



Republika e Kosovës
Republika Kosovo-Republic of Kosovo
Kuvendi - Skupština - Assembly

Law No.03/L –191

ON EXECUTION OF PENAL SANCTIONS

Assembly of Republic of Kosovo,

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

Approves

LAW ON EXECUTION OF PENAL SANCTIONS

PART ONE
GENERAL PART

CHAPTER I
BASIC PROVISIONS

Article 1
Purpose of the Law

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

Article 2
Scope of Law

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

Article 3

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

Article 4

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

Article 5
Guiding Principles

1. Penal sanctions shall be executed in such a way as to assure humanity of treatment and respect for the dignity of each individual. The convicted person shall not be subject to torture or to inhuman or degrading treatment or punishment.
2. Penal sanctions shall be executed with absolute impartiality. There shall be no discrimination on any ground such as national or social origin, race, color, gender, language, economic and social status, political or other opinion and religious beliefs, affiliation to an ethnic religious or linguistic community in Kosovo, property, birth or other status.
3. 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.

4. The enforcement of penal sanctions and should, as far as possible, stimulate the participation of the convicted person in his or her own social reintegration and re-socialization, especially through the implementation of an individual plan and the cooperation of society in achieving such aims.

5. The aim of re-socializing and reintegrating the convicted person into the community shall also be pursued by urging and organizing the participation of public and private institutions or bodies, as well as of individuals, in the reintegration process.

Article 6
Commencement of execution of penal sanctions

1. The execution of a penal sanction shall commence when the decision by which the penal sanction is imposed becomes final and there is no legal impediment to the execution of the penal sanction.

2. The execution of a penal sanction may commence before the decision by which the penal sanction is imposed becomes final only exceptionally in the cases when it is expressly provided by law.

Article 7
Postponement and suspension of penal sanction

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

Article 8
Administrative fees for submissions

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

Article 9
Maintenance of records

In accordance with the provisions of the present Law, appropriate records shall be maintained on persons against whom penal sanctions and detention on remand are executed.

Article 10
Resources for the execution of penal sanctions

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

PART TWO
EXECUTION OF PRINCIPAL PUNISHMENTS

CHAPTER II
EXECUTION OF IMPRISONMENT, LONG TERM IMPRISONMENT AND FINES

Article 11
Transporting the convicted person to a correctional facility

1. Persons sentenced to imprisonment and long term imprisonment shall be transported to correctional facilities for the execution of imprisonment and long term imprisonment in accordance with a directive issued by Ministry of Justice
2. Exceptionally, on the request of the convicted person, the Ministry of Justice may for justifiable reasons change the place of execution of the sentence.

Article 12
Placement of the convicted persons in the correctional facilities

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

Article 13

Actions which precede sending convicted persons to correctional facilities

1. If a court that rendered the first-instance decision does not have jurisdiction to send the convicted person to serve a sentence of imprisonment or long term imprisonment, it shall send the final decision together with personal data on the convicted person collected during the criminal proceedings to the competent court within three days of the day on which the decision becomes final.
2. Within three days of receiving the decision, the competent court should initiate the process of sending the convicted person to serve the sentence of imprisonment or long term imprisonment.

Article 14

Jurisdiction to send convicted persons to serve sentences of imprisonment or long term imprisonment

1. The municipal court in the place in which the convicted person has current or permanent residence at the time when the decision imposing the sentence becomes final shall have jurisdiction to send the convicted person to serve a sentence of imprisonment or long term imprisonment
2. The same court shall maintain its jurisdiction if the current or permanent residence of the convicted person subsequently changes.

Article 15

When the current and the permanent residence of the convicted person are unknown, the municipal court that rendered the first instance decision shall have jurisdiction to send the convicted person to serve a sentence of imprisonment or long term imprisonment and if this decision was rendered by a district court, the municipal court at the seat of the district court shall have jurisdiction.

Article 16

1. The competent court shall order the convicted person in writing to report to the correctional facility to serve the sentence of imprisonment or long term imprisonment on a specific day.
2. The period of time between the receipt of the order and the day of reporting shall be no less than eight days and no more than fifteen days.

3. The competent court shall inform the correctional facility of the date on which the convicted person shall report and deliver the final decision along with personal information about the convicted person collected during the criminal proceedings.

Article 17

Commencement of service of imprisonment or long term imprisonment sentence

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

Article 18

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

Article 19

Transportation expenses

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

Article 20

Postponement of execution of sentences of imprisonment and long term imprisonment

1. The execution of a sentence of imprisonment or long-term imprisonment can be postponed upon the request of the convicted person:
 - 1.1. until the end of an illness, if the convicted person is suffering from a serious acute illness;

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

Article 21

Procedure for postponement of execution of sentence

1. A convicted person shall submit a request for a postponement of execution of a sentence within three days of receiving an order for serving the sentence.

2. If a serious acute illness of the convicted person or the death of his or her spouse, child, an adopted child, parent or adoptive parent occurs after the expiry of the three day period, the request may be submitted up to the day on which the convicted person is required to report to serve the sentence.

3. The request for a postponement of execution shall cite the reasons for the postponement, shall enclose evidence that supports the reasons and shall state the period of time for which the postponement is requested.

Article 22

1. The request for a postponement of execution of a sentence shall be submitted to the president of the competent municipal court.

2. If evidence is not enclosed with the request, the president of the municipal court shall order the convicted person to submit the evidence within eight days, and shall warn him or her that the failure to do so will result in the denial of the request.

Article 23

1. The president of the competent municipal court shall decide on the request for a postponement of execution of a sentence within three days of receipt of the request. Before rendering the ruling, the court may carry out necessary investigations in order to confirm the facts stated in the request.

2. The president of the competent municipal court shall dismiss a request for a postponement of execution of a sentence which is not submitted within the prescribed period of time, which is submitted by an unauthorized person, or for which the supporting evidence is not submitted within the prescribed period of time.

Article 24

1. A convicted person may file an appeal against a first instance ruling to the president of the competent district court within three days of receipt of the ruling.

2. The president of the district court shall decide on the appeal within three days of its receipt.

Article 25

1. The request for a postponement of execution postpones the execution of the sentence until the final ruling on the request.

2. The president of competent municipal court who, after the second submission of a request establishes that the right to request a postponement has been abused, shall decide that an appeal shall not postpone the execution of the decision.

Article 26

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

Article 27

Revocation and termination of the postponement of execution of a sentence

1. The president of the competent municipal court shall revoke the postponement of execution of a sentence if it is subsequently established that the reasons for granting the postponement did not exist or have ceased to exist, or that the convicted person has used the period of the postponement for a purpose other than that for which it was granted.

2. If the postponement has been granted to a pregnant woman whose child is not born alive, the postponement shall be terminated six months after the delivery, and if the child dies after the delivery the postponement shall be terminated six months after the death of the child.

3. If a postponement has been granted to a mother of a child younger than one year of age who dies, the postponement shall be terminated six months after the death of the child.

Article 28

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

2. The appeal postpones the execution of the ruling.

Article 29

Postponement of execution in regard to extraordinary legal remedies

1. The court that decides on a request for reopening criminal proceedings submitted in favour of a convicted person may postpone the execution of a sentence of imprisonment

or long term imprisonment, even before the entry into force of the ruling allowing the reopening of criminal proceedings.

2. The court that decides on a request for the extraordinary mitigation of punishment may postponement the execution of sentence, depending on the content of the request.

Article 30

1. A postponement of execution of a sentence shall always be granted on the request of the competent public prosecutor until a decision on the use of a legal remedy is rendered.

2. A decision on the postponement of execution of a sentence of imprisonment or long term imprisonment ceases to have effect if the public prosecutor does not use a legal remedy within thirty days of receipt of the decision on the postponement of execution.

Article 31

Receiving a convicted person at correctional facility

1. When a convicted person is admitted to a correctional facility, his or her identity and the grounds and authority for his or her imprisonment or long term imprisonment shall first be established and then he or she shall undergo a medical examination within 24 hours of arrival or on the first working day after arrival. The name of the convicted person, the grounds and authority for his or her imprisonment or long term imprisonment and the date and time of his or her arrival at the correctional facility shall be recorded in a register.

2. During admission to a correctional facility, the convicted person shall be informed in a language he or she understands and in writing of the rules on internal order of the correctional facility, the obligations to be fulfilled and the manner of exercising rights during the execution of the sentence, the disciplinary punishments that may be imposed on him or her and the benefits that may be acquired. An illiterate convicted person shall be given this information orally.

3. The procedures under paragraphs 1 and 2 of the present Article shall not, as far as possible, be carried out in the presence of other convicted persons. The convicted person shall be photographed.

4. The text of the present Law and the directive on the rules on internal order of the correctional facility shall be accessible to the convicted persons at all times during service of the sentence.

5. The internal rules of correctional facility shall be issued by Commissioner of the Kosovo Correctional Service.

Article 32

1. The correctional facility shall allow the convicted person to call family members immediately after admission. A foreign national shall be provided with a reasonable opportunity to contact a representative of the liaison office or diplomatic mission of his or her State of nationality in writing or by telephone.
2. If the convicted person has minor children or persons for whom he has the exclusive responsibility to care, the correctional facility shall inform the Guardianship Authority about this.

Article 33

Placement of convicted persons within a correctional facility

1. The placement of a convicted person in a particular correctional facility or in a particular unit of a correctional facility should take into account his or her age, the type of sentences, their weight of sentences and the fact that he/she was previously sentenced, his or her physical and mental health, any special treatment requirements, the location of the current or permanent residence of his or her family and security, as well as reasons pertaining to education or work that might be relevant for his or her social re-integration.
2. The placement of a convicted person should also take into account the possibility of carrying out common rehabilitation programmes as well as the need to avoid negative influences.
3. Male and female convicted persons shall be accommodated separately. Pregnant women, childbearing women and mothers who are caring for their children shall be accommodated separately from other sentenced women.
4. Adults shall not be accommodated in the same correctional institution or in one part of the correctional institution where the minors are.
5. Convicted persons shall not be accommodated in the same part of the facility as persons detained on remand.
6. All efforts should be made to separate persons sentenced for the first time and persons who have previously served a prison sentence.
7. The Ministry of Justice shall issue a directive on the accommodation of convicted persons of specific ages, health categories or security risk categories.

Article 34
Separation from convicted persons

1. Upon the request of a convicted person, the director of the correctional facility may permit the convicted person to be separated from other convicted persons in a special unit of the correctional facility if the director determines that the concerns underlying the convicted person's request are reasonable and there are no other alternatives for addressing his or her concerns.
2. The director of the correctional facility may order a convicted person to be separated from other convicted persons, without the request of the convicted person for such separation, only if such measure is necessary:
 - 2.1. to avert danger to the life or health of the convicted person or other persons;
 - 2.2. to avert a threat to the security of the correctional facility posed by the continued presence of the convicted person and in the general prison population;
or
 - 2.3. to ensure the integrity of an investigation of a disciplinary matter.
3. A decision under paragraphs 1 and 2 of the present article shall be made after an investigation of all relevant circumstances. Separation may not be ordered for a period exceeding thirty days. Such decision shall be reviewed as often as there is a reason to do so and, in any case, once every ten days.
4. Where separation has been ordered to prevent the convicted person from influencing another convicted person to seriously disturb order within the correctional facility or to prevent the commission of continued criminal activity in the correctional facility, the convicted person may be placed in a special unit of the correctional facility if the separation is expected to be of a long duration.
5. The director of the correctional facility may order a convicted person who behaves violently to be separated from other convicted persons, without the request of the convicted person for such separation, for as long as is necessary to restrain the violent behavior of the convicted person.
6. A convicted person separated from other convicted persons shall be accorded the same rights, privileges and conditions as those enjoyed by the general prison population except for those privileges that can only be enjoyed in association with other prisoners or cannot be reasonably provided owing to the limitations specific to the unit of the correctional facility where the separated convicted person is placed.
7. The qualified medical personnel shall examine the convicted person at least once a day and as necessary.

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

Article 35 Searches

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

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

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

3.1. in prescribed circumstances, set out in a directive, limited to situations in which the convicted person has been in a place where there was a likelihood of access to an unauthorized item that is capable of being hidden on or in the body;
or

3.2. when the convicted person is entering or leaving the area for separated convicted persons.

4. If a correctional staff member has a reasonable suspicion that a convicted person is in possession of an unauthorized item and has satisfied the director of the correctional facility that a search by visual inspection of the convicted person's naked body is necessary to find the unauthorized item, such search may be conducted in accordance with the conditions set forth in a paragraph 6 of this article.

5. If a correctional staff member has a reasonable suspicion that a convicted person possesses an unauthorized item and that a search by visual inspection of the convicted person's naked body is necessary to find the unauthorized item, he or she may conduct such search in accordance with the conditions set forth in paragraph 6, without the prior approval of the director of the correctional facility, if the delay caused by seeking such approval would result in danger to human life or safety.

6. A search by visual inspection of the convicted person's naked body:
 - 6.1. shall be conducted by two correctional staff of the same gender as the convicted person and in a private area out of sight of other persons;
 - 6.2. shall never be conducted in the presence of persons of different gender from the convicted person; and
 - 6.3. shall not involve the undressing of the upper and lower parts of the body of the convicted person at the same time.
7. If a correctional staff member has a grounded suspicion that a convicted person possess of an unauthorized item hidden in his or her body cavities, he or she shall inform the director of the correctional facility. If the director of the correctional facility is satisfied that there is a grounded suspicion that the convicted person is in possession of an unauthorized item hidden in his or her body cavities and that a physical examination of his or her body cavities is necessary to find the unauthorized item, the director may issue a written authorization for such physical examination with the consent of the convicted person. Such physical examination shall be conducted only by a medical officer of the same gender as the convicted person, in a private area.
8. Any unauthorized item discovered as a result of a search or physical examination of body cavities may be confiscated.
9. A search of the cell of a convicted person shall be conducted with respect for his or her personal property.

Article 36 Accommodation of convicted persons

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

Article 37

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

Article 38

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

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

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

4. Standards for hygiene-sanitary conditions shall be regulated through sub-legal act.

Article 39

Nutrition of convicted persons

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

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

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

4. The quantity and quality of food provided to convicted persons shall be determined by relevant tables approved by Ministry of Justice.

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

Article 40

1. A convicted person must have drinking water continuously available.
2. The medical suitability of food and water, the application of dietary scales and the preparation of meals shall be regularly monitored by the medical service in each correctional facility.

Article 41 Clothing of convicted persons

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

Article 42

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

Article 43 Health care of convicted persons

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

Article 44

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

Article 45

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

Article 46

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

Article 47

1. A medical officer shall see and examine every convicted person after admission and thereafter, as necessary, in order to identify possible physical or mental diseases and to take all measures necessary for medical treatment.
2. Health care is provided during imprisonment or long term imprisonment by periodic and frequent examinations, regardless of whether a request is made by the convicted person.
3. A medical officer shall visit daily all sick persons, persons who report illness or injury and persons to whom attention is specially directed. The medical officer shall report immediately the presence of illness requiring particular investigation and specialist care.

4. When a convicted person exhibits behavior indicating that he or she may attempt to harm him or herself or to commit suicide, staff shall take all the necessary measures to prevent self-injury or suicide. If a convicted person attempts to harm him or herself or to commit suicide, a multidisciplinary team shall initiate the action necessary to assist him or her to address whatever is causing him or her to be inclined to attempt such action.

5. A convicted person suspected or diagnosed as suffering from an infectious or contagious disease shall be immediately treated. When a mental disorder or an emotional disturbance is suspected, appropriate measures shall be taken without delay, in accordance with the applicable law and rules concerning psychiatric assistance and mental health.

Article 48

1. A medical procedure, a psychiatric or psychological assessment or treatment a procedure may only be applied to a convicted person with his or her consent.

2. The convicted person may refuse to consent to any procedure.

3. In the event that a convicted person refuses to consent to a procedure, he or she shall normally be asked to sign a statement to the effect that he or she has refused the procedure.

4. The use of restraint equipment to prevent injury to others or to property is not considered a procedure and consent is not required.

Article 49

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

Article 50

1. A medical officer shall report to the director of the correctional facility whenever he or she considers that the physical or mental health of a convicted person has been or will be adversely affected by continued imprisonment or in long term imprisonment by any condition of imprisonment or long term imprisonment .

2. The medical officer, in cooperation with the competent health authority, shall conduct regular inspections of the correctional facility and advise the director of the correctional facility on:

2.1. the quantity, quality, preparation and serving of food and water;

- 2.2. the hygiene and cleanliness of the correctional facility and the convicted persons;
 - 2.3. the hydro sanitarian installations, heating, lighting and ventilation of the correctional facility; and
 - 2.4. the suitability and cleanliness of the convicted person's clothing and bedding.
3. The issues envisaged in this Article shall be regulated through provision in secondary legislation.

Article 51

If a convicted person is in danger of suffering serious health problems or death, arrangements shall be made to provide him or her with the best treatment available.

Article 52

1. A decision to refuse food or medical treatment made by a convicted person who has been determined to have the capacity to make an informed and rational judgment shall be respected.
2. When a convicted person is determined to not have the capacity to make an informed and rational judgment about the administering of food or medical treatment, a medical officer decide the appropriate treatment which he or she considers to be in the best interest of the convicted person.
3. The determination of whether a convicted person has the capacity to make and informed and rational judgment shall be made by a medical officer. Such determination shall be confirmed by a second medical officer where:
 - 3.1. the convicted person decides to refuse food or medical treatment; or
 - 3.2. the convicted person is determined not to have the capacity to make an informed and rational judgment about the administering of food or medical treatment.

Article 53

The Ministry of Justice shall establish Standard Operating Procedures on the provision of health care, consent to health care assessment and treatment, hunger strikes and prevention of suicide and self-inflicted injuries.

Article 54

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

Article 55

1. A convicted woman who has a child may keep the child until he or she is eighteen months old, and, thereafter, the parents of the child shall agree whether the custody of the child shall be entrusted to the father, other relatives or other persons.
2. If the parents do not agree on the custody of the child or if their agreement is harmful to the child, the court that is competent according to the permanent or current residence of the mother at the time she was sentenced shall decide to whom the child shall be entrusted.
3. When rendering a decision under paragraph 2, the court shall give primary consideration to the best interests of the child, including the child's safety and security as well as his or her physical and emotional well being.
4. When a child remains in a correctional facility with his or her mother, special provision shall be made for a nursery staffed by qualified persons, where the child shall be placed when he or she is not in the care of his or her mother
5. The Ministry of Justice shall issue a directive on the provision of care to mothers and children in a correctional facility.

Article 56

Rights of convicted persons

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

carried out at the beginning of the execution of the sentence and continued throughout the sentence.

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

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

Article 57

1. On the basis of the recommendations of the professional staff of the correctional facility, the director of the correctional facility shall develop a rehabilitation program.

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

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

2.2. participation in educational activities;

2.3. participation in vocational training activities;

2.4. participation in cultural, formative and sport activities;

2.5. work and improvement in professional skills;

2.6. family links and contacts with the outside world;

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

2.8. measures aiming at preparation for the final release.

Article 58

1. A correctional facility shall organize activities of a rehabilitation program in accordance with the directives issued by the competent public entity in the field of judicial affairs and the rules on internal order of the correctional facility.

2. The rules on internal order of the correctional facility shall be approved by the Commissioner of the Kosovo Correctional Service.

Article 59

1. The aim of reintegrating convicted persons into the community shall also be pursued by means of urging and organizing the participation of public and private institutions or bodies, as well as of individuals, in rehabilitation activities.
2. Persons who are interested and demonstrate ability to promote contacts between convicted persons in correctional facilities and the outside community shall be permitted to visit correctional facilities under the supervision of the director on the authorization of the Ministry of justice.

Article 60 Submissions

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

Article 61 Correspondence

1. A convicted person has an unrestricted right to correspondence.
2. A convicted person has the right to privacy of letters and other means of communication.
3. A letter or another postal item may only be opened if there is a reasonable suspicion that it contains an unauthorized object.
4. The convicted person shall be given an opportunity to be present when a letter or another other postal item addressed to or from him or her is opened pursuant to paragraph 3. of the present Article. If he or she is not present, he or she shall be informed immediately. When a letter or another postal item is opened pursuant to paragraph 3. of the present Article, the contents shall only be examined to the extent necessary to determine whether the letter or postal item contains an unauthorized item.

5. The director of a correctional facility may issue a written ruling authorizing that a letter or another postal item be opened and read, if there is a reasonable suspicion that it contains evidence of:

5.1. an act that would endanger the security of the correctional facility or any person;
or

5.2. a criminal offence or a plan to commit a criminal offence; and

5.3. opening and reading the letter or postal item is the least intrusive measure available in the circumstances.

6. Where a letter or postal item is opened and read pursuant to paragraph 5. of the present Article, the director of the correctional facility shall promptly inform the convicted person in writing of the reasons for such action and shall give the convicted person an opportunity to make representations with respect thereto, unless the information would adversely affect an ongoing investigation, in which case the convicted person shall be informed of the reasons therefore and given an opportunity to make representations with respect thereto on completion of the investigation.

7. A letter or postal item which has been opened and read pursuant to paragraph 5 of the present Article may be withheld if otherwise the security of the correctional facility or any person would be endangered. In such case the convicted person shall be informed immediately and, in the case of an incoming letter or postal item which is withheld, he or she shall be informed, to the extent appropriate, of its contents. A letter which has been withheld shall be handed over to the convicted person as soon as the grounds for withholding it cease to exist and at the latest at the end of his or her term of imprisonment or long term imprisonment, unless exceptionally a panel of three judges of the competent municipal court orders otherwise.

8. Letters and other postal items from convicted persons to the Office of the Ombudsperson of Kosovo may not be examined in any circumstances.

Article 62

1. A convicted person may correspond with his or her defense counsel without restriction and supervision of the content of the correspondence.

2. Exceptionally, a panel of three judges of the competent municipal court may issue a ruling upon the request of the director of the correctional facility that:

2.1. correspondence of a convicted person with his or her defense counsel may be opened if the conditions set forth in Article 61, paragraph 3 are met. In such case, paragraph 4 of Article 61 shall apply.

2.2. the director of the correctional facility may open and read correspondence of a convicted person with his or her defense counsel if the conditions set forth in Article 61, paragraph 5 are met. In such case, paragraph 6 of Article 61 shall apply.

3. The ruling of the panel of three judges shall be issued within 48 hours of the receipt of the request of the director of the correctional facility.

Article 63

1. A convicted person has the right to place telephone calls.
2. The Commissioner of the Kosovo Correctional Service shall issue a directive on the convicted person's right to give and receive telephone calls.

Article 64 **Legal assistance**

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

Article 65 **Visits**

1. A convicted person shall have the right to receive a visit at least once each month for a minimum of one hour by his or her spouse, child, adopted child, parent, adoptive parent and other relatives by blood in a direct line or in a collateral line to the fourth degree.
2. Such visits shall take place in special premises within sight of the staff of the correctional facility.
3. The director of the correctional facility may allow a convicted person to receive visits from other persons.
4. Special rules shall apply to visits to convicted mothers by their children which shall take place on a more regular basis.
5. The president of the municipal or district court where the correctional facility is located or his or her delegate may visit and speak to convicted persons at any time at his or her request.

6. The Ministry of Justice shall issue a directive on the rules for the screening of visitors of convicted persons, security during visits, the procedures for specific categories of visitors and the conditions under which visits may be refused or suspended by the director of the correctional facility for security and safety reasons.

Article 66

1. A convicted person may be visited by his or her authorized representative who represents him or her in legal proceedings.

2. The convicted person has the right to communicate confidentially with his or her authorized representative orally. Communications between the convicted person and his or her authorized representative may be within sight but not within the hearing range of staff of the correctional facility.

Article 67

1. A foreign national has the right to be visited by the consular or diplomatic representative of the State of which he or she is a national or the State which protects his or her interests. A foreign national who is not under the protection of any State has the right to be visited by competent authorities and organizations in Kosovo and competent international organizations.

2. A consular or diplomatic representative of a foreign State and a representative of a competent international organization is obliged to notify the director of the correctional facility of the visit that he or she will conduct in accordance with international legal act executable in Kosovo.

Article 68

The competent public entity in the field of judicial affairs shall issue a directive to regulate the time, duration and nature of visits of convicted persons.

Article 69

Spending time in special premises

1. A convicted person has the right to spend time with his or her spouse and children at least once every three months for minimum of three hours.

2. The manner of the implementation of this right of the convicted person shall be regulated in more detail in directives of the Ministry of Justice.

Article 70
Receiving parcels

1. The convicted person has the right to receive parcels containing items for personal use food groceries, drinks and sanitary-hygienic items at least once a month.
2. Parcels shall be inspected in the presence of the convicted person before delivery to him or her.
3. The weight and permissible content of the parcels shall be regulated by a directive of the competent public entity in the field of judicial affairs.

Article 71
Personal property

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

Article 72
Money

1. A convicted person may not carry money while serving a sentence of imprisonment or long term imprisonment unless this is authorized by the directive issued by Commissioner of the Kosovo Correctional Service and the rules on internal order of the correctional facility.
2. Any money that the prisoner has with him or her on being admitted to a correctional facility must be deposited in a savings account in his or her name, unless he or she decides otherwise.
3. The Minister of Justice shall issue a directive to regulate the procedures under the present article.

Article 73
Work

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

Article 74

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

Article 75

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

Article 76

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

Article 77

1. A convicted person shall work forty hours each week, but working hours may be longer under conditions established by law.
2. A convicted person who attends general or vocational education classes shall work proportionately fewer hours.

3. A convicted person may be ordered to work outside working hours for up to two hours each day on the maintenance of cleanliness and other routine duties in a correctional facility.

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

Article 78

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

Article 79

1. The convicted person may freely have at his or her disposal 70% of the remuneration for work and the remainder shall be placed in a savings account.

2. The director may approve the expenditure of remuneration from the savings account if the money is essential for the convicted person or his or her family.

Article 80

1. A convicted person has the right to benefits and safety and health precautions for his or her work in accordance with the general provisions on labor. Provision shall be made to indemnify prisoners against occupational injuries, including occupational disease, on terms not less favorable than those extended by law to workers outside the correctional facility.

2. A convicted person, who through no fault of his own, is temporarily not capable of work has the right to compensation in accordance with general provisions.

3. A correctional facility shall cover the most urgent needs of a convicted person who through no fault of his own cannot work and does not have resources of his or her own.

4. The Minister of Justice should issue a directive on the terms and conditions of work, including compensation in case of incapacity for work.

Article 81

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

Article 82

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

Article 83

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

Article 84

Vocational Training

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

Article 85

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

Article 86

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

Article 87 Education

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

Article 88

1. The director of the correctional facility shall allow special arrangements to enable the convicted person to receive primary, secondary, university and other education. The convicted person shall pay the expenses of such special arrangements.
2. Volunteers who wish to assist convicted persons with secondary and university education may be authorized to enter the correctional facility by the director of the correctional facility.

Article 89

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

Article 90

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

Article 91 Information

1. A convicted person has the right to have access to the daily and periodical press in his or her mother tongue and other sources of public information.
2. A convicted person has the right to have access to radio and television programs. The selection of programs shall take account of the preferences of convicted persons as well as their educational and recreational needs.
3. All correctional facilities shall be equipped with a library for the use of convicted persons. The library shall contain books (including basic texts on human rights and criminal laws), magazines and newspapers in the mother tongue of the convicted persons to provide a choice for the convicted persons.
4. Books, magazines and newspapers in the library shall be selected so as to improve the convicted persons' level of knowledge, to develop their ability to have a critical approach to daily events as well as to give them recreational opportunities.
5. A convicted person has the right to read books from the library of the correctional facility and books obtained by himself or herself. The Correctional Service can limit the access in literature that is endangering for security of correction facility environment or toward security of particular person, that encourages hatred or violence, contains pornographic materials or which are in any way necessary for the prevention of the turbulences or crime.

Article 92 Cultural, recreational and sport activities

1. Cultural, recreational and sport activities, as well as other activities aimed at the development of the convicted person's personality, shall be organized inside correctional facilities with the assistance of public and private entities interested in reintegrating convicted persons in the community.
2. The active participation of convicted persons in the organization of cultural, recreational and sport events shall be encouraged without prejudice to security and order.

Article 93
Right to practice religion

1. A convicted person has the right to take part in religious ceremonies and to read religious literature.
2. The right to be visited by a qualified representative of a religion cannot be restricted. The time of visits is determined by the directive on the rules on internal order of the correctional facility.
3. Upon the request of convicted persons, the director of a correctional facility may arrange for regular visits by a qualified representative of a religion to the correctional facility, if the number of convicted persons of the same religious faith justifies it.
4. The director of the correctional facility may temporarily exclude convicted persons from a religious ceremony, if such exclusion is necessary to maintain order and safety and the qualified representative of the religion will be notified of this.

Article 94

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

Article 95
Prison Leave

1. Prison leave may be granted as a privilege by the director of the correctional facility.
2. The rehabilitation programs of convicted persons shall provide for the possibility of prison leave on educational, occupational, family and other social grounds. As part of the rehabilitation program, prison leave shall be monitored by the prison social workers in cooperation with the social services of the local community.
3. Prison leave may be granted in the form of day leave or overnight stay for a maximum of fourteen days each year.
4. When deciding on whether to grant prison leave, the director of the correctional facility shall take into consideration the following factors:
 - 4.1. the criminal offence for which the convicted person is serving a sentence of imprisonment or long term imprisonment and any criminal offences which he or she has committed in the past;
 - 4.2. the convicted person's attitude to the criminal offence;

- 4.3. the behavior of the convicted person during imprisonment or long term imprisonment.
 - 4.4. the risk of failure to return and the possible danger to the community in the case of such failure;
 - 4.5. the family background and family contacts of the convicted person;
 - 4.6. security information that might indicate the convicted person or other persons is at risk.
5. A foreign national shall not be excluded from arrangements for prison leave solely on account of his or her nationality. Cooperation of public and private organizations willing to provide assistance shall be encouraged.
6. Denial of prison leave shall not be imposed as a disciplinary punishment.
7. If the director of the correctional facility decides to deny the prison leave, he shall provide the convicted person with the reasons for denial.
8. When a convicted person fails to comply with conditions imposed on the prison leave, the authorization for prison leave may be withdrawn. If the convicted person fails to return to the correctional facility on the expiry of his or her prison leave without a justifiable reason, he or she may be subject to a disciplinary punishment; where the absence is longer than 12 hours, the convicted person shall be considered to have escaped from the institution in which he or she is serving his or her punishment for the purposes of proceedings for issuing a wanted notice on the Criminal Procedure Code.

Article 96 **Compassionate leave**

1. In case of the serious illness, imminent danger of death or the death of a family member, a convicted person may be granted leave by the director of the correctional facility, in accordance with a directive of the competent public entity in the field of judicial affairs.
2. Leave may also be granted exceptionally for particularly serious personal or family events.
3. The director of the correctional facility may impose any conditions that he or she considers reasonable and necessary in order to protect society when granting leave pursuant to the present article, including ordering the convicted person to be escorted while on leave by a correctional staff member or other person authorized by the director.

Article 97
Complaints and petitions

1. A convicted person shall be provided with information about prisoners' rights and obligations and about the proceedings for submitting complaints and petitions.
2. A convicted person has the right to submit a complaint to the director of the correctional facility regarding a violation of his or her rights or other irregularities committed against him or her in the correctional facility.
3. The director of the correctional facility or a person authorized by him or her is obliged to investigate carefully the grounds for the complaint and to issue a ruling on it.
4. The director of the correctional facility or a person authorized by him or her is obliged to:
 - 4.1. Record all complaints and any measures taken to address them;
 - 4.2. Deal with complaints promptly and serve on the convicted person the ruling on the complaint;
 - 4.3. If the complaint concerns an alleged assault, ensure that the convicted person undergoes an immediate medical examination and receives prescribed treatment; and
 - 4.4. Report any criminal offence to the competent public prosecutor in accordance with the Criminal Procedure Code.
5. If the convicted person does not receive a reply to the complaint or is not satisfied by the ruling issued, he has the right to submit a written petition to the Commissioner of the Kosovo Correctional Service which shall review the complaint and serve a decision on the convicted person.
6. The convicted person has the right to make a complaint to the responsible official who supervises the work of the correctional facility without the presence of employees and appointed persons.
7. The content of a complaint and a petition is confidential.

Article 98
Privileges of a sentenced person

1. The director of a correctional facility after the motion of the team for planning on holding sentence may allocate to a convicted person who is behaving well and is working hard the following privileges:

- 1.1. an extended right to receive visits, including visits from a wider circle of persons;
- 1.2. receiving visits in the correctional institution within sight, but not within the hearing range of supervisors.
- 1.3. the extended right of spending certain time with the his/her spouse in a specific location;
- 1.4. receiving visits outside the correctional institution;
- 1.5. more comfortable accommodation;
- 1.6. leave outside correctional facility;
- 1.7. visits to the family and relations during weekends and holidays;
- 1.8. leave from the correctional facility for up to seven days each year;
- 1.9. extraordinary leave of seven days; and
- 1.10. the right to spend annual leave outside the correctional facility.

2. The conditions and manner of use of the privileges are determined by the rules on the internal order of the correctional institution.

Article 99
Transfer of convicted persons

1. A convicted person may be transferred from one correctional facility to another or from one unit of the correctional facility to another if this is necessary:

- 1.1. to implement his or her rehabilitation program or work program;
- 1.2. to encourage contacts between the convicted person and his or her family and community with a view towards facilitating his or her final social reintegration;
- 1.3. For reasons of safety and security of the convicted person; or

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

Article 100

Suspension of execution of sentence by a decision of Ministry of Justice

1. Upon the request of a convicted person or a member of his or her immediate family or on the motion of the Commissioner of the Kosovo Correctional Service, the Ministry of Justice may on reasonable grounds permit a suspension of the execution of a sentence of imprisonment or long term imprisonment, which may not last longer than three months. Exceptionally, for the purpose of medical treatment the suspension may last until the completion of the treatment.
2. Convicted person is obliged that through medical report signed each month from particular commission of 3 doctors to inform Correctional service regarding his health condition.
3. The decision regarding suspension shall be issued by Ministry of Justice based on proposal of the commission compiled by 3 doctors appointed by the Minister of Justice.

Article 101

1. The Ministry of Justice shall suspend the execution of a sentence of imprisonment or long term imprisonment when a convicted person has been sent to a correctional facility before a ruling on a request for a stay of the execution of the sentence enters into force and later it is established that the request was grounded.

2. In such a case the duration of the service of the sentence is not to be counted in the length of the suspension of the execution of the sentence.

Article 102

Suspension of execution of a sentence due to extraordinary legal remedies

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

Article 103

1. The suspension of the execution of a sentence is always allowed on the request of the competent state prosecutor until a decision is rendered on the exercising of a legal remedy.

2. The decision on the suspension of the execution of a sentence ceases to have effect if the public prosecutor does not use the legal remedy within thirty days from the date of receipt of the decision on suspension.

Article 104

Revocation of suspension of execution of sentences

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

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

Article 105

Effects of suspension of execution of sentences

1. The period of suspension of the execution of a sentence shall not be counted as part of the sentence to be served.

2. During the suspension of the execution of a sentence, the convicted person does not have the rights provided by the present Law.

3. In all other matters the provisions of the present Law regulating a stay of execution of a sentence shall be applied mutatis mutandis to the suspension of the execution of a sentence.

Article 106 **Death of convicted persons**

1. In the case of the death of a convicted person, the correctional facility shall immediately notify his or her spouse, children and adopted children and, if there are no such persons, his or her parents, adoptive parent, brother or sister or more distant relatives.

2. The sentencing court, the Minister of Justice and the Central Civil Registry shall be notified of the death of the convicted person.

Article 107

1. The physical remains of the convicted person and his or her personal effects shall be delivered to his or her family.

2. If the convicted person has no family or if his or her family does not accept his or her physical remains, the physical remains of the convicted person shall be buried at the expense of the correctional facility.

Article 108 **The disciplinary violations and punishments**

1. The purpose of the disciplinary procedures established by the present Law and directives of the Minister of Justice is to encourage convicted persons to conduct themselves in a manner that promotes the good order of the correctional facility, through a process that contributes to the rehabilitation of the convicted person and his or her successful reintegration into the community.

2. Disciplinary punishments shall only be imposed on convicted persons in accordance with the following provisions of the present Law.

3. A convicted person commits a minor disciplinary violation if he or she:

3.1. disobeys a reasonable order of a staff member;

- 3.2. is in an area prohibited to convicted persons without authorization;
 - 3.3. is disrespectful or abusive towards a staff member;
 - 3.4. is disrespectful or abusive towards any person in a manner that is likely to provoke that person to be violent;
 - 3.5. refuses to work or leaves work or does not attend work without a reasonable excuse;
 - 3.6. engages in gambling;
 - 3.7. willfully disobeys a written rule governing the conduct of convicted persons;
or
 - 3.8. attempts to do, or assists another person to do any action set forth in subparagraphs 1 to 7 of this paragraph.
4. A convicted person commits a serious disciplinary violation, if he or she:
- 4.1. fights with, assaults or threatens to assault another person;
 - 4.2. willfully or recklessly damages or destroys property that is not his or her own;
 - 4.3. commits theft;
 - 4.4. is in possession of stolen property;
 - 4.5. offers, gives or accepts a bribe or reward;
 - 4.6. is in possession of or deals in an unauthorized item;
 - 4.7. consumes without authorization a dangerous narcotic drug, a psychotropic substance or alcohol;
 - 4.8. Creates or participates in a disturbance or any other activity that is likely to jeopardize the safety and security of the correctional facility;
 - 4.9. performs any preparatory action for the purpose of escaping; or
 - 4.10. leaves the correctional facility or fails to return to the correctional facility without authorization.

Article 109
Disciplinary punishments

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

Article 110

1. A disciplinary punishment shall be proportionate to the disciplinary violation committed by the convicted person. A convicted person shall not be punished twice for the same act.
2. A reprimand may be imposed when a convicted person has committed a minor disciplinary violation.
3. A deprivation of an assigned privilege or an order to make restitution may be imposed when a convicted person has committed a minor or a serious disciplinary violation.
4. Solitary confinement for a period not exceeding fifteen days may be imposed only for a serious disciplinary violation if the other disciplinary punishments would not be sufficient to achieve the purpose of a disciplinary punishment. In such case, solitary confinement shall be imposed for the shortest period necessary to achieve the purpose of a disciplinary punishment.

Article 111

1. If a convicted person, by one or more acts, has committed several disciplinary violations for which unified disciplinary proceedings are conducted (concurrent disciplinary violations), the disciplinary punishment for each disciplinary violation shall be determined first and then an aggregate disciplinary punishment shall be imposed for all disciplinary violations.
2. In case of the imposition of a single disciplinary punishment for concurrent disciplinary violations, solitary confinement shall not exceed thirty days.

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

Article 112
Conditional stay of execution of disciplinary punishments

If the purpose of a disciplinary punishment other than a reprimand may be achieved even without the execution of the disciplinary punishment, the execution of the disciplinary punishment may be conditionally postponed for six months.

Article 113

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

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

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

Article 114
Disciplinary procedure

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

2. Disciplinary proceedings shall be conducted at a hearing at which the convicted person shall be heard and his or her statements shall be verified. A convicted person who does not have an adequate understanding of the language used in the disciplinary proceedings is entitled to the assistance of an interpreter. He or she shall be given a reasonable opportunity to summon witnesses, question witnesses, introduce evidence, examine exhibits and documents and make submissions, including submissions respecting the disciplinary punishment.

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

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

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

Article 115

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

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

Article 116

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

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

3. The Commissioner of the Kosovo Correctional Service shall decide on the appeal within three days of receiving it.

Article 117

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

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

Article 118
Execution of the disciplinary punishment of solitary confinement

1. The disciplinary punishment of solitary confinement consists of the continuous and isolated confinement of a convicted person in a special room.
2. The room for the execution of solitary confinement shall consist of at least ten cubic meters of space, a sanitary device, daily light, potable water, a bed with bed sheets, a table, a chair and heating.

Article 119

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

Article 120

The Minister of justice shall issue a directive on disciplinary punishments.

Article 121
Material responsibility of convicted persons

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

Article 122

1. If, after the ruling of the Commissioner of the Kosovo Correctional Service, the convicted person does not pay for damage of an amount less than 100 EUR, the correctional facility shall be compensated from the savings account of the convicted person.
2. A convicted person may, through civil litigation, request the return of the money taken from him or her to cover the damage.

Article 123

Conditions for use of force against convicted persons

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

Article 124
Restraint equipment

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

Article 125
Use of firearms

1. A firearm may only be issued to a correctional officer upon the approval of the competent public entity in the field of judicial affairs if the correctional officer is trained in its use.
2. A firearm may only be used as a last mean during the accomplishment of duty. A firearm may only be used where the security of the correctional facility or the safety of persons is threatened by one or more convicted persons.
3. The use of firearm shall be in proportion with the scale of risk.
4. Before the usage of the firearm, the correctional officer or other correctional official who carries an arm shall order the person to halt by warning him verbally that he shall fire his arm if that person does not halt.

5. Leaving out paragraph 4 of this article, the order and the warning may not happen if that shall endanger the life of the correctional officer or other persons.
6. Correctional officer and other staff who are in a contact with the prisoners shall not keep their arms charged within the perimeter of the prison, unless it is required differently for the security of the correctional institutions and persons.
7. Correctional service shall provide an appropriate place for safe storage of the firearms and the ammunition.
8. The Commissioner of the Kosovo Correctional Service shall be reported on the usage of the firearm in a written form.
9. The carriage and the usage of the firearm is more thoroughly regulated with a sub legal act drafted by the Ministry of Justice.

Article 126

Duty to inform about the application of force

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

Article 127

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

Article 128

Conditional Release

1. A convicted person is eligible for conditional release in accordance with the Criminal Code of Kosovo.
2. A convicted person has the right to submit a request for conditional release through the correctional facility in which he or she is serving his or her sentence to the panel for conditional release established pursuant to the Criminal Code of Kosovo.
3. After submission of appeal for conditional release, the Director of correctional facility shall request from Probation Service to conduct the visit of convinced person and to sign agreement on its supervision after conditional release.
4. The director of the correctional facility may submit a motion for conditional release.

5. Upon the submission of a request or a motion for conditional release, the director of the correctional facility shall immediately submit to the conditional release panel a copy of the personal file of the convicted person and a report on the convicted person by a professional team in the correctional facility through annexed letter signed by General Director of Correctional institution.

6. If the conditional release panel doesn't have enough information, may request from correctional facility additional information.

7. The report under paragraph 5 of the present article shall set forth:

7.1. the nature of the criminal offence committed by the convicted person;

7.2. the attitude of the convicted person to the criminal offence and the victim and the victim's family;

7.3. any previous criminal offences committed by him or her;

7.4. his or her family circumstances and social background;

7.5. his or her physical or psychological state, including evaluation of hazardous state whenever is necessary from a Psychiatrist or Psychologist;

7.6. his or her behavior in the correctional facility and the progress achieved in removing the factors that caused the criminal offence;

7.7. his or her post-release plans;

7.8. the support that would be available to him or her on release; and

7.9. any circumstances indicating that he or she will not commit a new criminal offence.

Article 129

1. The conditional release panel, established by the competent public entity in the field of judicial affairs, shall consist of one judge and two lay judges who shall have knowledge and experience in psychology, criminology, psychiatry, pedagogy, sociology and other social sciences relating to conditional release.

2. The free on parole panel shall decide on all requests and motions for conditional release.

3. The Minister of Justice shall issue special directive which regulates the functioning of free on parole panel.
4. There is no right on appeal against free on parole panel ruling.

Article 130

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

Article 131

1. Within five days of the date of release, a person who is conditionally released is obliged to inform the police or Probation Service of his or her temporary residence during the period of his or her conditional release.
2. A person who is conditionally released is obliged to report to the Probation Service during the period of his or her conditional release.
3. If a person who is conditionally released changes temporary residence, he or she is obliged to inform the police and the Probation Service.
4. If the person who is on parole fails to perform any one of the obligations set forth in paragraphs 1-3, the Panel on conditional release by the proposal of Probation Service may revoke the decision of conditional release.

5. If the parole, which is set forth in paragraph 4 of this article, is being revoked, the punished person shall serve the remaining part of the punishment.

6. If the released person does not voluntarily turn in to serve the punishment within 24 hours after the submission of the ruling in a written form for the revocation of the ruling for parole, then the Kosovo police shall by force take him to the Correctional Institute to serve the remaining part of the punishment.

7. Probational Service drafts written reports for the Parole Panel regarding the observance of the persons on parole.

8. The duration period for the drafting of the reports and the observance of the persons on parole is regulated with a special sub-law act drafted by the Ministry of Justice.

Article 132

Effect of conditional release on rights provided by the present Law

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

Article 133

Release due to completion of sentence

1. A convicted person shall be released from the correctional facility on the day when his sentence of imprisonment or long term imprisonment is completed.

2. If the last day of the sentence falls on a Saturday, a Sunday or an official holiday, the convicted person shall be released the last working day before that day.

3. Release foreseen according to paragraph 2. of the present Article shall not be executed for the minor offence envisaged for least than 7 days imprisonment.

4. A convicted person shall be released from any work or tasks at least three days before the day of release.

Article 134

Early release

1. The director of a correctional facility may release a convicted person before the completion of his or her service of the sentence of imprisonment if he or she has demonstrated good behavior, success in his or her work and other activities.

2. The director of a correctional facility may grant early release under paragraph 1 of the present article, if the sentenced person has served at least three-quarters of the sentence of imprisonment and if not more than three months of his or her sentence remains.

3. If a disciplinary punishment of solitary confinement is imposed on the convicted person between the date of issuance of the ruling on early release and the date of early release from service of the sentence, the director of a correctional facility shall reconsider the ruling.

4. The ruling on early release under the present article shall be delivered to the convicted person within three days of its issuance and filed with the sentencing court.

Article 135

Release on grounds of pardon

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

Article 136

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

1. Before the release, a convicted person shall be examined by a medical officer no more than three working days prior to the date of release and a medical report shall be placed in the health file of the convicted person.

2. Where medical treatment is necessary after release, the medical officer, in consultation with the director of the correctional facility, shall arrange for such treatment prior to release. The convicted person shall be given a three (3) days supply of requisite medication upon release.

3. A convicted person who is seriously ill or is not able to travel due to illness shall be sent by the correctional facility to the nearest health care institution.

Article 137

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

2. The release paper serves as evidence of the identity of the convicted person until he arrives at a place of permanent or temporary residence.

Article 138

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

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

Article 139

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

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

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

Article 140

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

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

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

Article 141
Assistance after release from sentence

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

CHAPTER III
EXECUTION OF FINES

Article 142
Jurisdiction and procedure for execution of fines

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

Article 143
Effect of replacing fines with imprisonment

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

Article 144
Relationship between execution of fines, costs of criminal proceedings and property claims of injured parties

1. When the costs of criminal proceedings and the fine are to be executed at the same time, the costs of criminal proceedings shall be executed first.

2. If the property of the convicted person has, due to the payment of a fine, decreased to such an extent that the property claim of the injured party cannot be realized, the property claim shall be realized from the paid fine but only to the extent of the value of the fine.

Article 145
Expenses of execution of a fine

1. A convicted person shall pay the expenses of the forcible execution of a fine.

2. A paid fine shall be credited to the Kosovo Consolidated Budget.

PART THREE
EXECUTION OF ALTERNATIVE PUNISHMENTS

CHAPTER IV
GENERAL PROVISIONS ON THE EXECUTION OF ALTERNATIVE PUNISHMENTS

Article 146

1. The execution of an alternative punishment begins after the judgment is final.

2. The permanent residence or the temporary place of residence of the convicted person is the place where an alternative punishment shall be executed.

Article 147

1. An alternative punishment shall be executed in a manner that is consistent with the dignity and basic rights and freedoms of the convicted person and his or her family.

2. A convicted person whose dignity or basic rights and freedoms were violated during the execution of an alternative punishment shall be entitled to compensation.

Article 148

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

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

Article 149

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

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

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

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

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

CHAPTER V EXECUTION OF A SUSPENDED SENTENCE

Article 150

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

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

Article 151

1. When the court imposes a suspended sentence and orders the performance of an obligation as per the provisions of the Criminal Code, the Probation Service shall supervise the performance of the obligation.
2. If a convicted person fails to perform an obligation ordered by the court, the Probation Service shall inform the court after verifying facts and the reasons for the failure to perform the obligation.
3. The successful completion of the verification period shall be reported by the Probation Service to the court. Upon the receipt of such report, the court shall issue a decision stating that the alternative punishment has been served.

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

Article 152

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

Article 153

1. The competent health care institution or appropriate institution, in cooperation with the Probation Service, shall determine the rehabilitation treatment program for a person subject to a suspended sentence with an order for mandatory rehabilitation treatment. The Probation Service shall supervise such person's compliance with the rehabilitation treatment program, in cooperation with the competent health care institution or appropriate institution.

2. Every four months, the Probation Service shall send reports to the court on the progress of the rehabilitation treatment program based on information provided by the competent health care institution or other appropriate institution.

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

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

CHAPTER VII

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

Article 154

1. When the court imposes a suspended sentence with an order for supervision by the Probation Service (in accordance with the Criminal Code of Kosovo), it shall immediately send the judgment and all information in its possession to the competent Probation Service to execute this alternative punishment.

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

Article 155

1. The Probation Service shall supervise the execution of a suspended sentence with an order for supervision by the Probation Service.

2. If a convicted person fails to maintain contact with the Probation Service, the Probation Service shall inform the court after verifying facts and the reasons for the failure to maintain contact.

Article 156

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

Article 157

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

EXECUTION OF SUSPENDED SENTENCE WITH ORDER FOR COMMUNITY SERVICE WORK

Article 158

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

Article 159

1. The Probation Service shall develop a program for community service work for a convicted person, in accordance with the Criminal Code of Kosovo and with his or her abilities, skills and background.
2. The Probation Service shall supervise the execution of a suspended sentence with an order for community service work.

3. The Probation Service will, in coordination with the organization where the community service work is to be performed, develop rules for insurance for workplace injury or illness, general behavior in the workplace and other relevant matters prior to the commencement of community service work. The general rules relating to working hours, breaks, weekly rests and workplace safety shall apply to the performance of community service work.

Article 160

1. When the court imposes a suspended sentence with an order for community service work and orders the convicted person to maintain contact with the Probation Service or to perform one or more of the obligations provided for in accordance with the Provisional Criminal Code, the Probation Service shall supervise the maintenance of contact or the performance of the obligation.

2. If a convicted person fails to maintain contact with the Probation Service or to perform an obligation ordered by the court, the Probation Service shall inform the court after verifying facts and the reasons for the failure to maintain contact or to perform the obligation.

Article 161

1. The organization where the community service work is to be performed shall immediately inform the Probation Service if the convicted person fails to perform the community service work satisfactorily. Failure to perform the community service work satisfactorily shall be assessed by the Probation Service and reported to the court.

2. Failure to perform the community service work satisfactorily includes late arrival to work; unauthorized absence from work; failure to comply with work rules and regulation disobedience.

Article 162

1. If a convicted person is unable to perform the community service work due to changed circumstances, the Probation Service may revise the program for community service work.

2. The execution of an order for community service work ordered with a suspended sentence may be stayed or suspended due to:

2.1. the sudden illness of the convicted person, which requires him or her to obtain medical treatment and prevents him or her from performing community service work;

- 2.2. the death of a family member, which requires him or her to act as the primary caregiver to other family members and prevents him or her from performing community service work; or
 - 2.3. any other extraordinary circumstances which require the constant presence of the convicted person for humanitarian reasons and prevent him or her from performing community service work.
3. A request to postpone or suspend the execution of an order for community service work ordered with a suspended sentence may be submitted to the court by the convicted person, defense counsel or a representative from the Probation Service. The submission of the request suspends the obligation to perform community service work until the court has issued a decision on the request.
4. The court shall issue a decision on the stay or suspension of the execution of an order for community service work ordered with a suspended sentence within three days of receiving the request. If the court approves a postponement or suspension of the execution of the order for community service work, the decision shall specify the period of the postponement or suspension.
5. The postponement or suspension of the execution of an order for community service work ordered with a suspended sentence may last:
 - 5.1. until the end of the illness, in cases under subparagraph 1 of paragraph 2 of the present Article; and
 - 5.2. for up to 20 days, in cases under subparagraphs 2 and 3 of paragraph 2 of the present Article.
6. A decision to postponement or suspend the execution of an order for community service work ordered with a suspended sentence shall not result in the revocation of the suspended sentence.

Article 163

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

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

Article 164

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

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

Article 165

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

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

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

**PART FOUR
EXECUTION OF ACCESSORY PUNISHMENTS**

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

Article 166

1. When the court issues a decision to deprive a perpetrator of the right to be elected (in accordance with the Criminal Code fo Kosovo), it shall immediately send the judgment and all information in its possession to the police station in the territory where the

convicted person has his or her permanent residence to execute this accessory punishment.

2. The administrative unit of the police station shall inform the Central Election Committee of Kosovo and the Local Election Committee where the convicted person has his or her permanent residence that the convicted person has been deprived of the right to be elected by a final decision of the court.

3. If the convicted person changes his or her permanent residence, he or she shall inform the court and the police about the new permanent residence. The police station in the territory where the convicted person had his or her former permanent residence shall inform the police station where the convicted person has his or her new permanent residence.

CHAPTER XI

PROHIBITION ON EXERCISING PUBLIC ADMINISTRATION OR PUBLIC SERVICE FUNCTIONS

Article 167

1. When the court issues a decision to prohibit a perpetrator from exercising public administration or public service functions (in accordance with the Criminal Code of Kosovo), it shall immediately send the judgment and all information in its possession to the Ministry of Public Administration to execute this accessory punishment.

2. If the convicted person fails to comply with the prohibition on exercising public administration or public service functions, the Ministry of Public Administration shall inform the court of the failure to comply with the prohibition.

CHAPTER XII

PROHIBITION ON EXERCISING PROFESSION, ACTIVITY OR DUTY

Article 168

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

Article 169

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

Article 170

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

CHAPTER XIII PROHIBITION ON DRIVING MOTOR VEHICLES

Article 171

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

Article 172

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

Article 173

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

CHAPTER XIV CONFISCATION OF DRIVER'S LICENSE

Article 174

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

Article 175

1. If the convicted person is in possession of a driver's license, the police shall execute this accessory punishment by summoning the convicted person and confiscating the driver's license for the duration of the punishment.

2. If the convicted person is not in possession of a driver's license, this accessory punishment shall be executed by recording the punishment in the register of the administrative body which is competent for issuing drivers' licenses. The administrative body shall register the data on the convicted person, the imposed accessory punishment and its duration.

3. The execution of this accessory punishment commences on the date of the confiscation of the driver's license or of the recording of the punishment in the register of the administrative body which is competent for issuing drivers licenses.

CHAPTER XV CONFISCATION OF AN OBJECT

Article 176

1. The accessory punishment of confiscation of objects (in accordance with the Criminal Code of Kosovo) shall be executed by the court which has imposed the punishment at first instance.

2. The court shall determine whether to sell the confiscated object or deliver it to a public entity a museum of criminology or other appropriate institution or to destroy it.

3. Proceeds from the sale of confiscated objects shall be deposited in the Kosovo Consolidated Budget.

CHAPTER XVI THE ORDER TO PUBLISH THE JUDGMENT

Article 177

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

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

Article 178

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

PART FIVE
EXECUTION OF MANDATORY REHABILITATION TREATMENT

CHAPTER XVIII
EXECUTION OF MANDATORY REHABILITATION TREATMENT

Article 179

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

THE EXECUTION OF THE MANDATORY PSYCHIATRIC TREATMENT UPON DETENTION

Article 180

1. The competent health care institution, the correctional facility or appropriate institution, in cooperation with the Probation Service, shall determine the rehabilitation treatment program for a person subject to a measure of mandatory rehabilitation treatment. The Probation Service shall supervise such person's compliance with the rehabilitation treatment program, in cooperation with the competent health care institution, the correctional facility or appropriate institution.
2. Every two months, the Probation Service shall send a report to the court on the progress of the rehabilitation treatment program based on information provided by the competent health care institution, the correctional facility or other appropriate institution.
3. The competent health care institution, the correctional facility or appropriate institution shall immediately inform the Probation Service if the convicted person fails to comply with the rehabilitation treatment program. Failure by the convicted person to comply with the rehabilitation treatment program shall be assessed by the Probation Service and reported to the court.
4. The successful completion of the rehabilitation treatment program shall be reported by the Probation Service to the court. Upon the receipt of such report, the court shall issue a decision stating that the measure has been served.

THE EXECUTION OF THE MANDATORY PSYCHIATRIC TREATMENT IN DETENTION

Article 181

1. The measure of mandatory psychiatric treatment upon detention is executed in the health care institution or in another special institution, that is located in the permanent residence or temporary location of the defendant, or if such a location is not located in that place, in the closest one with the place where the defendant has his permanent residence or the his/her temporary location or in the place where the criminal proceedings took place.
2. The court shall decide about the health care institution or the other appropriate institution where the measure of mandatory psychiatric treatment in detention must be executed. Upon deciding on the health care institution, the court shall take into consideration the risk that the defendant presents for his/her environment, for his/her permanent residence or his temporary location also taking into consideration his/her needs for treatment.

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

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

Article 182

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

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

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

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

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

Article 183

1. The health care institution shall send to the court, that has rendered this measure on the first instance, a report on the health conditions and the successes of the treatment of the person towards whom the measure is being executed, at least once in six months and even often upon request of the court.

2. When the health care institution or the responsible doctor for mental treatment concludes that it is not necessary to treat or to further detain the carrier of the criminal offence in the health care institution, he shall immediately inform the court that had rendered this measure on the first instance.

3. Every six months , the court that has rendered the measure at its first instance evaluates the need for the continuation of the measure after the deliberation made by the health care institution and the opinion of the independent expert that is not employed at the health care institution where the measure is being executed.

4. As per official duty or by the proposal of the defendant ,the representative of the health care institution or the custody organ that is competent based on the temporary place of residence or the permanent place of residence at the time when the order entered into force , by which this measure was ordered, the court that has ordered the measure at the first instance can discontinue it if it concludes that it is not necessary to treat and further detain the defendant at that institution. When the measure is discontinued, the court can order the measure of mandatory psychiatric treatment in freedom if there are reasons for rendering such a measure.

5. The decision as per this article is taken after the public prosecutor is heard, the defense attorney and of the defendant if his /her condition allows this even after the medical experts' opinion has been elaborated upon .

6. When the court discontinues the measure , it informs the health care institution, and releases the person towards the measure was rendered to, immediately after this decision is taken.

Article 184

1. After the person is released from the health care institution, the competent custody organ is responsible for the person to give him aid after the release from the health care institution.

2. If the carrier of the criminal offence , that was of a diminished mental capacity at the time of the commission of the criminal offence, is now released from the health care institution and if he/she has spent less time at the health care institution than the time foreseen for imprisonment, the court shall elaborate the possibility of conditioned release for that person.

3. Upon deciding for a conditioned release, the court shall specifically take into consideration the success of the treatment of the convicted person, his health condition , the time spent at the health care institution and the time remained for serving the sentence.

4. If the court decides the conditional release , it can also render the measure of mandatory psychiatric treatment in freedom in case there are reasons for such a decision.

5. If the court decides that the convicted person shall serve the remaining part of the sentence with imprisonment, the personnel of the Kosovo Correctional Service shall escort him to the correctional institution for serving the sentence.

The Execution of The Mandatory Measure of Psychiatric Treatment in Freedom Article 185

1. The measure of mandatory psychiatric treatment in freedom is executed in the health care institution determined by the court that had rendered this measure at the first instance.

2. The court shall inform the health care institution of the date when the person towards whom the measure of psychiatric treatment in freedom is rendered shall appear for treatment.

3. The person towards whom the measure is appointed is obliged to appear in front of the health care institution for treatment within the time set forth by the court.

Article 186

1. The health care institutions send to the court, that has rendered this measure at the first instance, a report on the health conditions and the success of the treatment of the person towards whom the measure was executed, at least once in 6 months and even often upon request of the court.

2. When the institution of health care estimates that it is not necessary anymore to treat the carrier of the criminal offences it informs the court immediately which has rendered this decision at its first instance

3. The court that has rendered the measure on the first instance, as per its official duties or as per the proposal of the defendant, the defense attorney, the health care institution or the competent custody organ discontinues the measure if it comes to the conclusion that it is not necessary to treat the carrier of the criminal offence anymore.

4. The decision to discontinue the measure is taken after the hearing of the public prosecutor, defense attorney, the carrier of the criminal offences if this is permitted by his conditions and after the elaboration of the experts' opinion

Article 187

1. The institution of health care institution immediately informs the court, that has rendered the measure at the first instance, when the defendant has not undergone the

treatment while in freedom , in case he has arbitrarily discontinued the treatment or if he considers the treatment was unsuccessful.

2. The court , as per this official duty or upon proposal of the health care institution, in which the person is being treated or should be treated , can order the measure of the mandatory psychiatric treatment in detention if :

2.1. the carrier of the of the criminal offence had not undergone the treatment in freedom , has discontinued his her treatment arbitrarily or when the treatment was considered as unsuccessful by the health care institution and

2.2. if there are reasons for the rendering of such a measure

3. The decision for the rendering of the measure of mandatory psychiatric treatment in detention is taken after having heard the [public prosecutor, the defense attorney and the carrier of the criminal offence if his health conditions allow this and after the evaluation of the opinion of an independent expert , that is not employed at the health care institution where the measure is executed.

4. Since the person does not need anymore treatment at the institute of health care , the competent organ for custody is responsible for the person towards whom the measure is executed for giving help after the discontinuation of the mandatory treatment in freedom.

CHPATER IX

THE EXECUTION OF THE IMPRISONMENT SENTENCE FOR MINOR OFFENCE

Article 188

The application of the provisions of this law

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

Article 189

The accommodation of the sentenced persons in the correctional institutions

1. The sentenced persons with imprisonment due to a minor offence shall serve their sentence in the correctional institution separated from people held in pre-trial detention

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

Article 190

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

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

Article 191

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

Article 192

1. The component Minor Offences Court shall order in written the sentenced person to be present on the foreseen day at the correctional institution for serving his sentence due to minor offences.
2. The time period between the receiving of the order and the day of when one has to be present for serving the sentence shall not be shorter than 8 days and not longer than 15 days.

3. The competent court for Minor Offences shall inform the correctional institution related to the date when the sentenced person should appear at the institution and hand over the legally binding decision, the personal data for the sentenced person that were gathered during the minor offences proceedings.

Article 193

The commencement of serving the sentence of minor offences sentence

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

Article 194

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

Article 195

The postponement of execution of the imprisonment sentence for minor offences

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

Article 196

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

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

Article 197

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

Article 198

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

Article 199

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

Article 200

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

Article 201

The adjustable enforcement of the provisions on the conditioned release of the convicted persons

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

Article 202

The Execution of the Sentences with a fine and of Protection Measures Rendered due to Minor Offences

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

PART SIX
KOSOVO CORRECTIONAL SERVICE AND PROBATION SERVICE

CHAPTER XX
KOSOVO CORRECTIONAL SERVICE

Article 203
Activities of Kosovo Correctional Service

1. The Kosovo Correctional Service is uniformed professional service, with ranks and partially armed depending on specifics of duty, is responsible and independent for:
 - 1.1. organizing, applying and supervising the execution imprisonment and long term imprisonment;
 - 1.2. organizing, applying and supervising the juvenile imprisonment and educational measures, unless otherwise provided for in the Juvenile Justice Code; and
 - 1.3. organizing programs that contribute to the rehabilitation, preparation for release and long-term supervision of persons sentenced to imprisonment and long term imprisonment.
2. The Kosovo Correctional Service shall keep uniform records on persons against whom institutional sanctions are executed.
3. The Kosovo Correctional Service has its identifying badge and has its seat in Prishtina.

ORGANIZATION OF KOSOVO CORRECTIONAL SERVICE

Article 204
Kinds of correctional facilities

The kinds of correctional facilities are:

- 1.1. prisons, for the execution of imprisonment and long term imprisonment;
- 1.2. detention centers, for the execution of detention on remand and the execution of sentences of imprisonment up to three months;
- 1.3. prisons for women, for the execution of, imprisonment, long term imprisonment and juvenile imprisonment imposed on women;

- 1.4. prisons for minors, for the execution of juvenile imprisonment;
- 1.5. educational-correctional institutions, for the execution of the educational measure of committal of a minor offender to an educational-correctional institution;
- 1.6. prison hospitals, for the treatment of detainees on remand and convicted persons.

Article 205
Types of correctional facilities

1. According to the level of security and the nature of the treatment of the convicted persons correctional facilities may be of the confined, semi-confined and open type.
2. In confined correctional facilities, there are elements of physical and material security such as armed guards, surrounding walls or surrounding wires, technical devices and other security measures which constitute impediments to the escape of convicted persons. Within confined correctional facilities is High security prison for the execution of sentences against persons who are qualified as highly dangerous persons, detaining highly dangerous persons and those who are sentenced with long term imprisonment
3. In semi-confined correctional facilities, there are no elements of physical security in the form of the supervision of the movement and work of the convicted persons, but there are elements of material security which would constitute impediments to the escape of convicted persons.
4. In open correctional facilities there are no elements of material nor physical security which would constitute impediments to the escape of convicted persons. Conduct towards the convicted persons is based on their self-discipline and personal responsibility and the correctional staff supervises the movement and work of the convicted persons.
5. At least one-third of long term imprisonment shall be served in correctional facilities of the confined type.

Article 206

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

Article 207
Establishment of correctional facilities

Upon the proposal of the Ministry of Justice and approval of the Government, the Ministry shall issue sub-legal acts on the establishment of correctional facilities and the classification of the types of correctional facilities.

Article 208
Commissioner of the Kosovo Correctional Service

1. The Minister of Justice based on open vacancy and after the recommendation of professional evaluation comity shall appoint the Commissioner of the Kosovo Correctional Service.
2. The Commissioner of the Kosovo Correctional Service is heading, controls and manages the Kosovo Correctional Service in all matters connected with the Kosovo Correctional Service.
3. The Commissioner shall be appointed for a period of five 5 years with the possibility of reappointment.
4. The Commissioner of the Kosovo Correctional Service reports directly to Minister of Justice for its work.
5. The Minister of Justice may suspend or discharge the Commissioner for breach of the law, or for Ineffectiveness
6. The decision of Minister is final.

Article 209
Conditions for the appointment of the Director General of the Correctional Service

1. A person (candidate) to exercise the task of the Director General of the Correctional Service shall have the following qualities:
 - 1.1. to be a citizen of the Republic of Kosovo;
 - 1.2. to have a University degree;
 - 1.3. to have 7 years of professional experience, out of which, at least, 5 years in management;
 - 1.4. not to be a member of any political party;

1.5. to have a moral and professional reputation and not to be convicted for any criminal act.

Article 210 Deputy Directors

1. The appointment of 3 Deputy Directors is done in accordance with article 208 of this law.

2. The Deputy Directors of the Kosovo Correctional Service are appointed for a time period of 5 years with a possibility of extension.

3. The Ministry of Justice, with a self-initiative or with the proposal of the Director General of the Correctional Service, discharges the Deputy Directors for the breach of the law or inefficiency at work..

4. A person (candidate) to exercise the task of the Deputy Director of the Correctional Service shall have the following qualities::

4.1. to be a citizen of the Republic of Kosovo;

4.2. to have a University degree;

4.3. to have 5 years of professional experience, out of which, at least, 3 years in management;

4.4. not to be a member of any political party;

4.5 to have a moral and professional reputation and not to be convicted for any criminal act.

Article 211 Directors of the Correctional Institutions

1. With the recommendation of the Professional Commission for Evaluation, the Director General of the Correctional Service appoints the directors of the Kosovo Correctional Institutions through an open vacancy.

2. Directors of the Kosovo Correctional Institutions shall be selected in an adjustable manner as per the provocations for the selection of the General Deputy Directors of the Correctional Service of Kosovo.

3. Directors of the Kosovo Correctional Institutions may be appointed for a time period of 5 years with a possibility of extension.

4. The Director general of the Correctional Service may suspend or discharge the Directors of the Correctional Institutions for the breach of the law or inefficiency at work..

5. Directors of the Correctional Institutions have the right to appeal against the ruling for suspension or discharge at the Commission for Appeals of the Kosovo Correctional service .

6. The appeal does not postpone the execution of the ruling.

7. The ruling of the Commission for Appeals, set forth in paragraph 5 of this law, is final.

Article 212 **Staff of Kosovo Correctional Service**

1. Personnel of the Kosovo Correctional Service, in accordance with the Kosovo Civil Service law which is on force, consist of civil servants

2. The Correctional Personnel are appointed and discharged by the Kosovo Correctional Service based on an open vacancy and in accordance with the sub legal acts which determine qualifications for appointment, advance and transfer of the Correctional Personnel.

3. Sub-law acts set forth in paragraph 2 of this law are drafted by the Kosovo Correctional Service and approved by the Ministry of Justice.

4. Kosovo Correctional Service drafts standards, the Code of Professional Ethics, Code of Conduct and the Disciplinary Code of the correctional personnel of the Kosovo Correctional Service and forwards them to the Minister of Justice for approval.

Article 213 **Disciplinary Commission**

1. Director General of the Correctional Service sets up for the correctional personal, a Disciplinary Commission which consists of three 3. members with a three year mandate.

2. The disciplinary procedure is initiated in all cases where there is a reasonable suspicion that any of the employees within correctional service may have violated the law provisions or the code of the professional ethics.

3. Disciplinary Commission makes a decision in a hearing session based on the evidence provided by the correctional service and by the speech of the violator.

4. Disciplinary Commission is independent and unbiased in its work.

Article 214
Disciplinary measures

1. Commission may impose disciplinary measures as in the following:

1.1. warning

1.2. warning in written

1.3. reduction of personal income up to 30%, having into consideration the nature of the violation.

1.4. transfer to other correctional institutions for a maximum period of 6 months

1.5. degradation

1.6. termination of the work relation.

2. Commission shall impose sanctions in harmony with the level of the disciplinary liability and the consequences of violation.

3. The unsatisfied party, within a period of eight 8. days starting from the receiving day of the ruling, has the right to an appeal against the ruling of the Disciplinary Commission. The appeal shall be addressed to the Commission for Appeals within the Correctional Service.

4. The appeal shall not postpone the execution of the ruling.

5. The ruling of the Commission for Appeals, set forth in paragraph 3 of this law, is final.

6. The Commission for Appeals consists of three members appointed within the personnel of the Correctional Service with a mandate of 3 years with the possibility of reappointment.

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

8. Categorization of the personnel, the ones that shall realize the benefitions which are set forth in paragraph 7. of this article, shall be regulated with a special sub legal act drafted by the Correctional Service and approved by Minister of Justice.

Article 215
Publicity of work of Kosovo Correctional Service

1. The Correctional Service shall improve the public's awareness and understanding of policies and operations in regard to the Kosovo Correctional Service and correctional facilities through the dissemination of information.
2. The Commissioner of Correctional Service shall appoint spokesperson of Kosovo Correctional Service.
3. All information concerning convicted persons and detainees on remand is confidential and shall not be disclosed or shared with the public or media.
4. Exceptionally, from paragraph 3 of this article the Ministry of Justice may disclose confidential information to the media or other public information groups if the release of such information is in compliance with the overall social interest. Such confidential information shall not be disclosed if disclosure would be dangerous for the overall security and order of the correctional facilities or when the release of such information could harm the aim of the sentence.
5. Convicted persons shall not be interviewed by the media, local public groups or other individuals without prior informed consent.
6. The Minister of Justice shall issue a secondary legislation on the confidentiality of information, information sharing and disclosure and media guidelines.
7. The provisions of the present Article are without prejudice to the powers of access that the Ombudsperson of Kosovo, judges and other judicial officials may have under the applicable law to confidential documents, files and information.
8. The Minister of Justice in accordance with internal regulations of correctional institutions may grant the access to the organizations that are dealing with the Human Rights issues.

Article 216

The Commissioner of Correctional Service has the authority to approve visits by individuals or groups to correctional facilities.

CHAPTER XX
SERVICE FOR THE EXECUTION OF ALTERNATIVE PUNISHMENTS AND
THE SOCIAL REINTEGRATION OF CONVICTED PERSONS

Article 217

1. The Service for the Execution of Alternative Punishments and the Social Reintegration of Convicted Persons (the Probation Service) is under the authority and the responsibility of the Ministry of Justice managed by General Director.
2. The General Director and deputy Director of Probation Service shall be appointed by Minister of Justice through open vacancy in accordance with Law on Civil servants.
3. The Probation Service has Regional Directories, which are managed by Regional Directors.
4. The Probation Service has its identifying sign.
5. The Probation Service shall be responsible for:
 - 5.1. preparing social inquiries and pre-punishment reports for the committals of criminal acts;
 - 5.2. supervising and assisting convicted persons serving alternative punishments;
 - 5.3. supervising and assisting perpetrators addicted to drugs or alcohol subject to mandatory rehabilitation treatment which is executed in liberty;
 - 5.4. supervising and assisting convicted persons granted conditional release;
 - 5.5. guiding and supporting convicted persons on the completion of their sentence;
 - 5.6. any other task as defined by the Ministry of Justice.
 - 5.7. the Probation Service issues the Internal Regulation that defines the way of its functioning.

Article 218

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

2. Categorization of the personnel, the ones that shall realize the benefitions which are set forth in paragraph 1. of this article, shall be regulated with a special sub legal act drafted by the Ministry of Justice.

CHAPTER XXI THE INSPECTORATE OF MINISTRY OF JUSTICE

Article 219 Internal Inspection of Correctional Facilities

1. The Ministry of Justice establishes the Inspectorate for the inspection of the work of the Kosovo Correctional Service, which operates within the Ministry of Justice
2. Appointment and discharge of the Head Inspector and inspectors shall be done in accordance with the rules of the Law for Public Service
3. According to this law and sub-law acts drafted for its implementation, the Ministry of Justice through the inspectors shall carry out the activities of inspection
4. Head of inspectors may be appointed a person which has a University degree and has at least five (5) years of relevant working experience.
5. Inspector may be appointed a person which has a University degree and at least three 3. years of relevant working experience

Article 220 Rights and duties of the inspectors

1. The inspector shall supervise the implementation of the provisions of this law, sub- law acts drafted for its appliance, and has the authority:
 - 1.1. to enter, at any time and without an announcement, in all the places and facilities of the Correctional Service with the intention of inspection;
 - 1.2. to order that all the detected faults and failures be eliminated within a period of time determined by him;
 - 1.3. to verify each case separately any time when there is suspicion of law violation. The inspector shall initiate the procedure either through his official duty or with the initiative of the interested person;

- 1.4. to recommend liable subjects to take disciplinary measures in accordance with the hierarchic structure.
2. The subject which has been ordered to eliminate his faults and irregularities according to paragraph 1, sub-paragraph 1.1. of this article, after the elimination of the faults and irregularities, is obliged to inform the inspectorate within a time limit determined by the inspector and which time limit may not be longer than 8 days.
3. The inspector is obliged:
 - 3.1. to make a report related to the supervision of the inspection he is operation
 - 3.2. to keep secret all the notes that he gathers during the inspection work which, and with the internal acts they are considered as confidential. The disclosure of such acts shall be done in front of the authorities determined by the law only.
 - 3.3. to write regular reports for the Permanent Secretary, and, at least, once in three months for the Ministry of Justice in connection with his detections.

Article 221 Independence and Objectiveness

1. During the performance of their duties the inspectors shall be independent and objective from any type interference which may have a direct or indirect influence.
2. Inspectors shall perform their duties with professional skills and full responsibility and shall be free from any type of interference which may have an influence on the correct judgment or in the result of the inspection.

Article 222

1. The annual evaluation of each correctional institution is done based on inspection and that is:
 - 1.1. by determining if the activities have been carried out effectively, especially those related to the admission procedure, applying of the disciplinary punishment, security matters, security matters, health and medical insurance and the provision of educational and social help;
 - 1.2. by reviewing the confidentiality of the financial information and of those of management;

- 1.3. by verifying if the estates which belong to the Kosovo Correctional Service are controlled and secured from loss, in particular, maintenance and cleaning of the premises;
 - 1.4. by evaluating the effective usage of the human resources and
 - 1.5. by supervising if the determined objectives of the program have been achieved.
2. The Ministry of Justice may draft sub legal acts in relation with rules and mechanism for the internal inspection of the correctional institutions.

PART SEVEN TRANSITIONAL AND FINAL PROVISIONS

CHAPTER XXII TRANSITIONAL AND FINAL PROVISIONS

Article 223

1. The Ministry of Justice shall issue the necessary Secondary legislation for the implementation of this Law within twelve months of the entry into force of this Law.
2. The internal regulation for work regarding the functioning correctional institution shall be approved by the Commissioner of Correctional Service within twelve months of the entry into force of this Law.
3. The internal regulation for work regarding the functioning of Probation institutions facility shall be approved by the General Director of Probation Service within six months of the entry into force of this Law.
4. The rules on internal order of each correctional facility shall be approved by the Director of Correctional institution.
5. Existing secondary legislation provisions shall remain in force until issuance of the new secondary legislation provisions.

Article 224

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

Article 225

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

Article 226 **Superseding provisions**

This Law shall discharge Regulation nr. 2004/46 on Execution of Penal Sanctions and all other provisions of the applicable law which is inconsistent with it.

Article 227 **Entering into force**

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

Law No.03/L –191
22 July 2010

President of the Assembly of the Republic of Kosovo

Jakup KRASNIQI