

S t a t e m e n t

As representatives and in the name of the institutions listed hereunder, constituted by an express mandate of the relevant laws, and with a duty to study, preserve and administer the distant past and recent history of our people, as well as the collective memory materialized in the archive records, we wish to articulate on this 23rd anniversary of KLA's public appearance, our appreciation of the irreplaceable contribution and role of the liberation war of the Albanian people of Kosovo and their citizens, who joined the KLA ranks in support of their noble mission to gain independence, in a legitimate response and defence against Serbian genocide, and mass expulsions, displacements and atrocities committed by the Serbian state with a goal to ethnically cleanse the Kosovo Albanian population.

Despite the growing evidence, consisting of records, facts and testimonies, on the truth about the events and wars that accompanied the inevitable disintegration of the former Yugoslavia; the role and liabilities of individuals, states and various forces, which throws light on and identifies the real forces that caused and incited the conflict and war, as distinguished from those forces that were set up in the conditions of self-defence and collective survival, KLA being a case in point, certain circles and individuals have engaged in ceaseless and frantic efforts to throw mud at and distort the historical truth.

Given the fact that any distortion of the KLA's role, mission and fundamental aim; any defilement and qualification of the KLA as a criminal enterprise, and not as a voluntary, liberating and self-defence people's army, constitute in themselves an attempt to tarnish not just the image of certain individuals, but the national core values of the Albanian freedom-loving and peaceful people of Kosovo, who, although victims of ethnic cleansing, have by no means been instigators and promoters of genocidal policies, we, the representatives of our institutions, based on studies and records pertaining to that period, once again express our considerations, that:

- 1.** The liberation war and resistance of the people of Kosovo, in the period between 1998 and 1999, constitute one of the supreme and most influential values for the future of the people of Kosovo, as an inseparable part of the European family with equal rights. The KLA-led liberation war embodied the resistance against a century-long state of oppression and captivity at the hands of the Serb state, and yielded value to the sacrifices of several generations for the freedom, equality and social justice of a nation constituting the third largest population in the former Yugoslavia;

- 2.** The core program of the KLA-led liberation war consisted in the salvation of the ethnic Albanian being from extermination, protection against and deterrence of crimes against Albanians, and not the commission of such crimes against others at all. The use of weapons was the last resort imposed by the circumstances, because KLA was, at all times, willing to embrace diplomatic and peaceful settlements, as evidenced

by well-known historical facts: the signing by its representatives of the international community mediated Rambouillet Agreement for a peaceful resolution to the crisis; immediate and voluntary disarmament of the KLA members upon deployment of NATO and peacekeeping troops, and the acceptance, exercise of and respect for free and democratic elections by all political forces in liberated Kosovo;

3. KLA and the war of the people of Kosovo, being a just war, sent out widespread international echoes and enjoyed an overwhelming support from the public opinion and numerous organizations. This war was directly backed by the Western democratic states and organizations, culminating with the NATO intervention and launching of air strikes against Milošević's military machinery in order to liberate Kosovo and guarantee a democratic government, under the auspices of the international mission in Kosovo – UNMIK;

4. All developments in the third former Yugoslavia and Kosovo, especially during the armed conflicts, were subject of comprehensive supervision and monitoring by international organisations. Their findings and ascertainment constituted the basis whereupon their policies, positions and provision or not of support for certain forces were built. In that light, they never called into question the character of the KLA war and, in particular, its political position towards national minorities;

5. The support for the liberation war of the people of Kosovo, their right to freedom and independence is also demonstrated by the fact that Kosovo's independence has already been recognised by 112 states, including the United States of America and the vast majority of European Union member states, and that Kosovo has been welcomed as a member of several international organisations. The legitimacy of Kosovo's proclamation of independence was recognized and found as such by the International Court of Justice in The Hague which is a section of the UN;

6. Throughout this period, no international court, including the Hague International Criminal Tribunal for the Former Yugoslavia, which constituted the most specialized and highest international war crimes tribunal, nor local ones, have established any commission of war crimes and/or crimes against humanity, systematically or massively, by the KLA as a military organization or by its leaders and leading sections. At the end of the activity of the Hague Tribunal, the KLA and its chain of command emerged, as held and asserted by solid international organisations and opinion throughout the war period in Kosovo, as a liberating force that led the popular struggle and resistance for freedom and independence with the support of NATO and democratic states and organisations.

However, the latest developments related to the establishment of the Specialized Chambers, their role, mission and purpose, and the drawing up and filing of the latest indictments against the KLA's former founders and leaders run contrary to everything mentioned above. First and foremost, we need to clarify that every comment or position set forth in the present Statement in relation to the Specialized Chambers does not affect the generally accepted principles that the courts are independent, and that every crime, especially war crimes and crimes against humanity, should be punished, regardless of the perpetrator, through due process.

These principles have already not only been recognized, but also honoured, by the entire Albanian community, both in Kosovo and outside of it, as well as Kosovo political forces, institutions, KLA and its former leaders, who have cooperated with the Hague Tribunal for the war crimes committed in former Yugoslavia, and all the accused from the former KLA have accepted the trial without resistance and as common citizens, without seeking special immunity or political protection.

The Specialized Chambers constitute a historical precedent; they were imposed by a political decision of the Council of Europe, based on a public, and also political, accusation. Since this calls into question and compromises the impartiality of and confidence in a fair and uninfluenced trial, everyone has, as such, the right to unfold his/her considerations and disagreements on everything related to the impact of that accusation, and the political intentions behind the establishment of the Specialized Chambers and their further activity.

The establishment of these Chambers was imposed by the above-mentioned decision, based on a specific political and untrue accusation in a report drawn up by a politician, according to whom “KLA structures committed illicit trafficking in human organs from prisoners of war”. It was this new and monstrous accusation that politically legitimized the **violation of the principle of *ne bis in idem*, particularly by a court of a lower hierarchy than the previous court, which was the Hague Tribunal for War Crimes committed in former Yugoslavia, an unprecedented case in international law** and in the practice of every democratic state. It was an extreme necessity to get relief from this accusation not for the accused individuals, but the very war fought by the people of Kosovo, and the international actors that supported that war, that led to an unheard-of situation where the now-accused gave, with their own vote and political influence, jurisdiction to a court to try them for alleged crimes!

The absence in the new indictments of the criminal act of illicit trafficking in human organs calls into question the further legitimacy of the Chambers themselves, and of the special proceedings initiated against the former KLA leaders. Moreover, qualifications and treatments in the indictments, borrowed from Dick Marty’s political report, such as: qualification as a criminal enterprise; mixture of war crimes with post-war crimes and alleged inter-ethnic crimes with inter-party crimes; motivating certain crimes on grounds of religious affiliation, and so on, give rise to a politicization of this process. This is being misused by notorious circles in their attempts to generalise individual charges for individual crimes into accusations against the KLA as a military organization, and against the very character of the war and resistance for the liberation of the Kosovo Albanian people. Those circles are also trying to strike a balance between the state crimes committed by Serbia and specific crimes committed in excess of the right to self-defense and international law by KLA members or citizens of Kosovo, allegedly with a goal to incite inter-religious hatred and conflicts, allegations intended to give the liberation war of the Albanian people the shades and shape of a civil conflict.

None of these conform to the historical truths, present and previous ones. Constituting the principal force of the Kosovo Albanian people’s war and resistance, KLA has been and will be held in high esteem as a legitimate creation of a people in

their efforts to survive the centuries-old ethnic cleansing, displacement and atrocities of biblical proportions, already committed in the 20th century; an organization that, with the support of NATO and democratic forces, brought about the liberation and independence of Kosovo, and the establishment of a democratic order, built on the foundations of interethnic coexistence.

Such an esteem will remain, because the character of great historical events is not determined by the courts, but by the history and truth itself, as contained in and based on public and institutional records and memory. Voicing once more our consideration and gratitude for the war of the people of Kosovo, KLA and its former leaders, we enunciate on this 23rd anniversary our confidence that truth and justice will be at the core of the decisions expected to be made in the initiated proceedings.

Signed in the name of the represented institutions:

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