



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEÇA KOSOVA

In: KSC-BC-2019-02

Before: The President of the Specialist Chambers
Judge Ekaterina Trendafilova

Registrar: Dr Fidelma Donlon

Date: 26 February 2019

Language: English

Classification: Public

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**

Single Judge

Judge Nicolas Guillou

Applicant

Mr Ruzhdi Saramati

THE PRESIDENT of the Specialist Chambers (the “President”), acting pursuant to Article 33(2) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor’s Office (the “Law”), herewith assigns a Single Judge to review the Registrar’s 18 February 2019 decision rejecting the request for legal aid of Mr Ruzhdi Saramati (the “Applicant”).

I. PROCEDURAL BACKGROUND

1. On 18 February 2019, the Registrar issued a decision rejecting the request for legal aid submitted by the Applicant.¹
2. On 23 February 2019, the Applicant submitted a request to review the Registrar’s decision (the “Request”),² which was received by the President on 25 February 2019.³

II. APPLICABLE LAW

3. Pursuant to Article 34(6)-(7) of the Law, units of the Registry administer a system of legal aid for representation of indigent or partially indigent persons before the Specialist Chambers.
4. The interim Practice Direction on Requests for Assignment of Counsel and for Legal Aid (the “Interim Legal Aid Regulations”)⁴ set out the conditions and procedure for requesting and awarding or denying legal aid.

¹ KSC/REG/IOR/1632, 18 February 2019.

² KC-BC-2019-02, F00001, Mr Ruzhdi Saramati, *Request for Review of the Decision on the Registrar Ref: KSC/REG/IOR/1632*, 23 February 2019, public.

³ KSC, Distribution by Internal Email by Court Management Unit, 25 February 2019, received at 18:33 (Albanian original) and 18:41 (English translation).

⁴ KSC-BD-06, Registrar, *Interim Legal Aid Regulations – Practice Direction on Requests for Assignment of Counsel and for Legal Aid*, 21 December 2018, *limite*.

5. In accordance with Regulations 11 and 17 of the Interim Legal Aid Regulations, any decision by the Registrar, including on legal aid requests, may be subject to review by the Competent Panel or by a Single Judge, assigned for that purpose by the President, as applicable, upon request by the affected person, which shall be filed within seven (7) days of receiving notification of the decision.

6. Article 25(1)(f) of the Law provides that Chambers shall be composed of *inter alia* individual Judges as necessary performing other functions required under the Law.

7. Article 33(2) of Law provides that the President may assign a Single Judge from the Roster of International Judges (the “Roster”) in accordance with the Rules on the Assignment of Specialist Chambers Judges from the Roster (the “Rules on Assignment”), to deal with a matter, which, in the view of the President, requires the assignment of a Judge other than the Pre-Trial Judge. Assignments pursuant to Article 33(2) of the Law shall be temporary in nature and shall cease as soon as the matter triggering them has been disposed of.

8. According to Rule 3(4) of the Rules on Assignment, the President shall issue a public decision on the assignment of Judges to a Panel, which shall set out the criteria for assignment as specified in Rule 5(2) of the Rules on Assignment.

III. ASSIGNMENT OF A SINGLE JUDGE

9. The Request raises a matter that currently does not pertain to any stage of proceedings under Articles 25(1)(a)-(e) and 33(1) of the Law and therefore no “Competent Panel” as provided in Regulation 11 of the Interim Legal Aid Regulations, is available to be seised of the Request.

10. Accordingly and as provided in Articles 25(1)(f) and 33(2) of the Law, an individual Judge needs to be assigned to deal with the Request.

11. Having taken in consideration the criteria provided by Rule 4(2) of the Rules on Assignment, the Single Judge is assigned on the basis of his relevant experience and expertise as well as his current availability.

FOR THESE REASONS, THE PRESIDENT HEREBY ASSIGNS

Judge Nicolas Guillou

as a Single Judge to review the Registrar's 18 February 2019 decision rejecting the request for legal aid of Mr Ruzhdi Saramati.



**Judge Ekaterina Trendafilova,
President of the Specialist Chambers**

Dated this Tuesday, 26 February 2019

At The Hague, the Netherlands