



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:** 8 December 2025

**Language:** English

**Classification:** Public

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**Public redacted version of 'Prosecution request for an RFA'**

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## I. INTRODUCTION

1. On 3 December 2025, pursuant to the Single Trial Judge ('STJ')'s Instruction, the Independent Counsel ('IC') provided the results of her review of the [REDACTED] seized from Hajredin KUÇI, reference number [REDACTED] ('Item [REDACTED]').<sup>1</sup> In light of those results and to ensure the expeditiousness of the proceedings, and pursuant to Rules 37 and 208,<sup>2</sup> the Specialist Prosecutor's Office ('SPO') hereby requests to be provided immediately with a copy of the forensic image of Item [REDACTED]. To execute this, the SPO requests the STJ to issue a Request for Assistance ('RFA') to the External Forensic Institute ('EFI') to provide to the SPO a forensic copy of Item [REDACTED].<sup>3</sup>

2. The legal basis for the SPO's request is clear. The Pre-Trial Judge has already authorised the search of Item [REDACTED], and found that the requirements under Rules 31(1) and 37(1)-(2) of the Rules are met. The SPO hereby relies on, and incorporates by reference, Decision F00407,<sup>4</sup> and the facts and legal conclusions underpinning them.<sup>5</sup> Given the IC's confirmation that none of the documents contained on Item [REDACTED] is privileged, safeguards protecting potential attorney-client privilege are no longer necessary for this specific item and there is no known justification for withholding the device from the SPO to complete its own forensic examination consistent with the search objectives already authorised.

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<sup>1</sup> Independent Counsel Provision of Results Pursuant to Decision F00582, KSC-2023-12/F00595, 3 December 2025, Confidential, ('IC Results Pursuant to F00582').

<sup>2</sup> Rules of Procedure and Evidence Before the Kosovo Specialist Chambers, KSC-BD-03/Rev3/2020, 2 June 2020 ('Rules'). All references to 'Rule' or 'Rules' herein refer to the Rules, unless otherwise specified.

<sup>3</sup> The SPO anticipates that such a request to the EFI will take minimal time to complete given that Item [REDACTED] has already been forensically copied by the EFI. *See* Annex 2 to Registry Further Update on Execution of Request for Assistance (F00039), KSC-BC-2023-12/F00205/A02, 6 March 2025, Confidential, p.3.

<sup>4</sup> Decision on SPO Request for an Order (F00361) and Further Modalities for Independent Counsel Review, KSC-BC-2023-12/F00407, 5 August 2025, Confidential ('Decision F00407').

<sup>5</sup> Decision F00407, KSC-BC-2023-12/F00407, paras 25-40.

## II. SUBMISSIONS

3. The IC has confirmed that the volume name of Item [REDACTED] is '[REDACTED] Kuçi'. The SPO reiterates that it is directly relevant to this case to determine whether one or both of the SPO Confidential Documents are *or were* stored on a [REDACTED] with that volume name. The IC concluded on the basis of a review of the *readable files available* on Item [REDACTED] that the item does not contain the SPO Confidential Documents in any deleted or residual form.

4. The SPO submits, however, that Item [REDACTED] may contain more (non-readable) (meta)data relevant to this determination. For example, based on information provided by its digital forensic analyst, the SPO submits that Item [REDACTED] may contain indications of if and when the device was connected to the KILAJ MacBook. Further, the files reviewed on Item [REDACTED] could contain information on when the item was used, and by whom, and specifically if it was used by KUÇI during the relevant period, which itself would be relevant to the investigation at issue, and would inform whether any (and which) additional limited search queries should be run across KILAJ's MacBook.

5. In sum, and mindful of the stage of the proceedings in this case with trial scheduled for 24 February 2026, the SPO's digital analyst will conduct his examination of Item [REDACTED] and any resulting queries to be run across the KILAJ's MacBook within a week after receipt of the forensic image of Item [REDACTED]. The SPO will promptly review the results and disclose any relevant material pursuant to Rules 102 and 103. As long as the SPO receives the device by 19 December 2025, the SPO will complete these examinations and disclosures no later than 16 January 2026. Further, in light of the IC's finding that Item [REDACTED] contains no privileged material,<sup>6</sup>

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<sup>6</sup> IC Results Pursuant to F00582, KSC-2023-12/F00595, paras 18-19.

this final relevant investigative step within the deadlines determined by the STJ should be permitted to proceed.

### III. CLASSIFICATION

6. This filing is confidential pursuant to Rule 82(4). A public redacted version will be filed.

### IV. RELIEF REQUESTED

7. For the foregoing reasons, the STJ should issue an RFA to the EFI to provide to the SPO a forensic copy of Item [REDACTED].

**Word count: 717**



**Kimberly P. West**

**Specialist Prosecutor**

Monday, 8 December 2025

At The Hague, the Netherlands