

The Milosevic trial:

## Revealing testimony by Rugova on the breakup of Yugoslavia

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The sitting Kosovan president, Ibrahim Rugova, appeared as a prosecution witness at the International Criminal Tribunal for Yugoslavia (ICTY) in The Hague, where former premier Slobodan Milosevic is indicted for crimes against humanity.

His testimony under cross-examination provided important insights into the underlying causes of the break-up of Yugoslavia and the role played by the United States in encouraging ethnic tensions and the growth of Albanian separatism.

The indictment against Milosevic is that he planned, knew or should have known about the murder and deportation of ethnic Albanians during the Kosovo civil war in the year leading up to NATO's bombardment in March 1999. At the trial Chief Judge Richard May is determined to prevent discussion of events outside this period. He frequently interrupts proceedings with comments like; "We are not going on with more and more opinions about history." A comprehensive historical and political examination would undermine the insistence by the Western powers that the disintegration of Yugoslavia and the civil wars that followed were primarily, if not solely the responsibility of Milosevic and his plan for a Greater Serbia.

Rugova was just as reluctant to discuss any historical or political reasons for the events in the former Yugoslavia. On several occasions he made remarks like, "I don't want to transform this discussion into an ideological question, which I've never liked to do." He blamed the war in Kosovo on Milosevic for having abolished the autonomy of Kosovo in 1989. But one of the *amici curiae* [independent counsels called "friends of the court"] asked that some historical discussion be allowed. The limited exchange that followed gave some insight into how militant Serbian and Albanian nationalism emerged as two sides of the same process of social and economic disintegration in Yugoslavia.

Rugova studied literary criticism at university, including a year in Paris under the philosopher Roland Barthes in 1976. As a student at Kosovo's Prishtina University, he became editor of the student magazines *Bota e Re* (The New World) and the scientific periodical *Dituria* (Knowledge). He later became a professor in the Albanian Literature department at the University, which appears to have been a hotbed of Albanian nationalism. Another prosecution witness, Albanian literature lecturer Emin Kabashi, complained to the court of the "communist mentality that prevailed at that time and infiltrated into the culture and literature of the people and which replaced national culture." He became a logistics officer for the Kosovo Liberation Army (KLA) in 1997, after he realised, "Only the path of war can bring us freedom."

Rugova attempted to distance himself from such open support for civil war, insisting that he only encouraged passive resistance and was simply arguing for Kosovo to be designated as a republic, as its legal status implied. Under the 1974 Constitution, Kosovo was an autonomous

province within the Republic of Serbia. It had its own assembly and militia, the power of veto over federal decisions and control of education and other public services. When Milosevic asked Rugova, "If Kosovo had the status of a republic, which is what you're claiming, why then at the demonstrations in 1981 was the main demand for the formation of a Republic of Kosovo?" Rugova was clearly agitated about discussing events at the time. In that year protests by students at Prishtina against poor living conditions erupted into mass demonstrations that nationalists diverted into calls for independence. They were violently repressed. Rugova explained, "They started a social unrest, yes. The demand was ...that Kosova should have the name of a republic." He added, "but I don't see it necessary to talk about these matters. This is the past. It relates to a state that no longer exists." Milosevic wanted to raise 1981 because of his claim that there was an Albanian Kosovar backlash against the Serb minority.

It was at a mass demonstration of Serbs in 1987 at Kosovo Polje when Milosevic spoke the words, "No one should dare to beat you," an event that marked his rise from little known functionary to the number one Serbian nationalist leader. While Milosevic positioned himself as the defender of the Serbian people, Rugova became the champion of ethnic Albanian separatism. In 1988 he became president of the Kosovo Writers' Association, which he described as, "one of the first associations to stand up for the cultural, national, democratic values of society."

The following year, 1989, saw the collapse of the Berlin Wall, an event paralleled in Yugoslavia by the establishment of a plethora of political parties. Rugova co-founded and became President of the Democratic League of Kosova (LDK).

As the political and economic crisis intensified, Kosovo was deprived of its autonomous status in March 1989. In July 1990 some members of the disbanded Kosovo Assembly issued a "Statement for Independence". In September 1991, three months after Slovenia and Croatia declared independence, the LDK organised a Kosovo-wide ballot for independence.

A coalition "parallel" government was formed, mainly operating in Germany and Switzerland. Kosovars living abroad paid a solidarity tax of three percent of their earnings. Within Kosovo a virtual apartheid state existed. The LDK had contacts with Albanian political parties, Bosnian parties and Turkish parties but not with Serbian ones. In a damning admission Rugova said, "In fact, we didn't have any contacts [with Serbian institutions] and we didn't see any interest.... What we did was recognise ourselves as a parallel state. That was the beginning of the dismemberment of the Federation, in fact."

Milosevic noted that a declaration of independence by a national minority is contrary to the United Nations Charter and asked the question, "Do you know how many European states would have to be disbanded if

this schematic were to be applied? They would fall apart.” Judge May retorted, “ This is a purely political point. Now, the indictment deals with the events in 1998 and 1999”.

The *amici curia* Wladimiroff did come back to this question, asking Rugova several times if he thought the declaration of independence was compatible with the Yugoslav Constitution, in which “Kosovo was not an independent republic in the Yugoslav federation in 1998/1999, like Serbia or Montenegro, but a part of the Republic of Serbia?” Rugova never gave a straight answer, typically saying, “Please. I don’t understand the question, and I don’t know why it’s being made”.

In October 1991, the Albanian political parties of Kosova, Macedonia, Southern Serbia, and Montenegro approved the “Statement with Three Options”. The options were for Kosovo to be a republic within the Yugoslav Federation, an independent state or for Kosovo to be merged into a single Greater Albania.

Milosevic charged Rugova with favouring the latter option, but Rugova insisted that the LDK, “aimed to have Kosova a republic equal to the other republics in the former Federation.” Milosevic presented the court with a 1995 newspaper report that said, “The Human Rights Foundation of the United States Congress awarded its highest honour this year to Albanian democracy. In October, it will be received by Dr. Ibrahim Rugova, President of the Republic of Kosovo, and Sali Berisha, President of Albania.”

Rugova said he did not remember an interview at the ceremony in which he was asked, “Can we also interpret the award that you recently received as international approval of the idea of uniting Kosovo and Albania?” He is reported as replying, “Of course we’re also counting on that”. To another question in the same interview, “Is Kosovo’s existence within the borders of Serbia in a confederation still likely?” Rugova replied, “That has not been in our programmes for a long time. We want an independent, open Republic of Kosovo as a neutral state between Serbia and Albania. That would be the best solution for a certain period.”

Albania was the only country to recognise Rugova’s parallel government. The official policy of the Western powers at the time was to recognise that Kosovo was part of Serbia. Rugova pinned his hopes on finding an international backer for Kosovan independence, but the Dayton Agreement ending the Bosnian civil war in 1995 crushed this hope. Not only was there no mention of Kosovo, Milosevic was promoted as the guarantor of Balkan peace for his efforts at curbing the Bosnian Serb government.

The LDK pressed on, trying to get the Western powers to change tack and intervene. According to Rugova, the LDK, “established relations with governments abroad, primarily perhaps with the Americans, but also having good relations with other European countries, including Germany, France, and the United Kingdom. I think that Washington opened an office in Prishtina in 1996, and that was shortly followed by a European Union office, also in Prishtina.”

Rugova claimed that the parallel government had no contacts with the KLA, although, he admitted that Adem Demaci, “spoke for the KLA but not formally”. At the grassroots, Rugova admitted there were unofficial contacts with the KLA because many members of his party had joined the armed movement.

When asked by Milosevic if he agreed with the well-known statement by US Special Envoy to the Balkans, Robert Gelbard in 1998 that the KLA was a terrorist organisation, Rugova replied, “Perhaps he made a statement of this kind, perhaps not.” He insisted that the KLA was set up “by the patriots who wanted to fight for the freedom of Kosova.”

By February of 1999, the Western powers had shifted support behind the KLA. Its leader, Hahim Thaci, was made leader of the Kosovar delegation at the peace talks in Rambouillet.

The refusal of the Milosevic government to sign the Rambouillet Accord was to provide NATO with an excuse for declaring war against

Yugoslavia. The accord was designed to be unacceptable to the Yugoslav government, containing as it did provisions that would have subjected the whole of Yugoslavia to NATO occupation. An appendix granted NATO freedom of movement “throughout all Yugoslavia”, i.e., Serbia and Montenegro as well as Kosovo.

The tenor of the talks was well illustrated by Rugova. He spoke of how at one point, US Secretary of State Madeleine Albright threatened, “If you Albanians—that is, Kosovars—fail to agree with the agreement, we will isolate you and we will have nothing to do with you. And she said likewise very clearly to the Serb side: If you do not accept the agreement, you will be bombed. And that was the end of the meeting.”

After the breakdown of the talks, Rugova went back to Kosovo and held a press conference saying, “It’s high time that NATO took some action, that something must be done. That happened on the 20th or 21st of March, 1999.”

Several LDK leaders went missing, fuelling press speculation that Milosevic had murdered them. Within a few days they reappeared and newspapers printed pictures showing Rugova at a cordial meeting with Milosevic.

Rugova and Milosevic signed an agreement giving Kosovo, “extensive self-government, along with the full respect for equality of all citizens in national communities, the sovereignty and territorial integrity of Serbia and Yugoslavia. It was noted that such an approach constitutes a basis for a lasting and just solution.”

He explained to the court that he expected his meeting with Milosevic “to be confidential, but the accused insisted that it become public, and then it was publicised.” He continued, “they thought that they could compromise me politically and discredit me in the eyes of the Kosovar public, the Albanian public, and they also wanted to foment conflicts on the Albanian political stage among Albanians.”

The agreement promised everything Rugova had been demanding, but he claims he had signed it while under house arrest and in fear for his life. Milosevic suggested another reason for their meeting. He said, “Mr. Rugova, you came to me, asking me to save you and your family from a possible assassination perpetrated by the KLA. Look me in the eyes and tell me whether that is true or not.” Rugova laughed at the suggestion, saying he was not aware of any KLA killings: “No. Not even individual cases or an organised campaign.”

In any event, Milosevic organised for Rugova to fly to Italy. A few days later, on May 6, 1999, Rugova heard that his close associate Fehmi Agani had been executed. Rugova alleges that Serbian soldiers or paramilitaries were responsible. He claimed there was no power struggle among the Albanians, saying, “For the accused, all these, our structures have always been criminal ones, but I was never scared of them, of being killed by any Albanians.”

When asked about press reports that KLA leader Hahim Thaci ordered the murder of political rivals, Rugova said, “I don’t know about these things.” But after further questioning about the killing of his own party members, including Haki Meri, the president of the Srbica regional LDK, Rugova admitted, “About murders that took place after the war, we started investigations.”



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