

1 Tuesday, 11 January 2022

2 [Open session]

3 [The accused entered court]

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

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

6 Madam Court Officer, please call the case.

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

10 PRESIDING JUDGE SMITH: This Panel is appearing today with three  
11 members in the courtroom and one via video-conference.

12 Judge Mettraux, as you all are aware now here in the courtroom, is  
13 present via video-conference because of the COVID-19 quarantine  
14 rules. I'll get back to that topic later, but first let's take the  
15 appearances.

16 Let's start out with Mr. Prosecutor.

17 MR. HALLING: Good morning, Your Honours. Appearing for the SPO  
18 today are Valeria Bolici, Prosecutor; Associate Prosecutor  
19 James Pace; Case and Evidence Manager Line Pedersen. And my name is  
20 Matt Halling, Prosecutor.

21 PRESIDING JUDGE SMITH: Thank you, Mr. Halling.

22 Mr. Bowden.

23 MR. BOWDEN: Your Honour, Mr. Rees, Queen's Counsel, appears via  
24 videolink. In the courtroom, together with myself, are  
25 Ms. Stephenson, Mr. Joseph Bowden, Ms. Faye Wigmore, and

1 Mr. Remi Halilaj.

2 PRESIDING JUDGE SMITH: Thank you.

3 Mr. Cadman.

4 MR. CADMAN: Your Honour, pleased to be back in the courtroom  
5 once again. Joining me today is Mr. Buckley, Mr. Soliman,  
6 Ms. Frivet, and Ms. Rodio.

7 PRESIDING JUDGE SMITH: Thank you, Mr. Cadman. We also are glad  
8 to have you back in the courtroom and we hope fully recovered. We  
9 want to assure you that despite your absence before the adjournment  
10 on 15 December, your colleagues performed effectively and ensured at  
11 all times that your client was well represented.

12 So anyway, welcome back.

13 I'll turn to the Registry for introduction. Mr. Nilsson.

14 MR. NILSSON: Thank you very much. Jonas Nilsson representing  
15 Judicial Services Division, Registry.

16 PRESIDING JUDGE SMITH: Thank you, Mr. Nilsson.

17 I also note that Mr. Gucati and Mr. Haradinaj are present in the  
18 courtroom.

19 I will first address the form of presence of this Panel at this  
20 hearing. Pursuant to Rule 19, assigned Judges shall be present at  
21 each stage of the proceeding and throughout their deliberations. Due  
22 to COVID-19 rules, Judge Mettraux cannot be physically present in  
23 this courtroom this week, but he is present via videolink. This has  
24 also been communicated to the President of the Kosovo Specialist  
25 Chambers.

1 Judge Mettraux is in good health so far and fully capable of  
2 following what is being said in the courtroom.

3 Now to address the points raised by Mr. Cadman and Mr. Bowden.

4 First, the presence of a Judge versus the presence of counsel.

5 Rule 19 was adopted as a result of the April 2017 decision of  
6 the Constitutional Court Chamber that hearings must be conducted at  
7 all times before a full Panel, which means that all members of the  
8 Panel have to be present. This ensures the guarantees under  
9 Article 31 of the Constitution that any hearing is conducted before a  
10 Tribunal established by law.

11 Neither the rules nor the decision of the Constitutional Court  
12 Chamber address whether "presence" includes presence by videolink.  
13 The Panel considers that presence under this rule means physical  
14 presence or presence through a videolink.

15 In want of a specific interpretation by the Constitutional Court  
16 Panel on this matter, the Panel cannot take the liberty of  
17 interpreting judicial presence under Rule 19 as the ability to follow  
18 the proceedings in any other way, such as by reading the live  
19 transcript. There is no equivalent requirement of presence for all  
20 counsel. No rule of this institution requires all counsel to attend  
21 at all times.

22 In fact, the Directive on Counsel provides that co-counsel shall  
23 have the authority to appear in court on counsel's, behalf, dealing  
24 with all arising matters, as we have seen in this very case.

25 So the need for Judge Mettraux to be present at hearings cannot

1 be compared with the circumstances of counsel being present at  
2 hearings or being able to follow the proceedings through the live  
3 transcript.

4 Secondly, an issue was raised concerning the Reserve Judge.

5 Pursuant to Rule 18, a Reserve Judge cannot take over the  
6 functions of another member of the Panel unless that member becomes  
7 permanently unable to sit on a case, resigns, or dies. Fortunately,  
8 we are not in any one of those situations. Judge Mettraux looks  
9 quite good, quite alive, and keen on participating. This means that  
10 Judge Gaynor cannot replace Judge Mettraux in these circumstances.

11 Thirdly, in relation to the ability of the Panel to confer.

12 First of all, I will continue to preside over these proceedings  
13 as provided by Rule 19 and as I have done before. I believe that it  
14 comes to no surprise to you all that I can rule on objections and  
15 routine matters without consulting my colleagues.

16 Secondly, Judge Mettraux is with us not only on videolink but  
17 also on the Transcend chat on the Panel so he can express his views  
18 to us at all times. This has been done by the Panel as a matter of  
19 course in the past four months.

20 Lastly, the need for private sessions.

21 There is a standing order issued by the Panel on 7 October and  
22 reiterated on 6 December that no names that had been in the documents  
23 seized in the various batches should be uttered in open session in  
24 these proceedings. The exception to that order is the name of  
25 Vukcevic.

1 Mr. Cadman, if you need to put any of these names to  
2 Mr. Haradinaj and ask him questions about them, there are simple ways  
3 of doing this in open session, all of which have been tested by your  
4 colleagues on both the Defence and the SPO side. You can use  
5 exhibits where some of these names are mentioned, such as the press  
6 conference transcripts. Some of these you have in your presentation  
7 queue. You can ask the Court Officer to bring up these documents,  
8 ask your client to read the relevant passage in silence, and then ask  
9 him to answer questions regarding those individuals without  
10 mentioning their names.

11 Another option which we recommend to you is to add a list of  
12 names to your presentation queue and use it in a similar fashion as  
13 just described. We can see that you added such a list and we thank  
14 you for doing that. You can also tender it, if you wish, once you've  
15 used it. Moreover, if your questions to Mr. Haradinaj regard SPO  
16 staff members, they can be referred to by their function as was done  
17 during the examination of Mr. Gucati.

18 As for Mr. Bowden's point, that some of the next witnesses after  
19 Mr. Haradinaj's testimony may need private session, let's cross that  
20 bridge when we get there. For now, Mr. Haradinaj's testimony is  
21 expected to last three days, so I'm sure that we will be able to find  
22 solutions to these issues without any of the accused's rights being  
23 affected.

24 I will personally try to help, Mr. Cadman, in giving you  
25 guidance if you ask for it on how to approach these questions in open

1 session and get the complete answer.

2 And now having addressed these points, Mr. Cadman, we hope that  
3 your concerns have been alleviated and that we can proceed on this  
4 basis.

5 Have you discussed these matters with your client and has he  
6 agreed with this approach?

7 MR. CADMAN: Your Honour, I had a brief discussion with  
8 Mr. Haradinaj yesterday. Obviously, because there has been some  
9 delay in the proceedings, he's very keen to proceed. Obviously, it's  
10 not an ideal situation, but at the same time, he does want to  
11 proceed.

12 As far as the names are concerned, they have been put, as you've  
13 said, in the presentation queue --

14 PRESIDING JUDGE SMITH: Could you raise your speaker up a little  
15 bit, please. There you go. Thank you very much.

16 MR. CADMAN: As far as the names are concerned, they --  
17 obviously, they have been put into the presentation queue. The full  
18 list of names have been put in there in an abundance of caution. I  
19 do not intend to go through all of those names. I have discussed the  
20 matter with our colleagues from the SPO.

21 There are potentially three names that will come out in the  
22 public session. One of them is an SPO officer who has been referred  
23 to repeatedly in these matters, and we can just merely refer to him  
24 as Witness X. I can direct you to the number on the witness -- on  
25 the list of names.

1           The other name, which, as Your Honour has quite rightly stated,  
2           can be discussed in open court, which is the former chief prosecutor  
3           Vladimir Vukcevic.

4           And there is a third name that is a coordinator of the SPO whose  
5           name almost certainly will come out. Our position is his name can be  
6           mentioned in public session. I am sure Your Honours may take a  
7           different view on that, but our position is he has publicly  
8           acknowledged his cooperation with the SPO, and it is important that  
9           that is mentioned in public session.

10           I can direct Your Honours to that person's name so you can take  
11           a position on that, but it is our intention to refer to him in public  
12           session unless I am directed otherwise.

13           PRESIDING JUDGE SMITH: All right. But you understand there is  
14           an alternative method, and we would kindly ask you to use that  
15           alternative method on anybody other than Mr. Vukcevic.

16           MR. CADMAN: Your Honour, we have two public statements that  
17           that particular witness has referred to immediately after these  
18           matters commenced where he has publicly acknowledged his coordination  
19           and cooperation with the SPO. We see no reason why his name cannot  
20           be mentioned in public session.

21           PRESIDING JUDGE SMITH: Except that we have ruled otherwise and  
22           that's what our ruling remains.

23           MR. CADMAN: Well, I've made my point.

24           PRESIDING JUDGE SMITH: So we will proceed.

25           And, Mr. Haradinaj, you understand what your attorney has said

1 and agree with it; is that correct? Were you able to hear me,  
2 Mr. Haradinaj?

3 THE ACCUSED HARADINAJ: [Interpretation] Yes, I can hear. I will  
4 try to abide by it.

5 PRESIDING JUDGE SMITH: Could you repeat the translation,  
6 please?

7 THE INTERPRETER: "I will try to abide by it."

8 PRESIDING JUDGE SMITH: Thank you, Mr. Haradinaj.

9 And, Mr. Bowden, do you have anything to add to what Mr. Cadman  
10 has said?

11 MR. BOWDEN: Nothing further, Your Honour, no.

12 PRESIDING JUDGE SMITH: Mr. Gucati, you understand the  
13 statements have been made and you want to proceed with Judge Mettraux  
14 appearing remotely also; is that correct?

15 THE ACCUSED GUCATI: [Interpretation] Yes, that's correct.

16 PRESIDING JUDGE SMITH: Thank you very much.

17 So for the record, the Panel will proceed for the time being  
18 with the hearings in the current format with Judge Mettraux  
19 participating remotely by videolink.

20 All right then. Let's get started. Today we will start hearing  
21 evidence of the Haradinaj Defence. First some scheduling and  
22 housekeeping matters. This week we will sit full days today,  
23 tomorrow, and on Thursday. On Friday we will only sit for the first  
24 two sessions as there is another use being made of the courtroom in  
25 the time-period of the third session.



1 Next week we will sit on 17 and 21 January. That is, Monday and  
2 Friday. We also have court days scheduled for the 24th and 31st  
3 January. The Panel might also sit in the morning of 28 January, but  
4 this will only happen if strictly necessary as courtroom maintenance  
5 is scheduled for that day. We will let you know around 21 January if  
6 this extra day on the 28th is needed.

7 Of course, the schedule I just mentioned might change if more of  
8 us get sick. We have no control over that.

9 Any change in the hearing days will be notified to the parties.  
10 I also note that the decision of the Court of Appeals Panel, rendered  
11 on 7 January 2022, according to which the testimony of the second  
12 expert witness, number 1253, can be heard on a limited basis.

13 It is the Panel's intention to accommodate the testimony of all  
14 Haradinaj witnesses during this month, so we expect the witnesses to  
15 be lined up one after the other. In relation to this, I have some  
16 questions for you, Mr. Cadman.

17 In your filing F508, which is the application for the videolink  
18 testimony of the first expert witness, number 1252, you indicated a  
19 preference for the 24th or the 31st January. Would she be available  
20 earlier, say on the 17th or the 21st if necessary?

21 MR. CADMAN: My understanding is that she is not. I will  
22 impress upon her the trial schedule and we would like her to attend  
23 before then if at all possible. For the second expert witness, he is  
24 not available other than the 24th or the 31st.

25 PRESIDING JUDGE SMITH: Also, can you tell us the reason why you

1 requested that -- let's just deal with the first witness. Why her  
2 testimony was to be by videolink?

3 MR. CADMAN: There are two separate issues. One, obviously, is  
4 the ongoing COVID situation. She's already lost one parent through  
5 COVID. A second parent became very ill, which is why there was some  
6 delay in getting her expert report in the first place. And so it is  
7 that, but it is also professional obligations as well.

8 PRESIDING JUDGE SMITH: So she's not at all available?

9 MR. CADMAN: Your Honour, during the course of today, I will  
10 make contact or have our team make contact with her to see, one,  
11 whether she will be able to travel to The Hague to give her evidence  
12 in court, which is always the preference; and, second, whether she is  
13 able to come on one of those days earlier.

14 I think it's important to put that to her just because we're now  
15 in a situation where our -- which was supposed to be our second  
16 witness of this week, Mr. Tome Gashi, has testified positive for  
17 COVID and is not able to travel and he's not going to be able to  
18 travel for two weeks because of the regulations in force. That means  
19 we only have Mr. Haradinaj and our other witness, Mr. Rashit Qelaj  
20 who is arriving later today.

21 That means that the 17th to the 21st, unless we can reschedule  
22 the other witnesses for those dates, would, effectively, not be  
23 effective.

24 PRESIDING JUDGE SMITH: Well, the reason I'm asking is that the  
25 Panel is acutely aware of the currently travelling situation which

1 does not only affect witnesses but also the Registry staff who need  
2 to go to those third countries, set up the environment and technology  
3 for the videolink, and liaise with the relevant authorities.

4 Also, as you may have seen in the Registry assessment, some  
5 authorisations are still pending, and it would take some time after  
6 such authorisations are provided for the link to be set up. So a  
7 videolink testimony is not necessarily easier to organise than  
8 travelling of a witness to our premises. In fact, it seems to be  
9 more complicated and more time consuming, and it would endanger two  
10 people rather than one person.

11 So all of these things are of a concern to the Panel. We're not  
12 arguing with what has been requested. We're just trying to see if  
13 there might be another way.

14 Mr. Nilsson, would you like to comment on this matter and  
15 specifically what is the earliest realistically possible date for the  
16 videolink to be ready for this witness, for Witness 1?

17 MR. NILSSON: Thank you, Your Honour. With regard to  
18 Witness 1252, we will get an indication from the state in question  
19 earliest tomorrow. If everything is positive, then, as we have  
20 indicated in our submission, we would need five days to do the  
21 practical arrangements.

22 PRESIDING JUDGE SMITH: From tomorrow, five more days?

23 MR. NILSSON: If we get the message from the state tomorrow,  
24 five days. Five working days, I should add. Thank you.

25 PRESIDING JUDGE SMITH: Okay. Thank you.

1           Mr. Cadman, thank you for your candour. And please impress upon  
2 the witness that the Court definitely would rather she came here.  
3 It's probably -- not that it -- we're not trying to decide the  
4 cheapest way to do it, but it's very convenient to have her come here  
5 and very inconvenient to do it the other way, as I see it. But I  
6 understand the limitations that you're operating under.

7           So please let us know as soon as possible if we can have any  
8 change in her travel plans and get her to come here.

9           MR. CADMAN: We will make those inquiries during the course of  
10 the day.

11          PRESIDING JUDGE SMITH: Thank you.

12          Anything from the other parties? Mr. Bowden, do you wish to  
13 comment on this?

14          MR. BOWDEN: No, thank you, Your Honour.

15          PRESIDING JUDGE SMITH: From the Prosecution, any comment?

16          MR. HALLING: No comment, Your Honour.

17          PRESIDING JUDGE SMITH: Thank you.

18          All right. We'll decide on this. We'll try to get to it --  
19 when did you say you would talk to her yet today?

20          MR. CADMAN: We will endeavour to contact her during the first  
21 break.

22          PRESIDING JUDGE SMITH: Okay. And then get back to us, if you  
23 could. And then we can make a decision later today.

24          MR. CADMAN: Certainly.

25          PRESIDING JUDGE SMITH: Now moving on to the availability of the

1 second expert witness.

2 I note that -- what you've said, that he's only available on two  
3 dates; correct?

4 I note here that an initial application by the Gucati Defence  
5 for the videolink testimony of this witness, that was F436, was  
6 rendered moot by the Panel on 6 December 2021. We do, however, have  
7 the Registry assessment for the feasibility of that application,  
8 which is F467.

9 So I have three questions for you, Mr. Cadman. First, do you  
10 intend to adopt the initial Gucati application for videolink? I take  
11 it so far you do. Second, would the witness be available -- once  
12 again, what are the dates he's available?

13 MR. CADMAN: Because of the way that the trial was proceeding,  
14 we gave him a range of dates between the 17th and the 31st. His  
15 original estimation, due to professional and personal commitments,  
16 was that he was only available I believe it was the 23rd and 24th and  
17 then, other than that, the 31st.

18 PRESIDING JUDGE SMITH: Okay, 24 and 31 then.

19 MR. CADMAN: As it's currently fixed. Now, I can, of course, go  
20 back to him to see whether he would be available earlier than that,  
21 on the 17th, potentially the 21st, but I also recognise the  
22 challenges for the Registry are far greater than they are for the  
23 first witness because he's in Australia.

24 PRESIDING JUDGE SMITH: And we would kindly ask that you make  
25 the same suggestion to him that it might be simpler for everybody for

1 him to come here than for all of this process to go -- be taken back  
2 to Australia and dealt with.

3 MR. CADMAN: Absolutely.

4 PRESIDING JUDGE SMITH: Thank you. I also remind you of what  
5 the Registry stated in their assessment from paragraph 17:

6 "Due to current travel restrictions in place in Australia and  
7 the local quarantine requirements, the Registry may not be able to  
8 send staff to the location of the testimony unless an exemption is  
9 granted."

10 And I'm afraid that situation still stands. We don't have the  
11 exemption at this time, do we?

12 MR. NILSSON: Your Honour, that situation remains the same.  
13 Yes.

14 PRESIDING JUDGE SMITH: So even more important to fly the  
15 witness in here if at all possible.

16 MR. CADMAN: Again, I won't be able to speak to that witness  
17 until later today because of the time difference. But I do  
18 appreciate that, barring being a professional tennis player, it's  
19 actually quite difficult to get any form of exemption in Australia  
20 right now.

21 PRESIDING JUDGE SMITH: Anything else from Mr. Bowden on these  
22 subjects?

23 MR. BOWDEN: No, thank you, Your Honour.

24 PRESIDING JUDGE SMITH: From the Prosecution?

25 MR. HALLING: The only thing that we would mention, Your Honour,

1 we previously estimated an examination length of about four hours for  
2 DW1253. With a videolink, there is always a possibility of it  
3 running a little long for whatever reason. So we would just ask  
4 that, when scheduling, there at least be a second day available in  
5 case we need to extend to a six-hour examination for whatever reason.  
6 Thank you.

7 PRESIDING JUDGE SMITH: And Mr. Reid's examination will  
8 probably -- would I be correct in assuming that your direct  
9 examination of him will be somewhat less given the fact that there  
10 was some limitation placed on his testimony by the Court of Appeals  
11 decision?

12 MR. CADMAN: There is some limitation, but he's still permitted  
13 to give the core of what we consider his evidence to be. I think we  
14 had estimated half a day or two sessions for his direct examination.  
15 It may be less. At this stage, I can't say. The Court of Appeal has  
16 only just ruled. There are matters that we need to consider. We had  
17 overestimated rather than underestimated, but we certainly don't  
18 expect it to go past two sessions.

19 PRESIDING JUDGE SMITH: If you get in a position to refine your  
20 estimation, please let us know.

21 MR. CADMAN: Certainly. And there may be aspects of it that can  
22 be agreed with the SPO.

23 PRESIDING JUDGE SMITH: Mr. Haradinaj, we will now start with  
24 your testimony. You may step up here, Mr. Haradinaj.

25 [The Accused Haradinaj takes the stand]

1           PRESIDING JUDGE SMITH: Mr. Haradinaj, remain standing for now.

2           The Court Usher will provide you with the text of the solemn --  
3 oh, he doesn't have his earphones in. I'm sorry.

4           The Court Usher will provide you with the text of the solemn  
5 declaration which you are asked to take pursuant to Rule 141(2).  
6 Please proceed.

7           Once again, you may read the solemn declaration. Proceed. You  
8 may read the solemn declaration, Mr. Haradinaj.

9           THE ACCUSED HARADINAJ: I don't hear good.

10          PRESIDING JUDGE SMITH: Can you hear now, Mr. Haradinaj?

11          THE ACCUSED HARADINAJ: Yes.

12          PRESIDING JUDGE SMITH: You have a solemn declaration in front  
13 of you. We ask you to please read that aloud.

14          THE ACCUSED HARADINAJ: [Interpretation] Conscious of the  
15 significance of my testimony and my legal responsibility, I solemnly  
16 declare that I will tell the truth, the whole truth, and nothing but  
17 the truth, and that I shall not withhold anything which has come to  
18 my knowledge.

19                                   WITNESS: NASIM HARADINAJ

20                                   [Witness answered through interpreter]

21          PRESIDING JUDGE SMITH: Thank you, Mr. Haradinaj. You can be  
22 seated.

23           It will be just a moment, Mr. Cadman. I've got a few  
24 instructions for him.

25          Mr. Haradinaj, your testimony is expected to last around three



1 days. As you know, your counsel will go first and ask you questions  
2 about your statement. Then the Court will issue a brief order  
3 regarding your statement. Then Mr. Cadman will ask you some  
4 additional questions.

5 Once he is finished, the Gucati Defence may have some questions  
6 for you. Then it will be the Prosecution's turn to cross-examine  
7 you. And then after that, members of the Panel may have some  
8 questions.

9 The estimate of your counsel for the length of your examination  
10 is a half a day, the Gucati Defence estimate is one hour, and the SPO  
11 estimate is around 10 hours. The Panel may allow redirect  
12 examination by your counsel if conditions for it are met.

13 Please try to answer the questions clearly with short sentences.  
14 If you don't understand a question, feel free to ask counsel to  
15 repeat the question or tell them that you don't understand and they  
16 will try to clarify for you. Also, please try to indicate the basis  
17 of your knowledge of facts and circumstances that you will be asked  
18 about.

19 Remember the Panel's earlier order that you should not mention  
20 the names of people, witnesses or officials which you identified in  
21 the material that you reviewed. In your answer, please focus on  
22 matters relevant to this case. Please also speak into the microphone  
23 and wait a few seconds before answering a question and speak at a  
24 slow pace for the interpreters to catch up.

25 During the next days while you are giving evidence in this

Witness: Nasim Haradinaj (Open Session)  
Examination by Mr. Cadman

Page 2692

1 court, you are not allowed to discuss with anyone the content of your  
2 testimony, including your counsel and the Defence team. However, you  
3 are allowed to speak to your counsel and Defence team on matters not  
4 related to your testimony. If any person asks you questions about  
5 your testimony, please let us know.

6 Mr. Cadman, you may start with asking your client the questions  
7 regarding his statement and then please offer it for admission. And  
8 that's all for now. Go ahead.

9 Examination by Mr. Cadman:

10 Q. Good morning, Mr. Haradinaj.

11 A. Good morning.

12 MR. CADMAN: Before I begin, can I ask that Mr. Haradinaj's  
13 statement is made available. That's at DNH0725 in English and  
14 DNH0758, the Albanian version. Now, we may need to obtain a  
15 different copy during the break. Mr. Haradinaj's asked for one with  
16 slightly larger text, but we'll deal with that if there are problems  
17 with him following.

18 PRESIDING JUDGE SMITH: Thank you.

19 MR. CADMAN: I'd first like to ask that that is made available  
20 to Mr. Haradinaj, the statement, so he can see the statement.

21 Q. Mr. Haradinaj, can I just ask you to take a look at the  
22 statement and confirm that that is your statement.

23 A. Yes.

24 Q. Can I ask you to look at the final page and confirm that that is  
25 your signature.

Witness: Nasim Haradinaj (Open Session)  
Examination by Mr. Cadman

Page 2693

1 A. That's right.

2 Q. And can you confirm the date in which that statement was signed.

3 A. 27 December 2021.

4 MR. CADMAN: And for the benefit of the Court, it is the  
5 Albanian version which is signed, not the English version.

6 Q. And, Mr. Haradinaj, can I ask that you confirm that it  
7 accurately confirms what you will say in the course of your  
8 examination-in-chief or your direct examination.

9 A. Fully.

10 Q. And can I ask you to confirm that its contents are true to the  
11 best of your knowledge or belief.

12 A. Yes, that is all correct.

13 Q. Now, you have already --

14 A. Excuse me. In fact, it is limited in content, but what's there  
15 is correct. Given what I wanted to write was -- would have been much  
16 wider, larger, but I have made it -- well, made it as concise as  
17 this. But that is the truth, yes.

18 Q. Thank you. Now, His Honour has already mentioned this to you,  
19 and when you give your answers, I would ask you to direct your  
20 answers clearly and slowly to the Panel. And as you know, despite  
21 this being a Kosovan court, many of us here do not speak Albanian, so  
22 we will have to wait for the translation. So I would ask you to  
23 listen to the questions, give a short break before you give your  
24 answers. And I will certainly try to do the same.

25 A. I will do. I'll try.

Witness: Nasim Haradinaj (Open Session)  
Examination by Mr. Cadman

Page 2694

1 Q. Can I just ask you to confirm, first of all, what is your date  
2 of birth?

3 A. 21 May 1963.

4 PRESIDING JUDGE SMITH: Mr. Cadman, could we ask you to go ahead  
5 and offer the exhibit before you go into your direct examination.

6 MR. CADMAN: I do apologise. Your Honour, as directed, we  
7 formally offer the statement, which is at DNH0725 in English and 0758  
8 in Albanian, we offer that as Mr. Haradinaj's evidence.

9 PRESIDING JUDGE SMITH: And there is no objection by the SPO; is  
10 that correct?

11 MR. HALLING: Correct, Your Honour. The same as our e-mail from  
12 yesterday.

13 PRESIDING JUDGE SMITH: No objection from you, Mr. Bowden?

14 MR. BOWDEN: No, Your Honour.

15 PRESIDING JUDGE SMITH: All right. Will the Court Officer  
16 please assign a number to the exhibit.

17 THE COURT OFFICER: Your Honours, the statement will receive  
18 Exhibit 2D1.

19 PRESIDING JUDGE SMITH: For the record, Exhibit 2D1 is admitted  
20 in evidence.

21 Now you may proceed.

22 MR. CADMAN: I'm grateful, Your Honour.

23 Q. Mr. Haradinaj, can you confirm where you were born?

24 A. I was born in Gllogjan in the Decan municipality.

25 Q. What is your nationality?

Witness: Nasim Haradinaj (Open Session)  
Examination by Mr. Cadman

Page 2695

1 A. I am Albanian, a citizen of the Republic of Kosovo.

2 Q. And do you have any other citizenship?

3 A. Yes, I do. I am a Swedish citizen too.

4 Q. I'm grateful. And are you married, Mr. Haradinaj?

5 A. Yes, I am married and I have five children.

6 Q. And can I ask you to confirm, did you grow up in Kosovo?

7 A. Yes, part of my life was in Kosovo until the age of 17 years and  
8 a half. The rest of my life, however, was spent in Serbia, in  
9 Serbian jails, until the year 1990 when I went -- secretly went to  
10 Sweden.

11 Q. And prior to your arrest in these matters, were you still living  
12 in the same location where you grew up in Kosovo?

13 A. Yes, in the village of Glogjan.

14 Q. And where did you complete your education?

15 A. The primary school was in the closest village where there was a  
16 school, because there wasn't one in the village, so my school was in  
17 the village of Gramacel. The secondary school was in the Decan  
18 municipality in the city of Decan and until I was arrested on  
19 April 1, 1981.

20 Q. We will get to your arrest in due course. But I'd like to ask  
21 you, during your education and immediately after completing your  
22 education, were you ever engaged in political activity?

23 A. Yes, I did take part in political activities many a time. It  
24 probably came through the family bloodline, but I -- yes, I was  
25 always engaged in political activities from a very young age in a

Witness: Nasim Haradinaj (Open Session)  
Examination by Mr. Cadman

Page 2696

1 political group which we later nicknamed the Eagle.

2 Q. We'll come to that in a moment. But when did your political  
3 activism, if I can call it that, when did that start?

4 A. My political activity against the Yugoslav occupation dates back  
5 to 27 October 1978 when I wrote the first slogans on the police  
6 station in Decan, which means it's a -- it dates back to 44, 45  
7 years. There is 44, 45 years of political activity so far.

8 Q. What compelled you to start your political activities so young  
9 in life?

10 A. Generally speaking, Albanians in the former Yugoslavia,  
11 regardless of where they live, but with particular reference to  
12 Kosovo, were treated as third-class citizens, not even second-class  
13 citizens. They suffered reprisals, humiliation, and that was  
14 completely open at the hands of the officials, that is.  
15 Additionally, my family education plays a part here because if it --  
16 from 1878, when the first Xhemajl dies at the hand of the Turks, from  
17 that period onwards we have always been at loggerheads with the  
18 authorities, from that period onwards and until now.

19 Q. And you've mentioned now twice that your family played a part in  
20 this. Can you explain your family role in political activism?

21 A. What I have lived through, it has to be confined to the role  
22 that my father played towards the liberation of the -- all Albanians  
23 from the occupiers, through the local committees. I was engaged  
24 within the same group but the youth branch of it. And as a result of  
25 this activity, I was arrested on 1 April alongside my father and my

Witness: Nasim Haradinaj (Open Session)  
Examination by Mr. Cadman

Page 2697

1 sister too.

2 Q. You mentioned earlier a group that you called Eagles. What was  
3 that group?

4 A. The Eagles was a youth group which worked as part of the local  
5 committees headed by my father. Jusuf Gervalla was one of his  
6 cooperators, the man who was killed in 1982 by the UDB alongside --  
7 alongside his brother. They were in favour of changing the political  
8 status of Kosovo, which was utterly disfavourable to us, that is.  
9 This was a fight to change the constitution.

10 Q. I was going to ask you what was the political objective of the  
11 Eagles which you've answered in part. Perhaps you can explain to the  
12 Court what you mean when you were talking about those political  
13 objectives for change, what did that mean?

14 MR. HALLING: Objection, Your Honour. The justness of the war  
15 or the commission of crimes during the Kosovo war are not issues  
16 relevant to this case. We've been restrained thus far in having  
17 evidence elicited that's already in the written statements, but we're  
18 getting to a point now where we're talking about what the political  
19 goals of the war were and this is going into areas that the Chamber  
20 has previously declared inadmissible.

21 PRESIDING JUDGE SMITH: Sustained.

22 MR. CADMAN: Your Honour, I'm going to need some guidance on  
23 that. These are matters that go to the very core of the Defence  
24 case.

25 PRESIDING JUDGE SMITH: The statement that you've admitted

Witness: Nasim Haradinaj (Open Session)  
Examination by Mr. Cadman

Page 2698

1 contains a good deal of this information without going into that  
2 particular political discussion. And so we would also -- we would  
3 ask you to just confine yourself to those type of statements that are  
4 contained in your written statement.

5 MR. CADMAN: Well, Your Honour, there is a few more questions  
6 that I do need to ask Mr. Haradinaj that relates to his arrest in  
7 those early days. I will deal with these matters very briefly. I'm  
8 not going to go into too much detail.

9 PRESIDING JUDGE SMITH: You can talk about his arrest without  
10 going into a great lengthy detail about the political statements --  
11 or the political positions or philosophies that they might have had.

12 MR. CADMAN:

13 Q. Mr. Haradinaj, you've mentioned previously your arrest in April.  
14 Can you specify when that was?

15 A. This happened on April 1, 1981, at midnight, when demonstrations  
16 had already erupted across Kosovo. I was arrested alongside my  
17 father and my sister, who was 15.

18 Q. And what was the reason for your arrest?

19 A. If you wanted to find the reasons, as -- if you come from the  
20 civilised world like you do, you can -- easy to surmise that what we  
21 wanted was freedom for all the Albanians living in Yugoslavia at the  
22 time.

23 Q. You mentioned that your father and your sister were arrested  
24 with you. What happened to the three of you following your arrest?

25 A. My sister was released because she was a minor, whilst my father



Witness: Nasim Haradinaj (Open Session)  
Examination by Mr. Cadman

Page 2699

1 and I were taken to trial. My father got a capital punishment, which  
2 is what it was called at the time, 15 years. Whilst -- and I was  
3 given the capital punishment for minors as well, five years. Even  
4 though they were -- there were jails for minors, I was sent to the  
5 most dangerous and notorious prisons for adults.

6 Q. And where was that?

7 A. In Leskovac and Nis. And I was tortured not only during the  
8 period of the interrogations, but this continued by the guardians and  
9 the so-called educators of the time. So I was beaten repeatedly  
10 during all the years of the jail term.

11 Q. And you've said that you were sentenced to five years. What  
12 happened after your release from prison?

13 A. Punishment continued upon my release because as a family, we  
14 were deprived of education and that -- that -- that did not mean just  
15 me but also my little sister who was at 4th form at primary school,  
16 even though education was obligatory. We were the only family in  
17 Kosovo, as a matter of fact, deprived of the right to education, and  
18 we were not given any other rights including any rights to leave, for  
19 instance. The secret services were monitoring my activities and  
20 questioning me from time to time, because at that period in time, one  
21 of my brothers, Naim, was in exile in Sweden and my father was in  
22 jail too.

23 So I -- as far as the regime was concerned, I was the -- the  
24 guilty party, the guilty party of the time.

25 Q. And at this time, were you married?

Witness: Nasim Haradinaj (Open Session)  
Examination by Mr. Cadman

Page 2700

1 A. No, I was not. In fact, the political -- the political regimes  
2 of the time, in fact, had appealed to people not to marry people like  
3 me. Not to -- it was -- it was the senior leader of the time,  
4 Ali Shukriu [phoen], he's one of the Albanians who work for the  
5 Yugoslavia regime, he is the one to have made that appeal.

6 MR. HALLING: Your Honour, we're nearly 15 minutes into this  
7 examination. It has exclusively concerned background information  
8 that is already in evidence. We would ask the Trial Panel to direct  
9 counsel to get to the events of 2020 that are relevant to this case.

10 PRESIDING JUDGE SMITH: Overruled.

11 Go ahead.

12 MR. CADMAN:

13 Q. At what stage did you get engaged or did you become married?

14 A. I was married in 1985. I was betrothed then. And as soon as we  
15 were engaged, we were engaged in -- and upon our engagement, my wife,  
16 my fiancée, who was one of the brilliant students, was sacked. And  
17 from that moment onwards, they started calling us in for questioning,  
18 which is what forced us to go to Albania in order to avoid this  
19 situation.

20 Q. And for how long did you stay in Albania?

21 A. It was communist times and there was an agreement of  
22 repatriation between Albania and Yugoslavia at the time, so we were  
23 returned three weeks later, both of us. My wife was sent straight to  
24 jail and so was I, and upon our release, we were married  
25 straightaway. In fact, we were -- we were almost outcast people.

Witness: Nasim Haradinaj (Open Session)  
Examination by Mr. Cadman

Page 2701

1 People were not allowed to come to our weddings or to our deaths.

2 But, as a matter of fact, fortunately we did not have any deaths in  
3 the family to test it out.

4 Q. And when you returned to Kosovo, were you living openly in  
5 Kosovo?

6 A. Before returning to Kosovo, my brother, who was 16 at the time,  
7 was sent to jail and given a three-and-a-half-year sentence. When I  
8 returned home, only the women were left behind.

9 Q. And during this time when you returned to Kosovo, how long did  
10 you remain in Kosovo?

11 A. I stayed all the time until 1999, when due to persecution was  
12 forced to abandon Kosovo and I went to Sweden to my brother's -- to  
13 my brother's secretly. We had -- we did not have any other means of  
14 travel, had no passports, nothing. The only right we enjoyed was to  
15 till the land we owned, which was what we did. Agricultural work,  
16 that is.

17 Q. Before we get to Sweden, I just want to go back. Can you  
18 explain what happened to you in 1989.

19 A. I've explained this before. In -- before 1999 is 1998 when I  
20 was mistreated on account of a friend of mine who'd gone to Sweden.  
21 So they tortured me for three nights in a row. In 19 -- however, I  
22 did never stop my political activities regardless. And then the  
23 demonstrations erupted and Albanians were being killed, and the Serbs  
24 kept saying that the Albanians are killing them -- each other. And a  
25 group of former political prisoners organised in order to -- to

Witness: Nasim Haradinaj (Open Session)  
Examination by Mr. Cadman

Page 2702

1 expose this lie. They were saying that this happened because of  
2 blood feuds. And, as a matter of fact, the government in Belgrade  
3 didn't give a fig about Albanians killing each other. So we set up a  
4 group to reconcile blood feuds in a way. And because this tarnished  
5 the image of Serbia, I was arrested.

6 Before that, however, we -- there was the usurpation of the  
7 status of the province of Kosovo by the Milosevic regime. And 107 of  
8 us, 107 intellectuals were arrested and taken out of Kosovo and  
9 nobody knew where we were, and everybody expected us to come back  
10 dead. We were only released upon the intervention of the Red Cross.

11 The tortures, however, that we were subjected to over 30 -- in  
12 fact, 60 days could be seen upon our release. We -- we, in fact --  
13 in fact, I was tortured badly. In fact, they said that I was a  
14 little bird that became a full chicken because I was a minor at the  
15 time. They -- they took us to the hospital in Belgrade in order to  
16 heal, because of the wounds that we had received in -- in Leskovac,  
17 and this included all of us.

18 Q. You mentioned the blood feuds. Why did you get involved with  
19 resolving these issues through blood feuds -- of the blood feuds,  
20 sorry?

21 A. I was engaged because Serbia used to say that the Albanians who  
22 their forces were killing were, in fact, killing each other. It was  
23 not true. In fact, these people were killed during protests,  
24 protests which, in fact, were completely peaceful. They had no other  
25 means. They just went out chanting in the middle of the road. They

Witness: Nasim Haradinaj (Open Session)  
Examination by Mr. Cadman

Page 2703

1 killed 32 people in the course of 12 days, for instance, across  
2 Kosovo.

3 Q. Now, you mentioned that you at some point left Kosovo and  
4 travelled to Sweden. Can you just confirm when that was?

5 A. Yes. Upon the release of the arrest warrant when they were  
6 keeping on looking for me, I went underground in the Decan  
7 municipality. On 17 April, however, the situation became so dire  
8 that I had to leave Kosovo. I pursued this illegal route and arrived  
9 towards the end of April in Sweden. With no passport, that is.

10 Q. And during your time in Sweden, what did you do?

11 A. I did not -- I did not, in fact, stay long because I had the --  
12 the jail release -- jail release documents and the Red Cross  
13 recommendation. In fact, I was the youngest person to have been  
14 jailed. And then my brother became the record holder, that is. But  
15 in -- in Sweden I became -- I became -- I got a political assignment.  
16 Then I became an official interpreter at the migrant centre. And  
17 then, from there onwards, I went on to work for courts and police  
18 stations and so on.

19 I was an official -- an official translator of two languages. I  
20 learned Serbian language in jail. We had no other books to read.  
21 And so I learned that in the Cyrillic alphabet too. So I was a  
22 qualified interpreter for the Serbo-Croatian and the Albanian  
23 language equally.

24 Q. And you've said that you were granted political asylum in  
25 Sweden, and you've also said earlier that you acquired Swedish

Witness: Nasim Haradinaj (Open Session)  
Examination by Mr. Cadman

Page 2704

1 citizenship, and that was during that time that you were in Sweden?

2 A. Yes. Yes, four years later.

3 Q. And when you travelled to Sweden initially, did you travel with  
4 your family?

5 A. No, no, I was on my own. At the time, three of my children had  
6 been born. The -- one was two months old. And three months later,  
7 through a lot of difficulty, my wife was able to join me. Obviously,  
8 we -- with the help of friends, because that route was at the time  
9 impossible.

10 Q. During this time, did you have any involvement with the Kosovo  
11 Liberation Army?

12 A. Yes. I have never ceased doing the activity for the liberation  
13 of my country. I have never ceased those activities upon release  
14 from jail. I did not even stop it during the time I was serving in  
15 the jail. We never stopped that. The Kosovo Liberation Army was set  
16 up not because of my contributions but through the contributions of  
17 people through the ages. So we all had come almost to the agreement  
18 that we had to set up a military outfit to -- to fight for freedom.  
19 Obviously, I was a political activist, yes.

20 Q. And there came a time when you returned to Kosovo. Can you  
21 please tell the Court when that was.

22 A. I went to Albania very often to take care of organisations,  
23 supplies, coordination of the groups that at the time were illegal.  
24 But as -- as an armed soldier, I entered Kosovo on January 29th,  
25 1978. On the -- I learned that my -- my family compound was

Witness: Nasim Haradinaj (Open Session)  
Examination by Mr. Cadman

Page 2705

1 attacked, the Haradinaj family from -- I'm a cousin to Ramush  
2 Haradinaj. And I returned to Kosovo on 19 April and I stayed there  
3 until -- all the time until I was injured.

4 Q. And can you tell us where were you based at the time you were  
5 injured?

6 A. I -- I was in charge of the military unit on Herec, Baballoq,  
7 Prilep. When I was injured, I got first aid in Kosovo, and then it  
8 was made possible for me to go to Albania where I received further  
9 assistance. I went to Sweden for three weeks, and then I returned  
10 and I continued the military activities. Later on, we formed  
11 Brigade 138 which later was called the Koshare Brigade. It's a  
12 specific one. It's the -- it's the one whose work was made possible  
13 through cooperation with American, Albanian officers and so on. And  
14 the Serbs are fully aware, in fact, of the aftermath of this  
15 organisation. And, as a matter of fact, a film has been shot which  
16 is called "The Koshare Hell."

17 Q. What did you do after liberation?

18 A. I thought that my activities were over, my contribution -- my  
19 contribution was no longer needed because Kosovo was going towards  
20 independence. What happened was that the Serbian forces were  
21 expelled, obviously with the assistance of the allies, and I thought  
22 that I should set my example as working, as a worker, working in  
23 agriculture. In the beginning, though, I was with the Kosovo  
24 Protection Corps which was the successor to the KLA. After some  
25 time, though, I'm -- I decided that I should set my example through

Witness: Nasim Haradinaj (Open Session)  
Examination by Mr. Cadman

Page 2706

1 hard work. I wanted to return to Kosovo from Sweden. I had not --  
2 not gone to Sweden to seek a better -- a better life. I was forced  
3 to leave.

4 So I -- my desire to return to Kosovo was overwhelming. I -- as  
5 a matter of fact, I had a better -- better life in Sweden. I  
6 received a salary of about 5.000 euros, about 73 krona [as  
7 interpreted] and that is tax -- after tax. I was an interpreter. I  
8 was working all the time, working in two languages. I was so much in  
9 demand. There was so much work to do. The refugees were numerous.  
10 More people had arrived from Kosovo, from Bosnia-Herzegovina, and so  
11 on and so forth. So I had a good life.

12 Q. So back in Kosovo, when did you first meet Hysni Gucati?

13 A. I met Hysni Gucati quite later, in 2005, during a culture  
14 manifestation. We went and visited the war veterans office, and  
15 that's where I saw and met Mr. Hysni Gucati. I saw him twice as  
16 Hysni Gucati and a contact, and I got to know him better after he was  
17 elected chairman on 17 September 2017 when he was elected, as I said,  
18 chairman of WVA.

19 I did not know him before that period of time. So I  
20 specifically met him and came to know him after he was elected  
21 chairman.

22 Q. And was this at the same time that you ran for election in the  
23 WVA?

24 A. Yes. After those two occasions where we met accidentally,  
25 during that meeting of the committee where he was elected president,



Witness: Nasim Haradinaj (Open Session)  
Examination by Mr. Cadman

Page 2707

1 I was also elected vice chairman. And following that point, we had  
2 regular contacts as we worked together. And for me, every war  
3 veteran is a very close person because we went through similar  
4 things, and Mr. Gucati too was injured or wounded during the war.

5 Q. And that is a position that you still hold today?

6 A. Yes, to this day. Because the committee did not convene for  
7 further elections, so both of us, Hysni and I, still hold the posts.  
8 And back there in Kosovo, there are people who are acting in the duty  
9 of chairman and vice chairman.

10 Q. During that time-period towards the end of 2017, did you ever  
11 come into contact from anyone from the Special Prosecutor's Office or  
12 from the Kosovo Specialist Chambers?

13 A. No, they were formed later officially. However, I was never  
14 contacted by them or UNMIK or EULEX for that matter. I opposed them  
15 and they never came to talk to me. Not only to me, but to any member  
16 of our organisation. In a way, we were ignored.

17 Q. So I want to focus on the WVA for a moment. Did there come a  
18 time --

19 A. I wanted to say even after I came here, and I've been here for  
20 16 months now, I've never been contacted by them.

21 Q. And when you say "them," who do you mean?

22 A. I mean the Prosecutors, the SPO, because you asked me about  
23 them.

24 Q. Now, did there come a time when your organisation, the WVA,  
25 began to face criticism around this time?

Witness: Nasim Haradinaj (Open Session)  
Examination by Mr. Cadman

Page 2708

1 A. Listen, to be able to explain this, I have to say the following.  
2 Even before the establishment, there was a decision, 115.000  
3 signatures were collected against the establishment of this court and  
4 that list was sent to Strasbourg court. Now, when this office, the  
5 SPO, started to officially call, summon persons for interviews, the  
6 public opinion was sensitised not by us but by the media.

7 One of the WVA representatives for the media was myself, and as  
8 I said, it was the media that sensitised the public opinion about  
9 this court. Not us. There was large pressure on the people in  
10 Kosovo. There were anonymous calls. People were being interrogated  
11 in cars. Then there were calls made through WhatsApp. And this was  
12 opposed also by representatives of the civil society. And as a  
13 representative of my organisations, I held meetings with  
14 representatives of the civil society. And because of my duties in my  
15 organisation, I was often called by them to exchange opinions.

16 Q. Now, let's deal with that one step at a time. You mentioned  
17 that 150.000 signatures were collected and taken to Strasbourg. Can  
18 you just explain what that meant?

19 A. 115.000 signatures were collected by our predecessors when there  
20 was a call for these Chambers to be established. So these signatures  
21 were collected as opposition to that decision to form these Chambers  
22 outside the country.

23 Q. And you've said that these signatures were sent to Strasbourg.  
24 Do you know to what institution they were sent to?

25 A. To the Strasbourg court. This is how it's protocolled. And I

Witness: Nasim Haradinaj (Open Session)  
Examination by Mr. Cadman

Page 2709

1 remember this event because in every municipality there were desks  
2 where people would come, identify themselves with their official IDs,  
3 and sign. So this process of collecting signatures lasted for three  
4 weeks or a month.

5 Q. And you've mentioned some of the tactics that the Prosecution  
6 was using. Why did that cause you concern?

7 A. Listen, if you look at it realistically, how things evolved, our  
8 opposition was encouraged by the SPO itself, by the methods it  
9 applied. These methods resembled those used by the Serbian regime to  
10 me personally and to many of my compatriots. People who are familiar  
11 with democracy and its principles should know that to summon people  
12 illegally, to kidnap them in a way, put them in a car, interrogated,  
13 to use Viber or WhatsApp as a form of summons or invitation for  
14 questioning, it's not an official way.

15 The former Yugoslav system even used official summons that would  
16 arrive at your official address if they wanted to question you. But  
17 what the SPO did was beyond words.

18 Q. Now, you've already said that you didn't have any contact with  
19 the SPO, so how were you made aware of these tactics?

20 A. The veterans themselves informed us. Some would officially  
21 inform us. Some would make it public in a post of their Facebook  
22 accounts. And the summons itself was witness/suspect. The first  
23 summons that were received were labelled like this. And in a legal  
24 context, there's nothing like that, not even in communism. And as a  
25 result of the civil society's reaction, they started -- they stopped

Witness: Nasim Haradinaj (Open Session)  
Examination by Mr. Cadman

Page 2710

1 this method, but then they took on another precedent.

2 Q. And during this time, were you also aware of the SPO and its  
3 cooperation with Serbia?

4 A. Their coordinator, [REDACTED] Pursuant to In-Court Redaction Order  
F514RED publicly stated this on many  
5 occasions.

6 PRESIDING JUDGE SMITH: Mr. Cadman. Please adhere to the list.  
7 There's only one name on your list that can be mentioned.

8 MR. CADMAN: I don't think it was mentioned intentionally,  
9 Your Honour.

10 THE ACCUSED HARADINAJ: [Interpretation] I apologise.

11 MR. CADMAN: Just for future reference, we will not mention that  
12 name.

13 THE ACCUSED HARADINAJ: [Interpretation] I promise that I will be  
14 more careful. Although, for me, this is not allowed when -- even  
15 while I was here, after two months of detention, he publicly came out  
16 on TV, and I saw that here in the prison, in my cell. So he is free  
17 to speak.

18 MR. CADMAN:

19 Q. Now, without mentioning his name, can I ask you to just answer  
20 the question again that I asked. You became aware of Serbia's  
21 cooperation and you were explaining how.

22 PRESIDING JUDGE SMITH: Excuse me, Mr. Cadman, you can certainly  
23 use the number from your list if you wish to.

24 THE ACCUSED HARADINAJ: [Interpretation] We will not mention his  
25 name anymore.

Witness: Nasim Haradinaj (Open Session)  
Examination by Mr. Cadman

Page 2711

1 MR. CADMAN:

2 Q. It's number 2 on the list.

3 A. Number 2. The question you asked. In fact, the knowledge that  
4 these Chambers cooperate with Serbia is not only from this source.  
5 It was known throughout Kosovo. They themselves make those documents  
6 public and made the fact that they sent them to Serbia public. So it  
7 wasn't a secret that these Chambers were cooperating with Serbia.  
8 Everybody knew. Everybody who could read even two letters together  
9 knew that there was a cooperation between these Chambers and Serbia.  
10 And this was from an earlier stage. It was nothing new.

11 What was new was that this -- it was said that this court was  
12 going to be a court of Kosovo, and it was in the interest of the  
13 public, it was in the interest of the transparency to explain what  
14 the truth was. And what the war veterans organisation was stating  
15 publicly was not favourable for the government, for circles that were  
16 in favour of Serbia.

17 So we became the only target, as if we were saying something  
18 that was not true while, in fact, we were telling the truth, but  
19 nobody wanted to know. As I said, when we were addressing criticism  
20 at them, they would continue with even bigger scandals.

21 Q. Just going back to when you became aware of the cooperation with  
22 Serbia. Why did that cause you concern?

23 A. We -- there's no need for us to pretend that we do not know. If  
24 Serbia did not have the same approach as during the Milosevic regime,  
25 we would have nothing against it. But Serbia still has the same

Witness: Nasim Haradinaj (Open Session)  
Examination by Mr. Cadman

Page 2712

1 mentality and same approach towards us. Only two weeks ago, the  
2 Serbian leaders, they negated the Recak massacre, something that was  
3 acknowledged by Mr. William Walker himself, the ambassador. So  
4 Serbia continues not to recognise Kosovo even after the war.

5 If -- and I'm actually surprised. If they do not recognise  
6 Kosovo, how come they recognise this court as a Kosovan court? So  
7 the public opinion needs to know all these things. They need to know  
8 the truth whatever that truth is. So why shouldn't we say the truth?  
9 Why did we fight? And the basis for democracy is transparency and  
10 public interest, and in my knowledge, these are the two basic  
11 principles of democracy: Transparency and public interest.

12 PRESIDING JUDGE SMITH: Mr. Cadman, excuse me for just a moment.  
13 The usher will give a copy of the list to Mr. Haradinaj so he can  
14 refer to it if need be.

15 MR. CADMAN: [Microphone not activated].

16 THE ACCUSED HARADINAJ: [Interpretation] Thank you. Thank you.

17 PRESIDING JUDGE SMITH: And, Mr. Haradinaj, item number 3 is the  
18 only name that you can use in this courtroom.

19 THE ACCUSED HARADINAJ: [Interpretation] If you wish, I will not  
20 mention any of the names on the list because you know very well who  
21 these people are. But no problem. I will refer to them as number 1,  
22 2, 3, and so forth.

23 PRESIDING JUDGE SMITH: Thank you, Mr. Haradinaj.

24 Go ahead, Mr. Cadman, and sorry for the interruption.

25 MR. CADMAN: [Microphone not activated].

Witness: Nasim Haradinaj (Open Session)  
Examination by Mr. Cadman

Page 2713

1 THE INTERPRETER: Microphone, please.

2 MR. CADMAN:

3 Q. Again, without mentioning the names other than by number.

4 You've indicated that you became aware of this cooperation through  
5 the statements by number 2 on the list. Were there any other forms  
6 that you became aware of this cooperation publicly?

7 A. Number 2 is quite an interesting name, and he's not topical only  
8 in this matter. This person was active throughout the war. He was  
9 the son of an officer of military secret service, and he himself was  
10 an employee of the military secret service during the Milosevic  
11 regime. And he was tasked by Milosevic himself to lead the press and  
12 the media in general in following the war in Kosovo. He participated  
13 himself in the massacres of the Albanian -- he would justify in the  
14 press, in articles, the killings of innocent Albanian women and old,  
15 elderly persons.

16 Whereas Vukcevic is known as a prosecutor who would prosecute  
17 Albanians. So that name is very known to everybody. And look now,  
18 he is a coordinator here, and this is something that is of concern  
19 for the Kosovan public. And it should be concerning also for this  
20 Prosecution here to have this person as a point of reference. How  
21 can you have as your coordinator a well-known criminal? And it's not  
22 that I'm saying he's a criminal but it is well known that he is one.

23 Q. Now, just going back to my question. Other than through  
24 connection to that individual, did you become aware before  
25 September 2020 of cooperation with the Prosecution and Serbia through

Witness: Nasim Haradinaj (Open Session)  
Examination by Mr. Cadman

Page 2714

1 public sources?

2 A. Everything was public. Whatever we said was not made up by us.  
3 These were things that were going on in public, heard in public for  
4 years, and the only new thing was the invitations for interviews. So  
5 the rest is more than five years old. It's an information that the  
6 public knows for at least five years now.

7 Q. Now, during that time, if you could explain to the Court what  
8 were your specific concerns as to the approach of the SPO?

9 A. The method of summoning or sending the summonses. Second, the  
10 mono-ethnic and arbitrary approach criminalising just one element of  
11 the war in Kosovo. That is, criminalising the Kosovo Liberation  
12 Army. And this is the paradox. Only Albanians in the name of  
13 crimes. Why? Even if there were crimes committed, was it only  
14 Albanians who committed that crime? Was it necessary for you to be a  
15 KLA member to commit a crime? Of course Albanians also committed  
16 crimes. Even some who were dressed -- Albanians who were dressed in  
17 uniforms, Serbian uniforms committed crimes. They are also Kosovans.  
18 I am talking also about Kosovan Serbs who are still hiding in Serbia  
19 and wanted by Interpol.

20 So this is what I don't understand and what we as an  
21 organisation do not understand. We want every crime to be revealed,  
22 uncovered, but not through selection. In Kosovo, you have Serbs,  
23 Roma, Bosniaks, Turks, and many other nationalities. There are also  
24 people who were never members of the KLA. So this is what we want,  
25 and we would have embraced that approach.



Witness: Nasim Haradinaj (Open Session)  
Examination by Mr. Cadman

Page 2715

1 Q. And why was that important to you personally and to you as an  
2 organisation?

3 A. The direction followed by this SPO is like that. They are  
4 mentioning the KLA but, in fact, they are attacking Kosovo. Kosovo  
5 is independent thanks to the initiative taken by the KLA and the  
6 people who supported it. So at the same time, this is an attack  
7 against 115 countries who supported Kosovo in its war. And,  
8 basically, with this approach, we are confirming Milosevic's ideal.  
9 This is what is of concern for Albanians.

10 If I'm responsible for something, I will be held responsible for  
11 that. However, this should not be used for that. This is the  
12 essence of why I wanted to be transparent in front of the public,  
13 because it was in the interests of the public to know that this court  
14 was selective, arbitrary, and continually created precedents. They  
15 would make precedents one after another.

16 Q. During this time, did you ever seek to address this -- bearing  
17 in mind that this is an institution of Kosovo, did you ever seek to  
18 address this with the government of Kosovo?

19 A. When this court was established, there was an end date envisaged  
20 which was in August 2020. So we made a request for the amendment of  
21 the relevant law for that to include to prosecute all groups for war  
22 crimes. If I am not mistaken, I think it was on 2 August that this  
23 five-year mandate was about to end, and we wanted with that request  
24 to introduce that amendment to include all crimes committed in Kosovo  
25 whoever committed them, not only by KLA. Because not everybody in

Witness: Nasim Haradinaj (Open Session)  
Examination by Mr. Cadman

Page 2716

1 Kosovo was a member of the KLA.

2 Q. It may be suggested to you that your intention --

3 A. When I said not everybody was a member of the KLA, I did not  
4 mean support for the KLA. I meant people in KLA uniforms.

5 Q. Now, it may be suggested to you that your intention was to shut  
6 down this institution. Do you accept that?

7 A. No, not at all. Our aim was for this institution to do what it  
8 was envisaged to do, to uncover all the crimes. So this was the  
9 approach. If we could have an impact to include this amendment to  
10 the law, to include all the crimes and bring it to the parliament for  
11 vote, this was the aim. Even when I was arrested, the mandate of  
12 these Chambers was no longer valid. Whatever happened, they usurped  
13 the right of the parliament, the right of the government, and they do  
14 whatever they want.

15 I even today see documents that are translated with Kosovo and  
16 Metohija. Now Kosovo is independent; whereas in these documents, I  
17 find Kosovo and Metohija which should be prohibited. There is no  
18 Kosovo and Metohija today.

19 Q. Now going back to your attempts to raise this with the Kosovo  
20 government, what steps, if any, did the government take?

21 A. The government of Kosovo turned a deaf ear. Later, some MPs  
22 actually regretted voting in favour of the law. We wanted to follow  
23 the legal path. We collected initially 11.700 signatures, although  
24 we only needed 6.000, to bring this matter for consideration in --  
25 before the parliament. But the session was interrupted.

Witness: Nasim Haradinaj (Open Session)  
Examination by Mr. Cadman

Page 2717

1           As I mentioned, some MPs regretted their original decision. We  
2           only needed four MPs to be able to schedule a session. We found six.  
3           We sent a request to the president, Hashim Thaci at the time, to the  
4           speaker of the parliament, Vjosa Osmani, and to all parliamentary  
5           groups, including the Serbian parliamentary groups. The request  
6           included the points that we wanted to discuss and, as I said, the  
7           request for the matter to be taken into consideration.

8           However, the session was never convened, although they had this  
9           duty by law to convene that session. It was our right to request one  
10          and, as I said, it is determined by law that we can do such a thing.  
11          So it was only a request on our part for a session. That was nothing  
12          imposed on our part.

13          PRESIDING JUDGE SMITH: Mr. Cadman.

14          MR. CADMAN: One last question and then I'll stop.

15          PRESIDING JUDGE SMITH: We will take a break --

16          MR. CADMAN: One last question before I wrap up this. It will  
17          be very --

18          PRESIDING JUDGE SMITH: With a yes or no answer?

19          MR. CADMAN: It will be a very quick answer.

20          PRESIDING JUDGE SMITH: Okay.

21          MR. CADMAN:

22          Q. During this time when you had taken these steps, did anyone from  
23          the Prosecution or from the court or from the Registry of this  
24          institution, did anyone come to discuss those concerns with you or  
25          with your organisation?

Witness: Nasim Haradinaj (Open Session)  
Examination by Mr. Cadman

Page 2718

1 A. Never. No, to your answer [as interpreted]. They never even  
2 tried.

3 PRESIDING JUDGE SMITH: All right. We'll take the mid-morning  
4 break. Be back at 11.30. Thank you, all.

5 We are adjourned.

6 --- Recess taken at 11.02 a.m.

7 --- On resuming at 11.30 a.m.

8 PRESIDING JUDGE SMITH: Just a moment, Mr. Cadman.

9 Just so we have a full oral order on the record on the admission  
10 of Mr. Haradinaj's statement, as with the other Defence statements, I  
11 will issue the following.

12 The Panel admits the written statement of Mr. Haradinaj in  
13 evidence under Rule 154 of the Rules in its entirety. The Panel  
14 notes that the statement is relevant and has probative value. The  
15 statement refers to Mr. Haradinaj's background, his views regarding  
16 the KSC and the SPO, as well as his interpretation of public  
17 interest, his acts and conduct related to the charged offences, and  
18 his account of the circumstances of his arrest.

19 Mr. Haradinaj is present in court and available for  
20 cross-examination and questioning by the Panel. He also attested  
21 that the written statement accurately reflects what he would say in  
22 court during his direct examination.

23 The exhibit number, as assigned, is 2D1. Classification is  
24 confidential for both Albanian and English versions. The Haradinaj  
25 Defence is ordered to disclose through Legal Workflow by 20 January

Witness: Nasim Haradinaj (Open Session)  
Examination by Mr. Cadman

Page 2719

1 2022 the public redacted Albanian and English versions of the  
2 statement as attached to filing F509 so that they can be recorded as  
3 the same exhibits and marked as redacted.

4 That is the end of that oral order.

5 Mr. Cadman, did you have an opportunity to contact the first  
6 expert witness?

7 MR. CADMAN: We have. We don't have a definitive answer yet.  
8 We will, hopefully, have one during the course of the day, but she is  
9 doing her utmost to make herself available on the 21st, but she would  
10 not be able before that, as I understand. The 21st, yes.

11 PRESIDING JUDGE SMITH: And what about coming here?

12 MR. CADMAN: That's what we've said, yes.

13 PRESIDING JUDGE SMITH: And you'll need to liaise with the  
14 Registry right away about that as soon as you get the word.

15 MR. CADMAN: Absolutely.

16 PRESIDING JUDGE SMITH: Thank you very much. You may proceed  
17 with your direct examination.

18 MR. CADMAN: Just one issue that I raised with our colleagues  
19 before the break. We will have to take up, at the end of the day, a  
20 verification of the translation. A lot is being missed on the  
21 translation into English.

22 I'm going to ask Mr. Haradinaj to try and slow down because the  
23 interpreters are having a great deal of trouble keeping up.

24 PRESIDING JUDGE SMITH: The answers are very long and very fast.

25 MR. CADMAN: Yes.

Witness: Nasim Haradinaj (Open Session)  
Examination by Mr. Cadman

Page 2720

1           PRESIDING JUDGE SMITH: And it would help if he would let you  
2 break it up into segments rather than going for a ten-minute  
3 statement. Thank you.

4           MR. CADMAN:

5           Q. So before the break, Mr. Haradinaj, we were dealing with the  
6 period in August 2020. I'd like to turn now to 7 September. Can you  
7 tell the Court where you were on the morning of 7 September 2020?

8           A. At the beginning of the week, we usually start work in the  
9 offices of the KLA WVA, usually the chairman's office. We have  
10 coffee, brief each other on the tasks ahead, and that's where I was  
11 on that day.

12          Q. And just to be clear, when you say "we," could you explain who  
13 you mean?

14          A. The presidency, the chairman, his deputy -- the two deputies,  
15 including the one who has had an attack and who served in that  
16 capacity, but I hope that he will improve. The secretary. This is  
17 the group that I mentioned.

18          Q. And at what time did you become aware that what we'll call the  
19 first disclosure had arrived at your offices?

20          A. Given that my commute is long, it's over 98 kilometres, that is,  
21 from my home to Prishtine, I aim to be in the office from 8.00, 8.30,  
22 9.00. It takes me over two hours, in fact, to travel. So I must  
23 have arrived there around 8.30, 9.00. And roughly an hour later or  
24 so, I know that the secretary came in and spoke to all of us.

25          Q. And when you say "the secretary," could you clarify who that is?

Witness: Nasim Haradinaj (Open Session)  
Examination by Mr. Cadman

Page 2721

1 A. We call her secretary but in fact she's a receptionist, given  
2 that the secretary, in fact, is Faton Klinaku. But I think we call  
3 her a secretary in order to show some preference, to make her feel  
4 better. Her name is Taibe Miftari, the one that I mentioned, that  
5 is.

6 Q. And so she came into the office where you were at that time?

7 A. Yes, we were there.

8 Q. And can you explain what she said to you when she came in?

9 A. I don't hear an interpretation.

10 She -- she was scared. She was traumatised. It's as if, you  
11 know, she was petrified. And she told us that somebody came, dropped  
12 something and, if I recall correctly, said there was a batch and it  
13 is for the one who appears on TV. I think roughly that's what she  
14 said. And she said it to all of us who were present in the office,  
15 in the office of the chairman.

16 Q. Did she describe the person who had dropped off, as you call,  
17 this batch?

18 A. I don't know. She was too traumatised. We asked her who it  
19 was, each one of us asked her, and she said she did not know. He was  
20 wearing -- he was wearing glasses, a COVID mask, a hat, and that she  
21 did not recognise him.

22 Q. At the time she came into your office, where was the package at  
23 that time?

24 A. On a table at the entrance to the offices. The chairman's  
25 office is -- is further away along the corridor, 6, 7 metres maybe.

Witness: Nasim Haradinaj (Open Session)  
Examination by Mr. Cadman

Page 2722

1 Q. So she didn't carry the package into the office where you were.  
2 She just told you?

3 A. She left it on the table. There was a table there. It's --  
4 it's a set table there. And she came in and told us. And when we  
5 approached the table, she wouldn't let us touch it. She feared there  
6 was something suspicious in there. It was -- the situation was tense  
7 all over. We were under attack from all sides. We -- as a matter of  
8 fact, our concerns were not well understood. And, in fact, they were  
9 understood but people pretended not to.

10 Q. And, again, when you say you were under attack from all sides,  
11 are you referring to those matters that you set out earlier this  
12 morning as the association being under attack?

13 A. Yes, yes, the organisation. I'm not speaking of myself.

14 Q. So when you saw the package -- perhaps you can describe to the  
15 Court what the package looked like.

16 A. From -- visually, it was -- it was cuboid. It was longish,  
17 high, just like a normal package. It was long, fairly long. I  
18 can -- I can try to explain. If you can have four, you know, A4  
19 papers on top of each other, so if you can put four of those  
20 alongside each other, that's what it looked like in length.

21 Q. So that would be the length of the package. And what would have  
22 been the height of the package?

23 A. Maybe the A4, the A4 height, roughly speaking. I cannot be more  
24 exact. It was -- it was, you know, stacks of paper packed in there.  
25 Just what, you know, contained in -- when those papers were put in



Witness: Nasim Haradinaj (Open Session)  
Examination by Mr. Cadman

Page 2723

1 order, that is.

2 Q. Was there anything written on the package?

3 A. Nothing. No.

4 Q. So which one of you approached the package first?

5 A. To tell you the truth, we all went there. And I -- I felt that  
6 it was addressed to me because -- because they said "to the one who  
7 spoke on TV." As a matter of fact, we all went and appeared on TV,  
8 but it -- it looked like it was for me given that I was the  
9 spokesman.

10 I went in there and touched it. And after that moment, I -- I  
11 tried to look after Taibe. I don't know who found out that it was  
12 just papers contained in there and brought it into the chairman's  
13 office. I don't know who exactly brought it in. All I did -- all I  
14 did is touch it. And as a matter of fact, she kept screaming,  
15 saying, "It may be a bomb. It may be a bomb."

16 Q. So just to be clear, it was opened and then the papers were  
17 taken back into the chairman's office?

18 A. No, the entire batch, the entire package was taken into the  
19 chairman's office. The entire package was sent into the chairman's  
20 office.

21 Q. Were you able to assess at that time approximately how many  
22 pages were contained in that package?

23 A. We all rushed. There were four piles of paper of this format  
24 put up like this, four sets of those piles. I can only speculate, to  
25 be frank with you. Maybe from 800 to 1200, 800 to 1.000. I really

Witness: Nasim Haradinaj (Open Session)  
Examination by Mr. Cadman

Page 2724

1 don't know. But it was a fairly heavy pile. It was tall. Roughly  
2 this kind of height.

3 Q. And you have said four piles. Were each of the individual  
4 piles, were they secured in any way or were they loose?

5 A. No, they -- according to the format and the shape, they -- they  
6 are normally -- normally, you know, separated. But they were set out  
7 alongside each other neatly. So when you take the whole pile, you  
8 can easily take out the whole pile. As a matter of fact, I don't  
9 know who opened the package first. I don't know this part. But I  
10 know that we saw four piles. When -- when we took it out and put it  
11 on the table, there were four sets, four piles.

12 Q. And were you able to identify whether those four piles contained  
13 different documents or were they four piles, four copies of the same?

14 A. Initially, it appeared not to be the same because it did not  
15 have the same cover paper. There were piles which did not have the  
16 same, so that each one of us, in order to ascertain on whether it is  
17 the same, we started looking into it to try to find pages that looked  
18 visually the same. When we saw a page that looked just like this,  
19 we -- we -- we'd say it's the same, because we had no -- no time to  
20 get into the contents. It was -- it was in different languages, in  
21 English, Serbian, Albanian. But we weren't able to leaf through a  
22 lot. We just saw that each of the piles contained something similar.

23 If we saw this page, for instance, we'd see that -- we'd see  
24 that it existed elsewhere and we assumed it was a copy; i.e., one  
25 document with three other copies. But I cannot say for certain that

Witness: Nasim Haradinaj (Open Session)  
Examination by Mr. Cadman

Page 2725

1 it -- that this was the case. We did not go through it one by one.

2 MR. HALLING: Apologies, Your Honour. We don't have an  
3 objection to the question or the answers. It seems that the accused  
4 is occasionally using a piece of paper to kind of demonstrate  
5 answers.

6 If that's the same a piece of paper that was given to him  
7 earlier today, we would ask that he not wave that piece of paper in  
8 the air as names on it may be caught on the camera. Thank you.

9 PRESIDING JUDGE SMITH: All right.

10 Mr. Haradinaj, please leave the paper down and use your hands to  
11 indicate size.

12 THE ACCUSED HARADINAJ: [Interpretation] I can show it from this  
13 side.

14 PRESIDING JUDGE SMITH: That's acceptable but make sure you do  
15 so.

16 MR. CADMAN: Perhaps Mr. Haradinaj can be given a blank sheet of  
17 paper so that there's no concern raised.

18 PRESIDING JUDGE SMITH: If we can locate one, we'll do that.

19 THE ACCUSED HARADINAJ: [Interpretation] Thank you very much.

20 I -- I tried to illustrate the fact that -- of what the paper  
21 looked like not because of the names in there. The names are known.  
22 You've got them.

23 MR. CADMAN:

24 Q. To the best of your recollection, for how long did you review  
25 those documents?

Witness: Nasim Haradinaj (Open Session)  
Examination by Mr. Cadman

Page 2726

1 A. I -- I don't think it lasted long. Maybe time stretched and it  
2 felt longer, the time, but it must have been between 10, 20 minutes  
3 maximum. Maybe not even that. Only for as long as it took us to  
4 verify these were the same, and which led us to the decision to  
5 summon the media, to call the media.

6 Q. Before we get to there, were you able to identify what the  
7 documents were and where they came from?

8 A. Yes. These documents were interesting because they coincided  
9 with what was topical in the public interest during the -- those  
10 particular days. We -- we saw Clint Williamson, Kaipi [phoen] or  
11 something like that. We saw the names of Vukcevic which we -- you're  
12 allowing. And all the others listed here. Some of them, not all of  
13 those. And from that we inferred that this was materials belonging  
14 to the SPO or that somebody had brought them on their behalf or that  
15 somebody was trying to trap us on their behalf, and this was of  
16 particular interest.

17 And it came to us as a shock, anyway. It was quite unexpected  
18 as far as we were concerned.

19 Q. So when you saw those names in those documents, did you feel  
20 that justified your concerns?

21 A. Entirely. Yes, it did. Because the -- the concerns had been --  
22 had been correct, that somebody wanted to attack us. Somebody wanted  
23 to target us. At that point, we did not know whether they were  
24 authentic, were they fake, were they the originals, but at least it  
25 justified the fact that we were under attack, that -- or somebody

Witness: Nasim Haradinaj (Open Session)  
Examination by Mr. Cadman

Page 2727

1 wanted to trap us or that somebody wanted to threaten us.

2 Q. You said that you then made a decision to schedule a press  
3 conference. How was that decision taken?

4 A. The close leadership took that decision there and then. We  
5 wanted to do it as speedily as possible, but the news journalists  
6 were -- were not in a position to go to -- to come sooner. But it  
7 was the -- the minimum amount of time to allow it to -- to reach the  
8 newspapers. The journalists were not aware of this beforehand.

9 Q. Do you recall who invited the media?

10 A. Usually this is done by the secretary who's got the full list of  
11 e-mail addresses. It's Faton Klinaku, his -- his set of duties  
12 includes this. This is not an ad hoc type of decision.

13 Q. And why did you take the decision to call a press conference?

14 A. Why? Because first and foremost it was surprising. And,  
15 secondly, we thought this was some sort of a coercion, the next one  
16 in line against us. And the third, we wanted to reveal what had  
17 arrived to us. Why keep it hidden? Because that person who had  
18 brought them to us maybe had sent them to -- to other people. He  
19 could have done it before. He could have done it afterwards. But he  
20 brought it to us, and that is why we deemed it important to reveal it  
21 as soon as possible.

22 We were not 100 per cent sure that this was one of their  
23 materials. We thought maybe this was some sort of a threat coming  
24 from somebody who did not like the fact that we were out there  
25 speaking all the time, and that's why we took this quick decision.

Witness: Nasim Haradinaj (Open Session)  
Examination by Mr. Cadman

Page 2728

1 Q. You've said just a moment ago that you were not sure if others  
2 had received this material. Was that a real concern that you had?

3 A. Yes. It was the main one. It should remain the same to this  
4 day. I think it should remain a concern. And I am -- even now when  
5 we see what's happening, we -- well, I -- I think that this should  
6 remain a case of grave concern. But it was not our fault. We did  
7 not start it -- did not work to make it happen.

8 We were not competent enough to speak on this one. We wanted  
9 those who were which is the -- the fourth pillar of a country. The  
10 government did not want to talk to us, and we thought that maybe  
11 journalists would do, because they are more professional than we are  
12 and they would assess the material and decide what to do. So the  
13 idea was to give it to those who were better qualified to look after  
14 the public interest and for the sake of transparency too.

15 Q. You used the term "grave concern." What was your grave concern?

16 A. Primarily, the grave concern was that we might -- our work might  
17 be undermined because we were -- they did not like our stance. In  
18 fact, this was equally the same of the government and the Specialist  
19 Chambers. The second concern was that should this be true, it would  
20 be a scandal. It could never ever think, believe that this could  
21 have leaked from them, because the -- the whole raison d'être of the  
22 establishment of these Chambers outside the territory of Kosovo was  
23 for the safeguarding of these documents.

24 So it was illogical the documents would be coming from there to  
25 us, and this remains a grave concern to this day.

Witness: Nasim Haradinaj (Open Session)  
Examination by Mr. Cadman

Page 2729

1 Q. And just for the sake of clarity, you've mentioned a number of  
2 times "Specialist Chambers." Now, were your concerns directed at the  
3 Prosecution or were they directed at the court?

4 A. No, no, I mean the Prosecutors. Each time I mention it, I mean  
5 the -- I mean the SPO. Not with the Chambers. I believe -- I  
6 believe that they are the administrators of justice. So I -- I  
7 certainly think that the -- the countries they come -- where they  
8 come from, that is what they do. I've translated in various courts  
9 and I know -- I know that that is, you know, how they do their job  
10 impartially. I've got absolutely nothing against the Chambers. But  
11 there, the term used is the Specialist Chambers.

12 When we mention "Specialist Chambers," we mean the  
13 Specialist Prosecutor. You may hear this term randomly in Kosovo.  
14 Maybe it could have been a misconception if -- even the Prosecutor's  
15 office might have thought that when we use this term they don't mean  
16 the Prosecutor's Office but the Chambers and that's why they haven't  
17 contacted us. But, however, each time we mention Specialist  
18 Chambers, we mean the Specialist Prosecutor's Office.

19 Q. Now, turning to the press conference itself, do you recall what  
20 time approximately the press conference started?

21 A. Around 1.00, I think, because that was possible. That was the  
22 time available to journalists to those who wanted to attend. I think  
23 it was around 1.00. It was the -- the quickest it could have been  
24 organised.

25 Q. And to the best of your recollection, how many journalists

Witness: Nasim Haradinaj (Open Session)  
Examination by Mr. Cadman

Page 2730

1 attended the press conference?

2 A. I think the Prosecutors would know, when they came and checked  
3 the hall where it was sent. I think it was quite a large attendance.  
4 More than 20 from TV stations alone. But based on the microphones,  
5 which have got the logos of the TV and which -- what's their range in  
6 front of it, it was a large number. The whole -- the whole hall was  
7 filled, from, you know, journalists, members of the portals there,  
8 even though it did not specify the topic. We did not say why we were  
9 calling the press conference.

10 But given that we were under attack all the time, they assumed  
11 that there was something new and urgent and they all came to attend.  
12 We did not specify in the call that we had received documents. We  
13 only said that we are organising an urgent press conference.

14 Q. So when the journalists did arrive, did they ask you at that  
15 point what the subject of the press conference was?

16 A. We took the documents from the table where they were. I don't  
17 think that it was Hysni or myself. I think it was Taibe and someone  
18 else. We took them to an upper floor within -- within the -- the  
19 offices -- our offices. We always stayed within our offices. We  
20 took it there. The chairman opened it. It usually -- it's usually  
21 the chairman who opens this meeting, even though it's -- after that  
22 it's the spokesman who has to, that is me. And when we revealed what  
23 it was, the journalists were as baffled. They were goggle-eyed.

24 Q. And when you started the press conference, did you have the  
25 documents with you at that stage?



Witness: Nasim Haradinaj (Open Session)  
Examination by Mr. Cadman

Page 2731

1 A. Yes, they were in piles, just the way they arrived. We arranged  
2 them in four -- in four different piles. It can easily be seen.  
3 The -- the whole conference was press -- was filmed. They were just  
4 in piles the way they arrived.

5 Q. And what information from the documents at that time did you  
6 share with the journalists?

7 A. The only thing, if I remember correctly, from what I was  
8 reading, and I made notes about it, we -- we saw the logo SPO and the  
9 fact that there were names which were publicly available, Schwendiman  
10 and I can't remember the former Prosecutor. I forgot his name  
11 before -- before -- so that made an impression on us, because it was  
12 the name of the Prosecutors. Chris Williamson, yes.

13 Q. Did you mention the names of any of the Serbian officials?

14 A. Yes, I did. Given that you're saying, I mentioned Vukcevic and  
15 the number 4, and some of the names of official commanders of the  
16 police forces. That is what attracted my attention, those materials  
17 that came from Serbia, an array of documents, that is.

18 Q. Did you mention any witness names?

19 A. No, we weren't able to -- to read who would be on -- a witness.  
20 All that was sufficient, as far as we were concerned, is that these  
21 documents looked like they were SPO documents. And if it were to be  
22 ascertained that these were documents, this would be a scandal. And  
23 if that were the case, then it would have been completely deliberate,  
24 not an innocent type of exercise.

25 Q. Prior to the start of the press conference, did you make any

Witness: Nasim Haradinaj (Open Session)  
Examination by Mr. Cadman

Page 2732

1 further copies of those documents?

2 A. No, no, no. There was no need.

3 Q. What kind of questions did the journalists ask --

4 A. If -- if we'd had the time -- if we'd had time or if we'd wanted  
5 to have made copies, the -- the entire public opinion in Kosovo would  
6 have accused us of staging the whole thing. We did not make any  
7 copies nor did we allow anyone to make copies with the photocopiers  
8 we have in there. I mean, they have -- they have now seized these  
9 devices and they can attest to that.

10 Q. Did any of the journalists ask you to make copies?

11 A. I remember, and I remembered later, Halim Berisha, once he  
12 appeared here, because there I didn't know who he was and what his  
13 job was, what kind of journalist he was. So I had never noticed him  
14 before. So I remembered the name Halil once he came here, and he  
15 came and asked whether he could take the entire pile. And he took  
16 it. At that moment, the other journalists reacted. When he took the  
17 entire pile, I told him, "Just leave one for me, because we want to  
18 keep it for our prosecution, for our police, and for the  
19 internationals if they want to come and get those copies."

20 So I kept one, one was taken by Halil entirely, and the other  
21 two remained for the other journalists. And the other journalists  
22 then complained that they didn't have time to see all of them, and  
23 then I told them that as journalists they can agree among themselves.  
24 And then Halil had agreed with them to make copies and give them  
25 those copies.

Witness: Nasim Haradinaj (Open Session)  
Examination by Mr. Cadman

Page 2733

1 Q. Just, again, if I can just ask you to just slow down when you're  
2 giving your answers.

3 A. I will repeat. Once the journalists complained, "What are we  
4 going to do? He took everything." Halil voluntarily told them, "I  
5 will give you copies. Whoever wants, I will give you." They asked  
6 me whether they could use our equipment to make copies, and I told  
7 them that they cannot make any copies. And then the journalists  
8 amongst themselves agreed to take those copies from Halil.

9 So it was about 40 minutes that all this lasted, and I think at  
10 around 2.00 the press conference was over. And everything is  
11 recorded.

12 Q. Just going back to Mr. Berisha for one second, you will recall  
13 that when he gave evidence, he stated that you had, in fact, asked  
14 him to make copies for other journalists. Do you recall him making  
15 that statement?

16 A. I apologise. There's a misunderstanding. He asked to be able  
17 to make copies right there and to give them to the other journalists.  
18 Not us. We told them that this is not our material and we are not  
19 going to make any copies of it.

20 Q. Did you at any point during the press conference give directions  
21 to the journalists on what to publish?

22 A. Listen, we also had provocations from journalists. They were  
23 saying, "You probably know who brought these but not telling us."  
24 Unfortunately, there's no control over the media in Kosovo. They  
25 only want to make a news. Nothing more. What I told them was, "You

Witness: Nasim Haradinaj (Open Session)  
Examination by Mr. Cadman

Page 2734

1 know what to do." If we wanted to mention the names, we would have  
2 done it ourselves. There was no need for them to mention the names.

3 And even if we wanted to mention the names, at that time we were  
4 not sure whether these materials were of the SPO. So we were not  
5 sure that those materials belonged to the SPO, and it would have been  
6 ridiculous to mention those names if we were not sure.

7 For your information, counsel, they -- it took them only  
8 15 minutes to get our office. If they wanted, they could have come  
9 immediately and the journalists wouldn't have been able to reach our  
10 offices before them, because this information was public.

11 And there were over 50 people that took part in the arrest,  
12 armed, masked, and they could have easily come and fetched the  
13 documents and we wouldn't have stopped them.

14 Q. We'll get to that in a moment. But you mentioned that the  
15 journalists had asked you questions or had suggested that you know  
16 the source of the leak. So my question is: Did you know the source  
17 of the leak?

18 A. Not only that we did not know, we had no idea. We were just  
19 guessing. What came to our attention were the names of Clint  
20 Williams [as interpreted] and the names of the other internationals  
21 that were mentioned, and that was why we deemed it was in the  
22 interest of the public and transparency to come out about these  
23 documents.

24 Even if these documents were falsified, I think it was in the  
25 interest of this Prosecution to make that news public. Whatever we

Witness: Nasim Haradinaj (Open Session)  
Examination by Mr. Cadman

Page 2735

1 were against about, we expressed our opposition publicly. We  
2 expressed it publicly that we did not want this court to be  
3 mono-ethnic.

4 Q. And again, when you say "mono-ethnic," that reference is that  
5 this Prosecution is only prosecuting members of the KLA?

6 A. Mono-ethnic and selection within the same species. If there are  
7 crimes, there can be Albanians who are not members of the KLA. Why  
8 exclude other nationalities, members of other ethnic groups who could  
9 have taken part in the commission of crimes? Why should there be a  
10 specific labelling for a KLA or a KLA member?

11 I publicly thank everybody who helped our war effort. The  
12 diaspora from Belgium, Holland, Sweden, and so forth. They were not  
13 mercenaries, those who came to join the forces. They joined on a  
14 purely voluntary basis. We have martyrs, we have soldiers who fell  
15 during the Koshare battle.

16 Q. The public conference, public press conference that you had, you  
17 said finished at 2.00 that day.

18 A. Yes, at around 2.00. Maybe a little earlier than that.

19 Q. Following that public press conference, did you receive any  
20 contact from the SPO in relation to the press conference?

21 A. No, no, no. No, we received any contacts. I met the SPO only  
22 on the 17th or 18th, when the second package arrived. That is, I met  
23 one representative of the SPO, the officer that speaks the Czech, but  
24 he also speaks a very good Albanian. He's fluent in Albanian, and he  
25 always spoke in Albanian with us.

Witness: Nasim Haradinaj (Open Session)  
Examination by Mr. Cadman

Page 2736

1 Q. That's the Witness number 1 on the witness list. We'll come to  
2 that in a moment.

3 A. I will mark him here and I will remember.

4 Q. But coming back -- obviously, we'll deal with the -- the second  
5 batch shortly, but dealing with this first. Your position is that  
6 after the public press conference, nobody contacted you from the SPO  
7 here and nobody contacted you from the SPO field office in Prishtine?

8 A. No. And not only me, but they did not contact any member of our  
9 organisation. They didn't even try to contact us. Despite the fact  
10 that the number of our office was public, and we would have responded  
11 to their call.

12 Q. Now, immediately after the press conference, where did you go?

13 A. We went downstairs. The journalists stayed there for -- some  
14 longer, some of them. Then I got ready to leave, because it takes me  
15 two hours to travel. I think I stayed there until 3.00. And once I  
16 left, the media then started calling us for interviews. And as I set  
17 off to go home, I had to respond to those media calls.

18 Q. And after you left Prishtine to go to your home, how long did  
19 you stay at home?

20 A. Only that night, because I -- my son and his wife had paid a  
21 holiday for me, and that was planned months before. So I went with  
22 my niece, with my son on holiday, but it was no holiday for me  
23 because the phone was ringing the whole time and the media was going  
24 crazy.

25 Q. So on 8 September you travelled with your family to Albania?

Witness: Nasim Haradinaj (Open Session)  
Examination by Mr. Cadman

Page 2737

1 A. Yes, early in the morning at around 4.00 or 5.00 a.m.

2 Q. Now, you've said that during your time in Albania you were  
3 contacted by the media. Can I ask you, at any time did you try to  
4 contact any of the persons who were named in the documents that were  
5 delivered on the 7th?

6 A. Can you please repeat? Whose names?

7 Q. The names of the persons that were contained in the documents,  
8 the Prosecution has referred to a number of witnesses within those  
9 documents, did you at any time try to contact any of those persons?

10 A. Of course not. It's not any of our business. Nobody had any  
11 interest to speak to witnesses. Witnesses can speak for themselves.  
12 Even if somebody called me, I would have wondered why this person is  
13 calling me. And I don't think this ever happened, and I don't think  
14 it can happen, because it's illogical. Everybody has a right to  
15 testify and whether their testimony will be true or not, that depends  
16 on them. It's their right.

17 I personally would never accept that somebody forces me to  
18 testify about an event to which I'm not a witness.

19 Q. And did you reveal to any other person the names of those  
20 witnesses?

21 A. We did not discuss this at all. Listen, that day, what was  
22 discussed was discussed in the lines of it being an improvisation by  
23 the government or by somebody. So there's nothing to discuss about.  
24 Even if we wanted to discuss, there was no topic to discuss because  
25 I -- at the time I was not convinced what the truth was. And I'm

Witness: Nasim Haradinaj (Open Session)  
Examination by Mr. Cadman

Page 2738

1 speaking about what turns now to be the truth.

2 Q. Now, turning back to Albania for a moment, how long did you stay  
3 in Albania with your family?

4 A. Five days. We left on Tuesday in the morning and we returned on  
5 Sunday evening.

6 Q. During your time in Albania, did you have any contact with the  
7 association secretary?

8 A. I had later on when they informed me that they had handed over  
9 the documents. I asked him whether our court or our police had  
10 arrived. He said, "No, those from the SPO, from the Prosecutor's  
11 Office came, and we handed over the documents to them." I asked him  
12 whether these were present, but they -- he said, "No, they were not.  
13 The chairman told me to hand over the documents to them." We had  
14 decided that somebody, a representative of our organs, Kosovo bodies,  
15 to be present during the handover.

16 Q. Let's just go back a moment and take this step by step. Are you  
17 aware of who contacted the secretary initially?

18 A. Which secretary?

19 Q. Mr. Klinaku.

20 A. Once I returned, I heard about it. It was explained to me. I'm  
21 telling you what I was told. I wasn't there present myself. I can  
22 comment here from what I remember. He told me that witness under  
23 number 1 came. He called sometime late in the evening. And I'm now  
24 assuming because, as I said, I wasn't there myself, but just as a  
25 concept, how I heard it and what I remember.



Witness: Nasim Haradinaj (Open Session)  
Examination by Mr. Cadman

Page 2739

1 Q. When you say "late in the evening," would that have been on the  
2 same evening as the press conference or on another date?

3 A. I think it was on another date, because I did not hear that it  
4 was that same evening. At least the media would have written about  
5 it. As I said, I'm speaking based on what I heard and to the extent  
6 my memory serves me. During the working hours, we were in the  
7 office. And there wouldn't have been any need to tell them that the  
8 office is closed.

9 Q. So when the SPO came to collect those documents, that was whilst  
10 you were still in Albania?

11 A. I wasn't there. I don't know that. And I did not see them  
12 myself.

13 Q. Now, when you returned from Albania after your holiday -- let me  
14 just go back for one moment. Whilst you were in Albania, did the SPO  
15 try to contact you at all?

16 A. No, no.

17 Q. When you returned to Kosovo, did you notice anything unusual  
18 when you were returning?

19 A. This was mentioned by Hysni. He noticed something like that  
20 more. But I too, when I crossed the border, saw a car that seemed to  
21 be following me, but I wasn't at the time sure whether I was being  
22 followed by one of them or since I was a public figure, maybe someone  
23 recognised me.

24 Q. And from the -- once you returned to Kosovo, in the period  
25 leading up to the -- to the second disclosure, did anybody from the

Witness: Nasim Haradinaj (Open Session)  
Examination by Mr. Cadman

Page 2740

1 SPO make any contact with you?

2 A. No, although they had the opportunity. And there was no need  
3 for me to be followed, because I would publicly state on TV when I  
4 would be available. There was no need for them to follow me, because  
5 they knew exactly the time and the location where I would be.

6 Q. Turning now to the events of the second disclosure. Can you  
7 tell the Court where you were on the morning of the second  
8 disclosure?

9 A. In the offices. In the office of the chairman. We usually stay  
10 there together unless we have our tasks with other parties. We  
11 usually stay together, watch television, discuss different topics.  
12 So if we don't have work, if we don't have meetings with parties,  
13 then we usually stay together.

14 Q. At the time the second disclosure arrived at your offices, do  
15 you recall who you were with?

16 A. I think I was with the chairman, Faton. I think Faik Fazliu was  
17 also there. It is quite interesting, as I said earlier. The person  
18 who brought the package had left a message that he would bring other  
19 batches, but I never believed that. And we mentioned this message in  
20 the media, and they too could have heard that message. As I said,  
21 personally I didn't believe that message but it happened. They  
22 brought another batch. Even in the second package, he left a message  
23 saying, "I will bring again packages."

24 Q. So just to be clear, during the first drop-off, the person, the  
25 mystery man who we still don't know the identity of that person, he

Witness: Nasim Haradinaj (Open Session)  
Examination by Mr. Cadman

Page 2741

1 actually said that he would be bringing further information --  
2 further documents?

3 A. I'm saying this based on what Taibe said because, personally, I  
4 didn't see the person bringing the package. So I'm speaking based on  
5 what Taibe said. And we mentioned this to the media. We told the  
6 media that this person said that he would bring documents again.

7 Q. So turning to the second disclosure. How did you become aware,  
8 who announced it to you that there had been a second disclosure?

9 A. Taibe. She was opposite the door. She sits there. If the  
10 entrance is here, Taibe is sitting opposite to the entrance. And our  
11 offices are on the left wing. So Taibe saw them, and I, in fact, did  
12 not see the third person either.

13 Q. Now, do you recall, once Taibe had announced that to you, do you  
14 recall what Mr. Klinaku's reaction was?

15 A. I know that we all stood up, looked at each other. I know that  
16 Faton Klinaku left first the chairman's office, asked, "Where is he?  
17 Where is he? Where did he go?" And then we dealt with Taibe. Some  
18 took the package. This second time, we were not that scared as the  
19 first time. We just took the package and brought it to the office.  
20 And now there were three piles in the package and less pages.

21 Q. Before we get to that. So you've just said that Mr. Klinaku  
22 left the office. What did he do?

23 A. I don't know why he left. I know that he left hastily. But  
24 when he came back, he explained that he went after that person,  
25 trying to catch him. Because on our cameras, we could see that he

Witness: Nasim Haradinaj (Open Session)  
Examination by Mr. Cadman

Page 2742

1 doesn't -- he's not familiar with the building. He doesn't know  
2 where the lift door is. So that's why he went after him.

3 Q. What was your reaction to Mr. Klinaku doing this?

4 A. I think he did a mistake. He shouldn't have done that, because  
5 as Klinaku explained it, that person was in position to confront him.  
6 Klinaku is an elderly person and could have found himself at risk.  
7 They could have stopped them the second time round, because they  
8 announced that they would be coming the second time round. Be it our  
9 police or anybody else could have stopped them.

10 Q. So basing this on the fact that you had announced this publicly,  
11 did the SPO or the local police take any steps to secure the  
12 building?

13 A. No, never. Even when we called the conference for the second  
14 package, they did not confirm to us that this was their material. So  
15 it was not confirmed whether these documents were theirs or not. To  
16 this day, it was never confirmed to us whether these materials were  
17 theirs. Never.

18 Q. Did you ask them that question?

19 A. Faton asked them this question when he handed over the first  
20 batch. I did ask the question when the second batch was handed over.  
21 And what they said was, "We will go through them, see them -- if  
22 their ours," but they never came back with an accurate information to  
23 us.

24 Q. Now, looking at the second package, you said that that was  
25 slightly smaller than the first. Can you describe the package --

Witness: Nasim Haradinaj (Open Session)  
Examination by Mr. Cadman

Page 2743

1 before you answer that, was it packaged in the same way as the first  
2 package? Meaning, nothing -- no markings or no writing on the  
3 outside of it? Was it packaged in the same way as the first package?

4 A. There was no writing as far as I recall. I haven't paid much  
5 attention to it, because I went to Taibe's workstation to look on the  
6 monitors to try to see if it's the same person. It made an  
7 impression to us. Who was this person who can come in freely? He  
8 would -- he would have been really, really fairly certain of the  
9 whereabouts to be able to come like this -- like this given the  
10 reaction after the first batch, so I just haven't paid much  
11 attention. We did exactly the same thing as before. We took the  
12 package to the chairman's office in order to -- in order for fewer  
13 people to be around, a closer circle.

14 We -- even other members of the organisation who worked there  
15 were not allowed to look at those -- at those papers. Only those of  
16 us, the close circle. And even us, we -- we only looked at it, you  
17 know, for a very short period of time just to find out what it was  
18 that they contained.

19 Q. Before we get to the documents themselves, you've said that you  
20 checked the CCTV to see whether the person who had dropped out of the  
21 second batch was the same as the person who dropped off the first  
22 batch. What conclusion did you reach?

23 A. As far as I'm concerned, and I'm not a specialist in the field,  
24 it did not appear to be the same. The second batch deliveryman was  
25 taller. He was sturdier. He was taller. However, the -- the mask

Witness: Nasim Haradinaj (Open Session)  
Examination by Mr. Cadman

Page 2744

1 that he was wearing was -- was the same. So he had, you know,  
2 glasses, a hat, and a surgical mask.

3 Q. And did you recognise either the first or the second person?

4 A. If we'd known, he'd have handed them over. He did not want to  
5 be known by me or anyone else. If it wanted, he would have come and  
6 delivered that in person.

7 Q. So you didn't recognise either the first or second person?

8 A. Even to this day I don't know.

9 Q. So turning to the second package, you've said it was smaller  
10 than the first package. Can you estimate how many pages,  
11 approximately?

12 A. Roughly 4 to 600. The pile was that tall. I can't give you an  
13 exact -- exact number. And, in fact, we looked through these  
14 documents fairly superficially.

15 Q. So it was about half the size of the first package?

16 A. Roughly, yes.

17 Q. You've said that you looked at it superficially. Approximately  
18 how long did you spend looking at those documents?

19 A. Perhaps in the same way, 10 to 15 minutes. We saw that this was  
20 a correspondence between the chief prosecutor, his deputy with  
21 Vukcevic -- Vukcevic, with number 4, which -- whose name we aren't  
22 allowed to mention, the coordinator, that is. And in addition to  
23 this correspondence, there were letters of gratitude and thanks for  
24 the excellent cooperation that they were extending to the Office of  
25 the Prosecutor.

Witness: Nasim Haradinaj (Open Session)  
Examination by Mr. Cadman

Page 2745

1           So as far as I'm concerned, that was disappointing and it  
2 continues to be disappointing to this day. I -- we have never had  
3 any expressions of gratitude by any of the organs of government or  
4 the Prosecution or Prosecutors or anyone else. Maybe there was,  
5 maybe it existed there, but the packages that I looked at, I did not  
6 see that. We had -- we saw requests for -- to secure places in  
7 Serbia. But for the little time that I -- that I devoted to this  
8 exercise, I saw it was horrible, horrible.

9           Q.    So the documents that you saw contained similar documents than  
10 as what you'd seen in the first batch?

11          A.    What do you mean, "similar"?

12          Q.    Similar type of documents.

13          A.    The origin appeared to be the same, but the documents were  
14 entirely different. The majority were letters of thanks for the  
15 cooperation, requests for finding locations to question people, and  
16 so on and so forth. The -- in the first one, there was a lot that  
17 was in Serbian, in Albanian, in English, old court papers from  
18 Kosovo. And I became certain of these when Witness number 1 came and  
19 told us what it was. I wasn't able to come to the conclusion from --  
20 from that initial inspection.

21          Q.    And appreciative of the fact that you only took a short time to  
22 review them, you've said that there were letters of thanks and  
23 letters of coordination to Serbian officials. Were there any letters  
24 of thanks or coordination with Kosovo institutions from what you saw?

25          A.    That's what I referred to. I did not see it anywhere. That's

Witness: Nasim Haradinaj (Open Session)  
Examination by Mr. Cadman

Page 2746

1 the impression that I got. And I said why, why not? It's a Kosovo  
2 court, and why not? What's the reason here?

3 Q. And on this occasion, after having reviewed the documents, how  
4 was the decision taken to call the second press conference?

5 A. Well, I didn't mention it earlier. When the first batch arrived  
6 and we disclosed it, we called a meeting of the wider leadership  
7 composed of 23 members. And given that he had promised to bring  
8 more, even though we didn't know whether that was the case, and also  
9 in order to try to assess on whether the decision taken by the close  
10 leadership was the right one or not, we had the wider meeting of the  
11 council. And unanimously we decided that should new documents  
12 arrive, we would not hesitate and call the media as soon as possible.  
13 The only request they made was for the media to be informed as soon  
14 as possible.

15 As I mentioned earlier, all invited could decide to come or not.  
16 It was an open-door policy. So this came -- so this came as a result  
17 of the wider leadership decision. Only the first press conference  
18 was a -- came after a decision of the close-knit group. This was not  
19 because we wanted to escape responsibility but -- but we decided that  
20 this was the right course to pursue and there was not a single person  
21 who disagreed.

22 Q. And upon what basis was the decision made to call a second press  
23 conference amongst the wider leadership?

24 A. This was on the basis of transparency. The opinion has been  
25 saturated with all kinds of rumours. Different opinion -- different



Witness: Nasim Haradinaj (Open Session)  
Examination by Mr. Cadman

Page 2747

1 opinions, speculation. There was nothing more important than being  
2 transparent with the public, being able to tell them what it was, was  
3 it a provocation, was it a trap, whatever it was. Whatever it was,  
4 there was interest for it to be made public. In fact, we would have  
5 been infringing the basic law of democracy, which is transparency and  
6 public interest, if we hadn't done what we did.

7 And additionally, we had the decision of the 23-member body  
8 which obliged us to carry it out.

9 Q. Do you recall at what time the invitations were sent out to call  
10 the press conference?

11 A. I cannot remember exactly, but I think this all happened,  
12 including the invitations, from 10.00 to -- sorry, the packages came  
13 between the time of 10.00 and 11.00 or so. And so we called the  
14 press conferences immediately. On the second -- on the second  
15 occasion, this interval was very, very short. I think an hour, an  
16 hour's interval. So we called the press conferences as -- speedily  
17 really, and we were not expecting those many journalists to attend.

18 Q. And was it the same procedure in sending out the invitations as  
19 the first time that the invitations were sent out by the secretary?

20 A. Yes, the same procedure was followed. And at the time, I  
21 thought it was suspicious, but I've -- I have got it -- we have got  
22 it confirmed here, here at this building, because after -- 30 minutes  
23 after the delivery of the second package, there's a news journalist  
24 called Elmedina who came and said, "Is this something new? Has a new  
25 delivery occurred?" And I guess I said, "How on earth does she know

Witness: Nasim Haradinaj (Open Session)  
Examination by Mr. Cadman

Page 2748

1 about it?" She later would relate here that she had seen them  
2 entering the building. At some other occasion, actually, I told her,  
3 "Just get out of sight, because you're becoming like the CIA as far  
4 as I'm concerned."

5 On that particular day, the corridor was full of people well  
6 before the time of the press conference.

7 Q. So is it right that that journalist was the first one to arrive?

8 A. Yes, she was the first and the more suspicious one and the one I  
9 wanted to see less, because I suspected her of being -- of being in  
10 collusion with the Prosecutors, because nobody had heard of it at the  
11 time when she -- when she phoned us and said, "Has there been a new  
12 delivery?" And later on was I able to understand that she had been  
13 recording them entering before delivering the packages.

14 Q. Did she tell you that before you held the press conference or at  
15 some later stage?

16 A. We had called the press conference by then. As I said, we  
17 called the press conference 15, 20 minutes after receiving the  
18 documents and seeing what they contained. I am -- I am explaining  
19 here how I came to know what she knew after having seen the filming  
20 that she did on that particular night. And, in fact, she was right.  
21 However, at that stage, I had no idea how she could have known about  
22 it given that no one else did. But she was right, because she had  
23 the facts and she had recorded it.

24 Q. Now, you've said that you were surprised by the number of  
25 journalists that attended. So when the main part of the journalists

Witness: Nasim Haradinaj (Open Session)  
Examination by Mr. Cadman

Page 2749

1 arrived before the press conference started, how many journalists  
2 would you say approximately?

3 A. When I said I was surprised, that is because during the first  
4 time, we came under attack by the journalists, by the media. We were  
5 accused of having staged it in order to -- to make a public  
6 appearance or to give our arguments in support of what we had been  
7 doing. In fact, the people did not believe it. And we shared that  
8 suspicion, that these could have been SPO documents. They accused us  
9 of having cooperated with the Serbs and brought the documents here.

10 Accusing people of taking part in the law, that you're a  
11 collaborator of the secret Serbian services, that is the -- the  
12 ultimate accusation you could level. So those who accused us ought  
13 to be feeling bad at this time. They did accuse us quite a lot. And  
14 from that point of view, I did not expect many journalists to attend  
15 and I was baffled when they did. Because until that point, everybody  
16 had been ignoring us. The government -- the government, the  
17 Prosecutor's Office, the courts, everybody. So we were even doubting  
18 ourselves, saying, "What on earth is happening here?"

19 Q. So once the press conference started, what did you tell the  
20 journalists during -- let me rephrase that. What information did you  
21 give the journalists before you started the press conference?

22 A. Nothing. They -- they wanted to know what it was about. I  
23 said, "You will find out when you go upstairs." And they said, "Has  
24 something arrived?" I said, "No. You go upstairs and you'll find  
25 out." And that's what I -- well, that's what I did and that's what

Witness: Nasim Haradinaj (Open Session)  
Examination by Mr. Cadman

Page 2750

1 others did as well.

2 Q. Now, during the presentation of the press conference, were the  
3 documents laid out during the second press conference as you had done  
4 during the first press conference?

5 A. Yes. The conference had the same format, the -- the invitations  
6 were sent in the same way, with the exception of the interval. We  
7 wanted the journalists to come as soon as possible. But everything  
8 else was exactly the same.

9 Q. And who spoke at the second press conference?

10 A. Based on the law and the -- and the remit of obligations that --  
11 obligations, it should have been me. But if the chairman is there,  
12 it should be the chairman to open it. And I'm -- and I'm the deputy.  
13 And if it -- if the chairman isn't there, the deputy would have  
14 opened it. Even Migjen Shala, who is ailing and who I wish the best  
15 of health, could have opened it. But it's the chairman. However, I  
16 was also the spokesman of that organisation.

17 Q. So did you both speak during that press conference?

18 A. Hysni spoke very, very briefly, because I think he was unwell.  
19 But I didn't take that long either. There were provocations coming  
20 from the government, saying, "Why are you not disclosing this? Why  
21 are you not putting it on your Facebook page?" And I told them, I  
22 said, "I won't do that because I'm not a journalist. If I'd been a  
23 journalist, I would have done. I am not a journalist. You are. And  
24 you decide whether you want to disclose them or not." And I said,  
25 "It's not our duty to do so. We have brought them here. You can

Witness: Nasim Haradinaj (Open Session)  
Examination by Mr. Cadman

Page 2751

1 either take them or leave them."

2 Q. What did you tell the journalists about the documents during the  
3 press conference?

4 A. I told them what I was able to read. They came. They looked.  
5 I told them, "This bundle here, you have to leave it because you have  
6 to keep it for the SPO or for our prosecutor's office or our own  
7 police." The media had been criticising us for a long time. It  
8 called us evil, like we'd broken -- we'd broke the word, having  
9 promised initially that we'd not hand them over without the presence  
10 of our own authorities. They accused us that we were vulnerable and  
11 we did hand it over without the presence of the Kosovo authorities.  
12 It's -- it's -- and this is regarding the first time, the first  
13 package, when neither Hysni nor I were present. And so the media had  
14 been accusing us of being weak and breaking our own word. And, in  
15 fact, that is what had happened, because we had said at the time that  
16 we weren't going to hand them over without the presence of the  
17 officials.

18 Q. Do you recall during the press conference what names from the  
19 documents you mentioned?

20 A. Clint Williamson, Schwendiman, Kaipi, Vladimir Vukcevic who  
21 you're allowing me to mention, the coordinator who you're not  
22 allowing me to mention, and some other name. I really can't remember  
23 them correctly. But in Serbian, it said that there were some deputy  
24 prosecutors from the old days. Let me just have a look. I will be  
25 able to tell you as soon as I read it. I can't see it. Number 5.

Witness: Nasim Haradinaj (Open Session)  
Examination by Mr. Cadman

Page 2752

1 Number 5. It's [REDACTED] Pursuant to In-Court Redaction Order F514RED -  
-

2 Q. Mr. Haradinaj --

3 A. Sorry. Sorry, sorry, number 4, number 4. Sorry. [In English]  
4 Excuse me, please. Excuse me.

5 Q. Mr. Haradinaj, just --

6 A. [Interpretation] These are officials of the prosecutors. They  
7 are public officials. Only -- you're surprising me here. These are  
8 people who are well known in Kosovo and they are not known because of  
9 these documents, but they have been known for years and years on end.

10 PRESIDING JUDGE SMITH: Please proceed, Mr. Cadman.

11 THE WITNESS: [Interpretation] But you know how you do your  
12 business.

13 MR. CADMAN:

14 Q. Just try and stick to the numbers if you can, Mr. Haradinaj.

15 What did you tell the journalists about witnesses contained in  
16 those documents?

17 A. In fact, we learned a lot about what was allowable and what not  
18 in the debates that occurred between the first delivery and the  
19 second one. Because these panels contained lawyers, opinion makers,  
20 members of the civil society who thought that if names were not  
21 mentioned, the rest can be disclosed because it contributes to  
22 transparency and the information of the public.

23 So we learned from them, people who were more professional than  
24 us, about what was legal and what was not. And so we -- we told  
25 everyone that names should not be mentioned. The responsibility

Witness: Nasim Haradinaj (Open Session)  
Examination by Mr. Cadman

Page 2753

1 in -- if that were the case, would be theirs and theirs alone, and I  
2 mean names that were not publicly known. As far as numbers, for  
3 example, 3, 4 -- there are 30 numbers here, but about 26 or 27 of  
4 them have been public all along, long before this procedure. They --  
5 they are out in public. They are in the media in Serbia. They want  
6 to gain brownie points there.

7 Q. In terms of the documents themselves and how they were organised  
8 at the press conference, just to understand how they were set out,  
9 were they set out in a similar way as the first one in individual  
10 batches?

11 A. Yes, yes, similarly, but it was not as orderly. It did not look  
12 quite, you know, straightforward and aesthetic as it were. The first  
13 ones, in fact, they were tightly arranged.

14 Q. So the second batch was less organised, but do you recall how  
15 many batches of -- or how many copies of the documents there were?

16 A. I think there were three piles or three bundles with 400 or 16  
17 pages each [as interpreted].

18 Q. And as with the first batch, did you or the WVA make any  
19 additional copies of those documents?

20 A. No, we had made a decision not to. It was not in our interest  
21 either.

22 Q. To the best of your recollection, how many copies of those  
23 documents were taken by journalists attending the second press  
24 conference?

25 A. I set one of the bundles apart, saving it for the SPO or for our

Witness: Nasim Haradinaj (Open Session)  
Examination by Mr. Cadman

Page 2754

1 prosecutor's office. As I said on TV, our preference would have been  
2 for our authorities to come. We made this appeal publicly in the  
3 media. Even with the -- the same thing with the others. We did not  
4 call the journalists on -- on the phone to make them -- to arrive.  
5 But I think 60 to 80 per cent were taken away, yes. And again, I'm  
6 speculating in terms of percentages because I didn't know. Because  
7 when they came to retrieve them, the papers were messed up.

8 Q. So to the best of your recollection, one batch was retained that  
9 the SPO subsequently took custody of, but the other batch -- the  
10 other copies were taken by members of the press who attended?

11 A. Yes, the press took them.

12 MR. CADMAN: Your Honour, I'm conscious that we're approaching  
13 1.00. This is, in terms of the questions, a convenient place to  
14 break.

15 PRESIDING JUDGE SMITH: All right. We will break for lunch at  
16 this time.

17 Mr. Haradinaj, remember you are not to speak to anybody about  
18 your testimony.

19 Please be back in place by 2.30, so we will be ready to start at  
20 that time.

21 MR. CADMAN: And just so the Court is aware, I don't intend to  
22 take more than one more session.

23 PRESIDING JUDGE SMITH: Okay. Thank you.

24 We are adjourned.

25 --- Luncheon recess taken at 12.59 p.m.



Witness: Nasim Haradinaj (Open Session)  
Examination by Mr. Cadman

Page 2755

1                   --- On resuming at 2.30 p.m.

2           PRESIDING JUDGE SMITH: Mr. Cadman, any further updates on the  
3 first expert witness? I won't let you forget about that, you know.

4           MR. CADMAN: I don't doubt that for a moment, Your Honour. We  
5 have been in constant contact with her. She's trying to get in  
6 contact with her family. Her family are working. So she's not going  
7 to be able to confirm that until the end of the day. But we are  
8 doing whatever we can to move that forward.

9           PRESIDING JUDGE SMITH: Are we going to get an answer at a  
10 particular time?

11          MR. CADMAN: Well, all she's told me is that she needs to make  
12 arrangements with her family before she can make arrangements to come  
13 here. She's looking at travelling here so she can attend on the  
14 21st. There are complications because she's travelling from Glasgow.  
15 It's not the easiest place to fly out of. So she would need to  
16 travel here between the 20th and the 22nd. But she is amenable. She  
17 doesn't understand why she can't give it via videolink, but she is  
18 amenable to coming to give evidence on the 21st. But we are still  
19 just waiting for her to confirm that with others that she'd need to  
20 confirm it with.

21          PRESIDING JUDGE SMITH: We will enter an order as soon as we get  
22 that confirmed so that everybody can be advised as soon as possible.  
23 And please ask her not to wait too long, because if she -- for some  
24 reason she can't come, then it's going to put the Registry in a very  
25 difficult place to try to make up for time lost.

Witness: Nasim Haradinaj (Open Session)  
Examination by Mr. Cadman

Page 2756

1 MR. CADMAN: And certainly it's in our interest to have that  
2 resolved as soon as possible.

3 Just in terms of other scheduling matters. We have been  
4 informed that Mr. Gashi would not be able to travel before, I  
5 believe, the 28th. Yes, before the 28th. So depending how we  
6 proceed the next couple of days, we're not really sure what  
7 meaningful purpose the 17th will serve of next week.

8 PRESIDING JUDGE SMITH: We'll figure that out later on.  
9 Anything else?

10 MR. CADMAN: It has been brought to my attention that there are  
11 two particular errors in the transcript. I do have the references.  
12 I can give the references now of what those errors are. But it --  
13 obviously, again, it is going to cause difficulties if through  
14 cross-examination the transcripts are going to be referred to and  
15 they don't accurately reflect what Mr. Haradinaj has actually said.

16 PRESIDING JUDGE SMITH: I don't know who has the  
17 transcription -- have the transcriptionists examined and found that  
18 they agree with you about this?

19 MR. CADMAN: We haven't had that opportunity. The information  
20 is [overlapping speakers] ...

21 PRESIDING JUDGE SMITH: Oh, well, we need to first of all see  
22 about that.

23 MR. CADMAN: Certainly.

24 PRESIDING JUDGE SMITH: One thing we would like to bring up. We  
25 have this list of names with numbers. And for clarity of the

Witness: Nasim Haradinaj (Open Session)  
Examination by Mr. Cadman

Page 2757

1 transcript, and for the case, I believe this should be redrafted, the  
2 same number, same name, same order, and take off the red annotations  
3 that you made. You can then admit it as a clear exhibit. And then  
4 you can also admit the one with your annotations as an exhibit as  
5 well, so that the record is complete that both documents were  
6 available to the Court. If you will do that maybe tomorrow or --

7 MR. CADMAN: Today.

8 PRESIDING JUDGE SMITH: Thank you.

9 Anything from Prosecution?

10 MR. HALLING: The only thing that we had, Your Honour, is it  
11 appears that the Haradinaj Defence modified their presentation queue  
12 about 20 minutes before the session. We would just like it put on  
13 the record what the change is. Thank you.

14 MR. CADMAN: It had come to our attention during the break that  
15 the handover note from the 22nd, which is already exhibited, was not  
16 in the presentation queue, so we added that in in case it comes up  
17 during direct examination.

18 PRESIDING JUDGE SMITH: [Microphone not activated].

19 MR. CADMAN: I will have to verify the exhibit number.

20 [Trial Panel and Court Officer confers]

21 PRESIDING JUDGE SMITH: That is P58.

22 MR. HALLING: Thank you, Your Honour. We realise that that item  
23 is submitted late but given what it is, that causes no difficulty.

24 MR. BOWDEN: Your Honour, as far as Mr. Rees is concerned, you  
25 will notice he's not on the screen. He's unable to be present at the

Witness: Nasim Haradinaj (Open Session)  
Examination by Mr. Cadman

Page 2758

1 beginning of this afternoon's session and hopes to join at some stage  
2 during the course of this afternoon.

3 PRESIDING JUDGE SMITH: [Microphone not activated]. I think we  
4 understood from his notice to us by e-mail to everybody that he would  
5 be available when he could and other times would not be available.  
6 So I thank you for noting it.

7 I see that Judge Mettraux is ready to proceed, and the witness  
8 is in the witness chair.

9 So, Mr. Cadman, you can proceed with your -- or resume your  
10 direct examination.

11 MR. CADMAN: I'm grateful, Your Honour.

12 Q. Mr. Haradinaj, before --

13 PRESIDING JUDGE SMITH: Just a second.

14 THE ACCUSED HARADINAJ: [Interpretation] Your Honour, I saw here  
15 a witness which has got two numbers. I think it's the same person.  
16 Number 4 and 11. Or is it someone else? I don't know. But I  
17 understand them to be one and the same person.

18 PRESIDING JUDGE SMITH: Okay. Your attorney can straighten that  
19 out. We don't have that information either. So I understand.

20 THE ACCUSED HARADINAJ: [Interpretation] Just over here.

21 PRESIDING JUDGE SMITH: Go ahead, Mr. Cadman.

22 MR. CADMAN: It is a duplication.

23 PRESIDING JUDGE SMITH: Yes.

24 MR. CADMAN:

25 Q. Before the break, Mr. Haradinaj, you had stated that at the

Witness: Nasim Haradinaj (Open Session)  
Examination by Mr. Cadman

Page 2759

1 press conference you advised the journalists not to publish any names  
2 of witnesses. Why did you do that?

3 A. It's because we had often heard during panel discussions from  
4 people who were from civil society, from the judicial, and from other  
5 lawyers, and we were part of those debates as well, we heard that --  
6 we heard them explaining that there'd be no infringement of the law  
7 when names were not mentioned. So we became convinced that there  
8 would be no breaches of the law in this way, and we made the same  
9 appeal to them to follow the same logic.

10 Q. Now, after the second press conference had concluded, where did  
11 you go?

12 A. When the second news conference finished, we went downstairs to  
13 Hysni's office, the main office there. The corridor was full of  
14 journalists, and I stayed there.

15 Q. Do you recall for how long you stayed in the premises?

16 A. I stayed until a certain point when I had to go, because at that  
17 time my wife was in the Prishtine hospital. She was unwell. So I  
18 did not stay until 4.00, which is the official working hours.

19 Q. And during that time, did you receive any contact from the SPO?

20 A. Let me repeat. I have never been contacted. Never.

21 Q. Now, do you know if the SPO made contact with any other person  
22 at the WVA after the second press conference?

23 A. As far as I know, they did not.

24 Q. Are you aware if at any stage on that day Mr. Klinaku received  
25 any contact from the SPO?

Witness: Nasim Haradinaj (Open Session)  
Examination by Mr. Cadman

Page 2760

1 A. Forgive me if that's what you think. What I said was that  
2 Mr. Klinaku was contacted during the first delivery, during the first  
3 batch. It's when Witness number 1 came to take possession of the  
4 papers, but no one has ever called afterwards. And I do not know if  
5 Mr. Klinaku himself was contacted on that particular day. I'm not  
6 clear about it.

7 MR. CADMAN: With Your Honours' leave, if I could take  
8 Mr. Haradinaj to his statement and ask him to look at paragraphs 81  
9 and 82.

10 THE ACCUSED HARADINAJ: [Interpretation] Yes, but you asked  
11 whether I had been contacted. I learned of this the day after. I  
12 know that this happened. On that particular day, I did not know  
13 about it. So on the 16th, I did not have that information. It's an  
14 information that reached me on the day after, on the 17th.

15 MR. CADMAN:

16 Q. And how did that information come to you?

17 A. When I returned to the office the day after.

18 Q. And can I ask, when you returned to the office the day after,  
19 did Mr. Klinaku communicate that information to you?

20 A. Yes, he did. He said that, "They have called and I have asked  
21 them to come in today."

22 Q. Did he say when they called?

23 A. In the evening, towards the evening it was. After the official  
24 hours.

25 Q. Do you recall Mr. Klinaku telling you, and please be mindful of

Witness: Nasim Haradinaj (Open Session)  
Examination by Mr. Cadman

Page 2761

1 the list of names when you answer this by only referring to numbers,  
2 but do you recall who from the SPO contacted Mr. Klinaku?

3 A. Witness number 1. He was usually the one who made contact.  
4 Even though when he said it, he said that we have been called by the  
5 SPO office. It later became clear that it was one and the same  
6 person. So that is how I know that it was Witness number 1.

7 Q. And to the best of your knowledge from what was communicated to  
8 you by Mr. Klinaku, the arrangement was for that officer to come to  
9 your office on the 17th, the following day?

10 A. Yes, they had agreed. He had said that, "It's late now, the  
11 office is closed, there's no one here," and he said, "Fine, we'll  
12 come tomorrow." They did not set an appointment. We did not know  
13 what time they were going to come, and it's only when we saw them.  
14 As a matter of fact, I was taking coffee in the restaurant area that  
15 is located on the same floor.

16 Q. Did you think it was strange that they didn't come earlier than  
17 that?

18 A. I can think of it as being strange now. At the time, it did not  
19 make the same impression. At the time, they did not say that that  
20 was a material of significance to them, when they got possession of  
21 the first delivery, that is. Whilst it does appear strange from the  
22 perspective now.

23 Q. Now, you've said that you were having coffee when  
24 Witness number 1 arrived. Did he arrive alone or was he with others?

25 A. It was very peculiar, laughable situation. There were three of

Witness: Nasim Haradinaj (Open Session)  
Examination by Mr. Cadman

Page 2762

1 them.

2 Q. And who did you speak to out of those three?

3 A. For whenever I and the others were present, we did not speak to  
4 anyone with the exception of Witness number 1, and we did that in the  
5 Albanian language. I can say that he speaks standard Albanian. He  
6 speaks it very, very fluently even though with a slight accent.

7 Q. And was there, at that time, any English translator to translate  
8 to the other two who accompanied Witness number 1?

9 A. When we asked, they introduced them, but no interpreter was ever  
10 used. We only spoke in Albanian. I -- when I said -- I did not say  
11 that he spoke in Albanian that I did not understand. In fact, he  
12 spoke an excellent standard Albanian, and I congratulate him on the  
13 master of the language.

14 Q. And did your interaction with him take place in the restaurant  
15 or did you have cause to go elsewhere?

16 A. I can tell you the details if you want because that's the first  
17 time that I came across a member of the Prosecutor's Office. It's  
18 the first time that I saw an officer, and that is Witness number 1.  
19 I was having coffee. He came from my -- the right-hand side, just  
20 the way I'm sitting here, and he looked very worried. He had the  
21 COVID -- he had the COVID mask, he had a hat on, safari shorts, and  
22 he looked older and more tired. And, in fact, he was short of breath  
23 because he'd been climbing the stairs. I thought he was under  
24 attack -- under an attack of sorts, and he came close to me and he  
25 said, "Is that you, Mr. Haradinaj?" And I said, "Yes." And I asked,



Witness: Nasim Haradinaj (Open Session)  
Examination by Mr. Cadman

Page 2763

1 "Who are you?" And he introduced himself saying, "I am  
2 Witness number 1." "Can we have a private conversation?" he said.  
3 "Yes," I said. "What's the problem? Are you worried?" I thought  
4 maybe he needed the toilet. He said, "No, no, no, it's very, very  
5 important. Can we have a private conversation but not here?" I  
6 said, "Fine. Can we go -- shall we go to the office?" He said yes  
7 and we left.

8 On the way, he said something that I did not pay any attention  
9 because, in fact, what he said are just old tricks from the -- from  
10 the secret services that I had been subjected to during the 30 years  
11 of experience with the Yugoslav services. And en route I said, "How  
12 do you know me?" He said, "Mr. Haradinaj, I know you very well. I  
13 know you're a very capable person. And it's a shame -- and it's a  
14 shame your salary is low." And I understood what he meant to say.

15 I said, "Well, if I work for my homeland, the salary is  
16 immaterial." And I think he got the message. This was en route. It  
17 did leave an impression, but I think it's a vulgar, vulgar childish  
18 trick. Maybe that's the way it -- it registered with me because of  
19 my experience with the Yugoslav secret services. But I know that he  
20 was very concerned about my salary, but he congratulated me as a very  
21 capable person.

22 Q. And you've said that you then went to the office. When you were  
23 having the first interaction with Witness number 1, how would you  
24 describe that interaction? Was it friendly?

25 A. It wasn't that friendly when we went into the office, because

Witness: Nasim Haradinaj (Open Session)  
Examination by Mr. Cadman

Page 2764

1 the other individual who later introduced himself, his name was  
2 Daniel Moberg, a Swedish officer, his name is not on the list here,  
3 and he started recording on his phone. And a journalist called  
4 Milaim Zeka was in there, but he was in there in his capacity as a  
5 veteran of the war. He was, in fact, the chairman's office looking  
6 after some of his things. And he -- when he started recording,  
7 Milaim started recording too. And when Milaim Zeka started  
8 recording, Witness number 1 said, "Put that phone down because you're  
9 not allowed to record here."

10 I reacted and I said, "If we're not allowed to do it, he is not  
11 allowed too," and I pointed at Daniel Moberg who was also recording.  
12 And Witness number 1 said that he was not recording -- in fact, he --  
13 he was holding the phone in this position, clearly recording. I  
14 said, "Fine. In that case, if he puts the phone down, Milaim will do  
15 it." Milaim had already done it. In fact, he continued for another  
16 minute or so and then he put the phone down. The situation returned  
17 to normal and friendly from that moment onwards. The only initial  
18 tension centred on this issue of the recording.

19 Q. Once the recordings had stopped, what interaction, what  
20 discussion did you have with Witness number 1?

21 A. When the recording ended, I asked who that person who was  
22 recording was, because he had not been introduced. They introduced  
23 him as a security officer. I did not know his name at the time. And  
24 Faton said that he's the same person who came the first time round  
25 and who said he was -- he was Swedish. Faton said that in our

Witness: Nasim Haradinaj (Open Session)  
Examination by Mr. Cadman

Page 2765

1 presence. He did not look Swedish, from his complexion, that is.  
2 And I asked him in Swedish, "Are you Swedish?" And he said, "Yes, I  
3 am Swedish." And then it was clear that his language was perfect and  
4 I understood him to be so.

5 After which, we started discussing with Witness number 1. The  
6 others never spoke. He introduced the other person who was  
7 introduced in two capacities, as an interpreter as well as an  
8 observer. I think his surname was [REDACTED] Pursuant to In-Court  
Redaction Order F514RED. I can't remember his first  
9 name. We -- we drank coffee, chatted. After which, he started to  
10 say, "I've heard that you've received some material." We said yes.  
11 He said, "Can we inspect to make sure that these are our own  
12 documents?" And he said, "They are the same as the first lot." And  
13 he said, "Can I have a look to make sure that these are ours or not?"  
14 And I said, "You haven't responded to us for the first lot on whether  
15 they've come from your office or not." He said, "We are in the  
16 process of inspecting them, and when we finish we'll let you know."

17 Q. When you say that he hadn't responded for the first time, are  
18 you referring to after the first batch you asked them to confirm  
19 whether they were their material and were they confidential?

20 A. Yes, precisely. I mean the first batch. Because I only  
21 referred to the first batch when I said that they looked like they  
22 came from the same source. They are like the first batch. And given  
23 that he said that they are -- they are not that important, we don't  
24 know, and I said, "You know, you have not told us on whether the  
25 first batch came from your office or not."

Witness: Nasim Haradinaj (Open Session)  
Examination by Mr. Cadman

Page 2766

1 Q. Following on from that exchange, can you just explain -- you've  
2 obviously complained that you didn't have an answer previously. He  
3 has asked to see those documents. Can you just explain how that then  
4 proceeded?

5 A. I told him that we had decided that these materials would not be  
6 handed over without the presence of our lawyer or another official  
7 institution of the police or Kosovar courts. After which, he said,  
8 "I would like to have a look at the documents to ascertain if it's  
9 ours. And if it's ours, we can talk further." The chairman, Hysni,  
10 said, "Can we have a look at it?" And he said, "Where is it?" And I  
11 said, "It's in the journalist's office upstairs." He said, "Yes,  
12 Nasim can come." So Witness number 1, Moberg and the other boy came  
13 but I'm not sure about the third.

14 So we went upstairs. He took a look at three or four pages and  
15 he kept shaking his head and said, "This is not of relevance. This  
16 one is not either." And he kept leafing through them because the  
17 journalists had made a mess of it. After a while, he said, "This one  
18 appears to be something." And after he looked through all of them,  
19 he said, "It's not that important." We went downstairs. After  
20 which, he said absolutely nothing. We ordered another coffee, and I  
21 said, "What do you intend to do? Shall I call our lawyer or not? Do  
22 you want to take possession of these or not?"

23 And he said -- after a while he said, "Yes, I will take them."  
24 I said, "Fine, in which case we'll call the lawyer to come." We  
25 called him and he said that he was busy in some hearing which -- and

Witness: Nasim Haradinaj (Open Session)  
Examination by Mr. Cadman

Page 2767

1 needed another hour, hour and a half. And I said, "We can call the  
2 other bodies, you know, the police, our own prosecution." And he  
3 said, "No, no, no way, they won't come." I said, "Let's call them so  
4 we won't have to wait for Tome Gashi," who was our lawyer at the  
5 time. He said, "No, no, no, we can stay here for a whole month and  
6 they will not dare to come in here." And I said, "What?" And he  
7 said, "They won't dare to come here without their own orders." After  
8 which I said, "Okay. Let's wait for our lawyer to come."

9 So we waited for our lawyer to arrive. So we had the really  
10 friendly conversation, and we asked him if anyone wanted to have --  
11 to have a drink and they -- they had a glass or so. There's nothing  
12 else to do. But he showed a lot of indifference to the documents,  
13 and I was baffled when he said that he would take possession of them  
14 given that upstairs he had said that these documents were of no  
15 particular relevance.

16 Q. Do you recall how much time after the lawyer Tome Gashi arrived  
17 at the office?

18 A. Well, I think it took an hour, hour and a half for him to  
19 arrive. I said there was time for us to have a long conversation.  
20 Was it an hour and a half from the time they arrived or afterwards, I  
21 don't know. But roughly, that's the timeframe. He came when his  
22 hearing was over. To tell you the truth, there was a kind of a  
23 confrontation with Milaim.

24 I described my concerns, our views about the Chambers to that  
25 officer, what we thought was not right, what we disagreed with, and

Witness: Nasim Haradinaj (Open Session)  
Examination by Mr. Cadman

Page 2768

1 my view that parliament -- parliament was politically influenced when  
2 it voted it into the existence and that was wrong. And Milaim  
3 reacted. At the time he was -- he was an MP. Not at the time of the  
4 vote to set it up but afterwards. And he said, "I would have voted."  
5 And I told him that, "You're here as a veteran." And I said, "If  
6 you're not a veteran and don't share the views, you don't belong  
7 here," and I asked him out.

8 He -- he left and he -- and then he started accusing us, "You're  
9 just trying to make news." We've had disagreements continually, but  
10 that's the way he is.

11 Q. Now, during this time when you were waiting for Mr. Gashi to  
12 arrive and you were talking to Witness number 1, did you insist again  
13 on calling the Kosovo police?

14 A. Yes, I did. And he said -- he said that even if we were to stay  
15 here for a month, they won't be able to come here without our orders.  
16 And during that time, he started to explain how he worked with  
17 international courts before, that his experience was of more than  
18 20 years, and so -- and he -- he was explaining how impartial they  
19 are.

20 He described the case of the massacre in Cuska where the father  
21 of General Agim Ceku was killed, and he mentioned him by name, and  
22 how he prepared the entire case for the court case when Carla del  
23 Ponte wrote that book of hers. And it then, you know, so transpired  
24 that the whole case fell. And he said he had prepared the whole  
25 thing but it was the situation surrounding the book that made it

Witness: Nasim Haradinaj (Open Session)  
Examination by Mr. Cadman

Page 2769

1 collapse. But he was trying to explain that they were impartial  
2 when, in fact, they were partial.

3 Your Honour, Defence counsel, and Prosecutor, there may be a  
4 misapprehension here, but when -- we are talking here about Serbian  
5 inhabitants of Kosovo who are being -- who are being rehabilitated.  
6 The ones who have committed crimes and who are being given the  
7 opportunity to go and seek shelter in Serbia. The -- the Kosovo  
8 Chambers can look after these cases and should investigate these  
9 cases. The Serbs from Serbia have -- have more often than not shown  
10 them their -- their place.

11 People who have a clear conscience can have a very nice life in  
12 Kosovo and they do.

13 Q. If I can stop you for a moment. Now, you have said that when  
14 you were discussing with Witness 1, he had mentioned to you other  
15 places, that he had been involved in other institutions. Other than  
16 those institutions in Kosovo, did he mention anywhere else where he  
17 had been working?

18 MR. HALLING: Objection, irrelevant.

19 MR. CADMAN: Wait.

20 THE ACCUSED HARADINAJ: [Interpretation] Yes, he did mention  
21 Lebanon.

22 PRESIDING JUDGE SMITH: [Microphone not activated].

23 I'll sustain the objection. You may ask another question.

24 MR. CADMAN: Your Honour, the question is asked on the basis of  
25 the discussion that he had with the officer. These are matters that

Witness: Nasim Haradinaj (Open Session)  
Examination by Mr. Cadman

Page 2770

1 he had discussed with that officer. It goes to the nature of his  
2 discussions at that time.

3 PRESIDING JUDGE SMITH: The ruling's been made.

4 MR. CADMAN:

5 Q. Now, Mr. Haradinaj, you've said that you insisted on calling the  
6 police, that Witness 1 told you the police wouldn't come. How did  
7 that situation resolve itself?

8 A. We agreed that we'd wait for the lawyer to come. And until the  
9 lawyer arrived, we had this discussion. And the solution came when  
10 Tome Gashi, the lawyer, came. He said -- he asked what the issue  
11 was. This whole conversation was in Albanian. I said that we have  
12 asked for the lawyer and other representatives of state government to  
13 be present. They are saying no. At which point, Tome said, "So  
14 what? The lawyer is here. They are saying that these documents  
15 belong to them. Give it to them." And that's what we did upon his  
16 suggestion.

17 And from there, we went upstairs to take possession of those  
18 documents, because at that point in time, he only checked them and  
19 did not -- but did not take them. He said at the time that they did  
20 not appear to be significant.

21 Q. Now, when Witness 1 went upstairs, as you said, to take  
22 possession of the documents, can you explain to the Court the steps  
23 that were taken by that officer taking possession of those documents?

24 A. We went upstairs together. He started collecting the first  
25 pile. I started collecting the second. He put them under his arm



Witness: Nasim Haradinaj (Open Session)  
Examination by Mr. Cadman

Page 2771

1 and we went downstairs to the chairman's office. I helped them  
2 collect the documents that were spread out.

3 Q. And then --

4 A. Because he said, "I will take all of them." That's why. He did  
5 not select any particular document.

6 Q. So when you went back to the chairman's office and you say that  
7 he took all of the documents, can you explain how he took all of the  
8 documents?

9 A. I already explained it. He started on one side of the table. I  
10 started on the other side, where they were spread out for the  
11 journalists. So we collected, both of us. We put them in one pile.  
12 He put them under his arm. We went downstairs to the chairman's  
13 office. He put them on the desk, which is in front of the chairman,  
14 until they discussed the issue of handover. Then the chairman signed  
15 the handover sheet. And it is then when they decided to hand them  
16 over I stood up and, since my wife had a checkup at the doctors, I  
17 decided to leave.

18 I think I'm talking about -- no, this is the second instance.  
19 So here, this instance, I stayed until the chairman was there, and  
20 then I decided to leave. I left them behind. They told me later on  
21 that they signed it, and that they took the documents and left.

22 Q. Before the chairman signed the handover, as you've just said,  
23 was there any index of the documents made by the SPO?

24 A. No, no, nothing. They agreed that he will take the documents.  
25 I said, "I don't have time to stay any longer. I have to leave.

Witness: Nasim Haradinaj (Open Session)  
Examination by Mr. Cadman

Page 2772

1 Goodbye. Goodbye." I went to the hospital to my wife, and I found  
2 out later that Hysni signed it. I think I saw it from the media in a  
3 conference that showed Hysni and Tome, and there were also images of  
4 the officers with caps leaving the offices on that footage. I did  
5 not stay until the end. I left. I had to leave. Otherwise, I would  
6 have stayed.

7 Q. Before you left, was there ever a time when Witness 1 or either  
8 of the other two officers questioned you in relation to these  
9 matters?

10 A. No.

11 Q. Was any search of the premises carried out on that occasion?

12 A. No, no. Never.

13 Q. Do you recall any search taking place on the first occasion?

14 A. During the first occasion, I don't know. I wasn't there. But I  
15 was told that there wasn't any.

16 Q. Do you know if the SPO officers spoke to any other person at the  
17 association on the second occasion? In particular, did they speak to  
18 Ms. Miftari, the receptionist?

19 A. No, not at all. Now you reminded me. We insisted, "Who is  
20 bringing these documents?" And I would tell them, "Here they are.  
21 You have them in the camera, in the footage. Have a look." But he  
22 even refused to take the footage. He did not discuss it with  
23 anybody. We insisted that he would come and have a look at the  
24 footage, who was bringing the documents, how they were bringing them.  
25 We were kind of making pressure on him, and then in the end he said,

Witness: Nasim Haradinaj (Open Session)  
Examination by Mr. Cadman

Page 2773

1 "Okay. I will take them."

2 Q. So to be clear, you offered and you insisted on the SPO taking  
3 the CCTV which, at first, they had no interest in taking?

4 A. Since they did not show any interest to take them, we filmed it  
5 ourselves and we made the footage public ourselves, the deliveries.  
6 We made them public, the deliverymen, because it was very interesting  
7 they refused to take them.

8 Q. Did the SPO show any interest in implementing any security  
9 measures for you, the association or any other member of the  
10 association?

11 A. I don't know whether they showed any interest in implementing  
12 any security measures for us. That I don't know. But we did see  
13 people surveilling us, but we were not told that they were taking  
14 something from us. I don't know what their role was. Maybe the  
15 Prosecutor knows better. We asked for protection from our own  
16 organs, but there was no response. We were neglected.

17 Q. Did they inform you at any point during these meetings or any  
18 other time after the meeting that these documents were sensitive in  
19 nature?

20 A. Never. Only this behaviour on his side. Well, this was not  
21 necessary. This is not necessary. Now, what his aim was, what his  
22 purpose was, that I don't know. They did not look to be terrified.  
23 Just like that journalist, they could have been able to catch that  
24 person too, and that would have been better for them and for us.  
25 Only if they wanted to.

Witness: Nasim Haradinaj (Open Session)  
Examination by Mr. Cadman

Page 2774

1 Q. Do you recall what you did in the days after the meeting with  
2 the SPO?

3 A. Apart from the time I had to spend with my wife to look after  
4 her, I was mainly on TV interviews, up to 11.00, 12.00 in the evening  
5 in Prishtine. And it was public knowledge where I was invited by  
6 which panel, so there was nothing secret.

7 Q. And what was the main subject of those TV interviews?

8 A. Explanation, transparency, and to inform the public about what  
9 was going on. We were being attacked for something that was being  
10 carried out by somebody else. There were cases when we were offended  
11 to such an extent on Facebook and social media. I was even labelled  
12 as a Serbian militant, DNA.

13 So we were targeted and attacked, threatened at all times. Not  
14 only me personally but all of us. They would send us images of bombs  
15 on Facebook, and I believe they, the SPO, have seen those images if  
16 they had a look.

17 Q. Now, in the days following the second press conference, and  
18 thinking of the interviews that you gave, did you at any time  
19 disclose any names of the witnesses contained in that material?

20 A. There was no need to deal with that when I was advising all the  
21 others not to do so. As I said, these things were known for five  
22 years before these documents arrived at our organisation. These  
23 people, [REDACTED] Pursuant to In-Court Redaction Order F514RED and  
24 others, are people who led the offensives of the  
25 24th in March, killed three persons, Agron, Mehmet, and him,  
Haradinaj, who was 17 years old, and kidnapped pupils in the 3rd, 4th

Witness: Nasim Haradinaj (Open Session)  
Examination by Mr. Cadman

Page 2775

1 grade of primary school. [REDACTED] Pursuant to In-Court Redaction  
Order F514RED

2 [REDACTED] Pursuant to In-Court Redaction Order F514RED.

3 [REDACTED] Pursuant to In-Court Redaction Order F514RED

4 [REDACTED] Pursuant to In-Court Redaction Order F514RED. I couldn't  
remember the name of the

5 place. And you know what he did there? He made Albanians sign and  
6 declare themselves as Serbs. So he made them collaborate with him so  
7 that they can get a passport and move their families for medical  
8 treatments. So he made them accept the nationality of Serbs just to  
9 be able to get a passport.

10 And those families were in dire straits. They had no medical  
11 service. Nothing. So he misused this situation, [REDACTED] Pursuant  
to In-Court Redaction Order F514RED. In [REDACTED] Pursuant to In-Court  
Redaction Order F514RED,

12 he was the main leader, the person in charge about persons from  
13 Kosovo. He was the main person in the [REDACTED] Pursuant to In-Court  
Redaction Order F514RED

14 [REDACTED] Pursuant to In-Court Redaction Order F514RED

15 [REDACTED] Pursuant to In-Court Redaction Order F514RED He used to  
16 speak very good Albanian.

17 And these names, not only for me but for all other Albanians,  
18 were of concern and are of concern.

19 Q. Let me ask you the question, Mr. Haradinaj, and please try and  
20 listen to the question. At any time after the second press  
21 conference, did you mention the names of those witnesses to any other  
22 person?

23 A. As I said, the persons that I mentioned were public figures. I  
24 mentioned two Albanians and they're also public. And both are listed  
25 here on the list, number 29 and 30. And I'm not mentioning their

Witness: Nasim Haradinaj (Open Session)  
Examination by Mr. Cadman

Page 2776

1 names to respect your orders, but in Kosovo they are known. And they  
2 here are trying to keep them secret, but they are not listening.  
3 They come out in public down there on a daily basis.

4 And as far as I'm conscious, I did not make a mistake in this  
5 case.

6 Q. And other than those names, you didn't mention any names of  
7 witnesses, potential witnesses contained in those documents?

8 A. I did not deal with them because it was still unclear to me at  
9 that time whether these were names that were really mentioned by  
10 their office or whether this was a document that was falsified,  
11 fabricated from somewhere else. So we were not clear whether this  
12 material was theirs.

13 Q. I'd like to take you now to the 22nd. Now, do you recall --

14 A. I just wanted to add something. It's not a matter of courage.  
15 I'm not just anyone who comes out and speaks whatever comes to his  
16 mouth. So when I say something, I try to back -- to have something  
17 to back what I'm saying, because when you come out into the public,  
18 you have to be transparent and to tell things with transparency.

19 Q. Absolutely, Mr. Haradinaj. Now, turning to the third  
20 disclosure. On the morning of the third disclosure, could you tell  
21 the Court where you were?

22 A. That day, in fact, I was not supposed to go because I had  
23 already worked for several days and to travel, to commute every day  
24 is tiring. And I had another post working for the watering system in  
25 Decan. However, we had regular contacts with international

Witness: Nasim Haradinaj (Open Session)  
Examination by Mr. Cadman

Page 2777

1 organisations, and the only international organisation with which we  
2 did not have a contact is the SPO.

3 We had contacts with all existing international organisations,  
4 IOM and others. These contacts were regular. And the member of the  
5 KFOR staff --

6 THE INTERPRETER: The interpreter didn't get the name.

7 THE ACCUSED HARADINAJ: [Interpretation] -- was supposed to meet  
8 with us that day at 11.00, and for that reason I went to the office  
9 on that day.

10 MR. CADMAN:

11 Q. The translation didn't manage to keep up with one aspect of your  
12 last answer, so I'm going to ask you just to deal with it again.

13 Just if I could just ask you to slow down. You mentioned that you  
14 had a meeting with -- you mentioned that you had a meeting with --

15 A. I apologise to the interpreters. That day --

16 Q. Just listen to the question. You'd mentioned that you had a  
17 meeting with KFOR, and you'd mentioned what nationality of KFOR you  
18 met. Can you just repeat that part because the translator didn't  
19 understand.

20 A. German nationality. Because at the KFOR staff, there's a  
21 rotation and at that time that staff was represented by the German  
22 contingent. And we had a scheduled meeting with them. Then we have  
23 Italians coming, and then Finnish, English. So they rotate.

24 Q. The meeting on this day was with German representatives of KFOR?

25 A. Yes, we mainly had meetings with them. Almost regular meetings.

Witness: Nasim Haradinaj (Open Session)  
Examination by Mr. Cadman

Page 2778

1 At least two times a month, depending on the situation.

2 Q. Now, during the meeting that you had with them on that occasion,  
3 what did you discuss?

4 A. I was not aware about what we were going to discuss, because  
5 first they request a meeting, and then once they're there, we start  
6 discussing the particular topic. So when the -- they opened the  
7 meeting, they mentioned the issue of the documents, our request,  
8 whether there will be a calm, whether we were going to organise  
9 protests against the government, and so forth, because they always  
10 feared as we were great in numbers. As war veterans, we were able to  
11 organise protests in great numbers. And I always was in favour of  
12 keeping the peace and calm.

13 We may be the opposition to the government, to the parties, but  
14 we have nothing against the state. We do not want to destruct or  
15 destroy something for which we gave our lives.

16 Q. During your meeting with them, did there come a time when you  
17 discussed the subject matter of these proceedings?

18 A. Once they entered, they opened the topic. What's going on about  
19 these files that are being discussed. I told them I don't know.  
20 This is how they got to our offices. How do they look like? I  
21 described them. They asked, "Is anybody interested in them?" And I  
22 said, "Many are following, unusual persons. Even today when I  
23 arrived in the office, I noticed four or five persons following us."  
24 It was easy to distinguish these persons, because they would usually  
25 wear jeans, baseball caps, sunglasses, COVID masks, safari pants, and



Witness: Nasim Haradinaj (Open Session)  
Examination by Mr. Cadman

Page 2779

1 always had a backpack.

2 So when I entered the building, I noticed them but didn't pay  
3 attention. In a way, we were happy that they were following us. And  
4 he asked, "Is this true? Could they still be outside? Can we go out  
5 and have a look?" And I said, "Yes." So we went out. There were  
6 also three of them. One of them was the interpreter and the other  
7 two military personnel. One knew Albanian. And one of them also had  
8 a camera for taking photographs.

9 We went out onto the balcony, and there we saw the same persons.  
10 And whoever I pointed with my finger, this person, the German would  
11 take a photograph, and that person would then move away. Four them.  
12 Two would go this way, the other one this way, and one of them was a  
13 female. And later on, I realised that that female resembles to a  
14 great extent Zdenka Pumper. I cannot say I'm 100 per cent sure, but  
15 90 per cent I can say that it was her. She was blonde, tall, wearing  
16 jeans. The rest were with safari shorts. And they all ran away.

17 We re-entered the office, and ten minutes later the delivery  
18 arrived. I cannot describe this.

19 MR. CADMAN: Your Honour, I don't know if anybody's noticed, but  
20 it looks as though Mr. Rees is trying to join.

21 Q. Now, Mr. Haradinaj, you said that ten minutes later the third  
22 disclosure arrived at your offices. Now, just to backtrack slightly.  
23 So you were on the balcony with the KFOR officers --

24 A. Ten minutes after we returned from the balcony to the office,  
25 the office that we left when we started the conversation. It was the

Witness: Nasim Haradinaj (Open Session)  
Examination by Mr. Cadman

Page 2780

1 office of Migjen Shala, the deputy chairman.

2 Q. So ten minutes later --

3 PRESIDING JUDGE SMITH: Excuse me, Mr. Cadman.

4 Just for the record, Mr. Rees has rejoined us.

5 Thank you. Welcome, Mr. Rees.

6 MR. REES: [via videolink] Thank you, Your Honour.

7 MR. CADMAN:

8 Q. So ten minutes later, you became aware that there was a further  
9 delivery to your offices. How did you become aware of that?

10 A. In fact, we asked Taibe to bring us coffee, and we suddenly saw  
11 the door open with a bit more force, and Taibe came in and said,  
12 "They came again. They brought us those again."

13 Q. What was her demeanour when she came in announcing this?

14 A. I really feel sorry for Taibe to this day because she suffered a  
15 great trauma from these deliveries as she was the first person to  
16 have contact with the deliverymen. I left immediately after Taibe,  
17 and I think the interpreter explained it to the Germans what was  
18 going on, because I no longer dealt with them.

19 Q. To the best of your recollection, who opened the third package?

20 A. I don't know who brought the package to the office, whether we  
21 brought it there. I don't know exactly. I don't know. Because that  
22 day there were also guests present. There were parties who had come  
23 to collect their cards. There was an officer of the security forces  
24 whom I saw later on, but he was there. Usually students, veterans,  
25 they come and collect their IDs once they are renewed.

Witness: Nasim Haradinaj (Open Session)  
Examination by Mr. Cadman

Page 2781

1 Q. To the best of your recollection, was there anything written on  
2 the outside of the package?

3 A. Listen, these were not in a box, in a package. These were like  
4 leafs of paper spread out, thrown. As we saw later on the footage,  
5 he removed them from his body and threw them on the ground. Are you  
6 referring to the third batch? This batch did not arrive in a box,  
7 and it's visible on the footage. The deliveryman takes them from his  
8 body, and there were three piles.

9 Q. So different to the first and second batch -- sorry, first and  
10 second package that were wrapped, these were loose papers?

11 A. It was entirely different. And his behaviour to Taibe was  
12 different. Taibe had asked, "Who are you?" And he said, "Don't ask  
13 me." According to her, he said, "Do not stop me. Do not stop me.  
14 Next time I'll bring CDs." At the same time, producing those sheets  
15 of paper and saying, "Do not -- do not stop me, next time I'll bring  
16 in CDs," and he chucked the papers.

17 Q. So the papers are brought into the office where you were with  
18 the KFOR officers at that time?

19 A. No. He just chucked them into the corridor. And I don't know  
20 if Taibe or some other worker collected them and put them into  
21 Hysni's office. KFOR followed me and they said, "Can we go in?" And  
22 I said, "Yes."

23 Q. So you enter Hysni's office with the KFOR officers. Can you  
24 describe what happened when you entered the room?

25 A. When we went in, we -- we had a look. We saw that there were

Witness: Nasim Haradinaj (Open Session)  
Examination by Mr. Cadman

Page 2782

1 three rolls having -- in fact, smaller in amount, 120 pages or so. I  
2 did not count them, to be frank with you. They were in English. So  
3 from what I could understand, it was some sort of draft indictment.  
4 Two months earlier -- two months earlier, there had been news that  
5 there was a charge against -- a charge sheet against Hashim Thaci who  
6 had to return from his -- halfway through his trip to America. So  
7 that's what I thought it was. The officer said, "Can we take  
8 pictures of" -- I thought this was a provocation. And I said,  
9 "You've got these documents. You know about them." And he said no.  
10 I said, "Of course you're aware." And I said -- I said to them, "I  
11 think you do know about them."

12 So I really had a very, very quick look and -- because I wanted  
13 to look after Taibe. But very, very speedily, they started photo --  
14 they started taking pictures of them very, very quickly. I -- they  
15 finished their job. They said, "We can see that you are very busy.  
16 We cannot continue this meeting any further," and they left.

17 Q. Just to be clear, when you were looking at the documents in  
18 KFOR's the officers' presence, what record did they make of those  
19 documents, if any?

20 A. I think they took them all. I think I -- I saw how speedily  
21 they -- they photographed through. All -- they took all them or  
22 however many they wanted. I think -- I took it as a provocation when  
23 they said -- when they said, "Can we have a look at them," because  
24 I -- I thought that they knew about it. How -- how come the  
25 documents were -- were delivered exactly at the same time as they

Witness: Nasim Haradinaj (Open Session)  
Examination by Mr. Cadman

Page 2783

1 were visiting?

2 So I -- I thought that they knew about it. That it had been  
3 staged. Whether he was -- he was taking pictures really or not, I  
4 don't know. The intention probably was to -- to take them to the  
5 media.

6 Q. So after this, at some stage you decided to call the third press  
7 conference. Do you remember how soon after that you decided to take  
8 that course of action?

9 A. Not even five minutes. Less.

10 Q. And the invitation for the press conference, did that follow the  
11 same format as the first and second?

12 A. Yes, the same procedure. The address list has got -- has got  
13 all the -- the e-mails, and that's the way it goes. It goes to all  
14 at the same time. At least that's how the secretary has explained  
15 the procedure to me.

16 Q. And how many journalists attended this third press conference?

17 A. I think there were more than 10. 10, 14, 15 were present on  
18 that day.

19 Q. Before the press conference started, did you make any copies of  
20 those documents from the third delivery?

21 A. There was no need to copy. The same documents -- the same  
22 documents that were brought to us, that's the ones that we disclosed.  
23 We never made any copies or allowed anyone else to copy them in our  
24 offices.

25 Q. And did the press conference follow the same format as

Witness: Nasim Haradinaj (Open Session)  
Examination by Mr. Cadman

Page 2784

1 previously with the documents laid out in front of you when you held  
2 the press conference?

3 A. Yes, it was the same format.

4 Q. And what information did you share with the journalists from  
5 those documents?

6 A. All we told them was that there's been a new delivery which this  
7 time refers to what has been discussed for about two months and it  
8 looks like a draft indictment against Hashim Thaci. It was -- it was  
9 all public. The names were there: Hashim Thaci, Jakup Krasniqi,  
10 Rexhep Selimi, since the documents had been in discussion for about  
11 two months. I mentioned the names that were on the front page.

12 Q. And during the press conference, did you mention any other names  
13 other than those that you've just said?

14 A. No, those were the names from what I can recall. The names that  
15 were written there. There's no reason to mention other names. There  
16 were names of villages and so on, with everything having been in the  
17 public -- in the public domain, Radoniq. These are the names that I  
18 mentioned. That is -- that is an issue that has been before  
19 The Hague tribunal and that registered with me. It made an  
20 impression on me.

21 Q. And you said that this information -- the existence of this  
22 information was already in the public domain?

23 A. I -- I can certainly say that this was not only available  
24 domestically but even internationally. Hashim Thaci --  
25 President Hashim Thaci on his way to the United States, and he

Witness: Nasim Haradinaj (Open Session)  
Examination by Mr. Cadman

Page 2785

1 returned halfway through. There's a statement that was made by the  
2 Prosecutors. There was nothing there to hide. This was an issue  
3 that had been in discussion for about two months. These names had  
4 been bandied about for about two months.

5 In fact, there were other names which were mentioned which I  
6 could not see in those documents. Every journalist wanted to make  
7 news nationally. It doesn't matter, as far as I'm concerned, about  
8 truth. But there are -- especially in the portal -- in the portals,  
9 but many journalists there just want -- want to seek the news  
10 regardless of the source. And I don't know who pays them, but, hey,  
11 that's the way they are. Secret services, particularly those who  
12 have had a long establishment, those of Serbia and Kosovo, and others  
13 as well do play a role.

14 Q. And the documents, again, how long did you have to review those  
15 documents before you called the press conference?

16 A. About three minutes. It was all known to us. The only  
17 difference was that we hadn't seen it before.

18 Q. And what language were the documents in?

19 A. In English. And from what we could surmise, that's what it was.  
20 We were not aware of the details. We weren't quite interested in it.  
21 We just saw that that's what it was, and we wanted to hand it over to  
22 the journalists so that they would decide what to do. Our main  
23 intention was to be transparent and to serve the public as well as to  
24 wash our hands of it, as it were. I now think that it would have  
25 been much worse should we have kept it secret and should something

Witness: Nasim Haradinaj (Open Session)  
Examination by Mr. Cadman

Page 2786

1 else have emerged and the situation been manipulated against what has  
2 been, as a matter of fact, manipulated has -- has been at the hands  
3 of journalists, which is not our responsibility.

4 The only mistake that we have made, if we've made one, was to  
5 take it from inside our offices and take -- take them within the same  
6 premises one floor higher. That's what we've done. We just -- he  
7 has brought this package here and we've just taken it one floor up.  
8 There's nothing else we've done.

9 Q. And did the representatives from the media, did they take all  
10 copies that were present at the press conference?

11 A. They took a lot. I don't know. It was a very brief meeting.  
12 We went downstairs. The papers were all over the place. And, in  
13 fact, I had cracked a little joke with the chairman, and they said,  
14 "What did he say?" And I said, "Chair -- Chairman -- we -- he said  
15 they'd bring CDs, and I said [indiscernible] "bring some flying  
16 saucers next time," and so on, and we started laughing about it. We  
17 called these Lightning Strike 1, 2, 3, depending on the consignment.

18 Q. Now, did you retain a copy of those documents as you had on the  
19 first and second for the SPO?

20 A. We always kept one copy for the ones who would come to retrieve  
21 it. So, yes, they did find a copy intact.

22 Q. Now, following the end of the third press conference, did you  
23 have contact with the SPO?

24 A. Yes, they did. They did come. They started talking about it.  
25 It is the Witness 1, accompanied by the same people as before, Moberg



Witness: Nasim Haradinaj (Open Session)  
Examination by Mr. Cadman

Page 2787

1 and the other one. They were not interested to go upstairs. And I  
2 told them, "The journalists are there. And if you're keen not to  
3 allow them to take possession of everything, you can go now." And he  
4 said, "Let's chat first." Then he took it slowly. He went there,  
5 brought the paperworks downstairs. And he said, "We will take them,"  
6 and he took one sheet. And we were opposite each other on the same  
7 table, so me opposite Witness 1, whilst the chairman was sitting at a  
8 table to the left a bit further away. And I know that he -- he  
9 extended his hand for the -- for the chairman to sign. You know that  
10 the chairman is an invalid and it's quite a long distance. And I  
11 said, "Can I take it and sign it instead?" He said, "Yes," which is  
12 what I did. And he took it alongside the documents, put them on his  
13 backpack and went.

14 So the third one is a delivery form or handover form that I  
15 signed. Because the chairman was at some -- some distance, I said,  
16 "Can I?" He said, "Yes." I signed it, and I don't know what else  
17 happened. I don't know whether he handed it over to the chairman or  
18 not, because I did not stay there any further and I can't remember.

19 MR. CADMAN: I believe it was given to me as P58, which is that  
20 delivery note. Could that be displayed for Mr. Haradinaj.

21 THE ACCUSED HARADINAJ: [Interpretation] Yes, that's my  
22 signature.

23 MR. CADMAN:

24 Q. Can I ask you to confirm whether that is the document that you  
25 signed on that day?

Witness: Nasim Haradinaj (Open Session)  
Examination by Mr. Cadman

Page 2788

1 A. Yes, that's it.

2 Q. Were you provided with any other document to sign on that day?

3 A. No, no, only this one.

4 Q. Was there any index or list prepared in relation to the seizure  
5 of those documents?

6 A. No, just this sheet of paper. No other list was prepared. We  
7 did not sign on to anything else. At least I am certain about this  
8 bit. Nothing else has been asked of us to sign, neither of me nor of  
9 the chairman.

10 Q. Did Witness 1 or either of the other officers with him count how  
11 many pages there were to the documents they seized?

12 A. No, not at all. He just collected them, put them under his arm,  
13 put them in his bag, and that's it.

14 Q. Did they conduct any search of the premises of the other offices  
15 on that day?

16 A. No, they did not. They didn't ask, they -- neither did they  
17 check nor did they ask for it. And I don't know. They didn't even  
18 question anyone, then or later. They just took possession of the  
19 papers and left. Thanked us and then on his way he went.

20 Q. How did they take the documents?

21 A. What do you mean, "how"?

22 Q. Let me put it this way. So when Witness 1, after you've signed  
23 the handover form, did he put those documents in an evidence bag, for  
24 example?

25 A. He went upstairs. He collected the documents which were all

Witness: Nasim Haradinaj (Open Session)  
Examination by Mr. Cadman

Page 2789

1 over the place, came downstairs, put -- put them on his backpack.

2 Nothing else.

3 Q. So he didn't put them in an evidence bag?

4 A. Yeah, that was the bag, the backpack. That was his special bag.  
5 It was his. It was his own bag.

6 Q. And when you say it's his bag, are we talking about a rucksack?

7 A. Yes. And second time around, it was the same thing.

8 Q. So there was no record of what those documents consisted of, and  
9 those documents were not placed in any sealed evidence bag that you  
10 were asked to sign?

11 A. All that happened is what I've described. There was no other  
12 action. He just opened his backpack, put the papers in, and zipped  
13 it up, and that was it. He had it on his lap and put the papers in  
14 and that's it. Nothing else. I don't know what else he did  
15 afterwards, but I wasn't given anything else.

16 Q. So you can't be sure that the documents that he took are the  
17 same documents that are now being relied upon?

18 MR. HALLING: Objection, calls for speculation.

19 PRESIDING JUDGE SMITH: You can ask that in a different manner.

20 MR. CADMAN:

21 Q. So you don't know if the documents that were taken are the same  
22 documents that left the building and the same documents that were  
23 taken to the SPO office in Prishtine? You cannot be sure of that?

24 A. All I can attest is that the documents that were taken from our  
25 office were put in his backpack. What's happened afterwards, I don't

Witness: Nasim Haradinaj (Open Session)  
Examination by Mr. Cadman

Page 2790

1 know. Where he took them, how he took them, what he did with them, I  
2 don't know. Neither how many were taken, how many were left behind,  
3 how many were they. We've never signed anything specific.

4 Q. And other than taking the bags and putting them in his backpack,  
5 were any other steps taken to secure evidence at this point?

6 A. I described all the steps. Nothing else has happened. He just  
7 put it on -- on his back and he left. He always -- he always thanked  
8 us for our cooperation every single time.

9 Q. Did any other member of the association -- or did the SPO speak,  
10 question, or take a statement from any member of the association at  
11 that time?

12 A. No. As far as I know, no. At least for as far as I'm  
13 concerned, the secretary, the deputy chairman who has been too unwell  
14 to be questioned. But for the three of us - me, the chairman, and  
15 the secretary - the question is no [as interpreted]. But even if  
16 they'd been questioned, they would have told, and I haven't heard of  
17 anyone else working there to have been questioned. But I know for  
18 certain that as far as these three are concerned, no. And that  
19 didn't happen on the day, it didn't happen before or after.

20 Q. Now, in the period from the 22nd to 25th September, did you have  
21 any contact with the SPO?

22 A. Let me repeat again. I have never had any contact with them,  
23 even to this day, with the exception of them being present here. The  
24 only officer from the SPO who I've seen were the ones who came to --  
25 to take possession of these documents. Witness 1, Moberg, and the

Witness: Nasim Haradinaj (Open Session)  
Examination by Mr. Cadman

Page 2791

1 other one. Others are -- no one else has -- has been in contact with  
2 me. I have answered every single call. I've always had my phone  
3 available, because I knew that the media had always called me. The  
4 only two exceptions have been when I was on the phone to someone else  
5 or too tired and asleep.

6 Q. Now, you are aware that a search of the premises was conducted  
7 on 25 September?

8 A. I heard it on the media in Decan. It was all over the TV  
9 outlets. I was having breakfast at a restaurant when I saw it on TV.

10 Q. And whereabouts were you having breakfast?

11 A. In Decan, at restaurant Besa [phoen].

12 Q. How far is that from Prishtine?

13 A. I think it's -- according to the road sign, it's 98 kilometres.  
14 But it's further away to -- to reach the office, but it's 98  
15 kilometres to the entrance to the city of Prishtine. It's -- it's  
16 about a two-hour drive, if you observe the rules and regulations. I  
17 know that you don't understand this concept here, but the standard of  
18 driving is different over there.

19 Q. At what point did you decide to drive back to Prishtine?

20 A. As soon as I saw it on TV, I stopped eating. It was really sad  
21 to see people in military -- in military uniforms with hats on,  
22 sniper rifles. All TV stations started speculating as to who they  
23 were and so on. So that when Hysni called me, I had already  
24 departed. The chairman called me at some point -- as a matter of  
25 fact, I phoned Faton first. I said, "Where are you, Faton?" And he

Witness: Nasim Haradinaj (Open Session)  
Examination by Mr. Cadman

Page 2792

1 said, "I am inside. They have -- they have confined me to the  
2 1st floor. They're not allowing me to go to my office." I asked,  
3 "Have you called your lawyer?" He said, "Are you -- are you doing  
4 it?" Which is what I did and he said that he was on his way.  
5 News -- newspapers kept phoning all the time. After a certain while,  
6 the chairman called. I think he called from Faton's phone. I think  
7 he phoned from that one. And I said, "Faton, Faton" -- he said, "No,  
8 no, it's Hysni." He said, "I am Hysni. They are taking me to  
9 The Hague. You need to be here because they don't want to conduct a  
10 search without you being present. And they won't even take me away  
11 without you arriving first." So he said, "Come, come as quickly as  
12 possible." And I said, "I can't. I can't drive any faster short of  
13 killing people right, left, and centre." And the radio on the car  
14 was on. The entire Kosovo media was inundated with this information  
15 and the media in Albania too.

16 So at around 12.00 when I -- when I was still en route, I  
17 learned that Hysni had been arrested and taken away. I continued my  
18 drive, however --

19 Q. Had you arranged to speak to any media at that time?

20 A. Initially, I -- I was keen to reach the premises to enable them  
21 to conduct the search, because they had said that they wouldn't take  
22 Hysni away or start the search. This was first and foremost my goal.  
23 There were hundreds of media outlets phoning me, but I had no time to  
24 assess them. But when I saw that they arrested Hysni, I understood  
25 that they had managed to conduct the search without me because Faton

Witness: Nasim Haradinaj (Open Session)  
Examination by Mr. Cadman

Page 2793

1 had arrived. At around 5.00, I -- no, I -- I accepted an offer to  
2 appear on TV7 from 5.00 to 7.00, in a programme which ran from 5.00  
3 to 7.00.

4 Q. Now, when you arrived in Prishtine, where did you go first?

5 A. Straight into the offices. I went straight into the offices.

6 Q. And what did you see when you arrived at the offices?

7 A. There was a Kosovo police cordon in front of the building.  
8 There was a group of people of over 100 or so, including journalists,  
9 veterans who had blocked the entranceway, because our building is  
10 opposite the government building as well as the municipal building.  
11 So on one side is the municipal council, and on the other it's the --  
12 the government. And there's -- there's a lot of traffic there.

13 And as soon as I got off the car, the Kosovo police said,  
14 "Please, Mr. Deputy Chairman, can you please ask them to -- to allow  
15 the traffic to flow?" Which is what I did. I asked them, I said,  
16 "Can you just free up the road?" The veterans did heed my call. The  
17 media followed suit and moved on the other side of the road, about  
18 5 metres or so away from the police cordon.

19 After that, journalists started asking questions. I looked at  
20 my watch and I said, "I have not -- I haven't got much time." I  
21 said, "I came here to help them conduct the search, because they said  
22 that they wouldn't take Hysni away until then. So it appears like  
23 Hysni has been taken away. The -- the search has been carried out,  
24 so I'm not going to go now." One of the veterans said, "Can you take  
25 Migjen Shala, the invalid who is sitting there. He has had a stroke

Witness: Nasim Haradinaj (Open Session)  
Examination by Mr. Cadman

Page 2794

1 and he can hardly move," and they asked me to take him away. And I  
2 wish him all the best in his recovery.

3 They had left him looking miserable there. So I went and took  
4 him. Two people came out in military fatigues. Migjen was between  
5 the police cordon and -- and the doors which were being guarded by  
6 soldiers with snipers and other automatic weapons. When I -- I took  
7 Migjen and -- and took him with me. It was late, so there's no  
8 time -- it was not possible to reach the programme in time. There  
9 were taxis stationed there, which is -- and I took a cab in order to  
10 go to the TV station and take part in the programme I had agreed on.

11 The media, obviously, did -- did call, they were quite  
12 interested, but I had promised him my appearance.

13 PRESIDING JUDGE SMITH: Mr. Cadman, we're about finished here.

14 MR. CADMAN: I wonder if -- because I'm drawing to a close --

15 PRESIDING JUDGE SMITH: Can you close within five minutes?

16 MR. CADMAN: No.

17 PRESIDING JUDGE SMITH: You're going to have to come tomorrow  
18 then. How much time will you need in the morning?

19 MR. CADMAN: Literally 15 minutes. I was going to ask if we can  
20 sit a little bit longer this evening.

21 PRESIDING JUDGE SMITH: I think that the translators have had  
22 quite a run through today, and I don't think they need to listen  
23 anymore. These answers are going on for 15 minutes, it seems. So we  
24 will adjourn until tomorrow.

25 I remind you that we want to have the list uploaded without the



Witness: Nasim Haradinaj (Open Session)  
Examination by Mr. Cadman

Page 2795

1 annotations from you, or both of them, and we'll deal with those  
2 tomorrow. And then please get us an e-mail about Expert Witness 1  
3 yet today.

4 MR. CADMAN: Ahead of you already, Your Honour. She has  
5 confirmed that she can come on the 21st.

6 PRESIDING JUDGE SMITH: She will be here on the 21st. All  
7 right.

8 MR. CADMAN: Yes.

9 PRESIDING JUDGE SMITH: And you will --

10 MR. CADMAN: We will liaise with --

11 PRESIDING JUDGE SMITH: Please notify Registry immediately.

12 MR. CADMAN: Absolutely.

13 PRESIDING JUDGE SMITH: So we are adjourned.

14 Mr. Haradinaj, you are still being examined. You may not talk  
15 about your case with anybody. You can talk with your attorney about  
16 other matters, of course.

17 Something from the Prosecution? Anything?

18 Mr. Bowden?

19 MR. BOWDEN: No, thank you.

20 MR. CADMAN: And, Your Honour, I will do my absolute best to  
21 conclude. As I say, it's only a very short -- but it's not five  
22 minutes short.

23 PRESIDING JUDGE SMITH: All right.

24 Are you still estimating ten hours tomorrow?

25 MR. HALLING: We'll hope to be faster than that, but finishing

Witness: Nasim Haradinaj (Open Session)  
Examination by Mr. Cadman

Page 2796

1 on Thursday would be the latest.

2 PRESIDING JUDGE SMITH: All right. Thank you very much. We are  
3 adjourned.

4 --- Whereupon the hearing adjourned at 4.02 p.m.

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25