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POST DIPLOMATIC-MASTER STUDIES

THEME:

**TREATMENT OF DETAINEES IN PENITENTIARY INSTITUTIONS**

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## **INTRODUCTION**

Treatment of detainees in penitentiary institutions is a topic that encompasses the treatment of those persons at a particular time and place that have been in violation of the law, while treated like inmates in penitentiary institutions.

During the research in the scientific literature I noticed that the English word penitentiary in Albanian is translated as jail; workhouses [rehabilitation] 1. So it comes to people who are detained in workhouses, where these individuals' freedom was limited, but through exercising influencing methods these persons would again come back into the family circle, in society, living with standard rules of society.

However, certainly that would be with interest to know and learn the Institution of Detention, Detention, detained person, character of detention facility in relation to the correctional facility, etc.

## **THE PURPOSE OF THIS PAPER**

I set out to investigate the abovementioned theme and study how the situation stands at the normative and practical context in penitentiary institutions in Kosovo, regarding the treatment of detainees in Kosovo. How much they exercise their rights these detainees in these institutions.

## **OBJECTIVES**

- I will also try to include these following objectives:
- Currently what treatment do the detainees have in penitentiary institutions
- What includes the current legislation on this matter
- What about the matter on practical context, experiences and problems of these institutions in Kosovo, and on what are these experiences based on
- How is the same issue regulated in the neighboring countries for example in Albania etc

## **QUESTIONS / HYPOTHESIS**

I have full reason to develop the theme "The treatment of detainees in penitentiary institutions" because it is a challenging topic because it entails the following matters:

- Temporary prohibition of police
- Prohibition-keeping of the prisoners during 48 hours in the Detention Center (detention)
- The rights of detainees under the Code of Criminal Procedure of Kosovo
- The rights of detained persons during their stay in these institutions
- Which are the rights of detainees in penitentiary institutions based in our legislation in Kosovo?
- How are the factual situation and the treatment of these detainees?

- Can there be a violation of human rights of detainees in these institutions?

## **IMPORTANCE OF THE PAPER**

Providing and realization of human rights is based on the fundamental principles of justice, raised at a state level and based on human rights. Therefore, even those who have fallen for a moment against the law, I think based on the principle of justice of the state, they should realize their rights. So, I think that the subject is stable in time and space because it needs to develop and is of special interest for a certain category of people. To put up the implementation of targeted aim I will use different ways and means of research.

To realize this paper, in theory the recognition method is used by which we reach an understanding on the subject as scientific definition, without excluding other contemporary methods. Besides scientific methods I will also use other appropriate methodological techniques such as case studies, notes, records etc.

The issue of the treatment of detainees in penitentiary institutions is of particular interest in social terms. With the research of this topic, I pretend to investigate, analyze the current and factual situation in Kosovo. I believe that I will find the answers in practical issues of the treatment of these individuals, especially for engagement with the responsible staff in these institutions. In this context, I will identify current challenges of these penitentiary institutions, with special look for the proper treatment of detainees.

Treatment of detainees in these institutions is also addressed in the positive legislation in Kosovo. If our legislation is sufficient for the rights of these persons, then these people should have human treatment in these institutions. However, the primary issue that sometimes is made at the state level is: the power of these institutions, recognition and enforcement of legislation.

This paper will consist of three parts: introduction, six chapters, conclusion, recommendations and proposals, literature utilizing registry that will be used during the research work.

## CONCLUSION

Kosovo is a new country in Europe with a fragile democracy, a significant number of the local population that remains as detainees for the moment in penitentiary institutions. Our society should reintegrate these people into life. Therefore, it is also of particular interest to the research study for the treatment of detainees in penitentiary institutions. Institutions of the Republic of Kosovo based their operation in international standards, but practice shows that much remains to be done in the proper and efficient conduct of these institutions. Firstly it shows deficiencies that are of the objective character, where the fulfillment of international standard is inserted to ensure the necessary space for the person who is deprived of liberty. A problem for the detention centers in Kosovo is that the pretrial detention facility have been built since the fifties and sixties of the last century, which is observed in the Detention Center in Pristina which according to the officials is built in 1952.

It is important to find a solution for this as soon as possible, where it would best to be accomplished by investing in the construction of new detention centers, which will create a warmer environment for detainees so that these persons one day will continue their normal life in society.

Another concerning phenomenon in penitentiary institutions is overcrowding in these institutions, where this issue would best be resolved when the detention is replaced in other measures such as strict supervision, placement in a family, an institution or educational organization. In addition another worrying phenomenon in these institutions is corruption, bad phenomenon for those persons deprived from their liberty, which affects in the favoring of certain persons. The presence of such phenomena within institutions is powered by correctional officers, KCS therefore must find ways of applying disciplinary measures or suspension from work for these officers who have created this illegal and harmful situation to society. Regarding what was mentioned above, requirements, the need of protection and the respecting of human rights require that recruitment of police officers to be made in each case in accordance with the law and the requirements that require the functions and duties that they will perform.

Therefore, for the personnel working in penitentiary institutions great importance have the recognition and respect of the laws that regulate the activity of the police and detention, recognition and respect of human rights, recruitment of qualified personnel and continuous training is his primary duty of Kosovo's Correctional Service. Even internal control and its exercising mechanisms have special importance in improving the observance of law and individual rights by the police and staff of detention. The exercising of a more rigorous control, strengthening of disciplinary measures and putting to justice employees who violate the law are very important for penitentiary institutions.





## RECOMMENDATIONS

- It should be noted that detention can not only be a last resort and should last as low as possible. The detainee enjoys the presumption of innocence, where detainees must have a special regime so they should be divided from prisoners, housed in individual rooms, the administration is obliged to provide food, then the detainee should be given a chance to work , the detainee should be allowed to receive books, newspapers, materials for writing, also the detainee must be allowed to be visited and treated by a doctor, to ease the communication with family and receive visits of these individuals and be assigned a lawyer or to receive visits from the lawyer about his defense.
- Juveniles in detention should be treated with caution, to have protection in social, education, professional, medical sphere etc., taking into account age, sex and personality of them. Juveniles who are detained must be divided from adults and be kept in separate institutions which should benefit from all the rights that belong to them.
- For detainees particular importance is the reform of the system of detention centers, where a new opportunity would be created related to staff, the concept of today's contemporary detention, the role and place of rights in the treatment of individuals deprived of their liberty.
- Always pay attention to eligible persons for employment, as well as to organize a continuous training for them that would be a proper preparation for detention facilities staff with new contemporary concepts.
- Develop and design functional organic structures, modernization of infrastructure, not only the staff's environment but also for the facilities of detainees. Device and increase the security elements with system, fencing, lighting, surveillance cameras and sufficient monitors to guarantee for security, and the staff and administration to work more and have continuously training in all of its levels.