



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEĆA KOSOVA

In: KSC-BC-2020-06

The Specialist Prosecutor v. Hashim Thaçi, Kadri Veseli, Rexhep Selimi, and Jakup Krasniqi

Before: Trial Panel II

Judge Charles L. Smith III, Presiding Judge

Judge Christoph Barthe

Judge Guénaël Mettraux

Judge Fergal Gaynor, Reserve Judge

Registrar: Fidelma Donlon

Date: 21 August 2024

Language: English

Classification: Public

**Decision Approving the Termination of Representation
by Counsel for Kadri Veseli**

Specialist Prosecutor
Kimberly P. West

Counsel for Hashim Thaçi
Luka Mišetić

Counsel for Victims
Simon Laws

Counsel for Kadri Veseli
Ben Emmerson

Counsel for Rexhep Selimi
Geoffrey Roberts

Counsel for Jakup Krasniqi
Venkateswari Alagendra

TRIAL PANEL II (“Panel”), pursuant to Articles 21(4)(e), 40(2) and (6)(h), and 41(4)(b) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor’s Office (“Law”), Rule 25 of the Rules of Procedure and Evidence (“Rules”), and Section 16(1), (2)(b) and (4) of the Directive on Counsel (“Directive”),¹ hereby renders this decision.

I. PROCEDURAL BACKGROUND

1. On 8 August 2024, the Registrar transmitted to the Panel letters from Kadri Veseli (“Mr Veseli”) and Counsel Ben Emmerson (“Mr Emmerson” or “Counsel”) regarding the termination of Counsel’s representation (“Transmission of Letters”).²
2. On 20 August 2024, the Registrar transmitted to the Panel further documents regarding Mr Veseli’s request for early termination of Mr Emmerson’s representation as Lead Counsel (“Further Transmission of Documents”).³
3. On 21 August 2024, upon the Panel’s request, the Parties confirmed in private session that they do not wish to make any submissions on the matter.⁴

II. SUBMISSIONS

4. In the Transmission of Letters, the Registrar notifies the Panel of two letters, one from Mr Veseli and one from Mr Emmerson, requesting the early termination of Counsel’s representation.⁵ In particular, the Panel is informed that:

¹ KSC-BD-04-Rev1, Registry Practice Direction, *Directive on Counsel*, 28 April 2021.

² F02486, Registrar, *Transmission of Letters from Kadri Veseli and Specialist Counsel Regarding Termination of Representation by Counsel*, 8 August 2024, confidential, with Annexes 1-2, confidential. See also CRSPD 552.

³ F02496, Registrar, *Further Transmission of Documents Regarding Kadri Veseli’s Request for Early Termination of Representation by Counsel*, 20 August 2024, confidential, with Annex 1, confidential.

⁴ Provisional Transcript of Hearing, 21 August 2024, pp. 18851-18852, confidential.

⁵ Transmission of Letters, para. 1.

(i) on 7 August 2024, the Registry received, through Co-Counsel for Mr Veseli, Ms O'Reilly, a letter from Mr Veseli, wherein he requested the withdrawal of Counsel "due to an irrevocable breakdown in the client counsel relationship";⁶ and (ii) on 8 August 2024, Mr Emmerson notified the Registrar, by letter, of his early withdrawal as Counsel, following Mr Veseli's decision to discharge Counsel of his duties.⁷

5. In the Further Transmission of Documents, the Registrar notifies the Panel that, on 16 August 2024, the Registry received, via Co-Counsel, a signed form in which Mr Veseli requests the appointment of Mr Rodney Dixon ("Mr Dixon") as his new Lead Counsel, and a signed power of attorney form in support thereof.⁸

III. APPLICABLE LAW

6. The law applicable to the assignment and withdrawal of counsel has been set out extensively in prior decisions by the Panel.⁹

IV. DISCUSSION

7. In considering the Transmission of Letters and the Further Transmission of Documents, the Panel is mindful of Mr Veseli's right under Article 21(4)(e) of the Law to choose his own Counsel. As regards good cause, the Panel notes that both Mr Veseli and Mr Emmerson confirmed their decision to terminate their attorney-client relationship based on "an irrevocable breakdown in the client counsel

⁶ Transmission of Letters, para. 2, *referring to* Annex 1 to the Transmission of Letters.

⁷ Transmission of Letters, para. 3, *referring to* Annex 2 to the Transmission of Letters.

⁸ Further Transmission of Documents, para. 2, *referring to* Annex 1 to the Further Transmission of Documents.

⁹ F02121, Panel, *Decision Approving the Termination of Representation by Counsel for Hashim Thaçi*, 14 February 2024, paras 16-20; F01493, Panel, *Decision Approving the Withdrawal of Counsel for Rexhep Selimi*, 1 May 2023, paras 4-5.

relationship”.¹⁰ On this basis, the Panel is satisfied that good cause, within the meaning of Section 16(2)(b) of the Directive, has been shown for the early termination of Mr Veseli’s representation by Mr Emmerson.

8. As regards continuity of representation, the Panel observes that the Registrar submits that: (i) Mr Veseli’s Defence team currently consists of eleven persons, namely one Counsel, three Co-Counsel, six Legal Associates/Support Team Members, and three interns;¹¹ (ii) both Mr Veseli and Mr Emmerson indicate that the Accused will continue to be represented by Co-Counsel Ms O’Reilly and Ms Rowan;¹² (iii) Mr Emmerson indicated in his letter that he “will strive to ensure that his withdrawal does not prejudice Mr Veseli during this transition period and that [Mr Veseli’s] interests are protected”;¹³ and (iv) as anticipated,¹⁴ the Registry received, via Co-Counsel, a signed form in which Mr Veseli requests the appointment of Mr Dixon as his new Counsel, and a signed power of attorney form in support thereof.¹⁵ The Panel further notes that the Registrar submits that, should the Panel approve the termination of Mr Emmerson’s representation of Mr Veseli pursuant to Section 16(2)(b) of the Directive on Counsel, the Registrar is in a position to take immediate steps to appoint Mr Dixon as replacement Counsel for Mr Veseli, in line with the requirements of Sections 5 and 13 of the Directive on Counsel, to ensure that Mr Veseli is represented by Counsel at all times.¹⁶ The Panel is therefore satisfied that the continuity of Mr Veseli’s representation will be ensured.

9. In light of the above, the Panel considers that the request for early termination of Mr Emmerson’s representation of Mr Veseli as Counsel accords with

¹⁰ Transmission of Letters, paras 2-3, *referring to* Annexes 1-2 to the Transmission of Letters; Further Transmission of Documents, para. 1. *See also above* para. 4.

¹¹ Transmission of Letters, para. 5.

¹² Transmission of Letters, para. 5, *referring to* Annexes 1-2 to the Transmission of Letters.

¹³ Transmission of Letters, para. 5, *referring to* Annex 2 to the Transmission of Letters.

¹⁴ Transmission of Letters, para. 5.

¹⁵ Further Transmission of Documents, para. 2. *See also above* para. 5.

¹⁶ Further Transmission of Documents, para. 3.

Mr Veseli's rights and adequately ensures his effective representation. The Panel is satisfied that the replacement will cause no unfairness to Mr Veseli or any of his co-Accused. The Panel is further satisfied that the change of Lead Counsel will cause no delay in the proceedings. The Panel notes in this respect that Mr Veseli will continue to be assisted by two other Counsel, who have been involved in this case for some time.

10. For these reasons, the Panel approves the withdrawal of Mr Emmerson as Counsel for Mr Veseli. The termination of Mr Emmerson's representation of Mr Veseli as Counsel will become effective on the day when a new lead counsel is appointed by the Registrar to represent Mr Veseli. In this regard, the Panel invites the Registrar to take all the necessary steps to appoint new lead counsel for Mr Veseli as soon as practicable.

V. CLASSIFICATION

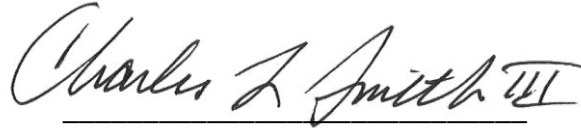
11. The Panel notes that the Transmission of Letters and Further Transmission of Documents are classified as confidential as they pertain to pending issues of Mr Veseli's legal representation. The Panel directs the Registrar to file a public redacted version of these filings or to seek their reclassification as public pursuant to Rule 82 by Friday, 30 August 2024.

VI. DISPOSITION

12. In light of the foregoing, the Panel hereby:

- (a) **APPROVES** the termination of Mr Emmerson's representation of Mr Veseli as Counsel, which will become effective on the day when a new lead counsel is appointed by the Registrar to represent Mr Veseli;
- (b) **INVITES** the Registrar to take all the necessary steps to appoint new lead counsel for Mr Veseli as soon as practicable; and

(c) **DIRECTS** the Registrar to file public redacted versions or seek reclassification as public of the Transmission of Letters and Further Transmission of Documents by **Friday, 30 August 2024**.

A handwritten signature in black ink, reading "Charles L. Smith, III", written in a cursive style. The signature is positioned above a horizontal line.

Judge Charles L. Smith, III
Presiding Judge

Dated this Wednesday, 21 August 2024

At The Hague, the Netherlands.