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Kosovo gets the Israel treatment

By Marko Attila Hoare, 28th January 2011

EXECUTIVE SUMMARY:

- 1. The allegations contained in Dick Marty's Parliamentary Assembly of the Council of Europe report, accusing senior Kosovars including Prime Minister Hashim Thaci of trafficking in human organs, should be fully investigated without prejudice to the latter, who should be presumed innocent until proven guilty.**
- 2. Marty's report does not represent an impartial investigation into possible Kosovar crimes, but reflects a political agenda hostile to Western policy with regard to Kosovo, so should not be automatically assumed to be accurate or objective.**
- 3. Whatever the outcome of the investigations, the democratic world should stand by Kosovo, the legitimacy of whose independence and statehood should remain above question.**

The 'Israel of the Balkans' was how journalist Michael J. Totten once described Kosovo. Well, Kosovo is certainly receiving the Israel treatment now: real or alleged crimes of its political and military leaders are being loudly trumpeted by the very states that would like to see it wiped off the map. The Putin regime in Russia, which for the past two years has blocked Kosovo's full international recognition as a ploy to divide Serbia from the West and derail the Euro-Atlantic integration of the Western Balkans, has **led demands** for an international probe into allegations of organ trafficking on the part of Kosovar

officials. This is the same Russia that ranks **154th out of 178** countries on **Transparency International's** corruption index – 44 places lower than Kosovo, at 110th place, and 63 places lower than Albania, at 87th place. Serbia's President Boris Tadic has likewise been **prominent** in demanding an international probe. He has **lambasted** the role of organised crime in the Balkans, claiming that 'It subverts politics. It corrupts economies' and 'it kills to steal parts of people's bodies', an unsubtle allusion suggesting that his statement had less actually to do with opposition to organised crime, and more with the ongoing Serbian campaign to undermine Kosovo's independence.

Both Kosovo and its enemies are, however, agreed that an international investigation must take place. Both Prime Minister Sali Berisha of Albania and Prime Minister Hashim Thaci of Kosovo – himself the most prominent Kosovar accused by the Parliamentary Assembly of the Council of Europe's [report](#) into organ trafficking – have **called** for an independent international investigation into the allegations. Such an investigation is indeed essential. If Thaci and other accused Kosovars are guilty, then they must be brought to justice. If they are innocent, they must be exonerated. Either way, it is in the interest of Kosovo and its people that the matter be resolved. Thaci was re-elected prime minister of Kosovo in December, and it would be a monstrous injustice to Kosovar democracy for a freely elected prime minister to carry the stigma of crimes of which he is innocent; equally, a democratic Kosovo founded on the rule of law requires that any war-criminals or other criminals from among its ranks be brought to justice, no matter how high-ranking they be. If Kosovo is the Israel of the Balkans, it is worth remembering that it is a tribute to the Israeli justice system that Israel's former president Moshe Katsav was recently convicted of rape and sexual harassment by an Israeli court.

Since Thaci has accepted the need for a full and independent international investigation into the organ-trafficking charges and is not attempting to obstruct the course of justice, he is entitled to the degree of respect due to the democratically elected leader of a national government, and should be assumed innocent until proven guilty. Other high-ranking officials of former-Yugoslav states have been prosecuted for war-crimes but found not to be guilty – including Serbia's former president Milan Milutinovic and Bosnia's former chief of staff of the army, Sefer Halilovic. Earlier investigations having **failed** to uncover any evidence that members of the Kosovo Liberation Army were involved in trafficking the organs of their captives. There is therefore reason to give Thaci and his fellow accusees the benefit of the doubt – so long as they continue to cooperate with international investigations.

Were Marty's report merely the result of an impartial investigation into allegations of war-crimes, it would be something that all Kosovars and all friends of Kosovo could welcome unequivocally. After all, the prosecutions of Serb and Croat accused war-criminals by the International Criminal Tribunal for the former Yugoslavia (ICTY) were welcomed by all Serb and Croat democrats, and opposed only by nationalists. Indeed, a previous sitting Kosovar prime minister, Ramush Haradinaj, was indicted and prosecuted by the ICTY, and though acquitted, is now in the process of being re-tried.

What makes Marty's accusations problematic is not the idea that a high-ranking official of Kosovo should be accused of war-crimes, but that they are linked to an anti-Kosovar political agenda. Marty was a sworn opponent of Kosovo's independence, and chose to publish his report immediately after its principal target, Thaci, was victorious in Kosovo's general election. The report is not limited to specific criminal allegations against individual Kosovars – such as might be found in an ICTY indictment – but also constitutes a critique of Western policy. Marty's report pointedly states: 'The NATO intervention had essentially taken the form of an aerial campaign, with bombing in Kosovo and in Serbia – operations thought by some to have infringed international law, as they were not authorised by the UN Security Council – while on the ground NATO's *de facto* ally was the KLA.' The strong implication is that the 'some' include Marty himself. The language used in the report, including the use of terms such as 'frightful', 'horrendous', 'wicked', 'insane', and references to Marty himself in the first person, including a reference to his own – 'sense of moral outrage' – suggest above all a personalised statement of opinion and value-judgement.

As Marty's report presents it, international intervention in Kosovo has been unduly biased in favour of the Kosovo Albanians and against Serbia: 'The appalling crimes committed by Serbian forces, which stirred up very strong feelings worldwide, gave rise to a mood reflected as well in the attitude of certain international agencies, according to which it was invariably one side that were regarded as the perpetrators of crimes and the other side as the victims, thus necessarily innocent. The reality is less clear-cut and more complex.' And again: 'All the indications are that efforts to establish the facts of the Kosovo conflict and punish the attendant war crimes had primarily been concentrated in one direction, based on an implicit presumption that one side were the victims and the other side the perpetrators. As we shall see, the reality seems to have

been more complex.’ And again: ‘what emerged in parallel [to the crimes being carried out by Milosevic's Serbia] was a climate and a tendency according to which led to all these events and acts were viewed through a lens that depicted everything as rather too clear-cut: on one side the Serbs, who were seen as the evil oppressors, and on the other side the Kosovar Albanians, who were seen as the innocent victims.’ Consequently, ‘The international actors chose to turn a blind eye to the war crimes of the KLA, placing a premium instead on achieving some degree of short-term stability.’; ‘International officials told us... that the approach of the international community could be aptly encapsulated in the notion of “stability and peace at any cost”. Obviously such an approach implied not falling out with the local actors in power.’ Marty’s unconcealed agenda is to correct this perceived pro-Albanian imbalance in international policy.

On another occasion, Marty **said** ‘Most of the facts mentioned were known ... and there is a silencing of facts... Those things were known to intelligence services of several countries. They were known to police services, to many people who told us in private, “Oh yes, we know this,” but chose to remain silent for reasons of political opportunity.’ This represents an indictment of the international community as much as of members of the KLA. But it is not a fair one: the ICTY indicted sixteen individuals for war-crimes in Kosovo, of whom seven were Albanians and nine were Serbian officials. Albanians, responsible for less than a fifth of the killing during the Kosovo War, made up two-fifths of the ICTY’s indictees for war-crimes in Kosovo. A sitting Kosovar prime minister was, as noted above, himself indicted. Marty’s claim that only one side has been treated as guilty and the other as innocent by international bodies is therefore false.

Marty’s report complains that ‘the ICTY carried out an exploratory mission to the site of the notorious “Yellow House”, though proceeding in a fairly superficial way and with a standard of professionalism that prompts some bewilderment.’ He has not so much sought to complement and build upon the work of existing mechanisms for international justice, but to dismiss them in the service of his own political narrative, critical of the supposedly pro-Albanian policy of the international community. Rather than let his allegations against members of the KLA speak for themselves, Marty himself tells us what the conclusion should be: ‘The evidence we have uncovered is perhaps most significant in that it often contradicts the much-touted image of the Kosovo Liberation Army, or KLA, as a guerrilla army that fought valiantly to defend the right of its people to inhabit the territory of Kosovo.’

None of this means that Marty’s allegations against Thaci and other Kosovars are necessarily untrue. But it does mean that they are not the accusations of a disinterested investigator, but of someone with an unhidden political agenda. Marty is a member of the Parliamentary Assembly of the Council of Europe, and as **Denis MacShane** writes, ‘the Council of Europe is not some disinterested gathering of Amnesty International or Human Rights Watch parliamentarians but a deeply conflicted politicised body where states mobilise to promote support for their current Weltanschauung.’ MacShane links Marty’s accusations to Russian machinations in the Council of Europe. In these circumstances, there should be no automatic assumption that Marty is right and that Thaci and his fellows are guilty. On the contrary, the onus should very much be on Marty and his collaborators to provide the evidence to substantiate their very serious allegations against the democratically elected prime-minister of a European state.

From Serbia’s Karadjordje Petrovic to Turkey’s Kemal Ataturk and beyond, leaders of national-liberation struggles have carried out massive atrocities but continued to be revered by subsequent generations of their respective nations, and often by outsiders as well. Today, we expect a higher standard of respect for human rights and human life from contemporary statesmen, and are ready to prosecute members of a national-liberation struggle guilty of war-crimes. Yet the crimes of Karadjordje and Ataturk do not invalidate the independence and statehood of Serbia or Turkey; nor do the crimes of Croatia’s Franjo Tudjman invalidate Croatia’s independence and statehood; nor does the Deir Yassin massacre invalidate Israel’s independence and statehood. Whatever the truth of Marty’s allegations, Kosovo’s struggle for freedom and independence from Serbian colonial rule was legitimate and just. Now, more than ever, the democratic world should rally round Europe’s newest democracy, and make clear that independent Kosovo will never, ever be wiped off the map.

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