



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEĆA KOSOVA

File number: KSC-SC-2023-01/CS02

Before: The President of the Specialist Chambers
Judge Ekaterina Trendafilova

Registrar: Fidelma Donlon

Date: 22 November 2023

Language: English

Classification: Public

Public Redacted Version of Decision on a Formal Warning

Specialist Prosecutor:

Kimberly P. West

Counsel for Nasim Haradinaj:

Toby Cadman

THE PRESIDENT of the Specialist Chambers (“President”), noting Rule 63(1) of the Rules of Procedure and Evidence before the Kosovo Specialist Chambers (“Rules”) and Articles 6, 12 and 13 of the Code of Professional Conduct for Counsel and Prosecutors Before the Kosovo Specialist Chambers (“Code of Professional Conduct”), hereby issues this decision.

I. PROCEDURAL BACKGROUND

1. On 12 October 2023, the President issued the “Decision on Commutation, Modification or Alternation of Sentence” (“Decision on Modification”), wherein it was decided, *inter alia*, that the President would consider modification of Mr Nasim Haradinaj’s sentence following receipt of a report from the Registrar regarding Mr Haradinaj’s behaviour at the Detention Facilities.¹ A public redacted version of the Decision on Modification was issued on 17 October 2023. The redactions included, *inter alia*, the specific time line within which the President would consider a modification of Mr Haradinaj’s sentence anew.²

2. On 31 October 2023, the Head of the Defence Office conveyed a letter to Counsel for Mr Haradinaj, Mr Toby Cadman, informing Mr Cadman of his obligations pursuant to Articles 6, 12 and 13 of the Code of Professional Conduct. This letter was sent following reports in the Kosovo media of the then confidential Decision on Modification and its content, with reference to “lawyers” as the source of this information, which was provided to the media before a public redacted version of the Decision was issued on 17 October 2023.

3. On 19 November 2023, Mr Cadman gave an interview to the Kosovo media outlet

¹ Decision on Commutation, Modification or Alternation of Sentence, 12 October 2023 (confidential), paras 76-78.

² Public Redacted Version of Decision on Commutation, Modification or Alternation of Sentence, 17 October 2023, para. 77.

Teve 1, wherein he revealed information that was redacted in the public redacted version of the Decision on Modification. [REDACTED].³

II. CONSIDERATIONS

4. The President notes that Mr Cadman was reminded of his obligations as set forth in Articles 6, 12 and 13 of the Code of Professional Conduct by the Head of the Defence Office. The President observes that despite the reminder by the Head of the Defence, Mr Cadman disclosed the confidential information from the Decision on Modification in an interview with a Kosovo media outlet.

5. Accordingly, the President considers it necessary to hereby formally warn Mr Cadman in accordance with Rule 63(1) of the Rules, as the above demonstrates a failure to meet the standard of professional ethics in this regard.

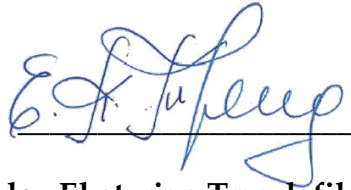
6. The President reminds Mr Cadman again of his obligations as set forth in Articles 6, 12 and 13 of the Code of Professional Conduct and recalls that the steps set forth in Rules 63(1)(a) to (c) and 82(6) of the Rules, and Article 33(2) of the Code of Professional Conduct may be undertaken in the future if Mr Cadman does not adhere to his professional obligations as Counsel practicing before the Specialist Chambers.

III. DISPOSITION

In view of the above, the President hereby

DECIDES to warn Mr Cadman as provided for by Rule 63(1) of the Rules.

³ See <https://teve1.info/3cadman-nuk-ka-arsye-qe-haradinaj-te-mos-lirohet/>.



**Judge Ekaterina Trendafilova,
President of the Specialist Chambers**

Dated this Wednesday, 22 November 2023
At The Hague,
The Netherlands