laws.

During 2021, the Ministry of Justice and the KCS have been in the process of drafting and amending the legislative framework regarding correctional institutions. The new draft law on the Execution of Criminal Sanctions and the draft law on the Correctional Service have been the two main initiatives of 2021. Although they were scheduled to be completed during 2021, both of these laws have been carried over to 2022.

In the comments addressed to LEPS, KRCT, among other things, has advocated for the return to the prisoners of the benefits they had under the 2013 law, such as additional days outside the correctional facility.

The focus of KRCT's contribution has been the regulation of the issue of placement of convicts and detainees with mental disorders. Through submissions addressed to relevant institutions, as well as public statements, KRCT has advocated for this issue to be addressed and the necessary actions to be taken to resolve this problem.

Furthermore, KRCT provided comments on the issue of the Economic Unit, on the methods of informing the prisoners, on the grievance procedure, on the use of force and coercive means, on the composition and competencies of the CRP. Regarding the new draft of LEPS, KRCT has suggested that the MJ also regulate electronic surveillance, as an alternative form of surveillance of persons deprived of their liberty by court decision.

Based on the mandate and activity of KRCT, it is essential to adequately treat and better manage persons deprived of their liberty. This can be achieved when the Correctional Service reaches the necessary level of advancement, both in terms of material conditions and in terms of professional human resources. For this purpose, it was a special interest of KRCT to provide comments on the draft law on the Kosovo

Correctional Service. It is the first time that the KCS will have a special law, through which the specifics of the KCS structures will be determined and the status of correctional officers and other staff will be regulated.

### 14. RENTAL AGREEMENT OF DETENTION CENTER IN GJILAN

During December 2021, the Ministry of Justice announced that it was holding discussions with the Government of the Kingdom of Denmark for the lease of the Detention Center in Gjilan. The Ministry of Justice has signed a letter of intent which will precede the negotiations for the Agreement which is expected to be signed by the Ministry of Justice of the Republic of Kosovo with the Kingdom of Denmark for the transfer of 300 prisoners from Danish prisons to the Detention Center in Gjilan.

KRCT has addressed some concerns regarding this agreement, which may have implications during the implementation of that agreement, regarding respect for human rights.

KRCT has estimated that despite the improvement of the conditions of detention in recent years after the opening of three new correctional institutions (High Security Prison, Detention Center in Pristina and Detention Center in Gjilan), with the placement of 300 prisoners from Denmark at the Gjilan Detention Center, the resettlement of the 200 detainees currently housed in this Center would result in overcrowding and deterioration of conditions in other correctional facilities.

According to the Ministry of Justice, within the Kosovo Correctional Service there is sufficient capacity to accommodate approximately 700-800 more prisoners and detainees, but based on KRCT findings on regular monitoring visits, not all places in correctional facilities are functional. Potential spaces that can be identified within the correctional service should be assessed on the basis of the prisoner category before such a transfer can take place, as available places in correctional facilities referred to by the Ministry of Justice are within specific institutions, which makes it impossible to transfer detainees from the Gjilan Detention Center.

KRCT also requested a wide public debate on this Agreement to discuss the legal and sovereignty implications related to the extraterritorial jurisdiction of the Danish authorities in our country.

KRCT considers that Kosovo Institutions together with its international partners have worked hard to improve prison conditions and bring it closer to international standards. For this reason, the Government of Kosovo should take into account the concerns raised by human rights organizations and ensure that the signing of this bilateral agreement would not harm progress towards the advancement of human rights in Kosovo.

KRCT has conducted a legal analysis about this agreement, which together with the contributions of international and local experts, the Norwegian National Mechanism for the Prevention of Torture, the Danish Institute against Torture, and the institution of the Ombudsman of Kosovo, has been published separately. Also, the recommendations of this analysis are shared with all relevant stakeholders.

### 15. ADVOCATION AND LEGAL ASSISTANCE OF KRCT

In order to protect and advance the rights of persons deprived of their 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 after reporting through other channels, have been addressed to the competent authorities, and the proper handling of these cases has been requested.

Through a Memorandum of Understanding with the Kosovo Judicial Council, KRCT monitors are allowed access to monitor court hearings in all Kosovo courts. Thus, during 2021, KRCT has conducted focused monitoring in the courts of Kosovo, respectively monitored cases that have been with lengthy pre-trial detention. KRCT has identified many cases where court proceedings last for years, thus directly affecting the duration of detention. Of main concern are the cases that are

returned several times for retrial, where the status of persons deprived of their liberty remains "*detained*", in which case they are excluded from the rights of convicted persons.

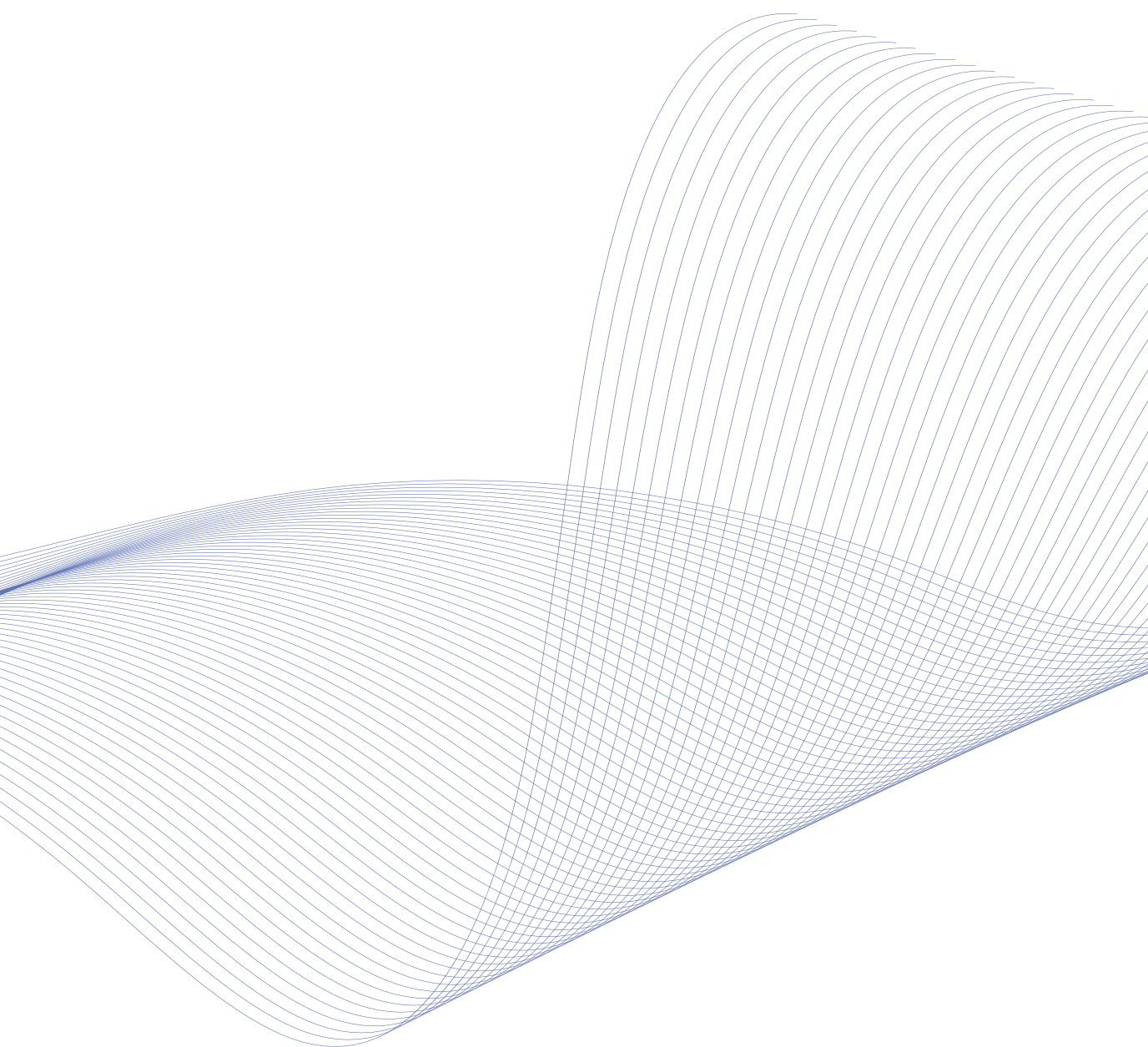
KRCT has continuously monitored the judicial process against the defendant [Sh.Z], a case which has been returned for retrial over 5 times, respectively the judicial process has started since 2009 and is still without final epilogue. The defendant was initially sentenced to 10 years in prison for the criminal offense of "incitement to murder", while later during the retrial he was sentenced to 8 years in prison for "assisting in murder". The defendant served 6 years of pre-trial detention and about one year as sentenced, then in 2020 was released on parole. After being released on parole, in June 2021 after reviewing the request for protection of legality, the Supreme Court decided to return the case for retrial. So for more than 12 years the case continues to wander from one court to another, without having a conclusion. KRCT has supported this case through advocacy papers and monitored court hearings.

KRCT has continued to communicate with judicial authorities whenever there have been complaints and concerns from prisoners. KRCT also had constant advocacy communication with correctional institutions and PHS.

Also, all complaints and concerns received by KRCT regarding the work of the Conditional Release Panel have been addressed. Mainly complaints about not being informed about the status of cases, lack of decisions, etc.

Regarding public advocacy, KRCT has addressed public letters to relevant institutions, followed by press releases. Discussion roundtables were also organized to address and advocate for specific issues related to the mental health and treatment of juveniles.

# FINDINGS FROM MONITORING CORRECTIONAL INSTITUTIONS



## 1. CORRECTIONAL CENTER IN DUBRAVA

The monitoring team visited the Correctional Center [CC] in Dubrava on: 2 September, 6 October and 21 December 2021.

The Correctional Center in Dubrava consists of 11 Pavilions, out of which:

- 6 standard pavilions for convicts;
- pavilion for convicts with special needs;
- pavilion for terrorism convicts;
- hospital pavilion;
- semi-open pavilion, and
- pavilion D, which was purpose built for placing protected witnesses, but which has now changed its purpose and is being renovated and adapted for the placement of persons with mental disorders and special needs.

The bed capacity in CC Dubrava is approximately 1100. Standard rooms have 4 and 6 beds, while solitude rooms have one bed.

In previous years, the number of convicts in this institution was around 900-1000, while for the first time during 2021 there was a significant decrease in convicts, where during the monitoring visit in September there were 580 convicts while in the month December were 660 convicts. This decrease in the number of convicts same as pavilion 2 was out of order due to renovation needs. Additionally, pavilion D is out of use, as well as the fact that in recent years pretrial detainees were not placed there since Correctional Center is intended only for sentenced convicts.

The CC in Dubrava consistently faced management variability. The directors of this center have been constantly shifted, mainly due to disciplinary or investigative procedures against them, but also due to transfers or replacements. Even this year, this Center did not have a director with full authorisations, but only as acting.

Lack of functional management with full authorisations and responsibilities, directly affects the management of the institution, including the treatment of prisoners.

The CC in Dubrava remains the prison with most problems in the management and treatment of convicts.

The number of staff is not in proportion with the needs of institution, as vacancies have not been filled with new staff [due to retirement, death, or termination of employment].

The average age of correctional staff in CC Dubrava is over 51 years old. This also results in the inability to perform their duties in the best way. According to the management, but also by the correctional staff, the draft law on the KCS does not improve their situation.

A positive development in CC Dubrava is the beginning of the preparation of an individual plan for prisoners. The Panel for the evaluation and preparation of such plans started working in September. This Panel consists of the head of programs and regimes, the leader of the Pavilion in which the convict is located, the supervisor of social workers, the social worker engaged with the prisoners, the employment coordinator, security officers and other members as needed.

The monitoring team in conducting interviews with prisoners either during monitoring visits, or by phone and various letters has received continuous complaints from prisoners in the CC Dubrava. Prisoners' complaints are mainly related to staff conduct, health services, food quality, the works of the CRP, etc.

CC Dubrava continues to face the problem of accommodating mentally ill prisoners and narcotics users. Due to the lack of adequate facilities for the establishment of these categories, these groups are in the premises of CC Dubrava.

Regarding treatment, prisoners claim that there are cases when they are insulted by correctional officers, as well as cases of use of force. Usually, management does not report such cases. KRCT has received several such allegations, which have been documented in medical records. KRCT monitored one of the cases of alleged ill-



treatment, but the CC Dubrava and the Inspectorate of the Ministry of Justice stated that despite the prisoner's claim, no violence was used against him. The prisoner also presented the case to the Police, who then interviewed him. According to the responses of the management and the Inspectorate, the use of force has not been confirmed, while according to these reports, the investigation of this case has contained data about the previous actions of the prisoner and not about the use of violence. After ensuing formal commencement of this case, the prisoner was transferred to another correctional facility.

The transfer of prisoners after such incidents is quite common, where according to the interviewed prisoners this is done to lose track and cause fear among prisoners. Cases of use of physical force were also documented in medical records.

The cases of fights between prisoner are evident in CC Dubrava. Such cases are also documented in medical records and protocols.

Smuggling remains present in CC Dubrava. Over the past year this center has been furnished with scanners and detectors, which will increase the level of security and can decrease smuggling. A correctional officer was recently caught in the CC Dubrava attempting to smuggle inside the institution through these scanners.

There were allegations of preferential treatment and double standards between prisoners. According to the prisoners, there is a distinction made between them in terms of realization of benefits. The most prevailing allegation of foul play are cases of transfer, which are made possible only to convicts who have connections or who realize these benefits through corruption.

The treatment of prisoners with mental health issues remains a matter of concern. Correctional staff does not have the necessary training to handle these categories, and the placement conditions are inadequate for their needs. The KRCT monitors have identified that in Pavilion 7, organic patients are placed together with prisoners with mental health issues. There were convicts with mental health issues that were placed all over the pavilions in the CC Dubrava.

Additionally, in CC Dubrava there is a significant number of prisoners with drug addiction. According to management, the number of inmates with drug problems has been on the rise recently. Currently there are 20 prisoners on methadone treatment program.

Prisoners interviewed expressed concerns regarding the complaint procedures. The review of their requests and complaints takes a long time, and even, according to the prisoners, there are cases when their requests are not forwarded at all to the directorate of CC Dubrava. There were allegations that some complains were not reported, due to the risk of retaliation by correctional officers. The complaints mechanism does not provide confidentiality; therefore, prisoners do not fill in the form as they are open forms

The prisoners have expressed concerns about the work of the CRP, and have complaints about the review of their requests, such as delayed responses, etc. Few convicts complained of discrimination by the CRP and non-compliance with legal rules on parole.

Among the convicts there are also persons who are in the category of high risk. Given the insufficient number of correctional staff and the high average age, this category presents a challenge for the management of this center. Regarding the risk assessment, the positive reports prepared by the staff of the CC Dubrava are not sufficiently considered by the Central Directorate. Even categorized convicts complained that the evaluation is delayed and that a template reasoning is used for their denial of advancement.

Last year CC Dubrava was supplied with anti-fire mattresses, blankets, and pillows. Mattresses and blankets have been badly damaged which posed a threat to the well-being of prisoners. This situation has already improved and the KRCT has welcomed this investment in improving accommodation conditions. However, the Semi-Open Pavilion (SOP) was not included in this project, so new mattresses were not supplied, thus old mattresses are still in use.

## HUMAN RIGHTS IN KOSOVO CORRECTIONAL INSTITUTIONS

Pavilion 2 is currently out of order because of plumbing issues. This pavilion is planned to be renovated during 2022.

Due to decrease of the number of prisoners in this center, a maximum of 4 people are placed in cells. Thus, there is no overburden, and the placement of prisoners can be done properly, respecting the criteria for required physical space.

The KRCT estimates that in some pavilions the placement conditions remain below standards. Some of the cells in the pavilions are badly damaged and there are defects in the sanitary joints and electrical wiring. Dampness was also observed in the placement quarters and in the common areas. Pavilions 3 and 5 have the poorest material conditions, with the floor severely damaged in corridors and cells. Also, in SOP the monitoring team noticed that condition of bathrooms is quite poor, especially the one on the second floor where there was a constant flow of water and dampness which was evident in some parts of the walls.

Prisoners have lodged complaints about the supply of hygienic products in terms of their quantity and quality.

Also of concern is the lack of hot water in some pavilions. Prisoners continue to heat the water for cleaning with alternative but inadequate means. Those forms of improvisation that pose a risk for their lives.

Prisoners are served three meals a day. There were complaints from prisoners about the food, both for the way it was prepared and poor quality. Employees in the kitchen did not have work uniforms.

Convicts in CC Dubrava can carry out various activities. Various teaching and training is organized. At the beginning of the new school year, 60 convicts applied to attend high school. In terms of professional training, the following directions are offered: Plumbing and hydraulics, welding, construction, cook, information technology, etc.

In addition, a number of convicts are engaged in work inside and outside the pavilions. Some are employed in cleaning, kitchen, farming and agriculture, etc. During the monitoring visit on 06.10.2021, 288 convicts were engaged in various

jobs within the CC Dubrava. Also, according to the routine, prisoners can carry out various sporting activities.

Contact with the outside world is organized through family visits, phone calls, skype [which was used after family visits were restricted due to COVID-19 measures], as well as the use of weekends within family.

The most persistent request made by convicts remains the increase of number of weekend days as it was with the previous law. With the amendment of the Law on Execution of Penal Sanctions in 2017, the number of weekend days for prisoners has been reduced to 7 days. With these changes, prisoners were prohibited from receiving food packages on the grounds that they were used for smuggling prohibited items. But even after this restriction was introduced, smuggling continued to occur in these institutions.

Prisoners have staged many strikes and petitions to reinstate weekend days and allow food packages. The KRCT has presented its recommendations for the inclusion of these benefits in the new draft law on the execution of criminal sanctions.

Furthermore, the monitoring team inspected the premises of the Hospital Pavilion and talked to prisoners concerning the provision of health services. The Prison Health Unit (PHU) in CC Dubrava, during 2021, were staffed with a psychologist and two nurses. Another novelty is the supply of equipment for blood tests as well as new equipment for measuring vital parameters. The condition in the pharmacy has been good. Most of the necessary medications were in sufficient quantities.

CC Dubrava this year was furnished with relevant and functional equipment and sufficient supplies of medical products was observed as well.

In CC Dubrava, prisoners continued to address a number of complaints towards health staff related to: failure to provide health services on time, staff negligence, missed appointments. Specific complaints were addressed for lack of adequate provision of dental services.

## HUMAN RIGHTS IN KOSOVO CORRECTIONAL INSTITUTIONS

Medical protocols were not always kept well and orderly. The monitoring team found cases that were not identified according to the rules, respectively the case documenting was incomplete.

### 2. HIGH SECURITY PRISON IN GERDOC [HSP]

The monitoring team visited the High Security Prison in Gerdoc [HSP] on the dates: 11 February and 23 December 2021.

The HSP is the only high security institution in Kosovo, where convicts and detainees are placed and who are categorized as high risk or very high risk. It is also foreseen that convicts with over 15 years of imprisonment to be placed in this institution.

The capacity of this institution is 390 beds, while the number of prisoners during the last visit was 171, of which 136 convicts and 35 detainees.

In terms of material conditions, HSP has the capacity to accommodate an even larger number of prisoners but does not have sufficient staff. HSP has 175 staff members, including correctional officers and civilian officers, and is in the process of hiring 10 more correctional officers.

In addition to prisoners with high sentences, the HSP also holds prisoners with charges of terrorism. On the day of the monitoring visit [23.11.2021], there were a total of 19 persons from this category, of which 7 were in detention. Prisoners in this category are placed separately from the rest of the prisoners. Special rehabilitation programs are available for this category, while participation is voluntary. These programs are implemented by multi-disciplinary teams consisting of social workers, psychologists, correctional officers, in cooperation with ICITAP [International Criminal Investigative Training Assistance Program] and the Council of Europe.

The prevention aspect such as smuggling is assessed as successful. There are very rare cases when an attempt to smuggle occurs. Security at HSP continues to be at a satisfactory and manageable level.

Again, in HSP there was no stable management [director] either. The position of director has been functioning for a long time with acting or replacements. During 2021, two replacements were changed.

During its monitoring activities, the KRCT paid special attention to the treatment of prisoners, starting from the categorization and regimes of convicts, the social services provided and the conduct of correctional staff with particular emphasis on possible ill-treatment whether physical or mental. From the monitoring conducted at HSP, the KRCT received complaints and allegations from prisoners about ill-treatment by correctional staff, and conflicts between prisoners.

The KRCT has identified an alleged case of ill-treatment in HSP. The prisoner stated that after the transfer from DC Prizren to HSP, he was physically abused by the HSP correctional staff in the prison reception area.

The KRCT looked at the medical file of detainee where it was documented that he suffered injuries because of physical violence against him. The prisoner complained that he was not allowed to contact relevant institutions and report the case. The KRCT has addressed this case with the management of HSP and the Inspectorate of the Ministry of Justice.

The treatment of persons with mental health issues remains a challenge for this institution as well. A person with mental health issues has attempted suicide by burning his room. The correctional staff and health service managed to prevent the prisoner from committing suicide. The prisoner suffered second-degree burns and was treated at the University Clinical Center of Kosovo (UCCCK,) and later placed in the KIFP. The placement of persons with mental health issues in correctional facilities is difficult to manage, because this category of prisoners also endanger the lives of other prisoners and the correctional staff.

In terms of material conditions, HSP provides mainly a satisfactory level of accommodation for prisoners. The prisoners are housed in single cells. However, there were damaged spaces in the residential infrastructure. The first floor of Pavilion 2 is less solid in terms of material conditions. The floor is quite damaged in this location. The second floor of this Pavilion was out of order, because it was under renovation. Last year HSP was also supplied with new mattresses.

During 2021, HSP was constructing a cover over prisoners walking area. The walking area had no cover and in case of rain or snow, the prisoners could not go for a walk. The covered spaces on the walking area would improve this aspect.

The kitchen environment is maintained, and all appliances were functional. Most of the prisoners were satisfied with the food served. Approximately 30 prisoners were on a diet on the recommendation of a doctor. The kitchen staff said that this large number of prisoners on a diet is quite challenging, however they were trying to implement the recommendations of doctors.

The number of prisoners engaged in work in the HSP continues to be quite high. On the day of the monitoring visit in November 2021, 89 convicts were engaged in work. The convicts are allowed to work in production of toilet paper, bags, woodwork, renovation and maintenance work, cleaning the kitchen, etc. The HSP supplies other correctional centers with toilet paper, and in some cases with woodwork, such as desks.

The commitment of a team of HSP convicts who have completed training and specialized in epoxy work [for laying floors] is to be commended. Currently in this team are four convicts, who in addition to performing high quality work in HSP, are also engaged in other centers, including the Juvenile CC in Lipjan. These convicts conducted several renovations in the CC Lipjan. The convicts were transported daily to CC Lipjan and in the evening, they were returned to HSP. This is one instance of good practice which can be used in other cases when it is necessary to engage convicts in conducting works, and at the same time evade the practice of placing convicts with long sentences in CC Lipjan.

According to planning, this team is soon expected to engage in CC Dubrava and perform epoxy works. Employed convicts continue to be paid only one [1] Euro per day. The Ministry of Justice and the KCS should consider increasing the payment, considering the great work this group of convicts is doing. This is a request of the convicts themselves. Moreover, during the visit, the monitors met with convicts who expressed interest in working outside of correctional institutions [through transfer to CC Smrekonica], in order to benefit and contribute to their families.



At the disposal of the convicts are also other activities, such as walking, sporting facilities, fitness room, as well as ping-pong table. The prisoners complained about excessive isolation during their stay in this center.

There are detainees placed in HSP as well. The detainees also complained of excessive isolation and lack of leisure activities. This is a result of legal prohibitions and restrictions for this category, as the legislation in force does not provide opportunities for providing additional activities or engagement in work for detainees. It is worth noting that the engagements of convicts in various work activities have been increased in this institution.

The health unit at HSP is furnished with all the necessary medical equipment. Among other medical devices, they also possess ultrasound, which is not used by general practitioners as they are not trained to use it. The KRCT has recommended that the general practitioners of this unit to be trained in using ultrasound according to the relevant protocols so that this service is provided to patients. The KRCT noted that medicines are stored properly. The Health Unit is implementing the recommendation of KRCT, in such a way that the drugs which are close to their expiration date are placed in a special place.

It should be noted that HSP is the only institution where Antishock therapy is in all premises of the health unit in separate sets and with the list of content placed in the antishock therapy box set. Also, in this institution all the protocols and medical files monitored were completed according to the procedures of the Prisons Health Department.

In addition, there is a low number of narcotics users in HSP. During the visit in February 2021, seven prisoners addicted to narcotics were placed in HSP. The implementation of the methadone program for convicted drug users has not yet started in the HSP.

### 3. CORRECTIONAL CENTER IN SMREKONICA

The KRCT monitors have conducted a monitoring visit to CC Smrekonica on October 28, 2021.

Until 2019, in CC Smrekonica only convicts with short sentences were placed, with a remaining sentence of up to three years. From 13.08.2019, the Minister of Justice had issued a decision to allow the transfer of convicts to CC in Smrekonica, including those with longer sentences. CC Smrekonica has a capacity of 200 beds, while during the monitoring visit there were 121 prisoners, while three were on weekends. This center does not accommodate detainees.

CC Smrekonica, as an open type institution, provides more favourable conditions for convicts. Convicts are free to go out of their rooms, engage in work and other activities, enjoy weekends, etc. Some of the convicts were even allowed to work outside the institution and return in the evening, but due to pandemic this practice has been stopped for the time being.

The KRCT considers that the criteria for the placement of convicts in CC Smrekonica should be more specific and enable most convicts with good behaviour to benefit from this regime in function of the purpose of the sentence - rehabilitation and reintegration. The KRCT has even suggested that it would be beneficial for such regime to be available in the future for convicted women.

There is a significant number of convicts with mental health issues placed in CC Smrekonica [approx. 25], who undergo psychiatric treatment. According to medical staff, they do not have any significant difficulties in their management.

Smuggling remains a persistent issue in CC Smrekonica. There were also allegations of unequal treatment in terms of gaining benefits, especially in relation to the CRP. These benefits, according to convicts, are in many cases earned through corruption.

Similar to other prisons, CC Smrekonica faces also lack of correctional staff. The convicts complained on occasional provocations by correctional staff.

The general complaint of prisoners in CC Smrekonica are related to the work of the CRP, the quality of food, poor condition in the cells, food packages are not allowed, and the reduction of weekends.

A significant number of interviewed convicts complained about the efficiency and work of the CRP. The complaints were made regarding review length of their claims, the delayed responses of the CRP, etc. Some detainees complained of discrimination by the CRP and non-compliance with legal procedures on parole.

Despite their good behaviour and positive evaluation reports from the social workers of CC Smrekonica, CRP rejects the requests of the convicts on the basis of repetitive reasons. There were cases when the convicts were engaged in work outside the institution, for more than 5 months, while CRP had rejected the request on the grounds that it poses a risk to public safety. The fact that these convicts were outside the institution, working for private companies and unsupervised by correctional staff and did not pose any danger to public safety, should be sufficient for the CRP to make a more accurate assessment of the implications for public safety.

As far as the material conditions for the placement of prisoners in CC Smrekonica are not at a satisfactory level. Some of the rooms have six beds. The placement of six people in these rooms is not in line with the space required for the placement of convicts. Since there is space, the KRCT recommends that a more proportionate separation/placement to provide adequate space.

Renovation works are long overdue in CC Smrekonica. The walls in some of the visited cells, especially in Wing A, are quite damaged and moldy. Also, the shared bathrooms are damaged and in need of overhauls, especially earlier intervention are required on the bathroom ceiling, as the ceiling panels were ruined after the raids that were carried out and as a result the power cables were exposed and pose a potential danger for prisoners.

During the last year, mattresses and blankets have been distributed in some correctional institutions, but CC Smrekonica was supplied only with blankets, but not mattresses. The mattresses found in cells are either very old or are mattresses that the convicts brought from outside.

Due to renovations works being carried out in the main kitchen, another location was improvised as a kitchen. The environment that was used for the preparation and service of food is in poor material and sanitary condition.

Several convicts complained about the quality and quantity of food served. According to the Director of CC Smrekonica, the renovated kitchen is expected to be put into use very soon. The renovations have lasted more than two years. This is because the work was done by the convicts themselves, who, according to the staff, were reluctant to work faster. The renovated kitchen was visited by KRCT monitors. This environment already offers much better conditions for food preparation and service.

The CC Smrekonica, as an open correctional institution, should provide more activities for convicts, especially employment opportunities. There are currently not enough job prospects. The number of employees varies depending on the season. The Economic Unit should increase its capacity, starting with the engagement of the officials responsible for training and workshops. Due to retirement of officials, there are still not enough correctional staff to manage and coordinate the activities of the workshops.

During the visit, some of the convicts were engaged in work [cleaning, kitchen, facility maintenance, etc.]. The convicts are also engaged in the continuous renovations that take place in this center, as is the case with the renovation of the kitchen.

During summer, the CC Smrekonica had achievement success in production of agricultural foods such as: potatoes, peppers, tomatoes, cabbage, etc. Other correctional institutions were also supplied with these products by CC Smrekonica, mainly with potatoes.

For a certain period of time, before the pandemic started, a number of convicts were engaged in work outside the CC Smrekonica. They left the institution in the morning and returned in the evening. This practice is very necessary to resume again. The convicts expressed their readiness to be part of this program.

The convicts also have sports activities. They are also allowed to use the phone without restrictions, two family visits per week. They also enjoy the weekends. During COVID-19 restrictive measures, the convicts contacted family members via Skype. The usage of Skype commenced as a practice in CC Smrekonica even before the outbreak of the pandemic.

During the monitoring in CC Smrekonica, the monitors also visited the health facilities. PHU in CM Smrekonica, had 6 staff members engaged on a regular basis, and visits to the dentist once a week come to the dentist, psychologist and psychiatrist.

Regarding the measures against Covid 19, CC Smrekonica had sufficient supplies. The KRCT monitors also visited the pharmacy of the Health Unit. The pharmacy was well supplied, but KRCT monitors noticed that there were several expired drugs. In addition, along with other drugs, there were drugs whose date is close to expiration as well as those that have already expired. There were 17 packs / tablets with Phenoborbtalum, which had expired in August 2021, and one Bisolvon pack / tablet expired in September 2021. Also, in the cupboard where the syringe packs were kept, one of the packs was found to be expired. According to the head of this Unit, these drugs are available in pharmacies indefinitely, but they are marked as expired and are out of use. These drugs, even though they are marked as expired, they are located in the same space with drugs that have not expired.

*The KRCT recommends that expired drugs to be removed from the pharmacy unit, to prevent the risk of accidental use.*

### 4. CORRECTIONAL CENTER FOR WOMEN IN LIPJAN

The monitoring team visited the Correctional Center for Women in Lipjan (CCWL) on 15.10.2021 and 28.10.2021.

The CCWL accommodates detainees and convicts with various sentences, including detained juveniles, convicted, and those with educational measures. During the monitoring visit (15.10.2021) in CCWL there were 23 convicts and 13 detainees, among which two juveniles were with mental health issues. In this correctional center there are no special areas for convicted juveniles, detainees and those with educational measures, so their placement is done in pavilions with convicts and adult detainees.

One of the most worrying issues identified by the monitoring team and highlighted by the correctional staff itself is the treatment of prisoners with mental health issues. These prisoners are kept in the CCWL along with other detainees / convicts due to inability to be sent in special psychiatric institutions, while KIFP does not have enough beds. At the same time, KIFP does not have specific spaces allocated for placement of women and minors. Whereas children's psychiatry ward in UCCK provides only outpatient treatment, and cases of juveniles detained/sentenced to compulsory psychiatric treatment cannot be treated there.

Another ongoing concern identified by the monitoring team but also raised by the correctional staff itself, is the fact that in the absence of a detention/correctional center for female juveniles, they are placed in CCWL with adult detainees/convicts.

From the conducted monitoring, KRCT has not received complaints or allegations from detainees/convicts of ill-treatment in this center. The majority of interviewees stated that they have good relations with the correctional staff, but some of them addressed concerns about the arrogance of some of the correctional officers.

The monitoring team confirmed that at the time of the visit to the CCWL, two juvenile detainees with mental health issues were placed. *The CCWL does not*

*provide adequate conditions for the treatment of this category, neither in terms of professional human resources and correctional staff, nor in terms of existing material conditions.*

In terms of general treatment among detainees there was dissatisfaction with the room raid procedures. According to the complaints, the raid is regularly carried out without their presence. There were ongoing complaints for the CRP, where the number of those benefiting from this right is quite low.

As far as the infrastructure in CCWL is concerned, there have been no improvements in conditions. The CCWL is one of the correctional institutions located in old buildings. Correctional staff, health staff and prisoners themselves are dissatisfied with the physical condition of the building. The cells where the prisoners are placed have the minimum necessary natural light. The lack of natural light was also identified in the premises / offices where correctional officers and health staff work. The health ward as well as the rooms where the psychological sessions are held, in addition to the lack of lighting and ventilation, are also located in the middle of the ward where the convicts are located, and therefore do not meet the conditions for treatment. Sanitation was generally at a good level and maintained by prisoners.

The monitoring team noticed that the bathrooms which prisoners use were in unsatisfactory condition: at the entrance of the bathrooms there was water dripping from the ceiling, and there were continuous leaks from sanitary joints; some of the shower cabins lacked faucets and water heat adjustment was done by the faucets placed in the corridor outside of the shower cabin. Water leaks were also present in the corridors of Pavilion C on the second floor [apparent during the monitoring visit].

There were also complaints coming from detainees/convicts concerning the lack of drinking water, which they had to obtain themselves. There is also lack of TV sets in the rooms. Prisoners have to purchase TV sets themselves. Many of detainees/convicts come from economically impoverished families which are unable to provide them with TV.

During monitoring visit, the KRCT noted that the heating at CCWL is still not fully functional and that the temperature in cells and offices of correctional and health staff was very low. In some cells the windows are not fully functional and cannot be completely closed.

The KRCT monitoring team has noted from the statements provided by social worker, correctional staff and deputy director that the special facility for mothers with children as defined by law is missing. While the CCWL was previously located in another facility [where juveniles are now], there was a separate facility for mothers with children.

*The KRCT has raised the issue of arranging the facility for mothers and children many times, but so far, no actions have been taken by relevant authorities.*

The KRCT considers that the facility where detainees and convicts are located does not meet the adequate infrastructure conditions. The facility, as such, is quite isolating, especially for convicts with long sentences, so we recommend assessing this situation and in the medium term to envisage the construction of a new facility for the placement of convicted women, including the possibility to organize and carry out relevant activities.

The detainees complained about the lack of various activities. The detainees within 24 hours have two walks of one hour, but due to cold and rainy weather these walks do not take place.

The convicts who want to work are engaged within the CCWL either in the kitchen or cleaning. During summer, the convicts worked in greenhouses. There are no other working opportunities offered. Apart from the tailoring room, which is frequented by some convicts, no other activities are organized within CCWL. The convicts who engage in tailoring have sewn masks, bags as well as sheets for blankets and pillows.



There is great interest among the convicts for vocational training, especially in the field of hairdressing, but instructors are missing. Currently, only training on bakery is provided for those who are interested. There is no sporting hall for conducting indoor activities within CCWL.

*The infrastructure of this center makes it impossible to organize and carry out various activities, even though there are constant requests coming from convicts.*

According to the convicts interviewed, there are many of them who have not completed primary education, so it is necessary to organize basic education for them.

The physical conditions in the CCWL are not suitable for the proper functioning of the health unit since there are no special facilities separate from the convicts' ward. Health staff also raised concerns about their safety because inmates have regular access to the health unit's rooms and given the nature of prisoners' lengthy sentences as well as potential mental health concerns they may have, location of the health unit within the wards is considered as disturbing.

The health unit within the CCWL does not meet even closely the adequate conditions for the provision of health services to detainees and convicts. Therefore, KRCT *recommends that an acceptable solution be made for the re-placement of the medical ambulance within the CCWL.*

Also, the monitoring team had received several complaints from convicts for delays in medical treatment, which were addressed to the health staff.

### 5. CORRECTIONAL CENTER FOR JUVENILE IN LIPJAN

The monitoring team visited the Correctional Center for Juvenile in Lipjan [CCJ] on 11.06.2021 and 18.11.2021.

The juvenile CC in Lipjan is the only correctional center in Kosovo that accommodates juveniles who have violated the law. Convicted juveniles are accommodated in this center; juveniles with educational and corrective measures, juveniles in detention, and a special pavilion for adult convicts. During the monitoring visit [18.11.2022] the number of detainees in this center was 53, of which: 24 juveniles with educational measures, 8 juveniles sentenced to imprisonment, 10 juveniles detained, and 11 adult convicts.

The monitoring team has identified that adult convicts who are employed in this center continue to be housed in Pavilion 1, which although separate from other pavilions, still is located in the facility where schooling of juveniles takes place and can be in contact with adult convicts. The health ward and kitchens are also located in the same building. Moreover, some of the adult convicts worked in the kitchen and according to the statements of some juveniles, meals are served by adult convicts. The adult convicts placed in Pavilion 1 at the CCJ were sentenced for the following criminal offenses: murder, robbery, a case of domestic violence and a case of sexual abuse of a person under 16 years old and was serving a sentence of seven years. There were also convicts sentenced to 25 years of imprisonment.

The KRCT also visited the living quarters of convicts and interviewed some of them individually or in groups. The juveniles during the interviews stated that from time to time there are conflicts between them, while in two cases they confessed to using force against them. In the first case, they stated that after a conflict between the juveniles, during the intervention of the staff [intervention unit], physical force was used to separate them, where according to them, everyone was "slapped" regardless their involvement in the conflict. In another case, a juvenile stated that he was beaten after his arrest. According to CCJ records, during 2021 [until 18.11.2021], 27 disciplinary reports have been compiled, while there are no identified cases of use of physical force [including proportional force]. However, it

is evident that these records do not include all incidents, a concrete case was an incident that occurred inside the school in CCJ, which KRCT has identified based on the medical file of a minor who was injured during the fight.

*The KRCT recommends that any type of incident or use of force should be included in the CCJ records. The KRCT remains concerned with allegations of the use of force against minors.*

During the monitoring discussions with the convicted juveniles, detainees and those with educational measures we came across three illiterate juveniles who could not benefit from the right to attend school during their stay in CCJ. The Ministry of Education does not provide additional/special programs [other than the usual curriculum for primary, lower secondary and upper secondary] to suit the needs of minors. Such cases are particularly high among members of non-majority communities [Roma, Ashkali, etc.].

*The KRCT recommends that in cooperation with the Ministry of Education to organize extracurricular classes for minors who cannot continue their education in the absence of relevant programs for their educational level. This cooperation should be based on equal treatment for all juveniles in the CCJ and by providing the opportunity to learn to read and write, illiterate juveniles will be able to have equal opportunities with other juveniles accommodated in this center, especially for juveniles with educational measures, where the imposition of this measure itself has this purpose.*

During 2021 in CC Lipjan some renovations were made in pavilions and the conditions that significantly improved the situation. The Pavilion B was uninhabited due to the need for renovation.

In Pavilion A even though the renovations had been done, the bathroom ceilings were immediately moldy due to lack of air ventilation. The juveniles also complained about the lack of hot water in the shower rooms. According to them, the hot water is spent very quickly and fails to heat within the set schedule and often they must take a shower with cold water. The heater was functional but operating at a

minimum temperature and the juveniles indicated that during the night the heaters stop completely. Although the facility has been renovated recently, many of the windows were not functional and cold air was penetrating through them.

The food served in this center is not prepared inhouse but rather transported from CCWL in thermos containers. The convicts and the staff had complaints about the dinner, according to them it was of poor quality. The chef did not have a valid sanitary booklet and was without support staff but was assisted by technical staff. The kitchen was mostly clean but the dishwasher was out of order.

The juveniles have regular family visits and are provided with telephone as per house rules. In the absence of family visits, they can be contacted via Skype. Convicted juveniles and those with educational measures have TV sets in their cells. TV sets are not widely available and must be provided by the juvenile's family members. The channels offered are only those of the terrestrial network.

The ambulance was complete with sufficient staff, also the supply of drugs was sufficient.

## 6. CORRECTIONAL EDUCATIONAL CENTER IN LIPJAN

The monitoring team visited the Correctional Education Center in Lipjan [CEC] on 18.11.2021. The capacity of this center is 36 beds, while only eight juveniles with educational measures were accommodated. Other 24 juveniles with educational measures were placed in the CCJ

The CEC for juveniles is a special institution for the execution of Educational Measure, it is of open type which operates under the management of CCJ Lipjan. Admission of juveniles is done according to the internal acts of the institution, where based on the defined criteria, the multidisciplinary panel gives a recommendation to the director which juveniles should be placed in the CEC. Also, their return from the CEC to CCJ is done according to the conditions or criteria set by the KCS by assessing the level of violations committed by the juvenile [some of the cases of serious violations are considered attempts to escape and the smuggling drugs in the center]. It is worth mentioning that there were no female juveniles in this institution. There is a special pavilion provided for the placement of juveniles, but according to the supervisor of CEC, if female juveniles were placed in this institution, their supervision would be quite difficult due to lack of physical separation with male juveniles.

The KRCT also visited the premises where juveniles are placed and interviewed some of them, either individually or in groups. The juveniles who were interviewed generally expressed satisfaction with their treatment by CEC Juvenile staff. Juveniles expressed dissatisfaction with the inability to find employment for juveniles over the age of 18, given the open type of center. Other complaints from were related to numerous areas they are forced to clean as well as the non-payment of weekends despite the fact that they work during these days.

The CEC for juveniles stands quite good in terms of material conditions, which due to the fact that the facility of this center is relatively new. However, during monitoring activities, the KRCT team noticed that bathroom faucets were out of order and the ceilings of the bathrooms were damaged. The juveniles were accommodated in cells for two persons, but there were also cells with one juvenile.

The juveniles complained about the lack of sanitary cleaning products. According to them, the supplies provided for cleaning the floor are insufficient and often have to make alternative solutions for cleaning rooms and hallways.

The juveniles also complained about the quality of food, especially bread.

During the visit, the monitoring team of KRCT noticed that in a considerable part of the building of CEC there was no heating, especially in the part of the building where activities for various trainings and recreation take place.

*The KRCT recommended that urgent heating solutions must be provided in all premises of CEC.*

The juveniles have regular family visits and are allowed the use of telephone as per house rules. Also, they are allowed to be equipped with TV sets, which they must purchase themselves. The channels offered are mainly national ones. In this center, minors have at their disposal a sports hall for various activities as well as a room for social activities, music, culture, art, etc.

Education for juveniles is organized at the CCJ where they participate in joint classes with those from the CC. The curriculum and teaching structure was the same as in the past, within a classroom there are juveniles of different age and grades. Moreover, according to juveniles, despite different classes, the subjects are the same for everyone, so there is a lack of professional subjects, so some juveniles complain because the lessons offered do not match their school orientation for the future. There were also complaints from minors in this regard regarding the quality of classes taught, which according to them are poor.

One of the juveniles in CEC is attending university outside of the institution and has been permitted to attend online lectures and take exams. The inclusion in the educational process of juveniles who do not have prior education remains a concern, i.e., some of whom are illiterate and cannot be included in the education process with other juveniles due to their low education level. In addition, there are juveniles who have not attended primary school.

*The KRCT recommends that in cooperation with the Ministry of Education organizing extracurricular classes for juveniles who cannot continue their education in the absence of relevant classes for their educational level.*

CEC for Juveniles in cooperation with various organizations has managed to engage juveniles in various activities. One of the most successful activities was the production of granular hassocks, through which juveniles have contributed to several public institutions. Also, the juveniles are engaged in press/printing activities and made various goods such as T-shirts, cups, dishes and printing of business cards, etc., although currently there are no projects that will enable more active engagement with this work. These activities and programs are realized through projects such as: program of the Netherlands Helsinki Committee which in partnership with KRCT is committed to improving the conditions for the reintegration of juvenile detainees and is based on the idea that the foundations of a successful reintegration are laid within the places of detention. Also, the reintegration of juveniles in CEC is supported by UNICEF, HELP, CARITAS Kosovo, etc. programs.

*The KRCT values the implementation of these activities which have been comprehensive and welcomed by juveniles, therefore recommends that these capacities to be used for the production of goods that can be used for representation by the Ministry of Justice and other institutions.*

The health unit was sufficiently staffed. According to them, all the equipment is functional, and things went according to the work plan.

The monitoring team noted that some records in the book of protocol were not fully logged, e.g. in the solitary/isolation protocol, there was no clear division where 2021 stands out, while in one case the date of the visit was not marked at all in the isolation protocol. Thus, this case was shown to have been visited, but according to the protocol the date of the visit is not known. Also, in the hunger strike protocol, there was a case that lacked the date of identification, according to the person in charge, this is an earlier case.

Moreover, one incident that resulted in minor bodily injuries was found recorded in the file of juveniles, while it was not documented in the protocol of bodily injuries. According to the health official, the case was not registered in the book of protocol due to light injuries. Regarding this incident, the monitoring team also noticed from juvenile's file that the incident occurred at the time when he was placed in quarantine, while according to the report, the incident occurred in the classroom. Therefore, according to the evidence, the juvenile was in quarantine, while on the same date he was injured in an incident at school.

*The KRCT recommends that all injury cases should be recorded according to standard procedures, regardless of the type of injury. Furthermore, the assessment of nurses which cases to record in the book of protocol based on their discretion is contrary to the practice established by the Prison Health Department.*



## 7. DETENTION CENTER IN PRISHTINA

The monitoring team visited the Detention Center in Prishtina on 24.02.2021 and 15.12.2021.

The DC in Prishtina, accommodates mainly detainees and convicts who have less than two years remaining of their sentence. However, during the visits, convicts with longer sentences were also identified.

The Detention Center in Prishtina is a closed correctional facility. The capacity of this center is 323 prisoners. During the monitoring visit on December 15, 2021, there were 254 prisoners placed, out of which 208 detainees and 46 convicts. Additionally, six prisoners were in The Kosovo Institute of Forensic Psychiatry [KIFP] for assessment, and one prisoner in UCKK. Within DC grounds there is also an Evaluation and Classification Center for new convicts and admission of persons who go voluntarily to serve their sentences. For these reasons, there is a lot of movement of prisoners from the DC in Prishtina, whether due to new admissions, transport to courts and hospitals, transfers, etc. The center faces shortages of correctional staff but is expected to hire 10 correctional officers.

The DC in Prishtina continues to be challenged by prisoners with mental health issues. The Kosovo Institute of Forensic Psychiatry has a limited number of beds, therefore a number of prisoners with mental health issues often have to be accommodated at DC Prishtina. During the monitoring visit [15.12.2021], there were approximately 40 cases with mental health issues for whom a psychiatric examination was required most of them, but in the absence of space at KIPF, they were placed in DC Prishtina. The number of attempted suicides in this center remains high. During 2021, the number of suicide attempts reached seven, while one suicide occurred.

The phenomenon of smuggling is still present in this institution. During 2021, a total of six cases of smuggling were prevented and two cases of smuggling were identified which subsequently resulted in suspension of two staff members.

Based on interviews with the prisoners, there were allegations of frequent raids which were usually carried out during walks. During the raid none of the detainees were present in their cells.

The monitoring team has identified a reported case of use of force by correctional officers which has been addressed to management.

There were also foreign nationals detained in DC Prishtina. These foreign nationals are mainly from Arab countries, and they have language difficulties in communicating with the correctional and health staff.

The main concerns of the detainees are related to the work of the courts and lack of activities. Among the detainees, there are also those who have been in detention for a long time. Delays in court decisions, as well as retrials from two to three times are affecting the length of detention. With the status of a detainees, they have fewer rights, privileges and activities during their stay in correctional facilities.

The DC in Prishtina has faced various challenges since it became operational in terms of conditions for the placement of prisoners. Some sections of DC Prishtina have undergone renovation, while other sections are expected to start in the meantime. In the near future it is expected to realize the construction of a sports hall and a fitness room. The monitoring team was informed that DC Prishtina received a donation from the US Embassy for fencing the security perimeter while the works were carried out by the prisoners. In addition, the Block A5 has received a donation for installing automatic doors for prisoners, and this pilot project was at initial stage of testing.

The monitoring team was informed that in Block B, rooms no. 2, no.4 and no.6 are expected to be adapted for camera surveillance to facilitate continuous surveillance of cases under this measure. In the cells where two prisoners are accommodated, they are equipped with bunk beds. In some of the rooms visited, prisoners had placed the mattress on the floor. The main reason why some prisoners do not use the upper bed since there are no ladders. To climb to the top,

they must use window grills as ladders. Moreover, the upper part of the bed had no guarding rails on the sides.

During the monitoring conducted in Block B, Wing B1, the KRCT team noticed that mold had formed on the ceiling of the bathroom and a part of the wall due to humidity.

There were complaints coming from detainees about insufficient hot water, as one water heater has broken down and as a result did not operate at full capacity. According to the detainees, only the first cells in order can take showers with warm water, while the rest of the detainees are left without it.

The KRCT monitoring team observed that the telephone booths lacked information sheets with the contact numbers of the institutions where they could contact regarding any issue, e.g., contact of Ombudsperson.

A positive change in terms of family visits is the removal of the physical barrier in the visiting rooms. This has been a concern of detainees expressed several times.

Detainees complained of excessive isolation and lack of leisure activities. This is a result of legal prohibitions and restrictions for this category, as the legislation in force does not provide opportunities for providing additional activities or engagement in work for detainees. During the 24 hours, the detainees are locked 22 hours in their cells.

The health unit was supplied with additional equipment such as for measuring five vital parameters, equipment for radiology and equipment for blood tests / hemogram. The equipment for radiology is in function, although in the absence of a radiologist, the work is performed by one of three doctors in this unit. Moreover, the laboratory work is conducted by the nurse who is trained for that field, although the hemogram apparatus was not yet functional in the absence of accompanying material for conducting tests. During 2021, a total of 24 biochemical analyses were performed, but during the monitoring visit there was lack of additional material for performing tests. The last tests in this laboratory were performed on 15.07.2021.

Persistent challenge for the health unit remains high number of cases with mental health issues due to delays for examination in KIPF. Significant improvement in this regard has been made with the engagement of two consulting psychiatrists, where such services are performed twice a week.

During the monitoring it was noticed that the supply with medicines was good. From the examined files which were selected randomly, all were properly filled. Similarly, all the protocol books were filled orderly and in accordance with procedures.

The methadone program has been implemented in DC Prishtina since July 2020. During the monitoring visit, this program was administered to two persons who were receiving this therapy on regular basis. The head of unit noted that the number of cases that are included in methadone program during 2021 reaches over 20. According to health staff, the number of narcotics users is increasing, but are on constant lookout for early detection of new cases.

## 8. DETENTION CENTER IN GJILAN

The monitoring team visited Detention Center in Gjilan (DC) on December 1, 2021. The DC in Gjilan has a capacity of 300 beds, with only 202 beds usable at a time. During the monitoring visit there were 191 prisoners, of which 171 detainees, 20 convicts and one was in the KIFP for psychiatric examination.

The DC in Gjilan has a total of 128 staff members (112 correctional staff and 16 civilian staff). It is one of the correctional institutions that has staff belonging to non-majority communities. There is a need to increase the number of correctional officers in relation to the number of prisoners.

The DC in Gjilan accommodates detainees but also a number of convicts. The convicts have different sentences, among them there were also long-time sentences. There are also prisoners with mental health issues and narcotic substance abusers. These categories present a challenge in managing adequately as neither the environment nor the staff are in line with their needs.

Based on monitoring activity, the general impression was that the atmosphere in Gjilan DC is very good. The prisoners did not file any complaints against staff. Since, in DC Gjilan are detained persons with relatively long detention, their main complaints are related to efficiency of the work of courts and lack of activities.

One of the most worrying concerns in DC Gjilan remains prisoners suffering from mental health issues. The KIFP has a limited number of beds, so a number of prisoners with mental health issues are often placed in this center. The DC Gjilan which does not offer adequate conditions for the treatment of this category, neither in terms of professional human resources, nor in terms of material conditions.

Among other noted challenges that are encountered by DC Gjilan are the lack of hot water, the unpaved road near the institution, vehicles for transporting of prisoners are damaged, etc.

Numerous cases of smugglings were reported as well. Cell phones were found inside the premises of the prison during raids. In some other cases, smuggling was prevented at the entrance of the building. Only during November, two cases of smuggling attempt were intercepted.

Based on the monitoring conducted the KRCT did not receive complaints and allegations of ill-treatment by correctional staff. There were isolated cases of disputes between prisoners, including incidents of self-harm.

Some of the detainees complained about the lack of provision of psychiatric services; are not regularly checked by a psychiatrist, there are cases when they are prescribed the same therapy without prior visitation.

In addition to the institution's difficulties in managing prisoners with mental health issues, other prisoners also expressed their concerns as well. Because they are housed in the same premises [in separate cells], other prisoners complained that they were being disturbed by the noise and behaviour of prisoners with mental health issues. In addition to noise, there are cases of self-harm and attacks. During 2021, a correctional officer was attacked by a prisoner with a mental health issues.

Other concerns of detainees are related to the work of the courts as well as the lack of free activities in DC Gjilan.

The KRCT monitors also visited the space where the solitary confinement cells are located [4 such cells]. The position and structure of these rooms is quite unsuitable as access to natural light is limited. Also, the corridors of these rooms are very narrow and without access to fresh air.

The management of DC Gjilan stated that these rooms are used very rarely, while in cases when they are used, the walk is conducted in the premises of ordinary walkways. However, during the monitoring, the KRCT team received information that during the application of solitary confinement measure, prisoners use the corridor near these cells, which are located in a corridor between two walls.

*The KRCT considers that these rooms are not suitable for applying the measure of solitary confinement especially due to lack of access to fresh air which is considered a serious limitation.*

Regarding the material conditions in DC Gjilan, the main concern is related to lack of hot water. Due to insufficient capacity, prisoners often do not have access to hot water. Thus, prisoners use kettles where they heat water inside their rooms to take a shower. This technique does not guarantee good sanitary/hygiene at all, and it also poses a health risk for prisoners, as it is not deemed safe. We consider that this practice is not in line with the dignified treatment of persons deprived of their liberty.

*The KRCT reiterates its recommendation to the Ministry of Justice and the KCS in taking concrete actions and urgently provide hot water to all prisoners in Gjilan DC.*

The prisoners are placed in single and double cells which are equipped with good mattresses and blankets. Although DC Gjilan is among the newest correctional institutions, some of its facilities need necessary renovating. The floor in the hallways and the walls of some cells are badly damaged and need to be renovated. *Due to water leakage, 10 rooms were out of order.* The faucets are damaged, and these rooms cannot be used until they are mended.

Dampness was also noted in the prisoners' rooms. According to information from the management of the institution, the walls of the prisoners' premises are expected to be painted.

During the monitoring visit [December 1, 2021], the DC Gjilan has been in the process of renovating works where the main entrance was being expanded. A new facility is also being built near the main entrance for the reception and handling of visitors. These works are being carried out in the framework of donations from US Embassy. Also, the walkways are in the process of separation, where from two that are now, four walkways will be made.

The kitchen environment of QP Gjilan is well maintained and most of the equipment is functional, except for gas stoves which were out of order, therefore food

preparing was done only with electric stoves. Food samples were stored in order. Sanitary booklets were also certified.

The KRCT monitors also visited the premises where food items are stored. In DC Gjilan there are two warehouses where food is stored - daily warehouse and emergency warehouse. In the daily warehouse the food stocks were in order, including the shelf life of items. The same practice was not in the emergency warehouse, where there were expired products. *During the observation, there were 16 bags of salt weighing 500gr which were expired in June 2021. Also, nine bags of rice weighing 800gr whose expiry date was in March 2021.*

The interviewed prisoners were mostly satisfied with the food served to them. Some of the prisoners complained about the food offered to them for dinner, where they are usually provided canned food. There were also prisoners who were on a diet on the recommendation of a doctor.

Regarding the activities in DC Gjilan, the convicts are engaged in work, mainly in maintenance, kitchen and renovations that are done in this institution. Anger management training has also been organized for prisoners.

Family visits are conducted twice a month. Prisoners who do not have regular visits are provided with Skype communication. Detainees are allowed to make phone calls once a week. In addition to visits and phone calls, they are also allowed outdoor walks twice a day for one hour.

Foreign citizens are also placed in DC Gjilan. The main concern of their treatment is lack of language knowledge, especially with Syrian, Algerian and other Arabic-speaking citizens. In addition to difficulties in communicating from staff, this category also has problems with maintaining contact with family. Due to the situation in their countries, there are problems with communication via Skype. They want to be able to contact families via WhatsApp or Viber. Additionally, some of them do not have enough clothes, especially for the winter season.



*The KRCT has recommended that correctional institutions, in cooperation with the courts, make efforts to enable regular communication with their families, also through social networks. Regular contact with the family is among the basic rights of persons deprived of their liberty, therefore we seek to find ways in overcoming this issue.*

Detainees complained of excessive isolation and lack of leisure activities. This is a result of legal prohibitions and restrictions for this category, as the legislation in force does not provide opportunities for providing additional activities or engagement in work for detainees. The DC Gjilan has also prisoners with lengthy detentions which are a result of court delays in concluding cases, retrials, etc. During the 24 hours the detainees except two hours of walking that may enjoy, they are closed for the rest of the day. For as long as they have the status of detainees, they have fewer rights, privileges and activities during their stay in correctional facilities. This situation is increasing the dissatisfaction of detainees.

However, apart from the restrictions based on the status of detainees, in this detention center there is no special space for carrying out activities, and consequently no activities are organized for convicts placed in DC Gjilan. Due to limited leisure activities, inmates asked to be provided with at least one ping-pong table.

The KRCT visited the health unit in DC Gjilan. According to medical staff, the health conditions in DC are considered as stable, although more than half of the prisoners need certain medical care, respectively out of approximately 200 prisoners, 110 are on medical therapy.

The detainees with mental disorders are accommodated in separate cells. Two prisoners were under methadone treatment. While dental services are provided once a week by a dentist coming from other centers; the pulmonologist and external psychiatrist are also on duty once a week. The laboratory is equipped to perform basic tests and the supply of medicines seems abundant and well managed.

The KRCT has reviewed medical records and protocols. In regard to psychiatric cases, the files contained cases that were not regularly visited by a psychiatrist. In

one case, a prisoner which was admitted on 07.07.2021 with psychiatric diagnosis and outpatient psychiatric therapy was checked by a psychiatrist on 07.09.2021, i.e. two months after being admitted to the institution.

At the end of 2021, the Ministry of Justice agreed to lease the DC Gjilan, for the transfer of prisoners from Denmark to Kosovo. After the completion of the procedures as well as the signing and ratification of the agreement, the transfer and relocation of staff and prisoners from this center will pose a challenge.

## 9. DETENTION CENTER IN PRIZREN

The monitoring team visited Detention Center (DC) in Prizren on 21 May 2021. The DC in Prizren accommodates detainees but also convicts and has a capacity of 92 beds. On the day of the monitoring visit, 81 detainees were placed out of which 62 detainees and 19 convicts, while 2 were at the KIFP for psychiatric examination. Among the convicts there were also long sentences punishable by up to 24 years in prison.

Based on observations made in DC Prizren, the atmosphere within the compound is good. The prisoners did not file any obvious complaints against the staff. As the DC Prizren has prisoners with relatively long detentions, their main complaints relate to efficiency of the work of courts.

Smuggling of mainly telephones remains present. During the last year DC Prizren has been equipped with a scanner and two detectors, which will increase the level of security and can prevent smuggling.

The DC Prizren has a total of 82 staff members. The average age of the correctional staff is around 52 years old.

In DC Prizren there were two detainees categorized as high risk. According to the management, they were currently managing them without any problems, however they would prefer not to accept prisoners who are categorized as high risk.

*The KRCT recommends KCS to take into consideration the status of the detention center, its infrastructure, staff training and the location of the institution before deciding on the transfer of persons categorized as high risk.*

On the day of the monitoring in Prizren DC there were prisoners with mental disorders who required a psychiatric examination in the KIFP, but due to lack of space they were placed in DC Prizren, which does not provide adequate conditions

for the treatment of this category, neither in terms of professional human resources, nor in terms of material conditions.

One detainee interviewed had the decision to be sent in the KIFP, but due to lack of space he was placed in DC Prizren. The prisoner had physical and mental health issues and was almost immobile. The treatment of such cases poses a challenge for correctional staff.

*According to KRCT assessments, the placement of detainees with mental disorders in detention centers, for whom the court has ruled to be placed in health care institutions, is a violation of legal provisions and the rights of detainees themselves. The KRCT reiterates the need to designate a special institution, which meets the material and humane conditions for the treatment of this category.*

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

The Convicts of DC Prizren expressed their concerns with the work of the CRP. They have complaints against the review of their requests, delayed responses, etc. These concerns were also supported by two social workers of this center. According to social workers, although their reports which they send to CRP on assessing certain convicts to have reached the level of resocialization, in the decisions issued by the CRP is usually written that these persons, based on the reports of the workers social, have not reached a sufficient degree of resocialization. This practice of CRP is causing frustration among convicts, who think that this recommendation came from social workers themselves.

DC in Prizren remains among the correctional institutions which are still located in old buildings. However, the sanitary conditions seemed quite good, the hygiene is maintained by prisoners themselves as some of the convicts are engaged in cleaning.

Due to the structure of the building, the cells are small where four prisoners are placed. In the past, KRCT reported cases when due to overcrowding, five people

were placed in single cell. This practice is no longer occurring, however the cells do not meet the legal criteria for minimum space that each prisoner should have [Article 36, LEPS<sup>5</sup>].

Although the ventilation system is located in cells, it is not functional. Especially in cells of DC Prizren within which the toilets are located, regular operation of ventilation is deemed as necessary.

In DC Prizren the situation with mattresses and blankets has been very challenging. At the end of 2020, this center was supplied with approximately 70 new mattresses. These mattresses were distributed to detainees. Convicts are allowed to obtain mattresses from outside. However, detainees complained that there were no sheets for the new mattresses.

The DC Prizren has been planning to build a special room, which will be equipped with cameras and will be used for cases of continuous surveillance.

Despite the fact that DC Prizren is an old building, the kitchen space was generally well maintained. During the monitoring, some damaged spaces were identified, like a part of the ceiling was damaged, also the tiles in the dining room near the kitchen were damaged, which poses a risk given that in that environment the officers and convicts are fed.

The kitchen appliances were working and in good condition. The dishwasher did not have the appropriate detergent, and only one out of four sinks were functional.

At various times, family visits have been banned due to the COVID-19 pandemic. As an alternative to visits, prisoners were allowed more frequent phone calls, and were enabled to communicate via Skype. The Skype application was available for

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<sup>5</sup> The premises in which the convicted person lives and works must have sufficient space so that each convicted person has at least eight (8) cubic meters of space and when possible nine (9) square meters for the convicts in the cell. common and four (4) square meters for convicts in single cells, and sufficient amounts of natural and artificial light for work and reading, heating and ventilation.

Premises should not be damp and should have adequate sanitary facilities and other necessary tools for personal hygiene.

prisoners who had no visits. The prisoners also complained that only two computers had Skype enabled.

The convicts have the possibility to go out to their families during weekends. There is a constant demand to increase the number of weekend days within the year.

In terms of activities, a limited number of them are available to convicts. 15 of the convicts were engaged in work, mainly in the kitchen and cleaning.

The walkways are very limited, and they also have a table tennis table and basketball field. Detainees complained of excessive isolation and lack of leisure activities.

The monitoring team visited the health facilities in DC Prizren. The physical conditions in the DC in Prizren are not suitable for the proper functioning of the health unit as there are no special facilities for the doctor and psychiatrist, respectively in a single room all services are provided [nursing, treatment and psychiatric]. Also, the pharmacy does not have adequate space. The health unit in DC Prizren was sufficiently supplied with equipment and sanitary items for the prevention of COVID-19.

The general health services are provided regularly to prisoners in DC Prizren. Likewise, part-time psychiatrist, radiologist and dentist are engaged. The dental chair and associated equipment were fully functional, although the environment where the dental chair was placed was not suitable as it was adapted from the visiting room, but even in those conditions dental visits are carried out according to prisoners' requests.

The space in which the pharmacy is located, in addition to being in an environment without lighting and poor conditions, is also used for other purposes, namely the interviews of prisoners are conducted by investigators in that environment. The drugs in the pharmacy that were monitored were still within expiration date, while in the dental room, *there were 10 syringes - 2 ml passed their expired date*. The other expired drugs were separated into a box according to the expiration date list.

The management of expired drugs, which have been kept in a special warehouse for several years remains a concern.

Based on prisoners' files, it is noted that there are delays in sending out doctor appointment request out of the institution. In some of the reviewed files, delays in medical visits were identified despite the recommendation given by prison health staff. For example, in some cases the priority of treatment by the doctor of DC Prizren was set with "B" [treatment within 24 hours], while based on medical reports it was noticed that the medical visit was performed after this deadline. According to the medical staff, these delays are being caused by courts since in cases of detention they need approval for a medical visit outside the institution.

### 10. DETENTION CENTER IN PEJA

The Detention Center (CP) in Peja was monitored on October 27, 2021. The DC in Peja accommodates detainees but also convicts and has a capacity of 80 beds. A total of 70 prisoners were present on the monitoring day, out of which 65 were detainees and five were convicts. There was one prisoner in the KIFP. There were also eight foreigners, and one detainee which was classified as high-risk.

According to the KRCT assessment, overall, in DC Peja prevails a good atmosphere. The prisoners did not have any complaints against the staff. The main complaints of prisoners are related to the efficiency of the work of the courts.

Main concern in DC Peja remains poor infrastructure since the prison is in an old building. According to the management, the priority is to improve the plumbing and ventilation of the rooms and corridors. In terms of food supply and hygiene kits, leading officials of the center stated that it was sufficient.

Currently DC Peja has 107 staff members. As in most centers, the average age of correctional staff is around 53 years old. There are staff members retiring and new correctional staff needs to be recruited.

During its monitoring visit, the KRCT did not receive any complaints or allegations from prisoners in regards to ill-treatment. All interviewees stated that they have good relations with the correctional staff.

There was one detainee classified in the high-risk category for terrorism and eight foreign nationals DC Peja.

According to the management in DC Peja, there were no problems in terms of management and no serious incidents or use of force. It was reported that there were incidents between detainees, as it was noted also in the medical records. All injuries logged in the injury book of protocol were cases of incidents between detainees.



The main concerns of detainees are related to the work of the courts. The detainees of DC Peja expressed their concerns about the work of the Prosecution regarding the numerous delays in the review of cases/interrogation. The monitoring team met with detainees who had been in detention for more than six months without being questioned by the prosecution.

The DC Peja remains among the correctional institutions which are still located in old buildings. Despite this fact, the DC seemed well maintained and sanitary conditions were at an acceptable standard

Due to the structure of the building, the cells are small. The cells are mainly occupied by three-four prisoners. The cells do not meet the legal criteria for the necessary space that each prisoner should have [Article 36, LEPS<sup>6</sup>].

The dysfunction of ventilation in cells and corridors is a concern raised by the management itself, especially given that cells have bathrooms inside. Traces of dampness formed by water leaks were observed on the walls of some cells, while damp and mold formation were observed in all the bathrooms of the visited cells. Also, during the visit at the food storage in one of the corners, the formation of mold from dampness was observed. In this center, the cells do not have direct access to natural light. In terms of material conditions, a positive change that has taken place last year in the KCS is the supply of new mattresses with fire-proof material, new pillows, and blankets.

In terms of activities, a limited number of them are available to convicts. Five convicts are employed, mainly in the kitchen and cleaning. They also have a very small walkway and a ping-pong table. Detainees complained of excessive isolation and lack of recreational activities. This is a result of legal prohibitions and

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<sup>6</sup> The premises in which the convicted person lives and works must have sufficient space so that each convicted person has at least eight (8) cubic meters of space and when possible nine (9) square meters for the convicts in the cell. common and four (4) square meters for convicts in single cells, and sufficient amounts of natural and artificial light for work and reading, heating and ventilation.

Premises should not be damp and should have adequate sanitary facilities and other necessary tools for personal hygiene.

restrictions for this category, as the legislation in force does not provide opportunities for additional activities or engagement in work for detainees.

Among the most common complaints is the small number of TV channels. The KRCT recommends DC Peja and KCS to enable the increase of TV channels, as currently only three TV channels are made available.

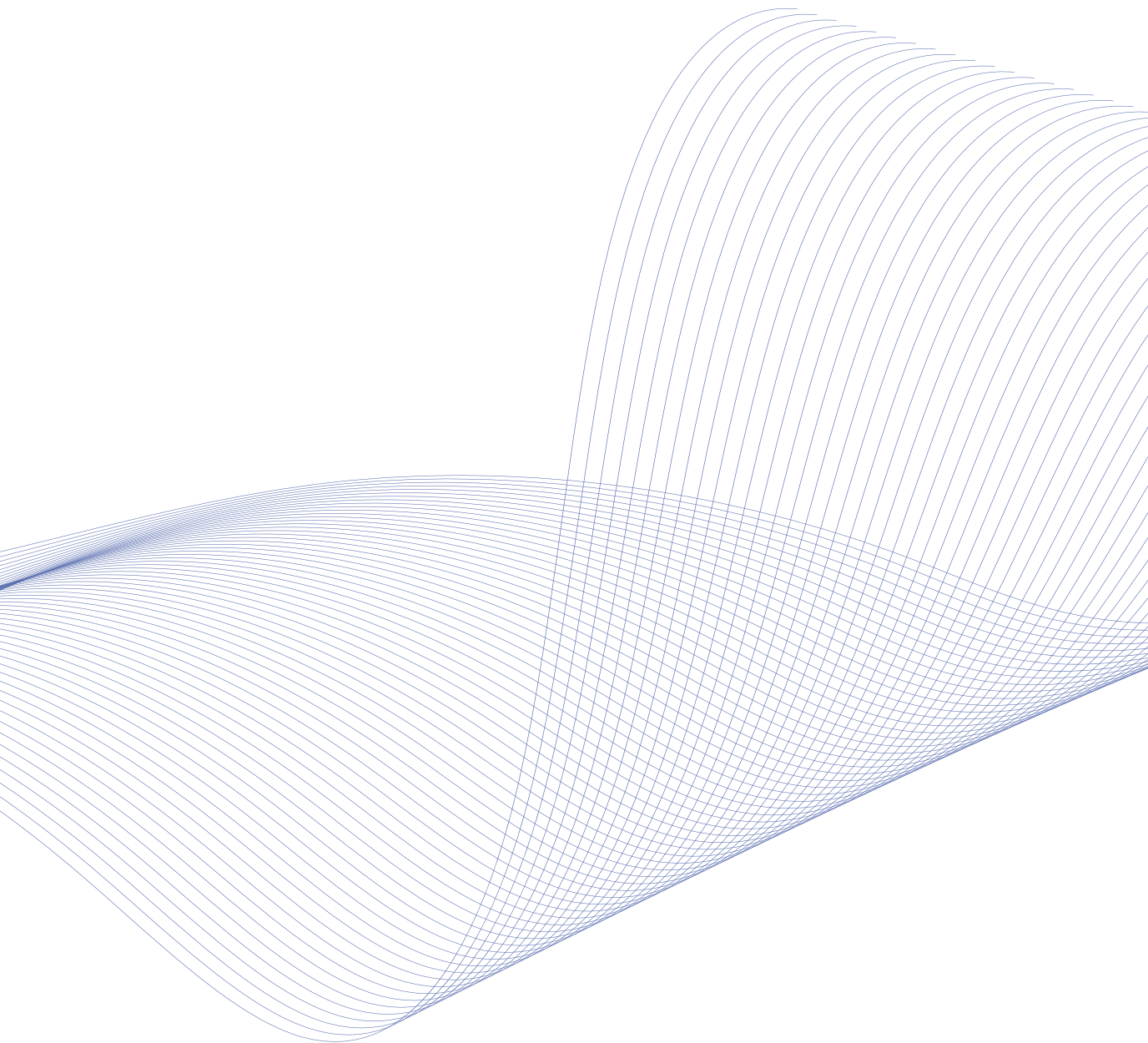
The monitoring team visited also the health facilities in DC Peja. The physical conditions in DC are not suitable for proper functioning of the health unit, as there are no proper facilities for medical and psychiatric services, there is only one room where all the services are provided [nursing, health and psychiatric]. Recently, this unit has been provided with additional space for dental chairs and has been equipped with a laboratory for conducting tests. Both services are expected to be operational soon.

The health unit in DC Peja was sufficiently supplied with sanitary material and of COVID-19 prevention kit. Vaccination is performed regularly and within the institution in cooperation with the vaccination center in Peja.

General health services are provided regularly to prisoners in DC Peja, while a psychiatrist is available four times a month. There is no regular psychologist in this center, but there is only a consulting psychologist who is on call.

Based on the evidence in the protocols, it is noticed that in this center the number of injury cases had decreased. During 2020, 26 cases of injuries were identified, while until October 27, 2021, seven cases of injuries were identified [all from incidents between prisoners].

# RECOMMENDATIONS



KRCT during 2021 has conducted 16 monitoring visits to correctional institutions in Kosovo. During these visits, positive developments were identified in the correctional system, both in terms of material conditions and the treatment and health services provided to prisoners.

However, in order to advance the correctional system in Kosovo and ensure adequate treatment for persons deprived of their liberty, based on the findings identified by monitoring, KRCT submits to the competent authorities the following recommendations:

- Take concrete actions to improve the treatment of prisoners, including:
  - Further development of the initial evaluation and individual plan;
  - Strengthening social services, increasing the number of social workers;
  - Development of programs for the treatment of prisoners addicted to narcotics;
- To strengthen the internal complaints mechanism, in terms of increasing confidentiality; provide prisoners with answers within the timeframe set out in their requests / complaints;
- Provide appropriate treatment for prisoners with mental health problems;
- To increase the accommodation capacities in the Institute of Forensic Psychiatry;
- Ensure consistency in the management of the KCS and correctional institutions;
- KCS should take action to comply with safeguards against ill-treatment:
  - The management of correctional facilities should increase their efforts to make correctional staff aware that all forms of ill-treatment are prohibited and punishable. Special attention should also be paid to verbal abuse of prisoners;
  - Strictly follow the procedures in case of allegations of ill-treatment;
  - 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;

- The Inspectorate of the Ministry of Justice to conduct more detailed investigations in cases of allegations of ill-treatment;
- Pay more attention to managing incidents between prisoners, self-harm and suicide attempts;
- Camera surveillance in solitary confinement rooms should be regulated by special provisions through bylaws, in order to avoid the possibility of abuse and violation of the privacy and dignity of prisoners.
- The Health Service should continue to improve the quality of services:
  - Increase the number of staff, especially psychologists and psychiatrists;
  - In large institutions, such as HSP, to have a doctor 24h;
  - Prisoners addicted to narcotics, to start the methadone program without delay;
- PHD should pay attention to the management of expired drugs. By no means should they be placed in the same environment as medications with regular-time of use;
- PHD should carefully maintain protocols; special attention should be paid to identifying alleged cases of physical ill-treatment;
- The Ministry of Justice and the KCS, within their competencies, to address the issue of the proper functioning of the Conditional Release Panel;
- The Ministry of Justice and the KCS should take concrete actions for the advancement of the Economic Unit. It is very necessary to increase the opportunities for prisoners to work, both in terms of rehabilitation of prisoners and the benefits that correctional institutions will have from the results of their work;
- Increase vocational training for convicts as well as activities where they can engage in their free time;
- Take action to prevent corruption;
- All prisoners should be provided with sufficient hot water for personal hygiene;
- KCS to ensure adequate and regular supply of hygienic products;
- Increase the number of civilian staff and correctional officers and improve working conditions for them.

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