

# Conditional Release and Supervision of Persons Convicted of Terrorism



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## Introduction

The Republic of Kosovo has faced the threat of violent extremism and terrorism since the end of the war in June 1999. This threat materialized with the involvement of over 400 Kosovo nationals in the wars in Syria and Iraq.

Kosovo ranks among the countries with the highest number of foreign fighters per capita who have joined the terrorist organization ISIS in the war in Syria and Iraq. Kosovo also is one of the first countries to accept the repatriation of its citizens who had sided with terrorist organizations in conflict zones. In 2015, Kosovo adopted a specific law to prevent its citizens from participating in foreign conflicts. The justice system responded quickly to the issue, swiftly prosecuting, investigating and adjudicating individuals involved in terrorist acts.

Most persons convicted for crimes related to terrorism have been released. Currently there are 19 people in Kosovo's correctional facilities for crimes related to terrorism. Of them, 14 are serving their sentences, others in detention on remand.<sup>1</sup>

With the aim of avoiding recidivism, fulfilling the purpose of punishment and, above all, effectively address the phenomenon of violent extremism and terrorism, rehabilitation and reintegration programs were sought to be established within the correctional and probationary system to address individuals involved in violent extremism and terrorism.

However, participation in these programs remains at the discretion of the convicts, whereas BIRN data reveal that the majority of subjects (over 60%) have not engaged in any training or professional development program during their stay in the correctional facility.<sup>2</sup>

In this regard, the possibility of conditional release, as provided by the Law on the Execution of Criminal Sanctions, is an opportunity to encourage convicts to earn freedom before serving their full sentence, in exchange to meeting certain requirements, evaluated by a specific mechanism – the Conditional Release Panel, which operates under the Kosovo Judicial Council.

Thus, conditional release is one of the mechanisms contributing to the rehabilitation and resocialization of convicted individuals. BIRN data indicate that even persons convicted of terrorism made efforts to be included in this program.

Their inclusion was achieved using existing mechanisms of the Correctional and Probation System and the Conditional Release Panel.

This report identifies the advantages and disadvantages of the management of the process of the release of individuals convicted of terrorism.

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<sup>1</sup> Data collected by BIRN from the Kosovo Correctional Service through interviews.

<sup>2</sup> BIRN report – Employment as a Challenge of Reintegration and Resocialization, found at - <https://kallxo.com/wp-content/uploads/2022/02/EMPLOYMENT-SI-CHALLENGE-E-RI-INTEGRIMIT-DHE-RISOCIALIZIME-Final-c-.pdf>

## Methodology

The Balkan Investigative Reporting Network (BIRN) has developed a methodology for analyzing the conditional release process of individuals convicted of criminal acts related to terrorism. BIRN selected a random sample for analysis, comprising of five cases handled between 2015 and 2020 by the Conditional Release Panel.

Based on the methodology, the analysis focused on five cases of individuals conditionally released, convicted of committing criminal acts related to terrorism, including terrorism with religious motives and other forms of terrorism.

Following BIRN's methodology, initially all case files were analyzed, including the process preceding the conditional release request, as well as all individual files. The analysis then focused on whether the files fulfilled the formal requirements for conditional release. Detailed scrutiny was given to the Conditional Release Panel's decision for each case, focusing on the individual specifics of these cases. Risk assessment reports and all associated documents that the Conditional Release Panel should evaluate were assessed and, finally, the supervision process by the Probation Service was reviewed, with particular attention paid to the format and quality of supervision and the final report concluding the process.

Additionally, for the purpose of this report, interviews were conducted with officials from the Correctional Service, the Probation Service, and the Conditional Release Panel.

The cases examined in the report were randomly selected. To protect sensitive personal data, cases are listed and identified with initials as follows:

|         |      |
|---------|------|
| Case 1. | A.B. |
| Case 2. | V.H. |
| Case 3. | B.U. |
| Case 4. | A.S. |
| Case 5. | R.B. |

In its analysis, BIRN looked into the conditional release procedure of individuals convicted of terrorism from the initial report of the Correctional Service, the Conditional Release Panel's decision, to the final report of the Probation Service after the supervision period was concluded.

For the compilation of this report, BIRN utilized the archives of the Probation Service of Kosovo and the Conditional Release Panel.

During the research conducted for the preparation of this analytical report, BIRN encountered challenges in securing data. Specifically, to obtain the Panel's decisions, which should have been public and available on the website, three requests for access to public documents had to be submitted to the Panel. However, these decisions were not provided until almost one month after the submission of the initial request.

## Executive Summary

Data analysis on the processes carried out for conditional release encompassed the entire chain of institutions, including the submission of requests for conditional release, to the compilation of the case file by the Correctional Service, processing of the file, decision-making by the Conditional Release Panel, and the supervision process and the drafting of the final report on the supervision process by the Probation Service of Kosovo. The analysis reveals that:

1. The Conditional Release Panel applied the same criteria for the conditional release of individuals convicted of terrorism as for those convicted of less serious criminal offenses.
2. The terms of the release for persons convicted of terrorism are the same as those for other convicts and do not require completion of programs during the supervision period;
3. The Panel's decisions have not considered economic sustainability for those on conditional release, and no obligation for employment or professional skills programs was issued.
4. The Conditional Release Panel's decisions have not required regular visits to mental health professionals or professional examinations to assess the resocialization process.
5. The final reports drafted by the Probation Service are rather superficial, and in no monitored case have they requested the return of convicts to prison.
6. When deciding on conditional release, the Conditional Release Panel reviewed no prior report on the environment where the released individual will be accommodated.
7. The Probation Service is not consulted before decisions are made by the Conditional Release Panel regarding the terms and conditions for the convict. As a result, the rehabilitation plan is incomplete and unconditional;
8. The Probation Service lacks tools for remote supervision and, as a result, the entire supervision process is conducted through direct meetings.
9. The Probation Service has carried out the supervision process only in direct meetings with the convicts, with no review of other sources of information which provide data on the reintegration process.
10. In the cases analyzed, PSK consulted no other body and received no other assessment during the probation period;
11. No professional evaluations on the level of radicalism are made during the probation period;
12. Centers for Social Work were not involved in the probation period, and the program does not envisage the inclusion of CSW after the completion of the probation period;
13. There is a lack of genuine inter-institutional communication regarding the conditional release procedure.

BIRN has also found other issues

## Issues identified in the preparation of files

Files analyzed by BIRN for purposes of this report indicate that the completion of files, procedures, criteria, and evaluation tools for requests for conditional release of individuals convicted of terrorism by the Conditional Release Panel are not tailored. They are same as those for the review of requests from individuals convicted of other offenses. BIRN found that the Panel applies no specific review or criteria in the evaluation of the release of individuals convicted of terrorism. In this context, all criminal offenses, from the least to the most serious, are handled equally, disregarding the circumstances and specific characteristics that individuals convicted of terrorism may have.

The Law on the Execution of Criminal Sanctions and the Regulation on the Organization and Functioning of the Conditional Release Panel define the procedure and criteria for the review of requests for conditional release. However, cases of terrorism, due to the high risk associated with the offense and the specific features of perpetrators, should be handled in a more individualized manner to achieve the rehabilitation and reintegration process of such individuals.

In particular, cases analyzed reveal that the files reviewed by the Conditional Release Panel lack sufficient descriptive data on the individual, specifically in terms of:

- The gravity of the crime;
- Description of the convicted person;
- Psychiatric and psychological condition;
- Social background;
- The convict's plans after release;
- The existence of general risk to the public.

Decisions of the Conditional Release Panel provide no detail on any of these items with a specific view on terrorism cases. The analyzed decisions reveal an almost uniform treatment of cases, lacking individual descriptions of specific circumstances of the case, offering only generic assessments.

## Terms of the release - similar to those for ordinary crimes

From the examined files, it's apparent that the obligations assigned to the Probation Service during the supervision period are nearly identical with other criminal offenses. This approach disregards the unique nature of individuals involved in acts of terrorism and fails to address their specific needs for resocialization and reintegration into society, and ultimately aiming to sever ties with violent ideologies.

The terms for individuals convicted of terrorism are the same as those for other convicts, with no mandatory participation in programs outside of prison.

Following the submission of the conditional release request, the process requires the individual to meet with the Probation Service and sign a supervision agreement, outlining the rights and obligations of the parties. However, the analysis of these files reveals insufficient attention to the ongoing educational process for individuals or requirements to participate in professional development programs.

## **Lack of conditioning with employment**

According to the examined files, economic sustainability for those conditionally released is not a significant consideration for the Conditional Release Panel. This is evident as, during the conditional release of an individual convicted of terrorism the Panel makes no mention of this specific criterion. Similarly, the Probation Service does not require the subject to enter into an employment contract or minimally be involved in the employment process and economic well-being. This applies to both the probation period and following completion.

BIRN found that only one of the persons conditionally released was employed after completing the probationary period. This person is B.U., employed in a family business during the probationary period. A.S. is found to have made effort to get a job but was unable due to the pandemic.

## **No requirement for psychological and psychiatric treatment**

In the reviewed files, no instances were found where psychological sessions were mandated or recommended throughout the probationary period. While individuals are within correctional institutions, they have the option to voluntarily undergo psychological and psychiatric treatment.

Analysis of the files reveal that, during the probationary period, subjects did not engage in any such treatment. In the case of individuals convicted of terrorism, these treatments would be crucial for the well-being and health of the subjects, and would play a vital role in professionally evaluating the rehabilitation and reintegration process for these individuals.



## **Lack of specific data in final reports**

The analysis shows that reports were an integral part of each file, ranging from periodic updates to final reports, highlighting the rehabilitation progress of the individuals under supervision. However, the final reports often seem superficial, containing only basic data for each person on conditional release and even less specific individual information regarding the probation process.

In particular, there is a notable lack of specific data on individuals convicted of terrorism, including details about their environment, understanding of the consequences of the criminal offense, resocialization and reintegration process, economic well-being, and their plans for the future.

As the primary goal of this process is to attain a level of resocialization that renders the convict suitable and prepared for reintegration into society, the level of resocialization is assessed at the end of the supervision period. Of the five files analyzed, three explicitly reflected the attained level of resocialization, while two lacked such information in the file. Additionally, the instrument used to evaluate the level of resocialization for these subjects was not elaborated in detail.

The analyzed files reveal a noticeable gap in the data landscape concerning the subject, in particular regarding the environment where the individual will spend the probationary period and fulfill the commitments outlined in the agreement and the individual plan. Evaluation of individual qualities of the subject is of vital importance. However, the level of resocialization and reintegration, plans for the future, mental health, the environment where the subject will return are key to the entire process. Therefore, the Conditional Release Panel should also have this evaluation of the environment where the subject will be placed, just as PSK should also prioritize the environment in which the subject will spend the probationary period.

## **Weaknesses of individual trial plans**

Despite each conditional release subject's personal file containing an individual plan prepared in collaboration with the individual, there are shortcomings in such plans. This is because the Probation Service is integrated at later stages of the conditional release procedure. Earlier involvement of the Probation Service would also be beneficial for the Conditional Release Panel. The involvement of the Probation Service with those convicted of terrorism from the beginning of their sentence, issuance of more frequent reports regarding their behavior and a more accurate assessment of their level of risk could contribute to a clearer picture of the profile of a candidate for conditional release, and thus would allow for a better evaluation for the Panel. Above all, it would help to design an adequate individual plan conforming to the subject's specifics, ensuring that the rehabilitation and reintegration process is successful.

## **Weaknesses in the supervision process of probation**

Supervision of persons on conditional release during the probationary period is significantly limited due to the lack of specialized tracking equipment.

Tracking persons during this period is limited to conversational meetings between the subject and the probation officer. PSK has no surveillance mechanism for the released person beyond these meetings, and has no advanced tracking equipment, which would facilitate the supervision process and improve its quality, leading to a better overall rehabilitation and reintegration process of persons convicted of terrorism, given their high risk and the specific nature of the offense for which they were sentenced.

Individual meetings with subjects, the sole form of supervision during the probationary period, are confined to conversations between the released individual and the official. This underscores the significant lack of PSK resources to obtain a clear picture of the progress of the probationary period, often relying solely on the released person's account with no collection of additional data and perspectives from the persons community or environment. Moreover, the individual cases analyzed reveal that meetings with released individuals are inconsistent and frequently disproportionate to the probationary period.

For example, the conditionally released individual A.B. stayed for nearly 8 months in probation, during which period PSK held no more than 4 meetings. On the other hand, the conditionally released individual A.S. remained under supervision in the same duration, but a total of 12 meetings were held. B.U. stayed only one month less under the supervision of PSK, in which period 8 meetings were held.

For the probationary period of 10 months, V.H. held a total of 11 meetings with the probation officer. The released R.B. remained in the probationary period for 4 and a half years, in which period a total of 82 meetings took place.

## **Lack of coordination and involvement of other institutions in the supervision period**

Indeed, the Probation Service has the main role in the conditional release period. However, it is clear that there is no involvement of other institutions or agencies that can contribute to the reintegration into society of the individuals released, including educational institutions, centers for social work, or employment and training agencies, with the aim of applying a multidisciplinary approach yielding significantly better results in the whole process.

Although terrorism is one of the most dangerous forms of criminality, relevant institutions continue to treat as any other forms of crimes. This is clear, as there is no mechanism to measure the level of radicalism during the probationary period. Given that acts of terrorism are often manifested as a result of radicalism and violent extremism, it is essential to have professional methods in place to assess the level of radicalism, to which persons convicted of such acts must be subjected during the period of their conditional release. The final report should document this criterion through specific instruments before the subject completes the period of supervision.

After the completion of the probationary period, there is no involvement of centers for social work in the supervision of released individuals, as the role of CSWs is of vital potential for a smoother reintegration of a convicted terrorist into society, instead of allowing them unsupervised or unsupported by anybody or institution.

The research identified significant gaps in the cross-institutional communication, namely between the justice bodies and conditional release institutions. This is also reflected in the PSK files. In some instances PSK has no data on whether or not individual released has committed any criminal offense during the supervision period. In other instances there is no information about their criminal past.

## **Handling of Cases of Individuals Convicted of Terrorism by the Correctional Service**

The rehabilitation of individuals who have violated the law stands as a fundamental principle within the realm of contemporary criminal justice. This process gains particular significance when addressing the phenomenon of terrorism.

The purpose of criminal sanctions is not only punitive, but rather also focuses in the preventing the repetition of criminal offenses, which is achieved through the methods facilitating the reintegration of prisoners in the society, after serving the sentences. This is also reflected in Article 5 of the Law on the Execution of Criminal Sanctions.

When it comes to the fight against terror, the key to preventing convicts from returning to the path of extremism and radicalism is to provide them with the opportunity to reintegrate in the society after their release. This is an important process for a society which aims to maintain peace and general security, and the structures that form the basis of a state.

However, a challenge in the rehabilitation of individuals convicted of terrorism arises from the fact that their treatment by relevant institutions follows the same methods employed for any criminal offense. There is a lack of specific protocols for those convicted of terrorism, particularly concerning the preparation and documentation of their files when seeking release from the Conditional Release Panel.

The planned programs for the rehabilitation and reintegration of these individuals are mainly conducted on a voluntary basis and sometimes by court order.

BIRN data reveal that none of the analyzed files indicate the participation of convicts in a training specifically designed for individuals convicted of radicalism. This should raise concerns for the Conditional Release Panel when handling requests from these individuals.

Thus, there is a clear need to implement specialized and intensive programs for the treatment of convicts, accompanied by more advanced methods to measure the degree of deradicalization and resocialization.

This was also reflected in the file of convicted person V.H.

His report prepared by the Correctional Service for the Panel, states that “his resocialization is progressing well.” However, the same file also states that “he still does not fully grasp the consequences of his actions.”

Considering the complex nature of such criminal activities and the level of societal risks associated with these offenses, the treatment and deradicalization of convicted individuals should continue even after their release from correctional institutions.

These challenges are also reflected in the findings of the Progress Report for 2023, which makes mention of cases of individuals convicted of terrorist acts becoming repeat offenders.<sup>3</sup>

This process was also elaborated in the latest Counter-Terrorism Strategy, where rehabilitation and reintegration are objectives aimed at preventing recidivism. This is to be achieved by offering support to these individuals, strengthening the capacities of the Correctional Service, improving rehabilitation programs within the correctional system for the risks posed by convicts, and enhancing the institutional dialog on rehabilitation and reintegration programs.<sup>4</sup>

Participation in the planned rehabilitation and reintegration programs in relevant institutions is voluntary or by court order.

Regarding the rehabilitation of convicts while serving their sentences in correctional institutions, it is clear from the file analysis that some convicts participated in programs within the prison, but only one convict took part in a training specifically focused on anger management.<sup>5</sup> However, none of them participated in programs or trainings specifically designed to promote the rehabilitation of persons convicted of terrorism. The same applies to the outlined individual plans.

The Correctional Service operates under the authority of the Ministry of Justice, responsible for the execution of criminal sanctions in correctional facilities, including prisons, detention centers, and high-security institutions.<sup>6</sup>

Given the importance of criminal sanctions for rehabilitation and the responsibility of the correctional service for their execution, PSK has an obligation to undertake programs that contribute to this goal.

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<sup>3</sup> Data collected by BIRN from the Kosovo Correctional Service through interviews.

<sup>4</sup> BIRN report – Employment as a Challenge of Reintegration and Resocialization, found at - <https://kallxo.com/wp-content/uploads/2022/02/EMPLOYMENT-SI-CHALLENGE-E-RI-INTEGRIMIT-DHE-RISOCIALIZIME-Final-c-.pdf>

<sup>5</sup> See case 3 - B.U.

<sup>6</sup> Law on the Correctional Service of Kosovo, accessible at <https://gzk.rks-gov.net/ActDetail.aspx?ActID=61157>

While serving their sentence in prisons, the role of the Correctional Service is to incorporate convicts into programs aiming to raise their awareness and distance them from deviant behavior, with the goal of preventing recidivism.

PSK implements this process through various treatments provided by the internal regulation for treatment. Such treatments occur at four levels, aiming to motivate improvement in the behavior of convicts as part of the resocialization and reintegration process into society.

The previous law on the execution of criminal sanctions did not recognize the right to appeal against the decision of the Conditional Release Panel. However, this right has been introduced in the new Law on the Execution of Criminal Sanctions. Dissatisfied parties can file an appeal to the Supreme Court, which may uphold or change the decision of the Conditional Release and may remand the case for reconsideration. The decision of the Supreme Court is final.<sup>7</sup>

These legal amendments have allowed for a situation where parties may have been misled about their rights. The data in the official website of the Panel have not updated until one year and two months after the entry into force of the new law.

Thus, the Panel's website stated that parties have no right of appeal against the decision of the Panel, whereas the new Law foresees the right of appeal with the procedure explained above. This error was not corrected until October 2023, even though the new Law entered into force in August 2022.<sup>8</sup>

## Conditional Release of Persons Convicted of Terrorism

A mechanism expected to contribute to the resocialization and reintegration of convicts into society is conditional release. Kosovo's criminal law recognizes this as a mechanism that enables prisoners to be released early from serving their sentence, with the condition of supervision until the end of the sentence. This procedure is carried out through the Conditional Release Panel, the Correctional Service and the Probation Service of Kosovo.<sup>9</sup>

Prisoners' behavior while serving their sentence is one of the criteria on the basis of which the decision is made regarding their release.<sup>10</sup>

For persons sentenced to at least 5 years of imprisonment, consideration of their release may take place after they have served of their sentence. For offenses punishable up to 5 years, they have to have served half of the sentence.<sup>11</sup>

Conditional Release also applies as an alternative for persons sentenced to life imprisonment, after they have served 30 years of their sentence.<sup>12</sup>

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<sup>7</sup> The Law on the Execution of Criminal Sanctions accessible at - <https://gzk.rks-gov.net/ActDetail.aspx?ActID61303>

<sup>8</sup> See recommendation three

<sup>9</sup> The Criminal Code of the Republic of Kosovo available at <https://gzk.rks-gov.net/ActDetail.aspx?ActID18413>

<sup>11</sup> Criminal Code of the Republic Kosovo

<sup>12</sup> Criminal Code of the Republic Kosovo

For acts of terrorism, the Criminal Code provides a minimum sentence of 6 months in cases of Assisting the commission of terrorism by not reporting the crime, while the maximum sentence is life imprisonment. This means that the shortest period of imprisonment that can be served by a person convicted of terrorism is 3 months, in the case of conditional release.

The competent body that decides on the release is the Conditional Release Panel.

This is a separate and independent body in the decision-making process, established by the Kosovo Judicial Council, operating under the current Criminal Code and the Law on the Execution of Criminal Sanctions.<sup>13</sup> (CRP)

The role of the Panel is to review requests and proposals for conditional release, and issue decisions regarding the release of prisoners.<sup>14</sup>

The procedure is initiated through the submission of a request by the convicted person through the prison where he/she is serving the sentence, or by the Director of that prison. Following the submission of the request to the Panel, the Probation Service, at the request of the Prison Director, visits the prisoner and signs the agreement for his/her supervision after release.<sup>15</sup>

At this stage, the Correctional Service compiles a report for the Panel, including all necessary data to decide whether to release a convict.

However, the analysis shows that reports from the Correctional Service are not always comprehensive.

BIRN's analysis reveals that in the case of convict A.S., the Correctional Service omitted the fact that the convict took part in an armed escape from Dubrava Prison while serving his sentence. This was not included in the decision of the Conditional Release Panel.

What stands out here is that in the decision of the Panel for the release of A.S. failed to specify this circumstance. According to this decision, the Panel had information about the accused, which included "good behavior and a correct attitude towards both the staff and the convicted persons."<sup>14</sup>

Moreover, BIRN's analysis reveals that the decisions of the Panel on the conditional release follow templates used for all cases, with no details in the context of terrorism, with information regarding:

- The gravity of the criminal offense;
- Good behavior;
- Psychological and psychiatric condition;
- Social history and plans after release;
- General risk to the public.

In particular, none of the cases analyzed indicates that the Panel has reviewed the environment where the released convict will be placed, and the impact that he may have, given the specific nature of persons convicted of terrorism and the phenomenon of terrorism in general.

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<sup>13</sup> Official website of the Conditional Release Panel <https://www.jvqesori-rks.org/paneli-per-lirim-me-khust/>.

<sup>14</sup> Official website of the Conditional Release Panel <https://www.jvqesori-rks.org/paneli-per-lirim-me-khust/>.

<sup>15</sup> The Law on the Execution of Criminal Sanctions available at <https://www.jvqesori-rks.org/paneli-per-lirim-me-khust/>.

In cases where the prisoner is conditionally released through a decision of the Panel, the supervision responsibility is transferred to the Probation Service. In 2022, 4 people who committed terrorist crimes were conditionally released by the Panel.<sup>16</sup>

## Supervision of Persons Convicted of Terrorism after Conditional Release

According to the law, after the conditional release, the probation service takes over the supervision.

The implementation of the institute for the rehabilitation of convicted persons and their reintegration into society falls under the responsibility of the Probation Service of Kosovo.

The role of PSK is to execute alternative sentences. After the decision of the Panel, PSK takes over the supervision of the convicted person until the end of the sentence.

Moreover, this agency also has the responsibility of providing support and guidance for convicts, contributing to the reintegration and resocialization of persons released.

This is intended to be achieved, among others, through the supervision of probation officers and case managers who develop individual plans for supervised individuals, and by assessing the risks and the needs for treatment of those who have committed criminal offenses.

BIRN's case analysis highlights that individual plans are not sufficiently tailored for individuals released and, moreover, such plans lack activities with the objective of deradicalization, with no instruments in place to assess this process.

For instance, in the case of A.B., the agreed plan obligated him not to change residence without notifying the probation service, refrain from traveling abroad, and be cautious in his behavior.

Proposed measures and activities by the Probation Service in the file include adherence to the formal obligations defined by the Panel, and according to the probation service file, A.B. has promised to fulfill these obligations.

For B.U., the Probation Service compiled an individual supervision plan, outlining obligations such as caring for his family and engaging in his family business, both of which he has fulfilled.

According to the file of A.S., the proposed measures and activities by the Probation Service to reduce the risk included spending time with his parents, enrolling in driving school, seeking employment, and being more cautious in his actions.

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<sup>16</sup> Country Report for Kosovo 2023, accessible at [https://neighbourhood-enlargement.ec.europa.eu/system/files/2023-11/SWD\\_2023\\_692\\_Kosovo\\_report.pdf](https://neighbourhood-enlargement.ec.europa.eu/system/files/2023-11/SWD_2023_692_Kosovo_report.pdf)



Meanwhile, the individual plan for R.B. involved regular contact and discussions, with additional assistance sought from other actors based on his needs. In the case of V.H., the final report prepared by the Probation Service after the probation period failed to include any assessment of the achieved level of resocialization.

Thus, in all analyzed cases, there is a lack of a vision for ensuring economic well-being, future plans, skills, or vocational training as requirements to be fulfilled during the supervision period. The only mechanism applied is meetings with the subjects, which rely on their statements, as the Probation Service lacks technological and logistical tools to verify their statements.

Moreover, there is no multidisciplinary approach to individuals through the involvement of centers for social work or vocational education centers in different regions during the supervision process.

The responsibilities of the Probation Service are defined by the Law on Probation Services, according to which responsibilities applicable in the context of release include monitoring, supporting, and assisting individuals during the execution of alternative sentences, assistance in the reintegration and resocialization of individuals, developing individual supervision programs, and drafting reports for the individuals.<sup>17</sup>

## Analysis of Individual Cases

The following reflects the journey of persons convicted of terrorism towards rehabilitation and re-socialization, from their time of sentencing, to their conditional release, and the completion of the supervision period.

### Case 1. A.B.

A.B.'s biography encapsulates a history of radical transformation, from going to Syria to a fundamental ideological de-radicalization that forms the core of the rehabilitation and reintegration process into society.

What distinguishes his case is that A.B.'s de-radicalization journey extends beyond individual boundaries, evolving into a mission to combat extremist ideologies as a phenomenon. This involves providing assistance to ex-fighters who share similar backgrounds.

In October 2013, A.B. traveled to Syria with the intent of joining the fight against Bashar al-Assad's regime. However, he stayed there for only nine days before returning to Kosovo. He asserts that he never engaged in combat and came back home because he chose not to align with jihadist organizations like "Al-Nusra".

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<sup>17</sup> Law on Probation Service, accessible at - <https://gzk.rks.gov.net/ActDetail.aspx?ActID&61156>



In 2015, the Special Prosecutor's Office indicted A.B. and several other persons on charges of Participating in Terrorist Organizations, under Article 143, par. 2 of the Criminal Code, applicable at that time. A.B. received a three-and-a-half-year prison sentence in the first instance. He was part of a group that included 10 other people.

In 2016, the basic court sentenced him with three and a half years of imprisonment. Following the first-instance conviction, the defense filed a second-instance appeal, which was ultimately rejected. The case then went to the Supreme Court, which also upheld the first instance judgment.

The case reached the Constitutional Court. A.B.'s numerous claims referred to the Constitutional Court were based on the violation of the right to a fair and impartial trial and the right to due process. The Constitutional Court found his referral unfounded.

## **Case 2. V.H.**

V.H. is part of the group of Albanians who traveled to Syria in 2014 with the intent of engaging in terrorist activities.

The Special Prosecution charged V.H. of traveling to Syria in June 2014 and staying there for one and a half years, until December 2015. During his stay in Syria, he was involved with the terrorist organization ISIS, participating in activities aimed at establishing the Islamic state in Syria and Iraq.

The indictment states that V.H. traveled by air, from Pristina Airport to Turkey and then illegally crossed the Turkish-Syrian border. The indictment further notes that he had adopted ISIS ideologies after being in contact with individuals who held such beliefs.

He was charged with the criminal offense of Organizing and Participating in Terrorist Groups, under Article 143, par. 2 of the Criminal Code and was sentenced by the first instance court to three and a half years of imprisonment.

## **Case 3. B.U.**

B.U. is also one of around 400 Albanians who joined terrorist groups in the wars in the Middle East, in 2014. He was sentenced to 3 years in prison by the Gjakova Court in 2017.

According to the indictment, B.U. stayed in Syria for 4 months, from July to November 2014. He was accused of participating in the activities of terrorist organizations operating in the armed conflict in Syria. He first to Syria through Tirana Airport. He first traveled to Istanbul, and from Istanbul he continued to Gaziantep, and then to Gjelbrus in Syria.

In Syria, he stayed in a facility managed by the terrorist organization ISIS. He then went to the military training center of this organization, where he underwent physical training and on the use of weapons. He served in an ISIS hospital, where he was provided with weapons and ammunition.

For these actions he was charged with the criminal offenses of Organization and Participation in a Terrorist Group, under Article 143, par. 2 of the Criminal Code. B.U. pleaded guilty at trial.

### **Case 4. A.S.**

The indictment filed in 2007 by the UNMIK prosecutor accused A.S. of having written a letter threatened the former mayor of the Municipality of Prishtina with his life. According to the indictment, the letter was written on behalf of the terrorist organization, Albanian National Army.

He was also accused of having thrown a missile at the building of the District Court of Pristina, located in an area of high urban density, and which had penetrated the office of the Chief District Prosecutor.

In 2011, the former District Court of Prishtina found A.S. guilty for Terrorism and Illegal Possession of Weapons, and sentenced him to 10 years and one month in prison.

The case reached the Supreme Court, which upheld the first instance decision.

### **Case 5. R.B.**

R.B. was convicted for placing an explosive device near the Center for Peace and Tolerance in Prishtina, which resulted in the killing of one person and the injury of four others. Representatives of former Yugoslavia were working in this Center. and the person who was killed was a senior official of the Serbian Government.

In 2002, the former District Court of Prishtina found him guilty and sentenced him to 23 years in prison for terrorism. This first-instance decision was changed by the Supreme Court, reducing the sentence to 20 years of imprisonment, including the time spent in detention.

This case reached the Constitutional Court, with the convict alleging that his right to appeal and the constitutional rights of the accused were violated. According to R.B., his defense attorney failed to adequately inform him of his rights to appeal, and that he had no have knowledge of the official languages of the laws of Kosovo, and had no opportunity to file an appeal.

He asked for the reinstatement of legal deadline term for his appeal. However, the Constitutional Court rejected this request.

## Recommendations

- The Ministry of Justice and the Conditional Release Panel to review the procedures and standards for conditional release of persons convicted of terrorism;
- The Conditional Release Panel to adopt a separate policy for dealing with terrorism cases, different from ordinary crimes;
- Ensure that decisions of the Conditional Release Panel include specific obligations for the Probation Service and the convicted individual.
- Attach special importance to the detailed documentation for individuals convicted of terrorism seeking release from the Conditional Release Panel.
- Ensure that the Panel thoroughly examines the requests of individuals convicted of terrorism, assessing their level of risk, the gravity of the criminal act, the environment they will return to, and their economic well-being.
- Ensure that the Decisions of the Panel, whether granting or denying release, are detailed, individualized, and thoroughly address the requirements and other specific circumstances of individuals convicted of terrorism.
- Involve the Probation Service in providing pre-sentencing reports to ensure the individualized progression of subjects through correctional and probationary institutions.
- Include conditions regarding continued education, professional development, and employment in agreements signed between individuals seeking release and the Probation Service.
- During the evaluation process, PSK to consult other sources of information providing data on supervised subjects.
- Include professional evaluators, such as psychiatrists or psychologists, in the probation supervision process.
- Ensure that PSK has a methodology in place for verifying and processing the received information.
- Ensure that the Probation Service coordinates activities with local institutions to continue the reintegration and resocialization process for released individuals.
- Advance methods for assessing the level of resocialization and the risk of recidivism after the probationary period.
- Enhance the supervision of subjects during the probationary period, not only through meetings but also through the assessment of the subject's environment.

- Improve the tools for assessing the level of resocialization and reintegration of subjects at the end of the supervision period, and enhance the quality of final reports, ensuring they are as descriptive and individualized as possible for the subjects;
- Strengthen the cooperation between the Probation Service and the Correctional Service in the context of joint programs for the effective treatment of conditionally released adults.
- Involve the Probation Service much earlier in the rehabilitation and reintegration process to develop more individualized programs for convicted individuals.
- Judges should use the possibility of seeking pre-sentencing reports from the Probation Service to issue the most adequate sanctions and increase the efficiency of reintegration and resocialization;
- Ensure that individual plans during the probationary period are more thoroughly individualized for each convict.
- Give more attention to transparency through updating data on the official website of the Conditional Release Panel.
- Make all decisions made by the Conditional Release Panel public.
- Strengthen the level of coordination and collaboration between justice authorities in terms of exchanging information related to convicted and conditionally released individuals.

The project “Media as a means to improve the transparency of the justice system and the fight against terrorism and extremism” is financed by the Ministry of Foreign Affairs and International Cooperation of Italy through the Italian Embassy in Prishtina.

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