



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEĆA KOSOVA

In: KSC-BC-2020-07
The Prosecutor v. Hysni Gucati and Nasim Haradinaj

Before: Pre-Trial Judge
Judge Nicolas Guillou

Registrar: Dr Fidelma Donlon

Filed by: Dr Fidelma Donlon

Date: 18 December 2020

Language: English

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Notification of the Appointment of Counsel to Nasim Haradinaj

with one confidential Annex

Specialist Prosecutor's Office

Jack Smith

Counsel for Nasim Haradinaj

Toby Cadman

1. Pursuant to Rule 26(1) of the Rules,¹ the Registrar hereby informs the Pre-Trial Judge of the appointment of Counsel to Mr Nasim Haradinaj ('Mr Haradinaj'), namely Mr Toby Cadman ('Mr Cadman').
2. On 25 September 2020, the Registrar assigned Mr Bastiaan Martens ('Mr Martens') as Duty Counsel to Mr Haradinaj pending the appointment or assignment of Counsel in accordance with Section 12 of the Directive on Counsel.²
3. On 30 November 2020, upon request of Mr Haradinaj, the Registrar appointed Mr Martens as Counsel in accordance with Sections 12 and 13 of the Directive on Counsel.³
4. On 17 December 2020, the Registrar notified the Pre-Trial Judge of the approval of Co-Counsel for Mr Haradinaj, namely Mr Hendrik Sytma.⁴
5. On 18 December 2020, the Pre-Trial Judge approved⁵ the early termination of the services of Mr Martens as Counsel for Mr Haradinaj in accordance with Section 16(1) of the Directive on Counsel⁶.
6. Immediately thereafter, in accordance with the decision of the Pre-Trial Judge⁷, the Registrar terminated the services of Mr Martens as Counsel and appointed Mr Cadman as replacement Counsel for Mr Haradinaj,⁸ having due regard to the importance of continuity of representation⁹.

¹ Rules of Procedure and Evidence Before the Specialist Chambers, KSC-BD-03/Rev3/2020, 2 June 2020, ('Rules'); *see also* Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor's Office, 3 August 2015 ('Law'), arts 21(4), 21(5), 34(7) and 41(4)(b).

² Notification of the Reception of Nasim Haradinaj in the Detention Facilities of the Specialist Chambers, KSC-BC-2020-07/F00020, 26 September 2020, public.

³ Notification of the Appointment of Counsel to Nasim Haradinaj, KSC-BC-2020-07/F00071, 2 December 2020, public.

⁴ Notification of Approval of Co-Counsel for Nasim Haradinaj, KSC-BC-2020-07/F00082, 17 December 2020, public.

⁵ Decision Approving the Withdrawal of Counsel, KSC-BC-2020-07/F00084, 18 December 2020, confidential.

⁶ Directive on Counsel, KSC-BD-04, 6 November 2017.

⁷ *See* KSC-BC-2020-07/F00084, para. 13.

⁸ *See* Annex 1.

⁹ *See* Notification of Request for Withdrawal by Counsel for Nasim Haradinaj, KSC-BC-2020-07/F00083, 17 December 2020, confidential.

7. Mr Cadman is admitted to the List of Specialist Counsel in accordance with Section 7 of the Directive on Counsel¹⁰ and has submitted to the Defence Office a request for appointment and a Power of Attorney signed by Mr Haradinaj.¹¹

8. In her decision appointing Mr Cadman as Counsel, the Registrar invited Mr Cadman, in accordance with Section 18(5) of the Directive on Counsel, to decide whether to continue the representation with the team member(s) of previous Counsel, in consultation with Mr Haradinaj.

9. This submission is filed as public whereas Annex 1 is filed as confidential pursuant to Rule 82(1)(b) and (3) of the Rules, as it contains confidential information concerning former Counsel, current Counsel, and Mr Haradinaj.

Word count: 458



Dr Fidelma Donlon
Registrar

Friday, 18 December 2020
At The Hague, the Netherlands

¹⁰ Decision on Admission to the List of Specialist Counsel, KSC/REG/DEF/0108, 11 February 2020.

¹¹ See Annex 1.