

LAW NO. 08/L-177

ON THE INSTITUTE OF CRIMES COMMITTED DURING THE WAR IN KOSOVO

The Assembly of the Republic of Kosovo;

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

Approves:

LAW ON THE INSTITUTE OF CRIMES COMMITTED DURING THE WAR IN KOSOVO

**CHAPTER I
GENERAL PROVISIONS**

**Article 1
Purpose**

This Law aims to establish, organize, function and determine the competencies of the Institute of Crimes Committed during the War in Kosovo ("Institution").

**Article 2
Scope**

1. Provisions of this Law are applied for the purpose of carrying out the research and documentation of crimes committed during the war in Kosova, from 1 January 1998 to 20 June 1999 ("period of war").
2. Research and documentation from paragraph 1. of this Article, can be applicable over the crimes occurred after the period of war, related to the war, not later than December 31, 2000.
3. Notwithstanding paragraph 2. of this Article, the Institute shall research and document crimes and other actions that led to the war in Kosova, with an aim of complete presentation of facts that are directly linked to the war.

**Article 3
Definitions**

1. For the purpose of this Law, the expressions have the following meanings:
 - 1.1. Crimes committed during the war - serious breaches of human rights, war crimes, crimes against humanity as well as the crimes of genocide defined under international instruments.
 - 1.2. War in Kosovo - includes the period of armed conflict on the territory of Kosovo in liberation war between the Albanian people of Kosovo, led by units of the Kosovo Liberation Army on one hand, and the occupying military, police and paramilitary troops of the former Yugoslavia on the other hand, from January 1, 1998 till 20 June 1999, when finally, all the occupying troops of former Yugoslavia have left the territory of Kosovo
 - 1.3. Documentation/research - the process of identifying, collecting, processing, archiving, and publishing data on crimes committed during the war in Kosovo. Data are recorded or written evidence, photographs, audio or video and the like.

1.4. Publication - disclosure of data, evidence, results documented by the Institute, in print, audio, video or electronic form, through special or periodical publications in print or online, exhibitions, catalogs, documentaries, and the like.

1.5. Classification - the process of categorization of crimes committed during the war, for the purposes of research and documentation.

1.6. Identification - the process of collecting all data for the evidencing of victims and data on actions of the perpetrators, the suspected perpetrators of crimes, in accordance with the law in force.

CHAPTER II INSTITUTE OF CRIMES COMMITTED DURING THE WAR IN KOSOVO

Article 4 Establishment of the Institute

1. By this Law shall be established the Institute of Crimes Committed during the War in Kosovo, which is an agency within the Office of the Prime Minister.

2. The Institute has the status of a legal person.

3. The Institute has its own seal, logo and identification mark.

4. The Institute has its headquarters in Prishtina.

5. The Institute has its own budget.

6. The administration of the Institute shall be regulated with sub-legal act drafted by the Institute and adopted by the Prime Minister.

Article 5 Work principles of the Institute

1. Principle of legality - the Institute exercises its activity in a professional manner and in accordance with the Constitution and the laws of the Republic of Kosovo.

2. Principle of independence and impartiality - members of the Institute in the exercise of their duties are independent, impartial and uninfluenced in any way by natural or legal persons, including public bodies.

3. Principle of transparency - the Institute exercises its activity in a transparent manner and by informing the public of its activity.

4. Principle of non-discrimination - the Institute ensures respect for the principle of non-discrimination, as well as human rights on any basis or difference, guaranteed by the Constitution and international agreements and instruments applicable in the Republic of Kosovo.

5. Principle of Confidentiality - the Institute ensures that the identity and personal data of the parties are stored and processed in accordance with legislation on personal data protection, including protection against unauthorized or unlawful processing.

6. Principle of victim centered approach - the Institute shall provide adequate treatment of victims, ensuring that the latter will not be revictimized and shall be treated with special care through procedures that guarantee security and dignity.

7. Principle of gender equality - the Institute shall ensure that participation of women in sensitive processes before the Institute is applied in a manner that ensures full participation through protection of their security and privacy in all the segments.

8. Principle of protection of the best interest of a child: the Institute shall ensure that every procedure that applies or refers to victimization of children, shall be developed in the light of universal rules for protection of best interest of a child.

Article 6

Competencies and responsibilities of the Institute

1. The Institute has the following competencies and responsibilities:

1.1. researches and documents the crimes committed during the war from the historical, military, economic, legal, ecological, cultural, psychological, forensic and sociological aspects including other aspects important for the examination of these events;

1.2. researches and documents the crimes committed during the war by providing accurate data on human losses, physical and spiritual/psychological harm, economic/material harm, environmental harm, cultural property harm and other types of harm caused by crimes committed during the war;

1.3. researches and documents the circumstances in which crimes were committed during the war by collecting, verifying, systematizing and storing data and provides public access to victims and interested parties in accordance with applicable legislation;

1.4. collects, processes, classifies and creates the archival fund;

1.5. systemizes and publishes memoirs of the survivors of crimes committed during the war;

1.6. creates, manages, and maintains the database and records of crimes committed during the war in Kosovo and the damages caused as in sub-paragraph 1.2. of this paragraph;

1.7. processes, in electronic form, all the documents on the committed crimes;

1.8. prepares statistical data and other data on the results of documentation;

1.9. informs the public on the crimes and other consequences of the war;

1.10. performs other professional work for the purpose of researching and documenting crimes committed during the war in Kosovo.

2. The Institute, also, for the purpose of research, shall exercise the following activity:

2.1. develops professional programs for research;

2.2. drafts and adopts questionnaires for the research work on the field;

2.3. organizes research campaigns on the field in order to gather written evidence and other evidence such as: audio, video, photography or other documentation, as well as to interview witnesses or verify other important data for research;

2.4. gathers data, information, documents and proofs of crimes, as well as highlights and verifies data for all the forms of crime and damages caused;

2.5. defines, to the extent possible, place and time of commitment of crimes;

- 2.6. defines, to the extent possible, and verifies circumstances under which the crime has occurred;
- 2.7. identifies victims of crimes;
- 2.8. identifies suspected of committing crimes;
- 2.9. identifies witnesses of crimes;
- 2.10. categorizes crimes in accordance with breach of the international public law norms;
- 2.11. drafts special procedures for research of sexual violence cases occurred during the war;
- 2.12. highlights damages caused towards cultural, historical and religious monuments, as well as public, economical and private objects;
- 2.13. processes content of the documents;
- 2.14. publishes the documented data of the crimes committed during the war through a special web page, as well as of books, brochures, or similar publications;
- 2.15. organizes informative and awareness raising campaigns;
- 2.16. establishes and maintains database of information, protocols, inventory books and other forms of registration;
- 2.17. forms and updates with literature the Institute's library;
- 2.18. establishes digital library of the available data.

Article 7 Organizational Structure

The functional structure, internal systematization and functioning of the Institute are regulated by a sub-legal act issued according to the applicable legislation.

Article 8 Executive Director of the Institute

1. The Executive Director manages the Institute.
2. The Executive Director must have a postgraduate diploma in the field of social or legal sciences, issued by universities with accredited programs in the Republic of Kosova or nostrified in accordance with the legislation in force, and more than five (5) years of professional or academic work experience in the field of humanitarian law, human rights, criminal law or similar.
3. The Executive Director is appointed by the Prime Minister for a four (4) year mandate.
4. For the work and activities of the Institute, the Director is accountable to the Prime Minister, through regular six-monthly reporting or at the request of the Prime Minister.
5. For the purposes of information, the director of the Institute shall send a report to the Presidency and Assembly, once per year.
6. The Director shall leave the position upon termination of his mandate, by resignation or in case of dismissal by the Prime Minister.

7. Mandate of the Director can be extended by decision of the Prime Minister.

8. The Director shall enjoy a salary equivalent to that of senior management positions, according to the applicable legislation.

Article 9

Functions of the Executive Director of the Institute

1. The Executive Director represents the Institute and is responsible for:

1.1. undertaking actions for the realization of duties and responsibilities of the Institute foreseen under Article 6 of this Law;

1.2. management of human resources of the Institute in accordance with the relevant legislation on public officials;

1.3. execution of budget and approval of payments based on the legislation on public finance management;

1.4. signing the acts of cooperation and concluding contracts in the name and on behalf of the Institute, in accordance with the legislation in force;

1.5. performing any other work necessary for continuation of the activities of the Institute as well as, any other duty assigned in accordance with the law.

CHAPTER III

DATA MANAGEMENT

Article 10

Processing, archiving and protection of data

1. The processing, archiving, storage and access to personal data by the Institute shall be done in accordance with the conditions and criteria set out in the applicable law on data protection.

2. The Institute creates its own archive, which functions based on the legislation in force on archives and realizes the following duties:

2.1. creates, stores and maintains register of archived materials;

2.2. cooperates with other archives and scientific, cultural and educational institutions for cultural, educational and scientific purposes;

2.3. creates the library specialized in the field of Institution and realizes publications within the scope of institute;

2.4. in cooperation with State Agency of Archives of Kosovo, ensures the preservation and restoration of archival materials.

3. The collected data, whether in group or individual, are anonymous to third parties and are used only for the purposes defined by this Law. Anyone who uses the data collected during the documentation process is obligated to maintain professional secrecy of data in accordance with applicable law on personal data protection.

4. The Institute provides access to public data for professionals and other interested parties, respecting the legal framework for the protection of personal data or other sensitive data.

5. The Institute issues a sub-legal act on determining the procedures and measures for using the Institute's archive materials, the safety of personal data or other sensitive data.

Article 11 Cooperation

1. The Institute cooperates with institutions of similar scope, judicial bodies, public and private academic institutions, local and international, governmental and non-governmental organizations, legal and natural persons inside and outside Kosovo, in collecting data to meet the goals of the Institute.

2. Upon request, the Institute provides data on related processes in the service of justice, as well as academic research, local and international.

3. The Institute holds regular meetings and exchanges information with all state organs which in one form or the other include the component of crimes committed during the war.

4. The Institute cooperates with judicial, scientific, research, cultural, educational institutions and other institutions.

5. The Institute cooperates with the institutions responsible for education for the inclusion in the teaching plans and programs in the schools of all levels, the sufficient information about the crimes committed during the war and the damages caused.

6. The Institute cooperates with the Agency responsible for Statistics which, through the module drafted in coordination with the Director of the Institute, shall gather relevant statistics for documentation and research of crimes committed during the war in Kosovo, on regular basis.

CHAPTER IV FINAL PROVISIONS

Article 12 Sub-legal Acts

Sub-legal acts provided for by this Law shall be issued within six (6) months from the date of entry into force of this Law.

Article 13 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. 08/L-177
13 July 2023**

Promulgated by Decree No. DL-141/2023 dated 01.08.2023 President of the Republic of Kosovo Vjosa Osmani-Sadriu