



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

Law No. 04/L-137

ON THE PROTECTION OF JOURNALISM SOURCES

Assembly of Republic of Kosovo,

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

Approves

LAW ON THE PROTECTION OF JOURNALISM 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 under jurisdiction of the Republic of Kosovo, 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 shall have the following meaning:

1.1. **Journalism** – 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 through media.

1.2. **Journalist** - each natural or legal person, who is engaged regularly or professionally to contribute directly for gathering, editing, production and dissemination of information to the public through the media.

1.3. **Media** – all forms of communication aimed to disseminate the information to a greater number of population, including, among others, printed media (including brochures, posters, leaflets, magazines and newspapers), film/video records, radio transmissions and television transmission, audio recording and reproductions, transmissions of services by messages.

1.4. **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.

1.5. **Professionally engaged** – being employed by a news agency or media company, or self-employed and such work is a) sufficiently related or comparable to the traditional media work; b) is done for the purpose of gathering, editing, production and dissemination of a news; c) material or information was provided through gathering the news.

1.6. **Source** – any person, who provides a journalist an information.

1.7. **Material** - writings, 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.

1.8. **The right to silence** – the right to protect the identity of a source of information in court, during criminal procedures.

Article 4

1. 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 of this law, journalists and other media professionals cannot be obliged to reveal their sources of information or to give materials, which among other things:

- 1.1. may reveal the identity of their sources of information;
- 1.2. may reveal the nature or origin of their information;
- 1.3. may reveal the identity of an author of a text or audiovisual production;
- 1.4. 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 of this Law, only at the request of a competent court and only if:

- 1.1. 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 including physical and non-physical searches, 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 of this Law, and is subject to the conditions defined in this Article.

3. When above mentioned investigations are linked to professional activities, they can be approved only by competent court. 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, which have been collected in the context of covering an emergency situation announced according to Articles 56 and 131 of the Constitution. 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 secured illegally by third parties, 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 its publication in the Official Gazette of Republic of Kosovo.

Law No. 04/L-137
31 July 2013

President of the Assembly of the Republic of Kosovo

Jakup KRASNIQI