Kosovo: The Hague acquits former PM Haradinaj of war crimes amid alleged witness intimidation

Paul Mitchell
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Kosovo's former Prime Minister Ramush Haradinaj has been acquitted of all charges of war crimes committed whilst he was a top commander in the Kosovo Liberation Army (KLA). However, Haradinaj's release has been accompanied by renewed allegations that witnesses were subjected to systematic harassment and intimidation and gruesome claims that the KLA "harvested" body organs from hundreds of Serbian prisoners before killing them.

Haradinaj was charged at the United Nations tribunal at The Hague along with two of his former subordinates, Idriz Balaj and Lahi Brahimaj, with 37 counts involving murder, rape, cruel treatment, unlawful detention and deportation of civilians in 1998. According to the prosecution, the result of their military campaign of fear, violence, and persecution was 48 murder victims. Of these, 13 were found in a small area along the Lake Radonjic canal, less than one and a half kilometres from Haradinaj's home in western Kosovo. In January 1998, 123 Serb families lived in the area but within four months there were none. Their houses and properties were destroyed and Orthodox churches, cemeteries and tombstones desecrated.

At the end of the trial Judge Alphonsus Orie remarked, "The Chamber gained a strong impression that the trial was being held in an atmosphere where witnesses felt unsafe." He said that there were "significant difficulties" securing testimony from a large number of witnesses. Of the almost 100 witnesses giving evidence, 34 had to be granted "protective measures" such as using a pseudonym during the court proceedings or having their faces and voices distorted. Eighteen were issued with subpoenas forcing them to attend.

One key witness, former KLA member Shefquet Kabashi, absconded at the last moment from his hotel room leaving a note which said that security conditions were not "fulfilled for a witness to testify properly" at the tribunal. He said he had been threatened during the only other KLA trial ever held at the tribunal—that of former commanders Fatmir Limaj and Isak Musliu—and claimed other witnesses who had testified under protective measures had been killed.

Reports in the media in Serbia suggest that a number of witnesses have died under suspicious circumstances. Serbian War Crimes Prosecutor Vladimir Vukcevic claims that "nine witnesses linked to the Haradinaj case have been killed in the 2003-2007 period. One survived an assassination attempt."

It became so difficult for the prosecution to find those willing to testify against Haradinaj that the tribunal's Chief Prosecutor Carla Del Ponte, now Swiss ambassador to Argentina, took the virtually unprecedented step of addressing the court herself. She declared, "You know that many witnesses are reluctant to testify. Some are even terrified. The intimidation and threats suffered by witnesses in this case have been a serious ongoing problem for the individuals concerned and for this prosecution. This problem has not gone away. Witnesses continue to receive threats, both veiled and direct."

Del Ponte reminded the court that the United Nations Security Council passed a resolution in early 1998 that not only condemned the actions of Serbian forces in Kosovo, but "all acts of terrorism by the KLA or any other group or individual and all external support for terrorist activity in Kosovo, including finance ... and training."

"I make no apology; this will not be an easy prosecution. It is a prosecution, frankly, that some did not want to see brought, and that few supported by their cooperation at both international and local level," del Ponte concluded.

In her recently released book, *The Hunt*, del Ponte elaborates on these concerns. The book records how she was forced to complain to the UN Security Council and UN Secretary-General Kofi Annan about continuing problems with the UN Mission in Kosovo (UNMIK) and its chief Soren Jessen-Petersen. Del Ponte claimed the agency was "not always the best co-operator" regarding witness protection and that, after UNMIK began transferring its policing powers, former KLA members carried out "a massive campaign of systematic harassment and intimidation of witnesses."

Del Ponte explained how UNMIK officials sent documents vital to the prosecution, "which were sometimes organized in a way that could not be used in a courtroom." In the Haradinaj case they even claimed that confidential information about witnesses had been destroyed. When the files eventually turned up, half were found to be missing. Del Ponte wrote a letter to the UN saying that it was "incomprehensible for such important and sensitive documents to be handled with such a lack of care."

The Hunt also recounts how important facts regarding the murder of Tahir Zemaj, a witness in the Haradinaj case, had been altered. "It is unacceptable for such information to be hidden from the Tribunal, and a horrible message is being sent to Albanians who would like to cooperate with my office," Del Ponte added.

Del Ponte recalls how leading UNMIK officials protected Haradinaj. Jessen-Petersen described him as a "dear friend" and a man of "dynamic leadership, strong commitment and vision." She writes, "Jessen-Petersen's words of praise for Haradinaj showed not only that the UNMIK administration was weak and controlled by Albanians, who practically rendered the UN mission pointless during the violence of March 2004 [when several Serbs were killed], but that the UNMIK chief, who was also the secretary-general's special representative,

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publicly stood on Haradinaj's side during the trial at the UN Tribunal."

UNMIK officials were also instrumental in persuading the court to grant Haradinaj the unprecedented right to provisional release during the trial and to run in elections. He headed the list of the Alliance for the Future of Kosovo (AAK), a party he founded in 2000.

"How can the rule of law be implemented if UNMIK chiefs so openly support a person who is accused of some of the gravest crimes in international law? A message is being sent that Tribunal indictments are meaningless, and that one accused is well regarded and even supported by the head of the UN mission. Such developments are very worrying and render our efforts in the Haradinaj case futile," del Ponte added.

In *The Hunt*, del Ponte also reveals that an investigation into the murder of 300 Serbs in 1999 was dropped because it was "impossible to conduct." She says she received credible reports that the KLA transported hundreds of Serbian prisoners into northern Albania where their organs were "harvested" and trafficked out of Tirana airport to be sold to wealthy medical patients.

Her investigators visited a house in a remote mountainous region in Albania, which was allegedly being used as a makeshift clinic. "Prisoners were aware of the fate that awaited them, and according to the source pleaded, terrified, to be killed immediately," Del Ponte writes.

That Haradinaj has escaped any punishment for the campaign of violence, intimidation and murder that took place whilst he was KLA commander can only be explained by the fact that he was what the *Observer* described as "the key US military and intelligence asset in Kosovo during the civil war and NATO bombing campaign that followed."

Haradinaj and the KLA played a key role in the US's deliberate strategy of breaking up the Yugoslav republic into its constituent parts, ensuring US hegemony within the Balkan region and threatening the broader geo-strategic interests of Russia.

NATO launched the war against the Federal Republic of Yugoslavia in 1999 on the pretext that the Milosevic regime had initiated a campaign of ethnic cleansing in Kosovo—a charge, incidentally, the Hague tribunal was never able to prove. But the origins of the Kosovo crisis lie in the economic breakdown of the former Yugoslavia that was fuelled by the IMF and World Bank's structural adjustment plans in the late 1980s and early 1990s. To divert social opposition to the destruction of jobs and living standards and to enhance their own positions, ex-Stalinist bureaucrats and nationalist demagogues in all of the former Yugoslav republics promoted nationalist sentiments and contended for support from the various imperialist powers. Militant Serbian and Albanian nationalism emerged as two sides of this process of social and economic disintegration.

Following reunification in 1991, Germany resolved to further its interests in the Balkans by promoting the secession of relatively prosperous Slovenia and Croatia from Yugoslavia. The US subsequently reversed its initial opposition to the break-up of Yugoslavia and saw in the determination of Serbia's ruling elite to preserve a unitary state a barrier to its own influence in the region. Both Germany and the US were by this time involved in funding and training the KLA.

Haradinaj returned to Kosovo from Switzerland in early 1998, just as the KLA carried out a series of military attacks aimed at destabilising Kosovo and provoking Western intervention. This sparked a major counterinsurgency operation by Yugoslav security forces, which in turn was used by the US to justify direct military intervention. Western governments and the media began glorifying the KLA as a liberation movement fighting to free Kosovo from a tyrannical Milosevic regime, while it served as a US proxy force on the ground to complement a NATO campaign of aerial bombardment.

After the bombing stopped, the US insisted that the KLA head the ethnic Albanian delegation in talks at the Rambouillet peace conference. The Western powers drew up plans for an administration under their control and the KLA took advantage of its military dominance to impose its rule in the majority of the province's municipalities, taking over state enterprises and public services. Hardinaj became deputy commander of ex-KLA fighters constituting the Kosovo Protection Force.

The Kosovan separatists continued their campaign for independence by whipping up ethnic conflict. In March 2004, communal violence orchestrated by former KLA leaders resulted in the deaths of 19 people, and some 4,000 people, mainly Serbs, were forced to flee.

Following elections in October 2004, Haradinaj was overwhelmingly endorsed by Kosovo's assembly as prime minister, despite having been questioned twice by del Ponte's investigators and his party only placing third in the poll. In last November's elections Haradinaj's AAK received just 54,611 votes, less than 10 percent of the total. The record low turnout in last year's elections—43 percent, down from 80 percent in elections soon after the Kosovo war—indicated a staggering decrease in support for the political parties installed after 1999.

On February 17, 2008, Kosovo's Assembly declared independence from Serbia while accepting its status as a Western militarised protectorate. All the major decisions about the country's economy, public spending, social programmes, security and trade will remain in the hands of a NATO-UN-European Union occupation administration.

After nine years of UNMIK occupation, little has improved for the vast majority of Kosovo's population. In many respects it has worsened. Nearly 80 percent of the population have experienced a decline in living standards since 2003. More than half of Kosovo's 2 million inhabitants are unemployed and over a third of the population lives on less than €1.50 per day. The minority population have been driven out or live behind barricades and razor-wire in a northern ghetto and may well end up being partitioned.

Back in 1999 after the Western powers, along with numerous former liberals and radicals, had thrown their support behind demands for self-determination for Kosovo and the NATO bombing, the *World Socialist Web Site* warned that Kosovo would become one of the "small states [that are being] stripped of their national sovereignty, compelled to accept foreign military occupation, and submit to forms of rule that are, when all is said and done, of an essentially colonialist character." ("After the Slaughter: Political Lessons of the Balkan War ")

For his role in helping to bring this about, it was almost inevitable that Haradinaj would walk free from The Hague.

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