



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEÇA KOSOVA

Practice Direction

On the Designation of State of Enforcement

Adopted by:	The President, Kosovo Specialist Chambers
Adoption date:	19 May 2022
Effective date:	19 May 2022
Supersedes:	N/A
Reference:	KSC-BD-45

Contents

CHAPTER I	GENERAL PROVISIONS	2
ARTICLE 1	PURPOSE AND SCOPE	2
ARTICLE 2	DEFINITIONS	2
CHAPTER II	REGISTRAR’S ENGAGEMENT WITH STATES AND REPORT TO THE PRESIDENT	3
ARTICLE 3	PRELIMINARY INQUIRY	3
ARTICLE 4	INFORMATION SHARED WITH STATE(S)	3
ARTICLE 5	REPORT TO THE PRESIDENT	3
CHAPTER III	DESIGNATION OF THE STATE OF ENFORCEMENT OF SENTENCE	4
ARTICLE 6	DESIGNATION OF THE STATE OF ENFORCEMENT	4
ARTICLE 7	REQUEST TO THE STATE OF ENFORCEMENT	4
ARTICLE 8	REGISTRAR’S NOTIFICATIONS	4
ARTICLE 9	REFERRAL BACK TO THE PRESIDENT	5
CHAPTER IV	FINAL PROVISIONS	5
ARTICLE 10	ADOPTION AND AMENDMENTS	5
ARTICLE 11	AUTHORITATIVE LANGUAGE AND ENTRY INTO FORCE	5

CHAPTER I **General Provisions****Article 1** **Purpose and Scope**

1. This Practice Direction is adopted by the President, in consultation with the Registrar, pursuant to Articles 19(6) and 50 of the Law on Specialist Chambers and Specialist Prosecutor’s Office (“Law”) and Rule 13(1)(g) of the Rules of Procedure and Evidence (“Rules”).
2. This Practice Direction regulates the designation of states for the enforcement of sentences against convicted persons at the Specialist Chambers, in line with the 2014 International Agreement between the Republic of Kosovo and the European Union, Article 162(4) and (8) of the Kosovo Constitution, Articles 50(1) and 57 of the Law and Rule 166 of the Rules.

Article 2 **Definitions**

1. The terms employed in this Practice Direction shall have the meaning given to them by the Law, Rule 2 of the Rules and paragraph 2 below.
2. In addition, the following definitions shall apply:

Convicted Person a person convicted by the Specialist Chambers

State of Enforcement a State designated by the President of the Specialist Chambers, which has indicated its willingness to accept the person convicted by the Specialist Chambers, for the enforcement of the duration of the

sentence of imprisonment and pursuant to an arrangement concluded with the Specialist Chambers

CHAPTER II Registrar's Engagement with States and Report to the President

Article 3 Preliminary Inquiry

1. As soon as the Trial Panel renders a judgment convicting the accused person, the Registrar shall engage with States on a confidential basis about their willingness to accept a Convicted Person for the enforcement of a sentence of imprisonment.
2. The Registrar shall request States to indicate, before a certain date, their readiness to receive a Convicted Person.

Article 4 Information Shared with State(s)

1. The Registrar shall provide to the State, which has indicated its willingness to accept a Convicted Person, on a confidential basis, information relevant to that person.
2. The Registrar shall, amongst others, provide the following documents:
 - a. a certified copy of the judgment;
 - b. where applicable, a statement setting forth the duration of the sentence if already served by the Convicted Person, including information on detention; and
 - c. any other relevant documents, including:
 - (1) certified copies of the Convicted Person's identification papers in the Specialist Chamber's possession; and
 - (2) where appropriate, and taking into account confidentiality requirements, the Convicted Person's medical records and any recommendation for treatment in the State of Enforcement.

Article 5 Report to the President

1. After a final judgment and following receipt of a notification of a State's willingness and readiness to accept the Convicted Person, the Registrar shall submit a confidential report to the President.
2. Where more than one State has indicated its willingness to accept the Convicted Person, the report shall enumerate those States and shall contain the following information:
 - a. The Convicted Person's marital status, his or her dependents and other family relations, their usual place(s) of residence and, to the extent available and where appropriate and practicable, the financial resources that may be available for visits to the Convicted Person;
 - b. Whether the Convicted Person is expected to appear as a witness in further proceedings before the Specialist Chambers;
 - c. When appropriate, any medical records of the Convicted Person;
 - d. The Convicted Person's linguistic skills;
 - e. The general conditions of imprisonment and the rules governing security and liberty in the State(s) concerned;

- f. The national law of the State(s) in relation to early release, pardon and commutation of sentence;
- g. Whether the State(s) agree to facilitate the Convicted Person's stay in the State(s) upon completion of his or her sentence if, for security reasons, the Convicted Person cannot immediately return to the country where he or she has the status of legal resident, while awaiting to find a solution to the repatriation of that person;
- h. Any relevant views expressed by the Convicted Person to the Registrar prior to the transmission of the report; and
- i. Any other information that the Registrar considers to be of assistance to the President in relation to the designation decision.

CHAPTER III Designation of the State of Enforcement of Sentence

Article 6 Designation of the State of Enforcement

1. The President shall designate the State of Enforcement on the basis of the Registrar's report, including any further information received.
2. Before taking the designation decision, the President may consult the Judges of the Panel(s) that imposed or upheld the sentence, may request the views of the Convicted Person and the Specialist Prosecutor and may further consult the Registrar.
3. When deciding on the designation of the State of Enforcement, the President shall take into account the desirability of serving sentences in States that are within close proximity or accessibility of the Convicted Person's relatives.
4. The President may decide not to make public the decision on the designation of the State of Enforcement.

Article 7 Request to the State of Enforcement

The Registrar shall communicate the decision of the President pursuant to Article 6 to the State of Enforcement together with a request to the government to enforce the sentence.

Article 8 Registrar's Notifications

1. If the designated State accepts the Specialist Chamber's request to receive the Convicted Person, the Registrar shall notify the President and, where appropriate and practicable, the Judges of the Panel(s) that imposed or upheld the sentence.
2. The Registrar shall inform the Convicted Person of:
 - a. The State designated for the enforcement of the sentence of imprisonment;
 - b. Information concerning the arrangement between the Specialist Chambers and the State of Enforcement on the enforcement of the sentence; and
 - c. Any other information or issues of relevance.

Article 9 Referral Back to the President

If the requested State declines the Specialist Chamber's request to receive the Convicted Person, the Registrar shall refer the matter back to the President, who will designate another State in accordance with this Practice Direction.

CHAPTER IV Final Provisions

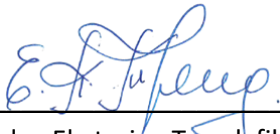
Article 10 Adoption and Amendments

The President adopts this Practice Direction and may amend it *proprio motu* or upon proposal of the Registrar.

Article 11 Authoritative Language and Entry into Force

1. The authoritative language of this Practice Direction is English.
2. This Practice Direction and any amendments thereto shall enter into force on the day of publication.

The Hague, Netherlands
19 May 2022



Judge Ekaterina Trendafilova
President