

**LAW NO. 08/L-155**

**ON TARGETED SANCTIONS AGAINST FOREIGN HUMAN RIGHTS VIOLATORS**

**Assembly of the Republic of Kosovo;**

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

Adopts:

**LAW ON TARGETED SANCTIONS AGAINST FOREIGN HUMAN RIGHTS VIOLATORS**

**CHAPTER I  
BASIC PROVISIONS**

**Article 1  
Purpose**

1. This Law shall determine the criteria and procedure for the imposition and removal of targeted sanctions against foreign human rights violators and foreign perpetrators of serious acts of corruption, to support democracy, the rule of law, human rights, and the principles of international law.

2. This Law is partially in compliance with:

2.1. Council Decision (Common Foreign and Security Policy- CFSP) 2020/1999 of 7 December 2020, concerning restrictive measures against serious human rights violations and abuses;

2.2. Council Regulation (EU) 2020/1998 of 7 December 2020, concerning restrictive measures against serious human rights violations and abuses.

**Article 2  
Scope**

1. This Law shall apply to foreigners who are responsible for or complicit in serious human rights violations and serious acts of corruption.

2. This Law shall also apply to persons associated with the persons provided in paragraph 1 of this Article.

**Article 3  
Definitions**

1. For the purpose of this Law, the following terms shall have these meanings:

**1.1. Foreigner:**

1.1.1. any natural person who is not a citizen of the Republic of Kosovo, namely any legal person not established under the legislation of the Republic of Kosovo or registered in the Republic of Kosovo, including state actors, other actors exercising effective control or authority over a territory, and other non-state actors;

1.1.2. a natural person holding multiple citizenships is considered a foreigner unless he/she also holds a citizenship of the Republic of Kosovo;

1.2. **Targeted person** - any foreign human rights violator, foreign perpetrators of serious acts of corruption, including assistants, as well as persons associated with them subject to targeted sanctions in accordance with this Law;

1.3. **Assistant**- the person who provides financial, technical, or material support for or is otherwise involved in acts set out in paragraph 1, sub-paragraphs 1.4 and 1.5 of this Article, including the planning, directing, ordering, assisting, preparing, facilitating or encouraging the conducting of such acts;

1.4. **Serious human rights violations** – includes violations and abuses such as:

1.4.1. genocide;

1.4.2. crimes against humanity;

1.4.3. torture and any cruel, inhuman and degrading treatment and punishment;

1.4.4. slavery;

1.4.5. extrajudicial, summary, or arbitrary executions and killings;

1.4.6. enforced disappearance of persons;

1.4.7. arbitrary arrests or detentions;

1.4.8. other human rights violations or abuses, including but not limited to the following, in so far as those violations or abuses are widespread, systematic or are otherwise of serious concern:

1.4.8.1. violation or abuse of democratic elections and the right to vote;

1.4.8.2. trafficking in human beings, as well as abuses of human rights by migrant smugglers;

1.4.8.3. sexual and gender-based violence;

1.4.8.4. violations or abuses of freedom of peaceful assembly and of association;

1.4.8.5. violations or abuses of freedom of opinion and expression;

1.4.8.6. violations or abuses of freedom of religion or belief;

1.5. **Serious acts of corruption** - includes the misappropriation of state assets, expropriation of public or private assets for personal gain, corruption related to government contracts or the extraction of natural resources, bribery, or the transfer or facilitation of transfer of the proceeds of corruption, resulting in serious human rights violations from paragraph 1, sub-paragraph 1.4 of this Article;

1.6. **Economic resources** - assets of every kind, whether tangible or intangible, movable or immovable, which are not funds but can be used to obtain funds, goods or services;

1.7. **Seizure of economic resources** - preventing the use of economic resources to obtain funds, goods, or services in any way, including, but not limited to, by selling, hiring, or collateralizing them;

1.8. **Funds** - financial assets and benefits of every kind, including, but not limited to:

1.8.1. cash, cheques, claims on money, drafts, money orders, and other payment instruments;

1.8.2. deposits with financial institutions or other entities, balances on accounts, debts, and debt obligations;

1.8.3. publicly- and privately-traded securities and debt instruments, including stocks and shares, certificates representing securities, bonds, notes, warrants, debentures, and derivatives contracts;

1.8.4. interest, dividends, or other income on or value accruing from or generated by assets;

1.8.5. credit, right of set-off, guarantees, performance bonds, or other financial commitments;

1.8.6. letters of credit, bills of lading, bills of sale;

1.8.7. documents showing evidence of an interest in funds or financial resources;

1.9. **Seizure of funds** - preventing any move, transfer, alteration, use of, access to, or dealing with funds in any way that would result in any change in their volume, amount, location, ownership, possession, character, destination, or other change that would enable the funds to be used, including portfolio management;

1.10. **Responsible entities** - institutions of the Republic of Kosovo and all natural and legal persons in the Republic of Kosovo who are responsible for the direct enforcement of Government decisions on the imposition and removal of targeted sanctions;

1.11. **Financial institutions** - all banks, non-bank financial institutions and microfinance institutions, as provided in the relevant Law on Banks, Microfinance Institutions and Non-Bank Financial Institutions.

2. With regards to the serious violations of human rights there shall be implemented the customary international law and instruments of international law, such as:

2.1. the International Covenant on Civil and Political Rights;

2.2. the International Covenant on Economic, Social and Cultural Rights;

2.3. the Convention on the Prevention and Punishment of the Crime of Genocide;

2.4. the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment;

2.5. the Convention on the Elimination of All Forms of Racial Discrimination;

2.6. the Convention on the Elimination of All Forms of Discrimination Against Women;

- 2.7. the Convention on the Rights of the Child;
- 2.8. the International Convention for the Protection of All Persons from Enforced Disappearance;
- 2.9. the Convention on the Rights of Persons with Disabilities;
- 2.10. the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children;
- 2.11. the Rome Statute of the International Criminal Court;
- 2.12. the European Convention for the Protection of Human Rights and Fundamental Freedoms.

## **CHAPTER II TARGETED SANCTIONS**

### **Article 4 Types of Targeted Sanctions**

1. Persons targeted under this Law shall be subject to the following sanctions:
  - 1.1. denial of entry into, or transit through, the territory of the Republic of Kosovo;
  - 1.2. seizure of funds and economic resources; and
  - 1.3. prohibition against making available funds and economic resources.
2. Sanctions pursuant to paragraph 1 of this Article shall be applicable until the targeted person is removed from the list of targeted persons by Government or court decision, as provided by this Law.

### **Article 5 Denial of entry into, or transit through, the territory of the Republic of Kosovo**

The institutions of the Republic of Kosovo shall take all necessary measures in accordance with the applicable legislation to prevent the entry into, or transit through, the territory of the Republic of Kosovo of targeted persons.

### **Article 6 Exemption from denial of entry into, or transit through, the territory of the Republic of Kosovo**

1. Notwithstanding Article 5 of this Law, upon request, the relevant Minister of Foreign Affairs shall, by decision, authorize entry into, or transit through, the territory of the Republic of Kosovo of targeted persons in cases where the Republic of Kosovo is bound by an obligation under international law:
  - 1.1. as a host State of an international intergovernmental organization;
  - 1.2. as a host State of an international conference convened by or under the auspices of the United Nations;
  - 1.3. as a host State of the Organization for Security and Co-operation in Europe;

- 1.4. under a multilateral agreement conferring privileges and immunities.
2. Except the cases from paragraph 1 of this Article, upon request, the relevant Minister of Foreign Affairs may, by decision, grant authorization for entry into, or transit through, the territory of the Republic of Kosovo of targeted persons in the following cases when:
  - 2.1. entry or transit is necessary for the fulfilment of a judicial process;
  - 2.2. travel is justified on the grounds of urgent humanitarian need;
  - 2.3. the targeted person attends intergovernmental meetings or meetings organized by the Government of the Republic of Kosovo, that directly promote the policy objectives of targeted sanctions, including the ending of serious human rights violations and abuses and the furthering of human rights.
3. The request under paragraphs 1 and 2 of this Article must be submitted at least thirty (30) days before the date of travel, except in urgent cases.
4. The relevant Minister of Foreign Affairs shall authorize the entry into, or transit through, the territory of the Republic of Kosovo by the targeted persons as soon as possible and at latest fifteen (15) days from the receipt of request, except where, for reasonable grounds, granting authorization according to this deadline is impossible.
5. Authorization of entry into or transit through pursuant to paragraph 1 of this Article shall be strictly limited to the purpose and the period for which it is given and to the targeted person directly concerned thereby.
6. The decision under paragraph 1 of this Article shall be forwarded to the relevant Ministry of Interior Affairs and other competent institutions for the implementation of this Law.

#### **Article 7**

##### **Seizure of funds and economic resources**

All funds and economic resources belonging to, owned, held, or controlled by persons targeted according to this Law shall be seized, except under the circumstances provided by this Law.

#### **Article 8**

##### **Prohibition against making available funds and economic resources to designated persons**

1. Institutions of the Republic of Kosovo and all natural and legal persons in the Republic of Kosovo are prohibited from making funds and economic resources available to persons targeted according to this Law, except in cases foreseen by this Law.
2. Paragraph 1 of this Article shall not prevent the crediting of seized accounts by financial institutions that receive funds transferred by third parties onto the account of a targeted person, provided that any additions to such accounts will also be seized.
3. Paragraph 1 of this Law shall not apply to the addition to seized accounts of:
  - 3.1. interest or other earnings on those accounts;
  - 3.2. payments due under contracts, agreements or obligations that were concluded or arisen before the date on which the person was targeted; or
  - 3.3. payments due under judicial, administrative, or arbitral decision rendered in the

Republic of Kosovo or enforceable in the Republic of Kosovo.

4. Any interest, other earnings, and payments under paragraph 2 and 3 of this Article shall be seized without delay.

5. In circumstances under paragraph 2 and 3 of this Article, the financial institution shall notify the relevant Ministry of Foreign Affairs.

6. The municipal cadastral offices, notaries and all other competent institutions that maintain or administer registers of funds and assets must consult the list of targeted persons before registering, drafting, or certifying any contract or property transaction.

### **Article 9**

#### **Exemption from seizure and making available funds and economic resources**

1. Notwithstanding Articles 7 and 8 of this Law, upon the request, the relevant Minister of Foreign Affairs may, by decision, authorize:

1.1. the release of certain seized funds or economic resources, or the making available of certain funds or economic resources, under specific conditions, if the funds or economic resources concerned are:

1.1.1. necessary to satisfy the basic needs of the targeted person and dependent family members, including payments for food, rent or credit, medicines and medical treatment, taxes, insurance premiums, and public utility charges;

1.1.2. necessary for the payment of reasonable professional fees or the reimbursement of expenses incurred for legal services;

1.1.3. necessary for the payment of fees or service charges for the routine holding or maintenance of seized funds or economic resources, when determined by the applicable legislation, in accordance with Article 8 of this Law;

1.1.4. necessary for extraordinary expenses, provided that the relevant competent authority of the other State has notified the relevant Ministry of Foreign Affairs of the grounds on which it considers that a specific authorization should be granted, at least fifteen (15) days prior to the day when the granting of the authorization is required;

1.1.5. to be paid into or from an account of a diplomatic or consular mission or an international organization enjoying immunities in accordance with international law, in so far as such payments are intended to be used for official purposes of the diplomatic or consular mission or international organization; or

1.1.6. for humanitarian purposes, such as delivering or facilitating the delivery of assistance, including medical supplies, food, or the transfer of humanitarian workers and related assistance or for evacuations, in accordance with Article 8 of this Law.

1.2. the release of certain seized funds or economic resources if the funds or economic resources shall be used exclusively to satisfy claims secured by or recognized as valid under an arbitral decision rendered prior to the date on which the foreigner was designated, or by a judicial or administrative decision rendered in the Republic of Kosovo, or a judicial decision enforceable in the Republic of Kosovo, prior to or after that date, if:

1.2.1. the decision is not for the benefit of targeted persons; and

1.2.2. recognition of the decision is not contrary to public policy in the Republic of Kosovo;

1.3. the release of certain seized funds or economic resources provided that a payment by a targeted person is due under a contract or agreement that was concluded by, or an obligation that arose for, the person concerned, before the date on which that person was targeted, provided that it has determined that:

1.3.1. the funds or economic resources will be used for a payment by the targeted person; and

1.3.2. the funds or economic resources for making the payment are not made available to the targeted person, as provided in Article 8 of this Law.

2. The decision under paragraph 1 of this Article shall be forwarded to the institutions responsible for the implementation of such decision.

### **CHAPTER III PROCEDURE FOR IMPOSING TARGETED SANCTIONS**

#### **Article 10 Proposal for Imposition of Targeted Sanctions**

1. The relevant Ministry of Foreign Affairs shall identify the persons referred to in Article 2 of this Law and propose to the Government the imposition of targeted sanctions against such persons.

2. The proposal for the imposition of targeted sanctions shall contain the information necessary to identify the persons referred to in Article 2 of this Law, with known identification information, such as:

2.1. with regard to natural persons: names and surnames in Albanian script and in the original spelling as shown in identification documents; aliases or other names; sex; date and place of birth; nationality; habitual residence address; passport and identity card numbers; as well as function and profession.

2.2. with regard to bodies, legal persons or entities: name, place and date of registration, registration number, and place of business.

3. The proposal for imposing targeted sanctions must contain the reasons for the proposal for the imposition of targeted sanctions.

#### **Article 11 Sources of Information**

1. The sources of information for the identification of persons referred to in Article 3, subparagraph 1.2 of this Law are:

1.1. internal official information, including information provided by the institutions of the Republic of Kosovo, including, but not limited to the Kosovo Intelligence Agency, the Financial Intelligence Unit, the relevant Ministry of Interior Affairs, and the relevant Ministry of Foreign Affairs;

1.2. external official information, including credible information, provided by other states

and international organizations, including public lists of other states and international organizations listing persons referred to in Article 2 of this Law;

1.3. other information, including credible information, provided by the media and civil society organizations, both domestic and international, that identify human rights violations.

2. Information acquired in accordance with this Law shall be processed in compliance with the applicable legislation for the protection of personal data and may be used only for the purposes of implementing this Law, unless otherwise provided by the applicable legislation.

3. The relevant Ministry of Foreign Affairs shall consult on a regular basis the lists under paragraph 1, sub-paragraph 1.2 of this Article.

### **Article 12** **Decision for Imposition of Targeted Sanctions**

1. The Government of the Republic of Kosovo shall, by a public and reasoned decision, impose targeted sanctions against persons referred to in Article 2 of this Law, on the basis of the proposal of the relevant Ministry of Foreign Affairs.

2. The Decision for the imposition of targeted sanctions shall exactly identify the persons referred to in Article 2 of this Law, with the identification information provided in Article 10, paragraph 2 of this Law as well as reasons for the imposition of targeted sanctions.

3. The Decision of the Government shall be directly enforceable and is published in a special and easily accessible link on the official website of the Official Gazette and on the official websites of other relevant institutions.

### **Article 13** **List of Targeted Persons**

1. The relevant Ministry of Foreign Affairs shall compile the list of targeted persons containing, when known, the information provided in Article 10, paragraph 2 of this Law, the date, and reasoning for imposing sanctions.

2. The list of targeted persons shall be published on the website of the relevant Ministry of Foreign Affairs and updated without delay, upon imposition or removal of targeted sanctions.

## **CHAPTER IV** **REVIEW AND REMOVAL OF TARGETED SANCTIONS**

### **Article 14** **Review of Targeted Sanctions**

1. The relevant Ministry of Foreign Affairs shall review the list of targeted persons in cases:

1.1. ex officio, at regular intervals at least once per year;

1.2. where observations and views are submitted by the targeted person according to Article 16, paragraph 3 of this Law;

1.3. where substantial evidence is presented from the sources of information specified in Article 11 of this Law, including information regarding any sanctions against targeted person in his country of origin for the acts for which they he is targeted in the Republic



of Kosovo.

2. The observations and views that are submitted shall be considered as information and have no binding effect on the relevant Ministry of Foreign Affairs.

#### **Article 15** **Removal of Targeted Sanctions**

1. The relevant Ministry of Foreign Affairs shall propose to the Government of the Republic of Kosovo to remove the targeted sanctions when upon reviewing the list according to Article 14 of this Law it finds that circumstances have changed because:

1.1. according to reliable information, the targeted person did not participate in the commission of acts for which he was targeted;

1.2. the targeted person has demonstrated a radical change in behaviour or has been punished for the commission of acts for which he was targeted; or

1.3. removal of targeted sanctions is in the interest of public security of the Republic of Kosovo.

2. The relevant Ministry of Foreign Affairs shall propose to the Government the removal of the targeted sanctions within ninety (90) days from the day when it has assessed that the circumstances set forth in this article have changed.

### **CHAPTER V** **NOTIFICATION OF DECISION AND INITIATION OF ADMINISTRATIVE DISPUTE**

#### **Article 16** **Notification**

1. The relevant Ministry of Foreign Affairs shall, without delay, notify the targeted person of the decision on the imposition, respectively the removal of the targeted sanctions.

2. The notification from paragraph 1 of this Article shall be delivered either directly, if the address is known, or through the publication of a notice according to the applicable legislation.

3. The notice of imposition of targeted sanctions shall include the grounds for the imposition of targeted sanctions and provide the opportunity to present observations and views on the decision.

#### **Article 17** **Initiation of Administrative Dispute**

1. The decision of the Government on the imposition and removal of targeted sanctions and the decision of the relevant Minister of Foreign Affairs on exemptions from targeted sanctions provided in this Law shall be final and cannot be appealed.

2. Targeted persons may initiate an administrative dispute, in accordance with the relevant Law on administrative disputes, to challenge the decision referred in paragraph 1 of this Law.

## **CHAPTER VI IMPLEMENTATION OF DECISIONS ON IMPOSITION AND REMOVAL OF TARGETED SANCTIONS**

### **Article 18 Notification and Oversight of Implementation of Government Decisions**

1. The relevant Ministry of Foreign Affairs shall notify the coordinating institutions on the decisions on imposition and removal of targeted sanctions and oversee the implementation of decisions on imposition and removal of targeted sanctions.
2. The coordinating institutions referred to in paragraph 1 of this Article are:
  - 2.1. the Financial Intelligence Unit, for the sanction of seizure of funds and economic resources;
  - 2.2. the relevant Ministry of Interior Affairs, for the sanction of denial of entry into, and transit through, the Republic of Kosovo;
  - 2.3. the relevant Ministry of Foreign Affairs, for the sanction of prohibition of making available funds and economic resources.
3. The coordinating institutions provided in this Article shall have the following responsibilities:
  - 3.1. notify the relevant responsible entities with the Government decisions on the imposition and removal of targeted sanctions;
  - 3.2. oversee the implementation of targeted sanctions;
  - 3.3. oversee the implementation of Government decisions in relation to the removal of targeted sanctions;
  - 3.4. report to the relevant Ministry of Foreign Affairs on all actions taken to implement Government decisions on the imposition and removal of targeted sanctions.

### **Article 19 Obligation of entities responsible for the implementation of Government decisions**

1. Responsible entities are obliged to track Government decisions on the imposition and removal of targeted sanctions and the list of targeted sanctions and to implement such Government decisions on the imposition and removal of targeted sanctions, without delay, within the limits of their competences.
2. Responsible entities shall report to the coordinating institutions referred to in Article 18 of this Law after taking any action related to the implementation of Government decisions on the imposition and removal of targeted sanctions, unless otherwise provided by this Law.
3. Responsible entities are: the Kosovo Business Registration Agency, the Kosovo Cadastre Agency, the Kosovo Police, notaries, financial institutions, other competent institutions that maintain or administer records of funds and assets, as well as all other relevant entities.

### **Article 20 Administration of Seized Funds and Economic Resources**

1. Funds and economic resources seized pursuant to Government decision on imposition of targeted sanctions, duly recorded and verified by the responsible entities under the coordination

of the Financial Intelligence Unit, shall be administered by the respective Agency for the Administration of Sequestered and Confiscated Property.

2. Notwithstanding paragraph 1 of this Article, funds kept with financial institutions shall be seized and administered by relevant financial institutions.

3. Procedures and rules related to the administration of seized assets according to this Law shall be applied *mutatis mutandis* in compliance with the relevant legislation on the administration of seized assets.

## **CHAPTER VII MINOR OFFENCE SANCTIONS, PROTECTION FROM LIABILITY AND REPORTING TO THE ASSEMBLY**

### **Article 21 Minor offence sanctions**

1. Anyone who commits the following actions, shall be considered to have committed a minor offense, except in cases where such actions constitute a criminal offense:

1.1. fails or delays to implement Government decision on the imposition of targeted sanctions;

1.2. fails or delays to report on the implementation of Government decision on the imposition of targeted sanctions;

1.3. fails or delays to implement the decision of the relevant Minister of Foreign Affairs regarding the exemptions to the implementation of Government decision on the imposition of targeted sanctions.

2. The competent court shall, for the perpetrator of the minor offense under paragraph 1 of this Article, impose these minor offense sanctions:

2.1. with regard to natural person and responsible person of a legal person, fine in the amount from one thousand (1,000) Euro to two thousand (2,000) Euro and prohibition of the exercise of profession, activity or duty;

2.2. with regard to natural person conducting individual business, fine in the amount from three thousand (3,000) Euro to five thousand (5,000) Euro;

2.3. with regard to legal person, fine in the amount from twelve thousand (12,000) Euro to twenty thousand (20,000) Euro.

3. The relevant Ministry of Foreign Affairs shall initiate minor offense proceedings in the court of territorial jurisdiction.

4. The minor offense sanctions provided in this Article shall be imposed in accordance with the relevant Law on Minor Offenses.

### **Article 22 Exemption from Liability**

1. The seizure of funds and economic resources or the refusal to make funds or economic resources available, carried out in good faith and in accordance with this Law, shall not give rise to liability of any kind on the part of the natural or legal person or body, respectively the

institution undertaking such actions, or its heads or employees, unless such actions were a result of negligence.

2. Actions by natural or legal persons, entities, or bodies, namely institutions, shall not give rise to any liability of any kind on their part if they did not know, and had no reasonable cause to suspect, that their actions would infringe the measures set out in this Law.

**Article 23**  
**Reporting to the Assembly**

The relevant Ministry of Foreign Affairs shall report once per year to the relevant Foreign Affairs Committee of the Assembly of the Republic of Kosovo regarding the imposition, removal and implementation of targeted sanctions.

**CHAPTER VIII**  
**TRANSITIONAL AND FINAL PROVISIONS**

**Article 24**  
**Sub-legal acts**

The Government of the Republic of Kosovo shall, upon proposal by the relevant Ministry of Foreign Affairs, adopt a sub-legal act to determine the procedure for imposing, implementing and removing targeted sanctions, within six (6) months from the entry into force of this Law.

**Article 25**  
**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-155**  
**7 June 2023**

**Promulgated by Decree No. DL-118/2023 dated 22.06.2023 President of the Republic of Kosovo Vjosa Osmani-Sadriu**