



Republika e Kosovës
Republika Kosova-Republic of Kosovo
Kuvendi - Skupština - Assembly

Law No. 03/L-082

ON SERVICE IN THE KOSOVO SECURITY FORCE

The Assembly of Republic of Kosovo,

Pursuant to Article 65(1) of the Constitution of the Republic of Kosovo and in view of Article 126 of the Constitution of the Republic of Kosovo;

For the purpose of establishing a modern legal framework for service in the Kosovo Security Force;

Hereby adopts:

LAW ON SERVICE IN THE KOSOVO SECURITY FORCE

CHAPTER I

GENERAL PROVISIONS

Article 1
Application of Law

1.1 This law shall regulate service in the KSF.

1.2 This law applies to all members of the Kosovo Security Force (KSF), including but not limited to its uniformed (active and reserve) component and recruits.

1.3 Civilian personnel are employees of the Ministry for the KSF and unless stated otherwise in this law or associated regulations, shall be bound by the provisions of laws and regulations pertaining to the Kosovo Civil Service.

1.4 The Ministry for the KSF is to issue direction to the KSF chain of command for the management and development of civilian personnel employed within KSF units.

1.5 The Minister of the KSF shall promulgate detailed rules and regulations dealing with Terms and Conditions of Service (TACOS) in the KSF. These TACOS are designed to enable the initial stand-up of the KSF and are to be reviewed and, if necessary, revised within one year of stand-up.

Article 2

General Principles

2.1 The KSF is to be a flexible force with no territorial affiliation. Personnel may be required to serve anywhere within the territory of the Republic of Kosovo and may be deployed abroad on operations in accordance with Article 2 of the Law on the Kosovo Security Force.

2.2 The KSF is to be a disciplined force, with a recognisable rank structure which will, *inter alia*, constitute the 'chain of command'. Subordinates will follow the direction of their superiors and the 'chain of command' will provide an effective framework for the delivery of orders and information. Categories of rank will include General Officer, Officer, Non Commissioned Officer (NCO) and Enlisted Personnel.

2.3 Recruits, including potential officers in training, have the same rights and obligations as active personnel unless stated otherwise in this law or TACOS promulgated pursuant to this law but may not be employed on operational or other tasks requiring specialist skills or knowledge.

2.4 The terms and conditions of service for personnel serving within the KSF reserve shall be the subject of a separate law and regulations promulgated under that law. Where practical, reserve personnel on active duty shall have the same rights and obligations as active personnel unless stated otherwise in that law, this law or associated TACOS.

Article 3

Individual Rights of KSF Personnel

Members of the KSF are to be accorded fair treatment, to be valued and respected as individuals, and to be sustained and rewarded by commensurate terms and conditions of service. In particular, they have the right to:

- a) fair and equal treatment irrespective of gender or ethnicity;
- b) the opportunity to have a full career and fully realize their potential through a merit based common appointment, promotion and development system;

c) the investigation of complaints and grievances by the chain of command fairly and without prejudice to current or future career prospects;

Article 4

Individual Responsibilities of KSF Personnel

4.1 Each member of the KSF is obliged to:

a) carry out all assigned tasks reasonably, , honestly, impartially and in accordance with the applicable laws of Kosovo and all KSF regulations;

b) give loyal service to the KSF and other institutions of the Kosovo Government irrespective of political views or affiliations;

c) execute all lawful orders of superiors;

d) protect all information, in whatever form, and equipment gained or provided in the course of his/her duties in accordance with rules prescribed in the laws and regulations governing the security of information and equipment;

e) wear the prescribed uniform and insignias of the KSF in accordance with the appropriate regulations;

f) act with integrity at all times and not abuse his/her official position or official information for personal gain or that of others. This includes using membership or rank within the KSF or KSF facilities for political purposes;

g) refrain from making public statements through the press or other forums relating to the KSF, its members or its activities without first obtaining formal consent through the chain of command;

h) on and off duty, treat members of the KSF and all others in accordance with the law and without discriminating or harassing, directly or indirectly on the basis of race, gender, language, religion, political or other opinion, national or social origin, relation to any community, property, economic, and social condition, sexual orientation, birth disability or other status;

i) avoid any activities that might constitute an actual or apparent conflict of interest between professional duties and their private, political or financial interests;

j) Not make financial gain (other than through salaries and allowances) from or by virtue of their employment in the KSF. Members of the KSF may not engage in secondary employment including private business. Without the approval of their Commanding Officer and only in accordance with the appropriate Regulation;

4.2 Failure to abide by these obligations may be dealt with according to the provisions of the Disciplinary Code or other applicable laws.

Article 5

Role of the International Military Presence in Initial Establishment, Development and Training of KSF

5.1 The International Military Presence shall have overall responsibility for the initial establishment, development and training of the KSF without prejudice to the responsibilities of the International Civilian Representative.

5.2 The IMP and the Government of Kosovo shall jointly develop a formal selection procedure for those individuals wishing to apply to join the KSF, which will include the requirement to undergo a vetting process to determine the suitability of applicants for service within the KSF.

5.3 Should former members of the KPC apply for and subsequently be accepted into service with the KSF, such individuals are to be accorded no special rights or privileges and shall not wear any insignia other than that approved for the KSF.

5.4 The initial appointment and rank of former KPC personnel within the KSF may take account of their former rank, appointments and experience within the KPC. The age criteria specified in Article 6 of this law may be waived for former KPC personnel. In all cases, however, such appointments must best serve the needs of the KSF.

CHAPTER II

TERMS OF SERVICE

Article 6

Decorations, Awards and Commendations

Meritorious service and acts of gallantry by KSF members are to be recognised by means of official decorations, awards and commendations. Details of the available awards as well as eligibility for receipt and wearing of them are to be set forth in a separate regulation by the Minister for the KSF.

Article 7

Uniforms and Insignia

A dress regulation shall be promulgated by the Minister for the KSF which will promulgate the uniforms that may be worn by KSF members. The Ministry will also produce a separate regulation dealing with KSF insignia.

Article 8

Service Parameters

8.1 The minimum age for service in the KSF is 18 years. The upper age for recruitment is 30 for officers and 25 for other ranks.

8.2 Notwithstanding the preceding paragraph, the upper age limits for recruitment may be exceeded only in order to recruit individuals with key specialist skills that are essential to enabling the KSF to fulfil its mandated mission.

8.3 Enlistment into the KSF will be as Officer Cadet or Recruit (other ranks) and on completion of training, individuals will be promoted into the lowest officer or recruit rank.

8.4 The only exceptions will be 'Professionally Qualified Personnel' employed in specific specialist roles (such as medics), who may be promoted into a rank commensurate with their professional qualifications and appointment. Such appointments must be approved by the Minister for the KSF.

8.5 Other ranks may apply to transfer into the officer corps in accordance with separate regulations governing commissioning from the ranks to be promulgated by the Minister for the KSF. Prior service in a non officer rank will count toward pension.

Article 9

Career Structure

9.1 Careers for all KSF personnel will be based on three stepped engagements based on age and length of service.

9.2 All ranks will initially enlist on a *Short Engagement*. Subject to the individual's wishes and/or the needs of the service they may then transfer to a *Full Engagement*. The Short and Full Engagements combined will constitute a normal career. Dependant on the interests and needs of the Service, individual officers and soldiers may be offered an additional 5 years service allowing them to complete a *Long Engagement*.

9.3 The Minister for the KSF shall promulgate a separate regulation on Career Structure in the KSF.

Article 10

Annual Appraisals

10.1 All KSF personnel up to and including Colonel are to receive an annual appraisal report. Those of the same rank are to have common reporting periods. The appraisal process shall be conducted in a transparent and fair manner and must consider the fundamental attributes expected of KSF personnel.

10.2 Such reports shall provide an objective evaluation of performance and assess potential for professional development, training courses, appointments, promotion and transition from one career engagement to the next.

10.3 At least two individuals shall be involved in the reporting process. Both must be senior in rank to the individual being reported on and within his/her chain of command.

10.4 Individuals will have the right of redress if they believe they have received an erroneous or unjust report, following clear guidelines and timelines to be established by the Ministry for the KSF. All reviews resulting from a redress are to be conducted outside the individual's immediate chain of command.

10.5 The Minister for the KSF shall promulgate a separate regulation on annual appraisals.

Article 11 Promotion

11.1 The procedures for the promotion of personnel within the KSF are to be set out in a separate regulation that shall be promulgated by the Minister for the KSF.

11.2 The selection procedures for promotion must be open and transparent and should ensure that only the most deserving personnel are promoted on the basis of past performance and future potential, tempered by seniority and in accordance with the needs of the KSF.

Article 12 Appointments

12.1 The KSF shall be a mobile and versatile force. Members of the KSF will be expected to serve in a variety of appointments at each rank throughout their career. An appointments policy that matches the requirements of the service to individual career development is to be issued by the Ministry for the KSF. The aim of this appointments policy is to:

- a) enhance and maintain the operational effectiveness of the KSF by ensuring posts are filled by correctly qualified, experienced individuals of the right quality and that units are appropriately manned to meet operational commitments;
- b) develop the depth of experience needed by officers, NCOs and soldiers in order to achieve appropriate career progression;
- c) meet the personal aspirations of officers and soldiers to gain experience in a variety of roles and serve in different locations;

12.2 The procedures for appointing personnel within the KSF, which must be open and transparent, are to be set out in a separate regulation to be promulgated by the Minister for the KSF

12.3 Individuals must be allocated to positions in line with their capabilities and qualifications in order to meet the needs of the service and individual career development. Where necessary, the needs of the KSF must take priority over those of the individual.

Article 13

Identification and Personnel Records

13.1 On enlistment into the KSF, all members shall be allocated a unique personal number which is to form the basis of all identification and personal records throughout their career.

13.2 All active and reserve members of the KSF are to be issued with personal identity cards to prove membership of the Force. This card is to be carried at all times whilst on duty.

13.3 On enlistment a Personal Record of Service is to be initiated for all active and reserve personnel that records personal details, including date of birth, marital status, next of kin, and academic and professional qualifications; service history; KSF qualifications including courses and training attended; a record of all leave taken; disciplinary record; and, decorations and awards.

13.4 All documents relating to performance, such as appraisal reports, are to be maintained in a separate record and are to be used only for the purpose of career and professional development, including decisions relating to promotion and appointments.

13.5 The Ministry for the KSF is responsible for developing and maintaining a comprehensive system for the control, maintenance and management of personnel records throughout the KSF, to ensure their safekeeping and to maintain the individual's right of privacy. Detailed policies on personnel issues and records are to be the subject of separate regulations.

Article 14

Code of Conduct and Disciplinary Code

14.1 All members of the KSF are subject to and have a duty to uphold and obey the Laws of the Republic of Kosovo at all times, which shall have primacy over KSF codes. A separate Code of Conduct and Disciplinary Code governing standards of behaviour and conduct within the KSF and associated disciplinary procedures will be established by the Ministry for the KSF.

14.2 Alleged offences and contraventions are to be investigated by the KSF Inspectorate, the Police or at unit level depending on the nature of the alleged offence.

14.3 Major disciplinary cases within the KSF are to be dealt with by a Disciplinary Board comprising at least 3 members who have received specific training in disciplinary procedures. Minor offences may be dealt with by the chain of command in accordance with the provisions of the Discipline Code.

14.4 All sanctions, including suspension from duty, and the level at which they can be awarded are to be clearly set out in the Code of Conduct and Disciplinary Code. Any member of the KSF found guilty of an offence against the Code has the right to appeal within a clearly defined timeframe.

14.5 All disciplinary proceedings resulting in a conviction are to be recorded on the individual's personal record.

14.6 Any allegation that a KSF member has committed a criminal act shall be forwarded to the Kosovo Police for investigation. The KSF Police are to formally support the civil police in any and all investigations involving serving KSF personnel.

Article 15

Redress of Complaint

15.1 Any member of the KSF who thinks himself/ herself to have been wronged in any manner relating to his/her service may make a complaint with respect to that matter.

15.2 Clear, KSF specific, procedures for making and dealing with complaints shall be established that ensure they are investigated by a higher authority that does not include the one against whom the complaint is made. These procedures are to be set out in a separate regulation to be promulgated by the Minister for the KSF.

15.3 All complaints are to be investigated within stipulated time frames and, where substantiated, appropriately redressed as directed by the chain of command.

15.4 KSF members, whose complaints are unsubstantiated are not to be discriminated against in any way. If, however, the complaint is proved to have been made with malicious intent, disciplinary proceedings may be taken against the complainant.

15.5 Individuals making complaints are required to perform duties in the normal manner whilst complaints are being investigated.

CHAPTER III

CONDITIONS OF SERVICE

Article 16

Salaries

16.1 All members of the KSF (active and reserve) shall be entitled to a salary and allowances which shall be determined, along with other remunerations, in separate regulations to be produced by the Ministry for the KSF. The Ministry for the KSF is to review pay and allowances annually.

16.2 Salaries shall be determined by rank and length of service. Salaries for active KSF personnel shall be paid monthly.

16.3 Potential Officers under training, including those within the University Course and soldier recruits will receive a salary from and including the day they commence training.

16.4 Those former members of the KPC who may be required to accept a reduction in their KPC rank on joining the KSF are to retain their KPC salary level if higher than the salary for their new KSF rank until such time as the KSF salary catches up.

Article 17

Allowances

17.1 Allowances will exist to ensure that members of the KSF receive appropriate financial recompense for circumstances which cannot be addressed in basic or additional pay. They will provide compensation for financial disadvantage or reimbursement for additional duty expenses. They may also address particular conditions of service.

17.2 The Ministry for the KSF is responsible for determining the requirement for individual allowances and for promulgating the rates, which are to be governed by separate regulations to be promulgated by the Minister.

17.3 Units are to ensure that all personnel are aware of all applicable allowances and the regulations governing them.

Article 18

Working Hours

18.1 Under normal conditions active members of the KSF will be required to work an average of 40 hours per week with a minimum of at least one full day (24 consecutive hours) off in seven. KSF work patterns must, however, take account of the requirement for 24 hour manning in order to train for and fulfill the operational mandate of the KSF.

18.2 Longer working hours may be ordered within the KSF (at a level to be determined by the Ministry) to meet the following circumstances:

- a) when there is a need to place individuals or formed units on stand-by in anticipation of crisis/emergency;
- b) during exercises;
- c) in response to a crisis or emergency;

- d) when performing tasks that are essential to and the suspension or interruption of which would be detrimental to operational readiness;
- e) when performing tasks, the suspension of which could endanger personnel or cause significant material damage;
- f) when otherwise ordered by the Minister for the KSF or COMKSF;

18.3 The procedures for ordering, monitoring and reviewing longer working hours and including compensatory time off are to be set out in a separate regulation to be promulgated by the Minister for the KSF.

Article 19

Leave and Commemorative Events

19.1 Leave policy is the responsibility of the Ministry for the KSF which is to set out the rules and procedures governing all categories of leave in a separate regulation. Leave is to be managed and authorised through the chain of command.

19.2 The KSF may observe approved national holidays, but in accordance with manning requirements outlined in Article 17 of this law. Additional commemorative events will correspond only to dates related to the creation and subsequent activities of the KSF and not its antecedents.

19.3 In addition to Annual Leave, active members of the KSF may also be entitled to further categories of leave, to be determined by regulation. These may include Terminal Leave; Exceptional & Compassionate Leave; Relocation Leave; Maternity/Paternity Leave; Sick Leave; Special Unpaid Leave and Stand-down.

19.4 All leave may be cancelled, postponed or interrupted in order to fulfil unforeseen or short-notice operational requirements.

19.5 All leave, including any cancelled, postponed or interrupted leave is to be recorded in individual personnel records.

19.6 The taking of unauthorised leave is to be an offence within the Disciplinary Code.

Article 20

Food and Accommodation

20.1 All active members of the KSF will be entitled to at least one meal during the course of each full duty (defined as any period of continuous duty over 6 hours in any 12).

20.2 Subject to availability, all active members of the KSF will be entitled to occupy service accommodation either inside or within the reasonable commute of their permanent duty station.

The Ministry for the KSF is to produce detailed regulations for the provision of meals and the allocation of service accommodation and costs to the individual where appropriate.

Article 21 Healthcare

21.1 All active members of the KSF have the right to healthcare in accordance with the valid regulations, which are to be prepared by the Ministry for the KSF. Reserve members will have the same rights whilst mobilised.

21.2 Primary healthcare is to be provided where possible from within the KSF's own resources. Where this is not possible or the requirement is beyond the scope of the KSF Medical Services, individuals are to be referred to the national healthcare system.

21.3 All requirements for hospitalisation are to be met through the national healthcare system. The Ministry for the KSF is to establish a Memorandum of Understanding and protocols for the use of national healthcare facilities with the Ministry of Health.

CHAPTER IV

TERMINATION OF SERVICE

Article 22 General principles for Termination of Service

22.1 All terminations of service on grounds other than having reached the upper age limit for service are to be approved by the appropriate authority in accordance with separate regulations to be promulgated by the Minister for the KSF.

22.2 Members of the KSF seeking political office or to actively participate in party political activities must first terminate their service with the KSF.

Article 23 Voluntary Termination of Service

23.1 All active members of the KSF, irrespective of rank have the right to voluntarily terminate their service having given 6 months notice.

23.2 The exception will be those who have completed a course of funded training and will be required to serve a predetermined period of time after that training in order to give a reasonable

return on the investment made by the KSF. These periods of service are to be determined and promulgated by the Ministry for the KSF.

23.3 A recruit has the right to withdraw from training and immediate discharge without further obligation during the first 6 weeks of service, including training.

Article 24

Involuntary Termination of Service

24.1 The service of any member of the KSF, irrespective of rank may also be involuntarily terminated under the following circumstances:

- a) failing to achieve the required standards in recruit training;
- b) having stated a falsehood during the recruitment and enlistment process;
- c) failing to maintain the required fitness and/or medical standards;
- d) conviction of a criminal act;
- e) on the recommendation of a KSF Disciplinary Board;
- f) for failing to maintain the required standards of performance and behaviour required of a member of the KSF as indicated by annual appraisals and following a process of counselling and warnings.

24.2 All those whose service is terminated are to receive an ‘honourable discharge’ or ‘dishonourable discharge’, according to Regulations to be adopted by the Ministry for the KSF. A dishonourable discharge annuls all rights and privileges that may ordinarily be bestowed on members of the KSF on termination of service such as the right to wear uniform on ceremonial occasions. Any entitlement to a pension remains unaffected unless otherwise directed as part of disciplinary proceedings and approved by COMKSF.

Article 25

Medical Discharge

All discharges on medical grounds are to be on the recommendation of a Medical Board which is to consider the individuals existing condition and potential for recovery and subsequent employment within the KSF when making its recommendation. Medical Boards are also to consider the suitability of those on long term sick leave or who are persistently absent through illness for continued employment within the KSF.

Article 26

Resettlement

The Minister for the KSF shall promulgate regulations to deal with resettlement issues, including the provision of advice and information prior to discharge.

Article 27
KSF Pension Scheme

A KSF pension scheme is to be designed by the Ministry for the KSF, taking account of other labour, welfare and pension related legislation where appropriate.

Article 28
Entry into force

This Law shall enter into force on the day of publication in the Official Gazette of Kosovo.

Law No. 03/L-082
13 June 2008

President of the Assembly of the Republic of Kosovo

Jakup Krasniqi