



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: **Single Trial Judge**
Judge Christopher Gosnell

Registrar: Dr Fidelma Donlon

Filing Participant: Specialist Prosecutor's Office

Date: 27 November 2025

Language: English

Classification: Public

Public redacted version of 'Prosecution Submissions Regarding F00563'

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I. INTRODUCTION

1. In light of the query raised in Filing F00563,¹ the Specialist Prosecutor's Office ('SPO') advises that the previously-provided report interpreting Excel sheets ('Existing EFC Report'),² is not sufficient to interpret the metadata for the responsive files resulting from the additional search for [REDACTED] Statement ('EFC Metadata').³ The clarification previously ordered by the Pre-Trial Judge ('PTJ')⁴ is essential to understand relevant records already provided to the SPO. Accordingly, the SPO respectfully requests the Single Trial Judge ('STJ') to request a further explanation/interpretation of the EFC Metadata consistent with paragraph 9 below. Further, and mindful of the stage of the proceedings, the SPO requests that the EFC's further explanation/interpretation should be limited solely to the [REDACTED] created, accessed and/or modified in the period from [REDACTED].⁵

2. On 8 September 2025, the PTJ authorised the EFC to conduct a limited set of follow-up searches on printer logs retrieved from the printers and forensic images of the contents of the computer(s) used by and/or accessible to THACI in the Specialist Chambers' Detention Facilities ('THAÇI DC Computer Systems').⁶ Specifically, the PTJ authorised the EFC to, *inter alia*, 'expand the temporal scope of the previous search for [REDACTED] statement to the [REDACTED] ('[REDACTED] Statement') to

¹ Registrar's Further Submissions Pursuant to Decision F00539, KSC-BC-2023-12/F00563, 21 November 2025, Confidential ('Filing F00563').

² Annex 1 to Submission of Forensic Firm Report Pursuant to Decision F00431, KSC-BC-2023-12/F00471/A01, 30 September 2025, Confidential.

³ See Annex 1 to Decision further to "Independent Counsel Report pursuant to Decision F00437", KSC-BC-2023-12/F00539/A01, 10 November 2025, Strictly Confidential and *Ex Parte* ('EFC Follow-up Report'). See also Annex 3 to Registrar's Submissions Pursuant to Decision F00539, KSC-BC-2023-12/F00551/A03, 17 November 2025, Strictly Confidential and *Ex Parte* ('Spreadsheet').

⁴ Decision further to "Independent Counsel Report pursuant to Decision F00437", KSC-BC-2023-12/F00539, 10 November 2025, Confidential ('Decision F00539'), para.23.

⁵ See Spreadsheet, KSC-BC-2023-12/F00551/A03, **Path names:** [REDACTED]; [REDACTED]; and [REDACTED].

⁶ See Decision on Prosecution Request for EFC Follow-up and Registry Information, KSC-BC-2023-12/F00437, 8 September 2025, Confidential ('Decision F00437'), paras 1, 2, 5.

include the period [REDACTED].⁷ Given the risk of privileged information being contained therein, the PTJ ordered the Independent Counsel ('IC') to review the results of the additional searches and to report to the PTJ accordingly ('IC Report').⁸

3. On 8 October 2025, the EFC provided its EFC Follow-up Report,⁹ filed as strictly confidential and *ex parte*, for distribution to the PTJ only, in line with the PTJ's order.¹⁰ In the report the EFC describes that, based on an expanded / modified version of the search query for [REDACTED] Statement, it found, *inter alia*: (i) [REDACTED];¹¹ and (ii) [REDACTED].¹² [REDACTED].¹³

4. On 13 October 2025, the IC produced her IC Report, noting, *inter alia*, [REDACTED], [REDACTED].¹⁴ As foreshadowed by the PTJ, the IC Report does not mention the review of the 'raw' contents of the [REDACTED].¹⁵

5. On 10 November 2025, following the IC Report and submissions from the THAÇI Defence, the PTJ *sua sponte* ordered the Registry to, *inter alia*: (i) provide the SPO with the spreadsheet(s) containing the EFC Metadata; and (ii) request the EFC to produce a detailed report interpreting the EFC Metadata.¹⁶

⁷ Decision F00437, KSC-BC-2023-12/F00437, para.47(iii).

⁸ Decision F00437, KSC-BC-2023-12/F00437, para.54.

⁹ EFC Follow-up Report, KSC-BC-2023-12/F00539/A01.

¹⁰ Decision F00437, KSC-BC-2023-12/F00437, para.53.

¹¹ EFC Follow-up Report, KSC-BC-2023-12/F00539/A01, p.17. *See also* Spreadsheet, KSC-BC-2023-12/F00551/A03.

¹² *See* EFC Follow-up Report, KSC-BC-2023-12/F00539/A01, pp.9, 13, 22-34.

¹³ *See* EFC Follow-up Report, KSC-BC-2023/12/F00539/A01, p.14.

¹⁴ Independent Counsel Report pursuant to Decision F00437, KSC-BC-2023-12/F00495, 13 October 2025, Confidential, para.48.

¹⁵ *See* Decision F00437, KSC-BC-2023-12/F00437, para.49, where the PTJ noted to be cognisant that the metadata would be presented in raw form (not readable by a non-expert reviewer), and did not find it necessary *at that stage* to request the EFC to produce a detailed report interpreting such metadata, deferring that step to a later stage.

¹⁶ Decision F00539, KSC-BC-2023-12/F00539, para.23. While the SPO itself did not make this request for clarification, it agrees that the clarification is essential to understanding the records already provided.

6. On 17 November 2025, the SPO received (via the Registry) the Spreadsheet,¹⁷ as ordered by the PTJ in Decision F00539.¹⁸
7. On 21 November 2025, via the Registry, the EFC reported that it had already provided the Existing EFC Report, which [REDACTED].¹⁹
8. The Existing EFC Report cannot be considered sufficient to interpret the EFC Metadata as previously requested by the PTJ, since [REDACTED]. In particular, the SPO submits that a meaningful interpretation of the EFC Metadata requires an explanation of: (a) what is meant by [REDACTED], including what these [REDACTED] (could) pertain to; (b) what is meant by [REDACTED], including if that term could explain the creation of the [REDACTED]; and/or, given the lack of content review by the EFC and IC, (c) if the contents of these [REDACTED] could identify why there was a responsive result for the search query for [REDACTED] Statement and the relation, if any, to the [REDACTED].
9. However, at this stage, a review of all EFC Metadata is not necessary and the already-requested explanation of records can and should be limited to the [REDACTED] created, accessed and/or modified in the period [REDACTED]. In this regard, the SPO recalls that its initial request for a forensic search of the THAÇI DC Computer Systems was aimed at providing further information about, *inter alia*, the creation, printing, and dissemination of the documents seized during the search and seizure at KILAJ's residence, including [REDACTED] Statement. Noting (a) the [REDACTED] was printed on [REDACTED],²⁰ and (b) the KILAJ Visit took place on 6 October 2023, the SPO assesses it necessary and sufficient to provide the

¹⁷ Spreadsheet, KSC-BC-2023-12/F00551/A03.

¹⁸ Decision F00539, KSC-BC-2023-12/F00539, paras 23, 25(d).

¹⁹ See Annex 1 to Filing F00563, KSC-BC-2023-12/F00563/A01.

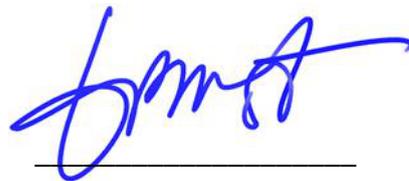
²⁰ EFC Follow-up Report, KSC-BC-2023/12/F00539/A01, p.17, Print job number [REDACTED]. See also Spreadsheet, KSC-BC-2023-12/F00551/A03, [REDACTED] and [REDACTED].

interpretation of only the [REDACTED] available [REDACTED] created, accessed and/or modified in the period from [REDACTED].

10. In sum, the already-requested clarification is required to assess the relation between the [REDACTED] and the printing of [REDACTED] Statement.

11. This filing is classified as confidential because of the sensitive information contained therein. A public redacted version will be filed.

Word count: 1,186



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Thursday, 27 November 2025

At The Hague, the Netherlands