



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: 23 December 2020

Language: English

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Notification of Approval of Co-Counsel for 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 approval of Co-Counsel for Mr Nasim Haradinaj ('Mr Haradinaj'), namely Mr Carl Buckley ('Mr Buckley). In addition, the Registrar hereby informs the Pre-Trial Judge of the termination of services of previous Co-Counsel, namely Mr Hendrik Sytema ('Mr Sytema').
2. On 30 November 2020, the Registrar appointed Mr Bastiaan Martens ('Mr Martens') as Counsel to Mr Haradinaj.²
3. On 17 December 2020, upon request of Mr Martens, the Registrar approved Mr Sytema as Co-Counsel for Mr Haradinaj.³
4. On 18 December 2020, the Pre-Trial Judge approved⁴ the early termination of the services of Mr Martens as Counsel to Mr Haradinaj in accordance with Section 16(1) of the Directive on Counsel.⁵ Immediately thereafter, the Registrar appointed Mr Tony Cadman ('Mr Cadman') as replacement Counsel for Mr Haradinaj.⁶ 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.
5. On 18 December 2020, Counsel informed the Defence Office of his decision not to continue with Mr Sytema as Co-Counsel, and the Registrar approved the termination of services of Mr Sytema as Co-Counsel for Mr Haradinaj.⁷

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

³ Notification of Approval of Co-Counsel for Nasim Haradinaj, KSC-BC-2020-07/F00082, 17 December 2020, public.

⁴ Decision Approving the Withdrawal of Counsel, KSC-BC-2020-07/F00084, 18 December 2020, public.

⁵ Directive on Counsel, KSC-BD-04, 6 November 2017.

⁶ *See* Notification of the Appointment of Counsel to Nasim Haradinaj, KSC-BC-2020-07/F00086, 18 December 2020, public.

⁷ *See* Annex 1.

6. Likewise, on 18 December 2020, Counsel informed the Defence Office that he would like to be assisted by Mr Buckley as Co-Counsel.
7. Mr Buckley has previously represented an individual for the purposes of an interview with the Specialist Prosecutor's Office. Accordingly, the Defence Office drew Counsel's attention to Article 28 of the Code of Professional Conduct⁸ regarding conflicts of interest with respect to Counsel's team members. On 18 December 2020, Counsel informed the Defence Office of his assessment that "[t]here is no actual or potential for conflict but this will of course be assessed on a continual basis".
8. On 21 December 2020, Counsel provided all relevant documentation for the approval of Co-Counsel pursuant to Section 18 of the Directive on Counsel.
9. Mr Buckley is admitted to the List of Specialist Counsel in accordance with Sections 7 and 18(1) of the Directive on Counsel.
10. On 21 December 2020, the Registrar approved Mr Buckley as Co-Counsel for Mr Haradinaj in accordance with Section 18 of the Directive on Counsel.⁹
11. 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 Counsel and Co-Counsel.

Word count: 548



Dr Fidelma Donlon
Registrar

Friday, 23 December 2020
At The Hague, the Netherlands

⁸ Code of Professional Conduct – for Counsel and Prosecutors Before the Kosovo Specialist Chambers, KSC-BD-07, 1 March 2019 ('Code of Professional Conduct').

⁹ See Annex 1.