



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: 8 July 2026

Language: English

Classification: Public

Second Order on the Further Conduct of Proceedings

Specialist Prosecutor
Kimberly P. West

Specialist Counsel for Hashim Thaçi
Sophie Menegon
Luka Mišetić

Specialist Counsel for Bashkim Smakaj
Jonathan Rees
Huw Bowden

Specialist Counsel for Isni Kilaj
Iain Edwards
Joe Holmes

Specialist Counsel for Fadil Fazliu
David Young

Specialist Counsel for Hajredin Kuçi
Alexander Admiraal

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, and 134 of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers,¹ hereby issues this order.

I. PROCEDURAL BACKGROUND

1. The Order on the Further Conduct of Proceedings, dated 29 April 2026, instructed the Defence to close their cases, pursuant to Rule 131, by 14 May 2026.² However, this instruction was given "on the understanding that the Defence will be permitted to adduce additional evidence if the prosecution's evidence that is the subject of its pending appeal is admitted as part of its case."³

2. On 30 June 2026, the Court of Appeals Panel decided the pending appeal, and on 8 July 2026, on remand of the original decision, the Single Trial Judge admitted Witness 8's evidence.⁴

II. APPLICABLE LAW

3. Rule 116(1) provides that the Single Trial Judge "shall adopt procedures as are necessary to facilitate the fair and expeditious conduct of proceedings." Rule 72 permits the Single Trial Judge to "reduce the time limits and take any other measures as deemed necessary to expedite the proceedings, with due regard to the Accused's right to a fair trial."

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, F00890/RED, Single Trial Judge, *Order on the Further Conduct of Proceedings* ("Order"), 29 April 2026, public, paras 22, 31(b).

³ Order, para. 22.

⁴ KSC-BC-2023-12, IA009-F00005/RED, Court of Appeals Panel, *Public Redacted Version of Decision on Prosecution Request for Leave to Appeal Decision F00825* ("Appeal Decision"), 30 June 2026, public, paras 99-100; F00949, Single Trial Judge, *Decision on Remand on Admission of Expert Evidence of Witness 8*, 8 July 2026, confidential.

III. DISCUSSION

4. In light of the decision admitting Witness 8's evidence, the Defence is entitled, as previously foreseen in the Order, to present additional evidence responsive to that of Witness 8.⁵ Given the particular circumstances preceding the admission of this evidence, including the timelines applicable for the Defence to give notice of its evidence prior to the first decision on Witness 8's evidence,⁶ the Single Trial Judge hereby sets **Wednesday, 15 July 2026, at 4 p.m.** as the deadline by which the Defence must give notice, pursuant to Rule 119, of any such additional evidence. No request for leave to amend exhibit or witness lists is required.

5. If any such Defence notice includes documentary evidence to be tendered from the bar table or any (non-expert) witness evidence, then the Defence shall file a separate bar table motion and fulfil its disclosure obligations pursuant to Rule 104(5) by that same deadline of **Wednesday, 15 July 2026, at 4 p.m.** If any such notice includes proposed expert evidence, then the disclosure required pursuant to Rule 149(1) shall be provided by **Monday, 20 July 2026, at 4 p.m.**

⁵ Order, para. 22.

⁶ In the scheduling order of 13 March 2026, the deadline for the Defence to give notice of its case pursuant to Rule 119 was 27 March 2026. Accordingly, in the absence of a decision concerning the admissibility of Witness 8's evidence, the Defence was given a two-week period to give notice of its evidence pursuant to Rule 119, including as might be necessary to respond to the evidence of Witness 8, if it were to be admitted. Based on a Defence request of 26 March 2026, while a decision on the admission of Witness 8's evidence remained pending, the Single Trial Judge extended the deadline for the Defence to give notice of any such materials related to Witness 8 until 30 March 2026. The decision denying admission of Witness 8's evidence was issued on 27 March 2026. Based on this procedural background, the Single Trial Judge's view is that the Defence has already been provided substantial time to identify and prepare any evidence responsive to Witness 8's testimony, which is relevant to the extent of time that must now be accorded for the Defence to give notice of any such evidence. See KSC-BC-2023-12, F00790, Single Trial Judge, *Scheduling Order*, 13 March 2026, public, paras 11-13, 17 (c)-(f); CRSPD 273, *Email by Single Trial Judge to Parties re Request related to Rule 119(2) Submissions*, 27 March 2026, 10:52 am; F00825, Single Trial Judge, *Decision on the Admission of Expert Evidence of Witness 8*, 27 March 2026, confidential (public redacted version filed on 1 May 2026, F00825/RED).

6. If, alternatively, the Defence does not give notice on 15 July 2026 of any additional evidence responsive to the testimony of Witness 8, then the Single Trial Judge intends, by way of a subsequent order, to close the evidentiary proceedings pursuant to Rule 134 on **Thursday, 16 July 2026**, and to invite the Parties to file their Final Trial Briefs by **Wednesday, 22 July 2026** and their Reply Briefs by **Wednesday, 5 August 2026**.

IV. DISPOSITION

7. The Single Trial Judge hereby:

- a. **INSTRUCTS** the Defence to give notice of any additional evidence responsive to that of Witness 8, file any bar table motion in respect of documentary evidence, and/or complete its disclosure obligations pursuant to Rule 104(5) in relation to any witness evidence, by **Wednesday, 15 July 2026, at 4 p.m.**; and
- b. **INSTRUCTS** the Defence, if its notice of additional evidence includes any expert evidence, to provide disclosure in respect of that evidence pursuant to Rule 149(1), by **Monday, 20 July 2026, at 4 p.m.**



Judge Christopher Gosnell
Single Trial Judge

Dated this Wednesday, 8 July 2026

At The Hague, the Netherlands.