



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: 3 August 2026

Language: English

Classification: Public

Third Scheduling Order

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

I. PROCEDURAL BACKGROUND AND SUBMISSIONS

1. On 20 July 2026, the Single Trial Judge provisionally scheduled hearing dates on 17, 18 and 19 August 2026 for the testimony of Bashkim Smakaj² and gave directions related to the scheduling of that hearing.³ An order was subsequently issued scheduling the hearing dates and setting subsequent deadlines.⁴

2. On 21 July 2026, the Defence for Isni Kilaj ("Kilaj Defence") requested that Mr Kilaj attend remotely, pursuant to Rule 68(2), the hearings scheduled for August 2026.⁵

3. On 29 July 2026, the Specialist Prosecutor's Office ("SPO") urgently requested that the Single Trial Judge issue an order to compel the Defence for Bashkim Smakaj ("Smakaj Defence") to file a revised witness summary and exhibit list.⁶

¹ All references to "Article" and "Rule" shall be understood, unless otherwise indicated, as referring to the Law and Rules.

² On 15 and 16 July 2026, the Smakaj Defence repeatedly gave notice of its "provisional intention to adduce evidence from the Accused (half day estimated for direct; two days estimated in total)", see KSC-BC-2023-12, F00952, Smakaj Defence, *Smakaj Rule 119 Notice pursuant to F00950*, 15 July 2026, public, para. 2 and F00958, Smakaj Defence, *Further Smakaj Rule 119 Notice Pursuant to F00950 and Email from STJ 15 July 2026*, 16 July 2026, public, para. 2.

³ KSC-BC-2023-12, CRSPD 335, Single Trial Judge, *Email to all Parties Regarding Scheduling and Next Procedural Steps*, 20 July 2026, confidential.

⁴ KSC-BC-2023-12, F00970, Single Trial Judge, [Second Scheduling Order](#) ("Second Scheduling Order"), 30 July 2026, public, para. 5.

⁵ KSC-BC-2023-12, F00963, Kilaj Defence, *Kilaj Defence Request for Remote Attendance Pursuant to Rule 68(2)* ("Kilaj Request"), 21 July 2026, public, with Annex 1, public.

⁶ KSC-BC-2023-12, F00969, Specialist Prosecutor, *Urgent Prosecution Motion Regarding SMAKAJ Defence List of Witnesses* ("SPO Request"), 29 July 2026, public.

4. On 30 July 2026, the Smakaj Defence gave notice pursuant to Rule 119(1) that it would not present a case and closed its case pursuant to Rule 131.⁷

5. On 31 July 2026, the Defence for Fadil Fazliu ("Fazliu Defence") requested that Mr Fazliu attend remotely, pursuant to Rule 68(2), the hearings scheduled for August 2026.⁸

II. APPLICABLE LAW

6. Article 21(4)(d) provides that the accused shall be entitled to be tried within a reasonable time. Pursuant to Article 40(2) and Rule 116(1), the Single Trial Judge shall, on an ongoing basis, take all measures and adopt such procedures as are necessary to facilitate the fair and expeditious conduct of the trial proceedings, which may include setting time limits for final trial briefs and closing statements pursuant to Rules 134 and 135.

III. DISCUSSION

7. The hearing dates and deadlines set out in the Second Scheduling Order are vacated in light of the Rule 131 notice given by the Smakaj Defence.⁹

8. The Single Trial Judge confirms that he will not call additional evidence pursuant to Rule 132.¹⁰

⁷ KSC-BC-2023-12, F00971, Smakaj Defence, *Smakaj Final Rule 119 and Rule 131 Notice*, 30 July 2026, public.

⁸ KSC-BC-2023-12, F00972, Fazliu Defence, *Fazliu Defence Request for Remote Attendance Pursuant to Rule 68(2)* ("Fazliu Request"), 31 July 2026, public, with Annex 1, public.

⁹ KSC-BC-2023-12, F00971, Smakaj Defence, *Smakaj Final Rule 119 and Rule 131 Notice*, 30 July 2026, public.

¹⁰ KSC-BC-2023-12, F00857, Single Trial Judge, [*Order for Submissions on the Further Conduct of Proceedings*](#), 16 April 2026, public, para. 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'").

9. Any motion by the SPO seeking leave to introduce rebuttal evidence pursuant to Rule 133 shall be filed by **Tuesday, 4 August 2026, at 12 p.m.** If the SPO has no such motion, it shall give notice thereof by the same deadline.

10. In the event that no such motion is filed by the SPO, the Single Trial Judge will immediately thereafter close the evidentiary proceedings pursuant to Rule 134 and informs the Parties that he intends to set the following deadlines and hearing dates:

- (i) Final Trial Briefs, if any, are to be filed by **Monday, 24 August 2026, at 4 p.m.;**
- (ii) Reply Briefs, if any, are to be filed by **Friday, 4 September 2026;** and
- (iii) Hearings for closing statements are to be scheduled for **10, 11 and 14 September 2026.**

11. The applicable word limits for Final Trial Briefs and Reply Briefs are set out in the Order on the Further Conduct of Proceedings.¹¹

12. The SPO Request, Kilaj Request and Fazliu Request are declared to be moot, as they all relate to hearings that have now been cancelled.

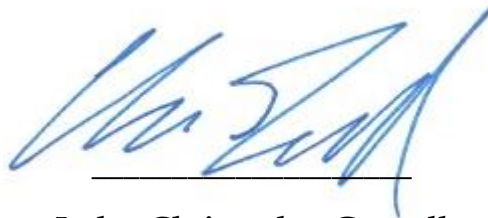
IV. DISPOSITION

13. For the above reasons, the Single Trial Judge hereby:

- (a) **VACATES** the schedule set out in the Second Scheduling Order;
- (b) **CONFIRMS** that he does not intend to call additional evidence pursuant to Rule 132;

¹¹ KSC-BC-2023-12, F00890/RED, Single Trial Judge, [Public Redacted Version of Order on the Further Conduct of Proceedings](#), 4 May 2026, public, paras 27-28.

- (c) **ORDERS** the SPO to file any motion seeking leave to introduce rebuttal evidence under Rule 133, or give notice that no such request shall be filed, by **Tuesday, 4 August 2026, at 12 p.m.**;
- (d) **INFORMS** the Parties that, in the absence of any SPO request for rebuttal evidence, he intends to set the deadlines and schedule for hearings set out in paragraph 10 above; and
- (e) **DECLARES** the SPO Request, the Kilaj Request and the Fazliu Request to be moot.



Judge Christopher Gosnell
Single Trial Judge

Dated this Monday, 3 August 2026

At The Hague, the Netherlands.