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OMBUDSPERSON

REPORT

OF

THE NATIONAL MECHANISM FOR THE PREVENTION OF TORTURE

on the visit to the Detention Center in Mitrovica

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Introduction

Based on Article 17 of Law no. 05/L-019 on the Ombudsperson, the National Mechanism for the Prevention of Torture of the Ombudsperson (hereinafter: NMP) visited the Detention Center in Mitrovica (hereinafter: DCM) on April 10, 2025 to obtain information on the general situation in this center. On May 22, 2025, an official email was sent to the DCM Director requesting additional information, and on May 23, 2025, we received an email from the DCM Director with the requested information.

Purpose of the Visit

The purpose of the visit was to assess the respect for the fundamental rights of detainees, guaranteed by the Constitution of the Republic of Kosovo, applicable laws in the Republic of Kosovo, as well as international standards for the protection of the rights of persons deprived of liberty; to evaluate the progress of competent authorities in implementing the Ombudsperson's recommendations sent through the report with recommendations dated October 18, 2021; to open complaint boxes; to interview detainees/prisoners who had called the Ombudsperson Institution (OI); as well as to interview cases with bodily injuries referred by the Prison Health Department (PHD).

Composition of the Monitoring Team

1. The monitoring team consisted of:

- The Director of the NMP;
- Legal advisor for torture prevention;
- Psychologist-advisor;
- Social worker-advisor;
- Legal advisor from the regional office in Mitrovica.

Cooperation of Authorities with the NMP during the Visit

2. During the visit, the cooperation of the officials of the Kosovo Correctional Service (hereinafter: KCS) with the officials of the Prison Health Department (hereinafter: PHD) was satisfactory. The team had access to all areas visited, was provided with all necessary information to perform its duties, and was enabled to hold conversations with detainees and prisoners without the presence of correctional officers.

Ill-treatment

3. During the visit to the DCM, the NMP interviewed a considerable number of detainees and prisoners and did not receive complaints of physical ill-treatment or excessive use of force by correctional officers. In general, communication between correctional officers and detainees was at a satisfactory level.

Information on the Rights of Detainees

4. According to Article 31 of the Law on the Execution of Criminal Sanctions: *“Upon admission to the correctional facility, the convicted person shall be notified in writing of his or her rights and obligations while serving the sentence. The convicted person who is*

illiterate is notified orally.”¹ The NMP observed during the visit that new admissions to the DCM are informed of their rights.

5. Article 23, paragraph 3, of Administrative Instruction MoJ-No. 10/2023 on House Rules in Correctional Institutions stipulates that: “*Upon the request of a convicted person or detainee, they may be enabled to familiarize with Criminal Code of Republic of Kosovo, Juvenile Justice Code and Criminal Procedural Code.*”²

Accommodation Conditions

6. The official capacity of DCM is 68 persons. On the day of the visit, 42 inmates were accommodated, of whom 13 were remand prisoners and 29 sentenced. According to information received from the DCM Director, on May 23, 2025, 45 inmates were accommodated, including 11 remand prisoners and 34 sentenced, of various nationalities: 20 Albanians, 11 Serbs, 5 Bosniaks, 5 Roma, and 4 Turks.
7. During the monitoring at DCM, the NPM received several complaints from inmates regarding accommodation conditions. Regarding these claims, the monitoring team visited the cells on the second floor where the inmates reside and observed that, in terms of space, some cells do not comply with the Law on the Execution of Criminal Sanctions (LECS) or with the standards of the European Committee for the Prevention of Torture (CPT). It was also observed that inmates lack adequate lockers for their personal belongings.
8. Article 35 of the LESP stipulates: “*The premises in which the convicted person lives and works must have sufficient space so that each convicted person has at least eight (8) square meters of space for a single cell and four (4) square meters for convicted persons in joint cells, and sufficient amounts of natural and artificial light for work and reading, heating and ventilation.*”³
9. Article 19 of Administrative Instruction MoJ-No. 10/2023 on House Rules in Correctional Institutions specifies: “*Convicted person is provided with a small locker, namely a separate compartment in locker or separate part of the furniture for items he may keep.*”⁴
10. During the visit to DCM, the team also visited rooms that had been closed on the recommendation of the CPT, as they do not meet the required standards.
11. Article 35 paragraph 1, of the Law on the Execution of Criminal Sanctions⁵ explicitly states: “*The convicted person has the right to dwelling that meets modern hygienic conditions and local climatic circumstances.*”
12. The NPM was informed that all rooms in DCM have been plastered and the water supply system renovated, while improvements to the sewage system are planned.

¹ Law on the Execution of Criminal Sanctions, Article 31, paragraph 2.

² Administrative Instruction MoJ-No. 10/2023 on House Rules in Correctional Institutions, Article 23, paragraph 3.

³ Law on the Execution of Criminal Sanctions, Article 35, paragraph 2.

⁴ Administrative Instruction MoJ-No. 10/2023 on House Rules in Correctional Institutions, Article 23, paragraph 19.

⁵ Law on the Execution of Criminal Sanctions, Article 36, paragraph 1.

13. During the visit, it was also observed that the spaces for correctional officers in the pavilions are small, lacking ventilation and natural light, and therefore do not meet conditions for prolonged work. The observation tower overseeing the yards does not have adequate conditions for staff; it becomes extremely hot in summer and very cold in winter.

DCM Kitchen

14. In the DCM kitchen, hygiene was at an appropriate level. The kitchen was equipped with all the necessary elements, all of which were functional for food preparation. It was observed that the staff consisted of the head chef, two cooks, and three inmates engaged in various kitchen tasks.
15. All those engaged in the kitchen, including inmates, possessed sanitary booklets which were nearing expiry, but they had submitted requests for renewal. Kitchen staff were equipped with proper uniforms and gloves. Food was within its expiry date and well stored.

Food

16. During the visit to DCM, the NPM received several concerns from inmates regarding the quality and quantity of the food served. Inmates stated that despite having medical recommendations for a special diet, it was not regularly provided.
17. The Mandela Rules – UN Standard Minimum Rules for the Treatment of Prisoners⁶ state: *“Every prisoner shall be provided by the prison administration at the usual hours with food of nutritional value adequate for health and strength, of wholesome quality and well prepared and served.”*
18. Article 38 of the LECS⁷ stipulates: *“The convicted person has the right to adequate food to maintain good health and strength with three meals a day which should be varied and nutritious. The food given to the convicted person must be appropriate to his age and health condition, the nature of the work, season of climatic conditions and, as far as possible, its religious and cultural requirements. A convicted person who performs heavy work, a sick person, a pregnant woman, or one who has given birth have the right to food prescribed by a doctor.”*

Healthcare

19. Article 42 of the Law on the Execution of Criminal Sanctions states: *“Health care in a correctional facility shall be done in accordance with the general rules for health care, health insurance and medical and pharmaceutical services, unless otherwise provided by this law.”*⁸
20. In DCM, medical services are provided by one doctor, who is retired but whose contract has been extended by the Prison Health Department (PHD) for three years. The doctor provides services for two hours daily and is on call 24 hours. In addition to the doctor, medical services are also provided by six nurses with regular working hours – five of them work in shifts, while the head nurse works from 08:00 to 16:00 – one psychologist

⁶ The Mandela Rules, Rule 22

⁷ Law no. 08/L-132 on the Execution of Criminal Sanctions, Article 38, paragraphs 1 and 2.

⁸ Law on the Execution of Criminal Sanctions, Article 42, paragraph 3.

with a full-time contract, and a contracted dentist and psychiatrist who work on designated days and as needed.

21. In terms of infrastructure, the Health Unit has one room where medical check-ups, interventions, and psychological and psychiatric treatments are conducted, which often presents difficulties for the medical staff. The psychologist has no dedicated office and uses available spaces such as the training room or other free areas. The psychologist holds individual sessions but does not conduct group sessions due to the lack of suitable space. The Health Unit facilities are inadequate for providing medical and psychological services and risk compromising confidentiality.

Other medical services are provided by the nearest family medicine center and the Regional Hospital of Mitrovica. In addition, the Health Unit has all the relevant medical protocols. From the reviewed documentation, the NPM noted that in 2025, there were two cases of self-harm, two cases of bodily injury, no suicide attempts, no deaths, two cases of hunger strike, one case involving solitary confinement, and no reported cases of sexual abuse.

Based on statistics, 13 cases were referred for medical services outside the prison, mostly related to cardiovascular issues, while 15 cases are under psychiatric treatment and considered manageable.

Regarding the supply of medication, no complaints were received from inmates about shortages; the medicine supply was sufficient.

During the visit, the NPM received numerous complaints from Albanian inmates that communication with medical staff was very difficult because they did not speak the Albanian language. The request of Albanian inmates (who number over 25–26) is for Albanian-speaking doctors and nurses to be engaged so that communication would be easier.

Regime

22. Prisoners in the Detention Centre in Mitrovica (DCM) may go outdoors for exercise twice a day, for a duration of one hour each time. Within the DCM, there are five functioning workshops: metalworking, carpentry, tailoring, cooking, and baking, employing a total of five prisoners. An additional 19 prisoners are engaged in work such as cleaning, kitchen duties, etc. Prisoners may also use the library and the exercise yard, which is equipped with workout equipment.
23. During the visit to the DCM, the NPM team received numerous complaints from prisoners stating that the exercise yards are too small, that no activities are carried out during the day, and that they spend most of the time locked in their cells.
24. According to information provided by the director of the DCM, training and programmes are also available to prisoners, such as anger management, “talk for change,” training for cooks, carpenters, and welders, after which participants receive regular certificates. Activities available to prisoners include gym workouts, football, basketball, volleyball, and chess.

25. Regarding the poor regime at the DCM, the NPM of the Ombudsperson has in the past also expressed concern and recommended making efforts to increase prisoner engagement in work and various activities, as far as such is possible.⁹

Contact with the outside world

26. Family visits, phone calls, and weekend visits (for convicted prisoners who meet the criteria) are available to convicted and remand prisoners in DCM.

27. Article 61 of LECS¹⁰ stipulates: *“The convicted person has the right to receive visits at least once a month for a period of at least one (1) hour from the spouse, child, adopted child, parent, adoptive parent and other blood relatives in direct line or in an indirect line up to the fourth degree.”*

28. Convicted persons also enjoy the right to make phone calls. Regarding the right to make phone calls, Article 59 of LECP¹¹ stipulates: *“The convicted person has the right to make telephone calls and to communicate in other forms of electronic communication.”*

29. Concerning the right to make phone calls, complaints have been received from Albanian prisoners that phone calls are not permitted for more than 10 minutes.

30. A remand or convicted prisoner may contact their lawyer without restriction and without supervision of the content of correspondence. Likewise, convicted persons may contact the National Mechanism for the Prevention of Torture (NPM) of the Ombudsperson by phone or via the boxes placed in the prison wings.

31. Article 40 of the Administrative Instruction on the House Rules in Correctional Institutions¹² stipulates: *“Correspondence between a prisoner and the Ombudsperson of Kosovo is privileged, which means that it must not be checked in any way.”*

32. Furthermore, this instruction stipulates that the Ombudsperson has the right to correspond with a remand or convicted prisoner at any time and without prior notice.

33. According to information we received by e-mail from the director of DCM, foreign nationals accommodated in the DCM had used the SKYPE application, but as of May 11, 2025, the SKYPE application is no longer functional.

Complaint Procedures

34. The convicted person is informed of the rights and obligations of prisoners as well as of the procedures for filing complaints and requests. Persons placed in prisons and detention centres must have the opportunity to submit a complaint in these centres, and access to the competent authority must be provided to them in a confidential manner.

35. Article 90 of the Law on the Execution of Criminal Sanctions stipulates: *“The convicted person has the right to file a complaint to the director of the correctional facility*

⁹ Report of the National Mechanism for the Prevention of Torture on the visit to the Detention Centre in Mitrovica, published on 18.10.2021. See: <https://oik-rks.org/en/2021/10/18/report-of-the-npm-concerning-the-visit-to-the-pre-detention-center-in-mitrovica/>

¹⁰ Law on the Execution of Criminal Sanctions, Article 61, paragraph 1.

¹¹ Law on the Execution of Criminal Sanctions, Article 59, paragraph 1.

¹² Administrative Instruction MoJ-No. 10/2023 on House Rules in Correctional Institutions, Article 40, paragraph 1.

regarding the violation of his / her rights, or other irregularities committed against him / her in the correctional facility.”¹³

36. In the DCM, complaint boxes are available from the Kosovo Correctional Service, from the Prison Health Department (PHD), and from the Institution of the Ombudsperson. The complaint boxes placed by the Institution of the Ombudsperson can only be opened by the staff of this institution, which ensures confidentiality for the complainants when submitting complaints.

Findings of the Ombudsperson’s NPM

37. The National Mechanism for the Prevention of Torture (NPM) of the Ombudsperson, based on the findings from the visit, concludes that the cells in this centre, in terms of space, do not comply with the Law on the Execution of Criminal Sanctions (LECS) nor with the standards of the European Committee for the Prevention of Torture. In addition, the prisoners in the cells lack lockers for storing personal belongings.
38. The spaces for correctional officers in the wards are very small, without ventilation or natural lighting. Likewise, the officers in the Watchtower who oversee the yards do not have adequate conditions, as in summer it is very hot and in winter very cold.
39. Prisoners are not provided with dietary food according to a doctor’s recommendation, and the quantity and quality of food are not sufficient.
40. The space for providing medical services is not suitable, as in the same space services are provided by the dentist, doctor, psychiatrist, and sometimes even the psychologist.
41. The lack of a separate space for providing medical services endangers the preservation of confidentiality.
42. The absence of an interpreter in the Albanian language creates difficulties for the medical staff and for Albanian prisoners. This is especially evident during medical visits, where translation is usually provided by correctional staff officers themselves, which does not ensure confidentiality.
43. Prisoners are not offered many activities and spend most of their time locked in their rooms, with keys.
44. Prisoners of Albanian nationality are not allowed to make phone calls for more than 10 minutes.
45. Foreign prisoners cannot use the SKYPE application, as it is not functional.

The Ombudsperson, based on the above, in accordance with Article 135, paragraph 3, of the Constitution of the Republic of Kosovo and Article 17, paragraph 7, of Law No. 05/L-019 on the Ombudsperson, hereby

RECOMMENDS

To the Ministry of Justice:

¹³ Article 90, paragraph 5, of the Law on the Execution of Criminal Sanctions

- To improve the living conditions for prisoners accommodated in this centre, in terms of space and accommodation conditions (provision of lockers), in accordance with the LECS and CPT standards.
- To create adequate working conditions for the correctional staff in DCM.
- To ensure prisoners receive quality and sufficient food, as well as dietary food according to a doctor's recommendation.
- To create sufficient spaces for providing medical services by the psychiatrist, dentist, and psychologist, since the same space is currently used by all.
- To increase more out-of-cell activities for the rehabilitation and resocialisation of prisoners, in accordance with the LECS and the Criminal Procedure Code, as far as such a thing is possible.
- The Ombudsperson reiterates the recommendation that the duration of phone calls be in compliance with the applicable legislation.
- To make efforts to make SKYPE functional, in order to enable foreign nationals serving their sentences to communicate with their families when they have no possibility for a phone call or visit.

To the Ministry of Health:

- To ensure that Albanian prisoners in DCM are provided with medical and psychological services in a language they understand.
- To ensure the preservation of confidentiality of medical services for prisoners accommodated in this centre, guaranteeing that the services provided by the doctor, psychologist, and dentist are carried out in separate spaces and without the presence of correctional officers.

In accordance with Article 132, paragraph 3, of the Constitution of the 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 Law no. 05/I-019 on Ombudsperson (*"Authorities to which the Ombudsperson has addressed recommendation, request or proposal for undertaking concrete actions, including disciplinary measures, must respond within thirty (30) days. The answer should contain written reasoning regarding actions undertaken about the issue in question."*), please kindly inform us about the actions taken regarding the matter in question.

Respectfully,
Naim Qelaj
Ombudsperson