

# Legalizing War Crimes: Former KLA Commander Acquitted by the Hague

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THE HAGUE – The International Criminal Tribunal for the former Yugoslavia (ICTY) acquitted Thursday former commander of the so-called Kosovo Liberation Army (KLA) Ramus Haradinaj of all charges after a retrial.

The Trial Chamber ordered the immediate release of Haradinaj and his two former associates Idriz Baljaj and Lahi Brahimaj, who were also acquitted of all charges.

Haradinaj and two other former commanders were charged with crimes committed against Albanian, Serb and Roma civilians in the KLA-run camp in Jablanica in 1998.

Back in June, the prosecutor requested that all three men be sentenced to at least 20 years in prison in his closing argument, while defense attorneys called for their acquittal.

All crimes alleged in the indictment occurred between March 1, 1998 and September 30, 1998 in the territory of Kosovo in the former Yugoslavia, when Haradinaj was the commander of the so-called Dukagjin operational zone (Metohija, western Kosovo.)

Baljaj was the commander of the “Black Eagles” Special Unit, and Brahimaj was a KLA member stationed in the unit’s headquarters in Jablanica.

In April 2008, the Trial Chamber acquitted Haradinaj and Baljaj of all charges and sentenced Brahimaj to six years in prison for cruel treatment and torture of two persons in the so-called KLA’s headquarters in Jablanica.

On July 21, 2011, the Appeals Chamber partially quashed the acquittals and ordered the retrial of all three accused on six instead of the initial 39 counts of the indictment relating to the cruel treatment, torture and murder of prisoners in the KLA-run prison camp in Jablanica.

Haradinaj acquitted on all counts of indictment

The International Criminal Tribunal for the former Yugoslavia (ICTY) acquitted in a retrial on Thursday former commander of the so-called Kosovo Liberation Army (KLA) Ramus Haradinaj on all counts of the indictment, including the main charges of joint criminal enterprise.

The Trial Chamber ordered an immediate release of Haradinaj and his two former associates Idriz Baljaj and Lahi Brahimaj, who were also cleared of all charges.

As Tanjug learned in the ICTY, an appeal can be lodged against Thursday's judgment, just as in any other first instance proceeding.

Haradinaj's indictment referred to the crimes committed between March 1, 1998 and September 30, 1998 when Haradinaj was the commander of the so-called Dukagjin operational zone (Metohija, western Kosovo.)

Presiding Judge Bakone Justice Moloto said in his explanation of the verdict that the Trial Chamber has not proved the key allegations contained in Count 6 of the indictment citing joint criminal enterprise aimed at establishment of full control of the so-called KLA over the Dukagjin zone by expulsion and abuse of Serb and Roma civilians and Albanians who were suspected of cooperating with the Serbian forces or not supporting the so-called KLA in some other way.

Judge Moloto said that there is no firm evidence that Haradinaj knew about the crimes committed in the KLA camp in Jablanica.

According to the Trial Chamber, the crimes alleged in Counts 3-5 – torturing of one Albanian, a Serb police officer, and a citizen of Bosnia-Herzegovina, as well as three Albanian civilians and three Montenegrins are proved, but the defendants are not responsible of the crimes.

Furthermore, the Trial Chamber also believes that Counts 1-2 referring to cruel treatment, and killing of two Roma people and Serb policeman Ivan Zaric have not been provided with evidence.

Back in June, the prosecutor requested that all three men be sentenced to at least 20 years in prison in his closing argument, while defense attorneys called for their acquittal.

After the first trial on charges of crimes committed in wide territory of western Kosovo, Haradinaj and Baljaj were acquitted and released, while Brahimaj was sentenced to six years in prison.

On July 21, 2011, the Appeals Chamber partially quashed the acquittals and ordered a retrial of all three accused on six instead of the initial 39 counts of the indictment relating to the cruel treatment, torture and murder of prisoners in the KLA-run prison camp in Jablanica.

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