

Comment: Kosovars Must Confront Their Demons

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Facing up to the past cannot be confined to demanding justice for crimes committed by others.

Albanian public opinion overwhelmingly sees the recent sentencing of the "Lap group" of former Kosovo Liberation Army, KLA, members for war crimes against Albanian civilians as unjust.

They believe it is politically motivated and will harm the prospects of reconciliation between Serbs and Albanians.

A panel of international judges jailed the former KLA commander Rrustem Mustafa to 17 years for ordering the murder of five Kosovo Albanians he believed had collaborated with the Serbs, and for "failing to prevent illegal detention" in the Lap region of northern Kosovo during the 1998-99 conflict.

Naziv Mehmeti was sentenced to 13 years, Latif Gashi to 10 and Naim Kadriu to five.

The oldest Albanian human rights NGO, the Council for Human Rights and Freedom, damned the sentences as an " UNMIK attempt to criminalise the KLA's fight for freedom and equalise the liberalisation war and the struggle for self-defence of Kosovo Albanians with Serbia's genocidal, destructive war of occupation".

Several actions by extremists in Pristina and Podujevo since the judgment have contributed to an impression that the international courts in Kosovo are not accepted as guarantees of justice and rule of law.

The question is why no one in Kosovo supports the international judges' actions and why the majority rallies behind critics of trials of former KLA members guilty of war crimes.

Before engaging with this issue, it is important to restate that Serb forces committed massive, brutal war crimes in the Kosovo conflict as a result of which the Hague tribunal has indicted several top Serbian officials.

The former Yugoslav president, Slobodan Milosevic, was the first, followed by the Yugoslav army ex-chief of staff, General Dragoljub Ojdanic, the former federal deputy prime minister, Nikola Sainovic, and the former Serbian president, Milan Milutinovic. All were indicted for individual and command responsibility.

Serb crimes committed in Kosovo have also been raised during the Milosevic trial, though it would take years to document all such atrocities.

Albanians do not object when the tribunal stages trials for war crimes committed against Albanians. They are also right to think that justice will not be served only through the court.

When the members of the special police and army units who perpetrated war crimes in Kosovo are tried in Serbia, it will show the rule of law exists here, and that Belgrade accepts responsibility for the atrocities committed under Milosevic.

The truth is that no such trials have taken place in Serbia, although those who are said to have ordered and perpetrated these crimes rank lower than the Hague indictees and are accessible to the local courts.

In Kosovo, on the other hand, although there are trials of Serbs alleged to have committed war crimes in the places previously mentioned, Albanian public opinion remains dissatisfied with the way international judges are dispensing justice.

At the root of Albanian dissatisfaction lies a widespread belief that Albanians were victims and that no such status belongs to Serbian civilians, or to Albanian and Roma civilians whom the KLA suspected of collaboration with the Serbs.

No one in Kosovo talks about the murder and disappearances of Serb and Roma civilians and of alleged Albanian traitors in 1998 and after the international forces arrived.

Everybody knows that on the very day the Serbian police and the army pulled out of Kosovo and international forces, KFOR, entered, the hunt began for those Serbs who remained behind.

But nobody is prepared to talk about it. The remaining Serbs were seen as war criminals. It was easy to arrest and accuse them of genocide, or of war crimes. Every Serb murder was justified by the explanation that the victim was a paramilitary, guilty of genocide. Serbs under arrest were convicted before their trials started.

When UNMIK nominated its international judges, many Albanians naturally expected them to sentence every accused Serb on behalf of the murders committed by the Serb forces.

Trouble began when the international prosecutors started changing the indictments of the local Albanian prosecutors, as they did with Milos Jokic. Charged with genocide by local prosecutors, he was released by international judges.

When Sava Matic, another Kosovo Serb, was acquitted, Albanians protested outside the court in Prizren. They saw the freeing of a Serb as a denial of the fact that crimes had even taken place, not as a judicial decision relating solely to whether this man was guilty or not.

Similarly, they perceive other acquittals of Serbs by international judges as failed justice, as another sign that the international community is not on their side.

At heart, there is a deeply-rooted belief that all Serbs are guilty of war crimes. This is why they feel an injustice every time one is freed by the courts, regardless of whether there is any evidence that he committed a crime.

Albanian antipathy towards the international judges presiding over the Lap group trial mirrors their belief that war crimes were committed only by Serbs, not by Albanians.

This is why no one in Kosovo recognised the trial as an important legal and moral lecture to Albanian society. Their sentencing, in fact, showed no one has the right to take the law into his own hands, not even former KLA men, such as Mustafa, Gashi, Mehmeti and Kadriu.

Their trial saw the first public mention of the crimes that everyone in Kosovo knows about but prefers not to talk about, either from fear of revenge or because they believe the KLA men were right to kill former Serb collaborators.

The guilty verdict of the international court under Judge Timothy Clayson has opened a window of opportunity for Kosovo Albanians to reconcile themselves to their recent past. Facing up to the past cannot be limited to seeking justice for crimes committed by Serbs.

Just as Serbian society must face up to the crimes committed by the Serbian police, army, paramilitary units and armed civilians, Albanian society must confront its own history. Their past was also marked by crimes, committed against Serbian and Roma civilians, as well as by murders and disappearances of Albanians accused of cooperation with the Serbs.

Reconciliation between nations only starts when they acknowledge their own responsibility, thus reinstating the human dignity of the victims of political and ethnic murders. That is the reason why the sentencing of the Lap group should be seen as a contribution to Kosovo Albanian society as it faces up to its own past, not as an obstacle to ethnic reconciliation.

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This is the second article in a series of pieces on the war crimes debate in Kosovo.

Location: Serbia
Kosovo

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