

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 Counsel for Hashim Thaçi

Date: 29 January 2026

Language: English

Classification: Public

**Public Redacted Version of Corrected Version of Thaçi Defence Response to
'Prosecution notification regarding investigative activities and request related to
the Independent Counsel's review' (F00689)**

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1. The Defence for Mr Hashim Thaçi (“Defence”) hereby responds to the Prosecution notification regarding investigative activities and request related to the Independent Counsel’s review.¹
2. The Defence objects to the SPO request that the Single Trial Judge instructs the Independent Counsel to liaise with the [REDACTED] to (further) identify any (non-content) Call Logs on the forensic copies of the March and December KUÇI Phones uploaded to the [REDACTED] for the period from [REDACTED], and immediately transmit those results to the Parties.²
3. The SPO fails to clarify the legal basis of its request, which does not refer to any specific rule.
4. The Defence maintains that such additional investigative steps would be extremely prejudicial for the Defence in light of the advanced stage of the trial, which will start in less than a month, on 27 February 2026. The Defence must know the case and evidence against the Accused before the start of the trial. The SPO investigations against the Accused in Case 12 cannot be endless. To grant the relief sought would be contrary to the preparation of a fair and expeditious trial.³
5. The SPO further fails to justify the lateness of its Request, filed on 23 January 2026, given that the SPO obtained the IC-extracted chat messages discussed in its submissions more than a month ago, on 19 December 2025.⁴
6. Besides, the Defence disputes the necessity of the measure sought,⁵ given the extensive review already conducted by the Independent Counsel, and the *prima*

¹ KSC-BC-2023-12/F00689, Prosecution notification regarding investigative activities and request related to the Independent Counsel’s review, 23 January 2025, Confidential (“Request”).

² Request, para. 1(d).

³ See Articles 19(2), 21(2), and 40(2) of the KSC Law.

⁴ Request, para. 17.

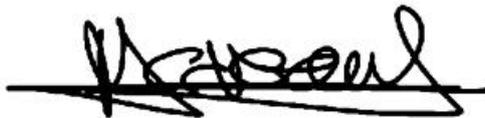
⁵ Within the meaning of Rule 31(1)(b) of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers, KSC-BD-03/Rev3/2020, 2 June 2020 (“Rules”).

facie relevance of the information sought by the SPO, namely the identification of a possible person Mr Kuçi may have contacted to collect him at the airport, with regard to the limited scope of the charges in the Indictment.⁶

7. For the above reasons, the Single Trial Judge should deny the Request.
8. The present submissions are filed as confidential pursuant to Rule 82(4) of the Rules.⁷

[Word count: 399 words]

Respectfully submitted,



Sophie Menegon

Counsel for Hashim Thaçi

Thursday, 29 January 2026

Paris, France

Explanatory Note:

- The date in paragraph 4 was corrected to read “27 February 2026” instead of “27 January 2026”.
- The date in paragraph 5 was corrected to read “19 December 2025” instead of “19 January 2025”.

⁶ Request, paras.20, 24.

⁷ Rules of Procedure and Evidence Before the Kosovo Specialist Chambers, KSC-BD-03/Rev3/2020, 2 June 2020 (‘Rules’).