

ASSEMBLY OF REPUBLIC OF KOSOVO

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

Approves:

LAW ON THE PROTECTION OF JOURNALISTICS SOURCES

Article 1

Purpose

This Law regulates the issue of the protection of the right of journalists to protect their sources of information, based on Articles 40 and 42 of the Constitution of the Republic of Kosovo.

Article 2

Scope of application

This law is applicable for all journalists and media professionals engaged in the collection, processing and dissemination of information through the media, who are Kosovo citizens and other non-resident persons, and who cannot be denied the protection of their rights and privileges guaranteed by this law, other laws and bylaws that regulate various issues regarding freedom of the media.

Article 3

Definition

1. Terms used on this law have the following meaning:

1.1 **Journalism** - this term means the gathering, preparing, collecting, photographing, recording, writing, editing, reporting or publishing of news and information that concerns national and international events, which are of interest to disseminate to the public.

1.2 **Journalist** - this term means each self-employed person or employed person who contributes directly to the gathering, editing, production and dissemination of information to the public through the media.

1.3 **Media professionals** - This term means editorial staff and others, who during the exercise of their functions, may be in a position to have knowledge of information that could lead to the revealing of a source, regardless of whether this occurs through meetings, editorial work, production or the dissemination of information. The term also includes cameramen, photographers and their support staff, such as drivers and translators, etc.

1.4 **Source** - this term refers to a person, who provides a journalist with important information, on condition that the journalist does not make public his/her identity.

1.5 **Material** - This term means writing, documents, notepads, sound or film cassettes, recordings, video, photographs or other unpublished means, collected in order to provide information to the public through the media.

1.6 **The right to silence** - This term in this law means the right to protect the identity of a source of information in court, during criminal procedures.

Article 4

Journalists and other media professionals have the right to remain silent regarding their sources of information. With the exception of cases referred to in Article 5, journalists and other media professionals cannot be obliged to reveal their sources of information or to give data, recordings or documents, which among other things:

1. may reveal the identity of their sources of information;
2. may reveal the nature or origin of their information;
3. may reveal the identity of an author of a text or audiovisual production;
4. may reveal the content of information and of documents themselves, if that may lead to the identification of the source;

Article 5

1. Journalists and other media professionals are obliged to reveal the identity of a source of information as referred to in Article 4, only at the request of a judge and only if:

The revelation of the identity of the source of information is necessary to prevent a serious threat to physical integrity which could lead to the death of one or more persons;

2. Such a request is legitimate only if it fulfills the following criteria:

- 2.1 The information sought is of great importance in preventing these crimes; and
- 2.2 The information sought cannot be secured in any other way.

Article 6

1. Any measure of detection or investigation that intends to identify a source of information as follows is prohibited: searches of houses, buildings of media companies, or any online public communication company, news agency, cars of these companies or agencies, or homes of journalists.

2. Measures of detection and investigation will be implemented regarding information sources of journalists and other media professionals only if the information can prevent the crime, referred to in Article 5, and is subject to the conditions defined in this article.

3. When investigations are linked to professional activities, they can be approved only by one judge. Investigations must be accompanied by a written and reasoned decision, which must explain the nature of the violation on the basis of which a search of a house or news room and building is being conducted and the reason justifying the search of this house and news room.

Article 7

1. In order to protect their security, journalists and media professionals, cannot be obliged by the law to provide information or material, for example notes, photographs, recordings and video recordings, which have been collected in the context of covering a crisis situation or emergency situation. This material cannot be used in legal proceedings; it will be declared invalid.
2. Any exception from this principle must be based upon Article 5 of this law.

Article 8

Journalists and other media professionals cannot be criminally prosecuted in the event that they take or use documents which are stolen or secured by crime, when they are exercising the right to remain silent about their sources of information.

Article 9

In case of a breach of professional secrecy defined in the Criminal Code of the Republic of Kosovo, journalists and other media professionals cannot be criminally prosecuted under the charge of collaborating in crime when they are exercising their right to keep silent about their sources.

Article 10 **Entry into force**

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

President of the Assembly of the Republic of Kosovo,
Jakup KRASNIQI