



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:** 20 June 2025

**Language:** English

**Classification:** Public

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**Prosecution reply to 'Fazliu Submissions regarding "Prosecution report pursuant to Decision F00197"'**

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1. Pursuant to Decision F00197<sup>1</sup> and Rule 76 of the Rules,<sup>2</sup> the Specialist Prosecutor's Office ('SPO') hereby replies to the FAZLIU Response.<sup>3</sup>
2. The SPO Report<sup>4</sup> provided an update on Forensic Operations<sup>5</sup> conducted on the mobile phone seized from Fadil FAZLIU on 5 December 2024 ('FAZLIU Phone'). It stated, *inter alia*, that: (i) the SPO has assessed that the FAZLIU Phone contains information relevant to this case;<sup>6</sup> and, (ii) consequently, retention of the FAZLIU Phone is necessary until the completion of these proceedings.<sup>7</sup>
3. The FAZLIU Response incorrectly asserts that there is no basis for the SPO to retain the FAZLIU Phone and that it should be returned.<sup>8</sup> This claim ignores that Decision F00197 found that a three (3) month timeframe would be appropriate for the Forensic Search of the FAZLIU Phone, prior to its potential return, *unless* its 'further retention is necessary'.<sup>9</sup> Decision F00197 continues to explicitly state:

In case the SPO deems the Seized Phone and/or any data extracted therefrom as relevant to its ongoing investigations or (future) proceedings, it shall submit a report explaining why their retention remains necessary in accordance with Rule 33(1)(a)(i) and (b) of the Rules, including by providing specific and concrete information on the relevance of said material.<sup>10</sup>

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

<sup>2</sup> Rules of Procedure and Evidence Before the Kosovo Specialist Chambers, KSC-BD03/Rev3/2020, 2 June 2020 ('Rules'). Unless otherwise indicated, all references to 'Rule(s)' are to the Rules.

<sup>3</sup> Fazliu Submissions regarding 'Prosecution report pursuant to Decision F00197', KSC-BC-2023-12/F00336, 12 June 2025, Confidential ('FAZLIU Response').

<sup>4</sup> Public redacted version of 'Prosecution report pursuant to Decision F00197', KSC-BC-2023-12/F00323/RED, 3 June 2025 ('SPO Report').

<sup>5</sup> As defined in Decision F00197, KSC-BC-2023-12/F00197/RED, para.21 (the Forensic Copying and the Forensic Search (together, the 'Forensic Operations')).

<sup>6</sup> SPO Report, KSC-BC-2023-12/F00323/RED, para.3.

<sup>7</sup> SPO Report, KSC-BC-2023-12/F00323/RED, para.4.

<sup>8</sup> FAZLIU Response, KSC-BC-2023-12/F00336, paras 8-12, 14.

<sup>9</sup> Decision F00197, KSC-BC-2023-12/F00197/RED, para.41.

<sup>10</sup> Decision F00197, KSC-BC-2023-12/F00197/RED, para.43.

4. The SPO Report did exactly what was required by Decision F00197, providing specific information with respect to the relevance of the FAZLIU Phone, which merits its retention.<sup>11</sup> The relief sought by the FAZLIU Response should be denied.

**Word count: 412**



**Kimberly P. West**

**Specialist Prosecutor**

Friday, 20 June 2025

At The Hague, the Netherlands

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<sup>11</sup> See SPO Report, KSC-BC-2023-12/F00323/RED, paras 3-4. 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.