



SPECIALIST PROSECUTOR'S OFFICE
ZYRA E PROKURORIT TË SPECIALIZUAR
SPECIJALIZOVANO TUŽILAŠTVO

In: KSC-BC-2023-12
Specialist Prosecutor v. Hashim Thaçi, Bashkim Smakaj,
Isni Kilaj, Fadil Fazliu, and Hajredin Kuçi

Before: Pre-Trial Judge
Judge Marjorie Masselot

Registrar: Dr Fidelma Donlon

Filing Participant: Specialist Prosecutor's Office

Date: 3 June 2025

Language: English

Classification: Public

Public redacted version of 'Prosecution report pursuant to Decision F00197'

Specialist Prosecutor's Office

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1. Pursuant to Decision F00197,¹ the Specialist Prosecutor's Office ('SPO') hereby reports to the Pre-Trial Judge on the Forensic Operations² conducted on the mobile phones seized from Fadil FAZLIU (the 'FAZLIU Phone')³ on 5 December 2024.⁴
2. As previously reported, the SPO provided the FAZLIU Phone to the [REDACTED] to create a forensic copy in order preserve the data and protect against its loss, alteration, destruction, or unauthorised access pending further authorisation.⁵ On 11 December 2024, the [REDACTED] informed the SPO that it had completed a full file extraction of the contents of the FAZLIU Phone.⁶
3. On 3 March 2025, pursuant to Decision F00197, the [REDACTED] provided to the SPO the forensic copy of the FAZLIU Phone. Shortly thereafter, the SPO commenced its review of the contents. As a result of this review, the SPO has assessed that the FAZLIU Phone contains information relevant to this case. This information includes flight information and communications with the Detention Centre corroborating FAZLIU's presence at the 2 July 2023 visit to Hashim THAÇI, as well as contact records and indications of communication with charged and uncharged Co-Accused.
4. In light of the above, the further retention of the FAZLIU Phone is necessary until the completion of these proceedings. Further, in keeping with its disclosure obligations, the SPO will notice the FAZLIU Phone on the next Rule 102(3) Notice due

¹ Public redacted version of 'Decision on Prosecution Request for an Order (F00088)', KSC-BC-2023-12/F00197/RED, 27 February 2025 ('Decision F00197'), paras 39-44.

² As defined in Decision F00197, KSC-BC-2023-12/F00197/RED, para.21 (the Forensic Copying and the Forensic Search (together, 'Forensic Operations')).

³ Evidence bag #[REDACTED].

⁴ See Public redacted version of 'Prosecution report pursuant to Decision F00038 with strictly confidential and ex parte Annexes 1-2', KSC-BC-2023-12/F00093/RED, 19 December 2024.

⁵ See Prosecution request for an order, KSC-BC-2023-12/F00088, 17 December 2024, Confidential, para.7. See also Prosecution response to Order F00126, KSC-BC-2023-12/F0134, 24 January 2025, Confidential.

⁶ Rules of Procedure and Evidence Before the Kosovo Specialist Chambers, KSC-BD-03/Rev3/2020, 2 June 2020 ('Rules').

to be filed on 17 June 2025.⁷ Additionally, the SPO will as soon as practicable: (i) extract and notice any material responsive to Rule 102(1)(b) and disclose any such material to the Defence; and (ii) complete and disclose the results of all Rule 102(3) search term/queries⁸ conducted on the FAZLIU Phone.

5. This filing is classified as confidential pursuant to Rule 82(4) of the Rules. A public redacted version will be filed.

Word count: 481



Kimberly P. West

Specialist Prosecutor

Tuesday, 3 June 2025

At The Hague, the Netherlands

⁷ Framework Decision on Disclosure of Evidence and Related Matters, KSC-BC-2023-12/F00100, 20 December 2024 ('Framework Decision'), para.57 (the SPO should file a detailed Rule 102(3) Notice every two months from the filing of the previous notice).

⁸ The SPO has previously notified the Defence Teams that the SPO will provide to them pursuant to Rule 102(3) the results of a defined set of search terms across seized electronic devices. This approach has been conditionally accepted by all Defence Teams.