

1 Wednesday, 18 May 2022

2 [Judgment]

3 [Open session]

4 [The accused entered court]

5 --- Upon commencing at 10.00 a.m.

6 PRESIDING JUDGE SMITH: Good morning and welcome, everyone.

7 Madam Court Officer, please call the case.

8 THE COURT OFFICER: Good morning, Your Honours. This is case
9 file KSC-BC-2020-07, The Specialist Prosecutor versus Hysni Gucati
10 and Nasim Haradinaj.

11 PRESIDING JUDGE SMITH: Thank you.

12 Let's take the appearances.

13 Madam Prosecutor.

14 MS. BOLICI: Good morning, Your Honours. For the SPO are
15 present today, Mr. Jack Smith, Specialist Prosecutor;
16 Mr. Matthew Halling, Prosecutor; Ms. Line Pederson, Case and Evidence
17 Manager. And I am Valeria Bolici, Prosecutor.

18 PRESIDING JUDGE SMITH: Thank you, Ms. Bolici.

19 Mr. Rees.

20 MR. REES: I appear on behalf of Mr. Gucati, Your Honour. I'm
21 also assisted by Mr. Bowden, Ms. Stephenson, and Mr. Halilaj.

22 PRESIDING JUDGE SMITH: Thank you, Mr. Rees.

23 Mr. Cadman.

24 MR. CADMAN: Good morning, Your Honours. Appearing for
25 Mr. Nasim Haradinaj, assisted today by Mr. Soliman, Ms. Frivet, and

1 Mr. Berisha.

2 PRESIDING JUDGE SMITH: And the Registrar.

3 THE REGISTRAR: Thank you, Your Honour. Fidelma Donlon,
4 Registrar, together with Jonas Nilsson, Judicial Services Division
5 and the head of Court Management and Senior Court Officer.

6 PRESIDING JUDGE SMITH: Thank you.

7 Trial Panel II is sitting today to pronounce the Trial Judgment
8 in the case of Specialist Prosecutor versus Hysni Gucati and
9 Nasim Haradinaj. This judgment is pronounced in public in the name
10 of the people of Kosovo and in the presence of the accused.

11 I will now read a summary of the central findings of the Panel.
12 This summary is not a part of the Trial Judgment nor is it
13 authoritative. The written judgment is the only authoritative
14 account of the Panel's findings. Confidential copies of that
15 judgment will be made available to the parties at the end of this
16 hearing. A public redacted version will be made available to the
17 public following this hearing.

18 This case concerns the acts and conduct of the accused
19 Hysni Gucati and Nasim Haradinaj between 7 and 25 September 2020.

20 This case is important because it reflects the very reason why
21 the Specialist Chambers was created. This case concerns the proper
22 administration of justice, the integrity and security of proceedings
23 and, crucially, the safety, well-being and freedom from fear of
24 hundreds of persons who have come forward to fulfil their civic duty
25 as witnesses. Their protection from intimidation and harm lies at

1 the very foundation of any system of criminal justice, be that
2 domestic or international. Without witnesses, there can be no
3 justice for victims or for society at large. The acts and conduct of
4 the accused challenged that very foundation.

5 I will now turn to the events at issue.

6 The facts of this case can be summarised as follows.

7 On three days - 7 September, 16 September, and 22 September 2020
8 - unknown persons delivered three sets of documents, referred to as
9 the Three Sets, to the premises of the Kosovo Liberation Army War
10 Veterans Association in Prishtine.

11 The documents related to the work and investigations of the
12 Special Investigative Task Force, known as the SITF, and the
13 Specialist Prosecutor's Office, known as the SPO. After each
14 delivery, the accused called and hosted a press conference at which
15 they discussed, and made available to journalists, the material that
16 had been delivered to them. In addition, the accused also
17 participated in over 20 media interviews, together, alone, or in the
18 presence of others, where they discussed, read from or described the
19 contents of the Three Sets. They also published articles on social
20 media regarding the Three Sets and made disparaging and insulting
21 remarks regarding the witnesses and potential witnesses whose names
22 appeared in those documents.

23 A Single Judge of the Specialist Chambers and the SPO issued
24 orders in an effort to stop the multiplication and dissemination of
25 documents. Despite these orders, the accused continued to make

1 available to journalists the information contained in the Three Sets.

2 At trial, the accused did not dispute that they had participated
3 in these -- in the three press conferences, and in the associated
4 media appearances. Nor did they dispute that they had been in the
5 possession of the Three Sets and made available to the media much of
6 the information contained in those sets. They claimed instead to
7 have acted out of a concern for the interests of the public and to
8 have been entrapped by the SPO to undertake their actions.

9 I will now turn to the charges.

10 As a result, the Specialist Prosecutor charged the accused with
11 six counts of violations of the Kosovo Criminal Code.

12 Counts 1 and 2, obstructing official persons in performing
13 official duties under Article 401 of the Criminal Code.

14 Count 3, intimidation during criminal proceedings under
15 Article 387 of the Criminal Code.

16 Count 4, retaliation under Article 388 of the Criminal Code.

17 And Counts 5 and 6, violating the secrecy of proceedings under
18 Article 392 of the Criminal Code.

19 The Specialist Prosecutor alleged that the accused were
20 criminally responsible for the offences through commission, alone or
21 in co-perpetration, attempt, agreement to commit, assistance, and
22 incitement.

23 The law applicable to these offences and modes of liability is
24 set out in detail in the judgment.

25 I will now move to the Panel's findings on the Three Sets and

1 the corresponding Batches.

2 The Panel is satisfied that the SPO seized from the War Veterans
3 Association on three occasions remnants of the Three Sets, which
4 correspond to what the SPO described as Batches 1, 2, and 3. The SPO
5 also received from a media outlet a fourth set, taken by a journalist
6 at the first press conference. This corresponds to Batch 4.

7 The Batches contained a variety of sensitive information,
8 including requests for assistance addressed by the SITF to the
9 competent Serbian authorities, referred to as SITF requests, which
10 contained the names and personal details of hundreds of witnesses;
11 responses from the Serbian War Crimes Prosecution Office to the SITF
12 requests, referred to as responses; and an internal SPO work product
13 analysing evidence and related legal considerations in relation to
14 five SPO suspects which also contained the names of 150 witnesses and
15 potential witnesses.

16 The Panel is satisfied that the material in question was
17 authentic and belonged to the records of the SITF or SPO
18 investigations. The Panel is further satisfied that the material was
19 treated as confidential by the SITF and the SPO.

20 I will now turn to the Panel's findings on the counts.

21 The Panel will first address whether the accused are guilty of
22 violating the secrecy of proceedings under Counts 5 and 6, then the
23 allegations of intimidation and retaliation under Counts 3 and 4,
24 and, lastly, the allegations of obstructing official persons in
25 performing official duties under Counts 1 and 2.

1 I therefore now turn to Count 5, which concerns the offence set
2 out in Article 392(1) of the Kosovo Criminal Code. That is the
3 offence of revealing, without authorisation, information disclosed in
4 any official proceeding which must not be revealed according to law
5 or has been declared to be secret by a decision of the court or a
6 competent authority.

7 The Panel is satisfied that the SITF and SPO is an authority
8 competent to declare its records secret within the meaning of
9 Article 392(1). The Panel is also satisfied that the SITF requests
10 and the responses contained in Batches 1, 2 and 4, and the documents
11 in Batch 3 qualify as information that has been declared secret by a
12 competent authority.

13 The same material also qualifies, by virtue of Article 62 of the
14 law, as information which must not be revealed according to the law.

15 I will refer to these documents as "protected information."

16 The Panel is satisfied that the accused revealed the protected
17 information within the meaning of Article 392(1) of the Kosovo
18 Criminal Code by the following actions: Displaying the documents and
19 allowing those present at the three press conferences to inspect
20 them; showing the documents to reporters; inviting or allowing those
21 with cameras to film or photograph the documents; inviting or
22 allowing those present to take documents with them; and introducing,
23 describing, or referring to the content of the documents during the
24 three press conferences and other media appearances. The Panel also
25 finds that for the purposes of this offence, journalists are members

1 of the public.

2 The Panel is satisfied that the accused acted with direct intent
3 in revealing the protected information. This is apparent, in
4 particular, from their actions; their vows to continue to publish any
5 documents received, stating that it was their duty to do so; their
6 repeated encouragement of journalists to publish documents; and their
7 indications that more deliveries of such documents were welcome.

8 The Panel therefore finds that the SPO has established beyond a
9 reasonable doubt the offence under Count 5 in relation to both
10 accused.

11 Counts 6 concerns both a basic and an aggravated offence. The
12 basic form is the offence of revealing information on the identity or
13 personal data of a person under protection in the criminal
14 proceedings or in a special programme of protection under
15 Article 392(2) of the Kosovo Criminal Code.

16 The aggravated form under Article 392(3) applies when serious
17 consequences result from revealing the identity of protected persons
18 or when criminal proceedings are made impossible or severely
19 hindered.

20 The Panel is satisfied that the witnesses and potential
21 witnesses whose names and personal data were contained in the
22 protected information qualify as persons "under protection in
23 criminal proceedings" within the meaning of Article 392(2) of the
24 Kosovo Criminal Code. The Panel notes that the SITF/SPO did not
25 publicly disclose the names of these witnesses and potential

1 witnesses in the framework of its investigations.

2 The Panel finds that the accused revealed the identities and or
3 personal data of witnesses and potential witnesses under SITF/SPO
4 protection in the same manner as they revealed protected information.
5 In addition, the accused pointed at the presence in the Three Sets of
6 names, past and present residences, phone numbers, ethnicities,
7 interview locations, and contents of statements of witnesses. They
8 also invited the journalists to acquaint themselves with this
9 information. Additionally, Mr. Haradinaj named at least five
10 witnesses or potential witnesses.

11 The Panel is further satisfied that the accused acted with
12 direct intent in revealing the names and personal data of witnesses
13 and potential witnesses.

14 The conduct of the accused resulted in "serious consequences"
15 within the meaning of Article 392(3) for two witnesses who were
16 relocated, witnesses who were subject to emergency risk planning, and
17 for at least one person who was publicly named as a witness. Both
18 accused were aware that such consequences could occur as a result of
19 their actions and they acceded to that occurrence.

20 The Panel is, however, not satisfied that the accused's conduct
21 made impossible, or severely hindered, SPO investigations.

22 The Panel therefore finds that the SPO has established beyond a
23 reasonable doubt the basic form of the offence under Count 6 and the
24 aggravated form only as regards "serious consequences," in relation
25 to both accused.

1 I will now move to Counts 3 and 4.

2 Count 3 concerns the offence of intimidation. Under Article 387
3 of the Kosovo Criminal Code, "whoever uses force or serious threat,
4 or any other means of compulsion, a promise of a gift or any other
5 form of benefit to induce another person to refrain from making a
6 statement or to make a false statement or to otherwise fail to state
7 true information to the police, a prosecutor or a judge, when such
8 information relates to obstruction of criminal proceedings" is guilty
9 of that offence.

10 The Panel found that the accused revealed the identity and/or
11 personal data of hundreds of witnesses and potential witnesses
12 contained in the protected information. In their public appearances,
13 the accused also drew attention to the large number of witnesses they
14 identified in the documents, and they publicly and repeatedly pointed
15 at the presence of such names therein.

16 Approximately 70 to 80 per cent of the Three Sets were
17 disseminated in an indiscriminate manner and without meaningful
18 precaution. The aim was to reach a large public, and the accused
19 left to chance where and in whose hands the revealed information
20 would end up.

21 Moreover, the accused expressly stated that the public,
22 including any witnesses, now knew that others knew who they were.
23 The accused made repeated statements to the effect that this court
24 was unable to guarantee the privacy and security of its witnesses,
25 thereby further emphasising their vulnerability. And the accused

1 used the collective platform of the War Veterans Association and
2 their official functions within that organisation to carry out their
3 deeds.

4 Furthermore, the accused publicly questioned the veracity of the
5 information provided by witnesses, calling them "liars," and claiming
6 without any credible basis that they provided evidence to get
7 benefits or because they were coerced. The accused also referred to
8 witnesses and potential witnesses using derogatory and threatening
9 language, calling them "traitors, spies, collaborators, and
10 Albanian-speakers," echoing a well-known rhetoric which was intended
11 to arouse hostility towards those who chose to cooperate with the
12 SPO.

13 The message of the accused to those witnesses was now that
14 everyone knows who are you, no one can protect you because you are a
15 traitor, a spy, a collaborator, an Albanian-speaker who does not have
16 "the best interests of Kosovo and the KLA at heart."

17 These acts and statements took place in a climate of witness
18 intimidation. The Panel is aware that insidious forms of witness
19 intimidation have repeatedly deprived victims of the truth concerning
20 crimes committed against them and have seriously impeded efforts at
21 reconciliation in post-conflict societies.

22 The authorities in Kosovo, and at the ICTY, have for years
23 struggled to deal with a climate of witness intimidation that has
24 severely affected investigations and prosecutions of crimes that took
25 place in Kosovo.

1 The accused knew this full well.

2 The Panel finds that a serious threat stemmed from the accused's
3 acts and statements, which would have created serious fears and
4 concerns for many witnesses or potential witnesses.

5 The Panel is further satisfied that the accused used this
6 serious threat with the direct intent to make witnesses and potential
7 witnesses fearful and therefore hesitant to provide information in
8 investigations concerning ex-KLA members.

9 The accused's conduct was a means to an end: to prevent the SPO
10 from effective investigations and prosecutions of ex-KLA members.
11 Simply put, without witnesses, there would be no trials; and without
12 trials, there would be no convictions of those who were described by
13 one of the accused as Kosovo's sons.

14 The Panel finds that the SPO has established beyond a reasonable
15 doubt the offence of Count 3 in relation to both accused.

16 Count 4 pertains to the offence of retaliation.

17 "Whoever takes any action harmful to any person, including
18 interference with lawful employment or livelihood of any person, with
19 the intent to retaliate for providing truthful information relating
20 to the commission or possible commission of any criminal offence to
21 police, an authorised investigator, a prosecutor or a judge" is
22 guilty of an offence under Article 388(1) of the Kosovo Criminal
23 Code.

24 The Panel has found under Count 3 that the acts and statements
25 of the accused amounted to a serious threat.

1 The same finding is relevant for the purpose of Count 4. The
2 acts and statements of the accused amounted to action harmful to any
3 person within the meaning of Article 388(1) of the Code.

4 The Panel emphasises that the claims of the accused that the
5 accounts of the witnesses were untruthful do not establish in
6 themselves that the accused held this belief. The Panel, however,
7 notes that the SPO adduced no evidence to contradict such statements.
8 This in no way raises questions about the credibility of witnesses or
9 potential witnesses whose names appeared in the protected
10 information.

11 Nonetheless, under Article 388(1), it is the SPO's burden to
12 show that the accused were aware that the information of the
13 witnesses was, at least to a certain extent, truthful. The SPO
14 failed to establish that the accused had such an awareness.

15 For these reasons, the Panel finds that the SPO has failed to
16 establish that the accused acted with the requisite intent in respect
17 of any witness whose identity and/or personal data was revealed by
18 them. The Panel therefore finds that the SPO has failed to establish
19 beyond a reasonable doubt the offence under Count 4 in relation to
20 either accused.

21 I will now move to Counts 1 and 2.

22 Count 1 concerns the offence of obstructing official persons by
23 force or serious threat.

24 "Whoever, by force or serious threat, obstructs or attempts to
25 obstruct an official person in performing official duties or, using

1 the same means, compels him or her to perform official duties" is
2 guilty of an offence under Article 401(1) of the Kosovo Criminal
3 Code. This is the basic form of this offence.

4 An aggravated form applies where the offence is committed
5 against particular categories of persons, including a judge, a
6 prosecutor, or an official of a court.

7 The Panel found under Count 3 that the acts and statements of
8 the accused amounted to a serious threat.

9 The same finding is relevant for the purpose of Count 1.

10 For these reasons, the Panel finds that the acts and statements
11 of the accused amounted to a serious threat within the meaning of
12 Article 401(1) of the code.

13 The Panel reiterates that the performance of official duties
14 within the Specialist Chambers and the SPO are critically dependant
15 on the willingness and ability of witnesses to come forward and give
16 their evidence freely.

17 The Panel has established that the accused's conduct resulted in
18 serious consequences for a number of witnesses or potential
19 witnesses, but received no evidence that any of these persons or any
20 other witnesses were, in fact, induced by the conduct of the accused
21 to no longer give evidence to the Specialist Chambers or to the SPO.
22 The SPO has also not demonstrated any concrete and actual impediment
23 to its investigations that could be imputed to the conduct of the
24 accused. There is also no indication that as a result of the
25 division of time and resources the SPO was prevented from or delayed

1 in carrying out its regular functions.

2 For these reasons, the Panel finds that the SPO has failed to
3 establish that the act and statements of the accused obstructed
4 officials of the Specialist Chambers or the SPO in performing their
5 duties.

6 The Panel, nonetheless, recalls that the offence under
7 Article 401(1) of the Code can also be committed if obstruction is
8 attempted but not completed. Having found that the acts and
9 statements of the accused amounted to a serious threat, the Panel
10 finds that the accused attempted to obstruct officials of the
11 Specialist Chambers and SPO in performing their duties.

12 The Panel is satisfied that the accused did so with direct
13 intent. This is apparent from the claims by the accused that it was
14 their duty to reveal the protected information in order to expose
15 how, in their words, scandalous, shameful, and unacceptable the
16 Specialist Chambers and the SPO was for "collaborating" with Serbian
17 authorities and unreliable witnesses, and for not protecting such
18 witnesses.

19 In performing what the accused described as their duty to reveal
20 the protected information, the accused also professed that the
21 collapse of the Specialist Chambers was inevitable. Both accused
22 made clear their intentions to disobey orders of the
23 Specialist Chambers and of the SPO. Moreover, both accused expressly
24 declared that they wanted to stop or damage the proceedings of the
25 Specialist Chambers, so that what they described as a worthless and

1 biased court does not prosecute "Kosovo's sons."

2 The Panel finds that the accused's acts and statements clearly
3 reflect a desire to obstruct the collection of witnesses' evidence by
4 SPO investigators and prosecutors which qualifies as an aggravated
5 form of the offence.

6 The Panel therefore finds that the SPO has established beyond a
7 reasonable doubt the basic and aggravated form of the offences under
8 Count 1 in relation to both accused.

9 Count 2 concerns the offence of obstructing official persons by
10 common action of a group.

11 "Whoever participates in a group of persons which by common
12 action obstructs or attempts to obstruct an official person in
13 performing official duties or, using the same means, compels him or
14 her to perform official duties" is guilty of an offence under
15 Article 401(2) of the Kosovo Criminal Code.

16 Count 2 also encompasses the same aggravated form as under
17 Count 1 and another aggravated form which applies when a leader or
18 organiser of the group commits the offence.

19 The Panel is satisfied that the accused did not act alone in
20 revealing protected information.

21 The evidence establishes that Mr. Gucati, Mr. Haradinaj, and
22 Mr. Faton Klinaku acted as a group, dividing among themselves the
23 tasks of organising the three press conferences, presenting the
24 information contained in the Three Sets, liaising with the SPO, and
25 expressing common views during the media appearances about the

1 revelation of protected information and the obstruction of the
2 Specialist Chambers and the SPO.

3 As established under Count 1, the accused acted with direct
4 intent to obstruct officials of the Specialist Chambers and SPO in
5 performing their functions.

6 The Panel considers that this finding also applies to Count 2
7 and finds that the accused acted in a group with direct intent to
8 obstruct by common action officials of the Specialist Chambers and
9 SPO in performing their functions.

10 The Panel is satisfied that Mr. Gucati's authority as chairman
11 of the KLA WVA was relied upon as part of the efforts by the accused
12 and Mr. Klinaku to reveal protected information and obstruct
13 officials of the Specialist Chambers and SPO. For these reasons, the
14 Panel is satisfied that Mr. Gucati acted as the leader of the group.

15 Mr. Haradinaj acted under the authority of Mr. Gucati and had a
16 significant role as a member of the group. The Panel is not
17 satisfied that he acted as its leader or organiser.

18 The Panel therefore finds that the SPO has established beyond a
19 reasonable doubt the offence in Article 401(2) and (5) in relation to
20 both accused.

21 The Panel also finds that the SPO has established beyond a
22 reasonable doubt the aggravated form of the offence in Article 401(3)
23 in relation to Mr. Gucati.

24 The next issue is modes of liability.

25 Turning to the question of the nature of the accused's

1 participation in these offences, the Panel finds that the accused
2 jointly participated and substantially contributed as co-perpetrators
3 to the commission of the offences under Counts 1, 3, 5, and 6.

4 The Panel also finds that Mr. Gucati and Mr. Haradinaj
5 individually perpetrated the offence under Count 2.

6 In light of the above, the Panel finds that the accused are
7 criminally responsible as co-perpetrators for the offences under
8 Counts 1, 3, 5, and 6, and as individual perpetrators for the offence
9 under Count 2.

10 I turn now to defences which are arguments raised by the accused
11 to justify their actions.

12 As regards public interest, the Panel finds that there is no
13 credible basis to conclude that the protected information revealed by
14 the accused contained indications of improprieties attributed to the
15 SITF/SPO or that the accused's actions were justified by the pursuit
16 of a claimed public interest.

17 The Panel further finds that neither accused can be regarded as
18 a whistleblower and that their conduct falls outside the protection
19 guaranteed to such persons under the European Convention on Human
20 Rights and the law of Kosovo, including the constitution.

21 Turning to the claim of entrapment, the Panel finds that the
22 Defence was afforded a full and fair opportunity to put forward this
23 claim based on the standards laid down by the European Convention on
24 Human Rights to which the Panel closely adhered.

25 The Panel further finds that neither the accused's

1 contemporaneous statements nor their evidence at trial indicates an
2 objective basis to believe that the accused had been entrapped.

3 The Panel has carefully assessed the propositions put forward by
4 the Gucati Defence as circumstantial evidence of entrapment and finds
5 that they do not provide a reasonable basis for an inference of
6 entrapment.

7 The Panel finds that the entrapment claim is wholly improbable
8 and unfounded.

9 As regards mistake of law, the Panel is satisfied that during
10 the indictment period the accused knew that their conduct was
11 prohibited and that, in any event, there were no justifiable reasons
12 not to know that it was prohibited.

13 The Panel therefore finds that the accused's criminal
14 responsibility cannot be excluded by considerations of public
15 interest, a claim of entrapment or a defence of mistake of law.

16 The Panel also finds that the accused's criminal responsibility
17 cannot be excluded by the defences of extreme necessity, mistake of
18 fact, and acts of minor significance.

19 I turn now to sentencing.

20 The accused are responsible for grave offences which imperil the
21 proper administration of justice.

22 Despite the issuance of orders by the Single Judge and the SPO,
23 the accused continued to disseminate on a wide scale protected
24 information, including the names of hundreds of protected witnesses,
25 using organised press conferences and other media appearances. They

1 did so repeatedly and enthusiastically, and they vowed to do so
2 again.

3 The accused treated those who chose to cooperate with the court
4 in its search for the truth with contempt and insults, and spoke in
5 terms that could only have been intended to persuade them not to
6 provide any further information to the SPO nor to testify in any
7 future trial. The conduct of the accused affected a large number of
8 people and caused fear and concern among some of them.

9 The accused showed no concern for the consequences or possible
10 consequences of their actions. They acted brazenly, openly, and
11 indiscriminately, and without regard for the rule of law or the
12 authority of this court.

13 This judgment clearly paints these acts for what they are:
14 criminal and not patriotic, a threat to justice and not the pursuit
15 of any public interest.

16 The Panel finds that there are no further aggravating factors as
17 regards the accused's contribution to these grave offences.

18 The Panel considers as mitigating factors both accused's family
19 and/or health situation, and for Mr. Gucati, his community work.

20 This completes the summary of the Panel's findings.

21 I shall now read out the disposition.

22 Mr. Hysni Gucati, please stand.

23 In the name of the people of Kosovo, for the reasons set out in
24 the judgment and summarised above, and having considered all of the
25 evidence and the arguments of the parties, the Panel, pursuant to

1 Articles 43 and 44 of the law, and Rules 158, 159, 163, and 165,
2 finds you, Mr. Gucati, guilty of:

3 A, Count 1, obstructing official persons in performing official
4 duties by serious threat, under Articles 15(2) and 16(3) of the law,
5 and Articles 17, 31, and 401(1) and (5) of the Kosovo Criminal Code;

6 B, Count 2, obstructing official persons in performing official
7 duties by participating in the common action of a group, under
8 Articles 15(2) and 16(3) of the law, and Articles 17 and 401(2), (3),
9 and (5) of the Kosovo Criminal Code;

10 C, Count 3, intimidation during criminal proceedings, under
11 Articles 15(2) and 16(3) of the law, and Articles 17, 31, and 387 of
12 the Kosovo Criminal Code;

13 D, Count 5, violating secrecy of proceedings through
14 unauthorised revelation of secret information disclosed in official
15 proceedings, under Articles 15(2) and 16(3) of the law, and
16 Articles 17, 31, and 392(1) of the Kosovo Criminal Code; and

17 E, Count 6, violating secrecy of proceedings through
18 unauthorised revelation of the identities and personal data of
19 protected witnesses, under Articles 15(2) and 16(3) of the law, and
20 Articles 17, 31, 392(2) and (3) of the Kosovo Criminal Code.

21 The Panel finds you not guilty of Count 4, retaliation.

22 You are hereby sentenced by this Panel to a single sentence of
23 four and a half years of imprisonment, with credit for time served,
24 and to a fine of €100 to be paid by 18 July 2022.

25 Mr. Gucati, you may be seated.

1 Mr. Nasim Haradinaj, please stand.

2 In the name of the people of Kosovo, for the reasons set out in
3 the judgment and summarised above, and having considered all of the
4 evidence and the arguments of the parties, the Panel, pursuant to
5 Articles 43 and 44 of the law, and Rules 158, 159, 163, and 165 of
6 the rules, finds you, Mr. Haradinaj, guilty of:

7 A, Count 1, obstructing official persons in performing official
8 duties by serious threat, under Articles 15(2) and 16(3) of the law,
9 and Articles 17, 31, and 401(1) and (5) of the Kosovo Criminal Code;

10 B, Count 2, obstructing official persons in performing official
11 duties by participating in the common action of a group, under
12 Articles 15(2) and 16(3) of the law, and Articles 17 and 401(2) and
13 (5) of the Kosovo Criminal Code;

14 C, Count 3, intimidation during criminal proceedings, under
15 Articles 15(2) and 16(3) of the law, and Articles 17, 31, and 387 of
16 the Kosovo Criminal Code;

17 D, Count 5, violating secrecy of proceedings through
18 unauthorised revelation of secret information disclosed in official
19 proceedings, under Articles 15(2) and 16(3) of the law, and
20 Articles 17, 31, and 392(1) of the Kosovo Criminal Code; and

21 E, Count 6, violating secrecy of proceedings through
22 unauthorised revelation of the identities and personal data of
23 protected witnesses, under Articles 15(2) and 16(3) of the law, and
24 Articles 17, 31, 392(2) and (3) of the Kosovo Criminal Code.

25 The Panel finds you not guilty of Count 4, retaliation.

1 You are hereby sentenced by this Panel to a single sentence of
2 four and a half years of imprisonment, with credit for time served,
3 and to a fine of €100 to be paid by 18 July 2022.

4 Mr. Haradinaj, you may be seated.

5 The Registry shall now distribute to the parties the Trial
6 Judgment in electronic form, both confidential and public redacted
7 versions.

8 Madam Court Officer, please distribute the filings.

9 THE COURT OFFICER: Your Honours, the confidential Trial
10 Judgment and the public redacted version has now been notified
11 electronically to the relevant and authorised recipients.

12 PRESIDING JUDGE SMITH: Thank you, Madam Court Officer.

13 Please now provide certified copies of the confidential English
14 version to the accused. This is Filing 611.

15 MR. REES: Your Honour, while that is being done, can I ask for
16 clarification of one matter. Is the term announced of four and a
17 half years before or after [Microphone not activated].

18 PRESIDING JUDGE SMITH: Four and a half years and then they get
19 credit for time served.

20 MR. REES: To be deducted from the four and half years.

21 PRESIDING JUDGE SMITH: Yes.

22 MR. REES: I'm grateful. Thank you.

23 PRESIDING JUDGE SMITH: The Albanian version shall be served on
24 the accused once it is ready.

25 Court stands adjourned.

1 MR. CADMAN: Your Honour, one question before we rise. I do
2 apologise. Do we have a timeline on the Albanian version? It is
3 going to be very difficult for us to take instructions --

4 PRESIDING JUDGE SMITH: No, we don't. It has to be translated.

5 --- Whereupon the hearing adjourned at 10.49 a.m.

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