



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEÇA 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: 16 April 2026

Language: English

Classification: Public

Order for Submissions on the Further Conduct of Proceedings

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THE SINGLE TRIAL JUDGE, pursuant to Articles 21 and 40(2) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor's Office and Rules 72(2), 116(1), 119(4), 131, 132, 133, 134, 135, 159(6), 162 and 164 of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers,¹ hereby issues this order.

I. PROCEDURAL BACKGROUND

1. On 13 March 2026, the Single Trial Judge issued a scheduling order setting the dates for the presentation of Defence evidence.² In particular, the last day for the presentation of testimonial evidence was scheduled for 24 April 2026,³ which was subsequently modified by email to 28 April 2026.⁴

2. On 1 April 2026, the Defence Preparation Conference was held pursuant to Rule 119. During that conference, the Defence confirmed that it did not have any *viva voce* witnesses to present, although some witnesses might need to be heard orally, depending on the outcome of requests for the admission of their testimony in written form.⁵

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, F00790, Single Trial Judge, *Scheduling Order* ("Scheduling Order"), 13 March 2026, public.

³ Scheduling Order, para. 17(h) ("DECIDES that the evidentiary block for the hearing of all Defence witnesses is scheduled for 7 April to 24 April 2026").

⁴ KSC-BC-2023-12, CRSPD 266, *Email from Single Trial Judge to Parties re 9 April 2026*, 16 March 2026, confidential ("The Single Trial Judge informs the Parties that no court hearing will take place on 9 April 2026 (Constitution Day of the Republic of Kosovo). The Single Trial Judge will be prepared to sit an additional day as necessary on or about 28 April 2026 to compensate for the reduction in time available for the presentation of the Defence case").

⁵ KSC-BC-2023-12, Transcript of Hearing, 1 April 2026, p. 749, line 3 - p. 755, line 14. See KSC-BC-2023-12, F00820, Defence for Isni Kilaj, *Kilaj Defence Motion for Admission of Statements of Four Character Witnesses Pursuant to Rule 153*, 27 March 2026, public, with Annex 1, public; F00822, Defence of Hashim Thaçi, *Thaçi Defence Request for Admission of Evidence of Witness DHT-01 pursuant to Rule 153*, 27 March 2026, confidential, with Annex 1, confidential; F00839, Defence of Hashim Thaçi, *Thaçi Defence Request for Admission of Documents through the Bar Table*, 2 April 2026, confidential, with Annex 1, confidential; F00840, Defence of Hashim Thaçi, *Thaçi Defence Motion Pursuant to Rule 149 and Associated Requests*, 2 April 2026, confidential; F00847, Defence of Hashim Thaçi, *Addendum to Thaçi Defence Request for Admission of Documents Through the Bar Table* (F00839),

II. APPLICABLE LAW

3. Pursuant to Rule 116(1), and in accordance with the requirements of Articles 21 and 40(2), the Single Trial Judge shall adopt procedures as are necessary to facilitate the fair and expeditious conduct of proceedings, which shall include setting time limits in respect of various stages of proceedings.⁶ In addition, the Single Trial Judge is required, pursuant to Rule 119(4) to “set target dates for the closing of the Defence case pursuant to Rule 131 and, if possible, for the closing of the case pursuant to Rule 136”.

III. DISCUSSION

4. The Single Trial Judge considers that he requires written submissions from the Parties in order to determine the schedule for the remainder of this case, including: (i) the closure of the Defence case under Rule 131; (ii) the filing of any motions under Rule 133; (iii) the closure of evidentiary proceedings pursuant to Rule 134(a); (iv) the filing of final trial briefs under Rule 134(b); (v) the date for closing statements under Rule 134(d); and (vi) the sentencing procedure. Without prejudice to decisions yet to be rendered on the admission of certain Defence evidence tendered in written form, the Parties may assume for the purpose of their submissions that no additional trial hearings will be required for the hearing of Defence witnesses.

5. The Single Trial Judge hereby sets, pursuant to Rule 119(4), the target date for the Defence to file notifications of the closure of their respective cases as **Tuesday, 5 May 2026, at 4 p.m.** This corresponds with the deadline, as set out in the Scheduling Order, for the Defence to file any supplementary bar table

7 April 2026, confidential; F00837, Defence of Isni Kilaj, *Kilaj Defence Motion for the Admission of Non-Testimonial Evidence*, 2 April 2026, confidential. A public redacted version was filed on the same day, F00837/RED.

⁶ See similarly, for example, KSC-BC-2020-06, F03597, Trial Panel II, *Order Pursuant to Rules 134(b), (d) and 159(6) and Related Matters*, 21 November 2025, public, paras 13-14.

motions.⁷ The Single Trial Judge emphasises that this is a target date, which will be subject to confirmation after having heard the Parties' submissions. The Defence is also requested to indicate whether it presently intends to file any supplementary bar table motions.

6. The Single Trial Judge indicates that he does not presently intend, as contemplated by Rule 132, to "invite the submission of or *proprio motu* call additional evidence not produced by the Parties". Rule 132 implies that the Parties are to be heard on this question prior to an election by the Single Trial Judge to do so. Accordingly, adopting a liberal approach to the matters on which the Parties are to be heard, the Parties are invited to offer any submissions on this possibility if they wish.

7. The Parties are invited to provide an indication as to whether they presently intend to file any motion for rebuttal or rejoinder under Rule 133. A deadline for such motions shall be set after a final determination is made concerning the date by which the Defence must file its Rule 131 notice, pursuant to paragraph 5 above. However, the Single Trial Judge indicates his intention to require that any such motion be filed by 4 p.m. on the day following the deadline for the Defence to file their Rule 131 notices.

8. In the absence of any Rule 133 motion, the Single Trial Judge intends to declare the close of evidentiary proceedings by 4 p.m. on the second day after the Defence filing of their Rule 131 notices. Pursuant to Rule 134(b), the Parties are then required to file their final trial briefs "within thirty (30) days". The "Decision on the Conduct of Proceedings" also foresees the filing of reply briefs.⁸ The Parties are invited to offer submissions on: (i) the requested

⁷ Scheduling Order, para. 17(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").

⁸ KSC-BC-2023-12, F00642, Single Trial Judge, *Decision on Conduct of Proceedings*, 22 December 2025, public, para. 44.

maximum length of their final trial briefs and reply briefs; (ii) whether, given the total period of time that has elapsed since the close of the SPO case, they would suffer any prejudice if required to file their final trial briefs twenty-one days after the closure of evidentiary proceedings; (iii) whether they would be in a position to file their reply briefs within seven days of the filing of their final trial briefs; and (iv) whether they would be in a position to offer closing statements fourteen days after the filing of their final trial briefs (instead of the statutory maximum of twenty-one days).

9. The Single Trial Judge notes that there is a pending SPO request for certification of an interlocutory appeal.⁹ Rule 171 prescribes that “interlocutory appeals shall not have suspensive effect unless otherwise ordered in the certification decision or by the Court of Appeals Panel, upon request filed prior to or with the appeal”. The Single Trial Judge notes that there is no request for suspensive effect in the SPO’s request for certification. Without prejudice to the outcome of the request for certification, the Single Trial Judge requests submissions, assuming that certification is granted, on whether the Parties would suffer any prejudice by being required to file their final trial briefs concurrent with the pending appeal proceedings on the understanding that, if the appeal were to be granted: (i) the Defence would be afforded the opportunity to supplement its evidence in written or testimonial form to respond to any SPO evidence admitted as a result of any interlocutory appeal decision; and (ii) the Parties would be permitted to supplement their submissions on the basis of any additional evidence admitted as a result of the appeal, or Defence evidence tendered in response thereto. The briefing calendar would be adjusted accordingly. The Parties are invited to identify any specific prejudice that would arise from being required to proceed concurrently, and

⁹ KSC-BC-2023-12, F00851, Specialist Prosecutor, *Prosecution Request for Leave to Appeal Decision F00825*, 9 April 2026, confidential.

why (if at all) that prejudice would not be adequately addressed by the remedial procedures just described.

10. The Parties are also invited to offer any submissions as to whether the presumption expressed in Rule 159(6), that the Single Trial Judge should impose any sentence as part of the “pronouncement of the Trial Judgment”, applies in the present case, which would entail that the Parties should address matters related to sentencing in their final trial briefs.¹⁰ Furthermore, the Parties are invited to indicate whether they intend to adduce any additional evidence specifically in respect of sentencing and, if so, the date by which it would be ready for submission.

11. The Parties may make submissions on any other matters deemed relevant to the further scheduling and organisation of proceedings.

IV. DISPOSITION

12. The Single Trial Judge hereby:

- a. **ORDERS** the Parties to file written submissions on the questions/proposals set forth in paragraphs 5-11 of the present decision by **22 April 2026 at 4 p.m.**



Judge Christopher Gosnell
Single Trial Judge

Dated this Thursday, 16 April 2026

At The Hague, the Netherlands.

¹⁰ See KSC-BC-2020-04, Transcript of Hearing, 25 October 2023, public, p. 3154, lines 17-23; KSC-BC-2020-05, F00439, Trial Panel I, *Decision on the Closing of the Evidentiary Proceedings and Related Matters*, 20 June 2022, public, paras 13-17; KSC-BC-2020-06, F03597, Trial Panel II, *Order Pursuant to Rules 134(b), (d) and 159(6) and Related Matters*, 21 November 2025, public, paras 35-38; KSC-BC-2020-07, F00553, Trial Panel II, *Decision on the Closing of the Evidentiary Proceedings and on Submissions Pursuant to Rules 134(b), (d) and 159(6) of the Rules*, 3 February 2022, public, paras 16-18.