



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEÇA KOSOVA

Registry Practice Direction

Receipt and Disbursement of Non-Earmarked Voluntary Donations for Contribution to Reparations

Approved by: The Registrar, Kosovo Specialist Chambers

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CHAPTER I General Provisions**Section 1 Purpose and Scope**

1. This Practice Direction has been adopted by the Registrar, in consultation with the President, in accordance with Article 4(2), Article 22(3), and Article 34(1) and (3) of the Law on the Specialist Chambers and Specialist Prosecutor’s Office (Law No. 05/L-053, ‘Law’) and Rule 23(8) of the Rules of Procedure and Evidence before the Kosovo Specialist Chambers (‘Rules’) to regulate the receipt and disbursement of non-earmarked voluntary donations to contribute to reparations ordered by the Kosovo Specialist Chambers (‘KSC’).
2. The KSC shall establish a system to receive non-earmarked voluntary donations to contribute to the payment of reparations to participating victims who have been awarded reparations by the KSC. This system shall be supplemental to the primary obligation of the convicted person to pay reparations pursuant to a reparation order and/or any obligations of the Republic of Kosovo in this regard.
3. The process of receipt and disbursement of non-earmarked voluntary donations is governed by this Practice Direction and the Financial and Administrative Regulations on Receipt and Disbursement of Non-Earmarked Voluntary Donations for Contribution to Reparations, KSC-BD-49 (‘Financial and Administrative Regulations’).

Section 2 Principles

1. In the implementation of this Practice Direction, the KSC shall treat all participating victims who have been awarded reparations by the KSC equally and fairly.
2. This Practice Direction does not relieve the convicted person of their primary obligation related to the payment of reparations as stipulated in a reparation order. Likewise, this Practice Direction

does not absolve the Republic of Kosovo of its obligations, under domestic law or international treaties, including pursuant to KSC orders, pertaining to victims' rights to reparations and an effective remedy.

- Nothing in this Practice Direction shall prejudice or be inconsistent with the rights of the accused or a convicted person under the Law and the Rules.

Section 3 Definitions

- For the purpose of this Practice Direction, the terms employed herein shall have the meaning given to them by the Law and the Rules and any reparation order issued by the competent Panel. The singular shall include the plural, and *vice versa*.
- In addition, the following definitions shall apply:

Non-Earmarked Voluntary Donation	A sum of money, given voluntarily to the KSC, for contribution to reparations to participating victims who have been awarded reparations by the KSC, that is not designated to a specific case or victim;
Judicial Authority	Individual judge(s) assigned by the President, in accordance with Articles 25 and 33 of the Law, to monitor and oversee the implementation and execution of a reparation order;
Institutional Donor	A government or international organisation;
Private Donor	Individuals, corporations, businesses or other entities (not including governments and international organisations);
Reparation Order	A final order of a competent Panel made pursuant to Articles 22(8) and 44(6) of the Law imposing on the convicted person the obligation to pay reparations in the form of compensation to victims of crimes within the jurisdiction of the KSC.

Section 4 Application

This Practice Direction shall be interpreted and applied in a manner consistent with the Law and the Rules.

Section 5 Data Protection

- All personal data collected in relation to this Practice Direction shall be stored and processed in line with the KSC's Administrative Directive on Information Asset Management and Operational

Instruction on Information Asset Protection. Such personal data shall only be transferred to other authorities, including the Competent Panel, to the extent necessary for the performance of lawful, legitimate, and specific purposes, and in accordance with the above-mentioned regulations. In addition, such personal data shall be stored, processed and shared in accordance with any relevant judicial orders on protective measures.

2. The personal data referred to in paragraph (1) shall be retained for the duration of the judicial proceedings before the KSC and thereafter erased or destroyed in accordance with the KSC's retention schedules, unless otherwise provided or otherwise ordered by the Competent Panel.

Section 6 Authoritative Language and Entry into force

1. The Authoritative Language of this Practice Direction is English.
2. This Practice Direction shall enter into force on the date of adoption.
3. Any amendment to this Practice Direction shall enter into force on the date of its adoption.

CHAPTER II Receipt and Disbursement of Donations

Section 7 Receipt of Donations

1. The KSC can receive voluntary monetary donations from Institutional or Private Donors, in accordance with this Practice Direction and the Financial and Administrative Regulations.
2. Donations shall not be earmarked. Anonymous donations and donations lower than 100,00 EUR shall not be accepted.
3. All donations shall be subject to a due diligence process in accordance with the Financial and Administrative Regulations. Donors shall be required to provide relevant information by completing a Voluntary Donation Intention Form and comply with the requirements of the due diligence process in advance of making any donations. If the due diligence process is successful, donors shall be provided with a Voluntary Donation Agreement and after its signature, make the donation as instructed.
4. Further information regarding donations can be requested at the following e-mail address: info.donations.reparations@scp-ks.org

Section 8 Disbursement of Donations

1. Donations shall be disbursed to all participating victims who have been awarded reparations by the KSC.
2. When all reparation orders become final, donations shall be disbursed pursuant to an order of a judicial authority appointed by the President of the KSC for this purpose.
3. Donations received shall be disbursed on a *pro rata* basis to all participating victims across all cases, taking into account individual awards as determined in the reparation order(s). The amount of disbursement for each participating victim shall not exceed the maximum amount of compensation awarded.
4. Donations shall be disbursed in a confidential and secure manner.

CHAPTER III Oversight and Governance

Section 9 Accounting system

1. An accounting system shall be established by the Finance and Budget Unit to enable tracking of *inter alia*:
 - a. all resources that have been deposited in the Bank Account for Receipt and Disbursement of Non-Earmarked Voluntary Donations for Contribution to Reparations ('the Bank Account');
 - b. all disbursements for costs, while respecting the confidentiality of the beneficiaries.

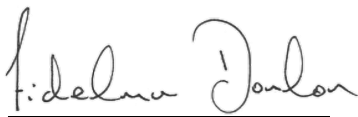
Section 10 Auditing

1. The internal auditor of the KSC shall audit transactions on the Bank Account for compliance with this Practice Direction, the Financial and Administrative Regulations, and any other relevant rules and procedures.
2. For larger donations, the cost of an external audit shall be paid from the donation, if applicable.

Section 11 Costs

1. All related costs shall be covered from donations.
2. The eligible costs that can be charged against the donations are:
 - a. the costs of maintenance of the bank account;
 - b. the costs for receipt of voluntary donations;
 - c. the costs related to banking fees paid for the disbursement of reparations amounts or return of voluntary donations;
 - d. costs related to external audits, if required by the donors;
 - e. negative interest applied to the funds maintained in the bank account, if applicable.
3. Such applicable costs shall be notified to the donor, if required.

The Hague, Netherlands
28 November 2024



Dr Fidelma Donlon
Registrar