

Law No. 05/L-036

ON CRIME VICTIM COMPENSATION

Assembly of Republic of Kosovo;

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

Approves

LAW ON CRIME VICTIM COMPENSATION

**CHAPTER I
GENERAL PROVISIONS**

**Article 1
Purpose**

1. The purpose of this law is the establishment and the functioning of the Crime Victim Compensation Program.
2. This Law is in compliance with the Council Directive 2004/80/EC of 29 April 2004 relating to compensation to crime victims.

**Article 2
Scope**

This Law regulates the right to financial compensation for victims of violent crimes and their dependants, the decision making authorities and the procedures on the right to compensation in national and cross-border situations

**Article 3
Definitions**

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

1.1. **Crime Victim** - the victim as defined by the Criminal Procedure Code. For the purpose of compensation this term may include family members or the dependants of the direct victim as appropriate.

1.2. **Dependants** - the persons maintained by the deceased and were entitled or required by law to be maintained by the deceased;

- 1.3. **Family member** - as defined by the Criminal Code of Republic of Kosovo;
- 1.4. **Violent compensable crime** - a violent criminal act, determined by this Law as compensable, which results in the death, serious bodily injury or serious damage to physical or mental health of the victim;
- 1.5. **Child** - as defined by the Criminal Code of the Republic of Kosovo;
- 1.6. **Damage** - impairment resulting directly or indirectly from an action, including loss of property, loss of profit, deprivation of liberty, physical injuries and damages of mental health or loss of life of a spouse or member of a close family;
- 1.7. **Disfigurement** - deformities or disfigurement to the victim as a result of crime;
- 1.8. **Applicant** - an individual who submits an application for compensation with the allegation that he is a victim of crime. This term includes other persons who may file an application on behalf of the victim;
- 1.9. **Beneficiary** - the person who with the decision of the Committee benefits from the right to compensation according to this Law;
- 1.10. **Committee** - the Committee deciding on the compensation to victims of criminal acts;
- 1.11. **Victim of trafficking** - as defined by the Criminal Code of Republic of Kosovo;
- 1.12. **Vulnerable victim** - as defined by the Criminal Code of Republic of Kosovo;
- 1.13. **Reciprocity** - with another state means that citizens of Republic of Kosovo have equal access to compensation under the victim compensation system of that other state;
- 1.14. **Territory of Republic of Kosovo** - has the same meaning as under the Criminal Code of Republic of Kosovo;

Article 4 **General Principles**

1. Authorities foreseen by law shall ensure that crime victims (in the following text: Victim) are treated with professionalism, respect for their rights to security, dignity and private and family life and recognize the negative impact crime has on victims.
2. The rights as specified in this Law shall apply to victims in non-discriminatory manner, including their status of residence.
3. In accordance with this Law crime victims and their dependents cannot receive double compensation.

Article 5
Subsidiary provisions

Procedural issues not covered by this Law shall be governed by the provisions of the Law on general administrative procedures

CHAPTER II
ELIGIBILITY TO VICTIM COMPENSATION AND TYPES OF COMPENSATIONS

Article 6
Violent compensable crimes

1. The following violent crimes are compensable crimes according to this Law:
 - 1.1. murder;
 - 1.2. trafficking in Persons;
 - 1.3. rape;
 - 1.4. sexual abuse of children;
 - 1.5. criminal offences which fall within the definition of domestic violence under the Law on Protection Against Domestic Violence.
2. Except for the crimes defined by paragraph 1. of this Article, the Committee may review and decide on other applications received by individuals who claim to have been victims of other violent crimes, which due to their nature and the consequence caused may justify the compensation according to this Law, in particular if the victim is a vulnerable victim.
3. In order to have access to compensation, victims of crimes foreseen under this article must meet the formal and material conditions.

Article 7
Formal conditions

1. Formal conditions for the right to compensation are fulfilled if the applicant:
 - 1.1. is a citizen or permanent resident of the Republic of Kosovo;
 - 1.2. is a citizen of any country with which the Republic of Kosovo has reciprocity; or
 - 1.3. is a citizen of a Member State of the European Union.

Article 8

Material conditions

1. Material conditions to be eligible for the right to compensation in national and national cross border situations, are met if the crime:

- 1.1. is punishable with minimum one year of imprisonment;
- 1.2. was committed within the territory of the Republic of Kosovo;
- 1.3. was detected and reported to the competent authority and dealt with as a criminal offence;
- 1.4. was not committed negligently;
- 1.5. resulted in death of the victim, serious bodily injury, serious impairment of health or serious disturbance to mental health of the victim;
- 1.6. the victim incurred damage recognized by this law as a consequence of the crime; and
- 1.7. the applicant is unable to obtain compensation through health insurance or other resources.

2. If the crime invoked under this Law results in victim's death, the rights hereunder may be enforced by the victim's dependants.

Article 9

Immediate Access to victim Compensation

1. A request for immediate access to victim compensation may be filed if the person entitled to compensation according to this Law, is a child or a foreign victim of trafficking and the perpetrator remains unknown for three (3) months from the detection or reporting of the crime.

2. Foreign victim of trafficking must reasonably cooperate with the authorities in the investigation and prosecution of the perpetrator of the crime.

3. If within the timeframe foreseen for filling the application, the foreign victim of trafficking is within the territory of the Republic of Kosovo, the same may file an application directly to the Committee just like other domestic victims.

Article 10

Obligation to request restitution initially from the defendant

1. Before applying for compensation under this Law, the applicant person is obliged, except in cases referred to in Article 9 of the present Law, to request initially compensation from the defendant in accordance with the Criminal Procedure Code.

2. In cases when the defendant provides only partial restitution to the victim, the victim is entitled

to file a request for additional compensation from the crime victim compensation program.

Article 11

Inability to get restitution from the defendant

1. The applicant is eligible to apply for compensation pursuant to this Law, if he demonstrates that the compensation could not be obtained due to the following circumstances:

1.1. if a person was a victim but two (2) years have passed since the discovery of the offense and there was no file of indictment;

1.2. if determined that the person was a victim, but the defendant is acquitted as he was the wrong person, while the perpetrator remains unknown;

1.3. if the Court has determined that the defendant in the criminal matter is not criminally liable;

1.4. if the defendant in that criminal case is deceased;

1.5. if the of the court procedure for the defendant to pay restitution is not possible or when for other reasons foreseen by the legislation in force, the same cannot be executed.

Article 12

Types of recognized damages

1. The following damages can be compensated under this law:

1.1. serious physical injuries or impairment of health;

1.2. serious disturbance to mental health;

1.3. loss of capacity to work and loss of maintenance;

1.4. medical and hospitalization expenses;

1.5. funeral expenses;

1.6. damages for destroyed medical devices;

1.7. procedural expenses for filing an application.

2. The injury inflicted by the criminal offence must be of a serious nature, with serious consequences. That applies both to physical injury and mental distress.

3. When calculating the amount for compensation any waiver from medical fees for certain categories of victims as defined by the protocols adopted by the Ministry of Health, shall be considered.

4. The Government of Republic of Kosovo shall issue administrative instruction on the procedure for compensation, including the calculation of the compensation for multiple damages.

Article 13

Compensation for physical pain or injury to health

1. Compensation shall be granted for serious injuries and their associated pain. Compensation shall not be recognized for physical injuries for which the applicant is temporarily impaired or for which the applicant's health is temporarily impaired to a lesser degree.

2. The following are considered serious injuries:

2.1. injuries lasting more than six (6) weeks, which result in incapacity to work or to perform daily tasks;

2.2. injuries with long-term or permanent visible or functional consequences;

2.3. injuries which were objectively life-threatening.

3. Pursuant to this Law, compensation for physical pain, determined considering the circumstances of the case, the level of pain caused by the injury or impairment of health, the duration of the pain, and in accordance with the principle of fair monetary compensation, shall be determined pursuant to the following rates:

3.1. moderately serious cases, up to a thousand five hundred (1500) EUR;

3.2. serious cases up to three thousand (3,000) EUR;

3.3. extremely serious cases, up to seven thousand (7,000) EUR.

Article 14

Compensation for serious disturbance to mental health

1. Compensation for serious disturbance to mental health is paid only when the cause is an aggravated violent offence for psychological injuries that can be medically ascertained by a psychiatrist or psychologist.

2. Serious disturbance to mental health does not include temporary incapacity or disturbance or other similar situations. The serious disturbance to mental health should be at such scale impacts the regular activities of the victim or his or her psychological condition for an extended period of time.

3. Compensation for serious disturbance to mental health shall be determined considering the circumstances of the case, the level and duration of the anguish and type of injuries, and other relevant factors.

4. The disturbance of mental health shall be considered serious for the purpose of this Law if it resulted as consequence of:

- 4.1. impairment of freedom;
- 4.2. violation of sexual integrity;
- 4.3. disfigurement;
- 4.4. continuous torture;
- 4.5. other injuries which may have an impact on the condition, behavior and personality of the victim.

5. Compensation, recognized pursuant to the paragraph 4. of this Article, shall be calculated in accordance with the list of prices for medical services under the public health care system issued by the Ministry of Health and may not exceed a total amount of five thousand (5,000) EUR.

6. Compensation for serious disturbance of mental health due to the loss of a close relative may be recognized up to a maximum total amount of three thousand (3,000) EUR for all the family members of the victim.

Article 15

Compensation for loss of capacity to work and loss of maintenance

1. An applicant may seek compensation for the loss of wages due to the loss of capacity to work due to the injuries caused by the violent crime.
2. Dependents may seek compensation for the loss of maintenance if the deceased was their main caregiver.
3. The right to compensation for loss of maintenance shall be recognized in a single amount, at an amount of no more than one hundred and fifty (150) EUR a month, starting from when the damage covered by this article was caused and multiplied by the expected number of months that the applicant will be unable to work.
4. Notwithstanding paragraph 3. of this Article, the compensation under this article shall not exceed a maximum amount of three thousand (3,000) EUR.
5. Compensation under this article does not disqualify an applicant from compensation under other articles.

Article 16

Compensation for medical and hospitalization expenses

1. The right to compensation for medical and hospitalization expenses shall be recognized and calculated in accordance with the list of prices for medical services under the public health care system issued by the Ministry of Health.
2. The right to compensation at no case shall exceed a maximum amount of five thousand (5,000) EUR, unless in cases of unanimous votes by the members of the Committee in which

case the compensation shall not exceed the maximum amount of ten thousand (10 000) EUR.

Article 17
Compensation for funeral expenses

1. The funeral expenses for the victim shall be compensated to the family members of the deceased who paid for the funeral.
2. The compensation under this Article shall not exceed a maximum amount of three thousand (3,000) EUR.

Article 18
Damages for destroyed medical devices

1. The applicant shall be reimbursed for any medical devices necessary for the health of the applicant and which were damaged by the violent intentional crime which resulted in the injury of the victim.
2. The compensation under this Article shall not exceed a maximum amount of three thousand (3,000) EUR.

Article 19
Procedural expenses for filling an application for compensation

1. Submissions in compensation proceedings shall be exempt from any fees.
2. The Committee shall decide on the type of reimbursable services in support of application for compensation.
3. The decision of the Committee shall include also the amount for the reimbursable expenses.

Article 20
Circumstances influencing the compensation

1. Compensation may be reduced or refused:
 - 1.1. on account of the victim's contribution in causing the damage or to the deterioration of the damage caused;
 - 1.2. on account of the victim's conduct before, during or after the crime;
 - 1.3. on account of the victim's involvement in organized crime or his membership of an organization which engages in crimes of violence.
 - 1.4. if an award or full award would be contrary to a sense of justice or to public order.

Article 21**Consideration of other compensations**

1. The compensation fixed for a particular type of damage under this Law shall be reduced for the damages covered by other sources that the beneficiary received for the same type of damage on any other grounds whatsoever.
2. The Committee shall also consider any restitution awarded by the court in the criminal case for which compensation is sought, unless that restitution was not paid.

Article 22**Inheritance of the right to compensation**

1. In cases where the applicant dies after filing the application the right to compensation is not transferable to any dependants.
2. Notwithstanding paragraph 1 of this Article, in cases when an applicant dies from causes not related to the violent compensable crime after filing the application, the family member of the deceased is entitled to compensation if the following conditions have been cumulatively met:
 - 2.1. if before the person died, the Committee issued a decision awarding compensation, but the compensation award was not transferred yet to the victims' account and;
 - 2.2. if the family member was financially dependent on the deceased and has no other sources of maintenance.

CHAPTER III**COMPETENT AUTHORITIES****Article 23****Crime Victim Compensation Committee**

1. The Crime Victim Compensation Committee is appointed by the Government of the Republic of Kosovo with the following composition:
 - 1.1. one (1) Supreme Court Judge – as a Chairperson of the Committee, proposed by the Kosovo Judicial Council;
 - 1.2. one (1) Prosecutor of the State Prosecution Office, proposed by Prosecutorial Council;
 - 1.3. one (1) member of the Assembly of Republic of Kosovo, proposed from among members of the respective Committee for Legislation;
 - 1.4. one (1) representative of the Ministry of Justice - member, proposed by the Minister of Justice;
 - 1.5. two (2) medicinal expert members licensed in the field of traumatology and psychiatry,

proposed by the Kosovo Chamber of Doctors;

1.6. one (1) representative from civil society- member, with experience in the field of human rights or victim services, proposed by the civil society organization.

2. Committee members shall serve a term of three (3) years. Exceptionally, the term of the Chairperson is four (4) years.

3. The committee composition shall take into consideration the gender and ethnic fee.

Article 24

Termination and dismissal from the function of a Council member

1. The mandate of the Committee members terminates:

1.1. when deceased;

1.2. upon loss of ability to act for more than three (3) months due to certified medical reasons;

1.3. upon consistent failure to attend to Committee activities for more than three (3) months;

1.4. upon cessation of the status upon which the appointment is based;

1.5. upon expiration of the mandate;

1.6. upon resignation, with thirty (30) days prior notice to the Committee.

2. Committee members are dismissed from their function before the expiration of the mandate if their conduct makes him/her unworthy to perform the function of a Committee member and in case the member:

2.1 performs the duty of the Committee in a negligent manner; and

2.2. if convicted of a criminal offence.

3. If a position in the Committee is opened before the expiration of the mandate of a member, the open position shall be filled in the same manner with that of the member whose term expired.

Article 25

Performance of the Committee

1. The Committee shall decide on the applications for compensation at the meetings convened by the Chairperson.

2. When necessary, the Committee may interview or request a written report from the respective officials involved in the criminal process in a specific case and who may have knowledge on the impact of crime on the victim.

3. Members of the Committee shall be entitled to compensation for their work in compliance with the decision of the Government.

4. The Committee shall approve the rules of procedure for the functioning of the Committee.

Article 26

Recusal and objection

Provision of the Law on contested procedure which apply for the recusal of judges shall apply mutatis mutandis for the members of the Committee.

Article 27

Administrative and logistic support for the Committee

The Ministry of Justice shall provide administrative and technical support for the Committee, including the translation of documents.

Article 28

Obligation to provide information

1. Any institutions that may be in contact with a victim are obliged to inform them about the right to request compensation under this Law. Health and social institutions, police, prosecution and courts must post this information in a public area.

2. The Ministry of Justice shall provide on its website basic information for claiming compensation, the application forms and other necessary instructions for all national and cross border situations. All information shall be published in Albanian, Serbian and English languages.

3. The Ministry of Justice, if needed, shall provide general guidance to the applicant. The guidance shall include the information on how the application should be completed and the supporting documentation required.

4. The Ministry of Justice, whenever necessary, shall provide for exchange of information with the competent authorities of other countries, according to the regulations of the respective countries competent for performance of tasks in compensation claim proceedings. The Ministry of Justice shall give assistance and seek adequate solutions concerning the implementation of the provisions hereof in cross-border situations.

5. Upon request of the Committee, the Police shall provide the Committee with information on violent criminal acts from which the victim has suffered.

6. Victim Advocates shall provide to each eligible victim the basic information pertaining to their right of filing an application for compensation.

CHAPTER IV COMPENSATION CLAIMING PROCEEDINGS

Article 29

Submitting the application for compensation

1. The application for compensation shall be submitted to the Ministry of Justice.
2. The applicant may request assistance from a victim advocate, or other non-governmental organizations providing free legal assistance to victims, in completing the request for compensation.
3. In case a private attorney is hired for the purpose of completing and filling the application, the Committee shall not reimburse the applicant for the attorney's fee.
4. The Committee, in compliance with provisions of the Criminal Procedure Code, may review also the claims for compensation referred by the Court.

Article 30

Contents of the application

1. The application shall contain, but not be limited, to the following data:
 - 1.1. name and last name of the victim of crime, date and place of birth, gender and professional when applicable, permanent and temporary address, phone number, employment, nationality and personal identification number. For persons who are not a citizen of the Republic of Kosovo, application must contain an identification mark in accordance with the regulations of the respective country;
 - 1.2. description of the crime;
 - 1.3. description of the consequences of the crime;
 - 1.4. indication of the type of the compensation claimed.
2. When another person files an application on behalf of a victim, the application should contain the above information on both the victim and the person filling the application on behalf of the victim.
3. Crime victim shall consent to relevant personal data and sensitive personal data being processed for the purpose of evaluating the application for compensation.
4. If the crime victim is prohibited from consenting due to physical or psychological injury, it is deemed that the legal representative of the victim has the right to grant the consent.
5. The Ministry of Justice shall prepare a standard form for the application for compensation.
6. For national cross-border situations and foreign cross-border situations, when the victim is

a citizen of another state, a separate form in compliance with the forms in use by EU member states shall be drafted.

7. The application shall be filed in Albanian or Serbian for national victims, while for national cross-border situations English version is acceptable as well.

Article 31

Deadline for submitting the application

1. The application permitted under Article 9 of this Law shall be submitted no later than six (6) months from the date the last criminal act, which caused the claim for compensation, was reported.

2. The applications permitted under paragraph 2 of Article 10, and subparagraphs 1.2-1.5 of Article 11 of this law, must be submitted within six (6) months of receipt of the final decision.

3. For the applications permitted under paragraph 1.1 of Article 11, the six (6) month time limit shall commence from the expiry of the timeframe according to that Article.

4. If the victim due to his/her bodily injuries, or any other justified reasons which do not allow him to file an application, fails to submit his application by the deadline invoked in the paragraphs 2 and 3 of this article, he shall submit his/her application at no later than three (3) months from the day when the reasons for which he was unable to submit the application ceased to exist.

5. If the crime victim is under eighteen (18) years, the time limits from paragraph 4. of this Article shall commence on the day when the victim turns eighteen (18) years.

Article 32

Documents to be enclosed for the request for compensation

1. Application filled under Article 9 of this Law shall be accompanied by the following documents:

1.1. evidence of citizenship or of permanent residence;

1.2. any police document or acknowledgement that a criminal offence has been detected, reported and dealt with.

1.3. appropriate medical certificates and documents evidencing that the crime victim sustained a bodily injury, impairment of health or suffering;

1.4. statement from the applicant that he is not entitled to claim for compensation from insurance. The truthfulness of this statement is subject to the respective provisions of the Criminal Code referring to false statement;

1.5. other relevant documents in support of the application for compensation.

2. In the case of a victim of trafficking, if the applicant does not possess identification documents which provide evidence of citizenship, paragraph 1. sub-paragraph 1.1 of this article, is satisfied when the police report identifies the applicant as having been trafficked, his or her citizenship,

and that he or she does not have identification documents.

3. The application filed pursuant to articles 10 and 11 of this law depending on the specifics of the case, except for the documents referred to in paragraph 1. of this Article, should be accompanied by the following:

3.1. the final judgment;

3.2. the decision for execution, respectively evidence that the execution was not successful or evidence that the execution was not possible.

4. The document drawn up in a foreign language other than English language, shall be accompanied by a certified translation into either Albanian, Serbian or English.

5. All applications and documents transmitted between the authorities in cross border situations shall be exempted from authentication or any equivalent formality.

Article 33

Preliminary review of the application

1. The Committee shall reject applications which are not submitted in time as foreseen by the law.

2. The Committee shall also reject applications which are incomplete or incomprehensible, unless the applicant remedies the deficiency by the specified deadline.

3. The deadline fixed by the Committee for remedying a deficiency in an incomplete or incomprehensible application shall not be shorter than thirty (30) days.

Article 34

Deciding on the application

1. The Committee shall pass its decision with the majority of votes.

2. The Committee shall:

2.1. accept an application, wholly or partly and establish the level of compensation; or

2.2. reject an application as unfounded.

3. The committee may hold a meeting when 2/3 of its members are present.

4. The Committee shall render a decision within ninety (90) days from the receipt of a complete application.

5. A copy of the decision shall be sent to the applicant and to the competent court.

6. If the crime victim is a child, or person lacking the capacity to act, a copy of the decision shall be sent to the legal guardian.

7. Against the decision of the Committee, an unsatisfied party may file an administrative dispute, in compliance with the applicable legislation.

8. The decision for granting the compensation shall also contain the clause for transfer of claim against the perpetrator in accordance with Article 43 of this Law, from the beneficiary to the budget of the Republic of Kosovo, up to the amount of the funds disbursed.

Article 35

Data transmission and access

1. Administrators of databases of personal information, state authorities, authorities of self-governing local communities and bodies exercising public powers in possession of data on circumstances and facts important for decision-making, must transfer the aforementioned data to the Committee upon its written request.

2. Upon a written request from the Committee, the data on circumstances and facts important for decision-making may also be voluntarily submitted to the Committee by individuals in possession of the data.

3. Access to the contents of the charge, its enclosures, reports to the State Prosecutor's Office, criminal charges and court decisions that are in the possession of the Committee for decision-making purposes may only be made available to the members of the Committee, the victim or his legal representative, authorized representative and the competent state authorities.

CHAPTER V

PROCEEDINGS IN CROSS-BORDER SITUATIONS

Article 36

Cross border situations

1. Cross-border situations include national and foreign cross-border situations.

2. National cross-border situation is the situation when the crime was committed in the territory of the Republic of Kosovo. In these cases the Committee established by this Law is in the role of the decision-making authority while the application for compensation by the foreign victim is transmitted through the assisting authority of the foreign country whose citizenship the foreign victim holds.

3. Foreign cross-border situation means the situation when the crime was committed in another state, where the eligibility to compensation is determined by the decision of the decision-making authority of that country. The applicant in this case is the citizen of the Republic of Kosovo, while the Ministry of Justice is in the role of the assisting authority and is responsible for transmission of applications of the applicant to the foreign decision-making authority.

Article 37

National cross-border situation

1. Upon receipt of the application from the competent authority of a foreign country whose citizenship the crime victim holds, the Ministry of Justice within thirty (30) days shall send the following information:

1.1. an acknowledgement of receipt of the application;

1.2. the information on the contact person or the department responsible for handling the matter; and

1.3. if possible, an indication of the approximate time by which a decision on the application will be made.

2. If the application has not been sent on the standard form prescribed by the Ministry of Justice, or if the application is not complete, the same shall be returned to the authority wherefrom it has received it.

3. If the application and the enclosed documents are not in the Albanian, Serbian language or English, the Ministry of Justice shall return them to the applicant and/or to the authority wherefrom it has received them, accompanied by an instruction on the use of the Albanian, Serbian or English language in accordance with Articles 30 and 32 of this Law.

4. Ministry of Justice shall, as soon as possible, submit the application to the Committee along with any supporting documentation.

5. Should the Committee discover in a national cross-border situation that the decision on the respective matter requires particular procedures, such as hearing of the applicant, the witness or the expert, it may ask the foreign assisting authority, in which the applicant submitted his application for compensation, to carry out the respective procedures, provided that the person to be heard agrees to such hearing or interview.

6. The hearing required in the respective proceeding may also be carried out through video-conference or telecommunication, provided that the person to be heard agrees.

7. The hearing referred to in the preceding paragraph shall be carried out by the Chairman of the Committee or by the Member of the Committee, authorized accordingly by the Chairman of the Committee.

8. The decision of the Committee shall be sent by the Ministry of Justice to the applicant and to the assisting authority of the foreign country, on a standard form prescribed by the Ministry of Justice.

Article 38

Foreign cross-border situation

1. In case of foreign cross-border situation the applicant may submit his application for compensation to the Ministry of Justice, using the standard form foreseen in Article 30 paragraph 6 of this Law.

2. The Ministry of Justice shall transmit the application along with any supporting documentation as quickly as possible to the competent authority of the State wherefrom the applicant claims the compensation. If the foreign deciding authority will not accept the application, or will request additional information, the Ministry of Justice shall inform the applicant immediately.
3. The Ministry of Justice shall ensure that the official application transmitted to the foreign decision-making authority is sent using the form required by the authority of that state.
4. The application along with the supporting documents shall be sent in one of the official languages of the state to which the application is sent or another official language of the EU that the receiving state has indicated it can accept.
5. If a foreign deciding authority requires a hearing or interview of the applicant, the witness or the expert to take place in the Republic of Kosovo, such hearing or interview shall be carried out by the Committee, provided that the person to be heard agrees to such hearing or interview. The Committee shall transmit a report of the hearing to the foreign deciding authority.
6. If a foreign deciding authority applies for the hearing to be carried out through video-conference or telecommunication, such hearing shall be carried out in cooperation with the Ministry of Justice, provided that the person to be heard agrees to such hearing.
7. Ministry of Justice in the role of the assisting authority shall not make any assessment of the application.
8. Actions of the Ministry of Justice in the role of the assisting authority cannot be appealed and shall not give rise to a claim for any reimbursement of charges or costs from the applicant or from the foreign deciding authority.

CHAPTER VI

FINANCING OF THE NATIONAL PROGRAMME ON COMPENSATION TO CRIME VICTIMS

Article 39

Financing of Crime Victim Compensation

1. The Crime Victim Compensation Program shall be financed through the budget of the Republic of Kosovo to the Ministry of Justice as part of the annual law on budget.
2. The Crime Victim Compensation Program may also be financed through voluntary contributions and private donations, in compliance with the Rules of Financial Control and Management.
3. The judges in the case of imposing criminal sanctions for the offenses set forth in subparagraphs 3.1 and 3.2 of this paragraph, and the taxes to compensate victims as follows:
 - 3.1. for criminal offences adjudicated by the General Department of Basic Courts the amount of thirty (30) Euro;
 - 3.2. for Criminal Offences adjudicated by the Serious Crimes Department of Basic Courts the amount of fifty (50) Euro.

4. During the regular budget cycle set forth in the Law on Public Financial Management and Accountability, the Ministry of Justice shall make a budget request to fund a budget line for the crime victim compensation program. The request of the Ministry of Justice shall have in consideration the projections for the revenues expected from paragraph 3. of this Article.

5. The level of budget allocations for the Crime Victim Compensation Program shall be done through the regular budget cycle, having in consideration the revenues projected from paragraph 3. of this Article, the revenues from the disposal of confiscated assets according to the law, the revenues from the confiscated bail and the overall projected budget revenues and requests for financing from the Kosovo budget.

6. The first budget allocations for the Crime Victim Compensation Program shall take place upon the approval of the following budget cycle from the entry in force of this Law.

Article 40

Financial Reporting

1. As part of the budget request under the Law on Public Financial Management and Accountability, the Ministry of Justice shall submit to the Ministry of Finance an annual report on:

- 1.1. the total number of applicants;
- 1.2. the number of applicants denied compensation;
- 1.3. the number of applicants granted compensation;
- 1.4. the amount of compensation granted to applicants and
- 1.5. the expenditures of the Committee.

CHAPTER VII

RECORDS ON THE APPLICANTS AND ON THE ISSUED DECISIONS

Article 41

Record-keeping

1. The Ministry of Justice shall keep records on the applicants and on the issued decisions about compensations. The content of these records shall be regulated by an Administrative Instruction issued from the Government of Republic of Kosovo.

2. Records shall be kept by individual cases, each marked with its consecutive number and case number.

3. The case number of a particular case is the number attributed to the case on submission of the application to the Ministry of Justice.

Article 42
Storage of information

1. All files of applicants shall be maintained in compliance with the timeframes foreseen by the respective applicable legislation.
2. The applications for compensation, evidence, expertise and records are sensitive personal data which shall be processed and preserved with confidentiality, in compliance with the respective applicable legislation.

CHAPTER VIII
TRANSFER OF CLAIMS AND REFUND OF UNJUSTLY ACQUIRED FUNDS

Article 43
Transfer of claims

1. The beneficiary's claims against the perpetrator shall pass, up to the amount of the compensation granted hereunder, to the Government of Kosovo on the day of execution of the decision on recognition of the right to compensation.
2. With the transfer of claim according to paragraph 1. of this Article, the Government of Republic of Kosovo in relation to the perpetrator shall act as the beneficiary.
3. For any claim steaming from this article, the Ministry of Justice shall take necessary official actions to realize the restitution, respectively compensation in compliance with the applicable legislation.

Article 44
Refund of unjustly acquired funds

1. In case information is received that the compensation of the beneficiary was done on the basis of false/forged data or any other potential fraud with the purpose of obtaining compensation, the Committee and any interested party may inform the state prosecutor.
2. The beneficiary of compensation according to this Law is obliged to inform the Committee at any time if after receiving the compensation or until the execution of the decision of the Committee, the beneficiary obtains restitution from other sources.

CHAPTER X
TRANSITIONAL AND FINAL PROVISIONS

Article 45
Transitional provisions

1. The rights of access for compensation under this Law will have also all the nationals of all other countries, liability for compensation which the Republic of Kosovo undertakes by signing international agreements.

2. Procedures for cross-border situations in relation to EU countries, as defined by this Law, will begin to apply from the date of receipt of contractual obligations or from the date of accession of the Republic of Kosovo in the European Union

Article 46
Sublegal Acts

The Government of the Republic of Kosovo shall issue administrative instructions foreseen under this law, six (6) months upon the entry in force of this Law.

Article 47
Entry in force

This Law shall enter into force fifteen (15) days after its publication on the Official Gazette of the Republic of Kosovo, while Articles 6,7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 28,29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 40, 41, 42, 43 and 44 begin to apply one (1) year after the entry into force of this law.

Law No. 05/L-036
28 May 2015

Promulgated by Decree No.DL-009-2015, dated 15.06.2015, President of the Republic of Kosovo Atifete Jahjaga.