

1 Friday, 14 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: Mr. Halling, any change in your members?

11 MR. HALLING: No change, Your Honour.

12 PRESIDING JUDGE SMITH: Mr. Bowden, any change?

13 MR. BOWDEN: Your Honour, no change. And you will see that
14 Mr. Gucati joins us this morning. He was seen by a doctor yesterday
15 evening. He was given additional medication, and he's been seen
16 again this morning by a nurse and given further medication. He's
17 been assessed as being fit to attend proceedings today but given the
18 advice that if the pain develops during the course of the day, he
19 should notify the Trial Panel and decisions could be made
20 accordingly. So Mr. Gucati's been given clear guidance by myself
21 this morning that he should do that, and we can -- to ourselves and
22 we can relay the information to the Trial Panel as appropriate.

23 PRESIDING JUDGE SMITH: That's good. Thank you for that
24 information.

25 Mr. Cadman.

1 MR. CADMAN: No changes, Your Honour, this morning.

2 Ms. Bernabeu will have to leave at the first break. And just two
3 very brief matters that I wanted to address you on.

4 PRESIDING JUDGE SMITH: Thank you.

5 Something else.

6 MR. CADMAN: Just two very brief matters I wanted to address you
7 on --

8 PRESIDING JUDGE SMITH: Well, let me finish here.

9 MR. CADMAN: -- after you've done --

10 PRESIDING JUDGE SMITH: We'll come back to you.

11 Judge Mettraux continues to appear via Zoom.

12 Good morning, Judge Mettraux.

13 And we do note Mr. Gucati and Mr. Haradinaj are present in
14 court. Mr. Haradinaj has taken his seat at the witness stand.

15 Mr. Gucati, we're grateful that you're back in court today and
16 hope you are feeling better and more comfortable than yesterday. And
17 we want you to feel free, as before, to stand up if you need to do
18 that, and we hope you can continue with us today.

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

21 PRESIDING JUDGE SMITH: Before we continue, the Panel wants to
22 hear from the parties on the following plan to deal with the
23 testimony of Mr. Reid.

24 But before we do that, did you have something that you wanted to
25 add, Mr. Cadman?

1 MR. CADMAN: Just very briefly. I've mentioned part of it to
2 the Prosecution already.

3 An additional document was put into the presentation queue last
4 night. At that point, we were not 100 per cent certain whether we
5 were going to be using it. I've informed them that we will not be
6 referring to that document today.

7 The second point. The addendum to the statement of today's
8 witness was put in but it was incorrectly put into the Haradinaj
9 presentation queue. I hope that doesn't cause too many difficulties.
10 We can, of course, make sure it's in that witness's presentation
11 queue. That was purely an oversight.

12 PRESIDING JUDGE SMITH: As long as it's filed, we can move it
13 around if necessary or refile it. Thank you.

14 MR. HALLING: Yes, Your Honour. And in that regard, we don't
15 see a presentation queue for the next witness to move those documents
16 to.

17 MR. CADMAN: We'll resolve that this morning.

18 PRESIDING JUDGE SMITH: Okay.

19 Can we proceed? Okay.

20 As I said, we want to -- we think we have a way of dealing with
21 Mr. Reid's testimony, which is required by the ruling of the Court of
22 Appeals; that is, Witness 1253.

23 Let me go over that and then I'll ask you if this is going to be
24 acceptable to both or to all parties.

25 The witness should make himself available on the 24th and 28th

1 January between 8.00 a.m. and noon in The Hague time. So that means
2 we will have an early start those two days, if necessary. That is
3 5.00 p.m. and 9.00 p.m. local time at the residence of the witness in
4 Australia.

5 The Panel knows that the witness has a vaccination planned for
6 the 28th, but this is the only other date available for the witness
7 to testify, so we will expect him to accommodate. This would mean
8 that the hearings on 24th and 28th January will begin at 8.00 a.m.
9 our time, we will break for half an hour at 9.30 a.m., and we will
10 sit for two hours from 10.00 a.m. until noon, and that will be it for
11 his testimony for those days.

12 I know this will be more difficult for the interpreters and for
13 everyone, but the peculiarities of the situation demands some
14 flexibility on everyone's part. In the best case scenario, the
15 witness would be heard via videolink on both days of those days in
16 accordance with Rule 144 and the Practice Direction for Videolinks.
17 But if the videolink cannot be set up by the 24th or by the 28th, the
18 witness will be heard via Zoom on those applicable days.

19 The Panel hopes, however, that at least the day of the 28th can
20 have the videolink ready for any private session or showing of
21 confidential documents if that is necessary. In any event, the Panel
22 directs the parties to share their presentation queue with the
23 witness via the Registry. To accommodate such an option, the parties
24 are instructed to send their presentation queues to the Registry in
25 due time before the beginning of their examination so the Registry

1 can share them with the witness in accordance with the Order on the
2 Conduct of Proceedings.

3 This sharing would happen through secure file-sharing tools.

4 The witness would be ordered not to disclose any confidential
5 information from these documents and not to duplicate or share the
6 documents in any form with any third person. And we understand that
7 Mr. Reid is a trained officer and understands these kinds of
8 procedures.

9 So I'll start with you, Mr. Cadman. Is that going to be an
10 acceptable method of handling this testimony?

11 MR. CADMAN: Certainly from my side it is acceptable.

12 PRESIDING JUDGE SMITH: I'm sorry?

13 MR. CADMAN: Certainly from my side it is acceptable.

14 Obviously, I will have to consult Mr. Reid. I'm sure he will do
15 whatever he can to accommodate these proceedings. The only caveat
16 that I would put is I don't know whether he's having his vaccine in
17 the morning or the afternoon. I don't know whether he's going to
18 have any adverse effect from that vaccination, but we will
19 accommodate as much as we can, Your Honour.

20 PRESIDING JUDGE SMITH: [Microphone not activated]. He's going
21 to have to get a changed hour or something if necessary, because this
22 is all we can provide.

23 Mr. Bowden, anything from you?

24 MR. BOWDEN: It causes no difficulties for us.

25 PRESIDING JUDGE SMITH: Thank you.

1 And, Mr. Halling?

2 MR. HALLING: The only issue that we had in Your Honours'
3 proposal is about giving the witness advanced notice of the materials
4 that we have before we've even decided whether to use them. Would it
5 be possible to have a small break between the direct and the cross so
6 that materials could be released during that moment?

7 PRESIDING JUDGE SMITH: I don't know if that's possible. They
8 may have to be sent ahead of you time, the day before, perhaps. And
9 just -- you'll have to send everything you might use. Reasonable
10 accommodation is going to have to be made if we're going to get
11 through this.

12 MR. HALLING: Understood, Your Honour. To the extent that could
13 be accommodated, that's something that we would be interested in.

14 PRESIDING JUDGE SMITH: Okay. But I need to know if this is
15 going to be acceptable.

16 MR. HALLING: Everything else in Your Honours' arrangements is
17 acceptable.

18 PRESIDING JUDGE SMITH: Not everything else. I want to know can
19 we proceed because I'm going to enter an order in about one minute.

20 MR. HALLING: It's acceptable if we can release our materials to
21 the witness during a small break between the direct and the cross.
22 And so if we can present the materials at that moment, then --

23 PRESIDING JUDGE SMITH: Okay, you're asking me something I have
24 no idea about.

25 [Trial Panel confers]

1 PRESIDING JUDGE SMITH: Mr. Halling, can you help us with the
2 maximum number of documents that you think you might have?

3 MR. HALLING: One moment, Your Honour.

4 [Specialist Prosecutors confer]

5 MR. HALLING: About ten.

6 PRESIDING JUDGE SMITH: And these are single sheets, or do you
7 know?

8 MR. HALLING: They're not single sheets, but they're not
9 voluminous documents.

10 [Trial Panel and Court Officer confers]

11 PRESIDING JUDGE SMITH: All right. So I think we can
12 accommodate that with probably a half-hour to a 45-minute break, and
13 I'll just assume, then, that that's going to be our backup procedure.
14 We still want to try to get the videolinks established if at all
15 possible. That's our goal. But we have to have a secondary plan and
16 that's going to be it.

17 So given that and your consents, and having heard the parties, I
18 will now render an oral order on the application for videolink
19 testimony of the second expert witness, number 1253.

20 On January 7, 2022, the Court of Appeals Panel reversed in part
21 the decision of this Panel and allowed the testimony of the second
22 expert witness on a limited basis.

23 On 11 January 2022, in light of the appeal decision and the
24 indication of Mr. Cadman that the witness wishes to testify via
25 videolink, this Panel indicated that it will rule on the merits of an

1 earlier videolink application for this witness. That application was
2 F436.

3 The Registry assessment on the feasibility of this videolink
4 filing, F467, initially indicated that at least two Registry staff
5 must travel to Australia and the complex set of arrangements needed
6 to be put in place before any such link could be operational. The
7 Registry also highlighted that due to current travel restrictions in
8 place in Australia and local quarantine requirements, it may not be
9 able to send staff to the location of testimony unless an exemption
10 is granted.

11 This position was updated in court in 13 January when the
12 Registry indicated that they are exploring options of setting up
13 videolink with the involvement of local authorities only and without
14 the need for Registry staff to travel. This opinion, however, also
15 requires significant time to liaise with the competent authorities,
16 send the necessary equipment, find a suitable location, and ensure
17 the required environment for the videolink.

18 Mr. Cadman submits that the request for videolink is premised on
19 the current travel difficulties, the need of the witness to
20 quarantine upon his return, and his planned vaccination date. The
21 Panel notes that the witness has indicated that he cannot travel to
22 the Netherlands between 24 and 31 January, so there is no easy
23 solution in this case.

24 The Panel notes that under Rule 144(1), a decision whether to
25 allow videolink testimony is within the discretion of the Panel

1 provided that the venue chosen and the available technology meet the
2 requirements under that rule. The Panel understands that videolink
3 testimony should not be considered only on an exceptional basis.
4 However, the presence in this courtroom of a witness during testimony
5 should remain the preferred option.

6 Accordingly, when deciding whether to allow videolink testimony,
7 the Panel may consider a number of factors, such as the location,
8 personal and health situation, availability and security of the
9 witness, as well as the complexity and duration of any logistical
10 travel and other arrangements to be made.

11 For the present application, the Panel has weighed, on the one
12 hand, the witness's personal situation, travel difficulties, and
13 stated unavailability to travel to The Hague; and on the other hand,
14 the time it would take to get the necessary equipment to the other
15 side of the world, the arrangements for videolink with the assistance
16 of local authorities, the time difference, and the effect this would
17 have on the hearing schedule.

18 The Panel has also considered the delays that either of these
19 options could cause and the effect on the right of the accused to be
20 tried without undue delay. In particular, the Panel notes that the
21 first hearing day after January is 21 February, which would amount to
22 a three-week delay in finalising the Haradinaj case only because of
23 the unavailability of one witness.

24 Based on these considerations, the Panel finds that the most
25 reasonable option in this case is to have the second expert testify

1 through videolink or another form of online testimony. While it is
2 within the discretion of this Panel to order the witness to appear in
3 this courtroom, in this specific situation, given the travelling from
4 and to Australia is significantly more difficult than with other
5 countries, the Panel has opted not to do so.

6 At the same time, the Panel acknowledges the complexity of the
7 task before the Registry and the minimal amount of time it has to put
8 these measures in place.

9 For this reason, the Panel instructs as follows. The witness is
10 ordered to make himself available on 24 and 28 January between
11 8.00 a.m. and noon The Hague time, which is 5.00 p.m. and 9.00 p.m.
12 local time, at the place of residence of the witness in Australia.

13 The Panel knows that the witness has a vaccination plan for the
14 28th but this is the only other date available for the witness to
15 testify, so we expect that he will accommodate. This means that
16 hearings on 24 and 28 January will begin at 8.00 a.m. our time, we
17 will break for half an hour at 9.30 a.m., and then we will sit for
18 two hours, from 10.00 a.m. until noon.

19 I know this will be more difficult for the interpreters and
20 everyone involved, but the peculiarities of the situation demand some
21 flexibility on everyone's part. In the best case scenario, the
22 witness would be heard via videolink on both of these days in
23 accordance with Rule 144 and the Practice Direction on Videolinks.
24 But if the videolink cannot be set up by the 24th or the 28th, the
25 witness will be heard via Zoom.

1 The Panel is mindful that hearing a witness via Zoom departs
2 from the conditions under Rule 144 and the Practice Direction on
3 Videolinks. However, given the difficulties I mentioned earlier, the
4 parties' stated undertaking to keep private sessions to a minimum,
5 and the delays that any other options will lead to, the Panel finds
6 it appropriate to make an exception to Rule 144 in this specific
7 case.

8 The Panel notes that this course of action is not being objected
9 to, and the Panel is satisfied that the departure from the formal
10 requirements of Rule 144 does not cause prejudice to either party.
11 The Panel hopes, however, that at least the day of the 28th can have
12 the videolink ready for any private session or showing of
13 confidential documents.

14 In any event, the Panel directs the parties to share their
15 presentation queue with the witness via the Registry. To accommodate
16 such an option, the parties are instructed to send their presentation
17 queues to the Registry in due time before the beginning of their
18 cross-examination so that the Registry can share them with the
19 witness within the timeframe provided in the order on the conduct of
20 proceedings. This sharing will be done through secure file-sharing
21 tools.

22 The witness is ordered not to disclose any confidential
23 information from those documents and not to duplicate or share the
24 documents in any form with any third person. The Registry is further
25 directed to keep the Panel informed in the coming days about the

1 progress of the arrangements to be made. This can be done via e-mail
2 or phone calls to our legal officer.

3 The Panel is grateful to the Registry and the Australian
4 authorities for all their efforts.

5 And this concludes this oral order.

6 And now I have an oral order on the trial schedule. This will
7 deal with our schedule for the next two weeks.

8 The Panel expects to hear the following witnesses on the
9 following days.

10 Mr. Qalaj, who is Witness 1246, today, and, if need be, on
11 Monday, 17 January. If Mr. Qalaj's testimony finishes today, we will
12 not sit on Monday.

13 Ms. Myers, that is Witness 1252, on January 21. If her
14 testimony is not finished on that date, we will hear her on
15 24 January in the regular afternoon session, which will be extended
16 if need be to finish her evidence.

17 Mr. Reid, that is Witness 1253, on 24 January and 28 January
18 between 8.00 a.m. and noon as just ordered.

19 Mr. Gashi, that is Witness 1254, on 31 January.

20 And as I stated earlier, the Panel expects the parties to notify
21 us immediately through our legal officer in the event any changes
22 become necessary, and we sincerely hope there will be no changes.

23 The Panel will also request submissions from the parties in
24 relation to Rules 127, 133, 134, 135, 156, and 159(6). An order will
25 be issued probably next week. These submissions will be received in

1 writing or orally once the Defence case is closed and depending on
2 the progress made in the coming weeks.

3 Finally, an oral order concerning F517, filed by the Prosecution
4 on 12 January 2022.

5 This is an SPO notification and challenge under Rule 102(3).
6 Given that the filing concerns only one item and that the SPO
7 arguments are put forward in a concise manner, the Panel finds it
8 appropriate to shorten the deadline for the response of the Defence.

9 The Defence is accordingly ordered to respond to F517 by
10 Thursday, 20 January 2022. No replies will be entertained. And this
11 concludes the third order.

12 Mr. Cadman, you indicated you wanted to re-examine
13 Mr. Haradinaj. Please bear in mind you may be permitted to conduct a
14 redirect examination but only on matters arising in
15 cross-examination. This is what we said on paragraph 76 on our Order
16 of Conduct of Proceedings.

17 You may proceed.

18 MR. BOWDEN: Your Honour, may I briefly interrupt.

19 PRESIDING JUDGE SMITH: Oh, sure.

20 MR. BOWDEN: Only to say that my colleague Ms. Stephenson will
21 now have to leave at 10.30. So just to make the Panel ...

22 PRESIDING JUDGE SMITH: Thank you very much.

23 All right, Mr. Cadman.

24 WITNESS: NASIM HARADINAJ [Resumed]

25 [Witness answered through interpreter]

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1 Re-examination by Mr. Cadman:

2 Q. Good morning, Mr. Haradinaj.

3 A. Good morning.

4 Q. The Prosecution has repeatedly suggested in their
5 cross-examination of you that you seek to obstruct this Court. Now,
6 to be very clear, is your opposition to this Court or to the policy
7 of the Prosecution?

8 A. My opposition is only to the approach followed by the
9 Prosecution, not against the Court. The Court I see as legitimate,
10 regular.

11 Q. You have also said in your evidence, and this was challenged by
12 the Prosecution, that you want to see all persons prosecuted
13 regardless of who they are. Why is that important to you?

14 A. It is important because I think that everyone that has committed
15 a crime should be brought before justice. Why should they be
16 selected?

17 Q. I want to ask you, Mr. Haradinaj, if you are aware of an
18 incident that occurred on 28 February to 1 March 1998 in Cirez. Are
19 you aware of that incident that concerned the Sejdi family?

20 MR. HALLING: Objection, Your Honour. Irrelevant. It goes to
21 new matters on redirect.

22 PRESIDING JUDGE SMITH: Was this mentioned in any way during
23 cross-examination, Mr. Cadman, to your recollection?

24 MR. CADMAN: The Prosecution raised issues related to the
25 conflict during their cross-examination of Mr. Haradinaj. I'm

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1 perfectly entitled to put matters to him that concern the same
2 time-period.

3 PRESIDING JUDGE SMITH: You're going to have to state your case
4 a little more clearly as to what you're getting at with it.

5 MR. CADMAN: Certainly, Your Honour. And I will do so.

6 PRESIDING JUDGE SMITH: Before the question is asked, please.

7 MR. CADMAN: Your Honour, I'm going to be referring to a number
8 of incidents that occurred. I want to ask the witness whether he's
9 aware of them.

10 I'm conscious -- I don't want to give too much information
11 because it's, effectively, going to predict what --

12 PRESIDING JUDGE SMITH: Are you talking about just incidents,
13 the justness of the war?

14 MR. CADMAN: I'm asking if he's aware of certain incidents that
15 have occurred as part of the conflict. If the Prosecution is allowed
16 to put incidents related to the activities of the KLA, I should be
17 entitled to put incidents to him of which he may or may not be aware
18 of and whether he is aware that there has been any investigations
19 into those matters.

20 MR. HALLING: And, Your Honour --

21 MR. CADMAN: It goes to the very state of mind and the defence
22 that he has put forward in his evidence and in cross-examination.

23 MR. HALLING: -- we put no such incidents to the accused. And
24 if counsel has a reference to the contrary, we'd be very interested.

25 PRESIDING JUDGE SMITH: Some incident mentioned?

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1 MR. CADMAN: Your Honour, if the Prosecution is entitled to put
2 matters to the witness, to the defendant about activities of the KLA,
3 on whether he supports them, whether he thinks they should be
4 prosecuted, all I want to put to the witness is whether he is aware
5 of these incidents and whether to his knowledge these matters have
6 been investigated.

7 PRESIDING JUDGE SMITH: Well, I don't know what the next
8 question is going to be, but I will state that the justness of the
9 war is not related to the charges in this case. Serbian crimes
10 committed during that war are also not related to this case.

11 If you're asking questions on public interest, we gave you a
12 definition of that, and it does not include shedding light on Serbian
13 crimes during the war. It concerns shedding light on improprieties
14 in the context of cooperation between the SITF and the SPO and
15 Serbian authorities. But your client's belief whether any KLA member
16 may have committed a crime and whether that crime could be
17 legitimately investigated and prosecuted by the SITF or the SPO are
18 related to his *mens rea* and the charges. So that line of questioning
19 from the SPO was legitimate. Yours, if it's going to go to incidents
20 committed by the Serbs, are not part of this case.

21 MR. CADMAN: Your Honour, I'm not asking him to confirm whether
22 they were committed by Serbs. What I want to put to him is a number
23 of incidents that I'm going to ask him to look at the list of names
24 and I'm going to ask him whether he believes any of those individuals
25 on that list were involved in the commission of these crimes. That

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1 is a relevant question.

2 PRESIDING JUDGE SMITH: And what would be the basis of his
3 knowledge?

4 MR. CADMAN: Well, I can ask him if he's aware of that.

5 PRESIDING JUDGE SMITH: All right. I've told you the way we're
6 going to proceed. You can ask the question.

7 Please, Mr. Haradinaj, do not answer until Mr. Halling has an
8 opportunity to interpose any objection that he might have and then
9 I'll rule on it.

10 MR. CADMAN:

11 Q. Mr. Haradinaj, are you aware of an incident that occurred on
12 28 February to 1 March that has become known as the Cirez massacre?

13 PRESIDING JUDGE SMITH: You didn't say a year, Mr. Cadman.

14 MR. CADMAN: 1998.

15 Q. That has become known as the Cirez massacre. Before you answer,
16 I'm going to read out a list of dates because the question is the
17 same in relation to all of these dates.

18 On 1 April 1999 and on 25 May 1998, in two separate incidents
19 known as the Ljubenic massacre; on 15 January 1999, which has become
20 known as the Recak massacre; on 5 March 1999, an attack on Prekaz in
21 which Serb forces killed Adem Jashari and 60 members of his family;
22 and then on 27 April 1999, what has become known as the Meja massacre
23 in which 300 Albanians are suspected to have been killed by Serb
24 forces.

25 Can I ask you turn to the list of names --

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1 PRESIDING JUDGE SMITH: Excuse me. First you ask him was he
2 aware of those dates. Let's get an answer to that first.

3 MR. CADMAN: Certainly.

4 PRESIDING JUDGE SMITH: Just "yes" or "no."

5 MR. CADMAN:

6 Q. With a "yes" or "no" answer, Mr. Haradinaj, are you aware of
7 those incidents that I've just read out?

8 MR. HALLING: Your Honour, at this point we would interpose an
9 objection. Irrelevant, going to crimes during the conflicts, also a
10 leading question the way that it was phrased by counsel.

11 PRESIDING JUDGE SMITH: I'll take the answer. Did he say "yes"?
12 Have you answered?

13 THE ACCUSED HARADINAJ: [Interpretation] Yes, I am aware --

14 PRESIDING JUDGE SMITH: No, that's all. That's all.

15 THE ACCUSED HARADINAJ: [Interpretation] Yes, I am aware.

16 PRESIDING JUDGE SMITH: Now you may ask your question.

17 MR. CADMAN:

18 Q. Can you look at the list of names, and without mentioning those
19 list of names, can you tell me whether you believe that any of those
20 persons on that list have been involved in any of those massacres.

21 MR. HALLING: Objection. Irrelevant, goes to matters beyond the
22 scope of cross-examination.

23 PRESIDING JUDGE SMITH: Objection sustained.

24 MR. CADMAN:

25 Q. In these proceedings, Mr. Haradinaj, you've heard the evidence

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1 of a Prosecution witness, Ms. Zdenka Pumper, where she confirmed to
2 this Court that the Prosecution is not investigating
3 Serbian-perpetrated crimes. Can I ask you to confirm how that makes
4 you feel?

5 A. Not only myself but everyone in Kosovo, and I hope not only
6 Albanians, but those who are in favour of justice feel bad, the Serbs
7 and other nationalities, because victims are from all ethnicities.

8 Q. Can I ask you to confirm that during September 2020, were you
9 aware that any of those incidents were being investigated?

10 MR. HALLING: Objection, irrelevant.

11 PRESIDING JUDGE SMITH: Overruled. You can answer that.

12 THE ACCUSED HARADINAJ: [Interpretation] No, I was not aware.
13 And I still think that no investigation is being conducted.

14 MR. CADMAN:

15 Q. And, Mr. Haradinaj, when you saw those names, some of those
16 names in the material that you saw in September 2020, how did that
17 make you feel?

18 A. I immediately remembered the justice at the time of Milosevic
19 and I knew immediately that we didn't stand a chance. And I thought
20 that it was politically affected as well. And this is what I felt
21 then. That's why I reacted the way I reacted.

22 Q. And can you confirm, based on what you've just said, if that was
23 the reason -- or if it was the -- was it the public interest in what
24 you've just said that caused you to take the action that you've
25 taken?

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1 MR. HALLING: Objection, leading.

2 PRESIDING JUDGE SMITH: It is leading. Just ask him a question.
3 Let him answer himself.

4 MR. CADMAN:

5 Q. Based on what you've just said, Mr. Haradinaj, and based on what
6 you saw, what was your reason for taking the action that you took?

7 A. Mr. Lawyer, whatever I did, and I'm being charged with, and the
8 reason why was only to ensure transparency and public interest.
9 Nothing more. And to show how I felt as a veteran and as a member of
10 the public. After all, I have contributed to these people, to
11 democracy, and when I see that they are being violated, that was the
12 incentive why I did it. Transparency and public interest and the
13 one-sided approach followed by this Prosecution office.

14 Q. The Prosecution put to you yesterday that you had published this
15 material. And my question to you is did you publish any of the
16 material that was brought to your offices in September 2020?

17 A. Mr. Lawyer, I regret to speak to you about this as well, but
18 probably you didn't hear. I mentioned this for two days, that never
19 in -- never did I publish anything, did I -- never did I take photos
20 of these with my phone, of these documents.

21 Q. Now, yesterday when you were being cross-examined on that point,
22 there was -- let me ask you it this way. Do you consider there to be
23 a distinction between publish and publicise?

24 A. Yes, it depends on the context that you mention it.

25 Q. And the phrase that you used, can I ask whether you used the

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1 phrase publicise or publish?

2 MR. HALLING: Objection, vague. We don't know what context the
3 witness would be saying which of these words.

4 PRESIDING JUDGE SMITH: You might flesh that out a little bit.
5 I'll sustain the objection as asked.

6 MR. CADMAN:

7 Q. The reference that was put to you yesterday, you used the term
8 in that interview "publicise." Again, do you consider that to be
9 different than publishing?

10 MR. HALLING: Your Honour, apologies. Mr. Haradinaj said a lot
11 of things. We don't know what specific video the Haradinaj Defence
12 right now is referencing. We'd like a reference.

13 MR. CADMAN: I'll move on.

14 PRESIDING JUDGE SMITH: You required them to be specific, I
15 think you should --

16 MR. CADMAN: I'll move on.

17 PRESIDING JUDGE SMITH: -- do the same.

18 MR. CADMAN: I'll move on.

19 Q. Now, the question was put to you yesterday towards the end of
20 your cross-examination about whether you would do this again. Now,
21 let me ask you this: If you were provided with material that you
22 considered was in the public interest, would you do the same again?

23 A. That's why I told the Prosecutor when he asked me whether I'm
24 going to do that again -- I don't know whether these things that
25 happened are in the public interest. If they are, then I consider it

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1 my duty as a citizen. That's why when the Prosecutor asked me
2 whether I was going to do the same, I can't say -- can't speak about
3 things that might happen in the future. In two years, for example.
4 If it is in the public interest, of course. It is our duty as a
5 citizen. It's a moral obligation to ensure transparency and to
6 protect public interest. I think our -- obligatory in the moral
7 sense.

8 Q. And would you disclose details of witnesses?

9 A. No, never, because that's not our job. It's not our duty. For
10 us, it was in the public interest and in our own interest only to
11 speak about what happened, what we received, not what they contained.

12 Q. Thank you, Mr. Haradinaj. I don't have any further questions
13 for you at this time, unless the Panel has questions for you now?

14 PRESIDING JUDGE SMITH: [Microphone not activated].

15 THE INTERPRETER: Microphone, please.

16 MR. BOWDEN: No questions resulting from that, Your Honour.

17 PRESIDING JUDGE SMITH: Thank you.

18 I believe we're finished.

19 Nothing?

20 MR. HALLING: Nothing further, Your Honour.

21 PRESIDING JUDGE SMITH: All right.

22 All right, Mr. Haradinaj. You are finished with your testimony.
23 You may take your previous seat back in the courtroom.

24 THE ACCUSED HARADINAJ: [Interpretation] Thank you.

25 [The witness withdrew]

1 PRESIDING JUDGE SMITH: Mr. Cadman, something you want on the
2 record? Oh, okay. They have to clean the desk up first, so we might
3 as well just sit down and wait a bit.

4 MR. CADMAN: All I was going to say, Your Honour, is I might
5 need just five minutes just to reformat the statement, because of
6 some of the changes, for the next witness. But I can do that whilst
7 he's -- whilst he's --

8 PRESIDING JUDGE SMITH: That's fine, go ahead.

9 MR. HALLING: Your Honours, during the transition, there was one
10 small procedural item that we could put on the record, if you would
11 like.

12 PRESIDING JUDGE SMITH: All right. Mr. Halling, you had
13 something?

14 MR. HALLING: Thank you, Your Honour. This is in relation to
15 DW1252, which is the expert witness currently scheduled to testify on
16 21 January 2022. On the way the trial schedule is unfolding, it's
17 very important that she start and finish that day. We might have
18 objections to the admissibility of certain exhibits depending on
19 whether they are tendered. And in the interest of having that day
20 move as efficiently as possible, we were wondering if the Haradinaj
21 Defence could be directed to provide an indication of which of their
22 exhibits they're intending to tender with that witness in advance.

23 PRESIDING JUDGE SMITH: Can you do that, please, Mr. --

24 MR. CADMAN: We'll indicate by Monday precisely which ones we're
25 going to be tendering.

1 PRESIDING JUDGE SMITH: Excellent. Thank you. Thank you for
2 your cooperation.

3 MR. HALLING: Thank you.

4 MR. CADMAN: And just one point on this statement, it appears
5 that the original statement was in the Gucati presentation queue, so
6 it has a DHG number rather than a DNH number.

7 PRESIDING JUDGE SMITH: You mean Mr. Qalaj's?

8 MR. CADMAN: Yes. I'm just trying to identify what the
9 reference is for the Albanian version just so that we can get it to
10 the witness.

11 MS. BOLICI: I can help with that, Mr. Cadman. It's the
12 document with the ERN number DHG0148 to DHG0150.

13 PRESIDING JUDGE SMITH: Mr. Cadman, are you ready?

14 MR. CADMAN: Yes.

15 PRESIDING JUDGE SMITH: The Court Usher will bring in the next
16 witness.

17 Mr. Cadman, just a moment. The next witness has asked if he
18 could bring his statement. I assume you have a copy of his
19 statement.

20 MR. CADMAN: I do.

21 PRESIDING JUDGE SMITH: And he wants to bring notes with him.

22 MS. BOLICI: Your Honour, we were not notified in advance of any
23 request to bring notes.

24 PRESIDING JUDGE SMITH: No.

25 MS. BOLICI: We were not provided the notes as it -- instead the

1 Prosecutor had to do in case a witness wanted to bring notes.

2 PRESIDING JUDGE SMITH: I don't think he needs the notes.

3 MR. CADMAN: I am not aware of what notes he wants to bring.

4 PRESIDING JUDGE SMITH: I don't either. So we are not going to
5 bring notes in because we don't know what they are. He does not need
6 to bring anything.

7 [The witness entered court]

8 PRESIDING JUDGE SMITH: Mr. Cadman, you can sit down for the
9 time being.

10 Mr. Qalaj, you can take your mask off and put your headset on.
11 Can you hear?

12 THE WITNESS: [Interpretation] Yes.

13 PRESIDING JUDGE SMITH: The Court Usher will now provide you
14 with the text of the solemn declaration which you will be asked to
15 take pursuant to Rule 141(2) of our Rules of Procedure.

16 Please proceed. Say it aloud.

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

21 WITNESS: RASHIT QALAJ

22 [Witness answered through interpreter]

23 PRESIDING JUDGE SMITH: Thank you. Please be seated.

24 I'll be a while yet, Mr. Cadman. We will deal his statements as
25 we go along under Rule 154.

1 Mr. Qalaj, today we will hear your testimony. As you know,
2 Mr. Cadman will go first and he will ask you questions about your
3 statement and the changes you have made to it. Then the Court will
4 issue a brief order regarding your statement and the addendum. And
5 once that is done, the admitted part of your testimony, with the
6 changes, will be read into the record.

7 Then Mr. Cadman might ask you some other questions if he has
8 any.

9 Next, the lawyers representing Mr. Gucati may ask some questions
10 as well. Then it will be the Prosecution's turn. Members of the
11 Panel might also ask you some questions. Mr. Cadman estimates that
12 his examination will last 15 minutes. The Gucati Defence estimates
13 30 minutes. The Prosecution may take up to two hours.

14 The Panel may allow re-examination by the Defence if the
15 conditions for that are met.

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

21 Please also speak into the microphone and wait five seconds,
22 approximately, before answering a question. And speak at a slow pace
23 so that the interpreters can catch up.

24 While you are giving evidence in this court, you are not allowed
25 to discuss with anyone the content of your testimony. If any person

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1 asks you questions outside this court about your testimony, please
2 let us know.

3 Mr. Cadman, please first ask the witness if his statement with
4 the changes made accurately reflects what he would say in court and
5 then offer the statement and the addendum for admission. The Panel
6 will render an order, and then you can read what is admitted, and we
7 can continue with the examination.

8 You have the floor.

9 MR. CADMAN: Thank you, Your Honour.

10 Can I ask that the Albanian version of the statement is made
11 available to Mr. Qalaj so he can see that. That is DHG0148. And in
12 the English version, that is DHG0181 to DHG0183.

13 Examination by Mr. Cadman:

14 Q. Mr. Qalaj, can I ask you to confirm, if you can see that,
15 whether that is your statement.

16 A. I don't have it in front of me.

17 Q. If you just hold on for one moment.

18 MR. CADMAN: I do apologise, Your Honour. Your Honour, the
19 addendums were put into the presentation queue yesterday. It's my
20 fault entirely for not checking that the actual statement --

21 PRESIDING JUDGE SMITH: We don't have the document?

22 MR. CADMAN: It doesn't appear to be accessible. We have the --
23 I think it's still in the Gucati presentation queue, but it hasn't
24 been put into this presentation queue for some reason.

25 THE COURT OFFICER: Can you clarify which presentation queue

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1 exactly, for which witness?

2 MR. CADMAN: So we've got -- the reference to it is DHG. And
3 the reference that Ms. Bolici helpfully gave us before we started is
4 the Albanian version. Sorry, not DHG, DGH.

5 PRESIDING JUDGE SMITH: May I ask is there a paper copy of
6 these?

7 MR. CADMAN: We'll make --

8 PRESIDING JUDGE SMITH: Is it possible, Viki, that we have him
9 identify a paper copy and then have that admitted in some way?

10 [Trial Panel and Court Officer confers]

11 MR. CADMAN: Your Honour, it may take ten minutes for us do
12 that.

13 PRESIDING JUDGE SMITH: [Microphone not activated].

14 MR. CADMAN: I do apologise, Your Honour.

15 PRESIDING JUDGE SMITH: We'll step aside for ten minutes. We're
16 adjourned.

17 [The witness stands down]

18 --- Recess taken at 10.22 a.m.

19 --- On resuming at 10.39 a.m.

20 PRESIDING JUDGE SMITH: Ready to proceed?

21 MR. CADMAN: And just to say the matters are being put into
22 the -- a separate presentation queue as we speak so they will be
23 available, but we now have copies to be made available to Mr. Qalaj.
24 I'm grateful for the time and I'm grateful for Mr. Bowden as well.

25 PRESIDING JUDGE SMITH: And can we take some positive steps so

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1 that this kind of thing doesn't continue to happen.

2 MR. CADMAN: We will.

3 PRESIDING JUDGE SMITH: Thank you. I mean, you have a lot of
4 staff here. Somebody can be in charge of this.

5 Go ahead.

6 [The witness takes the stand]

7 PRESIDING JUDGE SMITH: Thank you for your patience, Mr. Qalaj.
8 And am I saying your name correctly, Qalaj? Okay, thank you.

9 All right, Mr. Cadman. You can proceed.

10 MR. CADMAN: Thank you.

11 Q. Mr. Qalaj, can I ask you whether you can now see your statement?

12 A. No. Yes.

13 Q. Can I ask you to confirm that that is your statement.

14 A. Yes, I can confirm that this is my statement.

15 Q. Can I ask you to turn to the last page of your statement and
16 confirm that that is your signature.

17 A. I can confirm that this is my statement -- that this is my
18 signature, sorry.

19 MR. CADMAN: Can I ask that the witness be shown DNH0981, which
20 is the addendum.

21 Q. Can I ask you to confirm, once you're able to see that, whether
22 those are the changes that you've indicated should be made to the
23 first statement that you've just confirmed?

24 A. Yes, I confirm.

25 Q. Can I confirm that that is your signature at the bottom of that

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1 page?

2 A. It is my signature.

3 MR. CADMAN: Your Honour, pursuant to Rule -- perhaps I should
4 ask one further question.

5 Q. Mr. Qalaj, can I confirm that that is the evidence that you wish
6 to give before this Court today?

7 A. Yes, I confirm that this is the statement I wish to give today.

8 Q. And can I confirm that the contents of that statement and that
9 addendum are matters that are true to your knowledge or belief?

10 A. I confirm that the contents of this statement is true to the
11 best of my knowledge and belief.

12 MR. CADMAN: Your Honour, pursuant to Rule 154, we seek to admit
13 that statement.

14 MS. BOLICI: Your Honour, thank you. The SPO had previously
15 objected to paragraph 20 to 22 of the original statement. I see now
16 that part of paragraph 22 has been transposed in paragraph e) of the
17 addendum with ERN number DNH0980.

18 The objection still stands for two reasons. First of all, the
19 paragraph, as it's written now, it's not intelligible. It starts
20 with "I have requested the same thing," but without the first
21 sentence being in the statement now, it's not clear what "the same
22 thing" is.

23 And secondly, on the substance of the paragraph, this witness's
24 opinion as to the optimal degree of participation of the Kosovo
25 police to SPO arrest operation is of no relevance to this trial. And

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1 the witness is not an expert witness and provides no factual basis
2 for his assertions. Thank you.

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

4 The Panel notes that the SPO did object yesterday and has
5 reiterated their objection today to paragraphs 20 through 22. The
6 Haradinaj Defence does not wish to rely on these paragraphs save for
7 the last bracketed sentence in paragraph 22.

8 The Panel reiterates its finding in F470, that the evidence of
9 Mr. Qalaj appears to be being put forth as being relevant to the
10 claim of entrapment advanced by the Defence. And without prejudice
11 to the question of the availability of an entrapment defence under
12 the applicable legal regime, the Panel considers that the statement
13 and the addendum would be relevant to that issue.

14 In this regard, the Panel observes that the last bracketed
15 sentence, as has been pointed out by the Prosecution, only makes
16 sense in conjunction with the rest of that paragraph. That's as to
17 paragraph 22. The Panel also notes that paragraph 22 loosely relates
18 to what is said in paragraphs 13 and 17 of the statement and may for
19 this reason be marginally relevant to these proceedings.

20 For these reasons, the Panel rejects the SPO objection to
21 paragraph 22. The Panel notes that Mr. Qalaj is present in court and
22 available for cross-examination and questioning by the Panel. He
23 also attested to the written statement and the addendum accurately
24 reflects what he would say in court.

25 The Panel, therefore, admits the written statement of Mr. Qalaj

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1 in evidence under Rule 154 except as to paragraphs 20 and 21. The
2 Panel also admits the addendum in its entirety under Rule 154.

3 Madam Court Officer, please assign the exhibit numbers to these
4 items and state them on the record.

5 THE COURT OFFICER: Your Honours, the statement DHG0148 will be
6 Exhibit 2D3. And the addendum with number DNH0980 will receive
7 Exhibit 2D4.

8 PRESIDING JUDGE SMITH: So 2D3 and the addendum, 2D4, are
9 admitted in evidence.

10 Mr. Cadman, I note that the statement contains the address and
11 some background information on the witness. Do you wish this
12 statement to be, nevertheless, public, or can you prepare a public
13 redacted version?

14 MR. CADMAN: We will prepare a public redacted version today.

15 PRESIDING JUDGE SMITH: The Haradinaj Defence is ordered to
16 disclose through Legal Workflow by 20 January 2022 a public redacted
17 Albanian and English version of the statement so that they can also
18 be recorded as the same exhibits and marked as redacted.

19 The addendum shall be public. There is none of that information
20 in the addendum.

21 Mr. Cadman, you may now read the admitted parts of the statement
22 into the record. Then you can ask any further questions if you have
23 any.

24 MR. CADMAN: I'm grateful, Your Honour. Mr. Buckley will be
25 reading out the statement.

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1 PRESIDING JUDGE SMITH: Thank you.

2 Mr. Buckley, you have the floor.

3 MR. BUCKLEY: I'm grateful, Your Honours.

4 The statement reads as follows.

5 I, Rashit Qalaj, date of birth 15/08/1968 will say as follows.

6 I was born in Mirash, Ferizaj, Kosovo.

7 I won't read out the address, Your Honour.

8 I've been a member of Kosovo police from 2000 until 14 January
9 2021. During this time, I held different positions such as patrol
10 officer, shift supervisor with the rank sergeant, officer in
11 operations, police station commander, head of regional operations,
12 deputy regional director, regional director, director of the KP
13 operations department, as well as general director of the Kosovo
14 police.

15 I participated in the KLA.

16 I do not know Mr. Nasim Haradinaj personally but he was a public
17 figure and we all know him as such.

18 No, I have never been summoned as a suspect or witness for
19 interview by the ICTY OTP, EULEX, or SPO.

20 During the period August 2018 to October 2020, I was general
21 director of the KP.

22 In relation to the leak of documents from the SPO, I have
23 personally been informed by the director of investigations department
24 in the Kosovo Police (because I was out of the country). Whereas the
25 police (investigators) of the KP, after hearing from the media that

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1 there were documents/files which might pertain to the cases of the
2 prosecution/special court in The Hague being delivered to the KLA War
3 Veterans Association, went to the offices of the association,
4 contacted the officials of the association, and met them. In the
5 meeting, the KP investigators were informed that the unknown
6 person/persons have delivered to the offices of this association
7 documents/files that were suspected of belonging to the
8 Prosecution/Special Court in The Hague. This is the reason why the
9 officials of the KLA association asked the KP investigators to
10 cooperate and proceed/investigate the case and identify the person
11 that kept delivering files to the association offices, as well as to
12 manage these files.

13 Following the request of officials at the KLA association to the
14 KP investigators to initiate a case related to the files, there was
15 communication with Special Prosecution Office in Prishtine whether
16 the Kosovo police should proceed this and initiate a case related to
17 the files. The Prosecution Office in Prishtine said that this case
18 is under the competences of the Specialist Prosecution Office in The
19 Hague and that Kosovo authorities cannot investigate this case
20 without a request from the Specialist Prosecution Office in
21 The Hague.

22 There's a typo in paragraph 9, Your Honour. It reads "obody."
23 I'm presuming it's meant to mean "nobody." So with your leave, I'll
24 read "nobody" on that word.

25 Nobody asked the Kosovo police --

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1 PRESIDING JUDGE SMITH: [Microphone not activated].

2 MS. BOLICI: Your Honour, my statement reads "nobody" actually.

3 MR. BUCKLEY: Ah. It may simply be a formatting issue on my
4 statement, Your Honour.

5 PRESIDING JUDGE SMITH: Go ahead.

6 MR. BUCKLEY: Nobody asked the Kosovo police to deal with
7 investigation of this case, whereas regarding the Special
8 Prosecution, I do not know and I am not competent to talk about them.

9 We, the KP, received instructions from the Kosovo Special
10 Prosecution Office not to deal with this case.

11 Following the information by the local prosecution office in
12 Prishtine that Kosovo police cannot proceed with this case unless the
13 authorities in The Hague request, the Kosovo police stopped
14 collecting information and identifying persons suspected of bringing
15 the files to the association.

16 The CCTV in the surrounding area cannot be inspected without a
17 court order.

18 No investigative actions took place because we had not been
19 authorised to take such action by the prosecution.

20 Kosovo police, as per the request of the war associations,
21 increased mobile patrolling in that area during the administrative
22 working hours from 0800 to 1600.

23 I do not know who informed the SPO following the three press
24 conferences.

25 As far as I know, nobody from the Kosovo police has ever been

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1 present inside the WVA offices or the SPO office in Prishtine with
2 the SPO officers.

3 The reason why the KP did not get the documents is because the
4 Kosovo Special Prosecution Office did not authorise us to initiate
5 investigation.

6 The Kosovo police was not inside during the raid, but it
7 provided security outside (outer perimeter) of the building because
8 the raid was carried out by special units of EULEX and SPO
9 investigators.

10 After the third drop-off of documents, the KP received a request
11 from the war associations to secure their offices, but the KP secures
12 only state buildings of special importance such as: The Office of
13 the President, government, ministries and some buildings of Serbian
14 Orthodox cultural and religious heritage.

15 I think that authorities in The Hague should have engaged the KP
16 to carry out all arrests and raids because I think that the KP is
17 very professional in carrying out tasks and implementing the law (I
18 have requested the same thing from the head of operations at the
19 executive branch of EULEX, as well as the head of EULEX mission, and
20 I have requested that they convey this request to SPO authorities in
21 The Hague while I was director).

22 I am willing to go to court in The Hague to give evidence.

23 And then Mr. Qalaj's signature.

24 Your Honour.

25 PRESIDING JUDGE SMITH: Thank you, Mr. Buckley.

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1 MR. CADMAN: Just a couple of questions of clarification, if I
2 may, Your Honour.

3 PRESIDING JUDGE SMITH: Go ahead.

4 MR. CADMAN: Just to be clear, there is no requirement to read
5 the addendum, because obviously the amendments are made to the
6 statement which has been read into --

7 PRESIDING JUDGE SMITH: Yes, he made the changes, we understand,
8 yes.

9 MR. CADMAN:

10 Q. Mr. Qalaj, in your statement you refer to the SPO in Prishtine
11 communicating with the Kosovo police. Can you confirm who, to the
12 best of your knowledge, in the SPO communicated to the Kosovo police?

13 MS. BOLICI: Objection, Your Honour. Could the counsel refer to
14 the specific paragraph.

15 MR. CADMAN: Paragraph 8.

16 THE WITNESS: [Interpretation] The investigators who were present
17 at the WVA offices after the officials of this organisation asked
18 them, they initially contacted the Kosovo police through their chain
19 of command and then they contacted the special prosecutor of Kosovo,
20 the acting special prosecutor of Kosovo. And we received from him
21 the instruction that the Kosovo police cannot investigate this case
22 because this is being investigated by the Specialist Prosecutor's
23 Office in The Hague.

24 MR. CADMAN:

25 Q. And without mentioning the names of the SPO investigator that

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1 you just mentioned, do you know the name of the investigator who
2 communicated that information?

3 A. Of course. I know the name of the investigator and of the
4 prosecutor.

5 MR. CADMAN: Your Honour, we may need to go into private session
6 so that that question can be answered. I appreciate the
7 difficulties. Perhaps --

8 PRESIDING JUDGE SMITH: [Microphone not activated]. You're not
9 going to show him anything. You're going to ask a question about a
10 name?

11 MR. CADMAN: Certainly we can -- we can have the name written
12 down so we don't know the -- well, I would have to ask him if -- if
13 that's the name -- if that's the investigator. It puts us in
14 difficulty without me being able to ask the question without
15 prompting the witness, Your Honour.

16 PRESIDING JUDGE SMITH: Judge Guénaël, do you still have the
17 transcript coming up?

18 JUDGE METTRAUX: [via videolink] Yes, I do, Your Honour. One
19 alternative way would be for counsel to ask the witness to write the
20 name himself on a piece of paper [overlapping speakers] ...

21 PRESIDING JUDGE SMITH: Yes. Yes, that might be the simplest
22 method to do. Just ask the witness to write the name down.

23 MR. CADMAN: Yes. Perhaps he can be given a pen and paper.

24 PRESIDING JUDGE SMITH: We need a piece of blank paper that we
25 can then mark for identification and admit.

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1 MR. CADMAN: Exactly.

2 PRESIDING JUDGE SMITH: If there is more than one question, tell
3 him to keep the paper and answer to both. Leave it with him for now.

4 MR. CADMAN: [Overlapping speakers] ... can keep the piece of
5 paper for a moment.

6 Q. And staying with paragraph 8 of your statement, can you confirm
7 that those persons told the Kosovo police not to investigate?

8 A. In fact, referring to paragraph 8 of my statement, the WVA
9 officials asked the Kosovo police to investigate, so to initiate the
10 case and then for it to be investigated by the Kosovo police. And
11 the response we got after the consultation of the director of
12 investigations with the special prosecutor, the answer was that the
13 Kosovo police will not -- should not investigate because this is a
14 competence -- this is in the power of the Specialist Prosecutor's
15 Office in The Hague.

16 Q. And can I ask you to confirm that the communication that you've
17 just mentioned came from the same names that you've just written
18 down?

19 A. Yes, of course.

20 Q. Turning to paragraph 10 of your statement. Can I ask you to
21 confirm where you mention the Specialist Prosecutor's Office giving
22 instructions, was that from the same names that appear on that list?

23 A. Yes, that's correct. All the instructions that came from the
24 Special Prosecutor's Office were conveyed to our office, to the
25 Kosovo police, and then we conveyed that to the WVA.

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1 Q. And turning to paragraph 11 of your statement, where you say:
2 "Following the information by the local prosecution office in
3 Prishtine ..."

4 Can you confirm who you mean when you say "local prosecution
5 office in Prishtine"?

6 A. I mean the Special Prosecution Office in Kosovo.

7 Q. And can I ask you to confirm whether the information that you're
8 referring to in paragraph 11 is from the same individuals on the
9 piece of paper?

10 A. I confirm that.

11 Q. And can I ask you to confirm how you came to be aware of that
12 information?

13 A. I mentioned in my statement that from the 7th to the 13th
14 September, I was on holiday outside the country, I was abroad, but I
15 was informed by the director of investigations of all these
16 developments.

17 Q. Can I ask, on a general level, whether you have had the occasion
18 to work with international forces in Kosovo and outside of Kosovo
19 previously?

20 A. From the moment I became a policeman with the Kosovo police,
21 initially the Kosovo police was led by the UNMIK mission. And until
22 the last two or three years, we worked closely with international
23 missions in Kosovo. Initially with the UNMIK police in Kosovo, and
24 then other colleagues from the EULEX mission. We also worked closely
25 with KFOR forces, which are the military force, that is, in Kosovo at

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1 the moment.

2 Q. And bearing in mind that experience, has it occurred or is it
3 normal for you to be directed not to investigate a matter of this
4 kind?

5 A. No. Even in the past, in the first years when the Kosovo police
6 was just set up, there were cases when UNMIK police was investigating
7 cases exclusively, because at that time, the Kosovo police did not
8 have the capacities to deal with those cases. But from the
9 proclamation of independence and on, it was the Kosovo police that
10 dealt with the cases in cooperation with our foreign colleagues.
11 This was the first time that the Kosovo police did not have any
12 communication whatsoever with the KSC in The Hague.

13 Q. I'm grateful, Mr. Qalaj. I don't have any further questions for
14 you.

15 PRESIDING JUDGE SMITH: [Microphone not activated].

16 The document needs to be signed by him and dated and then
17 offered.

18 Please show Mr. Bowden and then Ms. Bolici.

19 [Trial Panel and Court Officer confers]

20 PRESIDING JUDGE SMITH: Just so everyone knows, they will now
21 scan this into the system. It should be available within minutes.

22 Please assign a number to it.

23 THE COURT OFFICER: Your Honour, the document marked by the
24 witness in court will receive Exhibit 2D5.

25 PRESIDING JUDGE SMITH: [Microphone not activated].

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1 THE COURT OFFICER: The document marked by the witness in court
2 will received Exhibit 2D5.

3 PRESIDING JUDGE SMITH: 2D5 is admitted in evidence.

4 MR. CADMAN: I do actually have one final question, Your Honour,
5 if I may.

6 Q. Mr. Qalaj, having seen the two names written down, just to
7 confirm, they are from the Kosovo Special Prosecutor's Office in
8 Prishtine; is that correct?

9 A. No. The first names are the policemen who went to the WVA
10 premises, while the third name is the name of the prosecutor that was
11 contacted in relation with this case.

12 Q. And to the best of your knowledge, are you aware of who they
13 received those instructions from?

14 A. The policemen received the instructions from the director of
15 investigations who contacted the special prosecutor, the prosecutor
16 from the Special Prosecution Office in Kosovo, and he gave them those
17 instructions.

18 Q. And can you confirm the date on which those instructions were
19 given?

20 A. The instructions were given on 8 September 2020.

21 Q. And, finally, during this period of time whilst you were still
22 serving in the Kosovo police, did you have any contact with the
23 Specialist Prosecutor's Office here in The Hague or any member of
24 their staff in Prishtine?

25 A. Just to clarify. I had several meetings with our international

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1 partners, with ICITAP, OSCE and the leader of the EULEX mission in
2 Prishtine, and among the other topics we discussed was the KSC in
3 The Hague, and I always asked whether -- if there was a decision on
4 the -- the Kosovo Specialist Chambers, if they had any decision
5 regarding an arrest or any other matter, the Kosovo police should be
6 engaged. Because the Kosovo police is the only institution in the
7 Republic of Kosovo that implements the law, enforces the law and the
8 decisions of the Kosovo courts. So considering that the Office of
9 the Specialist Prosecutor here in The Hague and the court here are
10 institutions of Kosovo, I asked those things on the basis that they
11 are institutions of Kosovo. And during that time, I did not have any
12 contact, not a single contact, no telephone communication, no written
13 communication, with them. The only communication that there was was
14 one day after Mr. Haradinaj was arrested, on 26 September, and that
15 was by telephone.

16 Q. And that was the only contact you had with this office during
17 the entirety of these matters during September 2020?

18 A. Yes, I confirm. That was the only contact. And that telephone
19 call was to thank us for the cooperation offering our assistance --
20 assisting them on the 25th when Kosovo police was called to manage
21 the crowd that has gathered in front of the offices of the WVA.

22 Q. Thank you, Mr. Qalaj.

23 MR. CADMAN: I have no further question, Your Honour.

24 PRESIDING JUDGE SMITH: Thank you.

25 Mr. Bowden.

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1 MR. BOWDEN: Your Honour, if I could just ask two matters to
2 clarify, please.

3 Cross-examination by Mr. Bowden:

4 Q. Mr. Qalaj, in relation to the communication, what was that
5 communication? Was it a telephone call, an e-mail? How did that --
6 how was it communicated?

7 A. Do you mean the telephone call on the 26th? That was a
8 telephone call.

9 Q. My apologies. On 8 September, when the communication was made
10 between the specialist prosecutor's office in Prishtine and the
11 director of investigations, what method of communication was there?

12 A. It was a telephone communication, as in other cases. Initially,
13 the police communicates by telephone with the prosecutors, but
14 because this was a very sensitive case, the director of
15 investigations contacted the prosecutor -- acting prosecutor at the
16 Special Prosecution Office.

17 Q. So all the communications were by telephone?

18 A. Yes, correct.

19 Q. If I could also ask you to clarify in relation to paragraph 11
20 of your statement. The second -- the final sentence begins saying:

21 "Also, a few days later, we had been informed that the
22 Specialist Prosecutor's Office in The Hague has authorised
23 investigators of the specialist prosecution office to conduct
24 investigations into -- in relation to this case and that the Kosovo
25 police should not proceed with this case."

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1 Do you know who from the specialist prosecution office -- sorry.
2 Was there a name identified as from the Specialist Prosecution Office
3 in The Hague who had give that instruction?

4 A. I think this was removed from my statement yesterday and it's
5 not part of the statement anymore.

6 Q. So was there -- you've named one individual who there was
7 communication with at the local office in Prishtine. Was there
8 another individual in The Hague who was communicating with the Kosovo
9 police?

10 A. I'll repeat again. There was no case when the Kosovo police
11 communicated with any officials here in The Hague. Except
12 26 September, when I received a call on my telephone.

13 Q. So when you say a few days later you were informed, this was by
14 the same individual that you've already written the name down?

15 A. Yes, yes.

16 MR. BOWDEN: Nothing further, Your Honour.

17 PRESIDING JUDGE SMITH: Thank you, Mr. Bowden.

18 Ms. Bolici. Just for guidance, we'll go to 11.30 and then we'll
19 take a break.

20 MS. BOLICI: That's fine, Your Honour. Thank you.

21 Cross-examination by Ms. Bolici:

22 Q. Mr. Qalaj, good morning. My name is Valeria Bolici. I will be
23 putting you some questions.

24 First of all, a fundamental clarification.

25 MS. BOLICI: I would like to show to the witness paragraph 10 of

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1 his statement, which is on page DHG0182, which is already on the
2 screen.

3 Q. The statement reads:

4 "We, the Kosovo police, received instructions from the Kosovo
5 Special Prosecution Office not to deal with this case."

6 When you say here, Mr. Qalaj, "Kosovo Special Prosecution
7 Office," you are not referring to the SPO; is this correct?

8 A. No, I mean the specialist prosecution office of the Republic of
9 Kosovo located in Prishtine.

10 Q. And for everybody's clarity, Mr. Qalaj, you are referring to a
11 prosecution office which also goes by the abbreviation SPRK, which
12 has nothing to do with the Kosovo Specialist Chambers; is this
13 correct?

14 A. Yes, that's correct.

15 Q. In paragraph 11 of your statement, which also reads:

16 "Following the information by the local prosecution office in
17 Prishtine that the Kosovo police cannot proceed with this case ..."

18 You are referring again to the SPRK, Mr. Qalaj, is it correct,
19 not to the SPO?

20 A. Yes, I am not referring to SPO. I always refer to the SPRK
21 located in Prishtine.

22 Q. And is the same true for paragraph 17 of your statement, which
23 is at the bottom of the page on DHG0182, and it's in front of you as
24 well in the Albanian version, when the paragraph reads:

25 "The reason why the KP did not get the documents is because the

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1 Kosovo Special Prosecution Office did not authorise us to initiate
2 investigation."

3 You're referring to the SPRK, Mr. Qalaj, is this correct, not to
4 the SPO?

5 A. Correct.

6 Q. So just to sum it up, is it correct that you never received any
7 instruction from the SPO not to investigate the case concerning the
8 delivery of the documents to the KLA War Veterans Association? Is
9 this correct?

10 A. Yes, I am repeating. In no moment, never did we receive any
11 request by the SPO here in The Hague to investigate or not to
12 investigate this case.

13 Q. Thank you. And in relation to the three names that you wrote on
14 the piece of paper, without repeating them, please, you told us the
15 first two names are names of Kosovo investigators and the third name
16 is the name of a prosecutor of the Kosovo Special Prosecution Office.
17 You're referring to prosecutors in force at the SPRK, is this
18 correct, not to a Prosecutor of the SPO?

19 A. Correct, correct.

20 Q. Thank you. So you received instructions from the SPRK not to
21 investigate the case after the SPRK assessed that it had no
22 jurisdiction, no competence to investigate or prosecute the subject
23 matter; is this correct?

24 A. Yes, correct.

25 Q. Thank you, Mr. Qalaj. I would like now to refer to paragraph 11

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1 of your statement, and I would like to note the difference between
2 what you initially stated in your statement of 4 September 2021 and
3 what you stated at paragraph b) of your addendum signed yesterday,
4 which is 2D4.

5 In paragraph 11 of your statement of 4 September, 2D3, you
6 stated that you kept collecting information on the materials
7 delivered to the KLA War Veterans Association also after you received
8 instructions from the SPRK not to collect such information.

9 In paragraph b) of your addendum, 2D4, you stated that, instead,
10 you immediately stopped collecting information and identifying
11 persons after you received instructions from the SPRK. Can you
12 explain such a big difference in this part of your statement, which
13 appears to mean exactly the opposite, please.

14 A. Yes, I may. In this paragraph, there was a technical mistake
15 and the word "not" was missing, which, of course, changes completely
16 the meaning of the paragraph.

17 Q. Mr. Qalaj, I would like to read the first sentence of -- the
18 last period of the first sentence of paragraph 11, where it reads:

19 "So the KP continued to collect information or identify the
20 person suspected of bringing the files to the association but there
21 was no verifiable information."

22 You add, in paragraph 11 of 2D3:

23 "Also, a few days later we have been informed that the
24 Specialist Prosecution Office in The Hague has authorised
25 investigators of the Special Prosecution Office to conduct

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1 investigations in relation to this case and that the KP should not
2 proceed with this case."

3 You seem to provide quite a great deal of details. You say that
4 you continued investigating after receiving instructions not to and
5 that the information you collected could not be verified. You also
6 state here that you went back to the SPRK a few days later and you
7 received the same instructions again.

8 So there is quite a great amount of details in the first
9 statement that you gave that it's not fully in accordance with the
10 explanation you just gave us, that there was just one word missing,
11 the word "not."

12 Can you explain, please?

13 A. The only explanation related to this paragraph is that following
14 the notification by the local prosecution office in Prishtine,
15 meaning SPRK, the Kosovo police discontinued collecting information
16 because we were instructed not to initiate a case because the
17 specialist prosecution office of Kosovo doesn't have the
18 jurisdiction, and that this falls under the jurisdiction of the SPO
19 in The Hague.

20 Regarding the last part of the paragraph that I wanted to be
21 removed was because the information related to the SPO, usually the
22 information was taken from the media. We didn't receive any official
23 information regarding this issue.

24 Q. So what you are telling us is that by mere mistake, lack of
25 attention, you signed the statement where you affirmed that you kept

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1 collecting information even when instructed not to do so but that
2 this is not true? This is your testimony?

3 A. Your Honour, I understand the nature of your work, but I'm
4 repeating before the Trial Panel and before everyone who is following
5 that the Kosovo police, from the moment of receiving instructions
6 from the SPRK prosecutor not to initiate a case, not to investigate
7 further this case because the competence rests with you here in
8 The Hague, with the authorities here, we - I am repeating - did
9 not -- we stopped collecting information and dealing with this case.

10 Q. Thank you, Mr. Qalaj.

11 MS. BOLICI: Your Honour, it's a good time for a break, if you
12 wish, if this was your intention.

13 PRESIDING JUDGE SMITH: We will break for a half hour and then
14 come back and try to continue.

15 So we will be in adjournment until 12.00.

16 --- Recess taken at 11.29 a.m.

17 [The witness stands down]

18 --- On resuming at 11.59 a.m.

19 PRESIDING JUDGE SMITH: Ms. Bolici, you may continue.

20 Oh, we don't have the witness. I guess you can't continue at
21 this time.

22 [The witness takes the stand]

23 PRESIDING JUDGE SMITH: [Microphone not activated].

24 MS. BOLICI: Thank you, Your Honour.

25 Q. Mr. Qalaj, in paragraph 7 of your statement that you have in

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1 front of you, you stated that the Kosovo police learned from the
2 media that documents had been delivered to the KLA War Veterans
3 Association that might pertain to the investigation of the Specialist
4 Prosecutor's Office, SPO.

5 Is it correct that the first information the Kosovo police
6 received was from the broadcasted press conference that occurred on
7 7 September?

8 A. Yes, it's correct.

9 Q. Thank you, Mr. Qalaj. And is it correct that nobody from the
10 KLA War Veterans Association contacted the Kosovo police between the
11 drop-off of the documents at the KLA War Veterans Association office
12 and the moment when the press conference was held; is this correct?

13 A. To my knowledge, the Kosovo police was informed from the media
14 and nobody contacted it.

15 Q. Thank you. And is it correct that nobody from the KLA War
16 Veterans Association contacted the Kosovo police between the delivery
17 of the second batch of documents on 16 September and the second press
18 conference that was held on the same day?

19 A. Can you repeat the question, please?

20 Q. Is it correct that nobody from the KLA War Veterans Association
21 contacted the Kosovo police between the second drop-off of the
22 documents and the second press conference that occurred on
23 16 September 2020?

24 A. I don't know that, because the Kosovo police, from the first
25 case, didn't deal anymore with this issue.

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1 Q. As far as you know, you were not contacted by officials at the
2 KLA War Veterans Association; is this correct?

3 A. To my knowledge, no, we were not.

4 Q. And is it correct that nobody from the KLA War Veterans
5 Association contacted the Kosovo police between the third delivery of
6 documents at the KLA War Veterans Association office and the third
7 press conference that was held on 22 September 2020?

8 A. The Kosovo police received a written request by the WVA and the
9 War Invalids Association and the Association of the Fallen in War on
10 6 October, whereby they asked that the Kosovo police designate two
11 police officers to stay in the vicinity of the WVA premises, because,
12 as they alleged in this request, following the delivery of the
13 documents by the person or persons, unknown persons, these
14 associations felt in danger and were afraid that some incident might
15 result.

16 So they sent this request to the general police director of
17 Kosovo police. In this case, to me.

18 Q. Thank you, Mr. Qalaj. And you referred to the date of 6 October
19 2020. No such request was addressed by the KLA War Veterans
20 Association to the Kosovo police earlier than that day; is this
21 correct?

22 A. At least at my level I have no information that such a request
23 was sent and received.

24 Q. Thank you, Mr. Qalaj. And you stated earlier that you -- that
25 the Kosovo police investigators attended the KLA War Veterans

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1 Association offices on 8 September 2020. Was this at the initiative
2 of the Kosovo police that Kosovo investigators went there?

3 A. Yes. It was the initiative of the Kosovo police to go to the
4 offices of the WVA.

5 Q. Nobody from the KLA War Veterans Association requested the
6 Kosovo police to attend to the offices of the KLA War Veterans
7 Association; is this correct?

8 A. No, the police went there after getting wind of what happened
9 from the media. They went to the KLA WVA premises and met
10 Mr. Klinaku and his staff. And the police were asked, I'm repeating,
11 to initiate what happened regarding the delivery of documents, the
12 first batch.

13 Q. Thank you, Mr. Qalaj. And do you know whether the Kosovo police
14 officers attended the offices of the KLA War Veterans Association
15 before or after the documents that were still in possession of the
16 KLA War Veterans Association had been seized by the SPO?

17 A. The serious crime police went to the offices of the WVA after
18 these documents were seized or taken away by the investigators of the
19 SPO.

20 Q. Thank you. And looking at paragraph 7 of your document, the
21 last sentence, when you say that the Kosovo police received a request
22 "as to manage these files." What do you mean in this part of your
23 statement?

24 A. The police investigators who went to the offices of the KLA WVA
25 offices were informed in this case by Mr. Klinaku that the only copy

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1 they had was seized by the investigators of the SPO here in The
2 Hague. What I did think was that -- and the investigators were
3 informed that some copies were taken by some of the media
4 representatives during the news conference held at these premises.

5 Q. Okay. At the time when the Kosovo investigators went to the
6 offices of the KLA War Veterans Association on 8 September, were
7 there any confidential documents still in the premises of the KLA War
8 Veterans Association?

9 A. As far as I know, no. There were no other confidential
10 documents there.

11 Q. And so when you write -- when you state that you received the
12 request "as to manage these files," what are referring to?

13 A. I refer to the admissions of the officials of this organisation
14 regarding the files that were taken by some of the media outlet
15 representatives during the press conference.

16 Q. And can explain what was there to manage? What kind of
17 management of files are you referring to? I'm not clear to this
18 point.

19 A. You know that if the police were to initiate a case and start
20 investigations into it, in this case regarding the delivery of these
21 documents at the WVA, one of the first actions would be to seize such
22 files, irrespective of where they were found. Of course, on orders
23 by the competent authorities, judicial authorities.

24 Q. I understand. And am I correct that by the time the Kosovo
25 police went to the KLA War Veterans Association offices, the files

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1 were already been distributed to the press or a last copy was seized
2 by the SPO? Was this the understanding of the Kosovo police?

3 A. Yes, correct.

4 MS. BOLICI: I have no further questions, Your Honour.

5 PRESIDING JUDGE SMITH: Thank you.

6 Anything else?

7 MR. CADMAN: Just two very short points if I may, Your Honour.

8 PRESIDING JUDGE SMITH: Go ahead.

9 MR. CADMAN: Very short.

10 Re-examination by Mr. Cadman:

11 Q. Mr. Qalaj, just to be clear, did the Kosovo police at any stage
12 commence an investigation into these matters?

13 A. No, we did not commence any investigations because of the clear
14 instructions we received from the SPRK.

15 Q. And is it correct that in order for you to commence an
16 investigation, you would have had to have been instructed by the
17 SPRK?

18 A. It is correct. Always bearing in mind that these are sensitive
19 cases, because we, as police, knew that this was part of the domain
20 of the jurisdiction of the SPO investigators.

21 Q. You mentioned the communication you received. Can I just ask,
22 the Association of the Fallen in War of 6 October, is that the name
23 of the organisation?

24 A. The request sent to the general police director of Kosovo was in
25 the name of three organisations related to the KLA: The WVA, the

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1 Association of the War Invalids, and the Association of the Martyrs
2 of the War of the KLA.

3 Q. And the date in which you received that, can I ask you to
4 confirm, was it 6 September or 6 October?

5 A. The correct date when the general director received this request
6 is 6 October 2020.

7 Q. And could it have taken some time for it to have reached you as
8 the general director?

9 MS. BOLICI: Your Honour, there is an objection since the
10 question calls for speculation.

11 PRESIDING JUDGE SMITH: No, you can answer the question.
12 Overruled.

13 THE WITNESS: [Interpretation] Depending on the way the request
14 is sent. I know only that it came to my office on 6 October.

15 MR. CADMAN:

16 Q. So it's entirely possible that it could have been made on
17 6 September but didn't reach you until 6 October?

18 A. I don't know. I don't know. But the only thing I can say is
19 that I received it on 6 October. I don't want to speculate. But as
20 I said, it depends on the way -- the time depends on the way it is
21 sent.

22 Q. I'm grateful.

23 MR. CADMAN: Thank you, Your Honours. I have no further
24 questions.

25 Questioned by the Trial Panel:

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1 PRESIDING JUDGE SMITH: Mr. Qalaj, I just want to be clear. I
2 don't want to make you have to repeat yourself, but what day did you
3 actually receive the direction from SPRK not to investigate?

4 A. The correct date is 8 September 2020.

5 PRESIDING JUDGE SMITH: You said that you knew that this was
6 part of the domain of the Special Prosecutor's Office in The Hague.
7 How did you know that?

8 A. Your Honour, we are a professional police now. We have acquired
9 20 years of experience, and it is quite clear to us that everything
10 related to an investigation of the war crimes falling within the
11 jurisdiction of this office is in their domain. And we were not
12 informed -- even now, I know nothing about the content of these
13 documents other than what I learned from the media or from what I
14 followed the proceedings here, Mr. Gucati and Mr. Haradinaj.

15 As Kosovo police, we were very cautious not to be mixed up in
16 other institutions' competences, even though we asked from our
17 international partners, the chief of EULEX mission, to be part of the
18 process irrespective of what is required from the Specialist
19 Chambers, knowing that our police are capable of performing all the
20 tasks given to them, knowing that other missions in Kosovo have
21 limited capacities, and knowing also that the Kosovo police love more
22 our country than any other mission that may be present.

23 PRESIDING JUDGE SMITH: One last question dealing with the last
24 part of the questions asked by Mr. Cadman. On this October 6 request
25 that came to your office, you said you knew you got it on October 6;

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1 correct? Is that a "yes"?

2 A. Correct.

3 PRESIDING JUDGE SMITH: Does it normally take a month for a
4 request for assistance to get to your office when it's filed in the
5 police office?

6 A. Depending on the way it is sent and who sends it. But in every
7 police station, there is a short way from these police -- any police
8 station to the office of the general director. It may take several
9 hours.

10 PRESIDING JUDGE SMITH: Thank you. That's all the questions I
11 have.

12 Judge Mettraux, anything?

13 JUDGE METTRAUX: [via videolink] No, I'm grateful, Your Honour.
14 No questions from me.

15 PRESIDING JUDGE SMITH: All right. [Microphone not activated].

16 THE INTERPRETER: Microphone, please.

17 PRESIDING JUDGE SMITH: That concludes your testimony. Thank
18 you for being with us. You are excused now and may leave the
19 courtroom, and the usher will escort you.

20 THE WITNESS: [Interpretation] Thank you.

21 [The witness withdrew]

22 PRESIDING JUDGE SMITH: Anything else by anybody for today?

23 MR. CADMAN: Nothing that Your Honours need to consider
24 immediately. But at the beginning as of this week, I did have a
25 discussion with Mr. Halling on the question of detention.

1 Now, obviously, Your Honours will be having to consider
2 custody -- the next review of custody in due course. As the matter
3 is pending before the Appeals Chamber, which we haven't received a
4 decision yet, I was asked whether we would agree to a ten-day
5 deferral of you making that decision in order to allow the
6 Appeals Chamber to make a ruling, as they have done in Case 06. And
7 I just indicated that we have no objection to that course of action.

8 PRESIDING JUDGE SMITH: And that then is on the record, and I
9 take it your office can proceed.

10 MR. HALLING: Yes, Your Honour. The way we understand it is
11 that because these issues would be relevant for the next detention
12 review, it would run from ten days from the appeals judgement.

13 Our only question at this point, the Gucati Defence did not file
14 an appeal. The appeal has a lot of the same issues commented on. So
15 we would just ask if the Gucati Defence wanted detention reviewed on
16 Your Honours' original schedule or this new arrangement.

17 MR. BOWDEN: Your Honour, it would make sense and we would be
18 content with an amended schedule.

19 PRESIDING JUDGE SMITH: Thank you very much. That will be
20 carried out then.

21 And we will reconvene Friday, January 21st, 9.30, and the first
22 expert witness will be on deck that day.

23 All right. Anything else?

24 We are adjourned.

25 --- Whereupon the hearing adjourned at 12.20 p.m.