



KOSOVO SPECIALIST CHAMBERS  
DHOMAT E SPECIALIZUARA TË KOSOVËS  
SPECIJALIZOVANA VEĆA KOSOVA

**In:** KSC-BC-2019-02  
**Before:** Single Judge Panel  
Judge Nicolas Guillou  
**Registrar:** Dr Fidelma Donlon  
**Date:** 4 March 2019  
**Language:** English  
**Classification:** Public

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**Public Redacted Version of**

**ORDER**

**To the Registrar on Submissions**

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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”),<sup>2</sup> and hereby issues the present Order to the Registrar regarding the submissions to be filed by 7 March 2019.

## I. PROCEDURAL BACKGROUND

1. On 29 January 2019, the Applicant submitted to the Registrar a Legal Aid Request Form (“Legal Aid Request”)<sup>3</sup> as well as a Declaration of Means Form (“Declaration of Means Form”),<sup>4</sup> declaring not to have sufficient means to pay for his legal representation in proceedings before the Kosovo Specialist Chambers and accordingly requesting the award of Legal Aid.
2. On 18 February 2019, the Registrar issued the Legal Aid Decision, denying the request for legal aid submitted by the Applicant.<sup>5</sup>
3. 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>6</sup> On 26 February 2019, the President of the Kosovo Specialist Chambers assigned the Single Judge to review the Legal Aid Decision.<sup>7</sup>

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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-BC-2019-02, F00004, Registrar, *Registrar’s Submission Pursuant to Single Judge’s Order of 27 February 2019 with 19 Confidential Annexes*, 28 February 2019, Confidential Annex 4.

<sup>3</sup> KSC-BC-2019-02, F00004, Registrar, *Registrar’s Submission Pursuant to Single Judge’s Order of 27 February 2019 with 19 Confidential Annexes*, 28 February 2019, Confidential Annex 1.

<sup>4</sup> KSC-BC-2019-02, F00004, Registrar, *Registrar’s Submission Pursuant to Single Judge’s Order of 27 February 2019 with 19 Confidential Annexes*, 28 February 2019, Confidential Annex 2.

<sup>5</sup> KSC-BC-2019-02, F00004, Registrar, *Registrar’s Submission Pursuant to Single Judge’s Order of 27 February 2019 with 19 Confidential Annexes*, 28 February 2019, Confidential Annex 4.

<sup>6</sup> KSC, Distribution by Internal Email by Court Management Unit, 25 February 2019.

<sup>7</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.

4. On 27 February 2019, the Single Judge issued an order to the Registrar to transmit documents related to the Legal Aid Decision by 1 March 2019, and to make any submissions on the Request for Review by 7 March 2019 (“Order of the Single Judge”).<sup>8</sup>

5. On 28 February 2019, the Registrar transmitted the relevant documents in accordance with the Order of the Single Judge, included in 19 confidential annexes (“Registrar Submissions”).<sup>9</sup> In addition, the Registrar indicated that her submissions in response to the Request for Review would be filed in due course.<sup>10</sup>

## II. APPLICABLE LAW

6. 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.

7. Pursuant to Regulation 8 of the Interim Legal Aid Regulations – Practice Direction on Requests for Assignment of Counsel and For Legal Aid (“Interim Legal Aid Regulations”),<sup>11</sup> the Registrar shall take a decision on the Legal Aid Request upon conclusion of the Indigence Assessment pursuant to Regulation 7 of the Interim Legal Aid Regulations.

8. Pursuant to Regulation 11 of the Interim Legal Aid Regulations, any decision under the Interim Legal Aid Regulations may be subject to review by *inter alia* a Single Judge assigned for that purpose by the President, upon request by the suspect or accused.

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<sup>8</sup> 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.

<sup>9</sup> KSC-BC-2019-02, F00004, Registrar, *Registrar’s Submission Pursuant to Single Judge’s Order of 27 February 2019 with 19 Confidential Annexes*, 28 February 2019.

<sup>10</sup> Registrar Submissions, para. 6.

<sup>11</sup> Registrar Submissions, Confidential Annex 7.

### III. DISCUSSION

9. Upon review of the Registrar Submissions, the Single Judge requests that the Registrar take the following into consideration in her submissions to be provided in accordance with the Order of the Single Judge.

10. In the Consent Form provided by the Applicant, he authorised “[REDACTED] Bank [...] to release all information and records regarding (account number(s)): [REDACTED] and [REDACTED] Bank No. [REDACTED].”<sup>12</sup> In his Declaration of Means Form, the Applicant further submitted that he is currently receiving [REDACTED].”<sup>13</sup>

11. Upon request for further information by the Defence Office, in particular regarding the two bank accounts provided in the Consent Form,<sup>14</sup> the Applicant submitted the following:

- a) Bank statements for [REDACTED] Bank account Nr. [REDACTED] for the required period, specifying that this related to his [REDACTED]; the bank statements indicate withdrawals from this account with the following bank card number: [REDACTED];<sup>15</sup>
- b) Bank statements for [REDACTED] Bank account Nr. [REDACTED] for the required period, specifying that this related to his [REDACTED]; the bank statements indicate withdrawals from this account with the following bank card number: [REDACTED];<sup>16</sup>
- c) Bank statements for [REDACTED] Bank account Nr. [REDACTED] for the required period, specifying that this related to his [REDACTED]; the

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<sup>12</sup> Registrar Submission, Confidential Annex 3, p. 5.

<sup>13</sup> Registrar Submission, Confidential Annex 2, p. 37.

<sup>14</sup> Registrar Submission, Confidential Annex 10, p. 8.

<sup>15</sup> Registrar Submission, Confidential Annex 12, p. 5.

<sup>16</sup> Registrar Submission, Confidential Annex 13, p. 5.

bank statements do not indicate the number of the bank card with which withdrawals take place.<sup>17</sup>

12. Upon a further request by the Defence Office to provide bank statements in respect of the two accounts referred to in the Consent Form,<sup>18</sup> the Applicant submitted a copy of three bank cards:

- a) [REDACTED] Bank card nr.: [REDACTED];<sup>19</sup>
- b) [REDACTED] Bank card nr: [REDACTED];<sup>20</sup>
- c) [REDACTED] Bank card nr. [REDACTED], for bank account nr. [REDACTED].<sup>21</sup>

13. The card number of one of the Applicant's [REDACTED] Bank accounts<sup>22</sup> is identical to the number he provided in the Consent Form.<sup>23</sup> Whilst, as indicated above, the relevant bank statement does not provide the bank card number in full,<sup>24</sup> [REDACTED] – at the very least – bears a substantial similarity to the number provided in the Consent Form ([REDACTED]).

14. The card number of the Applicant's [REDACTED] Bank account<sup>25</sup> is also identical to the number he provided in the Consent Form.<sup>26</sup> Further, the account number found on the bank card<sup>27</sup> is identical to the account number found on the relevant bank statement.<sup>28</sup>

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<sup>17</sup> Registrar Submission, Confidential Annex 15, p. 7.

<sup>18</sup> Registrar Submission, Confidential Annex 18, p. 5.

<sup>19</sup> Registrar Submission, Confidential Annex 19, pp. 13, 15.

<sup>20</sup> Registrar Submission, Confidential Annex 19, pp. 5, 7.

<sup>21</sup> Registrar Submission, Confidential Annex 19, pp. 9, 11.

<sup>22</sup> cp. para. 12 a) above.

<sup>23</sup> cp. para. 10 above.

<sup>24</sup> cp. para. 11 a) above.

<sup>25</sup> cp. para. 12 c) above.

<sup>26</sup> cp. para. 10 above.

<sup>27</sup> cp. para. 12 c) above.

<sup>28</sup> cp. para. 11 c) above.

#### IV. CONFIDENTIALITY

15. As the present Order refers to the substance of the confidential annexes contained in the Registrar Submission, it is filed confidentially pursuant to Rule 82(1)(b) of the Rules of Procedure and Evidence, pending the issuance of a public redacted version.

#### V. DISPOSITION

16. The Single Judge hereby:

**ORDERS** the Registrar to take the above into consideration in her submissions to be filed by 7 March 2019, in accordance with the Order of the Single Judge.



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

Dated this Monday, 4 March 2019  
At The Hague, the Netherlands.