

**In:** KSC-BC-2023-12

**Specialist Prosecutor v.** Hashim Thaçi, Bashkim Smakaj, Isni Kilaj, Fadil Fazliu and Hajredin Kuçi

**Before:** Pre-Trial Judge  
Judge Marjorie Masselot

**Registrar:** Dr Fidelma Donlon

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

**Date:** 3 November 2025

**Language:** English

**Classification:** Public

---

**Thaçi Defence Notice of intention to make an Article 49 Referral**

---

**Specialist Prosecutor's Office**

Kimberly P. West

**Specialist Counsel for Hashim Thaçi**

Sophie Menegon

Luka Mišetić

**Specialist Counsel for Bashkim Smakaj**

Jonathan Elystan Rees KC

Huw Bowden

**Specialist Counsel for Isni Kilaj**

Iain Edwards

Joe Holmes

**Specialist Counsel for Fadil Fazliu**

David A. Young

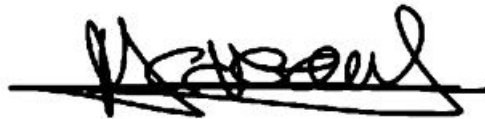
**Specialist Counsel for Hajredin Kuçi**

Alexander Admiraal

1. The Defence of Mr Hashim Thaçi (“Defence”) files this notice to inform the Pre-Trial Judge of its intention to make a referral pursuant to Article 49 of the KSC Law.<sup>1</sup>
2. On 28 October 2025, the Court of Appeals Panel rejected Defence appeals from the Pre-Trial Judge’s decisions on two of the Defence’s preliminary motions.<sup>2</sup>
3. The Defence intends to exercise its right under Article 49(3) of the KSC Law to refer to the Specialist Chamber of the Constitutional Court certain violations of Mr Thaçi’s constitutional rights which were not remedied by the Court of Appeals Panel decisions.
4. Noting that Rule 98(1) of the Rules<sup>3</sup> requires a final decision on preliminary motions prior the transfer of the case file to the Trial Panel, the Defence hereby informs the Pre-Trial Judge of its intention to make such a referral.

[Word count: 228 words]

Respectfully submitted,



**Sophie Menegon**

**Counsel for Hashim Thaçi**

3 November 2025

Paris, France

---

<sup>1</sup> Law No.05/L-053 on Specialist Chambers and Specialist Prosecutor’s Office, 3 August 2015 (“KSC Law”).

<sup>2</sup> KSC-BC-2023-12/IA006/F00009, [Decision on Appeals Against “Decision on the Thaçi Defence Preliminary Motion on Jurisdiction” and “Decision on Preliminary Motions for Adjournment and Severance of the Proceedings”](#), 28 October 2025, public; KSC-BC-2023-12/IA007/F00007, [Decision on Appeals Against “Decision on the Thaçi Defence Preliminary Motion on Jurisdiction” and “Decision on Preliminary Motions for Adjournment and Severance of the Proceedings”](#), 28 October 2025, public.

<sup>3</sup> Rules of Procedure and Evidence Before the Kosovo Specialist Chambers, KSC-BD-03/Rev3/2020, 2 June 2020.