

**Public Redacted Version of 'ANNEX 1 to
Joint Defence Response to Second Prosecution Motion for judicial notice of adjudicated
facts'**

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Fact No.	Proposed Fact	Source	PTB	Indictment	Comments
A. CREATION AND STRUCTURE OF THE BIA					
1.	The BIA was a guerrilla unit of the KLA within the Llap OZ. ¹	<i>Mustafa</i> , TJ, ² para.334	203, 438-442	75, 109, 160	C9, C10 ([REDACTED]. W04746 stated that the unit was formed earlier on, and that it was later accepted as a special unit within the KLA; ³ that it was a separate unit which acted separately and “could have reported to the Llap operative zone”. ⁴)
2.	The Llap OZ encompassed areas of Prishtinë/Priština (including Zllash/Zlaš) and Podujevë/Podujevo. ⁵	<i>Mustafa</i> , TJ, para.334	202	19	
3.	On the orders of the KLA General Staff, the headquarters of the Llap OZ had taken measures to recruit, train, and deploy new soldiers, as well as to	<i>Mustafa</i> , TJ, para.334	207	19	C9, C10 ([REDACTED]. W04746 did not confirm such measures were taken on the orders of the KLA General Staff. He stated that he would discuss these

¹ Llap Operational Zone ('Llap OZ').

² *Specialist Prosecutor v. Mustafa*, Trial Judgment, KSC-BC-2020-05/F00494, 16 December 2022, Confidential ('*Mustafa*, TJ').

³ Transcript of 11 July 2023, page 5506, lines 14-16; 14 July 2023 page 5714 lines 20-21.

⁴ Transcript of 12 July 2023, page 5513, lines 15-18.

⁵ This fact is proposed as a supplement to fact 283 already noticed in the Decision on Prosecution Motion for Judicial Notice of Adjudicated Facts, KSC-BC-2020-06/F01534, 17 May 2023, Confidential. *See* KSC-BC-2020-06/F01534/A01.

	structure, expand and consolidate command structures for the Llap OZ.				matters with the KLA General Staff because they “were aiming to better organise and to better structure [the] units” ⁶ , and that the GS could also make appointments, <i>i.e.</i> approve his request for appointments, “for the sake of the cooperation and the opportunity to operate with the General Staff”. ⁷
4.	The BIA, also known as “Skifterat” or “Skifteri”, was created on 20 May 1998 and operated in the Prishtine/Priština area and eventually also in Podujevë/Podujevo.	<i>Mustafa</i> , TJ, para.335	438-442	75, 109, 160	
5.	The BIA had several hundred members, at times between 500 and 600, the number changing during the time of its existence.	<i>Mustafa</i> , TJ, para.335	442	75, 109, 160	C6 (lacking in specificity).
6.	In April 1999, some BIA soldiers wore camouflage or black uniforms with the official KLA or BIA insignia and were armed, while others wore civilian clothing. All BIA soldiers had an ID and a plaque around the neck identifying them as guerrilla soldiers. The symbol of the BIA was a hunting bird.	<i>Mustafa</i> , TJ, para.336 <i>See also Mustafa</i> , TJ, para.24 (noting that the time period relevant to the charges is 1 April	442	75, 109, 160	C6 (lacking in specificity).

⁶ Transcript of 12 July 2023, page 5532 lines 6-13.

⁷ Transcript of 11 July 2023, page 5484 line 24 to 5485 line 5.

		1999 to around the end of April 1999).			
7.	Salih Mustafa joined the KLA in the beginning of September 1997.	<i>Mustafa</i> , TJ, para.338	438-443	75, 109, 160	
8.	In May 1998, Salih Mustafa, also known as 'Cali', was appointed by the then commander of the KLA's Llap OZ, Rrustem Mustafa (aka Remi), as the Commander of the newly created BIA.	<i>Mustafa</i> , TJ, paras 338, 340 (in relation to the nickname 'Cali')	203, 438-443	75, 109, 160	
9.	Salih Mustafa was the overall and only BIA commander throughout the BIA's existence, including in April 1999, and was also in charge of intelligence gathering.	<i>Mustafa</i> , TJ, para.338 <i>See also Mustafa</i> , TJ, para.654	438-443	75, 109, 160	C2, C8. C10 ([REDACTED]. W04746 did not testify to this point).
10.	Until February 1999, Brahim Mehmetaj (aka Bimi) was Salih Mustafa's deputy and first assistant; whereas from February 1999 to 21 April 1999, it was Isa Kastrati, followed by Bahri Gashi (aka Bafta).	<i>Mustafa</i> , TJ, para.338	443	75, 109, 160	C10 ([REDACTED]. W04746 did not testify to this point).
11.	The BIA, and Salih Mustafa as the BIA commander, directly received orders from, and reported to the staff of the Llap OZ command: Rrustem Mustafa, Kadri Kastrati, Nuredin Ibishi, and Latif Gashi.	<i>Mustafa</i> , TJ, para.339	438-443, 444, 449, 453	75, 109, 160	C9, C10 ([REDACTED]. W04746 stated that "they could report to the command staff. However, given the nature of their work, they reported to Brigade 153". ⁸ He also stated that they "could

⁸ Transcript of 11 July 2023, Page 5506, lines 18-20.

					not meet [...] very often with the Brigade 153 commander.” ⁹)
12.	Salih Mustafa had the power to issue orders to his subordinates, including in relation to monitoring the movements of Serbian forces, identifying potential military objectives and delivering medical supplies.	<i>Mustafa</i> , TJ, para.339 <i>See also Mustafa</i> , TJ, paras 720-721	438-443	75, 109, 160	C2, C10 ([REDACTED]. W04746 did not testify to this point.)
13.	Salih Mustafa received information about violations committed by BIA soldiers and had the power to discipline them.	<i>Mustafa</i> , TJ, para.339	438-443	75, 109, 160	C2; C10 ([REDACTED]. W04746 did not testify to this point.)
14.	Salih Mustafa wore, at least for a certain period of time, a red hat or beret, which was not part of the standard BIA uniform.	<i>Mustafa</i> , TJ, para.341	442	75, 109, 160	
15.	The tasks of the BIA included: intelligence and information gathering regarding, <i>inter alia</i> , persons believed to be assisting the Serbian forces; and raising awareness that the “war is the only way out” and was a “just war”.	<i>Mustafa</i> , TJ, para.720	438-443, 444, 449, 453	75, 109, 160	C2, C10 ([REDACTED]. W04746 did not testify to this point.)
16.	BIA members also took part in the hostilities to counter the Serbian offensive, and assisted in the evacuation of the wounded from Zllash/Zlaš, under the leadership of Salih Mustafa.	<i>Mustafa</i> , TJ, para.720	438-443	75, 109, 160	C10 ([REDACTED]. W04746 did not testify to this point.)

⁹ Transcript of 12 July 2023, Page 5535, lines 2-3.

17.	Salih Mustafa had a satellite phone at his disposal.	<i>Mustafa</i> TJ, para.300	438-443	75, 109, 160	C6 (too vague; time period is not specified).
18.	The BIA was independent from the other brigades within the Llap OZ, including Brigade 153.	<i>Mustafa</i> , TJ, para.342	206, 213	75, 109, 160	
B. BRIGADE 153					
19.	From February 1999 onwards, Brigade 153 had its headquarters in Zllash/Zlaš, but always at a certain distance from the BIA base. Brigade 153 also had a training centre in the local school in Zllash/Zlaš.	<i>Mustafa</i> , TJ, para.342	213	75, 109, 160	
20.	Brigade 153, and specifically its commander, communicated directly with the Llap OZ, namely its commander (Rrustem Mustafa) or his deputy (Kadri Kastrati).	<i>Mustafa</i> , TJ, para.342	213	75, 109, 160	C9, C10 ([REDACTED]). W04746 stated that they [Llap OZ command] “could not meet [...] very often with the Brigade 153 commander” ¹⁰ as the Brigade 153 commander “was located in an area where the communication lines were more difficult to secure.” ¹¹)
21.	Adem Shehu, Sejdi Veseli and Fatmir Sopi were part of the command of Brigade 153, with Adem Shehu having been formally appointed as Brigade Commander in February 1999 and having assumed this position in March 1999. Sejdi Veseli was his	<i>Mustafa</i> , TJ, para.344	213	75, 109, 160	C2, C10 ([REDACTED])

¹⁰ Transcript of 12 July 2023, Page 5535, lines 2-3.

¹¹ Transcript of 18 July 2023, Page 5942, lines 7-9.

	deputy until late April 1999, before being replaced by Fatmir Sopi, who was initially the Brigade's Assistant Commander for Civilian Protection.				
22.	Agron Xhemajli (aka Agimi) was part of Brigade 153. He formed part of the Brigade Staff and assumed the function of head of the information service, which was essentially an intelligence service.	<i>Mustafa</i> , TJ, para.345	213	75, 109, 160	C2, C10 ([REDACTED]).
C. THE ZLLASH/ZLAŠ DETENTION COMPOUND					
23.	The BIA had a base in Zllash/Zlaš in April 1999, which was under the control and authority of the BIA commander, Salih Mustafa.	<i>Mustafa</i> , TJ, para.353 <i>See also Mustafa</i> , TJ, para.24 (noting that the time period relevant to the charges is 1 April 1999 to around the end of April 1999), 654	438-443	75, 109, 160	C8 ("under the control and authority").
24.	Zllash/Zlaš is in the northeast of Prishtinë/Priština municipality.	<i>Mustafa</i> , TJ, para.247	438-443	75, 109, 160	
25.	The distance between the city of Prishtinë/Priština and Zllash/Zlaš is about 20 kilometres.	<i>Mustafa</i> , TJ, para.315	438-443	75, 109, 160	

26.	Zllash/Zlaš and the villages around it were seen as a relatively safe area with a limited presence of Serbian forces.	<i>Mustafa</i> TJ, para.261	438-443	75, 109, 160	
27.	BIA members, including Salih Mustafa, chose the Zllash/Zlaš Detention Compound to perpetrate the crimes because it was located in an isolated mountainous area, away from hostilities, and this could ensure the undisturbed commission of crimes.	<i>Mustafa</i> , TJ, para.715	444-457	75, 109, 160	C3, C6 (too vague/ambiguous to be relied upon).
28.	Salih Mustafa, together with other KLA members, went to the Krasniqi family in Prishtinë/Priština in order to request authorisation to use their property in Zllash/Zlaš, which then became a BIA base.	<i>Mustafa</i> , TJ, para.338	444-457	75, 109, 160	
29.	The BIA base was located in an uphill area of Zllash/Zlaš, separated from the rest of the village and from other KLA facilities there, namely a school, which was used as a training centre for new KLA recruits, the headquarters of Brigade 153 and the Karadak Operational unit.	<i>Mustafa</i> , TJ, paras 354-355	213, 438, 440-442	75, 109, 160	C10 ([REDACTED]).
30.	Salih Mustafa was in Zllash/Zlaš at times during April 1999, including in the first two weeks of April 1999, and repeatedly moved in and out of that location, including on a need basis and upon being informed via radio or satellite phone.	<i>Mustafa</i> TJ, paras 252, 332 <i>See also Mustafa</i> , TJ, para.24 (noting that the time period relevant to the charges is 1 April 1999 to around the	438-444, 449, 453	75, 109, 160	C3, C6 (lacks sufficient specificity).

		end of April 1999), 261, 282, 331, 720			
31.	Different vehicles, some of them particularly suitable for mountain and difficult terrain (tractors, 4x4, jeeps), were available to Salih Mustafa and more generally to the KLA members, who used them to move across the territory surrounding Zllash/Zlaš.	<i>Mustafa</i> TJ, para.332 <i>See also Mustafa</i> , TJ 257	438-443	75, 109, 160	C3.
32.	One of the purposes of the BIA base in Zllash/Zlaš – which corresponds to the Zllash/Zlaš Detention Compound – was to detain people.	<i>Mustafa</i> , TJ, paras 377-378 <i>See also Mustafa</i> , TJ, para.715	444-457	75, 109, 160	C2, C6 (too vague/ambiguous to be relied upon).
33.	BIA members apprehended the victims and took them to the Zllash/Zlaš Detention Compound with the assistance of [REDACTED] and other KLA members.	<i>Mustafa</i> , TJ, para.714	444-457	75, 109, 160	C6 (lacks sufficient specificity).
34.	The individuals who established and maintained the conditions of detention at the Zllash/Zlaš Detention Compound, and those who subjected the detainees to physical and psychological assault were KLA members belonging to the BIA unit.	<i>Mustafa</i> , TJ, para.500 <i>See also Mustafa</i> , TJ, 745	438, 444-457	75, 109, 160	C3, C6 (lacks sufficient specificity; furthermore, the SPO does not define the term "detainees" nor specifically indicates to which individuals the term refers to in relation to each instance in which it is used).

35.	In addition to detaining people, the Zllash/Zlaš Detention Compound was also used for other armed conflict-related purposes, such as a rest and recuperation area for KLA soldiers, as a safe refuge for displaced civilians, and as a treatment facility for wounded persons.	<i>Mustafa</i> , TJ, para.715	444-457	75, 109, 160	C2, C6 (too vague/ambiguous to be relied upon as to “In addition to detaining people”; see objection to proposed fact 32.
36.	By virtue of his position as BIA commander, Salih Mustafa was the person at the Zllash/Zlaš Detention Compound who had the responsibility to ensure that the detainees were afforded the basic guarantees.	<i>Mustafa</i> , TJ, para.657	444-457	75, 109, 160	C2. See also objection to proposed fact 34 in relation to the term "detainee(s)".
37.	Salih Mustafa did not exercise his authority as commander to provide the detainees with basic guarantees or to release them, other than on or around 19 April 1999, in light of the impending Serbian offensive.	<i>Mustafa</i> , TJ, para.753	438-457	75, 109, 160	C2. See also objection to proposed fact 34 in relation to the term "detainee(s)". C8 (in relation to exercise of authority).
38.	Salih Mustafa was present at the Zllash/Zlaš Detention Compound on multiple occasions during April 1999, including at critical times: (i) on or around [REDACTED] April 1999, when the Murder Victim ¹² was handed over [REDACTED] to a BIA member at the Zllash/Zlaš Detention Compound; and (ii) in the first two weeks of April 1999, specifically when Salih Mustafa personally	<i>Mustafa</i> , TJ, para.654 <i>See also Mustafa</i> , TJ, para.691	438-457	75, 109, 160	C3, C6 (too vague/ambiguous to be relied upon “on multiple occasions during April 1999, including [...]” lacks sufficient specificity. C10 ([REDACTED])).

¹² [REDACTED].

	mistreated or witnessed the mistreatment by his BIA subordinates of W01679 and W03593.				
39.	Salih Mustafa and his BIA subordinates saw and knew that detainees were held at the Zllash/Zlaš Detention Compound between approximately 1 April 1999 and on or around 19 April 1999.	<i>Mustafa</i> , TJ, para.656 <i>See also Mustafa</i> , TJ, para.815	438-444, 449, 453	75, 109, 160	C2. See also objection to proposed fact 34 in relation to the term "detainee(s)".
40.	Certain KLA and/or BIA members ordered the arrest of the Murder Victim, and transported him, as well as W03593, W03594, W01679, and W04669, to the Zllash/Zlaš Detention Compound.	<i>Mustafa</i> , TJ, para.753	438-457	75, 109, 160	C2, C3, C6 (too vague/ambiguous to be relied upon. "Certain KLA and/or BIA members" lacks sufficient specificity).
41.	Due to the Serbian offensive, the Zllash/Zlaš Detention Compound was evacuated.	<i>Mustafa</i> , TJ, para.423 <i>See also Mustafa</i> , TJ, paras 658, 692	454	75, 109, 160	C3, C6 (fails to cite to clearly identified evidential sources / to refer to the underlying evidence).
42.	The detainees were suddenly released from the ZDC, without explanation or documentation, on or around 19 April 1999, in light of the impending Serbian offensive in the area of Zllash/Zlaš.	<i>Mustafa</i> , TJ, para.636 <i>See also Mustafa</i> , TJ, paras 658, 692, 746	454	75, 109, 160	C3, C6 (fails to cite to clearly identified evidential sources / to refer to the underlying evidence. See also objection to proposed fact 34 in relation to the term "detainee(s)").
43.	BIA members did not have time to record the post-17 April 1999 release of detainees such as W01679,	<i>Mustafa</i> , TJ, para.424	454	75, 109, 160	C3, C6 (fails to cite to clearly identified evidential sources / to refer to the underlying evidence. See also objection to

	W03593, and W03594 because a decision was taken suddenly, due to the incoming Serbian offensive.				proposed fact 34 in relation to the term "detainee(s)").
44.	The decision to release some detainees and to keep others in detention, despite the impending Serbian offensive, could only have been made by Salih Mustafa, in his capacity as BIA commander.	<i>Mustafa</i> , TJ, para.636 <i>See also Mustafa</i> , TJ, paras 654-655, 658, 692, 746	454	75, 109, 160	C2, C3 (Fails to cite to clearly identified sources). See also objection to proposed fact 34 in relation to the term "detainee(s)".
45.	Salih Mustafa released the detainees exclusively because of a critical change in circumstances – the Serbian offensive – which compelled BIA soldiers under his command, including his deputy Brahim Mehmetaj (aka Bimi), to release detainees and evacuate the Zllash/Zlaš Detention Compound.	<i>Mustafa</i> , TJ, para.658 <i>See also Mustafa</i> , TJ, paras 636, 655, 746	454	75, 109, 160	C2, C4 (redacted sources, particularly with respect to the conclusion that release was “exclusively” due to critical change of circumstances). See also objection to proposed fact 34 in relation to the term "detainee(s)".
46.	At the time of the sudden release of the detainees, on or around 19 April 1999, they could walk towards Prishtinë/Priština and other locations, relatively undisturbed. This indicates that the Serbian troops, at that point in time, were nowhere near the Zllash/Zlaš Detention Compound.	<i>Mustafa</i> , TJ, para.630	454	75, 109, 160	C4 (redactions to footnote 1367), C6 (“nowhere near”). See also objection to proposed fact 34 in relation to the term "detainee(s)". C10 ([REDACTED]).

47.	Salih Mustafa, Nazif Musliu (aka Tabuti), Ilmi Vela, Bragim Mehmetaj (aka Bimi), Dardan, Afrim, and Fatmir were all linked to each other by the fact that their activities revolved around the Zllash/Zlaš Detention Compound, either because they were stationed there or because they went there to transport detainees to BIA members at the Zllash/Zlaš Detention Compound, or ordered that those detainees be delivered to BIA members at the Zllash/Zlaš Detention Compound.	<i>Mustafa</i> , TJ, para.743	438-442	75, 109, 160	C3 (no source cited), C6 (not stated to whom which circumstance(s) apply. See also objection to proposed fact 34 in relation to the term "detainee(s)").
D. CONDITIONS AND MISTREATMENT AT THE ZLLASH/ZLAŠ DETENTION COMPOUND					
48.	The living and sleeping conditions at the Zllash/Zlaš Detention Compound were totally inadequate and degrading. These deplorable conditions were unfit for humans.	<i>Mustafa</i> , TJ, paras 502, 509 <i>See also Mustafa</i> , TJ, paras 526, 527, 584, 676, 797	444-457	75, 109, 160	C8 ("degrading").
49.	Detainees were kept in barns with livestock excrements lying around.	<i>Mustafa</i> , TJ, para.526 <i>See also Mustafa</i> , TJ, para.797	444-457	75, 109, 160	C6 (too general.) See also objection to proposed fact 34 in relation to the term "detainee(s)").
50.	The detainees were kept in darkness.	<i>Mustafa</i> , TJ, para.797 <i>See also Mustafa</i> , TJ, para.532	444-457	75, 109, 160	C6 (generalised; unclear to whom it applies specifically, or for how long, and whether it was a continuous state of affairs). See also objection to

					proposed fact 34 in relation to the term "detainee(s)".
51.	BIA members at the Zllash/Zlaš Detention Compound locked the detention barns where the victims were held and guarded them.	<i>Mustafa</i> , TJ, para.753 <i>See also Mustafa</i> , TJ, paras 464, 655	444-457	75, 109, 160	C6 (generalised; unclear to whom it applies, or for how long, and whether it was a continuous state of affairs).
52.	The detainees were not provided any beds and made to sleep in the animal trough or on the ground – in water puddles, with livestock excrement lying around.	<i>Mustafa</i> , TJ, para.584 <i>See also Mustafa</i> , TJ, paras 526, 676, 796	444-457	75, 109, 160	C6 (generalised; unclear to whom it applies). See also objection to proposed fact 34 in relation to the term "detainee(s)".
53.	The detainees only had some hay and some blankets as bedding.	<i>Mustafa</i> , TJ, para.676	444-457	75, 109, 160	C6 (generalised; unclear to whom it applies, or for how long). See also objection to proposed fact 34 in relation to the term "detainee(s)"
54.	At least for certain periods of time, the detainees at the Zllash/Zlaš Detention Compound were provided inadequate amounts of food and water.	<i>Mustafa</i> , TJ, para.514 <i>See also Mustafa</i> , TJ, paras 510, 526, 584, 680	444-457	75, 109, 160	C6 (generalised; unclear to whom it applies, or for how long, and whether it was a continuous state of affairs which is of critical importance). See also objection to proposed fact 34 in relation to the term "detainee(s)".
55.	The detainees at the Zllash/Zlaš Detention Compound did not have unrestricted access to a	<i>Mustafa</i> , TJ, para.518	444-457	75, 109, 160	C6 (generalised; unclear to whom it applies, or for how

	toilet and had to either relieve themselves inside the barn(s), in front of each other, or use a toilet outside under supervision.	<i>See also Mustafa, TJ, paras 526, 584, 676, 680</i>			long, and whether it was a continuous state of affairs which is of critical importance). See also objection to proposed fact 34 in relation to the term "detainee(s)".
56.	The detainees were not permitted to wash themselves or change their clothes.	<i>Mustafa, TJ, para.676 See also Mustafa, TJ, paras 584, 797</i>	444-457	75, 109, 160	C6 (generalised; unclear to whom it applies, or for how long, and whether it was a continuous state of affairs). See also objection to proposed fact 34 in relation to the term "detainee(s)".
57.	The hygienic and sanitary conditions at the Zllash/Zlaš Detention Compound were wholly inadequate and degrading.	<i>Mustafa, TJ, para.519 See also Mustafa, TJ, paras 515, 680</i>	444-457	75, 109, 160	C8 ("degrading").
58.	The detainees at the Zllash/Zlaš Detention Compound were denied medical care, which was made worse by the fact that the detainees were subjected to brutal physical assaults and suffered serious injuries while in detention.	<i>Mustafa, TJ, paras 520-522 See also Mustafa, TJ, paras 526, 584, 621, 676, 797</i>	444-457	75, 109, 160	C6 (sentence is meaningless/incoherent). See also objection to proposed fact 34 in relation to the term "detainee(s)".
59.	The detainees at the Zllash/Zlaš Detention Compound were routinely assaulted, both physically and psychologically.	<i>Mustafa, TJ, para.528 See also Mustafa, TJ, paras 564, 584, 586, 674-675, 796-797</i>	444-457	75, 109, 160	C6 (generalised; unclear to whom it applies). See also objection to proposed fact 34 in

					relation to the term "detainee(s)".
60.	Inside the barn(s), the detainees were subjected to kicks, punches and slaps on a daily basis; in addition, BIA members took detainees out of the barn(s), one by one, for interrogation, and brought them most of the time to a room located above one of the barns (the interrogation room), but also elsewhere on the Zllash/Zlaš Detention Compound premises, where they subjected the detainees to brutal beatings and other forms of mistreatment.	<i>Mustafa</i> , TJ, para.528 <i>See also Mustafa</i> , TJ, paras 586, 655, 674, 797	444-457	75, 109, 160	C6 (generalised; illustrative and lacking specificity: unclear to whom it applies, frequency of occurrence.) See also objection to proposed fact 34 in relation to the term "detainee(s)", C8 ("brutal beatings and other forms of mistreatment" are tantamount to legal findings).
61.	Salih Mustafa and BIA members under his command at the Zllash/Zlaš Detention Compound, including Nazif Musliu (aka Tabuti), Ilmi Vela, Brahim Mehmetaj (aka Bimi), Dardan, Afrim, and Fatmir repeatedly mistreated the detainees in a variety of manners: kicking and hitting them with iron or wooden/rubber batons and handles of hatchets, burning them, electrocuting them and stabbing them, leaving them bruised all over their bodies, bloodied, unable to stand or walk, unconscious, and – in the case of the Murder Victim – almost dead.	<i>Mustafa</i> , TJ, paras 586, 680 <i>See also Mustafa</i> , TJ, paras 584, 655, 674, 745, 805	444-457	75, 109, 160	C2, C6 (too lacking in specificity, particulars. See also objection to proposed fact 34 in relation to the term "detainee(s)").
62.	The detainees were often mistreated by several BIA members at the same time and some were beaten for hours.	<i>Mustafa</i> , TJ, para.674 <i>See also Mustafa</i> , TJ, paras 745, 805	444-457	75, 109, 160	C6 (too lacking in specificity, particulars; unclear to whom it applies; meaning of "often" in context is unclear. See also

					objection to proposed fact 34 in relation to the term "detainee(s)").
63.	BIA members at the Zllash/Zlaš Detention Compound, including Nazif Musliu (aka Tabuti), Ilmi Vela, Brahim Mehmetaj (aka Bimi), Dardan, Afrim, and Fatmir had an established <i>modus operandi</i> , indicating that the mistreatment was institutionalised.	<i>Mustafa</i> , TJ, para.680 <i>See also Mustafa</i> , TJ, paras 499, 528	444-457	75, 109, 160	C8 ("established <i>modus operandi</i> indicating that the mistreatment it was institutionalised" is tantamount a legal finding, as a synonym for "systematic").
64.	By participating in the mistreatment and interrogation of W01679 and W03593, Salih Mustafa provided a model or incentive for his BIA subordinates to perform similar actions against the detainees at the Zllash/Zlaš Detention Compound.	<i>Mustafa</i> , TJ, para.817	444-457	75, 109, 160	C2, C10 ([REDACTED]).
65.	Salih Mustafa witnessed the mistreatment of detainees and gave orders to his BIA subordinates to mistreat them or to bring them back to the detention barn.	<i>Mustafa</i> , TJ, para.817	444-457	75, 109, 160	C2. See also objection to proposed fact 34 in relation to the term "detainee(s)".
66.	BIA members at the Zllash/Zlaš Detention Compound, including Nazif Musliu (aka Tabuti), Ilmi Vela, Brahim Mehmetaj (aka Bimi), Dardan, Afrim, and Fatmir saw the conditions of detention when they brought detainees to the barn(s) and when they entered the barns to assault them.	<i>Mustafa</i> , TJ, para.680	444-457	75, 109, 160	C6 (too lacking in specificity, particulars). See also objection to proposed fact 34 in relation to the term "detainee(s)".
67.	BIA members at the Zllash/Zlaš Detention Compound, including Nazif Musliu (aka Tabuti),	<i>Mustafa</i> , TJ, para.680	444-457	75, 109, 160	C6 (too lacking in specificity, particulars). See also objection

	Ilmi Vela, Brahim Mehmetaj (aka Bimi), Dardan, Afrim, and Fatmir saw the condition the detainees were in and their injuries after interrogation and mistreatment when they brought the detainees back to the barn(s).				to proposed fact 34 in relation to the term "detainee(s)".
68.	The detainees at the Zllash/Zlaš Detention Compound lived in constant fear that they could be subjected to physical abuse at any time or even killed.	<i>Mustafa</i> , TJ, para.585 <i>See also Mustafa</i> , TJ, paras 530, 675, 683, 797	444-457	75, 109, 160	C6 (too lacking in specificity, particulars). See also objection to proposed fact 34 in relation to the term "detainee(s)".
69.	The detainees at the Zllash/Zlaš Detention Compound were not able to communicate freely with each other, which reinforced their fears and anxiety.	<i>Mustafa</i> , TJ, para.525	444-457	75, 109, 160	C6 (too lacking in specificity, particulars). See also objection to proposed fact 34 in relation to the term "detainee(s)".
70.	The detainees were forbidden to interact and talk to each other under threat of death.	<i>Mustafa</i> , TJ, para.526 <i>See also Mustafa</i> , TJ, paras 584, 676, 797	444-457	75, 109, 160	C6 (too lacking in specificity, particulars). See also objection to proposed fact 34 in relation to the term "detainee(s)".
71.	The detainees did not know how long their detention would last and were unable to contact or communicate with the outside world, including with their family.	<i>Mustafa</i> , TJ, para.810	444-457	75, 109, 160	C6 (too lacking in specificity, particulars). See also objection to proposed fact 34 in relation to the term "detainee(s)".
72.	The detainees witnessed the brutal mistreatment inflicted on their co-detainees.	<i>Mustafa</i> , TJ, para.530	444-457	75, 109, 160	C6 (too lacking in specificity, particulars). See also objection to proposed fact 34 in relation to the term "detainee(s)".

		<i>See also Mustafa, TJ, paras 579, 585, 675, 683, 797</i>			C8 ("brutal mistreatment" tantamount to legal characterisation).
73.	In addition to hearing their co-detainees being mistreated, the detainees could also see the injuries inflicted on them, and the state they were in when they were brought back to the barn: bruised, bloodied, or unconscious.	<i>Mustafa, TJ, para.531 See also Mustafa, TJ, para.675</i>	444-457	75, 109, 160	C6 (too lacking in specificity, particulars). See also objection to proposed fact 34 in relation to the term "detainee(s)".
74.	The atmosphere of constant fear was also fuelled by the fact that the detainees were not informed of the reasons for their deprivation of liberty, they had bags put on their heads when they were taken to or from the barn(s) and were told not to look around, were held in darkness, were not allowed to speak to each other, and were not allowed to sleep.	<i>Mustafa, TJ, para.532 See also Mustafa, TJ, paras 585, 675, 795</i>	444-457	75, 109, 160	C6 (too lacking in specificity, particulars). See also objection to proposed fact 34 in relation to the term "detainee(s)".
75.	BIA members at the Zllash/Zlaš Detention Compound, including Nazif Musliu (aka Tabuti), Ilmi Vela, Brahim Mehmetaj (aka Bimi), Dardan, Afrim, and Fatmir detained some of the victims, at least in part, for being members or supporters of political parties perceived as opposing the KLA.	<i>Mustafa, TJ, para.683 See also Mustafa, TJ, paras 716, 745</i>	444-457	75, 109, 160	C8 (legal characterisation - persecution/JCE objective).
76.	During their mistreatment, the detainees at the Zllash/Zlaš Detention Compound: (i) were interrogated (for example, about their reasons for being in Zllash/Zlaš, their knowledge of the identity of thieves, or about [REDACTED] found on them	<i>Mustafa, TJ, para.579 See also Mustafa, TJ, 587, 675, 680, 683, 716, 745, 797</i>	444-457	75, 109, 160	C6 (too generalised, lacking specificity). See also objection to proposed fact 34 in relation to the term "detainee(s)".

	when they were arrested); (ii) were accused of being spies, traitors, thieves, liars, or of collaborating with Serbs; and (iii) were subjected to mock executions, in the case of W03593, threatened with death, or forced to witness the mistreatment of their co-detainees.				
77.	Detainees were intimidated and made to express support for the KLA.	<i>Mustafa</i> , TJ, para.587 <i>See also Mustafa</i> , TJ, para.797	444-457	75, 109, 160	C6 (too generalised, lacking specificity). See also objection to proposed fact 34 in relation to the term "detainee(s)".
78.	The BIA members, including Salih Mustafa, sought: to obtain information from the detainees; to make them confess that they were spies, liars, thieves or collaborating with Serbs; to punish them for it; to intimidate them by subjecting them to mock executions or forcing them to witness the mistreatment of other detainees; and/or to discriminate against them based on their political convictions.	<i>Mustafa</i> , TJ, para.582 <i>See also Mustafa</i> , TJ, paras 583, 587, 682, 797	444-457	75, 109, 160	C2, C3, C8 ("discrimination based on political convictions" tantamount to legal description). See also objection to proposed fact 34 in relation to the term "detainee(s)".
79.	The physical and psychological assault, coupled with the inhumane conditions of detention, left the detainees with long-lasting injuries, both physical and mental, such as: head injuries, burn injuries, broken arms, fingers and/or teeth; persistent and severe pain throughout their bodies; damaged eyesight; feelings of shame; and symptoms of post-	<i>Mustafa</i> , TJ, para.588 <i>See also Mustafa</i> , TJ, paras 677, 801	444-457	75, 109, 160	C8 ("inhumane conditions").

	traumatic stress disorder (nightmares, flashbacks and intrusive memories).				
80.	The victims also experienced disruption of their personal relationships and family lives. Some further struggle(d) to make a living.	<i>Mustafa</i> , TJ, para.801	444-457	75, 109, 160	C6 (descriptive; lacking in specificity).
E. W01679					
81.	W01679 was at the training centre in Zllash/Zlaš prior to his initial apprehension.	<i>Mustafa</i> , TJ, para.388	444-457	75, 109, 160	C10 ([REDACTED]).
82.	W01679 was deprived of his liberty on or around [REDACTED] April 1999.	<i>Mustafa</i> , TJ, para.390	444-445	75, 109, 160	C10 ([REDACTED]), C8 ("deprived of liberty").
83.	When W01679 was initially apprehended, BIA members stated that "[t]he commander needs to ask you something" and took him directly to Salih Mustafa upon arrival at the Zllash/Zlaš Detention Compound.	<i>Mustafa</i> , TJ, para.657	444-446	75, 109, 160	C10 ([REDACTED]).
84.	W01679 was detained in the Zllash/Zlaš Detention Compound together with the Murder Victim, W03593, W03594, [REDACTED].	<i>Mustafa</i> , TJ, paras 400-401 <i>See also Mustafa</i> , TJ, paras 393, 398	444-457	75, 109, 160	C10 ([REDACTED]), C8 ("murder victim").
85.	[REDACTED] who released W01679.	<i>Mustafa</i> , TJ, para.404	454	75, 109, 160	C10 ([REDACTED]).
86.	W01679 was released on or around 19 April 1999, along with other detainees.	<i>Mustafa</i> , TJ, para.406	454	75, 109, 160	C10 ([REDACTED]).

		<i>See also Mustafa, TJ, para.403</i>			
87.	W01679 was not shown any documentation and felt compelled to abide by what he was told.	<i>Mustafa, TJ, para.408</i>	446	75, 109, 160	C10 ([REDACTED]).
88.	W01679 was not informed of the reasons for his deprivation of liberty; was not brought promptly before a judge or other competent authority; and was not provided with an opportunity to challenge the lawfulness of his detention.	<i>Mustafa, TJ, paras 409-410, 653</i>	444-449, 452-454, 457	75, 109, 160	C2, C3, C8 (“deprivation of liberty”, “lawfulness of detention”), C10 ([REDACTED]).
89.	While detained, W01679 developed an infection that was, in part, the result of the unhygienic conditions in which he was detained.	<i>Mustafa, TJ, para.516</i>	444-457	75, 109, 160	C2, C3, C10 ([REDACTED]).
90.	W01679, [REDACTED] was first interrogated and beaten on the day he was brought at the Zllash/Zlaš Detention Compound.	<i>Mustafa, TJ, para.534</i> <i>See also Mustafa, TJ, paras 535, 674</i>		75, 109, 160	C2, C6 (time period is not specified), C10 ([REDACTED]).
91.	Almost daily throughout his time in detention, W01679 was hit with iron batons and handles of hatchets, burnt with hot candle wax and a hot iron, and electrocuted.	<i>Mustafa, TJ, para.806</i> <i>See also Mustafa, TJ, paras 535, 539, 674</i>	444-457	75, 109, 160	C2, C6 (“Almost daily”), C10 ([REDACTED]).
92.	Electricity was available at the Zllash/Zlaš Detention Compound, even if at intermittent times, during April 1999, including when W01679 was electrocuted.	<i>Mustafa, TJ, para.539</i>	444-457	75, 109, 160	C2, C3, C10 ([REDACTED]).

93.	BIA members urinated upon W01679 when he asked for water, in front of other detainees.	<i>Mustafa</i> , TJ, para.680 <i>See also Mustafa</i> , TJ, paras 511, 526, 584, 676, 807	444-457	75, 109, 160	C2, C6. (time period is not provided, C10 ([REDACTED]).)
94.	The individual who first interrogated W01679, slapped him and gave the order to “finish him” was Salih Mustafa.	<i>Mustafa</i> , TJ, para.541 <i>See also Mustafa</i> , TJ, paras 542, 679, 691, 729, 732	444-449, 452-454, 457	75, 109, 160	C2, C3, C6 (time is not established in the proposed fact), C10 ([REDACTED])
95.	Salih Mustafa ordered other BIA members to beat W01679 until he lost consciousness.	<i>Mustafa</i> , TJ, para.753 <i>See also Mustafa</i> , TJ, para.679	444-449, 452-454, 457	75, 109, 160	C2., C6 (time is not established in the proposed fact), C10 ([REDACTED]).
96.	While detained at the Zllash/Zlaš Detention Compound, W01679 was interrogated and accused of being a spy, a liar and a thief, and severely mistreated by BIA members, including by Salih Mustafa.	<i>Mustafa</i> , TJ, para.545 <i>See also Mustafa</i> , TJ, paras 682, 729, 732	444-449, 452-454, 457	75, 109, 160	C2, C3, C6 (time period is not provided), C10 ([REDACTED]).
97.	The mistreatment left W01679 with long-lasting physical and psychological injuries.	<i>Mustafa</i> , TJ, para.540	444-449, 452-454, 457	75, 109, 160	C6 (“physical and psychological injuries” is too vague), C10 ([REDACTED]).
F. W03593					
98.	W03593 was deprived of his liberty on or around 2 April 1999.	<i>Mustafa</i> , TJ, para.414	444-445	75, 109, 160	C2, C3, C8 (“deprived of his liberty”), C10 ([REDACTED]).

99.	W03593 was detained in at least two separate barns at the Zllash/Zlaš Detention Compound.	<i>Mustafa</i> , TJ, para.416	444-457	75, 109, 160	C2, C3, C6. (“in at least two barns” lacks specificity), C10 ([REDACTED]).
100.	W03593 was told by the Murder Victim as soon as he arrived at the Zllash/Zlaš Detention Compound: “They will kill you”, and W03593 could see that the Murder Victim had already been severely mistreated.	<i>Mustafa</i> , TJ, para.585	444-457	75, 109, 160	C2, C7, C10 ([REDACTED]).
101.	W03593 was detained at the Zllash/Zlaš Detention Compound with W03594, [REDACTED] and the Murder Victim.	<i>Mustafa</i> , TJ, paras 417-418	444-457	75, 109, 160	C2, C10 ([REDACTED]).
102.	W03593 was released on or around 19 April 1999, along with other detainees.	<i>Mustafa</i> , TJ, para.426	445, 454	75, 109, 160	C2, C3, C10 ([REDACTED]).
103.	W03593 was not shown any documentation and felt compelled to abide by what he was told to do.	<i>Mustafa</i> , TJ, para.427			C2, C6. (lacks specificity), C10 ([REDACTED]).
104.	W03593 was not informed of the reasons for his deprivation of liberty; was not brought promptly before a judge or other competent authority; and was not provided with an opportunity to challenge the lawfulness of his detention.	<i>Mustafa</i> , TJ, para.429 <i>See also Mustafa</i> , TJ, paras 428, 653	444-449, 452-454, 457	75, 109, 160	C2, C3, C8 (“deprivation of liberty, “lawfulness of detention”), C10 ([REDACTED]).
105.	While detained at the Zllash/Zlaš Detention Compound, W03593 was interrogated, accused of collaborating with Serbs, threatened with death and	<i>Mustafa</i> , TJ, para.556 <i>See also Mustafa</i> , TJ, para.555	444-449, 452-454, 457	75, 109, 160	C2, C3, C10 ([REDACTED]).

	severely mistreated by BIA members, including by Salih Mustafa.				
106.	W03593 was mistreated for the first time on the day he was brought to the Zllash/Zlaš Detention Compound. He was kicked, hit with a piece of wood, and accused of collaborating with Serbs. At one point, Salih Mustafa put a revolver to his head and pulled the trigger. While no bullet was fired, the witness was left with the impression that he was going to be killed. Salih Mustafa then said to the other BIA members: "let him be, because [he] is lucky".	<i>Mustafa</i> , TJ, para.546 <i>See also Mustafa</i> , TJ, paras 551, 554, 585, 653, 675, 679, 682, 691, 730, 732, 806	444-449, 453	75, 109, 160	C2, C7 (except the first sentence, it is an evidential description of what the witness said) C10 ([REDACTED]).
107.	On or about 11-12 April 1999, Salih Mustafa threatened to kill W03593 and questioned him regarding the identities of thieves. When W03593 responded that he had no such knowledge, Salih Mustafa started beating him, hitting him repeatedly with a baseball bat, all over his body. The beating lasted between half an hour and one hour, after which Salih Mustafa ordered two other BIA soldiers to return the witness to the barn.	<i>Mustafa</i> , TJ, para.547 <i>See also Mustafa</i> , TJ, paras 551, 554, 653, 656, 679, 682, 730, 732, 806	444-449, 453	75, 109, 160	C2, C7, C10. ([REDACTED]).
108.	The mistreatment left W03593 with long-lasting physical and psychological injuries.	<i>Mustafa</i> , TJ, para.550	444-449, 452-454, 457	75, 109, 160	C10 ([REDACTED]).
G. W03594					

109.	W03594 was a member of the Democratic League of Kosovo (LDK).	<i>Mustafa</i> , TJ, para.558 <i>See also Mustafa</i> , TJ, para.566	447	75, 109, 160	
110.	W03594 was deprived of his liberty on or around [REDACTED] April 1999.	<i>Mustafa</i> , TJ, para.434	444-445	75, 109, 160	C2, C3, C8 (“deprived of his liberty”).
111.	W03594 was detained in a barn at the Zllash/Zlaš Detention Compound.	<i>Mustafa</i> , TJ, paras 436-437	438, 444-449, 452-454, 457	75, 109, 160	C2, C3.
112.	W03594 was detained at the Zllash/Zlaš Detention Compound together with five other persons, including persons he identified as [REDACTED].	<i>Mustafa</i> , TJ, paras 438-439	438, 444-457	75, 109, 160	C2.
113.	W03594 was released on or around 19 April 1999, along with other detainees.	<i>Mustafa</i> , TJ, para.441	444, 445, 454	75, 109, 160	C2, C3.
114.	W03594 was not informed of the reasons for his deprivation of liberty; was not brought promptly before a judge or other competent authority; and was not provided with an opportunity to challenge the lawfulness of his detention.	<i>Mustafa</i> , TJ, para.444 <i>See also Mustafa</i> , TJ, paras 443, 653	444-449, 452-454, 457	75, 109, 160	C2, C3, C8 (“deprivation of liberty”, “lawfulness of his detention”).
115.	W03594 was hit on at least one occasion in the barn, by BIA members, causing him pain.	<i>Mustafa</i> , TJ, para.560 <i>See also Mustafa</i> , TJ, para.557	444-449, 452-454, 457	75, 109, 160	C2, C3.
116.	W03594 was severely mistreated by BIA members at the Zllash/Zlaš Detention Compound when he was	<i>Mustafa</i> , TJ, para.566	444-449, 452-454, 457	75, 109, 160	C2, C3.

	taken to the interrogation room, where he was accused of having [REDACTED].	<i>See also Mustafa, TJ, paras 557, 653</i>			
H. W04669					
117.	W04669 was an LDK supporter.	<i>Mustafa, TJ, para.567</i>	444, 445	75, 109, 160	C10 ([REDACTED]).
118.	W04669 was taken into custody by a KLA unit.	<i>Mustafa, TJ, para.445</i>	444, 445	75, 109, 160	C2 C3, C10 ([REDACTED]).
119.	W04669 was deprived of his liberty some days before mid-April 1999.	<i>Mustafa, TJ, para.448 See also Mustafa, TJ, para.446</i>	444, 445	75, 109, 160	C2, C3, C8 (“deprived of his liberty”), C10 ([REDACTED]).
120.	W04669 was detained at the Zllash/Zlaš Detention Compound with W01679, W03593, W03594, and the Murder Victim.	<i>Mustafa, TJ, paras 450-452</i>	444-457	75, 109, 160	C2, C10 ([REDACTED]).
121.	W04669 was released in approximately mid-April 1999.	<i>Mustafa, TJ, para.455</i>	438, 444, 445, 454	75, 109, 160	C2, C3, C10 ([REDACTED]).
122.	W04669 was not provided with any documentation attesting to his detention, either during his time at the Zllash/Zlaš Detention Compound or upon release.	<i>Mustafa, TJ, para.456</i>	444-449, 452-454, 457	75, 109, 160	C2, C10 ([REDACTED]).
123.	W04669 was not informed of the reasons for his deprivation of liberty; was not brought promptly before a judge or other competent authority; and was not provided with an opportunity to challenge the lawfulness of his detention.	<i>Mustafa, TJ, para.458 See also Mustafa, TJ, para.457</i>	444-449, 452-454, 457	75, 109, 160	C2, C3, C8 (“deprivation of liberty”, “lawfulness of his detention”) C10 ([REDACTED]).

124.	While detained at the Zllash/Zlaš Detention Compound, W04669 was interrogated, accused of being a spy, a liar and of collaborating with Serbs, and was severely mistreated by BIA members.	<i>Mustafa</i> , TJ, para.568	444-449, 452-454, 457	175, 109, 160	C2, C3, C10 ([REDACTED]).
125.	During an interrogation, W04669 was instructed by two BIA members to undress the upper part of his body and to bend down, and was hit on his back 10 to 12 times with a rubber baton, leaving him bruised all over his back.	<i>Mustafa</i> , TJ, para.806	444-449, 452-454, 457	75, 109, 160	C2, C10 ([REDACTED]).
I. THE MURDER VICTIM					
126.	The Murder Victim was deprived of his liberty on or around [REDACTED] April 1999.	<i>Mustafa</i> , TJ, para.467	438, 444, 445	75, 109, 160	C2, C3, C8 (“deprived of his liberty”).
127.	[REDACTED].	<i>Mustafa</i> , TJ, paras 482, 592 (concerning [REDACTED]). <i>See also Mustafa</i> , TJ, para.635	444-450, 453-457	75, 109, 160	C2, C10 ([REDACTED]).
128.	Salih Mustafa was present on or around [REDACTED] April 1999 [REDACTED] at the Zllash/Zlaš Detention Compound.	<i>Mustafa</i> , TJ, para.473 <i>See also Mustafa</i> , TJ, para.691	438, 444-450, 453-457	75, 109, 160	C2.

129.	The Murder Victim was detained in a barn at the Zllash/Zlaš Detention Compound in April 1999.	<i>Mustafa</i> , TJ, paras 475, 482 (concerning the barn) <i>See also Mustafa</i> , TJ, para.24 (noting that the time period relevant to the charges is 1 April 1999 to around the end of April 1999).	444-450, 453-457	75, 109, 160	C2.
130.	W01679, W03593, W03594, and W04669 were detained at the Zllash/Zlaš Detention Compound at the same time and in the same set of buildings as the Murder Victim.	<i>Mustafa</i> , TJ, para.476	444-457	75, 109, 160	C6 (no more than a generic reference to findings made elsewhere in the judgment (see fn. 967). Furthermore, it fails to provide a specific time frame(s) and location(s) in relation to each witness.) C10.
131.	The Murder Victim was not released from the Zllash/Zlaš Detention Compound together with the other detainees, but was left in the barn, together with one other detainee, [REDACTED].	<i>Mustafa</i> , TJ, para.481 <i>See also Mustafa</i> , TJ, paras 571, 577, 636	444-450, 453-457	75, 109, 160	C3, C6 (too vague. It does not specify which are the other detainees mentioned in the judgment who were released and fails to provide a timeframe of the events), C10.
132.	The Murder Victim was not informed of the reasons for his deprivation of liberty; was not brought	<i>Mustafa</i> , TJ, para.484	444-450, 453-457	75, 109, 160	C3, C6, C10.

	promptly before a judge or other competent authority; and was not provided with an opportunity to challenge the lawfulness of his detention, akin to his co-detainees.				
133.	While detained at the Zllash/Zlaš Detention Compound, the Murder Victim was accused of being a thief and of collaborating with Serbs, and was gravely mistreated by BIA members.	<i>Mustafa</i> , TJ, para.574 <i>See also Mustafa</i> , TJ, para.635	444-450, 453-457	75, 109, 160	C3, C6 (too vague. It does not specify which BIA members “gravely mistreated” the Murder Victim and does not provide any time frame), C10.
134.	The Murder Victim – together with [REDACTED] – were the most severely mistreated detainees.	<i>Mustafa</i> , TJ, para.569 <i>See also Mustafa</i> , TJ, paras 635, 653	444-450, 453-457	75, 109, 160	C3, C6 (“[T]he most severely mistreated detainees” is too vague), C10.
135.	The Murder Victim was the only detainee who had his hands tied.	<i>Mustafa</i> , TJ, para.808	444-450, 453-457	75, 109, 160	C3, C10 (the proposed fact relies on a single source, which constitutes a cross-reference to another paragraph in the judgment, which in turn relies on [REDACTED]), C6 (no more than a generic reference to findings made elsewhere in the judgment. The language of the proposed fact is too vague. It does not provide any time frame and location).

136.	The Murder Victim was beaten until he could no longer stand, burnt with an iron and stabbed with a knife.	<i>Mustafa, TJ, para.808</i>	444-450, 453-457	75, 109, 160	C3, C10 (the proposed fact relies on a single source, which constitutes a cross-reference to another paragraph in the judgment, which in turn relies on [REDACTED]), C6 (no more than a generic reference to findings made elsewhere in the judgment. The language of the proposed fact is too vague. It does not provide any time frame and location).
137.	On one occasion, the Murder Victim was beaten by five or six BIA soldiers.	<i>Mustafa, TJ, para.808</i>	444-450, 453-457	75, 109, 160	C3, C10 (the proposed fact relies on a single source, which constitutes a cross-reference to another paragraph in the judgment, and which in turn relies on [REDACTED]). C6 (the proposed fact is no more than a generic reference to findings made elsewhere in the judgment. The language of the proposed fact is too vague. It does not provide any time frame, location, or more specific information including the names of the “five or six BIA soldiers”.)

					C7 (the paragraph cross-reference refers to what “[REDACTED] witnessed” - see para. 570).
138.	The Murder Victim was singled out for about [REDACTED] days and subject to an extreme level of mistreatment by Salih Mustafa’s BIA subordinates, which included the use of potentially lethal object.	<i>Mustafa</i> , TJ, para.635	444-450, 453-457	75, 109, 160	C3, C10 (the proposed fact relies on a single source, which constitutes a cross-reference to another paragraph in the judgment, and which in turn relies on [REDACTED]. Furthermore, the language of the proposed fact differs from the cross-referenced paragraph - see para. 570), C6 (too vague; It does not provide any time frame, location, which of “Salih Mustafa’s BIA subordinates” where involved in the mistreatment).
139.	As a result of the severe mistreatment inflicted by BIA members, his entire body was black from the bruises and his face swollen to the point that he could only slightly open his eyes.	<i>Mustafa</i> , TJ, para.808	444-450, 453-457	75, 109, 160	C3, C10 (the proposed fact relies on a single source, which constitutes a cross-reference to another paragraph in the judgment, and which in turn relies on [REDACTED]. Furthermore, the language of the proposed fact differs from the cross-referenced paragraph -

					see para. 570), C6 (too vague. It does not provide any time frame, location, which "BIA members" inflicted severe mistreatment, and what mistreatment in particular was carried out), C7 (the paragraph cross-reference refers to what "[a]ll three witnesses recalled" - see para. 570.)
140.	Every time the Murder Victim was brought back to the barn, those who mistreated him ordered his co-detainees to shout: "[d]eath to the traitors, death the thieves, death to the thugs, and glory to the Kosovo Liberation Army".	<i>Mustafa</i> , TJ, para.483 <i>See also Mustafa</i> , TJ, para.683	444-450, 453-457	75, 109, 160	C6 (too vague. it does not provide any time frame, and does not specify the names of "those who mistreated him", nor who were the co-detainees mentioned in the judgment that were ordered to shout), C7, C10.
141.	[REDACTED] attempted to make contact with the Murder Victim until on or around 10 April 1999, by approaching different KLA members.	<i>Mustafa</i> , TJ, para.593	444-450, 453-457	75, 109, 160	C6 (too vague; it does not specify the names of the KLA members who were approached by the family of the Murder Victim.), C10.
142.	[REDACTED] were not only impeded from seeing him during his detention at the Zllash/Zlaš Detention Compound, but they also received evasive, misleading, verbally, and physically violent answers from KLA members, [REDACTED],	<i>Mustafa</i> , TJ, para.602 <i>See also Mustafa</i> , TJ, paras 593, 596, 599	444-450, 453-457	75, 109, 160	C3, C6 (too vague; it does not specify [REDACTED] and "received evasive, misleading, verbally, and physically violent answers from KLA members",

	concerning the Murder Victim's condition and whereabouts.				which are the KLA members, [REDACTED]), C7, C10.
143.	Misleading and evasive responses included: (i) the Murder Victim was being questioned and would be released soon after; (ii) he was "in [the] Llap zone, don't worry about it"; (iii) [REDACTED] "[...] visited him last night and he is in good condition"; and (iv) "nothing is going to happen to him". Also on the day [REDACTED] was told that the Murder Victim was in the Llap zone [REDACTED].	<i>Mustafa</i> , TJ, para.594	444-450, 453-457	75, 109, 160	C6 (too vague; it does not specify who was the person(s) who provided the "[m]isleading and evasive responses" and includes inconsistent evidence (see fn. 1257), C7, C10.
144.	On one occasion, [REDACTED].	<i>Mustafa</i> , TJ, para.595	444-450, 453-457	75, 109, 160	C3, C10 ([REDACTED]), C6 (too vague, it does not provide any time frame and location), C7.
145.	[REDACTED] made one last attempt [REDACTED] on or around 10 April 1999. This attempt was part and parcel of a wider, progressively violent pattern of actions by KLA members, including W04600, to dissuade [REDACTED] from trying to obtain information about the Murder Victim, [REDACTED]. This reflects the intention of KLA members to shield the Murder Victim as much as possible from any contact [REDACTED], given the severe mistreatment that he had endured by that point at the Zllash/Zlaš Detention Compound, which ultimately followed with his death.	<i>Mustafa</i> , TJ, paras 598-599 <i>See also Mustafa</i> , TJ, para.593	444-450, 453-457	75, 109, 160	C10 ([REDACTED]).

146.	Following his last attempt on or around 10 April 1999, [REDACTED].	<i>Mustafa</i> , TJ, para.600	444-450, 453-457	75, 109, 160	C10 ([REDACTED]).
147.	In parallel to in-person attempts [REDACTED] were also told to make written requests, which they did, but never received a reply.	<i>Mustafa</i> , TJ, para.601	444-450, 453-457	75, 109, 160	C10 ([REDACTED]).
148.	On or around 19 April 1999, upon release from the Zilash/Zlaš Detention Compound, several detainees [REDACTED] informed them that the Murder Victim had not been released but should be soon.	<i>Mustafa</i> , TJ, para.603	444-450, 453-457	75, 109, 160	C10 ([REDACTED].)
149.	The next day, due to the Serbian offensive taking place, [REDACTED]. After the end of the offensive, [REDACTED].	<i>Mustafa</i> , TJ, para.603	444-450, 453-457	75, 109, 160	C10 ([REDACTED]).
150.	[REDACTED] had located the Zilash/Zlaš Detention Compound where the Murder Victim was held, as confirmed by the discovery of his identification card, his jacket, and his hospital discharge papers in the barn.	<i>Mustafa</i> , TJ, para.604	444-450, 453-457	75, 109, 160	C10 ([REDACTED]).
151.	The grave [REDACTED] contained two bodies, which were found between approximately 3 July and 6 July 1999.	<i>Mustafa</i> , TJ, para.611 <i>See also Mustafa</i> , TJ, para.608	444-450, 453-457	75, 109, 160	C10 ([REDACTED]).
152.	The exhumation took place on 7 July 1999.	<i>Mustafa</i> , TJ, para.613	438, 444-450, 453-457	75, 109, 160	C10 ([REDACTED]).

153.	The second body found in the grave [REDACTED] in early July 1999 belonged to the Murder Victim.	<i>Mustafa</i> , TJ, para.618	444-450, 453-457	75, 109, 160	C7 (the language used is that the Panel is satisfied about the identity of the found body, 'based on the evidence as a whole'. Such language is too vague, there is no information on which one was the second body and why it was identified as the Murder Victim.)
154	The corpse of the Murder Victim had serious injuries on the arms and legs. Such injuries are compatible with the harsh mistreatment suffered by the Murder Victim during his detention at the Zllash/Zlaš Detention Compound and the fact that, by the end of the detention period, he was no longer able to stand or walk.	<i>Mustafa</i> , TJ, para.619	438, 444-450, 453-457	75, 109, 160	C10 ([REDACTED]).
155.	When last seen by his co-detainees, the Murder Victim, who was severely mistreated on a daily basis for almost three weeks, was in a near-to-death condition and was unable to stand or walk. Furthermore, the Murder Victim was denied any medical aid that could have saved his life at that stage, while medical aid was generally available in Zllash/Zlaš.	<i>Mustafa</i> , TJ, para.621 <i>See also Mustafa</i> , TJ, paras 635, 746, 808	438, 444-450, 453-457	75, 109, 160	C10 ([REDACTED]).
156.	The denial of medical aid to the detainees at the Zllash/Zlaš Detention Compound could only have been decided by Salih Mustafa.	<i>Mustafa</i> , TJ, para.621	438, 444-450, 453-457	75, 109, 160	C7 (the finding is based on the 'evidence as a whole' taking into consideration of Salih Mustafa's

		<i>See also Mustafa, TJ, para.638</i>			commander position and his alleged control over the Zllash detention centre).
157.	The mistreatment inflicted upon the Murder Victim and the denial of medical aid are solely attributable to Salih Mustafa's acts and omissions, in his capacity as BIA commander, as well as to the acts and omissions of his BIA subordinates at the Zllash/Zlaš Detention Compound. Only Salih Mustafa and his BIA subordinates had access to the Murder Victim at the Zllash/Zlaš Detention Compound between approximately [REDACTED] April 1999. As a consequence, Salih Mustafa and his BIA subordinates were the only ones to be able to create the circumstances that resulted in the Murder Victim's near-to-death state when he was last seen by his co-detainees on or around 19 April 1999.	<i>Mustafa, TJ, para.625 See also Mustafa, TJ, paras 638, 754</i>	438, 444-450, 453-457	75, 109, 160	C7, C10 ([REDACTED]).
158.	The Murder Victim died as a result of the combination between the severe mistreatment inflicted by BIA members who detained him, causing serious bodily harm; the denial of medical aid by BIA members; and gunshot wounds.	<i>Mustafa, TJ, para.624 See also Mustafa, TJ, para.626</i>	438, 444-450, 453-457	75, 109, 160	C7.
159.	Had the Salih Mustafa and his BIA subordinates stopped the extreme mistreatment or provided medical aid to the Murder Victim, he would not have died.	<i>Mustafa, TJ, para.626</i>	438, 444-450, 453-457	75, 109, 160	C3 and C6. This very sentence within the para 626 of TJ, is not referred to any footnote.

160.	The decision not to release the Murder Victim could only have been made by Salih Mustafa, in his capacity as overall commander of the BIA at the Zllash/Zlaš Detention Compound.	<i>Mustafa</i> , TJ, para.636 <i>See also Mustafa</i> , TJ, paras 638, 654, 692, 754	438, 444-450, 453-457	75, 109, 160	C3 and C6. No reference is provided for this sentence within the para 636 of TJ.
161.	That the Murder Victim was not evacuated from Zllash/Zlaš must have been taken also by Salih Mustafa as he was in charge of the evacuation from Zllash/Zlaš of those wounded.	<i>Mustafa</i> , TJ, para.636	438, 444-450, 453-457	75, 109, 160	C3 and C6. No reference is provided for this very sentence within the para 636 of TJ.
162.	These decisions of Salih Mustafa (not to release or evacuate the Murder Victim) effectively equalled a decision to kill him, considering that other detainees walked away from the ZDC to safer zones, while the Murder Victim remained in detention, in a near-to-death state, while the Serbian offensive was approaching the area.	<i>Mustafa</i> , TJ, para.636 <i>See also Mustafa</i> , TJ, paras 638, 818	438, 444-450, 453-457	75, 109, 160	C3 and C6. No reference is provided for this very sentence within the para 636 of TJ.
163.	The Murder Victim [REDACTED]. Accordingly, Salih Mustafa, as well as the BIA subordinates who mistreated the victim, could not afford to keep the Murder Victim alive at that stage, [REDACTED].	<i>Mustafa</i> , TJ, para.693	438, 444-450, 453-457	75, 109, 160	C3 and C6. No reference is provided for this very sentence within the para 693 of TJ.
164.	The Murder Victim was killed between on or around 19 April 1999 and around the end of April 1999, as a result of the combination between: (i) the severe mistreatment inflicted by BIA members who detained him, causing serious bodily harm; (ii) the	<i>Mustafa</i> , TJ, paras 689, 798	438, 444-450, 453-457	75, 109, 160	C3 and C7. No reference is provided for this very sentence within the para 689 of TJ.

	denial of medical aid by BIA members; and (iii) gunshot wounds caused by bullets.				
165.	The Murder Victim was killed between on or around 19 April 1999 and around the end of April 1999 as a result of acts and omissions attributable to Salih Mustafa and his BIA subordinates.	<i>Mustafa</i> , TJ, para.639 <i>See also Mustafa</i> , TJ, paras 638, 689	438, 444-450, 453-457	75, 109, 160	C3 and C7. No reference is provided for this very sentence within the para 639 of TJ.
166.	Salih Mustafa and others attempted to prevent any investigation and prosecution regarding the Murder Victim's death.	<i>Mustafa</i> , TJ, para.756 <i>See also Mustafa</i> , TJ, paras 694, 755	438, 444-450, 453-457	75, 109, 160	C3 and C6. No reference is provided for this very sentence within the para 636 of TJ.
167.	The Murder Victim's torture and subsequent murder irreversibly impacted not only the direct victim and those who witnessed his mistreatment, [REDACTED].	<i>Mustafa</i> , TJ, paras 802-804	438, 444-450, 453-457	75, 109, 160	C3 and C7 (the proposed fact fails to cite to clearly identified evidential sources. The proposed fact is comprised of evidential description rather than factual findings, especially when it speaks of the suffering of the next generation).
J. OTHER DETAINEES					
168.	In addition to W01679, W03593, W03594, W04669, and the Murder Victim, [REDACTED] were also detained at the Zilash/Zlaš Detention Compound between approximately 1 April 1999 and 19 April 1999.	<i>Mustafa</i> , TJ, para.495 <i>See also Mustafa</i> , TJ, paras 652, 745, 796	444-457	75, 109, 160	C6. There is no single reference placed on the para. 495 of TJ.

169.	All detainees at the Zllash/Zlaš Detention Compound, including [REDACTED], were subject to the same conditions of detention, conditions depriving them of the basic guarantees during their detention.	<i>Mustafa</i> , TJ, para.494 <i>See also Mustafa</i> , TJ, paras 496, 745, 796	444-457	75, 109, 160	C3, C7.
170.	While detained at the Zllash/Zlaš Detention Compound, [REDACTED] was accused of being a spy and severely mistreated by BIA members.	<i>Mustafa</i> , TJ, para.576	444-457	75, 109, 160	C3.
171.	While he was detained at the Zllash/Zlaš Detention Compound, the person known as [REDACTED] was severely mistreated by BIA members.	<i>Mustafa</i> , TJ, para.578	444-457	75, 109, 160	C3 (no single reference placed on the para. 578 of TJ).
172.	[REDACTED].	<i>Mustafa</i> , TJ, para.674	444-457	75, 109, 160	