

Del Ponte, Haradinaj and the Kosova Status

By Xhavit Shala

The news that Hague tribunal¹ had allowed Haradinaj to become engaged in the political process was received with optimism by Albanian political circles. The Hague “license” that permits Haradinaj’s political activities came as good omen on the eve of the Kosova final status talks. The reactions in the region and beyond over The Hague decision, however, varied.²

Haradinaj convinced that his actions in the war were in concordance with war moral, international rules and code of manhood, considered The Hague decision only a partial restitution of his right to work and give his contribution to building a democratic society in Kosova. Having cooperated with the Hague tribunal to the full, Haradinaj believed that his political engagement would positively contribute to the political processes in Kosova and would be of benefit for all citizens.³

The Hague decision was welcomed by the Kosova President Ibrahim Rugova. Making no efforts to hide his satisfaction that he would now have an additional collaborator in his mission, he considered the political return of Haradinaj an additional asset in the positive processes of building the independent state of Kosova.⁴ The decision was also criticized by Belgrade and was backed by Tirana. The Minister of Foreign Affairs of Albania, Mr. Mustafaj, expressed his conviction that Mr. Haradinaj would continue to play constructive role as a factor of unity in Kosova’s political spectrum. “He would help serve Kosova together with the international community and further promote dialogue between Prishtina and Belgrade on issues of mutual interest.”

Within 24 hours of The Hague decision, the political freedom granted to Ramush, while still partial and controlled by UNMIK, caused quakes in European capitals. The first reaction came from the Hague Chief Prosecutor, Carla Del Ponte, who said that she was very disappointed with the decision.⁵ She considered it unprecedented and a decision that

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² The article published in “Korrieri” newspaper on 21.10.2005

³ The Chairman of Kosova AAK, Ramush Haradinaj, expressed his satisfaction with the decision of the Hague Tribunal of October 13, 2005, that allowed him to resume his political activities. In a press release issued soon after the decision, Haradinaj called for all parties to support the political process in Kosova with the goal of building a democratic society where all are equally protected by the law.

⁴ The Hague Tribunal decision to let Ramush Haradinaj, participate in public and political activities will have a positive effect in the political process in Kosova, Kosova President Ibrahim Rugova said today. BBC Service, October 15, 2005.

⁵ The Hague (13 October) – Carla Del Ponte, Chief UN War Crimes Prosecutor did not agree with Hague Tribunal decision allowing Haradinaj to participate in the political activities. She said she would appeal the

could negatively affect the process against Haradinaj and intimidate witnesses from testifying against him. Indirectly, she also accused the Court of applying double standards and said that she was determined to appeal the decision.

Ms. Del Ponte is recognized and respected by Albanians for her contribution in the fight against the mafia and then her commitment to prosecute the war criminal of former Yugoslavia. However, one cannot but be surprised by Del Ponte's commitment when it comes to the Kosovars. With her persistence in this path, she has now tried to put the victims at the same plane as the aggressors. This was demonstrated by her continued efforts to find war criminals in Kosova. While she had all the time to bring any charges she wanted, she waited until Haradinaj become Prime Minister to bring the charges. Now she considers her account with the Serb settled because while she was not able to charge the counterpart of Milosevic, she was able to penalize the Kosovar Prime Minister.

One cannot fail but notice that Del Ponte's charges against Mr. Haradinaj were communicated at the time when he was working intensively and was successful in reaching standards established by the Contact Group, specially those standards relating to minority rights. The Hague Chief Prosecutor appointed to punish the perpetrators of war crimes almost provoked a war in Kosova when it put Haradinaj on the same plane with Milosevic. It was Haradinaj's maturity, the trust in the Hague Tribunal, his willingness to hand himself over and the call he addressed to Kosova people to stay calm,⁶ and the maturity of Kosova society that understood properly the messages sent by its PM as well as the readiness of KFOR, that kept Kosova from destabilization.

It was to be expected that the American who are making efforts to build long-term stability in the Balkans could not agree with Del Ponte's "legal" arguments. Kosova is a fundamental factor in the stability of the Balkans. Haradinaj's case can not be compared with any other case currently in the Hague, such as the case against Karadzic and Mlladić, the U.S. Undersecretary of State Nicholas Burns⁷ said shortly after the announcement made by Carla Del Ponte.

decision. Florans Artman, Spokesperson for the Chief UN War Crimes Prosecutor said today that, "We can not accept the application of double standards when there are also other politicians accused of war crimes for whom this issue has never been brought up. The Chief Prosecutor is against this decision and will appeal it." The Spokesperson said that the Prosecutor was against both the release of Haradinaj and his public appearances until the end of the trial. With its decision on Wednesday, the Tribunal gave to UNMIK the power to decide on the political activity of Haradinaj on a case by case basis. Haradinaj handed himself over to the Hague tribunal a few months ago but was released in lieu of his trial. (B92, Tanjug, Beta, RTS, Reuters - 13/10/05)

⁶I feel offended by this process, deeply insulted. I feel that they are taking me away from my work at a time when I was giving my maximum for the future of my country. I have to accept this development for the sake of the country and for the sake of all of us. I am a citizen of Kosova and I sacrifice myself freely for my country. That is why I accept to carry this burden. I ask of you all to accept this fact. I ask of you all to accept something that is unacceptable but I ask you to do this for the honor of our state and our nation. I ask you to put first the major interest of the country. (Excerpts from Haradinaj's statement, Prishtina, Prishtina, 8.3.2005)

⁷ Balkanweb 15 October 2005

In reality, Del Ponte is using double standards in her pursuit of war crime's indictees. She says that she fears that Haradinaj's release will damage her process and allegedly scare the witnesses from testifying. Apparently, Haradinaj who agreed to switch his prime ministerial chair for the Hague cell, is more of a danger than Gotovina, Mlladić and Karadzic, who are "free" to do whatever they want with witnesses and have declared that they do not recognize at all the Hague tribunal.

Del Ponte does not use the same standards even when it comes to dealing with the countries of origin of those indicted. She stopped Haradinaj from continuing his political activity on behalf of resolving the problems of Kosova, and serving as a factor of unity within the Kosovar political class. As a reliable interlocutor for the international community, he could have been of great help in resolving the final status of Kosova. In the meantime, she did not hesitate to undertake a political decision, supporting Croatia in its efforts to join EU. Her statement that Croatia is making efforts to arrest Ante Gotovina was of decisive importance for the start of Croatia's EU membership negotiations.

The Serbs and the left wing Greek opposition coalition have been in the same line with Carla Del Ponte when it comes to Haradinaj's case. The Greek left wing coalition (Sinaspizmos) accused Undersecretary of State Nicholas Burns of demonstrated a biased engagement on Kosova and said that the independence of Kosova could bring about the destabilization of the Western Balkans.

Upon request from Carla Del Ponte, the Hague Tribunal suspended the permission given to Haradinaj to engage in political activities in Kosova.⁸ Continuing to maintain our faith in the fairness of the Hague tribunal, let us hope that Del Ponte's actions against Albanians will be motivated only by the law and will have no religious motivation. Otherwise, we would be led to believe that she is not as some called her "the unguided missile," but a missile with an anti-Albanian course.

⁸ BBC 15 October 2005: The UN War Crimes Tribunal in The Hague, following a request by the Chief Prosecutor Del Ponte, decided to suspend its previous decision until a decision is issued on the appeal.