

STATEMENT

1. My name is Rodney Dixon QC. I am a barrister practicing in London and in The Hague at Temple Garden Chambers, specialising in international law, especially international criminal law. I am a former legal officer with the Office of the Prosecutor at the ICTY. After that, I appeared as Defence Counsel in several cases at the ICTY and the ICC, and behalf of various Governments. I am the co-author of Archbold International on international criminal courts and procedure. I am a member of the KSC list of approved counsel.
2. In the ICTY case of *Prosecutor v Haradinaj, Balaj and Brahimaj*, I was co-counsel for the Defence for Ramush Haradinaj. I came to know Lahi Brahimaj over a long period of time between the start of the case in 2005 and its eventual conclusion in 2012.
3. When the SPO began issuing summonses requiring people to attend for interview, I was approached by some suspects to ascertain my willingness and availability to advise them and represent them as counsel during the interview process. I performed this task on a number of occasions, including in relation to Lahi Brahimaj.
4. I was obviously familiar with the evidence against Mr. Brahimaj from his trial at the ICTY. I believe that I was approached to assist Mr. Brahimaj with his suspect interview because I was familiar with him and the case against him concerning allegations connected with the alleged ill-treatment of prisoners at Jabllanice (for which he had been partially acquitted and partially convicted at the ICTY).
5. I first met with Mr. Brahimaj concerning his suspect interview in Pristina on 26 February 2019. I proceeded on the basis that he was at risk of prosecution by the KSC, either for his role at Jabllanice or for his role as a member of the KLA General Staff. Based on my knowledge of the case against Mr. Brahimaj, it was my firm view that the correct legal advice was that he should not answer any questions. The rules make it clear that a failure to answer

questions by the SPO cannot be the basis for any adverse inference at trial.

6. Accordingly, when I met Mr. Brahimaj on 26 February 2019 I advised him that his best course was to attend the interview in response to the compulsory summons, so that he was not in breach of the law, but then to exercise his right to remain silent. This advice was given purely in order to protect Mr. Brahimaj's interests as a potential suspect. He immediately responded that he had already reached that decision himself, and that he would not be answering questions under any circumstances.
7. However, of course, it remained unclear at that stage whether he might nonetheless be arrested and charged. Indeed, one possibility I had to consider was that the summons might result in him being arrested on arrival at the Hague or after exercising his right to remain silent. It was not clear, therefore, whether my involvement would be limited to attendance at the interview, or might extend to representing him at his first appearance, and thereafter.
8. It was clearly understood that I would be charging for the work that I had to do on the case, which was not confined to the attendance at the interview. I had to re-familiarise myself with the evidence in the *Haradinaj et al* case. However, given the uncertainties, we did not discuss an exact figure for legal fees at that time.
9. As far as I know he had not received any payment, or any promise of payment from anyone, at the time we met, because he indicated that he would be responsible for my fees but neither of us knew at that time precisely what the fees would be, or who was going to pay them.
10. Moreover, my advice to him that he should not answer questions was unequivocal and was of course not influenced in any way by any payment from the Government or anyone else, which (in any event) had not been made or even requested at the time of our meeting.

Signed:

A handwritten signature in black ink, appearing to read 'R. Dixon', with a long horizontal line extending to the right.

Rodney Dixon QC

Date: 9 January 2021

The Hague