

**ANNEX 1 to**

**Public Redacted version of**

**'Submission of Indictment for confirmation and related requests' filing KSC-BC-2020-04/F00002 dated 14 February 2020**

Public



SPECIALIST PROSECUTOR'S OFFICE  
ZYRA E PROKURORIT TË SPECIALIZUAR  
SPECIJALIZOVANO TUŽILAŠTVO

**In:** KSC-BC-2020-04  
**Registrar:** Dr Fidelma Donlon  
**Filing Participant:** Specialist Prosecutor  
**Date:** 26 April 2021  
**Language:** English  
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**Public Redacted Version of**

**'Indictment', dated 14 February 2020**

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**Specialist Prosecutor's Office**

Jack Smith

The Specialist Prosecutor, pursuant to his authority under Articles 35(2)(i) and 38 of Law No.05/L-053 on Specialist Chamber and Specialist Prosecutor's Office ('Law'), charges:

### **PJETËR SHALA**

with **War Crimes under International Law**, punishable under Article 14 of the Law, as set forth below:

#### **THE ACCUSED**

1. **Pjetër SHALA** aka 'Ujku' ('Wolf') was born on 17 September 1963 in Prizren, Kosovo, and was a citizen of the Federal Republic of Yugoslavia ('FRY') at all times relevant to this indictment.
2. At all times relevant to this indictment, **Pjetër SHALA** was a member of the *Ushtria Çlirimtare e Kosovës* ('UÇK'), known in English as the Kosovo Liberation Army ('KLA').

#### **STATEMENT OF FACTS**

3. During the spring of 1999, NATO forces conducted aerial bombing in Serbia and Kosovo. During that time, KLA soldiers and large numbers of Kosovo Albanian civilians moved out of Kosovo into Albania, where the KLA already had established facilities and personnel. Many went to Kukës, Albania, and the surrounding area.
4. At all times relevant to this indictment, the KLA used a former metal works factory in Kukës ('Kukës Metal Factory') for a variety of military purposes, including: the receipt, storage, and distribution of equipment and supplies; the enlistment of volunteers; and as a preparation and transit point for KLA soldiers moving to and from forward positions. The Kukës Metal Factory also served as a detention and interrogation site. The crimes charged in this indictment were committed at locations in the Kukës Metal Factory.

5. The charged crimes took place in the context of and were associated with an armed conflict in Kosovo between the KLA and forces of the FRY and Republic of Serbia, including units of the Yugoslav Army ('VJ'), police and other units of the Ministry of Internal Affairs ('MUP'), and other groups fighting on behalf of the FRY and Serbia. This armed conflict existed at all times relevant to this indictment. The victims were all FRY citizens and were persons taking no active part in hostilities.

## INDIVIDUAL CRIMINAL RESPONSIBILITY

6. Through his acts and omissions, **Pjetër SHALA** is individually criminally responsible under Article 16(1)(a) of the Law for the crimes alleged in this indictment, which he committed and/or aided and abetted. By using the word 'committed', the Specialist Prosecutor does not allege that **Pjetër SHALA** physically committed all of the crimes charged. Committing encompasses **Pjetër SHALA's** participation in a joint criminal enterprise ('JCE').

### *Joint Criminal Enterprise*

7. **Pjetër SHALA** committed each of the crimes charged in this indictment in concert with others through their participation in a JCE, which existed between approximately 17 May 1999 and 5 June 1999.

8. **Pjetër SHALA** and other JCE members shared a common purpose to interrogate and mistreat persons detained at the Kukës Metal Factory. The common purpose involved the crimes of arbitrary detention, cruel treatment, torture, and murder (Counts 1 to 4). **Pjetër SHALA** shared the intent for the commission of these crimes with other members of the JCE.

9. Alternatively, it was foreseeable to **Pjetër SHALA** that the crime of murder (Count 4) might be perpetrated by one or more members of the JCE, or by persons used by any member of the JCE to carry out the crimes involved in the common purpose. With the awareness that murder (Count 4) was a possible consequence of the

implementation of the common purpose of the JCE, **Pjetër SHALA** participated in the JCE and thus willingly took that risk.

10. Other members of the JCE included Sabit GECI aka 'Qopa', Xhemshit KRASNIQI, KLA soldiers [REDACTED], and certain other KLA soldiers, police, and guards present at the Kukës Metal Factory. Each member of the JCE, by their acts or omissions, contributed to achieving their common purpose. Alternatively, some or all of these individuals were not members of the JCE, but were used by members of the JCE to carry out crimes committed in furtherance of the common purpose.

11. **Pjetër SHALA** significantly contributed to achieving the common purpose, in one or more of the following ways:

- a. Participating in the transfer of [REDACTED] detainee [REDACTED] to the Kukës Metal Factory;
- b. Participating in acts continuing or enforcing arbitrary detention, including as alleged in paragraphs 15-22 below;
- c. Participating in acts of cruel treatment and/or torture, including as alleged in paragraphs 15-22 below;
- d. Failing to take adequate measures to ensure the humane treatment of detainees at the Kukës Metal Factory; and/or
- e. Otherwise aiding and abetting the charged crimes, including by his presence when crimes were committed and/or by the example of his own participation in crimes.

*Physical Commission and Aiding and Abetting*

12. **Pjetër SHALA** is individually criminally responsible for physically committing and/or aiding and abetting the crimes charged through the acts and omissions described in paragraph 11 above.

13. **Pjetër SHALA** committed, including through the acts described in paragraph 11(a)-(d) above, the crimes charged in Counts 1, 2, and 3. He intended the commission

of these crimes and/or, in relation to arbitrary detention, acted in the reasonable knowledge that the act or omission was likely to cause arbitrary deprivation of liberty.

14. **Pjetër SHALA** aided and abetted, including through the acts and omissions described in paragraph 11(a)-(e) above, the crimes charged in Counts 1, 2, 3, and 4. He was aware of the probability that these crimes would be committed and that his acts or omissions would contribute to their commission.

## CHARGES

15. **Pjetër SHALA** committed, individually and in concert with others, and/or aided and abetted the crimes of arbitrary detention, cruel treatment, torture, and murder of persons detained at the Kukës Metal Factory between approximately 17 May 1999 and 5 June 1999.

16. **Pjetër SHALA** and certain other KLA members deprived [REDACTED] persons of their liberty without due process of law at the Kukës Metal Factory.

17. **Pjetër SHALA** and certain other KLA members established and maintained inhumane detention conditions, which were characterised by inadequate provisions of food, water, sanitation and hygiene, bedding and other accommodation, and medical care.

18. **Pjetër SHALA** and certain other KLA members assaulted detainees both physically, including through beatings, and psychologically, including through threat of death and serious bodily injury, humiliation, discrimination on political grounds, intimidation, harassment, interrogation, and forced or coerced statements and confessions. Detainees were physically and psychologically assaulted in front of other detainees. Some were forced to perform manual labour during their detention. At least one detainee was informed that he had been sentenced to execution, even though no trial had taken place.

19. **Pjetër SHALA** and certain other KLA members beat and assaulted detainees with fists, guns, batons, metal bars, knives, and other instruments. Certain KLA

members also ordered detainees to beat each other and immersed a detainee's head in water.

20. On or about [REDACTED], certain KLA members, amongst whom **Pjetër SHALA** was present, forced [REDACTED] and shot at them with automatic weapons. On or about [REDACTED], certain KLA members, amongst whom **Pjetër SHALA** was present, severely beat the [REDACTED] detainees. During this incident, the KLA members shot and wounded these detainees. Certain KLA members continued to severely beat these [REDACTED] detainees despite their gunshot wounds, [REDACTED]. The detainees received inadequate medical treatment. One of them died within 24 hours of being shot as a result of his injuries, even though a doctor advised the KLA members that the detainee needed to be taken to a hospital.

21. The acts and omissions described above, considered alone or together, caused serious mental and/or physical suffering or injury to the victims, and/or constituted a serious attack on human dignity.

22. Through acts and omissions described above, **Pjetër SHALA** and certain other KLA members inflicted severe pain or suffering with the aim of obtaining information or confessions, punishing, intimidating, or coercing the victims, and/or discriminating, including on political grounds, against the victims.

**Pjetër SHALA** is individually criminally responsible for:

**Count 1: ARBITRARY DETENTION**, a WAR CRIME, punishable under Articles 14(1)(c) and 16(1)(a) of the Law;

**Count 2: CRUEL TREATMENT**, a WAR CRIME, punishable under Articles 14(1)(c)(i) and 16(1)(a) of the Law;

**Count 3: TORTURE**, a WAR CRIME, punishable under Articles 14(1)(c)(i) and 16(1)(a) of the Law; and

**Count 4: MURDER**, a WAR CRIME, punishable under Articles 14(1)(c)(i) and 16(1)(a) of the Law.



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**Jack Smith**

**Specialist Prosecutor**

Monday, 26 April 2021

At The Hague, the Netherlands.