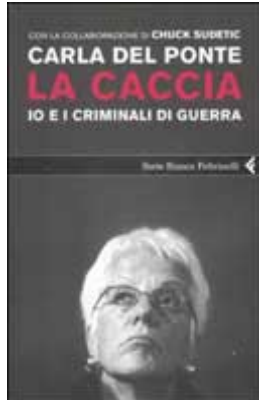


by **Carla Del Ponte and Chuck Sudetic**  
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*An excerpt from former Yugoslav war-crimes prosecutor Carla Del Ponte's controversial memoir.*



*In this excerpt from what has become the most talked-about section of her new book, *The Hunt: War Criminals and Me*, former Yugoslav war-crimes prosecutor Carla Del Ponte tells how her office became aware of stories of people being abducted in Kosovo by the insurgent Kosovo Liberation Army and transported to Albania, where they were killed in order to sell their organs on the black market.*

*The case was stymied by the investigators' inability to trace the sources of the allegations or find more than scattered, if disturbing, signs of suspicious activity, and, Del Ponte suggests, by the intransigence of Western organizations active in Kosovo after the departure of Serbian forces in 1999.*

*Del Ponte concludes by urging world opinion to press authorities to persevere in their efforts to track down accused war criminals – despite the involvement of governments and international organizations in allowing the fugitives to go unpunished.*

#### **From Chapter 11, "Kosovo 1999–2007":**

On January 25, 2001, during my first visit to Belgrade, I had met with family members of missing persons from Kosovo who had gathered inside the foreign ministry building while, in the streets outside, a few hundred demonstrators were filling the air with noise. The chairman of the Kosovo group [representing families of missing Serbs], Ranko DjinoVIC, briefed me and my delegation about the persons who had disappeared in Kosovo between 1998 and 2001. The association had in its possession evidence of criminal activities by KLA members. This evidence, he said, included witness accounts of abductions of men, women, and children, three-quarters of whom were taken captive after the arrival of KFOR and UNMIK. DjinoVIC accused the KLA's top leaders, Hashim Thaci, its political director, and Agim Ceku, its commander, of responsibility for abductions and killings in Kosovo; DjinoVIC said the association had collected the names of 200 kidnapers, all of them KLA members. [Thaci is now the prime minister of Kosovo; Ceku was prime minister from 2006 to 2008.] DjinoVIC asked me to investigate crimes committed after KFOR's arrival in Kosovo in June 1999. I said I would try. But I asked him to urge Yugoslavia's government to support extending the Tribunal's mandate to cover these alleged crimes. At this time, many family members of the disappeared Serbs believed their relatives were still alive and had been transported across the border into Albania, but, strangely, there had been few if any credible requests for ransom payments. Back outside after the meeting, I saw the demonstrators waving placards and heard them shouting "Carla is a whore." Some of them used slingshots to pelt my car with marbles as it pulled away.

The Office of the Prosecutor would eventually receive information, which UNMIK investigators and officials had acquired from a team of credible journalists, about how, during the summer months of 1999, Kosovo Albanians had trucked 100 to 300 abducted persons across the border from Kosovo into northern Albania. These captives were initially locked inside warehouses and other facilities, including locations in the towns of Kukës and Tropoje. According to the journalists' sources, whom they identified only as Kosovo Albanians, some of the younger, fitter captives, who were kept well fed, examined by doctors and never beaten, were transferred to other holding facilities in and around Burrel, including a shack behind a yellow house about twenty kilometers south of the town. A room inside this yellow house, the journalists reported, had been set up as a makeshift surgical clinic; and there, doctors extracted the captive's internal organs. These organs were then smuggled through Rinas airport near Tirana for transplant into paying patients in surgical wards abroad, according to the sources, including one who

described delivering such a shipment to the airport. Victims deprived of only their first kidney were sewn up and confined again inside the shack until they were killed for their other vital organs; in this way, the other captives in the shack learned of their approaching fate; and they reportedly pleaded in terror to be killed immediately. Among the captives reportedly taken to this shack were women from Kosovo, Albania, Russia, and other Slavic countries, and two of the sources said they helped bury the bodies of the dead around the yellow house and at a nearby graveyard. According to the sources, the smuggling operation occurred with the knowledge and active involvement of mid- and senior-level KLA officers. Tribunal investigators found that, while the information from the journalists and UNMIK officials was sketchy, the details were internally consistent and corroborated information the Tribunal had developed in house. "The (Office of the Prosecutor's) in-house material does not ... contain material about Albania as such; however the few witness statements and some other material that we have do corroborate to a certain extent the information above," I read in a memo on this activity. "All the individuals that the sources have mentioned to be in the camp/s in Albania in late summer 1999 had gone missing in summer 1999 and have not been seen since."

The recommendations were obvious: "Bearing in mind the extremely serious nature of these cases, the fact that practically none of the bodies of the victims of the KLA have been found in exhumations in Kosovo and the fact that these atrocities were allegedly committed under the supervision or command of the KLA mid- or high-level leadership, they should definitely be investigated as properly as possible by professional and experienced investigators." The known victims in these cases had probably been abducted after the NATO air campaign had ended – at a time when Kosovo was crawling with foreign peacekeepers and legions of human-rights investigators and aid workers – so it was unclear whether or not the crimes committed during this period fell under the Yugoslavia Tribunal's mandate. The Office of the Prosecutor wanted the journalists and UNMIK to provide the sources' names and other personal details and all other information they had about these allegations. The Office had to compile and analyze all in-house material related to the case. If the journalists and UNMIK were uncooperative, the Office had somehow to identify, locate, and interview the journalists' sources, without knowing their identities or whereabouts; undertake a mission with the sources to the locations in Albania; and, if necessary, conduct a crime scene investigation and exhumations.



*Kosovo Serbs leaving the province after the 1999 NATO bombing campaign. Photo: Kosovo.net*

During the summer of 2002, the Office of the Prosecutor continued to have trouble amassing evidence of sufficient quality to submit indictments. The investigators continued to have trouble finding evidence linking ranking officers with episodes of criminal behavior. Trial attorneys discussed jurisdictional problems in presenting charges based upon incidents that had occurred after the Serbian authorities had departed Kosovo. Many of our victims were elderly men and women who had remained in their villages alone after all the younger people had fled, so we had dead or missing victims and few, if any, witnesses. We still lacked documents outlining the KLA's structure and witnesses prepared to speak about this structure. Teams of forensic anthropologists developed information on about thirty bodies found near Lake Radonjic [in western Kosovo], but, by the autumn, the investigators, using DNA testing, had positively identified only eight.

On October 22, 2002, I was back in Pristina. KFOR's new commander, Fabio Mini, an Italian general, assured me that his forces would be ready to arrest any of the Tribunal's accused at any time and that the appropriate threat assessments of fourteen potential KLA targets had been completed. I told General Mini that one or two indictments might be confirmed by the end of the year. Mini said KFOR would plan first to persuade the accused to surrender voluntarily, but would also have an arrest operation ready to proceed immediately. He, like [French Gen. Marcel] Valentin before him, expressed concern about

UNMIK's trustworthiness. "It will be necessary to cooperate with UNMIK at the last minute," General Mini said. Then he joked about the close relationship between some UNMIK personnel and former KLA leaders. When the first arrests happen, Mini said, "we will see many local leaders going on vacation with a US escort." We also spoke of missing persons, indications that there were mass graves in three areas of northern Albania, and the possible involvement of Albania's secret service. Mini instructed his people to make immediate arrangements for air reconnaissance, including infrared scanning of possible mass grave locations before the winter snows arrived. At UNMIK we learned that one source had demanded 50,000 euros to identify each of two graves in northern Albania.

Only months later did Tribunal and UNMIK investigators travel to central Albania and visit the yellow house the journalists' sources had identified as the place where captives had been killed for their organs. The journalists led the investigators and an Albanian prosecutor to the site. The house was now white; the owner denied that it had ever been repainted even though the investigators saw obvious blotches of yellow along the base of its walls. On the ground, investigators discovered pieces of gauze. Nearby lay a used syringe, two empty plastic drip bags crusted with dirt, and spent medicine vials, some of them for a muscle-relaxer routinely used during surgery. A forensic chemical spray revealed blood splatters along the walls and floor of a room inside the house, except for a clear area of the floor about six feet in length and two feet wide. The owner offered up a variety of explanations for the blood stains during the two days the investigators spent in the village. Initially he said that his wife had given birth to their children in this room years earlier. Later, after his wife had revealed that her children had actually been born elsewhere, he asserted that the family had used the room to slaughter animals for a Muslim holiday.

The investigators' findings, combined with the anecdotal information the journalists had provided, were tantalizing. Stories of prisoners being killed by organ smugglers arise from many conflict areas, but rarely is there hard evidence to lift these accounts out of the realm of urban myth. The syringes, the drip bags, the gauze ... were clearly corroborative evidence, but this evidence was, unfortunately, insufficient. The investigators could not determine whether the blood traces had been human. The sources had not pinpointed the locations of the alleged victims' graves, so we found no bodies. The mission did not convince any of the people in and around the yellow house to come forward with truthful information. The journalists had all along refused to reveal their sources; and the Tribunal's investigators were unable to identify or locate them. There were also jurisdictional obstacles, given the dates of the reported abductions, the transport of the victims across the border into Albania, the criminal activity in Albania, and the crime scene there. The local Albanian prosecutor revealed another dimension of the "cooperation" problem; he boasted that his relatives had fought in the KLA and he told the Tribunal's investigator: "No Serbs are buried here. But if they did bring Serbs over the border from Kosovo and killed them, they did a good thing." So, in the end, the attorneys and investigators on the KLA cases decided that there was insufficient evidence to proceed. Without the sources or a way to identify and find them, without bodies, and without other evidence linking high-level accused to these acts, all avenues of investigation were barred. It would be up to UNMIK or the local Kosovo and Albanian authorities, perhaps in conjunction with the Serbian law enforcement agencies, to investigate these accounts further and, if necessary, prosecute them.

### **From the epilogue:**

I am, to this day, more snake hunter than legal scholar. After a quarter century in prosecution, my eyes see more black and white than shades of gray, and I consider this an asset. I make no apologies for being assertive or for speaking my mind.

I certainly could have done my job better, and, looking back, I would have done some things differently. I should have acted more quickly to reassign or dismiss some incompetent attorneys. I should have found the time to become more of a presence on the hallways of the Office of the Prosecutor; I underestimated the value this would have had for morale. I resented the time pressure the completion strategy placed upon the prosecution teams to produce now-or-never indictments where the alternative was to allow impunity to reign. I sometimes lamented not being able to run the Office of the Prosecutor like a real law office, and not under the United Nations personnel rules, which apply so many restrictions and procedures that they detract from performance. Tribunal prosecutors in the future should have a freer rein on recruiting and hiring the best talent. And those persons who choose tribunal prosecutors in the future should understand that longevity in office is crucial, because the job of prosecutor involves so many dimensions and it requires significant time to master them all.

What I have learned, what I have tried to illustrate in this memoir's depictions of successes and failures of my team and me, is that defeating the culture that allows powerful persons, from the *capo dei capi* of the mafia to military and political leaders, to commit any outrage and not be held accountable is a matter of will that often demands impatience more than patience, a matter of enlisting support, a matter of applying leverage, a matter of taking risks, correcting mistakes, breaking through the *muro di gomma*, ignoring criticism and threats, and, sometimes, suffering the loss of friends and collaborators. Prosecuting war crimes is not some risk-free intellectual game. The past two centuries have

demonstrated that human beings are capable of asserting their will to pack millions of children, along with their parents and grandparents and siblings, into gas chambers and ovens, to machete hundreds of thousands of people, to torture and execute prisoners, to surround and bombard entire cities while television cameras broadcast the act itself, to use mass rape and sexual slavery as weapons of war and terror, to expel entire populations from their ancestral homelands. These bloody centuries have shown that victims are extraordinarily courageous, strong, and resilient and that they deserve justice for the crimes so needlessly and ruthlessly committed against them. These centuries have also shown that in too many instances diplomats, world leaders, military officers, and intelligence chiefs, bankers and business men, and even United Nations officials are willing to regard such criminals as legitimate interlocutors and partners. If the victims of crimes this massive are ever to see justice done and if human society is ever to reduce the instances of criminal violence this massive, the risks to be assumed, the countervailing will to be asserted, and the work to be done must outstrip the risks assumed, the willpower asserted, and efforts made by the worst among us, by those who would have us believe they are above the law.