

1 Thursday, 13 January 2022

2 [Open session]

3 [The accused entered court]

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

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

6 Madam Court Officer, please call the case.

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

10 PRESIDING JUDGE SMITH: Thank you.

11 Have the appearances changed at all today?

12 MR. HALLING: Not for the Prosecution, Your Honour.

13 PRESIDING JUDGE SMITH: All right.

14 MR. BOWDEN: No changes, Your Honour.

15 PRESIDING JUDGE SMITH: All right.

16 Mr. Cadman?

17 MR. CADMAN: We are joined this morning by Ms. Bernabeu, who is  
18 joining for the first time.

19 PRESIDING JUDGE SMITH: Thank you. And I also note that  
20 Mr. Nilsson, representing the Registry, is in the court today, and  
21 Judge Mettraux is once again with us on the videolink.

22 I also note that Mr. Gucati and Mr. Haradinaj are both in the  
23 court.

24 Mr. Cadman, we received your e-mail regarding the witness's  
25 answer, the second expert. His reasons are basically travel

1 difficulties. We ruled yesterday on another videolink application,  
2 and we clearly said that there were -- that such reasons will have to  
3 be balanced with others related to the arrangements to be made for  
4 this videolink.

5 Do you have any further submissions on this?

6 MR. CADMAN: Well, yes, Your Honour. It's not just a matter of  
7 travel difficulties. Of course, there are travel difficulties in  
8 getting here. It is that he's due to have his booster on the 28th.  
9 If he is to travel here, he will have to quarantine, I believe that's  
10 a hotel quarantine, for 14 days upon his return.

11 Our understanding is that the Registry will be able to have  
12 exemptions for the purpose of travelling. He will not qualify for  
13 exemptions. So it's not just a matter of difficulties in travelling.  
14 There are numerous difficulties in him being able to be here and then  
15 returning to Australia. He is prepared to testify by videolink. He  
16 is available on the 24th or the 31st. There is nothing really  
17 further that I can add.

18 PRESIDING JUDGE SMITH: Thank you.

19 Mr. Nilsson, what can you tell us about this situation now, now  
20 that you know what the situation is?

21 MR. NILSSON: Thank you, Your Honour. So with regard to this  
22 witness, I can inform Your Honours that the formal request went out  
23 to the state in question immediately after the decision by the Court  
24 of Appeal on Friday.

25 We know that this formal request has been received, that it's

1 being processed by the national authorities. These things take time.  
2 This is out of our hands. Part of the agreement we are looking for  
3 with the state is not for any Registry staff to travel there. It's  
4 -- that's simply not realistic and possible. But then that requires  
5 other arrangements and liaison with technical personnel on site.

6 So once we get a formal response, and I said that in the last  
7 hearing, we have foreseen five working days to be able to organise  
8 everything. So that's what we are looking at. I think that's all I  
9 can say for the moment.

10 PRESIDING JUDGE SMITH: Are those authorities aware of the  
11 urgency of the time?

12 MR. NILSSON: Yes, they are aware. We are in contact with them  
13 informally. Things are being processed. But, yes, it's really  
14 normal -- the normal ways.

15 PRESIDING JUDGE SMITH: Thank you.

16 Mr. Halling, anything to add to the submissions?

17 MR. HALLING: The SPO's position on this is similar to other  
18 videolinks. As long as the logistical arrangements don't cause  
19 delays, we have no objection. We know that the reason given by the  
20 witness for a videolink is a reason that will be common to every  
21 witness who has come or will be coming for the foreseeable future.  
22 But the Registry's answer just now sounds like it may be possible to  
23 accommodate the logistical constraints.

24 PRESIDING JUDGE SMITH: While you're up, let me ask you another  
25 question.

1 In the event that this witness would testify, is there going to  
2 be need, if it could be avoided, to have private sessions?

3 MR. HALLING: We can endeavour to have a plan that doesn't  
4 necessarily implicate private session. However, this is not  
5 something that we can promise in the abstract. And, indeed, some of  
6 our cross-examination for this witness may delve into private session  
7 material.

8 So we will try not to but I can't promise it right now.

9 PRESIDING JUDGE SMITH: Mr. Cadman, I'll ask you the same thing.  
10 Do you envision private sessions with him for any reason?

11 MR. CADMAN: Absolutely not. We would like this -- the entirety  
12 of his evidence to be in public session. Of course, there may be  
13 certain matters that are put to him that we need to go very briefly  
14 into private session, but certainly we will endeavour to ensure that  
15 what we seek to elicit from him will be in public session at all  
16 times. But I cannot predict what may come up during his evidence,  
17 and certainly I can't predict what the Prosecution is going to  
18 question him on.

19 PRESIDING JUDGE SMITH: Well, I take it you know what he's going  
20 to testify about, and you know whether or not anything that would  
21 require private session will come up from your direct examination.

22 MR. CADMAN: Well, what I can say is I do not envisage having to  
23 go into private session at all during his evidence.

24 PRESIDING JUDGE SMITH: All right.

25 And I'm sort of asking you the same question. You have some

1 idea of what he's going to testify about. You're not anticipating  
2 any private session but it could be possible. But you understand if  
3 we do something other than a secure videolink, if we would say is it  
4 possible to do, as we were doing with Judge Mettraux, to have him on  
5 a Zoom hookup where no private session would be possible, I just want  
6 to know if we can work that out.

7 And perhaps you two could talk to each other about this in the  
8 intervening time-period and come to some kind of an understanding.

9 MR. HALLING: Understood, Your Honour. And we will try.

10 The one point to focus on in particular, we may need to show  
11 confidential documents to this witness. We've been able to  
12 accommodate that in the courtroom here because we can show the  
13 confidential documents securely and the Judge on the videolink can  
14 see. We wouldn't necessarily be able to do that the same way with  
15 the expert witness, which is why I have hesitance to your original  
16 question.

17 PRESIDING JUDGE SMITH: I'm just searching for a solution. I  
18 hope you understand that.

19 Do you have anything?

20 MR. BOWDEN: Nothing particularly in addition to that,  
21 Your Honour, other than, of course, to point out the obvious time  
22 difference there will be and how that can be facilitated depending on  
23 where the witness eventually gives his evidence from.

24 PRESIDING JUDGE SMITH: [Microphone not activated].

25 He'll have to just deal with that. If you have to get him up in

1 the middle of the night, that's part of the cost of doing business, I  
2 guess.

3 MR. CADMAN: Absolutely. I think the only issue is going to be  
4 the location from which he gives his evidence. If it's going to be  
5 giving it in a courtroom, then that may cause some issues.

6 PRESIDING JUDGE SMITH: I don't think that's required, is it?

7 MR. NILSSON: I don't think it's required, but there are certain  
8 logistics or certain requirements for the places, that it should be a  
9 calm environment and so on. There are some things set out in our  
10 filing from December on that.

11 PRESIDING JUDGE SMITH: Understood. Mr. Nilsson, I'm going to  
12 ask you to keep updating us daily on this issue, will you?

13 MR. NILSSON: I will, Your Honour.

14 PRESIDING JUDGE SMITH: Especially yet today. We need to make a  
15 decision pretty quickly.

16 MR. NILSSON: Absolutely. I will.

17 PRESIDING JUDGE SMITH: Thank you.

18 MR. NILSSON: Thank you.

19 PRESIDING JUDGE SMITH: We'll move on from that.

20 Before we continue with the cross-examination, I just want to  
21 point out to the parties that paragraph 81 of the Order on the  
22 Conduct of Proceedings provides as follows:

23 "Any Party wishing to object to a question during testimony of a  
24 witness shall stand and concisely state the objection."

25 So please refrain from lengthy objections that might influence

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

Page 2926

1 or tip-off your witness as to what his answer might be.

2 One other thing, Mr. Halling. How long do you believe your  
3 examination might continue, your cross-examination? No limitation.  
4 I'm not putting a limitation. I just want to know, and I'm sure that  
5 the other lawyers do.

6 MR. HALLING: I was anticipating this question. I think using  
7 all three sessions today is quite likely. We talked previously about  
8 finishing today as well. I'm less confident than I was before given  
9 the speed of the examination. But I can guarantee it will be within  
10 the original ten-hour estimate, and the question is whether it  
11 finishes today, third session, or tomorrow, first session.

12 PRESIDING JUDGE SMITH: Thank you.

13 Mr. Halling, you may continue your examination.

14 MR. HALLING: Thank you, Your Honour.

15 WITNESS: NASIM HARADINAJ [Resumed]

16 [Witness answered through interpreter]

17 Cross-examination by Mr. Halling: [Continued]

18 Q. Good morning, Mr. Haradinaj.

19 A. Good morning.

20 Q. Mr. Haradinaj, I would like to move now to the events of  
21 September 2020. As regards the batch of materials that you were  
22 provided on 7 September 2020, the SPO came to the War Veterans  
23 Association and took them back the next day; isn't that right?

24 A. I know this from other people. I was not there myself.

25 Q. But you knew that when the SPO arrived that day, one of the

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

Page 2927

1 documents given to Faton Klinaku was a sequestration authorisation;  
2 isn't that right?

3 A. No, I don't know anything about that. I only saw a piece of  
4 paper that was shown to me before. I don't know what was given to  
5 him. I wasn't there.

6 Q. Was the piece of paper shown to you before a sequestration  
7 authorisation?

8 A. I haven't seen or signed any authorisation. I was told by the  
9 witness that this is a certificate that I am taking these documents.  
10 That's what we were told. And that's what I'm saying today.

11 Q. Mr. Haradinaj, I'd like to take you to your statement.

12 MR. HALLING: And this would be Exhibit 2D1, I suppose. And it  
13 would be paragraph 87. And I can wait a moment for it to be brought  
14 up on the screen.

15 Q. Now, this particular page has confidential information on it so  
16 shouldn't be broadcast, but I can read it in such a way such that we  
17 use the numbers from the sheet that had been provided to you earlier.

18 PRESIDING JUDGE SMITH: Any objection to that process,  
19 gentlemen?

20 MR. CADMAN: No, Your Honour.

21 MR. BOWDEN: No.

22 PRESIDING JUDGE SMITH: Thank you. Go ahead.

23 MR. HALLING:

24 Q. So, Mr. Haradinaj, this is the part of your statement I wanted  
25 to direct you to. The person who we're calling Person 1 "said that



1 they had heard that some sensitive material had arrived at the WVA.  
2 I told him that they had been here earlier to get some ... material  
3 but never replied that they were sensitive material." Person 1 "told  
4 me that they had told Faton. Faton objected to this by showing him  
5 only two letters, an authorisation of persons for sequestration and a  
6 handover note."

7 So, Mr. Haradinaj, from this part of your statement, you were  
8 aware that there was a sequestration authorisation given when the  
9 first batch was seized; isn't that true?

10 A. I was informed by Faton. I was not aware of that because I was  
11 not there. I related what I had heard. I was not there and I  
12 couldn't be aware of that. I am telling here what Faton told me. I  
13 referred to Faton's words. Faton did not have any papers in his  
14 hands. When I signed a piece of paper, it was just one piece of  
15 paper and that was the time when I signed.

16 Here, you are talking about the first time. And about the first  
17 time, I can only refer to what other people told me.

18 Q. And in this exchange, "Faton" is Faton Klinaku; correct?

19 A. Yes, the secretary of our organisation, Faton Klinaku.

20 Q. So he mentioned a sequestration authorisation but you never saw  
21 it. Is that your evidence?

22 A. I never saw it. And the time that I was given a piece of paper  
23 to sign, I did not see two pieces of paper. It was just one and I  
24 was asked to sign it. Hysni was given one piece of paper and then I  
25 signed it.

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

Page 2929

1 MR. HALLING: Could the Court Officer please pull up P83. And  
2 it's a Facebook post. It's not a video. The ERN is SPOE00222202 to  
3 00222288, and it should be the first page.

4 Q. Now, Mr. Haradinaj, do you see your name on the right side of  
5 the screenshot before you?

6 A. Yes, on the right. I can see this. It's Facebook.

7 Q. This is a Facebook post of yours from 9 September 2020, is it  
8 not?

9 A. It's not my posting, this one. It's not true that I posted  
10 this. I was in Albania at the time. They posted it and they said  
11 that this was signed. I was not the one who posted this. Faton  
12 posted it.

13 Q. And you re-posted it?

14 A. I shared it. This is not a picture I took. This is not  
15 something I saw. I did not post it.

16 Q. So you re-posted this document without seeing it?

17 A. No, I didn't see it. I just saw it there and that's it. When I  
18 was given a piece of paper to sign, it was not this one. I never saw  
19 this one. I thought this was a certificate that they had received  
20 the documents. That's it. I don't even know today what this is.

21 Q. Did you ever see a legal authorisation to seize the second batch  
22 of materials on 16 September?

23 A. Can I see it? How does it look like? Because I don't know. If  
24 it looks like this one, I haven't seen anything like this.

25 MR. HALLING: And with the indulgence of the Court Officer, this

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

Page 2930

1 will be a different video than what I had notified. This would be  
2 P17. And it would be 13:13 to 13:46.

3 Q. And, Mr. Haradinaj, the ERN for this is 08197905. It would be  
4 page 6 in the English transcript, P17-ETRED. And it would be an  
5 excerpt that begins, "Yes, yes, feel free," and it ends with the  
6 words "publish it or not."

7 Mr. Haradinaj, I'm going to play this video for you and then I'm  
8 going to ask you a question.

9 A. Could you please show it to me in Albanian as well.

10 Q. If you just wait a moment, I understand the Court Officer is  
11 accommodating that.

12 [Video-clip played]

13 THE INTERPRETER: Interpreter's note that it's not intelligible.

14 [Video-clip played]

15 THE INTERPRETER: [Voiceover] "Yes, yes, yes. Feel free. Here,  
16 you can. As I've said, we've done everything in a transparent way.  
17 The writings and everything, what they say. And these are in  
18 English, and the obligations.

19 "That you don't publish them then?"

20 "No, we don't need to publish them. This is their competence.  
21 They decide whether to publish or not publish them."

22 MR. HALLING: Thank you, Madam Court Officer.

23 Q. Mr. Haradinaj, what do you think the document is you're holding  
24 in your hand in that video?

25 A. This document was given to me by Faton when they asked me to

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

Page 2931

1 document things, and I showed it at the television programme. Faton  
2 came and gave me this document, and I showed this document, but this  
3 was given to me by Faton. Faton explained to me and I was not  
4 interested that much in it. Everything that came to the office, I  
5 was transparent about them.

6 This is not a document that I had. This was a document that I  
7 was having an interview and Faton brought it to me, and then I showed  
8 it to the camera. That's it. I was not given myself any such  
9 documents. I don't know whether Hysni was given such documents. I  
10 don't think he was. But if he was given one, I didn't see it.

11 Q. When you say you weren't given it, you're talking about the  
12 document you're holding in your hands in the video; is that right?

13 A. I never saw any such documents, multiple pages of a document. I  
14 don't know about Hysni. What I was given, it was just one sheet of  
15 paper. And, in fact, that was first handed over to Hysni, but  
16 because he was further away he couldn't sign it. I asked whether I  
17 could sign it in his place.

18 Q. Focusing on the video. You said it's in English, "the lines  
19 in English and the obligations they tell us we have." What did you  
20 mean by that?

21 A. First of all, I don't understand English that much in order to  
22 understand what's in there. The second thing is that I was giving an  
23 interview and I was asked whether we were given any document, and at  
24 that time, Faton gave me this document. He came and brought me the  
25 document, and they were filming at the time. But they edited the

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

Page 2932

1 footage, of course. They didn't give the whole thing on screen. So  
2 the thing was edited by the journalist herself.

3 Because there are other things that I said there, that I had  
4 never seen anything, and Faton had received some papers.

5 Q. Did you know that one of the obligations in that document was  
6 that you should not publish such documents?

7 A. We did not have any documents anymore. They had been taken away  
8 from us.

9 Q. Mr. Haradinaj, that didn't answer my question. I'm going to ask  
10 it again. Did you know that one of the obligations in that document  
11 you're holding on the video was that you should not publish such  
12 documents?

13 A. I said this is a document that Faton told me was given when they  
14 took the first documents. I did not have any other papers to  
15 publish. Secondly, we did not publish anything. I personally did  
16 not take any pictures. We just took whatever was brought to us and  
17 we put them there. It was up to other people whether to publish them  
18 or not.

19 Q. Mr. Haradinaj, please, with a "yes" or "no," did you know that  
20 one of the obligations in that document was that you should not  
21 publish such documents?

22 A. It was not clear to me. But I will tell you no, I personally  
23 did not know that.

24 Q. Did the War Veterans Association know that?

25 A. I am hoping they did not.

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

Page 2933

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

2           MR. CADMAN: I think Mr. Haradinaj may have actually answered  
3 the question. What I was going to say is if Mr. Halling is going to  
4 put a question to him, he should put it to him about precisely who he  
5 is referring to, not the entire organisation. Mr. Haradinaj can't  
6 answer for the entire organisation.

7           PRESIDING JUDGE SMITH: Sustained.

8           MR. HALLING: I can individualise it now, Your Honour.

9           PRESIDING JUDGE SMITH: [Microphone not activated].

10          MR. HALLING: Please pull up video P4. The relevant timestamp  
11 would be 16:25 to 17:19. The ERN would be 08134701. The extract is  
12 public. It is page 8 in the English transcript. And it is an  
13 excerpt that begins with the words "Mr. Gucati, if I am not  
14 mistaken," and ends with the words "it cannot be done."

15   [Video-clip played]

16          THE INTERPRETER: [Voiceover] "Journalist (Female): Mr. Gucati,  
17 if I'm not mistaken, you said that the Specialist Chambers rules were  
18 shown to you by the officials who were inside the offices a few  
19 minutes ago. Were there any warnings, that if you don't adhere by  
20 those rules, they would initiate, let's say hypothetically --

21          "Mr. Gucati: No, no, they can say that it is not good that  
22 these documents be multiplied, distributed or names of witnesses be  
23 published, as the lawyer said. We told them that we are not  
24 interested in multiplying them. We are not interested in keeping  
25 them at all. We are interested in unmasking the Special Chambers.

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

Page 2934

1 We have said for a long time that this Court is racist, it is biased.  
2 It is unacceptable to us, and therefore this is the reason why we  
3 publish all these documents. This is what it was. They addressed to  
4 me in the summons, and here it is written, saying only that 'the  
5 multiplication cannot be done, as well as the distribution' ... 'it  
6 cannot be done.'"

7 MR. HALLING: Can I please ask the Court Officer now to make the  
8 video the whole screen for just a moment.

9 Q. Mr. Haradinaj, do you remember this press conference?

10 A. Mr. Prosecutor, I would like to thank you for giving me this  
11 opportunity. Can you see this photograph? I am not there. This is  
12 the moment when I had already left, because it is impossible for me  
13 not to be in a press conference as the spokesperson of my  
14 organisation. But as you can see here, I am not there. And thank  
15 you very much for showing this picture.

16 MR. CADMAN: Your Honour.

17 PRESIDING JUDGE SMITH: Yes.

18 MR. CADMAN: Just a note for the record. The translation given  
19 is different to the English transcript, so either the English  
20 transcript is wrongly translated or the interpretation that's just  
21 been given is wrongly interpreted. We will, obviously, have to  
22 check.

23 PRESIDING JUDGE SMITH: Thank you.

24 MR. HALLING: Yes. And the translators are interpreting these  
25 videos in realtime, as I understand, for the benefit of the record.

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

Page 2935

1 So I don't think that it should even be expected that they should  
2 match a final, edited transcript necessarily during the courtroom.  
3 So I am sure this will be adjusted.

4 MR. CADMAN: I appreciate they're doing their best to translate  
5 what is very quick speaking. But if it's for the record, it should  
6 be a correct translation.

7 PRESIDING JUDGE SMITH: Thank you.

8 MR. HALLING:

9 Q. Mr. Haradinaj, when Mr. Gucati says these words: "No, they told  
10 me clearly that these documents cannot be multiplied, distributed, or  
11 the names of witnesses be published, as the lawyer said," was that a  
12 message that you had received as well?

13 A. How could I have received this message when I was not there?

14 Q. You were a member of the close presidency of the War Veterans  
15 Association, were you not?

16 A. I was not only a member, but I was also deputy chairman and the  
17 spokesperson.

18 Q. So is it your evidence that the lawyer, who is Tome Gashi in  
19 this picture, told this information to Mr. Gucati but not to  
20 yourself?

21 A. If you're asking me about what was said there, it was said that  
22 we shouldn't print them, multiply them, and distribute them, and we  
23 didn't do either of them. That's the way Mr. Gucati understood it.  
24 And he didn't do any of them, neither he nor myself. This is what  
25 happened. This is what Mr. Gucati said.



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

Page 2936

1 I didn't listen to this interview. There are hundreds of  
2 interviews. We didn't even have time to show each other the  
3 interviews. We didn't have time, because every time we were called  
4 upon to give interview. And you, Mr. Prosecutor, you did everything  
5 possible. You didn't leave us alone.

6 Q. Mr. Haradinaj, you knew that the SPO did not want you to share  
7 this information; correct?

8 A. You are confirming what I knew? Is that right?

9 Q. That's right. It's a question for you. You knew that the SPO  
10 did not want you to share this information.

11 A. I'm telling this Court what I knew and what I know today. The  
12 way we understood it was that we shouldn't multiply, publish, and  
13 distribute it, and we didn't do any of these things. This is what I  
14 knew then and this is what I know now.

15 Q. And the SPO investigator, Person 1, told you that the materials  
16 were sensitive; isn't that correct?

17 A. Person 1 said they may be sensitive, and he never told us  
18 exactly whether they were so. He didn't -- I can tell you that you  
19 didn't tell us even in the first -- in the case of the first batch  
20 that they were sensitive. *De facto*, he never acknowledged to us - I  
21 want to be frank here - that they were theirs. He told us, "Don't  
22 multiply them. It's not good to do that. Don't publish them."  
23 That's okay. We didn't do anything.

24 Q. The next video I would like to show you comes from P6.

25 MR. HALLING: The timestamp on this one is 58:21 to 58:48. It

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

Page 2937

1 would be page 35 of the English transcript, and the number is  
2 08135502. And the excerpt starts, "That's what they told you," and  
3 it ends with "material we receive."

4 [Video-clip played]

5 THE INTERPRETER: [Voiceover] "Mr. Haradinaj: They told us we  
6 must do what they told. Now, let us make it clear to the public why  
7 you are saying this. After the meeting of the SPO representative  
8 with you, he made it clear to you --

9 "Mr. Shabani: He didn't make it clear.

10 "Mr. Haradinaj: He made it clear. But we said every time we  
11 receive a material, we shall disclose it."

12 MR. HALLING:

13 Q. Mr. Haradinaj, did the SPO tell you that the materials were  
14 sensitive?

15 A. Excuse me, I want to look at the list to see whether Zekirja's  
16 name is there. It's good of you to show me this document.

17 Q. The transcript, Mr. Haradinaj, is in the middle of your screen  
18 now.

19 A. I looked at the list of people to see whether Zekirja is there.

20 Mr. Prosecutor, I regretted that day, Halil Berisha, he should  
21 have been there, but he was a victim. Now I am sure that he was the  
22 one that pushed him to get the whole file, because none of the  
23 journalists during the three sessions wanted to get a whole file. He  
24 was there, came and got the whole file. He called you and he  
25 provoked me.

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

Page 2938

1           That night, he served more as a prosecutor than all your  
2 prosecutors. He did a very good job for you. And now he tries to  
3 pose as a different person. He is one of those journalists that I  
4 said, Your Honour, that have provoked us. Maybe they told you. They  
5 didn't tell us anything.

6           And I am explaining, maybe he told you. He didn't tell us  
7 anything. He should have told you that he didn't tell us anything.

8           Q.    When Gazeta inFokus returned the documents that we're  
9 discussing, you wanted them to suffer for that decision, didn't you?

10          A.    It's very untrue. He returned the documents only after  
11 publishing them. I saw documents published then. Even though I  
12 wanted to -- them to suffer, I didn't say anything. This Shabani  
13 wanted to sacrifice his own journalist. I am not any authority in  
14 the newspaper. It was done at their own free will. Why should they  
15 suffer for me?

16          Q.    You said that you wanted them to suffer but you didn't say  
17 anything. I'd now like to play you 36:51 to 37:07 of this same  
18 video.

19          And, Mr. Haradinaj, just while we're getting the next excerpt  
20 queued up. We're talking about inFokus now because this is an  
21 inFokus journalist you're speaking to on the video; is that correct?  
22 I see you nodding, but if you could please answer for the record.

23          A.    The journalist was Halili. This one is the chief of the  
24 inFokus, the one who gives orders.

25          Q.    Thank you.

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

Page 2939

1 MR. HALLING: And then whenever the Court Officer is ready with  
2 the video.

3 [Video-clip played]

4 THE INTERPRETER: [Voiceover] "You are smart. You can  
5 understand. InFokus has published -- inFokus has been the best. He  
6 agreed to take them. The others might have taken them but he did his  
7 duty. Why should he stand up for others now?"

8 MR. HALLING:

9 Q. Mr. Haradinaj, I want to take you to the last thing you said:  
10 "He did his duty but now he wants to stand by the others, so let  
11 him suffer for that because he's attacking as a group."

12 Who are you referring to in that sentence?

13 A. Zekirja, he did his duty, because he was the one who came and  
14 picked up the entire file. He came and now I see that he took them  
15 deliberately, because it was only his journalist that asked for the  
16 entire file. It never happened during the three instances that we  
17 showed the documents. So he did his job. You ordered him to come  
18 and pick up the file, and then after 20 minutes he told you. And  
19 then they should be held responsible.

20 I mentioned the word "suffer," but I meant in general. They  
21 distributed it. Let them be held responsible. That's what I meant.  
22 That's the crux of what I said. Because now he tries to blame me as  
23 if I am to blame for publishing them. You see? The moderator says,  
24 "They have distributed." They did.

25 Who told Zekirja what to select what to take? I don't know.

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

Page 2940

1 He's your friend. He's worked for you.

2 Q. Mr. Haradinaj, in your testimony five minutes ago, you said:

3 "Even though I wanted them to suffer, I didn't say anything."

4 But you did say it, didn't you?

5 A. I am for suffering, but the person who has done it should  
6 suffer. I shouldn't suffer for something that someone else has done.  
7 If it comes to suffering or to being held responsible, I am willing  
8 to take responsibility for what I did, for a document that I took  
9 from the first -- from my office to another office. All the words  
10 that were said by Witness 1, not to distribute, not to multiply, not  
11 to copy, we did everything, even though we might not have done that.

12 But it was not our purpose to do that. So it coincided with our  
13 own ideas, what he said. When it comes to distribution, I think the  
14 one who has distributed them should be held responsible. If it comes  
15 to suffering for that act, let him suffer. But he's protected. It's  
16 okay.

17 Q. Mr. Haradinaj, at the end of the day, you disagree that this  
18 information be considered sensitive, don't you?

19 A. I have acted accordingly for the sake of the transparency and  
20 the public interest. And for transparency, we just wanted to show  
21 what came to us. And that is where our duty ended, 16 metres within  
22 the place where we held them. Nothing more than that. From one room  
23 to another room, which is one floor above. That is my  
24 responsibility. I acknowledge that, because I did that.

25 Irrespective of who brought them, this is what I did, and this

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

Page 2941

1 is where my action ends. Taking them when they came to us, putting  
2 them on the table, informing the public, transparency. That's it.  
3 Nothing more than that. For this, I am willing to take  
4 responsibility.

5 Q. There were non-public materials in the documents delivered to  
6 you, weren't there?

7 A. I don't know what was public, what was not. From what I read  
8 there, they were things that I knew and had heard for many years;  
9 that there was a court, there were courts in Kosovo, internationals  
10 were involved. And then I thought maybe I should take them. I  
11 didn't see anything there. Even if I told you now whatever I  
12 remember from what I saw, it was nothing that I didn't know for at  
13 least for four years before that.

14 Q. Mr. Haradinaj, the materials had labels on them to make it clear  
15 they were top secret or otherwise not public. That's right, isn't  
16 it?

17 A. I read many materials that read "top secret" on top but they  
18 were public. I didn't even take the trouble to think about that,  
19 because since those documents managed to come to our office, I don't  
20 see the reason why they can be considered secret. Secrets cannot  
21 come to anyone's office. You have not even proven that. Sometimes  
22 you say it's ours, sometimes not ours. Nobody confirmed to us that  
23 they were secret for us to know.

24 If you say that it's written "secret," I have seen before  
25 intelligence documents published in various magazines. I didn't

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

Page 2942

1 understand that they were secret. Nobody explained to me, neither to  
2 me or to anyone else. How can something be secret when it comes  
3 publicly to our office? It's madness to even think about it.

4 Q. Mr. Haradinaj, why don't we go look at another excerpt of this  
5 same video that we've been talking about previously.

6 MR. HALLING: This is P6. The timestamp is now 39:07 to 39:23.

7 [Video-clip played]

8 THE INTERPRETER: [Voiceover] "You wouldn't have published them  
9 at all hadn't I called you. And if you didn't publish them in the  
10 press conference --

11 "Yes" --

12 Interpreter's note: It's very hard to interpret from such  
13 documents.

14 MR. HALLING: Given the speed of this particular excerpt, I'll  
15 read it into the record.

16 Q. Mr. Haradinaj, you first say:

17 "You wouldn't have published them at all had I not called you?  
18 And if I had sent them to the Court like you say, you'd never publish  
19 them and the Court would have never shown them to you.

20 "Mr. Shabani: No, had you not made them public, had you not  
21 shown them at the press conference, there wouldn't have been a way of  
22 getting them.

23 "Mr. Haradinaj: That's correct. Secondly, had they been taken  
24 to the Court like you say, you wouldn't have seen them at all."

25 PRESIDING JUDGE SMITH: Mr. Cadman.

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

Page 2943

1 MR. CADMAN: Before Mr. Haradinaj is asked to answer, perhaps he  
2 could listen to it for himself before he answers.

3 MR. HALLING: We have no objection.

4 PRESIDING JUDGE SMITH: Go ahead. Run it one more time for  
5 Mr. Haradinaj.

6 [Video-clip played]

7 MR. HALLING:

8 Q. Mr. Haradinaj, you're smiling now. Why?

9 A. I'm smiling because the question is the same. I want to clarify  
10 for the Court this talk was held after he had agreed with you, and  
11 then he comes there to blame us. I am accepting even now. That's  
12 why I'm saying I did well for the sake of transparency and the public  
13 interest showing what came to us. Now, here, he's trying to blame me  
14 for multiplying them. I said, "I brought them to you, then you did  
15 what you did." He came here after he talked with you,  
16 Mr. Prosecutor. Look well at the time and the date. He has done  
17 what you told him to do. He has prepared materials.

18 I am saying the same thing that I said during the interview.  
19 Yes, Mr. Prosecutor, I received the document. I showed it for the  
20 sake of transparency and the public interest what came to us. They  
21 might have not taken anything. Why he? Now I'm realising it. Why  
22 he's the only one, the only journalist, he's a victim? Why he ask to  
23 get the entire file? Now it's become very interesting to me. Now it  
24 dawns on me why.

25 That's why I'm smiling, because he's in a difficult situation.



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

Page 2944

1 He has to do what he's been told to do.

2 Q. Mr. Haradinaj, you mentioned the public interest twice in that  
3 last answer. In your view, the reason why it was in the public  
4 interest was because it was not previously known publicly; isn't that  
5 right?

6 Again, just for the record, if you could speak your answer.

7 A. I understood it. Listen, it was in the public interest because  
8 we were under great attacks. The criticisms against this Prosecution  
9 office were made for four, five years, always based on the saying of  
10 Number 2, your coordinator. He spoke publicly all these things. And  
11 then of some witnesses that you have here. You have three witnesses  
12 here that privately have held press conferences. These witnesses  
13 called conferences in the middle of the town, and they write of their  
14 own free will.

15 So our opposition to you didn't start on the day that the  
16 documents came. We had this opposition to you listening to your  
17 witnesses who spoke publicly. So we didn't know for sure whether  
18 they were your documents, whether they were fabricated, whether  
19 someone brought them deliberately. That's why we thought it was in  
20 the public interest to do -- what to do.

21 If I wanted to distribute them, I would have done so, and then I  
22 would take responsibility for that. I have done what I have done,  
23 and I'm telling you, Mr. Prosecutor and the Court, for what I have  
24 done, for taking the documents from my office to that office, I am  
25 not repenting even now.

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

Page 2945

1 Q. So the documents weren't public when they arrived at your  
2 office. You were publicising them?

3 A. No, the documents that are not public could not come to my  
4 office. I have documents that are not public. My wife has sent me  
5 or I have sent -- I have personal papers that are not public. When  
6 they end up in someone's hand, I couldn't tell that person that they  
7 are secret. It's my responsibility. And I think even now, when  
8 somebody brings a sack of documents to you, it can't be secret. It  
9 can be public. How can that be public -- secret? If I give you this  
10 piece of paper here, it cannot be secret.

11 After I am telling -- if someone tells me it's secret, then I  
12 understand. But they came to us. Why do you say they are secret?  
13 That was the logic that I used then and now. If they are yours. You  
14 have not even proven that they are yours. You are not saying that  
15 they are yours. You should be held responsible. Why did you bring  
16 them to us?

17 You wanted us even to publish them. It's good that we didn't do  
18 it, because it was a trap, I think. Now I understand it's you behind  
19 it, and you want to blame it on us.

20 Q. Mr. Haradinaj, just with a "yes" or "no," did you publicise the  
21 documents that arrived at your office?

22 A. No. No, we didn't publish them.

23 Q. I didn't ask you if you published them. I asked did you  
24 publicise them. Did you publicise them?

25 A. I explained what -- what I mean by public -- publicise, and I

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

Page 2946

1 said no. This is how I understand it.

2 MR. HALLING: Another video. This is P30. The timestamp is  
3 07:24 to 08:22. In the English transcript that would be P30-ET.  
4 It's pages 7 to 8. And it begins, "Okay, Mr. Haradinaj, you are  
5 being brought these files," and it ends "out there but you won't."

6 THE INTERPRETER: Interpreter's note: Can we have the ERN  
7 number for the benefit of the interpreters?

8 MR. HALLING: Certainly. As requested by the interpreters, the  
9 ERN is 08210603.

10 And just to anticipate for Your Honours, if the speed of this  
11 recording is also too fast, then after it's played, I will just read  
12 the most essential part of this into the record, if necessary.

13 PRESIDING JUDGE SMITH: Thank you.

14 [Video-clip played]

15 THE INTERPRETER: [Voiceover] "You have brought them?  
16 Mr. Haradinaj, you are publicising them?"

17 "We are publicising them for you. We are not publishing that.  
18 We are giving them to you.

19 "Okay. Then you give it to the media.

20 "Yes, of course, certainly. We are holding a press conference.

21 "But that is for you, not for us.

22 "Now you are mixing up things. You are meddling with my  
23 business. If it's bad, it's bad for you, not for us.

24 "I did not find anything. I'm just asking whether it is or not.

25 "Mr. Haradinaj, if there are sensitive documents, you should be

1 aware what can be published and not -- and what cannot be published.

2 "So ..."

3 MR. HALLING: Thank you. And just to finish the last sentence:

4 "Okay, so it is us then that are the heartless ones, so it  
5 should be us that get them out there, but you won't."

6 Q. Mr. Haradinaj, I want to focus at the beginning of the video  
7 that was played to you, at least for now. You were asked point-blank  
8 are you publicising them and you said yes. How does this fit with  
9 the answer you've just given to us?

10 A. [Microphone not activated].

11 THE INTERPRETER: Microphone for the witness.

12 THE ACCUSED HARADINAJ: [Interpretation] All those who understand  
13 Albanian and follow this dialogue, everyone can see that this is a  
14 provocation and it's a very fiery debate. This is what I'm saying to  
15 him, that, "You are publishing them. We just put them on the table.  
16 You are publishing them, not us." And he said, "We are publishing  
17 them because you are giving them to us." He is claiming that we were  
18 doing this, that we were giving out the files. I told them that the  
19 shame is on them and not on us.

20 Anyone can look at this and anyone who understands Albanian can  
21 follow it. It's the same thing that I'm saying now. He is asking me  
22 and he is blaming me for putting them on the table. If I am to blame  
23 for putting them on the table, okay. And I told him that, "I put  
24 them on the table for you. You, if you take them or leave them or  
25 whatever you do with them, it's up to you. You can leave everything

1       there."

2               We could have done the other thing. We could have just waited  
3       for the Prosecution to come and take them. Why do you pretend you  
4       don't understand, Mr. Prosecutor? We did not want to keep anything  
5       secret. Because the person who brought them to us, he could have  
6       taken them anywhere. I put them there for the journalists, and I  
7       told this journalist, "Perhaps you received these a month ahead of  
8       us." They wanted to blame us for this.

9               They are professionals. I'm not saying anything. Maybe they  
10       think that we were wrong. But I am telling you that I don't feel I  
11       am guilty that I took the materials from my office and put them in  
12       another room on the table, and I told them that these are the things  
13       we received. That's it. And from there on, the responsibility is on  
14       everybody else. And for the thing I've done, I take responsibility  
15       and I don't regret it.

16              Had I wanted, I could have done that. But I didn't do it,  
17       because I'm not a professional in that field, I am not a journalist,  
18       and it was not up to me. My concern was for us not to be stitched up  
19       and be blamed for that. I didn't do that. I didn't show anyone  
20       those documents because I didn't want to be stitched up. I was  
21       afraid of that. The journalists could have left everything on the  
22       table. They were not forced to take any sheet of paper at all. They  
23       could have done what Halil and Zekirja did. Nobody stopped them.

24       Q.    Mr. Haradinaj, at the end of this same excerpt, it is put to you  
25       by the journalist:

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

Page 2949

1 "I believe that you are aware what can and what cannot be  
2 published as far as sensitive documents are concerned and what the  
3 penalty is for such actions."

4 And your response is:

5 "Okay. It is us then that are the heartless ones."

6 What did you mean by that?

7 A. [Microphone not activated].

8 THE INTERPRETER: Microphone, please.

9 THE ACCUSED HARADINAJ: [Interpretation] It is exactly the same  
10 thing that I'm trying to explain to you. And thank you for reminding  
11 me, because it is essential. Because I'm telling him, "So you think  
12 we are the ones that should be sacrificed." I am trying to tell him  
13 that, "You are trying to sacrifice us. You are trying to sacrifice  
14 us. You don't care about us." Because some of them media do that.  
15 Some of the media behave correctly, but some of them, you know how  
16 they behave, as the way you are seeing here. But, you know, they do  
17 their job. What can I say?

18 That's what I'm trying to say with "you don't care about us."  
19 You want to make us victims.

20 MR. HALLING:

21 Q. Mr. Haradinaj, in response to a question about publishing the  
22 documents, on this occasion your answer was not "we didn't publish  
23 them." It was: "It is us then that are the heartless ones." Why  
24 didn't you say here that you didn't publish the documents in answer  
25 to the question?

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

Page 2950

1 A. I said no, we did not publish them. I am trying to explain in a  
2 sort of a figure of speech that we are the ones that do not count.  
3 You blame the veterans and you call names on the veterans. That's  
4 what I meant with that.

5 Q. You were talking earlier in your testimony today about you  
6 didn't think that the materials delivered were authentic or genuine.  
7 Is this your position?

8 A. To this day, I am not clear and I don't know. Even today I  
9 would like to know, sitting here, what the situation is. I'll tell  
10 you, I'm not clear about that, even today.

11 Q. At any point from September 2020 to now, were you at one point  
12 clear whose documents they were?

13 A. Concretely, we were never told, not even by your officers, that  
14 they were your documents. But you used your force, political,  
15 executive force, to get the documents. And because they asked for  
16 them, they took them, and you said -- or somebody said that they are  
17 theirs. Okay, I give it to you. That's what happened. That's on  
18 your conscience, whether it's yours or not.

19 But I want to be transparent with my people, with the others,  
20 that I had this task, I had this duty, and that's what I did. That's  
21 it. That's the extent of my duty.

22 MR. HALLING: Could I ask for the Court Officer to pull up P19,  
23 another video. Timestamp 03:43 to 04:04. The ERN is 08197908, and  
24 that would be from P19-ETRED. It's page 2. In the English  
25 transcript, it begins, "I think that this is the mystery," and it

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

Page 2951

1 ends with "compile such documents."

2 Q. Mr. Haradinaj, I think it's clear now what's going to happen  
3 next, but we just wait a moment for this video and transcript to come  
4 up.

5 [Video-clip played]

6 THE INTERPRETER: [Voiceover] "I think that this is the mystery  
7 and the evil. It seems that they know the documents are theirs and  
8 there is no other way. We had our doubts in the first occasion, but  
9 now it's clear that the documents are original and they are theirs.  
10 They read 'Top Secret.'"

11 MR. HALLING: Thank you. And just to make sure that the last  
12 sentence is also included:

13 "No one but them would have known how to compile such  
14 documents."

15 Q. Mr. Haradinaj, in that video, when you say "it's clear that the  
16 documents are original and theirs," what did you mean?

17 A. I explained it before, and I'll explain it again, because you  
18 are insisting. We were attacked, that these were documents that were  
19 created by us, were brought to us by the Serbs or brought to us by  
20 Hashim Thaci, Fatmir Limaj, Ramush Haradinaj, and they had brought  
21 them to us, and they accused us of being their tools. And this was  
22 after the third time and an officer of yours came and took them. And  
23 I wanted to tell them that we did not do this. It was done by them.  
24 Because I always had doubts, perhaps they were not yours.

25 This is the essence, that we had doubts. We were in a pickle



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

Page 2952

1 with these. They created problems to us as veterans. The media are  
2 out of control and they don't -- they are not held accountable for  
3 what they say. You know these things, but you are giving us here  
4 excerpts that interest -- are in your interest. It doesn't not mean  
5 here -- whether they are top secret or not, it's not important. What  
6 they did in Bulgaria, Romania, and other places, it's not our  
7 business. This is the essence and this is how I understood it.

8 I tried and I thought that perhaps it's not good to deal with  
9 them. But, in fact, we did not deal with them. The only thing we  
10 did with them was to transfer from one place in our premises upstairs  
11 to another room in our premises. That's the only thing I did. And I  
12 do not regret that. I'm telling you this for the fourth time. If  
13 that's a mistake, then I accept it. If I am to blame for that, I  
14 will accept that. But I will accept that with a proviso that I've  
15 done it for the sake of transparency.

16 If you did not bring them to us, we need to know what has been  
17 brought to our offices. And I think you should thank us for that.

18 Q. Mr. Haradinaj, did you know, as of the time of this interview,  
19 which was on 17 September 2020, that these documents you were  
20 receiving were related to KSC proceedings?

21 A. Could you make the question clearer, please? I don't understand  
22 it very well.

23 Q. At the time of the video I played for you, did you know that the  
24 documents that you were receiving related to KSC proceedings?

25 A. In fact, I don't remember when this was recorded. But it is my

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

Page 2953

1 interview, and it is -- it was taken in our offices. Now your  
2 question is what exactly? What did I know about what? About the  
3 content of the documents? About the documents themselves? I don't  
4 understand.

5 Q. Did you know that were documents that you were receiving related  
6 to KSC proceedings? Just with a "yes" or "no" would suffice.

7 A. I had my doubts, but I thought no.

8 Q. When you said, "No one but them would have known how to compile  
9 such documents," who is "them" in that sentence?

10 A. Do you understand me? I'm trying to explain here that they were  
11 trying to blame us, because they were trying to accuse us of creating  
12 them, that we had written them ourselves, and that's not the truth.

13 But you should know, Mr. Prosecutor, there was nothing in those  
14 papers that had not been known for at least four years before that.  
15 That these things were known publicly. You are trying here to find a  
16 needle in a haystack, but the fact is that everything there was  
17 already known in the public opinion for quite some time.

18 I don't know what kind of secret could that be. This was a  
19 public secret. This was known four years before you arrested us.

20 Q. Mr. Haradinaj, I'm just interested in the meaning of a single  
21 word. "No one but them would have known how to compile such  
22 documents." Who is "them" in that sentence?

23 A. This has the professional meaning, meaning that it's not anyone  
24 that could have written these documents, and meaning that we were not  
25 the ones to compile the documents. And they were compiled by people

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

Page 2954

1 who dealt with these issues and who did that sort of work. Whether  
2 it's you or your coordinator or your collaborator that wrote them, I  
3 don't know. This is what you know.

4 If you call them a secret, for us they are a public secret.  
5 They were known before these papers. These facts were known before  
6 these papers came to us.

7 Q. Mr. Haradinaj, you said earlier in your testimony that you kept  
8 copies of the documents so that the SPO could confirm their  
9 authenticity; is that correct?

10 A. I kept copies for our court in Kosovo. When I was asked whether  
11 I would give them to the Specialist Prosecutor if they come, I said  
12 yes. But my initial idea was not keeping them for you, but it was to  
13 give them to our courts, because that's my country.

14 And you are pretending to be a court of my country. I do not  
15 recognise you. I have responsibilities to my country. If you  
16 pretend that you are a court of Kosovo, then -- and I would like to  
17 believe that for the sake of justice this is a court of Kosovo, then  
18 I will expect justice from this court.

19 But what my problem is, not that you did not come to take those  
20 documents, but that my state is not a state, my government is not a  
21 government, because my -- this witness here, Witness 1, said that  
22 they don't dare come to take them. And this is -- this offends me,  
23 offends my state, it offends my government, that my police, my  
24 prosecution, so the prosecution of my country, the police of my  
25 country do not dare come and take them. And I have a problem with

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

Page 2955

1 that.

2 Q. The next video I would like to play you in light of that answer  
3 would be P35.

4 MR. HALLING: Your Honour, given the time until the break, I  
5 would ask to read this excerpt into the record. I think it would be  
6 faster. The timestamp would be 16:54 to 17:15.

7 PRESIDING JUDGE SMITH: Any objection?

8 MR. CADMAN: I again raise an objection. It's not expediency.  
9 Mr. Haradinaj has a right to hear what he's said.

10 PRESIDING JUDGE SMITH: Go ahead and play it.

11 MR. HALLING: It's fine with us, Your Honour. To finish the  
12 citation, the ERN would be 08213601, P35-ETRED. For the English  
13 transcript, page 7. It starts with the journalist saying, "Will you  
14 hand over these files," and it ends with the words "authentic or  
15 not." And this is from the third press conference of 22 September  
16 2020.

17 [Video-clip played]

18 THE INTERPRETER: [Voiceover] "Will you hand over these  
19 documents?"

20 "Mr. Haradinaj: We will keep them so that they can confirm or  
21 they cannot just say no they are or they aren't. I think there are  
22 two copies."

23 MR. HALLING:

24 Q. So, Mr. Haradinaj, in particular the words "just for them to  
25 confirm their authenticity as they did with the other two lots, so

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

Page 2956

1 that there can be no speculation whether they are authentic or not."

2 At the time you thought the first two lots were authentic,  
3 didn't you?

4 A. No, on the contrary. You misunderstand me. I mean that they  
5 never confirmed about the first two that they were authentic or not,  
6 and they did not confirm the third one. Even today we have not  
7 received a confirmation that they are authentic or not. Even today  
8 you are not confirming whether they are secret.

9 So this is what I meant. They will confirm, just like for the  
10 first two. It was never confirmed whether they were authentic. I  
11 mean, the first one and the second one. Even the third one was not  
12 confirmed. Never. They never said it was secret material. And they  
13 said, "Well, this may be of interest, this may be not." They were  
14 hesitating themselves. From what I understood, they were hesitating  
15 whether to take them or not, whether they were secret or not.

16 Your Honour, they could have apprehended the person who brought  
17 them any time they wanted. They could have brought people there to  
18 apprehend that person, and that's why I have suspicions that you  
19 never wanted that. The person promised that he would bring more  
20 materials. Why didn't you follow him? Why didn't you guard the  
21 building?

22 You didn't need to follow us, to follow the WVAs. You never  
23 have any problems with the WVA. Not then, not now. Even a chicken,  
24 if you provoke a chicken, it will fight you back. You offended us.  
25 You are offending a whole nation with this selective approach that

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

Page 2957

1 you apply. If you don't want to investigate all the crimes that have  
2 happened in Kosovo, that's an offence. That offends us.

3 So I am repeating it to you, Mr. Prosecutor. You have no  
4 problem with the WVA. The WVA is not obstructing you. What we are  
5 asking is for you to expand your line of work, because you are  
6 narrowing it down to a very small area. And I think this is  
7 deliberate. This is what I think personally, and this is what the  
8 WVA thinks. Perhaps you don't want to project that image, but this  
9 is what people think about you, what the public opinion think about  
10 you.

11 MR. HALLING: Your Honour, we can break.

12 PRESIDING JUDGE SMITH: Thank you. We will be in adjournment  
13 until 11.30.

14 --- Recess taken at 11.00 a.m.

15 --- On resuming at 11.31 a.m.

16 PRESIDING JUDGE SMITH: Mr. Bowden, I understand you wish to  
17 address the Court on behalf of Mr. Gucati.

18 MR. BOWDEN: Yes. Your Honour will notice that he's not  
19 present. I was alerted at the beginning of proceedings to the state  
20 of his health and, in particular, pain that he's been suffering, for  
21 which he's been prescribed pain relief yesterday evening. He's due  
22 to see the doctor again at 6.00 p.m. and to have further pain relief  
23 at 5.00 p.m.

24 He endeavoured to remain within the court to ensure that the  
25 proceedings continued, but he's found the pain has been too much for

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

Page 2958

1 him to cope with. Consequently, he isn't physically fit, he would  
2 say, to attend court. I don't have a medical diagnosis of that, but  
3 I assume that that can be obtained this evening and the Court guided  
4 as to how one can proceed.

5 I appreciate that the difficulties then arise on the  
6 interpretation of Rule 68. Inasmuch as Rule 68(6) would suggest that  
7 he be allowed to follow the proceedings, Rule 68(4)(c) would allow,  
8 upon a refusal to attend court, for proceedings to continue in his  
9 absence.

10 PRESIDING JUDGE SMITH: I believe that given his medical  
11 condition, that the first provision you read is the most applicable,  
12 and it says "he shall," "he shall" be following it remotely.

13 MR. BOWDEN: Yes.

14 PRESIDING JUDGE SMITH: And that, I believe, is the correct  
15 interpretation and I think that's the most beneficial to him as well.

16 MR. BOWDEN: If that's the interpretation of the Panel, then  
17 that's the interpretation of the Panel. If, however, it was felt  
18 that in these unusual circumstances, inasmuch as it's occurred during  
19 the course of the proceedings, that the refusal is based entirely and  
20 only on his physical fitness as opposed to any discourtesy towards  
21 the Panel or towards these proceedings, then it would seem that for  
22 the remainder of the day, if the Panel chose to interpret the refusal  
23 on that basis, one could proceed in relation to 68(4)(c) and (d) if  
24 the Panel chose to interpret matters, which I would invite the Panel  
25 to do so in these particular circumstances, with a reassessment, of

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

Page 2959

1 course, as to his physical fitness to be made tomorrow.

2 PRESIDING JUDGE SMITH: I'm not sure I follow you. You do not  
3 want him to follow it remotely?

4 MR. BOWDEN: No. His instructions would be that due to his  
5 physical fitness, and his refusal only being due to that as opposed  
6 to, as I say, any discourtesy meant to any party in these  
7 proceedings, he would unequivocally and voluntarily waive his right  
8 to be present for the remainder of today's court proceedings as a  
9 result of being represented by Specialist Counsel - myself and  
10 Ms. Stephenson.

11 PRESIDING JUDGE SMITH: We have no problem with him being absent  
12 from the court. We just want to make sure he has the opportunity --

13 MR. BOWDEN: Yes.

14 PRESIDING JUDGE SMITH: -- to follow the case remotely, and we  
15 will arrange for that. And we don't take any -- feel there is any  
16 discourtesy on his part. I know he's been here throughout the entire  
17 proceedings.

18 MR. BOWDEN: He has.

19 PRESIDING JUDGE SMITH: And I could tell today that he was  
20 suffering some. So I appreciate that.

21 We will have to adjourn now and -- what was the timeframe?

22 MR. HALLING: We were hoping to finish today, tomorrow first  
23 session at the latest.

24 PRESIDING JUDGE SMITH: Yes, I understand. No, I was ...

25 [Trial Panel and Legal Officer confers]



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

Page 2960

1 PRESIDING JUDGE SMITH: [Microphone not activated].

2 MR. BOWDEN: For the purpose of the proceedings for remainder of  
3 today, and bearing -- thereafter he will be assessed this evening,  
4 and in the circumstances that would pertain after that assessment, an  
5 application perhaps could be made under 68(6) as far as tomorrow is  
6 concerned.

7 PRESIDING JUDGE SMITH: [Microphone not activated] ... wish to  
8 weigh in on this?

9 MR. HALLING: Certainly, Your Honour. The way that we  
10 understand the provision, if the accused is following remotely, it  
11 would be Rule 68(6); and if the accused is absent and is not  
12 following the proceedings, it would be Rule 68(4). And we appreciate  
13 in the circumstances it's Rule 68(4) sort of by analogy because it's  
14 not a refusal to attend.

15 All that we would say is that for Rule 68(4)(c), it says "the  
16 Accused has voluntarily and unequivocally waived" the "right to be  
17 tried in his or her presence." We would ask that that be formally  
18 memorialised in some way. It need not be done today. Thank you.

19 PRESIDING JUDGE SMITH: And you can take care of a written  
20 document waiving?

21 MR. BOWDEN: If a written document's required, then one can be  
22 obtained in due course. Today will be difficult if proceedings  
23 continue.

24 PRESIDING JUDGE SMITH: Yes, I understand that.

25 MR. BOWDEN: Unless --

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

Page 2961

1           PRESIDING JUDGE SMITH: You can perhaps get it to us by  
2 tomorrow.

3           MR. BOWDEN: Yes.

4           PRESIDING JUDGE SMITH: All right. Thank you.

5           All right. Under 68(4), the accused has voluntarily and  
6 unequivocally, according to his attorney, and to be followed up with  
7 a written document, he has given up his right to be tried in his  
8 presence for the remainder of today. We appreciate his cooperation  
9 and the cooperation of the attorneys.

10          Mr. Cadman, I skipped you. You have no comment on this, I take  
11 it?

12          MR. CADMAN: No. I observed Mr. Gucati this morning and I fully  
13 concur with what Mr. Bowden said.

14          PRESIDING JUDGE SMITH: Thank you. So -- Mr. Bowden, go ahead.

15          MR. BOWDEN: Your Honour, just one point, if I may. I wonder  
16 whether -- ordinarily, I understand the visiting times for a Zoom  
17 conference would be from 9.00 a.m. at the Detention Management Unit.  
18 If there's an opportunity of an -- the earliest possible Zoom  
19 conference tomorrow morning, that would enable his position to be  
20 properly assessed by ourselves, and the application and information  
21 to be given to the Trial Panel and any formalised written document to  
22 be provided and returned.

23          PRESIDING JUDGE SMITH: We will express that wish to the  
24 Registry and say that we support that view, and that hopefully they  
25 can accommodate it.

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

Page 2962

1 MR. BOWDEN: Thank you, Your Honour.

2 PRESIDING JUDGE SMITH: You may proceed.

3 MR. HALLING: Thank you, Your Honour.

4 Q. And we'll actually open this session, Mr. Haradinaj, with a  
5 video.

6 MR. HALLING: This one is going to be P1. This is the first  
7 press conference. The timestamp is 03:16 to 04:10. In the English  
8 transcript it's P1-ETRED, page 2. The ERN, 08134401. And the  
9 extract begins, "What is worse," and it finishes with "what they once  
10 said."

11 Q. And, Mr. Haradinaj, after the video is played, I'll ask you some  
12 questions about it.

13 [Video-clip played]

14 THE INTERPRETER: [Voiceover] "What is worse ... here are the  
15 names of all the witnesses who they say are under their protection.  
16 All of them. What is the reason now? In addition to the bad things  
17 we have said about this ... where -- now we raise our voice and ask,  
18 how can you claim you are protecting the witnesses, given as the main  
19 reason to establish it abroad, while all the secret data about them,  
20 names, surnames, Albanians, Romas, Serbs, the date and place of every  
21 interviewed person are all ... what is worse, all these statements  
22 are based on what people said by force and under duress in 1998 and  
23 1999. And they have been asked to reiterate what they once said."

24 MR. HALLING:

25 Q. Mr. Haradinaj, you knew that there were witness names in the

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

Page 2963

1 materials before you at that time; correct?

2 A. Yes, I saw them there. I saw also when you have interviewed  
3 them, how you have interviewed them, with whom you have cooperated  
4 with, and who has interviewed them since the wartime. And I'm asking  
5 you again, what was the reason? Why? It was said that the Court  
6 should investigate witnesses. Everything was there, names, last  
7 names, judgements going back to 1981, to the Serb courts. That was  
8 what concerned me.

9 And I'm saying it today again: What is the reason that you call  
10 this a document which you consider secret and it ends up in my  
11 office? What is the purpose? Who is the one who brings it to me?  
12 Why? That's what I'm asking you.

13 I am repeating for it to be clear to everyone. I don't  
14 understand to this day.

15 Q. And you understood at that time that those witnesses were under  
16 protection; isn't that right?

17 A. I am repeating and I am putting it to you, you are wasting your  
18 time and words to say that there are Defence witnesses whose names  
19 are being repeated over and over again. InFokus, this inFokus, for  
20 coincidence, the owner of this inFokus is the same person that in  
21 1981 appeared as a witness against me.

22 So now I remember. 40 years later, the same thing happened.  
23 Willingly or not willingly. For me, it's a coincidence that  
24 everything is turning out to be like it was in 1981. I accepted in  
25 1981 what I did. I don't deny what I did consciously. In this case,

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

Page 2964

1 an alien, who may be anyone, came and brought these documents which I  
2 took to a floor above. By this, I think I am helping you too and for  
3 which you should thank me and not blame me for problems which are  
4 inside your office. I am not clear to this day about what happened.

5 InFokus in Kosovo has published surveillance of investigators.  
6 It has published them in newspapers, and it was never blamed, never  
7 condemned for that. If this happened in Kosovo, for a journalist to  
8 be taken as a witness by force, I'm sure that their organisation  
9 would have stood up in his favour or in her favour. And you didn't  
10 do anything.

11 Q. Mr. Haradinaj, this answer that you're giving is not responsive  
12 to my question. My question was did you understand at this time that  
13 the witnesses were under protection? Can you please answer that with  
14 a "yes" or "no."

15 *[REDACTED] Pursuant to In-Court Redaction Order F519RED*

16 *[REDACTED] Pursuant to In-Court Redaction Order F519RED*

17 *[REDACTED] Pursuant to In-Court Redaction Order F519RED*

18 *[REDACTED] Pursuant to In-Court Redaction Order F519RED*

19 *[REDACTED] Pursuant to In-Court Redaction Order F519RED*

20 *[REDACTED] Pursuant to In-Court Redaction Order F519RED*

21 I read his -- I here -- I read here names who have given  
22 statements, who have declared themselves. It's nothing new. Why are  
23 you making such a fuss about something that was known since five  
24 years ago, and you try to present it as a secret, as a top secret? I  
25 can victimise myself for my country but not for you. But I am here

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

Page 2965

1 seeking justice.

2 If what I've done is punishable, condemnable, I acknowledge  
3 that. I accept my guilt. I took the papers that someone brought,  
4 because you are not accepting that you brought them, and I suspect  
5 you did that, the way you are behaving with me, and then I said I put  
6 the papers on the table for people to take them to publish or to do  
7 what whenever. It was not my responsibility. I didn't want to  
8 dictate or impose my will on them. I said my duty ends here for the  
9 sake of the public interest and transparency. That's all. Nothing  
10 more than that. If that is punishable, I accept it. I accept my  
11 guilt. I did that. But I did it in the interest of transparency and  
12 the public interest.

13 If you say that something came out which was not known three,  
14 four years ago, with the exception of the Package 3, about which two  
15 months ago people spoke about, then I'd ask you to give me the  
16 maximum sentence if -- it can be easily proven what I'm saying.  
17 Instead of losing your time looking through Facebook posts, you could  
18 have done this.

19 So please, fight me with equal arms. You know that you have the  
20 power, you have the authority, and you are using it. But I too have  
21 the moral strength, I have the civic courage to say what I'm saying,  
22 and I want to be held responsible for what I'm saying and for what I  
23 did.

24 My responsibility consists in taking one document brought to me  
25 by someone without our agreement, and then I called the media and

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

Page 2966

1 showed them that it was that document and left it there. I abide by  
2 this responsibility.

3 If the answer is long, that is it. Don't try to present those  
4 names as if they appeared for the first time. These names were  
5 mentioned over -- for a period of over five years, or let's say four  
6 years -- three years, if it pleases you.

7 The only names that were mentioned afterwards in the case of the  
8 third batch, they showed the names that people were speaking about.  
9 People even knew that they are going to be summoned by the Court.  
10 You can see that in the media, in the press.

11 Q. Mr. Haradinaj, you didn't just give notice that you had the  
12 deliveries. You gave them to people because you didn't want to be  
13 accused of forging or fabricating the documents; is that your  
14 position? If you like, I can repeat the question.

15 A. Yes, my stand is and was just to prove that these documents were  
16 not ours. That someone brought them to us. That's all. Only that.

17 Q. Couldn't you have proven that the documents weren't yours with  
18 redactions applied to the witness names?

19 A. I didn't publish any documents, any names. What do I know about  
20 redactions? This is part of your job. Why are you asking me to do  
21 something which is your prerogative and duty to do? I didn't need to  
22 edit anything because I did not publish anything. Not a single page.  
23 What should I redact when I didn't publish anything? And I didn't  
24 even want to do that. That was none of my business. Those that are  
25 professionally capable of doing that should do that.

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

Page 2967

1 I just presented the documents without knowing in the hands of  
2 who they would fall. I just showed what happened, what we received.  
3 That's all.

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

5 "What should I redact when I didn't publish anything? And I  
6 didn't even want to do that."

7 You didn't want to redact them? Is that what you mean?

8 A. Mr. Prosecutor, I regret to say what I'm saying. Don't pretend  
9 to be a fool and not understand what I said, or, otherwise, maybe you  
10 should change the interpreters. I said I didn't need to redact  
11 anything because it was not my duty, it was not my purpose to publish  
12 them. My purpose was only to say what happened, what we received.  
13 You can think what you like in your head. This is what I'm saying  
14 here. I understand you too, that you are free to say what you think,  
15 but my opinion, my opinion is what I'm saying, and by this I abide.

16 Q. Mr. Haradinaj, my question is did you want to redact the names?  
17 Can you please answer that question.

18 A. I didn't want to have anything to do, to redact or not. I  
19 wasn't there to decide whether to redact or not, because I didn't  
20 even think of publishing them myself. Even if I had redacted, what  
21 do I know about this thing? I just declared what happened. It was  
22 their job as professionals to do or not to do this thing. Why are  
23 you putting it to me to do something that didn't even occur to me to  
24 do?

25 I never thought to distribute or to publish them. If you call



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

Page 2968

1 it publishing, what I did, that is, what's something that I explained  
2 many times. And if you ask me, you'll get the same answer 3.000  
3 times. If you call this publishing, taking the papers from one room  
4 to another, then call it publishing. I didn't say to anyone, "Do  
5 this or do that." And if I said, "Don't mention names," I just said  
6 based on what I heard in the discussions in various panels saying  
7 that it's not good to do that and they were more professional than I.

8 Otherwise, had I decided to redact or not, then what's the point  
9 of giving these documents to others? That was not my intention. As  
10 I said, it didn't even occur to me to do it, because if you don't  
11 publish something, you don't need to redact it or not. If you call  
12 it publication or publishing, I accept it. That is, taking this from  
13 within the same premise and taking it within the same premise to  
14 another room, this I did. So far I've gone from this table to  
15 another table, I called a press conference, and for the sake of  
16 transparency and public interest, I showed what happened to us. This  
17 is where my work and my deed ends. This I admit.

18 And I am willing to be held responsible for this, what I did,  
19 thinking always that it's for the sake of transparency and the public  
20 interest and in the interest of our organisation. Because, just for  
21 your information, the War Veterans Association is not what you think.  
22 It is a syndicate. I know because -- a trade union, because I  
23 know -- I lived in Europe. It has got nothing to do with  
24 aggressiveness. It's merely a trade union organisation. They have  
25 their leadership to protect their interests.

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

Page 2969

1           We are not as you are trying to present us. We are people who  
2 participated in a war that was imposed on us. We carried out our  
3 mission. So as a species, if I would say so, we are in extinction.  
4 I hope we never have new veterans, in our state and in other states.  
5 That is my wish. Because it's not good to go through so many  
6 sufferings as we have. So don't present it as something to -- as a  
7 monster organisation. It is merely a trade union, non-government  
8 organisation, registered and founded based on the laws of Kosovo,  
9 just like any other similar organisation.

10           We have done our duty as leaders of a trade union. That's all.

11 Q. Mr. Haradinaj, this is well beyond the question that I asked. I  
12 have a different question. If media were worried that they would  
13 break the law by publishing the documents that you provided, you  
14 wanted them to do it anyway; is that right?

15 A. This is your conclusion. It's inaccurate. Very inaccurate.

16 MR. HALLING: Can we ask for P6 to be pulled up by the  
17 Court Officer. This is ERN -- I've given it already, but I'll give  
18 it again, 08135502. It's timestamp 35:33 to 35:55. This is P6-ET,  
19 page 15 of the English transcript. The excerpt begins "Well, come  
20 and work for us" and it ends with "it is your job, brother."

21   [Video-clip played]

22 THE INTERPRETER: [Voiceover] "Mr. Haradinaj: Well, come and  
23 work for us on this web site. We'll pay you and you publish them.

24 "Mr. Shabani: No, I won't do that because that's the breach of  
25 our law.

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

Page 2970

1 "Mr. Haradinaj: We know. That is why do not call you -- we do  
2 not call you because we know that you will not publish them.

3 "Mr. Shabani: It's against the law to publish them. You'll go  
4 to prison for that.

5 "Mr. Haradinaj: Well, drop that breach of the law with me. Are  
6 you really talking to me about that?"

7 MR. HALLING: Thank you. And just to make sure we get the  
8 excerpt in:

9 "What you're actually saying is I can't break the law but you go  
10 ahead and do it because you do not mind it."

11 "Mr. Shabani: If you're asking me to break the law --

12 "Mr. Haradinaj: I've done what I wanted. I've done what I  
13 knew. Here you are now. It is your job, brother."

14 Q. Mr. Haradinaj, when Mr. Shabani put to you that you would be  
15 breaking the law by publishing these documents, you disagreed with  
16 him; isn't that right?

17 A. Mr. Prosecutor, I swear I think -- I am thinking about my fate  
18 in this court. If you interpret the Albanian as you are interpreting  
19 it here, I'm in trouble. Either you are changing the way I spoke or  
20 you are changing the essence of it or the translation is not good.

21 I told you what I have done. I took the documents, put them  
22 there, and he insisted, pushed by your insistence and your friend's  
23 insistence. I accept what I did. I took the documents, I took them  
24 to the upper floor and told them what I received. And that's the end  
25 of it. That is what I did and I accept, I admit to it.

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

Page 2971

1           And he was trying to say that I had published them. He wanted  
2 me to admit that I published them or to do that, to publish them.  
3 Everyone should admit to their own responsibilities. I am saying  
4 that he came and took those because he found them there. I did not  
5 distribute them. I did my job and I did this in the interest of the  
6 public and in the interest of transparency.

7           And indirectly, this was to your benefit as well, because you  
8 knew now that something had happened. And that's why I did it. And  
9 you can label it as -- as you wish. I did my job. He wanted me to  
10 publish them, and I understand now what the witness did that came  
11 here that was their victim.

12           Our organisation has the same stance, but I understand that your  
13 stance coincides with his. They tried to stitch us up, but I will  
14 admit only to what I did. It was my duty to take them and put them  
15 there for them. What they did after it, it was their responsibility.  
16 I am not shying away from my responsibility. You didn't need to ask  
17 me questions if I had done it. I would have admitted it first thing.

18           Whatever I do, I accept. And if it's something wrong, I can  
19 apologise for it. But then if I think I've done the right thing, I  
20 will defend what I've done. But if I'm telling you I did not do it,  
21 I did not do it. And even this person that you pushed to make me  
22 admit something that I didn't do, he didn't manage that. Had I  
23 intended to do that, I wouldn't have told anyone. I wouldn't have  
24 called all the other people to come there, the televisions. I would  
25 have called you.

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

Page 2972

1           That person said he would bring more documents, and I didn't  
2 believe that and you didn't believe that. I think that even if you  
3 had been there, he would have still have brought more documents.

4           I have to explain this at length because you are trying to  
5 stitch me up, to make me admit something that I haven't done. I  
6 admit only the things that I have done. I took the documents. I put  
7 them out there.

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

9           MR. CADMAN: It's no objection and is not meaning to interrupt.  
10 I can just sense the translators are really struggling to keep up  
11 with Mr. Haradinaj. If we can just ask him just to slow down a  
12 little bit.

13          PRESIDING JUDGE SMITH: Did you hear that, Mr. Haradinaj? Your  
14 attorney has asked you to slow down, I've asked you to slow down.  
15 Please slow down.

16          THE ACCUSED HARADINAJ: [Interpretation] I understand you. I  
17 understand the lawyer as well. I apologise to everyone. It's the  
18 way I speak.

19          Can I repeat what I said in brief. Can I clarify?

20          I am repeating the same thing here, what I said there. I did my  
21 job, brother. I am telling him. So do you understand me or not?  
22 That's what I'm telling him. The rest is up to you. My job is up to  
23 there. I told you that I received something, and that's it.

24          MR. HALLING:

25          Q. In the video, you told the journalists that you didn't call them

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

Page 2973

1 because you knew they would not publish them; is that right?

2 A. What did I tell the journalist? Can you repeat, please?

3 Q. I'll do the back and forth:

4 "Mr. Shabani: No, I won't do that because that is in breach of  
5 the law.

6 "Mr. Haradinaj: We know. That is why do not call you because  
7 we know that you will not publish them."

8 Is that an accurate reflection of what you said?

9 A. I can't see it here.

10 Q. It would be at 35:35 to 35:38, so it would be the top of the  
11 page on Albanian in the middle of your screen.

12 A. Can you please scroll to the other page, to the previous page,  
13 because I have here 35 to 36.

14 Q. So do you see at the bottom there where it says the 35:35 number  
15 and it's page 14?

16 A. 35:35.

17 Q. Do you see the timestamp there? At the beginning of the next  
18 page, so page 15, is the back and forth that I read to you.

19 A. I don't have that page. I can see it now. Say again? 35:38 or  
20 35:35?

21 Q. 35:35 is what Mr. Shabani said. 35:38 is what you said.

22 A. Can I see the previous page? Okay. Yes, I see it. Oh, I can  
23 see it now. Yes.

24 Q. Are you with me now?

25 A. Yes.

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

Page 2974

1 Q. Is it correct that in that remark you were telling Mr. Shabani  
2 that you did not like that he wasn't publishing the documents?

3 A. No, Mr. Prosecutor. Read the lines below. He insisted that I  
4 had to publish them, and that's why I told him: Are you asking me?  
5 Why are you asking me? I'm asking you. You are the media. And it's  
6 up to you to publish them.

7 And I said the same thing here. I told them they are more  
8 professional than we are. This is either after you frightened him or  
9 after you instructed him. He came there to attack us. He attacked  
10 me. He attacked me more than you. And he accused me of things that  
11 I haven't done.

12 Q. You didn't think he had the guts to publish them; isn't that  
13 right?

14 A. No, he had the guts. He published. Didn't you see that? I  
15 took a lot from him. He was publishing things. But then whether you  
16 stopped him doing that or frightened him, he was courageous enough to  
17 publish things.

18 Q. But this is an interview of 17 September 2020. At this time,  
19 you thought he didn't have the guts to publish them; isn't that  
20 right?

21 A. Are you reading only what I say here? Look at what he's saying.  
22 This debate is in the evening after he had published these. I don't  
23 know whether he dared to publish them or not. He told me for me to  
24 do it, and I said, "It's not up to me. It's up to you. You are the  
25 journalist. I'm not -- it's not up to me to do that. It's not my

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

Page 2975

1 task."

2 Q. Maybe we can refresh your recollection.

3 MR. HALLING: Can we please look at this same video, timestamp  
4 32:08 to 32:26. The excerpt would begin -- it would be on page 11 of  
5 the English transcript, and it says, "Yes, you," to begin, and ends  
6 with "to publish them" -- or actually, sorry, it ends with "you  
7 received them before we did."

8 THE ACCUSED HARADINAJ: [Interpretation] Exactly. I have the  
9 same opinion today, that many received them before us. The same  
10 person that brought them to us, couldn't he have taken them to  
11 somebody else?

12 MR. HALLING:

13 Q. Mr. Haradinaj, I haven't asked my --

14 A. Mr. Prosecutor --

15 Q. -- question yet. I haven't asked it yet. So let's play the  
16 video, and then I'll ask the question.

17 A. I told them, and that's what I think today, that, "You received  
18 them before we did."

19 PRESIDING JUDGE SMITH: [Microphone not activated].

20 THE ACCUSED HARADINAJ: [Interpretation] I am trying to answer.

21 PRESIDING JUDGE SMITH: Please wait for a question.

22 THE ACCUSED HARADINAJ: [Interpretation] Okay, thank you.

23 [Video-clip played]

24 THE INTERPRETER: [Voiceover] "This is evidence. You did not  
25 have the guts to publish them. This is your job. You received them



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

Page 2976

1 before us."

2 MR. HALLING:

3 Q. And what we have in the English transcript is:

4 "It is a challenge, but you didn't have the guts. You did not  
5 have the guts and you did not have the audacity to publish them."

6 Mr. Haradinaj, would you like to revise your earlier answer?

7 A. I don't want to change my answer, but I wouldn't stop this  
8 footage where you stopped it, because it's only half of what I said.  
9 "You had this before," that's what I told him. And I suspected that  
10 they had the material before. They waited until the documents came  
11 to us to publish them, and that's what I think today.

12 The person that brought them to us could have brought them  
13 whenever he wanted. Why not take those documents to them? Why  
14 didn't they publish them when they received them and waited for us to  
15 receive them? That's why I said in my answers, because he was  
16 insisting. He was the only one that insisted for us to distribute  
17 them as WVA. He was the only one who insisted.

18 And another person that asked me, I told him the same answer,  
19 that I'm not the media. And the owner of this outlet could have  
20 known about this before, and that's why I suggested, "You had this  
21 from before, but you are doing this to victimise us." That's it.

22 Q. Mr. Haradinaj, did you tell this journalist that he did not have  
23 the guts to publish the documents? Just with a "yes" or a "no."

24 A. Can you repeat the question, please?

25 Q. Did you tell this journalist that he did not have the guts to

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

Page 2977

1 publish the documents?

2 A. No, because he had the guts. He did publish them.

3 Q. Why did you say he didn't?

4 A. I told him that when he suggested that I should have published  
5 them, and I told him that, "You don't dare." And he wanted to assign  
6 his courage to me, but he was more cunning than I was.

7 MR. HALLING: I want to show another video.

8 THE ACCUSED HARADINAJ: [Interpretation] Mr. Prosecutor, did you  
9 understand what I said? He was trying to ascribe that courage to me,  
10 and I told him, "Well, you don't dare," because he was insisting that  
11 I publish them. And that's the context of how I used that  
12 expression, because, in fact, he had the courage. He did publish  
13 them.

14 MR. HALLING:

15 Q. I understand your interpretation. I want to show you another  
16 excerpt.

17 A. Thank you.

18 MR. HALLING: This is P35, 08213601, timestamp 12:58 to 13:23.  
19 That would be page 5 in the English transcript. It begins, "We are  
20 doing this for the media," and it ends with "and we are showing these  
21 to you."

22 [Video-clip played]

23 THE INTERPRETER: Could the interpreters be given more time to  
24 find the excerpt, please.

25 Interpreters are ready now.

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

Page 2978

1 [Video-clip played]

2 THE INTERPRETER: [Voiceover] "We are doing this for the media  
3 because you are the fourth pillar. At times you are showing  
4 yourselves to be so weak that we feel sorry for you. I have had  
5 journalists who have asked us, 'Why don't you bring the files to our  
6 portal?' I do not want to bring them to any particular portal because  
7 I am not the fourth pillar. Had I been the journalist, I would have  
8 published them and people would have seen my courage. But we should  
9 not trade blame as who is the most courageous. You do your job. You  
10 are the fourth pillar of the state. We are showing these to you."

11 MR. HALLING:

12 Q. Mr. Haradinaj, why are journalists who don't publish the  
13 documents weak?

14 A. This is your opinion. I accept everything I said. I did not  
15 say that. This is the insistence of the journalists for us to  
16 publish them. It's in that respect that I was talking about. Had I  
17 wanted to publish them, I could have done that. But the media are  
18 the fourth pillar in every state, in every country, and it was up to  
19 them what to publish, how much to publish, when to publish it, and  
20 they insisted for us to publish them.

21 Had I wanted to publish them, I would have done so. But I said,  
22 "I don't want to publish them. You are the fourth power. You  
23 decide." That's it.

24 Q. Are you denying that you said that journalists were weak for not  
25 publishing documents?

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

Page 2979

1 A. To me, every journalist that has the responsibility to abide by  
2 public interest must decide what is to be published and what's not.  
3 And if they address us as WVA to publish it, that is malicious and  
4 that is laying a trap for us, according to me. Maybe there are  
5 incapable journalists as well. But that's what I meant by "weak,"  
6 that they were not able to carry out their job. It has nothing to do  
7 with the courage whether to publish them or not. It has to do with  
8 doing their own duty.

9 I did this for the sake of transparency and public interest, but  
10 that was my assessment of the situation and that's what I did. And I  
11 didn't want, and I didn't try, to push somebody else to do it. These  
12 were the documents that I received and I announced that I received  
13 them. There is nothing there that has to do with cleverness or  
14 courage and so on. That was not my domain. It was up to them to  
15 decide whether to publish or not.

16 Q. So when the media didn't publish the documents made available to  
17 them, they weren't doing their job. Is that your evidence?

18 A. No. I wanted to say that they wanted to ascribe us their  
19 responsibilities. Because had I known what their job was and what  
20 their job wasn't, and if I was a journalist, I would know. But I was  
21 trying to say that they were trying to impose on us something that  
22 was up to them. This was -- they shouldn't have forced us or accused  
23 us to do that. It was up to them, to their will, to their  
24 competencies, to their power to do what they wanted. Everything was  
25 up to them. This is the reality. It was their job.

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

Page 2980

1 Q. Mr. Haradinaj, you kind of answered that question in both  
2 directions. Just to be clear, let me ask it again, and then with a  
3 "yes" or "no." When the media didn't publish the documents made  
4 available to them, they weren't doing their job. Is that your  
5 evidence?

6 A. No, I didn't mean that, that they weren't doing their job. They  
7 did their job. But it's not up to me to assess or evaluate whether  
8 they were doing their job or not. It would be a mistake if I was  
9 there to assess on whether they were doing their job properly as  
10 journalists. How would I address a professional, as a person who has  
11 nothing to do with journalism, whether they were doing their job  
12 properly or not?

13 They did their job to the extent they thought reasonable, and  
14 they should be held responsible for what they did.

15 Q. The press conferences whereby the media were summoned by the War  
16 Veterans Association, the War Veterans Association convened those  
17 press conferences of their own accord; that's right?

18 A. Yes.

19 Q. And the War Veterans Association, including yourself, were  
20 pleased to receive the deliveries?

21 A. The WVA were pleased to present what they had received so that  
22 they unburdened themselves of this. We didn't know how the  
23 journalists would react. Our mission, our purpose was just to show,  
24 to be transparent, and tell them what had happened to us in the  
25 organisation. That's it.

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

Page 2981

1 Q. And you said that you would welcome future deliveries; correct?

2 A. Which?

3 Q. Did you, at the time, say you would -- in the time-period of  
4 September 2020, say that you would welcome future deliveries?

5 A. I remember this well, and it's in the media. Well,  
6 Mr. Prosecutor, I'm saying either you are wanting to twist my words,  
7 but this is something I was saying directly to the person who was  
8 bringing them. I wanted to tell him I am doing this. So if we are  
9 asked would you give him that chance again, I said, "Yes, he can come  
10 whenever he wants." He was masked. Perhaps he was following that  
11 press conference. And what I meant by that was that he wouldn't  
12 damage us. It was not a call for him to bring more. It was just a  
13 call for him to do whatever he wanted because he wouldn't damage us.

14 Q. So you said you thought "he wouldn't damage us," so you knew it  
15 wasn't a trap; isn't that right?

16 A. No, on the contrary. We suspected it was a trap, and we  
17 declared, "You can bring as many documents as you want but we won't  
18 fall in your trap." That was what I meant. It's an allegoric way of  
19 conveying a message to the person who probably was following what we  
20 were doing. I couldn't stop it if someone wanted to bring in more  
21 documents. We don't have any guards to protect our organisation  
22 premises. It is open to everyone.

23 Q. But if you didn't think it could damage you, how could it have  
24 been a trap?

25 A. The insistence of them - that is, the journalists - for us to

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

Page 2982

1 disclose or to publish them, that's why. Because we didn't  
2 distribute them. The journalists insisted that we distribute the  
3 documents. They even -- someone called us, "Can you give us?" We  
4 said, "You can come here. You can listen to what I have declared."

5 Q. Mr. Haradinaj, in the course of receiving these deliveries, you  
6 realised it wasn't a trap, didn't you?

7 A. To this day, I am not clear whether it was a trap or not. The  
8 more time passes, the more I get convinced that it might have been a  
9 trap.

10 MR. HALLING: Can I ask the Court Officer to call up P17. I'll  
11 go through the citation information. 08197905 is the ERN. It's at  
12 timestamp 11:44 to 12:28. In the English transcript, it's P17-ETRED  
13 at page 5. The excerpt begins, "I believe you're expecting more  
14 material," and it ends with "he's welcome to us."

15 [Video-clip played]

16 THE INTERPRETER: [Voiceover] "Journalist: I believe you are  
17 expecting more materials?"

18 "Mr. Haradinaj: What? No, listen, now, we have started to  
19 believe. Because the first time when they dropped them off they said  
20 they would bring more. He delivered for a second time. So on that  
21 occasion he also said that he'd come back with more. So I want to  
22 believe what he says because he delivered the material to us on two  
23 occasions. We were somewhat hesitant after the first time, thinking  
24 that it could be a fake, an attempt to trip us over. And we wish him  
25 health, good health. He is welcome."

1 MR. HALLING:

2 Q. Mr. Haradinaj, it wasn't a trap anymore. Isn't that what you're  
3 saying?

4 A. No. I am trying to lay a trap on them, on the person who was  
5 going to bring the documents. I was curious, am so to this day.  
6 That's why I am saying "you are welcome," because I expect that he  
7 might come. I have an interview. I'm sorry you don't have it here.  
8 I call on him to call me on the phone and I can go out and get the  
9 documents, because I wanted to know who he was.

10 And you see the paper that I discussed earlier that Faton  
11 brought to me. You see? At the end, that is the paper that you  
12 asked me whether it was an authorisation or not.

13 Q. The trap you are actually concerned about in this video was the  
14 trap that the documents weren't genuine; isn't that right?

15 A. Can you repeat it, please? I didn't hear it.

16 Q. The trap you are actually concerned about in this video was the  
17 trap that the documents weren't genuine; isn't that right?

18 A. I clearly stated here that initially I didn't believe it. Then  
19 I said that we started to believe him, because he said, "I'm going to  
20 bring documents," and he did bring them. So I wanted to declare  
21 publicly that "you are welcome" just to know who he was. And I  
22 played with words, sometimes authentic, sometimes not, just trying to  
23 make the other person -- that I meant what I was saying.

24 I'm saying to you now that I'm still interested to know who that  
25 person is, just for curiosity.



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

Page 2984

1 Q. So when you say "but it turned out to be genuine," you're  
2 playing with words?

3 A. Yes, I'm playing with words, meaning the sender. I wanted to  
4 gain his confidence. I wanted really for him to call me and to go  
5 out and know who he was.

6 MR. HALLING: The next video, P18, 08197907, timestamp 30:29 to  
7 31:01. And that is pages 6 to 7 of P18-ETRED. The excerpt begins,  
8 "Well, was I working there and could take them," and it ends with "it  
9 is their material."

10 Q. And, Mr. Haradinaj, as before, the video will be queued up and  
11 then I'll ask you a question.

12 [Video-clip played]

13 THE INTERPRETER: [Voiceover] "Someone from our staff. I regret  
14 and publicly apologise if I have disclosed something that is not  
15 there. When we received the first delivery, we thought that maybe  
16 someone wanted to put us in a trap."

17 THE INTERPRETER: Interpreters can't find the exact excerpt  
18 there.

19 MR. HALLING: I think there may be an issue with the way the  
20 timestamps are arranged in the transcript. Your Honour, for this one  
21 maybe I'll just read it into the record.

22 Q. So this is what I wanted to put to you:

23 "Well, was I working there and could take them? I am sorry and  
24 I apologise publicly if I have revealed something which, in fact, was  
25 not in there. It is possible. Look, when we handed them over on the

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

Page 2985

1 first occasion, we thought about it for two to three hours, three to  
2 four hours, or more. We thought about it. Why? We feared someone  
3 had brought them over to mislead us, claiming that it was material  
4 from The Hague, so that we could fall for it and be discredited like  
5 they did with, I don't wish to say. But, no, it's their material.  
6 It is their material."

7 Mr. Haradinaj, is that more wordplay?

8 A. There is no wordplay. It is exactly what I've already told you  
9 so far. That I was attacked. I am telling you that they tried to  
10 shame us. That it's not our responsibility. It's got nothing to do  
11 with us. These words that I have said here, I don't know how you  
12 want to understand it, but I am repeating it, they are the same words  
13 that I have declared then. I am not responsible.

14 If you read earlier, you can see that he wants to blame me for  
15 the delivery of those documents. If you want to blame me, you blame  
16 me for what I did, taking the documents from one room to another. I  
17 wanted not something to end up in our organisation and then be  
18 commented on.

19 Second, I don't know what there was there. And you can see from  
20 my words that I am uncertain, that we are uncertain about them.  
21 Mr. Prosecutor, you have to understand. You might know it because  
22 you might be behind it. I congratulate you if you managed to do --  
23 to pressure us, because you did put us under a lot of pressure. You  
24 tired us out with the scandals you organised.

25 Q. You were afraid that someone brought the material to mislead

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

Page 2986

1 you, and then you said but "it is their material." Why did you say  
2 "it is their material" in response to your fears?

3 A. We were attacked publicly by the media, as if we had created the  
4 incident, that is, prepared the documents. So it might be the  
5 responsibility of anyone but not ours. They accuse us of taking --  
6 going to Serbia and getting those documents. I'm saying not what  
7 people thought but what they declared. Politics drove us crazy.  
8 Every party for its own purposes, as it suited them.

9 If one party suited it, it said that we were supporter of Thaci,  
10 someone of Rugova, someone of Thaci again or -- we were under attack  
11 by the media publicly. The only target in Kosovo were us because of  
12 those documents, by politics included.

13 Q. You just said: "They accuse us of ... going to Serbia and  
14 getting those documents." If you had gone to Serbia and gotten those  
15 documents, would that have been wrong?

16 A. I don't need to go, first of all, to Serbia and work with  
17 Serbian organs or with people who have access to Serbia, who have  
18 killed my people. I am not interested to do that, because they would  
19 never have trusted me. I believe we have reciprocal confidence, and  
20 we have reason for that, because I consider those persons that are  
21 here in the list enemies, my enemies and the enemies of my people.  
22 And I'm sure, in the end, they will end up being your enemies too,  
23 because you cannot prove before a court of law what they have stated.

24 So there is no reason for me to cooperate with Serbs for such  
25 things.

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

Page 2987

1           If I were your coordinator, if I were, I would have coordinated  
2 with you and have you coordinated with them, but to tell me with whom  
3 you are cooperating. And such a cooperation on your part with the  
4 Serbs, you have mentioned only one, Vukcevic. This has come out from  
5 these very people that are written here, whose names are. They have  
6 stated that. And they have stated this three, four years before this  
7 occurred. They have preceded it.

8           And since these are your people, I think -- I assume that it is  
9 your work.

10       Q. Cooperation with Serbia would always be wrong because they are  
11 your enemies. Is that what you believe?

12       A. This is your opinion that you are putting to me. If you  
13 remember well, I said that the Serb people cannot be my enemy.  
14 Vukcevic and his ilk who have committed murders, who have ordered  
15 people to be killed, these are my enemies. Not the Serb people. If  
16 we want to say things sincerely, only yesterday I said the same. I  
17 do not blame a whole people. I blame politics. Milosevic regime and  
18 Milosevic's people who are your main cooperators. You can -- you  
19 have admitted it, your coordinators too. That's all.

20           2, number 2, my enemy, the enemy of my people. And you can look  
21 at all the names. Yes, this Albanian too was -- who has killed  
22 Albanians. He has killed his neighbour. He also is my enemy. He  
23 killed because he was ordered by the Serbs to prove his loyalty to  
24 them. So don't impose it on me that I think like that. The war was  
25 waged, it was over. We have to continue our good neighbourly

1 relations, but the Serbia has to change its stance.

2 Unfortunately, for the moment, such a stance by the Serbian  
3 government and people that you have thanked for their cooperation,  
4 they continue to think in the way Milosevic did. So these are my  
5 enemies. Whoever is the enemy of my people is my enemy too. This is  
6 part of my family tradition.

7 Q. And until Serbia changes its stance, cooperation with the  
8 Serbian government would be wrong; correct? Is that your position?

9 A. No, no. If it changes its stance towards Kosovo, yes. We are  
10 neighbours. Why shouldn't we live in peace? After each war comes  
11 peace. I said Serbia has not changed its stance. Even now, it's a  
12 public fact. It's denying massacres that have been recognised by the  
13 world. These people who have perpetrated such massacres, who  
14 maintain the same stance, who have been Milosevic's followers,  
15 executing his orders, they are your coordinators and you have thanked  
16 them for the good work they have done. I am not blaming him for  
17 being what he was, but he continues to maintain the same position.

18 When Serbia should realise that people should live free. First  
19 of all, it's good for Serbia and for its neighbours. What wrong is  
20 there? We have the Franco-German War, 100 Years' War and other wars.  
21 So after the war comes peace and freedom. One party wants to protect  
22 peace, one wants to usurp the other. So as in the case of the war in  
23 Kosovo, which was supported by over 100 countries and now it has its  
24 independence, I think that both governments should reflect and have  
25 peace. Peoples want peace and freedom. Nobody benefits from

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

Page 2989

1 violence, neither did we benefit from violence in the war but it was  
2 something that we were dictated upon.

3 Q. Mr. Haradinaj, did the deliveries to the KLA War Veterans  
4 Association put the War Veterans Association in danger?

5 A. If you go back to 1981 until the beginning of the war --

6 Q. Mr. Haradinaj, I don't want to go back to 1981. I just want to  
7 know if the deliveries put you in danger.

8 A. Don't go back to 1981, but I want to tell you the reason why I'm  
9 saying this. If this happened in 1981 until we got liberated, I  
10 could understand that this might not be a good thing. But in an  
11 independent state, with open democracy, with everything open, you  
12 receive something illegal, this is bad for me. So for me, this has  
13 always been suspicious. Why at this time we are living now should we  
14 receive something illegally?

15 If this happened during that time, I would understand. But in a  
16 liberated, democratic country, why should this be brought to us  
17 illegally? That's why, because of the way it was delivered, for me  
18 it rose suspicions.

19 Q. If you knew you had received it illegally, why didn't you call  
20 the police and give it back?

21 A. How do you know I didn't call the police? I have called the  
22 police. You tell me why did you stop the police, or your number 1  
23 witness told me they shouldn't dare come here, which I took as an  
24 offence against my state.

25 Q. The KSC is a Kosovo court. Why didn't you contact the SPO,

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

Page 2990

1 which has police officers, to get them back?

2 A. Who is the Kosovo court?

3 Q. The court you're sitting in.

4 A. I hope it is so. But the Prosecution office and the  
5 Special Prosecutor has never proven that it is working for Kosovo.  
6 It's work for part but not for the entire Kosovo. I hope that the  
7 court is, and I believe that its lawyers would never come to that  
8 level. You didn't want to work with us. You didn't give us access.  
9 You never came down to us to talk to us. It's not -- show me if for  
10 one single time you wanted to talk to us and we refused, to me  
11 personally or to the organisation.

12 You have come three times when you wanted to come, your  
13 representative. We received him well, offered coffee, didn't offend  
14 anyone, did his job and went away, disregarding our opinion of you or  
15 what needs to be improved. It's your fault. And if you continue  
16 like this, you have built such kind of relations, not us.

17 Q. Mr. Haradinaj, I'm going to play one last video before the  
18 break. This is about what you're describing the SPO told you on  
19 22 September 2020.

20 MR. HALLING: It's P30, 08210603, 09:06 to 09:36 is the  
21 timestamp. P30-ET, page 9. The excerpt begins, "We have spoken with  
22 the solicitor," and the excerpt ends, "it was leaked from their  
23 chambers."

24 [Video-clip played]

25 THE INTERPRETER: [Voiceover] "We have spoken with the solicitor,

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

Page 2991

1 we know what we are talking about, we know what we can't do, we've  
2 been in discussion with the people that came to take the material ...  
3 we know which part ... we told them in no uncertain terms, however  
4 many times we receive they would be welcome, however many times he  
5 comes, he would -- we would not notify them first, because they asked  
6 us to let them know. We will let you know ... you come, take what  
7 you want, and whatever you leave behind, we will let them know and  
8 they can confirm it themselves, if the material in question is  
9 theirs. Three times now they have confirmed that it is their  
10 material and that it was leaked from their Chambers."

11 MR. HALLING: Thank you to the interpreters.

12 Q. Mr. Haradinaj, the SPO said that they wanted to be notified  
13 first. That's what you're saying here, isn't it?

14 A. I discussed this issue yesterday too. We did what your officer  
15 told us. He told, "It would be better if you tell us first." I am  
16 not denying it. He said, "We are informing you, like we are doing  
17 with everyone, through the media." We didn't call any specific  
18 media. Now I'm telling you that they had one hour time to come to us  
19 before the media, because they are not far from our building. That's  
20 it.

21 We did exactly what they told us, not to distribute them, to  
22 publish, not to print them, not to multiply them, not to copy them.  
23 This is what your officer told us and we did, even though we didn't  
24 promise. But we did what he told us, because the truth is we did not  
25 intend to do any of these things.



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

Page 2992

1 Q. But you didn't notify them first, did you?

2 A. You didn't want to have relations with us for us to inform you.  
3 You have ignored us. And -- us, the veterans, and our people. You  
4 didn't want, sir. You were not interested in talking with us. Our  
5 door was open. Why didn't you come over? I would have never met you  
6 in certain places, but officially I would have met you. You are  
7 welcome in our organisation. If you go even now, they will talk to  
8 you.

9 Of course, if they have their discontent, they will let you  
10 know. This is normal. It's human. You either consider them or not.  
11 It's up to you. But you didn't try this. None of your officers did  
12 try this way. So this merit or failure, you have to ascribe it to  
13 yourself. When I mean "yourself," I mean your colleagues, your  
14 chief, whoever works with you.

15 Q. Mr. Haradinaj, you didn't notify the SPO first because you  
16 wanted to make the documents available to the media before the SPO  
17 took them back. That's correct, isn't it?

18 A. It's not correct. It's speculation, I would say.

19 Q. You wanted to prove that the SPO couldn't protect witnesses;  
20 isn't that right?

21 A. Very inaccurate. It's your opinion.

22 MR. HALLING: Your Honour, I think with that we can take the  
23 lunch break.

24 PRESIDING JUDGE SMITH: We will break for lunch.

25 Mr. Cadman, something?

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

Page 2993

1 MR. CADMAN: Just one matter to deal with that we will need to  
2 deal with this afternoon, so just to get some guidance from  
3 Your Honours on this. Regarding the witness who, depending on how  
4 far we proceed, may be attending tomorrow, with the scheduled meeting  
5 with the witness, there are certain amendments that need to be made  
6 to the statement. Now, we can amend the statement according to those  
7 instructions and have it signed and refile, or we can leave it as it  
8 is with the e-mail correspondence, which has already been submitted.

9 So I'm pretty much in your hands as to how you'd like to  
10 proceed.

11 PRESIDING JUDGE SMITH: We'll let you know.

12 MR. CADMAN: I'm grateful.

13 PRESIDING JUDGE SMITH: So we are adjourned until 2.30.

14 --- Luncheon recess taken at 1.01 p.m.

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

16 PRESIDING JUDGE SMITH: For the record, we are sitting pursuant  
17 to 68(4) of the Rules in the absence of Mr. Gucati who, through his  
18 counsel, has voluntarily and unequivocally waived his right to be  
19 present during the proceedings this afternoon. Mr. Gucati has waived  
20 his right due to health reasons, which we understand. His interests  
21 are represented by counsel who are present in the courtroom.

22 Mr. Cadman, as regards your question about the statement of your  
23 next witness, number 1246. The Panel wants you to prepare an  
24 addendum listing the changes and have the witness sign the addendum.  
25 Please then upload both the statement and the addendum in the Legal

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

Page 2994

1 Workflow, and when the witness is here, you can ask him about the  
2 statement and the changes. This is the same procedure we followed  
3 with Witness 4841.

4 Did you have something you wanted to bring up? Okay.

5 While we're at it, will the SPO object to the admission of the  
6 statement or the addendum?

7 MR. HALLING: Our objections will be to paragraphs 20 to 22 of  
8 the statement, Your Honour.

9 PRESIDING JUDGE SMITH: 20 through 22?

10 MR. HALLING: Correct, those three paragraphs.

11 PRESIDING JUDGE SMITH: Okay.

12 MR. CADMAN: Having already discussed the matter with Ms. Bolici  
13 and Mr. Halling, we don't object to 20 to 22 with the exception of  
14 the last sentence of 22. That was our -- we are --

15 PRESIDING JUDGE SMITH: [Microphone not activated].

16 MR. CADMAN: Yes.

17 PRESIDING JUDGE SMITH: [Microphone not activated].

18 MR. CADMAN: Certainly.

19 THE INTERPRETER: Microphone for the Judge, please.

20 PRESIDING JUDGE SMITH: [Microphone not activated].

21 MR. HALLING: We do, Your Honour.

22 PRESIDING JUDGE SMITH: All right. Thank you.

23 Mr. Halling, proceed.

24 MR. HALLING: Thank you, Your Honour.

25 Q. Mr. Haradinaj, just to clarify something we were discussing

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

Page 2995

1 towards the end of the last session, you mentioned that you called  
2 the Kosovo police after documents were delivered at the War Veterans  
3 Association. Did you call the Kosovo police before or after the  
4 press conferences?

5 A. Mr. Prosecutor, neither the Kosovo police, nor the media were  
6 ignored. Everybody were called or notified in the same way. We  
7 notified them through the media. We asked the Kosovo police to  
8 protect us. And notification for the Kosovo police and the courts  
9 was the same as for you, through the media. They did not have any  
10 other beneficiary statement other than what the others had.

11 Q. I want to take you to something that you said at the third press  
12 conference.

13 MR. HALLING: This is P35. It's page 3. And it's timestamp  
14 07:51 to 08:20. This particular section -- this particular section,  
15 Your Honours, contains confidential information. One of the people  
16 in the list of names is mentioned, so I would propose to read this  
17 into the record rather than have it broadcast and then substitute the  
18 name for the number in the sheet that Mr. Haradinaj has.

19 PRESIDING JUDGE SMITH: [Microphone not activated].

20 There being no objection, you may go ahead.

21 MR. HALLING:

22 Q. So, Mr. Haradinaj, this is something that you said at the third  
23 press conference. And when I get to a name, I'm going to substitute  
24 the number on your sheet.

25 "The particulars of many people are mentioned here. The name of

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

Page 2996

1 Person 29 is mentioned as are the names of many, many other people.  
2 So here are their names which they have leaked. Therefore, from this  
3 moment you have these at your disposal. Think about it, look at  
4 them, it is your job. You know the law and your rights. We thank  
5 you for being active. We thank you that you are responding. I  
6 believe that together we should carry out one task."

7 Mr. Haradinaj, without using the name of Person 29, is Person 29  
8 an Albanian person?

9 A. [Microphone not activated].

10 Q. I'm sorry, your microphone is off.

11 A. Mr. Prosecutor, yes, he is Albanian, and he was self-declared as  
12 a witness, and he is writing even today. I haven't followed the  
13 press recently, but I believe that he is writing the same stuff even  
14 today. For the past 20 years, he has been declaring the same thing.  
15 And if it's not like what I am saying now, I accept to be convicted  
16 for that.

17 Q. Did you make any efforts to ascertain the truth or falsity of  
18 what Person 29 was saying?

19 A. I didn't look at the document there, what was being said there.  
20 I didn't read through it to know fully what was said there. But this  
21 is a name that is known to everyone, even to the children that were  
22 born lately. He started to speak about these things since 2003. In  
23 fact, he imposes it on the public opinion to recognise him and to  
24 acknowledge him.

25 While Number 30, he asked the media to attend privately.

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

Page 2997

1     Whoever has been in Kosovo, the judges there know about this, about  
2     both of them.

3     Q.    If Person 29 was already known, as you say, what public interest  
4     was there in naming him here?

5     A.    It was in the public interest to know who they are, what they  
6     are, because I never thought he would be a witness for you. I  
7     thought this was a madman that wants to show-off. That's all. So I  
8     was really surprised when I saw that he was someone you trusted as a  
9     witness.

10    Q.    In fact, Mr. Haradinaj, you consider that many witnesses in the  
11    materials delivered to you weren't telling the truth; isn't that  
12    true?

13    A.    I did not say that about many witnesses. I only said this about  
14    this person, that I think he's a madman, because a witness who wants  
15    to testify does not act like he does. I never thought that he would  
16    be a witness. What would he testify about?

17    Q.    So with the exception of this one person, you have no idea  
18    whether the information in these documents is true or false; is that  
19    true?

20    A.    No, I don't know even today.

21    Q.    So I understand it that you don't know whether or not that  
22    information is true?

23    A.    No, no, I don't know whether the things he says are true or not.  
24    But the fact that he's going out in public and saying these things,  
25    this is something that's been known for 20 years now. And people

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

Page 2998

1 read that stuff to laugh with it, to laugh at it.

2 Q. And when you said you never thought that Person 29 would be a  
3 witness, so you were revealing something that the name of that person  
4 appeared in the third batch of materials, were you not?

5 A. I was surprised to see that that name was there. That was it.  
6 Nothing else. And when I mentioned the name, that was to say that  
7 this is nothing important. This has no value. If this person is  
8 considered valuable, then everything is valueless. All the more so,  
9 Mr. Prosecutor, if his name is mentioned, then everybody would laugh  
10 to say that he is a protected witness, because no one would ever  
11 think that he is a protected witness or a witness.

12 Q. So when talking about Person 29 at the third press conference,  
13 this isn't about cooperation with Serbia at all anymore, is it?

14 A. I don't know this person personally. I've never seen him. His  
15 name is in the newspapers. He spoke about everyone. He spread  
16 rumours about everyone. He has something to say about everyone.  
17 I've read things about him.

18 Q. In fact, there were many Albanians in the third batch of  
19 materials delivered to the War Veterans Association; isn't that true?

20 A. I don't know how many there were. You know that. I don't. I  
21 don't know to this day how many Albanians there are, whether there  
22 are many or just a few. What I mentioned and the names of which you  
23 have them here, these were officials. They were people who executed  
24 orders and gave orders. They were the executors and the least they  
25 did were giving orders.

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

Page 2999

1 MR. HALLING: If the Court Officer could please go to page 13 of  
2 the English transcript of this item. And for the Albanian, it would  
3 be the page that has the timestamp 25:40.

4 Q. So where it says 25:40 on the page on your screen, Mr. Gucati  
5 says:

6 "They are Albanians too. 80% of the people who have given  
7 evidence there are Albanians."

8 Is what Mr. Gucati is saying there accurate?

9 A. This is not what I said, and I don't know whether this is  
10 correct. In order to be able to establish that, I would have had to  
11 read the whole stuff. I am convinced that Mr. Gucati has said that  
12 just as a ballpark figure, because he was not able to read  
13 everything. There were over 1.200 pages there. Even if they had  
14 wanted to, nobody would have been able to read everything. There was  
15 not enough time.

16 I can't comment here on Hysni. You had him here. He answered  
17 your questions. I think he just gave a ballpark figure, something  
18 just that he imagined, that he didn't know.

19 PRESIDING JUDGE SMITH: [Microphone not activated].

20 MR. CADMAN: Yes, objection. Mr. Haradinaj can't possibly  
21 answer for what Mr. Gucati has said and what Mr. Gucati thought. And  
22 we raised the same objection yesterday with the Facebook post. The  
23 line of questioning is not appropriate.

24 PRESIDING JUDGE SMITH: He's already answered the question.

25 MR. CADMAN: I appreciate that, but I was standing, so I'm



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

Page 3000

1 raising the objection in case this line of questioning continues.

2 PRESIDING JUDGE SMITH: All right. Thank you.

3 MR. HALLING: The next question is personal to Mr. Haradinaj.

4 Q. Mr. Haradinaj, is this your ballpark figure of how many  
5 Albanians are in the materials?

6 A. No, this is not my figure at all.

7 Q. What is your figure?

8 A. You tell me and I'll tell you.

9 Q. That's not how this works. My question is what is your figure?

10 MR. CADMAN: Objection, Your Honour. The question has been  
11 asked and answered.

12 PRESIDING JUDGE SMITH: Overruled. He didn't answer that.

13 MR. CADMAN: He answered it earlier, Your Honour.

14 PRESIDING JUDGE SMITH: Give the answer, Mr. Haradinaj. You may  
15 answer.

16 THE ACCUSED HARADINAJ: [Interpretation] I have no idea. I don't  
17 know.

18 MR. HALLING:

19 Q. You reviewed the documents in the third disclosure with  
20 Mr. Gucati before the press conference, didn't you?

21 A. No, we didn't. We just leafed through them very briefly.

22 Q. In fact, at the time of the press conference, you were more  
23 familiar with the documents than Mr. Gucati was; isn't that so?

24 A. In what sense do you mean that, "more familiar"?

25 Q. Perhaps I'll show you with a quotation.

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

Page 3001

1 MR. HALLING: If we go to page 2 of this video in the English  
2 transcript. For the Albanian, it's 05:52 to 06:03.

3 Q. And this is at the end of the remarks of Mr. Gucati before  
4 turning it over to you. Mr. Gucati says:

5 "I will not continue further. Nasim, more or less" -- sorry,  
6 let me just wait until it's on the screen.

7 Yes:

8 "I will not continue further. Nasim, more or less, not that he  
9 knows more than me, but he was able to read these documents for a  
10 little more for about 30 minutes. Nasim will tell you a bit about  
11 these files."

12 Had you read the documents more than Mr. Gucati before the press  
13 conference?

14 A. Can you show me the video? Because I am very sure how it was in  
15 this case. If you have it. If you don't, then I'll try to explain.

16 MR. HALLING: This particular part of video doesn't implicate  
17 confidential information, Your Honour. If the witness would like it  
18 played, it can be played.

19 PRESIDING JUDGE SMITH: Let's play it.

20 [Video-clip played]

21 THE INTERPRETER: [Voiceover] "I will not continue further.  
22 Nasim, more or less, not that he knows more than me, but he was able  
23 to read these documents a little more for about 30 minutes. Nasim  
24 will tell you a bit about these files."

25 MR. HALLING:

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

Page 3002

1 Q. Mr. Haradinaj, you -- all right.

2 A. Can you show a bit more? Because my answer comes after the  
3 chairman says this.

4 MR. HALLING: Why don't we play 10 more seconds of the video so  
5 that Mr. Haradinaj can see the beginning of his answer.

6 PRESIDING JUDGE SMITH: All right.

7 [Video-clip played]

8 THE INTERPRETER: [Voiceover] "Thank you, Mr. Chairman. He's a  
9 bit hungry. He has ordered his lunch. He wants to have it no later  
10 than 30, 40 minutes. Look, with my broken English I have  
11 understood" --

12 THE ACCUSED HARADINAJ: [Interpretation] That's enough.

13 Did you see? He said not that he knows more than me. And it is  
14 true that he had ordered his lunch, and his lunch was downstairs.  
15 And he suffers from diabetes, as you know, so when his blood sugar  
16 level falls, then he has to eat. He must eat something. And he had  
17 to leave. That's why he said that. And then later on, I said, "I  
18 don't know much more than you, chairman, but it's okay." And it was  
19 my duty as a spokesperson to speak to the people.

20 It's not that I was more familiar than him. I don't know for  
21 how long he looked at the documents. But we had, more or less, the  
22 same time at our disposal. If we are talking about the first file.  
23 I don't think it was more than 20 or 30 minutes. Just leafing  
24 through them to see whether they were the same stuff, the same  
25 material. I think this was about the first batch. I am not too

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

Page 3003

1 sure, but I think it's the first occasion.

2 Q. Mr. Haradinaj, just to correct you. This is from the third  
3 press conference on 22 September. Are these documents you looked at  
4 for 20 to 30 minutes?

5 A. If it's the third conference, yes, 20 to 30 minutes, calculating  
6 the time from taking them from downstairs to the room. While in  
7 relation to the first batch, we had about three or four hours before  
8 the journalists came. It was about four hours from the time that the  
9 documents reached us to the conference. While the other conferences  
10 didn't last more than 20, 30 minutes. And you can see that for  
11 yourselves. Everything is recorded.

12 Q. So when you said, in your direct examination, and this is on  
13 page 2785 of the transcript, that you reviewed the third batch of  
14 materials for about three minutes, it's actually more like  
15 30 minutes; is that correct?

16 A. No, I looked at them for three minutes downstairs. But consider  
17 there was an hour or an hour and a half until we had the conference  
18 with the journalists. We were preparing the room, the hall where the  
19 journalists would come. We arranged the chairs and everything  
20 ourselves. We do not have any help for that. We do everything by  
21 ourselves.

22 Q. How long did you spend reviewing the documents before the press  
23 conference? Was it three minutes or 30 minutes?

24 PRESIDING JUDGE SMITH: Please specify which meeting.

25 MR. HALLING:

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

Page 3004

1 Q. I mean in total from the moment they were delivered until the  
2 press conference.

3 PRESIDING JUDGE SMITH: I'm saying which press conference is it.

4 MR. HALLING: Ah. Apologies, Your Honour. All these questions  
5 are about the third press conference on 22 September.

6 THE ACCUSED HARADINAJ: [Interpretation] In relation to the third  
7 conference, maybe three minutes is a lot. I looked at the first  
8 page, I saw the name, and I saw that the names there -- there was an  
9 indictment against them, Jakup Krasniqi, Rexhep Selimi. There was no  
10 need for me to read further. I don't read in English. But even if I  
11 had looked at that or read that for nine hours or more, I wouldn't  
12 have been able to understand it because it was in English. So not  
13 even three minutes, but let's say three minutes.

14 MR. HALLING:

15 Q. So when Mr. Gucati said that you read it for a little more for  
16 about 30 minutes, you didn't correct him, did you?

17 A. When to correct him? Then, at the time?

18 Q. Yes.

19 A. I did correct him. I told him that, "You are hungry and you  
20 don't know what you are talking about. You are hungry." That's why  
21 I asked you to a play a bit further in the footage.

22 Q. And when Mr. Gucati said that about 80 per cent of the witnesses  
23 in the batch were Albanian, you didn't correct him at that point  
24 either, did you?

25 A. I didn't know whether there were Albanians in the first -- if

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

Page 3005

1 the third batch. I didn't even leaf through it at all after I looked  
2 at the first page, because it was all in English and I couldn't  
3 understand it.

4 Q. From the moment the third batch arrived until the press  
5 conference, who from the KLA War Veterans Association was reviewing  
6 it?

7 A. The third batch was reviewed by KFOR mostly, because I went out  
8 and I was dealing with Taibe. As soon as it arrived, I went and  
9 looked after Taibe. I don't know who else looked at it. After they  
10 came out of the room, they came out and they saw me there with Taibe.

11 If you're asking me how long I stayed in the building, yes, I  
12 stayed longer. But if you ask me how long it took from the time the  
13 documents arrived to the press conference, then I would say this was  
14 very short, because this was one of the shortest press conferences we  
15 had.

16 Q. Thank you. And, Mr. Haradinaj, I don't want you to speculate.  
17 I just want you to tell me people that you know who were reviewing  
18 the documents. So from what I understand it's Mr. Gucati, yourself,  
19 KFOR. Who else?

20 A. Mr. Gucati, Faton was there as well, and myself. And then KFOR.  
21 This is the people I remember now. I don't know whether Cele Gashi  
22 saw them. He was there but I don't know if he looked at them. I'm  
23 not sure. But I'm sure about the other ones.

24 Q. So there was no one else other than Mr. Gucati, Faton Klinaku,  
25 and yourself and KFOR that you know of that reviewed the documents?

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

Page 3006

1 That's the list?

2 A. Well, yes, those are the ones I remember, as far as I remember.

3 Q. The third batch arrived somewhere between 10.00 and 11.00 on  
4 22 September; is that correct?

5 A. Yes, I remember that correctly because I had a meeting with the  
6 German KFOR at 11.00.

7 Q. And the press conference was around 1.00; is that right?

8 A. I don't remember whether it was 1.00 or at midday and finished  
9 at 1.00, but I remember that we called it immediately. So three  
10 minutes looking through it and then the secretary sent out the  
11 invites.

12 Q. Mr. Haradinaj, during your direct examination, you talked about  
13 a woman named Elmedina. Is this journalist Elmedina Ballazhi who  
14 testified in this courtroom?

15 A. Yes, that's her.

16 Q. And she came and talked to you immediately after the second  
17 batch of materials had been delivered; correct?

18 A. Yeah, about some 20 minutes later. Maybe 30 minutes. Yes, I  
19 would say yes. Journalist that appeared to us to come there very  
20 soon. We were impressed by that fact.

21 Q. And you said at one time you said she was like the CIA and you  
22 wanted her to leave the office; is that correct?

23 A. Yes. I told her, "Go away. Don't ask me, 'What have you  
24 received?'" Since we had already made it public in the media, then  
25 we did nothing -- we explained when the media showed up. I don't

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

Page 3007

1 think anyone had explained to her anything. That's why I was  
2 surprised. It seemed as if she knew that something had arrived.  
3 Because every time we received a batch, we took them to the  
4 chairman's office and closed the door. Other than us, myself, Faton,  
5 no one else, even Taibe, didn't look at them. She didn't even try,  
6 actually. She was distracted. But even she wanted to, we wouldn't  
7 have let her because she's not part of the close leading body.

8 Q. Was this woman welcome at the offices of the KLA War Veterans  
9 Association after this interaction?

10 A. Like all the other journalists. If you ask my personal opinion,  
11 I didn't like her to be there. She seemed very interested, very keen  
12 to learn something. After I gave the interview, I have her phone  
13 number, I know her as a journalist. But before that, I didn't know  
14 her, because she's not the journalist of some big media outlet. I  
15 think she represents portal. That day she insisted on me giving her  
16 an interview, "Please, please, two minutes, just an interview," and  
17 to get rid of her I said yes.

18 As soon as the conference ended, I went down and gave the  
19 interview. But there is no other interview that I gave her before.

20 Q. Mr. Haradinaj, at this point I'd like to show a video. It will  
21 be a little different than the other videos. It is CCTV footage from  
22 the KLA War Veterans Association on 22 September 2020.

23 MR. HALLING: And there are two long videos. One is the hour  
24 from 10.00 to 11.00 a.m., and the second is the hour from 11.00 to  
25 12.00. So the first video I'd like pulled up is ERN 104414-01.



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

Page 3008

1 There is no transcript because there is no sound. The exhibit has, I  
2 believe, a confidential classification, but this particular part of  
3 it can be played publicly. And I would like it moved to -- and all  
4 of my timestamps will be relative to the time in the upper right-hand  
5 corner of the screen. Please go to 10:35 in the morning, 10:35:00.  
6 So it just needs to go forward ten more seconds. That's fine. Thank  
7 you.

8 Q. Mr. Haradinaj, just before we start, this is the War Veterans  
9 Association office; correct? I see you nodding, but if you could  
10 please put it on the transcript.

11 A. Correct.

12 Q. This is -- there's a bit of an acceleration with the speed of  
13 the CCTV footage. It goes a little faster than realtime. But for  
14 the moment, I would like the Court Officer to play 10:35:00 to  
15 10:36:10, and then I'll ask you a question.

16 MR. HALLING: Please pause at that second timestamp.

17 [Video-clip played]

18 MR. HALLING:

19 Q. Mr. Haradinaj, that's the third batch of materials going into  
20 the chairman's office, just like you said; correct?

21 A. Yes, so it appears.

22 Q. And this is the room where they were initially reviewed and  
23 where KFOR reviewed them; correct?

24 A. The room where they went. Because the room at the end on the  
25 left is that of the chairman. Next to it is mine. At the beginning,

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

Page 3009

1 on the right-hand side, is the reception. This open door is where --  
2 is the office of the deputy chairman, Migjen Shala.

3 Q. So the door that we see towards the -- just off to the left of  
4 centre there, that's the room where the documents went and where they  
5 were reviewed before the press conference; correct?

6 A. Yes, this is what we did every time.

7 Q. My next question --

8 MR. HALLING: Yes, Your Honour?

9 PRESIDING JUDGE SMITH: We believe that these have been used  
10 before. Perhaps they should be tendered in evidence.

11 MR. HALLING: This part has been extracted in a separate exhibit  
12 that was admitted. This is the raw footage, so it covers things that  
13 go beyond the exhibit. In terms of it being exhibited, we have  
14 absolutely no objection to that and we are happy to tender it now or  
15 at the end of our cross-examination.

16 PRESIDING JUDGE SMITH: Well, it's up now. We might as well do  
17 it at this point.

18 Is there any objection to tendering this exhibit? It's  
19 ERN 104414-01.

20 MR. BOWDEN: Your Honour, there's previously been a bar table  
21 motion in relation to the CCTV evidence. The duration of those clips  
22 are shorter, but there's no objection to the longer CCTV coverage  
23 being admitted.

24 PRESIDING JUDGE SMITH: All right. Would you assign a number  
25 please, Madam Court Officer.

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

Page 3010

1 THE COURT OFFICER: Your Honours, 104414-01 will receive number  
2 P163.

3 PRESIDING JUDGE SMITH: P163 is admitted without objection.  
4 Go ahead.

5 MR. HALLING: Thank you.

6 The next part on the time that I'd like to ask questions about  
7 is 10:55:30. If I could just ask the Court Officer, it might be  
8 helpful just to play so that you can see the video up until that  
9 point. I have no questions about this section. It can be played  
10 faster than regular speed. What I would suggest is that the video be  
11 sped up to four times the speed so that you can see the video but it  
12 goes relatively quickly to get to the new timestamp.

13 PRESIDING JUDGE SMITH: Well, I have no objection to that. If  
14 the attorneys don't, go ahead.

15 MR. HALLING: Thank you, Your Honour. And thank you,  
16 Madam Court Officer. And please pause at the 10:55:30 timestamp.

17 [Video-clip played]

18 MR. HALLING:

19 Q. So, Mr. Haradinaj, we're going to play the next part of the tape  
20 at normal speed, and I want you to focus on the person who comes into  
21 the shot.

22 MR. HALLING: So I'd like it played now from the current  
23 timestamp to 10:58 at normal speed.

24 [Video-clip played]

25 MR. HALLING:

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

Page 3011

1 Q. Mr. Haradinaj, that's Elmedina Ballazhi, isn't it?

2 A. I don't remember her last name. I have to read it.

3 Q. So this is Elmedina, I'll just use the first name, appearing at  
4 the War Veterans Association less than 30 minutes after Batch 3  
5 arrives. Do you remember if you saw her?

6 A. No, no. There were many people around that day and I don't  
7 recall seeing her. Simply I don't recall. In my mind, I am sure --  
8 I am thinking now why this time, 10:58. Maybe it's the time that  
9 times change, because I think the meeting was at 11.00 and it's wrong  
10 here. Maybe. You are the expert. You may know. But maybe it  
11 should be 11:00 instead of 10:58, because usually the meeting I was  
12 supposed to have was at 11:00. Maybe I deferred to the time 11.00,  
13 but here it's 10.58.

14 You can see when we appeared in the balcony, everything that I  
15 said, if you play it more.

16 Q. I would like to play it more.

17 MR. HALLING: I would like to play the next three minutes of the  
18 tape at regular speed to 11:01. That is going to go until 11.00, and  
19 then it will need to be switched to the second video, which will be  
20 104414-02.

21 And so I would ask the Court Officer to please play the  
22 remainder of this video and then the first minute of that second  
23 video and then pause.

24 [Video-clip played]

25 MR. HALLING: Thank you. We can switch.

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

Page 3012

1 [Video-clip played]

1

2 MR. HALLING:

2

3 Q. Mr. Haradinaj, why did you bring Elmedina into the room with  
4 Batch 3?

4

5 A. [Microphone not activated].

5

6 THE INTERPRETER: Microphone, please.

6

7 THE ACCUSED HARADINAJ: [Interpretation] I don't even remember  
8 this. It may be so because the Germans are there too. I don't think  
9 we served anything to her to see. I don't remember this fact. I  
10 don't want to deny anything. But if there was sound to it, it would  
11 have been much better. But there is nothing to hide, because there  
12 was another person, that waiter, but he didn't look at the documents.  
13 I don't believe that she was given anything to look at. Maybe if she  
14 did see something -- but I don't think so. At least I know that I  
15 myself didn't give anything to her. I didn't treat her differently  
16 from the other journalists.

16

17 MR. HALLING:

17

18 Q. She seemed to be welcomed by you when you arrive on the footage.  
19 I thought you said she was unwelcome in your view?

19

20 A. Look here. It is after the second meeting and I knew her  
21 somewhat. Every journalist was welcome to our offices. Nothing is  
22 secret. It's not only her. Everybody could come.

22

23 Q. And she didn't have special access to the War Veterans  
24 Association even though we saw her being brought into the room with  
25 Batch 3 less than 30 minutes before [sic] it arrives?

25

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

Page 3013

1 A. You know the nature of the journalist. They try to make use of  
2 situations, of possibilities that appear. She seems to have made use  
3 of that moment when we were quite -- not very clear what to do. And  
4 she made use of that moment. But you are saying like I was -- like  
5 she was treated as a privileged journalist or anything like that?

6 No.

7 Q. I think we should see what happens next on the video.

8 MR. HALLING: This next part can be played at the same  
9 four-times speed we had before, and let's run it from 11:01 to  
10 11:25:30.

11 [Video-clip played]

12 MR. HALLING: [Microphone not activated].

13 THE INTERPRETER: Microphone, please.

14 MR. HALLING: Apologies. Can you play the next 30 seconds at  
15 normal speed.

16 [Video-clip played]

17 MR. HALLING:

18 Q. So it looks like she spent about 25 minutes in that room; isn't  
19 that right?

20 A. Yes, it appears so. It might be even longer. As a journalist,  
21 she could have stayed longer. We were minding our business. I saw  
22 her when I came out of the office. There is nothing to hide. If we  
23 wanted to hide something, you wouldn't have found this film footage.  
24 I don't want to hide anything. You can look at what happened. We  
25 are transparent.

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

Page 3014

1 I don't remember very well, I said, this thing. Maybe -- I know  
2 it as an event. I explained it to my recollection. That's all. You  
3 have the footage, you can review it. Only the time doesn't seem  
4 right to me. It seems like one hour behind or before. I don't know.  
5 Maybe it was 10.00, because you -- usually I didn't want to get up  
6 very early in the morning and left the meetings at 11.00. And  
7 usually I arrived at the office at half past 9.00, 10.00. Maybe in  
8 this case I set the meeting for 10.00 if they wanted it.

9 Q. And we see you go in and out of that room multiple times in the  
10 footage that we've watched, but you still don't know if she reviewed  
11 Batch 3 or not while in that room? Is that your testimony?

12 A. I don't know. I do not remember more than that. What I  
13 remember I am saying here. I am not contesting anything. I am  
14 contesting the way you are trying to interpret and your conclusion.  
15 Everything was recorded. You have it there. You can review it.  
16 What happened happened. The truth is what I'm telling you. What you  
17 can build on it based on this footage, it's your right and the right  
18 of the Judges to interpret it.

19 But we didn't have anything to hide. If we wanted to hide  
20 something, we could have plugged off the cable and not record  
21 anything. We were not keen on hiding anything. We were keen on  
22 being transparent.

23 Even in the detention, I can move the way I like. You cannot  
24 control my movements. I don't like to live under -- being controlled  
25 by someone. If you wanted me to come here, I would have come any

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

Page 3015

1 time you would have summoned me, but you have deemed it appropriate  
2 to hold me here. You are holding me here. Otherwise, I don't have  
3 anything to comment. If I wanted to do something in secret, then, as  
4 I said, we wouldn't have recorded it.

5 MR. HALLING: If I could ask the Court Officer to please pull up  
6 P125. It's a collection of media articles. The English translation  
7 won't be necessary for this question.

8 PRESIDING JUDGE SMITH: Are you offering this particular exhibit  
9 as well?

10 MR. HALLING: I was going to wait until after this last  
11 question, but I'm happy to tender it whenever you like.

12 PRESIDING JUDGE SMITH: Okay. No, go ahead. That's fine. At  
13 your own speed.

14 MR. HALLING: In P125, it would be the article that begins with  
15 ERN 081374.

16 Q. Mr. Haradinaj, you see this on the screen. It's an Arbresh  
17 article from 22 September 2020. Do you see it?

18 A. Yes.

19 Q. And there's a page in the middle that talks about potential  
20 accused, and you see the words "Executive Summary" and you see some  
21 names, people that you mentioned during the third press conference;  
22 correct?

23 A. Yes, yes, there are some of them that I have mentioned.

24 MR. HALLING: If we go to the next page.

25 Q. Can you explain how Arbresh was able to publish this article at



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

Page 3016

1 11.06, almost two hours before the third press conference?

2 A. Mr. Prosecutor, I already explained. I wasn't attentive. To my  
3 recollection, I don't know that she looked at them in my presence.  
4 Whether it was KFOR that reviewed it or what she made use of, I don't  
5 know. I don't know. I cannot contest it, but I don't know. Maybe  
6 she may have looked at it, but I don't know. Frankly speaking, I  
7 don't know. I'm not avoiding your question, but I don't remember  
8 having seen her do something like that. Maybe we were discussing  
9 other things and I didn't see anything. If I did, I would have said  
10 yes. I haven't seen and I don't remember to have seen her.

11 MR. HALLING: Your Honour, now we would tender that second  
12 video. It would be 104414-02.

13 PRESIDING JUDGE SMITH: [Microphone not activated].

14 MR. BOWDEN: Similar position, Your Honour.

15 PRESIDING JUDGE SMITH: Pardon me?

16 MR. BOWDEN: A similar position will be adopted.

17 PRESIDING JUDGE SMITH: Mr. Cadman.

18 MR. CADMAN: The same position as taken previously, Your Honour.

19 PRESIDING JUDGE SMITH: Please assign a number to it.

20 THE COURT OFFICER: Your Honours, that will be Exhibit P164.

21 PRESIDING JUDGE SMITH: P164 is admitted in evidence.

22 MR. HALLING: Thank you, Your Honour.

23 Q. Mr. Haradinaj, one last set of questions in relation to the  
24 third batch of materials. You were talking during your direct  
25 examination that you were 90 per cent sure that you saw Zdenka Pumper

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

Page 3017

1 outside the War Veterans Association that day. Do you remember that  
2 testimony?

3 A. Yes, I said this and I repeated it. After she came here, it  
4 seemed to me as if as a silhouette she was there. Or maybe I was  
5 thinking that she may have been there. There was a lady, blonde, big  
6 body, with a backpack and a baseball hat. Whether it was Ms. Pumper,  
7 I'm not very sure. But from the way she's built, when I saw her  
8 here, it seemed to me after I saw her testifying here. And my  
9 attorney may say when I said this to him.

10 Q. Is the woman that you saw on 22 September 2020, did you see a  
11 woman or just a silhouette?

12 A. It was not night and I was not drunk. I saw a female. I don't  
13 know whether it is a lady or a missus or a miss. A female, heavily  
14 built, and she was at the door. Maybe it was not she. But when I --  
15 the camera of the KFOR looked at them, even the KFOR laughed.

16 Q. At that moment in 22 September 2020, you had never met or seen  
17 Ms. Pumper before; correct?

18 A. No, no, no. This is a conclusion I drew after I saw her here  
19 and thinking that maybe it was her. I saw a footage, video footage  
20 that it seemed to me it was her. But it turned out not to be her.  
21 It was a female. That footage where that female led the search, it  
22 didn't seem to me it was the same person until I saw her here. And I  
23 can't speak for sure, but it seemed to me that it was her. I am not  
24 100 per cent sure. Maybe it was not she. But I think from the  
25 height of her body, it seemed to me to be the same person. If I was

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

Page 3018

1 sure 100 per cent, I would have confirmed it 100 per cent.

2 Q. When the SPO collected the third batch of materials that day,  
3 Ms. Pumper wasn't there with the SPO personnel who arrived, was she?

4 A. Even if I know who Mrs. Pumper is, I don't know. I saw her for  
5 the first time when she came here to testify. I saw your officers,  
6 but Mrs. Pumper was never with Witness number 1. He came on three  
7 occasions with the same people and no one else.

8 Q. Mr. Haradinaj, this woman that you saw was wearing a mask at the  
9 time; that's correct?

10 A. It was a COVID time. All the population wore face masks.

11 Q. And you say you identified this woman as Ms. Pumper after she  
12 testified, but you didn't identify the person as Ms. Pumper in your  
13 preliminary summary of 2 December 2021 or your full summary of  
14 3 December 2021. Is this a detail that you only remembered  
15 subsequently to those summaries?

16 A. Please, what I thought it was true was a conclusion that I drew  
17 after she came here. It is a supposition that I made. I didn't know  
18 her. I didn't know who she was. I didn't know her name. If I knew  
19 her, I would have said I know her and I saw her that day.

20 Q. So you, in fact, have no explanation as to why she's not  
21 identified as Zdenka Pumper in your preliminary summary or full  
22 summary; isn't that true?

23 A. I gave you the explanation. And I told you how I concluded that  
24 it was her, but I can't say that my conclusion is accurate  
25 100 per cent. This was a supposition. This was an assumption I

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

Page 3019

1 made. But I don't know whether it's accurate. Had I known it, I  
2 would have told you so. But it looked like the person that was there  
3 at the door, a blonde lady. Perhaps she was not blonde at all at the  
4 time, but it looked to me as if she was.

5 And I know nothing else about Zdenka Pumper. I've never met  
6 her. The first time I saw her in person was the time when she was  
7 sitting right here.

8 Q. One last small point about other people that you saw on the day  
9 of the third press conference. How many media outlets did you tell  
10 to come to the third press conference?

11 A. It was the same number of media that was called at all times.  
12 There is an address book with e-mails that is held by the  
13 secretariat -- by the secretary, and I assume that everyone was  
14 called. Everyone was invited. Then who came and responded to that  
15 invite, I don't know.

16 Q. And everyone was called. Everyone was invited. That was the  
17 same for the first two press conferences; is it not?

18 A. The manner of sending the invites was the same for all of them.  
19 There is an address book, as far as I know, because I never did it  
20 myself, but there is a list of addresses. And our secretary has  
21 experience in this, because he has done that all the time. It's the  
22 same call that was made to everyone. The same invite. The same  
23 address book was used. And everything was sent out automatically to  
24 everyone.

25 Q. Did the War Veterans Association conduct any vetting of the

1 qualifications of journalists invited to these press conferences?

2 A. Never. Never. We have never given a negative answer. But the  
3 media could have decided for themselves, depending on the moderator.

4 Q. In any of the three press conferences, was any journalist  
5 refused permission to attend?

6 A. I asked for one to be denied entry. I asked for a journalist  
7 not to be allowed to come inside. Her media, the KTV, was there but  
8 she was not there. I wouldn't have allowed her to come inside.

9 Q. Why didn't you want her to come inside?

10 A. Because she publicly offended me. And when she started working  
11 for the KTV, she publicly announced KTV is Nasim Haradinaj-free  
12 television, meaning that Nasim Haradinaj's face would not be seen on  
13 that television. Although, I had several interviews with them and I  
14 was told that, "There is a stupid journalist that doesn't want you to  
15 be there." You can find her name there.

16 And that's why I didn't want her to be allowed to come inside.  
17 And because she wanted something to be Nasim Haradinaj-free, that was  
18 her wish. But I didn't prevent her media to come there. KTV was  
19 represented there. Had she come to represent that media, I wouldn't  
20 allow her. I wouldn't give an interview to her because she -- that's  
21 what she wants. That's what I remember and that's what I'll do in  
22 the future. I won't give an interview to her. Her brother came to  
23 me and apologised. It was her mistake. She was in the wrong because  
24 she pre-judged me without knowing me.

25 And she had told her brother, "I just had this urge to write

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

Page 3021

1 that thing." And her brother apologised. You have the name, she  
2 knows about this, and the television, the outlet know who she is.  
3 This was her initiative, her wish to have that, and I abided by it.  
4 She apologised through her brother, but I won't let her -- I won't  
5 allow her to come inside or interview me. I don't know whether she's  
6 working for that outlet still. Even the director of that TV  
7 apologised and said that they were not aware, but she eventually  
8 deleted that post. But this is what I know and she knows also.

9 Q. You mentioned in the course of that last answer what you would  
10 do in the future, and I would like to ask you a few questions about  
11 that, not referring to this particular journalist who offended you,  
12 but more broadly.

13 Mr. Haradinaj, do you have any remorse for what you did with the  
14 documents delivered to the KLA War Veterans Association?

15 A. About the thing that I accepted that I did, I do not feel any  
16 remorse. I accept what I've done because I think it's in the  
17 interest of transparency and public interest. So I only fulfilled an  
18 obligation that I had -- I felt I had to fulfil, and that was taking  
19 those documents and moving them from here to there.

20 And I don't feel remorse or regret about the words I said to the  
21 people who tried to confuse me or trick me, because I've not done  
22 anything. And I am fully convinced -- I was fully convinced that it  
23 was in the public interest and for the sake of transparency. And  
24 that's why I did it. And I thought it was my duty, not only my duty  
25 as a citizen but the duty of every citizen to promote free speech.

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

Page 3022

1 I express my opinions. I have the right to free speech and  
2 nobody can stop me. The action I did, the act I did, the fact that I  
3 told people that we have received documents, some documents have been  
4 brought to us, yes, I accept that.

5 Q. If the same kinds of documents were delivered again to the War  
6 Veterans Association, and it was up to you about whether to convene  
7 another press conference, would you?

8 A. Are you intending on sending us other documents?

9 Q. Please focus on my question.

10 A. I am focusing on your question. You are asking me to speculate,  
11 what if. If you know whether the documents have come or not, you can  
12 tell me.

13 MR. HALLING: Why don't we play a video. This would be P35 and  
14 the timestamp would be 24:44 to 24:57. This part of the third press  
15 conference is public. It can be found at P35-ETRED on page 13. The  
16 ERN is 08213601. The excerpt begins with, "If I was working in the  
17 media," and it ends with "of the whole presidium."

18 [Video-clip played]

19 THE INTERPRETER: [Voiceover] "If I was working in the media, you  
20 would see if I dared or not. You think you will scare me with ten  
21 years! Even if you sentence me to 300 years, I will still disclose  
22 them. I am speaking on my behalf and on behalf of the whole  
23 presidium."

24 THE ACCUSED HARADINAJ: [Interpretation] He is asking me, "Why  
25 are you -- why do you not dare to do this?" This is my perception

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

Page 3023

1 had I been a journalist. I don't know whether I was a journalist --  
2 if I was a journalist I would think differently from now. This is a  
3 debate I was having with someone. Had I been a journalist, I thought  
4 that I would have done so. I don't know how it is, in fact, today.  
5 I think that the journalists are of a higher level professionally to  
6 be able to select these documents.

7 He was telling me to disclose them, "Why don't you dare to  
8 disclose them." That's the opinion of the journalist and what he put  
9 to me. Had I been a journalist, perhaps I would have done that.

10 Mr. Prosecutor, you should know if I think that something is  
11 right, and if I'm not proven wrong, I won't accept anyone to impose  
12 their opinions on me. I always have the courage to express my  
13 convictions. Be they erroneous, be they mistaken, and if somebody  
14 convinces me that they are wrong, I can apologise. I am able to  
15 apologise and take responsibility.

16 MR. HALLING:

17 Q. So you would do what you did again if more documents arrived;  
18 isn't that right?

19 A. Mr. Prosecutor, are you asking the Panel not to allow me to get  
20 out of prison ever? I am not responsible for everything that happens  
21 in Kosovo.

22 Q. All I want is for you to answer --

23 A. I don't know what will happen two minutes from now. You know  
24 that. It seems that you know that such documents have arrived or you  
25 plan -- do you plan to send them to us?



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

Page 3024

1 Q. Mr. Haradinaj, that doesn't answer my question. I'll ask it  
2 again. So you would --

3 A. No, don't ask the question. If you bring them, I will act the  
4 same, because I am convinced that I acted rightly and I did it in the  
5 interest of informing the public and for the sake of transparency. I  
6 think that, I have that conviction, that it was appropriate.

7 If you're asking me about this material, this has no value  
8 anymore. I don't know what interest would the public have in this  
9 material anymore. Even at that time I didn't think of it as so  
10 tragic not to be transmitted, because all of these things were known  
11 two, three, four years before that.

12 PRESIDING JUDGE SMITH: Yes, Mr. Cadman.

13 MR. CADMAN: I've resisted from jumping up, but I do object to  
14 this whole line of questioning. It's far too speculative. It's  
15 unfair to Mr. Haradinaj. He cannot be expected to answer such  
16 questions.

17 PRESIDING JUDGE SMITH: Overruled.

18 Go ahead. This is cross-examination.

19 MR. HALLING: No further questions, Your Honour.

20 THE ACCUSED HARADINAJ: [Interpretation] Thank you,  
21 Mr. Prosecutor. I was given the opportunity to clarify some of my  
22 ideas and thoughts. Thank you.

23 PRESIDING JUDGE SMITH: Any redirect?

24 MR. CADMAN: There will be, Your Honour. I would ask to do it  
25 in the morning as we are eight minutes to.

Witness: Nasim Haradinaj (Resumed) (Open Session)  
Procedural Matters

Page 3025

1           PRESIDING JUDGE SMITH: [Microphone not activated].

2           MR. CADMAN: I would say 15, 20 minutes maximum.

3           PRESIDING JUDGE SMITH: Will you have any other questions,  
4 Mr. Bowden?

5           MR. BOWDEN: No, Your Honour.

6           MR. HALLING: Your Honour, if that's all there is, I don't know  
7 if the Chamber has questions, but you might be able to extend the  
8 session and finish it now.

9           MR. CADMAN: No, Your Honour. I'm requesting to do this in the  
10 morning.

11          PRESIDING JUDGE SMITH: We will do it in the morning.

12          MR. CADMAN: [Microphone not activated].

13          PRESIDING JUDGE SMITH: And, Mr. Haradinaj, we will see you  
14 tomorrow morning in the same place. We will reconvene at 9.30  
15 tomorrow, as is usual.

16          Please have Mr. Qelaj available for tomorrow as well.

17          MR. CADMAN: And just one clarification, Your Honour, before you  
18 leave. It was my understanding that we're not being asked to amend  
19 the statement but to do an addendum with the changes to the statement  
20 as a separate filing and then to refile both of them? I'm grateful.

21          PRESIDING JUDGE SMITH: [Microphone not activated]. That was a  
22 yes with the microphone. I didn't have it on.

23          Thank you to the translators and the audio-visual people and the  
24 court reporter and all of you. We will see you tomorrow.

25                               --- Whereupon the hearing adjourned at 3.53 p.m.