THE LEGAL BASIS FOR THE EXECUTION OF CRIMINAL SANCTIONS IN THE REPUBLIC OF KOSOVA

Mr. sc. Resmi Hoxha
PhD Candidate at European University of Tirana, **ALBANIA**

ABSTRACT

The legal and practical aspect of the execution of criminal sanctions in Kosovo from 1945 until today has evolved through several periods and socio-political changes. Since 1945, when Kosovo was part of Republic of Serbia within the former Yugoslavia, laws of Yugoslavia were in place. With the changes in the Yugoslav system, Kosovo wins its political independence in 1974 and becomes part of the Yugoslav Federal System. During this period Kosovo adopted its laws and in compliance with the laws, it established its correctional institutions. This period was very fruitful and successful for Kosovo in every field, and with this also on the establishment of the legal basis for the execution of the criminal sanctions. Yet, in 1989 this autonomy was violently abolished by Serbia and Kosovo became again part of Serbia and Serbia laws started being implemented. In 1999, with the help of the international factor Kosovo, and as result Kosovo started growing in every aspect. In 2008, Kosovo declared its independence and subsequently it adopted its own Constitution. Many laws were promulgated in compliance with the Constitution and at the same time some of the existing laws were amended. Criminal sanctions derive from the Constitution of Kosovo[1], Criminal Code and Criminal Procedure Code[2], the Law on Execution of Criminal Sanctions[3], Juvenile Justice Code[4], Internal Rules of Procedure of Kosovo Correctional Service, Administrative Directives of Ministry of Justice, International Prison Rules, European Prison Rules and other international documents in the field of protection of human rights and liberties. The Convention against torture and inhuman and degrading punishment has found its place in the Constitution of Kosovo.

The Constitution of Kosovo[5] has foreseen the Right to Fair and Impartial Trial where it guarantees to every individual equal protection of their rights in the procedure before the courts, other state institutions and public officials.[6]

The Criminal Code is of significant importance in the justice field since it stipulates the criminal offences, sanctions and measures against perpetrators of such offences.

The Criminal Procedure Code stipulates the role of the parties, evidence, initial investigation actions, first and second preliminary hearings, indictment, plea agreement and other alternatives from trials, the trial process as well as legal remedies. Of great importance in this Code is the part which includes the provisions which regulate the pretrial detention, rendering and announcement of judgment etc.

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[1] Constitution of Republic of Kosovo, 2008, Prishtina.

[2] Criminal Code of Republic of Kosovo, no.04/L-082,Prishtina, 13 July 2012. The law entered into force on 1 January 2013.

[3] Law on Execution of Criminal Sanctions, no. 04/L-149, 23 July 2013 Prishtina.

[4] Juvenile Justice Code of Republic of Kosovo, no.03&L-193Prishtina, 20 August 2010.

[5] Constitution of Republic of Kosovo, 2008, Prishtina, Article 31.

[6] Ibid.

The Law on Execution of Criminal Sanctions regulates the execution of the criminal sanctions, minor offence sanctions and measures for mandatory treatment, as well as the detention on remand.[7]

Sub-legal acts, Administrative Directives, Internal Rules of Procedure, House Rules, etc., in compliance with the law, regulate precisely the work of the Correctional Institutions.

Keywords: *Kosovo, Legal basis for execution of criminal sanctions in the Republic of Kosovo, Legislation, Constitution, International authorities-UNMIK-*

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[7] Law No. 04&L-149, Prishtina, 29 July 2013, Promulgated with the decree no. DL.035-2013, from the President of the Republic of Kosovo.