



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

Date: 14 March 2019

Language: English

Classification: Public

**Public Redacted Version of
ORDER**

To the Registrar for Further Submissions

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”),¹ for the review of the Registrar’s Decision on Legal Aid, Ref: KSC/REG/IOR/1632, dated 18 February 2019 (“Legal Aid Decision”),² and hereby issues the present Order to the Registrar for further Submissions.

I. DISCUSSION

1. The Single Judge recalls the Procedural Background as provided in prior filings in the present matter, which is herewith incorporated by reference.³

2. In particular, the Single Judge recalls that on 28 February 2019, the Registrar transmitted documents relevant to the Request for Review in 19 confidential annexes (“Registrar Submissions of 28 February 2019”).⁴ In addition, on 6 March 2019, the Registrar made submissions in response to the Request for Review (“Registrar Submissions of 6 March 2019”).⁵

3. The Single Judge notes that the Certification Statement contained in the Registrar’s Declaration of Means Form provided to and completed by the Applicant provides as follows:

If requested, I agree to provide separate consent(s) to the Registrar or his/her representative to inquire directly with financial institutions [...].⁶

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

² 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.

³ KSC-BC-2019-02, F00007, Single Judge, *Order to the Applicant for Submissions in Reply*, 7 March 2019, public, paras. 1-4.

⁴ 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.

⁵ KSC-BC-2019-02, F00006, Registrar, *Submission in Response to Request for Review of Registrar’s Legal Aid Decision of 18 February 2019*, confidential, 6 March 2019.

⁶ Registrar Submissions of 28 February 2019, Annex 2, p. 57 (emphasis added).

4. The Single Judge also notes that in her Legal Aid Decision, the Registrar submits that “on 23 January 2019, the Defence Office sent an email to [Counsel for the Applicant] explaining the formal steps requesting the assignment of Counsel and Legal Aid.”⁷

5. Finally, the Single Judge notes the Registrar’s submissions as follows:

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 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.⁸

6. In making the above statement, the Registrar – in footnote 18 of the Registrar Submissions of 6 March 2019 – cites to Confidential Annex 10 of the Registrar Submissions of 28 February 2019.

7. Said Annex is an Email from the Defence Office to Counsel for the Applicant, dated 31 January 2019. In the latter, the Defence Office sends the following request to the Applicant:

[The Applicant] did provide a consent form for [his] bank account in [REDACTED] bank [REDACTED] No. [REDACTED]. However, [he] did not indicate in this Consent form the name of the responsible bank officer, name of the bank and contact data (phone and email address) to whom this Consent Form could be sent. On the top of that, [he] also indicated in the same Consent form a second bank account in [REDACTED] bank no. [REDACTED], for which [he] **should** provide a completely separate Consent form.

Because of the relatively short time which is available to the Defence Office in order to make an informed decision about [his] request for the legal aid, [the Defence Office] would like to request [the Applicant] if could [*sic*] provide the following information:

⁷ Registrar Submissions of 28 February 2019, Annex 4, p. 2.

⁸ Registrar Submissions of 6 March 2019, para. 20.

- a) **Current balance** of [his] [REDACTED] and [REDACTED] bank accounts and the **copies of the bank statements** for both accounts as of 1 January 2018 [...];
- b) Please, declare and provide **bank statements** since 1 January 2018, for **any other bank account on [his] name** of which you receive any [REDACTED] types of income that you indicate in your Declaration of Means, if different from your declared accounts in [REDACTED] and [REDACTED] banks. [...]⁹

8. It does not appear from the above that the Defence Office requested separate Consent Forms per bank account from the Applicant.

II. CONFIDENTIALITY

9. As the present Order refers to the substance of the confidential annexes contained in the Registrar Submissions of 28 February 2019, 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.

⁹ Registrar Submissions of 28 February 2019, Annex 10, p. 8 (emphasis added).

III. DISPOSITION

10. In the light of the above, the Single Judge hereby:

ORDERS that the Registrar transmit by 18 March 2019 to the Single Judge the Email sent by the Defence Office to Counsel for the Applicant on 23 January 2019, including any annexes thereto, as referred to in paragraph 4 above; and

ORDERS that the Registrar clarify by 18 March 2019 whether, and if so, when the Applicant was requested to provide “separate Consent Forms per bank account.”



Judge Nicolas Guillou
Single Judge

Dated this Thursday, 14 March 2019
At The Hague, the Netherlands.