

LAW NO. 06/L-123

ON KOSOVO SECURITY FORCE

The Assembly of the Republic of Kosovo,

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

Approves:

LAW ON KOSOVO SECURITY FORCE

**Article 1
Purpose**

This law defines competences, organization and functioning of the Kosovo Security Force.

**Article 2
Scope**

This law applies to the Kosovo Security Force, including Active Members, Reserve, Cadets, Recruits and its Civilian Personnel.

**Article 3
Definitions**

1. To implement this law, expressions and terms used in this law shall have the following meanings:

- 1.1. **KSF** – Kosovo Security Force;
- 1.2. **Assembly** – Assembly of the Republic of Kosovo;
- 1.3. **Constitution** – Constitution of the Republic of Kosovo;
- 1.4. **President** – President of the Republic of Kosovo;
- 1.5. **Government** – Government of the Republic of Kosovo;
- 1.6. **Prime Minister** – Prime Minister of the Republic of Kosovo;
- 1.7. **Minister** – Minister of Defense;
- 1.8. **Ministry/MoD** - Ministry of Defense;
- 1.9. **COMKSF**– Commander of the Kosovo Security Force;
- 1.10. **Personnel of the KSF** – includes active, reserve members, as well as the civilian personnel of the KSF;
- 1.11. **KSF Member** – is a citizen of the Republic of Kosovo who serves in the Kosovo Security Force, under military oath and wears uniform with respective symbols;

1.12. **Active Member of the KSF** – is a citizen of the Republic of Kosovo whose primary job is in the KSF Active Component, as an Officer, Non-Commissioned Officer or a Private;

1.13. **Reserve Member of KSF** – is a citizen of the Republic of Kosovo whose secondary job is to serve to the KSF Reserve Component as an Officer, Non-Commissioned Officer or a Reserved Private. While being engaged to the service, the Reserve Member is the KSF Active Member;

1.14. **Civilian Personnel in the KSF** - are civilian employees who serve in the KSF in accordance with the Law on Labour or the Law on Civil Service;

1.15. **Use of the Force** - includes but is not limited only to the use of specific types of firearms, weapon systems, equipment and tools available, without excluding the use of physical force;

1.16. **General Headquarters** – constitutes the highest level of the organizational structure in the Security Force and is led by the Commander of the KSF;

1.17. **Task Force** – a temporary structure formed for the purpose of carrying out a specific task;

1.18. **The concept of NCOs of the KSF** –the basic document that determines the development of the NCOs in the KSF.

Article 4 Competences and Duties

1. The Kosovo Security Force shall defend the sovereignty and territorial integrity, citizens, property and interests of the Republic of Kosovo.

2. The Kosovo Security Force is a multi-ethnic, professional, armed and authorized military force to serve in the country and abroad, in accordance with given constitutional and legal competences.

3. General duties of Kosovo Security Force are:

3.1. to defend sovereignty and territorial integrity of the Republic of Kosovo;

3.2. to provide military support to civilian authorities;

3.3. participation in international operations.

Article 5 Principles of KSF

1. The Kosovo Security Force reflects the ethnic diversity of the people of the Republic of Kosovo and is recruited by the citizens of the Republic of Kosovo.

2. The Kosovo Security Force is based on the following principles:

2.1. a force concentrated on country's defense;

2.2. a model force of voluntary commitment to the country;

2.3. a force that is subject to democratic civil control;

- 2.4. a force that responds to democratically elected officials;
- 2.5. voluntary force;
- 2.6. professional force;
- 2.7. comprehensive and multiethnic force;
- 2.8. force built according to interoperable standards with NATO.

Article 6 **Political impartiality**

1. The Kosovo Security Force is impartial and cannot be used for political party activities.
2. The Kosovo Security Force Members due to their duty or service cannot be:
 - 2.1. member of political parties, organizations or association of political character;
 - 2.2. part of political activities organized by them, nor express signs of support for any of them, and
 - 2.3. part of strike.
3. This Article does not deny the realization of the right of the Kosovo Security Force members to vote.

Article 7 **Armament**

The KSF will be equipped with armament and armament systems, in accordance with the KSF needs for accomplishment of its competences and duties.

Article 8 **Applicable Law**

1. All Kosovo Security Force Members are subject to the applicable laws in Kosovo.
2. The Kosovo Security Force Members exercise their powers and perform their duties in a lawful manner, based on the Constitution, this Law and legislation in force as well as the Code of Conduct and Disciplinary Code.
3. During the service outside the territorial borders of the Republic of Kosovo, the Kosovo Security Force members shall be subject to the laws of the Republic of Kosovo and international agreements.

Article 9 **The Symbols**

1. The Kosovo Security Force symbols are: flag, anthem, the KSF ensign and emblems of the KSF Units.
2. The flag and anthem of Republic of Kosovo are the flag and anthem of the Kosovo Security Force as well.
3. The flag of the Republic of Kosovo, the KSF ensign and emblem of the respective KSF Unit shall be worn by all the Kosovo Security Force Members.

- 4 Commander of the KSF, via Minister, shall propose the size and appearance of the ensign, the emblems of the units and the appearance of the ranks of KSF for approval by President.
5. The General Headquarters of the KSF and the KSF Units uses distinctive flags with their respective emblems.
6. Members of the KSF, during international operations, shall carry also emblems authorized by international organizations.
7. No one has the right to use the ensign of the KSF and the emblems of its units without written authorization of the Minister.
8. The appearance, size and use of symbols and ranks of the KSF shall be defined by specific sub-legal act issued by the Minister.
9. The Day of Kosovo Security Force is November 27th.

Article 10 **The Use of Force**

1. The Kosovo Security Force is authorized to use the Force, firearms, tools and equipment that has in use in order to fulfill the given constitutional and legal powers and duties.
2. KSF member in peace time can use force including deadly force only:
 - 2.1. to protect themselves, the life of its own forces and the friendly forces;
 - 2.2. to prevent attacks on persons, objects, tools and other equipment;
 - 2.3. to prevent a direct attack that endangers his/her life or that poses a threat to the institution and state of the Republic of Kosovo.
3. The use of force, including deadly force, includes the use of all weapons, weapon systems and means of compulsory banning of transport and other means in use and available by the KSF. The principle of proportionality of the use of force is constantly applied in relation to the force used by the KSF.
4. Use of force, including deadly force, is allowed if danger can not be avoided by other means. The used force must be in proportion to the risk and in accordance with the legal system of the Republic of Kosovo or international legislation.
5. The KSF member who performs the physical security service may use force only under the command and under the direct supervision of their superior, except in the case of an attack or extreme force.
6. In abroad missions, the use of force is done according to the rules of engagement approved by the Assembly of Kosovo, pursuant to the certain mission assigned in accordance with internal and international legislation.

Article 11 **Mobilization**

1. The mobilization of Kosovo Security Force shall be made at peace time and in cases of declaration of the state of emergency.
2. Mobilization at peace time shall be made by order of the Commander of the Kosovo Security Force according to planning and operational requests.

3. In case of declaring the state of emergency, the KSF mobilization shall be made by President's order.

4. In state of emergency and in special situations, the Kosovo Security Force has the authority to use state and private assets for fulfillment of its constitutional and legal powers and duties.

Article 12

Reserves for Operational Sustainability

1. The Kosovo Security Force will have reserves for operational sustainability.
2. Determination and use of reserves for operational sustainability shall be made according to the special sub-legal act issued by the Minister.

Article 13

Standardization

1. Standardization in the Kosovo Security Force shall be made in three areas: administrative, operational and material.
2. Determination of standardization under paragraph 1. of this Article shall be made by a special sub-legal act issued by the Minister.

Article 14

Civil democratic control and oversight

1. The Kosovo Security Force shall be subject to civilian democratic control, rule of law and international obligations.
2. Assembly of the Republic of Kosovo, President of the Republic of Kosovo, Prime Minister of the Republic of Kosovo and Minister of Defense of the Republic of Kosovo comprise the chain of civilian control and democratic oversight of the KSF, as stipulated by Constitution, this law and by other respective laws.

Article 15

The Assembly

1. Assembly of the Republic of Kosovo, has a competence to:
 - 1.1. exercise parliamentary democratic control over the Kosovo Security Force;
 - 1.2. oversee and investigate all matters related to the organization, financing, personnel, equipment and deployment of the Kosovo Security Force to operations overseas;
 - 1.3. adopt the annual budget and the long-term ten (10) year plan of the Kosovo Security Force;
 - 1.4. approve the deployment of the Kosovo Security Force in international operations;
 - 1.5. approve specific financial programs for support of the Kosovo Security Force, as proposed by the Government;
 - 1.6. to approve rules of engagement for deployment of the KSF in international operations.

2. Within the Assembly functions the respective Parliamentary Committee on defense and security matters as an independent oversight body with competencies to:

2.1. if necessary, request a report from the Minister and Commander of the Kosovo Security Force. The same report shall be sent to the President and to the Prime Minister;

2.2. due to the needs ask for a presence of the Minister and Commander of the Kosovo Security Force in their meetings and to answer questions of the Commission;

2.3. review the draft budget of the Kosovo Security Force prior to its submission to the Assembly of Kosovo for approval;

2.4. if necessary, require a rapport for all donations of the KSF received from bilateral partners.

Article 16 **The President**

1. President is a Supreme Commander of the Kosovo Security Force.

2. In cases of the state of emergency, the President has competence to order mobilization of the Kosovo Security Force.

3. In accordance with the Constitution and other respective laws, the President has the competence to:

3.1. appoint, promote, dismiss and discharge the Kosovo Security Force Commander, after recommendation by the Prime Minister;

3.2. make promotions, appointments, changes, dismissals and discharges from duty into the rank of General according to the joint recommendation of the Commander of the KSF and the Minister;

3.3. approve the appearance of the KSF ensign, the appearance of unit's emblems, ranks and uniforms of the KSF;

3.4. confer decorations, medals and gratitude.

4. Pursuant to paragraph 3., sub-paragraph 3.1.; 3.2. and 3.3., the President shall decide within thirty (30) calendar days from the day of submitting the proposals.

Article 17 **The Prime Minister**

1. The Prime Minister shall have the competence to:

1.1. oversee and exercise control over the Kosovo Security Force;

1.2. on the proposal of the Minister, shall recommend to the President, appointment, promotion, dismissal and discharge of the KSF Commander;

1.3. to determine and modify the structure of the KSF, according to the strategic review of the security sector, in consultation with the President and subject to confirmation by the Assembly;

1.4. to determine the minimum representation of all communities within the Kosovo Security Force, according to the latest population registration.

Article 18

The Government

1. The Government of the Republic of Kosovo shall have the competence:
 - 1.1. to propose specific financial programs to support the Kosovo Security Force, according to the joint recommendation of the Minister and COMKSF;
 - 1.2. to initiate and endorse the Strategic Defense Review based on the change of the internal and external security environment and joint recommendations of the Minister of Defense and COMKSF;
 - 1.3. to adopt the Defense Strategy according to the recommendations of the Minister of Defense;
 - 1.4. to approve the plan of emplacement of the Kosovo Security Force in peacetime according to the joint proposal of the Minister and COMFSK.

Article 19

Security Council

1. Security Council, in cooperation with the President and the Government, shall prepare the security strategy for the Republic of Kosovo. The Council has advisory role in all matters related to the security.
2. While making revision of the security issues the Kosovo Security Council may require support of the KSF personnel, as needed. The cooperation between the Security Force and the Security Council, shall be conducted in accordance with the provisions of the respective Law on the Security Council.

Article 20

Minister of Defense

1. The Minister is the highest authority of the political leadership of the Ministry and exercises democratic civilian control and oversight and general administration over the KSF.
2. The competencies of the Minister shall be defined in the relevant law of the Ministry of Defense and other applicable legislation.

Article 21

The Commander of Kosovo Security Force

1. Commander of the KSF is the highest military authority in the rank and duty. The highest rank of the Commander of the KSF may be the rank of General Lieutenant.
2. Minister, shall propose to the Prime Minister a candidate, to be appointed Commander of the KSF by the President. The candidate for Commander of the KSF should have held the rank of Major General for at least twelve (12) months.
3. Commander of the Kosovo Security Force takes oath in front of the President.
4. The Kosovo Security Force Commander shall respond to the Minister in times of peace.
- 5 The Commander of the KSF shall exercise full command over the Kosovo Security Force and to its reserve component and is responsible for:

- 5.1. the direction, training, oversight and activities of the Kosovo Security Force;
 - 5.2. submitting an annual report to the appropriate Parliamentary Committee and answering Committee's questions personally as and when it may be required;
 - 5.3. overseeing and ensuring the execution of all lawful orders upon instruction by the Minister and the President;
 - 5.4. proposing to the Minister structure of the Kosovo Security Force;
 - 5.5. planning, preparation and management of funds of the Kosovo Security Force;
 - 5.6. issuing orders and approving documents related to the organization and functioning of the Kosovo Security Force;
 - 5.7. acting as Principal Advisor of the President, Prime Minister and Kosovo's Security Council to whom, he is a member himself, on issues related to the Kosovo Security Force;
 - 5.8. ensuring the operational readiness of the Kosovo Security Force and approving all the operational plans;
 - 5.9. recommending to the Minister promotion of personnel on all ranks of the Generals;
 - 5.10. representing Kosovo in defense and security matters at the international level;
 - 5.11. preparation of the operational plan for the state of emergency and send them for approval by the President.
6. The KSF commander is an authority for appointments, promotions and discharges of all ranks, according to the proposals of respective boards, except for the rank of Generals.
7. The KSF commander shall be appointed for five (5) years mandate, with the right to re-appointment. The mandate of the KSF commander shall begin on the day of completion of the mandate of the previous commander.
8. The mandate of the Kosovo Security Force Commander can end before the deadline of five (5) years in case of:
- 8.1. death
 - 8.2. resignation;
 - 8.3. discharge;
 - 8.4. health inability.
9. Discharge of the Kosovo Security Force Commander shall occur in case of constitutional violation or serious violation of Law while exercising the duty and conduction of acts and behaviors that seriously discredit the position and figure of the Commander of the KSF. Provisions for completion of the mandate and discharge mutatis mutandis are applied, also for the ranks of Generals.
10. The Commander of the KSF exercises, also, other responsibilities defined by the applicable legislation.

Article 22
The Status of the Kosovo Security Force

1. The KSF functions under the authority and supervision of the Minister and under command and control of the COMKSF.
2. The Kosovo Security Force is a legal entity.

Article 23
Organization and Structure of the Kosovo Security Force

1. The KSF operates throughout the territory of the Republic of Kosovo through a unified chain of command.
2. The KSF is comprised of Active Professional Personnel, Reserve, Cadets, Recruits and Civilian Personnel.
3. The KSF is comprised of an Active Component of not more than five thousand (5000) Members and a Reserve Component of not more than three thousand (3000) Members.
4. Notwithstanding paragraph 3. of this Article, the Kosovo Security Force may review the structure and number of its components, based on the strategic defense review.
5. The KSF is comprised of General Headquarters, Commands: Land Force Command; National Guard Command; Logistic Command and Doctrine and Training Command.
6. Within the Kosovo Security Force functions the Center for University Studies accredited by competent authorities of the Republic of Kosovo.
7. Internal functioning of the KSF includes the organizational chart of personnel and equipment determined by the KSF Commander in accordance with this Law.
8. The KSF commander, according to the needs and operational requirements, has the authority to create force on duty.
9. The KSF Reserve Component shall be regulated with special law.

Article 24
The General Headquarters of the Kosovo Security Force

1. The General Headquarters constitutes the highest military organizational structure in the Kosovo Security Force.
2. The General Headquarters, plans, coordinates and concert actions to provide forces ready for fulfillment of the constitutional and legal mission.
3. In state of emergency, the General Headquarters shall act as a Headquarter for the Supreme Commander.

Article 25 **Structure of Ranks**

1. All the Kosovo Security Force members hold ranks and are categorized as Officer, Non-Commissioned Officer and Private.
2. Ranks of officers in the Kosovo Security Force are:
 - 2.1. OF1* Second Lieutenant,
 - 2.2. OF1 Lieutenant,
 - 2.3. OF2 Captain,
 - 2.4. OF3 Major,
 - 2.5. OF4 Lieutenant Colonel,
 - 2.6. OF5 Colonel,
 - 2.7. OF6 Brigadier General,
 - 2.8. OF7 Major General, and
 - 2.9. OF8 Lieutenant General;
3. Ranks of privates and NCOs in the Kosovo Security Force are:
 - 3.1. OR2 Private,
 - 3.2. OR3 First Class Private,
 - 3.3. OR4 Corporal or Specialist,
 - 3.4. OR5 Sergeant,
 - 3.5. OR6 Staff Sergeant,
 - 3.6. OR7 Sergeant First Class,
 - 3.7. OR8 First Sergeant or Master Sergeant,
 - 3.8. .OR9 Sergeant Major, Command Sergeant Major or Sergeant Major of the KSF.
4. Recruits in the KSF are categorized as OR1 (recruit) until the oath period.
5. Completion of the new ranks provided for in paragraph 3. of this Article shall be completed according to the function and concept of the NCO in KSF.

Article 26 **Uniforms**

1. The Commander of the Kosovo Security Force shall propose the appearance of KSF uniforms, for approval by the President.

2. Wearing uniforms and personal appearance of the Kosovo Security Force members shall be determined by special sub-legal act issued by the Minister.

Article 27
Issuance of sub-legal acts

1. Sub-legal acts foreseen by this Law shall be issued within a period of at latest one (1) year from entry into force of this law.

2. Sub-legal acts that are in force shall continue to be enforced, until the new sub-legal acts are issued, provided that they are not in contradiction with this law.

Article 28
Transitional mandate of the KSF Commander

The mandate of the current KSF Commander shall end five (5) years after the entry into force of this Law.

Article 29
Transitional Provisions

All changes foreseen by this Law shall be carried out in accordance with the phases determined in recommendations of the strategic review of the security sector and detailed in the comprehensive transitional plan.

Article 30
Abrogation

1. By entry into force of this law, the following shall be abrogated:

1.1. Law no. 03/L-046 on the Kosovo Security Force (Official Gazette, no. 27/03 June 2008);

1.2. Law no. 03/L-108 on Amending the Law on Kosovo Security Force no. 03/L-046, dated 15.06.2008 (Official Gazette, no.42/25 November 2008);

1.3. Article 20 (Amendments and Supplements of the Law no. 03/L-046 on Kosovo Security Force) and the Law no. 04/L-115 on Amending and Supplementing the Laws related to the Ending of International Supervision of Independence of Kosovo (Official Gazette/ no. 25/07 2012).

Article 31
Entry into force

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

Law No. 06/L-123
14 December 2018

Promulgated by Decree No.DL-067-2018, dated 28.12.2018, President of the Republic of Kosovo Hashim Thaçi.