



**In:** KSC-BC-2019-02

**Before:** Single Judge Panel  
Judge Nicolas Guillou

**Registrar:** Dr Fidelma Donlon

**Date:** 27 February 2019

**Language:** English

**Classification:** Public

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**ORDER**

**to the Registrar to Transmit Documents  
Related to Decision KSC/REG/IOR/1632**

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**Applicant**

Mr Ruzhdi Saramati

**THE SINGLE JUDGE** is seised of the request submitted by Mr Ruzhdi Saramati (“Applicant”) on 23 February 2019 (“Request for Review”),<sup>1</sup> for the review of the Registrar’s Decision on Legal Aid, Ref: KSC/REG/IOR/1632, dated 18 February 2019 (“Legal Aid Decision”) and hereby orders the Registrar to transmit documents to the Single Judge.

## I. PROCEDURAL BACKGROUND

1. On 18 February 2019, the Registrar issued the Legal Aid Decision, denying the request for legal aid submitted by the Applicant (“Legal Aid Request”).
2. On 23 February 2019, the Applicant submitted the Request for Review, which was received by the President of the Kosovo Specialist Chambers on 25 February 2019.<sup>2</sup>
3. On 26 February 2019, the President of the Kosovo Specialist Chambers assigned the Single Judge to review the Legal Aid Decision.<sup>3</sup>

## II. SUBMISSIONS

4. In his Request for Review, the Applicant submits that the Registrar “erroneously assessed the factual situation,” whilst he “met all the conditions to be granted Legal Aid [...] which is proven by all the evidence appended to the documentation to be decided upon by the Registrar [...]”<sup>4</sup>
5. More specifically, the Applicant claims that he submitted “all the plausible and substantiated information in relation to the 3 bank accounts which are the

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<sup>1</sup> KSC-BC-2019-02, F00001, Applicant, *Request for Review of the Decision*, 23 February 2019, public.

<sup>2</sup> KSC, Distribution by Internal Email by Court Management Unit, 25 February 2019.

<sup>3</sup> KSC-BC-2019-02, F00002, President, *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 (“President’s Decision”).

<sup>4</sup> Request for Review, pp. 1-2.

only ones in [his] use,” and accordingly requests that verifications be made in respect of these bank accounts in order to ascertain that this list is exhaustive.<sup>5</sup>

6. In addition, the Applicant submits that the Registrar erred in concluding that he provided “wrong information about different bank accounts,” and claims that he merely “added a third bank account to the two bank accounts [the Registrar has] suspicions about.”<sup>6</sup>

7. Finally, the Applicant submits that the Registrar erred in concluding that he failed to provide information about his vehicle, since “no declaration of a vehicle was requested by the Registrar,” whilst the Applicant provided “full information about the vehicle” upon request by the Registrar to do so.<sup>7</sup>

8. Accordingly, the Applicant requests a review of his Legal Aid Request “from the formal and substantive point of view based on the documentation requested of [him] and which [he] provided to [the Registrar] in its entirety.”<sup>8</sup>

### III. APPLICABLE LAW

9. Pursuant to Article 34(7) of the Law on Specialist Chambers and Specialist Prosecutor’s Office, the Registry includes a Defence Office which will administer a system of legal aid for representation of indigent or partially indigent accused before the Kosovo Specialist Chambers.

10. The “interim Practice Direction on Requests for Assignment of Counsel and for Legal Aid” sets out the conditions and procedure for requesting and awarding or denying legal aid.<sup>9</sup> Pursuant to “Regulations 11 and 17 of the Interim Legal Aid Regulations”, any decision by the Registrar, including on legal aid requests, may

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<sup>5</sup> Request for Review, para. 1.

<sup>6</sup> Request for Review, para. 2.

<sup>7</sup> Request for Review, para. 3.

<sup>8</sup> Request for Review, p. 3.

<sup>9</sup> cp. President’s Decision, para. 4.

be subject to review by *inter alia* a Single Judge assigned for that purpose by the President, upon request by the affected person.<sup>10</sup>

#### IV. DISPOSITION

11. For the purpose of deciding on the Request for Review, the Single Judge hereby orders the Registrar to transmit, by Friday, 1 March 2019, the following documents:

- a. the Legal Aid Request submitted by the Applicant, including all accompanying documents and any translation thereof into English;
- b. any Declaration of Means Form submitted by the Applicant, including all accompanying documents and any translation thereof into English;
- c. the Legal Aid Decision, including all its annexes;
- d. any further assessment conducted by the Registrar in respect of the indigence of the Applicant;
- e. any internal regulations and their annexes, if any, on the basis of which the assessment of indigence was made and the Legal Aid Decision was rendered; and
- f. any further document of relevance to the assessment of the Request for Review.

12. In addition, the Registrar may file before the Single Judge any submissions in response to the Request for Review by Thursday, 7 March 2019.

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<sup>10</sup> cp. President's Decision, para. 4.



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**Judge Nicolas Guillou**  
**Single Judge**

Dated this Wednesday, 27 February 2019  
At The Hague, the Netherlands.