

Law No. 03/L-141

ON MANAGING SEQUESTERED OR CONFISCATED ASSETS

Assembly of Republic of Kosovo,

In support of Article 65 (1) of Constitution of the Republic of Kosovo,

Adopts:

THE LAW ON MANAGING SEQUESTERED OR CONFISCATED ASSETS

**CHAPTER I
GENERAL PROVISIONS**

**Article 1
Purpose of the Law**

This law establishes the Agency for the management of sequestered or confiscated assets as an executive Agency under the Ministry of justice and also determines its duties and responsibilities.

**Article 2
Definitions**

In the meaning of this law:

“**Agency**” means the Agency on the Management of Sequestered or Confiscated Assets;

“**Confiscation**” means permanent suspension of the assets, ordered by a final decision of the competent court or another competent authority in accordance with the law in force.

“**Ministry**” refers to the Ministry of Justice;

“**Competent authority**” means every authority or institution which in accordance with the law is authorized to sequester or confiscate assets.

“**Sequestered or confiscated assets**” are considered personal estates, real estates, money and bonds that are in legal circulation;

“**Sequestration**” means temporary suspension of the assets ordered by a competent authority in accordance with the law in force.

**CHAPTER II
BASIC PROVISIONS**

**Article 3
Establishment**

1. In order to professionally manage the sequestered or confiscated asset the Ministry establishes the Agency for management of sequestered or confiscated assets.

2. The functional and organizational Structure of the Agency is regulated with special sub-legal acts issued by the Ministry.

Article 4
Duties and responsibilities

1. Agency:

1.1. preserves and manages the sequestered or confiscated assets in cooperation with the court, prosecution, or other competent organ, in accordance with the law in force;

1.2. assists in the execution of the decisions for sequestration or confiscation of assets as required by competent authorities;

1.3. enables the sale of sequestered or confiscated assets with the authorization of the competent authority;

1.4. based on needs engages experts to estimate the value of the assets and the manner of preserving sequestered or confiscated assets;

1.5. manages data regarding sequestered or confiscated assets in a centralized computer system;

1.6. reports to the Minister regarding work of Agency two (2) times a year or more often based on the request of the Minister.

Article 5
The execution of the court decisions regarding the sequestered or confiscated assets

1. The Agency cooperates and helps court, the prosecutor or any other competent authority for the execution of its decision regarding the sequestered or confiscated assets.

2. With the request of the prosecutor or court, the Agency insures the logistical support for sequestering or confiscating assets.

Article 6
Data management

1. The Agency collects, manages and proceeds data, including decisions of the competent authorities and all actions with regard to sequestration or confiscation of assets.

2. The Agency manages and preserves data regarding the sequestered or confiscated assets for a period of ten (10) years from the date when the Agency accepted the final decision for confiscation by court or any other competent authority.

3. The Agency is obliged to preserve the private data of the subjects involved in a concrete case according to the law in force.

4. The data of the competent authority should include accurate information regarding the sequestered or confiscated assets and people to whom such measure has been pronounced.

5. The Agency may require additional information from competent authorities finding them necessary for fulfillment of its responsibilities.

Article 7
Management of sequestrated and confiscated assets

1. The competent authority involved in the procedure of sequestration or confiscation of assets is obliged to inform the Agency within ten (10) days regarding the issued decision.
2. The decision of the court or the competent authority for the sequestration or confiscation of the assets shall be executed within fifteen (15) days and the assets must be delivered to the Agency.
3. The Agency flag acknowledgment for expecting the assets sequestered or confiscated
4. The Agency takes necessary actions to adequate taking care and insurance of the value of the assets sequestrated or confiscated.
5. Preservation of the value may be insured by keeping or selling of the sequestrated or confiscated assets by the Agency by selling these assets so its value is converted into monetary counter-value
6. In particular cases, the Agency may request from the court or competent authority that the sequestrated assets are given for use or maintenance to the person from whom the asset has been sequestrated.
7. Unauthorized appropriation or utilization of the sequestrated or confiscated assets is punishable with Penal Code of Kosovo.
8. Within ten (10) days after the expectance of the sequestrated or confiscated assets the Agency shall inform courts or competent authority which rendered the decision for sequestrated or confiscated assets, including one copy the registered assets. The Agency shall inform court or the competent authority for location, general condition, specifics and the value of the assets.

Article 8
The sale of sequestrated or confiscated Assets

1. On the proposal of the Agency the Prosecutor or any other competent authority may require from the court to decide to sale a replaceable asset that may lose the value or its storage exceed its value when is placed in storage or the storage expenses are un-proportional with the value of sequestrated assets.
2. The court shall inform subjects that are parties in the procedure as well as the Agency regarding the decision issued for selling confiscated or sequestrated assets.
3. After the acceptance of the final decisions of the competent court for sailing of the assets, the Agency develops the procedure for sailing the assets in accordance with the law in force.

Article 9
Procedure after the sale

1. Following the sale of sequestrated or confiscated assets the income generated replaces the value of the sold assets. The Court that rendered the decision for sale informs the Agency for the result of the sale.
2. The Agency is obliged to manage every rate which is gained from the selling of the confiscated assets.
3. Incomes realized from the sale shall be deposited in bank account of the Agency in the Central Bank of the Republic of Kosovo.
4. When the court or any other competent authority decides to return assets in procedure, the Agency is obliged within fifteen (15) days to execute the decision.
5. Funds from selling the confiscated assets, after the final court decision, shall be deposited in the Kosovo budget.

CHAPTER III

Article 10 Exchange of information

1. Natural or legal entity to whom the assets are sequestrated or confiscated has the right to request information from the Agency regarding its sequestrated or confiscated assets.
2. The third natural or legal party who has legal interest may request necessary information from the Agency regarding the confiscated or sequestrated assets.

Article 11

Every official of the Agency is obliged to keep secrets for every data which are considered confidential. Such information may be discovered in accordance with the Law for Access to Official Documents.

CHAPTER IV

Article 12 Transitional Provisions

1. This law is also applicable in cases when proceedings for sequestration or confiscation of assets have begun at the moment of its entry into force.
2. Within six (6) months after entry into force of this law, the Ministry shall issue sub-legal acts deriving from it.

Article 13 Entrance into force

This law will enters into force on 1 January 2010.

**Law No. 03/L-141
10 July 2009**

**Promulgated by the Decree No. DL-021-2009, dated 17.07.2009, of the President of Republic of Kosovo,
Dr. Fatmir Sejdiu.**