

LAW No. 03/L-094

ON THE PRESIDENT OF THE REPUBLIC OF KOSOVO

Assembly of Republic of Kosovo,

Pursuant to article 65 (1) of the Constitution of Republic of Kosovo;

With the purpose of establishing legal rules for President of Kosovo

Approves

LAW ON THE PRESIDENT OF THE REPUBLIC OF KOSOVO

CHAPTER I

General Provisions

**Article 1
The Status of the President**

1. The President is the head of the State and represents the unity of the people of Republic of Kosovo.
2. The President of Republic of Kosovo shall have his symbols that may be used along the Symbols of Republic of Kosovo.

**Article 2
Residence of the President of the Republic**

The residence of the President of the Republic of Kosovo shall be in capital city of Republic of Kosovo, in Prishtina. The President of the Republic, after assuming the duty, shall move together with his family, to the State Residence of Republic of Kosovo.

**Article 3
Qualification necessary to be elected as a President**

President of Republic of Kosovo shall be a citizen of the Republic of Kosovo, only, and shall be over thirty five (35) years old with a permanent residence in Kosovo for at least ten (10) years.

**Article 4
Election of the President**

1. President of Republic of Kosovo shall be elected through secret votes by the Assembly of Kosovo, according to the procedure provided for by the Constitution of Republic of Kosovo.
2. The election of the President of Republic of Kosovo shall be made no later than thirty (30) days prior to the end of the mandate of an actual President.
3. Any citizen of Republic of Kosovo, fulfilling criteria provided for in Article 3 of the present law, may be nominated as a candidate for the President of Republic of Kosovo, provided that he/she gathers the signatures of, at least, thirty (30) deputies of the Assembly of Kosovo. Deputies of the Assembly of Kosovo may only sign for one candidate for the President of Republic of Kosovo.

Article 5

Mandate and Oath

1. President of Republic of Kosovo shall commence the mandate after giving oath before the Assembly of Kosovo. The text of the oath:

"I swear to commit all my powers to the preservation of independence, sovereignty and territorial integrity of Republic of Kosovo, to ensure human and citizen rights and freedoms, to respect and protect the Constitution and the laws, to maintain peace and welfare of all citizens of Republic of Kosovo and to conduct all my duties with consciousness and responsibility".

2. The mandate of the President shall last for five (5) years. This mandate does not relate and is not dependant with the mandate of other institutions.

3. After the end of the first mandate, the President may be reelected for one more mandate only.

Article 6 Competencies of the President

President of Republic of Kosovo shall exercise competencies provided for by the Constitution of Republic of Kosovo and other laws in force.

Article 7 Inconsistency

1. President may not exercise any other public function.

2. After election, the President may not exercise any function within a political party.

Article 8 Immunity

1. President of Republic of Kosovo shall enjoy immunity from criminal prosecution, civil charges or from actions and decisions within the scope of responsibilities of the President of Republic of Kosovo.

2. President of Republic of Kosovo, while giving testimony, is not obliged to disclose any information learned during the exercise of his/her mandate.

3. President of Republic of Kosovo, while giving testimony, is not obliged to reveal any information that may incriminate him/her in any possible way, criminal or civil, that has occurred during his/her actions and decisions within the scope of responsibilities as the President of Republic of Kosovo.

4. Immunity of the President, according to this Article, shall be valid after the end of President's mandate.

Article 9 Temporary Absence of the President

1. In case the President of Republic of Kosovo is temporarily incapable to exercise his/her responsibilities, he/she may voluntary transfer responsibilities to the Speaker of the Assembly, who will act as the President of Republic of Kosovo. The Decree of the President on the transfer responsibilities shall specifically include the reasons and duration of transferred competencies, if he/she holds knowledge of that. President of Republic of Kosovo shall recommence the exercise of competencies when he/she is able to exercise them. This means that the Speaker of the Assembly shall cease exercising the rights of the acting President. President may also recommence exercising his/her responsibilities before the expiry of duration envisaged for the transfer of responsibilities to the Speaker of the Assembly, in case that the reasons that caused temporary absence have ceased to exist.

2. In case that the transfer of responsibilities did not occur voluntary, according to paragraph 1 of this Article, but due to serious illness, the Assembly of Republic of Kosovo, after consultations with a medical consilium, shall decide, with two thirds (2/3) of the votes of all deputies whether the President of Republic

of Kosovo is temporary incapable of exercising his/her responsibilities. The Speaker of the Assembly of Kosovo shall be the Acting President of Republic of Kosovo, until he/she is capable of recommencing to exercise responsibilities of the President.

3. The post of the acting President of Republic of Kosovo may not be exercised for a period longer than six (6) months.

Article 10 Dismissal of the President

1. President of Republic of Kosovo may be dismissed by the Assembly of Kosovo if:
 - 1.1. he/she is convicted for committing a serious crime;
 - 1.2. the Constitutional Court concluded that he/she has made a serious infringement of the Constitution; or
 - 1.3. he/she is not capable of exercising responsibilities deriving from this post due to serious illness or if
2. The President of Republic of Kosovo shall be dismissed according to the procedure provided for by the Constitution of Republic of Kosovo.

Article 11 Salary of the President of Republic

1. Salary of the President of Republic of Kosovo shall be the highest among the state institutions of Republic of Kosovo.
2. Salary of the President of Republic shall always be at least twenty five percent (25%) higher than the general income of the President of the Assembly of Republic of Kosovo and of the other institutional leaders.

Article 12 Diplomatic Status of the President of the Republic

President of Republic of Kosovo shall be equipped with a diplomatic passport of Republic of Kosovo. The right to a diplomatic passport shall also be entitled to President's spouse and children.

Article 13 The First Lady

1. The First Lady of Republic of Kosovo shall be the spouse of the President of Republic.
2. Ceremonial and Protocol functions of the First Lady shall be defined by the Law on State Protocol.

Article 14 Office of the President of Republic of Kosovo

1. Office of the President of Kosovo is a special institution within the Kosovo Civil Service.
2. The civil staff of the Office of the President shall be selected in compliance with the applicable laws on Civil Service.
3. The responsibility for the administration of civil staff lies with the Secretary of the Office of the President, on the basis of provisions of the applicable laws in Kosovo.
4. President of Republic of Kosovo shall appoint his/her support staff and members of the Cabinet of the President.
5. President of Republic of Kosovo shall appoint and dismiss the Secretary of the Office of the President of the Republic, on the basis of the procedure provided for by Article 16 of this Law.

6. President of Republic of Kosovo, in cooperation with the Secretary of the Office, shall appoint and dismiss the Directors of Professional Departments in the Office of the President of the Republic.

7. Internal organization of the Office of the President shall be defined with internal acts, proposed by the Secretary of the Office and approved by the President of Republic of Kosovo.

Article 15
Secretary of the Office of the President of Kosovo

1. Secretary is the principal administrative officer and the head of civil staff of the Office of the President of Kosovo.

2. Secretary must have the necessary qualification, competency, experience and high professional honesty in order to manage the resources of the Office of the President of Kosovo.

Article 16
Procedure for the appointment of the Secretary of the Office of the President

1. For the appointment of the Secretary of the Office of the President, a public advertisement shall be made on the basis of the Law on Kosovo Civil Service.

2. President of the Republic shall appoint a selection committee to propose to the President the possible candidates for the position of the Secretary.

3. The President shall appoint the Secretary from the proposed list by the selection committee.

Article 17
Responsibilities of the Secretary

1. The Secretary shall report directly to the President and shall perform his/her duties in close cooperation with the President.

2. The Secretary is responsible for the following:

2.1. the overall administration and management of the Office and ensuring that the functions entrusted to it are implemented;

2.2. providing the proper guidance and impartial and professional advice to the President;

2.3. staffing and organizing the Office and issuing administrative directives on any matters pertaining to its functions;

2.4. the effective and efficient management of resources provided to the Office;

2.5. implementing non-discriminatory personnel policies in the Office, including equitable gender representation, in all areas and levels and ensuring that the composition of the personnel reflects the multi-ethnic character of Kosovo; and

2.6. ensuring that the recruitment of the staff for the Office is based on professional qualifications, competence and merits and is undertaken through fair and open competition.

2.7. issuing internal secondary legislation for the purpose of accomplishment of the functions of the President of Republic as defined by the Constitution and laws.

CHAPTER II

THE RIGHTS OF THE PRESIDENT OF REPUBLIC OF KOSOVO AFTER THE END OF MANDATE

Article 18

1. President of Republic of Kosovo shall enjoy the rights provided for by the present law after the end of mandate.

2. The rights provided for by the present law shall not be valid for a President of Republic of Kosovo, whose mandate has not been completed due to circumstances provided for by sub-paragraphs 1.1. and 1.2. of paragraph 1 of Article 10 of this law.

3. After the end of the mandate, the title "President" shall continue to be valid for the President of Republic of Kosovo, whose mandate has ended in compliance with paragraph 1 of this Article.

Article 19

1. President of Republic of Kosovo, after the end of his/her mandate pursuant to paragraph 1 of Article 18 of this Law, shall be entitled to a pension in amount of seventy percent (70%) of the salary received by the President of Republic of Kosovo.

2. President of Republic of Kosovo, and his/her family, after the end of his/her mandate pursuant to paragraph 1 Article 18 of this Law, shall be entitled to a full health insurance and health services within military and public hospitals for life.

3. President of Republic of Kosovo, after the end of his/her mandate pursuant to paragraph 1 Article 18 of this Law, shall be entitled to a provisional monetary remuneration for a period of seven months of transition into the private life. Funds may be used for office, staff remuneration, communication services, relevant printing and postal services during the transitional period.

Article 20

1. President of Republic of Kosovo, after the end of his/her mandate pursuant to paragraph 1 Article 18 of this Law, shall be entitled to office space, office equipment and up to three (3) professional staff in the office for a period of five years after the end of his/her mandate. The President is engaged in state activities, by the Government of Kosovo, then the five year period shall commence after the termination of President's engagement.

2. Professional staff, under paragraph 1 of this Article, shall accomplish their employment relationship within the Cabinet of the President of Republic of Kosovo and shall be appointed by the President whose mandate has ended.

Article 21

President of Republic of Kosovo, after the end of his/her mandate pursuant to paragraph 1 Article 18 of this Law, shall be entitled to official escort for a period of three years, in compliance with special acts to be issued by the Minister of Interior in cooperation with the Office of the President of Republic of Kosovo.

Article 22

1. President of Republic of Kosovo, after the end of his/her mandate pursuant to paragraph 1 Article 18 of this Law, shall participate in state manifestations and solemnities according to the protocol and in compliance with the rules on the Kosovo state protocol service.

2. President of Republic of Kosovo, after the end of his/her mandate pursuant to paragraph 1 Article 18 of this Law, and his spouse, shall continue to use the diplomatic passport of Republic of Kosovo for lifetime. His children are entitled to this right until the age of eighteen (18).

Article 23

President of Republic of Kosovo, whose mandate has ended, may make a request to waive the rights provided for by this law.

Article 24

In case of pass away, President of Republic of Kosovo, whose mandate has ended, when passed away shall be buried with state expenses and honors, unless otherwise desired.

Article 25

1. President of Republic of Kosovo, after the end of his/her mandate pursuant to paragraph 1 Article 18 of this Law, shall be entitled to financial compensations for his/her activities when these activities are conducted in the capacity of the former President.
2. Funds from paragraph 1, under this Article, shall be covered by the budget allocated for the Office of the President of Republic of Kosovo.

THE RIGHTS OF THE FAMILY OF THE PRESIDENT OF REPUBLIC OF KOSOVO AFTER THE END OF PRESIDENT'S MANDATE

Article 26

1. For the purpose of the present law, the family of the President of Republic of Kosovo includes the President's spouse and children.
2. Family of the President of Republic of Kosovo shall be entitled to rights provided for by the present law after President's pass away.
3. When the President of Republic of Kosovo after the end of mandate, passes away, the rights provided for by Article 19 of this law shall be entitled to the spouse for life and his/her children until the end of regular schooling, twenty six (26) years old respectively.
4. Family of the President of Republic of Kosovo, whose mandate has ended in compliance with paragraph 1 Article 18 of this law, shall be entitled to official escort for a period of three years, in conformity with special acts issued by the Ministry of Interior in cooperation with the Office of the President of Republic of Kosovo.

THE RIGHTS OF THE FAMILY OF THE PRESIDENT OF REPUBLIC OF KOSOVO IF PASSED AWAY DURING HIS/HER MANDATE

Article 27

1. In case the President of Republic of Kosovo passes away during his/her mandate, his/her family shall enjoy all rights as provided for by Article 19 of this law.
2. If the President, when passed away, had minor children, they shall be entitled to the rights under paragraph 1 of this Article, until the end of their regular schooling twenty six (26) years old respectively.
3. In case the President of Republic of Kosovo passes away during the exercise of his/her mandate, his/her children shall be entitled to scholarships by Government of Kosovo, within the country, until the age of twenty six (26).
4. In case the President of Republic of Kosovo passes away under unnatural circumstances, during the exercise his/her mandate, the family of the President shall be entitled to financial compensation for the immaterial damage. The amount of immaterial damage shall be defined by the Government of Republic of Kosovo.
5. In case the President of Republic of Kosovo passes away during the exercise of his/her mandate, his/her family may also be entitled to some other rights to be defined by a decision of Government of Kosovo

FINAL PROVISIONS

Article 28

The rights provided for by the present law shall also be applicable for the families of the President of Republic of Kosovo whose mandate has ended prior to entry into force of this law.

Article 29

This law, after entry into force, shall supersede all decisions, instructions and directives issued by the Government of Kosovo and/or UNMIK dealing with functions and the rights of the President of Republic of Kosovo during and after his/her mandate.

Article 30

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

**Law No. 03/L-094
19 December 2008**

Promulgated by the Decree No. DL-082-2008, dated 07.01.2009, of the President of Republic of Kosovo, Dr. Fatmir Sejdiu.