



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEĆA KOSOVA

Registry Practice Direction on Detainees

Media Communications

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CHAPTER I GENERAL PROVISIONS**Article 1 Purpose and scope**

1. The Registrar has adopted this Practice Direction on Media Communications ('Practice Direction') pursuant to Detention Rule 4.2 in order to regulate communications between Detainees and the media, as set forth in Article 1.2 of the Practice Direction on Visits and Communications adopted pursuant to Detention Rule 63.
2. This Practice Direction governs requests originating from Detainees wishing to communicate with the media as well as requests originating from media organisations or representatives wishing to communicate with Detainees.

3. This Practice Direction does not affect, and is subject to, any order or decision of the Competent Panel pursuant to Rule 56 of the Rules of Procedure and Evidence.

Article 2 Definitions

In addition to Detention Rule 2 and Article 2 of the Practice Direction on Visits and Communications, the following definitions shall apply:

Media	Media organisation or representative;
Media organisation	Any individual person or entity engaged in disseminating information to the public through any medium, such as print, broadcast, or internet, including through blogs and personal websites, as well as through academic articles, online or print books, or any form of research;
Media representative	Any individual acting or communicating on behalf of a media organisation or having the goal of disseminating information via a media organisation;
Public Information and Communications Unit ('PICU')	The unit of the Registry responsible for managing external relations and the Outreach Programme of the Specialist Chambers.

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 General principles

1. A Detainee shall not communicate with the media, directly or indirectly, without the prior approval of the Registrar.
2. Detainees shall not have access to the media through visits. A Detainee may be permitted by the Registrar to communicate with the media through written correspondence and by telephone, unless the Registrar has reason to believe that the particular request to communicate could:
 - a. disturb safety, security, or good order in the Detention Facilities;
 - b. be harmful to the prevention of disorder or crime;
 - c. be undertaken for the purpose of disseminating confidential or strictly confidential information;
 - d. pose a threat to the health, safety, security, reputation or rights of others; or
 - e. compromise the administration of justice or otherwise undermine the authority and mandate of the Specialist Chambers.
3. Communications between Detainees and the media are subject to restrictions as provided for in the Rules of Detention and this Practice Direction.
4. Any breach of this Practice Direction may be a disciplinary offence pursuant to the Practice Direction on Discipline adopted pursuant to Detention Rule 63.

CHAPTER II SUBMITTING A REQUEST

Article 5 Media request to a Detainee

1. If a media organisation wishes to communicate with a Detainee, a media representative shall submit a request to the Public Information and Communications Unit ('PICU'). Upon transmission of the request from PICU to the Detention Management Unit, the media request shall be treated as correspondence and shall be delivered to the Detainee in accordance with the Practice Direction on Visits and Communications.
2. At a minimum, the request to the Detainee shall specify:
 - a. the name and title of the media representative;
 - b. the name of the media organisation;
 - c. the contact information for the media representative or media organisation;
 - d. the requested form of contact (i.e., written interview or telephone interview);
 - e. the proposed interview questions;
 - f. the means of dissemination (i.e., print, television, radio, internet, etc.);
 - g. the name of the station, channel, programme, publication, or website; and
 - h. the date of the projected broadcast, publication, or other means of dissemination.
3. PICU shall notify the Registrar promptly of any request of the media to communicate. The Detention Management Unit shall inform the Registrar and PICU promptly in case of any doubt as to whether a communication with the Detainee is an attempt by or on behalf of the media to contact a Detainee, or *vice versa*.

Article 6 Detainee's request form

1. A Detainee who wishes to communicate with the media, either upon receipt of a request from the media or on his or her own initiative, shall complete the relevant request form in full and submit it to the Registrar through the Detention Management Unit.
2. The Detainee shall provide in the request form information relevant to the proposed communication with the media, including the reasons for the request. In particular, the Detainee shall provide either the proposed interview questions (if consenting to a media request) or the proposed topics to be discussed (if the request is on the Detainee's own initiative).
3. The Detainee shall attach to the request form the written request(s) received by the media, if applicable, and any other documentation relevant to the request.
4. If a request form is found to be incomplete, the Detention Management Unit shall return it to the Detainee for amendment and resubmission in accordance with paragraph 1.
5. The Detention Management Unit shall promptly transmit all request forms to the Registrar.

CHAPTER III APPROVAL PROCESS

Article 7 Assessment and consultation

1. The Registrar shall promptly acknowledge in writing receipt of a Detainee's request form.
2. In assessing the request, the Registrar may require a Detainee to clarify, amend, or supplement the request form with information the Registrar deems necessary to render a reasoned decision. A Detainee's failure to do so may be grounds to deny the request.

3. Where required by the circumstances of the case, the Registrar may proceed pursuant to Rule 23(2)(a) of the Rules of Procedure and Evidence.
4. The Registrar shall take into account all relevant material and shall seek the views of all relevant persons, bodies, or entities, including the observations of the Chief Detention Officer and PICU.

Article 8 Decision of the Registrar

1. The Registrar shall render a written, reasoned decision on a Detainee's request within fourteen (14) days of receipt of the completed request form, unless there are circumstances that justify an extension of this period. In such a case, the Registrar shall inform the Detainee accordingly.
2. A decision by the Registrar granting a request shall be limited in scope to a single communication by the Detainee with the media. In accordance with Article 12 of this Practice Direction, the Registrar may impose any specific restrictions on the communication.
3. The decision of the Registrar shall be provided to the Detainee in a language the Detainee understands. The Registrar shall inform the Detainee that he or she has the right to submit a formal complaint in accordance with the Practice Direction on Complaints adopted pursuant to Detention Rule 63.
4. Unless the request is on the Detainee's own initiative, PICU shall inform the media specified in the request of the outcome of the request.
5. The Registrar may amend the decision under this Article at any time.

Article 9 Subsequent Requests

The Registrar's decision on a request does not bar the Detainee from submitting a new request for a communication with the same or a different media organisation or representative at any time.

Article 10 Calculation of time limits

1. Time limits applicable to this Practice Direction shall be calculated by calendar days and shall run from the first working day after the date of receipt of a completed request form.
2. 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.

CHAPTER IV RESTRICTIONS

Article 11 General restrictions

1. The Rules of Detention and this Practice Direction, in particular Article 15 to Article 18 of this Practice Direction, shall prescribe restrictions of general applicability to all Detainees' communications with the media that are necessary in the maximum security environment of the Detention Facilities.
2. With due regard to the ordinary and reasonable requirements of detention, the Chief Detention Officer may place restrictions on communications, including limits on timing, quantity, and duration of communications, based on the daily schedule of the Detention Facilities and the availability of staff and communications facilities or equipment.
3. A Detainee shall not disclose to the media, directly or indirectly, any information that relates to:
 - a. any other Detainee;

- b. staff of the Detention Management Unit in such a way that they, or persons associated with them, might be identified;
- c. the layout, configuration, or physical description of the Detention Facilities;
- d. any non-public practice directions or instructions related to the Detention Facilities; or
- e. judicial proceedings before the Specialist Chambers classified as confidential or strictly confidential.

Article 12 Specific restrictions

1. The Registrar may decide to impose specific restrictions on a Detainee's communications with the media on any of the grounds specified in Article 4.2 of this Practice Direction. Specific restrictions may include, *inter alia*, enumerating any practical arrangements for the interview, such as the type of communication, the languages to be used, the maximum length of any telephone interview, or any other lesser or greater restriction that is necessary and proportionate.
2. When there is a decision imposing specific restrictions, the Detainee shall be informed in writing and in a language the Detainee understands of:
 - a. the reasons therefor; and
 - b. his or her right to complain against the decision in accordance with the Practice Direction on Complaints.
3. This Article is without prejudice to the authority of the Chief Detention Officer to take urgent security measures pursuant to Article 13 of this Practice Direction.

Article 13 Undertaking

Before a Detainee communicates with the media, the Detainee and the media representative shall sign an undertaking to comply with all general and specific restrictions placed on the communication. Should the Detainee or the media representative refuse to sign the undertaking, the decision of the Registrar granting the request pursuant to Article 8 of this Practice Direction shall be considered immediately withdrawn.

Article 14 Urgent security measures

1. In cases of urgency and without prejudice to any other Article in this Practice Direction, where the Chief Detention Officer assesses that the immediate imposition of restrictions on a Detainee's communication with the media is necessary and proportionate, the Chief Detention Officer may immediately terminate or interrupt any telephone conversation.
2. The Chief Detention Officer shall promptly inform the Registrar of any urgent security measure taken pursuant to this Article and the reasons therefor.

CHAPTER V TELEPHONE CALLS

Article 15 Basic provisions

1. Detainees shall make outgoing telephone calls to the media on the non-privileged telephone line at their own expense and in accordance with this Practice Direction.
2. A telephone interview with a Detainee shall not be digitally or by other technical means recorded by the media or disseminated live through any medium (e.g., through live broadcast or otherwise).

3. Articles 16.4 and 17.2 of the Practice Direction on Visits and Communications shall apply *mutatis mutandis*.

Article 16 Monitoring of telephone calls

1. All telephone conversations with the media shall be both digitally recorded and simultaneously listened to by the Chief Detention Officer. Telephone conversations between a Detainee and the media may be transcribed and provided to the Registrar.
2. Detainees shall be informed of the practice of monitoring telephone conversations with the media.

CHAPTER VI CORRESPONDENCE

Article 17 Basic provisions

1. Detainees shall correspond by letter with the media at their own expense.
2. The Chief Detention Officer shall keep a log of all correspondence sent or received by a Detainee to the media, including the addressee, the sender (if known), the date of postmark or receipt, and any other information the Chief Detention Officer deems relevant.
3. All correspondence shall be subjected to the security controls of the Detention Facilities and, where applicable, the Prison, including the use of X-ray machines and other screening devices, in accordance with Detention Rule 25.

Article 18 Monitoring of correspondence

1. All incoming and outgoing correspondence between a Detainee and the media shall be opened, inspected, and read by the Chief Detention Officer. A copy of such correspondence may be provided to the Registrar.
2. Any written communication with the media shall be monitored for compliance with the decision of the Registrar pursuant to Article 8 of this Practice Direction.
3. The Chief Detention Officer shall only deliver or post the correspondence if it complies with this Practice Direction and the decision of the Registrar pursuant to Article 8 of this Practice Direction.


CHAPTER VII FINAL PROVISION

Article 19 Amendments

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

The Hague, Netherlands

23 September 2020



Dr Fidelma Donlon

Registrar