

# Indicting Hashim Thaçi: The Kosovo Specialist Prosecutor's Office Gets Busy

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*When it comes to the touchy, violent matter of Kosovar affairs, history keeps company with the devils of nationalism and vengeance. Serbia remains scornful of the aspirations of the territory, whose legitimacy it does not recognise; Kosovo remains spiteful of Serbia's continued interest, and attempts, at any given turn, to frustrate their neighbour's effort at European integration. Blood tinged memories between the two sides reign with relentless fury.*

On the issue of war crimes, crimes against humanity, and the dreaded term of genocide, the lion's share of the blame was initially attributed to Serbian forces. Slobodan Milošević was seen as flag waving butcher and regional bug bear, a Balkan *génocidaire* who eventually faced the stiff legal tunes of the International Criminal Tribunal for the Former Yugoslavia. He died before judgment could be delivered.

With Serbia cast in the role of permanent villainy, and its enemies validated and sanitised as good patriots, it seemed unlikely that the Kosovo Liberation Army, not disinclined towards perpetrating atrocities, would face the scrutiny of bench and gavel. They were given good cause to think so; the bombing campaign by NATO forces in 1999 was initiated on the side of Kosovar Albanians ostensibly to halt the genocidal rampages of Serb forces. It prompted the war studies academic Lawrence Freedman [to warn that](#), "War in the name of morality provides as many reasons for historical shudders as war in the name of self-interest, for at least the latter may be easier to call off when self-interest calls for compromise." Sides had been picked, and the KLA was emboldened.

As late as last year, a key figure in this rocket-charged humanitarian evangelism, former US President Bill Clinton, became a spectacle, paraded around on the occasion of the 20<sup>th</sup> anniversary of the bombings on a visit to Pristina. He was on nationalist show for Kosovo's grateful President Hashim Thaçi, [who had awarded him the Order of Freedom](#).

"We thank you for the just decision to stop the Serbian genocide during 1999. We are very grateful for the support of the US in Kosovo. The story of Kosovo is a story of joint success. You are our hero."

Behind such triumphalism, scrutiny about the conduct of KLA officers has been levelled, notably within European Union circles. In December 2010, Council of Europe rapporteur Dick Marty brought the issue to light [in a report](#) alleging a range of human rights abuses, crimes and atrocities committed by a good number of Kosovo's current luminaries. A prominent figure in the report was Thaçi himself, a member of the "Drenica Group" who had "played vital roles as co-conspirators in various categories of criminal activity". Those in the

group “have been investigated repeatedly in the last decade as suspects in war crimes or organised criminal enterprise, including in major cases led by prosecutors under UNMIK [UN Interim Administration Mission in Kosovo], the ICTY and EULEX [European Union Rule of Law Mission in Kosovo].”

First-hand accounts suggested that Thaçi, along with Xhavit Haliti, Kadri Veseli, Azem Syla and Fatmir Limaj, had “ordered – and in some cases personally overseen – assassinations, detentions, beatings and interrogations in various parts of Kosovo and, of particular interest to our work, in the context of KLA-led operations in the territory of Albania, between 1998 and 2000.”

A few observations in the dark report stand out like raging sores: members of the Drenica Group and their associates “would have been convicted of serious crimes and would now be serving lengthy prison sentences” but for two critical reasons: the successful elimination, intimidation into silence, of “potential and actual witnesses against them (both enemies and erstwhile allies), using violence, threats, blackmail, and protection rackets” and “faltering will on the part of the international community to effectively prosecute the former leaders of the KLA.”

The report stirred pressure within European circles, leading to the creation of the Special Investigative Task Force (SITF) which [presented its findings](#) in 2014. This propelled the creation of the Hague-based Kosovo Specialist Chambers, a hybrid judicial body established [under a 2015 law](#) adopted by the Kosovo Assembly, a product of pressure on the part of Pristina’s allies rather than persuasion, charged with trying alleged crimes committed by KLA members during between 1998 and 2000. The court’s mandate is set to conclude only when Kosovo is notified by the Council of the European Union that investigations and proceedings have been finalised.

The Specialist Chambers have taken their time. For over four-and-a-half years, there were no indictments. Processes and protocols were being established, regulations formulated.

“It was challenging setting up the entire administration of the court, drafting and adopting the rules of procedure and evidence, adopting internal rules and regulations,” [explained](#) Specialist Chambers spokesperson Angela Griep.

As this was happening, vain efforts were made to revoke or alter the law establishing the Specialist Chambers, citing discrimination against Kosovo Albanian guerrillas. Thaçi has certainly been busy behind the scenes, doing his bit of beavering to disrupt any investigation. Understandably wishing to mine the veritable quarry of US President Donald Trump’s suspicions of international legal bodies, [he pressed](#) US Secretary of State Mike Pompeo in November 2019 to change the mandate of court, and its location in The Netherlands. His letter expressed an open concern about the Specialist Chambers and the Specialist Prosecutor’s Office, suggesting that such bodies continued operating in direct conflict with the judicial structures of the territory.

In his reply of November 29, 2019, Pompeo warned of grave consequences should Thaçi prove uncooperative.

“The abolishment or undermining the work, structure or locations of the

Kosovo Specialist Chambers and Specialist Prosecutor's Office in any way," the secretary's [warning letter went](#), "would seriously infringe Kosovo's credibility in the world."

Such behaviour would tarnish Kosovo permanently, questioning its commitment to the rule of law, denying justice to victims and muddy its future.

On June 24, the Specialist Prosecutor's Office revealed in a [press release](#) that it had filed a ten-count indictment with the Kosovo Specialist Chambers on April 24.

"The indictment alleges that Hashim Thaçi, Kadri Veseli, and the other charged suspects are criminally responsible for nearly 100 murders. The crimes alleged in the Indictment involve hundreds of known victims of Kosovo Albanian, Serb, Roma, and other ethnicities and include political opponents."

The indictment had been kept under wraps, but it was felt that "repeated efforts" by Thaçi and Veseli to obstruct and undermine the office via "a secret campaign to overturn the law creating the Court" necessitated its disclosure.

Given the alleged exploits of those of the Drenica Circle, the fear now lies in witness protection prior to any proceedings that will take place in the court's pretrial chamber, which will have to confirm the indictment. The detractors within Kosovo will not be happy to oblige, and obstacles will be deployed. Edi Rama, Albania's Prime Minister, gazing at the whole affair with nationalist tinted glasses, [already has his assessment](#):

"It is a statement that does not only throw mud against Thaçi or Veseli or the Kosovo Liberation Army but [attacks] Kosovo and Albanianism."

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