

# **THE SPECIFICITIES OF TREATMENT TO JUDGE SHORT CONVICTIONS IN THE REPUBLIC OF KOSOVO**

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## **Abstract**

The Republic of Kosovo, although new to citizenship, in terms of legislation and penal institutions has a very interesting course, which itself includes acts and institutions within the former Yugoslavia, Serbia, UN Protectorate and finally after independence through legislation and institutions of the Republic of Kosovo.

After the war ended in 1999, in Kosovo there was a mix of legal acts of the former Yugoslavia and acts issued by UNMIK. Now, five years after the declaration of independence, Kosovo has pledged to follow its path towards the EU which has led to legislation in Kosovo to develop rapidly in order to meet international standards for accession to the EU and other international structures.

The new system Kosovo criminal convictions are considered short sentences that can be imposed for a period of 30 days beyond the six (6) months for the criminal offense and punishable by three years in prison for offenses of a minor. In accordance with the legal infrastructure, in the Republic of Kosovo, the Kosovo Correctional Service, since 2009, has a special institution holding short sentences, and this institution is Correctional Center for Smrekonica short sentences, an institution which meets requirements and international standards for accommodation, treatment and socialization of persons sentenced to short prison sentences. Our experience gives us the right and opportunity to be determined for full justification sentencing brief prison sentence of imprisonment are kept in special institutions half-open or open like that Correctional Center for shorter sentences Smrekonica. This facility provides the opportunity for an adequate treatment, constructive convicts, provides adequate treatment for execution of sentence and creates the right atmosphere treatment. The possibility of employment in the economy of the institution and engaging in Offender out for the needs of different organizations, contributes to prisoners in psychic terms more easily afford the sentence and opportunities negative impact on each other inmates are small me. Characteristic is the fact that over 85% of prisoners with short

sentences are not employed but live together with parents and are economically dependent on their parents. This fact is of concern to society and the state of Kosovo, which is most essential in this regard state bodies to take concrete measures for the employment of citizens of Kosovo and in particular the hiring of new generations.

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**Keywords:** Kosovo, legislation, institution corrector, the Constitution, laws

## **Introduction**

### **The treatment specificities to judge**

### **Short convictions in the republic of kosovo**

### **The notion of short prison sentences**

In our criminal system, short sentences are considered the penalties which may be imposed for a period from 30 days up the six (6) months. The prison sentences are imposed in full years and months, and when the penalty is up to six (6) months, the sentence is imposed on full days. *PCK (2004)*. As in Republic of Kosovo and some other countries in the region and beyond, Albania, Slovenia and Croatia, in the institution of semi-open type or institution with very low security, are place the convicted for criminal offense, convicted for negligent offenses, convicted for other offenses, the sentence of which does not exceed 5 years. *Hysi (2013)*.

The length of the sentence directly affects adequate measures in socialization and correction of convicted persons and in determining appropriate treatment. *Vekovic (2013)*. Practice has shown that the institutions where short sentenced prisoners are kept, can organize the process of socialization same as in the institutions where long sentences convicts are held. These kinds of thing are proved by Institution - Correctional Center for short sentences in Smrekonica.

Imposition of short sentences and their execution in functional terms and criminological-political are presented as an entirely. Rules for execution of sentence of imprisonment are unique part of the state's political system to fight crime. When it comes to the definition of the notion for short sentence, I accept the logic criteria that the treatment "short sentence" determines the sentence which for time length lasts short. There are different opinions regarding the reasons of existence of short sentences, because some authors deny the value of short sentences by saying that they just cause consequences, while others defend the thesis of the existence of short sentences and their reason. In the Republic of Kosovo, Kosovo Correctional Service has a special institution holding short sentences, and this institution is Correctional Center for Short Sentences in Smrekonica, an institution which meets the requirements and international standards for accommodation, treatment and socialization of persons on short prison

sentences. Our experience gives us the right and opportunity to determine for full justification for sentencing on short prison sentence, which sentences are detained in special half-open or open institutions. Sentenced with short sentences in most cases are people who by criminal behavior don't show strong antisocial attitude, therefore I consider reasonable and convincingly that this category of prisoners should not be placed together with offenders with long sentences and in closed-type institutions.

Institutions open type or semi-open, as is the correctional center for short sentences in Smrekonica, provide the opportunity for an adequate treatment, constructive of convicts, provides adequate treatment for execution of sentence and creates the right atmosphere. The possibility of employment in the economy of the institution and outside the institution for the needs of different organizations, contributes to prisoners in psychic terms to handle easier with the sentence and possibilities of negative impact on one other prisoners are much lower. It should be noted that all prisoners sentenced to short sentences are not suitable for this treatment. Hysi (2008).

### **Socializing Treatment of the short sentenced defendant in Correctional Centre Smrekonicë**

Socializing work – corrective with convicted is complex work and with social responsibility which requires legal responsibility, rationalism, professionalism, The work with sentenced should be systematically and continuously. One of the conditions for achieving inclusive of this activity is certainly good planning and work organization. The basic trends of socializing-correctional program and plan arise from the goals and character of institutions for enforcement of criminal sanctions in Kosovo (*According to the internal rules of Correction Service of Kosovo and internal rules of Ministry of Justice of Kosovo*). Tendency and purpose are oriented towards more efficient impact to the convicts, who needed assistance and control in terms of correction-improving their asocial behavior through the application of appropriate treatment.

With treatment means all actions toward the offender, actions arising from the treatment curriculum, daily life and work in the institution. Penology as science and Execution Law Criminal Sanctions, primarily emphasize the need for re-socialization of prisoners and prevention of criminal activities in the society. *Halili* (2014).

In this regard, special contribution have been given by minimum standard rules of UN for the treatment of convicted persons, the European Prison Rules, the European Convention on the prohibition of torture and degrading treatment of prisoners. *EC* (2007).

In all these rules, laws and conventions are emphasized that the main purpose of execution of sentence of imprisonment is re - socialization,

correction of negative characteristics and successful integration into society and families of prisoners. *EC* (2007).

With humanity of society comes to wider change to the character of the sentence. It is not the conviction aim to convict, for the purpose of revenge, but for the purpose of re-socialization-correction, which means a positive change of behavior in order to join again successfully in society and the family. People cannot be changed as a whole, but must make the effort to change attitudes, behaviors, understanding and thinking, which have been the cause of the offense and asocial behavior. The content of the work program of re-socializing - corrective enclose all needs, forms, measures, activities and actions necessary to improve the behavior of inmates and not re-offending in the future. It is envisaged that the program tasks performed in several areas of work re-socialized as:

- Diagnosis of needs,
- Individual and group re-socializing work,
- Educational Work
- Information and advisory work,
- Work in professional training,
- Therapy work
- Free Cultural Activities - Recreational and Sports

By opening of Correctional Center for short sentences in Smrekonica in 2009, the Kosovo Correctional Service has created space for meetings adequate treatment for convict with short sentences in a period of 30 days up to six 3 (three) years.

Correctional Center for shorter sentences in Smrekonica has a complex objects which have certain destinations. There are two pavilions for keeping short sentences, facilities for the reception and classification of prisoners, the object of education and vocational training facility for sports and cultural activities, workshops, agricultural greenhouses, etc. The convicts have favorable accommodation and working conditions in the institution. Regarding the security, this institution has no surrounding exterior walls to prevent the escape of the prisoners, while the number of staff is at a minimum. The convicts perform daily tasks and duties without supervision of staff. They are led at work and advised by instructors from different fields and social officials. The offenders are divided into groups and choose the leader of the group itself, through which the present requirements and needs to professional staff panel, which is held once a week. In this panel also participate prisoners who are leading the group. Professional work with convicts, adequate treatment, giving rights and benefits to prisoners in accordance with the law, rules and behaviors that they manifest during the sentence have contributed to move entirely and achieve good results in re-socialization of convicted persons. *CSK* (2007).

We think that attitude professional and real meaning and of this treatment by all employees in the institution, has contributed to the achievement of positive results, which in the future will take us taking right action that this institution of semi-open type become open type institution. Relying on professional work and successes achieved so far, I am confident that in this way we will be successful. Such success we will achieve with the expansion of the rights of prisoners and the creation of institutional mechanisms for their protection, creating conditions for a professional classification of prisoners external and internal level and on the basis of objective and subjective criteria, emphasizing the need to a multidisciplinary exploration of the convicted personality and the development of appropriate individual program with the aim of realizing individual re-socializing work to convict. *Stefanovic* (2008).

### **Classification of judged persons**

Classification of prisoners in scientific terms means, engaging that in scientific outlook becomes individualization of criminal responsibility, the individualization of punishment and individualization of treatment of prisoners in order to improve them. *Halili* (2013).

For the realization of a more professional job in classification of convicted persons, in Correctional Center in Smrekonicë it works receiving chamber, where works a social officer, a doctor and a legal officer who makes the observation of convicted persons, their classification and assignments and tasks. Persons sentenced to short sentences minimum of 30 days in jail and a maximum of 3 years imprisonment, come for sentence from other institutions but also from liberty, after the judgment becomes final, and receiving the invitation from the court for the start of the sentence. Persons stay in receiving room maximally three (3) days. In this period of stay in the reception room of the prisoners informed by the rules the household, as well as the rights and obligations during the sentence. With the sentenced in receiving room contact officials; social, legal, doctor and instructors work. In reception room, professional staff will do the analysis of the file of the convicted and after conversations with him, professional staff provides prediction regarding the convicted and determine his treatment. Treatment of certain qualifying group and a working unit which he is assigned, as well as forms of work with the convict verified and approved by the Director of the Institution. Once out of the room entrance, the inmate assigned to tasks and duties in accordance with the needs and of his qualified work abilities. After his assignment to work with him continues to take care the social worker, instructor work and others under certain program and they apply forms and methods in achieving the planned work with the inmate. Convicts who manifest asocial behaviors, refuse treatment program, those

who are recidivists, consuming alcohol and narcotics, despite the fact that short sentence are sent to institutions of closed typed. Social Officer is the person who accompanied the convict at all times as found in the sentence and is obliged to follow the implementation of the plan and re-socialized program. In case when re-socialized plan is not realized with the inmate, then it should be reviewed the case and made a new classification of prisoners. *Stefanovic* (2012).

### **Working Methods**

In today's conditions of holding short sentences, the place itself has found methods that have justified their application with the defendant with long sentences. In developing this theme I did not want to unwind in the description of methods, but by analyzing the work in this institution of short sentences, to highlight the importance and value of several methods. In any case, no method is used separately from other, because they help each other and constitute a system as a whole. Each method will be applied mostly depends on many factors relevant, especially depends on the personality of the convict, the type of offense, the age of the offenders, occupation, family status and other. The process of correction and re-socialization of judging with short prison sentences in correctional institution is run is that the use of appropriate methods of work with convicted, so he will become able to analyze and understand mistakes, realize the severity of the offense, factors that have driven to commit the offense and the consequences caused by the offense committed (Bosnjak:1989). In this way, the convict will realize the reality and the mistake made in the future he would not repeat such acts and errors made. I think that is not important how many working methods we use in correctional work with convicts, but how is the efficiency of the methods that we select for a particular case. In our work with correctional-re-socialized convicted dominates the application of those methods which verify penological theory and practice, *Halili* (2009) and these are:

- Method of conversation,
- Method of persuasion,
- Method of adaptation
- Method of stimulation
- Method of monitoring and tracking permanent
- Method of argumentation and correction
- The work of convicted persons,
- Individual work of staff with inmates
- Teamwork and personnel with convicts
- Professional training of convicts
- Self-organization of convicts
- Random method sduimit

- Cultural and sporting activities for convicted. *Halili* (2013; 2009).

Using the above mentioned methods in re-socialized work with convicted enables us to realize our goal of socialization and correction process the defendant with short sentences. The success of our work with short sentences depends not only on the use of appropriate methods, but also depends on the extent to which we are professional, flexible, tolerant and principled, as we motivate for cooperation the prisoners, as well how we provide conditions for adequate treatment and employment. In working with short sentences are not lacking mentioned factors, therefore freely I can say that in this regard we have succeeded properly, but does not mean that everything is perfect. Continuing with our professional work we will try to put the entirety and eliminate obstacles that appear time-to time and will create conditions for the employment of all prisoners in accordance with their skills and professional qualifications they have. Conversations with convicts, counseling and conviction of those sentenced to change behaviors and renunciation of criminality, significantly affected the prisoners that they knowingly and willingly accept positive social norms and thereby change their attitudes and previous behavior.

Frequent conversations with convicted, counseling and gain mutual trust is shown as a good form to achieve the intended purpose - change asocial behaviors and beliefs of prisoners. However the methods of persuasion and stimulation significantly contributed re-socialized and correctional work with convicts. By using the method of persuasion we have managed to create a real relation to the work and duties and establish good working habits, hygienic habits and etiquette skills with others.

Also we managed to convince them of free time, to utilize it in a rational way going in different cultural activities and sports. Having motivated prisoners and enabling them to use various institutional benefits, aim to achieve better results in re-socializing work with inmates and change their previous criminal asocial beliefs and behavior. *Jovanovic* (2007). By applying a random, usually convicted for offenses in traffic, forest cutting, beating, they have managed to put in a similar situation and in this way they best see their behavior and mistakes made. Presentation of video films for traffic accidents, putting out the factors that cause these accidents and the consequences of these actions significantly affecting the convicted for criminal communications, as they felt their mistake and than most have promised that in the future such a thing will never repeat. And also convicted for cutting trees, saw video films that cutting of the mountain can be fatal for settlements, because when it rains and landslide can cover the settlement. After these video films, we have made comments, and have highlighted the consequences that can be fatal, and then the convicts have promised never again to repeat the offense. All this makes us work even more persistent in

seeking appropriate forms and methods in order to change the beliefs, attitudes and convicted criminal actions.

### **Institutional conditions in the sentence**

Terms of living in a corrective institution are among the main factors that determine the sense of the prisoners to self respect and dignity. *IPR* (1995, 2001). Institutional conditions depend on the KCS in particular, but in general terms depend on the Ministry of Justice, which oversees the work of the Kosovo Correctional Service. Kosovo Correctional Service institution possesses adequate for persons sentenced to short sentences, and this is Correctional

Center for short sentences in Smrekonica, which offers very good conditions for accommodation, life and work of prisoners.

Prison rooms are bright and central heating. In residential pavilions there are telephones, where they need and when they are free they can be used without any restrictions. There is daily buffet which is used by prisoners during free time and weekends. In the residence hall there is a television which can be watched by prisoners. The convicts can use the library of the institution for reading books and daily newspapers. The convicts who have an interest in sport can use sports hall and outside the field of sports. In sports hall and outside they can play football, volleyball, handball, basketball, table tennis, chess, also possesses hall for gymnastics and there is also room for cultural events. Special emphasis is given to the health of prisoners and for this there are ambulances with two stationary rooms. The doctor works every working day, and medical technicians are present in ambulance 24 hours. There is also the dentist ambulance where offenders can fix teeth.

### **Work of prisoners**

Modern Penology convicts work considers the most efficient method for resettlement of prisoners and their condition for successful integration into society and family after their release from a correctional institution. *Hysi* (2012). Now the work of convicted persons is considered as a means by which an effort is made to the convicted person to be trained when in liberty. *Halili* (2013). Work as a method and form of re-socialization and correction of prisoners contributes to the formation of the positive characteristics of personality, develops a sense of responsibility, affects the formation of positive attitude towards work and obligations at work, also affects the formation of the right work habits, develops a sense of cooperation with others and motivating to achieve results at work. By providing the prisoners work and the implementation of various forms of work, in practice we have a free regime of prisoners, where prisoners contacts with social officers and

instructors are frequent and they can express their opinion freely, know each other better, share best practices and create the mutual trust between them. Such kind of approach of work requires appropriate skills, ingenuity, communication skills, patience and straight and objective attitude.

The purpose of the professional staff of the correctional facility consists in the fact that executing work not to be understood as a liability or as a punishment, but as a need to understand and work to be a place where they can find themselves and feel the need of pleasure to work.

The offenders are aware that depending on respecting institutional rules and results in work they can utilize the multiple benefits of institution, such as free outlet in the city, monitoring of cultural and sporting activities outside the institution, visit the city with family, weekend home during holidays and days of not working, and early release. Correctional Center for shorter sentences has good opportunities for the organization of work with convicted in the economy in metal workshops, worker adjustment vehicles, agriculture, agriculture, tourism, etc. Depending on the needs and opportunities correctional facility contracts also work outside the institution, where the prisoners engage in accordance with their needs, their status and professional skills. It's worth mentioning that practice has shown that prisoners prefer more working outside the institution. I do emphasize that prisoners perform all work in a correctional facility and outside without the supervision of correctional officers, but only occasionally are followed by the instructors. A way of organizing the work of the prisoners has been successful, productive and with result. From all this it can be seen that ,the work' is the best method and effective form for socializing and correction of anti-social and criminal behavior of convicts.

### **Motivation for work and benefits**

All persons sentenced to short prison sentences held sentence in Correctional Centre for shorter sentences and most of them have established themselves and won't work, but there are also those who have never worked before while in freedom. How to motivate those who have never worked before? In Correctional Centre for shorter sentences, exploitation and use of all methods for re-socialization and behavior of convicts, as the best simulative and that has a positive impact on the convicts, are benefits. Benefits have been shown as a very important factor in stimulating the convicts; used also as a factor in their motivation and influence of convicts that during the punishment they absorb the positive norms at work, behavior and attitudes. Benefits have also been shown as an important tool in the process of re-socialization and correction of anti-social behavior and criminal convicts. Benefits in a Correctional Institute to inmates is given as a reward for good behavior in the institution, for the commitment and results at

work. To use the benefits by the convict it must be understood the reality of changing the attitudes and asocial behavior, to understand the fact that it should change by adopting positive rates in a correctional Institution. To find the best way to motivate inmates, social officer, instructor and others make the maximum effort to better recognize the inmate as personality, to recognize his skills psycho -Physical, field of interest that he has, opportunities and working skills, character and emotional state etc. Granting privileges to prisoners when they do not deserve, significantly affects negatively to others, so in this case, not to make mistakes and omissions, the most effective is shown permanent monitoring of prisoners, evaluation of work results and behavior of inmates in the institution and outside the institution. Benefits that most inmates are given are. *CSK (2007)*.

- Exit in the city,
- Free and the extended Visit,
- Visit family over the weekend,
- Exit group in town for cultural and sports events,
- Early release,
- Probation.

Characteristic of the benefits is that prisoners being aware that with work they can achieve use of benefits, but also same time by use of benefits during the sentence, they are getting highly motivated to work, are showing maximum commitment and are achieving good results at work. They not only are self motivated to work, but also motivate other prisoners to have a positive approach to work and be employed. The commitment of convicted persons to work in a various cultural activities, like sports and vocational training while serving their sentences, are shown as important factors for re-socialization of prisoners with short sentences and their training for successful relationship family and society after their sentence custody.

### **Attendance of persons sentenced to short prison sentences**

Attendance of convicts, from the opening of Correctional Centre for shorter sentences until now, is as following:

#### **Total Year**

Year	Total Convicted	Released on parole	Early release	Release after exp. of sentence	Total released	Number at end of year
2010	103	22	24	2	48	33
2011	276	22	190	4	216	38
2012	384	23	277	5	305	56
2013	404	22	216	4	242	162
2014	565	35	490	3	528	37

Table nr.1- number of the defendant with short sentences in years

By total number of those admitted during the five (5) calendar years, the data shows that 40-50% of the prisoners are announced themselves by for the sentence, 30% of prisoners whose sentence remains was 6 months and less than 6 months that are brought from other institutions in correctional Centre for shorter sentences and 20% of prisoners were brought to the sentence by the police, because they did not answer to court invitation for the custody of the sentence. A number of prisoners brought by police claim they didn't receive invitation for conviction, some claim to have made a request for deferment of sentence and a small number stated that they haven't been aware that their judgment in final. From statistics it shows that in five (5) years there is not high number of the defendant with short sentences, but its characteristic that over 95% of the inmates do not held sentences until the end, because most of them are left free on probation by the commission or earn early release for good behavior and achievement of results in the process of re-socialization. From this we see that the specifics of the treatment to judge short sentences are adequate so the results are obvious and desirable for each correctional institution. Increasing number of the defendants with short prison sentences is a result of amendments of criminal legal infrastructure in Kosovo and the issuance of new laws. The new Criminal Code of Kosovo now as criminal acts has predicted sentence for criminal offenses. Earlier minor offenses are penalized by law for the offense and not the criminal code. Persons convicted for misdemeanors retention sentence in detention centers. When the offense becomes a criminal offense, then all prisoners are sent to the sentence in the correctional center for short sentences.

### Prisoners Structure

According to statistical data it can be seen the structure of inmates by age, criminal act and educational level varies from year to year. Data for convicts as their age, offense committed and the degree of education are presented in more detail and numerical percentage in the tables below.

According to annual statistics it can be seen that the age of the defendant with short sentences is different and that in correctional center for short sentences there were all ages as presented in the following table.

Year	Total convicted	Age to 20 years	age 20-30 years	age 30-40 years	age 40-50 years	age 50-70 years
2010	103	3%	25%	31%	32%	9%
2011	276	6%	28%	29%	27%	10%
2012	384	7%	27%	28%	25%	13%
2013	404	9%	29%	31%	26%	5%
2014	565	8%	27%	30%	28%	7%

Table No. 2 Number of the defendant according to their age

The largest number of the defendant with short sentences is middle age and by the age of 30-50 years. It is worth to note and is worrying is the fact that people in this age has bigger opportunities to work and contribute to society and taking care of the family. Also this category of prisoners are more than necessary for their family, so it is imperative that their presence among family. This category of prisoners understands the severity of the criminal act and most of them without any difficulty adapt with conditions and circumstances of the sentence. Easy accept advices, guidance and are interested to work.

### **The educational level of convicts**

Regarding the educational level of prisoners, we can say that this category of prisoners, most have completed primary school and middle, leads the number of prisoners who have completed primary school which number is something smaller than those secondary school. It is worth mentioning that the smallest numbers of prisoners have completed high school or faculty.

### **The level of education of prisoners**

From the statistical data taken from annual work reports of the Kosovo Correctional Service and Annual Work Reports of Correctional Center's on short sentences, it shows that prisoners holding short sentences have completed only primary school or Medium School. Looking in percentage number of prisoners with short sentences, it shows that the institution for short sentences has low number of convicted who have completed university degree as high school or faculty.

Year	Total convicted	Illiterate	Elementary school 4 yrs	Elementary school 8 yrs	Secondary School	Faculty
2010	103	3%	24%	31%	33%	9%
2011	276	5%	22%	29%	34%	10%
2012	384	3%	21%	29%	34%	13%
2013	404	3%	19%	27%	39%	12%
2014	565	2%	18%	30%	39%	11%

Table no. 3 Number of convicts by education level

### **Number of prisoners according to criminal acts**

Correctional Centre for short sentences usually there are persons convicted of minor criminal offenses where the maximum penalty is up to one year, but has also condemned who have long sentences imposed, but the remaining of the sentence is one year or less than a year, which in this center have been transferred from another correctional institutions. Below there are presented data for prisoners according to the type of crimes committed

### Numerical data of convicted according to acts

According to statistics it shows that the largest number of prisoners is for a criminal offense.

Year	Total convicted	Criminal Offences	Body injuries	Theft	Forest Theft	Document Forgery	Other
2010	103	16%	14%	21%	33%	6%	10%
2011	276	18%	16%	22%	28%	4%	12%
2012	384	23%	15%	18%	24%	7%	13%
2013	404	28%	18%	20%	28%	2%	4%
2014	565	25%	19%	18%	23%	3%	12%

Table No. 4 Number of prisoners under criminal

### Problems at work

It is characteristic all that the number of prisoners with short sentences is much higher during the winter, when the intensity of work of the convicts in a correctional institution is reduced, despite this, during spring and summer the number of the convicts' drops significantly, but needs for work in the institution are very high. Falling decreasing of numbers of inmates at the institution, is causing problems in the provision of benefits to prisoners. I think this is the problem of sending of convicts to the sentence by the court, such a thing has become a permanent phenomenon in the execution of short sentences, due to the postponement of the sentence by the court. This extension of the sentence is usually done during the spring and summer seasons, when work needs Correctional Institution are too big. Free activities mostly take place in sports and sports games, and cultural activities are rare due to the inability to hold as it should be, because prisoners have short sentences and the movement of prisoners from one activity to another activity is frequent due to the small number of prisoners during the spring and summer. Another difficulty is that some of the staff members of some sectors in the correctional institution are adapted harder to work with convicted in the treatment of semi-open and open, since most of them previously have experience working in institutions closed type.

### Conclusion

In Kosovo penal system, short sentenced penalties are considered those that may be imposed for a period of 30 days up to six (6) months for the criminal offense and sentence up to three years in prison for minor offenses. The prison sentence is imposed in complete years and months, when the penalty is up to six (6) months, the sentence is imposed on clear days.

As in Republic of Kosovo, also in some of the countries in the region and beyond, such is Albania, Slovenia and Croatia, the institutions of semi-open type or institution very low security, place the convicted for criminal

offense, convicted for negligent offenses, convicted for other offenses, whose punishment does not exceed 5 years.

The length of the sentence directly affects in taking adequate measures in socialization and correction of convicted persons and in determining appropriate treatment.

In the Republic of Kosovo, the Kosovo Correctional Service, since 2009, has a special institution holding short sentences, and this institution is Correctional Center for Short Sentences in Smrekonica, an institution which meets international standards and requirements for accommodation, treatment and socialization of persons sentenced to short prison sentences.

Our experience gives us the right and opportunity to be determined for full justification for sentencing short prison sentence of imprisonment, which are kept in special institutions of half-open or open as Correctional Center for Shorter Sentences Smrekonica. This institution provides the opportunity for an adequate, constructive treatment of convicts also provides adequate treatment for execution of sentence and creates the right atmosphere treatment. The possibility of employment in the economy of the institution and working outside for the needs of different organizations, contributes to prisoners in psychic terms more easily handle the sentence and possibility for negative impact on each other.

It should be noted that not all prisoners with short sentences in Correctional Center for shorter sentences are suitable for this treatment.

Regarding the security, this institution has external walls surrounding the drain to prevent convicts, while there is minimum number of staff. The convicts perform daily tasks and duties without supervision. They are leaded at work and advised by instructors from different fields and social officials. The offenders are divided into groups and choose the leader of the group by themselves.

Persons sentenced for short sentences in Correctional Centre for short sentences, are sent for the sentence by other institutions but also from liberty, after the judgment becomes final, and receive the invitation from the court for the start of the sentence. Persons stay in receiving room maximally three (3) days. In this period of stay in the reception room of the prisoners informed by the rules the household, as well as the rights and obligations during the sentence. With the sentenced in receiving room contact officials; social, legal, doctor and instructors work. In reception room, professional staff will do the analysis of the file of the convicted and after conversations with him, professional staff provides prediction regarding the convicted and determine his treatment.

With the opening of Correctional Center for Smrekonica short sentences in 2009, the Kosovo Correctional Service has created space for

meetings adequate treatment for reasoning with sentences short a period of 30 days beyond the 3 (three) years.

The institution while working with convicted found out that Benefits are very important factor in stimulating the convicts; serving also as a factor in their motivation and influence of convicts to absorb positive norms at work, behavior and attitudes. Regarding the number of prisoners it shows that, this number since 2010 has increased (see Table no. 1- Number of the defendant with short sentences in years). The level of education of prisoners with short sentences is the primary and secondary school, so it shows that the maximum percentage of them have completed primary school and secondary.

This category of prisoners constitutes the majority of prisoners, over 65%, see (Table no. 3- Number of convicts by education level). This category of convicts mostly committed criminal offense, forest theft and burglary and cause bodily injuries during beatings. See (Table No. 4 Number of prisoners according to offenses).

Characteristic is the fact that over 85% of prisoners with short sentences, before coming to the sentence were not employed but have lived in a family with parents and are economically dependent on their parents.

This fact is of concern to society and the state of Kosovo, which is most essential, that state body takes concrete measures for the employment of citizens of Kosovo, in particular employment of new generations. If category of community was employed, then certainly the number committing crimes would be much lower. Ministry of Justice and the Kosovo Correctional Service, as soon as possible should take concrete actions for opening a institution of open treatment, where the prisoners that come by themselves to sentence, those convicted for the first time and those of good behaviors. If this is not possible, then there is a possibility that within the correctional center for short sentences to set a pavilion for open sentenced to treatment. To achieve the purpose of execution of short sentences is necessary that the criminal treatment to established institutional conditions for life and work, so the offender will easier handle the sentence, the sentence does not leave traces and consequences to them and in this way they can easily and readily be switched back to society and the family circle. Along with creating the conditions it is necessary to find the most appropriate forms of work for sentenced to short prison sentences.

Based on work and working practices with convicted in Correctional Centre for short prison sentences in Smrekonica, we can freely conclude that the execution of short sentences can achieve the purpose of punishment.

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