



**INSTITUCIONET E PËRKOHSHME TË VETËQEVERISJES
PROVISIONAL INSTITUTIONS OF SELF-GOVERNMENT
PRIVREMENE INSTITUCIJE SAMOUPRAVLANJA**

QEVERIA E KOSOVËS - GOVERNMENT OF KOSOVO - VLADA KOSOVA

**MINISTRIA E PUNËS DHE MIRËQENIES SOCIALE
MINISTRY OF LABOUR AND SOCIAL WELFARE
MINISTARSTVO RADA I SOCIJALNE ZAŠTITE**

In accordance with Article 1, indent 1.3 of paragraph (b) of Regulation 2001/19 on Executive Branch of Provisional Self - Government Institutions

Having into consideration Article 14 of the Law on Status and Rights of the Families of Martyrs, Invalids, Veterans and KLA Members and Families of War Civil Victims,

Aiming the proper and efficient implementation of the Law, Minister of Ministry of Labour and Social Welfare issues this:

**ADMINISTRATIVE INSTRUCTION No 09/2006 ON
APPLYING PROCEDURES FOR THE SCHEME OF PENSIONS AND BENEFITS
LAID DOWN BY LAW ON STATUS AND RIGHTS OF THE FAMILIES OF
MARTYRS, INVALIDS, AND KLA MEMBERS AND FAMILIES OF WAR CIVIL
VICTIMS**

Article 1

Purpose

This Administrative Instruction aims rule and determination of administrative applying procedures for enjoying pensions and benefits laid down by Law on Status and Rights of the Families of Martyrs, Invalids, Veterans and KLA members and Families of War Civil Victims.

Article 2

Administration of pensions and benefits

(1) Administration of pensions and benefits for the rights of families of Martyrs, Invalids, Veterans and KLA members and Families of War Civil Victims based on competencies laid down by law and sub legal acts, shall be carried out by Department of Families of Martyrs, War Invalids and Civil Victims (DFMWI).

(2) DFMWI through Central Directorate and Regional Offices carries out administration of applying procedures for pensions and benefits regarding status and rights of Families of Martyrs, Invalids, Veterans and KLA members and Families of War Civil Victims.

Article 3

Providing information to applicants

(1) Officials of DFMWI in Central Directorate and Regional Offices shall provide with help and information to applicants for pensions regarding status and rights of Families of Martyrs, Invalids, Veterans and KLA members and Families of War Civil Victims.

(2) Officials of DFMWI are obliged to advice the applicants in occasion of claiming the request regarding what documents shall be submitted for realization of the rights and benefits.

(3) If claimer of request does not posses relevant documents, Official of DFMWI has an obligation to instruct regarding the institution that issues those documents.

Article 4

Filling in requests

(1) Request for pension shall be signed by claimer of request or the authorized person.

(2) Notwithstanding of Paragraph 4.1 when claimer of request is not able to sign the request and does not have an authorized person, official of DFMWI puts the name and surname of claimer instead of his/her signature.

Article 5
Receiving requests

- (1) Official of DFMWI shall very carefully review each document that is attached to the request received.
- (2) Request may be claimed by the applicant only in one of Regional Offices of DFMWI.
- (3) From Official of DFMWI is reviewed validity of documentation and accuracy of data presented in request.
- (4) Official of DFMWI assures that the request is completely filled, and that claimer of request has presented relevant documentation.
- (5) Official of DFMWI hired for receiving requests, holds accountable for incomplete documentation in accordance with Article 6 of this Administrative Instruction.

Article 6
Documentation that shall be attached to application

Depending on status and types of pension laid down by Law, claimers of request shall have respective documentation as follows:

- (1) For realization of family pension and other benefits laid down by this Law, Family of Martyr shall claim this documentation;
 1. Identification document (personal ID card)
 2. Certification issued by KPT Head Quarter which proves they have been member of KLA and was killed within the period of 30.10.1991 up to 19.09.1999(According to the need, KPT Head Quarter for issuing certifications may cooperate with Associations coming out from war),
 3. Original copy of birth certificate of the applicant
 4. Death certificate of the Martyr,
 5. Birth certificate of the child,
 6. Matrimony certificate in occasions when one of the spouses applies (in absence of the matrimony certificate, marriage shall be proved through administrative and legal procedures),
 7. When applicants are children without parents and are below the age of 18 year old, is required the decision by Center of Social Work for putting them under custody.
 8. A photo of the applicant.

(2) For realization of family pension and benefits of Civil Victims, claimer of request shall present these documents:

1. Identification documents (personal ID card),
2. Certification issued by municipal competent organ that was killed within the period 27.02.1998 up to 20.06.1999,
3. Birth certificate of the applicant, in original,
4. Death certificate of the killed in the war,
5. Birth certificates of children,
6. Matrimony certificate in occasion when on of the spouses applies (in absence of matrimony certificate, marriage shall be proved through administrative and legal procedures),
7. When applicants are children without parents and are below the age of 18 year old, is required the decision by Center of Social Work for putting them under custody.
8. A photo of the applicant.

(3) For realization of family pension for War KLA Missing Persons, claimer of request shall present these documents:

1. Identification Document (personal ID card),
2. Certification issued by KPT Head Quarter which proves they have been member of KLA and was killed within the period of 30.12.1991 up to 19.09.1999(According to the need, KPT Head Quarter for issuing certifications may cooperate with Associations coming out from war),
3. Original copy of birth certificate of the applicant,
4. Matrimony certificate in occasion when on of the spouses applies (in absence of matrimony certificate, marriage shall be proved through administrative and legal procedures),
5. When applicants are children without parents and are below the age of 18 year old, is required the decision by Center of Social Work for putting them under custody.
6. Birth certificate of children,
7. A photo of the applicant.

(4) For realization of family pension for War Civil Missing Persons, the claimer of request shall present these documents:

1. Identification Document (personal ID card),
2. Certification issued by competent municipal organ that was missed within period 27.02.1998 up to 20.06.1999,
3. Original copy of birth certificate,
4. Matrimony certificate in occasion when on of the spouses applies (in absence of matrimony certificate, marriage shall be proved through administrative and legal procedures),

5. When applicants are children without parents and are below the age of 18 year old, is required the decision by Center of Social Work for putting them under custody.
6. Birth certificate of children,
7. A photo of the applicant.

(5) For realization of personal invalidity pension and other Invalidity benefits of KLA claimer of request shall present these documents:

1. Identification documents (personal ID card),
2. Certificate issued by KTA to prove that was soldier of KLA and was wounded within period 30.12.1991 up to 19.09.2006, (According to the need, KPT Head Quarter for issuing certifications may cooperate with Associations coming out from war),
3. Original copy birth certificate of applicant,
4. Birth certificate of the spouse and children of KLA Invalid,
5. Evidence from army hospital where the wounded doctor and also the following medical documentation.
6. A photo of applicant,
7. In occasions when the invalidity of KLA is determined the level of invalidity on 80% and is needed care and help of the other person, for this person (custodian) is needed this documentation:
 - 1.1 Identification document (personal ID card),
 - 1.2 Original copy of birth certificate,
 - 1.3 Decision on appointing custodian by Center of Social Work,
 - 1.4 O photo of custodian.

(6) For realization of personal invalidity pension and other benefits of Civil Invalidity, claimer of request shall present these documents:

1. Certification issued by municipal competent organ that was wounded within period 27.02.1998 up to 20.06.1999,
2. Identification document (personal ID card),
3. Original copy of birth certificate of the applicant,
4. Birth certificate of spouse and children of civil invalid,
5. Evidence by the hospital or evidence by the doctor who has cured the wounded person during the time of war, and also following medical documents,
6. A photo of applicant,
7. In occasions when KLA invalids is determined the level of invalidity above 80% and is necessary the care and help of the other person, for this person (custodian) is necessary this document:
 - 1.1 Identification document (personal ID card),
 - 1.2 Original copy of birth certificate,
 - 1.3 Decision on determination of custody by Center of Social Work,
 - 1.4 A photo of custody,

(7) For realization of family invalidity pension and other benefits, family of KLA invalid after his/her death shall present these documents:

1. Identification documents (personal ID card),
2. Certification issued by KTA that proves being soldier of KLA and is wounded within period 30.12.1991 up to 19.09.1999,(According to the need, KPT Head Quarter for issuing certifications may cooperate with Associations coming out from war),
3. Original copy of birth certificate,
4. Matrimony certificate in occasion when on of the spouses applies (in absence of matrimony certificate, marriage shall be proved through administrative and legal procedures),
5. When applicants are children without parents and are below the age of 18 year old, is required the decision by Center of Social Work for putting them under custody,
6. Birth certificate of children,
7. Death certificate of KLA invalids,
8. A photo of the applicant.

(8) For realization of family invalidity pension and other benefits, family of Civil Invalid after the death of Civil Invalid shall present these documents:

1. Identification document of the applicant (personal ID card),
2. Certification issued by municipal competent organ that was wounded within period 27.02.1998 up to 20.06.1999,
3. Original copy of birth certificate,
4. Matrimony certificate in occasion when on of the spouses applies (in absence of matrimony certificate, marriage shall be proved through administrative and legal procedures),
5. When applicants are children without parents and are below the age of 18 year old, is required the decision by Center of Social Work for putting them under custody,
6. Birth certificate of children,
7. Death certificate of Civil Invalids,
8. A photo of the applicant.

(9) For realization of pensions determined by Law, Family of National Martyr shall present these documents:

1. Identification documents of the applicant (personal ID card),
2. Certification issued by municipal competent organ that has acted for national issues individually or organized in group, who was killed in different forms or was killed in the war against occupier in all war periods for freedom (data of kill).
 - a) razne dokaze u pismenoj formi od porodice Palog Borca
3. Original copy of birth certificate,
4. Birth certificate of martyrs' children,
5. Birth certificate of the martyr,
6. Matrimony certificate in occasion when on of the spouses applies (in absence of matrimony certificate, marriage shall be proved through administrative and legal procedures),
7. Birth certificate of children and
8. A photo of the applicant.

(10) For realization of benefits laid down by Law veterans and members of KLA shall present these documents:

1. Certification issued by KTA for being a veteran and member of KLA within period from 30.12.1991 up to 19.09.1999, (According to the need, KPT Head Quarter for issuing certifications may cooperate with Associations coming out from war),
2. Identification documents (personal ID card),
3. Original birth certificate of the applicant,
4. A photo of the applicant.

Article 7

(1) If documentation referred to in Article 6 is not attached to the request, then the request shall not be accepted and shall be returned to the applicant. Official of DMFWI shall tell the reasons of request refusal.

(2) If application form is completed, official of DMFWI shall submit the receiving note to the claimer of request, through stamping and signing it.

(3) Identification document and original medical evidence are filled in the file together with the request and phone number (indispensable) for reasons of procedure efficacy.

(4) By fulfilling the indent 7.3 the initial phase of processing the request for pension and benefits laid down by law is finished.

Article 8

Decisions and appeals

(1) Family pension, personal invalidity pension, family invalidity pension, and also bonuses for care and help to the other person, is realized by the day of presenting the request, if there are fulfilled conditions for enjoying the right.

(2) Claimer of request, which is not satisfied with decision of the first level organ, has the right to appeal within a deadline of 15 days in Commissions for Appeal as second level organ. Appeal shall be in written including reasons why the party considers the decision to be wrong.

(3) Appeal claimed after legal deadline is refused.

(4) Dissatisfied party with decision of second level may open the administrative dispute in a deadline of 30 days in Kosova Supreme Court.

Article 9

This Administrative Instruction enters into force on the day of signature by Minister of Ministry of Labour and Social Welfare while it shall implemented from the moment when claiming of requests for pensions and benefits laid down by Law on Status and Rights of Martyrs' Family, invalids, veterans and members of KLA and war civil victims begins.

Minister

Ibrahim Selmanaj