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POST DIPLOMATIC-MASTER STUDIES
THEME:

**THE ROLE AND IMPORTANCE OF UNIT FOR THE ESCORT OF
PRISONERS IN CONVEYING AND TRANSFERRING THEM OUTSIDE
AND INSIDE THE CORRECTIONAL INSTITUTIONS OF KOSOVO**

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Pristine, 2016

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DEFINITIONS AND ACRONYMS

KAPS Kosovo Academy for Public Safety
HSP High Security Prison
CC Correctional Center .....	.....
DC Detention Center .....	.....
EUP European Planning Unit .....	.....
EULEX European Union Rule of Law Mission.....	.....
GPE Group for Prisoner Escort (Eulex).....	.....
CI Correctional Institutions .....	.....
IMJ Inspectorate of the Ministry of Justice .....	.....
MJ Ministry of Justice.....	.....
MH Ministry of Health.....	.....
MLSW Ministry of Labour and Social Welfare.....	.....
NJPB Unit for Escort of Prisoners s.....	.....
CU Correctional Unit / Eulex .....	.....
KP Kosovo Police.....	.....
SRSG Special Representative of the General Secretary of the United Nations .....	.....
KCS Kosovo Correctional Service.....	.....
KPS Kosovo Probation Service.....	.....
UNMIK United Nations Mission in Kosovo.....	.....
UNICEF United Nations Children's Fund .....	.....

INTRODUCTION

The need to fully implement the execution of criminal sanctions of correctional institutions has made the Unit for Prisoner Escorts play its role in meeting legal obligations to the justice institutions and the individuals themselves who have violated the law.

The increased number of prisoners in each year has pushed the Kosovo Correctional Service that inside it to lend its institutional and infrastructure capacity and with professional staff, thus forming the Unit of Prisoner Escort.

In parallel with the development of legal institutions in Kosovo, courts and prosecutors of the state and the Kosovo Correctional Service as enforcement of criminal sanctions has raised its operational capacity, adapting security measures and austerity measures prescribed by the current legislation, which are applied to offenders. Kosovo Correctional Service is available to enforcement of criminal sanctions that are imposed and applied against the perpetrators and will consist in making or restriction of certain rights which have enjoyed wide at the time of the offense. These measures have not vindictive character and pronounced with the sole purpose of improving the perpetrators of various criminal and safe returns as in the previous life in freedom. Starting from the constitutional principle of separation of powers, Kosovo is a democratic republic based on the principle of separation of powers and checks and balances among them as provided in this Constitution, where powers are divided through various mechanisms, so that the powers of these institutions are limited to the area in which they are set for the organization to function. In this case the Ministry of Justice oversees the execution of criminal sanctions through the mechanism established, the Kosovo Correctional Service, which has the legal mandate to implement criminal decision and mass detention of persons deprived of liberty, but also cooperating and offering all its legal and infrastructure capacity in the service of the rule of law and the relevant institutions in the Republic of Kosovo.

Object and aim of the study

Object of study and research in this paper is to identify the legal basis and the Standard Operating Rules by which Unit for Escort of Prisoners s operates.

Part of this research are the way of the creation of this unit, its position within the structure of the Kosovo Correctional Service, staff training, infrastructure and putting this unit into operation. The conclusion of the overall is the organizational and safety at work of staff with prisoners outside the correctional facility, cooperation of the correctional institutions with other relevant legal institutions as a partner in the joint work.

This study has as an objective to identify the role of Unit for Escort of Prisoners s in the execution of criminal sanction that justice institutions appoint persons who contravene the law and helped correctional institutions (CI) in the implementation of programs and regimes for prisoners, identify categories of prisoners that are transmitted from Unit for Escort of Prisoners s, identify statistics in the period since the establishment of the unit until today, identify professional partners and cooperation with those partners.

Security measures, risk assessment based on the classification of prisoners before any escort highlight the organizational values, which is the aim of raising the level of the work of this unit, then the identification of escort number, the escort of prisoners being categorized, escort to the court, the prosecutor, hospitals, emergency and other escorts.

The aim is to study the importance of Unit for Escort of Prisoners on the progress of work of Kosovo Correctional Service, its impact on the effectiveness of correctional institutions, courts and prosecution offices.

Description of the new circumstances in the transition of power from UNMIK to the institutions of Kosovo after the declaration of independence on 17 February 2008, the period since its formation until the end of this paper from 2008 to 2015.

Through data and statistics we will make efforts to present real data in a more objective way about advancing the Unit for Escort of Prisoners, its challenges and successes over the years.

Presentation of the real situation of the functioning of the Unit for Escort of Prisoners from the establishment, coordination and interagency cooperation within KCS, the relation of UEP's with correctional centers / detention centers, courts, prosecutors, Kosovo Police, EULEX police, Correctional Unit - Eulex, etc., highlights the importance of this topic for the sector within the Kosovo Correctional Service and other security institutions in Kosovo.

The need of the formation of the unit, treatment ways of prisoners during their transport on the occasion of escort and transfer within and outside correctional institutions, the level of security offered and respects humanitarian elements that describe how important this sector is for SCA and justice institutions in Kosovo. We came to the conclusion that presentation of penitentiary system achievements in our country has importance by ensuring that the system is in full compliance with the most advanced modern penitentiary systems that currently are applied in Western democratic countries.

Methods and methodology of the study

The study of scientific work necessarily requires prior knowledge of the subject. Therefore, I tried to approach the study through my most favorite practical and scientific methods.

In this regard, in terms of methodology, in accordance with the structure of the paper and chapters, which in terms of the definition and importance of execution of criminal sanction from the correctional institutions and its sectors and the development of this unit, we also used statistical literature and data.

The methodology I used was primarily the collection of literature and documented material within KCS, so the first source of this paper which is substantially important, because of the materials and collected data which I analyzed and reviewed, I have come to reasonable conclusions. Among secondary sources, but very important, including the data collected from official sources and documented practices by other researchers, such as official reports, monitoring reports, news etc. However, all these data will be evaluated and analyzed critically by the end of this paper.

Comparative study between the current state of achievements and objectives for the future, then the recommendations and reports of Mentoring, Mentoring and Advising (MMA) during the operation time of Unit for Escort of Prisoners from EULEX Correctional Unit, correctional institutions, recommendations of commissioning of the Kosovo Correctional Service. While, other methods to be applied in this paper will be among other legal or normative / comparative methods, case studies, methods of observations and direct observation, historical method, statistical methods, legal methods and other research techniques. These methods achieved to recognize the real role of UEP about its operation, treatment and respect for the rights of prisoners and the general implementation of current laws in our country.

Expected results

Through this paper my expectation is to come up with a scientific work to the public, educational institutions, but the institutions of justice and security to know more about the role that Unit for Escort of Prisoners has also the assistance it provides to the correctional institutions and other justice institutions as well as general safety.

Finding the possibility that this subject to be addressed and studied more in depth, and this important sector of the security department at the level of Central Directorate of the Correctional Service of Kosovo, to be provided legally and incorporated in the Law on Execution of Criminal Sanctions. And also the positive impact that the treatment of prisoners has on the occasion of the escort of prisoners inside and outside correctional facilities and the introduction of such practices in future publications related to the treatment of prisoners.

Structure of the paper

This paper is arranged in three respective chapters.

The first chapter is mainly about the internal organization of the Kosovo Correctional Service, the structuring of the Central Directorate and sectors within its institution, correctional institutions, classification of facilities, governance structure since the CEO of KCS, Deputy General of KCS, directors and deputy directors of facilities, then the internal organization of all facilities, personnel of the Kosovo Correctional Service, units and sectors that operate under this arrangement.

The second chapter is about history since the creation of the Unit for Escort of Prisoners until the publication of this issue, the legal basis under which this very important sector was formed for the security of correctional institutions, sector of particular importance for the implementation of laws and the proper functioning of other legal institutions within the justice system (courts and prosecutors). This chapter gives details about the organization and internal structure of the Unit for Prisoner Escorts, division of responsibilities and structuring of units Unit for Escort of Prisoners in correctional institutions. Also the level of description with correctional institutions,

courts, prosecutors, Kosovo Police, the security structures within the EULEX, and agreements of understanding with these institutions.

The third chapter is offering a general overview about all activities of the Unit for Escort of Prisoners in conveying and transfer of prisoners within the Kosovo Correctional Service from its establishment until today. Then it comes to the treatment of prisoners during their transmission within and outside KCS, escorting them to the court, the state prosecutor, hospitals, humanitarian escort or emergency visits. Also in this chapter I have included statistical data regarding the escort of prisoners and the rules of escorting and the staff communication of this unit.

The end is about the information on the transition of power from former executive mission UNMIK to the Kosovo Correctional Service and the need to create sectors that until then have been managed by the mission of the United Nations based on 1244 Resolution in 1999.

Also from my experience and the needs that I have identified during this time, KCS despite many achievements to its strengthening of security level, the implementation of all the most advanced democratic standards for the respect of the rights and freedoms of prisoners, there is still need for the building of the capacity of all sectors and in particular the Unit for Escort of Prisoners, where I have presented my conclusions and recommendations for areas that need improvement, despite the fact that it has high budget cost.

Conclusion and recommendations

After the war in Kosovo overcrowding of prisoners of correctional institutions has had a continuous increase. The reasons are numerous which consequently have different committing criminal perpetrators of these crimes (juvenile, adult, female and the male);

In this case, in addition to the transfer of competencies in other sectors of the administration of UNMIK to Kosovo institutions, the Correctional Service to meet its obligations undertakes the establishment of Unit for Escort of Prisoners.

This unit worked from the beginning with high professionalism, offering high security and satisfactory performance in all areas of work.

There was no such unit in Kosovo after the war, so the prisoner escort until July 2008 was done by the Special Police of the International Mission UNMIK.

Because this mission was preparing to end its executive mandate, it had obligation to deliver its powers to different sectors to local institutions.

In this case, the goal of KCS was the establishment of this unit and be independent in the management of the prisoners inside and in the escort of prisoners outside the correctional institutions (courts, hospitals, prosecutor, etc.).

It is worth mentioning that since the beginning until the end of 2014 it is noticed a continuous increase of prisoners escort, not moving much in 2015 that the same trend is also observed by mid-2016.

To achieve that for a period of eight years about 67,000 (sixty seven thousand) prisoners be escorted throughout the Republic of Kosovo successfully, a high determination and

professionalism was needed. In all cases of the escort of prisoners adequate assessments were carried out in addition to the level of danger that the prisoner or prisoners had in the case of escorting, from physical security measures until the dynamic security, all this in close coordination with Kosovo police, ex former Escorts Group of Prisoners of EULEX that was a unit that has helped greatly since the end of 2008 until June 14, 2012 when the mission ended.

All measures taken have been in full compliance with the applicable laws of our country, the most advanced international standards that deal for the respect of human rights, where still there not a single complaint for the Unit of Escort Prisoners addressed to it.

Ministry of Justice, Correctional Service and various donors with particular emphasis on the European Mission for the rule of law - EULEX has helped greatly the Unit for Escort of Prisoners as in technical terms, but also in all other aspects that mainly relate to the performance of this unit. Worth mentioning are some valuable donations that EULEX has given each year to the Unit for Escort of Prisoners that include vehicles for prisoner escort, equipment and furniture for office, security equipment etc.

Unit for Escort of Prisoners has also its disadvantages, that to avoid them you can not only depend on the UEP or KCS's management. These disadvantages are identified and there is a plan to improve the working conditions, in this case to avoid the disadvantages that occur during UEP's work. During the scientific research I found that there are difficulties which I have divided as follows:

- Organization and conduct of the work, constant raising of the level of professionalism, but also the equipment and the supply of staff with the necessary equipment, safety in performing their duties as well as in their personal income;
- Lack of recertified trainings and trainings with the same unit from other developed countries and visits through other countries in order to gain more advanced experiences;
- Crisis management training for the management staff of UEP, but also its correctional staff;
- Lack of staff, there has been years that UEP's staff has not been updated with new framework;
- Unit for Escort of Prisoners should be included in the Law on Execution of Criminal Sanctions, as a leading sector within the Directorate for Security, Operations and transport of prisoners, but also the KCS.

But for successful work, KCS needs to increase operational capabilities and capacities (technology and infrastructure), such as:

- Creation of special units within the Kosovo Correctional Service, to be used for rapid reactions in case of emergency situations (uprisings, demonstrations, barricades or even natural disasters etc.) with emphasis in prisoners escort with high risk;

- Device of Unit for Escort of Prisoners with adequate vehicles and special specifications, which provide maximum safety for staff and inmates during the transfer of prisoners, armored vehicles and semi-armored vehicles, aid vehicles, then the device of staff with appropriate and personal security;
- Re-establishment of system control of Unit for Escort of Prisoners' vehicles (GPS), for a control and effective management from communication center;
- Make continuous internal regulations that help to materialize the provisions of the Law on Execution of Criminal Sanctions and respect for the rights of prisoners;
- Creating the conditions for compulsory primary and professional education for prisoners, and provide adequate programs for various professional training;
- Cooperation with other relevant institutions in the interest of the service and the justice institutions in general and prisoners in particular;
- During the escort of ill prisoners to medical institutions UEP's staff has to be accompanied by medical staff.

Also, because of the risk that the staff of this unit has during the escort of prisoners inside and outside the facilities, it is urgent to apply the benefits for correctional staff, taking into account the specifics and risks at work.

Based on data of Unit for Escort of Prisoners I can conclude that this unit has had a slight increase over the years, especially the requirements for prisoner escort, also its work is affirmed through tangible results and the progress of works in legal institutions throughout the Republic of Kosovo.

Despite the difficulties, Unit for Escort of Prisoners has contributed directly in the assistance of correctional institutions towards the achievement of the rehabilitation programs for prisoners, especially through humanitarian escorts.

It is important that while Unit for Escort of Prisoners operates as a sector within the Central Directorate of the Kosovo Correctional Service, it has realized over 67000 escorts, and performance evaluation was positive, this assessment was followed by certificate that is awarded two times within seven years (2010 and 2011).

In the end, summarizing these data for the role of Unit for Escort of Prisoners, it is worth noting that this study represents an additional effort to gather more information, as well as recognition of the this unit to the population within the Kosovo Correctional Service, that could serve to the interested ones, who in any manner or motive are devoted to them.