

**Law No. 05/L -002**

**ON PROHIBITION OF JOINING THE ARMED CONFLICTS OUTSIDE STATE TERRITORY**

**Assembly of Republic of Kosovo;**

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

Approves

**LAW ON PROHIBITION OF JOINING THE ARMED CONFLICTS OUTSIDE STATE TERRITORY**

**Article 1**

**Purpose**

With the aim of protecting the state interests and national security, this Law determines criminal offence of joining or participating in a foreign army or police, in foreign paramilitary and parapolice formations, in organized groups or individually, in any form of armed conflict outside the territory of the Republic of Kosovo.

**Article 2**

**Scope**

1. Provisions of this law shall be applicable to each person that participates or organizes, recruits, finances, incites, leads or trains persons or groups of persons with the aim of joining or participating in a foreign army or police, in foreign paramilitary and parapolice formations, in organized groups or individually, in any other form of armed conflict outside the territory of the Republic of Kosovo.

2. Provisions of this law shall not apply to citizens of the Republic of Kosovo who have citizenship of a foreign country, and are part of the army or military formation of the respective country, or who serve in military formations under the control of internationally recognized governments or international organizations.

3. Provisions of this law shall not apply for structures of security sector of the Republic of Kosovo, which based on law act outside the territory of the Republic of Kosovo.

**Article 3**

**Joining or participation in a foreign army or police, in foreign paramilitary and parapolice formations, in organized groups or individually, outside the territory of the Republic of Kosovo**

1. Whoever organizes, recruits, leads or trains persons or group of persons with the aim of joining or participating in a foreign army or police, in foreign paramilitary or parapolice formations, in organized groups or individually, in any form of armed conflicts outside the territory of the Republic of Kosovo, shall be sentenced with imprisonment from five (5) to fifteen (15) years.

2. Whoever in any direct or indirect manner, offers, requests, gathers or conceals funds or other material means intentionally, knowingly or there are reasonable grounds to believe that will be used entirely or partially for committing criminal offence as stipulated in paragraph 1. of this Article shall be sentenced with imprisonment from three (3) to fifteen (15) years.

3. Whoever participates in a foreign army or police, in foreign paramilitary or parapolice formations, in organized groups or individually, in any form of armed conflicts outside the territory of the Republic of Kosovo, shall be sentenced with imprisonment from three (3) to fifteen (15) years.

4. Whoever publicly, at a gathering or through publications, audiovisual recordings, including and not limited to social networks or any other form of communication calls or incites others to commit criminal offences as stipulated in paragraphs 1., 2. and 3. of this Article, shall be sentenced with imprisonment from six (6) months up to five (5) years.

5. Hiding or failure to report planning of criminal offence, or committed criminal offence and its perpetrators as stipulated under this Article shall be sentenced with imprisonment from 6 (six) months up to five (5) years.

6. Whoever shelters the perpetrator of criminal offence as stipulated with this Article or assists him in avoiding detection or arrest through concealing of means, proofs or on the other manner, or whoever shelters the sentenced person or undertakes actions for hindering of arrest, execution of sentence, shall be punished from six (6) months up to five (5) years.

7. Perpetrator of the criminal offence stipulated under this Article, who by disclosing the group to competent criminal prosecution bodies avoids commitment of the criminal offence, or who discloses the group to competent criminal prosecution bodies before committing the criminal offence, shall be sentenced with imprisonment up to 3 (three) years or may be exempted from sentence.

#### **Article 4**

##### **Procedures for criminal investigation and prosecution**

1. Criminal offence as stipulated with this law is considered a serious crime in terms of Article 22 of the Criminal Procedure Code.

2. Criminal prosecution of perpetrators of the criminal offence as stipulated with this law is under the competence of the Special Prosecution of the Republic of Kosovo.

3. The procedure for investigating and prosecuting perpetrators of criminal offenses stipulated by this law and the imposition of sentence is based on the Criminal Procedure Code.

4. Covert and technical measures of surveillance and investigation as envisaged in the Criminal Procedure Code can be implemented during the investigation and criminal prosecution of committed criminal offence as per this law.

5. Provisions on sequestration and confiscation as envisaged in the Criminal Procedure Code and the Law on Extended Powers for Confiscation of Assets Acquired by Criminal Offence may be implemented accordingly for criminal offence as stipulated in this law.

**Article 5**  
**Entry into force**

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

**Law No. 05/L -002**  
**12 March 2015**

**Promulgated by Decree No.DL-003-2015, dated 25.03.2015, President of the Republic of Kosovo Atifete Jahjaga**