

"The Hunt: "Me and Military Criminals"

A book on man-hunt by the Tribunal's prosecutor general

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[translated from the Russian original]

The presentation of memories of Carla del Ponte slated for April 3, 2008 just days after she had left her post of the Hague Prosecutor General for the former Yugoslavia and Rwanda. The book published under the title "The Hunt: "Me and Military Criminals" covers quite a long period of del Ponte's stint as the prosecutor from August 1999 to December 2007. A large part of the book is given to exactly "the hunt" or the search and organisation of legal prosecution of the guilty people, negotiations with the leadership of a number of countries and international organisation with an eye to extradition of the persons the Tribunal regards as military criminals, and the obstacles put up by officials of different levels to prevent her from completing her hard work. But the book became a sensation long before its going out of print, when journalists laid their eyes on it. *Its readers all over the world and people with thinking were shaken by the facts Carla del Ponte gave in her book that had always been concealed from public, about the atrocities of Albanians committed against peaceful Serbs and Albanians unwilling to become part of hostilities in Kosovo and Metohia, and the trade in body organs extirpated from kidnapped Serbs. The leaders of the Kosovo Liberation Army (KLA) were the culprits, its militants and currently the respected politicians Hasim Taci, Agim Ceku and Ramus Haradinai.*

Carla del Ponte writes that she got information from journalists way back in 1999 about 300 Serbs who were kidnapped in Kosovo and Metohia and then taken to Albania. At first the prisoners were placed in the camps in Kukes and Tropya in Albania's north, and later surgeons hired by Albanians removed their vitally important organs in field conditions. The Albanian village of Burel was also mentioned, where in a "yellow house" the prisoners were operated on after which their organs were delivered to Italy, and further on, to major West European medical centres. According to del Ponte, "only several months later investigators of the Tribunal and UNMIK arrived to Albania to see the "yellow house", which journalists described as the place where prisoners were murdered for their bodily organs. A group of journalists led the investigators and one Albanian prosecutor to that place. The house is now painted white; and its host denies that it was repainted, even though the investigators find traces of yellow along the basement. They find pieces of sterile gauze. Lying nearby is a used syringe, two plastic vials, one of which contained muscle relaxant that is usually used in surgery. Application of special chemicals detects blood stains on the walls and the floor in one of the rooms and at a cleaned floor sections measuring 1.8 by 0.6 metres." 1

Such revelations at the time when Kosovo declared its independence and when the militants who took part in all these atrocities turned to politics really turn the set notions the West has about developments in this unquiet province upside down. In reality these facts are

nothing new, it was just that no one wanted to hear about them.

Carla del Ponte writes that the families of the Serbs who disappeared in Kosovo asked her many “quite justified” questions. Why does the Tribunal not give them any information about the disappeared relations? Why did the Tribunal fail to find collective graves of Serbian victims? Why the POW camps were not found? Why Albanians are not arrested after the Association of the Families of Disappeared Kosovo Serbs tabled its list of suspects to the Tribunal? Carla answered the questions evasively, saying the Tribunal did not have documents about the KLA structure, being unable to come to terms with KFOR² and UNMIK³ about collaboration and is unable to investigate all the crimes for reasons of difficulties in finding eyewitnesses of the murder of Serbs, whereas those who could, are unwilling to speak⁴. These answers convince no one. Even our Centre⁵ has documents about the KLA structure, to say nothing of Belgrade. *It has a vast repository of materials about the atrocities committed against peaceful population in Kosovo, and the Serbian authorities handed over to the Tribunal all the necessary documents accusing the Albanians.* Del Ponte writes that Neboisa Covic, then the chairman of the the SRYu government’s Kosovo and Metohia Coordination Centre gave to UNMIK information about 196 sites where atrocities against Serbian population were committed. 6.

In 2001 the list of the kidnapped persons was handed over to del Ponte by representatives of the Association of the Families of the Disappeared persons. Simo Spasic, the chairman of this NGO argues that “all their relations know the people who committed those crimes. They have evidence. They eye witnessed many crimes. They watched horrible things – remains of children burnt alive, the ripped stomachs of pregnant women and the embryos. We have to live with this pang in our hearts but no one is willing to hear us. We have photos; we know the places where the graves of the people who were tortured and murdered are. None of the cases has been investigated. All the facts are carefully concealed. The reason is this: *had the crimes of the Albanians been known about, no one would acknowledge Kosovo’s independence*” (underlined by me – E.G.) Besides, Spasic recalls, foreign TV companies including the BBC, Deutsche Welle and Sky News showed footage of columns guarded by KLA militants that moved in the direction of Albania. Those were exactly the 300 people.”

The Belgrade media quote dozens of situations when a number of Serbian organisations tired to make the Tribunal investigate Albanian crimes in Kosovo, presenting to it detailed maps of burial places and concentration camps in this province and in Albania’s north, evidence of cruel torture and murder of peaceful residents. But it never started the trial of Albanian leaders on charges of mass murder of people for obtaining their organs for transplantation. Just the Association mentioned above has a list of more than 2 000 people.

As for eyewitnesses, the Tribunal has at its disposal a wide range of ways to protect them, and it needs to look for them not only among Albanians who indeed are scared by the militants⁷ but among Serbs as well. But the word “Serb” appears to be the term the Tribunal uses only when it means to punish them. Carla del Ponte admits that she knew about the mass graves in three provinces of north Albania. *Human Rights Watch* (HRW) also reported having seen the documents the Tribunal collected, that included evidence of seven KLA militants who claimed they were eyewitnesses of the delivery if kidnapped Serbs to Albania. HRW experts decided to check this information in Carla del Ponte’s book on their own, even though they initially doubted it. They got the evidence and succeeded in getting new information about that⁸.

Thus, the Tribunal and its Prosecutor General had information about the crimes committed

against Serbs. But why did Carla del Ponte kept silent for such a long time – close to 10 years? Her book gives part of the answer.

According to her the available evidence was not enough to verify the exact dates of kidnapping, transfer of victims across the Albanian border and identify the sites of crimes. Besides, Albanian prosecutors and detectives did not want to collaborate, saying that if Albanians did murder Serbs, they were right to do it. Carla del Ponte had enough courage to publish the statement of Fabio Mini, Italian general who headed the KFOR (October, 2002) who said that “to put Albanians under arrest was difficult because the former UNMIK and KLA leaders were close relations.” Mini was sure that if arrests would start “we would see many local leaders going on holidays guarded by Americans.” 9. That is why, del Ponte concludes, the investigation came to a halt. 10

The question is why the approaches a number of international organisations, including UN, NATO and EU used against Serbia (cutting of credits, the boycott of the talks on its NATO and EU entry, and so forth) were not used against Albania?

The main thing as we see it is the prosecutor’s revelations boils down to her making it known that *“prosecution of military criminals in the present-day world is an exclusively political affair. There was a silent prohibition on accusations of Albanians.* In this case the issue of Kosovo’s independence would not be plausible. 11 Besides, her book makes it possible to conclude that the peace-keepers and their masters were scary of Albanians, and “were not ready to issue any sort of a warrant to arrest Albanians” aware that Agim Ceku and Hasim Taci “were able to ignite a series of riots in Macedonia and southern Serbia, and in other provinces, calling the Albanian minorities there to violence.” 12 To continue this assumption, it can be said that it was necessary to maintain the idea of the Serbian guilt for everything that had taken place in the Balkans in the 1990s, that had been worked out for quite a long time, to sustain the reasoning that NATO activities in the Balkans with an eye at protecting Albanians in Kosovo in 1999, and prevent world public opinion from concluding that the international organisations in the post-Yugoslav space practiced double standards.

The revelations of the Prosecutor were sensational only for those who did not want to hear. Serbs started shouting about crimes against them in Kosovo. 13 Danitsa Marinkovic, a courageous former judge of the district court in Pristina investigated many facts, including earlier kidnappings, the fake show of the killing of allegedly peaceful people in the village of Racak, after which the bombing of Yugoslavia started and information about the KLA death camps. She was also in the know of no other than Hasim Taci organised kidnappings and established links with European medical centres, and set into action the mechanism of deliveries of human organs to his clientele, making fabulous money.

Carla del Ponte’s book provides serious arguments to investigators, confirming information about subjectivity of activities of international organisations operating in the former Yugoslavia and acting on its territory at present. It is evident that the support of Albanians in Kosovo by the international organisations was not accidental, and it was not accidental that the facts of the involvement of the current leadership of the province (Hasim Taci, Agim Ceku and Ramus Haradinai) in the crimes Carla del Ponte writes about. There is much evidence of these military crimes.

Danitsa Marinkovic told that Fatmir Limai was in charge of the camp in Klecka, where Serbian prisoners were held. As for the current Kosovo premier, Hasim Taci was

commandant of a similar camp in Lapusnik. "While I was a judge in Pristina, I went to Klecka, -Danitsa said. "At the time there were about 100 Serbian women, children and old people. They had been murdered. We saw parts of their bodies scattered all over the place." 14 Unlike Hasuim Taci, Fatmir Limai faced the court in the Hague in 2005. And the verdict was "Not guilty"!

The Hague Tribunal acquitted two more Kosovo criminals, Ramus Haradinai and Idriz Baliai, the former chief of the KLA squad "Black Eagles". Both committed atrocious crimes and no one doubted their guilt. One more field commander, Lahi Brahimai was acknowledged guilty of torture, and sentenced to six years of imprisonment.

The trial of Ramus Haradinai (then prime minister of Kosovo) and the above-mentioned militants started in the Hague in April, 2007. Haradinai who in 1998 was one of the KLA commanders, was charged on 37 articles, 17 of which were crimes against humanity, and 20 – military crimes. Besides, all of them were accused of harassment of Kosovo Serbs, Gypsies and Albanians that were loyal to Serbs, involvement in murders, rape, illegal arrests and destruction of property. But the judges did not find evidence of the guilt of Ramus Haradinai and Idriz Baliai. It may be admitted that 7 million Euros that were raised for their defence played its part. According to the German "Berliner Zeitung", the German intelligence regards Haradinai "the godfather of a mafia clan engaged in speculation of cigarettes, drugs, arms and trade in people."

Haradinai has always been an "exclusive" defendant. Del Ponte writes that he was taken to the Hague on a German aeroplane, and once landed in Germany where the leader of Albanian separatists accused of many crimes was greeted by the guard of honour. Haradinai's family maintains close ties with the UN mission on Kosovo. Del Ponte writes about a visit by Larry Rosin (currently the deputy head of the UN mission in Kosovo) to attend the matrimonial ceremony of Haradinai's close relation. No other but Rosin on behalf of the UN mission in Kosovo gave his personal guarantees to the Hague tribunal that Haradinai's conduct was proof of "his being able to defend himself in court not being in custody." On the other hand, Sorren Essen-Petersen, the former head of the UN mission in Kosovo contacted the Hague tribunal asking to set Haradinai free, because "his presence in Kosovo is a guarantee of peace and stability." Seeing Haradinai off to the Hague the head of the UN mission in Kosovo said to Haradinai in public: "My friend! Let us see you returning soon!" 15

And the triumphant return did happen. The prosecutors failed to present to the Tribunal even 10 eyewitnesses, who had been murdered one after another before the trial. Kutim Berisa, whose ear Baliai personally cut off, was killed in a car crash in February of 2008 in Montenegro a day after a meeting with a representative of the Tribunal to discuss the coming court session. Ilir Selmai was stabbed to death in a provoked fight. Bekim Mustafa and Auni Elezai were shot dead. Kosovo police officers Sabaheta Tava and Isuk Hakliai, who agreed to present evidence of Haradinai's crimes, were murdered, and the car with their bodies was burned. Three other eyewitnesses – Jeidin Musta, Sadrik Murici and Vesel Murici were "the protected eyewitnesses", but they all were murdered by contract killers. Tahir Zemai, one of the KLA leaders, who agreed to cooperate with the tribunal, was shot dead together with his son. Ramir Murici survived a wound but refused to provide evidence. About 40 potential eyewitnesses of KLA atrocities in Kosovo and Metohia were murdered. 16 That is why former KLA militants have no fear of court prosecution. They keep on going about their criminal activities, confident of their protectors and the might of their money and arms.

The Hague tribunal has long been known for its lack of objectivity and prejudication. It has demonstrated its biased prejudgements, spending years trying to prove the faults of Serbs. No other than Serbs make up two-thirds of the convicts in Scheveningen. Only Serbian leaders have faced the court or are on the “wanted” lists, the leaders of Croatia, Bosnia and Herzegovina are at large. Activities of Serbs, Croats and Muslims get different qualification at the tribunal: Serbs are accused of genocide for the lack of human treatments of their prisoners, Croats are guilty of crimes against humanity, and Muslims are blamed for serious violations of the Geneva conventions. Only Serbs are accused of ethnic cleansings. That is exactly the accusation they are faced with for the departure of Albanians from Kosovo in 1998, whereas the activities of Croats in 1995 when the military operations “The Shine “and “The Storm” that caused more than 250 000 Serbs to leave their homes are not qualified this way. The crimes committed by Serbs are regarded the result of systematic carefully planned policies. In the case of Croats and Muslims, these are viewed as side effects of hostilities created by a few undisciplined servicemen.” 17 By its selective methods of trial the Tribunal violates the very idea of an international criminal court. Carla del Ponte’s book is a graphic illustration of the fact.

I happened to follow the Tribunal’s proceedings as an insider, when I acted as a legal expert in the defence of Serbian general Stanislav Galic, accused of blockading Sarajevo, sharp-shooting and other crimes. It was exactly then that I got proof of the fact that the official position of the Tribunal was inherently subjective and sketchy. Principally, the Tribunal comes from the assumption that in all the hostilities in the Balkans in the last several years Serbs were aggressors or in their majority they committed military crimes, whereas other parties waged wars in line with the norms of international law, defending themselves against the aggressor. The trite image of Serbian guilt was invented in 1991. Unfortunately, it is very hard to break it today, as both the parties to the conflict and a number of international organisations worked hard and persevered at its shaping. Owing to the activities of the Tribunal, the stamp of a criminal will rest on the entire Serbian nation for many years, and the international organisations and NATO would get one more proof that to punish Serbia with sanctions, blockade and bombings was right.

There never was a presentation of the book of the Tribunal’s principal counsel for the prosecution never happened. The Swiss Foreign Ministry prohibited it. Carla del Ponte was urgently dispatched to Buenos Aires, where she had acted as Switzerland’s Ambassador to Argentina since January of 2008. Europeans and the world at large seemed to disregard her book. Quite naturally, Serbs were disgusted demanding the facts she published in her book be investigated. Kosovars (Kosovo residents), too, were indignant over the image she portrayed in her memories of the principal accuser. Kosovo’s Parliamentary Assembly is preparing to sue her at an international court for causing intentional harm to the image of Kosovo that only recently declared itself independent.¹⁸ Russia’s reaction to the book was very serious. Our Foreign Ministry tabled an inquiry at the Tribunal, demanding that ex-Prosecutor General’s statements be verified and information about steps taken to investigate the issue be given. «The facts of atrocities committed by KLA militants against Kosovo’s Serbian peaceful residents under the slogans of fighting for independence that have now become known to broad public,” – the official statement reads, – “are shocking. Small wonder that the revelations of Carla del Pont do not fit the scenario of carving an image of Kosovo Albanians as martyrs, defended by a number of states that wish to use this image as a basis for legitimising Kosovo’s “independence”, the statement of Russia’s Foreign Ministry underlines. By dozing off freedom of speech where crimes against peaceful population are concerned. Apparently aims at dumping the response of international

political circles and society in general over the facts that disclose the criminal pre-history of the illegal sovereignty of Kosovo. The Russian delegation at the session of the EU parliamentary Assembly on April 4-18, 2008 announced its initiative to make the EU responsible for starting investigation of Carla del Ponte's information.

When in 1990s we spoke about the absence of objectiveness in activities of a number of international organisations, the other side would either distrust us, or pretended to be distrustful. Now Carla del Ponte's book gives weighty arguments to investigators and legal experts, even if partly removing the cover over the backroom games some states are playing to defend their stance. Many people think that the book arrived too late, so the process launched by the ITFY is hard to be reversed. But the book's significance is its casting doubt on the activities of international organisation in the former Yugoslavia and the efficiency of the ITFY itself, also casting a shadow on the KFOR staff and the UN peace-keepers. It also makes sit possible to sue Carla del Ponte for intentionally concealing from justice the facts of atrocious military crimes, making her an accomplice of their perpetrators.

NOTES

1 Carla del Ponte. Working for many years the best we can//Politika- Belgrade,May 3,2008 p.19

2 Kosovo Security Force

3 United Nations Mission in Kosovo

4 Carla del Ponte Working for many years the best we can // Politika -Belgrade, May 3,2008 ,p.19

5 The Centre for the Studies of the Modern Balkans Crisis of the Institute for Slav Studies, Russian Academy of Sciences.

6 Carla del Ponte. Неправда је семе будућих ратова //Politika, Belgrade, May 1-2, 2008, p.33.

7 Fokina k.Nacharov S. The Chairman of the Association of SSerbs Disappeared in Kosovo Simo Spasic: We are Suing Carla del Ponte. She Knew about Concentration camps for Serbs//Izvestia. -M.2008, April 4

8 Fokina K., Nacarov S.. The Chairman of the Association of the Disappeared Kosovo Serbs Simo Spasic: We will sue Carla del Ponte. She knew about concentration camps for Serbs.//Izvestia. - M. 2008. April 4

9 HRW:istraga o trgovinin organima//BBC Serbian. Com - 2008, May 6.

10 Carla del Ponte: Working for many years the best we can...

11 Ditto

12 Ditto

13 Carla del Ponte Кажем Нинниhy//Politika, Belgrade. 2008, April 23, p.29

14 See 7

15Quote: <http://www.koreni.net/modules.php?name=News&file=article&sid=1054>; Bavyrin D.The Albanian Solidarity // Vzglyad. -M.2008 -March 22. <http://www.vz.ru/politics/2008/3/22/154104.html>

16 What has the Hague Tribunal Forgive the Albanian Terrorist and Promising Kosovo politician Ramus Haradianai?//REGNUM.. - 2008. - April 6.

17 Tribunal vise razloga da postoji//Blic.- Belgrade, 2008. - April 4.

18 Klimenko Z.V. Basic Parametres of the Activities of the International Tribunal for Investigation of Military Crimes in the Former Yugoslavia. Presentation at the international conference "Present-day problems of the post-Yugoslav space and Russia's stance". Moscow, November 13,2002. HRW: istraga o trgovini organima // BBC SERBIAN.com. - 2008. 6 maj.

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