



Republika e Kosovës
Republika Kosovo - Republic of Kosovo
Kuvendi - Skupština - Assembly

Law No. 04/L-172

**ON AMENDING AND SUPPLEMENTING THE LAW No.04/L-054 ON THE
STATUS AND THE RIGHTS OF THE MARTYRS, INVALIDS,
VETERANS, MEMBERS OF KOSOVO LIBERATION ARMY, SEXUAL
VIOLENCE VICTIMS OF THE WAR, CIVILIAN VICTIMS AND THEIR
FAMILIES**

The Assembly of the Republic of Kosovo,

Based on Article 65 (1) of the Constitution of the Republic of Kosovo,

Approves

**LAW ON AMENDING AND SUPPLEMENTING THE LAW No.04/L-054
ON THE STATUS AND THE RIGHTS OF THE MARTYRS, INVALIDS,
VETERANS, MEMBERS OF KOSOVO LIBERATION ARMY, SEXUAL
VIOLENCE VICTIMS OF THE WAR , CIVILIAN VICTIMS AND THEIR
FAMILIES**

Article 1

The aim of this Law is to amend and supplement the Law no.03/L-054 on the Status and the Rights of the Martyrs, Invalids, Veterans, Members of Kosovo Liberation Army, Civilian Victims and their Families published in the Official Gazette dated 28.12.2011.

Article 2

In the title of the basic Law after the phrase “**Members of Kosovo Liberation Army**” there shall be added the phrase “**Sexual Violence Victims of the War**” and the rest remains as in the text of the basic Law.

Article 3

Article 2 of the basic Law, after paragraph 1.3 a new sub-paragraph shall be added as following:

1.4. “status and rights of sexual violence victims of the war”.

Article 4

1. Article 3 of the basic Law, before sub-paragraph 1.1 there shall be added a new paragraph as following:

1.1. **Kosovo Liberation War** – the armed war of Kosovo population leaded by KLA with the purpose of liberation of Kosovo and bringing the freedom and independence to the population of Kosovo, with a protection and liberation character, exclusively against armed and police forces as well as occupying administration of Serbia settled in Kosovo.

2. Article 3 of the basic Law, sub-paragraph 1.1 shall be reworded as following:

1.1. **Kosovo Liberation Army** – military formation armed and organized on vulnerable basis with uniforms and distinctive signs, organization units and the chain of command headed by the Headquarters, under the civil control of political leadership, with a clear mission for protection of the population of Kosovo from conquering regime, the expulsion of forces and administration of Serbia settled in Kosovo and liberation of country.

3. Article 3 of the basic Law, sub-paragraph 1.6 shall be reworded as following:

1.6. **National Martyr** – KLA fighter who:

1.6.1. has died in war for liberation of the country;

1.6.2. was wounded in the war for liberation of the country and has died from the wounds within three (3) years after the end of the war.

4. Article 3 of the basic Law, sub-paragraph 1.7 shall be reworded as following:

1.7. **KLA veteran** – participant in the war for liberation in Kosovo such as:

1.7.1. **KLA invalid** – fighter, member and the deported (the imprisoned) of KLA, who has suffered wounds, physical or psychic injuries (damages) or serious diseases during the war or at the prisons or camps of the enemy, during the war period, with the degree of disability at least ten percent (10%).

1.7.2. **Fighter veteran of KLA** – is the citizen of Kosovo and foreign citizen who has become a member of KLA, and has been registered as an armed and uniformed fighter by the commands, headquarters of operational zones of KLA, respectively General Headquarters of KLA, and who has been active till the end of the war.

1.7.3. **The deported of KLA** – every person who due to his/her activity as a KLA member has been arrested during the period 1997 -1999, and has been imprisoned by the forces of Serbia.

1.7.4. **KLA member** – every person who, by a decision or any other act, has been designated to perform concrete duties in political, logistics, financial support or other duties received from the commanders of units, headquarters and zones of KLA, respectively general headquarters of KLA, during the period 1997- 1999.

1.7.5. **Participant in war** - fighter, who has become member of KLA, has been engaged actively to contribute in war, but for various reasons has stopped being member of KLA, before the end of war.

1.7.6. **Missing fighter of KLA** – veteran or members of KLA, whose fate has not been revealed yet.

5. Article 3 of the basic Law, there shall be deleted sub-paragraphs 1.9, 1.11 and 1.13.

6. Article 3 of the basic Law, after sub-paragraph 1.10 there shall be added a new paragraph as following:

1.11. **Sexual violence victim of the war** – person who survived sexual abuse and rape within period from 27.02.1998 until 20.06.1999

Article 5

Article 5 of the basic Law, after sub-paragraph 1.2.2 there shall be added a new sub-paragraph as following:

1.2.3. sexual violence victim of the war.

Article 6

Article 6 of the basic Law, after paragraph 9 there shall be added a new paragraph as following:

10. sexual violence victims of the war shall be beneficiaries of personal benefits foreseen by sub-paragraphs 1.5; 1.8 and paragraphs 4 and 6 of Article 6 of the Law into force.

Article 7

Article 14 of the basic Law after sub-paragraph 2.5 there shall be added three new sub-paragraphs as following:

2.6. sexual violence victims of the war shall be excluded from the degree of invalidity.

2.7. the base of pension of the sexual violence victims of the war shall be determined with a decision of the Government, according to Annex 1 of the Law into force.

2.8. compensation and other benefits deriving from this Law, shall be benefited after the review of cases by the responsible Government Commission.

Article 8

Article 15 of the basic Law after paragraph 9 there shall be added three new paragraphs as following:

10. Status of the sexual violence victims of the war shall be ascertained by the Government Commission on recognition and verification of the status of sexual violence victims of the war according to the conditions and criteria defined by sub-legal act issued by the Government, within six (6) months after entry into force of the Law.

11. Government Commission on recognition and verification of the status of sexual violence victims of the war shall be established by the decision of the Government Commission within six (6) months after entry into force of the Law and shall be composed of nine (9) members as following:

11.1. one (1) representative from the Office of the Prime Minister;

11.2. one (1) representative from the Ministry of Labour;

11.3. one (1) representative from the Ministry of Justice;

11.4. one (1) representative from the Ministry of Health;

11.5. one (1) representative from the Institute for war crimes;

11.6. one (1) clinic psychologist;

11.7. one (1) psychiatrist;

11.8. one (1) lawyer;

11.9. one (1) representative from the civil society who has experience in the activity of support and protection of sexual violence victims.

12. Work organization, duties and responsibilities, payments for engagement of members as well as other important issues of the Government Commission shall be determined by sub-legal act issued by the Government of Kosovo.

Article 9

Article 16 of the basic Law, after paragraph 4 there shall be added two new paragraphs as following:

4.a. for sexual violence victims of the war, the deadline according to this Law shall be five (5) years;

4.b. the deadline to submit the request, on realization of the rights in pensions and benefits, defined by this Law, for sexual violence victims of the war shall be five (5) years, from the beginning and making official the work of the Government Commission on recognition and verification of the status of sexual violence victims of the war.

Article 10

After Article 19 of the basic Law, there shall be added a new Article 19.A as following:

Article 19.A

Protection of data of the persons who have survived sexual abuse and rape

Personal data, private life and the identity of persons as sexual violence victims during the war, shall be protected by the responsible authorities. Registration, maintenance and use of personal data of these persons shall be done in accordance with the requirements defined by the Law on Personal Data Protection and Criminal Code.

Article 11

The category of “sexual violence victims of the war” shall be added in the Annex 1 of the Law no.04/L-054 and shall be aligned after denomination “Family pension after death of invalid of the KLA”, the alignment of other categories shall be as in the Annex of the basic Law.

Article 12

This Law shall enter into force fifteen (15) days after its publication in the Official Gazette of the Republic of Kosovo.

Law No. 04/L-172
20 March 2014

President of the Assembly of the Republic of Kosovo

Jakup KRASNIQI