



KOSOVO SPECIALIST CHAMBERS  
DHOMAT E SPECIALIZUARA TË KOSOVËS  
SPECIJALIZOVANA VEĆA 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:** 13 March 2026

**Language:** English

**Classification:** Public

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### Scheduling Order

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**THE SINGLE TRIAL JUDGE**, pursuant to Articles 15(2), 21(4)(d) and 40(2) and (6) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor's Office and Rules 9(5)(a), 72(2), 104, 119, 129 and 130 of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers,<sup>1</sup> hereby issues the following decision.

## I. PROCEDURAL BACKGROUND

1. On 5 March 2026, the Single Trial Judge heard the testimony of the last witness of the Specialist Prosecutor's Office ("SPO").<sup>2</sup>
2. On the same day, the Single Trial Judge issued an oral order setting deadlines for: (i) the Independent Counsel ("IC") to file her final report (13 March 2026); (ii) the SPO to file any outstanding motions for the admission of evidence and give notice of the close of its case pursuant to Rule 129 (18 March 2026); (iii) the Defence for Hashim Thaçi ("Thaçi Defence"), Bashkim Smakaj ("Mr Smakaj" and "Smakaj Defence"), Isni Kilaj ("Kilaj Defence"), Fadil Fazliu ("Fazliu Defence") and Hajredin Kuçi ("Kuçi Defence") (collectively "Defence" and "Accused") to file any notice of an intention to file a motion to dismiss any or all of the charges ("Rule 130 Motion") pursuant to Rule 130(1) (19 March 2026); and (iv) the Defence to file any submissions in support of a Rule 130 notice ("Rule 130 Motion") (25 March 2026).<sup>3</sup> The Single Trial Judge also requested the Parties to indicate their availability for court hearings during the period subsequent to these dates, which was provided by all Parties by email correspondence by 10 March 2026.<sup>4</sup>

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

<sup>2</sup> KSC-BC-2023-12, Transcript of Hearing, 5 March 2026, public.

<sup>3</sup> KSC-BC-2023-12, Transcript of Hearing, 5 March 2026, public, p. 735, line 13 to p. 736, line 1 ("5 March 2026 Oral Order").

<sup>4</sup> See KSC-BC-2023-12, CRSPD 253, Single Trial Judge, *Email from Single Trial re Calendar*, 6 March 2026, confidential.

3. On 10 March 2026, the IC filed her final report, three days in advance of the deadline set by the Single Trial Judge.<sup>5</sup> On the same day, the Single Trial Judge varied, pursuant to Rule 9(5), the time limit for the SPO to file any additional evidentiary motions and to close its case to 13 March 2026 at 4 pm, and set the deadline for the Defence to file any Rule 130 notice by 13 March 2026 at midnight.<sup>6</sup> The Single Trial Judge also invited submissions on a proposed schedule, communicated to the Parties by email, for the next procedural steps and the start of the Defence case.<sup>7</sup> By 11 March 2026, all Parties made submissions on the proposed revised schedule.<sup>8</sup>

## II. SUBMISSIONS

4. All Parties express general readiness to proceed with the start of the Defence case on 7 April 2026, as proposed by the Single Trial Judge, but there is disagreement as to the date by which the Defence should be required to submit its filings pursuant to Rule 119(1) and (2).

5. The Thaçi Defence objects to the proposed deadline of 27 March 2026 for the filing of any Rule 119(2) submissions, and requests that the deadline be set to 2 April 2026 at 4 pm at the earliest, arguing that the upcoming decisions on the admissibility of certain SPO evidence and any Rule 130 Motion may impact

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<sup>5</sup> KSC-BC-2023-12, F00783, Independent Counsel, *Independent Counsel Final Report pursuant to F00407*, 10 March 2026, confidential, with Annexes 1-61, strictly confidential and *ex parte* and Annex 62, confidential.

<sup>6</sup> KSC-BC-2023-12, CRSPD 259, *Email from Single Trial Judge to Parties Regarding Scheduling* (“STJ Scheduling Email”), 10 March 2026, confidential, .

<sup>7</sup> STJ Scheduling Email.

<sup>8</sup> KSC-BC-2023-12, CRSPD 259, Smakaj Defence, *Smakaj\_Re Communication from Single Trial Judge Regarding Scheduling*, 11 March 2026, confidential; Thaçi Defence, *Thaçi Re - Communication from Single Trial Judge Regarding Scheduling*, 11 March 2026, confidential; Fazliu Defence, *Fazliu Re\_Communication from Single Trial Judge Regarding Scheduling*, 11 March 2026, confidential; Kuçi Defence, *Re\_Kuçi - Communication from Single Trial Judge Regarding Scheduling*, 11 March 2026, confidential; Kilaj Defence, *Re Kilaj Response to Communication from Single Trial Judge regarding scheduling*, 11 March 2026, confidential; Specialist Prosecutor /Defence Teams, *CMU-SPO-Kilaj-Smakaj-SPO-RE Communication from Single Trial Judge Regarding Scheduling*, 11 March 2026, confidential.

the Defence case. The Thaçi Defence further requests authorisation to file motions tendering written evidence not related to live witnesses on a rolling basis until the end of the Defence case, as it asserts was the case for the SPO.

6. The SPO proposes that the deadline for the Defence to make its Rule 119(2) submissions, if there is no Rule 130 Motion, should be 20 March 2026 at 4 pm. Corresponding disclosures under Rule 104(5), according to the SPO, should be made by the same date.

7. The Kilaj Defence responds that the SPO's proposed date of 20 March 2026 would impose an undue burden on the Defence, considering the already short period between the close of the SPO's case and the proposed opening of the Defence case on 7 April 2026. The Smakaj Defence, Fazliu Defence and Kuçi Defence endorse the Kilaj Defence's position.<sup>9</sup> The Smakaj Defence indicates that neither Lead Counsel nor Co-Counsel are available during the week of 13 April 2026, but that it will seek to arrange alternative legal representation during that period if required, and that Lead Counsel is otherwise not available, due to conflicting professional obligations, with the exception of the week of 7 April 2026, until 1 June 2026.

### III. APPLICABLE LAW

8. Article 21(4)(d) provides that the accused shall be entitled to be tried within a reasonable time.

9. Rule 9(5)(a) allows the Panel to vary, *proprio motu* or upon showing of good cause, any time limit prescribed by the Rules or set by the Panel. Rule 72(2) provides more specifically in respect of proceedings under Article 15(2), which encompasses the present case, that a Panel may "reduce time limits and take

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<sup>9</sup> KSC-BC-2023-12, CRSPD 259, Specialist Prosecutor/Defence Teams, *CMU-SPO-Kilaj-Smakaj-SPO-RE Communication from Single Trial Judge Regarding Scheduling*, 11 March 2026, confidential.

any other measures as deemed necessary to expedite the proceedings, with due regard to the Accused's right to a fair trial".

10. Rule 119(1) requires the Defence to give notice of whether it intends to present a case immediately after a decision on any Rule 130 Motion. If so, Rule 119(2) requires the Defence, upon order of the Single Trial Judge, to file its list of intended witnesses and proposed exhibits. Rule 104(5) provides that any statements of intended Defence witnesses and proposed exhibits must be disclosed to the SPO "within the time limit set by the Panel and no later than fifteen (15) days prior to the opening of the Defence case". Rule 104(6) requires statements of any "additional witnesses" are to be disclosed "upon the decision to call those witnesses and, in any event, no later than fifteen (15) days prior to the date appointed for any such witness to give evidence". A Defence Preparation Conference must be held, according to Rule 119(3), within seven days of the Defence's filing of its intended witnesses and proposed exhibits.

### III. DISCUSSION

11. The Single Trial Judge sets the following deadlines, some of which entail a variation of the deadlines set in the 5 March 2026 Oral Order:

- (i) Any Rule 130 Motion shall be filed by **23 March 2026 at 4 pm** and any SPO response to any Rule 130 Motion shall be filed by **25 March 2026 at 4 pm**;
- (ii) The Single Trial Judge intends to render a decision on any Rule 130 Motion by **27 March 2026 at 4 pm**;
- (iii) Subject to the outcome of any Rule 130 Motion, the Defence shall give notice pursuant to Rule 119(1) and file any Rule 119(2) submissions as well as any related applications concerning testimonial evidence (such as those pursuant to Rules 144, 145, 154,

etc), and make any corresponding disclosures to the SPO pursuant to Rule 104(5), by **27 March 2026 at 4 pm**;

- (iv) These filings and any corresponding disclosures may be supplemented, based on a showing of good cause, up until **1 April 2026**; and
- (v) Any Defence motion for the admission of non-testimonial evidence shall be filed by **2 April 2026 at 4 pm**, or earlier if it so chooses; supplementary Defence motions tendering non-testimonial material obtained after that date may be filed up to one week after the hearing of the last Defence witness.

12. The Single Trial Judge notes that any Defence disclosure made on 27 March 2026, in respect of any witnesses who may appear during the week of 7 April 2026, falls short of the 15-day statutory time-limit for disclosure set out in Rule 104(5) and (6). However, the Single Trial Judge considers that, in light of the substantial notice given by the Smakaj Defence in its Pre-Trial Brief of the witnesses that it intends to call,<sup>10</sup> and given the limited scope of the case overall based on the most recent estimates provided,<sup>11</sup> no undue prejudice will be caused to the SPO by authorising the Smakaj Defence to present its witnesses during the week of 7 April 2026. This will also ensure that Lead Counsel for Mr Smakaj is available for the presentation of these witnesses.

13. Unless otherwise agreed by the Parties or as ordered by the Single Trial Judge based on specific circumstances, notification and corresponding disclosure related to any other Defence witnesses shall be no less than **13 days** before the witness's appearance for testimony. Accordingly, any witnesses

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<sup>10</sup> KSC-BC-2023-12, F00513, Smakaj Defence, *Smakaj Pre-Trial Brief in Accordance with Rule 95(5)*, 19 October 2025, confidential, paras 16-17; a public redacted version was submitted on 27 January 2026, F00513/RED.

<sup>11</sup> KSC-BC-2023-12, CRSPD 254, Thaçi Defence, *Thaçi Re\_Defence Teams Availability*, 9 March 2026, confidential.

whose identity and related disclosure are made on 27 March 2026 may be heard from **9 April 2026** onwards. Witnesses whose identity and related disclosure are made on 1 April 2026 may be heard from **14 April 2026** onwards. The Single Trial Judge considers that there is good cause pursuant to Rule 9(5) and Rule 72(2), based on the expected size of the case overall, for the reduction of the statutory time limit for disclosure set out in Rule 104(5) by two days, from 15 days to 13 days. This modest reduction of notice does not cause any undue prejudice to the SPO in light of the limited scope of the case.

14. The evidentiary block for the hearing of all Defence witnesses will continue from **7 April to 24 April 2026**. Defence Opening Statements will be presented on **7 April 2026**.

15. The Single Trial Judge considers that the schedule set out above appropriately balances the SPO's need for adequate notice before the appearance of Defence witnesses with the Defence's need for adequate time to conduct further investigations and prepare their Rule 119(2) filings. It also provides adequate flexibility to ensure the availability of Counsel. The various Defence teams are instructed to work together to ensure the efficient presentation of evidence during the evidentiary block. The Parties may make, if necessary, requests for modification of these deadlines or adjournments based on particular circumstances that may arise.

16. A Defence Preparation Conference pursuant to Rule 119 shall be held during the week of 30 March 2026. The specific date shall be communicated by email. The Accused and Specialist Counsel may attend this Defence Preparation Conference remotely, if they wish, in accordance with Rule 96(2).

## IV. DISPOSITION

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

- a. **DECIDES** that that any Rule 130 Motion shall be filed by **23 March 2026 at 4 pm** and any SPO response to any Rule 130 Motion shall be filed by **25 March 2026 at 4 pm**;
- b. **INFORMS** the Parties that the Single Trial Judge intends to render a decision on any Rule 130 Motion by **27 March 2026 at 4 pm**;
- c. **DECIDES** that, subject to the outcome of any Rule 130 Motion, and should they choose to present a case, each Defence team shall be prepared to give their Rule 119(1) notice and to file their Rule 119(2) submissions (as well as any related applications concerning testimonial evidence), and to make any corresponding disclosure pursuant to Rule 104(5), by **27 March 2026 at 4 pm**;
- d. **DECIDES** that any Rule 119(2) filings and any corresponding disclosure may be supplemented, based on a showing of good cause, up until **1 April 2026**;
- e. **DECIDES** to vary the time-limits for disclosure in Rule 104(5) and (6) as set out in paragraphs 12 and 13 above;
- f. **DECIDES** that the Defence shall file its motion for the admission of non-testimonial evidence by **2 April 2026 at 4 pm**, and that any supplementary motion tendering non-testimonial material obtained after that date may be filed up to one week after the hearing of the last Defence witness;
- g. **SETS 7 April 2026** as the date for the beginning of the next evidentiary block and the date on which Defence Opening Statements shall be heard; and

- h. **DECIDES** that the evidentiary block for the hearing of all Defence witnesses is scheduled for **7 April to 24 April 2026**.



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**Judge Christopher Gosnell**  
**Single Trial Judge**

Dated this Friday, 13 March 2026

At The Hague, the Netherlands.