

LAW No. 03/L-101

ON PARDON

Assembly of Republic of Kosovo,

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

In accordance with paragraph (29) of Article 84 of the Constitution of the Republic of Kosovo;

Adopts:

LAW ON PARDON

CHAPTER I

GENERAL PROVISIONS

**Article 1
Purpose of the Law**

This law determines the legal authorizations of the President of Kosovo for granting individual pardon.

**Article 2
Definitions**

For purposes of this law:

“**Pardon**” means the extraordinary executive power of the President to forgive a convicted person of his or her criminal offence and to relieve him or her of the punishment imposed by a court’s judgment and sentence;

“**Convicted Person**” means a person convicted and sentenced pursuant to a final judgment of a court of Kosovo;

“**Request**” means a request for pardon pursuant to this law;

“**Ministry**” means the Ministry of Justice of the Republic of Kosovo;

“**President**” means the President of the Republic of Kosovo;

“**Rehabilitation**” means reinstatement of all civil rights to a convicted person, including legal rehabilitation pursuant to Article 87 of the Provisional Criminal Code of Kosovo.

**Article 3
Principles for Pardon**

1. Pardon is President’s right intended not as a routine remedy, but as a seldom-used tool to reward extraordinary displays of character and conduct or to address serious humanitarian concerns.

2. With a pardon, the President relieves a convicted person of all of the punishment imposed by a final court decision.

3. A pardon relieves the convicted person from protective measures, fines and any other punishments included in the sentence imposed by the court.

4. A pardon shall provide a convicted person with immediate rehabilitation.
5. A pardon shall not provide the right to financial compensation for the person receiving pardon.
6. A grant of pardon to a convicted person shall not affect the rights or obligations of any other persons under the court judgment affected by the pardon.
7. A request for pardon does not stay the execution of a sentence.

Article 4 Eligibility for Pardon

1. Only a person convicted for a criminal offense and sentenced pursuant to the final judgment of a court of Kosovo is eligible for a pardon from the President, except as otherwise provided in this Article.
2. Convicted persons outside Kosovo, who are suffering their sentence in Kosovo, have a right to request a pardon.
3. A convicted person is not eligible to request a pardon if he or she is intentionally evading the execution of sentence for the offence.
4. A convicted person whose request for pardon has been denied by the President is not eligible to request a pardon for the same offence unless it can be shown that compelling new circumstances have arisen since the denial of the previous request.
5. A person convicted under Chapter XIII or Chapter XIV of the Criminal Code of Kosovo for a criminal act against Kosovo or its citizens or against international law is not eligible to request a pardon.

Article 5 Criteria for Pardon

1. Criteria considered in deciding whether to grant a pardon shall be defined by the President in compliance with the Constitution and the law.
2. Circumstances to be considered in granting a pardon include, but are not limited to:
 - 2.1. seriousness of the crime;
 - 2.2. risk of recidivism;
 - 2.3. existence of genuine repentance;
 - 2.4. demonstrates of honorable conduct and character.

CHAPTER II PARDON PROCEDURES

Article 6 Initiating Requests for Pardon

1. A request for pardon shall be presented as a written request by the convicted person. On behalf of the convicted person the request can be presented, by a spouse, child, sibling or other person authorized by the convicted person.
2. The request shall be addressed to the President.

3. The request shall contain a brief history of the case, a statement of the facts, circumstances and reasoning that support the request for pardon, any other documents or information deemed necessary by the person making the request, and any other relevant information that may be required.

4. A request may be withdrawn at any time by the convicted person or by the person who made the request on behalf of the convicted person.

Article 7 Processing Requests for Pardon

1. Upon receiving a request for pardon, the President may instruct the Ministry to compile related information.

2. Upon the request of the President, Ministry shall compile relevant personal records maintained by the Correctional Service of the Republic of Kosovo regarding the convicted person and shall notify the Court that has decided on that particular case, the prosecutor and the injured party.

3. If requested by the President, the Ministry shall compile additional relevant information from its records or from any other sources.

4. When the Ministry has compiled all the relevant information, it shall transmit the information to the President.

Article 8 Decision on the Request for Pardon

1. The President grants a pardon with a decree which shall be published in the Official Gazette of the Republic of Kosovo.

2. Upon granting a pardon, the President shall notify the person who filed the request, the person receiving the pardon and the Ministry.

3. When the President denies a request for pardon. He shall notify the person who filed the request, the convicted person and the Ministry.

4. Unless otherwise indicated, the President's decree of pardon shall be effective immediately upon signing. The Ministry shall implement the decree within forty eight (48) hours after being informed by the President.

CHAPTER III

FINAL PROVISIONS

Article 9 Applicability

This law applies only to requests for pardon submitted after this law enters into force.

Article 10 Entry into Force

This law enters into force fifteen (15) days after publication in the Official Gazette of the Republic of Kosovo.

**Law No. 03/L-101
12 December 2008**

Promulgated by the Decree No. DL-076-2008, dated 30.12.2008, of the President of Republic of Kosovo, Dr. Fatmir Sejdiu.