



KOSOVO SPECIALIST CHAMBERS  
DHOMAT E SPECIALIZUARA TË KOSOVËS  
SPECIJALIZOVANA VEÇA KOSOVA

**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:** 25 July 2025

**Language:** English

**Classification:** Public

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**Order Relating to the Calendar for the Remaining Pre-Trial Proceedings**

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**THE PRE-TRIAL JUDGE**,<sup>1</sup> pursuant to Article 39(13) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor's Office ("Law") and Rule 95(2), (4) and (5) of the Rules of Procedure and Evidence Before the Kosovo Specialist Chamber ("Rules"), hereby renders the following order.

## I. PROCEDURAL BACKGROUND

1. On 29 November 2024, the Pre-Trial Judge confirmed, in part, the indictment against Hashim Thaçi, Bashkim Smakaj, Isni Kilaj, Fadil Fazliu and Hajredin Kuçi (collectively "Accused") for offences against the administration of justice and public order – specifically, attempted obstruction of official persons in performing official duties, violating the secrecy of proceedings and/or contempt of court ("Confirmation Decision").<sup>2</sup>

2. On 16 April 2025, following the Pre-Trial Judge's decision amending<sup>3</sup> the Confirmation Decision by adding a mode of liability,<sup>4</sup> the Specialist Prosecutor's Office ("SPO") filed the amended confirmed indictment ("Amended Confirmed Indictment").<sup>5</sup>

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<sup>1</sup> KSC-BC-2023-12, F00015, President, *Decision Assigning a Pre-Trial Judge*, 6 June 2024, public.

<sup>2</sup> KSC-BC-2023-12, F00036, Pre-Trial Judge, *Decision on the Confirmation of the Indictment*, 29 November 2024, confidential, para. 313. A public redacted version was filed on 12 February 2025, [F00036/RED](#).

<sup>3</sup> On 12 February 2025, the Specialist Prosecutor appealed the Confirmation Decision, with leave of the Pre-Trial Judge, and on 3 April 2025, the Court of Appeals Panel rendered its decision on the Specialist Prosecutor's appeal and remanded one matter to the Pre-Trial Judge for further consideration, see KSC-BC-2023-12, F00149, Pre-Trial Judge, [Decision on Specialist Prosecutor's Request for Leave to Appeal the "Decision on the Confirmation of the Indictment"](#), 30 January 2025, public; IA002/F00012, Court of Appeals Panel, *Decision on the Specialist Prosecutor's Office's Appeal Against the Decision on the Confirmation of the Indictment*, 3 April 2025, confidential. A public redacted version of the main filing was submitted on 14 February 2025, [IA002/F00012/RED](#).

<sup>4</sup> KSC-BC-2023-12, F00260, Pre-Trial Judge, [Decision Amending the "Decision on the Confirmation of the Indictment" and Setting a Date for the Submission of Preliminary Motions](#), 14 April 2025, public.

<sup>5</sup> KSC-BC-2023-12, F00264, Specialist Prosecutor, [Submission of Amended Confirmed Indictment](#), 16 April 2025, public, with Annex 1, confidential (containing the confidential version of the Amended Confirmed Indictment), and [Annex 2](#), public (containing the public redacted version of the Amended Confirmed Indictment).

3. On 19,<sup>6</sup> 24<sup>7</sup> and 30 June 2025,<sup>8</sup> the Pre-Trial Judge rejected the Defence's preliminary motions challenging the jurisdiction, alleging defects in the Amended Confirmed Indictment and requesting adjournment/severance of the proceedings.

## II. APPLICABLE LAW

4. Pursuant to Article 39(13) of the Law, the Pre-Trial Judge may, where necessary, on her own motion, issue any order that may be necessary for the preparation of a fair and expeditious trial. Pursuant to Rule 95(2) of the Rules, the Pre-Trial Judge shall ensure that pre-trial proceedings are not unduly delayed and shall take all necessary measures for the expeditious preparation of the case for trial.

5. Pursuant to Rule 95(4) of the Rules, the Pre-Trial Judge shall order the Specialist Prosecutor to file, within a set time limit: (a) the Specialist Prosecutor's Pre-Trial Brief, including, for each charge, a summary of the evidence which the Specialist Prosecutor intends to present regarding the commission of the alleged crime and the alleged mode of liability of the Accused; (b) the list of witnesses the Specialist Prosecutor intends to call and (c) the list of proposed exhibits the Specialist Prosecutor intends to present stating, where possible, any objection of the Defence regarding authenticity.

6. Pursuant to Rule 95(5) of the Rules, after submission of the items under Rule 95(4) of the Rules, the Pre-Trial Judge shall invite the Defence to file a pre-trial brief within a set time limit. Moreover, within a time limit set by the Pre-Trial

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<sup>6</sup> KSC-BC-2023-12, F00343, Pre-Trial Judge, [Decision on the Thaçi Defence Preliminary Motion on Jurisdiction](#), 19 June 2025, public.

<sup>7</sup> KSC-BC-2023-12, F00347, Pre-Trial Judge, [Decision on Preliminary Motions Alleging Defects in the Indictment](#), 24 June 2025, public.

<sup>8</sup> KSC-BC-2023-12, F00354, Pre-Trial Judge, *Decision on Preliminary Motions for Adjournment and Severance of the Proceedings*, 30 June 2025, confidential. A public redacted version was filed on 1 July 2025, [F00354/RED](#).

Judge, the Defence shall notify the SPO of its intent to offer a defence of alibi or any other grounds excluding criminal responsibility.

### III. DISCUSSION

7. At the outset, the Pre-Trial Judges takes note of the state of advancement of the disclosure process in the present case.<sup>9</sup> In this respect, the Pre-Trial Judge notes that (i) the SPO has largely completed its disclosure obligations<sup>10</sup> under Rule 102(1)(b) of the Rules, with the exception of certain material which has undergone or will undergo review by Independent Counsel; (ii) the material which has already undergone review by Independent Counsel has been recently transferred to the SPO<sup>11</sup> and it shall be disclosed within two months of the date of the transfer;<sup>12</sup> (iii) the extraction and/or review of the remaining material is progressing steadily;<sup>13</sup> and (iv) the preliminary motions lodged by the Defence

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<sup>9</sup> See, Disclosure Package Nos 6, 8, 12, 42 for Rule 102(1)(a) material, Disclosure Package Nos 11, 17, 19, 21, 24, 27, 28, 30, 34, 37, 38, 43, 50, 54, 55 for Rule 102(1)(b) material, Disclosure Package Nos 13, 14, 15, 16, 20, 22, 25, 31, 32, 35, 36, 39, 40, 44, 47, 49, 51, 52, 53, 56, 57 for Rule 102(3) material and Disclosure Package Nos 7, 9, 10, 18, 23, 26, 29, 33, 41, 45, 46 for Rule 103 material. Additionally, the Pre-Trial Judge notes that the proceedings are advancing expeditiously. See, for instance, KSC-BC-2023-12, F00286, Defence, *Joint Defence Preliminary Motion Pursuant to Rule 97 of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers*, 7 May 2025, public, para. 17; F00354, Pre-Trial Judge, *Decision on Preliminary Motions for Adjournment and Severance of the Proceedings*, 30 June 2025, confidential, paras 16, 49, 63. A public redacted version was filed on 1 July 2025, F00354/RED; F00325, Pre-Trial Judge, *Third Decision on Review of Detention of Hashim Thaçi*, 5 June 2025, public, para. 32; KSC-BC-2023-12, F00250, Pre-Trial Judge, *Second Decision on Review of Detention of Hashim Thaçi*, 7 April 2025, public, para. 42.

<sup>10</sup> In light of the small number of witnesses the SPO intends to rely on at trial, the Pre-Trial Judge anticipates a limited number of Rule 102(1)(b) disclosures to be effectuated from now until the transfer of the case, which will allow proceedings to advance further expeditiously. See KSC-BC-2023-12, F00079, Specialist Prosecutor, *Prosecution Submissions for First Status Conference*, 12 December 2025, confidential. A public redacted version was filed on 16 December 2025, [F00079/RED](#).

<sup>11</sup> KSC-BC-2023-12, F00377, Registrar, *Notification of Transfer of Materials pursuant to F00368*, 17 July 2025, confidential.

<sup>12</sup> KSC-BC-2023-12, F00368, Pre-Trial Judge, *Decision on Prosecution Request for Access to Material and Related Matters*, 9 July 2025, confidential, with Annex 1, confidential.

<sup>13</sup> See KSC-BC-2023-12, F00357, Pre-Trial Judge, *Decision Appointing Independent Counsel and Initiating Stage 2 of the Mechanism to Review Preserved Material*, 1 July 2025, confidential; KSC-BC-2023-12, F00350, Pre-Trial Judge, *Decision on Outstanding Kuçi Devices and Related Request for Assistance*, 26 June 2025,

have been disposed of, including any requests for leave to appeal, as the case may be.<sup>14</sup>

8. To ensure an efficient and streamlined organization of the remaining pre-trial proceedings and the swift transmission of the case file to a Trial Panel, the Pre-Trial Judge considers it necessary to seek submissions from the Parties, as detailed below (sections A-D).

9. In addition, the Pre-Trial Judge will set a date for the submission of the SPO Pre-Trial Brief and a tentative date for the Defence to submit their respective Pre-Trial Briefs, if they so wish (section E).

#### A. SUBMISSIONS FROM THE SPO

10. Notwithstanding the progress in the SPO disclosure process, the Pre-Trial Judge orders the SPO to provide submissions on the following topics:

- (a) What is the status of the SPO's review of material seized from each Accused?
- (b) What are the investigative steps that remain pending, if any, and how much time does the SPO estimate it will need to complete them?
- (c) What is the status of the SPO's disclosure obligations under Rules 102(3) and 103 of the Rules?
- (d) Whether and when the SPO intends to submit an updated detailed Rule 102(3) Notice to the Defence; and

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confidential; KSC-BC-2023-12, F00319, Pre-Trial Judge, *Decision on Modality of Review and Related Request for Assistance*, 30 May 2025, confidential.

<sup>14</sup> KSC-BC-2023-12, F00390, Pre-Trial Judge, *Decision on the Thaçi Defence Request for Leave to Appeal the "Decision on Preliminary Motions for Adjournment and Severance of the Proceedings"*, 23 July 2025, confidential. A public redacted version as filed the same day, F00390/RED; F00391, Pre-Trial Judge, *Decision on the Thaçi Defence Request for Certification to Appeal the "Decision on the Thaçi Defence Preliminary Motion on Jurisdiction"*, 23 July 2025, public; F00392, Pre-Trial Judge, *Decision on the Thaçi and Fazliu Requests for Certification to Appeal the "Decision on Preliminary Motions Alleging Defects in the Indictment"*, 24 July 2025, public.

- (e) Whether the SPO has custody or control over (protected) Rule 107 material which has been provided on a confidential basis and solely for the purpose of generating new evidence, including an indication of the estimated amount and type thereof, including the number of pages and the length of any audio/video material, where applicable; whether and for which material the SPO intends to seek the consent of information providers and when receipt of such consent can be expected; whether the SPO has already taken steps to obtain the consent of the information providers to disclose such material or whether such steps are foreseen in the near future; in case the SPO intends to disclose such material, whether the material falls under Rules 102 and/or 103 of the Rules, or whether it wishes to apply to the Pre-Trial Judge be relieved in whole or in part of this obligation under Rule 102 and 103 of the Rules; and whether, if such material is to be disclosed, redactions will be required.
- (f) Whether the SPO has engaged in discussions with the Defence regarding points of agreement on law and/or fact between the Parties; if in the affirmative, the SPO shall include in its submissions the status or result of discussions with the Defence; if no discussions have started, when can the Pre-Trial Judge expect the SPO and the Defence to make joint submissions?
11. The SPO is invited to bring to the Pre-Trial Judge's attention any other useful information for the proper preparation of the Defence.
- B. SUBMISSIONS FROM THE DEFENCE
12. Additionally, the Pre-Trial Judge orders the Defence to provide submissions on the following topics:

- (a) Whether the Defence is conducting or intends to conduct investigations and approximately, how much time will they require to conclude such investigative activities?
- (b) Whether the Defence can indicate, based on the decisions rendered and disclosures effectuated so far, whether they will seek further forensic analyses of any material;
- (c) Whether the Defence objects or intends to object pursuant to Rule 95(2)(e) of the Rules to the admissibility of any evidentiary material that has been disclosed;
- (d) Whether the Defence can indicate if they will provide notice of alibi or any other ground excluding criminal responsibility; if in the affirmative, whether the Defence will disclose evidence and seek protective measures in this regard; and
- (e) Whether the Defence intends to file Pre-Trial Briefs.

13. The Defence is invited to provide any other useful information that will allow the Pre-Trial Judge to organise and streamline the proceedings and the SPO to prepare for trial.

#### C. SUBMISSIONS FROM THE PARTIES

14. Lastly, the Pre-Trial Judge orders the Parties to provide her with submissions on the following matter:

- (a) When do the Parties expect to be ready for trial and what are their submissions on a tentative date for the transmission of the case?

#### D. DEADLINE FOR SUBMISSIONS

15. The Pre-Trial Judge orders the SPO to provide her with the information requested at paragraphs 10, 11 and 14 by **Monday, 25 August 2025**. Similarly, the



Pre-Trial Judge orders the Defence to provide her with the information requested at paragraphs 12-14 by **Friday 29 August 2025**.

E. DEADLINES FOR PRE-TRIAL BRIEFS

16. In light of the above, in particular the fact that Rule 102(1)(b) disclosure is largely completed, the Pre-Trial Judge finds it appropriate to set the time limit for the SPO to submit its Pre-Trial Brief, list of witnesses and list of exhibits,<sup>15</sup> pursuant to Rule 95(4) of the Rules, on **Friday, 19 September 2025**.

17. Additionally, the Pre-Trial Judge informs the Defence that she intends to set the time limit for the Defence to submit their respective Pre-Trial Briefs, if they so wish, and other information as envisaged by Rule 95(5) of the Rules, on **Monday, 20 October 2025**.

IV. DISPOSITION

18. For the above reasons, the Pre-Trial Judge hereby:

- a. **ORDERS** the SPO to make submissions in accordance with the instructions set out at paragraphs 10, 11 and 14 of the present decision by **Monday, 25 August 2025**;
- b. **ORDERS** the Defence to make submissions in accordance with the instructions set out at paragraphs 12-14 of the present decision by **Friday, 29 August 2025**;
- c. **ORDERS** the SPO to file its Pre-Trial Brief, list of witnesses and list of exhibits by **Friday, 19 September 2025**; and
- d. **INFORMS** the Defence that the Pre-Trial Judge intends to set the deadline for submission of their Pre-Trial Briefs, including other

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<sup>15</sup> The Pre-Trial Judge is mindful that the SPO may come in possession of further material following the review of Independent Counsel, in which case, the SPO may seek amendment of its list of exhibits.



information as envisaged by Rule 95(5) of the Rules, to **Monday, 20 October 2025**.



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**Judge Marjorie Masselot**  
**Pre-Trial Judge**

Dated this Friday, 25 July 2025

At The Hague, the Netherland