

**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:** 2 April 2026

**Language:** English

**Classification:** Public

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**Kilaj Defence Request for Remote  
Attendance pursuant to Rule 68(2), with a  
Public Annex**

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## I. INTRODUCTION

1. The Defence for Mr Isni Kilaj (“Defence”) respectfully requests that the Single Trial Judge (“STJ”) allow Mr Kilaj to attend the Defence case hearings, if any, via video-conference pursuant to Rule 68 (2) of the Rules of Procedure and Evidence (“Rules”).<sup>1</sup> Annexed to the present request is Mr Kilaj’s waiver of his right to be physically present at any upcoming hearings.<sup>2</sup>

## II. PROCEDURAL HISTORY

2. On 22 December 2025, the STJ indicated that an Accused at liberty must apply for authorisation to attend the hearing by videoconference no later than four weeks prior to the commencement of the evidence block.<sup>3</sup>

3. On 1 April 2026, the STJ orally granted a request dated 23 March 2026 for the remote attendance of Mr Fadil Fazliu during the duration of the Defence case.<sup>4</sup> The Specialist Prosecutor’s Office (“SPO”) took no position in relation to Mr Fazliu’s request.<sup>5</sup> The STJ noted that he would “be favourably inclined towards such requests from any of the other accused” which should be filed by 2 April 2026.<sup>6</sup>

4. During the Defence Preparation Conference of 1 April 2026, the STJ further instructed the Parties to make themselves available for hearings on 14 and 15 April 2026, pending procedural developments on the potential appearance of a single witness on behalf of Mr Thaçi, DHT-01.<sup>7</sup>

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<sup>1</sup> Rules of Procedure and Evidence Before the Kosovo Specialist Chambers (“KSC”), KSC-BD-03/Rev3/2020, 2 June 2020 (‘Rules’). All references to ‘Rule’ or ‘Rules’ are to the Rules, unless otherwise specified

<sup>2</sup> Annex to the present request

<sup>3</sup> Decision on the Conduct of Proceedings, KSC-BC-2023-12/F00642, 22 December 2025, public, para. 43

<sup>4</sup> See Transcript of 1 April 2026, Defence Preparation Conference, p. 743, lines 5-14, granting Fazliu Defence Rule 68(2) Request for Remote Attendance with Confidential Annex 1, KSC-BC-2023-12/F00804, 23 March 2026, public

<sup>5</sup> Transcript of 1 April 2026, Defence Preparation Conference, p. 743, lines 1-2.

<sup>6</sup> Transcript of 1 April 2026, Defence Preparation Conference, p. 753, lines 15-19

<sup>7</sup> Transcript of 1 April 2026, Defence Preparation Conference, p. 754, lines 11-22.

### III. APPLICABLE LAW

5. Rule 68(1) states that the Accused shall be tried in his or her presence, except as otherwise provided in the Law and the Rules.

6. Rule 68(2) provides an exception to Rule 68(1) and states that “[w]here the Accused is at liberty and attends the initial appearance hearing, he or she may, upon authorisation by the Panel, attend subsequent proceedings via videoconference, provided that Specialist Counsel attends the hearing in person.”

### IV. SUBMISSIONS

7. The Defence submits firstly that Mr Kilaj’s physical presence is not necessary for the presentation of the Defence case. Indeed, as noted by the STJ, “greater latitude is warranted in respect of the physical attendance of the accused during the Defence case as opposed to the hearing of Prosecution evidence.”<sup>8</sup> It is submitted that this is particularly so with regards to Mr Kilaj, as no witnesses are scheduled to be called on his behalf and the entirety of his Defence case is intended to be presented solely in writing.<sup>9</sup> The only *viva voce* evidence that *may* be heard at this stage is that of witness DHT-01, which would be presented by the Defence for Mr Thaçi. A video-conference appearance is thus the most appropriate solution, given the uncertainty linked to DHT-01’s appearance, and the likely limited duration of his testimony.

8. Secondly, Mr Kilaj’s remote attendance would be cost and time efficient, both for Mr Kilaj himself and for the Specialist Chambers, which necessarily undertakes additional preparation when facilitating the in-person attendance of an Accused. Mr Kilaj’s financial means are limited, and he has already used significant resources to

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<sup>8</sup> Transcript of 1 April 2026, Defence Preparation Conference, p. 753, lines 5-7

<sup>9</sup> See Kilaj Defence Motion for Admission of Statements of Four Character Witnesses Pursuant to Rule 153, with public Annex 1, KSC-BC-2023-12/F00820, 27 March 2026, public and Kilaj Defence Motion for the Admission of Non-Testimonial Evidence, KSC-BC-2023-12/F00837, 2 April 2025, confidential (public redacted version filed simultaneously)

ensure his full physical attendance during the presentation of the SPO's case – allowing for his remote attendance would alleviate any further financial burdens.

9. Thirdly, Mr Kilaj has shown the utmost respect for these proceedings including by consistently attending hearings and by fully abiding by his bail conditions at all times. Mr Kilaj followed the Defence Preparation Conference of 1 April 2026 remotely, demonstrating his commitment to respecting the formal requirements of remote attendance.

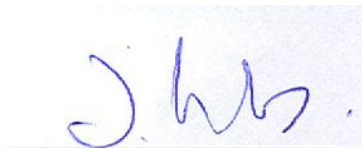
10. Finally, the Defence assures the STJ that Specialist Counsel will be physically present in person for any scheduled hearings for the Defence case, as required by Rule 68(2).

## V. CONCLUSION

11. For the foregoing reasons, the Defence respectfully requests that the STJ grant Mr Kilaj's request to attend any hearings pertaining to the Defence case remotely from Pristina, Kosovo.



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2 April 2026

The Hague, Netherlands

**Word count: 790**