



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: 28 January 2026

Language: English

Classification: Public

Decision on Request for Adjournment of the Start of Trial Proceedings

Specialist Prosecutor

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THE SINGLE TRIAL JUDGE, pursuant to Article 40(2) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor's Office ("Law") and Rules 9(5)(a), 116(1) and 118(3) of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers ("Rules"), hereby issues this decision.¹

I. PROCEDURAL BACKGROUND AND SUBMISSIONS

1. On 4 December 2025, the Single Trial Judge set the start of trial for Tuesday, 24 February 2026, at 09:30 am.²
2. On 9 December 2025, the Defence for Hashim Thaçi ("Thaçi Defence") requested the Single Trial Judge to order that trial start on Monday, 2 March 2026, rather than 24 February 2026, on the ground that it needs more preparation time between the closing statements in *The Prosecutor v. Hashim Thaçi et al.* ("Case 06") and the start of trial in this case.³ It submits that "[t]his time is essential to prepare for the cross-examination of the SPO's witnesses and possible opening statements".⁴ Neither the Specialist Prosecutor's Office ("SPO") nor any other Party responded.

II. APPLICABLE LAW

3. Pursuant to Rule 118(3), the Single Trial Judge "shall determine the date for the opening of the case and shall make public any postponements thereof."
4. Rule 9(5)(a) allows the Single Trial Judge to extend any time limit he set "proprio motu or upon showing of good cause".

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

² KSC-BC-2023-12, F00602, Single Trial Judge, [Order Scheduling Commencement of Trial](#), 4 December 2025, public, paras 22, 30(a).

³ KSC-BC-2023-12, F00612, Thaçi Defence, [Thaci Defence Request for Reconsideration and Adjournment](#) ("Request"), 9 December 2025, public, paras 2, 18, 22, 24 and 27.

⁴ Request, para. 18.

5. The Single Trial Judge also notes Article 40(2) and Rule 116(1), according to which the Single Trial Judge shall “take all measures and adopt such procedures as are necessary to facilitate the fair and expeditious conduct of the trial proceedings”.

III. DISCUSSION

6. Trial scheduling is a matter that typically depends on a range of factors that can change over time. Indeed, existing scheduling orders have been modified, particularly where new circumstances have arisen, based on a showing of “good cause”.⁵

7. Two factors of significance to trial scheduling have changed since the start of trial was previously set: the definite scheduling of two additional days for Case 06 closing arguments on 16 and 18 February 2026;⁶ and increased certainty concerning the time that will be required for the examination of SPO witnesses.⁷ This latter consideration is significant, as it provides greater clarity as to when trial must start in order for the SPO’s testimonial evidence to be heard by 6 March 2026, until which time all counsel indicated their availability.⁸ Based on this assessment of availability, extending the SPO case beyond 6 March 2026

⁵ See KSC-BC-2020-06, Transcript of Hearing, 15 February 2023, pp. 2038-2039 (delaying a previously set date for start of trial based on “good cause”); KSC-BC-2020-06, F03302, Trial Panel II, *Decision on Joint Defence Request for a Variation of the Schedule*, 2 July 2025, public, para. 17 (rescheduling the Defence preparation conference because the Defence had “shown good cause”); KSC-BC-2020-04, F00766, Trial Panel I, *Public Redacted Version of Decision on the Defence Urgent Request for an Extension of the Time Limit for the Closing of Its Case*, 15 January 2024, public (rejecting a request to extend the closing of a Defence case as “the Defence has not shown good cause”). See also KSC-BC-2023-10, F00593, Trial Panel I, *Public Redacted Version of Order on Adjournment of Hearings*, 12 November 2024, public; KSC-BC-2023-12, F00063, Pre-Trial Judge, *Decision Rescheduling Initial Appearance of Isni Kilaj*, 7 December 2024, public.

⁶ KSC-BC-2020-06, Trial Panel II, F03639, *Notice Regarding the Close of Evidentiary Proceedings*, 18 December 2025, public, para. 16.

⁷ KSC-BC-2023-12, F00687, Single Trial Judge, *Decision on the Specialist Prosecutor’s Motion for Admission of Evidence of Witnesses 7 and 9 pursuant to Rule 154*, 22 January 2026, confidential.

⁸ See KSC-BC-2023-12, F00567, Defence for Hajredin Kuçi, *Defence Submissions for the Trial Preparation Conference*, 24 November 2025, public, para. 3.

could occasion a significant further delay, which is not in the interest of the expeditiousness of these proceedings, to which all accused are entitled.⁹

8. The Single Trial Judge considers, in light of the changed factors cited above,¹⁰ that ensuring that the Thaçi Defence has a reasonable opportunity to prepare for the start of trial can be most appropriately balanced with expeditiousness by commencing trial on **Friday, 27 February 2026, at 09:30**. If the Thaçi Defence considers that it is not sufficiently prepared to cross-examine the first SPO witness on that day, then it is entitled to make a request to postpone the start of that cross-examination until the following Monday, which will be adjudicated based on the submissions of the Parties at that time.¹¹

IV. DISPOSITION

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

a. **GRANTS** the Request in part;

⁹ See Article 21(4)(d); Article 40(2); Rule 116(1).

¹⁰ The Single Trial Judge does not consider that any of the other factors cited in the Request, including ongoing disclosure, have changed since the start of trial was previously set, or otherwise substantiate any delay in the start of proceedings.

¹¹ The Thaçi Defence informed the Single Trial Judge that it does not intend to make an opening statement after that of the SPO (see CRSPD205, 26 January 2026, at 14:53, confidential (*Email Regarding Opening Statements of Thaçi, Smakaj, Kilaj and Kuçi Defence Teams*)).

b. **ORDERS** that trial in this case shall commence on **Friday, 27 February 2026, at 09:30.**



Judge Christopher Gosnell
Single Trial Judge

Dated this Wednesday, 28 January 2026

At The Hague, the Netherlands.