

## Law No.03/L –180

# ON THE USE AND PROTECTION OF THE EMBLEM OF THE RED CROSS AND OTHER DISTINCTIVE EMBLEMS AND SIGNALS

Assembly of Republic of Kosovo,

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

Approves

## LAW ON THE USE AND PROTECTION OF THE EMBLEM OF THE RED CROSS AND OTHER DISTINCTIVE EMBLEMS AND SIGNALS

### Article 1 Purpose of the Law

This law regulates the use and protection of the emblem of the Red Cross, Red Crescent and red crystal, the designations of Red Cross, Red Crescent and red crystal as well as the distinctive signals for identifying medical and transport units during the time of armed conflict and in peace.

### Article 2 Definitions

1. The terms used in this law have the following meaning:
  - 1.1. **Emblem used as a protective device** - in time of armed conflict, the emblem used as a protective device is the visible sign of the protection conferred by the Geneva Conventions and their Additional Protocols on medical personnel, buildings and medical units and transports. The dimensions of the emblem shall therefore be as large as possible.
  - 1.2. **Emblem used as an indicative device** - the emblem used as an indicative device shows that a person or an object is linked to an institution of the International Movement of the Red Cross and Red Crescent. The emblem shall be of a small size.
  - 1.3. **Societies** - auxiliary mechanisms to the public authorities of its own country in the humanitarian field and provides a range of services including disaster relief, health and social programs.

### Article 3 Protective use of the emblem by the medical service of the armed forces

1. Under the control of the Ministry for Kosovo Security Force and the Ministry of Health, the medical service of the armed forces of Republic of Kosovo shall, both in peacetime and in time of armed conflict, use the emblem of the red cross to mark its facilities, medical personnel, medical units and transports on the ground, water and in the air.

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2. Medical personnel shall wear armlets and carry identity cards displaying the emblem which shall be issued by the Ministry for Kosovo Security Force.
3. Religious personnel attached to the armed forces shall be afforded the same protection as medical personnel and shall be identified in the same way.
4. The medical services and religious personnel attached to the armed forces may, without prejudice to their current emblem, make temporary use of either of the other distinctive emblems recognized by, and enjoying equal status under, the Geneva Conventions and their Additional Protocols.

**Article 4****Protective use of the emblem by hospitals and other civilian medical units**

1. With the express authorization of the Ministry of Health and under its control, civilian medical personnel, hospitals and other civilian medical units, as well as civilian medical transports, assigned in particular to the transport and treatment of the wounded, sick and shipwrecked, shall be marked by the emblem, used as a protective device, in time of armed conflict.
2. Civilian medical personnel shall wear armlets and carry identity cards displaying the emblem which shall be issued by the Ministry of Health.
3. Civilian religious personnel attached to hospitals and other medical units shall be identified in the same way.

**Article 5****Protective use of the emblem by the Red Cross of Kosovo**

1. The Red Cross of Kosovo is authorized by the Ministry of Health to place medical personnel and medical units and transports at the disposal of the medical service of the armed forces.
2. Such medical personnel, units and transports shall be subject to military laws and regulations and may be authorized by the Ministry for Kosovo Security Force to display as a protective device the emblem of the red cross or to make temporary use of either of the other distinctive emblems recognized by, and enjoying equal status, under the Geneva Conventions and their Additional Protocols.
3. The Red Cross of Kosovo may be authorized to use the emblem as a protective device for its medical personnel and medical units in accordance with Article 4, paragraph 1 and 2 of this law.

**Article 6****Indicative use of the emblem by the Red Cross of Kosovo**

1. In accordance with the law in force, the Red Cross of Kosovo shall use the emblem as an indicative device in order to show that a person or an object is linked to the Red Cross of Kosovo.
2. The Red Cross of Kosovo shall apply the Regulations on the Use of the Emblem of the Red Cross or the Red Crescent by the National Societies as revised in 1991.
3. National Societies of other countries present on the territory of the Republic of Kosovo shall, with the consent of the Red Cross of Kosovo, be entitled to use the emblem under the same conditions.

#### **Article 7**

##### **Use of the emblem by the International Red Cross and Red Crescent organizations**

1. The International Committee of the Red Cross and the International Federation of Red Cross and Red Crescent Societies may make use of the emblems of the Red Cross and Red Crescent at any time and for all their activities.
2. The International Committee of the Red Cross and the International Federation of Red Cross and Red Crescent Societies, and their duly authorized personnel, may make use of the red crystal in exceptional circumstances.

#### **Article 8**

##### **Surveillance provisions**

1. The authorities of the Republic of Kosovo shall at all times ensure strict compliance with the rules governing the use of the emblem of the red cross, the red crescent and the red crystal, the names "Red Cross," "Red Crescent" and "Red Crystal", and the distinctive signals.
2. The authorities of the Republic of Kosovo shall take every appropriate step to prevent misuse, in particular:
  - 2.1. by disseminating the rules for the use of the Red Cross emblem as widely as possible among the armed forces, the police forces, the authorities and the civilian population;
  - 2.2. by issuing instructions to national civilian and military authorities on the use of the distinctive emblem in accordance with the Geneva Conventions and their Additional Protocols and by providing for the necessary penal, administrative and disciplinary sanctions in cases of misuse.

#### **Article 9**

##### **Misuse of the emblem as a protective device in time of armed conflict**

1. Anyone who has wilfully committed or given the order to commit acts resulting in the death of, or causing serious harm to the body or health of, an adversary by making perfidious use of the red cross, the red crescent, red crystal or a distinctive signal, has committed a war crime and shall be punished according to the national legislation.
2. Anyone who in time of armed conflict has used wilfully and without entitlement the Red Cross, the Red Crescent, or the red crystal, or a distinctive signal, or any other sign or signal which constitutes an imitation thereof or which might lead to confusion, shall be punished according to the national legislation.

#### **Article 10**

##### **Misuse of the emblem as an indicative device in peacetime and in time of armed conflict**

1. Anyone who, wilfully and without entitlement, has made use of the emblem, the words Red Cross, Red Crescent or Red Crystal, a distinctive signal or any other sign, designation or signal which constitutes an imitation thereof or which might lead to confusion, irrespective of the aim of such use; anyone who, in particular, has displayed the said emblem or words on signs, posters, announcements, leaflets or commercial documents, or has affixed them to goods or packaging, or has sold, offered for sale or placed in circulation goods thus marked; shall be punished according to the national legislation or fined with a payment of one thousand (1000) to five thousand (5000) Euros.

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2. If the offence is committed in the management of a corporate body (commercial firm, association, etc.), the punishment shall apply to the persons who committed the offence or ordered the offence to be committed.

**Article 11**

**Misuse during registration of businesses**

The registration of associations and trade names, factories, companies and industrial models and designs making use of the emblem or the designation Red Cross, Red Crescent or Red Crystal without authorisation, is a violation of the present law and shall be refused.

**Article 12**

**Role of the Red Cross of Kosovo regarding the misuse of the emblem**

The Red Cross of Kosovo shall cooperate with the authorities in their efforts to prevent and repress any misuse. It informs competent authorities of such misuse and participates in the relevant criminal, civil or administrative proceedings.

**Article 13**

**Interim provisions**

The authorities of the Republic of Kosovo shall order the seizure of objects and material marked in violation of this law, demand the removal of the emblem and of the words Red Cross, Red Crescent or Red Crystal at the cost of the instigator of the offence, and order the destruction of the instruments used for their reproduction.

**Article 14**

**Application of this law**

The Ministry of Health and the Ministry of Kosovo Security Force shall oversee the application of this law and shall issue the sub-legal acts.

**Article 15**

**Entry into force**

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

**Law No.03/L –180**

**10 June 2010**

**Promulgated by the Decree No. DL-026-2010, dated 02.07.2010, of the President of Republic of Kosova,  
Dr. Fatmir Sejdiu**