# ANNEX 1 to

# Public redacted version of 'Submission of Indictment for confirmation', filing KSC-BC-2020-06/F00002 dated 24 April 2020

Public





In: KSC-BC-2020-06

**Registrar:** Dr Fidelma Donlon

Filing Participant: Specialist Prosecutor

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# Indictment

**Specialist Prosecutor's Office** 

Jack Smith

The Specialist Prosecutor, pursuant to his authority under Articles 35(2)(i) and 38(4) of Law No.05/L-053 on Specialist Chambers and Specialist Prosecutor's Office ('Law'), charges:

Hashim THAÇI

Kadri VESELI

**Rexhep SELIMI** 

Jakup KRASNIQI

with, as set forth below, **Crimes Against Humanity under International Law**, punishable under Articles 13 and 16(1) of the Law, **War Crimes under International Law**, punishable under Articles 14 and 16(1) of the Law, and **Other Crimes under Kosovo Law**, punishable under the Criminal Code of the Socialist Federal Republic of Yugoslavia ('SFRY Code') and Articles 15(1) and 16(2) of the Law.

#### THE ACCUSED

#### Hashim THACI

- 1. **Hashim THAÇI aka Gjarpëri /Snake/**, son of , was born on 24 April 1968 in Burojë/Broćna, Skënderaj/Srbica municipality, Kosovo. He has Kosovan nationality (personal number ).
- 2. **Hashim THAÇI** was a founding member of the *Ushtria Çlirimtare e Kosovës* ('UÇK'), known in English as the Kosovo Liberation Army ('KLA'), and KLA Central or General Staff ('General Staff'). He remained a member of the General Staff throughout all of 1998, and into 1999. By June 1998, **Hashim THAÇI** was head of the KLA Political and Information Directorates. By the end of March 1999, **Hashim THAÇI** was Prime Minister of the Provisional Government of Kosovo ('PGoK') and KLA Commander-in-Chief.

3. By November 1999, **Hashim THAÇI** was a founding member and the leader of the Party for the Democratic Progress of Kosovo (*Partia për Proges Demokratik e Kosovës*, 'PPDK'), which was renamed the Democratic Party of Kosovo (*Partia Demokratike e Kosovës*, 'PDK') in 2000. In 2008, he was elected Prime Minister of Kosovo. In 2014, **Hashim THAÇI** became First Deputy Prime Minister and Minister of Foreign Affairs. In 2016, he was elected President of Kosovo.

#### Kadri VESELI

- 4. **Kadri VESELI aka Luli**, son of , was born on 31 May 1967 in Mitrovicë/Kosovska Mitrovica, Mitrovicë/Kosovska Mitrovica municipality, Kosovo. He has Kosovan nationality (personal number ).
- 5. **Kadri VESELI** was a founding member of the KLA and General Staff. He remained a General Staff member throughout all of 1998, and into 1999. By June 1998, **Kadri VESELI** was a member of the KLA Political Directorate and head of the KLA intelligence services. By late March 1999, following the formation of the PGoK, **Kadri VESELI** became chief of the Kosovo Intelligence Service (*Shërbimi Informativ i Kosovës*, 'SHIK') and PGoK Minister of the Intelligence Service.
- 6. By 2013, **Kadri VESELI** was deputy head of the PDK. In 2014, he became chairman of the Kosovo Assembly. In 2016, upon **Hashim THAÇI**'s election as President of Kosovo, **Kadri VESELI** became the leader of the PDK.

#### Rexhep SELIMI

- 8. **Rexhep SELIMI** was a founding member of the KLA General Staff. He remained a General Staff member throughout all of 1998, and into 1999. By June 1998, **Rexhep SELIMI** was Head of the KLA Operational Directorate. By at least August

1998, he was KLA Inspector General. By the end of March 1999, upon the formation of the PGoK, he became PGoK Minister of Public Order / Minister of Internal Affairs.

9. In November 1999, **Rexhep SELIMI** was a founding member of **Hashim THAÇI**'s PPDK, which was renamed the PDK in 2000. By 2000, **Rexhep SELIMI** was a high-ranking officer in the Kosovo Protection Corps. In 2010, **Rexhep SELIMI** was elected to the Kosovo Assembly.

#### Jakup KRASNIQI

- 10. **Jakup KRASNIQI**, son of , was born on 1 January 1951 in Fatos (Negroc)/Negrovce, Drenas (Gllogoc)/Glogovac municipality, Kosovo. He has Kosovan nationality (personal number ).
- 11. By early 1997, Jakup KRASNIQI was a member of the General Staff. He remained a member of the General Staff throughout all of 1998, and into 1999. By June 1998, Jakup KRASNIQI was a member of the KLA Political Directorate and the official KLA spokesperson. Later in 1998, Jakup KRASNIQI was officially appointed as a KLA Deputy Commander. With the establishment of the PGoK, Jakup KRASNIQI became the PGoK spokesperson.
- 12. **Jakup KRASNIQI** was a founding member of **Hashim THAÇI**'s PPDK, which was renamed the PDK in 2000. **Jakup KRASNIQI** became Chairman of the Kosovo Assembly in December 2007. Between September 2010 and April 2011, **Jakup KRASNIQI** was acting President of Kosovo.

#### STATEMENT OF FACTS

#### **Background**

13. In 1989, in the context of increasing tensions and schisms throughout the former Yugoslavia, Kosovo's status as an autonomous province was rescinded. Thereafter, Kosovo Albanians overwhelmingly supported a referendum for

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independence, the adoption of a constitution, and the creation of parallel state

institutions, including a government led by the largest political party in Kosovo, the

Democratic League of Kosovo ('LDK'), with Ibrahim RUGOVA as President and Bujar

BUKOSHI as Prime Minister. The LDK pursued a policy of non-violent resistance,

denied the legitimacy of Serbian rule over Kosovo, and created parallel education,

healthcare, and taxation systems.

14. Throughout the 1990s, groups within the Kosovo Albanian diaspora organised

to address the situation in Kosovo in various ways. During this same period,

individuals and small groups within Kosovo engaged in armed attacks against the

Federal Republic of Yugoslavia ('FRY') authorities. The People's Movement for

Kosovo ('LPK'), a long extant Albanian nationalist organisation, advocated that armed

force was necessary to liberate Kosovo from Serbia.

15. In late 1993, the LPK established a special sector to coordinate the activities of

armed units in Kosovo. By 1994, the LPK adopted the name UÇK/KLA for the

organisation under which the armed groups in Kosovo were being unified. A Central

or General Staff (collectively defined above as the 'General Staff') was created, which

included Azem SYLA, Xhavit HALITI, Hashim THAÇI, Kadri VESELI, Rexhep

SELIMI, Lahi BRAHIMAJ, and Sokol BASHOTA. By 1997, Jakup KRASNIQI had

joined the General Staff. Hashim THAÇI and Kadri VESELI worked on, amongst

other things, the organisation of the KLA, including liaising between General Staff

members in Kosovo and those based elsewhere. Rexhep SELIMI was based in Kosovo

and, together with others, consolidated and coordinated armed actions on the ground.

As set out above, Hashim THAÇI, Kadri VESELI, Rexhep SELIMI, and Jakup

**KRASNIQI** all continued to hold senior positions in the KLA and/or PGoK during the

time period relevant to this indictment.

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**Contextual Elements** 

16. The JCE Members and Tools (defined below) carried out a widespread or

systematic attack against the civilian population of Opponents (defined below) in

Kosovo and areas of northern Albania, from at least March 1998 through September

1999 (the 'Indictment Period').

17. All acts and omissions charged as crimes against humanity in this indictment

were part of the widespread or systematic attack directed against Opponents. The

crimes followed a consistent pattern, impacted the victims' wider families and

communities, and were intended to serve as a warning and to exert pressure on the

targeted population as a whole, deterring opposition to, and enforcing absolute unity

behind, the KLA/PGoK. The JCE Members and Tools knew of the attack and that their

conduct formed part of it.

18. In addition, throughout the Indictment Period, an armed conflict existed

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 (collectively, 'FRY

forces'). The FRY forces included the regular military of the FRY and the Republic of

Serbia.

19. Although initially operating underground, throughout the Indictment Period

the KLA was an organised armed group with a sufficient degree of organisation to

control territory, and to plan and carry out synchronised armed attacks and other

offensive and defensive military operations. The KLA had a General Staff, was

organised into Operational (Sub-)Zones and issued political declarations and

communiques setting out policy. From at least April 1998, and continuing throughout

the Indictment Period, members of the KLA operated sites - many of which were long-

established bases and strongholds - in and around which hundreds of Opponents

were detained, mistreated, and/or killed by JCE Members and Tools. From at least

June 1998, the KLA had an official spokesperson, and various written rules and

regulations.

20. The armed conflict between the KLA and FRY forces intensified in early 1998.

In February and early March 1998, FRY forces conducted attacks in Qirez/Ćirez,

Likoshan/Likošane and Prekaz. During the 5 March 1998 attack on Prekaz,

Skënderaj/Srbica, FRY forces killed more than 50 people, including Adem JASHARI,

a prominent KLA commander, and most members of his family. The killing of

JASHARI and his family members was widely reported, reaching members of the

Kosovo Albanian diaspora throughout the world. Thereafter, thousands from the

diaspora and in Kosovo volunteered for the KLA, and both LPK and KLA members

previously based internationally returned to Kosovo.

21. By 31 March 1998, the conflict had escalated to a degree that the United Nations

('UN') Security Council passed Resolution 1160, prohibiting the sale or supply of

weapons and related materials to the FRY, calling upon the FRY to take measures to

achieve a political solution to the situation in Kosovo, and urging the KLA to condemn

terrorist actions and pursue their goals by peaceful means.

22. Amidst this ongoing conflict, in mid-July 1998 KLA units attacked

Rahovec/Orahovac and its surrounding villages, during which Serb civilians were

abducted and later detained, mistreated, and killed. Shortly afterwards, FRY forces

commenced a large-scale offensive operation throughout Kosovo that would last

several weeks, and carried out further large-scale operations between August and

October 1998.

23. On 23 September 1998, the UN Security Council adopted Resolution 1199,

which expressed grave concern at the 'recent intense fighting in Kosovo and in

particular the excessive and indiscriminate use of force by Serbian security forces and

the Yugoslav Army which have resulted in numerous civilian casualties and,

according to the estimate of the Secretary-General, the displacement of over 230,000

persons from their homes'. Resolution 1199 further demanded that all parties

international monitors.

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immediately cease hostilities and maintain a ceasefire in Kosovo, calling on the FRY and Kosovo Albanian leadership to immediately enter into meaningful dialogue, and urging the deployment of international monitors. In October 1998, a number of international agreements were signed, which provided for, among other things, a ceasefire, partial withdrawal of FRY forces from Kosovo, and deployment of

December 1998, the KLA announced that it would resume full armed activities in 1999.

Nonetheless, provocations and hostilities continued. In

24. In early February 1999, an international peace conference was organised in Rambouillet, France. In late February and early March 1999, FRY forces launched a series of further offensives. The peace talks collapsed in mid-March 1999.

25. On 24 March 1999, North Atlantic Treaty Organization ('NATO') forces began air strikes against targets in Kosovo and Serbia. As a result, and due to large-scale operations by FRY forces, KLA soldiers and large numbers of Kosovo Albanian civilians moved from Kosovo to Albania, where the KLA already had established facilities and personnel.

26. On 2 April 1999, the composition of the PGoK, which had been initiated in discussions at Rambouillet, was publicly announced. As set out above, **Hashim THAÇI**, **Kadri VESELI**, **Rexhep SELIMI**, **Jakup KRASNIQI**, and other senior KLA officials assumed prominent positions in the PGoK.

27. On 9 June 1999, the FRY and Serbian authorities signed the Military Technical Agreement with NATO. This agreement provided for an immediate ceasefire and complete withdrawal of FRY forces from Kosovo by 20 June 1999. On 10 June 1999, NATO suspended its air-strike campaign. The same day, the UN Security Council issued Resolution 1244, demanding a ceasefire and deciding on the deployment, under UN auspices, of international civil and security presences in Kosovo to deter renewed hostilities, enforce a ceasefire, and ensure withdrawal of the FRY forces and demilitarisation of the KLA. The NATO-led Kosovo Force ('KFOR') began to deploy in Kosovo from 12 June 1999.

28. As the FRY forces withdrew from Kosovo, large numbers of KLA soldiers and

Kosovo Albanian refugees returned from Albania and moved into areas previously

controlled by FRY forces. Members of the KLA and PGoK immediately began to take-

over state institutions, buildings, such as municipality buildings and former MUP

stations, and companies, and to seize control of territory.

29. On 20 June 1999, KFOR announced the complete withdrawal of FRY forces

from Kosovo. By 21 June 1999, the KLA signed an agreement with KFOR to, among

other things, cease all hostile or provocative acts and within 90 days, complete a

phased demilitarisation process. FRY and KLA forces violated the terms of

international resolutions and agreements through the summer of 1999, continuing

hostile and provocative acts, and resulting in the ongoing real risk of resumption of

armed hostilities.

30. On 20 September 1999, the KLA demilitarised.

31. All acts and omissions charged as war crimes in this indictment took place in

the context of and were associated with the armed conflict between the KLA and FRY

forces. The crimes were committed at or in connection with KLA bases and

headquarters, and/or during KLA activities. The victims were persons taking no active

part in hostilities. The JCE Members and Tools were aware of the factual

circumstances establishing the existence of the armed conflict and the status of the

victims.

Modes of Liability

Joint Criminal Enterprise and Aiding and Abetting

32. Between at least March 1998 through September 1999, Hashim THAÇI, Kadri

VESELI, Rexhep SELIMI, Jakup KRASNIQI, and other members of the joint criminal

enterprise shared the common purpose to gain and exercise control over all of Kosovo

by means including unlawfully intimidating, mistreating, committing violence

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against, and removing those deemed to be opponents. Such opponents included

persons who were or were perceived to have been: (a) collaborating or associating

with FRY forces or officials or state institutions or (b) otherwise not supporting the

aims or means of the KLA and later the PGoK, including persons associated with the

LDK and persons of Serb, Roma, and other ethnicities (collectively, 'Opponents'). This

common purpose encompassed the crimes of persecution, imprisonment, illegal or

arbitrary arrest and detention, other inhumane acts, cruel or inhuman treatment,

torture, murder or killing, and enforced disappearance of persons.

33. Hashim THAÇI, Kadri VESELI Rexhep SELIMI, and Jakup KRASNIQI

shared the intent for the commission of each of the crimes charged in this indictment

with other members of the joint criminal enterprise.

34. Alternatively, to the extent that some of these crimes did not fall within the joint

criminal enterprise, it was foreseeable that they might be perpetrated by one or more

members of the joint criminal enterprise, or by persons used by any member of the

joint criminal enterprise to carry out the crimes within the common purpose. With the

awareness that such crimes were a possible consequence of the implementation of the

common purpose of the joint criminal enterprise, Hashim THAÇI, Kadri VESELI,

Rexhep SELIMI, and Jakup KRASNIQI participated in that enterprise and thus,

willingly took that risk.

35. Other members of the joint criminal enterprise included Azem SYLA, Lahi

BRAHIMAJ, Fatmir LIMAJ, Sylejman SELIMI, Rrustem MUSTAFA, Shukri BUJA, and

Sabit GECI, as well as certain other KLA and PGoK political and military leaders,

including other General Staff members; PGoK ministers and deputy ministers; KLA

zone commanders, deputy zone commanders, and other members of zone command

staffs; brigade and unit commanders; commanders and members of the KLA and

PGoK police and intelligence services; other KLA soldiers and PGoK officials; and

others acting on behalf of the KLA or PGoK (together with Hashim THACI, Kadri

VESELI, Rexhep SELIMI, and Jakup KRASNIQI, collectively, 'JCE Members'). Each

of these individuals, by his or her acts or omissions, contributed to achieving the common purpose. Alternatively, some or all of these individuals were not members of the joint criminal enterprise, but were used by members of the joint criminal

enterprise to carry out crimes committed in furtherance of the common purpose

(together with the JCE Members, collectively 'JCE Members and Tools').

36. From 1994 onwards, and throughout the Indictment Period, various public statements of the General Staff claimed responsibility for, endorsed, legitimised, and

encouraged attacks against and killings of Opponents and explicitly threatened other

Opponents with the same fate. Opponents were declared as 'traitors' and

'collaborators' to be 'punished' and treated 'mercilessly'. Simultaneously, through

public statements and actions on the ground, including the intimidation, vilification,

and removal including through murder, of Opponents, the members of the General

Staff sought to position themselves as the only legitimate voice and representatives of

the Kosovo Albanian people.

37. JCE Members and Tools, including those closely aligned with **Hashim THAÇI**,

Kadri VESELI, Rexhep SELIMI, and Jakup KRASNIQI, held key roles in the KLA,

and subsequently PGoK, structures. JCE Members and Tools, including those in

military police and intelligence structures, actively identified and targeted

Opponents, abducting, interrogating, and mistreating them. From at least April 1998,

and continuing throughout the Indictment Period, members of the KLA operated sites

in and around which hundreds of Opponents were detained, mistreated, and/or killed

by JCE Members and Tools.

38. The abductions, detentions, mistreatment, and killings committed by the JCE

Members and Tools were widely known and reported, on multiple occasions resulting

in intervention from family members, international actors and organisations, or other

persons seeking to locate the victims and/or secure their release.

39. JCE Members and Tools, including Hashim THAÇI, Kadri VESELI, Rexhep

SELIMI, and Jakup KRASNIQI, as members of the General Staff, issued directions,

instructions, and orders regarding Opponents. The focus on Opponents was similarly reflected in certain internal rules and regulations, trainings, policy documents, and information booklets adopted or issued by the General Staff, and other levels of the KLA/PGoK command.

40. **Hashim THAÇI**, **Kadri VESELI**, and **Rexhep SELIMI** personally participated in the treatment of Opponents on the ground, including participating in the intimidation, interrogation, mistreatment, and detention of Opponents, such as in the cases discussed below.

41.				
		•		

42. In July 1998, in the immediate aftermath of the attack by KLA units on Rahovec/Orahovac and its surrounding villages, during which Serb civilians were taken prisoner, multiple General Staff members, including **Hashim THAÇI**, **Kadri VESELI**, and **Rexhep SELIMI**, were present in the vicinity, participating in and coordinating operations.

43.	
	On a number of occasions, including in early
Septem	ber 1998 in the Dukagjini Operational Zone, Hashim THAÇI and Rexhep
SELIM	$\Pi$ took steps to intimidate and assert dominance over units affiliated with the
LDK, ii	ncluding the government-in-exile affiliated Armed Forces of Kosovo Republic
('FARK	C').

44. C	n or around	1998,			
	were prese	ent both at th	e place of	arrest in	and at
	where the det	ainees were s	subsequentl	y transferred to,	beaten and
interrog	ated. As part of this	event, after		members had	l been badly
beaten,	and had visible in	juries,		and	questioned
	members, including	ng asking then	n to		
				Prior to the detai	nees' release,
	returned the	ir identificatio	n cards.		
45. In	October 1998, in	Jabllanicë /Ja	blanica, <b>Re</b>	exhep SELIMI	threatened
		, accusir	ng him of ha	ving criticised th	e KLA.
46.					
10.					
47. I1	n 1999, <b>Kadri VESELI</b>	I, Rexhep SELI	[ <b>MI</b> and <b>Jak</b>	up KRASNIQI w	ere involved
in vario	us aspects of the tr	ansfer, detent	ion, and/or	release of detai	nees held at
Kleçkë/l	Klečka prison.				

- 48. In addition, **Hashim THAÇI**, acting through the positions described in paragraph 2 above, significantly contributed to achieving the common purpose, which involved the commission of the charged crimes, in one or more of the following ways:
  - a. Formulating and/or participating in the development, approval, promotion, dissemination, and implementation of plans, policies, and practices in furtherance of the common purpose, including in the form of communiques, public statements, internal rules and regulations, structures, and information-gathering and reporting mechanisms;
  - b. Participating in, facilitating, condoning, encouraging, and/or otherwise aiding in the crimes in furtherance of the common purpose;
  - c. Failing to take adequate steps to prevent and investigate crimes, and/or punish or discipline the perpetrators;
  - d. Disseminating and/or facilitating the dissemination of information intended to promote the common purpose and engender fear, distrust, and hatred of Opponents, including through communiques, public statements, and other media;
  - e. Coordinating, engaging in, and/or facilitating efforts to deny or to provide false, incomplete, or misleading information to the international community, monitors, and the public, including relating to the criminal activities of the JCE Members and Tools and the KLA/PGoK's purported adherence to international humanitarian law;
  - f. Appointing, promoting, and/or approving the appointment and promotion of JCE Members and Tools, including persons with a history of alleged involvement in serious crimes;

- g. Providing, arranging, and/or facilitating political, logistical, military, and/or financial support, including to JCE Members and Tools committing crimes in furtherance of the common purpose; and
- h. Coordinating and liaising between JCE Members and Tools in furtherance of the common purpose.
- 49. In addition, **Kadri VESELI**, acting through the positions described in paragraph 5 above, significantly contributed to achieving the common purpose, which involved the commission of the charged crimes, in one or more of the following ways:
  - a. Formulating and/or participating in the development, approval, promotion, dissemination, and implementation of plans, policies, and practices in furtherance of the common purpose, including in the form of communiques, public statements, internal rules and regulations, structures, and information-gathering and reporting mechanisms;
  - b. Participating in, facilitating, condoning, encouraging and/or otherwise aiding in the crimes in furtherance of the common purpose;
  - c. Failing to take adequate steps to prevent and investigate crimes, and/or punish or discipline the perpetrators;
  - d. Disseminating and/or facilitating the dissemination of information intended to promote the common purpose and engender fear, distrust, and hatred of Opponents, including through communiques, public statements and other media;
  - e. Appointing, promoting, and/or approving the appointment and promotion of JCE Members and Tools, including persons with a history of alleged involvement in serious crimes;
  - f. Providing, arranging, and/or facilitating political, logistical, military, and/or financial support, including to JCE Members and Tools committing crimes in furtherance of the common purpose; and

- g. Coordinating and liaising between JCE Members and Tools in furtherance of the common purpose.
- 50. In addition, **Rexhep SELIMI**, acting through the positions described in paragraph 8 above, significantly contributed to achieving the common purpose, which involved the commission of the charged crimes, in one or more of the following ways:
  - a. Formulating and/or participating in the development, approval, promotion, dissemination, and implementation of plans, policies, and practices in furtherance of the common purpose, including in the form of communiques, public statements, internal rules and regulations, structures, and information-gathering and reporting mechanisms;
  - b. Participating in, facilitating, condoning, encouraging, and/or otherwise aiding in the crimes in furtherance of the common purpose;
  - c. Failing to take adequate steps to prevent and investigate crimes, and/or punish or discipline the perpetrators;
  - d. Disseminating and/or facilitating the dissemination of information intended to promote the common purpose and engender fear, distrust, and hatred of Opponents, including through communiques, public statements and other media;
  - e. Appointing, promoting, and/or approving the appointment and promotion of JCE Members and Tools, including persons with a history of alleged involvement in serious crimes;
  - f. Providing, arranging, and/or facilitating political, logistical, military, and/or financial support, including to JCE Members and Tools committing crimes in furtherance of the common purpose; and
  - g. Coordinating and liaising between JCE Members and Tools in furtherance of the common purpose.

51. In addition, **Jakup KRASNIQI**, acting through the positions described in paragraph 11 above, significantly contributed to achieving the common purpose, which involved the commission of the charged crimes, in one or more of the following

ways:

a. Formulating and/or participating in the development, approval, promotion, dissemination, and implementation of plans, policies, and practices in furtherance of the common purpose, including in the form of communiques, public statements, internal rules and regulations, structures, and

information-gathering and reporting mechanisms;

b. Participating in, facilitating, condoning, encouraging, and/or otherwise

aiding in the crimes in furtherance of the common purpose;

c. Failing to take adequate steps to prevent and investigate crimes, and/or

punish or discipline the perpetrators;

d. Disseminating and/or facilitating the dissemination of information intended

to promote the common purpose and engender fear, distrust, and hatred of

Opponents, including through communiques, public statements and other

media;

e. Coordinating, engaging in, and/or facilitating efforts to deny or to provide

false, incomplete, or misleading information to the international

community, monitors, and the public, including relating to the criminal

activities of the JCE Members and Tools and the KLA/PGoK's purported

adherence to international humanitarian law;

f. Appointing, promoting, and/or approving the appointment and promotion

of JCE Members and Tools, including persons with a history of alleged

involvement in serious crimes;

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g. Providing, arranging, and/or facilitating political, logistical, military, and/or

financial support, including to JCE Members and Tools committing crimes

in furtherance of the common purpose; and

h. Coordinating and liaising between JCE Members and Tools in furtherance

of the common purpose.

52. Through these same acts and omissions, Hashim THAÇI, Kadri VESELI,

Rexhep SELIMI, and Jakup KRASNIQI provided practical assistance,

encouragement, and/or moral support, which had a substantial effect on the

perpetration of the crimes charged in this indictment. They were aware of the

probability that these crimes would be committed and that their acts or omissions

would contribute to their commission.

Superior responsibility

53. As set out above, from at least March 1998, Hashim THAÇI, Kadri VESELI,

Rexhep SELIMI, and Jakup KRASNIQI were members of the General Staff and

among the highest-ranking officials in the KLA and/or PGoK. In these capacities and

pursuant to their *de facto* authority as senior leadership figures in the KLA and PGoK,

Hashim THAÇI, Kadri VESELI, Rexhep SELIMI, and Jakup KRASNIQI each had

effective control over the JCE Members and Tools who committed the crimes charged

in this indictment. The term 'committed', as used in the context of superior

responsibility, includes all modes of liability covered by Article 16(1) of the Law and

Articles 18-26 and 30 of the SFRY Code.

54. Hashim THAÇI, Kadri VESELI, Rexhep SELIMI, and Jakup KRASNIQI

knew or had reason to know that crimes were about to be committed or had been

committed by persons under their effective control through numerous sources,

including:

- a. their involvement in the preparation, design, and/or execution of such crimes;
- b. their presence at locations where crimes were committed;
- c. their receipt of information about the commission of such crimes; and/or
- d. their personal observation of evidence of the commission of such crimes.
- 55. Hashim THAÇI, Kadri VESELI, Rexhep SELIMI, and Jakup KRASNIQI failed to take the necessary and reasonable measures to prevent the commission of the crimes charged in this indictment by JCE Members and Tools under their effective control and/or to punish the perpetrators thereof. The following acts and omissions of Hashim THAÇI, Kadri VESELI, Rexhep SELIMI, and Jakup KRASNIQI demonstrate their failure to take such necessary and reasonable measures:
  - a. their failure to order or initiate genuine or adequate investigations into, or take other genuine and adequate measures to address, allegations of the commission of crimes by JCE Members and Tools;
  - their failure to report information about the commission or possible commission of crimes by JCE Members and Tools to appropriate authorities;
  - c. their failure to discipline, dismiss, or demote JCE Members and Tools who were involved in the commission of crimes and/or who failed to prevent or punish the commission of crimes by their subordinates;
  - d. their failure to issue the orders that were necessary and reasonable in the circumstances to prohibit or put a stop to the commission of crimes by JCE Members and Tools; and/or
  - e. their failure to take other adequate measures, such as ensuring adequate training and establishing necessary regulations and procedures, to ensure that JCE Members and Tools would not commit crimes.

Crimes

56. As set out in paragraphs 17, 31, 33-34, 52, and 54 above, Hashim THAÇI, Kadri

VESELI, Rexhep SELIMI, and Jakup KRASNIQI had the requisite intent and

knowledge for each of the crimes set forth below.

Persecution

57. During the Indictment Period, the JCE Members and Tools conducted a

campaign of persecution against Opponents, including in multiple municipalities in

Kosovo and the districts of Kukës and Has in northern Albania. The persecutory acts

described below are illustrative of a wider campaign of persecution against

Opponents implemented throughout Kosovo, before, during, and after the Indictment

Period.

58. The persecution was carried out on political and/or ethnic grounds including

through:

a. Illegal or arbitrary arrests and detentions, as alleged in paragraph 59;

b. Inhumane conditions at detention sites, as alleged in paragraphs 60 to 63;

c. Enforced disappearance of persons, as alleged in paragraph 66;

d. Physical and psychological abuse and assault, as alleged in paragraphs 60

to 63;

e. Torture, as alleged in paragraph 64;

f. Killings, as alleged in paragraph 65;

g. Unlawful passing of sentences against persons at or in connection with

detention sites such as those identified in Schedule A;

h. Misappropriation of personal property of persons at or in connection with

detention sites such as those identified in Schedule A; and/or

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i. Imposition and maintenance of other restrictive and discriminatory

measures, including arbitrary searches, coerced or forced statements and

confessions, intimidation, and harassment.

Imprisonment/ Illegal or Arbitrary Arrest and Detention

59. During the Indictment Period, JCE Members and Tools deprived persons of

their liberty without due process of law at both short-term and long-term detention

sites in Kosovo and northern Albania, such as those identified in Schedule A. Some

persons were transferred to and from one or more detention sites within Kosovo or

between Albania and Kosovo. Detainees were restrained, held under guard, in locked

quarters, and in coercive circumstances and subjected to inhumane acts, cruel

treatment, and torture, as described below. These persons were arrested and detained

without legal basis, were not informed of the reason for their arrest or detention,

and/or had no opportunity to challenge the basis for their detention.

Other Inhumane Acts and Cruel or Inhuman Treatment

60. During the Indictment Period, JCE Members and Tools established and

maintained inhumane conditions at detention sites, such as those identified in

Schedule A. These conditions were characterised by deprivation of liberty without

due process of law, as set out above, and inadequate provisions of food, water,

sanitation and hygiene, bedding and other accommodation, and medical care.

61. In addition, during the Indictment Period, JCE Members and Tools routinely

assaulted persons both physically, including through beatings and inflicting serious

bodily injury using various instruments, and psychologically, including through

threat of death and serious bodily injury, fear, humiliation, discrimination on political

and ethnic grounds, intimidation, harassment, interrogation, and forced or coerced

statements and confessions. JCE Members and Tools assaulted persons in front of

other persons, including other detainees. Acts of physical and psychological assault

were a regular occurrence at and around, or in connection with, detention sites such

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as those identified in Schedule A, including in the course of arrests or abductions, and

transfers to and from the sites.

62. When family members and others sought information concerning persons

arrested, abducted, or detained, JCE Members and Tools frequently refused to

respond, or provided false or misleading information. They also frequently refused

requests to access detention sites or visit detainees, threatened or assaulted those who

sought information, and failed to inquire about or investigate the fate or whereabouts

of missing persons.

63. 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. These acts and omissions violated the fundamental

rights of the victims to liberty and security of person, freedom of movement, due

process of law, and freedom from discrimination on political and ethnic grounds. JCE

Members and Tools tried to force victims to act against their will and conscience. As

a result of their treatment, victims lost consciousness, sustained broken bones and

other serious wounds, were humiliated, disfigured, covered in blood, and developed

lasting psychological and physical conditions that continued after the acts and

omissions described above.

*Torture* 

64. Through the acts and omissions described in paragraphs 59-63 above, JCE

Members and Tools inflicted severe pain or suffering with the aim of obtaining

information or confessions, punishing, intimidating, or coercing the victim or third

person, and/or discriminating, including on political and ethnic grounds, against the

victim or third person. During and in conjunction with the acts and omissions

described above, JCE Members and Tools questioned the victims, coerced and forced

them to sign confessions and provide information, and accused them of being

Opponents, punishing, assaulting, and treating them inhumanely on this basis.

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Murder or Killing

65. During the Indictment Period, JCE Members and Tools, through their acts and

omissions, caused the death of persons in Kosovo and northern Albania, including

following arrests or abductions, and at or in connection with detention sites. This

includes killings committed during, and deaths resulting from, cruel and inhumane

treatment at detention sites such as those identified in Schedule A. JCE Members and

Tools committed a further pattern of killings in connection with KLA withdrawals

from sites in the face of offensives by FRY forces. At or around the time of such

withdrawals, detainees were killed, sometimes after first being transferred on to one

more other detention locations. Incidents of murder include those identified in

Schedule B.

Enforced Disappearance of Persons

66. During the Indictment Period, JCE Members and Tools arrested, abducted, or

detained persons by or with the authorisation, support or acquiescence of the

KLA/PGoK in Kosovo and northern Albania, including in areas under KLA/PGoK

control and at or in connection with detention sites such as those identified in

Schedule A. When family members and others sought information concerning the

missing persons, JCE Members and Tools frequently refused to respond, or provided

false or misleading information. They also frequently refused requests to access

detention sites or visit detainees, threatened or assaulted those who sought

information, and failed to inquire about or investigate the fate or whereabouts of

missing persons. Incidents of enforced disappearance of persons include those

identified in Schedule C.

STATEMENT OF CRIMES

67. Through the acts and omissions described above, Hashim THAÇI, Kadri

VESELI, Rexhep SELIMI, and Jakup KRASNIQI committed through their

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participation in a joint criminal enterprise and/or aided and abetted the crimes charged in this indictment. In addition or in the alternative, Hashim THAÇI, Kadri VESELI, Rexhep SELIMI, and Jakup KRASNIQI are responsible as superiors for crimes committed by their subordinates. Hashim THAÇI, Kadri VESELI, Rexhep SELIMI, and Jakup KRASNIQI knew or had reason to know that the crimes charged in this indictment were about to be committed or had been committed by their subordinates, and failed to take necessary and reasonable measures to prevent such crimes or to punish the perpetrators thereof.

68. Hashim THAÇI, Kadri VESELI, Rexhep SELIMI and Jakup KRASNIQI are individually criminally responsible, including under customary international law, for:

Count 1: PERSECUTION on political and/or ethnic grounds, a CRIME AGAINST HUMANITY, punishable under Articles 13(1)(h), 16(1)(a), and 16(1)(c) of the Law;

**Count 2: IMPRISONMENT**, a CRIME AGAINST HUMANITY, punishable under Articles 13(1)(e), 16(1)(a), and 16(1)(c) of the Law;

Count 3: ILLEGAL OR ARBITRARY ARREST AND DETENTION, a WAR CRIME, punishable under Articles 14(1)(c), 16(1)(a), and 16(1)(c) of the Law, and Articles 22, 24, 26, 30, and 142 of the SFRY Code, as incorporated in Articles 15(1)(a) and 16(2) of the Law;

Count 4: OTHER INHUMANE ACTS, a CRIME AGAINST HUMANITY, punishable under Articles 13(1)(j), 16(1)(a), and 16(1)(c) of the Law;

Count 5: CRUEL OR INHUMAN TREATMENT, a WAR CRIME, punishable under Articles 14(1)(c)(i), 16(1)(a), and 16(1)(c) of the Law, and Articles 22, 24, 26, 30, and 142 of the SFRY Code, as incorporated in Articles 15(1)(a) and 16(2) of the Law;

Count 6: TORTURE, a CRIME AGAINST HUMANITY, punishable under Articles 13(1)(f), 16(1)(a), and 16(1)(c) of the Law;

Count 7: TORTURE, a WAR CRIME, punishable under Articles 14(1)(c)(i), 16(1)(a),

and 16(1)(c) of the Law, and Articles 22, 24, 26, 30, and 142 of the SFRY Code, as

incorporated in Articles 15(1)(a) and 16(2) of the Law;

Count 8: MURDER, a CRIME AGAINST HUMANITY, punishable under Articles

13(1)(a), 16(1)(a), and 16(1)(c) of the Law;

Count 9: MURDER OR KILLING, a WAR CRIME, punishable under Articles

14(1)(c)(i), 16(1)(a), and 16(1)(c) of the Law, and Articles 22, 24, 26, 30, and 142 of the

SFRY Code, as incorporated in Articles 15(1)(a) and 16(2) of the Law; and

Count 10: ENFORCED DISAPPEARANCE OF PERSONS, a CRIME AGAINST

HUMANITY, punishable under Articles 13(1)(i), 16(1)(a), and 16(1)(c) of the Law.

All sections of this indictment including its Schedules should be read in conjunction

with one other.

\_\_\_\_\_

Jack Smiles

**Jack Smith** 

**Specialist Prosecutor** 

Friday, 24 April 2020

At The Hague, the Netherlands.

# **SCHEDULE A**

# **DETENTION SITES**

	MUNICIPALITY		LOCATION	APPROXIMATE DATE	APPROXIMATE MINIMUM NUMBER OF KNOWN VICTIMS
			KOSO	vo	
1.	Drenas (Gllogoc)/Glogovac	1.1	Llapushnik/Lapušnik	Late April /early May 1998 to late July 1998	30
		1.2		1998	13
		1.3		1999	
		1.4		1999	
2.	Ferizaj/Uroševac	2.1	Around	1999	
		2.2		1999	
		2.3	House in or around Ferizaj/Uroševac	1999	
		2.4		1999	5

	MUNICIPALITY		LOCATION	APPROXIMATE DATE	APPROXIMATE MINIMUM NUMBER OF KNOWN VICTIMS
3.	Gjakovë/Đakovica	3.1	Jabllanicë/Jablanica	April 1998 to late July 1998	13
4.	Gjilan/Gnjilane	4.1	Former boarding school/dormitory in Gjilan/Gnjliane	Late June 1999	3
5.	Kaçanik/Kačanik	5.1		1999	13
		5.2		1999	4
		5.3		1999	5
6.	Lipjan/Lipljan	6.1		1998	4
		6.2	House and surrounding buildings near Kleçkë/Klečka	At least November 1998 to June 1999	20
7.	Malishevë/Mališevo	7.1	Former police station in Malishevë/Mališevo	July 1998	48
		7.2		1999	3

	MUNICIPALITY	LOCATION	APPROXIMATE DATE	APPROXIMATE MINIMUM NUMBER OF KNOWN VICTIMS
8.	Novobërdë/Novo Brdo	8.1	1999	
9.	Obiliq/Obilić	9.1	Mid-June 1999	
10.	Podujevë/Podujevo	10.1 Bare	August 1998	8
		10.2 Bajgorë/Bajgora	August 1998 to mid- September 1998	16
		10.3 Llapashticë/Lapaštica	November 1998 to March 1999	52
		10.4 Majac/Majance	25 March 1999 to 7 April 1999	
		10.5 Potok	25 March 1999 to 7 April 1999	
11.	Prishtinë/Priština	11.1 Prishtinë/Priština	1999	3
		11.2 Prishtinë/Priština	July or August 1999	1

	MUNICIPALITY	LOCATION	APPROXIMATE DATE	APPROXIMATE MINIMUM NUMBER OF KNOWN VICTIMS
		11.3	1999	
		11.4 Zllash/Zlaš	September 1998	
			1 to 19 April 1999	7
12.	Prizren	12.1	1998	5
		12.2 Former MUP building in Prizren	16 to 18 June 1999	15
		12.3 Prizren	15 to 23 June 1999	8
		12.4 Prizren	16 to 19 June 1999	2
		12.5 Prizren	26 June 1999	3
13.	Rahovec/Orahovac	13.1 Drenoc/Drenovac	May 1998 to July 1998	36
		13.2	Late June 1999	1
		13.3	1999	

	MUNICIPALITY	LOCATION	APPROXIMATE DATE	APPROXIMATE MINIMUM NUMBER OF KNOWN VICTIMS		
14.	Skënderaj/Srbica	14.1 Former police station and other locations in Likoc/Likovac	April 1998 to January 1999	25		
		14.2	1998	13		
15.	Suharekë/Suva Reka	15.1	1999	7		
		15.2 Former police station in Suharekë/Suva Reka	Late June 1999	1		
16.	Vitia/Vitina	16.1	1999	6		
	ALBANIA					
17.	Kukës District	17.1 Metal factory in Kukës	May to June 1999	20		
18.	Has District	18.1 Cahan	April to June 1999	17		

# **SCHEDULE B**

# **MURDER OR KILLING**

	MUNICIPALITY	RELATED LOCATION	APPROXIMATE DATE	KNOWN VICTIMS
		КО	sovo	
1.	Drenas (Gllogoc)/Glogovac	Berishë/Beriša mountains near Llapushnik/Lapušnik	25 or 26 July 1998	1.1 1.2 1.3 1.4 1.5 1.6 1.7 1.8 1.9
2.	Drenas (Gllogoc)/Glogovac	Llapushnik/Lapušnik	1998	2.1
3.	Ferizaj/Uroševac		Around or after	3.1

	MUNICIPALITY	RELATED LOCATION	APPROXIMATE DATE	KNOWN VICTIMS
4.	Ferizaj/Uroševac		1999	4.1
				4.2
				4.3
				4.4
5.	Gjakovë/Đakovica	Jabllanicë/Jablanica	Around or after mid-June 1998	5.1
6.	Gjakovë/Đakovica	Jabllanicë/Jablanica	Mid-July 1998	6.1
7.	Gjakovë/Đakovica	Jabllanicë/Jablanica	1998	7.1
8.	Klinë/Klina	Volljakë/Volujak Cave	26 or 27 July 1998	8.1
				8.2
				8.3
				8.4
				8.5
				8.6
				8.7
				8.8

	MUNICIPALITY	RELATED LOCATION	APPROXIMATE DATE	KNOWN VICTIMS
				8.9
9.	Klinë/Klina	Volljakë/Volujak Cave	26 or 27 July 1998	9.1
				9.2
				9.3
				9.4
				9.5
				9.6
				9.7
				9.8
				9.9
				9.10
				9.11
				9.12
				9.13
				9.14
				9.15
10.	Klinë/Klina	Volljakë/Volujak Cave	26 or 27 July 1998	10.1

	MUNICIPALITY	RELATED LOCATION	APPROXIMATE DATE	KNOWN VICTIMS
11.	Lipjan/Lipljan	Kleçkë/Klečka	3 April 1999	11.1
12.	Lipjan/Lipljan	Kleçkë/Klečka	1999	12.1
13.	Lipjan/Lipljan	Kleçkë/Klečka	5 April 1999	13.1
14.	Lipjan/Lipljan	Kleçkë/Klečka	5 April 1999	14.1
15.	Lipjan/Lipljan	Kleçkë/Klečka	5 April 1999	15.1 15.2
				15.2
16.	Lipjan/Lipljan	Kleçkë/Klečka	18 April 1999	16.1
				16.2
				16.3
				16.4
				16.5
17.	Malishevë/Mališevo	Malishevë/Mališevo	18 July 1998	17.1
				17.2
				17.3

	MUNICIPALITY	RELATED LOCATION	APPROXIMATE DATE	KNOWN VICTIMS
				17.4
				17.5
				17.6
				17.7
				17.8
				17.9
				17.10
				17.11
				17.12
18.	Malishevë/Mališevo	Malishevë/Mališevo	19 July 1998	18.1
				18.2
				18.3
				18.4
				18.5
				18.6
				18.7
				18.8
				18.9

	MUNICIPALITY	RELATED LOCATION	APPROXIMATE DATE	KNOWN VICTIMS
				18.10 18.11
				18.12
19.	Malishevë/Mališevo	Malishevë/Mališevo	Around or after 26 or 27	19.1
			July 1998	19.2
20.	Podujevë/Podujevo	Bajgorë/Bajgora	Around or after 30 August 1998	20.1
21.	Podujevë/Podujevo		Late March or early April 1999	21.1 Unidentified Roma man
22.	Podujevë/Podujevo	Majac/Majance	Early April 1999	22.1
				22.2
				22.3
23.	Podujevë/Podujevo	Potok	Early April 1999	23.1
				23.2
24.	Prishtinë/Priština	Prishtinë/Priština	July or August 1999	24.1 Unidentified Serb man

	MUNICIPALITY	RELATED LOCATION	APPROXIMATE DATE	KNOWN VICTIMS
25.	Prishtinë/Priština	Zllash/Zlaš	Between approximately 19 April 1999 and around the end of April 1999	25.1
26.	Prizren	Former MUP building in Prizren	17 or 18 June 1999	26.1
27.	Rahovec/Orahovac		Around or after	27.1
28.	Rahovec/Orahovac	Drenoc/Drenovac	Around or after	28.1
29.	Rahovec/Orahovac	Drenoc/Drenovac	Around or after	29.1
30.	Rahovec/Orahovac	Drenoc/Drenovac	Around or after	30.1
31.	Rahovec/Orahovac	Drenoc/Drenovac	Around or after	31.1
32.	Rahovec/Orahovac	Drenoc/Drenovac	Around or after	32.1

	MUNICIPALITY	RELATED LOCATION	APPROXIMATE DATE	KNOWN VICTIMS
33.	Rahovec/Orahovac	Drenoc/Drenovac	Around or after	33.1
34.	Rahovec/Orahovac	Rahovec/Orahovac	Around or after	34.1
35.	Rahovec/Orahovac	Rahovec/Orahovac	Around or after	35.1
36.	Rahovec/Orahovac	Rahovec/Orahovac	Around or after June 1999	36.1
37.	Skënderaj/Srbica	Likoc/Likovac	Between 1998	37.1 37.2 37.3 37.4 37.5 37.6
38.	Skënderaj/Srbica	Likoc/Likovac	1998	38.1
39.	Skënderaj/Srbica	Likoc/Likovac	Around or after January 1999	39.1

# **PUBLIC**

	MUNICIPALITY	RELATED LOCATION	APPROXIMATE DATE	KNOWN VICTIMS		
ALBANIA						
40.	Kukës District	Metal factory in Kukës	5 June 1999	40.1		

**SCHEDULE C** 

# **ENFORCED DISAPPEARANCE OF PERSONS**

	MUNICIPALITY	RELATED LOCATION	APPROXIMATE DATE OF DISAPPEARANCE	KNO	WN VICTIMS
1.	Ferizaj/Uroševac		1999	1.1	
				1.2	
				1.3	
				1.4	
2.	Prishtinë/Priština	Zllash/Zlaš	19 April 1999	2.1	
3.	Gjakovë/Đakovica	Jabllanicë/Jablanica	1998	3.1	
4.	Malishevë/Mališevo	Malishevë/Mališevo	Around or after 26 or 27 July 1998	4.1	
5.	Rahovec/Orahovac	Drenoc/Drenovac	1998	5.1	
				5.2	
6.	Rahovec/Orahovac	Drenoc/Drenovac	1998	6.1	

	MUNICIPALITY	RELATED LOCATION	APPROXIMATE DATE OF DISAPPEARANCE	KNOWN VICTIMS
7.	Rahovec/Orahovac	Drenoc/Drenovac	1998	7.1
8.	Skënderaj/Srbica	Likoc/Likovac	1998	8.1 8.2 8.3
				8.4 8.5 8.6
9.	Skënderaj/Srbica	Likoc/Likovac	January 1999	9.1