

1 Thursday, 2 October 2025

2 [Open session]

3 [The accused entered the courtroom]

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

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

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

10 PRESIDING JUDGE SMITH: Today we will continue hearing the
11 evidence of Thaci Defence Witness 1DW-004.

12 Yesterday, I asked the SPO to present a long list of exhibits to
13 us in writing, and I believe everybody has received an e-mail with
14 that. The e-mail was dated 2 October at 8.09.

15 Let me just ask in general, first of all, is there any objection
16 to the documents listed?

17 MR. MISETIC: No objection.

18 PRESIDING JUDGE SMITH: No objection is heard. The list as
19 submitted will be admitted into evidence.

20 Mr. Court Officer, you can advise us later as to the numbers for
21 these.

22 [Trial Panel and Court Officer confers]

23 THE COURT OFFICER: Your Honours, thank you so much.

24 From SITF00001529 to 00001871, pages SITF00001531, SITF00001532,
25 SITF00001533, and SITF00001535 will be added to already assigned

1 Exhibit P00743.2.

2 ERN 068429 to 068434 will be assigned Exhibit P04506.

3 And the range 052690 to 052841, in particular pages 052690,
4 052694, and 052746 to 052749 will be assigned Exhibit P04507.

5 And if I may ask a clarification for the classification, please.

6 MS. IODICE: It can be public.

7 PRESIDING JUDGE SMITH: Reclassified as public for all of them.

8 MS. IODICE: Your Honour, if I may clarify, for Exhibit P04503
9 can be classified as public.

10 PRESIDING JUDGE SMITH: All right. It's reclassified as public.

11 Madam Court Usher, you may bring the witness in.

12 For the record, the accused are all present in court today.

13 About how much time do you suppose you will have?

14 MR. MISETIC: I would like to finish around the 10.00 break.

15 PRESIDING JUDGE SMITH: Thank you.

16 [The witness takes the stand]

17 THE WITNESS: Good morning, Your Honour.

18 PRESIDING JUDGE SMITH: Good morning, Mr. Covey. Today we're
19 going to continue your testimony.

20 I remind you to please try to answer the questions clearly, with
21 short sentences. If you don't understand a question, feel free to
22 ask counsel to repeat the question or tell them you don't understand
23 and they will clarify. Also, please remember to try to indicate the
24 basis of your knowledge of the facts and circumstances upon which you
25 will be questioned.

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

3 Also, please remember to speak into the microphone and wait five
4 seconds before answering a question, and then speak at a slow pace
5 for the interpreters to catch up. And as always, if you feel the
6 need to take a break just let us know, and we will accommodate you.

7 Mr. Misetic will continue now. Please give him your attention.

8 THE WITNESS: Thank you.

9 PRESIDING JUDGE SMITH: Mr. Misetic, you have the floor.

10 MR. MISETIC: Thank you, Mr. President.

11 WITNESS: JAMES COVEY [Resumed]

12 Re-examination by Mr. Misetic: [Continued]

13 Q. Good morning, Mr. Covey.

14 A. Good morning.

15 Q. I would like to start with several questions that you were asked
16 yesterday by the Prosecutor about Mr. Thaci's relationship to the
17 KLA, and you were also shown an excerpt from General Jackson's book
18 about a meeting he had with Mr. Thaci prior to the meeting with
19 General Clark that you discussed in your testimony. Do you recall
20 those questions?

21 A. I do.

22 Q. I would like to start by taking you back to your witness
23 statement.

24 MR. MISETIC: Mr. Court Officer, could we please put on the
25 screen 1D00390, please. And if we could please go to page 12 of this

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1 document, which is paragraph 65. Can we scroll down.

2 Q. Here you say:

3 "It was clear to me that Mr. Thaci's connection with the
4 battle-hardened KLA veterans was thread-like and further, that he was
5 very careful not to pull so hard on that thin tissue that it would
6 rupture. It was rare but occasionally he seemed to be attempting to
7 represent KLA interests, at least rhetorically, or act as a
8 go-between."

9 And then you cite an example, "in which Mr. Thaci relayed the
10 KLA intent to form an army at the end of the demilitarisation
11 process."

12 MR. MISETIC: And then if we can go to paragraph 81, which is
13 page 15 in this document.

14 Q. Here you say:

15 "My observations led me to conclude that Mr. Thaci had the
16 ambition and goal to become a politician and leader in Kosovo, and he
17 knew he needed to cooperate with UNMIK to get there. While he
18 initially acted as a go-between for KLA interests, it is worth noting
19 that these instances tapered off as he slowly gained legitimate
20 standing in his own right."

21 And, finally, at provisional transcript page 138 yesterday, you
22 said:

23 "I hope we can also address some of the instances in which
24 Mr. Thaci appeared to advocate on behalf of, though we could say
25 carry water, for the KLA."

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1 My question for you is can you please provide us with some
2 instances of Mr. Thaci acting as a go-between, as you said in your
3 statement, or carrying water for the KLA?

4 MS. IODICE: Objection, Your Honour. This is beyond the scope.
5 I never discussed specifically this part of the statement with the
6 witness regarding him being a go-between. Should counsel be allowed
7 to ask this question, I would be seeking to ask further questions.

8 MR. MISETIC: I disagree, Mr. President. She specifically asked
9 about Mr. Thaci meeting with General Jackson on the eve of the
10 meeting with General Clark.

11 PRESIDING JUDGE SMITH: Objection's overruled.

12 Go ahead.

13 MS. IODICE: Your Honour, if I may, that's completely separate
14 from him acting as a go-between --

15 PRESIDING JUDGE SMITH: I've already ruled --

16 MS. IODICE: -- for the KLA.

17 PRESIDING JUDGE SMITH: I've already ruled on it, Ms. Iodice.

18 THE WITNESS: I believe we yesterday -- within these
19 proceedings, we've looked at a document that Mr. Thaci sent to
20 Bernard Kouchner requesting sidearms for certain officials of former
21 KLA, and we noted at the time, in our own judgment, it was an
22 absolute non-starter but that we felt he was simply carrying water.
23 He was running -- even a bit ostentatiously running an errand to keep
24 his skirts clean with people he wouldn't want to offend.

25 He never followed up on it. He never used that request as

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1 leverage; that is, saying, "I won't do this unless you grant me this
2 thing I asked." And we felt that a number of -- that kind of
3 behaviour cropped up a number of times.

4 I would include in that, in my judgment, the episode that was
5 described in Mike Jackson's book. This was very late in the game.
6 Mr. Thaci had not much participated in the negotiations between KFOR
7 and the leaders of the KLA movement. And I would -- it does not in
8 the least surprise me that he felt the need to register his strong
9 support of the position of the KLA leadership. Whether he expected
10 it to succeed or not at the time, I can only guess. But his
11 peremptory demand that Jackson go downtown to meet him was -- at the
12 time, it was a very serious matter but it was almost laughable. But
13 this is a young man feeling his way through, a bit impetuously, a
14 situation in which he had no real experience, so we were not
15 surprised. I would call this credentialing.

16 And in the same -- I would put in the same category the story
17 that I was not aware of at the time, the report that he carried some
18 munitions across the mountains. I have not seen any evidence that
19 this was a regular practice, but to do it once, for a young,
20 ambitious man feeling his way through, of course, he would do this to
21 credential himself.

22 So I don't think that in any way undermines our judgment about
23 his relationship with the KLA commanders, the field commanders, nor
24 does it contradict the things that he said in public, on the record,
25 advocating for non-violence and the protection of minorities.

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Re-examination by Mr. Misetic (Continued)

1 MR. MISETIC: I'm sorry.

2 Q. Thank you.

3 MR. MISETIC: Yes. And turning to a different topic. At the
4 request of a Rule 107 provider, Mr. President, can we go into private
5 session.

6 PRESIDING JUDGE SMITH: Private session, please,
7 Mr. Court Officer.

8 [Private session]

9 [Private session text removed]

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Witness: James Covey (Resumed) (Private Session)

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Re-examination by Mr. Misetic (Continued)

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1 [Private session text removed]

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23 [Open session]

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

25 Thank you.

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1 MR. MISETIC: Thank you.

2 Q. Mr. Covey, yesterday you were shown videos by the Prosecutor of
3 Mr. Thaci and Mr. Ceku attending rallies where KLA or ex-KLA persons
4 were present. Do you recall those videos?

5 A. Yes.

6 Q. I would like to take you back to paragraph 72 of your statement.

7 MR. MISETIC: And if we can go to 1D00390, please, at page 13.

8 Q. And here at paragraph 72, you say:

9 "Mr. Thaci's instincts and pretence to power may have been
10 politically useful before Kosovar audiences but they were
11 misunderstood by some within the human rights community, including
12 human rights specialists in UNMIK, who inaccurately concluded, based
13 [on] Mr. Thaci's efforts to portray himself as a leader, that he
14 actually had the power to control violence perpetrated by elements of
15 what always had been a highly decentralised (and now former) KLA.
16 For all of us on the ground, it was clear that Mr. Thaci's ambition
17 far outstripped his actual influence over the KLA."

18 Can you tell us whether the videos you were shown yesterday of
19 Mr. Thaci at rallies with ex-KLA members leads you to reconsider
20 anything about what you said in paragraph 72 of your statement?

21 A. It does not change my view. I would see that in much the same
22 way that we just described some other incidents. It's an essential
23 credentialing activity. It's what ambitious politicians do. They
24 associate themselves with elements that they -- whose support they
25 think they need for their own purposes whether they have any actual

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1 influence or not.

2 Q. Thank you. Turning to a different topic. Yesterday, at
3 transcript page 116, you mentioned that you delivered talking points
4 to General Ceku. And at transcript page 114, you said that they were
5 different than the talking points that you gave to -- or that were
6 prepared for Mr. Thaci.

7 Can you tell us what were the talking points for General Ceku?

8 A. I think they're -- I'm not sure I can tell you off the top of my
9 head, but I think we have a document that displays the talking points
10 we prepared both for Bernard Kouchner with Mr. Thaci and a different
11 set of points that I was to use with General Ceku.

12 Q. Well, at transcript page 116, lines 24 to 25, you said, and I'll
13 quote:

14 "I note with some concern that we skipped very quickly over the
15 talking points that I did deliver to General Ceku."

16 Is there anything else that you wanted to add that you weren't
17 able to add yesterday?

18 A. An essential difference between the points was that General Ceku
19 was by that time the commandant of the KPC. Technically, it was the
20 nascent KPC because it had not been fully organised yet, a point that
21 General Ceku had to remind me of when I pressed him to take action.
22 But we did not -- Mr. Thaci at that point had no role whatsoever in
23 the KPC, and we did not want, in the course of this exercise, to in
24 any way give him the impression that we believed he had any role with
25 the KPC.

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1 Now, that's as distinct from any question about influence over
2 former KLA leadership. That topic we've already discussed. But this
3 was a bit of a formality. Although New York expected us to deliver
4 the same message to both of these leaders, we also recognised that
5 New York was viscerally anti-KPC. It took them a long time to accept
6 that this was a wise exercise in DDR. So we thought they were unwise
7 to suggest that we should simply deliver the same broadside both to
8 Mr. Thaci and to Mr. Ceku.

9 Q. Yes. And you mentioned yesterday at transcript page 111,
10 line 9, that, when speaking with the Prosecutor about the démarche,
11 you said "there is a backstory to this." Is that the backstory --

12 A. Yes.

13 Q. -- or is there anything else?

14 A. Yes.

15 Q. That's the backstory?

16 A. Yes.

17 Q. Thank you. Okay. I'd like to take you to another document that
18 was shown to you by the Prosecutor.

19 MR. MISETIC: This is P04127, please.

20 Q. This is a document dated 20 September 1999 that you were shown
21 yesterday, and it's a weekly situation report.

22 MR. MISETIC: And if we can go to page 4, PDF page 4. And if we
23 scroll to the bottom, starting under "Comment," and then we'll go on
24 to the next page.

25 Q. You were shown this excerpt yesterday and it was read out to

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1 you, and so I'll do it again. It says:

2 "The completion of the 'undertaking' leads to consideration of
3 two dilemmas. First, local hardliners associated with the 'Interim
4 Government' have begun to act increasingly boldly" - next page,
5 please - "with apparent support by Hashim Thaci's press statements
6 from the UN HQ in New York."

7 If we go down a little bit in the middle at the sentence that
8 begins "On the other hand ..."

9 "On the other hand, few people in Prizren seem prepared to stand
10 up publicly in opposition to their efforts to narrow the political
11 community with repression and terror against 'former collaborators'
12 (always accused, but never proven) with the Yugoslav regime."

13 Do you recall seeing this passage yesterday?

14 A. Yes.

15 Q. And in an exchange with the Prosecutor at provisional transcript
16 page 97, lines 2 to 12, you were asked:

17 "Do you remember at the time whether you were briefed about such
18 developments in the municipalities?"

19 And your answer was:

20 "I believe that around this time there were numerous reports
21 similar to this. I can't speak to this specific document, but it was
22 a concern. Again, I hope we can speak to the context."

23 So I'd like to give you an opportunity now if you have anything
24 to add about the context.

25 A. I spoke earlier about the larger effort to implement the

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1 mission, and the -- the paradox is that we were presented with ugly
2 acts apparently taking place on the ground and a wish on the part of
3 some in our mission that we should respond immediately, emphatically,
4 decisively, and as if we were a fire station addressing each blaze.
5 We knew we did not have the resources to do that. And at the same
6 time, we also knew that until we had the resources, we could not
7 demonstrate to a population like this that peace paid, that we --
8 that following the path laid out by UNMIK would have social,
9 political, moral rewards. This is always a challenge for a
10 peacekeeping operation.

11 So it was very frustrating, both for us. We were not ignorant
12 of these kinds of incidents, but we -- I don't know how else to say
13 it, we couldn't address each one singly. We had to address the
14 situation as a whole in a way that inch by inch would move the
15 attitudes of the general public forward, and it's -- what's described
16 in this report makes clear that in that locale at that time the
17 public had not yet grasped that peace would pay for them.

18 Q. Thank you. Mr. Covey, I'd like to turn to another topic that
19 was discussed with you yesterday, and that is General Reinhardt's
20 book. You were shown several excerpts. I'd like to show you
21 different excerpts of the book.

22 MR. MISETIC: Mr. Court Officer, if we could have, please,
23 SPOE40015904 to SPOE40016230-ET Revised Partial Combined. And in the
24 German -- well, I -- unfortunately, I don't have the German citations
25 for the Panel. Thank you.

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1 MS. IODICE: If I may be of assistance, the ERNs are the same.

2 MR. MISETIC: Oh, good. Okay. Then the same ERN range in the
3 German. Thank you. And if we could go, please, to page
4 SPOE40015949, which should be page 91. No, I mean 91 in the PDF.
5 No? Oh, this is a -- sorry. Hold on a second.

6 Mr. Court Officer, in English it should be the next page, I
7 believe. Sorry, back one page and then to the right-hand side of the
8 page. I don't know where the confusion is. It's not the right ERN
9 number. The ERN page should be SPOE40015949.

10 MS. IODICE: I believe the ending should be -- of the ET should
11 be Rev-combined.

12 MR. MISETIC: Mr. Court Officer, if it assists, I believe the
13 document that you had on the screen, it should be PDF page 7. Yes,
14 that's it.

15 Q. And if we look on the left-hand side document and then on the
16 right-hand column - yes, if we scroll over - there General Reinhardt
17 writes:

18 "We then turned to Kosovo's political future. I make it clear
19 that the international community would not accept a purely Albanian
20 and independent Kosovo. Thaci speaks of Kosovo's multi-ethnic future
21 and assures me that the Serbs remaining in the country would not be
22 expelled. I emphasized that financial aid from the West can only be
23 secured through peaceful co-existence - as called for in UNSCR 1244 -
24 which Thaci fully accepts. We discuss the tense situation in
25 Orahovac in detail, and I ask him for his recommendation for a

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1 peaceful solution. Thaci makes it clear that the people there are
2 afraid of the Russians, who must not be allowed access to the city
3 under any circumstances; however, he sees an opportunity to station
4 them near the city."

5 My first question, Mr. Covey, is: Is that approach that
6 Mr. Thaci is recorded as having taken here with General Reinhardt
7 consistent with your own understanding of how Mr. Thaci approached
8 multi-ethnic co-existence?

9 A. Yes.

10 Q. Thank you.

11 MR. MISETIC: Mr. President, I have several pages. I don't know
12 if you want me to go page by page to seek admission or just wait to
13 the end.

14 PRESIDING JUDGE SMITH: I would rather you do it page by page,
15 if you would.

16 MR. MISETIC: Okay. I will. Then, Mr. President, I tender this
17 page and ask that it be added to P04497. And that's SPOE40015949.

18 PRESIDING JUDGE SMITH: Any objection?

19 MS. IODICE: No, Your Honour. But if we could also include the
20 beginning that shows the date of this entry for completeness.

21 MR. MISETIC: When you say "the beginning," you mean the whole
22 page or the previous page?

23 MS. IODICE: I believe it would be in the previous page. I
24 can't see now if it's included here.

25 MR. MISETIC: That's fine. Then SPOE40015948 and 49.

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1 PRESIDING JUDGE SMITH: SPOE40015948 and 49 is admitted.

2 THE COURT OFFICER: It will be added to already assigned
3 Exhibit P04497, which is currently classified as public. Thank you,
4 Your Honours.

5 MR. MISETIC: If we could go to the next page in this document,
6 which is SPOE40015950. And if we can zoom in a little bit in the
7 left-hand column there in the English.

8 Q. He writes:

9 "We then discuss the domestic political situation. Thaci
10 declares that he is willing to find a compromise with Ibrahim Rugova
11 and the other political leaders to improve cooperation with Kouchner
12 and the Kosovo Executive Council.

13 "I am satisfied with the outcome of this first meeting with
14 Hashim Thaci. We established a good and personal rapport; the
15 meeting was constructive and opened the door for our future
16 collaboration. However, I am still not able to assess this man; he
17 is very smooth.

18 "I had just seen off Hashim Thaci when Ibrahim Rugova arrived
19 with his interpreter."

20 First, his description there of Mr. Thaci, is that a description
21 with which you agree?

22 A. Yes. Now, let's not -- Mr. Thaci developed over time.

23 Q. Thank you.

24 MR. MISETIC: Mr. President, I tender this page as well,
25 SPOE40015950, and ask that it be added to P04497.

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1 PRESIDING JUDGE SMITH: Any objection?

2 MS. IODICE: No, Your Honour.

3 PRESIDING JUDGE SMITH: SPOE40015950 is admitted and will be
4 added as requested.

5 THE WITNESS: Can you remind me, then, the date of this entry?

6 PRESIDING JUDGE SMITH: [Microphone not activated].

7 THE COURT OFFICER: Thank you, Your Honours. This page will be
8 then added to P04497. Thank you.

9 MR. MISETIC:

10 Q. It is 9 October 1999.

11 A. 9 October. Oh, that's right. He was just beginning his tour,
12 so that would be his first meeting with Thaci. I see.

13 Q. Yes.

14 A. Okay. So this is -- I think you can ignore my reference to
15 developing. Thaci had come a long way by that time.

16 Q. Thank you.

17 MR. MISETIC: If we could please go seven pages up to page 957,
18 please. Sorry, it should be SPOE40015957. Yes, that's it. And on
19 the right-hand side of the English.

20 Q. He says -- and this is 13 October 1999. He says:

21 "It is interesting to hear that the political leaders of all
22 parties and ethnic groups unanimously pledge their support for a
23 multi-ethnic Kosovo and for close cooperation to ensure a more
24 peaceful future. They condemn the use of physical violence and argue
25 for greater autonomy for Kosovo rather than its independence. All

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1 Albanian leaders declare their willingness to participate in
2 Kouchner's executive council - his future government. Hashim Thaci
3 emphatically advocates an apolitical, entirely civilian and
4 multi-ethnic Kosovo Protection Corps, whose mission would be to
5 assist in the rebuilding of the country and to protect the Kosovars
6 from disasters. Like me, Kofi Annan and Bernard Kouchner can hardly
7 believe all the positive things they are hearing. We hope that these
8 shrewd politicians really mean what they are saying."

9 Is what General Reinhardt writes here consistent with what you
10 were hearing at the time from Kosovo Albanian leaders, including
11 Mr. Thaci?

12 A. Yes.

13 Q. Thank you.

14 MR. MISETIC: Mr. President, I tender this page into evidence,
15 SPOE40015957 and ask that it be added to P04497.

16 PRESIDING JUDGE SMITH: Objection?

17 MS. IODICE: No, Your Honour.

18 PRESIDING JUDGE SMITH: SPOE40015957 is admitted and will be
19 added as requested.

20 THE COURT OFFICER: Thank you, Your Honours. It will be added
21 to P04497. Thank you.

22 MR. MISETIC: Thank you. Mr. Court Officer, could we now move
23 to page SPOE40015968, please.

24 Q. I'm going to show you an excerpt from 20 October 1999. Yes, and
25 on the right-hand side in English, he writes:

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1 "Thaci demands that the university in Mitrovica be opened to
2 everyone. He says that Albanian students have a right to study
3 there. He demands full freedom of movement for all Kosovars in North
4 Mitrovica. He proposes that urgent steps be taken to upgrade the
5 inadequate infrastructure of the University of Mitrovica in order to
6 make it accessible to all students. Hajrizi, the Deputy
7 Prime Minister in Thaci's transitional government, supports this
8 proposal and calls on UNMIK to mediate between Albanian and Serbian
9 students. The ghettoisation of North Mitrovica must be avoided.
10 Kouchner agrees to mediate and refers to the negotiations we have
11 conducted so far in this regard."

12 Do you recall there being tension at the university in Mitrovica
13 in October 1999?

14 A. Yes, there was tension in almost aspect -- almost everything
15 touching on the status of Mitrovica.

16 Q. Was Mr. Thaci advocating for all students to be treated equally?

17 A. Yes, though that was clearly a challenging notion. Yes.

18 Q. Thank you.

19 A. I -- yeah.

20 MR. MISETIC: Mr. President, I tender SPOE40015968 and ask that
21 it be added to P04497, please.

22 PRESIDING JUDGE SMITH: Objection?

23 MS. IODICE: No, Your Honour.

24 PRESIDING JUDGE SMITH: SPOE40015968 is admitted and will be
25 added to P04497.

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1 THE COURT OFFICER: Thank you, Your Honours.

2 MR. MISETIC: Thank you.

3 If we could, please, Mr. Court Officer, have SPOE40016107. PDF
4 page 63, I believe. Yes.

5 Q. This is from 13 February 2000. He writes:

6 "Late at night, I meet Hashim Thaci who appears worn out and
7 exhausted. He assures me that the Albanians had no interest in
8 attacking KFOR. He distances himself from the incidents, but at the
9 same time points out that his ability to influence external forces is
10 limited. Nevertheless, he promises to do everything he can during
11 the night to stabilise the situation. He himself seems shocked by
12 what has happened in Mitrovica."

13 Is this passage consistent with your experience with Mr. Thaci
14 in terms of trying to lower tensions?

15 A. Yes, including the admission that he has limited influence.

16 Q. Thank you.

17 MR. MISETIC: Mr. President, I tender SPOE40016107 and ask that
18 it be added to P04497, please.

19 PRESIDING JUDGE SMITH: Any objection?

20 MS. IODICE: No, Your Honour. Could we please add also the page
21 ending 6105 that has the date for the entry?

22 MR. MISETIC: Yes, that's fine.

23 PRESIDING JUDGE SMITH: All right. SPOE40016105 and 6107 is
24 admitted and added to P04497.

25 THE COURT OFFICER: Thank you, Your Honours.

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1 MR. MISETIC: Thank you.

2 Q. Turning to a different book, Mr. Covey, this is your book, and
3 you were shown page 100 of the book admitted as P04496.2. And one of
4 the sentences there was:

5 "The KLA hunted down Serbs who had been involved in the war, as
6 well as collaborators among the other ethnic communities, especially
7 the Turkish and the Roma ..."

8 And it continues:

9 "... and even ethnic Albanians they regarded as simply too
10 cooperative with their former Serb oppressors. KLA extremists were
11 determined to chase the Serbs out of Kosovo, using violence and
12 terror when necessary."

13 When you wrote "the KLA hunted down Serbs," who in the KLA or to
14 whom in the KLA were you referring?

15 A. We might have reversed the sentences so that the emphasis would
16 be on KLA extremists.

17 Q. Thank you. Did you consider Agim Ceku or Hashim Thaci to be
18 among the KLA extremists?

19 A. No. In fact, quite the contrary.

20 Q. Thank you. And you were shown page 105 of your book, admitted
21 as P04496.4, where it's written:

22 "Although KLA commanders acknowledged that NATO had 'helped'
23 them defeat the Serbs, they felt KFOR was now preventing them from
24 finishing the job (of driving the Serbs out)."

25 Which KLA commanders were you referring to there?

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1 A. I would in that passage be -- I would have in mind the zone
2 commanders and some of whom were extremists.

3 Q. Did you have in mind General Ceku or Mr. Thaci?

4 A. Absolutely not.

5 Q. Thank you. You were shown page 114 -- sorry. Let me go to a
6 different topic. Yesterday, you were asked about a part of your book
7 that discusses the formation of the PDK, what would be --

8 A. Yeah.

9 Q. -- Mr. Thaci's political party. And that's at provisional
10 transcript page 76, lines 20 to 25, and you were read the following
11 part of your book there:

12 "In September 1999 the KLA began its conversion to the KPC.
13 Just three [months] later, the Kosovo Democratic Progress Party (PDK)
14 announced its formation as a party with Thaci as its president. Most
15 of the regional groupings that had served as the KLA's political
16 network were consolidated into the PDK, with the remainder
17 gravitating to the Alliance for the Future of Kosovo (AAK) party of
18 Ramush Haradinaj, the only other senior KLA leader who appeared to
19 harbour political aspirations."

20 Do you recall that part of your book?

21 A. I do.

22 Q. Thank you. I would now like to show you an OSCE report dated
23 12 July 1999.

24 MR. MISETIC: And this is SITF00011454 to 00011457, please. And
25 that's in the queue we released this morning.

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Re-examination by Mr. Misetic (Continued)

1 THE INTERPRETER: The counsel is kindly asked to read more
2 slowly for the purposes of interpretation. We don't have the text.
3 Thank you.

4 MR. MISETIC:

5 Q. And you'll see here that it's an OSCE report dated 12 July 1999.

6 MR. MISETIC: If we go to the next page, please.

7 Q. You'll see here that this report covers the period of 5 to
8 7 July 1999.

9 MR. MISETIC: And now if we go to the top of the third page,
10 please.

11 Q. We see the following:

12 "Two new political parties have been founded, both claiming to
13 be the political representatives of the KLA. The Movement for the
14 Liberation of Kosovo (LKCK) is headed by Valon Murati. The
15 Democratic Unification Party (PBD) is led by Bardhyl Mahmuti. This
16 party is an offshoot of the Kosovo Liberation Movement (LPK) which
17 has supported the KLA from abroad, seems to have support of the
18 majority of KLA leaders. Hashim Thaci, the leader of the KLA has so
19 far not indicated his support for either of the two new parties."

20 Mr. Covey, were you aware that there were multiple new political
21 parties splintered off from the KLA before your arrival in Kosovo?

22 A. You say that correctly, aware of splintering, yes. Some of the
23 fine points and the alphabet soup of party names and so on we were
24 not yet well acquainted with.

25 Q. Thank you.

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Re-examination by Mr. Misetic (Continued)

1 MR. MISETIC: Mr. President, I tender this document into
2 evidence, SITF00011454 to 00011457.

3 PRESIDING JUDGE SMITH: Any objection?

4 MS. IODICE: No, Your Honour. And it can be public.

5 PRESIDING JUDGE SMITH: SITF00011454 to 11457 is admitted and is
6 reclassified as public.

7 THE COURT OFFICER: Thank you, Your Honours. It will be
8 admitted with Exhibit 1D00422 and it's classified as public. Thank
9 you.

10 MR. MISETIC: Thank you.

11 Q. Mr. Covey, I just have a final few questions for you. You've
12 now been with us for over two days, and you've seen many documents,
13 videos, and books. Have you, over the past few days, seen any orders
14 from Mr. Thaci to anyone in the KLA?

15 A. No.

16 Q. Have you seen any reports from anyone in the KLA to Mr. Thaci?

17 A. Reports from KLA persons to Mr. Thaci?

18 Q. Yes.

19 A. No.

20 Q. Have you seen anything here which would lead you to question
21 your assessment that Mr. Thaci was not in a position to prevent or
22 punish crimes committed by KLA members or ex-members?

23 A. No. But before we're done, I want to speak to that question of
24 arriving at that kind of judgment.

25 Q. Now is the opportunity.

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1 A. I understand that some of us present a rather mild appearance,
2 and an unfamiliar observer might wonder whether such a person might
3 be a bit naive and perhaps taken in by clever words. But we - and I
4 include in this Bernard Kouchner and I - are not beginners. We've
5 been in the -- in the slang, we've been around the block. By that
6 time, I had -- was almost 30 years in the foreign service. There and
7 elsewhere, including my army service, we dealt with everything from
8 the extreme warrior culture to some pretty sinister people intent on
9 intimidation to clever politicians who wanted to figure out how to
10 say what they thought we needed to hear and believe to the outright
11 liars.

12 As I mentioned yesterday, in my profession, we know from the
13 outset we will never have complete information, and yet we're
14 expected to arrive at judgments that our governments, our presidents
15 can rely upon. And I think the record shows that, over my
16 professional lifetime, I largely met that challenge.

17 And so in Kosovo we were presented with, in this specific
18 instance, a young -- in some ways callow, but very ambitious and very
19 clever young man with political ambitions that were beyond his
20 ability to impose. And we watched with some interest how he
21 navigated this unfamiliar path.

22 Q. Sorry, let me just ask one question that may allow you to
23 complete, then, your answer --

24 A. Yes.

25 Q. -- because my last question to you was have you seen anything

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Re-examination by Mr. Misetic (Continued)

1 which would now lead you to believe that Mr. Thaci was attempting to
2 seize power in Kosovo by committing crimes against his opponents
3 either by personally committing crimes or by having other KLA members
4 or former members commit such crimes?

5 A. No. And I think we soon came to the judgment that he did not
6 have the authority, the relationships, the personal authority to get
7 anyone to do that. Moreover, I -- and we came to the judgment that
8 he knew he did not have those -- that power and so embarked on this
9 exploratory career to find a path forward.

10 He was at the same time -- whether he -- it is not for us to
11 judge whether he truly wished the best for Kosovo. But his ambitions
12 were best served, he figured out - and it was our duty to help him
13 figure it out - that working with UNMIK and the mission it was trying
14 to implement served his interests. That's the best kind of
15 commitment you can ask of a politician is that doing the right thing
16 also happens to serve the personal interests, and we judged that he
17 was getting there. And I emphasize that that was not a judgment that
18 was reached, I don't believe, in naivety. We had a very clear eye
19 and were waiting to see how Mr. Thaci would reveal himself to us.

20 Q. Thank you, Mr. Covey, for answering my questions.

21 MR. MISETIC: That concludes my re-examination. Thank you.

22 PRESIDING JUDGE SMITH: We'll take a ten-minute break.

23 Actually, we'll take a break until 10.15.

24 You may leave the courtroom.

25 [The witness stands down]

1 PRESIDING JUDGE SMITH: [Microphone not activated].

2 --- Break taken at 10.03 a.m.

3 --- On resuming at 10.15 a.m.

4 PRESIDING JUDGE SMITH: Ms. Iodice, I understand you have
5 something additional you want to deal with on the e-mail from this
6 morning?

7 MS. IODICE: Yes, Your Honour. Thank you. Exhibit P04496,
8 Mr. Covey's book, each page was admitted in different .1, .2,
9 exhibits. We would like to request that all pages are combined in
10 one exhibit, P04496, and be added in the sequential order of the
11 pages of the book so that it's more readable. Thank you.

12 PRESIDING JUDGE SMITH: Yes.

13 MR. MISETIC: We agree with that proposal.

14 PRESIDING JUDGE SMITH: All right. Fine. Thank you very much.
15 So it will be done.

16 THE COURT OFFICER: Thank you, Your Honour. In that case, all
17 the pages that were admitted via P04496, P04496.1, .2, .3, .4, .5,
18 .6, will be admitted as P04496. This also means that P04496.1, .2,
19 .3, .4, .5, .6 will be vacated.

20 Thank you, Your Honours.

21 PRESIDING JUDGE SMITH: All right. We'll have some questions
22 from the Panel, but you can bring the witness in, please.

23 [The witness takes the stand]

24 PRESIDING JUDGE SMITH: Mr. Covey, at this time we'll have
25 questions from the Panel members, beginning with Judge Barthe, who is

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1 to my left, your right. Please give him your attention.

2 THE WITNESS: Thank you, sir.

3 JUDGE BARTHE: Thank you, Mr. President.

4 Questioned by the Trial Panel:

5 JUDGE BARTHE: Good morning, Mr. Covey.

6 A. Good morning.

7 JUDGE BARTHE: First of all, thank you very much for your
8 patience.

9 A. Thank you.

10 JUDGE BARTHE: And the Panel, as the Presiding Judge just said,
11 has a few more questions for you, which we believe are relevant to
12 our assessment of the evidence. And for this purpose, I would like
13 to go through the statement that you gave to the Defence and that you
14 signed on 12 August 2025 to clarify some details that are still not
15 entirely clear to us.

16 A. Yes, sir.

17 JUDGE BARTHE: Thank you.

18 Mr. Covey, I would like to start with your personal background.
19 According to paragraph 2 of your statement, you told the Defence that
20 you were appointed in June 1999 by the United Nations
21 Secretary-General Kofi Annan to serve in the United Nations Mission
22 in Kosovo, UNMIK, as the Principal Deputy to the Special
23 Representative to the Secretary-General Bernard Kouchner; is that
24 right?

25 A. Yes.

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1 JUDGE BARTHE: And you said, I think that was in response to a
2 question by the Prosecution yesterday, that you arrived in Kosovo
3 together with Mr. Kouchner on 15 July 1999; right?

4 A. That's correct.

5 JUDGE BARTHE: And according to your statement, paragraph 20,
6 you left Kosovo in January 2001; is that correct.

7 A. I believe that is correct. It may have been -- it was the end
8 of January, beginning of February, but, yes.

9 JUDGE BARTHE: Thank you. So you were deployed in Kosovo for
10 around one and a half years?

11 A. Yes.

12 JUDGE BARTHE: Right?

13 A. Yes.

14 JUDGE BARTHE: Mr. Covey, during the first month of your
15 deployment, let's say until the end of 1999, how often did you
16 personally meet Mr. Thaci approximately?

17 A. I can -- I would have to guess but at least a half a dozen
18 times.

19 JUDGE BARTHE: Thank you. And how often did you meet Mr. Thaci
20 in the presence of the regional or zone commanders?

21 A. Only once.

22 JUDGE BARTHE: That was the meeting you mentioned -- the meeting
23 that you had mid-September 1999 where Mr. Thaci was sitting
24 separately from the other --

25 A. Yes, Your Honour.

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1 JUDGE BARTHE: -- from the zone commanders; right?

2 A. Yes.

3 JUDGE BARTHE: Thank you. I would like to move on to a
4 different topic. In paragraph 16 of your statement, you made several
5 observations. Among others, you said, according to the statement
6 which is in front of me, under letter (c), through your tenure,
7 "Mr. Thaci played a constructive role that helped advance UNMIK's
8 peacebuilding aims, including by," under iii., "routinely sharing
9 attention, power and credit with figures he had once denounced."

10 And I would like to know from you, Mr. Covey, who do you mean
11 with "figures"? Are you referring to a specific person or persons?

12 A. Absolutely. First and foremost, that would be Mr. Rugova whom
13 Mr. Thaci had previously vilified in the most dramatic terms and
14 initially seemed to bear a considerable animus towards. And over
15 time, and in the great scheme of things, he changed that behaviour
16 quite substantially, and in a matter of months was sharing power and
17 attention. We are talking about politicians here, and sharing
18 attention is often extremely difficult. He was sharing power and
19 authority and attention with people -- with that particular person
20 that he had previously vilified.

21 I'm not aware that he bore anything like the same animus towards
22 Mr. Qosja, but I was thinking primarily of Mr. Rugova.

23 JUDGE BARTHE: Thank you. Mr. Covey, under letter (d), it is
24 said that the KLA, the Kosovo Liberation Army, was, in your view, "a
25 highly decentralised and often disconnected movement driven by

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1 regional, virtually autonomous strongmen, many notoriously violent
2 and most harbouring little to no respect for Mr. Thaci."

3 Do you remember saying this to the Defence?

4 A. Yes.

5 JUDGE BARTHE: Thank you. And could I ask you what is the basis
6 for these assumptions? Why do you think that the KLA was highly
7 decentralised and often disconnected?

8 A. I would say the -- that view came at us from all directions that
9 we had any confidence in, whether it was from earlier OSCE reporting,
10 they had been present throughout the active conflict, from KFOR on a
11 daily basis. And beyond that, I think the -- it was almost an
12 osmotic process. It was a widely held view with which we came to
13 agree.

14 JUDGE BARTHE: And, Mr. Covey, who are the strongmen who were
15 driving the KLA? Could you give us one or two names?

16 A. I -- well, certainly we've mentioned Mr. Lushtaku already, and
17 Ramush Haradinaj was another, and there you have two radically
18 different sorts of personalities. There were many others, and I'm
19 not -- my memory does not permit me to just rattle off the cast of
20 characters.

21 JUDGE BARTHE: That's fine. Earlier this morning, you were
22 asked by counsel for Mr. Thaci about extremists who were determined
23 to chase the Serbs out of Kosovo using violence and terror. Do you
24 remember this?

25 A. I do.

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1 JUDGE BARTHE: And you said some of the KLA zone commanders were
2 also extremists. I would like to ask you who do you have in mind
3 here?

4 A. I would certainly put Mr. Lushtaku in that category. And,
5 again, I am at a disadvantage. I don't have the cast of the zone
6 commanders at my fingertips, and I would -- I'm not the analyst. I
7 would say I was receiving the conclusions of the analysts.

8 JUDGE BARTHE: Are you aware of any people, individuals, among
9 the zone commanders who were more moderate, not extremists?

10 A. Curiously, Ramush Haradinaj, who was a fierce warrior, also
11 turned out to be one of the more moderate characters.

12 JUDGE BARTHE: Thank you. I would like to move on to a
13 different topic, namely the meeting that you attended on 16 July
14 1999, one day after you arrived in Kosovo, the meeting of the Kosovo
15 Transitional Council, KTC, where you said Mr. Rugova was not present
16 because he was in Italy at the time. I'm referring to paragraph 28
17 of your statement. And you also said that the LDK party was refusing
18 to participate in the KTC.

19 And I would like to know now do you know why the LDK refused to
20 participate in the KTC? Was it just because of the absence of
21 Mr. Rugova or for other reasons?

22 A. We attributed it primarily to Mr. Rugova's absence. I hasten to
23 add that at that moment on the 16th, I'm not sure we knew where
24 Mr. Rugova was, only that he was not present and probably not in
25 Kosovo. And the LDK, again, in the ensuing days began to appear

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1 confused and rudderless and given to a bit of factional manoeuvring,
2 and they didn't seem able to arrive at a consensus that would permit
3 them to engage the KTC.

4 JUDGE BARTHE: Do you know whether the LDK participated in the
5 Provisional Government of Kosovo?

6 A. Are you speaking of the provisional government that was
7 organised at Rambouillet?

8 JUDGE BARTHE: Yes.

9 A. Yes, that is my understanding. They participated.

10 JUDGE BARTHE: Just to be clear on that point, your
11 understanding is that the LDK participated in the provisional
12 government?

13 A. Yes. Could -- perhaps you could be more precise about what do
14 you mean about "participate." My understanding is they agreed to be
15 represented within that body, which always was a bit of a fantasy,
16 that never really organised. So I don't know who actually
17 participated in the sense of acting, functioning, administering in an
18 executive function. Am I responding to your question, sir?

19 JUDGE BARTHE: Yes, thank you. That's sufficient.

20 I was asking that question because you mentioned tensions
21 between the KLA and the LDK during the war. Do you remember that?

22 A. Yes.

23 JUDGE BARTHE: And I was wondering whether these tensions could
24 have been the reason for, on the one hand, Mr. Rugova not willing to
25 come back to Kosovo and, on the other hand, for the refusal of the

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1 LDK members to participate in the KTC.

2 A. I don't want to speculate about the motivations of the LDK
3 members other than Rugova. As I said, I had the impression that they
4 were quite rudderless while at the same time manoeuvring a bit among
5 themselves.

6 As for Rugova, we learned over time, and this primarily by
7 Bernard Kouchner who went to see him, that he was quite depressed,
8 perhaps clinically depressed, perhaps - I'm not a doctor - and also
9 quite fearful for his own safety. And a big part of Bernard's
10 efforts, as he described them to me, was to persuade Rugova that he
11 would be secure if he agreed to come back. That was in itself a
12 considerable challenge because, as we've discussed elsewhere, KFOR
13 could not commit to provide a personal protection detail for him, but
14 it could commit to secure the area in which he would be. And we
15 secured that agreement from General Jackson, and on that basis,
16 Rugova came back. Whether he fully understood the distinction or
17 not, I don't know.

18 JUDGE BARTHE: You just said Mr. Rugova was fearful for his own
19 safety. Can I ask whether you know, maybe from conversations you had
20 with Mr. Kouchner, why he was fearful, Mr. Rugova?

21 A. Between the conversations with Bernard Kouchner and what we
22 subsequently learned largely from KFOR sources, Rugova's bodyguard
23 had been pretty much wiped out. And I don't know if it's appropriate
24 to go into this because I'm not directly informed of the actions, but
25 KFOR believed that Daut Haradinaj, the brother of Ramush, was

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1 responsible for that attack.

2 Now, we did not know that at the moment. That we came across
3 much, much later. But Rugova had his own views. He had arrived at
4 his own conclusions. And once we learned of the attack and later
5 learned of who might have been responsible for it, it was easier to
6 understand why Rugova was severely concerned for his security.

7 JUDGE BARTHE: Was Mr. Daut Haradinaj a member of the KLA? Do
8 you know this?

9 A. That is my understanding, that he was a part of -- one of the
10 lesser -- one of the subordinate -- to the extent anyone in the KLA
11 was subordinate to anyone else, he was part of the western unit.

12 JUDGE BARTHE: Thank you. I would like to move on to
13 paragraph 33 of your statement, where you discussed, and this was
14 also mentioned here in this courtroom, the killings of 14 Serb
15 farmers at Gracko shortly after you arrived in Kosovo. The killings
16 were on 23 July 1999. I think it was said in this courtroom on the
17 22nd, but it was actually on 23rd July 1999.

18 And you said in paragraph -- according to paragraph 33 of your
19 statement that you recalled that "Mr. Thaci openly and repeatedly
20 condemned the crimes at Gracko, [but] neither he nor any other
21 Albanian member of the KTC was willing to sign a joint KTC statement
22 condemning that massacre."

23 Now, Mr. Covey, do you know why neither Mr. Thaci nor any other
24 Albanian member of the KTC was willing to sign such a statement
25 condemning the massacre or the killings of the 14 Serbs in Gracko?

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1 A. No, and I still do not understand it. Especially, I think I
2 mentioned in last few days that we experienced some of these things
3 in a non-linear fashion. Whatever we speculated might have been the
4 reason for none of the Albanian leaders - political, social, media -
5 to sign on to a KTC statement, it later became clear that Mr. Thaci
6 was speaking in public about the things that we wished he and others
7 had said in the KTC, which I am still puzzled by, that he would take
8 that risk, rather bold, at the time.

9 JUDGE BARTHE: So neither Mr. Thaci nor any other Albanian
10 member of the KTC told you why they were not willing to sign --

11 A. No.

12 JUDGE BARTHE: -- a joint statement?

13 A. No.

14 JUDGE BARTHE: Thank you. According to the same paragraph,
15 paragraph 33 of your statement, you were shown and reviewed an
16 article of *The Washington Post*, or the English translation, excuse
17 me, I have to correct myself. The English translation of an article
18 entitled "Thaci condemns murders," from the Albanian daily newspaper
19 *Shekulli*, dated July 26, 1999, "reporting that Mr. Thaci condemned
20 the Gracko killings and stated his belief that KLA forces had nothing
21 to do with the murders."

22 My first question: Do you remember Mr. Covey seeing this
23 article and reviewing this article?

24 A. I would have been aware of it at the time. We were trying to
25 monitor the local press, though it was an imperfect process. But we

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1 would have been aware in that timeframe that he had made such a
2 statement, and it would have added to our puzzlement that no one had
3 been able to make that kind of statement at the time of the KTC
4 meeting.

5 JUDGE BARTHE: So you are aware that Mr. Thaci made such a
6 statement?

7 A. Yes.

8 JUDGE BARTHE: Thank you. Do you know whether Mr. Thaci took
9 any steps to find out who was responsible for the killings of the 14
10 Serbs, whether it was the KLA or not?

11 A. No. No, I would not know if he did.

12 JUDGE BARTHE: Thank you. I would like to discuss a different
13 matter with you now; namely, the signing or the negotiations that led
14 to the signing of the so-called undertaking --

15 A. Yes.

16 JUDGE BARTHE: -- by the KLA in June 1999. And this is a
17 reference to paragraph 59 of your statement and what was said in this
18 courtroom as well. And you said, according to your statement,
19 that -- or you "were told by senior KFOR officers that they were
20 surprised when Mr. Thaci signed The Undertaking as 'Commander,'" and
21 I would like to add, because we saw a document, commander-in-chief of
22 UCK, or KLA.

23 And you also said:

24 "It was widely understood at the time that General Ceku pressed
25 Mr. Thaci to be the signatory in the helicopter en route to the

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1 signing."

2 Do you remember saying this to the Defence?

3 A. Yes. It was -- I don't know the origin of that view, but that
4 is a view that we heard from KFOR. I cannot vouch for the accuracy
5 of it, only that that was what we heard.

6 JUDGE BARTHE: You mean the incident in the helicopter that --

7 A. Yes.

8 JUDGE BARTHE: -- Mr. Ceku --

9 A. Yes.

10 JUDGE BARTHE: -- tried to --

11 A. I should say at the same time we speculated that his use of that
12 title was somehow derivative. If he was the head of the provisional
13 government, was he not also the head -- and so on. But that was a
14 murky kind of speculation. We did not have, at the time, a coherent
15 explanation of why he signed in that way.

16 JUDGE BARTHE: Just that you know why I'm asking the question,
17 we were told or we heard evidence here in this courtroom that the
18 initiative for Mr. Thaci to sign the undertaking as
19 commander-in-chief of the UCK came from among the members -- the KLA
20 members present at the negotiations. So --

21 A. At --

22 JUDGE BARTHE: -- what do you say to that, if you can comment or
23 if you want to comment?

24 A. At the negotiations for the undertaking?

25 JUDGE BARTHE: Yes.

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1 A. I would want to hear more about that view. It does not -- I
2 can't quite put that together with what I was able to see and
3 understand over time. It certainly -- it does not accord with our
4 judgment in the other direction, that his relations with the KLA
5 field commanders was rather tenuous.

6 JUDGE BARTHE: Mr. Covey, are you aware that Mr. Thaci was not
7 present during the negotiations, but only Mr. Ceku and the zone
8 commanders, the regional commanders were present?

9 A. I was not specifically aware of that, no. That was -- after
10 all, that all took place well before we arrived.

11 JUDGE BARTHE: So according to the evidence I was just referring
12 to, the initiative, the proposal or suggestion to wait until
13 Mr. Thaci arrives came from the regional commanders.

14 A. I am a bit surprised.

15 JUDGE BARTHE: You're not aware of that?

16 A. Not aware of it.

17 JUDGE BARTHE: Thank you. Now to a different topic. In
18 paragraph 76 --

19 A. May I ask? In that -- I still would like, over time, to better
20 understand our experience there. Did that evidence suggest that
21 somehow the KLA zone commanders as a body presented this or that one
22 or two individuals? Is it such a general -- or that somehow it
23 emerged from -- I --

24 JUDGE BARTHE: I can't tell you this, Mr. Covey. I'm only here
25 to ask questions, not to --

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1 A. Okay, I'm sorry.

2 JUDGE BARTHE: -- to answer questions.

3 A. I --

4 JUDGE BARTHE: So forgive me if I'm not -- if I'm not responding
5 --

6 A. As you can see, I find it very curious.

7 JUDGE BARTHE: Thank you. So let's move on in the interest of
8 time. According to paragraph 76 of your statement, you said that in
9 your assessment Mr. Thaci was not a violent person. He had no
10 predisposition to violence. On the contrary, you said:

11 "Mr. Thaci feared KLA commanders who were themselves notorious
12 for violence."

13 Do you remember saying this --

14 A. Yes.

15 JUDGE BARTHE: -- to the Defence?

16 A. Yes.

17 JUDGE BARTHE: And can I ask you why do you say so? So, again,
18 what's the basis for your assumption that Mr. Thaci actually feared
19 the zone commanders?

20 A. That he feared them? I believe the record shows that even at
21 Rambouillet he received a direct threat. If he exceeded the
22 tolerance of the zone commanders, he might come to violence himself.
23 But it was more his general demeanour, the way he walked on eggshells
24 where any relationship with the leaders of the KLA movement were
25 concerned.

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1 As I mentioned a few minutes ago, we -- in my profession, we are
2 never -- we never have access to full information. We make
3 judgments. But we're making those judgments on the basis of what we
4 see, we hear, but also on our life experience. And I have had some
5 acquaintance with warriors and with mobsters and people who make it
6 their business to gain advantage by violence, and I look at this
7 ambitious 30-year-old political functionary and I say: That's not
8 him.

9 JUDGE BARTHE: Mr. Covey, you said it was more his general
10 demeanour. In other words, Mr. Thaci didn't tell you that he was
11 afraid of --

12 A. No.

13 JUDGE BARTHE: -- a specific person or --

14 A. No.

15 JUDGE BARTHE: -- of the zone commanders --

16 A. No.

17 JUDGE BARTHE: -- in general?

18 A. And that is not in itself surprising. Dignity would not permit
19 someone to say that. So no, that didn't surprise us. But we felt we
20 could see it, smell it.

21 JUDGE BARTHE: Thank you. In the end of your statement, in
22 paragraph 81, you said that your observations led you "to conclude
23 that Mr. Thaci had the ambition and goal to become a politician and
24 leader in Kosovo, and he knew he needed to cooperate with UNMIK to
25 get there." And this passage was also read to you earlier today by

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1 Defence counsel for Mr. Thaci.

2 I would like to ask you, Mr. Covey, if your conclusion is
3 correct that Mr. Thaci needed to cooperate with UNMIK to achieve his
4 goals, what makes you believe that Mr. Thaci's statements against
5 violence and in favour of a multi-ethnic society were not just what
6 the international community, in particular UNMIK, wanted to hear from
7 him?

8 A. I think I could respond in a couple of ways. First, that in the
9 early days, to make any such statement carried with it significant
10 risk, political risk certainly but also personal risk, and that I'm
11 very familiar with from post-conflict settings elsewhere. History is
12 replete with people who suffered for making moderating remarks. So,
13 first, to make such a statement at any point in the early days was
14 noteworthy.

15 And, second, to have made remarks like that on a number of
16 occasions, if it were just a credentialing exercise to -- so that he
17 could tell us, "I've said the right thing," it would be easy to be
18 sceptical. But he -- I think the record shows that he voiced these
19 kinds of sentiments in public, on the record, a number of times in
20 the early days, and that I have to say was surprising at the time and
21 welcome.

22 JUDGE BARTHE: Thank you. Mr. Covey, do you know what Mr. Thaci
23 did apart from making statements against violence? Did he, for
24 example, have meetings with the local commanders or ex-KLA
25 commanders, or did he submit names of suspects of potential

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1 perpetrators to UNMIK or to KFOR to your knowledge?

2 A. No, I'm not --

3 JUDGE BARTHE: Or did he --

4 A. I'm sorry.

5 JUDGE BARTHE: Let me finish, please. Or did he promise to find
6 out who was responsible for the crimes?

7 A. No, nothing along those lines. You're asking specifically did
8 he go somehow down the chain of the -- into the network of the KLA
9 movement to try to get details or change behaviours. I'm not aware
10 of that nor would we have been aware, and certainly he never said
11 that.

12 On the other hand, he visited Serb households. Again, one of
13 those things that in another setting might have put a bullseye on his
14 back.

15 JUDGE BARTHE: Mr. Covey, you said several times in this
16 courtroom that Mr. Thaci had no authority and no power and control
17 over the people who were suspected of having committed crimes. What
18 we would like to understand is, if that was the case, why did you or
19 UNMIK contact Mr. Thaci and ask him to take care of these matters?
20 Why didn't you just go, you and Mr. Kouchner, for example, or turn to
21 those, why didn't you just turn to those who actually had that power
22 and influence over people?

23 A. We certainly wanted to encourage Mr. Thaci to address the
24 issues --

25 PRESIDING JUDGE SMITH: Excuse me, I'm not hearing you very

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1 well.

2 THE WITNESS: I'm sorry. Am I too quiet? Is this better? I
3 think my volume is turned up.

4 PRESIDING JUDGE SMITH: My fault. Go ahead.

5 THE WITNESS: I'm so sorry. I'm sorry, remind me where we are,
6 please?

7 JUDGE BARTHE: No problem. I said -- I'll repeat my question.

8 What the Panel would like to understand is why, given that you
9 said that Mr. Thaci had no authority, no power, no influence over
10 people, especially not over people who were suspected of having
11 committed crimes, why did you, Mr. Kouchner and you, contact
12 Mr. Thaci and ask him to take care? Why didn't you just go to those
13 who had such power and influence?

14 A. Two things. We had no direct relationship with the leaders of
15 the KLA movement, and that was KFOR's role. And, second, we wanted
16 to push Mr. Thaci as part of his -- part of learning his way through,
17 trying to see what he could do, what he would do. So he purported to
18 have some position, and we -- if that carried some authority, that
19 would be good. We would -- I think we would have been derelict if we
20 didn't at least ask him to do that, but we didn't have a high
21 expectation that he would or could. I think it's that simple.

22 JUDGE BARTHE: Mr. Covey, earlier today, earlier this morning,
23 you were asked by counsel for Mr. Thaci about the démarche that was
24 also discussed yesterday, I believe, in this courtroom. Do you
25 remember this?

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1 A. Yes.

2 JUDGE BARTHE: And you said, and this can be found on page 12 of
3 our transcript, today's transcript, that New York -- I assume that
4 you were referring to the UN headquarters in New York; right?

5 A. Yes.

6 JUDGE BARTHE: Expected you to deliver the same message to both
7 Mr. Thaci and Mr. Ceku. And I was wondering, did you tell New York
8 that there was no point in involving Mr. Thaci in this exercise as he
9 had no authority, no control over anybody?

10 A. No. Our relationship with New York was complex. We did not
11 invite instructions from New York. We knew that they lacked a clear
12 understanding of the situation we were facing on the ground. They
13 were subject to pressures that we were not directly. The Secretariat
14 of the United Nations is primarily responsible to the Security
15 Council, where a very, very active, smart, and forceful Russian
16 ambassador had considerable influence. So -- I'm speaking, of
17 course, of Mr. Lavrov, who was -- so we were aware that their views
18 on any subject that might generate complaints from the Russian side
19 were then -- became very complicated. That reflected itself in the
20 views concerning the DDR, the conversion of the KLA to the KPC.

21 And so we did not really keep them -- we did not keep them
22 informed, not really. We didn't have a blackout per se, but we did
23 not volunteer information about the negotiations that KFOR was
24 conducting, and we didn't welcome this kind of instruction from them.

25 Elsewhere in the book, you will see a discussion of what we

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1 called the "little country" attitude. It was clear that Mr. Kouchner
2 had received a mandate, but it's also clear that he was the only one
3 on earth fully invested in that mandate. Every other player,
4 including the Secretary-General, had other interests that needed to
5 be satisfied, and they would always seek some compromise on the
6 mandate that was given specifically to Mr. Kouchner, and we were very
7 conscious of that, and so focused on implementing the mandate as we
8 understood it and, to some extent, protecting that mandate from
9 others with conflicting interests.

10 So that helps to account for the way we handled that specific
11 instruction.

12 JUDGE BARTHE: Thank you. So, Mr. Covey, what actually happened
13 is you had that meeting with General Ceku?

14 A. Yes.

15 JUDGE BARTHE: And you said you assumed that Mr. Kouchner -- but
16 you don't know for sure whether Mr. Kouchner met Mr. Thaci, but you
17 assumed that this was the case; right?

18 A. I did assume that. And I wracked my mind to see if I can recall
19 a specific meeting in which he would have done that or a specific
20 conversation. So I still am stuck with the verb "assume."

21 JUDGE BARTHE: That's no problem. What I would like to know now
22 is why did you meet Mr. Ceku whereas Mr. Kouchner met Mr. Thaci? Was
23 there a specific reason for that, who decided that, or what was the
24 reason for that decision?

25 A. No, I'd have to speculate a little bit. I had a serviceable

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1 relationship with Mr. Ceku. Now that the KPC was becoming -- at that
2 moment, it was not yet fully activated, but it had now fallen under
3 the aegis of UNMIK, and Mr. Kouchner was focused on the larger
4 enterprise of moving the whole of Kosovo towards its democratic
5 future. So there was a bit of role sharing in this. There was no
6 need for both of us to do everything. We could split up. I think
7 that probably explains it as much as anything.

8 JUDGE BARTHE: As far as you remember, was it a joint decision
9 or was that Mr. Kouchner's decision?

10 A. I think I may have proposed it, but I don't recall specifically.

11 JUDGE BARTHE: That's fine. And my final question - then we
12 take a break, I assume - on a completely different topic. Do you
13 know whether Serbian paramilitary units were still operating in
14 Kosovo after 20 June 1999? Do you have any information on that?

15 A. I do not know that as a fact.

16 JUDGE BARTHE: You don't know?

17 A. Correct.

18 JUDGE BARTHE: Thank you very much, Mr. Covey.

19 A. Thank you, sir.

20 PRESIDING JUDGE SMITH: We'll take our regularly scheduled
21 half-hour break at this time, Mr. Covey.

22 THE WITNESS: Thank you.

23 PRESIDING JUDGE SMITH: Please do not discuss your testimony
24 outside of the courtroom.

25 THE WITNESS: Yes, Your Honour.

1 [The witness stands down]

2 PRESIDING JUDGE SMITH: We're adjourned until 11.30.

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

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

5 PRESIDING JUDGE SMITH: In light of the Panel's oral order
6 regarding P4492 MFI, and in light of the ruling we made, we need to
7 clarify the record by vacating one document. In line with oral order
8 at transcript dated 30 September 2025, page 27326 to 27327, the Panel
9 clarifies that Exhibit P04492 shall be vacated.

10 I'll first ask, is there any objection to doing that? Or do you
11 want to look at it first?

12 MR. MISETIC: I don't have all the exhibits --

13 PRESIDING JUDGE SMITH: Okay.

14 MR. MISETIC: -- memorised, so I will [Overlapping speakers] ...

15 PRESIDING JUDGE SMITH: So I've read it out.

16 MR. MISETIC: Yeah.

17 PRESIDING JUDGE SMITH: Everybody just take a quick look at
18 that, and some time today we'll finalise this. I don't think it's
19 too controversial.

20 You can bring the witness in, please, Madam Court Usher.

21 [The witness takes the stand]

22 PRESIDING JUDGE SMITH: All right. Mr. Covey, next
23 Judge Mettraux, who is to my right, your left of me, will have some
24 questions for you.

25 THE WITNESS: Thank you.

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1 JUDGE METTRAUX: Thank you. And good morning, Mr. Covey.

2 A. Good morning, sir.

3 JUDGE METTRAUX: There are two or three discrete areas that
4 you've been asked about that I want to explore further with you, and
5 I will, if I may, show you some documents and then ask you questions
6 about it.

7 A. Yes.

8 JUDGE METTRAUX: The first one is Exhibit P1223, please.

9 So I think you've seen it before, Mr. Covey. I'll give you a
10 moment to re-acquaint yourself with it. But would it be correct that
11 this would be a document that was sent to you and Mr. Kouchner?

12 A. Yes.

13 JUDGE METTRAUX: And do you recall seeing this particular
14 document at the time?

15 A. I respectfully want to say we saw a lot of documents, so I
16 assume I would have. Perhaps if we scroll down, I will remember
17 something very specific about it, but it is exactly the kind of thing
18 I would have been presented with, yes.

19 JUDGE METTRAUX: And there's, of course, no problem, sir, if
20 there's something you can't remember to say so. I'll draw your
21 attention to something specific that I want to ask you about.

22 A. Yes.

23 JUDGE METTRAUX: If we could turn to the next page, please. And
24 if we could scroll down the document. Thank you. That's enough.

25 And, Mr. Covey, I'll ask you to look at the second item with a

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1 bolded title, "Illegal acts." Do you see that?

2 A. Yes.

3 JUDGE METTRAUX: And I'll give you a second to read it. I'll
4 read it for the transcript. It says:

5 "More and more Regional Administrations are confronted with
6 illegal acts such as illegal tax collection, extortion, 'information
7 sessions' and illegal evictions. On occasions, they also face
8 uncooperative attitude from the KLA appointed 'government', including
9 verbal attacks on the radio. Regional Administrators ask how far can
10 they go in trying to prevent those acts."

11 And then there's a "Follow-up":

12 "JLH to raise the issue with DSRSG and inform R.A.s of general
13 policy."

14 Now, my first question is whether you recall receiving this sort
15 of information at the time?

16 A. This kind of information we certainly did receive, yes.

17 JUDGE METTRAUX: And do you know what follow-up there was in
18 respect of such matters, if any?

19 A. I see there is a reference there to JLH, I'm not sure who that
20 is. The DSRSG would have been the deputy for Pillar II, the civil
21 affairs, Tom Koenigs, and I don't know what the specific outcome of
22 that consultation would have been, but I can make a more general
23 comment if you wish.

24 JUDGE METTRAUX: Please.

25 A. We are now, at this point, just over two months I think -- two

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1 and a half months into the process. We do not yet have anything
2 remotely like a joint administration. Our resources on the ground
3 are very limited. Our international police are very few. So we
4 would at that time be fighting for time to begin to deliver the
5 resources and the persuasion that would help the population see where
6 their interests lay.

7 It was extremely frustrating for the regional administrators to
8 be aware of these reports and not have a clear remedy. And so even
9 morale was a challenge at the time.

10 JUDGE METTRAUX: Did you ever find out who was conducting these
11 illegal tax collection and extortion and having information sessions?

12 A. Specifically, did I find out? No. Was it learned at some
13 level? Perhaps. By the same token, I think we saw in an earlier --
14 a document we looked at earlier today, KFOR's own inability to
15 determine whether these acts were simply criminal acts by a
16 Mafia-like local structure, or somehow connected with whatever part
17 of the KLA was active in that area, or if it was more centrally --
18 I -- and certainly at this point in the process, we couldn't know the
19 answers to those questions but were very frustrated that we could not
20 simply direct a response.

21 JUDGE METTRAUX: And do you recall that during the dinner that
22 you, Mr. Kouchner and Mr. Thaci had on 18 July 1999, Mr. Kouchner
23 actually raised that issue with Mr. Thaci? Do you recall that?

24 A. Yes.

25 JUDGE METTRAUX: We have a record of that, and to expedite

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1 things, it's Exhibit P1980. Mr. Kouchner is recorded as telling
2 Mr. Thaci that:

3 "Some of the UCK's current actions were unhelpful, like
4 'Government ministers' issuing 'decrees' with 'official' seals."

5 And then referring to:

6 "UN Security Council Resolution 1244 had established very
7 clearly that UNMIK would administer Kosovo during the interim
8 period."

9 Do you remember Mr. Kouchner saying that to Mr. Thaci that
10 evening?

11 A. Yes. Yes.

12 JUDGE METTRAUX: Do you recall what Mr. Thaci's response to
13 these injunctions was?

14 A. In general, yes, that he -- in the first instance, he seemed
15 intent on legitimising the claims of the Provisional Government of
16 Kosovo to take -- to administer Kosovo, which was a direct
17 contradiction to the mandate of the Security Council.

18 He did not, as I would recall it, in any way indicate that he
19 could simply go off and instruct people to behave differently. That
20 didn't seem to be the main thrust of his response.

21 JUDGE METTRAUX: Did he give an indication that he would comply
22 with Mr. Kouchner's requests, whom I understand to be saying that
23 such actions would be contrary to Resolution 1244?

24 A. Without attempting to quote him, his general response, in my
25 recollection, would be: Well, I'll do what I can. A kind of a

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1 temporising response.

2 JUDGE METTRAUX: Can the Registry please bring up Exhibit P3934,
3 please.

4 So, Mr. Covey, I'll get you acquainted with this document.
5 Well, first let me ask you this, is whether you'd seen this law
6 relating to excise duties and turnover taxes before?

7 A. Okay.

8 JUDGE METTRAUX: Had you seen it before, Mr. Covey?

9 A. I don't believe so.

10 JUDGE METTRAUX: I'll take you through it. It purports to be a
11 law relating to excise duties and for turnover tax. It's dated, on
12 this page, 15 July 1999, Provisional Government of Kosovo, Ministry
13 of Finance, Prishtine. It has an official stamp of the Ministry of
14 Finance to the right. And it says that:

15 "On the basis of Section 13 Paragraph 1 of the Regulations for
16 the Business of the Provisional Government of Kosovo, the Provisional
17 Government of Kosovo issues:"

18 And then if you look under Section 1, it explains what the
19 purpose of that document is, which is:

20 "[The] enactment regulates taxation by Excise Duties and
21 Turnover Tax on goods and services as well as the accounting
22 procedure and the time-limit for payment of these forms of taxation."

23 Do you see that?

24 A. I do.

25 JUDGE METTRAUX: And, of course, I'm perhaps asking the obvious,

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1 but at that time Resolution 1244 was in force; correct?

2 A. Yes.

3 JUDGE METTRAUX: And UNMIK was operating on the ground?

4 A. Just barely. This was the day that we arrived.

5 JUDGE METTRAUX: Now, could we please turn to page 7 of that
6 document, that would be ERN 039414. You will see here there is a
7 Section V that speaks of penal measures, and I will give you a second
8 to read about those.

9 My first question here is, in your understanding and
10 interpretation of Resolution 1244, did the so-called Provisional
11 Government of Kosovo have the legal authority, A, to impose and
12 collect taxes; and, B, adopt so-called penal measures for those who
13 would not comply with regulations?

14 A. No, it did not. As we understood the mandate, it entirely
15 supplanted the so-called Provisional Government of Kosovo. So none
16 of this would have any standing.

17 JUDGE METTRAUX: Can we please go to the last page of that
18 document. And to the bottom of the page, please. In Albanian as
19 well.

20 Now, as you can see, this item is signed by Prime Minister
21 Hashim Thaci, with the seal of the PGoK Finance Ministry. And he
22 says that:

23 "This enactment was enacted by the Provisional Government of
24 Kosovo on 23 July 1999."

25 Now, that's just five days after you've met Mr. Thaci with

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1 Mr. Kouchner; is that right?

2 A. Yes.

3 JUDGE METTRAUX: Did Mr. Thaci ever --

4 A. Wait, I'm sorry? Five days after -- or -- yes. Yeah, that's
5 correct.

6 JUDGE METTRAUX: Did Mr. Thaci ever inform you or Mr. Kouchner
7 that he had adopted and signed on behalf of the PGoK a resolution on
8 taxation?

9 A. I do not believe he did. Certainly did not -- I -- it didn't
10 come to my attention, this specific document. May I comment on it?

11 JUDGE METTRAUX: Please.

12 A. We expected that there would be some kind of contest, a
13 push-and-shove testing of UNMIK to see if it was capable of
14 administering. If the PGoK could prevail in its ambitions. History
15 is replete with such examples. De Gaulle's exile government in
16 England attempted to -- a legitimacy. So --

17 JUDGE METTRAUX: I'll stop you there. But just so that I am
18 clear in my mind, you never learned of that --

19 A. No. No. But we did expect that there would be a kind of
20 continuing contest to see which would be considered legitimate and so
21 on.

22 JUDGE METTRAUX: And as I understand your evidence, you had told
23 Mr. Thaci five days earlier that you regarded such action as
24 unhelpful; correct?

25 A. That is correct. But as a matter of -- Mr. Kouchner, and I was

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1 in full agreement, was not in the habit of laying down ultimatums, of
2 forbidding certain things. His behaviour, and, again, with which I
3 fully concurred, was more to block off routes that were
4 unconstructive and to continue to point to more useful paths.

5 JUDGE METTRAUX: Can the Registry please bring up SITF00012125,
6 please. Thank you.

7 And, Mr. Covey, I'll take you to a relevant part, but it's one
8 of those OSCE weekly activity report. This one is dated 16 August
9 1999, and it covers the period between the 4th to 10th August 1999.

10 And I will ask the Registry to please go to page SITF00012128,
11 please.

12 Mr. Covey, if you could focus on the second full paragraph here,
13 starting with the words, "In Orahovac ..." Do you see that?

14 A. Yes, I do.

15 JUDGE METTRAUX: It says the following:

16 "In Orahovac, the Human Rights Division received reports that
17 Roma had been summoned and interrogated by UCK members; a letter to
18 the UCK commander has been sent in this respect."

19 Now, my first question is do you recall during that period, the
20 early part of the month of August, or during that summer, receiving
21 informations that people were being summoned or summonsed and
22 detained by people purporting to be KLA members?

23 A. I'm aware of that. Yes, we were getting such reports.

24 JUDGE METTRAUX: And --

25 A. From a variety of directions.

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1 JUDGE METTRAUX: And am I right to understand your evidence to
2 suggest that they had no legal authority to do so?

3 A. No.

4 JUDGE METTRAUX: Do you know in whose authority these
5 individuals were arresting and detaining people?

6 A. I do not know that it was on any specific authority. We
7 surmised at the time that it was -- that taken together this -- these
8 acts could -- or were motivated by organised criminal interests,
9 perhaps by extremists who were associated with the KLA. We could
10 not -- the reports were numerous, and we lacked an investigative
11 apparatus. We barely had patrol policemen.

12 JUDGE METTRAUX: Did you know that a letter had been sent to the
13 UCK commander about it?

14 A. I don't know what that refers to. And this is -- after all,
15 this appears to be an internal OSCE document. I don't know that it
16 was even circulated to UNMIK. But I'm not aware -- I don't
17 understand that reference to a letter sent. By whom, to whom, I
18 don't know.

19 JUDGE METTRAUX: But you do remember that Mr. Kouchner himself
20 raised the matter with Mr. Thaci in late July --

21 A. Raised --

22 JUDGE METTRAUX: -- 1999.

23 A. -- the --

24 JUDGE METTRAUX: Yes?

25 A. -- issue, raised the general issue with him, yes.

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1 JUDGE METTRAUX: And I'm reading, just to help your memory of
2 the context, it's Exhibit P755, I can bring it up to you, but the
3 record of what Mr. Kouchner would have said to Mr. Thaci is the
4 following:

5 "COMKFOR said that he was worried about PU elements in black
6 uniforms."

7 I'll stop here for a second, Mr. Covey. We've been told in this
8 courtroom that "PU" refers to military police. And then it goes on
9 to say:

10 "He," being Mr. Kouchner, "asked who they were. They had no
11 authority to make arrests. It was kidnapping. He was losing
12 confidence and might have to react."

13 And then it's recorded that:

14 "[Mr.] Thaci's answer was evasive."

15 Do you recall that exchange between Mr. Kouchner and Thaci?

16 A. Not vividly, but it conforms to my sense of Mr. Thaci's response
17 to such issues. Thank you for clarifying what "PU" meant. It had
18 come up in another discussion and I didn't understand what the
19 reference was.

20 JUDGE METTRAUX: Do you recall what Mr. Thaci's evasive answer
21 was?

22 A. Specifically, no. I mean, I can't -- I can't quote it.

23 JUDGE METTRAUX: Did Mr. Kouchner ask Mr. Ceku to do anything?
24 Because there seems to be no record of him --

25 A. I --

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1 JUDGE METTRAUX: -- asking Mr. Ceku to act on that.

2 A. I don't think Mr. Ceku -- remind me of the date, please?

3 Because in August and into September, we did not really have a line
4 to Mr. Ceku. He would become the head of the KPC. That would put
5 him under the aegis of UNMIK. But until that happened, his
6 interlocutors were in KFOR.

7 JUDGE METTRAUX: I'll be corrected if I'm wrong, but I believe
8 it was 27 July 1999, sir.

9 A. Okay. Then we --

10 JUDGE METTRAUX: But I'll be corrected if I'm wrong.

11 A. So I'm only saying that as sort of almost a structural matter we
12 wouldn't have raised it with Ceku. We were not really in touch with
13 him at that point.

14 JUDGE METTRAUX: Do you recall what, if anything, Mr. Ceku or
15 Mr. Thaci did or said they would do in response to Mr. Kouchner's
16 comments?

17 A. As I recall them, and this is a general recollection,
18 Mr. Thaci's responses were temporising and vague, and that conformed
19 to -- that jibed with our sense that he had very little influence but
20 was reluctant to say so.

21 JUDGE METTRAUX: Can the Registry please bring up Exhibit P4107.
22 And if we can go to the next page, please. I think it's the next
23 page in both languages. Yes.

24 So I'll give you a second to look at this for yourself,
25 Mr. Covey. This document - you have the original on the left side -

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1 is said to have been issued by the Provisional Government of Kosovo,
2 something called the Ministry of Public Order. First, I'll ask you
3 this: Do you know who was the minister of the so-called Ministry of
4 Public Order in late August 1999?

5 A. No. No, I don't know. I note that this appears to have been
6 provided by KFOR S2, the intelligence side. So --

7 JUDGE METTRAUX: So I'll go through --

8 A. -- I'm not sure we would have seen this document.

9 JUDGE METTRAUX: I'll go through the document with you,
10 Mr. Covey.

11 A. Yeah.

12 JUDGE METTRAUX: It bears the stamp of the Ministry of Public
13 Order on the right-hand side, top. It has a number, it's dated
14 20 August 1999. And it purports to be a summons in relation to the
15 municipality of Kline, and it refers to an informative talk, which
16 we've seen a moment ago, if you recall, in a document I've just shown
17 to you.

18 And under the label "Remark," it says:

19 "In the event of failure by the summonsed person to respond to
20 this summons, the Public Order Police bodies are compelled to bring
21 him/her by force, pursuant to legal norms and regulations."

22 Now, assuming for a second that the document is what it purports
23 to be, Mr. Covey, was a Ministry of Public Order in late August 1999
24 authorised under Resolution 1244 to summons and, if necessary, to
25 detain a person in the manner described here?

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1 A. No, absolutely not.

2 JUDGE METTRAUX: Were you informed at the time that these sorts
3 of things, people presenting themselves as representatives of the
4 PGoK were making or issuing such summonses?

5 A. We heard reports of detentions. I do not personally recall
6 detentions that were specifically attributed to the ministry. And
7 with this as an example, it looks as if it was written at the
8 municipality level. But we did not recognise the authority of the
9 PGoK or its minister or ministry or at any level to enforce such a
10 summons.

11 JUDGE METTRAUX: Thank you, Mr. Covey. Those were my questions.
12 Thank you for your patience, Mr. Covey.

13 PRESIDING JUDGE SMITH: Judge Gaynor.

14 JUDGE GAYNOR: Thank you, Judge Smith.

15 Mr. Covey, you were shown a cable, which was attached as
16 Exhibit 4 to your statement, to New York, and attached to it was an
17 UNMIK note for the file of your meeting with Mr. Thaci on 18 July
18 1999.

19 A. Yes.

20 JUDGE GAYNOR: And in that note, it says:

21 "On 18 July the leader of the UCK, Hashim Thaci, invited the
22 SRSG and Jock Covey to a 3-hour dinner at his residence."

23 Do you remember that?

24 A. I do. And I find that wording a little unfortunate in the light
25 of what we established later.

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1 JUDGE GAYNOR: So did you consider Mr. Thaci to be the leader of
2 the KLA?

3 A. It was the title he asserted and -- but which we found to be
4 rather a hollow claim.

5 JUDGE GAYNOR: Now --

6 A. This is the report of our meeting at his -- the dinner meeting
7 with --

8 JUDGE GAYNOR: Yes, at his residence.

9 A. -- Bernard Kouchner and me and --

10 JUDGE GAYNOR: Yes.

11 A. Okay. And our very excellent note-taker Axel Dittmann. The
12 characterisation, at the time, I did not pick up on the title of
13 leader of UCK. If I had reviewed it carefully, I would have -- I
14 would have titled it differently.

15 JUDGE GAYNOR: And in another exhibit to your statement,
16 Exhibit 8, is a press article from *Shekulli*, and it contains these
17 words:

18 "The leader of the Kosovo Albanian army said on Saturday that he
19 doesn't hold any responsibility for the murder of 14 Serbian farmers.
20 Hashim Thaci, the leader of the KLA, and head of the region's interim
21 government, condemned the murders."

22 There we see, for what it's worth, a news article --

23 A. Yes.

24 JUDGE GAYNOR: -- using the same expression, "the leader of the
25 KLA" to refer to Mr. Thaci.

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1 A. And that is precisely the tension that we were trying to resolve
2 in our own minds, that whatever his assertions, was he, as a
3 practical matter, the commander. And we, without specifically
4 attempting to refute that in his presence, we concluded that that was
5 an empty claim.

6 JUDGE GAYNOR: Now, on that note, you said earlier today that
7 you had "no direct relationship with the leaders of the KLA
8 movement." So for the record, could you clarify who you mean when
9 you say "the leaders of the KLA movement"?

10 A. I -- with that -- yes, sir. That phraseology would refer to the
11 leaders of the KLA movement in the field, the so-called field
12 commanders or regional zone commanders.

13 JUDGE GAYNOR: So by the expression "leaders of the KLA
14 movement," you mean the zone commanders and nobody else?

15 A. Generally speaking, yes. I'm sorry that at the time we may have
16 been a little sloppy in our designation.

17 JUDGE GAYNOR: Now, I want to return to the point, which you've
18 made clearly, that as a diplomat you never have full access to
19 information, but you must provide --

20 A. Yes.

21 JUDGE GAYNOR: -- judgments and you must provide information to
22 your capital, and I fully understand that.

23 I want to clarify your evidence on what information you did have
24 access to. Did you have access during your service in Kosovo to
25 internal KLA communications from 1998 and 1999, whether at the zone

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1 command level or the General Staff level or the brigade level or the
2 battalion level?

3 A. I don't believe at that early stage we had that information.
4 And later, we -- no, I don't believe we had that information.

5 JUDGE GAYNOR: So you never had the opportunity to review that
6 kind of --

7 A. The internal KLA --

8 JUDGE GAYNOR: Yes, internal.

9 A. I don't believe so.

10 JUDGE GAYNOR: You've given some evidence on retaliatory
11 violence against Serbs. That's fine. I don't want to return to
12 that. I want to focus on the separate issue which is allegations of
13 crimes committed against persons held in KLA detention in 1998 and
14 1999.

15 Now, I understand from your evidence you were very busy
16 implementing Resolution 1244. You were focused on stabilising the
17 security situation. You were focused on setting up functional
18 institutions of government. It was an extremely busy and complex
19 time for you.

20 Am I right in understanding that looking into crimes in
21 detention which may have been committed in facilities run by the KLA
22 was not a focus, was not a part of your work?

23 A. I think the right word is "focus." Certainly, we would not
24 write it off as not being part of our work, but we could only focus
25 on so many things at a time, and that was not a -- we didn't have the

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1 investigative apparatus, we didn't have even the administrative
2 apparatus to stay in touch with those kinds of developments.

3 May I just, as a footnote, say I wish at the time we had been
4 more careful with our titling. You spoke of or referred to prisons
5 run by the KLA. I don't know if they were run by the KLA as an
6 organisation or they were run by a local leader who had his own sense
7 of authority or was run by some individual who just cloaked himself
8 in the -- but they were attributed to the KLA.

9 JUDGE GAYNOR: And is it right that you simply didn't have the
10 resources to answer those very important questions that you've just
11 raised --

12 A. Absolutely.

13 JUDGE GAYNOR: -- were they run by the KLA or were they run --

14 A. That is correct. We absolutely did not have the resources to
15 run those things to ground.

16 JUDGE GAYNOR: Those are all of my questions. Thank you,
17 Mr. Covey.

18 A. Thank you.

19 PRESIDING JUDGE SMITH: Thank you, Judge Gaynor.

20 Follow-up questions from the SPO? I'm sorry. I'm looking in
21 the wrong place.

22 MR. MISETIC: I think we go first. But can we take a break so I
23 can take instructions from my client?

24 PRESIDING JUDGE SMITH: Yeah, we'll take ten minutes.

25 We'll give you a ten-minute break, unscheduled.

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1 THE WITNESS: Okay.

2 [The witness stands down]

3 PRESIDING JUDGE SMITH: We'll be adjourned until 12.20.

4 --- Break taken at 12.11 p.m.

5 --- On resuming at 12.21 p.m.

6 PRESIDING JUDGE SMITH: Please bring the witness in.

7 [The witness takes the stand]

8 PRESIDING JUDGE SMITH: Mr. Misetic will have some follow-up
9 questions following up the Judges' questions.

10 Go ahead.

11 MR. MISETIC: Thank you, Mr. President.

12 Further Re-examination by Mr. Misetic:

13 Q. Mr. Covey, I only have two or three questions for you. You were
14 asked by Judge Barthe, at transcript page 44 to 45, why you didn't
15 just contact those who had power and influence. Do you recall that
16 question?

17 A. Yes.

18 Q. Did you attend JIC meetings?

19 A. The Joint Interim Council?

20 Q. Yes.

21 A. I must have, but I don't have a clear recollection of which ones
22 I would have.

23 Q. Okay. At those JIC meetings, were the zone commanders present?

24 A. Oh, you're talking about -- I'm sorry. You're talking about
25 Mike Jackson's meetings?

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1 Q. Yes.

2 A. I attended some, yes. So your question?

3 Q. Were the zone commanders present at those meetings?

4 A. I'm trying to picture it in my mind, and I confess I do not
5 picture them there. No.

6 Q. Okay. So then you wouldn't know whether in those meetings with
7 General Jackson where you were present if there were issues that
8 needed to be addressed with the zone commanders it could have been
9 done there because you don't have a recollection?

10 A. No. But in any event, those were General Jackson's meetings.

11 Q. Okay.

12 A. And they were for a specific purpose, and that was to negotiate
13 the outcome of the understanding.

14 Q. Okay. And was Mr. Thaci at those meetings?

15 A. I never recall him being at the meetings until the one we have
16 described in detail, the final meeting.

17 Q. Okay. And this is a related question, and Judge Gaynor asked
18 you what you knew about the KLA internal functioning. And, again,
19 this is a question -- my follow-up is on -- related to that, which is
20 why were the zone commanders necessary at meetings like the last JIC
21 meeting? What information are you aware of, if any, about the
22 necessity for the zone commanders to be present?

23 A. Oh. We were by that time -- we -- KFOR was by that time smack
24 up against the deadline for resolving the undertaking, and that
25 required some kind of consensus from the leaders of the KLA movement.

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1 And so I took, without examining the notion, that it was essentially
2 a plenary meeting at which their consensus would be somehow given.
3 So they needed to be present to sign on.

4 Q. Thank you.

5 MR. MISETIC: Those are all my questions. Thank you,
6 Your Honour.

7 PRESIDING JUDGE SMITH: Thank you.

8 Mr. Dixon, anything?

9 MR. DIXON: Thank you, Your Honours. No questions arising.

10 PRESIDING JUDGE SMITH: Mr. Roberts -- I'm sorry, Mr. Tully.

11 MR. TULLY: No problem, Your Honour. Thank you. And no
12 questions.

13 PRESIDING JUDGE SMITH: All right.

14 Mr. Ellis?

15 MR. ELLIS: No questions. Thank you, Your Honour.

16 PRESIDING JUDGE SMITH: All right.

17 SPO, any follow-up questions?

18 MS. IODICE: No, Your Honour.

19 PRESIDING JUDGE SMITH: Mr. Covey, you'll be glad to know that
20 you are finished.

21 THE WITNESS: With your permission, sir, may I make one further
22 brief comment?

23 PRESIDING JUDGE SMITH: No, because there's no way to back it up
24 with more questions. So we're finished now.

25 THE WITNESS: Thank you.

1 PRESIDING JUDGE SMITH: Thank you for being with us. Thank you
2 for sharing your information with us, and we wish you well.

3 THE WITNESS: Thank you for the opportunity to serve.

4 [The witness withdrew]

5 PRESIDING JUDGE SMITH: We've got a few minutes. You had
6 indicated that the Defence teams together wanted to address something
7 in the nature of our schedule.

8 MR. MISETIC: Yes, Mr. President. I just wanted to alert you
9 now, and I've consulted with all of the other members of the Defence
10 teams, it is not going to be possible in the current schedule for us
11 to not only finish by the 14th, but then file any residual motions in
12 that week after, which we will do, but then also to have our final
13 brief filed by 22 December. So we will anticipate filing a joint
14 request to extend that deadline. Before we do that, we've spoken to
15 the Prosecution and said we will consult *inter partes* with them to
16 see if the parties at least can reach an agreement before we approach
17 you on an request for an extension.

18 PRESIDING JUDGE SMITH: Thank you for the information.

19 Anything else from anybody?

20 MR. DIXON: Your Honours, there is one further matter just in
21 relation to timing as well, and it's not, obviously, for
22 Your Honours, but to indicate that there are a number of appeals
23 outstanding which go to the evidence, which has to be, obviously,
24 taken into account, then, to the extent that it is admitted, for the
25 stages ahead and the final brief.

1 I'm referring to appeals in relation to the forensics,
2 intercepts, and a particular Rule 155 witness. There are others as
3 well. So we just wish to highlight that that's also important to
4 take into account when looking at the timing, so that those decisions
5 are rendered and we know what the effect of them is.

6 PRESIDING JUDGE SMITH: Thank you.

7 MR. DIXON: Thank you.

8 PRESIDING JUDGE SMITH: All right. We're adjourned.

9 --- Whereupon the hearing adjourned at 12.29 p.m.

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