

LAW

ON THE EXECUTION OF CRIMINAL SANCTIONS

(Official Gazette of the RS, Nos. 85/2005 and 72/2009)

Part One GENERAL SECTION

Chapter One BASIC PROVISIONS

Content of the Law

Article 1

This Law regulates, unless regulated otherwise by separate law, the procedure of executing criminal sanctions against adults, the rights and obligations of the persons subject to the sanctions, the organisation of the Administration for Executing Criminal Sanctions, oversight of its work, the execution of sanctions pronounced in connection with economic offences and minor offences, confiscation of the proceeds from crime and economic offences and the application of the measure of detention.

Where a law on the ratification of an international agreement regulates an issue referred to in paragraph 1 of this Article, the provisions of that law shall be applied.

Purpose of Execution of Sanctions

Article 2

The purpose of implementing criminal sanctions is the suppression of acts which are detrimental and threatening to human beings and other fundamental social values. This purpose is accomplished by the execution of final and enforceable court decisions.

Application of this Law to the Execution of the Decisions of Foreign Courts

Article 3

The provisions of this Law shall be applied in the execution of criminal sanctions pronounced by foreign courts, where so specified by separate law and international agreement.

Commencement of the Execution of a Sanction

Article 4

Sanctions are executed when the decision whereby the sanctions were imposed become final and where there are no legal obstacles to the execution of a sanction.

Exceptionally, where specially provided for by law, execution of sanctions may commence before the effective date of the decision imposing the sanctions.

Postponement and Suspension of the Execution of Sanctions

Article 5

Execution of a sanctions may be postponed and suspended under the conditions determined by this Law.

Basic Provisions on the Status of Persons Subject to a Sanction

Article 6

Sanctions shall be executed in a manner guaranteeing the dignity of the persons against whom they are being executed.

Actions subjecting persons subject to sanctions which subject them to any form of torture, ill-treatment, humiliation or experimentation shall be prohibited and punishable.

Unless proportionate to the needs for its conduct, coercion against persons subject to sanctions is punishable.

Article 7

Persons subject to sanctions shall not be discriminated against on grounds of race, colour, gender, language, religious affiliation, political and other convictions, ethnic and social origin, financial standing, education, social status or other personal property.

Article 8

Persons subject to sanctions shall be entitled to the protection of fundamental rights prescribed by the Constitution, confirmed international agreements, generally accepted rules of international law and this Law.

The fundamental rights of persons subject to sanctions may be restricted only to an extent necessary for the execution of the sanctions and in a procedure prescribed by this Law.

Article 9

Persons subject to sanctions are entitled to judicial review of individual acts related to their rights and obligations, pursuant this Law.

Administrative tax shall not payable on submissions, official actions and rulings in connection with the applications of the provisions of this Law, unless specified otherwise by law.

Keeping Records

Article 10

Appropriate records shall be kept of all persons subject to the execution of sanctions and detention.

Detailed regulations on the records shall be issued by the minister responsible for the judiciary.

Resources for Executing Sanctions

Article 11

Funds for the execution of sanctions shall be provided from the budget of the Republic of Serbia.

Persons subject to sanctions shall not pay the costs of the execution, unless specified otherwise by law.

Chapter Two ADMINISTRATION FOR THE EXECUTION OF CRIMINAL SANCTIONS

I ACTIVITIES OF THE ADMINISTRATION FOR THE EXECUTION OF CRIMINAL SANCTIONS

Article 12

The Administration for the Execution of Criminal Sanctions (hereinafter: Administration) shall organise, implement and oversee the execution of imprisonment, juvenile prison, community service penalties, conditional release with protective control, security measures of compulsory psychiatric treatment and custody in a health-care institution, compulsory treatment of narcotics addicts and alcoholics, as well as rehabilitation measures in educational and correctional institutions (hereinafter: criminal sanctions).

The Administration is an authority attached to the Ministry of Justice of the Republic of Serbia.

The Administration keeps individual records for all persons subject to execution of criminal sanctions.

The Administration shall implement measures with the purpose of constant professional training and advanced training of its employees. Professional education and training take place at the Centre for Training and Professional Education of the Administration for the Execution of Criminal Sanctions (hereinafter: the Centre).

The Administration shall establish co-operation with relevant institutions, associations and organisations involved in the problems of the execution of criminal sanctions.

The internal organisation and purviews of the organisational units in the Administration shall be prescribed by the Government by a decree.

II ORGANISATION OF THE ADMINISTRATION

1. Penal Institutions

Categories of Institutions

Article 13

The following types of penal institutions exist in the Administration:

- 1) penal and correctional institutions and district prisons – for the execution of prison sentences;
- 2) penal and correctional institutions for women - for the execution of prison sentences and juvenile prison imposed on women;
- 3) penal and correctional institutions for juveniles - for the execution of prison sentences imposed on juveniles;
- 4) special prison hospitals – for the medical treatment of convicted persons and persons in detention, for the execution of security measures of compulsory psychiatric treatment and custody in a health-care institution and for compulsory treatment of narcotics addicts and alcoholics;
- 5) education and correctional institutions – for the execution of educative measures of incarceration in educational and correctional centres.
- 6) *(erased)*

Types of Institutions

Article 14

Categorised by the degree of security and manner of treatment of convicted persons, institutions may be of the following types: open, semi-open, closed, or closed with special security.

There are no obstacles to flight from open-type institutions.

In semi-open type institutions, the security service represents the principal obstacle for flight.

In closed type institutions, besides the security service there exist other obstacles preventing flight.

In closed type institution with special security there are special obstacles preventing flight and special attention is afforded to the treatment of convicted persons.

Article 15

Penal and correctional institutions for women, district prisons and education and correctional institutions are of the semi-open type.

Special prison hospitals and penal and correctional institutions for juveniles are of the closed type.

Only penal and correctional institutions may be institutions of the closed type with special security.

Institution Wards

Article 16

Institutions may contain open, semi-open and closed wards.

Establishment of Institutions

Article 17

Institutes and Centres are established by an act of the Government of the Republic of Serbia.

Acts on the establishment of Institutions determine their categories, types and seats, and acts on establishment of Centres determine their activities and seats.

2. Services in Institutions

Types of Services

Article 18

The following services may exist in institutions:

- 1) treatment service;
- 2) security service;

3) education and employment service;

4) health care service;

5) general affairs service.

Joint services may be formed for two or more institutions.

The security service is a single unit of the Administration.

Institutions are required to have separate premises for the isolation of sick convicted persons.

Women's institutions are required to have special equipment for the treatment of pregnant and parturient women, and for female diseases.

Treatment Services

Article 19

The treatment service shall apply methods and procedures aimed at deterring convicted persons from committing criminal offences in the future.

The treatment service shall define a programme of action for convicted persons and shall harmonise the work of the other services and participants in its implementation.

The Security Service

Article 20

The security service shall be responsible for the security of people and property in the institution, escorting convicted and detained persons, participation in determining and implementing the programme of action for convicted persons and conduct of other activities prescribed by law.

The security service shall escort convicted and detained persons in official vehicles equipped with special light and sound-emitting equipment and possessing required ventilation and lighting.

Article 21

The security service shall be armed and wear service uniforms.

Security service personnel, employees of an organisational unit of the Administration responsible for supervision and security, as well as the departmental heads and deputy heads in the Administration, institution wardens and their deputies, may upon the orders of the director of the Administration or institution warden perform their duties in civilian attire.

Security service personnel, employees of an organisational unit of the Administration responsible for supervision and security, as well as the departmental heads and deputy heads in the Administration, institution wardens and their deputies shall carry official IDs whose contents and form shall be prescribed by the minister responsible for the judiciary.

The Training and Employment Service

Article 22

The training and employment service is responsible for training convicted persons for work and organising their work, and perform others activities prescribed by law, pursuant to the programme of action for convicted persons.

Convicted persons shall be trained and work in the institutions or outside them.

The work of the Training and Employment Service and the employment shall be performed within the activities permitted by law and in accordance with general regulations for each individual activity.

The director of the Administration issues permission for the performance of activities proposed by the institution warden.

The products and services of the Training and Employment Service may be used for the functioning of the Administration, for the institutions' needs and for the needs of other institutions.

Institutions may sell products made and services performed during the training and work of convicted persons on the open market.

Income derived from the sale of the products and services from the training and work of convicted persons is used by the institution, pursuant to the institution's financial plan adopted with the approval of the director of the Administration. The income is used to cover the expenses created by the work of the convicted persons, compensation for work and rewards for the work of convicted persons, technological advancement of work and improving the living and working conditions of convicted persons.

Achieving profits from the training and work of convicted persons may not harm the realisation of the purpose of training and employment.

A detailed regulation on the organisation of the operation of the Training and Employment Service shall be issued by the minister responsible for the judiciary.

The Health Care Service

Article 23

The Health Care Service conducts health care prevention activities, provides medical treatment for convicted persons and detainees, controls hygiene and the quality of food

and water and participates in the determination and implementation of the programme of action for convicted persons.

The Health Care Service shall have at least one physician and one medical technician, and shall also make provision for the services of a psychiatrist.

Where hospital treatment is organised in the institution, the institution is required to have a physician and nursing staff with requisite qualifications and have at its disposal appropriate hospital premises and adequate medical equipment and supplies and medicaments.

Health care staff examining and treating convicted persons shall be guaranteed full professional independence, pursuant to the law and codes of ethics.

The General Affairs Service

Article 24

The General Affairs Service shall perform legal, administrative, accounting, financial, record-keeping and other activities of general significance for the institution and render legal assistance to convicted persons and detainees.

3. The act on house rules

Article 25

The manner of life and work of convicted persons shall be regulated in detail by an act of the institution's house rules.

The act of house rules shall be issued by the minister responsible for the judiciary.

4. Management of the Administration

The Director of the Administration

Article 26

The Administration is managed by the director of the Administration.

Acting on a substantiated proposal of the minister responsible for the judiciary, the director of the Administration is appointed by the Government of the Republic of Serbia to a five-year term of office.

The director of the Administration represents the Administration and is responsible for the lawful and proper execution of criminal sanctions in the Republic of Serbia.

Persons with university degrees and at least nine years of experience following the higher education at second-degree studies (academic diploma studies – master's

degree, specialist academic studies, specialist professional studies), or at basic studies lasting four years, may be appointed director of the Administration.

Institution Wardens

Article 27

Institutions are managed by institution wardens.

Acting on substantiated proposals of the director of the Administration, institution wardens shall be assigned by the minister responsible for the judiciary.

Institution wardens represent their institutions and are responsible for the lawful and proper operation of the institution.

Institution wardens may have deputies assigned by the minister responsible for the judiciary on the basis of substantiated proposals by the director of the Administration.

Persons with seven years of professional experience on jobs of executing sanctions, in the judiciary, in the lawyers' profession, the armed forces or police, after acquiring a higher education degree at second-level studies (academic diploma studies – master's degree, specialist academic studies, specialist professional studies), or at basic four-year studies, may be assigned as institution wardens and deputy institution wardens.

Service Heads

Article 28

All services in the institution are managed by heads of service.

Service heads are assigned by the director of the Administration acting on a substantiated proposal of the institution's warden.

Persons who acquired a higher education degree at second-level studies (academic diploma studies – master's degree, specialist academic studies, specialist professional studies), or at basic four-year studies, and having five years of professional experience at identical or similar jobs, may be assigned the position of a service head.

III PUBLICITY OF THE ADMINISTRATION'S WORK

Article 29

The work of the Administration is public.

The minister responsible for the judiciary and the director of the Administration, directly or through persons authorised by them, inform the public about the execution of sanctions, provided that they do not divulge official secrets, or seriously threaten the security or maintenance of law and order in the institution where the sanction is being executed.

More detailed regulations on official secrets and the manner of keeping them are issued by the minister responsible for the judiciary.

Article 30

The director of the Administration may authorise individual and group visits to an institution.

Attention shall especially be given to making possible visits by representatives of domestic and foreign institutions and associations involved in the protection of human rights, representatives of the public information media, scholars researching criminality as well as the students of the relevant university schools.

The director of the Administration may allow persons visiting institutions to converse with convicted persons or a certain convicted person, with or without the presence of an authorised official.

Part Two

EXECUTION OF CRIMINAL SANCTIONS

Chapter three

EXECUTION OF PRISON SENTENCES

I GENERAL PROVISIONS

Article 31

The purpose of imprisonment is for convicted persons to adopt socially-acceptable values, during the execution of their penalty and the application of appropriate treatment programmes, all with the aim of making possible their easier reintegration into society after the execution of the penalty to ensure that they do not commit criminal offences in the future.

Article 32

The treatment of convicted persons shall correspond as much as possible to their personalities and the realisation of the action programmes.

Convicted persons are classified into various categories for the purpose of realising the action programmes.

Article 33

Convicted persons may not perform in the service of the institution activities with disciplinary powers.

Article 34

As a rule convicted persons serve their sentences communally.

Where required by a action programme or the health of a convicted person, or where prescribed by this Law, convicted persons may be ordered to serve their penalties separated from the other convicted persons.

Convicted male and female persons shall serve their penalties separately.

Article 35

For the purpose of encouraging personal effort to reintegrate into life outside the institution, conditional release is made possible for convicted persons who can justifiably be expected to conform to the law in the future.

Article 36

Persons released from the service of their penalties shall be provided necessary assistance for the purpose of easier reintegration into life outside the institution.

II COMMITMENT AND ASSIGNMENT OF CONVICTED PERSONS TO INSTITUTIONS

Commitment of convicted persons to institutions and the manner of execution of custodial sentences in premises where the convicted persons live

Article 37

Convicted persons shall be committed to serve custodial sentences in accordance with an assignment act issued by the minister responsible for the judiciary.

Exceptionally, acting on a request by a convicted person, the director of the Administration may on justifiable grounds deviate from the assignment act and change the place of serving the penalty.

Appeals against the ruling of the director of the Administration referred to in paragraph 2 of this Article may be lodged with the minister responsible for the judiciary within three days of receiving the ruling. Appeals do not stay execution of the ruling.

Where a court issues a decision ordering a prison sentence to be enforced in accordance with Article 45 paragraph 5 of the Criminal Code, that decision is forwarded to the competent organisational unit of the Administration.

Convicted persons ordered to serve their sentences in the manner prescribed by paragraph 4 of this Article may not leave the premises where they live.

But exception from paragraph 5 of this Article, convicted persons may leave the premises where they reside in the following cases:

- 1) the provision of emergency medical assistance to the convicted person or a member of his family household;
- 2) attending their regular employment, if the criminal offence of which they were convicted is not connected to that employment;
- 3) taking an examination;
- 4) serious and acute illness, attending regular medical examinations;
- 5) attending their own wedding or the funeral of a person with whom they were close;
- 6) seasonal agricultural work, where the convicted person is involved in agricultural work as a permanent profession.

Decisions on leaving the premises where a convicted person resides shall in the cases referred to in paragraph 6 of this Article be issued by the managing official of the competent organisational unit of the Administration.

Where convicted persons leave without permission the premises where they reside for at least 12 hours, or two times in a duration of at least six hours each, the competent organisational unit of the Administration shall promptly notify a court thereof.

Electronic surveillance measures implemented by the competent organisational unit of the Administration in co-operation with the police may be used on convicted persons ordered to serve their custodial sentences in the manner prescribed by paragraph 4 of this Article.

The manner of execution of the custodial sentence prescribed by paragraph 4 of this Article shall be regulated in detail by an act issued by the minister responsible for the judiciary.

Assignment of Convicted Persons to Institutions

Article 38

As a rule, convicted persons sentenced to serve a term of imprisonment whose duration or remaining duration after calculating detention or other periods of deprivation of liberty in connection with the criminal offence does not exceed one year, shall be assigned to a district prison.

Convicted persons sentenced to serve terms of imprisonment whose duration exceed one year shall as a rule be sent to a penal and correctional institution.

Female convicted persons shall be assigned to a penal and correctional institution for women.

Article 39

Convicted persons whose criminal offences were the result of negligence and persons serving their first custodial sentence of up to one year in duration, or exceptionally up to three years, shall be assigned to institutions of the open or semi-open type.

Other convicted persons shall be assigned to penal and correctional institutions of the closed type.

Re-assignment to Institutions

Article 40

The director of the Administration may re-assign convicted persons to other institutions, if it is established during the examination of their personalities that other action programmes would be realised more successfully in another institution.

Appeals against the ruling of the director of the Administration referred to in paragraph 1 of this Article may be lodged with the minister responsible for the judiciary within three days of receiving the ruling. Appeals against re-assignment rulings do not stay execution of the rulings.

III PROCEDURE OF COMMITMENT TO SERVE A PRISON SENTENCE

Actions Preceding the Commitment of Convicted Persons to Institutions

Article 41

If a court which issued a decision in the first instance is not competent to commit a convicted person to serve a term of imprisonment, it is required to submit the enforceable decision, with data about the convicted person's personality obtained during the criminal proceedings, to the competent court, within three days of the date the decision became enforceable, for the purpose of commitment to serve the sentence.

No longer than three days from receiving the decision, the competent court is required to commence the procedure of committing the convicted person to serve his penalty.

The court shall co-operate with the Administration in the procedure of committing a convicted person to serve a custodial penalty. In determining the date the convicted person shall report for commencing service of the sentence, the court is required to seek a report from the Administration about the number of available places in the institutions and to take into account priority of execution, in view of the nature of the criminal offence, the sentence pronounced and the statutory limit for enforcement of the penalty.

Detailed regulations on the procedure of committing persons deprived of liberty shall be issued by the minister responsible for the judiciary.

Jurisdiction for Issuing Commitment Orders

Article 42

Jurisdiction for committing convicted persons to serve prison sentences shall rest with the basic court of the territory where the convicted person had temporary or permanent residence when the decision on the penalty became final.

The same court shall retain jurisdiction if the temporary or permanent residence of the convicted person subsequently changes.

Article 43

Where the temporary or permanent residence of the convicted person are unknown, the basic court which rendered the first-instance decision shall have jurisdiction for committing the convicted person to serve a prison sentence, and where the decision was rendered by a higher court, jurisdiction shall rest with the basic court in the town where the higher court has its seat.

Convicted persons who are in detention shall be committed to serve prison sentences by the basic court on whose territory is the seat of the institution where the convicted persons are detained.

Commitment Orders

Article 44

The competent court shall order the convicted person in writing to report on a certain date for serving a prison sentence.

The period of time between the receipt of the order and the date of reporting to serve may not be less than eight days or more than fifteen days.

The competent court shall notify the institution of the date when the convicted person is scheduled to report, and attach to the notification the enforceable decision with the data on the personality of the convicted person collected during the criminal proceedings.

Commencement of the Execution of a Sanction

Article 45

The institution shall notify the competent court whether the convicted person reported for serving a prison sentence.

The commencement of execution of the penalty shall be the date when the convicted person reported to the institution to serve the penalty.

Article 46

Where a convicted person duly summoned fails to report to the institution to commence serving his sentence, the court shall order him to be brought in, and if the convicted person is in hiding or at large, the court shall order the issuance of an arrest warrant.

In that case the commencement of the prison sentence shall count from the date when the convicted person is deprived of liberty.

Costs of Transportation

Article 47

The institution shall compensate the convicted person's public transport costs from his temporary or permanent residence to the seat of the institution.

The costs of being brought into the institution shall be borne by the convicted person.

IV STAY OF EXECUTION

1. Stay of Execution of Prison Sentences on Requests by Convicted Persons

Reasons for and Duration of Stays of Execution of prison Sentences

Article 48

The execution of prison sentences may be stayed for one of the following reasons:

- 1) where the convicted person has come down with a serious acute illness – for the duration of the condition, or where the convicted person suffers from a serious chronic illness, if the condition of the convicted person deteriorates significantly, and the institution or the Special Prison Hospital are not equipped to treat such patients;
- 2) where a woman who has been convicted has entered the seventh month of pregnancy or has a child less than one year old – but no longer than the third birthday of the child;
- 3) the death or serious illness of a spouse, child, foster-child, parent of foster parent of the convicted person – no longer than three months than the date of staying the execution;
- 4) where the wife of the convicted person is expecting to give birth within three months, or less than six months have elapsed since she gave birth, and there are no other household members who could assist her – no longer than six months from the date of the stay of execution;
- 5) if the spouse or other member of the household of the convicted person has been summoned to serve together with the convicted person, or one of them is already imprisoned – no more than six months from the date of the stay of execution;

6) where a stay is needed by the convicted person due to urgent agricultural or seasonal works or works caused by a disaster, and the family lacks the necessary labour - no more than three months from the date of the stay of execution;

7) where the convicted person is required to finish work already begun whose non-performance could result in significant damage - no more than three months from the date of the stay of execution;

8) if the convicted person needs the stay to complete his education - no more than six months from the date of the stay of execution;

9) if the convicted person needs the stay to undergo an examination for which he has already applied - no more than two months from the date of the stay of execution.

The date of the stay of execution shall be deemed the date of the issuance of the ruling on the stay of execution.

Procedure of Staying Execution of a Prison Sentence

Article 49

Petitions to stay executions of prison sentences shall be submitted by convicted persons.

The petitions shall state the reasons for postponement, include evidence confirming the veracity of the aforesaid reasons, and state the period for which a stay of execution is being sought.

Article 50

Petitions to stay executions of prison sentences shall be submitted within three days of receiving the commitment order.

Where the convicted person has come down with a serious acute disease or the death of a spouse, child, foster child, parent or foster parent ensued after the expiry of the three-day limit, the petition may be submitted in the period until the date set for the convicted person to report for serving the sentence.

Article 51

Petitions to stay executions of prison sentences shall be submitted to the president of the competent basic court.

Where no evidence is provided with a petition, the president of the basic court shall order the convicted person to provide the evidence within eight days and caution the convicted person that the petition shall be denied if he fails to provide it.

Article 52

The president of the basic court is required in connection with petitions to stay execution of prison sentences to issue a ruling within three days of the date of receiving the petition.

Untimely petitions, petitions submitted by unauthorised persons and petitions not supplemented with the required evidence in due time shall be denied by the president of the basic court.

Article 53

Convicted persons may appeal against rulings issued in the first instance to the president of the competent higher court.

Appeals shall be lodged within three days of the date of receiving the ruling.

The president of the higher court is required to issue a decision on the appeal within three days of receiving it.

Article 54

Petitions to stay executions of prison sentences shall stay the execution of penalties until the ruling on the petition becomes final.

The president of the competent basic court who determines when denying a petition which has been submitted twice that the right to submit a petition is being abused, shall issue a ruling according to which appeals do not stay execution of the penalty.

Article 55

Convicted persons whose service of a prison sentence has been deferred owing to a serious acute illness are required to once every three months, and more frequently at the request of a competent court, submit to the court reports of the institution where they are being treated about the state of their health.

Revocation and Discontinuation of Stays of Execution of Prison Sentences

Article 56

The president of the competent basic court shall revoke a stay of the execution of a prison sentence if he determines at a later date that the reasons due to which he approved the stay did not exist or have ceased to exist or the convicted person is using the stay contrary to the purpose for which it was approved.

Where a stay of execution was approved to a pregnant woman, and the child is stillborn, the stay shall be discontinued at the expiry of a period of six months after the birth, and where the child dies after the birth, the stay shall be discontinued six months after the child's death.

Where a stay of execution was approved to the mother of a child aged less than one year and the child dies, the stay shall be discontinued six months after the child's death.

Article 57

Convicted persons are entitled to appeal against rulings on the revocation and discontinuation of stays of execution of prison sentences under the same conditions as apply to the ruling in which it was decided on the petition to stay execution.

Appeals stay execution of the ruling.

2. Stays of Execution of Prison Sentences Due to Extraordinary Legal Remedies

Article 58

Courts which rule on motions for a re-trial filed in favour of a convicted person may order a stay of execution of the prison sentence even before a final decision allowing re-trial is passed.

Courts which rule on motions for extraordinary review of a final judgement may, depending on the contents of the motion, order a stay of execution of a prison sentence.

Article 59

Stays of execution of prison sentences shall always be granted on a motion of the competent public prosecutor until such time as a decision is passed on the legal remedy resorted to.

The decision on a stay of execution of a penalty shall lose effect if the public prosecutor fails to file a motion for the aforesaid legal remedy within thirty days of receiving the decision on the stay.

V ADMISSION TO INSTITUTIONS AND ASSIGNMENT OF CONVICTED PERSONS

Admission of convicted persons

Article 60

Upon admission to an institution the convicted person shall first be identified and examined by a physician, and a personal medical file shall be opened.

Upon admission to an institution the convicted person shall first be informed about his rights and duties during the service of his sentence.

The text of this Law and the regulation on the house rules shall be accessible to convicted persons for the duration of the service of their penalties, printed in a language in use, pursuant to the Law on the Official Use of Language and Script.

Convicted persons who are illiterate, cannot read or are deaf and mute, or have no knowledge of the language in use, shall be informed about their rights and duties verbally or with the help of an interpreter.

Article 61

The institution is required to make it possible for every convicted person to call or notify his family or a person of his choice immediately upon admission.

Where convicted persons have children who are minors or persons who are completely in their care, the institution shall notify thereof the competent care authority.

Article 62

Personal effects of convicted persons, which they pursuant to the regulation on house rules may not possess, shall be placed in safe custody, or handed over or delivered to a person chosen by the convicted person, of which a receipt shall be issued. Perishable items shall be destroyed, of which a record shall be made and a copy given to the convicted person.

The regulation on house rules specifies the personal effects which may be retained by the convicted person.

Assignment of Convicted Persons

Article 63

Upon admission to the institution, convicted persons shall be sent to the admission ward.

Convicted persons may stay in the admission ward for no longer than thirty days.

The personality of the convicted persons is monitored in the admission ward for the purpose of determining an action programme and the person's assignment.

The assignment of convicted persons shall be performed according to the type of criminal offence, the length of sentence, the form of culpability, the convicted person's attitude to the criminal offence, their existing criminal records and other criteria defined by the Regulation on the Treatment, Handling Programme, Assignment and Re-assignment of Convicted Persons.

During the execution of penalties convicted persons may be re-assigned, depending on the requirements of fulfilling the purpose of the execution and changes in the action programmes.

Decisions on action programmes, assignments and re-assignments shall be issued by the warden of the institution on the basis of a substantiated proposal made by a team of professionals which is founded on an assessment of the level of fulfilment of the conditions prescribed by the Regulation on the Treatment, Handling Programme, Assignment and Re-assignment of Convicted Persons. The team of professionals consists of representatives of the institution's services.

The Regulation on the Treatment, Handling Programme, Assignment and Re-assignment of Convicted Persons shall be issued by the minister responsible for the judiciary.

Article 64

Pregnant and parturient women and women rearing children shall be accommodated apart from other female convicted persons.

VI THE STATUS OF CONVICTED PERSONS

1. The Rights of Convicted Persons

Right to Humane Treatment

Article 65

Every is required to respect to dignity of convicted persons.

No one shall be allowed to jeopardise the physical and mental health of convicted persons.

Accommodation

Article 66

Convicted persons are entitled to accommodation corresponding to contemporary standards of hygiene and the local climate.

Convicted persons shall be assigned to common rooms and dormitories based on a careful analysis of all the circumstances and data recorded in the admission ward, in particular their ages, personal characteristics and interests, as well as other characteristics on which depends positive interaction between convicted persons and elimination of a risk of mutual physical and mental threats.

Convicted persons with special needs are entitled to accommodation suitable for the type and degree of their special needs.

Premises where Convicted Persons Live and Work

Article 67

The premises where convicted persons live and work must be clean, dry, ventilated, heated and sufficiently lit, both with natural and artificial light, enabling reading without hindrance to eyesight. Dormitories must be of such size as to allow each convicted person a minimum of eight cubic metres in volume and four square metres of floor space.

The premises must have adequate sanitary facilities and other means for personal hygiene.

Every convicted person is entitled to a separate bed.

Convicted Persons' Free Time

Article 68

Convicted persons are entitled to spend at least two hours outdoors every day, in their free time.

Convicted persons whose age and physical capacities allow it may engage in organised physical activities in their free time, including the right to use together with other convicted persons sports grounds, facilities and equipment.

Hygiene in the institution

Article 69

Convicted persons are required to maintain their personal hygiene and the hygiene of their clothing and the premises where they spend time.

The institution is required to provide equipment and means for maintaining hygiene.

The personal hygiene of convicted persons and premises where they spend time are regularly monitored in institutions.

Food

Article 70

Convicted persons are entitled to a food intake sufficient for maintaining good health and bodily strength, with three meals a day with a total calorific value of not less than 12.500 joules.

Convicted persons engaged in hard labour, persons who are ill, pregnant and parturient women are entitled to meals determined by a physicians.

Convicted persons shall be prepared food taking into consideration their religious convictions, in accordance with the institution's capacities.

A physician or other professional shall inspect the quality of the food before meals are served, and enter the findings in an appropriate register.

Article 71

Convicted persons shall have access to drinking water at all times.

The quality of food and water in the institutions shall be monitored regularly.

More detailed regulations on convicted persons' nourishment shall be issued by the minister responsible for the judiciary.

Clothing, underwear and footwear

Article 72

Convicted persons shall be provided free of charge underwear, clothing and footwear suitable for the local climate.

Where required by the work performed by convicted persons, they are entitled to special working apparel, footwear and equipment.

More detailed regulations on clothing, underwear, footwear and bedding shall be issued by the minister responsible for the judiciary.

Article 73

Convicted persons' clothing may not appear degrading or humiliating.

In institutions of the open and semi-open types, and in the open and semi-open wards of institutions of the closed type, convicted persons are entitled to wear their own clothes and footwear.

Petitions

Article 74

Convicted persons are entitled to submit petitions to competent authorities.

Foreign nationals may file petitions with the diplomatic and consular representatives of their countries or the countries protecting their interests, and convicted persons whose interests are not protected by any state may file petitions with the competent authorities of the Republic of Serbia and competent international organisations.

Convicted persons shall send their petitions and receive submissions through the institution.

Correspondence

Article 75

Convicted persons enjoy an unlimited right to correspondence at their own expense.

In closed-type institutions with special security, institutions of the closed type and closed wards of institutions, on a motion by the institution warden or the director of the Administration, a court of first instance whose territorial jurisdiction covers the institution may, if required by the demands of maintaining order, security and general safety, prevention of criminal offences and protection of aggrieved parties, issue a decision on supervision of the content of written correspondence for a certain period of time. The court may also deny correspondence for the same reasons.

Convicted persons may appeal against the court decision referred to in paragraph 2 of this Article to the next higher court within a time limit of three days. Appeals do not stay execution of the decision.

In case of suspicion that illicit materials are being sent or received through the mail, letters sent to convicted persons and those sent by convicted persons shall be opened in their presence and inspected. The illicit objects shall be confiscated.

Convicted persons are entitled to conduct unsupervised correspondence with their defence counsel, the Ombudsman or other public authorities, and international organisations for the protection of human rights.

Telephone Contacts

Article 76

Convicted persons are entitled to telephone calls in accordance with the regulation on house rules, at their own expense.

The provisions of Article 75 paragraphs 2, 3 and 5 shall be applied accordingly to the monitoring of telephone calls.

Legal assistance

Article 77

Convicted persons are entitled to legal assistance in connection with the execution of prison sentences, and the institution is required to render such assistance.

The institution shall instruct convicted persons on the manner of obtaining other forms of legal assistance.

Visits

Article 78

Convicted persons are entitled to receive visits from spouses, children, parents, adopted children, adoptive parents and other lineal or lateral relatives up to the fourth degree of consanguinity, as well as foster parents, foster children and guardians:

- 1) once a week - in an institution or ward of the open type;
- 2) two times a month - in an institution or ward of the semi-open type;
- 3) once a month - in an institution or ward of the closed type and in an institution of the closed type with special security.

The institution's warden may approve visits by other persons to convicted persons.

Article 79

Convicted persons are entitled to visits from their defence counsel or proxies representing them, or whom they called to give power of attorney for representation.

Visits by proxies may only be monitored by sight but not by listening.

Article 80

Foreign nationals are entitled to receive visits from the diplomatic and consular representatives of their countries or the countries protecting their interests, while convicted persons whose interests are not protected by any state are entitled to receive visits from competent authorities of the Republic of Serbia and international organisations.

Visits of diplomatic and consular representatives of foreign countries and representatives of competent international organisations are approved by the director of the Administration.

Article 81

The shortest duration of a visit may be one hour.

During solitary confinement as a result of disciplinary punishment, convicted persons are not entitled to receive visits, except by their defence counsel and proxies representing them, or proxies they have called to give power of attorney for representation.

The times, durations and manner of visits and the design of the visiting room are specified in the regulation on house rules.

Visits in Special Rooms

Article 82

Convicted persons are entitled to once every three months stay for three hours with their spouses, children and other persons close to them in special rooms in the institution.

The manner of exercising the right referred to in paragraph 1 of this Article, the design of the special room and specification of the close persons are more closely defined in the regulation on house rules.

Article 83

During solitary confinement as a result of disciplinary punishment, convicted persons are not entitled to stay in the special room.

Receiving Parcels

Article 84

Convicted persons are entitled to receive parcels:

- 1) once a week - in an institution or ward of the open type;
- 2) twice a month - in an institution or ward of the semi-open type;
- 3) once a month - in an institution or ward of the closed type and in an institution of the closed type with special security.

Before being handed to the convicted persons, the parcels are inspected in their presence.

The weight and permissible contents of the parcels are more closely defined in the regulation on house rules.

Reception of Remittances

Article 85

Convicted persons are entitled to send and receive an unlimited number of remittances.

The monthly amount of money at the free disposal of convicted persons and the amount which shall be set aside in savings are more closely defined in the regulation on house rules.

Work and Labour Rights

Article 86

A convicted person's work is an integral part of the programme of action.

The purpose of such work is for prisoners to acquire, maintain and develop their skills, working habits and professional knowledge.

Article 87

The labour of convicted persons must be purposeful and may not be degrading.

Achievement of economic benefits from the labour of convicted persons may not harm the achievement of the purpose of that labour.

Article 88

The types of work shall be determined in accordance with the physical and mental capabilities, professional qualifications and preferences of the convicted person, and the institution's capacities.

Convicted persons' physical and mental capabilities for work shall be assessed by a professional team of the institution.

Article 89

Convicted persons are employed in the institution or outside the institution.

The organisation and manner of work in the institution should be as similar as possible to those outside of the institution.

The institution is entitled to compensation at the current market rate for the work of convicted persons outside of the institution.

Article 90

Acting on a petition by a person who has been for the first time ever convicted to a term of imprisonment of up to six months, the director of the Administration may issue approval for that person to continue working for the term of the sentence at the position he held at the moment of reception of the order to report for serving his sentence, where there exist justifiable reasons, and the criminal offence of which the person was convicted is in no way connected to that person's employment.

Article 91

Convicted persons' working hours may be up to forty hours a week, and exceptionally longer, under conditions specified by law.

Convicted persons attending general education or vocational training shall have correspondingly shorter working hours.

Convicted persons may be employed for no more than two hours a day outside their normal working hours in the institution on sanitation activities and other regular work.

Article 92

Convicted persons' work shall not count towards pensionable years of service.

Where pursuant to general regulations time spent as work is recognised for the acquisition of professional qualifications, time spent at that type of work while serving a prison sentence shall be recognised for that qualification.

Article 93

Convicted persons are entitled to remuneration for their work, payable once a month.

The remuneration shall be at least 20% of the minimum wage in the Republic of Serbia, which shall be increased by 50% for all overtime.

Article 94

The institution's warden may reward a convicted person with money for special achievements at work.

The highest amount of the remuneration and rewards shall be specified by the director of the Administration.

Article 95

Convicted persons shall have 70% of their remuneration and rewards at their free disposal, and the rest shall be set aside as savings.

The institution's warden may allow convicted persons to spend money from their savings funds if it is necessary for the convicted persons and their families.

Article 96

Convicted persons are entitled to protection at work pursuant to general health and safety regulations.

Convicted persons temporarily disabled for work through no fault of their own are entitled to compensation pursuant to general regulations.

The institution shall cover the basic needs of convicted persons not able to work through no fault of their own and lacking funds of their own.

Article 97

Convicted persons are entitled to daily and weekly rest periods and annual vacations, pursuant to general regulations.

Annual vacations shall be spent in special premises in the institution.

During their annual vacations, convicted persons receive compensation for their work as if they were working.

Article 98

Female convicts are entitled to leave from work due to pregnancy, giving birth and maternity, pursuant to general regulations.

Article 99

Convicted persons are entitled to all rights pursuant to general regulations for intellectual property created during the service of their sentence.

Article 100

More detailed regulations on the work of convicted persons and their labour rights shall be issued by the minister responsible for the judiciary.

Health Care

Article 101

Convicted persons are entitled to health care pursuant to the general regulations on health care and the provisions of this Law.

Convicted persons who cannot be provided appropriate medical treatment in the institution shall be sent to the Special Prison Hospital or other health-care institution, and pregnant women shall be sent to maternity wards for giving birth.

Time spent receiving medical treatment shall count towards the total length of the prison sentence.

Article 102

Medical treatment of convicted persons shall be conducted with their consent.

Forcible feeding of convicted persons is not permitted.

By exception, where by refusing medical treatment or food a convicted person seriously endangers his health or his life, medical measures ordered by a physician shall be applied.

Medical examinations of convicted persons shall be performed only in the presence of a health-care professional, unless the health-care professional requests otherwise.

Convicted persons are entitled to be informed about all findings in connection with their health and the contents of their medical files, except in cases specified by general medical regulations.

Convicted persons shall have access to the services of a dentist.

A special ward may be formed in the institution for treating psychoactive substance addiction.

More detailed regulations on the work and implementation of the detoxification programme of the ward for treating psychoactive substance addiction shall be issued by the minister responsible for the judiciary.

Article 103

An institution's physician is required to:

- 1) examine every convicted person immediately after admission to the institution, on return to the institution from a leave of absence, and before release from the institution;
- 2) during admission to the institution and later, always when needed, establish whether a convicted person has a physical or mental illness and the person's capacity for work;
- 3) promptly examine any convicted person complaining of being sick or showing signs of illness;
- 4) conduct daily examinations of convicted persons who are ill or who refuse to take food or water, and conduct regular examinations of all convicted persons at intervals of not more than three months;
- 5) control accommodation, food, hygiene, sanitary and other conditions affecting the health of convicted persons;
- 6) keep a special record of injuries sustained by convicted persons and notify the institution's warden of any sign or indication that violence has been inflicted on a convicted person;
- 7) supervise the work of the pharmacy and the medical staff who record, issue and administer prescribed therapies to convicted persons.

An institution's physician is required to submit to the institution's warden in writing the following:

- 1) periodical reports on the health of convicted persons;
- 2) special reports every time the physician determines that the physical or mental health of a convicted person has been damaged or threatened by an extension of the penalty or the manner of serving the sentence, which shall contain recommended actions, including a possibility of suspending execution of the penalty;
- 3) findings and recommendations in connection with the quantities and quality of food for the convicted persons;

4) findings and recommendations on improving hygiene in the institution and of convicted persons, the state of sanitary conditions and equipment, heating, lighting and ventilation in premises where convicted persons spend time;

5) findings and recommendations in connection with necessary physical activities of convicted persons.

The institution's warden is required to promptly undertake any measures referred to in paragraph 2 of this Article recommended by the physician.

Article 104

Upon a request by a convicted person, the institution's warden may approve a specialist examination of the convicted person, where such an examination had not been ordered by the physician.

In that case the costs of the examination shall be borne by the convicted person, unless decided otherwise by the institution's warden.

Article 105

The institution shall promptly notify of a serious threat to the life or health of a convicted person, or that person's transfer to a prison hospital or other health-care institution, the person's spouse, children, adopted children or the person with whom the convicted person had before commencing his sentence lived in an extramarital or other permanent community, and if the convicted person has none of the above, his parents, adoptive parent, siblings or more distant relations.

The Rights of Convicted Women with Children

Article 106

A convicted woman who has a child may keep that child until its first birthday, after which the child's parents shall agree on whether the father shall have custody, or another relative or person.

Where the parents cannot reach agreement or their agreement is to the detriment of the child, custody of the child shall be decided by a court having jurisdiction on the basis of the mother's permanent or temporary address at the time of her conviction.

Article 107

Convicted women who have children are entitled to the assistance of professional staff of the institution.

In the absence of maternal care, children shall be accommodated in a special room of the institution and provided professional care corresponding to the standards of infant nurseries.

The fact that a child was born in an institution may not be listed in birth certificates or other public documents.

Article 108

Childbirth, care for the mother and the accommodation and care for the child in the institution are free.

Information

Article 109

Convicted persons are entitled to read daily newspapers and periodicals and have access to other information media.

Convicted persons may read books from the institution's library of books they obtain themselves.

Education

Article 110

Convicted persons are entitled to primary and secondary education, organised in the institution pursuant to general regulations.

The institution shall also organise other forms of education for convicted persons.

Article 111

The institution's warden may approve a convicted person to attend part-time education.

The costs of such education shall be borne by the convicted person.

Article 112

The certificate of education may not indicate that the qualification of the convicted person was obtained during the service of a penalty.

More detailed regulations on education of convicted persons shall be issued together by the minister responsible for the judiciary and the minister responsible for education.

Religious Rights

Article 113

Convicted persons have the right to:

- 1) practice religious rituals;

2) keep and read religious literature;

3) visits by clergy.

If there is a sufficient number of persons of the same faith in the institution, the institution's warden shall at their request allow a clergyman of that faith to visit them regularly or to conduct regular services or education in the institution.

Convicted persons may not be subjected to pressure to attend religious rituals or visits by clergy.

Religious services shall be performed in a separate and appropriate room in the institution.

The times, duration and manner of exercising the rights referred to in this Article shall be specified in more detail in the regulation on house rules.

Submissions, Complaints and Appeals

Article 114

Convicted persons may as part of exercising their rights file submissions to a departmental head or other authorised person in the respective service of the institution.

The person referred to in paragraph 1 of this Article is required to provide a written and substantiated response to the submission within five days of its delivery by the convicted person.

Convicted persons are entitled to file complaints to the institution's warden in connection with violations of their rights or other irregularities affecting them in the institution.

The institution's warden or person duly authorised by the warden is required to examine the convicted person's complaint and issue a ruling within 15 days.

Convicted persons who fail to receive a reply to their complaints or are not satisfied with the ruling are entitled to file an appeal with the director of the Administration within eight days of the date of receiving the ruling.

The director of the Administration is required to rule on the appeal within 30 days of the date of receiving it.

Article 114a

Where a convicted person believes that his right or rights have been violated by an action of the institution's warden, he is entitled to submit a complaint to the director of the Administration.

Where the director of the Administration or person duly authorised by him determines that the complaint was not submitted for the reasons referred to in paragraph 1, he shall refer the complaint to the competent authority and notify the convicted person thereof.

The director of the Administration or person duly authorised by him may also examine the merits of the complaint by inspecting all relevant documentation in the institution, talking to the institution's warden and employees, talking to the convicted person who submitted the complaint and to other convicted persons, without the presence of institution staff.

If it is determined that the complaint is justified, the director of the Administration shall order rectification of the violation of the convicted person's right.

Where he is of the opinion that the violation of the rights of the convicted person occurred due to an action by an employee of the institution, the director of the Administration shall notify in writing the institution's warden and the person authorised for conducting supervision, and where in his opinion the violation occurred due to an action of the warden, he shall notify the person responsible for conducting supervision.

Article 114b

Convicted persons are entitled to make complaints to authorised persons conducting supervision of the operation of the institution without the presence of institution staff.

The content of the complaint shall be confidential.

2. Special Rights of Convicted Persons

Article 115

The institution's warden may award the following privileges to convicted persons conducting themselves well and diligent in the realisation of their action programmes:

- 1) extended rights to receive parcels;
- 1a) extended right to receive visits;
- 2) expansion of the circle of persons who may visit the convicted person (distant relatives, friends and others);
- 3) the right to unsupervised visits in premises for visits;
- 4) the right to receive visits in special premises, without the presence of other convicted persons;
- 5) the right to receive visits outside the institution;
- 6) the right to better accommodation;

- 7) the right to unsupervised visits to town;
- 8) the right to visit family and relatives at weekends and holidays;
- 9) the right to leave from the institution of up to seven days in a year;
- 10) the right to extraordinary leave from the institution of up to seven days;
- 11) the right to spend annual vacations outside the institution.

The decision referred to in paragraph 1 of this Article shall be rendered by the institution's warden on a substantiated proposal by the professional team, in accordance with the regulation on treatment, action programmes, assignment and re-assignment of convicted persons.

In case a convicted person ceases to fulfil conditions referred to in paragraph 1 of this Article, the institution's professional team may propose to the warden the revocation of some of the privileges awarded.

3. Transfers of Convicted Persons

Article 116

Acting on a request by a convicted person or a proposal by the institution's warden, where there are justifiable reasons, the director of the Administration may transfer a convicted person from one institution to another.

The director of the Administration may for reasons of security transfer a convicted person *ex officio*.

The convicted person may appeal against the decision of the director of the Administration referred to in paragraphs 1 and 2 of this Article to the minister responsible for the judiciary within three days of receiving the decision. Appeals against decisions of the director of the Administration do not stay execution of the ruling.

Article 117

The institution to which the convicted person is transferred is required to enable the convicted person immediately after the transfer to notify his family or other person of his choosing at the expense of the institution.

Convicted persons whose requests for transfer are denied may not submit requests for a new transfer until the expiry of a period of six months from the issuance of the decision of the director of the Administration in connection with the earlier request.

4. Suspension of Imprisonment

Suspension of Execution of a Penalty by a Decision of the Director of the Administration

Article 118

Acting on a petition by the convicted person or a proposal of the institution's warden, the director of the Administration may approve a suspension in the execution of a prison sentence if reasons occur because of which it might be suspended.

Appeals against the decision of the director of the Administration referred to in paragraph 1 of this Article may be submitted to the minister responsible for the judiciary within three days of receiving the decision.

Appeals against the decision of the director of the Administration referred to in paragraph 1 of this Article do not stay execution of the ruling.

Article 119

Where a convicted person has been committed to an institution before the ruling on petition for suspending execution becomes final, and it is subsequently established that the petition was justified, the execution of the prison sentence shall be suspended by a decision of the director of the Administration, pursuant to the court ruling suspending execution of the penalty.

In such case the time served shall not be calculated into the duration of the suspension.

Suspension of Execution of Sentence in Connection with Extraordinary Legal Remedies

Article 120

A court deciding on a motion on reopening criminal proceedings submitted in favour of a convicted person may suspend the execution of a prison sentence even before a ruling allowing proceedings to be reopened becomes final.

A court deciding on a motion on extraordinary review of a final judgement may, depending on the content of the motion, suspend the execution of a prison sentence.

Article 121

Suspension of the execution of a prison sentences shall always be allowed on a motion of the competent public prosecutor until a decision is rendered on the legal remedy used.

The decision on suspending the execution of a prison sentence shall lose effect if the public prosecutor does not utilise the legal remedy within thirty days of receiving the decision on the suspension.

Revocation of the Suspension of the Execution of a Prison Sentence and Resumption of Imprisonment

Article 122

The director of the Administration shall revoke the suspension of the execution of a prison sentence if he finds that the grounds on which he had allowed the suspension had either not existed at all, or had ceased to exist, or that the convicted person is using the suspension contrary to the purpose for which it was allowed.

If after the expiry of the period of suspension or its revocation a convicted person fails to report at the institution, the institution shall promptly notify thereof the police, who shall bring in the convicted person to continue serving his sentence.

Effects of Suspending Imprisonment

Article 123

The period during which a prison sentence is suspended shall not be calculated as time served.

During the suspension of a prison sentence the convicted person is not entitled to the rights prescribed by this Law.

Application of Provisions on Stays of Executions of Sentences

Article 124

Provisions of this Law regulating stays of execution of sentences shall apply accordingly to all other matters relating to suspension of the execution of prison sentences.

5. Death of Convicted Persons

Article 125

In the case of the death of a convicted person the police and the investigative judge shall be notified immediately, followed by the convicted person's spouse, children and adopted children, and if the convicted person has none – his parents, adoptive parents, siblings, other relatives or a person the convicted person had designated.

The court which rendered the first-instance decision and the registrar shall also be notified of the death of a convicted person.

Article 126

The remains of the deceased convicted person and his personal effects shall be handed over to his family or a person designated by him.

If the convicted person has no family, or the family or the designated person refuses to accept the convicted person's remains, the deceased convicted person shall be interred at the expense of the institution.

VII MEASURES FOR MAINTAINING ORDER AND SECURITY

1. General Provisions

Article 127

During the service of a prison sentence convicted persons are required to conduct themselves in accordance with the law and relevant regulations, and in accordance with orders issued by officials, except where compliance with the order would represent an unlawful act.

In order to maintain order and security in the institution, only those measures for maintaining order and security prescribed by its Law and its subsidiary regulations may be applied against convicted persons, and only to an extent deemed necessary.

In the application of measures to maintain order and security, no measure may be applied that is harsher than that strictly necessary in view of the nature of the need for its application and the content of the measure.

Measures to maintain order and security consist of coercive measures and special measures.

2. Coercive Measures

Requirements for Applying Coercive Measures

Article 128

Coercive measures may be applied against convicted persons only where they are necessary to prevent:

- 1) the escape of a convicted person;
- 2) a physical assault on another person;
- 3) infliction of an injury to another person;
- 4) self-mutilation;
- 5) causing material damage;
- 6) active and passive resistance by the convicted person.

Active resistance shall be defined as any form of opposition by a convicted person to lawful official measures, actions and orders by an official or an authorised person effected by taking cover, holding on to a person or object, struggling, exhibiting intent to launch an attack, or undertaking similar actions.

Passive resistance shall be defined any form of opposition by a convicted person to lawful official measures, actions and orders by an official or an authorised person effected by playing deaf or assuming a kneeling, sitting, lying or similar posture.

Coercive measures may also be used against persons unlawfully freeing a convicted person or unlawfully entering premises of the institution. Such persons shall be restrained until the arrival of authorised police personnel.

Types of Coercive Measures

Article 129

Coercive measures are:

- 1) use of physical force;
- 2) restraints;
- 3) isolation;
- 4) use of rubber truncheons;
- 5) use of water hoses;
- 6) use of chemical agents, and
- 7) use of firearms.

In the application of coercive measures that measure shall be used which is least likely to endanger and lives and health of the persons against whom it is being used, and which is successful in countering the resistance and proportionate to the threat.

Use of Coercive Measures and Medical Examinations

Article 130

Persons against whom a coercive measure is to be used shall be verbally and clearly cautioned of the intent to use the measure, except in the case of a concurrent or imminent unlawful assault.

The use of water hoses or chemical agents may be ordered only by the institution's warden.

Immediately after the use of a coercive measure, except for the application of restraints, a medical examination of the convicted person against whom the measure was applied is mandatory, and shall be repeated at a time between twelve and twenty-four hours after the application of the measure.

A written report from the security service and a report on the medical examination shall be submitted to the warden promptly. The physician's report shall contain a statement of the person against whom the coercive measure was used on the manner of receiving injury and the physician's opinion on the linkage between the measure used and the injury sustained. The institution's warden shall notify the director of the Administration about the use of coercive measures and forward the reports within 24 hours of the time when the coercive measures were applied.

Use of Firearms

Article 131

The use of firearms is allowed only where use of other measures would not be sufficient to:

- 1) repel a concurrent or imminent unlawful assault endangering the life of a convicted person, employee or other person present in the institution;
- 2) prevent the escape of a convicted person from an institution of the closed type;
- 3) prevent the escape during transportation of a person convicted to serve a term of imprisonment of ten or more years, or the escape of a person remanded in detention in connection with a criminal offence punishable by a term of imprisonment of more than ten years.

Firearms shall not be used if the life of another person would be threatened thereby.

Where an official action is being undertaken under the direct command of the institution's warden or the head of the security service, firearms may be used only on their express orders.

Mandatory Reporting of the Use of Firearms

Article 132

The institution's warden is required to promptly submit to the director of the Administration and the competent public prosecutor notification of the use of firearms and a record of the medical examination of the convicted person.

Procedure During Escapes of Convicted Persons

Article 133

Security staff shall promptly undertake measures to prevent the convicted person's attempt to escape.

Security staff shall immediately notify the institution's warden about every attempted escape and escape of a convicted person, and the warden is required to notify the director of the Administration thereof.

In the event of an escape by a convicted person, the institution's warden shall notify the police and the court which sent the convicted person to serve a prison sentence, order the issuance of a wanted circular, and undertake other actions needed for the convicted person at large to be deprived of liberty.

The execution of the prison sentence is suspended for the duration of the escape.

Use of Transportation and Communication Means

Article 134

For the purpose of depriving of liberty a convicted person who has just escaped from an institution, security staff may use available conveyances and communications equipment. A receipt shall be issued for the use of the same.

Searches of Abodes

Article 135

Immediately following the escape of a convicted person from an institution or while in transport, security staff are required to promptly notify the police and secure the location where the person is presumed to be hiding.

3. Special Measures

Requirements for Application and Types of Special Measures

Article 136

Application of special measures may exceptionally be ordered against convicted persons intent on escaping, prone to violent behaviour, self-mutilation or disturbing the order or other security issues which cannot be eliminated in other manner.

The special measures are:

- 1) seizure and temporary confiscation of objects whose possession is otherwise allowed;
- 2) placement in specially secured rooms without dangerous implements;
- 3) placement under increased supervision;
- 4) isolation;
- 5) testing for contagious diseases or psychoactive substances.

Application of special measures shall be ordered by the institution's warden or person duly authorised by the warden.

More than one special measure may be applied simultaneously against a convicted person.

Enforcement of the measure referred to in paragraph 2 of this Article shall be discontinued immediately if the reasons for its implementation cease to exist.

Article 137

(Erased)

Placement in Specially Secured Rooms without Dangerous Implements

Article 138

The duration of placement in specially secured rooms without dangerous implements may not exceed a continuous forty-eight hours. This measure shall be ordered with the prior opinion of a physician.

Increased supervision shall be applied together with the measure referred to in paragraph 1 of this Article.

Placement under Increased Supervision

Article 139

Placement under increased supervision may only be applied in institutions of the closed type, or in the closed wards of other institutions.

Convicted persons may appeal against rulings on placement under increased supervision to the director of the Administration within three days of receiving the ruling. Appeals do not stay execution of the ruling.

The measure referred to in paragraph 1 of this Article shall be reviewed once every three months. Convicted persons may appeal against rulings on extending the measure within three days of receiving the ruling. Appeals do not stay execution of the ruling.

Isolation

Article 140

A ruling ordering the measure of isolation in a continuous duration not exceeding three months may be issued against convicted persons who by their conduct persistently disturb the order, threaten general security or represent a serious threat to other convicted persons. The measure may be applied no more than two times in one calendar year.

Isolation prevents a convicted person from contacting other convicted persons by separating that person from the communal execution of prison sentences and communal activities.

Isolation shall be ordered with a prior opinion issued by a physician.

Isolation shall be enforced in a room fulfilling the requirements prescribed in Article 152 paragraph 1 of this Law.

During the enforcement of the measure of isolation a convicted person shall be allowed outdoor activities for at least one hour every day.

During the enforcement of the measure of isolation convicted persons shall be allowed to work in the premises where the measure is being applied, and also to use their personal effects, read newspapers and books, engage in correspondence, listen to the radio and watch television programmes.

Convicted persons may appeal against the ruling referred to in paragraph 1 of this Article within three days of receiving it. Appeals do not stay execution of the ruling.

The measure referred to in paragraph 1 of this Article shall be discontinued when the professional services assess that they are no longer necessary.

Testing for Contagious Diseases or Psychoactive Substances

Article 141

Where there is reasonable suspicion about the existence of contagious diseases or the use of narcotics or psychoactive substances, it is possible to take from convicted persons samples of blood and urine in quantities necessary for testing according to the rules of the medical profession, or for the use of relevant tests.

In the case of testing for the presence of the HIV virus and hepatitis-C virus, the consent of the convicted person is required.

Other Provisions on Special Measures

Article 142

Placement in specially secured rooms without dangerous implements, placement under increased supervision, isolation and testing for contagious diseases or psychoactive substances shall be applied under the supervision of a physician.

Article 143

More detailed regulations on measures to maintain order and security shall be issued by the minister responsible for the judiciary.

By exception, the police may be included in the maintenance of order and security in institutions, as well as in the transportation of persons deprived of liberty, pursuant to an agreement concluded by the minister responsible for the judiciary and the minister of internal affairs.

VIII DISCIPLINARY OFFENCES, MEASURES AND PROCEDURE AND MATERIAL RESPONSIBILITY OF CONVICTED PERSONS

1. *Disciplinary Offences*

Requirements for Imposing Disciplinary Measures

Article 144

Disciplinary offences consist of serious and less serious violations of rules of order and security, as well as violations of other rules of conduct of convicted persons specified by this Law and the regulation on house rules of the institution.

Serious disciplinary offences are regulated by this Law, and less serious ones by the regulation on house rules of the institution.

Disciplinary measures shall be applied against convicted persons who commit a criminal offence during the service of their penalty punishable by a fine or a term of imprisonment of up to one year, or a term of imprisonment of up to one year and a fine.

Convicted persons may not be punished more than once with the same disciplinary measure for the same disciplinary measure offence.

Serious Disciplinary Offences

Article 145

Serious disciplinary measure offences are the following:

- 1) escaping or attempting to escape from the institution;
- 2) incitement to rebellion or escape;
- 3) preparation of rebellions or escapes;
- 4) absences without leave;
- 5) using violence against another person;
- 6) manufacture, possession or use of dangerous implements or long-distance communication equipment;
- 7) manufacture or smuggling into the institution implements suitable for attacks, escapes or the commission of criminal offences;
- 8) prevention of access to any part of the institution to an official or person duly authorised to be in the institution or to enter it;

- 9) threatening, damaging or destroying property to a substantial degree;
- 10) refusing to obey an order issued by an authorised person which led or might have led to serious detrimental consequences;
- 11) wilfully or grossly negligently endangering another person's health;
- 12) producing, possessing or using narcotics or psychoactive substances;
- 13) grossly neglecting personal hygiene;
- 14) engaging in games of chance;
- 15) wilfully endangering one's own life for the purpose of incapacitation for performing duties;
- 16) resisting medical examinations or measures to prevent infections;
- 17) inciting persons deprived of liberty to commit serious disciplinary offences;
- 18) negligent performance of duties which caused or could have caused serious detrimental consequences;
- 19) receiving instruction or instructing others on the manner of committing criminal offences based on one's own experience of that of others;
- 20) serious abuses of the privileges granted under Article 115 paragraph 1 of this Law;
- 21) repetition of less serious disciplinary offences.

2. Disciplinary measures

Article 146

Disciplinary measures shall be imposed for disciplinary offences.

Disciplinary measures are the following:

- 1) reprimands;
- 2) restrictions or bans on receiving parcels of up to three months;
- 3) revocation of special privileges granted in accordance with Article 115 paragraph 1 of this Law;
- 4) restrictions or bans on disposal of money in the institution of up to three months;

5) solitary confinement during convicted persons' free time or for the duration of the day and night.

Solitary confinement and restrictions or bans on disposal of money may be imposed only in connection with serious disciplinary offences.

Revocation of special privileges granted under Article 115 paragraph 1 of this Law and solitary confinement may be pronounced together.

Conditional Suspensions of Disciplinary Measures

Article 147

All disciplinary measures, except reprimands, may be suspended conditionally for up to three months.

Where a convicted person commits a serious disciplinary offence within the disciplinary measure suspension time limit, the conditionally suspended disciplinary measure shall be revoked, and if the convicted person commits a less serious disciplinary offence, the conditionally suspended disciplinary measure may be revoked.

The revocation decision referred to in paragraph 2 of this Article shall be issued by the authority which issued the decision on the disciplinary measure.

Concurrence of Disciplinary Offences

Article 148

A single disciplinary measure shall be pronounced for concurrent disciplinary offences based on an assessment of the seriousness of the concurrent offences and other circumstances affecting the pronouncement of the measure.

Article 149

Reprimands shall be pronounced against convicted persons when a person only needs to be reprimanded.

The disciplinary measures referred to in Article 146 paragraph 2 items 2, 3 and 4 of this Law shall be pronounced as single measures where there is no reason or justification to order solitary confinement and a reprimand might fulfil the purpose of the disciplinary measures.

Enforcement of the Disciplinary Measure of Solitary Confinement

Article 150

The disciplinary measure of solitary confinement shall be imposed exceptionally and only in connection with serious disciplinary offences, and may not last more than 15 days.

Solitary confinement of up to thirty days may only be imposed for concurrent disciplinary offences.

Article 151

The disciplinary measure of solitary confinement shall represent the exclusion of a convicted person from joint activities with other convicted persons in their free time, or all day and all night.

A medical examination shall be mandatory before a convicted person is sent to solitary confinement.

Article 152

The room used for the disciplinary measure of solitary confinement must have at least four square meters of floor space and be ten cubic metres in volume. The room must be ventilated, lit with daylight and artificial light, warmed up in accordance with the climatic conditions, outfitted with a bed and bedding, a table and a chair.

Convicted persons must have unlimited access to drinking water and sanitary fittings.

During the enforcement of the disciplinary measure of solitary confinement convicted persons may read and write, and are entitled to stay outdoors for at least one hour every day.

Article 153

During the enforcement of the disciplinary measure of solitary confinement a physician's examination of the convicted person is mandatory at least once every day, and the institution's warden and teacher are required to visit the convicted person at least once per week.

The findings and observations of the physician and other authorised persons shall be entered in the record of the enforcement of the disciplinary measure of solitary confinement.

Article 154

The total stay of a convicted person in a room where the disciplinary measure of solitary confinement is being enforced may not last more than six months in a calendar year.

Article 155

The institution's warden shall suspend enforcement of the disciplinary measure of solitary confinement if he finds that the disciplinary measure has fulfilled its purpose even before its expiry.

The institution's warden is required to suspend the enforcement of the disciplinary measure of solitary confinement if according to a written report of a physician further solitary confinement would threaten the health of the convicted person.

3. The Disciplinary Procedure

Competences and Initiating the Procedure

Article 156

The disciplinary procedure in connection with serious disciplinary offences shall be conducted and the decision taken by the disciplinary commission, and in connection with less serious disciplinary offences by the institution's warden or other person assigned by the warden, but not a person who nominates himself for the post.

The motion to initiate a disciplinary procedure shall be filed by the head of the organisational unit of the institution of a person assigned by him. In the case of serious disciplinary offences motions to initiate disciplinary procedures may also be filed by the institution's warden or a person assigned by the warden.

The motion to initiate a disciplinary procedure referred to in paragraph 2 of this Article shall be filed with twenty-four hours of learning about the offence committed.

The three-member disciplinary commission referred to in paragraph 1 of this Article shall be appointed by the director of the Administration acting on a proposal by the institution's warden.

Conditions for Isolating Convicted Persons

Article 157

From the moment of learning about a serious disciplinary offence and during the disciplinary procedure, the institution's warden or person duly authorised by the warden may decide to isolate the convicted person concerned from the other convicted persons on security grounds, for up to forty-eight hours. The time of isolation of the convicted person shall count towards the disciplinary measure of solitary confinement.

Evidence in Disciplinary Procedures

Article 158

Convicted persons against whom disciplinary procedures are conducted are required to be questioned, and the claims they make shall be checked and other evidence adduced.

A record shall be kept of the disciplinary procedure.

Admeasurement of Disciplinary Measures

Article 159

In the pronouncement of disciplinary measures the convicted person's conduct and performance at work shall be taken into account, as shall be all other facts of significance for proper admeasurement of the measure.

Period Limitation

Article 160

Disciplinary measures may not be pronounced or measures already pronounced enforced if more than six months have elapsed from the commission of the disciplinary offence.

The Convicted Persons Right to Professional Legal Assistance

Article 161

Convicted persons against whom disciplinary procedures are being conducted are entitled to professional legal assistance.

The convicted person must be notified of the right referred to in paragraph 1 of this Article before the determination of the facts in the procedure.

Rulings and Appeals in Disciplinary Procedures

Article 162

Disciplinary procedures shall be concluded by the issuance of a ruling.

Convicted persons may appeal against the ruling within three days of receiving the ruling and a decision on the appeal must be rendered within three days.

Appeals do not stay execution of the ruling.

Appeals shall be decided by the director of the Administration.

The Powers of the Minister Responsible for the Judiciary

Article 163

More detailed regulations on disciplinary offences, measures and procedures shall be issued by the minister responsible for the judiciary.

4. Liability for Damage

Article 164

Convicted persons are required to indemnify the institution for any damage caused to the institution wilfully or by gross negligence.

Indemnification of damage amounting up to 10.000 dinars shall be decided on by the disciplinary authority of first instance on a motion by a proposer, and for damage whose value exceeds 10.000 dinars, the institution shall realise its rights in civil litigation.

Indemnification of damage on which the disciplinary authority of first instance has decided shall be collected directly from the funds which are at the free disposal of the convicted person and if that is not sufficient, from the savings fund of the convicted person.

IX JUDICIAL REVIEW

Convicted Persons' Right to the Protection of Courts

Article 165

Convicted persons are entitled to judicial review of any final decision whereby any of their rights determined by this Law were restricted or violated.

The judicial review referred to in paragraph 1 of this Article shall be realised in an administrative procedure.

Petition for Judicial Review

Article 166

Petitions for judicial review shall be filed within three days of the delivery of the decision.

The competent court shall rule on the petition referred to in paragraph 1 of this Article within 30 days of the date of receiving the petition.

X RELEASING CONVICTED PERSONS FROM PRISON

Release Owing to Expiry of Sentence

Article 167

Convicted persons shall be released from the institution on the date when their penalties expire.

Where a penalty expires on a Saturday, Sunday or a national holiday, convicted persons shall be released on the last workday preceding those days.

Within eight days of releasing a convicted person, the institution is required to notify thereof the court which sentenced him and the police.

General Provisions on Releasing Convicted Persons

Article 168

Before the release, the convicted person shall be examined by a physician, who shall enter his findings in the medical file.

Seriously ill persons who have been released and released persons unable to travel due to poor health shall be placed by the institution in the nearest appropriate health-care institution. The costs of treatment shall be borne by the institution for the first thirty days.

Article 169

At the time of their release, convicted persons are issued release papers.

The release document includes among other things the date of the release and the date by which the person released should report to the police.

The release document serves as the released person's proof of identity until arrival in the place of his temporary or permanent residence.

Article 170

During their release convicted persons are given back the personal effects and objects kept for them by the institution, as well as their savings and money received during service of the penalty and not spent at the institution.

During their release convicted persons unable to procure underwear, clothing and footwear shall be supplied by the same by the institution.

A person shall be deemed released on leaving the premises of the institution.

Article 171

Transportation costs for released persons to the place of their temporary or permanent residence shall be borne by the institution.

Transportation costs for foreign nationals who have been released shall be paid to a border crossing, unless specified otherwise by another regulation.

Release Due to Amnesties and Pardons

Article 172

Where convicted persons are being released from the institution based on a law on amnesty, the institution is required to release such persons no later than twenty-four hours from receiving the ruling on amnesty, unless provided for otherwise by the law on amnesty.

Where convicted persons are being released from the institution based on a decision on a pardon, the institution is required to release them on the date of receiving the decision, and within no more than twenty-four hours.

Early Release

Article 173

The director of the Administration may, in view of a convicted person's good conduct and good achievements in their action programmes, acting on a proposal of the institution's warden order the convicted person to be released from the execution of the penalty early, but not more than three months from the expiry of the penalty, if the convicted person has served nine-tenths of the total duration of the penalty.

The proposal referred to in paragraph 1 of this Article shall be submitted by the institution's warden based on an opinion obtained previously from the institution's professional team.

XI PREPARATIONS FOR RELEASING A CONVICTED PERSON AND POST-RELEASE ASSISTANCE

Article 174

The institution is required, before releasing a convicted person from the execution of the penalty in the institution, to determine as part of the regular action programme a post-release assistance programme.

In the implementation of the assistance programme referred to in paragraph 1 of this Article the institution shall co-operate with the organisational unit in the Administration responsible for treatment and alternative sanctions, the welfare institution which is competent for the area of the convicted persons last permanent residence, or, where the convicted person had no permanent residence, that which is competent for the area of the convicted persons last temporary residence before being sent to serve a prison sentence, the police or relevant organisation or institution.

Before releasing the convicted person the institution is required to notify the police in the convicted person's place of temporary or permanent residence, and the court which had pronounced the prison sentence.

More detailed regulations on preparations for release and post-release assistance shall be issued by the minister responsible for the judiciary.

Chapter Four ENFORCEMENT OF FINES

Competences and Procedure of Enforcing Fines

Article 175

The court which issued the decision in the first instance is competent for enforcing fines.

Article 176

The time limit for payment of the fine shall be specified by the judgement.

The time limit referred to in paragraph 1 of this Article may not be less than fifteen days or more than three months.

In justifiable cases the court may permit a convicted person to pay the fine in instalments, with the proviso that the total payment period may not exceed one year.

Article 177

Where a convicted person does not pay a fine within the prescribed time limit, the court shall replace the fine with a term of imprisonment.

The replacement of a fine by a term of imprisonment is effected by pronouncing one day of imprisonment for each one thousand dinars of unpaid fine and a day for the remaining amount, with the proviso that the total term of imprisonment may not exceed six months. Where a fine exceeds 700,000 dinars, the prison sentence may not exceed one year.

Article 178

Where a convicted person pays only a part of the fine, the court shall proportionally replace the remaining amount with a term of imprisonment.

Where the convicted person pays the remainder of the fine, the execution of the prison sentence shall be stayed, on the basis of a court decision.

Article 179

Instead of a prison sentence, an unpaid fine may be replaced with community service.

The replacement of a fine by community service is effected by pronouncing one day of community service for each one thousand dinars of unpaid fine and a day for the remaining amount, with the proviso that the total duration of community service may not exceed three-hundred-and-sixty hours.

Article 180

No fine shall be enforced in the case of a convicted person's death.

Article 180a

Provisions of this Law regulating the enforcement of fines pronounced for criminal offences shall accordingly apply to the enforcement of fines pronounced for economic offences and minor offences, unless specified otherwise by law.

Chapter Five

ENFORCEMENT OF COMMUNITY SERVICE PENALTIES

Competences and Procedure of Enforcing Community Service Penalties

Article 181

The court which rendered a decision in the first instance shall initiate a procedure of enforcing a community service penalty before an organisational unit within the Administration responsible for treatment and alternative sanctions.

The court which rendered a decision in the first instance is required to submit the enforceable decision, with data about the personality of the convicted person acquired during the criminal proceedings, to the organisational unit within the Administration within three days of the date when the decision became enforceable.

A commissioner shall be responsible for the enforcement of a community service penalty.

The commissioner shall be designated by a ruling by the director of the Administration within eight days of receiving the enforceable judgement.

The Employer, Type and Programme of Work

Article 182

Community service shall be performed with a legal person (hereinafter: employer) engaged in activities of public interest, in particular humanitarian, health-care, ecological and public utility services.

The ministry responsible for the judiciary shall conclude an agreement on co-operation with a selected legal person on the performance of community service.

The choice of the employer, type of work and programme of work shall be determined by the commissioner.

The director of the Administration concludes a contract with the employer for every convicted person regulating mutual relations in connection with the performance of community service.

In case of work-related accidents, the Administration shall insure the lives of the persons convicted to community service.

In the execution of the penalty of community service the commissioner shall co-operate with the convicted person, the court, the employment service, the welfare authority, local self-government authorities and the police.

Monitoring and Reporting Community service

Article 183

During the implementation of the programme the commissioner is required to submit at least two reports to the court and the organisational unit within the Administration responsible for treatment and alternative sanctions about the performance of community service.

The commissioner oversees the performance of the community service programme, proposes revisions of the programme and notifies the court and the Administration about the occurrence of circumstances which prevent the enforcement of the programme.

If the commissioner determines that the convicted person is fulfilling all the obligations connected to community service, he may propose to the court a one-quarter reduction in the duration of the community service penalty.

Article 184

More detailed regulations on the enforcement of community service penalties shall be issued by the minister responsible for the judiciary in co-operation with the minister responsible for labour.

Chapter Six ENFORCEMENT OF THE PENALTY OF SEIZURE OF DRIVER'S LICENCE

Article 185

For the purpose of the seizure of a driver's licence, the court which issued the decision in the first instance shall deliver the enforceable decision on the pronounced penalty of seizure of a driver's licence to the police in the place of temporary or permanent residence of the convicted person at the time when the decision pronouncing the penalty became final.

Chapter Seven EXECUTION OF CONDITIONAL PUNISHMENT WITH PROTECTIVE SUPERVISION

Competences for Execution of Conditional Penalties with Protective Supervision

Article 186

The court which rendered a decision in the first instance shall initiate a procedure of the execution of a conditional penalty with protective supervision before the organisational unit within the Administration responsible for treatment and alternative sanctions.

A commissioner shall be responsible for the execution of a conditional penalty with protective supervision.

The commissioner shall be appointed by a ruling of the director of the Administration within eight days of receiving the final judgement.

Article 187

The court which rendered a decision in the first instance is required to submit the enforceable decision, with data on the personality of the convicted person acquired during the criminal proceedings, to the organisational unit within the Administration responsible for treatment and alternative sanctions within three days of the date when the decision became enforceable.

The duties and Rights of the Commissioner and the Convicted Person

Article 188

The commissioner is required, within three days following reception of the decision, to initiate preparations for its execution and to establish co-operation with the police, health-care and welfare institution, the employer and other institutions, organisations and associations.

The commissioner is required within fifteen days following reception of the decision to draft a programme of execution of protective supervision and to inform the convicted person about it.

The commissioner shall deliver the programme referred to in paragraph 2 of this Article to the competent court and respective authority, institution, organisation or employer referred to in paragraph 1 of this Article.

The convicted person is entitled to file a complaint with the competent court in connection with the programme referred to in paragraph 2 of this Article, within three days of being informed about the programme.

During the execution of the protective supervision, the commissioner is required to co-operate with the family of the convicted person.

Article 189

The convicted person is required to comply with the protective supervision programme.

The commissioner shall oversee the implementation of the programme of execution of protective supervision.

The convicted person is entitled to file complaints with the director of the Administration in connection with the work of the commissioner.

Duty of Notifying the Court

Article 190

The commissioner is required to at least once every six months notify the court which ordered the protective supervision about the results of the execution of protective supervision.

If the execution of the protective supervision does not commence within 30 days of the reception of the enforceable decision or the convicted person does not accept the execution of protective supervision, the commissioner is required to immediately notify thereof the court which had ordered the protective supervision.

Based on the success achieved in the execution of protective supervision, the commissioner shall propose to the court in his report that it change or revoke some of the convicted person's obligations.

If the commissioner finds on the basis of the results accomplished that the purpose of the protective supervision has been fully achieved, the commissioner shall in the report to the court propose that it revoke the protective supervision before the expiry of the oversight term.

If during the implementation of the programme the convicted person fails to fulfil the imposed obligations, the commissioner shall notify thereof the court and the organisational unit within the Administration responsible for treatment and alternative sanctions, specifying the reasons.

When the commissioner finds that the purpose of protective supervision has been achieved, he shall notify the competent court thereof.

Article 191

More detailed regulations on the execution of conditional punishment with protective supervision shall be issued by the minister responsible for the judiciary.

Article 191a

More detailed regulations on the selection and work of the commissioner responsible for the execution of community service penalties and conditional sentences with protective supervision shall be issued by the minister responsible for the judiciary.

Chapter Eight

ENFORCEMENT OF SECURITY MEASURES

I COMPULSORY PSYCHIATRIC TREATMENT AND CONFINEMENT IN A HEALTH-CARE INSTITUTION

*Competences and Procedure for the Execution of the Measure of Compulsory
Psychiatric Treatment and Confinement in a Health-Care Institution*

Article 192

Commitment of persons to compulsory psychiatric treatment and confinement in a health-care institution shall be ordered by the court which issued the decision in the first instance.

The measure referred to in paragraph 1 of this Article shall be executed in the Special Prison Hospital, and by exception also in other health-care institutions.

Where the measure referred to in paragraph 1 of this Article is imposed together with a prison sentence, the security measure shall be the first to be enforced against the person concerned.

Acting on a proposal by the Special Prison Hospital or other health-care institution where the measure referred to in paragraph 1 of this Article is being enforced, the court may during the term of the measure order the person concerned to be transferred from one health-care institution to another.

Article 193

The measure of compulsory psychiatric treatment and confinement in a health-care institution may include only such restrictions on movement and conduct as are necessary for the treatment and confinement of the person against whom the measure is applied and for the purpose of maintaining order and discipline.

The person against whom the security measure of compulsory psychiatric treatment and confinement in a health-care institution is being applied is entitled to the same rights and obligations as persons serving prison sentences, unless required otherwise by the necessities of medical treatment.

Conveyance to a Health-Care Institution

Article 194

If the person against whom the security measure of compulsory psychiatric treatment and confinement in a health-care institution has been ordered is at large and fails to report to the institution for execution of the measure, the court shall order the person to be brought in or a wanted circular to be issued. The order shall be executed by the police in whose area of jurisdiction the person is located. If such a person is in detention, it shall be conveyed by authorised persons.

The conveyance of the person referred to in paragraph 1 of this Article shall be effected in the presence of a health-care professional.

Duty of Notifying a Health-Care Institution

Article 195

The health-care institution or ward to which the person has been committed for treatment and confinement is required to at least once every year notify the court which had ordered the measure about the medical condition of the person against whom the measure is being applied.

Acting on a proposal by the Special Prison Hospital or other health-care institution where the measure is being applied, the court may while it is being applied order the measure of compulsory psychiatric treatment and confinement in a health-care institution to be discontinued, or order a measure of compulsory outpatient psychiatric treatment.

When the treatment has been completed, the health-care institution referred to in paragraph 1 of this Article shall notify thereof the court which had ordered the measure.

If the person whose treatment has been completed but not his total penalty, at the request of the court referred to in paragraph 1 of this Article police in whose territorial jurisdiction the health-care institution is located shall convey the convicted person to the place of enforcement of his penalty, unless the court has ordered conditional release.

Supervision of the Enforcement of the Measure

Article 196

The legality of the enforcement of the security measure of compulsory psychiatric treatment and confinement in a health-care institution shall be supervised by the court which had issued the decision in the first instance.

The professionalism of work in the enforcement of the security measure referred to in paragraph 1 of this Article shall be supervised by the ministry in charge of health care.

Article 197

More detailed regulations on the enforcement of the security measure of compulsory psychiatric treatment and confinement in a health-care institution shall be issued by the minister responsible for the judiciary in co-operation with the minister responsible for the health care system.

Assistance After Release from a Health-care Institution

Article 198

Following release from a health-care institution, care of the person against whom the security measure had been enforced shall be assumed by the competent welfare authority in the place of the person's temporary or permanent residence at the time the decision ordering the security measure had become final.

II COMPULSORY OUTPATIENT PSYCHIATRIC TREATMENT

*Competences and Procedure for the Execution of the Measure of Compulsory
Outpatient Psychiatric Treatment*

Article 199

The measure of compulsory outpatient psychiatric treatment shall be enforced in a health-care institution determined by the court which had ordered the measure.

The court which ordered the measure referred to in paragraph 1 of this Article shall order the person on whom the measure was imposed to report to a health-care institution within eight days of the date when the decision ordering the measure becomes final.

The person for whom compulsory outpatient psychiatric treatment was ordered is required to report to the health-care institution for treatment within a time limit determined by the court, but no later than fifteen days from the service of the decision ordering medical treatment.

The court shall forward to the health-care institution a copy of the final court decision.

The Health-care Institution's Duty of Notification

Article 200

Where persons ordered to undergo treatment fail to do so within a time limit determined by the court, or wilfully abandon the treatment, or in spite of the treatment become so dangerous to their community that they require confinement to a psychiatric health-care institution, the health-care institution shall notify thereof the court which had ordered the measure.

Article 201

The health-care institution is required to notify the court which had ordered the measure about the condition of the person under treatment. The institution is also required to notify the court of the completion of treatment.

**III COMPULSORY TREATMENT OF NARCOTICS ADDICTS
AND ALCOHOLICS**

*Competences and Procedure of Enforcement of the Measure of Compulsory
Treatment of Narcotics Addicts and Alcoholics*

Article 202

Commitment of persons for enforcement of the measures of compulsory treatment of narcotics addicts or compulsory treatment of alcoholics shall be ordered by the court which had imposed the measure in the first instance, and if such persons are in detention, the basic court within whose territorial jurisdiction the detention is located.

The court shall notify the institution where the person against whom the measure was ordered is being sent about the execution of the measure referred to in paragraph 1 of this Article.

If the persons referred to in paragraph 1 of this Article fail to report to the institution for treatment or wilfully abandon treatment, the institution shall promptly notify the competent court, which shall order them brought in or order the issuance of a wanted circular.

The Institution's Duty of Notification

Article 203

The institution where the measure of compulsory treatment of narcotics addicts or alcoholics is being enforced is required to notify the court which had ordered the measure at least once every six months about its enforcement.

The institution referred to in paragraph 1 of this Article shall notify the court about the completion of treatment.

Commitment of Convicted Persons to Serve Out Sentences

Article 204

Following the completion of the measure of compulsory treatment of a narcotics addict or compulsory treatment of an alcoholic, the person concerned shall be ordered to serve out his prison sentence.

Article 205

More detailed regulations on the enforcement of the measure of compulsory treatment of narcotics addicts or compulsory treatment of alcoholics shall be issued by the minister responsible for the judiciary in co-operation with the minister responsible for the health care system.

IV PROHIBITION OF PRACTICING A PROFESSION, ACTIVITY OR DUTY

Competences and Procedure for the Execution of the Security Measure of Prohibition of Practicing a Profession, Activity or Duty

Article 206

The court which ordered the security measure of prohibition of practicing a profession, activity or duty in the first instance shall deliver the final decision to the authority, enterprise or organisation in which the person against whom the measure was ordered is employed, the authority responsible for issuing permits or authorisations for

performing certain professions or for self-employment, as well as the competent inspectorate.

The final decision referred to in paragraph 1 of this Article shall also be delivered to the police in the place of temporary or permanent residence of the person against whom the measure is being applied for the purpose of entering in the record of convictions.

Article 207

Where the performance of a profession, activity or duty requires a permit from a competent authority, the measure is executed by a revocation of the permit or a ban on its issuance, for the term for which the measure was ordered.

The measure referred to in paragraph 1 of this Article shall be enforced by competent inspectorates by undertaking actions preventing the person against whom the measure is being applied from engaging in the performance of a certain profession, activity or duty.

The competent inspectorate shall notify the court which had ordered the measure in the first instance about its enforcement.

Changes of Residence

Article 208

Where persons against whom measures are being enforced change their temporary or permanent residences, and the term of the measure has not expired, the police in the place of the former temporary or permanent residence of the person shall notify thereof the police in the subsequent temporary or permanent residence of the person.

V BAN ON OPERATING A MOTOR VEHICLE

Competences and Procedure for the Execution of the Measure of a Ban on Operating a Motor Vehicle

Article 209

The court which ordered the measure banning the operating of a motor vehicle in the first instance shall deliver the final decision for enforcement to the police in the place where the person against whom the measure was ordered had temporary or permanent residence at the time the measure imposed had become final.

The measure referred to in paragraph 1 of this Article shall be enforced against a person with a foreign driver's licence in the place where the criminal offence was committed.

Changes of Residence

Article 210

The organisational unit of the police which revoked a driver's licence and had not issued that licence shall notify thereof the police organisational unit which had issued the driver's licence.

Where a person against whom the measure of revocation of a driver's licence was ordered changes temporary or permanent residence, and the term of the measure has not expired, the police in the place of the earlier temporary or permanent residence of the person shall promptly notify thereof the police in the subsequent temporary or permanent residence of that person.

VI CONFISCATION OF OBJECTS

Article 211

The security measure of confiscation of objects shall be enforced by the court which had ordered the measure in the first instance.

Depending on the nature of the confiscated objects, the court shall decide whether to sell them according to the provisions of the Law on the Enforcement Procedure, transfer them to a public authority, institution or charitable organisation, destroy them or proceed in accordance with other regulations.

Where the law stipulates mandatory destruction of confiscated objects, the court shall issue a decision on the manner of destruction and the authority, organisation or institution to conduct it.

Funds earned from the sale of confiscated objects shall be revenue for the budget of the Republic of Serbia.

VII EXPULSION OF FOREIGNERS FROM THE COUNTRY

Article 212

The court which ordered the expulsion of a foreign national from the country in the first instance shall deliver the final decision to the police for its enforcement.

The measure referred to in paragraph 1 of this Article shall be enforced in accordance with regulations governing the movements and stay of foreigners in the country.

VIII PUBLICATION OF JUDGEMENTS

Article 213

The court which rendered a decision in the first instance shall deliver enforceable decisions on the publication of judgements in the public information media to public information media editors for the purpose of their publication.

The costs of the publication of judgements shall be borne by the convicted person.

Part Three

EXECUTION OF MINOR OFFENCES SANCTIONS

Chapter Nine

IMPRISONMENT

1. General Provisions

Application of Provisions of this Law

Article 214

Prison sentences pronounced for minor offences shall be executed according to the provisions of this Law, unless specified otherwise by another law.

Assignment of Persons Punished in Connection with Minor Offences

Article 215

Persons punished with imprisonment in connection with minor offences shall be assigned to serve their sentences in a special ward of the penal institution separately from convicted persons.

Women punished with imprisonment in connection with minor offences shall be assigned to serve their sentences in a penal and correctional institution for women, separately from convicted women.

Juvenile persons punished in connection with minor offences shall serve their terms separately from adults.

2. Procedure of Commitment to Serve Sentences

Competences for Commitment to Serve Sentences

Article 216

The minor offences court which issued the judgement in the first degree shall have jurisdiction for committing persons punished in connection with minor offences to serve their prison sentences.

Persons punished in connection with minor offences shall be committed to serve their sentences pursuant to the assignment act of the minister responsible for the judiciary.

Where the minor offences court which issued the judgement in the first degree decides that the penalty shall be executed according to the place of temporary or permanent residence of the person punished for a minor offence, it shall deliver the enforceable

judgement to the minor offences court whose seat is in the place of temporary or permanent residence of the person punished.

The Committal Order

Article 217

The competent minor offences court shall order persons punished for minor offences to report on a certain date to serve their sentences.

Persons punished for minor offences shall be cautioned in their orders that appeals for deferring the execution of the penalty shall be rejected unless proof of the existence of grounds for deferral is attached to the appeal.

The period between receipt of the order and the scheduled date of reporting may not be less than eight or more than fifteen days.

The competent minor offences court shall notify the penal institution on the date when the person punished for a minor offence should report for serving the sentence.

Commencement of Execution of the Sentence

Article 218

The institution shall notify the competent minor offences court whether the person punished for a minor offence reported for serving the prison sentence.

The execution of the prison sentence shall commence from the date the person punished for a minor offence reported to the institution for serving the prison sentence.

Article 219

Where persons punished for minor offences duly summoned to report to the institution fail to appear, the minor offences court shall order them brought in, and if they are in hiding or at large, the minor offences court shall order the issuance of a wanted circular.

In the case referred to in paragraph 1 of this Article, the execution of the prison sentence shall commence from the date of deprivation of liberty of the person punished for a minor offence, and the costs of conveyance shall be borne by that person.

3. Stay of Execution of Prison Sentences

Reasons for Staying Execution of Prison Sentences

Article 220

Execution of sentences imposed for a minor offence may be deferred for the same reasons as the execution of sentences pronounced for criminal offences.

Durations of Stays of Execution

Article 221

The execution of penalties imposed on women punished for minor offences who are six or more months pregnant and those with children less than one year old shall be deferred until the child's first birthday, and that of persons punished for a minor offence who are suffering from a serious acute illness, for the duration of the illness.

In other cases deferral of execution may not be longer than sixty days.

Procedure of Stay of Execution

Article 222

Persons punished for minor offences may file petitions for stays of execution of their prison sentences.

The petition shall contain the reasons for deferring execution and evidence supporting those reasons, and specify the period for which deferral is sought.

Article 223

Petitions for staying execution shall be submitted within three days of receiving the order to report for serving the sentence.

In case of a serious acute illness of the person punished for a minor offence, or the death of a spouse, child, foster child, parent or foster parent occurring after the expiry of the three-day time limit, the petition may be filed until the date specified for reporting to serve the sentence.

Article 224

Petitions for staying execution shall be submitted to the president of the minor offences court which issued the first-instance decision.

The president of the minor offences court referred to in paragraph 1 of this Article is required to issue a ruling in connection with the petition within three days of receiving it.

Untimely petitions, petitions submitted by unauthorised persons and petitions lacking the requisite evidence shall be rejected by the president of the minor offences court referred to in paragraph 1 of this Article.

Article 225

Persons punished in connection with minor offences may appeal against first-instance rulings to the president of the Higher Minor Offences Court.

The appeal shall be submitted within three days of receiving the first-instance ruling.

The president of the Higher Minor Offences Court is required to decide on the appeal within three days of receiving it.

Article 226

Petitions to stay execution shall stay execution of the penalty until the ruling on the petition becomes final.

The president of a minor offences court who in rejecting a petition submitted for the second time finds that the right to petition is being abused shall issue a decision under which appeals do not stay execution of the sentence.

Revocation and Termination of Stay of Execution

Article 227

The president of the minor offences court shall revoke stays of execution of penalties if he finds that the reasons for approving the stay had either never existed or have ceased to exist, or that the person punished in connection with a minor offence is using the stay contrary for the purpose for which it was approved.

Where stays of execution were granted to a pregnant woman and her child is stillborn, the stay shall be discontinued two months after the birth, and where the child dies after the birth, the stay shall be discontinued two months following the child's death.

Where stay of execution was granted to a mother punished for a minor offence who has a child aged less than one year and the child dies, the stay shall be discontinued following the expiry of a period of two months from the child's death.

Article 228

Persons punished for minor offences are entitled to appeal against rulings on revocation of stays of execution and on discontinuation of the stay of execution under the same conditions as apply to rulings deciding on petitions for stays of execution.

Appeals shall stay execution of the ruling.

4. Suspension of Prison Sentences Pronounced for Minor Offences

Article 229

By exception, acting on a petition lodged by a person punished for a minor offence, the director of the Administration may for justifiable reasons approve a suspension of the execution of a prison sentence.

Suspensions of the execution of prison sentences may not last longer than ten days, and suspensions approved in connection with illness shall last until the full health of the person punished has been restored.

During the suspension of the penalty the person punished for a minor offence is not entitled to the rights prescribed by this Law.

Article 230

Provisions of this Law regulating suspensions of the execution of prison sentences pronounced for criminal offences shall apply accordingly to suspensions of prison sentences pronounced for a minor offence.

5. Release of Persons Punished for Minor Offences

Article 231

Persons punished for minor offences shall be released from the institution on the date of expiry of their punishment.

Chapter Ten EXECUTION OF PROTECTIVE MEASURES PRONOUNCED FOR MINOR OFFENCES

Article 232

Provisions of this Law regulating the execution of security measures pronounced in connection with criminal offences shall be applied accordingly to the execution of security measures pronounced for minor offences, unless specified otherwise by another law.

Part Four

Chapter Eleven EXECUTION OF PROTECTIVE MEASURES PRONOUNCED FOR ECONOMIC OFFENCES

Application of Provisions on Execution of Security Measures

Article 233

Provisions of this Law regulating the execution of security measures shall apply accordingly to the execution of protective measures pronounced for economic offences, unless specified otherwise by another law.

Execution of the protective measure of publication of the judgement

Article 234

The provisions of Article 213 of this Law shall be applied accordingly to the procedure of executing the protective measure of publication of the judgement.

The costs of the publication of the judgement shall be borne by the person convicted of an economic offence.

Part Five

EXECUTION OF OTHER MEASURES

Chapter Twelve

DETENTION

Admission to Detention

Article 235

Persons are remanded in detention based on a court ruling ordering detention.

A written order for the admission of the detainee shall be delivered with the ruling ordering detention.

Provisions of the Criminal Procedure Code and this Law shall apply to the treatment of detainees.

Article 236

The institution shall issue a written receipt on the admission of a detainee.

The receipt shall include the date, hour and minute of admission of the detainees.

Accommodation of Detainees

Article 237

Detainees shall be assigned to a special ward of the penal institution organised as a closed-type ward, separate from convicted persons, in accordance with the assignment act of the minister responsible for the judiciary.

In the placement of detainees their prior criminal records, their health, personal interests, languages they speak and understand, and the type of criminal offence with which they are charged, shall be taken into consideration.

Detainees who took part together in the commission of a criminal offence shall be accommodated separately.

Examination of Detainees

Article 238

Immediately after admission to the institution, detainees shall be examined by a physician.

The physician's findings shall be entered in the detainee's medical file.

Status of Detainees

Article 239

Detainees shall stay in the penal institution under the same conditions as convicted persons, unless specified otherwise by the Criminal Procedure Code.

Article 240

Detainees who work are entitled to remuneration and other labour rights recognised by this Law for convicted persons.

Article 241

Detainees may be taken out of the institution and conveyed to other authorities or to a health-care institution, only on the orders of the court which ordered detention, or if urgent medical assistance is required.

Article 242

The institution shall promptly notify the court before which a detainees' proceedings are being conducted of any violations by the detainee of the institution's regulation on house or other disciplinary transgressions by the detainee.

Use of Coercive Measures Against Detainees

Article 243

Coercion against detainees shall be applied in accordance with the provisions of this Law which regulate the use of coercive measures against convicted persons.

The court before which the proceedings are being conducted shall be notified promptly about the use of coercive measures.

Transfers of Detainees

Article 244

Detainees may be transferred from one institution to another for reasons of security.

Rulings on transfers shall be issued by the director of the Administration, with the approval of the court.

Detainees are entitled to file with the minister responsible for the judiciary appeals against the decision of the director of the Administration, within three days of receiving the decision. Appeals against the director's decision do not stay execution of the ruling.

Supervision of Detention

Article 245

The application of detention shall be supervised by the president of the higher court on whose territory is the seat of the institution in which detention is executed.

Release of Detainees

Article 246

Detainees shall be released from the institution on the basis of a ruling revoking detention and an order for release from detention issued by the court before which the proceedings are being conducted.

Detainees shall also be released immediately on the expiry of the period for which detention was ordered.

Before release, detainees shall be examined by the institution's physician.

Death of Detainees

Article 247

In the event of the death of a detainee the institution shall promptly notify the police, the detainee's spouse, children and foster children, and if the detainee has none, his parents, foster parents, siblings or other relatives.

The court before which the proceedings are being conducted, the president of the court performing supervision of detainees and the registrar shall also be notified of the death of the detainee,

Article 248

The detainee's remains and personal effects shall be handed over to the family of the detainee.

Where a detainee has no family or the family refuses to accept his remains, the detainee shall be interred at the expense of the institution.

Other Provisions on the Application of the Measure of Detention

Article 249

Detainees who are pursuant to the Criminal Procedure Code sent to serve their prison sentences at their own request, before the judgement becomes final, shall have rights and duties identical with those of convicted persons.

Article 250

The regulation on house rules for the application of the measure of detention shall be issued by the minister responsible for the judiciary.

Chapter Thirteen SEIZURE OF MATERIAL GAINS

Article 251

Provisions of the Law on the Enforcement Procedure shall be applied accordingly to the procedure of confiscating proceeds from crime and economic offences.

Funds earned from the confiscation of proceeds from crime shall be revenue for the budget of the Republic of Serbia.

Part Six EMPLOYMENT, OVERSIGHT AND CONTROL OF WORK

Chapter Fourteen EMPLOYMENT

1. General Rule

Article 252

Provisions of the law regulating employment in the public authorities shall apply to the director of the Administration and employees of the Administration, unless specified otherwise by this Law.

2. Special Requirements

Article 253

The director of the Administration shall decide on the rights, duties and responsibilities proceeding from employment of the persons employed in the Administration, institution wardens and deputy wardens, unless specified otherwise by this Law.

The warden of the institution shall decide on the rights, duties and responsibilities proceeding from employment of the persons employed in the institution.

Requirements for Employment

Article 254

Employment in the Administration shall be based on a public competition.

The Administration advertises and conducts a public competition for employment in the Administration.

Persons convicted of criminal offences prosecutable *ex officio*, persons under criminal prosecution for criminal offences which are prosecutable *ex officio*, persons convicted to terms of imprisonment of more than three months in duration and persons who fail security checks may not be employed in the Administration.

More detailed regulations on the implementation of the public competition for employment in the Administration shall be issued by the minister responsible for the judiciary.

Special Cases of Termination of Employment

Article 255

Employment shall be terminated:

- 1) if it is established that the data provided in concluding an employment contract were incorrect;
- 2) if a court delivers a final judgement convicting an employee in connection with a criminal offence prosecutable *ex officio* or a final judgement pronouncing a term of imprisonment exceeding six months in duration.

Trainee Period in the Security Service

Article 256

Persons who besides general requirements prescribed by law also fulfil the following conditions may be accepted to the security service as trainees: a secondary school degree, less than twenty-five years of age, completion of military service under arms, and adequate mental and physical capacity for service.

Determination of the mental and physical capacity shall be conducted by a commission appointed by the director of the Administration.

Persons with university degrees or two-year college degrees may be accepted as trainees in the security service if they are aged up to twenty-eight.

Article 257

The probation shall be conducted in the form of training based on a probation programme.

The probation programme in the security service shall be issued by the minister responsible for the judiciary.

Article 258

Trainees who pass a professional examination on the conclusion of their probation shall acquire an appropriate rank.

The employment of trainee staff shall be terminated if they fail to pass the professional examination within the prescribed time limit, unless that was the result of an illness or other justifiable reasons.

The employment of trainees in the security service who wilfully leave the Administration or are excluded from the training due to their own fault shall be terminated, and they shall be required to reimburse the costs of the training.

Status and Assessment of Administration Employees

Article 259

Employees of the Administration acquire ranks depending on acquired education, professional experience and knowledge, capacity for performing their jobs and assessments of their performance.

The ranks of employees of the Administration shall be regulated by the Government.

Professional training, advanced training and organisation of professional examinations for acquiring ranks for the performance of jobs in the Administration shall be conducted on the basis of a regulation issued by the minister responsible for the judiciary.

Employees of the security service shall be exempt from taking the State professional examination.

Article 260

Employees are assessed once a year, no later than 1st march for the preceding year.

Performance is evaluated by positive or negative ratings.

The positive ratings are: "sufficient" - 2, "good" - 3, "very good" - 4 and "excellent" - 5.

The negative rating is "insufficient" - 1.

Employees rated negatively shall be evaluated again after three months. If an employee again receives a negative rating at the extraordinary evaluation, the director of the Administration may issue a ruling terminating that employee's employment contract.

More detailed regulations on evaluation shall be issued by the minister responsible for the judiciary.

Rights and Duties of Administration Staff

Article 261

Staff members must at all times by their conduct and appearance provide a good example to the persons against whom sanctions are being enforced. The regulation on the appearance and conduct of employees of the Administration shall be issued by the minister responsible for the judiciary.

Staff members may not engage in activities incompatible with their jobs in the Administration.

Activities incompatible with employment in the Administration shall be determined by the minister responsible for the judiciary.

Article 262

The Administration shall insure the lives of its employees and shall bear the costs of internment of employees who lose their lives in the performance of or in connection with the performance of their duties.

The Administration shall grant to the families of the persons referred to in paragraph 1 of this Article financial assistance in a value of twelve monthly salaries calculated according to the salary payable in the month when the staff member lost his or her life.

Article 263

The director and employees of the Administration shall be entitled to an accelerated pension plan under which each 12 months of service shall count as up to 16 months of pensionable seniority.

The coefficient of the persons referred to in paragraph 1 shall in proportion to the degree of increase of seniority be increased by up to 30%.

The amount of the coefficient for calculation and payment of salaries in the Administration shall be determined by the Government.

The jobs with accelerated pension plans shall be agreed mutually by the minister responsible for the judiciary and the minister responsible for pension and disability insurance affairs.

Article 264

Staff members entitled to an accelerated pension plan under which each 12 months of service shall count as up to 16 months of pensionable seniority shall be sent for medical controls once every three years and the director of the Administration may, acting on his own initiative or that of a warden, decide that health controls or testing for psychoactive substances and alcohol abuse shall be performed more frequently.

The director of the Administration may decide on tests of the physical and mental capacities of security service staff.

Tests of tests physical and mental capacities shall be performed by a commission appointed by the director of the Administration.

Article 264a

If the service so requires, persons with accelerated pension plans may have their employment terminated by a ruling of the minister responsible for the judiciary with full entitlement to an old-age pension even before fulfilling the general requirements for an old-age pension.

The persons referred to in paragraph 1 of this Article shall on fulfilling conditions for retirement be entitled to a severance gratuity in an amount of five monthly salaries received for the last month before retirement.

Article 265

If the service so requires, staff are required to work overtime.

The director of the Administration and the institution's warden may, if the service so requires, defer or suspend a staff member's annual vacation.

Owing to increased work and other service requirements, staff may without their consent be transferred temporarily to a corresponding position in another organisational unit of the Administration, for not more than one year.

Rulings on the secondment of staff members shall be issued the director of the Administration. Appeals against secondment rulings may be submitted to the minister responsible for the judiciary within eight days of receiving the ruling. Appeals do not stay execution of the ruling.

Staff members seconded to another organisational unit are entitled to the costs of transportation, accommodation and food, pursuant to general regulations.

Violations of Responsibilities at Work and Duties

Article 266

Administration staff are liable to disciplinary action for serious and less serious violations of their responsibilities and duties at work.

Besides the less serious violations of responsibilities and duties at work determined by the law regulating employment in the public authorities, any form of conduct contrary to regulations on the manner of performing jobs in the Administration shall also be deemed less serious violations of responsibilities and duties at work.

Besides the serious violations of responsibilities and duties at work determined by the law regulating employment in the public authorities, the following shall also be deemed serious violations responsibilities and duties at work:

- 1) receiving gifts from convicted persons and their relatives;
- 2) engagement in trading and exchanging goods with convicted persons;
- 3) bringing into the institution and taking out of it prohibited objects on behalf of convicted persons;
- 4) conspiring with convicted persons aimed at assisting their escape or obstructing the investigation;
- 5) failure to report conspiracies of convicted persons to organise riots, escapes and other forms of violating the regulation on house rules;
- 6) failure to conduct appropriate actions against a convicted person attempting to escape;
- 7) divulging state or official secrets;
- 8) engagement in activities incompatible with their service;
- 9) issuing or carrying out orders which obviously threaten the safety of convicted persons and property;
- 10) exceeding authority in the application of coercive means;
- 11) improper, violent or insulting conduct towards their superiors, co-workers or parties;
- 12) unauthorised absences from work or leaving a person being conveyed;
- 13) unauthorised issuance of data or information in connection with the performance of the service of the work of the institution;
- 14) arriving at work under the influence of alcohol or psychoactive substances or consuming alcohol or psychoactive substances at work;
- 15) disobeying a superior's orders.

All serious violations of responsibilities and duties at work may lead to the dismissal of the staff member.

For less serious violations of responsibilities and duties at work consisting of conduct contrary to regulations on the performance of work in the Administration, the director of the Administration may acting on a proposal by a warden or on his own initiative impose a fine, after the conduct of disciplinary proceedings, amounting up to 30% of the basic pay paid out in the month before the imposition of the fine.

Disciplinary Proceedings

Article 267

Disciplinary proceedings against institution staff shall be conducted by a disciplinary commission appointed by the warden of the institution. Decisions on disciplinary responsibility shall be rendered by the warden, acting on proposals of the disciplinary commission.

Disciplinary proceedings against the warden and staff employed in the seat of the Administration shall be conducted by a disciplinary commission appointed by the director of the Administration. Decisions on disciplinary responsibility shall be rendered by the director of the Administration, acting on proposals of the disciplinary commission.

Appeals against first-instance decisions issued in disciplinary proceedings may be submitted to the minister responsible for the judiciary within eight days of the date of receiving the decision.

Special rewards

Article 268

Acting on a proposal by a warden or on his own initiative, the director of the Administration shall issue decisions on special rewards to staff for exceptional performance at work, in an amount of up to 30% of the basic pay received in the month before the reward.

Other provisions

Article 269

Besides the regulations prescribed by this Law, the minister responsible for the judiciary shall also issue those regulating the following:

- 1) the internal organisation and job systematisation of the Administration;
- 2) keeping records of convicted persons;
- 3) uniforms, official markings, ceremonial apparel, armament, special vehicles and other equipment of the security service;
- 4) advanced training, professional training and examinations in the Administration;

- 5) official secrets and the manner of keeping data which represent official secrets;
- 6) the manner of performing work in the security service.

Chapter Fifteen

OVERSIGHT AND CONTROL OF WORK

Supervision of the Work of Penal Institutions in General

Article 270

Supervision of the work of the Administration shall be performed by the ministry responsible for the judiciary.

Supervision of the work of institutions shall be performed by the organisational unit within the Administration responsible for supervision in the Administration, through authorised persons.

Supervision of institution includes the following:

- 1) the status and protection of the rights of persons deprived of liberty;
- 2) the treatment of persons deprived of liberty;
- 3) security of the institution and its safety;
- 4) the material and financial operation of the institution;
- 5) training and employment of persons deprived of liberty;
- 6) management of the institution and the performance of its staff;
- 7) the security of persons deprived of liberty.

Oversight of professional work may be conducted by scientific and professional institutions and individuals.

Rights and Duties of Persons Authorised to Conduct Oversight

Article 271

Authorised persons are entitled to speak with convicted persons without institution staff being present.

The institution's warden is required to make possible the unobstructed work of authorised persons and place at their disposal all data necessary for conducting supervision.

Article 272

Authorised persons shall make records of oversights they performed.

The authorised persons referred to in paragraph 1 of this Article may order measures and determine time limits for rectifying any shortcomings found.

If in the performance of oversight authorised persons find that the institution's warden has committed a violation of duty, they shall initiate disciplinary proceedings against the warden before the disciplinary commission of the Administration. If the authorised person believes another institution staff member has made a violation of duty, and the authorised person did not initiate disciplinary proceedings, he shall initiate disciplinary proceedings before a disciplinary commission of the institution.

Where there are grounds to suspect that a criminal offence prosecutable *ex officio* or an economic offence has been committed, the authorised person referred to in paragraph 1 of this Article is required to submit a criminal complaint to the competent public prosecutor.

The record shall contain measures for rectifying deficiencies found in the functioning of the institution.

The record may also contain proposed measures to improve the operation of the institution.

Article 273

The record shall be submitted to the institution warden, the director of the Administration and the minister responsible for the judiciary.

The institution's warden is required to act in accordance with the measures ordered and notify thereof the director of the Administration and the minister responsible for the judiciary.

The Right of Wardens to Objections

Article 274

Institution wardens may lodge objections with the minister responsible for the judiciary against measures ordered and measures proposed, within eight days of receiving the record.

Objections do not stay execution of the measures ordered.

The minister responsible for the judiciary may in accordance with the objections suspend execution of or extend the time limits for the execution of the measures ordered, or order other measures to rectify the deficiencies found.

Other Provisions on Oversight of Institutions

Article 275

Where an institution does not fulfil statutory sanitary requirements or its security is threatened, the minister responsible for the judiciary may issue a ruling ordering convicted persons to be transferred to another institution.

Article 276

The professional work of the Special Prison Hospital and health-care services in the penal institutions shall be supervised by the ministry responsible for health care.

Article 277

More detailed provisions on supervision of the operation of institutions shall be issued by the minister responsible for the judiciary acting on a proposal by the director of the Administration.

Parliamentary Control

Article 278

With the purpose of controlling the execution of criminal sanctions regulated by this Law, the National Assembly of the Republic of Serbia shall acting on a proposal by the Committee for the Judiciary and Administration, a five-member commission.

The commission referred to in paragraph 1 of this Article shall consist of persons acquainted with the problems of executing criminal sanctions but not employees of the Administration.

The commission is independent in its work and the Administration is required to make available to the commission all data of significance for its work. The commission has all the powers held by the authorised person referred to in Articles 270 and 271 of this Law.

Once every year the Administration shall submit a report on its work to the Commission referred to in paragraph 1 of this Article.

The Commission referred to in paragraph 1 of this Article shall submit a report on the status of the execution of criminal sanctions regulated by this Law at least once every year to the National Assembly of the Republic of Serbia and the minister responsible for the judiciary.

Part Seven

Chapter Sixteen PUNITIVE PROVISIONS

Article 279

Whoever violates a prohibition of practicing a profession, activity or duty shall be fined up to 10,000 dinars for a minor offence.

Entrepreneurs committing the minor offence referred to in paragraph 1 of this Article shall be fined up to 50,000 dinars.

Article 280

Legal persons who enable a person punished with a security measure of prohibition of practicing a profession, activity or duty to engage in that profession, activity or duty shall be fined up to 100,000 dinars for a minor offence.

Entrepreneurs committing the minor offence referred to in paragraph 1 of this Article shall be fined up to 50,000 dinars.

Responsible persons in legal persons shall be fined up to 10,000 dinars for the minor offence referred to in paragraph 1 of this Article.

Part Eight

Chapter Seventeen

TRANSITIONAL AND CONCLUDING PROVISIONS

Article 281

The Law on the Execution of Criminal Sanctions (*Official Gazette of the RS*, Nos. 16/97 and 34/01) shall cease to apply on the effective date of this Law.

Regulations prescribed by this Law shall be issued within six months of the effective date of this Law.

Until the issuance of regulations prescribed by this Law regulations issued pursuant to provisions of the (*Official Gazette of the RS*, Nos. 16/97 and 34/01) shall be applied, unless they contravene this Law.

Article 282

This Law shall enter into force on 1st January 2006.

Independent Articles of the Law on Revisions of the Law on the Execution of Criminal Sanctions

(Official Gazette of the Republic of Serbia, No. 72/2009)

Article 121

Regulations prescribed by this Law shall be issued within six months of the effective date of this Law.

Article 122

This Law shall enter into force on the eighth day from the date of its publication in the *Official Gazette of the Republic of Serbia*, except for the provisions of Articles 25, 27, 95 to 102, 109 and 119 of this Law, which shall be applied from the effective date of the Law on the Organisation of Courts (*Official Gazette of the Republic of Serbia*, No. 116/08).