

1 Wednesday, 8 December 2021

2 [Open session]

3 [The accused entered court]

4 --- Upon commencing at 9.35 a.m.

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

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: [Microphone not activated].

11 MS. BOLICI: Yes, Your Honour. For the Prosecution side is
12 present today Ms. Julie Mann, Assisting Evidence and Case Manager,
13 and Ms. Line Pedersen is not present. Thank you.

14 PRESIDING JUDGE SMITH: Thank you.

15 Mr. Rees.

16 MR. REES: No change, Your Honour.

17 PRESIDING JUDGE SMITH: Mr. Worboys.

18 MR. WORBOYS: Yes, Your Honour. Mr. Cadman, as you'll see, is
19 not here. He's getting increasingly unwell, which is regrettable.
20 Also in court we now have most of our team back. And just for the
21 purposes of formal introductions, I have Ms. Boxberg, Mr. Soliman,
22 Mr. Berisha, and Ms. Rodio with us here today.

23 As one matter of housekeeping, I should say that I've had a
24 chance to speak to Mr. Haradinaj just now for five minutes. I
25 haven't had a chance to update him fully on matters yesterday, but I

1 have taken instructions and he is content to proceed this morning and
2 today in the absence of Mr. Cadman, which will hopefully assist the
3 Court.

4 I would, however, ask that in the event Mr. Cadman is back
5 tomorrow, there is some pragmatism adopted by the Court on any points
6 that Mr. Cadman wishes to raise and might arise out of today, and I
7 hope that wouldn't be a problem for the Court.

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

9 Mr. Buckley, thank you for being with us. Please convey to
10 Mr. Cadman our wishes for his quick recovery. We hope he rests as
11 much he needs to and leaves his duties in your capable hands and the
12 hands of Mr. Worboys.

13 I also note Mr. Gucati and Mr. Haradinaj are present in the
14 courtroom.

15 Mr. Haradinaj, I'm glad you're better and thank you for being
16 here today.

17 Just a bit of a review. Mr. Gucati, we're going to proceed with
18 some other matters first, so just relax for a minute.

19 Yesterday afternoon we were forced to adjourn early due to a
20 general network outage. For the benefit of Mr. Haradinaj, who could
21 not participate in the last 11 minutes of the hearing yesterday, and
22 although I assume his lawyers have already informed him of what
23 happened, I will summarise what was discussed in his absence.

24 First of all, I informed the parties that the outstanding
25 decision on the Rule 102(3) matter was to be filed yesterday, and,

1 meanwhile, that decision has been notified.

2 Mr. Rees proposed that in relation to his remaining witnesses,
3 except number 1248, he shortens their direct examination as follows:
4 That he would ask each witness to identify their statement and
5 confirm it accurately reflects their declaration. He would read the
6 statement, except for the paragraphs objected to by the SPO, seek the
7 admission of the statement, and offer the witness for
8 cross-examination.

9 Mr. Rees also stated that with some witnesses there might be
10 some very short questions in addition to the proposed approach.

11 The SPO noted that according to the Order on the Conduct of the
12 Proceedings, a summary of statements, rather than the statements
13 themselves, should be read into the record. The SPO also noted that
14 the statements contain paragraphs with the background of the
15 witnesses.

16 While not opposing the proposed approach, the SPO noted that it
17 will object to the admission of certain paragraphs and that it will
18 also want to verify some of the statements of Witness 1242. In
19 relation to the statement of Witness 1248, Mr. Rees stated that it
20 might be subject to agreed facts, while Ms. Bolici stated that their
21 proposal was under Rule 153.

22 At this point, Mr. Cadman objected to the discussion, and I
23 promised that these matters would be rediscussed with Mr. Haradinaj's
24 presence.

25 Mr. Haradinaj, if any questions arise from this, I invite you to

1 discuss these with your counsel.

2 And, Mr. Buckley, in -- or, in this case, Mr. Buckley, I
3 understand from the Registry that the network outage yesterday was
4 solved around 6.00 p.m. and your client was given an opportunity to
5 call counsel. I'm not sure whether this means that you spoke to
6 Mr. Haradinaj.

7 While these matters mainly regard the Gucati Defence and the
8 SPO, do you, nevertheless, want to make any further submissions on
9 these specific matters, Mr. Buckley or Mr. Worboys?

10 MR. BUCKLEY: [via videolink] At this stage, Your Honour, no, I
11 don't. I can confirm that I certainly didn't speak to Mr. Haradinaj
12 yesterday evening. I'm unable to confirm whether Mr. Cadman did or
13 otherwise. On the basis that he hasn't told me that he has, I'm
14 making the assumption that he didn't. However, Mr. Worboys may
15 indeed be able to clarify further on that point.

16 PRESIDING JUDGE SMITH: Mr. Worboys.

17 MR. WORBOYS: Your Honour, we haven't really --

18 PRESIDING JUDGE SMITH: Just a second.

19 [Trial Panel and Court Officer confers]

20 PRESIDING JUDGE SMITH: Go ahead.

21 MR. WORBOYS: Your Honour, we only had two minutes before court
22 to have an opportunity to speak to Mr. Haradinaj, and I primarily
23 took instructions on proceedings today. I haven't had an opportunity
24 to discuss this with him.

25 However, my understanding is that most of the matters are

1 agreed, effectively. And as to areas where the statements are
2 controversial, and there are only one or two outstanding matters, I'm
3 able to take instructions for two minutes, if that would be all right
4 with the Court, but I don't foresee any major problems.

5 PRESIDING JUDGE SMITH: Mr. Haradinaj had his hand up. Perhaps
6 you should go speak to him first.

7 Mr. Haradinaj, please consult with your attorney.

8 [Specialist counsel and accused confer]

9 MR. WORBOYS: Your Honour, I think it would be in the interests
10 of everyone if I could take two minutes to explain precisely what is
11 going on to Mr. Haradinaj behind the wall, like we did for five
12 minutes before the Court came in.

13 As I said, we only had a few minutes, which we were grateful for
14 from the Court, but it would be of benefit to have a couple more
15 minutes. I am mindful of the need to proceed quickly, but it is
16 obviously important that Mr. Haradinaj understands what's going on.

17 PRESIDING JUDGE SMITH: There is no problem with that. Can
18 security accommodate that? All right. Thank you.

19 As soon as he is finished, we'll come back into the room.

20 --- Recess taken at 9.43 a.m.

21 --- On resuming at 9.54 a.m.

22 PRESIDING JUDGE SMITH: All right, Mr. Worboys, are we all set?

23 MR. WORBOYS: Yes, Your Honour, we are all set. Mr. Haradinaj
24 would just like me to say to the Court that we were unable --

25 PRESIDING JUDGE SMITH: Get closer to your microphone.

1 MR. WORBOYS: Sorry. Mr. Haradinaj would like me to say to the
2 Court that we were unable to speak to him after 6.00 p.m. yesterday
3 because of the power outage, and the situation, to the best of his
4 knowledge, wasn't resolved. That said, I have explained the
5 situation. It's understood --

6 PRESIDING JUDGE SMITH: [Microphone not activated].

7 MR. WORBOYS: Sorry, Your Honour. Can you hear me now?

8 PRESIDING JUDGE SMITH: Same thing.

9 MR. WORBOYS: Before I deafen everyone else.

10 PRESIDING JUDGE SMITH: You'll find out it's terrible getting
11 old. Go ahead.

12 MR. WORBOYS: Your Honour, Mr. Haradinaj did ask me to relay to
13 the Panel that we were unable to speak at 6.00 p.m. yesterday due to
14 the technology still not working. However, I have explained what
15 went on yesterday, and we are content to proceed --

16 PRESIDING JUDGE SMITH: Okay.

17 MR. WORBOYS: -- on this basis. So thank you for the indulgence
18 this morning.

19 PRESIDING JUDGE SMITH: All right. Thank you.

20 Thank you, Mr. Haradinaj.

21 I note that the Panel has meanwhile received indications from
22 the Defence regarding the paragraphs of these statements that they
23 wish to read into the record, and also an indication from the SPO as
24 to which paragraphs are objected for admission.

25 The Panel will issue instructions either at the end of today or

1 tomorrow concerning those comments and those objections.

2 MR. REES: Well, Your Honour, there's a couple of observations
3 I'd like to make in relation to them --

4 PRESIDING JUDGE SMITH: Go ahead.

5 MR. REES: -- but I won't delay the Court at this stage.

6 PRESIDING JUDGE SMITH: No, no, go ahead if you wish now.

7 MR. REES: Simply this, that in relation to the e-mail received
8 from the SPO at 1752 yesterday, there's nothing between us and the
9 SPO. We're happy to not read out those paragraphs in addition to the
10 ones that we'd already identified that the SPO raises.

11 The only area of contention is in relation to Witness DW1245 and
12 paragraphs 20 and 22. The SPO's position is that because those
13 paragraphs are, as they put it, highly contested, they shouldn't be
14 read.

15 We take -- our submission is this: The fact that they're
16 controversial is no basis for them not being adduced via Rule 154 in
17 lieu of direct testimony. Rule 154, of course, does not require any
18 agreement between the parties as to the contents of the statement.
19 It is a procedure which can be used for reasons of efficiency and
20 expedition to adduce the statement in lieu of direct testimony but
21 only where the witness is available for cross-examination for the
22 opposing party to deal in cross-examination with any controversial
23 parts of the statement.

24 They're not suggesting that those paragraphs are not relevant.
25 Of course they're relevant. And we say, therefore, that save for

1 paragraphs 20 and 22 of the witness statement of DW1245, which we say
2 can properly be adduced as part of his statement via Rule 154, we're
3 content to make the -- to not read the other paragraphs raised by the
4 SPO. If that assists.

5 PRESIDING JUDGE SMITH: And we appreciate your comments.

6 And, Ms. Bolici, you can comment now or later.

7 MS. BOLICI: I will comment very briefly. And then if
8 necessary, we'll address the matter again.

9 Of course, we have identified a number of paragraphs to which we
10 object on the ground of admissibility because they're irrelevant.
11 And we have highlighted other paragraphs to which we object under
12 Rule 154 based on the fact that the principle of orality suggests
13 that a more appropriate way to receive evidence on highly contentious
14 matter is through the live account provided by the witness in court.

15 And on this basis, for these additional paragraphs that we have
16 highlighted separately, we request that these particular parts are
17 not admitted into evidence in writing but are instead elicited
18 through the questions of counsel.

19 PRESIDING JUDGE SMITH: Well, at least initially they would
20 be -- you are suggesting that they be by oral testimony. The
21 question of then whether they're admitted as part of the exhibit
22 would have to be determined by us later.

23 MS. BOLICI: Exactly.

24 PRESIDING JUDGE SMITH: And you understand her position. She
25 would like those two paragraphs asked orally.

1 MR. REES: Well, I do understand that position. For my part, I
2 don't think that's a valid objection to the use of the Rule 154
3 procedure, because I understand they say that those paragraphs are
4 controversial. But Rule 154 provides for the challenge to
5 controversial parts of the witness statement through
6 cross-examination.

7 MS. BOLICI: Yes, if I may, Your Honour, just a moment.
8 Rule 154 is based on the principle of efficiency, and adding
9 questions from counsel on a couple of controversial paragraphs would
10 serve the principle of orality while not affecting the principle of
11 efficiency.

12 PRESIDING JUDGE SMITH: Okay.

13 MS. BOLICI: In this respect, our submission is that for these
14 matters the statement should not be admitted in writing.

15 PRESIDING JUDGE SMITH: You will not get to this witness today
16 anyway.

17 MR. REES: We won't.

18 PRESIDING JUDGE SMITH: So we will give you some guidance on
19 this later on. We appreciate both of your submissions and understand
20 them. So that will end that portion.

21 MR. WORBOYS: Your Honour, if I may.

22 PRESIDING JUDGE SMITH: Yes, Mr. Worboys.

23 MR. WORBOYS: We adopt the same position as Mr. Rees; namely,
24 that these matters can be dealt with in cross-examination.

25 PRESIDING JUDGE SMITH: Thank you.

1 Mr. Rees, you also wanted to discuss the timetable for the
2 resolution of the outstanding 102(3) matter. You've now received our
3 order, which was the last ruling so far on Rule 102(3). The floor is
4 yours if you have any comments.

5 MR. REES: So for this, for housekeeping purposes, I think it
6 makes sense for me to raise, at this stage, our indication that
7 despite our misgivings as to whether the witness Zdenka Pumper and
8 the witness Miro Jukic are able to assist further, we, nevertheless,
9 invite them to be recalled so that we can ask them questions on the
10 disclosure that's been received since their evidence concluded
11 previously.

12 We would invite the SPO to make them available during the slot
13 that we have next week. And I do not envisage that further
14 cross-examination of them will take any great length of time.
15 Perhaps no more than 20 minutes for each.

16 PRESIDING JUDGE SMITH: Thank you.

17 Any comment, Ms. Bolici?

18 MS. BOLICI: Yes, the only comment is that none of the witnesses
19 has been involved in any additional matter concerning the
20 investigations in this case or any related investigation since the
21 time of their testimony.

22 PRESIDING JUDGE SMITH: We understand that's your position, but
23 we gave them permission to re-call those witnesses if they needed to.
24 And so they will be re-called Thursday.

25 MR. REES: Please. And if --

1 PRESIDING JUDGE SMITH: We can take them out of order, when
2 they're available.

3 MS. BOLICI: No, I'm just highlighting that the basis for
4 requesting to re-call them is about -- that Mr. Rees just provided is
5 new evidence that has been acquired since the time of their
6 testimony. And I just want to highlight that they have not been
7 involved in anything concerning this case since the time of their
8 testimony, so there is no basis for re-calling if this is the basis
9 Mr. Rees intends to re-call them about.

10 MR. REES: I do understand that and I've raised our concern
11 about that previously, but the SPO are making no other witness
12 available from their ranks in relation to which we can address this
13 material.

14 And if it is the case that the two witnesses, when re-called,
15 confirm very shortly what Ms. Bolici has just said, their
16 cross-examination will be very short indeed.

17 PRESIDING JUDGE SMITH: Thank you.

18 MS. BOLICI: [Microphone not activated] I am not sure if both
19 witnesses will be available this Thursday.

20 PRESIDING JUDGE SMITH: Not this Thursday.

21 MS. BOLICI: Next Thursday.

22 PRESIDING JUDGE SMITH: Next Thursday. Well, we have Thursday
23 and Friday both available. So make sure they are available one of
24 those days. We will take them whenever they are available of those
25 two days.

1 MS. BOLICI: [Microphone not activated].

2 PRESIDING JUDGE SMITH: Thank you.

3 Moving on, the Panel has a short oral order to render.

4 Yesterday, the Defence to Mr. Gucati filed a request to add five
5 items to the exhibit list. This is filing F478.

6 The SPO indicated during the hearing yesterday that it does not
7 object to the request but it reserves its objections as regards to
8 the tendering of these documents.

9 The Panel therefore grants the request of the Gucati Defence and
10 orders that an updated exhibit list be filed by tomorrow, 9 December
11 2021.

12 This concludes the oral order.

13 I also have a question for you, Mr. Rees, regarding filing F475.

14 At the Defence Preparation Conference on December 2nd, the Panel
15 ordered the Defence to file an updated exhibit list indicating, as
16 ordered in paragraph 60 of the Order on the Conduct of the
17 Proceedings, which exhibit is to be used with which witness.

18 While paragraph 60 refers to the SPO, paragraph 61 --

19 THE INTERPRETER: Could His Honour slow down, please.

20 PRESIDING JUDGE SMITH: -- makes that obligation applicable to
21 the Defence as well.

22 Mr. Rees, the Panel notes that your filing F475 in response to
23 the Panel's order contains one exhibit. Just for clarification, does
24 this mean that you do not wish to tender any of the other exhibits
25 that you have listed in your original list through a witness, or do

1 you mean that you intend to tender them through a bar table motion,
2 or do you only intend to show them in court and not ask their
3 admission?

4 MR. REES: There is one exhibit that we intend to tender through
5 the Witness DW1242. Such other remaining exhibits that we seek to
6 admit we will include on a bar table motion to be filed in accordance
7 with the Trial Panel's direction, by this Friday.

8 PRESIDING JUDGE SMITH: Thank you. That answers that question.

9 MR. REES: For completeness' sake, I do remind the Court that
10 yesterday I raised that we are seeking agreed proposed facts as
11 well --

12 PRESIDING JUDGE SMITH: Yes.

13 MR. REES: -- which may mean that any submitted bar table motion
14 has a list of exhibits that's shorter than the wider list of exhibits
15 that we raised that we may seek to adduce if the proposed agreed fact
16 can replace the need for adducing the exhibit itself.

17 PRESIDING JUDGE SMITH: Understood. Thank you.

18 Mr. Worboys or Mr. Buckley, whoever wishes to answer, the
19 Panel's order of December 2nd also applied to the Haradinaj Defence.
20 We have not seen any updated exhibit list from you in this regard,
21 and no request for an extension of time either.

22 Can you give us a reason for this?

23 MR. BUCKLEY: [via videolink] Apologies, Your Honour, without
24 being able to see Mr. Worboys, it's sometimes difficult to know
25 whether he's actually on his feet or not. So I'm hoping I'm not

1 speaking across him.

2 PRESIDING JUDGE SMITH: No, you're not doing that. Go ahead.

3 MR. BUCKLEY: [via videolink] I'm grateful, Your Honour.

4 Your Honour, as far as I am aware -- and, again, this is a
5 little difficult trying to do it across videolinks and intermittent
6 communications. As far as I am aware, the relevant exhibit lists
7 have already been uploaded. However, if Your Honour grants me the
8 indulgence until the first break this morning, I will just check to
9 see what the position is then and then advise accordingly after that
10 first break.

11 PRESIDING JUDGE SMITH: [Microphone not activated].

12 MR. BUCKLEY: [via videolink] Apologies, Your Honour. I can't
13 hear you.

14 PRESIDING JUDGE SMITH: So we renew our order on this matter and
15 ask you to comply with it by Friday, 10 December, at 4.00 p.m.

16 MR. BUCKLEY: [via videolink] I'm grateful, Your Honour.

17 PRESIDING JUDGE SMITH: Ms. Bolici, do you have any comments
18 about this? You understood my order just now.

19 MS. BOLICI: No comments, Your Honour.

20 PRESIDING JUDGE SMITH: Thank you.

21 Anything further, Mr. Rees?

22 MR. REES: [Microphone not activated].

23 PRESIDING JUDGE SMITH: All right.

24 Further, the cross-examination of Mr. Gucati.

25 Ms. Bolici, you may continue.

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1 MS. BOLICI: Thank you, Your Honour.

2 WITNESS: HYSNI GUCATI [Resumed]

3 [Witness testified through interpreter]

4 Cross-examination by Ms. Bolici: [Continued]

5 Q. Good morning, Mr. Gucati.

6 MS. BOLICI: I would like to put on screen if possible,
7 Madam Court Officer, Exhibit SPOE00248303-00248304, confidential.

8 Q. Mr. Gucati, I've shown you this document at the end of the last
9 session, and I've asked you whether you were aware that there was a
10 trial against these KLA members. Were you aware that there was such
11 trial?

12 A. Good morning. Yes, it's -- it's a reality that if you live in
13 Kosovo and are unaware of the trials against KLA members, that would
14 be an impossible situation. Yes.

15 Q. So you are aware?

16 A. Every trial against the members of the KLA is known to everyone.
17 Not only to people of -- in their 50s like me, but every single child
18 in Kosovo is equally aware of the trials held against KLA members.

19 Q. Thank you. And are you aware whether the convictions in this
20 case have been upheld in appeal and by the Supreme Court?

21 A. I am sorry, but on the document that's in front of me brings
22 back the -- the period in my life which was most difficult, you know.
23 July 2006 to 2008 were one of the worst periods of my life. In 2006,
24 my -- my daughter died, and then there were problems with my own
25 personal life. So I don't know what happened during this period of

1 2006, because I had lots of personal issues to deal with. I'm so
2 sorry that this document is being put in front of me to -- to seek my
3 opinion, but I'm not in a position to.

4 Q. I understand, Mr. Gucati. In the following years, have you
5 become aware whether the convictions against these KLA members were
6 upheld, whether these people served prison sentences for the
7 convictions that were entered against them?

8 A. No, I wasn't interested in it. I was sad that they were taken
9 to a court of law, and -- but sincerely speaking, I really have not
10 paid any attention because I really had no time for it.

11 Q. If you look at the first accused in the page that is shown in
12 front of you - please do not mention the name - can you say whether
13 this person holds or has held any position of responsibility within
14 the KLA War Veterans Association?

15 A. I know this person. I know his family, primarily because I've
16 read about his family. And, secondly, no, this person has never been
17 in a leading position within the WVA. We are at some distance of
18 about 18 kilometres from his family. I live in Drenica. He lives in
19 Prizren municipality. It's -- so, no, I don't know.

20 Q. Was he ever the chairman of one of the KLA War Veterans
21 Association branches?

22 A. I dare not mention the name, but there are many people in Kosovo
23 who have the same name and surname. And in my neighbourhood, there
24 are two. The one that I know today, he is a chairman today. But
25 I'm -- but I can't answer this question because there are so many

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1 people who share the same name and surname. One is older. The other
2 one that I have in mind is younger. So I don't know. So I could be
3 more precise were you to show me the father's name.

4 Q. Mr. Gucati, based on the statute and practice of the KLA War
5 Veterans Association, is a conviction for war crimes an obstacle to
6 holding positions of responsibilities within the KLA War Veterans
7 Association?

8 A. I cannot speculate about somebody whose name is not known to me,
9 because there are so many people with this name and surname. So I'm
10 pleading with you to give me the father's name so that I know exactly
11 who you're talking about and not that -- then I can give you an
12 answer.

13 So the one that I have in mind is at the moment a chairman of a
14 war veterans association. The other one, I don't know. So I cannot
15 give you an answer being -- not being certain about who you have in
16 mind.

17 Q. Thank you for your answer, but the question was different. I
18 asked you whether, in general, based on the statute of the KLA War
19 Veterans Association and the practice of the KLA War Veterans
20 Association, it's a problem if a person has been convicted of war
21 crimes or if this person can still hold a position of responsibility
22 within the KLA War Veterans Association?

23 MR. REES: Can I raise an objection. Can the Prosecution set
24 out what the relevance is of this line of questioning, please?

25 MS. BOLICI: I will --

1 PRESIDING JUDGE SMITH: [Microphone not activated].

2 MS. BOLICI: I will state my case.

3 It appears from the examination-in-chief that the accused has
4 stated that he had to reveal names and witness statements because
5 these were suspected war crimes -- war criminals in Serbia. I would
6 like to verify whether the convictions for war crimes is an obstacle
7 to the KLA War Veterans Association, and accused in particular, to
8 attributing positions of responsibilities to convicted persons.

9 PRESIDING JUDGE SMITH: Go ahead. I'll overrule your objection.
10 It's marginally relevant, but get this answer and then move on.

11 MS. BOLICI: Yes.

12 Q. So, Mr. Gucati, does anyone check whether a person has been
13 convicted for war crimes before accepting that this person holds a
14 position of responsibility within the KLA War Veterans Association?

15 A. Let me elaborate. Every chairman at the central or local level
16 will be vetted. He or she will have the vote of the delegates of the
17 area. He would be proposed as chairman. His biography would be read
18 out. If Hysni Gucati, for instance, and I say that in inverted
19 commas, has been convicted on, you know, some robbery charge or
20 whatever, he would not be entitled to the position of chairman of the
21 WVA. Or if he has infringed the internal regulations of the WVA,
22 again, he wouldn't be able to be chairman.

23 On your question on whether somebody convicted by the Kosovo or
24 UNMIK courts -- so if a person has been convicted, I cannot
25 speculate. And I can't give you an answer to the -- this particular

1 individual because I don't know who you are talking -- there are two
2 or three people who share the same name and surname. If possible,
3 just give me the father's name. Otherwise, this would have to be
4 left open.

5 Q. Okay. To your knowledge, there are no persons convicted for war
6 crimes that currently hold a position of responsibility within the
7 KLA War Veterans Association; is this correct?

8 A. I've been chairman from 15 October 2017, and I am not aware of
9 anyone who would have -- a WVA chapter around Kosovo who would have a
10 chairman who had been convicted of war crimes. I have not heard of
11 it so far. It may well be the case, but -- and should you have that
12 information, please let me know.

13 Q. I would like to refer, if possible, to last line of page 16 and
14 page 17 of this judgement which reads:

15 "The Court took into account the great stress and fear to which
16 the witnesses were exposed. It should be recalled that many of the
17 witnesses requested protective measures and testified under the
18 condition of anonymity. The Trial Panel gave much weight to this in
19 the assessment of the testimony, in the light of the pertinent
20 observation of the ICTY in the Fatmir Limaj case, 'The Chamber
21 further observed that a significant number of witnesses requested
22 protective measures at trial, and expressed concerns for their lives
23 and those of their family. This context of fear, in particular with
24 respect to witnesses still living in Kosovo, was very perceptible
25 throughout the trial.'"

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1 Now, Mr. Gucati, have you ever heard that, like in this case and
2 in the Limaj case that is referred to in the paragraph that I just
3 read you, witnesses in trials against KLA members had to be granted
4 protective measures to address security risks? Are you aware of
5 that?

6 A. You're asking about what occurred some 15, 16 years ago. The
7 answer is no. I said the same yesterday, and I thank you again today
8 for asking this question. I -- I am not aware and to the best of my
9 knowledge no one in Kosovo has ever heard. So, in general, I haven't
10 heard and the public in Kosovo hasn't heard of these cases.

11 So if you have any evidence, please summon those people here to
12 answer that question. But as far as I'm concerned, no, I haven't
13 heard of such cases.

14 Q. Your testimony is that you've never heard that witnesses were
15 granted protective measures in KLA -- in cases against KLA members;
16 correct?

17 A. I haven't heard. I haven't been -- I've never been
18 investigated. If I'd been, you know, part of the Kosovo police force
19 or part of your investigations unit, maybe I would have. But from my
20 position, no, I haven't. This has not existed in Kosovo, and I don't
21 believe it to be the case.

22 Q. And you're not aware that witnesses in these cases -- some of
23 the witnesses in these cases had to be relocated outside Kosovo to
24 address security concerns, are you?

25 MR. REES: Can I ask Ms. Bolici to clarify which case she's

1 talking about.

2 MS. BOLICI: In general, if he heard of any case against KLA --
3 any war crime case against KLA members where witnesses had to be
4 relocated outside Kosovo to address security concerns.

5 MR. REES: I'm grateful for the clarification.

6 PRESIDING JUDGE SMITH: You can answer, Mr. Gucati.

7 THE ACCUSED GUCATI: [Interpretation] I don't know what answer to
8 give. The answer is no. Sincerely speaking, no.

9 MS. BOLICI:

10 Q. You're hearing for the first time by my words today; yes?

11 A. Yes, I'm hearing this for the first time from yourself. You can
12 point to whoever you want as an individual, but I have not heard of
13 any such cases. No.

14 MS. BOLICI: I would like to show to the witness Exhibit P0044,
15 the English version alongside with the Albanian version. They are
16 public.

17 Q. And this is, Mr. Gucati, the transcript of an interview that you
18 gave to the Dukagjini TV on 15 January 2019. In the second
19 paragraph, the interviewer asked you:

20 "There are also many Albanians who are giving information. Do
21 you harbour suspicions that certain Albanians are continuing to offer
22 facts, information, evidence ... *id est*, witnesses on the potential
23 accused people who might be summoned by the court?"

24 And your answer is:

25 "Yes, it is true. We have said it since a long time ago and are

1 still saying that there are Albanian speakers who do not wish well to
2 the Kosovo Liberation Army."

3 In the last sentence of this paragraph, you add:

4 "They still cooperate today and have relocated out of Kosovo,
5 allegedly afraid of us, which is not true at all, and cooperate with
6 the current Hague tribunal."

7 It looks like you were aware in January 2019, Mr. Gucati, that
8 there were witnesses in cases against the KLA who had been relocated
9 outside Kosovo out of fear, weren't you?

10 A. Let me be clear, first and foremost. What cases are you
11 referring to? I have -- I have always referred to the case of
12 *[REDACTED] Pursuant to In-Court Redaction Order F483RED*. You're
prompting me to use a name. So this is
13 somebody called *[REDACTED] Pursuant to In-Court Redaction Order F483RED*
who's on the Interpol warrant list.

14 So let us not try --

15 PRESIDING JUDGE SMITH: Mr. Gucati, please do not use the name
16 again.

17 Please redact it.

18 THE ACCUSED GUCATI: [Interpretation] I apologise, Your Honour.

19 MS. BOLICI:

20 Q. Mr. Gucati, the question here was about Albanians who are giving
21 information, and your answer is that you are aware that "they still
22 cooperate today and they have relocated out of Kosovo, allegedly
23 afraid of us." And I'm asking since the interview is from 15 January
24 2019, it appears that in 2019 you were aware that there were
25 witnesses who had been relocated out of Kosovo because of fear,

1 weren't you? And the question is very specific. Please provide a
2 specific answer.

3 A. No, I have not been aware. The only case is the one whose name
4 I mentioned earlier. And the answer is very simple: No, I have not
5 been aware, even before, with the exception of that name. I have not
6 been aware because I have not been -- I've never been an
7 investigator. I'm a chairman of the WVA, and I'm not interested in
8 trying to find out who these people are. That is not something of
9 relevance to me, no.

10 Q. And you have no explanation why you were expressly referring to
11 something that you say you were not aware back in 2019, do you?

12 A. You mentioned earlier about a case dating back to 15, 16 years
13 ago. I have not been aware of this in 2018, 2019, 2020, or whatever.
14 The only case is the one of that individual who's on the Interpol
15 wanted list. And for others, no. Sincerely speaking, I have never
16 been aware.

17 Q. Mr. Gucati --

18 PRESIDING JUDGE SMITH: Mr. Worboys.

19 MR. WORBOYS: Your Honour, I'm terribly sorry to interrupt the
20 flow here --

21 PRESIDING JUDGE SMITH: Go ahead.

22 MR. WORBOYS: -- but Mr. Buckley's sound has gone.

23 PRESIDING JUDGE SMITH: Oh, I'm sorry.

24 MR. WORBOYS: If there's a way to remedy that, we'd be very
25 grateful.

1 PRESIDING JUDGE SMITH: Madam Court Officer, any advice on this?

2 THE COURT OFFICER: Your Honours, the IT department is looking
3 at it.

4 PRESIDING JUDGE SMITH: We will have to pause for just a moment
5 so we can find out if this connection can be restored.

6 [Trial Panel and Court Officer confers]

7 PRESIDING JUDGE SMITH: Can you hear me now, Mr. Buckley?
8 Apparently not.

9 Mr. Worboys, can you e-mail him and have him check his
10 connections on his end, because it appears here that he is properly
11 connected.

12 MR. WORBOYS: Of course, Your Honour.

13 Your Honour, he is saying that he can't hear still. Perhaps the
14 sensible approach is for Mr. Buckley to log off and then to log on
15 and be readmitted to refresh the session. I'm unsure as to whether
16 that works on the technology, but if it does, it might seem the only
17 option at this point.

18 PRESIDING JUDGE SMITH: You might send him a message to do that.
19 Mr. Gucati, feel free to stand if you wish.

20 MR. WORBOYS: Your Honour, I think he's having trouble, but he
21 says we can continue, clearly, if it's going to be a problem.

22 MR. BUCKLEY: [via videolink] My apologies, Your Honour. My
23 sound has just come back in. So that's fine. Please continue. I
24 don't want to delay proceedings any further given the technological
25 issues.

Witness: Hysni Gucati (Resumed) (Open Session)
Cross-examination by Ms. Bolici (Continued)

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1 PRESIDING JUDGE SMITH: You can hear me now?

2 MR. BUCKLEY: [via videolink] I can hear you now, Your Honour,
3 yes, I'm grateful. It's frustrating, but we are where we are.

4 PRESIDING JUDGE SMITH: Did you reboot your system? Is that it?

5 MR. BUCKLEY: [via videolink] I logged out and logged back in
6 again and hope the connection holds that way. I don't really
7 understand why there's been a problem because it's worked fine thus
8 far. But in any event, please continue. I will correspond with
9 Mr. Worboys through e-mail if need be if my sound goes off again.

10 PRESIDING JUDGE SMITH: Mr. Worboys gets the award for the day
11 for technological advancement. So thank you very much.

12 MR. WORBOYS: There's a first time for everything.

13 PRESIDING JUDGE SMITH: So you can continue, Ms. Bolici.

14 MS. BOLICI: Thank you, Your Honour.

15 Q. Mr. Gucati, are you aware that -- sorry. Can you hear me,
16 Mr. Gucati?

17 A. Yes.

18 Q. Are you aware that witnesses who provide statements against
19 members of the KLA War Veterans Association in criminal proceedings
20 are still publicly addressed by some nowadays as liars, traitors of
21 Kosovo or Serbian spies, don't you?

22 A. I have no knowledge that they are called as such. I am not here
23 to know whatever -- who has said whatever.

24 Q. I would like to show you, Mr. Gucati, an interview that you gave
25 to Koha on 12 December 2018.

Witness: Hysni Gucati (Resumed) (Open Session)
Cross-examination by Ms. Bolici (Continued)

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1 MS. BOLICI: This is Exhibit P0040. I would like to have both
2 the English and Albanian versions, and they are public. And I would
3 -- P40.

4 THE COURT OFFICER: Apologies, P4 or P40?

5 MS. BOLICI: 40.

6 THE COURT OFFICER: Thank you.

7 MS. BOLICI:

8 Q. Now, in the fourth paragraph, Mr. Gucati, between time stamps
9 4:39 to 6:03 --

10 MS. BOLICI: Page 2, please. Thank you.

11 Q. You say that you do not believe that the Specialist Chambers
12 will succeed, and you explain why, and you state:

13 "And for this reason, we strongly believe that this court will
14 fail. This court will always fail. The reason for their failure
15 would be that they have called some witnesses that I would call
16 enemy, 'collaborators,' and some witnesses that have not been in
17 Kosovo at all. This is why I believe that this court will fail."

18 Were you stating here, Mr. Gucati, that witnesses who provide
19 evidence to the SPO and this Court are enemy and collaborators?

20 A. Can you please repeat the question?

21 Q. In this interview that you gave on 12 December 2018, you state
22 that the court will fail because it has called witnesses who are
23 enemy and collaborators. My question is are you stating, back in
24 2018, that the witnesses of the SPO and of this Court are enemies and
25 collaborators?

Witness: Hysni Gucati (Resumed) (Open Session)
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1 A. We all know that Serbia is our enemy and that you have
2 collaborated with Serb criminals and some others that have been
3 associated with them. This is true. I meant the enemies of our
4 country, centuries-old enemies who have occupied us for over
5 100 years and that have perpetrated massacres in Kosovo.

6 Q. So is it correct, Mr. Gucati, that you are addressing people who
7 provide evidence to this Court as enemies?

8 A. The people who are real people, I wouldn't call them enemy. I
9 call enemies even those who protested against NATO bombarding Serbia.
10 These are enemies. Those who protested in Kosovo in 1999 when NATO
11 was launching its air strikes against Serbia, for me they are enemies
12 against my nation and my country.

13 MS. BOLICI: I would like to show to the witness the
14 Exhibit P0083. It's public. And I would like to have both the
15 English and the Albanian version. And in particular, I would like to
16 go to pages SPOE00222260-63. If we could enlarge a little. Thank
17 you.

18 Q. Is this your Facebook post, Mr. Gucati?

19 A. I don't know about that. I have already informed my lawyer that
20 some of the articles posted in my Facebook are not mine, so I want to
21 know whether this is really my article. I don't think that may be my
22 article. However, if I -- always if I wrote it. But I don't think I
23 did, because I had already informed the police and my lawyer at that
24 time about this fact, of other articles being put in my Facebook
25 account.

1 MS. BOLICI: And if we move to page SPOE00222263. If we could
2 enlarge the last part.

3 Q. This article is -- this post is signed with the initials HG that
4 are your initials. When you post articles on your Facebook profile
5 or posts and there are your initials, does it mean that these are
6 your posts?

7 A. It -- if I can see the date, please. If possible.

8 MS. BOLICI: It's on page 222260.

9 Q. You can see from the picture on the screen that it's 4 July.
10 And based on the metadata, it appears that the post is from 4 July
11 2020, and it refers to the indictments of the Specialist Chambers
12 that had been announced.

13 Do you recall having posted this post on your Facebook profile?

14 A. It is the same page you showed me first, because you showed me
15 two pages. This is page 1. But there is another one, I think, if
16 I'm not mistaken. It's my opinion. We are living in the 21st
17 century, and we have fought for the freedom of speech. I have
18 admitted that it is my post. It is my free opinion. I wrote that
19 about 80 per cent of us have been subjected to processes in the
20 courts and in also UNMIK. I didn't want to insult anyone.

21 What I wrote shows that we have been sentenced to 7.000 years in
22 prison. That was what prompted me to write this article. So I
23 thought I had the right to express my opinion against anyone, but I
24 didn't want to slander or insult anyone. And from what I know, you
25 can see for yourselves, I haven't done so.

1 Q. Thank you, Mr. Gucati. You state in the second sentence of your
2 post that:

3 "During the last 20 years there have been several indictments
4 against the leading structures of the KLA, all of them against
5 individuals who proved to be courageous fighters of the Kosovo
6 Liberation Army."

7 Two periods later, you add:

8 "Moreover, those who testified in those trials were
9 collaborators of the Serbian Secret or Military Service. They were
10 trained by these services to testify in these trials."

11 Are you stating here that all the witnesses who testified
12 against KLA members are Serbian collaborators?

13 A. In my whole life, I have never stated that all witnesses are
14 such. Show me. Prove me. We are living in Kosovo, all of us -
15 Albanians, Turks, Romas. This is not true what you are putting to
16 me.

17 Q. And in the following page, SPOE00222261, on the last period, you
18 state:

19 "Do not forget that in this battle people will be named and
20 shamed."

21 And in the following page, SPOE00222262, on the first period,
22 you state:

23 "... We will find out all those who are behind the politically
24 motivated murders in Kosovo and are accusing the KLA."

25 Are you stating here that witnesses against the KLA members will

1 be identified and shamed?

2 MR. REES: Your Honour.

3 MS. BOLICI:

4 Q. Don't you?

5 MR. REES: Can I raise an objection? I think in relation to the
6 quote that's put, Ms. Bolici should have read the quote in full. The
7 reference to "the people to be named," I think the quote should be
8 read to explain who he was referring to.

9 PRESIDING JUDGE SMITH: I agree with that.

10 Go ahead.

11 MS. BOLICI:

12 Q. Between the last page of -- between page SPOE00222261 and the
13 following page, you write as follows:

14 "Do not forget that in this battle people will be named and
15 shamed. Those who oppose progress, denied freedom, violated and
16 humiliated the Kosovo Parliament, destroyed Kosovo freedom which was
17 achieved with so much sacrifice and rivers of blood."

18 And you add:

19 "... We will find out all those who are behind the politically
20 motivated murders in Kosovo and are accusing the KLA."

21 Are you stating here that witnesses who provide evidence against
22 the KLA will be identified and their identities revealed to the
23 public opinion?

24 A. No, no. Here I meant that all these murders, every murder,
25 whoever has committed it, it would be good to discover the

1 perpetrator. I meant here that history will write about anyone, and
2 it's good that all these murders should be discovered and not
3 attributed to us.

4 I don't want to defend and stand up for anyone, but I'm saying
5 that it's good that the truth come out regarding everything that has
6 happened in Kosovo. That was my opinion and I stand by that opinion
7 even now.

8 Q. And, Mr. Gucati, I would like to show you now from the same
9 exhibit pages 64 to 67. This is a post published on your Facebook
10 profile on 26 April 2020 and is signed as the chairman of the
11 War Veterans Association of the KLA, Hysni Gucati. Is this your
12 post, Mr. Gucati?

13 A. Yes, it is mine. I can't deny that.

14 Q. And without mentioning the name, do you confirm that in this
15 post you are referring to an individual who had publicly stated that
16 members of the KLA committed war crimes?

17 A. I have publicly called on this individual when I was on a
18 private television channel. T7, I think. I publicly called on him
19 that if he knows of some case, it's not anything bad to expose that.
20 And I am still calling on this individual. If he knows about some
21 person doing that, he should tell the truth.

22 I didn't want to insult that individual. You can read my post.
23 And, again, through this Court, I call on this individual to come and
24 face me.

25 Q. I would like to refer to what you write in the middle of this

1 post, and it reads as follows:

2 "This person, together with a group of intellectuals who have
3 the support of Serbia and its international friends, helped in
4 arranging dozens and dozens of trials against the KLA, fabricating
5 all types of stories and paid 70% of the witnesses to testify in
6 these processes - this is well known in public. There were even
7 cases when some witnesses were killed having identified themselves
8 (deliberately or not) as working for these structures and all this
9 was done to destroy the KLA structure without any evidence but with
10 fake witnesses as their only possibility to reach their goal."

11 So, first of all, Mr. Gucati, were you aware then that witnesses
12 were killed after testifying against KLA members in war crime cases,
13 weren't you?

14 A. I didn't say they were killed. You have to read the entire
15 text. I said some intellectuals who are not intellectuals at all.
16 This person works for an NGO. I don't know who pays him. But I call
17 on this gentleman, let him testify, without being afraid. If he has
18 any arguments, let him testify. It's not a problem.

19 Q. When you write:

20 "There were even cases when some witnesses were killed after
21 having identified themselves (deliberately or not) as working for
22 these structures and all this was done to destroy the KLA structure
23 without any evidence but with fake witnesses as their only
24 possibility to reach their goal."

25 Are you referring to witnesses who were killed after having

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1 testified in trials against the KLA, Mr. Gucati?

2 A. No, no, I didn't mean that. You may read it, the entire text.
3 If you want, I can read it for you. Don't take words out of context.
4 Read all of it. I would kindly ask the Honourable Judges to read the
5 text from the beginning to the end. It's not true that the witnesses
6 who were against KLA were killed.

7 I call on this person. Let's come up and testify. This is what
8 I meant. This is very true.

9 Q. And you, as the author of this post, can you explain to which
10 killing were you referring to of people who had no evidence but only
11 fake witnesses? What were you referring to?

12 A. Can you please repeat the question?

13 Q. When you say that people were killed after having testified and
14 that there is no possibility to --

15 MR. REES: The quotation doesn't say that. If Ms. Bolici
16 could --

17 MS. BOLICI: Mr. Rees, I've read it two times already.

18 MR. REES: -- be accurate --

19 PRESIDING JUDGE SMITH: Just a second. Address the Court,
20 please.

21 MS. BOLICI: Yes.

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

23 MR. REES: If Ms. Bolici can be accurate in quoting from it.

24 MS. BOLICI: Your Honour, I have read the full quote three
25 times.

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1 PRESIDING JUDGE SMITH: Yes, you have.

2 MR. REES: And the question that she asked when she --

3 THE ACCUSED GUCATI: [No interpretation] [Overlapping
4 speakers] ...

5 PRESIDING JUDGE SMITH: Just a second --

6 MR. REES: -- quoted that Mr. Gucati had said people killed
7 after having testified, that is not in the quotation. So if she
8 could be accurate --

9 PRESIDING JUDGE SMITH: Please quote it exactly it's written.

10 MS. BOLICI: I have read it two times, Your Honour.

11 PRESIDING JUDGE SMITH: I know. Do it again.

12 MS. BOLICI:

13 Q. So you write:

14 "There were even cases when some witnesses were killed having
15 identified themselves (deliberately or not) as working for these
16 structures and all this was done to destroy the KLA structure without
17 any evidence but with fake witnesses as their only possibility to
18 reach their goal."

19 When you refer to "there were even cases when some witnesses
20 were killed," what are you referring to, Mr. Gucati?

21 A. Your Honour, can I read the entire text?

22 Q. No, I --

23 A. Then --

24 PRESIDING JUDGE SMITH: Mr. Gucati, just answer the questions
25 right now. Your attorney can ask more questions of you he wishes.

1 THE ACCUSED GUCATI: [Interpretation] This -- okay, I apologise.
2 What is written here, it's not me who said it. It's the media.
3 Some of them who discovered who they were and who repented for their
4 mistakes, there are some cases. That was the intention. I don't
5 know those persons. This was said through the media. I don't know
6 who they are. After they revealed who they were, after they repented
7 for their mistakes. It's not that somebody pressured them. I don't
8 know of any case.

9 MS. BOLICI:

10 Q. Which mistakes they repented for, Mr. Gucati?

11 A. I didn't ask them, because I don't know them.

12 Q. So when you say, "It's the media. Some of them who discovered
13 who they were and who repented for their mistakes, there are some
14 cases," can you explain what you are talking about? I quoted from
15 the transcript.

16 A. I said I don't know why but that was the reality. I don't know
17 them. I didn't ask them about it.

18 Q. So my question was about witnesses being killed, and your answer
19 is about people who repented for their mistakes. Are you
20 referring -- so the witnesses who were killed were people who
21 repented for their mistakes? Is this your answer? I'm just trying
22 to understand, genuinely.

23 A. I answered your question. I cannot -- I don't have any other
24 answer.

25 Q. You don't have any other answer. And I would like to show you

1 one more exhibit, Mr. Gucati, and this concerns your interview, the
2 interview that you gave to Imazh on 7 September 2020.

3 MS. BOLICI: And this is Exhibit P09. And I would like to move
4 to page 9 of both the Albanian and English transcript.

5 In the English transcript, the relevant lines are line 9 to 9.

6 Q. For the Albanian transcript, Mr. Gucati, the relevant lines are
7 lines 12 to 17.

8 PRESIDING JUDGE SMITH: Could you repeat the English ones again?

9 MS. BOLICI: For the English one, the relevant lines are lines 5
10 to 9. And for the Albanian, lines 12 to 17.

11 PRESIDING JUDGE SMITH: Thank you.

12 MS. BOLICI:

13 Q. And you were asked, Mr. Gucati:

14 "What is, if I may put it this way, surprising in the content of
15 these files, from what you've seen so far?"

16 And you answer:

17 "What I have found surprising is the fact that I saw there are
18 lots of people in whom we trusted ... that we trusted, we welcomed
19 them in our houses, meetings ... respected them ... and the likes."

20 Now, you are talking here about the documents that you had
21 received on 7 September. Aren't you -- aren't you, Mr. Gucati,
22 stating here that you recognised in the confidential documents names
23 of people who you trusted and who do not long deserve to be trusted?

24 A. No, no, I wasn't referring to people I knew. These were
25 surprising statements. And on line 18, we see a reference to the

Witness: Hysni Gucati (Resumed) (Open Session)
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1 legendary commander Adem Jashari. So this is what I was referring
2 to. This was surprising. As far as names are concerned, no, I
3 wasn't aware of any of them.

4 Q. And, Mr. Gucati, on the following page, on page 10 of this -- I
5 will just move on. One moment.

6 PRESIDING JUDGE SMITH: It's time to take a break.

7 MS. BOLICI: Okay, let's take a break then.

8 PRESIDING JUDGE SMITH: All right.

9 MS. BOLICI: That's fine. Thank you.

10 PRESIDING JUDGE SMITH: We will reconvene at 11.30. We'll be in
11 adjournment until then. Thank you very much.

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

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

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

15 MS. BOLICI: Thank you, Your Honour.

16 I would like to show to Mr. Gucati page 12 of the transcript
17 that is already in front of us, still from the interview with Imazh
18 of 7 September. And it's lines 2 to 17 of the English transcript;
19 and 12 to 27 of the Albanian transcript.

20 PRESIDING JUDGE SMITH: Page?

21 MS. BOLICI: 12.

22 PRESIDING JUDGE SMITH: Page 12.

23 MS. BOLICI:

24 Q. And you stated, Mr. Gucati, in the course of the same interview:
25 "They're trying, via some witnesses, or I would say some

1 Albanian-speakers ... or, I would say publicly, some traitors of our
2 country ... without ..."

3 And then later on, at line 12 of the English translation and
4 line 21 of the Albanian version:

5 "... this is that the Special Court is trying to justify its own
6 existence and the work they do, and the money they have spent, and to
7 find somebody, and to put them in the dock, and to find an
8 Albanian-speaker or a traitor, or a Serb, and they stand up and lie,
9 saying that such and such have done this and that ... without them
10 having done such things, this is it. This is what I think."

11 Are you addressing here, Mr. Gucati, witnesses who have provided
12 evidence to the SITF/SPO as traitors of your country, aren't you?

13 THE INTERPRETER: Microphone for the witness, please.

14 Microphone for the speaker. Microphone for the witness, please.

15 THE ACCUSED GUCATI: [Interpretation] The Albanian speaker is a
16 term that we use with no differentiation between Albanians, Serbs,
17 Turks, or whatever. Whilst traitors, I always had in mind that
18 person whose name I'm not being allowed to mention, the one who's,
19 amongst others, responsible for the rape of our women.

20 MS. BOLICI:

21 Q. So at all times you had in mind this one person when were making
22 such statements in your multiple interviews; is this correct?

23 A. Yes, that is correct. It's a well-known name. It's somebody
24 who is on Interpol's most wanted list. And he's known very well.
25 He's known about the massacre in Gjakove and Meja. He's well known

1 about the rape of our mothers, daughters, and so his name is very,
2 very public.

3 MS. BOLICI: And I would like to move, please, to page 11 of the
4 same transcript. And it is line 7 to 17 of the English version. And
5 it's from line 16 of the Albanian version.

6 Q. And you were asked:

7 "So you suspect that there are fabrications?"

8 And the answer:

9 "A lot ... there are a lot of fabrications. It's unbelievable.
10 There are a lot."

11 And you are asked:

12 "How come these fabrications could be made from people that you
13 say that you trusted?"

14 And later on you answer, and I'm starting from line 15 of the
15 English version:

16 "But they have spoken about their war comrades or co-fighters,
17 or civilians that have said something about the KLA, about a
18 commander or a member of the KLA ..."

19 Are you stating here, Mr. Gucati, that you recognised names and
20 statements of people you trusted and that these people had provided
21 fabrications to the investigative authorities, aren't you?

22 A. Would you kindly ask the question again, please?

23 Q. In this part of your interview, are you answering to the
24 interviewer by saying that you had identified in the documents that
25 you distributed on 7 September names and statements of people that

1 you trusted and that these people had provided fabrications, false
2 information to the investigative authorities? Is this what you're
3 stating here?

4 A. No, I did not mention a single name. The Imazh TV programme is
5 public and publicly available. I haven't mentioned a single name. I
6 have said that I've come across a statement that has taken me
7 completely by surprise, but I have not mentioned a single name. I
8 did not know a single one and neither did I mention any names.

9 I have -- as I've said in the statement, there are quite a few
10 lies, but I have not mentioned a single name. No.

11 Q. And these lies were provided, according to you, by people that
12 you trusted. Is this correct, Mr. Gucati?

13 A. The lies were by the liars, those who wanted to tell untruths.
14 If I'd known them, I would be able to proffer names here, but I
15 don't. However, we -- I am right in my -- in exercising my right to
16 think that they have been lying.

17 Q. And, Mr. Gucati, how did you assess that these people have
18 been -- that the statements that you read contained lies? How did
19 you assess that?

20 A. They gave statements during the Serbian occupation of Kosovo.
21 Maybe they gave that statement during that period of time. Or the
22 alternative is that they chose to lie. It's their choice. However,
23 I am not aware of the names. I don't know any names or surnames.
24 Had I known any of them, I wouldn't have hesitated to give the name
25 here.

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1 Q. Mr. Gucati, you said that you recognised in the materials that
2 you distributed in 7 September a number of lies, of fabrication, and
3 I'm asking how did you establish that the information contained in
4 these statements were lies and fabrications?

5 A. I came to the conclusion because the KLA, even theoretically
6 speaking, would not have been capable of any massacre or of killing
7 any citizen, Serbs or otherwise. The international forces, NATO and
8 so on, are fully aware of this. The KLA was not capable,
9 theoretically or practically speaking, of being able to carry that
10 out, and that's why I have reached the conclusion that this was a
11 simple lie.

12 Q. So is it your testimony, Mr. Gucati, that whoever provides
13 evidence against the KLA provides untruthful evidence? Is this your
14 testimony?

15 A. I have never said that before. If there is evidence and
16 arguments out there, and I'm referring to the person -- to the
17 individual I mentioned earlier, there is no reason to hide from
18 anyone or from anything. And I extend that public appeal to that the
19 same individual again. And, no, I haven't said that kind of thing
20 before.

21 Q. And so how did you establish that the information that you read
22 in the witness statements were, in fact, lies?

23 A. Are you trying to infringe my right to think freely and to
24 analyse a situation? That's what I thought, and I think I'm right in
25 my right to do so. If you want to infringe my right, please say so.

1 Q. And which kind of information did you analyse? Did you read
2 every statement, every fact that was included in these 1.000 pages
3 that you distributed to the press to assess that there were lies in
4 there?

5 A. It would take a year to read a thousand pages, as you're
6 suggesting. I haven't read more than seven. So not 1.000. So it's
7 only that document which caught my eye, and the document that refers
8 to the legendary commander Adem Jashari. And I said this contains
9 lies. That's what I said. This is a fabrication.

10 You see there the background of the legendary commander
11 Adem Jashari, a person who was only known in his vicinity, in his
12 village, and that is what I'm referring to. I'm referring to that
13 document that talks about the biography of the legendary commander
14 Adem Jashari.

15 Q. And when you distributed 1.000 pages to the -- about 1.000 pages
16 to the press, you had no clue. You did not assess whether witness
17 statements included therein contained truthful information or lies;
18 is this correct?

19 A. First and foremost, let me -- I'm sorry that you say
20 "distributed." We have not distributed anything. We've placed the
21 documents on the table. Whoever wanted to take it was free to do so.
22 That's one.

23 Secondly, I've told the media and everyone else that names
24 should not be made public, which is what I've been abiding by
25 throughout my life. That you need to protect the privacy of anyone,

1 be it a Serb, an Albanian, a Roma, an Ashkali, and that has been a
2 standard I've been abiding by throughout.

3 Q. Yes. And when you did so, when you made available about 1.000
4 pages of documents to the press, you had no information, no clue
5 whether the witness statements contained therein contained truthful
6 informations or not, did you?

7 A. I said I did not go through the thousand pages. I have no idea
8 whether they contain statements or other notes. They were made
9 available on that table. What I said was that I chanced upon a
10 document talking about the commander which took me by surprise and
11 which said is full of lies and fabrications. The other documents,
12 no, I'm afraid I haven't checked to see what they contained.

13 Q. So, Mr. Gucati, in the course of 7 September, you told the
14 public that the documents that you were making available to the press
15 contained witness statements and names. And you, in fact, made
16 available these documents to those in attendance at the press
17 conference, and you addressed witnesses as traitors, collaborators,
18 and Albanian speakers. When you did so, did you give any
19 consideration to the consequences that your words and actions would
20 have on witnesses, anybody who had provided any statement to the SITF
21 or SPO up to that time?

22 A. Let me repeat. Those who are against my country and those who
23 protest against the NATO bombardment against the Serbs, they are
24 enemies of my country and that is what I've thought throughout. I
25 have attracted the attention of everyone in the media saying that the

1 privacy of every single individual needs to be protected. Whilst
2 those who protested against my country, the protesters who protested
3 against the NATO bombardment, they are enemies of my country, and I
4 thank NATO for carrying out that campaign.

5 Q. When you made available documents containing witness statements
6 to the persons in attendance at the press conference on 7 September,
7 did you give any consideration to the effects of your actions or
8 words on witnesses who had provided statements to the SITF or SPO up
9 to that point? Please answer this question.

10 A. No, I never thought that I was threatening any single witness.
11 I have never done that throughout my life, because I don't know who
12 they are. Hysni Gucati has never threatened anyone. If you find any
13 evidence, I would plead guilty to that. But you will never be able
14 to find anything of the sort. I have never done that via the press,
15 my interviews or other media appearances. That is my answer.

16 Q. And you stated on that occasion that names and statements were
17 being made available to whoever wanted to take these documents, and
18 you addressed these persons as traitors. Do you think this might
19 have generated fears or stress or security concerns for anybody who,
20 up to that point, had cooperated with the SITF or SPO?

21 A. I'm sorry, but even through the media, and from the detention
22 unit where I find myself, I have called on witnesses to give evidence
23 so that everything comes out into the open. I don't know where
24 you've found what you're referring to. I've never threatened anyone.
25 Those who are against my country and against NATO, these are enemies

1 of my country. And I can repeat that a thousand times.

2 However, I am the one who has made frequent calls through
3 interviews and other appearances in media portals for witnesses to
4 come forward to give you the information that you seek.

5 Q. Mr. Gucati, you took no steps to redact witness names from the
6 documents you were making available to the press; is this correct?

7 A. I do not copy or redact documents. I haven't drafted them.
8 They leaked from your office. And, in fact, I thank the media who
9 did not reveal the names. So the names, in a manner of speaking,
10 never came out, so those documents were redacted somehow.

11 Q. You could have withheld the statements of witnesses and their
12 names and you chose not to do so; is this correct?

13 A. What we did is ask the media not to make public names or
14 statements, and that is correct.

15 Q. And you asked that at the same time while providing the
16 documents containing witness names and statements; is this correct?

17 A. In every single appearance, me and my friends have frequently
18 asked for the names not to be made public. I don't think that we
19 have ever told anyone to take the documents and publish the names.
20 That has never occurred.

21 Q. Mr. Gucati, you are aware that witness testimony is an essential
22 part of criminal proceedings as well as war crimes cases against KLA
23 members, don't you?

24 A. Let me say that I'm not aware of a single case of a witness who
25 has come out and claimed that his identity has been revealed. In the

1 past -- at least in the past 15 months that I've been in jail, I have
2 not heard of a single case of a witness who has claimed that his
3 identity has been revealed.

4 Q. The question was different. Are you aware that witness
5 testimony is an important part of criminal proceedings, including
6 against KLA members? Do you know that?

7 A. It's precisely because it was significant that we did not
8 publish the names or the statements, and that is true. So we have
9 protected that individual by not revealing the name or publishing the
10 statements.

11 Q. Thank you. Mr. Gucati, in the course of the three press
12 conferences of the 8th, 17th, and -- sorry, 17th and 22nd September,
13 did you authorise Nasim Haradinaj to say everything that he said in
14 each of these press conferences? Is this correct?

15 A. We do not authorise anyone. There's no need. I'm the chairman
16 of the organisation. He's my deputy. We had a statement of what
17 needs to be made to the media. We said that we have invited -- we
18 have invited journalists to a press conference. We had no idea what
19 questions should be asked, so there's no authorisation or no need.

20 So there has been no need to have that kind of authorisation,
21 but I have supported everything that he's said.

22 Q. Thank you. You have supported everything that he said in all
23 three press conferences; is this correct?

24 A. Given his background and of his family, 37 years in jail and so
25 on and so forth, knowing that Nasim would never make a mistake

1 because of his code of ethics and his morality that he's lent his
2 name, I have always supported him. And I know that he has not
3 mentioned a single name or revealed any statement that would cause
4 harm to any witness. At least that is what I know about this.

5 Q. And at paragraph 20 of the statement that you provided to your
6 counsel, you stated:

7 "I then gave the floor to Nasim. I did not think Nasim would
8 say anything unlawful."

9 Did, in fact, Nasim Haradinaj say anything unlawful in the
10 course of this particular press conference?

11 A. I opened the meeting. I opened all the meetings, as a matter of
12 course. And, however, sometimes I was poorly because I suffer from
13 diabetes. I opened the meeting and I -- and I passed the floor to
14 Nasim, to Nasim Haradinaj, who said what he had in his mind. From
15 what I was able to observe, I don't think that there was any word
16 that would be deemed as illegal or any threat whatsoever to anyone.

17 Q. And is there anything that Nasim Haradinaj said at the press
18 conferences or in his public appearances that have been disclosed to
19 you in this case that you wish to disavow?

20 A. I did not understand the question. Can you please repeat it,
21 because I think that it was left unfinished.

22 Q. Is there anything that Nasim Haradinaj stated in the three press
23 conferences or in other public appearances, in relation to the
24 documents that were made available by the KLA War Veterans
25 Association to those attending the press conferences, that you wish

1 to disavow?

2 A. I don't think so. I don't think I've heard a single thing,
3 because I would have said it there and then that the -- had he made a
4 mistake. So I don't think that Nasim, at this age of his and his
5 past, would have made a mistake regarding the documents leaked from
6 your offices. I don't think that Nasim ever made a mistake. I
7 cannot recall it -- in its -- his speech in its entirety, but I don't
8 believe that he made a mistake either.

9 Q. And in relation to the other public appearances that
10 Nasim Haradinaj made throughout the period between the press
11 conferences, between the 7th and 22nd September, did you hear or
12 become aware of -- and 25th September. Did you hear or become aware
13 of any statement that you disagreed with, that you think should have
14 not been made on behalf of the KLA War Veterans Association?

15 A. I -- I'm not aware of any statement that Nasim would have made,
16 and I'm referring to the three joint appearances in these press
17 conferences. So I don't think that he's made a statement that would
18 harm the WVA. Nasim is not a child of 10 or so. He's over 55, so I
19 don't think that he would have been able to make the mistake that we
20 think about.

21 Q. So you never became aware that in any of the other public
22 appearances of Mr. Nasim Haradinaj he made any statement that you
23 disagreed with?

24 MR. REES: I raise an objection to this. I have criticised, in
25 the past, questions that appear to me to effectively be a memory

1 challenge, and this is a clear example of what, in my submission, is
2 an unfair approach to questioning.

3 Asking him to recall events when he's not present or statements
4 made by Mr. Haradinaj I think is a gross unfairness. If there's any
5 particular passage on any of the transcripts, the exhibits that
6 Ms. Bolici wishes to put to Mr. Gucati and ask him for his -- to
7 answer in relation to any specific part of the transcripts, then she
8 should do that. But I do object to this unfair approach.

9 PRESIDING JUDGE SMITH: Thank you, Mr. Rees. Your objection is
10 overruled. It was a fair question. She asked him if he had become
11 aware.

12 Go ahead.

13 MS. BOLICI:

14 Q. Mr. Gucati, you and Mr. Haradinaj gave a number of interviews to
15 the TV and the press between the 7th and 25th September 2020. Do you
16 recall, did you become aware of any occasion when Nasim Haradinaj
17 said something that he shouldn't have said, in your opinion, that you
18 wouldn't share, that you would consider wrong to say?

19 PRESIDING JUDGE SMITH: Go ahead, Mr. Worboys.

20 MR. WORBOYS: Your Honour, I'm sorry to rise on this, but I'd
21 just like to object to this line of questioning on the basis that the
22 matters that Ms. Bolici is going to are really questions for the
23 Court.

24 PRESIDING JUDGE SMITH: I can hear you.

25 MR. WORBOYS: Are questions for the Court and/or those for

1 Mr. Haradinaj, and we would object on that basis.

2 PRESIDING JUDGE SMITH: Overruled.

3 Go ahead.

4 MS. BOLICI:

5 Q. Mr. Gucati, between 7th and 25th September, did Nasim Haradinaj
6 say anything in public that you wish to disavow?

7 A. Please, please, Nasim has given numerous interviews. Can you
8 kindly point us to the date, the time, the media outlet where the
9 interview was held? We, both of us, we gave numerous interviews, so
10 it would be nice to be able to recall those events. I don't know
11 which one in particular. You're saying from the 7th to the 22nd, but
12 what time of day? I -- I wouldn't be able to remember just like
13 that, because I could make a mistake.

14 But from what I was -- have been able to -- or what I was able
15 at the time to follow, I don't think that he's made a mistake. No.

16 Q. Mr. Gucati, you were following the public appearances of
17 Mr. Haradinaj. Was he speaking on behalf of the KLA War Veterans
18 Association?

19 A. I didn't follow all of the debates on TV. I didn't have time.
20 I couldn't sit in front of the TV because I had to work. I have a
21 family. I have to work. So I didn't follow all the debates.

22 Q. And of the ones that you have followed, of what you remember,
23 did you notice anything that you believe he shouldn't have said?
24 Something that you consider wrong to have said?

25 A. I've already said I don't know and I don't believe so. I said

1 earlier I don't know. What I did hear, I don't think he said
2 anything, at least from what I heard when I present.

3 Q. I would like to show you, Mr. Gucati, the transcript of the
4 first press conference.

5 MS. BOLICI: And in particular, it's Exhibit P0001, and I would
6 like to have the English and the Albanian version side by side. And
7 the relevant page is page 3. Redacted version, please.

8 Q. Now, Mr. Gucati, in the middle of this page, right before the
9 black box that you see on screen, is the part when Mr. Haradinaj
10 stated:

11 "These notes, these names, these surnames, they must now know
12 that they are known names and that no one is unknown, because the
13 exact place, the exact summon, the statement when he has given it,
14 the next statement when he has given it are all shown here."

15 Now, did you stand by Mr. Haradinaj here when he referred to
16 witnesses and stated that they would no longer be unknown because
17 their exact statements were being shared with those in attendance to
18 the press conference; is this correct?

19 PRESIDING JUDGE SMITH: Go ahead, Mr. Worboys.

20 MR. WORBOYS: Your Honour, just for the record, can I be clear
21 when this is from? I've just looked at the transcript, and apologies
22 if I missed it, but Ms. Bolici hasn't explained when this transcript
23 is from.

24 MS. BOLICI: It's the first press conference of 7 September
25 2020. It's Exhibit P1.

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1 PRESIDING JUDGE SMITH: Thank you.

2 MR. WORBOYS: Thank you.

3 MS. BOLICI:

4 Q. Mr. Gucati, you stood here by Mr. Haradinaj when he referred to
5 witnesses and stated that they would no longer be unknown because
6 their exact statements were being shared with those in attendance at
7 the press conference; is it correct?

8 A. I didn't hear that. Maybe you are looking at another
9 transcript. I see here David Schwendiman. Maybe I shouldn't mention
10 him. I don't have anything else written here.

11 Q. Mr. Gucati, if you look at the page in front of you, in the
12 middle of the page, right before the black boxes, there is a part
13 that states -- I think it starts from, it says, in Albanian, "Dhe
14 keto shenime ..." Apologies for my pronunciation.

15 Did you find the relevant part?

16 A. Yes, I did. Yes.

17 Q. Okay. And when Mr. Haradinaj stated that the names of all the
18 persons who had been summonsed would not be unknown any longer
19 because their exact place of the interview would now be known, you
20 found nothing wrong with it, did you?

21 A. From what I'm reading, I don't think it was anything wrong
22 because Nasim didn't mention any specific name, didn't read any
23 specific statement, or witness, or venue where they gave the
24 statement. So I believe that he didn't violate any procedure, and
25 this is what is written here too. What Nasim said is accurate, but

1 he didn't mention any names of witnesses.

2 Q. Thank you.

3 MS. BOLICI: And if we could please move to page 5 of this
4 transcript.

5 Q. Now, if you look, Mr. Haradinaj, towards the middle of the page,
6 the sentence that starts with the words: "Edhe tash te shohim ..."
7 Apologies again for my pronunciation. Did you find the relevant
8 excerpt?

9 I will read it in English and perhaps the translation will
10 assist. When Nasim Haradinaj said:

11 "We do have a copy, though, and we will protect it in the name
12 of God, and we will give you as many copies as you want. You can
13 read as many names as you want in here. There will no be longer the
14 need to say, you know, "This person said this, this person said
15 that.' Let's see now! Let's see your courage, our courage, the
16 courage of the members of the Parliament."

17 When Nasim Haradinaj said that, Mr. Gucati, you agreed that the
18 persons in attendance should read names of witnesses and take copies
19 of documents containing witness names, didn't you?

20 A. Nasim said here, "You shouldn't reveal the names." I think you
21 should read all of it. "Even though we have a copy, we can -- we
22 will protect it in the name of God, but we can give you as many
23 copies as you need. But you shouldn't dare," meaning that "you
24 should not reveal the names."

25 Q. Can you --

1 A. This is what he meant. The copies, all the copies were on the
2 table where we held the press conference and whoever wanted to take
3 photos and get copies, get some of them, they could.

4 Q. Can you please point to the particular sentence you are
5 referring to when Nasim Haradinaj said --

6 A. Yes. Nasim Haradinaj said, "You should not read out the names."
7 Not "you should read," but "you should not read the names."

8 Q. Didn't he say:

9 "You can read as many names as you want in here."

10 I don't see the word "not" in this sentence. Is there a word
11 "not" in this sentence, Mr. Gucati?

12 A. In this sentence, there is -- there are copies. "I can give you
13 as many copies as you want," not "you should read." You should -- I
14 would kindly ask the translator to translate the text properly as it
15 is written in Albanian language.

16 Q. So I have the following:

17 "... we will give you as many copies as you want."

18 And the following sentence is:

19 "You can read as many names as you want in here."

20 Is this correct?

21 A. It is correct from what -- what I can say is this: He doesn't
22 say "you can." I am not a linguist, but I know I understand
23 Albanian.

24 Q. So you saw nothing wrong in what he said in this part of the
25 press conference; is this correct?

1 A. I don't think there is nothing wrong in this conference, because
2 he didn't mention any names. I don't want to stand up for Nasim,
3 because we all, both of us, are adults. I don't want to protect him.
4 But I think that since he did not mention any names, and then
5 cautioned the media not to make any names public, this is what I
6 think. But we are both accused here. I think that Nasim didn't
7 commit any offence. This is my opinion.

8 Q. Thank you.

9 MS. BOLICI: I would like to move to the third press conference,
10 and it's Exhibit P0035. And I would like, Your Honour, to go briefly
11 in private session for about five minutes, if possible.

12 PRESIDING JUDGE SMITH: [Microphone not activated].

13 MS. BOLICI: Yes.

14 PRESIDING JUDGE SMITH: [Microphone not activated].

15 [Trial Panel and Court Officer confers]

16 PRESIDING JUDGE SMITH: Mr. Buckley, we remind you that you will
17 lose the audio when we go into private session, but you can read the
18 transcript.

19 MR. BUCKLEY: [via videolink] Your Honour, I'm grateful for that
20 indication. And as has already been expressed, I must put on record
21 my objection to the fact that I am not able to be party to any matter
22 that is taking place in private session. It is not conducive to
23 fairness both on the advocates or, indeed, Mr. Haradinaj.

24 I take note of the Panel's point, and I acknowledge that.
25 However, as noted, Your Honour, I do have to make that objection

Witness: Hysni Gucati (Resumed) (Open Session)
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1 formal.

2 PRESIDING JUDGE SMITH: Understood. Your objection is
3 overruled. We will go into private session.

4 I'm sorry, Mr. Buckley, do you have -- you do have access to the
5 transcript; am I correct?

6 MR. BUCKLEY: [via videolink] No, Your Honour.

7 PRESIDING JUDGE SMITH: You don't have --

8 MR. BUCKLEY: [via videolink] I have access to the transcript
9 after the event, but I don't have access to the transcripts
10 immediately. And this was one of the reasons upon which the
11 objection was raised before proceedings started and before we were
12 aware that Mr. Cadman wouldn't be in a position to attend.

13 [Trial Panel and Court Officer confers]

14 PRESIDING JUDGE SMITH: Mr. Buckley, you have Transcend which
15 gives you live access to the transcript as it is occurring.

16 MR. BUCKLEY: [via videolink] I'm grateful, Your Honour. I will
17 try and locate that. As noted, Mr. Worboys is in court in any event.

18 PRESIDING JUDGE SMITH: Okay. But I want to make sure that you
19 understand what you have available to you.

20 MR. BUCKLEY: [via videolink] I acknowledge that, Your Honour,
21 and I take that on board.

22 PRESIDING JUDGE SMITH: Okay, thank you.

23 Mr. Worboys, you are present.

24 Thank you for waiting. Go ahead, Ms. Bolici, as soon as we are
25 in private session.

Witness: Hysni Gucati (Resumed) (Private Session)
Cross-examination by Ms. Bolici (Continued)

1 [Private session]
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Witness: Hysni Gucati (Resumed) (Private Session)

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Cross-examination by Ms. Bolici (Continued)

1 [Private session text removed]

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Witness: Hysni Gucati (Resumed) (Private Session)

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Cross-examination by Ms. Bolici (Continued)

1 [Private session text removed]

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Witness: Hysni Gucati (Resumed) (Open Session)
Cross-examination by Ms. Bolici (Continued)

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1 [Open session]

2 THE COURT OFFICER: Your Honours, we are back in public session.

3 MS. BOLICI: And I would like to show to the witness Exhibit P6,
4 both the English and the Albanian version, and they are public. And
5 I would like to move, please, to page 26.

6 Your Honour, if you don't mind, I would prefer to have a
7 slightly earlier lunch break and, if possible, resume slightly
8 earlier after the break.

9 PRESIDING JUDGE SMITH: [Microphone not activated].

10 MS. BOLICI: I would like to have a break now, if possible, and
11 resume after the lunch break.

12 PRESIDING JUDGE SMITH: [Microphone not activated].

13 THE INTERPRETER: Microphone for His Honour, please.

14 MS. BOLICI: Yes, that would be fine with me. Yes. Thank you.

15 PRESIDING JUDGE SMITH: Sorry. You want to resume earlier and
16 break earlier?

17 MS. BOLICI: Yes, it's eight minutes. Yes.

18 PRESIDING JUDGE SMITH: Is there some reason we have to do this
19 now?

20 MS. BOLICI: No, there is no particular reason. I would prefer
21 to reorganise. But I can move on, if we want to save these eight
22 minutes.

23 PRESIDING JUDGE SMITH: Let's go on for the time being.

24 MS. BOLICI: Okay. I thought the break was at 12.30, that's why
25 I was -- instead it's 1.00. Okay. Thank you. Thank you,

1 Your Honour.

2 Q. I will move to a slightly different topic, Mr. Gucati, and I
3 would like to ask you whether -- I would like to refer to
4 paragraph 59 of your statement, where you state:

5 "I was advised by Tome Gashi that I was acting lawfully unless I
6 name a witness, and I was, therefore, very careful to avoid doing
7 this."

8 You claim that Tome Gashi advised you that you were acting
9 lawfully unless you named a witness. Can you tell us, please, when
10 did you have this conversation with Tome Gashi?

11 A. I was also -- I appeared also on television debates along with
12 Tome Gashi before and after he became our lawyer. I want to thank
13 him from this chair where I'm sitting now and from this session.
14 Tome has never told me -- he has always told me that making names
15 public is absolutely forbidden, so I wish to thank him, even though
16 we didn't mention any names, warning us not to mention any names or
17 any statements because that would harm the process.

18 Therefore, neither me nor Nasim or Tome mentioned any names.
19 This is what he told us. Tome didn't say at any time that, "You have
20 the right to publish or to make public any information or to come out
21 in press conferences." He just warned us not to mention any names,
22 any -- publicly.

23 Q. And did he say that you could distribute documents to those in
24 attendance at the press conferences?

25 A. I never asked him about that, because I am the chairman of the

1 WVA. He was not my counsellor. He was merely our lawyer. I never
2 asked him.

3 Q. So you took the decision to distribute these documents without
4 seeking legal advice; is this correct?

5 A. We didn't distribute, please. Don't say that word. We merely
6 said that some documents have leaked from the Special Court which
7 took us by surprise, because to have those documents come out of your
8 offices -- we have a wise saying: I would think of death than of
9 being confronted with this phenomenon. So I would have thought of
10 dying five times than have these documents leak from your office and
11 end up in our office.

12 Whoever has done that, deliberately or unintentionally, to put
13 us in this situation, you know better than us.

14 Q. Mr. Gucati, you keep saying you did not distribute the
15 documents. At the first press conference, for example, you went
16 there with four identical copies of the documents, didn't you?

17 A. Yes, I called the conference, but we did not distribute the
18 documents. You must discover the person who stole those documents
19 from you. You should find that because --

20 Q. Mr. Gucati, please answer the question. You went to the press
21 conference with four copies of documents; is this correct?

22 A. I called the press conference. This is true.

23 Q. And when you went to the press conference, you had four copies
24 of the documents. Is this true, yes or no?

25 A. It is true that I had four copies that were brought by your

Witness: Hysni Gucati (Resumed) (Open Session)
Cross-examination by Ms. Bolici (Continued)

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1 office. I will never deny that.

2 Q. And when you came out of the press conference, you had one copy
3 of the documents with you; is this correct?

4 A. That copy was -- we called on the Kosovo prosecution office to
5 come and get that copy. We publicly called on your investigators,
6 and they came on 8 September and got it. This is the truth.

7 Q. Yes. You left three copies for those in attendance at the press
8 conference to take these copies; is this correct?

9 A. We didn't tell them, "Get them." We merely said, "Here they are
10 on the table," but I never forced any journalist to take them.

11 Q. Clear. When did you first talk with Mr. Tome Gashi? This was
12 after the second press conference; is this correct?

13 A. If I am not mistaken, it was after the first conference. Yes,
14 after the first conference I talked, but I talked with him during the
15 second conference.

16 Q. So it was during the second conference the first time when you
17 spoke with Tome Gashi; is this correct?

18 A. Yes, yes.

19 Q. And the decision to call --

20 MR. REES: I think --

21 MS. BOLICI: Yes, just a moment -- yes. Go ahead.

22 MR. REES: Could Ms. Bolici clarify that. Obviously, there was
23 an interview when Mr. Gashi was present talking with Mr. Gucati at
24 the second conference.

25 PRESIDING JUDGE SMITH: [Microphone not activated].

1 MS. BOLICI:

2 Q. Mr. Gucati, you did not speak with Tome Gashi prior to the first
3 press conference; is this correct?

4 A. It is correct. I didn't.

5 Q. And you did not speak with Mr. Gashi prior to the second press
6 conference; is this correct?

7 A. He was not present during the second conference.

8 Q. So the first time you spoke with Mr. Tome Gashi was after the
9 second press conference; is this correct?

10 A. After the second conference was over, Tome came to my office and
11 we talked. So after the conference, he came to my office. There
12 were some files when your Albanian-speaking investigator came to
13 fetch them. That was when Tome was there.

14 Q. And did you change at all how did you handle the third batch of
15 documents after you spoke with Tome Gashi?

16 A. Yes. Tome advised us that these documents need to be handed
17 over to your Albanian-speaking investigator. His presence was
18 welcome, because initially we did not want to hand over the document
19 to anyone without the presence of the Kosovo police force and in
20 their capacity as a witness. So when those documents were in the
21 past lost, trust was also lost, so we did not initially want to hand
22 over documents without the presence of a third party, the Kosovo
23 police.

24 Q. Mr. Gucati, you had already handed over documents to the SPO
25 officers on 8 September 2020, didn't you?

1 A. I was off on 8 September. I said the same two days ago. Faton
2 did that and the handover documents were -- are available. Faton
3 called me or sent me a text message, and I called him and ascertained
4 that, yes, documents had been handed over by Faton.

5 Q. So you had already authorised Faton Klinaku to hand over the
6 documents to the SPO officers without requesting Tome Gashi's advice;
7 is this correct?

8 A. It's true, Tome was not present at the time. Faton told --
9 phoned me, and I told him, "Give the investigators the whole file,
10 because it is of no relevance to us," and that continues to be the
11 case.

12 Q. So you didn't need Tome Gashi's advice in order to decide
13 whether to provide or not provide documents to the SPO officer; is it
14 right?

15 A. It's correct, I did not ask Tome. Tome was not present there.
16 We authorised him after the first press conference. It is then that
17 we hired him as our lawyer.

18 Q. And in relation to your conversation with Mr. Klinaku on
19 8 September when you authorised him to hand over the documents, you
20 said that you were not told on this occasion that a Court order was
21 served on your name to the KLA War Veterans Association; is this
22 correct?

23 A. Faton has been working there for about 20 years. If you allow
24 me 20 seconds to explain, please. Faton has been working for
25 20 years, and there is no intention on his part to hide any documents

1 from me or from anyone else. Faton told me of a -- of an order that
2 has arrived from your office telling us to hand over the documents.
3 And that has happened. That has happened, with the handover
4 document. That's what he told me on the phone -- on the phone -- on
5 that phone call.

6 And then that document I was able to see upon returning to my
7 office is the document that you seized upon my arrest there. That is
8 the document that Faton has showed me.

9 Q. So Faton Klinaku told you that there was an order that had been
10 served by the SPO. When you came back from holidays on the 15th or
11 16th September, did he show you this Court order?

12 A. Am I being clear? Am I understanding the question properly?
13 Faton showed me the handover document as well as the authorisation
14 from your office ordering the seizure of the documents. It's the
15 same document, so the authorisation for the seizure of documents and
16 the document for the handover of the documents. The latter signed by
17 Faton Klinaku and your Albanian-speaking investigator. There was
18 nothing in there suggesting that media appearances were discouraged.

19 Q. Thank you. In paragraph 14 of your statement, Mr. Gucati, in
20 relation to the first delivery, you state that you were looking
21 through the documents and -- it's in paragraph 15 of your statement.
22 You said that when you opened the box, there was a piece of paper
23 which was handwritten in Albanian in pencil, and said "'we will bring
24 another 7000 files with documents.'"

25 You told in the course of the examination-in-chief that you had

1 lost this document; is this correct?

2 A. That is correct. It was a -- it wasn't a document. It was just
3 a piece of paper like this one with the writing on the back which I
4 crumpled up and chucked into the rubbish bin. It was a handwritten
5 message and I thought that it was not relevant at all. That's why I
6 chucked it away. And that was the reason, yes.

7 Q. And who else saw this document when you opened this box,
8 Mr. Gucati? Who else saw it?

9 A. If I remember correctly, there were three or four other people,
10 and I was the one who picked it up and sent it and chucked it into
11 the bin, which is in our hallway, in our corridor. And when the
12 cleaners did their job, it was lost.

13 Q. Did Mr. Haradinaj see this document?

14 A. I believe so. Nasim is here. You can ask him that question.
15 I -- I saw it. I read it. And I said, "This is a piece of paper
16 that shows," and I'm citing here, "that another 7.000 copies would
17 arrive." It was written in pencil, and I thought that it was
18 irrelevant and that's why I disposed of it.

19 Q. Was Faton Klinaku there to look at this handwritten document?

20 A. No, I don't think he was there. I had the document in my own
21 hands. I read it just like this. They -- they did not have the
22 documents in their own hands. I was the only one who was able to
23 see. The back of the page was blank.

24 Q. So the others were not able to understand what was this page
25 about. Is this what you're saying?

1 A. What I'm saying is that what was written there was, "We will
2 bring another 7.000 copies," and I showed my friends that this is
3 what the piece of paper said. I don't think that they were able to
4 read what was in there, and I said that that's not important and I
5 was chucking it away. If I thought that that was significant in any
6 way, I would have kept it, but I did not and that's why I chucked it
7 into the rubbish bin.

8 Q. Thank you. So you had the piece of paper in your hand and you
9 said to the others that this piece of paper says they will bring
10 7.000 more documents; is this correct?

11 A. Exactly as it's said on paragraph 15. It's very, very accurate.
12 I took the piece of paper, I crumpled it up like this, and I chucked
13 it into the rubbish bin.

14 Q. And it was placed on the top of the documents in the box; is
15 this correct?

16 A. That is correct. It was face down. Face down.

17 Q. And was Cele Gashi present when you saw this piece of paper,
18 Mr. Gucati?

19 A. I can't recall on whether Cele was there, but people who work in
20 our organisation were there. But I cannot recall whether Cele was
21 there. I could be wrong, though. But I told all of my friends
22 around there that there was this piece of paper which has now been
23 chucked into the bin.

24 Q. Okay. When you opened the box on 7 September, do you recall who
25 else was close to you, next to you when you opened the box that you

1 thought was a bomb?

2 A. Initially we were all scared, Nasim and I and all the others.
3 And we took the parcel and brought it over into my office.

4 Q. Yes. And can you remember who else was there, which persons
5 were there?

6 A. Nasim and I, Faton if I'm not wrong, because we were taking
7 coffee in my office when the secretary phoned us. They ran, given
8 they were faster than I am on account of my leg, but we all were --
9 well, we all went together to -- to that parcel.

10 Q. Thank you. In page 13 of your statement, you say:

11 "It was in our interest to find out how the documents came to
12 the KSC/SPO offices."

13 Now, the document that you decided to throw in the rubbish bin
14 would have assisted you in understanding how the documents reached
15 you, didn't it?

16 A. I don't know, given I'm not an expert in the field. And whether
17 it would have helped or hindered, I have no idea.

18 Q. And you consider it not important enough to keep it. You had
19 4.000 pages of documents in front of you, and this was one page too
20 many, Mr. Gucati?

21 MR. REES: Your Honour, is that a proper question?

22 PRESIDING JUDGE SMITH: Is that a rhetorical question, or are
23 you actually going to make it a question?

24 MS. BOLICI:

25 Q. The question is: Why did you decide to throw away this piece of

1 paper? Why you did consider it not important?

2 A. As I said earlier, I thought it was worthless. It was -- it was
3 handwritten one 7, three 0s, and that's it. I mean I -- there is
4 nothing to lie about here. There is no need to lie about it. I just
5 chucked it. If you want to extend the proceedings here, asking the
6 same question, we can stay in front of the Honours here for as long
7 as you like.

8 Q. So you had a genuine interest in finding out how the documents
9 arrived to your office, and you decided to throw away this piece of
10 paper; is this correct?

11 A. There's a wise saying in our -- in our hands, if you are
12 clutching at a piece of straw, you can keep doing so. But I -- let
13 me repeat here. I would have died to know who -- where these
14 documents originate from. If I had known that that piece of paper
15 that had on it one 7 and three 0s was of that kind of significance, I
16 would have kept it and preserved it with my life.

17 Q. Thank you. If you look, Mr. Gucati, at paragraph 42 of your
18 statement, please, you refer here to a conversation with the SPO
19 investigator that you had on 17 September. And you told us that the
20 SPO investigator told you that even if you waited for a month, it
21 would not become the Kosovo police responsibilities to collect the
22 files; is this correct?

23 A. Thank you. You've been asking the same question three or four
24 times. Your Albanian-speaking investigator came over. He spoke --
25 he spoke very fluent Albanian. He does not pronounce it as well, but

1 speaks it well. He said, "We've come to collect the files, if
2 possible." And I said -- and he said that, "Our obligation is that
3 we should go on -- onto the upper floors to take a picture to see
4 whether these are indeed our documents." He did so, came back, and
5 said, "We'll take them because they're ours." And I said, "No, the
6 Kosovo police needs to be present at the handover point."

7 And he said, in the Albanian language, not in English, he said,
8 "Mr. Chairman, we can stay here for a whole month, but the Kosovo
9 police will not be coming here to serve as witness." So we sought
10 advice from Tome Gashi, and we came to an agreement that we would
11 hand over the documents in the presence of the lawyer Tome Gashi.
12 This is all. You can ask your own Albanian-speaking investigator
13 about this conversation that took place in my office.

14 Q. Yes. So he never said you could keep the documents for a month
15 and, in fact, wanted the documents back right away; is this correct?

16 A. Can you repeat the question, please? I did not quite understand
17 it.

18 Q. He did not say on that occasion you could keep the documents for
19 a month. In fact, he was requesting you to deliver the documents in
20 that very moment; is this correct?

21 A. You were not present there at the time, so you don't know what
22 happened, but he said that, "You can keep the documents for a whole
23 month." And we came to an agreement, after talking to Tome Gashi,
24 after which we handed over the documents. He had -- in fact, he took
25 a coffee. And if you -- if you let me -- if you allow me, I'll

1 reveal a secret, that one of them, one of the members of that office,
2 even took a raki there during the working hours. There is no need
3 for me to lie. I am not a man who's come here to tell lies. I am
4 telling you the whole truth.

5 Q. So, Mr. Gucati, you just told us that he said that the files
6 would not be picked up by the Kosovo police, even if you had to wait
7 for the entire month; is this correct?

8 MR. REES: Sorry to interrupt, but it looks like the live
9 transcription is stopped.

10 MS. BOLICI: Yes, it is.

11 PRESIDING JUDGE SMITH: Yes, mine has too.

12 [Trial Panel and Court Officer confers]

13 PRESIDING JUDGE SMITH: Rather than wait around while they fix
14 this, we'll go for our lunch break. See you back here at 2.30.
15 Thank you.

16 MS. BOLICI: Your Honour, just to inform the Court, I will not
17 have many questions after the lunch break.

18 PRESIDING JUDGE SMITH: I'm sorry, I took my ears off first.

19 MS. BOLICI: I just wanted to inform the Court, for scheduling
20 purposes, that I will not have many questions after the lunch break.

21 PRESIDING JUDGE SMITH: Okay, thank you.

22 MS. BOLICI: Yes.

23 --- Luncheon recess taken at 12.49 p.m.

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

25 PRESIDING JUDGE SMITH: We continue with the cross-examination

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1 of Mr. Gucati.

2 Ms. Bolici, you may continue.

3 MS. BOLICI: Thank you, Your Honour.

4 Q. Mr. Gucati, do you have any remorse or regret for the actions
5 you stand trial for?

6 A. I can't understand. Can you please repeat the question?

7 Q. Do you have any remorse or regret for the actions you stand
8 trial for?

9 A. I have never had a chance to regret in the 54 years of my life,
10 30 years of work, and so on and so forth. Where I make a mistake, I
11 apologise. There is no need for me to apologise for anything. I did
12 not steal these documents and take them to the WVA headquarters. If
13 I'd done that, I would apologise for that burglary. I have not
14 committed any burglary, I have not offended anyone, I haven't
15 insulted any witness or anyone else. There is absolutely no reason
16 for me to apologise because I have not caused harm to anyone.

17 Q. Would you do it all over again?

18 A. I said it earlier as well yesterday and the day before. I'm not
19 a guardian of anyone, so of this institution or of the offices here
20 in The Hague. I look after the work for which I'm paid. So please
21 do not provoke me with questions regarding this documentation.

22 MS. BOLICI: Your Honour, there are no further questions from
23 the Prosecution. Thank you.

24 PRESIDING JUDGE SMITH: Thank you.

25 Does the Haradinaj Defence have any questions?

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1 MR. WORBOYS: No questions from us, Your Honour. Thank you.

2 PRESIDING JUDGE SMITH: All right.

3 Mr. Rees, any redirect?

4 MR. REES: No redirect. Thank you, Your Honour.

5 PRESIDING JUDGE SMITH: All right, Mr. Gucati. You may take
6 your seat back there. You can stay where you are, if it's more
7 comfortable for you, or you can take a seat back where you were
8 earlier.

9 THE ACCUSED GUCATI: [Interpretation] Thank you, Your Honour.

10 PRESIDING JUDGE SMITH: Stay where you are, Mr. Gucati.

11 Some of the Judges have some questions for you. We will begin
12 with Judge Barthe.

13 JUDGE BARTHE: Thank you, Judge Smith.

14 Questioned by the Trial Panel:

15 JUDGE BARTHE: Mr. Gucati, good afternoon. Can you hear me?
16 Can you hear me well?

17 A. Yes, I can. Yes, I can. Hello, good afternoon.

18 JUDGE BARTHE: Yes, thank you very much.

19 Mr. Gucati, I have some questions in relation to what you said
20 in your written statement that was submitted by your counsel. For
21 the record, this is DHG0472-DHG0491. And to what you have told us in
22 your testimony over the last two and a half days.

23 I would like to start with paragraph 13 of your statement, where
24 you said the following, and I quote:

25 "The files, the files were left on the desk in the front office.

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1 The delivery man told Taibe ..."

2 Mr. Gucati, I assume that this is Ms. Miftari, is that correct,
3 Taibe?

4 A. Yes.

5 JUDGE BARTHE: Thank you.

6 "The delivery man told Taibe to make the documents available to
7 the person who speaks to the media."

8 On Monday, however, you told us, and I refer to Monday's
9 transcript, this is page 2165, lines 10 to 11, that the person who
10 brought the documents to the KLA WVA on 7 September 2020 said, and I
11 quote:

12 "This one now is for those who speak on TV."

13 Mr. Gucati, as far as you remember, can you tell us exactly what
14 the delivery person said to Ms. Miftari? What did she tell you in
15 this regard?

16 A. She said that he left the package on the table and said, "Give
17 this package to the person who speaks on TV." Maybe I -- I said it
18 in the plural rather than the singular. It is possible that I used
19 the -- the plural for it, but the message was: Give this package to
20 the person who speaks to TV, to the media.

21 JUDGE BARTHE: And what was your understanding of that, which
22 person or to which persons did the unknown man refer?

23 A. In our organisation, that's easy to understand because there's
24 only two people, Nasim Haradinaj and me. Nasim and I are the two who
25 most frequently appear on TV programmes. Faton does that but very

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1 infrequently, but mostly it is me and Nasim.

2 JUDGE BARTHE: Thank you.

3 My next question, Mr. Gucati, concerns paragraph 17 of your
4 statement, which reads, and I quote:

5 "The close members of the committee, as above, namely, Faton,
6 Cele, Nasim and I, and perhaps two others, held an urgent meeting.
7 Given our position as regards the KSC/SPO, we decided that we should
8 make the delivery of the documents public. This was because we
9 suspected that these documents were from the KSC/SPO. We therefore
10 decided to call a press conference."

11 Mr. Gucati, why did you suspect that the documents were from the
12 KSC or the SPO?

13 A. Two or three days ago, I said that our suspicions arose because
14 of the logo of the Specialist Court, and that is why we had our own
15 assumptions. And then additionally, we saw the seals and the names
16 of the Judges of this Court. That led us to the assumption that they
17 might come from the KSC.

18 JUDGE BARTHE: And then you decided to call a press conference.
19 My next question is why didn't you inform the SPO or the Kosovo
20 police or the Prosecution or another Kosovo authority about the
21 delivery of the documents? So why was it necessary to hold a press
22 conference?

23 A. The need arose from the fact, which I mentioned earlier, that
24 thinking that these documents could fall into some ill-doing
25 individuals who might distribute these documents, blaming us for

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1 their distribution. So we wanted to show additionally that the KSC
2 cooperates with the Serbian police.

3 We have done exactly the same thing, and we issued -- made the
4 same appeal to police to come and guard our headquarters in order to
5 make sure that they check on these individuals delivering these
6 packages.

7 JUDGE BARTHE: In paragraph 19 of your statement, Mr. Gucati,
8 you said, and I quote:

9 "At the press conference, there were four identical copies of
10 the documents and they were laid out and made available to the
11 press/media."

12 Mr. Gucati, can you tell us why it was necessary to lay out the
13 documents and make them available to the press or media instead of
14 just informing the journalists about the delivery of the documents
15 without making them public?

16 A. We thought that we -- these were facts and we wanted to convince
17 the Kosovo public opinion. So we just wanted to substantiate our
18 statement. We wanted the Kosovar press to be convinced that there
19 was a set of documents that had been delivered to our organisation.
20 This was to serve as an argument that that had indeed occurred.

21 JUDGE BARTHE: So from your point of view, it was necessary to
22 lay out the documents and to make them public rather than just
23 informing the press about the delivery, that there has been or had
24 been a delivery; is that right?

25 A. We wanted to show that some documents had arrived. We had no

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1 idea how they came to us or how they leaked and so on and so forth.
2 We just -- this is what we wanted to show. Otherwise --
3 additionally, we wanted to show the media that the KSC cooperates
4 with Serbian criminals. We didn't -- as I said earlier, we did not
5 appeal for them to come and take them. We wanted police to do that.
6 And, in fact, that happened on the 8th, when the investigator who
7 spoke Albanian came and took a part of this file.

8 JUDGE BARTHE: My next question refers to paragraph 20 of your
9 statement, where it is said, and I quote:

10 "When we agreed to call the press conference, Nasim asked to
11 have the main say and I agreed."

12 I repeat:

13 "When we agreed to call the press conference, Nasim asked to
14 have the main say and I agreed. I then gave the floor to Nasim. I
15 did not think Nasim would say anything unlawful."

16 Mr. Gucati, what did you think Mr. Haradinaj would tell the
17 journalists on the first press conference? Did you expect him to
18 talk about the content of the documents?

19 A. I was fully aware that Nasim was not going to say anything
20 unlawful. He would stay within the parameters of the law. And it is
21 true that on that day I gave the floor to Nasim who did speak at that
22 event, but I do not believe that he said anything that had been in
23 the breach of the regulations of our organisation or the law for that
24 matter.

25 JUDGE BARTHE: So is it fair to say that he did not -- or that

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1 he stayed within the parameters of the law, not only of the law but
2 also within the parameters of your agreement of what you decided
3 prior to the press conference?

4 A. Yes, I think he stayed within the parameters of the law, he
5 always has, as well as what's permissible within the WVA. It's an
6 organisation that exists to look after the KLA veterans and comrades,
7 and I -- and I think that Nasim has always worked within the
8 parameters of the law. That is my opinion.

9 JUDGE BARTHE: Mr. Gucati, you mentioned that you agreed or you
10 said you decided to call a press conference and to make the delivery
11 of the documents public. This is in paragraph 17 of your statement.
12 So my question was: Is it fair to say that Mr. Haradinaj, Nasim,
13 also stayed within the parameters of what you decided prior to the
14 press conference?

15 A. We had no written talking points on what we would use before the
16 media. And I think that Nasim has always worked within the
17 parameters of the regulations of the organisation and the law, and I
18 remain convinced that that is the case.

19 JUDGE BARTHE: So you were not surprised what Mr. Haradinaj told
20 the press or what he was talking about during the press conference?

21 A. No, I cannot recall. I'm not seeking to defend Nasim here. I
22 don't know whether he said anything outside the regulations of the
23 organisation or the law. We have regulations of our own. It's a
24 whole procedure that is envisaged in there.

25 JUDGE BARTHE: Mr. Gucati, according to paragraph 30 of your

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1 statement, you said that on 15 September 2020 you returned from
2 holiday. When you returned from holiday on 15 September 2020, did
3 you have a meeting or a phone call with other members of the
4 committee of the KLA WVA in which the issue of further deliveries was
5 discussed? Can you remember that?

6 A. Your Honour, I returned from holiday in the evening, at around
7 10.00 at night. The stamp on the passport would attest to that. I
8 returned late in the evening in my house. And at that -- on that
9 particular night, I did not speak to any member of my organisation.
10 And I don't think I have forgotten, but I don't think that on that
11 evening I had the chance to speak to anyone given that I returned
12 very late.

13 JUDGE BARTHE: Mr. Gucati, did you have such a meeting or phone
14 call as far as you recall or other communication with other members
15 of the committee before or after that date; meaning, before or after
16 15 September 2020?

17 A. I had a phone call from Faton where I asked how he got along
18 with the KSC investigators. He said, "Very well. We had two coffees
19 together and I gave them the documentation." And that was the last
20 phone call. If I'm not mistaken, that occurred on 9 September. It's
21 when I asked how he got along with the investigators from the KSC.

22 JUDGE BARTHE: So no other communication, no phone call or
23 meeting, with other members of the committee on or before or after
24 15 September? On the 14th or on the 16th September, for instance?

25 A. On the 16th, I returned into the offices as per usual. I cannot

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1 recall. Frankly, I can't recall of any meeting -- well, meeting, I
2 did not have any, because I was on holiday, but I had -- I haven't
3 had any contact with other members of the board.

4 JUDGE BARTHE: Fair enough.

5 MR. REES: Your Honour, of course, his witness statement is
6 available, and he can refresh his memory, it seems to me, from his
7 witness statement.

8 Mr. Gucati, you've got paragraph 30 and 31 of your witness
9 statement.

10 He doesn't have paragraph 31 available in the Albanian version
11 to him, if we see on the screen.

12 [Trial Panel and Court Officer confers]

13 PRESIDING JUDGE SMITH: You're suggesting he does not have
14 paragraph 31? It's on my --

15 MR. REES: [Microphone not activated].

16 PRESIDING JUDGE SMITH: Oh, okay. All right. I didn't
17 understand --

18 THE INTERPRETER: Microphone for the counsel, please.

19 MR. REES: The English version that was visible had paragraphs
20 30 and 31. The Albanian version, because of the spacing, did not.

21 PRESIDING JUDGE SMITH: Understood. He can read it now.

22 MR. REES: He can now see paragraph 31.

23 PRESIDING JUDGE SMITH: Yes, he can take a look at it.

24 THE ACCUSED GUCATI: [Interpretation] Yes, I see it, Your Honour.
25 In my statement, I might have put the date wrong here, but it is true

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1 that my car was photographed. The date might be wrong. It might be
2 my mistake. But the gist of the statement remains. It is correct.

3 JUDGE BARTHE: Thank you, Mr. Gucati, for the clarification.

4 My next question concerns paragraph 35 of your statement. If
5 you want to have a look at it, where it is said that, and I quote:

6 "Once again those present from the committee decided to call a
7 press conference and the procedure was the same as before."

8 Mr. Gucati, my question is can you tell us who exactly was
9 present when it was decided to call that press conference on
10 16 September 2020? In other words, who made this decision, apart
11 from yourself?

12 A. The decision, first and foremost, came from me, Hysni Gucati,
13 Nasim, Faton, Cele, Metush, and the other members of the close board.
14 We took that decision and followed exactly the same procedure as
15 during the first press conference. I -- we took this decision and I
16 authorised Faton to inform the media.

17 JUDGE BARTHE: According to para 47 of your statement,
18 Mr. Gucati, you said that, I quote:

19 "We," again, "we decided that we would hold a press conference
20 as we had previously ..."

21 Can you tell us again who exactly decided to hold that press
22 conference on 22nd September after more documents were delivered to
23 the KLA WVA on that day?

24 A. The same people who were present in the office at the time. The
25 same.

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1 JUDGE BARTHE: So by saying "the same," you are referring to,
2 again, to Nasim, Faton, Cele, and Metush?

3 A. Yes. The second vice-chairman was there. But as I say, he's --
4 he's unwell, and he is -- he cannot talk and hear very well, which
5 why I have not -- I have not been mentioning him. He has had an
6 attack or a brain haemorrhage, and his name is Migjen Shala, and that
7 is why I have refrained from mentioning his name. You can -- you can
8 inquire about him, but he's disabled, and I feel very sorry about it
9 and I wish him a speedy recovery.

10 JUDGE BARTHE: Mr. Gucati, my next question pertains to
11 paragraph 50 of your statement, where it is said that, and I quote:

12 "After the press conference, the journalists were starting to
13 leave the offices and" a certain officer of the SPO "arrived. The
14 documents were handed over to the SPO officers."

15 On Monday, Mr. Gucati, you mentioned, and I refer to Monday's
16 transcript, page 2202, lines 13 to 15, that there was a debate before
17 the documents were handed over to the SPO. Can you tell us why there
18 was a debate or what was the debate about?

19 A. I did touch on this debate today as well. The investigator who
20 spoke the Albanian language said he initially wanted to have a look
21 and take a picture of these documents to ascertain that they came
22 from the SPO. He went upstairs, had a look, took pictures, and sat
23 down in my office and said that, "I have to take hold of these
24 documents." And me and my friends, we told him that, "If you are to
25 seize these documents, Kosovo police need to be here to monitor."

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1 This was the debate. We're not talking about an aggressive exchange,
2 but a very calm and composed affair. We even had coffee together.
3 And then Tome, who we had summoned, came over and he advised us that
4 he -- the documentation can be handed over in his presence. This is
5 what the debate was about, after which we handed over the documents
6 to your investigator.

7 JUDGE BARTHE: So, basically, the debate was about the presence
8 of the Kosovo police on that day; is that right?

9 A. That is correct. Because every -- as far as we know, every
10 activity that is conducted by investigators necessitates the presence
11 of Kosovo police, and that is what we know of the procedure in
12 Kosovo, and that is the reason why we were reluctant to hand over the
13 documentation. It's not that we did not want to hand it over, but we
14 wanted our police to be there to monitor.

15 JUDGE BARTHE: I understand. And my last question for today
16 concerns paragraph or paragraphs 57 and 58 of your statement. You
17 told us on Monday, Mr. Gucati, and I refer to Monday's transcript,
18 page 2210, lines 2 to 4, that, I quote:

19 "If these people," namely, victims, supposed victims, or what
20 you called "our people," "are interviewed in my country," I assume
21 that this is Kosovo, "then I would trust this Court."

22 You also indicated that witnesses might have been taken to
23 Serbia, and I assume again to be interviewed there. Is that correct,
24 Mr. Gucati? Is that what you meant on Monday?

25 A. It is correct, Your Honour. I said that I am against this Court

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1 and I remain against it because this Court does not convince us that
2 it is able to investigate the crimes that have occurred in Kosovo.
3 The crimes that police and the Serb Chetniks killed six Serbian
4 civilians. This is what I said, and I stand by it. If this Court
5 were to investigate crimes in a non-discriminatory manner, and I
6 stress non-discriminatory, only from that point onwards would I be
7 able to extend my full support to this Court.

8 JUDGE BARTHE: Mr. Gucati, do you know anybody, without
9 mentioning names, who was brought from Kosovo to Serbia by the SPO,
10 the SITF or the Kosovo Specialist Court in order to be questioned
11 there?

12 A. Let me be frank and refraining from mentioning names. I've said
13 it earlier, and I declared it to the media one and a half years ago,
14 and here two or three days ago. It is true that I saw a document
15 there where it was written that -- that this Court has been
16 established with a vote of the MPs from my parliament. And I asked
17 the question why did it not question witnesses in Kosovo but took
18 them to Vranje, Nis, and Belgrade?

19 And I'm not -- I haven't come here to lie before you. Yes, I
20 did state before the media why did this Court, which belongs to
21 Kosovo and has been set up with the vote of my parliament and my MPs,
22 does not work in Kosovo? It should have been located in Kosovo.
23 What I have demanded all along is that there should be a local court
24 that would work under international supervision. That is the truth.

25 JUDGE BARTHE: Thank you very much, Mr. Gucati. No further

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1 questions from me.

2 A. Thank you.

3 PRESIDING JUDGE SMITH: Judge Mettraux.

4 JUDGE METTRAUX: Thank you, Judge Smith.

5 And good afternoon to you, Mr. Gucati. I also have a few
6 questions for you today, and I would like to start with the first
7 delivery of material and the first press conference that followed on
8 7 September 2020.

9 Can I ask, please, the Registry to bring up what is Exhibit P1,
10 please.

11 The first thing, Mr. Gucati, while it comes up, that I want to
12 ask you is simply to confirm that the material, as far as you recall,
13 was delivered to the KLA WVA at around 9.15 in the morning on that
14 day. Can you confirm that?

15 A. Thank you. I have mentioned here it might be 9.15 or half past
16 9.00. I didn't look at the time. But the truth is that it was about
17 that time when the documents were delivered. It may be a difference
18 of 15, 20 minutes. But the truth is that it was after 9.00.

19 JUDGE METTRAUX: I'm grateful. And not tying you, of course, to
20 an exact time, but could you also confirm that the press conference
21 that followed later on that day on 7 September 2020 took place at
22 around 1.00 p.m.? Would that be consistent with your memory?

23 A. I believe, yes. As far as I remember, it was this time. I know
24 that we very quickly organised a press conference, because it was an
25 extraordinary one.

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1 JUDGE METTRAUX: And I want to ask you a little bit about what
2 you understood at the time what type of material you were dealing
3 with. Now, I think you've already told my colleague Judge Barthe
4 about it. But you understood and believed these documents to belong
5 to the Specialist Chambers, the KSC. Is that correct, Mr. Gucati?

6 A. Yes. As I said earlier, and I want to be very frank, we look at
7 the logo and the names and we thought that they belong to the
8 Specialist Court. I can't deny that. But the reason why we made it
9 public, I explained. If you need me, I can repeat it again.

10 JUDGE METTRAUX: I will come in a second to that, Mr. Gucati.
11 But for the time being can you also confirm, if you can, of course,
12 that you believed and assumed at the time, and I'm speaking of
13 7 September 2020, that you believed these documents to be authentic;
14 is that right?

15 A. Your Honour, I also declared on -- to a television medium that
16 day I am not an expert to establish the authenticity of the
17 documents. I asked even for expertise. I informed also the
18 Albanian-speaking investigator. I told him, "You should make sure to
19 discover who, you know, brought these documents," and I declared it
20 to a public and private television station on the same day.

21 JUDGE METTRAUX: Maybe my question wasn't clear. I'm just
22 asking you what your understanding was at the time, at the time of
23 the press conference. And if you wish, I can read the relevant
24 passage to you. But would it be correct to suggest that at the time
25 when that conference was taking place, you believed these documents

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1 to be authentic? Is that the case?

2 A. Yes. Based on the logo of the Court and the names that we saw
3 there, we believed that they might belong to the Special Court.

4 JUDGE METTRAUX: Now, going to something slightly different that
5 you've said, and it's paragraph 20 of your statement. So with the
6 assistance of the Registry, that would be DHG0472, and it's at
7 paragraph 20 of the statement.

8 And, Mr. Gucati, I will direct you to the last sentence in that
9 paragraph. I'll read it for you, Mr. Gucati, and you have it on the
10 screen. It's over two pages in the Albanian version. It says you
11 said:

12 "Everything we decided on was in the interests of defending the
13 rights of the veterans and the KLA."

14 Can you see that statement, Mr. Gucati?

15 A. Yes, I can.

16 JUDGE METTRAUX: And can you tell us what you meant by that?
17 What did you mean to communicate when you said that: "Everything we
18 decided on was in the interests of defending the rights of the
19 veterans and the KLA"?

20 A. I wanted to say that as chairman of the war veterans and the
21 leading council consider it our obligation to uphold the interests of
22 the veterans. This is laid down in the rules and statute and
23 programme. By this, I meant that we, we have been saying for years
24 that this Court is collaborating with Serb criminals, meant that we
25 should prove to the veterans that this Court is, indeed,

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1 collaborating with these war criminals.

2 I consider it my moral and ethical obligation to appear before
3 the veterans and to show them how things really are.

4 JUDGE METTRAUX: At the same time -- and, again, if you disagree
5 with the proposition, I mean, please say so. But at the same time on
6 7 September already, you knew, didn't you, that the material that was
7 being made available to the media contained the names of witnesses?
8 You knew that on 7 September. Is that correct, Mr. Gucati?

9 A. Your Honour, I did know very well that there were names. That's
10 why we didn't publish them. That's why -- that was why we didn't
11 mention them, only to preserve their identity and independence.

12 JUDGE METTRAUX: And you knew, and I think you said it yesterday
13 to Ms. Bolici, you also understood the material to be sensitive. Is
14 that correct, Mr. Gucati?

15 A. Yes. I said yesterday too that after I realised -- because
16 that's why I gave the floor to Nasim, because I wasn't feeling very
17 well then. But this doesn't mean that I didn't publish the documents
18 [as interpreted]. The documents were on the table, but I constantly
19 cautioned the media not to make public any names or any statements.
20 That is true.

21 JUDGE METTRAUX: I understand that. What I want to ask you is
22 you understood these documents to be sensitive precisely because they
23 contained the names of witnesses. Is that a fair proposition?

24 A. Part of the documents, the overwhelming majority, were not
25 confidential, of the first batch. That was why I didn't notice the

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1 word "confidential," because the first batch, most of the documents
2 there were not confidential. They were materials of former trials, I
3 think.

4 JUDGE METTRAUX: Well, again, I apologise if my question is not
5 sufficiently clear. I'm asking you whether the fact that the names
6 of witnesses were contained in the material was one of the factors
7 that you took into consideration when you said, and recognised, that
8 the material was sensitive. Was that one of the consideration you
9 had in mind when you said this material is sensitive? You understood
10 it to be so?

11 A. I am telling the truth. The batch was delivered to us,
12 Your Honour. But the moment we realised, as I said, we didn't
13 publish any names. We only stated that we received some materials
14 and that might be sensitive. It's true. It is in the transcript.
15 But we didn't allow any names to be published by us or the media.
16 That's why we kept insisting for the names not to be published in the
17 media.

18 JUDGE METTRAUX: Can the Registry please bring up Exhibit P59,
19 please.

20 Mr. Gucati, you will see on the screen in a second, it's a
21 Facebook post that Ms. Bolici asked you about yesterday or the day
22 before, and you've acknowledged it to be yours and indicated that you
23 regarded it as the expression of your freedom of opinion and speech.

24 Now, the first thing I want you to notice, we'll come back to
25 that in a second, but it's -- on the first page it's the date of

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1 21 September. Do you see that?

2 A. Yes, I do.

3 JUDGE METTRAUX: Now, if we can turn, please, to page 3. That
4 would be 081985, please. And there is a paragraph starting with the
5 words: "In addition, with regard to the leaking ..." Can you find
6 that in the Albanian version, Mr. Gucati? I'll read it to you in
7 English and you will get the translation. It says:

8 "In addition, with regard to the leaking of these documents and
9 correspondence between Serbia and the Specialist Chambers against the
10 KLA, any questions as to which one of them leaked the very
11 confidential and sensitive documents ..."

12 Do you see that?

13 A. It is quite a long article, and I can't find it.

14 JUDGE METTRAUX: Well, I'll read it into the transcript. And if
15 there's any difficulty for you, Mr. Gucati, we'll try to locate it
16 more specifically. But if you scroll down about 10 to 12 lines in
17 the English, there's a sentence starting with: "This action has
18 several dimensions ..." Can you locate that?

19 MS. BOLICI: Your Honour, if I may assist, it's the sentence
20 that starts with [Albanian spoken] in the Albanian version.

21 JUDGE METTRAUX: I'm grateful to Ms. Bolici. Can you locate it,
22 Mr. Gucati?

23 A. No, no, I am trying to read it from the beginning.

24 JUDGE METTRAUX: Well, try to focus on the one that I would like
25 you to comment about. It reads like this in the English. It says:

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1 "This action has several dimensions" --

2 MR. REES: Your Honour, apologies for interrupting. I'm not
3 sure he can see the relevant part because we haven't scrolled down.
4 I think we may -- he may be able to now.

5 JUDGE METTRAUX: I will read it into the transcript. There will
6 be a translation, Mr. Rees. And if there's a difficulty -- can you
7 locate the passage, Mr. Gucati? It starts with:

8 "This action has several dimensions ..."

9 Can you find it?

10 A. Yes, it's correct. This is what I said.

11 JUDGE METTRAUX: So it says:

12 "... first, the publication of the file is a sensitive issue,
13 the files include statements made by witnesses against KLA structures
14 and the people who chose to hand the files over to the KLA-WVA meant
15 to burden it with a great responsibility ..."

16 Can you read that?

17 MR. REES: And then it continues, Your Honour: "... obviously
18 to cause it to put a foot wrong."

19 JUDGE METTRAUX: Yes.

20 A. It is true that I said that and wrote that.

21 JUDGE METTRAUX: Now, back to my earlier question, Mr. Gucati.
22 My question is did you understand these files to be sensitive, as you
23 called them, or very sensitive, to be more specific, because they
24 contained the names of witnesses?

25 A. At the moment we realised they were sensitive, we stopped

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1 publication of the names and the statements. This is true. Once we
2 saw that there were names, we cautioned all the media outlets not to
3 publish names to preserve the privacy of these people, and we didn't
4 mention any names. This is very true.

5 JUDGE METTRAUX: But to go back to my question, the answer is,
6 yes, you understood the documents to be sensitive because they
7 contained the names of witnesses; yes?

8 A. Once I saw names, I knew that the name shouldn't be published.
9 Once I saw the names, I realised that the name of the person, whoever
10 that person was, should be protected.

11 JUDGE METTRAUX: Now, going back to the date, Mr. Gucati, this
12 is 21 September that this Facebook post is posted by you. This is
13 the day just before the third delivery of documents and the third
14 press conference; is that right?

15 A. Yes, the Facebook date is the 21st, and I wrote quite an
16 extensive description. It is true that on the 21st this article came
17 out.

18 JUDGE METTRAUX: And on the 22nd, you had the third of your
19 press conferences; correct?

20 A. Correct, to my recollection.

21 JUDGE METTRAUX: And, again, on that day you made available to
22 the media documents which you knew contained names of witnesses;
23 correct?

24 A. Yes.

25 JUDGE METTRAUX: Now, I want to ask you something that you said

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1 about witnesses, and you were asked already about it by Ms. Bolici,
2 but I want to give you an opportunity to clarify things a little bit
3 for us. And that is your reference to Albanian speakers when
4 referring to certain witnesses. Do you recall being asked these
5 questions?

6 A. Yes. This question was asked of me also during some public
7 appearances of mine.

8 JUDGE METTRAUX: And can we please see Exhibit P9. Mr. Gucati,
9 this is one of those appearances that I want to ask you about. And
10 it's one appearance of 7 September 2020, and I think you indicated it
11 might be one that took place late on that day. And I would like,
12 please, to go to page 6 of that document.

13 Mr. Gucati, if you are able to locate it, in the English version
14 this is a passage that starts with the words: "As we always said, the
15 Special Court is collaborating with the Serbian Prosecutors ...". Can
16 you locate that in the Albanian version?

17 A. Yes, it's true.

18 JUDGE METTRAUX: So what you said, I will read it for the
19 record. You said:

20 "As we always said, the Special Court is collaborating with the
21 Serbian Prosecutors and is taking statements in Serbia and
22 collaborating with witnesses, so-called Albanian speakers who have
23 been during that time and currently, on the Serbian side. So, the
24 Court is working with Albanian speakers, the ones that do not have
25 the best interests of this country in mind, and the KLA."

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1 Do you recall saying that, Mr. Gucati?

2 A. Yes, Your Honour. I have said that and I can say it again.

3 Regarding certain witness who participated in the Meja massacre,

4 whose name I cannot mention, who protested in 1999 against the KLA

5 and the NATO. They will always remain enemies of my people and

6 nation. Thanking the United States and NATO and European countries

7 which helped us get liberated. I am against those persons who

8 protested against those who helped us. And when I saw the biography

9 of Adem Jashari in those files, I was very angry and declared that

10 someone who was killed, together with 56 members of his family, for

11 his country, then take testimony for him and question someone in

12 Belgrade for that, how can you consider that?

13 JUDGE METTRAUX: I will just take you to page 11 of that same

14 document, if I may. And that starts with a question from the

15 newscaster, who says: "So you are saying that this proves ..." so on

16 and so forth. Can you see that?

17 A. Which line and page, Your Honour? I can't find that.

18 JUDGE METTRAUX: In the English version it's page 11, and it

19 starts with a question directed to you from the newscaster that says:

20 "So you are saying that this proves ..."

21 A. I don't understand English. Please, can you say it in Albanian?

22 JUDGE METTRAUX: Well, you won't get much Albanian out of me,

23 I'm afraid, Mr. Gucati, but if you can listen to the words of the

24 interpreter and try to locate the sentence in question. It says:

25 "So you are saying that this proves that, according to you, what

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1 you said - is that the Special Court is a contrivance and a
2 fabrication of the statements from Serbia, so they could prove
3 guilt?"

4 Can you see that? It might be at page 12 of the Albanian
5 version.

6 I'll tell you what you're recorded as saying, Mr. Gucati, while
7 you try to find it. You are recorded as saying this:

8 "... this is what we have been saying for five years now, as I
9 mentioned previously ... that it is a contrivance, a collaboration of
10 a ring of Albanian-speaking people, and Serbia ... the Special Court,
11 that pretends and suspects ... that has failed and will fail, as it
12 ... failed, and this is one also bound to fail."

13 And you go on, if we turn to the next page, to say:

14 "They're trying, via some witnesses, or I would say some
15 Albanian-speakers ... or, I would say publicly, some traitors of our
16 country ... without ..."

17 And then you're interrupted by the newscaster, who says:

18 "Mr. Gucati, that is harsh."

19 Can you see that?

20 A. Yes, I found it.

21 JUDGE METTRAUX: So, Mr. Gucati, who are, and without mentioning
22 names, of course, who are those Albanian speakers, witnesses who you
23 had in mind when making these statements? And, again, do not mention
24 any names.

25 A. No, I won't mention names. The word "who speak Albanian," I

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1 mean Albanian in name only. Those who think and act against our
2 country. People who have participated in offences, who have killed,
3 massacred, raped, burned, protested. This is what I had in mind.
4 And I have always said if the Special Court deals with such people
5 that I mentioned here, I believe it would fail. That was the reason
6 why I cannot get convinced of this Court when I see it deals with 17,
7 18 people who are wanted by Interpol who have committed crimes in
8 Kosovo.

9 People should be born and grow up truthful, and this is part of
10 what I have always abided by, because with this witness that I have
11 referred to several times, who have committed crimes, or to his
12 friends who have committed crimes, they are enemies of my country
13 along with those who protested against the freedom of my country.
14 That state was established after we shed our blood and with the
15 assistance of our friends.

16 JUDGE METTRAUX: What I want to understand is did you see the
17 statements of any of these persons in the material that you reviewed
18 or was your statement more general? Because I understand you to be
19 telling us that you did not look into the material with much detail,
20 that you don't speak English, and that you speak a little bit of
21 Serbian.

22 So what I want to understand is did you see the statement of any
23 of these persons whom you have refer to as Albanian speakers in the
24 material you were making available to the media?

25 A. No, I didn't read any statements because there were many. But

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1 from what I saw, looked at initially, after I saw some eight -- and
2 read seven or eight of them, this is what I referred to. I didn't
3 refer to any specific name. I have always spoke about what I saw,
4 these seven, eight documents that I looked at. And looking at the
5 biography of Adem Jashari. Maybe there were seven, eight, or ten at
6 most.

7 JUDGE METTRAUX: Now, at paragraph 25 of your statement - if you
8 need to see it, this is DHG0472 - and you said it to us in this Court
9 as well, you explain, and I don't want to put words in your mouth,
10 but that the reason for calling a press conference was a concern that
11 some criminal or some ill-intentioned people might have the same
12 information and might disclose it and blame the KLA WVA for it. Is
13 that a fair description of what you say the reasons for the press
14 conference is?

15 A. Yes. As I already said, out of fear that these documents fall
16 in the hands of some ill-intentioned person that wishes my country
17 ill, Kosovo, we published these documents, because just they arrived
18 at our organisation, they might as well be delivered to other places.
19 That's why we wanted to declare that these documents were delivered
20 to us and that the investigators of the Special Court might come and
21 take them.

22 I have asked them to assign people to protect the building.
23 Maybe the first and the second time -- the first time they couldn't
24 find out who he was, but during the second and the third time they
25 might have done so. If I wanted to distribute these documents, I

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1 wouldn't have called on them just formally. But I really meant what
2 I said: Come and guard this organisation in order to find out who
3 that person is.

4 Even the Kosovo police might have done that or the EULEX or the
5 investigators who work there in Kosovo might have done that.

6 JUDGE METTRAUX: And was that, you say, the same reason that led
7 you and your colleagues to call the second and then, two weeks later,
8 the third press conference? So on all three occasions, your reasons
9 for doing so is the one that you have just described? Is that what
10 you are telling us?

11 A. Yes, Your Honour. We thought all along that you could not trust
12 this person. He could -- he could have, you know, photographed, or
13 written on a fake Facebook account that he'd handed over
14 documentation. That is why we sought to make this information public
15 through the media. That is the reason.

16 It's, in a way, a lack of trust, as we Albanians suspect that
17 somebody might have been seeking to trap us. So we -- we suspected
18 that maybe this person would take pictures and saying that, "This is
19 where I've sent the documents to," and so on and so forth. So we
20 just wanted to make things transparent. No other reason.

21 JUDGE METTRAUX: Well, maybe your last sentence answered my next
22 question. But was there any other reason that played a part in your
23 decision - and, I mean, yours personally and those of your colleagues
24 with whom you took that decision - that motivated your decision to
25 make the documents available to the media? Was any other

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1 consideration at play there?

2 A. Two factors. The first, which I mentioned earlier, fear that
3 these documents would fall into the hands of ill-wishers who would
4 distribute them into public venues. And the second is the one that
5 we've been stressing on for years on end, four, five, six years on
6 end, which was that we wanted to remind the honourable MPs who were
7 elected with 10.000 votes that this is what they -- what it was
8 ending up to. We wanted to show that this is a Specialist Chambers
9 which has been set up only to pursue Albanians, the Albanian nation,
10 and not work in a non-discriminatory manner.

11 We live in a universe but not able to be able to find a court
12 that would persecute or pursue only one nation, only the Albanians,
13 the Americans, the Germans. We know [indiscernible] the Specialist
14 Chambers are formed within the boundaries of a certain nation;
15 however, this Specialist Court which has been set up needs to pursue
16 the crimes committed by the Serb -- by the Serbs, by Serbia. And I
17 don't think that that is fair and equitable justice. I'm not in --
18 seeking to make anyone guilty here, because they are doing their own
19 jobs, but they ought to be -- to be doing their jobs impartially and
20 to follow every single case in a fair and equitable manner.

21 JUDGE METTRAUX: Could we please see Exhibit P2.

22 Mr. Gucati, I will ask you to comment briefly upon something
23 that Mr. Haradinaj, Nasim, said to a journalist.

24 If we could go, please, to page 4 in the English version. That
25 should be the same page in the Albanian.

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1 There is a sentence, Mr. Gucati, that starts with the words: "It
2 is for us to demolish ...". Can you locate that? In the English
3 version, it's in the middle of the page. It reads like this in the
4 English:

5 "It is for us to demolish, in the sense, not demolition, but to
6 discredit the real reason of this Court which is stating: 'I am
7 strong, I safeguard these, and I have accurate evidence.'"

8 Now, is that a reason, given by Mr. Haradinaj when asked to
9 explain his actions, is one that you share?

10 A. I don't know how to describe that word "demolition." But what
11 we've said all along is that this Court is not one we trust because
12 of the reasons I mentioned earlier, because it is cooperating with
13 criminals. And we have said --

14 JUDGE METTRAUX: Let me stop you there, Mr. Gucati. I want --

15 MR. WORBOYS: Your Honour, apologies for interrupting. I think
16 Mr. Haradinaj is having problems hearing. And, obviously, this is
17 a --

18 JUDGE METTRAUX: Can you hear it? Can you hear it,
19 Mr. Haradinaj?

20 So now, Mr. Gucati, what I want to understand from you is
21 whether you share the statement and the view expressed by
22 Mr. Haradinaj, that one of the reasons for the steps taken was to
23 discredit this Court? Is that an opinion, a view that you share with
24 Mr. Haradinaj or is it something that you do not share with him?

25 A. I cannot find what Mr. Haradinaj said here, but I'm trusting

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1 what you're saying, because I'm having difficulties, as I say. But
2 if Mr. Haradinaj said that, he did not mean to demolish the building.
3 He meant to say that with -- with the assistance of facts and
4 arguments, we would make truth prevail.

5 So we need facts and arguments and, in this way, discredit an
6 organisation which has been collaborating with the -- with the
7 criminals and liars. This is the context of this statement,
8 Your Honour. This is how I understand it.

9 JUDGE METTRAUX: Now, on 18 September 2020 - and if there's a
10 need, we'll go to the exhibit; it's P7 at page 6 - Mr. Haradinaj goes
11 a step further. He says:

12 "The reason why we put this out," and he's talking about the
13 material, "is we want to put this out because we want to show to the
14 Judge that the job you have done is zero."

15 Again, I want to ask you is that a point of view that you share
16 with Mr. Haradinaj or is it one that you do not share with him?

17 A. I don't know what Mr. Haradinaj said, because it is fairly
18 possible that I was not there, so I don't know what interview that
19 is, for which TV or which magazine, but it is a point shared by the
20 WVA. Mr. Haradinaj cannot speak on his own behalf, given he's a
21 deputy chairman. So if he has ever given a statement, he's given it
22 on our behalf. It is our remit to defend our interests, Your Honour.

23 JUDGE METTRAUX: And with the assistance of the Registry, can we
24 have Exhibit P28.

25 This, Mr. Gucati, is what I will show you, the record of

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1 something you said on 22 September 2020. That's the day of the third
2 press conference.

3 And I would like the Registry to please go to page 9 in the
4 English version.

5 And there's a paragraph, Mr. Gucati, that starts with you
6 speaking, saying: "We have heard such rumours ..." Can you see that
7 paragraph?

8 A. I can see the paragraph, but it is -- it is fairly large. I
9 can't see it -- you can read it in the English language, if you want.

10 JUDGE METTRAUX: Yes. I will take you to what in the English is
11 the fourth or third sentence. It starts with the words:

12 "But I am not interested at all what somebody has done and who
13 has got them out."

14 You are talking about the documents. You say:

15 "What interests me is the fact that they made it to my office
16 and my responsibility is to undermine the Special Court and to show
17 to the public and everybody that the Special Court is working with
18 the Serbian Prosecutor ..."

19 Now, can you tell us what you meant when you said that your
20 responsibility was to undermine the Special Court? Can you explain
21 that to us?

22 A. Yes. Yes, Your Honour. I said that the Specialist Prosecutor
23 collaborates with Vukcevic. That the Specialist Prosecutor is -- has
24 been seeking from the Serbian MUP the biography of the legendary
25 commander Adem Jashari. You could read that from line 21 onwards,

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1 where it says collaborates on the Adem Jashari group.

2 He died a long time ago, 20 years ago or so. And that is
3 exactly what I've said in the Albanian language. So when I saw a
4 statement of this kind with my own eyes regarding somebody who has
5 died alongside 56 members of his family, including a little child,
6 that is as saddening as it gets for the citizens of my nation,
7 Kosovo. And that has prompted me to say that the Prosecutor
8 collaborates with Vukcevic and demands or requests files on
9 Adem Jashari from 21 onwards.

10 And I mentioned one of our guys, Besim Rama, who was convicted
11 and spent years in jail. So it's all so -- so the file on this man
12 who decayed, as it were, in Serbian jails. It's somebody who you
13 would feel sad to look at nowadays. And the Prosecutors keep seeking
14 information on them and that is exactly what I was pointing to when I
15 made the statement.

16 JUDGE METTRAUX: And you hoped, as you said in this document,
17 that by making this document available to the media you would
18 undermine the Special Court; is that correct?

19 A. No, Your Honour, that is not quite correct that I want to
20 undermine this Court. But I want to advise this Court to collaborate
21 with people who tell the truth. Not with war criminals who have
22 fought against us, raped us, evicted us, evicted more than 1 million
23 citizens of Kosovo who were sent to Albania, Macedonia, and other
24 Western countries. That is what I've abided by, and I am against the
25 Specialist Chambers because of these reasons I mentioned earlier.

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1 I am not against these Prosecutors. I don't know them
2 personally. As far as I'm concerned, they are very good
3 professionals, and it's their obligation to work on behalf of this
4 Chambers, but they should be collaborating with people that tell the
5 truth, not with those who have persecuted us for 7.000 years. For
6 seven centuries Albanians have been suffering in jails, and there is
7 many a document in the archives to support this.

8 I cannot trust a court that -- a court that does not chase, you
9 know, issues like the Panda case where six --

10 JUDGE METTRAUX: Mr. Gucati, just to shorten that --

11 THE ACCUSED GUCATI: [Interpretation] -- Serbian mothers lost
12 their children.

13 JUDGE METTRAUX: So when you said on public television that you
14 wanted to undermine the Special Court, we must understand you to mean
15 you wanted to advise it. Is that your evidence, Mr. Gucati?

16 A. That is correct, Your Honour. I wanted to advise it, not to
17 undermine it and destroy it, but advise it not to collaborate with
18 war criminals but with people who are witnesses of fact, who have
19 taken part. I'm not against chasing every single case in Kosovo. I
20 am a vehement supporter of justice, and from that point of view I
21 have been against this Court.

22 JUDGE METTRAUX: Thank you, Mr. Gucati.

23 PRESIDING JUDGE SMITH: [Microphone not activated].

24 JUDGE GAYNOR: Thank you very much.

25 Mr. Gucati, you confirmed in your evidence that you were the

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1 author of some posts on your Facebook account which is in your name
2 and where, as you told us, you expressed your opinion freely. Do you
3 recall that evidence?

4 A. Yes, with the exception of the time when my Facebook account was
5 hacked into. I told the police as well about it. But some of those
6 posts are mine. Some of those are posts that I have drafted. I have
7 admitted to two of those. Yes, it is true that there are a number of
8 posts that I have myself drafted for my Facebook account.

9 JUDGE GAYNOR: And were you the only person who placed posts on
10 your Facebook account with your permission, or was there anybody else
11 putting posts on your Facebook account with your permission?

12 A. In the majority of cases that I was the only one, but there have
13 been occasions when our technical secretary, which is a cousin of
14 mine, has been authorised to put posts on my Facebook account. On
15 every single occasion though with my permission, not without.

16 JUDGE GAYNOR: And if you saw a post on your Facebook account
17 which was not put there with your authorisation, would you
18 immediately take it down?

19 A. Yes, I would. I wouldn't have allowed my Facebook account to
20 insult anyone, even though I don't think that there's ever been a
21 case of my Facebook account injuring anyone or causing harm to
22 anyone.

23 JUDGE GAYNOR: Now, you said at paragraph 8 of your statement
24 that you were the chairman of the KLA War Veterans Association from
25 15 October 2017 until your arrest. Now, as the chairman of the War

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1 Veterans Association, did you feel a duty of loyalty towards all
2 veterans who had served in the KLA during the war?

3 A. Forgive me. Let me just improve something. I -- I have been
4 chairman of the WVA from 2017, 15 September. That's how I understood
5 it.

6 JUDGE GAYNOR: I have 15 October written down here. In any
7 event, that's what it says in your statement. Would you like to
8 correct that right now?

9 A. 15 October 2017, not 2015. Maybe I misunderstood it.

10 JUDGE GAYNOR: 2017. We're agreed on that.

11 Now, did you feel a duty of loyalty towards all veterans who had
12 served in the KLA?

13 A. It is an oath of office, as I'm chairman of the WVA, and my own
14 conscience and the wounds on my body, on my left leg, that is what --
15 would not allow me to do otherwise. With every fibre of my body, I
16 try to act fairly. There's no one who is infallible. However, I try
17 to look after every single member of our organisation. I try to
18 treat every single one equally. At least I try my best.

19 JUDGE GAYNOR: And at the time of the press conferences and the
20 other media appearances in September 2020, how did your duty of
21 loyalty towards all veterans of the KLA affect your view of witnesses
22 who were willing to cooperate with the SPO in its investigations of
23 veterans of the KLA?

24 A. I have never advised any witness not to cooperate with the
25 Specialist Chambers. There are interviews or writings in the

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1 newspapers where I've said that for the sake of our country and our
2 state you need to cooperate by telling the truth. You can find that
3 in Epoka e Re, Express, and other media outlets in Kosovo.
4 Throughout, I have said exactly the same thing throughout. I have
5 tried to be transparent with my friends, in particular with the war
6 veterans.

7 JUDGE GAYNOR: Now, you've made it very clear in your evidence
8 your feelings about the collaboration, as you describe it, between
9 the SPO and the authorities of the Republic of Serbia. And today at
10 page 26 of the transcript you said in an answer to a question from
11 Ms. Bolici of the SPO, you said:

12 "We all know that Serbia is our enemy and that you have
13 collaborated with Serb criminals and some others that have been
14 associated with them."

15 And then this afternoon, you referred to those who were, in your
16 view, "enemies of my country along with those who protested against
17 the freedom of my country."

18 Now, my question to you is this: Does it follow that the SPO
19 was, and is, in essence, collaborating with the enemy as it was and
20 is collaborating with the Republic of Serbia?

21 A. From the point where [REDACTED] Pursuant to In-Court Redaction
Order F483RED was siding with my enemy, I
22 cannot state otherwise, Your Honour. Where somebody who has -- who
23 has carried out a massacre in Meja or Gjakove, I cannot say
24 otherwise. I cannot even imagine what -- what you'd think of a
25 citizen who colludes against your own country. Let's assume it's

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1 another country. If somebody colludes against the freedom of your
2 country, what would you call these people who do not support their
3 own country, their own freedom?

4 JUDGE GAYNOR: So am I right in understanding that during the
5 events of September 2020, you considered that all witnesses who were
6 cooperating with the SPO were, in essence, collaborating with the
7 enemy, because the SPO was collaborating with Serbia? Is that a
8 correct understanding?

9 A. I have not read the names of the witnesses, and I had no idea
10 who they were. But if they were to collaborate with Serbia, they
11 would be enemies because Serbia is an enemy of my country. Serbia
12 continues to lay claim upon Kosovo to this day so that from -- if
13 you're collaborating with the Serbs, as far as I'm concerned the
14 conclusion is the same.

15 JUDGE GAYNOR: Right. So does it follow from what you've said
16 that a witness who collaborates with the SPO, which is collaborating
17 with Serbia, is a witness who is collaborating with the enemy? Is
18 that how you see it?

19 A. No. What I'm saying, Your Honour, is with reference to those
20 who have been our own opponents and who are well known. I mentioned
21 the name there. I have not extended this to every -- every other
22 witness, but I meant this particular witness. This particular
23 witness whose name I mentioned, and I am always referring to these
24 witnesses.

25 JUDGE GAYNOR: Now, Mr. Gucati, in your evidence you've been

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1 asked about the distinction between witnesses who told the truth and
2 witnesses who are liars. Could you clarify, for the Court, what is
3 your view about witnesses who tell lies to the SPO about the
4 activities of veterans of the KLA?

5 A. Those who lie are called liars. There is no other name for it.
6 If they tell untruths, they are liars. They couldn't -- they can't
7 be called anything else.

8 JUDGE GAYNOR: And what consequences should follow from their
9 action?

10 A. They haven't had any consequences. I don't think there will be
11 any. It will just weigh heavy on their conscience. It will just
12 weigh on their human conscience, but I am not aware of a case of
13 somebody having suffered any consequences. This does not exist in
14 our -- in our opinion. At least that is something that I believe
15 very strongly in.

16 JUDGE GAYNOR: And my final question is what specific steps did
17 you take to distinguish between witnesses who told truth to the SPO
18 and witnesses who told lies to the SPO? What specific steps did you
19 take to distinguish between those two groups?

20 A. I haven't taken any steps. I don't intend to take one. But
21 I'll leave that to the conscience of every single one and the respect
22 towards them. Respect is mutual. If you're -- if you respect
23 someone, you'll get the respect back. Otherwise, no.

24 JUDGE GAYNOR: Thank you, Mr. Gucati.

25 Thank you, Judge Smith.

1 PRESIDING JUDGE SMITH: Thank you, Judge Gaynor.

2 Are we finished with this witness? Madam Prosecutor, anything
3 further?

4 MS. BOLICI: Nothing further for the Prosecution. Thank you,
5 Your Honour.

6 PRESIDING JUDGE SMITH: Mr. Rees?

7 MR. REES: [Microphone not activated].

8 PRESIDING JUDGE SMITH: Mr. Worboys?

9 MR. WORBOYS: Nothing as far as I'm aware, Your Honour. But if
10 there is anything overnight, I'll let you know in the morning.

11 PRESIDING JUDGE SMITH: Thank you.

12 All right. Mr. Gucati, that concludes your testimony. You may
13 remain seated there if you wish. We won't be too much longer. Or
14 you can go back to your regular seat, if you prefer.

15 MR. REES: Just to remind the Panel, we do, of course, seek
16 admission of the statement.

17 PRESIDING JUDGE SMITH: Yes, I was just going to get to that.
18 Thank you. You still want it admitted, the statement admitted?

19 MR. REES: Yes.

20 PRESIDING JUDGE SMITH: We will make an exception and not
21 require a summary of the witness statement as Mr. Gucati testified
22 extensively in chief. Of course, if you have a summary ready and
23 want it read into the record, we can do that.

24 Does the SPO object to the admission of the statement of
25 Mr. Gucati?

1 MS. BOLICI: In this particular occasion, Your Honour, we will
2 not object to the admission of the statement.

3 PRESIDING JUDGE SMITH: Thank you.

4 The Panel admits the written statement of Mr. Gucati in evidence
5 under Rule 154 of the Rules. The Defence for Mr. Gucati is ordered
6 to disclose by 17 December 2021 a public redacted version of the
7 statement redacting the names in paragraph 36. CMU is also
8 instructed to add in Legal Workflow the public redacted version of
9 the exhibit once it is disclosed and to mark it as redacted.

10 Madam Court Officer, please assign an exhibit number to this
11 item and state it on the record.

12 THE COURT OFFICER: Your Honours, the statement will receive
13 number 1D3.

14 PRESIDING JUDGE SMITH: Thank you.

15 The Panel -- I realise we're getting to the end of our time, but
16 I want to go over these matters. The Panel wants to address some
17 scheduling matters between now and 17 December.

18 Ms. Bolici, your cross-examination estimate for the next six
19 witnesses of the Gucati Defence was two hours for each, and I
20 understand there's been -- you understand, there's been an
21 adjustment. Does that still stand, or can the Panel be hopeful that
22 you would have an average of one witness per one-and-a-half-hour
23 session between tomorrow and Friday? Just over those two days.

24 MS. BOLICI: As an average, it's an accurate estimation,
25 Your Honour. There will be witnesses for whom we will still require

1 a longer amount of time, and there might be witnesses --

2 PRESIDING JUDGE SMITH: But for the first two, perhaps we're
3 okay for tomorrow.

4 MS. BOLICI: For the first two -- the first one, certainly, yes.
5 For the second, perhaps we may need the full two hours. Yes.

6 PRESIDING JUDGE SMITH: Okay.

7 Mr. Rees, anything to add to that estimate for those two
8 witnesses that we could have tomorrow and Friday?

9 MR. REES: No. I think as far as planning for the Defence is
10 concerned, we will seek to have available for each session of the day
11 a witness in the hope that the SPO are quicker than they estimate.
12 If they're not, they're not. But that's what we will aim to try to
13 do.

14 PRESIDING JUDGE SMITH: We appreciate that.

15 The Panel would want to finish with the Gucati case by next
16 Wednesday, if possible. As I said, we are expecting to have some
17 court time in the morning of 15 December, two sessions, and hopefully
18 we can finish with the first Defence case.

19 Ms. Bolici, I said earlier that you should inquire whether the
20 two SPO witnesses mentioned by Mr. Rees are available next Thursday
21 or Friday. Add to that the next Wednesday morning as well as an
22 option. So you can have any one of those three days. We can take
23 them out of order.

24 MS. BOLICI: Thank you, Your Honour. Well noted.

25 PRESIDING JUDGE SMITH: Now, Mr. Worboys, Mr. Buckley, then it's

1 the turn of the Haradinaj Defence. Here are some questions for you
2 which you do not have to answer today, but we expect to get some
3 answers tomorrow.

4 We have scheduled two hearing days next week, Thursday and
5 Friday. We expect to hear the Haradinaj Defence opening statement on
6 Thursday, and then to start the evidence in your case immediately
7 after. The Panel is aware that the testimony of Mr. Haradinaj cannot
8 be finished within those two days, and in our estimation it would not
9 be good to break it into segments with a long break in between.

10 So the Panel would want instead that you call two of your other
11 witnesses, 1254, 1246 or 1252, whichever two are available, because
12 we think that their testimony can be heard in those two days. We are
13 factoring in the two Prosecution witnesses that I mentioned earlier
14 that Mr. Rees wants to examine, and it sounds like it won't be a very
15 lengthy examination.

16 If we do not start the Haradinaj case next week, we cannot
17 finish it by 17 January as we planned, and that is without factoring
18 in the results of the decision on appeal. So after 17 January, our
19 courtroom options are limited and the Panel does not want to drag out
20 the Defence case over many weeks, which is not fair to you.

21 So these are our thoughts. We will expect to hear from you
22 tomorrow. If you have some answers now, the floor is yours, but we
23 don't want to pressure you. I know you want to talk to Mr. Cadman,
24 no doubt. But you understand what our purpose is, is to try to get
25 two witnesses in, and then after the break we can ask Mr. Haradinaj

1 for his testimony and that way he won't be interrupted.

2 Do you understand all that?

3 MR. WORBOYS: Yes. Your Honour, thank you very much for the
4 indication. We'll take instructions overnight and speak to the team.
5 The opening, of course, won't be a problem, but we'll come back to
6 you on our position with the witnesses. But thank you for the
7 direction.

8 PRESIDING JUDGE SMITH: Okay. Anything to add to that,
9 Mr. Buckley?

10 MR. BUCKLEY: [via videolink] No. Simply to acknowledge on what
11 Mr. Worboys has said, that the opening statement isn't an issue. We
12 can confirm that now. As to the rest of the indication of
13 Your Honours, then, as noted by Mr. Worboys, instructions can be
14 taken overnight and we'll be in a position to advise accordingly
15 tomorrow.

16 PRESIDING JUDGE SMITH: All right.

17 Now, Mr. Buckley and Mr. Worboys, the Panel has heard over the
18 last three days some complaints from the Haradinaj Defence all
19 related to their ability to participate effectively and associated
20 issues of fairness.

21 First of all, we all know that the current situation is not
22 easy, and we hope Mr. Cadman recovers quickly, but the Panel is not
23 persuaded that there is merit to the complaints made by the Haradinaj
24 Defence. This is for the following reasons.

25 A co-counsel has the same right and duty as a lead counsel to

1 take instructions from and represent the client. And, in fact, one
2 of the main reasons why we have co-counsel in this court, who meet
3 the strict requirements for such an assignment, is to cover such
4 situations when lead counsel is unavailable, whether due to illness
5 or to any other reason.

6 Representation by co-counsel ensures that the right of the
7 accused to the expeditious proceedings and effective representation
8 are not prejudiced by the absence of one of his counsel. And I also
9 note that several members of the Haradinaj Defence, including
10 counsel, have been able so far to follow these proceedings. We had
11 no private sessions on Monday and Tuesday, and today we had one and
12 it was very brief.

13 Members of the Haradinaj Defence continue to have remote access
14 to all KSC systems, including the full transcript of all courtroom
15 proceedings in realtime during any private sessions. Although you
16 have not been aware of the existence of this tool, I hope by now,
17 Mr. Buckley, you have found it.

18 Members of the Haradinaj Defence following the proceedings
19 remotely have a feed to the exhibits shown in the courtroom, and
20 these are also available in Legal Workflow, as are the presentation
21 queues. The Haradinaj Defence has at its disposal various methods of
22 realtime communication with your team members in and outside of the
23 courtroom; mainly, e-mail and chat functions.

24 Now, I know that yesterday there were some difficulties caused
25 by the network outage, but that was clearly beyond the help of this

1 organisation. The Registry has informed the Panel that the Registry
2 facilitated contact between Mr. Haradinaj with his counsel.
3 Specifically, we understand that Mr. Haradinaj called two telephone
4 numbers of counsel yesterday afternoon and no one picked up.

5 We understand from the Registry that no member of the Haradinaj
6 Defence called Mr. Haradinaj back to inquire why he had tried to
7 contact his Defence team.

8 So there cannot be any suggestion of unfairness when this Panel
9 and this Registry is doing to best -- I'm sorry. There can be no
10 suggestion of unfairness when this Panel and this Registry is doing
11 its best to advance these proceedings to the benefit of your client,
12 and you are actually the one who is uninformed of tools at your
13 disposal to make this work.

14 We also want to emphasise that several deadlines have been
15 missed by your group on several occasions. So please, let's be
16 reasonable and move on from these matters and try to complete this
17 trial in a reasonable and efficient manner.

18 Mr. Rees, tomorrow morning we will start with Witness 1241. You
19 may read out her statement as you suggested, except for the text in
20 paragraph 35 after the first two sentences and paragraph 40. As to
21 the other witnesses, we will give you instructions as we go.

22 I believe that concludes everything.

23 Mr. Rees, anything?

24 MR. REES: No, thank you, Your Honour.

25 PRESIDING JUDGE SMITH: All right.

1 Anything from the Prosecution?

2 MS. BOLICI: No, thank you, Your Honour.

3 PRESIDING JUDGE SMITH: Anything from the Haradinaj Defence?

4 MR. WORBOYS: [Microphone not activated].

5 PRESIDING JUDGE SMITH: We are adjourned. We will see you
6 tomorrow morning at 9.30.

7 Thank you for your attention today. Thank you very much to the
8 interpreters and the other Court personnel and court reporter, who
9 have all been working so hard today.

10 [The Accused Gucati stands down]

11 --- Whereupon the hearing adjourned at 4.08 p.m.

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