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**REPORT WITH RECOMMENDATIONS  
OF THE NATIONAL PREVENTIVE MECHANISM AGAINST TORTURE  
ON THE VISIT TO DETENTION CENTRE FOR FOREIGNERS IN VRANIDOLL**

**To: Mr. Ekrem Msutafa, Minister  
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**Copy: Duda Balje, President  
Committee on Human Rights, Gender Equality, Missing Persons and Petitions**

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Prishtinë, April 23, 2019

## **Introduction**

Pursuant to Article 135, paragraph 3, of the Constitution of Republic of Kosovo as well as to Article 17 of the Law 05/L-019 on Ombudsperson, National Preventive Mechanism against Torture (NPMT) visited the Detention Centre for Foreigners in Vranidoll.

NPMT, based on Article 17 of the Law No. 05/L-019 on Ombudsperson, may visit at any time and without prior notification, all places where people deprived of liberty are held, including therein places for foreigners deprived of liberty, and whose stay in the Republic of Kosovo contradicts applicable laws, and who are subject to forced removal from the Republic of Kosovo.

Based on this mandate, the NPMT on February 13, 2019 visited the Detention Centre for Foreigners (henceforth referred to as "DCF"). The Detention Centre for Foreigners functions within the Department of Citizenship, Asylum and Migration (DCAM) of the Ministry of Internal Affairs (MIA). According to Article 2 of Regulation (MIA) No. 03/2014 on Operation of the Detention Centre For Foreigners (hereinafter "*Regulation*"), the foreigners who are subject to forced removal and those found in violation of public security are held at this Centre, in order to verify their identity as well as for other reasons.

## **The purpose of the visit**

The purpose of this visit was to monitor the adherence of foreigners' right, who are held in DCF, as provided for by the Law on Foreigners, the Law on Asylum, by the Regulation on the Operation of the Detention Centre for Foreigners and international human rights standards as well as implementation of NPMT recommendations addressed to competent authorities through recommendation report, published on May 2, 2018.<sup>1</sup>

Furthermore, in the course of the visit, the issue addressed in particular was that of admission, by informing the foreigners on their rights, treatment and accommodation, the healthcare that is provided, genuine contacts to the outside world, DCF and security personnel, treatment and adequate preparation of those working with this category of people, disciplinary measures that can be imposed against foreigners in DCF and the mode of implementation of such measures, the right to appeal against such measures and other aspect.

## **Composition of the monitoring team**

1. The monitoring team consisted of Head of the NPMT, a legal advisor on torture prevention, a psychologist- counselor, a physician- counselor, a social worker – a counselor and two experts of the Council of Europe (in observers' capacity).

## **Cooperation of DCF staff with members of NPMT during the visit**

2. During the visit to the DCF, the Centre's personnel provided NPM its full cooperation. The team was granted, without delays, access to all areas of the Centre. Furthermore, all information necessary to perform its duties were provided to the team, and they were

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<sup>1</sup> Report with Recommendations related to the visit conducted to the Detention Centre for Foreigners, published on May 2, 2018. For more information visit: <https://www.oik-rks.org/2019/02/22/raport-me-rekomandime-vizite-ne-qendren-e-mbajtjes-per-te-huajt-ne-vranidoll/>.

allowed to interview the detained persons without the presence of security officials and other DCF officials.

### **Detention of foreigners as a last resort**

3. Related to international human rights standards, detention (keeping of the foreigner on detention) should be the last resort undertaken by the state authorities till the execution of the removal order by force. NPMT observes that the Law 04/L-219 on Foreigners of Republic of Kosovo foresees that alternative measures have priority versus sending them of foreigners in detention.<sup>2</sup> Furthermore, European Committee for the Prevention of Torture (henceforward “CPT”), in standards determined in 2017, stipulates that deprivation of liberty under aliens legislation should only be a measure of last resort and that alternative (non-custodial) measures should be given priority.<sup>3</sup>

### **Procedural guarantees during deprivation of liberty**

4. Article 8 of the Regulation determines that reception in the Centre is done based on the order for detention of the foreigner to the Centre issued by the Directorate for Migration and Foreigners (DMF). When handing a foreigner to the Centre, the DCF must submit: the order for detention to the Centre, the order for Forced Removal, as well as the order for Voluntary Removal, if issued, report of the police official including also the risk assessment, verification for documents and sequestered belongings, as well as personal belongings. Furthermore, according to the Regulation, the Centre confirms the admission of the foreigner to the Centre through the admission letter.<sup>4</sup> Based on files of present foreigners, the NPMT has noticed that the authorities have respected the above-mentioned criteria set out in the Regulation.
5. NPMT has noted that standards determined by the European Committee for Prevention of Torture have expressly ascertained that detained irregular immigrants should, from the very outset of their deprivation of liberty, enjoy three basic rights, in the same way as other categories of detained persons. These rights are: *to have access to a lawyer, to have access to a medical doctor, and to be able to inform a relative or third party of one’s choice about the detention measure.*<sup>5</sup>
6. Furthermore, NPM has noted that CPT, on the report regarding the visit to Netherland in 2007, paragraph 36, expressly determines: *“In the CPT’s view, immigration detainees (whether asylum-seekers or not) should be entitled, as from the outset of their deprivation of liberty, to inform a person of their choice of their situation and to have access to a lawyer and to a medical doctor. Further, immigration detainees should be expressly informed, without delay and in a language they understand, of their rights and the procedure applicable to them. To this end, all immigration detainees should be*

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<sup>2</sup> Law No. 04/L-219 on Foreigners, Article 97, paragraph 2.

<sup>3</sup> CPT, Standards published on March 2017 on Detention of Foreigners. For more info please visit: <https://rm.coe.int/16806fbf12>.

<sup>4</sup> Article 8, paragraph 3 of the Regulation.

<sup>5</sup> European Committee for Prevention of Torture, Report 19 of the European Committee for Prevention of Torture, paragraph 81, available at: <http://hudoc.cpt.coe.int/eng#%7B%22CPTSectionID%22:%5B%22p-standards-inf-2009-27-part-en-3%22%5D%7D>.

*systematically provided with a document setting out this information; the document should be available in the languages most commonly spoken by those concerned and, if necessary, the services of an interpreter should be made available. The persons concerned should attest that they have been informed of their rights, in a language they can understand.”*<sup>6</sup>

7. Based on the provisions of the Law No. 04/L-219 on the Foreigners of the Republic of Kosovo, a detainee accommodated at the Centre shall be notified in written form, in one of the official languages and in English, for his/her detention at the detention Centre, which shall contain the reasons for the detention, the detention period, the right to provide him/her with legal protection and the right to contact his/her relatives.<sup>7</sup>
8. With regard to the foreigner’s right to contact the Consulate or the Embassy of the state, the NPM noted that the Law on Foreigners has determined the right of the foreigner to inform the diplomatic or consular representative for his/her detention.<sup>8</sup> Furthermore, CPT in the 19th General Report considers the right of the foreigner to contact the consulate of his country as a fundamental right.<sup>9</sup>
9. According to the Regulation and the Law on Foreigners, the foreigner accommodated at the Centre has the following rights: information concerning the right of appeal for the detention in the Centre, the right to free legal aid, the right to an interpreter in his/her language or in a language he/she understands, the right to communicate with relevant local authorities and international and non-governmental organizations.<sup>10</sup>
10. As per the rights of detained foreigners, in Recommendation Report, published on May 2, 2018, the NPMT has recommended the responsible authorities that: *“For all their rights and obligations, foreigners shall be notified through a special document in the language they understand and in which they prove that they have understood their rights and obligations.”* During the visit conducted the NPMT has noticed that the given recommendation still was not implemented by competent authorities.
11. The NPMT noted that all corridors of DCF are covered by security cameras, which are additional safeguards against physical ill-treatment, as well as protection of personnel from false accusations. However, during the visit to the DCF, on 26 February 2019, the NPMT was informed that not all security cameras are in function. In the Report on the visit to Ireland in 2010, the CPT considered the existence of security cameras as one of the guarantees against physical ill-treatment in the centers where persons deprived of their liberty are kept.<sup>11</sup>

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<sup>6</sup> See at: <http://hudoc.cpt.coe.int/eng#%7B%22CPTSectionID%22:%5B%22p-nld-20070607-en-14%22%5D%7D>.

<sup>7</sup> Law 04 / L-219 on Foreigners, Article 108.

<sup>8</sup> Law 04 / L-219 on Foreigners, Article 114, paragraph 3.

<sup>9</sup> For more info see: <http://hudoc.cpt.coe.int/eng#%7B%22CPTSectionID%22:%5B%22p-standards-inf-2009-27-part-en-3%22%5D%7D>.

<sup>10</sup> Article 11 of the Regulation, Standards of the European Committee for the Prevention of Torture, at: <https://rm.coe.int/16806fbf12>.

<sup>11</sup> CPT Report on the visit to Ireland in 2010, paragraph 18, published on 2011, at: <https://rm.coe.int/1680696c98>.

12. As per the right of being informed in one's language or in a language that detained foreigners understand and the right to interpretation services, the Centre notified the NPMT that the MIA has a list of interpreters that provide interpretation services in other foreign languages in addition to English language.
13. NPMT during the visit has noticed that foreigners in the DCF are informed of their rights through leaflets in most widely recognized languages as well as in Arabian language.

### **Ill-treatment**

14. During the NPMT visit in the Center, there were 2 foreign detained persons present there. NPMT has checked their files and conducted interviews at the rooms where detainees were accommodated without the presence of DCF officials and security personnel. NPM has not received any complaint by the interviewed persons about physical ill-treatment, excessive use of force or violent behavior by DCF officials and security officials, which would be a breach of human dignity.

### **The incident of December 7, 2018**

15. During the control of the records and files of the persons accommodated in this Center, the NPMT observed that on December 7, 2018, one of the detained foreigners violated the DCF rules by displaying problematic behavior, which has resulted with imposing of disciplinary measures such as restriction of the right to conduct free activities, recreational activities, TV, internet, sports or cultural activities up to five days. The NPMT interviewed the given person and did not receive any complaint regarding the manner of his treatment by the DCF staff and security personnel.

### **Free legal Aid**

16. According to Article 29 of the Regulation, a foreigner is offered counseling, legal representation and, where necessary, judicial assistance. This right can be provided free of charge at the request of a foreigner. The foreigner has the right to contact any NGO, the Legal Aid Agency, which offers free legal aid.
17. During the ad-hoc visit to the DCF on March 26, 2019, the NPMT was informed that DCAM and the Free Legal Aid Agency are negotiating on signing a memorandum of cooperation so that the foreigners in the DCF will be provided free legal services. This was also confirmed by the Agency for Free Legal Aid as well as DCAM.

### **Material conditions**

18. During the visit at the Centre, NPMT visited two facilities where foreigners are held, including all areas such as: interview rooms, rooms of segregation, sleeping rooms, family rooms, adult activities rooms - equipped with a TV, playing cards, chess-board, and there was a library in a corner with a small number of books, children activity room-equipped with toys and designed by standards, room for religious activities, the kitchen that was fully refurbished, and a laundry room sufficiently supplied for the capacities of the Centre. All rooms provided dignified accommodation, heating and sufficient

natural lightening as well as shower which were in a very good conditions. Foreigners accommodated in the Centre can have access to shower whenever they want. NPM considered that the Centre fulfilled all conditions for accommodation of foreigners.

## **Nutrition**

19. All foreigners are provided with three meals daily. Daily meals contain 2000 calories and are sufficiently as per the quantity.<sup>12</sup> The Regulation foresees that foreigners residing in the DCF are provided with special food due to health reasons and special needs. Furthermore, pursuant to the Regulation, the foreigners are also served with food recommended by the doctor. Children ought to take appropriate nutrition for their development. If religion of the foreigner foresees rules in regard to food, the head of the center ensures their observation.<sup>13</sup> According to the management, MIA has contracted a Company which provides the DCF with food.

## **Regime**

20. Article 24, paragraph 1 of the Regulation stipulates that each detained foreigner in the Centre has the right on walk at least two (2) hours a day in the outdoors environments of the Centre. For health purposes, the Head of the Centre may extend the time of airing.
21. The CPT, in the standards determined in March 2017 regarding the detention of foreigners because of migration, emphasizes the importance of a regime that contains activities as much as possible. According to CPT, the longer the period for which persons are held, the more developed activities offered to them should be.
22. NPM has observed that the Centre has a small sport ground which is not equipped with associated elements where foreigners would be able to do specific sports activities, such as basketball, football and other sports. NPMT, similar to the Recommendation Report published after the visit conducted to the DCF in 2016, published in 2017, encourages relevant authorities to do everything on their power and increase efforts for providing specific sports activities and other activities for foreigners in this Centre. NPMT salutes steps undertaken by the relevant authorities to enable appropriate conditions for sports activities as well as other activities for foreigners in the DCF.
23. According to the management, the DCF plans merging of two rooms in one larger room in which equipment for recreational sports activities will be placed, with the intention to increase sports and recreational activities for detained foreigners.

## **Personnel of the Detention Centre for Foreigners**

24. The staff of the DCF is composed from the Manger and an official. During the visit, NPMT was informed that the security personnel is trained to perform the task of physical protection of the facilities and property, but they have not been trained to work with persons deprived of liberty, who under the Law on Foreigners are subject to forced return.

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<sup>12</sup> Article 36 of the Regulation

<sup>13</sup> Article 36 of the Regulation

CPT standards determine that the security personnel in Detention Centers for Foreigners should be selected with due diligence and must be trained appropriately.<sup>14</sup>

25. Further, CPT determines that, in addition to having developed skills in the field of inter-personal communication, Center's personnel should also be familiarized with the different cultures of detainees and at least some of them should have relevant language skills. Furthermore, CPT points out that they should distinguish possible symptoms of reacting to stress, which appear among detained persons and take appropriate measures.
26. Furthermore, CPT points out that the ethos of an immigration detention setting should not be carceral, which means that staff working within immigration detention facilities should not be equipped with batons, handcuffs or pepper spray and has recommended that such equipment are not kept openly for the foreigners to see.<sup>15</sup>
27. According to DFC officials, the security personnel in DFC have, within their equipment, handcuffs and rubber batons. During the visit, NPM has observed that the security staff carries the equipment available in such a way that they cannot be visibly seen by detained foreigners.

### **Use of force from Security Service**

28. According to the Regulation, security service may use force only as a last resort if it is necessary for self-defense, safety and security of the foreigner or for protection of general order and security within the Center. The use of force shall be legitimate, proportional and reasonable for required purposes.<sup>16</sup> Further, the Regulation determines that any use of force shall be reported to the head of the Center.<sup>17</sup>

### **Healthcare**

29. As far as health services is concerned, the Law 04/L-219 on Foreigners determines that the Detention Centre must meet all conditions of human treatment as well as respect for human rights guaranteed by the Constitution of Kosovo and to enable the provision of health services.<sup>18</sup>
30. Further, the Regulation determines that the foreigner during his/her stay in the Center shall have the right to medical assistance. The medical staff shall perform a general medical examination of the foreigner detained at the Detention Center for Foreigners.<sup>19</sup>
31. Medical services are provided to foreigners held in the DCF by the nearest Family Medical Center (FMC) and, as needed, are transferred for secondary hospital services in the region or at the University Clinical Center (UCCK), where tertiary health services are also provided, since DCF still does not have medical personnel, although the NPMT,

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<sup>14</sup> CPT Standards on detention of foreigners, published on 2017, see at: <https://rm.coe.int/16806fbf12>.

<sup>15</sup> European Committee for the Prevention of Torture, detained due to immigration, standards published in 2017, at: <https://rm.coe.int/16806fbf12>.

<sup>16</sup> Article 21, paragraph 1, of the Regulation.

<sup>17</sup> Article 21, paragraph 2, of the Regulation.

<sup>18</sup> Law 04/L-219 on Foreigners, Article 107, paragraph 2.

<sup>19</sup> Article 13 of the Regulation.

through a Recommendation Report, published on May 2, 2018, has recommended to have at least one available nurse in DCF. The NPMT has noted that healthcare facilities are well prepared and meet space requirements but do not have the necessary healthcare inventory (equipment, medicines, consumable materials, etc.).

32. As per psychological services provided by Article 41 of the Regulation, the NPMT has observed that they are provided by a psychologist contracted by the Jesus Service for Refugees.

### **Importance of Medical screening of all newly-arrived detainees**

33. Regarding the importance of medical screening, the CPT determines: *“At a minimum, a person with a recognized nursing qualification must be present on a daily basis at all centers for detained irregular migrants. Such a person should, in particular, perform the initial medical screening of new arrivals (in particular for transmissible diseases, including tuberculosis), receive requests to see a doctor, ensure the provision and distribution of prescribed medicines, keep the medical documentation and supervise the general conditions of hygiene.”*<sup>20</sup>

34. The NPMT considers that taking anamnesis, respectively records on health, life and the current state of health, is of great importance on identification of not only contagious diseases or injuries, but also of persons with mental health problems, of those abusing with drugs and those at risk of self-injury and attempted suicide. So, by taking an accurate anamnesis, prevention of a certain events in the future can be done.

35. The Regulation stipulates that, after placement of the foreigners in the Centre, within 24 hours deadline, the foreigner is transferred for the medical examination in the University Clinical Centre (or any other medical institution) under Police escort.

### **Confidentiality of medical services in the DCF**

36. The Regulation foresees that all medical findings shall be recorded in the foreigner’s file and in the Data Management System. The medical card shall be kept confidential in accordance with the provisions of Law No. 03/L-172 on the Protection of Personal Data.

37. CPT, in the standards set for detention because of immigration, stipulates: *“Medical confidentiality should be observed in the same way as in the outside community; in particular, irregular migrants’ medical files should not be accessible to non-medical staff but, on the contrary, should be kept under lock and key by the nurse or doctor. Moreover, all medical examinations should be conducted out of the hearing and – unless the doctor concerned requests otherwise in a particular case”*<sup>21</sup>

38. During the visit, the NPMT has observed that the medical therapy prescribed by the doctor in DCF is provided by the present staff and not by medical professionals as well as may happen in some cases that a staff itself, which has not been trained on any primary health care services, is involved on treatment of any kind of detainees’ injuries.

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<sup>20</sup> Ibid.

<sup>21</sup> See at: <https://rm.coe.int/16806fbf12>.



39. Additionally, NPMT ascertains that the following recommendation provided: “The Center should maintain protocols as follows: Protocol on solitude, bodily injury, self-harm, attempted suicide, sexual abuse and deaths,” has not been implemented.

### **Disciplinary measures**

40. According to Regulation, disciplinary measures which can be imposed on a foreigner are: verbal or written warning, obligation for maintaining and cleaning the Center, deprivation of the right to free activity, recreation, TV, internet, sports or cultural activities in duration of five (5) days, and isolation up to 48 hours.<sup>22</sup>
41. During control of registers and files of persons accommodated at the Center, NPMT has observed that on December 7, 2018, one of the detained foreigners has breached rules of the Centre, by displaying problematic behavior in the Centre, which has resulted with imposing of disciplinary measures such as *restriction of the right to conduct free activities, recreational activities, on TV, on internet, on sports or cultural activities up to five days*.
42. NPMT has observed that the present Regulation, contrary to the previous one, foresees that the decision for imposition of disciplinary measure is submitted to the foreigner as well, to whom the measure is imposed.<sup>23</sup> NPMT, in the course of the visit, did not notice that the foreigner, to whom the disciplinary measure of segregation has been imposed, a copy of the decision has been submitted. Based on this, during the visit, the NPMT recommended the management of the DCF to register a copy of submission of the decision for disciplinary measure of detained foreigner.
43. In Report with Recommendations, published on May 2, 2018, NPMT has recommended relevant authorities: “*The Regulation shall contain a special provision which provides that a foreigner to whom a disciplinary measure is imposed shall be served with a copy of the decision in a language which he / she understands.*” Therefore, NPMT, through Recommendation Report salutes implementation of this recommendation by relevant authorities.
44. Formal disciplinary regulations should be drafted for holding Centers for foreign nationals detained under aliens legislation. These regulations should provide detainees with a right to be heard on the subject of the offences which they are alleged to have committed, and to appeal to a higher authority against any sanctions imposed. A clear disciplinary procedure be adopted, affording detained persons the rights to be informed in writing of the charges against them, and to call witnesses on their own behalf.<sup>24</sup>

### **Disciplinary measure up to 48 hours**

45. NPMT notes that the Regulation foresees imposing of isolation measure up to 48 hours towards the foreigners in detention, in case of violation foreseen with the Regulation.<sup>25</sup> During the visit, NPMT has observed that DCF does not possess separate register, which

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<sup>22</sup> Article 44 of the Regulation.

<sup>23</sup> Article 44, paragraph 3, of the Regulation.

<sup>24</sup> Standards of CPT, published on 2017, detention of foreigners, point 7, see at: <https://rm.coe.int/16806fbf12>.

<sup>25</sup> Article 44, paragraph 2.24, of the Regulation.

would contain full information, such as: date and time of entering and leaving, grounds for segregation, etc. CPT, in standards set for foreigners in detention, point out the importance of such register.<sup>26</sup> NPMT has noticed that this information is registered only in the decision of DCF manager, by which the foreigner is imposed a disciplinary measure.

46. In the Report of the visit to Ukraine in 2009, CPT has recommended Ukrainian authorities that the foreign nationals, subjected to disciplinary sanctions of segregation, to submit a copy of relevant decision and to inform them of the possibility to contest an outside authority, to guarantee to foreign nationals regular access to shower and to review offered regime for foreign nationals, to whom this disciplinary measure is being imposed.
47. According to CPT, in particular, steps should be taken to ensure that they have access to an adequately equipped outdoor exercise yard for at least one hour a day, as well as to reading matter and shower.<sup>27</sup>
48. The NPMT notes that the Regulation does not recognize the right of a foreigner in segregation to outdoor exercise yard in the DCF. In this regard, the NPMT immediately recommended the DCF, that in compliance with above given standards, provide with the permit foreigners to who the disciplinary measure of segregation has been imposed, to enjoy the right of going outdoor of DCF facility and have access to reading materials as well as shower.

### **Monitoring and complaint mechanism**

49. Efficient complaint filing system is a fundamental guarantee against ill-treatment in places where persons deprived of their liberty are held. The NPMT considers that people placed in these centers should have the opportunity to lodge a complaint within the DCF and, in a confidential manner, be given access to the appropriate authority.
50. Article 19 of the Regulation determines that the foreigners shall have the right to appeal to the Head of the Center regarding the conditions of admission in the Center and personnel behavior. The complaint shall be reviewed by DCAM. Further, a complaint box shall be placed in the Center, which will be administered by DCAM. According to the management, the foreigners through leaflets in different languages are immediately informed on their right to lodge an appeal.
51. As per monitoring, apart NPMT, foreigners at the Center can be visited at any time by UNHCR, IOM, the European Committee for the Prevention of Torture, the International Committee of the Red Cross, United Nations Committee against Torture. The Regulation stipulates that the Head of the Center may grant access to the Center to other relevant institutions or organizations.<sup>28</sup>

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<sup>26</sup> CPT Standards, visit: <https://rm.coe.int/16806fbf12>.

<sup>27</sup> CPT visit to Ukraine, 2009, paragraph 71. For more info, visit: <https://hudoc.cpt.coe.int/eng#%7B%22sort%22:%5B%22CPTDocumentDate%20Descending,CPTDocumentID%20Ascending,CPTSectionNumber%20Ascending%22%5D,%22CPTSectionID%22:%5B%22p-ukr-20090909-en-17%22%5D%7D>.

<sup>28</sup> Article 27 of the Regulation.

## Contact with the outside world

52. According to CPT Standards, foreign detainees should have every opportunity to be in touch with the outside world (including opportunities to make phone calls and receive visits) and their freedom of movement within the detention Center should be limited as little as possible.<sup>29</sup> According to Article 25 of the Regulation, foreigner in this Centre has the right to keep correspondence, receive packages and other items. Additionally, detained foreigners are entitled to be visited.<sup>30</sup>
53. The Regulation stipulates that the foreigner has the right to make calls as needed in the duration of 5 minutes, starting from 9:00 to 16:00, every working day.<sup>31</sup> Under the Regulation, foreigners are also allowed to make calls from abroad. During the visit, the NPMT did not receive any complaints regarding the right to contacts with the outside world.

Therefore, based on findings during the visit accomplished, the **NPMT recommends the Ministry of Internal Affairs:**

- The NPMT reiterates the recommendation that DCF must have at least a nurse available who would carry out the medical checks of the newly accommodated detainees, provide the medical therapy and take care of the medical files of the foreigners within the DCF.
- The NPMT reiterates the recommendation that the Center should maintain protocols as follows: Protocols for on solitude, bodily injury, self-harm, attempted suicide, sexual abuse and deaths.
- The NPMT reiterates the recommendation that Security personnel should undergo adequate training to work with this category.
- The NPMT reiterates the recommendation that for all their rights and obligations, foreigners shall be notified through a special document in the language they understand and in which they prove that they have understood their rights and obligations.
- To foreigners, to who the disciplinary measure of segregation is imposed, to be enabled enjoying of rights, in compliance with standards set by CPT (see paragraphs 45 up to 48 of this Report).
- To adopt a disciplinary Regulation, that would stipulate disciplinary procedures as well as foreigners' rights, to whom such measure is imposed.

In compliance with Article 132, paragraph 3, of the Constitution of Republic of Kosovo (*“Every organ, institution or other authority exercising legitimate power of the Republic of Kosovo is bound to respond to the requests of the Ombudsperson and shall submit all requested documentation and information in conformity with the law”*) and Article 28 of the

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<sup>29</sup> European Committee on Prevention of Torture, see at: <https://rm.coe.int/16806fbf12>.

<sup>30</sup> Article 27 of the Regulation.

<sup>31</sup> Article 26 of the Regulation.

Law No.05/L-019 on Ombudsperson, (*“Authorities to which the Ombudsperson has addressed recommendation, request or proposal for undertaking concrete actions ... must respond within thirty (30) days. The answer should contain written reasoning regarding actions undertaken about the issue in question”*), You are kindly asked to inform us on steps to be undertaken regarding this issue.

Warmly submitted,

Hilmi Jashari

Ombudsperson