

1 Wednesday, 12 January 2022

2 [Open session]

3 [The accused entered court]

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

5 PRESIDING JUDGE SMITH: Madam Court Officer, could you please
6 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: Good morning and welcome, everyone.
11 Any change in the appearances?

12 Mr. Halling.

13 MR. HALLING: No change, Your Honour.

14 PRESIDING JUDGE SMITH: Anything, Mr. Bowden?

15 MR. BOWDEN: No change, Your Honour.

16 PRESIDING JUDGE SMITH: All right. Mr. Cadman?

17 MR. CADMAN: Your Honour, we are joined by Mr. Berisha this
18 morning. He managed to get through the snow in Kosovo and make his
19 way here, and Mr. Soliman will only be here for the first morning
20 session.

21 PRESIDING JUDGE SMITH: And I note that once again
22 Judge Mettraux is present with us on video.

23 And Mr. Rees is also present. Good morning, Mr. Rees.

24 First of all, in light of yesterday's discussion, the Panel will
25 issue an oral order on the application of the Haradinaj Defence for

1 videolink testimony of the first expert witness, number 1252.

2 On 23 December 2021, the Haradinaj Defence filed an application
3 to call the first expert witness, 1252, via videolink.

4 On 5 January 2022, the SPO responded to the application,
5 submitting that it did not oppose it so long as, one, the logistical
6 arrangements caused no delay in the proceedings; and two, the
7 relevant technology allows, at a minimum, for parties to show
8 documents to the witnesses including those classified as confidential
9 and to question the witness in private session as necessary.

10 On January 10, 2022, the Registry submitted its assessment as to
11 the feasibility of the videolink. The Registry assessment
12 highlighted that at least two Registry staff members must travel to
13 the UK and that a complex set of arrangements need to be put into
14 place before any such link could be operational. The Registry
15 indicated in the report, and in court yesterday, that subject to
16 required arrangements being finished by the UK authorities, the
17 minimum amount of time required by the Registry to implement any
18 order for the use of the videolink testimony would be five working
19 days.

20 This is needed to allow for the travel to the location, any
21 possible self-isolation and testing requirements for staff members,
22 and the set up and testing of the technical equipment in the relevant
23 location.

24 UK authorities have informed the Registry that the earliest
25 response will be on 12 January.

1 The Panel further notes that, as submitted by Mr. Cadman, the
2 request for videolink was premised on the current travel difficulties
3 and the witness's personal situation and professional obligation.
4 The Panel notes, however, that the witness has indicated that she
5 could make herself available to travel to the Netherlands and to
6 testify in person on specific dates.

7 The Panel notes that under Rule 144(1) a decision whether to
8 allow videolink testimony is within the discretion of the Panel,
9 provided that the venue chosen and the available technology meets the
10 requirements under that rule.

11 The Panel is mindful of the current technological advancements
12 and understands that videolink testimony should not be considered
13 only on an exceptional basis. This, however, should not translate
14 into a routine replacement of in-person testimony.

15 As Mr. Cadman correctly pointed out yesterday, the presence in
16 this courtroom of a witness during testimony should remain the
17 preferred option.

18 Accordingly, when deciding whether to allow videolink testimony,
19 the Panel may consider a number of factors such as the location,
20 personal and health situation, availability and security of the
21 witnesses, as well as the complexity and duration of any logistical
22 travel and other arrangements to be made.

23 For the present application, the Panel has weighed, on the one
24 hand, the witness's personal situation and stated willingness to
25 travel to The Hague; and, on the other hand, the complexity of

1 arrangements to be made, the time this would take, and the number of
2 Registry staff that would have to travel and the risks to which they
3 would be exposed as a result. The Panel has also considered the
4 delays this could cause and the effect thereof into the right of the
5 accused to be tried without undue delay.

6 Based on these considerations, the Panel finds that the most
7 reasonable option in this case is to have the first expert witness
8 testify in this courtroom.

9 The Panel, therefore, rejects the videolink application and
10 decides to hear the witness in person.

11 The Panel instructs the Haradinaj Defence and the Registry to
12 ensure the availability of Witness 1252 on 21 and 24 January 2022.

13 This concludes the oral order.

14 Mr. Cadman, do you have any updates on the availability of
15 Mr. Reid on the witness travelling to The Hague?

16 MR. CADMAN: It's normally about this time that he makes
17 contact. We obviously sent messages to him after the session
18 yesterday. As soon as we get a response from him, then I'll update
19 the Panel.

20 PRESIDING JUDGE SMITH: And ideally he would be here on 24
21 January?

22 MR. CADMAN: Ideally, yes.

23 PRESIDING JUDGE SMITH: All right. We'll issue an order on this
24 later today.

25 Mr. Cadman, I see you also uploaded the list of names without

1 annotations. Is there any objection from the SPO for admission of
2 the two lists, one with annotations and one without?

3 MR. HALLING: No objection, Your Honour.

4 PRESIDING JUDGE SMITH: Is that your wish, to offer those?

5 MR. CADMAN: No, Your Honour. Only the -- which was DNH0870,
6 which is the one without the annotations. We are not seeking to
7 exhibit the one with annotations on the basis that the annotations
8 referred to those that we consider have been mentioned in public
9 filings, but it doesn't indicate that we accept that any of these
10 witnesses should be given a confidential classification. So we are
11 only seeking to exhibit the unannotated version of 0870.

12 PRESIDING JUDGE SMITH: All right. We'll take that into
13 consideration, but we will, right now, give a number, please,
14 Madam Court Officer, to the unannotated list.

15 THE COURT OFFICER: Your Honours, DNH0870 will receive number
16 2D2.

17 PRESIDING JUDGE SMITH: I'm sorry, there was a cough.

18 THE COURT OFFICER: Number 2D2.

19 PRESIDING JUDGE SMITH: All right. 2D2 is admitted.

20 And now, Mr. Cadman, you may continue your direct.

21 MR. CADMAN: Just one final matter. We have left the
22 duplication in the list because, obviously, if we were to remove
23 that, that would affect the transcript and the reference to the
24 numbering.

25 PRESIDING JUDGE SMITH: Understood.

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

Page 2802

1 Mr. Haradinaj, can you hear me?

2 THE ACCUSED HARADINAJ: [Interpretation] Yes, I can.

3 PRESIDING JUDGE SMITH: You are still subject to the declaration
4 you made yesterday. You understand? The declaration to tell the
5 truth, you are still under that declaration. Do you understand?

6 THE ACCUSED HARADINAJ: [Interpretation] Yes. When you swear an
7 oath, it is always valid and I am fully aware. Thank you.

8 PRESIDING JUDGE SMITH: Thank you.

9 Go ahead, Mr. Cadman.

10 WITNESS: NASIM HARADINAJ [Resumed]

11 [Witness answered through interpreter]

12 Examination by Mr. Cadman: [Continued]

13 Q. Good morning, Mr. Haradinaj. Yesterday, we had left off --

14 A. Good morning.

15 Q. -- when you had just left the location of the WVA. And I'd like
16 to just go back to that for a moment. After you had, upon the
17 request of the Kosovo police, dispersed the crowds, can you tell the
18 Court where you went to immediately after that?

19 A. I managed to get the crowd to move away. They were not
20 dispersed. They just moved on the other side of the pavement so that
21 the request of the police was met. And upon finishing a very short
22 interview, due to the large number of journalists present, then I
23 apologised, telling them that I have a preset interview at 5.00. So
24 I took a cab, which was stationed -- taxis are usually stationed in
25 front of the building, and I went straight to the headquarters of

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

Page 2803

1 TV 7.

2 Q. Before you left the area, and you've said that you had
3 interaction with the Kosovo police, did you have any interaction with
4 any SPO officer at that time in front of the WVA building?

5 A. I saw the two police in military uniforms. No one spoke to me
6 and nor did I notice anyone present there.

7 Q. And it's right that in your interactions with the Kosovo police,
8 nobody indicated to you that you should not leave the area in front
9 of the WVA?

10 A. No, no one, including the Kosovo police.

11 Q. And so on leaving, you've just said that you attempted to get a
12 taxi. Can you just tell us again where you were planning to go when
13 you got into that taxi?

14 A. I didn't take the taxi myself. I asked people to -- to call the
15 taxi on my behalf. I don't know who did that. And, in fact, the --
16 the man who ordered the taxi came with me. He sat alongside the taxi
17 driver, and I told them that I was going to T7 for an interview. I
18 had to apologise to the journalists who wanted to continue the
19 interview there and then, and the veterans too. We had, as a matter
20 of fact, a very short meeting with the veterans with a view to
21 remaining calm and not creating any precedent whatsoever, for the
22 situation to remain calm, that is.

23 Q. And so you then travelled to the T7 station. Who did you intend
24 to see at the T7 station?

25 A. I had set an appointment with a moderator of the programme,

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

Page 2804

1 Arsim Lani. He has a regular programme scheduled at 5.00. It's a
2 regular programme with a fixed starting time.

3 Q. And had you arranged that interview earlier in the day?

4 A. Yes, I accepted his invitation for an interview when I was en
5 route from Decan to Prishtine. When Hysni called me, that is.

6 Q. And approximately how far in terms of the time it would take you
7 in a taxi to drive from the WVA to the T7 studio?

8 A. I don't know. About ten minutes, under.

9 Q. Whilst you were driving in the taxi to the T7 studio, did you
10 notice anything whilst you were driving?

11 A. I sat on the front seat alongside the driver, on the seat near
12 the driver. And about 50 metres further, on the right-hand side, one
13 could notice a large EULEX jeep. It -- it came out of a small road.
14 It did that rather speedily and followed us. It -- it did make an
15 impression on me, the way it took to the street so speedily.

16 However -- and there was -- there was at some stage a car which
17 overtook and installed itself between us, but I saw that after --
18 after that point he did overtake again and came straight behind us,
19 which made me understand that they were following us. Nothing else.
20 Later, in order to ascertain on whether it was -- this was being --
21 we were being followed or not, I told the driver to give a signal as
22 if he was turning left but don't turn left because we're going to T7.
23 He said, "Why?" And I said, "You'll see." So when he signalled
24 turning left, the jeep did the same and at that point I understood
25 that they were following us.

1 I told the driver to continue, they are following us. I picked
2 up the phone and called the moderator because in order to gain
3 entrance to the TV station, you have to go through a doorway with --
4 with a pad, with a numeric pad. You can't get in straight away. If
5 you -- because if you just ring a bell, the bell does not ring in the
6 studio. It goes elsewhere. So -- so there is no direct connection
7 between the button of the bell and where the bell rings.

8 So, as a matter of fact, usually you have to send someone to
9 open the door for you. I called him, I said [indiscernible] "Look,
10 there is a EULEX car following me. Give me the code. I can't be
11 sure that they are following me but they are as a matter of fact."
12 And he said, "I can't give you the code, but I'll come downstairs to
13 open the door for you." And that's it.

14 When we reached the door, because, you know, the entrance is on
15 the left just close to the Constitutional Court, usually free of any
16 cars, I got off the car. So I -- I went on the right-hand side, then
17 turned on the left-hand side of the car. And at that point, I saw
18 that they emerged from the car and he said, "Stop, stop, police,"
19 which is what I did, I stopped. One of them came in front of me and
20 he said, "You're under arrest." He said that in English.

21 And I said, "Why?" in that little English that I knew. The
22 other one told me in Swedish, "Do not move," he said it in a clear
23 Swedish [Swedish spoken], and I saw that that man was Moberg. And I
24 asked him why. He tried to produce a piece of paper which he had
25 hanging on a badge, and what I told them, that -- that if I'm under

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

Page 2806

1 arrest, I want the Kosovo police to be present. And from that moment
2 onwards, we continued chatting away in Swedish.

3 Q. Now, you told the Swedish officer, who you've identified as
4 Mr. Moberg, who spoke to you in Swedish, you've said that you had
5 indicated that you wanted to wait until the Kosovo police arrived.
6 How did he respond to that?

7 A. I asked him to call the Kosovo police, because he hadn't done it
8 yet. I asked him to call the Kosovo police because I wanted them to
9 be present when they arrest me. He phoned someone. I don't know who
10 he phoned, whether the police or someone else. He said, "Do not move
11 until they come." So we sat. There was a -- an iron fence by door,
12 and we -- I lent back and we continued chatting on different issues.

13 In the meantime, however, many people came close, many
14 journalists and so on. They asked, "What language are you speaking
15 in, and what's happening?" And I told them that I'm speaking
16 Swedish, there's an arrest warrant for me, and I'm waiting for Kosovo
17 police to arrive. They asked, "Where were you heading to?" And I
18 told them that I went to go to the T7 for an interview. And then
19 Arsim Lani called and he said, "I am here, I'm recording the whole
20 thing." And, in fact, it has been recorded, the entire scene.

21 Q. How long after that initial interaction did it take for the
22 Kosovo police to arrive?

23 A. 10 or 15 minutes.

24 Q. And once the Kosovo police arrived, can you explain what
25 happened?

1 A. The road where the taxi stopped was blocked because the cab had
2 stopped right -- right in the middle of the road and not on the side
3 and the EULEX jeep was behind it. Police and these authorities, in
4 fact, had a problem with -- with other citizens who wanted free
5 passage. They -- they had little children who were picking up from
6 kindergarten and so on, but they didn't cede. So there was a bit of
7 a confrontation between them and the parents who -- who wanted to go
8 and get their own kids.

9 The Kosovo police came. They stopped about 40 metres away. As
10 soon as I saw them, I raised my hand to indicate that I was here. We
11 greeted each other normally. I told him, "Fine, everything is fine,
12 so you can now implement your orders." He asked me to get into the
13 EULEX jeep or car, and I said that, "No, I want to be arrested by my
14 own police. I'm not opposed to the arrest, but I want my own police
15 to arrest me and I want to get into the police car."

16 He said, "Fine." And one of the policemen said that, "We will
17 get in this car alongside with you." I asked them, "Have you got
18 your own car, though?" He said, "Yes." And the officer -- I don't
19 know whether he consulted anyone or not, but he agreed that we would
20 get into the police car, but he said that the -- the prosecution
21 police need to be in the same car as well. I said, "No problem." We
22 went into the Kosovo police car, and another one -- Moberg was one
23 and another one from Kosovo police, in front were two -- two other
24 Kosovo police officers. So I was in back flanked by two policemen,
25 and we went to their centre which is in Fushe Kosove.

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

Page 2808

1 We went in past the first barrier, the doors were opened. So we
2 were in the police car and when we got out of the car, they said,
3 "You are here." And they said this: "From this point onwards, we
4 have to handcuff you." So this is -- this is in their forecourt and
5 it was just 20 metres from the front door. They said they'd handcuff
6 me for this distance of time, and I said, "No problem." Our police
7 said, "Fine," and we went in.

8 The arrest warrant, that was something that I did not see at
9 all. They meant to read it to me but they never showed it to me.
10 I've only seen it upon arriving here. In fact, I saw it for the
11 first time when I appeared in court here.

12 Q. And following your arrest and what you've just described being
13 at the SPO facility, how long were you held there before you were
14 transported to The Hague?

15 A. When we got in, we went straight into an office. They -- he
16 told me that we would be preparing not for a long time. They asked
17 them whether -- whether they want a bit of water. They -- they
18 said -- they asked me if there is any medications I need. I told
19 them that I need my reading glasses. And said, "We were heading for
20 The Hague, so what would you need?" I said, "I need my high blood
21 pressure medication, my glasses, and a pair of -- a pair of socks
22 which I use all the time."

23 It was around 6.00 or 7.00 that we -- we were about to take the
24 flight. Initially -- initially -- in fact, the idea was to fly out,
25 but later they said that wouldn't be the case, so I was kept in an

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

Page 2809

1 office for most of the time pending this taking of this flight.

2 However, when it became clear that this was not going to -- to be the
3 case, they took me to a cell, a holding cell.

4 Q. And was it, in fact, the following day that you were then
5 transported to The Hague?

6 A. Yes, that happened at around half -- half past 9.00, 10.00, or
7 11.00. I don't know it exactly. But about 12.00 or so on the day
8 after. So they took me to another part of Prishtine airport. It
9 looked like a container. I had a medical checkup. And I was told
10 that I was in the hands of the officials of this -- of this Chambers,
11 and they said that they use a different kinds of handcuffs. They
12 removed those and they -- they gave me -- put me in the other
13 handcuffs and a belt. They said that they did not have a -- an
14 interpreter with them, but an officer who spoke Swedish -- who spoke
15 Swedish came all the way. Not Moberg but the second one, the one who
16 initially told me not to move.

17 I knew that I was under camera surveillance all the time. They
18 only gave us cold drinks. I asked for tea. They said that's not
19 permissible. And I said fine. I was on -- the only person on that
20 flight.

21 Q. Mr. Haradinaj, I have a number of final questions that I want to
22 put to you and I would just kindly ask you to answer these as briefly
23 as you possibly can.

24 Now, the Prosecution has alleged that you acted unlawfully
25 between the 7th and 25th September. Do you accept that?

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

Page 2810

1 MR. HALLING: Objection, Your Honour. Asking the accused
2 whether he believes he committed the crimes charged is eliciting
3 improper opinion evidence going to ultimate issues for the Panel.

4 PRESIDING JUDGE SMITH: Overruled. You can answer the question.

5 THE ACCUSED HARADINAJ: [Interpretation] Mr. Counsel, I think the
6 Prosecutor knows best. I -- I have never known myself to be at
7 fault. Even at this point, I -- I reaffirm that my own goal has been
8 transparency and the public interest.

9 The remarks that I've made are remarks that are -- that are at
10 the basis and the basic rights of every citizen of a democratic
11 country. That is the reason why I was jailed by the communist state.
12 So it would be entirely absurd were I to go against the principle of
13 transparency and the public interest. So, no, I do not feel myself
14 guilty. This is what prompted me to do what I did.

15 MR. CADMAN:

16 Q. During the same period, did you threaten or seek to intimidate
17 any witness?

18 A. There was no reason to. I'm not that kind of person. I have
19 never ever threatened anyone, even privately. Even on occasions when
20 I felt myself threatened, I did not return the threat.

21 Q. During the same period, did you retaliate against anyone for
22 giving evidence?

23 A. No one has harmed me to -- to the extent that I have to -- to
24 ask for them to -- to explain their behaviour. I have had no right
25 to ask someone to show accountability.

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

Page 2811

1 Q. With the exception of the Serbian officials who you have
2 mentioned on the list and those two other individuals who you have
3 mentioned that you consider to be in the public domain, did you
4 reveal the identity of any witnesses?

5 THE INTERPRETER: Microphone, please.

6 THE ACCUSED HARADINAJ: [Interpretation] Never. Not a single
7 name. Not a single witness's name has been disclosed. I have
8 neither published nor distributed.

9 MR. CADMAN:

10 Q. The Prosecution has alleged that you used the words "spies" and
11 "traitors," and you were referring to witnesses. Who were you
12 referring to?

13 A. Sincerely speaking, you -- you can easily see that the
14 Prosecution are twisting the words or, otherwise, you're going to
15 have to accept that they are ignorant. When they refer to this, to
16 the spies, the spies are well known to the whole world. These are
17 collaborators of the communist regime of the time. Those who
18 followed me and who continued to be part and parcel of my -- of my
19 government. It's not -- it's not to do with -- with them.
20 Collaborators -- collaborators are the -- the ones who I'm asking the
21 Prosecution to investigate too. They are the ones who have committed
22 crimes alongside the Serbs.

23 Apart from -- from the Serbs, there are Albanians who have done
24 the same one. Like the case of [REDACTED] Pursuant to In-Court
Redaction Order F518RED and others who they know,
25 because they -- they are their own witnesses and they are fully aware

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

Page 2812

1 of it.

2 Q. Did you --

3 A. These are the spies. These are spies who worked for the
4 Yugoslav security services. Not anyone else.

5 Q. Did you publish, yourself, any material contained in those
6 documents?

7 A. I didn't even take a picture of those documents myself or
8 personally. There -- there have been occasions when I've liked
9 material which has been published by the media. There is not a
10 single picture that has been taken directly from me and distributed
11 by me on Facebook or elsewhere. I have looked at posts. There --
12 there have been cases when I've liked them. And there has been --
13 there have been cases where I've distributed pictures which have
14 first appeared on the media. But I have never ever taken a picture
15 of a single document. I had plenty of occasions to do, but that was
16 not my goal. It was not part and parcel of our duties as an
17 organisation, because if we -- if we had undertaken that kind of
18 exercise, we wouldn't have given it to the media. The -- the whole
19 interest was not to make a mistake, which is the reason why we gave
20 it to the media, who are more professional than us, more authorised
21 than us.

22 So never is the answer. I haven't taken a picture. I haven't
23 threatened anyone. I haven't called anyone to ask why. Never.

24 Q. You've partly answered this already, but I must ask it: Did you
25 copy or retain a copy of any of the material?

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

Page 2813

1 A. We did not copy because we did not want to. Neither did we keep
2 any copies. The copies that were left by the governments [as
3 interpreted] were left aside until one of their representatives came
4 and retrieved them, Witness number 1.

5 Q. Did you put any pressure on any journalists to reveal or publish
6 the material?

7 A. I did not exert any pressure. I have debated with people who --
8 who were instigating me personally or the organisation to complicate
9 this stuff by asking us, "Why are you afraid? Why are you not
10 publishing the stuff yourselves? Why are you calling us?" And I did
11 debated with them. I said, "You are the professionals. You are the
12 ones who know how this job is done. Our own duty is to -- to unveil
13 what has arrived to us but not -- nothing else." And this is all
14 recorded. Because had I wanted to, I would have disclosed it myself.
15 There was no other pressure, no.

16 Q. And did you think or do you think -- did you think at the time
17 that by holding the press conferences, this might have a negative
18 impact on witnesses?

19 A. The only thing that I thought that would be positive was to
20 serve the transparency and public interest. I'm not so -- so
21 constituted, as it were, to do negative things. If I'd wanted to, I
22 would have done it. The reason was only to show or to disclose what
23 we had received.

24 Q. Did you obstruct, threaten or seek to cause harm to any member
25 of the SPO?

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

Page 2814

1 A. No one knows it better than they do. If they want to continue
2 the -- the lies and inventions, they can do so, but no one knows it
3 better than their own officers. First and foremost, I have never
4 known a single one of them. I have never had a contact with them
5 until the day when I met Witness number 1. I have never spoken to
6 them or had their phone number. Even if I'd wanted to -- if we
7 needed to contact them, we didn't have a single contact point, not a
8 single phone number. They left a -- they left a business card when
9 they came there, but I never used it.

10 If I had wanted to threaten anyone, I would have done it simply
11 with Witness number 1. They can ask him. They can ask him if I ever
12 did that kind of thing, but the answer is never. Never.

13 Q. You've said throughout your evidence that you want this Court to
14 hold all perpetrators that committed war crimes and crimes against
15 humanity during the liberation accountable. Why is that important to
16 you?

17 A. Only a mentally unstable person would be able to ascertain that
18 criminals ought to be protected, or someone who is a criminal himself
19 or herself. If I were to say that kind of thing, I would have to
20 admit that I am a criminal, so do I not permit myself to make that
21 error. Why? That's because people who have suffered during the war
22 ought to know who the perpetrators were, and the perpetrators also
23 ought to receive the deserved punishment.

24 But -- but I reassert that the direction taken here - i.e.,
25 taking criminals and using them as witnesses, and I'm referring to

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

Page 2815

1 the list here - this direction would lead to crimes never being
2 uncovered. Or otherwise, this might be part of an overall goal to
3 damage Kosovo, not certain individuals.

4 Q. The Prosecution alleges that it was your intention to shut down
5 this institution. How do you respond to that?

6 A. Maybe it suits the Prosecutors to say so. They can continue to
7 do so. There is a process of justice which is unveiling everything.
8 But the truth is that we -- we have asked all along, and I'm
9 reasserting here in front of the Honours, for the Prosecution to
10 change its direction because, first and foremost, they would -- they
11 would benefit from it. It would be an honour for a Prosecutor to
12 uncover a crime and to punish it. But what they are trying to do is
13 replacing crime with something else.

14 As an organisation -- and I personally have asked for an
15 amendment, amendment to include all crimes regardless of who the
16 perpetrators are in Kosovo. And if this were not done -- and, in
17 fact, this Prosecution has tried all the time to -- to provoke us
18 into a reaction, and it -- we -- we would have been completely
19 ignorant had we not reacted to what we said, what we said that if
20 they do not change -- and this is with reference to the expiry period
21 of August, which they have set. And I asked for the mandate not to
22 be continued if all crimes are not pursued.

23 If they call this -- this a blockade, so be it. But that's not
24 what I had in mind. I did not set that expiry time. They did. I
25 said let it not be continued if they don't -- and I'm asking the same

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

Page 2816

1 thing here. I'm asking them not to continue on the route that
2 they've been following. Not to rehabilitate criminals. Asking
3 criminals, particularly Serbs, as witnesses, is wrong. And I'm not
4 singling out Serbs here because they are Serbs. It's because it's
5 been documented that they have committed crimes. And they are
6 pathologically convinced that Albanians are guilty.

7 And I cannot accept a Kosovo court -- and when I say "court," I
8 mean the SPO. I cannot accept a Kosovo court to be worse than the
9 one in 1981, 40 years later. And if it is the way it is, I will be
10 against. I am against the direction of travel of this office of the
11 Prosecutors and from this point of view, and if this is indeed the
12 case, I am against them 100 per cent.

13 Q. And can you confirm that from the moment you voiced your
14 concerns publicly, on no occasion has the SPO sought to raise and
15 discuss these concerns with you?

16 A. To the contrary. It looks like everything that I've explained
17 and all the cases concerned have never been talked about with us. In
18 fact, not only that, they were -- we were totally ignored. And I
19 know why now. Because the provocation and the goal was to bring us
20 here. But I think that at the end of the day, justice will prevail.

21 If -- if this is via their own coordinator, which is number 2,
22 if he is the person to decide, I have already been convicted, and
23 that happened through his declaration in -- in public TV in January
24 2021. But that's -- that's by the by.

25 Q. Following on from that, having made your concerns public, having

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

Page 2817

1 raised them with the Kosovo government, with international
2 organisations, and through the public discussions that you've
3 mentioned in your evidence, did you feel that you were left with any
4 other alternative?

5 A. There was a single one: to abandon Kosovo the same way I was
6 forced to do that during the Tito and Milosevic years. That was the
7 only alternative. And I did not want to repeat that exercise. I did
8 not want to do it to my country again. So that was the only
9 alternative, to leave Kosovo.

10 Q. And finally, Mr. Haradinaj, do you believe that your actions
11 were justified in the public interest?

12 A. Definitely. That is -- let me just repeat. We never started
13 anything. It -- including the interviews on TV. We were invited to
14 become part and parcel of a discussion panel organised by -- by TV
15 outlets because it was in the public interest. It was in the public
16 interest. It remains in the public interest to this day. And you
17 have to -- and you have to understand that the -- the workings of
18 this Prosecution and the Chambers continues to be at the -- at the
19 centre of the public interest in Kosovo.

20 Q. Thank you, Mr. Haradinaj. I don't have any further questions
21 for you at this time. The Prosecution will now have questions for
22 you and counsel for Mr. Gucati may have questions for you. I only
23 ask you just to be conscious of the directions that have been given
24 to you by Their Honours in the way in which you give your answers to
25 ensure that the translation can continue. Thank you.

Witness: Nasim Haradinaj (Resumed) (Open Session)
Cross-examination by Mr. Halling

Page 2818

1 MR. CADMAN: Thank you, Your Honours.

2 PRESIDING JUDGE SMITH: Mr. Bowden, do you have any questions?

3 MR. BOWDEN: No questions, Your Honour.

4 PRESIDING JUDGE SMITH: All right.

5 Mr. Halling, the floor is yours.

6 MR. HALLING: Thank you, Your Honour.

7 Cross-examination by Mr. Halling:

8 Q. Good morning, Mr. Haradinaj. My name is Matt Halling. I am
9 with the SPO and I'll be asking you questions today.

10 I would like to start by showing you a video.

11 MR. HALLING: And if I could ask the Court Officer to please
12 pull up video P1, and it would be time-stamped 07:05 to 08:08. This
13 particular part of the video is public. And for people in English,
14 following on the transcript, it would be page 3 of P1-ETRED.

15 Q. And, Mr. Haradinaj, we're going to watch this small video, and
16 then I'm going to ask you a few questions.

17 [Video-clip played]

18 MR. HALLING: Your Honour, I understood from the previous
19 directions, that the translators were to be interpreting that
20 extract. I didn't hear any interpretation. So with your leave, I
21 guess I'll just read that particular passage into the record.

22 PRESIDING JUDGE SMITH: All right. Go ahead.

23 MR. HALLING:

24 Q. So, Mr. Haradinaj, you heard what was said in the video; yes?

25 THE INTERPRETER: Microphone, please. Microphone for the

Witness: Nasim Haradinaj (Resumed) (Open Session)
Cross-examination by Mr. Halling

Page 2819

1 witness, please.

2 THE ACCUSED HARADINAJ: [Interpretation] Yes, I did hear it very
3 well. And I don't know what context you're trying to -- to put it
4 in, but I can repeat it exactly the same time and I stand by it, word
5 for word.

6 MR. HALLING:

7 Q. Mr. Haradinaj, but you are the only one of the -- there's
8 non-Albanian speakers that need me to read that same passage into the
9 record in English. So if you'll just give me a moment.

10 This is what was said:

11 "I hope that you, the media, but also those who have been so
12 much engaged in making analyses, will have now what to deal with. I
13 think this court should pay its price. To say that these
14 confidential and top secret only for the documents to be leaked - no
15 matter who has received them - I think this shows that it is more
16 than scandalous and it is shameful even to mention its name. It no
17 longer exists. What is worse, they misled the witnesses by telling
18 them that they would protect them. These notes, these names, these
19 surnames, they must now know that they are known names and that no
20 one is unknown, because the exact place, the exact summon, the
21 statement when he has given it, the next statement when he has given
22 it, are all shown here."

23 Mr. Haradinaj, you told the witnesses that their names are now
24 known in this excerpt. So the witness names you are referring to
25 were not previously known; correct?

Witness: Nasim Haradinaj (Resumed) (Open Session)
Cross-examination by Mr. Halling

Page 2820

1 THE INTERPRETER: Microphone.

2 MR. HALLING:

3 Q. Please repeat your answer for the --

4 A. Mr. Prosecutor, listen. I am sorry that we are starting this in
5 this way and asking me to ask you not to speculate. I didn't say. I
6 said I was pointing not to the witnesses but to you as Prosecutors
7 for the scandal. So do not speculate about who I had in mind.
8 Listen well, translate it well, and then you'll see what the truth
9 is. I was pointing the finger to you. This was a scandal. You had
10 caused it.

11 And I said the same -- the same here. You destroyed themselves.
12 And if a damage has been created in your opinion, that,
13 Mr. Prosecutor, has been done by you through a fault of yours or
14 intentionally on your part, because I cannot believe that there are
15 people working within the Prosecution's Office who are as ignorant as
16 such to cause this. So I did not -- I was not addressing the
17 witnesses there, but I was addressing you as a Prosecutions Office.

18 You have to -- to pay the price for something. You have to pay
19 the price for the disclosure, and you are the ones who -- who wanted
20 this to be set up, and parliament -- parliament did approve it, and
21 you had the responsibility to protect. And what I mean to say here
22 is that you are the guilty party. One of you ought to be -- be sat
23 here. You have -- you have now this possibility, financial and
24 political, to enable yourselves to bring me here. That's it.

25 MR. HALLING:

Witness: Nasim Haradinaj (Resumed) (Open Session)
Cross-examination by Mr. Halling

Page 2821

1 Q. [Microphone not activated].

2 THE INTERPRETER: Microphone.

3 MR. HALLING: Sorry.

4 Q. Mr. Haradinaj, I'd ask you to please answer the question that
5 I've asked. My question was: Were the witnesses names that you saw
6 not previously known? Can you please answer that question.

7 A. Are you asking about what I saw or what I said? Can you please
8 clarify, because it appears to be twofold, this -- this
9 [indiscernible]. Do you mean what I saw or what I stated?

10 Q. Mr. Haradinaj, when you are referencing witnesses and their
11 names in this excerpt, those are the witnesses I'm interested in.
12 Were those names you're referring to previously known?

13 A. Mr. Prosecutor, when you say "a witness," it is just a witness.
14 You put a name to it. I did not name anyone. If -- if we're going
15 to be punished for using the word "witness," in that case, this
16 criminal offence has already been committed through this trial. You
17 know that witnesses is -- "witness" is a generic term. I can say
18 they are manipulated, but this is otherwise. There are other
19 witnesses.

20 But apart from the generic use, there is not a mention of a
21 name. I have not mentioned a single name that would not have been
22 very well known and very public for five years in a row at least.

23 Q. The witness names you are referencing in this extract were not
24 previously known; isn't that correct?

25 A. First and foremost, I cannot -- I cannot come to a conclusion as

Witness: Nasim Haradinaj (Resumed) (Open Session)
Cross-examination by Mr. Halling

Page 2822

1 to how many have -- have been or who has it been, from this extract,
2 that is. But from the materials that I have consulted, I mentioned
3 only names that were known. And -- and this is -- these names have
4 been in the public well before this Chambers was set up. And, as I
5 mentioned yesterday, we don't know who else this material that
6 reached us has been sent to. And that's why I said it yesterday as
7 well and I repeat it today, because you, the people who brought it to
8 us, or whoever brought it to us, has had plenty of opportunity to
9 send it to other people too.

10 Q. Mr. Haradinaj, what did you mean when you said:

11 "They must know now that they are known names and that no one is
12 unknown"?

13 A. Given that I have to translate, is it you don't understand or
14 you're pretending not to, but I said the Specialist Prosecutor's
15 Office should know how much damage they've caused to themselves.

16 Q. Mr. Haradinaj, did you want the witnesses in the materials you
17 were talking about on September 7, did you want those witnesses to
18 know that who they were and what they said was now known?

19 A. Mr. Prosecutor, let me clarify again. I think you're fishing in
20 troubled waters. You have not confirmed to this day that that
21 material is yours and yours alone. And, secondly, you have to ask
22 themselves what you wanted other people to know, including people in
23 our organisation. It was not in our -- in our own desire, as it
24 were, or the realm of possibility for us to do it ourselves.

25 Q. Mr. Haradinaj, that didn't answer my question. Again, whether

Witness: Nasim Haradinaj (Resumed) (Open Session)
Cross-examination by Mr. Halling

Page 2823

1 I've asked a good question or whether it's fishing is not for you as
2 the witness. Your counsel and the Trial Panel will intervene if I
3 ask an inappropriate question. But I'll ask my question again.

4 The witnesses that you were referencing in this extract, did you
5 want those witnesses to know that who they were and what they said
6 was now known?

7 A. I'm addressing the Trial Panel. Your Honours -- or the
8 interpreters, because they may not be interpreting it correctly. But
9 the Prosecutor is speculating here. I never said that you're not
10 asking the questions correctly. Please don't speculate, because I
11 did not say that. Otherwise, I'm addressing it to the interpreters,
12 because I never said anything about you asking the wrong questions.

13 Return -- return back to the original, to the Albanian language,
14 if you like. I never said that one. I never said anything about it.
15 So I will accept the questions the way you ask them. I am not here
16 to assess questions, whether they are good or bad. You ask questions
17 which are good in your own opinion, and I -- and I return only --
18 reply to the best of my ability. But, Mr. Prosecutor, if that is not
19 convenient to you, so be it, because justice is impartial and it can
20 be harsh at times to accept it.

21 PRESIDING JUDGE SMITH: Mr. Haradinaj, it is necessary for you
22 to answer the questions put to you by the Prosecutor in a
23 cross-examination. You were commenting on the quality of his
24 question and that's not for you to do. The question asked for a
25 "yes" or "no" answer, and you are directed to give a "yes" or "no"

Witness: Nasim Haradinaj (Resumed) (Open Session)
Cross-examination by Mr. Halling

Page 2824

1 answer after Mr. Halling's asked the question one more time.

2 MR. HALLING: Thank you, Your Honour.

3 Q. Mr. Haradinaj --

4 A. Your Honour, I thought --

5 PRESIDING JUDGE SMITH: Mr. Haradinaj.

6 THE ACCUSED HARADINAJ: [Interpretation] Okay.

7 PRESIDING JUDGE SMITH: Mr. Haradinaj --

8 THE ACCUSED HARADINAJ: [Interpretation] Fine. If you want to
9 impose on me what to say --

10 THE INTERPRETER: No microphone for the witness.

11 PRESIDING JUDGE SMITH: Mr. Haradinaj, I [Microphone not
12 activated] --

13 THE INTERPRETER: Microphone for Your Honour. Microphone
14 please, Your Honour.

15 PRESIDING JUDGE SMITH: I have turned off your microphone
16 because you are not responding. It is important that you listen to
17 the Prosecutor and you answer the questions, not give a speech about
18 what you think about the quality of his questions. Now, that does
19 not require a response from you. Just listen to Mr. Halling's
20 questions.

21 THE ACCUSED HARADINAJ: [Interpretation] Okay.

22 MR. HALLING:

23 Q. Mr. Haradinaj, please, with a "yes" or "no" answer: The
24 witnesses that you are referencing in this extract we've been
25 discussing, did you want those witnesses to know that who they were

Witness: Nasim Haradinaj (Resumed) (Open Session)
Cross-examination by Mr. Halling

Page 2825

1 and what they said was now known?

2 A. No.

3 Q. Why did you say publicly that no one is unknown and that the
4 statements that they've given are all in the materials?

5 A. I commented on your work.

6 Q. And you commented on that work in a public forum; isn't that
7 correct?

8 A. It was not the first time that I was commenting on you. Your
9 action was public and the interests of transparency and the public
10 interests were at stake, and that's why it was public.

11 Q. Mr. Haradinaj, in your statement, which was introduced into
12 evidence, at paragraph 101, you state:

13 "The SPO did not even protect the witnesses who they promised
14 protection."

15 You meant that the dissemination of confidential SPO documents
16 caused harm to witnesses; isn't that right?

17 A. First of all, we did not know whether those were confidential or
18 not. Secondly, we did not know whether they were authentic or not.
19 Thirdly, we had our suspicion, still thought that that's a material
20 that someone was trying to manipulate with. So it was not our
21 intention to say what you're saying that we were saying at the time.

22 Q. Mr. Haradinaj, when the SPO documents made it to you, did that
23 cause harm to witnesses?

24 A. We were never told clearly that that was such a material. We
25 were only told that they want to take it. Whether it caused any

Witness: Nasim Haradinaj (Resumed) (Open Session)
Cross-examination by Mr. Halling

Page 2826

1 damage or not, that is your assessment.

2 Q. When you said in your statement that the SPO did not even
3 protect the witnesses who they promised protection, isn't that your
4 assessment that these witnesses were no longer protected?

5 A. I don't know, because I'm not your employer and I don't know
6 whether you protect them or not. Secondly, you should make your own
7 assessment whether that material causes any damage or not. If that
8 material is yours and was discovered on purpose, I don't know whether
9 it was made public to cause damage or not. I am assessing only you,
10 not the witnesses, at all times.

11 Q. Mr. Haradinaj, you knew that if witnesses names were released,
12 it could scare them to death, didn't you?

13 MR. BUCKLEY: [Microphone not activated].

14 Your Honour, the objection is the use of deliberate emotive
15 terminology by the Prosecution is wholly inappropriate. "Scared to
16 death"? Are we really saying that's an appropriate term to use in
17 this court?

18 PRESIDING JUDGE SMITH: Rephrase the question, Mr. Halling. It
19 is a bit flamboyant.

20 MR. HALLING: I will, Your Honour. And it may be easier just to
21 read a paragraph of the preliminary statement to Mr. Haradinaj. So
22 this is 104391-104400 and it's paragraph 19.

23 Q. Mr. Haradinaj, I'm going to read you a paragraph of something in
24 the preliminary summary of your evidence that your counsel provided
25 to us. And I want to ask you a question or two about it.

1 "Nonetheless, not only was I mindful and concerned with these
2 issues, but there was a bigger issue at stake - this is that the leak
3 of SPO documents has shown that there is a distinct lack of security.
4 This is of great concern given that these leaked files contained
5 witnesses' names. This is a major concern, as if this information
6 were released, it could cause their death or even scare them to death
7 because they were acting on the basis that they were protected
8 witnesses. These witnesses were therefore sharing such information
9 whilst thinking that their names would never be disclosed."

10 Mr. Haradinaj, did you say that?

11 A. [Microphone not activated].

12 Q. I'm sorry, could you please repeat your answer with the
13 microphone.

14 A. Is it possible for me to have a look at this document in the
15 Albanian? I did hear it in the Albanian interpretation, but I want
16 to see it in Albanian before me.

17 MR. HALLING: Your Honour, it's my understanding that there is
18 no Albanian translation of this. I'm happy to read the quote into
19 the record again, if that would be of assistance.

20 PRESIDING JUDGE SMITH: Please read it one more time, and please
21 read it slowly and translate slowly.

22 MR. HALLING:

23 Q. Mr. Haradinaj, I'm going to repeat the quote.

24 "Nonetheless, not only was I mindful and concerned with these
25 issues, but there was a bigger issue at stake - this is that the leak

Witness: Nasim Haradinaj (Resumed) (Open Session)
Cross-examination by Mr. Halling

Page 2828

1 of SPO documents has shown that there is a distinct lack of security.
2 This is of great concern given that these leaked files contained
3 witnesses' names. This is a major concern, as if this information
4 were released, it could cause their death or even scare them to death
5 because they were acting on the basis that they were protected
6 witnesses. These witnesses were therefore sharing such information
7 whilst thinking that their names would never be disclosed."

8 And, Mr. Haradinaj, did you say that?

9 A. No. I said this but I was referring to the entire public
10 opinion and to what was being talked about in all the medias. So I
11 was referring to all analysts, all panels, because this was something
12 that was talked about in every media outlet and which was of concern
13 to the entire population of Kosovo. So I was just transmitting an
14 opinion that was expressed by others as well. This was an opinion
15 prevailing for two, three, four weeks at the time. It's not my
16 personal opinion.

17 PRESIDING JUDGE SMITH: Mr. Haradinaj.

18 THE ACCUSED HARADINAJ: [Interpretation] But if you --

19 THE INTERPRETER: No microphone.

20 PRESIDING JUDGE SMITH: [Microphone not activated].

21 THE INTERPRETER: Microphone for Your Honour, please.

22 PRESIDING JUDGE SMITH: I'm sorry, I thought I had it on.

23 That question called for a "yes" or "no" answer. Did you say
24 it. That's the only question.

25 THE ACCUSED HARADINAJ: [Interpretation] Yes or no. Then no. I

Witness: Nasim Haradinaj (Resumed) (Open Session)
Cross-examination by Mr. Halling

Page 2829

1 was referring to others who talked about this.

2 PRESIDING JUDGE SMITH: Just "yes" or "no," Mr. Haradinaj.

3 THE ACCUSED HARADINAJ: [Interpretation] No.

4 PRESIDING JUDGE SMITH: Thank you.

5 Now, Mr. Cadman.

6 MR. CADMAN: Your Honour, I do raise an objection of the
7 insistence on directing a "yes" or "no" answer when Mr. Haradinaj
8 wants to give an explanation to his answer. This was a courtesy that
9 was afforded to the Prosecution witness Ms. Pumper. When she asked
10 to give an explanation, she was entitled to give an explanation.

11 PRESIDING JUDGE SMITH: No, there's a difference --

12 MR. CADMAN: Not all questions can be -- can be a "yes" or "no"
13 answer, Your Honour.

14 PRESIDING JUDGE SMITH: There is a difference between an
15 explanation and avoiding the question --

16 MR. CADMAN: He's not avoiding --

17 PRESIDING JUDGE SMITH: -- and that's what he was doing. And
18 your objection is overruled.

19 MR. HALLING:

20 Q. Mr. Haradinaj, from the answer that you've given, there was
21 awareness on your part, then, that if witness names were released in
22 what you call the leaked files, it could scare them to death; isn't
23 that right?

24 A. I think that those witnesses that you're mentioning today, it's
25 the first time that I'm -- I've heard about them. And my answer is

Witness: Nasim Haradinaj (Resumed) (Open Session)
Cross-examination by Mr. Halling

Page 2830

1 no, that's not true.

2 Q. You say this is the first time you're hearing about these
3 witnesses today? Didn't we hear you reference them on the video that
4 I played for you earlier?

5 A. If I'm going to explain, you will stop me again. I already
6 explained it. I was referring to what was being talked about by
7 others and in the media. It's not my personal opinion. And the
8 concern was not only mine but it was the concern of everybody that
9 was instilled by the media and by the public opinion expressed at the
10 time.

11 Q. And this public opinion you're referencing, revealing protected
12 witness names could cause their death because people could harm them?
13 Is this what you understood?

14 A. No, this is not how I understood this, and I don't see any
15 reason that something would happen to witnesses. This is not what I
16 thought, and you can continue as long as you want.

17 Q. Mr. Haradinaj, across this timeframe in September 2020, you said
18 repeatedly that the War Veterans Association wasn't revealing any
19 witnesses' names; isn't that right?

20 A. Yes, that's how it is. And I'm stating it today as well. We
21 did not make public any name of witnesses with the exception of the
22 witnesses on this list which were public for years before your time.
23 For at least five years.

24 Q. Why didn't you reference witnesses' names?

25 A. I didn't know. I didn't read through them. As I said, we only

Witness: Nasim Haradinaj (Resumed) (Open Session)
Cross-examination by Mr. Halling

Page 2831

1 leafed through the papers. And to this day, I don't know what they
2 contain.

3 Q. Mr. Haradinaj, you weren't revealing witnesses' names because
4 you knew it was wrong to do so; isn't that right?

5 A. And this too was not our own opinion. It was an opinion
6 expressed by that panel that that should not be done. And, secondly,
7 even if we knew or did not know about that, we had no knowledge about
8 the names of the witnesses. We did not read the documents.

9 Q. And it's wrong to reveal witnesses' names because doing so could
10 cause them harm; isn't that correct?

11 A. This is a reference to something that was told to us by lawyers,
12 panelists, and representatives of the civil society, and I reproduced
13 what they had said.

14 Q. Mr. Haradinaj, I'll ask that question again. It's wrong to
15 reveal witnesses' names because doing so could cause them harm; isn't
16 that correct?

17 A. This is not my personal opinion. It is the opinion of a panel
18 that spoke on TV to which I referred.

19 Q. Mr. Haradinaj, I'd like to read you an extract of the testimony
20 of Mr. Gucati in this case. You recall when Mr. Gucati testified
21 last month? Mr. Haradinaj, you recall Mr. Gucati's testimony from
22 last month?

23 A. To the extent I can remember it, yes, I know that he testified.

24 Q. I'm going to read you a particular part of it, and this is from
25 transcript page 2309, and then ask you a couple of questions.

Witness: Nasim Haradinaj (Resumed) (Open Session)
Cross-examination by Mr. Halling

Page 2832

1 "Q. And do you agree that disclosing witness names to the
2 public would endanger the safety of a witness? Do you agree with
3 that?"

4 Answer from Mr. Gucati:

5 "I'm telling you again, if a name was released by myself, by the
6 presidency of the KLA WVA, of course then we would have harmed in a
7 way the witnesses. But we have not disclosed any such thing."

8 Mr. Haradinaj, do you agree with Mr. Gucati in that testimony
9 extract?

10 A. First of all, you had Mr. Gucati here before you. You asked him
11 questions. I am not commenting on Mr. Gucati's testimony or of
12 anybody's testimony for that matter.

13 Q. Mr. Haradinaj, I'm afraid "no comment" can't be an answer to my
14 questions. Do you agree with what Mr. Gucati said in the testimony
15 extract I read to you?

16 A. Mr. Prosecutor, don't play with words. I did not say I had no
17 comments. I said I'm not commenting on people who you had before you
18 here from whom you took statements and whom you questioned.

19 PRESIDING JUDGE SMITH: Mr. Haradinaj, that once again calls for
20 an answer, and it should be either "yes" or "no." And if you want to
21 explain afterwards, that's fine. But you must give an answer.

22 THE ACCUSED HARADINAJ: [Interpretation] I don't understand to
23 what I should answer with "yes" or "no." What I'm saying is I'm not
24 commenting on a person who has already given a statement. Why should
25 I do that? Here is Mr. Gucati. You can call him again and ask him

Witness: Nasim Haradinaj (Resumed) (Open Session)
Cross-examination by Mr. Halling

Page 2833

1 the question. This is not up to me.

2 And what shall I answer with "yes" or "no," Your Honour? Which
3 question? He gave his own testimony, Mr. Gucati that is.

4 PRESIDING JUDGE SMITH: Mr. Haradinaj [Microphone not
5 activated]. The question is do you agree with the statement that
6 Mr. Gucati made, "yes" or "no"?

7 THE ACCUSED HARADINAJ: [Interpretation] This is again somebody
8 else's opinion to which Mr. Gucati referred.

9 PRESIDING JUDGE SMITH: That still is not an answer,
10 Mr. Haradinaj. Do you agree with the statement made by Mr. Gucati as
11 recounted by Mr. Halling, "yes" or "no"?

12 THE ACCUSED HARADINAJ: [Interpretation] Your Honour, if you are
13 insisting that I should answer with "yes" or "no," then I'm saying,
14 yes, I agree, but having in mind that he was referring to the opinion
15 of the others, opinion that was created and said by the others, and
16 in his statement he was referring to that opinion. And to this I
17 agree, because I don't think that was his own opinion.

18 PRESIDING JUDGE SMITH: Thank you, Mr. Haradinaj.
19 Go ahead, Mr. Halling.

20 MR. HALLING:

21 Q. Mr. Haradinaj, isn't it true that people put it to you in your
22 interviews in September 2020 that revealing the names of witnesses
23 might frighten them?

24 A. Was not said to me but was said in the debates. Nobody said
25 this to me directly. This was said during panel discussions, that

Witness: Nasim Haradinaj (Resumed) (Open Session)
Cross-examination by Mr. Halling

Page 2834

1 that should be done. So we took their opinion as experts. There
2 were lawyers, there were representatives of the civil society, there
3 were judges. So this opinion, from our part, was created on the
4 basis of what they said.

5 Q. So I understand that this was said in the course of debates in
6 which you were personally present; isn't that right?

7 A. Yes, this was said referring to them.

8 Q. But they actually directed the remark to you too, didn't they?

9 A. They addressed us because this was their opinion, and we
10 accepted that as their opinion.

11 Q. Mr. Haradinaj, I want to put a video to you again. This is from
12 a different interview that you gave on 22 September 2020.

13 MR. HALLING: And this is P11. The timestamp would be from
14 1 hour 24:20 to 1 hour 25:01. I would ask for the assistance of the
15 interpreters in translating the excerpt as it plays. The relevant
16 passage in English is from P11-ETRED, pages 64 to 65, and the video
17 excerpt is public.

18 PRESIDING JUDGE SMITH: Excuse me, I just want to make sure that
19 it will be translated. Do we have that information, Madam Court
20 Officer?

21 [Trial Panel and Court Officer confers]

22 PRESIDING JUDGE SMITH: Go ahead, Mr. Halling.

23 MR. HALLING: Thank you.

24 Q. So, Mr. Haradinaj, as before, this video excerpt will be played
25 and then I'll ask you some questions.

Witness: Nasim Haradinaj (Resumed) (Open Session)
Cross-examination by Mr. Halling

Page 2835

1 [Video-clip played]

2 THE INTERPRETER: [Voiceover] "Listen ... listen, this created a
3 scandal because now it's no longer credible why it was created.
4 Every witness that sees their name mentioned somewhere, he may not
5 even see it but he knows that he is a witness."

6 MR. HALLING:

7 Q. Mr. Haradinaj, in this exchange, just to make sure, because I
8 didn't fully hear it in the interpretation, Mr. Arianit Koci says:

9 "This has brought a sense of fear for the witnesses."

10 Berat Buzhala says:

11 "Certainly.

12 And then you say:

13 "No, it hasn't."

14 And then later say:

15 "Mr. Koci, can I just announce that, as I am not," a word can't
16 be heard, "this has created a sense of worry and the realisation that
17 ... they were misled, and now people are self-conscious, this has
18 created a sense of self-consciousness for the people that deserve to
19 be applauded."

20 Mr. Haradinaj, what did you mean when talking about people
21 gaining self-consciousness here?

22 A. If you look at this photo carefully, Your Honour, let me give an
23 explanation, because I need it to be able to answer the question.

24 There are two opinionists, one lawyer, who is also accredited by your
25 organisation, and the moderator.

Witness: Nasim Haradinaj (Resumed) (Open Session)
Cross-examination by Mr. Halling

Page 2836

1 What I'm referring to are the people in the parliament, that
2 they are now conscious about the law and about everything that they
3 thought would be realised through this court. When I'm saying to --
4 when I'm mentioning people being conscious now, I'm referring to the
5 state, to the -- not to the individuals or witnesses. If I was
6 interested in the individual, in the person, I would start from
7 myself, and I would not take a path that would endanger myself.

8 So Buzhala is the person here who voted for this court. So what
9 I'm saying here refers to them. And there it's not that I'm saying
10 I'm not a lawyer. What I mean is I'm not professionally a lawyer,
11 but I am a lawyer.

12 Q. So it was put to you that witnesses were frightened and your
13 response about people being self-conscious was about the state? Is
14 that what you're saying?

15 A. Listen once again carefully or look at the interpretation. This
16 is what the others were saying, and this is what Berat Buzhala said
17 and the others. And this was the opinion that we took from these
18 persons, because these were more competent, more professional people
19 to qualify these issues, and I think now you will understand me when
20 I say I was referring to their opinion.

21 Q. You were trying to make clear that cooperating with the KSC was
22 a mistake, weren't you?

23 A. To whom? Make it clear to whom that cooperating with the KSC
24 was a mistake? To whom, you're -- Prosecutor? Because it's
25 important.

Witness: Nasim Haradinaj (Resumed) (Open Session)
Cross-examination by Mr. Halling

Page 2837

1 Q. Your exact words were "they were misled, and now people are
2 self-conscious." Those people.

3 A. Yes, I explained it for the people. 82 parliamentarians raised
4 their fingers to vote for something they were not aware of, to usurp
5 the competencies of the institutions in Kosovo. Nobody is being
6 asked anymore in Kosovo about anything.

7 MR. HALLING: Your Honour, I can continue from there after the
8 break.

9 PRESIDING JUDGE SMITH: Yes, we will take the morning break. Be
10 back here at 11.30.

11 We are adjourned.

12 --- Recess taken at 11.01 a.m.

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

14 PRESIDING JUDGE SMITH: Mr. Cadman.

15 MR. CADMAN: I just wanted to make two very brief points.

16 PRESIDING JUDGE SMITH: Just a second.

17 MR. CADMAN: First of all, could the Prosecution be directed
18 that when they are putting documents to Mr. Haradinaj he actually has
19 sight of those documents. If there's reference to transcripts, he
20 should be able to see those transcripts.

21 The second point. If Your Honour could just explain to
22 Mr. Haradinaj, so there's no confusion, that when he's directed to
23 give a "yes" or "no" answer, that doesn't mean he can't then explain
24 his answer but there will be certain questions that will call for
25 that.

Witness: Nasim Haradinaj (Resumed) (Open Session)
Cross-examination by Mr. Halling

Page 2838

1 PRESIDING JUDGE SMITH: Have you explained that to him?

2 MR. CADMAN: Well, I've not had any opportunity to speak to him.

3 PRESIDING JUDGE SMITH: Mr. Haradinaj, I want to be very clear.
4 Mr. Halling asks many questions that call for a "yes" or "no" answer,
5 and you know -- you recognise when it calls for a "yes" or "no"
6 answer and you want to explain, but first you must answer the
7 question, and then you can offer the explanation if you wish. Do you
8 understand?

9 THE ACCUSED HARADINAJ: [Interpretation] Your Honour, yes. When
10 I understand the question, I answer it. But when I don't, I just
11 answer it the way I deem it fit. But when I understand it, yes, I do
12 give a "yes" or "no" answer.

13 PRESIDING JUDGE SMITH: And if you don't understand, don't give
14 an explanation. Say you don't understand and they will restate it.
15 Okay?

16 THE ACCUSED HARADINAJ: [Interpretation] Yes.

17 PRESIDING JUDGE SMITH: All right.

18 You have the floor, Mr. Halling.

19 MR. HALLING: Thank you, Your Honour. And in relation to the
20 other point by the Haradinaj Defence raised just now. When there are
21 things that I would intend for the witness to read, I will put the
22 Albanian version as well whenever it's available. When we're playing
23 videos, which is what -- the next thing I'm going to play, and I want
24 him to watch the video, I'm only giving the transcript page for
25 English for the benefit of everyone else.

Witness: Nasim Haradinaj (Resumed) (Open Session)
Cross-examination by Mr. Halling

Page 2839

1 PRESIDING JUDGE SMITH: I understand.

2 Go ahead, Mr. Cadman.

3 MR. CADMAN: Well, Your Honour, I'd say that that's not good
4 enough. When Mr. Halling is referring to a transcript, when he's
5 referring to a document, that document has to be shown to
6 Mr. Haradinaj so that he can answer the question.

7 PRESIDING JUDGE SMITH: [Microphone not activated].

8 MR. CADMAN: No, he didn't. What he said is when he wants him
9 to read from it, he will show it to him. He didn't say each time he
10 refers to a document or transcript, it will be shown to
11 Mr. Haradinaj. That's all we're asking for, Your Honour.

12 MR. HALLING: When there is a video that I'm asking for
13 Mr. Haradinaj to watch, that's what I'm intending for him to look at.

14 PRESIDING JUDGE SMITH: Yes. The video, there may not be a
15 transcript.

16 MR. CADMAN: There may not.

17 PRESIDING JUDGE SMITH: Yes.

18 MR. CADMAN: But when he's referring to a transcript, that
19 transcript should be shown to him.

20 PRESIDING JUDGE SMITH: If there's a transcript, you have the
21 transcript. Understood?

22 MR. HALLING: Yes, we do. And we can put that on the screen as
23 well.

24 PRESIDING JUDGE SMITH: Well, it's all available. The
25 transcript is all available. If you want to refer to the transcript

Witness: Nasim Haradinaj (Resumed) (Open Session)
Cross-examination by Mr. Halling

Page 2840

1 and show him that, that's fine. Thank you.

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

3 MR. HALLING: Yes.

4 Q. So, Mr. Haradinaj, as I was just mentioning, I have another
5 video that I would like to play for you. This is also from P11. The
6 timestamp is 51:32 to 51:52. And in the English transcript that's
7 P11-ET-RED at page 38.

8 Now, Your Honours, there is an Albanian version of this. If you
9 like, that can be broadcast on the screen with the timestamps but it
10 would displace the English transcript.

11 PRESIDING JUDGE SMITH: It's going to be translated for us into
12 English, so I would suggest that that would be the safest method.

13 MR. HALLING: Then it would be P11, the Albanian version of that
14 transcript. And it's the same timestamps on the page.

15 PRESIDING JUDGE SMITH: I think Mr. Haradinaj has a question.

16 THE ACCUSED HARADINAJ: [Interpretation] Is it possible to have
17 that version in Albanian? What I've gotten here is in English which
18 I don't understand. But if it's in Albanian, I would like to compare
19 word for word. Is it possible to have the Albanian instead of the
20 English for me, please? If possible at all. I don't need it to be
21 in English here, because I do not understand the language.

22 PRESIDING JUDGE SMITH: [Microphone not activated].

23 THE INTERPRETER: Microphone for Your Honour.

24 THE ACCUSED HARADINAJ: [Interpretation] Thank you, Your Honour.

25 MR. HALLING: And for the benefit of the Court Officer, on the

Witness: Nasim Haradinaj (Resumed) (Open Session)
Cross-examination by Mr. Halling

Page 2841

1 Albanian version the transcript is 51:32 to 51:52. So I think it's
2 on the previous page. And one more, I think. Thank you.

3 [Video-clip played]

4 THE INTERPRETER: [Voiceover] "Whatever the tribunal says that
5 intimidation for the -- the whole court process. The whole court
6 process. No. No. It's their fault for -- for disclosing it. It is
7 a thief who gets 200.000 -- 200.000 euros. I don't know whether it's
8 them who disclosed them or not."

9 MR. HALLING:

10 Q. Mr. Haradinaj, in this excerpt a presenter says -- raises the
11 prospect of you intimidating the judicial process; isn't that right?

12 [Trial Panel and Court Officer confers]

13 THE ACCUSED HARADINAJ: [Interpretation] Your Honours, I don't
14 know whether you've got the same thing in front of you like me. If
15 you're not, then I'll start answering. What I've got in front of me,
16 where the video has been stopped, that is. I'm only mentioning the
17 person who said it. I said they -- witnesses have been unveiled, and
18 it's not my -- it is not my view. It is of the person who said it.
19 And secondly, I am asking for accountability for the people who have
20 done this. Even to this day, we want the truth to emerge about these
21 documents.

22 People who get good salaries have an accountability to meet.
23 People who -- who disclose this material and handed it over to us
24 should be held accountable. The rest of it is opinion which is
25 somebody else's and which I've referred to often enough. And even

Witness: Nasim Haradinaj (Resumed) (Open Session)
Cross-examination by Mr. Halling

Page 2842

1 here, you can see that it's somebody else's opinion I'm referring to.

2 MR. HALLING:

3 Q. But when that opinion was expressed and you responded, "It is
4 their fault for letting the documents get out," what did you mean
5 when you said that?

6 A. I am repeating the same thing. I meant you. It's your fault.
7 It's your fault for allowing it to happen.

8 Q. So, in other words, is it correct to say that in this excerpt
9 you mean that it doesn't matter if the process should be intimidated
10 because it's the KSC's fault the documents got out?

11 A. That's not how I phrase it. This is your own opinion. Every
12 judicial process should run across a -- not meet -- not meet
13 obstacles. We are in favour of convicting those who deserve it, but
14 I am not in favour of defending the wrongful person, which is what
15 we're referring to here.

16 Q. Why were you talking about the fault of the KSC in response to a
17 question about intimidation of the judicial process?

18 A. That's not what I said. In fact, I'm -- I'm -- I'm asking for
19 clarification on the word "intimidation." Just listen to it well.
20 You are making me guilty. You're making us feel guilty for something
21 that has leaked from you, from your offices. If it hasn't leaked
22 from your offices, why on earth am I here in the first place?

23 Q. Mr. Haradinaj, did you not say "it is their fault for letting
24 the documents get out" in response to the presenter saying that the
25 Tribunal has stated that this is intimidation of the judicial

Witness: Nasim Haradinaj (Resumed) (Open Session)
Cross-examination by Mr. Halling

Page 2843

1 process?

2 A. Let me repeat it one more time. I'm repeating it here again.
3 It is your fault for allowing this leak to happen. I have repeated
4 it, I will repeat it, and I will keep -- I will keep repeating it.
5 And that's the way it is, and I think I have given an answer. You
6 have also admitted it, and you have admitted that it would be wrong
7 if true.

8 Q. So you did say it in response to the question of the presenter?

9 A. I said it based on the opinion that he stated so that if -- if a
10 fault there is, it's the fault of those who leaked it. It's the
11 fault of those who have provoked us with this. And if what has
12 leaked again is true, again, the fault lies with you, Mr. Prosecutor,
13 with your offices. We are not employed by your offices.

14 Q. So is it your evidence that the events of September 2020 caused
15 intimidation of the judicial process but it was the KSC who caused
16 that?

17 A. I am not stating that. To the contrary. And I'm saying if
18 there is, and I don't believe it to be the case, who are we talking
19 about here? If -- if we were using the word "witness," we are not
20 mentioning any names at the same time. So we -- I don't think there
21 is or there has been any intimidation, unless those documents were
22 sent elsewhere. And you'd probably know that better. You'd know
23 where else you've taken those documents to.

24 Q. So it would be true that if names were mentioned, then it would
25 be intimidation?

Witness: Nasim Haradinaj (Resumed) (Open Session)
Cross-examination by Mr. Halling

Page 2844

1 A. My main concern was for our -- our officials to know what
2 they've done with -- with the powers that they have given and for you
3 who have leaked the documents. In 2018, I made a statement which you
4 can find, and you will have found, where I stated that this Chambers
5 ought to convict all crimes by all and sundry. And I would have
6 embraced it. Who is stupid enough to be against uncovering some
7 crime, regardless of nationality? Everybody has to be accountable
8 for their own bit. But I remain against those who are hiding a
9 criminal and pinpointing one that doesn't exist in his or her place.

10 Q. Mr. Haradinaj, that doesn't answer my question. Let me ask it
11 again. So it would be true that if names were mentioned, then it
12 would be intimidation? Can you please answer that?

13 A. Yes, I'm referring to the opinion of others, which I agree with
14 and which I've repeated. It's an opinion that came from people who
15 are much more competent than we done -- than we are, and it's an
16 opinion that we repeated. It did not originate with us. It wasn't
17 our -- it was not our own original opinion. It came from people who
18 knew things better than we do.

19 Q. So in your preliminary summary, when you talked about the public
20 opinion of witnesses being scared to death, this is a public opinion
21 that you agree with; is that correct?

22 A. Who wouldn't agree if it was true? If something is true,
23 there's nothing to agree to. There's nothing to -- to -- not to
24 agree with if people are being -- being an obstacle to the justice,
25 Mr. Prosecutor. I am all in favour of justice.

Witness: Nasim Haradinaj (Resumed) (Open Session)
Cross-examination by Mr. Halling

Page 2845

1 Q. And the testimony of Hysni Gucati that I read to you in the last
2 session, you said that was also a reflection of public opinion but
3 you agree with that statement as well then; is that not right?

4 A. I gave a reply as to Mr. Gucati's testimony. I did not state
5 it, but I expressed my own opinion, which has -- could affect, you
6 know, someone else's thought. I mean, I gave you an answer by way of
7 saying that his view might have been affected by the public opinion.
8 So do I not believe that these are opinions that originated from
9 within the brain of Mr. Gucati or my own. These are opinions that
10 originate with people who are better, better equipped to assess
11 these -- these things. These are people in the public opinion. This
12 is what we referred to. What we've done throughout is simply
13 paraphrase -- paraphrase those opinions.

14 PRESIDING JUDGE SMITH: Now, Mr. Cadman.

15 MR. CADMAN: I wasn't trying to prevent Mr. Haradinaj from
16 answering the question, but if Mr. Halling is going to continue to
17 put those matters to Mr. Haradinaj about what Mr. Gucati said, he
18 needs to put the transcript to him of what was asked and what was
19 answered in order for Mr. Haradinaj to be able to answer.

20 PRESIDING JUDGE SMITH: I think the exchange concerning
21 Mr. Gucati was perfectly clear, and he didn't argue about whether it
22 was clear. His argument was whether or not -- where the opinion came
23 from. And I understood his answer. And it has been answered
24 already, and I don't know that we needed to have it asked again.

25 Thank you. Your objection is overruled.

Witness: Nasim Haradinaj (Resumed) (Open Session)
Cross-examination by Mr. Halling

Page 2846

1 MR. CADMAN: And -- certainly. The objection also is, as you
2 have quite rightly pointed out, the question has been asked and
3 answered on more than one occasion.

4 PRESIDING JUDGE SMITH: And that I agree with.

5 Mr. Rees.

6 MR. REES: [via videolink] Your Honour, can I just raise two
7 matters very briefly. The first one is in relation to the transcript
8 that was quoted from Mr. Gucati.

9 It was very much a partial quote, not the full quote. So for
10 our part, we would echo Mr. Cadman's encouragement to Mr. Halling,
11 that if he wishes to refer to, for example, transcripts of evidence,
12 he does the courtesy to the Court, as well as to the witness, of
13 putting up the relevant parts of the transcript on screen just so
14 that all parties can ascertain the completeness and the accuracy of
15 the quote that's being put.

16 PRESIDING JUDGE SMITH: Thank you. I don't think that is -- I
17 don't think that has any effect on the previous questions that were
18 asked and answered, and this question has now been ruled to have been
19 asked and answered. When available, we will try to get the document
20 in front of Mr. Haradinaj so that he can see it.

21 MR. REES: [via videolink] I'm grateful.

22 The second matter was this, simply this, Your Honour. I'm going
23 to leave Mr. Gucati's case in the hands of Mr. Bowden at this point,
24 if I may. I'm very grateful for the link being organised for me to
25 participate this far, but I'm going to have to leave the session at

Witness: Nasim Haradinaj (Resumed) (Open Session)
Cross-examination by Mr. Halling

Page 2847

1 this stage, if Your Honour grants me permission to do so.

2 PRESIDING JUDGE SMITH: Certainly. And thank you for being with
3 us.

4 MR. REES: [via videolink] Your Honour, thank you.

5 MR. CADMAN: I should have also mentioned that Mr. Soliman is no
6 longer with us. As I'd indicated, he was only going to be here for
7 the first session.

8 PRESIDING JUDGE SMITH: No problem.

9 [Trial Panel confers]

10 PRESIDING JUDGE SMITH: You may proceed.

11 MR. HALLING: Thank you, Your Honour. And the only thing I
12 would mention in relation to the exchange just now. These are very
13 long documents, and I've had to extract them down for purposes of the
14 examination. There's never any intention not to provide meaningful
15 context.

16 If the Defence counsel ever consider there to be a specific
17 point that they want added to a quote, they can raise it. And if
18 not, they have a redirect examination.

19 PRESIDING JUDGE SMITH: [Microphone not activated].

20 MR. HALLING:

21 Q. Mr. Haradinaj, there is one more video in this regard I want to
22 play for you.

23 MR. HALLING: For the Registry, this is P7, and it's 15:33 to
24 16:14 is the timestamp.

25 PRESIDING JUDGE SMITH: And, Mr. Haradinaj, do you have the

Witness: Nasim Haradinaj (Resumed) (Open Session)
Cross-examination by Mr. Halling

Page 2848

1 document in front of you in Albanian?

2 THE ACCUSED HARADINAJ: [Interpretation] It has been now covered
3 by the videolink. I don't need the English version. It's not that I
4 understand it completely. So for me, the Albanian transcript would
5 suffice.

6 PRESIDING JUDGE SMITH: Can you see it all now? Okay.

7 THE ACCUSED HARADINAJ: [Interpretation] Now I can see it very
8 well. Thank you.

9 [Video-clip played]

10 THE INTERPRETER: [Voiceover] "It is not a court of Kosovo.
11 Whoever had an access, and Nasim is saying whoever took these
12 documents, be they journalists or whoever else is mentioned, it was
13 forbidden for them to use these documents in the sense of making the
14 names of the witnesses public. However, the witnesses, they know
15 those who are mentioned by names. There's no need for them to be
16 blackmailed by these people, because there's nothing on what to
17 blackmail them."

18 The interpreters kindly ask the Prosecutor to give the reference
19 in the English version for the benefit of the interpreters, for the
20 relevant lines or timestamps.

21 MR. HALLING: In the English transcript, at the request of the
22 translators, it starts with Mr. Gashi saying:

23 "Shqiponje, anyone who access to," and then the excerpt ends
24 with Mr. Haradinaj saying, "Yes, that's right." And it's on pages 8
25 to 9 of the English transcript. And I can do that throughout the

Witness: Nasim Haradinaj (Resumed) (Open Session)
Cross-examination by Mr. Halling

Page 2849

1 examination if helpful.

2 Given that, I would ask that the video be played a second time.

3 Thank you.

4 PRESIDING JUDGE SMITH: Yes, please do so.

5 [Video-clip played]

6 THE INTERPRETER: [Voiceover] "He decided and said that this is
7 not a court of Kosovo.

8 "Mr. Gashi: Shqiponje, anyone who had access to or, as Nasim is
9 saying, anyone who took these documents, be it journalists as
10 mentioned there, or any other person, they are forbidden to use those
11 documents in the sense of making public the names of the witnesses.

12 "Mr. Haradinaj: Yes, the names ... of course, they themselves
13 bear responsibility for them.

14 "Mr. Gashi: We know that one might intimidate someone.

15 "The witnesses know, those that are mentioned by names. There
16 is no need to blackmail them because there is no basis for them to be
17 blackmailed.

18 "Misuse is also a criminal offence, and fabrication of facts is
19 also a criminal offence. And those witnesses in the future, whether
20 the information and testimonies are fully checked and let us suppose
21 that they have said about Nasim Haradinaj turns out to be false,
22 should they be held legally liable or doing that. We are not
23 subjecting them to a trial. We are only raising the issue in those
24 testimony based on your role as a lawyer and your experience and what
25 will happen with them."

Witness: Nasim Haradinaj (Resumed) (Open Session)
Cross-examination by Mr. Halling

Page 2850

1 MR. HALLING:

2 Q. Mr. Haradinaj, who was talking in the exchange that you saw?

3 A. Mr. Prosecutor, this is mainly the opinion of the lawyer. I
4 don't know whether he was at the time our lawyer -- yes, he was.
5 It's our lawyer, Tome Gashi. So it's mainly his opinion as a lawyer
6 and of the moderator. And I can add some sentences to explain to you
7 what I meant and what I thought.

8 Q. Please do so.

9 A. Here they are discussing. Tome is giving his opinion, so he's
10 giving his opinion, and I interfere by saying that these witnesses
11 cannot be blackmailed by anyone, and there's no reason to blackmail
12 them. And I will read that part to you -- that cannot be. I cannot
13 find the word "blackmail" here on the transcript as I speak. It was
14 here before but now I cannot see it.

15 Q. Mr. Haradinaj, at the end of that excerpt, when it's put to you
16 that:

17 "Misuse constitutes a criminal offence" --

18 A. Can you bring it a bit up? I heard what he said. So I'm simply
19 saying there's no reason for them to be blackmailed, and nobody
20 should blackmail them. And they are then giving their opinion
21 whether someone can misuse it or not. Even Tome is giving his
22 opinion about others as well. And these opinions, be they Tome's, as
23 our lawyer and as a lawyer accredited by your organisation, based on
24 his professionalism, of course we took these opinions for granted as
25 valid. And that's why we decided not to deal with these papers,

Witness: Nasim Haradinaj (Resumed) (Open Session)
Cross-examination by Mr. Halling

Page 2851

1 whatever they were. Whether they were true or falsified or whatever.

2 Since we did not have the opportunity to know what exactly they
3 contained, we referred them to the media so that they can do what
4 they deem is fit to do with them. And it says here clearly there's
5 no need for them to be blackmailed, because there's no need to
6 blackmail them. I don't know how to say it in a more simpler terms.
7 There's no reason for them to be blackmailed. A witness is a
8 witness.

9 If it's slander, another person will have the opportunity to say
10 the contrary. So a witness is a witness. There's no need for them
11 to be intimidated.

12 Q. At the end of the excerpt played, it's put to you that:

13 "Misuse constitutes a criminal offence, but false testimony and
14 fabrication of facts is also a criminal offence."

15 And you said:

16 "Yes, that's right."

17 Do you agree with that sentence at the end of the extract?

18 A. Who said that? Can you explain? Who said that sentence? Whose
19 speech are you quoting? Is it mine?

20 Q. I'll read you the exchange. The anchor says:

21 "Misuse constitutes a criminal offence, but false testimony and
22 fabrication of facts is also a criminal offence."

23 And you say:

24 "Yes, that's right."

25 So my question is do you agree with what the anchor said?

Witness: Nasim Haradinaj (Resumed) (Open Session)
Cross-examination by Mr. Halling

Page 2852

1 A. Yes, completely with what she said. And from my experience as
2 an interpreter in courts in Sweden, I know that obstruction in
3 general is a mistake and slander is also punishable. If slander is
4 not punishable, then there's no future for these people. So what's
5 in here that is not clear? I'm only accepting the moderator's
6 opinion at this point, and I do accept it to this day.

7 Q. So you knew that documents with witness names could be misused;
8 isn't that right?

9 A. Are you asking what I said or what I thought with this sentence?
10 Because you are putting it out of context. You are just reading two
11 sentences.

12 Q. I'll ask the question again. It's about your knowledge. So you
13 knew that documents with witness names could be misused; isn't that
14 right?

15 A. Could be misused if we had mentioned them or sold them or
16 published them. They could have been misused. I agree with that.
17 And that's why we did not mention or quote these names. Having heard
18 this opinion, and this opinion is one that I heard from the various
19 panels, I agreed with that opinion as long as it was said by persons
20 who are professional in that field. I agree even today.

21 Q. In fact, misusing documents with witnesses' names in them could
22 constitute a criminal offence; isn't that right?

23 A. Which documents? Because you know the word "document" can be
24 anything.

25 MR. CADMAN: Your Honour --

Witness: Nasim Haradinaj (Resumed) (Open Session)
Cross-examination by Mr. Halling

Page 2853

1 THE ACCUSED HARADINAJ: [Interpretation] It can be this one here
2 where I scribbled.

3 MR. CADMAN: Your Honour, objection.

4 PRESIDING JUDGE SMITH: Excuse me.

5 MR. CADMAN: The Prosecutor is calling for Mr. Haradinaj to make
6 a determination of the criminal law, which he is not able to do. If
7 Mr. Halling has a question, he should take him to a reference from
8 the transcript that he is referring to and put the question to him.
9 He cannot expect Mr. Haradinaj to give a legal opinion.

10 PRESIDING JUDGE SMITH: To the extent you are asking him for a
11 legal opinion, I will sustain the objection.

12 MR. HALLING:

13 Q. Mr. Haradinaj, when Mr. Gashi told you that that might
14 intimidate someone, he was referring to the documents that had
15 arrived at the War Veterans Association, wasn't he?

16 A. Mr. Prosecutor --

17 PRESIDING JUDGE SMITH: Just a second.

18 MR. CADMAN: One second, Mr. Haradinaj.

19 Again, when making a reference to intimidation, he needs to take
20 Mr. Haradinaj to specifically where that is stated in that
21 transcript. There is also a question, which we may have to look at
22 during the lunch break, as to the accuracy of the translations of the
23 transcript. There have been different phrases used as to "blackmail"
24 and "intimidation."

25 PRESIDING JUDGE SMITH: If there's a line on the transcript or

Witness: Nasim Haradinaj (Resumed) (Open Session)
Cross-examination by Mr. Halling

Page 2854

1 the translation, I should say, of Mr. Gashi's statement, please give
2 it to the witness so he can find it.

3 MR. HALLING: I'm happy to assist with that. This would be --
4 if the Court Officer could please find the line in the transcript.
5 It would be on either page 8 or page 9 of the English version, where
6 Mr. Gashi says:

7 "We know that one might intimidate someone ..."

8 So it's there at timestamp 15:50 at the bottom of page 8. And
9 if the Albanian could go back one page to match.

10 Q. I'll ask the question again. When Mr. Gashi told you that that
11 might intimidate someone, he was referring to the documents that had
12 arrived at the War Veterans Association, wasn't he?

13 A. Mr. Prosecutor, I apologise for interrupting. As far as I
14 understood in the Albanian language that I received through
15 interpretation, Mr. Gashi said to you -- are you saying that
16 Mr. Gashi addressed me? And are you saying that on purpose?

17 He did not address me. He's addressing the opinion. I did not
18 ask for any advice and he's not giving me any advice. He's giving
19 his opinion for the public opinion, and he is not addressing me at
20 all. So he did not say anything to me. If this is what you meant, I
21 don't know how else to say this, what he's saying here is purely his
22 opinion for the public opinion.

23 Q. Mr. Haradinaj, my question is to which documents he's referring
24 to when he says that. Did you understand that when Mr. Gashi told
25 you that might intimidate someone, he was referring to the documents

Witness: Nasim Haradinaj (Resumed) (Open Session)
Cross-examination by Mr. Halling

Page 2855

1 that had arrived at the War Veterans Association? Could you please
2 answer that question?

3 PRESIDING JUDGE SMITH: Mr. Cadman.

4 MR. CADMAN: Objection. He cannot -- and he's already answered
5 the question as to what he believed that to mean at the time. He
6 cannot say what he believes Mr. Gashi was referring to. If Mr. Gashi
7 explains his answer further in the transcript, then Mr. Halling can
8 take us to it. He cannot expect Mr. Haradinaj to answer that
9 question.

10 PRESIDING JUDGE SMITH: I expect him to answer that question.
11 It's a fair question. Your objection is overruled.

12 MR. HALLING:

13 Q. Mr. Haradinaj, can you please answer the question?

14 A. I cannot explain and speculate on what Mr. Gashi was thinking.
15 I do not understand the idea of Mr. Gashi or of anyone else for that
16 matter, and I don't have the competence and the ability to comment on
17 that. It's his opinion. I think Mr. Gashi will appear here as a
18 witness, and you can ask him that question once he's here.

19 Q. And, Mr. Haradinaj, in your response to that question --

20 MR. HALLING: And if we could please turn the page on the
21 English transcript and get -- on the Albanian it's already correct.

22 Q. When you say:

23 "The witnesses have no reason to be ... because they know if
24 they are there or not."

25 You're referring to the documents which arrived at the War

Witness: Nasim Haradinaj (Resumed) (Open Session)
Cross-examination by Mr. Halling

Page 2856

1 Veterans Association, aren't you?

2 A. I am referring to every witness. And to this day, I think that
3 there's no need to intimidate any witness as long as there are
4 witnesses and have a testimony. If they slander the witnesses, they
5 will be punished by the court, and that will be found out. So I
6 don't understand how a witness can be intimidated when a witness is
7 there to testify for themselves. Why then one should intimidate
8 them?

9 PRESIDING JUDGE SMITH: Mr. Cadman.

10 MR. CADMAN: I do apologise for interrupting again. We have
11 actually checked, with the assistance. There is a discrepancy
12 between what is in the English version and what is in the Albanian
13 version. In Albanian, it uses the phrase "blackmail." It's been
14 translated into English as "intimidation." So we need to be very
15 careful what phrase is being used.

16 There clearly is a distinction, and that distinction needs to be
17 made.

18 PRESIDING JUDGE SMITH: At this point, I think Mr. Halling is
19 using the information that's in front of him. And if you wish to
20 challenge it, you need to challenge it with the Translation Unit as
21 you're allowed to do. And you can redirect on those issues if you
22 want.

23 MR. CADMAN: But Mr. Halling is put questions on the basis of an
24 incorrect translation.

25 PRESIDING JUDGE SMITH: [Microphone not activated] Go ahead,

Witness: Nasim Haradinaj (Resumed) (Open Session)
Cross-examination by Mr. Halling

Page 2857

1 Mr. Halling.

2 MR. HALLING: The question I just asked doesn't implicate the
3 issue raised.

4 PRESIDING JUDGE SMITH: I agree with you.

5 MR. HALLING: Nor was that question answered.

6 Q. Mr. Haradinaj, when you were talking about the witnesses, you're
7 referring to the witnesses in the documents that arrived at the War
8 Veterans Association. Could you please answer that with a "yes" or
9 "no"?

10 A. No, witnesses in general. Because I wasn't aware who the
11 witnesses were in there, having not read the papers. Even to this
12 day, I state that there is no reason for a witness to be blackmailed.
13 If I'd come in my capacity as -- as a witness, I would testify to
14 what I know as a witness.

15 Q. So when you said "they know if they are there," you're referring
16 to witnesses in general? Is that your testimony?

17 A. This is an answer given within the context of their questions as
18 to who these people are. And I said I don't know. Only those who
19 are should know. And that is the truth. We do not know who they
20 are. As a matter of fact, the only people who know this is you and
21 them. But even if we were to know, that wouldn't be the end of the
22 world. It's just a witness. It would be harmful if they were
23 witnesses that have been manipulated by you given who your
24 coordinator is.

25 Q. In your answer just now, you said:

Witness: Nasim Haradinaj (Resumed) (Open Session)
Cross-examination by Mr. Halling

Page 2858

1 "... the only people who know this is you," I take it referring
2 to me, "and them," referring to the witnesses.

3 Is that right?

4 A. No, no, I mean you, you personally and your associates. And you
5 most certainly are aware of these things. You are not speaking here
6 with no basis of knowledge.

7 Q. So the witnesses we are talking about right now are the
8 witnesses of the KSC; isn't that right?

9 A. It wasn't precisely said there. This was witnesses in general.
10 You -- you can specify. We -- we meant witnesses in general.
11 Witnesses that give testimony all over, in Kosovo and elsewhere. As
12 far as the names are concerned, we're not aware of them or what they
13 are witnesses for. Even -- you've reminded me of some of those
14 names, names that I have known for six or seven years. Not others.
15 They have themselves admitted to -- to being witnesses.

16 So if this is an offence, then it should have been them sat here
17 because they have breached their own obligations.

18 Q. Mr. Haradinaj, in your efforts against the KSC, prior to the
19 batches arriving, it was the War Veterans Association's intentions to
20 amend the KSC laws or to abrogate it; isn't that correct?

21 A. First, we were not against the Specialist Chambers. We were
22 against the -- their methodology of work done openly, and that's why
23 we wanted the law to be amended. Because, Your Honour, if we were in
24 favour of the abrogation, why would we go for an amendment? Why
25 should we have introduced a new law which, according to you, would

Witness: Nasim Haradinaj (Resumed) (Open Session)
Cross-examination by Mr. Halling

Page 2859

1 undermine -- undermined it? What's the logic in there?

2 We were in favour of the discontinuation given that you had set
3 the expiry date, and that would have gone before parliament to be
4 [indiscernible] the power that you have now usurped. And that's what
5 we were in favour of. If this law -- and let me repeat it again. If
6 this law were not to be enacted, a law that would say that the
7 Specialist Chambers ought to investigate all crimes in Kosovo
8 regardless of the perpetrators, at least when the time comes to renew
9 its mandate it should not. And that is an opinion which I hold to
10 this day.

11 Q. You said the "the power that you have now usurped." What power
12 did the KSC usurp?

13 A. Let me -- let me give you some detail. And we have said it
14 before as well. The ombudsman's visit here was -- was part of my
15 entitlement to a family visit. And I'm the first to have refused a
16 meeting with him, because it came to me as a request of a family
17 member. Whilst the -- the ombudsman's -- your ombudsman's visit, the
18 one from Italy, was set aside as an official visiting time for me,
19 and this is discrimination. You are acting on behalf of the people
20 of Kosovo, whilst you deprive me of the right of a visit by my
21 country's ombudsman.

22 You are forcing me not to -- to enjoy the benefits of the
23 Ministry of Justice of my own country. You -- you want to impose
24 that on me as part of my entitlement as a family visitor, and I have
25 ignored this. I've ignored this as in -- as part of, you know, a

Witness: Nasim Haradinaj (Resumed) (Open Session)
Cross-examination by Mr. Halling

Page 2860

1 system of segregation which you are doing. Your -- your ombudsman
2 came in -- in an official capacity. Whilst for a visit of my own
3 ombudsman, I -- I had to specify that this was a family visit, and it
4 was taken off of my entitlement as such. If this is not true, I --
5 then I have misunderstood. But that is the way I understand things.

6 Q. Mr. Haradinaj, from your own testimony and statements, your
7 efforts to amend the KSC laws were unsuccessful. So at that point,
8 you were interested in abrogating it, were you not?

9 A. Mr. Prosecutor, are you pretending not to be able to hear? Even
10 to this day I want it to become legal so that this court pursues all
11 crimes and not targets them in a mono-ethnic version, not to
12 cooperate with those who used to be the executors and the -- those
13 who gave orders. And whilst you refuse to cooperate with a single
14 official from the -- from Kosovo. Not with us but with the people
15 who are the official representatives of Kosovo. Is there anything
16 wrong with it?

17 If that were -- were to happen, then there would be a -- you'd
18 be understood like that all over -- all over the place. I don't know
19 why you're setting these precedents, and I don't think that this
20 is to your benefit either. That is why I'm repeating it. I'm
21 repeating it for the interests of the public and transparency.

22 You are not -- even to this day, you are not embarking on that
23 road. So to this day, I want it amended -- I want the mandate
24 amended to include all crimes regardless of the perpetrators. Is
25 there anything wrong here? If this is the case, if you are saying

Witness: Nasim Haradinaj (Resumed) (Open Session)
Cross-examination by Mr. Halling

Page 2861

1 that you're against me, then I will be against you for as long as I
2 live, because that is not a justice system. It's not a fair -- you
3 are using the powers that you have taken from the -- you have taken
4 in the Constitutional Court.

5 Berat Buzhala was here. Try to get this mandate in parliament
6 again and see if you get improvement again. Berat Buzhala was -- has
7 said it here and he said it before, that: "I would not -- I would
8 never have voted a Chambers in which [REDACTED] Pursuant to In-Court
Redaction Order F518RED was a coordinator." And
9 this was one of the MPs who voted for your court.

10 Q. Mr. Haradinaj, my question is different from the one that you
11 answered.

12 A. Can you kindly repeat it? Because that's how I understood it.

13 Q. Understanding your amendment efforts were unsuccessful, you also
14 then wanted to abrogate the KSC; isn't that right?

15 A. If it would have been within my own powers, I would have
16 abrogated it a long time ago with the way you conduct your work. It
17 was not up -- up to me. If you'd had my own mandate for the sake of
18 the partial justice that you're pursuing, I would have -- have
19 abrogated you today. Whilst if you had been in favour of -- of
20 chasing all crimes, regardless of the perpetrators, then I'd be in
21 favour. The War Veterans Association is in favour of the fact that
22 all criminals ought to come before a Trial Panel, because everybody
23 would benefit: Society, country, humanity. Is there anyone who is
24 so stupid enough to defend criminals?

25 Q. Mr. Haradinaj, I'd like to take you to paragraph 17 of your

Witness: Nasim Haradinaj (Resumed) (Open Session)
Cross-examination by Mr. Halling

Page 2862

1 statement now.

2 MR. HALLING: This would be Exhibit 2D1, I believe. And it's
3 paragraph 17.

4 Q. So, Mr. Haradinaj, you say in paragraph 17 of your statement
5 that's been admitted:

6 "To be clear, we were not seeking the abrogation or closure of
7 the KSC ..."

8 Given your answer just now, that's now true, is it?

9 THE INTERPRETER: Microphone for the witness, please.
10 Microphone for the witness, please.

11 MR. HALLING:

12 Q. Sorry, Mr. Haradinaj, if you could turn on your microphone and
13 repeat your answer.

14 A. We were seeking an amendment that would envisage investigations
15 into all crimes regardless of who had committed them. That is what I
16 am saying here. To be clear, that we were not seeking the abrogation
17 or the closure of the KSC. And that is true, and I repeated it. You
18 are saying that we were in favour of the abrogation. What we wanted
19 is an amendment for investigating all crimes, as I mentioned before.

20 But if this Office of the Prosecutor admits that it does not
21 want to pursue all crimes, we -- let me repeat: We just can't
22 abrogate, because you're a parallel state. The -- the MPs who voted
23 in favour are just turning tails over there. You are giving
24 yourselves the powers. But if the mandate comes for the -- for a
25 renewal vote, I remain in favour of not continuing the mandate or

Witness: Nasim Haradinaj (Resumed) (Open Session)
Cross-examination by Mr. Halling

Page 2863

1 abrogating it if it does not abrogate all powers. And I am saying it
2 openly that if that is the case, I am in favour of an abrogation,
3 yes.

4 I stand by what's written in there, and I -- I explained it more
5 broadly, more clearly. And if that is -- if you're still unclear, if
6 this Trial Chamber is unclear, I don't know what else to do. I don't
7 know how else to put it.

8 Q. So what I understand from your evidence is that you are not
9 seeking the abrogation or closure of the KSC, but you would abrogate
10 it today; is that right?

11 A. You -- you are taking what you want from my speech. And let me
12 repeat it. If you are admitting that you are mono-ethnic, like you
13 are, and in favour of -- in favour -- not in favour of investigating
14 all -- all crimes, yes, I'm in favour of the abrogation. If that is
15 the case -- if that -- if that is the case, I will stop answering
16 questions here and now.

17 You want me to go against my own country. I am not in -- in
18 favour of your work if you're mono-ethnic, selective, and if you do
19 not want to bring the real criminals here but you -- but you're
20 making up other criminals, like the -- the -- through work with the
21 coordinator. If that is the case, I remain against you. And if that
22 is the truth, I will stop my testimony here regardless of the -- of
23 the offence that it constitutes.

24 I am in -- I have fought against those people, the regime of
25 Milosevic and Tito who we -- we, with your help, were able to get

Witness: Nasim Haradinaj (Resumed) (Open Session)
Cross-examination by Mr. Halling

Page 2864

1 to -- to free ourselves of. What else would you want from me?

2 Q. You want the KSC to fall, don't you?

3 THE INTERPRETER: Microphone for the witness, please.

4 THE ACCUSED HARADINAJ: [Interpretation] You are trying to
5 portray it like that. We want the KSC to improve its work so that
6 it -- it -- it would prosecute all crimes. Is this an obstacle to
7 you? If that is the case, yes, I would want to see it abrogated.
8 And that's not just me but the whole freedom-loving people of Kosovo
9 democracy. It should be the case with your country as well. They
10 ought to be ashamed should you be doing your job in a very selective
11 and mono-ethnic fashion.

12 MR. HALLING:

13 Q. And if the legal path to close the KSC didn't work, you would
14 stop it even by breaking the law, wouldn't you?

15 A. Who said that?

16 Q. No one yet, but I'm asking you. If the legal path to close the
17 KSC didn't work, you would stop it even by breaking the law, wouldn't
18 you?

19 MR. CADMAN: Objection, Your Honour.

20 THE ACCUSED HARADINAJ: [Interpretation] Just a second. I will
21 answer. I will answer. Mr. Prosecutor, I have been referring to the
22 law all the time that I've been here, and someone who refers to the
23 law does not dare break the law. So that is why we have never
24 undermined any work. We didn't blackmail a single one, threaten
25 anyone, and we've always followed the legal path. And all these

Witness: Nasim Haradinaj (Resumed) (Open Session)
Cross-examination by Mr. Halling

Page 2865

1 signatures are legal. The request in parliament is legal. It's the
2 constitutional right of every single citizen.

3 So if you were to assess our activities, they're all within the
4 legal framework. And everything that is legal is just. Whilst what
5 you're saying is exactly the opposite of what I am saying. It -- if
6 there is a legal possibility to improve the work, why not? Why are
7 you against it? Why -- why are you against investigating all crimes?
8 Or are you trying to protect them? Why should you be against
9 investigating crimes of other -- committed by other nationalities,
10 people who were not KLA members?

11 Even Albanians who did not have the uniform might be here. So
12 that is what we have a problem with. The problem is that we don't
13 feel equal before this SPO office. Bring here before justice those
14 who deserve it and we'll support you all the way. Investigate all
15 criminals all the way, and we'll be against anyone who is opposed to
16 you. So now you can take a view on whether I am in favour of law --
17 of the law or not.

18 And it's precisely because of this legal prerogative that --
19 that I am here today able to give this testimony. Because if it
20 were -- if it were for you, maybe you would have convicted me
21 immediately upon the -- the arrest. But it's the law and the law
22 should be the -- a recourse too for every single citizen in a
23 democratic state. Why not?

24 MR. HALLING: Your Honour, if I could please ask the
25 Court Officer to pull up P24. It's another video. The timestamp

Witness: Nasim Haradinaj (Resumed) (Open Session)
Cross-examination by Mr. Halling

Page 2866

1 would be 14:14 to 14:38. The English transcript would be P24-ET.

2 And that's pages 7 to 8. It begins with the remark: "On this point,
3 I am in complete agreement," and the excerpt ends: "We have the
4 confirmation."

5 Q. Mr. Haradinaj, I am going to play another excerpt of a video for
6 you and then ask you a question.

7 A. May I have it in Albanian, please? The transcript, that is.

8 Q. Yes.

9 MR. HALLING: I understand as a matter of course, when I call up
10 these videos now, that the Albanian and English transcripts will be
11 brought up with the same timestamps.

12 PRESIDING JUDGE SMITH: Thank you.

13 [Video-clip played]

14 THE INTERPRETER: [Voiceover] "All I wanted to say is that your
15 agreement has not committed any -- any legal offence by distributing
16 them. Even if it's an offence, it's our duty to do everything that
17 would -- that would give the -- the light to the fact of what this
18 case -- case is doing. What I have said there, and what I've seen in
19 those documents, very briefly, is that ..."

20 THE ACCUSED HARADINAJ: [Microphone not activated].

21 MR. HALLING:

22 Q. Mr. Haradinaj, I'm sorry, your microphone is not on. Can you
23 please --

24 A. Can I please see the -- see it in Albanian, please? When the
25 video was being played, it disappeared. Let me find where the

Witness: Nasim Haradinaj (Resumed) (Open Session)
Cross-examination by Mr. Halling

Page 2867

1 violation is mentioned. What is the question? I'm ready now. I'm
2 ready now.

3 Q. The question concerned the part where it said:

4 "Violation ... even if there was to be a violation, it is our
5 duty to do everything to show that this Court is not correct, because
6 it is racist, it is selective, and here we have the confirmation."

7 Mr. Haradinaj, this was an interview on 9 September 2020. What
8 did you mean when you said that?

9 A. If you heard Milaim Zeka earlier, he has changed his opinion,
10 because in a previous interview he was convinced that we had -- we
11 had staged this thing, or photocopied them and so on and so forth.
12 So he's one of those -- he's one of those journalists that -- that
13 gets on your nerves, even though he used to be a friend of mine, and
14 he wants to find stuff where it doesn't exist.

15 THE INTERPRETER: Microphone is not there.

16 THE ACCUSED HARADINAJ: [Microphone not activated].

17 THE INTERPRETER: Microphone for the witness, please.

18 PRESIDING JUDGE SMITH: [Microphone not activated].

19 THE ACCUSED HARADINAJ: [Interpretation] Shall I start from the
20 beginning?

21 PRESIDING JUDGE SMITH: No. Mr. Haradinaj, Mr. Haradinaj, can
22 you hear me?

23 THE ACCUSED HARADINAJ: [Interpretation] Yes.

24 PRESIDING JUDGE SMITH: You are not answering the question.

25 You're not even close to the question. Please listen to the question

Witness: Nasim Haradinaj (Resumed) (Open Session)
Cross-examination by Mr. Halling

Page 2868

1 again and then answer it. Don't tell us about other matters that are
2 of interest to you.

3 MR. HALLING: Thank you, Your Honour. I'll repeat.

4 Q. The question concerned the part where it said:

5 "Violation ... even if there was to be a violation, it is our
6 duty to do everything to show that this Court is not correct, because
7 it is racist, it is selective, and here we have the confirmation."

8 Mr. Haradinaj, what did you mean when you said that?

9 A. When I mention "violation," the assumption is that there is no
10 such violation. And what I mean to say is whatever there is, and I
11 don't think there is a violation, and I am saying it in the Albanian
12 language. If people understand that in the Albanian language
13 properly, it's a dialect as well, the meaning is the -- the opposite.
14 There is no violation. And I've been trying to say this -- that this
15 is for the sake of transparency, because it needs to be made public,
16 because our view of these Chambers was such, and I'm repeating it, it
17 was based on data available before these documents arrived.

18 Given the fact that your coordinator, Witness number 2, appeared
19 continually on Serbian media mentioning names and, in fact,
20 convicting us. So long before these papers had arrived, we had
21 created this idea. And that's what I'm repeating here. This is the
22 viewpoint from which I see it.

23 Q. Mr. Haradinaj, I understand you when you say that there is no
24 violation. But isn't your quote here expressed conditionally: "Even
25 if there was to be a violation," isn't what you said talking about

Witness: Nasim Haradinaj (Resumed) (Open Session)
Cross-examination by Mr. Halling

Page 2869

1 that possibility?

2 A. Yes. Even if it were a violation, so a violation committed by
3 someone else. It wasn't our fault. It -- we had not procured these
4 documents. We had not worked to seek to -- to procure these
5 documents. So there was no reason for us to be concerned with
6 something that we had not done. Our -- our duty was to make public
7 what had arrived. It was in the public interest. And that is all we
8 were keen to do. It -- it is not of concern to me how you safeguard
9 your documents here. That is not a concern of mine.

10 If it weren't so, you -- you wouldn't have secured your
11 documents. So what I mean to say here is that whether it was or not,
12 that was -- is not our fault. Our own duty was to unveil everything
13 that -- that -- that we received for the sake of transparency. If we
14 wanted, as I said before, we would have taken pictures of, made them
15 public, everything. So you could have -- and then you could have --
16 you could have charged me with -- with other things. But -- so you
17 wouldn't have been able to stop me there and then.

18 Don't forget that I'm a citizen of Sweden, too. I could have
19 called on Swedish journalists. If I -- if I -- if I'd thought that
20 this is what I was going to be charged with, maybe I would. But my
21 contribution has been to my country. You -- as a matter of fact,
22 this statement should have been seen as a compliment, as an offer of
23 help to you so that even if these documents were not yours, you would
24 know that this is what happened, even though I was not in agreement
25 with you. Because at the end of the day, this was causing damage to

Witness: Nasim Haradinaj (Resumed) (Open Session)
Cross-examination by Mr. Halling

Page 2870

1 my people.

2 Q. So when you said that the KSC was racist and selective, this was
3 intended as a kind of compliment; is that correct?

4 A. You're giving this compliment to yourselves. It's the way you
5 do your work, the selective manner that you -- that you conduct your
6 work. Your focus on one single nationality. Because, you know,
7 you -- you've selectively targeted only those who are Albanian and
8 KLA members, not every Albanian. So you have targeted people and
9 you've been selective, and, in fact, to this day you are staying
10 within that target range. This is not my definition. This is what
11 the public opinion of Kosovo thinks of you at the moment,
12 unfortunately.

13 Q. Mr. Haradinaj, in this exchange -- [Microphone not activated].
14 Mr. Haradinaj, in this exchange we've been talking about, you're
15 stating on 9 September 2020 that you were ready to commit an offence
16 in order to show that this court is biased, weren't you?

17 A. I do not understand the question. What did I say on
18 9 September? Where is it?

19 Q. In the extract of the video that we have been discussing --

20 A. Would you mind playing it again to refresh my memory, please?
21 Would you be able to play it again so I can hear it myself?

22 Q. Maybe it's faster if I just read the relevant statement to you.

23 A. You may read, but I want to see it in Albanian, please.

24 MR. CADMAN: It may be more expedient for Mr. Halling to do
25 that, but I think it's appropriate for Mr. Haradinaj to hear what he

Witness: Nasim Haradinaj (Resumed) (Open Session)
Cross-examination by Mr. Halling

Page 2871

1 actually said.

2 PRESIDING JUDGE SMITH: [Microphone not activated]. We will just
3 look at the transcript. There was no argument about the transcript.
4 Let's start there.

5 MR. HALLING: Thank you.

6 Q. Mr. Haradinaj, I'll read the sentence again in English and then
7 you can see the corresponding sentence in the Albanian transcript.

8 "Violation ... even if there was to be a violation, it is our
9 duty to do everything to show that this Court is not correct, because
10 it is racist, it is selective, and here we have the confirmation."

11 And my question is that in this statement you were stating that
12 you are ready to commit an offence in order to show this court is
13 biased, weren't you?

14 A. Mr. Prosecutor, I want to believe that you are not doing this
15 intentionally, because you really do not understand what I'm trying
16 to say. I -- I want to believe so, because you're changing my words
17 all the time. I'm saying even were there to be a violation, it would
18 be somebody else's violation, not our violation. That is the -- the
19 context. Not that I would commit that violation but somebody else.

20 This is a reference to you. You -- you were responsible for the
21 violation. That is what I mean. I'm not saying here that I will
22 commit the violation. It's -- it is a statement that has got a
23 question mark, which doesn't exist here. But that's what -- that's
24 what I'm -- that's what I say. When I say maybe, and I'm using the
25 English, because I don't -- I won't use a language that I don't know,

Witness: Nasim Haradinaj (Resumed) (Open Session)
Cross-examination by Mr. Halling

Page 2872

1 but so when I say "even if it were," it would not be our own
2 violation. I'm not committing myself to committing a violation.

3 This is an opinion that you have created with your behaviour.
4 It is not -- it is not the first time that you are hearing it from my
5 mouth. You've heard this for years before I arrived here. Please.

6 Q. Mr. Haradinaj, I understand that, but that's not the question
7 that I'm asking you now. My question is, in this statement, you're
8 saying you are ready to commit an offence in order to show this court
9 is biased. Isn't that true?

10 A. No, it is not true. And you're forcing me to say it is not
11 true. I am saying that we -- we have a duty to do everything that
12 is. Not that we would do everything to expose the lie but to do
13 everything about what -- what exists. Because if we were to
14 undertake to do everything, we'd have gone completely against you.
15 We wouldn't have even accepted to receive you -- your offices in --
16 in -- and so our conduct clearly demonstrates this with -- with --
17 with Witness 1, for instance, so on and so forth.

18 It is your -- your problem, but you're not accepting. When I
19 say we will do everything, we mean everything from a legal point of
20 view in order to -- to make public what we had received and that was
21 for the sake of being transparent. And I reiterate to be transparent
22 when you see something against the interests of the public.

23 There is nothing personal here, Mr. Prosecutor. But what I'm
24 seeing there, in a new and independent state, I'm seeing references
25 to the old days when I wasn't free to speak my mind out. And let me

Witness: Nasim Haradinaj (Resumed) (Open Session)
Cross-examination by Mr. Halling

Page 2873

1 repeat: When I say "everything," that does not mean committing a
2 crime. When I say "everything," it does not mean that I will kill,
3 threaten, or intimidate. Someone who wants to do some evil thing
4 or -- wouldn't publicly go and say that he'd do everything.

5 Q. So you're saying you wouldn't obstruct the KSC's work even if
6 doing so could lead to its abrogation?

7 A. Just tell me a single instance, a single second that was done
8 against you apart from the legal point of view to have a law reviewed
9 by the parliament. This is something to be proud of, not ashamed of.
10 You really want to make us fools, look stupid. I'm not opposing your
11 question, but I don't understand it.

12 What do you have against uncovering all crimes? Why all this
13 resistance? What is wrong to request through parliament, through a
14 legal path for something to be reviewed? What's bad in all this?
15 This does not mean that you are an enemy. On the contrary, I'm
16 friend of justice and I want justice but not your justice and not the
17 justice with the approach that you have taken.

18 Q. And given the approach taken, you want to obstruct that
19 approach; isn't that right?

20 A. Considering the approach taken, I want it to be improved so that
21 all crimes are pursued. This is it. This is what I said. As simple
22 as that. Why are you making it complicated? I want to you change
23 your approach and to pursue all the crimes committed in Kosovo, and
24 then it will be all fine. We will support every step that you take.
25 There's nothing bad in that.

Witness: Nasim Haradinaj (Resumed) (Open Session)
Cross-examination by Mr. Halling

Page 2874

1 Q. So I'm right that you don't want to obstruct the approach of the
2 Court, you just want to change it?

3 A. Yes.

4 MR. HALLING: If the Court Officer could please pull up P18.

5 THE ACCUSED HARADINAJ: [Interpretation] I just want to add
6 something. I apologise. I do not agree with the approach it has,
7 and I want it to be changed so that it prosecutes all crimes
8 committed.

9 MR. HALLING: For P18, the transcript part is 29:19 to 29:38.
10 In the English transcript, it's P18RED, it's pages 5 to 6. The
11 excerpt begins: "I care only for the veterans," and it ends "picked
12 up from Milosevic."

13 Q. And, Mr. Haradinaj, as you can guess, I have another small video
14 that I'd like to play for you. It will just be a moment to the get
15 the transcript and the video on your screen.

16 A. All right.

17 [Video-clip played]

18 THE INTERPRETER: [Voiceover] "Don't mention Mr. Thaci,
19 Mr. Veseli, at this very moment, are just ...

20 "Interviewer: It can be damaging to the veterans ..."

21 "Mr. Haradinaj: Because it could be seen as an obstruction,
22 that's why.

23 "What justice? What justice coming from the apparatus of
24 Milosevic?"

25 MR. HALLING: Thank you. And just to make sure the last line, I

Witness: Nasim Haradinaj (Resumed) (Open Session)
Cross-examination by Mr. Halling

Page 2875

1 don't know if it got fully picked up in the interpretation, I have:

2 "The justice they picked up from Milosevic's apparatus I will
3 obstruct all my life. I crap on the justice that they picked up from
4 Milosevic."

5 Q. Mr. Haradinaj, you're talking about the KSC in that exchange,
6 aren't you?

7 A. I am talking about a person of Milosevic who is your
8 coordinator, and I do not want to repeat that second word you
9 mentioned in the context of Milosevic. And I agree with this
10 statement. And I will repeat it again: Everything coming from
11 officers, representatives of Milosevic, I will oppose them to my last
12 breath. If you say that you are like that, I will say I am your
13 opposer. You yourselves proclaimed him a criminal, the Butcher of
14 the Balkans who carried out five wars. I have always been against
15 Milosevic and I will always be.

16 If this is something that you mind, you can continue whatever
17 you want. But I will continue to oppose every idea that comes from
18 Milosevic and his people who are your coordinators and who you thank.
19 So this is what I said.

20 Q. Do you consider that the KSC has picked up its justice from
21 Milosevic's apparatus?

22 A. Deny to me that [REDACTED] Pursuant to In-Court Redaction Order
23 F518RED is not your coordinator and I will change
24 my opinion.

25 Q. Mr. Haradinaj, I'd ask you to please not mention any names
beyond the ones that have been previously discussed that you're

Witness: Nasim Haradinaj (Resumed) (Open Session)
Cross-examination by Mr. Halling

Page 2876

1 allowed. But that did not answer my question. Please, with a "yes"
2 or "no," do you consider that the KSC has picked up its justice from
3 Milosevic's apparatus?

4 A. With this coordinator and with that methodology, yes, I think,
5 yes. And the instance you include to prosecute all crimes, my
6 approach will change. This is how your work is reflected. The way
7 you behave, this is how you are perceived. A person who's convicted
8 people to death during the war, Vukcevic who was Milosevic's first
9 man, number two on the list as well, so what can I say about them?
10 They've created the syndrome of hatred against the Albanians.

11 Even if there is justice in the end, believe me, it will not be
12 a believable justice for the people because they have killed us for
13 hundreds of years.

14 Q. So, going off of the quote in the video played, isn't it true
15 that you would obstruct the KSC's justice all your life?

16 A. Not only the KSC but to the God that bases himself or herself on
17 data provided by Milosevic. This is what I've stated all along, and
18 how many times do you want me to repeat it?

19 Q. So I understand from that answer that the answer is yes to my
20 question; am I right?

21 A. What did you understand? What did you understand? That I am
22 against Milosevic? Yes.

23 Q. My question was would you obstruct the KSC's justice all your
24 life. Is the answer to that question yes?

25 A. If you work on the directives of Milosevic, yes. Yes, yes.

Witness: Nasim Haradinaj (Resumed) (Open Session)
Cross-examination by Mr. Halling

Page 2877

1 Q. And that's what you believe, isn't it?

2 A. This is what you reflect, and this is the conviction you created
3 in me. Your behaviour. And not only in me. And I don't want to
4 expand here, but even if it was only on me, you've created this
5 opinion.

6 Q. So this is not about changing the KSC alone. You're also
7 willing to obstruct the KSC; isn't that right?

8 A. If KSC is one that bases its work on the data and ideas of
9 Milosevic, yes. I am for the KSC to change its approach, to take an
10 approach that would investigate and prosecute all crimes, and then I
11 will have nothing against it. I will repeat it again. I'm not
12 against justice, and I'm not for obstruction of uncovering the truth
13 about criminals.

14 However, I also do not support that you look only on one side,
15 because by calling -- basing yourselves on your coordinator, you're
16 rehabilitating other criminals. That's why I'm telling you simply I
17 am against every selective court wherever it is, in whichever state,
18 not only in my country. And I believe you would be against such a
19 court too, at least based on the legal principles. I am against any
20 court that works based on principles of Milosevic. I've always been
21 against it, I will always be against it, and the generation coming
22 after me will be against principles led by Milosevic. And I am proud
23 of this.

24 Q. Mr. Haradinaj --

25 PRESIDING JUDGE SMITH: Mr. Halling, it's about time for the

Witness: Nasim Haradinaj (Resumed) (Open Session)
Cross-examination by Mr. Halling

Page 2878

1 noon break.

2 MR. HALLING: Yes. Could I ask one last question?

3 PRESIDING JUDGE SMITH: Yes.

4 MR. HALLING:

5 Q. Mr. Haradinaj, just with a "yes" or "no," because we are about
6 to break, if the SPO KSC remains as is, would you obstruct it all
7 your life?

8 A. Now it's not clear to me. You just opposed my idea -- idea.
9 Can you please first explain to me the way you are, how you are, and
10 then I will answer your question.

11 Q. It's just a "yes" or "no" question. If the KSC remains as is,
12 unamended, would you obstruct it all your life? Just with a "yes" or
13 "no."

14 A. [Microphone not activated].

15 THE INTERPRETER: Microphone, please.

16 THE ACCUSED HARADINAJ: [Interpretation] Look, I am saying if you
17 are saying that these are Milosevic's principles, I will be against
18 them. And if you're saying that you are working based on the
19 methodology that you are working, I will use every legal path,
20 parliament, whatever remedy to include this amendment that is that
21 all crimes be prosecuted regardless of the perpetrators by at least
22 all citizens of the Republic of Kosovo, and that would suffice. And
23 then we will be friends, cooperators, everything you want. And if
24 you don't do this, then I will always be against it. Legally, I will
25 raise this issue before the parliament, and it's my legitimate right

Witness: Nasim Haradinaj (Resumed) (Open Session)
Cross-examination by Mr. Halling

Page 2879

1 to do so. And not to use a blackmail or violence or whatever you are
2 mentioning. That I would never do because it's not legal.

3 MR. HALLING: Thank you, Your Honour. We can break.

4 PRESIDING JUDGE SMITH: We'll take a break at this time for
5 lunch. We are adjourned until 2.30. We'll see you at that time.

6 --- Luncheon recess taken at 1.02 p.m.

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

8 PRESIDING JUDGE SMITH: I don't mean to keep bugging you, but do
9 you have any answer for us from your expert?

10 MR. CADMAN: Anticipating your question, I had sent --
11 anticipating your question, I had sent a further reminder to
12 Mr. Reid. We don't have an answer yet. I'm still waiting for him to
13 come online. We will keep pressing him during the course of the day.
14 I appreciate it's very difficult --

15 PRESIDING JUDGE SMITH: [Microphone not activated].

16 You might remind him that he signed on to be an expert. That
17 means he needs to be here to testify, and it's going to be rather
18 important because a delay in getting him could delay everything for a
19 long time.

20 MR. CADMAN: And he has been made aware of that.

21 PRESIDING JUDGE SMITH: Okay. I know you have. I'm not --

22 MR. CADMAN: I would say the only difficulty is we have to allow
23 him to sleep, and there is quite a time difference between here and
24 Australia.

25 PRESIDING JUDGE SMITH: [Microphone not activated]. I want him

Witness: Nasim Haradinaj (Resumed) (Open Session)
Cross-examination by Mr. Halling

Page 2880

1 to fully understand the implications. Thank you.

2 Anything else?

3 MR. CADMAN: Yes. Just in the interest of assisting the Court
4 and helping the proceedings along smoothly, we have prepared all of
5 the transcripts that are in the Prosecutor's presentation queue in
6 Albanian just to facilitate Mr. Haradinaj's ability to go through.

7 I've shown them to the Prosecution. They have no objection.
8 And with the Court's leave, I'd like to present them to
9 Mr. Haradinaj.

10 PRESIDING JUDGE SMITH: Will he be able to find his way through
11 the document?

12 MR. CADMAN: They are tabbed by ERN numbers, so all I would ask
13 is that when Mr. Halling refers to the transcript, we also have the
14 ERN number so that we can turn to it quite quickly.

15 PRESIDING JUDGE SMITH: Okay. But we have P numbers also on
16 some.

17 MR. CADMAN: We understood that --

18 PRESIDING JUDGE SMITH: You just use the ERN numbers?

19 MR. CADMAN: Yes, we have.

20 PRESIDING JUDGE SMITH: Okay. All right with you, Mr. Halling?

21 MR. HALLING: Yes, Your Honour. It's just in the interests of
22 efficiency. We can try it. If it's helpful, great. But the
23 transcript will always be on the screen if it's difficult to find
24 things in the binder.

25 PRESIDING JUDGE SMITH: Understood, understood.

Witness: Nasim Haradinaj (Resumed) (Open Session)
Cross-examination by Mr. Halling

Page 2881

1 Okay. And, Mr. Haradinaj, I have to remind you once again, you
2 have to speak slower because the translators are having a very
3 difficult time and it's very important that your statements be
4 properly translated. Do you understand?

5 THE ACCUSED HARADINAJ: [Interpretation] Yes, I'll try.

6 PRESIDING JUDGE SMITH: Do your best to slow down, take a breath
7 occasionally, and proceed. Thank you.

8 Go ahead, Mr. Halling. You have the floor.

9 MR. HALLING: Thank you, Your Honour.

10 Q. Mr. Haradinaj, we are going to start again with a video.

11 MR. HALLING: This one is 08135504. That's the ERN. The
12 Exhibit is P8. It's timestamp 5033 to 5101. And in the English
13 transcript, that is on page 26. The extract starts with the words
14 "the first batch was," and then it ends with the words "provided by
15 the enemy." And we'll just take a moment for that to be queued up.

16 [Video-clip played]

17 THE INTERPRETER: [Voiceover] "You idiots, you born spies, don't
18 think that anybody will defend you. Nobody has ever defended a spy
19 after exploiting them. They have either been guilty, discredited, or
20 been derided. How can you expect to betray your people, your army,
21 to connect with those facts provided by the enemy?"

22 MR. HALLING:

23 Q. And, Mr. Haradinaj, just to confirm for the record, because I
24 didn't hear it in the interpretation, it says:

25 "The first batch was only intended to tell us, you poor morons,

Witness: Nasim Haradinaj (Resumed) (Open Session)
Cross-examination by Mr. Halling

Page 2882

1 you fools, you born spies ..."

2 Going on to what you heard. I'm interested in that quote,
3 Mr. Haradinaj, who are the born spies related to the first batch?

4 A. This is an expression that comes from your country and many
5 other countries when they speak to spies. It's to do with spies who
6 continue their work, as is the case with the couple mentioned here,
7 number 2. He -- he has worked for his country but he's a spy. There
8 have been such people in Kosovo and they still exist, and they have
9 collaborated very closely with the Yugoslav system and Milosevic's
10 system in particular. Like [REDACTED] Pursuant to In-Court Redaction
Order F518RED with his father and brother.

11 The -- the expression that -- that you'll be used, exploited, so
12 on and so forth, is something that has been used during the First
13 World War, Second World War, in France, England, all over the place.
14 This -- we haven't been using this one because we gained our
15 liberation very late compared to other countries that were liberated
16 much earlier. I took it from books, from reading the books. What
17 else is there?

18 So the -- the call is do not expect anyone to defend you. This
19 is historically. This is a historical overview. Mr. Prosecutor,
20 this is a -- a programme that is known for its humour. This is --
21 and it is -- it's good to know for you, it would be nice to explain
22 it to you, Your Honours. This is not a serious type of programme.
23 But the interest was there all the time.

24 But according to -- to what we've seen here, I should have been
25 taken to court in Kosovo. My government should have taken me because

Witness: Nasim Haradinaj (Resumed) (Open Session)
Cross-examination by Mr. Halling

Page 2883

1 we have asked for the law on illustration and the vetting to be used,
2 and that has -- has got to do with those who've collaborated directly
3 with the enemy.

4 So have I broken the rules? I don't think so. The -- the free
5 thought that -- that -- that requests accountability is no
6 infringement. This is the law on the illustration. Look,
7 Mr. Prosecutor, I've been targeted a lot of time. I've been under a
8 lot of pressure compared to you. You have been negligent. You have
9 never ever shown any interest in dealing with us, but we have, in a
10 way, been shouldering your own burden, unwillingly so but doing so.

11 So who has done it? Everybody. You know, all you the parties,
12 all the officials. So when we were pressing for the law on
13 illustration, we came under a lot of attack. It's not a mistake
14 here. What I meant to say here is that we have -- we have an issue.
15 When I talk about born spies, I mean born spies, somebody whose
16 father has also been a spy. Unfortunately, they do exist in Kosovo.
17 And, unfortunately, they are the head of the government too.

18 Now, this is -- is a punishable offence, but let them pass the
19 law on illustration and we see where we end up to. This is not a --
20 a reference to somebody in specifically or to this Chambers or
21 that -- that court of law. I don't think that -- that a spy is also
22 a witness. A spy's duty is to undermine a country, a state -- a
23 state, and so on and so forth.

24 I do want to believe that you are still part and parcel of
25 Kosovo. It looks like you are setting up a precedent. It's nothing

Witness: Nasim Haradinaj (Resumed) (Open Session)
Cross-examination by Mr. Halling

Page 2884

1 to do with people who are involved with this Chambers. If you
2 might -- if you call somebody a spy, you do not mean a witness. A
3 witness is somebody who -- who tells of their own experience. It's
4 not -- it is nothing to do with what you're trying to -- to get to.

5 So look at it. This is a humour-based programme for
6 entertainment. It's -- it's widely viewed in Kosovo.

7 Q. So when you said to these born spies "do not think that someone
8 will protect you," was that a joke on this humorous programme?

9 A. [Microphone not activated].

10 THE INTERPRETER: Microphone, please.

11 THE ACCUSED HARADINAJ: [Interpretation] It's something that has
12 been used throughout World War I, World War II, in books, and so on
13 and so forth. Even during Hitler's time and the war against fascism,
14 during the French Revolution, the Spanish Revolution, in Italy, all
15 over the place. We did not have a luxury to talk about spies, but we
16 gained our liberation in 1999. The reference is historical. And
17 willy-nilly that's what happened. And I do not believe you're
18 collaborating with spies because it damages the institution you're
19 working for.

20 MR. HALLING:

21 Q. So this part was not a joke that you said, was it? You said
22 that seriously?

23 A. Do you mean to say that I -- I was serious when I said this?

24 Q. When you said: "You poor morons, you fools, you born spies, you
25 spies, do not think that someone will protect you," you were being

Witness: Nasim Haradinaj (Resumed) (Open Session)
Cross-examination by Mr. Halling

Page 2885

1 serious when you said that? You weren't joking, were you?

2 A. Do you want me to illustrate how serious I was at the time?

3 Q. I want you to answer my question, Mr. Haradinaj. Was it a
4 serious statement?

5 A. There is nothing serious about it. If you want me to illustrate
6 how serious I was, I will. For you to be able to -- to clearly
7 understand it and for the Trial Panel too.

8 Q. What do you mean?

9 A. I think it's happened to all of you if you're a parent. It
10 looks like often -- it's often been the case that -- that my children
11 have told me that my wife has hidden some -- something she had cooked
12 to spare me, and the children have told me that, you know, mom has
13 hidden the food away, and I told her that you are the spy of your --
14 your father's spy. And that is the context in which I've used it
15 here as well.

16 Q. Mr. Haradinaj, perhaps with just a "yes" or "no." Is this a
17 serious statement that you said; "yes" or "no"?

18 A. If it's not part and parcel of a serious programme, it is not
19 meant to be serious. So the answer is no.

20 Q. I'd now like to show you a different video.

21 MR. HALLING: And apologies to the Court Officer, I am going to
22 change from the last video that we discussed during the break. This
23 is P37. That's 08273302. The timestamp would be 1 hour, 4 minutes,
24 52 seconds to 1 hour, 5 minutes, and 6 seconds. In the English
25 transcript, it would be page 5, and the extract would start, "On the

Witness: Nasim Haradinaj (Resumed) (Open Session)
Cross-examination by Mr. Halling

Page 2886

1 other hand," and would end with "we have declared publicly."

2 THE COURT OFFICER: Apologies for the delay. The video is still
3 loading.

4 [Video-clip played]

5 THE INTERPRETER: [Voiceover] "Every soldier of the KLA would be
6 a target and everyone against the KLA, every collaborator, every
7 quisling, every traitor, spy, and son of a spy will be appearing
8 before this Chambers. So this is the meaning and this is the kind of
9 court that I have in mind."

10 MR. HALLING: Thank you, Madam Court Officer, and to the
11 interpreters.

12 Q. Mr. Haradinaj, this is an interview from 24 June 2020. From
13 seeing the video, is this a comedy show?

14 A. No, this is a very serious programme and I was very serious in
15 what I said. And that's what I tried to illustrate. So this
16 illustrates exactly what I've said. That it says that it is such.

17 Q. So when you say that traitors and spies are in favour of this
18 tribunal, that's what you mean?

19 A. Which tribunal?

20 Q. This tribunal.

21 A. Then -- then I've been sat in the wrong place. I know that I am
22 appearing before a Kosovo court. Shall I get up?

23 Q. Mr. Haradinaj, when you talked about every traitor and every spy
24 is in favour of this tribunal, the tribunal you are referring to was
25 the KSC, wasn't it?

Witness: Nasim Haradinaj (Resumed) (Open Session)
Cross-examination by Mr. Halling

Page 2887

1 A. Mr. Prosecutor, let me repeat. I shall not continue my
2 testimony if this Chambers is a Chambers that comes from the tribunal
3 that has finished. That was the tribunal that was for Yugoslavia.
4 That's over. Is this a Chambers that is part of that tribunal?

5 PRESIDING JUDGE SMITH: Mr. Haradinaj.

6 THE ACCUSED HARADINAJ: [Microphone not activated].
7 [Interpretation] Or am I the tribunal? I am misunderstanding the
8 whole thing.

9 PRESIDING JUDGE SMITH: Mr. Haradinaj, would you please answer
10 the question.

11 THE ACCUSED HARADINAJ: [Interpretation] I cannot answer it
12 without -- without knowing before which court am I appearing.
13 Because that's offensive to me. It looks like I'm not giving
14 testimony for what I was meant to. Otherwise, he has to rephrase the
15 question.

16 PRESIDING JUDGE SMITH: He's asking you about a question -- or a
17 statement that you made.

18 THE ACCUSED HARADINAJ: [Interpretation] I have not given
19 testimony at the tribunal, and the tribunal is not topical in this
20 case. Maybe it's a -- maybe it's a -- a mistake in the translation
21 of the word "tribunal"? That's how I heard it, tribunal.

22 PRESIDING JUDGE SMITH: I believe it was your statement,
23 Mr. Haradinaj. [Microphone not activated].

24 THE ACCUSED HARADINAJ: [Interpretation] I have mentioned the
25 word "court," not "tribunal." I can't see it there. Maybe I'm --

Witness: Nasim Haradinaj (Resumed) (Open Session)
Cross-examination by Mr. Halling

Page 2888

1 I'm not seeing it, not able to read it properly.

2 MR. HALLING: I'll try it a different way, Your Honour.

3 PRESIDING JUDGE SMITH: Thank you.

4 MR. HALLING:

5 Q. Mr. Haradinaj, what legal institution were you making reference
6 to with this quote?

7 A. [Microphone not activated].

8 THE INTERPRETER: Microphone, please.

9 THE ACCUSED HARADINAJ: [Interpretation] Forgive me. I've
10 completely lost my concentration. Would it be possible to replay the
11 video, please? I'm completely unclear. I'm unable to read it as
12 well.

13 MR. HALLING: Your Honour, I would suggest that be accommodated.

14 PRESIDING JUDGE SMITH: Please replay the video.

15 [Video-clip played]

16 THE INTERPRETER: [Voiceover] "When we, this court was set up,
17 mono-ethnic and racist, and every KLA soldier would be a target, and
18 everybody who was against the KLA, every collaborator, every
19 quisling, every traitor, every spy, and every family member of a spy
20 would be in favour of this tribunal, of this kind of tribunal.
21 That's what I'm talking about."

22 THE ACCUSED HARADINAJ: [Interpretation] You -- you can make the
23 question now. I did hear myself clearly. At least what I've got in
24 mind, not --

25 PRESIDING JUDGE SMITH: Mr. Cadman.

Witness: Nasim Haradinaj (Resumed) (Open Session)
Cross-examination by Mr. Halling

Page 2889

1 MR. CADMAN: I think it's a problem of terminology. The
2 translation of the word used in the video and the Albanian video is
3 "court," not "tribunal." I think it's just a problem of terminology.

4 PRESIDING JUDGE SMITH: I don't believe I'm in a position to
5 make that statement. I accept that that's your version. Can we go
6 on?

7 MR. HALLING: The way in which the question I'm going to ask now
8 is formulated, I think it avoids the terminology.

9 PRESIDING JUDGE SMITH: All right. That would be good.

10 MR. HALLING:

11 Q. And it's actually the question that I put to you just before the
12 video. So, Mr. Haradinaj, what legal institution were you
13 referencing in the video you just heard?

14 A. I clearly mean the office of the Specialised Prosecutor. That's
15 what I meant. And why? Because of what -- of the orientation
16 they've had so far. I am saying here at the end that if it has been
17 built on the basis of collaboration with Serbs who have been living
18 there for -- for more than a hundred years or so, of -- of quislings
19 who have joined them to fight alongside, and we've got the -- the
20 Albanian names that are here and others that do not appear here,
21 those who wore Serbian uniforms and attacked us and killed their
22 fellow Albanians and set their houses alight.

23 Q. Mr. Haradinaj --

24 A. The traitors are those who -- I'm just trying to clarify --
25 [Microphone not activated].

Witness: Nasim Haradinaj (Resumed) (Open Session)
Cross-examination by Mr. Halling

Page 2890

1 PRESIDING JUDGE SMITH: Mr. Haradinaj, you've answered the
2 question. You don't need all of that.

3 Go on.

4 MR. HALLING: Thank you, Your Honour.

5 THE ACCUSED HARADINAJ: [Microphone not activated].

6 PRESIDING JUDGE SMITH: Oh, and, Mr. Haradinaj --
7 Mr. Haradinaj --

8 THE ACCUSED HARADINAJ: [Microphone not activated].

9 PRESIDING JUDGE SMITH: Mr. Haradinaj, just leave your
10 microphone on. You are being cut -- they're not being able to pick
11 up everything you say, so just leave it on.

12 Go ahead, Mr. Halling.

13 MR. HALLING: Thank you, Your Honour.

14 THE ACCUSED HARADINAJ: [Interpretation] In the end, I make it
15 clear if it's got this approach which is mono-ethnic, selective, and
16 not all-inclusive. And that is exactly what I say in the end. So
17 those -- only those who have been our enemies or those who have
18 collaborated and fought with the enemies support it. So the last
19 word makes it explicitly clear that if this is an approach that is
20 selective in nature, then they have the support of those people.

21 And I think that this Court ought to have the support of
22 everyone, and it would have that support if it were to prosecute all
23 crimes regardless of the perpetrators.

24 MR. HALLING:

25 Q. In your view, people who are cooperating with the KSC as it

Witness: Nasim Haradinaj (Resumed) (Open Session)
Cross-examination by Mr. Halling

Page 2891

1 currently exists are Serbian collaborators, aren't they?

2 A. No, that's what you're saying. That's your statement. Everyone
3 is entitled to their own view.

4 Q. So is the KSC collaborating with the Serbian authorities?

5 A. You -- you have said that and the -- your coordinator has
6 admitted it, and based on the two, I've come to the conclusion that,
7 yes, you are.

8 Q. And didn't you tell us yesterday that that is the ultimate
9 accusation that you can make?

10 A. Accusation against who?

11 Q. That collaborating --

12 PRESIDING JUDGE SMITH: Mr. Cadman.

13 MR. CADMAN: Again, if Mr. Halling is putting something that
14 Mr. Haradinaj has already said, perhaps he can refer him to the
15 transcript where he said it.

16 MR. HALLING: Happy to. It would be page 74 from yesterday's
17 realtime transcript. Given the difficulties of making the realtime
18 transcript available in Albanian, it may be simplest on this occasion
19 if I just read the extract, it's just a few lines, into the record
20 and then ask him if he said it.

21 PRESIDING JUDGE SMITH: That's acceptable.

22 MR. HALLING:

23 Q. Mr. Haradinaj --

24 PRESIDING JUDGE SMITH: No, that is acceptable, the way he's
25 going to do it.

Witness: Nasim Haradinaj (Resumed) (Open Session)
Cross-examination by Mr. Halling

Page 2892

1 MR. CADMAN: He can still put it on -- visible for the English
2 version for us to see.

3 PRESIDING JUDGE SMITH: It's still what he's going to do,
4 Mr. Cadman.

5 MR. HALLING: This is page 74 of yesterday's realtime
6 transcript.

7 Q. Mr. Haradinaj, I'm going to read this to you and then ask you if
8 this reflects your testimony from yesterday.

9 "And we shared that suspicion, that these could have been SPO
10 documents. They accused us of having collaborated with the Serbs and
11 brought the documents here. Accusing people of taking part in the
12 law, that you're collaborators of the secret Serbian services, that
13 is the ultimate accusation you could level."

14 Mr. Haradinaj, did you say that yesterday?

15 A. Yes, I did say it. And I'll repeat it one more time, because it
16 looks like you're twisting my words. I said "we" as in veterans
17 organisation, and this is following the delivery of your documents
18 when we were accused of being in cahoots with the Serbs, as if the
19 Serbs had delivered these documents. They were -- they were accusing
20 us of the same, and that was a very grave concern, a very grave
21 accusation.

22 If we'd -- if I'd collaborated with the Serbs, I'd be -- I'd
23 be -- I would be on your side. Even -- and when we use the term
24 "Serbia," and when I say "Serbia," it doesn't mean of Serbian
25 nationality. It's fine to cooperate with a Serb, but it is not in

Witness: Nasim Haradinaj (Resumed) (Open Session)
Cross-examination by Mr. Halling

Page 2893

1 order to collaborate with a Serb who has killed and who ordered the
2 killing of someone else personally, and that is the context. There
3 are many honest Serbs, there are many Serbs who are against the war,
4 so I'm not here insulting an entire people, because that would be an
5 insult against myself. There are bad people all over the place.

6 So what I meant to say is -- is that that was an -- offensive to
7 us. So as I am accusing you of collaborating with them, we get the
8 same accusation. The accusation against us was that we'd be -- would
9 be -- that the documents had been sent from the secret services of
10 Serbia, when it's known that you had been collaborating with them.
11 And that is the context in which I said what I said and I'm repeating
12 it here.

13 Q. Were you afraid of being accused as Serbian collaborator?

14 A. I'm not scared of -- of being accused. I'm not trying to -- to
15 make myself topical in the news, to be accused as a Serbian. If I'd
16 been accused of Serbian collaboration, I would have been privileged.
17 I would have been in power. I wouldn't have been sent to jail at
18 all. I can't -- I can't be friends with an enemy of my people. I'm
19 saying -- I'm saying "my people," but I also mean my family, and
20 somebody who has -- has deprived of me life, who've tortured, killed,
21 jailed, so on and so forth, these are not friends.

22 With friends you cooperate. You don't torture them. If you
23 want to become friends with your enemy, then that mistreatment, the
24 torture should cease there and then, and you should be privileged
25 somehow.

Witness: Nasim Haradinaj (Resumed) (Open Session)
Cross-examination by Mr. Halling

Page 2894

1 Q. What can happen in Kosovo when someone is accused of being a
2 Serbian collaborator?

3 A. Who accuses them? There should be some kind of justice.

4 Q. That's not my question. My question is what can happen in
5 Kosovo when someone is accused of being a Serbian collaborator?

6 A. People are continuing to live. Nothing is happening.

7 PRESIDING JUDGE SMITH: Go ahead.

8 MR. CADMAN: I was going to object. It calls for speculation.

9 PRESIDING JUDGE SMITH: I'll overrule. I'll allow the question.
10 Overruled.

11 MR. HALLING:

12 Q. If a witness was accused of being a Serbian collaborator, they
13 could be killed, couldn't they?

14 A. No. Unless they were on the front line during the war, they
15 could have got killed. Yes, on the front line you have a uniform.
16 He shoots at you, you shoot at him. It's a front line. It
17 recognises no nationality, no age, nothing. But not now. Now we
18 have judiciary, and I hope that we have passed now the time of war
19 and that now it's not a time for private settlements. Kosovo is no
20 longer within those standards.

21 MR. HALLING: If I could ask the Court Officer to pull up the
22 following Facebook post. It is SPOE0022264 to SPOE0022267. And
23 there is an -ET. It has a confidential classification, and I'm
24 interested in page 1.

25 Q. Mr. Haradinaj, this is a Facebook post from Hysni Gucati's

Witness: Nasim Haradinaj (Resumed) (Open Session)
Cross-examination by Mr. Halling

Page 2895

1 Facebook page on April 26th, 2020. There is a particular aspect I
2 want to direct you to. I think it's easiest if I just read that into
3 the record, and then with the aid of the interpretation you can find
4 the extract. This is what it says:

5 "Shkelzen Gashi, together with a particular caste of
6 intellectuals always supported by Serbia and their international
7 backers, set up numerous trials against KLA, made up any sort of
8 stories against them, bought up and paid more than 70% of the
9 witnesses to give testimony in these proceedings. This is public
10 knowledge. In addition, some of these witnesses were killed because
11 they revealed (deliberately or inadvertently) that they worked for
12 these structures in order to destroy KLA, without proof or evidence,
13 but with fabricated witnesses, as the only way to achieve the aim."

14 Mr. Haradinaj, do you agree with what's said in this post?

15 PRESIDING JUDGE SMITH: Mr. Cadman.

16 MR. CADMAN: First of all, he's being asked to comment on a post
17 by somebody else. And we don't even know, it's not been established
18 that that was actually posted by the other person. He's now been
19 asked to speculate on that and we do object to this line of
20 questioning.

21 PRESIDING JUDGE SMITH: Overruled.

22 Go ahead.

23 MR. HALLING: I'll repeat the question.

24 Q. Mr. Haradinaj, do you agree with what is said in the post that I
25 just read to you?

Witness: Nasim Haradinaj (Resumed) (Open Session)
Cross-examination by Mr. Halling

Page 2896

1 A. First of all, it's not an issue whether I would agree to this or
2 not. You have to mention that this Shkelzen Gashi was a counsellor
3 to Albin Kurti, the prime minister, and he justified the killings of
4 11.000 Albanians in Tivari and justifies the killings committed by
5 the Serbs on Albanians over that time. So this is a person that
6 blurred the public opinion totally in Kosovo by giving his own
7 explanation, if it's his explanation. So I'm not here to give my
8 opinion on his opinion or to evaluate or assess his opinions. I
9 cannot be accurate about what he is trying to say.

10 I agree that Shkelzen Gashi lied and tried to instigate hatred.
11 He stated this statement in a very serious television programme, and
12 for these reasons, if I'm not mistaken, he was dismissed. He lost
13 his job.

14 Q. The statement that Gashi, a caste of intellectuals, always
15 supported by Serbia and their international backers set up numerous
16 trials against KLA, you agree with that, don't you?

17 A. Mr. Prosecutor, unfortunately, and I am supposed to feel bad
18 here as I'm an intellectual, I did not see a single Serbian
19 prosecutor punishing me or convicting me. It was always Albanians,
20 those who charged -- pressed the charges.

21 Q. Is the comment that the trials against the KLA and that more
22 than 70 per cent of the witnesses were bought up and paid, is that
23 something you believe?

24 A. Mr. Prosecutor, I cannot speculate based on other people's
25 opinion. Please, even if it is my opinion, it's just my opinion

Witness: Nasim Haradinaj (Resumed) (Open Session)
Cross-examination by Mr. Halling

Page 2897

1 which is different from the opinion of the originator of the opinion.
2 There are parts that I like. There are parts that I don't like of
3 this opinion. There are parts about which I would write maybe in a
4 better way. So this is just somebody else's opinion, and I don't
5 have the right to give you my opinion on that. I'm not avoiding the
6 answer to this question, but sincerely, I would be mis -- I would
7 commit a mistake in terms of what I think. It's not that I'm afraid
8 to say what I want to say.

9 Q. Mr. Haradinaj, that doesn't answer the question that I asked.
10 In reference to that part, do you agree with that part of the post?

11 A. Word by word, I don't. In terms of names, when I read names of
12 the type of Shkelzen Gashi and his comrades, they make me sick. Even
13 to this day.

14 Q. That's not the part of the comment I'm asking about. That 70
15 per cent of the witnesses giving testimony in trials against the KLA
16 made up stories and were bought up and paid. Do you agree with that?

17 A. Now you are insisting that I go into analysing this opinion, and
18 I will do that in the name of justice. If we take into consideration
19 all these processes, in Kosovo, starting from the time of UNMIK,
20 EULEX, and the Tribunal, 70, 80 per cent of the people came out
21 clean. What happened was one misfortune. You lost years of lives of
22 people, but 80 per cent of the people came out clean. They were
23 released by the Tribunal, by the courts of UNMIK, and by the courts
24 of EULEX.

25 And if he is referring to this in his opinion, he mistakenly

Witness: Nasim Haradinaj (Resumed) (Open Session)
Cross-examination by Mr. Halling

Page 2898

1 said 50, 60 per cent. It should be 80 or 90 per cent. And I'm
2 saying again, for the sake of transparency and for the sake of
3 justice, I analysed this passage and I gave you my opinion.

4 Q. So am I correct, then, that your position is that the post is
5 incorrect because the number of corrupted witnesses is higher than
6 the percentage given in the post?

7 A. I did not say "corrupted" or "not corrupted," but all those
8 witnesses, it turned out that they were not convincing in all those
9 trials held against KLA members. And in over 90 per cent of the
10 cases, KLA members came out victors and innocent. So I do not agree
11 to 60, 70 per cent, but to over 90 per cent as cases, not as
12 individuals. So those witnesses who helped in bringing about those
13 charges did not manage to convince trial chambers. The courts issued
14 judgements which were in favour of those who were accused at first
15 place.

16 And I'm saying this for the sake of transparency and for
17 clarity. Now that you made me speak, if he thought the way I'm
18 thinking now, then I'm reminding Mr. Gucati that it's not
19 60 per cent. It can be more than 90 per cent.

20 Q. And do you agree with the part of the post that "some of these
21 witnesses were killed"? I'll read the whole sentence:

22 "In addition, some of these witnesses were killed because they
23 revealed (deliberately or inadvertently) that they worked for these
24 structures in order to destroy KLA, without proof or evidence, but
25 with fabricated witnesses, as the only way to achieve the aim."

Witness: Nasim Haradinaj (Resumed) (Open Session)
Cross-examination by Mr. Halling

Page 2899

1 You agree that some of these witnesses were killed?

2 A. Mr. Prosecutor, please specify who, according to you, said this?
3 Are you referring to Hysni or to somebody else? Because it's very
4 unclear to me and to the Trial Chamber. Who said these words?

5 Q. As I explained at the outset, this is a Facebook post from
6 Hysni Gucati's Facebook account in April 2020. But the sentence that
7 I read to you, do you agree with it?

8 A. Now, for your clarification, and for the Trial Chamber, these
9 words were said and cited by Shkelzen Gashi. He only forwarded what
10 he said. So these are not his words or my words or the words of any
11 person who is -- who loves Kosovo. These are his words and that's
12 why he was sacked by the prime minister. Please, he was referring to
13 him in this post. This is how I understand it, this is how I see it,
14 and this is how it was. These are his words.

15 And as far as I know, and as far as I can read here, I know that
16 this issue was very topical, and I also participated in debates. If
17 Mr. Gashi knows about these things that you are now referring to, let
18 him go in front of the Court and testify so that we don't suffer and
19 this does not come back to us as a boomerang. So I'm saying it again
20 here: It would be very good to invite Mr. Gashi here and -- to
21 testify about these things that he's saying here. Let us see if he
22 will have the courage to say these things here, and, on the other
23 hand, let us punish him if he is committing slander here, if he has
24 invented all this, what he's talking about.

25 Q. Mr. Haradinaj, the sentence that I read to you, there is no

Witness: Nasim Haradinaj (Resumed) (Open Session)
Cross-examination by Mr. Halling

Page 2900

1 obvious indication that it is a quote of Shkelzen Gashi. It appears
2 to be part of the post, doesn't it?

3 A. Now, what you want is your business. You asked for my opinion.
4 If you want to express your opinion, you can feel free to do so. But
5 believe me, you are wrong. It's not the way you think. It's the way
6 I'm telling you, because you can find the declaration of
7 Shkelzen Gashi, and I'm sure that if you checked through Facebook,
8 you have found that statement and you have it.

9 I'm telling you here again. If these are not Shkelzen Gashi's
10 words, I will openly admit that I am the culprit here and I will take
11 the punishment. I will take the responsibility on myself. And I
12 will remind you what he said. He said that these were killed only by
13 the KLA, because they were probably not killed by Hajdar Dushi or
14 other artistic and cultural organisations that deal with music and
15 dancing.

16 Mr. Prosecutor, this is not his opinion. It's not my opinion.
17 I do not agree with what he said. But we encouraged, and I've
18 written about this as well -- and if you've gone through Facebook you
19 will find it. I've encouraged him with the knowledge that he has,
20 regardless of what other thing, let him go to the Prosecution and let
21 him denounce these things. It will be in his own benefit.

22 And I again appeal to everybody who has knowledge, let them go
23 and speak. There's no need to be ashamed when it comes to something
24 that is true.

25 Q. Mr. Haradinaj, could witnesses who testify -- do witnesses who

Witness: Nasim Haradinaj (Resumed) (Open Session)
Cross-examination by Mr. Halling

Page 2901

1 testify against the KLA, are they Serbian collaborators?

2 A. Mr. Prosecutor, I'm not the one who want to help you, you as a
3 Prosecutor, or the SPO. In the case of Milosevic, and with this
4 question, you are deliberately trying to make a fourth precedent.
5 And if this is understood in Kosovo the way I think it is, you are
6 trying to make a precedent. Why? Why do you think like that?

7 Q. Mr. Haradinaj, please listen to the question --

8 A. You are speaking now to the contrary what you have said. What
9 is the truth? Are you after the crime and the people who could have
10 been members of the KLA, or you are after just the KLA? If you are
11 after the KLA, then you don't need to call any individual.

12 THE INTERPRETER: There is no microphone.

13 PRESIDING JUDGE SMITH: Mr. Haradinaj.

14 THE ACCUSED HARADINAJ: [Microphone not activated].

15 PRESIDING JUDGE SMITH: Mr. Haradinaj.

16 THE ACCUSED HARADINAJ: [Microphone not activated].

17 THE INTERPRETER: Microphone for the speaker.

18 PRESIDING JUDGE SMITH: [Microphone not activated].

19 THE ACCUSED HARADINAJ: [Interpretation] Mr. Prosecutor is trying
20 to make me upset with this provocation, and this is a public trial.
21 [Microphone not activated].

22 THE INTERPRETER: No microphone for the speaker.

23 PRESIDING JUDGE SMITH: You have no microphone, Mr. Haradinaj.

24 THE ACCUSED HARADINAJ: [Interpretation] I do have it here.

25 PRESIDING JUDGE SMITH: No, I'm turning it off because you're

Witness: Nasim Haradinaj (Resumed) (Open Session)
Cross-examination by Mr. Halling

Page 2902

1 not addressing the question. Now, please listen to the question,
2 answer it in short sentence.

3 Go ahead, Mr. Halling.

4 MR. HALLING: Thank you. Thank you, Your Honour.

5 Q. Mr. Haradinaj, this question can be answered even with a "yes"
6 or "no." Do witnesses who testify against the KLA, are they Serbian
7 collaborators?

8 A. You're not asking me a "yes" or "no" question. You are saying
9 "against the KLA," and I'm not calling the entire KLA criminal. If
10 you say against individuals, then it would be a different thing.
11 That's why I'm reacting, because it's very interesting what you're
12 saying here and what you let it be interpreted as.

13 And this is precisely why we criticised you, because your target
14 is the KLA. If you're looking for criminals who could have been both
15 within the KLA and out, then fine. If you want to convict the KLA as
16 a KLA, I will be your enemy for the rest of my life. And not only
17 me. If you ask anybody who is a freedom-loving person will tell you
18 the same thing. But this does not mean that we defend a crime.

19 If somebody who committed a crime was from KLA, of course, why
20 not? They should be punished. So, Your Honour, this is not a
21 question that can be answered with "yes" or "no."

22 If the question is asked as follows: Are you against a witness
23 who is against a member who has been KLA? I will answer. But a
24 witness against the KLA as an organisation, I will be opposing that
25 question.

Witness: Nasim Haradinaj (Resumed) (Open Session)
Cross-examination by Mr. Halling

Page 2903

1 PRESIDING JUDGE SMITH: [Microphone not activated].

2 THE ACCUSED HARADINAJ: [Interpretation] If the KLA as a name is
3 being condemned as a group, I am against. If it's about an
4 individual that is subject of a process and that individual is also a
5 member of the KLA, then I have nothing against it. I want to have
6 the name KLA as a name clean. It's similar as if to say shall we
7 condemn entire Kosovo as a country or entire Serbia as a country? So
8 this is not a question that I can answer with "yes" or "no."

9 PRESIDING JUDGE SMITH: Thank you.

10 Go ahead, Mr. Halling.

11 MR. HALLING:

12 Q. So, Mr. Haradinaj, if I understood you, individual KLA members
13 could have committed crimes during the Kosovo war; is that right?

14 A. Alleged crimes. Why not process them? We have nothing against
15 it. Why not? The crime has no name, no nationality, no colour, no
16 personality, no position, governmental position. For me, a crime is
17 a crime. And this is my standpoint with regard to crime, and a crime
18 should be uncovered and punished.

19 Q. So it's at least possible in the abstract for KLA to have
20 committed crimes?

21 A. I don't deal with abstract things. It's you who are dealing
22 with abstract things. I am leaving that right to you. It's a right
23 that you have usurped, and you can continue doing that. But
24 personally, I am not going to speak about abstract things.

25 Q. It's a simple "yes" or "no" question.

Witness: Nasim Haradinaj (Resumed) (Open Session)
Cross-examination by Mr. Halling

Page 2904

1 PRESIDING JUDGE SMITH: Just a second. Mr. Cadman has a
2 comment.

3 MR. CADMAN: In much the same way as the Defence has been asked
4 to stray away from what happened in the conflict, I am struggling to
5 see how this line of questioning is relevant to these proceedings.

6 PRESIDING JUDGE SMITH: Overruled.
7 You can answer the question.

8 MR. HALLING: Thank you.

9 Q. Mr. Haradinaj, again, just with a "yes" or "no," is it at least
10 possible in the abstract for KLA to have committed crimes?

11 A. I am not a clairvoyant and I cannot speak here of abstract
12 things. I don't know to what question you want an answer. To
13 express yourself on abstract things is a waste of time. I am telling
14 you simply: I am for every crime to be uncovered, be it committed by
15 a member of the KLA, by someone who is outside of the KLA, by
16 whomever. This is a concrete thing.

17 As for abstract things, you can answer them. I will not give
18 you an answer concerning something abstract.

19 Q. I'll maybe put the question in reverse. If someone said that
20 the KLA could not commit crimes, you would disagree with that, would
21 you not?

22 MR. BUCKLEY: Your Honours, my apologies. But is the Prosecutor
23 referring to the KLA as some sort of global entity or is he referring
24 to individual members?

25 PRESIDING JUDGE SMITH: I believe you are referring to

Witness: Nasim Haradinaj (Resumed) (Open Session)
Cross-examination by Mr. Halling

Page 2905

1 individual members, are you not?

2 MR. BUCKLEY: Perhaps he could say "members," Your Honour --

3 PRESIDING JUDGE SMITH: I think you should phrase it that way.

4 Thank you, Mr. --

5 MR. BUCKLEY: -- bearing in mind the numerous answers

6 Mr. Haradinaj has already given in terms of individual members,

7 individual responsibility, and whether they should be prosecuted

8 or --

9 PRESIDING JUDGE SMITH: Well, we've -- we've --

10 MR. BUCKLEY: -- otherwise.

11 PRESIDING JUDGE SMITH: I've already ruled on it, Mr. Buckley.

12 You're correct. Thank you.

13 MR. BUCKLEY: I'm grateful, Your Honour. I'm just pointing out

14 that --

15 PRESIDING JUDGE SMITH: No, no more pointing out --

16 MR. BUCKLEY: -- this question has been answered --

17 PRESIDING JUDGE SMITH: That's a speaking objection. We don't

18 need it. Just make your objection. I've ruled on it.

19 Mr. Halling, you will correct your language.

20 MR. HALLING: Yes. And it may be easier just to go to the next

21 video. Could the Court Officer please pull up P39. This would be

22 08398503. It's public. The timestamp is 10:33 to 11:05. It would

23 be on page 4 of the English transcript, and the extract starts "So it

24 was not easy to convince the international factor," and it ends with

25 "started four wars in the Balkans."

1 [Video-clip played]

2 THE INTERPRETER: [Voiceover] "Look, it wasn't -- it wasn't easy
3 to -- to -- to convince the international community to intervene.
4 These are Albanian speakers who are now trying to -- to justify the
5 Serbian genocide, because even if we wanted to, we wouldn't have been
6 able to commit any crimes. It is quite easy to [indiscernible] who
7 was able to commit crimes. The state apparatus of Milosevic which
8 created this -- this trouble in the Balkans."

9 MR. HALLING:

10 Q. Mr. Haradinaj, in this video from 30 June 2020, what did you
11 mean when you said "even if we wanted, we could not commit crimes"?

12 A. We are fully aware of how capable the KLA was as a force. It is
13 quite well known who had the potential to commit crimes. It is known
14 who, before the war in Kosovo, was able to -- to commit the crimes in
15 four other states. This -- these are issues that have been assessed
16 on by Europe. They have assessed who committed genocide, not to talk
17 about massacres which happened in front of the soldiers from -- from
18 the Netherlands, in front of their eyes. And I've said that within
19 that context.

20 But it's -- it is great that this is happening for clarity to --
21 to be restored. I -- let me repeat. My opposition is against the
22 fact that this Court -- why does not this Court take citizens of
23 other nationalities and treat them in the same way? It may not be
24 able to do that for the citizens of Serbia, but this is the problem
25 that I've been raising all along.

Witness: Nasim Haradinaj (Resumed) (Open Session)
Cross-examination by Mr. Halling

Page 2907

1 I'm not against justice. I'm not against the prosecution of
2 crime. I do not, however, want to be partial and selective in the
3 approach. It is -- it is a very, very simple element that I am
4 trying to illustrate and you appear to not to be wanting to take on
5 board.

6 Q. You just said: "It is quite well known who had the potential to
7 commit crimes." Did the KLA have potential to commit crimes?

8 A. First and foremost, it's -- it's -- the liberation army does not
9 do that within its own country. And as far as Serb civilians are
10 concerned, we weren't able to get close, even close. If there was a
11 civilian population that was attacked, that was a population attacked
12 by the Serbian forces who had the potential, the organisation, the
13 logistics, and so on and so forth. These were not the first murders
14 that -- that they committed in Kosovo. They -- they did that for a
15 hundred years in a row. They had the experience to do that.

16 There hasn't been a single generation of the Yugoslav Army which
17 would -- which has not killed in Kosovo and against Albanians, and
18 that is what I mean when I talk about the potential. Because if they
19 didn't have that large potential, there would have been no need for
20 the international community to intervene, to deprive them of that
21 potential.

22 PRESIDING JUDGE SMITH: Mr. Halling, I want to remind you to
23 use -- do not use the entire phrase "KLA." As Mr. Buckley pointed
24 out, I think that's a little overbroad.

25 MR. HALLING: [Microphone not activated] ... I will adjust.

Witness: Nasim Haradinaj (Resumed) (Open Session)
Cross-examination by Mr. Halling

Page 2908

1 Q. Are you aware, Mr. Haradinaj, of any instance where a member of
2 the KLA was properly and justly convicted of war crimes? Has that
3 ever happened, in your view?

4 PRESIDING JUDGE SMITH: Do you have something, Mr. Cadman?

5 MR. CADMAN: Conscious that Your Honour has already ruled on
6 this, but we maintain our objection to this whole line of questioning
7 for the very reasons that I've set out. As the Defence was directed
8 that we were not to go into these matters, the Prosecution has to be
9 directed the same, Your Honour.

10 PRESIDING JUDGE SMITH: Overruled.

11 Go ahead.

12 MR. HALLING:

13 Q. Mr. Haradinaj, are you aware of any instance where a member of
14 the KLA was properly and justly convicted of war crimes? Has that
15 ever happened in your view?

16 PRESIDING JUDGE SMITH: What?

17 MR. CADMAN: I'm not objecting. It's just Mr. Haradinaj was
18 gesturing he couldn't hear.

19 THE ACCUSED HARADINAJ: [Interpretation] No, I did --
20 Your Honour, I did not hear the counsel's intervention and neither
21 did I hear the question made by the Prosecutor.

22 PRESIDING JUDGE SMITH: [Microphone not activated].

23 MR. HALLING: [Microphone not activated].

24 Q. Mr. Haradinaj, are you aware of any instance where a member of
25 the KLA was properly and justly convicted of war crimes? Has that

Witness: Nasim Haradinaj (Resumed) (Open Session)
Cross-examination by Mr. Halling

Page 2909

1 ever happened in your view?

2 MR. CADMAN: I don't know if Your Honour heard what
3 Mr. Haradinaj said, but he said he didn't hear my intervention,
4 not -- and then he didn't hear the question from the Prosecutor. So
5 I can just restate the question or the intervention.

6 PRESIDING JUDGE SMITH: You may go ahead and do that.

7 MR. CADMAN: For the benefit of --

8 PRESIDING JUDGE SMITH: Briefly.

9 MR. CADMAN: For the benefit of Mr. Haradinaj, my objection is a
10 standing objection to this entire line of questioning on the basis
11 that the Defence have been directed not to discuss matters that
12 relate to the conflict because they don't relate to these
13 proceedings. The Prosecution has to be given the same direction in
14 order for this to be fair proceedings.

15 PRESIDING JUDGE SMITH: [Microphone not activated].

16 Now you can ask the question. I've overruled the objection.

17 MR. HALLING:

18 Q. Mr. Haradinaj, this was the question: Are you aware of any
19 instance where a member of the KLA was properly and justly convicted
20 of war crimes? Has that ever happened in your view?

21 A. I did say it earlier that in 90 per cent of the cases, they came
22 out innocent. So I may be speculating when I mention 90 or
23 10 per cent, but that assumes that the -- the other bit have been
24 convicted. And that was acceptable. I did not say 100 per cent were
25 innocent. They might have been convicted and they are serving time.

Witness: Nasim Haradinaj (Resumed) (Open Session)
Cross-examination by Mr. Halling

Page 2910

1 Q. So if I were to say that in all instances KLA members killed
2 only uniformed soldiers, would you disagree with that?

3 MR. BUCKLEY: Objection, Your Honour. That calls for clear
4 speculation. Mr. Haradinaj simply cannot possibly be expected to
5 comment upon what each individual --

6 PRESIDING JUDGE SMITH: Just state the objection. Our rules --

7 MR. BUCKLEY: My apologies, Your Honour. I was just giving my
8 reasoning --

9 PRESIDING JUDGE SMITH: -- clearly say just the objection, not a
10 speech.

11 MR. BUCKLEY: It's not a speech. It was a reason, Your Honour.
12 But I take Your Honour's point.

13 MR. HALLING: And, Your Honour, would you like me ...

14 PRESIDING JUDGE SMITH: The objection is overruled.

15 You can ask the question.

16 MR. HALLING:

17 Q. Mr. Haradinaj, so if I were to say that in all instances KLA
18 members killed only uniformed soldiers, would you disagree with that?

19 A. I have not observed or checked that issue. I have never had
20 anything to do with civilians. When -- when I was involved in
21 clashes with the Serbs, I did shoot against them as far as -- every
22 time that I could. Wherever, against the Milosevic forces, in
23 Koshare, wherever I could, I shot against them. Because there was
24 only one option: Either kill or be killed. I wasn't -- I wasn't
25 able to kill as many as I wanted, and they weren't able to kill me

Witness: Nasim Haradinaj (Resumed) (Open Session)
Cross-examination by Mr. Halling

Page 2911

1 even though they injured me. That's what a war is. That's what life
2 on the war front is. I don't know about other things.

3 I'm neither confirming nor denying because I'm -- I'm not
4 entitled to give that opinion. I'm -- when I'm talking about court
5 cases, court cases, what I meant to say is that 90 per cent, it could
6 be 60, it could be 70, emerged innocent, 10 per cent were convicted
7 and served their time. And everybody accepted that outcome. Nobody
8 was against. So it's not up to me to clear someone's name.

9 What I am demanding here is to keep investigating alleged crimes
10 if they were committed. I am always in favour of investigating
11 alleged crimes regardless of the perpetrators.

12 PRESIDING JUDGE SMITH: Thank you, Mr. Haradinaj. You've
13 answered the question.

14 MR. HALLING: Thank you.

15 Q. And now that you've said that you can't confirm or deny that
16 proposition, the next question will be asking why you said it.

17 MR. HALLING: Can the Court Officer please pull up P49. This is
18 08918512. Now, the extract in question is from 36:12 to 37:02.
19 That's page 16 on the English transcript, and the extract begins "The
20 KLA did not do this," and the extract ends with the words "killed
21 uniformed soldiers."

22 THE ACCUSED HARADINAJ: [Interpretation] I don't have the
23 transcript in Albanian.

24 MR. HALLING: Maybe I didn't give the ERN. 08918512.

25 Q. So that should be the transcript in your binder, Mr. Haradinaj.

Witness: Nasim Haradinaj (Resumed) (Open Session)
Cross-examination by Mr. Halling

Page 2912

1 If you don't see it, you can see the same information in the middle
2 of the screen.

3 A. Can you read it one more time, please?

4 Q. 08918512.

5 [Video-clip played]

6 THE INTERPRETER: [Voiceover] "That's what we wanted to say. And
7 that's when the world came in. The KLA did not kill women, children.
8 Look, the KLA -- these were the members of the -- of the army who
9 were -- who handed over those who wanted to surrender. Secondly, the
10 KLA did not even have the potential. And it's known we did not have
11 the potential, and that's why I am saying this. There have been
12 moments when one of my friends -- one of my friends was killed. And
13 I can't say that I wouldn't do it. I don't know whether I would be
14 able to do it. However, maybe not. But I did not have a chance,
15 because who knows. At a certain point in time, I might have. I'm
16 just speculating. It's -- when you lose your mind, you can do
17 anything. But there haven't been such occasions, thank God. There
18 have been occasions to kill uniformed soldiers only."

19 MR. HALLING:

20 Q. Mr. Haradinaj, at the end there, where it says:

21 "In all instances we killed uniformed soldiers."

22 Are you now going to confirm or deny that proposition?

23 A. I related my own experience, and I can repeat it here. I have
24 shot and I know that I have killed soldiers on the front line in
25 Koshare, soldiers in uniform. I admit it to -- in front of you. And

Witness: Nasim Haradinaj (Resumed) (Open Session)
Cross-examination by Mr. Halling

Page 2913

1 I'm saying that I wasn't able to take out as many as I wanted to.
2 That's a different situation. And if that is a crime, I admit it.
3 But I -- I did aim against soldiers and they shot against me. It was
4 a distance of 100 to 200 metres? They killed us, we killed them.
5 And I'm relating here my own personal experience. Yes, I have killed
6 Serbian soldiers and officers. They said that they were officers,
7 because I didn't know at the time. There is nothing here that refers
8 to civilians. I did not return from Sweden to hand out flowers. I
9 returned to take to the front line where I accepted that I might end
10 up dead. And I'm talking here about the front line.

11 I did not aim against civilians and I never dealt with that one.
12 My country was liberated and that's that. I was injured at their
13 hands. I could have died. But -- but no one is seeking
14 accountability. I'm not asking for someone to be kept accountable
15 for my injuries. It was self-defence. They attacked me in my own
16 country. I did not -- additionally, I did not go to Serbia or
17 anywhere outside Kosovo. I was in my own country and in uniform.

18 Q. Mr. Haradinaj, in the sentence in that video, "In all instances
19 we killed uniformed soldiers," who is "we"?

20 A. The army unit that I was a member of, the battalion that was
21 there. I'm not talking about the entirety of the KLA, because I
22 don't know what the KLA did in other fronts. And I don't want it to
23 be -- to be otherwise. It is not my wish for the situation to be
24 otherwise. Mr. Prosecutor, I have returned. I handed over two
25 soldiers. Wesley Clark was one of those who took -- took custody of

Witness: Nasim Haradinaj (Resumed) (Open Session)
Cross-examination by Mr. Halling

Page 2914

1 them. Why did I do that? Because I understand how -- how precious a
2 human's life is. I -- I have been in jail myself and that is
3 publicly documented.

4 Q. And you said also that it was not in the KLA's character to do
5 that. Was that in reference only to your unit also?

6 A. First and foremost, it's a general comment on all human beings.
7 And I can say that no one appreciates when somebody is omnipotent and
8 goes against the most vulnerable. You have to be out of your mind.
9 If you see the gesture that I made, I was -- I was referencing
10 somebody who goes out of his mind, which I haven't been.

11 So -- so who would -- would be in that situation? I do not want
12 to know. I don't want to be friends, I don't want to -- to spend
13 time with them, whoever they are. Even if they are Albanians.
14 Because they're evil. Because I know what it means to be tied to
15 a -- to a radiator with three adults beating you up. I will not -- I
16 will never do it. That's why I handed them over. I would have -- I
17 would have handed over 300 of them if I'd been able to. Even
18 knowing -- given -- keeping full accountability.

19 If you twist that argument, you'd be -- you'd think now that
20 they might be killing me for handing over Serbs. But that is the
21 reality of the situation. So that KLA then would have killed me if
22 that were the case, but nobody ever attracted my attention to it.
23 Nobody ticked me off. Why not hand over the soldiers? Why go
24 against the civilians when they had absolutely nothing against us?
25 Because those civilians who joined the Serbian forces are the ones

Witness: Nasim Haradinaj (Resumed) (Open Session)
Cross-examination by Mr. Halling

Page 2915

1 who we weren't even able to observe.

2 Q. Can the KSC legitimately prosecute a member of the KLA?

3 A. [Microphone not activated].

4 THE INTERPRETER: No microphone there.

5 THE ACCUSED HARADINAJ: [Interpretation] If they have committed
6 crimes, why not? They deserve the punishment. Why not? The issue
7 is with being selective. Why is this minor issue not being treated
8 in a more general way? That is our opposition and disagreement with
9 your office, Mr. Prosecutor. That is what gives the impression of us
10 being hostile to each other. If that is your intention, that you
11 want to pursue the path of Milosevic, I will be your opponent now and
12 forever. If you have no shame to allow this kind of impression to be
13 created, carry on. I will be your opponent forever.

14 MR. HALLING:

15 Q. Mr. Haradinaj --

16 PRESIDING JUDGE SMITH: Just a second.

17 Mr. Cadman.

18 MR. CADMAN: Your Honour, I've tried to restrain myself from
19 objecting further. Perhaps we could just remind ourselves of, I
20 think it's paragraph 73, of the Order on the Conduct of Proceedings,
21 where it very clearly states:

22 "The cross-examining Party will use its best efforts to avoid
23 unnecessary, irrelevant or repetitive questioning of the opposing
24 Party's witnesses."

25 We maintain our objection that these matters are not relevant.

Witness: Nasim Haradinaj (Resumed) (Open Session)
Cross-examination by Mr. Halling

Page 2916

1 They are repeated and, in our view, unnecessary.

2 PRESIDING JUDGE SMITH: Thank you. Your objection is overruled.
3 Continue.

4 MR. HALLING:

5 Q. Mr. Haradinaj, isn't it correct that you wanted the documents
6 delivered to your office to be publicly known so that the KSC would
7 think twice before confirming indictments against former KLA members?

8 A. No, no, we did not have this interpretation. Our first
9 objective was to ascertain on whether those documents were or were
10 not from there, because we don't know it to this day. No, it wasn't.
11 Our goal was that we would be transparent on the materials that we --
12 that we received. I would have felt guiltier had I kept these
13 documents concealed, Mr. Prosecutor.

14 And I want to be coherent in the -- in the thinking and with
15 relevance to the time when they arrived. We wouldn't have been able
16 to summon the medias more speedily than the way we did it. And
17 believe me, Your Honour, if -- if this had not been in the public
18 interest, the journalists wouldn't have arrived. They wouldn't have
19 arrived for our sake. It -- they came because they were -- they were
20 completely unaware of what to expect, and it was largely because we
21 were targeted all the time.

22 We did not know, and we still do on not know to this day. All
23 of this is based on -- on a system of assumptions on your part and on
24 my part too. Are they yours or are they not?

25 MR. HALLING: Your Honour, there's another video that we would

Witness: Nasim Haradinaj (Resumed) (Open Session)
Cross-examination by Mr. Halling

Page 2917

1 like to play. In the interest of time, and given that this video had
2 two separate extracts, I would ask that it just be read into the
3 record off the transcript rather than broadcasting this particular
4 one.

5 It would be P7, 08135503. It's timestamp 19:40 to 20:04, and
6 then 22:22 to 22:31. It would be pages 11 and 12 in the English
7 transcript.

8 PRESIDING JUDGE SMITH: [Microphone not activated].

9 MR. CADMAN: I was just going to ask for Mr. Halling to confirm
10 how long it's likely to take, as we are very close to the end of the
11 day.

12 MR. HALLING: My intention is to read the extract and ask a
13 single question about it.

14 MR. CADMAN: No objection.

15 PRESIDING JUDGE SMITH: [Microphone not activated].

16 MR. HALLING:

17 Q. Mr. Haradinaj, I want to read to you part of an interview that
18 you gave on 18 September 2020. It's an interview in which you
19 appeared with Mr. Tome Gashi. It begins with the anchor saying:

20 "In this case should all indictments filed by the Specialist
21 Chambers be dismissed?"

22 Mr. Gashi:

23 "Now the Specialist Chambers needs ... the Specialist Chambers
24 needs to think again. Now it is in the hands of Pre-Trial Judge and
25 I believe that after this scandal of the Specialist Chambers, not of

Witness: Nasim Haradinaj (Resumed) (Open Session)
Cross-examination by Mr. Halling

Page 2918

1 the KLA OVL, individuals or Albanians ..."

2 And then the anchor:

3 "This is known."

4 Mr. Gashi:

5 "They have to think once again whether to confirm those
6 indictments or not."

7 And then later, you say:

8 "Because since the Court has degenerated, one cannot expect it
9 to resort to degenerated means to file an indictment. Our lawyer
10 said it well. I believe it should think twice now."

11 Mr. Haradinaj, Mr. Gashi said that the KSC should think twice
12 about confirming the indictments after this scandal. You agreed with
13 that, did you not?

14 A. That is his opinion. It is his freedom to express his opinions,
15 and there is nothing I have to comment on. What -- what he says,
16 it -- it's his problem. He should know on whether that is based
17 on -- based on facts or not. He is a lawyer.

18 Q. I'm asking if this is also your opinion.

19 A. Which one?

20 Q. When you said:

21 "I believe it should think twice now."

22 Did you agree with what Mr. Gashi said about how the KSC should
23 think once again whether to confirm the indictments?

24 A. No, that is not my opinion. This is Tome Gashi's opinion.

25 Q. And when you said, "I believe it should think twice now," that's

Witness: Nasim Haradinaj (Resumed) (Open Session)
Cross-examination by Mr. Halling

Page 2919

1 not your opinion?

2 A. Where? I can't -- where did I say that?

3 Q. At 22:22 to 22:31. It might be on the next page. So --

4 A. You see, even if I said that, I just echoed the opinion of an
5 expert. I cited the -- I cited the opinion of an expert given that I
6 deferred to him from a judicial point -- point of view, because he --
7 he has worked as -- as a defence lawyer, as a prosecutor, and as a
8 judge too.

9 MR. HALLING: Your Honour, we can leave it at that.

10 PRESIDING JUDGE SMITH: All right. Thank you.

11 We will reconvene tomorrow at 9.30.

12 Mr. Cadman, please keep us up to date on Mr. Reid. Please
13 stress to him that we need him on the 24th and the 28th, and hope to
14 hear from you yet tonight. If so, we can issue an order tomorrow and
15 get this all settled.

16 Thank you everybody for being here today. Thank you to the
17 translators and the audio-visual people and the court reporter.

18 We are adjourned.

19 --- Whereupon the hearing adjourned at 3.59 p.m.

20

21

22

23

24

25