



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: Single Trial Judge

Judge Christopher Gosnell

Registrar: Fidelma Donlon

Date: 4 December 2025

Language: English

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Order Scheduling Commencement of Trial

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THE SINGLE TRIAL JUDGE, pursuant to Articles 21(4)(d) and 40(2) of Law No. 05/L053 on Specialist Chambers and Specialist Prosecutor's Office ("Law") and Rule 118(3) of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers ("Rules"),¹ hereby issues this order.

I. PROCEDURAL BACKGROUND

1. On 29 November 2024, the Pre-Trial Judge confirmed the Indictment against the Accused,² who were arrested and detained shortly thereafter,³ except for Hajredin Kuçi who received a summons to make his initial appearance.⁴
2. On 12 November 2025, the Pre-Trial Judge, pursuant to Rule 98(1), transmitted the complete case file to the Single Trial Judge.⁵
3. On 17 November 2025, the Single Trial Judge scheduled a Trial Preparation Conference and Specialist Prosecutor's Preparation Conference pursuant to Rules 117(1) and 118(1) for 28 November 2025, and invited the Parties and the Registry to make written submissions on their readiness and preparation for trial, as well as on the conduct of proceedings.⁶

¹ All references to "Article" and "Rule" shall be understood, unless otherwise indicated, as referring to the Law and Rules, respectively.

² F00036, Pre-Trial Judge, *Decision on the Confirmation of the Indictment*, 29 November 2024, confidential; a public redacted version was issued on 12 February 2025, [F00036/RED](#).

³ KSC-BC-2023-12, F00037, Pre-Trial Judge, *Decision on Request for Arrest Warrants and Related Matters* ("Decision on Arrest and Summons"), 29 November 2024, confidential, with Annexes 1-8, strictly confidential and *ex parte*; a public redacted version of the decision was issued on 19 December 2024, [F00037/RED](#).

⁴ [Decision on Arrest and Summons](#), para. 100.

⁵ KSC-BC-2023-12, F00544, Pre-Trial Judge, [Decision Transmitting the Case File to Single Trial Judge](#), 12 November 2025, public.

⁶ KSC-BC-2023-12, F00549, Single Trial Judge, [Order Scheduling the Trial Preparation Conference and Requesting Submissions](#) ("Order"), 17 November 2025, public.

4. On 20 and 24 November 2025, the Specialist Prosecutor's Office ("SPO"), the Registry and each Defence team submitted written submissions in accordance with the Single Trial Judge's Order.⁷

5. On 28 November 2025, the Single Trial Judge held the Trial Preparation Conference and the Specialist Prosecutor's Preparation Conference, during which additional oral submissions were made on matters relating to the scheduling of trial proceedings.

6. On 2 December 2025, the Single Trial Judge directed the Parties to ensure their availability during the period from 26 January 2026 to 6 February 2026.⁸

II. SUBMISSIONS

A. SPO SUBMISSIONS

7. Between the 20 November 2025 and 2 December 2025, the SPO has made different submissions in relation to the start date of the trial: initially proposing

⁷ See F00558, Registrar, *Registrar's Submissions for Trial Preparation Conferences*, 20 November 2025, with Annex 1, confidential; F00559, Specialist Prosecutor, *Prosecution Submissions Pursuant to F00549* ("SPO Submissions"), 20 November 2025, confidential; a public redacted version was filed on 26 November 2025, F00559/RED; F00565, Defence for Bashkim Smakaj ("Smakaj Defence"), *Smakaj Submissions for the Trial Preparation Conference* ("Smakaj Submissions"), 24 November 2025, confidential; F00567, Defence for Hajredin Kuçi ("Kuçi Defence"), *Kuçi Defence Submissions for the Trial Preparation Conference* ("Kuçi Submissions"), 24 November 2025, confidential; F00568, Defence for Hashim Thaçi ("Thaçi Defence"), *Thaçi Defence Submissions for the Trial Preparation Conference* ("Thaçi Submissions"), 24 November 2025, confidential; F00569, Defence for Isni Kilaj ("Kilaj Defence"), *Kilaj Submissions Ahead of Trial Preparation Conference* ("Kilaj Submissions"), 24 November 2025, public; F00570, Defence for Fadil Fazliu ("Fazliu Defence"), *Fazliu Trial Preparation Submissions* ("Fazliu Submissions"), 24 November 2025, public.

⁸ KSC-BC-2023-12, CRSPD171, *Correspondence to the Parties regarding their availability*, 2 December 2025, at 15:01, confidential.

early February of 2026,⁹ then “mid- or late February” 2026¹⁰ and, most recently, “23 February or 2 March” 2026.¹¹

8. The SPO submits that the trial should be conducted within “a discrete block of time with no delay.”¹² It anticipates the duration of the trial to be “no longer than two weeks”,¹³ and that all three of its witnesses could be heard within one week.¹⁴ It submits that the start date of the trial is contingent upon the completion of pending investigative steps by external service providers and subsequent review and disclosure by the SPO, which would be necessary before trial could begin.¹⁵ The SPO contends that the pending investigative steps are important and limited, and that any delays in finalizing these steps are attributable to factors outside of its control.¹⁶

9. The SPO also submits that it will be in a position to file its motion for the admission of non-testimonial evidence, and any motions pursuant to Rule 154, by the week of 15 December 2025.¹⁷

10. Finally, the SPO requests the Single Trial Judge to reconsider his decision to hold together the Trial Preparation Conference and the Specialist Prosecutor’s Preparation Conference during the same hearing, and to instead schedule a separate Specialist Prosecutor’s Preparation Conference in mid-January.¹⁸

⁹ SPO Submissions, para. 3.

¹⁰ KSC-BC-2023-12, Transcript of Hearing, *Trial Preparation Conference* (“Trial Preparation Conference Transcript”), 28 November 2025, p. 223, lines 5-11.

¹¹ KSC-BC-2023-12, CRSPD171, *Correspondence to the Parties regarding their availability*, 2 December 2025, at 18:40, confidential.

¹² SPO Submissions, para. 3.

¹³ SPO Submissions, para. 3.

¹⁴ SPO Submissions, fn. 3.

¹⁵ SPO Submissions, paras 3, 6.

¹⁶ SPO Submissions, paras 7-21; Trial Preparation Conference Transcript, p. 221, lines 24-25, p. 222, lines 1-2, pp. 224-232.

¹⁷ SPO Submissions, para. 6.

¹⁸ SPO Submissions, para. 35.

B. DEFENCE SUBMISSIONS

1. Thaçi Defence

11. The Thaçi Defence submits that it is not available from 26 January to 6 February 2026, and that it will not be ready to start trial “before the beginning of March 2026” due to competing demands imposed by the briefing schedule set by Trial Panel II in *The Specialist Prosecutor v. Hashim Thaçi et al.* (“Case 06”),¹⁹ which includes a deadline of 19 January 2026 for the filing of final trial briefs, and closing arguments scheduled for 9-13, 16 and 18 February 2026.²⁰

12. The Thaçi Defence does not oppose the SPO’s proposal to file its “bar table” motion during the week of 15 December 2025. However, it requests that the briefing schedule be adapted “to ensure that the Defence has adequate time to respond, including by suspending the deadlines for responses and replies during the judicial recess.”²¹ The Thaçi Defence submits that if an SPO bar table motion were to be filed by 15 December 2025, it would be in a position to respond by the week of 5 January 2026 and that it would make any requests for an extension of time to respond, if necessary, after the filing of the SPO “bar table” motion.²²

13. Moreover, the Thaçi Defence argues that the SPO does “not have an unlimited right to conduct investigations at the trial stage”,²³ and that any motions to tender evidence arising from these investigations must be filed before the start of trial to avoid prejudicing Mr Thaçi.²⁴

¹⁹ Thaçi Submissions, paras 9-16. See also KSC-BC-2023-12, CRSPD171, *Correspondence to the Parties regarding their availability*, 2 December 2025, at 15:50, confidential.

²⁰ KSC-BC-2020-06, F03597, Trial Panel II, [Order Pursuant to Rules 134\(b\), \(d\) and 159\(6\) and Related Matters](#), 21 November 2025, public, para. 39(f)-(g); Trial Preparation Conference Transcript, p. 245, lines 23-25, p. 246, line 1.

²¹ Thaçi Submissions, para. 22.

²² Trial Preparation Conference Transcript, p. 207, lines 2-8.

²³ Thaçi Submissions, para. 17.

²⁴ Trial Preparation Conference Transcript, p. 234, lines 16-25, p. 235, lines 1-7.

2. Smakaj Defence

14. The Smakaj Defence indicates that both counsel are available for trial between 19 January and 13 February 2026, and again between 2 and 27 March 2026. It submits that neither counsel is available between 27 March and June 2026.²⁵ The Smakaj Defence asks that “trial be fixed during the above periods in January, February and March accordingly.”²⁶ It argues that the SPO’s bar table motion should have already been filed,²⁷ and that the SPO’s investigations cannot continue indefinitely.²⁸

3. Kilaj Defence

15. The Kilaj Defence submits that it “would be ready to start in January 2026”, but “would have no specific objection to a later start date as may be necessary to accommodate the interests of [Mr Kilaj’s] co-Accused.”²⁹ It contends that the time for the SPO’s investigations “should not be unlimited” and that the Single Trial Judge “should bring the guillotine down” on such investigations.³⁰

4. Fazliu Defence

16. The Fazliu Defence similarly submits that the SPO’s investigations should not be unlimited, and defers to the Court to set the date for opening of trial.³¹ It notes that periods of detention awaiting trial cannot properly be justified on the basis of delays arising from the non-completion of tasks by external service providers who may be assisting the investigation.³²

²⁵ *Smakaj* Submissions, para. 1.

²⁶ *Smakaj* Submissions, para. 1.

²⁷ Trial Preparation Conference Transcript, p. 212, lines 21-25.

²⁸ Trial Preparation Conference Transcript, p. 235, lines 10-13.

²⁹ *Kilaj* Submissions, para. 7.

³⁰ Trial Preparation Conference Transcript, p.235, lines 14-15.

³¹ Trial Preparation Conference Transcript p. 236, line 24-25, p. 237, line 1.

³² Trial Preparation Conference Transcript, p. 237, lines 10-13.

5. Kuçi Defence

17. The Kuçi Defence argues that all investigative steps and consequent disclosure, as well as potential litigation in relation thereto, should be completed before trial.³³ It comments that the SPO's estimates as to the potential completion of investigative tasks by the external forensic providers may be unduly optimistic, thus raising doubts about the SPO's indication of trial readiness.³⁴

III. APPLICABLE LAW

18. Article 21(4)(d) guarantees the right of an accused "to be tried within a reasonable time".

19. Article 40(2) requires the Single Trial Judge to ensure that:

A trial is fair and expeditious and that proceedings are conducted in accordance with the Rules of Procedure and Evidence, with full respect for the rights of the accused and due regard for the protection of [...] witnesses. The [Single Trial Judge], having heard the parties, may adopt such procedures and modalities as are necessary to facilitate the fair and expeditious conduct of proceedings. [He] may give directions for the conduct of fair and impartial proceedings and in accordance with the Rules of Procedure and Evidence.

20. Rule 116(2) requires a Trial Panel to which a case has been assigned "to hold a Trial Preparation Conference promptly upon its assignment" and a Specialist Prosecutor's Preparation Conference "[w]ithin thirty (30) days of the Trial Preparation Conference". Rule 118(3) requires that "the opening of the case [...] shall be within thirty (30) days of the Specialist Prosecutor's Preparation Conference".

³³ Kuçi Submissions, para. 2.

³⁴ Trial Preparation Conference Transcript, p. 233, lines 8-19.

IV. DISCUSSION

A. COMMENCEMENT OF TRIAL

21. Notwithstanding the time limits set out in Rules 116(2) and 118(3), the Single Trial Judge has discretion with respect to trial scheduling,³⁵ which may be exercised on the basis of a wide variety of factors.³⁶ This discretion must, in any event, be exercised in conformity with the over-riding obligation under Article 40(2) to ensure the fairness and expeditiousness of trial proceedings.³⁷

22. The Single Trial Judge sets the start of trial for **Tuesday, 24 February 2026, at 09:30 am**, to be followed by a single block ending no later than **Friday, 6 March 2026** during which the SPO's case-in-chief will be presented.

23. The Single Trial Judge notes that the start date for trial is within, or close to, the timeframes by which all Parties indicated they would be available and ready for trial.³⁸

24. Although this date is four working days in advance of the Thaçi Defence's estimate of its readiness for trial,³⁹ the Single Trial Judge considers that no unfairness is caused to Mr Thaçi by starting trial on this date. Sufficient time

³⁵ International Criminal Tribunal for Rwanda, *Prosecutor v. Ngirabatware*, ICTR-99-54-A, Appeals Chamber, *Decision on Augustin Ngirabatware's Appeal of Decisions Denying Motions to Vary Trial Date*, 12 May 2009, public, para. 13.

³⁶ International Criminal Tribunal for the former Yugoslavia ("ICTY"), *Prosecutor v. Milošević*, IT-02-54-AR73.6, Appeals Chamber, [*Decision on the Interlocutory Appeal by the Amicus Curiae against the Trial Chamber Order Concerning the Presentation and Preparation of the Defence Case*](#), 20 January 2004, public, para. 16.

³⁷ See also ICTY, *Prosecutor v. Radovan Karadžić*, IT-95-5/18-AR73.7, Appeals Chamber, [*Decision on Appeal from Decision on Motion for Further Postponement of Trial*](#), 31 March 2010, public, para. 23.

³⁸ See *supra* paras 11, 14-17. The Single Trial Judge notes that the Smakaj Submissions expressly referred to periods during which both counsel would be available (19 January to 13 February and 2 to 27 March 2026) and when neither counsel would be available (between 27 March and June 2026). The Single Trial Judge understands from these submissions that at least one Smakaj Defence counsel is available during other periods; see also Trial Preparation Conference Transcript, p. 245, lines 2-8 (co-counsel for Mr Smakaj stating: "existing professional commitments can be altered of course. At the moment, they are fixed professional commitments, but clearly, both Mr. Rees and myself will have to review that, bearing in mind the timetable that Your Honour feels is appropriate").

³⁹ Thaçi Submissions, para. 9.

has elapsed since the relevant disclosures (notwithstanding the concurrent obligations in Case 06) for Mr Thaçi to have been sufficiently consulted on the matters relevant to the Indictment and SPO Pre-Trial Brief⁴⁰ generally, as well as the specific matters to be addressed by the three witnesses being called by the SPO. Indeed, the testimony of these three witnesses is limited in scope and, in respect of Witness 8 and Witness 9, involves technical matters and specialized expertise for which consultations with Mr Thaçi will not be of significant assistance. The consultations required for the cross-examination of Witness 7 are likewise, given the subject-matter, probably limited, and his statements were disclosed long ago.⁴¹ Whether the Thaçi Defence elects under Rule 117(3) to defer its opening statement until the opening of its own case, or to give its opening statement immediately after that of the SPO, will be a decision of its own choosing, and does not impact on trial fairness however the election is exercised..

25. The Single Trial Judge is also mindful of the Accused's right to expeditious proceedings, even though they have all indicated that they do not object to starting trial as late as the beginning of March 2026.⁴²

B. DEADLINES FOR SUBMISSIONS

26. The Single Judge recalls that he has already set a deadline of **Wednesday, 17 December 2025** for the SPO to file any motion tendering non-testimonial evidence other than through a witness.⁴³

⁴⁰ The Single Trial Judge notes that the Thaçi Defence has responded to the SPO Pre-Trial Brief and has filed its own brief. See KSC-BC-2023-12, F00518, Thaçi Defence, *Thaçi Defence Pre-Trial Brief*, 20 October 2025, confidential; a public redacted version was filed on 23 October 2025, F00518/RED.

⁴¹ ERN 118243-118260 (disclosed on 17 December 2024), ERN 119396-119410 (disclosed on 17 December 2024), and ERN 125819-125844 (disclosed on 17 February 2025).

⁴² *Thaçi Submissions*, para. 9; *Kilaj Submissions*, para. 7; *Smakaj Submissions*, para. 1; *Kuçi Submissions*, para. 3; Trial Preparation Conference Transcript, p. 236, line 24-25, p. 237, line 1.

⁴³ Trial Preparation Conference Transcript, p. 249, lines 5-8.

27. The Single Trial Judge also sets the following deadlines:

- (a) any SPO response to the Joint Defence challenge to the qualifications of Witness 8⁴⁴ shall be filed by **Monday, 15 December 2025, at 16:00 hours**, and any reply shall be filed by **Monday, 22 December 2025, at 16:00 hours**;
- (b) any motions under Rule 117(2) shall be filed by **Wednesday, 17 December 2025, at 16:00 hours**;
- (c) any SPO motion under Rule 154 shall be filed by **Thursday, 18 December 2025, at 16:00 hours**; and
- (d) the election required by Rule 117(3) shall be made by way of filing by **Monday, 2 February 2026, at 16:00 hours**.

28. The Single Trial Judge does not consider, based on the submissions received from the Parties to date, that any further status conferences are necessary before trial. Accordingly, the Single Trial Judge rejects the SPO's request that the Single Trial Judge reconsider his decision to hold a single conference on 28 November 2025 encompassing both the Trial Preparation Conference under Rule 117 and the Specialist Prosecutor's Preparation Conference under Rule 118.⁴⁵ The SPO may, however, make a motivated request for an additional status conference before trial if circumstances arise that so require. The Parties are not required to be available for the two weeks starting 26 January 2026, subject to the potential scheduling of such a further status conference.

29. An order on the conduct of proceedings will be issued in due course.

⁴⁴ KSC-BC-2023-12, F00586, Thaçi Defence, Smakaj Defence and Kilaj Defence, *Joint Defence Notification pursuant to Rule 149*, 1 December 2025, public.

⁴⁵ Order, paras 10-11; SPO Submissions, para. 35; Trial Preparation Conference Transcript, p. 201, lines 1-11, p. 202, line 1.

V. DISPOSITION

30. For the above reasons, the Single Trial Judge hereby:

- a. **ORDERS** that trial in this case shall commence on **Tuesday, 24 February 2026, at 09:30 hours;**
- b. **ORDERS** the Parties to comply with the deadlines set out in paragraph 27; and
- c. **REJECTS** the SPO request for reconsideration of the decision to hold a joint Trial Preparation Conference and Specialist Prosecutor's Preparation Conference on 28 November 2025.



Judge Christopher Gosnell
Single Trial Judge

Dated this Thursday, 4 December 2025

At The Hague, the Netherlands.