

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

**Before:** **Trial Panel II**  
Judge Charles L. Smith, III, Presiding  
Judge Christoph Barthe  
Judge Guénaël Mettraux  
Judge Fergal Gaynor, Reserve Judge

**Registrar:** Dr Fidelma Donlon

**Filing Participant:** Specialist Counsel for Hashim Thaçi

**Date:** 19 January 2024

**Language:** English

**Classification:** Public

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**Motion to Withdraw By Lead Counsel for Hashim Thaçi**

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**Specialist Prosecutor's Office**  
Kimberly P. West

**Counsel for Hashim Thaçi**  
Gregory Kehoe

**Counsel for Kadri Veseli**  
Ben Emmerson

**Counsel for Victims**  
Simon Laws

**Counsel for Rexhep Selimi**  
Geoffrey Roberts

**Counsel for Jakup Krasniqi**  
Venkateswari Alagendra

## I. INTRODUCTION

1. Lead Defence Counsel for Mr. Hashim Thaçi, Gregory Kehoe, Co-Counsel Joe Reeder, along with legal associates employed by Greenberg Traurig, P.A. (“Greenberg”), Danielle Susan Kemp, Jordan Behlman, Kayli Danielle Smendec (“Greenberg Legal Associates”), and support team members employed by Greenberg Traurig, P.A. (“Greenberg Support Team Members”), file this Motion to Withdraw pursuant to Section 16(2)(b) of the Kosovo Specialist Chambers Directive on Counsel (the “Directive”).<sup>1</sup>

## II. SUBMISSIONS

2. Gregory Kehoe was appointed Lead Counsel by the Registrar to represent Mr. Thaçi on May 25, 2021, pursuant to Section 12(1)(a) of the Directive, which permits the Registrar to “appoint chosen Counsel to a suspect or Accused who has sufficient means to retain Counsel.”

3. On September 29, 2021, the Registrar approved Jordan Behlman as Legal Associate within Mr. Thaçi’s Defence Team pursuant to Section 18(1) of the Directive.

4. On October 15, 2021, the Registrar approved Danielle Susan Kemp as Legal Associate within Mr. Thaçi’s Defence Team pursuant to Section 18(1) of the Directive.

5. On October 15, 2021, the Registrar approved Kayli Danielle Smendec as Legal Associate within Mr. Thaçi’s Defence Team pursuant to Section 18(1) of the Directive.

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<sup>1</sup> Registry Practice Direction, Directive on Counsel, KSC-BD-04-Rev1, 28 April 2021, public.

6. On February 27, 2023, the Registrar approved the appointment of Jonelle Turner and Madeleine Voigt as Support Team Members within Mr. Thaçi's Defence Team pursuant to Section 18(1) of the Directive.
7. On March 30, 2023, the Registrar approved the appointment of Claudia Wolfs, Demi Aalhuizen, and Myra den Hartog within Mr. Thaçi's Defence Team pursuant to Section 18(1) of the Directive. These appointments were confirmed on April 5, 2023.
8. On April 11, 2023, Joe Reeder was admitted as Counsel to the List of Specialist Counsel of the Kosovo Chambers, per Section 7 of the Directive. Subsequently, Joe Reeder became Co-Counsel for Mr. Thaçi.
9. Pursuant to Article 23 of the Code of Professional Conduct for Counsel and Prosecutors Before the Kosovo Specialist Chamber (the "Code"),<sup>2</sup> Counsel may seek termination of representation if the Client fails to fulfil an obligation to Counsel.

**Article 23** Duration and Termination of Representation

2. In accordance with Section 16(2)(b) of the Directive, Counsel:

a. may seek termination, in particular if:

(2) the Client fails to fulfil an obligation to Counsel regarding Counsel's services and has been given reasonable warning that Counsel will seek termination unless the obligation is fulfilled.

10. Mr. Thaçi has failed to fulfil an obligation to Gregory Kehoe, Joe Reeder, the Greenberg Legal Associates, and Greenberg Support Team Members, and Mr. Thaçi has been given reasonable warning that Gregory Kehoe, Joe Reeder, the Greenberg Legal Associates and Greenberg Support Team Members would seek termination unless the obligation was fulfilled.

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<sup>2</sup> Registry Practice Direction, Code of Professional Conduct – for Counsel and Prosecutors Before the Kosovo Specialist Chambers, KSC-BD-07-Rev1, 28 April 2021, public.

11. Section 16(2)(b) of the Directive allows the Registrar to “terminate representation by Counsel in circumstances where: [...] (b) Counsel, the suspect, the Accused or victims participating in the proceedings request withdrawal showing good cause [...].”

12. Pursuant to Article 21(4)(e) of the Law No.05/L-053 on Specialist Chambers and Specialist Prosecutor’s Office (the “Law”), Mr. Thaçi is entitled to “defend himself through Specialist Counsel of his own choosing; to be informed, if he or she does not have legal assistance of this right; and to have Specialist Counsel assigned to him or her, in any case where the interests of justice so require, and without payment by him or her in any such case if he or she does not have sufficient means to pay for it.”

13. In addition, pursuant to Article 41(4)(b) of the Law, “[a]ny person deprived of liberty by or on behalf of the Specialist Chambers or the Specialist Prosecutor’s Office shall be informed promptly [...] (b) the right to legal assistance through a Specialist Chambers Counsel of his or her own choice, and to have Specialist Counsel assigned to him or her without payment by him or her in any such case if he or she does not have sufficient means to pay for it.”

14. The Registrar should assign Specialist Counsel to Mr. Thaçi without payment by Mr. Thaçi in any such case if he does not have sufficient means to pay for it.

15. Pursuant to Section 16(1) of the Directive, “When considering early termination or suspension pursuant to this Section, the Registrar shall have due regard to the importance of continuity of representation and must obtain approval of any Panel seized of the matter in which Counsel is acting.”

16. In addition, pursuant to Article 25(3) of the Code,

In the event of early termination of representation pursuant to Section 16 of the Directive:

- a. the duties of Counsel in accordance with this Code shall continue until Counsel can be replaced or for any overlapping period pursuant to Section 16(4) of the Directive;
- b. Counsel being replaced shall take all reasonable steps to protect the Client's interests and shall prepare a document to accompany the transferred case file, describing in appropriate detail:
  - (1) a summary of the relevant legal and factual issues of the case;
  - (2) the case theory and any relevant strategic issues;
  - (3) the Client's instructions on the objectives and means by which the objectives are to be pursued, in accordance with Article 24;
  - (4) an overview of the structure of the case file; and
  - (5) ongoing work and deadlines.

17. Section 16(4) of the Directive provides that "In the interest of justice, the Registrar may instruct appointed or assigned Counsel whose representation is to be terminated to continue to act or to assist replacement Counsel for a period not exceeding forty-five (45) days from the date upon which replacement Counsel is assigned or appointed. During this period, the costs necessarily and reasonably incurred by the outgoing Counsel shall be borne by the Specialist Chambers."

18. Gregory Kehoe, Joe Reeder, the Greenberg Legal Associates and the Greenberg Support Team Members shall comply with Article 25(3) of the Code and will continue to act or assist replacement Counsel for a period not exceeding forty-five (45) days from the date upon which replacement Counsel is assigned or appointed.

19. During the transition period, Gregory Kehoe, Joe Reeder, the Greenberg Legal Associates, and the Greenberg Support Team Members request that all necessary and reasonable costs be borne by the Specialist Chambers pursuant to Section 16(4) of the Directive.

### III. CONFIDENTIALITY

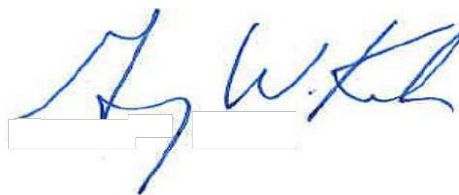
20. The present Motion is filed publicly pursuant to Rule 82(1)(a) of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers.

### IV. CONCLUSION

21. In light of the above, Counsel for Mr. Taçi respectfully requests the Trial Panel:
- (i) allow the withdrawal of Gregory Kehoe, Joe Reeder, Greenberg Legal Associates, and Greenberg Support Team Members;
  - (ii) direct the Registrar to appoint counsel for Mr. Taçi pursuant to Section 12(1)(b) of the Directive; and
  - (iii) direct the Specialist Chambers to pay for costs necessarily and reasonably incurred by Gregory Kehoe, Joe Reeder, the Greenberg Legal Associates and the Greenberg Support Team Members during the transition period.

**[Word count: 1,181 words]**

Respectfully submitted on 19 January 2024,



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GREGORY KEHOE

Lead Counsel for Hashim Taçi

At The Hague, The Netherlands