



In: KSC-BC-2023-12
**The Specialist Prosecutor v. Hashim Thaçi, Bashkim Smakaj, Isni
Kilaj, Fadil Fazliu and Hajredin Kuçi**

Before: Pre-Trial Judge
Judge Marjorie Masselot

Registrar: Fidelma Donlon

Date: 7 December 2024

Language: English

Classification: Public

Decision Rescheduling Initial Appearance of Isni Kilaj

Specialist Prosecutor

Kimberly P. West

Counsel for Isni Kilaj

Iain Edwards

Joe Holmes

Registry

Fidelma Donlon

Head of Detention Unit

THE PRE-TRIAL JUDGE,¹ pursuant to Article 39(5) and (13) of the Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor's Office ("Law"), and Rules 87(6) and 92 of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers ("Rules"), hereby renders this decision.

I. PROCEDURAL BACKGROUND

1. On 6 December 2024, following the arrest and transfer of Isni Kilaj ("Mr Kilaj") to the Detention Facilities of the Specialist Chambers,² the Pre-Trial Judge convened a hearing for the initial appearance of Mr Kilaj on Sunday, 8 December 2024.³

2. On 7 December 2024, Counsel for Mr Kilaj requested to postpone the hearing to Monday, 9 December 2024 ("Request").⁴

II. SUBMISSIONS

3. Counsel for Mr Kilaj requests to postpone the hearing for the initial appearance of Mr Kilaj to Monday, 9 December 2024,⁵ as he may be unable to appear on Sunday in court, since he will be travelling from Abidjan, Côte d'Ivoire, to The Hague.⁶ He submits that it would be in the interests of justice for Mr Kilaj to enjoy continuity of legal representation, and that the

¹ KSC-BC-2023-12, F00015, President, *Decision Assigning a Pre-Trial Judge*, 6 June 2024, confidential.

² KSC-BC-2023-12, F00043, Registrar, *Notification of Arrest of Isni Kilaj Pursuant to Rule 55(4)*, 5 December 2024, confidential; F00056, Registrar, *Notification of Reception of Isni Kilaj in the Detention Facilities of the Specialist Chambers*, 6 December 2024, strictly confidential and *ex parte*, with Annex 1, strictly confidential and *ex parte*.

³ KSC-BC-2023-12, F00059, Pre-Trial Judge, *Decision Setting the Date for Initial Appearances and Related Matters*, 6 December 2024, public, paras 14, 22(a).

⁴ KSC-BC-2023-12, F00061, Defence for Mr Kilaj, *Request for Reconsideration of Date Set for Isni Kilaj's Initial Appearance*, 7 December 2024, public.

⁵ Request, paras 1, 7.

⁶ Request, paras 3-4.

postponement (i) does not violate the Rules; (ii) causes no prejudice to the Specialist Prosecutor and other co-accused; and (iii) is approved by Mr Kilaj.⁷

III. APPLICABLE LAW

4. Pursuant to Article 39(5) of the Law, at the initial hearing, the Pre-Trial Judge shall read the indictment, satisfy him- or herself that the rights of the accused are respected, confirm that the accused understands the indictment, and instruct the accused to enter a plea.

5. Pursuant to Article 39(13) of the Law, the Pre-Trial Judge may, where necessary, issue any other order as may be necessary for the preparation of a fair and expeditious trial.

6. Pursuant to Rule 87(6) of the Rules, the initial appearance pursuant to Rule 92 of the Rules shall take place within seven (7) days of the service of the indictment upon the accused.

IV. DISCUSSION

7. The Pre-Trial Judge has favourably taken note of the reasons set forth in the Request. With a view to ensuring that Mr Kilaj is represented by counsel who has been representing him since November 2023,⁸ and mindful that Mr Kilaj agrees with this postponement, and that it will not disturb the appearances of other accused in the case, the Pre-Trial Judge agrees, in these

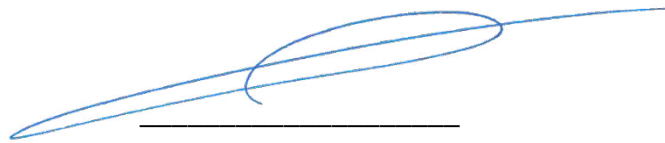
⁷ Request, para. 6.

⁸ See KSC-BC-2018-01, F00494, Registrar, *Notification of Assignment of Duty Counsel to Isni Kilaj*, 3 November 2023, strictly confidential, with Annex 1, confidential; F00695, Registrar, *Notification of Conditional Assignment of Counsel, and Termination of Appointment of Co-Counsel, to Isni Kilaj*, 4 June 2024, public, with Annexes 1-2, confidential; KSC-BC-2023-12, F00047, Registrar, *Notification Regarding Assigned Counsel to Isni Kilaj*, 5 December 2024, confidential and *ex parte*, with Annex 1, confidential.

particular circumstances, to postpone the hearing on the initial appearance of Mr Kilaj to **Monday, 9 December 2024, at 13h00.**

V. DISPOSITION

8. For the above reasons, the Pre-Trial Judge hereby **GRANTS** the Request and convenes a hearing for the initial appearance of Mr Kilaj on **Monday, 9 December 2024, at 13h00.**



Judge Marjorie Masselot
Pre-Trial Judge

Dated this Saturday, 7 December 2024

At The Hague, the Netherlands.