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In:	**KSC-BC-2023-12**
	Specialist Prosecutor *v.* Hashim Thaçi, Bashkim Smakaj, Isni Kilaj, Fadil Fazliu and Hajredin Kuçi
Before:	**Single Trial Judge** Judge Christopher Gosnell
Registrar:	Dr Fidelma Donlon
Filing Participant:	Specialist Counsel for Isni Kilaj
Date:	27 March 2026
Language:	English
Classification:	Public

Kilaj Defence Notice Pursuant to Rule 119(1) and Submission of List of Witnesses and List of Exhibits Pursuant to Rule 119(2), with public Annex 1 and confidential Annex 2

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1. Pursuant to Rules 119(1) and 119(2)(a) and (b) of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers ("Rules"), and the Single Trial Judge's Scheduling Order,[1] the Defence for Mr Isni Kilaj ("Defence") hereby gives notice that it will present a case, and provides its List of Witnesses and List of Exhibits.[2]

2. The Defence intends to call four character witnesses. Pursuant to Rule 119(2)(a) of the Rules, the List of Witnesses contains the following information: (i) the total time estimated for presentation of the Defence's case;[3] (ii) the total number of witnesses; (iii) the name and pseudonym of each witness; (iv) a summary of the facts on which each witness is expected to testify; (v) the allegations in the indictment on which each witness is expected to testify;[4] (vi) an indication whether the witness will testify in person or give evidence through other means as provided for by the Rules; and (vii) the estimated length of time required for the direct examination of each witness.

3. The List of Exhibits contains references to items disclosed by the Specialist Prosecutor's Office ("SPO") that the Defence intends to seek to admit, as well as a limited number of Defence witness statements. It does not include items on which the Defence intends to rely and which have already been admitted.

4. The Defence provides the following observations in relation to its List of Exhibits.

5. First, the Defence notes that, at present, at least one disclosure request remains outstanding with the SPO. The Defence may therefore seek to add discrete items once it has had the opportunity to review such material. Similarly, the Defence reserves the

[1] Scheduling Order, KSC-BC-2023-12/F00790, 13 March 2026, public, para. 11(iii)
[2] The List of Witnesses is filed pursuant to Rule 119(2)(a) as public Annex 1 to the present submissions, and the List of Exhibits is filed pursuant to Rule 119(2)(b) as confidential Annex 2.
[3] Since it is proposed that all four Defence witnesses will be admitted pursuant to Rule 153, no time will in fact be taken up with the presentation of the Defence's case
[4] All four Defence witnesses will give character evidence only

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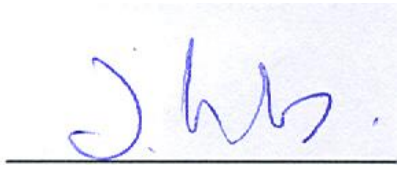
right to amend its List of Exhibits at a later stage should the SPO file any notice containing new evidence pursuant to Rule 102(3).

6. Second, the Defence notes that the Single Trial Judge's decision on the admissibility of the evidence of Witness 8 is expected to be issued the same day as the deadline for the present filing, and that the Single Trial Judge has granted an exception permitting materials related to Witness 8's expert opinion to be filed and disclosed by 30 March 2026.[5] Nevertheless, the Defence reserves the right to amend its List of Exhibits following the exhaustion of any appeal avenues, in the event that any Party seeks leave to appeal.



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27 March 2026
The Hague, Netherlands
Word count: 495

[5] Email from CMU to Parties, "RE: Case 12 - Request related to Rule 119(2) submissions", dated 27 March 2026 at 10:53