



In: KSC-BC-2020-07
Name: The Specialist Prosecutor v. Hysni Gucati and Nasim Haradinaj
Before: Trial Panel II
 Judge Charles L. Smith, III, Presiding Judge
 Judge Christoph Barthe
 Judge Guénaél Mettraux
 Judge Fergal Gaynor, Reserve Judge
Registrar: Dr Fidelma Donlon
Date: 6 December 2021
Classification: PUBLIC REDACTED

[IN COURT- REDACTION ORDER]

The TRIAL PANEL II FINDS that the following blacked out text contains confidential information and ORDERS this information shall be removed/ edited from the PUBLIC broadcast/streaming, audio visual recording and transcripts in all three languages *Albanian/ English/ Serbian*. Hearing of 6 December 2021, transcript reference Page 34 Line 17 (time code 11:45:02) and Page 34 Line 23 (tome code 11:45:32).

34:13	Q. Jumping ahead, for the moment, to 17 September 2020. When an	11:44:21
14	SPO investigator attended. If you look, please, at paragraph 15 of	11:44:35
15	your statement, you will see his name.	11:44:38
16	A. I know this person in person. I had meetings with him,	11:44:51
17	[REDACTED] is known by all of us in Kosovo not	11:45:02
18	only from 2020 but from before. There is no way -- there is no need	11:45:10
19	for this person's name to be kept secret.	11:45:13
20	Q. Just pausing there. In relation to that investigator, did you	11:45:17
21	speak to him about that handwritten note when you saw him on	11:45:26
22	17 September 2020?	11:45:31
23	A. Yes, I personally met with [REDACTED] for the first time on the	11:45:32
24	17th. He asked me about this piece of paper, and I told him that	11:45:49
25	unfortunately I had thrown it away. I didn't know at the time that	11:45:54
35:1	it had any value. And I'm saying again, had I known that it would be	11:45:58

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43:12	A. Yes, I appeared on 7 September. I appeared in several	12:08:41
13	television. I don't know which one you're asking me about.	12:08:52
14	Q. Well, let me ask you this. Did you ever mention an Albanian	12:08:56
15	name in the context of that material when you were interviewed on TV?	12:09:05
16	A. I don't think so. I don't believe I have mentioned any names of	12:09:10
17	any Albanians. [REDACTED] is a name that is known by all the	12:09:21
18	people of Kosovo and the entire Balkan public. I am not frayed to	12:09:30
19	mention his name, a person who participated in the Meja massacre and	12:09:37
20	then he's called to be a witness. A person who cooperated with Serb	12:09:43
21	collaborators, oppressors, and occupiers, those who committed 460	12:09:50
22	massacres. I cannot protect that person. [REDACTED]. It's my	12:10:06
23	right to speak freely. I am in favour of this freedom of speech.	12:10:09
24	Maybe you are talking about this name. Among Albanians, I mean.	12:10:14
25	MS. BOLICI: Your Honour, in relation of the last exchange, I	12:10:19
<hr/>		
44:1	would like to highlight that Your Honour's ruling in the morning was	12:10:26
2	clear about mentioning witness names. It appears that the accused is	12:10:30

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62:19	Q. Did he say anything about names?	14:30:59
20	A. I would like to thank him very much. The person said, "I thank	14:31:03
21	you and your staff for never mentioning any names of Albanian	14:31:06
22	witnesses." That was explicitly what he said in Albanian, this	14:31:11
23	[REDACTED].	14:31:18
24	Q. What did you discuss with him about the people who had delivered	14:31:18
25	the documents to the KLA WVA premises?	14:31:27
63:1	A. He suggested to me that if another package arrives, you would do	14:31:37
2	good to tell us, and that he suggested that we don't deal with these	14:31:46
3	documents and not make them public. He told all this to me orally.	14:31:50
4	And that to be very careful with their names and their statements.	14:31:56
5	My answer was "We are not investigators. We are not police. We	14:32:03

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66:18	A. No. To be frank, no. I saw him only through the CCTV	14:41:50
19	recording.	14:41:57
20	Q. Could you hear anything on the CCTV recording?	14:42:02
21	A. Yes, you can hear something. I'm not good at this technical	14:42:05
22	devices as someone who works with them, but I saw it. The	14:42:20
23	investigators also saw the recordings, [REDACTED]!	14:42:30
24	MS. BOLICI: [Previous translation continues] ... after being	14:42:37
25	warned, so I would ask again to remind the accused not to repeat	14:42:39
67:1	names of staff members in public.	14:42:43
2	PRESIDING JUDGE SMITH: Thank you.	14:42:45
3	Mr. Gucati, once again we remind you, as the Prosecutor has	14:42:48

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74:17	or Haradinaj have revealed any names of Albanian or Roma or Turkish	15:02:52
18	or Bosnian witness living in Kosovo, let them come and face me	15:03:00
19	directly. That is my answer.	15:03:07
20	Q. Well, let's -- give us a direct answer: Did you reveal the	15:03:08
21	identity of any witness?	15:03:24
22	A. Only [REDACTED] Vukcevic. These are the names that I have revealed.	15:03:24
23	These are -- [REDACTED] is a member of parliament, chairman of	15:03:31
24	all crimes in Serbia. Vukcevic was a prosecutor of the special court	15:03:37
25	for war crimes. So these -- I have mentioned the names of those --	15:03:43
75:1	these three were commanders of the forces that committed massacres in	15:03:50
2	Kosovo, so they were three, four Serb names. Others, I've never	15:03:55
3	mentioned.	15:04:01
4	Q. Did you intend to induce any witness to refrain from making a	15:04:02
5	statement?	15:04:07

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