

**LAW No. 04/L-064
ON KOSOVO AGENCY ON FORENSIC**

Assembly of Republic of Kosovo,

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

Approves

LAW ON KOSOVO AGENCY ON FORENSIC

**CHAPTER I
GENERAL PROVISIONS**

**Article 1
Purposes**

This law regulates the establishment, mission, organization, functions, duties, responsibilities and financing of the Kosovo Agency on Forensic.

**Article 2
Scope**

1. KAF is the responsible institution in impartial provision of forensic scientific objective analysis.
2. KAF performs based on orders of the court, prosecutor or upon request of law enforcement agencies.
3. KAF provides service as well for other state institutions according to the respective law into force.

**Article 3
Definitions**

1. Terms used in this Law shall have the following meanings:
 - 1.1. **MIA** - the Ministry of Internal Affairs;
 - 1.2. **Minister** – the Minister of Internal Affairs;
 - 1.3. **KAF**- Kosovo Agency on Forensic;
 - 1.4. **Police** –Kosovo Police;
 - 1.5. **Law enforcement agencies** – all law enforcement agencies established by Law;
 - 1.6. **Expert** - the personnel of the Forensic Agency that performs proven research, investigation, evaluation or study by the specialized personnel of KAF;

- 1.7. **Specialized scientific personnel** - specialized technical and managerial personnel that perform, lead and verify crime expertises, as well as assists in the examination or the reconstruction of crime scene;
- 1.8. **Supporting staff** - the administrative employees of the personnel, logistics, procurement, finances and technical maintainers;
- 1.9. **Part time and contracted personnel** – external contracted personnel by KAF for consultancy or expertise;
- 1.10. **Forensic science** - the application of sciences (chemistry, biology, physics, math, engineering, machinery, criminalistics etc.) for finding, identification, individualization, analysis and evaluation of physical evidences (exhibits) for civil, criminal and legal issues;
- 1.11. **Expertise** - research, inquiry, investigation, evaluation or proven study, including reports from these activities, findings and results that require specific knowledge and are performed by experts to verify and provide opinion on certain facts;
- 1.12. **Order for expertise** - the order of a judge or the prosecutor to conduct expertise;
- 1.13. **Request for expertise** – the request by law enforcement agencies or other state institutions in performing services;
- 1.14. **Form/request** - the form of KAF for expertise;
- 1.15. **Evidence** - the document, evidence that proofs any certain fact;
- 1.16. **Proof** – the verification of data we want to know whether to study deeper: experiment done to get information about something, to check the accuracy of something, prior action performed to control or determine the accuracy of a kind, a thing, and measure of something, based on facts or evidences. The evidence is provided to confirm or deny something;
- 1.17. **Relevant data** - database which is kept by KAF;
- 1.18. **Chain of Storing** – the storage chain and the identification of physical evidence in case of reception and submission of the evidence in KAF;
- 1.19. **The Council for quality, qualification and requalification** – means the council KAF level composed by the Chief Executive, departments directors and quality manager;
- 1.20. **Internal technical procedures** - the internal scientific procedures of KAF.

Article 4 **Establishment of Kosovo Agency on Forensic**

1. Kosovo Agency on Forensic is established as an independent and executive Agency in the framework of Ministry of Internal Affairs.
2. Kosovo Agency on Forensic is a legal entity.
3. To the Kosovo Agency on Forensic is guaranteed the right for objective and impartial activities.
4. The main headquarters of KAF is in the region of Prishtina.

Article 5 Mission

Mission of Kosovo Agency on Forensic is through the exercise of its activity, to provide qualitative forensic services in accordance with the applicable legislation, national and international standards.

Article 6 Principles

1. KAF employees must respect the Code of Ethics of KAF and principles provided in the Code of Conduct for Civil Servants.
2. KAF employees, in fulfilling their duties, shall respect fundamental human rights and freedoms, guaranteed by the Constitution of the Republic of Kosovo and by the legislation into force.

Article 7 Symbols

KAF has the emblem which is proposed by the Chief of KAF and is approved by the Minister.

Article 8 Identification Card

1. Employees of KAF are equipped with an identification card that serves as an authorization for action in KAF.
2. Form, equipment and the manner of using the identification document is regulated by a normative act that is issued by the Chief Executive of KAF.

Article 9 Budget

KAF is special budgetary voice within the budget of the Ministry of Internal Affairs. Budget of KAF should be reviewed and approved in the regular budgetary process, in compliance with the Law on Management of Public Finances and Accountability.

Article 10 Accreditation

1. KAF laboratories should be accredited and maintained according to international standards.
2. Procedures for accreditation according to international standards and deadlines for accreditation will be regulated by an administrative instruction from the Chief Executive of KAF.

Article 11 Minister

1. Chief Executive of KAF shall report and respond directly to the Minister for the administration and management of KAF. Chief of KAF collaborates with the Minister and provides to him necessary information and reports for the administration and management of KAF.

2. In relation with paragraph 1 of this Article, the information in relation to investigation issues or any expertise, may be provided only by the order of the competent court or Prosecutor's Office.

3. The Minister may require reports, information and other documents relating to KAF duties regarding the administration and management of KAF without interfering in the activity of KAF as is provided in paragraph 2 of this Article.

CHAPTER II ORGANIZATION AND FUNCTIONS

Article 12 The organizational structure of KAF

Internal organizational structure of KAF is proposed by the Chief Executive of KAF and is approved by the Minister.

Article 13 Chief Executive of KAF

1. Chief Executive of KAF is an apolitical executive authority within the KAF and the highest administrative, technical and operational authority of KAF.

2. Chief Executive of KAF is responsible for:

2.1. the overall administration and management of KAF

2.2. organization and employment of personnel, the issuance of administrative instructions and decision-making on matters relating to the functions of KAF;

2.3. effective and efficient management of resources that are entrusted to the KAF.

Article 14 Criteria for appointing and selecting the Chief Executive of KAF

1. Criteria for appointment of Chief Executive of KAF are:

1.1. to be a citizen of the Republic of Kosovo;

1.2. to be graduated from one of the universities recognized and accredited in fields related to forensic science;

1.3. to have at least three (3) years experience in managerial position in areas related to forensic science;

1.4. should have not been convicted for a crime, with a final decision;

1.5. should not be punished for severe disciplinary violations equivalent to the offences defined in the rules of discipline of KAF, within ten (10) years, during which he worked in state institutions;

1.6. should not have a conflict of interest with the office or as prescribed in the Law on Prevention of Conflict of Interest in Exercising the Public Function.

2. The Minister establishes a special commission for the selection of Chief Executive of KAF, which Commission should have five (5) members.

3. The Commission from paragraph 2 of this Article, after the selection process proposes to the Minister three (3) candidates for Chief Executives of KAF. The Minister appoints the Chief Executive based on the candidates proposed by Commission.

4. Composition of the Commission and the selection procedure is regulated by sub-legal act that is issued by the Minister.

Article 15

Mandate of the Chief Executive of KAF

1. Chief executive of KAF is appointed for a period of time of five (5) years, with possible extension after every five (5) years.

2. If the Chief Executive of KAF terminates the mandate in the calendar years of general elections, then its stay in the position will be extended automatically for two (2) years.

Article 16

Discharge and dismissal of Chief Executive of KAF

1. Chief Executive of KAF is released or removed from the office by the Minister for one of the following reasons:

1.1. has been convicted for a criminal offence, with final decision of the court;

1.2. reaches retirement age;

1.3. gives resignation;

1.4. due to inability to exercise the duty for a period longer than six (6) months.

2. The Minister imposes to the Chief Executive of KAF, by written disciplinary warnings or removal from the position for one of the following reasons:

2.1. commission of a serious breach of discipline, as provided in the rules of discipline;

2.2. after a documented negative evaluation of work, for any violation of rules of integrity or breach of bylaws for the discipline and personnel;

2.3 has showed lack of commitment, argued, in meeting strategic objectives and tasks under Article 13 of this Law.

3. When there is reasonable suspicion to believe that Chief Executive of KAF, has committed a criminal offence or for any of the grounds set forth in paragraph 2 of this Article, The Minister may suspend immediately the Chief Executive of KAF.

4. In case of acquittal, dismissal or suspension of Chief Executive of KAF, the Minister immediately appoints one of the directors of departments of KAF, as acting Chief Executive until the selection of the Chief Executive of KAF, not longer than six (6) months.

Article 17

Grades and functions of the employees of KAF

1. KAF personnel is divided into three (3) categories of grading and functions:

1.1. specialized- scientific personnel;

- 1.2. supporting personnel;
 - 1.3. executive positions.
2. Procedures and conditions of grading will be regulated by an administrative instruction that is issued by the Minister with proposal of Chief Executive of KAF.

CHAPTER III POWERS AND RESPONSIBILITIES OF KAF

Article 18 KAF Activity

- 1. KAF performs expertise of evidences, according to the Criminal Procedure Code and the legislation into force.
- 2. KAF proves in the court or in the prosecutor as it is foreseen in the Criminal Procedure Code and the legislation into force.
- 3. KAF based on Criminal Procedure Code appears in the crime scene for assistance in examining the crime scene.
- 4. KAF based on the Criminal Procedure Code will assist in reconstructing the crime scene.
- 5. KAF supports or helps in investigating incidents upon request of state institutions.
- 6. KAF in manual systems or digitized systems keeps and maintains relevant data for comparative purposes.
- 7. Administration of relevant data and their exchange with other agencies or institutions within the country as well as other aspects related to the data of persons will be regulated by an administrative instruction issued by the Chief of KAF, which should be in accordance with the Law on personal data protection.
- 8. The exchange of KAF data with other countries will be regulated through international agreement between MIA and foreign state authorities, or other foreign organizations.
- 9. KAF will hold collection of weapons for purposes in performing its activity. The collection of weapons will be held in compliance with the law on weapons.
- 10. KAF through the Council for quality, qualification and requalification authorizes the scientific employees for initiating and continuing the execution of expertises. This Council take decisions on the quality of scientific services in compliance with the legislation into force and procedures of KAF.
- 11. Operating procedures and conditions for quality, qualification and requalification will be regulated by an administrative instruction that will be issued by the Chief Executive of KAF.
- 12. KAF will conduct forensic scientific researches.
- 13. Research, training and cooperation procedures and conditions in the field of forensics will be regulated by an administrative instruction that will be issued by the Executive Chief.

Article 19
Administration of Evidences

1. Evidences, respectively cases sent for expertise in KAF must be completed. The completed case must contain the order for expertise, the filled form of KAF for expertise, physical evidences that should be examined and the storage chain.
2. KAF is obliged to carry out on time the expertise of the evidence and in addition to the evidence, to attach to the file the comprehensive report, in which should be given a professional opinion regarding the expertise performed.
3. KAF in cooperation with the Kosovo Police and other law enforcement agencies will determine the procedure for receiving, documenting, recording, storage and transportation of material evidences.
4. Employees of KAF are obliged to maintain the secrecy and the confidentiality regarding the expertise performed. Unauthorized persons are not allowed to bring to light, to declare-publish the reports, documents or other related actions regarding the performed experiment, nor to give statements for the public opinion, without the permission of the competent authorities.

CHAPTER IV
STAFF RIGHTS AND DISCIPLINE

Article 20
The rights of employees of KAF

1. KAF employees have the right for permanent employment until the completion of the conditions for retirement, except for individuals who are employed under contract for service for a fixed period, and those dismissed for cause under the legislation into force.
2. Base salary, increases in salaries, allowances and other benefits including pension and insurance scheme for employees of KAF will be determined by an administrative by the Minister, where are not included allowances, but are not limited to payment for the risk at work, payment for overtime work and work during holidays, payment for daily meals, payment for clothes, payment for special duties and special skills.
3. KAF employees who received a satisfactory evaluation and who were not subject to any disciplinary action will benefit as a reward 50 % of a monthly salary and that just once a year.
4. In case of death on duty or if an employee of KAF has been killed because of his duties within the KAF, The Ministry will pay to the family of deceased employee or to his legal heir (s) the monthly salary of the KAF employees for a period of one (1) year from the death of the employee of KAF.
5. Procedures, conditions of employment and of the work for KAF employees are regulated by an administrative instruction issued by Chief Executive Officer of KAF, including but not be limited to the career advancement, training and conflict of interest.
6. KAF employees have no right of strike or any other act that obstructs or interferes with the conduct of the KAF activity.
7. KAF employees should not express attitudes or undertake activities that violate the depoliticized nature of KAF.

Article 21

Employment leaves

Employment leaves of KAF employees are regulated by an administrative instruction that is issued by the Chief Executive.

Article 22

Discipline at KAF

Measures, disciplinary violations, suspension as well as disciplinary procedures for the KAF employees, are regulated by an administrative instruction by the Minister.

CHAPTER V

TRANSITIONAL AND FINAL PROVISIONS

Article 23

Issuance of sub-legal acts

1. For the implementation of this Law, the Minister shall approve sub-legal acts to determine:

- 1.1. identifying emblem of KAF;
- 1.2. organizational structure of KAF;
- 1.3. assessment procedure for employees of KAF;
- 1.4. determination of basic salary, increases in salary, allowances and other benefits for KAF employees;
- 1.5. employment and work procedures and conditions for KAF employees;
- 1.6. procedures for disciplinary violations, suspension as well the disciplinary procedure for KAF employees;
- 1.7. procedure and conditions of grading and positions within KAF

2. For the implementation of this Law, the Chief Executive of KAF-, will approve sub-legal acts for the:

- 2.1. form, equipment and the manner of using the identification document;
- 2.2. scientific procedures for accreditation pursuant to international standards and deadlines for accreditation;
- 2.3. procedure for the administration of relevant data and their exchange with other agencies and institutions within the country as well as other aspects in relation to the relevant data;
- 2.4. procedure for data safety;
- 2.5. procedure for the functioning of the Council for quality, qualification and requalification;
- 2.6. research, training and cooperation procedures and conditions in the field of forensic;

- 2.7. leaves from the working relation of the KAF employees.
3. Employees of the former Laboratory of Forensic-Kosovo Police that will continue to work at KAF have the right to earn an internship at the Kosovo Police.
4. Current uniformed and civilian employees of former Forensic Laboratory - Kosovo Police have the right that through a voluntary disclosure to choose the continuation of the work within the KAF or to return within the structures of the Kosovo Police.
5. Current uniformed employees of the former Laboratory of Forensic-Kosovo Police enjoy the right to return to the actual rank within the Kosovo Police as provided in the Law of Police.
6. For the implementation of this law sub-legal acts shall be issued by the Minister or Chief of Executive of KAF.

Article 24 Repeal

Upon entry into force of this Law there are repealed all provisions which are inconsistent with it.

Article 25 Entry into force

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

**Law No. 04/ L-064
14 October 2011**

Promulgated by Decree No.DL-042-2011, dated 01.11.2011, President of the Republic of Kosovo Atifete Jahjaga.