



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

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**'Notification of Request for Withdrawal by Counsel for Nasim Haradinaj', filing
F00083 dated 17 December 2020**

Specialist Prosecutor's Office

Jack Smith

Counsel for Nasim Haradinaj

Toby Cadman

1. Pursuant to Rule 26(1) of the Rules and Section 16(1) of the Directive on Counsel,¹ the Registrar hereby requests the Pre-Trial Judge's approval of the early termination of the services of Mr Bastiaan Martens ('Mr Martens') as Counsel for Mr Nasim Haradinaj ('Mr Haradinaj').
2. On 17 December 2020, Counsel for Mr Haradinaj, Mr Martens, informed the Defence Office that Mr Haradinaj has requested that he withdraw from representation and that Mr Toby Cadman ('Mr Cadman') be appointed as replacement Counsel.
3. On the same date, Mr Cadman submitted to the Defence Office a request for appointment as Counsel for Mr Haradinaj and a Power of Attorney signed by Mr Haradinaj.
4. Mr Martens further informed the Defence Office that he has spoken to Mr Cadman and that there will be continuity of representation from the moment of Mr Martens's withdrawal.
5. Pursuant to Section 16(2) of the Directive on Counsel, the Registrar "shall terminate representation by Counsel in circumstances where: [...] b. Counsel, the suspect, the Accused or victims participating in the proceedings request withdrawal showing good cause [...]".
6. Pursuant to Section 16(1) of the Directive on Counsel,

When considering early termination or suspension of representation pursuant to this Section, the Registrar shall have due regard to the importance of continuity of representation and must obtain the approval of any Panel seized of the matter in which Counsel is acting. The Panel may order interim measures pending any appeal against the approval.

7. Upon notification of the Pre-Trial Judge's approval of Mr Martens's withdrawal, the Registrar intends to immediately appoint Mr Cadman as Counsel for Mr Haradinaj and make a filing to that effect.

¹ Rules of Procedure and Evidence Before the Specialist Chambers, KSC-BD-03/Rev3/2020, 2 June 2020, ('Rules'); Directive on Counsel, KSC-BD-04, 6 November 2017; *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).

8. Mr Cadman is admitted to the List of Specialist Counsel in accordance with Section 7 of the Directive on Counsel.²

9. In addition, Mr Cadman is Counsel of record [REDACTED]. Accordingly, the Defence Office has drawn Mr Cadman's attention to Article 28 of the Code of Professional Conduct³ regarding conflicts of interest. On 17 December 2020, Mr Cadman informed the Defence Office that he is "satisfied that there is no actual or potential conflict".

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

Word count: 458



Dr Fidelma Donlon
Registrar

Friday, 18 December 2020
At The Hague, the Netherlands

² Decision on Admission to the List of Specialist Counsel, KSC/REG/DEF/0108, 11 February 2020.

³ Code of Professional Conduct – for Counsel and Prosecutors Before the Kosovo Specialist Chambers, KSC-BD-07, 1 March 2019 ('Code of Professional Conduct').