



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEÇA KOSOVA

In: KSC-BC-2020-06
**The Prosecutor v. Hashim Thaçi, Kadri Veseli, Rexhep Selimi,
and Jakup Krasniqi**

Before: Pre-Trial Judge
Judge Nicolas Guillou

Registrar: Dr Fidelma Donlon

Date: 25 May 2021

Language: English

Classification: Public

Decision Approving the Withdrawal of Counsel for Hashim Thaçi

Specialist Prosecutor
Jack Smith

Counsel for Victims
Simon Laws

Counsel for Hashim Thaçi
David Hooper

Counsel for Kadri Veseli
Ben Emmerson

Counsel for Rexhep Selimi
David Young

Counsel for Jakup Krasniqi
Venkateswari Alagendra

THE PRE-TRIAL JUDGE,¹ pursuant to Articles 21(4)(e) and 5(a), and 39(1) and (13) of Law No.05/L-053 on Specialist Chambers and Specialist Prosecutor's Office ("Law") and Section 16(1) of the Directive on Counsel, hereby renders this decision.

I. PROCEDURAL BACKGROUND AND SUBMISSIONS

1. On 5 November 2020, the Registrar notified the Pre-Trial Judge of the appointment of David Hooper ("Mr Hooper") as Counsel for Hashim Thaçi ("Mr Thaçi").²

2. Between 9 November 2020 and 1 December 2020, the Registrar notified the Pre-Trial Judge of the approval of Dastid Pallaska, Samuel Blom-Cooper, Pierre-Richard Prosper and Sophie Menegon as Co-Counsel for Mr Thaçi.³

3. On 20 May 2021, the Registrar notified the Pre-Trial Judge that Mr Thaçi requested the Defence Office to appoint Gregory Kehoe ("Mr Kehoe") as his Counsel and that, at Mr Thaçi's request, Mr Hooper sought to withdraw.⁴ Accordingly, the Registrar requested the Pre-Trial Judge to approve the early termination of representation of Mr Thaçi by Mr Hooper.⁵ The Registrar submitted that Mr Kehoe was admitted to the List of Specialist Counsel, that he would accept

¹ KSC-BC-2020-06, F00001, President, *Decision Assigning a Pre-Trial Judge*, 23 April 2020, public.

² KSC-BC-2020-06, F00053, Registrar, *Notification of Reception of Hashim Thaçi in the Detention Facilities of the Specialist Chambers and Appointment of Counsel*, 5 November 2020, public, paras 3-6, with Annexes 1-2, public and confidential, respectively.

³ KSC-BC-2020-06, F00066, Registrar, *Notification of Approval of Co-Counsel for Hashim Thaçi*, 9 November 2020, public, with Annex 1, confidential; F00080, Registrar, *Notification of Approval of Co-Counsel for Hashim Thaçi*, 16 November 2020, public, with Annex 1, confidential; F00086, *Notification of Approval of Co-Counsel for Hashim Thaçi*, 17 November 2020, public, with Annex 1, confidential; F00114, Registrar, *Notification of Approval of Co-Counsel for Hashim Thaçi*, 1 December 2020, with Annex 1, confidential.

⁴ KSC-BC-2020-06, F00317, Registrar, *Notification of Request for Withdrawal by Counsel for Hashim Thaçi ("Request")*, 20 May 2021, public, paras 2-3, with Annex 1, confidential and *ex parte*.

⁵ Request, para. 1.

the appointment and that she was in a position to take immediate steps in this regard.⁶

II. APPLICABLE LAW

4. Pursuant to Article 21(4)(e) of the Law, an accused has the right to defend himself or herself through Specialist Counsel of his or her own choosing. Pursuant to Article 21(5)(a) of the Law, an accused must be represented by Specialist Counsel throughout the time he or she is in detention.

5. Pursuant to Article 39(1) and (13) of the Law, the Pre-Trial Judge may issue any orders or decisions as may be necessary for the preparation of a fair and expeditious trial.

6. Pursuant to Section 16(1) of the Directive on Counsel,⁷ when considering the early termination of representation by Specialist Counsel of an accused, the Registrar shall have due regard to the importance of continuity of representation and shall obtain the approval of the Panel seized of the matter in which Counsel is acting.

III. DISCUSSION

7. The Pre-Trial Judge takes note of Mr Thaçi's stated preference no longer to be represented by Mr Hooper and to have Mr Kehoe appointed as Counsel.⁸

8. Mindful of Mr Thaçi's rights under Article 21(4)(e) and (5)(a) of the Law and the purpose of Section 16(1) of the Directive on Counsel to ensure the continuity of

⁶ Request, paras 4, 8.

⁷ KSC-BD-04-Rev1, Registrar, *Directive on Counsel*, 28 April 2021.

⁸ Request, paras 2-3; Annex 1 to the Request.

representation, the Pre-Trial Judge considers that the request for early termination of representation by Mr Hooper may be approved if it does not interfere with the effective representation of Mr Thaçi.

9. In this regard, the Pre-Trial Judge notes that the Registrar is in a position to take immediate steps to appoint Mr Kehoe as Counsel for Mr Thaçi to ensure that he is represented at all times.⁹ The Pre-Trial Judge also notes that Mr Hooper has given assurances that he will give replacement Counsel every assistance required in the handover of the case.¹⁰ Furthermore, in addition to Counsel, Mr Thaçi has been represented from the early stages of the proceedings by four Co-Counsel who are familiar with the proceedings and the case against him. In light of the above, the Pre-Trial Judge is satisfied that the effective representation of Mr Thaçi is ensured and, accordingly, approves the early termination of representation by Mr Hooper.

10. Mr Hooper is reminded of his continuing obligations under Article 25 of the Code of Professional Conduct.¹¹

IV. DISPOSITION

11. For the above-mentioned reasons, the Pre-Trial Judge hereby:

- a. **APPROVES** the request for the early termination of the representation of Mr Thaçi by Mr Hooper;
- b. **DIRECTS** the Registrar to appoint Mr Kehoe as Counsel for Mr Thaçi immediately upon notification of this decision; and

⁹ Request, para. 8.

¹⁰ Request, para. 9.

¹¹ KSC-BD-07-Rev1, *Code of Professional Conduct – for Counsel and Prosecutors Before the Kosovo Specialist Chambers*, 28 April 2021.

- c. **DIRECTS** the Registrar to submit a notice to the Pre-Trial Judge of the aforementioned appointment within one week of notification of this decision.



Judge Nicolas Guillou

Pre-Trial Judge

Dated this Tuesday, 25 May 2021

At The Hague, the Netherlands.