



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: 23 January 2026

Language: English

Classification: Public

Public redacted version of 'Prosecution notification regarding investigative activities and request related to the Independent Counsel's review'

Specialist Prosecutor's Office

Kimberly P. West

Specialist Counsel for Hashim Thaçi

Sophie Menegon

Specialist Counsel for Bashkim Smakaj

Jonathan Elystan Rees

Specialist Counsel for Isni Kilaj

Iain Edwards

Specialist Counsel for Fadil Fazliu

David A. Young

Specialist Counsel for Hajredin Kuçi

Alexander Admiraal

I. INTRODUCTION

1. In light of recent advances, the Specialist Prosecutor's Office ('SPO') hereby updates the Parties on the pending investigative activities. Further, mindful of the stage of proceedings and to streamline and hasten completion of the remaining actions, the SPO requests the Single Trial Judge ('STJ') to instruct the Independent Counsel ('IC') to:

- a. cancel the remaining review for the call logs of the Category F periods for the December Phone;
- b. cancel the remaining Category E review on the KUÇI Computers;
- c. provide the SPO with the UTC time setting for the transmitted Category F Records; and
- d. (i) with priority liaise with the [REDACTED] to (further) identify any (non-content) Call Logs¹ on the forensic copies of the March and December KUÇI Phones uploaded to the [REDACTED] for the period from [REDACTED], and (ii) immediately transmit those results to the Parties.

II. UPDATE ON INVESTIGATIVE ACTIVITIES

2. Filing F00559² informed the STJ that the SPO's only remaining investigative activities pertained to the THAÇI and KUÇI Material.³ Details on the status of each are provided in detail below.

¹ 'Call Logs' are explained in more detail in paragraph 23 below.

² Prosecution submissions pursuant to F00549, KSC-BC-2023-12/F00559, 20 November 2025, Confidential ('Filing F00559').

³ As described and defined in Filing F00559, KSC-BC-2023-12/F00559, paras 7-21, and fn. 9.

Investigative activities in relation to THAÇI

(a) Pending Execution of the Privilege Review (of the Smakaj Document)

3. **This investigative activity is complete.**⁴ Following translation of the material at issue, the SPO disclosed the IC Report on Privilege Review pursuant to Rule 102(1)(b) on 24 December 2025.⁵ On 16 January 2026, the SPO requested to amend its exhibit list to include the relevant items.⁶ No further action is foreseen.

(b) Pending Request to Produce a Report Interpreting Metadata and Forthcoming SPO Requests

4. **Results of this investigative activity are expected from the External Forensic Company ('EFC') no later than 26 January 2026.**⁷ The SPO will promptly review and disclose any relevant results therefrom pursuant to Rules 102/103. No follow-up is foreseen.⁸

Investigative activities in relation to KUÇI

(a) Pending IC Review (of all KUÇI devices)

i. March Phone

5. **The IC has concluded her review of the March Phone for all Categories and transmitted all records to the SPO.** On 20 January 2026, the SPO disclosed pursuant to Rule 102(3) the chat messages (accompanied by the SPO's translations, as a

⁴ Independent Counsel Report on Privilege Review pursuant to Decision F00537, KSC-BC-2023-12/F00631, 17 December 2025, Confidential; Annex 1 to Independent Counsel Report on Privilege Review pursuant to Decision F00537, KSC-BC-2023-12/00631, 17 December 2025, Confidential (collectively, 'IC Report on Privilege Review').

⁵ Disclosure Package 94.

⁶ See Prosecution request for amendment of the exhibit list, KSC-BC-2023-12/F00676, 16 January 2026, Confidential (as to Items [REDACTED], [REDACTED], [REDACTED], and [REDACTED]).

⁷ See CMU Email [Case 12] Update re F592, 4 December 2025, 12:28.

⁸ Filing F00559, KSC-BC-2023-12/F00559, para.9.

courtesy).⁹ On 22 January, the SPO disclosed selected chat messages pursuant to Rule 102(1)(b).¹⁰ The SPO's final relevance review of all provided KUÇI chat messages must take place in context, which also requires the records detailed below in Section III. If the Section III request is granted, the SPO will be able to complete its final chat message review within two days of receipt of the requested records.

ii. December Phone

6. On 12 January 2026, the IC filed her report on the review of the chat messages found on the December Phone from the first three periods of the Category F Records.¹¹ The SPO has identified overlapping records between these December Phone records and the already-provided March Phone Category F Records, and has translated and reviewed the (small volume) of unique, non-duplicative records. The SPO has not identified Rule 102(1)(b) in these de-duplicated messages.

7. Besides the anticipated transmission of the Category C, D, and E results expected from the IC this week, the SPO notes that the Category F call logs are also pending with the IC.¹² However, in light of the records already provided by the IC and the SPO's request in Section III below, the IC's pending review of the Category F call logs is no longer necessary and hereby withdrawn.

8. In sum, after the SPO's receipt and review of the Category C, D and E results,¹³ the remaining December Phone investigative activity relates solely to the Category F records and, specifically: (a) the pending IC review and transmission to the Parties of the chat messages from the fourth period ([REDACTED]); and (b) the SPO's final

⁹ See Disclosure Package 99. All Parties have had access to this material via KSC-BC-2023-12/F00556 and KSC-BC-2023-12/F00613 since 21 November 2025 and 10 December 2025, respectively.

¹⁰ Disclosure Package 100.

¹¹ Independent Counsel Sixth Provision of Preliminary Results, KSC-BC-2023-12/F00657, 12 January 2026, Confidential ('IC Report F00657').

¹² Prosecution request for an order, KSC-BC-2023-12/F00361, 7 March 2025, Confidential, para.19.

¹³ IC Report F00657, KSC-BC-2023-12/F00657, para.43.

relevance review of all provided KUÇI chat messages must take place in context, which also requires the requested records detailed in Section III.

iii. KUÇI Electronic Storage Devices

9. As an initial matter, the SPO reports that **the subsequent metadata examination of [REDACTED] as authorised in Decision F00625¹⁴ yielded no further relevant results.** Accordingly, the SPO will (absent any judicial order to the contrary) delete its copy of the device previously provided by the Registry, and no further action will be requested regarding this device at this stage.

10. The only remaining activities related to the KUÇI Electronic Storage Devices are: (a) the IC's Category E Review of any still pending electronic storage devices in the [REDACTED];¹⁵ and (b) the now amended request for the External Forensic Institute's ('EFI') retrieval of the device/volume name of the [REDACTED], as identified in IC Report F00657¹⁶ and amended in Decision F00681.¹⁷

iv. KUÇI Computers

11. The IC has not reported yet on the remaining Category E Records review as applied to the KUÇI Computers. Given that identification of any Category E Records on the KUÇI Computers would require considerable follow-up examination / investigation, and in light of the stage of the proceedings, the SPO notes that in its view the Category E search of the KUÇI Computers can be de-prioritised. While the review should still be completed for the purposes of identifying confidential SPO material to which KUÇI no longer has any legitimate access,¹⁸ the SPO does not foresee

¹⁴ Decision on Prosecution Request for RFA (F00611), KSC-BC-2023-12/F00625, 16 December 2025, Confidential ('Decision F00625').

¹⁵ Any responsive results will be followed-up by a request for device/volume name.

¹⁶ IC Report F00657, KSC-BC-2023-12/F00657.

¹⁷ Decision on the "Prosecution request for amendment of RFA F00525" (F00673), KSC-BC-2023-12/F00681, 20 January 2026, Confidential ('Decision F00681').

¹⁸ Such determination is necessary for, *inter alia*, the determination of whether the seized devices can be returned to KUÇI.

using the results of the search in this case at this point. If the eventual completion of the Category E search does yield any disclosable results, the SPO will promptly disclose them pursuant to the appropriate Rule. Further, and regardless of whether the STJ orders the de-prioritisation of this IC task, based on the IC's prior reporting¹⁹ the search terms to be used by the IC should be further narrowed to avoid false positives. To this end, and based on the IC's findings to date, the SPO recommends that the following search terms be used for any future Category E Records searches:

- a. [REDACTED]
- b. [REDACTED]
- c. [REDACTED]
- d. [REDACTED]
- e. [REDACTED]
- f. [REDACTED]

(b) Pending Execution of Request for Assistance (on the acquisition process of the KUÇI Electronic Storage Devices)

12. The SPO has already requested that this pending action be cancelled. Specifically, on 12 January 2026, the SPO requested the Registry (via email) to convey to the EFI that the remaining work regarding Priority 3 and 4 items described in Paragraphs 18 and 19 of Filing F00559 was no longer necessary.²⁰ No further action is foreseen.

¹⁹ See Annex 1 to Independent Counsel Third Provision of Preliminary Results, KSC-BC-2023-12/F00485/A01, 6 October 2025, Confidential; Annex 3 to Independent Counsel Sixth Provision of Preliminary Results, KSC-BC-2023-12/F00657/A03, 12 January 2026, Confidential.

²⁰ SPO Email Request for information to be conveyed to [EFI], 12 January 2026, 12:41.

(c) Pending Execution of (Additional) Request for Assistance (retrieving volume names of the KUÇI Electronic Storage Devices)

13. See paragraph 10(b) above.

(d) Pending Execution of Requested Extractions (raw data and Forensic Reports)

14. **This investigative activity is complete.** Additional examination of the requested extractions yielded no results. No further action is foreseen.

Summary of Update on Investigative Activities

15. In sum, and based on the submissions in paragraphs 3-14 above, the SPO assesses that the only currently pending investigative activities which could lead to additional (limited) disclosures pursuant to Rules 102/103 are:

In relation to THAÇI computers/printers:

a. the pending EFC Report, expected no later than 26 January 2026.

In relation to KUÇI seized material:

b. the SPO's review of the transmitted KUÇI chat messages from both the March and December Phones, the completion of which depends on the SPO's access to the Requested Records, detailed in paragraphs 17-27 below;

c. the IC's remaining KUÇI review, consisting of:

i. review and transmission of the chat messages on the December Phone for the period from [REDACTED];

ii. subject to the STJ's authorisation, identification, extraction, and transmission of the records requested in paragraph 1(d) above so that the SPO can complete the work detailed in paragraphs 5-8;

iii. the review of any Category C, D, and E material found on the December Phone, expected to be provided by the IC this week.

d. the EFI's retrieval of the device/volume name of the [REDACTED].

16. The SPO will promptly review and disclose any relevant results from the above pursuant to Rules 102/103.

III. THE REQUESTED RECORDS

17. On 19 December 2025, pursuant to Order F00627,²¹ all Parties received the IC-extracted chat messages from the March Phone for the Category F period [REDACTED].²² As noted above, these records have also been provided to the Defence pursuant to Rule 102(3).

18. Following their translation, the SPO's preliminary analysis of the messages shows that on 2 September 2023 KUÇI travelled to The Hague with his minor son, [REDACTED] KUÇI. On 5 September 2023, KUÇI discussed their return to Prishtinë/Priština in a WhatsApp Group comprised of KUÇI, his wife, and his children. That afternoon, at approximately 17:15,²³ KUÇI received a message from his wife asking, 'What time should I come to collect you?'. KUÇI replied, 'I've also asked someone else, if you don't mind'. His wife replied, 'I don't mind, but it's not a problem if you want someone else /to collect you/'. After KUÇI and his son arrived at Prishtinë/Priština airport, several messages indicate KUÇI's wife and/or daughter(s) had come to the airport. At approximately 12:30 a.m. on 6 September 2023, KUÇI

²¹ Order following "Independent Counsel Fifth Provision of Preliminary Results" (F00613) and "Report to Decision F00581 (F00617), KSC-BC-2023-12/F00627, 17 December 2025, Confidential ('Order F00627').

²² Independent Counsel Transmission of Material pursuant to Order F00627, KSC-BC-2023-12/F00638, 19 December 2025, Confidential.

²³ The SPO has adjusted by +2 hours the time of this text from that listed in the IC-provided text chats based on, *inter alia*, KUÇI's earlier text to his family that he would take off from Vienna at 22:50 on 5 September 2023. Final confirmation of the UTC timing is requested in paragraph 1(c) above.

instructed his wife/family: 'You can go',²⁴ which indicates that KUÇI obtained another means of transport from the airport instead of being collected by his wife.²⁵

19. The above is consistent with and corroborative of KUÇI's 3 September 2023 visit to THAÇI ('3 September Visit') during which THAÇI provided urgent and explicit interference instructions regarding at least one SPO witness (Witness 6) for KUÇI to carry out immediately upon landing at the airport in Kosovo. While discussing in detail the specifics of KUÇI's plans to travel back to The Hague, including the time of his flight, THAÇI told KUÇI, *inter alia*, 'Call him when you are on the way. Tell him. [...] In fact, tell him tomorrow. [...] call him and *ask him to pick you up, because he will come.*'²⁶

20. Based on the above the SPO submits that there is good reason to believe that at least between the 3 September 2023 Visit and the 5 September 2023 chat messages with his wife, KUÇI had contact – either via chat message or voice call – with a third person about collecting him from Prishtinë/Priština airport in the night of 5 September / early morning of 6 September 2023. However, the IC-provided chat messages, other than the communications with his family, do not appear to contain any post-visit contact on arranging to collect KUÇI from the airport.

21. The SPO further notes that the chat messages provided by the IC do not contain the 102(1)(b)-disclosed WhatsApp messages exchanged between: (a) KUÇI and

²⁴ On 20 January 2026, the SPO disclosed the chat messages as Rule 102(3) and the next day informed the Defence of the preliminary identified 102(1)(b) messages.

²⁵ See fn.23.

²⁶ See Annex 1 to Corrected Version of 'Prosecution submission of corrected Pre-Trial Brief, witness and exhibit lists with confidential Annexes 1-5', KSC-BC-2023-12/ F00459/COR/A01, 19 September 2025, Confidential, fns.233, 234 and 240. See also 115009 030923-072219-101409-TR-AT Revised 3-ET, pp.142-145 ('HASHIM THAÇI: [Whispers] You arrive at 1.00 in the morning, don't you? HAJREDIN KUÇI: [Whispers] Yes, at 12.00. HASHIM THAÇI: [Whispers] At 12.00 midnight. Tell him, "You know what is new". [...] That is all. Tell him, "Get up and pick me up, be serious now". [...] Yes, indeed, tell him, "You pick me up at twelve" [...] "I would have liked you to wait for me, I will return tomorrow, wait for me", tell him – HAJREDIN KUÇI: [Whispers] Yes. HASHIM THAÇI: -- "at the airport", tell him.').

Witness 1, on 12 April 2023;²⁷ and (b) KUÇI and SMAKAJ on 7 September 2023.²⁸ The SPO assesses these messages were likely deleted from KUÇI's phone.

22. Regarding call logs for the identified Category B and F periods, the SPO assesses based on her reports that the IC used the following method to identify and extract call logs: searching for [REDACTED].²⁹ This method resulted in the IC reporting that there were zero call logs over the requested periods,³⁰ which is inconsistent with the records of multiple incoming/outgoing/missed voice call records that appear in the chat message logs provided by the IC.³¹

23. To remove any ambiguity from the SPO's prior (granted) request for 'Call Logs',³² the SPO hereby clarifies that by 'Call Logs' it means: the non-content records showing (i) date/time/call duration for all, (ii) to/from voice calls – including missed calls – engaged in by the device, (iii) the phone number of the dialled/dialling party for each call, (iv) the contact name, if any, associated with that phone number, and (v) all deleted call logs to the extent recoverable.

24. The SPO submits that these non-content records are crucial to establish who, if anyone, KUÇI contacted between the end of the 3 September Visit and his 17:15 chat message to his wife, detailed above, as well as anyone he called or received a call from on 6 September 2023, his first day back in Kosovo after his THAÇI visit. Noting that the provided chat messages, other than the communications with his family, do not appear to contain any post-visit contact on arranging to collect KUÇI from the airport,

²⁷ 125701-125703_added partial ET, p.2, extracted from Witness 1's seized [REDACTED] ([REDACTED]) and the subject of Count 19 of the Indictment.

²⁸ 125738-125740_added partial ET, p.2, extracted from SMAKAJ's seized iPhone XR ([REDACTED]).

²⁹ See Annex 4 to Independent Counsel Provision of Preliminary Results, KSC-BC-2023-12/F00432/A04, 1 September 2025, Confidential ('Annex 4'), p.2; Annex 2 to Independent Counsel Provision of Preliminary Results, KSC-BC-2023-12/F00432/A04, 1 September 2025, Confidential ('Annex 2'), p.2.

³⁰ See Annex 4, KSC-BC-2023-12/F00432/A04, p.2; Annex 2, KSC-BC-2023-12/F00432/A02, p.2.

³¹ See for instance SPOE00409444-00409594 RED, chat messages of 4 September 2023, at 07:11:37, and on 6 September 2023, at 08:57:56 and 19:19:13.

³² See Prosecution Request for Production, KSC-BC-2023-12/F00212, 12 March 2025, Confidential; and Prosecution request for an order, KSC-BC-2023-12/F00361, 3 July 2025, Confidential.

and that the applied method to identify call logs might not have identified the Requested Records, this final step is necessary to identify whom KUÇI may have contacted to collect him, and/or any other third party with whom KUÇI may have engaged in a voice call during this narrow time window. The information relates directly to Counts 9 and 18 of the Indictment, and to THAÇI's broader pattern of obstructive conduct and leadership role as charged in Indictment paragraphs 8 and 23.

25. Given the stage of the proceedings, the SPO is limiting its request for these records from both the March and December Phones for *only* the period from [REDACTED].

26. It is already well-established that such non-content data is not subject to legal privilege, and there is no discernible reason for the information not to be provided directly to the Parties.

27. Accordingly, and considering the necessity of such information to complete this final aspect of the SPO's investigation, including relevance assessment of the recently-provided chat messages from the KUÇI Phones, the SPO requests the STJ to instruct the IC to liaise with [REDACTED] in order to urgently identify and transmit immediately to the Parties (via the Registry) the Requested Records.

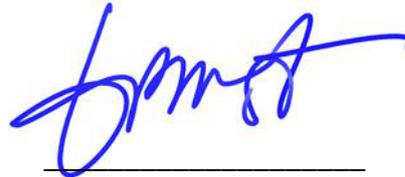
IV. CLASSIFICATION

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

V. RELIEF REQUESTED

29. For the foregoing reasons, the SPO requests the STJ the relief requested at paragraph 1 above.

Word count: 2,958



Kimberly P. West

Specialist Prosecutor

Friday, 23 January 2026

At The Hague, the Netherlands