

Serbia: Albanian 'Bargaining Chips'

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Belgrade wants to exchange Albanians held in Serbian prisons for alleged Serb war criminals detained in Kosovo.

A year after the fall of Milosevic and more than two years after the end of the Kosovo conflict, over 100 Albanian political prisoners are still languishing in Serbian jails. Analysts claim the prisoners - the last of over 2000 Albanians imprisoned during the conflict - are being held as bargaining chips in negotiations with UNMIK over the future of 40 Serbs accused of war crimes in Kosovo.

There is no legal obstacle to the release of the Albanian inmates, as both the Yugoslav and Serb parliaments passed an amnesty law last February. But Belgrade is refusing to grant a general pardon, insisting instead on a "head for head" prisoner exchange with the detained Serbs.

As Belgrade considers making such an exchange a precondition for Kosovo Serb participation in the November parliamentary elections in Kosovo, the issue has come to dominate discussions between the chief of the Serbian government coordinating team for Kosovo and Metohija, deputy president Nebojsa Covic and the chief UN administrator in the province, Hans Haekkerup.

There is also considerable domestic resistance to an amnesty from the families of between 1500-2000 Serbs still missing in Kosovo, according to the leaked minutes of a ruling DOS coalition meeting recently published in the Banja Luka weekly Reporter. The families believe their missing relatives are being held in privately-run prisons in Kosovo and northern Albania and they want Belgrade to use its leverage on UNMIK to find and release them.

The Albanian political prisoners were found guilty of terrorism and are being held alongside another 100 Albanians sentenced for criminal offences. The Humanitarian Law Centre in Belgrade claims that their trials were not conducted fairly, with insufficient prosecution evidence presented and defence witnesses prevented from taking the stand.

But the Serbian authorities insist that Serbs imprisoned in Kosovo are also political prisoners. Vladimir Bozovic, head of justice and human rights in the coordinating team for Kosovo and Metohija, complains that their trials were politically motivated, riddled with irregularities and relied solely on Albanian witnesses.

The authorities have issued an official request to UNMIK - in whose jails the Serb prisoners are held - to grant a general amnesty to all Serbian prisoners in Kosovo. The request, which claims that Serbs are being prosecuted on the basis of nationality, not guilt, was filed on October 31 and widely reported in the Serbian media.

Natasa Kandic, director of the Humanitarian Law Centre in Belgrade, rejects the notion of a prisoner exchange between political prisoners on one side and those sentenced for war crimes on the other. She said the Serbs found guilty of war crimes were tried by international judges in Kosovo "who cannot be politically or ethnically motivated, so they would have received a fair trial".

Kandic argues that the Albanian prisoners should be released on purely humanitarian grounds. "At the end of a conflict it is normal procedure to grant an amnesty to all prisoners of war who did not commit war crimes," she said. "This could even help improve relations between the two sides." Kandic maintains that the Albanians should not remain behind bars, since they did not violate any international laws and their main crime was to wear a KLA uniform.

One of the more prominent prisoners, Albin Kurti, was captured - unarmed - within a few hundred metres of his Pristina flat during the NATO bombardment, then transferred to Serbia as Yugoslav forces left the province in summer 1999. Kurti who was a spokesman for NLA political representative Adem Demaqi, was sentenced to 15 years imprisonment on a terrorist charge. His former boss, by contrast, can freely visit Belgrade and Novi Sad.

Kandic has visited the political prisoners and says that their conditions have improved since the change of government in Belgrade, a view borne out by an Albanian detained in Cuprija prison, central Serbia. Speaking anonymously, he told IWPR that inmates were routinely beaten under Milosevic, up to three times a day in the immediate aftermath of the conflict.

This practice has now stopped, but eight prisoners must still share a tiny cell and are allowed only 40 minutes of exercise per day. Despite these hardships, the prisoner in Cuprija said he considered the proposal of an exchange with Serbs found guilty of war crimes to be totally unacceptable.

But while the inmates themselves may be prepared to hold out on principle, their families are increasingly desperate. The father of an Albanian political prisoner held in Sremska Mitrovica jail said that his family would endorse whatever agreement is necessary to ensure the safe return of his son to Kosovo.

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