



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: Trial Panel II

Judge Charles L. Smith III, Presiding Judge

Judge Christoph Barthe

Judge Guénaél Mettraux

Judge Fergal Gaynor, Reserve Judge

Registrar: Fidelma Donlon

Date: 1 May 2023

Language: English

Classification: Public

Decision Approving the Withdrawal of Counsel for Rexhep Selimi

Acting Specialist Prosecutor
Alex Whiting

Counsel for Victims
Simon Laws

Counsel for Hashim Thaçi
Gregory Kehoe

Counsel for Kadri Veseli
Ben Emmerson

Counsel for Rexhep Selimi
David Young

Counsel for Jakup Krasniqi
Venkateswari Alagendra

TRIAL PANEL II (“Panel”), pursuant to Article 40(2) and (6)(h) 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

1. On 25 April 2023, the Defence Office of the Registry received a letter from Rexhep Selimi (“Mr Selimi”) requesting that David Young (“Mr Young”) withdraw as his appointed Counsel, and that Geoffrey Roberts (“Mr Roberts”), currently Co-Counsel on his Defence team, be assigned as replacement Counsel. Mr Selimi included a brief description of the reasons for his request. The Defence Office also received from Mr Selimi a signed and dated appointment request form, as well as a power of attorney appointing Mr Roberts.¹

2. On the same day, Mr Young submitted to the Registrar a request for withdrawal as Counsel for Mr Selimi, citing the same reasons.²

3. On 28 April 2023, the Registrar filed before the Panel a notification of Mr Selimi’s request for withdrawal (“Request”), with annexes containing Mr Selimi’s submissions and Mr Young’s corresponding submissions.³

II. SUBMISSIONS AND DISCUSSION

4. Pursuant to Section 16(1) of the Directive on Counsel,⁴ 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

¹ F01490/A01, Registrar, *Annex 1 to Notification of Request for Withdrawal by Counsel for Rexhep Selimi*, 28 April 2023, confidential and *ex parte*.

² F01490/A02, Registrar, *Annex 2 to Notification of Request for Withdrawal by Counsel for Rexhep Selimi*, 28 April 2023, confidential and *ex parte*.

³ F01490, Registrar, *Notification of Request for Withdrawal by Counsel for Rexhep Selimi*, 28 April 2023, with confidential and *ex parte* annexes 1 and 2.

⁴ KSC-BD-04, Registrar, *Directive on Counsel*, 6 November 2017.

and shall obtain the approval of the Panel seized of the matter in which Counsel is acting.

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. The Registrar requests the Panel’s approval of the early termination of Mr Young’s representation of Mr Selimi as Counsel. In the Request, the Registrar submits that Mr Roberts has confirmed that he had been approached with a request to represent Mr Selimi as Counsel and that he would accept the appointment. Mr Roberts is admitted to the List of Specialist Counsel in accordance with Section 7 of the Directive on Counsel.⁵

7. The Registrar submits that, should the Panel approve Mr Young’s withdrawal, the Registrar is in a position to take immediate steps to appoint Mr Roberts as replacement Counsel for Mr Selimi to ensure that Mr Selimi is represented by Counsel at all times.⁶

8. In considering the Request, the Panel is mindful of Mr Selimi’s right under Article 21(4)(e) of the Law to choose his Counsel, as well as the reasons for the Request as set out in the correspondence from Mr Selimi (re-iterated in the letter from Mr Young). The Panel also takes into consideration the purposes of Section 16(1) of the Directive on Counsel and the Registrar’s stated commitment to ensuring continuity of representation.⁷ In this regard, the Panel notes the impending appointment of Mr Roberts as Counsel for Mr Selimi.

9. Thus, the Panel considers that the request for early termination of Mr Young’s representation of Mr Selimi as Counsel accords with Mr Selimi’s rights and

⁵ Request, para. 4.

⁶ Request, para. 7.

⁷ See Request, para. 7.

adequately ensures the effective representation of Mr Selimi, and the Panel approves the Request. The Panel's approval is based on the understanding that the change of Counsel will cause no delay in the proceedings, Mr Roberts having been involved in the Defence for Mr Selimi since the early stages of the proceedings against him.

III. DISPOSITION

10. In light of the foregoing, the Panel hereby **APPROVES** the Request.



Judge Charles L. Smith, III
Presiding Judge

Dated this Monday, 1 May 2023

At The Hague, the Netherlands.