

**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 Bashkim Smakaj

**Date:** 2 April 2026

**Language:** English

**Classification:** **Public**

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**Bashkim Smakaj Rule 68(2) Request for Remote Attendance, together with 1 Annex**

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## I. INTRODUCTION

1. The Defence for Mr. Bashkim Smakaj ('Defence') hereby respectfully requests the Single Trial Judge ('STJ') to authorise Mr. Smakaj to attend the presentation of Defence evidence remotely via video-conference pursuant to Rule 68(2) of the Rules and the STJ's order<sup>1</sup>.

## II. APPLICABLE LAW

2. Pursuant to Rule 68(1) of the Rules of Procedure and Evidence, the Accused has the right to be tried in his presence.
3. Pursuant to Rule 68(2), after an Accused attended the initial appearance hearing, he may attend subsequent proceedings via video-conference upon authorisation by the Panel, provided that Specialist Counsel attends the hearing in person.

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<sup>1</sup> KSC-BC-2023-12, F00642, Decision on the Conduct of the Proceedings, 22 December 2025, public, para. 43

### III. PROCEDURAL HISTORY

4. On 1<sup>st</sup> April 2026, a Defence Preparation Conference was held. During that hearing an application made pursuant to Rule 68(2) was granted in favour of Mr Fazliu, and the STJ indicated he would be favourably inclined towards requests towards such requests from any of the other accused <sup>2</sup>.

### IV. SUBMISSIONS

5. On 27<sup>th</sup> March 2026, the Defence filed a notice pursuant to Rule 119 of the Rules of Procedure and Evidence, to confirm that no defence case would be called.<sup>3</sup>
6. Mr Smakaj`s physical presence is not necessary for his full participation in the trial. Mr Smakaj will be represented by Specialist Counsel and has had conferences with Specialist Counsel, his further instructions can be taken via video conferencing, and he can be informed of any matters upon which further instructions are required.
7. Mr Smakaj has provided his waiver for his right to be physically present in court<sup>4</sup>.

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<sup>2</sup> KSC-BC-2023-12, Transcript of hearing on 1<sup>st</sup> April 2026, pp. 14

<sup>3</sup> KSC-BC-2023-12, F00828\_Bashkim Smakaj Defence Notice Pursuant to Rule 119(1)

<sup>4</sup> Annex 1

8. The Accused has deep family and community ties to Pristina. The Accused is married, with a permanent address and two young children. The Accused has complied with all the conditions of his release.<sup>5</sup>

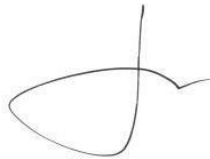
## V. CONCLUSION

9. The Defence respectfully requests that the STJ authorises Mr. Smakaj's remote attendance for the evidentiary proceedings of the Defence Case.

## VI. CLASSIFICATION

10. This filing is classified as public.

Word count: 503 words



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<sup>5</sup> KSC-BC-2023-12, F00719, Seventh Decision on Review of Detention of Fadil Fazliu, 3 February 2026,

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2 April 2026

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