

Annex 4 to

Referral by 1) Sabit JANUZI, 2) Ismet BAHTIJARI and 3) Haxhi SHALA to the
Specialist Chamber of the Constitutional Court Concerning the Constitutional
Validity of KSC-BD-25/Rev1
(Revised Legal Aid Regulations)

Public



KSC adopts Legal Aid Regulations

3 Sep 2020 [Press release](#)

On 3 September 2020, the Registrar of the Kosovo Specialist Chambers (KSC), Dr Fidelma Donlon, following consultation with the President, adopted the [Legal Aid Regulations before the Kosovo Specialist Chambers](#) (Regulations). The Regulations exemplify best practices in legal aid standards, guaranteeing compliance with the fair trial principles enshrined in the Constitution of Kosovo and the Law on Specialist Chambers and Specialist Prosecutor's Office whilst ensuring the sound financial management of the legal aid scheme's resources.

Suspects or accused before the KSC who demonstrate that they cannot afford to pay for their defence and who do not receive legal aid through other means will be provided, in full or in part, with legal aid to pay for a lawyer of their choosing who is qualified to be on the KSC list of counsel. The legal aid covers the remuneration of counsel and members of their team and will be paid directly to counsel.

President Ekaterina Trendafilova lauded the adoption of the Regulations, noting that they "encapsulate the core principles set forth in our Law and the universal standards in criminal justice, ensuring the right of an accused to a fair trial, which includes the right to effective counsel".

The legal aid is calculated by the Registrar, in consultation with the competent panel and counsel, taking into account the complexity level of the case and the services to be provided by counsel during each stage of the proceedings, which include Pre-Indictment, Pre-Trial, Trial, Second Instance Appellate, and Third Instance Appellate Stage. Additionally, any costs that may arise during the course of investigations or as a result of the need for translations may be covered up to a certain amount.

The Regulations transparently set out how to apply for legal aid and which documents will have to be provided to the Defence Office. More specifically, a declaration of means will have to be submitted as part of a request for legal aid. The Defence Office will conduct a thorough assessment of the financial means of the applicant to decide whether full or partial legal aid should be dispensed. Where an applicant does not cooperate or provides false information, the request for legal aid will be denied. If the applicant is not satisfied with the decision of the Registrar, he or she has the right to appeal that decision before a panel of judges.

The Regulations specify the maximum fees and other eligible costs that may be paid upon presentation of an invoice. The procedure for oversight and monitoring by the Defence Office of the spending of the legal aid is also contained in the Regulations.

"The legal aid regulations are a cornerstone of the legal aid scheme essential to the rights of accused and participating victims. They will ensure that those who can show that they are unable to pay for their defense in whole or in part are eligible to receive legal aid and that victims' counsel can perform their functions," said Registrar Dr. Fidelma Donlon. "Critically, to ensure the sound management of the money provided in the KSC budget for legal aid, the regulations also provide a transparent system for the calculation of the legal aid fee and payment of other approved costs upon the presentation of invoices."

For more detailed information on the legal aid scheme, see here:

[Web page](#)

[Legal Aid Regulations](#)