

1 Thursday, 13 November 2025

2 [Open session]

3 [The accused entered the courtroom]

4 --- Upon commencing at 9.00 a.m.

5 PRESIDING JUDGE SMITH: Madam Court Officer, please call the
6 case.

7 THE COURT OFFICER: Good morning, Your Honours. This is case
8 KSC-BC-2020-06, The Specialist Prosecutor versus Hashim Thaci,
9 Kadri Veseli, Rexhep Selimi, and Jakup Krasniqi.

10 PRESIDING JUDGE SMITH: The record will reflect that all the
11 accused are in court today.

12 We will continue hearing the evidence of Defence
13 Witness 1DW-009.

14 Before we start with the evidence of the witness, there are some
15 preliminary matters that the Panel would like to address. To begin
16 with, the Panel will issue two oral orders.

17 The first oral order.

18 On 25 January 2025, the Panel ordered the Language Service Unit
19 to verify the translations of P00943_ET and P00944_ET. Following
20 this verification process, the SPO, on 29 August 2025, requested that
21 these items be replaced with the revised translations which were
22 disclosed in Disclosure 1104; namely, REG01038 to REG01126_ET_REV and
23 REG1006 to REG10015_ET_REV.

24 Can I confirm there are no objections?

25 No objections are heard.

1 Having heard the parties and the participants, the Panel orders
2 that P00943_ET and P00944_ET be replaced with the revised
3 translations in Disclosure 1104.

4 This concludes the Panel's first oral order.

5 Second oral order.

6 The Panel notes that, one, the Thaci Defence made a request in
7 relation to Thaci Defence Witness 1DW-005 in filing F03513; and, two,
8 the SPO made a request in relation to the same witness in filing
9 F03515.

10 The Panel notes that since these requests were filed, the Thaci
11 Defence has informed the Panel that it no longer intends to rely on
12 this witness. The Panel therefore declares both filings moot.

13 This concludes the Panel's second oral order.

14 Now, in relation to F03572, Prosecution response to the Thaci
15 Defence second request for admission of documents through the bar
16 table, Mr. Misetic, you have indicated that you want to make
17 submissions in reply. Are you ready to make them now?

18 MR. MISETIC: Yes, Your Honour.

19 PRESIDING JUDGE SMITH: Go ahead.

20 MR. MISETIC: Just, I just wish to actually address only the one
21 item, which is item 26 on our bar table motion, F03555 Annex 1.

22 The Prosecution says that this is a summary of testimony that
23 was given in court, and actually the document indicates that this
24 person spoke to the newspaper. It literally says "speaks for
25 Novosti," and then beginning at around the second paragraph, and

1 continuing to the very end of the document, it says he's
2 "... testified for Novosti about some of his associates," et cetera.
3 So the material contained in that document is actually material that
4 was given to the newspaper directly and is not a summary of evidence
5 in court. That would be our position on that, and that it is
6 admissible.

7 And while I'm on my feet, if I could have 30 seconds to address
8 a point that Judge Mettraux made yesterday about the distinction
9 between internal and international armed conflict, just to put our
10 position on the record. If not, that's fine. I can sit down.

11 PRESIDING JUDGE SMITH: No, go ahead. Go ahead. 30 seconds
12 maximum.

13 MR. MISETIC: 30 seconds. We just wanted to say that our
14 position is that there actually is no distinction to be made between,
15 in the facts of this case, the end of the international armed
16 conflict and the end of the non-international armed conflict
17 precisely because KFOR was responsible for preventing any conflict
18 between Serbia and Kosovo, and, therefore, any attempt by Serbia to
19 continue an armed conflict with the KLA necessarily would have
20 required them to get into conflict with KFOR and continue with the
21 international armed conflict.

22 Thank you.

23 JUDGE METTRAUX: And thank you, Mr. Misetic.

24 PRESIDING JUDGE SMITH: Now we will continue hearing the
25 evidence of the Thaci Defence Witness 1DW-009.

1 Madam Court Officer, please bring in the witness.

2 [The witness takes the stand]

3 PRESIDING JUDGE SMITH: Good morning.

4 THE WITNESS: Good morning to you, Your Honour.

5 PRESIDING JUDGE SMITH: Today we are going to continue your
6 testimony. I remind you to please try to answer the questions
7 clearly, with short sentences. If you don't understand a question,
8 feel free to ask counsel to explain and they will, or you can ask
9 them to repeat if you don't hear it clearly. Also, please try to
10 remember to indicate the basis of your knowledge of the facts and
11 circumstances upon which you will be questioned.

12 I remind you that you are still under an obligation to tell the
13 truth as stated by you in your solemn declaration.

14 Please also remember to speak into the microphone and wait five
15 seconds before answering a question, and speak at a slow pace for the
16 interpreters to catch up.

17 And if you feel the need to take a break at any time, please let
18 us know. We will take a break at 10.00 for a short break of ten
19 minutes, and at 11.00 we'll take a half-hour break. Just so you know
20 what's going to happen in the near future.

21 Please give Ms. Tavakoli your attention. She will continue her
22 direct examination.

23 Go ahead.

24 MS. TAVAKOLI: Thank you, Your Honour.

25 WITNESS: MICHAEL DURKEE [Resumed]

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Examination by Ms. Tavakoli (Continued)

1 Examination by Ms. Tavakoli: [Continued]

2 Q. Good morning, Mr. Durkee. Yesterday, when we finished up your
3 testimony, we were talking about the post-war violence in Kosovo. I
4 want to continue with that theme, please, today.

5 Now, at paragraph 17 your statement, you described the violence
6 in the summer of 1999, and these are your words, "widespread social
7 reaction that neither KFOR nor the KLA leadership could control."
8 What did you mean by "widespread social reaction"?

9 A. It was my perception and also that of KFOR and UNMIK that the
10 returning refugees who had been chased out of Kosovo by Milosevic's
11 forces in that winter, that harsh winter of 1998, 1999, were
12 returning to the villages and towns that they had lived in and found
13 that many of their homes had been destroyed, that property was
14 missing, that friends and neighbours were missing. And so the level
15 of destruction and disruption of ordinary life of Kosovar Albanians
16 was very large, heavy, serious, and so many of them reacted with
17 anger, rage, resentment, a desire for revenge.

18 Q. You go on to say in that paragraph that it was "spontaneously
19 generated at the local level, motivated by revenge, personal grudges,
20 score settling, opportunistic property theft, and longstanding feuds
21 between families or criminal gangs."

22 Now, I want to unpack that sentence step by step. When you say
23 "motivated by revenge," revenge for what?

24 A. If one looks back at what happened in the spring of 1999 and the
25 activities of not only Serb-organised forces under the control of the

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Examination by Ms. Tavakoli (Continued)

1 government but also the paramilitaries and informants that they had
2 developed among the Serb population of Kosovo, and in many places
3 those local Serb residents were, in fact, providing the information
4 about where the Serb forces should turn their attention. This was
5 largely developed and directed by the Ministry of Internal Affairs.
6 So as the Kosovar Albanians were witnessing this and being treated
7 this way by people who lived in the similar circumstances in those
8 villages and towns, you can understand why they would have this
9 desire for revenge, because they felt that they had been betrayed and
10 victimised by people they may have grown up with. Civil wars are
11 always brutal, and this was a brutal civil war at that level.

12 Q. And when you say "personal grudges, score settling, and
13 longstanding feuds between families," how long longstanding were
14 those feuds? Did they relate to matters before the conflict or not?

15 A. We have to sort of refer back to the tradition of the Albanian
16 *kanun*, the idea of personal honour, and the importance of defending
17 personal honour. This meant that when a member of a family was
18 aggrieved by the actions of someone else in that town or village, it
19 was not just the individual who would be looking for revenge but the
20 entire family. Score settling in the sense of getting back at
21 whoever had offended that member of the family.

22 Q. And is that -- was some of the violence -- was that why some of
23 the violence was happening in your assessment?

24 A. Yes, I believe so. And that was also the assessment of KFOR and
25 UNMIK as I talked to those staffs.

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Examination by Ms. Tavakoli (Continued)

1 Q. And just to go back to my original question, was it score
2 settling about events -- could it have been score settling about
3 events that happened before the conflict; i.e., it wasn't revenge for
4 things that happened in the conflict but for things that pre-dated
5 the conflict that people were taking revenge for?

6 A. In the history of the *kanun*, some of these feuds could go back
7 generations, so, yes, it could have preceded the conflict.

8 Q. And just briefly, what is your understanding of the *kanun*?

9 A. It is the high emphasis placed on the security, protection, and
10 advancement of the family against the vicissitudes of an unfriendly
11 environment and other people, and you must put the family honour
12 ahead of all other considerations.

13 Q. And as a result, would you agree that in assessing any conflict
14 in any particular country, the culture of that country must be taken
15 into account in assessing it?

16 A. Of course.

17 Q. Now, you also make reference here to criminal gangs carrying out
18 some of the violence. Where were those criminal gangs from?

19 A. I would judge that, and this also was based on briefings and
20 information provided at the KFOR staff and UNMIK and others I spoke
21 with, some of these were longstanding gang, not quite warfare, but
22 the conflicts between gangs trying to penetrate and carry out their
23 activities in one area, getting into conflict with gangs operating in
24 a similar or local area nearby. And that meant that as the Albanian
25 gang coming over the border were trying to continue their activities

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Examination by Ms. Tavakoli (Continued)

1 in Kosovo, that they fell into conflict and were also in conflict
2 with Kosovar Albanians.

3 Q. Now, you've explained that this -- was this view also shared by
4 SACEUR, your description of the violence, et cetera, and NATO member
5 states that fed into SACEUR's briefings as you described yesterday?

6 A. This would have been part of the flow of information that was
7 reaching General Clark, yes.

8 Q. So it would also have included --

9 A. Yeah.

10 Q. -- the assessments of individual NATO member states such as the
11 UK, the US, Germany, Ireland, and so on?

12 A. It was a generalised view at that point, yes.

13 Q. Now, in paragraph 18 your statement, you say that you formed the
14 view that the KLA leadership was unable to control the violence
15 because the emotions of the displaced population was so strong but
16 also as there was no solid chain of command within the KLA. Your
17 assessment that there was no solid chain of command within the KLA,
18 was that your personal assessment or was it also shared by SACEUR and
19 NATO member states?

20 A. The conclusion that I drew was based on the flow of information
21 available to SACEUR and the member nations. I was applying in that
22 assessment the knowledge that I have of how military staffs and
23 command structures function. And it was my opinion then and now that
24 there was no such solid command structure such that someone at senior
25 level in Prishtine could give orders that would result in direct

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Examination by Ms. Tavakoli (Continued)

1 action on the ground in one of the operational zones. The
2 operational zone commanders had considerable autonomy and a
3 willingness to act on their own when they thought best.

4 So there was a rough chain of command more in the sense of
5 coordination but not of direct command authority as we understand it
6 in Western militaries.

7 Q. Now, could Hashim Thaci have stopped this violence?

8 A. He had no authority or power that would allow him to do that.

9 Q. And why do you say that?

10 A. Because in those days after the Serb withdrawal, the withdrawal
11 of Serb forces, the KLA was in the midst of under -- carrying out the
12 undertaking that they had negotiated with KFOR with General Jackson.
13 And so while there were KLA fighters still in the field, the command
14 structure was basically trying to figure out how to do this
15 demobilisation and demilitarisation that they had committed to, so
16 that when they were looking -- when "they," Mr. Thaci, Commander
17 Ceku, and others were looking at what the KLA could do, their first
18 priority was to carry out the undertaking. They may have also tried
19 to stop what they saw as aimless and damaging violence, damaging to
20 their cause of independence that was going on, but because so much of
21 it was locally organised and conducted, there was not a command
22 structure that he could have used to stop it.

23 Q. Why was the violence going on damaging to their cause of
24 independence?

25 A. As we learned from that very first meeting with Mr. Thaci and

1 others, their goal and had been -- the goal had been, publicly
2 proclaimed for years before, was the independence and creation of a
3 sovereign, separate Kosovo. And so doing things which -- let me take
4 one step back.

5 It was only a few years before when Western governments regarded
6 the KLA as a terrorist group, and it took some period of time of
7 their showing that they could be more organised, disciplined, and
8 they were looking for the creation of a Kosovo in which all people
9 could live in peace and security. Showing that somehow they were
10 conducting or contributing to the lawlessness of the violence was
11 directly detrimental to their efforts to portray that to Western
12 governments so they could continue to get the support of the NATO and
13 of the EU. So it would have been contrary to their long-term
14 interests.

15 Q. And when you said from that meeting "they were looking for the
16 creation of a Kosovo in which all people could live in peace and
17 security," did that include Hashim Thaci?

18 A. Yes.

19 Q. And it's right, isn't it, that not only could Hashim Thaci have
20 not stopped the violence in 1999, he spoke up publicly against it, as
21 you've recorded in paragraph 19 of your statement, "urging tolerance
22 and non-violence," didn't he?

23 A. That's correct.

24 Q. Thank you very much, Mr. Durkee. I have no further questions.

25 PRESIDING JUDGE SMITH: Mr. Dixon.

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Cross-examination by Mr. Beqiri

1 MR. DIXON: Thank you, Your Honours. No questions from us.

2 PRESIDING JUDGE SMITH: Mr. Tully.

3 MR. TULLY: Thank you, Your Honour. No questions.

4 MR. BEQIRI: Very brief, Your Honour.

5 PRESIDING JUDGE SMITH: Go ahead.

6 MR. BEQIRI: Thank you.

7 Cross-examination by Mr. Beqiri:

8 Q. Good morning, Mr. Durkee. My name is Mentor Beqiri and I
9 represent Mr. Jakup Krasniqi. I have only a few questions for you
10 today.

11 Mr. Durkee, referring to your statement, more specifically at
12 paragraphs 15 and 16, you will agree with me that the post-war
13 situation in Kosovo in the months June, July 1999 was very chaotic,
14 wasn't it?

15 A. Yes.

16 Q. Now, as you mentioned today, and that is page 5 of the
17 transcript, thousands of refugees flooded back into Kosovo as a
18 matter of weeks; correct?

19 A. Yes.

20 MR. BEQIRI: Can we please pull up DHT08520. If we can scroll
21 down please a little. Yes.

22 Q. Witness, this is a UNHCR report dated 21 June 1999, and I invite
23 you to look at the sections relating to Albania and Macedonia,
24 please.

25 A. Okay.

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Cross-examination by Mr. Beqiri

1 Q. You can see that these figures are reported by UNHCR in relation
2 to the returning refugees. Are these figures consistent with your
3 recollection of returning civilians in Kosovo right after the war?

4 A. Yes, this was also the observation of KFOR.

5 Q. And the need to provide accommodation, food and healthcare for
6 these thousands of returning refugees, that was another factor
7 contributing to the chaos at the time, wasn't it?

8 A. Yes.

9 Q. Now, at paragraph 16 of your statement, you have said that:

10 "The absence of basic services and lack of a functioning law
11 enforcement system contributed to an atmosphere of lawlessness which
12 only emboldened the criminal element."

13 Do you recall saying that, Mr. Durkee?

14 A. Yes.

15 Q. If I can show you a newspaper article.

16 MR. BEQIRI: Can we please pull up DJK01705, please.

17 Q. Mr. Durkee, this is a newspaper article dated 14 August 1999,
18 and in the second paragraph it says:

19 "'We should not be pointing fingers at the KLA. At the highest
20 levels, they are cooperating with us. But we should know that
21 foreign elements are arriving here from all sides of the border,'
22 said the Supreme Commander of NATO forces in Europe, American
23 General Wesley Clark, at a brief press conference in Pristina."

24 Now, looking at what is stated here, Mr. Durkee, you would agree
25 that elements were arriving from all sides of the border into Kosovo

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Cross-examination by Mr. Beqiri

1 in the summer of 1999; correct?

2 A. Yes.

3 Q. And it is possible, isn't it, that this situation could also
4 have contributed to an atmosphere of lawlessness at this time?

5 A. Yes.

6 Q. Thank you.

7 MR. BEQIRI: Your Honours, I seek to tender the newspaper
8 article DJK01705. Although this item forms part of the Krasniqi
9 Defence BTM, I submit that the witness has provided sufficient
10 context for its admission and it may therefore be entered into
11 evidence through this witness.

12 MS. D'ASCOLI: No objections, Your Honour.

13 PRESIDING JUDGE SMITH: No objections? No objections.

14 DJK01705 is admitted.

15 MR. BEQIRI:

16 Q. Thank you very much for answering my questions, Mr. Durkee.

17 MR. BEQIRI: I have no further questions, Your Honour.

18 PRESIDING JUDGE SMITH: SPO, questions?

19 THE COURT OFFICER: Thank you, Your Honour. This document with
20 the ERN DJK01705, Albanian and English translation, will receive
21 Exhibit 4D00143, and classification is public. Thank you.

22 PRESIDING JUDGE SMITH: Thank you.

23 Now, SPO.

24 MS. D'ASCOLI: Thank you, Your Honour.

25 Cross-examination by Ms. D'Ascoli:

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Cross-examination by Ms. D'Ascoli

1 Q. Sir, good morning.

2 A. Good morning.

3 Q. I will introduce myself. My name is Silvia D'Ascoli. I'm one
4 of the Prosecutors with the SPO, and I will be asking you questions
5 on behalf of the Prosecution today. My initial estimate was about
6 two and a half hours, although I hope to take less time than that.

7 Sir, in direct examination yesterday, and at paragraph 5 of your
8 statement, you testified about your professional experience working
9 on the Balkans. Before your work as a senior adviser to
10 General Wesley Clark, you worked with General George Joulwan, and he
11 was at the SACEUR until 1997; correct?

12 A. Yes.

13 Q. Now, during the time you worked with General Joulwan, your
14 dealings also included dealing with Serbian officials; is that
15 correct?

16 A. Yes.

17 Q. And your dealings with Serbian officials continued when you
18 started working for General Clark?

19 A. Yes.

20 Q. For example, it's also described by General Clark in his book
21 "Waging Modern War," you accompanied him to Belgrade during his
22 meetings with Slobodan Milosevic; correct?

23 A. Yes.

24 Q. Now, in direct examination when describing your responsibilities
25 as senior adviser to General Clark, you explained that you were

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1 "looking at how the operating environment was developing in terms ...
2 of the continued effort of Slobodan Milosevic and his forces to
3 repress any Albanian resistance." This was at page 111 of
4 yesterday's transcript. You remember that; right?

5 A. Yes.

6 Q. In direct examination, you also referred to Mr. John Duncan as
7 being part of your staff, as being one of the advisers on your team.
8 Did you follow his testimony in this trial in September 2025?

9 A. Whose testimony?

10 Q. Mr. John Duncan's testimony.

11 A. I was aware that he testified, yes.

12 Q. And did you follow his testimony or not?

13 A. I did not have any direct access at that time, but I saw a video
14 of his testimony later.

15 Q. Okay. I understand. Now, you might know or not, but in his
16 testimony, Mr. Duncan said that you had very good knowledge of
17 Serbian matters. And that's accurate --

18 A. Yes.

19 Q. -- correct? Mr. Duncan also told this Court that you and he
20 essentially split Kosovo and Serbia matters, with Mr. Duncan covering
21 the Kosovo side and you covering the Serbian side, in light of your
22 expertise on Serbian matters. And that's an accurate description, a
23 fair description of how you and Mr. John Duncan divided your
24 responsibilities; correct?

25 A. Yes.

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Cross-examination by Ms. D'Ascoli

1 Q. Would it be fair to say, in your opinion, that Mr. Duncan was
2 the most informed person on the SHAPE staff with regard to Kosovo,
3 Kosovo Albanians, including the KLA?

4 A. Yes.

5 Q. And that was because, in your role as SHAPE, you knew that
6 John Duncan was the one who had spent the most time with them while
7 negotiating the undertaking; correct?

8 A. Yes.

9 Q. During your role as an adviser to General Clark, I'm referring
10 to first half of 1999, you were based at the SHAPE headquarters in
11 Belgium; correct?

12 A. Yes.

13 Q. And you did not go to Kosovo in that same period?

14 A. Not before the end of the conflict, yes.

15 Q. Yeah. Now, during the preparation session, you clarified that
16 General Clark assigned you to be his representative in the Military
17 Technical Agreement negotiations, and that he sent you to Kosovo for
18 that. And that was also your testimony yesterday, temporary
19 transcript page 125.

20 Now, General Clark's book "Waging Modern War," the reference is
21 page DHT11502, indicates that General Clark deployed you to Macedonia
22 to work with Jackson during the in-progress negotiations for the
23 Military Technical Agreement, and, therefore, the negotiations with
24 the Serbs, and this was in June 1999. The book also indicates that
25 you were in an official line of communication for General Clark to

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1 liaise with Fogelsong and Jackson. And also by the time
2 Sir Mike Jackson -- by the time that Sir Mike Jackson finally
3 achieved the signature of the Serbs on the Military Technical
4 Agreement, Jackson had been deployed in Macedonia for three months.
5 Do you remember that?

6 A. Yes.

7 Q. Now, I believe during the preparation sessions you, indeed,
8 indicated that you were in Kumanovo for those negotiations, not in
9 Kosovo; is that correct?

10 A. Yes.

11 Q. Okay. So is it correct that you were deployed by General Clark
12 to Macedonia not to Kosovo as still appears to be said in your
13 statement for those negotiations?

14 A. Deployed to Kumanovo, yes.

15 Q. Okay. Now, in the context of the Kumanovo negotiations, as we
16 understand, and you said, you worked with General Jackson; correct?

17 A. Yes.

18 Q. And in that context, too, you dealt with the Serbian delegation
19 to the negotiations?

20 A. Yes.

21 Q. And you attended meetings between the Serbs and General Jackson?

22 A. Yes.

23 Q. And --

24 A. Not all, of course, but the more public ones, that is, the
25 larger ones.

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1 Q. Yes, indeed, you indicated that in your preparation sessions.
2 Now, your deployment to Macedonia and assignment to the MTA
3 negotiations once again implicated your expertise on Serbian matters;
4 correct?

5 A. Yes.

6 Q. Yes. And I believe you also noted that in your statement at
7 paragraph 9.

8 I will now move to paragraph 12 of your statement, and this
9 is -- to orient yourself, this is the paragraph where you discuss a
10 meeting with the Kosovo Albanian delegation outside of Mons.

11 You have clarified during direct examination that this meeting
12 is the same as that 19 March 1999 meeting referred to in a BBC
13 article that was presented to you, and that's marked with
14 Exhibit 1D360.

15 Now, when looking at the list of attendees in that article, you
16 said you recognised as people that you saw only Mr. Thaci and
17 Mr. Krasniqi. I believe today you said that that was the very first
18 meeting with them. So was that the first time you had direct meeting
19 or direct contacts with Mr. Hashim Thaci?

20 A. Yes.

21 Q. In paragraph 13 your statement, 1D428, you describe your
22 impressions of Mr. Thaci from that first meeting between him,
23 General Clark, yourself, and the Kosovar delegation. You have
24 already explained during direct examination yesterday what your
25 impressions were based on, so that's clear. I will not go back into

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1 that. But I want to ask you a few questions about what you knew or
2 didn't know about Mr. Thaci at that time.

3 Now, prior to Rambouillet, had you heard of Mr. Thaci?

4 A. Yes. He had been, I think, identified in public reporting as a
5 leader of the so-called political directorate of the KLA.

6 Q. And that's the extent to which you had heard --

7 A. Yes.

8 Q. -- of him?

9 A. Yes.

10 Q. Now, at that time, did you know who the founders of the KLA
11 were?

12 A. I don't believe that at that time we had extensive knowledge of
13 the formation and development of the KLA prior to sometime in -- you
14 know, during the course of 1998 and early 1999.

15 Q. And so did you know whether Mr. Thaci was a founder of the KLA?

16 A. I do not know.

17 Q. Did you know what role Mr. Thaci had or took in organising the
18 KLA after the KLA's founding?

19 A. I do not.

20 Q. And did you know whether Mr. Thaci was one of the first members
21 of the KLA General Staff?

22 A. I do not believe that at the time we met Mr. Thaci at Mons that
23 he had been identified as somehow a leader or commander of the
24 General Staff. He was identified as a leader of the, quote,
25 "political directorate of the KLA," which would be separate, of

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1 course, from the General Staff.

2 Q. I understand. So that was not an information available to you
3 at that time?

4 A. Yes.

5 Q. Correct? Okay. Now, did you know about any involvement that
6 Mr. Thaci had or not in supplying weapons, for example?

7 A. I do not have specific knowledge of that, no.

8 Q. Okay. And did you know whether he was present during military
9 actions by the KLA? And I'm referring, for example, to Bardh i Madh,
10 in Belacevac, June 1998, or Rahovec, July 1998? Did you have any
11 knowledge about that?

12 A. I do not have specific knowledge of what he might have been
13 doing in 1998.

14 Q. Okay. I see. I'll move on to paragraphs 13, 14, and 18, where
15 you offered your views concerning the KLA and its lack of chain of
16 command. You repeated that also this morning.

17 Now, you said that - this was in the temporary transcript of
18 yesterday during direct examination - you said that at that time,
19 referring to spring 1999, you did not have very good information.
20 There was not a good assessment in terms of the KLA military
21 capabilities because of the limited information you had received.
22 You knew that they had fighters in the field, but how many, where
23 they were stationed, and what their capabilities were, you did not
24 know exactly.

25 Now, again, I want to ask you a few questions about what you

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1 knew or did not know about the KLA at that time. For example, are
2 you familiar with the contents of any KLA regulations?

3 A. Would you repeat that, please?

4 Q. Yes, of course. Are you familiar with the contents of any KLA
5 regulations?

6 A. No.

7 Q. Did you know who the members of the KLA General Staff were? We
8 have addressed that in relation to Mr. Thaci, but my question now is
9 a bit broader.

10 A. And this is in the spring of 1999?

11 Q. I'm talking about your knowledge at the time, yes.

12 A. I do not believe that we had specific information available
13 about the composition and membership of the so-called General Staff.

14 Q. Okay. Did you have access to any KLA orders, whether at the
15 central level, at the General Staff, or at the zone level?

16 A. We were aware of public statements that had been made by people
17 on behalf of the KLA describing what they regarded as directives and
18 communiqués, yes.

19 Q. And that was the extent of the knowledge you had, that's what
20 you mean?

21 A. At that time --

22 Q. "Public statement" -- sorry, I'm just reading, "public
23 statements ... made by people on behalf of the KLA describing what
24 they regarded as directives [or] communiqués." Okay.

25 A. Yes. Because, if I might elaborate a bit, Western governments

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1 were only slowly developing their information networks in that part
2 of former Yugoslavia, so much attention had been given to the
3 conflict in Bosnia and then later to develop sources of information
4 regarding what was happening within Serbia itself. So not much
5 attention had been paid to the specific area of Kosovo. It was a
6 developing process.

7 Q. I understand. So I also take it that you did not have access to
8 any specific KLA orders?

9 A. That's correct.

10 Q. What about reports to the General Staff, KLA reports to the
11 General Staff?

12 A. Excuse me, I need to clarify. Reports from whom?

13 Q. Internal KLA reports. Therefore, from the zone -- you mentioned
14 you were aware of the KLA operational zones. Zone commanders?

15 A. I do not recall anything that was identified as a report from
16 the operational zone commanders to something called the
17 General Staff, no.

18 Q. Okay. Were you familiar with the inspections or visits that the
19 General Staff, General Staff members paid to the KLA operational
20 zones?

21 A. No.

22 Q. Were you familiar with that?

23 A. No.

24 Q. No. And were you aware of how the KLA operational zones were
25 organised internally?

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1 A. We had only a very limited and general knowledge of what was
2 happening at the level of the operational zones because each one had
3 developed individually based on the interests and activities and
4 capabilities of the people living in those areas. They formed
5 initially as sort of armed village guards, and then later developed
6 into more organised fighting forces. But at that zonal level, I
7 don't recall any information fighters from one of the operational
8 zones being transferred for an operation in a different operational
9 zone. They were very locally based.

10 Q. Yes. Basically, you're restating that the information you had
11 at the time was limited.

12 A. Correct.

13 Q. If I can summarise. Okay. Now, I want to move to your
14 observations during summer 1999. In the preparation note, which is
15 now in evidence as 1D427, at paragraph 15, as well as in direct
16 examination yesterday, you clarified that your statement that you had
17 ample opportunities to observe the reality on the ground in Kosovo,
18 which is a statement made at paragraph 15 of your statement, was
19 based on approximately four visits that you made to Kosovo in the
20 summer of 1999. And you also clarified yesterday, at temporary
21 transcript page 131, that that was for a total of six or seven days
22 all considered.

23 A. Yes.

24 Q. You remember that? Okay. Now, I understand from the
25 preparation note and the examination yesterday that in at least two

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1 of those four visits to Kosovo, you accompanied General Clark.

2 A. Yes.

3 Q. And you believe that was on 1 and 13 August 1999, although for
4 13 August you weren't 100 per cent sure; is that correct?

5 A. Yes.

6 Q. Now, I want to focus on these two visits.

7 MS. D'ASCOLI: And Your Honours, I would need to move into
8 private session for reasons imposed by the document providers.

9 PRESIDING JUDGE SMITH: Into private session, please,
10 Madam Court Officer.

11 [Private session]

12 [Private session text removed]

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1 [Private session text removed]

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4 [Open session]

5 [The witness stands down]

6 THE COURT OFFICER: Your Honours, we are now in public session.

7 PRESIDING JUDGE SMITH: Thank you.

8 We're adjourned for ten minutes.

9 --- Break taken at 9.57 a.m.

10 --- On resuming at 10.11 a.m.

11 PRESIDING JUDGE SMITH: Please bring the witness back in.

12 [The witness takes the stand]

13 PRESIDING JUDGE SMITH: The SPO Prosecutor will continue with
14 her questions.

15 Go ahead, Ms. D'Ascoli.

16 MS. D'ASCOLI: Thank you very much, Your Honour.

17 Q. Sir, I'll continue. I want to go back now to your observations
18 during those four visits in Kosovo, and in particular to the areas of
19 your statement - this is both in paragraph 16 and 17 - when you speak
20 about the fact that violence and crimes you observed were the result
21 of revenge, social reactions not organised from the top.

22 One preliminary question is whether you -- have you read the
23 indictment in this case?

24 A. I'm sorry, which documents are you referring to?

25 Q. My question is whether you have read the indictment in this

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1 case, in the case against Mr. Thaci and others.

2 A. I have not read the indictment, no.

3 Q. Therefore, am I correct that you do not know what crimes are
4 charged in this case?

5 A. I do not.

6 Q. Okay. I would like to focus not on retaliatory violence, not on
7 revenge or opportunistic crimes, but on crimes committed against
8 persons held in KLA detention.

9 Now, you must know, in light of your former position, that
10 certain crimes in 1998 and 1999 appear to be the result of organised
11 efforts by the KLA; right?

12 A. I have read such -- I am aware of such reports, yes.

13 Q. Were you aware, in particular, of allegations of crimes
14 committed against people held in detention facilities run by the KLA
15 throughout 1998 and 1999?

16 A. I was aware of such reports.

17 Q. In fact, KLA crimes were, indeed, reported in the news, and I
18 want to discuss a couple of examples of that. In particular, do you
19 recall reports about the KLA taking over the town of Orahovac/Rahovec
20 in July 1998?

21 A. I do not.

22 Q. Okay. So you would not remember reports about KLA detaining
23 about 85 ethnic Serbs in that context?

24 A. No.

25 MS. D'ASCOLI: Can we bring up P380 and go to PDF page 6, which

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1 is marked with ERN K0364869-K0364870.

2 Q. Sir, to orientate yourself, this is a Human Rights Watch report
3 dated 1 October 1998. I will read from the section under the
4 subheading "Abductions in Orahovac" so that you can follow on the
5 screen:

6 "On July 19, the UCK began its first major attack on a larger
7 city: Orahovac. An estimated eighty-five ethnic Serbs were taken
8 into custody by the UCK, although thirty-five of them were
9 subsequently released. As of August 1998, at least forty people were
10 still unaccounted for."

11 It continues but I just want to focus on a few points.

12 MS. D'ASCOLI: If we move to the next page. The second
13 paragraph says the fate -- yes, thank you.

14 Q. "The fate of an estimated forty other people taken from the
15 Orahovac area ... remains unknown."

16 And at the end of that same paragraph:

17 "There are also reports of seventeen other people abducted by
18 the UCK from the village of Retimlje near Orahovac."

19 Now, does that trigger any memory as to whether you knew about
20 or recall reading about this or not?

21 A. I do not recall that specific report, no.

22 Q. Okay. I understand.

23 MS. TAVAKOLI: Your Honour --

24 MS. D'ASCOLI:

25 Q. *The New York Times* also in an article --

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1 PRESIDING JUDGE SMITH: Ms. Tavakoli.

2 MS. TAVAKOLI: I was just going to -- sorry. I just wanted to
3 clarify the purpose of these questions, just in light of Rule 143 of
4 the rules, which says that:

5 "Cross-examination shall be limited to the subject-matter of
6 direct examination and [any] matters affecting the credibility of the
7 witness."

8 Obviously, this witness has been called to testify about events
9 in 1999. Nothing was raised in his examination-in-chief about any
10 events in 1998. I understand also that the examining party, you can
11 elicit evidence to further your case, but that doesn't obfuscate the
12 word "shall." So I'm just wondering what the scope is here.

13 PRESIDING JUDGE SMITH: [Microphone not activated]. There was no
14 objection.

15 MS. TAVAKOLI: There is an -- I want to understand what the
16 purpose of it is, because it seems to me that that's out width of
17 scope and, therefore, there is an objection.

18 PRESIDING JUDGE SMITH: The purpose is to question, one,
19 credibility and, number two, the facts themselves, because all this
20 material has been discussed, whether it was 1988 -- 1998 or 1999, by
21 this gentleman in connection with knowledge he has of the situation.
22 This is very relevant testimony and we'll continue.

23 [Microphone not activated].

24 MS. D'ASCOLI: Thank you, Your Honour. I will continue.

25 Q. I was just saying that these events were also reported by

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1 *The New York Times* in an article of 13 August 1998.

2 MS. D'ASCOLI: And for the record, we have it as P4153.

3 Q. Sir, the US State Department Country Reports on Human Rights
4 Practices for Serbia and Montenegro also contained reports on crimes
5 in Kosovo. You must have been familiar with those reports?

6 A. In general, yes.

7 Q. Okay. For example, do you recall or were you aware of reports
8 about the KLA targeting collaborators and civilians?

9 A. I do not recall that I was aware at that time, no.

10 Q. Okay.

11 MS. D'ASCOLI: Can I please have P4502 on the screens.

12 Q. And, sir, this will be, indeed, a US Department of State Serbia
13 and Montenegro Country Report on Human Rights Practices for 1998.
14 However, we will see it was released in February 1999. We can see
15 that --

16 A. Yes.

17 Q. -- on the first page. Yes.

18 MS. D'ASCOLI: Now, if we go to page 2, please.

19 Q. I want to direct your attention to the paragraph before the
20 heading "Respect for Human Rights." Yeah. This says:

21 "Elements of the ... (KLA ...) were also responsible for abuses.
22 They committed killings, were responsible for disappearances,
23 abducted and detained Serbian police, as well as Serb and Albanian
24 civilians (those suspected of loyalty to the Serbian Government), and
25 in a few isolated cases 'tried' suspects without due process. There

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1 are also credible reports of instances of torture by the KLA."

2 MS. D'ASCOLI: Now, if we move to page 5 of the same report, I
3 will read just a portion from the penultimate paragraph. If we can
4 bring that up, please. Yeah, exactly.

5 Q. In the middle of the paragraph, the penultimate one, I read:

6 "In October the KLA ..."

7 This is October 1998.

8 "... the KLA detained 13 Albanian politicians, including members
9 of the Kosovo Albanian Shadow Parliament, in Cirez for 2 days. The
10 KLA forces are reported to have repeatedly tortured 6 of the 13
11 detainees, whom they considered to be too close to the Serbian
12 Government."

13 MS. D'ASCOLI: Finally, page 8 of the same report, SPOE00397695.
14 I will read just the last paragraph on this page. If we can go up,
15 please. Thank you.

16 Q. "Separatist fighters harassed Serbian journalists and took some
17 hostage. In addition to credible cases in which so-called
18 'collaborators' were killed, some ethnic Albanians employed by
19 state-owned enterprise were threatened."

20 Now, I've given you --

21 A. I don't know where you are on this document.

22 PRESIDING JUDGE SMITH: I don't either.

23 MS. D'ASCOLI: Yes, it's the very last part.

24 PRESIDING JUDGE SMITH: You didn't --

25 MS. D'ASCOLI: The last paragraph.

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1 PRESIDING JUDGE SMITH: You began with words that weren't on the
2 first sentence. Maybe you should read it again.

3 MS. D'ASCOLI: Yes, I started from the last --

4 PRESIDING JUDGE SMITH: Witness, do you understand where we are
5 now on the page?

6 THE WITNESS: No, I don't.

7 MS. D'ASCOLI: Yes.

8 PRESIDING JUDGE SMITH: It should be the top of the bottom
9 paragraph.

10 THE WITNESS: Top of the bottom --

11 MS. D'ASCOLI: Yes.

12 THE WITNESS: "Separatist fighters ..."?

13 MS. D'ASCOLI: Yes.

14 PRESIDING JUDGE SMITH: Yes.

15 MS. D'ASCOLI: However, I read the last sentence, which also
16 starts with "Separatist fighters harassed Serbian journalists,"
17 et cetera.

18 PRESIDING JUDGE SMITH: You need to be a little more direct --

19 MS. D'ASCOLI: Yes. Yes.

20 PRESIDING JUDGE SMITH: -- in directing us to the right place.

21 MS. D'ASCOLI: Yes.

22 THE WITNESS: I see it.

23 MS. D'ASCOLI: Okay.

24 Q. We've read several parts from this report. Now, do you recall
25 this type of information being reported at the time? Were you aware

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1 of that?

2 A. I was aware of increasing reports about the rising level of
3 violence in that region. May I add, though, that from the point of
4 view of SHAPE, we were not yet looking forward to a military
5 operation in that area. And, therefore, compared with our attention
6 to what was happening in Bosnia and other parts of the world, we had
7 a limited attention span, and Kosovo at that point was not really on
8 our radar as a place where we would have to conduct a mission.

9 Q. I understand. Can we --

10 MS. D'ASCOLI: We are done with this document. Thank you. And
11 can we now have on the screen SPOE00397705 to 00397756. And, again,
12 to start the first page, please.

13 Q. Sir, this is another US State Department Country Report for
14 Serbia-Montenegro published in 2000 and referring to the year 1999.

15 MS. D'ASCOLI: Can we please move to page 24 of the PDF, which
16 is marked with ERN SPOE00397728.

17 Q. Witness, we see from the previous page that we are in a section
18 summarising reports on torture and other cruel, inhuman or degrading
19 treatment, and I'm saying that to give you orientation as to the
20 section of the document. Now I will read from a paragraph towards
21 the end of the page.

22 MS. D'ASCOLI: Let me see if it appears. Yes. So it's the
23 second-last paragraph, where it starts with saying: "According to
24 Human Rights Watch, after the" -- I think it must be, sorry, a little
25 bit further down. Yes, it's the third-last paragraph:

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1 Q. "According to Human Rights Watch, after the withdrawal of
2 Serbian forces ..."

3 Are you following? Could you find --

4 A. I am.

5 Q. Okay. Thank you very much.

6 "... after the withdrawal of Serbian forces, KLA members
7 tortured ethnic Serbs, ethnic Albanians suspected of collaborating
8 with the Serb authorities, and Roma, including beatings of elderly
9 ethnic Serbs. KFOR found a torture chamber in a KLA dormitory in
10 late August, which contained weapons, ammunition, explosives, and
11 booby traps."

12 A. Yes?

13 Q. Any recollection about that?

14 A. No.

15 MS. D'ASCOLI: Can we now move to page 26 of the PDF, marked
16 with SPOE397730.

17 Q. And, again, to orient you in the document, we are now in the
18 section on arbitrary arrest and detention, which appears on the
19 previous page. I am reading from the second paragraph on top of
20 section E.

21 MS. D'ASCOLI: If we can scroll down on this page, please. Yes,
22 exactly.

23 Q. You see now that paragraph. It's the second from the top of the
24 page, where it says:

25 "There were reports of KLA abductions and detainings during the

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1 year of journalists, Serbs, and political opponents. On June 18,
2 KFOR troops released some 15 persons who were held by the KLA in the
3 police station in Prizren. The victims reported that [the] KLA
4 members beat them ... In early August, the local LDK office in
5 Gnjilane also was ransacked and some of its representatives were
6 detained and harassed."

7 The same question, sir: Were you aware of such KLA crimes being
8 reported at that time?

9 A. I don't remember this specific report. I do remember that KFOR
10 was reporting up through normal channels in their daily reports of
11 incidents of KLA non-compliance and violence against others. Yes.

12 Q. Okay.

13 MS. D'ASCOLI: Your Honours, I would like to tender the pages
14 used into evidence. Specifically, SPOE00397705, which is the first
15 page; then SPOE00397728 and 7730, which are the pages that I used.
16 And the document can be public.

17 PRESIDING JUDGE SMITH: [Microphone not activated].

18 MS. TAVAKOLI: Yes.

19 PRESIDING JUDGE SMITH: Objection?

20 MS. TAVAKOLI: Yes, we object. This witness said expressly he
21 has never seen this report, he has no recollection of it. He has no
22 recollection of every single incident that was put to him by this
23 Prosecutor. There also seems to be confusion, in fact, in his answer
24 in the last -- is this report from 1998 or 1999?

25 MS. D'ASCOLI: The report was published in 2000, and it refers

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1 to the year 1999.

2 MS. TAVAKOLI: So the incidents are in 1999? Yes.

3 MS. D'ASCOLI: Yes.

4 MS. TAVAKOLI: Yeah. So the points remain. He has no knowledge
5 of the report, he's never seen it, he doesn't know the incidents in
6 it. It's not appropriate to put this in through this witness.

7 MR. DIXON: Your Honour, we support that objection. If this is
8 such important evidence that the Prosecution now relies upon it,
9 they've had plenty of opportunity to introduce it during their case.

10 MS. D'ASCOLI: Your Honours, this document does not add anything
11 to what is already in the Prosecution's case. This are not new
12 allegations. We have corroborative evidence of exactly the same
13 incidents, which, in fact, I am going into. And it is not about
14 whether this witness has knowledge about this specific report or not,
15 but it is related to his testimony because he is, indeed, testifying
16 about his knowledge of KLA crimes specifically in 1999. So the SPO
17 submits that it is indeed relevant.

18 PRESIDING JUDGE SMITH: SPOE00397705, 397728, and 397730 are all
19 admitted as compliant with Rule 138. They are relevant. It's all
20 material that we're all aware of already, and she's merely asking him
21 to comment on it.

22 THE COURT OFFICER: Thank you, Your Honour. Those three pages
23 will receive Exhibit P04511. And classification, as indicated by the
24 counsel, can be public now. Thank you.

25 MS. D'ASCOLI: Thank you. I will continue.

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1 Q. Sir, the incident in Prizren in the second half of June 1999
2 that we've just read about was an incident where German KFOR troops
3 rescued 15 prisoners found in the former Serbian police station that
4 had been taken over by the KLA, and it was on the news, on both
5 *The New York Times*, we have that as P1188.1, and the CNN, P4185. I
6 will just call up one of these articles just to see whether that
7 refreshes your recollection or triggers any memories.

8 MS. D'ASCOLI: Yes, can we please have P4185.

9 Q. This is a CNN media report dated 19 June.

10 MS. D'ASCOLI: Can we please go to page 3 of the document,
11 013439. If we can scroll down. Yes.

12 Q. Sir, I will be reading from the section "KFOR frees captives of
13 KLA." On the second paragraph, just under the photo, we read:

14 "On Friday, German KFOR troops swooped into a former police
15 station in Prizren that had been taken over by the ethnic Albanian
16 [KLA], rescuing 15 prisoners who had apparently been beaten by their
17 captors.

18 "An elderly man was found dead, chained to a chair."

19 I'm not going into the whole article because this mirrors the
20 same incident that was reported in the US State Department Country
21 Report.

22 Now, again, seeing this article, recalling the details of what
23 happened, does that assist you in recalling whether you heard of, for
24 example, these specific incidents which involved the crimes committed
25 against people held in detention facilities run by the KLA?

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1 A. I do not recall the specific reporting that came through NATO
2 channels up from KFOR, but I am confident it would have been reported
3 in those channels.

4 Q. I will now move to --

5 MS. D'ASCOLI: Thank you. I'm done with the document.

6 Q. I will now move to paragraph 18 of your statement, sir, where
7 you refer to KFOR and General Jackson. So your knowledge in that
8 paragraph that if General Jackson believed that the KLA leadership
9 was responsible for the violence and crimes in the summer of 1999, he
10 would have confronted them about it. Do you recall that?

11 You are, of course, familiar with the undertaking - we have it
12 in evidence as P1444 - signed by the KLA and General Jackson on
13 21 June 1999.

14 Now, you were not present during its drafting and its
15 negotiations in Kosovo; correct?

16 A. Of the?

17 Q. Of the undertaking.

18 A. No.

19 Q. Okay. Mr. Duncan was; right?

20 A. Yes.

21 Q. Yes. And we know that, pursuant to the undertaking, the
22 authority for dealing with breaches of the undertaking itself was
23 KFOR; correct?

24 A. Yes.

25 Q. And in particular, that role was for General Jackson and his

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1 team.

2 A. Yes.

3 Q. And you would accept that General Jackson was well placed in his
4 role as COMKFOR to identify breaches of the undertaking by the KLA
5 and reporting all violations?

6 A. General Jackson was a very competent and energetic commander,
7 and, yes, he was well-qualified.

8 MS. D'ASCOLI: Your Honours, I would have to move into private
9 session to use documents for which restrictions have been imposed by
10 the provider.

11 PRESIDING JUDGE SMITH: Into private session, please,
12 Madam Court Officer.

13 [Private session]

14 [Private session text removed]

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1 [Private session text removed]

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4 [Open session]

5 THE COURT OFFICER: Your Honours, we're now in public session.

6 MS. D'ASCOLI: I will continue, Your Honours.

7 Can I call up Exhibit P755.

8 Q. Sir, the document that will appear now on the screen is an UNMIK
9 record of a meeting between Mr. Bernard Kouchner and COMKFOR
10 General Jackson with also Hashim Thaci and Agim Ceku on 27 July 1999.
11 By seeing this document, this cable, is it a document that you saw
12 before? Does it --

13 A. I have not seen --

14 Q. Okay.

15 A. -- this document before.

16 Q. Now, if we move to page SITF00172748, we see in the paragraph
17 with the heading "Paramilitary Forces," that there is an exchange in
18 this page between General Jackson and Hashim Thaci, and specifically
19 paragraph d) records that General Jackson was worried about the PU
20 elements in black uniforms. He says:

21 "They had no authority to make arrests. It was kidnapping. He
22 was losing confidence and might have to react. Thaci's answer was
23 evasive."

24 Are you familiar with this exchange?

25 A. Not of the details of the meeting, no.

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1 Q. Were you aware that General Jackson raised this issue with
2 Mr. Thaci?

3 A. I know that General Jackson repeatedly raised what he saw as
4 violations of the undertaking in order to get top-down guidance from
5 people like Thaci and Ceku to influence the behaviour of the
6 operational zone commanders, who had considerable autonomy and often
7 acted on their own.

8 Q. Okay.

9 MS. D'ASCOLI: I'm done with the document. And, yes, we are in
10 open session. I am moving to my last area.

11 Q. Sir, in direct examination you were asked to comment about an
12 Official Gazette of the Federal Republic of Yugoslavia, now in
13 evidence as 1D429, and you also spoke about the withdrawal of Serbian
14 forces from Kosovo. Were you aware that after June 1999, when the
15 Serbian forces had to leave Kosovo, there continued to be a certain
16 presence of Serb paramilitaries?

17 A. Yes.

18 MS. D'ASCOLI: And, again, now, Your Honours, in order to
19 address some documents that have provider restrictions, I will need
20 to move briefly into private session.

21 PRESIDING JUDGE SMITH: Into private session, please.

22 [Private session]

23 [Private session text removed]

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Witness: Michael Durkee (Resumed) (Private Session)

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Cross-examination by Ms. D'Ascoli

1 [Private session text removed]

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Witness: Michael Durkee (Resumed) (Private Session)

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Cross-examination by Ms. D'Ascoli

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14 [Open session]

15 THE COURT OFFICER: Your Honours, we are now in public session.

16 PRESIDING JUDGE SMITH: Thank you. Go ahead.

17 MS. D'ASCOLI:

18 Q. I'll continue on the same issue.

19 MS. D'ASCOLI: And can I now call up 1D00257. There's also an
20 Albanian translation for this.

21 Q. Sir, the document appearing now is a political declaration of
22 the interim government of Kosovo by Hashim Thaci. We can see his
23 block signature on the second page, but I actually wanted -- yes,
24 exactly. You saw that; right? I actually wanted to draw your
25 attention on page 1.

Witness: Michael Durkee (Resumed) (Open Session)

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Cross-examination by Ms. D'Ascoli

1 MS. D'ASCOLI: SITF -- yes, exactly. In particular,
2 paragraph 3, which is in the middle of the page. Maybe we can zoom
3 in a little bit to make it more visible. Yeah, okay.

4 Q. I'll read from this paragraph:

5 "In spite of the pullout of Serbian and Yugoslav forces from
6 Kosova, a great number of Serbian paramilitary forces have remained
7 in Kosova, disguised as farmers and civilians, and the Serbian Secret
8 Service is still widely active in Kosova. KFOR should take every
9 measure to eliminate these secret forces and disarm the civilians.
10 The cooperation in this respect with the Interim Government of Kosova
11 and the KLA General Staff would restore the normality in Kosova more
12 rapidly."

13 Sir, were you aware of the fact that also Hashim Thaci raised
14 the issue of Serbian paramilitaries remaining active in Kosovo in
15 that period?

16 A. This was a continuing concern that we heard about at SHAPE. We
17 knew of the existence of paramilitary groups still operating within
18 Kosovo, and there were still informants and collaborators reporting
19 to the Ministry of Internal Affairs of Serbia.

20 Q. Also were you aware of the fact that by late August 1999
21 tensions had escalated to the point that Serbia was reportedly
22 preparing for military re-invasion, prompting KFOR to be on alert?

23 A. That was a continuing concern, yes.

24 Q. Yes.

25 MS. D'ASCOLI: I would like to call P2535 on the screens.

Witness: Michael Durkee (Resumed) (Open Session)

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Cross-examination by Ms. D'Ascoli

1 Q. What we discussed was, indeed, reported by the news, and it's
2 documented by this exhibit that I'm going to show you, sir.

3 MS. D'ASCOLI: Can I please have the second page, that is,
4 SITF00194870.

5 Q. Sir, we see now the document. This is a report that details a
6 summary of the events in the former Yugoslavia for 9 September 1999.
7 I will read from paragraph 6 at the end of this page.

8 MS. D'ASCOLI: Yes. And maybe we can zoom in a bit.

9 Q. Paragraph 6 says:

10 "The Independent reports that Serb troops are massed on the
11 border and ready to invade Kosovo again 'at any given moment', a
12 Yugoslav army general said yesterday. [General] Radovan Lazarevic,
13 commander of the army's ..."

14 And it continues. Next page, please:

15 "... Pristina Corps, told the *Nedeljni Telgraf* newspaper that
16 Belgrade would send in troops if the international community failed
17 to respect the terms of the deal that ended the conflict over the
18 province. 'If the international community refuses to implement what
19 has been agreed, we will have to use force to reclaim our territory,'
20 he said."

21 Now, the same is reported also at page 4, paragraph 15, of this
22 report. This is the "Political/Intelligence" section. I will not
23 read the whole paragraph. In paragraph 15, towards the end, we see:

24 "In the FRY, the commander of the VJ Pristina Corps,
25 [Colonel General] Lazarevic has said that the VJ is prepared to force

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Cross-examination by Ms. D'Ascoli

1 its way back into Kosovo."

2 Do you recall those tensions, sir?

3 A. I do not recall this specific document or report, but I know
4 that there were such threats, yes.

5 Q. And do you recall whether General Clark was also concerned that
6 the Serbs may re-enter Kosovo or launch counterattacks in Kosovo
7 after June 1999?

8 A. I believe that General Clark was aware of such reports. I am
9 not sure that he took them seriously because we would regard this to
10 a considerable extent as political posturing delivered through
11 military voices.

12 Q. Okay. Thank you.

13 MS. D'ASCOLI: Your Honours, I think I'm done with my
14 cross-examination. However, if we could take the break now, I'll go
15 over my papers just to make sure I don't have further questions, and
16 I will confirm that after the break.

17 PRESIDING JUDGE SMITH: Unless there's an objection, we'll do
18 that.

19 MS. TAVAKOLI: No objection.

20 PRESIDING JUDGE SMITH: All right.

21 MS. D'ASCOLI: Thank you, Your Honour.

22 PRESIDING JUDGE SMITH: So we'll take a half-hour break at this
23 time. Actually, we'll have you back here at 11.30.

24 [The witness stands down]

25 PRESIDING JUDGE SMITH: [Microphone not activated]

Witness: Michael Durkee (Resumed) (Open Session)

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Re-examination by Ms. Tavakoli

1 --- Recess taken at 10.53 a.m.

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

3 PRESIDING JUDGE SMITH: You can bring in the witness,
4 Madam Court Officer.

5 Ms. D'Ascoli, do you have more?

6 MS. D'ASCOLI: No, Your Honours. But I will say it in the
7 presence of the witness to thank him. Thank you.

8 PRESIDING JUDGE SMITH: Yeah, just asking.

9 [The witness takes the stand]

10 PRESIDING JUDGE SMITH: We're getting closer to the end.

11 THE WITNESS: Thank you.

12 PRESIDING JUDGE SMITH: Ms. D'Ascoli.

13 MS. D'ASCOLI: Thank you, Your Honour.

14 Q. And, sir, those were actually my questions. I reviewed my plan,
15 and I don't have further questions for you. Thank you very much for
16 your attention.

17 MS. D'ASCOLI: Your Honours, that concludes my
18 cross-examination.

19 PRESIDING JUDGE SMITH: Thank you.

20 Redirect.

21 MS. TAVAKOLI: Thank you.

22 Re-examination by Ms. Tavakoli:

23 Q. Mr. Durkee, I have a few questions to follow up on what the
24 Prosecutor asked you.

25 You were asked some questions about the existence of Serbian

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Re-examination by Ms. Tavakoli

1 paramilitaries and a threat of return of Serbian forces to Kosovo and
2 of KFOR being placed on alert as a result. Do you recall those
3 questions?

4 A. Yes, I do.

5 Q. If Serbian paramilitaries were to have engaged in hostilities or
6 if Serbia had decided to send in its forces, how would KFOR have
7 responded?

8 A. KFOR would have attempted to defend the territory, to defeat the
9 attacking forces, to restore security, and, of course, would have
10 called upon SHAPE to provide additional forces to assist.

11 Q. I think you've answered my next question, which is would
12 Serbia's re-entry or the activation of Serbian paramilitaries within
13 Kosovo have placed KFOR back into conflict with Serbia?

14 A. Yes.

15 Q. Has anything that you have heard today from the Prosecution
16 changed your view that the armed conflict between the KLA and Serbian
17 forces ended on 20 June?

18 A. No, I still believe that.

19 Q. Now, you were asked a number of -- thank you. I now want to
20 move on to another topic. You were asked a number of questions about
21 alleged KLA crimes in the summer of 1999 in breach of the
22 undertaking.

23 MS. TAVAKOLI: Due to the restrictions on the provider, I'd like
24 to go into private session, please.

25 PRESIDING JUDGE SMITH: Private session, please,

Witness: Michael Durkee (Resumed) (Private Session)

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Re-examination by Ms. Tavakoli

1 Madam Court Officer.

2 MS. TAVAKOLI: And when we're in there ...

3 [Private session]

4 [Private session text removed]

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Witness: Michael Durkee (Resumed) (Private Session)

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Re-examination by Ms. Tavakoli

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Witness: Michael Durkee (Resumed) (Private Session)

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Re-examination by Ms. Tavakoli

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Witness: Michael Durkee (Resumed) (Private Session)

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Re-examination by Ms. Tavakoli

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Witness: Michael Durkee (Resumed) (Private Session)
Questioned by the Trial Panel

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[Private session text removed]

[Open session]

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

PRESIDING JUDGE SMITH: Thank you.

JUDGE BARTHE: Thank you.

Questioned by the Trial Panel:

JUDGE BARTHE: And, again, good morning, Mr. Durkee.

A. Good morning, Your Honour.

JUDGE BARTHE: I am afraid I have a few more questions for you,
but I promise it shouldn't take too long.

Mr. Durkee, you told us yesterday during your examination by the
Thaci Defence that the organised Serbian forces had left Kosovo
within, I believe, 11 days after the MTA, the Military Technical

Witness: Michael Durkee (Resumed) (Open Session)
Questioned by the Trial Panel

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1 Agreement, was signed in Kumanovo on 9 June 1999. I can see you
2 nodding, but do you remember saying this for the record?

3 A. Yes, I do.

4 JUDGE BARTHE: Thank you. And just, again, for our record, this
5 can be found on transcript page 27999.

6 Mr. Durkee, could I ask you to explain to us again what you
7 meant by "organised Serbian forces"? Was that a reference to the
8 Serbian army, to the MUP, and to the other police forces?

9 A. I was referring to those forces that were under the direct
10 control of the institutional leadership of the government in
11 Belgrade; that is, they were part of the Yugoslav Army, the Ministry
12 of Internal Affairs, and so they were the formal official organised
13 units of the Serb government.

14 JUDGE BARTHE: Thank you. And just to be clear about that
15 point. If I understood you correctly, you said just before the 11.00
16 break earlier this morning, in response to a question by the
17 Prosecutor, that you were aware at the time that Serbian paramilitary
18 forces were also operating in Kosovo in and before the summer of
19 1999; is that right?

20 A. Yes.

21 JUDGE BARTHE: And was this also the case, to your knowledge,
22 after the withdrawal of the organised or the official Serbian forces?

23 A. I don't understand the question.

24 JUDGE BARTHE: Are you aware, or to your knowledge, was this
25 also the case that Serbian forces -- paramilitary forces were also

Witness: Michael Durkee (Resumed) (Open Session)
Questioned by the Trial Panel

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1 operating in Kosovo after the withdrawal of the, as you said,
2 official Serbian forces?

3 A. Yes, they were.

4 JUDGE BARTHE: Thank you. And my last question on that topic:
5 Do you know where the regular or official, the organised Serbian
6 forces, as opposed to the paramilitary forces, went after they had
7 withdrawn from Kosovo? Did they go back to their barracks or did
8 they stay close to the border or did they go elsewhere? Do you know?

9 A. I think that army corps that was used in Kosovo withdrew to the
10 area beyond the border but was not disbanded or sent back to
11 barracks.

12 JUDGE BARTHE: Thank you. Now, Mr. Durkee, I would like to move
13 on to a different, and my last, topic, actually. In paragraph 12
14 your statement to the Defence, you said you recall a meeting in March
15 1999 between General Clark and a Kosovar delegation including
16 Mr. Thaci. Do you remember discussing this with the Defence and also
17 here in the courtroom yesterday and today?

18 A. Yes.

19 JUDGE BARTHE: You further said, according to your Defence
20 statement, that:

21 "The purpose of this meeting was two-fold."

22 And I quote:

23 "First, General Clark wanted to get acquainted with the Kosovars
24 who he believed could be future leaders of Kosovo. Second,
25 General Clark was interested in gaining a better understanding of KLA

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Questioned by the Trial Panel

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1 political intentions and military capacities in the event that he was
2 ordered to conduct a military operation there."

3 I would like to ask you, Mr. Durkee, whether the Kosovars who
4 General Clark, and perhaps also you, believed to be future leaders of
5 Kosovo included Mr. Thaci?

6 A. Yes, we did.

7 JUDGE BARTHE: Thank you. Could you tell us why Mr. Thaci was
8 believed to be a future leader of Kosovo in March 1999?

9 A. It seemed to us that by being included in the Kosovar delegation
10 to the Rambouillet negotiations, that, more broadly, the
11 international community perceived him to be a man of influence and
12 potential leadership, so that since we were aware of his connection
13 to the KLA without necessarily being fully aware of his place within
14 it, it seemed it would be a good investment to make the effort to
15 become acquainted and get a measure of the man.

16 JUDGE BARTHE: And eventually it turned out that he became a
17 leader of Kosovo as, first, the prime minister of the PGoK, the
18 Provisional Government of Kosovo, and later on as the president of
19 Kosovo --

20 A. Yes.

21 JUDGE BARTHE: -- way after the war. And according to
22 paragraph 13 your statement, you told the Defence that "Mr. Thaci
23 presented himself as the leader of the delegation." Do you recall
24 this, saying this to the Defence?

25 A. Yes.

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1 JUDGE BARTHE: And I would like to know from you how did he do
2 that? How did Mr. Thaci introduce himself to you and to
3 General Clark?

4 A. As I recall the meeting, Your Honour, Thaci came in and began to
5 introduce the other members. And then, as we sat down, he assumed
6 the position directly across from General Clark, which is normally
7 the position taken by the leader of the people on the other side.

8 JUDGE BARTHE: And was the reference as the leader of the
9 delegation, was that a reference to the, just to be clear on that
10 point, Kosovo Albanian delegation in Rambouillet?

11 A. No, excuse me. My point was that he was the leader of the group
12 that came to the meeting in Mons.

13 JUDGE BARTHE: This is what I wanted to know.

14 A. Yes.

15 JUDGE BARTHE: Thank you. These are all my questions.

16 PRESIDING JUDGE SMITH: Judge Mettraux. Right here.

17 JUDGE METTRAUX: Thank you, Judge Smith.

18 And good morning, Witness. I'll stay with the meeting in Mons
19 for a second. You've indicated -- you were shown first a report
20 yesterday that was re-published by BBC about that meeting, and you
21 pointed to certain inaccuracies in the report. Do you recall those
22 questions?

23 A. Yes.

24 JUDGE METTRAUX: I wanted to ask you whether there was any
25 particular reason why the meeting between that delegation and

1 General Clark took place not at the headquarters in Mons but at the
2 air base? And I see you smile, so you might have an idea.

3 A. Yes. There was a certain protocol for foreign visitors to the
4 headquarters in terms of how they would be met, conducted through the
5 building, and taken to General Clark's office. It was a -- it had a
6 ceremonial kind of tenor to it, a way of paying attention to foreign
7 visitors, to treating them as important people.

8 We were not yet convinced that we would be dealing with the
9 people who had been at Rambouillet in the same way. We wanted to get
10 to know them. We wanted to take the measure of them to try to learn
11 more about their intentions, what plans they had, but we did not want
12 to legitimise them necessarily. And so it was decided that we would
13 meet them at the airfield in a relatively small airless conference
14 room.

15 JUDGE METTRAUX: I want to ask you about something else you said
16 earlier this morning. You were being asked about the political
17 directorate of the KLA General Staff, and you said "which would be
18 separate, of course, from the General Staff." I want to explore with
19 you about a bit the basis of your statement there.

20 Do you know where the political directorate fit within the
21 General Staff in 1998 and 1999?

22 A. This is a question that requires some exploration because in
23 Western militaries, there is no political directorate within a
24 general staff. Within the Warsaw Pact, the militaries there,
25 including the militaries such as the VJ, would have military --

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1 sorry, a political element within the general staff. So it seemed to
2 us that there was a mimicking of what the Kosovar Albanians would
3 have been used to with regard to Yugoslav Army structures.

4 And yet, as we read about in the public press, as we read about
5 the political directorate, there was an effort to portray the
6 political directorate as above the General Staff, which is confusing
7 to the military mind. So it was labelled as existing, Thaci was
8 described as a leader of the political directorate, but we had no
9 clear understanding of the relationship between that civilian element
10 and the fighters, particularly the fighters on the ground in Kosovo.

11 JUDGE METTRAUX: And I don't mean that in any way as a
12 criticism, because I understood your answer to be exactly what you
13 explained, that it was an your assumption built on your understanding
14 of how it normally works. So do I understand it correctly that as
15 far as specifically the KLA General Staff is concerned, you would not
16 be in a position to assert exactly where it was located? Would that
17 be fair?

18 A. That's correct.

19 JUDGE METTRAUX: And if it were to be suggested that the
20 structure was built within the General Staff, you would not be in a
21 position to comment either way; would that be correct?

22 A. That is correct.

23 JUDGE METTRAUX: And pushing you a bit on the matter to the
24 extent you are able to, were you aware at the time who the various
25 directors of the KLA General Staff directorates were, or are you only

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1 aware about Mr. Thaci's function in that regard?

2 A. We knew about Mr. Thaci. We also knew that there was a person
3 identified as a spokesperson for the KLA, and that was
4 Jakup Krasniqi.

5 JUDGE METTRAUX: And, again, pushing your knowledge to verify
6 what you knew at the time about this. Were you aware of the fact
7 that the director of these directorates might have been members of
8 the General Staff, in other words, both the director of specific
9 directorates and members of the General Staff, or was it information
10 beyond your knowledge?

11 A. At the time of that meeting in Mons, we did not have that kind
12 of clarity.

13 JUDGE METTRAUX: And, again, to the extent you feel confident or
14 capable of giving an understanding, your understanding at least, what
15 did you understand or what did you know to be the role and function
16 of the political directorate?

17 A. Again, there are no good Western analogues to that kind of
18 structure. And it seemed to us that, reading the public statements,
19 it was as if the political directorate was somehow giving direction
20 to the General Staff. And, yet, if it were part of the
21 General Staff, that would be a contradiction. So it was confusing.

22 JUDGE METTRAUX: I have a last couple of questions about
23 something else you dealt with, about the various démarches or demands
24 that General Jackson made to Mr. Thaci and Mr. Ceku about what were
25 believed to be criminal activities of the KLA.

Witness: Michael Durkee (Resumed) (Open Session)
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1 Do you recall those questions?

2 A. Yes, I do.

3 JUDGE METTRAUX: And in response to one of these questions, you
4 suggested that your understanding, as it were, at the time was that
5 the zone commanders had quite a bit of independence. Do you recall
6 saying that?

7 A. Yes.

8 JUDGE METTRAUX: What I would like to understand is then why, in
9 your understanding, would General Jackson go to Mr. Ceku and
10 Mr. Thaci to get these matters sorted out? Why didn't he go to the
11 zone commanders? If you know, of course.

12 A. I believe that from the point of view of General Jackson, he
13 should be dealing with the people with whom he negotiated the
14 implementation of the undertaking, and that was Ceku and Thaci. So
15 that it would not have been proper military protocol for him to go
16 directly to subordinate commanders. He would leave that to his own
17 subordinate commanders, the brigade commanders in the field, rather
18 than doing that himself.

19 JUDGE METTRAUX: So would it be fair to say, and, again, put
20 your own words on my question, but there was an assumption on the
21 part of Jackson, from what you say, that if you were able to make
22 this understanding on behalf of the KLA, you would be able to ensure
23 compliance with it within the ranks?

24 A. We then need to go back to the actual negotiation of the
25 undertaking which could only be approved after consultation and

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1 agreement among the zone commanders. So, yes, he was putting
2 pressure on the top-level leadership but in the understanding that
3 they were committed themselves to the undertaking, they had the
4 approval of the operational zone commanders to do likewise, and
5 appealing to their sense of honour to deal with the violations of the
6 undertaking that they had approved. So that it is attempting to get
7 them to respond as a proper military chain of command while
8 recognising that not all the zone commanders were equally cooperative
9 or compliant.

10 JUDGE METTRAUX: Thank you. And those were my questions. Thank
11 you, Witness.

12 PRESIDING JUDGE SMITH: Judge Gaynor.

13 JUDGE GAYNOR: Thank you, Judge Smith.

14 Just a couple from me, Mr. Durkee. I want to explore what you
15 knew about the Serbian paramilitary forces that were in Kosovo after
16 the withdrawal of the VJ and the Serbian MUP forces.

17 I think you agreed with Judge Barthe that you were aware of such
18 forces operating?

19 A. Yes.

20 JUDGE GAYNOR: Do you know the names of those Serbian
21 paramilitary forces?

22 A. It's interesting to look at the parallels with the situation
23 that we found in Bosnia after the implementation of the Dayton
24 Accords because there, too, we found at least remnants of the
25 paramilitaries that had been operating in cooperation with the VJ and

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1 MUP and they remained. And you had such colourful names as
2 Arkan's Tigers and Frenki's Boys. Frenki Simatovic I think was the
3 name.

4 And so we did not know in specific terms whether they were
5 physically present in Kosovo. We knew that they had had elements
6 active in Kosovo during the conflict and that some of them stayed
7 behind.

8 It's the sort of situation where it's very difficult for
9 intelligence services to penetrate, get information directly on that
10 level of activity. I think, in general, Kosovo during that period
11 was a very chaotic time, and you had various Western intelligence
12 services trying to develop networks of information as we did also
13 through KFOR.

14 So we knew that there were elements of the paramilitaries that
15 remained behind. It was difficult to get specific information about
16 who they were, what their capabilities and intentions were.

17 JUDGE GAYNOR: And focusing exclusively now on the period after
18 the withdrawal of the VJ and the Serbian MUP, did you know at all
19 what kind of activities they were carrying out?

20 A. They were putting pressure on, for example, the Serbs that
21 remained behind in the Mitrovice area and northern Kosovo, getting --
22 putting pressure on Serbs not to cooperate with UNMIK and KFOR
23 because they wished to maintain Serbian control over those
24 territories.

25 JUDGE GAYNOR: And to your knowledge, did any of those Serbian

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1 paramilitary forces engage in hostilities of any kind after the
2 withdrawal of the VJ?

3 A. If the question means hostilities against KFOR, I believe no.
4 Their actions were directed against civilian elements of the
5 population.

6 JUDGE GAYNOR: Let me explore that a little bit. Were their
7 actions forceful? Were they using weapons?

8 A. They would certainly have been armed. I don't recall specific
9 incidents of armed violence, but the threat was there. And, of
10 course, they were dealing with Serb elements -- Serb civilian
11 elements who themselves were very concerned about the future and were
12 hoping for Serbian support to protect them.

13 JUDGE GAYNOR: And did you understand during this period that
14 any of those Serbian paramilitary forces were engaged in any kind of
15 hostilities with the KLA forces which were in the process of being
16 demobilised?

17 A. I think by that time there was a *de facto* separation of forces.
18 The Serbs were focused more on northern Kosovo. The KLA was in the
19 midst of going to the assembly areas and demobilising in accordance
20 with the terms of the undertaking. So on a *de facto* basis, there
21 would not have been a lot of opportunity for direct contact.

22 JUDGE GAYNOR: And do you remember any assessment as to how many
23 individuals in the Serbian paramilitary forces were still in Kosovo
24 at that time?

25 A. No. As I said, it was a very chaotic situation and difficult to

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Further Re-examination by Ms. Tavakoli

1 develop informed, accurate information.

2 JUDGE GAYNOR: I understand. Thank you very much, Mr. Durkee.

3 PRESIDING JUDGE SMITH: Any questions to follow up on the
4 Judges' questions?

5 MS. TAVAKOLI: Yes, I have a couple of questions. I think we
6 have to release a document. If you could just bear with us one
7 moment, please. It been released, the one document.

8 Sorry, if I could just have one moment. Thank you.

9 Further Re-examination by Ms. Tavakoli:

10 Q. Mr. Durkee, would you like to stand up?

11 A. I just did.

12 Q. You just did, yeah. Mr. Prosper suggested you might need to.
13 Okay. So you're okay to proceed?

14 A. Yes.

15 Q. Thank you. It was suggested to you by Judge Mettraux that
16 General Jackson did not go to the zone commanders to seek compliance.
17 Are you aware whether General Jackson insisted on the zone commanders
18 being present at all meetings of the JIC?

19 A. I don't know what instructions General Jackson gave to his
20 brigade commanders or zone commanders.

21 Q. Would it --

22 THE INTERPRETER: Interpreter's note: Our transcript has
23 stopped.

24 MS. TAVAKOLI: Oh.

25 JUDGE METTRAUX: And for the record, Ms. Tavakoli, the question

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1 was not a general one. It was about the incident you asked about in
2 relation to alleged KLA violence.

3 MS. TAVAKOLI: Thank you for that.

4 [Specialist Counsel confer]

5 MS. TAVAKOLI:

6 Q. Are you aware that in those JIC meetings where the zone
7 commanders were present, Jackson brought up issues about violence and
8 sought compliance of the undertaking?

9 A. I have no specific recollection of such reports, but I would
10 expect General Jackson to do that.

11 Q. And do you know why he would do something like that in the
12 presence of the zone commanders?

13 A. Because that was in the context of the Joint Implementation
14 Council, in which it was appropriate for him to deal with people who
15 were attending those meetings. But that's different from his going
16 outside that particular setting and going directly to zone commanders
17 over the head of Ceku.

18 Q. Thank you. Now, if we could -- and the next question is: Are
19 you aware that General Jackson made statements in the press in
20 August 1999, saying that he was concerned that the leadership of the
21 KLA didn't have control over hardline elements of the KLA?

22 A. Yes.

23 Q. And is that consistent with your own view?

24 A. Yes, because we knew that some zone commanders were very
25 resistant to the idea of demobilisation. They thought that they were

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1 the leading elements of Kosovo independence, that they had been
2 winning through force of arms on the battlefield, and they did not
3 lightly give up that role simply because that's what the
4 international community wanted them to do.

5 We were relying, remember, on the fact that in the negotiation
6 of the undertaking the zone commanders were consulted and, at least
7 as a collective group, were willing to accept and abide by the
8 undertaking. Then when they got home, they found that many of their
9 individual fighters were very unhappy about what they had done, so
10 that there were internal tensions, different factions, and some were
11 more cooperative than others.

12 Q. Thank you very much, Mr. Durkee. They are all my questions.

13 PRESIDING JUDGE SMITH: Thank you.

14 MS. D'ASCOLI: Nothing further.

15 PRESIDING JUDGE SMITH: I believe, Mr. Durkee, you are finished.

16 THE WITNESS: Thank you, Your Honours.

17 PRESIDING JUDGE SMITH: Thank you for being with us. Thank you
18 for the quality of your answers and following the rules so carefully.
19 We wish you well in the future.

20 THE WITNESS: Thank you. I hope I spoke slowly enough for the
21 interpreters. I know it's a tough job.

22 PRESIDING JUDGE SMITH: [Microphone not activated].

23 [The witness withdrew]

24 PRESIDING JUDGE SMITH: So we will see you on Monday at noon to
25 begin. We're adjourned until then, unless there's something else.

1 No? Okay.

2 Adjourned till noon on Monday.

3 --- Whereupon the hearing adjourned at 12.08 p.m.

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