

STATEMENT OF WITNESS**STATEMENT OF DRITON LAJČI**

Age of witness (if over 18, enter "over 18"): Over 18

This statement (consisting of three pages) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

My name is Driton Lajçi and I am a citizen of the Republic of Kosovo and the Republic of Albania. I reside in Prishtinë in the Republic of Kosovo. I am a former employee of the Ministry of Justice of the Republic of Kosovo. From 26 November 2018 to 2 November 2020 I held the position of Head of Division for Coordinating Legal Protection and Financial Support for Potential Accused Persons in Trials before the Specialist Chambers.

This is my second statement in these matters, made at the request of Mr. Ben Emmerson QC, specialist counsel for Mr. Kadri Veseli, the first statement having been made on 11 December 2020.

I have been presented with a declaration made by the former Deputy Prosecutor, Mr. Kwai Hong Ip, dated 29 December 2019, and respond as follows. First, I maintain the position previously set out that I was not, at any stage, placed under any pressure whatsoever by Mr. Hashim Thaçi and/or Mr. Kadri Veseli in relation to the suspect interview of Mr. Lushtaku to do anything improper. As part of my responsibilities as the Head of the Division at the Ministry of Justice I was responsible for ensuring that persons summonsed by the Specialist Prosecutor were properly represented by counsel and to that end I ensured that Sir Geoffrey Nice QC, as a senior lawyer, attended the interview. Further, due to the shortness of time, I was asked to attend as an interpreter. I do not recall, nor would have I had any reason, to mention the President and/or Mr. Veseli, to Mr. Ip. However, to be clear, at no stage was I placed under any undue pressure by the President or Mr. Veseli to do anything improper.

I may well have said to Mr Ip that I felt under pressure to organise legal presentation for Mr. Lushtaku at short notice. This was because he was due to attend an interview by the SPO in the very near future. He wanted a lawyer but did not have one. It was part of my job to ensure that individuals summonsed by the SPO had lawyers if they wanted them. Typically, the SPO summonses gave no reasons for the request for a person to attend, and did not clearly specify whether they were being asked to attend as a suspect or witness. We had to assume that everyone

was a possible suspect.

Accordingly, when I became aware that Mr. Lushtaku needed a lawyer at short notice, I obviously felt under pressure to facilitate this. The pressure arose from the fact that this was my job, and time was very limited. I therefore arranged for Sir Geoffrey Nice to be approached, and thankfully he agreed to act.

I understand that the SPO is no longer complaining about the fact that I attended the interview in the capacity of an interpreter. That was addressed during my conversation with Mr. Ip. He asked me to ensure it didn't happen again and I agreed. It may be that in that context, I explained that the whole incident occurred at short notice and that I was therefore operating under some pressure of time.

However, the suggestion that I was pressurised by the President and Mr. Veseli makes no sense at all. It may be that Mr Ip misunderstood me. But the SPO is not alleging that I did anything (beyond acting as an interpreter) that was wrong or in any way improper. Even if I had been pressurised to organise the appointment of Sir Geoffrey Nice by the President or Mr Veseli (which I wasn't) there would be nothing wrong with me arranging for an independent international lawyer who is on the KSC counsel list to represent one of the potential accused during their interview with the SPO. The SPO allegation here is meaningless.

I would also point out that I have not been charged with doing anything improper, or even interviewed by the SPO. My lawyer (Toby Cadman) has attempted to obtain information from the SPO to clarify whether I am accused or suspected of anything improper but has received no reply. I was extremely upset therefore to find that the SPO are making some kind of vague allegation (which they do not specify) in their written arguments. My lawyer has lodged a formal letter of complaint about this, which I understand was provided to the Court. The SPO has not even bothered to acknowledge the letter, let alone provide an explanation for its unfair and misleading conduct.

I would like the Court to be aware that the SPO is manufacturing an entirely false claim that I was somehow pressurised to do something improper, even though they know full well that I have not done anything wrong (apart from acting as an interpreter, which they no longer complain about). That is why I haven't been charged or even interviewed. It is presumably also the reason the SPO has not had the courtesy to respond to (or even acknowledge) my lawyer's letter requesting an explanation.

The second point that has been raised concerns the publication of a ruling by the Constitutional Court Panel of the Specialist Chambers. That ruling related to the summons procedures and the

power of the Specialist Prosecutor to compel the production of documents under the threat of compulsion. That was important to ensure proceedings were conducted in accordance with the Constitution and as a result it was important to publish what was a public decision. Again, I was not asked to do anything improper.

It is true that I communicated by text with Kosovo's Ambassador to The Hague to say that I was under some pressure to publicise an important decision of the Constitutional Court Panel. However, I cannot see how this could be suggested to be evidence of improper conduct. It is my job and I was of course under pressure to do my job. I fail to understand how the SPO can even suggest that publicising a decision of the Constitutional Court Panel is capable of being evidence of an intention to interfere in the course of justice. The opposite is true - unless the SPO is suggesting that decisions of the Constitutional Court Panel that go against the SPO should be kept secret. The SPO's argument that I was pressurised to do something improper is ridiculous.

Overall, I think the SPO has (intentionally or unintentionally) misunderstood what I have said about being under pressure. My job necessarily involved difficult situations which imposed pressure on me. This should be evident from the fact that just by doing my job properly, I have ended being falsely accused of some unspecified impropriety by the SPO.

They have taken my use of the word "pressure" completely out of context and twisted it to suggest I was claiming to have been pressurised by the President and Mr. Veseli to somehow interfere in the course of justice. The reason the SPO is obviously wrong is that they are unable to point to anything improper that I did.

I confirm that the contents of this statement is true to the best of my knowledge and belief and I am willing to attend court to give evidence if required.

Signed:  (witness)

Date: 08.01.2021