

Kosovo: former guerrilla leaders sentenced to lengthy prison terms

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Former Kosovo President Hashim Thaçi, one of the leaders of the guerrilla Kosovo Liberation Army (UÇK) and its political wing, the Democratic Party of Kosovo (PDK), has been sentenced to 25 years in prison. The Kosovo Specialist Chambers (KSC) found him and three other UÇK leaders – Kadri Veseli, Rexhep Selimi and Jakup Krasniqi – guilty of war crimes committed against Serb, Roma and Albanian civilians in 1998–1999. Thaçi received the longest sentence due to his responsibility for the unlawful detention of 385 people, the torture of 303 and the killing of 96. Most of the victims had been identified by the guerrilla leadership as political opponents or collaborators. All four defendants voluntarily surrendered to the judicial authorities, with Thaçi relinquishing his presidential immunity in 2020. The judges dismissed some of the charges, determining, for example, that the defendants were not guilty of crimes against humanity. The six years they have already spent in detention will count towards their sentences. All four have announced that they will appeal. The KSC ruling provoked strong reactions in Kosovo and Albania, with protests in Pristina drawing as many as 200,000 participants.

Although the ruling is not final, it is expected to intensify political disputes in Kosovo and may further radicalise public sentiment. The verdict has already been invoked to question the legitimacy of international justice

Commentary

- **The court's decision does not undermine the legitimacy of armed resistance to Serbian repression in Kosovo.** In delivering the verdict, the judge emphasised the importance of distinguishing between the UÇK's legitimate struggle for liberation and the crimes committed by its leaders and other units during the conflict. Since the end of the war, cases of crimes committed by Albanian guerrillas have been documented. These have also become part of Kosovo's ongoing debate about the war, as illustrated, for example, by the permanent exhibition at the Reporting House in Pristina.
- **The most significant outrage in Kosovo stems from perceptions that the sentences imposed on UÇK leaders are disproportionate compared to those handed down for Serbian crimes.** The harshest sentence previously imposed was on the chief of the Yugoslav General Staff, who served 20 years of a 22-year sentence. The UÇK commanders were also not convicted of systematic ethnic cleansing, unlike Serbian leaders tried by the International Criminal Tribunal for the former Yugoslavia (ICTY) for

crimes committed in Kosovo. The KSC, while seated in The Hague, is not a continuation of the ICTY but was established as part of Kosovo's judicial system following a series of scandals involving the intimidation of witnesses in trials of UÇK members. Its judges are international, but its rulings are issued in the name of the 'people of Kosovo'. The announcement of the verdict in Thaçi's case shortly after the ceremonial funeral of convicted war criminal Ratko Mladić in Belgrade has intensified perceptions of injustice in Kosovo and criticism of international justice.

- **If a snap election is held, which appears highly likely, the verdict could strengthen the opposition.** The Democratic Party of Kosovo (PDK), formerly led by Thaçi, accuses the current Self-Determination (Vetëvendosje, VV) government of failing to defend a hero of the liberation struggle. It also argues that the court should not form part of Kosovo's judicial system, even though Thaçi, as president at the time, agreed to this status. The verdict appears politically awkward for Prime Minister Albin Kurti, as it could strengthen the party from which the convicted leaders emerged. Although a fierce critic of Thaçi's many years in power, Kurti also opposes the verdict against the UÇK leaders. To prevent the PDK from returning to power, Self-Determination and the Democratic League of Kosovo (LDK) are likely to seek to resume negotiations over a presidential candidate and avert a snap election.
- **The severity of the sentences has prompted numerous critical assessments of the functioning of international justice.** The United States and Israel have cited this case as part of their broader criticism of such institutions, including the International Criminal Court, which is currently pursuing Israeli Prime Minister Benjamin Netanyahu. The impartiality of the KSC has also been questioned by figures such as President Donald Trump's former special envoy for peace negotiations between Kosovo and Serbia. Former members of the Democratic administration who worked during the Kosovo war and regarded Thaçi as a political partner have also expressed disapproval of the verdict. Serbian NGOs, including the Humanitarian Law Centre, have criticised the Chambers' lack of jurisdiction over crimes committed against Serbs in Kosovo after international forces entered the territory in 1999.
- **Serbian reactions to the verdict have been mixed.** The ruling challenges the narrative advanced by the governing parties and far-right nationalists that the international community holds the Serbian nation solely responsible for the war and associated crimes. Serbian President Aleksandar Vučić criticised the dismissal of the charges that Thaçi had committed crimes against humanity and argued that recognising the UÇK as a liberation movement downplayed crimes against Serbs. These remarks reflect a culture of victimhood prevalent among Serbia's political elites and segments of society, emphasising their own suffering during the conflicts of the 1990s, often in ways that are exaggerated or inconsistent with the facts. More broadly, however, the verdict offers a measure of redress for the victims and their families, which could contribute to reconciliation in the longer term.