

1 Friday, 3 December 2021

2 [Opening Statement - Gucati Defence]

3 [Open session]

4 [The accused entered court]

5 [The accused Haradinaj appeared via videolink]

6 --- Upon commencing at 9.30 a.m.

7 PRESIDING JUDGE SMITH: Good morning, everyone. Welcome.

8 Madam Court Officer, please call the case.

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

12 PRESIDING JUDGE SMITH: [Microphone not activated].

13 MS. BOLICI: [Microphone not activated].

14 PRESIDING JUDGE SMITH: [Microphone not activated].

15 MR. REES: No change, Your Honour.

16 PRESIDING JUDGE SMITH: Okay, I'm sorry.

17 Mr. Cadman?

18 MR. CADMAN: No change, Your Honour.

19 PRESIDING JUDGE SMITH: Today we will hear the opening
20 statements of the Defence for Mr. Hysni Gucati pursuant to Rules 126
21 and 127.

22 Before we start, for the benefit of the public, I recall that
23 the Panel held the Defence Preparation Conference yesterday. Further
24 to the submissions of Mr. Rees, the Panel has scheduled the opening
25 statement of the Gucati Defence for today, 3 December 2021.

1 The Panel recalls that in accordance with Rule 26(1), opening
2 statements shall be made orally and shall be restricted to a
3 principle overview of the subject matter of the case. They may also
4 provide a concise explanation of the evidence to be called and how it
5 impacts the issues in the case. The presentation of the evidence of
6 the Gucati Defence case will start on Monday, 6 December 2021, with
7 the testimony of Mr. Gucati.

8 Mr. Rees, you have the floor.

9 MR. REES: According to law, this institution is an institution
10 of the independent and sovereign Republic of Kosovo. It is right
11 that the people of Kosovo expect it to act as such.

12 The modern Republic of Kosovo places the highest value on the
13 freedoms of speech, expression, and opinion. Those freedoms were won
14 by Hysni Gucati's generation with the sacrifice of their flesh and
15 blood. In acknowledgement of that sacrifice, the modern Republic of
16 Kosovo demands that its institutions act with openness and
17 transparency, that daylight is shone into all four corners of their
18 administrative and judicial bodies.

19 The law on classification of information in Kosovo is clear.
20 Classification of information as restricted or confidential or secret
21 shall not be used as a tool to "conceal violations of law, abuse of
22 authority, inefficiency or error, or to prevent embarrassment to a
23 person, public authority, or organisation."

24 The days when the authorities might quickly pull down a curtain
25 of secrecy, whether physical or virtual, between themselves and the

1 public gallery of the people of Kosovo, whenever the authorities
2 sought to avoid public scrutiny, ought to have been confined to the
3 distant past. To be frank, it is disingenuous to say to those who
4 doubt, as the Specialist Prosecutor does, watch our work then judge
5 us, at the same time as seeking to control what the doubters see of
6 that work, making visible to the public only a highly sanitised and
7 censored version.

8 Moreover, the present and future for Kosovo ought to be one
9 where justice is for all, not just for some.

10 The Specialist Prosecutor, in his opening statement, paid lip
11 service only to these most important values.

12 "Vigorous debates on important public issues is a sign of a
13 healthy society, to be fostered and not suppressed," the
14 Specialist Prosecutor acknowledged. "It is okay to say what you do
15 not like about this Court, and it's okay to say why you do not like
16 this Court," he continued. "That is all part of a free society," he
17 agreed.

18 Such seemingly reasonable words from the Specialist Prosecutor
19 do not extend apparently to Mr. Gucati and his co-accused. For
20 Mr. Gucati, his words are turned against him by the
21 Specialist Prosecutor, who labels Mr. Gucati as a "vocal opponent" of
22 this institution as if, despite his earlier concession to the right
23 to freedom of speech, that in itself is an offence.

24 The evidence makes clear, we submit, that the
25 Specialist Prosecutor seeks to pick and choose who he deems worthy of

1 enjoying the right to freedom of expression, and Mr. Gucati, a "vocal
2 opponent" of the SPO, is not one of them. Mr. Gucati has indeed been
3 vocal about his concerns of this institution. He was, and is,
4 entitled to be so. He has set out why he has concerns. He was, and
5 is, entitled to do so.

6 I will return to those wider concerns shortly because they are
7 shared by others.

8 One matter that he has been vocal about is that the Specialist
9 Prosecutor's Office does not pursue justice for all, but only for
10 some. The Specialist Prosecutor's claim, in his opening statement,
11 that this Court should be a victim-driven court is undermined by the
12 actions of his own office, which pursues not the path to whoever's
13 door the evidence of criminal offending may lead, but rather its own
14 mandate or agenda.

15 It is both arrogant and incorrect in equal measure for the SPO
16 to assume that the direction it travels to pursue that agenda is the
17 same in all respects as the direction travelled by the true course of
18 justice.

19 Look at the evidence we have already heard and received in this
20 case about the concerns shared by others and indeed published by
21 those persons online where they remain in full view to this day.

22 We saw at Exhibit P74 and P74-ET the article by Gazeta NewBorn,
23 headlined "Scandalous: The Specialist Chambers collaborated even
24 with Serb MUP Ministry of the Interior to arrange witnesses to
25 testify against KLA."

1 The article continued:

2 "New evidence shows about a scandalous process carried out by
3 the Specialist Chambers regarding its accused people who are KLA
4 members. A document found by Gazeta NewBorn shows that this Court
5 has cooperated with Serbia's MUP in order to secure and find as many
6 witnesses as possible against those accused who are KLA members."

7 We looked at Exhibit P124 and P124-ET, the translation. This
8 article was headlined: "Again, Specialist Chambers scandal: It
9 cooperated with Serbia army officers who were also active during the
10 time of Milosevic."

11 The article continued:

12 "Other documents speak of the cooperation the Specialist
13 Chambers had with Serb officials who were in active duty during the
14 time of the Butcher of Balkans, Slobodan Milosevic. Dusan Keranovic
15 and Veljko Lojanica are two names of Serb officers who were present
16 in some of the macabre massacres committed in Kosovo by the Milosevic
17 regime. NewBorn newspaper obtained the document showing that these
18 Serb officers were contacted by the Specialist Chambers in order to
19 give testimony against KLA and its members."

20 Who will seek justice for the victims of those macabre massacres
21 at which those two named Serb officers were present and active? Not
22 the SPO, which instead courts their cooperation to pursue their own
23 agenda.

24 Within the same exhibit, we looked at another article this time
25 headlined: "Gjakove former police commander, Milan Stojanovic,

1 collaborator of Specialist Chambers."

2 "Although they wake up every day in panic in anticipation of
3 news about their loved ones," the journalist wrote, "it has been over
4 two decades and no information has been passed on about the Gjakove
5 disappeared persons. However, it appears the Gjakove former police
6 commander during the rule of Milosevic, Milan Stojanovic, is a close
7 collaborator of the Specialist Chambers, despite the fact that he is
8 responsible for the Meja massacre in Gjakove. Former commander
9 Stojanovic is cooperating with the Specialist Chambers in order to
10 find evidence against the former KLA soldiers. NewBorn newspaper
11 obtained a document confirming the collaboration of Stojanovic with
12 the Specialist Chambers."

13 Who will seek justice for those persons in Gjakove who
14 disappeared under the watch of Milan Stojanovic? Not the SPO, which
15 instead courts his collaboration to pursue its own agenda. Who will
16 seek justice for those persons murdered in the Meja massacre under
17 the watch of Milan Stojanovic? Not the SPO, which instead courts his
18 collaboration to pursue its own agenda.

19 We watched the video Exhibit P123 with pictures of the cemetery
20 in Meja, and we listened to the narration. The 27th of April marks
21 the day when 376 civilians, including women and children, were
22 murdered in Meja. Children from one-and-a-half years old, as well as
23 women, were initially executed and then burned inside a house by the
24 Serb forces. The Specialist Chambers requested the assistance and
25 collaboration of the former militia commander in Gjakove district,

1 Milan Stojanovic, against the KLA, and we saw as we watched the
2 images the subtitle "The main person responsible for the Meja
3 massacre, Stojanovic, the person who should be in prison, is
4 collaborating with the Specialist Chambers instead."

5 Who will pursue justice for those 376 civilians, including
6 women, children, and infants, who were murdered, executed and burned
7 inside a house by forces under Milan Stojanovic's control? Not the
8 SPO, which instead courts its collaboration to pursue its own agenda.

9 We looked at Exhibit P128 and its translation again within
10 P124-ET, of the article headlined "Specialist Chambers cooperated
11 with person wanted by Interpol for war crimes in Kosovo in order to
12 find evidence against the KLA. New evidence is coming out about the
13 work of the Specialist Chambers and its cooperation with persons
14 accused of war crimes," the journalist wrote. "NewBorn newspaper
15 obtained a document which shows that a person wanted by Interpol for
16 war crimes in Kosovo seems to be a witness against the KLA in the
17 Specialist Chambers. In 2005, as the trial of the Butcher of Balkans
18 Slobodan Milosevic was proceeding in The Hague, the face of Kosovo
19 Albanian Muharrem Ibraj also appeared in the cameras. He was a
20 witness for Milosevic. Muharrem Ibraj," the journalist continued,
21 "comes from one of the areas where the most terrible crimes were
22 committed by the Serb state apparatus and then he went to The Hague
23 to defend Slobodan Milosevic. Muharrem Ibraj is accused of crimes
24 and rapes during the war in Kosovo. Similarly, Ibraj is one of 17
25 people wanted by Interpol for war crimes, and the only one with

1 Albanian ethnic background," and they provided then the list of 17
2 Serbs and one Kosovar wanted by Interpol for crimes in Kosovo, some
3 of the names of which we will deal with shortly.

4 Who will pursue justice for the victims of the crimes - the
5 rapes - Muharrem Ibraj committed during the war in Kosovo? Not the
6 SPO, which instead courts his collaboration to pursue its own agenda.

7 We saw Exhibit P125 and its translation at Exhibit P125-ET3, and
8 the article entitled "Scandalous: Special Court requested
9 incriminating materials on Adem Jashari.

10 "The Special Court has requested from the Serbian prosecution
11 office incriminating materials on Adem Jashari 17 years after his
12 fall," published RTK. "In March 1998, after several days of
13 resistance in Prekaz, the commander, Adem Jashari, and 16 members of
14 his family were killed. The attack of Serbia's special units on the
15 Jashari family in Prekaz, which led to the brutal killing of Adem and
16 Hamez Jashari and their family was condemned by Amnesty
17 International. The massacre against the Jashari family in Prekaz,
18 like in many other massacres, was carried out by regular police
19 forces amongst which, over 21 years later, no one is held accountable
20 for, even though the names of those in the chain of command are
21 known, starting from the policemen to the president Slobodan
22 Milosevic. No efforts were made by international justice to
23 adjudicate the Serb criminals and serve justice for such barbaric
24 murders. However," RTK commented, "on 11 June 2015 the opposite
25 happened. Among thousands of exclusive leaked documents of the

1 Special Court, there was a letter in which the lead Prosecutor
2 David Schwendiman asked Serbian former War Crimes Prosecutor Vladimir
3 Vukcevic to provide him with documents on Adem Jashari. In his
4 letter," the article continued, "Schwendiman wrote that pursuant to
5 the ongoing coordination and further to a meeting held on 1 June
6 2015, he asked Serbia's war crimes prosecutor's office to provide him
7 with copies of cases related to terrorism of organised armed groups
8 committed by Kosovar Albanians in the period 1981 to 1999, mentioning
9 specifically the names of Adem Jashari. He, together with 60 members
10 of his family, were inhumanely killed in their house specifically by
11 Serbian forces 17 years before this request for incriminating
12 materials took place."

13 RTK quoted from the letter directly:

14 "Furthermore, I kindly request that, if possible, the first
15 documentation to be delivered should be regarding the case KT number
16 139/96 judgement K number 37/97 adjudicated by the District Court of
17 Prishtine against the following individuals," naming ten individuals,
18 including Adem Jashari.

19 RTK continued:

20 "The state of Serbia has committed over 400 inhuman massacres
21 against Albanian civilians in Kosovo. It has cruelly killed around
22 13.000 innocent civilians, amongst them around 1300 children.
23 Serbian police and military forces have raped over 20.000 Albanian
24 women and evicted over 1 million Albanians from their homes. In
25 their attempt of ethnic cleansing, they have burned and destroyed

1 most Albanian properties."

2 The article concluded:

3 "The requests of international justice to investigate the
4 victims of cruel massacres by Serbia's regime, crimes that have never
5 been solved, are insults and injustices for those victims themselves,
6 for their families, and for the Albanian people."

7 Who will pursue justice for those 60 victims of the Jashari
8 family murdered at Prekaz? Not the SPO, which instead courts those
9 agencies responsible for that massacre for their collaboration to
10 pursue the SPO's own agenda.

11 During the course of the Defence case, we will adduce further
12 evidence about other names that it is said by the SPO that they
13 sought cooperation from, including Nebojsa Trajkovic, known as Lutka,
14 the well-known deputy chief of Gllogovc, and the OUP unit of internal
15 affairs within Slobodan Milosevic's Serbian ministry. Gllogovc, now
16 known as Drenas, was the sight of numerous executions, beatings and
17 robberies by Serbian security forces in spring 1999. And Trajkovic
18 has been publicly named by Human Rights Watch as the principal
19 organiser of the forced depopulation of the village of Drenas in May
20 1999.

21 We will adduce evidence of Bogdan Peric, an individual publicly
22 named by the EU under the EU Council Decision 1999/319/CFSP
23 implementing the Common Position 1999/318/F, which put in place
24 restrictive measures against the Federal Republic of Yugoslavia
25 naming Bogdan Peric as the mayor of Gjilan and a known associate of

1 Slobodan Milosevic, banning him as a person whose activities were
2 close to and supported the barbaric regime of President Milosevic.

3 We will adduce evidence of Branislav Radic, or as Ms. Pumper
4 said also known as Branislav Rakic, part of civil protection in
5 Ferizaj in April 1999 when the Kosovan Albanian people there were
6 subject to mass expulsion. Radic or Rakic is somebody who remains
7 wanted by Kosovo police for crimes but is courted for his
8 collaboration by the SPO.

9 The matters that lay behind the concerns expressed in those
10 exhibited articles by Gazeta NewBorn, by Top Channel, by RTK, and
11 other broadcasters only came to light because the press had access to
12 documents that the SPO now suggests should have remained hidden from
13 their view.

14 Other individual journalists shared those concerns. Within
15 Exhibit P11-ET, the journalist and politician Berat Buzhala expressed
16 his concern:

17 "I voted for the formation of the special tribunal, but I
18 wouldn't have voted for it today ... Milovan Drecun is the Serbian
19 collaborator with The Hague tribunal, and I am old enough to know who
20 Milovan Drecun is.

21 "This is not the way to bring justice. Justice cannot be
22 brought about with the help of Milosevic's apparatus."

23 President Vucic himself has admitted that the Serbian security
24 forces have killed Serbian civilians with a view to blaming
25 Albanians, and he referred to the murder of civilians by the Serbian

1 security forces in the notorious Panda incident. He continued:

2 "How can you not only collaborate but claim to bring justice for
3 war crimes in Kosovo with the same bodies that have killed their own
4 civilians? For me, this is completely unacceptable ... this distorts
5 the reality for which this process started."

6 In the same breath that the Specialist Prosecutor deprecates the
7 expression of those very same concerns by Hysni Gucati, the
8 Specialist Prosecutor sycophantically praises the media in Kosovo,
9 directly assuring the civilian witness Halil Berisha that he had done
10 nothing wrong.

11 In the SPO's clear assessment, no crimes were committed by
12 Mr. Berisha. And, of course, we wholeheartedly agree. Consider,
13 though, his evidence and compare and contrast his position with that
14 of Hysni Gucati. At the end of the first press conference,
15 Mr. Berisha told you that he and his cameraman took images of the
16 documents. He created, in contrast to Mr. Gucati, he created and
17 told you copies of this documentation.

18 His media organisation, inFokus, broadcast the contents of the
19 press conference on social media, giving airtime and publicity to
20 those remarks made by Mr. Gucati and his co-accused that the SPO
21 attack and criticise. He, Mr. Berisha, asked to take the
22 documentation itself. He wanted to take all of the documentation, to
23 look at in its full and unredacted form, and he took about a thousand
24 pages of it, having carried out an initial review of its contents at
25 the KLA WVA headquarters. He physically removed the documents from

1 that office, and he carried them to his own offices of the inFokus
2 newspaper where, like Mr. Gucati, he made the documents available to
3 others, to professional journalists, just as Mr. Gucati had done,
4 albeit at Mr. Berisha's offices, where he discussed their full and
5 unredacted content with his co-editors, four of them. He made those
6 documents available to those four other persons without any
7 redactions. Unlike Mr. Gucati, Mr. Berisha oversaw the creation of
8 more copies of the documents at the offices of inFokus, taking
9 further images of them in full. The copies of the documents that he,
10 his cameraman, and his other co-editors made were created in digital
11 form, and they have never been retrieved by the SPO. Indeed, the
12 truth is the SPO have never cared to ask for them. They've never
13 sought to retrieve them. They've never shown any interest in
14 retrieving them, despite the articles published by inFokus, being
15 perfectly transparent, and making the existence of digital copies of
16 those documents in inFokus's possession plain for all to see.

17 Unlike Mr. Gucati, Mr. Berisha and his co-editors published
18 copies of the documents on the internet for all to see where they
19 remain to this day. The SPO have never asked inFokus to remove the
20 articles and shown no interest in those articles being removed, even
21 after their continued presence on the internet was brought firmly to
22 their attention if they were not previously so aware.

23 Mr. Berisha reported that the files contained Serbian, Albanian,
24 Roma and Ashkali names, something the SPO specifically criticises
25 Mr. Gucati for saying. He reported that the cooperation between

1 special investigators and Serbian witnesses and officials was evident
2 in these documents, and that the SITF was principally in contact with
3 Vladimir Vukcevic, former chief war crimes prosecutor, and also
4 Milovan Drecun, head of the working group looking for facts about war
5 crimes.

6 It was in the public interest to so report, Mr. Berisha said in
7 evidence, because, in his words, "these persons are high Serbian
8 officials and were the persons that a part of the people in Kosovo
9 know due to their statement. So these were not private persons.
10 Since they were mentioned in these documents, we deemed it necessary
11 to publish them and their identity," he told the Trial Panel.

12 He quoted directly from letters from Kwai Hong Ip of the SITF to
13 Vukcevic attaching a list of persons that the SITF wished to
14 interview. Mr. Berisha did redact the names in the list for the
15 purpose of publishing the article online, but only after he had shown
16 the unredacted list to colleagues at inFokus.

17 Going further again than Mr. Gucati, Mr. Berisha published a
18 letter from the Serbian Parliamentary Committee on Kosovo and
19 Metohija, as they call it, to the SITF, dated 17 November 2015, this
20 time printing the letter in full. He was asked why. "There are many
21 reasons for that," he told the Trial Panel. "One of the reasons for
22 that is that each Kosovan citizen born before 1996, they know the
23 crimes that the Serbs committed in Kosovo, and in spite of the fact
24 that Kosovo now is an independent nation, here the text uses the
25 words 'Kosovo and Metohija,' which is not the correct term. And

1 these terms have been used in a document or a statement by Serbian
2 officials, and this relates to the alleged crimes that allegedly
3 Albanians committed. It was in the public interest to know."

4 Sharing those concerns expressed by RTK, Mr. Berisha published
5 an article on how the Special Court had requested evidence from
6 Serbia against Adem Jashari and others. He was asked about why he
7 did that, and he explained:

8 "... it was never mentioned that evidence was to be sought
9 against Kosovo's hero, Adem Jashari. So when we saw this in these
10 documents, we thought this was in the public interest to know about,
11 because Adem Jashari was killed by Serbian forces. And I believe
12 Kosovo citizens were expecting ... to be collected against those who
13 killed Adem Jashari, not on him."

14 He too quoted extensively from that letter from
15 David Schwendiman to Vukcevic seeking that evidence. He continued:

16 "Adem Jashari and over 50 members of his family, including young
17 infants, were massacred by Serb forces. So we, as citizens, but as
18 journalists too, expect that evidence would be collected against
19 those who committed that massacre." Not against the victims of it.

20 Going further than Mr. Gucati, again he uploaded copies of those
21 documents, digital copies to the inFokus system, where they remain
22 available to everyone working at inFokus, he told you. InFokus
23 continues to publish the same on their web site. He gave a moving
24 explanation as to why it was in the public interest to report that
25 the SPO had placed requests for Serbia to collect evidence given by

1 former Serbian police officers and Serbian chiefs of police stations.

2 "... this was of public interest given the past of our nation,
3 the people of Kosovo. Maybe I'm young by age, but I experienced war
4 as well. I was 6 years old during the war. And that time, I, my
5 family, and other citizens were forced out of our apartment, our
6 house, and we were forced to travel to Albania. As a 6-year-old, I
7 had to walk to Albania without food, without water, and Serbian
8 forces had put corpses of dead people on the way. For me, as a
9 6-year-old, this was horrifying.

10 "This is a theme that is discussed on a daily basis in our part
11 of the world. That is why this is of public interest and reporting
12 on this issue is of public interest."

13 InFokus, Mr. Berisha himself, did not hand over to the SPO any
14 digital copies of documents that they had retained. To be fair, the
15 SPO's investigators have never asked, and it can be inferred that
16 they do not care.

17 On 16 September 2021, Mr. Berisha continued to publish new
18 images of the documents, this time a full and unredacted copy of a
19 letter headed "Coordination Request No. 63," again from Kwai Hong Ip
20 to Mr. Vukcevic. Although he did not publish online the list of
21 witnesses attached to the request, Mr. Berisha had given access to
22 that list, unredacted, to his journalist colleagues and the editorial
23 team at the inFokus offices.

24 And he published in the same article a full copy of a letter
25 headed "Coordination Request No. 120," addressed again to

1 Mr. Vukcevic, stating, and he published this, that information had
2 been provided by Dusan Dragovic by the MUP in Jagodina during the
3 past three years.

4 He was asked why he did that, and Mr. Berisha said to you: "It
5 is publicly known that even after the declaration of independence of
6 Kosovo, members of the Serbian MUP continued to be present and active
7 in Kosovo illegally, so this was of public interest."

8 I repeat, the SPO stresses that Mr. Berisha has done nothing
9 wrong, and the Defence wholeheartedly agree. The matters that lay
10 behind Mr. Berisha's concerns, as he expressed in those articles,
11 came to light because Mr. Berisha had access to the documents the SPO
12 say should have, in fact, remained hidden and not come to light.

13 Remind you of the remarks the Specialist Prosecutor made at the
14 outset, "Vigorous debate on important public issues should be
15 fostered, not suppressed," he claimed. "It is okay to say what you
16 do not like about this Court and it's okay to say why you do not like
17 this Court. This is all part of a free society," he acknowledged.

18 But how can debate take place if the fundamental facts remain
19 hidden away?

20 The SPO shies away from confrontation with those in the press
21 who made public - and continue to - their concern, based on this
22 documentation, of SPO collaboration, to use the words of the press,
23 SPO collaboration with those suspected of murder and rape and forced
24 depopulation in order to further its own agenda.

25 At the same time, the SPO calls no witness from within its own

1 ranks to account for - and be accountable for - the burning questions
2 as to who, how, and why this material was allowed to pass from the
3 SPO to the KLA WVA headquarters on not one, not two, but three
4 separate occasions. The SPO closes ranks. And those in the SPO with
5 knowledge of that process remain lurking in the shadows, protected
6 from scrutiny by their colleagues.

7 Despite the Specialist Prosecutor telling the public in his
8 opening statement that the documents were stolen, the Prosecution has
9 called no evidence to support that bare assertion, or indeed any
10 evidence at all as to what actually occurred.

11 They say nothing about the information in Exhibit P155 and its
12 translation P155-ET that explicitly makes clear that some journalists
13 received a copy of the so-called "Hague dossier" directly, I quote,
14 "from a source in the Specialist Prosecution Office in The Hague."

15 Where the Defence say that there is information that a named
16 currently serving SPO officer was implicated in the process by which
17 the materials arrived at the KLA WVA headquarters, they say nothing
18 and they call no evidence to dispute it. And despite the
19 investigations, the Specialist Prosecutor in opening claims that they
20 have conducted, the SPO produces in evidence no independent report
21 which exonerates their own staff from being deliberately involved in
22 the leak. They cannot do so because they have no such report.

23 With no will or inclination to confront those in the press who
24 revealed, using their words, the "shameful collaboration" between the
25 SPO and those suspected of the most serious crimes, the SPO

1 simultaneously refuses to allow the truth as to who, how, and why
2 this material came to pass from its offices to the KLA WVA in the
3 first instance to come to light.

4 Instead, the SPO targets Hysni Gucati and his co-accused with
5 these trumped-up charges in a victimless prosecution. This is, we
6 submit, a cowardly prosecution by a cowardly Prosecutor's office.

7 By contrast, Hysni Gucati is no coward. He is, and has always
8 been, open, honest, and transparent. And on Monday, he will give
9 evidence and he will answer every question asked of him.

10 Thank you, Your Honours.

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

12 We will resume on Monday, 6 December, 2021, at 9.30, to start
13 the Gucati Defence case.

14 This hearing is adjourned.

15 --- Whereupon the hearing adjourned at 10.22 a.m.