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Organization of Kosovo Correctional Service and the Structure of Prisoners in Correctional Facilities

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1. Abstract.

This paper (*) presents and analyses some basic characteristics of the scope and organization of the Kosovo Correctional Service and convicted persons and detainees in correctional facilities, based on legal provisions and the evidence of the Kosovo Correctional Service and correctional institutions concerned. Initially, there will be presented some data related to the background, organization and function of the Kosovo Correctional Service, and later data in more detail will be presented and analysed pertaining to the condition and composition of convicted persons and detainees in correctional facilities in Kosovo, the types of criminal offenses, as well as the types of punishments and other criminal sanctions imposed against them, as per status of December 2010. Presentation and treatment of these data will hopefully be of scientific interest in drawing some useful conclusions, which will help in creating and implementing some basic preconditions for the purpose of successful rehabilitation of convicted persons in correctional facilities.

2. Background and introduction.

Republic of Kosovo is located in the western part of the Balkan Peninsula and is part of the states of South-Eastern Europe. During the historical development, the territory of Kosovo for several centuries was occupied by foreign regimes who implemented in this area the rights of conquerors. During the rule of the Ottoman Empire, Kosovo was a special administrative unit and named as Vilayet of Kosovo. After the dissolution of the Balkan part of the Ottoman Empire and the formation of an independent Albanian state (1912), the territory of Kosovo remained under Serbian occupation, which lasted until June 1999. After World War II, the legal-political status of Kosovo was not substantially changed until 1974, when based on the Constitution of former Socialist Federative Republic of Yugoslavia (SFRY) of 1974 Kosovo gained a broad political-territorial autonomy becoming a constitutive element of the former Yugoslav Federation, with extensive legislative, executive and judicial powers. From the

dissolution of Kosovo's autonomy in 1989 until the liberation of Kosovo in June 1999, the basic individual and collective rights of the Albanian population were massively and systematically violated by the Serbian and Yugoslav regime.

After the war in Kosovo (12 June 1999), there was established the United Nations Interim Administration Mission in Kosovo (UNMIK), which lasted until 17 February 2008, when Kosovo declared its independence and sovereignty. The European Rule of Law Mission (EULEX) was established in Kosovo in February 2008. After the war, Kosovo faced a legal and institutional vacuum, due to lack of its own laws. Thus, as a result of the creation of a new legal-political reality in post-war Kosovo and to fill in the legal gap, the United Nations Interim Administration Mission began to draw the appropriate legal acts in the form of Regulations. With these regulations, among other things, namely the issue of continuity of legislation in Kosovo and its discontinuity is regulated. The most important of these regulations is Regulation no.1999/24, dated 12 December 1999 "On the Law Applicable in Kosovo", which determined that the legislation in force in Kosovo includes: *a) The regulations promulgated by the Special Representative of the Secretary General (SRSG) and subsidiary instruments issued thereunder, and b) The law in force in Kosovo on 22 March 1989 (Article 1 paragraph 1.1 of this Regulation)*.⁽¹⁾ In addition to the UNMIK regulations, Kosovo adopted many legal acts which are in harmony with international standards of developed countries. Within this legislation it is very important to have the codes and laws relevant to the legal-penal scope, criminal procedure and penitentiary system.

Among these legal acts, of great importance for the Kosovo Penitentiary System are the Law on Execution of Penal Sanctions ⁽²⁾ and the Juvenile Justice Code ⁽³⁾, since they directly and more fully address the organization of the Kosovo Correctional Service and position of the convicted and detained persons. Until this acts came into force, most legal provisions that refer to the correctional service organization and the position of the convicted persons were provided by the Law on Execution of Penal Sanctions of 1977 ⁽⁴⁾, which was implemented uniquely in the territory of Serbia, Kosovo and Vojvodina.

⁽¹⁾ See: *UNMIK Regulation no. 1999/24* (1999), Official Gazette of United Nation Interim Administration Mission in Kosovo, Volume 2, Prishtina.

⁽²⁾ *UNMIK Regulation no. 2004/46* (2004), Official Gazette of United Nation Interim Administration Mission in Kosovo, Volume 12, Prishtina. This Law with amendments was adopted by Kosovo Assembly on 22.07.2010 and it was published in Official Gazette of Republic of Kosovo on 9.08.2010. (See Law no. 03/L-191 On Execution of Penal Sanctions, Prishtina, 2010).

⁽³⁾ *UNMIK Regulation no. 2004/8* (2004), Official Gazette of United Nation Interim Administration Mission in Kosovo, Volume 4, Prishtina. This Code with amendments was adopted by Kosovo Assembly on 8 July 2010. (See: Juvenile Justice Code no. 03/L-193, Official Gazette of Republic of Kosovo, no. 78, Prishtina, 2010.).

⁽⁴⁾ See: *Law on execution of penal sanctions of year 1977*, Official Gazette of SFRY, no. 26/77, Belgrade.

Also, such provisions were also set in some regulations promulgated by the UN Special Representative of the Secretary General that refer to the treatment of the position of prisoners in correctional institutions, as well as instructions and other acts which were issued by the Department of Justice and the Kosovo Correctional Service ⁽⁵⁾. By this legislation Kosovo approved a series of standards and requirements of some conventions and internationally recognized acts, which refer to the organization of correctional institutions in Kosovo, the status of convicted persons and their rights and freedoms. With their provisions respect for the rights of convicted persons are guaranteed. This can be observed from the guiding principles of the Law on Execution of Penal Sanctions, where in Article 5, paragraph 3 is stated: *"During the execution of a penal sanction, the rights of the convicted person shall always be respected. These rights may be restricted only to the extent necessary for the execution of the penal sanction, in compliance with the applicable law and international human rights standards."* In comparison to previous legislation, the provisions of the penitentiary legislation applicable in Kosovo regulate more comprehensively the organization of the Kosovo Correctional Service, the position of the convicted persons and detainees as well as provide systematically a large number of rights and freedoms during their stay in correctional facilities.

3. Scope of work and organization of Kosovo Correctional Service.

Kosovo Correctional Service is a new service, which was established after the Kosovo war and the establishment of the United Nations Interim Administration Mission (UNMIK). This service started in November 1999, initially with the opening of the detention centre in Prizren. Since its foundation until today this service has made great progress towards its consolidation and the creation of conditions for the rehabilitation of convicted persons and crime prevention in general. Prior to the establishment of the Ministry of Justice on 20 December 2005 ⁽⁶⁾, this service was an integral part of the Department of Justice, established in 2001 as part of the First Pillar (Police and Justice)

⁽⁵⁾ About the historical development of prisonment conception see: N. MORRIS – D. J. ROTHMAN, *The Oxford history of the prison*, New York-Oxford. 1998.

⁽⁶⁾ Ministry of Justice was established by UNMIK Regulation no. 2005/53, of date 20 December 2005 "Amending UNMIK Regulation No. 2001/19 on the Executive Branch of the Provisional Institutions of Self-Government in Kosovo". This Regulation was published in UNMIK Official Gazette, Volume 9/2005. While on the date of 10 March 2006 (date of election of Minister of Justice) is considered as the day when this Ministry started to work effectively. The author of this paper has been a Political Adviser to Minister of Justice in the period of 2006-2009.

(⁷) of the United Nations Interim Administration Mission in Kosovo (⁸). With UNMIK Regulation no. 2005/53 (Annex XV) initial competencies of the Ministry of Justice in the area of the Kosovo Correctional Service were defined. Also, the UNMIK Regulation no. 2006/26, dated 27 April 2006 (⁹), defined additional responsibilities to the Ministry of Justice, including the coordination and administration of the Kosovo Correctional Service. With these regulations the legal basis for the further transfer of powers to the Ministry of Justice was created. Pursuant to these referred UNMIK regulations, the Kosovo Correctional Service conducts its activities within the Ministry of Justice of Kosovo. Among its many functions, the Ministry of Justice exercises the functions in the Kosovo Correctional Service, such as policy development and initiation of drafting laws in the field of correctional services; the exercise of executive supervision over correctional service (except emergency situations in the Dubrava Prison, as provided in section VII of UNMIK Regulation no. 2006/26 (¹⁰); assisting in recruitment (employment), training and evaluation of correctional service personnel; providing of analysis, statistics and information on the correctional service; undertaking the necessary measures to ensure the protection of personal data related to correctional services; cooperation with other bodies in the independent supervision of the correctional service etc (¹¹).

Kosovo Correctional Service conducts its activities in accordance with the applicable legal acts and rules, conventions and internationally recognized standards that refer to the execution of penal sanctions and treatment status of convicted persons and detainees. The legal basis for operation of this service are laws and codes applicable to this area as Law on Execution of Penal Sanctions (¹²), Criminal Code of Kosovo (¹³),

(⁷) First Pillar (Police and Justice) ceased on May 2006. Functions that not transferred to Provisional Institutions of Self-Government (PISG), now are exercised in a new office that functions within the office of Special Representative of Secretary General (SRSG) – Office for Policies and Rule of Law.

(⁸) In the Department of Justice were included: Division of Judicial Development, Division of Penal Management, Division of International Judicial Support, Penal (criminal) Division and Office for Missing Persons and Forensics. Later to this department was added an Operational Unit that was related to policies and coordination of activities in the area of security and judicial personnel, buildings and premises as well as Legislation Policy Unit.

(⁹) See: UNMIK Regulation no. 2006/26, of 27 April 2006 “*Amending UNMIK Regulation No. 2001/19 on the Executive Branch of the Provisional Institutions of Self-Government in Kosovo*”. This Regulation was published in UNMIK Official Gazette, Volume 2/2006.

(¹⁰) In section VII of UNMIK Regulation no. 2006/26 of 27 April 2006 is said: “The Ministry of Justice will exercise executive oversight over the correctional service and the probation service, except that in emergency situations at Dubrava prison UNMIK will retain and exercise the authority to command and control all operations. UNMIK shall determine when an emergency situation occurs and its duration.”

(¹¹) See: *Strategic Plan 2006-2011*, Ministry of Justice, Prishtina, 2006, page 9.

(¹²) See: *Law no. 03/L-191 On Execution of Penal Sanctions*, Prishtina, 2010.

Criminal Procedure Code of Kosovo (¹⁴), Juvenile Justice Code (¹⁵), Minimum standard rules on treatment of prisoners (¹⁶) European Prison Rules (¹⁷) and a well known range of international conventions (¹⁸) Also, the legal bases for operation of this service are sub-legal acts adopted by the Ministry of Justice.

The activity of the Kosovo Correctional Service is regulated by law. Thus, according to article 203 of the Law on Execution of Penal Sanctions, the Kosovo Correctional Service is responsible and independent for: 1) organizing, applying and supervising the execution imprisonment and long-term imprisonment, 2) organizing, applying and supervising the juvenile imprisonment and educational measures, unless otherwise provided for in the Juvenile Justice Code; and 3) organizing programs that contribute to the rehabilitation, preparation for release and long-term supervision of persons sentenced to imprisonment and long term imprisonment. This service keeps uniform records on persons to whom institutional sanctions are enforced.

On the top of the Kosovo Correctional Service is the General Director of the Kosovo Correctional Service, who is appointed by the Minister of Justice based on open vacancy. He heads, controls and directs the Kosovo Correctional Service and all matters related to the Kosovo Correctional Service. Under the provisions of the Law on the Execution of Penal Sanctions and other legal acts in force, the Kosovo Correctional Service through the publication of information and organizational policies of this service, raises the awareness of the general public about their work and correctional institutions. Basically, all information related to convicted persons and detainees is confidential and not disclosed to the public or media (¹⁹). Only exceptionally the confidential information may be disclosed by the Ministry of Justice, if the release to media or other groups of public information is in accordance with the overall social interest (²⁰). It is the duty of

(¹³) See: *UNMIK Regulation no. 2003/25*, date 6 July 2003.

(¹⁴) See: *UNMIK Regulation no. 2003/26*, date 6 July 2003.

(¹⁵) See: *Juvenile Justice Code no. 03/L-193*, Prishtina, 2010.

(¹⁶) See: *Standard Minimum Rules for the Treatment of Prisoners of year 1955*, adopted by Social-Economic Council of UN in year 1957.

(¹⁷) These rules were adopted by Ministerial Committee of Council of Europe, Strasbourg, 1987.

(¹⁸) As are: *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, (Adopted by General Assembly of United Nations with Resolution no. 39/46 of date 10 December 1984); *Basic Principles for Treatment of Prisoners*, (Adopted by General Assembly of United Nations with Resolution no. 45/111, date 14 December 1990); *United Nations rules for the protection of juveniles deprived of their liberty* (Adopted by General Assembly with Resolution 45/113, date 14 December 1990) and others.

(¹⁹) *Ibid.*, Article 215, paragraph 3.

(²⁰) *Ibid.*, Article 215, paragraph 4.

the Ministry of Justice to issue a sub-legal act on the confidentiality, sharing and disclosure of information and guidelines for media ⁽²¹⁾.

In accordance with the applicable national legislation and international standards, Kosovo Correctional Service has the ultimate aim of creating conditions for rehabilitation of sentenced persons and crime prevention in general. In particular, this service aims to prepare the convicted persons during their imprisonment and other penal sanctions in such a manner that after release they can integrate smoothly into society as useful citizens. Kosovo Correctional Service also aims to meet the conditions laid down in international conventions and recognized international standards in terms of its delivery and faster integration into the family of correctional services of the European Union.

Under Article 204 of the Law on Execution of Penal Sanctions, within the Kosovo Correctional Service there are these types of correctional facilities: 1) Prisons, for the execution of imprisonment and long-term imprisonment; 2) Detention centres, for the execution of detention on remand and the execution of sentences of imprisonment up to three months; 3) Prisons for women, for the execution of imprisonment, long-term imprisonment and juvenile imprisonment imposed on women; 4) Prisons for minors, for the execution of juvenile imprisonment; 5) Educational-correctional institutions, for the execution of the educational measure of committal of a minor offender to an educational-correctional institution; 6) Prison hospitals, for the treatment of detainees on remand and convicted persons. Under the provisions of this law, according to the level of security and the nature of the treatment of the convicted persons, correctional facilities may be of the confined, semi-confined and open type ⁽²²⁾. In addition to this law, at least one-third of long-term imprisonment must be served in correctional facilities of the confined type. It should be noted that unlike the previous legislation, under current legislation it is the responsibility of the Ministry of Justice to issue a sub-legal act on the establishment of correctional facilities and classification of types of correctional institutions ⁽²³⁾.

Currently, correctional facilities that function within the Kosovo Correctional Service are: Dubrava Prison, Correctional Centre Lipjan; Correctional Centre Smrekovnica and 6 (six) detention centres (Detention Centre Prishtina; Detention Centre Prizren; Detention Centre Gjilan, Detention Centre Mitrovica, Detention Centre Peja and

⁽²¹⁾ In the Kosovo doctrine see R. GASHI, *Ekzekutimi i dënimit me burgim në Shqipëri*, Prishtinë, 2001; R. GASHI, *Politika ndëshkimore ndaj delikteve të gjakut në Kosovë gjatë periudhës 1980-1989*, Prishtinë 2003; R. HALILI, *Penologjia*, Prishtinë, 2005; R. HALILI, *Kriminologjia*, Prishtinë, 2008; V. LATIFI, *Kriminalistika*, Prishtinë, 2010; R. MURATI, *Rishikimi i procedurës penale për shkak të fakteve dhe provave të reja*, Prishtinë, 2006; I. SALIHU, *E drejta penale, (pjesa e përgjithshme)*, Prishtinë, 2010; E. SAHITI, *E drejta e procedurës penale*, Prishtinë, 2005; B. UKAJ, *Dënimet në të drejtën penale të Shqipërisë*, Prishtinë, 2006.

⁽²²⁾ *Law on Execution of Penal Sanctions*, Article 205, paragraph 1.

⁽²³⁾ See Article 207 of this law.

Detention Centre Lipjan). Detention centres are correctional institutions where detainees and prisoners are on remand in the duration of the sentence up to three months. It should be emphasized that despite the fact that the Law on Execution of Penal Sanctions requires that in these detention centres are only detainees and convicted persons on imprisonment up to three months, because of lack of capacity and for other reasons (mainly security), these centres have also currently on remand the convicted persons with sentences longer than three months.

It should be noted that in the Republic of Kosovo we do not have yet the classification of the types of correctional facilities according to the level of security and treatment of convicted persons. This categorization should be done by a sub-legal act of the Ministry of Justice ⁽²⁴⁾. Therefore, in the absence of such a categorization we cannot speak of characterization of existing correctional facilities of Kosovo, as well as units within them. But despite this gap, we can affirm that taking into consideration the physical and material security, correctional facilities in Kosovo are largely confined and semi-confined, while still lacking a correctional institution of open type.

In accordance with the Law on Execution of Penal Sanctions ⁽²⁵⁾, the staff of the Kosovo Correctional Service consists of civil servants and correctional personnel. Civilian personnel of the service consists of civil servants in accordance with applicable law on the Kosovo Civil Service, and correctional staff are appointed and discharged by the Correctional Service of Kosovo based on the open vacancy in accordance with applicable laws ⁽²⁶⁾. As of December 2010 ⁽²⁷⁾ the Kosovo Correctional Service number of personnel was 1601 persons, of whom 1344 persons were males or 83.94%, while females were 257 or 16.06% compared to the total. Seen by nationality it should be emphasized that the majority of the staff were of Albanian nationality, i.e. 1480 persons or 92.44% of them. After them come 81 or 05.05% Serbs; 26 or 01.62% Bosniaks, 7 or 00.43% Roma, 6 or 00.37% Turkish, and 1 or 00.062% Slovenian compared to the total number of this personnel. The entire staff of the Kosovo Correctional Service according to some of its characteristics and nature of work undertaken is divided into correctional staff and civilian personnel. The majority of service personnel are correctional personnel, respectively 1271 or 79.38% correctional staff and only 330 or 20.61% civilian personnel. If we take a look at the qualification structure of this personnel it may be noted that the majority of them finished high school, respectively 1443 persons, or 90.13% of the total number.

⁽²⁴⁾ See Article 207 of *Law on Execution of Penal Sanctions*.

⁽²⁵⁾ See Article 212 of this Law.

⁽²⁶⁾ Correctional personnel wear a uniform of Kosovo Correctional Service (and have grades and titles) and work is based on some specific requirement (on the command system).

⁽²⁷⁾ According to data of Kosovo Correctional Service for December 2010.

Kosovo Correctional Service pays special attention to promotion and training of its staff. Employment and advancement of such personnel is subject to a legal and transparent procedure. Until now, the service members have participated in much training which is mandatory.

4. Some characteristics of convicted and detained persons in correctional facilities of Kosovo.

Drawing on data on the condition and composition of convicted and detained persons in correctional institutions of Kosovo, mainly of the Kosovo Correctional Service, the following a presentation and analysis of some data concerning the number of convicted persons and detainees in correctional facilities, their age and gender, type of criminal offenses, the type and duration of punishment and educational measures, etc., according to the status of December 2010.

4.1. The number of convicted and detained persons.

Based on the monthly statistics of the Kosovo Correctional Service on the status and structure of convicted and detained persons in correctional institutions of Kosovo, per status of December 2010, there was the following information of numbers can be ascertained:

Table no. 1.

Correctional facilities	No. of convicted persons	%	No. of detained persons	%
Dubrava Prison	666	78,90	79	16,15
CC Lipjan	58	06,87	30	06,13
CC Smrekovnica	49	05,80	0	0
DC Prishtina	2	00,23	60	12,26
DC Prizren	16	01,18	72	14,72
DC Gjilan	15	01,77	53	10,83
DC Mitrovica	17	02,01	6	01,22
DC Peja	7	00,82	61	12,47
DC Lipjan	14	01,65	128	21,58
Total:	844	100,00	489	100,00

From this overview it can be observed that according to statistics of December 2010, a total of 1333 persons were convicted and detained in correctional facilities of Kosovo. Of this total number, 844 or 63.31% of them were convicted persons, while 489 or 36.68% were detainees. Number of convicted persons and detainees by correctional facilities varies and depends on the capacity of the relevant institution.

The largest number of prisoners was in Dubrava Prison (666 or 78.90%), while a smaller number of the convicted persons were in DC Prishtina with 2 or 00.23%, DC Peja with 7 or 00.82%, etc., in relation to the total number of convicted persons. However, the majority of detainees were in DC Lipjan with 128 or 21.58%, while the smaller number of them was in DC Mitrovica with only 6 of them or 01.22% compared to the total number of detained persons. It should be noted that there have been no detainees in CC Smrekonicë since this correctional institution was started in 2010.

As it can be seen from these data, the number of persons detained in correctional institutions of Kosovo is relatively high and presents a great burden for the Kosovo Correctional Service. The increase of this number has been affected by several factors, in particular the long duration of the phase of conduct of criminal proceedings due to the small number of judges and the inefficiency of the courts.

4.2. Age of Convicted and Detained Persons.

Age is considered one of the basic criteria of classification and grouping of persons sentenced to correctional institutions of modern society. Proper application of this criterion in penitentiary practice certainly creates ample opportunity for the application of appropriate tools and methods of treatment of convicted persons serving a sentence of imprisonment. In Kosovo correctional facilities the age of convicted persons and detainees is relatively young. According to the statistics of December 2010, the age of the convicted persons and detainees in correctional institutions of Kosovo had the following structure ⁽²⁸⁾:

Table no. 2.

U	o	h	h	d	Z	d	Age-groups of convicted persons
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⁽²⁸⁾ According to monthly statistics of the convicted and detained persons in correctional institutions of Kosovo, December 2010.

		up to 18 years	%	19 - 25 years	%	26 – 45 years	%	46 – 60 years	%	over 60 years	%
Dubrava	666	0	0	86	12,91	448	67,26	98	14,71	34	05,10
CC Lipjan	58	9	15,51	25	43,10	21	36,20	3	05,17	0	0
CC Smrekovnica	49	0	0	9	18,36	33	67,34	7	14,28	0	0
DC Prishtina	2	0	0	0	0	2	100,0	0	0	0	0
DC Prizren	16	0	0	2	12,50	12	75,00	2	12,50	0	0
DC Gjilan	15	0	0	4	25,00	8	53,33	2	13,33	1	06,66
DC Mitrovica	17	0	0	2	11,76	13	76,47	2	11,76	0	0
DC Peja	7	0	0	1	14,28	6	85,71	0	0	0	0
DC Lipjan	14	0	0	3	21,42	8	57,14	3	21,42	0	0
Total:	844	9	01,06	132	15,63	551	65,28	117	13,86	35	04,14

From this presentation of data related to the age of the convicted persons, it appears that a higher turnout is in the 26-45 year age group. If we also add to this age group the 19-25 year age group, which also marked a high turnout, we can conclude that the age group of 19-45 years comprises 80.92% of the total number of convicted persons. A lower number appears for those over 60 years of age with only 04.148% of the total number of convicted persons being in those groups. It can be seen that younger age groups of prisoners were placed in CC Lipjan, which is understandable since in this correctional institution are well established juveniles, who are on remand of the educational measure of sending juvenile offenders to an educational-correctional institution and juvenile imprisonment.

Meanwhile, age of persons detained by the Kosovo correctional facilities has the structure as in the following overview ⁽²⁹⁾:

Table no. 3.

U	O	T	R	E	Z	Age-groups of detained persons
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⁽²⁹⁾ *Ibid.*

		Up to 18 years	%	19 - 25 years	%	26 – 45 years	%	46 – 60 years	%	Over 60 years	%
Dubrava	79	0	0	23	29,11	49	62,02	5	06,32	2	02,53
CC Lipjan	30	5	16,66	12	40,00	7	23,33	5	16,66	1	03,33
CC Smrekovnica	0	0	0	0	0	0	0	0	0	0	0
DC Prishtina	60	0	0	16	26,66	35	58,33	9	15,00	0	0
DC Prizren	72	0	0	28	38,88	37	51,38	7	09,72	0	0
DC Gjilan	53	0	0	18	33,96	31	58,49	3	05,66	1	10,88
DC Mitrovica	6	0	0	0	0	5	83,33	0	0	1	16,66
DC Peja	61	0	0	16	26,22	37	60,65	7	11,47	1	01,63
DC Lipjan	128	0	0	43	33,59	66	51,56	15	11,71	4	03,12
Total:	489	5	01,02	156	31,90	267	54,60	51	10,42	10	02,04

From these data presented above it is apparent that the young age of detainees is dominant. Similarly regarding convicted persons, the highest recorded participation of detainees are age groups 26-45 years and 18-25 years, which taken together comprise 86.50% of the total number of age-groups detained. Meanwhile, the lowest turnout recorded shows those over 60 years of age with only 02.04% of the total number. According to correctional institutions, similar to those convicted, the detained persons in the youngest age group were placed in the Correctional Centre and Detention Centre in Lipjan.

It can be said that such a high participation of age groups of 26-45 years and 19-25 years in the total number of convicted persons and detainees placed in correctional facilities of Kosovo has been affected by numerous factors and circumstances of an objective and subjective nature. First of all, it is worth mentioning that these age groups are the most active part of the population of every society, thus also to the Kosovo society, and therefore are in a more vulnerable position to deal with numerous problems and various economic, political, social, family issues etc., and therefore are likely to get into various conflicts and to appear as perpetrators of criminal acts. Also, the high turnout in these age groups in the total number of convicted persons and detainees has also been impacted by the subjective or individual factors which relate to the character and quality of physical, biological, psychological nature etc., of this age category.

4.3. Gender of convicted and detained persons.

Gender of convicted persons and detainees is one of the fundamental objectives of the criteria of their classification and division in correctional facilities. From the data on the status and structure of the convicted persons and detainees in Kosovo, it appears that most of them are male. According to records of December 2010, the number of convicted persons and detainees by gender is as follows ⁽³⁰⁾:

Table no. 4.

Gender of convicted and detained persons									
Convicted persons					Detained persons				
Total	Male		Female		Total	male		female	
844	828	98,10%	16	01,90	489	470	96,11%	19	03,89%

As it can be seen from this table overview, more men are incarcerated than women. Accordingly, the convicted women have been accounted for 01.90% of the total number of convicted and detainees with only 03.89% females in the total number of detainees. Women sentenced and detained, as we noted earlier, are located in Correctional Centre Lipjan, which is the only correctional institution in Kosovo which serves for this purpose. A very low participation of women in the total number of convicted persons and detainees has been influenced by many factors and objective and subjective circumstances. Here we should mention the fact that women compared with men are less engaged in social, economic, political and cultural life. Thus are less exposed to attacks from outside. As a result they very rarely come to situations for committing criminal offenses. Also, we should mention certain circumstances related to women in Kosovo, in particular, their unequal position with men, the influence of tradition and customary law, etc. In this regard, there should not be left out several factors and circumstances of anatomic-physical, biological, psychological nature etc., that are related to female gender.

4.4. Convicted and Detained persons according to criminal offenses.

Based on the statistics of the Kosovo Correctional Service for December 2010, which refer to types of criminal offenses, it appears that most of the prisoners were

⁽³⁰⁾ *Ibid.*

serving a sentence for serious criminal offenses. Thus, according to status of December 2010, the number of persons convicted of criminal offenses by type was as follows ⁽³¹⁾:

Table no. 5.

Correctional institutions	No. of convicted persons	Persons convicted by criminal offences							
		Robbery %	Theft %	Murder %	Bodily Harm %	Rape %	Minor offence %	Narcotic offences %	Other %
Dubrava Prison	666	54 (08,10)	136 (20,42)	256 (38,43)	14 (02,10)	26 (03,90)	0 (0)	48 (07,20)	132 (19,81)
CC Lipjan	58	6 (10,34)	10 (17,24)	20 (34,48)	7 (12,06)	2 (03,44)	4 (06,59)	1 (01,72)	8 (13,79)
CC Smrekovnica	49	0 (0)	15 (30,61)	4 (08,16)	4 (08,16)	5 (10,20)	1 (02,04)	1 (02,04)	19 (38,77)
DC Prishtina	2	1 (50,00)	0	0 (0)	0 (0)	0 (0)	1 (50,00)	0 (0)	0 (0)
DC Prizren	16	1 (06,25)	1 (06,25)	8 (50,00)	0 (0)	0 (0)	0 (0)	1 (06,25)	5 (31,25)
DC Gjilan	15	1 (06,66)	4 (26,66)	4 (26,66)	0 (0)	0 (0)	1 (06,66)	1 (06,66)	4 (26,66)
DC Mitrovica	17	3 (17,64)	2 (11,76)	7 (41,17)	0 (0)	0 (0)	0 (0)	1 (05,88)	4 (23,52)
DC Peja	7	0 (0)	3 (42,85)	1 (14,28)	0 (0)	0 (0)	0 (0)	0 (0)	3 (42,85)
DC Lipjan	14	0 (0)	2 (14,28)	5 (35,71)	0 (0)	0 (0)	0 (0)	0 (0)	7 (50,00)
Total:	844	66 (07,81)	173 (20,49)	305 (36,13)	25 (02,96)	33 (03,90)	7 (00,82)	53 (06,27)	182 (21,56)

By presenting the data in table no. 5 that refer to the structure of the convicted for criminal offenses, it appears that most of the prisoners in correctional institutions in Kosovo, as per status of December 2010, were for criminal offenses of murder (this includes attempted murder) and robbery. Murder and attempted murder comprise

³¹ *Ibid.*

36.13%, after which 20.49% come with theft and so forth, in the total number of criminal offenses. However, most of the convicted persons for these two types of criminal offenses were located in the Dubrava Prison. Obviously, such a high turnout of criminal offenses of murder in the total number of crimes is a concerning circumstance for the Kosovo situation, since we are dealing with serious crime, directed against the most valuable thing to society and the individual, the human life. This situation necessarily raises the problem of recognizing and addressing the causes and conditions that have affected the presence of this crime and the analysis of punitive policy of the authorities that deal with detection, prosecution and trial of perpetrators of this criminal act.

If we look at the criminal offenses of the detainees in correctional institutions in Kosovo, we can see the following structure ⁽³²⁾:

Table no. 6.

Correctional institutions	No. of detained persons	Persons detained by criminal offences							
		Robbery %	Theft %	Murder %	Bodily Harm %	Rape %	Minor offence %	Narcotic offences %	Other %
Dubrava Prison	79	19 (24,05)	7 (08,86)	24 (30,37)	0 (0)	5 (06,32)	0 (0)	6 (07,59)	18 (22,78)
CC Lipjan	30	3 (10,00)	0 (0)	13 (43,33)	6 (20,00)	(0)	(0)	2 (06,66)	6 (20,00)
CC Smrekovnica	0	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
DC Prishtina	60	14 (23,33)	5 (08,33)	12 (20,00)	4 (06,66)	1 (01,66)	0 (0)	8 (13,33)	16 (26,66)
DC Prizren	72	15 (20,83)	5 (06,94)	28 (38,88)	3 (04,16)	1 (01,38)	0 (0)	2 (02,77)	18 (25,00)
DC Gjilan	53	0 (0)	12 (22,64)	17 (32,07)	0 (0)	2 (03,77)	0 (0)	9 (16,98)	13 (24,52)
DC Mitrovica	6	0 (0)	1 (16,66)	0 (0)	0 (0)	1 (16,66)	0 (0)	1 (16,66)	3 (50,00)
DC	61	0	3	18	2	0	0	2	36

⁽³²⁾ According to monthly statistics of the convicted and detained persons in correctional institutions of Kosovo, December 2010.

Peja		(0)	(04,91)	(29,50)	(03,27)	(0)	(0)	(03,27)	(59,01)
DC	128	0	25	41	12	3	0	14	33
Lipjan		(0)	(19,53)	(32,03)	(09,37)	(02,34)	(0)	(10,93)	(25,78)
Total:	489	51	58	153	27	13	0	44	143
		(10,42)	(11,86)	(31,28)	(05,52)	(02,65)	(0)	(08,99)	(29,24)

From these data we can observe that the largest numbers of detainees are held for the crime of murder and theft; unlike those who have been convicted, they also have a high rate of offences such as robbery and offences dealing with the production, processing and trafficking of illegal narcotics and psychotropic substances.

4. 5. Type of penal sanction and duration of punishment of imprisonment and long-term imprisonment.

In Kosovo correctional institutions, those convicted persons are mainly sentenced by punishment of imprisonment and long-term imprisonment. Also, a very small part of them are serving educational-correctional measure: sending to educational-correctional institution for juvenile, and with minor offences and security measures ⁽³³⁾. As of December 2010, the educational-correctional measure of sending juvenile offenders to an educational-correctional numberd 17 persons or 02.01%, with minor offence sentences 19 persons or 02.25%, and with the security measures only 1 person or 00.11% compared to the total number of convicted persons. Juveniles with educational-correctional measure and sentenced to minor offences, as we noted earlier, were placed in the Correctional Centre in Lipjan, while people with the security measure were sent to Dubrava Prison. Minor offence sentences were mainly of a short term, from 5 to 30 days.

Below are presented the duration of punishment of imprisonment and long-term imprisonment, including minor offence sentence and security measure, which are executed in correctional institutions of Kosovo. As of December 2010, the term of these sentences was as follows ⁽³⁴⁾:

Table no. 7.

⁽³³⁾ With entry into force of Criminal Code of Kosovo (6 April 2004), there is no longer the term “security measures”. Instead of that, with this code has been provided for a broad record of accessory punishments and mandatory treatment measures.

⁽³⁴⁾ According to monthly statistics of the convicted and detained persons in correctional institutions of Kosovo, December 2010.

Correctional Institutions	No. of convicted persons	Duration of punishment of imprisonment and long-term imprisonment						
		Up to 6 months %	6 months – 1 years %	1 - 2 years %	2 - 5 years %	5 - 15 years %	15 - 40 years %	security measure %
Dubrava Prison	666	67 (10,06)	41 (06,15)	70 (10,51)	118 (17,71)	267 (40,09)	102 (15,31)	1 (00,15)
CC Lipjan	58	10 (17,24)	10 (17,24)	6 (10,34)	15 (25,86)	12 (20,68)	5 (08,62)	0 (0)
CC Smrekovnica	49	13 (26,53)	7 (14,28)	7 (14,28)	14 (28,57)	8 (16,32)	0 (0)	0 (0)
DC Prishtina	2	0 (0)	0 (0)	0 (0)	0 (0)	2 (100,00)	0 (0)	0 (0)
DC Prizren	16	1 (06,25)	1 (06,25)	4 (25,00)	2 (12,50)	5 (31,25)	3 (18,75)	0 (0)
DC Gjilan	15	7 (46,66)	2 (13,33)	2 (13,33)	2 (13,33)	2 (13,33)	0 (0)	0 (0)
DC Mitrovica	17	0 (0)	3 (17,64)	1 (05,88)	3 (17,64)	7 (41,17)	3 (17,64)	0 (0)
DC Peja	7	2 (28,57)	0 (0)	1 (14,28)	1 (14,28)	0 (0)	3 (42,85)	0 (0)
DC Lipjan	14	0 (0)	1 (07,14)	2 (14,28)	5 (35,71)	6 (42,85)	0 (0)	0 (0)
Total:	844	100 (11,84)	65 (07,70)	93 (11,01)	160 (18,95)	309 (36,61)	116 (13,74)	1 (00,11)

From the data presented in this overview table can be seen that the majority of convicted persons in correctional institutions of Kosovo are of long-term duration. Precisely, the majority of convicted persons had the term of 5-15 years and 15-40 years of punishment of imprisonment and long term imprisonment. These two punishments of imprisonment terms make up 50.35% of the overall proportion. Meanwhile, seen by correctional institutions, the long-term imprisonment sentenced persons had a higher turnout recorded in Dubrava Prison, which is understandable since this is one of the correctional institutions among Kosovo prisons with the highest security level.

5. Conclusion.

By presenting and analyzing the current performance of legal penitentiary acts and statistical data, we can come to some valid conclusions regarding the organization and functioning of the Kosovo Correctional Service and the position of persons convicted and detained in respective correctional institutions. First of all, it should be noted that the Kosovo Correctional Service, as a new service, which was established after the Kosovo war and the establishment of the United Nations Interim Administration Mission (UNMIK), on its path of development has made great progress towards its consolidation and creation of conditions for the rehabilitation of convicted persons and crime prevention in general. But despite the positive results listed in the job and the organization of this service, this body still faces some specific difficulties which are obstructing and hindering the successful accomplishment of its mission. Therefore, to achieve a successful mission of this service, we think that in the future, Kosovo authorities should work more towards its further consolidation and fulfilment of international standards related to the operation and implementation of its rehabilitation mission.

First of all, it should work more in the continuous extraction of sub-legal acts and other provisions dealing with further organization and operation of this service. Also, there has to be made a classification and categorization of correctional institutions according to the level of security and other criteria, in accordance with the laws and internationally recognized standards, and there should be established an open type correctional institution, since such an institution is more than necessary for Kosovo penitentiary practice. Permanent efforts must be made to further improve the conditions for normal functioning of correctional institutions and the implementation of advancement of the rights of convicted persons, in particular the right to work. It should also work more in the field of penitentiary personnel training and increase the efficiency of their work and the work quality of services in correctional institutions. At the same time, there must be improved safety in correctional facilities and be equipped with modern technical means of security such as surveillance cameras, trained dogs, signalling devices, radio-touch, alarm devices, fire protection systems etc.

From the data presented on the state and structure of convicted and detained persons by the Correctional institutions of Kosovo, we can conclude that even in this area there is not enough implementation of legal provisions and international standards that refer to observation, study and particularly the criteria of classification of convicted persons and detainees. Therefore, we consider that in the future there should be further work in the field of observation, studying, classification and grouping of convicted persons and detainees according to objective criteria (age, gender, type of criminal

offense, recidivism etc.) and subjective criteria that are already implemented in the developed countries of contemporary society. Similarly, rehabilitation programs should be designed to work with the convicted persons and to find means and modern methods of this work with the purpose of their rehabilitation and successful re-socialization.

And finally, since the process of rehabilitation of convicted persons does not conclude by the end of the punishment of imprisonment, we think that it is necessary to properly implement post-penal assistance programs to persons released from serving their sentences and to provide more extensive opportunities for their successful integration into society.

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