

Kosovo: Witness Protection Fears Grow

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Slain witness in KLA trial snubbed UN offer of protection.

A key witness of alleged Kosovo Liberation Army atrocities who was later shot dead turned down UN protection, a senior United Nations Mission in Kosovo, UNMIK, source told IWPR this week.

The revelation comes as serious questions are being raised about the UN's ability to protect key trial witnesses.

Former KLA insider Illir Selimaj, murdered in a roadside ambush near Peja in western Kosovo on April 14, was unveiled as one of the main prosecution witnesses in the trial in Pristina of a five-man KLA unit, called the Dugagjini Group, in November 2002.

The unit, headed by Daut Haradinaj, was sentenced to a total of 31 years imprisonment for the abduction, torture and murder in June 1999 of four members of rival Albanian guerrilla unit - the Armed Forces of Republic of Kosovo, FARK, allegedly linked to Kosovo's president Ibrahim Rugova.

Illir Selimaj's testimony effectively buried the group. As an active member of Haradinaj's unit, he was an eyewitness to the gruesome murders, only agreeing to testify in exchange for his own release.

Barry Fletcher, UNMIK police spokesman in Pristina, told IWPR on April 28 that Selimaj had been offered protection, but had turned it down.

Selimaj's murder is a severe blow to UN efforts to build an effective and even-handed judicial system in Kosovo, as it is likely to discourage potential witnesses coming forward to testify in war crimes trials, particularly against the KLA.

Rumush Haradinaj, president of the third largest Albanian party in the Kosovo assembly - the Alliance for the Future of Kosovo, AAK, and Daut Haradinaj's brother, has condemned the killing, admitting that it is one in a series of murders of witnesses.

"This murder is a continuation of other similar acts, which serve to destabilise Kosovo and to create the feeling of insecurity among Kosovo's citizens," said an AAK statement.

Selimaj's aunt Feride also died during the shooting, in which her husband Deme, 37, and children Drita, 14, and Kushtrim, 4. They are currently recovering under the protection of UNMIK police.

Fletcher told IWPR that UNMIK police firmly believes the assassination was revenge for Selimaj's testimony in the Dukagjini group trial.

UNMIK moved quickly to identify Adem Elshani, 28, from the village of Ozdrim, western Kosovo, as the prime suspect for the murder.

Elshani, meanwhile, is maintaining his innocence. Pristina daily, Epoka e Re, published a statement from him earlier this month claiming that he lives in Germany and that he was there on the day of the murder. "Elshani is enraged by the scandalous warrant application and has called UNMIK police investigators from Germany to explain his whereabouts in the time of the murder," the title said.

UNMIK police doubt the credibility of the statement, said Fletcher, adding that Elshani should give himself in and prove his alibi.

Sources in UNMIK police told IWPR they do not exclude the possibility of Elshani's involvement in the shooting of former FARK commander Tahir Zemaj and his family earlier this year. Zemaj had also been a witness at he Dugagjini trial.

The series of killings has alarmed the international community. The day after Selimaj's assassination, the head of the US Office in Pristina, Reno Harnish, said that such murders are undermining attempts not only to bring justice to the protectorate but also "prevent Kosovo from meeting the standards it must achieve before final status can be discussed".

UN's efforts to date in providing an effective witness protection programme have proved a limited success. Many cases have failed due to witnesses being too frightened to confirm publicly the statements given to investigating judges.

UN officials in Kosovo, including the tribunal's chief prosecutor, Carla del Ponte, have complained that the main obstacle in pursuing the fight against criminal activities in Kosovo, both during and after the war, is the lack of willingness of eyewitnesses to appear in the courtrooms.

The UNMIK chief administrator, Michael Steiner, told the UN Security Council in his last address in December 2002 that potential witnesses for trial cases in Kosovo have been systematically intimidated or killed.

A source in UNMIK's department of justice, who wanted to remain anonymous, told IWPR that prospects of providing protection to witnesses are limited and that the matter depends largely on the willingness of UN member states to provide them shelter in high profile cases.

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