



**icmp**  
International Commission on Missing Persons

## **GUIDE FOR CIVILIAN VICTIMS OF WAR**

**How to enjoy the right to protection as a  
civilian victim of war in the Republika  
Srpska**

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## INTRODUCTION

The aim of this guide is to assist all civilian victims of war in exercising their entitlements under the Law on protection of civilian victims of war in the Republika Srpska, published as the basic text in the Official Gazette of the RS, number: 25/93, and with the amendments and supplements published in the Official Gazette of the RS, 1/94 – Special edition, 32/94, 37/07 and 60/07).

The Law on protection of civilian victims of war, adopted in 1993, limits the recognition of the civilian victim of war entitlements with a 5-year deadline, from the day the application of the Law started, that is from the day the person suffered damage to the body, or was killed, died, or went missing.

The Law on amendments and supplements of the Law on protection of civilian victims of war, published in the Official Gazette of the RS, no. 60/07 of 11 July 2007, prescribes the possibility for civilian victims of war who **have not yet submitted the application to do so by 31 December 2007.**

**It is essential to meet this deadline**, which is why we **invite and encourage** all persons who think they meet the requirements to exercise entitlements and protect the rights under the Law on protection of the civilian victims of war, to submit their applications to the competent authority, even if not able to submit relevant evidence with the application, as it is possible to do this afterwards, as regulated by the Law on general administrative procedure.

## I – Who is considered to be a civilian victim of war in the Republika Srpska?

### 1. Which law regulates the issue of the right to protection of civilian victims of war in the Republika Srpska?

- The Republika Srpska has regulated the structure and scope of protection of rights of civilian victims of war, as well as the means and conditions of exercising such rights and entitlements in the Law on protection of the civilian victims of war published in the Official Gazette of the RS, no. 25/93 of 30 December 1993, with amendments published in the Official Gazette no. 1/94 – Special edition, 32/94, 37/07 and 60/07.

### 2. Who may exercise the right to protection under the provisions of the Law on protection of the civilian victims of war in the Republika Srpska?

- This issue is regulated by Article 1 of the Law, which stipulates that the rights established by this law may be exercised by:
  1. citizens of the Republika Srpska who have suffered body damage after 9 January 1992;
  2. persons who have, as citizens of the former SFRY, suffered body damage in the period from 18 August 1990 to 9 January 1992, provided they obtain the citizenship of the Republika Srpska and have registered permanent residence in the territory of the Republika Srpska.
- Article 1 of this Law provides, e.g. for all persons who suffered damage to their body during the war in Croatia, and have a permanent residence in the Republika Srpska and the RS citizenship, to be eligible to exercise the rights and entitlements established under this Law.

### 3. What is the significance of the amendments and supplements to the Law on protection of the civilian victims of war adopted by the RS National Assembly in June 2007?

- The Law on amendments and supplements of the Law on protection of the civilian victims of war, published in the Official Gazette of the RS, no. 60/07 of 11 July 2007, has changed the provisions, due to which the exercising of entitlements by **civilian victims of war** was limited by a **fixed deadline**, which is why a certain number of civilian victims of war was unable to submit an application to exercise their entitlements.

### 4. Who is considered a civilian victim of war under the Law on protection of the civilian victims of war in RS?

- This issue is defined by Article 2 of the Law on protection of the civilian victims of war in RS which stipulates that the following are considered as civilian victims of war:
  1. persons who have suffered damage to their bodies through assault, rape, that is incarceration (prison, concentration camp, internment, forced labour) or who have suffered a wound, damage, injury, by the enemy while in flight, and which has caused at least 60% damage to the body, as well as the persons who were under the described circumstances murdered, killed, died, or went missing;
  2. persons who suffered at least 60% damage to their body as a result of wounds or injuries caused by war operations, such as: bombing, street fighting, stray bullets, mortar and cannon shells, and similar;

3. persons who have suffered at least 60% damage to the body as a result of getting wounded or injured by an explosion of left-over military munitions or as a result of an act of enemy diversion.

**5. Can family members of the civilian victim of war exercise the rights under the Law on protection of the civilian victims of war in RS?**

- According to Article 3 the Law on protection of the civilian victims of war in the RS, some rights and entitlements, under certain circumstances, may be exercised by family members of the civilian victim of war, more specifically:
  - **family members of the murdered, killed, deceased or missing person;**
  - **family members of the deceased person, who have been recognised as the civilian victim of war.**

**6. Who is considered a family member of the civilian victim of war under the provisions of the Law?**

- For the purpose of the Law on protection of the civilian victims of war, the following are considered as family members:
  - **spouse;**
  - **children (born in or outside of wedlock, adopted children or step-children);**
  - **parents.**

**II – Requirements to exercise entitlements as a civilian victim of war in the RS**

**7. What are the requirements to exercise entitlements as a civilian victim of war in case when damage to the body has resulted from assault, rape, incarceration (prison, concentration camp, internment, forced labour) or when the person in a refugees' camp has been inflicted a wound, damage, or injury by the enemy?**

- The basic requirement to exercise this entitlement is that the **person had suffered at least 60% damage to the body** or that the person **has been murdered, killed or gone missing under the circumstances stipulated under the Law.**

**8. What does the civilian victim of war need to enclose as proof of evidence of the damage to the body incurred during the war?**

- To exercise the entitlement to personal disability allowance, the party needs to submit evidence to his/her favour, at his/her disposal, that is the party is obliged to suggest presentation of evidence to the competent authority, unless he/she possesses it him/her self.
- In cases of a person who has suffered a damage to the body, such a person is required to present medical records which corroborate the damage to the body, primarily including documentation pertaining to the medical treatment dated one year at the latest from the day when the damage was incurred, i.e. from the day of cessation of circumstances under which the damage was incurred.

### III - Entitlements of a civilian victim of war

#### 9. What are entitlements of the civilian victims of war under the Law?

- The Law provides for the following entitlements for the civilian victims of war:
  - civilian disability allowance, that is family disability allowance;
  - supplement for care and assistance by another person;
  - supplement for a family member incapable of earning a livelihood;
  - additional financial support;
  - supplement for single parents;
  - health care;
  - professional rehabilitation.

#### 10. Who is entitled to the civilian disability allowance?

- Civilian victims of war are entitled to the **civilian disability allowance** provided they have suffered damage to the body at 60% to 100%.

#### 11. What is the monthly allowance for the civilian disability allowance?

- The monthly amount for the civilian disability allowance is estimated according to the starting amount and the degree of body damage suffered and is as follows:
  - I group – 100% damage to the body for the persons who require care and support of another person for basic living needs – 100% allowance.....351.00 KM;
  - II group – 100% damage to the body for the persons who do not require care and support of another person for basic living needs -

- 70% of the civilian disability allowance of I group.....245.70 KM;
- III group – 90% damage to the body - 50% of the civilian disability allowance of I group.....175.50 KM;
- IV group – 80% damage to the body - 40% of the civilian disability allowance of I group.....140.40 KM;
- V group – 70% damage to the body - 35% of the civilian disability allowance of I group.....122.85 KM;
- VI group – 60% damage to the body - 30% of the civilian disability allowance of I group.....102.30 KM.

- The starting amount for determining the monthly civilian disability allowance is 351.00 KM and is aligned at the beginning of each year with the retail prices fluctuation index in the past year and the amount of available funds in the RS budget allocated for these purposes. Decision on aligning the starting amount is passed by the RS Government.

#### 12. Who determines the degree of damages incurred on the body?

- Findings and opinion on the degree of the damage suffered by the body is provided by a medical committee competent for the examination of war invalids, appointed for a specific region, in line with the procedure and the manner set forth for the category of war invalids.

### **Entitlements to family disability allowance**

**13. What is the amount of a family disability allowance for the family members of the civilian war victim who has been murdered, killed, has deceased or has gone missing?**

- Family members of the civilian war victim who has been murdered, killed, has deceased or has gone missing are entitled to a family disability allowance in the amount of 40% of the civilian disability allowance of I group, which in practical terms means the family disability allowance amounts to 140.40 KM.  
The total amount of the allowance is divided into equal parts among the family members who have successfully applied for the entitlements.

**14. In which way is regulated the right to the family disability allowance for the family members of the deceased person who have gained the civilian victim of war status?**

- Family members of the deceased person who have gained the civilian victim of war status can exercise entitlements to the family disability allowance in the amount of 20% of the amount of civilian disability allowance of I group. As the starting amount for calculation is 351.00 KM, thus 20% of this is 72.00 KM.

**15. In which way is regulated the right to the family disability allowance in cases when the entitlements are recognised for the immediate family and parents of the civilian victim of war?**

- Article 10, Paragraph 8, stipulates that if the entitlement to the family disability allowance is shared between the **immediate family members (spouse with or without children) and parents,**

the entitlement is recognised in a special decision in **the amount of 50% of the allowance amount each**, exercised by the family members of the civilian victim of war who has been murdered, killed, deceased or gone missing. This means that the allowance for the immediate family members and parents amounts to 140.40 KM and is regulated by a special decision in the amount of 50% each, amounting to 70.20 KM, with this amount being divided into equal parts according to the number of members in the immediate household.

**16. In which way is regulated the right to family disability allowance for the immediate family and parents of the civilian victim of war who had such status recognised before the war in BiH?**

- Civilian victims of war and other persons eligible for entitlements under the Law on protection of civil victims of war (The Official Gazette of SR BiH 34/84, 41/87, and 41/89), may exercise such entitlements in the scope and under the conditions set forth in the Law on protection of civilian victims of war (The Official Gazette of the RS, number 25/93, 1/94 – special issue, 32/94, 37/07 and 60/07).

### **Entitlements to aid and assistance by another person**

**17. Who is entitled to the allowance for aid and assistance by another person and how to exercise such entitlements?**

- The civilian victim of war, group I, assessed to suffer from 100% damage to the body and is deemed to require aid and assistance by another person, is entitled to the allowance for aid and assistance by another person.
- Allowance for aid and assistance by another person is estimated on a monthly basis at 80 % of the

civilian victim of war disability allowance group I, which totals 280,80 KM.

**Allowance for family members incapable of earning a livelihood**

**18. Who is entitled to allowance for family members incapable of earning a livelihood?**

- Civilian victims of war, as beneficiaries of the allowance, are entitled to this allowance for a family member who is incapable of earning a livelihood and who shares the household with the civilian victim of war.

**19. How is the monthly allowance for a family member incapable of earning a livelihood calculated?**

- The monthly allowance for a family member incapable of earning a livelihood is calculated monthly, at 50% of the amount of the civilian disability allowance.

**20. Who is deemed to be incapable of earning a livelihood under the Law on protection of civilian victims of war?**

- Under the Law on protection of civilian victims of war, the following are deemed to be incapable of earning a livelihood:
  - a person whose incapacity to work is equal to a full incapacity as regulated under disability welfare;
  - a child up to 15 years of age, or, if he or she is in full time education, until the completion of full-time high school education, or if he or she is incapable of earning a livelihood under the point above, provided that the said incapacity started before the age of 15;

- a woman over the age of 60, or younger, provided she has a child under the age of 7, or an older child incapable of earning a livelihood, or several children under the age of 15 with whom she shares the household;
- men above 65 years of age.

**21. What is deemed to be a household under the Law on protection of civilian victims of war?**

- A household, for the purposes of the Law on protection of civilian victims of war, is any family unit of individuals, who contribute to and spend joint income of all family members.

**Additional allowances**

**22. Who is entitled to additional allowances?**

- Civilian victims of war, groups I to V, are entitled to additional allowance, regardless of their capability of earning a livelihood, as well as civilian victims of war group VI, and family members of a civilian victim of war, who are incapable of earning a livelihood, provided they meet the following:
  - they are unemployed;
  - they are not involved in private enterprise;
  - they are not pension holders;
  - a part of total household income allocated to a single family member is not above 10% of the average monthly salary in the Republika Srpska for a month for which the allowance is paid.

**23. What is deemed to be a total household income under the Law on protection of civilian victims of war?**

- Total household income comprises:
  - the income of a family member for the previous month;
  - pension for the previous month;
  - salary from private enterprise, paid for the previous month.

**24. What is not included in the total household income?**

- Total household income does not include the disability allowance and orthopaedic supports allowance under the regulations on military disability allowance, allowance for aid and assistance by another person, as well as children allowance.

**25. How is additional allowance calculated?**

- Additional allowance is calculated monthly, at 20% of the civil disability allowance.

**26. Who is eligible for the single parent allowance?**

- The additional allowance beneficiary who is a single parent is also eligible for the single parent allowance, provided he or she does not have pension, and no family members of relatives obliged under the law to supporting him or her, or in case he or she has them, that they are not able to support him or her. (Article 20 of the Law).

**27. How is the single parent allowance calculated?**

- Single parent allowance is at 50% of the amount of the additional allowance, and this allowance may solely be enjoyed by a civilian victim of war, who is also entitled to additional allowance.

Using the example of civilian disability allowance group I, the calculations would work out as follows:

| Disability allowance group I | Additional allowance      | Single parent allowance  |
|------------------------------|---------------------------|--------------------------|
| 351.00KM                     | 20% of 351.00KM = 70.20KM | 50% of 70.20KM = 35.10KM |

**28. How is the entitlement to health care benefits for civilian victims of war regulated?**

- Beneficiaries' healthcare is regulated by the Law on health care and is provided for the following categories:
  - civilian victims of war;
  - family members of civilian victims of war incapable of earning a livelihood;
  - family members of civilian victims of war – the entitled beneficiaries and other family members of civilian victims of war entitled to family allowance on grounds of incapability to earn livelihood.

**29. Who should be contacted for applications for health care benefits?**

- Municipal authorities in charge of care for war veterans and the disabled may issue a decision on entitlements to health care benefits covered from the

health care budget for the territory in which the beneficiary has permanent residence, in the manner proscribed by the budget guidelines.

**30. How to access benefits for professional retraining?**

- These benefits are accessed under the regulation on disability welfare.

**31. Which budget line covers the benefits set forth in the Law on rights of civilian victims of war?**

- Funds for benefits regulated by this Law come from the Republika Srpska budget. Allowances are paid from the planned budgetary funds for the current fiscal year.
- If the planned budgetary funds for the current fiscal year are lower than the funds needed for allowance payments regulated by Law, the amount of the planned funds is divided by the required amount in order to reach a payment quotient. The quotient cannot be lower than 0,85%.
- A decision on quotient calculation is passed by the Government of the Republika Srpska and current quotient is 1.

**IV - Procedure for exercising entitlements**

**32. Who decides on applications for entitlements and benefits set forth in the Law on protection of civilian victims of war?**

- Applications for entitlements and benefits set forth in the Law are decided by administrative municipal authorities in the region in which the applicant has permanent or temporary residence.
- All appeals against decisions by a first-instance body are decided by the Ministry of Work and the welfare of war veterans and the disabled of the Republika Srpska.

**33. Who collects the required documents for applications for entitlements under this Law?**

- Municipal authorities collect ex officio all documents as proof of evidence that may support the application and that are relevant to decisions on applications or to an administrative decision. The collecting of documents ex officio pertains only to cases wherein the municipal authorities are in charge of issuing a decision. For instance, these documents may include: birth certificate, marriage certificate, or any other document issued by the competent municipal authority (Article 26 of the Law).

**34. Which procedure is established when determining beneficiaries' entitlements?**

- Provisions of the Law on general administrative procedure are applied when determining the entitlements under the Law. (The Official Gazette, number 13/02).

## V - Deadlines for exercising entitlements

### 35. What is the deadline for applications for entitlements and benefits as civilian victims of war?

- The Law on civilian victims of war, adopted on 30 December 1993, Article 37, sets forth that the application for entitlements may be filed within 5 years from the day of entry into force of the Law, namely from the day when a person suffered damages to the body, died, was killed or went missing under the circumstances determined in line with the Law.
- The amendments and supplements to the Law on protection of civilian victims of war of 11 July 2007 set forth that applications for entitlements on grounds of damages to the body may be filed within five years from the day when such damages were incurred, i.e. from the day when circumstances under which such damages were incurred ceased.
- The application for entitlement on grounds of murder or natural death may be filed within 5 years from the day of murder or death.
- Applications for entitlement on grounds of a missing person may be filed within 5 years when such a person went missing, i.e. from the day when circumstances ceased under which such a person went missing or within one year from the day of exhumation and identification of the remains of the missing person.
- If a person considers him or herself eligible for entitlements as a civilian victim of war, under the Law on protection of civilian victims of war of the RS, **and has not yet submitted the application, may**

do so by 31 December 2007. It is paramount to meet the deadline.

### 36. Are there any legal restrictions when applying for entitlements as a civilian victim of war in the RS?

- Article 36.a. of the Law limits the eligibility for persons who already exercise entitlements as civilian victims of war or as family members of a civilian victim of war under the regulations of the Federation of BiH or of any other neighbouring state. **Such a person is not eligible for entitlements under this Law.**

## **VI - Required documents**

- The Law does not precisely define the required documents, but according to eligibility requirements in the Law, potential applicants are encouraged to attach to their application the following documents:

### **Civilian victims of war**

- a stamped copy of CIPS ID;
- proof of permanent residence;
- household list;
- medical records;
- other relevant documents serving as proof of circumstances of disappearance of persons or damages incurred to the body (assault, rape, incarceration, imprisonment, concentration camp imprisonment, forced labour, or injuries incurred when in flight as a refugee, when damages to the body are at 60% due to wounding caused by military operations and devices, such as: bombarding, street combat, stray bullets, mortar shells, as well as when damages to the body are at 60% due to injuries incurred as a result of unexploded military munitions or enemy acts of diversion) or other relevant evidence on such circumstances;
- proof that in the joint household live family members incapable of earning a livelihood together with a civilian victims of war:
  - birth certificate for women/members of family household above the age of 60 and for men above the age of 65;
  - in case of children below 15 - birth certificate; for children over 15 in full

time education, a letter from school certifying bona fide status of a student.;

- in case of a person incapable of earning a livelihood - a welfare office certificate;
- proof of evidence that the applicant - a civilian victim of war or his or her family member - under the laws of the Republika Srpska does not exercise entitlements as a civilian victim of war under the laws of the Federation of BiH, or some other neighbouring states.

**Member of an immediate family and parents of a civilian victim of war**

- a stamped copy of CIPS ID;
- proof of permanent residence;
- household list;
- proof of evidence, if possible material proof, that the civilian victim of war dies, was killed, or went missing during the war under circumstances described in Article 2 of the Law. In case of a missing person, valid proof of evidence may include the following:
  - proof of submission of ICRC Tracing Request;
  - identification certificate;
  - certificate by the Federal Commission for the Missing Persons and the RS Office for the missing and incarcerated persons that the person is listed in their registers;
  - death certificate or similar;
  - in cases when the applicant cannot provide material evidence, other pieces of evidence may be submitted, such as witness statements or similar;
- proof that family disability allowance beneficiaries are incapable of earning a livelihood:
  - birth certificate for women/members of family household above the age of 60 and for men above the age of 65;
  - in case of children below 15 - birth certificate; for children over 15 in full time education, a letter from school certifying bona fide status of a student;
  - in case of a person incapable of earning a livelihood - a welfare office certificate;
- proof of evidence that the applicant - a civilian victim of war or his or her family member - under the laws of the Republika Srpska does not exercise entitlements as a civilian victim of war under the laws of the Federation of BiH, or some other neighbouring states.