

In: KSC-BC-2020-06

Specialist 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 Guénaël Mettraux

Judge Fergal Gaynor, Reserve Judge

Registrar: Dr Fidelma Donlon

Filing Participant: Counsel for Kadri Veseli

Date: 5 February 2024

Language: English

Classification: Confidential

**Veseli Defence Response to Defence Counsel Request for Determination
Pursuant to Article 28(4)(b)(i) of the Code of Conduct (F02084)**

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

1. The Defence for Mr Kadri Veseli (“Defence”) has carefully reviewed the Defence Counsel Request for Determination pursuant to Article 28(4)(b)(i) of the Code of Conduct.¹ The Defence does not believe that any conflict of interest arises.
2. The Defence considers that the representation of Mr Mustafa would not cause any prejudice to the ongoing representation of Mr Krasniqi in Case-06 or the wider interests of justice. It is important to emphasise that a conflict of interest does not exist simply because there is an apparent factual similarity between two cases, but depends on an assessment of whether the interests of the two clients come into conflict. Determinative factors indicating that there is no conflict in this case include the limited appellate remedies available to Mr. Mustafa at this stage of proceedings, the absence of any evidence directly linking Mr. Mustafa to any of the Accused in Case-06, and the fact that Mr. Mustafa has not sought to pass the blame for any crime onto the Accused in Case-06. On the facts as presently known, the Defence do not foresee any conflict arising.
3. The Defence does not currently intend to call Mr Mustafa as a Defence witness, nor is he on the Prosecution’s list of Witness. Moreover, the Defence have not been placed on notice of any attempt by the Prosecution to add Mr Mustafa to said list. In the circumstances, the risk that Mr. Mustafa might feature as a witness in this case is remote.
4. The Defence have no reason to believe that delay would be caused to these proceedings. It is not uncommon for Counsel to be involved in more than one case, both internationally and domestically. Experienced Counsel are able to

¹ F02084, *Defence Counsel Request for Determination Pursuant to Article 28(4)(b)(i) of the Code of Conduct with Confidential and Ex Parte Annexes 1-4*, 26 January 2024, Confidential.

balance these commitments, with the assistance of an appropriate team of lawyers.

5. Accordingly, the Defence is aware of no reason to prevent Defence Counsel from representing Mr Mustafa.

Word Count: 341



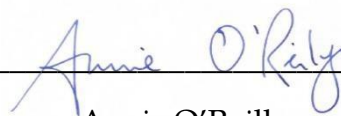
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