



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

Law No. 04/L-261

ON KOSOVO LIBERATION ARMY WAR VETERANS

The Assembly of the Republic of Kosovo,

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

Approves

LAW ON KOSOVO LIBERATION ARMY WAR VETERANS

CHAPTER I
GENERAL PROVISIONS

Article 1
Purpose

The purpose of the Law is to define the benefits entitlements for the Veterans of the Kosovo Liberation Army (KLA), who with their precious sacrifice, commitment and contribution at Kosovo Liberation Army were crucial factor in bringing freedom and independence to the people of Kosovo.

Article 2
Scope

1. This Law shall define benefit entitlements for KLA Veterans and immediate members of their families, qualification criteria for their recognition and realizations as well as administrative procedures to realize these rights, as defined in Article 12 paragraph 2 of the Law No. 04/L-054 on the Status and the Rights of Martyrs, Invalids, Veterans, Members of Kosovo Liberation Army, Civilian Victims and their Families.

2. This Law shall not be applicable to categories that are already treated and benefiting from the Law No. 04/L-054.

Article 3 Definitions

1. Terms used in this Law shall have the following meaning:

1.1. **Kosovo Liberation War (KLW)** – 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.

1.2. **Kosovo Liberation Army (KLA)** – 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 and liberation of the country from armed and police forces as well as occupying administration of Serbia settled in Kosovo.

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

1.3.1. **KLA war 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%);

1.3.2. **KLA fighter veteran** – is the citizen of Kosovo and foreign citizen who has become a member of KLA, and has been registered as an armed and uniformed soldier 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;

1.3.3. **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;

1.3.4. **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;

1.3.5. **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;

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

1.4. **GH** - KLA General Headquarters;

1.5. **OACW** - Office for Affairs related to Categories deriving from the War;

1.6. **AFM** - Association of Families of KLA Martyrs;

1.7. **OWV** - Organization of KLA War Veterans;

1.8. **AWI** - Association of KLA War Invalids;

1.9. **Commission** – Government Commission for the Recognition and Verification of the Status of KLA Veteran and other categories established by the Law No. 04/L-054 on the Status and Rights of Martyrs, Invalids, Veterans, Members of Kosovo Liberation Army, Civilian Victims and their Families;

1.10. **Ministry** – Ministry of Labour and Social Welfare;

1.11. **Fighter Veteran Pension** – regular monthly payment executed to a veteran for the whole life;

1.12. **Immediate family members** - in terms of this law are: husband, wife, children, extramarital children, the adopted children (foster), parents, step father, step mother, stepson, stepdaughter and extramarital husband/wife;

1.12.1. the status of extramarital relationship according to this Law shall be determined by out contentious judicial procedure.

1.13. **Inheritor's pension** - regular monthly payment for veteran's inheritors;

1.14. **Common public pension** – pension from the public retirement fund paid by the Government of Kosovo to all eligibly retired citizens, if defined and to the extent determined by the Law into force;

1.15. **Law No. 04/L-054** - Law No. 04/L-054 on the Status and Rights of Martyrs, Invalids, Veterans, Members of Kosovo Liberation Army, Civilian Victims and their Families (Official Gazette of the Republic of Kosovo/No. 30/31 December 2011, Prishtina).

CHAPTER II

CATEGORIZATION OF KOSOVO LIBERATION ARMY VETERANS

Article 4

Categorization of Kosovo Liberation Army veterans

1. While highly appreciating the sacrifice and sufferings of the population of Kosovo, at Kosovo Liberation War, Kosovo Liberation Army Veterans shall be divided into following categories:

- 1.1. KLA War Invalid Veteran;
- 1.2. KLA Fighter Veteran;
- 1.3. Deported Veteran of KLA;
- 1.4. Missing soldier Veteran of KLA;
- 1.5. KLA member Veteran;
- 1.6. Participant Veteran of KLA War.

2. Martyrs of the Nation and categories of veterans defined in sub-paragraphs 1.1, 1.3 and 1.4, of paragraph 1 of this Article shall be covered by the Law No. 04/L-054 on the Status and Rights of Martyrs, Invalids, Veterans, Members of Kosovo Liberation Army, Civilian Victims and their Families.

Article 5

Status of Kosovo Liberation Army veterans

The status of all categories that have participated in the Kosovo Liberation War shall be ascertained by the Commission.

CHAPTER III

LISTS OF KOSOVO LIBERATION ARMY VETERANS

Article 6

Review of Applications

1. Following the receipt of applications of persons who have applied to acquire the status of veterans of Kosovo Liberation Army, the Commission shall review those applications and shall draft preliminary lists of persons according to the respective categories.

2. Commission shall make public the preliminary lists according to the respective categories.

3. Preliminary lists shall be kept public thirty (30) days and shall be published in the OACW webpage and at minimum two media outlets as well as throughout the branches of OWV, AFM and AWI.

4. Persons who for certain reasons were not able to apply for the recognition of the status of veteran, may apply for recognition of this status based on the criteria defined by a special sub-legal act.

Article 7 Appeals

1. Within the period of thirty (30) days from the day of publication of the preliminary lists of categories deriving from the KLA War, any applicant in possession of new evidence or who believes that he/she was treated unfairly may appeal before the Commission to review the application.

2. Within thirty (30) days from the day of publication of the preliminary lists of categories deriving from the KLA War, any citizen has the right to file an appeal or present evidence regarding the persons who are included or who should not be included in the preliminary lists of categories deriving from the KLA War.

3. Review of application of the applicants and appeals submitted by citizens shall be made according to the procedures on decision-making of the Commission.

4. The Commission's decision shall be final in the administrative procedure.

5. Unsatisfied party shall have the right to initiate the procedure to the competent Court against Commission decision.

Article 8 Final Lists

1. Upon the end of deadline for publication and review of appeals, the Commission shall approve final Lists of Kosovo Liberation Army Veterans.

2. The Commission shall issue certificates for respective categories on the basis of final Lists of Kosovo Liberation Army Veterans.

3. Certificate shall include data enabling the clear identification of categories of Kosovo Liberation Army Veterans.

4. Outlook, form and content of the certificate as well as the respective issuing authority shall be defined with the respective sub-legal act approved by the Government.

Article 9
Registers

OACW shall maintain and update the registers of respective categories on the basis of the final Lists of categories deriving of Kosovo Liberation Army veterans.

Article 10
Provision of Respective Documents

1. OACW shall issue respective Certificates for categories of persons defined by this Law on the basis of the final Lists of categories deriving from KLW.
2. AFM, OWV and AWI shall issue identification cards to respective categories on the basis of certificates issued by the OACW.
3. AFM, OWV and AWI shall submit to OACW the list of persons entitled to receive identification cards.
4. Identification cards for respective categories, defined by this Law, shall include high security features and the full identity and picture of the person.
5. Form and content of the Book Card shall be defined by respective sub-legal act approved by the Government.

Article 11
Veteran's Family

1. Upon the death of veteran, his/her family shall be provided with a document proving the status of the Veteran's family: Decoration: Veteran's Family.
2. Decoration: Veteran's Family shall be issued by the Office.
3. Families of Veterans, who have died prior to entry into force of this Law, shall be provided with the Decoration: Veteran's Family.

Article 12
Commission's Documentation

1. After the work is completed, the whole Commission's documentation shall be handed over to the OACW.
2. Commission's documentation shall be treated as a classified documentation according to legislation into force on classification of information and the Law into force on Protection of Personal Data.

Article 13
False Statement and Forgery of Documents

Any person, who intentionally, presents a false statement or presents forged documents for the purpose of obtaining the status of KLV participant and acquiring the rights and benefits defined by this Law, shall be punished in accordance with the laws into force against presentation of false statement and forgery of documents.

CHAPTER IV
THE RIGHTS IN BENEFITS FOR KLA FIGHTER VETERANS

Article 14
Veteran's Day

Veteran's Day shall be marked on every 30 December in order to commemorate the sacrifice, commitment and contribution of Veterans in bringing freedom and independence to the population of Kosovo.

Article 15
Realization of the Right to Pension and Benefits

KLA Fighter Veteran, upon the recognition of the right to pension and various benefits, shall be provided with financial support and certain benefits for his/her contribution in the KLA War.

Article 16
Fighter Veteran's Personal Pension

1. KLA Fighter Veteran shall enjoy a Fighter Veteran's Personal Pension according to the conditions defined in this Law.
2. KLA Fighter Veteran may not benefit any pension from other pension schemes funded by the state. If the Fighter Veteran benefits from any other pension scheme funded by the state in the Republic of Kosovo, he/she shall decide on one of the pensions he/she will receive.
3. KLA Fighter Veteran, receiving the pension of the Kosovo Protection Corps, pursuant to the Law No. 03/L-100 on Pensions for Members of the Kosovo Protection Corps (Official Gazette, No. 41 / 1 November 2008), shall decide on one of the pensions he/she will receive.
4. KLA Veterans who are employed in the public or private sector shall not have the right to get the pension.

Article 17
Supplement to the Age Pension

KLA Fighter Veteran, employed in the public or private sector, after reaching the legally prescribed age for retirement shall be entitled to a pension supplement equal to the pension of the Fighter Veteran.

Article 18
Pension Level

Depending on budget affordability, living costs and possible inflation, at the end of each year, the Government of Kosovo, upon the proposal of the Ministry of Finance, with a special decision may decide on the level of pension for KLA Fighter Veterans for the coming year, which may not be lower than the minimum salary in Kosovo.

Article 19
Submission of application for Pension

1. Application for KLA Fighter Veteran Pension may be submitted by the veteran, an authorized pension by him/her or his/her inheritor(s) after the death of veteran.
2. For the realization of the right on pension, according to the provisions of this Law, the applicant shall submit the request to the Regional Office of the Ministry Department on Families of Martyrs, War Invalids and Civilian Victims of War.
3. The beneficiary or his/her inheritors are obliged to inform, in writing, the pension administration of Kosovo for any change of circumstances affecting the eligibility to receive pension.
4. For realization of the rights on other benefits, provided by this Law, applicant shall submit the request at the respective ministries and other institutions.
5. Kosovo pension administration, as an administrative unit within Ministry of Labour and Social Welfare, shall manage and administer the payment of pensions provided for by this Law.
6. Pension provided for by this Law shall be obtained through the same procedures foreseen for the common public pension.

Article 20
Inheritors' Pensions

1. After the death of veteran, the entitlement of inheritor's pension shall be passed to the unemployed spouse, juvenile children and parents of the veteran, if they are not beneficiaries of social insurance pensions.

2. Children of the veteran, who are under the age of eighteen (18) years at the time when the veteran dies, shall be entitled, that after the death of the pensioner, to the pension as children inheritors.

3. The age regulated by paragraph 2 of this Article shall be extended to twenty-six (26) years in cases when children attend regular schooling during the education period provided for by the Law.

4. Veteran's children with disabilities shall be entitled to the pension as children inheritors regardless of their age, if they are disabled on the date of the death of the pensioner, under the same conditions as defined for the common public pension, if defined and to the extent defined by Law into force.

5. Priority in realization of the rights, among immediate members of the family according to this Law, shall be realized by the beneficiaries compliance with the provisions of the Law on Inheritance. Family members of the same line of heritage shall enjoy their rights according to the mutual agreement. In case there is no agreement reached, then the member of the immediate family from the same line of heritage has the priority in realization of the right, who has lived in the same household with the person from whom the right is being realized.

Article 21 Level of Pension for Inheritors

The level of pension for inheritors shall be 70% of pension given to the veteran that has died.

Article 22 Loss of Entitlement to Pension for Inheritors

1. Beneficiary shall lose the entitlement to pension for inheritors in case of:

1.1. the death of beneficiary;

1.2. completion or termination of education if beneficiaries are over eighteen (18) years old;

1.3. disability is cured.

2. The spouse entering a marital relationship, after the death of a KLA Veteran, shall lose the entitlement to pension and other benefits provided for by this Law. In these cases, procedures envisaged for the common public pension shall be applicable.

Article 23 Entitlement to Free Health Care

1. KLA Veterans and immediate family members shall enjoy the entitlement to free health services according to legal provisions into force by hospitals, dental clinics and health centres funded by the state as well as free medications for chronic diseases subject to criteria

proposed by the Ministry of Health and approved by the Government in line with legislation into force.

2. If state funded health institutions are not able to treat the health consequences resulting from the war, veterans shall be entitled to treatment abroad and outside state funded health institutions on the basis of rules and procedures proposed by the respective Ministry of Health and approved by the Government in line with legislation into force.

3. Ministry of Labour and Social Welfare in cooperation with the Ministry of Health shall establish Post Traumatic Stress Centre for Kosovo Liberation Army Veterans for emotional, spiritual and trauma rehabilitation as a consequence of the war.

Article 24 Employment Privileges

1. KLA Fighter Veterans and KLA Members shall enjoy, under equal terms, employment privileges at institutions and enterprises of public sector.

2. Rules and procedures for employment privileges, under equal terms, shall be defined by the Government following the proposal by the respective Ministry of Public Administration.

Article 25 Right to Travel

KLA Fighter Veterans shall be entitled to travel free of charge with urban means of transport, and half-price for cross-urban transport. Veteran's Book Card shall serve as evidence to enjoy this entitlement.

Article 26 Entitlement to Professional Education

Entitlement to professional education for KLA Veterans shall be enjoyed through special programs prepared by the ministry and approved by the Government.

Article 27 Exceptions for KLA Fighter Veterans

1. Government, depending on budget affordability, shall grant various exceptions for KLA Fighter Veterans to benefit from business development grants and subsidies as well as other administrative, tax and customs exceptions.

2. Ministries are obliged to prepare and present before Government for approval various programs, within their scope, for the purpose of implementing paragraph 1 this Article.

Article 28
Entitlement to Double Tenure

Double tenure shall be an entitlement for Fighter Veterans for their period spent in war.

Article 29
Housing

1. Housing for KLA Veterans, who are in severe economic conditions and have no family housing for whom the Government of Kosovo and local government bodies shall provide family housing through the construction of collective social housing premises.
2. Local government bodies should give priority to providing solutions to the request for veterans' housing taking into consideration their conditions and economic situation.

Article 30
Priority for Admission in Public Education Institutions

Fighter Veterans and their immediate family members shall enjoy priority of admission, under equal terms, into public education institutions.

Article 31
Exemption from Administrative Fees in Public University Education

Exemption from administrative fees in Public University education shall be a right which may be realized by fighter veterans and their children.

Article 32
Accommodation at sheltered housings

Veterans enjoy the entitlement accommodation free of charge at sheltered housings.

Article 33
Burial Costs

1. Ministry shall cover the costs for the burial of Veterans.
2. Respective ministry for security shall define rules and procedures for burial ceremonies with military honours.

CHAPTER V TRANSITIONAL AND FINAL PROVISIONS

Article 34 Office on Affairs of Categories Deriving from the War

1. OACW shall be a government body coordinating activities for KLA Veterans as provided for by this Law.
2. OACW shall cooperate with OWV for the protection and promotion of interests of the categories defined by this Law.

Article 35 Medals and Ceremonies

1. OACW, in cooperation with organizations deriving from the war and in consultation with other respective public institutions, shall prepare the following acts:
 - 1.1. Recognition and the form of decorations for various categories defined by this Law, including, but not limited to, the division of Fighter Veterans by the following periods:
 - 1.1.1. till 7 March 1998;
 - 1.1.2. till 31 March 1999; and
 - 1.1.3. till 12 June 1999.
 - 1.2. participation at public ceremonies of the Veterans;
 - 1.3. defining a solemn uniform and the right to wear the solemn uniform for the ceremony;
 - 1.4. burial ceremonies of honour; and
 - 1.5. burial in special cemeteries.
2. Government, upon the proposal by the Office according to paragraph 1 of this Article, shall issue respective sub-legal acts.

Article 36 Implementation of the Law on General Administrative Procedure

The provisions of the Law on General Administrative Procedure shall be directly applicable unless provided otherwise in this Law.

Article 37
Sub-legal acts for the Implementation this Law

1. For the implementation this Law, Government of Kosovo and respective ministries shall approve respective sub-legal act within one (1) year, from the date of entry into force of this Law.
2. Apart from sub-legal acts provided for by this Law, Government of Kosovo may, if needed, approve other sub-legal acts for the implementation of this Law

Article 38
Penalties

1. Institutions responsible for implementation of this Law shall be fined for offence, in the amount of money from three thousand (3,000) to five thousand (5,000) Euro.
2. Responsible person of the competent institution and the highest ranking officer of the this body shall be fined for offence from paragraph 1 of this Article, in the amount of money from five hundred (500) to one thousand five hundred (1,500) Euro.

Article 39
Treatment of Pending Applications

1. All applications submitted to the Commission, and that are pending, after the entry into force of this Law, shall be categorized under provisions of this Law.
2. Entitlements provided for by this Law shall be admissible after its entry into force and no person shall be entitled to the retroactive enjoyment of these entitlements.

Article 40
Benefits Subject to Fiscal Constraints

Government of Kosovo shall be obliged that in all financial circumstances to fulfil financial obligations deriving from this Law. Payments and benefits for KLA Veterans cannot be reduced or eliminated by a Government decision.

Article 41
Transitional Provisions

If the audit process reveals that few benefits were appropriated unjustly, these benefits will be terminated.

Article 42
Dispute Resolution

Beneficiaries may address any disagreement deriving from this Law to the competent administrative or judicial body based on the Law into force.

Article 43
Inheritors of Individuals that died prior to the entry into force of this Law

Beneficiaries of active members of Fighter Veteran pension, who died prior to the entry into force of this Law shall be entitled to pension for inheritors.

Article 44
Implementation

1. After the final Lists of KLA War Veterans and Participants are approved, categories defined by this Law shall be entitled to these benefits upon the entry into force of this Law.
2. Entitlements and benefits for Veterans shall be enjoyed in line with this Law without prejudice to provisions of the laws and international legal instruments recognizing more extensive entitlements.
3. Respective Government institutions, within six (6) months shall issue sub-legal acts foreseen by this Law.

Article 45
Entry into Force

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-261
3 April 2014

President of the Assembly of the Republic of Kosovo

Jakup KRASNIQI