

LAW No. 03/L-118

ON PUBLIC GATHERINGS

Assembly of Republic of Kosovo,

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

With the aim of setting legal rules for organizing public gatherings, respect for freedom of speech and procedure for announcement, restriction or interruption of public gathering.

Approves:

LAW ON PUBLIC GATHERINGS

CHAPTER I

Article 1

General provisions

This Law shall regulate: the right of public gatherings, of freedom of speech in public gatherings, the right to protest, the right for public manifestations, time of organizing, duties and responsibilities of organizers.

Article 2

Definitions

Definitions used in this law have the following meaning:

"Public gatherings" are open gatherings of citizens organized by groups, entities, NGO's, political entities etc, to celebrate, make performances or to express concerns and dissatisfaction on different issues.

"Public places" are considered squares, boulevards, streets and any other location used freely for the movement of citizens and vehicles.

"Public open place", are places made available for the public, who may enter with a permit after meeting certain requirements.

"Organizer" means a person that organizes a gathering and other persons providing assistance.

"Guardians" means persons appointed by the organizer of the gathering to keep order and peace during the time of public gathering and which have distinctive marks.

"Violence" means the violence exercised by a group of participants, and not by specific individuals, towards other people or objects.

"Protest" means firm contradiction for an injustice or an illegal action, expression of dissatisfaction in something firmly.

"Demonstration" means manifestation of population in the streets and squares to express openly a political, economic or social request, to oppose something.

Article 3

The right to hold public gatherings, types of public gatherings

1. According to the rules determined under this law, any citizen of Republic of Kosovo regardless of sex, race, color, religion, nationality, economic, financial, education and social state, political affiliation, or any other status, has the right to organize and participate in the public gatherings, according to rules set by this law.

2. According to this law types of public gatherings are considered all peaceful gatherings, like:

2.1. gatherings,

2.2. manifestations,

2.3. marches,

2.4. protests,

2.5. public celebrations,

2.6. peaceful commemorations,

2.7. manifestations and events of similar nature where participants express freely and peacefully their viewpoints on issues of interest for them.

2.8. demonstrations.

3. Cultural, humanitarian, sportive, religious and amusement performances are also considered to be public gatherings.

Article 4

Restrictions and interruptions of public gatherings

1. This law regulates public gatherings, determines restrictions or interrupts public gatherings when they endanger order, peace and public security, with regard to freedom and rights of other people, moral and public health.
2. The right to participation and speech in public gatherings is forbidden in cases when public gatherings are used to incite violence, inter ethnic or religious hatred or other incitement forbidden by the Law.
3. No public gathering may be held when it is forbidden from police, unless otherwise specified.

Article 5

Peaceful public gatherings

1. Peaceful public gatherings are considered those gatherings which comprise more than twenty (20) persons with the aim to express public political, social, national or racial concerns.
2. Competent bodies for public peace and order are responsible to provide the safety to organize, participate and to provide the freedom of speech to citizens at peaceful public gatherings.
3. Competent bodies for public order can undertake measures to use force, only when the public gathering respectively the protest endangers the general good.
4. An organizer or a representative of a public gathering is obliged to notify the competent bodies for any public gathering to take place, in line with the foreseen terms and conditions.

5. The organizer of a public gathering is responsible to maintain and organize the order of the public gathering.

6. The organizer of a public gathering is responsible to undertake all measures to organize the public gathering, in compliance with this law

Article 6

The notice for peaceful public gatherings

1. The notification for organization of the public gathering, aim of the gathering, time and place of organization shall be made at the Kosovo police in the place where the gathering shall be held.

2. The notification shall be made at the latest seventy two (72) hours before the public gathering is held.

3. Kosovo Police authorities shall inform the organizer no later than forty eight (48) hours prior to the gathering on permission or prohibition of the public gathering. If the decision on prohibiting the public gathering is not issued within the foreseen time, then such gathering shall be considered as permitted.

4. The notice for public gathering must comprise:

4.1. the purpose, time and location,

4.2. duration of the peaceful public gathering,

4.3. data on the organizer or the representative,

4.4. data on the leader of the public gathering,

4.5. number of duty guards,

4.6. approximate number of participants

5. The time and location of the gathering shall be decided by the organizer. No public gathering shall be allowed within the space of a public institution.

Article 7

1. Gatherings that may be held without notice are those which take place in indoor premises or premises foreseen for purposes like: meetings, tribunes, round tables of registered political parties and unions.

2. No notice is required for gatherings if they are to be held in: stadiums, cinema halls, theatres etc and which do not require additional security measures,

3. Public gatherings may be held at any suitable location.

4. The following locations are exempted from paragraph 3 of this article:

4.1. near hospitals and locations where first aid vehicles might be obstructed and the quietness of hospitalized persons might be spoiled,

4.2. near nursery schools and primary schools during the school hours,

4.3. in national and natural protected parks except when the public gathering has a purpose of protecting the nature and the environment,

4.4. near monuments and premises of high cultural and historical value with an aim of protecting them from possible damages,

4.5. in crossroads and highways in order not to obstruct the movement of vehicles,

4.6. in other locations where, taking into account the time, the number of participants and the purpose, the gathering might seriously disturb a large number of citizens.

Article 8

1. The Kosovo Police may forbid a calm public gathering when if they consider that:

1.1. the notice for the public gathering was not made on due time,

1.2. it is foreseen to be held in a place that is prohibited under this law,

1.3. the aims of the gathering incite or call for inter-ethnic, religious, racial, political violence and hatred.

1.4. there are substantial reasons that the gathering might be used for violence.

2. The public gathering according to paragraph 1 of this article can be prevented from taking place twenty four (24) hours prior to the commencement.

3. The organizer or the representative of the public gathering, who is not satisfied with the decision of the authority to prohibit the public gathering, has the right of appeal to the competent court to review the case within three (3) days.

4. On this occasion the court shall decide on a fast track procedure.

5. A spontaneous gathering having no organizer, which may turn into a violent gathering, is prohibited.

Article 9

Responsibilities of the organizer for organizing a calm public gathering

1. The organizer must undertake all measures for keeping peace and order at the public gathering.

2. The organizer must secure a sufficient number of duty guards to maintain order.

3. The organizer can entrust duty-guarding to legally operating security companies licensed in compliance with the law.

4. The organizer must undertake all measures for the participants to come unarmed and not to cause damages.

5. On request of the organizer, Kosovo police can cooperate to maintain order and undertake measures against persons acting in contradiction with the law.

6. The organizer must create space for Kosovo police vehicles, first aid, fire rescue vehicles during the time of gathering.

Article 10

The police shall maintain peace and order around the location where the public gathering takes place.

Article 11

1. Participants of the gathering or peaceful public protest are prohibited from carrying weapons or any other prohibited items, as well as from carrying or selling alcohol.

2. Participants of the peaceful public gathering are prohibited from carrying or wearing: clothes, symbols, marks, inscriptions or any other distinguishing items which incite or call for inter-ethnic, political, religious, racial, social or similar violence or hatred.

Article 12

Duty guards

1. Duty guards are adult persons assigned by the organizer of the public gathering to maintain the order in the public gathering.

2. Duty guards are responsible for the protection of properties that may be damaged by the participants during the public gathering

3. Duty guards should immediately hand in to the police the participant or any other person violating peace and order, carrying weapons or any other dangerous items or prohibited signs, during the public gathering.

4. During the public gathering, with the purpose of maintaining the order, duty guards are entitled to:

4.1. control persons entering the location of a public gathering;

4.2. prohibit persons from entering that might violate the order;

4.3. stop the movement of participants outside of the location of the public gathering;

4.4. detain (hand in to the police) persons violating order;

5. During the public gathering, the duty guards must put on a distinctive ribbon and must adhere to the instructions of the leader of the gathering.

6. Also, the duty guards are not allowed to carry weapons, items or signs prohibited under paragraph 2 of Article 11 of this law.

Article 13

1. The leader of the gathering or peaceful public protest is a person appointed by the organizer to assign duty guards to ensure the proper organizing of the gathering.

2. The leader can undertake additional measures concerning order and security of the public gathering.

3. The leader may call the peaceful gathering to end earlier, if he considers that the further continuation of the gathering might lead to violence.

4. After the situation has been settled, the leader may call for the continuation of the gathering.

5. The leader may expel from the public gathering persons who do not adhere to the rules of the gathering. Such persons must immediately leave the place of the gathering.

6. The police, respectively the highest competent bodies, may postpone or stop the gathering, if:

6.1. the notice was not made or the gathering was refused;

6.2. the gathering does not take place at the location given in the notice;

6.3. there are armed participants;

6.4. if the participants call for or incite violence, hatred;

6.5. if the duty guards can not maintain peace and order;

6.6. if the public gathering or the protest seriously jeopardizes peace, security and order.

7. The official person who decides to stop the public gathering can require from the leader of the gathering to ask the participants to disperse peacefully.

8. If the leader, respectively the participants do not act according to paragraph 7 of this Article, then the competent officer may undertake necessary measures to disperse the participants.

Article 14

Urgent gatherings

1. On urgent circumstances the gathering may be held without respecting the terms of seventy two (72) hours, provided by this law, but necessarily must submit a notice in writing containing the details defined under paragraph 4 of Article 6 of this law, as well as the reason for the urgency.
2. The notice should be given immediately, but not later than three (3) hours before the gathering takes place.

Article 15

Gatherings in private zones

1. Public gatherings may be held in private properties without notifying the police.
2. The police can not enter private properties, where public gatherings take place, without the permission of the organizer of the gathering or of the property owner, except for flagrant cases when life and health of the participants are jeopardized.

Article 16

Public protests

1. Public protests may be held in open environment or indoor premises foreseen or suitable for protests.
2. Public protests may not be held in open places foreseen in paragraph 4 of Article 7, of this Law;

3. The organizer of the protest must inform about the protest;

4. The responsibilities of the organizer for the public protest are same as those foreseen in article 9 of this law;

5. The responsibilities foreseen for duty guards in article 12 are valid for public protests as well

6. The public protest shall be notified at least seventy two (72) hours prior to the public protest.

7. This notification must be submitted to the police and it must comprise:
 - 7.1. the name, surname, personal ID number, address as well as the post of the organizer at the organization or entity that organizes the protest;

 - 7.2. data of the leader of the protest, duty guards engaged and their number;

 - 7.3. the purpose of the public protest, time and location;

 - 7.4. measures undertaken for order and security;

 - 7.5. the number of duty guards;

 - 7.6. the approximate number of participants.

Article 17

1. Based on the request for public protest, the police shall evaluate if there are reasonable conditions and circumstances for the protest in respect of security.

2. The police may refuse the request for public protest if they consider that:
 - 2.1. the notice for the protest was not made duly;

 - 2.2. the foreseen location of the protest is prohibited;

 - 2.3. the purpose of the protest is to call for or to incite inter-ethnic, religious, racial or similar violence or hatred;

 - 2.4. there are reasons to believe that the protest might violate peace and order or might lead to the damaging of premises of general importance;

 - 2.5. if another protest or public gathering is allowed at the same place and time.

3. When the police determines that there are no reasonable conditions and circumstances in respect of security, then the police may forbid twenty four (24) hours prior to the protest.

4. A claim may be made against this decision within forty eight (48) hours to the highest police bodies.

5. These bodies are obliged to decide within forty eight (48) hours on the complaint and to inform the organizer.

6. In case the claimant is not satisfied with the decision from paragraph 5 of this article, he can address the court. In this case the court shall decide on fast track procedure.

CHAPTER III

Article 18

Public Manifestation

1. Public manifestations may be held at open locations or indoor premises foreseen or suitable for such events.

2. The organizer of the public manifestations may be a natural or legal person according to the rules provided under this law.

3. Ninety-six (96) hours notice must be given prior to the public manifestations.

4. The notice for the public manifestations must be made to local police authorities where the manifestation is going to be held.

5. The notice for the public manifestation must comprise:

5.1. the name, surname, personal ID number, place of birth and address as well as other data of the organizer;

5.2. data of the leader of the protest;

5.3. organizing of order, peace and security and the number of duty guards;

5.4. nature of the event;

5.5. date, time and location;

5.6. the approximate number of participants.

6. The organizer of the public manifestation at open locations is responsible to hand in the data provided under paragraph 5 of this Article and the measures to be undertaken in compliance with the provisions in the sphere of traffic, if the manifestation might obstruct the traffic security.

7. Based on the notice, the police authorities shall evaluate if there are suitable conditions for the public manifestation in respect of security;

8. In line with paragraph 6 of this article, the police may ask the organizer to increase the measures of security, of order, respectively to increase the number of duty guards.

9. If the police authorities evaluate that the organizer has not increased the security measures and that the public manifestation might lead to the violation of public security and order, then the police may prohibit the manifestation twenty four (24) hours beforehand.

10. The police may prohibit the public manifestation if they consider that:

10.1. the notice was not duly made;

10.2. the requirements under paragraph 8 of this Article were not considered;

10.3. the location foreseen is not suitable for those purposes or is not suitable for public manifestation;

10.4. there are reasons to believe that public manifestation shall violate the general security, peace and order, public moral, general health or shall pollute the environment.

11. A claim against the decision of police authorities may be made to the highest police bodies within forty eight (48) hours.

12. Competent bodies shall make the final decision within forty eight (48) hours and shall inform the organizer

13. In case the claimant is not satisfied with the decision from paragraph 12 of this article, he can address the court. In this case the court shall decide on fast track procedure.

Article 19

1. On the occasion of engaging the police with additional security measures during the sport, cultural or entertaining event, the organizer is responsible for the compensation of expenses caused by that engagement.

2. The organizer shall conclude an arrangement with the police for the compensation of expenses forty eight (48) hours prior to the public manifestation.

3. The organizer is responsible to compensate the expenses caused by the participants of the public manifestations at premises or locations provided under paragraph 1 of Article 18 of this law.

Article 20

Other similar gatherings

1. Gatherings such as: religious, weddings, funerals and other similar gatherings require no notice.

2. Exceptionally from paragraph 1 of this article, gatherings which independently from their nature or number of participants require additional security measures outside of normal engagement by the police shall be notified.

3. The notice under paragraph 2 of this article must be made not later than twelve (12) hours prior to the gathering.

4. The notice for the kind of gatherings must be made according to paragraph 2 of Article 6 of this law.

Article 21

Penalty measures

1. With the amount of one hundred (100) - two hundred (200) Euros shall be the fined, if:
 - 1.1. the organizer of the public gathering or protest has not given notice in compliance with paragraph 4 of Article 5 this law;

 - 1.2. the organizer carries on the public gathering or protest despite the police prohibition (Article 8 of this law.);

 - 1.3. the organizer did not undertake extra security measures (paragraph 8 of Article 18 of this law),

1.4. the organizer did not give notice for other public gatherings and for which he was obliged to do so (Article 20 of this law);

2. An amount of two hundred- five hundred (200 - 500) Euro shall be the fine, if:

2.1. the leader does not call for an end of the public gathering or protest (paragraph 3 of Article 13 of this law);

2.2. the leader does not call for an end of the public gathering or protest on request of the police (paragraph 7 of Article 13 of this law);

3. An amount of five hundred-seven hundred (500 - 700) Euro shall be the fine, if:

3.1. the organizer carries on with the public protest without the permit issued by the police authorities (paragraph 2 of Article 17 of this law);

3.2. the organizer keeps the gathering or the public protest in places forbidden by this Law (paragraph 4 of Article 7 of this law);

4. An amount of seven hundred-one thousand (700 - 1.000) Euro shall be fine, if:

4.1. any person carries weapons or sells alcohol at the place of the gathering (paragraph 1 of Article 11 of this law),

4.2. any person at the peaceful public gathering carries: clothes, signs, inscriptions or any other item that calls for or incites inter-ethnic, political, religious, racial or similar violence or hatred (paragraph 2 of Article 11 of this law)

Article 22

Entry into force

1. This law shall supersede all other laws or regulations regulating this sphere.
2. This law enters into force fifteen (15) days after publication in the Official Gazette of the Republic of Kosovo.

Law No. 03/L-118

4 December 2008

Promulgated with the decision of the Assembly of Republic of Kosovo, No. 03-V-101, dated 26 March 2009.