



KOSOVO SPECIALIST CHAMBERS  
DHOMAT E SPECIALIZUARA TË KOSOVËS  
SPECIJALIZOVANA VEĆA KOSOVA

# Registry Practice Direction on Detainees

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## Complaints

<b>Adopted by:</b>	<b>The Registrar, Kosovo Specialist Chambers</b>
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**CHAPTER I GENERAL PROVISIONS****Article 1 Purpose and scope**

1. The Registrar has adopted this Practice Direction on Complaints ('Practice Direction') pursuant to Detention Rule 63 in order to set forth the process by which a Detainee may complain about his or her treatment and/or the conditions of detention in the Detention Facilities.
2. The scope of this Practice Direction shall not exceed that of the Rules of Detention.
3. This Practice Direction shall not affect the right of a Detainee to challenge the lawfulness of his or her arrest and the conditions of detention, and to have such challenge decided speedily by the Competent Panel pursuant to Article 41(2) of the Law and the Rules of Procedure and Evidence.
4. This Practice Direction shall not affect the right of a Detainee to communicate freely and in full confidentiality with representatives of the ICRC, as detailed in the Rules of Detention and the Practice Direction on Visits and Communications adopted pursuant to Detention Rule 63.
5. This Practice Direction shall not apply to any disciplinary proceedings governed specifically by the Practice Direction on Discipline adopted pursuant to Detention Rule 63.

**Article 2 Definitions**

In addition to Detention Rule 2, the following definitions shall apply:

Administrative Office

The Administrative Office of the Detention Management Unit of the Registry;

Complaint	A written submission by a Detainee in accordance with this Practice Direction regarding his or her treatment and/or the conditions of detention in the Detention Facilities, including any alleged breach of the Rules of Detention or any practice direction or instruction adopted or issued pursuant to Detention Rule 4;
Request for Administrative Review	A written submission by a Detainee in accordance with this Practice Direction requesting review by the Registrar of a decision on a Complaint;
Request for Judicial Review	A written submission by a Detainee in accordance with this Practice Direction requesting review by the Competent Panel of a decision on a Complaint;
Request for Review	A Request for Administrative or Judicial Review.

### Article 3 Application

This Practice Direction shall be interpreted and applied in a manner consistent with the Law, the Rules of Procedure and Evidence, and the Rules of Detention.

### Article 4 Submission of a Complaint or Request for Review

1. A Detainee shall submit a Complaint or Request for Review in accordance with this Practice Direction. Any Complaint or Request for Review may be submitted by the Detainee in a language he or she understands.
2. Standard forms in the three official languages of the Specialist Chambers shall be provided for this purpose in designated areas of the Detention Facilities. If a Detainee's own language is not one of the three official languages of the Specialist Chambers, the Detainee shall receive a translation of the standard forms in a language the Detainee understands.
3. A Detainee shall submit a Complaint or Request for Review to the appropriate authority through the Administrative Office, either by directly handing the document to a Detention Officer or depositing the document in any other manner designated for this purpose.
4. Complaints and Requests for Review shall not be censored in any way by Detention Officers or any other person and shall be promptly transmitted to the Administrative Office.
5. A Complaint or Request for Review shall be clearly marked with the date of receipt by the Administrative Office. Upon receipt, the Administrative Office shall promptly transmit the Complaint or Request for Review to the Chief Detention Officer or the Registrar, as applicable, in accordance with the relevant procedures and instructions.
6. The Administrative Office shall keep a log of all Complaints, Requests for Review, and any relevant decisions, including relevant translations.

## Article 5 Calculation of time limits

1. Time limits applicable to this Practice Direction shall be calculated by calendar days.
2. Time limits shall run from the first working day after the date of the relevant event, e.g., the date of receipt of a written decision, Complaint, or Request for Review, as applicable.
3. If the last day of a time limit falls on a weekend or official holiday, the next working day shall be considered the last day of that time limit.
4. Time limits shall not run until a Detainee has received a written translation of the relevant decision of the Chief Detention Officer or the Registrar, as applicable, in a language the Detainee understands.
5. The authority in charge of deciding on a Complaint or Request for Review may, *proprio motu* or upon a showing of good cause, recognise as valid any Complaint or Request for Review submitted by a Detainee after the expiration of the relevant time limit.

## CHAPTER II COMPLAINTS AND REVIEW PROCEDURE

### Article 6 Complaint to the Chief Detention Officer

1. A Detainee shall have the right to submit a Complaint to the Chief Detention Officer regarding his or her treatment and/or the conditions of detention in the Detention Facilities. The conditions of detention include restrictions of general applicability to all Detainees. A Complaint shall be raised within thirty (30) calendar days of the date the treatment or condition complained of directly affected the Detainee.
2. The Detainee shall submit the Complaint in accordance with Article 4 of this Practice Direction. The Chief Detention Officer shall promptly acknowledge receipt of the Complaint in writing.
3. The Chief Detention Officer shall render a written decision on a Detainee's Complaint at the latest within seven (7) days of its receipt, unless there are circumstances that justify a longer decision-making period. In such a case, the Chief Detention Officer shall inform the Detainee accordingly and shall keep him or her informed of what action is being taken.
4. When deciding upon a Detainee's Complaint, the Chief Detention Office shall provide the reasons for the decision, in writing and in a language the Detainee understands.
5. The Chief Detention Officer shall inform the Detainee that he or she has the right to submit a Request for Administrative Review of the Chief Detention Officer's decision in accordance with Article 7 of this Practice Direction. Notification to the Detainee of the Right to Request Administrative Review shall include the relevant time limit for submitting the request.

### Article 7 Administrative Review by the Registrar

1. A Detainee shall have the right to request review of the Chief Detention Officer's decision on a Complaint by submitting a Request for Administrative Review to the Registrar within thirty (30) calendar days of receipt of the Chief Detention Officer's written decision.
2. The Detainee shall submit a Request for Administrative Review under this Article in accordance with Article 4 of this Practice Direction. The Chief Detention Officer shall transmit to the Registrar all information relevant to the Request for Administrative Review.
3. The Registrar shall promptly acknowledge receipt of the Request for Administrative Review in writing.

4. The Registrar shall render a written decision on a Detainee's Request for Administrative Review at the latest within fourteen (14) days of its receipt, unless there are circumstances that justify a longer review period. In such a case, the Registrar shall inform the Detainee accordingly and shall keep him or her informed of what action is being taken.
5. During the review process, the Registrar shall take account of all relevant material and shall seek the views of all relevant persons or bodies within the Detention Management Unit or the Prison. The Detainee shall be permitted to communicate freely and without censorship on the matter with the Registrar during this period.
6. When deciding upon a Request for Administrative Review, the Registrar shall provide the reasons for the decision, in writing and in a language the Detainee understands.
7. The Registrar shall inform the Detainee that he or she has the right to submit a Request for Judicial Review of the Registrar's decision in accordance with Article 9 of this Practice Direction. Notification to the Detainee of the Right to Request Judicial Review shall include the relevant time limit for submitting the request.
8. A Detainee's Request for Administrative Review shall not stay the execution of the Chief Detention Officer's decision, unless otherwise decided by the Registrar. The decision shall remain in place during the review period until the Registrar renders a written decision.

## Article 8 Direct Complaint to the Registrar

1. A Detainee shall have the right to submit a direct Complaint to the Registrar regarding the conduct of the Chief Detention Officer within thirty (30) calendar days of the date the conduct complained of directly affected the Detainee, including where the Chief Detention Officer did not render a reasoned decision pursuant to Article 6.3 of this Practice Direction.
2. Where the Registrar issues an initial written decision concerning a Detainee's treatment and/or the conditions of detention, in particular where the Registrar issues a decision to monitor a Detainee's cell by video surveillance, to order segregation, to restrict visits and communications, to allow the sharing of cells for a period longer than seven (7) days, or to impose a partial or complete suspension of the Rules of Detention, a Detainee may complain against the Registrar's decision by submitting a direct Complaint to the Registrar requesting reconsideration within thirty (30) calendar days of receipt of the Registrar's written decision.
3. The Detainee shall submit the direct Complaint to the Registrar under paragraphs 1 or 2 of this Article in accordance with Article 4 of this Practice Direction. The Registrar shall promptly acknowledge receipt of any direct Complaint in writing.
4. Article 7.4 to Article 7.8 of this Practice Direction shall apply *mutatis mutandis* to direct Complaints submitted under this Article.

## Article 9 Judicial Review by the Competent Panel

1. A Detainee shall have the right to request judicial review of the Registrar's decision under Article 7 and Article 8 of this Practice Direction by submitting a Request for Judicial Review within thirty (30) calendar days of receipt of the Registrar's written decision.
2. The Detainee shall submit a Request for Judicial Review under this Article in accordance with Article 4 of this Practice Direction. The Registrar shall promptly acknowledge receipt of any Request for Judicial Review in writing.

3. Upon receipt of a Request for Judicial Review, the Registrar shall promptly file it before the Competent Panel in accordance with the relevant practice direction on filings before the Specialist Chambers. Counsel for the Detainee shall be notified of the filing. If there is more than one Competent Panel, the Registrar shall promptly refer the matter to the President for assignment in accordance with Articles 25 and 33 of the Law.
4. The Registrar shall transmit all information relevant to the decision to the Competent Panel in accordance with the relevant practice direction on filings before the Specialist Chambers. The Registrar may make representations to the Competent Panel on issues that affect the discharge of his or her functions, in accordance with Rule 23(2) of the Rules of Procedure and Evidence.
5. A Request for Judicial Review shall not stay the execution of the Registrar's decision, unless otherwise ordered by the Competent Panel.
6. The decision of the Competent Panel shall be final.

## Article 10 Deadlines for submission

The following chart details the deadlines for submitting timely Complaints and Requests for Review to the appropriate authority:

Type	Deadline
Complaint to the Chief Detention Officer regarding the Detainee's treatment and/or the conditions of detention (Article 6.1)	Within thirty (30) calendar days of the date the treatment or condition complained of directly affected the Detainee
Request for Administrative Review (Article 7.1)	Within thirty (30) calendar days of receipt of the Chief Detention Officer's written decision
Direct Complaint to the Registrar regarding the conduct of the Chief Detention Officer (Article 8.1)	Within thirty (30) calendar days of the date the conduct complained of directly affected the Detainee
Direct Complaint to the Registrar requesting reconsideration of a decision taken directly by the Registrar (Article 8.2)	Within thirty (30) calendar days of receipt of the Registrar's written decision
Request for Judicial Review (Article 9.1)	Within thirty (30) calendar days of receipt of the Registrar's written decision in response to a direct Complaint or Request for Administrative Review

## Article 11 Subsequent Complaints

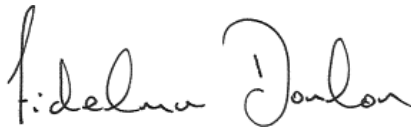
1. A final decision on a Complaint does not bar the Detainee from raising the Complaint again on the basis of new information or newly discovered information that could have been a decisive factor in reaching the decision and could not have been previously discovered through the exercise of due diligence.
2. In such a case, the Detainee's submission shall be considered a new Complaint, which the Chief Detention Officer or the Registrar, as applicable, shall address in accordance with this Practice Direction.

## CHAPTER III FINAL PROVISION

### Article 12 Amendments

1. An amendment to this Practice Direction shall enter into force on the date of its signature.
2. An amendment to this Practice Direction shall not apply retroactively.

The Hague, Netherlands  
23 September 2020



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Dr Fidelma Donlon  
Registrar