



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

Law No.03/L –95

**ON THE RIGHTS OF FORMER POLITICALLY CONVICTED AND
PERSECUTED**

The Assembly of Republic of Kosovo;

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

Approves

**LAW ON THE RIGHTS OF FORMER POLITICALLY CONVICTED
AND PERSECUTED**

**CHAPTER I
GENERAL PROVISIONS**

Article 1

1. This law regulates the status of the former political prisoners, former politically convicted and former politically persecuted.
2. Their special rights from pension insurance and disability insurance, the right for compensation of caused damage as a consequence of imprisonment, conviction or persecution and the rights of their close family members.
3. Establishment of competent authority for recognition of the status.
4. Procedures for realizing the rights, set out by this law.

Article 2

Definitions

1. Terms use in this law have the following meanings:

1.1 **Former politically convicted-** a Kosovo citizen or person who by act decree was convicted for political- ideological incrimination acts of totalitarian regime in former Yugoslavia.

1.2. **Former political prisoner** - a person, who was arrested, held in custody, isolated, or detained for political motives, for aims of the state and political interests, more than seventy two (72) hours in special premises of the state.

1.3. **Former politically persecuted** - a Kosovo citizen-person who with a legal act of competent body, for political motives was persecuted by state authorities.

1.4. **Status of former politically convicted, imprisoned and persecuted** - their judicial position according to the conditions, criteria and procedures defined by this law.

1.5. **Members of families of convicted, imprisoned and persecuted persons** – are persons determined with provisions of the Law on family.

1.6. **Governmental Committee for rights of former political prisoners, convicted and persecuted-** the Committee established with specific act, in compliance with provisions of this Law.

1.7. **Institute for Integration of the former political prisoners-** the institution established with specific act in compliance with provisions of this Law.

1.8. **Appeals Committee-** the Governmental Committee established with provisions of this law.

CHAPTER II BASIC PROVISIONS

THE TIMING AND SPACE SCOPE OF THE IMPLEMENTATION OF THE LAW

Article 3

The status and categories of former politically convicted and former politically persecuted

1. The status of persons provided in this Article shall enjoy the following categories:
 - 1.1. former politically convicted;
 - 1.2. former politically imprisoned; and
 - 1.3. former politically persecuted.
2. Former politically convicted according to this law is considered a Kosovo citizen who was convicted in a civil or military court of political- ideological incrimination acts, patriotic during the totalitarian regimes in former Yugoslavia.
3. Former politically imprisoned, according to this law is considered the person arrested, held in custody, isolated or detained for political motives, aims and interests, more than seventy two (72) hours in the premises of persecuting official agencies respectively in different official institutions of security (police, army, secret service).
4. Former politically persecuted according to this law is considered a Kosovo citizen-person against whom with a legal act of competent body, have been taken measures or political-legal acts, that have directly or indirectly affected him/her, are reflected in suspension or termination of working relationship, studying, receiving license, respectively denying the exercise of the activity with means of personal ownership, because of their beliefs and their determination or their direct or indirect relation with persons that are convicted and persecuted based in political assumed suspicion or in political incrimination.
5. Persons from this Article are convicted and persecuted unjustly and upon this basis they are innocent for moral, political, social and economic effects.

Article 4

The status and the rights of persons provided in Article 3 of this Law shall be recognized for the period of totalitarian regime, occurring during the period from 1st March 1913 until 12th June 1999, respectively for the convicted, who remained in prison until their discharge.

Article 5

1. Kosovo citizens, who, because of political imprisonment, pressure, threats, intimidation, victimization, abuse, social disqualifications or other oppressive actions, were forced to abandon Kosovo or any other part of former Yugoslavia, or who were imprisoned or persecuted for political reasons in any other place in former Yugoslavia or in exile, shall be entitled to the rights as foreseen by this Law.

2. A person defined in paragraph 1 of this Article who died in prison or died as a proved consequence of imprisonment in Kosovo, in former Yugoslavia or in exile territory, shall gain the status of a martyr, and the members of the family eligible for inheritance are entitled to all the rights determined by Law.

Article 6

The rights and manner for their realization

1. Persons described in Article 3 of this Law have a right to adequate legal, moral, social and political rehabilitation for consequences of imprisonment, conviction and unjust treatment.

2. The right to compensation related to confiscated immovable property and financial benefits deriving from this status may be transferred to their inheritors in compliance with provisions of the Law on Property Rights and the Law on Kosovo Heritage.

Article 7

The Compensation Right

1. Persons described in paragraph 2 Article 3 of this law and in special cases persons from paragraph 3 Article 3 of this Law have a right to adequate material and gradual compensation.

2. The special case, according to this law, is considered a person from paragraph 3 Article 3 of this Law, who was convicted with prison for more than sixty (60) days.

3. Compensation for one (1) day spent in prison shall be conducted according to the provision in force for compensation of innocently convicted persons.

4. The criteria, forms, terms and other compensation modalities are regulated by special act.

Article 8

Persons described in Article 3 of this Law suffering from psychological, physical or psycho-physical traumas as a result of violent actions, intimidation, torture, traumas, abuse and other maltreatments during and after investigation procedure, have a right to rehabilitation, protection and health insurance in compliance with the law, except those who previously benefit from the same base.

Article 9

The right to pensional and invalid insurance

1. Persons described in Article 3 of this Law have a right to a pension insurance, respectively disability insurance, in accordance with time spent in the prison, respectively with level of invalidity caused in the prison.
2. The rights to pension, disability insurance and work experience, shall be regulated with a special act.
3. Persons described in paragraph 1 and 2 Article 3 of this law, shall receive special pension from Kosovo budget for the permanent invalidity caused to them.

Article 10

Recognition of work experience

The time spent in prison shall be recognized as a double work experience for political prisoners and convicted persons.

Article 11

Persons who according to the application procedure in this law gain the beneficiary status, shall be given a certificate for the benefits they enjoy.

Article 12

1. Persons described in Article 3 of this law in difficult economic and health conditions with similar conditions have a right to these respective forms of benefit:

- 1.1. priority in employment;

- 1.2. priority in scholarship and settlement of their children in dorms;
 - 1.3. priority in use of school books without payment;
 - 1.4. tax and customs facilities for means and equipment necessary for their health rehabilitation;
 - 1.5. facility for transport expenses with means of public transportation;
 - 1.6. priority for social and economic assistance;
 - 1.7. shelter;
 - 1.8. compensation of burial expenses.
2. Conditions, criteria and procedures for realization of the above mentioned benefits, are regulated by a special act.

CHAPTER III PROCEDURE FOR REALIZATION OF THE RIGHTS

Article 13

1. The rights foreseen by this Law, are requested, gained and realized by respective administrative procedure with a written request and completed documents.
2. Persons from Article 3 of this Law may submit the request for recognition of the rights according to this Law, after their status foreseen by law is recognized.
3. For recognition and realization of the rights pursuant to this law, persons should submit a written request and other necessary proofs.
4. A necessary written proof is a written certificate, record of judgment, or act degree, from the competent institution verifying: the action, consequence, time spent in prison, and written proof taken from the Former Political Prisoner Association and from witnesses etc.

Article 14

Institutions and bodies that have the necessary documents for justification of the status of persons described in Article 3 of this Law, that oversee and protect those documents, are obliged, upon the request of the interested party, to give those documents at latest within sixty (60) days from the day of receiving the request.

Article 15

If the person described in Article 3 of this law has passed away before the day of submitting the request for recognition of the right, the request may be submitted by a member of his or her family.

Article 16

A person who has been denied status as a former political prisoner because he could not provide necessary documents, under this law, may submit a new request by attaching new facts and reasons.

Article 17

The conditions for eligibility for a pension, the amount of pension, the procedure to receive the right to a pension, the payment and harmonization of pension, and other issues which are not regulated by this Law, are governed by the legal provisions of other laws in force on pension and disability pension of employees.

Article 18

Persons described in Article 3 of this Law that gain the status, respectively the respective right foreseen by this Law, with no legal basis, shall be obliged to reimburse the financial benefits taken illegally.

CHAPTER IV GOVERNMENTAL COMMITTEE FOR RECOGNITION OF STATUS OF THE FORMER POLITICALLY CONVICTED AND FORMER POLITICALLY PERSECUTED

Article 19

1. A special Governmental Committee is established with competence to recognize the rights of persons described in Article 3 of this law.
2. The Governmental Committee is appointed by the Government and is comprised of:
 - 2.1. one (1) representative from the Ministry of Justice;
 - 2.2. one (1) representative from the Ministry of Labor and Social Welfare;

- 2.3. one (1) representative from the Ministry of Health;
 - 2.4. one (1) deputy of the Kosovo Assembly from respective committee;
 - 2.5. one (1) representative from the Kosovo Political Prisoners Association; and
 - 2.6. one (1) representative from civil society respectively the Kosovo Lawyers Association.
3. The Committee Chairman is elected with a one (1) year mandate and is selected amongst members of the Committee.
 4. The Governmental Committee, in realization of the rights of former political prisoners, determines the condition, criteria, type and manner of indemnity (compensation) of persons described in Article 3 of this Law, by a certain procedure with this Law and other respective sub-legal acts.
 5. Upon appeals of the Committee's decisions from paragraph 1 of this Article, a special Governmental Committee of the second instance (the Appeal's Committee) decides. The Committee issues its Rule of Procedure for its work, organization and function, which is approved by the Government.

CHAPTER V

INSTITUTION FOR FORMER POLITICALLY CONVICTED AND FORMER POLITICALLY PERSECUTED

Article 20

1. Institution is established in order to review, research and publish the truth for former politically convicted, imprisoned and former politically persecuted and their integration into society.
2. Institution described in paragraph 1 of this Article is special and permanent state institution with jurisdiction throughout all of the territory of Kosovo.
3. The work, scope and activities of this Institution are regulated by special act.

CHAPTER VI
TERMS FOR INITIATION OF PPROCEDURE AND FOR REALIZATION OF
THE RIGHTS

Article 21

The request for realization of the rights described in Article 3 of this Law, shall be presented to the Governmental Committee established pursuant to this law for four-year period commencing six (6) months after entry into force.

Article 22

1. Financial resources for fulfilling the obligations created from recognition of the rights under this Law are provided by the Government through the Kosovo Budget, social irremovable propriety, privatization fund, privatizations shares etc.
2. The working performance, implementation of the law and transparency of the Governmental Committee, in compliance with Article 19 of this Law, is conducted and overseen by the Assembly of the Republic of Kosovo.
3. The Committee described in Article 19 of this Law, through the Government, is obliged to regularly, at least once a year, report to the Assembly on work and efficiency of the realization of the rights regulated with this Law.

CHAPTER VII
PUNITIVE PROVISIONS

Article 23

1. Persons, for non-implementation of provisions of this law, shall be punished according to the laws in force.
2. Persons described in Article 3 of this law, who have gained the status with false documents, when this thing is verified legally, in addition to the requirement for reimbursement they will be subject to criminal prosecution in compliance with the law in force.
3. In cases when a person described in Article 3 of this law, who has been imprisoned or convicted by the state does not enjoy the rights based on this law.

CHAPTER VIII TRANSITORY AND FINAL PROVISIONS

Article 24

1. Members of the family of persons whose personal right is recognized with this law, are not excluded from the beneficiary right of the Social Assistance Scheme.
2. Family rights to benefits defined by this Law exclude the right to benefit for this family from Social Assistance Scheme.
3. Persons who benefit from the law on pension of disabled persons and/or persons who benefit from the senility pension over age of sixty five (65), may be users of the rights in compliance with this Law.

Article 25

The Government and respective Ministries, are obliged at latest within six (6) months from the day this law enters into force, to establish the Committee pursuant to Article 19 and the Institution pursuant to Article 20 of this Law and to issue foreseen sub-legal acts and other administrative acts that regulate the foreseen set of rights provided by this Law.

Article 26 Entry into Force

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

**Law No. 03/L-95
29 October 2010**

Member of the Presidency of the Assembly

Xhavit Haliti