

**ANNEX 1 to**  
**Submissions Pursuant to Oral Order of 20 February 2024**

Public



KOSOVO SPECIALIST CHAMBERS  
DHOMAT E SPECIALIZUARA TË KOSOVËS  
SPECIJALIZOVANA VEÇA KOSOVA

## MEMORANDUM

<b>To:</b>	<b>Trial Panel II</b> Judge Charles L. Smith III, Presiding Judge Judge Christoph Barthe Judge Guénaél Mettreux Judge Fergal Gaynor, Reserve Judge  Kimberly P. West, Specialist Prosecutor  Luka Mišetić, Counsel for Hashim Thaçi  Ben Emmerson, Counsel for Kadri Veseli  Geoffrey Roberts, Counsel for Rexhep Selimi  Venkateswari Alagenda, Counsel for Jakup Krasniqi  Simon Laws, Victims' Counsel
<b>From:</b>	Dr Fidelma Donlon, Registrar
<b>File number:</b>	KSC-BC-2020-06
<b>File name:</b>	<i>Specialist Prosecutor v. Hashim Thaçi, Kadri Veseli, Rexhep Selimi and Jakup Krasniqi</i>
<b>Date:</b>	26 February 2024
<b>Classification:</b>	Public
<b>Subject:</b>	Memorandum in Compliance with "Oral Order regarding Counsel's Responsibility arising out of the Directive on Counsel and the Code of Professional Conduct", Transcript, 20 February 2024, pp. 12506-12508.

1. Pursuant to the Trial Panel's Oral Order of 20 February 2024,<sup>1</sup> the Registrar hereby highlights several of the duties of Counsel and Co-Counsel under the Specialist Chambers' legal framework. The Registrar however emphasises that, when

<sup>1</sup> KSC-BC-2020-06, Oral Order regarding Counsel's Responsibility arising out of the Directive on Counsel and the Code of Professional Conduct", Transcript, 20 February 2024, pp. 12506-12508 ('Oral Order').



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considering the duties of Counsel and Co-Counsel, reference should be made to the Specialist Chambers' legal framework as a whole, notably the Directive on Counsel ('Directive') and the Code of Professional Conduct for Counsel ('Code of Conduct').<sup>2</sup>

2. The Registrar notes that Co-Counsel have the authority to sign documents and to appear in court on Counsel's behalf, dealing with all arising matters.<sup>3</sup> Counsel shall perform at all times his or her representation in an efficient manner and in the best interests of the Client.<sup>4</sup> Specifically, in the performance of his or her responsibilities, Counsel shall: (i) represent the Client in an efficient and effective manner with the purpose of avoiding unnecessary expense or delay of proceedings; and (ii) act in and safeguard the Client's best interests.<sup>5</sup> These responsibilities necessarily encompass Counsel's responsibility to ensure that they have competent and available Co-Counsel in place to appear without delay in the proceedings on their behalf, in situations where Counsel are temporarily unable to do so.<sup>6</sup>

3. The Registrar notes that an applicant for admission to the List of Counsel and Co-Counsel shall provide a statement regarding their availability and shall

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<sup>2</sup> Registry Practice Direction, Directive on Counsel, KSC-BD-04-Rev1, 22 February 2024, public; Registry Practice Direction, Code of Professional Conduct – for Counsel and Prosecutors Before the Kosovo Specialist Chambers, KSC-BD-07-Rev1, 28 April 2021. In this regard, the Registrar notes that an applicant for admission to the List of Counsel and Co-Counsel shall provide a statement to abide by the Code of Professional Conduct for Counsel upon appointment or assignment; *see* Directive, s. 6(2)(d).

<sup>3</sup> Directive, s. 18(4); *see also* Oral Order.

<sup>4</sup> Code of Conduct, Article 22(4); *see also* Oral Order.

<sup>5</sup> Code of Conduct, Article 24(1)(a)-(b); *see also* Oral Order.

<sup>6</sup> *See* Oral Order.



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immediately inform the Registry if there is a change in this regard.<sup>7</sup> Not only do Co-Counsel need to inform the Registrar of their availability to appear, but must also keep her apprised of any changes to this availability; consequently, absent such notification, it must be assumed that Co-Counsel's availability to appear remains unchanged.<sup>8</sup>

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<sup>7</sup> Directive, ss 6(2)(a), 9(2); *see also* Oral Order.

<sup>8</sup> *See* Oral Order.