



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEÇA KOSOVA

In: KSC-BC-2019-02
Before: Single Judge Panel
Judge Nicolas Guillou

Registrar: Dr Fidelma Donlon
Filed by: Dr Fidelma Donlon
Date: 6 March 2019
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Public Redacted Version of
Submission in Response to Request for Review
of Registrar's Legal Aid Decision of 18 February 2019

Applicant

Mr Ruzhdi Saramati

I. INTRODUCTION

1. On 18 February 2019, the Registrar issued a Decision on Legal Aid ("Legal Aid Decision"), denying the request for legal aid submitted by the Applicant, Mr Ruzhdi Saramati ("Legal Aid Request").
2. On 23 February 2019, the Applicant submitted a request for review ("Request for Review"), received by the President of the Kosovo Specialist Chambers on 25 February 2019.¹ On 26 February 2019, the President of the Kosovo Specialist Chambers assigned the Single Judge to review the Legal Aid Decision.²
3. On 27 February 2019, the Single Judge issued an Order ("Order")³ for the Registrar to transmit, by 1 March 2019, a number of documents. The Registrar transmitted those documents on 28 February 2019.⁴
4. The Order also stated that the Registrar may file before the Single Judge any submissions in response to the Request for Review by 7 March 2019. On 4 March 2019, the Single Judge issued a confidential Order in anticipation of the Registrar's response. The Registrar hereby submits her response to the Request for Review.

II. APPLICABLE LAW

5. Pursuant to Article 34(7) of the Law on Specialist Chambers and Specialist Prosecutor's Office, Law No. 05/L-053 ("Law"), the Defence Office of the Registry of the Kosovo Specialist Chambers administers "a system of legal aid for representation of indigent or partially indigent accused before the Specialist Chambers".
6. As set forth in Article 38(3)(c) of the Law, a suspect shall have "[t]he right to be assisted by Specialist Counsel of his or her own choosing and to be questioned in the presence of Specialist Counsel, including the right to have legal assistance provided

¹ KSC-BC-2019-02, F00001, Applicant, Request for Review of the Decision, 23 February 2019, public.

² KSC-BC-2019-02, F00002, Decision Assigning a Single Judge Pursuant to Article 33(2) of the Law for the Review of the Registrar's 18 February 2019 Decision on Legal Aid, 26 February 2019, public.

³ KSC-BC-2019-02, F00003, Single Judge, Order to the Registrar to Transmit Documents Related to Decision KSC/REG/IOR/1632, 27 February 2019, public, para. 11.

⁴ KSC-BC-2019-02, F00004, Registrar's submission pursuant to Single Judge's Order of 27 February 2019 with 19 confidential Annexes, 28 February 2019, public with confidential annexes.

by the Specialist Chambers without payment by him or her where he or she does not have sufficient means to pay for it”.

7. The Directive on Counsel (“Directive”), adopted by the Registrar upon approval of the President pursuant to Article 34 of the Law and Rule 23(3) of the Rules of Procedure and Evidence (“Rules”), states that the Registrar shall “appoint chosen Counsel to a suspect [...] who has sufficient means to retain Counsel”; however, the Registrar shall “assign Counsel to a suspect [...] who fully or partially lacks the means to remunerate Counsel if proven to be fully or partially indigent in accordance with the Legal Aid Regulations”.⁵

8. As set forth in the Directive, a suspect “who fully or partially lacks the means to retain Counsel shall submit a request for assignment of Counsel to the Registrar through the Defence Office.”⁶

9. Pursuant to the Interim Legal Aid Regulations, an indigent or partially indigent suspect “may be awarded Legal Aid pursuant to article 34(7) of the Law. The burden to prove indigence or partial indigence lies with the suspect”.⁷

10. As set forth in the Interim Legal Aid Regulations, a suspect “claiming indigence or partial indigence and requesting the assignment of Counsel shall complete, sign and submit” the following:

- a. To the Registrar, a request for the assignment of Counsel;
- b. To the Defence Office, a Legal Aid Request Form together with a Declaration of Means Form.⁸

11. By signing the Legal Aid Request Form, the requestor declares:

I understand that I need to submit detailed information regarding my means, or facilitate the gathering thereof, and have to produce supporting evidence establishing my (total or partial) lack of means to remunerate Counsel. The information provided must be, to the extent possible,

⁵ Directive on Counsel, Ref: KSC-BD-04, 6 November 2017, Section 12(1)(a)-(b).

⁶ Ibid., Section 14(1).

⁷ KSC-BC-2019-02, F00004, Confidential Annex 7, Interim Legal Aid Regulations, Regulation 5(1).

⁸ Ibid., Regulation 5(2).

corroborated by reliable official documentation on financial means, including direct and indirect income, bank accounts, real or personal property, stocks, bonds, investments, business operations, liabilities and expenditures.⁹

12. The Legal Aid Request Form also requires the requestor to declare that [a]ny intentional or reckless omission or false statement in the Declaration of Means or in any document provided, or non-cooperation in the assessment of indigence may result in the rejection or withdrawal of Legal Aid and in the obligation to reimburse the costs paid for my legal representation.¹⁰
13. The Registrar's indigence assessment is based on the documents provided pursuant to Regulation 5 of the Interim Legal Aid Regulations and "an inquiry into the suspect's [...] means, including the means of his or her spouse, of Members of his or her household and of any other financially associated persons".¹¹
14. Specifically, "[t]he inquiry shall assess the Disposable Means of the suspect [...] and shall deduct from the Disposable Means the suspect's [...] Estimated Living Expenses for the purposes of calculating the amount available to the suspect [...] to contribute to his or her legal representation before the Specialist Chambers. This calculation shall be carried out in accordance with Annex A", the Protocol on Indigence Assessment.¹²
15. The Registrar takes a decision on a Legal Aid Request on the basis of the indigence assessment. She may review her decision *proprio motu* or upon request when a decision is significantly affected by a change of circumstances or the suspect has provided false information or intentionally omitted information of significance to the decision.¹³

⁹ Ibid., Confidential Annex 1, Legal Aid Request Form, para. 3.

¹⁰ Ibid., para. 5.

¹¹ Ibid., Confidential Annex 7, Interim Legal Aid Regulations, Regulations 5 and 7(1).

¹² Ibid., Regulation 7(2); see also *ibid.*, Confidential Annex 8, Protocol on Indigence Assessment.

¹³ Ibid., Confidential Annex 7, Interim Legal Aid Regulations, Regulation 8.

III. FACTUAL BACKGROUND AND PROCEDURAL HISTORY

16. On 23 January 2019, the Defence Office received an e-mail from Mr Hazer Susuri, lawyer from Kosovo, stating that the Applicant had requested that he provide legal services to the Applicant during an interview with the Specialist Prosecutor's Office on 19 February 2019. Mr Susuri indicated that the Applicant was indigent and requested legal aid.

17. On 23 January 2019, the Defence Office sent the following to Mr Susuri: a Letter to Chosen Counsel, an Assignment/Appointment Request Form, a Legal Aid Request Form, a Power of Attorney Form, a Declaration of Means Form, and a Consent Form. The Defence Office requested that the completed forms be returned to the Defence Office by 28 January 2019, close of business.

18. On 29 January 2019, Mr Susuri returned the forms signed by the Applicant via e-mail to the Defence Office. In his Declaration of Means, the Applicant indicated [REDACTED].¹⁴ However, in his Consent Form, the Applicant identified two bank accounts in his name: [REDACTED].¹⁵ The Applicant did not indicate the balances in those accounts.

19. On 31 January 2019, the Defence Office requested by e-mail that the Applicant provide, by 4 February 2019, bank statements indicating the current balance in each bank account and copies of his bank statements for each account from 1 January 2018 to the present, indicating all credits and debits on those accounts by the Applicant.¹⁶ The Defence Office also requested additional clarifications and necessary information to be able to verify the forms submitted in a relatively short amount of time.¹⁷

20. The Defence Office further informed the Applicant that he needed to provide separate Consent Forms per bank account and what information was needed in the Consent Forms to be of assistance to the legal aid inquiry: the name of the responsible

¹⁴ Ibid., Confidential Annex 2, Declaration of Means Form signed on 29 January 2019, pp. 21, 49.

¹⁵ Ibid., Confidential Annex 3, Consent Form signed on 29 January 2019.

¹⁶ Ibid., Confidential Annex 10, E-mail from Defence Office of 31 January 2019.

¹⁷ Ibid.

bank officer, the name of the bank and telephone number, and the e-mail address of the person within the bank to whom the Consent Form could be sent.¹⁸

21. In his Declaration of Means, the Applicant had not declared ownership of any motor vehicle by members of his household.¹⁹ However, pursuant to the Protocol for Indigence Assessment annexed to the Interim Legal Aid Regulations, the Defence Office conducted a detailed background check of the Applicant's means using all publicly available sources of information. Based on this background check, the Defence Office learned that the Applicant had advertised a car on the online selling platform www.merrijep.com on 27 January 2019: a 2012 VW Passat 3C 2.0 TDI, with a millage of 180,000-189,999 kilometres. The advertisement did not indicate a value for the car.

22. On 5 February 2019, since the requested bank account information had not been provided by the Applicant, the Defence Office contacted Mr Susuri again and informed him that the Applicant's deadline for submitting the requested documentation would be extended to 6 February 2019. Also on 5 February 2019, Mr Susuri was admitted to the List of Counsel under Section 7 of the Directive.

23. On 6 February 2019, Mr Susuri provided part of the requested bank account information to the Defence Office and indicated that he would provide the rest of the documentation as soon as he received the information from the Applicant.²⁰ The Applicant also provided information on the car that had been advertised.²¹

24. On 8 February 2019, the Defence Office Coordinator called Mr Susuri and inquired when the remaining documentation and information would be provided.

25. On 11 February 2019, the Defence Office received copies of two bank statements for two bank accounts in the Applicant's name [REDACTED].²² Accounts under these numbers had not been previously disclosed by the Applicant in the Consent Form, the

¹⁸ Ibid.

¹⁹ Ibid., Confidential Annex 2, Declaration of Means Form signed on 29 January 2019, pp. 18, 46.

²⁰ Ibid., Confidential Annex 11, E-mail from Counsel of 6 February 2019.

²¹ Ibid., p. 19.

²² Ibid., Confidential Annexes 12-13, E-mails from Counsel of 11 February 2019.

Declaration of Means Form, or in any other of the Applicant's previous submissions to the Defence Office.

26. One bank statement shows [REDACTED].²³ An analysis of this bank account shows that, in the period from 1 January 2018 to 11 February 2019, [REDACTED]. The bank statement indicated [REDACTED].

27. The other bank statement shows [REDACTED].²⁴ An analysis of this bank account shows that, in the period from 1 January 2018 to 11 February 2019, [REDACTED]. The bank statement also indicated [REDACTED].

28. On 11 February 2019, the Defence Office sent follow-up questions to the Applicant asking for clarification on the information provided and requested a response by 12 February 2019, before 17:00 hrs.²⁵

29. On 13 February 2019, the Applicant provided a letter responding to the request for clarification by the Defence Office and attached a copy of his bank statement [REDACTED].²⁶ The Applicant had not disclosed a bank account with this number in the Consent Form, the Declaration of Means Form, or in any other prior submissions to the Defence Office.

30. The Applicant also provided for the first time on 13 February the estimated value of the advertised car.²⁷

31. On 13 February 2019, the Defence Office sent a third request to the Applicant for bank statements from the bank accounts declared on the Consent Form and requested an answer by 14 February 2019, 14:00 hrs.²⁸

²³ Ibid., Confidential Annex 12, E-mail from Counsel of 11 February 2019, attaching bank statements.

²⁴ Ibid., Confidential Annex 13, E-mail from Counsel of 11 February 2019, attaching bank statements.

²⁵ Ibid., Confidential Annex 14, E-mail from Defence Office of 11 February 2019.

²⁶ Ibid., Confidential Annex 15, E-mail from Counsel of 13 February 2019.

²⁷ Ibid., pp. 6, 13-14.

²⁸ Ibid., Confidential Annex 16, E-mail from Defence Office of 13 February 2019.

32. On 14 February 2019, the Applicant confirmed to the Defence Office [REDACTED].²⁹ An analysis of this bank account shows that in the period from 1 January 2018 to 11 February 2019, [REDACTED]. The last withdrawal [REDACTED].

33. On 14 February 2019, the Applicant also re-attached copies of bank statements he had already provided to the Defence Office.³⁰ The Applicant stated that the bank accounts he disclosed in his Consent Form no longer existed because the respective banks had changed their account numbers into the account numbers for which he had provided bank statements.³¹

34. Specifically, the Applicant stated [REDACTED]. He stated [REDACTED]. The Applicant maintained that he was not aware of this change in account numbers [REDACTED], and that he currently has only three bank accounts for which he had provided bank account statements.

35. The bank statements that the Defence Office received covered the period from January 2018 onwards, but there was no indication on those bank statements that the bank account numbers had changed. The Applicant has not provided any other supporting information for his claim that the banks have changed his bank account numbers without informing him. The Applicant has also not provided the Defence Office with: separate Consent Forms per bank account and the name of the responsible bank officer, the name of the bank and telephone number, and the e-mail address of the person within the bank to whom each Consent Form should be sent.³²

36. On 14 February 2019, at 10:28 in the morning, the Defence Office requested for the fourth time that the Applicant provide copies of bank statements of the two bank accounts disclosed in the Consent Form, in order for the Defence Office to be able to assess the veracity of the Applicant's claim. As an alternative, the Applicant was given the opportunity to provide bank certificates to confirm his claim that the two bank

²⁹ Ibid., Confidential Annex 17, E-mail from Counsel of 14 February 2019; see also above para. 29.

³⁰ See above paras 25-27, 29, 32.

³¹ KSC-BC-2019-02, F00004, Confidential Annex 17, E-mail from Counsel of 14 February 2019.

³² Ibid., Confidential Annex 10, E-mail from Defence Office of 31 January 2019.

accounts had been changed into corresponding bank accounts for which he had already provided bank statements. Considering that the interview of the Applicant was scheduled for Tuesday, 19 February 2019, the Defence Office requested a response on the same day, Thursday, 14 February 2019, before 17:00 hrs.³³

37. On 14 February 2019, the Applicant informed the Defence Office that he would ask his banks to provide him with the requested information.

38. On 16 February 2019, the Applicant sent, via Counsel, pictures of three (3) bank cards to the Defence Office. Two bank cards [REDACTED]. The Applicant stated [REDACTED] the bank accounts associated with the three bank cards and that the Defence Office could verify those accounts with the respective banks. The Applicant also stated that he takes responsibility for the truthfulness of the three bank accounts and the income information provided.³⁴ No further information was provided by the Applicant.

39. Bank statements [REDACTED].³⁵ There are similarities between this anonymised number and the bank card provided by the Applicant [REDACTED].³⁶ This card number corresponds to one of the two bank account numbers provided by the Applicant on his Consent Form.³⁷

40. Bank statements [REDACTED].³⁸ There are similarities between this anonymised number and the picture of the bank card provided by the Applicant [REDACTED].³⁹

41. Bank statements [REDACTED] do not indicate the bank card number with which withdrawals have taken place.⁴⁰ However, the third bank card⁴¹ provided by the

³³ Ibid., Confidential Annex 18, E-mail from Defence Office of 14 February 2019.

³⁴ Ibid., Confidential Annex 19, E-mail from Counsel of 16 February 2019.

³⁵ Ibid., Confidential Annex 12, E-mail from Counsel of 11 February 2019, attaching bank statements.

³⁶ Ibid., Confidential Annex 19, E-mail from Counsel of 16 February 2019.

³⁷ Ibid., Confidential Annex 3, Consent Form signed on 29 January 2019.

³⁸ Ibid., Confidential Annex 13, E-mail from Counsel of 11 February 2019, attaching bank statements.

³⁹ Ibid., Confidential Annex 19, E-mail from Counsel of 16 February 2019.

⁴⁰ Ibid., Confidential Annex 15, E-mail from Counsel of 13 February 2019.

⁴¹ Ibid., Confidential Annex 19, E-mail from Counsel of 16 February 2019.

Applicant has two numbers: [REDACTED] and [REDACTED] (which corresponds to the second bank account number the Applicant provided on his Consent Form⁴²).

42. On 18 February 2019, the Registrar rendered a decision, rejecting the Applicant's request for legal aid and subsequent request for assignment of Counsel.⁴³ The information provided by the Applicant was not, to the extent possible, corroborated by reliable official documentation on financial means, including bank accounts, as requested in the Legal Aid Request Form. The Registrar therefore issued a decision *appointing*, rather than assigning, Counsel to the Applicant.⁴⁴

43. On 23 February 2019, the Applicant submitted a Request for Review of the Legal Aid Decision of the Registrar.

IV. DISCUSSION

44. The Applicant submits that the provided documentation related to three bank accounts [REDACTED] is plausible, substantiated, and complete, and includes bank statements for two bank accounts mentioned in the Declaration of Means Form. He assures that he does not have any other accounts and avers that the interpretation by the Registrar of the information provided is wrong. Moreover, he states that he did not submit wrong information, but that he only added a third bank account and provided contact details for the banks so as to allow the Registry to check the veracity of the information he provided. Finally, he states that information about his vehicle was not requested but that, when asked about it, he provided full information on the vehicle in his possession.⁴⁵

45. The Registrar first notes that the system of legal aid envisaged by the Law, the Rules, the Directive, and the Interim Legal Aid Regulations is based on a careful balance between the right of suspects and accused to have legal assistance provided

⁴² Ibid., Confidential Annex 3, Consent Form signed on 29 January 2019.

⁴³ Ibid., Confidential Annex 4, Legal Aid Decision, 18 February 2019.

⁴⁴ Ibid., Confidential Annex 5, Appointment Letter, 18 February 2019.

⁴⁵ KSC-BC-2019-02, F00001, Applicant, Request for Review of the Decision, 23 February 2019, public.

by the Specialist Chambers where they do not have sufficient means to pay for it under Article 38(3)(c) of the Law, on the one hand, and the requirement of the efficient administration of the Specialist Chambers under Articles 1(2) and 34(1) of the Law, including sound financial management of the funds entrusted to the Registrar, on the other.⁴⁶

46. The Registrar further notes that the burden to prove indigence or partial indigence lies with a suspect or the accused.⁴⁷ The applicable instruments, therefore, require a suspect or the accused to demonstrate indigence so that the Defence Office and, ultimately, the Registrar can assess (total or partial) indigence on the basis of the documentation provided and inquiries into the means of the individual in question and other financially associated persons. The Applicant does not dispute this.

47. In the specific circumstances of this case, the information provided by the Applicant has not been corroborated by reliable, official documentation on financial means, including bank accounts, as requested in the Legal Aid Request Form.

48. The two bank accounts that appear in the Consent Form signed and provided on 29 January 2019 are not supported by accurate and complete documentation, as requested by the Defence Office on multiple occasions. Moreover, the Applicant has not fully explained his assertion that these two bank accounts no longer exist and were converted into the two other accounts without his knowledge.

49. The Applicant has also not provided the necessary information to confirm his claims regarding his bank accounts, including: a distinct Consent Form for each individual bank account and the names and contact information of the persons within the bank whom the Defence Office can contact to verify his claim about the change of

⁴⁶ The Specialist Chambers' accounts are, *inter alia*, subject to verifications and audits by the European Commission, the European Anti-Fraud Office, and the European Court of Auditors. The Specialist Chambers is required to keep records and supporting documents for every expenditure implemented from its budget. These records and supporting documents must enable expenditure to be easily traced, identified, and verified, in order to determine its eligibility in accordance to the applicable rules and contractual provisions.

⁴⁷ KSC-BC-2019-02, F00004, Confidential Annex 7, Interim Legal Aid Regulations, Regulation 5(1).

his bank accounts, or otherwise to confirm any possible confusion between the Applicant's bank card numbers and his bank account numbers.

50. The importance of completeness and veracity in the documentation that individuals requesting legal aid provide to the Registry cannot be overstated. The Registrar is responsible under the Law for the administration and servicing of the Specialist Chambers and all necessary and affiliated functions and, through the Defence Office, is mandated to administer a system of legal aid. It is a fundamental tenet of this system, which the Applicant does not dispute, that individuals requesting legal aid demonstrate their indigence, and that the Defence Office is able to conduct appropriate inquiries based on objective financial information.

51. Actual proof of indigence hinges on compliance by requestors with the applicable legal provisions and the formalities devised for this purpose, and not on conjectures by the Defence Office based on incomplete, inaccurate, and conflicting information provided by the requestor, which would be contrary to principles of sound financial management. Moreover, where an indigence assessment is required on an urgent basis, as in this case, complete information is paramount, either at the time of the request for legal aid and/or in response to (as in this case, repeated written and oral) requests for clarification from the Defence Office.

52. As a result of the Applicant's inability to provide accurate and complete documentation concerning his bank accounts, and in light of the need – in this specific case – to ensure effective assistance by counsel assigned or appointed on 19 February 2019, the Applicant was unable to substantiate his indigence claim; therefore, the Defence Office and, ultimately, the Registrar could not be satisfied that he was indeed entitled to legal aid.

V. CONCLUSION AND RELIEF SOUGHT

53. The Registrar submits that, at this stage, there is no error in the Legal Aid Decision of 18 February 2019.

54. The Interim Legal Aid Regulations provide for a process, under Regulation 8(4), for the Registrar to review decisions on legal aid *proprio motu* or upon request when they are significantly affected by a change of circumstances,⁴⁸ which may be considered to include the provision of additional, accurate, and substantiated information.

55. Should the Applicant's submissions in relation to his bank accounts be supported by appropriate documentation, and subject to any additional inquiry deemed necessary, the Legal Aid Decision may be reviewed and the Legal Aid Request granted by the Registrar under Regulation 8(4) of the Interim Legal Aid Regulations – assuming no additional sources of disposable means and/or of amounts available to contribute to legal representation exist.

56. Despite the Legal Aid Decision of 18 February 2019, in fact, nothing precludes the Applicant from providing the requested information or other appropriate documentation to the Defence Office and requesting review of the Legal Aid Decision by the Registrar.⁴⁹ The Registrar would welcome further clarity in this matter.

57. For example, the Applicant or his Counsel could provide the following to the Defence Office:

- a. a new Consent Form for each individual bank account in his name, clearly stating the bank account number, the name of the responsible bank officer, the name of the bank and telephone number, and, if possible, the e-mail address of the person within the bank to whom the Consent Form could be sent for verification; or
- b. a declaration [REDACTED] stating all bank accounts held in the Applicant's name at that bank and stating that [REDACTED] is actually the bank card

⁴⁸ Ibid., Regulation 8(4)(a).

⁴⁹ While case-law suggests that judicial review of a Registrar's decision on legal aid is based upon the material that was placed before the Registrar (see, e.g., ICTY, *Kvočka et al.*, IT-98-30/1-A, Decision on Review of Registrar's Decision to Withdraw Legal Aid from Zoran Žigić, 7 February 2003, para. 42), the Interim Legal Aid Regulations allow the Registrar to review her own decisions on the basis of a change in circumstances.

number for a specific bank account held in the Applicant's name at that bank; and

- c. a declaration [REDACTED] stating all bank accounts held in the Applicant's name at that bank and stating that [REDACTED] is actually the bank card number for a specific bank account held in the Applicant's name at that bank; and
- d. a statement by the Applicant that due to possible confusion between the different bank account numbers and bank card numbers, he misstated that the respective banks changed his bank account numbers.

58. Otherwise, the Applicant may provide copies of the bank statements of the two bank accounts as reported in his Consent Form up until the moment of the change of account number and/or declarations from the respective banks proving that the numbers of those two bank accounts have actually changed. Both types of documentation would allow the Defence Office to verify that the new bank account numbers in the bank statements provided by the Applicant do not relate to other – additional – existing bank accounts.

59. As long as any further submission by the Applicant to the Defence Office in this respect is accurate, substantiated, and complete, as required by the relevant regulations and corresponding forms, the Registrar will review the Legal Aid Decision under Regulation 8(4) of the Interim Legal Aid Regulations.

VI. CONFIDENTIALITY

60. This submission is filed in two versions, one publicly redacted and the other confidential, due to the considerations expressed in the confidential Order by the Single Judge of 4 March 2019, and because of the amount of personal data inevitably contained in these arguments. Moreover, the Annexes included in the submission of 28 February 2019, and referred to extensively in the present submission, were filed confidentially (and partially redacted). The Registrar respectfully submits that those

Annexes should continue to be classified as confidential, as they relate to the personal information of the Applicant and – to a limited extent – to the internal work of the Registry. By reference to Rule 82(3) of the Rules, the Registrar respectfully requests the opportunity to make submissions, including submissions related to any additional redaction that may be deemed necessary, in case of complete or partial re-classification of such Annexes and of the current submission.

VII. RELIEF REQUESTED

61. The Registrar, therefore, respectfully requests the Single Judge to:

- (A) reject the Application; and
- (B) confirm that, failing the provision of the missing information by the Applicant, the Registrar did not err in her Legal Aid Decision.

55. The Applicant may, of course, provide additional information in this respect to discharge his burden of proof under the relevant provisions, which will form the basis for a review of the Legal Aid Decision by the Registrar.

Dr Fidelma Donlon
Registrar

6 March 2019
At The Hague, the Netherlands