



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

In: KSC-BC-2020-06
Specialist Prosecutor v. Hashim Thaçi, Kadri Veseli, Rexhep Selimi and Jakup Krasniqi

Before: Trial Panel II
Judge Charles L. Smith, III, Presiding Judge
Judge Christoph Barthe
Judge Guénaél Mettraux
Judge Fergal Gaynor, Reserve Judge

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TABLE OF CONTENTS

I.	INTRODUCTION	14
II.	INDIVIDUAL CRIMINAL RESPONSIBILITY	15
A.	JOINT CRIMINAL ENTERPRISE (JCE)	15
1.	Emergence & Development of the Common Plan.....	15
a.	The JCE Members pursued a plan to gain and exercise control in Kosovo 16	
i.	The JCE Members claimed exclusive authority in Kosovo	16
ii.	The JCE Members took steps to exercise control in Kosovo.....	25
b.	The plan involved the targeting of Opponents.....	37
c.	The plan involved commission of the crimes charged	43
d.	The plan was disseminated.....	47
i.	Dissemination in public statements	47
ii.	Dissemination in regulatory and training documents.....	50
iii.	Dissemination in meetings and reports.....	52
e.	The plan was implemented and enforced	54
2.	Plurality of Persons	60
3.	Individuals and Structures through which the Plan was Implemented	63
a.	General Staff.....	63
i.	Structures and Functioning	63
	(a) Meetings.....	66
	(b) Regulations, orders, and decisions	72
	(c) General Staff units	85
b.	The Provisional Government of Kosovo (PGoK).....	88
i.	Rambouillet and PGoK creation	89
ii.	Further appointments to the PGoK.....	94
iii.	Ministry of Defence (MoD).....	98
iv.	National Guard	99
c.	Personnel	100
d.	Operational	107
e.	Logistics	111
f.	Finance.....	113
g.	Communications	118

h. Information and Political	124
i. Civil Administration.....	131
j. Legal Sector and Military Court.....	134
k. Intelligence	140
l. Police	149
i. Regulations	150
ii. Military Police Directorate.....	153
iii. Ministry of Public Order (MPO).....	159
m. Operational Zones and Bases in Northern Albania	165
i. Drenicë Zone.....	165
ii. Dukagjin Zone.....	180
(a) Spring 1998 Targeting	181
(b) Zone Consolidation	182
(c) FARK Forces	185
(d) Post-offensive.....	189
(e) Summer 1999	190
iii. Llap Zone	191
iv. Shala Zone.....	201
v. Pashtrik Zone.....	210
(a) Targeting LDK	213
(b) Brigade development	214
(c) Accusations of LDK affiliation	220
(d) Summer 1999	224
vi. Nerodime Zone	226
vii. Karadak Zone	238
viii. Albania	246
4. The Accused Each Made a Significant Contribution.....	250
a. Hashim THAÇI.....	252
i. Formulating/implementing plans, policies, rules, structures and reporting.....	252
ii. Participating in/facilitating/encouraging crimes in furtherance of the common purpose	254
iii. Failure to prevent/investigate/punish.....	255

iv. Dissemination of information to promote the common purpose and engender fear/distrust/hatred	256
v. Denials/false or misleading information to internationals/public ...	258
vi. Appointing/promoting/approving appointments and promotions	259
vii. Providing/arranging/facilitating political, logistical, military or financial support	261
viii. Coordinating and liaising between JCE Members and Tools.....	261
b. Kadri VESELI.....	263
i. Formulating/implementing plans, policies, rules, structures and reporting.....	263
ii. Participating in/facilitating/encouraging crimes in furtherance of the common purpose	267
iii. Failure to prevent/investigate/punish.....	269
iv. Dissemination of information to promote the common purpose and engender fear/distrust/hatred	270
v. Providing/arranging/facilitating political, logistical, military or financial support	270
vi. Coordinating and liaising between JCE Members and Tools.....	271
vii. Appointing/promoting/approving appointments and promotions	272
c. Rexhep SELIMI.....	273
i. Formulating/implementing plans, policies, rules, structures and reporting.....	273
ii. Participating in/facilitating/encouraging crimes in furtherance of the common purpose	275
iii. Failure to prevent/investigate/punish.....	276
iv. Dissemination of information to promote the common purpose and engender fear/distrust/hatred	277
v. Appointing/promoting/approving appointments and promotions	278
vi. Providing/arranging/facilitating political, logistical, military or financial support	279
vii. Coordinating and liaising between JCE Members and Tools.....	279
d. Jakup KRASNIQI	280
i. Formulating/implementing plans, policies, rules, structures and reporting.....	280
ii. Participating in/facilitating/encouraging crimes in furtherance of the common purpose	282

iii. Failure to prevent/investigate/punish.....	283
iv. Dissemination of information to promote the common purpose and engender fear/distrust/hatred	285
v. Denials/false or misleading information to internationals/public ...	286
vi. Appointing/promoting/approving appointments and promotions	287
vii. Providing/arranging/facilitating political, logistical, military or financial support	288
viii. Coordinating and liaising between JCE Members and Tools.....	288
5. The Accused intended, and knew of, the commission of crimes	290
B. OTHER MODES OF LIABILITY.....	305
1. JCE III: The Accused strove to take control of Kosovo despite knowing that achieving this goal may result in the commission of the crimes charged.....	305
2. The Accused aided and abetted the crimes charged	307
3. Superior Responsibility: The Accused failed to prevent the crimes or punish the perpetrators	309
a. The Accused were superiors of and exercised effective control over the subordinates who perpetrated the crimes charged	309
i. The Accused held official positions within the KLA and the PGoK	311
ii. The Accused had the power to give orders and have them executed	311
iii. The Accused promoted the KLA ideology followed by their subordinates	312
iv. The Accused had the authority to make appointments and promotions	312
v. The Accused interacted with external bodies or individuals on behalf of the KLA and PGoK.....	312
vi. The Accused had access to material and resources to wage war, which they provided to their subordinates (including arms, ammunition, and communications equipment).....	313
vii. The Accused had the authority to apply disciplinary measures.....	314
viii. The Accused were protected by personal security guards loyal to them	314
b. The Accused failed to take necessary and reasonable measures to prevent the crimes or punish the perpetrators.....	317
c. The Accused knew or had reason to know that their subordinates were about to commit crimes or had done so	319
III. CRIMES	320

A. LIKOC/LIKOVAC.....	321
1. Imprisonment / Illegal or Arbitrary Arrest and Detention.....	323
2. Other Inhumane Acts / Cruel Treatment / Torture.....	330
a. Detention Conditions.....	330
b. Psychological and Physical Abuse.....	330
3. Murder / Enforced Disappearance.....	333
a. [REDACTED].....	333
b. [REDACTED].....	336
c. [REDACTED].....	336
4. Continued Targeting.....	337
5. Victim Impact.....	338
B. JABLLANICĚ/JABLANICA.....	338
1. Imprisonment / Illegal or Arbitrary Arrest and Detention.....	342
2. Other Inhumane Acts / Cruel Treatment / Torture.....	344
a. Detention Conditions.....	344
b. Psychological and physical abuse.....	345
3. Murder / Enforced Disappearance.....	346
a. Nenad REMIŠTAR	346
b. Skender KUQI and Pal KRASNIQI	347
4. Continued Targeting.....	349
5. Victim Impact.....	350
C. LLAPUSHNIK/LAPUŠNIK.....	350
1. Imprisonment / Illegal or Arbitrary Arrest and Detention.....	352
a. The Storage Room	355
b. The Cowshed	357
2. Other Inhumane Acts / Cruel Treatment / Torture.....	359
a. Detention Conditions.....	359
b. Psychological and Physical Abuse.....	360
i. The two-storey house	361
ii. Beatings of detainees in the Storage Room	361
iii. Beatings of detainees in the Cowshed.....	362
3. Murder	363
a. Ajet GASHI	363

b. Berishë/Beriša executions.....	363
4. Victim Impact.....	366
D. DRENOC/DRENOVAC.....	366
1. Imprisonment / Illegal or Arbitrary Arrest and Detention.....	369
2. Other Inhumane Acts / Cruel Treatment / Torture.....	370
a. Detention Conditions.....	370
b. Psychological and Physical Abuse.....	370
3. Murder / Enforced Disappearance.....	371
a. [REDACTED].....	372
b. Hysen KRASNIQI	372
c. [REDACTED].....	373
d. [REDACTED].....	374
e. [REDACTED].....	375
f. [REDACTED].....	378
g. [REDACTED].....	379
4. Victim Impact.....	380
E. MALISHEVË/MALIŠEVO	380
1. Imprisonment / Illegal or Arbitrary Arrest and Detention.....	386
2. Other Inhumane Acts / Cruel Treatment / Torture.....	387
a. Detention Conditions.....	387
b. Psychological and Physical Abuse.....	388
3. Murder / Enforced Disappearance.....	388
a. 18-19 July 1998 Mass Execution.....	388
b. Opterushë/Optëruša, Reti/Retimlje, Zoçishtë/Zoçište, and Other Victims.....	390
4. Victim Impact.....	396
F. BUDAKOVË/BUDAKOVO AND SEMETISHTË/SEMETIŠTE.....	396
1. Imprisonment / Illegal or Arbitrary Arrest and Detention.....	399
2. Other Inhumane Acts / Cruel Treatment / Torture.....	402
3. Murder / Enforced Disappearance.....	403
4. Victim Impact.....	404
G. JESHKOVË/JEŠKOVO	405
1. Imprisonment / Illegal or Arbitrary Arrest and Detention / Other Inhumane Acts / Cruel Treatment / Torture.....	407

2. Victim Impact.....	409
H. BARE AND BAJGORË/BAJGORA.....	409
1. Imprisonment / Illegal or Arbitrary Arrest and Detention.....	410
2. Other Inhumane Acts / Cruel Treatment / Torture.....	412
a. Detention Conditions.....	412
b. Psychological and Physical Abuse.....	413
3. Murder	415
4. Victim Impact.....	416
I. LLAPASHTICË/LAPAŠTICA AND RELATED LOCATIONS.....	417
1. Imprisonment / Illegal or Arbitrary Arrest and Detention.....	420
2. Other Inhumane Acts / Cruel Treatment / Torture.....	425
a. Detention Conditions.....	425
b. Psychological and Physical Abuse.....	428
3. Murder	430
a. Majac/Majance	431
b. Potok	432
4. Victim Impact.....	433
J. DOBRATIN/DOBROTIN.....	433
1. Imprisonment / Illegal or Arbitrary Arrest and Detention / Cruel Treatment / Torture	434
2. Murder	434
K. ZLLASH/ZLAŠ.....	435
1. Imprisonment / Illegal or Arbitrary Arrest and Detention.....	436
a. September 1998.....	436
b. April 1999	436
2. Other Inhumane Acts / Cruel Treatment / Torture.....	438
a. Detention Conditions.....	438
b. Psychological and Physical Abuse and Torture.....	439
3. Murder / Enforced Disappearance.....	441
4. Victim Impact.....	441
L. QIREZ/ĆIREZ AND BAICË/BANJICA.....	442
1. Imprisonment / Illegal or Arbitrary Arrest and Detention / Other Inhumane Acts / Cruel Treatment / Torture.....	444

2. Victim Impact.....	450
M. SHALË(SEDLLARË)/SEDLARE.....	450
1. Illegal or Arbitrary Arrest and Detention / Other Inhumane Acts / Cruel Treatment / Torture	452
a. W03880 and W04828.....	452
b. [REDACTED].....	455
2. KLA and General Staff knowledge and involvement.....	456
3. Victim Impact.....	457
N. KLEÇKË/KLEČKA AND RELATED LOCATIONS.....	457
1. Imprisonment / Illegal or Arbitrary Arrest and Detention.....	459
2. Other Inhumane Acts / Cruel Treatment / Torture.....	466
a. Detention Conditions.....	466
b. Psychological and Physical Abuse.....	467
3. Murder / Enforced Disappearance.....	468
a. [REDACTED].....	468
b. Ymer XHAFIQI.....	470
c. Sherafedin AJETI and Arben AVDYLI.....	471
d. Veljko MARKOVIĆ and Nebojša ĐURIČIĆ.....	472
e. Dragoljub TANASKOVIĆ, Dragan VUČETIĆ, Bojan CVETKOVIĆ, Žarko FILIPOVIĆ and Života TODOROVIĆ	473
4. Victim Impact.....	474
5. Knowledge and Involvement of JCE Members.....	474
O. BOB, IVAJË/IVAJA, BIÇEC/BIČEVAC, AND VAROSH/VAROŠ SELO	479
1. Imprisonment / Illegal or Arbitrary Arrest and Detention.....	480
2. Other Inhumane Acts / Cruel Treatment / Torture.....	484
3. Murder / Enforced Disappearance.....	485
P. CAHAN	486
1. Imprisonment / Illegal or Arbitrary Arrest and Detention.....	487
2. Other Inhumane Acts / Cruel Treatment / Torture.....	491
a. Detention Conditions.....	491
b. Psychological and Physical Abuse.....	491
3. Victim Impact.....	493
Q. KUKËS	493

1.	Imprisonment / Illegal or Arbitrary Arrest and Detention.....	498
2.	Other Inhumane Acts / Cruel Treatment / Torture.....	500
a.	Detention Conditions.....	500
b.	Physical and psychological abuse.....	502
3.	Murder	506
4.	Victim Impact.....	508
R.	BUBËL/BUBLJE AND KOSTËRC/KOSTRC	509
1.	Imprisonment / Illegal or Arbitrary Arrest and Detention.....	510
2.	Other Inhumane Acts / Cruel Treatment / Torture.....	513
a.	Detention Conditions.....	513
b.	Psychological and Physical Abuse and torture.....	513
S.	[REDACTED].....	514
1.	Imprisonment / Illegal or Arbitrary Arrest and Detention.....	515
2.	Other Inhumane Acts / Cruel Treatment / Torture.....	516
a.	Arrest at [REDACTED]	516
b.	[REDACTED]	518
c.	[REDACTED]	518
d.	[REDACTED]	519
3.	Victim Impact.....	520
T.	TASLIXHE/TASLIDŽE	520
1.	Imprisonment / Illegal or Arbitrary Arrest and Detention.....	522
2.	Other Inhumane Acts / Cruel Treatment / Torture.....	524
a.	Detention Conditions.....	524
b.	Psychological and Physical Abuse.....	524
3.	Victim Impact.....	526
U.	VËRBAN/VRBAN.....	527
1.	Imprisonment / Illegal or Arbitrary Arrest and Detention.....	528
2.	Other Inhumane Acts / Cruel Treatment / Torture.....	531
a.	Detention Conditions.....	531
b.	Psychological and Physical Abuse.....	531
3.	Victim Impact.....	533
V.	PRIZREN.....	534
1.	Tusus	534

a. Imprisonment / Illegal or Arbitrary Arrest and Detention	535
b. Other Inhumane Acts / Cruel Treatment / Torture	538
i. Detention Conditions	538
ii. Psychological and Physical Abuse.....	538
2. [REDACTED].....	541
a. Imprisonment / Illegal or Arbitrary Arrest and Detention	541
b. Other Inhumane Acts / Cruel Treatment / Torture	543
c. Victim Impact.....	543
3. MUP Building	543
a. Imprisonment / Illegal or Arbitrary Arrest and Detention	547
b. Other Inhumane Acts / Cruel Treatment / Torture	550
i. Detention Conditions	550
ii. Psychological and Physical Abuse.....	551
c. Murder	551
d. Victim Impact.....	554
4. [REDACTED].....	555
a. Imprisonment / Illegal or Arbitrary Arrest and Detention	555
b. Other Inhumane Acts / Cruel Treatment / Torture	556
c. Victim Impact.....	559
W. RAHOVEC/ORAHOVAC.....	559
1. Arrest, mistreatment and murder of Serb civilians	564
2. Arrest and Murder of Boban DEDIĆ.....	567
3. Arrest and Murder of Marko JELIĆ.....	568
X. NERODIMJA E ULËT/DONJE NERODIMLJE	570
1. Murder	572
2. Victim Impact.....	574
Y. GJILAN/GNJILANE.....	575
1. Imprisonment / Illegal or Arbitrary Arrest and Detention.....	579
2. Other Inhumane Acts / Cruel Treatment / Torture.....	582
3. Murder	584
a. Mirko JOVIĆ	584
b. Džemo ZULJIĆ	586
4. Victim Impact.....	587

Z. SUHAREKË/SUVA REKA	588
1. Imprisonment / Illegal or Arbitrary Arrest and Detention / Other Inhumane Acts / Cruel Treatment / Torture.....	589
AA. NOVEBËRDË/NOVO BRDO	592
1. Imprisonment / Illegal or Arbitrary Arrest and Detention.....	593
2. Other Inhumane Acts / Cruel Treatment / Torture.....	596
3. Victim Impact.....	597
BB. TOKBASHQE.....	597
1. Imprisonment / Illegal or Arbitrary Arrest and Detention.....	598
2. Other Inhumane Acts / Cruel Treatment / Torture / Murder.....	598
IV. CONTEXTUAL ELEMENTS	599
A. WAR CRIMES	599
1. Introduction.....	599
2. Existence of a NIAC	599
a. Organised Parties	599
i. Serbian Forces.....	599
ii. KLA.....	600
b. The NIAC intensity threshold was met by at least March 1998	601
i. Frequency and Scope of Armed Violence.....	601
ii. Means and Methods of Warfare.....	605
(a) <i>Personnel</i>	605
(b) <i>Weapons and Equipment</i>	607
iii. Casualties and Humanitarian Impact	609
iv. Perception and Characterisation of the Armed Conflict	613
c. The NIAC Continued through September 1999	615
i. Continued Non-compliance	616
ii. Statements Reflecting a Sustained War-footing.....	618
iii. Maintaining the Means to Wage War.....	619
iv. Ongoing Hostile and Provocative Acts.....	620
3. Nexus to NIAC	623
4. Victim Status	624
5. Awareness of the Factual Circumstances Establishing the NIAC and the Protected Status of the Victims.....	624

B.	CRIMES AGAINST HUMANITY	625
1.	Introduction.....	625
2.	There was an attack.....	626
3.	The attack targeted a civilian population	626
4.	The attack was widespread.....	627
5.	The attack was systematic.....	628
6.	The Accused had knowledge of the attack.....	631
V.	GENERAL EVIDENTIARY CONSIDERATIONS.....	632
A.	GENERAL STANDARD	632
B.	ASSESSMENT OF EVIDENCE	633
C.	CORROBORATION.....	635
D.	ACCUSED’S STATEMENTS	638
E.	INSIDER WITNESSES	640
1.	W03873.....	641
2.	W03865.....	642
3.	W04264.....	642
4.	W04290.....	643
5.	W04401.....	644
6.	W04743.....	645
7.	W04746.....	647
8.	W04752.....	649
9.	W04765.....	651
10.	[REDACTED].....	652
11.	W04839.....	653
F.	RULE 143 WITNESSES.....	656
1.	W01453.....	656
2.	[REDACTED].....	657
3.	W03825.....	658
4.	W03827.....	659
5.	W03877.....	659
6.	W04230.....	660
7.	W04576.....	660
G.	EXPERT EVIDENCE	661

1. Forensic Pathologists W04826 and W04874.....	661
2. Forensic Geneticist W04875	663
H. [REDACTED].....	664
I. PUBLIC STATEMENTS	667
J. SEIZED MATERIALS AND OTHER CONTEMPORARY KLA DOCUMENTS.....	674
1. Material seized from the Accused.....	674
2. Serbian seized material.....	678
K. DEFENCE WITNESSES AND DOCUMENTARY EVIDENCE	680
1. THAÇI Defence Witnesses	681
a. Claims regarding THAÇI's purported lack of authority	681
b. Claims regarding the KLA's organisation	684
c. Claims regarding post-June 1999 violence	687
d. Claims regarding the end of armed conflict.....	689
e. Additional considerations.....	691
2. Defence Documentary Evidence	692
L. CLIMATE OF WITNESS INTIMIDATION	693
VI. SENTENCING.....	694
A. APPLICABLE LAW	694
B. THE GRAVITY OF THE CRIMES AND THE ROLE OF THE ACCUSED REQUIRE A LENGTHY SENTENCE.....	697
1. The crimes were very grave and caused grave consequences.....	697
2. The Accused's direct and deliberate participation mandates a lengthy sentence 703	
C. THE AGGRAVATING CIRCUMSTANCES SUPPORT A LENGTHY TERM OF IMPRISONMENT 705	
1. Aggravating factors include the vulnerability of the victims and cruelty of the crimes	705
2. The Accused abused their power and used their authority and influence to commit the crimes	707
D. A LENGTHY SENTENCE IS CONSISTENT WITH SENTENCES IMPOSED FOR GRAVE CRIMES IN CASES BEFORE SIMILARLY-SITUATED COURTS	707
E. THERE ARE NO MITIGATING FACTORS.....	711
F. CONCLUSION	714

I. INTRODUCTION

1. Public statements vowed to punish Opponents.¹ Rules and regulations dictated their merciless treatment. Orders put into effect a policy targeting them. Communiqués celebrated their deaths as warnings to everyone else.

2. Over an 18-month period, during the course of the armed conflict between the KLA and FRY forces,² at detention sites across Kosovo and areas of northern Albania, the common purpose designed and disseminated by the **Accused** was put into effect. Opponents were abducted, arbitrarily detained, tortured, and in many cases killed, and disappeared.

3. Each **Accused** was a part of this joint criminal enterprise. They assigned themselves key portfolios through which the common purpose was espoused and implemented. They appointed loyalists into positions of power, and when these loyalists and their units participated in the charged crimes, they were retained in positions of authority or even promoted. At times, the **Accused** directly participated in the crimes themselves.

4. Witnesses have pierced a climate of intimidation to tell the Court their stories of these events, and in doing so underscored the paramount importance of the rule of law. Their testimonies are part of an unprecedented volume of evidence assembled in the course of a case addressing the broad scope of criminality resulting from the attack on Opponents from March 1998 to September 1999. That evidence proves beyond reasonable doubt that **Hashim THAÇI, Kadri VESELI, Rexhep SELIMI, and Jakup KRASNIQI** are individually criminally responsible for the crimes charged.

¹ When used herein, this term has the same meaning as attributed in the Indictment (KSC-BC-2020-06/F00999/A01('Indictment')).

² When used herein, this term has the same meaning as attributed in the Indictment.

II. INDIVIDUAL CRIMINAL RESPONSIBILITY

A. JOINT CRIMINAL ENTERPRISE (JCE)

1. *Emergence & Development of the Common Plan*

5. Together with other JCE Members,³ **Hashim THAÇI, Kadri VESELI, Rexhep SELIMI, and Jakup KRASNIQI**, pursued a common criminal purpose to gain and exercise control over all of Kosovo by means including unlawfully intimidating, mistreating, committing violence against, and removing those deemed to be opponents.⁴ 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).

6. Pursuant to this common criminal purpose, Opponents were subject to the crimes of persecution, imprisonment, illegal or arbitrary arrest and detention, other inhumane acts, cruel treatment, torture, enforced disappearance, and murder.

7. For the JCE Members, their ambitions exceeded the KLA goal of liberating Kosovo,⁵ and extended to seizing power and control.⁶ In order to do so, they pursued the removal and violent suppression of Opponents.⁷

³ When used herein this term has the same meaning as attributed in the Indictment.

⁴ The criminal nature of a common purpose can arise from its ultimate objective or the means contemplated to achieve that objective – see *Brima et al.* AJ, paras.76-80. This follows from the original customary law formulation of JCE in *Tadić* AJ, para.227(ii), where JCE contemplates ‘[t]he existence of a common plan, design or purpose which amounts to or involves the commission of a crime provided for in the Statute’ (emphasis added).

⁵ *Contra* Thaçi PTB, paras.6-13; Krasniqi PTB, para.32; SELIMI Opening Statement:T.2399-2400(04-Apr-2023)(Open).

⁶ See Section II.A.1.a.

⁷ See Sections II.A.1.b-e.

8. As detailed below, the existence of the common purpose is demonstrated by, *inter alia*:⁸ (i) communiqués and political declarations of the KLA GS, both before and during the Indictment period; (ii) other public statements of JCE Members, including the **Accused**; (iii) regulations, directions, orders and other training materials and publications, including those developed, disseminated and/or endorsed by the **Accused**; (iv) the structures and mechanisms of power created, enforced and/or controlled by the **Accused**, including relevant appointments, in furtherance of the common purpose; (v) the pattern of crimes committed under Counts 1-10; (vi) the failure of the **Accused** to prevent or punish the crimes; and (vii) the participation of the **Accused** and other JCE Members in the commission of those crimes.

a. The JCE Members pursued a plan to gain and exercise control in Kosovo

i. The JCE Members claimed exclusive authority in Kosovo

9. Throughout the Indictment period, the KLA/PGoK leadership attempted to position themselves as the only true voice of the Albanian people, and made increasingly assertive claims to control the country. Doing so involved the suppression and displacement of the established Kosovo-Albanian political leadership,⁹ comprised principally of the LDK-led government-in-exile of Ibrahim RUGOVA and Bujar BUKOSHI.¹⁰

10. In the early 1990s, the KLA was created as an armed group under the umbrella

⁸ A common plan may be inferred from the concerted conduct of a plurality of persons – see *Tadić* AJ:para.227(ii); *Vasiljević* AJ:para.100; *Stakić* AJ:para.64; *Šainović et al.* AJ:para.611.

⁹ W04240:T.20748(21-Oct-2024)(Open);[REDACTED];W04240:T.20948(23-Oct-2024)(Open);[REDACTED];[REDACTED].

¹⁰ AF178-AF180(Public).

of the underground LPK movement.¹¹ Those attending a key founding meeting in Prekaz/Prekaze in 1993 included **THAÇI, VESELI, KRASNIQI**, Sami LUSHTAKU, and Sahit JASHARI,¹² while the founding members of the KLA General Staff¹³ included **THAÇI, VESELI, SELIMI**, Azem SYLA, Sokol BASHOTA, Lahi BRAHIMAJ, and Xheladin GASHI (aka Plaku).¹⁴ In contrast to the strategy of non-violence advocated by RUGOVA and the LDK,¹⁵ the KLA adopted and advanced the LPK's platform of armed struggle.¹⁶ In the words of Political Declaration 8:

The Kosovo Liberation Army was not in two minds when it embarked on its war. When it began this war, it was guided by the motto: Either Kosovo becomes ours or it will be turned into ashes.¹⁷

11. Aligning itself with the 'sacred' cause of freedom,¹⁸ the KLA/PGoK leadership simultaneously asserted exclusive legitimacy, claiming the authority to lead Kosovo,¹⁹ and claiming that only those supporting them were supporting the cause of freedom

¹¹ P00712_ET:pp.SPOE00209352-00209353(Public);W04765:T.9916-9917(13-Nov-2023)(Open); P01874_ET:pp.074629-074630(Public);P00847_ET:p.SITF00243000(Public);W03873:T.22853-22854(27-Nov-2024)(Open);W01453:T.22209-22212(07-Nov-2024)(Open);P01875_ET:p.067709(Public)('As I mentioned earlier, from the beginning the KLA was made of LPK members from its military wing. All founding members of the KLA were LPK members.').

¹² P00186_ET:p.0022-6190(Public);P00794:pp.3306-3307(Public);P01859_ET.2:p.SPOE00053002(Public); P00189_ET.1:pp.U015-8803-U015-8804(Public);P04231.1_ET:pp.SPOE00245745-00245746(Public); P01857_ET:p.32(Public);W03873:T.22562-22564(25-Nov-2024)(Open).

¹³ The General Staff was originally called 'Central Staff', changing its name to General Staff in the summer of 1998, *see* P00800:p.4966(Public);P01446_ET(Public). In this brief, the term General Staff or GS will be used to refer to both, save in the case of direct quotations.

¹⁴ P00847_ET:p.SITF00243001(Public);P01857_ET:p.SPOE00131770(Public);W03873:T.22562-22564(25-Nov-2024)(Open);P00777:pp.6585, 6588(Public);P00763.5_ET:pp.5-6(Public); P04200_ET:pp.SITF00242993-00242995(Public);[REDACTED];P00739.4_ET:p.14(Public);[REDACTED].

¹⁵ AF181-AF183(Public). *See also* AF189-AF190(Public);W04240:T.20943-20948(23-Oct-2024)(Open).

¹⁶ P00793:pp.U016-2145-U016-2147(Public)(KLA Political Declaration 2). KLA Political Declaration No.2 largely mirrored the platform of the LPK. P01092_ET:p.SPOE00230867(Public);P00269_ET.22(Public); P01096_ET:p.1(Public);AF209(Public);AF213(Public).

¹⁷ P00270_ET.17(Public). *See also* P00189_ET.5:p.U015-9025(Public).

¹⁸ P01878_ET(Public).

¹⁹ P00159_ET:p.1(Public);P01096_ET:p.1(Public);[REDACTED];P01875_ET:pp.067710-067711(Public);P00189_ET.1:pp.U015-8771-U015-8772, U015-8774-U015-8775, U015-8777, U015-8808(Public).

and independence.²⁰ This policy was openly articulated in the KLA's public communications, including its communiqués, political declarations, and other public statements.

12. From the outset, KLA communiqués claimed exclusive sovereignty over Kosovo,²¹ vowed not to accept any agreement that excluded the KLA from the negotiations,²² and threatened that anyone who entered an agreement for anything less than full independence would be 'punished for treason'.²³ During the KLA's first public appearance in November 1997, **Rexhep SELIMI** declared the KLA to be the 'only serious force to realise the ideals and aspirations of our people', juxtaposed against those who 'demean' the 'sacred war with their pacifist positions'.²⁴ This was quickly endorsed by Communiqué 40, which reiterated that Kosovo could only be liberated by armed resistance, not 'through the telephone or from the offices' of the 'failed pacifist movement'.²⁵

13. By the start of the Indictment period, the KLA leadership was making clear demands to be recognised as 'the only legitimate authority' representing the Albanian people,²⁶ and threatening that any actions which damaged or undermined absolute

²⁰ P00270_ET.17(Public);P00295_ET(Public).

²¹ P00274_ET(Public)('We are making it known to the occupier that we are the only sovereign power in our land and our institutions, [...]').

²² P00793:pp.U016-2097, U016-2116-U016-2117, U016-2123(Public)('In discussing the status of Kosova and the Albanian people who live divided on their own lands, the [KLA] will not recognise any agreement that excludes its own representatives from the talks.'). See also P00269_ET.16(Public); P00282_ET(Public). See also P04146:p.2(Public)(LIMAJ: 'It is my duty to repeat [...] the position of the [KLA GS] – there can be no talks about Kosova without the presence of our representatives.').

²³ P00269_ET.5(Public)('We will not accept any agreement violating the Albanian people's will. Those who dare sign such agreements shall be punished for treason.').

²⁴ P01878_ET(Public);W04401:T.22981-22982(28-Nov-2024)(Open);P00712_ET:p.SPOE00209353(Public);W04765:T.9917-9918(13-Nov-2023)(Open);[REDACTED].

²⁵ P00793:pp.U016-2116-U016-2117(Public);P00269_ET.16(Public);P00282_ET(Public);P00270_ET.2(Public).

²⁶ P00284_ET:p.1(Public)('The Kosovo Liberation Army, which identifies itself with the values and goals of the oppressed Albanian people, has managed to become, within a very short time, the only force that

unity behind it – including on military, financial, and political matters – would be punished.²⁷ This position continued to be consistently repeated thereafter.²⁸

14. Militarily, the GS categorically asserted the KLA to be the sole legitimate armed force, which all other parties were obliged to recognise as ‘the entirety of the armed forces of Kosovo’.²⁹ Like other institutions formed under the BUKOSHI government, FARK were considered a threat to the KLA’s unity and to the authority of the GS,³⁰ and accused of ‘undermining’ the KLA’s ‘liberation abilities’.³¹ The KLA demanded ‘full unification’ around its forces: when the GS and the Ministry of Defence ultimately reached an agreement for the deployment of a number of professional officers into Kosovo in late 1998, these officers were absorbed directly into the KLA, under the GS’s command.³² Yet, even those LDK or FARK-aligned soldiers joining the KLA were subject to continuing accusations of attempting to ‘ruin it from within’, and treated with

represents and realises their aspirations. As such, the Kosovo Liberation Army should be recognised as the only legitimate authority of that part of the Albanian nation that is under occupation.’);P00269_ET.18(Public). *See also* P03764_ET:p.SPOE00223665(Public).

²⁷ P00284_ET:p.2(Public). *See also* P00545_ET(Public);P00793:pp.U016-2145-U016-2147(Public);P00286_ET(Public);[REDACTED];P01092_ET:p.SPOE00230867(Public);P00794:pp.3329-3331(Public).

²⁸ P00546_ET(Public);P00288_ET(Public);P00793:p.U016-2161(Public);P01096_ET:p.1(Public);P00270_ET.17(Public);P00567_ET(Public);P00158_ET(Public);[REDACTED];P00811_ET.18(Public). *See also* P00189_ET.5:pp.U015-9026-U015-9027, U015-9029(Public);P03746_ET(Public).

²⁹ P00545_ET(Public);P00159_ET:p.1(Public);P00793:pp.U016-2145-U016-2147, U016-2161, U016-2165(Public);P01255_ET(Public);P00808_ET(Public);P04142:p.019595(Public);P00811_ET.43(Public);P00515_ET.28(Public);P00541_ET:p.3(Public);P03734_ET:p.SPOE00226147(Public);P00579_ET:p.SPOE00232613(Public). *See also* P03702_ET:p.SPOE00231354(Public);P03723_ET:p.SPOE00231336(Public);P03729_ET:p.SPOE00225039(Public).

³⁰ For instance, attempts at joint KLA-FARK operations in the Dukagjin OZ failed due to the GS’s insistence on FARK subordinating to KLA command structures. *See e.g.* P04203_ET:p.5(Public);[REDACTED];[REDACTED]. *See also* P03734_ET:p.SPOE00226147(Public);Section II.A.3.m.ii.

³¹ P03707_ET:p.2(Public);P00157_ET:p.1(Public);P04156_ET:p.4(Public);P03723_ET:pp.SPOE00231338-00231339(Public);P04203_ET:p.5(Public). *See also* P02031_ET:p.2(Public)(Sylejman SELIMI asserting that there are ‘no armed force in Kosovo except for the [KLA]’ and other forces such as FARK are ‘just plain defamation’);W04290:T.24913(10-Feb-2025)(Open);P01508_ET:p.2(Public)(Shukri BUJA accusing ‘institutionalists’ for instructing FARK to infiltrate the KLA, referencing Communiqué 53);P03721_ET:pp.3-4(Public);P03755.1_ET:p.1(Public).

³² [REDACTED];[REDACTED];W04401:T.23151(02-Dec-2024)(Open); W04401:T.23203-23204(03-Dec-2024)(Open). *See also* [REDACTED];[REDACTED].

suspicion.³³

15. With respect to finances, the GS's assertion of exclusive authority was accompanied by a sustained campaign demanding ownership over funds received in the name of Kosovo.³⁴ Throughout, GS communications called on the government-in-exile, in particular BUKOSHI, to hand over funds collected from the Kosovo-Albanian diaspora to the KLA, portraying its liberation war as the only legitimate recipient of the donations.³⁵ This culminated with a series of ultimatums,³⁶ threatening that unless the funds were handed over the 'treasonous' government would be 'prosecuted by the KLA military structures, as determined by war laws'.³⁷ These calls were routinely combined with vitriolic criticism and threats towards BUKOSHI and other LDK leadership, who were accused of misappropriating the funds for 'divisive and corrupt intentions'.³⁸ In a Political Directorate statement, **THAÇI** asserted that the money had been 'misused by BUKOSHI and those around him', and specifically accused BUKOSHI of having used the funds to 'sponsor fratricide'.³⁹

16. Politically, the GS refused to recognise the established LDK-affiliated institutions

³³ P03707_ET:p.2(Public);[REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED]. *See also* Section II.A.3.m.v.c.

³⁴ *See* Section II.A.3.f.

³⁵ P00793:pp.U016-2116-U016-2117, U016-2161(Public);P00269_ET.16(Public);P00282_ET(Public); P00284_ET:p.SPOE40000792(Public);P00269_ET.18(Public);P00286_ET(Public);P00546_ET(Public); P00301_ET(Public);P00811_ET.24(Public);P04166_ET:pp.2-3(Public). *See also* [REDACTED].

³⁶ P00811_ET.28(Public);P00515_ET.17:p.007898(Public);P00619_ET(Public).

³⁷ P03691_ET(Public);[REDACTED];W04401:T.23036-23037(02-Dec-2024)(Open). *See also* P01096_ET:p.3(Public).

³⁸ P00811_ET.22(Public);P00310_ET:p.3(Public);P00284_ET:p.SPOE40000792(Public); P00269_ET.18(Public);P00579_ET:p.SPOE00232614(Public);P00546_ET(Public); P01508_ET:p.3(Public)(Shukri BUJA accusing 'RUGOVA and his suite' for misusing funds for 'fictitious' ministries);P04166_ET(Public);P01111_ET:pp.3-4(Public);P03723_ET:pp.SPOE00231338-00231339(Public);P03724_ET(Public).

³⁹ P00811_ET.19:pp.SPOE00053662-00053664(Public);P00516(Public);P00310_ET:pp.1-2(Public). *See also* P04142:p.019597(Public);P00813_ET.24(Public)(in May 1999, **THAÇI** accused BUKOSHI of having 'sabotaged' the war, and repeated his accusation of misuse of funds).

or elected officials,⁴⁰ dismissing them as ‘fictitious’, failed, fraudulent, and divisive.⁴¹ All political parties were to cease their independent activity and pledge absolute allegiance to the KLA,⁴² which, it was asserted, was not only a military organisation, but a political one too.⁴³ GS public declarations directly claimed ‘the right to make the laws and lead politics in Kosovo’, adding that ‘[w]e in the KLA will not agree to others choosing our leaders’.⁴⁴

17. As the KLA’s official spokesperson,⁴⁵ **KRASNIQI** reinforced the GS’s claims of authority, using media interviews to emphasise the KLA’s right to ‘control and lead’ Kosovo⁴⁶ and dismissing political pluralism as a ‘luxury’ in war.⁴⁷ He asserted that ‘[a]t the moment, it is not Rugova but the [KLA] that makes decisions for Kosovo’, and confirmed that if the Serbian forces withdrew, the KLA would, ‘of course’, take their place.⁴⁸ According to **KRASNIQI**, only the KLA could legitimately govern Kosovo: ‘[o]ur freedom fighters are also capable of making political decisions. Those who defend

⁴⁰ [REDACTED];1DW-008:T.27770, 27776-27778(11-Nov-2025)(Open);

P04508_ET:p.SPOE0058155(Public);P00285_ET(Public);P00793:pp.U016-2142, U016-2167-U016-2168(Public);P04142:p.019597(Public);P03698_ET:pp.3, 6(Public);[REDACTED]. *See also* [REDACTED].

⁴¹ P00287_ET(Public);P00272_ET(Public);P00292_ET:p.1(Public);P00305_ET:p.1(Public);P00793:pp.U016-2166-U016-2168(Public);P03707_ET:p.2(Public);P00515_ET.58:p.008718(Public). *See also* P04156_ET:p.7(Public);P04146:p.2(Public);[REDACTED];P04139_ET:p.SPOE00231952(Public);P03721_ET:pp.2-3(Public).

⁴² P00546_ET(Public);P00793:pp.U016-2165-U016-2169, U016-2175-U016-2176(Public);P03716_ET(Public);[REDACTED]. *See also* P03729_ET:p.SPOE00225039(Public).

⁴³ P00579_ET:p.SPOE00232613(Public);P00811_ET.19:pp.SPOE00053662-00053664(Public);P00186_ET:pp.00226187, 00226190(Public);P04219_ET:pp.1, 3, 5(Public);P04142:p.019598(Public). *See also* P03702_ET:p.SPOE00231354(Public);P04217_ET:p.9(Public);P03721_ET:p.3(Public).

⁴⁴ P00291_ET(Public);P00560_ET(Public);P00189_ET.5:p.U015-9023(Public).

⁴⁵ P00546_ET(Public).

⁴⁶ P03698_ET:pp.4-6(Public);P03699_ET(Public);P03700_ET(Public);P03709_ET(Public);P00543_ET:p.086872(Public)(**KRASNIQI**: ‘At present, the Kosovo Liberation Army rules and makes policies in Kosovo.’).

⁴⁷ P01255_ET(Public);W04410:T.16647-16649(04-Jun-2024)(Open);P01264_ET:p.SPOE0128627(Public);P00808_ET(Public). *See also* P00836_ET:pp.L010-2416-L010-2417(Public).

⁴⁸ P00809(Public);P04150_ET(Public);P00794:pp.3360-3362(Public). *See also* P00189_ET.5:p.U015-9022(Public).

the country with their blood may decide on its fate'.⁴⁹

18. Faced with the strong Serbian offensives in late summer 1998, the KLA GS stridently reasserted its claim to be the 'only real institution in Kosovo today',⁵⁰ and accused other political actors of, amongst other things, threatening the 'influence and authority of the Kosovo Liberation Army by their irresponsible declarations in front of the international factor'.⁵¹

19. As diplomatic efforts in Kosovo gained traction, the KLA leadership also intensified its demands to lead any and all international negotiations. The GS repeatedly insisted that the Albanian side of any negotiations could only be represented by 'political and patriotic personalities who have supported and advanced the national cause', condemning other 'petty, partisan' motives purportedly harboured by political leaders in Kosovo as unacceptable.⁵² Political Declaration 14, announced in a press statement by **THAÇI**,⁵³ warned international actors that the KLA was the 'decisive factor' to lead the talks between Prishtinë/Priština, the international community, and Belgrade, and that it would not recognise any political entity or institution that attempted to 'climb to power without deserving it'.⁵⁴ On 3 November 1998, Political Declaration 17 clearly reiterated:

The tendency of some political circles in Kosovo, Serbia, and the international community, to bypass the KLA will have consequences and will render it impossible to find a solution

⁴⁹ P00809:p.1(Public). See P00794:pp.3360-3362(Public).

⁵⁰ [REDACTED]. See also P00567_ET(Public);P00189_ET.5:p.U015-9026-U015-9027(Public); P00270_ET.17(Public);P00295_ET:p.1(Public);P00159_ET:p.1(Public);P00297_ET(Public);P00299(Public); P03713_ET:p.3(Public).

⁵¹ P00158_ET(Public);P00189_ET.5:p.U015-9029(Public). See also P01096_ET:p.2(Public); P00693.3_ET:pp.2-3(Public);W04746:T.5653-5654(13-Jul-2023)(Open);1D00050_ET(Public)(characterising the KLA's actions as a 'tactical retreat').

⁵² P00295_ET:p.2(Public). See also P03754_ET(Public);P00296_ET(Public).

⁵³ P04141:p.019587(Public).

⁵⁴ P00301_ET(Public)(also condemning any institution that 'impedes unity in the war of liberation and blocks and abuses the use of financial funds'). See also P03754_ET(Public);P01067:pp.075301, 075306-075307(Public);[REDACTED].

for Kosovo. This because the KLA is the most important organisation in Kosovo and no talks can be held, nor any decisions made on this matter without the KLA. [...]

The General Staff of the KLA would like to remind everyone that Kosovo already has its own institutions, its political leadership, its justice bodies, its army and police force, etc., that have earned their legitimacy before national and international bodies.⁵⁵

20. The KLA leadership, including **THAÇI**, portrayed their increasing contacts with internationals as a further validation of their claims to authority,⁵⁶ and as proof that the KLA was a 'determinant factor', with the right to determine the 'future and prosperity of Albanian people of Kosovo' through its 'political, legislative, executive and legal bodies'.⁵⁷

21. Draft agreements for a political solution involving the LDK, tabled by US Ambassador Christopher HILL in November 1998,⁵⁸ were rejected and denounced for rewarding 'divisive' political elements instead of acknowledging the KLA as the 'united political and military factor' in Kosovo.⁵⁹ Days later, **KRASNIQI** reiterated the KLA's longstanding promise to denounce any individual or political entity that 'dares to lower the bar of the deal' from complete independence.⁶⁰

22. Throughout this period, international interlocutors unequivocally assessed that the KLA leadership's objectives were to obtain international recognition as the

⁵⁵ P00305_ET:p.1(Public);P00270_ET.11(Public);P01090_ET:p.SPOE00226139(Public)(noting that Political Declaration 17 was handed over to a US representative in English). *See also* P00568_ET(Public).

⁵⁶ P00189_ET.1:pp.U015-8890-U015-8891(Public);P00303_ET:p.5(Public). *See also* P04219_ET:p.10(Public)(LIMAJ commending KLA's contacts with US representatives as a 'turning point' marking that RUGOVA's peaceful route was finally abandoned);P04203_ET:p.2(Public).

⁵⁷ P01256_ET(Public);W04410:T.16722-16727(05-Jun-2024)(Open);[REDACTED];P01264_ET:pp.SPOE00128751(Public);4D00040:p.019593(Public);P04142:pp.019595-019598(Public).

⁵⁸ 1DW-008:T.27687-27690(10-Nov-2025)(Open);1D00423:pp.DHT12287-DHT12288(Public);W04401:T.23054-23057(02-Dec-2024)(Open).

⁵⁹ P03752_ET(Public);P04142:p.019595(Public);P03760_ET:pp.SPOE00225289-00225290,SPOE00225294(Public). *See also* P00311(Public);P00539_ET(Public);P00569_ET(Public);P03762_ET(Public);P00570_ET(Public). Before notifying their objections to U.S. representatives, **THAÇI** strategised on their timing, including how the KLA should 'have the last word' and take the main role in the negotiations over the LDK. *See* [REDACTED].

⁶⁰ P03753_ET.1(Public). *See also* P01287:p.9(Public).

‘determining factor’ in Kosovo, undermine Ibrahim RUGOVA, and take the lead in any international negotiations on a political solution to Kosovo’s status.⁶¹ Even Defence witness Christopher HILL acknowledged his understanding that the KLA wanted to displace Ibrahim RUGOVA and the LDK, and thereby secure itself as the voice of an independent Kosovo.⁶² Or, as put by the former head of US-KDOM:

[...] now that the international community was deeply engaged in the Kosovo problem, this was fundamentally a conflict about who was going to govern Kosovo after the bigger conflict with Serbia was resolved.⁶³

23. In the run-up to the Rambouillet negotiations, the KLA leadership actively positioned itself as the dominant political voice representing Kosovo and, again, demanded that other political actors unite behind it.⁶⁴ The GS’s priorities were discussed internally and set out clearly: the KLA was to lead the negotiations and ensure its organisation would be maintained ‘at all costs’, including by transforming

⁶¹ P01067:p.075301(Public)(‘Politically, the KLA seeks to enhance its international recognition as the ‘determining factor’ in Kosovo, undermine LDK President RUGOVA and take the lead in negotiations with the international community aimed at achieving a political solution to the Kosovo problem. The KLA’s arrest of two Malisevo LDK leaders underscores its intention to dominate local politics in the areas it controls and raises serious questions about its willingness to tolerate other political parties and views.’);W04147:T.13985-13986(28-Mar-2024)(Open).

⁶² 1DW-008:T.27684(10-Nov-2025)(Open);1DW-008:T.27922(12-Nov-2025)(Open)(‘[...] the KLA was very anxious to say, one, they are the ones who count in Kosovo, not this legacy thing called LDK; two, that if we need allies in a struggle, in a battle against Serbia, we have a well-organised army on the ground known as the KLA; and, three, since they have an army, they have a political control [...]).’)

⁶³ W04147:T.13985-13986(28-Mar-2024)(Open).

⁶⁴ P00811_ET.18(Public)(‘[...] the institutionalists and the irresponsible divided Albanian political spectrum sabotage and keep people from uniting and joining their means in the fight for freedom and independence. The massacre committed by Serbian murderers in Reçak should serve as the last wake-up call to make Albanians aware and convince them that their political party and ideology, their presidency and parliament, government and ministry is the homeland calling them, is the Kosovo Liberation Army, is the sound of freedom’s weapon. Those who are deaf to homeland calling and the voice of war institutions, are mercenaries.’);P04166_ET.p.1(Public);P00811_ET.43(Public);P00515_ET.28(Public);P00541(Public). See also P00811_ET.22(Public);P00310_ET:p.3(Public);P00811_ET.24(Public);P00811_ET.34:p.SPOE00053791(Public).

into Kosovo's future army and police forces and controlling the country's borders.⁶⁵ In early February 1999, reflecting the GS's agreed position, **KRASNIQI** announced that the Kosovo-Albanian delegation could only be led by the KLA, which had 'legitimised itself through the blood and life shed'.⁶⁶

ii. *The JCE Members took steps to exercise control in Kosovo*

24. In parallel with the express assertions of authority from the JCE Members, active steps were taken throughout the Indictment period to establish and consolidate their control in Kosovo.⁶⁷

25. In March 1998, shortly following the brutal killing of the JASHARI family, **THAÇI** and **VESELI** accompanied a group,⁶⁸ comprised mainly of LPK members,⁶⁹ into Kosovo.⁷⁰ Upon arrival in Drenicë, **Rexhep SELIMI**, **Hashim THAÇI**, **Fatmir LIMAJ**,

⁶⁵ P03779_ET:p.SPOE00229219(Public);1D00167_ET:p.SPOE00226478(Public);P03781.2_ET(Public);W04752:T.17656(04-Jul-2024)(Open);P00189_ET.1:pp.U015-8902-U015-8903, U015-8909(Public). See P00811_ET.47:pp.SPOE00053985-00053986(Public);P00541_ET:pp.1-2(Public);P00515_ET.35(Public);P00811_ET.45:pp.SPOE00053962-00053963(Public);P00189_ET.5:p.U015-9036(Public);1D00146_ET(Public);W02144:T.16166-16168(28-May-2024)(Open);P01080:pp.075396-075398(Public).

⁶⁶ P01258_ET:p.1(Public);[REDACTED]. See also P00812_ET.2:pp.SPOE00054139-00054143(Public);P00811_ET.47:p.SPOE00053986(Public).

⁶⁷ For a fuller account of the structures and institutions created throughout the Indictment period see also Section II.A.3. Regarding the fact of existing parallel structures associated with the BUKOSHI government, see AF178-AF180(Public);AF187-AF188(Public);AF184-AF185(Public);AF191(Public).

⁶⁸ [REDACTED];P01814:pp.SITF00223937-00223938(Public);P01816.1_ET:pp.23-28(Public).

⁶⁹ [REDACTED];[REDACTED];W01453:T.22206-22207, 22215-22216(07-Nov-2024)(Open);P01812_ET:p.SPOE00229777(Public);W01453:T.21871(04-Nov-2024)(Open);[REDACTED];[REDACTED];P01817_ET:pp.55, 57-59, 63-64(Public);P01814:pp.SITF00223937-00223938(Public). See also P01115.7_ET:pp.21-22(Public);W04741:T.14826, 14860-14861(24-Apr-2024)(Open);[REDACTED];[REDACTED];W03873:T.22557(25-Nov-2024)(Open);P01074:pp.075339-075340(Public);[REDACTED].

⁷⁰ [REDACTED];[REDACTED];[REDACTED];P01817_ET:pp.55, 57-59, 63-64(Public);P01814:pp.SITF00223937-00223938(Public);W01453:T.21821-21823, 21825-21826(04-Nov-2024)(Open);W01453:T.22079-22082(06-Nov-2024)(Open);W01453:T.22206-22207, 22220-22221(07-Nov-2024)(Open);P01745_ET:p.6D00-0771(Public);[REDACTED];P02006.1_ET:p.8(Public);[REDACTED].

Shukri BUJA, and others held discussions about organisation of the KLA.⁷¹ Many of those who arrived in the group from Albania were then dispatched to various municipalities in Kosovo, often ones with which they were familiar, to engage in further recruitment and military organisation.⁷²

26. For example, Fatmir LIMAJ, who would become the Brigade 121 commander, and subsequently the head of the Military Police Directorate, went – together with Haxhi SHALA (aka Topi) – to Kleçkë/Klečka and Malishevë/Mališevo.⁷³ Shukri BUJA, who had been an editor of *Zëri i Kosovës* in Switzerland⁷⁴ and would become the Nerodime Zone Commander,⁷⁵ was instructed to go to the municipalities of Lipjan/Lipljan and Shtimë/Štimlje to organise units there.⁷⁶ Ismet JASHARI, known as Kumanova, went towards Suharekë/Suva Reka municipality;⁷⁷ and Agim BAJRAMI went to Kaçanik/Kaçanik.⁷⁸ Sami LUSHTAKU and Sahit JASHARI remained in Drenicë, where they became, respectively, Deputy Commander of the Drenicë Operational Zone and head of the military police in the zone.⁷⁹ Similarly, Xhemë GASHI, known as Gjermani, subsequently went to Drenoc/Drenovac, where he became the local

⁷¹ P01817_ET:pp.66-75(Public);W01453:T.21829-21838(04-Nov-2024)(Open);[REDACTED];W01453:T.21871(04-Nov-2024)(Open)(identifying the author of [REDACTED] as Fatmir LIMAJ).

⁷² [REDACTED];[REDACTED]. Regarding the similar deployment of other LPK members at that time see also [REDACTED]; [REDACTED].

⁷³ P01814:p.SITF00223938(Public);P01816.1_ET:p.32(Public);[REDACTED]; W01453:T.21839, 21853-21859(04-Nov-2024)(Open);[REDACTED];[REDACTED];P01814:pp.SITF00223937-00223938(Public);P02006.1_ET:pp.6-9, 12-15(Public);[REDACTED].

⁷⁴ P01816.1_ET:pp.17-18(Public);W01453:T.21816(04-Nov-2024)(Open);W01453:T.22206-22207(07-Nov-2024)(Open).

⁷⁵ [REDACTED];P01092_ET:p.SPOE00230885(Public);W01453:T.21896(05-Nov-2024)(Open).

⁷⁶ P01817_ET:pp.68-69, 72-75(Public);P01816.1_ET:p.32(Public);[REDACTED]; [REDACTED];W01453:T.21839, 21841-21842, 21853-21859(04-Nov-2024)(Open);P01820_ET:pp.9-11, 16-17(Public);P01814:pp.SITF00223937-00223938(Public);[REDACTED].

⁷⁷ P01820_ET:pp.16-17(Public);[REDACTED].

⁷⁸ P01817_ET:pp.76-77(Public);P01816.1_ET:p.32(Public);W01453:T.21839, 21853-21856(04-Nov-2024)(Open);[REDACTED].

⁷⁹ P01817_ET:pp.55, 57-59, 63-64(Public);W01453:T.22082(06-Nov-2024)(Open);P01745_ET:p.6D00-0771(Public);[REDACTED];[REDACTED]; [REDACTED];W04290:T.24949(10-Feb-2025)(Open).

commander.⁸⁰

27. The deployment of these relatively senior LPK volunteers who arrived on the ground in Kosovo was a significant turning point, marking a shift in the balance of power and, in particular, increasing the authority of **THAÇI** and the other LPK-affiliated KLA GS members.⁸¹

28. By summer 1998, the express calls made by the KLA leadership for other actors to cease their political activity were also being reflected in measures taken on the ground. As early as March and April, masked individuals warned families not to support the LDK, and ordinary LDK party members were followed, mistreated, and detained.⁸² In Malishevë/Mališevo, which was known as the KLA ‘capital’ of the free territories,⁸³ and where the town and surrounding area had been declared a ‘free zone’,⁸⁴ a department for public relations and civil administration was created in June 1998 on the basis of a GS decision.⁸⁵ Gani KRASNIQI – who was thereafter introduced as the ‘Mayor of Malishevo’, including in KLA meetings with internationals⁸⁶ – was appointed as its head.⁸⁷ Publicly announcing KRASNIQI’s appointment, JCE Member Fatmir LIMAJ declared that ‘the national councils should be set up as the sole legitimate bodies in the territories under the control of the Kosovo Liberation Army, in all villages and quarters’.⁸⁸

⁸⁰ [REDACTED];[REDACTED];[REDACTED]; W04753:T.9130-9133, 9226(30-Oct-2023)(Open).

⁸¹ [REDACTED];[REDACTED]; [REDACTED];[REDACTED]. *See also* P01115.7_ET:pp.21-22(Public);W04741:T.14826, 14860-14861(24-Apr-2024)(Open);[REDACTED];[REDACTED];[REDACTED];P01741:para.14(Public); W04240:T.20748(21-Oct-2024)(Open);W04240:T.20926-20927(22-Oct-2024)(Open);[REDACTED].

⁸² [REDACTED];[REDACTED]. *See also* in Drenicë: Section III.A.3.a.

⁸³ AF130(Public);AF216-AF217(Public).

⁸⁴ P01264_ET:p.SPOE00128656(Public);[REDACTED];[REDACTED];P00836_ET:p.L010-2418(Public).

⁸⁵ P01260_ET:p.1(Public).

⁸⁶ [REDACTED];[REDACTED];[REDACTED];W02144:T.16308(29-May-2024)(Open). *See also* [REDACTED].

⁸⁷ P01260_ET:p.1(Public).

⁸⁸ P00838_ET:p.2(Public).

29. Gani KRASNIQI promptly issued a decision demanding that all political party offices be vacated, and the keys handed over – or else the persons responsible would be required to give ‘explanations’ to the army.⁸⁹ The decision was to be enforced by the KLA Military Police,⁹⁰ whose mandate extended to both military and civilian matters, and had a jurisdiction encompassing all of Kosovo.⁹¹ Similar measures – demanding the closure of LDK offices, or generally the prohibition of political activities – were also taken in other zones.⁹²

30. With contacts with international actors increasing,⁹³ and for the express purpose of facilitating ‘co-ordination of political activity at the national level’, the KLA GS publicly named its political representatives, including **KRASNIQI** and **THAÇI**,⁹⁴ and increased preparations for the establishment of civilian structures.

31. A Directorate for Public Relations and Civil Administration (‘DPRCA’) within the GS, and headed by Ramë BUJA, was formally established in November 1998,⁹⁵ when a GS press release announced that:⁹⁶

The KLA General Staff has decided to start parallel to the military organization also the organization of the civil administration, including all its sectors and departments, in vertical and horizontal lines, all over the territory controlled and administered by the Kosovo Liberation Army.⁹⁷

⁸⁹ 1D00006_ET(Public). *See also* [REDACTED].

⁹⁰ 1D00006_ET(Public);[REDACTED];[REDACTED]; W04278:T.20525-20526(30-Sep-2024)(Open). *See also* regarding a prior demand to close the LDK office under threat of death [REDACTED];[REDACTED].

⁹¹ P00008_ET:p.27(Public). *See also* Section II.A.3.i.

⁹² *E.g.* in **Dukagjin**, P03038_ET(Public); in **Llap**, [REDACTED]. *See also* for **Drenicë**, P02417:pp.097055-097056(Public)(order that, *inter alia*, prohibits gatherings of more than 3-4 persons, containing Sylejman SELIMI's signatures);P02417_ET:pp.097055-097056(Public).

⁹³ *See e.g.* [REDACTED];W02144:T.16308(29-May-2024)(Open); [REDACTED];1DW-008:T.27770, 27776-27778(11-Nov-2025)(Open);P04508_ET:p.SPOE0058155(Public);P00189_ET.1:p.U015-8889(Public).

⁹⁴ 1D00050_ET(Public).

⁹⁵ P03757_ET(Public);P03668_ET(Public);P03667_ET(Public). *See also* Section II.A.3.i.

⁹⁶ P03757_ET(Public).

⁹⁷ P03757_ET(Public).

32. That these structures were designed to displace the LDK-affiliated parallel institutions was also expressly indicated by the assertion that the DPRCA bodies would 'relieve of their snatched responsibilities the possible irresponsible, abusive, wasteful people that the war circumstances may produce'.⁹⁸ The DPRCA civilian structures had a 'permanent duty' to cooperate with KLA-authorized bodies;⁹⁹ and, as confirmed by BUJA, the objective of the Directorate was to lay 'the solid foundations of the future state power'.¹⁰⁰

33. However, even prior to this announcement, members of the GS, including **THAÇI** and **KRASNIQI**,¹⁰¹ had been visiting operational zone headquarters providing instruction on how to select people to be appointed as mayors, and how to govern the municipalities both during and after the war.¹⁰² By early 1999, local administrators had been appointed across zones, and were actively organising and reporting to the GS.¹⁰³

34. A Political Directorate public statement signed by **THAÇI** in January 1999 claimed that '[t]he national consciousness is gathered around the KLA', announced *Kosovapress* – which had been established by the KLA GS¹⁰⁴ – as the 'state news agency', and confirmed that the GS was 'materialising the building of institutions of Kosovo'.¹⁰⁵ The statement also censured the 'irritating' 'institutionalists' of the BUKOSHI

⁹⁸ P03757_ET(Public);P04140_ET(Public)(noting that the DPRCA emerged from the GS 'so it has all its backing, support and assistance').

⁹⁹ P03667_ET:p.SPOE00231478(Public).

¹⁰⁰ P00811_ET.32:pp.SPOE00053771-00053772(Public);P04140_ET(Public)(noting that the DPRCA legal framework was prepared 'a long time ago in Kosovo for the creation of army and other state organs' and that the function of the Directorate is to establish the power structures and the proper administration of civilian life in all its aspects in those localities and territories where KLA has spread).

¹⁰¹ W04746:T.5618-5619(13-Jul-2023)(Open);P00187_ET:p.SPOE00055838(Public);P00693.4_ET:pp.10, 17(Public).

¹⁰² W04746:T.5621-5624(13-Jul-2023)(Open);P00693.4_ET:p.15(Public);[REDACTED].

¹⁰³ P03774_ET:p.SPOE00227661(Public);[REDACTED];P00812_ET.4(Public)(noting that the DPRCA's desire was to be of service to the KLA and that it was present everywhere);P00811_ET.40(Public);P00515_ET.24:p.008016(Public); P00811_ET.49(Public).

¹⁰⁴ See Section II.A.1.d.

¹⁰⁵ P00811_ET.19:pp.SPOE00053662-00053663(Public).

government for not supporting the KLA.¹⁰⁶ Subsequent GS communiqués repeated calls for other political parties and leaders to cease their activities and subjugate all efforts and funds towards the KLA.¹⁰⁷

35. Simultaneous with these developments, the GS increased its regulation of civilian matters, issuing, for example, decisions imposing taxes on vehicles ‘registered with the Serbian occupier’,¹⁰⁸ and on members of the diaspora – under threat of passport confiscation.¹⁰⁹ These measures were to be implemented and enforced by the KLA military police; Brigade 121 even reported two military police members to the GS for failing to fully and properly implement the decision, and cited to the functioning of the LDK in a particular village as the ‘main reason for obstacles in our work’ there.¹¹⁰

36. While the GS did, on a number of occasions, indicate an intention for ‘all-inclusive’ or ‘united’ institutions¹¹¹ – and even, following intensified contacts with international actors, took certain initiatives in that regard¹¹² – these necessarily disregarded the fact that elected institutions already existed, and must also be

¹⁰⁶ P00811_ET.19:pp.SPOE00053662-00053663(Public);P00516(Public);P00310_ET:pp.1-2(Public). *See also* P02095_ET:p.SPOE00226474(Public);P03777_ET(Public).

¹⁰⁷ P00811_ET.22(Public);P00310_ET:p.3(Public);P00811_ET.24(Public).

¹⁰⁸ P03682(Public)(ordinance signed by **KRASNIQI**);P03682_ET(Public);P03687_ET(Public). *See also e.g.* P03688_ET(Public);P03692_ET(Public);P03685_ET(Public);P03683_ET(Public).

¹⁰⁹ P03678(Public)(signed by **KRASNIQI**);P03678_ET(Public);P03681(Public)(signed by **KRASNIQI**);P03681_ET(Public);P03686_ET(Public);P03684_ET(Public);[REDACTED].

¹¹⁰ [REDACTED].

¹¹¹ P00811_ET.22(Public);P00310_ET:p.3(Public);P00301_ET(Public);[REDACTED]; P00811_ET.19:pp.SPOE00053662-00053663(Public). *See also* P04156_ET:pp.6-7(Public);P03746_ET(Public).

¹¹² 1D00050_ET(Public)(Political Declaration 7, 13 August 1998, appointing Adem DEMAÇI to work on creation of new institutions);P04172_ET:pp.2-3(Public)(**KRASNIQI**: ‘In fact, Adem DEMAÇI has never been general political representative of the Kosovo Liberation Army. His responsibility was to create these institutions we are now creating. No individual replacement of anyone can be a substitute for the collective work of the General Staff, or the Political Directorate of the KLA General Staff.’);[REDACTED]. *See* [REDACTED];P04508_ET:pp.SPOE0058154-0058155(Public);1DW-008:T.27669-27671, 27683(10-Nov-2025)(Open). *See also* regarding an agreement reached in October 1998, [REDACTED]. The GS did in fact undertake a reorganisation less than two weeks later, but in a manner which disregarded this (conditional) agreement. *See* P00189_ET.1:p.U015-8880(Public);4D00011_ET(Public); P01356_ET:T.5941(Public).

considered in the context of the simultaneous, persistent demand that unity could only occur behind the KLA GS, and in a form approved by it.¹¹³ Indeed, with the formation of the PGoK,¹¹⁴ and the appointment of JCE Members to key ministerial posts,¹¹⁵ the KLA leadership effectively took over the political mantle. BASHOTA, contemporaneously describing the developments, emphasised that the person mandated to form the government would come from the ranks of the KLA, and that the other parties are 'lining up behind the KLA in this government'.¹¹⁶ In direct discussions with BUKOSHI government representatives, occurring around the end of March 1999, **KRASNIQI** made the conditions for participation clear:

[i]n the end I submitted some requests to him and he told me that he would consider them with BUKOSHI. The requests were as follows: a) To recognize the KLA programme, b) To recognize PGoK and to submit to the command of the KLA GS, c) To respect KLA Regulations, d) To enter Kosovo, and e) His headquarters in Tirana to be handed over to the Ministry of Defence of the PGoK.¹¹⁷

37. In the meantime, the GS unequivocally declared that the only two institutions in Kosovo were the PGoK, with **THAÇI** as Prime Minister, and the KLA, led by its General Staff;¹¹⁸ the 'others' – identified as Bujar BUKOSHI and Halil BICAJ – were 'fraudsters

¹¹³ See also P01287:p.K050-8448(Public)(**KRASNIQI**: '[...] the [KLA] will not accept any defense minister that is appointed without an agreement with us. The defense minister must come from the ranks of the [KLA] and any imposed minister is unacceptable.');

[REDACTED];P01264_ET:p.SPOE00128676(Public)(describing how, in response to the suggestion that Mehmet HAJZIRI lead the proposed government, **THAÇI** had replied 'why HAJRIZI as Prime Minister?', adding 'Me for Prime Minister!');

P04508_ET:p.SPOE0058155(Public) ('according to [**Rexhep SELIMI**], there should be no place in the new government for 'compromised Kosovan politicians, although he did not specify who he meant');

P03707_ET:p.2(Public).

¹¹⁴ See Section II.A.3.b.i.

¹¹⁵ For example, amongst other appointments, **THAÇI** became Prime Minister; **SELIMI** was appointed Minister of Public Order, **VESELI** Minister of SHIK, and Azem SYLA Minister of Defence. See Sections III.A.3.b.ii, III.A.3.b.iii.

¹¹⁶ P00812_ET.5:pp.SPOE00054205-00054206(Public);P00189_ET.5:p.U015-9037(Public).

¹¹⁷ P00189_ET.2:pp.U015-8956-U015-8958(Public);[REDACTED]. See also P01740.5_ET:pp.18-19(Public).

¹¹⁸ P00575_ET(Public);P00515_ET.46(Public);P00812_ET.11(Public);P00812_ET.12(Public). See also [REDACTED];[REDACTED].

and war criminals'.¹¹⁹ **THAÇI**, in his role as PGoK Prime Minister, followed this up by formally declaring that the PGoK would lead, govern, and legislate for Kosovo.¹²⁰

38. Thereafter, the KLA/PGoK leadership relentlessly re-enforced these messages. **KRASNIQI**, by then spokesperson of the PGoK, reiterated that all institutions other than the KLA are 'fictitious' and dismissed the relevance of political leaders who 'do not want war but who will wish to harvest its fruits'.¹²¹ While **THAÇI** – reiterating that the PGoK was the only government of Kosovo – cautioned the public to distance themselves from 'BUKOSHI and his mercenaries', describing BUKOSHI as having 'sabotaged the war'.¹²² At the same time, *Kosovapress* underscored unity around the PGoK and the KLA as an 'obligation to one's nation'.¹²³

39. A document seized from **KRASNIQI**, comprising a Three-Month Plan for the Transformation of the KLA, reveals the detailed preparations made for transitioning KLA members into newly created PGoK structures, including a national guard, civilian police and state administration.¹²⁴

40. As Serbian forces began to withdraw in the aftermath of the Kumanovo Agreement,¹²⁵ the KLA/PGoK leadership moved swiftly to deploy its institutional

¹¹⁹ P00575_ET(Public);P00515_ET.46(Public);P00812_ET.11(Public);P00812_ET.12(Public);P00189_ET.2:pp.U015-8955-U015-8958(Public). See also P00811_ET.41(Public);P00515_ET.25(Public).

¹²⁰ P00515_ET.52(Public)(PGoK Decree no. 81/99, signed by Prime Minister **THAÇI**, dated 27 April 1999, announcing, *inter alia*, that the PGoK '[t]akes on the responsibility of directing and leading Kosovo and its people until the normal conditions and circumstances for the holding of free elections are created').

¹²¹ P00515_ET.58:p.008718(Public);P00189_ET.5:p.U015-9040(Public). See also P03962_ET(Public);P00814_ET.13:pp.SPOE00055394-00055395(Public);P00189_ET.1:pp.U015-8920-U015-8921(Public).

¹²² P00813_ET.24(Public).

¹²³ P00814_ET.8(Public);P00515_ET.60:pp.008742-008745(Public).

¹²⁴ P03787.1_ET(Public);P03787.2_ET(Public)(containing a detailed plan on transitioning KLA troops to civilian life through a careful selection process which would feed former KLA members into newly established structures, i.e. national guard, police or state administration, or demobilise them). See also 1D00070_ET(Public);[REDACTED];[REDACTED];1D00169_ET(Public);P01434(Public)(original bearing **THAÇI**'s signature);P01434_ET(Public);P00813_ET.8(Public);[REDACTED].

¹²⁵ AF135-AF136(Public);P04064(Public).

framework and assert *de facto* authority on the ground.¹²⁶ Within days, KLA units descended into towns and villages across Kosovo¹²⁷ and seized key state infrastructure, municipal buildings, police stations, courts, schools, and public companies.¹²⁸ These efforts were led by KLA/PGoK police and intelligence units.¹²⁹ Simultaneously, **THAÇI**-appointed, PGoK-affiliated, ‘mayors’ appeared throughout Kosovo,¹³⁰ many drawn directly from the ranks of the KLA.¹³¹ The KLA/PGoK was, in the words of W02183, ‘pursuing all of the classic avenues of power’, including police, law and order, and civil administration.¹³²

41. Considering themselves as the meritorious ‘victorious force’,¹³³ the KLA/PGoK leadership expressed early concern regarding the potential implications of UNSCR 1244.¹³⁴ Indeed, during his first meeting with UNMIK in June 1999, **THAÇI**,

¹²⁶ [REDACTED];P01191.2_ET:pp.3, 6-7, 12(Public);W03881:T.15654(22-May-2024)(Open);[REDACTED].

¹²⁷ See in particular **Prizren**: [REDACTED];**Prishtinë/Prishtina**: W04746:T.5599(12-Jul-2023)(Open);W04746:T.5659-5660(13-Jul-2023)(Open);[REDACTED];P00187_ET:pp:SPOE00055971-00055973(Public);**Gjilan/Gnjilane**: [REDACTED];[REDACTED];P02512.2_ET:pp.20-23(Public);**Rahovec/Orahovac**: [REDACTED]; [REDACTED];P02507.1_ET:pp.19-23(Public);**Novobërdë/Novo Brdo**: W04868:T.18745-18746(20-Aug-2024)(Open);[REDACTED]. See also Sections II.A.3.m.iii., II.A.3.m.v.d., III.V., III.W., III.Y., III.AA . See also e.g. [REDACTED];[REDACTED];[REDACTED].

¹²⁸ P01981:p.SITF00011412(Public);P01982:p.SITF00011415(Public);W02183:T.23852-23855(20-Jan-2025)(Open);[REDACTED];P01188.1:p.SPOE00347352(Public);P01188.2:p.013435(Public);P00006:pp.SITF00249805(Public);[REDACTED];[REDACTED];[REDACTED].

¹²⁹ [REDACTED];[REDACTED]; [REDACTED]; [REDACTED];P01969:para.23(Public);P03910_ET:p.SPOE00229475(Public)(handwritten notebook seized from **KRASNIQI**);P00814_ET.35(Public).

¹³⁰ W02161:T.10601(05-Dec-2023)(Open);W02161:T.10897-10898, 10901-10902(11-Dec-2023)(Open);P00743.2:pp.SITF00001571-00001572, SITF00001674(Public);[REDACTED]; [REDACTED];[REDACTED];P01740.5_ET:pp.18-19(Public). See also P01978:p.SITF00173049(Public);[REDACTED].

¹³¹ W04746:T.5622-5624(13-Jul-2023)(Open);[REDACTED];P01740.5_ET:pp.34-35(Public).

¹³² [REDACTED]. See also 1D00417:pp.SITF40000637-40000638(Public);W02183:T.24140-24141(21-Jan-2025)(Open).

¹³³ [REDACTED];[REDACTED];[REDACTED]. See also P04498_ET:p.SPOE00403551(Public);1DW-004:T.27546-27549(01-Oct-2025)(Open). See also [REDACTED].

¹³⁴ P04226(Public);P04226_ET(Public)(**KRASNIQI** announcing that the PGoK ‘regrets that the draft resolution [UNSCR 1244] does not give credit to KLA’s just and humanitarian war’, wherein the ‘Albanians gained their legitimate right for the independence and future of

accompanied by **SELIMI**, presented UNMIK officials with an organigram of the PGoK, composed mainly of KLA representatives. When confronted with the fact that UNMIK was the sole executive authority under UNSCR 1244, **THAÇI** responded to the effect of: ‘thank you for your help, but now we are in charge. We created the [PGoK] and we now run the country.’¹³⁵

42. Having, from an early stage, recognised policing as a key means of exercising control,¹³⁶ the KLA/PGoK leadership was particularly insistent that it would control the composition of Kosovo’s police force.¹³⁷ In June 1999, **SELIMI**, as Minister of Public Order, publicly asserted the KLA military police to be the ‘nucleus of our future police’,¹³⁸ and the KLA’s illegal assumption of police functions – with **SELIMI**’s direct involvement¹³⁹ – became a regular flashpoint thereafter as UNMIK sought to implement

Kosovo’);P03912_ET(Public);1DW-006:T.27059-27061, 27064-27068(22-Sep-2025)(Open);1DW-006:T.27269-27271, 27275-27276(23-Sep-2025)(Open)(**THAÇI** and **KRASNIQI**, as ‘key players’ of the KLA, effectively stalled the KLA demilitarisation negotiations with KFOR by insisting on language recognising the PGoK);[REDACTED];[REDACTED].

¹³⁵ [REDACTED];W02183:T.23906-23907, 23913-23914(20-Jan-2025)(Open); W02183:T.24138-24139(21-Jan-2025)(Open);P01969:paras.14, 16(Public);1D00365:pp.DHT05480-DHT05481(Public). *See similarly* 1DW-004:T.27618-27621(02-Oct-2025)(Open)(**THAÇI** ‘seemed intent on legitimising the claims of the Provisional Government of Kosovo to [...] administer Kosovo, which was a direct contradiction to the mandate of the Security Council’);P01980:p.SPOE00246108(Public).

¹³⁶ 1DW-008:T.27737(11-Nov-2025)(Open).

¹³⁷ P01067:pp.075306-075307(Public);P01068:pp.116696-116698(Public)(‘[Sokol] Bashota noted he had heard that the LDK was working with the police in Podujevo but without consulting the KLA and asked whether KDOM knew about this. [...] In a short time, he said, the KLA could handle the police function. On the police the KLA has the last word, but will not exclude LDK members. [...] Senior KLA representatives had commented that “there is only one Kosovo police force, and that is the KLA’s police”.’);[REDACTED];W04401:T.23054-23057(02-Dec-2024)(Open). *See also* [REDACTED]. Notes from meetings in February and June 1999, seized from **KRASNIQI** and **SELIMI**, reflect the shared GS/PGoK position that the ‘police should come out of the KLA’.

P03779_ET:p.SPOE00229219(Public);P03910_ET:p.SPOE00229442(Public);1DW-006:T.27155-27156(22-Sep-2025)(Open);1D00167_ET:p.SPOE00226478(Public);P03781.2_ET(Public);W04752:T.17656(04-Jul-2024)(Open). *See also* 1D00146_ET(Public);W02144:T.16166-16168(28-May-2024)(Open);[REDACTED].

¹³⁸ P00814_ET.35(Public). *See also* P04189_ET:p.2(Public)(**THAÇI** likewise stating the KLA was working on the ‘creation of the police of Kosovo from the former KLA Military Police, as well as the other structures of the KLA’);P01948:pp.020946-020948(Public);P04085:p.SITF00173935(Public).

¹³⁹ P04195:p.020709(Public);P00778:T.6675-6676(Public);P00779:T.6697-6699(Public). *See also* [REDACTED];[REDACTED];W02183:T.24126-24129(21-Jan-2025)(Open). **SELIMI**’s active involvement

its mandate.¹⁴⁰

43. In contrast to general criminality occurring,¹⁴¹ the detention of Opponents during the summer of 1999 constituted a continuation of the JCE Members' long-standing Opponent policy,¹⁴² with the arrests and detentions by KLA/PGoK police also representing a manifestation of the PGoK's broader claim to authority.¹⁴³ In meetings with international actors, and confronted with demands for illegal policing activities to cease, **SELIMI** seemingly acknowledged his authority over such units, but dismissed their conduct as just 'some problems to be overcome'.¹⁴⁴ When **THAÇI** was confronted with allegations regarding KLA criminal activity, he simply made blanket denials and reflexively dismissed any evidence of KLA wrongdoing.¹⁴⁵

44. Equally, while providing non-committal platitudes to international actors, and undeterred by express warnings that the PGoK's activities encroached on the mandate of the deploying UNMIK administration,¹⁴⁶ **THAÇI** persisted in issuing PGoK laws and

in military police activities throughout this period is also reflected in the materials seized from him. *See e.g.* [REDACTED];P03960_ET:p.SPOE00231628(Public);P03992_ET(Public);[REDACTED];[REDACTED];P04013_ET(Public). *See similarly* P04094:p.067955(Public).

¹⁴⁰ [REDACTED];1DW-004:T.27627-27629(02-Oct-2025)(Open);[REDACTED];[REDACTED];P01972:p.012643(Public); P01984:pp.012759-012764(Public);[REDACTED];

[REDACTED];P01971:p.SPOE00203165(Public);[REDACTED];[REDACTED];[REDACTED];[REDACTED]. *See also* [REDACTED]; [REDACTED];1DW-004:T.27618-27619(02-Oct-2025)(Open);[REDACTED];[REDACTED];P04127:pp.SITF00173979-00173982(Public).

¹⁴¹ *Contra e.g.* **THAÇI** PTB, paras.50, 96-97;**KRASNIQI** PTB, paras.54(vi), 118-121;**VESELI** PTB, paras.137-138.

¹⁴² *See* Section II.A.1.b.

¹⁴³ [REDACTED];[REDACTED].

¹⁴⁴ [REDACTED];[REDACTED].

¹⁴⁵ [REDACTED];W04408:T.7336-7341(06-Sep-2023)(Open);W02161:T.10600-10603, 10605-10606(05-Dec-2023)(Open);[REDACTED]. *See also* P00755(Public);P04094:p.067954(Public);P04507:pp.052747-052748(Public).

¹⁴⁶ P01980:p.SPOE00246108(Public);1DW-004:T.27618-27621(02-Oct-2025)(Open). *See also* P03910_ET:pp.SPOE00229475-00229476, SPOE00229478(Public)(handwritten notebook seized from **KRASNIQI**, entry from 'Government Meeting' on 28 June 1999: 'We must act as if we are an independent country. We are facing obstacles from the Serbian administration, international

decrees over key aspects of civilian governance.¹⁴⁷ By the end of July 1999, the PGoK had promulgated official decrees for the organisation of its government structures across municipalities,¹⁴⁸ and **THAÇI** – who also reaffirmed the authority of the PGoK over the KLA¹⁴⁹ – publicly proclaimed that the PGoK had achieved ‘horizontal and vertical spread of the government’ in all of the municipalities.¹⁵⁰

45. Contemporaneous UNMIK reporting recorded that:

Thaci is neither willing to accept responsibility for anything that takes place in the [KLA]’s name nor to take a duty upon him to show leadership to organise a joint Kosovo Albanian approach to establishing a stable administration. He tried to make clear that the [KLA] had a right to run Kosovo and to quickly deliver it into independence. He knows that he is in

representatives and the Albanian factor.’). In this respect, that **THAÇI** and other members of the PGoK leadership made certain reconciliatory statements in public fails to negate the common purpose. Such statements, often made in response to pressure from UNMIK, and simultaneous with contrary action on the ground, rather facilitated the JCE Members’ claims to authority by manufacturing a veneer of legitimacy and neutralising international intervention, while the common purpose remained unchanged. *See e.g.* [REDACTED];W02183:T.23910-23911(20-Jan-2025)(Open);W02183:T.23910-23911, 23929-23930(20-Jan-2025)(Open);[REDACTED];[REDACTED];W02183:T.24128-24129, 24135-24136(21-Jan-2025)(Open);1DW-004:T.27609-27612(02-Oct-2025)(Open). *See also* P04507:pp.052747-052748(Public);P04504:pp.SPOE00212727-00212729(Public). *Contra e.g.* Thaçi PTB, paras.98, 132-144;Krasniqi PTB, para.101.

¹⁴⁷ *See e.g.* P03934_ET(Public);1DW-004:T.27621-27624(02-Oct-2025)(Open);[REDACTED];P04110:p.SITF00172954(Public);P00743.2:p.SITF00001585(Public);P03939-P03940_ET(Public). Local regulations purportedly authorised by the PGoK included the suppression of political activity not approved by the KLA/PGoK, specifically targeting the LDK. P04100:pp.SITF00265453-00265455(Public);[REDACTED];P00743.2:p.SITF00001706(Public);W02161:T.10643, 10646(06-Dec-2023)(Open). Other PGoK decrees regulated the ongoing appropriation of public property and companies, ostensibly to finance the PGoK and its activities. *See e.g.* [REDACTED];P03949_ET(Public);P03693_ET(Public);[REDACTED];P03935_ET(Public);[REDACTED];P03944_ET(Public);[REDACTED]. *See also* P02289_ET(Public);P02372_ET(Public);[REDACTED];[REDACTED].

¹⁴⁸ P04131:pp.SITF00173037-00173040(Public).

¹⁴⁹ P04189_ET:p.3(Public)(on 13 July 1999, responding to whether the demilitarisation agreement would be respected, **THAÇI** stated: ‘The Kosovo Liberation Army has had organized structures from the beginning, both political and military. The Kosovo Liberation Army respects the Ministry of Defense and it also respects the political decisions of the Provisional Government of Kosovo, so this is a political decision, and it is obligatory for all of the organized structures of the Kosovo Liberation Army.’).

¹⁵⁰ P04189_ET:pp.1-3(Public). *See also* P04190_ET(Public)(PGoK Minister of Local Government Ramë BUJA confirming on 29 July 1999 that mayors of municipalities had been appointed in 26 out of 29 of Kosovo’s municipalities, and that the organs of local government were ‘functional’). *See also e.g.* [REDACTED];[REDACTED].

opposition to UNSCR 1244 but clearly wants to test out how far he can go in pushing UNMIK and KFOR to accept [KLA] “*faits accomplis*”.¹⁵¹

46. When the PGoK/KLA leadership understood that UNMIK was not willing to formally recognise the PGoK, they sought to influence and co-opt the nascent transitional institutions, and thereby retain control through them,¹⁵² including continuing pressure for large numbers of KLA fighters to be absorbed into the police or Kosovo Corps.¹⁵³

47. Through the summer of 1999, continuing into September, and even after the Indictment period, **THAÇI**,¹⁵⁴ **VESELI**,¹⁵⁵ **KRASNIQI**,¹⁵⁶ **SELIMI**,¹⁵⁷ and other PGoK representatives¹⁵⁸ continued to openly contest UNMIK’s authority, insisting that the PGoK was the legitimate government and would assume all governmental responsibilities.

b. The plan involved the targeting of Opponents

48. The Opponent policy targeted those deemed, in various ways, to be obstructing

¹⁵¹ P00755:p.SITF00172749(Public). This reflected the virtually unanimous assessment of relevant international interlocutors at the time. See P01983:pp.SPOE00061170-00061171(Public);W02183:T.23856-23858(20-Jan-2025)(Open);[REDACTED];W02161:T.10881-10882(11-Dec-2023)(Open);[REDACTED];P01977:pp.SPOE00246101-00246102(Public);1DW-004:T.27529(01-Oct-2025)(Open);[REDACTED]. See also P04197:pp.020751-020752(Public);P04496:pp.SPOE00397813-00397814(Public);1DW-004:T.27501-27504(01-Oct-2025)(Open). International actors observed that **THAÇI** played his authority to suit his strategic needs, on the one hand pushing for the recognition of the PGoK and its structures and, on the other, claiming lack of control to deflect implementation of UNMIK requests or when confronted with crimes attributed to KLA members. [REDACTED];[REDACTED];1DW-004:T.27618-27621(02-Oct-2025)(Open). See also P04497_ET:p.SPOE40016012, SPOE40016034, SPOE40016040(Public);1DW-004:T.27532-27538(01-Oct-2025)(Open).

¹⁵² [REDACTED];P01969:para:39(Public);P01975:p.SPOE00246085(Public).

¹⁵³ [REDACTED];P01976:p.SPOE00203092(Public);[REDACTED];[REDACTED];[REDACTED].

¹⁵⁴ P04192(Public);P04198(Public);[REDACTED]. See also [REDACTED];1D00257(Public).

¹⁵⁵ [REDACTED];W02183:T.24178-24179(22-Jan-2025)(Open).

¹⁵⁶ P04188(Public).

¹⁵⁷ P01948:pp.020946-020948(Public).

¹⁵⁸ See e.g. [REDACTED]; [REDACTED];P04192(Public);P04198(Public). See also [REDACTED].

or sabotaging the KLA.¹⁵⁹ This encompassed persons who were or were perceived to have been: (a) collaborating or associating with FRY forces¹⁶⁰ 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.

49. Early communiqués variously described those targeted as ‘spies’¹⁶¹ and ‘collaborators’,¹⁶² often on vague accusations, including of ‘anti-nationalist activities’.¹⁶³ Specified examples of conduct included being a member of the SPS and giving a commemorative speech at the funeral of a ‘collaborator’,¹⁶⁴ and ‘anti-Albanian activities [...] within the educational system’, which was indicated to justify an attack against a University Rector and his personal driver.¹⁶⁵

50. In line with the JCE Members’ quest for exclusive authority, and absolute unity behind them,¹⁶⁶ the strongest vitriol was reserved for the LDK leadership and its

¹⁵⁹ For example W04746:T.5849-5851, 5916-5917(17-Jul-2023)(Open);P00693.5_ET:p.6(Public); W04746:T.5572-5573(12-Jul-2023)(Open);P00693.2_ET:p.19(Public);[REDACTED];[REDACTED];P00792_ET:pp.SPOE00068090-00068091(Public);P00008_ET:p.28(Public);P00009_ET:p.2(Public);[REDACTED];[REDACTED];W04240:T.20948(23-Oct-2024)(Open);P00515_ET.25(Public);P00811_ET.41(Public);P03672_ET:p.096791(Public);[REDACTED]. See also W04401:T.23003-23005(28-Nov-2024)(Open).

¹⁶⁰ When used herein this term has the same meaning as attributed in the Indictment, para.32.

¹⁶¹ P00269_ET.1(Public).

¹⁶² P00269_ET.5(Public);P00741_ET.1(Public);P00269_ET.12(Public);P00277_ET(Public); P00270_ET.2(Public);P04231.1_ET:pp.SPOE00245747-00245748(Public);P04217_ET:p.2(Public), stating that ‘the target of the Kosovo Liberation Army will only be the armed forces, and collaborators of the occupiers of our lands’.

¹⁶³ P00278_ET(Public);P00273_ET(Public);P00274_ET(Public);P00288_ET(Public); P00292_ET:p.043801(Public);P00157(Public);P00157_ET(Public).

¹⁶⁴ P00273_ET(Public).

¹⁶⁵ P00274_ET(Public).

¹⁶⁶ See Section II.A.1.a.

supporters – frequently referenced as ‘pacifists’¹⁶⁷ or ‘institutionalists’.¹⁶⁸ Opponents falling within this category were repeatedly addressed using incendiary language calculated to legitimise and encourage violence against them.

51. They were, for example, expressly branded as ‘traitors’, accused of treason and of working for MILOŠEVIĆ’s interests, and directly equated to the UDB.¹⁶⁹ The venom directed towards such Opponents included explicit threats of execution against anyone who pursued autonomy rather than independence,¹⁷⁰ dared to enter political agreements not sanctioned by the KLA,¹⁷¹ espoused different political views,¹⁷² or simply expressed criticism towards the KLA.¹⁷³

52. The GS further escalated its rhetoric and threats against Opponents in the wake of the Serb offensive in late summer 1998, and in light of concern about its impact on support for the KLA, with increasing attention on what the KLA leadership termed ‘special warfare’.¹⁷⁴ This phrase again encompassed any type of political discourse, or stance, perceived as undermining support for the KLA, within or outside Kosovo.¹⁷⁵

¹⁶⁷ [REDACTED];P03727_ET:pp.SPOE00229077-00229078(Public); P00270_ET.2(Public);P00282_ET:p.2(Public);P00189_ET.1:pp.U015-8752-U015-8753(Public);P04219_ET:p.1(Public);P04159_ET:p.4(Public);P01878_ET(Public);[REDACTED];W04746:T.5490(11-Jul-2023)(Open);[REDACTED];[REDACTED]; W02652:T.2933-2939(17-Apr-2023)(Open).

¹⁶⁸ P00157_ET:p.1(Public);P00158_ET:p.2(Public);P00270_ET.10(Public);P04166_ET:p.1(Public); P04139_ET:p.SPOE00231952(Public).

¹⁶⁹ [REDACTED];P01096_ET:p.2(Public);[REDACTED]; [REDACTED];P00269_ET.5(Public);[REDACTED];P00270_ET.16(Public);[REDACTED];P00305_ET(Public);P01264_ET:p.SPOE00128751(Public);[REDACTED];P03701_ET:p.SPOE00227865(Public); [REDACTED]; [REDACTED]; P04158_ET(Public);P00164_ET:p.U002-2813(Public).

¹⁷⁰ P00269_ET.2(Public);W04403:T.26005(26-Mar-2025)(Open);P00273_ET(Public).

¹⁷¹ P00269_ET.5(Public).

¹⁷² P00269_ET.8:pp.U016-2653-U016-2654(Public);P00273_ET(Public);P00269_ET.15(Public); P00287_ET(Public);P00310_ET:p.2(Public).

¹⁷³ P00153_ET(Public).

¹⁷⁴ P00189_ET.5:p.U015-9023(Public);P03702_ET:p.SPOE00231355(Public);W04746:T.5653-5654(13-Jul-2023)(Open);P00693.3_ET:pp.2-3(Public);[REDACTED]. *See also* 1D00050_ET(Public)(characterising the KLA’s actions as a ‘tactical retreat’).

¹⁷⁵ P04200_ET:p.5(Public);[REDACTED];P00741_ET.4(Public); P00189_ET.1:pp.U015-8781-U015-8783(Public);P03066_ET:p.3(Public).

That included criticism of the KLA and its operations, which was cast as ‘misinformation’ and ‘propaganda’, as well as the expression of views considered as ‘pacifist’ or ‘defeatist’.¹⁷⁶

53. In parliamentary elections held in March 1998, the LDK had been reaffirmed as the dominant political force in Kosovo,¹⁷⁷ despite opposition to the elections, and persistent criticism of them, from the KLA.¹⁷⁸ Political Declaration 7, issued on 13 August 1998, as international interlocutors sought out Kosovo-Albanian counterparts, continued such criticism and warned that any ‘speculation related to the formation of institutions’ also amounted to a form of special warfare, threatening to strike mercilessly those who engaged in it.¹⁷⁹ In a subsequent political declaration, the ‘political parties of Kosovo’ were charged with primary responsibility for the Serb offensives, and accused of impeding the ‘sacred war’ and of ‘treachery’.¹⁸⁰

54. Those accused of waging special warfare against the KLA – including members of the LDK,¹⁸¹ BUKOSHI’s government,¹⁸² and FARK¹⁸³ - were again labelled as

¹⁷⁶ P00292_ET:p.2(Public);P01096_ET:p.2(Public);P04156_ET:pp.SPOE40010563-40010564(Public);P00164_ET:p.U002-2810(Public);P00270_ET.17(Public);P01096_ET:pp.1-3(Public);W04746:T.5490(11-Jul-2023)(Open);[REDACTED];[REDACTED].

¹⁷⁷ [REDACTED];P01264_ET:p.SPOE00128588(Public).

¹⁷⁸ P00549_ET:p.SPOE00231901(Public);P00285_ET(Public);P00269_ET.19(Public);P00793:p.6(Public);P00795:T.3380-3381(Public);P03698_ET:pp.2-3(Public);P03736_ET(Public);[REDACTED];[REDACTED];[REDACTED].

¹⁷⁹ 1D00050_ET(Public);P00739.6_ET:pp.16, 19(Public);[REDACTED].

¹⁸⁰ P00158_ET(Public);P00189_ET.5:p.U015-9029(Public).

¹⁸¹ P00285_ET(Public);P03707_ET:p.4(Public);P03701_ET:p.SPOE00227864(Public);P00303_ET:p.2(Public);P04139_ET:p.SPOE00231952(Public);1DW-001:T.26966-26968(18-Sep-2025)(Open).

¹⁸² P00545_ET(Public);P00270_ET.2(Public);P00292_ET(Public);P00812_ET.12:SPOE00054517(Public);P00575_ET:p.SPOE00231385(Public);P00515_ET.46:p.008469(Public).

¹⁸³ [REDACTED];[REDACTED];

P01096_ET:p.2(Public);P04223_ET(Public);P00269_ET.5(Public);[REDACTED];P00270_ET.16(Public);[REDACTED];P00305_ETp.1(Public);[REDACTED];P01264_ET:p.SPOE00128751(Public);[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];P03701_ET:p.SPOE00227865(Public);W01453:T.21871-21872(04-Nov-2024)(Open);[REDACTED];[REDACTED].

‘collaborators’ and accused of ‘treason’.¹⁸⁴ **SELIMI**,¹⁸⁵ **KRASNIQI**,¹⁸⁶ and **THAÇI**,¹⁸⁷ as well as other JCE members and KLA commanders individually echoed these messages.¹⁸⁸

55. For example, **KRASNIQI**, who was the official KLA spokesperson,¹⁸⁹ gave an interview in October 1998 in which - having denounced those who spread ‘fear and defeatism’ during the offensives - he, amongst other things, accused RUGOVA of being ‘always willing to sacrifice Kosovo’s freedom and independence’ for ‘the sake of a residence, an accompanying suite of former-UDB agents, and a Nobel peace prize’.¹⁹⁰ During Flag Day celebrations in November 1998, while addressing assembled ranks of saluting KLA soldiers in Divjakë/Divljaka, a uniformed **KRASNIQI** referred to the KLA as having coped with ‘a coordinated special war from outside and inside’, and stated that the ‘spectrum of enemies’ aimed to ‘eliminate the KLA’ from political life and impose a ‘contemptible, pacifist’ choice.¹⁹¹ In preparation for **THAÇI**’s first public

¹⁸⁴ P04159_ET:p.4(Public);P00270_ET.16(Public);P00516(Public);P03707_ET:pp.1-2, 4(Public); P00643_ET:p.SPOE00229214(Public);[REDACTED];P00160_ET:p.1(Public); P04157_ET:p.1(Public);[REDACTED].

¹⁸⁵ [REDACTED];P00778:p.6592(Public);P01878_ET(Public);W04765:T.9917-9918(13-Nov-2023)(Open);W04401:T.22981-22982(28-Nov-2024)(Open);P03699_ET:p.SPOE00231358(Public); P00794:p.3302(Public);[REDACTED]. *See also* [REDACTED].

¹⁸⁶ P01288:00:09:10-00:10:17(Public);P01288_ET:p.2(Public);W04403:T.25973-25975(26-Mar-2025)(Open); P03699_ET:p.SPOE00231359(Public);P03716_ET(Public);P00809:p.1(Public);P03708_ET:pp.62-63(Public); P03713_ET:pp.1-2(Public);P04223_ET(Public);P00515_ET.58:p.008718(Public);[REDACTED].

¹⁸⁷ P01256_ET(Public);P04142:p.019956(Public);P00516_ET:pp.019603-019604(Public); P00741_ET.4(Public);P00813_ET.24:pp.SPOE00055117-00055118(Public);1DW-008:T.27687-27690(10-Nov-2025)(Public). *See also* P01256(Public);W04410:T.16722-16728(05-Jun-2024)(Open);P01264_ET:p.SPOE00128751(Public);P01261_ET(Public).

¹⁸⁸ P01813_ET:p.SPOE00227473(Public);P01507_ET:p.2(Public);P01508_ET:p.3(Public);W01453:T.21938-21943(05-Nov-2024)(Open);P01508(Public);W04746:T.5490-5491(11-Jul-2023)(Open); [REDACTED];[REDACTED];P04146:pp.U003-7154-U003-7155(Public);W01453:T.21871-21872(04-Nov-2024)(Open);[REDACTED];P04164_ET:p.1(Public);W04290:T.25261-25263(13-Feb-2025)(Open);[REDACTED];P03109_ET(Public);P00515_ET.10:pp.007880-007881(Public);P00515_ET.11(Public);[REDACTED];P00515_ET.24:p.008015(Public);P00811_ET.40:p.SPOE00053856(Public);P00812_ET.6(Public);P00515_ET.44:p.008407(Public).

¹⁸⁹ P00312_ET(Public).

¹⁹⁰ P01096_ET:pp.1-3(Public).

¹⁹¹ P01288:00:09:00:10-10:17(Public);P01288_ET:p.2(Public);W04403:T.25973-25975(26-Mar-2025)(Open); P03699_ET:p.SPOE00231359(Public).

statement as head of the Political Directorate, he had to be dissuaded by a journalist from - in the very first sentence - reiterating the Opponent policy, and branding all those who did not support the KLA as traitors and collaborators.¹⁹²

56. Despite the ubiquity of its use, no formal definition of a 'collaborator' was ever provided by the GS, whether before or during the Indictment period.¹⁹³ Moreover, any claim that the term only applied to persons who actively collaborated with the enemy, and that it excluded civilians,¹⁹⁴ is squarely rebutted by the manner in which it was contemporaneously used and applied by the JCE Members themselves.¹⁹⁵ As such, not only was it easy for anyone to be labelled as a collaborator,¹⁹⁶ but the JCE Members, in fact, initiated its expansive application.

57. Indeed, as confirmed by **KRASNIQI**, the KLA had no information that [REDACTED] were collaborators; rather, [REDACTED].¹⁹⁷ [REDACTED].¹⁹⁸ In an attempt to justify their detention in talks with internationals, KLA political representatives branded them as 'spies' and 'collaborationists'.¹⁹⁹

58. The evidence shows that the Opponent policy was understood and implemented²⁰⁰ in the broad manner in which it had been articulated by the GS, encompassing a wide spectrum of people, associated with the hated 'occupier' or otherwise considered as a threat or obstacle for the KLA including, amongst others:

¹⁹² P01264_ET:pp.SPOE00128750-00128751(Public).

¹⁹³ P00796:pp.3491-3492(Public);P00800:pp.5063-5066(Public);[REDACTED]; [REDACTED].

¹⁹⁴ P00739.6_ET:pp.10-12(Public);[REDACTED].

¹⁹⁵ Indeed, on the contrary, when claiming that 'civilians' were not being targeted, the JCE Members were excluding those they expansively regarded as 'collaborators' from that definition.

¹⁹⁶ [REDACTED];[REDACTED];[REDACTED];P00008_ET:p.28(Public).

¹⁹⁷ [REDACTED].

¹⁹⁸ [REDACTED]. *See similarly* [REDACTED].

¹⁹⁹ [REDACTED];[REDACTED].

²⁰⁰ *See also* Section III.

journalists;²⁰¹ present, past, and potential future [REDACTED];²⁰² Albanians who worked, used to work for, or otherwise recognised or legitimised civilian state authorities;²⁰³ [REDACTED];²⁰⁴ hunters and foresters, on account of their knowledge of the terrain where the KLA operated;²⁰⁵ members and supporters of the ‘spiders of the’ LDK and those who espoused ‘pacifist’ views;²⁰⁶ including the [REDACTED];²⁰⁷ Serbian civilians;²⁰⁸ and anyone deemed to be spreading ‘disinformation’ or ‘propaganda’, including by criticising the KLA.²⁰⁹

c. The plan involved commission of the crimes charged

59. That violence - up to and including death - was to be employed against Opponents was explicitly stated from the outset. A KLA communiqué issued in 1994, the year the General Staff was formed,²¹⁰ claimed responsibility for the attempted killing of an alleged collaborator.²¹¹ Repeatedly thereafter the KLA GS publicly claimed responsibility for multiple attacks against Opponents – where the victims were

²⁰¹ P00009_ET:para.5(Public);P00107_ET(Public);[REDACTED];P01593;p.U002-9307(Public);[REDACTED];P00380:p.K036-4876(Public);AF442(Public);[REDACTED];W03880:T.8529-8530(9-Oct-2023)(Open);P00300_ET(Public);[REDACTED];[REDACTED];W04147:T.13962-13963(27-Mar-2024)(Open);[REDACTED].

²⁰² [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED].

²⁰³ [REDACTED];P00115:p.007949(Public);[REDACTED].

²⁰⁴ [REDACTED];[REDACTED];

[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED].

²⁰⁵ [REDACTED];P01754:p.SPOE00088349(Public); W04758:T.21050, 21052(23-Oct-2024)(Open);W04758:T.21665-21666(31-Oct-2024)(Open); [REDACTED];[REDACTED].

²⁰⁶ [REDACTED];[REDACTED];[REDACTED];W04240:T.20948(23-Oct-2024)(Open);[REDACTED];1DW-008:T.27844(11-Nov-2025)(Open);[REDACTED];P01593:p.U002-9309(Public);P02090.4_ET:p.8(Public);[REDACTED].

²⁰⁷ [REDACTED];[REDACTED];[REDACTED]; [REDACTED].

²⁰⁸ See Sections III.V.1, III.V.2, III.W. See also P03762_ET(Public).

²⁰⁹ P00292_ET(Public);P00270_ET.17:p.1(Public);P03187_ET:pp.30-32(Public);P01096_ET:pp.1-3(Public);W04408:T.7303(05-Sep-2023)(Open);W04408:T.7563-7565(07-Sep-2023)(Open);W04408:T.7658(11-Sep-2023)(Open). See also P01879.7_ET(Public);W04401:T.23003-23005(28-Nov-2024)(Open).

²¹⁰ See Section II.A.3.a.i.

²¹¹ P00269_ET.28(Public);P04200_ET:pp.2, 5(Public);P01857_ET:pp.38-39(Public);P04200_ET:p.2(Public);P01857_ET:p.38(Public). See also P04208_ET:pp.SPOE00053367-00053368(Public);[REDACTED];P02027.1_ET:p.2055(Public);P00012_ET:p.057955(Public).

variously described as having been arrested,²¹² ‘assassinated’,²¹³ ‘killed’,²¹⁴ ‘execute[d]’,²¹⁵ or ‘liquidated’.²¹⁶ Several communiqués expressly specified that the attacks had been conducted in compliance with GS orders.²¹⁷

60. In addition to claiming responsibility for past actions, the communiqués directed explicit threats and warnings to Opponents.²¹⁸ Communiqué 28, for example, stated that:

[...] The decision to execute them was taken by the KLA Central Staff after they had been warned earlier to quit their collaboration with the occupier, and in line with KLA Central Staff decision published in Communiqué no. 27. Their execution is a warning to all enemy’s collaborators and nation’s traitors, especially to those who under the pretext of being pressured by certain international power centres may enter deals to sign agreements with the occupier, against the national interests. [...].²¹⁹

61. In language which would later be embedded in KLA regulations,²²⁰ and echoed by other JCE Members,²²¹ the GS specified that no mercy would be shown.²²² Direct rallying calls for further violence were also made, with the GS proclaiming, in a communiqué published on 5 March 1998, ‘[d]eath to the enemies and traitors!’²²³

62. The message conveyed in the communiqués, was expressly affirmed and re-

²¹² P03759_ET:pp.3-4(Public);P00158(Public).

²¹³ P00269_ET.1(Public);P00269_ET.5(Public);P00269_ET.6(Public);P00741_ET.1(Public);P00277_ET(Public);P00278_ET(Public).

²¹⁴ P00741_ET.1(Public);P00270_ET.2(Public).

²¹⁵ P00269_ET.8(Public);P00273_ET(Public);P00269_ET.12(Public).

²¹⁶ P00154_ET(Public).

²¹⁷ P00287_ET(Public);P00577_ET(Public);P00580_ET:p.SPOE00225218(Public);P00152_ET(Public).

²¹⁸ W04401:T.22987-22988(28-Nov-2024)(Open);W04401:T.23081-23083(02-Dec-2024)(Open);W04401:T.23425-23426(04-Dec-2024)(Open);[REDACTED];[REDACTED].

²¹⁹ P00273_ET(Public). Communiqué No.27, reporting three executions based on the decision of the ‘KLA Central Staff’ had provided that: ‘You on the other side must stop your accusations and must support our struggle, otherwise we will also knock on your doors to give you the deserved punishment, see P00269_ET.8:p.U016-2653(Public). See also P00274_ET(Public);P00283(Public)(“Death to the enemies and traitors!”);P00287_ET(Public).

²²⁰ P00008_ET:p.28(Public).

²²¹ P00009_ET:p.2(Public);[REDACTED];[REDACTED]; P00515_ET.44:p.008407(Public).

²²² P00269_ET.5(Public);P00278_ET(Public);1D00050_ET(Public);[REDACTED].

²²³ P00283_ET(Public). See also P00794:p.3335(Public).

enforced by other public statements, including of the Accused. **Jakup KRASNIQI** publicly confirmed responsibility for kidnappings and executions, clarifying that the primary targets were 'Albanian collaborators', rather than Serbian civilians.²²⁴ In July 1998, **KRASNIQI** also publicly warned collaborators that they would be killed 'if they continue to follow the wrong path'.²²⁵

63. Over the course of 1998, as international interlocutors intensified pressure on the KLA to cease human rights violations,²²⁶ the language used became less explicit, and was lightly coded.²²⁷ However, the meaning - by then well-entrenched - remained the same. For instance, Communiqué 48, dated 19 June 1998, announced the taking of 'punitive measures' against some 'incurable collaborationist elements';²²⁸ a draft version of the same communiqué, seized from **KRASNIQI's** home, explicitly spoke about 'armed attacks'.²²⁹ Communiqué 49, dated 16 July 1998, announced that '[m]easures [had] been taken against branded collaborationists, who still worked against national interests';²³⁰ in its draft form, however, the document seized from **KRASNIQI's** home more openly stated that 'some collaborationists were liquidated'.²³¹ In the context of the allegations, including of 'treason', being made against Opponents, as described above, threats that they would be treated 'in accordance with the laws in wartime circumstances' were equally clear.²³²

64. Members of the KLA leadership and command structure have confirmed that the

²²⁴ P00793:pp.7, 85(Public).

²²⁵ P00809:pp.1-3(Public);P00794:T.3363-3364(Public).

²²⁶ See e.g. W02144:T.16131-16132(28-May-2024)(Open);W02144:T.16314-16315, 16336-16338(29-May-2024)(Open);[REDACTED];[REDACTED].

²²⁷ P00287_ET(Public);P00292_ET:p.043801(Public);P00157(Public);P00157_ET(Public);W04403:T.26005(26-Mar-2025)(Open).

²²⁸ P00287_ET(Public).

²²⁹ P00577_ET(Public).

²³⁰ P00288_ET(Public).

²³¹ P00579_ET:pp.SPOE00232612(Public).

²³² [REDACTED]. See similarly P00284_ET:p.2(Public). See also P01955.9_ET:pp.10-11(Public), confirming that *inter alia* collaboration was punishable by death.

GS gave orders to kill²³³ and detain²³⁴ collaborators. Deputy Commander W04401, for example, confirmed that - while there were not written documents for specific cases - there was a collective decision of the GS authorizing further measures for collaborators.²³⁵ OZ Commander W04746 specified that the GS also made the decisions about detention centres, which he understood to be part of KLA strategy.²³⁶

65. Against a backdrop of it being common knowledge that ‘collaborators’ were being killed and complaints about the conduct of KLA members coming from all sides,²³⁷ as well as the heightened engagement of the international community by the autumn of 1998, the JCE Members began to introduce a veneer of legitimacy and process. This included falsely representing, both in published statements and in face-to-face meetings, notably by **THAÇI**, that detainees were receiving trials.²³⁸ Further, a small number of detainees whose abductions had received significant attention, including from international actors, were interrogated as to what they would say about their treatment if released, singled out for special treatment, and then granted ‘amnesty’ by way of a publicised event with a press release which described these actions as ‘proving’ the KLA’s recognition of international conventions on war and its respect for the international community.²³⁹

²³³ [REDACTED];W04401:T.22986-22987, 23010-23011(28-Nov-2024)(Open); P00794:T.3318, 3320-3321, 3325-3327(Public). *See also* [REDACTED];[REDACTED];[REDACTED].

²³⁴ W04746:T.5564-5565, 5567(12-Jul-2023)(Open);W04746:T.5846-5848(17-Jul-2023)(Open); P00693.2_ET:p.20(Public);P00689(Public);P01754:pp.SPOE00088347, SPOE00088349(Public);P01755.4_ET:pp.9-11, 14-15(Public);[REDACTED];[REDACTED];[REDACTED].

²³⁵ W04401:T.22986-22987, 23010-23011(28-Nov-2024)(Open);[REDACTED]. *See also* W04746:T.5849-5851, 5915-5917(17-Jul-2023)(Open).

²³⁶ P00689(Public). *See also* W04746:T.5846-5848(17-Jul-2023)(Open). *See also* P00292_ET:p.1(Public)(GS communiqué 52, referring to ‘preventive and punitive measures’);P01754:pp.SPOE00088347, SPOE00088349(Public);P01755.4_ET:pp.9-11, 14-15(Public).

²³⁷ W04752:T.18257-18258(15-Jul-2024)(Open);[REDACTED]; P01356_ET:p.6051(Public);[REDACTED].

²³⁸ Regarding **THAÇI**’s assertions *see* Section III.M.1. For similar false representations, *see also* W02161:T.10557-10561, 10563-10543(5-Dec-2023)(Open);W02161:T.10652(06-Dec-2023)(Open);[REDACTED];P00004:pp.SPOE00061030-00061031(Public);W04746:T.5569-5570, 5571-5573(12-Jul-2023)(Open).

²³⁹ 1D00047_ET(Public);W04147:T.13992-13993(28-Mar-2024)(Open). *See also* Section III.M.1.

66. In fact, throughout 1998, the KLA had no judicial processes in place.²⁴⁰ At the end of that year, significantly motivated by the need to legitimize themselves before the international community,²⁴¹ a Military Court was eventually established.²⁴² However, the court - which was woefully under-resourced and structurally limited - took no meaningful action.²⁴³ Far from serving as any meaningful form of independent check or review, it was simultaneously used as a fig-leaf to legitimise detentions to the international community, and as a further tool to be leveraged against Opponents.²⁴⁴

d. The plan was disseminated

i. Dissemination in public statements

67. As outlined above, a core means through which the common purpose was articulated and disseminated was through GS communiqués, political declarations, and other public statements of the JCE Members. KLA soldiers were familiar with the contents of the communiqués,²⁴⁵ and these public communications were both

²⁴⁰ P01955.2_ET:pp.8-9, 16, 20, 24(Public);P01356_ET:T.6060(Public). This continued to be the case in most zones throughout the entire Indictment period: W04746:T.5569-5570, 5571-5573(12-Jul-2023)(Open);W04758:T.21175-21176(24-Oct-2024)(Open);W04758:T.21704, 21711(31-Oct-2024)(Open);[REDACTED];[REDACTED];[REDACTED];[REDACTED];P00012_ET:p.058010(Public);[REDACTED];[REDACTED]. See also Section II.A.3.j.

²⁴¹ [REDACTED];P00515_ET.29:pp.008088-008090(Public);W04752:T.17643(04-Jul-2024)(Public). See also P00305_ET(Public). See also Section II.A.3.j.

²⁴² W04752:T.18359(16-Jul-2024)(Open);P01956:p.SITF00010488(Public);[REDACTED]; [REDACTED]. See also Section II.A.3.j.

²⁴³ P00775_ET:p.SPOE00068079(Public);[REDACTED];P01955.5_ET:pp.7-9, 22(Public);[REDACTED];W04743:T.24634-24635(28-Jan-2025)(Open);W04743:T.24767-24768(29-Jan-2025)(Open);W04743:T.24760, 24818(29-Jan-2025)(Open);W03873:T.22654-22655(25-Nov-2024)(Open);P01863_ET:p.13(Public). Even W04746 who spent time a short time in 1999 as part of the GS, and met DOBRUNA, was unclear of what his role was. See W04746:T.5573(12-Jul-2023)(Open). See also Section II.A.3.j.

²⁴⁴ Regarding purported proceedings brought against LDK-affiliated Blerim KUQI who was sentenced to death for alleged treason see Sections II.A.3.j. and III.N. See also P01408_ET:p.SPO00227861(Public); P03691_ET(Public).

²⁴⁵ [REDACTED];W04401:T.23426(04-Dec-2024)(Open);W04746:T.5849-5851, 5916-5917(17-Jul-2023)(Open);P00693.5_ET:p.6(Public);[REDACTED]; P01356_ET:p.6051(Public);[REDACTED];W04240:T.20766-20767, 2770(21-Oct-2024)(Open). Regarding the publication of the communiqués in the media see also Section V.I.

intended,²⁴⁶ and understood, by KLA commanders as communicating KLA policy and authorising measures against Opponents.²⁴⁷ Zone Commander W04746 specifically described the communiqués as part of his ‘military rationale’, and as having given ‘permission to deal with people who were obstructing the work of the KLA’.²⁴⁸ The communiqués were interpreted as ‘a call to lynch’ people identified as ‘collaborators’, and represented a direct threat for them.²⁴⁹

68. The General Staff Information Directorate, including **THAÇI** personally, had significant control over public communications - including, for example, making decisions on what to inform the public of, exercising control over interviews given by KLA commanders,²⁵⁰ and staging supportive public statements.²⁵¹ Those who contravened these rules were, *inter alia*, reported to the Intelligence Sector.²⁵² **THAÇI** also attempted to influence reporting by the press.²⁵³

69. In addition to publishing GS communications,²⁵⁴ LPK outlet ‘Zëri i Kosovës’²⁵⁵

²⁴⁶ [REDACTED];W04401:T.22986-22987, 23010-23011(28-Nov-2024)(Open); P00794:T.3324-3325(Public).

²⁴⁷ W04401:T.23426(04-Dec-2024)(Open);[REDACTED];W04746:T.5558(12-Jul-2023)(Open);P00693.2_ET:p.19(Public);P00693.5_ET:p.6(Public);P00693.6_ET:p.5(Public);W04746:T.5849-5851, 5916-5917(17-Jul-2023)(Open);[REDACTED];[REDACTED];[REDACTED];[REDACTED];P00794:p.3354(Public);P00693.5_ET:p.6(Public);[REDACTED];P01755.1_ET:p.21(Public).

²⁴⁸ W04746:T.5849-5851(17-Jul-2023)(Open);P00693.5_ET:p.6(Public). *See also* KLA decisions relating to detainees which expressly state that they are based upon *inter alia* GS communiqués: [REDACTED];[REDACTED].

²⁴⁹ [REDACTED]. *See also* P00693.5_ET:p.6(Public);[REDACTED];[REDACTED].

²⁵⁰ P00879_ET(Public);P01390_ET(Public);W04752:T.17384(01-Jul-2024)(Public);P04139_ET:p.SPOE00231951(Public);P00851.1_ET:p.1(Public);W04403:T.25810-25812(25-Mar-2025)(Open). *See also* W04403:T.25785-25786, 25790-25792, 25862(25-Mar-2025)(Open);P02103_ET.2:p.U002-3096(Public).

²⁵¹ P01264_ET:p.SPOE00128634(Public);P04164:p.1(Public).

²⁵² P02102_ET:pp.1-2(Public);P02093_ET.2:pp.126681-126682(Public);[REDACTED];[REDACTED];[REDACTED]. *See also* [REDACTED];[REDACTED];[REDACTED]. Regarding further targeting of [REDACTED] based on their ‘institutionalist’ views, *see* [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];P04164:p.1(Public).

²⁵³ P01264_ET:pp.SPOE00128740-00128741(Public);W04410:T.16780-16781(05-Jun-2024)(Open).

²⁵⁴ W01453:T.22212, 22216, 22248-22250(07-Nov-2024)(Open). *See also* Section V.I.

²⁵⁵ W01453:T.22216, 22248-22249(07-Nov-2024)(Open).

further amplified Opponent policy and the special warfare rhetoric through its own articles and interviews,²⁵⁶ including containing attacks against those affiliated with the LDK.²⁵⁷ On 17 December 1998, *Zëri i Kosovës* printed an article titled 'There are no Civilian Serbs in Kosovo'.²⁵⁸

70. Near the end of 1998, the KLA GS made the decision to establish its own media outlets, Radio Free Kosovo and Kosovapress,²⁵⁹ as a means to counter the 'special war' being waged against the KLA.²⁶⁰ It was officially inaugurated in early January 1999 by **KRASNIQI**.²⁶¹ These KLA press bodies fell directly under the GS,²⁶² which appointed personnel, and provided protection and support for their operation.²⁶³ Thereafter, it became a significant mouthpiece for GS communications, and the JCE Members' Opponent policy.²⁶⁴ For example, in May 1999, Prime Minister **THAÇI**, accompanied by PGoK ministers **VESELI**, **SELIMI** and others, visited Kosovapress and expressed appreciation for its work.²⁶⁵ Less than a week later, Radio Free Kosovo publicly affirmed that:

The criticisms that Free Kosovo directs at certain political clans are made having the support of the KLA GS, the Government of Prime Minister Hashim **THAÇI**, and the Government of Albania. All the machinations that conflict with this constellation of the

²⁵⁶ P00107_ET(Public);P03755.1_ET(Public);P03721_ET(Public);P01743_ET(Public).

²⁵⁷ P00160_ET:p.1(Public);P04157_ET:p.2(Public);P04159_ET:pp.1-5(Public);P03716_ET(Public);P04156.1(Public);P04168_ET(Public).

²⁵⁸ P03762_ET:pp.1-2(Public).

²⁵⁹ 4D00011_ET(Public);P00189_ET.1:pp.U015-8878, U001-8881(Public);P00187_ET:pp.SPOE00055741-00055742(Public);P01264_ET:pp.SPOE00128783-00128784(Public).

²⁶⁰ P00189_ET.1:pp.U015-8884-U015-8885(Public);P00313_ET:p.2(Public).

²⁶¹ P00515_ET.2:pp.007797-007798(Public). For the full version of **KRASNIQI**'s speech commemorating the inauguration of Radio Free Kosovo and Kosovapress, see P00604_ET(Public);P00313_ET:p.2(Public).

²⁶² P03743_ET(Public);P00712_ET:p.SPOE00209329(Public).

²⁶³ 4D00011_ET(Public);[REDACTED];P01410_ET(Public);P00627_ET(Public);P03781.2_ET:p.SPOE00226468(Public).

²⁶⁴ P00794:T.3317(Public);P00811_ET.4:pp.1-2(Public). See also for example:

P00515_ET.17:p.007899(Public);P00515_ET.18(Public);P00515_ET.22:p.007996(Public);

P00515_ET.25(Public); P00515_ET.30:p.008099(Public);P00515_ET.37:pp.008279-008280(Public);

P00515_ET.40:pp.008348-008351(Public);P00515_ET.44:p.008407(Public);P00515_ET.46:p.008469(Public);P00515_ET.48(Public).

²⁶⁵ P00515_ET.54:pp.008667-008669(Public);P01293:00:00:37-00:00:38(Public).

aligned national forces will remain in the sights of our criticism, of our bolstered opposition; because two realities, two governments, or two armies and other hypocritical finagling like this will not be accepted for the fate and future of the people of Kosovo.²⁶⁶

ii. *Dissemination in regulatory and training documents*

71. The *Provisional Regulations*, drafted by **Jakup KRASNIQI** on behalf of the GS, and adopted by the GS in a meeting in early July 1998,²⁶⁷ (i) embedded the requirement that the KLA military police be 'merciless' towards the enemy and 'all those who try to obstruct and sabotage our liberation war', and (ii) directed that the military police assist and cooperate with the Intelligence Directorate in investigating 'various forms of crimes'.²⁶⁸ These regulations were distributed throughout the zones and used by them.²⁶⁹ Other JCE members including Fatmir LIMAJ, as head of the Military Police Directorate, issued subsequent regulations which replicated these requirements.²⁷⁰ Multiple other internal KLA rules and regulations also addressed the issue of 'collaborators' and, consistent with longstanding GS policy,²⁷¹ directed that they be killed.²⁷²

72. Official trainings for KLA-wide battalion commanders included lectures on the topic of special warfare, delivered by W04765, who at the time was the Commander for

²⁶⁶ P00515_ET.5(Public).

²⁶⁷ P00189_ET.1:p.U015-8836(Public).

²⁶⁸ P00008_ET:p.28(Public). Reaffirming the operational importance of the Political Directorate, and the statements and communiqués issued by it, the Regulations specifically provide that the military police was to base its service on *inter alia* 'the political documents of the KLA'.

²⁶⁹ W04752:T.18489-18491(17-Jul-2024)(Open);W04741:T.14672(23-Apr-2024)(Open);P01115.5_ET:pp.1-3(Public);[REDACTED];P01115.5_ET:pp.2-4(Public);[REDACTED]; [REDACTED];P01429_ET:p.U009-1985(Public);W04746:T.5542(12-Jul-2023)(Open). *See also* Section II.A.3.a.i.(b).

²⁷⁰ P00009_ET:pp.1-2(Public);[REDACTED];[REDACTED].

²⁷¹ *See* Section II.A.1.c.

²⁷² P00889_ET:p.U001-4905(Public);P00890_ET:p.U001-7059(Public);[REDACTED];P01955.9_ET:pp.10-11(Public);[REDACTED]. Regarding authorisations made to give effect to these Regulations *see, for example*, [REDACTED]; [REDACTED];[REDACTED]. *See also* P02850_ET:pp.U001-2201, U001-2203-U001-2204(Public).

Morale and Politics in the Pashtrik OZ.²⁷³ In Llap, the KLA Public Information Service, led at the GS level by **THAÇI**,²⁷⁴ also issued a booklet on special warfare, which amongst other things specifically associated the promotion of pacifism with special warfare, indicated that 'pacifists' had joined the KLA to sow division and weaken it, described criticism of the KLA as 'destructive', and - further confirming the expansive scope of the KLA's Opponent definition - then directed that all those who 'operate to damage the KLA and to spread fear, panic or rumours are UDB collaborators and should be dealt with in the most severe way'.²⁷⁵ This booklet was one of the materials used for battalion commander training.²⁷⁶

73. The GS also issued orders and regulations which either facilitated or were specifically directed towards implementation of the common purpose. These included orders for the creation of military police units,²⁷⁷ which - pursuant to the regulations mentioned above - were mandated to be merciless to all those obstructing the war, and to cooperate with the intelligence service; for the military police to stop 'suspicious' persons;²⁷⁸ and for the establishment of detention facilities and the detention of

²⁷³ [REDACTED];[REDACTED]; W04744:T.16999-17000(24-Jun-2024)(Open);W04765:T.9895-9896, 9941-9942(13-Nov-2023)(Open). *See also* [REDACTED], an oath in which KLA soldiers swore to 'eradicate traitors'. Regarding W04765's direct involvement at crime sites *see* Budakovë/Budakovo, Bubël/Bublje and Kostërc/Kostrc sections.

²⁷⁴ *See* Section II.A.3.h.

²⁷⁵ P00164_ET(Public). The booklet was prepared by the Llap Zone Information Service in November 1998, shortly after a GS delegation, which included **Hashim THAÇI**, had visited the zone. *See* Section II.A.3.m.iii. *See also* P03697_ET(Public), comprising handwritten notes seized from **Rexhep SELIMI** setting out history and background on the purpose, methods, and forms of special warfare.

²⁷⁶ [REDACTED]. In testimony, W04765 unpersuasively attempted to disavow the booklet, claiming to have never seen it prior to his interview and that it has never been 'valid' (W04765:T.10197(15-Nov-2023)(Open);W04765:T.10360-10361(16-Nov-2023)(Open)); despite having previously acknowledged both remembering and using it, and even confirming that he agreed with the contents ([REDACTED]). The authenticity of this document was also confirmed by W04746, *see* W04746:T.5652(13-Jul-2023)(Open).

²⁷⁷ W04746:T.5504-5505(11-Jul-2023)(Open);W04746:T.5900(17-Jul-2023)(Open);[REDACTED];P02027.1_ET:T.2082(Public);P02027.2_ET:T.2195(Public);P02027.3_ET:T.2212-2213, 2218-2220(Public);[REDACTED];W04290:T.24995(10-Feb-2025)(Open);W04290:T.25098(11-Feb-2025)(Open).

²⁷⁸ P03675_ET(Public);P03674_ET(Public).

‘collaborators’.²⁷⁹

74. On 28 November 1998, a GS order issued by Chief of Staff Bislim ZYRAPI, in consultation with the General Commander, increased centralised control over arrests and detentions by directing that they could only be ordered ‘by brigade commanders or higher superiors’, except in critical military situations or when there were ‘criminal acts against members of the KLA, individuals or the civilian authorities’.²⁸⁰ In December 1998, **KRASNIQI** ordered the military police to detain those who commit the act of ‘treason’, by showing ‘loyalty to the occupier’ and ‘put on the uniform of the Serb police’, and the same was to apply to anyone in the future involved in any police force other than that of the KLA.²⁸¹ A subsequent GS order instructed OZ Commanders to *inter alia* ensure that the fighters and population were ‘filled with hatred against the enemy and its collaborators’.²⁸²

iii. Dissemination in meetings and reports

75. Opponents, and special warfare, were discussed on a recurring basis in GS meetings.²⁸³ Meetings between members of the GS and OZ commanders were also used to transmit and explain orders, including those relevant to the Opponent policy. For example, W04746 described how a written GS order to detain collaborators was transmitted, together with specific instructions for its dissemination to units and

²⁷⁹ W04746:T.5564-5567(12-Jul-2023)(Open);T.5846-5848(17-Jul-2023)(Open);P00693.2_ET:p.20(Public). With regard to the fact that each of the Brigades in fact had places where persons could be detained *see* W04752:T.17445(02-Jul-2024)(Public).

²⁸⁰ W04752 explained that the order was issued in response to complaints coming from all sides in relation to the conduct of KLA soldiers, and at a time when the GS ‘wanted to show the internationals that we were a disciplined army’. *See* W04752:T.17848-17849(09-Jul-2024)(Open); P00741_ET.3/1D00029_ET(Public).

²⁸¹ [REDACTED];P01755.8_ET:pp.3-4(Public). For further context in relation to this order and the issue of ‘local police’ *see* Section II.A.3.1.

²⁸² P01017_ET:p.SPOE00228808(Public). Regarding the related responsibility of the Political Directorate in this regard *see* P00617_ET:p.SPOE00228802(Public).

²⁸³ P00643_ET:p.SPOE00229214(Public);[REDACTED]; [REDACTED];P01408_ET:p.SPOE00227861(Public). *See also* [REDACTED];[REDACTED].

brigade commanders, in a meeting between GS members, including **Jakup KRASNIQI**, and the OZ commanders.²⁸⁴

76. In August 1998, GS members including **THAÇI**, **SELIMI**, and **KRASNIQI**, travelled to the Shala and Llap OZs, where they briefed members of the command on ‘special warfare’, including how to detect and address it.²⁸⁵ A GS delegation returned to the Llap OZ command again in October 1998, when ‘special warfare’ was one of the topics reported on by the zone commander.²⁸⁶ During these visits, GS members, including **THAÇI** and **SELIMI**, were briefed by members of the Llap OZ intelligence services in relation to the cases of specific detainees suspected of collaboration.²⁸⁷

77. By at least August 1998,²⁸⁸ KLA commanders were reporting to the GS on the topic of ‘special warfare’, in terms which mirrored the instructions the **Accused** themselves were delivering.²⁸⁹ A series of reports provided to **KRASNIQI**, as Deputy Commander²⁹⁰ —which were based on reporting from the OZ commanders, both written and verbal, as well as personal inspections in the zones by GS members²⁹¹— further evidence the GS’s role in disseminating, and monitoring the implementation of, the Opponent policy.²⁹²

78. Contemporaneous notebooks, reports, and other documents, including

²⁸⁴ W04746:T.5564-5567(12-Jul-2023)(Open);W04746:T.5846-5848(17-Jul-2023)(Open); P00693.2_ET:p.20(Public).

²⁸⁵ P00189_ET.1:pp.U015-8859-U015-8861(Public).

²⁸⁶ [REDACTED].

²⁸⁷ [REDACTED];[REDACTED];[REDACTED];W04746:T.5593-5595(12-Jul-2023)(Open);W04746:T.5618-5622(13-Jul-2023(Open); P00189:p.U015-8863(Public). *See also* [REDACTED];W04752:T.17606(3-Jul-2024)(Open);P00187_ET:pp.SPOE00055819-00055820(Public);[REDACTED]; P01264_ET:p.SPOE00128742(Public).

²⁸⁸ P00067_ET:pp.SITF00437790-00437791(Public). *See also* P01429_ET:p.U009-1987(Public).

²⁸⁹ *Compare with* P00189_ET.1:pp.U015-8859-U015-8861, U015-8863-U015-8864(Public); P00189_ET.5:p.U015-9023(Public);P00292_ET(Public).

²⁹⁰ W04752:T.17433(02-Jul-2024)(Public).

²⁹¹ P00617_ET:p.SPOE00228801(Public).

²⁹² [REDACTED];W04746:T.5656-5657(13-Jul-2023)(Open); P00228_ET:p.3(Public);P00617_ET:p.SPOE00228802(Public).

containing lists of suspected collaborators,²⁹³ further confirm the successful dissemination and implementation of the Opponent policy, as well as the broad spectrum of individuals targeted.²⁹⁴ Indeed, notebooks and notes with contemporaneously-recorded information on special warfare and suspicious persons/collaborators were also seized from **SELIMI**'s home.²⁹⁵

e. The plan was implemented and enforced

79. In line with the regulatory documents, the KLA intelligence services, headed by **VESELI**, played a prominent role in implementation of the policy, including *inter alia* providing information upon which actions were taken, conducting purported investigations,²⁹⁶ and through the direct participation of intelligence personnel, including those reporting directly to **VESELI**, such as Sabit GECL, in the crimes.²⁹⁷ In turn, the military police coordinated with the Intelligence Services and the OZ commands and brigade commands, on investigations, arrests, detentions, and interrogations of alleged collaborators and other Opponents.²⁹⁸

80. The failure of the **Accused** to investigate, punish or discipline those committing

²⁹³ W04746:T.5933-5935(18-Jul-2023)(Open).

²⁹⁴ [REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED](seized from **Rexhep SELIMI**);[REDACTED];[REDACTED]; [REDACTED]. Such reporting continued even after the end of the Indictment period, *see for example* [REDACTED](seized from **Rexhep SELIMI**); [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];P01757_ET(Public).

²⁹⁵ [REDACTED];[REDACTED]; [REDACTED];[REDACTED]; P03765_ET(Public). *See also* [REDACTED].

²⁹⁶ [REDACTED];W04746:T.5641-5642(13-Jul-2023)(Open); W04746:T.5891-5892(17-Jul-2023)(Open);W04758:T.21658(31-Oct-2024)(Open); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED];P00012_ET:p.058012(Public);P02330_ET(Public); [REDACTED];P02355_ET(Public);P02351_ET(Public);P02381_ET(Public);P00890_ET:p.U001-7060(Public); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

²⁹⁷ Regarding the involvement of Sabit GECL, *see* Sections III.A, III.P, III.Q.

²⁹⁸ P03054_ET(Public);P03086_ET(Public); [REDACTED];P03188_ET(Public); [REDACTED]; [REDACTED];P03191_ET:p.U001-5685(Public);P03204_ET:pp.U001-5075-U001-5076(Public); [REDACTED]; P00888_ET(Public); [REDACTED]; [REDACTED];P03241_ET:pp.1-2(Public); [REDACTED].

these crimes,²⁹⁹ despite their awareness thereof,³⁰⁰ itself evidences the existence of the common purpose. However – and in addition to repeatedly being present at events where detentions took place³⁰¹ - the **Accused**, and JCE Members, also led by example and directly implemented and enforced the common purpose on the ground, including through the following sample actions.

81. In June 1998, after KLA members stopped a man in a village near [REDACTED], **SELIMI** took that man [REDACTED]. On the way, **SELIMI** questioned the frightened man [REDACTED].³⁰²

82. Also in June 1998, two Opponents who had been arrested, interrogated, and in one case severely beaten at the Drenoc/Drenovac KLA headquarters were taken in the direction of the KLA General Headquarters by **THAÇI** and **VESELI** personally, with **SELIMI** also present; they were never seen or heard from again.³⁰³

83. On or around 24 June 1998, a prominent LDK member was [REDACTED] brought before **THAÇI** in Breshanc/Brešance where, [REDACTED].³⁰⁴ A few weeks later, **KRASNIQI** in an interview announced BYTYQI having joined the KLA.³⁰⁵

84. [REMOVED—*duplicate of para.86*].³⁰⁶

85. 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 GS members, including **THAÇI**, **VESELI**, and **SELIMI**, were

²⁹⁹ See Section II.B.3.

³⁰⁰ See Section II.A.5.

³⁰¹ See Sections III.W and II.A.3.m.iv.

³⁰² See Section III.A.

³⁰³ See Section III.D.

³⁰⁴ See III.W and II.A.3.m.v. [REDACTED]; [REDACTED]; P01264_ET:pp.SPOE00128633-00128636, SPOE00128718(Public); [REDACTED]; [REDACTED].

³⁰⁵ P00793:p.U016-2176(Public).

³⁰⁶ [REMOVED – *duplicate of fn.308*].

present in the vicinity, participating in and coordinating operations.³⁰⁷

86. In August 1998, **SELIMI** was present during the interrogation of an Opponent detained in Likoc/Likovac.³⁰⁸

87. The arrest, on 20 September 1998, of 13 Albanian parliamentary delegation members, with the direct involvement of **THAÇI**, **SELIMI**, and JCE member Sabit GEÇI,³⁰⁹ was publicly justified by their alleged 'divisive, partisan, schismatic, institutionalist, anti-liberation war propaganda'.³¹⁰ While detained, they were interrogated by **THAÇI** personally, who, amongst other things, made demands for them to write statements renouncing Ibrahim RUGOVA and the LDK, and resign from their parliamentary positions.³¹¹ Their arrest was closely followed by Communiqué 54, which warned against the menace posed by collaborationists and political activists, threatening those who conducted special warfare that they would be treated in accordance with the laws 'in wartime circumstances'.³¹² As further described below,³¹³ the 13 Qirez/Ćirez detainees were subjected to arbitrary detention, harsh interrogations, and beatings.

88. Similarly, [REDACTED] were arrested on [REDACTED].³¹⁴ They were labelled as 'collaborators' by KLA [REDACTED],³¹⁵ and denied any basic rights or guarantees during their detention.³¹⁶ [REDACTED].³¹⁷

³⁰⁷ See Section III.W.

³⁰⁸ See Section III.A.

³⁰⁹ See Section III.L.

³¹⁰ P00158_ET:p.2(Public).

³¹¹ See Section III.L.

³¹² [REDACTED]; [REDACTED].

³¹³ See Section III.L.

³¹⁴ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]. See [REDACTED].

³¹⁵ [REDACTED].

³¹⁶ See [REDACTED].

³¹⁷ [REDACTED].

89. Ramiz HOXHA and Selman BINIQI, whose murders were acknowledged in this Military Police Directorate press release,³¹⁸ had been abducted in October 1998. [REDACTED].³¹⁹ Ramiz HOXHA's and Selman BINIQI's bodies were discovered a short time later with gunshot wounds and a handwritten 'Execution order' issued by the KLA 'secret police', which read:

Due to the collaboration with the occupier and spreading anti Albanian propaganda, causing the fear, panic and hate on the name of the Albanian people and our liberation war Ramiz HOXHA from Bellanicë is sentenced to death.

The other traitors will have the same fate.³²⁰

90. In a manuscript seized from **KRASNIQI**'s house, which addresses 'various pacifists who even until now have undermined and sabotaged our war of liberation', Tahir ZEMAJ in Dukagjin, Blerim KUQI in Pashtrik, and Gani GECI in Drenicë, are specifically identified as examples of people who had joined up not to 'assist the KLA but to undermine the fight for freedom'.³²¹ As described below, each of these LDK-affiliated individuals had also been directly threatened by the **Accused**, in furtherance of the common purpose.³²²

91. In early September 1998, **THAÇI** - accompanied by other GS members, including **SELIMI** - told Tahir ZEMAJ, who was refusing to accept the GS's authority, that he would 'fight him' like the Serbs.³²³ A public GS communiqué issued shortly afterwards on 18 September 1998 specifically identified ZEMAJ, and the units reporting to him, stating that '[t]hese people will one day be held accountable for the damages they are

³¹⁸ P00303_ET:p.043862(Public).

³¹⁹ [REDACTED]; [REDACTED].

³²⁰ [REDACTED]; [REDACTED]; [REDACTED].

³²¹ [REDACTED]; [REDACTED]; [REDACTED].

³²² [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³²³ [REDACTED]; Regarding similar threats that **THAÇI**, accompanied by **Rexhep SELIMI** and JCE Member Lahi BRAHIMAJ, had previously addressed to commanders reporting to ZEMAJ *see* [REDACTED]; [REDACTED]. *See also* Section II.A.3.m.ii.

causing to the people and the homeland'.³²⁴

92. In October 1998, **THAÇI** issued a communiqué falsely branding LDK-affiliated³²⁵ soldier Gani GECI a 'collaborator', and claiming that GECI had led Serbian police in massacres against the Albanian population; betraying the **Accused's** full awareness of the consequences of labelling people in this manner, these false allegations had been included with the express intent of 'fully destroy[ing] him'.³²⁶ Notably, **KRASNIQI** has publicly acknowledged the authenticity of this communiqué, specifying that - as the KLA's political leader - **THAÇI** knows 'very well' the origin of KLA communiqués.³²⁷

93. In January 1999, Blerim KUQI, who was serving in the KLA in the Pashtrik zone at the time, was summoned to a meeting with **KRASNIQI**, **SELIMI**, and JCE Member Fatmir LIMAJ, at the GS headquarters, following which he was arrested, transferred to the Military Court and sentenced to death.³²⁸ While, in April 1999, **SELIMI** participated in the vicious beating of detainee in Kleçkë/Klečka.³²⁹

94. The existence of the common purpose is additionally demonstrated by its implementation, in the form of the pattern of charged crimes. As reflected throughout the crime sites,³³⁰ the victims were targeted for mistreatment because they were deemed Opponents. Detentions, mistreatment, and ultimately killings, were consistently justified on the basis of alleged 'collaboration', broadly defined in a manner consistent

³²⁴ [REDACTED]. ZEMAJ was also the subject of discussion in several GS meetings, *see* P00643_ET:p.SPOE00229214(Public);[REDACTED]; P01408_ET:p.SPO00227861(Public).

³²⁵ [REDACTED].

³²⁶ P00297_ET(Public);P01750_ET:p.5(Public);[REDACTED];P00763.3_ET:pp.13-15(Public);W04240:T.20770-20771, 20780-20782(21-Oct-2024)(Open). On 30 October 1999, **SELIMI** publicly furthered the narrative of Gani GECI being an actor 'against the KLA,' with full knowledge of the consequences of such allegations, *see* P01749_ET:p.7(Public);P00763.3_ET:p.14(Public); W04240:T.20768-20770(21-Oct-2024)(Open)

³²⁷ P01751_ET(Public).

³²⁸ *See* Sections III.N. and II.A.3.j. *See also* [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED];W04752:T.17446(02-Jul-2024)(Public).

³²⁹ *See* Section III.N.

³³⁰ *See* Section III.P.

with the common purpose as articulated by the JCE members. Indeed, perpetrators across crime sites directly echoed the rhetoric of the **Accused**, including while inflicting violence. Just by way of example:

- a. In April 1998, while being arrested, sworn at, beaten, and detained at Likoc/Likovac, detainees were told that all those with the LDK would be 'liquidated', as they are collaborators and 'traitors';³³¹
- b. In June 1998, one detainee in Llapushnik/Lapušnik was severely beaten after explaining that he [REDACTED];³³²
- c. In July 1998, a detainee at Jabllanicë/Jablanica, was beaten and interrogated after being accused of [REDACTED];³³³
- d. Detainees being transferred to Shalë/Sedlare, in the Berishë/Beriša mountains, in October 1998 were beaten and threatened with death, while being told that [REDACTED];³³⁴
- e. In Llap, [REDACTED] detained there was similarly accused of being a member of FARK, a spy, and a traitor;³³⁵
- f. In February 1999, [REDACTED] detained in Kleçkë/Klečka, was heavily beaten and punched after [REDACTED];³³⁶ and
- g. In Cahan, in April 1999, Sabit GECI told a detainee, while he was being beaten, that he would be killed 'like all other LDK members'.³³⁷

³³¹ See Section III.A.

³³² [REDACTED].

³³³ See Section III.B.

³³⁴ See Section III.M.

³³⁵ See Section III.I.

³³⁶ [REDACTED].

³³⁷ See Section III.P.

2. *Plurality of Persons*

95. Hashim THAÇI, Kadri VESELI, Rexhep SELIMI and Jakup KRASNIQI were part of a plurality of persons³³⁸ that implemented the common purpose through KLA and later through PGoK personnel and organisational structures. They acted in concert with other members of the JCE - including Azem SYLA, Lahi BRAHIMAJ,³³⁹ Fatmir LIMAJ, Sylejman SELIMI,³⁴⁰ Rrustem MUSTAFA,³⁴¹ Shukri BUJA, Latif GASHI,³⁴² and Sabit GEÇI.³⁴³

96. The **Accused** had political and/or ideological affiliations that pre-dated the Indictment period.³⁴⁴ THAÇI, VESELI and SELIMI were members of the LPK, the political precursor to the KLA,³⁴⁵ while THAÇI, VESELI and KRASNIQI had been consulting about political strategy since as early as 1993, when they attended a key founding meeting of the KLA in Prekaz/Prekaze.³⁴⁶ THAÇI and VESELI were particularly close, sharing similar backgrounds, ideas, and activities, and frequently acting and travelling together.³⁴⁷ Further, SELIMI 'invested' himself in THAÇI's appointments as KLA Political Director, head of the Kosovo delegation to Rambouillet, and Prime Minister of the PGoK.³⁴⁸

³³⁸ A JCE consists of a plurality of persons pursuing a common criminal objective. Participants need not be organized in a military, political, or administrative structure. While they must be identified with specificity, for instance by name or by categories or groups of persons, not every member of the JCE needs to be specifically named in the Indictment, provided there is sufficient reference to the group or category of persons alleged to belong to the JCE in question. *See Mustafa TJ*, para.738; *Shala AJ*, para.212.

³³⁹ *Haradinaj et al. TJ*, para.678; *Haradinaj et al. AJ*, para.50.

³⁴⁰ *Drenica I TJ*; *Drenica I AJ*; *Drenica II TJ*; *Drenica II AJ*.

³⁴¹ *Gashi et al. TJ*; *Gashi et al. AJ*.

³⁴² *Gashi et al. TJ*; *Gashi et al. AJ*.

³⁴³ *Geci et al. TJ*; *Geci et al. AJ*.

³⁴⁴ [REDACTED].

³⁴⁵ [REDACTED]; [REDACTED]; P01874_ET:pp.074629-074631(Public).

³⁴⁶ P00189_ET.1:pp.U015-8803,U015-8806(Public); P00186_ET:p.00226190(Public).

³⁴⁷ P00763.5_ET:pp.1-3, 8-9(Public); [REDACTED]; [REDACTED]; P00742.4_ET:pp.15-16(Public); [REDACTED]; P00607_ET(Public); P04216:00:07:46-00:09:41, 00:15:55-00:16:16, pp.4,7-10(Public).

³⁴⁸ [REDACTED].

97. Even after the Indictment period, the close ideological ties between the **Accused** continued. **THAÇI** was the chairman of the PPDK (later named PDK) from its establishment until 2016, when **VESELI** took over after **THAÇI**'s resignation,³⁴⁹ **KRASNIQI** and **SELIMI** were both members of the initiatory council of **THAÇI**'s PPDK political party in October 1999.³⁵⁰ In 2001, **THAÇI** remarked at a meeting of former KLA commanders that **KRASNIQI** does not publish a book without prior consultations with 'us'.³⁵¹

98. The **Accused** also had such affiliations with other named JCE Members. Azem SYLA was a member of the LPK and founding member of the KLA, collaborating with each of the **Accused** throughout the 1990s,³⁵² and continuing after the Indictment period, when he became a member of the initiatory council of **THAÇI**'s new PPDK party in October 1999.³⁵³ Lahi BRAHIMAJ was also an originating member of the KLA, and each of the **Accused** visited or stayed at his family home in Jabllanicë/Jablanica prior to or during the Indictment period.³⁵⁴ Similarly, Fatmir LIMAJ lived together with **SELIMI** for two years before the war, re-entered Kosovo together with **THAÇI** and **VESELI** in March 1998, and continued to join the initiatory council of **THAÇI**'s new PPDK in October 1999.³⁵⁵ Sylejman SELIMI, who is a close relative of **Rexhep SELIMI**³⁵⁶

³⁴⁹ 1D00216_ET;p.DHT04823-ET(Public).

³⁵⁰ P00534;p.020881(Public).

³⁵¹ P00186_ET;p.SPOE00226189(Public).

³⁵² P00847_ET;p.3(Public);[REDACTED];P04205_ET;p.2(Public);P00189_ET.1:pp.U015-8763, U015-8776, U015-8801-U015-8802(Public);P00012_ET:pp.057944-057945, 057947(Public);P01858_ET.2(Public);P01874_ET:p.074629(Public);[REDACTED];P00845_ET.1:p.076892(Public);P01857_ET:pp.34, 39(Public);P04208_ET:pp.SPOE00053365, SPOE00053367(Public).

³⁵³ P00534;p.020881(Public); *see also* 1D00031_ET;p.DHT00118-ET(Public).

³⁵⁴ [REDACTED];P00778:T.6621-6623(Public);P04201_ET:p.3(Public);P04200_ET:p.3(Public);P01745_ET:p.U003-9089(Public);P04212_ET:pp.1-2(Public);P00739.6_ET:pp.1-2, 4(Public);P00189_ET.1:pp.U015-8855-U015-8856(Public). *See also* Section III.B.

³⁵⁵ P00778:T.6645-6646(Public);[REDACTED];[REDACTED];P01264_ET;p.SPOE00128760(Public);P00777:p.6584(Public);[REDACTED];P04219_ET:pp.6, 8(Public);P02027.1_ET:p.2098(Public);P00534;p.020881(Public);1D00197_ET;p.DHT04429-ET(Public). *See* Sections II.A.1.a.ii, III.C, III.M, III.N, and III.Q.

³⁵⁶ [REDACTED];P01745_ET:p.U003-9088(Public);[REDACTED].

and introduced **Rexhep SELIMI** to Adem JASHARI in 1994, maintained contacts with other JCE Members, including Fatmir LIMAJ, during the time they were abroad and participated in early KLA actions.³⁵⁷ Rrustem MUSTAFA cooperated with the LPK from early on, joined the KLA in 1995, and, from 1997, became the person in the Llap zone responsible for coordinating with the GS;³⁵⁸ after the Indictment period, MUSTAFA was a member of the chairmanship of **THAÇI**'s PDK party.³⁵⁹ Latif GASHI was a close and trusted collaborator of MUSTAFA's within the Llap zone, forming part of the original zone command with responsibility for intelligence matters; GASHI subsequently was General Director of SHIK under **VESELI**, and was a member of parliament for **THAÇI**'s PDK party.³⁶⁰ Shukri BUJA was a long-serving member of the LPK, who worked on the editorial board of *Zëri i Kosovës* while living in Switzerland, and re-entered Kosovo in March 1998 together with **THAÇI** and **VESELI**.³⁶¹ Finally, hailing from a respected family in Drenicë, Sabit GECI joined the KLA upon his release from prison in 1997, and it was from Sabit GECI's house that **SELIMI** went to deliver his speech for the first public appearance of the KLA in November of that year; GECI took part in early KLA actions, being wounded at Likoshan/Likošane in February 1998.³⁶²

99. The JCE Members possessed and exercised significant authority within the KLA and later within the PGoK. This flowed, in part, from their status as founding or early KLA members,³⁶³ and was further consolidated and enhanced through the positions of

³⁵⁷ P04200_ET:pp.3-4(Public);P01745_ET:p.U003-9089(Public);P00778:T.6618-6620, 6624(Public); P00785:p.U008-3708(Public);P04219_ET:pp.6, 8(Public). See Section III.A.

³⁵⁸ P00188:pp.SPOE00053269, SPOE0053289, SPOE00053338(Public). See Sections III.I and II.A.3.m.iii.

³⁵⁹ W04746:T.5668-5670(13-Jul-2023)(Open);W04758:T.21194(24-Oct-2024)(Open); [REDACTED]; [REDACTED].

³⁶⁰ W04746:T.5488(11-Jul-2023)(Open);P00188:pp.SPOE0053289, SPOE0053301, SPOE00053340(Public); [REDACTED]; [REDACTED]; [REDACTED]. See Sections II.A.3.k, III.H, III.I.

³⁶¹ P01874_ET:pp.074627, 074631(Public);W01453:T.21814, 21816(04-Nov-2024)(Open);W01453:T.22207, 22209(07-Nov-2024)(Open). See Sections II.A.1.a.ii, and III.C.

³⁶² W04240:T.20801(22-Oct-2024)(Open);P04219_ET:pp.6, 8(Public);P04201_ET:pp.6-7(Public); P02032_ET:p.3(Public);P01264_ET:p.SPOE00128681(Public); [REDACTED]. See Sections III.A, III.L, III.P and III.Q.

³⁶³ W04752:T.18509(17-Jul-2024)(Open).

power to which they appointed themselves, and each other, throughout the Indictment period. The **Accused** exercised this authority over, and/or acted in concert with, other JCE members to perpetrate the charged crimes, as detailed below.³⁶⁴

3. *Individuals and Structures through which the Plan was Implemented*

a. *General Staff*

i. *Structures and Functioning*

100. The KLA GS was created out of necessity to plan, organise, and coordinate actions in Kosovo.³⁶⁵

101. It was initially comprised of a small, trusted group³⁶⁶ of primarily LPK members,³⁶⁷ including **THAÇI**,³⁶⁸ **VESELI**,³⁶⁹ **SELIMI**,³⁷⁰ Azem SYLA,³⁷¹ Xhavit

³⁶⁴ While authority or control over principal perpetrators is not a necessary element to establish JCE liability, it is one of the various factors that the Panel may consider in determining whether crimes of principal perpetrators were linked with the accused (*Prlić et al* AJ, para.1528). To hold the Accused responsible for the actions of the 'Tools', the conduct of the latter must be imputed to one (or more) JCE member, and that JCE Member – when using the 'Tools' – must have acted in accordance with the common purpose. Establishment of the link between the crime and the JCE Member is a matter to be assessed on a case-by-case basis (*Stanišić & Simatović* AJ, para.545).

³⁶⁵ P00012_ET:p.057954(Public);P00777:T.6587-6588(Public);P00847_ET:p.3(Public); P01857_ET:p.28(Public). *See also* P01880_ET:p.35(Public);P04200_ET:pp.2–3(Public);P04206_ET:pp.2, 4(Public);1D00223_ET(Public).

³⁶⁶ *See e.g.* P00800:pp.5024-5025(Public); [REDACTED];P01857_ET:p.28(Public); [REDACTED];1D00223_ET(Public);W04401:T.23348, 23387-23388, 23427-23428(04-Dec-2024)(Open).

³⁶⁷ *See e.g.* [REDACTED]; [REDACTED]; [REDACTED];P01115.7_ET:p.21(Public);W04741:T.14861(24-Apr-2024)(Open); P01858_ET.1:pp.SITF00245167-SITF00245168(Public);P04200_ET:p.6(Public);P04205_ET:pp.1-2(Public);W04240:T.20811, 20841, 20888, 20926-20927(22-Oct-2024)(Open).

³⁶⁸ *See e.g.* P00739.4_ET:p.14(Public);P00763.5_ET:p.5(Public); [REDACTED]; P00847_ET:p.3(Public);P04200_ET:p.3(Public).

³⁶⁹ *See e.g.* [REDACTED];P00739.4_ET:p.14(Public);P00763.5_ET:pp.5-6(Public); P00847_ET:p.3(Public);P04200_ET:p.3(Public).

³⁷⁰ *See e.g.* P00739.4_ET:p.14(Public);P00763.5_ET:pp.5-6(Public);P00777:T.6585(Public); P00847_ET:p.3(Public); [REDACTED].

³⁷¹ *See e.g.* P00739.4_ET.p.14(Public);P00763.5_ET:p.5(Public);P00800:p.5125(Public); P00847_ET:p.3(Public);P01356_ET:p.6063(Public); [REDACTED];P01880_ET:p.40(Public); P04200:p.3(Public); [REDACTED];W04401:T.22964, 22969(28-Nov-2024)(Open); W04401:T.23080-23081(02-Dec-2024)(Open).

HALITI,³⁷² Lahi BRAHIMAJ,³⁷³ and Sokol BASHOTA.³⁷⁴ By 1997, **KRASNIQI** – who had been involved with the KLA since 1993³⁷⁵ – had joined the GS.³⁷⁶ **THAÇI**, **VESELI**, and **KRASNIQI** consulted on political matters, with **THAÇI** and **VESELI** also engaged in organising the KLA, including liaising between GS members in Kosovo and abroad.³⁷⁷ Based in Kosovo, **SELIMI** organised, coordinated, and took part in armed actions on the ground.³⁷⁸

102. For their own protection, the KLA and its GS initially operated in secrecy.³⁷⁹ For example, during the first televised interview of GS members in March 1998, GS representatives wore balaclavas when repeatedly identifying ‘collaborators’ as a target of KLA operations.³⁸⁰ However, by mid-1998, the identities of GS members gradually became known to the public.³⁸¹

103. From spring 1998 and during the Indictment period, the GS increasingly defined the responsibilities and roles of its members,³⁸² and met and coordinated frequently as

³⁷² See e.g. P00739.4_ET:p.14(Public);P00763.5_ET:p.5(Public);P00800:p.5125(Public); P00847_ET:p.3(Public);P01857_ET:pp.28–29(Public).

³⁷³ See e.g. P00739.4_ET:p.14(Public);P00847_ET:p.3(Public);P04200_ET:p.3(Public).

³⁷⁴ See e.g. P00739.4_ET:p.14(Public);P00847_ET:p.3(Public);P04200_ET:p.3(Public).

³⁷⁵ P00189_ET.1:pp.U015-8775, U015-8803-U015-8804, U015-8878-U015-8879(Public); P00186_ET:p.SPOE00226190(Public). See also P00800:pp.5022-5024(Public);P00794:pp.3308-3309(Public); [REDACTED];P01857_ET:p.14(Public).

³⁷⁶ See e.g. P00739.4_ET:p.14(Public);P00793:para.4(Public);P00794:T.3305(Public); P00800:p.5022(Public); [REDACTED].

³⁷⁷ See e.g. [REDACTED];P00763.5_ET:p.7(Public);P00794:pp.3306-3307, 3310(Public); P00800:p.5075(Public);P00837_ET:pp.1-2(Public);P01857_ET:p.2(Public); [REDACTED]; [REDACTED]; [REDACTED];P04200_ET:p.3(Public).

³⁷⁸ See e.g. P00189_ET.1:p.U015-8804(Public);P00712_ET:p.SPOE00209329(Public); [REDACTED];P00777:T.6587–6588(Public);P01745_ET:pp.U003-9088-U003-9089(Public); P01857_ET:pp.26, 32, 38(Public);P04200_ET:p.3(Public).

³⁷⁹ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; P00777:T.6587(Public); [REDACTED];P00189_ET.1:p.U015-8783(Public).

³⁸⁰ P04217:00:01:21-00:01:49, 00:03:23-00:04:32(Public);P04217_ET:pp.1-2(Public).

³⁸¹ See e.g. [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³⁸² See Section II.A.3. See e.g. P00189_ET.1:p.U015-8833(Public);P00605_ET:p.2(Public); P00763.5_ET:pp.10-11(Public);P00793:p.U016-2094(Public);P00794:p.3313(Public); [REDACTED];P01859_ET.2:p.SPOE00053010(Public); [REDACTED];P03766_ET(Public).

part of a collective decision-making process.³⁸³ GS members who were absent from a particular meeting would be consulted, or were subsequently informed of the meeting's outcome.³⁸⁴ The GS also created, disseminated, and implemented regulations, and issued orders and decisions to manage and direct the KLA at all hierarchical levels.³⁸⁵

104. By November 1998 – with many of the following positions and directorates existing since at least June 1998³⁸⁶ – the GS consisted of the General Commander Azem SYLA;³⁸⁷ two Deputy Commanders, **KRASNIQI** (for support and/or political issues) and Sokol BASHOTA (for operations);³⁸⁸ a Chief of Staff, Bislim ZYRAPI;³⁸⁹ and nine directorates: Personnel, Intelligence (under **VESELI**), Operational (under **SELIMI**, until as late as July 1998), Logistics, Communications, Finance (under Lahi BRAHIMAJ), Public Relations and Civil Administration, Military Police (under Fatmir LIMAJ), Information and Political (both under **THAÇI**, from at least June 1998, and including **KRASNIQI** and **VESELI**).³⁹⁰

105. By early June 1998, **KRASNIQI** had been appointed official KLA spokesperson,³⁹¹ ensuring that the GS spoke with a 'single voice'.³⁹² In his capacity as

³⁸³ See Section II.A.3.a.i.a.

³⁸⁴ See Section II.A.3.a.i.a.

³⁸⁵ See Section II.A.3.

³⁸⁶ See e.g. Section II.A.3; [REDACTED]; [REDACTED]; P00795:pp.3414-3415(Public);P00800:pp.5147-5148(Public);P01859_ET.2:p.SPOE00053010(Public);

P01881_ET:p.SPOE00226857(Public);4D00011_ET(Public);W04752:T.17397-17399(01-Jul-2024)(Open).

³⁸⁷ See e.g. P00712_ET:p.SPOE00209329(Public);P00739.4_ET:p.19(Public); [REDACTED]; P00794:T.3311(Public); [REDACTED];P01857_ET:p.64(Public); [REDACTED];W04752:T.17369-17370(01-Jul-2024)(Open).

³⁸⁸ See e.g. P00189_ET.1:pp.U015-8879-U015-8880(Public);P00616_ET(Public);P00623_ET(Public); P00625_ET(Public);P00626_ET(Public);P00712_ET:p.SPOE00209329(Public);P00739.4_ET:pp.19-20(Public); [REDACTED];P00792_ET:p.SPOE00068089(Public);P00794:T.3311(Public); [REDACTED]; [REDACTED]; [REDACTED]; W04752:T.18324(16-Jul-2024)(Open).

³⁸⁹ See e.g. P00712_ET:p.SPOE00209329(Public);P01830.1_ET:pp.22-23(Public); P01859_ET.2:p.SPOE00053010(Public);W04752:T.17395-17396(01-Jul-2024)(Public); [REDACTED].

³⁹⁰ See Section II.A.3.a.i.a.

³⁹¹ See e.g. P00312_ET(Public);P00712_ET:p.SPOE00209329(Public); [REDACTED]; P00792_ET:p.SPOE00068089(Public);P00794:T.3311(Public).

³⁹² See e.g. [REDACTED].

First Deputy Commander, **KRASNIQI** had the full authority and functions of the General Commander³⁹³ because Azem SYLA was primarily absent from Kosovo.³⁹⁴

106. By at least July 1998, **SELIMI** had been appointed General Inspector.³⁹⁵ In this capacity, he was on the level of the General Commander, reporting directly to him and, in his absence, Deputy Commander **KRASNIQI**.³⁹⁶

107. From late 1998, a legal sector and military court were added, specialised councils and commissions comprised of the **Accused** and other GS members were established, and the GS had its own logistics, military police, and special units.³⁹⁷

108. While they all had assigned positions and roles, both in the GS and later also the PGoK, the **Accused** were involved in and responsible for a range of different political and military matters, depending on need, both before and throughout the Indictment period.³⁹⁸ Across all stages, the **Accused** and GS – as the most senior commanding body³⁹⁹ – remained the central point of connection, coordination, and authority of the KLA.

(a) Meetings

109. The meetings of the General Staff reflect its commanding, directing, monitoring, and oversight role at the apex of the KLA during the Indictment period.

³⁹³ [REDACTED]; [REDACTED]. See also P02090.5_ET:pp.3-4(Public); [REDACTED]; W04752:T.17449(02-Jul-2024)(Open).

³⁹⁴ See e.g. P00739.4_ET:p.17(Public); P00763.5_ET:p.7(Public); [REDACTED]; W04752:T.18299(16-Jul-2024)(Open).

³⁹⁵ See e.g. P00712_ET:p.SPOE00209329(Public); [REDACTED]; P00763.2_ET:pp.2-3(Public); P00763.6_ET:p.13(Public); [REDACTED]; P00778:T.6595-6596(Public); [REDACTED]; P01745_ET:p.U003-9097(Public); 3D00027_ET:pp.SPOE00226769-SPOE00226770(Public).

³⁹⁶ [REDACTED]; P03749(Public)(handwritten version); P03749_ET(Public); P00739.4_ET:pp.19-20(Public).

³⁹⁷ See Section II.A.3.

³⁹⁸ See e.g. P01859_ET.2:p.SPOE00053010(Public); P00189_ET.1:p.U015-8878(Public); [REDACTED].

³⁹⁹ P00083_ET:p.SPOE00225108(Public); [REDACTED]; [REDACTED]; [REDACTED].

110. Before the start of the Indictment period, GS meetings were less frequent due to security concerns. GS members, including the **Accused**, were nonetheless able to meet in person or communicate through electronic means,⁴⁰⁰ and make decisions on important matters.⁴⁰¹ From spring 1998, the GS met with increasing frequency;⁴⁰²

⁴⁰⁰ P00777:p.6588(Public);P04200_ET:p.3(Public);P00794:p.3310(Public); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED];W04401:T.23291-23292(03-Dec-2024)(Open);W04401:T.23349-23351, 23390-23391(04-Dec-2024)(Open);W04401:T.23479-23481(05-Dec-2024)(Open); [REDACTED]; [REDACTED]; [REDACTED].

⁴⁰¹ See e.g. P00281_ET(Public);P00270_ET.2(Public).

⁴⁰² Meeting in early May 1998: [REDACTED]. See also P03698_ET(Public). Meetings prior to 10-Jun-1998: [REDACTED];W04401:T.23021-23023(28-Nov-2024)(Open). Meeting on 20-Jun-1998: P01381_ET(Public). Meeting on 27-Jun-1998: P03674_ET(Public);P03675_ET(Public). Meetings on 29 and/or 30-Jun-1998: P03031_ET(Public); P03033_ET(Public); [REDACTED]. Meeting on 04 or 09-Jul-1998: P00643_ET(Public); [REDACTED]. Meeting on 05-Jul-1998: P03676_ET(Public). Meetings on 23 and/or 24-Jul-1998: P00643_ET(Public); [REDACTED];P00189_ET.1:p.U015-8856(Public); [REDACTED];P01092_ET:p.SPOE00230873(Public); [REDACTED];P03090_ET(Public);P01384_ET:p.SPOE00232227(Public). Meetings on 16 and/or 17-Aug-1998: P00643_ET:pp.SPOE00229214-00229215(Public); [REDACTED]; [REDACTED];P02566_ET(Public);P01392_ET(Public); [REDACTED];W04752:T.17390(01-Jul-2024)(Open). Meetings on 12 and 13-Nov-1998: 4D00011_ET(Public);P00189_ET.1:pp.U015-8878, U015-8884-U015-8885(Public); [REDACTED];P01016_ET(Public); [REDACTED];P01016_ET(Public); [REDACTED]; [REDACTED]; [REDACTED];W04752:T.17394-17396, 17399-17400(01-Jul-2024)(Open); [REDACTED];P00795:p.3412(Public); P00792_ET:pp.SPOE00068091-00068092(Public). Meeting on 23-Nov-1998: P03667_ET(Public). Meeting before 28-Nov-1998: [REDACTED]; [REDACTED]; W04752:T.17641-17642(04-Jul-2024)(Open);W04752:T.17968-17969(10-Jul-2024)(Open). Meeting on 17-Dec-1998: P03763_ET(Public). Meeting on 29-Dec-1998: [REDACTED]; [REDACTED];W04401:T.23041-23042(02-Dec-2024)(Open). Meeting on 30-Dec-1998: P03691_ET(Public); [REDACTED]. Meeting on 05-Jan-1999: [REDACTED];1D00071_ET(Public);P01378_ET(Public);W04752:T.17447-17448(02-Jul-2024)(Open). Meeting on 12-Jan-1999: P03781.2_ET:p.SPOE00226469(Public);P00189_ET.1:p.U015-8876(Public);P01092_ET:pp.SPOE00230898-00230899(Public). Meeting on 14-Jan-1999: P03781.2_ET:pp.SPOE00226470-00226471(Public);P03773_ET:pp.SPOE00227669-00227670(Public). Meeting on 17-Jan-1999: P03775_ET(Public);P03781.2_ET:p.SPOE00226472(Public). Meeting on 21-Jan-1999: P03777_ET(Public);P03781.2:pp.SPOE00226473-00226474(Public);P01411_ET(Public); [REDACTED];W04752:T.17480(02-Jul-2024)(Open). Meeting on 22-Jan-1999: P00811_ET.46:pp.SPOE00053974-00053975(Public);P00515_ET.31:pp.008108-008111(Public). Meeting on 25-Jan-1999: P03781.2_ET:p.SPOE00226475(Public); see also P00189.1_ET:p.U015-8824(Public); P03779_ET:p.SPOE00229220(Public);W04752:T.17480-17481(02-Jul-2024)(Open). Meeting on 28-Jan-1999: P03781.2_ET:p.SPOE00226476(Public); see also W04752:T.17480-17481(02-Jul-2024)(Open). Meeting on 01-Feb-1999: P03781.2_ET:p.SPOE00226477(Public);W04752:T.17654(04-Jul-2024)(Open); P00895_ET:pp.U002-0199-U002-0200(Public); see also W04752:T.17480-17481(02-Jul-2024)(Open). Meeting on 04-Feb-1999: P03781.2_ET:p.SPOE00226478(Public);P03779_ET:p.SPOE00229219(Public); see also W04752:T.17480-17481(02-Jul-2024)(Open). Meeting on 06-Feb-1999: [REDACTED];W04752:T.17482-17485(02-Jul-2024)(Open). Meeting on 11-Feb-1999: P03781.2_ET:p.SPOE00226479(Public);

including in expanded meetings with zone commanders⁴⁰³ and others summoned by the GS.⁴⁰⁴ From the creation of the PGoK in March 1999 onwards, both entities held meetings, including with joint participation of GS and senior PGoK members.⁴⁰⁵

111. Fluctuations in the regularity of meetings occurred due to various factors, including the circumstances of the armed conflict and military offensives. The **Accused** and other GS members were nonetheless travelling together, holding meetings in the field and with internationals, and/or coordinating, including by satellite phone.⁴⁰⁶

112. GS meetings addressed diverse organisational, operational, and policy issues,

[REDACTED];W04752:T.17656(04-Jul-2024)(Open); *see also*

P00633_ET(Public);P00637_ET(Public);P00636_ET(Public);P00634_ET(Public); [REDACTED]. Meetings on 26 and/or 27-Feb-1999: P00645_ET(Public); P01431_ET:pp.SPOE00227862-00227863(Public);P03779_ET:p.SPOE00229219(Public); P00812_ET.2:pp.SPOE00054139-00054143(Public);P00189_ET.1:pp.U015-8922-U015-8928(Public); P00811_ET.53:pp.SPOE00054064-00054065(Public);P04172_ET:p.SPOE00230638(Public). Meeting on 29-Mar-1999: P00114_ET(Public).

⁴⁰³ [REDACTED];P02090.2_ET:p.12(Public);P02090.3_ET:pp.2, 5, 7(Public); P02091:para.7(Public);W04403:T.25867(25-Mar-2025)(Open);P01830.2_ET:pp.18, 24(Public); [REDACTED]; *see also* [REDACTED];P01356_ET:T.5955-5956, 5959(Public);P04228_ET(Public). Meeting on 20-Dec-1998: P00615_ET(Public);W04752:T.17433-17344(02-Jul-2024)(Public);P01552_ET(Public);P00228_ET(Public). Meeting on 20-Jan-1999: P01428_ET(Public); W04752:T.17475-17476(02-Jul-2024)(Open); [REDACTED]. *See also* [REDACTED]; [REDACTED];P00631_ET(Public); [REDACTED]; [REDACTED]. Meetings on 02 and 03-Feb-1999: [REDACTED]. Meetings on 12 and/or 13-Feb-1999: P03781.2_ET:p.SPOE00226480(Public); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED];W04752:T.17485-17486(02-Jul-2024)(Open). Meeting on 27/28-Feb-1999: P00189_ET.1:pp.U015-8922-U015-8928(Public); P00811_ET.53:pp.SPOE00054064-00054065(Public);P00812_ET.2:pp.SPOE00054142-00054143(Public); *see also* P04172_ET:p.SPOE00230638(Public); [REDACTED]. Meeting on 12-Mar-1999: P00644_ET(Public); [REDACTED]; [REDACTED].

⁴⁰⁴ P00621_ET(Public);P01408_ET(Public);P03774_ET(Public); [REDACTED];P00649_ET.2:pp.SITF00245563-00245565(Public);P00189_ET.1:p.U015-8853(Public); W04403:T.25867(25-Mar-2025)(Open); [REDACTED]; [REDACTED]; [REDACTED].

⁴⁰⁵ [REDACTED];P01745_ET:p.U003-9112(Public);[REDACTED];W04752:T.17504-17507(03-Jul-2024)(Open);W04752:T.17777-17778(08-Jul-2024)(Open); P03792_ET(Public);P03910_ET:p.SPOE00229466(Public). *See also* P03793_ET(Public); [REDACTED].

⁴⁰⁶ For instance, in September and October 1998, **THAÇI**, **SELIMI**, **KRASNIQI**, and other GS members were in the Dukagjin Zone; **THAÇI**, **KRASNIQI**, and other GS members met with international representatives during the ongoing Serbian offensive; **THAÇI** and **SELIMI** were in the Drenicë Zone, including at Qirez/Ćirez; **THAÇI**, **KRASNIQI**, and other GS members visited the Llap Zone for a meeting with the Zone Command; and **VESELI** and other GS members were abroad, including in an effort to reach an agreement with the government-in-exile.

including: (i) appointments, assignments, and dismissals of GS members, zone and brigade commands, and PGoK officials;⁴⁰⁷ (ii) discipline, hierarchy, and the structure of the GS, PGoK, zones, and subordinate commands;⁴⁰⁸ (iii) rules, regulations, and procedures in relation to KLA organisation and operation, intelligence units, military police, guard service, civil administration, taxation, arrests, and property seizure – these included the *Provisional Regulations*, the *Provisional Regulations for Reconnaissance Sub-Detachments* and the *Regulations for Public Relations and Civil Administration*;⁴⁰⁹ (iv) the situation on the ground and activities of zone commands and GS directorates;⁴¹⁰ (v) analysis of past and future plans, including GS/PGoK operations such as Operation Arrow;⁴¹¹ (vi) mobilisation, logistics, finances, donations from within and outside Kosovo, and the Homeland Calling Fund;⁴¹² (vii) merging of other entities with the KLA, such as the LKÇK;⁴¹³ (viii) the treatment of collaborators, deserters, the government-in-exile, LDK, and other Opponents;⁴¹⁴ (ix) the issue of special war;⁴¹⁵ (x) meetings,

⁴⁰⁷ [REDACTED];P01092_ET:p.SPOE00230873(Public); [REDACTED];P03781.2_ET:pp.SPOE00226473-00226474(Public); P03773_ET:pp.SPOE00227669-00227670(Public);P03777_ET(Public);[REDACTED];W04746:T.5639-5640(13-Jul-2023)(Open);P03779_ET:p.SPOE00229219(Public); P00645_ET:pp.SPOE00227671,SPOE00227673(Public);P00189_ET.1:pp.U015-8923, U015-8925, U015-8927(Public);[REDACTED];P03792_ET(Public); P03910_ET:p.SPOE00229466(Public).

⁴⁰⁸ W04752:T.17394-17396, 17399-17400(01-Jul-2024)(Open);[REDACTED]; P03781.2_ET:pp.SPOE00226473-00226474(Public);P03777_ET(Public);P00645_ET:pp.SPOE00227671,SPOE00227673(Public).

⁴⁰⁹ [REDACTED];P01092_ET:pp.SPOE00230873-00230874(Public); P03677_ET(Public);P03774_ET(Public).

⁴¹⁰ [REDACTED];P03763_ET(Public);P03777_ET(Public); P03781.2_ET:pp.SPOE00226470,SPOE00226473-00226474(Public);[REDACTED]; P03773_ET:pp.SPOE00227669-00227670(Public);P03774_ET-P03775_ET(Public).

⁴¹¹ P03777_ET(Public);[REDACTED];P01745_ET:p.U003-9112(Public); [REDACTED];W04752:T.17505-17507(03-Jul-2024)(Open);W04752:T.17777-17778(08-Jul-2024)(Open);P03792_ET(Public);P03910_ET:p.SPOE00229466(Public).

⁴¹² P00615_ET(Public);P03691_ET(Public);[REDACTED];W04752:T.17447-17477(02-Jul-2024)(Open);P03781.2_ET:pp.SPOE00226473-00226474(Public);P03774_ET(Public);P00114_ET(Public).

⁴¹³ [REDACTED];P03777_ET(Public);P03781.2_ET:pp.SPOE00226473-00226474(Public).

⁴¹⁴ P01092_ET:p.SPOE00230873(Public);[REDACTED]; [REDACTED];[REDACTED];P03773_ET:pp.SPOE00227669-00227670(Public).

⁴¹⁵ P01138_ET:p.SPOE00231431(Public). *See also* P00189_ET.1:pp.U015-8884-U015-8885(Public).

negotiations, and agreements, *inter alia*, with international representatives;⁴¹⁶ and (xi) GS positions on, for example, the release of detainees, the Rambouillet Agreement, and transformation of the KLA into a civilian police force.⁴¹⁷

113. Meetings were regularly attended by one or more **Accused**.⁴¹⁸ Although not all GS members were physically present at all meetings,⁴¹⁹ decisions were reached by collective deliberation,⁴²⁰ and a majority decision was respected by all.⁴²¹ GS members who were absent from a particular meeting would be consulted remotely, including by satellite phone, or were subsequently informed of the meeting's outcome.⁴²² For instance, a number of GS meetings in January 1999 addressed the exchange of VJ soldiers detained in the Shala Zone.⁴²³ **KRASNIQI** coordinated with and/or informed GS members – some of whom, including **THAÇI** and **VESELI** were abroad at the time⁴²⁴ – of relevant developments by satellite phone.⁴²⁵

114. The GS could also defer a final meeting and GS position until absent members

⁴¹⁶ P01092_ET:p.SPOE00230873, SPOE00230898-00230899(Public);P03781.2_ET:p.SPOE00226469(Public); P03773_ET:pp.SPOE00227669-00227670(Public).

⁴¹⁷ P03781.2_ET:p.SPOE00226469(Public);P01092_ET:pp.SPOE00230898-00230899(Public); P03779_ET:p.SPOE00229219(Public);[REDACTED];W04401:T.23045-23046(02-Dec-2024)(Open);W04401:T.23165(03-Dec-2024)(Open);[REDACTED]; P00189_ET.1:pp.U015-8934-U015-8935(Public);P00189_ET.2:p.U015-8936(Public).

⁴¹⁸ E.g. [REDACTED];[REDACTED]; W04752:T.17390(01-Jul-2024)(Open);P03781.2_ET:pp.SPOE00226473-00226474(Public); [REDACTED];[REDACTED];[REDACTED];[REDACTED];W04752:T.17394-17396, 17399-17400(01-Jul-2024)(Open);[REDACTED];[REDACTED].

⁴¹⁹ W04752:T.18374(16-Jul-2024)(Open);P01356_ET:T.5955-5956(Public); [REDACTED];[REDACTED];[REDACTED].

⁴²⁰ See e.g. [REDACTED];[REDACTED];W04401:T.23368-23373(04-Dec-2024)(Open);P01859_ET.2:p.SPOE00053010(Public);W04401:T.22984-22985(28-Nov-2024)(Open);P01074:pp.075337-075340(Public);W01453:T.21992(05-Nov-2024)(Open); P01356_ET:p.5958(Public);P00083_ET:p.SPOE00225108(Public);[REDACTED].

⁴²¹ W04410:T.23370, 23373(04-Dec-2024)(Open).

⁴²² P00763.5_ET:pp.8-9(Public);[REDACTED];P01093_ET(Public).

⁴²³ P01092_ET:pp.SPOE00230898-00230899(Public);P03781.2_ET:pp.SPOE00226469-00226470, SPOE00226475(Public).

⁴²⁴ [REDACTED];P01449_ET:p.SPOE00209482(Public).

⁴²⁵ P01093_ET(Public). See also [REDACTED].

returned, for instance, regarding the Rambouillet agreement,⁴²⁶ when a final meeting and position was only taken after **KRASNIQI** and **THAÇI** were present.⁴²⁷ Similarly, on a limited number of occasions, decisions made in the presence of only a part of the GS were deferred for final approval until fuller attendance was reached, such as the proposed change in KLA General Commander on the initiative of zone commanders, which was only approved upon return of the Rambouillet delegation.⁴²⁸

115. Meeting venues often changed depending on the circumstances on the ground, and included GS headquarters, private houses, and secret locations.⁴²⁹ Evidence of identified locations shows that the GS regularly met in and around the Berishë/Beriša mountains in the Drenicë and Pashtrik Zones, including in Likoc/Likovac,⁴³⁰ Negroc/Negrovce,⁴³¹ Divjakë/Divljaka,⁴³² Kleçkë/Klečka,⁴³³ Berishë/Beriša village,⁴³⁴ Lladrovc/Ladrovac,⁴³⁵ and Novosellë (Fshat i Ri)/Novo Selo.⁴³⁶ In April 1999, several meetings with the participation of senior GS and PGoK members were held in the area of Lipjan/Lipljan and Shtimë/Štimlje (including Mollopolc/Malopoljce, Jezercë/Jezerce, and Petrovë/Petrovo) in the Nerodime Zone, where a number of GS/PGoK members

⁴²⁶ [REDACTED].

⁴²⁷ [REDACTED].

⁴²⁸ [REDACTED];W04752:T.17658, 17662(04-Jul-2024)(Open); P00812_ET.2:p.SPOE00054141(Public). *See also* P00189_ET.1:pp.U015-8926-U015-8927(Public).

⁴²⁹ W04752:T.17568(03-Jul-2024)(Open);W04752:T.17369-17370(01-Jul-2024)(Open); P00800:p.5072(Public);P00795:T.3402-3403(Public);[REDACTED]; [REDACTED];[REDACTED];P04221.1:p.066038(Public).

⁴³⁰ [REDACTED];[REDACTED]; P01264_ET:p.SPOE00128796(Public). *See also* P04202_ET:p.6(Public).

⁴³¹ [REDACTED];P00800:p.5072(Public);W04401:T.23021-23022(28-Nov-2024)(Open).

⁴³² P00800:p.5072(Public);P00615_ET(Public);[REDACTED];P00621_ET(Public); [REDACTED];[REDACTED];P03773_ET:pp.SPOE00227669-00227670(Public); P03775_ET(Public);P03777_ET(Public);P00645_ET(Public);P01431_ET:pp.SPOE00227862-00227863(Public);P00763.6_ET:p.13(Public).

⁴³³ P00800:p.5072(Public);[REDACTED];[REDACTED].

⁴³⁴ [REDACTED].

⁴³⁵ P01092_ET:pp.SPOE00230877, SPOE00230895(Public);[REDACTED]; [REDACTED];[REDACTED].

⁴³⁶ P00800:p.5072(Public);[REDACTED].

were based at the time.⁴³⁷

116. Directly linked to discussions held in such meetings, the GS issued orders and decisions;⁴³⁸ adopted rules and regulations;⁴³⁹ and released public statements.⁴⁴⁰ Handwritten agendas and minutes of the meetings were often taken and many of them subsequently seized from **KRASNIQI** and **SELIMI**.⁴⁴¹ Pursuant to GS instructions, written reports were sometimes prepared ahead of meetings or developed after to summarise and analyse the meeting discussions.⁴⁴²

(b) Regulations, orders, and decisions

117. The General Staff created, disseminated, implemented, and archived regulations, orders, and decisions to manage and direct the KLA at all hierarchical levels.

⁴³⁷ [REDACTED];[REDACTED];W04752:T.17504-17507(03-Jul-2024)(Open);W04752:T.17777-17778(08-Jul-2024)(Open);P01745_ET:p.U003-9112(Public).

⁴³⁸ P01381_ET(Public);P03674_ET(Public);P03675_ET(Public);P03031_ET(Public);P03033_ET(Public);[REDACTED];P03676_ET(Public);P03677_ET:p.SPOE00232567(Public);[REDACTED];P02566_ET(Public);P01392_ET(Public);P01016_ET(Public);P00615_ET(Public);P00621_ET(Public);P03691_ET(Public);P01411_ET(Public);P00114_ET(Public).

⁴³⁹ [REDACTED];[REDACTED];P01092_ET:p.SPOE00230873(Public);P00187_ET:p.SPOE00055736(Public);P01545.2_ET:p.10(Public);W04651:T.18972(26-Aug-2024)(Open);P03667_ET(Public).

⁴⁴⁰ See e.g. Political declaration 3 dated 11 June 1998 (P00540_ET(Public)) which covers topics discussed at the 10 June 1998 meeting, including the appointment of **KRASNIQI** as KLA spokesperson (see e.g. P00189.1_ET:p.U015-8833(Public);P00189_ET.3:p.U015-8985, fn.153(Public)); Communiqué 69 dated 10 January 1999 (P00811_ET.9(Public)) reporting on meetings between the KLA and KVM for the release of 8 VJ soldiers (see [REDACTED]); Communiqué 73 dated 17 February 1999 (P00811_ET.43(Public)) discussing a GS meeting also referred to in [REDACTED]; Communiqué 75 dated 28 February 1999 (P00811_ET.53(Public)) referring to a GS meeting of 27 and 28 February 1999 debriefing the participants about the outcome of the Rambouillet conference, also mentioned by **KRASNIQI** in P00812_ET.2(Public).

⁴⁴¹ P00643_ET(Public);4D00011_ET(Public);P03763_ET(Public);[REDACTED];[REDACTED];P01408_ET(Public);[REDACTED];P01393_ET(Public);[REDACTED];P03773_ET(Public);P03775_ET(Public);P03777_ET(Public);P03781.2_ET:pp.SPOE00226468, SPOE00226477-00226479(Public);P03779_ET(Public);[REDACTED];P00645_ET(Public);P01431_ET(Public); P00644_ET(Public).

⁴⁴² P00615_ET(Public);W04752:T.17433-17344(02-Jul-2024)(Open);P01552_ET(Public);P00228_ET(Public).

Regulations

118. Beginning in late June 1998 and continuing thereafter, the GS issued its normative framework covering a wide range of topics including: military organisation and daily functioning;⁴⁴³ discipline;⁴⁴⁴ reconnaissance⁴⁴⁵ and intelligence;⁴⁴⁶ public relations and civil administration;⁴⁴⁷ guard duty;⁴⁴⁸ the functioning of its military police,⁴⁴⁹ and the governance of the GS and its directorates⁴⁵⁰ (altogether 'Regulations'). Such Regulations shared common features and focus, including the sole authority of the GS, in many cases, provided for arrests and detentions,⁴⁵¹ and included no directions or rules guaranteeing due process or humane treatment. As set out below, this

⁴⁴³ *Rregullo e Përkohëshme e Organizmit të Jetës së Brendshme të Ushtrisë, Provisional Regulations of the Organisation of the Internal Life of the Army* ('Provisional Regulations'); see original versions in Albanian for exact title P03663(Public)/P03663_ET(Public);P00008(Public)/P00008_ET(Public); P00008.1(Public)/P00008.1_ET(Public);P00163(Public)/P00163_ET(Public); [REDACTED];P00641(Public)/P00641_ET(Public); P00648:pp.SPOE00225110-00225130(Public)/P00648_ET(Public);P03664(Public)/P03664_ET(Public); P03665(Public)/P03665_ET(Public).

⁴⁴⁴ *Rregullo e Disiplinës në Ushtrinë Çlirimtare të Kosovës, Disciplinary Regulations for the KLA* ('Disciplinary Regulations'); see original versions in Albanian for exact title [REDACTED]. See also [REDACTED]; [REDACTED];[REDACTED]; P00640(Public)/P00640_ET(Public);P00892(Public)/P00892_ET(Public); P03666(Public)/P03666_ET(Public).

⁴⁴⁵ *Rregullo e Përkohëshme e Nënrepartëve të Zbulimit në Luftim, Provisional Regulations for Reconnaissance Sub-Detachments in combat* ('Regulations for Reconnaissance Sub-Detachments'); see original versions in Albanian for exact title P03669(Public)/P03669_ET(Public). See also P03670(Public)/P03670_ET(Public); P03671(Public)/P03671_ET(Public). See generally P01092_ET:p.SPOE00230873(Public).

⁴⁴⁶ *Rregullimi I Shërbimit Informativ Ushtarak Në Shkallë Rrethi, Regulations of the Military Intelligence Service at the District Level* ('Military Intelligence Regulations'); see original version in Albanian for exact title P00890(Public)/P00890_ET(Public).

⁴⁴⁷ *Rregullo për Marrëdhënjet Publike dhe Administrim Civil, Regulations for Public Relations and Civil Administration* ('Public Relations and Civil Administration Regulations'); see original versions in Albanian for exact title, P03667(Public)/P03667_ET(Public). See also P03668(Public)/P03668_ET(Public).

⁴⁴⁸ *Rregullorja e Shërbimit të Rojes, Guard Duty Rules* ('Guard Duty Rules'); see original version in Albanian for exact title, P03673(Public)/P03673_ET(Public).

⁴⁴⁹ *Policia Ushtarake Dhe Detyrat e Saj, Rregulla të Përgjithshme, The Military Police and its Duties, General Regulations* ('Military Police Regulations'); see original versions in Albanian for exact title: P00009(Public)/P00009_ET(Public). See also P00888(Public)/P00888_ET(Public).

⁴⁵⁰ *Rregullo e Brendshme e Shtabit të Përgjithshëm të UÇK-së, Internal Regulations of the General Staff of the KLA* ('General Staff Internal Regulations'); see original version in Albanian for exact title: P00083(Public)/P00083_ET(Public).

⁴⁵¹ P00890_ET:p.U001-7059(Public);P00009_ET:p.1(Public);P03673_ET:p.096738(Public); [REDACTED].

framework was disseminated from the GS to subordinate units.⁴⁵² Failure to comply with these Regulations and GS commands could entail disciplinary measures at the GS, zone, and/or brigade levels.⁴⁵³

119. In late June 1998, draft versions of regulations were circulating in KLA local staffs, upon which comments were made and revisions proposed.⁴⁵⁴ Parts of these drafts were replicated in the final versions of the Provisional Regulations,⁴⁵⁵ the Disciplinary Regulations,⁴⁵⁶ and the Guard Duty Rules.⁴⁵⁷ Similarly, a KLA soldiers' training programme, issued by a local commander and addressed to the General Staff, outlines topics⁴⁵⁸ which are further elaborated in the Provisional Regulations,⁴⁵⁹ and the Disciplinary Regulations.⁴⁶⁰ Regional staffs, for example, in Dukagjin, adopted temporary regulations, which would be in effect until the GS adopted further regulations, and which provided for discipline and combat readiness, as well as the execution of collaborators.⁴⁶¹

120. The Provisional Regulations comprised the main document governing the organisation and daily functioning of the KLA, and their preparation was assigned by the GS to **Jakup KRASNIQI**.⁴⁶² They were disseminated from at least late June 1998 to

⁴⁵² See e.g. [REDACTED];[REDACTED];P01755.3_ET:pp.10-11(Public).

⁴⁵³ [REDACTED]; P03673_ET:p.096737(Public).

⁴⁵⁴ See e.g. P02474(Public)/P02474_ET(Public):pp.096810, 096841.

⁴⁵⁵ Compare P02474_ET:pp.096846-096858(Public) to P03663_ET:pp.U000-9443-U000-9444(Public).

⁴⁵⁶ Compare P02474_ET:pp.096842-096844(Public) to [REDACTED].

⁴⁵⁷ Compare P02474_ET:pp.096827-0968237(Public) to P03673_ET(Public).

⁴⁵⁸ P03672_ET(Public).

⁴⁵⁹ Compare P03672_ET:p.096791(Public), topic 1.5 and P03663_ET:pp.U000-9437-U000-9438(Public).

⁴⁶⁰ Compare P03672_ET:p.096791(Public), topic 1.6 and [REDACTED].

⁴⁶¹ P00889_ET(Public), with emphasis on p.U001-4905;[REDACTED]. See also [REDACTED];W04746:T.5495-5496, 5498(11-Jul-2023)(Open);P01755.2_ET:pp.15, 18(Public);P01755.3_ET:pp.8, 12, 14(Public);[REDACTED];P01755.8_ET:pp.12-13(Public);[REDACTED];W04758:T.21140-21141(24-Oct-2024)(Open).

⁴⁶² P00189_ET.1:p.U015-8836(Public);P01015_ET:p.036669(Public).

the zones and units on ground.⁴⁶³ The GS formally approved them and discussed their distribution at a meeting held in early July 1998.⁴⁶⁴ They were referenced in public statements,⁴⁶⁵ as well as other Regulations.⁴⁶⁶

121. The Provisional Regulations, as a document 'essential and obligatory for all army members bearing the KLA symbol',⁴⁶⁷ 'serve[d] as a strong foundation for organising military life, in creating order, discipline and military awareness'.⁴⁶⁸ They covered matters required to maintain a high level of accountability and readiness related to living, working and fighting conditions such as: i) the military oath;⁴⁶⁹ ii) the flag and flag raising ceremonies;⁴⁷⁰ iii) saluting;⁴⁷¹ iv) duties and mission of the KLA;⁴⁷² v) hierarchical relations between soldiers and between commanders, officers, and subordinates;⁴⁷³ vi) duties of persons in authority, including unit commanders, unit

⁴⁶³ AF236(Public);AF240(Public);P01447_ET(Public);P01114.1_ET:pp.3603-3604(Public);W04741:T.14672, 14747-14748(23-Apr-2024)(Open). Demonstrating their wide distributions, they were partially reproduced and referenced in contemporaneous records and events in the OZs, *see e.g.* P02487_ET:p.SITF00435493(Public);P02912_ET:pp.U001-2070-U001-2074(Public);[REDACTED];[REDACTED];[REDACTED].

⁴⁶⁴ Sources interchangeably place the adoption and dissemination of the Provisional Regulations to the meetings of 4 and 9 July 1998. *See* P00643_ET:p.SPOE00229213(Public);P01277_ET:p.U015-8836(Public);[REDACTED];P01092_ET:p.SPOE00230873(Public);W04752:T.18393(17-Jul-2024)(Open).

⁴⁶⁵ P01250_ET(Public).

⁴⁶⁶ *See e.g.* P00888_ET(Public).

⁴⁶⁷ P03663_ET:p.U000-9451(Public). *See* p.U000-9438, para.1 defining that the 'KLA is the entirety of the armed forces of Kosovo'. *See also* P03669_ET:p.086961(Public); P00545_ET:p.SPOE00231369(Public);P01256_ET:p.1(Public);P00808_ET:p.1(Public).

⁴⁶⁸ P03663_ET:p.U000-9451(Public).

⁴⁶⁹ P03663_ET:pp.U000-9437-U000-9438(Public);[REDACTED]. The text of the oath provided in Chapter I of these regulations overlaps with the text as found in other sources, *see e.g.*

P03847_ET(Public);[REDACTED];[REDACTED]; P02487_ET:p.SITF00435493(Public);P03002:00:00:14-00:02:24(Public);P03002_ET(Public). *See also* [REDACTED];[REDACTED];

P01264_ET:p.SPOE00128712(Public);[REDACTED];W04744:T.17081(24-Jun-2024)(Open).

⁴⁷⁰ P03663_ET:p.U000-9438(Public). Flag-raising ceremonies are included in daily schedules across Operational Zones, *see e.g.* P00187_ET:p.SPOE00055801(Public);P02743_ET:p.U000-6875(Public); P03216_ET:p.U008-3566(Public).

⁴⁷¹ P03663_ET:p.U000-9438(Public).

⁴⁷² P03663_ET:pp.U000-9438-U000-9439(Public).

⁴⁷³ P03663_ET:pp.U000-9439-U000-9441(Public). The importance of maintaining military hierarchy is further reflected in P01447_ET(Public);[REDACTED];[REDACTED]. This section also regulates

deputy commanders, company commanders, platoon commanders and deputy commanders, section commanders,⁴⁷⁴ and duties of soldiers regarding their hygiene, military uniform and weapons, safeguarding military secrets, and carrying a travel permit and identification document when outside their unit;⁴⁷⁵ vii) general regulations about military life such as having daily and weekly work schedules,⁴⁷⁶ hygiene and health,⁴⁷⁷ fuel supply,⁴⁷⁸ financial services including the Homeland Calling Fund,⁴⁷⁹ as well as regulations for entering and exiting military facilities, handover and takeover of duties, safeguarding military secrets;⁴⁸⁰ and viii) military police regulations.⁴⁸¹

122. The Provisional Regulations were later reworked and supplemented.⁴⁸² As an illustrative example, when Dukagjin Zone Commander Ramush HARADINAJ requested a clarification regarding the military salute described in Chapter III, the GS

interactions with journalists and citizens, which were allowed with the permission of the GS and while preserving military secrets – *see* P00687_ET(Public); P00879_ET(Public); P00688_ET(Public).

⁴⁷⁴ P03663_ET:pp.U000-9441-U000-9444(Public). *See also* P03664_ET(Public); P03665_ET(Public).

Examples of personal and health information of soldiers being recorded in registration forms per duties stipulated in this section can be found in: P02143_ET(Public); [REDACTED].

⁴⁷⁵ P03663_ET:p.U000-9444(Public); for the practical implementation of the obligation to carry a travel permit *see e.g.* P02937_ET(Public); P02948_ET:p.U001-1742(Public); P02144_ET(Public); P02468_ET(Public); W04741:T.14679(23-Apr-2024)(Open).

⁴⁷⁶ P03663_ET:pp.U000-9446-U000-9447(Public); for the application of this provision *see e.g.* P02401_ET(Public); P02033_ET(Public); P03186_ET(Public); P02621_ET(Public); [REDACTED].

⁴⁷⁷ P03663_ET:pp.U000-9448-U000-9449(Public); for the application of this provision *see* P02176_ET(Public); P00187_ET:p.SPOE00055714(Public); P03126_ET(Public); P01395_ET(Public).

⁴⁷⁸ P03663_ET:pp.U000-9449-U000-9450(Public); for requisition of vehicles by the KLA on the basis of existing regulations, *see* P02168_ET(Public); P02169_ET(Public); P02170_ET(Public); P02171_ET(Public); P02173_ET(Public). *See also* P02910_ET(Public) regarding the use of fuel permits and vouchers.

⁴⁷⁹ P03663_ET:p.U000-9450(Public); for the application of this provision, *see* P02427_ET(Public); P02445_ET:p.098585(Public).

⁴⁸⁰ P03663_ET:pp.U000-9447-U000-9448(Public); for the application of the provision not allowing filming of operational locations without special permission, *see* P01264_ET:p.SPOE00128657(Public).

⁴⁸¹ P03663(Public)/P03663_ET:pp.U000-9450-U000-9451(Public). Note that the translation incorrectly refers to 'Chapter VII'; the original in Albanian clearly refers to 'Chapter VIII'. The text of this Chapter is reflected as such in P00009_ET(Public), with the exception of the text in paragraph 9, which is further elaborated in the latter. This Chapter also demonstrates the roles and duties of the MP, including the control of movement of soldiers and 'suspicious persons and journalists'; for its application, *see* [REDACTED]; [REDACTED]; [REDACTED]; P03674_ET(Public).

⁴⁸² AF239(Public); W04752:T.17405(01-Jul-2024)(Open); W04752:T.18312-18313(16-Jul-2024)(Open); P03663_ET(Public); [REDACTED]; [REDACTED].

explained that an open hand should be used, and not a raised fist.⁴⁸³ Thereafter, the open hand salute was used consistently.⁴⁸⁴

123. The GS also established its own Internal Regulations,⁴⁸⁵ designating itself as the most senior commanding body of the KLA.⁴⁸⁶ **Hashim THAÇI, Kadri VESELI, Rexhep SELIMI, and Jakup KRASNIQI**, as GS members, were part of this leading structure. The General Staff Internal Regulations were created to govern its functions and its directorates.⁴⁸⁷ In particular, they define as elements of the GS's unified command: i) the creation of organised and subordinated units with command structure; ii) the management of all units through the Directorates; iii) the organisation of the communications system; iv) high level training; and v) the decision making skills of the most senior command staffs and their ability to ensure implementation.⁴⁸⁸ The General Staff Internal Regulations also stipulate the responsibilities of its Directorates; for instance, the Intelligence Directorate is defined as the highest authority for intelligence activity and security that organises the work of subordinate units and informs the GS.⁴⁸⁹ During the restructuring of the KLA in late 1998, the General Staff Internal Regulations were revised, supplemented, and made available to the GS and the zones.⁴⁹⁰

124. While the Provisional Regulations and General Staff Internal Regulations already dealt with disciplinary matters, in November 1998, the GS also adopted the specific

⁴⁸³ P03663_ET:p.U000-9438(Public), amended by a request made by Ramush HARADINAJ to the General Staff to standardise the military salute (*see* P01397_ET(Public)), following a Dukagjin OZ work meeting (*see* P01396_ET:p.SPOE00225790(Public)), which was subsequently clarified by Bislim ZYRAPI on behalf of the General Staff (*see* P00638_ET(Public)).

⁴⁸⁴ P01356_ET:T.6173-6174(Public);[REDACTED].

⁴⁸⁵ P00083_ET(Public);W04752:T.18494(17-Jul-2024)(Open). W04752 also explained regarding missing pages that the document contained provisions on the other Directorates, *see* W04752:T.17406(01-Jul-2024)(Open).

⁴⁸⁶ P00083_ET:p.SPOE00225108, points 1, 8(Public);[REDACTED];[REDACTED];[REDACTED].

⁴⁸⁷ P00083_ET:pp.SPOE00225108-00225109(Public);W04752:T.17405-17406(01-Jul-2024)(Open).

⁴⁸⁸ P00083_ET:p.SPOE00225108, paras.2-3, 5-6(Public).

⁴⁸⁹ P00083_ET:p.SPOE00225109, para.14(Public).

⁴⁹⁰ W04752:T.17405-17406(01-Jul-2024)(Open);P00189_ET.1:pp.U015-8878-U015-8879(Public);[REDACTED];[REDACTED].

Disciplinary Regulations, supplementing an existing version of the same.⁴⁹¹ The Disciplinary Regulations defined who qualified as a military person and obligated them to follow military discipline,⁴⁹² and emphasised a strong division between superior and subordinate.⁴⁹³ Any breach of these provisions was punishable by 'the closest superior and by other superiors acting directly or on a proposal made on the basis of the hierarchy of roles'.⁴⁹⁴

125. Various disciplinary measures were available, including written warnings; confiscation of weapons and uniforms; demotion; and dismissal.⁴⁹⁵ The severity of the measures available increased depending on rank: platoon commanders could issue reprimands, impose confinement, award extra duties or propose rank reduction; brigade commanders could impose longer confinement, reduce leave or the rank of the disciplined soldier;⁴⁹⁶ GS directorate heads and deputies, when leading GS inspection and monitoring teams, could issue warnings, discharge orders, and impose disciplinary confinement.⁴⁹⁷ The Chief of the General Staff, Commander of the KLA, Commander of Public Order, Commander of the Intelligence Service and the Commander's deputies could issue all disciplinary measures provided in the regulations.⁴⁹⁸ Similarly, the GS had the power to deal with serious offences, such as desertion and collaboration.⁴⁹⁹ The Military Police was responsible for executing these disciplinary measures.⁵⁰⁰

⁴⁹¹ [REDACTED];W04752:T.17406(01-Jul-2024)(Open);W01453:T.22014-22015(06-Nov-2024)(Open).

⁴⁹² See [REDACTED].

⁴⁹³ See [REDACTED].

⁴⁹⁴ [REDACTED]. See also P01755.3_ET:pp.2, 15-17(Public); W04758:T.21044-21046(23-Oct-2024)(Open);P01763_ET(Public).

⁴⁹⁵ [REDACTED];[REDACTED];P02027.1_ET:pp.2082, 2084-2085(Public);[REDACTED];P01115.3:p.24(Public);[REDACTED]; P01377_ET(Public);[REDACTED].

⁴⁹⁶ [REDACTED];W04746:T.5536-5538, 5541-5542(12-Jul-2023)(Open);P00693.1_ET:p.6(p.1 of admitted file)(Public);[REDACTED]; [REDACTED];[REDACTED].

⁴⁹⁷ [REDACTED].

⁴⁹⁸ [REDACTED];[REDACTED];[REDACTED].

⁴⁹⁹ See [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED].

⁵⁰⁰ See e.g. P02027.1_ET:pp.2082(Public);[REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED]; [REDACTED]. See also P00009_ET(Public).

126. Different types of regulations were seized from **Jakup KRASNIQI**, including in hard copy, from his workstation, and the USB found in his wallet. They include: i) versions of the Provisional Regulations which are incomplete or with mistakes corrected in other versions, and excerpts certified by the General Staff;⁵⁰¹ ii) the General Staff Internal Regulations;⁵⁰² iii) versions of the Disciplinary Regulations;⁵⁰³ iv) versions of the Public Relations and Civil Administration Regulations;⁵⁰⁴ and v) versions of the Regulations for Reconnaissance Sub-Detachments, including a draft version with handwritten edits.⁵⁰⁵

Orders and decisions

127. The above normative framework provided a basis for the issuance of orders, decisions, and other documents⁵⁰⁶ at the GS, Zone and Brigade levels. While some orders and decisions refer to 'normative provisions' as their legal basis,⁵⁰⁷ others invoke specific Regulations – including the Provisional Regulations,⁵⁰⁸ the Disciplinary

⁵⁰¹ P00648(Public);P00641(Public) as part of **Jakup KRASNIQI**'s manuscript 'The Documents and Materials of the General Staff of the KLA' and found in the USB in the seized wallet. The following were found in the seized workstation: P03665(Public);P03664(Public);P00008.1(Public).

⁵⁰² P00083_ET(Public).

⁵⁰³ P03666(Public) found in the seized workstation. The following were found in the USB in the seized wallet: [REDACTED]; P00640(Public) as part of **Jakup KRASNIQI**'s manuscript 'The Documents and Materials of the General Staff of the KLA'.

⁵⁰⁴ P03667(Public) as part of **Jakup KRASNIQI**'s manuscript 'The Documents and Materials of the General Staff of the KLA' and found in the USB in the seized wallet; P03668(Public) found in the seized workstation.

⁵⁰⁵ P03669(Public);P03670(Public) draft version with handwritten edits.

⁵⁰⁶ This includes a wide range of documents, such as orders, ordinances, decisions, authorisations, invitations, notices, requests, reports and assessments. They are jointly referred to as 'orders and decisions' in this section.

⁵⁰⁷ See e.g. P03678_ET(Public);P03681_ET(Public);P03682_ET(Public).

⁵⁰⁸ P02176_ET(Public);P03234_ET:p.U009-1707(Public);P03102_ET(Public).

Regulations,⁵⁰⁹ and the General Staff Internal Regulations.⁵¹⁰

128. During the Indictment period, the General Staff – including **Jakup KRASNIQI** – issued orders and decisions on a wide range of topics such as: for a unified chain of command under the GS;⁵¹¹ reporting to the GS,⁵¹² including daily combat reports from the Zones;⁵¹³ Zone borders;⁵¹⁴ appointments and assignments;⁵¹⁵ trainings;⁵¹⁶ discipline;⁵¹⁷ logistics, including weapons and communications;⁵¹⁸ arrests and detention;⁵¹⁹ required reports and information from zone commanders, including about ‘intentional deserters’, ‘deceived deserters’, and ‘deserters out of fear’;⁵²⁰ confiscation of property;⁵²¹ taxation;⁵²² financial contributions, including by the government-in-exile;⁵²³ and means of communication, such as Radio Free Kosovo.⁵²⁴

129. After the formation of the PGoK, the GS continued to issue orders and decisions related to, for example, mobilisation,⁵²⁵ takeover of resources and property,⁵²⁶ and the

⁵⁰⁹ P01376_ET(Public);P01552_ET:p.077796(Public);P00878_ET(Public);P00613_ET(Public);P00625_ET(Public).

⁵¹⁰ See e.g. P00886_ET(Public);P00884_ET(Public);1D00029_ET(Public);P00628_ET(Public);P02758_ET(Public);P02096_ET(Public);P01568.1_ET(Public);[REDACTED]; [REDACTED];=[REDACTED];[REDACTED].

⁵¹¹ [REDACTED].

⁵¹² P03679_ET(Public);P00621_ET(Public);P01428_ET(Public);P02758_ET(Public).

⁵¹³ P00886_ET(Public);P03033_ET(Public);P03031_ET(Public).

⁵¹⁴ P00623_ET(Public).

⁵¹⁵ [REDACTED];P01430_ET(Public);P01411_ET(Public);P02096_ET(Public);P03695_ET(Public);P00625_ET(Public);P01399_ET(Public).

⁵¹⁶ P00630_ET(Public);P00631_ET(Public).

⁵¹⁷ [REDACTED].

⁵¹⁸ P00632_ET(Public);P00624_ET(Public);P00622_ET(Public);P01414_ET(Public);P01424_ET(Public);P01415_ET(Public).

⁵¹⁹ [REDACTED];P03674_ET(Public);P03675_ET(Public).

⁵²⁰ P03694_ET(Public).

⁵²¹ P03674_ET(Public);P03675_ET(Public);P03676_ET(Public).

⁵²² P03682_ET(Public).

⁵²³ P03691_ET(Public);P00619_ET(Public);P03681_ET(Public).

⁵²⁴ P00626_ET(Public);P01410_ET(Public);P00627_ET(Public).

⁵²⁵ P00114_ET(Public);P03793_ET(Public).

⁵²⁶ P03693_ET(Public).

assessment of damages and losses;⁵²⁷ while also addressing reports to the PGoK Minister of Defence.⁵²⁸ The PGoK also issued decrees and decisions, including following GS proposals. By way of example, when issuing Decree no. 83/99 concerning the establishment of the National Guard, Prime Minister **Hashim THAÇI** did so ‘in support of the proposal by the Ministry of Defence and General Staff’, and referred to a Legal Decree on the Work of the PGoK as the basis for issuing the document; the GS and Ministry of Defence shared the responsibility for its implementation.⁵²⁹ Similarly, Prime Minister **Hashim THAÇI** at the proposal of the GS issued a decision in May 1999 restructuring the KLA with the PGoK header and signature block, and the GS’s stamp.⁵³⁰

130. The GS often issued orders and decisions soon after discussing related topics in their meetings, such as two documents linked to the 12 and 13 November 1998 meeting attended by **Hashim THAÇI**, **Kadri VESELI** (who was present for part of the meeting), **Rexhep SELIMI**, and **Jakup KRASNIQI**.⁵³¹ Orders and decisions were also responsive to events on the ground. For instance, Statement no. 13/0 by the Drenoc/Drenovac Military Police provided information about the confiscation of a vehicle on 26 June 1998.⁵³² A day later, a decision was reached at a GS meeting to issue orders no. 68/153 and 68/818, prohibiting the confiscation of vehicles without special permission.⁵³³ At a meeting on 5 July 1998 and following complaints by ‘citizens who have supported and continue to support our just war’, the GS issued ordinance no. 70/104 – which features

⁵²⁷ P03793_ET(Public).

⁵²⁸ P03923_ET(Public);P03922_ET(Public);P03919_ET.1-P03919_ET.6(Public);P00113_ET;p.008557(Public);P01435_ET(Public);[REDACTED].

⁵²⁹ See e.g. [REDACTED];[REDACTED]. See also P02499_ET;p.077981(Public).

⁵³⁰ See the partial signed/stamped version faxed on 14 May 1999 at P01434_ET(Public), as authenticated by W04752:T.17509-17511(03-Jul-2024)(Open), and the template of the complete version at P03925_ET;p.SPOE00232109(Public). See also P03916_ET;p.SPOE00228172(Public).

⁵³¹ See e.g. decisions P01016_ET(Public) and P01175_ET(Public) that are directly linked to the meeting attended by the **Accused**, as supported in W04752:T.17394-17396, 17399-17400(01-Jul-2024)(Open) and [REDACTED].

⁵³² [REDACTED].

⁵³³ P03674_ET(Public);P03675_ET(Public).

on the GS register of protocolled documents⁵³⁴ – to the Drenicë Local Operational Staff concerning the return and retention of specific confiscated vehicles, weapons, and ammunition.⁵³⁵ Similarly, a 28 November 1998 order clarifying arrest powers in the zones, including ‘when various criminal offences are being committed against members of the KLA, against individuals, and the civilian authorities’,⁵³⁶ followed complaints of civilian mistreatment, detentions, and abuses received by the Chief of Staff during previous visits to the zones, as reported to the Commander and **Jakup KRASNIQI**.⁵³⁷

131. GS orders and decisions could be written or oral, with oral orders frequently followed by a written version.⁵³⁸ They were disseminated as they were issued, while the means of distribution depended on the situation on the ground. Members of the GS such as **Hashim THAÇI** and **Rexhep SELIMI** maintained local contacts with the relevant commanders or directly transmitted GS orders and decisions.⁵³⁹ Zone Commanders were also summoned for meetings with the GS to receive instructions on their implementation,⁵⁴⁰ and then in turn conveyed them down the chain of command.⁵⁴¹ In addition to communiqués that were used to disseminate orders and decisions,⁵⁴² a network of couriers and radio communications was also set up to connect

⁵³⁴ P00647_ET:p.SPOE00225282(Public).

⁵³⁵ P03676_ET(Public).

⁵³⁶ P00884_ET(Public);P00741_ET.3(Public);1D00029_ET(Public).

⁵³⁷ [REDACTED];[REDACTED]; W04752:T.17847-17850(09-Jul-2024)(Open);P01356_ET:p.5949(Public);W04752:T.17640(04-Jul-2024)(Open).

⁵³⁸ AF234(Public);P01356_ET:p.5969(Public);W04746:T.5606-5607(12-Jul-2023)(Open).

⁵³⁹ [REDACTED];P01816.1_ET:pp.29-30(Public);W01453:T.21912-21913(05-Nov-2024)(Open). *See also* W04744:T.17051-17052(24-Jun-2024)(Open);P01755.4_ET:p.9(Public);[REDACTED];P01754:p.SPOE00088347(Public);W04758:T.21151(24-Oct-2024)(Open).

⁵⁴⁰ [REDACTED];W04752:T.17645(04-Jul-2024)(Open);[REDACTED].

⁵⁴¹ AF227(Public);W04752:T.17451-17452(02-Jul-2024)(Open);W04744:T.17231-17232(26-Jun-2024)(Open);P01378_ET(Public);1D00071(Public). *See also* W04752:T.17448(02-Jul-2024)(Open).

⁵⁴² *See e.g.* P00577_ET(Public);P00287_ET(Public). *See also* [REDACTED];[REDACTED];W04758:T.21155(24-Oct-2024)(Open). *See also* P00693.2_ET:p.19(Public);P00693.5_ET:p.6(Public);P00693.6_ET:p.5(Public);W04746:T.5849-5851, 5915-5917(17-Jul-2023)(Open);W04746:T.5562(12-Jul-2023)(Open);P01755.4_ET:pp.7-9, 12(Public).

the GS and other KLA positions and allowing for a quick dissemination.⁵⁴³ When circumstances allowed, Zone and Brigade Commanders signed orders and decisions from the GS to confirm receipt.⁵⁴⁴ The GS recorded the stamps belonging to Zone Commands, and the signatures of Zone Commanders, for identification purposes when distributing orders and decisions.⁵⁴⁵

132. When orders were not clear or regulations needed explanation, subordinate structures requested clarification from the GS.⁵⁴⁶ For example, the Nerodime Zone Military Police Commander Isak MUSLIU (aka Qerqiz)⁵⁴⁷ – who had previously overseen the Llapushnik/Lapušnik detention site⁵⁴⁸ – requested clarification concerning structure and logistics within the zone military police company,⁵⁴⁹ and the GS Military Police Directorate provided clarifications based on the Military Police Regulations concerning hierarchy and authority to carry out arrests.⁵⁵⁰

133. Documents at the GS level frequently had a stamp of the issuing organ,⁵⁵¹ a handwritten signature and/or a signature block,⁵⁵² and a protocol number.⁵⁵³ However,

⁵⁴³ See e.g. AF230(Public);AF232(Public);W03879:T.6276-6277(14-Aug-2023)(Open);[REDACTED];[REDACTED];[REDACTED]; P02964_ET(Public);[REDACTED];[REDACTED]; [REDACTED].

⁵⁴⁴ P01413_ET(Public);W04752:T.17451-17452(02-Jul-2024)(Open).

⁵⁴⁵ W04752:T.17479-17480(02-Jul-2024)(Open);P00647:p.SPOE00225285(Public).

⁵⁴⁶ E.g. P00891_ET(Public);P01446_ET(Public);P01447_ET(Public);W04752:T.18261-18262(15-Jul-2024)(Open).

⁵⁴⁷ P01015:p.036670(Public);P01816.2_ET:pp.11-14(Public);[REDACTED].

⁵⁴⁸ P01816.2_ET:pp.11-14(Public);[REDACTED];[REDACTED]; W04743:T.24600(27-Jan-2025)(Open);[REDACTED];[REDACTED];[REDACTED].

⁵⁴⁹ [REDACTED].

⁵⁵⁰ P00887_ET(Public);[REDACTED].

⁵⁵¹ General Staff stamps were brought to Kosovo in November 1998 by Bislim ZYRAPI – see W04752:T.17460(02-Jul-2024)(Open);W04752:T.18036-18037(10-Jul-2024)(Open). See e.g. P02566(Public);[REDACTED];P01414_ET(Public);P03693_ET(Public);P01416_ET(Public); P01358_ET:p.U000-3204(Public);4D00075_ET(Public).

⁵⁵² See e.g. P02566_ET(Public);[REDACTED];P00616_ET(Public);P00621(Public); P00687_ET(Public). On the meaning of initials, see also W04752:T.18068-18069(11-Jul-2024)(Open); P00621_ET(Public);W04752:T.18174(15-Jul-2024)(Open);W04752:T.18515-18516(17-Jul-2024)(Open); P00623_ET(Public).

⁵⁵³ See W04752:T.18038(10-Jul-2024). See e.g. [REDACTED];P00616_ET(Public); P02566_ET(Public).

absence of such formalities did not necessarily impact their authority.⁵⁵⁴ Orders and decisions were also logged in protocol books kept by the GS, including P00647_ET, a GS register of protocolled documents seized from **Jakup KRASNIQI**, which lists at least 25 admitted exhibits.⁵⁵⁵ Similar record-keeping methods were followed in subordinate structures. Documents at the Zone level also included stamps, signatures and protocol numbers.⁵⁵⁶ For example, the Pashtrik Zone maintained a strict protocol when issuing orders, adhering to GS rules and regulations.⁵⁵⁷ Brigade Commanders followed similar record-keeping methods.⁵⁵⁸

134. Orders and decisions were frequently copied to the archives of the GS, as well as Zone and Brigade Commands.⁵⁵⁹ From the General Staff down to Brigade Commands, the KLA maintained organised archives to store their documentation.⁵⁶⁰ Before the transformation of the KLA to the TMK, KLA members were ordered to deposit all documentation in their possession in a central archive kept initially by the TMK, and

⁵⁵⁴ See e.g. P00615_ET(Public);W04752:T.17433, 17446(02-Jul-2024)(Open);W04752:T.18088-18089(11-Jul-2024)(Open);[REDACTED].

⁵⁵⁵ See the filled-out hard copy of the register seized from **Jakup KRASNIQI** at P00647_ET(Public) and the template retrieved from his workstation at P03844_ET(Public);W04752:T.17404(01-Jul-2024)(Open); W04752:T.18171(15-Jul-2024)(Open). The following admitted orders and decisions are logged in P00647_ET(Public);P03676_ET(Public);P03679_ET(Public);[REDACTED];P00619_ET-P00627_ET(Public);P03678_ET(Public);P01424_ET(Public);P01410_ET-P01411_ET(Public); P01414_ET(Public);P00616_ET(Public);P00631_ET-P00632_ET(Public);P02758_ET(Public); P02096_ET(Public);P01415_ET(Public);P01430_ET(Public);P01399_ET(Public);P01428_ET(Public).

⁵⁵⁶ See e.g. P01347_ET(Public);P02498_ET(Public);[REDACTED];P02489_ET(Public); P01014_ET.2(Public).

⁵⁵⁷ W04744:T.16993-16995(24-Jun-2024)(Open);[REDACTED].

⁵⁵⁸ P03273_ET(stamp and signature visible in ALB original)(Public);P02141_ET(Public); [REDACTED];P00874_ET(Public).

⁵⁵⁹ AF227(Public);[REDACTED];P00622_ET-P00638_ET(Public); P01424_ET(Public);P00616_ET(Public);P02758_ET(Public);P01411_ET-P01412_ET(Public); P01415_ET(Public);P01430_ET(Public);P00620_ET(Public);P02566_ET(Public);P01016_ET(Public); P00877_ET-P00878_ET(Public);P00884_ET(Public);P02417_ET:pp.097050-097051, 097053(Public).

⁵⁶⁰ AF233-AF234(Public);W04752:T.18171(15-Jul-2024)(Open);P01356_ET:pp.5951, 5967, 6009, 6022(Public);[REDACTED].

then by Kosovo institutions.⁵⁶¹ W04752 obtained GS orders from such archives.⁵⁶²

135. Many orders and decisions were subsequently seized from **Jakup KRASNIQI**; these include draft, edited, template, and/or signed, dated and numbered versions.⁵⁶³ For instance, a GS order obliging Zones to send telephone numbers at their disposal to the GS was seized from **Jakup KRASNIQI**'s residence in hard copy,⁵⁶⁴ a template was found in his seized workstation,⁵⁶⁵ and the order is logged in the GS register of protocolled documents also seized from him.⁵⁶⁶

(c) General Staff units

136. From December 1998, the General Staff had three units based at its headquarters and under its direct authority: a logistics unit, a military police unit, and a reconnaissance battalion (or special unit).⁵⁶⁷ By March 1999, approximately 300 soldiers were assigned directly to the GS, including those within these units.⁵⁶⁸

137. The logistics unit was located in a building adjacent to the GS headquarters in Divjakë/Divljaka⁵⁶⁹ and was commanded by Idriz HYSENAJ.⁵⁷⁰ The unit was

⁵⁶¹ P01356_ET:T.6021-6022(Public);[REDACTED];P00187_ET:pp.SPOE00055705, SPOE00055921(Public), seen together with W04651:T.18901, 18906-18907, 18942(26-Aug-2024)(Open); P01545.2_ET:pp.5-6(Public);[REDACTED].

⁵⁶² See e.g. P00886_ET(Public) and P01365(Public)/P01365_ET(Public), together with P01356_ET:T.5947, 5996(Public).

⁵⁶³ See e.g. P03678_ET(Public);P03679_ET(Public);P03684_ET(Public);P03687_ET(Public); P00183_ET(Public).

⁵⁶⁴ P01424(Public).

⁵⁶⁵ P03696_ET(Public).

⁵⁶⁶ P00647_ET:p.SPOE00225283, Reg. no.91(Public).

⁵⁶⁷ W04752:T.17434-17438(02-Jul-2024)(Open);P01408_ET:p.1(Public);4D00011_ET(Public); W04752:T.17395-17396(01-Jul-2024)(Public);P03749_ET:p.SPOE00226690(Public); [REDACTED];P01881_ET:p.SPOE00226857(Public); P00187_ET:pp.SPOE00055741-SPOE00055742(Public);[REDACTED]; [REDACTED];[REDACTED]; [REDACTED];P03906_ET(Public).

⁵⁶⁸ W04752:17439(02-Jul-2024)(Open).

⁵⁶⁹ W04752:T.17422, 17424, 17436(02-Jul-2024)(Open);P01401_ET:pp.SPOE0082289(Public).

⁵⁷⁰ 4D00075_ET(Public);P01400_ET(Public);P03690_ET(Public);W04752:T.17421, 17436(02-Jul-2024)(Open);T.18183, 18192-18193(15-Jul-2024)(Open);[REDACTED];

responsible for providing the GS's immediate needs, including goods and materials, and related requests were channeled through the Finance and Operational Directorates and approved by **Jakup KRASNIQI**.⁵⁷¹

138. The military police unit, commanded by Ramiz SERTOLLI,⁵⁷² consisted of about 25 soldiers and was located in a separate building adjacent to the GS Headquarters.⁵⁷³ The Military Police Directorate under Fatmir LIMAJ oversaw and trained the unit's members,⁵⁷⁴ who were selected based on recommendations from the operational zones.⁵⁷⁵ Consistent with the Provisional Regulations and Military Police Regulations, the military police unit could operate throughout Kosovo, and was in charge of the GS's security, including escorting its members during their movements.⁵⁷⁶ Based on information from the intelligence services, the military police unit had authority to conduct arrests, if necessary, with the assistance of special units.⁵⁷⁷

139. The special unit, first led by Mahir HASANI (previously deputy commander in Drenoc/Drenovac when crimes were committed there) and thereafter by Jetullah QARRI (aka Commander Guri),⁵⁷⁸ was headquartered at the GS compound in

P00712_ET;p.SPOE00209329(Public). *See also* P01963;p.054693(Public);W04410:T.16645(04-Jun-2024)(Open);P01264_ET;pp.SPOE00128618-SPOE0128619, SPOE00128656, SPOE00128715, SPOE00128761(Public)(specifying his military activities in 1998).

⁵⁷¹ W04752:T.17421, 17436(01-Jul-2024)(Open);P01400_ET(Public);4D00075_ET(Public);P03690_ET(Public);P03680(Public)(**Jakup KRASNIQI**'s signature visible in ALB original);P03680_ET(Public);P03689_ET(Public).

⁵⁷² W04752:T.17436(02-Jul-2024)(Open);W04743:T.24643(28-Jan-2025)(Open);4D00077:pp.SITF00393431, SITF00393444(Public);P02006.4_ET;p.16(Public).

⁵⁷³ W04752:T.17422, 17424(02-Jul-2024)(Open);W04752:T.18440(17-Jul-2024)(Open);P01401_ET;pp.SPOE0082288-SPOE0082289(Public);4D00077:p.SITF00393431(Public).

⁵⁷⁴ W04752:T.17437(02-Jul-2024)(Open);[REDACTED].

⁵⁷⁵ W04752:T.17437(02-Jul-2024)(Open).

⁵⁷⁶ W04752T.17436-17437(02-Jul-2024)(Open);[REDACTED]; [REDACTED];P02006.4_ET(Public);p.16.

⁵⁷⁷ [REDACTED];[REDACTED]. *See also* W04752:T.18408(17-Jul-

2024)(Open);[REDACTED];[REDACTED];W04752:T.18246(15-Jul-2024)(Open);P00228_ET;p.3(Public).

⁵⁷⁸ W04752:T.17438(02-Jul-2024)(Public);W04744:T.16968(24-Jun-2024)(Open);W04744:T.17124-17425(25-Jun-2024)(Open);W01453:T.21962(05-Nov-2024)(Open);P00712_ET;p.SPOE00209329(Public);P01115.5_ET;pp.28-30(Public);W04741:T.14715-14716(23-Apr-2024)(Open).

Divjakë/Divljaka.⁵⁷⁹ The special unit was comprised of three companies:⁵⁸⁰ Company 1, under Commander Ajvaz BERISHA, was located at the GS Headquarters;⁵⁸¹ Company 2, under Afrim BASHA (aka Abi),⁵⁸² was based in Budakovë/Budakovo,⁵⁸³ and Company 3 was led by QARRI⁵⁸⁴ and operated in Llanishtë/Lanište, in the Nerodime operational zone.⁵⁸⁵ After summer 1998, the GS ordered Company 2 to be merged with Company 3 under QARRI's leadership.⁵⁸⁶

140. The unit was tasked by the GS to gather information from enemy forces, identifying their numbers and weapons, as well as monitoring their movements.⁵⁸⁷ The unit's members surveilled and guarded the region near the GS headquarters⁵⁸⁸ and

⁵⁷⁹ P01401_ET:pp.SPOE0082288(Public);P01264_ET:p.SPOE00128842-SPOE00128843(Public); [REDACTED];[REDACTED].

⁵⁸⁰ [REDACTED];[REDACTED];P00901_ET:pp.U000-6956, U000-6958, U000-6961, U000-6962, U000-6963, U000-6965(Public);[REDACTED]. See also [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED]; P03894_ET:pp.U000-7113-U000-7114(Public);P03909_ET(Public).

⁵⁸¹ W04752:T.17422, 17424-17425, 17437-17438, 17442(02-Jul-2024)(Open);P00901_ET:p.U000-6962-U000-6963(Public);P01401_ET:p.SPOE0082289(Public);[REDACTED]; [REDACTED];P00712_ET:p.SPOE00209329(Public). See also W04290:T.24953-24954(10-Feb-2025)(Open);P01264_ET:pp.SPOE00128842-SPOE00128843(Public).

⁵⁸² [REDACTED];[REDACTED];P02087.2_ET:p.3(Public); [REDACTED];[REDACTED];W04752:T.17438, 17442, 17444(02-Jul-2024)(Open);P00901_ET:p.U000-6960(Public); [REDACTED]; [REDACTED];P03862_ET:p.U000-7073(Public);[REDACTED].

⁵⁸³ W04752:T.17437-17438, 17442(02-Jul-2024)(Open);W04765:T.9931(13-Nov-2023)(Open);[REDACTED];[REDACTED];[REDACTED]; [REDACTED];P02091:para.22(Public);P00877_ET(Public);P03871_ET(Public); P03898_ET(Public);P03903_ET(Public);P03900_ET(Public);[REDACTED].

⁵⁸⁴ [REDACTED];[REDACTED]. See also W04743:T.24601(27-Jan-2025)(Open);[REDACTED];P00763.9_ET:p.2(Public); P01830.1_ET:p.20(Public);P01827.4_ET:p.9(Public).

⁵⁸⁵ W04752:T.17437-17438(02-Jul-2024)(Public);W01453:T.21962, 21975(05-Nov-2024)(Open); W04744:T.16968(24-Jun-2024)(Open);[REDACTED]; P01813_ET:p.SPOE00227493(Public);[REDACTED].

⁵⁸⁶ [REDACTED];[REDACTED]; [REDACTED].

⁵⁸⁷ W04752:T.17437(02-Jul-2024)(Open);[REDACTED];P00901_ET:pp.U000-6962-U000-6964, U000-6972-U0006972(Public);P03861_ET:pp.U000-2113-U000-2118, U000-2146(Public); P00891_ET(Public);[REDACTED];[REDACTED].

⁵⁸⁸ [REDACTED];[REDACTED]; [REDACTED];[REDACTED];P03861_ET:pp.U000-2113-U000-2118, U000-2123, U000-2127-U000-2128, U000-2134, U000-2137, U000-2141(Public);P03886_ET(Public);P03881_ET(Public);P00901_ET:pp.U000-6964, U000-6972-U000-6975(Public);[REDACTED]; P03873_ET(Public);P03892_ET(Public).

participated in combat when needed.⁵⁸⁹ The unit also escorted GS members. For example, [REDACTED].⁵⁹⁰

141. The GS provided the necessary resources for the functioning of the special unit,⁵⁹¹ organised training,⁵⁹² gave orders,⁵⁹³ issued travel permits,⁵⁹⁴ and imposed disciplinary measures.⁵⁹⁵ Special unit commanders reported directly to Chief of Staff Bislim ZYRAPI, who also received reports from them and passed them along to the Operational Directorate for further planning.⁵⁹⁶ Inspector General **Rexhep SELIMI** visited soldiers, including members of the special unit, during field visits,⁵⁹⁷ and on at least one occasion used the special unit to enforce disciplinary measures in March 1999.⁵⁹⁸

b. The Provisional Government of Kosovo (PGoK)

142. As set out below, the PGoK was formed in the context of the Rambouillet negotiations. Its ministers included the **Accused** and General Staff members who continued to play overlapping roles. The **Accused**'s leadership roles within the PGoK mirrored those they held within the General Staff, and they used the PGoK as an additional and parallel vehicle through which to execute and accomplish their common

⁵⁸⁹ [REDACTED];[REDACTED];W04752:T.17438-17439(02-Jul-2024)(Open);P03861_ET:pp.U000-2113-U000-2118, U000-2142(Public); [REDACTED];P01349_ET:p.4(Public);[REDACTED]; P00901_ET:p.U00-6966(Public); [REDACTED];P02087.2_ET:p.11(Public).

⁵⁹⁰ [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED];[REDACTED].

⁵⁹¹

[REDACTED];P00877_ET(Public);P00620_ET(Public);[REDACTED];[REDACTED];P03817_ET(Public);P03824_ET(Public).

⁵⁹² P01830.1_ET:pp.21-22(Public);P01830.2_ET:pp.17, 19(Public).

⁵⁹³ P00901_ET:p.U000-6967(Public);W04752:T.17442(02-Jul-2024)(Open);W04752:T.17945-17947(10-Jul-2024)(Open);P00620_ET(Public).

⁵⁹⁴ [REDACTED];[REDACTED];P03893_ET(Public).

⁵⁹⁵ P03875_ET(Public);W04752:T.17444-17445(02-Jul-2024)(Open);P00901_ET:pp.U000-6966, U000-6969, U000-6976(Public);P03884_ET(Public);P03906_ET(Public).

⁵⁹⁶ W04752:T.17437(02-Jul-2024)(Open);[REDACTED]; [REDACTED];[REDACTED]; [REDACTED];P00891_ET(Public);[REDACTED]; [REDACTED];P03884_ET(Public); [REDACTED];P00901_ET:p.U000-6967(Public).

⁵⁹⁷ W04752:T.17437(02-Jul-2024)(Open);P02924(Public)(containing **SELIMI**'s signature); P02924_ET(Public);P00891_ET(Public). Also see [REDACTED]; [REDACTED].

⁵⁹⁸ W04752:T.17945-17947(10-Jul-2024)(Open);P00901_ET:p.U000-6967(Public);P00620_ET(Public).

criminal plan.⁵⁹⁹

i. Rambouillet and PGoK creation

143. In summer 1998, as internationals strived to put an end to the conflict, they quickly realised that any such attempt could only be meaningful if it included the KLA.⁶⁰⁰ Faced with requests to cooperate in such endeavours, KLA members including **SELIMI** made it clear that matters of such importance required General Staff consultation.⁶⁰¹ Around the same time, the General Staff, having consistently and vehemently rejected the elected LDK government,⁶⁰² initiated steps geared towards the creation of a new government.⁶⁰³ On 26 January 1999, the General Staff expressed its intention to create a 'People's Assembly and the Kosovo Government'.⁶⁰⁴

144. On 2 February 1999, following the General Staff's decision to attend a proposed peace conference in Rambouillet, **KRASNIQI** announced that himself, **THAÇI**, Azem SYLA, Xhavit HALITI and Ramë BUJA would represent the KLA there, asserting that the KLA should lead the Kosovo-Albanian delegation.⁶⁰⁵ The announced KLA delegation attended the Rambouillet conference, which took place between 6 and 23

⁵⁹⁹ See Section II.A.1.a.ii.

⁶⁰⁰ P00763.3_ET:pp.6-8(Public);P00763.5_ET:p.16-17, 23(Public);P04508_ET.1(Public);W04290:T.24944(10-Feb-2025)(Open);[REDACTED]; P03770_ET:p.SPOE00229211(Public);1DW-003:T.26640-26641(16-Sep-2025)(Open);P04486:00:09:15-00:09:55(Public);P04486_ET:p.5(Public);1DW-008:pp.27769-27770, 27776-27777(11-Nov-2025)(Open);P04492:p.SPOE00405216(Public);[REDACTED];1D00143_ET(Public).

⁶⁰¹ P04508_ET:pp.SPOE0058154-0058155(Public);1DW-008:pp.27769-27770, 27777(11-Nov-2025)(Open);P01264_ET:pp.SPOE00128674-00128675(Public);1D00423:pp.DHT12274-DHT12275(Public);P04492:p.SPOE00405216(Public).

⁶⁰² P00548_ET:p.SPOE00232784(Public);P04508_ET:pp.SPOE0058154-0058155(Public);P00272_ET:p.SPOE00209433(Public);P00285_ET(Public).

⁶⁰³ 1D00050_ET(Public);P04172_ET:pp.2-3(Public);P00812_ET.5:p.SPOE00054205(Public);P04508_ET:pp.SPOE0058154-0058155(Public);P03757_ET(Public);P03668_ET(Public);P04140_ET:p.SPOE00231957(Public).

⁶⁰⁴ P00811_ET.28:p.SPOE00053732(Public).

⁶⁰⁵ P00189_ET.1:pp.U015-8902-U015-8903, U015-8909(Public);P04221_ET:p.1(Public);P01264_ET:p.SPOE00128790(Public);P01258:00:00:06-00:02:20, 00:03:23-00:03:32(Public);P01258_ET:p.1(Public);P00763.5_ET:pp.10-11(Public). See also 1D00167_ET:p.SPOE00226478(Public);P03779_ET:p.SPOE00229219(Public).

February 1999.⁶⁰⁶

145. After having dealt with preparations for Rambouillet and, alongside **THAÇI**, held discussions with international actors in the run-up thereto, **VESELI** also went to Rambouillet.⁶⁰⁷ While **VESELI** was not an official Kosovo-Albanian delegation member, he was present in the chateau where the delegation met, coordinated a group of local and international advisors to the delegation, and himself acted as the delegation's security advisor.⁶⁰⁸ Agim ÇEKU, who since summer 1998 had frequently met with **THAÇI** and **VESELI** outside Kosovo, was also in Rambouillet.⁶⁰⁹

146. Despite the fact that the Kosovo-Albanian delegation included President RUGOVA and Prime Minister BUKOSHI, **THAÇI** was elected as chair.⁶¹⁰ Throughout the conference, **THAÇI**'s authority within the KLA as well as over non-KLA delegation members was clear.⁶¹¹

147. At the end of the conference, the non-KLA delegation members favoured signing the proposed agreement.⁶¹² Having understood that despite longstanding assertions and pleas by the General Staff, including by **THAÇI**, the proposed agreement would not guarantee Kosovo's independence, **THAÇI** resisted immense pressure by

⁶⁰⁶ AF118-AF120(Public);[REDACTED].

⁶⁰⁷ [REDACTED];P01857_ET:pp.81-82(Public);W04752:T.17630(04-Jul-2024)(Open);P01859_ET.2:p.SPOE00053006(Public).

⁶⁰⁸ [REDACTED];P01859_ET.2:p.SPOE00053006(Public); P01449_ET:pp.SPOE00209484-00209485(Public);P00763.5_ET:pp.11-12(Public).

⁶⁰⁹ P01859_ET.2:pp.SPOE00053006-00053007(Public);1D00243_ET:p.DHT04009-ET(Public); P01449_ET:p.SPOE00209485(Public).

⁶¹⁰ [REDACTED];[REDACTED];[REDACTED]; P04259:p.1D00-0620(Public). *See also* P00189_ET.1:p.U015-8909(Public).

⁶¹¹ 1D00267:p.DHT05129(Public);1DW-008:T.27888-27894, 27943(12-Nov-2025)(Public); 1D00280:p.SPOE00397415(Public);1DW-003:T.26500, 26603, 26606-26609(15-Sep-2025)(Public);1DW-003:T.26749-26750(16-Sep-2025)(Public);P00189_ET.1:p.U015-8919(Public).

⁶¹² 1D00280:p.SPOE00397415(Public);1DW-003:T.26606-26609(15-Sep-2025)(Open); P04487.1_ET:p.1(Public).

internationals and did not sign it, obtaining additional time to consult.⁶¹³ The need for such consultations was both logical and favourable in the circumstances.⁶¹⁴

148. An agreement of a different nature was, however, reached during the Rambouillet conference—to establish a provisional government led by a KLA representative.⁶¹⁵ Immediately after the conference, in late February 1999, General Staff members including **KRASNIQI**, **SELIMI**, and Azem SYLA, in extended meetings, also involving OZ commanders, discussed the proposed Rambouillet agreement and confirmed **THAÇI** as PGoK Prime Minister.⁶¹⁶ According to **SELIMI**, **THAÇI** was elected including because of his ‘power within the KLA’.⁶¹⁷ During the same meetings, the General Staff also confirmed W04290 as General Commander after he was proposed for this role during a General Staff meeting with OZ commanders less than two weeks before.⁶¹⁸ On 1 March 1999, the General Staff publicly announced that **THAÇI** was selected as PGoK Prime Minister.⁶¹⁹

149. Around this time, **VESELI** met with OZ commanders in relation to the

⁶¹³ P01067:pp.075306-075307(Public);1D00264:p.DHT01464(Public);1D00267:p.DHT05130(Public);1DW-008:T.27702(10-Nov-2025)(Open);1DW-008:T.27795, 27813(11-Nov-2025)(Open);1DW-008:T.27874-27875(12-Nov-2025)(Open);1DW-001:T.26954-26955(18-Sep-2025)(Open);1DW-001:T.26911-26912(17-Sep-2025)(Open);[REDACTED];1D00377(Public);1D00262:paras.46, 50(Public);1D00283:p.DHT04048(Public);[REDACTED];1DW-003:T.26501-26504, 26606, 26608-26609(15-Sep-2025)(Open);1D00280:p.SPOE00397415(Public);AF120-AF121(Public); P01859_ET.2:pp.SPOE00053007-00053008(Public);P04487.1_ET:p.1(Public). *See also* 1DW-008:T.27684-27685(10-Nov-2025)(Open);1DW-003:T.26760(16-Sep-2025)(Open);P00189_ET.1:p.U015-8919(Public).

⁶¹⁴ P01859_ET.2:p.SPOE00053008(Public);1DW-008:T.27813(11-Nov-2025)(Open);P04259:p.1D00-0671(Public);1D00300:p.DHT05018(Public);1DW-001:T.26991-26993(18-Sep-2025)(Open).

⁶¹⁵ 1D00069_ET(Public);P00189_ET.5:pp.U015-9034, U015-9037(Public);P00739.4_ET:pp.9-10(Public);[REDACTED];P00779:p.6695(Public).

⁶¹⁶ [REDACTED];[REDACTED]; P00645_ET:pp.SPOE00227671, SPOE00227673(Public);P00189_ET.1:pp.U015-8923, U015-8925, U015-8927(Public);P03779_ET:p.SPOE00229219(Public);P00739.4_ET:p.10(Public); P00812_ET.2:p.SPOE00054141(Public).

⁶¹⁷ [REDACTED];[REDACTED]; *see also* W04744:T.17083(24-Jun-2024)(Open).

⁶¹⁸ [REDACTED];P00812_ET.2:p.SPOE00054141(Public);P00189_ET.1:pp.U015-8926-U015-8928(Public);W04752:T.17662-17663(04-Jul-2024)(Open);W04290:T.25062(11-Feb-2025)(Open).

⁶¹⁹ P00812_ET.1(Public);P00812_ET.2:p.SPOE00054141(Public);P00811_ET.53:pp.SPOE00054064-00054065(Public).

Rambouillet agreement, one such commander telling him: 'If you had refused, we too would have refused the agreement, but if you accept it, we shall accept it too'.⁶²⁰ On 5 March 1999, **KRASNIQI**, **SELIMI** and other General Staff members met with internationals to discuss the agreement; **KRASNIQI** noted no final decision had been made.⁶²¹ At this time, internationals had understood that General Staff permission was required in order for the agreement to be signed.⁶²²

150. The General Staff's final decision concerning the Rambouillet agreement could only be reached after **THAÇI** returned to Kosovo from Albania, where he attended meetings with state leaders, around 7 March 1999.⁶²³ During a 12 March 1999 General Staff meeting, **THAÇI** discussed the Rambouillet agreement with his **co-Accused**, other General Staff members and OZ commanders, all of whom agreed it should be signed; recently confirmed General Commander W04290 was not among those who signed a document in which the General Staff recorded it would accept the Rambouillet agreement.⁶²⁴ As set out below, a short time later, **THAÇI** appointed W04290 as National Guard Commander.

151. In Paris, **THAÇI** informed internationals that he had the authority to sign the Rambouillet agreement on behalf of the KLA⁶²⁵ and, on 18 March 1999, along with

⁶²⁰ P01859_ET.2:p.SPOE00053008(Public).

⁶²¹ [REDACTED];P01264_ET:pp.SPOE00128805-00128809(Public);[REDACTED];W02144:T.16089-16091(28-May-2024)(Open);[REDACTED]; P00189_ET.5:p.U015-9036(Public). *See also* P00515_ET.36(Public).

⁶²² P04259:p.1D00-0697(Public);1DW-008:T.27827-27828(11-Nov-2025)(Open).

⁶²³ 1DW-008:T.27712-27715(10-Nov-2025)(Open);1DW-008:T.27748-27749, 27829-27833(11-Nov-2025)(Open);1D00299(Public);P04510_ET:pp.SPOE00233179-00233180(Public); [REDACTED];P00739.4_ET:pp.9-10(Public).

⁶²⁴ P04510_ET:pp.2-4(Public);P00189_ET.2:p.U015-8936(Public); [REDACTED];W04746:T.5705-5707(14-Jul-2023)(Open);P01264_ET:pp.SPOE00128810-00128811(Public);[REDACTED];[REDACTED];[REDACTED]; P01091_ET:pp.SPOE00231115-00231117(Public);P00644_ET(Public); [REDACTED];1D00301:p.019629(Public); [REDACTED];W04290:T.24983(10-Feb-2025)(Open).

⁶²⁵ 1DW-003(16-Sep-2025):T.26753(Open).

Ibrahim RUGOVA, Rexhep QOSJA, and Veton SURROI, he signed the agreement.⁶²⁶ Serbia refused to sign.⁶²⁷ Less than a week later, NATO forces began air strikes against targets in Kosovo and Serbia.⁶²⁸ **VESELI** assisted NATO with the selection of targets.⁶²⁹

152. Imbued with the General Staff's authorisation to form the PGoK and lead the war,⁶³⁰ **THAÇI** continued to hold responsibility as the political and military leader in both the PGoK and KLA structures.⁶³¹ For example, when **THAÇI** issued a May 1999 decree concerning the 'setting up, building and military organisation of the Kosovo Liberation Army', he did so on a document with letterhead referring to the Prime Minister of the PGoK, signing in that capacity and copying, *inter alia*, the Ministry of Defence, General Staff, National Guard, and KLA OZ; General Staff stamps appear throughout the document.⁶³² At the eleventh hour of the June 1999 negotiations concerning the undertaking of demilitarisation and transformation, General JACKSON proposed a change in language which **THAÇI** consented to without consulting any other KLA member; **THAÇI** signed the undertaking as 'COMMANDER IN CHIEF UCK'.⁶³³ **THAÇI** issued an August 1999 request to UNMIK for certain KLA members to carry arms on a document with letterhead referring to KLA General Headquarters in Prishtinë/Priština, signing the request as 'KOMANDANTI I PËRGJITHSHËM I UÇK-

⁶²⁶ 1D00362;p.DHT11833(Public);P04046(Public);1D00285(Public);[REDACTED].

⁶²⁷ AF122(Public);P01449_ET;p.SPOE00209487(Public).

⁶²⁸ AgreedF3.20(Public).

⁶²⁹ P01859_ET.2;p.SPOE00053009(Public).

⁶³⁰ P00575_ET;p.SPOE00231385(Public);P00189_ET.2;p.U015-8955(Public);P04211:00:00:00-00:00:24(Public);P04211_ET(Public).

⁶³¹ [REDACTED];[REDACTED]; 1D00148;p.DHT01536(Public);P01745_ET;p.U003-9109(Public);P00515_ET.52(Public); P03927_ET(Public);P03928_ET(Public);[REDACTED];[REDACTED]; P00763.5_ET;p.21(Public);P00763.5_ET;p.15(Public);P00812_ET.33;p.SPOE00054585(Public); W02161:T.10896-10897(11-Dec-2023)(Open).

⁶³² 1D00169_ET(Public);P01434(Public);P01434_ET(Public);W04752:T.17510-17511(03-Jul-2024)(Open); see also P03925_ET(Public).

⁶³³ P01444(Public);[REDACTED];P02516:p.121597(Public);[REDACTED];1DW-003:T.26517-26524(15-Sep-2025)(Open);1D00287:00:09:06-00:09:17(Public); 1D00287_ET;p.2(Public);[REDACTED].

së'; the PGoK stamp appears alongside his signature.⁶³⁴

153. As put by W02183: 'In UNMIK, from the SRSG down to the working level, everyone knew THACI was the one in charge. If you wanted to talk about law and order, about security, about administration, you would talk to THACI'.⁶³⁵

ii. Further appointments to the PGoK

154. On 2 April 1999, on the basis of the decree-law on the work of the PGoK,⁶³⁶ **THACI** appointed the other **Accused**, and certain other trusted persons, to influential PGoK ministerial positions, ensuring they retained full control thereof.⁶³⁷ **KRASNIQI** was appointed the PGoK spokesperson and later, additionally, Minister for Reconstruction and Development whilst continuing to act as KLA spokesman.⁶³⁸ **KRASNIQI** issued declarations and communications concerning both the PGoK and the KLA.⁶³⁹ **SELIMI** was appointed Minister of Public Order.⁶⁴⁰ As **SELIMI** acknowledged, this meant that he and certain other General Staff members had 'a dual role or dual tasks' with 'one foot in the army and the other foot in the government.'⁶⁴¹

155. **VESELI**, who **THACI** appointed as head of SHIK,⁶⁴² was involved in bringing

⁶³⁴ P00880(Public); *see also* [REDACTED].

⁶³⁵ P01968.1:para.88(Public).

⁶³⁶ [REDACTED];[REDACTED];P00813:p.SPOE0054965(Public);
P00813_ET.13(Public);P00112_ET.33:p.SPOE00054898(Public);P03949(Public);P03949_ET(Public);
[REDACTED];P00789:p.SITF00398185(Public); *see also* P04172_ET:pp.1-2(Public).

⁶³⁷ 1D00070_ET(Public);P01968.1:para.26(Public);[REDACTED]; P00763.5_ET:p.14(Public).

⁶³⁸ AgreedF1.50(Public);1D00070_ET(Public);P03911_ET(Public);P03917_ET(Public);4D00012_ET(Public);
P03962_ET(Public);4D00039_ET(Public);AgreedF1.58(Public);W04746:T.5822(17-Jul-2023)(Open);
P01264_ET:p.SPOE00128907(Public);P04117:p.SITF40008316(Public).

⁶³⁹ P00189_ET.5:p.U015-9041(Public);P00813_ET.18(Public);4D00012_ET:p.SPOE00224612(Public);
P03912_ET(Public);P03962_ET(Public);P03920_ET(Public);[REDACTED];4D00038:p.019673(Public);P001
89_ET.2:pp.U015-8944, U015-8946, U015-8954(Public); *see also* P03913_ET(Public).

⁶⁴⁰ 1D00070_ET(Public);[REDACTED];[REDACTED]; P00779:p.6695(Public);P03950_ET(Public).

⁶⁴¹ P00763.5_ET:p.15(Public).

⁶⁴² 1D00070(Public);1D00070_ET(Public);[REDACTED];
[REDACTED];[REDACTED];P00789:p.SITF00398184(Public);
P00763.5_ET:p.13(Public);[REDACTED];P00763.5_ET:pp.12-13(Public); [REDACTED];[REDACTED].

Agim ÇEKU into Kosovo in April 1999 when ÇEKU crossed into Kosovo with **THAÇI**.⁶⁴³ **THAÇI** appointed ÇEKU to the post of Chief of the General Staff.⁶⁴⁴ Together with Ramë BUJA, in April 1999, **THAÇI** and ÇEKU visited KLA bases in Kaçanik/Kaçanik, Ferizaj/Uroševac, Lipjan/Lipljan, Shtimë/Štimlje and Devetak.⁶⁴⁵ Around the same time, together with **VESELI**, **SELIMI** and Sokol DOBRUNA, they visited KLA soldiers manning trenches.⁶⁴⁶

156. The overlap between the PGoK and General Staff was not limited to the **Accused's** leadership roles within both. **THAÇI** appointed Azem SYLA as Minister of Defence,⁶⁴⁷ Ramë BUJA as Minister of Local Government,⁶⁴⁸ Adem GRABOVCI as Minister of Finance,⁶⁴⁹ Fatmir LIMAJ as Deputy Minister of Defence,⁶⁵⁰ Bislim ZYRAPI as Assistant Minister of Defence,⁶⁵¹ and Sokol BASHOTA as Minister of Labour.⁶⁵²

157. **THAÇI** also appointed KLA members or supporters to non-ministerial posts within the PGoK. Pursuant to authorisation by the General Staff itself,⁶⁵³ he appointed diplomatic representatives to represent the PGoK abroad, including General Staff member Xhavit HALITI to Albania, and prominent LPK activist and Chairman of the Council for the Homeland Calling Fund, Jashar SALIHU, to Switzerland.⁶⁵⁴ Likewise, in

⁶⁴³ [REDACTED];1D00243_ET;p.DHT04012-ET(Public);[REDACTED].

⁶⁴⁴ [REDACTED];P00763.5_ET;p.13(Public);[REDACTED]; W04290:T.25039-25041(11-Feb-2025)(Open);W04290:T.25239-25241(13-Feb-2025)(Open); 1D00243_ET;p.DHT04012-ET(Public);P00814_ET.14(Public).

⁶⁴⁵ [REDACTED]; [REDACTED].

⁶⁴⁶ [REDACTED];[REDACTED];[REDACTED].

⁶⁴⁷ 1D00070_ET(Public);P00813_ET.26(Public);P00763.5_ET:pp.12-13(Public).

⁶⁴⁸ 1D00070_ET(Public);[REDACTED];[REDACTED];1D00342_ET(Public);P04190_ET:p.1(Public); [REDACTED]; [REDACTED].

⁶⁴⁹ 1D00070_ET(Public);P03917_ET(Public);[REDACTED].

⁶⁵⁰ P00813_ET.13(Public);P04177(Public);P01964:p.054721(Public);P01264_ET:p.SPOE00128913(Public).

⁶⁵¹ P00813_ET.13(Public);P04177(Public);[REDACTED]; [REDACTED];P00189_ET.2:p.U015-8951(Public).

⁶⁵² P04117:pp.SITF40008315-40008316(Public);[REDACTED].

⁶⁵³ P00575_ET:p.SPOE00231385(Public).

⁶⁵⁴ P00811_ET.46:pp.SPOE00053974-00053975(Public);P00812_ET.33:p.SPOE00054584(Public); P02006.1_ET:pp.8-9(Public); *see also* [REDACTED]; [REDACTED];W04743:T.24812-24813(29-Jan-2025)(Open).

summer 1999, the PGoK-affiliated mayors that **THAÇI** appointed were KLA members or supporters.⁶⁵⁵

158. The overlap between the PGoK and General Staff was by no means limited to personnel. Collaboration between the PGoK and the General Staff was closely coordinated, with, for instance, the General Staff issuing the decision and order on general mobilisation and the PGoK analysing and issuing decrees relevant to that General Staff decision.⁶⁵⁶ PGoK Ministers, including **THAÇI**, were directly involved in the planning and implementation of military activities, including Operation Arrow, and provided and received information to and from KLA members, including OZ commanders, and internationals about ongoing political and military developments.⁶⁵⁷

159. The KLA intelligence services and military police closely interacted and coordinated with PGoK entities.⁶⁵⁸ As Serbian forces began to withdraw in the aftermath of the Kumanovo Agreement, KLA/PGoK police and intelligence units led efforts to

⁶⁵⁵ W02161:T.10601(05-Dec-2023)(Open);W02161:T.10646(06-Dec-2023)(Open);W02161:T.10897-10898, 10901-10902(11-Dec-2023)(Open);P00743.2:pp.SITF00001571-00001572, SITF00001674(Public); [REDACTED];[REDACTED];P00693.4_ET:p.15(Public);W04746:T.5622-5624(13-Jul-2023)(Open);P01264_ET:pp.SPOE00128908, SPOE00128912(Public); [REDACTED];[REDACTED];[REDACTED];P04115:para.2(Public);P04197:p.020751(Public);P04131:pp.SITF00173037-00173040(Public);P04189_ET:p.2(Public);P04190_ET:pp.2-3(Public);P01968.1:paras.68, 73, 80, 84(Public); [REDACTED];P00746:pp.SITF40008715, SITF40008717-40008719(Public).

⁶⁵⁶ P00114_ET(Public);P03963_ET:pp.SPOE00225731, SPOE00225733(Public);[REDACTED];[REDACTED];P00189_ET.2:p.U015-8953(Public);P03949(Public);P03949_ET(Public);P04175:p.019676(Public);1D00169_ET(Public); P01434_ET(Public);P03925_ET(Public);P03916_ET(Public);P03922_ET(Public);P03923_ET(Public).

⁶⁵⁷ P00812_ET.13(Public);[REDACTED]; P00515_ET.51:p.008532(Public);P00813_ET.5(Public);P00515_ET.60:pp.008742-008743(Public); P00515_ET.50(Public);W04752:T.17507(03-Jul-2024)(Open);[REDACTED]; [REDACTED];[REDACTED];[REDACTED];W04290:T.25031-25032(11-Feb-2025)(Open);W04290:T.25211(12-Feb-2025)(Open);[REDACTED];P00812_ET.33(Public);P00189_ET.2:pp.U015-8960-U015-8965(Public);1DW-007:T.28247-28249, 28257-28259, 28263-28267(18-Nov-2025)(Open);P04518(Public); P00814_ET.17(Public);W02161:T.10897(11-Dec-2023)(Open);P04190_ET:p.1(Public); P01264_ET:pp.SPOE00128915, SPOE00128923-00128925(Public);P03910_ET:pp.SPOE00229455-00229456(Public).

⁶⁵⁸ See e.g. P02277_ET(Public);P02278_ET(Public);P03941_ET(Public);P00814_ET.35(Public).

seize key state infrastructure, municipal buildings, police stations, courts, schools, and public companies.⁶⁵⁹ The inescapable truth was that the KLA/PGoK was ‘pursuing all of the classic avenues of power’.⁶⁶⁰

160. **THAÇI**’s 2 April 1999 PGoK appointments included limited LBD members in ministerial posts and assigned one deputy post to the LDK, with that post remaining vacant.⁶⁶¹ Subsequent PGoK appointments included, to an extent, the KLA-supportive LBD, PBD, and LKÇK.⁶⁶²

161. The LDK largely boycotted the PGoK.⁶⁶³ They had good reason to do so.⁶⁶⁴ The General Staff and certain **Accused** had for years before the PGoK’s creation issued communiqués and other statements threatening the LDK and asserting the KLA was the only legitimate political and military authority in Kosovo.⁶⁶⁵ In the run-up to the Rambouillet conference, the General Staff again called on leaders of Kosovo to stop their party activities.⁶⁶⁶ Two weeks before the conference, **THAÇI** accused BUKOSHI of financing the murders and attempted assassinations of KLA commanders and of having plans to liquidate the General Staff.⁶⁶⁷ At one point, **THAÇI** threatened that whoever signed the agreement during the conference would be considered an enemy of the nation.⁶⁶⁸ Meanwhile, the General Staff publicly proclaimed that it was the ‘only force’

⁶⁵⁹ Section II.A.1.a.

⁶⁶⁰ [REDACTED]. *See also* W02183:T.24140-24142(21-Jan-2025)(Open).

⁶⁶¹ 1D00070_ET(Public).

⁶⁶² [REDACTED];P03963_ET:p.SPOE00225732(Public);
1D00422:p.SITF00011456(Public);P03702_ET:SPOE00231355(Public);P03703_ET:pp.SPOE00231906,
SPOE00231908(Public);P00189_ET.1:p.U015-8924(Public);P04259:p.1D00-0620(Public).

⁶⁶³ P04117(Public).

⁶⁶⁴ *See* P01740.5_ET:pp.18-19(Public).

⁶⁶⁵ *See* Section II.A.1.a.ii.

⁶⁶⁶ P00811_ET.24(Public).

⁶⁶⁷ P00516(Public).

⁶⁶⁸ P04487.1(Public);P04487.1_ET(Public);1DW-001:T.26903-26905(17-Sep-2025)(Open); [REDACTED];
see also P00515_ET.40:pp.008348, 008350(Public);1DW-001:T.26966-26968(18-Sep-
2025)(Open);P04491:p.SPOE40010710(Public).

guaranteeing the realisation of the will of the people.⁶⁶⁹

162. The PGoK's formation changed nothing in this regard. Around the end of March 1999, **KRASNIQI** asked BUKOSHI government representatives to, *inter alia*, 'submit to the command of the KLA GS'.⁶⁷⁰ Communiqués and declarations issued once the PGoK was formed continued to threaten LDK leaders,⁶⁷¹ describing them as 'fraudsters and war criminals'.⁶⁷² The KLA's choice to formally give the LDK a seat in the PGoK was an optical concession to the international community, not a real one to the LDK.

163. All four **Accused** and other PGoK representatives openly contested UNMIK's authority, insisting that the PGoK was the legitimate government and would assume all governmental responsibilities.⁶⁷³

164. **THACI**'s assertion that the PGoK 'never functioned'⁶⁷⁴ is belied by extensive evidence cited throughout this Brief which demonstrates that KLA/PGoK structures continued to function throughout the temporal scope of the Indictment.⁶⁷⁵

iii. *Ministry of Defence (MoD)*

165. On 2 April 1999, **THACI** appointed Azem SYLA PGoK Minister of Defence,⁶⁷⁶ later appointing Fatmir LIMAJ Deputy Minister within the Ministry of Defence (MoD)⁶⁷⁷ and Bislim ZYRAPI Assistant MoD Minister.⁶⁷⁸ SYLA reported to, and closely

⁶⁶⁹ P00811_ET.43(Public);P00515_ET.21:p.007994(Public);P00811_ET.47:pp.SPOE00053985-00053986(Public);P00515_ET.35(Public);P00811_ET.45:pp.SPOE00053962-00053963(Public).

⁶⁷⁰ P00189_ET.2:pp.U015-8956-U015-8958(Public); *see also* [REDACTED].

⁶⁷¹ Section II.A.1.b.

⁶⁷² P00575_ET:p.SPOE00231385(Public);P00812_ET.12(Public).

⁶⁷³ Section II.A.1.b.

⁶⁷⁴ P00742.16_ET:pp.7-8(Public).

⁶⁷⁵ *See also* P00789:pp.SITF00398189, SITF00398197(Public);1D00176_ET:p.DHT04080-EN(Public);1D00177_ET(Public).

⁶⁷⁶ 1D00070_ET(Public);P00763.5_ET:p.12(Public);[REDACTED].

⁶⁷⁷ P00813_ET.13(Public);P04177(Public);P01964:p.054721(Public);P01264_ET:p.SPOE00128913(Public).

⁶⁷⁸ P00813_ET.13(Public);P04177(Public);[REDACTED];P00189_ET.2:p.U015-8951(Public).

cooperated with, **THAÇI**, including in relation to Operation Arrow and the mobilisation of soldiers in KLA units and the National Guard.⁶⁷⁹ The MoD received information from and cooperated with KLA OZ commands and the General Staff.⁶⁸⁰ During the NATO bombing and ongoing preparations for Operation Arrow, the MoD, based in Albania, was responsible for issues related to the KLA's logistics and training, including oversight, appointment, and transfer of officers for complex military activities.⁶⁸¹

166. In April 1999, **THAÇI** discussed Operation Arrow with **SELIMI**, **VESELI**, Fatmir LIMAJ, Agim ÇEKU, Sylejman SELIMI and Ramë BUJA.⁶⁸² Azem SYLA, Bislim ZYRAPI and Fatmir LIMAJ oversaw the operation and its preparation in Albania.⁶⁸³

167. The MoD remained operational in Kosovo in the summer and autumn of 1999.⁶⁸⁴

iv. National Guard

168. On 28 April 1999, **THAÇI** appointed Sylejman SELIMI as the Commander of the National Guard of Kosovo, which was foreseen as a 'special structure' within which 'autonomous guard units' directed and commanded by the OZ commanders were to be established in OZs from company to brigade level 'depending on the operational

⁶⁷⁹ [REDACTED];[REDACTED];[REDACTED];[REDACTED];P00813_ET.8(Public); P00814_ET.22:p.SPOE00055470(Public).

⁶⁸⁰ [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED];P03919_ET.1-P03919_ET.6(Public);P02495_ET.1(Public);P02495_ET.2(Public);P03922_ET-P03923_ET(Public); [REDACTED];P01435_ET(Public);P01745_ET.1(Public);P00813_ET.8(Public); P00814_ET.14(Public).

⁶⁸¹ [REDACTED];[REDACTED];[REDACTED];P00763.5_ET:p.19(Public); P00813_ET.26:p.SPOE00055146(Public); [REDACTED];P00642_ET(Public);P03918_ET(Public); P03921_ET(Public);P00908_ET.2(Public);P00189_ET.2:p.U015-8951(Public);P00618_ET(Public).

⁶⁸² [REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED];W04290:T.25031-25032(11-Feb-2025)(Open);W04290:T.25211(12-Feb-2025)(Open).

⁶⁸³ [REDACTED];[REDACTED];P00189_ET.2:pp.U015-8944, U015-8951(Public);P00763.5_ET:pp.21-22(Public);[REDACTED];[REDACTED].

⁶⁸⁴ P02496_ET:p.023880(Public);[REDACTED];[REDACTED].

requirements and orders by the KLA General Staff'.⁶⁸⁵

169. National Guard membership was to be regulated by 'special regulations', focusing on soldiers who were young and highly experienced in combat.⁶⁸⁶ On 14 May 1999, **THAÇI** provided additional direction in relation to the National Guard's structure and composition.⁶⁸⁷

170. Upon its establishment, the National Guard was integrated in the PGoK structure with Sylejman SELIMI frequently reporting to Agim ÇEKU.⁶⁸⁸ By mid-May 1999, National Guard battalions were structured, including rapid intervention and reconnaissance units, and integrated at the OZ level, conducting, for example, military operations in the Llap OZ⁶⁸⁹ and in the Dukagjin OZ.⁶⁹⁰

171. The National Guard remained operational until September 1999.⁶⁹¹

c. Personnel

172. Throughout the Indictment period, the KLA was recruiting, training, equipping, and deploying a large number of soldiers under the General Staff's direction and oversight. The GS approved, confirmed, appointed, and promoted trusted persons who had demonstrated their loyalty and commitment to the common criminal purpose, and demoted, replaced, and removed those who had not.⁶⁹²

⁶⁸⁵ [REDACTED];W04290:T.24916-24917, 24986-24987(10-Feb-2025)(Open);W04290:T.25033, 25035-25038, 25049-25050(11-Feb-2025)(Open);[REDACTED]; [REDACTED];[REDACTED];P01745_ET:pp.U003-9084, U003-9109(Public);[REDACTED];P00763.5_ET:pp.12-13(Public); 1D00249_ET(Public);P01264_ET:pp.SPOE00128928-00128929(Public);W04746:T.5659(13-Jul-2023)(Open).

⁶⁸⁶ [REDACTED].

⁶⁸⁷ 1D00169_ET(Public);P01434_ET:p.SPOE00228147(Public);W04752:T.17510-17511(03-Jul-2024)(Open).

⁶⁸⁸ W04290:T.25239(13-Feb-2025)(Open).

⁶⁸⁹ See Section II.A.3.m.iii.

⁶⁹⁰ P00515_ET.55(Public);P03914_ET(Public);[REDACTED]; see also P00813_ET.25(Public); P00519(Public).

⁶⁹¹ See Section II.A.3.m.iii. See also P01264_ET:pp.SPOE00128928-00128929(Public).

⁶⁹² See e.g. Section II.A.2; Section II.A.4.

173. To this end, the responsibilities of the General Staff Personnel Directorate (G-1) – as set out in the General Staff Internal Regulations – included making proposals on KLA personnel; taking measures and planning for the mobilisation of people, resources, and equipment; analysing and proposing the organisation of battle groups and units and making improvements to them; and drafting combat regulations, laws, and other official documents.⁶⁹³

174. Multiple GS members, including the **Accused**, performed these functions throughout the Indictment period, both before and after the formal establishment of the Personnel Directorate (G-1). For example, **Kadri VESELI** and **Hashim THAÇI** recruited LPK members and professional military officers,⁶⁹⁴ and accompanied them into Kosovo including in early March and May 1998, respectively.⁶⁹⁵ Adem GRABOVCI – a longstanding LPK member, who had played a KLA organisation, liaison, and recruitment role abroad⁶⁹⁶ – was part of these movements into Kosovo, which also included, among others, Fatmir LIMAJ, Shukri BUJA, and Haxhi SHALA in March 1998,⁶⁹⁷ and Bislim ZYRAPI and Halil QADRAKU in May 1998.⁶⁹⁸ **Hashim THAÇI**, **Kadri VESELI**, **Rexhep SELIMI**, **Jakup KRASNIQI**, and other GS members gave directions to new recruits, assigned commanders to organise and restructure KLA units, inspected existing units, and met with subordinate commands concerning, *inter alia*, organisation, structure, and resources.⁶⁹⁹ Throughout the Indictment period, the KLA,

⁶⁹³ P00083_ET:p.SPOE00225109(Public);W04752:T.17405-17406(01-Jul-2024)(Public).

⁶⁹⁴ P00837_ET:pp.1-2(Public);P01816.1_ET:pp.22-25(Public);[REDACTED]; [REDACTED];[REDACTED].

⁶⁹⁵ P01816.1_ET:pp.24-28(Public);[REDACTED];W04752:T.17547-17548(03-Jul-2024)(Open);P00608_ET:pp.3-4(Public);W03873:T.22583(25-Nov-2024)(Open);P01115.1_ET:pp.18-19(Public);P00607_ET:p.1(Public).

⁶⁹⁶ P01874_ET:p.074630-074631(Public);P01816.1_ET:pp.20-21, 22-25(Public);[REDACTED];[REDACTED];P04208_ET:p.SPOE00053366(Public); P00189_ET.1:p.U015-8880(Public).

⁶⁹⁷ P01816.1_ET:pp.24-28(Public);P01814:p.SITF00223937(Public);W01453:T.21822-21828(04-Nov-2024)(Open);P01817_ET:pp.3743-3744(Public);[REDACTED].

⁶⁹⁸ [REDACTED];W04752:T.17547-17548(03-Jul-2024)(Open);W03873:T.22583(25-Nov-2024)(Open);P01115.1_ET:pp.18-19(Public);P00607_ET:p.1(Public).

⁶⁹⁹ See e.g. Section II.A.4.

under the GS's oversight, also conducted training, recruitment, and mobilisation in both Kosovo and Albania.⁷⁰⁰

175. By at least November 1998, the GS selected Adem GRABOVCI to head the Personnel Directorate (G-1).⁷⁰¹ Each operational zone and brigade also had a personnel section.⁷⁰² The Personnel Directorate collected information about the army, soldiers, and equipment, including from the zones and other directorates, in particular, the Intelligence Directorate (G-2),⁷⁰³ and had short-term and long-term plans for command and personnel appointments, setting out specific conditions that had to be met.⁷⁰⁴

176. The Personnel Directorate's staff included personnel from the zones.⁷⁰⁵ Sadik HALITJAHA – a former battalion commander within Brigade 123, responsible for crimes at Budakovë/Budakovo;⁷⁰⁶ the Pashtrik Zone chief of morale between November 1998 and March 1999; and then the Pashtrik Zone Deputy Commander⁷⁰⁷ – was part of the GS Personnel Directorate between December 1998 and early 1999.⁷⁰⁸ On behalf of the Personnel Directorate and as instructed by Adem GRABOVCI, HALITJAHA directed all seven zones to organise and complete their structures.⁷⁰⁹ HALITJAHA also participated in a battalion training course in February and March 1999, together with

⁷⁰⁰ [REDACTED];P02090.2_ET:pp.7-8(Public);P02090.3_ET:pp.10-11(Public); P00631_ET(Public);W04752:T.17459-17460(02-Jul-2024)(Open);P02443_ET.2(Public); P02443_ET.3(Public);P00617_ET(Public);[REDACTED];[REDACTED]; *See e.g.* Section II.A.3.m.viii.

⁷⁰¹ P01356_ET:p.5941(Public);W04752:T.17372, 17395-17399(01-Jul-2024)(Public); [REDACTED].

⁷⁰² *See e.g.* P01764(Public);P01764_ET.1(Public);P01764_ET.2(Public); P00811_ET.48:p.SPOE00053998(Public);P03748_ET(Public);P02797_ET(Public);P02775_ET(Public).

⁷⁰³ P01408_ET(Public);W04752:T.17434(02-Jul-2024)(Public);W04752:T.18075(11-Jul-2024)(Open). *See also* W04752:T.17434, 17436(02-Jul-2024)(Public).

⁷⁰⁴ P03766_ET(Public);P00083_ET:p.SPOE00225109(Public).

⁷⁰⁵ P03695_ET(Public).

⁷⁰⁶ *See* Section III.F.

⁷⁰⁷ *See* Section II.A.3.m.v.

⁷⁰⁸ [REDACTED];W04765:T.10263, 10345-10347(16-Nov-2023)(Open); W04765:T.10387-10388(04-Dec-2023)(Open);[REDACTED]; [REDACTED].

⁷⁰⁹ [REDACTED];W04765:T.10263(16-Nov-2023)(Open);[REDACTED].

Bislim ZYRAPI and Sali VESELI, where he lectured, *inter alia*, about special warfare.⁷¹⁰ His involvement in personnel matters continued after returning to the Pashtrik Zone Command. For example, HALITJAHA referred personnel matters to the GS for resolution, making allegations of collaboration and association with FARK against professional officers within the zone and brigade commands,⁷¹¹ and implemented GS orders, *inter alia*, for mobilisation.⁷¹²

177. In a February 1999 interview published by *Kosovapress* and reprinted in *Zëri i Kosovës*,⁷¹³ GRABOVCI explained that the Personnel Directorate was an essential part of the GS and was vital for achieving the military and political objectives of the KLA.⁷¹⁴ At the GS level, the Directorate cooperated, in particular, with the Inspector General and the Intelligence (G-2), Operational (G-3), Logistics (G-4), and Public Relations and Civil Administration (G-5) Directorates.⁷¹⁵ The Directorate's importance lay in the fact that 'the KLA, right from the start, aimed at the creation of a solid personnel and organisational structure.'⁷¹⁶ 'For this reason, the Personnel Council is directly involved in the training and placement of members of staff at the grass-root level, in conformity with the demands and in close cooperation with all the organisational structures of the KLA'.⁷¹⁷

178. The formation of the Personnel Council referenced in GRABOVCI's interview had been discussed at a meeting on 30 December 1998 – two days after a report by

⁷¹⁰ P00631(Public)(containing the signature);P00631_ET(Public);P00729_ET:p.U015-8851(Public); [REDACTED];[REDACTED];W04765:T.9895-9896, 9941-9942(13-Nov-2023)(Open);W04765:T.10192(15-Nov-2023)(Open);[REDACTED];Section II.A.1; Section II.A.3.m.v.

⁷¹¹ See Section II.A.3.m.v.

⁷¹² [REDACTED];[REDACTED];W04765:T.9923(13-Nov-2023)(Open);W04765:T.10192(15-Nov-2023)(Open);W04765:T.10284(16-Nov-2023)(Open).

⁷¹³ P00811_ET.48(Public);P04170_ET:p.1(Public).

⁷¹⁴ P00811_ET.48:p.SPOE00053997(Public).

⁷¹⁵ P04170_ET:p.1(Public);P00811_ET.48:p.SPOE00053997(Public).

⁷¹⁶ P00811_ET.48:p.SPOE00053997(Public).

⁷¹⁷ P00811_ET.48:p.SPOE00053997(Public);P04170_ET:p.1(Public).

Bislim ZYRAPI to Deputy Commander **KRASNIQI** on, *inter alia*, mobilisation and personnel matters in the zones⁷¹⁸ – and its members included, *inter alia*, all four **Accused**, with **KRASNIQI** as Chairman and **THAÇI** as Deputy Chairman.⁷¹⁹ The Personnel Council was responsible for examining a proposal for an appointment, including from the zones – which would also be discussed by the GS.⁷²⁰

179. For example, on 11 February 1999, the Personnel Council reported on its work in the Pashtrik Zone at a GS meeting.⁷²¹ On 12 February 1999, during a meeting between GS members and zone commanders, where the debates were led by **Rexhep SELIMI** and **Fatmir LIMAJ**, it was decided to replace the Pashtrik Zone Commander **Ekrem REXHA** – who was an alleged FARK sympathiser⁷²² – and appoint **Sadik HALITJAHA** as Deputy Commander.⁷²³ This decision was reflected in a GS order – prepared by **Adem GRABOVCI**⁷²⁴ – issued the same day.⁷²⁵ **W04752**, who was opposed to the replacement and confirmed that it was discussed at a GS meeting, explained that it would have been the Personnel Council that provided the reasons for the proposed replacement.⁷²⁶

180. Between mid-November 1998 and April 1999, **Adem GRABOVCI** also attended other GS meetings regarding, *inter alia*, the structure and activities of the GS and its directorates, media (*Radio Free Kosovo* and *KosovaPress*), units, committees, and councils,

⁷¹⁸ P00228_ET:pp.1-2(Public).

⁷¹⁹ P01393_ET(Public);[REDACTED];[REDACTED];W04752:T.17845(09-Jul-2024)(Open). *See also* P03773_ET:p.SPOE00227669(Public); P03781.2_ET:pp.SPOE00226470-SPOE00226471(Public).

⁷²⁰ P00228_ET:p.SPOE00228801(Public). *See also* P03695_ET(Public);W04752:T.17845(09-Jul-2024):p.18453-18454(Open).

⁷²¹ 1D00167_ET:p.SPOE00226479(Public).

⁷²² [REDACTED]. *See also* Section II.A.3.m.v.

⁷²³ [REDACTED];[REDACTED]; [REDACTED];[REDACTED]; [REDACTED]. *See also* Section II.A.3.m.v.

⁷²⁴ W04752:T.18386-18387(17-Jul-2024)(Open). *See, similarly*, W04752:T.18078, 18083(11-Jul-2024)(Open); W04752:T.18242(15-Jul-2024)(Open).

⁷²⁵ P00633_ET(Public).

⁷²⁶ W04752:T.18331-18334(16-Jul-2024)(Open).

including the Personnel Council;⁷²⁷ handling of collaborators;⁷²⁸ meetings with zone commanders; political parties; discipline, hierarchy; appointments of personnel from abroad⁷²⁹ and of the KLA general commander;⁷³⁰ PGoK structures; and Operation Arrow.⁷³¹

181. While head of the Personnel Directorate, Adem GRABOVCI, who moved around and between Kosovo and Albania as needed:⁷³²

- a. visited, inspected, met with, and communicated with KLA units in, for example: (i) training in Albania in late 1998, together with **Kadri VESELI**, **Azem SYLA**, and **Bislim ZYRAPI**;⁷³³ (ii) the Pashtrik Zone, including the 121 Brigade, in late 1998 and 1999 on organisational and political matters, together with **Kadri VESELI**, **Rexhep SELIMI**, **Fatmir LIMAJ**, and other GS members;⁷³⁴ and (iii) the Dukagjin Zone Command in October 1998 and early 1999, where he participated, together with **Rexhep SELIMI**, in work meetings and proposed brigade command structures;⁷³⁵
- b. prepared GS orders concerning personnel matters, for example, orders signed by **Jakup KRASNIQI** for **Blerim KUQI** and others to report to the GS,⁷³⁶ for Operational Directorate member **Naim MALOKU**'s temporary

⁷²⁷ P01408_ET;p.SPOE00227859(Public);W04752:T.17434(02-Jul-2024)(Open);W04752:T.17965(10-Jul-2024)(Open);[REDACTED];P01393_ET(Public); 4D00068_ET;p.SPOE00226468(Public).

⁷²⁸ [REDACTED].

⁷²⁹ P03777_ET(Public);P02095_ET(Public);P00189;p.U015-9010(Public).

⁷³⁰ [REDACTED].

⁷³¹ W04752:T.17507(03-Jul-2024)(Open);[REDACTED].

⁷³² [REDACTED].

⁷³³ [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED].

⁷³⁴ P04165_ET;p.SPOE0005642(Public);P01264_ET;pp.SPOE00128772(Public);[REDACTED];W03873:T.22654-22655(25-Nov-2024)(Open);P01836;p.091267(Public);[REDACTED];[REDACTED];P01115.8_ET;pp.2, 5(Public).

⁷³⁵ [REDACTED];P03238_ET(Public);[REDACTED].

⁷³⁶ [REDACTED];W04752:T.18242(15-Jul-2024)(Open). His initials also appear on other orders signed by **Jakup KRASNIQI** for personnel in Pashtrik to report to the General Staff. See e.g. P02758_ET(Public).

transfer to the Dukagjin Zone,⁷³⁷ and to appoint brigade commanders in the Dukagjin Zone;⁷³⁸

- c. attended, together with **Rexhep SELIMI** and **Jakup KRASNIQI**, the inauguration of *Kosovapress* and *Radio Free Kosovo*, and met with its editorial board;⁷³⁹
- d. was involved and intervened, together with **Kadri VESELI** and Fatmir LIMAJ, in matters related to the Kleçkë/Klečka detention site;⁷⁴⁰ and
- e. interacted with international representatives, together with **Jakup KRASNIQI**, Sokol BASHOTA, and other GS members, in relation to the Rambouillet negotiations⁷⁴¹ and the handling of prisoners of war detained by the KLA.⁷⁴²

182. After his appointment as PGoK Minister of Finance, Adem GRABOVCI continued to perform the same functions, coordinating closely with the **Accused**.⁷⁴³

183. From April 1999, as it had done with the Directorate, the GS cooperated closely with the Ministry of Defence on matters of personnel, with operational and situational reports being made to the PGoK, and the PGoK issuing appointments and operational orders; transferring and assigning personnel; and managing recruitment.⁷⁴⁴

184. The Personnel Directorate remained part of the restructured GS reflected in a

⁷³⁷ P01411_ET(Public);W04752:T.18082(11-Jul-2024)(Open).

⁷³⁸ P01430_ET(Public);W04752:T.18078, 18083(11-Jul-2024)(Open).

⁷³⁹ P00811_ET.2:p.SPOE00053561(Public);P01264_ET:pp.SPOE00128783(Public).

⁷⁴⁰ [REDACTED];[REDACTED];[REDACTED];
[REDACTED];[REDACTED];[REDACTED];[REDACTED]; See also Section III.N.

⁷⁴¹ [REDACTED];P01264_ET:p.SPOE00128791(Public);P00843(Public); P00811_ET.68(Public).

⁷⁴² P01093_ET:p.SPOE00229804(Public);P01092_ET:pp.SPOE00230898-SPOE00230899(Public);
P01264_ET:p.SPOE00128789(Public)[

⁷⁴³ See Section II.A.3.f.

⁷⁴⁴ P00618_ET(Public);P03914_ET(Public);P03922_ET(Public);P03923_ET(Public);
[REDACTED];P01435_ET(Public);P03919_ET.1(Public);P03919_ET.2(Public);
P03919_ET.3(Public);P03919_ET.4(Public);[REDACTED];P03921_ET(Public); [REDACTED].

May 1999 decree signed by **Hashim THAÇI**.⁷⁴⁵

d. Operational

185. According to the General Staff Internal Regulations, the General Staff Operational Directorate (G-3) was involved in and responsible for planning and undertaking combat operations, training, and reports and analysis required for making decisions.⁷⁴⁶

186. Consistent with the General Staff Internal Regulations – both before and after the Operational Directorate was formally established – General Staff members performed these functions.

187. For example, in 1996 and 1997, **SELIMI** coordinated attacks on public facilities and multiple Serbian police stations across Kosovo, including with RPGs, machine guns, and other weapons.⁷⁴⁷ Around this time, **SELIMI**, **THAÇI**, and **VESELI** organised and transported weapons from Albania to KLA strongholds in Kosovo, including to Lahi BRAHIMAJ and Sokol BASHOTA.⁷⁴⁸ In March and May 1998, **THAÇI** and **VESELI** accompanied trusted persons and professional officers into Kosovo,⁷⁴⁹ and upon their arrival, **SELIMI**, **THAÇI**, and **KRASNIQI** briefed them and distributed them to various

⁷⁴⁵ P03925_ET:p.SPOE00232109(Public);P01434_ET(Public);W04752:T.17509-17511(03-Jul-2024)(Open); W04752:T.17772(08-Jul-2024)(Open).

⁷⁴⁶ P00083_ET:pp.SPOE00225108-SPOE00225109(Public)(articles 1, 15);[REDACTED];P00643_ET:p.SPOE00229213(Public).

⁷⁴⁷ [REDACTED];P00778:pp.6628-6629, 6641-6645(Public); P01883_ET:pp.SPOE00131832-SPOE00131833, SPOE00131840(Public);W04401:T.22970-22971, 22975(28-Nov-2024)(Open);P01745_ET:pp.U003-9091-U003-9092(Public);W04290:T.24928-24931(10-Feb-2025)(Open);[REDACTED];P02032_ET:pp.1-3(Public).

⁷⁴⁸ P00739.6_ET:pp.2, 4(Public);P00778:p.6623(Public);P01883_ET:pp.SPOE00131832-SPOE00131833(Public);P00763.5_ET:pp.7, 25-26(Public);P01859_ET.2:p.SPOE00053004(Public); W04752:T.17338(01-Jul-2024)(Open);W04401:T.23386-23387, 23395-23397(04-Dec-2024)(Open); [REDACTED];[REDACTED];[REDACTED]. See also P00739.4_ET:pp.15-17(Public);P00794:p.3306(Public).

⁷⁴⁹ P00739.4_ET:pp.14-16(Public);[REDACTED];P00739.7_ET:p.11(Public); P01817_ET:pp.55, 61-64(Public);P01814:pp.SITF00223937-SITF00223938(Public);W01453:T.21821-21828(04-Nov-2024)(Open);W01453:T.22080-22082(06-Nov-2024)(Open);W01453:T.22206-22207, 22220(07-Nov-2024)(Open);W03873:T.22583-22585(25-Nov-2024)(Open);[REDACTED].

areas to set up and organise units and positions.⁷⁵⁰ In spring and early summer 1998, **SELIMI** was head of the Operational Directorate.⁷⁵¹

188. The **Accused**'s continuing role in and authority over operational matters is illustrated by their installation, appointment, and oversight of ZYRAPI – an experienced military officer⁷⁵² – who had operational roles in the General Staff and Ministry of Defence during the Indictment period.

189. In spring 1998, ZYRAPI was initially tasked by Azem SYLA to train KLA recruits in Albania and assist in logistics,⁷⁵³ pending completion of a background check and General Staff approval for his deployment.⁷⁵⁴ At the end of May 1998, ZYRAPI traveled across the border with **THAÇI**, **VESELI**, and others,⁷⁵⁵ first stopping in Drenoc/Drenovac, where **THAÇI** told him to temporarily stay and assist the soldiers there; meanwhile, **THAÇI** and **VESELI** went to Deçan/Dečani where there was ongoing fighting.⁷⁵⁶ The fighting followed peace talks between MILOŠEVIĆ and RUGOVA brokered by Ambassador HOLBROOKE.⁷⁵⁷ 1DW-008 believed that the KLA had provoked the Serbian forces in Deçan/Dečani in an effort to undermine RUGOVA and the peace process.⁷⁵⁸

190. **THAÇI** and **VESELI** returned to Drenoc/Drenovac in the beginning of June 1998 and together with ZYRAPI went to Likoc/Likovac,⁷⁵⁹ where **SELIMI** and BASHOTA

⁷⁵⁰ See Section II.A.4.

⁷⁵¹ [REDACTED];P00775_ET:p.SPOE00068076(Public);[REDACTED];[REDACTED].

⁷⁵² [REDACTED];P01356_ET:pp.5927-5930(Public);P01080:p.075399(Public).

⁷⁵³ [REDACTED].

⁷⁵⁴ W04752:T.17544-17545(03-Jul-2024)(Open);W04752:T.17864(09-Jul-2024)(Open);W04403:T.25707-25708(24-Mar-2025)(Open).

⁷⁵⁵ See e.g. [REDACTED];W03873:T.22583-22584(25-Nov-2024)(Open).

⁷⁵⁶ [REDACTED];W04752:T.17338(01-Jul-2024)(Open);P00607_ET:p.4(Public); W03873:T.22583-22585(25-Nov-2024)(Open). See also [REDACTED]; [REDACTED];[REDACTED].

⁷⁵⁷ 1DW-008:T.27657-27658(10-Nov-2025)(Open);1DW-008:T.27839-27841(11-Nov-2025)(Open); 1D00423:pp.DHT12258-DHT12259(Public);P04259:p.1D00-0423(Public).

⁷⁵⁸ 1D00423:pp.DHT12258-DHT12259(Public);1DW-008:T.27840-27841(11-Nov-2025)(Open).

⁷⁵⁹ [REDACTED].

introduced themselves to ZYRAPI and told him he would be working with them in the Operational Directorate.⁷⁶⁰ In Likoc/Likovac, **THAÇI** also gave ZYRAPI the order to prepare professional officers and post them to the war zones.⁷⁶¹ From June to mid-July 1998, ZYRAPI reported to **SELIMI** and BASHOTA in the Operational Directorate where he was tasked to visit units on the ground, and make proposals for and take part in reorganisation and training.⁷⁶² After General Staff meetings, ZYRAPI received instructions as to which units to visit and assist,⁷⁶³ and he made recommendations on appointments to **SELIMI** and BASHOTA.⁷⁶⁴

191. Around mid-July 1998, General Staff members, in a meeting attended by all **Accused**, informed ZYRAPI that he had been appointed Chief of the Operational Directorate.⁷⁶⁵ **SELIMI** was appointed General Inspector, which was a higher rank, on the level of the General Commander.⁷⁶⁶ ZYRAPI participated in General Staff meetings, where, among other matters, combat activity, structures, and staffing were discussed.⁷⁶⁷

192. Beginning in summer 1998, while ZYRAPI moved around operational zones, he learned of civilian detentions and mistreatment, which he reported to the General Staff, including the General Commander and **KRASNIQI**.⁷⁶⁸

193. In November 1998, ZYRAPI moved to the position of Chief of Staff,⁷⁶⁹ reporting

⁷⁶⁰ [REDACTED].

⁷⁶¹ W04752:T.18259-18260(15-Jul-2024)(Open);P00606_ET:p.1(Public).

⁷⁶² [REDACTED];P00775_ET:p.SPOE00068081(Public);W04403:T.25789-25790(25-Mar-2025)(Open);P02090.3_ET:pp.9-10(Public);W04403:T.25918-25919(26-Mar-2025)(Open);P01830.1_ET:pp.22-23(Public).

⁷⁶³ W04752:T.17364-17365(01-Jul-2024)(Open).

⁷⁶⁴ [REDACTED];W04752:T.18284-18285(15-Jul-2024)(Open).

⁷⁶⁵ W04752:T.17369-17371(01-Jul-2024)(Open);[REDACTED];P00605_ET:p.2(Public);P00775_ET:p.SPOE00068081(Public);P00643_ET:p.SPOE00229213(Public);W04752:T.17581-17583(03-Jul-2024)(Open).

⁷⁶⁶ [REDACTED];P00775_ET:p.SPOE00068076(Public); [REDACTED].

⁷⁶⁷ W04752:T.17386-17389(01-Jul-2024)(Open);P00643_ET(Public).

⁷⁶⁸ [REDACTED];[REDACTED]; P01356_ET:pp.5949-5950, 6050-6051(Public). *See also* [REDACTED].

⁷⁶⁹ P00775_ET:p.SPOE00068081(Public);[REDACTED];[REDACTED]; P00615_ET(Public);[REDACTED].

in theory to the Commander, but considering Azem SYLA's absence from Kosovo, in practice, to Deputy Commander **KRASNIQI**.⁷⁷⁰ From November 1998, the Operational Directorate was stationed at the General Staff headquarters in Divjakë/Divljaka; its members reported to ZYRAPI through Deputy Operational Director Sali VESELI.⁷⁷¹

194. The Operational Directorate assisted, reported to, and received orders from ZYRAPI,⁷⁷² who, on behalf of the Operational Directorate, issued orders and reports relating to logistical issues, including transportation and material goods;⁷⁷³ physical protection of Radio Free Kosovo;⁷⁷⁴ travel permits;⁷⁷⁵ and weaponry and combat readiness.⁷⁷⁶ Orders from ZYRAPI were logged in the General Staff register of protocolled documents and implemented in the zones.⁷⁷⁷ Plans on certain issues, like the formation of brigades or delineation of Zones, were prepared by the Operational Directorate and decided by General Staff.⁷⁷⁸ The Directorate also organised and ordered

⁷⁷⁰ Section II.A.4;W04752:T.17432-17433(02-Jul-2024)(Open);[REDACTED]; [REDACTED];P00228_ET(Public). *See also* W04403:T.25723(24-Mar-2025)(Open); W04403:T.25935(26-Mar-2025)(Open).

⁷⁷¹ W04403:T.25718-25721(24-Mar-2025)(Open);W04403:T.25919-25920(26-Mar-2025)(Open); P02088:para.1(Public);P02090.2_ET:pp.11-12(Public);P02091:para.16(Public);P02090.5_ET:pp.1, 4-5(Public);P02093_ET.2:p.126682(Public);[REDACTED]; [REDACTED];P01393_ET:p.SPOE00226625(Public);W04744:T.17156-17157(25-Jun-2024)(Open);[REDACTED];P01116:pp.061285-061286(Public); P01401_ET:p.SPOE0082288(Public);P01116:pp.061277-061278(Public).

⁷⁷² W04752:T.17432-17434, 17436(02-Jul-2024)(Open);P00615_ET(Public);[REDACTED]; P01408_ET:p.SPOE00227859(Public);P02090.5_ET:pp.4-5(Public);P00628_ET(Public).

⁷⁷³ P00877_ET(Public);P00629_ET(Public).

⁷⁷⁴ P00627_ET(Public). *See also* [REDACTED];P01410(Public)(stamped, signed by **KRASNIQI**);P01410_ET(Public);W04752:T.17448-17449(02-Jul-2024)(Open).

⁷⁷⁵ [REDACTED];[REDACTED];W04752:T.17499-17500(03-Jul-2024)(Open).

⁷⁷⁶ P00632_ET(Public);P00624_ET(Public);P01412_ET(Public);P01413_ET(Public);W04752:T.17450-17453(02-Jul-2024)(Open);P00622_ET(Public);P01017_ET(Public).

⁷⁷⁷ P00647_ET:pp.SPOE00225282-SPOE00225283(Public);P00622_ET(Public);P00624_ET(Public); P00630_ET(Public);P01412_ET(Public).

⁷⁷⁸ [REDACTED];P00775_ET:p.SPOE00068082(Public);W04752:T.17432-17434, 17436(02-Jul-2024)(Open);[REDACTED];P00623_ET(Public);W04752:T.17954-17955(10-Jul-2024)(Open);W04752:T.18515, 18424-18426(17-Jul-2024)(Open);P00615_ET(Public); P01408_ET:p.SPOE00227859(Public).

trainings on a wide range of subjects,⁷⁷⁹ and cooperating with the Communications Directorate,⁷⁸⁰ collected information from the operational zone commands, which reported daily on combat activities, operational intelligence, and issues pertaining to chain of command.⁷⁸¹ The Operational Directorate operationalized a vertical line of command from the General Staff to platoons or squads.⁷⁸²

195. When the PGoK was established, ZYRAPI was appointed to the position of Assistant Commander in the Ministry of Defence.

196. The Operational Directorate remained part of the General Staff as restructured in a decree signed by **THAÇI** in May 1999.⁷⁸³

e. Logistics

197. Throughout the Indictment period, the GS obtained and directed logistics and supplies within the KLA. The GS provided logistical support for all the needs of subordinate units, including detention centres.⁷⁸⁴

198. Xhavit HALITI – a member of the LPK leadership and special sector, responsible for early organisation of the KLA,⁷⁸⁵ and part of the Information and Political

⁷⁷⁹ P01401_ET:p.SPOE00082287(Public);W04752:T.17423, 17459-17460, 17462-17464(02-Jul-2024)(Open); P01416_ET(Public);P01418_ET(Public);P01419_ET(Public);P01420_ET(Public);W04752:T.17349-17350(01-Jul-2024)(Open);P00630_ET(Public);P01618_ET(Public).

⁷⁸⁰ P01356_ET:pp.5943-5944(Public);P03839(Public);P03839_ET(Public);P01418(Public); P01418_ET(Public);P01419(Public);P01419_ET(Public);P01421(Public);P01421_ET(Public); P03838(Public);P03838_ET(Public);P03840(Public);P03840_ET(Public)(all containing the stamp of the Operational Directorate);P01417_ET(Public);W04752:T.17461-17462(02-Jul-2024)(Open).

⁷⁸¹ W04403:T.26016-26017(26-Mar-2025)(Open);P02090.5_ET:pp.4-5(Public);W04744:T.17230-17231(26-Jun-2024)(Open);[REDACTED];P03768_ET:p.SPOE00231507(Public); P01408_ET:p.SPOE00227860(Public).

⁷⁸² P02089_ET:p.SPOE00067220(Public).

⁷⁸³ 1D00169_ET(Public);P01434_ET:p.SPOE00228147(Public);P03925_ET(Public);W04752:T.17509-17512(03-Jul-2024)(Open).

⁷⁸⁴ [REDACTED].

⁷⁸⁵ See e.g. P00189_ET.1:p.U015-8804(Public);P01858_ET.1:p.SITF00245168(Public); P01874_ET:p.074630(Public).

Directorate⁷⁸⁶ together with GS member Xheladin GASHI in northern Albania – oversaw logistics, weapons, and supplies procurement and shipments.⁷⁸⁷

199. From 1997, the KLA had access to a range of ammunition and weapons from arms depots in Albania including sniper rifles, AK-47s, grenades, mortars, and anti-tank rockets.⁷⁸⁸ GS members, including **SELIMI**, **VESELI**, and **THAÇI**, coordinated the provision of such weapons and supplies from Albania to units inside Kosovo.⁷⁸⁹

200. By mid-1998, a GS Logistics Directorate (G-4) had been formally established, and was headed by Xhavit HALITI, who primarily remained abroad.⁷⁹⁰ The Directorate assigned personnel to be in charge of supplies, uniforms, vehicles, and arms.⁷⁹¹ The GS and Zone Commands, pursuant to, *inter alia*, the *General Staff Internal Regulations*, also appointed heads of logistics at the Zone⁷⁹² and Brigade⁷⁹³ levels. Their duties and responsibilities – to maintain and organise supplies, establish warehouses, and prepare administrative orders⁷⁹⁴ – were frequently specified in writing and circulated to

⁷⁸⁶ See Section II.A.3.h.

⁷⁸⁷ See Section II.A.3.m.viii.

⁷⁸⁸ AF022(Public);AF250(Public);W04746:T.5716-5717(14-Jul-2023)(Open);[REDACTED];P02027.2_ET:pp.2147-2148(Public);P01264_ET:p.SPOE00128608(Public);P02027.2_ET:pp.2147-2151(Public);W04401:T.23386-23387(04-Dec-2024)(Open).

⁷⁸⁹ [REDACTED];W04752:T.18396-18398(17-Jul-2024)(Open);[REDACTED];1D00006_ET(Public);[REDACTED];[REDACTED];P01814:p.SITF00223954(Public);W01453:T.21922-21925, 21976-21978(05-Nov-2024)(Open);P01816.1_ET:pp.61-62(Public);P01883_ET:p.SPOE00131832(Public);P01857_ET(Public);P01859_ET.2:p.SPOE00052998(Public);W03873:T.22563(25-Nov-2024)(Open).

⁷⁹⁰ [REDACTED];W04401:T.23347-23348, 23387-23389, 23427-23428(04-Dec-2024)(Open);[REDACTED];W04410:T.16643-16644(04-Jun-2024)(Open);P01356_ET:T.5941-5942(Public);P01857_ET:p.17(Public);[REDACTED];1D00223_ET(Public).

⁷⁹¹ P03031_ET:p.SPOE232247(Public). See also P03693_ET(Public);P00633_ET(Public); [REDACTED].

⁷⁹² [REDACTED];[REDACTED];P00633_ET(Public); [REDACTED];W04746:T.5721(14-Jul-2023)(Open);P02913_ET(Public); P00610_ET(Public).

⁷⁹³ P02120_ET(Public);P02968_ET(Public);P03278_ET(Public);P00614_ET(Public);P03748_ET(Public).

⁷⁹⁴ [REDACTED];P01115.2_ET:p.36(Public);P03043_ET(Public);P03055_ET(Public);P03061_ET(Public);P03089_ET(Public);[REDACTED];P03122_ET(Public);P02481_ET(Public);P02129_ET(Public);[REDACTED];P03038_ET(Public);[REDACTED];[REDACTED];[REDACTED];P03153_ET(Public);[REDACTED];[REDACTED];P03319_ET(Public);[REDACTED]

subordinate units.⁷⁹⁵

201. The Logistics Directorate cooperated with other Directorates and the Chief of Staff, who issued logistical orders, including to Zone Commands to prepare reports for GS meetings on, *inter alia*, logistics; and approved requests to the Logistics Directorate for weapons and ammunition.⁷⁹⁶ Deputy Commander **KRASNIQI** also issued logistics-related orders: for example, to the Pashtrik Zone Logistics Section to allocate a certain percentage of goods received from donors to the General Staff Logistics Department.⁷⁹⁷

f. Finance

202. Consistent with the Provisional Regulations,⁷⁹⁸ the GS collected, recorded, controlled, and distributed significant funds throughout the Indictment period.

203. From its inception, the GS was heavily involved in financing the KLA.⁷⁹⁹ Funds arrived directly from the LPK,⁸⁰⁰ including through the 'Homeland Calling' fund.⁸⁰¹

ACTED]; [REDACTED];[REDACTED];P02689_ET(Public);[REDACTED]; [REDACTED]; [REDACTED]; P00067_ET;p.SITF00437791(Public);P02398_ET:p.U000-9196(Public);P03103_ET(Public); P02475_ET(Public);P03017_ET(Public);P03064_ET(Public); P01479_ET(Public);P03150_ET(Public); P02417_ET:pp.097050-097051(Public);[REDACTED]; P02991_ET(Public).

⁷⁹⁵ [REDACTED];P01755.8_ET:pp.12-16(Public);P02429_ET(Public);[REDACTED]; [REDACTED];P03006_ET(Public);P03086_ET(Public);[REDACTED]; P02027.1:p.2079(Public);P02454_ET(Public);P03125_ET(Public);[REDACTED].

⁷⁹⁶ P03819_ET:p.SPOE00231963(Public);P00615_ET(Public);P03854_ET(Public); P00184_ET:p.SPOE00232118(Public);W04752:T.17381(01-Jul-2024)(Open); P03031_ET:p.SPOE00232246(Public);1D00071_ET(Public);P00622_ET(Public);P01412_ET(Public); P00624_ET(Public);P01378_ET(Public).

⁷⁹⁷ P01415(Public)(signed by **KRASNIQI**);P01415_ET(Public);W04752:T.17458(02-Jul-2024)(Open).

⁷⁹⁸ P00008_ET:p.26(Public);P03663_ET:p.U000-9450(Public).

⁷⁹⁹ [REDACTED];[REDACTED];[REDACTED].

⁸⁰⁰ AF211(Public);P00189_ET.1:p.U015-8775(Public);P03698_ET:p.SPOE00230586(Public); P04200_ET:pp.1, 5-6(Public);W01453:T.21814-21815(04-Nov-2024)(Open);W01453:T.22081(06-Nov-2024)(Open);W01453:T.22210(07-Nov-2024)(Open);P01816.1_ET:pp.17-18(Public);P01817_ET:pp.49, 54(Public);W04743:T.24812-24813(29-Jan-2025)(Open);P02006.1_ET:pp.6-9(Public); [REDACTED];[REDACTED];[REDACTED]; P01115.1_ET:pp.15-16(Public);P01857_ET:p.32(Public);[REDACTED]; P04142:p.019595(Public);P04205_ET:p.1(Public);P04208_ET:pp.SPOE00053363, SPOE00053367(Public).

⁸⁰¹ AF235(Public);P00793:para.5(Public).

After the Prekaz/Prekaze attack in early 1998, the GS's fundraising efforts increased, as did the KLA's funding.⁸⁰² By June 1998, the flow of money and weapons to the KLA was significant enough to trigger condemnation by the European Union.⁸⁰³ Throughout the Indictment period, KLA members, including members of the GS, continually made public appeals for domestic and international financial contributions.⁸⁰⁴

204. Created in 1995 by the LPK, and later controlled by the KLA (and after its formation, PGoK),⁸⁰⁵ the Homeland Calling fund provided the bulk of the KLA's finances during the Indictment period,⁸⁰⁶ mainly from contributions by the Kosovar-Albanian diaspora.⁸⁰⁷ In December 1998, pursuant to a GS order from **Jakup KRASNIQI**,⁸⁰⁸ the GS Finance Directorate determined the amounts of money or in-kind contributions owed to the Homeland Calling Fund by Kosovar-Albanians in the diaspora.⁸⁰⁹ GS orders made it mandatory to contribute to the fund, prescribing

⁸⁰² P00189_ET.1:pp.U015-8824-U015-8825(Public);P00793:para.5(Public).

⁸⁰³ See e.g. P04259:p.1D00-0449(Public).

⁸⁰⁴ See e.g. **1997**:P00793:p.U016-2106(Public);P00221_ET(Public);P00280_ET(Public);P00269_ET.16(Public);P00270_ET.2(Public);P00282_ET:p.2(Public); **1998**:P00269_ET.20:p.U016-2778(Public);P00284_ET:p.1(Public);P00546_ET-P00547_ET(Public);P00312_ET(Public);P00270_ET.15:p.1(Public);P00793:p.U016-2154(Public);P00287_ET(Public);P00270_ET.6(Public);P00289_ET(Public);P00288_ET(Public);P00290_ET(Public);[REDACTED];P00302_ET(Public);P00306_ET:p.1(Public);P00588_ET(Public);P01096_ET:p.3(Public);W04147:T.13929(27-Mar-2024)(Open);[REDACTED];P01264_ET:pp.SPOE00128634-00128635(Public);P04163_ET(Public);P04146:p.U003-7154(Public); **1999**:P00811_ET.14(Public);P04165_ET:pp.SPOE00056439-00056440(Public);P04166_ET:pp.1-2(Public);P00811_ET.22(Public);P00515_ET.20(Public);P00544_ET(Public);P00574_ET:p.SPOE00227854(Public);P00812_ET.10(Public);P00741_ET.4(Public);P00813_ET.4(Public);P04222(Public);P04222_ET(Public).

⁸⁰⁵ AF235(Public);P00793:para.5(Public);[REDACTED];P03965_ET:p.SPOE00225735(Public);P02006.1_ET:pp.8-9(Public);W04743:T.24812-24813(29-Jan-2025)(Open).

⁸⁰⁶ See e.g. P00189_ET.1:pp.U015-8886-U015-8887(Public);P03741_ET(Public);P00269_ET.20:pp.U016-2778-U016-2779(Public);P00793:para.5(Public);[REDACTED]. See also Section II.A.3.e.

⁸⁰⁷ AF235(Public);P00189_ET.1:pp.U015-8886-U015-8887(Public);P00793:para.5(Public);P00840:00:21:30-00:23:15(Public);P00840_ET:p.6(Public);P03686_ET(Public). See also P01857_ET:pp.34, 43-44(Public);P02693_ET(Public);[REDACTED];P03740_ET-P03741_ET(Public);P04215:01:08:19-01:19:00(Public);P04215_ET:pp.21-25(Public);W04752:T.18182-18183(15-Jul-2024)(Open);P04219(Public);P04219_ET:p.4(Public).

⁸⁰⁸ P03678_ET(Public);P03681_ET(Public).

⁸⁰⁹ P03686_ET(Public).

sanctions for those who did not comply.⁸¹⁰ The Military Police were tasked with enforcing the collection of these dues.⁸¹¹

205. In addition to money raised through the Homeland Calling fund, the KLA received contributions from people inside Kosovo, both in the form of donations⁸¹² and taxes, including a registration tax imposed by **KRASNIQI**, on behalf of the GS, on Serbian-registered vehicles.⁸¹³ KLA members also extorted money and in-kind contributions through threats and violence.⁸¹⁴ Finally, KLA members — particularly GS members, including **Hashim THAÇI**, **Rexhep SELIMI**, and **Jakup KRASNIQI**— continually pressured the BUKOSHI government-in-exile to hand-over funds which had been collected for the war effort.⁸¹⁵

206. By at least June 1998, the GS established a centralised Finance Directorate to oversee the collection, documentation, and distribution of money, supplies, and

⁸¹⁰ P03684_ET(Public);[REDACTED]. See also P01358_ET(Public);P03685_ET(Public); P03692_ET(Public);P03688_ET(Public);[REDACTED].

⁸¹¹ P03687_ET(Public);P03682_ET(Public);P03683_ET(Public);[REDACTED]; W04743:T.24615, 24620-24623(28-Jan-2025)(Open);W04743:T.24790-24793(29-Jan-2025)(Open); [REDACTED].

⁸¹² See e.g. [REDACTED];P01356_ET:p.6016(Public);[REDACTED]; [REDACTED];[REDACTED].

⁸¹³ P03682_ET(Public);P03683_ET(Public);P03684_ET(Public);P03685_ET(Public);P03687_ET(Public); P03688_ET(Public);P03692_ET(Public);P01358_ET(Public). See also [REDACTED];Section II.A.3.I.

⁸¹⁴ See e.g. P02641_ET.1(Public);[REDACTED]. See also, e.g. [REDACTED];[REDACTED]; [REDACTED];[REDACTED].

⁸¹⁵ See e.g. P00189_ET.1:pp.U015-8825, U015-8826-U015-8827(Public);P00270_ET.2(Public); P00282_ET:p.2(Public);P00269_ET.16(Public);P00284_ET:pp.1-2(Public);P00284_ET(Public); P00286_ET:p.U016-2146(Public);P00270_ET.6(Public);P00270_ET.15:p.1(Public);P00312_ET(Public); P00546_ET(Public);P00547_ET(Public);P00287_ET(Public);P00288_ET(Public); P00579_ET:p.SPOE00232614(Public);P00289_ET(Public);P00290_ET(Public);P00310_ET(Public); P00811_ET.22(Public);P00515_ET.17:pp.007898-007899(Public);P00619_ET(Public); P00647_ET:p.SPOE00225284(Public);[REDACTED];P00763.2_ET:pp.10,12-13(Public);P00793:p.U016-2116(Public);P00811_ET.14(Public);P00811_ET.19:pp.SPOE00053662-00053664(Public);P00811_ET.24(Public);P00811_ET.28(Public);P00813_ET.24(Public);[REDACTED];W04752:T.18292-18293(15-Jul-2024)(Open);W04752:T.18344-18346(16-Jul-2024)(Open);[REDACTED];P01264_ET:pp.SPOE00128634-00128635, SPOE00128667(Public);P02568_ET(Public);P02571_ET(Public);P03691_ET(Public); P03772_ET(Public);P04142:p.019597(Public);P04166_ET:pp.1-2(Public);P04200_ET:pp.6-7(Public); P04203_ET:pp.1, 3-4(Public);P04217:00:16:19-00:18:22(Public);P04217_ET:pp.6-7(Public).

equipment to the KLA.⁸¹⁶ Thereafter, the GS established structures and made appointments, both in Kosovo and abroad, that ensured its control over this process.⁸¹⁷ Members of the GS, including the **Accused**, regularly discussed and consulted with OZ commands on matters of finance.⁸¹⁸ The Finance Directorate,⁸¹⁹ **Rexhep SELIMI**,⁸²⁰ and **Jakup KRASNIQI**,⁸²¹ authorised disbursements of funds to KLA members in the OZs.⁸²² OZ Commanders, in turn, could appropriate funds under the authority of the GS.⁸²³ The Finance Directorate received and recorded donations and expenditures.⁸²⁴

207. Lahi BRAHIMAJ, a GS member with longstanding ties to the **Accused**,⁸²⁵ was appointed head of the Finance Directorate, coordinating closely with **Rexhep SELIMI** and Sokol BASHOTA.⁸²⁶ In this capacity BRAHIMAJ, *inter alia*, ordered, paid for, and collected weapons and other supplies;⁸²⁷ submitted requests for OZ funding to the GS;⁸²⁸ and issued receipts on behalf of the Finance Directorate.⁸²⁹ BRAHIMAJ participated in

⁸¹⁶ See e.g. [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];P01400_ET(Public);W04752:T.17372, 17397-17399(01-Jul-2024)(Open);W04752:T.17421(02-Jul-2024)(Open);W04752:T.18192-18193(15-Jul-2024)(Open);P01881_ET:p.SPOE00226857(Public);P03749_ET:p.SPOE00226690(Public). See also P01074:pp.075336-

075340(Public);[REDACTED];[REDACTED];[REDACTED];P03680_ET(Public);P03817_ET(Public);P03825_ET(Public); P03689_ET(Public);P03690_ET(Public);4D00075_ET(Public).

⁸¹⁷ P00515_ET.31(Public);P00811_ET.46(Public);P00633_ET(Public);[REDACTED];W03873:T.22619(25-Nov-2024)(Open);P00067_ET:p.SITF00437791(Public);[REDACTED];P03748_ET:p.SPOE00226803(Public);P01765_ET(Public);W04746:T.5494(11-Jul-2023)(Open).

⁸¹⁸ See e.g. P00187_ET:p.SPOE00055838(Public);W04746:T.5618-5625(13-Jul-2023)(Open).

⁸¹⁹ See e.g. P01399_ET(Public);[REDACTED];W04752:T.17416-17417(01-Jul-2024)(Open).

⁸²⁰ [REDACTED].

⁸²¹ P01433_ET(Public).

⁸²² See e.g. P00189_ET.1:p.U015-8867(Public);P00515_ET.48(Public);P00812_ET.15(Public);[REDACTED];P02422_ET(Public);P02425_ET(Public). See also P00228_ET:p.4(Public).

⁸²³ [REDACTED];P02166_ET(Public).

⁸²⁴ See e.g. P03822_ET(Public);P03823_ET(Public);P03825_ET(Public);P03851_ET(Public);P02427_ET(Public).

⁸²⁵ See Section II.A.3.

⁸²⁶ [REDACTED];[REDACTED];

[REDACTED];P00794:T.3311(Public);P00800:T.5075(Public);[REDACTED];W01511:T.19438(03-Sep-2024)(Open);W04752:T.17372(01-Jul-2024)(Open); [REDACTED].

⁸²⁷ See e.g. [REDACTED];W01511:T.19437 (03-Sep-2024)(Open).

⁸²⁸ [REDACTED].

⁸²⁹ See [REDACTED] and [REDACTED].

numerous GS meetings, discussing matters relating to staffing and structure;⁸³⁰ disciplinary matters;⁸³¹ treatment of collaborators;⁸³² and the Rambouillet negotiations.⁸³³ BRAHIMAJ acted as GS liaison with the Dukagjin OZ,⁸³⁴ and along with other GS members, he coordinated KLA combat units on the ground,⁸³⁵ routinely visited units in the OZs,⁸³⁶ and travelled to Albania.⁸³⁷

208. With the formation of the PGoK, from March 1999, the Homeland Calling fund, as well as new contributions, were transferred and directed to the Ministry of Finance of the PGoK.⁸³⁸ In parallel, the PGoK campaigned for the LDK-aligned government-in-exile to hand over the funds it had collected.⁸³⁹

209. In late March 1999, **THAÇI** appointed Adem GRABOVCI, the head of the GS Personnel Directorate, as PGoK Finance Minister.⁸⁴⁰ Moving between Kosovo and Albania in April and May 1999,⁸⁴¹ GRABOVCI held meetings with a number of GS/PGoK members, including **THAÇI**, about the opening of a 'free passway' on the border,⁸⁴² and **KRASNIQI** and Xhavit HALITI, about the organisation of and potential appointments to the Ministry of Finance and the situation on the ground in Kosovo.⁸⁴³ In an interview broadcast on 12 June 1999, GRABOVCI emphasised the issue of

⁸³⁰ See e.g. [REDACTED];[REDACTED];[REDACTED];P01264_ET:pp.SPOE00128649-00128650(Public); [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];W04401:T.23021-23022(28-Nov-2024)(Open); W04752:T.17395(01-Jul-2024)(Open).

⁸³¹ [REDACTED].

⁸³² See e.g. [REDACTED]. See also [REDACTED].

⁸³³ See e.g. [REDACTED].

⁸³⁴ See Section II.A.3.m.ii; Section III.B.

⁸³⁵ See e.g. [REDACTED].

⁸³⁶ [REDACTED];[REDACTED];W04752:T.17391-17393(01-Jul-2024)(Open). See also Section II.A.3.m.ii.

⁸³⁷ See e.g. P00763.5_ET:pp.14-15(Public);P00739.6_ET:pp.2, 4(Public);P00778:T.6621, 6623(Public); [REDACTED].

⁸³⁸ P04172_ET:pp.SPOE00230638-00230639(Public);P00515_ET.57(Public);P01264_ET:pp.SPOE00128833-00128834, SPOE00128896-00128897(Public);P04180:pp.019772-019773(Public).

⁸³⁹ P00189_ET.2:pp.U015-8963-U015-8965(Public).

⁸⁴⁰ P01264_ET:p.SPOE00128838(Public);P04117(Public);1D00070_ET(Public);4D00060(Public).

⁸⁴¹ P00742.18_ET:p.10(Public);[REDACTED];P00763.5_ET:pp.14-15(Public).

⁸⁴² P00742.18_ET:p.10(Public);[REDACTED].

⁸⁴³ P01264_ET:p.SPOE00128833(Public);[REDACTED].

funding for the KLA and Kosovo institutions after the liberation.⁸⁴⁴

g. Communications

210. The GS oversaw and facilitated communication through various methods including radios, in-person meetings, couriers, and mobile and satellite phones. As outlined in detail below, these methods enabled the **Accused** and other GS members to effectively: (i) coordinate with, give instructions to, and receive reports from subordinate commands; (ii) coordinate with one another, including when they were travelling inside and outside Kosovo; and (iii) communicate with external parties, including the media and international representatives.

211. The General Staff Internal Regulations provided that the General Staff ‘continuously organises the system of communications and cryptographic defence for all the units operating and fighting in the KLA’.⁸⁴⁵ These functions fell within the responsibility of the Communications Directorate (G-6).⁸⁴⁶ It cooperated closely with the Directorate of Operations (G-3),⁸⁴⁷ and operated from a communications room at GS headquarters, where duty officers logged and processed information – including intercepted Serbian communications⁸⁴⁸ – and requests from the zones, and transmitted instructions from the GS.⁸⁴⁹ In this respect, communications personnel also existed in

⁸⁴⁴ P01264_ET:p.SPOE00128848(Public).

⁸⁴⁵ P00083_ET:p.SPOE00225108, para.2(Public). *See also* [REDACTED].

⁸⁴⁶ [REDACTED];P01356_ET:pp.5941-5942(Public);P00189_ET.1:pp.U015-8878-U015-8879(Public);P00187_ET:pp.SPOE00055741-SPOE00055742(Public);[REDACTED];[REDACTED];P03749_ET:p.SPOE00226690(Public); P01434_ET:pp.SPOE00228147-SPOE00228148(Public). *See also* P03846_ET:p.SPOE00226637(Public).

⁸⁴⁷ *See e.g.* W04752:T.17423-17424, 17462(02-Jul-2024)(Open). *See also* P01418_ET(Public); P01419_ET(Public);P01421_ET(Public);P03838_ET(Public);P03839_ET(Public);P03840_ET(Public); Section II.A.3.d.

⁸⁴⁸ P01074:pp.075337, 075345(Public);[REDACTED];[REDACTED].

⁸⁴⁹ *See e.g.* W04752:T.17632(04-Jul-2024)(Public);P01356_ET:pp.5943-5944(Public);[REDACTED];P00836_ET:p.L0102408(Public);P00796:pp.3454-3455(Public); P01879_ET.4:p.0189-1245(Public);[REDACTED].

the zones.⁸⁵⁰

212. The Communications Directorate was headed by Musë JASHARI from at least November 1998.⁸⁵¹ Safet SYLA was his deputy.⁸⁵² Before being appointed Communications Director by the GS, JASHARI had previously operated in the Drenicë and Pashtrik Zones,⁸⁵³ been the Pashtrik OZ Commander,⁸⁵⁴ and was involved in crimes in both zones.⁸⁵⁵ While serving as head of the Communications Directorate, Musë JASHARI was also part of the commission for Zone boundary delineation, together with **Rexhep SELIMI** and Fatmir LIMAJ;⁸⁵⁶ and in March 1999, visited KLA units in the Drenicë Zone, together with **Jakup KRASNIQI**,⁸⁵⁷ and in the Pashtrik Zone, together with **Rexhep SELIMI**.⁸⁵⁸ Thereafter, both JASHARI and his deputy, SYLA, were assigned roles during preparations for Operation Arrow in Albania.⁸⁵⁹

213. Both before and after JASHARI's appointment to the Communications Directorate, GS members, including the **Accused**, ensured that various communications structures were in place and continuously being developed.

214. For example, throughout the Indictment period, GS members, including the

⁸⁵⁰ P01764_ET.1(Public);P02984_ET(Public);P00187_ET:pp.SPOE00055707, SPOE00055810(Public); P02913_ET(Public);[REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED]; [REDACTED].

⁸⁵¹ P00187_ET:pp.SPOE00055741-SPOE00055742(Public);W04752:T.17425, 17462(02-Jul-2024)(Open); [REDACTED];P00189_ET.1:p.U015-8881(Public);P01356_ET:pp.5941-5942(Public); [REDACTED];[REDACTED];[REDACTED]. *See also* P03838_ET(Public);P03839_ET(Public);P03840_ET(Public);P01418_ET(Public);P01419_ET(Public); P01421_ET(Public).

⁸⁵² W04752:T.17462(02-Jul-2024)(Open).

⁸⁵³ P00778:p.6620(Public);P02389_ET(Public);[REDACTED];[REDACTED];P01745_ET:pp.U003-9095-U003-9096(Public).

⁸⁵⁴ *See* Section II.A.3.m.v.

⁸⁵⁵ *See* Sections III.A; III.E.

⁸⁵⁶ P01393_ET:p.SPOE00226625(Public);[REDACTED].

⁸⁵⁷ P01264_ET:pp.SPOE00128798, SPOE00128886(Public).

⁸⁵⁸ P02817_ET:p.U000-6996(Public).

⁸⁵⁹ [REDACTED];P01264_ET:pp.SPOE00128835, SPOE00128895(Public); P04207_ET:pp.3-4(Public);[REDACTED];[REDACTED].

Accused, held frequent in-person meetings with the zone commanders, either at the GS headquarters⁸⁶⁰ or by travelling to the zones.⁸⁶¹ During these meetings, GS members received reports from, consulted with, and relayed orders to zone commanders,⁸⁶² for onward dissemination through the ranks.⁸⁶³

215. Radio was also an official means of communications within the KLA⁸⁶⁴ and KLA members were instructed in their use.⁸⁶⁵ Between April and August 1998, to facilitate radio communication, **Rexhep SELIMI** assigned codes – including Pëllumbi, Lumi, Celiku, and Hekuri – to units in Malishevë/Mališevo and its surrounding areas.⁸⁶⁶ GS members,⁸⁶⁷ including **Hashim THAÇI**, **Kadri VESELI**, and **Rexhep SELIMI**,⁸⁶⁸ as well as zone and brigade commands,⁸⁶⁹ had radios with a range of approximately 50 kilometres, enabled through the GS's repeater.⁸⁷⁰

216. In November 1998, the GS Communications Directorate issued a standardised system of codes, call signs, and radio frequencies for units, locations, and commanders.⁸⁷¹ This system included codes for specific orders, requests, and

⁸⁶⁰ P01428_ET(Public);W04752:T.17475-17476(02-Jul-2024)(Open);[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED].

⁸⁶¹ P00739.4_ET:p.21(Public);P01755.1_ET:p.21(Public);P01755.3_ET:pp.10-11(Public);[REDACTED];[REDACTED]. *See also* P02027.1_ET:pp.2073, 2077-2078(Public);P00189_ET.1:p.U015-8864(Public);P01356_ET:p.5933(Public).

⁸⁶² P02027.1:p.2073(Public);P01755.2_ET:p.30(Public);[REDACTED];P00892_ET:pp.5(Public);P00189_ET.1:p.U015-8905(Public);[REDACTED].

⁸⁶³ [REDACTED];P01755.2_ET:p.30(Public);[REDACTED]; [REDACTED]. *See also* [REDACTED].

⁸⁶⁴ AF230(Public).

⁸⁶⁵ [REDACTED];[REDACTED];P02442:p.097195(Public); [REDACTED];[REDACTED].

⁸⁶⁶ [REDACTED];P00778:p.6668(Public). *See also* Sections II.A.3.m.v; III.E.

⁸⁶⁷ [REDACTED];W04746:T.5524(12-Jul-2023)(Open).

⁸⁶⁸ [REDACTED];P00739.8_ET:pp.12-13(Public). *See also* P04228:00:55-00:57, 01:37-01:40(Public).

⁸⁶⁹ [REDACTED];W02540:T.15597(21-May-2024)(Open);P01356_ET:p.5982(Public);[REDACTED];[REDACTED];[REDACTED]; [REDACTED].

⁸⁷⁰ AF230(Public);P01356_ET:p.5982(Public).

⁸⁷¹ P01417_ET(Public);W04752:T.17461(02-Jul-2024)(Open);W04746:T.5515, 5519(12-Jul-2023)(Open);P00187_ET:pp.SPOE00055705-SPOE00055707, SPOE00055849-SPOE00055851(Public);P03835_ET(Public);P03836_ET(Public);P03197_ET(Public);P03199_ET(Public);[REDACTED];[REDACTED];P02985_ET(Public).

information, such as ‘open fire’ and ‘we have one arrested person’.⁸⁷² The GS provided training in its communications system⁸⁷³ and the plans to the zone commands.⁸⁷⁴ The GS further ordered the heads of communication in the zones to develop communication networks.⁸⁷⁵

217. Radios facilitated the issuance of instructions, daily reporting, and coordination between the GS and the zone commands.⁸⁷⁶ Likewise, there was radio communication within⁸⁷⁷ and between⁸⁷⁸ zones, including in relation to arrests and detentions.⁸⁷⁹

218. Couriers were also used as an official means of communication, including between the GS and zone commands.⁸⁸⁰ The GS instituted a courier system with designated KLA personnel,⁸⁸¹ and instructed zone commanders to establish a network of zone couriers.⁸⁸² Couriers were required to report to the GS every two weeks,⁸⁸³ and were tasked with relaying orders and submitting zone requests.⁸⁸⁴

⁸⁷² P03834_ET(Public);P01422_ET(Public);W04752:T.17466(02-Jul-2024)(Open). *See also* P02655_ET(Public).

⁸⁷³ P00630_ET(Public);P01416_ET(Public);W04752:T.17459-17461, 17463(02-Jul-2024)(Open); W04403:T.25780-25781(25-Mar-2025)(Open);W04403:T.25936(26-Mar-2025)(Open); P00187_ET:p.SPOE00055893(Public). *See also* P02996_ET(Public);P02997_ET:pp.U001-2241-U001-2243(Public);P02995_ET(Public).

⁸⁷⁴ W04752:T.17461, 17464, 17466(02-Jul-2024)(Open);P01420_ET(Public);P03841_ET(Public); P02443_ET.1(Public);P02982_ET(Public);P02986_ET(Public);P02991_ET(Public);P03198_ET(Public). *See also* W04746:T.5514-5515, 5519(12-Jul-2023)(Open);P02654_ET:p.U000-6053(Public).

⁸⁷⁵ P01421_ET(Public). *See also* [REDACTED].

⁸⁷⁶ AF230(Public);[REDACTED];W01453:T.21871(04-Nov-2024)(Open) (identifying the author of [REDACTED] as Fatmir LIMA);P01755.4_ET:p.4(Public);P01755.2_ET:pp.26-30(Public).

⁸⁷⁷ [REDACTED];[REDACTED];P01755.2_ET:pp.26-29(Public); [REDACTED]; [REDACTED];P02654_ET:p.U000-6053(Public); P00649_ET.3:p.SITF00245567(Public);[REDACTED]; [REDACTED];[REDACTED].

⁸⁷⁸ P02027.1_ET:p.2073-2075(Public);P00731:para.8(Public);P00730:p.4244(Public).

⁸⁷⁹ [REDACTED]; [REDACTED];[REDACTED]; [REDACTED].

⁸⁸⁰ AF232(Public);P00739.4_ET:p.21(Public);[REDACTED]. *See also* P02654_ET:p.U000-6053(Public);[REDACTED];[REDACTED]; P02964_ET(Public);P01115.3_ET:pp.3-4, 14(Public);P02141_ET:pp.U000-4205-U000-4206(Public); P00649_ET.3:p.SITF00245567(Public).

⁸⁸¹ P00795:pp.3390-3391(Public);[REDACTED]. *See also* P03843_ET.1:p.U001-1819(Public).

⁸⁸² P01421_ET(Public). *See also* P03838_ET(Public).

⁸⁸³ P01421_ET(Public);W04752:T.17465(02-Jul-2024)(Open);P03838_ET(Public).

⁸⁸⁴ W04752:T.17465-17466(02-Jul-2024)(Open).

219. From about spring 1998,⁸⁸⁵ mobile and satellite phones were available to KLA members,⁸⁸⁶ with instructions on their use issued and disseminated.⁸⁸⁷ In particular, the GS⁸⁸⁸ – including the **Accused**⁸⁸⁹ – and zone commanders⁸⁹⁰ had satellite phones. In contrast to his sweeping denials,⁸⁹¹ **Hashim THAÇI** – who was already conveying GS orders by telephone in May 1998⁸⁹² – had a satellite phone with solar batteries, which he used frequently during the Indictment period.⁸⁹³ By at least January 1999, GS members, including the **Accused**, used near-daily satellite phone communications to coordinate within the GS,⁸⁹⁴ and to instruct,⁸⁹⁵ oversee, and coordinate operational developments

⁸⁸⁵ See P01426_ET(Public)(indicating certain satellite phone numbers were operational since May 1998). See also [REDACTED];W04403:T.25846-25847(25-Mar-2025)(Open);W04746:T.5522-5524(12-Jul-2023)(Open);[REDACTED];P00739.4_ET:p.21(Public);[REDACTED].

⁸⁸⁶ [REDACTED];[REDACTED]; P00739.4_ET:p.21(Public);[REDACTED];P03000:0:00:14-0:02:16(Public); P03000_ET:p.1(Public);P02998:00:00:42-00:01:58(Public);P04283_ET:p.5D00-7585(Public); [REDACTED].

⁸⁸⁷ P01423_ET:p.SPOE00226491(Public);W04752:T.17467(02-Jul-2024)(Open).

⁸⁸⁸ AF231(Public);W04746:T.5945(18-Jul-2023)(Open);P01093_ET:pp.SPOE00229803(Public); [REDACTED];[REDACTED];[REDACTED]; P01426_ET:no.33(Public);W04752:T.17471-17472(02-Jul-2024)(Open).

⁸⁸⁹ W04403:T.25810-25812(25-Mar-2025)(Open);W01453:T.22128-22129(06-Nov-2024)(Open); W04147:T.13931(27-Mar-2024)(Open);[REDACTED]; [REDACTED]; [REDACTED];P01449_ET:pp.SPOE00209451, SPOE00209465, SPOE00209508(Public);P01264_ET:p.SPOE00128846(Public);P04178:p.019734(Public); P01267_ET:p.1(Public);[REDACTED];P01262:01:19-01:28(Public); P00189:p.U015-9009(Public);P01405(Public);W04752:T.17429-17430(02-Jul-2024)(Public);P01406(Public); P04212:00:50-00:58(Public);P01267:p.1(Public). See P01426_ET(Public)(row 18 linking the phone number '11284' to 'Gafurr Elshani? /handwritten/ Jakupi' and [REDACTED] where the same number is used by **Jakup KRASNIQI**: see e.g. [REDACTED];[REDACTED]). See also P01256(Public). See also, P01426_ET(Public)(row 15 indicating '10' as the user).

⁸⁹⁰ AF231(Public);AF789(Public);W04746:T.5945(18-Jul-2023)(Open);W04290:T.25281(13-Feb-2025)(Open);W04147:T.13838-13839, 13909(27-Mar-2024)(Open);[REDACTED]; W04746:T.5943(18-Jul-2023)(Open);[REDACTED];[REDACTED]; [REDACTED];P01745_ET:p.6D00-0787(Public);[REDACTED];[REDACTED]. See also P01115.3_ET:p.14(Public).

⁸⁹¹ See P00742.16_ET:pp.8-9(Public).

⁸⁹² [REDACTED].

⁸⁹³ [REDACTED];P01069:p.075334(Public). See also [REDACTED]; [REDACTED].

⁸⁹⁴ [REDACTED]; [REDACTED].

⁸⁹⁵ [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED]. See also P02732_ET:p.41(Public);[REDACTED].

in the zones,⁸⁹⁶ including from locations outside of Kosovo.⁸⁹⁷

220. In early January 1999, **Jakup KRASNIQI** ordered zone commands to register their satellite phones with the GS, otherwise their numbers would be blocked.⁸⁹⁸ Around the same time, the GS instructed the zone commands to report exceptional situations urgently through the GS's satellite phone numbers.⁸⁹⁹ The zone commands complied with such instructions, using satellite phones to report to the GS,⁹⁰⁰ coordinate within⁹⁰¹ and between⁹⁰² zone commands; and give instructions to⁹⁰³ and receive daily reports from the brigades.⁹⁰⁴

221. Satellite phones also served as a means for the GS and zone commanders to communicate with representatives of the international community⁹⁰⁵ including coordinating meetings,⁹⁰⁶ discussing the situation on the ground,⁹⁰⁷ and about prisoner releases.⁹⁰⁸ Additionally, communication methods were instrumental in the functioning

⁸⁹⁶ P00800:pp.5005-5006(Public);[REDACTED];P00849:p.021052(Public); P01356_ET:p.5981(Public);P00189_ET.1:pp.U015-8864, U015-8893(Public);P01817_ET:pp.84-85(Public); [REDACTED]; [REDACTED]; [REDACTED];[REDACTED]; [REDACTED];[REDACTED].

⁸⁹⁷ P01449_ET:p.SPOE00209483(Public). *See also* [REDACTED];P04209_ET:pp.SPOE00301738-SPOE00301739(Public);1DW-001:T.26869(17-Sep-2025)(Open);P00189_ET.1:p.U015-8930(Public).

⁸⁹⁸ P01424_ET(Public). *See also* W04752:T.17469(02-Jul-2024)(Open);[REDACTED];P03696_ET(Public);P01425_ET(Public).

⁸⁹⁹ P00628_ET(Public);W04752:T.17468(02-Jul-2024)(Open). *See also* W04746:T.5525-5526(12-Jul-2023)(Open);[REDACTED];P01426_ET(Public);[REDACTED]; P03829(Public);P01427_ET(Public);P03831_ET(Public).

⁹⁰⁰ W01453:T.22202(07-Nov-2024)(Open);W04746:T.5524-5526(12-Jul-2023)(Open);W04746:T.5945(18-Jul-2023)(Open);P01356_ET:pp.5959(Public);P01115.3_ET:p.14(Public);[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED].

⁹⁰¹ [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED].

⁹⁰² *See e.g.* [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED].

⁹⁰³ *See e.g.* [REDACTED];[REDACTED]; [REDACTED]; [REDACTED];[REDACTED];[REDACTED].

⁹⁰⁴ [REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED].

⁹⁰⁵ *See e.g.* [REDACTED];[REDACTED];[REDACTED]. *See also* W01453:T.21990-21992(05-Nov-2024)(Open).

⁹⁰⁶ [REDACTED];[REDACTED]; [REDACTED];[REDACTED].

⁹⁰⁷ [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED]; [REDACTED].

⁹⁰⁸ [REDACTED];[REDACTED]; W04401:T.23053(02-Dec-2024)(Open).

of the media as the GS's public voice.⁹⁰⁹ GS members and zone commanders regularly reported by mobile and satellite phone to *Kosovapress*,⁹¹⁰ *Zëri i Kosovës*,⁹¹¹ and other local and international media.⁹¹² For example, **Jakup KRASNIQI** issued Communiqués 51⁹¹³ and 76,⁹¹⁴ as well as other statements and interviews,⁹¹⁵ by satellite phone.

222. GS members - including **Hashim THAÇI**⁹¹⁶ and **Jakup KRASNIQI** -⁹¹⁷ and commands in the zones, also used satellite phones to discuss and issue instructions concerning detainees,⁹¹⁸ suspicions against and mistreatment of alleged collaborators,⁹¹⁹ and the state and status of charged victims.⁹²⁰

h. Information and Political

223. In spring 1993, **THAÇI**, **VESELI** and **KRASNIQI** attended a meeting at the JASHARI home called, *inter alia*, to better coordinate between the then underground armed movement and legal political activities; at this meeting, it was decided to establish a new political and military body, later named the KLA.⁹²¹ Between 1993 and

⁹⁰⁹ [REDACTED];[REDACTED];

P01092_ET:p.SPOE00230877(Public);P01881:p.SPOE00226857(Public);P01401_ET:p.SPOE00082292-SPOE00082293(Public).

⁹¹⁰ [REDACTED];[REDACTED];P00794:pp.3315-3317(Public). *See e.g.* P00811_ET.56:pp.SPOE00053634-SPOE00053635(Public);P00811_ET.45(Public);P00812_ET.23(Public). *Kosovapress* articles publishing the information reported in [REDACTED]: [REDACTED];[REDACTED]. *See also* [REDACTED].

⁹¹¹ [REDACTED];P04166_ET(Public).

⁹¹² [REDACTED];P04167(Public);[REDACTED]; [REDACTED].

⁹¹³ P00293;p.1(Public). *See also* P00794:p.3352(Public).

⁹¹⁴ [REDACTED]. *See also* P00812_ET.21(Public);P00595_ET(Public).

⁹¹⁵ [REDACTED];P00811_ET.35(Public); P00811_ET.47:pp.SPOE00053982-SPOE00053983(Public).

⁹¹⁶ [REDACTED]. *See also* AF113(Public);[REDACTED];P00811_ET.15:p.SPOE00053612(Public); P00309_ET:p.SPOE00056435(Public).

⁹¹⁷ [REDACTED];[REDACTED].

⁹¹⁸ [REDACTED];[REDACTED]; [REDACTED]; [REDACTED];[REDACTED].

⁹¹⁹ [REDACTED];[REDACTED]. *See also* P00515_ET.30:p.008099(Public);[REDACTED].

⁹²⁰ *See e.g.* Blerim KUQI: [REDACTED]; Ymer XHAFIQI: [REDACTED]; [REDACTED]: [REDACTED]; Veljko MARKOVIĆ and Nebojša ĐURIČIĆ: [REDACTED]; [REDACTED]: [REDACTED].

⁹²¹ P00189_ET.1:pp.U015-8803-U015-8804(Public);P00186_ET:p.SPOE00226190(Public). *See also* P00800:T.5022-5024(Public);P00794:T.3308-3309(Public);[REDACTED]; P00189_ET.1:p.U015-8775, U015-8878-U015-8879(Public);P01857_ET:p.14(Public).

1996, **THAÇI**, **VESELI** and **KRASNIQI** continued to be involved in the nascent KLA, including in the political aspects thereof.⁹²² In **KRASNIQI**'s words, at the start of 1997, the KLA was 'on a more stable, organised and far-sighted political footing led by **THAÇI**'.⁹²³ Around this time, following a meeting he attended with **THAÇI** and **VESELI** at Ferat SHALA's house, **KRASNIQI** joined the General Staff as a political representative.⁹²⁴

224. By at least June 1998, **THAÇI** headed the Political Directorate; **VESELI** and **KRASNIQI** were members of this directorate in addition to their respective roles as head of the KLA Intelligence Directorate and official KLA Spokesperson.⁹²⁵ The Political Directorate was also represented at the local level, where KLA members executed the Directorate's policy, including by targeting Opponents.⁹²⁶ From around June 1998, **THAÇI** also headed the Information Directorate.⁹²⁷

225. Under **THAÇI**'s leadership, the Political and Information Directorates were key in the formulation and dissemination of internal and external policy, including in relation to the identification and treatment of Opponents.⁹²⁸ Through the issuance of statements, political declarations, and communiqués, the Information Directorate disseminated the information and propaganda which the Political Directorate

⁹²² See e.g. P00794:T.3305-3307, 3310(Public);P01859_ET.2:p.SPOE00053003(Public);P00739.6_ET:pp.1-2(Public);[REDACTED].

⁹²³ P00189_ET.1:p.U015-8806, U015-8879(Public). See also P00847_ET:p.3(Public); P01880_ET:p.22(Public).

⁹²⁴ P00189_ET.1:p.U015-8806(Public);P00800:T.5022-5024(Public);P00794:T.3305, 3309-3310(Public). [REDACTED], see [REDACTED]; [REDACTED];[REDACTED].

⁹²⁵ P03734_ET:pp.SPOE00226145-00226148, SPOE00226150-00226151(Public);P00189_ET.1:pp.U015-8833(Public);[REDACTED];P01881_ET:p.SPOE00226857(Public); [REDACTED];[REDACTED]; [REDACTED];[REDACTED].

⁹²⁶ See W02652:T.2984(17-Apr-2023)(Open);[REDACTED]; 1D00006_ET(Public);[REDACTED].

⁹²⁷ P00189_ET.1:pp.U015-8833(Public);[REDACTED];W04752:T.17548-17549(03-Jul-2024)(Open);[REDACTED];[REDACTED];[REDACTED];[REDACTED].

⁹²⁸ Section II.A.1.b; see also P00189_ET.1:p.U015-8836(Public);P00008_ET(Public);P00008.1_ET(Public); [REDACTED];P00648_ET:p.SPOE00225130(Public);[REDACTED]; [REDACTED];[REDACTED];P03734_ET:pp.SPOE00226145-00226148, SPOE00226150-00226151(Public);P00687_ET(Public);[REDACTED]; P01264_ET:pp.SPOE00128747-00128750(Public);P00305_ET:p.2(Public);P00839_ET:p.8(Public); P00301_ET(Public).

shaped.⁹²⁹ The Information Directorate also issued orders to OZ commanders, including in relation to the information to be disseminated within their areas of responsibilities.⁹³⁰ KLA members, including OZ commanders, required authorisation from the Information Directorate before speaking to the media.⁹³¹

226. The KLA's message was not only fashioned and deployed in written form. In his first public appearance as KLA spokesperson on 14 June 1998 in Klečkë/Klečka, **KRASNIQI**, in the presence of **VESELI**, Fatmir LIMAJ, Shukri BUJA, Ferat SHALA and others, conveyed the General Staff's opinion that 'political pluralism is a luxury'.⁹³²

227. Beyond being the public face of the KLA, as a member of the Political Directorate, **KRASNIQI** also played a key role in various aspects of the KLA's functioning. By way of example, he prepared the Provisional Regulations, which highlighted the need for cooperation among various KLA entities, including military and intelligence units, and demanded that there be no mercy shown to those obstructing the KLA.⁹³³

228. On 13 August 1998, the KLA Political Directorate issued Political Declaration no.7, referring to 'special warfare' and, echoing the Provisional Regulations, threatening

⁹²⁹ Sections II.A.1.b and V.I. See e.g. P00289_ET(Public);P00272_ET(Public);P00270_ET.6(Public); P00581_ET(Public);P00579_ET(Public);P00189_ET.5:p.U015-9029(Public);[REDACTED]; P00287_ET(Public);P00288_ET(Public);P00294_ET(Public);[REDACTED]. See also P00800:T.5012-5013, 5015(Public);W01453:T.21815-21816(04-Nov-2024)(Open);W01453:T.22108(06-Nov-2024)(Open);W01453:T.22209, 22248-22249(07-Nov-2024)(Open);P01816.1_ET:p.8(Public); P00794:T.3317(Public);[REDACTED].

⁹³⁰ P02418_ET(Public);P02453_ET(Public);P02454_ET(Public).

⁹³¹ P00879_ET(Public);P01390_ET(Public);P01391_ET(Public);W04752:T.17384(01-Jul-2024)(Open); P04139_ET:p.SPOE00231951(Public);[REDACTED].

⁹³² P01255(Public);P01255_ET(Public);W04410:T.16645, 16647(04-Jun-2024)(Open);W04410:T.16884-16885(06-Jun-2024)(Open);[REDACTED];P01264_ET:pp.SPOE0128621, SPOE0128623, SPOE0128627(Public);P00795:T.3401-3402(Public);P00778:T.6661(Public); [REDACTED];W01453:T.21893-21894(05-Nov-2024)(Open).

⁹³³ P00008_ET(Public);P00008.1_ET(Public);[REDACTED]; P00648_ET:p.SPOE00225130(Public);P00189_ET.1:p.U015-8836(Public);P01015_ET:p.036669(Public). See also AF236(Public);P00643_ET:p.SPOE00229213(Public). **KRASNIQI** also prepared the Regulations for Reconnaissance Sub-Detachments, see P00189_ET.1:p.U015-8836(Public);P03669_ET(Public); P03670_ET(Public).

that the KLA would be ‘merciless’ to those engaged in ‘divisive activity’.⁹³⁴ Through the same declaration, the General Staff appointed **KRASNIQI, THAÇI**, Xhavit HALITI, Bardhyl MAHMUTI, Faton MEHMETAJ and Sokol BASHOTA as the KLA’s political representatives, and entrusted Adem DEMAÇI with a role in the process of creating the institutions of Kosovo.⁹³⁵

229. The declaration’s language clearly delineated the scope of DEMAÇI’s appointment.⁹³⁶ DEMAÇI was not a member of the General Staff, had limited authority within the KLA⁹³⁷ and failed to advance the specific task he was assigned.⁹³⁸ After voicing his opposition to the Rambouillet agreement, DEMAÇI resigned from the KLA in March 1999 when it became clear his views on the matter were being ignored.⁹³⁹

230. While he was engaged by the General Staff, DEMAÇI was subordinated to **THAÇI**⁹⁴⁰ who, as head of the Political and Information Directorates, in glaring contrast to DEMAÇI, wielded authority in key political and military matters, often blurring the lines between the two. On the political side, **THAÇI**, *inter alia*, oversaw the formulation and dissemination of the information provided by the KLA to the public, was a key interlocutor with internationals, and controlled external relations with the media.⁹⁴¹ In addition to being members of the General Staff, the most senior leading and

⁹³⁴ 1D00050_ET(Public).

⁹³⁵ 1D00050_ET(Public);P04485(Public).

⁹³⁶ 1D00050_ET(Public);P04172_ET:pp.2-3(Public);P03702_ET:p.SPOE00231356(Public);P03711_ET:p.SPOE00225053(Public).

⁹³⁷ P01091_ET:p.SPOE00231107(Public);W04408:T.7325-7326, 7355, 7357-7358, 7366(06-Sep-2023)(Open);P00376(Public);W04408:T.7311-7313(05-Sep-2023)(Open);W04408:T.7573, 7577-7581(07-Sep-2023)(Open);[REDACTED];[REDACTED];W04147:T.13940-13941(27-Mar-2024)(Open);W04147:T.13989-13990, 13996-13999(28-Mar-2024)(Open);P01090_ET:p.SPOE00226141(Public);1DW-008:T.27703-27704(10-Nov-2025)(Open);W03880:T.8477-8478(09-Oct-2023)(Open);P00841:00:10:53-00:13:09(Public);P00841_ET:p.3(Public).

⁹³⁸ P04172_ET:pp.2-3(Public);P00812_ET.5:p.SPOE00054205(Public).

⁹³⁹ Section II.A.3.b; see P01264_ET:pp.SPOE00128804-00128805(Public);P00812_ET.3(Public).

⁹⁴⁰ [REDACTED];P00763.5_ET:p.16-17(Public);P00763.7_ET:p.1(Public); see also P01069:p.075327(Public).

⁹⁴¹ Section II.A.4.a.

commanding body of the KLA,⁹⁴² **THAÇI** and **VESELI** also undertook classic military roles.

231. For example, the RPGs which **THAÇI** and **VESELI** brought to Jabllanicë/Jablanica in August 1997 were used in attacks launched by the KLA thereafter.⁹⁴³ At the end of May 1998, **THAÇI** and **VESELI** went to Deçan/Dečani where the KLA provoked a battle in what seemed like an attempt to undermine peace talks taking place around the time.⁹⁴⁴ Around the same period of time, **VESELI** visited Krojmir/Krajmirovce, advising soldiers on where to set up positions.⁹⁴⁵

232. **THAÇI** and **VESELI** monitored the situation on the ground at the Bardh i Madh/Veliki Belačevac mine after the KLA takeover in mid-June 1998.⁹⁴⁶ Around a month later, with **SELIMI** and other General Staff members, they were on the ground after the Rahovec/Orahovac attack, planning and partaking in measures to defend against a Serbian advance.⁹⁴⁷ In late July 1998, **THAÇI**, **VESELI**, and **LIMAJ** were on the front lines at the Llapushnik/Lapušnik gorge,⁹⁴⁸ and in September 1998, **THAÇI** and **SELIMI** were in the Drenicë OZ assisting units and planning action in the face of the Serbian offensive.⁹⁴⁹

233. Although he did not form part of the Political Directorate, in early May 1998 **SELIMI** represented the General Staff in meetings with LKÇK representatives; an agreement incorporating LKÇK forces into the KLA and placing them under General

⁹⁴² Section II.A.3.a.

⁹⁴³ P01883_ET:pp.SPOE00131832-00131833(Public).

⁹⁴⁴ [REDACTED];P00607_ET:p.4(Public);1DW-008:T.27657-27658(10-Nov-2025)(Open);1DW-008:T.27839-27841(11-Nov-2025)(Open);1D00423:pp.DHT12258-DHT12259(Public); P04259:p.1D00-0423(Public).

⁹⁴⁵ W04741:T.14831(24-Apr-2024)(Open).

⁹⁴⁶ P01264_ET:pp.SPOE00128630-00128631, SPOE00128720(Public);W04410:T.16649-16650, 16660-16662(04-Jun-2024)(Open).

⁹⁴⁷ Section III.E.

⁹⁴⁸ P00189_ET.1:p.U015-8831(Public).

⁹⁴⁹ P04203_ET:pp.6-7(Public).

Staff command was reached.⁹⁵⁰ This was not **SELIMI**'s only foray into the KLA's political activities. In July 1998, soon after the arrival of Tahir ZEMAJ and FARK forces in Kosovo, **SELIMI**, with **THAÇI**, represented the General Staff at meetings with Prime Minister Bujar BUKOSHI and Ahmet KRASNIQI, Minister of Defence of the government-in-exile.⁹⁵¹ **SELIMI** rejected BUKOSHI's proposal for KLA forces to join the forces of the government-in-exile.⁹⁵²

234. Based on operational needs, the political and information directorates were formally separated in mid-November 1998. **THAÇI** retained leadership of the Political Directorate, which, in his own words and much like before, had the 'political orientation' of the KLA as its mission.⁹⁵³ Unlike other directorates, **THAÇI**'s Political Directorate did not fall under the Chief of Staff. **THAÇI** consulted directly with the KLA General Commander with whom he could take joint decisions.⁹⁵⁴

235. OZ commanders continued to look to the Political Directorate to 'take specific actions to raise the combat morale, for the agitation and propaganda, as well as other political preventive measures to stop the divisive and traitor elements and increase the human and national quality and quantity.'⁹⁵⁵ Alongside their military actions, **THAÇI**, **KRASNIQI** and **VESELI** continued to engage in political matters, including through their involvement in the Rambouillet conference and negotiations.⁹⁵⁶

236. Following the November 1998 restructuring, the Information Directorate included two entities established by the General Staff – the *Kosovapress* news agency,

⁹⁵⁰ [REDACTED];P04200_ET:pp.5-6(Public); see also P03698_ET:p.4(Public); P00793:pp.U016-2175-U016-2176(Public).

⁹⁵¹ P00739.7_ET:p.19(Public);[REDACTED];P00763.2_ET:pp.10-11(Public); P04203_ET:pp.3-4(Public).

⁹⁵² P04203_ET:p.4(Public);P00763.2_ET:p.13(Public).

⁹⁵³ P00739.4_ET:p.8(Public);4D00011_ET(Public);P00189_ET.1:p.U015-8878-U015-8879(Public); W04752:T.17548-17549(03-Jul-2024)(Open);P01355.7:p.13(Public).

⁹⁵⁴ W04752:T.17633(04-Jul-2024)(Open);P00189_ET.1:pp.U015-8878-U015-8879(Public); [REDACTED].

⁹⁵⁵ P00617_ET:p.SPOE00228802(Public).

⁹⁵⁶ Section II.A.3.b.

overseen by Berat LUZHA, and Radio Free Kosovo, under Ahmet QERIQI.⁹⁵⁷ The Information Directorate was to continue to boost morale within all levels of the KLA and engage in propaganda and promotion, and cooperate with other directorates, including **THAÇI**'s Political Directorate.⁹⁵⁸ The two media outlets were used to spread KLA propaganda against Opponents and demand total loyalty to the KLA/PGoK leadership.⁹⁵⁹ As Radio Free Kosovo itself confirmed, its criticisms of 'certain political clans' were made with General Staff and PGoK support.⁹⁶⁰

237. Once the PGoK was formed in March 1999, **THAÇI** continued his political leadership within the KLA, still commingled with military activity, through his position as PGoK Prime Minister.⁹⁶¹ **KRASNIQI** remained KLA/PGoK spokesperson,⁹⁶² and public information now fell under the PGoK Ministry of Public Information, headed by Bajram KOSUMI,⁹⁶³ Hajdin ABAZI from the Information Directorate,⁹⁶⁴ and Berat LUZHA, who maintained his leadership role in *Kosovapress*.⁹⁶⁵ The formation of the PGoK did not bring about any change to the message spread by the KLA.⁹⁶⁶

⁹⁵⁷ 4D00011_ET(Public);P03743_ET(Public);P01080;p.075399(Public);P00189_ET.1:pp.U015-8881, U015-8885(Public);P00915_ET:p.094873(Public);[REDACTED];
P00187_ET:p.SPOE00055742(Public);P01401_ET:pp.SPOE00082292-00082293(Public);
P03805_ET.1:p.SPOE00082273(Public);P01410_ET(Public);W04752:T.17448(02-Jul-2024)(Open);
P00739.4_ET:pp.7-8(Public);P01092_ET:pp.SPOE00230877-00230878(Public);P00593_ET(Public);
P00811_ET.2:p.SPOE00053560(Public); *see also* [REDACTED].

⁹⁵⁸ [REDACTED].

⁹⁵⁹ Section II.A.1.b.

⁹⁶⁰ P00515_ET.59:p.008726(Public).

⁹⁶¹ Section II.A.3.b.

⁹⁶² Section II.A.3.b.

⁹⁶³ 4D00060(Public);1D00070_ET(Public);P00813_ET.5(Public);P00515_ET.51(Public);
P00515_ET.65:p.008865(Public);P01264_ET:pp.SPOE00128838, SPOE00128844-00128845, SPOE00128897,
SPOE00128903(Public).

⁹⁶⁴ P04175(Public);P04176(Public);[REDACTED].

⁹⁶⁵ P00814_ET.32(Public).

⁹⁶⁶ Section II.A.1.b.

i. Civil Administration

238. In summer 1998,⁹⁶⁷ as the KLA free zones expanded,⁹⁶⁸ the GS began taking increasingly decisive steps through the Directorate for Public Relations and Civil Administration (G-5, 'DPRCA') to set up civil administration structures.⁹⁶⁹

239. By July 1998, on the basis of a GS decision, a department for public relations and civil administration was created in the municipality of Malishevë/Mališevo in the Pashtrik OZ.⁹⁷⁰ In the following months, in coordination with the GS, other OZs started identifying and proposing to the GS candidates, many of whom would later become KLA/PGoK-appointed mayors.⁹⁷¹

240. On 5 November 1998, the GS publicly announced its decision to organise 'the civil administration, including all its sectors and departments, in vertical and horizontal lines, all over the territory controlled and administered by' the KLA, through the DPRCA.⁹⁷² Its goal was to lay down the 'foundations of civil local and central administration' and 'to relieve of their snatched responsibilities the possible irresponsible, abusive, wasteful people that the war circumstances may produce.'⁹⁷³

241. Ramë BUJA was publicly acknowledged as DPRCA chief shortly thereafter.⁹⁷⁴ BUJA – who was also a member of the GS Political Directorate⁹⁷⁵ – participated in

⁹⁶⁷ P00795:T.3407-3408(Public);P00838_ET:p.2(Public);P00647_ET:p.SPOE00225284(Public).

⁹⁶⁸ P00811_ET:32:p.SPOE00053771(Public).

⁹⁶⁹ P00838_ET:p.2(Public);P01881_ET:p.SPOE00226857(Public);P00795:T.3407-3408(Public) *but see* W04752:T.18398-18399(17-Jul-2024)(Open);P04140_ET:p.1(Public);P00647_ET:p.SPOE00225284(Public).

⁹⁷⁰ P01260_ET:p.1(Public);[REDACTED];[REDACTED]; [REDACTED];W02144:T.16308(29-May-2024)(Open);[REDACTED].

⁹⁷¹ *See e.g.* W04746:T.5621-5624(13-Jul-2023)(Open);P00693.4_ET:p.15(Public); [REDACTED]; [REDACTED].

⁹⁷² P03757_ET(Public).

⁹⁷³ P03757_ET(Public). *See also* P00305_ET:p.2(Public);P00189_ET.1:p.U015-8878-U015-8879(Public).

⁹⁷⁴ P00305_ET:p.2(Public).

⁹⁷⁵ 4D00011_ET(Public);P00270_ET.12:p.1(Public);[REDACTED]; [REDACTED].

negotiations,⁹⁷⁶ including regarding the status of Kosovo, the Rambouillet agreement,⁹⁷⁷ and negotiations about detainees.⁹⁷⁸ BUJA also attended numerous GS meetings⁹⁷⁹ and engaged in a wide variety of issues, including operational issues,⁹⁸⁰ and the situation of KLA troops on the ground.⁹⁸¹

242. On 23 November 1998, the GS issued the Public Relations and Civil Administration Regulations, establishing that the DPRCA was 'the superior body of the

⁹⁷⁶ P00515_ET.43(Public);P00305_ET:p.043864(Public). On BUJA being a GS member maintaining contacts with internationals: in October 1998, *see* W04401:T.23050-23051(02-Dec-2024)(Open); W04401:T.23232(03-Dec-2024)(Open); in November 1998, *see* 1DW-008:T.27687-27689(10-Nov-2025)(Open);1DW-008:T.27731(11-Nov-2025)(Open);1D00423:p.DHT12287(Public);P01086:00:00:00-00:01:29(Public);[REDACTED];P01264_ET:pp.SPOE00128747, SPOE00128858(Public); in December 1998, *see* P01072:p.116681(Public);W04147:T.13534, 13537-13539(25-Mar-2024)(Open); [REDACTED];[REDACTED];P00842_ET(Public); in March 1999, *see* [REDACTED];[REDACTED];P01264_ET:pp.SPOE00128805-00128809, SPOE00128885(Public);1D00360(Public);1DW-009:T.27990(12-Nov-2025)(Open); in September 1999, *see* 1D00347:pp.DHT05366-DHT05370(Public).

⁹⁷⁷ [REDACTED];P00842(Public);P00842_ET(Public); P00515_ET.35(Public);P00515_ET.36(Public);P00515_ET.41(Public);P00189_ET.1:pp.U015-8846, U015-8889-U015-8890, U015-8895, U015-8896-U015-8897, U015-8906, U015-8929, U015-8931(Public); P01264_ET:pp.SPOE00128747, SPOE00128789, SPOE00128805, SPOE00128858(Public);W04401:T.23050, 23054(02-Dec-2024)(Open);W02144:T.16233(29-May-2024)(Open);[REDACTED]; 4D00040(Public);[REDACTED];[REDACTED];P00843_ET:p.2(Public); P00812_ET.2:pp.SPOE00054142-00054143(Public);W01453:T.21986(05-Nov-2024)(Open); W04746:T.5698(14-Jul-2023)(Open).

⁹⁷⁸ P00515_ET.7(Public);[REDACTED];W04401:T.23060-23063(02-Dec-2024)(Open); P00515_ET.6(Public);[REDACTED];[REDACTED]; P00189_ET.1:pp.U015-8893, U015-8895-U015-8898(Public);P00811_ET.15:p.SPOE00053612(Public); [REDACTED];[REDACTED].

⁹⁷⁹ 4D00011_ET(Public);[REDACTED];[REDACTED]; P01074:p.075344(Public);[REDACTED];P01393_ET:p.SPOE00226625(Public); [REDACTED];P00189_ET.1:p.U015-8923(Public);P03779_ET:p.SPOE00229219(Public); P00645_ET(Public);[REDACTED];[REDACTED]; W04752:T.17505-17506(03-Jul-2024)(Open);[REDACTED];P00763.5_ET:p.20(Public); [REDACTED];4D00068_ET:p.SPOE00226468(Public);W04746:T.5563, 5565-5566, 5568(12-Jul-2023)(Open);P01408_ET:p.SPOE00227860(Public);P00187_ET:p.SPOE00055838(Public); P00693.4_ET:pp.10, 17(Public);W04746:T.5618-5619, 5622(13-Jul-2023)(Open).

⁹⁸⁰ [REDACTED]; [REDACTED];W04752:T.17506(03-Jul-2024)(Open); W04752:T.17777-17778(08-Jul-2024)(Open);P00763.5_ET:p.20(Public).

⁹⁸¹ P00518(Public);P02999(Public);P02999_ET(Public);W01453:T.21998-22000(05-Nov-2024)(Open); [REDACTED];P02933(Public)(handwritten version);P02933_ET(Public); [REDACTED];W04758:T.21053-21057(23-Oct-2024)(Open); [REDACTED]; P00187_ET:p.SPOE00055838(Public);W04758:T.21637-21639(31-Oct-2024)(Open);P01755.9_ET:pp.3-4(Public);P01755.3_ET:p.8(Public);[REDACTED]; P00812_ET.13:p.SPOE00054557(Public).

civil administration',⁹⁸² and that civilian administration bodies had 'a permanent duty of cooperating with those authorised by the KLA'.⁹⁸³ Its main function was to 'establish the power structures, and the proper administration of the civilian life [...] in all its aspects'.⁹⁸⁴ The Public Relations and Civil Administration Regulations were also designed to ensure taxation and administration in support of the KLA,⁹⁸⁵ in conformity with GS decisions.⁹⁸⁶ This included regulating the collection of contributions from the Homeland Calling Fund.⁹⁸⁷ The Public Relations and Civil Administration Regulations also served as a basis for KLA decisions, including in relation to detainees, in the OZs.⁹⁸⁸

243. The DPRCA was subdivided into seven sectors,⁹⁸⁹ and cooperated closely with the Political and Information Directorates,⁹⁹⁰ as well as with the Military Police Directorate.⁹⁹¹ By early January 1999, the DPRCA local administrators were set up, functional, and reporting to the GS.⁹⁹² Every OZ also had a civilian-military relations sector, which worked with the DPRCA.⁹⁹³ In early 1999, BUJA publicly declared that through the DPRCA – which aimed at 'lay[ing] the solid foundations of a genuine future

⁹⁸² P03668_ET:para.7(Public).

⁹⁸³ P03668_ET:para.5(Public). *See also* P03667_ET(Public).

⁹⁸⁴ P04140_ET:p.SPOE00231957(Public).

⁹⁸⁵ P03668_ET:para.5(Public);P03667_ET:pp.SPOE00231477-00231478(Public).

⁹⁸⁶ P03668_ET:para.2(Public);P03667_ET:pp.SPOE00231477-00231478(Public).

⁹⁸⁷ *See e.g.* P03684_ET(Public);P03683_ET(Public). *See also* P03774_ET:p.SPOE00227661(Public).

⁹⁸⁸ [REDACTED];[REDACTED];[REDACTED];[REDACTED];
[REDACTED];[REDACTED];[REDACTED]. *See also* W04746:T.5911-5914(17-Jul-2023)(Open);W04147:T.14001-14002(28-Mar-2024)(Open);P03683_ET(Public);
P03684_ET(Public);P03774_ET(Public).

⁹⁸⁹ P03758_ET:p.SPOE00231892(Public);P03668_ET:pp.SPOE00232652-00232653(Public);
P04140_ET:p.SPOE00231958(Public).

⁹⁹⁰ [REDACTED].

⁹⁹¹ P00009_ET:para.9(Public). *See also* 1D00033_ET:p.SPOE00226335(Public)(noting that a MP unit provided security for DPRCA premises).

⁹⁹² P03774_ET:p.SPOE00227661(Public);[REDACTED];P00812_ET.4(Public);
P00811_ET.40(Public);P00515_ET.24:p.008016(Public);P00811_ET.49(Public);
P00811_ET.34:p.SPOE00053790(Public).

⁹⁹³ [REDACTED].

state' – the KLA was 'present in every place and corner of Kosovo'.⁹⁹⁴

244. Upon the formation of the PGoK, BUJA was appointed Minister of Local Government, a role mirroring his DPRCA remit.⁹⁹⁵ In summer 1999, BUJA, alongside **THAÇI** or **SELIMI**, took part in meetings with internationals, local events, and visits to units on the ground.⁹⁹⁶ In July 1999, BUJA publicly stated that the PGoK had appointed mayors in 26 of 29 municipalities and organised governance from municipal to central levels, asserting PGoK leadership of local government, also noting that UNMIK/KFOR competencies remained 'undefined'.⁹⁹⁷

j. Legal Sector and Military Court

245. The Legal (or Juridical) Sector and Military Court played an important role in attempts to legitimise the KLA and justify abductions and detentions to the international community and the public.⁹⁹⁸ As set out below, at first, the publicly-asserted existence of this sector was a fiction. After its creation, the Legal Sector was, in theory, in charge of setting up a Kosovo-wide military justice system,⁹⁹⁹ overseeing

⁹⁹⁴ P00811_ET.32:pp.SPOE00053771-00053772(Public).

⁹⁹⁵ 4D00060:p.1(Public);W02144:T.16292-16293(29-May-2024)(Open);[REDACTED]; P04117:p.SITF40008316(Public);P04176(Public);P04190_ET:pp.2(Public);P04193:p.020666(Public). *See* Section II.A.3.b.

⁹⁹⁶ P00519(Public);1D00178_ET:p.DHT04069(Public);1D00179_ET:p.DHT4072(Public); 1D00177_ET:p.DHT04067(Public);P01264_ET:p.SPOE00128904(Public);4D00060:p.01966(Public).

⁹⁹⁷ P04190_ET:p.2(Public).

⁹⁹⁸ *See e.g.* W04752:T.17643(04-Jul-2024)(Open);P00743.1:p.SPOE00198220(Public);W02161:T.10652-10653(06-Dec-2023)(Open);P00515_ET.29:pp.008088-008090(Public);P01963:pp.054676, 054685, 054692(Public);P01955.2_ET:pp.21, 24-25(Public);P01955.3_ET:pp.8-9(Public);P01067:p.075304(Public); W04408:T.7323-7324, 7327, 7334(06-Sep-2023)(Open);[REDACTED]; P00515_ET.29:p.008088(Public). *See also* P01256_ET:p.2(Public);P02031_ET(Public).

⁹⁹⁹ *See e.g.* W04752:T.17647(04-Jul-2024)(Open);W04401:T.23223(03-Dec-2024)(Open); P00515_ET.29:pp.008088-008089(Public);[REDACTED]; [REDACTED]; P01955.2_ET:p.15(Public).

serious disciplinary violations,¹⁰⁰⁰ and dealing with collaboration cases,¹⁰⁰¹ including by civilians.¹⁰⁰² However, this sector was marginalised, under-resourced, ineffective, failed to guarantee basic due process in the few cases it handled, and was not independent.¹⁰⁰³

246. Even before the Military Court was established, much less functional, the General Staff 'Justice Directorate' published on 1 November 1998 a 'verdict' against two detained Serbian journalists referring to '[...] Section VIII, respectively the regulation of the KLA military police'.¹⁰⁰⁴ Another General Staff 'Justice Directorate' document, which is dated 7 November 1998 and was seized from **Jakup KRASNIQI**'s residence, recorded that the 'KLA Military Court Investigative Judge, based on information by the KLA [intelligence services] and Chapter VIII, item four, of the Temporary Regulation'¹⁰⁰⁵ decided to continue the investigations against two detained LDK members.¹⁰⁰⁶ The Provisional Regulations referenced in these 'Justice Directorate' documents – which were not provided to the detainees¹⁰⁰⁷ – governed KLA internal life, specifically the duties of the military police, and did not contain any criminal offences.

¹⁰⁰⁰ See e.g. W04752:T.17444-17445(02-Jul-2024)(Open); W04752:T.17641, 17645-17647(04-Jul-2024)(Open); W04752:T.18448(17-Jul-2024)(Open); [REDACTED]; [REDACTED]; P01356_ET:p.6062(Public); P00775_ET:p.SPOE00068085(Public); [REDACTED]; P02006.3_ET:pp.7-8(Public); [REDACTED]; P01963:p.054668(Public); P01964:p.054722(Public); P01955.5_ET:pp.17-18(Public); P01955.9_ET:pp.10-11(Public).

¹⁰⁰¹ See e.g. [REDACTED]; W04752:T.17539-17540(03-Jul-2024)(Open); W04752:T.17636, 17640-17641(04-Jul-2024)(Open); [REDACTED]; [REDACTED]; P02090.4_ET:pp.18-19(Public); [REDACTED].

¹⁰⁰² See e.g. W04752:T.18357(16-Jul-2024)(Open); W04752:T.18413-18414(17-Jul-2024)(Open); P00775_ET:p.SPOE00068084(Public); [REDACTED]; [REDACTED]; P00889_ET:p.U001-4905(Public); P01955.5_ET:p.9(Public); P01963:p.054674(Public). See also [REDACTED].

¹⁰⁰³ See e.g. W04743:T.24720-24721, 24693(28-Jan-2025)(Open); P00775_ET:p.SPOE00068079(Public); [REDACTED]; P02007.2_ET:pp.21-22(Public); [REDACTED]; P01955.4_ET:pp.1-3, 8(Public); P00012_ET:p.058013(Public). See also P01955.5_ET:pp.12-13(Public); P01955.9_ET:p.20(Public); Sections III.N; III.M.

¹⁰⁰⁴ P00378(Public): Chapter VIII of the *Provisional Regulations* is entitled 'The Military Police and Its Duties'. See P00008_ET:p.27(Public). See also [REDACTED]; P00300_ET(Public); Section III.M.1.

¹⁰⁰⁵ Under Article 5 of Chapter VIII of the *Provisional Regulations*, the fourth item refers to the military police duty 'to monitor the movement of suspicious people and journalists in order to ensure that they are not engaged in forbidden activity or taking photographs or filming'. See P00008_ET:p.27(Public).

¹⁰⁰⁶ P01250_ET(Public). See also [REDACTED].

¹⁰⁰⁷ See Section III.M.1.

247. On 10 November 1998, **Hashim THAÇI** and Fatmir LIMAJ, introducing himself as head of the 'Judicial Directorate', falsely told Human Rights Watch representatives that Nebojša RADOŠEVIĆ and Vladimir DOBRIČIĆ had been tried, convicted, and were serving their sentence.¹⁰⁰⁸

248. Following a 12 November 1998 meeting – and based on the 'need for reorganisation, structuring, and institutionalization' – the General Staff appointed W04264 as head of the legal sector on 19 November 1998.¹⁰⁰⁹ **Jakup KRASNIQI** informed W04264 of his appointment in Divjakë/Divljaka.¹⁰¹⁰ The Legal Sector spent about one and a half months primarily drafting legal documents and codes; W04264 recalled the approval of that process at the end of January/beginning of February.¹⁰¹¹ The General Staff also established a Military Court, headed by W04264.¹⁰¹² In February 1999, W04264 told *Kosovapress* that he had created a Legal Services office and was

¹⁰⁰⁸ See Section III.M.1.

¹⁰⁰⁹ See e.g. [REDACTED]; [REDACTED]; P01396_ET:p.1(Public);W04752:T.17411(01-Jul-2024)(Open);W04752:T.17539(03-Jul-2024)(Open); W04746:T.5573(12-Jul-2023)(Open);W04743:T.24714-24715(28-Jan-2025)(Open); P00775_ET:pp.SPOE00068079, SPOE00068083-00068084(Public); [REDACTED]; P02007.3_ET:p.6(Public);P00189_ET.1:p.U015-8881(Public);P01393_ET:p.SPOE00226624(Public); 4D00077:pp.SITF00393432-SITF00393433(Public); [REDACTED];[REDACTED]; [REDACTED]; [REDACTED];P01963:pp.054668, 054690(Public);P01964:pp.054721, 054726(Public);P01955.3_ET:p.7(Public);[REDACTED]. See also W04765:T.10461(04-Dec-2023)(Open);W04489:T.11797-11798(25-Jan-2024)(Open);P00712_ET:p.SPOE00209329(Public); 1D00072(Public).

¹⁰¹⁰ See e.g. P01956:paras.1-2(Public);P01955.1_ET RED:p.8(Public);P01955.2_ET:pp.3, 7-8(Public); P01963:p.054668(Public);P01964:p.054726(Public).

¹⁰¹¹ See e.g. P00811_ET.44:pp.SPOE00053947-SPOE00053948(Public);P01955.2_ET:pp.11, 13, 24-25(Public); P01955.3_ET:pp.4-6(Public);P01955.5_ET:pp.7, 13-15(Public);P01956:paras.1, 7-8(Public); P01963:pp.054667-054668(Public).

¹⁰¹² See e.g. W04752:T.17642(04-Jul-2024)(Open);W04752:T.18354(16-Jul-2024)(Open); P00775_ET:p.SPOE00068079(Public);W04290:T.25074(11-Feb-2025)(Open);W04743:T.24685, 24714-24716(28-Jan-2025)(Open); [REDACTED]; [REDACTED];[REDACTED]; [REDACTED]; [REDACTED];W04403:T.25725(24-Mar-2025)(Open);4D00077:pp.SITF00393432-SITF00393433(Public);P01356_ET:pp.5941, 5954(Public);P02090.3_ET:p.5(Public);P02090.4_ET:pp.19, 21(Public);P02089_ET:p.SPOE00067220(Public); [REDACTED];P02006.2_ET:pp.16-17(Public);P02007.2_ET:p.11(Public);P02007.3_ET:p.6(Public); [REDACTED]; [REDACTED];P01863_ET:p.13(Public);P01963:pp.054667-054668(Public); [REDACTED];P01964:p.054721(Public); [REDACTED]; [REDACTED]; [REDACTED];[REDACTED]; P03749_ET:p.SPOE00226690(Public);P00012_ET:p.058010(Public); [REDACTED]; [REDACTED];P01955.2_ET:p.8(Public).

‘taking steps’ for the creation of military courts and prosecution service.¹⁰¹³ Despite W04264’s personnel requests to the General Staff,¹⁰¹⁴ the sector consisted solely of W04264 and two other lawyers,¹⁰¹⁵ who worked and slept in the same office at the General Staff headquarters in Divjakë/Divljaka.¹⁰¹⁶

249. The command, in particular, Deputy Commander **KRASNIQI**, oversaw the work of the legal sector,¹⁰¹⁷ and remained W04264’s primary contact.¹⁰¹⁸ W04264 attended only one General Staff meeting¹⁰¹⁹ and reported to General Staff members informally and ‘spontaneously’.¹⁰²⁰ General Staff members very rarely – if ever – visited the Military Court, or inquired about its work or cases.¹⁰²¹ For example, W04290 – the Drenicë Zone Commander when W04264 was appointed, the General Commander in February and March 1999, and then the National Guard Commander – did not remember having met W04264, having heard of his position through a General Staff communiqué.¹⁰²²

¹⁰¹³ P00811_ET.44(Public).

¹⁰¹⁴ See e.g. P01964:p.054722(Public);P01963:p.054669(Public);P01955.2_ET:pp.5, 7(Public); P01955.5_ET:pp.16, 25(Public).

¹⁰¹⁵ See e.g. P01356_ET:pp.5954, 6061(Public);4D00078:para.6(Public);4D00077:p.SITF00393433(Public); P02088:para.2(Public);W04752:T.17644(04-Jul-2024)(Open);[REDACTED]; [REDACTED];P01955.2_ET:p.6(Public);P01955.3_ET:p.4(Public); P01955.4_ET:p.2(Public);P01963:p.054668(Public).

¹⁰¹⁶ See e.g. W04752:T.17423-17424(02-Jul-2024)(Open);P02007.3_ET:pp.17-18(Public); [REDACTED];P01955.2_ET:p.2(Public);P01955.4_ET:pp.1-2(Public); P01955.5_ET:pp.15-16(Public);[REDACTED].

¹⁰¹⁷ W04752:T.18359(16-Jul-2024)(Open);P01956:p.SITF00010488(Public); [REDACTED] .

¹⁰¹⁸ See e.g. P01955.2_ET:p.14(Public);P01955.9_ET:pp.6-7(Public); [REDACTED]. See also W04752:T.17540(03-Jul-2024)(Open).

¹⁰¹⁹ See e.g. P01955.1_ET RED:p.24(Public);P01955.9_ET:p.2(Public);W04403:T.25725(24-Mar-2025)(Open); P02090.3_ET:p.5(Public). See also [REDACTED].

¹⁰²⁰ See e.g. W04290:T.24073-24074(11-Feb-2025)(Open);P01955.2_ET:pp.10-14(Public);P01955.9_ET:pp.2-9(Public);[REDACTED]. See also W04401:T.23223-23224(03-Dec-2024)(Open).

¹⁰²¹ P01955.9_ET:pp.2-5, 8-9(Public).

¹⁰²² See e.g. W04290:T.24073-24074(11-Feb-2025)(Open);4D00077:p.SITF00393433(Public); P01955.2_ET:pp.10-14(Public);P01955.9_ET:pp.2-9(Public);[REDACTED]. See also W04401:T.23223-23224(03-Dec-2024)(Open).

250. Although detention sites formally fell under W04264's jurisdiction,¹⁰²³ and W04264 learned from **Jakup KRASNIQI** about existing KLA prisons in Kleçkë/Klečka, Kravasari, and Lladrovç/Ladrovac,¹⁰²⁴ he was never consulted about their establishment.¹⁰²⁵ Furthermore, W04264's efforts were often undermined by Military Police Director Fatmir LIMAJ, who encroached on his responsibilities, including by unilaterally releasing or hiding Kleçkë/Klečka detainees from W04264.¹⁰²⁶ Similarly, while W04264 provided a manual on detainee treatment¹⁰²⁷ to W04839, such procedures were not followed due to pressure by and instructions from Fatmir LIMAJ.¹⁰²⁸

251. The Court handled just a handful of cases.¹⁰²⁹ Although it had sole jurisdiction over alleged collaborator cases, only one such case was ever referred to the Military Court,¹⁰³⁰ which could not pursue cases *ex officio*. Instead, in order to act, the Legal Sector and Military Court required a referral from the military police or General Staff.¹⁰³¹ By way of illustration, in the case of [REDACTED],¹⁰³² W04264 ignored direct evidence of killing and mistreatment, conceding that an investigation was not conducted despite

¹⁰²³ See e.g. P02007.3_ET:pp.5-6(Public); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; P01963:pp.054673, 054675, 054679(Public); P01964:p.054721(Public); [REDACTED].

¹⁰²⁴ See e.g. P01955.2_ET:pp.18, 22-23(Public); P01955.3_ET:p.9(Public); P01955.6_ET:p.14(Public); P01964:p.054721(Public); P01956:paras.12-13(Public); P01963:p.054692(Public).

¹⁰²⁵ See e.g. P01955.2_ET:p.18(Public); P01955.3_ET:pp.10-11(Public); P01955.6_ET:p.15(Public); P01963:p.054692(Public).

¹⁰²⁶ See e.g. P01955.2_ET:p.26(Public); P01963:pp.054678-054679(Public); P01956:para.19(Public); [REDACTED]; [REDACTED]; [REDACTED]; P01964:p.054722(Public); [REDACTED]. See also [REDACTED]; [REDACTED].

¹⁰²⁷ P00893(Public). See also P01955.5_ET:p.4(Public); P01956:paras.7-8(Public); P01963:p.054672(Public).

¹⁰²⁸ See e.g. [REDACTED]; P01955.5_ET:pp.4-5, 20(Public); P01955.2_ET:pp.10, 21, 26(Public); P01955.3_ET:pp.6-8, 11(Public).

¹⁰²⁹ See e.g. W04743:T.24719-24720, 24723(28-Jan-2025)(Open); W04743:T.24816(29-Jan-2025)(Open); [REDACTED]; P02007.3_ET:pp.2-3, 10(Public); P02007.4_ET:p.8(Public); P01955.4_ET:pp.10, 22-23(Public); P01955.5_ET:pp.21-23(Public); P01955.6_ET:p.2(Public); [REDACTED]. See also [REDACTED].

¹⁰³⁰ See e.g. P02007.4_ET:pp.4-5(Public); W04743:T.24639, 24719(28-Jan-2025)(Open); W04743:T.24817-24818(29-Jan-2025)(Open); [REDACTED]; P01955.5_ET:pp.8-9(Public); P01955.9_ET:pp.11-12(Public). See also P01963:pp.054684-054685(Public); P01956:para.19(Public); P01956:para.29(Public); [REDACTED].

¹⁰³¹ See e.g. [REDACTED]; P01955.2_ET:pp.15, 23(Public); P01955.6_ET:pp.20-22(Public); P01955.7_ET:pp.27-28(Public); P01955.8_ET:p.4(Public).

¹⁰³² See [REDACTED].

the seriousness of the case, due to the absence of a criminal allegation.¹⁰³³

252. W04264 himself acknowledged that, although any allegations of collaboration should have been brought to the court, it was possible that the command carried out actions in such cases without notifying him.¹⁰³⁴ Indeed, General Staff members – including the **Accused**¹⁰³⁵ – maintained control over the Military Court's cases by interfering in investigations and exercising authority over detainees.¹⁰³⁶ For instance, **SELIMI** released four military police officers implicated in illegal detentions and the mistreatment of persons in Pjetërshiticë/Petraštica.¹⁰³⁷ Similarly, in [REDACTED] with the LDK aligned government-in-exile Minister of Defence, **KRASNIQI** stated that '[REDACTED]'.¹⁰³⁸

253. The few proceedings before the Military Court were conducted summarily, arbitrarily, and in violation of basic due process rights.¹⁰³⁹ For example, W04264 and the two other lawyers, interchangeably acted as judges, prosecutors, and defence

¹⁰³³ [REDACTED];[REDACTED].

¹⁰³⁴ P01955.5_ET:p.9(Public).

¹⁰³⁵ See e.g. [REDACTED];[REDACTED]; [REDACTED]. See also [REDACTED]; [REDACTED]; [REDACTED].

¹⁰³⁶ See e.g. W04752:T.18246(15-Jul-2024)(Open);1D00047_ET(Public);P00613_ET(Public); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED];P02007.3_ET:p.3(Public);[REDACTED]; [REDACTED];[REDACTED];P01955.4_ET:pp.6-7(Public); P01955.6_ET:p.4(Public);P01955.7_ET:pp.12, 27-28(Public);P01955.8_ET:pp.13(Public);P01963:pp.054678-054679(Public);P01956:para.19(Public); [REDACTED];[REDACTED].

¹⁰³⁷ See e.g. P02007.4_ET:pp.10, 12-14(Public);W04743:T.24672-24673, 24678-24679(28-Jan-2025)(Open); W04743:T.24806-24807(29-Jan-2025)(Open);[REDACTED].

¹⁰³⁸ [REDACTED].

¹⁰³⁹ See e.g. [REDACTED];W04743:T.24640-24642(28-Jan-2025)(Open); and Blerim KUQI's trial: P01345_ET(Public); [REDACTED]; P03776_ET(Public);W04744:T.17247(26-Jun-2024)(Open); [REDACTED];[REDACTED];P01956:para.22(Public);P01955.7_ET:pp.3-7, 10, 12-15(Public); P00743.1:pp.SPOE00198220-SPOE00198221(Public);P00004:p.SPOE00061031(Public); [REDACTED];P01955.8_ET:p.10(Public). See also the testimonies of W04765, W04744 and W04743, who state that they have never heard of Arben SEJDIU, the purported 'General Military Prosecutor' who signed Blerim KUQI's Indictment:P01344_ET(Public);W04765:T.10461-10462(04-Dec-2023)(Open);W04744:T.17150, 17203(25-Jun-2024)(Open);W04743:T.24822(29-Jan-2025)(Open).

lawyers,¹⁰⁴⁰ such as in the case of Blerim KUQI, who was accused of treason and sentenced to death.¹⁰⁴¹ [REDACTED].¹⁰⁴²

254. In April 1999, **THAÇI** announced the composition of his PGoK cabinet, which included the Ministry of Justice¹⁰⁴³ and by June 1999, the juridical sector and Military Court ceased to exist.¹⁰⁴⁴

k. Intelligence

255. From the KLA's founding, there was an identified need for intelligence, which, initially, was a shared responsibility amongst the members of the General Staff.¹⁰⁴⁵ In Spring 1998, people were being actively tasked with information gathering,¹⁰⁴⁶ and KLA communiqués expressly acknowledged the existence of an intelligence function.¹⁰⁴⁷

256. By June 1998, consistent with the increasing differentiation of roles generally within the General Staff, an Intelligence Directorate¹⁰⁴⁸ under **Kadri VESELI** was established.¹⁰⁴⁹ Intelligence functions were amongst the most important of all the directorates.¹⁰⁵⁰ From around August 1998, **VESELI** was overseeing official intelligence

¹⁰⁴⁰ See e.g. [REDACTED];W04743:T.24637-24638, 24720(28-Jan-2025)(Open); P02090.3_ET:p.5(Public);P01955.3_ET:pp.3-4(Public);P01955.4_ET:p.2(Public);P01955.9_ET:pp.22-23(Public);P01955.5_ET:pp.15-16(Public);P01956:para.22(Public);[REDACTED].

¹⁰⁴¹ W04744:T.17149-17150(25-Jun-2024)(Open); [REDACTED]; [REDACTED];P01955.3_ET:p.3(Public).

¹⁰⁴² [REDACTED];[REDACTED]; [REDACTED];P02007.3_ET:pp.3, 13(Public); [REDACTED].

¹⁰⁴³ See e.g. 4D00060:p.1(Public);P03939_ET(Public);P03940_ET(Public); [REDACTED]. See also P03787.1_ET:p.SPOE00228069(Public).

¹⁰⁴⁴ See e.g. P01955.4_ET:p.9(Public);P01955.5_ET:pp.22-23(Public).

¹⁰⁴⁵ P01859_ET.2:p.SPOE00053010(Public);P04213_ET(Public). See also [REDACTED]; [REDACTED].

¹⁰⁴⁶ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]. See also

P00188_ET:p.SPOE00053301(Public);W04746:T.5890-5892, 5901(17-Jul-2023)(Open).

¹⁰⁴⁷ See P00155_ET(Public). See also P00285_ET(Public).

¹⁰⁴⁸ While the formal designation for the Intelligence Directorate at the GS level was the G-2, the intelligence service or directorate was frequently referred to in various manners including *Zbulim Kunderzbulim*, or 'ZKZ', *Shërbimi informativ* or 'Sh.I.' or 'SHIK'. See [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; P00763.6_ET:pp.4-5(Public).

¹⁰⁴⁹ P01859_ET.2:pp.SPOE00053010-00053011(Public); [REDACTED]; P01881_ET:p.SPOE00226857(Public).

¹⁰⁵⁰ [REDACTED]. See also [REDACTED]; [REDACTED];P02850_ET:p.U001-2201(Public).

training for approximately 20 men who would continue to form the nucleus of the intelligence services.¹⁰⁵¹ Further intelligence training continued thereafter, including on specific topics.¹⁰⁵² **VESELI's** position as Head of the Intelligence Directorate was reconfirmed by the General Staff in November 1998.¹⁰⁵³

257. The Disciplinary Regulations granted **VESELI**, as the head of the directorate, sweeping powers to both dispense rewards and impose disciplinary punishments, commensurate with some of the most senior ranks within the General Staff.¹⁰⁵⁴

258. As reflected in the General Staff Internal Regulations, the Intelligence Directorate was the 'highest authority for intelligence activity and security' and, specifically, in its field of expertise, the Intelligence Directorate 'direct[ed] and assist[ed] the intelligence gathering activities in the subordinate headquarters of KLA units'.¹⁰⁵⁵

259. Consistent with this, the KLA Military Intelligence Regulations provided that the intelligence service should be embedded in all military command units at various levels of the organisation.¹⁰⁵⁶ These regulations, which were distributed in the zones, gave the intelligence service both a wide mandate, the 'duty to discover people who are important to the enemy either domestic or abroad', and powers of enforcement that included to 'kidnap or kill them in order to physically liquidate the leading group or individuals'.¹⁰⁵⁷

¹⁰⁵¹ P01859_ET.2:pp.SPOE00053012-00053013(Public).

¹⁰⁵² P01859_ET.2:pp.SPOE00053012-00053013(Public).

¹⁰⁵³ P00189_ET.1:pp.U015-8878, U015-8880(Public);W04752:T.18364-18365(16-Jul-2024)(Public).

¹⁰⁵⁴ P03666_ET:pp.SPOE00232165, SPOE00232176(Public).

¹⁰⁵⁵ P00083_ET:para.14(Public).

¹⁰⁵⁶ P00890_ET:p.1(Public).

¹⁰⁵⁷ P00890_ET:p.1(Public);[REDACTED].

260. **VESELI** was personally present on the ground across multiple zones during the summer of 1998,¹⁰⁵⁸ including for the purpose of conducting investigations and dealing with complaints.¹⁰⁵⁹ Additionally, from at least the summer of 1998, intelligence units were established, and/or being operated, under the direct auspices of the General Staff.¹⁰⁶⁰ In the Drenicë zone, for example, an intelligence unit including, amongst others, Sabit GECI and Ismet HAXHA, reported directly to **VESELI**.¹⁰⁶¹ The unit operated in plain clothes, in small groups, and moved location frequently.¹⁰⁶² GECI's intelligence role, reporting directly to the General Staff, continued in Albania in 1999, where he also participated in further crimes.¹⁰⁶³

261. Both the Intelligence Directorate and intelligence units operated in secret.¹⁰⁶⁴ As such, intelligence personnel were not always identified or known; and in some cases held dual functions.¹⁰⁶⁵ Nonetheless, **VESELI**,¹⁰⁶⁶ other senior KLA intelligence

¹⁰⁵⁸ For example: **Drenicë OZ**: Section II.A.3.m.i; [REDACTED];

[REDACTED]; P01449_ET:p.SPOE00209450(Public); **Pashtrik OZ**: Section II.A.3.m.v; Section III.D; Section III.E; **Dukagjin OZ**: Section III.B.

¹⁰⁵⁹ P01449_ET:p.SPOE00209450(Public). See also [REDACTED].

¹⁰⁶⁰ Regarding for example the unit for abductions and assassinations appointed by the General Staff in Pashtrik, see [REDACTED]. Regarding the direct reporting of these intelligence personnel to the General Staff, see [REDACTED]; Section III.G. See also [REDACTED].

¹⁰⁶¹ [REDACTED]; [REDACTED]; P00763.4_ET:pp.9-10(Public). See P01449_ET:p.SPOE00209472(Public); [REDACTED]; [REDACTED] (referencing both **THAÇI** and **VESELI**); [REDACTED]; [REDACTED]; [REDACTED]. The fact that GECI was operating with the knowledge, and under the authority, of the General Staff is also apparent from his participation - together directly with **THAÇI** and **SELIMI** - in the crimes committed at Qirez/Ćirez and Baicë/Banjica in September 1998. See Section III.L.

¹⁰⁶² [REDACTED].

¹⁰⁶³ [REDACTED]; [REDACTED]. See Section II.A.3.m.viii. Regarding other intelligence personnel who were reporting directly to **VESELI** in 1999, including relating to detentions and interrogations, see also [REDACTED]; [REDACTED]; [REDACTED].

¹⁰⁶⁴ P01408_ET:p.SPOE00227860(Public); P00890_ET:p.U001-7060(Public); [REDACTED]. See also P04212_ET:pp.1-2(Public); [REDACTED].

¹⁰⁶⁵ [REDACTED]; [REDACTED]; [REDACTED]; P00890_ET:p.U001-7059(Public); P00149_ET:pp.2-4(Public); W04746:T.5495-5496(11-Jul-2023)(Open).

¹⁰⁶⁶ P04212_ET:p.1(Public)('[d]uring my tenure I was very successful in intercepting Serbia secret codes and infiltrations to cause harm to Kosovo').

personnel,¹⁰⁶⁷ and **SELIMI**,¹⁰⁶⁸ have all specifically confirmed the effectiveness of the KLA/PGoK intelligence services. Indeed, in addition to those units reporting directly to the General Staff, KLA intelligence units and personnel were also embedded in each of the zones, and in Albania, and existed throughout Zone, Brigade, and Battalion structures.¹⁰⁶⁹

262. Within Zones, intelligence reports were received on a regular – even daily – basis.¹⁰⁷⁰ Such information was collated by the head of intelligence at the zone level, and then provided both to the Zone Commander and the General Staff; W03873, for example, described printing his reports in three copies, specifically to facilitate such upwards transmission.¹⁰⁷¹ By rule, it was the Zone Commander who had the responsibility of transmitting intelligence information onwards to the Intelligence Directorate.¹⁰⁷² However, as a matter of practice, direct reporting to the General Staff by intelligence personnel also occurred, particularly on sensitive issues such as counter-intelligence.¹⁰⁷³ Such parallel reporting was particularly prevalent in the Pashtrik zone,

¹⁰⁶⁷ P04164_ET(Public).

¹⁰⁶⁸ P01749_ET:p.8(Public)('it was difficult to infiltrate the KLA under the watchful eye of our intelligence service').

¹⁰⁶⁹ See Section II.A.3.m; Section III. See also [REDACTED]; P01859_ET.2:p.SPOE00053011(Public).

¹⁰⁷⁰ [REDACTED]; [REDACTED]; W04403:T.26016-26017(26-Mar-2025)(Open); W03873:T.22714, 22884-22885(26-Nov-2024)(Open).

¹⁰⁷¹ W03873:T.22715-22718(26-Nov-2024)(Open); W03873:T.22829-22830(27-Nov-2024)(Open); [REDACTED].

¹⁰⁷² [REDACTED]; W03873:T.22829-22830, 22884-22885(27-Nov-2024)(Open); W03873:T.22714-22718(26-Nov-2024)(Open); [REDACTED]. See also W04403:T.26016-26017(26-Mar-2025)(Open)(regarding reporting of operational intelligence to the operations directorate of the General Staff).

¹⁰⁷³ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; W04744:T.17016-17017(24-Jun-2024)(Open); [REDACTED]; [REDACTED]. See also [REDACTED]; [REDACTED]; W04765:T.9897-9898(13-Nov-2023)(Open) but see W03873:T.22602, 22604-22606(25-Nov-2024)(Open). Regarding briefing of General Staff members directly by intelligence personnel in relation to detainees in the context of visits to Zones, see P00739.8_ET:pp.1-4(Public); P00742.2_ET:pp.1-4(Public); [REDACTED]; P00187_ET:pp.SPOE00055819-00055820(Public); [REDACTED].

where, for a certain period of time, the Zone Commander was a professional soldier who was viewed by the zone-level intelligence personnel as ‘obstructing’ their work.¹⁰⁷⁴

263. At the General Staff level, the Intelligence Directorate reported to the General Commander (or, as applicable, Deputy Commander) and Chief of Staff.¹⁰⁷⁵ However, as at other levels of the reporting framework, on occasion, intelligence reports bypassed Bislim ZYRAPI, as Chief of Staff, and were provided only to the Commander.¹⁰⁷⁶

264. The duties and tasks of the intelligence services were to collect information about the movement of enemy forces, identify ‘collaborators’ both within and outside of the KLA, and to take ‘concrete actions in the service of the liberation war’.¹⁰⁷⁷ As part of these duties, the Intelligence Directorate vetted potential KLA officers,¹⁰⁷⁸ and investigated, and received reports on, existing KLA members.¹⁰⁷⁹ As noted in applicable intelligence sector job descriptions - and further evidenced by the recurrent involvement of identified intelligence personnel throughout the charged crime sites – intelligence responsibilities also specifically included, *inter alia*, the ‘processing of material collected from civilian prisoners and captives’.¹⁰⁸⁰ As confirmed by W04752, it was the responsibility of the intelligence services to conduct investigations, including

¹⁰⁷⁴ See [REDACTED]. See also Pashtrik examples in preceding footnote. Regarding commanders who were professional soldiers similarly being bypassed at the brigade level in Pashtrik see e.g. Section III.V.1; Section III.V.4.

¹⁰⁷⁵ P00083_ET:p.SPOE00225109:para.14(Public);P01408_ET:p.SPOE00227860(Public);W04752:T.17434-17435(02-Jul-2024)(Public);W04752:T.18323-18324(16-Jul-2024)(Public);W04752:T.18531-18532(18-Jul-2024)(Public);[REDACTED];[REDACTED]. See also W03873:T.22829-22830(27-Nov-2024)(Open).

¹⁰⁷⁶ [REDACTED].

¹⁰⁷⁷ [REDACTED];P01859_ET.2:p.SPOE00053011(Public);W04746:T.5641-5642(13-Jul-2023)(Open). See also W04746:T.5891-5892(17-Jul-2023)(Open);[REDACTED]; [REDACTED].

¹⁰⁷⁸ [REDACTED]. At the zone level, see e.g. [REDACTED];[REDACTED];[REDACTED].

¹⁰⁷⁹ [REDACTED](discussed further below in the context of reporting lines);[REDACTED]. At the zone level, see e.g. [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]. Regarding the power of the Head of the Intelligence Directorate to impose disciplinary measures, see P00640_ET:p.SPOE00231496(Public).

¹⁰⁸⁰ P03767_ET:pp.SPOE00232127-00232128(Public);P01394_ET:pp.SPOE00223620-00223621(Public).

in relation to alleged collaborators;¹⁰⁸¹ and, according to the formal structure in place from December 1998 onwards, in the event that reports of collaboration were received at the General Staff level, it was the responsibility of the Intelligence Directorate to inform the Military Court, and then coordinate further investigations by intelligence personnel.¹⁰⁸²

265. Consistent with applicable regulations,¹⁰⁸³ the KLA intelligence services cooperated closely with, and were supported by, the military police and special units in carrying out their duties.¹⁰⁸⁴

266. From some point in 1998, and including while **VESELI** was abroad in early 1999,¹⁰⁸⁵ Ferat SHALA, who had intelligence functions,¹⁰⁸⁶ was based with the General Staff,¹⁰⁸⁷ where he accompanied Deputy Commander **KRASNIQI** in visits to zones,¹⁰⁸⁸ and exercised 'investigative' functions, including relating to detainees.¹⁰⁸⁹ Additionally,

¹⁰⁸¹ [REDACTED];W03873:T.22593-22598(25-Nov-2024)(Open); [REDACTED];W04744:T.17183-17184(25-Jun-2024)(Open); [REDACTED]; P02102_ET:p.U001-5809(Public); [REDACTED]. *See also* P04164_ET(Public); [REDACTED].

¹⁰⁸² [REDACTED].

¹⁰⁸³ P00008_ET:p.28(Public);P00009_ET:pp.1-2(Public).

¹⁰⁸⁴ [REDACTED]; [REDACTED]; [REDACTED];[REDACTED];[REDACTED]. *See e.g.*

P00158_ET:p.2(Public). *See also* Section II.A.3.I. Intelligence gathering activities were also supported by specialist reconnaissance units, as reflected in the Regulations for Reconnaissance Sub-Detachments drafted by **KRASNIQI**, and adopted by the GS on 23 July 1998.

P01092_ET:p.SPOE00230873(Public);P03669_ET:pp.086961-086972(Public);P03671_ET(Public);

[REDACTED]. Regarding support provided by special units, in particular in assisting the Military Police in conducting the arrest of collaborators, *see also* [REDACTED]; P00228_ET:p.3(Public).

¹⁰⁸⁵ Regarding **VESELI**'s ability to still maintain contact and coordinate matters on the ground while abroad, *see e.g.* P01449_ET:pp.SPOE00209482-00209484(Public). *See also* 1D00243_ET:p.DHT04009(Public).

¹⁰⁸⁶ P02414_ET(Public) Regarding the close cooperation and communication Ferat SHALA had with **VESELI** throughout the conflict, *see for example* [REDACTED];W04410:T.16645-16648(04-Jun-2024)(Open);P01264_ET:pp.SPOE0128617-0128618, SPOE0128622, SPOE0128624, SPOE00128642-00128643, SPOE00128715, SPOE00128903-00128905(Public).

¹⁰⁸⁷ W04290:T.24954-24955(10-Feb-2025)(Open);W04290:T.25132-25135(12-Feb-2025)(Open).

¹⁰⁸⁸ P01093_ET:p.SPOE00229803(Public);[REDACTED];W04752:T.18426-18427(17-Jul-

2024)(Open)(W04752 specified that he did not receive 'any information of military nature in the form of a report' from SHALA that would have enabled him to know what SHALA's tasks were).

¹⁰⁸⁹ [REDACTED]; [REDACTED];W04765:T.9898(13-Nov-2023)(Open).

at the end of January 1999, before travelling to Rambouillet, **VESELI** brought Mensur KASUMI to the General Staff and introduced him.¹⁰⁹⁰ KASUMI was assigned to assist the Operations Directorate in respect of intelligence matters during **VESELI**'s absence.¹⁰⁹¹ Upon his return to Kosovo, **VESELI** was once again active on the ground, including in relation to detentions,¹⁰⁹² engaging directly with intelligence personnel in various zones - assigning them tasks,¹⁰⁹³ and requesting reports, including on matters related to detainees.¹⁰⁹⁴ In late March 1999, at the time of the creation of the PGoK, Prime Minister **THAÇI** appointed **VESELI** head of the *Shërbimi Informativ i Kosovës* or 'SHIK'.¹⁰⁹⁵ In this capacity, **VESELI** reported directly to **THAÇI**.¹⁰⁹⁶ An Intelligence department within the Ministry of Defence of the PGoK was also established under Abdullah PRAPASHTICA at that time.¹⁰⁹⁷

267. While formally G-2 referred to the Intelligence Directorate within the KLA GS,¹⁰⁹⁸ ZKZ referred to the intelligence services at the KLA Zone or Brigade level,¹⁰⁹⁹ and SHIK

¹⁰⁹⁰ [REDACTED];W04752T.17820(08-Jul-2024)(Public).

¹⁰⁹¹ [REDACTED];W04752:T.17827-17828(08-Jul-2024)(Public). See [REDACTED]; [REDACTED];[REDACTED]; [REDACTED].

¹⁰⁹² See Section III.N.

¹⁰⁹³ W03873:T.22721-22722(26-Nov-2024)(Open).

¹⁰⁹⁴ The 'Krojmir case'. See W04743:T.24676-24680(28-Jan-2025)(Open). Regarding the fact of W04743's intelligence responsibilities, see e.g. [REDACTED]; P01856:p.070950(Public);[REDACTED];P02006.3_ET:pp.8-9(Public); [REDACTED]; [REDACTED];P02019:p.SPOE00226483(Public). See also regarding W04743's subsequent role in SHIK, P00789:p.SITF00398194(Public); W04743:T.24633-24634, 24680(28-Jan-2025)(Open);P02006.3_ET:pp.18-19(Public).

¹⁰⁹⁵ [REDACTED];P00789:p.SITF00398184(Public);P00763.4_ET:p.12(Public); 1D00070_ET(Public);W04290:T.25129-25130(12-Feb-2025)(Open).

¹⁰⁹⁶ [REDACTED];P00789:p.SITF00398189(Public); [REDACTED];P00763.4_ET:p.22(Public);P00763.5_ET:p.13(Public).

¹⁰⁹⁷ See Section II.A.3.b. See also P00813_ET.13:p.SPOE00054966(Public).

¹⁰⁹⁸ P00763.4_ET:pp.10-11, 21-23(Public);P00789:p.SITF00398185(Public).

¹⁰⁹⁹ P00789:p.SITF00398185(Public);P00763.6_ET:pp.4-5(Public);P00763.4_ET:pp.10-11, 21-22(Public); [REDACTED];[REDACTED].

referred to the state or civilian intelligence body established under the PGoK,¹¹⁰⁰ many KLA/PGoK members used these terms informally and interchangeably.¹¹⁰¹

268. With SHIK officially tasked as a civilian intelligence body, the existing G-2 military intelligence structure within the KLA continued to function in parallel, first under Mensur KASUMI and later Fadil KODRA.¹¹⁰² Although **VESELI** has claimed that upon appointment as head of SHIK he ceased to have any role in the General Staff of the KLA,¹¹⁰³ in practice - and consistent with his prevailing authority as a KLA/PGoK leadership figure, independent of any formal role¹¹⁰⁴ - he continued to represent himself and be perceived in such a capacity,¹¹⁰⁵ and also acted as such,¹¹⁰⁶ as did other members of SHIK.¹¹⁰⁷

269. In fact, there was a significant overlap, or transfer, of staffing between the two organisations, with **VESELI** confirming that the original group of KLA members to undergo intelligence training in 1998 continued to subsequently form the 'heart' of SHIK.¹¹⁰⁸ By June 1999, SHIK comprised approximately 30 people.¹¹⁰⁹ Within SHIK, **VESELI** had a deputy, Ilmi REÇICA,¹¹¹⁰ who had previously held an intelligence role in the KLA including as head of intelligence within the Nerodime Zone;¹¹¹¹ a general

¹¹⁰⁰ P00763.4_ET:pp.11-12(Public);P00763.4_ET:p.22(Public);P00789:p.SITF00398185(Public).

¹¹⁰¹ [REDACTED];W04290:T.25251-25252(13-Feb-2025)(Open); P00763.6_ET:pp.4-5(Public);P00789:p.SITF00398185(Public).

¹¹⁰² [REDACTED];[REDACTED]; [REDACTED]; [REDACTED];P00763.6_ET:pp.9-10(Public);[REDACTED];W03873:T.22707, 22750-22751(26-Nov-2024)(Open); [REDACTED];[REDACTED]; [REDACTED]; [REDACTED].

¹¹⁰³ P00789:p.SITF00398185(Public).

¹¹⁰⁴ See Section II.A.3.a.

¹¹⁰⁵ [REDACTED];P01862_ET(Public); [REDACTED];W03873:T.22707, 22750-22751(26-Nov-2024)(Open).

¹¹⁰⁶ The 'Krojmir case' mentioned above, where **VESELI** requested information from a KLA intelligence commander, arose in May 1999; therefore, after **VESELI**'s appointment to SHIK.

¹¹⁰⁷ P02228_ET(Public);[REDACTED].

¹¹⁰⁸ P01859_ET.2:pp.SPOE00053012-00053013(Public);W04743:T.24633-24634, 24680(28-Jan-2025)(Open); P00763.6_ET:pp.7-8(Public);[REDACTED].

¹¹⁰⁹ P00789:p.SITF00398189(Public).

¹¹¹⁰ P00789:pp.SITF00398187, SITF00398194(Public);P00763.6_ET:p.8(Public);[REDACTED].

¹¹¹¹ P00610_ET(Public);W01453:T.21933(05-Nov-2024)(Open);W01453:T.22169, 22236-22238(07-Nov-2024)(Open);P02913_ET(Public);W03873:T.22752(26-Nov-2024)(Open).

director, Latif GASHI,¹¹¹² who had previously been head of intelligence within the Llap Zone,¹¹¹³ and four thematic directorates,¹¹¹⁴ within which intelligence officers operated.¹¹¹⁵ Ferat SHALA was one of **VESELI**'s closest collaborators in SHIK, being one of only a very small number of people with access to highly sensitive information, and having responsibility for handling information sources and uncovering collaborators.¹¹¹⁶

270. **VESELI** personally oversaw SHIK recruitment and potential members were carefully vetted.¹¹¹⁷ Like in the Intelligence Directorate, SHIK operated pursuant to internal regulations and a system of record-keeping.¹¹¹⁸ SHIK was a close-knit organisation in which **VESELI** knew all of the members, who reported to him, and with whom he had regular contact.¹¹¹⁹

271. SHIK's overall purpose was, in **VESELI**'s words, defending the 'national interest' and 'national substance,' and to 'deal with the national security issue.'¹¹²⁰ Following his appointment as head of SHIK, **VESELI**, amongst other things, met with internationals and attended the demilitarisation negotiations,¹¹²¹ and liaised with intelligence agencies from other states.¹¹²² In this context, **VESELI** made clear his intention to continue

¹¹¹² P00789:p.SITF00398187(Public);P00763.6_ET:p.8(Public); [REDACTED].

¹¹¹³ See Section II.A.3.m.iii.

¹¹¹⁴ [REDACTED];P00789:p.SITF00398187(Public); P01859_ET.2:p.SPOE00053019(Public);[REDACTED].

¹¹¹⁵ P00789:pp.SITF00398187, SITF00398189(Public);P02006.3_ET:p.19(Public).

¹¹¹⁶ P00789:p.SITF00398187(Public);[REDACTED].

¹¹¹⁷ P00789:pp.SITF00398190, SITF00398208-00398209(Public);P02006.3_ET:pp.18-19(Public); W04743:T.24680(28-Jan-2025)(Open).

¹¹¹⁸ [REDACTED];P00789:pp.SITF00398190-00398191, SITF00398193, SITF00398197-00398198(Public).

¹¹¹⁹ P00789:pp.SITF00398190(Public);[REDACTED]; [REDACTED];[REDACTED].

¹¹²⁰ P00789:pp.SITF00398185, SITF00398202(Public);[REDACTED].

¹¹²¹ [REDACTED];[REDACTED].

¹¹²² [REDACTED];W02144:T.16365-16366(29-May-2024)(Open).

intelligence activities in violation of UNSCR 1244.¹¹²³ KLA/PGoK intelligence and police services continued to coordinate closely during this time.¹¹²⁴

272. During and in the months following the Indictment period, SHIK members vetted public employees;¹¹²⁵ collected information concerning and monitored the activities of FRY forces and the security situation;¹¹²⁶ and investigated, interrogated, mistreated, and otherwise targeted Opponents.¹¹²⁷ Indeed, documents seized from the SHIK headquarters in Prishtinë/Priština in 2002, during the time **VESELI** and **Latif GASHI** maintained offices there,¹¹²⁸ further confirm the degree of continuity between the KLA intelligence services and SHIK, and SHIK's continued focus on Opponents.¹¹²⁹

273. Even after the PGoK was dissolved in January 2000, SHIK continued to operate until 2008,¹¹³⁰ when the Kosovo Intelligence Agency was created.¹¹³¹

1. Police

274. Under General Staff oversight and direction, the Military Police was established, regulated, and developed within the KLA to assert and maintain its authority over both military and civilian structures, in the absence of civilian police in KLA-controlled free

¹¹²³ [REDACTED];W02183:T.24178-24179(22-Jan-2025)(Open);P01859_ET.2:p.SPOE00053029(Public).

¹¹²⁴ P00789:p.SITF00398185(Public);P02228_ET(Public);[REDACTED]. See P02329_ET(Public);P02333_ET(Public);P02337_ET(Public);P02342_ET-P02344_ET(Public);P02346_ET(Public);P02356_ET(Public);P02360_ET(Public);P02363_ET(Public);P03929_ET:p.SITF00436377(Public);[REDACTED].

¹¹²⁵ See e.g. [REDACTED].

¹¹²⁶ [REDACTED];[REDACTED];[REDACTED];[REDACTED].

¹¹²⁷ [REDACTED];[REDACTED];[REDACTED];[REDACTED];P00789:pp.SITF00398194-00398195(Public);[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED].

¹¹²⁸ See KSC-BC-2020-06/F02178, para.21. For the provenance of these documents, see KSC-BC-2020-06/F02178/A02.

¹¹²⁹ [REDACTED];P02242_ET(Public);[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED].

¹¹³⁰ P00789:p.SITF00398189(Public).

¹¹³¹ [REDACTED].

zones.¹¹³² Representative of its role, the placement of the Military Police Directorate at the same level as other GS directorates differed from the standard NATO military structure, upon which the KLA structure was modeled.¹¹³³ KLA Military Police structures (together with the legal sector and the Military Court) and, later, the Ministry of Public Order ('MPO'), played a role in efforts to justify abductions and detentions to international representatives under the guise of legitimacy and procedural guarantees.¹¹³⁴ In fact, on the ground, the KLA and MPO police were a key means of implementing the common criminal purpose through the charged crimes.

i. Regulations

275. Between April and June 1998, the Drenicë, Dukagjin, and Pashtrik Zone Commands adopted a variety of military police regulations,¹¹³⁵ including at or soon after field meetings with General Staff members.

276. From at least late June 1998, the General Staff had disseminated the Provisional Regulations, which included rules governing the Military Police and its duties under Chapter VIII.¹¹³⁶ They defined the Military Police as 'an executive military-civilian body that operates on the entire Kosovo territory and especially the free territory that has been liberated'.¹¹³⁷ Based on the KLA political documents, the Provisional Regulations, and the tradition of justice, the Military Police was created, *inter alia*, to protect military

¹¹³² P01881_ET:p.SPOE00226857(Public);P00743.1:p.SPOE00198220(Public); [REDACTED];P00515_ET.76(Public);P00811_ET.5(Public);P00515_ET.3:p.007806(Public);[REDACTED];[REDACTED]. See also [REDACTED].

¹¹³³ [REDACTED].

¹¹³⁴ P00743.1:pp.SPOE00198220-00198221(Public). See also W02161:T.10652-10653(06-Dec-2023)(Open).

¹¹³⁵ AF258-AF259(Public);P01598_ET:p.3(Public);P00908_ET.1(Public); [REDACTED]; [REDACTED]; [REDACTED];P01264_ET:pp.SPOE00128648-00128649(Public).

¹¹³⁶ See P03663(Public);P03663_ET:pp.U000-9450-U000-9451(Public). Note that the translation incorrectly refers to 'Chapter VII'; the original in Albanian clearly refers to 'Chapter VIII'. Other versions of the Provisional Regulations incorrectly number this Chapter as 'Chapter VII'. See e.g. P00008.1_ET:p.SPOE002325601(Public).

¹¹³⁷ P03663_ET:p.U000-9450(Public).

and civilian persons, and investigate perpetrators of military and civilian crimes.¹¹³⁸

277. According to Chapter VIII of the Provisional Regulations, Military Police duties included, *inter alia*: (i) maintaining order and discipline in military units and bases, in inhabited areas and other facilities of special importance; (ii) controlling the movements of soldiers, including through checks for travel authorisations; (iii) controlling the movements of suspicious persons and journalists; (iv) securing transport of military supplies; (v) guarding and escorting high military officials; (vi) assisting and cooperating with the Intelligence Service Directorate in investigating various forms of crime; (vii) confiscating documents and weapons from soldiers and officers in cases of rule violations; (viii) arresting and accompanying perpetrators to the relevant organs; and (ix) checking all travellers when on duty at checkpoints.¹¹³⁹ Chapter VIII concludes that the Military Police should, at all times, be 'merciless toward the enemy and toward all those who try to obstruct and sabotage our liberation war',¹¹⁴⁰ reflecting the General Staff policy of targeting alleged Opponents.

278. Military Police Regulations later issued by the Military Police Directorate, and disseminated to the Zones and bases in Albania,¹¹⁴¹ largely reproduced Chapter VIII of the Provisional Regulations, including the outlined duties.¹¹⁴² A limited number of provisions were updated to reflect decisions reached by the General Staff in November 1998,¹¹⁴³ for example:

- a. the term 'subzones' in the Provisional Regulations¹¹⁴⁴ was changed to

¹¹³⁸ P03663_ET:p.U000-9450(Public).

¹¹³⁹ P03663_ET:pp.U000-9450-U000-9451(Public).

¹¹⁴⁰ P03663_ET:p.U000-9451(Public). *See also* P03663(Public).

¹¹⁴¹ P00009_ET(Public);P00887_ET(Public); [REDACTED]; [REDACTED]; [REDACTED].

¹¹⁴² While the exact words used in various translations differ, they are largely the same in substance and the source of the Military Police Regulations is apparent also from the original Albanian versions.

¹¹⁴³ W04752:T.17405(01-Jul-2024)(Open).

¹¹⁴⁴ P03663_ET:p.U000-9450(Public).

‘zones’,¹¹⁴⁵ consistent with the General Staff decision at the 12 November 1998 meeting;¹¹⁴⁶ and

- b. while the Provisional Regulations provided that, in time, many Military Police duties would be handed over to the civilian police,¹¹⁴⁷ the Military Police Regulations referred to the Civilian Police Sector as regulating problems and civic matters, as defined in the Public Relations and Civil Administration Regulations¹¹⁴⁸ approved at the General Staff meeting on 23 November 1998.¹¹⁴⁹

279. The various guard duties of the Military Police were further specified in the Guard Duty Rules, which applied to any guard in a military unit.¹¹⁵⁰ They set out the duties of various forms of guards, including: (i) settlement guards, who provide security and check the entry and exit of all persons at access points and key crossroads; (ii) mobile guards, who provide security to vehicles and individuals on the move, and escort detained persons; and (iii) guards of honour, who escort senior state and military officials, as ordered by the General Staff.¹¹⁵¹ Guard commanders and settlement guards were required to keep a logbook, noting important observations or events, orders and their execution, and persons at entry-exit points.¹¹⁵² Consistent with General Staff orders,¹¹⁵³ guard commanders were also tasked with investigating apprehended persons, noting their personal details, and escorting them to Zone Commands.¹¹⁵⁴ Failure to abide by the Guard Duty Rules could lead to criminal or disciplinary

¹¹⁴⁵ P00009_ET(Public).

¹¹⁴⁶ P01016_ET(Public);W04752:T.17399-17400(01-Jul-2024)(Open);[REDACTED];
P01396_ET:p.SPOE00225789(Public);P00187_ET:p.SPOE00055852(Public);AF241(Public).

¹¹⁴⁷ P03663_ET:p.U000-9451(Public).

¹¹⁴⁸ P00009_ET:p.2(Public).

¹¹⁴⁹ P03667(Public);P03667_ET(Public).

¹¹⁵⁰ P03673_ET:p.096736(Public).

¹¹⁵¹ P03673_ET:pp.096739-096740(Public). *See also* P01020.2_ET:p.18(Public);P01015_ET:p.036807(Public).

¹¹⁵² P03673_ET:pp.096737, 096739-096740(Public).

¹¹⁵³ P03675_ET(Public).

¹¹⁵⁴ P03673_ET:p.096738(Public).

proceedings.¹¹⁵⁵

280. The above normative framework provided the basis for actions of the Military Police on the ground during the Indictment period. Military Police members – generally wearing black uniforms with Military Police (‘PU’) insignia and using vehicles with Military Police (‘PU’) license plates¹¹⁵⁶ – enforced the authority of the General Staff and subordinate KLA structures, and targeted Opponents, including through the commission of charged crimes. The Military Police cooperated closely with the intelligence services¹¹⁵⁷ and special units.¹¹⁵⁸ Military Police guards kept detailed logbooks,¹¹⁵⁹ stopped and arrested people (including Opponents) at checkpoints, recorded their details, and detained them at KLA bases.¹¹⁶⁰

ii. Military Police Directorate

281. On 12 November 1998, the General Staff formally appointed Fatmir LIMAJ as head of the Military Police Directorate.¹¹⁶¹ He was an LPK member, **SELIMI**’s long-time

¹¹⁵⁵ P03673_ET:p.096737(Public).

¹¹⁵⁶ AF267(Public);P02447_ET.3;p.U017-3363(Public);P00784;p.U003-3241(Public); [REDACTED];P00840:00:21:01-00:21:53(Public);P01282:00:00:00-00:00:12, 00:00:50-00:00:55, 00:01:08-00:01:40(Public);REDACTED]; [REDACTED]; [REDACTED];P02027.2_ET:pp.2195-2196(Public); [REDACTED].

¹¹⁵⁷ P00158_ET:p.2(Public);P01752_ET(Public);[REDACTED]; W01453:T.22270-22272(07-Nov-2024)(Open);[REDACTED]. The cooperation between the Military Police and the intelligence services is also evidenced by the exchange of information per [REDACTED] and [REDACTED]. *See also* P02328_ET(Public);P02329_ET(Public);P02333_ET(Public);P02337_ET(Public);P02363_ET(Public); [REDACTED];[REDACTED].

¹¹⁵⁸ [REDACTED];P00228_ET:p.3(Public); [REDACTED].

¹¹⁵⁹ [REDACTED];P03241_ET(Public);P03262_ET(Public);P03245_ET(Public); P02445_ET(Public);P02842_ET(Public);P02353_ET(Public).

¹¹⁶⁰ P03906_ET(Public);[REDACTED]; [REDACTED];[REDACTED];[REDACTED]; P02102_ET(Public).

¹¹⁶¹ P00189_ET.1:pp.U015-8878-U015-8881(Public);P00792_ET:p.SPOE00068092(Public); [REDACTED];W04752:T.18360(16-Jul-2024)(Open); P02089_ET:p.SPOE00067220(Public);[REDACTED]. *See also* P03797(Public)(original ID card);P03797_ET:pp.U003-3275-U003-3276(Public); [REDACTED]; [REDACTED]; [REDACTED];[REDACTED].

friend,¹¹⁶² and accompanied into Kosovo by **THAÇI** and **VESELI** in early March 1998.¹¹⁶³ Both before and after his appointment, he was involved in crimes at multiple locations in Kosovo and northern Albania.

282. In late 1998, Fatmir LIMAJ stayed together with **KRASNIQI** and **THAÇI** at a house in Novosellë (Fshat i Ri)/Novo Selo.¹¹⁶⁴ LIMAJ and **SELIMI** operated from a house in Lladrovç/Ladrovac,¹¹⁶⁵ where **THAÇI**, for example, held a press conference in the presence of Sylejman SELIMI, Fatmir LIMAJ, and **VESELI**.¹¹⁶⁶ The Military Police Directorate was also based in Lladrovç/Ladrovac,¹¹⁶⁷ and the Military Police guarded a General Staff detention facility intended for soldiers and civilians charged with serious offences in the same location.¹¹⁶⁸

283. Before the Military Police Directorate's formal establishment, the General Staff had already been directing and overseeing the Military Police. For example, the Drenicë Zone Military Police started developing in line with General Staff instructions by at least late spring 1998;¹¹⁶⁹ the General Staff approved the Military Police Commander in the Dukagjin Zone in July 1998;¹¹⁷⁰ LIMAJ and **THAÇI** met with international representatives concerning the detention by the Military Police and alleged trial of two Serbian journalists; and a subordinate command reported on Military Police activities

¹¹⁶² P00778:T.6645-6646(Public);[REDACTED];

[REDACTED];P01264_ET:p.SPOE00128760(Public);P00777:p.6584(Public); [REDACTED].

¹¹⁶³ P01816.1_ET:pp.24-28(Public);P01814:p.SITF00223937(Public);W01453:T.21822-21828(04-Nov-2024)(Open);[REDACTED].

¹¹⁶⁴ [REDACTED].

¹¹⁶⁵ P01264_ET:p.SPOE00128811(Public).

¹¹⁶⁶ P01264_ET:pp.SPOE00128811-00128812(Public);P01294(Public).

¹¹⁶⁷ [REDACTED].

¹¹⁶⁸ [REDACTED];[REDACTED];W04752:T.17646(04-Jul-2024)(Open).

¹¹⁶⁹ See e.g. P00840:00:21:22-00:21:29(Public);P00840_ET:p.6(Public);W04410:T.16693, 16695(04-Jun-2024)(Open);P02027.3_ET:p.2212(Public);[REDACTED]. See also W04746:T.5504-5505(11-Jul-2023)(Open);W04746:T.5900(17-Jul-2023)(Open).

¹¹⁷⁰ AF264(Public);P01600_ET(Public).

to the Military Police Directorate shortly before its formal establishment.¹¹⁷¹

284. Further, between September and early November 1998, Military Police Directorate press releases and statements reported on investigations, arrests, detentions, and executions of Opponents. These statements were published alongside General Staff communiqués and political declarations in Kosovo-Albanian and international media.¹¹⁷² A draft version of one such Military Police Directorate Statement – concerning the arrest, detention, and treatment of Nebojša RADOŠEVIĆ and Vladimir DOBRIČIĆ - was seized from **KRASNIQI**'s residence with handwritten edits that were implemented in the subsequent published version.¹¹⁷³

285. In the reorganised structure following the 12 November 1998 General Staff meeting, the Military Police existed on General Staff, Zone and Brigade levels.¹¹⁷⁴ Zone Military Police structures were subordinated to the Military Police Directorate,¹¹⁷⁵ and reported – directly¹¹⁷⁶ and/or through Zone Commanders¹¹⁷⁷ – to LIMAJ and the Military Police Directorate.¹¹⁷⁸ LIMAJ also had consultative and organisational meetings with Zone Commands, including Zone and Brigade Military Police commanders.¹¹⁷⁹ The

¹¹⁷¹ See e.g. [REDACTED;W04744:T.17223-17224(26-Jun-2024)(Open); [REDACTED].

¹¹⁷² P00158_ET:p.043805(Public);P00270_ET.10(Public);P00300_ET(Public);P00303_ET:p.043862(Public); [REDACTED];P03720_ET:p.2(Public);P00304_ET(Public);[REDACTED]; [REDACTED]; see also P00378(Public).

¹¹⁷³ Compare e.g. P00586(Public) containing handwritten edits in the draft version seized from **KRASNIQI** visible in ALB original, with P00300_ET(Public) and P00270_ET.10(Public), implementing the majority of such edits. The draft titled Communiqué 2 is dated two days before Statement No.3 was issued. It included the following additional text: (i) progovernment journalists in their anti-Albanian writings kept silent or supported the massacres against the Albanian people and fabricated alleged KLA massacres against Serbian civilians; (ii) all Serb progovernment media are undesirable and cannot be guaranteed protection and safety; and (iii) Serbian independent media journalists and world media journalists need a special travel permit issued by the KLA.

¹¹⁷⁴ [REDACTED].

¹¹⁷⁵ P03663_ET:p.U000-9450(Public);P00009_ET:p.1(Public).

¹¹⁷⁶ [REDACTED];W04290:T.25101-25102(11-Feb-2025)(Open); [REDACTED];[REDACTED];[REDACTED]; [REDACTED]; see also [REDACTED].

¹¹⁷⁷ W04290:T.25099-25100(11-Feb-2025)(Open);P00887_ET(Public).

¹¹⁷⁸ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

¹¹⁷⁹ [REDACTED].

Military Police Directorate was responsible, *inter alia*, for detention centres;¹¹⁸⁰ internal order and discipline;¹¹⁸¹ appointments;¹¹⁸² military police logistics, including uniforms, insignia, weapons, masks, and radios;¹¹⁸³ training, inspecting, and supervising the progress of the Zone Military Police, and issuing regulations and clarifications.¹¹⁸⁴ For instance, the Nerodime Zone Military Police Company Commander – Isak MUSLIU aka Qerqiz,¹¹⁸⁵ who was involved in crimes, including at Llapushnik/Lapušnik – made requests for clarification regarding the Military Police Regulations.¹¹⁸⁶ In response, the Military Police Directorate confirmed that the Military Police Company was to receive and execute orders by the Zone Commander, who was also responsible for issuing arrest warrants; during inspections on the ground, **SELIMI** was informed of such issues.¹¹⁸⁷ Complaints about police conduct were submitted directly or indirectly to the Military Police Directorate.¹¹⁸⁸

286. The Military Police Directorate ordered Zone Commands to propose candidates for the Military Police Directorate,¹¹⁸⁹ and the Zone and Brigade platoons, together with details and photographs of each candidate.¹¹⁹⁰ Subordinate commands complied with these orders. For example, in February 1999, about two weeks after the Military Police Directorate's order for Drenicë Zone and Brigade police candidates,¹¹⁹¹ Drenicë Zone

¹¹⁸⁰ See e.g. [REDACTED].

¹¹⁸¹ P01020.2_ET:p.18(Public);W01453:T.22168(07-Nov-2024)(Open); [REDACTED]; P02006.2_ET:pp.13-14(Public).

¹¹⁸² [REDACTED];[REDACTED];P00887_ET(Public); [REDACTED];P00872_ET(Public);P02446_ET(Public);P02447_ET.1-P02447_ET.3(Public);P02448_ET.1(Public)-P02448_ET.4(Public);P02449_ET(Public);P02450_ET(Public);P02451_ET(Public);[REDACTED].

¹¹⁸³ [REDACTED].

¹¹⁸⁴ P00887_ET(Public);[REDACTED];4D00077:pp.SITF00393431-00393432(Public);[REDACTED]. See also [REDACTED]; P01122_ET:p.5(Public);P02947_ET(Public);P01830.2_ET:pp.17, 19(Public).

¹¹⁸⁵ P01015:p.036670(Public);P01816.2_ET:pp.11-14(Public); [REDACTED].

¹¹⁸⁶ [REDACTED].

¹¹⁸⁷ P00887_ET(Public);[REDACTED]; see also [REDACTED].

¹¹⁸⁸ [REDACTED];[REDACTED].

¹¹⁸⁹ P00872_ET(Public).

¹¹⁹⁰ P02446_ET(Public).

¹¹⁹¹ P02446_ET(Public).

Military Police Commander Sahit JASHARI – like in other Zones¹¹⁹² – sent registries with information on Military Police Company and Brigade 112-114 platoons in the Drenicë Zone.¹¹⁹³

287. In the same period, the Dukagjin Zone Commander held a work meeting with his Brigade Commanders, emphasising that all ‘brigades are required to ensure the distribution of all information and orders that come from the General Staff to their zones of responsibility’, and providing instructions for a development plan of the military police, including a detailed inventory of police members.¹¹⁹⁴ That same day, ‘[b]ased on the development plan of the Military Police [...] at the national level and tasks assigned by the Directorate of the Military Police’, the Dukagjin Zone Military Police Commander requested the 132 Brigade Commander to nominate soldiers for the Military Police, which would ‘be the core of the Military Police within the 132nd Brigade’.¹¹⁹⁵

288. The General Staff and its members also continued to hold meetings and provide instructions in relation to the establishment and functioning of the Military Police;¹¹⁹⁶ issued orders to the Military Police and authorised tax collection, confiscation of property, arrests, and detentions;¹¹⁹⁷ were accompanied by Military Police, including at prisoner releases;¹¹⁹⁸ received reports on Military Police activities in the Zones,

¹¹⁹² [REDACTED];[REDACTED].

¹¹⁹³ P02447_ET.2(Public). *See also*, with photographs in the original versions, P02447(Public), P02447_ET.1(Public), P02447_ET.3(Public);P02448(Public), P02448_ET.1-P02448_ET.4(Public);P02449(Public), P02449_ET(Public);P02450(Public), P02450_ET(Public);P02451(Public); P02451_ET(Public).

¹¹⁹⁴ [REDACTED].

¹¹⁹⁵ P02097_ET.2:p.U009-1728(Public).

¹¹⁹⁶ 4D00068_ET:p.SPOE00226468(Public);[REDACTED];P00887_ET(Public); [REDACTED];P01417_ET(Public); for use of satellite phones by Military Police officers, *see also* [REDACTED].

¹¹⁹⁷ P00884_ET(Public);P01358_ET:p.U000-3204(Public);P03675_ET(Public);P03687_ET(Public); P03682_ET(Public);P03692_ET(Public);P03685_ET(Public);[REDACTED]; [REDACTED].

¹¹⁹⁸ W04147:T.13945(27-Mar-2024)(Open);[REDACTED]; [REDACTED];[REDACTED].

including their role in countering the enemy's special war;¹¹⁹⁹ and took part, together with the Military Police, in detentions and interrogations.

289. Fatmir LIMAJ frequently attended General Staff meetings¹²⁰⁰, including on General Staff organisation and appointments at General Staff and Zone levels, and to the PGoK;¹²⁰¹ collaborators;¹²⁰² Rambouillet;¹²⁰³ and preparations for Operation Arrow.¹²⁰⁴

290. While head of the Military Police Directorate, Fatmir LIMAJ was part of the General Staff commission on delineation of the Zone boundaries, together with **SELIMI**;¹²⁰⁵ met with and visited General Staff members and units in the Zones,¹²⁰⁶ including in the Pashtrik Zone together with **SELIMI**, and was involved in organising Brigades and training;¹²⁰⁷ took part in combat, including together with **SELIMI** in March 1999 in Sferkë(Sverkë)/Svrhe;¹²⁰⁸ gave speeches and public statements;¹²⁰⁹ and together with **THAÇI**, **SELIMI**, and **KRASNIQI**, met with internationals and discussed the transformation of the KLA,¹²¹⁰ internally displaced persons,¹²¹¹ NATO's presence in

¹¹⁹⁹ See e.g. P00228_ET:p.K053-5460(Public);P01429_ET:U009-1987(Public); [REDACTED].

¹²⁰⁰ [REDACTED].

¹²⁰¹ 4D00011_ET(Public);P00792_ET:p.SPOE00068092(Public);P01408_ET:p.SPOE00227859(Public); [REDACTED]; seen with [REDACTED]; [REDACTED];P03781.2_ET:p.SPOE00226468(Public); 4D00068_ET:p.SPOE00226468(Public); [REDACTED]; [REDACTED]; W04752:T.17658-17659(04-Jul-2024)(Open);[REDACTED]; [REDACTED];P01431_ET(Public).

¹²⁰² [REDACTED].

¹²⁰³ [REDACTED];P00189_ET.1:pp.U015-8923-U015-8925(Public).

¹²⁰⁴ [REDACTED];[REDACTED].

¹²⁰⁵ P00623_ET(Public);[REDACTED].

¹²⁰⁶ See, for example [REDACTED];P00784:p.U003-3239(Public); P01407(Public); [REDACTED];W04290:T.25231(13-Feb-2025)(Open); P01122_ET:p.5(Public).

¹²⁰⁷ P04165_ET:pp.SPOE0005641-0005642(Public);P04215(Public);P04215_ET:pp.1-4(Public); [REDACTED].

¹²⁰⁸ [REDACTED].

¹²⁰⁹ P01264_ET:pp.SPOE00128767-00128768(Public);P00515_ET.76(Public).

¹²¹⁰ [REDACTED] ; [REDACTED ;P01264_ET:p.SPOE00128885(Public).

¹²¹¹ W04147:T.13596(25-Mar-2024)(Open); [REDACTED]; see also P01086(Public); P01086_ET:p.1(Public).

Kosovo,¹²¹² and the treatment of arrested and detained persons.¹²¹³

291. During a meeting with an OSCE representative on 9 March 1999, Fatmir LIMAJ, representing the General Staff, refused to release a prisoner detained and later killed at Kleçkë/Klečka, stating that the prisoner was under the control of the General Staff, and that the Geneva Conventions did not require access to prisoners during the questioning process because 'that would give the prisoner hope'.¹²¹⁴

iii. *Ministry of Public Order (MPO)*

292. In late 1998, and as already foreshadowed in the Provisional Regulations,¹²¹⁵ the General Staff began to take measures to ensure that any future civilian police force would be created solely from the ranks of the KLA and its Military Police.

293. On 1 November 1998, a Military Police Directorate press release accused an LDK official detained at Qirez/Ćirez of being known to the intelligence service as 'an inspirer of the special war against the KLA and an initiator of a kind of autonomous police of Kosovo'.¹²¹⁶ A US Code Cable dated 3 November 1998 noted that **THAÇI** 'and his colleagues' 'insist[ed] that the KLA, not RUGOVA or anyone else, determine who will be the members of any future ethnic Albanian police force'.¹²¹⁷

294. On 12 November 1998, *Zëri i Kosovës* published:

- a. Political Declaration 17 dated 3 November 1998 and signed by the General Staff, asserting that a solution for Kosovo involves the KLA and 'remind[ing] everyone that Kosovo already has its own institutions, its political

¹²¹² P00189_ET.1:pp.U015-8931-U015-8932(Public);P00515_ET.35(Public).

¹²¹³ P00742.13_ET:p.7-8(Public);W04408:T.7318-7321(06-Sep-2023)(Open).

¹²¹⁴ [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED]; [REDACTED].

¹²¹⁵ P03663_ET:p.U000-9451(Public).

¹²¹⁶ See e.g. P00303_ET:p.2(Public). See also P01068:pp.116696-116698(Public).

¹²¹⁷ P01067:pp.075306-075307(Public). See also W04752:T.17636-17637(04-Jul-2024)(Open).

leadership, its justice bodies, its army and police force [...] that have earned their legitimacy before national and international bodies';¹²¹⁸ and

- b. 'Information Note of the KLA General Staff Information Directorate' dated 6 November 1998, reporting on a meeting between **THAÇI**, **KRASNIQI**, Ramë BUJA, and US Ambassador Christopher HILL concerning the 'US project for a temporary solution of the Kosovo political status'.¹²¹⁹

295. Such negotiations concerned, *inter alia*, the police formation, role, and powers. The General Staff, in an assessment of Ambassador HILL's Draft-Document on the Interim Solution of the Kosovo Issue, declared that no police force shall be set up in Kosovo that derives from outside the Military Police units.¹²²⁰ On 27 November 1998, Deputy Commander Sokol BASHOTA told W04147 that he had heard the LDK was working with the police in Podujevë/Podujevo without consulting the KLA, and declared, 'on the police the KLA has the last word'.¹²²¹

296. On 2 and 3 December 1998, in documents signed by **KRASNIQI**, the General Staff instructed Zone Commands to issue orders for the Military Police to 'arrest those people who, by showing loyalty to the occupier, have put on the uniform of the Serb police', noting that the same will be done 'in the future for any citizen who is involved in any police force other than the KLA formation'.¹²²² These orders were disseminated

¹²¹⁸ P00305_ET:p.1(Public). See also P00586(Public)(handwritten edits in the draft version seized from **KRASNIQI** visible in ALB original);P00568_ET(Public);P00270_ET.11(Public).

¹²¹⁹ P00305_ET:p.2(Public). Another Information Note of the General Staff dated 2 November 1998 was published on the same page, reporting on the arrest and/or killing of looters accused of cooperating with the Serbian police during the 'recent offensives'.

¹²²⁰ P03760_ET:pp.SPOE00225287, SPOE00225290(Public). See also[REDACTED];1DW-008:T.27737(11-Nov-2025)(Open).

¹²²¹ P01068:pp.116696-116698(Public);W04401:T.23055-23056(02-Dec-2024)(Open).

¹²²² [REDACTED]; [REDACTED];P00183_ET(Public). See also W04401:T.23058-23059(02-Dec-2024)(Open).

to the Zones.¹²²³

297. After the 2 and 3 December 1998 orders were issued, the police and intelligence services in the Zones interrogated, detained, mistreated, and killed alleged local police members, who were not part of the Serbian armed forces, on suspicion that they were spies and collaborators.¹²²⁴ The General Staff considered the local police to be an obstacle¹²²⁵ and, in early 1999, Radio Free Kosovo and *Zëri i Kosovës* publicly portrayed them as such.¹²²⁶ **SELIMI**'s contemporaneous minutes of a 1 March 1999 meeting with the Dukagjin Zone and Brigade Commands note the satisfactory functioning of intelligence services and data on 'local policemen'.¹²²⁷ Around this time, the Dukagjin Zone intelligence services were actively collecting such information,¹²²⁸ including in a report seized from **SELIMI**.¹²²⁹

298. In late March 1999, Prime Minister **THAÇI** appointed **SELIMI** as Minister of Public Order.¹²³⁰ From April 1999, **SELIMI** participated in the arrest, detention, mistreatment, and release of detainees at Kleçkë/Klečka, had Military Police units at his disposal,¹²³¹ was photographed with them wearing a black uniform,¹²³² including in the days after the Kumanovo agreement.¹²³³ For example, on 16 June 1999, video footage shows **SELIMI** in a black uniform, accompanied by Avdi RACI, Haxhi SHALA, and

¹²²³ P01755.8_ET:pp.3-4(Public). See also [REDACTED]; [REDACTED]; [REDACTED].

¹²²⁴ [REDACTED];[REDACTED]. See also W04752:T.18417-18418(17-Jul-2024)(Open);[REDACTED];W04758:T.21164-21165(24-Oct-2024)(Open).

¹²²⁵ [REDACTED];W04752:T.17636-17637(04-Jul-2024)(Open).

¹²²⁶ P00515_ET.10:p.007881(Public);P04168_ET(Public).

¹²²⁷ P03206_ET:p.SPOE00226522(Public); see also, in relation to a meeting on 1 March 1999, [REDACTED].

¹²²⁸ [REDACTED]; [REDACTED].

¹²²⁹ [REDACTED]; [REDACTED].

¹²³⁰ [REDACTED] ;1D00070_ET(Public).

¹²³¹ W04752:T.17946(10-Jul-2024)(Open).

¹²³² P00515:p.008179(Public)(photo in original);P00515_ET.74:p.008179(Public).

¹²³³ P04228:00:01:38-00:01:40(Public).

Sabit SHALA in Malishevë/Mališevo.¹²³⁴

299. Around the same time, *Kosovapress* published MPO Communiqué 1, stating that the return of the population would be under the direction and escort of the KLA Military Police, ‘the nucleus of future police’, and that ‘public order forces’ would make efforts to restore peace.¹²³⁵ This public order force was largely composed of active and former Military Police personnel (‘KLA/MPO police’).¹²³⁶ During and immediately after the withdrawal of the Serbian forces,¹²³⁷ KLA/MPO police quickly assumed policing functions,¹²³⁸ often occupying former MUP stations¹²³⁹ and operating without due process.¹²⁴⁰

300. Subordinate to Minister **SELIMI** were his deputy, various commands, directorates, and commissions, including a property and housing commission, and district police commands.¹²⁴¹ **SELIMI** held meetings to discuss police structure and organisation,¹²⁴² and requested PGoK funding to support district police forces.¹²⁴³

301. Demonstrating the functioning of the KLA/MPO police and **SELIMI**’s role therein, numerous police and MPO records were seized from **SELIMI**, including summer and autumn 1999 reports from KLA/MPO police commands in Prishtinë/Priština (Muhamet LATIFI, Llap Zone),¹²⁴⁴ Gjilan/Gnjilane (Fatmir

¹²³⁴ P01295:00:00:00-00:00:27(Public);W04410:T.16751-16753(05-Jun-2024)(Open).

¹²³⁵ P00814_ET.35(Public).

¹²³⁶ [REDACTED];P04189_ET:pp.1-2(Public); [REDACTED].

¹²³⁷ [REDACTED].

¹²³⁸ [REDACTED];P04247:p.SPOE00210227(Public); [REDACTED];P01971:p.SPOE00203165(Public); [REDACTED].

¹²³⁹ See e.g. [REDACTED];[REDACTED];[REDACTED]; [REDACTED].

¹²⁴⁰ [REDACTED];P01969:para.23(Public).

¹²⁴¹ P04117:p.SITF40008315(Public);P03931_ET(Public);P03787.1_ET:p.SPOE00228072(Public); P03932_ET(Public); [REDACTED];P03947_ET(Public); [REDACTED]; P02372_ET(Public).

¹²⁴² [REDACTED].

¹²⁴³ [REDACTED].

¹²⁴⁴ [REDACTED] .

MEHMETI/GJILANI, Karadak Zone),¹²⁴⁵ and Prizren (Nexhmi KRASNIQI),¹²⁴⁶ a request from the PGoK Prison Director;¹²⁴⁷ MPO financial and personnel records;¹²⁴⁸ MPO organisational charts down to the district level;¹²⁴⁹ registration forms;¹²⁵⁰ identification cards; and photographs, some with handwritten names and police positions.¹²⁵¹

302. MPO personnel on personnel lists and in financial records seized from **SELIMI** were active on the ground, *inter alia*, on guard duty,¹²⁵² conducting patrols,¹²⁵³ and taking statements.¹²⁵⁴ Further, the MPO records seized from **SELIMI** include names of individuals involved in charged crimes, such as:

- a. Llapushnik/Lapušnik, Shalë(Sedllarë)/Sedlare, and Kleçkë/Klečka: W04839;¹²⁵⁵
- b. Prizren MUP building: Ilir KRASNIQI;¹²⁵⁶
- c. Llapushnik/Lapušnik: Xhevat KRASNIQI;¹²⁵⁷
- d. Drenoc/Drenovac: Selim KRASNIQI;¹²⁵⁸

¹²⁴⁵ [REDACTED].

¹²⁴⁶ P03960_ET(Public);P03959_ET(Public);P03954_ET(Public).

¹²⁴⁷ [REDACTED].

¹²⁴⁸ See, for example P03930_ET(Public);P03947_ET(Public).

¹²⁴⁹ P03931_ET(Public);P03933_ET(Public).

¹²⁵⁰ See, for example [REDACTED] ; [REDACTED] ; [REDACTED]; [REDACTED].

¹²⁵¹ See, for example P04011(Public)(see original for photographs);P04011_ET(Public);P03984_ET(Public); [REDACTED];P03966_ET(Public);P03967_ET(Public).

¹²⁵² See together, for example, P01671_ET(Public);[REDACTED]; P03929_ET:pp.SITF00436370, SITF00436374, SITF00436386, SITF00436388, SITF00436393, SITF00436397, SITF00436401, SITF00436404, SITF00436406-00436408(Public).

¹²⁵³ See together, for example, P01671_ET(Public);[REDACTED];[REDACTED].

¹²⁵⁴ See together, for example, P01670_ET(Public);P01671_ET(Public);P02846_ET(Public); P03930_ET(Public);[REDACTED];P03929_ET:pp.SITF00436366, SITF00436378, SITF00436381, SITF00436383, SITF00436388, SITF00436395-00436396(Public);[REDACTED] ; [REDACTED]; [REDACTED];P03929_ET:pp.SITF00436366, SITF00436396(Public).

¹²⁵⁵ Compare P04011:pp.SPOE00227267-00227268(Public) with [REDACTED]; see also [REDACTED];[REDACTED]; [REDACTED];[REDACTED]; [REDACTED] ; [REDACTED].

¹²⁵⁶ Compare top middle photograph at P04011:p.SPOE00227279(Public)(original); P04011_ET:pp.SPOE00227279-00227280(Public) with P00502:00:04:55-00:05:07(Public) seen together with [REDACTED].

¹²⁵⁷ Compare P03951_ET:p.SPOE00229595(Public) with [REDACTED];[REDACTED].

¹²⁵⁸ Compare [REDACTED] with [REDACTED];; [REDACTED];AF472(Public); [REDACTED].

- e. Kleçkë/Klečka: Hajdar HOXHA;¹²⁵⁹
- f. Gjilan/Gnjilane: Shaqir SHAQIRI;¹²⁶⁰
- g. Cahan and Kukës: Xheladin GASHI, listed as 'Advisor' in MPO;¹²⁶¹
- h. Llapashticë/Lapaštica: Nuredin IBISHI, listed as 'head chief of directorate';¹²⁶² and
- i. Jabllanicë/Jablanica: Lahi BRAHIMAJ, listed as having a finance position.¹²⁶³

303. The KLA/MPO police maintained close cooperation with the intelligence services.¹²⁶⁴ KLA/MPO police duties included patrols;¹²⁶⁵ guarding and escorting prisoners;¹²⁶⁶ entering, allocating, and confiscating public and private property;¹²⁶⁷ collecting and storing weapons;¹²⁶⁸ and conducting arrests, and interrogations.¹²⁶⁹ Their actions also extended to beatings, intimidation, abductions and killing of Opponents,¹²⁷⁰ and the KLA/MPO police actively gathered information on former members of the

¹²⁵⁹ Compare [REDACTED];P03986(Public);P03986_ET(Public) with [REDACTED].

¹²⁶⁰ Compare P04011:pp.SPOE00227291-00227292(Public);P04011_ET:pp.SPOE00227291-00227292(Public) with W04868:T.18738(20-Aug-2024)(Open);[REDACTED].

¹²⁶¹ See P03932_ET(Public).

¹²⁶² See P03932_ET(Public);P03930_ET:p.SPOE00227345(Public).

¹²⁶³ See P03932_ET(Public);P03930_ET:pp.SPOE00227338, SPOE00227341-00227342, SPOE00227346-00227347(Public);P03947_ET:pp.SPOE00226955-00226956, SPOE00226965-00226966, SPOE00226988-00226989(Public).

¹²⁶⁴ P03929_ET:p.SITF00436377(Public); [REDACTED];P02328_ET(Public);P02333_ET(Public); P02337_ET(Public);P02342_ET(Public);P02343_ET(Public);P02346_ET(Public); [REDACTED];P02363_ET(Public).

¹²⁶⁵ [REDACTED];P02235:pp.SITF00241225-00241244(Public); [REDACTED];P02311_ET(Public); [REDACTED];P02792_ET(Public).

¹²⁶⁶ P03787.1_ET:p.SPOE00228071(Public);[REDACTED]; [REDACTED];[REDACTED];[REDACTED]; [REDACTED]; [REDACTED].

¹²⁶⁷ P02279_ET(Public); [REDACTED]; [REDACTED]; [REDACTED];P02320_ET(Public);[REDACTED]; [REDACTED]; [REDACTED]; [REDACTED];[REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

¹²⁶⁸ P03937_ET(Public);[REDACTED]; [REDACTED].

¹²⁶⁹ P03787.1_ET:p.SPOE00228071(Public);[REDACTED]; [REDACTED]; [REDACTED]; P03929_ET:pp.SITF00436361, SITF00436371, SITF00436381(Public);[REDACTED];[REDACTED];P02792_ET:p.3(Public);[REDACTED]. See also P04123(Public); [REDACTED]; [REDACTED].

¹²⁷⁰ P01948(Public);[REDACTED]. See also P04133(Public); [REDACTED]; [REDACTED]

Serbian forces, reservists, minorities, collaborators, and Opponents.¹²⁷¹ In summer and early autumn 1999, KLA/MPO police units reported directly to the Ministry of Public Order regarding criminal investigations, arrests, and interrogations.¹²⁷²

304. International representatives raised concerns directly with **THAÇI**, **SELIMI**, and other General Staff members and PGoK officials about, *inter alia*, the KLA/MPO police's involvement in illegal arrests and detentions.¹²⁷³ For example, although in August 1999 **SELIMI** assured international representatives of KLA's intention to comply with the demilitarisation agreement,¹²⁷⁴ police forces on the ground concealed their operations¹²⁷⁵ and reported to the MPO about KFOR activities, including a raid on the Gjilan/Gnjilane detention site.¹²⁷⁶

m. Operational Zones and Bases in Northern Albania

i. Drenicë Zone

305. The Drenicë Zone was the focal point of early KLA activity in the 1990s. In 1991, Adem JASHARI organised the first armed action against the Serbian police and military forces.¹²⁷⁷ KLA armed units were established as early as 1993.¹²⁷⁸ Thereafter, in public

¹²⁷¹ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; P04111(Public); P00006.p.SITF00249808(Public); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

¹²⁷² P03954_ET(Public); [REDACTED]; [REDACTED]; P03959_ET(Public).

¹²⁷³ [REDACTED]; [REDACTED]; [REDACTED]; P01969.para.23(Public); P00755.p.SITF00172748(Public); [REDACTED]; [REDACTED].

¹²⁷⁴ [REDACTED].

¹²⁷⁵ [REDACTED]; [REDACTED]; P02347_ET(Public); P02338_ET(Public). *See also* [REDACTED].

¹²⁷⁶ [REDACTED]; [REDACTED]. *See also* P03959_ET(Public).

¹²⁷⁷ *See e.g.* AF212(Public); P00186_ET:pp.SPOE00226187, SPOE00226190(Public); P00189_ET.1:pp.U015-8800-U015-8801(Public); [REDACTED]; P02027.1_ET:T.2053-2054(Public); P01745_ET:pp.U003-9085-U003-9087(Public); W04290.T.24927(10-Feb-2025)(Open).

¹²⁷⁸ *See e.g.* P01745_ET:pp.U003-9086-U003-9090(Public); [REDACTED]; [REDACTED]; P02027.1_ET:T.2069(Public); P00186_ET:pp.SPOE00226187, SPOE00226190(Public); W04290.T.24917-24922(10-Feb-2025)(Open); [REDACTED]; P00777.T.6585(Public); [REDACTED]; P00189_ET.1:pp.U015-8757, U015-8763-U015-8764, U015-8766, U015-8800, U015-8803(Public).

communiqués, the GS claimed responsibility for attacks in Drenicë against Serbian police¹²⁷⁹ and ‘collaborators’ of the Serbian authorities.¹²⁸⁰

306. In November 1997, uniformed KLA soldiers made their first public appearance in Llaushë/Lauša, Skënderaj/Srbica, at a widely attended funeral.¹²⁸¹ During this appearance, **Rexhep SELIMI** confirmed that the KLA had undertaken operations against ‘Albanian-speaking collaborators of the occupier, collaborationists’. He further alleged that other political representatives ‘attempt to denigrate our holy war with their pacifist positions’.¹²⁸²

307. Fighting intensified in late 1997 and early 1998, including as demonstrated by the Ludoviq(Rrezallë e Re) battle around November 1997, and the late February and early March 1998 Serbian attacks in Qirez/Ćirez, Likoshan/Likošane, and Prekaz/Prekaze. Thereafter, thousands from the diaspora and in Kosovo volunteered for the KLA.¹²⁸³ KLA recruits arriving in Albania were equipped with weapons¹²⁸⁴ and often directed to Likoc/Likovac, including to **Rexhep SELIMI**,¹²⁸⁵ who was frequently present in the

¹²⁷⁹ P00152_ET(Public);P00153_ET(Public);P00279_ET(Public). P04201_ET:p.3(Public);P00778:T.6628-6629(Public);P00793:pp.U016-2097, U016-2123(Public).

¹²⁸⁰ P00153_ET(Public);P00279_ET(Public);P00281_ET(Public). *See also* P00793:pp.U016-2096-U016-2097, U016-2102-U016-2103, U016-2129-U016-1231(Public);P00794:pp.3335-3336(Public);P00800:pp.4966-4968(Public);P00187_ET:pp.SPOE00055730-00055731(Public). *See also* [REDACTED]; W04410:T.16629-16630(04-Jun-2024)(Open);P01264_ET:p.SPOE00128605(Public).

¹²⁸¹ AF214(Public);P00282_ET(Public);P02032_ET(Public);W04290:T.24931(10-Feb-2025)(Open); W02652:T.2933-2936(17-Apr-2023)(Open);W04758:T.21010-21011(23-Oct-2024)(Open);P00840:00:05:19-00:08:24(Public);P00840_ET:p.4(Public).

¹²⁸² P01878_ET(Public);W04401:T.22981-22982(28-Nov-2024)(Open);P00778:T.6627(Public); P04201_ET:pp.6-7(Public);P00189:pp.U015-8810-U015-8811(Public).

¹²⁸³ AF30(Public);AF41(Public);[REDACTED];P01745_ET:p.U003-9097(Public); [REDACTED];P02027.1_ET:T.2067(Public);W04290:T.24941(10-Feb-2025)(Open); P00793:para.8(Public);P00794:pp.3337-3338(Public);P00778:p.6592(Public).

¹²⁸⁴ P01115.1_ET:p.24(Public);P02006.1_ET:pp.9, 14(Public);W03873:T.22613(25-Nov-2024)(Open); [REDACTED];W04290:T.25005-25007(11-Feb-2025)(Open);P01817_ET:pp.63-64(Public); [REDACTED]. *See also* P02441_ET(Public);P02440_ET(Public).

¹²⁸⁵ [REDACTED];P01115.1_ET:pp.14, 30(Public);P01115.2_ET:pp.6-8(Public); W04741:T.14660-14664(23-Apr-2024)(Open);P01122_ET:pp.4-5(Public);P02006.1_ET:pp.13-14(Public); W04743:T.24701(28-Jan-

Drenicë area.¹²⁸⁶ From Likoc/Likovac, new recruits were deployed to other areas according to need,¹²⁸⁷ including by **Hashim THAÇI**¹²⁸⁸ and **Rexhep SELIMI**.¹²⁸⁹

308. Even prior to the establishment of Operational Zones by the GS,¹²⁹⁰ units in the Drenicë area – including ‘Shkoza 1’, led by Sylejman SELIMI; ‘Lisi’, led by Sami LUSHTAKU; ‘Shkaba’, led by Fehmi LLADROVCI; ‘Guri’, led by Musë JASHARI; ‘Sandokan’, led by Abedin REXHA; ‘Alpha’, led by Muje KRASNIQI; ‘Zogu’, led by

2025)(Open);P01817_ET:pp.57, 63-64, 66, 71-72(Public);P01816.1_ET:pp.22-24, 26-28(Public);W01453:T.21821, 21829-21831, 21833-21838, 21871-21872(04-Nov-2024)(Open);W01453:T.22094(06-Nov-2024)(Open);[REDACTED];[REDACTED];[REDACTED];[REDACTED];P01745_ET:p.U003-9095(Public);[REDACTED];[REDACTED];W03873:T.22584(25-Nov-2024)(Open);W03873:T.22771-22776(26-Nov-2024)(Open). *See also* P00778:T.6653(Public).

¹²⁸⁶ [REDACTED];P00763.8_ET:pp.1-2, 4(Public);P01745_ET:p.U003-9097(Public);[REDACTED];[REDACTED];[REDACTED];P00189_ET:p.U015-8846(Public);P04203_ET(Public);P01264_ET:pp.SPOE00128674-00128675(Public);[REDACTED];W03873:T.22696-22697(26-Nov-2024)(Open);[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED].

¹²⁸⁷ [REDACTED];W04741:T.14660-14664(23-Apr-2024)(Open);P01122_ET:pp.4-5(Public);P00778:T.6648-6649, 6591(Public);[REDACTED];P02027.2_ET:T.2176-2177(Public). *See also* P02400(Public)(handwritten);P02400_ET(Public);P04201_ET:p.8(Public); W04752:T.17369(01-Jul-2024)(Public).

¹²⁸⁸ P01817_ET:pp.54, 57, 63-64, 66, 71-72(Public);P01816.1_ET:pp.22-24, 26-28(Public);W01453:T.21821, 21829-21831, 21833-21838, 21871-21872(04-Nov-2024)(Open);W01453:T.22094(06-Nov-2024)(Open);[REDACTED].

¹²⁸⁹ [REDACTED];P01115.2_ET:pp.6-8(Public);P02006.1_ET:pp.12-14(Public); W04743:T.24701-24703(28-Jan-2025)(Open);[REDACTED];[REDACTED];W03873:T.22584(25-Nov-2024)(Open);W03873:T.22771-22776(26-Nov-2024)(Open);[REDACTED];W01453:T.21871-21872(04-Nov-2024)(Open);[REDACTED];[REDACTED]. *See also* [REDACTED];[REDACTED].

¹²⁹⁰ P02027.3_ET:T.2207, 2212-2213(Public);W04290:T.24941(10-Feb-2025)(Open);P01745_ET:p.U003-9097(Public). *See also* [REDACTED];[REDACTED].

Sokol BASHOTA; and Pëllumbi, led by Ferat SHALA¹²⁹¹ – reported directly to the GS.¹²⁹² The Prekaz group led by Adem JASHARI was transformed into the Drenicë OZ,¹²⁹³ which was the first zone to be established¹²⁹⁴ and encompassed the municipalities of Skënderaj/Srbica, Drenas(Glllogoc)/Glogovac, and Klinë/Klina.¹²⁹⁵ Qirez/Ćirez, Baicë/Banjica, Gllanasellë/Gladno Selo, Gradicë/Gradica, and Tërstenik/Trstenik fell under the Drenicë Zone.¹²⁹⁶

309. For much of the Indictment period, the Drenicë OZ headquarters were in Likoc/Likovac.¹²⁹⁷ GS members, including Hashim THAÇI, Jakup KRASNIQI, Rexhep SELIMI, and Kadri VESELI, also used Likoc/Likovac as a headquarters for some

¹²⁹¹ P01745_ET:pp.U003-9095-U003-9096(Public);P02027.1_ET:T.2067-2068, 2070(Public); P02027.2_ET:T.2149-2150(Public);P02027.3_ET:T.2208-2211(Public). The Pëllumbi unit, which, around spring/summer 1998, was involved in detentions (*see e.g.* [REDACTED]) was closely associated with the **Accused** and General Staff. For example, the Pëllumbi unit was supplied with arms stored at **Jakup KRASNIQI**'s house, received orders from the GS, and, for a period of time, was based, along with the GS, at the house of **Jakup KRASNIQI**'s father. *See* P00189_ET.1:pp.U015-8829-U015-8830(Public). Ferat SHALA left the Drenicë Zone around April-May 1998 to be attached to the GS and was later involved in intelligence. W04290:T.24953-24955(10-Feb-2025)(Open);W04290:T.25132-25135(12-Feb-2025)(Open);W04290:T.25241-25242(13-Feb-2025)(Open);W04752:T.18426-18428(17-Jul-2024)(Open);[REDACTED];P02414_ET(Public).

¹²⁹² P02027.3_ET:T.2206-2207, 2209(Public);P00189_ET.1:p.U015-8830(Public); P01881:p.SPOE00226856(Public). *See also* 1D00223_ET(Public);P00847_ET:p.3(Public).

¹²⁹³ P02027.1_ET:T.2054, 2058(Public);W04290:T.25016(11-Feb-2025)(Open). *See also* P01380:p.6D01-0518(Public).

¹²⁹⁴ [REDACTED];P00778:T.6652, 6691(Public);P00779:T.6691(Public); P01745_ET:p.U003-9097(Public);P02027.1_ET:T.2054(Public);P02027.3_ET:T.2217(Public); [REDACTED];[REDACTED];[REDACTED]; [REDACTED];4D00077:p.SITF00393439(Public); [REDACTED]. *See also* [REDACTED];P00189_ET.1:pp.U015-8800, U015-8844(Public);P00795:T.3414(Public).

¹²⁹⁵ AF245(Public);P01814:p.K020-9546(Public);P00794:pp.3343-3344(Public).

¹²⁹⁶ P00680.1:p.034241(Public);P00158_ET:p.043805(Public);P01264_ET:p.SPOE00128795(Public); P00739.8_ET:pp.12-13(Public);P00295_ET:p.1(Public);P01745_ET:pp.U003-9102, U003-9104(Public); P01375(Public);P01356_ET:T.5967(Public);P01380(Public).

¹²⁹⁷ AF217(Public);AF244(Public);[REDACTED]; [REDACTED]; [REDACTED];P01745_ET:p.U003-9097(Public);W04290:T.24942(10-Feb-2025)(Open); W04752:T.17529(03-Jul-2024)(Open);[REDACTED];[REDACTED];P00763.8_ET:pp.1-2, 4(Public);[REDACTED]; [REDACTED];[REDACTED];P01449_ET:p.SPOE00209456(Public); W04410:T.16693(04-Jun-2024)(Open);P01069:p.075324(Public). *See also* [REDACTED]; [REDACTED];P02027.1_ET:T.2079-2080(Public);[REDACTED]; [REDACTED];P02400(Public)(handwritten version);P02400_ET(Public); P02415(Public)(signed);P02415_ET(Public);P00136.1(Public)(typewritten original);P00136.1_ET(Public); P02439_ET(Public);P02440_ET(Public);P02441_ET(Public);P01074:p.075342(Public).

time¹²⁹⁸ and frequently visited throughout the Indictment period,¹²⁹⁹ including to meet with internationals and negotiate the release of prisoners held by the KLA.¹³⁰⁰ After the Serbian offensives in late summer 1998, the Drenicë/Drenica OZ headquarters moved temporarily to Baicë/Banjica and Abri e Epërme/Gornje Obrinje.¹³⁰¹

310. Between May and the end of 1998, the number of KLA soldiers in the Drenicë Zone rose into the thousands.¹³⁰² Units operating in the Drenicë Zone were progressively re-subordinated into brigade structures, subsequently forming companies, battalions, and platoons within each brigade.¹³⁰³ In May 1998, Sylejman

¹²⁹⁸ [REDACTED];P01881_ET:p.SPOE00226856(Public);[REDACTED]; [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED];P00189_ET.1:pp.U015-8934-U015-8935(Public);P00189_ET.2:p.U015-8936(Public); P00644_ET(Public);W04290:T.24944(10-Feb-2025)(Open);[REDACTED].

¹²⁹⁹ P01949_ET:p.SPOE00141110(Public);W04290:T.24944(10-Feb-2025)(Open);P01745_ET:p.U003-9097(Public);P00778:T.6590-6593, 6654-6656, 6658(Public);[REDACTED]; [REDACTED];[REDACTED];[REDACTED];W04752:T.17341(01-Jul-2024)(Open);W04752:T.18456(17-Jul-2024)(Open); [REDACTED];[REDACTED]; P01115.1_ET:pp.14, 30-31(Public);P01115.2_ET:pp.6-7(Public);[REDACTED]; [REDACTED];P04203_ET(Public);[REDACTED]; [REDACTED];[REDACTED];[REDACTED];P01257(Public);P01257_ET(Public);[REDACTED]; [REDACTED];P01264_ET:pp.SPOE00128640, SPOE00128659-00128660, SPOE00128674-00128677, SPOE00128683, SPOE00128790, SPOE00128796(Public);[REDACTED]; W03873:T.22696-22697(26-Nov-2024)(Open);W04746:T.5513-5514(12-Jul-2023)(Open); P00778:T.6653(Public);[REDACTED]; P01449_ET:pp.SPOE00209450, SPOE00209468(Public);[REDACTED].

¹³⁰⁰ P04203_ET(Public);P00515_ET.6(Public);P00811_ET.12(Public);P00811_ET.16(Public); P00811_ET.23(Public);P00189_ET.1:pp.U015-8846, U015-8889, U015-8891, U015-8896(Public); [REDACTED];4D00041(Public);P01094(Public); P01092_ET:p.SPOE00230900(Public);P00864(Public);[REDACTED]; [REDACTED];[REDACTED];W04147:T.13552-13553, 13556-13557, 13561-13563(25-Mar-2024)(Open);W04147:T.13797(26-Mar-2024)(Open);W04147:T.13819-13820, 13942-13943(27-Mar-2024)(Open);[REDACTED];W02144:T.16270-16271(29-May-2024)(Open);P01264_ET:pp.SPOE00128674-00128676(Public);[REDACTED]; P00763.5_ET:pp.16, 23(Public);W04290:T.24969(10-Feb-2025)(Open);[REDACTED];P01091_ET:p.SPOE00231064(Public);1DW-008:T.27803-27805(11-Nov-2025)(Open);P03770_ET:p.SPOE00229211(Public);P03781.2_ET:pp.SPOE00226470-00226471(Public); [REDACTED].

¹³⁰¹ P01745_ET:p.U003-9104(Public);W04290:T.25007-25008, 25075(11-Feb-2025)(Open); W04752:T.17529(03-Jul-2024)(Open);P00742.3_ET:pp.2-3, 12, 18(Public).

¹³⁰² P02027.1_ET:T.2075-2076(Public).

¹³⁰³ W04290 gives different timings as to the appointments within his Zone, but his evidence as a whole makes clear that the basic zone structures were approved in May 1998 before being formalised by GS approval 1-2 months later. See P02027.1_ET:T.2068, 2076-2077, 2090(Public);P02027.3_ET:T.2209-

SELIMI was selected as Drenicë OZ Commander at a meeting attended by **Rexhep SELIMI**, and his appointment was approved by the GS.¹³⁰⁴ The Deputy Commander was Sami LUSHTAKU.¹³⁰⁵ Around that time, the Drenicë OZ Commander took measures to establish a special unit as Brigade 111,¹³⁰⁶ as well as MP,¹³⁰⁷ and Brigades 112, 113, and 114 were created¹³⁰⁸ under commanders Abedin REXHA, known as Sandokan, Muje KRASNIQI, and Fehmi LLADROVCI, respectively.¹³⁰⁹ The Drenicë Zone was separated into three parts by asphalt roads, which also served as the borders of Brigades 112-114, while Brigade 111 operated between Abri/Obrinje and

2211(Public);[REDACTED];[REDACTED]; P01745_ET:pp.U003-9095-U003-9097(Public). *See also* P02417(Public)(signed);P02417_ET(Public); [REDACTED];W04290:T.24963-24964(10-Feb-2025)(Open);P00127(Public)(containing Sylejman SELIMI's name);P00127_ET(Public);P01356_ET:T.5934, 6234, 6268-6269(Public); W04752:T.17552(03-Jul-2024)(Open). *See also* P00270_ET.8(Public);[REDACTED].

¹³⁰⁴ AF242-AF243(Public);P01745_ET:p.U003-9097(Public);[REDACTED]; P02027.1_ET:T.2071(Public);P02027.2_ET:T.2173(Public);[REDACTED];[REDACTED];W04290:T.25019-25022, 25050-25051(11-Feb-2025)(Open);W04290:T.25206-25209(12-Feb-2025)(Open);P00189_ET.1:p.U015-8845(Public);P00800:pp.5048-5049, 5147-5148(Public); [REDACTED]. *See also* [REDACTED].

¹³⁰⁵ P01745_ET:p.U003-9097(Public);W04290:T.24945(10-Feb-2025)(Open); [REDACTED];W04290:T.25005-25006(11-Feb-2025)(Open);[REDACTED];P00189_ET.1:p.U015-8845(Public).

¹³⁰⁶ P01745_ET:pp.U003-9097-U003-9099(Public);W04290:T.24946, 24956-24960(10-Feb-2025)(Open); [REDACTED];[REDACTED];P02027.1_ET:T.2076-2077(Public); [REDACTED];P01264_ET:p.SPOE00128648(Public). *See also* [REDACTED]; [REDACTED];P02027.2_ET:T.2189-2190(Public);[REDACTED]; [REDACTED];[REDACTED];[REDACTED]; [REDACTED].

¹³⁰⁷ [REDACTED];P02027.1_ET:T.2082(Public);P02027.2_ET:T.2195(Public); P02027.3_ET:T.2212-2216, 2218-2225(Public);[REDACTED];W04290:T.24995(10-Feb-2025)(Open);W04290:T.25098(11-Feb-2025)(Open);[REDACTED]; [REDACTED];[REDACTED];[REDACTED]; W04410:T.16693(04-Jun-2024)(Open).

¹³⁰⁸ AF245(Public);[REDACTED];P02027.1_ET:T.2075-2077(Public); [REDACTED];P01745_ET:pp.U003-9097-U003-9098(Public);W04290:T.24946-24949(10-Feb-2025)(Open). *See also* [REDACTED];P02412_ET(Public);P01356_ET:T.6258-6259(Public); P02413_ET(Public).

¹³⁰⁹ P00189_ET.1:pp.U015-8846-U015-8848(Public);P01745_ET:pp.U003-9090, U003-9097-U003-9099(Public);[REDACTED];[REDACTED]; P02027.1_ET:T.2076-2077(Public);[REDACTED];W04290:T.24946-24949(10-Feb-2025)(Open);W04240:T.20734-20736(21-Oct-2024)(Open);P01380(Public);[REDACTED]. *See also* P02403_ET(Public);[REDACTED];P02411_ET(Public).

Likoc/Likovac.¹³¹⁰

311. During the Indictment period, senior commanders in the Drenicë/Drenica OZ – at times acting together with GS members – committed crimes against Opponents at Likoc/Likovac, Qirez/Ćirez, Baicë/Banjica, and other locations in the Drenicë OZ.¹³¹¹

312. In relation to the special unit, on 9 May 1998, Sylejman SELIMI issued a program and plan for this elite rapid response unit consisting of highly trained soldiers.¹³¹² He subsequently appointed Jahir DEMAKU as special unit commander, and notified the appointment to the GS¹³¹³ for its approval.¹³¹⁴ In August 1998, Sylejman SELIMI approved a training program for this special unit, the Black Tigers.¹³¹⁵ There was a high level of organisation and discipline among units under Jahir DEMAKU's command.¹³¹⁶

313. The MP was created pursuant to an order of the GS and was active as early as May/June 1998.¹³¹⁷ On 13 May 1998, Sylejman SELIMI issued a program for the MP; all

¹³¹⁰ P01745_ET:p.U003-9097(Public);P02027.1_ET:T.2076-2077(Public);[REDACTED]; [REDACTED]. *See also* P03737(Public);P03737_ET(Public);P03738(Public).

¹³¹¹ *See also* [REDACTED];[REDACTED]; [REDACTED];[REDACTED]; [REDACTED];[REDACTED];W04290:T.25007-25008(11-Feb-2025)(Open); [REDACTED]; [REDACTED];[REDACTED];[REDACTED];

[REDACTED];P00515_ET.38(Public);P00864(Public);W04147:T.13561-13563(25-Mar-2024)(Open);P01747_ET:pp.098274, 098276, 098281(Public);P01748_ET:p.U002-3550(Public).

¹³¹² [REDACTED];[REDACTED]; W04290:T.24956-24957(10-Feb-2025)(Open);P01745_ET:pp.U003-9097-U003-9099(Public).

¹³¹³ [REDACTED];[REDACTED]; [REDACTED];P02027.2_ET:T.2189-2190(Public);[REDACTED]. *See also* [REDACTED];P02027.1_ET:T.2076-2077(Public).

¹³¹⁴ [REDACTED];[REDACTED];P02027.2_ET:T.2189-2190(Public); [REDACTED];[REDACTED].

¹³¹⁵ *See e.g.* [REDACTED];[REDACTED]; [REDACTED];[REDACTED];W04290:T.24959(10-Feb-2025)(Open);[REDACTED];[REDACTED];[REDACTED].

¹³¹⁶ This included units under his command both before and after his special unit appointment. *See e.g.* P00146.1(Public)(signed);P00146.1_ET(Public);P02399(Public)(signed);P02399_ET(Public);P02393(Public)(handwritten);P02393_ET(Public);P02401(Public)(signed);P02401_ET(Public). *See also* P02423_ET(Public);P02438_ET(Public);P01745_ET:p.U003-9099(Public);[REDACTED].

¹³¹⁷ [REDACTED];P02027.1_ET:T.2082(Public);P02027.2_ET:T.2195(Public); P02027.3_ET:T.2212-2214, 2218-2220(Public);[REDACTED];W04290:T.24995(10-Feb-2025)(Open);W04290:T.25098(11-Feb-2025)(Open);W04290:T.25249(13-Feb-2025)(Open); P01745_ET:p.U003-9096(Public);[REDACTED];P01282:00:00:00-00:00:07(Public); P01282_ET(Public);P00840:00:20:57-

commanders were obliged to inform their soldiers of it, including that the MP were responsible for disciplinary measures, such as use of force, imprisonment in case of, for example, desertion, and confiscation of unauthorised vehicles.¹³¹⁸ The MP headquarters were located in Likoc/Likovac¹³¹⁹ and headed by Sahit JASHARI,¹³²⁰ who reported to the zone commander and the GS.¹³²¹

314. From spring 1998, the Drenicë MP were involved in the identification, arrest, detention, and interrogation of Opponents. For example, in May 1998, Vladimir SPASIĆ, a retired accountant for the Ministry of Foreign Affairs from Belgrade, went missing on the road between Prishtinë/Priština and Pejë/Peć.¹³²² A handwritten report dated 18 May 1998 – seized from Likoc/Likovac in August 1998¹³²³ – concerns the abduction, indicating that SPASIĆ was handed over from the Pëllumbi checkpoint to Sahit JASHARI.¹³²⁴ About a month later, a video was recovered¹³²⁵ depicting the interrogation of four Serbs in KLA custody: Miroslav ŠULJINIĆ, who had been

00:21.29(Public);P00840_ET:p.6(Public); P01264_ET:pp.SPOE00128648-00128649(Public);W04410:T.16693-16694(04-Jun-2024)(Open); W04410:T.16877-16878(06-Jun-2024)(Open);[REDACTED]; P02445(signed)(Public);P02445_ET:p.098585(Public);[REDACTED]; P02445_ET:p.098585(Public).

¹³¹⁸ [REDACTED];[REDACTED];P02027.3_ET:T.2212-2216, 2220-2225(Public);[REDACTED];W04290:T.24995(10-Feb-2025)(Open). *See also* [REDACTED];P02027.1_ET:T.2082-2084(Public);P02027.2_ET:T.2196(Public);[REDACTED];W04290:T.25247-25249(13-Feb-2025)(Open). Shaban SHALA was the Head of the Information Sector in the Drenicë Zone, *see* P02454(Public)(containing Shaban SHALA's signature);P02454_ET(Public);W04290:T.24911-24912, 24945-24946(10-Feb-2025)(Open);W04290:T.25191(12-Feb-2025)(Open);[REDACTED].

¹³¹⁹ [REDACTED];W04290:T.24949(10-Feb-2025)(Open);W04290:T.25098(11-Feb-2025)(Open);[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];P02447_ET.2(Public);P02450_ET(Public).

¹³²⁰ *See e.g.* [REDACTED];P02414_ET(Public);[REDACTED]; [REDACTED];W04290:T.24949(10-Feb-2025)(Open);W04290:T.25098-25099, 25101(11-Feb-2025)(Open);P02445:p.098585(Public)(handwritten);P02445_ET:p.098585(Public).

¹³²¹ [REDACTED];[REDACTED];W04290:T.25099-25102(11-Feb-2025)(Open);W04290:T.25121-25122(12-Feb-2025)(Open).

¹³²² [REDACTED];[REDACTED];[REDACTED];[REDACTED].

¹³²³ [REDACTED].

¹³²⁴ [REDACTED];[REDACTED]. *See also* [REDACTED];[REDACTED];[REDACTED].

¹³²⁵ [REDACTED];[REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED].

abducted on 21 May 1998 when driving near Klinë/Klina,¹³²⁶ Dejan STOJILJKOVIĆ, who had been abducted from a bus on 19 May 1998 on the road between Pejë/Peć and Mitrovicë/Kosovska Mitrovica,¹³²⁷ Žarko SPASIĆ (a Bardh i Madh/Veliki Belačevac mine driver abducted around 14 May 1998),¹³²⁸ and Vladimir SPASIĆ.¹³²⁹ The questions the men were asked during their interrogation as depicted in the video are nearly identical to questions contained in handwritten notes¹³³⁰ seized from Likoc/Likovac in early August 1998,¹³³¹ and in which the personal details of these four men were also recorded.¹³³² The remains of these men were never recovered.¹³³³

315. Intelligence services were also active in the Drenicë OZ, since at least spring 1998.¹³³⁴ Sabit GECI (aka Qopa) headed a unit¹³³⁵ operating in Drenicë, including at Likoc/Likovac,¹³³⁶ that answered to **Kadri VESELI** and the General Staff.¹³³⁷ Sabit GECI had the authority to issue orders in the zone, including interrogating and arresting

¹³²⁶ [REDACTED];P04280_ET:p.3(Public).

¹³²⁷ [REDACTED];P04280_ET:p.13(Public).

¹³²⁸ [REDACTED];[REDACTED];[REDACTED]. See also P04220(Public);P04023:p.K007-8707(Public); P01264_ET:pp.SPOE00128630-00128631, SPOE00128720(Public);P01273.1(Public).

¹³²⁹ [REDACTED];[REDACTED];[REDACTED]. See also [REDACTED].

¹³³⁰ Compare [REDACTED] with [REDACTED] and [REDACTED]; [REDACTED] and [REDACTED]; [REDACTED] and [REDACTED]; [REDACTED] and [REDACTED]; [REDACTED] and [REDACTED]; [REDACTED] and [REDACTED].

¹³³¹ [REDACTED].

¹³³² Vladimir SPASIĆ: [REDACTED]. Compare with [REDACTED]. See also [REDACTED]. Žarko SPASIĆ: [REDACTED]; [REDACTED]; Miroslav ŠULJINIĆ: [REDACTED]. Compare with [REDACTED]; Dejan STOJILJKOVIĆ: [REDACTED].

¹³³³ [REDACTED];[REDACTED];P04280_ET:pp.3, 13(Public); [REDACTED]. See also P04082_ET:p.4(Public).

¹³³⁴ See e.g. P02394_ET:p.SPOE00225682(Public);P02414_ET(Public); [REDACTED];[REDACTED];W04290:T.24945(10-Feb-2025)(Open); W04290:T.25105-25107(11-Feb-2025)(Open).

¹³³⁵ See e.g. [REDACTED];W04290:T.24992-24994(10-Feb-2025)(Open);W04290:T.25152-25156(12-Feb-2025)(Open);[REDACTED];[REDACTED];[REDACTED];P00763.4_ET:pp.9-10, 12-13, 22(Public).

¹³³⁶ See e.g. P02386(Public)(handwritten);P02386_ET(Public);P01748:p.U002-3556(Public)(handwritten); P01748_ET:p.U002-3556(Public);[REDACTED];P00763.4_ET:p.15(Public); [REDACTED];P02434_ET(Public);P02435_ET(Public);P02437(Public)(handwritten, signed);P02437_ET(Public).

¹³³⁷ [REDACTED];[REDACTED]; [REDACTED];W04290:T.24990-24994(10-Feb-2025)(Open);[REDACTED];[REDACTED];P00763.4_ET:p.22(Public). See also [REDACTED]; [REDACTED];[REDACTED];[REDACTED].

military personnel and civilians.¹³³⁸

316. Additionally, Hamza HAJRA (aka SHTUTICA), was wanted by the KLA ZKZ because of his work with the regime's State Security¹³³⁹ and was targeted by a KLA assassination team in spring 1998.¹³⁴⁰ As he survived the first assassination attempt, he was then kidnapped by the KLA in Macedonia, but later released.¹³⁴¹ In an August 1999 statement requesting not to be transferred from Pashtrik to Drenicë, Kimete KRASNIQI, a soldier involved in the operation, claimed she was only accepted into the ranks of the KLA in Drenicë in April 1998 on the condition that she assassinate Hamza HAJRA.¹³⁴² According to her, Musë JASHARI¹³⁴³ (who would later become a GS member¹³⁴⁴), Fehmi LLADROVCI, and Jahir DEMAKU (who would later become the Black Tigers commander), among others, were aware of the operation.¹³⁴⁵ In August 1999, Halil QADRAKU, Chief of ZKZ for the Pashtrik Zone, reported the spring 1998 operation to **VESELI** through Tahir SINANI, forwarding her request and specifically noting how soldiers 'like her, who have acted in this way, should be protected'.¹³⁴⁶ Hamza HAJRA

¹³³⁸ [REDACTED];W04290:T.24992-24994(10-Feb-2025)(Open);W04290:T.25152-25156(12-Feb-2025)(Open);[REDACTED];[REDACTED];[REDACTED];P00763.4_ET:pp.9-10, 12-13, 22(Public); [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED]. For Sabit GECI's presence in the Drenicë OZ, *see e.g.* P02386_ET(Public); P01748_ET:p.U002-3556(Public);P02434_ET(Public);P02435_ET(Public);P02437_ET(Public); [REDACTED].

¹³³⁹ Hamza HAJRA was being monitored by the KLA in the Drenicë OZ, *see* [REDACTED];[REDACTED];[REDACTED]; [REDACTED]. In this regard, *see also* [REDACTED]; [REDACTED];[REDACTED]; [REDACTED];[REDACTED].

¹³⁴⁰ [REDACTED];[REDACTED];[REDACTED].

¹³⁴¹ [REDACTED];[REDACTED].

¹³⁴² [REDACTED];[REDACTED].

¹³⁴³ In relation to his presence and role in the Drenicë OZ, including in relation to the 'Female Unit', *see e.g.* P01745_ET:pp.U003-9095-U003-9096(Public);P02389_ET(Public). *See also* P02392_ET(Public); P02390_ET(Public);P02391_ET(Public). The first name is also spelled 'Muse' and 'Musaj' in various documents.

¹³⁴⁴ P03840_ET(Public);P03839_ET(Public);P03838_ET(Public);P01421_ET(Public).

¹³⁴⁵ [REDACTED];P00709(Public)(signed);P00709_ET(Public);[REDACTED].

¹³⁴⁶ P00709(Public)(signed);P00709_ET(Public);W04765:T.9901-9903(13-Nov-2023)(Open); P01862_ET(Public);[REDACTED]; W03873:T.22707, 22749-22751(26-Nov-2024)(Open). *See also* [REDACTED]; [REDACTED];[REDACTED].

was murdered in 2001, together with his entire family.¹³⁴⁷

317. Throughout the Indictment period, the GS issued orders to the Drenicë Zone command.¹³⁴⁸ They also reported to, met with, and requested reinforcements, funds, and logistics from the GS,¹³⁴⁹ and distributed and enforced the Provisional Regulations and directives.¹³⁵⁰ Drenicë OZ commanders issued orders to brigade commanders, both orally (in person or via radio) and in writing,¹³⁵¹ and distributed funds and supplies to local headquarters.¹³⁵² They organised military matters, including by regulating the daily schedules of soldiers,¹³⁵³ and providing that disobedience or failure to implement orders would lead to disciplinary measures.¹³⁵⁴ Detailed records were kept of members,

¹³⁴⁷ [REDACTED];[REDACTED];[REDACTED].

¹³⁴⁸ [REDACTED];P01745_ET:p.U003-9097(Public);[REDACTED];P02027.3_ET:T.2212-2213(Public);W04290:T.24955-24956(10-Feb-2025)(Open). *See also* P03676_ET(Public);P02420(Public)(signed);P02420_ET(Public);P02027.1_ET:T.2075(Public);[REDACTED];[REDACTED];W04765:T.10263(16-Nov-2023)(Open). *See also* P01857_ET:p.76(Public).
¹³⁴⁹ P02412(Public)(handwritten);P02412_ET(Public);P01395_ET(Public);[REDACTED];P00875_ET(Public);[REDACTED];[REDACTED];AF277(Public);P03919_ET.3(Public);P03919_ET.5(Public); [REDACTED];[REDACTED];W04290:T.24960-24961(10-Feb-2025)(Open); W04290:T.25130-25131(12-Feb-2025)(Open);P01745_ET:p.U003-9106(Public);W04290:T.25024-25026(11-Feb-2025)(Open);[REDACTED];[REDACTED]; [REDACTED]. *See also* P02425_ET:p.U000-8266(Public);P03817_ET(Public). *See also* [REDACTED];[REDACTED].

¹³⁵⁰ P02412(Public)(handwritten original);P02412_ET(Public);P00641_ET:p.SPOE00231445(Public)[REDACTED];P02420(Public)(signed);P02420_ET(Public); [REDACTED];[REDACTED]. *See also* AF236(Public);AF239-AF240(Public);[REDACTED];P02027.3_ET:T.2212-2213(Public). *See also* P00851_ET:p.3(Public).

¹³⁵¹ [REDACTED];[REDACTED];P02027.1_ET:T.2077-2080(Public); P02027.3_ET:T.2224, 2231(Public);P02418_ET(Public);P02453_ET(Public);P02454(Public)(signed); P02454_ET(Public);P00125(Public)(signed);P00125_ET(Public);[REDACTED];[REDACTED].

¹³⁵² P02424_ET(Public);P02461_ET(Public);P02460_ET(Public);P02462_ET(Public);P02439_ET(Public); P02475_ET(Public). *See also* P02464_ET(Public);P02422(Public)(signed);P02422_ET(Public); P02436_ET(Public);P02430_ET(Public);P02431_ET(Public);P02432_ET(Public);P02433_ET(Public).

¹³⁵³ P02401_ET(Public); [REDACTED];P02033(Public)(containing Sylejman SELIMI's signature);P02033_ET(Public);P02416_ET(Public);W04290:T.24963-24965(10-Feb-2025)(Open). Similar schedules were used in other OZs, including Llap OZ, Dukagjin OZ, and Pashtrik OZ. *See* [REDACTED];P02131_ET(Public);P03186_ET(Public);[REDACTED]; [REDACTED];P03799_ET(Public);P02387_ET:p.097182(Public).

¹³⁵⁴ *See e.g.* P02399(Public)(signed);P02399_ET(Public);P02416(Public)(containing Jahir DEMAKU's signature);P02416_ET(Public);P02417(Public)(signed);P02417_ET(Public). *See also* P01747:p.098274(Public);P02027.1_ET:T.2081-2082(Public).

their weapons and activities,¹³⁵⁵ and military expenses.¹³⁵⁶ A sophisticated communications system was in place, using standardised communications documents, including code ciphers.¹³⁵⁷ Commanders in the zone also coordinated with other OZs, such as transferring and requesting soldiers and supplies, and coordinating operations,¹³⁵⁸ as well as training officers¹³⁵⁹ as instructed by GS orders,¹³⁶⁰ and at the Drenicë OZ Command's military school.¹³⁶¹

318. When Sylejman SELIMI became KLA General Commander around the end of February 1999, Sami LUSHTAKU took over as Drenicë Zone Commander.¹³⁶² Also in February 1999, upon orders of the GS's MP Directorate, under Fatmir LIMAJ,¹³⁶³ a formal recruitment process was carried out for MP members to be (re)assigned at both

¹³⁵⁵ P02388_ET(Public);P02395(Public)(signed);P02395_ET(Public);P02398_ET(Public);
[REDACTED];[REDACTED];P02402(Public)(signed);P02402_ET(Public);[REDACTED]; [REDACTED].
See also [REDACTED];[REDACTED];

[REDACTED];P02405_ET(Public);P02406_ET(Public);P02404_ET(Public).

¹³⁵⁶ P02439_ET(Public). *See also* [REDACTED];[REDACTED]; P02425_ET(Public).

¹³⁵⁷ *See e.g.* P02443:pp.U003-4775-U003-4780(Public);P02443_ET.1(Public);P02444_ET(Public).

¹³⁵⁸ *See e.g.* P02397_ET(Public);P02398_ET(Public);P02400_ET(Public);P02419(Public)(signed);
P02419_ET(Public);P03043(Public)(signed);P03043_ET(Public);P01745_ET:p.U003-9096(Public);
P02027.1_ET:T.2094-2095(Public);P02027.2_ET:T.2167-2169(Public);[REDACTED]; W04290:T.24995-
24997(10-Feb-2025)(Open);[REDACTED]. *See also*

[REDACTED];[REDACTED];P00122(Public)(signed);P00122_ET(Public);

[REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED]. *See also*
[REDACTED];[REDACTED]. *See also* [REDACTED].

¹³⁵⁹ *See e.g.* P02398_ET(Public);P02415(Public)(signed);P02415_ET(Public);P02443:pp.U003-4781-U003-
4784(Public)(containing Sami LUSHTAKU's and Sylejman SELIMI's signatures);P02443_ET.2(Public);
P02443_ET.3(Public);[REDACTED];W04290:T.24963-24964(10-Feb-2025)(Open); W04290:T.25109(11-Feb-
2025)(Open);[REDACTED];[REDACTED]; [REDACTED];[REDACTED];P02419(Public)(signed);
P02419_ET(Public). *See also* W04752:T.17529-17530(03-Jul-2024)(Open).

¹³⁶⁰ P00631(Public)(signed);P00631_ET(Public);W04752:T.17782(08-Jul-2024)(Open);W04752:T.17458(02-
Jul-2024)(Open). *See also* P00617:p.SPOE00228802(Public)(signed);P00617_ET:p.SPOE00228802(Public).

¹³⁶¹ *See e.g.* P02415(Public)(signed);P02415_ET(Public);P02417(Public)(signed);P02417_ET(Public);
P02443:pp.U003-4781-U003-4784(Public)(signed);P02443_ET.2(Public);P02443_ET.3(Public). *See also*
P00125(Public)(signed);P00125_ET(Public);[REDACTED];[REDACTED].

¹³⁶² [REDACTED];P00189_ET.1:p.U015-8845(Public);[REDACTED]; P01380:p.6D01-
0519(Public);P01356_ET:T.6146(Public);[REDACTED];

[REDACTED];P02443_ET.2(Public);P02443_ET.3(Public);P02415(Public)(signed);P02415_ET(Public);P02
420(Public)(signed);P02420_ET(Public);P04169_ET(Public).

¹³⁶³ P02446_ET(Public).

zone and brigade levels,¹³⁶⁴ including existing MP members,¹³⁶⁵ and Sahit JASHARI himself.¹³⁶⁶ These communications with the GS also included a template for a standard MP armband.¹³⁶⁷

319. During the Indictment period, Drenicë OZ MP enforced orders of the Zone Command,¹³⁶⁸ recording logistics and donations,¹³⁶⁹ coordinating with other units and commanders,¹³⁷⁰ and taking statements.¹³⁷¹

320. The Zone Command further maintained a hospital in Likoc/Likovac¹³⁷² and issued written orders concerning civilian matters¹³⁷³ and mandating support for the KLA,¹³⁷⁴ including by regulating *inter alia* the relocation of structures and public gatherings,¹³⁷⁵ the sale of fuel,¹³⁷⁶ wheat harvests and prices, and the provision of wheat

¹³⁶⁴ See e.g. P02446_ET(Public);P02447(Public);P02447_ET.1-P02447_ET.3(Public);P02448(Public);P02448_ET.1-P02448_ET.4(Public);P02449_ET-P02451_ET(Public).

¹³⁶⁵ See e.g. P02448:pp.U017-3751, U017-3753, U017-3755, U017-3757, U017-3759, U017-3761, U017-3762-U017-3788(Public);P02448_ET.2:pp.U017-3751, U017-3753, U017-3755, U017-3757, U017-3759(Public);P02448_ET.3(Public);P02448_ET.4(Public);P02450:pp.U017-3810, U017-3866, U017-3868, U017-3872(Public);P02450_ET:pp.U017-3810, U017-3866, U017-3868, U017-3872(Public);P02451:pp.U017-3372, U017-3392, U017-3483(Public);P02451_ET:pp.U017-3372, U017-3392, U017-3483(Public).

¹³⁶⁶ See e.g. P02448:p.U017-3739(Public);P02448_ET.1(Public).

¹³⁶⁷ P02447:p.U017-3363(Public);P02447_ET.3:p.U017-3363(Public).

¹³⁶⁸ See e.g. P02446_ET(Public);P02447(Public);P02447_ET.1-P02447_ET.3(Public);P02448(Public);P02448_ET.1-P02448_ET.4(Public);P02449_ET(Public);P02450_ET(Public);P02451_ET(Public).

¹³⁶⁹ See e.g. P02445:pp.098585-098587, 098590, 098592-098594(Public)(handwritten version);P02445_ET:pp.098585-098587, 098590, 098592-098594(Public). See also W04290:T.25247(13-Feb-2025)(Open).

¹³⁷⁰ See e.g. P02445:p.098585(Public)(handwritten version);P02445_ET:p.098585(Public).

¹³⁷¹ See e.g. [REDACTED];[REDACTED].

¹³⁷² See e.g. AF229(Public);P02426_ET(Public);P00189_ET.1:p.U015-8845(Public);W04290:T.24942(10-Feb-2025)(Open);[REDACTED];P01745_ET:p.U003-9098(Public);P01264_ET:p.SPOE00128681(Public);P01449_ET:p.SPOE00209456(Public).

¹³⁷³ P00189_ET.1:p.U015-8846(Public);[REDACTED]; [REDACTED];[REDACTED];[REDACTED];P02027.1_ET:T.2079-2080(Public);P02428_ET(Public); [REDACTED]; [REDACTED];P02429_ET(Public).

¹³⁷⁴ The Drenicë OZ Command also ordered the mobilisation of civilians to assist in fortifying KLA bases, with disciplinary measures to be taken against those who refused. See [REDACTED];[REDACTED];W04290:T.24965-24966(10-Feb-2025)(Open). See also P00814_ET.21(Public).

¹³⁷⁵ See e.g. P02417:pp.097055-097056(Public)(containing Sylejman SELIMI's signatures);P02417:pp.097055-097056(Public). See also [REDACTED];[REDACTED].

¹³⁷⁶ See e.g. P00141.1(Public)(containing Shaban SHALA's signature);P00141.1_ET(Public).

and other supplies for ‘the needs of the KLA’.¹³⁷⁷ Consistent with GS orders and regulations,¹³⁷⁸ it also controlled movement into, out of, and within the Drenicë OZ, including by a system of checkpoints.¹³⁷⁹

321. On 30 July 1998, the Drenicë OZ Information Sector, which was in contact with the GS,¹³⁸⁰ issued orders warning the population of ‘enemy propaganda’ and ‘disinformation’, and forbidding the population from leaving without authorisation and from taking any measures against KLA interests, under threat of ‘military law sanctions’ in case of non-compliance.¹³⁸¹ By summer 1998, the Drenicë OZ was commonly understood to be ‘a dangerous region, “the worst area”, where people [were] sent (...) to be killed.’¹³⁸² KLA soldiers in other OZs referenced it as a threat.¹³⁸³

322. Certain victims were targeted based on, *inter alia*, being labelled as, or their association with, collaborators as identified in GS communiqués.¹³⁸⁴ After Abedin REXHA was killed ‘in an ambush’ on 8 October 1998, the GS issued Communiqué 59

¹³⁷⁷ P02428(Public)(containing signature);P02428_ET(Public);P02429_ET(Public); [REDACTED]; [REDACTED];W04290:T.24962(10-Feb-2025)(Open);P02027.3_ET:T.2221, 2225-2227(Public); [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED];[REDACTED]. See also [REDACTED];P02423_ET(Public).

¹³⁷⁸ [REDACTED];P00879_ET(Public);W04752:T.17382-17383(01-Jul-2024)(Open). See also P01264_ET:pp.SPOE00128601-00128603, SPOE00128605(Public);W04410:T.16910-16911(06-Jun-2024)(Open).

¹³⁷⁹ See e.g. [REDACTED];[REDACTED]. See also P02463_ET(Public);P02465_ET-P02469_ET(Public); [REDACTED];P02410_ET(Public). See also [REDACTED];W04290:T.25246-25247(13-Feb-2025)(Open).

¹³⁸⁰ P02027.3_ET:T.2224(Public);W04290:T.24945-24946(10-Feb-2025)(Open); P01264_ET:pp.SPOE00128609, SPOE00128612(Public).

¹³⁸¹ P02454(Public)(containing Shaban SHALA’s, Jahir DEMAKU’s, and Rasim KIQINA’s signatures); P02454_ET(Public). See also P02418_ET(Public);P02453_ET(Public). Similar Drenicë OZ Command directives and statements were issued in 1999. See e.g. [REDACTED];W04290:T.25261-25263(13-Feb-2025)(Open);P00811_ET.35(Public);P00515_ET.51:p.008534(Public). See also P00515_ET.38(Public).

¹³⁸² See e.g. [REDACTED];P00730:T.4253(Public);P04023:p.K007-8706(Public); [REDACTED];[REDACTED]; [REDACTED]. See also [REDACTED];[REDACTED].

¹³⁸³ See e.g. P00730:T.4253(Public);[REDACTED];[REDACTED]; [REDACTED]. See also [REDACTED];[REDACTED].

¹³⁸⁴ See e.g. [REDACTED];[REDACTED]; W04290:T.25007-25008(11-Feb-2025)(Open); [REDACTED]; [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED]. See also P00793:pp.U016-2098, U016-2149-U016-2151(Public);P00794:pp.3337-3338, 3340-3341(Public).

on 30 October 1998, accusing ‘branded collaborationist’ Gani GECI of REXHA’s murder and of having led ‘the Serbian police in the massacres that were perpetrated against the civilian population in Drenica’.¹³⁸⁵ The accusations were false, as **Hashim THAÇI** told **Rexhep SELIMI** at that time, admitting he had included them to ‘fully destroy’ Gani GECI, who supported the LDK and the RUGOVA government.¹³⁸⁶ Nonetheless, and despite the staunch denial by GECI’s co-fighters, commanders—including Sami LUSHTAKU—and family members,¹³⁸⁷ who unsuccessfully sought explanations from **Hashim THAÇI** for it,¹³⁸⁸ Communiqué 59 heavily affected the entire GECI family, who felt they were ‘liquidated’ or ‘taken out of the game’ by it.¹³⁸⁹ On 30 October 1999, **Rexhep SELIMI** continued to publicly further the narrative of Gani GECI being a traitor and having killed REXHA on behalf of FARK,¹³⁹⁰ with full knowledge not only of the falsity of that allegation, but also of the danger that it posed for GECI and his family.¹³⁹¹ The GECI family continued to be threatened throughout and after the war because of their LDK affiliation.¹³⁹²

323. From mid-June 1999, the KLA and PGoK maintained a strong presence and

¹³⁸⁵ [REDACTED];P00297_ET(Public);P01740.5_ET;p.12(Public).

¹³⁸⁶ [REDACTED];P00763.3_ET:pp.10-15(Public);[REDACTED]; P01740.5_ET:pp.4-5(Public);P01750_ET:p.5(Public);P01751_ET(Public);W04240:T.20770-20771, 20780-20782(21-Oct-2024)(Open);W04240:T.20909-20910(22-Oct-2024)(Open); **Hashim THAÇI**’s attempts at distancing himself from Communiqué 59 are refuted by **Rexhep SELIMI**’s and **Jakup KRASNIQI**’s statements to the contrary. Compare P00742.8_ET:pp.1-14, 17(Public), and [REDACTED];P00763.3_ET:pp.20-22(Public);P01751_ET(Public).

¹³⁸⁷ W04240:T.20766-20767, 20769-20770(21-Oct-2024)(Open);[REDACTED]; P00760_ET.2(Public). See also W04290:T.24966-24967(10-Feb-2025)(Open);P01741:para.36(Public).

¹³⁸⁸ P01740.5_ET:pp.13-14(Public);P01741:paras.20, 25(Public).

¹³⁸⁹ P01740.5_ET:pp.6-7(Public);P01740.2_ET:p.14(Public);W04240:T.20874-20875(22-Oct-2024)(Open); W04240:T.20767-20771(21-Oct-2024)(Open);1D00199_ET(Public);P01740.7_ET:p.2(Public); P01741:para.23(Public).

¹³⁹⁰ W04240:T.20769-20770(21-Oct-2024)(Open);P01749_ET:p.7(Public).

¹³⁹¹ P00763.3_ET:pp.13-15(Public);W04240:T.20770(21-Oct-2024)(Open);P01740.5_ET:p.6(Public).

¹³⁹² P01740.5_ET:pp.4-6(Public);W04240:T.20927(22-Oct-2024)(Open). See also P01748_ET:pp.U002-3547-U002-3550(Public).

organisation in the Drenicë OZ and put in place municipal authorities.¹³⁹³ KLA members, including the MP, continued their operations and targeting of Opponents during the summer of 1999.¹³⁹⁴

324. The GS also continued to issue communiqués relating to events in Drenicë, including on the targeting of three brothers in late June 1999 by MP, based on information provided by intelligence services.¹³⁹⁵ On 18 June 1999, relatives of JCE Member Sabit GECI —members of the 112 Brigade¹³⁹⁶—shot at three BERISHA brothers from Lutani in the centre of Skënderaj/Srbica. One man was killed, one wounded, and one escaped. The wounded man was later murdered at the nearby hospital by these same KLA soldiers.¹³⁹⁷ Previously, Sami LUSHTAKU had threatened to kill all Serbian collaborators after the war, and specifically all BERISHA brothers from Lutani because they were suspected of collaborating with the Serbian police.¹³⁹⁸ The victims were family members of [REDACTED].¹³⁹⁹

ii. Dukagjin Zone

325. The Dukagjin area, encompassing Deçan/Deçani, Pejë/Peć, Gjakovë/Đakovica, and parts of Istog/Istok and Klinë/Klina municipalities,¹⁴⁰⁰ was a hub of KLA activity from the mid-1990s.¹⁴⁰¹ Between 1996 and early 1998, KLA units in the Dukagjin area engaged in armed activities, including synchronised actions organised by **Rexhep**

¹³⁹³ P00743.2:p.SITF00001646(Public);W02161:T.10805-10806(07-Dec-2023)(Open); P01642(Public)(handwritten version);P01642_ET(Public);[REDACTED];P04120:paras.2, 6(Public).

¹³⁹⁴ See e.g. [REDACTED];[REDACTED]. See also [REDACTED];[REDACTED];[REDACTED]; P00743.2:p.SITF00001726(Public);W02161:T.10648-10649(06-Dec-2023)(Open).

¹³⁹⁵ See e.g. P01752_ET(Public).

¹³⁹⁶ [REDACTED].

¹³⁹⁷ [REDACTED];[REDACTED];[REDACTED];W04240:T.20793-20795(21-Oct-2024)(Open).

¹³⁹⁸ [REDACTED];[REDACTED].

¹³⁹⁹ [REDACTED].

¹⁴⁰⁰ AF246(Public).

¹⁴⁰¹ [REDACTED]. The Dukagjin area lay on the main supply route from Albania and was therefore strategically important, see AF249(Public);[REDACTED]; P00739.4_ET:p.15(Public).

SELIMI against civilian targets as a message to ‘Serb colonisers.’¹⁴⁰² The GS took responsibility for these actions in a series of communiqués.¹⁴⁰³

326. The first KLA headquarters in the area were established in Jabllanicë/Jablanica, Gjakovë/Đakovica municipality, and Glogjan/Glođane, Deçan/Dečani municipality.¹⁴⁰⁴ Lahi BRAHIMAJ (known as Maxhupi or ‘15’)¹⁴⁰⁵ was the commander and highest-ranking KLA member in Jabllanicë/Jablanica.¹⁴⁰⁶ He represented the Jabllanicë/Jablanica headquarters and the Dukagjin area, liaising between them and the GS.¹⁴⁰⁷ Ramush HARADINAJ was the Glogjan/Glođane headquarters commander.¹⁴⁰⁸ Following the 24 March 1998 attack on the HARADINAJ family compound,¹⁴⁰⁹ the KLA came out publicly in the area, and Jabllanicë/Jablanica and Glogjan/Glođane headquarters coordinated the expansion to and consolidation of control over further areas.¹⁴¹⁰

(a) Spring 1998 Targeting

327. In addition to the crimes being committed in Jabllanicë/Jablanica from spring 1998,¹⁴¹¹ KLA members in other parts of the Dukagjin Zone were also targeting Opponents.

328. On 18 April 1998, KLA members detained, interrogated, and beat Mijat STOJANOVIĆ, Dragoslav STOJANOVIĆ, and their relative Veselin STIJOVIĆ; they

¹⁴⁰² P00269_ET.2(Public);P00778:T.6640-6645(Public);[REDACTED].

¹⁴⁰³ P00279_ET(Public);P00152_ET(Public);[REDACTED]. See also P04251_ET:p.2(Public).

¹⁴⁰⁴ AF247(Public).

¹⁴⁰⁵ AF303(Public);AF316(Public);AF318(Public);[REDACTED];[REDACTED];[REDACTED];1D00165_ET(Public);P03054_ET(Public); [REDACTED].

¹⁴⁰⁶ AF303(Public);P00730:T.4264-4265(Public);P00731:para.4(Public);P04201_ET:p.4(Public);[REDACTED];[REDACTED].

¹⁴⁰⁷ [REDACTED];P00800:T.5055-5056, 5076-5077(Public).

¹⁴⁰⁸ AF215(Public).

¹⁴⁰⁹ AF34(Public), AF36(Public).

¹⁴¹⁰ AF39(Public), AF41(Public), AF49(Public), AF250-252(Public), AF257(Public), AF766-767(Public);[REDACTED];[REDACTED];P01264_ET:p.SPOE00128589(Public); P01593:pp.U002-9300-U002-9301(Public).

¹⁴¹¹ See Section III.B.

were accused of being spies.¹⁴¹² Their detention and mistreatment was covered in the media.¹⁴¹³ On 22 April 1998, KLA members took Rosa RADOŠEVIĆ, her son Staniša RADOŠEVIĆ, and Novak STIJOVIĆ to Gllogjan/Glodane where Staniša RADOŠEVIĆ and Novak STIJOVIĆ were beaten and interrogated about their knowledge of and connection with Serbian police, and repeatedly told that they ‘could not return to their homes since that land was not theirs’.¹⁴¹⁴

329. By mid-May 1998, the ‘Black Eagles’ special unit, commanded by Idriz BALAJ (aka ‘Toger’), was formed.¹⁴¹⁵ The KLA headquarters in Irzniq/Irznić, where the Black Eagles were based, had a reputation for violence.¹⁴¹⁶ The Black Eagles abducted and killed alleged collaborators, including Roma.¹⁴¹⁷ BALAJ – who also mistreated detainees at Jabllanicë/Jablanica¹⁴¹⁸ – collaborated with Faton MEHMETAJ,¹⁴¹⁹ who also targeted Opponents.¹⁴²⁰

(b) Zone Consolidation

330. In late-May 1998, representatives of KLA staffs operating in the Dukagjin area met to discuss further action and coordination, at the initiative of HARADINAJ and MEHMETAJ.¹⁴²¹ The Dukagjin Regional Staff established at this meeting and led by

¹⁴¹² AF677-AF697(Public);[REDACTED];[REDACTED]; P04082_ET(Public):pp.011240-011241. Dragoslav STOJANOVIĆ sustained severe injuries, *see* AF698(Public);[REDACTED].

¹⁴¹³ [REDACTED];[REDACTED];[REDACTED];P04082_ET(Public):pp.011240-011241.

¹⁴¹⁴ AF699-701(Public);[REDACTED];P00380:pp.K036-4873(Public).

¹⁴¹⁵ AF268-269(Public);AF272(Public);AF275(Public);P01593:p.U002-9307(Public);[REDACTED];[REDACTED]. *See also* [REDACTED]; P03062_ET(Public);P03120_ET:pp.6, 11, 18(Public);P03216_ET:pp.U008-3536, U008-3564-U008-3565(Public);P03222_ET(Public).

¹⁴¹⁶ AF712-713(Public);W01511:T.19599(04-Sep-2024)(Open);W04752:T.17378-17379(01-Jul-2024)(Open). *See also* P03081_ET(Public).

¹⁴¹⁷ AF712(Public);AF714-716(Public);P01593:pp.U002-9306, U002-9308(Public).

¹⁴¹⁸ *See* Section III.B.

¹⁴¹⁹ P01593:p.U002-9307(Public);[REDACTED];[REDACTED].

¹⁴²⁰ P01593:p.U002-9309(Public). *See also* [REDACTED]; [REDACTED];W01511:T.19613-19615(04-Sep-2024)(Open).

¹⁴²¹ AF252(Public);AF256(Public);P01593:pp.U002-9302-U002-9304(Public);P01597_ET(Public);W01511:T.19500-19501(03-Sep-2024)(Open);[REDACTED]; [REDACTED]. *See also* P01356_ET:T.5934(Public);W04752:T.17552(03-Jul-2024)(Public).

HARADINAJ¹⁴²² met frequently in subsequent weeks to report on organisational progress, including actions taken against Opponents,¹⁴²³ in accordance with Regional Staff regulations.¹⁴²⁴

331. Motivated by the increased pace and breadth of KLA organisation,¹⁴²⁵ the Dukagjin Zone command was selected at a subsequent meeting on 23 June 1998 at Jabllanicë/Jablanica, attended by **Rexhep SELIMI** and Lahi BRAHIMAJ.¹⁴²⁶ Members of the Zone command, based in Gllogjan/Glodane,¹⁴²⁷ included Ramush HARADINAJ as Zone commander and Faton MEHMETAJ as head of intelligence.¹⁴²⁸ HARADINAJ's appointment as Zone commander was subsequently approved by the GS.¹⁴²⁹

332. In one of his first acts, HARADINAJ ordered local headquarters and the population to take measures 'to stop any activity against our war' and, where necessary, measures such as 'isolation, disarming, detention'.¹⁴³⁰ Similarly, regulations issued by

¹⁴²² P00889_ET:p.U001-4905(Public). *See also* P03017_ET(Public);P03018_ET(Public);P03012_ET(Public);P03013_ET(Public);P03014_ET(Public);P03015_ET(Public);P03016_ET(Public);P01388_ET(Public);P01389_ET(Public).

¹⁴²³ *See e.g.* P03008_ET(Public);P03009_ET(Public);P03011_ET(Public);P03121_ET(Public);P03186_ET(Public).

¹⁴²⁴ P00889_ET:p.U001-4905(Public). *See also* [REDACTED].

¹⁴²⁵ *See e.g.* the creation of the 'Reka' staff at a meeting in Dobrosh on 15 June 1998, with Salih VESELI (aka 'Vetima') appointed commander by the 'Dukagjin Operative Staff': P02092_ET(Public) read with W04403:T.25714-25715(24-Mar-2025)(Open);P03136_ET(Public). *See also* P03122_ET(Public);[REDACTED];P03124_ET(Public);P03125_ET(Public);P03127_ET:pp.U001-6853-U001-6859(Public);[REDACTED];[REDACTED].

¹⁴²⁶ AF304(Public);[REDACTED];1D00165_ET(Public);P01593:pp.U002-9304-U002-9305(Public). Consolidation of the staffs operating in the Dukagjin area was also discussed in earlier meetings, *see* AF257(Public);P03008_ET(Public);P03009_ET(Public);P03011_ET(Public);P01598_ET(Public);P03019_ET(Public).

¹⁴²⁷ W04752:T.17373(01-Jul-2024)(Open);[REDACTED];P01264_ET:pp.SPOE00128685, SPOE00128689-SPOE00128691(Public). *See also* AF256(Public);AF282(Public);[REDACTED]. The Dukagjin OZ Headquarters moved from Gllogjan/Glodane to Jabllanicë/Jablanica following the Serb offensives in summer 1998. *See* [REDACTED].

¹⁴²⁸ [REDACTED];[REDACTED];P01593:pp.U002-9304-U002-9305(Public); [REDACTED].

¹⁴²⁹ P03090_ET(Public). *See also* P01364_ET:p.4(Public) read with P01356_ET:T.5936-5939(Public);[REDACTED];P00800:T.5147-5149, 5156-5158(Public). Ramush HARADINAJ also forwarded the minutes of the 23 June 1998 meeting to the GS, a copy of which was seized from **KRASNIQI**'s residence. *See* P01391_ET(Public);P03034_ET(Public);P03035_ET(Public).

¹⁴³⁰ P03020_ET(Public).

HARADINAJ in June 1998, identified the MP as a 'special resource' tasked with: (i) 'deal[ing]' with desertions, propaganda against the 'ruling order', and dissemination of disinformation; (ii) investigating and uncovering collaborators; and (iii) taking 'action against all who work against the [KLA]'.¹⁴³¹ These regulations were disseminated.¹⁴³²

333. Further Zone staff appointments were also formalised in July 1998 including: Nazmi BRAHIMAJ, as Deputy Commander (from early July 1998);¹⁴³³ and, as approved by the GS, MP commander Fadil NIMANI/NIMONAJ (aka 'Tigri').¹⁴³⁴ HARADINAJ also authorised MEHMETAJ to 'establish the structure of the KLA Intelligence Service' in the Zone based on, *inter alia*, the Provisional Regulations.¹⁴³⁵ In mid-August 1998, the GS publicly announced that MEHMETAJ, together with **KRASNIQI** and **THAÇI**, was a political representative of the KLA.¹⁴³⁶

334. From summer 1998, existing units in the Dukagjin Zone were consolidated into brigades, in accordance with GS guidance.¹⁴³⁷ HARADINAJ oversaw the appointment

¹⁴³¹ AF258-259(Public);P00908_ET.1(Public);[REDACTED].

¹⁴³² AF959(Public).

¹⁴³³ P03044_ET(Public);P03036_ET(Public).

¹⁴³⁴ AF264(Public);P01600_ET:p.1(Public);[REDACTED];[REDACTED].

¹⁴³⁵ P01386_ET(Public) read with W04752:T.17377-17378(01-Jul-2024)(Open);P03102_ET(Public);P03099_ET(Public) read with P03087_ET(Public)and P03091_ET(Public). *See also* P01599_ET:p.1(Public);[REDACTED];P00008_ET:pp.15-16(Public);AF236(Public).

¹⁴³⁶ *See* Section II.A.3.h. *See also* 1D00050_ET(Public);W01511:T.19603-19604(04-Sep-2024)(Open);[REDACTED];P00839:00:22:05-00:21:07(Public);P00839_ET:p.7(Public);P01264_ET:p.SPOE00128688(Public);P00187_ET:p.SPO00055737(Public). MEHMETAJ was subsequently replaced by Ramë BUJA in November 1998. *See* P00270_ET.12(Public).

¹⁴³⁷ In summer 1998, there were four brigades (Brigades 1-4); in late 1998, these transitioned into Brigades 131-134, with Brigades 135-137 created/restructured in late 1998 and early 1999 based on operational needs. W04752:T.17372-17374(01-Jul-2024)(Public);P01383_ET(Public);P00778:T.6601(Public);[REDACTED];W04403:T.25751-25754(24-Mar-2025)(Open); W04403:T.25782(25-Mar-2025)(Open);P03074_ET(Public);P03249_ET(Public);P03077_ET(Public);P03070_ET(Public);P03076_ET(Public);[REDACTED];[REDACTED];[REDACTED].

of brigade leadership.¹⁴³⁸ Brigade commanders reported to the Zone command,¹⁴³⁹ who in turn reported to the GS¹⁴⁴⁰ and implemented GS orders back down the chain of command.¹⁴⁴¹

335. The Zone command maintained close ties to the GS, including via satellite phone and in-person meetings.¹⁴⁴² For instance, a GS delegation, including **THAÇI, SELIMI, VESELI, KRASNIQI**, Lahi BRAHIMAJ, and Bislim ZYRAPI, visited the Dukagjin Zone in mid-July 1998 to discuss operational matters and measures to strengthen the KLA.¹⁴⁴³ Further visits from the GS took place,¹⁴⁴⁴ while HARADINAJ also attended meetings at the GS headquarters.¹⁴⁴⁵ The Zone command also coordinated with other zones, transferring soldiers and supplies, as needed.¹⁴⁴⁶

(c) *FARK Forces*

336. Related to KLA members' animus towards the LDK and government-in-exile, FARK forces were a particular target of the KLA in summer 1998. FARK soldiers under the command of Tahir ZEMAJ entered Kosovo, initially to Jasiq/Jasić before heading

¹⁴³⁸ See e.g. P03238_ET(Public);P01430_ET(Public);P01385_ET(Public);P03073_ET(Public);P02098_ET;p.U001-5671(Public);P02097_ET.2;p.U009-1729(Public);P03238_ET(Public);P03239_ET(Public);[REDACTED].

¹⁴³⁹ [REDACTED];P03252_ET(Public);[REDACTED];P02097_ET.2;p.U009-1720-U009-1721(Public);P03206_ET(Public);P03191_ET(Public);P03206_ET(Public);P02101_ET;p.U001-4068(Public). See also P00515_ET.55(Public).

¹⁴⁴⁰ W04752:T.17432-17433, 17475-17477(02-Jul-2024)(Open);W04752:T.18175-18177(15-Jul-2024)(Open);P01429_ET;p.U009-1983(Public);P01428_ET(Public);P01383_ET(Public);P00228_ET(Public);[REDACTED];P01396_ET(Public);4D00073_ET(Public);[REDACTED]; P01396_ET(Public).

¹⁴⁴¹ P00228_ET(Public);P03033_ET(Public);P01396_ET(Public).

¹⁴⁴² [REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED];[REDACTED]. See also [REDACTED];4D00073_ET(Public).

¹⁴⁴³ W04752:T.17372-17374(01-Jul-2024)(Open);[REDACTED]. See also AF261(Public).

¹⁴⁴⁴ See Section III.B. See also P00519(Public);P00813_ET.25(Public);[REDACTED];P03238_ET(Public);[REDACTED];P00796:T.3475(Public).

¹⁴⁴⁵ W04746:T.5604-5606(12-Jul-2023)(Open);W04746:T.5738-5739(14-Jul-2023)(Open);[REDACTED];[REDACTED];[REDACTED].

¹⁴⁴⁶ P03043_ET(Public);P03055_ET(Public);P03058_ET(Public);P03061_ET(Public);P03089_ET(Public);[REDACTED];[REDACTED];[REDACTED]; [REDACTED].

onto Isniq/Istinić.¹⁴⁴⁷ Within days of their arrival, they were harassed, intimidated,¹⁴⁴⁸ and, on one occasion, severely beaten, and shot by KLA members, including Ramush HARADINAJ and Idriz BALAJ.¹⁴⁴⁹ On multiple occasions, FARK forces were told the government-in-exile had no authority in the Dukagjin Zone.¹⁴⁵⁰ The 'FARK problem' was also addressed by **KRASNIQI** in a public interview in mid-July 1998¹⁴⁵¹ and was discussed in GS meetings.¹⁴⁵²

337. FARK-KLA tensions in Dukagjin came to a head in August 1998 following the Serbian offensive, when representatives of local villages elected ZEMAJ to replace HARADINAJ as Dukagjin Zone Commander.¹⁴⁵³ The General Staff intervened swiftly to re-establish its authority. In late-August 1998, **THAÇI** and **SELIMI** visited the FARK barracks in Prapaqan¹⁴⁵⁴ where, after demanding that ZEMAJ remove a photo of RUGOVA from his office wall,¹⁴⁵⁵ **SELIMI** told ZEMAJ: (i) that those who did not submit to the General Staff were not welcome in Kosovo; (ii) the General Staff did not accept the purported changes to the Dukagjin Zone Command; and (iii) ZEMAJ had six days to reinstate the old command led by HARADINAJ.¹⁴⁵⁶

¹⁴⁴⁷ AF195(Public);[REDACTED];[REDACTED]; [REDACTED].

¹⁴⁴⁸ AF197-200(Public), AF711(Public);[REDACTED];[REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED]. *See also* P03038_ET(Public);[REDACTED].

¹⁴⁴⁹ AF702-710(Public);[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED].

¹⁴⁵⁰ AF199, 201-202(Public);[REDACTED]; [REDACTED]. *See also* [REDACTED];[REDACTED].

¹⁴⁵¹ P00793;pp.U016-2099, U016-2173-U016-2180(Annex 18)(Public);[REDACTED].

¹⁴⁵² P00643_ET;p.SPOE00229214(Public).

¹⁴⁵³ AF277-279(Public);[REDACTED];[REDACTED]; [REDACTED];[REDACTED]; [REDACTED];[REDACTED];P01596_ET(Public) read with [REDACTED];W01511:T.19546-19547(03-Sep-2024)(Open);[REDACTED]; [REDACTED]. *See also* [REDACTED]; [REDACTED];[REDACTED]; P03113_ET(Public). [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED].

¹⁴⁵⁴ During this visit, **THAÇI** also personally pressured Rustem TETAJ, commander of the Prapaqan barracks to leave FARK and told him to remove the photo of RUGOVA from his office wall. *See* W01511:T.19450-19453(03-Sep-2024)(Open);[REDACTED]; [REDACTED]. Regarding TETAJ's role within the FARK forces commanded by Tahir ZEMAJ, *see* [REDACTED];P01599_ET(Public);[REDACTED]; [REDACTED];P01593;p.U002-9305(Public).

¹⁴⁵⁵ [REDACTED];[REDACTED];[REDACTED].

¹⁴⁵⁶ [REDACTED];[REDACTED].

338. [REDACTED] – [REDACTED]¹⁴⁵⁷ – **THAÇI, SELIMI**, Bislim ZYRAPI, and Lahi BRAHIMAJ made clear that no such loyalty would be tolerated. **SELIMI** stated that ‘[t]he [General Staff] has never recognised and shall never recognise this institutional line, the parliament, the President [...]’.¹⁴⁵⁸ **THAÇI** declared that those ‘who do not recognise the General Staff are criminals and we will not leave the weapons in the hands of the criminals, we shall fight against them.’¹⁴⁵⁹

339. Around this same time, W04448 was ordered by Alush AGUSHI – whose ‘Mala’ unit operated under the auspices of the General Staff and escorted its members,¹⁴⁶⁰ including **SELIMI**¹⁴⁶¹ – to kill Fadil GASHI and Dine BERISHA, two of the Sferkë (Sverkë)/Svrhe leaders [REDACTED].¹⁴⁶² W04448 was told that GASHI was not obeying orders and had to be ‘taken care of’,¹⁴⁶³ but W04448 did not carry out the order, instead sending his relative to warn BERISHA.¹⁴⁶⁴

340. [REDACTED].¹⁴⁶⁵ [REDACTED].¹⁴⁶⁶ On 10 September 1998, the General Staff issued Political Declaration No.8, stating:

Only in the areas where the pacifist and “professional” elements (former policemen) predominate have the enemy forces not met resistance. These elements, in the name of the people abandoned this part to the mercy of the enemy soldiers, as was the case in Sferka

¹⁴⁵⁷ [REDACTED];[REDACTED];[REDACTED]. [REDACTED]. [REDACTED]. *See* [REDACTED];[REDACTED]. [REDACTED]. [REDACTED]. *See* [REDACTED]; [REDACTED];[REDACTED];[REDACTED].

¹⁴⁵⁸ [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED].

¹⁴⁵⁹ [REDACTED];[REDACTED]. *See also* [REDACTED];[REDACTED];[REDACTED].

¹⁴⁶⁰ W04752:T.18302-18303(16-Jul-2024)(Open).

¹⁴⁶¹ [REDACTED].

¹⁴⁶² W04448:T.10006-10008, 10023-10025, 10046-10047, 10085(14-Nov-2023)(Open);P00731:para.9(Public). *See also* [REDACTED];[REDACTED];[REDACTED];[REDACTED].

¹⁴⁶³ W04448:T.10007-10008(14-Nov-2023)(Open).

¹⁴⁶⁴ W04448:T.10007-10008, 10012-10013, 10018, 10048-10049(14-Nov-2023)(Open);W04448:T.10140-10141, 10144-10146, 10148(15-Nov-2023)(Open).

¹⁴⁶⁵ [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED].

¹⁴⁶⁶ [REDACTED];[REDACTED].

of Gashi, Llapqeva and Panorc. [...] The Kosovo Liberation Army and the Albanian people are being stabbed in the back by collaborationist and pacifist elements.¹⁴⁶⁷

341. [REDACTED];¹⁴⁶⁸ [REDACTED];¹⁴⁶⁹ [REDACTED].¹⁴⁷⁰ [REDACTED].¹⁴⁷¹

342. On 2 September 1998, **THAÇI**, **SELIMI**, and other General Staff members attended a meeting with FARK and KLA members of the Dukagjin Zone.¹⁴⁷² During the meeting, **SELIMI** announced the reinstatement of HARADINAJ as zone commander, as only the General Staff had the authority to make command changes.¹⁴⁷³ ZEMAJ angrily rejected proposed appointments for FARK officers under the authority of the General Staff¹⁴⁷⁴ and the meeting ended after **THAÇI** threatened government-in-exile Defence Minister Ahmet KRASNIQI during a satellite phone call.¹⁴⁷⁵ Less than a week later, FARK forces withdrew from the Dukagjin area due to the Serbian offensive.¹⁴⁷⁶

343. Around the end of September 1998, Alush AGUSHI ordered W04448 to kill LDK member Rrok BERISHA because he was responsible for the Serbian offensive; after

¹⁴⁶⁷ P00270_ET.17(Public). *See also* [REDACTED].

¹⁴⁶⁸ [REDACTED]. *See also* [REDACTED]; [REDACTED].

¹⁴⁶⁹ [REDACTED]. *See also* [REDACTED]; [REDACTED].

¹⁴⁷⁰ [REDACTED].

¹⁴⁷¹ [REDACTED];[REDACTED].

¹⁴⁷² [REDACTED];W04752:T.17596(03-Jul-2024)(Open).

¹⁴⁷³ [REDACTED];[REDACTED];[REDACTED];P00739.7_ET:pp.15-17(Public);[REDACTED]; [REDACTED];[REDACTED];W04752:T.17391(01-Jul-2024)(Open);W04752:T.17596(03-Jul-2024)(Open);[REDACTED]; [REDACTED];[REDACTED]. *See also* AF280(Public);P03114_ET(Public). Illustrative of the General Staff's authority, MEHMETAJ was appointed 'assistant commander for public information' in an order signed by **Rexhep SELIMI** on 1 September 1998. *See* [REDACTED].

¹⁴⁷⁴ [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED]; [REDACTED];W01511:T.19459(03-Sep-2024)(Open).

¹⁴⁷⁵ [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED]; [REDACTED];W01511:T.19458-19459(03-Sep-2024)(Open);W01511:T.19601(04-Sep-2024)(Open);[REDACTED].

¹⁴⁷⁶ AF281(Public);[REDACTED];[REDACTED]; [REDACTED];[REDACTED]; P01593:p.U002-9315(Public);[REDACTED];[REDACTED]. ZEMAJ subsequently became the target of General Staff vitriol, labelled a deserter, a Serbian spy, and accused of leading FARK units into Kosovo in an attempt to takeover the KLA, *see e.g.* [REDACTED];P00160_ET(Public);P04158_ET(Public);P00270_ET.11(Public); [REDACTED];P03755.1_ET(Public);P04162:pp.K050-8651-K050-8653(Public); [REDACTED];[REDACTED];P04165_ET:p.SPOE0005643(Public);[REDACTED].

W04448 spoke to Rrok BERISHA, he decided not to carry out the order.¹⁴⁷⁷

(d) *Post-offensive*

344. The targeting of Opponents in the Dukagjin Zone continued after the Serbian offensive, as the Dukagjin Zone recovered and reorganised. Military police and intelligence units, at both brigade-level and within the Zone command, kept records of 'suspicious' persons, conducted arrests, and were involved in the detention, interrogation, and mistreatment of Opponents, including LDK members, alleged collaborators, and local policemen.¹⁴⁷⁸ The military police and intelligence apparatus regularly reported to the Zone command,¹⁴⁷⁹ including HARADINAJ, who made public statements about actions taken against Opponents and warned 'traitors of the nation' that they would be similarly punished.¹⁴⁸⁰

345. Members of the General Staff were also directly implicated in the targeting of Opponents in the Dukagjin Zone. In late October 1998, [REDACTED], a journalist and human rights activist, was escorted to the Jabllanicë/Jablanica headquarters, where he was interrogated by a man who identified himself as, and Sokol DOBRUNA confirmed was, a General Staff member.¹⁴⁸¹ [REDACTED] was released, however, as he returned home, [REDACTED] narrowly escaped an assassination attempt following an execution order issued by Idriz BALAJ.¹⁴⁸² Further, in March 1999, soldiers from Brigade 132

¹⁴⁷⁷ W04448:T.9999-10002(14-Nov-2023)(Open);P00735:p.U009-3225-U009-3226(Public);[REDACTED];P00730:p.4266(Public).

¹⁴⁷⁸ See e.g. [REDACTED];[REDACTED];[REDACTED]; P03228_ET:pp.U001-6308-U001-6311(Public);P02102_ET(Public);[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];P03241_ET(Public); [REDACTED]; [REDACTED]; [REDACTED].

¹⁴⁷⁹ P03191_ET:pp.U001-5684-U001-5686(Public);[REDACTED];[REDACTED];[REDACTED]. See also [REDACTED];P03204_ET(Public);P03205_ET(Public);[REDACTED];P00811_ET.32:p.SPOE00053773(Public).

¹⁴⁸⁰ P00515_ET.44:p.008407(Public);P00812_ET.6(Public);P00812_ET.14(Public);P03109_ET(Public). [REDACTED]; [REDACTED].

¹⁴⁸¹ [REDACTED].

¹⁴⁸² [REDACTED];W04448:T.10020-10023(14-Nov-2023)(Open).

kidnapped and interrogated local policeman [REDACTED] because he was a supposed collaborator with the Serbian forces; an intelligence report to the Dukagjin Zone command contained details of [REDACTED]'s purported confession and confirmed that he had been executed.¹⁴⁸³

(e) *Summer 1999*

346. Following the withdrawal of Serbian forces in mid-June 1999, the KLA moved quickly to take over civil administration and public functions in the Dukagjin OZ, actively obstructing KFOR, and later UNMIK.¹⁴⁸⁴ Meanwhile, KLA members, including Faton MEHMETAJ, now Chief of Public Order in Dukagjin,¹⁴⁸⁵ and Black Eagles Commander Idriz BALAJ continued to actively target Opponents in summer 1999.¹⁴⁸⁶

347. For instance, in mid-June 1999, members of the 'Black Eagles' unit¹⁴⁸⁷ were involved in the detention and mistreatment of [REDACTED] at the KLA headquarters near Zhabel/Žabelj;¹⁴⁸⁸ [REDACTED] were not released with [REDACTED], and were never seen again.¹⁴⁸⁹ Around 23-24 June 1999, Idriz BALAJ and other KLA members arrested, interrogated, brutally mistreated, and killed soldiers of the FARK 'Mergimi' brigade.¹⁴⁹⁰

¹⁴⁸³ [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED].

¹⁴⁸⁴ See e.g. P00743.2:pp.SITF00001596-SITF00001598(Public);[REDACTED]; [REDACTED];[REDACTED]; [REDACTED];P00746:pp.SITF40008715, SITF40008717(Public); P00747:pp.SPOE00060122-SPOE00060123(Public);[REDACTED]; [REDACTED];[REDACTED];P04112:para.5(c)(Public).

¹⁴⁸⁵ P04128:p.045403(Public);P04123(Public).

¹⁴⁸⁶ See e.g. P00743.2:pp.SITF00001598, SITF00001675, SITF00001681, SITF00001698, SITF00001726(Public);P01983:p.SPOE00061172(Public);P00746:p.SITF40008717(Public); P00747:p.SPOE00060120(Public);[REDACTED];[REDACTED]. See also [REDACTED].

¹⁴⁸⁷ [REDACTED];[REDACTED]. See also [REDACTED].

¹⁴⁸⁸ The Black Eagles and/or KLA military police had been active in Zhabel from at least October 1998. See [REDACTED];[REDACTED]. [REDACTED]. [REDACTED].

¹⁴⁸⁹ [REDACTED];[REDACTED]. See also [REDACTED].

¹⁴⁹⁰ [REDACTED];[REDACTED]; [REDACTED]; [REDACTED]. See also [REDACTED]; [REDACTED]; [REDACTED];[REDACTED].

348. Such incidents were not isolated. KFOR continued to discover KLA detention sites in Pejë/Peć and Gjakovë/Đakovica as late as August 1999.¹⁴⁹¹ When confronted by OSCE representatives in early September regarding crimes committed in the name of the KLA, HARADINAJ stated: '[W]e do not have a policy of killing people. We have a policy of killing the Serb interest in Kosovo [...]'.¹⁴⁹²

iii. *Llap Zone*

349. The area that would become the Llap Zone, including Prishtinë/Priština and Podujevë/Podujevo,¹⁴⁹³ was one of several centres in which early KLA activity took place, including attacks coordinated across Kosovo in 1996-1997.¹⁴⁹⁴ KLA actions in the Llap Zone, including killings of alleged collaborators, featured in several Communiqués from this period.¹⁴⁹⁵ In late 1997, following the death of Zahir PAJAZITI,¹⁴⁹⁶ Rrustem MUSTAFA (aka Remi), assisted by a small group including Latif GASHI (aka Lata, Fati)¹⁴⁹⁷ took charge of organising KLA units¹⁴⁹⁸ in the Llap Zone area, maintaining contact with GS members, including **SELIMI**.¹⁴⁹⁹

350. From March 1998,¹⁵⁰⁰ the development of KLA units in the Llap Zone intensified

¹⁴⁹¹ P00743.2:p.SITF00001718(Public) read with W02161:T.10647-10648(06-Dec-2023)(Open); [REDACTED].

¹⁴⁹² P00743.2:p.SITF00001597(Public).

¹⁴⁹³ The Llap Zone covered the north-east of Kosovo, encompassing Prishtinë/Priština, Podujevë/Podujevo, and the upland region of Gollak/Goljak to the east of Prishtinë/Priština. See AF283(Public);AF774(Public);W04746:T.5472(11-Jul-2023)(Open);P00187_ET:pp.SPOE00055708(Public).

¹⁴⁹⁴ P00188:p.SPOE00053284(Public);P00279_ET:p.SPOE00209309(Public). See also P04200_ET:pp.1-2, 5(Public).

¹⁴⁹⁵ See e.g. P00269_ET.2(Public);P00269_ET.5(Public);P00269_ET.7(Public);P00274_ET(Public); P00276_ET(Public);P00221_ET(Public);P00280_ET(Public).

¹⁴⁹⁶ [REDACTED];[REDACTED];P00275(Public);W04401:T.23339-23340(04-Dec-2024)(Open);P00189_ET.1:pp.U015-8778(Public);P01859_ET.2:p.SPOE00053003(Public).

¹⁴⁹⁷ W04746:T.5486-5487(11-Jul-2023)(Open);[REDACTED]. See also [REDACTED];[REDACTED];P01264_ET:p.SPOE00128796(Public).

¹⁴⁹⁸ W04746:T.5528-5529(12-Jul-2023)(Open);W04746:T.5714(14-Jul-2023)(Open); P00188:p.SPOE00053289(Public). See also P00187_ET:p.SPOE00055705(Open).

¹⁴⁹⁹ W04746:T.5529-5530(12-Jul-2023)(Open);P00188:p.SPOE00053289(Public).

¹⁵⁰⁰ See Section II.A.1.a.ii.

under the increasing guidance of the GS.¹⁵⁰¹ For example, in May 1998, Bislim ZYRAPI entered Kosovo with a group of other former professional soldiers,¹⁵⁰² including Kadri KASTRATI (aka Daja).¹⁵⁰³ Upon arrival in Likoc/Likovac, the GS assigned KASTRATI to assist MUSTAFA in the Llap Zone.¹⁵⁰⁴

351. Amongst these organisational efforts, the BIA unit (aka Skifterat or Skifteri) was created in May 1998,¹⁵⁰⁵ with MUSTAFA appointing Salih MUSTAFA (aka Cali) as the unit's commander.¹⁵⁰⁶ Charged with gathering intelligence,¹⁵⁰⁷ the BIA unit operated in the Prishtinë/Priština area and eventually also in Podujevë/Podujevo,¹⁵⁰⁸ and reported directly to the Llap Zone Command, including MUSTAFA and Latif GASHI.¹⁵⁰⁹

352. In accordance with GS instructions, in July 1998, further organisational structures were formalised as brigades and military police.¹⁵¹⁰ These structures, and that of the Llap Zone Command, were formalised in August 1998,¹⁵¹¹ during a visit from GS

¹⁵⁰¹ W04746:T.5528-5530(12-Jul-2023)(Open);W04746:T.5715-5717(14-Jul-2023)(Open); P00187_ET:pp.SPOE00055731, SPOE00055736, SPOE00055792(Public);[REDACTED]; [REDACTED]. *See also* W04746:T.5504-5505(11-Jul-2023)(Open);W04746:T.5835-5838(17-Jul-2023)(Open);W04746:T.5930(18-Jul-2023)(Open).

¹⁵⁰² W04752:T.17545-17547(03-Jul-2024)(Open);[REDACTED].

¹⁵⁰³ [REDACTED];W04746:T.5481(11-Jul-2023)(Open);W04410:T.16733(05-Jun-2024)(Open);[REDACTED];P01264_ET:p.SPOE00128796(Public); P00187_ET:pp.SPOE00055705, SPOE00055799(Public).

¹⁵⁰⁴ W04752:T.17342(01-Jul-2024)(Public);W04746:T.5482-5483(11-Jul-2023)(Open); P00188_ET:p.SPOE00053302(Public);P00693.3_ET:p.13(Public). **Hashim THAÇI** was present in Likoc/Likovac at this time, having entered Kosovo with ZYRAPI's group. *See* [REDACTED];P01267_ET:p.3(Public);P01268_ET:p.1(Public).

¹⁵⁰⁵ AF776(Public);AF773(Public).

¹⁵⁰⁶ AF780(Public);W04746:T.5506-5507(11-Jul-2023)(Open);[REDACTED]; [REDACTED];P00187_ET:p.SPOE00055713(Public).

¹⁵⁰⁷ AF787(Public);[REDACTED];[REDACTED]; P00187_ET:p.SPOE00055714(Public).

¹⁵⁰⁸ AF776(Public);W04746:T.5506(11-Jul-2023)(Open).

¹⁵⁰⁹ AF783(Public);[REDACTED];W04746:T.5506(11-Jul-2023)(Open); W04746:T.5513(12-Jul-2023)(Open);W04651:T.18918(26-Aug-2024)(Open); P00187_ET:p.SPOE00055713(Public);[REDACTED].

¹⁵¹⁰ P00187_ET:pp.SPOE00055705, SPOE00055810(Public);W04746:T.5503-5505(11-Jul-2023)(Open); P00693.7_ET:p.7(Public);W04746:T.5900(17-Jul-2023)(Open);W04758:T.21678-21679(31-Oct-2024)(Open); P01755.1_ET:p.14(Public).

¹⁵¹¹ P00739.8_ET_p.1(Public);W04746:T.5528, 5531-5532(12-Jul-2023)(Open). *See also* P01392_ET(Public); W04651:T.18927,18979-18980(26-Aug-2024)(Open);P00187_ET:pp.SPOE00055819-00055820(Public).

members **THAÇI, SELIMI, KRASNIQI**, and Bislim ZYRAPI to Bajgorë/Bajgora.¹⁵¹² MUSTAFA was officially appointed Zone Commander, with KASTRATI as his deputy.¹⁵¹³ During the same visit, an alleged Serb collaborator, Fadil SYLEVIQ, was detained at Bajgorë/Bajgora alongside other alleged collaborators.¹⁵¹⁴

353. Latif GASHI headed the intelligence sector since summer 1998.¹⁵¹⁵ Illustrative of the implementation of the Provisional Regulations regarding cooperation between the Military Police and Intelligence services,¹⁵¹⁶ GASHI was also the *de facto* Military Police commander, promoting close collaboration between the two sectors.¹⁵¹⁷ More generally, the structures of the Llap Zone Command mirrored those of the GS and other zone commands, with sectors dedicated to personnel, operations, logistics, finance, communications, and morale.¹⁵¹⁸

354. On MUSTAFA's recommendation,¹⁵¹⁹ the GS appointed Nuredin IBISHI (aka Leka) and Idriz SHABANI (aka Luta) as commanders of Brigades 151 and 152,

¹⁵¹² P00739.8_ET:p.1(Public);[REDACTED];W04752:T.17578-17579, 17606(03-Jul-2024)(Public);W04651:T.18927(26-Aug-2024)(Open);P00187_ET:p.SPOE00055819(Public);P00189_ET.1:p.U015-8859(Public).

¹⁵¹³ W04746:T.5481-5482(11-Jul-2023)(Open);W04746:T.5530-5531(12-Jul-2023)(Open);W04746:T.5722(14-Jul-2023)(Open);P00693.3_ET:p.13(Public);[REDACTED];P01392_ET(Public);P00187_ET:p.SPOE00055820(Public).

¹⁵¹⁴ See Section III.H;[REDACTED]. [REDACTED] see [REDACTED].

¹⁵¹⁵ AF473(Public);W04746:T.5487(11-Jul-2023)(Open);W04746:T.5662-5663(13-Jul-2023)(Open);W04746:T.5717-5718(14-Jul-2023)(Open);W04746:T.5890-5892(17-Jul-2023)(Open);[REDACTED];[REDACTED];P00187_ET:pp.SPOE00055706, SPOE00055810(Public).

¹⁵¹⁶ See Section II.A.3.I.

¹⁵¹⁷ AF473(Public);[REDACTED];[REDACTED]; [REDACTED]; [REDACTED];P02361_ET(Public). See also [REDACTED];[REDACTED];[REDACTED]; [REDACTED]; [REDACTED];P02328_ET-P02329_ET(Public); P02333_ET(Public);P02337_ET(Public);P02342_ET-P02343_ET(Public);P02346_ET(Public);P02349_ET(Public);P02356_ET(Public);P02363_ET(Public);P04296_ET:pp.SITF00243174, SITF00243200(Public).

¹⁵¹⁸ [REDACTED];W04746:T.5492(11-Jul-2023)(Open);W04651:T.18918(26-Aug-2024)(Open);P00187_ET:pp.SPOE00055706-00055707, SPOE00055810(Public)

¹⁵¹⁹ P01755.2_ET:p.8(Public);[REDACTED].

respectively,¹⁵²⁰ while the Zone Command appointed battalion and company commanders.¹⁵²¹ Brigade 151 was based primarily in Buricë/Burince, while Brigade 152 was in Bradash/Bradaš.¹⁵²² Brigade commanders reported directly to MUSTAFA as Zone Commander,¹⁵²³ including regarding the detention of Opponents.¹⁵²⁴ IBISHI, directly involved in dealing with Opponents,¹⁵²⁵ was subsequently promoted to Chief of Staff, as formalised by the GS in December 1998.¹⁵²⁶

355. In addition to providing organisational support from at least their first visit in August 1998, in a subsequent meeting GS members briefed Llap Zone leaders on 'special warfare' and the establishment of detention facilities.¹⁵²⁷

356. The Llap Zone Command maintained contact with the GS about, *inter alia*, measures taken to combat 'special warfare', as recorded in **SELIMI's** seized notes and in reports to the GS.¹⁵²⁸ In November 1998, a brochure on 'special warfare' produced by

¹⁵²⁰ P01755.2_ET:pp.3, 7, 10(Public);W04746:T.5499-5500(11-Jul-2023)(Open);W04746:T.5890(17-Jul-2023)(Open). See also [REDACTED];P00187_ET:pp.SPOE00055819-00055820(Public);P01264_ET:p.SPOE00128796(Public).

¹⁵²¹ See e.g. [REDACTED];P02110_ET-P02120_ET(Public).

¹⁵²² W04746:T.5500(11-Jul-2023)(Open);P01755.2_ET:p.24(Public);[REDACTED]. See also AF285(Public). Note that these Brigades swapped designations in December 1998, see W04758:T.21057-21059(23-Oct-2024)(Open);W04758:T.21080(24-Oct-2024)(Open).

¹⁵²³ W04746:T.5501(11-Jul-2023)(Open);W04746:T.5534-5536(12-Jul-2023)(Open);P01764_ET.1(ALB:p.SPOE00119158, stamp visible)(Public);P01764_ET.2(ALB:p.SPOE00119159, stamp visible)(Public);[REDACTED];P01755.1_ET:p.20(Public); P01755.2_ET:p.29(Public). See also P01754:p.SPOE00088349(Public);W04758:T.21694-21701(31-Oct-2024)(Open).

¹⁵²⁴ See Section III.I.

¹⁵²⁵ See Section III.H;P01755.3_ET:pp.23-27(Public);P01755.4_ET:pp.2, 9(Public);P01754:pp.SPOE00088344-00088349(Public);[REDACTED];[REDACTED];[REDACTED];W04758:T.21122-21124, 21144-21146, 21162-21163, 21167-21168, 21171, 21173-21174(24-Oct-2024)(Open);W04758:T.21703-21704(31-Oct-2024)(Open).

¹⁵²⁶ P01754:p.SPOE00088346(Public);P01755.4_ET:p.3(Public);W04758:T.21057(23-Oct-2024)(Open);[REDACTED];W04746:T.5484-5485(11-Jul-2023)(Open). Arif MUQOLLI (aka Profa/Profi) succeeded IBISHI as Brigade Commander: see P01755.4_ET:p.4(Public);W04746:T.5500(11-Jul-2023)(Open);W04746:T.5890(17-Jul-2023)(Open).

¹⁵²⁷ W04746:T.5565-5567(12-Jul-2023)(Open);W04746:T.5908-5909(17-Jul-2023)(Open);P01754:p.SPOE00088347(Public);[REDACTED];[REDACTED]; [REDACTED];P00189_ET.1:pp.U015-8860-U015-8861(Public).

¹⁵²⁸ See e.g. [REDACTED];P00228_ET:p.3(Public).

the KLA Public Information Service was disseminated in the Llap Zone.¹⁵²⁹ The following month, MUSTAFA reiterated the duty of the Zone morale sector to cooperate with the intelligence sector in taking measures against the 'special warfare campaign.'¹⁵³⁰

357. Opponents, including LDK members, were identified, arrested, detained, and mistreated at detention sites located at various Llap Zone headquarters.¹⁵³¹ Specifically, detainees were held in: (i) Bare and Bajgorë/Bajgora,¹⁵³² where the command was headquartered from July to mid-September 1998;¹⁵³³ (ii) Llapashticë/Lapaštica,¹⁵³⁴ where the Zone Staff eventually settled from October 1998;¹⁵³⁵ and (iii) Majac/Majance and Potok,¹⁵³⁶ where detainees were transferred towards the end of March 1999 when the Zone HQ had to be moved from Llapashticë/Lapaštica.¹⁵³⁷ There were also detention centres in other locations in the Llap Zone, including in Bradash/Bradaš and Buricë/Burince, where Brigades 151 and 152 were based.¹⁵³⁸

358. In this regard, the Llap Zone Command treated GS communiqués as directing and authorising the treatment of collaborators and those perceived as obstructing the

¹⁵²⁹ P00164_ET(Public);W04746:T.5652-5654(13-Jul-2023)(Open);P00693.3_ET:pp.2-3(Public). *See also* P03721_ET:pp.2-3(Public).

¹⁵³⁰ [REDACTED];W04746:T.5495-5498(11-Jul-2023)(Open).

¹⁵³¹ *See e.g.* [REDACTED];[REDACTED]; [REDACTED]; [REDACTED]; [REDACTED];[REDACTED];P00305_ET(Public); [REDACTED].

¹⁵³² *See* Section III.H.

¹⁵³³ W04746:T.5503(11-Jul-2023)(Open);W04746:T.5544(12-Jul-2023)(Open);P01755.2_ET:pp.1-3(Public); W04323:T.4671-4672(12-Jun-2023)(Open). *See also* P00223(Public);W04746:T.5480(11-Jul-2023)(Open); P00187_ET:p.SPOE00055810-0055811(Public);P00188:p.SPOE00053299(Public).

¹⁵³⁴ *See* Section III.I.

¹⁵³⁵ AF475(Public);P00223(Public);W04746:T.5480(11-Jul-2023)(Open);W04746:T.5546(12-Jul-2023)(Open); [REDACTED];W04758:T.21181(24-Oct-2024)(Open). *See also* P00187_ET:p.SPOE00055715(Public);P00188:pp.SPOE00053299-00053300(Public); [REDACTED]. Before moving to Llapashticë/Lapaštica, the Zone Command was temporarily based in Majac/Majance in September 1998 during a Serb offensive: W04746:T.5546(12-Jul-2023)(Open);W04323:T.4672(12-Jun-2023)(Open); P00223(Public);W04746:T.5479(11-Jul-2023)(Open).

¹⁵³⁶ *See* Sections III.I.3.a and b.

¹⁵³⁷ *See e.g.* P01755.9_ET:pp.10-12(Public).

¹⁵³⁸ W04746:T.5543(12-Jul-2023)(Open);[REDACTED];[REDACTED].

work of the KLA.¹⁵³⁹ Together with regulations, these were routinely referenced in Llap Zone orders and decisions, including purported amnesties.¹⁵⁴⁰ The Llap Zone Command, including MUSTAFA as Zone Commander, understood its authority in relation to detainees to derive from the GS.¹⁵⁴¹

359. Military police and intelligence service personnel continued to cooperate closely throughout late 1998 and into 1999 in the identification, arrest, and detention of Opponents.¹⁵⁴² To this end, Nazif MEHMETI (aka Dini) was appointed deputy military police commander in October 1998.¹⁵⁴³ MEHMETI reported to the Zone Command, including GASHI and MUSTAFA, regarding the detention of Opponents, which he personally oversaw.¹⁵⁴⁴ Meanwhile, MUSTAFA and GASHI actively sought to conceal the scale of detentions and the deplorable conditions in which detainees were kept from international observers.¹⁵⁴⁵

360. Territorial (aka Civilian) Defence units (originally established in summer 1998), under the command of Muhamet LATIFI,¹⁵⁴⁶ were responsible for the organisation of people and units beyond the KLA front lines,¹⁵⁴⁷ and also gathered intelligence on

¹⁵³⁹ W04746:T.5850-5851, 5916-5917(17-Jul-2023)(Open);P00693.2_ET:p.19(Public); P00693.5_ET:p.6(Public);P00693.6_ET:p.5(Public);W04758:T.21155(24-Oct-2024)(Open), referring to [REDACTED];[REDACTED];P00270_ET.7(Public); [REDACTED]; [REDACTED]; [REDACTED].

¹⁵⁴⁰ See e.g. [REDACTED];[REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED]; [REDACTED];P02176_ET(Public). See also W04758:T.21169(24-Oct-2024)(Open); [REDACTED].

¹⁵⁴¹ W04758:T.21691-21692(31-Oct-2024)(Open).

¹⁵⁴² W04746:T.5905-5906(17-Jul-2023)(Open);[REDACTED]; [REDACTED];[REDACTED];P00741_ET.5(Public).

¹⁵⁴³ W04758:T.21658-21659(31-Oct-2024)(Open);[REDACTED]; [REDACTED];W04746:T.5938(18-Jul-2023)(Open); [REDACTED].

¹⁵⁴⁴ AF473-AF474(Public);AF478-AF479(Public);W04746:T.5502-5503(11-Jul-2023)(Open); W04746:T.5549(12-Jul-2023)(Open);W04746:T.5617-5618, 5663(13-Jul-2023)(Open);W04746:T.5938(18-Jul-2023)(Open);W04758:T.21698(31-Oct-2024)(Open);[REDACTED].

¹⁵⁴⁵ [REDACTED];[REDACTED].

¹⁵⁴⁶ W04746:T.5494(11-Jul-2023)(Open);[REDACTED]; P01545.1_ET:p.12(Public);W04651:T.18918(26-Aug-2024)(Open);P00187_ET:pp.SPOE00055713, SPOE00055810(Public). See also [REDACTED];[REDACTED]; P02138_ET(Public).

¹⁵⁴⁷ W04746:T.5494-5495(11-Jul-2023)(Open);P01755.3_ET:pp.21-22(Public); P00187_ET:p.SPOE00055713(Public);P04215:00:14:08-00:15:36(Public);P04215_ET:p.6(Public).

Opponents,¹⁵⁴⁸ which was passed to brigade commanders, military police, and the Zone Command, often leading to their arrest and detention.¹⁵⁴⁹

361. In November 1998, actions against Opponents in the Llap Zone were announced in a public statement issued by both the GS Information Directorate and the Llap Zone itself.¹⁵⁵⁰ As Zone Commander, MUSTAFA collaborated with *Kosovapress*, a GS-established media outlet, to issue public statements accusing, *inter alia*, the government-in-exile of obstructing the 'liberation war with all their means'.¹⁵⁵¹

362. MUSTAFA and the Llap Zone Command maintained close contact with and reported to the GS, both in person¹⁵⁵² and via satellite phone.¹⁵⁵³ In addition to a meeting in August 1998, GS members, including **THAÇI** and **KRASNIQI**, held a meeting in October 1998 in the Llap Zone,¹⁵⁵⁴ where the need for further organisation and regulations from the GS were discussed,¹⁵⁵⁵ while military and tactical positions were inspected by Bislim ZYRAPI.¹⁵⁵⁶ In October 1998, MUSTAFA explained in an interview that he believed the GS's decision in October 1998 to cease fire to be 'a bit hasty and not

¹⁵⁴⁸ See e.g. [REDACTED];W04758:T.21109, 21113-21114(24-Oct-2024)(Open), referring to the detention of Goran ZBILIĆ;W04758:T.21658(31-Oct-2024)(Open).

¹⁵⁴⁹ W04746:T.5494-5495(11-Jul-2023)(Open);P01754:p.SPOE00088348(Public);P01755.3_ET:p.22(Public);[REDACTED];W04758:T.21171-21172, 21174-21175(24-Oct-2024)(Open).

¹⁵⁵⁰ P03759_ET:p.SPOE00230261(Public). See, similarly, P00811_ET.20(Public).

¹⁵⁵¹ [REDACTED];W04746:T.5490, 5493-5494(11-Jul-2023)(Open);[REDACTED]. See also P00515_ET.40:pp.008348, 008350(Public); [REDACTED].

¹⁵⁵² See W04746:T.5533-5536, 5603-5605, 5607-5608(12-Jul-2023)(Open);P00693.7:p.3(Public);W04746:T.5618-5625(13-Jul-2023)(Open);P00693.4_ET:p.10(Public). See also P01755.1_ET:p.20(Public);P01755.2_ET:pp.29-30(Public);P00228_ET(Public);P00617_ET(Public);P00647_ET:pp.SPOE00225284-00225285(Public);[REDACTED];P01356_ET:pp.5955-5956(Public);P01428_ET(Public);W04752:T.17475-17476(02-Jul-2024)(Open);P00615_ET(Public). See also P01881_ET:pp.SPOE00226856-00226857(Public).

¹⁵⁵³ See [REDACTED];[REDACTED];W04746:T.5523-5526(12-Jul-2023)(Open);P01755.2_ET:pp.29-30(Public). See also P00189_ET.1:p.U015-8864(Public).

¹⁵⁵⁴ P00189_ET.1:p.U015-8863(Public);W04758:T.21637-21639(31-Oct-2024)(Open);P01755.9_ET:p.3(Public);W04758:T.21053-21057(23-Oct-2024)(Open);P01755.3_ET:p.8(Public);[REDACTED];[REDACTED];[REDACTED];P00187_ET:p.SPOE00055838(Public).

¹⁵⁵⁵ W04758:T.21055-21057(23-Oct-2024)(Open);P01755.3_ET:pp.8, 12(Public);[REDACTED];[REDACTED]; [REDACTED].

¹⁵⁵⁶ [REDACTED];[REDACTED].

well thought out', but that '[i]n spite of this opinion, we respect the General Staff's decision'.¹⁵⁵⁷ Moreover, in January 1999, KRASNIQI and ZYRAPI were visiting the Llap OZ headquarters when they were informed of the detention of eight Serb military police officers in the Shala Zone, travelling there shortly after with the assistance of MUSTAFA.¹⁵⁵⁸

363. MUSTAFA and the Llap Zone Command also cooperated with the leadership of the adjacent Shala and Karadak Zones.¹⁵⁵⁹ For example, members of the Karadak Zone Command were temporarily located in Zllash/Zlaš together with the BIA unit¹⁵⁶⁰ and Llap Zone Brigade 153, which was formally established in February 1999 under the command of Adem SHEHU.¹⁵⁶¹ Soldiers from these Zones trained together¹⁵⁶² and fought alongside each other.¹⁵⁶³ Throughout 1998 and 1999, the Llap Zone's high level of organisation facilitated coordination with other zones. The Llap Zone acted on and implemented GS directives and guidelines in regard to military structure,¹⁵⁶⁴

¹⁵⁵⁷ P04161_ET:pp.4-5(Public).

¹⁵⁵⁸ See [REDACTED];[REDACTED];W04746:T.5602(12-Jul-2023)(Open);[REDACTED];[REDACTED];[REDACTED];P00189_ET.1:p.U015-8893(Public). See also [REDACTED];[REDACTED];[REDACTED].

¹⁵⁵⁹ W04746:T.5605(12-Jul-2023)(Open);W04758:T.21019-21022(23-Oct-2024)(Open);P00187_ET:pp.SPOE00055918, SPOE00055824, SPOE00055830, SPOE00055893(Public);P00228_ET:p.4(Public);P00188:p.SPOE00053307(Public). See also [REDACTED];[REDACTED];[REDACTED].

¹⁵⁶⁰ [REDACTED];[REDACTED]; P01264_ET:p.SPOE00055936(Public).

¹⁵⁶¹ [REDACTED];W04485:T.21254, 21256(28-Oct-2024)(Open);P00187_ET:pp.SPOE00055911-00055912(Public). See also AF285(Public).

¹⁵⁶² W04758:T.21019-21020(23-Oct-2024)(Open);P00187_ET:pp.SPOE00055900, SPOE00055902, SPOE00055918(Public);P02135_ET(Public);P02147_ET:pp.090349, 090356(Public). See also W04485:T.21236-21237(28-Oct-2024)(Open);[REDACTED].

¹⁵⁶³ W04746:T.5608(12-Jul-2023)(Open);W04485:T.21238-21241(28-Oct-2024)(Open);[REDACTED];[REDACTED];P00187_ET:pp.SPOE00055949-00055950(Public);W04758:T.21021-21022(23-Oct-2024)(Open);P01659_ET(Public); P01264_ET:p.SPOE00128773(Public).

¹⁵⁶⁴ P01764_ET.1(Public);P01764_ET.2(Public);W04758:T.21079, 21083-21084, 21089-21090, 21093-21094(24-Oct-2024)(Open);[REDACTED];P02123_ET(Public).

communication,¹⁵⁶⁵ mobilisation and training,¹⁵⁶⁶ discipline,¹⁵⁶⁷ operations and supplies.¹⁵⁶⁸

364. In late April 1999, consistent with instructions from PGoK Prime Minister **THAÇI**, the Llap Zone command established the National Guard (aka Fifth Battalion).¹⁵⁶⁹ Ajeta POTERA commanded the Llap National Guard,¹⁵⁷⁰ and reported to the Llap Zone Command, including MUSTAFA.¹⁵⁷¹ KLA membership was a prerequisite to becoming a National Guard soldier,¹⁵⁷² with only the 'most renowned' Llap Zone soldiers appointed to the National Guard.¹⁵⁷³

365. On 11 June 1999, as Serbian forces withdrew following the Kumanovo Agreement, MUSTAFA and the Llap Zone Command entered Prishtinë/Priština alongside the Llap National Guard.¹⁵⁷⁴ The Llap Zone Command established itself in the Kolovicë/Kojlovica neighbourhood,¹⁵⁷⁵ guarded by members of the Llap National

¹⁵⁶⁵ W04746:T.5514-5515(12-Jul-2023)(Open);P01755.2_ET:p.28(Public);W04651:T.18902-18903, 18906-18907, 18909-18910(26-Aug-2024)(Open);W04485:T.21257(28-Oct-2024)(Public); [REDACTED];P00187_ET:pp.SPOE00055705-00055707, SPOE00055709, SPOE00055711-00055712, SPOE00055850, SPOE00055921(Public);[REDACTED].

¹⁵⁶⁶ See AF775(Public);P01761_ET(Public);P02148_ET(Public);P02147_ET(Public);P02127_ET(Public); W04758:T.21038(23-Oct-2024)(Open);P00187_ET:p.SPOE00055799-00055802, SPOE00055820(Public); P02135_ET(Public).

¹⁵⁶⁷ P01763_ET(Public);W04758:T.21046(23-Oct-2024)(Open). See also W04485:T.21281-21282(28-Oct-2024)(Open);[REDACTED].

¹⁵⁶⁸ See e.g. P02130_ET(Public). See also P01552_ET(Public);P02123_ET(Public);P01760_ET(Public).

¹⁵⁶⁹ [REDACTED];[REDACTED];P01434_ET:p.SPOE00228149(Public);W04746:T.5658-5660(13-Jul-2023)(Open); [REDACTED];P01755.9_ET:pp.30-31(Public);P00187_ET:pp.SPOE00055964-00055965(Public). See also P00515_ET.75(Public);P00814_ET.39(Public); [REDACTED].

¹⁵⁷⁰ [REDACTED];[REDACTED]. See also [REDACTED];P00187_ET:p.SPOE00055964(Public).

¹⁵⁷¹ P01755.9_ET:pp.31-32(Public);[REDACTED];W04746:T.5660(13-Jul-2023)(Open); [REDACTED];[REDACTED]. Sylejman SELIMI maintained overall authority as National Guard Commander, having been appointed by **Hashim THAÇI** during a PGoK meeting in late April, see P01264_ET:pp.SPOE00128903, SPOE00128928-00128929(Public).

¹⁵⁷² [REDACTED];P00187_ET:p.SPOE00055716(Public);P01755.9_ET:p.31(Public); [REDACTED].

¹⁵⁷³ P00187_ET:p.SPOE00055716(Public);W04651:T.18958(26-Aug-2024)(Open);P01755.9_ET:p.31(Public).

¹⁵⁷⁴ W04746:T.5659-5660(13-Jul-2023)(Open);P00187_ET:pp.SPOE00055972-00055973(Public). See also [REDACTED];[REDACTED];[REDACTED].

¹⁵⁷⁵ W04746:T.5599(12-Jul-2023)(Open);W04746:T.5660-5661(13-Jul-2023)(Open); P00188:p.SPOE00053300(Public);[REDACTED];P00187_ET:pp.SPOE00055972-00055973(Public). **KRASNIQI** also visited the Llap Zone command in Kolovicë/Kojlovica.

Guard,¹⁵⁷⁶ while other National Guard members stationed themselves in Tokbashqe. In summer 1999, National Guard members committed crimes at Tokbashqe, while other KLA members committed crimes in and around Kolovicë/Kojlovica and Taslixhe/Taslidže.

366. Latif GASHI, former Llap OZ intelligence chief, became SHIK General Director, under **Kadri VESELI**,¹⁵⁷⁷ while Minister of Public Order **Rexhep SELIMI** appointed Nuredin IBISHI, former Llap Zone Chief of Staff, as 'Chief for Public Order'.¹⁵⁷⁸ Muhamet LATIFI became the Llap Zone Military Police Commander.¹⁵⁷⁹ As in other areas of Kosovo, with the withdrawal of Serbian forces, the KLA moved quickly to take over civilian administration in Llap OZ municipalities. In accordance with PGoK directives,¹⁵⁸⁰ municipal buildings were occupied and mayors installed in Podujevë/Podujevo¹⁵⁸¹ and Prishtinë/Priština.¹⁵⁸²

367. Throughout summer 1999, the Llap OZ continued to demonstrate high levels of organisation. In particular, in Prishtinë/Priština and Podujevë/Podujevo, members of the Llap Zone – including military police performing public order functions, and interacting with and reporting to the Ministry of Public Order – enforced decisions,¹⁵⁸³ including of the PGoK,¹⁵⁸⁴ carried out 'actions to maintain public order',¹⁵⁸⁵ confiscated

¹⁵⁷⁶ [REDACTED]. See e.g. P01772(Public);W04485:T.21233-21234(28-Oct-2024)(Public).

¹⁵⁷⁷ [REDACTED];[REDACTED]. See also

[REDACTED];P00763.4_ET:p.12(Public);P00763.6_ET:p.8(Public);

[REDACTED];P00789:pp.SITF00398184-00398185(Public); [REDACTED].

¹⁵⁷⁸ P01755.9_ET:pp.26-27, 38(Public);P01755.10_ET:pp.5-8(Public);P01758:p.SITF40001595(Public).

¹⁵⁷⁹ W04746:T.5938-5939(18-Jul-2023)(Open);P02233_ET(Public);P00187_ET:p.SPOE00055971(Public). See also P02267_ET(Public);P02284_ET(Public);P02292_ET(Public);[REDACTED];

P02366_ET:p.SITF00244162(Public);[REDACTED].

¹⁵⁸⁰ P04131:pp.SITF00173037-00173040(Public) See also P04190_ET:pp.1-2(Public).

¹⁵⁸¹ [REDACTED];P02277_ET(Public);P02278_ET(Public).

¹⁵⁸² See e.g. P02292_ET(Public); see also W04746:T.5622-5623(13-Jul-2023)(Open).

¹⁵⁸³ See e.g. [REDACTED].

¹⁵⁸⁴ See e.g. [REDACTED].

¹⁵⁸⁵ See e.g. P02328_ET(Public);P02329_ET(Public);P02333_ET(Public);P02337_ET(Public); [REDACTED]; [REDACTED];P02342_ET(Public); P02343_ET(Public);P02344_ET(Public);P02346_ET(Public).

property,¹⁵⁸⁶ collected intelligence through daily reports, and conducted investigations,¹⁵⁸⁷ illegal searches, arrests and interrogations,¹⁵⁸⁸ including of Serbs and alleged collaborators.¹⁵⁸⁹

iv. Shala Zone

368. At the start of the Indictment period, around 4 March 1998, **Rexhep SELIMI** met with, among others, Sabit GECI, Sylejman SELIMI, Rrustem MUSTAFA, Adem JASHARI, and Rrahman RAMA – who later become the Shala Zone Commander¹⁵⁹⁰ – to discuss KLA expansion and improved weaponry.¹⁵⁹¹

369. The Shala Zone was located in the northwest of Kosovo. It extended along both sides of the Prishtinë/Priština-Mitrovicë/Kosovska Mitrovica road,¹⁵⁹² and bordered the Drenicë and Llap Zones, as well as Serbia.¹⁵⁹³ It included the Mitrovicë/Kosovska Mitrovica, Vushtrri/Vučitrn, Leposaviq/Leposavić, Zvečan/Zvečan and Zubin Potok municipalities,¹⁵⁹⁴ and was headquartered in Oshlan/Ošljane.¹⁵⁹⁵

370. By spring 1998 and throughout the summer, KLA members in the Shala area, including at headquarters in Zhilivodë/Žilivoda and Oshlan/Ošljane, in the

¹⁵⁸⁶ See e.g. P02299_ET(Public);[REDACTED]; [REDACTED];[REDACTED]. See also P02237_ET(Public); [REDACTED].

¹⁵⁸⁷ See e.g. P02267_ET(Public);[REDACTED];[REDACTED]; [REDACTED];[REDACTED];P02363_ET(Public);P02328_ET(Public); [REDACTED];[REDACTED].

¹⁵⁸⁸ See e.g. [REDACTED];[REDACTED];[REDACTED];[REDACTED];P02322_ET(Public); [REDACTED];[REDACTED]. See also P02238_ET(Public);[REDACTED].

¹⁵⁸⁹ See e.g. [REDACTED];[REDACTED], also indicating that ‘Commander Lata’ should decide on further action in relation to two detained Serbs;[REDACTED];[REDACTED];[REDACTED];[REDACTED]; [REDACTED]; [REDACTED];[REDACTED].

¹⁵⁹⁰ AF242(Public);AF288(Public).

¹⁵⁹¹ P01745_ET:p.U003-9095(Public);W04290:T.24933, 24935-24937(10-Feb-2025)(Open).

¹⁵⁹² P01092_ET:p.SPOE00230884(Public).

¹⁵⁹³ P01092_ET:p.SPOE00230884(Public);[REDACTED].

¹⁵⁹⁴ AF287(Public);[REDACTED];[REDACTED].

¹⁵⁹⁵ P00189_ET.1:pp.U015-8863-U015-8864(Public);P02476_ET(Public);[REDACTED]; [REDACTED];[REDACTED].

Çyçavica/Čičavica area, prepared reports detailing military and operational developments such as combat with Serbian forces,¹⁵⁹⁶ guard schedules,¹⁵⁹⁷ and weapon and supply inventories,¹⁵⁹⁸ and organised military recruitment and training.¹⁵⁹⁹ Significant combat occurred in the Shala Zone during the Indictment period.¹⁶⁰⁰ Military cooperation between the Shala Zone and its neighbouring operational zones – the boundaries of which were delineated by **Rexhep SELIMI**¹⁶⁰¹ – was commonplace, both in 1998¹⁶⁰² and 1999.¹⁶⁰³ KLA members also played an important role in civic order and control in the zone, including the movement of persons and surveillance.¹⁶⁰⁴

371. A training programme dated 31 May 1998 and addressed to the General Staff – which was later seized from the KLA headquarters in Zhilivodë/Žilivoda¹⁶⁰⁵ – set out various training topics for KLA soldiers, including: (i) ‘the failure of pacifist politics’, the emergence of ‘the KLA as the only force for the liberation of the country’, and that the actions of political parties were ‘a deception of the people and an obstacle’; (ii) executing orders and discipline, including punitive measures like detention and

¹⁵⁹⁶ P02478_ET(Public);[REDACTED];W04758:T.21020-21021(23-Oct-2024)(Open); P00187_ET:pp.SPOE00055824, SPOE00055830(Public).

¹⁵⁹⁷ P02476_ET(Public);P02480_ET(Public);P02481_ET(Public).

¹⁵⁹⁸ P02486_ET(ALB, p.SITF00435966)(Public);P02487_ET:pp.SITF00435499–SITF00435500(Public); P02477_ET(Public);P02475_ET:p.097129(Public);P02488_ETpp.SITF00435513–SITF00435514, SITF00435517, SITF00435524–SITF00435525, SITF00435537, SITF00435539(Public).

¹⁵⁹⁹ [REDACTED];[REDACTED];[REDACTED];

[REDACTED];P02471_ET(Public);P02472_ET(Public);[REDACTED];

P02488_ET:p.SITF00435512(Public);P02135_ET:p.090605(Public);[REDACTED]; P02450_ET:pp.U017-3812, U017-3815, U017-3818, U017-3822, U017-3829(Public); [REDACTED].

¹⁶⁰⁰ AF60(Public);P00189_ET.1:p.U015-8860(Public);P00187_ET:p.SPOE00055830(Public); P00811_ET.62:p.SPOE00053697(Public);P00812_ET.25(Public);P00812_ET.27(Public); P00812_ET.29(Public).

¹⁶⁰¹ [REDACTED];[REDACTED]. *See also* W04752:T.17341–17342, 17400-17401(01-Jul-2024)(Open).

¹⁶⁰² W04758:T.21020-21022(23-Oct-2024)(Open);P00187_ET:pp.SPOE00055824, SPOE00055830(Public); P02135_ET:p.090605(Public);[REDACTED];[REDACTED]; [REDACTED];W04746:T.5608(12-Jul-2023)(Open).

¹⁶⁰³ W04572:T.17530(03-Jul-2024)(Open);P02941_ET(Public). *See also* P00812_ET.25(Public); P00812_ET.27(Public);P00812_ET.29(Public).

¹⁶⁰⁴ P02490_ET(Public);P02488_ET:pp.SITF00435514, SITF00435517, SITF00435526(Public); P02489_ET(Public);P02482_ET(Public);[REDACTED].

¹⁶⁰⁵ [REDACTED].

imprisonment; (iii) guard service rules and organisation; and (iv) '[k]idnappings and assassinations'.¹⁶⁰⁶

372. In early June 1998, after Mensur KASUMI and other professional military officers arrived in Likoc/Likovac together with **Hashim THAČI**, **Kadri VESELI**, and W04752, GS members met with Rrahman RAMA and assigned KASUMI to the Shala Zone.¹⁶⁰⁷ The GS later confirmed Rrahman RAMA as Shala Zone Commander in an order signed by **Rexhep SELIMI**.¹⁶⁰⁸ He remained in this position until the end of the Indictment period.¹⁶⁰⁹ For a time, RAMA's deputy was Mensur KASUMI,¹⁶¹⁰ although in early 1999, due to his health and previous intelligence experience, he was moved to a position at the General Staff.¹⁶¹¹

373. GS members visited the Shala Zone on a number of occasions, and KLA members in the Shala Zone, including RAMA, would travel, typically to Likoc/Likovac, to meet with the GS (including the **Accused**) to receive instructions, obtain weapons, and consult on both military and political matters.¹⁶¹² GS orders were transmitted to the Shala Zone in person,¹⁶¹³ by satellite phone,¹⁶¹⁴ and by courier.¹⁶¹⁵ Requests for funding and supplies¹⁶¹⁶ and information, including on military operations,¹⁶¹⁷ detainees and

¹⁶⁰⁶ P03672_ET(Public).

¹⁶⁰⁷ W04752:T.17341-17343, 17400-17401(01-Jul-2024)(Open);W04752:T.18259-18260(15-Jul-2024)(Open); P00606_ET:p.SPOE00223375(Public).

¹⁶⁰⁸ [REDACTED];AF242(Public);AF288(Public); [REDACTED].

¹⁶⁰⁹ [REDACTED];[REDACTED].

¹⁶¹⁰ P01092_ET:p.SPOE00230884(Public);W04752:T.18288(15-Jul-2024)(Open);[REDACTED].

¹⁶¹¹ W04752:T.17820, 17822-17823(08-Jul-2024)(Open);[REDACTED]; [REDACTED];[REDACTED].

¹⁶¹² W04746:T.5604-5606(12-Jul-2023)(Open);P00647_ET(Public);[REDACTED]; [REDACTED];P00812_ET.2:p.SPOE00054141(Public); P00189_ET.1:p.U015-8860(Public);[REDACTED]; [REDACTED];[REDACTED];[REDACTED].

¹⁶¹³ P01091_ET:p.SPOE00231061(Public);[REDACTED];[REDACTED];[REDACTED].

¹⁶¹⁴ [REDACTED]; [REDACTED];P00189_ET.1:p.U015-8893(Public); [REDACTED];[REDACTED].

¹⁶¹⁵ See e.g. W04752:T.18328-18329(16-Jul-2024)(Open);W04752:T.17457(02-Jul-2024)(Open); P01414_ET(Public);[REDACTED].

¹⁶¹⁶ P03817_ET(Public);P02485_ET(ALB, p.SPOE00226365, signed)(Public); P02488_ET:pp.SITF00435524(Public);[REDACTED];[REDACTED];[REDACTED];[REDACTED].

¹⁶¹⁷ P02491_ET(Public);P01435_ET:p.SPOE00228189(Public);[REDACTED]; [REDACTED].

collaborators,¹⁶¹⁸ flowed from the brigades and zone officials to the GS, via the Zone Command.

374. By late June 1998, draft KLA military rules were circulated to the Zhilivodë/Žilivoda headquarters, upon which comments were made and revisions proposed.¹⁶¹⁹ They concerned, *inter alia*, GS authority, structure, logistics, discipline and disciplinary measures, and criminal responsibility, *inter alia*, for 'acts of national treason for the interests of the invader' and 'collaboration of Albanian citizens with the invader for reason of loyalty or material gains', punishable by death.¹⁶²⁰ Portions of these draft rules were replicated in, for example, the Guard Duty Rules and the Provisional Regulations.¹⁶²¹ During summer 1998, such regulations had been disseminated in the Shala Zone¹⁶²² and were being implemented.¹⁶²³ Consistent with the Provisional Regulations, during the Indictment period, KLA members in the Shala Zone monitored suspected collaborators and enemy personnel.¹⁶²⁴ Suspected collaborators or persons uncooperative with the KLA were arrested, threatened, mistreated, detained, or killed.¹⁶²⁵ Some Opponents were transferred to other KLA detention facilities, including Klečkë/Klečka and Likoc/Likovac.¹⁶²⁶

375. The two active brigades in the Shala Zone, confirmed by a GS order in August

¹⁶¹⁸ [REDACTED];[REDACTED];[REDACTED]; [REDACTED].

¹⁶¹⁹ P02474_ET(Public);[REDACTED];[REDACTED].

¹⁶²⁰ P02474_ET:pp.096809–096810, 096817(Public);[REDACTED]; [REDACTED];[REDACTED].

¹⁶²¹ P02474_ET:pp.096807, 096809-096810, 096855-096858(Public).

¹⁶²² P02474_ET(Public);P02483_ET(Public);P02487_ET:p.SITF00435493(Public).

¹⁶²³ [REDACTED];[REDACTED];[REDACTED].

¹⁶²⁴ [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED]; [REDACTED];P02488_ET:pp.SITF00435513, SITF00435524, SITF00435527, SITF00435540(Public);[REDACTED]. *See also* [REDACTED].

¹⁶²⁵ [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED]; [REDACTED]; [REDACTED];[REDACTED].

¹⁶²⁶ [REDACTED];P04052:pp.SPOE00234433-SPOE00234434(Public); P04059:p.SITF00011674(Public);[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED].

1998, were Brigades 141 — also known as ‘Mehe UKA’¹⁶²⁷ — and 142.¹⁶²⁸ Brigade 141, led by Hysni AHMETI, was headquartered in Bare/Barja, near Bajgorë/Bajgora in the Llap Zone.¹⁶²⁹ Brigade 142 was initially headquartered in Zhilivodë/Žilivoda,¹⁶³⁰ but eventually moved to be co-located with the Zone headquarters in Oshlan/Ošljane.¹⁶³¹ Both brigades reported to the Zone Commander,¹⁶³² and each brigade headquarters also had premises used for detaining people.¹⁶³³

376. By at least summer of 1998, a ZKZ structure was established in the Zone.¹⁶³⁴ [REDACTED]¹⁶³⁵ – [REDACTED].¹⁶³⁶ The Shala Zone issued ZKZ membership booklets, signed by the Zone Commander, as early as autumn 1998.¹⁶³⁷ Under regulations issued by the GS, including in the Shala Zone, ZKZ officers had a duty to gather intelligence about suspected collaborators, and identify important enemy personnel and assess their level of risk, as a precursor to them being kidnapped or killed.¹⁶³⁸ At the order of the GS, a military police unit was also established in the Shala Zone by late autumn 1998¹⁶³⁹ under Commander Isa HAJRIZI.¹⁶⁴⁰ Among other responsibilities, military police could be directed to assist ZKZ officers with arrests.¹⁶⁴¹ ZKZ officers, directly and through the

¹⁶²⁷ P02485_ET(Public);P00515_ET.45:p.008461(Public);P00187_ET:p.SPOE00055830(Public);P01091_ET:p.SPOE00231061(Public).

¹⁶²⁸ AF289(Public);AF224(Public);P00643_ET:p.SPOE00229214(Public);[REDACTED];[REDACTED];P00796:p.3450(Public);P01092_ET:p.SPOE00230884(Public);P00187_ET:p.SPOE00055738(Public);P00763.5_ET:p.10(Public);[REDACTED]; [REDACTED];[REDACTED].

¹⁶²⁹ P01091_ET:p.SPOE00231061(Public);[REDACTED];P00189_ET.1:p.U015-8860(Public).

¹⁶³⁰ P02478_ET(Public);[REDACTED];[REDACTED]; [REDACTED];[REDACTED].

¹⁶³¹ [REDACTED];[REDACTED];P02476_ET(Public).

¹⁶³² P01435_ET:p.SPOE00228189(Public);P02489_ET(Public);P02485_ET(Public);[REDACTED].

¹⁶³³ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

¹⁶³⁴ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

¹⁶³⁵ [REDACTED]. [REDACTED]. [REDACTED]. See [REDACTED]. [REDACTED].

¹⁶³⁶ [REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED].

¹⁶³⁷ [REDACTED]; [REDACTED].

¹⁶³⁸ P00890_ET(Public);[REDACTED];[REDACTED];[REDACTED].

¹⁶³⁹ P00009_ET(Public);[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED].

¹⁶⁴⁰ [REDACTED].

¹⁶⁴¹ [REDACTED]; [REDACTED];[REDACTED];[REDACTED].

zone command structure, sought strategic guidance from GS in the case of high-level targets, who could better weigh the consequences of any such actions,¹⁶⁴² and provided regular updates to the GS.¹⁶⁴³

377. In mid-June 1998, the Shala Zone's 'Hakarete' special unit, led by Arif KRASNIQI, provoked an offensive at the Bardh i Madh/Veliki Belačevac mine, which was located between the Shala and Drenicë Zones.¹⁶⁴⁴ Shortly thereafter, Shala and Llap Zone brigades deployed along with other prominent KLA members, and the GS intervened,¹⁶⁴⁵ resulting in the KLA temporarily taking control of the mines at Bardh i Madh/Veliki Belačevac between approximately 16 and 30 June 1998.¹⁶⁴⁶ During the attack, KLA members abducted nine mine workers,¹⁶⁴⁷ who remain missing.¹⁶⁴⁸

378. On 17 June 1998, **Hashim THAÇI** and **Kadri VESELI** visited the site, and the attack was celebrated as a KLA success.¹⁶⁴⁹ KLA members cooperated with the media to

¹⁶⁴² [REDACTED].

¹⁶⁴³ [REDACTED].

¹⁶⁴⁴ [REDACTED];W04752:T.17890(09-Jul-2024)(Open);
[REDACTED];P00763.8_ET:p.16(Public);P00189_ET.1:p.U015-8838(Public);
P01092:p.SPOE00230876(Public);P00795:p.3417(Public).

¹⁶⁴⁵ P00189_ET.1:pp.U015-8838, U015-8847(Public);P01092_ET:p.SPOE00230876(Public);
P00288_ET(Public);P00270_ET.6(Public);P00578(Public);P00579(Public);P00763.8_ET:p.16(Public);
W04752:T.18288(15-Jul-2024)(Open);W04752:T.17890(09-Jul-2024)(Open); [REDACTED]; [REDACTED];
[REDACTED]; P01264_ET:p.SPOE00128630(Public);[REDACTED];P01755.1_ET:p.22(Public).

¹⁶⁴⁶ AF71(Public);P01273(Public)(see UÇK sign on mine building at 00:00:01-00:00:06);P01273_ET(Public);
P01273.1:p.095684(Public);P03698_ET:p.SPOE00230586(Public);P01275:p.101766(Public);P04018:p.R025-
4280(Public);P01274:p.U0088014(Public);P01276(Public);[REDACTED]; P01264_ET:pp.SPOE0128630-
SPOE0128631(Public);W04410:T.16649-16650(04-Jun-2024)(Open).

¹⁶⁴⁷ P01276(Public);P01275:p.101766(Public);P01274:p.U008-8014(Public);P04220(Public);
P04023:p.K0078707(Public);[REDACTED];P00380:p.K036-4871(Public).

¹⁶⁴⁸ [REDACTED];P00763.8_ET:p.18(Public);P01276(Public);[REDACTED].

¹⁶⁴⁹ W04410:T.16649-16650, 16660(04-Jun-2024)(Open);P01264_ET:pp.SPOE0128630-
SPOE0128631(Public);[REDACTED];P01273(Public), see in particular at 00:00:01-00:00:06, and 00:00:20-
00:00:31;P01273_ET(Public);P01273.1:p.095684(Public);P00793:p.U016-2176(Public);
P03698_ET(Public);P00288_ET(Public);P00579(Public);[REDACTED]; P00763.8_ET:pp.16-17(Public). See
also P00189_ET.1:pp.U015-8838-U015-8839(Public);
P01092_ET:p.SPOE00230876(Public);P04154_ET:p.2(Public);P00188:p.SPOE00053293(Public);
W04410:T.16662(04-Jun-2024)(Open).

report on its military accomplishment and issued a GS communiqué.¹⁶⁵⁰ **Jakup KRASNIQI**, in contemporaneous interviews, asserted that the mine was KLA 'property',¹⁶⁵¹ and that this operation was a 'tactical step'.¹⁶⁵² At the same time, the media widely reported about the abduction and suspected murder of the nine Serb mine workers.¹⁶⁵³ Subsequently, the GS analysed the military operation and decided to investigate the circumstances surrounding its launch, which initially had not been authorised by the GS.¹⁶⁵⁴ However, no measures were taken in relation to the detained mine workers. When asked if he took any measures, **Rexhep SELIMI** claimed that he did not believe news of the abductions and was too busy in his daily, operational tasks.¹⁶⁵⁵

379. GS delegations also visited the Shala Zone on other occasions, including visits in late summer 1998 by **Hashim THAÇI**, **Jakup KRASNIQI**, **Rexhep SELIMI**, and W04752, when they also visited the Llap Zone headquarters;¹⁶⁵⁶ a delegation including **Hashim THAÇI**, **Jakup KRASNIQI**, W04752 and Ramë BUJA in October 1998;¹⁶⁵⁷ and a delegation including **Jakup KRASNIQI**, W04752, Ferat SHALA, and Ramë BUJA in January 1999, coinciding with negotiations concerning the release of the eight captured

¹⁶⁵⁰ P01273.1(Public);P01273(Public), *see* at 00:00:01-00:00:06;P01273_ET(Public);[REDACTED]; P00793:p.U016-2176(Public);P03698_ET(Public);W04410:T.16661-16663(04-Jun-2024)(Open); P01275:p.101766(Public);P01274:p.U008-8014(Public);P00288_ET(Public);P00579(Public); [REDACTED].

¹⁶⁵¹ P03698_ET:p.SPOE00230586(Public).

¹⁶⁵² P00793:p.U016-2176(Public).

¹⁶⁵³ P01274:p.U0088014(Public);P01275:p.101766(Public);P01276(Public);P04220(Public);W04410:T.16662-16665, 16667(04-Jun-2024)(Open);P04023:p.K0078707(Public);[REDACTED]; P00380:p.K036-4871(Public);[REDACTED]; [REDACTED];[REDACTED]. *See also* [REDACTED];W04752:T.17891-17892(09-Jul-2024)(Open).

¹⁶⁵⁴ P00189_ET.1:p.U015-8838(Public);P01092:p.SPOE00230876(Public);P00795:p.3417(Public); P00188:p.SPOE00053294(Public);P00643_ET:p.SPOE00229213(Public);W04752:T.17890(09-Jul-2024)(Open);[REDACTED]. *See also* [REDACTED].

¹⁶⁵⁵ P00763.8_ET:pp.18, 20-23(Public).

¹⁶⁵⁶ P00739.8_ET:p.1(Public);P00189_ET.1:p.U015-8859(Public); *See also* [REDACTED].

¹⁶⁵⁷ P00189_ET.1:pp.U015-8863-U015-8864(Public).

Serbian soldiers.¹⁶⁵⁸

380. The negotiated release of eight Serbian soldiers captured by KLA forces on 8 January 1999 in the Shala Zone, in exchange for nine KLA prisoners captured by Serbian forces near the Albanian border, is illustrative of the GS's authority.¹⁶⁵⁹ A *Kosovapress* article from that day reports the capture of the eight Serbian soldiers, and that, according to the KLA Information Directorate, representatives of the OSCE Verification Mission had been in contact to secure their release.¹⁶⁶⁰ **Jakup KRASNIQI** was personally in touch with RAMA regarding the handling of the Serbian soldiers, travelling the same day with W04752 to Brigade 141 headquarters in Bare/Barja to discuss the situation with RAMA.¹⁶⁶¹

381. The following morning, on 9 January 1999, **KRASNIQI** met with foreign diplomats including W04147 (the head of the US Kosovo Diplomatic Observer Mission), 1DW-008 (the United States Special Envoy for Kosovo-Serbia Issues), OSCE head William WALKER and representative David MEYER in Dragobil/Dragobilje, in the Malishevë/Mališevo municipality.¹⁶⁶² [REDACTED].¹⁶⁶³ [REDACTED] report noted that the Serbian officers had been seen alive and photographed, as did the *Kosovapress*.¹⁶⁶⁴

382. In the subsequent days, representatives of the GS, led by **Jakup KRASNIQI**, negotiated intensively with the OSCE Verification Mission, US and European diplomats regarding the prisoners' release, coming to the position after extensive internal discussions — both within the GS and with the Shala Zone Command — that the

¹⁶⁵⁸ W04752:T.18426–18427(17-Jul-2024)(Open);[REDACTED]; [REDACTED]. *See generally* [REDACTED];[REDACTED].

¹⁶⁵⁹ AF113(Public);[REDACTED];[REDACTED]; P01091_ET:p.SPOE00231061(Public).

¹⁶⁶⁰ P00811_ET.6(Public). *See also* [REDACTED].

¹⁶⁶¹ *See* P00189_ET.1:p.U015-8893(Public);P01091_ET:p.SPOE00231061(Public); P01092_ET:p.SPOE00230897(Public).

¹⁶⁶² W04147:T.13551-13552(25-Mar-2024)(Open);W04147:T.14005-14006(28-Mar-2024)(Open); [REDACTED];P01091_ET:p.SPOE00231061(Public).

¹⁶⁶³ [REDACTED];[REDACTED];[REDACTED].

¹⁶⁶⁴ [REDACTED];P00811_ET.6(Public). *See also* P00811_ET.8(Public).

Serbian officers' release was conditional on the release of the nine detained KLA soldiers.¹⁶⁶⁵ On 11 January 1999, during the negotiation period, this position was also espoused in a GS Communiqué.¹⁶⁶⁶

383. Throughout the negotiations, **Jakup KRASNIQI** was regularly using his satellite phone, both to instruct Rrahman RAMA about how he and his staff should act, and to consult with other GS members about the terms of the prisoner exchange.¹⁶⁶⁷ Although both **Hashim THAÇI** and **Kadri VESELI** were in Brussels at the time, both they and **Rexhep SELIMI** were involved in the situation as it unfolded; indeed, **Hashim THAÇI** and **Kadri VESELI** – who were in touch by satellite phone with other GS members – created a diplomatic link between the KLA and Norwegian diplomatic representatives later used during the negotiations.¹⁶⁶⁸ **Hashim THAÇI** also had direct contact with Wolfgang PETRITSCH, the Austrian Ambassador and EU special envoy, during the negotiations.¹⁶⁶⁹

384. Following these negotiations, at **KRASNIQI**'s order, RAMA released the Serbian soldiers on 13 January 1999,¹⁶⁷⁰ though there was some uneasiness on **THAÇI**'s part about the timing of the release and that **KRASNIQI** had made a final decision without a written undertaking that the KLA soldiers would also be released.¹⁶⁷¹ The KLA soldiers

¹⁶⁶⁵ P00189_ET.1:pp.U015-8893–U015-8898(Public);P01093_ET:p.SPOE00229803(Public); P01091_ET:p.SPOE00231061–SPOE00231066(Public);P01092_ET:p.SPOE00230897-SPOE00230900(Public);P03781.2_ET:pp.SPOE00226469-SPOE00226470(Public);[REDACTED]; [REDACTED];W04147:T.13552-13553(25-Mar-2024)(Open);[REDACTED];P01094(Public).

¹⁶⁶⁶ P00811_ET.9:p.SPOE00053594(Public).

¹⁶⁶⁷ W04147:T.13557–13558(25-Mar-2024)(Open);W04147:T.13931(27-Mar-2024)(Open); W04147:T.14011(28-Mar-2024)(Open);P01091_ET.p.SPOE00231063(Public);[REDACTED]; P01093_ET(Public);1DW-008:T.27744, 27806–27807(11-Nov-2025)(Open);1DW-008:T.27908-27910(12-Nov-2025)(Open).

¹⁶⁶⁸ W04147:T.14011(28-Mar-2024)(Open);P01091_ET.p.SPOE00231063(Public);[REDACTED];W04290:T.24968–24973(10-Feb-2025)(Open);P01449_ET:p.SPOE00209482–SPOE00209484(Public);[REDACTED]; [REDACTED];[REDACTED];[REDACTED].

¹⁶⁶⁹ 1D00147_ET:p.DHT03926(Public);1DW-008:T.27801–27809(11-Nov-2025)(Open).

¹⁶⁷⁰ P00811_ET.15:p.SPOE00053613(Public); [REDACTED];P00189_ET.1:p.U015-8898(Public).

¹⁶⁷¹ [REDACTED];[REDACTED];[REDACTED].

were released some 10 days later, on 23 January 1999.¹⁶⁷²

385. In spring 1999, the Shala Zone Command issued public statements, *inter alia*, against collaborators, the LDK, and BUKOSHI's government-in-exile, and recognising the sole authority of the General Staff.¹⁶⁷³

386. The Shala Zone continued to be involved in a wide range of operational and military activities in spring and summer 1999 and thereafter.¹⁶⁷⁴ Around June 1999 – at the same time other PGoK structures were also being consolidated and organised in the zones – [REDACTED],¹⁶⁷⁵ [REDACTED].¹⁶⁷⁶ Similarly, through the summer of 1999, as the Mitrovicë/Kosovska Mitrovica municipality remained a site of significant tension,¹⁶⁷⁷ the KLA took over civilian infrastructure in Shala Zone municipalities and conducted unlawful policing operations.¹⁶⁷⁸

v. Pashtrik Zone

387. From at least spring 1998, KLA units began to form in the area that would

¹⁶⁷² [REDACTED];P00811_ET.26(Public);[REDACTED]; W04147:T.13797(26-Mar-2024)(Open);[REDACTED].

¹⁶⁷³ P00515_ET.45:p.008461(Public);P00515_ET.48(Public);P00812_ET.15(Public).

¹⁶⁷⁴ P02494_ET(Public);P03795_ET(Public);[REDACTED];P00812_ET.25(Public);P00812_ET.27(Public);P00812_ET.29(Public);[REDACTED]; [REDACTED]. *See also* [REDACTED].

¹⁶⁷⁵ [REDACTED].

¹⁶⁷⁶ [REDACTED];[REDACTED];[REDACTED]. *See also* [REDACTED].

¹⁶⁷⁷ P04194_ET(Public);P04196_ET(Public);P00528(Public);1D00257(Public);1DW-009:T.28005(12-Nov-2025)(Open);[REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED]; [REDACTED];P00743.2:pp.SITF00001718, SITF00001726(Public);P04112:p.SITF00172940(Public);[REDACTED];P04119:pp.SPOE00060131-SPOE00060132(Public);

P02563:p.SPOE0000781(Public);P00743.2:p.SITF00001718(Public);[REDACTED];[REDACTED];[REDACTED]; P04198(Public);[REDACTED];P04069(Public);1D00097(Public);W02161:T.10846-10848(07-Dec-2023)(Open);[REDACTED];[REDACTED]; W02161:T.10899-10900(11-Dec-2023)(Open).

¹⁶⁷⁸ P01984:p.012761(Public);P04106(Public);[REDACTED];[REDACTED];W02161:T.10807-10808(07-Dec-2023)(Open);[REDACTED]; [REDACTED]. *See also* P01948(Public).

eventually become the Pashtrik Zone.¹⁶⁷⁹ Following the entry of members of the GS and LPK into Kosovo in March 1998,¹⁶⁸⁰ newly-arrived recruits and trusted persons were dispatched to multiple locations in the Pashtrik Zone.¹⁶⁸¹

388. In addition to forming new units, the GS brought existing KLA units under the umbrella of their authority. **SELIMI** was directly involved in organising the defence of the Malishevë/Mališevo area, including assigning code names to the operational local units for the purposes of radio communication.¹⁶⁸² Throughout spring and summer 1998, LIMAJ met regularly with GS members, including **SELIMI**,¹⁶⁸³ and assisted with the first public appearance of **KRASNIQI** as spokesperson in Kleçkë/Klečka.

389. Through increased cooperation and communication,¹⁶⁸⁴ during May-June 1998, the KLA was able to declare 'free zones' in several locations, including in Malishevë/Mališevo and Budakovë/Budakovo.¹⁶⁸⁵ Controlled by the KLA and 'free from Serb forces', these free zones allowed for unimpeded circulation of supplies and population movement.¹⁶⁸⁶

390. Members of the GS, including **Rexhep SELIMI**, continued to reinforce existing

¹⁶⁷⁹ The Pashtrik Zone covered Rahovec/Orahovac, parts of Klinë/Klina, Suharekë/Suva Reka, Prizren, and Malishevë/Mališevo municipalities. See AF290(Public);AF291(Public);P00189_ET.1:p.U015-8849(Public);[REDACTED].

¹⁶⁸⁰ P01814:p.SITF00223937(Public);P01816.1_ET:pp.26-28(Public);P01817_ET:pp.55, 61-71(Public);P01812_ET:pp.SPOE00229777-SPOE00229778(Public);[REDACTED].

¹⁶⁸¹ P01816.1_ET:pp.28-33(Public);P01820_ET:pp.16-17(Public);[REDACTED]; P01814:pp.SITF00223937-SITF00223938(Public);P01812_ET:pp.SPOE00229778-SPOE00229780(Public); W01453:T.21927(05-Nov-2024)(Open);[REDACTED];P00189_ET.1:p.U015-8829(Public).

¹⁶⁸² [REDACTED];P00778:pp.6667-6668(Public);P00779:p.6695(Public).

¹⁶⁸³ See e.g. P00778:pp.6591, 6657(Public);W04743:T.24598(27-Jan-2025)(Open);W04752:T.17346-17348(01-Jul-2024)(Public);P01264_ET:pp.SPOE00128654, SPOE00128717(Public).

¹⁶⁸⁴ See e.g. W04744:T.16970-16971(24-Jun-2024)(Open);P01342_ET(Public);[REDACTED];[REDACTED];[REDACTED];P02621_ET(Public);[REDACTED];[REDACTED];[REDACTED];[REDACTED];P00836_ET:p.L0102418(Public); P00796:p.3455(Public);P00779:pp.6694-6695(Public).

¹⁶⁸⁵ W04752:T.17369(01-Jul-2024)(Public);[REDACTED]; [REDACTED];[REDACTED];P01264_ET:p.SPOE00128656(Public); [REDACTED];[REDACTED];[REDACTED].

¹⁶⁸⁶ W04752:T.17369(01-Jul-2024)(Public);[REDACTED]; [REDACTED];W02652:T.2940(17-Apr-2023)(Open);[REDACTED]; P00836_ET:p.L010-2418(Public).

units in June 1998. For example, Operational Directorate leaders Sokol BASHOTA and **SELIMI**, dispatched Bislim ZYRAPI to numerous locations, including to the Suharekë/Suva Reka area, to unify units.¹⁶⁸⁷ In Malishevë/Mališevo, the Çeliku and Lumi units were united under GS authority.¹⁶⁸⁸ On 20 June 1998, the GS designated Musë JASHARI Commander of the Local Operational Staff headquartered in Malishevë/Mališevo, with authority over units operating within the Pashtrik Zone area.¹⁶⁸⁹ With **SELIMI**, JASHARI assisted in the formation of units in the area.¹⁶⁹⁰

391. To reinforce and unify several units near Prizren, BASHOTA sent ZYRAPI to the area for almost two weeks in late June 1998 to establish the Prizren local staff¹⁶⁹¹ headquartered in Jeshkovë/Ješkovo.

392. During this period, local commanders: (i) administered KLA oaths;¹⁶⁹² (ii) managed and distributed weapons and supplies;¹⁶⁹³ (iii) issued movement and travel permits;¹⁶⁹⁴ (iv) kept detailed records of members and their weapons and duties;¹⁶⁹⁵ and

¹⁶⁸⁷ 1D00164_ET(Public);W04752:T.17344, 17345-17346, 17355, 17358-17360(01-Jul-2024)(Open); [REDACTED].

¹⁶⁸⁸ See e.g. P00838:06:45-08:48(Public)/P00838_ET:p.2(Public) read with W04278:T.20439-20440(30-Sep-2024)(Open).

¹⁶⁸⁹ P01381_ET(Public);W04752:T.17355, 17360, 17363-17364(01-Jul-2024)(Open);[REDACTED].

¹⁶⁹⁰ [REDACTED].

¹⁶⁹¹ 'Vrrin' or 'Prizren' local staff, both refer to the local staff based at Jeshkovë/Ješkovo and led by Remzi ADEMAJ. For ease of reference, 'Prizren local staff' is used throughout.

¹⁶⁹² [REDACTED];[REDACTED];[REDACTED]; [REDACTED];W04410:T.16680(04-Jun-2024)(Open);[REDACTED];[REDACTED];P00008.1_ET:pp.SPOE002325569-SPOE002325570(Public);P02726_ET(Public).

¹⁶⁹³ [REDACTED];[REDACTED]; [REDACTED];[REDACTED]; [REDACTED];[REDACTED];P02597_ET(Public);P02607_ET:pp.(Public); P02743_ET:pp.U000-6871-U000-6874, U000-6877-U000-6878(Public). See also [REDACTED].

¹⁶⁹⁴ [REDACTED];[REDACTED]; [REDACTED];W04278:T.20431-20433(30-Sep-2024)(Open);W04741:T.14657-14659(23-Apr-2024)(Open);P01121_ET(Public);P02605_ET(Public); P02610_ET(Public);[REDACTED];P02688_ET(Public).

¹⁶⁹⁵ [REDACTED];[REDACTED]; [REDACTED];[REDACTED]; [REDACTED]; [REDACTED];P02589_ET(Public); [REDACTED]; [REDACTED];P02597_ET(Public);[REDACTED];P02688_ET(Public). See also [REDACTED];P02862_ET(Public).

(v) provided that disobedience would lead to disciplinary measures.¹⁶⁹⁶

393. Further, in July 1998, **KRASNIQI**, **VESELI**, and **THAÇI** had multiple meetings with international observers in Kleçkë/Klečka and Malishevë/Mališevo, facilitated by key Pashtrik figures, including Fatmir LIMAJ and Gani KRASNIQI, ‘mayor’ of the Malishevë/Mališevo free zone.¹⁶⁹⁷

(a) Targeting LDK

394. In addition to demonstrating organisation-level leadership, from June 1998, members of the GS were directly involved in targeting Opponents. For example, prominent LDK leaders in Suharekë/Suva Reka and elsewhere¹⁶⁹⁸ were pressured by KLA members to weaken the LDK structures and leadership.¹⁶⁹⁹ On approximately 24 June 1998, [REDACTED] Suharekë/Suva Reka LDK representative and Kosovo Assembly MP Abdyl RAMA¹⁷⁰⁰ [REDACTED] and drove him to **THAÇI** at the KLA headquarters in Breshanc/Brešance,¹⁷⁰¹ where LDK Suharekë/Suva Reka branch

¹⁶⁹⁶ [REDACTED];[REDACTED];[REDACTED];

[REDACTED];[REDACTED];P02603_ET(Public);[REDACTED]; [REDACTED]. See also [REDACTED].

¹⁶⁹⁷ [REDACTED];[REDACTED]; [REDACTED];W02144:T.16122-16130(28-May-2024)(Open);

W02144:T.16232-16236(29-May-2024)(Open);[REDACTED];[REDACTED];

[REDACTED];[REDACTED];[REDACTED].

¹⁶⁹⁸ For example, pressure was applied against LDK members in Malishevë/Mališevo, in particular by Gani KRASNIQI and Fatmir LIMAJ. See [REDACTED];1D00006_ET(Public);

[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED]; [REDACTED].

¹⁶⁹⁹ [REDACTED];[REDACTED].

¹⁷⁰⁰ [REDACTED];[REDACTED].

¹⁷⁰¹ As to **Kadri VESELI**’s presence on this occasion, P01264_ET contains a clear and detailed account of **THAÇI** and **VESELI**’s involvement in this incident. It makes sense why **Kadri VESELI** would have accompanied **Hashim THAÇI**, and it was **VESELI** who accompanied W04410’s filming on at least four other occasions in June 1998 (14 June, 16 June, 17 June, and 26 June 1998)

(P01264_ET:pp.SPOE00128617-SPOE00128618, SPOE00128620-SPOE00128621, SPOE00128624,

SPOE00128628-SPOE00128631, SPOE00128640, SPOE00128642-SPOE00128643, SPOE00128646-

SPOE00128647, SPOE00128654, SPOE00128714, SPOE00128717, SPOE00128720(Public). W04410’s

accounting of **VESELI**’s presence at multiple other days of filming in a two-week period in June 1998 is

confirmed by other evidence (P01262_ET(Public);[REDACTED];P01273:00:27(Public);

[REDACTED];[REDACTED];[REDACTED]; W04410:T.16647, 16649-16650, 16677-16680(04-Jun-

2024)(Open)). [REDACTED]. [REDACTED].

chairman and Kosovo Assembly MP Ukë BYTYCI¹⁷⁰² was also present.¹⁷⁰³ Nuhi BYTYQI described a 'tense situation' as he waited with a cameraman while both leaders were urged to publicly resign from their LDK leadership positions and make a recorded statement supporting the KLA.¹⁷⁰⁴ Under pressure, Ukë BYTYCI acquiesced, and at **THAÇI's** instruction, repeatedly delivered prepared remarks,¹⁷⁰⁵ while RAMA refused.¹⁷⁰⁶ [REDACTED].¹⁷⁰⁷

395. [REDACTED],¹⁷⁰⁸ [REDACTED] corroborated by the video of the prepared statement, the published account of Nuhi BYTYQI, and the information that was shared with [REDACTED].¹⁷⁰⁹ Further, the nature of [REDACTED],¹⁷¹⁰ [REDACTED],¹⁷¹¹ [REDACTED],¹⁷¹² [REDACTED],¹⁷¹³ all support the conclusion that [REDACTED] RAMA was beaten by **THAÇI** [REDACTED].

(b) Brigade development

396. Brigade development began in June/July 1998,¹⁷¹⁴ with the GS approving

¹⁷⁰² P00323_ET(Public). See also [REDACTED];[REDACTED].

¹⁷⁰³ [REDACTED];[REDACTED];[REDACTED];[REDACTED];P01264_ET:pp.SPOE00128633-SPOE00128636, SPOE00128718(Public);[REDACTED];[REDACTED].

¹⁷⁰⁴ P01264_ET:pp.SPOE00128633-SPOE00128636, SPOE00128718(Public);[REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED].

¹⁷⁰⁵ P00323(Public)/P00323_ET(Public);P01264_ET:p.SPOE0128634(Public) read with [REDACTED];[REDACTED];P00793_ET:para.84(Public).

¹⁷⁰⁶ P01264_ET:pp.SPOE00128633-SPOE00128636, SPOE00128718(Public);[REDACTED];P00323_ET(Public);[REDACTED];[REDACTED];[REDACTED]. See also [REDACTED]; W04765:T.10465(04-Dec-2023)(Open);[REDACTED].

¹⁷⁰⁷ [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED].

¹⁷⁰⁸ [REDACTED];[REDACTED].

¹⁷⁰⁹ [REDACTED];[REDACTED];P00323/P00323_ET(Public); P01264_ET:pp.SPOE00128633-SPOE00128636, SPOE00128718(Public);[REDACTED].

¹⁷¹⁰ [REDACTED];[REDACTED].

¹⁷¹¹ [REDACTED].

¹⁷¹² [REDACTED].

¹⁷¹³ [REDACTED].

¹⁷¹⁴ [REDACTED];[REDACTED];W04744:T.16971(24-Jun-2024)(Open); [REDACTED]. See also P00779:p.6688(Public).

appointments.¹⁷¹⁵ Following a GS meeting on 16-17 August 1998, an official structure was implemented whereby existing units were consolidated into brigades,¹⁷¹⁶ and further subdivided into battalions, companies and platoons.¹⁷¹⁷ At this meeting, the GS also issued a formal decision on Musë JASHARI's appointment as Pashtrik Zone Commander.¹⁷¹⁸

397. Further formalisation of the zone and brigade structures, reorganisation and expansion occurred throughout summer and autumn 1998, pursuant to instructions of the GS, including from **THAÇI**, **LIMAJ**, **KRASNIQI** and **SELIMI**, as described herein. The following brigades operated in the Pashtrik Zone:

- a. *Brigade 121*, headquartered in Kleçkë/Klečka (a charged crime site) and commanded by Fatmir LIMAJ,¹⁷¹⁹ was responsible for an area including Llapushnik/Llapušnik and part of Malishevë/Mališevo.¹⁷²⁰ Following LIMAJ's promotion to the GS as head of the Military Police Directorate in October 1998, Haxhi SHALA was appointed commander.¹⁷²¹
- b. *Brigade 122*, headquartered at Joviq/Jović village in Dragobil/Dragobilje,¹⁷²²

¹⁷¹⁵ [REDACTED];[REDACTED];P00067_ET:pp.SITF00437785, SITF00437787(Public);[REDACTED];P01260:p.1(Public).

¹⁷¹⁶ AF242(Public);W04752:T.17554(03-Jul-2024)(Open);P00189_ET.1:p.U015-8836(Public); P00643_ET(Public);P00779:p.6688(Public);[REDACTED]; [REDACTED].

¹⁷¹⁷ [REDACTED];[REDACTED];[REDACTED];[REDACTED];P00712_ET:p.SPOE00209354(Public). See also P01356_ET:pp.5960-5962(Public).

¹⁷¹⁸ P02566_ET(Public);P00796:pp.3480-3481(Public);[REDACTED];W01453:T.21897(05-Nov-2024)(Open);[REDACTED];[REDACTED];AF242(e)(Public).

¹⁷¹⁹ W04752:T.17415(01-Jul-2024)(Public);[REDACTED];[REDACTED];[REDACTED]; P00775_ET:p.SPOE00068077(Public); [REDACTED];P00778:p.6599(Public); [REDACTED].

¹⁷²⁰ AF291(Public);W04752:T.17415(01-Jul-2024)(Public);P01116:pp.061292-061293(Public) read with P01115.2_ET:pp.28-31(Public);[REDACTED];W04744:T.16991-16992(24-Jun-2024)(Open) read with P01346(Public);[REDACTED]; [REDACTED].

¹⁷²¹ [REDACTED];P02088:p.SPOE00070683(Public);W04743:T.24804(29-Jan-2025)(Open);P01115.3_ET:pp.12-14(Public);P01115.7_ET:p.3(Public);W04741:T.14846-14849(24-Apr-2024)(Open);[REDACTED];[REDACTED]; P00712_ET:pp.SPOE00209330(Public).

¹⁷²² AF291(Public);[REDACTED];W04744:T.16991-16992(24-Jun-2024)(Open) read with P01346(Public);W04752:T.17554(03-Jul-2024)(Open);[REDACTED]. See also [REDACTED];P04299:C4-C5(Public).

was commanded in turn by Vesel MALIQI, Tahir SINANI, and Vllaznim KRYEZIU.¹⁷²³

- c. *Brigade 123*, headquartered in Breshanc/Brešance¹⁷²⁴ and initially commanded by Blerim KUQI,¹⁷²⁵ was a consolidation of the KLA units that operated in Suharekë/Suva Reka municipality.¹⁷²⁶ Kurtesh FONDAJ was appointed KUQI's successor by **THAÇI** in October 1998 (in LIMAJ's presence),¹⁷²⁷ followed by Nexhmedin KASTRATI in December 1998,¹⁷²⁸ and finally Gëzim HAZROLI as of March 1999.¹⁷²⁹ The 2nd Battalion (aka Budakovë/Budakovo Battalion) was based in Budakovë/Budakovo (a charged crime site) and commanded by Sadik HALITJAH.¹⁷³⁰
- d. *Brigade 124*, commanded by Skender HOXHA,¹⁷³¹ and based in Reti/Retimlje,¹⁷³² was established from units that had previously operated in the Rahovec/Orahovac municipality, including Drenoc/Drenovac,

¹⁷²³ [REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED];
[REDACTED];P00635_ET(Public);P00712_ET:p.SPOE00209330(Public); P02764_ET:p.U003-1570(Public).

¹⁷²⁴ AF291(Public);[REDACTED];W04744:T.16992(24-Jun-2024)(Open);
[REDACTED];P01826:p.SITF00032792(Public);P01827.2_ET:p.3(Public);
[REDACTED];P01830.1_ET:pp.23-24(Public);[REDACTED].

¹⁷²⁵ [REDACTED];[REDACTED];P01826:p.SITF00032792(Public); [REDACTED];P01827.2_ET:pp.2-3(Public);[REDACTED]; [REDACTED].

¹⁷²⁶ AF291(Public);[REDACTED];W04752:T.17554(03-Jul-2024)(Open);W04744:T.16974, 16990-16991(24-Jun-2024)(Open) read with P01346(Public);[REDACTED].

¹⁷²⁷ W04744:T.16974-16975(24-Jun-2024)(Open);[REDACTED];[REDACTED];P01830.1_ET:p.24(Public);
[REDACTED]. See also [REDACTED].

¹⁷²⁸ [REDACTED];[REDACTED]; [REDACTED]; [REDACTED];[REDACTED];
[REDACTED];[REDACTED];[REDACTED].

¹⁷²⁹ [REDACTED];P01827.1_ET:p.25(Public);P01827.2_ET:p.3(Public); [REDACTED];[REDACTED];
P00712_ET:p.SPOE00209330(Public).

¹⁷³⁰ [REDACTED];[REDACTED];W04765:T.9949(13-Nov-2023)(Open); W04765:T.10156(15-Nov-2023)(Open);P02773_ET:p.SPOE00226697(Public); [REDACTED];P01827.1_ET:pp.10-11(Public);
[REDACTED];[REDACTED];[REDACTED].

¹⁷³¹ [REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED];W04744:T.16981(24-Jun-2024)(Open); [REDACTED];[REDACTED];P00712_ET:p.SPOE00209330(Public).

¹⁷³² AF291(Public);[REDACTED];[REDACTED];W04744:T.16990, 16992(24-Jun-2024)(Open) read with P01346(Public).

Opterushë/Opteruša, and Zoçishtë/Zočişte.¹⁷³³

- e. *Brigade 125*, which encompassed the Prizren local staff, was initially headquartered in Jeshkovë/Ješkovo (a charged crime site)¹⁷³⁴ and was led by Drini following the death of Remzi ADEMAJ in August 1998.¹⁷³⁵ Following a meeting at the zone command with LIMAJ and **SELIMI**, Nehat BASHA took over as commander in December 1998.¹⁷³⁶

398. In addition to continuing the appointment of brigade leadership,¹⁷³⁷ the GS received reports from brigade commanders.¹⁷³⁸ The brigades were subordinate to the Pashtrik OZ command, but could also receive orders directly from the GS.¹⁷³⁹

399. In addition to multiple battalions, Brigades 121-125 all had MP and intelligence units embedded within their organisational structure.¹⁷⁴⁰ These units were particularly well-developed in Brigades 121, 123, and 125:

- a. Nexhmi KRASNIQI commanded the military police within Brigade 121,

¹⁷³³ W03873:T.22580(25-Nov-2024)(Open);W04752:T.17367-17368(01-Jul-2024)(Open);W04752:T.17554(03-Jul-2024)(Open);[REDACTED].

¹⁷³⁴ W04752:T.17366(01-Jul-2024)(Open). *See also* AF291(Public).

¹⁷³⁵ [REDACTED];W04752:T.17366(01-Jul-2024)(Open);[REDACTED]; P01607_ET(Public);[REDACTED]; P00649_ET.3:p.SITF00245566(Public);[REDACTED].

¹⁷³⁶ [REDACTED].

¹⁷³⁷ P00775_ET:p.SPOE00068077(Public);[REDACTED];W04744:T.16974-16975(24-Jun-2024)(Open);[REDACTED].

¹⁷³⁸ [REDACTED];[REDACTED]; [REDACTED]; [REDACTED];[REDACTED]. *See e.g.* P00067_ET(Public);[REDACTED].

¹⁷³⁹ P00632_ET(Public) and P00627_ET(Public) read with W04741:T.14823-14824(24-Apr-2024)(Open); P01398_ET(Public) read with W04752:T.17414(01-Jul-2024)(Public);[REDACTED]; W04744:T.16970(24-Jun-2024)(Open);[REDACTED];[REDACTED]; [REDACTED].

¹⁷⁴⁰ P01356_ET:pp.5964-5965(Public);[REDACTED];P00712_ET:p.SPOE00209402(Public); P02006.2_ET:pp.8-9(Public);[REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED]. *See also* P01856_ET:p.070950(Public);P02817_ET(Public);P01670_ET:p.U017-3196(Public) read with W03885:T.20137(23-Sep-2024)(Open);P01668_ET:para.12(Public); [REDACTED];[REDACTED];[REDACTED];P02822_ET(Public);P02781_ET:pp.SITF00439513-SITF00439514(Public); [REDACTED];[REDACTED].

assisted by Naser KRASNIQI,¹⁷⁴¹ and reported directly to LIMAJ.¹⁷⁴² Nexhmi KRASNIQI and LIMAJ were elevated to these positions despite their prior involvement in the crimes committed in Llapushnik/Llapušnik, Malishevë/Mališevo, and Kleçkë/Klečka in summer 1998.¹⁷⁴³

- b. In Brigade 125, Xhevat BERISHA (aka Sokoli), Ismail KRYEZIU, Elbasan SHOSHAJ, and Safet KRASNIQI continued their intelligence and counter-intelligence efforts, reporting directly to the GS, as they had done since the initial formation of the Prizren local staff.¹⁷⁴⁴
- c. Within Brigade 123, the Budakovë/Budakovo Battalion had its own military police, based in Semetishtë/Semetište, which operated from at least June 1998.¹⁷⁴⁵ Members of this military police unit (and others in the Budakovë/Budakovo Battalion) were directly involved in the detention and mistreatment of civilians.

400. Separately from these Brigades, [REDACTED] a special unit that reported directly to the GS.¹⁷⁴⁶ This unit was established in late-November 1998 in Budakovë/Budakovo; its 65 members¹⁷⁴⁷ were charged with 'carry[ing] out the orders of

¹⁷⁴¹ P02006.2_ET:p.9(Public);P02007.1_ET:pp.6-7(Public);[REDACTED]; W04743:T.24752(29-Jan-2025)(Open);[REDACTED]; [REDACTED].

¹⁷⁴² [REDACTED];[REDACTED].

¹⁷⁴³ See also [REDACTED]; [REDACTED].

¹⁷⁴⁴ [REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED]; [REDACTED]; P00649_ET.1:pp.SITF00245548, SITF00245554(Public); P00649_ET.2:p.SITF00245556(Public);[REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED]. See also [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED]; P02626_ET(Public);[REDACTED];[REDACTED].

¹⁷⁴⁵ [REDACTED];[REDACTED].

¹⁷⁴⁶ [REDACTED];[REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED]. See also W04752:T.17436, 17438(02-Jul-2024)(Open) read with P01408_ET:p.SPOE00227859(Public);P00877_ET(Public).

¹⁷⁴⁷ [REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED].

the GS, dead or alive.¹⁷⁴⁸ Authorised to move through KLA-controlled territory,¹⁷⁴⁹ this unit conducted reconnaissance missions and assisted other KLA units.¹⁷⁵⁰ Later, this unit merged with another special unit under Commander Guri, which was also subordinated to the GS.¹⁷⁵¹

401. Concerns about 'special warfare' were part of the targeting of Opponents. In October 1998, Selman BINIQI and Ramiz HOXHA were abducted from Bellanicë/Belanica by KLA soldiers wearing black uniforms with a 'PU' armband.¹⁷⁵² [REDACTED].¹⁷⁵³ [REDACTED].¹⁷⁵⁴ A handwritten 'execution warrant' in the name of the 'KLA secret police' was found nearby; it claimed that HOXHA had been sentenced to death as a 'traitor to the nation' for 'collaborating with the occupier' and 'spreading anti-Albanian propaganda', and warned that the same fate would await other traitors.¹⁷⁵⁵

402. The GS Military Police Directorate later took credit for these murders in a press release [REDACTED].¹⁷⁵⁶

403. In December 1998, **KRASNIQI** asked W04403 to accompany Haxhi SHALA and Shaban DRAGAJ to Bellanicë/Belanica to introduce Haxhi SHALA to the villagers as

¹⁷⁴⁸ P03875_ET(Public);[REDACTED]; [REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED]; [REDACTED].

¹⁷⁴⁹ [REDACTED];[REDACTED];[REDACTED].

¹⁷⁵⁰ [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED]; [REDACTED]; [REDACTED];[REDACTED]; [REDACTED]; W04752:T.17437-17439(02-Jul-2024)(Open).

¹⁷⁵¹ [REDACTED];[REDACTED]; [REDACTED]. *See also* W04744:T.16968, 16991(24-Jun-2024)(Open) read with P01346(Public);W04744:T.17233(26-Jun-2024)(Open).

¹⁷⁵² [REDACTED];[REDACTED];[REDACTED];[REDACTED]. Bellanicë/Belanica is located south-east of Malishevë/Mališevo and fell within Brigade 121's area of responsibility. *See* [REDACTED]; P01346(Public) read with W04744:T.16967(24-Jun-2024)(Open).

¹⁷⁵³ [REDACTED];[REDACTED].

¹⁷⁵⁴ [REDACTED];[REDACTED].

¹⁷⁵⁵ [REDACTED];[REDACTED];[REDACTED];[REDACTED].

¹⁷⁵⁶ P00303_ET:p.043862(p.2)(Public);[REDACTED];[REDACTED].

the new commander of Brigade 121.¹⁷⁵⁷ At this meeting, the villagers raised the accusation that the KLA had murdered Ramiz HOXHA and Selman BINIQI.¹⁷⁵⁸ W04403 did not enquire further about the murders, claiming it was an issue for the brigade commander and the GS military court in Divjakë/Divljaka, but after returning, W04403 spoke to his superior Sali VESELI, chief of the GS Operational Directorate, about what he had been told regarding Ramiz HOXHA and Selman BINIQI.¹⁷⁵⁹

(c) *Accusations of LDK affiliation*

404. From at least December 1998, the Zone headquarters was located in adjoining villages Nishor/Nišor and Kostërc/Kostrc, near Breshanc/Brešance.¹⁷⁶⁰ Following Musë JASHARI's promotion to the GS as head of communications, the GS appointed Drini as Pashtrik Zone Commander in December 1998.¹⁷⁶¹

405. Throughout early 1999, the GS exhibited increasing distrust of former professional soldiers, and those viewed as LDK or FARK-affiliated.¹⁷⁶² Zone Staff, including HALITJAHA and Halil QADRAKU further perpetuated these suspicions by sending letters directly to the GS accusing professional soldiers, including fellow Zone staff and brigade commanders, of obstructing the line of command and maintaining

¹⁷⁵⁷ P02089_ET:p.SPOE00067219(Public);P02090.6_ET:pp.8-10(Public);P02091:para.17(Public); W04403:T.25961-25962, 26005-26007(26-Mar-2025)(Open).

¹⁷⁵⁸ P02089_ET:p.SPOE00067219(Public);P02090.6_ET:pp.10-11(Public);W04403:T.26008(26-Mar-2025)(Open).

¹⁷⁵⁹ P02089_ET:pp.SPOE00067219-SPOE00067220(Public);W04403:T.26009-26010(26-Mar-2025)(Open). See also P02090.6_ET:pp.11-12(Public).

¹⁷⁶⁰ [REDACTED];[REDACTED]; [REDACTED];4D00077:p.SITF00393441(Public);[REDACTED]; [REDACTED];P01827.2_ET:pp.16-17(Public);[REDACTED]; [REDACTED];[REDACTED];[REDACTED]; [REDACTED];P00012_ET:p.057981(Public).

¹⁷⁶¹ [REDACTED];[REDACTED];P01356_ET:pp.5941-5942(Public); P00779:p.6687(Public);[REDACTED];P00796:pp.3480-3481(Public); [REDACTED];[REDACTED];P01856_ET:p.070949(Public); P00189_ET:p.U015-8850(Public). See also P01418_ET(Public) read with W04752:T.17462(02-Jul-2024)(Open).

¹⁷⁶² [REDACTED];[REDACTED];[REDACTED]. For example, [REDACTED] described a negative relationship with Sadik HALITJAHA, which he ascribed to HALITJAHA's suspicion that [REDACTED] was affiliated with FARK. See [REDACTED].

close ties to FARK and the government-in-exile.¹⁷⁶³

406. [REDACTED]. [REDACTED].¹⁷⁶⁴ [REDACTED].¹⁷⁶⁵ [REDACTED].¹⁷⁶⁶ HALITJAHA and QADRAKU specifically highlighted the need for a prison facility in the Pashtrik OZ 'without which it is impossible for the day-to-day work of the SHIK to be carried out.'¹⁷⁶⁷ This request, found in the 14 March 1999 letter drafted by HALITJAHA and QADRAKU, was prepared at the time of meetings at the zone command in Nishor/Nišor attended by VESELI, HALITJAHA, QADRAKU, Assistant ZKZ commander Nezir ÇOÇAJ, and others.¹⁷⁶⁸

407. Commanders who came under suspicion were replaced by LPK loyalists. Most notably, in March 1999, Drini was replaced by Tahir SINANI as zone commander,¹⁷⁶⁹ having been viewed with suspicion and the subject of surveillance since his entry into Kosovo in mid-1998.¹⁷⁷⁰ Sadik HALITJAHA was appointed deputy commander, replacing Sylejman KOLLQAKU, a professional soldier also viewed with suspicion,¹⁷⁷¹

¹⁷⁶³ [REDACTED];[REDACTED];[REDACTED]; W04765:T.9900(13-Nov-2023)(Open);W04765:T.10311(16-Nov-2023)(Open);W03873:T.22603-22607(25-Nov-2024)(Open). *See also* [REDACTED].

¹⁷⁶⁴ [REDACTED];[REDACTED].

¹⁷⁶⁵ [REDACTED];[REDACTED].

¹⁷⁶⁶ [REDACTED].

¹⁷⁶⁷ [REDACTED];W03873:T.22601-22602(25-Nov-2024)(Open).

¹⁷⁶⁸ [REDACTED];[REDACTED];P01863:00:32:58-00:34:06, 00:35:08(Public);P01863_ET:pp.4-5(Public);W03873:T.22602-22604, 22654-22655(25-Nov-2024)(Open); W03873:T.22716-22718(26-Nov-2024)(Open); [REDACTED];P01836:p.091267(Public); [REDACTED].

¹⁷⁶⁹ P00633_ET(Public) read with [REDACTED];[REDACTED];[REDACTED];[REDACTED]; P00182_ET:p.SPOE00226416(Public) read with W04752:T.17496-17497(03-Jul-2024)(Open); [REDACTED];[REDACTED];[REDACTED]; [REDACTED]; [REDACTED]; [REDACTED];[REDACTED];[REDACTED]; W04765:T.10173(15-Nov-2023)(Open). *See also* P00712_ET:p.SPOE00209330(Public);W03865:T.15087-15088(29-Apr-2024)(Open).

¹⁷⁷⁰ [REDACTED]; [REDACTED]. [REDACTED]. *See* [REDACTED];[REDACTED];[REDACTED];[REDACTED].

¹⁷⁷¹ [REDACTED] read with W04765:T.10241-10242(16-Nov-2023)(Open); [REDACTED];P00012_ET:p.058006(Public) read with [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED]; [REDACTED].

despite HALITJAHA's involvement in earlier crimes.¹⁷⁷² Other commanders, including those with ties to the LDK, were removed, including Brigade 123 commander Blerim KUQI, who two months earlier, in January 1999, was summoned to the GS headquarters in Kleçkë/Klečka, arrested, accused of treason, and imprisoned.

408. Parallel reporting, whereby certain commanders bypassed others who were distrusted, diminished only when those suspected by the GS were replaced. As noted above, such reporting was particularly prevalent amongst the intelligence and military police personnel. For example, ZKZ members embedded within Brigades 123 and 125 were appointed by the Zone staff and reported directly to Halil QADRAKU,¹⁷⁷³ chief of intelligence at the Zone level,¹⁷⁷⁴ bypassing their immediate commanders, Nexhmedin KASTRATI and Nehat BASHA. [REDACTED].¹⁷⁷⁵ Similarly, Nexhmi KRASNIQI, chief of military police at Zone level,¹⁷⁷⁶ reported directly to GS Military Police Director LIMAJ, and not to the zone command until SINANI's appointment.¹⁷⁷⁷

409. Cooperation between the military police and intelligence services was further institutionalised within organisational structures in 1999. For example, in March 1999, Brigade 121 Commander Haxhi SHALA appointed military police commander Naser

¹⁷⁷² See also [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED];W04765:T.10156-10157(15-Nov-2023)(Open). See also P00712_ET:p.SPOE00209330(Public);P00517(Public).

¹⁷⁷³ [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED]; W04744:T.17018-17019(24-Jun-2024)(Open);W04744:T.17094-17095(25-Jun-2024)(Open); [REDACTED]. See also [REDACTED].

¹⁷⁷⁴ [REDACTED];[REDACTED];[REDACTED]; P01856:p.070949(Public);W03873:T.22703(26-Nov-2024)(Open);W04765:T.10371(04-Dec-2023)(Open); [REDACTED];[REDACTED]. See also P00712_ET:p.SPOE00209330(Public).

¹⁷⁷⁵ [REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED].

¹⁷⁷⁶ [REDACTED];[REDACTED]; [REDACTED];P01830.3_ET:pp.8-9(Public);[REDACTED];[REDACTED];[REDACTED]; P00712_ET:p.SPOE00209330(Public);W03873:T.22618(25-Nov-2024)(Open). Naser KRASNIQI succeeded Nexhmi KRASNIQI as commander of the Brigade 121 military police following the latter's promotion. See P02006.2_ET:pp.9-10(Public);[REDACTED];W04743:T.24752-24753(29-Jan-2025)(Open);[REDACTED].

¹⁷⁷⁷ [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED]; [REDACTED]; [REDACTED].

KRASNIQI to also lead the brigade's intelligence activities.¹⁷⁷⁸ In this role, KRASNIQI engaged informants in the identification of suspected collaborators, who were subsequently arrested.¹⁷⁷⁹ In spring 1999, the 'Eye of the Eagle' unit was established by Halil QADRAKU and Sadik HALITJAHA.¹⁷⁸⁰ The unit comprised soldiers associated with the military police and intelligence services, including Nezir KRYEZIU, who commanded the unit, and his deputy Ilaz KADOLLI, former Brigade 123 commander for intelligence and counter-intelligence, and assistant to QADRAKU.¹⁷⁸¹ As a special unit, 'Eye of the Eagle' reported to Tahir SINANI as Zone Commander (or HALITJAHA in his absence)¹⁷⁸² and ultimately to the GS, including **Rexhep SELIMI**.¹⁷⁸³

410. The zone command held regular meetings and stayed in contact with the GS, including the **Accused**, made reports, and received orders and regulations, which were distributed and/or delegated to subordinates as necessary.¹⁷⁸⁴ The zone command also

¹⁷⁷⁸ [REDACTED];P02006.3_ET:pp.8-9(Public); [REDACTED] read with W04743:T.24633(28-Jan-2025)(Open); [REDACTED];P01856:p.070950(Public);[REDACTED].

¹⁷⁷⁹ P02007.4_ET:pp.3-5(Public);W04743:T.24763(29-Jan-2025)(Open);P02018_ET(Public) read with W04743:T.24657(28-Jan-2025)(Open).

¹⁷⁸⁰ W03873:T.22621(25-Nov-2024)(Open);W03873:T.22671(26-Nov-2024)(Open).

¹⁷⁸¹ [REDACTED];P00012_ET:pp.057924, 057971, 058012, 058022(Public); W03873:T.22587, 22618(25-Nov-2024)(Open);[REDACTED], referring to P00012_ET:p.058012(Public);[REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED]. *See also* [REDACTED];P02853_ET(Public).

¹⁷⁸² [REDACTED];[REDACTED];[REDACTED];[REDACTED]. *See also*

P00712_ET:p.SPOE00209330(Public); P00012_ET:pp.057971, 057998(Public).

¹⁷⁸³ [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED];[REDACTED].

¹⁷⁸⁴ Regarding the receipt, distribution, and implementation of the Provisional Regulations and orders by the Pashtrik Zone Staff, *see* [REDACTED];P01115.5_ET:pp.2-3(Public) and [REDACTED] read with P00008_ET, which was provided by W04741; P02007.1_ET:pp.26-27, 30(Public);[REDACTED];[REDACTED];P00622_ET(Public);P01412_ET(Public);P01413_ET(Public) read with W04752:T.17453-17455(02-Jul-2024)(Open);P01424_ET(Public) and P01425_ET(Public) read with W04752:T.17469, 17471(02-Jul-2024)(Open);[REDACTED];[REDACTED];P01410_ET(Public);P00647_ET(Public). Regarding reporting by the Pashtrik Zone Staff to the General Staff, *see* W04752:T.17432-17433(02-Jul-2024)(Open) read with [REDACTED];P00228_ET(Public);P00615_ET(Public); [REDACTED]. *See also* [REDACTED]. Regarding meetings and other contacts between the GS (including the **Accused**) and the Pashtrik Zone Staff, *see* P00182_ET:p.SPOE00226397(Public);P02817_ET:p.U000-6996(Public);[REDACTED];W04746:T.5605(12-Jul-2023)(Open);[REDACTED];[REDACTED];W04752:T.17505(03-Jul-2024)(Open).

coordinated with other zones, including Drenicë, Dukagjin and Nerodime.¹⁷⁸⁵

(d) *Summer 1999*

411. In anticipation of the withdrawal of Serbian forces, soldiers from Brigades 123, 124, 125 and 128 moved to Prizren and the surrounding area in mid-June 1999.¹⁷⁸⁶ KFOR deployed into Prizren,¹⁷⁸⁷ as Serbian forces were still withdrawing,¹⁷⁸⁸ and despite an initial atmosphere of disorder, KFOR began to establish law and order within three or four days of entry.¹⁷⁸⁹ The zone command, including the ZKZ and military police, relocated to Prizren¹⁷⁹⁰ and the brigades quickly established bases throughout the city by taking over municipal buildings, schools, dormitories, and other facilities,¹⁷⁹¹ several of which operated as detention centres.¹⁷⁹²

412. The zone command was primarily based in the municipality building and nearby dormitories,¹⁷⁹³ and is where brigade commanders would report and meet with the staff on a weekly basis.¹⁷⁹⁴ Meetings between the zone command and GS, including **SELIMI, THAÇI**, LIMAJ, and Bislim ZYRAPI, took place at Hotel Theranda.¹⁷⁹⁵

¹⁷⁸⁵ See e.g. [REDACTED];[REDACTED];[REDACTED];[REDACTED];P00228_ET:p.4(Public); [REDACTED];[REDACTED].

¹⁷⁸⁶ [REDACTED]; [REDACTED]; [REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED].

¹⁷⁸⁷ [REDACTED].

¹⁷⁸⁸ [REDACTED].

¹⁷⁸⁹ W02540:T.15546-15548, 15554, 15566-15567(21-May-2024)(Open);[REDACTED];[REDACTED];[REDACTED].

¹⁷⁹⁰ [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];W04765:T.9932-9935(13-Nov-2023)(Open);[REDACTED];[REDACTED]; [REDACTED];[REDACTED].

¹⁷⁹¹ [REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED]; [REDACTED].

¹⁷⁹² Specifically, the Prizren MUP building, [REDACTED], Tusus, and [REDACTED]. See also [REDACTED];P00511(Public);[REDACTED]; [REDACTED];P01188.2(Public);P00503:00:10(Public) read with [REDACTED]; [REDACTED];[REDACTED]; [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED].

¹⁷⁹³ [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED];[REDACTED]. See also [REDACTED];P00709_ET(Public);P00710_ET(Public).

¹⁷⁹⁴ [REDACTED];W04746:T.25603(25-Feb-2025)(Open).

¹⁷⁹⁵ [REDACTED].

413. Former Pashtrik Zone commander Drini, who regularly liaised with KFOR,¹⁷⁹⁶ stayed at the Yugoslav Army house (aka Dom Armije),¹⁷⁹⁷ where soldiers from Brigades 123, 124, and 125 were initially based.¹⁷⁹⁸ Other members of Brigade 125 established themselves in Tusus and the School for Mute and Deaf.¹⁷⁹⁹ Brigade 128 was headquartered in Našec/Nashec and assumed responsibility for the surrounding area.¹⁸⁰⁰ Outside Prizren, Brigade 124 relocated to Rahovec/Orahovac,¹⁸⁰¹ where Ismet TARA replaced Skender HOXHA as brigade commander,¹⁸⁰² while Brigade 123 moved into Suharekë/Suva Reka on 13 June 1999. Both locations became the site of charged crimes in mid-June 1999.

414. As in other areas of Kosovo, the GS moved quickly to establish control over civilian administration in the Pashtrik Zone by appointing those loyal to the GS to key positions. For example, Kadri KRYEZIU was appointed mayor of Prizren,¹⁸⁰³ in accordance with directives issued by **THAÇI** as PGoK Prime Minister.¹⁸⁰⁴

415. Similarly, following their involvement in crimes in Suharekë/Suva Reka around 13 June 1999,¹⁸⁰⁵ the Eye of the Eagle Unit moved to Prizren where it was formally

¹⁷⁹⁶ [REDACTED];[REDACTED];[REDACTED];W02540:T.15563-15564(21-May-2024)(Open);[REDACTED].

¹⁷⁹⁷ [REDACTED];[REDACTED];P00503:00:10(Public) read with [REDACTED]. *See also* [REDACTED].

¹⁷⁹⁸ [REDACTED];[REDACTED];[REDACTED].

¹⁷⁹⁹ [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED]; [REDACTED].

¹⁸⁰⁰ [REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED];W02540:T.15590(21-May-2024)(Open).

¹⁸⁰¹ [REDACTED];[REDACTED].

¹⁸⁰² [REDACTED];[REDACTED];[REDACTED]; W04745:T.25602-25603(25-Feb-2025)(Open). *See also* [REDACTED]; P02781_ET:pp.SITF00439513-SITF00439514(Public);P03929_ET:pp.SITF00436361, SITF00436370-00436372, SITF00436375, SITF00436396, SITF00436410(Public).

¹⁸⁰³ [REDACTED];[REDACTED]. *See also* P04115:p.SITF00173798(Public).

¹⁸⁰⁴ P04131:pp.SITF00173037-00173040(Public). *See, in particular*, Art.8: 'The local government in Kosova is organized and operates in the following municipalities: Deçan, Dragash, Ferizaj, Fushë-Kosovë, Glllogoc, Gjakovë, Gjilan, Istog, Kaçanik, Kamenicë, Klinë, Leposaviq, Lipjan, Malishevë, Mitrovicë, Novobërdë, Obiliq, Pejë, Podujevë, Prishtinë (city), Prizren, Rahovec, Skenderaj, Suharekë, Shtërpçë, Shtime, Viti, Vushtri and Zubin Potok.' *See also* P04190_ET:p.2(Public).

¹⁸⁰⁵ *See also* P00012_ET:pp.057998, 058001(Public).

integrated into the military police.¹⁸⁰⁶ Zone military police commander Nexhmi KRASNIQI was subsequently appointed Prizren police commander and, along with former zonal military police members and other soldiers, led the Ministry of Public Order police under the direct orders of **SELIMI** as PGoK Minister of Public Order.¹⁸⁰⁷ In addition to their illegal exercise of law and order functions,¹⁸⁰⁸ the police continued to target, detain, and interrogate perceived Opponents in cooperation with the intelligence services.¹⁸⁰⁹ GS members including **THAÇI**, **SELIMI**, and ZYRAPI were made aware of ongoing illegal arrests and detentions carried out by the KLA, as incidents were reported, including by zone-level personnel and KFOR, to them and to Tahir SINANI, Sadik HALITJAHA, Halil QADRAKU, Nexhmedin KRASNIQI, Nezir KRYEZIU and Agim ÇEKU.¹⁸¹⁰

vi. Nerodime Zone

416. Following his arrival in Kosovo, in March 1998, Shukri BUJA (also known as 'Kustrim', 'Gazetar(i)', and 'Sokoli')¹⁸¹¹ spent a few days in Drenicë, where he discussed the organisation of the KLA with **SELIMI**, **THAÇI**, Fehmi LLADROVCI, and Fatmir LIMAJ.¹⁸¹²

417. Pursuant to a GS order conveyed to Shukri BUJA by **THAÇI**, BUJA then went to

¹⁸⁰⁶ [REDACTED];[REDACTED];P00012_ET:p.057998(Public).

¹⁸⁰⁷

[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];P03959_ET(Public);P04085(Public). *See also* [REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED].

¹⁸⁰⁸ [REDACTED];P00814_ET.35(Public) read with [REDACTED]; [REDACTED];[REDACTED];P04085(Public).

¹⁸⁰⁹ [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED]; [REDACTED].

¹⁸¹⁰ *See e.g.* [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED].

¹⁸¹¹ AF242(Public);AF293(Public);[REDACTED];W01453:T.21813, 21816(04-Nov-2024)(Open);[REDACTED];P02956_ET(Public).

¹⁸¹² W01453:T.21830-21833(04-Nov-2024)(Open);P01817_ET:pp.69-73(Public).

organise KLA units in Lipjan/Lipljan and Shtimë/Štimlje.¹⁸¹³ Around April 1998, BUJA also assisted Imri ILAZI with the organisation of KLA units in Ferizaj/Uroševac,¹⁸¹⁴ while Agim BAJRAMI (aka Zefi) was responsible for the organisation of the KLA in Kaçanik/Kaçanik.¹⁸¹⁵ Following a meeting with the GS, Shukri BUJA conveyed the GS's appointment of BAJRAMI as commander of the KLA unit in Kaçanik/Kaçanik.¹⁸¹⁶ The Ferizaj/Uroševac and Kaçanik/Kaçanik municipalities would later become part of the Nerodime OZ, which also encompassed the municipalities of Shtimë/Štimlje and Shtërpçë/Štrpce.¹⁸¹⁷

418. In 1998 and 1999, Shukri BUJA communicated frequently with, and reported to, GS members, including **THAÇI**, **KRASNIQI**, Sokol BASHOTA, Bislim ZYRAPI, and Azem SYLA.¹⁸¹⁸ For example, pursuant to GS orders, including as conveyed by **THAÇI** via phone in May 1998, BUJA coordinated transportation of weapons from Albania in 1998 and 1999.¹⁸¹⁹ After **KRASNIQI**'s first public appearance in Kleçkë/Klečka in mid-June 1998 – which Shukri BUJA attended – **KRASNIQI** informed BUJA that the GS had divided Kosovo into subzones and that some subzone commanders had already been

¹⁸¹³ P01814:p.SITF00223938(Public);P01815_ET(Public);P01816_ET.1:pp.29-32(Public); P01817_ET:p.73(Public);[REDACTED];P01820_ET:pp.16-18(Public); [REDACTED];P01813_ET:pp.SPOE00227473-SPOE00227476(Public); [REDACTED];W01453:T.21853-21854, 21857-21859(04-Nov-2024)(Open);W01453:T.21968-21975, 21884(05-Nov-2024)(Open). *See also* [REDACTED].

¹⁸¹⁴ [REDACTED];P01813_ET:pp.SPOE00227475, SPOE00227480(Public).

¹⁸¹⁵ P00189_ET.1:p.U015-8871(Public);[REDACTED];P01813_ET:pp.SPOE00227475-SPOE00227476(Public);[REDACTED].

¹⁸¹⁶ P00189_ET.1:p.U015-8871(Public);P01020.1_ET:p.24(Public);P01015_ET:p.036645(Public); W01453:T.21891-21892(05-Nov-2024)(Open).

¹⁸¹⁷ AF292(Public);P00189_ET.1:p.U015-8869(Public);P00796:pp.3481-3482(Public); P01814:p.SITF00223938(Public);P01813_ET:pp.SPOE00227474(Public).

¹⁸¹⁸ P01817_ET:pp.82-85(Public);[REDACTED];W01453:T.21886, 21894-21898, 21900-21901, 21912-21916, 21921-21922, 21984-21985(05-Nov-2024)(Open); [REDACTED];W01453:T.22094(06-Nov-2024)(Open);W01453:T.22189(07-Nov-2024)(Open); P01264_ET:pp.SPOE00128655, SPOE00128719(Public);[REDACTED]; P01820_ET:pp.87-88, 98, 106-108(Public);[REDACTED].

¹⁸¹⁹ [REDACTED];P01814:p.SITF00223954(Public);W01453:T.21922-21925, 21976-21978(05-Nov-2024)(Open);P01816.1_ET:pp.61-62(Public).

appointed.¹⁸²⁰

419. During one of their weekly meetings in July 1998,¹⁸²¹ **KRASNIQI** conveyed to BUJA that the GS had appointed him as Nerodime Zone Commander.¹⁸²² Along with his appointment, BUJA received instructions from the GS regarding the establishment of headquarters and the formation of combat units.¹⁸²³ As Zone Commander, BUJA acted as the link between the Nerodime Zone Staff and the GS to whom he reported, including based on information obtained from his brigades and zone command sectors, on matters such as combat, logistics and enemy positions.¹⁸²⁴

420. In July 1998, BUJA met with **THAÇI** and **KRASNIQI** following their meeting with internationals in Kleçkë/Klečka.¹⁸²⁵ Together they visited the Shala gorge, using their presence as senior KLA members to reassure the civilian population following a series of attacks by Serbian forces.¹⁸²⁶ Later, BUJA also attended meetings with the GS and other Zone Commanders,¹⁸²⁷ and was present at meetings between GS members, including **THAÇI**, Fatmir LIMAJ, and internationals in August 1998.¹⁸²⁸

421. Following a GS order to consolidate existing units,¹⁸²⁹ Brigades 161 and 162 were established in the Nerodime OZ in August 1998, eventually having around 700-800

¹⁸²⁰ [REDACTED];P01816.1_ET:p.69(Public);W01453:T.21893-21896(05-Nov-2024)(Open);W01453:T.22174(07-Nov-2024)(Open);P01264_ET:p.SPOE00128621(Public).

¹⁸²¹ W01453:T.21898(05-Nov-2024)(Open). *See also* [REDACTED].

¹⁸²² W01453:T.21894-21897, 21968-21969(05-Nov-2024)(Open);W01453:T.22205-22206(07-Nov-2024)(Open);P00189_ET.1:p.U015-8869(Public);P01816.1_ET:p.50(Public);[REDACTED];P01820_ET:pp.91-92, 97(Public);P00796:p.3481(Public).

¹⁸²³ P01816.1_ET:p.69(Public);[REDACTED];W01453:T.22189(07-Nov-2024)(Open); [REDACTED].

¹⁸²⁴ P01820_ET:pp.93-95(Public);W01453:T.21899(05-Nov-2024)(Open);W01453:T.22200-22203, 22238(07-Nov-2024)(Open);P01813_ET:p.SPOE00227496(Public).

¹⁸²⁵ W01453:T.21916-21917(05-Nov-2024)(Open).

¹⁸²⁶ W01453:T.21916-21920(05-Nov-2024)(Open).

¹⁸²⁷ W04746:T.5604-5606(12-Jul-2023)(Open);W04746:T.5738-5739(14-Jul-2023)(Open).

¹⁸²⁸ [REDACTED].

¹⁸²⁹ AF224(Public);P00643_ET:p.SPOE00229214(Public);[REDACTED];[REDACTED];P00796:p.3450(Public);P00187_ET:p.SPOE00055738(Public);P01816.1_ET:p.78(Public);P01020.3_ET:pp.6-7(Public);W01453:T.22227(07-Nov-2024)(Open).

soldiers each.¹⁸³⁰ Brigade 161 was responsible for the Ferizaj/Uroševac area, including the village of Varosh/Varoš Selo. The GS appointed Ahmet KAÇIKU as Brigade Commander.¹⁸³¹ KAÇIKU was replaced by Ilmi RAMUSHOLLI (aka Graniti) following KAÇIKU's death in January 1999.¹⁸³²

422. Brigade 162 operated throughout Kaçanik/Kaçanik municipality, including in Ivajë/Ivaja (where the Brigade was headquartered in early 1999), Bob, Biçec/Biçevac, and Kukaj/Kukavica.¹⁸³³ Following the death of Agim BAJRAMI on 10 August 1998, the KLA GS appointed Qamil ILAZI (aka Bardhi) as Brigade Commander.¹⁸³⁴ Hajrush KURTAJ was his Deputy Commander,¹⁸³⁵ while Ejup RUNJEVA (aka Era) was also a member of the Brigade command.¹⁸³⁶ Following ILAZI's death in May 1999, KURTAJ acted as Brigade Commander upon the order of the GS.¹⁸³⁷ Xhabir ELEZI (aka Sharri) commanded the Military Police unit within Brigade 162 while Jenuz SHURDHANI was the Assistant Commander for security matters; both reported to the Brigade Commander.¹⁸³⁸

423. Shukri BUJA was in regular contact with the leadership of Brigades 161 and 162, to whom he issued orders and from whom he received regular reports, including

¹⁸³⁰ AF294(Public);P01356_ET:p.6259(Public);P01020.3_ET:p.6(Public);P00778:pp.6601-6602(Public); W01453:T.21931(05-Nov-2024)(Open).

¹⁸³¹ P00610_ET(Public);P00189_ET.1:pp.U015-8871-U015-8872(Public);P01015_ET:pp.036669-036670(Public);W01453:T.21935(05-Nov-2024)(Open).

¹⁸³² P00189_ET.1:pp.U015-8871-U015-8872(Public);W01453:T.21935(05-Nov-2024)(Open).

¹⁸³³ P01015_ET:p.036669(Public);[REDACTED];[REDACTED];W01453:T.21981-21982(05-Nov-2024)(Open);W01453:T.22040-22042(06-Nov-2024)(Open);W04576:T.12616-12617(20-Feb-2024)(Open);W04576:T.12625-12626(21-Feb-2024)(Open); W04576:T.12841(22-Feb-2024)(Open).

¹⁸³⁴ P00189_ET.1:pp.U015-8871-U015-8872(Public);P01020.1_ET:pp.24-25(Public);W04576:T.12504(01-Feb-2024)(Open);W04576:T.12650(21-Feb-2024)(Open);W04576:T.12815(22-Feb-2024)(Open); [REDACTED].

¹⁸³⁵ P01020.1_ET:p.24(Public);P01015_ET:p.036670(Public);[REDACTED]; W01453:T.21887-21888(05-Nov-2024)(Open).

¹⁸³⁶ W04576:T.12908(22-Feb-2024)(Open);W01453:T.22047(06-Nov-2024)(Open); [REDACTED].

¹⁸³⁷ P01020.1_ET:pp.24-26(Public);P01020.3_ET:pp.1-2(Public);W04576:T.12501(01-Feb-2024)(Open); W04576:T.12747(21-Feb-2024)(Open);W04576:T.12815(22-Feb-2024)(Open);[REDACTED].

¹⁸³⁸ P01014_ET.3(Public);[REDACTED];W04576:T.12648-12650(21-Feb-2024)(Open).

regarding operational matters.¹⁸³⁹ The Brigade Commanders issued written orders, including to Battalion Commanders concerning logistics and organisation.¹⁸⁴⁰ Battalion Commanders provided written daily reports to the Brigade Commanders, including concerning the situation on the ground, reconnaissance and disciplining of soldiers, issued written requests and/or proposals to the Brigade Commander and others, including concerning appointment of soldiers to specific positions within the battalion, and issued written orders and/or warnings to its soldiers.¹⁸⁴¹

424. Soldiers within the Nerodime OZ were issued identification cards,¹⁸⁴² required permission to travel,¹⁸⁴³ and cooperated with other OZs.¹⁸⁴⁴ Battalions kept close watch on persons entering and exiting their territory.¹⁸⁴⁵ Indeed, in summer 1998, persons travelling through the Nerodime OZ were stopped by KLA members and enquiries were made as to their identity and reasons for entering KLA-held territory; some were turned back, while Shukri BUJA ordered that others be escorted towards the General Staff in Kleçkë/Klečka where a decision could be made as to what to do with such persons.¹⁸⁴⁶

425. In summer 1998, both before and after his appointment as Nerodime OZ

¹⁸³⁹ See e.g. P02911_ET(Public);P02956_ET(Public);P02958_ET(Public);P01814:p.SITF00223954(Public);W01453:T.22271, 22202(07-Nov-2024)(Open);W04576:T.12606-12609(20-Feb-2024)(Open);P01014_ET.2(Public).

¹⁸⁴⁰ P02919_ET(Public);P02974_ET(Public);P02927_ET(Public);P03001_ET(Public);P02934_ET(Public);P02992_ET(Public). See also P02921_ET(Public).

¹⁸⁴¹ P02917_ET(Public);P02916_ET(Public);P02918_ET(Public);P02915_ET(Public);P02951_ET(Public);[REDACTED];P00873_ET(Public);P02920_ET(Public);P02922_ET(Public);P02923_ET(Public);P02935_ET(Public);P02970_ET(Public);P02971_ET(Public);P02976_ET(Public);P02977_ET(Public);P02978_ET(Public);P02960_ET(Public);P02962_ET(Public);P02963_ET(Public);P02964_ET(Public);P02966_ET(Public);P02967_ET(Public);P02969_ET(Public);P02949_ET(Public);P02947_ET(Public);P02945_ET(Public).

¹⁸⁴² P02954_ET(Public);P02953_ET(Public).

¹⁸⁴³ P02937_ET(Public);[REDACTED];P02948_ET:p.U001-1742(Public).

¹⁸⁴⁴ P03055_ET(Public);P03058_ET(Public).

¹⁸⁴⁵ [REDACTED].

¹⁸⁴⁶ W01453:T.22019-22027(06-Nov-2024)(Open);P01816.1_ET:p.84(Public);P01816.2_ET:p.2(Public);[REDACTED];[REDACTED].

commander, Shukri BUJA participated in the arrest of persons detained at the Llapushnik/Lapušnik detention site, [REDACTED],¹⁸⁴⁷ and in July 1998 in Krojmir/Krajmirovce, questioned a group of persons who told him they had been detained in Llapushnik/Lapušnik, later discussing the matter with Fatmir LIMAJ and **KRASNIQI**. BUJA also mistreated an individual in the Berishë/Beriša mountains near Kleçkë/Klečka.¹⁸⁴⁸

426. Isak MUSLIU (aka Qerqizi) – who would later become the Nerodime OZ Military Police commander – was also involved in crimes against Opponents in late spring and summer 1998. MUSLIU was the commander in charge of the Llapushnik/Lapušnik detention site, where as many as 100 people were detained. MUSLIU was also involved in detentions and mistreatment at other locations during the same time period. For example, MUSLIU threatened, mistreated, and ordered the detention of LDK official [REDACTED]. Some days before, KLA members held a meeting in [REDACTED] where they told villagers to stop supporting the LDK and instead, to fight for the KLA¹⁸⁴⁹ – at least two of the villagers at this meeting [REDACTED] were abducted and taken to [REDACTED].

427. In November 1998, the General Staff declared that Operational Subzones, including Nerodime, were now Operational Zones and would be restructured.¹⁸⁵⁰ The form the Zone was to take was conveyed by the General Staff, with the Zone command structure containing separate sectors responsible for, *inter alia*, intelligence, finance, morale, logistics, and communications, reporting to the Chief of Staff and Zone

¹⁸⁴⁷ P01816.2_ET:pp.4-5(Public);[REDACTED];W01453:T.22034-22038(06-Nov-2024)(Open);[REDACTED].

¹⁸⁴⁸ [REDACTED].

¹⁸⁴⁹ [REDACTED].

¹⁸⁵⁰ P01816.1_ET:p.74(Public);P01016_ET(Public);[REDACTED];P00800:pp.4971, 5057(Public);[REDACTED];W04765:T.10263(16-Nov-2023)(Open).

Commander.¹⁸⁵¹ The Zone Staff was initially headquartered in Mollopolc/Malopoljce, before moving to Petrovë/Petrovo, and then to Ferizaj/Uroševac in mid-June 1999.¹⁸⁵² Jezerc/Jezerce was another key location within the Nerodime OZ;¹⁸⁵³ Serb detainees were also held at KLA headquarters there.¹⁸⁵⁴

428. By at least autumn 1998, the General Staff had appointed Imri ILAZI as deputy Zone Commander.¹⁸⁵⁵ Other Zone staff members included Ekrem MATOSHI, in charge of communications; Ruzhdi JASHARI, in charge of civilian relations and later spokesman; Fehmi MUJOTA, Chief of the Morale sector; Sami HAJRULLAHU, Chief of personnel and then of the legal office, with the legal office then being taken over by Naim IMERI; and Fehmi HAJRULLAHU, Chief of the Logistics sector.¹⁸⁵⁶ The Nerodime OZ also had its own special unit,¹⁸⁵⁷ while a separate General Staff special unit, 'Guri', also operated within its territory.¹⁸⁵⁸

429. Ilmi REÇICA was the head of the intelligence and counter-intelligence within the Nerodime OZ.¹⁸⁵⁹ Isak MUSLIU (aka Qerqizi) – who as noted above was previously involved in crimes in spring and summer 1998 – was appointed commander of the

¹⁸⁵¹ W01453:T.21903-21904, 21933(05-Nov-2024)(Open);W01453:T.22164, 22227, 22237(07-Nov-2024)(Open);P00610_ET(Public);P02913_ET(Public);P01508_ET:p.1(Public);P02983_ET(Public).

¹⁸⁵² W01453:T.21953, 21993, 22000-22001, 22004(05-Nov-2024)(Open); [REDACTED];P01074:p.075344(Public);P00743.1:p.SPOE00198221(Public);W04576:T.12614-12615(20-Feb-2024)(Open).

¹⁸⁵³ P00189.1_ET:p.U015-8883(Public);P01019(Public);W04576:T.12873-12875(22-Feb-2024)(Open); [REDACTED];P01813_ET:pp.SPOE00227463, SPOE00227490(Public).

¹⁸⁵⁴ P04023:p.K007-8707(Public);[REDACTED].

¹⁸⁵⁵ P00610_ET(Public);P01015_ET:p.036669(Public);W01453:T.21932(05-Nov-2024)(Open).

¹⁸⁵⁶ W01453:T.21933-21934(05-Nov-2024)(Open);W01453:T.22015(06-Nov-2024)(Open); P02913_ET(Public);P00610_ET(Public).

¹⁸⁵⁷ P02985_ET(Public);P02909_ET:p.15(Public);W01453:T.21958, 22004-22005(05-Nov-2024)(Open); [REDACTED]; [REDACTED].

¹⁸⁵⁸ W01453:T.21962-21963, 21974-21975(05-Nov-2024)(Open);W04576:T.12617-12618(20-Feb-2024)(Open);W04576:T.12628-12629(21-Feb-2024)(Open);P01002:p.036805(Public); P01014:p.044213(Public);P01813_ET:p.SPOE00227493(Public);P00763.9_ET:p.2(Public).

¹⁸⁵⁹ P00610_ET(Public);W01453:T.21933(05-Nov-2024)(Open);W01453:T.22169, 22236-22238(07-Nov-2024)(Open).

Military Police unit attached to the Nerodime OZ.¹⁸⁶⁰ Both REÇICA and MUSLIU reported to W01453.¹⁸⁶¹ When investigating alleged crimes, the Military Police (through the Zone Commander and/or Chief of Staff) coordinated with the intelligence sector in accordance with the Provisional Regulations issued by the General Staff.¹⁸⁶²

430. Throughout the Indictment period, KLA units in the Nerodime OZ engaged in heavy fighting, of which the General Staff was informed through meetings and the reporting chain, including through satellite telephone conversations with Shukri BUJA.¹⁸⁶³ The PGoK was also kept abreast of fighting and attacks within the Nerodime OZ.¹⁸⁶⁴

431. The General Staff orchestrated military strategy related to and/or concerning operations within or involving the Nerodime OZ.¹⁸⁶⁵ GS Military Police Director LIMAJ provided guidance on the operation of the Military Police within the zone, including concerning the authority to conduct arrests.¹⁸⁶⁶ A General Staff commission, including **SELIMI** and LIMAJ, delineated the boundary between the Nerodime and Pashtrik

¹⁸⁶⁰ W01453:T.21934(05-Nov-2024)(Open);P01015_ET:p.036670(Public).

¹⁸⁶¹ W01453:T.22164-22165, 22169, 22228, 22236-22238(07-Nov-2024)(Open).

¹⁸⁶² P00648_ET:p.SPOE00225129(Public);W01453:T.22239-22242, 22270-22271(07-Nov-2024)(Open).

¹⁸⁶³ See e.g. P00579_ET:p.SPOE00232613(Public);P00189_ET.1:pp.U015-8870-U015-8873(Public); P00270_ET.9(Public);P00515_ET.11(Public);P02957_ET(Public);P02955_ET(Public);P02953_ET(Public); P02956_ET(Public);P02958_ET(Public);P02959_ET(Public);P02967_ET(Public);P02975_ET(Public); P01813:pp.SPOE00227466, SPOE00227479(Public);P04259:p.1D00-0433(Public);W04576:T.12615(20-Feb-2024)(Open);P00293(Public);P00295_ET(Public);P00537_ET(Public);P00811_ET.22(Public); P00811_ET.9(Public);P00515_ET.13(Public);P00310_ET:p.3(Public);P00313_ET(Public); [REDACTED];P00812_ET.21(Public);[REDACTED]; P00584_ET(Public);P00583_ET(Public);P00580_ET(Public);P00573_ET(Public);P00572_ET(Public); P00309_ET:p.SPOE00056435(Public);P00270_ET.7(Public);P00271:p.U003-8611(Public); P00292_ET(Public);P00582_ET(Public);P00296_ET(Public);P00811_ET.22(Public);P00595_ET(Public); [REDACTED];[REDACTED]; [REDACTED];P00814_ET.26(Public).

¹⁸⁶⁴ P03919_ET.2(Public);P03919_ET.3(Public);P03919_ET.4(Public);P03923_ET(Public); P03914_ET(Public);[REDACTED];P01435_ET(Public).

¹⁸⁶⁵ [REDACTED];[REDACTED]; [REDACTED]. See also P01017_ET(Public).

¹⁸⁶⁶ [REDACTED];P00872_ET(Public). See also P00887_ET(Public).

OZs,¹⁸⁶⁷ and the GS ordered Shukri BUJA to comply with ceasefire agreements.¹⁸⁶⁸ Orders were conveyed in multiple ways, including in writing and via satellite phone.¹⁸⁶⁹

432. Based on guidance received from the General Staff, the Nerodime OZ's communications system employed codes at both Zone Staff and brigade levels.¹⁸⁷⁰ KLA soldiers in the Nerodime OZ received training on communications from General Staff-appointed personnel.¹⁸⁷¹

433. Documents drafted by unit leaders in the Nerodime OZ further attest to the dissemination and implementation of orders and regulations issued by the General Staff,¹⁸⁷² including with regard to mobilisation¹⁸⁷³ and disciplinary matters.¹⁸⁷⁴ However, W01453 does not know of any KLA member within his zone being investigated or punished by other KLA members in relation to mistreatment of civilians.¹⁸⁷⁵

434. In January 1999, **Rexhep SELIMI** and a General Staff team visited the Nerodime OZ, inspected various units, including the Zone Military Police, and took part in an oath

¹⁸⁶⁷ P01393_ET:p.SPOE00226625(Public);[REDACTED];[REDACTED];[REDACTED];[REDACTED].

¹⁸⁶⁸ P01814:pp.SITF00223944-SITF00223945(Public);W01453:T.21945(05-Nov-2024)(Open).

¹⁸⁶⁹ [REDACTED];P00647_ET(Public); [REDACTED];[REDACTED].

¹⁸⁷⁰ P01417_ET:p.SPOE00226677(Public);W04752:T.17461(02-Jul-2024)(Open);
P03834_ET:p.SPOE00225134(Public);P02985_ET(Public);P01813_ET:p.SPOE00227468(Public);
P02981_ET(Public);P02982_ET:p.U001-1769(Public);P02984_ET(Public);P02988_ET(Public);
P02989_ET(Public);P02990_ET(Public);P02987_ET(Public);P02979_ET(Public);P03000:00:00-
02:16(Public);P03000_ET:p.1(Public);P02986_ET(Public);P02991_ET(Public);P02993_ET(Public);
P02994_ET(Public);P02980_ET(Public).

¹⁸⁷¹ P02995_ET(Public);P02996_ET(Public);P02997_ET(Public);P00630_ET(Public);P01416_ET(Public);
W04752:T.17459-17461(02-Jul-2024)(Open).

¹⁸⁷² AF236(Public). *Compare* [REDACTED];P00008_ET(Public);P00641_ET(Public);
P00648_ET(Public);[REDACTED] *with* P02912_ET:pp.U001-2070-U001-2074(Public);
P03002(Public);P03002_ET(Public);P01122_ET:p.3(Public).

¹⁸⁷³ W01453:T.21978-21979(05-Nov-2024)(Open). *Compare* P00114_ET(Public) *with* P00900_ET(Public);
P02973_ET(Public). *See also* P02908_ET(Public).

¹⁸⁷⁴ [REDACTED];W01453:T.22014-22016(06-Nov-2024)(Open);P00896_ET(Public);
P00897_ET(Public);P00898_ET(Public);P00899_ET(Public);P00874_ET(Public). *See also*
W04576:T.12712(21-Feb-2024)(Open);P00878_ET(Public);[REDACTED].

¹⁸⁷⁵ W01453:T.22049-22051(06-Nov-2024)(Open).

ceremony for soldiers of Brigade 161.¹⁸⁷⁶ Shukri BUJA provided a detailed report concerning the Zone,¹⁸⁷⁷ which included discussion about the work of the Military Police, including arrests by order of the Zone command, and intelligence service, including that its 'data processing work' is necessary, especially in relation to KLA volunteers.¹⁸⁷⁸ Special warfare was also discussed, including that 'this phenomenon is more noticeable in Petrova'.¹⁸⁷⁹ In early and late February 1999 – echoing an interview with Shukri BUJA published in *Zëri i Kosovës* in October 1998, which attacked the government-in-exile, FARK, and LDK¹⁸⁸⁰ – BUJA made public statements targeting Opponents, in particular, LDK officials.¹⁸⁸¹

435. In mid-February 1999, KLA members, in black clothes, abducted nine Kosovo-Albanians during a funeral for victims of the Reçak massacre and detained them in Petrovë/Petrovo; some were mistreated and told they were detained because they socialised with Serbs or were related to Serbian police.¹⁸⁸² Shortly thereafter, Shukri BUJA actively refused the requests of internationals to visit those held in detention, stating that they were only holding Albanians and that he did not see any need for 'outside personnel' to check on detainees.¹⁸⁸³ W02172 talked with a KLA soldier who told her that they used to take Serb prisoners to Petrovë/Petrovo, but did not keep them alive very long.¹⁸⁸⁴

¹⁸⁷⁶ [REDACTED];W01453:T.21954-21957, 21964-21965(05-Nov-2024)(Open);P02912_ET:p.U001-2085(Public);P02924_ET(Public).

¹⁸⁷⁷ [REDACTED].

¹⁸⁷⁸ [REDACTED].

¹⁸⁷⁹ [REDACTED].

¹⁸⁸⁰ P01508_ET:pp.2-3(Public).

¹⁸⁸¹ P01507_ET:p.2(Public);P00515_ET.19(Public);P04170_ET:p.SPOE00230782(Public). *See also* P00811_ET.42:pp.SPOE00053929-SPOE00053931(Public).

¹⁸⁸² W02161:T.10654-10655(06-Dec-2023)(Open);P00743.1:p.SPOE00198221(Public);P00867:pp.U007-9637-U007-9660(Public);P04044:p.SPOE00060744(Public).

¹⁸⁸³ P00861:p.SPOE00060779(Public);W01453:T.22039-22040(06-Nov-2024)(Open);P00003(Public); [REDACTED];[REDACTED];[REDACTED]; [REDACTED]; [REDACTED].

¹⁸⁸⁴ [REDACTED].

436. In March 1999, Brigade 162 Commander Qamil ILAZI instructed Jenuz SHURDHANI to question detainees being held in Ivajë/Ivaja. These included detainees whom Ejup RUNJEVA and other Brigade 162 soldiers mistreated there and in nearby locations, including Bob. On 18 March 1999, the OSCE asked the Brigade 162 commander about persons arrested by the KLA, with the response being, *inter alia*, that such matters were dealt with by the Military Police.¹⁸⁸⁵

437. From at least early April 1999, the General Staff, including **THAÇI** and **VESELI**, was temporarily based at locations within the Nerodime Zone, including Petrovë/Petrovo.¹⁸⁸⁶ Shukri BUJA attended a GS meeting in Petrovë/Petrovo, which included **THAÇI**, **VESELI**, **SELIMI**, Sylejman SELIMI, and Ramë BUJA, concerning Operation Arrow.¹⁸⁸⁷ Despite his position as Nerodime OZ Commander and the fact such meetings took place within his geographic area of responsibility, BUJA had no right to speak or vote during such GS meetings.¹⁸⁸⁸ BUJA was also aware of other GS meetings in Jezerc/Jezerce during this period because, as OZ Commander, he was responsible for ensuring security.¹⁸⁸⁹ In addition to attending meetings there, **THAÇI** visited parts of the OZ, including to inspect military operations.¹⁸⁹⁰

438. At the end of April 1999 – consistent with General Staff and PGoK statements around the same time – the Nerodime Zone Command, in an announcement published

¹⁸⁸⁵ P04058:p.SPOE00060843(Public).

¹⁸⁸⁶ W01453:T.21988-21992, 21998-21999(05-Nov-2024)(Open);[REDACTED];P03789_ET(Public);W04752:T.17504(03-Jul-2024)(Open);W04744:T.17077(24-Jun-2024)(Open);[REDACTED];[REDACTED];P01963:p.054699(Public);P01964:p.054723(Public);[REDACTED].

¹⁸⁸⁷ W01453:T.21992-21996(05-Nov-2024)(Open);W01453:T.22126-22127(06-Nov-2024)(Open);[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];W04752:T.17505-17506(03-Jul-2024)(Open);[REDACTED];W04290:T.25031-25032(11-Feb-2025)(Open).

¹⁸⁸⁸ W01453:T.21992, 21995(05-Nov-2024)(Open);[REDACTED].

¹⁸⁸⁹ W01453:T.21995-21996(05-Nov-2024)(Open);[REDACTED]; W04752:T.17506-17507(03-Jul-2024)(Open).

¹⁸⁹⁰ [REDACTED];[REDACTED];[REDACTED];W01453:T.21996-21997(05-Nov-2024)(Open);P01015_ET:p.036807(Public);P02999(Public); P02999_ET(Public);[REDACTED].

in *Kosovapress*, declared that statements made by BUKOSHI and RUGOVA were not valid because they had not been issued by the PGoK, accused RUGOVA of collaboration, including '[d]ancing in harmony with the melody orchestrated by the Serbs', and declared that the only political and military force in Kosovo was the KLA.¹⁸⁹¹

439. In April and May 1999, [REDACTED].¹⁸⁹² Around the same time, pursuant to a General Staff/PGoK order to expand the brigades, two new brigades were created in the Nerodime OZ, one of which, Brigade 164, was operational, while Brigade 163 was not operational during the war.¹⁸⁹³

440. Around 10 June 1999, **VESELI** and Shukri BUJA attended a commemoration in Mollopolc/Malopoljce.¹⁸⁹⁴

441. In mid-June 1999, after Shukri BUJA had ordered Brigades 161 and 162 to enter and take control of the towns in the Nerodime OZ that had not yet been liberated,¹⁸⁹⁵ KLA soldiers including military police commander Muhamet MALOKU (aka Meti)¹⁸⁹⁶ stationed themselves at a military compound in the village of Balaj/Balić,¹⁸⁹⁷ and mistreated and detained Serb civilians in neighbouring villages, including Nerodimja e Ulët/Donje Nerodimlje. By this time, Shukri BUJA and the Nerodime Zone Command were headquartered in nearby Ferizaj/Uroševac.

442. BUJA remained Nerodime OZ commander following the signing of the Undertaking, attending JIC meetings with COMKFOR,¹⁸⁹⁸ before taking up a leadership

¹⁸⁹¹ P00813_ET.9(Public).

¹⁸⁹² [REDACTED];[REDACTED];[REDACTED];[REDACTED].

¹⁸⁹³ W01453:T.21978-21979, 22001-22003(05-Nov-2024)(Open);P01014_ET.2(Public);1D00169_ET(Public);P01434_ET:p.SPOE00228150(Public);P03925_ET:p.SPOE00232114(Public).

¹⁸⁹⁴ P00526(Public);W01453:T.22005-22007(05-Nov-2024)(Open);W01453:T.22168(07-Nov-2024)(Open).

¹⁸⁹⁵ W01453:T.22004-22005(05-Nov-2024)(Open).

¹⁸⁹⁶ See e.g. [REDACTED].

¹⁸⁹⁷ [REDACTED];[REDACTED].

¹⁸⁹⁸ [REDACTED];W01453:T.22141(06-Nov-2024)(Open);1D00214(Public);W01453:T.22150(06-Nov-2024)(Open).

position within the KPC.¹⁸⁹⁹ In late July 1999, the PGoK announced the establishment of civil administrations throughout Kosovo, including in Ferizaj/Uroševac, by means of a decree 'for the organization of local government' in the name of **THAÇI**.¹⁹⁰⁰

vii. Karadak Zone

443. While KLA attacks in the Karadak Zone, including against police, were carried out and claimed by the General Staff in communiqués from 1997¹⁹⁰¹ and 1998,¹⁹⁰² its organisational structure developed later than in the other zones due to a lack of activism and military activities.¹⁹⁰³ The GS, 'very interested to start organisation of military activities in the area', assigned **Jakup KRASNIQI** to do so.¹⁹⁰⁴ Following the outbreak of war in Drenicë, and amid growing interest and mobilisation in the region, **KRASNIQI** and other GS members met with Ahmet ISUFI (aka Rexha), Shemsi SYLA (aka Shaqa), and Ilmi RAMADANI in Likoc/Likovac to discuss the organisation of the KLA in the Karadak Zone.¹⁹⁰⁵ Thereafter, **KRASNIQI** continued to maintain contacts with them.¹⁹⁰⁶

444. Around late 1998, at **Jakup KRASNIQI**'s proposal, the General Staff formally appointed ISUFI as Commander of the Karadak Zone,¹⁹⁰⁷ which encompassed the

¹⁸⁹⁹ 1D00176_ET:pp.1-2(Public).

¹⁹⁰⁰ P04131:pp.SITF00173037-00173040(Public). *See, in particular*, Art.8: 'The local government in Kosova is organized and operates in the following municipalities: Deçan, Dragash, Ferizaj, Fushë-Kosovë, Glogoc, Gjakovë, Gjilan, Istog, Kaçanik, Kamenicë, Klinë, Leposaviq, Lipjan, Malishevë, Mitrovicë, Novobërdë, Obiliq, Pejë, Podujevë, Prishtinë (city), Prizren, Rahovec, Skenderaj, Suharekë, Shtërpçë, Shtime, Viti, Vushtri and Zubin Potok.' *See also* P04190_ET:p.2(Public);P01978_ET.1(Public); P01981:p.SITF00011412(Public).

¹⁹⁰¹ P00153_ET(Public);P00152_ET(Public).

¹⁹⁰² P00292_ET:p.043801(Public);P00582_ET(Public);P00583_ET(Public);P00584_ET(Public); P00287_ET(Public);P00579_ET:p.SPOE00232612(Public);P00270_ET.6(Public);P00288_ET(Public).

¹⁹⁰³ P00189_ET.1:p.U015-8874(Public);P00795:p.3414(Public);P01069:p.075325(Public). *See also* P01074:p.075344(Public).

¹⁹⁰⁴ P00189_ET.1:p.U015-8874(Public);[REDACTED].

¹⁹⁰⁵ P00189_ET.1:pp.U015-8874-U015-8875(Public).

¹⁹⁰⁶ P00189_ET.1:pp.U015-8874-U015-8875(Public).

¹⁹⁰⁷ P00796:p.3482(Public);P00617_ET:p.SPOE00228801(Public);P00189_ET.1:p.U015-8876(Public); AF242(Public);AF296(Public).

municipalities of Gjilan/Gnjilane, Kamenicë/Kamenica, Viti/Vitina, and Novobërdë/Novo Brdo.¹⁹⁰⁸ Shemsi SYLA was Deputy Commander.¹⁹⁰⁹ By at least April 1999, military police had been established in the Karadak Zone, and maintained a line of communication with the General Staff (and later the PGoK Ministry of Public Order).¹⁹¹⁰ Fatmir MEHMETI – who was also known as Fatmir GJILANI, had served as deputy commander of military police at Likoc/Likovac, and was involved in detentions at that site¹⁹¹¹ – eventually became the Karadak Zone military police commander.¹⁹¹²

445. By late 1998,¹⁹¹³ the first base of operations for the Karadak Zone was in Zllash/Zlaš, in the Llap Zone, and approximately two kilometres away from the BIA unit's base.¹⁹¹⁴ Between late 1998 and early 1999, both Ahmet ISUFI and Shemsi SYLA stayed there and met with members of both Brigade 153 and the BIA unit (including Salih MUSTAFA).¹⁹¹⁵ The Zone headquarters remained in Zllash/Zlaš until a Serbian offensive beginning on about 18 April 1999.¹⁹¹⁶

446. There were three active brigades in the Karadak Zone: Brigades 171, 172 and 173.¹⁹¹⁷ All three were active by at least mid-1999,¹⁹¹⁸ and Brigade 171 as early as mid-

¹⁹⁰⁸ P01814:p.SITF00223938(Public);P01375(Public);[REDACTED];
P00187_ET:p.SPOE00055740(Public);P00712_ET:p.SPOE00209329(Public);AF242(Public);AF295(Public).

¹⁹⁰⁹ P01659_ET(Public);W04600:T.20061(19-Sep-2024)(Open);W04485:T.21235(28-Oct-2024)(Open);
[REDACTED];4D00111_ET(Public).

¹⁹¹⁰ P02495_ET.2(Public);P02495_ET.1(Public);P02496_ET(Public);[REDACTED].

¹⁹¹¹ P01745_ET:p.U0039103(Public);W04290:T.24950-24952(10-Feb-2025)(Open);P01753:p.09807(Public);
[REDACTED];P01264_ET:pp.SPOE00128677-SPOE00128678(Public); W01453:T.22086–22087(06-Nov-
2024)(Open);[REDACTED]; P02448_ET.4:p.U0173777(Public);P02390_ET(Public).

¹⁹¹² [REDACTED];W04868:T.18605-18606(19-Aug-2024)(Open);[REDACTED];[REDACTED].

¹⁹¹³ [REDACTED];[REDACTED]; [REDACTED].

¹⁹¹⁴ W04600:T.20059-20061(19-Sep-2024)(Open);[REDACTED]; [REDACTED];[REDACTED].

¹⁹¹⁵ W04485:T.21235-21237(28-Oct-2024)(Open);[REDACTED];[REDACTED]; [REDACTED]. *See also*
[REDACTED].

¹⁹¹⁶ W04600:T.20060(19-Sep-2024)(Open).

¹⁹¹⁷ AF297(Public);[REDACTED];P00778:p.6602(Public); P01356_ET:p.6259(Public);[REDACTED];
P01434_ET:p.SPOE00228150(Public);P03925_ET:p.SPOE00232114(Public);W04752:T.17509-17510(03-Jul-
2024)(Open).

¹⁹¹⁸ P02495_ET.1(Public);P02495_ET.2(Public);[REDACTED];
P00814_ET.29:p.SPOE00055594(Public);P04131:p.SITF00173022(Public).

January 1999.¹⁹¹⁹ Brigade 173 operated around the Viti/Vitina municipality, including Vërban/Vrban.¹⁹²⁰

447. There was frequent communication and coordination between the Karadak Zone command and General Staff. Ahmet ISUFI would routinely travel to meet with representatives of the General Staff and other zone commanders, and provide operational updates both in writing and in person.¹⁹²¹ From at least December 1998, the General Staff directly funnelled funds to the Zone headquarters to support its establishment¹⁹²² and registered financial and material support from other sources.¹⁹²³ On 23 April 1999, Bajram KOSUMI, the Minister of Information in the PGoK, visited the Karadak region and met with 'the leaders and commanders' of the zone.¹⁹²⁴ Moreover, the Zone command referred various organisational and logistical matters (for example, concerning weapons, military organisation, and funding) to the General Staff and the PGoK for resolution.¹⁹²⁵

448. The Karadak Zone maintained significant cooperation with the neighbouring Llap and Nerodime Zones. Brigade 152 and 153 officers provided training to Karadak Zone soldiers in Bradash/Bradaš and Zllash/Zlaš, respectively.¹⁹²⁶ Around the same time, soldiers from the Karadak and Llap Zones smuggled weapons into Kosovo

¹⁹¹⁹ [REDACTED].

¹⁹²⁰ [REDACTED];P00814_ET.29:p.SPOE00055594(Public); P04131:p.SITF00173022(Public).

¹⁹²¹ P00617_ET:p.SPOE00228801(Public);P00647:p.SPOE00225285(Public);W04746:T.5604-5606(12-Jul-2023)(Open);P01091_ET:pp.SPOE00231115-SPOE00231117(Public);[REDACTED]. *See also* P00647_ET(Public);P03781.2_ET:p.SPOE00226480(Public); P00189_ET.1:p.U015-8875(Public). *See also* P01427_ET:p.SPOE00226766(Public); P03834_ET:p.SPOE00225137(Public).

¹⁹²² P03817_ET(Public);[REDACTED];AF235(Public).

¹⁹²³ P01125_ET:p.SPOE00232832(Public).

¹⁹²⁴ P00515_ET.51:p.008532(Public);P00813_ET.5:p.SPOE00054825(Public).

¹⁹²⁵ P02495_ET.1(Public);P02495_ET.2(Public);P02495_ET.3(Public);[REDACTED]. *See also* P01069:p.075325(Public).

¹⁹²⁶ W04758:T.21019-21020(23-Oct-2024)(Open);P00187_ET:pp.SPOE00055900, SPOE00055902, SPOE00055918(Public);[REDACTED];[REDACTED]; [REDACTED]. *See also* [REDACTED].

together.¹⁹²⁷ They also fought together in December 1998,¹⁹²⁸ and during the Serbian offensive of 18 April 1999.¹⁹²⁹ Similarly before NATO began its strikes, Shukri BUJA, the Nerodime Zone Commander, met with the Karadak Zone 'to coordinate affairs of two zones', including future military action.¹⁹³⁰

449. In early June 1999, Karadak Zone forces took part in fighting in the zone area.¹⁹³¹ Following the withdrawal of the Serbian forces on around 15 June 1999,¹⁹³² the KLA entered Gjilan/Gnjilane, which became the Karadak Zone headquarters.¹⁹³³ During this period, ISUFI and SYLA maintained regular contact with the General Staff and other KLA members. For example, ISUFI and SYLA were in contact with the General Staff and others about, *inter alia*, releasing and disarming Serbs and requesting reinforcements, and the General Staff was kept abreast of developments in Gjilan/Gnjilane.¹⁹³⁴

450. Soon after its arrival in Gjilan/Gnjilane, the Karadak Zone Command began collecting weapons from both Albanians and Serbs, and in exchange issued acknowledgements of receipt on typewritten templates with a KLA letterhead and a standardised KLA Karadak Operational Zone stamp.¹⁹³⁵ It also began to control the movement of persons, issuing documents such as leave permits bearing the same KLA

¹⁹²⁷ W01453:T.21977-21978(05-Nov-2024)(Open);P01814:p.SITF00223954(Public); P00187_ET:p.SPOE00055893(Public).

¹⁹²⁸ W04746:T.5608(12-Jul-2023)(Open);P01264_ET:p.SPOE00128773(Public).

¹⁹²⁹ W04485:T.21238-21240, 21275(28-Oct-2024)(Open); [REDACTED]; [REDACTED];[REDACTED].

¹⁹³⁰ P01814:p.SITF00223954(Public);W01453:T.21977-21978(05-Nov-2024)(Open).

¹⁹³¹ P00515_ET.66:p.008875(Public).

¹⁹³² [REDACTED];[REDACTED]; 4D00111_ET(Public);P00814_ET.28:pp.SPOE00055584, SPOE00055592(Public).

¹⁹³³ [REDACTED];[REDACTED];[REDACTED]; P00006:p.SITF00249808(Public); [REDACTED]; [REDACTED].

¹⁹³⁴ [REDACTED];[REDACTED]; [REDACTED];[REDACTED].

¹⁹³⁵ P02496_ET(Public)(ALB:pp.023880-023881, seal and stamp visible); [REDACTED]. *See also* P02497_ET(Public);P02498_ET(Public); [REDACTED].

letterhead,¹⁹³⁶ and orders summoning persons to report to the Zone Command.¹⁹³⁷ KFOR received complaints on official Karadak Zone letterhead about the arrest of KLA soldiers.¹⁹³⁸

451. In addition to ISUFI, KFOR forces interacted with several other KLA commanders in the Zone: military police commander Fatmir MEHMETI/GJILANI, who was associated with the dormitory and responsible for the KLA assembly area in Malishevë/Mališevo on the outskirts of Gjilan/Gnjilane, authorised by KFOR;¹⁹³⁹ Shaqir SHAQIRI, who was 'head of security';¹⁹⁴⁰ Florim KLLOKOQI, who ISUFI appointed as the leader of a battalion based in Novobërdë/Novo Brdo 'in order to maintain public order and peace' in the area;¹⁹⁴¹ and Ismet SYLEJMANI, an information officer.¹⁹⁴² Each was subordinate to ISUFI in the Karadak Zone chain of command.¹⁹⁴³

452. Throughout the summer of 1999, the Karadak Zone command met weekly with Agim ÇEKU, other zone commanders, and KFOR concerning the undertaking to demilitarise signed by the KLA. In these meetings, KFOR emphasised the importance of refraining from hostile and provocative acts, including threatening members of the public.¹⁹⁴⁴

453. Nevertheless, in several ways, the KLA imposed a degree of control in the

¹⁹³⁶ P02496_ET(Public).

¹⁹³⁷ P02499_ET(Public);[REDACTED].

¹⁹³⁸ [REDACTED].

¹⁹³⁹ [REDACTED];[REDACTED];W04868:T.18605-18606(19-Aug-2024)(Open);[REDACTED];[REDACTED]. *See also* [REDACTED];[REDACTED].

¹⁹⁴⁰ [REDACTED];[REDACTED];W04868:T.18606(19-Aug-2024)(Open);W04868:T.18738(20-Aug-2024)(Open);[REDACTED];P04011:pp.SPOE00227291-SPOE00227292(Public);P01874_ET:p.074630(Public);W03873:T.22856-22857(27-Nov-2024)(Open).

¹⁹⁴¹ [REDACTED];[REDACTED];[REDACTED]; W04868:T.18745(20-Aug-2024)(Open).

¹⁹⁴² [REDACTED];[REDACTED];

P00012_ET:p.057944(Public);P01874_ET:p.074630(Public);W03873:T.22856-22857(27-Nov-2024)(Open).

¹⁹⁴³ [REDACTED];[REDACTED];[REDACTED];[REDACTED];W04868:T.18749, 18751-18752(20-Aug-2024)(Open).

¹⁹⁴⁴ [REDACTED];[REDACTED];[REDACTED];[REDACTED].

Karadak Zone which violated the demilitarisation agreement.¹⁹⁴⁵ The Karadak Zone command swiftly took control of municipal structures, public services, utilities, and appointed provisional administrators,¹⁹⁴⁶ issuing an ordinance prohibiting the latter from entering into agreements with ‘the Serbian party, KFOR or any other party’, or from hiring contractors without the Karadak Zone’s permission.¹⁹⁴⁷ The zone command also claimed the PGoK had sole authority to register political parties,¹⁹⁴⁸ and KLA members actively hindered political activity of other entities through harassment and intimidation.¹⁹⁴⁹ Municipal statutes, decisions and certificates were unlawfully adopted and issued,¹⁹⁵⁰ based on the ‘Decree for organization of local government’ issued on 31 July 1999 by Prime Minister **Hashim THAÇI**.¹⁹⁵¹

454. KLA members in the Karadak Zone repeatedly breached the demilitarisation agreement’s prohibition on KLA assembly, by wearing uniforms and KLA paraphernalia outside designated areas, and by establishing unlawful assembly points and bases.¹⁹⁵² KLA members also conducted illegal arrests wearing ‘law enforcement-type badges and uniforms’.¹⁹⁵³ The law enforcement badges, issued by the Ministry of Public Order under **Rexhep SELIMI**, purported to provide authority to carry firearms, use them, identify people and bring them to police, and to confiscate items.¹⁹⁵⁴ KLA

¹⁹⁴⁵ P01444(Public);W04868:T.18577-18579(19-Aug-2024)(Open). *See also* [REDACTED].

¹⁹⁴⁶ P02498_ET(Public);[REDACTED];W04868:T.18580(19-Aug-2024)(Open); P00746:pp.SITF40008715, SITF40008721(Public);P00743.2:p.SITF00001571(Public); [REDACTED];[REDACTED];P00006:p.SITF00249805(Public).

¹⁹⁴⁷ P02498_ET(Public). *See also* [REDACTED];[REDACTED].

¹⁹⁴⁸ [REDACTED];P04100:pp.SITF00265453-SITF00265455(Public).

¹⁹⁴⁹ W02161:T.10624-10625(06-Dec-2023)(Open);P00743.2:p.SITF00001585(Public); P04100:p.SITF00265455(Public);1DW-009:T.28053-28054(13-Nov-2025)(Open); P04511:p.SPOE00397730(Public).

¹⁹⁵⁰ P04131:pp.SITF00173019-SITF00173036, SITF00173041-SITF00173045(Public).

¹⁹⁵¹ P04131:pp.SITF00173021, SITF00173037-SITF00173040(Public);W04868:T.18783(20-Aug-2024)(Open).

¹⁹⁵² [REDACTED];[REDACTED];[REDACTED]; W04868:T.18579, 18616-18617(19-Aug-2024)(Open);[REDACTED];[REDACTED];[REDACTED]; [REDACTED].

¹⁹⁵³ [REDACTED];[REDACTED];W04868:T.18579-18581(19-Aug-2024)(Open);W04868:T.18783-18785(20-Aug-2024)(Open);[REDACTED].

¹⁹⁵⁴ [REDACTED].

members also used vehicles bearing KLA markings to transport detainees and military materials, and used dispatch documents to record arrival and departure times and places.¹⁹⁵⁵

455. From mid-June 1999, KLA members in the Karadak Zone targeted, arrested, detained, mistreated, and killed alleged collaborators, and other perceived opponents, including charged victims in this case at three crime sites within the Zone: Vërban/Vrban, Novobërdë/Novo Brdo and the dormitory in Gjilan/Gnjilane. There were also other incidents of illegal arrests, mistreatment, and forced confessions, including at the KLA base in Malishevë/Mališevo, where KFOR intervened to rescue a detained and beaten Serb farmer over the objections of Fatmir MEHMETI/GJILANI.

456. When KFOR and OSCE representatives approached the KLA leadership in Gjilan/Gnjilane, including ISUFI, about abductions and disappearances, they denied all knowledge, offering no assistance or information about the fate of abductees.¹⁹⁵⁶ KFOR did not receive any referrals from KLA leadership to investigate crimes committed by KLA members despite having the capacity to do so,¹⁹⁵⁷ nor any indication that the KLA took disciplinary measures against those responsible.¹⁹⁵⁸ ISUFI would generally respond to W04868 raising concerns about crimes by referring to violence by Serbian forces against ethnic Albanians; on one such occasion, ISUFI passionately showed W04868 pictures of atrocities committed, and asked how they could be justified.¹⁹⁵⁹

457. Following reports of abductions and beatings at the dormitory and other

¹⁹⁵⁵ [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];W04868:T.18587-18588(19-Aug-2024)(Open).

¹⁹⁵⁶ P00005:p.SITF00249197(Public);P00006:p.SITF00249806(Public);W02161:T.10612-10613(05-Dec-2023)(Open);[REDACTED];[REDACTED];W04868:T.18599-18601(19-Aug-2024)(Open);W04868:T.19749(20-Aug-2024)(Open).

¹⁹⁵⁷ W04868:T.18584-18585, 18642(19-Aug-2024)(Open);W04868:T.18711, 18770-18772(20-Aug-2024)(Open).

¹⁹⁵⁸ W04868:T.18601-18602(19-Aug-2024)(Open).

¹⁹⁵⁹ [REDACTED];W04868:T.18600-18601(19-Aug-2024)(Open).

locations in the Karadak Zone,¹⁹⁶⁰ KFOR conducted a series of further raids on KLA bases in the area, including an administration building and dormitory in Gjilan/Gnjilane, Kishnapolë/Kišno Polje, Kamenicë/Kamenica,¹⁹⁶¹ and Novobërdë/Novo Brdo.¹⁹⁶² During such raids, KFOR uncovered KLA records, including appointment orders, summonses, illegal police paperwork, and computers containing lists identifying both Albanians and Serbs who had allegedly collaborated with the Serbian police or military, and at the dormitory, a 'torture chamber' identified by an Albanian female victim as the place where she was mistreated.

458. On 3 October 1999, **Hashim THAÇI** delivered a speech in Gjilan/Gnjilane to commemorate its liberation, and to announce the restructuring of the KLA into the Kosovo Protection Corps.¹⁹⁶³ He was accompanied by Ahmet ISUFI, who also delivered remarks, announcing that as part of the wider restructuring of the KLA into the Kosovo Protection Corps, the former Karadak Zone would fall under a consolidated zone led by Shukri BUJA, the commander of the Nerodime Zone.¹⁹⁶⁴ ISUFI was given a role as chief of personnel in Prishtinë/Priština.¹⁹⁶⁵

459. In his remarks, **THAÇI**, *inter alia*, expressed concern about the situation in the Preševo Valley, namely the 'violent displacement and forced expulsion' of its people, emphasising that '[t]he citizens of these Albanian areas have the right to live there because they are autochthonous, and they will live there'.¹⁹⁶⁶ W04868 described the speech as 'hostile and probing',¹⁹⁶⁷ particularly in the context of the frequent violations of the demilitarisation agreement he had observed.¹⁹⁶⁸ 1DW-007 agreed that calling the

¹⁹⁶⁰ [REDACTED];[REDACTED];[REDACTED];W04868:T.18695(19-Aug-2024)(Open).

¹⁹⁶¹ [REDACTED];[REDACTED].

¹⁹⁶² [REDACTED];[REDACTED];[REDACTED]; [REDACTED].

¹⁹⁶³ 1D00176_ET:pp.DHT04079-DHT04081(Public);W04868:T.18660-18662(19-Aug-2024)(Open).

¹⁹⁶⁴ 1D00176_ET:pp.DHT04076-DHT04077(Public).

¹⁹⁶⁵ [REDACTED].

¹⁹⁶⁶ 1D00176_ET:p.DHT04081(Public).

¹⁹⁶⁷ [REDACTED];[REDACTED].

¹⁹⁶⁸ W04868:T.18650-18651(19-Aug-2024)(Open).

Preševo Valley an Albanian area where Albanians had a right to live shortly after the war would have risked aggravating relations between Serbians and Albanians in Kosovo.¹⁹⁶⁹ General Klaus REINHARDT harboured the same concerns, recording in a diary entry on 10 March 2000 his deep frustration at **THAÇI** publicly speaking about the plight of Albanians in the Preševo Valley at a joint press conference, during which REINHARDT was attempting to de-escalate tensions in the area.¹⁹⁷⁰

460. From early October 1999 – as recorded in a report seized from **Rexhep SELIMI**'s residence – former KLA members in the Karadak OZ continued to coordinate 'operations of significant interest', including by military police units, aimed at identifying and arresting 'Serbian collaborators', with such operations being notified to 'all the competent organs both verbally and in writing.'¹⁹⁷¹

viii. Albania

461. From the creation of the KLA, Albania always played an important role, including as a training ground, supply source, and meeting place.¹⁹⁷² From at least spring 1998, the KLA maintained a steady presence in Albania, including a headquarters, military hospital, and warehouse in Tirana,¹⁹⁷³ and several logistics, mobilisation, and training centres in northern Albania.¹⁹⁷⁴

462. From at least mid-1998, the General Staff Logistics Directorate was operational,

¹⁹⁶⁹ 1DW-007:T.28226(18-Nov-2025)(Open).

¹⁹⁷⁰ P04497_ET:pp.SPOE40016149-SPOE40016150(Public);1DW-007:T.28227-28230(18-Nov-2025)(Open).

¹⁹⁷¹ [REDACTED].

¹⁹⁷² See e.g. P01859_ET.2:pp.SPOE00052998-00053000, SPOE00053004(Public);P04216_ET:p.10(Public); P01883_ET:pp.SPOE00131832-00131833(Public).

¹⁹⁷³ [REDACTED]; [REDACTED];P02087.1_ET:pp.13-15(Public); [REDACTED];P03040_ET(Public);P01748_ET:p.U002-3556(Public).

[REDACTED];[REDACTED];[REDACTED]; P03829(Public);P03914_ET(Public);P01435_ET(Public).

¹⁹⁷⁴ See e.g. P01115.1_ET:pp.21-22, 24, 28-29(Public);P02090.2_ET:p.7(Public);W04403:T.25708-25709(24-Mar-2025)(Open);[REDACTED].

primarily based in Albania,¹⁹⁷⁵ and led by Xhavit HALITI.¹⁹⁷⁶ Azem SYLA, the KLA General Commander, was also primarily based in Albania and involved in, *inter alia*, coordinating logistical matters.¹⁹⁷⁷ HALITI and SYLA communicated with GS members—including **THAÇI**, **VESELI**, **SELIMI**, and **KRASNIQI**—located in Kosovo,¹⁹⁷⁸ including via satellite phone.¹⁹⁷⁹ **THAÇI**, **VESELI**, and **KRASNIQI** also regularly travelled to Albania.¹⁹⁸⁰

463. GS member Xheladin GASHI (aka Commander Plaku) was responsible for all KLA logistics units, bases, and training centres in northern Albania, including those in Cahan, Kukës, Durrës, Krumë, and Bajram Curri.¹⁹⁸¹ Issues concerning logistics, financing, and mobilisation went through him.¹⁹⁸²

464. The General Staff played a central role in coordinating the flow of supplies from Albania to Kosovo: once Zone Commanders notified the General Staff that they lacked weapons, the General Staff ensured the availability of troops to cross the border to collect weapons and other supplies, and communicated with the KLA logistics

¹⁹⁷⁵ W04752:T.17397-17399(01-Jul-2024)(Public).

¹⁹⁷⁶ P00763.5_ET:pp.25-27(Public);[REDACTED].

¹⁹⁷⁷ P00763.5_ET:pp.25-27(Public);[REDACTED];W04746:T.5807-5808(17-Jul-2023)(Open). *See also* W04752:T.17337-17339(01-Jul-2024)(Open);[REDACTED]; [REDACTED]; [REDACTED].

¹⁹⁷⁸ [REDACTED];[REDACTED];P01356_ET:p.5933(Public); [REDACTED];W04752:T.17631-17632(04-Jul-2024)(Open);[REDACTED].

¹⁹⁷⁹ *See e.g.* [REDACTED];[REDACTED]. *See also* [REDACTED];[REDACTED]; [REDACTED];[REDACTED].

¹⁹⁸⁰ [REDACTED];[REDACTED];P00515_ET.56:p.008701(Public); W04752:T.18430-18431, 18437-18438(17-Jul-2025)(Open);[REDACTED]; [REDACTED];P04180:p.019772(Public);P00812_ET.9(Public); P00814_ET.7(Public);P01857_ET:pp.80-81(Public);[REDACTED]; P01264_ET:pp.SPOE00128833, SPOE00128896-00128897(Public). For visits made during the time of Operation Arrow, *see* P00515_ET.61(Public);P00814_ET.9(Public);P00515_ET.62:p.008768(Public); P01264_ET:p.SPOE00128836(Public);[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];P00189_ET.2:pp.U015-8948-U015-8949(Public) (regarding **KRASNIQI**'s visits to Kukës and Cahan/Has).

¹⁹⁸¹ [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED].

¹⁹⁸² [REDACTED];P00763.3_ET:p.4(Public);[REDACTED]; P00739.4_ET:p.16(Public);P01433_ET(Public);W04752:T.17501-17502(03-Jul-2024)(Open); P01264_ET:p.SPOE00128835(Public);[REDACTED]. GASHI also oversaw the military police operating at all KLA bases in Albania, *see* [REDACTED]; [REDACTED];[REDACTED].

command in Albania to organise collection.¹⁹⁸³ Weapons were then brought to specific locations such as Drenoc/Drenovac or Jabllanicë/Jablanica, for onward distribution.¹⁹⁸⁴

465. Similarly, Azem SYLA ensured new KLA recruits arriving in Albania from abroad were transported to the Kosovo border, where they received weapons and equipment. SYLA coordinated their travel and deployment with GS members in Kosovo, including **THAÇI**, **VESELI**, and **SELIMI**.¹⁹⁸⁵ Experienced military officers wanting to join the KLA also waited in Tirana, undertaking training on direction of Azem SYLA, pending the outcome of their background checks, and until the General Staff approved their entry into Kosovo.¹⁹⁸⁶

466. Following the 31 March 1999 mobilisation order,¹⁹⁸⁷ Kukës became the largest mobilisation centre in Albania,¹⁹⁸⁸ and a critical staging point for the preparation of Operation Arrow.¹⁹⁸⁹

467. Around late March 1999, **KRASNIQI** was in Albania – visiting Kukës, Cahan, and other KLA bases¹⁹⁹⁰ – involved in organisational efforts, including ensuring that

¹⁹⁸³ [REDACTED].

¹⁹⁸⁴ [REDACTED]. See also P01433_ET(Public).

¹⁹⁸⁵ [REDACTED];[REDACTED];[REDACTED];[REDACTED];P01115.1_ET:pp.14, 21-22, 24, 28-30(Public); P01115.2_ET:pp.6-8(Public);W04741:T.14660-14663(23-Apr-2024)(Open);P02006.1_ET:pp.9, 12(Public); [REDACTED];W04743:T.24701-24702(28-Jan-2025)(Open);[REDACTED];W03873:T.22613(25-Nov-2024)(Open). See also [REDACTED]; W04752:T.17338(01-Jul-2024)(Open);W04752:T.17547-17548(03-Jul-2024)(Open); P01356_ET:p.6226(Public);P01814:p.SITF00223937(Public);P01816.1_ET:pp.23-24, 26(Public); P01817_ET:pp.57-59, 64(Public);W01453:T.21821-21823(04-Nov-2024)(Open);W01453:T.22082(06-Nov-2024)(Open);[REDACTED].

¹⁹⁸⁶ P01356_ET:pp.5931-5932(Public);[REDACTED];W04403:T.25707-25709(24-Mar-2025)(Open);W04752:T.17544-17545(03-Jul-2024)(Open).

¹⁹⁸⁷ P00114_ET(Public);[REDACTED];P03804_ET(Public).

¹⁹⁸⁸ [REDACTED].

¹⁹⁸⁹ AF943(Public);[REDACTED]. Operation Arrow aimed to reopen supply lines between Albania and Kosovo. See W04752:T.17508-17509(03-Jul-2024)(Open);P01356_ET:pp.6231-6232(Public);[REDACTED];[REDACTED];[REDACTED];P00189_ET.2:p.U015-8951(Public);[REDACTED];P01857_ET:p.85(Public);[REDACTED];P04207_ET:p.3(Public).

¹⁹⁹⁰ P00189_ET.2:pp.U015-8948-U015-8949(Public). KLA bases in Albania took on additional importance around this time, following the commencement of the NATO bombing campaign as a large percentage of the Kosovo population fled across the border, see AF133-AF134(Public).

recruits recognised the General Staff's command.¹⁹⁹¹ Just as **THAÇI**, **VESELI**, and **SELIMI** had done previously, **KRASNIQI**, **VESELI** and Azem SYLA also worked to establish General Staff/PGoK authority over government-in-exile structures, including FARK, in meetings with government-in-exile Defence Minister Halil BICAJ and FARK-affiliated forces in Albania.

468. As decided by the General Staff and PGoK leadership, a specific Operation Arrow command structure was established, which reported to **THAÇI** as Prime Minister through Azem SYLA, PGoK Minister of Defence.¹⁹⁹² Sabit GECI – who previously headed an intelligence unit operating in the Drenicë Zone, committed crimes in Kosovo in 1998, and held a position of authority at the Cahan and Kukës detention sites – was chief of intelligence and counter-intelligence for Albania in spring 1999 and reported directly to the General Staff.¹⁹⁹³

469. In May 1999, Bislim ZYRAPI – who led the preparations for Operation Arrow until the end of May 1999, when he was replaced by Fatmir LIMAJ¹⁹⁹⁴ – established the main Operation command in a house in Kukës, while other command centres were set up in Koshare/Košare and Cahan.¹⁹⁹⁵ **KRASNIQI** and **THAÇI** visited Albania, including Kukës in May 1999.¹⁹⁹⁶ Upon GS orders, Operation Arrow was launched in

¹⁹⁹¹ P00189_ET.2:pp.U015-8946, U015-8948-U015-8949(Public).

¹⁹⁹² [REDACTED];[REDACTED];[REDACTED];W04752:T.17778(08-Jul-2024)(Open);[REDACTED].

¹⁹⁹³ [REDACTED]. *See also* [REDACTED];[REDACTED];[REDACTED]. GECI reported directly to the General Staff, *see* [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED]. *See also* (regarding the existence of parallel reporting lines within the KLA) [REDACTED];[REDACTED]. *See also* (regarding Sabit GECI's role within the KLA) P00763.4_ET:pp.9-10, 12-13, 22(Public); [REDACTED].

¹⁹⁹⁴ W04752:T.17508-17509(03-Jul-2024)(Open);[REDACTED];[REDACTED];[REDACTED];[REDACTED].

¹⁹⁹⁵ W04752:T.17508-17509(03-Jul-2024)(Open);[REDACTED];[REDACTED]; [REDACTED];[REDACTED]; [REDACTED]. Prior to this, Bislim ZYRAPI and other KLA commanders had toured and inspected the KLA bases in Northern Albania, including Kukës and Cahan, in preparation for Operation Arrow. *See* [REDACTED].

¹⁹⁹⁶ P00515_ET.62:p.008768(Public); [REDACTED];P00189_ET.2:p.U015-8948-U015-8949(Public)(regarding **KRASNIQI**'s visits to Kukës, Cahan and Has).

the direction of Pashtrik on 26 May 1999.¹⁹⁹⁷

470. Between April and June 1999, Sabit GECI,¹⁹⁹⁸ Xheladin GASHI and their subordinates arrested, detained, and mistreated Opponents,¹⁹⁹⁹ including those associated with the LDK and FARK, at KLA bases and other locations in northern Albania, including near Kolsh²⁰⁰⁰ and in Durrës, Rramanak, Krumë, Shkodra, Cahan, and Kukës.²⁰⁰¹

4. *The Accused Each Made a Significant Contribution*

471. Each of the **Accused**, both through their collective decision-making on the GS and individual conduct, significantly contributed to the creation, implementation and maintenance of the common purpose. From the outset of the Indictment period, the **Accused** ensured that the violent suppression of Opponents, a hallmark of focus even in earlier years, was implemented.

472. They consolidated units under KLA GS authority, and then enforced that authority; and they escorted into Kosovo and installed in positions of leadership LPK cadres or other trusted persons who created, staffed and operationalised the mechanisms to identify and apprehend Opponents, under the direction and oversight of the GS.

¹⁹⁹⁷ P00814_ET.14(Public);[REDACTED];[REDACTED]. See also W04752:T.17506(03-Jul-2024)(Open);W04752:T.17769(08-Jul-2024)(Open); P01356_ET:p.6231(Public), indicating that some related combat operations had already begun in April 1999.

¹⁹⁹⁸ [REDACTED];[REDACTED]. See also [REDACTED];[REDACTED]; [REDACTED].

¹⁹⁹⁹ [REDACTED];[REDACTED];[REDACTED];[REDACTED]; [REDACTED]. The mobilisation sector's responsibility for detentions at the KMF is further corroborated by [REDACTED], who upon arrival at the KMF to enrol in the KLA, was asked to wait in the warehouse pending verifications, and was later arrested by the military police, see [REDACTED]; [REDACTED];[REDACTED];[REDACTED]. See also [REDACTED];W04752:T.17780(08-Jul-2024)(Open), where W04752 testified about Plaku's decision to arrest a member of the government in exile and his driver in Cahan.

²⁰⁰⁰ [REDACTED];[REDACTED].

²⁰⁰¹ See e.g. [REDACTED];[REDACTED].

473. They prepared and issued regulatory documents to advance the identification, apprehension, detention and merciless treatment of Opponents.

474. They issued orders and held meetings for, and required reports addressing, the implementation of the common purpose.

475. They retained, and even promoted, proven implementers of the common purpose.

476. They issued public communiqués and declarations condemning, threatening and legitimising violence against Opponents, and created print and radio media arms to expand the range of those threats.

477. In the face of enquiries from the international community, they deflected and dissembled, either denying, minimising or misleading regarding detentions; and they created a pretextual military justice system that not only did not attempt to deal with the detention and mistreatment of Opponents, but implemented it.

478. They appointed themselves and each other to key roles in the mechanisms for control, including for identifying and targeting Opponents.

479. At times, they directly participated in the detentions, mistreatment, or disappearances of Opponents.

480. Exercising leadership within the KLA GS was a collective effort, as **Kadri VESELI** explained:

In fact, we have had our responsibilities during the entire war time, in the period 92-98. We had our General Staff and the Operational Staff of the UÇK. We did not have separate duties, but all did whatever we could. We were engaged in leadership, logistics and intelligence, because the circumstances were such.²⁰⁰²

²⁰⁰² P01859_ET.2:p.SPOE00053010(Public).

481. As detailed throughout this Brief, through their participation as key members of the General Staff, the collective decision-making body at the apex of the KLA responsible for the creation, direction and oversight of the structures, policies, practices and actions that furthered the common purpose, the **Accused** contributed in each and all of the categories listed below. The discussion that follows focuses on the contributions made by the **Accused** in their more individualised roles or specialized actions, which by themselves reflected significant contributions to the common purpose.

a. Hashim THAÇI

i. Formulating/implementing plans, policies, rules, structures and reporting

482. **Hashim THAÇI**, aka ‘Gjarpri’ or ‘Snake’,²⁰⁰³ was a founding member of the KLA and its GS along with **VESELI** and **SELIMI**.²⁰⁰⁴ From at least mid-1998, **THAÇI** held particular leadership responsibility for the Political and Information Directorates.²⁰⁰⁵ **THAÇI’s** Political Directorate played a central role in KLA operations, and in the treatment of Opponents.²⁰⁰⁶ **THAÇI** later became the prime minister for the PGoK,²⁰⁰⁷ and, in that capacity, was identified by the KLA itself as its Commander-in-Chief.²⁰⁰⁸

²⁰⁰³ [REDACTED];[REDACTED];1D00104:p.1(Public).

²⁰⁰⁴ [REDACTED];P00739.6_ET:p.1(Public);[REDACTED];
P00847_ET:p.SITF00243001(Public);P00794:p.3310(Public).

²⁰⁰⁵ P00189_ET.1:p.U015-8833(Public);1D00050_ET(Public);[REDACTED];
P00739.4_ET:p.8(Public);P00800:p.5075(Public);[REDACTED].

²⁰⁰⁶ See e.g. P00617_ET:p.SPOE00228802(Public);P00008_ET:p.28(Public).

²⁰⁰⁷ 1D00070_ET(Public);P00645_ET(Public);[REDACTED];P00515_ET.52(Public); P03552_ET:pp.095879-095881(Public);P00739.4_ET:p.10(Public);[REDACTED].

²⁰⁰⁸ P01444:p.078204(Public);P00880:p.SITF40001762(Public);P03916_ET:p.SPOE00228173(Public);
[REDACTED]. It is noted that, in Albanian, the term for ‘Commander-in-Chief’ and ‘General Commander’ is the same (*Komandanti i Përgjithshëm*). **THAÇI’s** explanation for how he came to be identified as the Commander-in-Chief is not believable and contradicted by his own witness. See P00742.7_ET:pp.1-2(Public), *contradicted by* 1DW-006:T.27189-27191(23-Sept-2025)(Open).

483. As a leading figure in the LPK, KLA and PGoK, **THAÇI** was directly involved in the formulation, approval, dissemination and implementation of the plans, policies, and practices in furtherance of the common purpose.²⁰⁰⁹ He oversaw the formulation and dissemination of public information, ensuring that it espoused the KLA General Staff's strategy as it developed.²⁰¹⁰

484. **THAÇI** framed Opponents as threats, and warned that they would face punitive measures.²⁰¹¹ **THAÇI** participated in strategic GS visits to operational zones to formalise command, instruct commanders on 'special warfare,' and align them with the targeting policy, ensuring field level execution of the common plan.²⁰¹² **THAÇI's** role as a critical interlocutor with internationals further evidences his power to formulate plans and policies for the KLA, both before and after becoming Prime Minister.²⁰¹³

485. The creation and announcement of the PGoK in late March 1999, which was led by **THAÇI**,²⁰¹⁴ formally integrated political, intelligence, and policing functions under his executive authority,²⁰¹⁵ through which **THAÇI** continued to actively promote achievement of the common purpose.²⁰¹⁶

²⁰⁰⁹ See Sections II.A.1; II.A.3.a. and b.

²⁰¹⁰ [REDACTED];P00189.1_ET:p.U015-8776(Public);[REDACTED];[REDACTED]. See also Sections II.A.3.h and V.I.

²⁰¹¹ See Section II.A.4.a.

²⁰¹² W04752:T.17372-17373, 17391(01-Jul-2024)(Open);[REDACTED]; P00187_ET:pp.SPOE00055819-00055820(Public);W04651:T.18925-18927(26-Aug-2024)(Open); P00189_ET.1:pp.U015-8859-U015-8861, U015-8863-U015-8864(Public);P01264_ET:pp.SPOE00128741-00128742(Public);[REDACTED];P00164_ET(Public).

²⁰¹³ W04752:T.17548-17549(03-Jul-2024)(Open);[REDACTED];[REDACTED];[REDACTED];[REDACTED];P00763.5_ET:pp.11, 24(Public);[REDACTED];P01091_ET:pp.SPOE00231063-00231066(Public); 4D00040:pp.019593-019594(Public);P00812_ET.2(Public);P01069:p.075317(Public); P04493_ET:p.SPOE00053085(Public);[REDACTED].

²⁰¹⁴ See Section II.A.3.b.

²⁰¹⁵ [REDACTED];[REDACTED].

²⁰¹⁶ W02183:T.23897-23898(20-Jan-2025)(Open);[REDACTED];[REDACTED];W04408:T.7336-7341(6-Sep-2023)(Open);[REDACTED]; P04094:p.067954(Public). See also Section II.A.1.

ii. *Participating in/facilitating/encouraging crimes in furtherance of the common purpose*

486. Throughout the Indictment period, **Hashim THAÇI**'s actions demonstrated an abiding intention to realise political ends while ordering, encouraging and participating in manifestly criminal means to achieve them.

487. **THAÇI** ordered KLA members to assist him in the direct commission of crimes. **THAÇI**'s personal participation, aided by his KLA subordinates, included: (i) removing two detainees, who would never be seen alive again, from one site;²⁰¹⁷ (ii) leading a KLA group which captured 13 civilians for their political beliefs, and personally interrogating them, after his KLA subordinates beat and threatened them with death;²⁰¹⁸ and (iii) questioning two detained and mistreated Serbian journalists at a third site.²⁰¹⁹

488. **THAÇI** encouraged KLA members to 'fight' against anyone who did not recognise the GS or respect **THAÇI**'s own orders,²⁰²⁰ and his KLA subordinates received, understood and implemented his message.²⁰²¹ **THAÇI** also personally threatened Opponents, including with death.²⁰²²

²⁰¹⁷ [REDACTED];[REDACTED];[REDACTED];
[REDACTED];[REDACTED];[REDACTED];[REDACTED].

²⁰¹⁸ W04240:T.20921-20922(22-Oct-2024)(Open);[REDACTED];P00682(Public);
[REDACTED];P00681_ET:p.034140(Public);[REDACTED];[REDACTED];[REDACTED];P00739.8_ET:pp.
12-13(Public);[REDACTED];[REDACTED].

²⁰¹⁹ [REDACTED];[REDACTED];[REDACTED];[REDACTED];P00376(Public);see W04147:T.13977(28-Mar-2024)(Open).

²⁰²⁰ [REDACTED];[REDACTED].

²⁰²¹ [REDACTED];[REDACTED].

²⁰²² [REDACTED];[REDACTED];[REDACTED].

489. **THAÇI** used GS communications to single out targets for consequence under the policy rubric, and directly authored at least one communiqué with the intent to fully destroy a specific Opponent.²⁰²³

iii. *Failure to prevent/investigate/punish*

490. **THAÇI** knew that KLA members were committing crimes against Opponents. Criminal activity was ordered or approved directly by **THAÇI** or through the GS.²⁰²⁴ International interlocutors repeatedly raised crimes by KLA members with him, receiving dissembling or empty assurances in return.²⁰²⁵ **THAÇI** had the authority to prevent such crimes, as evidenced *inter alia* through his authority to release detainees.²⁰²⁶ Despite this, he made no effort to prevent further crimes, investigate or punish the KLA members responsible.²⁰²⁷ This stands in contrast to the GS's greater willingness to investigate unsuccessful military actions²⁰²⁸ and internal disciplinary procedures for transgressions including drinking or the mishandling of weapons.²⁰²⁹

²⁰²³ P00297_ET(Public);P01750_ET;p.5(Public);W04240:T.20770-20771, 20780-20782(21-Oct-2024)(Open); W04240:T.20909-20910(22-Oct-2024)(Open);P00763.3_ET:pp.13-15(Public);[REDACTED];[REDACTED];[REDACTED];P00760_ET.2(Public); P01751_ET(Public).

²⁰²⁴ See e.g. [REDACTED];P00067_ET:p.4(Public); [REDACTED];[REDACTED];[REDACTED];P00760_ET.1(Public);[REDACTED]. See also Section II.A.4.a.vi.

²⁰²⁵ [REDACTED];P00742.13_ET:pp.7-9(Public);[REDACTED];P04082_ET:p.011242(Public);[REDACTED]; [REDACTED];[REDACTED];[REDACTED];W02161:T.10602-10605(05-Dec-2023)(Open).

²⁰²⁶ [REDACTED];[REDACTED];[REDACTED];P00763.7_ET:p.20(Public). See also [REDACTED].

²⁰²⁷ See e.g. [REDACTED];P00742.17_ET:p.6(Public);W02161:T.10602-10605(5-Dec-2023)(Open). See also Sections II.3.m.iii; III.S, where it is noted that **THAÇI** (and others) visited the Bardh i Madh/Veliki Belačevac mine site and were involved in the operation. Later the KLA decided to investigate the military operation, while the **Accused** took no action in relation to the abductions.

²⁰²⁸ P00189_ET.1:p.U015-8838(Public);P01092_ET:p.SPOE00230876(Public); P00188:p.SPOE00053294(Public);P00643_ET:p.SPOE00229213(Public);[REDACTED];[REDACTED];P01449_ET:p.SPOE00209450(Public);[REDACTED];[REDACTED];[REDACTED]. See also P00158_ET:p.2(Public).

²⁰²⁹ P01755.3_ET:pp.2-3, 15-17(Public);W04758:T.21045-21046(23-Oct-2024)(Open); P01763_ET:p.0905551(Public);[REDACTED];[REDACTED]; [REDACTED];[REDACTED]; [REDACTED];AF239(Public).

491. The GS promoted KLA leaders involved in crimes and/or tasked them to train and mobilise KLA recruits.²⁰³⁰ **THAÇI**'s failure to prevent and punish crimes by KLA members, coupled with the retention and promotion of perpetrators, created a culture of impunity which prompted the commission of more crimes and thus furthered the common purpose. From March 1999, **THAÇI** used his power as Prime Minister to appoint his **co-Accused** and named JCE members to senior positions in the PGoK.²⁰³¹

iv. Dissemination of information to promote the common purpose and engender fear/distrust/hatred

492. **Hashim THAÇI** used the dissemination of information through public statements and the media as a mechanism to promote the common purpose to those KLA members who were to implement it.²⁰³²

493. For instance, in June 1998, prominent LDK member Abdyl RAMA was abducted by armed KLA soldiers and brought to **THAÇI**, where he was pressured to make a recorded statement resigning from the LDK and joining the KLA.²⁰³³ His refusal to make such a statement led to mistreatment by **THAÇI**, including threats made against him for failure to accept **THAÇI**'s demands.²⁰³⁴

494. In August 1998, a GS Political Declaration publicly identified the KLA's political representatives, including **THAÇI** and **KRASNIQI**, and warned of a 'merciless' blow to anyone conducting 'special warfare' through 'speculation' on institution building.²⁰³⁵

²⁰³⁰ See e.g. P00795:pp.3412(Public);[REDACTED];P01124_ET:p.5(Public); [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED]. See also Section II.A.4.a.vi.

²⁰³¹ 1D00070_ET(Public);P00813_ET.13:p.SPOE00054965(Public).

²⁰³² See Section II.A.1.b.

²⁰³³ [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED];P01264_ET:pp.SPOE00128633-00128636, SPOE00128718(Public);[REDACTED];[REDACTED];[REDACTED]; [REDACTED]. See also P00323;P00323_ET(Public). See also Section II.A.3.m.v.a.

²⁰³⁴ [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED];[REDACTED].

²⁰³⁵ 1D00050_ET(Public).

Within the GS and PGoK communications framework, **THAÇI** maintained the drumbeat that special warfare and Opponents' activity required preventive and punitive measures.²⁰³⁶ As Prime Minister, **THAÇI** continued to use his authority to equate domestic political dissent with actionable hostility, directing organisational resources towards continued media promulgation of the common purpose.²⁰³⁷

495. **THAÇI** directed external relations with the media which enabled him to influence the circulation of information.²⁰³⁸ In this role, **THAÇI** personally made public statements designed to engender fear, distrust and hatred of Opponents.²⁰³⁹ Multiple media outlets published a communiqué authored by **THAÇI** containing dangerous falsehoods designed to 'eliminate' an Opponent.²⁰⁴⁰

²⁰³⁶ P01256_ET(Public)(**THAÇI's** first public appearance, with emphasis added: 'The Kosovo Liberation Army, consisting of the entire armed forces of Kosovo, under the leadership of its General Staff, faced many offensives of the Serbian occupiers this year. It managed to face successfully all these offensives. Thus, the Kosovo Liberation Army is today better prepared, both in the national and international aspects. *In the national aspect, despite the propaganda and the special war waged before, during and after the offensives of the Serbian occupiers, assisted also by autonomist elements, the Kosovo Liberation Army only consolidated, got more professional, and it has achieved today the highest level of its political-military organisation.*'). These words are particularly notable given that this message is actually a sanitised version from what **THAÇI** initially proposed to say. See W04410:T.16722-16728(05-Jun-2024)(Open); P00741_ET.4(Public);P00739.7_ET:pp.6-7(Public). See also [REDACTED].

²⁰³⁷ As an example, on 12 May 1999, Prime Minister **Hashim THAÇI**, accompanied by PGoK ministers **Kadri VESELI**, **Rexhep SELIMI** and others, visited Kosovapress and expressed appreciation for its work. P00515_ET.54:p.008668(Public);P01293:00:00:35-00:02:03(Public). Less than a week later, Radio Free Kosovo publicly declared that 'The criticisms that Free Kosovo directs at certain political clans are made having the support of the KLA GS, the Government of Prime Minister Hashim THAÇI, and the Government of Albania. All the machinations that conflict with this constellation of the aligned national forces will remain in the sights of our criticism, of our bolstered opposition;because two realities, two governments, or two armies and other hypocritical finagling like this will not be accepted for the fate and future of the people of Kosovo.' P00515_ET.59:p.008726(Public).

²⁰³⁸ W04410:T.16773-16776, 16783-16786(05-Jun-2024)(Open);P01449_ET:p.SPOE00209466(Public).

²⁰³⁹ See e.g. P00310_ET(Public);P00516(Public);[REDACTED]; P00813_ET.24:pp.SPOE00055117-00055118(Public);P04142(Public).

²⁰⁴⁰ P00159_ET:p.1(Public);P00297_ET(Public);P01750_ET:p.5(Public);W04240:T.20781-20782(21-Oct-2024)(Open);W04240:T.20770-20771(21-Oct-2024)(Open);W04240:T.20874-20875(22-Oct-2024)(Open);P00763.3_ET:pp.13-15(Public);[REDACTED];[REDACTED]; P00760_ET.2(Public).

496. KLA members understood that political declarations and communiqués **THAÇI** and others promulgated functioned as instructions, including on matters concerning detainees.²⁰⁴¹

v. Denials/false or misleading information to internationals/public

497. **THAÇI** directed international messaging that denied, downplayed or coded the targeting policy²⁰⁴² while General Staff statements and communiqués continued to propagate that policy internally. This dual track approach preserved implementation while mitigating external scrutiny, in line with KLA policies.²⁰⁴³

498. **THAÇI** also withheld information available to him about victims in an effort to hinder the investigative efforts of their families. [REDACTED].²⁰⁴⁴

499. When confronted about abductions and detentions by KLA members, **THAÇI** reflexively described the KLA as a regular army committed to the law of war.²⁰⁴⁵ In a meeting with Human Rights Watch representatives and together with named JCE member Fatmir LIMAJ, **THAÇI** also falsely claimed that two Serbian journalists detained in Shalë(Sedllarë)/Sedlare had received a trial.²⁰⁴⁶ Such denials internally

²⁰⁴¹ P00693.2_ET:p.19(Public);W04746:T.5562(12-Jul-2023)(Open);[REDACTED]; [REDACTED];[REDACTED]. See also Section II.A.1.b.

²⁰⁴² [REDACTED];W02144:T.16314-16319(29-May-2024)(Open);[REDACTED];W02183:T.23928-23930(20-Jan-2025)(Open);[REDACTED];[REDACTED];[REDACTED].

²⁰⁴³ For instance, a KLA Special Warfare booklet provides that ‘peoples under occupation [...] must organise a powerful propaganda’. P00164_ET:p.U002-2805(Public). Compare P00579_ET:p.SPOE00232612(Public) with P00288_ET(Public). See also **THAÇI**’s threats to ‘liquidate’ those in the FARK when speaking with Ahmet KRASNIQI in September 1998: [REDACTED];[REDACTED].

²⁰⁴⁴ [REDACTED];[REDACTED]; [REDACTED];[REDACTED]. [REDACTED].

²⁰⁴⁵ [REDACTED];[REDACTED];[REDACTED]. See also [REDACTED];P00755:p.SITF00172748(Public).

²⁰⁴⁶ W04408:T.7319-7335(06-Sep-2023)(Open);P00300_ET(Public);P00742.14_ET:pp.1-2(Public).

legitimised and externally deflected from crimes of KLA members, advancing the common purpose.²⁰⁴⁷

vi. Appointing/promoting/approving appointments and promotions

500. **Hashim THAÇI** used his authority within the GS promotion process to reward key implementers of the common purpose and maximise their criminal contributions.²⁰⁴⁸ For instance, following his leading role in the murder of 12 detainees in Malishevë/Mališevo, Haxhi SHALA was tasked with the command of the 121 Brigade. Fatmir LIMAJ, who was SHALA's superior at that time, and Musë JASHARI, who had direct involvement in several crimes, were elevated to positions in the GS after having overseen an array of detentions, murders and abuses.²⁰⁴⁹

501. **Hashim THAÇI** participated in reviewing promotions, dismissals, and assignments at senior levels, enabling centralised alignment of commanders with the common purpose. He exercised, through direct interventions and structures like the Personnel Council, of which he was a member,²⁰⁵⁰ continual leverage over commanders

²⁰⁴⁷ The evidence of **THAÇI's** public calls for a multi-ethnic society – made under pressure by the international community and of questionable sincerity – change nothing in this respect. [REDACTED];P04094:p.067954(Public);W04868:T.18654-18658(19-Aug-2024)(Open);1D00176_ET:p.6(Public), read with P04497_ET:pp.SPOE40016149-40016150(Public);1DW-007:T.28227-28230(18-Nov-2025)(Open). See also P04501(Public)('Thaqi turned nasty. "Nobody plays games with the KLA," he shouted at me. "If you think you can issue directions to us, then you are mistaken and you will regret it').

²⁰⁴⁸ **THAÇI** also had the authority to directly appoint commanders, demonstrating he in fact could convey orders or binding decisions. See e.g. W04744:T.16973-16976(24-Jun-2024)(Open); [REDACTED].

²⁰⁴⁹ See Section III.E. See also P01817_ET:p.3757-3578(Public);P01264_ET:p.SPOE00128842(Public).

²⁰⁵⁰ [REDACTED];P01393_ET(Public). The cited page of P01109 was written by W04401, who unconvincingly tried to explain these may not have been contemporaneous meeting notes, see W04401:T.23036-23045(02-Dec-2024)(Open).

whose obedience and discipline were also guaranteed by GS regulations he supported.²⁰⁵¹

502. **THAÇI** personally intervened in zone leadership disputes to enforce GS decisions.²⁰⁵² When the Dukagjin chain of command was altered locally, GS members including **THAÇI** travelled to the zone, annulled the change, and reinstated the GS preferred commander.²⁰⁵³ **THAÇI** also resolved a conflict between named JCE member Shukri BUJA and another KLA commander, ensuring that the leaders fulfilling the common criminal purpose continued their work.²⁰⁵⁴

503. Under the PGoK, **THAÇI** recognised the loyalty of the GS members who had contributed to the common purpose through appointments to decisive posts, including those most relevant to the Opponent policy, including **Jakup KRASNIQI** as PGoK Spokesperson,²⁰⁵⁵ **Kadri VESELI** as the head of the intelligence service (SHIK)²⁰⁵⁶ and **Rexhep SELIMI** as Minister of Public Order with operational control over police.²⁰⁵⁷ In turn, **VESELI** worked with named JCE members Sabit GECI and Latif GASHI in SHIK,²⁰⁵⁸ and **SELIMI** assigned Nexhmi KRASNIQI to the command in Prizren after KRASNIQI had overseen prior detentions and abuses in cooperation with **SELIMI**,

²⁰⁵¹ See e.g. P01817_ET:p.83(Public);[REDACTED];W01453:T.21886, 21900-21901(05-Nov-2024)(Open);W01453:T.22248(07-Nov-2024)(Open);W04746:T.5482-5484(11-Jul-2023)(Open);W04746:T.5514, 5532(12-Jul-2023)(Open);Section II.A.3.a.i.b. As for how the Personnel Council worked in practice, see also P00617_ET:p.SPOE00228801(Public).

²⁰⁵² W01511:T.19599-19601(04-Sep-2024)(Open);W01511:T.19451-19455(03-Sep-2024)(Open).

²⁰⁵³ W04752:T.17372(01-Jul-2024)(Open);W04752:T.17596(03-Jul-2024)(Open);P01741:para.22(Public);P01740.2_ET:pp.11-12(Public);[REDACTED];[REDACTED];W01511:T.19465-19466(03-Sep-2024)(Open);W04448:T.10146-10147, 10153(15-Nov-2023)(Open);[REDACTED];[REDACTED];[REDACTED];P03114_ET(Public).

²⁰⁵⁴ P01115.4_ET:pp.4-6(Public);W04741:T.14837-14841(24-Apr-2024)(Open). See also [REDACTED];Section III.W.

²⁰⁵⁵ See Section II.A.4.d.

²⁰⁵⁶ [REDACTED](**VESELI** describing how he reported directly to **THACI** as PGoK prime minister);P00789:p.SITF00398184(Public); [REDACTED].

²⁰⁵⁷ P00189_ET.1:p.U015-8859(Public).

²⁰⁵⁸ [REDACTED];P00763.4_ET:pp.9-12(Public);[REDACTED];W04290:T.24990-24992(10-Feb-2025)(Open);[REDACTED]; [REDACTED];P00763.4_ET:pp.13(Public). See also [REDACTED];Sections II.A.4.a.ii; II.A.3.m.viii; III.A; III.N.

Fatmir LIMAJ and Haxhi SHALA.²⁰⁵⁹ Named JCE member Sylejman SELIMI was also appointed by **THAÇI** to lead a National Guard.²⁰⁶⁰ **THAÇI** had also been directly involved in early arrangements for the identification and appointment of PGoK 'mayors' to each municipality.²⁰⁶¹

vii. Providing/arranging/facilitating political, logistical, military or financial support

504. The GS, including **THAÇI**, collectively ensured that logistical support was available for the needs of his KLA subordinates, including to run detention centres.²⁰⁶² **THAÇI** made various efforts to get weapons to trusted KLA commanders for further dissemination, and ensured that those recruited were trained how to use them.²⁰⁶³ **THAÇI** maintained that weapons were only for those who supported the GS – and implicitly, the common purpose - and that those who did not were 'criminals'.²⁰⁶⁴

viii. Coordinating and liaising between JCE Members and Tools

505. An 'incredible organiser', **THAÇI** was a 'fighter and at the same time he [was] a political leader'.²⁰⁶⁵ **THAÇI** monitored the implementation of the common purpose through his personal presence in the field, and was noted for his calm ability to instruct

²⁰⁵⁹ [REDACTED];[REDACTED]. For crimes, *see e.g.* [REDACTED];[REDACTED]; [REDACTED];[REDACTED]. *See also* [REDACTED];[REDACTED];P01264_ET:pp.SPOE00128642-00128643(Public);[REDACTED];[REDACTED].

²⁰⁶⁰ [REDACTED];[REDACTED]; P00763.5_ET:pp.12-13(Public).

²⁰⁶¹ *See* Section II.A.

²⁰⁶² *See e.g.* [REDACTED];Section II.A.3.e.

²⁰⁶³ P00739.4_ET:p.16(Public);P01883_ET(Public);P00739.6_ET:pp.2, 4(Public);P00763.5_ET:pp.25-26(Public);[REDACTED];W04752:T.18259-18260(15-Jul-2024)(Open); W01453:T.21880-21887(05-Nov-2024)(Open);P04179:p.019748(Public). *See also* [REDACTED]; [REDACTED]. *See also* Section II.A.3.m.viii.

²⁰⁶⁴ [REDACTED].

²⁰⁶⁵ P04216:00:08:05-00:09:00, 00:16:49-00:17:23(Public);P04216_ET:pp.4, 8(Public); P04513:p.SPOE00406188(Public).

in pressured circumstances.²⁰⁶⁶ Musë JASHARI, who both had knowledge of and participated in crimes, specifically noted that ‘we could speak freely with [THAÇI]’.²⁰⁶⁷

506. Using his authority to direct the placement of KLA members,²⁰⁶⁸ Hashim THAÇI took part in recruiting, assembling, and distributing implementers of the common purpose across operational areas.²⁰⁶⁹ For instance, THAÇI was pivotal in Fatmir LIMAJ and Haxhi SHALA’s deployment to Malishevë/Mališevo and Kleçkë/Klečka, where they organised, recruited, and commanded JCE members and tools.²⁰⁷⁰ He also visited and liaised with Lahi BRAHIMAJ, the known commander of Jabllanicë/Jablanica and its detention centre, where mistreatment of detainees took place openly.²⁰⁷¹

507. In order to, *inter alia*, ensure the furthering the common purpose, THAÇI visited sites where crimes of KLA members were being committed. He met with senior KLA

²⁰⁶⁶ W04752:T. 17587, 17613-17614(03-Jul-2024)(Open);[REDACTED]; P04203_ET:pp.6-7(Public);[REDACTED];[REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED];P01745_ET:p.6D00-0782 (‘[w]e were waging the war. Hashim's presence was important for morale’). W04290 claimed not to remember saying this in interview P01745 (W04290(13-Feb-2025):T.25259(Public)), but this answer is unconvincing and evasive given that (i) W04290 had an opportunity to review P01745 in full during his preparation session, to which he made no corrections to this part;and (ii) he confirmed elsewhere in his testimony that everything said in this interview is correct but for the two (unrelated) matters he corrected in the preparation session, *see* W04290:T.24908-24910(10-Feb-2025)(Open).

²⁰⁶⁷ [REDACTED];Section II.A.4.a.vi;Section III.E.

²⁰⁶⁸ See Section II.A.4.a.i.

²⁰⁶⁹W04752:T.18259-18260(15-Jul-2024)(Open);P00606_ET:p.1(Public);P00739.7_ET:p.11-12(Public); P00739.8_ET:p.8(Public);[REDACTED];P01268_ET:p.1(Public); P00837_ET:p.2(Public);P00189_ET.1:p.U015-8853(Public);W03873:T.22583-22585(25-Nov-2024)(Open); W04752:T.17338-17339(01-Jul-2024)(Open);P01269_ET(Public);[REDACTED];[REDACTED];[REDACTED]; P01745_ET:pp.6D00-0773, 6D00-0782(Public);P01814:p.SITF00223937(Public);[REDACTED];W01453:T.21822-21828, 21857-21861(04-Nov-2024)(Open);W01453:T.21880-21887(05-Nov-2024)(Open). THAÇI also attended at least one oath ceremony for new KLA members, *see* W04410:T.16675-16681(04-Jun-2024)(Open);P01264_ET:pp.SPOE00128642-00128643(Public); [REDACTED].

²⁰⁷⁰ P01816.1_ET:pp.28-32(Public);P01820_ET:pp.16-17(Public);[REDACTED]; P01812_ET:pp.SPOE00229778-00229780(Public);W01453:T.21927(5-Nov-2024)(Open);[REDACTED]. *See also* Section III.N.

²⁰⁷¹ [REDACTED];[REDACTED];[REDACTED]; [REDACTED];P00730:p.4262, 4265(Public);W04752:T.17372-17374(01-Jul-2024)(Open); [REDACTED]. *See also* [REDACTED]; [REDACTED];[REDACTED].

officials in Likoc/Likovac²⁰⁷² and the wider Drenicë Zone,²⁰⁷³ Jabllanicë/Jablanica,²⁰⁷⁴ Drenoc/Drenovac,²⁰⁷⁵ Malishevë/Mališevo,²⁰⁷⁶ Budakovë/Budakovo,²⁰⁷⁷ Kleçkë/Klečka,²⁰⁷⁸ Bajgorë/Bajgora,²⁰⁷⁹ the Shala and Llap Zones,²⁰⁸⁰ and Kukës in Albania,²⁰⁸¹ demonstrating his hands-on control over those who would implement policy in the field.

b. Kadri VESELI

i. Formulating/implementing plans, policies, rules, structures and reporting

508. A founding member of the KLA and its GS and an early participant in its armed attacks,²⁰⁸² VESELI participated in General Staff meetings where decisions were taken on the organisation of the KLA and appointments of commanding staff.²⁰⁸³ He was head of the GS Intelligence Directorate (known as G-2/ZKZ) from at least June 1998.²⁰⁸⁴

²⁰⁷² [REDACTED].

²⁰⁷³ P01745:pp.U003-9097, U003-9104-U003-9106(Public);P04179(Public);P01813_ET:pp.SPOE00227472-SPOE00227473(Public);P00518(Public).

²⁰⁷⁴ P01748_ET:p.U002-3548(Public);W04752:T.17372-17374(01-Jul-2024)(Open); P01813_ET:pp.SPOE00227472-00227473(Public).

²⁰⁷⁵ [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED]. *See also* [REDACTED];[REDACTED].

²⁰⁷⁶ [REDACTED];[REDACTED];[REDACTED]; W04410:T.16680(04-Jun-2024)(Open);[REDACTED];P04216(Public); P04216_ET:p.16(Public).

²⁰⁷⁷ [REDACTED];[REDACTED];[REDACTED];[REDACTED].

²⁰⁷⁸ [REDACTED].

²⁰⁷⁹ P00739.8_ET:p.1(Public).

²⁰⁸⁰ P00739.8_ET:p.1(Public);P00189_ET.1:p.U015-8859(Public);P00187_ET:pp.SPOE00055819-00055821, SPOE00055838(Public);W04746:T.5618-5630(13-Jul-2023)(Open).

²⁰⁸¹ [REDACTED];[REDACTED].

²⁰⁸² [REDACTED]. *See also* P00847_ET:p.3(Public);[REDACTED]; P04200_ET:p.3(Public);P00186_ET:p.0026190(Public);P01859_ET.2:p.SPOE00053002-SPOE00053004(Public).

²⁰⁸³ 12 and 13 November 1998 in Lladrovë/Ladrovac: W04752: T.17396(01-Jul-2024);[REDACTED];12 March 1999 in Berishë/Beriša mountains: [REDACTED]; [REDACTED];[REDACTED].

²⁰⁸⁴ *See* Section II.A.3.k; [REDACTED];W03873:T.22747(26-Nov-2024)(Open);[REDACTED]. VESELI places himself formerly as the head of G-2 only in September 1998. *See* [REDACTED]. VESELI was nevertheless exercising intelligence functions well before this point. *See* [REDACTED]; P01859_ET.2:pp.SPOE0053010-00053011(Public);P00189.1_ET:p.U015-8833(Public); P01881_ET:p.SPOE00226857(Public).

VESELI (also known as ‘Luli’ or ‘7’²⁰⁸⁵) ran the apparatus responsible for identifying suspected collaborators,²⁰⁸⁶ collecting and analysing information about them,²⁰⁸⁷ and maintaining contacts with intelligence units.²⁰⁸⁸ From early on, intelligence was essential for the KLA’s ability to carry out ‘operations’, including against Opponents.²⁰⁸⁹

509. Noting the political component of the Opponent policy, **VESELI** was also a member of the KLA Political Directorate.²⁰⁹⁰ In addition to the policy function of the Political Directorate, which guided operational activities,²⁰⁹¹ **VESELI** had diplomatic responsibilities,²⁰⁹² served as a principal liaison in negotiations²⁰⁹³ and contacts with internationals²⁰⁹⁴ under his GS authority. Such actions demonstrated that GS decisions—once taken—were binding across zones and that **VESELI** could speak and act for the GS.²⁰⁹⁵ **VESELI**’s diplomatic role, including time spent abroad, does not extricate him from the JCE to which he willingly subscribed. In fact, the evidence shows that, often together with **THAÇI**, he played an organising and directing role also from outside Kosovo.²⁰⁹⁶

²⁰⁸⁵ See Section III.B; [REDACTED]; [REDACTED]; W04765:T.10422-10423(04-Dec-2023)(Open); [REDACTED]; W04444:T.9902(13-Nov-2023)(Open); W04743:T.24488-24606(27-Jan-2025)(Open).

²⁰⁸⁶ [REDACTED]; [REDACTED]; P04212_ET:p.1(Public).

²⁰⁸⁷ [REDACTED].

²⁰⁸⁸ P00083_ET:p.SPOE00225109, para.14. See also [REDACTED].

²⁰⁸⁹ P01859_ET.2;p.SPOE00053009-SPOE00053010(Public).

²⁰⁹⁰ [REDACTED]; [REDACTED]; [REDACTED].

²⁰⁹¹ See Section II.A.3.h.

²⁰⁹² 1D00166_ET(Public); W03873:T.22824-22825(27-Nov-2024)(Open).

²⁰⁹³ W04752:T.17394(01-Jul-2024)(Open); W03873:T.22576, 22758-22759(26-Nov-2024)(Open); [REDACTED]; [REDACTED].

²⁰⁹⁴ P01296:00:03:50-00:04:15(Public); 2D00023:00:00:01-00:00:06(Public); W04410:T.16754-16756(05-Jun-2024)(Open); [REDACTED]; W02144:T.16319-16321(29-May-2024)(Open); [REDACTED]; P01264_ET:pp.SPOE00128903-00128905(Public).

²⁰⁹⁵ See e.g. [REDACTED]. See also W01453:T.22004-22007(05-Nov-2024)(Open); W01453:T.22168(07-Nov-2024)(Open); P00524(Public); [REDACTED]; [REDACTED]; [REDACTED].

²⁰⁹⁶ 1D00243_ET:p.DHT04009(Public); P01449_ET:pp.SPOE00209482-SPOE00209483(Public); [REDACTED].

510. **VESELI** was recognised by KLA Zone Commanders as one of its top leaders.²⁰⁹⁷ During **VESELI**'s leadership of G-2, its Intelligence structure was replicated at the zone level.²⁰⁹⁸ As head of the Intelligence Directorate, **VESELI** effectively oversaw all intelligence matters in the KLA,²⁰⁹⁹ in line with KLA regulations,²¹⁰⁰ which made him responsible for organising and directing the work of those subordinate units. He assigned tasks,²¹⁰¹ and received reports from the zone intelligence units.²¹⁰² He cultivated and protected the secrecy that allowed intelligence operations against 'opponents' to function even as public messaging was moderated to avoid external scrutiny.²¹⁰³ He was reconfirmed in Intelligence leadership in late 1998 restructuring,²¹⁰⁴ maintaining his remit even as the GS expanded formal directorate roles and codified reporting lines.

511. **VESELI** implemented a structure of Intelligence units²¹⁰⁵ in which zone-level intelligence operatives reported upwards, including to **VESELI** himself.²¹⁰⁶ For example, in Prizren, local intelligence officer W04679 reported the detention of a scheduled victim at the MUP building to the zone commander, Tahir SINANI.²¹⁰⁷ However, parallel channels also bypassed certain zone commanders in sensitive

²⁰⁹⁷ [REDACTED]. See also [REDACTED];P01449_ET:pp.SPOE00209450, SPOE00209455-00209456(Public);P01264_ET:pp.SPOE00128618-00128619, SPOE00128630(Public).

²⁰⁹⁸ See Section II.A.3.m. See also [REDACTED].

²⁰⁹⁹ W03873:T.22654-22655(25-Nov-2024)(Open);P01859:p.SPOE00052989(Public).

²¹⁰⁰ P00083_ET:p.SPOE00225109(Public);P03671_ET:p.SITF00242153(Public).

²¹⁰¹ W03873:T.22721-22722(26-Nov-2024)(Open).

²¹⁰² W04743:T.24676-24680(28-Jan-2025)(Open);[REDACTED].

²¹⁰³ [REDACTED];P00789:p.SITF00398193, SITF00398213(Public).

²¹⁰⁴ W04752:T.18363-18365(Public)(16-Jul-2024);P01356:pp.5940-5942(Public); [REDACTED];4D00077:p.SITF00393438(Public); P01859_ET.2:p.SPOE00052994(Public);[REDACTED].

²¹⁰⁵ P01859_ET.2:p.SPOE00053011(Public). See also P01386_ET:p.1(Public).

²¹⁰⁶ [REDACTED];W03873:T.22829-22830(27-Nov-2024)(Open);W03873:T.22715-22718(26-Nov-2024)(Open);[REDACTED];[REDACTED]; W03873:T.22654-22655(25-Nov-2024)(Open);P01863_ET:p.1(Public);[REDACTED]; [REDACTED];W04743:T.24758(29-Jan-2025)(Public).

²¹⁰⁷ [REDACTED].

matters.²¹⁰⁸ For example, despite his equivocation,²¹⁰⁹ Pashtrik OZ intelligence officer Halil QADRAKU would - at least on occasion - report directly to the GS.²¹¹⁰ This dual reporting placed critical information under the immediate control of **VESELI** and the other **Accused**.

512. **VESELI**'s role as head of Intelligence included relaying information from the Zones about the detention of suspected collaborators to others on the national level of the KLA. As noted by W04752: '[h]is duty was to receive such reports [from zone commanders], then inform the legal sector'.²¹¹¹ **VESELI** provided intelligence information directly to other GS members, further evincing the collective operation of the GS.²¹¹²

513. Intelligence officers at the zone level were directly involved in implementing the common criminal purpose. Named JCE members like Sabit GECI, who mistreated detainees at multiple charged crime sites, fell squarely under his authority.²¹¹³ Notably, Sabit GECI continued to function in the KLA and commit crimes even after it became widely known he was mistreating Opponents.²¹¹⁴ Similarly, Latif GASHI, an Intelligence

²¹⁰⁸ See e.g.

[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED]. W03873's attempts to explain [REDACTED] as something other than a separate reporting line are unconvincing and contradicted by the terms of the letter itself: W03873:T.22726-22727(26-Nov-2024)(Open). W04744 posited that W03873 may not have known how to properly report when circumventing the zone command with [REDACTED], but W04744 was present when Commander Drini gave a prior warning to act through the zone commanders: W04744:T.17016-17017, 17023-17024(24-Jun-2024)(Open). The evidence as a whole shows that [REDACTED] was deliberately sent through parallel reporting. On parallel reporting more generally, see also [REDACTED].

²¹⁰⁹ W03873:T.22715(26-Nov-2024)(Open).

²¹¹⁰ [REDACTED].

²¹¹¹ [REDACTED]. See also [REDACTED];[REDACTED].

²¹¹² [REDACTED].

²¹¹³ [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED];P00763.4_ET:pp.5-10(Public). **VESELI**'s own denial of any responsibility over Sabit GECI - a notorious convicted war criminal in Kosovo - is not credible in light of the other credible and reliable indications that GECI worked for the General Staff and **VESELI** specifically. See [REDACTED];P00763.4_ET:pp.9-10(Public).

²¹¹⁴ P01077:p.075365(Public);[REDACTED].

officer in the Llap OZ, played a central role in the commission of crimes.²¹¹⁵

514. Under the PGoK, **VESELI** became chief of SHIK—the state-level intelligence service.²¹¹⁶ SHIK reported to the Prime Minister and continued its Intelligence work in contravention of UN Security Council Resolution 1244.²¹¹⁷ As SHIK chief, he led the same operation with greater formal authority²¹¹⁸ and the overall mandates of G-2 and SHIK were similar.²¹¹⁹ **VESELI's** stated intention was to uncover Serbian 'manipulation'²¹²⁰ and obtain information on enemy positions.²¹²¹ Interrogation of suspected collaborators was central to achieving this objective – an objective that was implemented throughout the war, including with **VESELI's** involvement.²¹²²

ii. Participating in/facilitating/encouraging crimes in furtherance of the common purpose

515. Notable examples of **VESELI's** direct participation and facilitation of the charged crimes include:

- a. **Kadri VESELI**, through the collective decision of the GS, appointed Xhemë GASHI²¹²³ to be the head of a Drenoc/Drenovac unit²¹²⁴ which – in the words of the **VESELI** Defence - was running a 'torture operation'.²¹²⁵ **VESELI** was personally involved in removing two Drenoc/Drenovac detainees, who

²¹¹⁵ See Section III.C;Section III.H;Section III.I.

²¹¹⁶ 1D00070_ET(Public);[REDACTED];P00789;pp.SITF00398184-00398185(Public).

²¹¹⁷ W02183:T.24178-24179(22-Jan-2025)(Open).

²¹¹⁸ W03873:T.22652-22653(25-Nov-2024)(Open);P00709_ET(Public);P01862_ET(Public);[REDACTED];[REDACTED].

²¹¹⁹ [REDACTED];P01859_ET.2;p.SPOE00053011(Public); [REDACTED].

²¹²⁰ [REDACTED].

²¹²¹ [REDACTED].

²¹²² See Section III.D;Section III.N.

²¹²³ [REDACTED].

²¹²⁴ [REDACTED];[REDACTED].

²¹²⁵ [REDACTED].

would never be seen again.²¹²⁶

- b. **VESELI** personally transferred a mistreated detainee to Klečkë/Klečka, was present in the Klečkë/Klečka detention site often, and had the authority to order the release of detainees held there,²¹²⁷ further evincing his oversight and direct role in the detention (and if he so ordered, the release) of Opponents. **VESELI** himself declared under oath that he was nominated as head of SHIK at the end of March 1999 and before that the head of G-2, that one of the segments of his activity was dealing with Serb collaborators, that he knew W04743 very well, and that W04743 was a SHIK member and ‘one of the best guys coming out from the war’.²¹²⁸ W04743 was a high-ranking MP and intelligence KLA member involved in the detention and mistreatment of Opponents in Klečkë/Klečka.²¹²⁹

516. This conduct was not accidental or coincidental. These examples of **VESELI**’s personal participation are significant, not only in their intentional and manifest contribution to the common criminal purpose, but also as revealing **VESELI**’s broader awareness and acceptance of the JCE to which **VESELI** was a willing participant.

517. More generally, **VESELI** had responsibility for and oversaw the KLA Intelligence services, which were specifically tasked - in cooperation with the Military Police - with

²¹²⁶ [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];
[REDACTED];[REDACTED]. See also [REDACTED]. [REDACTED]: [REDACTED];[REDACTED];
[REDACTED];[REDACTED].

²¹²⁷ [REDACTED]. See also [REDACTED]; [REDACTED]. See Section III.N; [REDACTED];[REDACTED];
[REDACTED];[REDACTED]; [REDACTED];[REDACTED]; [REDACTED].

²¹²⁸ P00789:pp:SITF00398184-00398186, SITF00398194(Public). W04743’s testimony about **Kadri VESELI** and the transferred Klečkë/Klečka detainee must be evaluated in this light. See W04743:T.24780-24781(29-Jan-2025)(Open). See also W04743:T.24678-24679(28-Jan-2025)(Open).

²¹²⁹ See Section III.N.

identifying and taking measures against Opponents.²¹³⁰

iii. Failure to prevent/investigate/punish

518. **VESELI** failed to prevent, investigate and/or punish any of the crimes, despite his prominent role in the GS, and even after being confronted with allegations against KLA members.²¹³¹ For example, **VESELI** failed to investigate or punish KLA Intelligence officers in the Zones who were committing crimes, such as Latif GASHI,²¹³² Sabit GECI²¹³³ and Xhavit ELSHANI.²¹³⁴ **VESELI** elsewhere failed to act on information he received from victims to find out what happened to their loved ones who went missing in Drenoc/Drenovac.²¹³⁵

519. Throughout the Indictment period, and in addition to his knowledge,²¹³⁶ **VESELI**'s presence is documented in close proximity to KLA detention sites at the times of the charged crimes, yet he failed to use his position of authority to prevent, investigate, or punish the perpetration of crimes. For example, **VESELI** was either personally present at, or observed in relative proximity to, alleged KLA detention sites in the Drenicë OZ (Likoc/Likovac);²¹³⁷ Dukagjin OZ (Jabllanicë/Jablanica);²¹³⁸ and Pashtrik OZ (Llapushnik/Lapušnik,²¹³⁹ Drenoc/Drenovac,²¹⁴⁰ Rahovec/Orahovac,²¹⁴¹

²¹³⁰ See Section II.A.3.k;W04746:T.5905-5907(17-Jul-2023)(Open);P00158_ET:p.2(Public); P01752_ET(Public);P00310_ET:p.SPOE00056468(Public). See also [REDACTED];P00890_ET:p.U001-7061(Public);P00008_ET:pp.27-28(Public).

²¹³¹ See e.g. [REDACTED].

²¹³² See Section III.C;Section III.H;Section III.I.

²¹³³ See Sections III.L; III.P; III.Q.

²¹³⁴ [REDACTED]. See [REDACTED]; [REDACTED];[REDACTED].

²¹³⁵ [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED].

²¹³⁶ See Section II.A.5.

²¹³⁷ [REDACTED];[REDACTED]; P01449_ET:p.SPOE00209450(Public).

²¹³⁸ [REDACTED];P01748_ET:p.U002-3548(Public);P00189_ET.1:pp.U015-8854-U015-8855(Public).

²¹³⁹ [REDACTED];P01092_ET:p.SPOE00230869(Public).

²¹⁴⁰ [REDACTED];[REDACTED]; W04752:T.17571-17572(03-July-2024)(Open);P00607_ET:p.4(Public).

²¹⁴¹ P00795:pp.3415, 3417(Public);[REDACTED];W02144:T.16206-16212(28-May-2024)(Open).

Malishevë/Mališevo,²¹⁴² Klečkë/Klečka,²¹⁴³ and Budakovë/Budakovo²¹⁴⁴).

iv. Dissemination of information to promote the common purpose and engender fear/distrust/hatred

520. From his presence at the filming of the first appearance of **KRASNIQI** as spokesperson,²¹⁴⁵ **VESELI** facilitated in close cooperation with **THAÇI**²¹⁴⁶ the dissemination of KLA public statements which formed the backbone of the collaborator policy.²¹⁴⁷ **VESELI** worked in the Political Directorate, the arm of the GS dedicated to the formation and distribution of KLA policy generally.²¹⁴⁸

521. Through his regular communication with GS members – and **THAÇI** in particular²¹⁴⁹ – **VESELI** received, assessed, and forwarded intelligence that informed GS communiqués and declarations (including those announcing preventive and punitive measures), providing the factual backbone that gave those communications practical currency.²¹⁵⁰

v. Providing/arranging/facilitating political, logistical, military or financial support

522. **Kadri VESELI** oversaw the recruitment, training, and deployment of intelligence

²¹⁴² [REDACTED];P01449_ET:p.SPOE00209457(Public).

²¹⁴³ [REDACTED];[REDACTED].

²¹⁴⁴ [REDACTED].

²¹⁴⁵ See e.g. P01255(Public);W04410:T.16640-16648(04-Jun-2024)(Open).

²¹⁴⁶ P04232_ET:p.SPOE00246068-00246069(Public).

²¹⁴⁷ P01264_ET:pp.SPOE00128613-00128614, SPOE00128617-00128622, SPOE00128628, SPOE00128630, SPOE00128632, SPOE00128640-00128642, SPOE00128654, SPOE00128659, SPOE00128717, SPOE00128889, SPOE00128904(Public);P01255(Public);P01255_ET(Public);P01286_ET(Public);P00515_ET.54:p.008668(Public);P00515_ET.59:p.008726(Public).

²¹⁴⁸ [REDACTED];[REDACTED]; [REDACTED].

²¹⁴⁹ [REDACTED];P00763.5_ET:pp.1-3, 9(Public);

[REDACTED];P04200_ET:p.3(Public);P00739.4_ET:pp.14-15(Public); [REDACTED].

²¹⁵⁰ See e.g. P01752_ET(Public). See also [REDACTED]; [REDACTED].

officers and others under his GS authority.²¹⁵¹ As with the other **Accused**, he personally liaised both inside and outside Kosovo with networks to secure communications, supplies, and movement of personnel necessary for the KLA.²¹⁵² He enhanced the operational and logistical structure through which the common criminal purpose was implemented – a functional intelligence structure allowing for the common criminal purpose itself to be functional and applied across the territory of Kosovo.

vi. Coordinating and liaising between JCE Members and Tools

523. **Kadri VESELI** closely cooperated with **THAÇI** to recruit, organise and command JCE members and tools.²¹⁵³ He visited the front lines²¹⁵⁴ and escorted soldiers, including JCE members and tools, into Kosovo who were then installed as commanders.²¹⁵⁵ **VESELI** worked closely with KLA commanders who were receiving reports of crimes, and had authority over disciplinary matters and dealt with misconduct by subordinates.²¹⁵⁶ For example, **VESELI** routinely coordinated with Musë JASHARI, commander of Pashtrik OZ,²¹⁵⁷ who was involved in the commission of crimes in Likoc/Likovac in April 1998.²¹⁵⁸ Before Musë JASHARI's promotion to the General Staff, he was also directly informed of the mass execution of Serb detainees [REDACTED], only to then order the transfer of further detainees from Malishevë/Mališevo to Drenoc/Drenovac where they were received by Xhemë GASHI

²¹⁵¹ W04679:T.22297-22298(18-Nov-2024)(Open);W04741:T.14831-14833(24-Apr-2024)(Open); P01859_ET.2:pp.SPOE00053012-00053013(Public);P01748_ET:p.U002-3548(Public).

²¹⁵² P01813_ET:pp.SPOE00227472-00227473(Public);P04200_ET:p.3(Public); P01883_ET:pp.SPOE00131832(Public);[REDACTED];W03873:T.22825-22827(27-Nov-2024)(Open);[REDACTED].

²¹⁵³ P00837_ET:p.2(Public). *See* Section II.A.2.

²¹⁵⁴ W04752:T.18266(15-Jul-2024)(Open);W04410:T.16632-16636(04-Jun-2024)(Open);P01267_ET(Public); P00795:pp.3415, 3417(Public);[REDACTED];P01115.1_ET:p.18(Public); P01293:00:29:12(Public).

²¹⁵⁵ W04752:T.17610-17613(03-Jul-2024)(Open);[REDACTED].

²¹⁵⁶ [REDACTED];P00709_ET(Public);[REDACTED]. *See also* Section II.A.3.m.i.

²¹⁵⁷ [REDACTED].

²¹⁵⁸ *See* Section III.A.

before being killed.²¹⁵⁹ **VESELI** liaised with other JCE members and tools regularly, like Lahi BRAHIMAJ,²¹⁶⁰ Fatmir LIMAJ,²¹⁶¹ Halil QADRAKU,²¹⁶² and Sabit GECI.²¹⁶³

524. **VESELI** took part in field deployments to meet with other **Accused** and named JCE members,²¹⁶⁴ and took part in meetings on key military and strategic issues with them.²¹⁶⁵ He was able to continue to exercise his influence over KLA operations even during periods when he was generally abroad.²¹⁶⁶ **VESELI**'s central role in persuading commanders to accept the Ramboulliet process²¹⁶⁷ and ultimately demilitarise,²¹⁶⁸ further evinces **VESELI**'s authority and influence over the JCE tools who committed crimes throughout the Indictment period.

vii. Appointing/promoting/approving appointments and promotions

525. **VESELI** was personally involved in appointments and promotions of KLA officers, as illustrated by his role in the decision in May 1998 to appoint Mahir HASANI as Deputy Commander²¹⁶⁹ of a Drenoc/Drenovac unit, a site where crimes were being notoriously committed.²¹⁷⁰

526. Intelligence officers in the zones were clear that **VESELI** had authority to assign intelligence duties. For example, one KLA soldier who had attempted to assassinate a

²¹⁵⁹ [REDACTED].

²¹⁶⁰ P04212_ET:p.2(Public);[REDACTED];W04752:T.17369-17371(01-Jul-2024)(Open).

²¹⁶¹ [REDACTED];P01102(Public);[REDACTED]; W04410:T.16644-16646(04-June-2024)(Open).

²¹⁶² W04744:T.17016-17017(24-June-2024)(Open);W03873:T.22654-22655(26-Nov-2024)(Open).

²¹⁶³ [REDACTED];P00763.4_ET:pp.9-10(Public).

²¹⁶⁴ W04741:T.14837-14841, 14866-14871(24-Apr-2024)(Open);[REDACTED];P01264_ET:pp.SPOE00128642-00128643(Public);[REDACTED].

²¹⁶⁵ The planning of Operation Arrow is an example. *See e.g.* [REDACTED];P00763.5_ET:pp.17-22(Public);[REDACTED];[REDACTED]; [REDACTED]. *See also* P00763.8_ET:pp.1-2(Public); [REDACTED]; [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED].

²¹⁶⁶ P01449_ET:pp.SPOE00209482-00209484(Public). *See further* [REDACTED].

²¹⁶⁷ [REDACTED].

²¹⁶⁸ 1D00287:03:50-04:15(Public);1DW-006:T.27057-27058(22-Sept-2025)(Open);W04410:T.16756-16757, 16834(05-June-2024)(Open).

²¹⁶⁹ P00607_ET:p.4(Public).

²¹⁷⁰ *See* Section III.D.

suspected collaborator, would only be redeployed to a separate zone 'after receiving the written order from Chief Luli.'²¹⁷¹

527. Along with his co-**Accused** and other GS members, **VESELI** ensured that personnel decisions—promotions, transfers, dismissals—via the Personnel Council, of which he was part, and other channels, aligned key posts with the identification and enforcement agenda.²¹⁷² Intelligence agents were used to evaluate the loyalty of potential commanders.²¹⁷³ **VESELI**'s Intelligence Directorate played a key role in the vetting of potential commanders,²¹⁷⁴ thereby exercising decisive control over those who would implement the common criminal purpose.

c. Rexhep SELIMI

i. Formulating/implementing plans, policies, rules, structures and reporting

528. **Rexhep SELIMI** – also known as '10' or Agron²¹⁷⁵ - was an early member of the GS,²¹⁷⁶ organising significant KLA operations in the field even before the beginning of the Indictment period²¹⁷⁷ in furtherance of the common purpose.²¹⁷⁸ Based in Kosovo as head of the Operational Directorate²¹⁷⁹ and then General Inspector,²¹⁸⁰ he coordinated the KLA's war operation against Opponents, including by helping to structure and

²¹⁷¹ P00709_ET(Public);[REDACTED]. See also Section II.A.3.m.i.

²¹⁷² [REDACTED];P01393_ET(Public). See e.g. [REDACTED];[REDACTED].

²¹⁷³ [REDACTED];[REDACTED].

²¹⁷⁴ See e.g. [REDACTED].

²¹⁷⁵ [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED]. W04744 ascribes the nickname '10' to Sokol BASHOTA, but is clearly mistaken in light of the other evidence that **SELIMI** had this nickname. See W04744:T.17168-17172(25-Jun-2024)(Open).

²¹⁷⁶ Selimi PTB, para.93;P00777:p.6588(Public);P00847_ET:p.3(Public);W04752:T.17567-17568(03-Jul-2024)(Open);1D00223_ET(Public);P01857_ET:p.39(Public);P00186_ET(Public).

²¹⁷⁷ [REDACTED];P00778:pp.6628-6629(Public);P04201_ET:p.3(Public); P00153_ET(Public).

²¹⁷⁸ See Section II.A.1.

²¹⁷⁹ [REDACTED];[REDACTED];W04752:T.18276(15-Jul-2024)(Open);W04752:T.17895(09-Jul-2024)(Open). See also Section II.A.3.d.

²¹⁸⁰ W04752:T.17939-17940(10-Jul-2024)(Open);P00189_ET.1:p.U015-8833(Public);P00739.4_ET:p.19-21(Public);[REDACTED].

inspect units that would go on to be directly involved in the charged crimes,²¹⁸¹ and demanding adherence to GS regulations.²¹⁸²

529. As the General Inspector, **SELIMI** was above the Directorates at the level of the General Commander, and oversaw the implementation of the GS's regulatory framework.²¹⁸³ Meeting with commanders in the field, such as Nexhmi KRASNIQI, Military Police Commander of the Pashtrik OZ, **SELIMI** received complaints about KLA members through his inspections, as well as from planning and/or participating in military operations.²¹⁸⁴

530. Knowing the key roles of the military police and intelligence units in the furthering of the Opponents policy, **SELIMI** monitored their status and readiness in the field,²¹⁸⁵ meeting with OZ and brigade commanders to receive reports on the MP battalions and functioning of intelligence and counterintelligence involved in the search for collaborators and 'local police'.²¹⁸⁶ Contemporaneous records, including handwritten notes authored by and seized from **SELIMI**, containing lists of individuals named as suspected collaborators, evidence that the monitoring and implementation of the common purpose, including 'special warfare,' was an important part of **SELIMI**'s role as General Inspector.²¹⁸⁷

²¹⁸¹ P00778:p.6668(Public);P04200_ET:pp.3-5(Public);P00847_ET:p.3(Public);P01745_ET:pp.6D00-0773(Public);[REDACTED];[REDACTED];W04448:T.10017-10018(14-Nov-2023)(Open);W04448:T.10148-10149(15-Nov-2023)(Open);[REDACTED];3D00027_ET(Public);[REDACTED];[REDACTED];P03748_ET:p.SPOE00226800(Public);P03781.2_ET(Public);[REDACTED];P03749_ET:p.SPOE00226690(Public).

²¹⁸² W04752:T.17443-17444(02-Jul-2024)(Open);W04752:T.18369-18372(16-Jul-2024)(Open);3D00027_ET(Public);[REDACTED].

²¹⁸³ [REDACTED];[REDACTED]; P03749_ET:p.SPOE00226690(Public).

²¹⁸⁴ [REDACTED];W04743:T.24735-24737, 24804-24806(29-Jan-2025)(Open);[REDACTED];[REDACTED];[REDACTED].

²¹⁸⁵ [REDACTED];[REDACTED];[REDACTED]. See e.g. [REDACTED].

²¹⁸⁶ [REDACTED];[REDACTED]; P03206_ET:p.SPOE00226521(Public);[REDACTED];[REDACTED];P00739.8_ET:pp.1-4(Public);P00742.2_ET:pp.21-22(Public);P00763.6_ET:pp.21-26(Public);W04746:T.5593-5595(12-Jul-2023)(Open).

²¹⁸⁷ See e.g. [REDACTED]; [REDACTED];[REDACTED].

531. As an integral member of the GS, **SELIMI** personally and with the co-Accused, monitored the implementation and enforcement of the policy against Opponents,²¹⁸⁸ meeting with named JCE members, such as Fatmir LIMAJ, Latif GASHI, and Rustem MUSTAFA,²¹⁸⁹ throughout the Indictment period, and receiving reports from them and other subordinate units, conveying the importance of the common purpose.²¹⁹⁰

532. With the creation of the PGoK, **SELIMI** became Minister of Public Order,²¹⁹¹ holding operational authority over KLA/MPO police, thus positioning him to continue directing the enforcement arm against Opponents.²¹⁹² Throughout the summer of 1999 and in defiance of the demilitarisation agreement '[n]ot to attack, detain or intimidate any civilians in Kosovo nor [...] attack confiscate or violate the property of civilians in Kosovo',²¹⁹³ the MPO under **SELIMI**²¹⁹⁴ continued to target Opponents in furtherance of the common purpose.²¹⁹⁵

ii. *Participating in/facilitating/encouraging crimes in furtherance of the common purpose*

533. **SELIMI** ensured that GS concepts of 'special warfare' were executed, meeting

²¹⁸⁸ E.g. P00739.8_ET:pp.1-4(Public).

²¹⁸⁹ [REDACTED];[REDACTED]; P00693.5_ET:p.6(Public);[REDACTED];P00778:pp.6596-6597(Public); [REDACTED];W04826:T.24598(27-Jan-2025)(Open).

²¹⁹⁰ P02019(Public);[REDACTED];[REDACTED];P01754:pp.SPOE00088345, SPOE00088347, SPOE00088349(Public);P00800:pp.5074-5075(Public);[REDACTED]; [REDACTED];[REDACTED]. [REDACTED]. See [REDACTED].

²¹⁹¹ 1D00070_ET(Public);[REDACTED];[REDACTED]; [REDACTED].

²¹⁹² E.g. P00515_ET.69(Public);P03926(Public);W04746:T.5905-5907(17-Jul-2023)(Open). See also [REDACTED]. **SELIMI** claiming to not recall any instance of him being informed about illegal police activities is clearly contradicted by contemporaneous records. Compare [REDACTED], with [REDACTED];P04195(Public); P04133:p.012810(Public).

²¹⁹³ P01444:para.10(d)(Public).

²¹⁹⁴ P02846_ET(Public);P03932_ET(Public). **SELIMI** personally signed the identification cards issued to MPO police. See e.g. P04000(Public);P03995(Public);P03994(Public);P03992(Public);P04001(Public); P03999(Public);P03997(Public);P04002(Public);P03996(Public);P03967(Public);[REDACTED]; P04003(Public).

²¹⁹⁵ See e.g. [REDACTED];[REDACTED];P04094(Public).

with commanders in the zones to discuss the implementation of the policy.²¹⁹⁶ For example, **SELIMI** and the co-**Accused** went to the Llap Operational Zone and met with Commander Rustem MUSTAFA to advise about 'special warfare' and how they should detect and address it.²¹⁹⁷

534. Throughout the Indictment period, **SELIMI** was repeatedly present at several notable charged crime sites, including Qirez/Ćirez, Klečkë/Klečka, Likoc/Likovac, and Drenoc/Drenovac, where KLA members were openly committing crimes.²¹⁹⁸ He participated in interrogations,²¹⁹⁹ inquired as to why people were detained,²²⁰⁰ and has confirmed he was aware detentions occurred.²²⁰¹ He directly witnessed and/or participated in the mistreatment of detainees,²²⁰² [REDACTED].²²⁰³

iii. Failure to prevent/investigate/punish

535. Despite having the power to release detainees,²²⁰⁴ being present at numerous charged crime sites where he personally observed detentions,²²⁰⁵ and being informed of detentions, including through media broadcasts and publications of crimes by KLA members,²²⁰⁶ **SELIMI** failed to take any steps to prevent, investigate, or punish the

²¹⁹⁶ [REDACTED];P03697_ET(Public);P00164_ET(Public); [REDACTED];P00189_ET.1:pp.U015-8859-U015-8861(Public); P00158_ET(Public);[REDACTED];[REDACTED]

²¹⁹⁷ [REDACTED];P00189_ET.1:pp.U015-8860-U015-8861(Public).

²¹⁹⁸ See Section III.A;Section III.D;Section III.L;Section III.N;[REDACTED]; [REDACTED];[REDACTED]; P00739.9_ET:p.5(Public);[REDACTED];[REDACTED]; [REDACTED];[REDACTED]. See also [REDACTED]; [REDACTED];P00763.8_ET:pp.4-5(Public); [REDACTED].

²¹⁹⁹ W04743:T.24671-24673(28-Jan-2025)(Open);[REDACTED]; [REDACTED];[REDACTED]; [REDACTED].

²²⁰⁰ [REDACTED];P00763.6_ET:pp.19-26(Open);P00739.8_ET:p.1-4(Public).

²²⁰¹ [REDACTED];P00763.8_ET:pp.2-3(Public);P00763.9_ET:pp.1-4(Public).

²²⁰² See [REDACTED]; [REDACTED];[REDACTED].

²²⁰³ [REDACTED].

²²⁰⁴ See P02007.4_ET:pp.12-15(Public);W04743:T.24738-24741, 24804-24806(29-Jan-2025)(Open); [REDACTED].

²²⁰⁵ See Section III.A;Section III.D;Section III.L;Section III.N.

²²⁰⁶ [REDACTED];[REDACTED];

[REDACTED];P01188.2(Public);P00158_ET:p.2(Public);P00763.8_ET:pp.13-21(Public).

crimes charged.²²⁰⁷ He and the other **Accused** had the power to refer KLA soldiers' crimes to UNMIK/KFOR,²²⁰⁸ but actively resisted informing internationals about detained Opponents.²²⁰⁹

536. Multiple JCE members and tools in this case became part of **SELIMI**'s MPO police,²²¹⁰ including Nexhmi KRASNIQI, Selim KRASNIQI, Milaim LATIFI, and Sahit JASHARI, who were known to be involved in the detention and mistreatment of Opponents,²²¹¹ indicating that such conduct was rewarded rather than punished.

iv. Dissemination of information to promote the common purpose and engender fear/distrust/hatred

537. **SELIMI** gave important public statements explaining the KLA's goals and functions, from the KLA's initial public appearance where actions against 'collaborationists' were expressly mentioned.²²¹² He took part in communications governance during the war, ensuring that the GS's official public statements would be

²²⁰⁷ See e.g. [REDACTED];P00763.7_ET:pp.13, 17-18(Public).

²²⁰⁸ [REDACTED].

²²⁰⁹ [REDACTED];[REDACTED]; [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED]. **SELIMI**'s denial of having heard of this person is not credible in light of the overwhelming contrary evidence. *Contra* P00763.9_ET:pp.1-2(Public).

²²¹⁰ P03960_ET(Public);[REDACTED];[REDACTED];[REDACTED]; *read with* [REDACTED];P04085(Public);P03959_ET(Public);[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED]. See Section III.A;Section III.D;Section III.V.3. That **Rexhep SELIMI** wanted these cards withdrawn and destroyed is contradicted by their continuing seizure both during the summer of 1999 by KFOR and in 2020 during the SPO search of **SELIMI**'s residence. Regardless, such cards are still indicative of who was in the MPO police. *Contra* [REDACTED];P00778:p.6675-6676(Public). Haxhi SHALA – who the General Staff ordered to execute Malishevë/Mališevo detainees and who was convicted of Article 15(2) offences of this court – also became **SELIMI**'s deputy in the KPC. [REDACTED].

²²¹¹ [REDACTED]; [REDACTED];[REDACTED];[REDACTED]; P02817_ET:p.U000-6995-U000-6996(Public);[REDACTED];[REDACTED];P02414_ET(Public);P00840:21:22-21:29(Public); [REDACTED];[REDACTED]; [REDACTED]. See also [REDACTED]; [REDACTED].

²²¹² P01878_ET(Public);[REDACTED];W04765:T.9917-9918(13-Nov-2023)(Open); W04401:T.22982(28-Nov-2024)(Open);P03699_ET:p.1(Public).

perceived as authoritative.²²¹³

v. Appointing/promoting/approving appointments and promotions

538. **SELIMI** was part of a limited group controlling appointments,²²¹⁴ including for zone commanders,²²¹⁵ ensuring that those proven to be reliable implementers of the common purpose received appointments/promotions. He maintained documentation of GS meetings where appointments and personnel were addressed,²²¹⁶ showing his engagement in centralised personnel control as a condition of policy enforcement. He also intervened in command disputes on behalf of the GS.²²¹⁷

539. **SELIMI** joined with the other **Accused** to constitute the Personnel Council,²²¹⁸ which evaluated promotion and dismissal proposals and forwarded recommendations to the GS Commander.²²¹⁹ His participation ensured that operational commands were led by cadres aligned to him and the **Accused**, such as the replacement of Commander Drini as Pashtrik Zone Commander,²²²⁰ and the appointment of named JCE member Sylejman SELIMI as Drenicë Zone Commander.²²²¹

²²¹³ See P01264_ET;p.SPOE00128604(Public);W04410:T.16620-16622(04-Jun-2024)(Open), conveying the same message as P00286_ET(Public).

²²¹⁴ [REDACTED];P01392_ET(Public);[REDACTED];W04752:T.17906-17907(09-Jul-2024)(Open);[REDACTED];
[REDACTED];[REDACTED];[REDACTED];P00775_ET;p.SPOE00068077(Public);[REDACTED];
[REDACTED];P01745_ET;p.6D00-0773(Public);P02027.1_ET;p.2071(Public);
P03035_ET(Public);P00189_ET.1;p.U015-8859(Public).

²²¹⁵ [REDACTED];[REDACTED].

²²¹⁶ See e.g. P00182;p.SPOE00226397(Public);W04746:T.5777-5780(14-Jul-2023)(Open).

²²¹⁷ See W04752:T.17372(01-Jul-2024)(Open)(noting **SELIMI**'s involvement in reinstating Ramush HARADINAJ as Commander over Tahir ZEMAJ);W04752:T.17595-17596(03-Jul-2024)(Open);
P03114_ET(Public);[REDACTED];W01511:T.19465-19466(03-Sep-2024)(Open);W04448:T.10146-10147,
10153(15-Nov-2023)(Open);[REDACTED]. See also [REDACTED];[REDACTED]; [REDACTED].

²²¹⁸ [REDACTED];P01393_ET(Public).

²²¹⁹ See Section II.A.3.c.

²²²⁰ W04752:T.17496-17498(03-Jul-2024)(Open);[REDACTED];
[REDACTED];[REDACTED];[REDACTED].

²²²¹ P01745_ET;p.6D00-0773(Public);[REDACTED];P02027.1_ET;p.2071(Public).

vi. Providing/arranging/facilitating political, logistical, military or financial support

540. **SELIMI** regularly travelled across the KLA's zones,²²²² facilitating operational planning and logistics.²²²³ As a member of the GS, he ensured that JCE members and tools had the resources required to fulfil the common purpose.²²²⁴

vii. Coordinating and liaising between JCE Members and Tools

541. As part of his KLA GS functions, **SELIMI** held organisational authority over operations, training, logistics, and inspection.²²²⁵ He was a respected conduit between GS policy and the field, including by JCE members and tools like Brigade 121 Commander Haxhi SHALA.²²²⁶ He travelled extensively to inspect/assist units,²²²⁷ assign tasks,²²²⁸ handle logistics,²²²⁹ assess compliance,²²³⁰ and transmit GS strategic aims to field commands,²²³¹ thereby ensuring that the implementation of the GS's Opponent policy was effective.

542. As a member of the GS, **SELIMI** formalised command structures and delineated the boundaries of the operational zones, carrying the GS line on hierarchy, discipline,

²²²² [REDACTED];[REDACTED];[REDACTED].

²²²³ [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED].

²²²⁴ See e.g. [REDACTED];P00270_ET.6(Public);P00793:pp.U016-2099, U016-2161-U016-2163(Public);P00288_ET(Public)W04746:T.5569-5570(12-Jul-2023)(Open).

²²²⁵ W04752:T.17940(10-Jul-2024)(Open);[REDACTED].

²²²⁶ [REDACTED];[REDACTED];[REDACTED]; P01115.2_ET:p.9(Public);P00693.1_ET:pp.24-25(Public);P02007.4_ET:pp.13-14(Public);W04746:T.5629-5630(13-Jul-2023)(Open);W04746:5784(14-Jul-2023)(Open);W04746:T.5830-5832(17-Jul-2023)(Open).

²²²⁷ W04752:T.17346-17349(01-Jul-2024)(Open).

²²²⁸ W04752:T.17343-17346(01-Jul-2024)(Open);W04743:T.24702-24703(28-Jan-2025)(Open);W03873:T.22771-22774(26-Nov-2024)(Open);[REDACTED].

²²²⁹ [REDACTED].

²²³⁰ 3D00027_ET(Public).

²²³¹ P03032_ET(Public);P03206_ET(Public).

and the targeting of special warfare actors.²²³²

543. Travelling on GS missions - including his 1998 visits to Shala and Llap - **SELIMI** conveyed guidance on identifying and addressing special warfare, explicitly linking political opponents to that category and instructing local structures accordingly.²²³³ These visits served to align local leadership with central instructions.

d. Jakup KRASNIQI

i. Formulating/implementing plans, policies, rules, structures and reporting

544. As an attendee at a key founding meeting of the KLA in 1993, and a GS member throughout the Indictment period,²²³⁴ a member of the Political Directorate,²²³⁵ and later Deputy Commander,²²³⁶ **KRASNIQI** was one of a small group of key decision-makers with the authority to formulate and oversee the implementation of the KLA's plans and policies. **KRASNIQI** was therefore integral to both the development of internal KLA strategy and the manner in which it was conveyed to subordinates, the public, and international observers.²²³⁷

545. For instance, in July 1998, on behalf of the GS, **KRASNIQI** prepared the

²²³² W04752:T.18284(15-Jul-2024)(Open);W04752:T.17893-17897, 17902-17904(09-Jul-2024)(Open); W04752:T.17400-17401(01-Jul-2024)(Open);P00623_ET(Public)(appointed by **Jakup KRASNIQI**); [REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED]; [REDACTED].

²²³³ W04752:T.17897-17900, 17907-17908(09-Jul-2024)(Open);W04752:T.17606-17607(03-Jul-2024)(Open); P00189_ET.1:pp.U015-8859-U015-8861(Public);W04651:T.18925-18927(26-Aug-2024)(Open); P00187_ET:pp.SPOE00055819-00055820(Public);[REDACTED]. *See also* [REDACTED];[REDACTED];W04746:T.5482(11-Jul-2023)(Open); W04746:T.5528, 5531-5532(12-Jul-2023)(Open);W04746:T.5722-5723(14-Jul-2023)(Open).

²²³⁴ P00186_ET:p.00226190(Public);P00793:para.4(Public);P00794:p.3305(Public);[REDACTED]; [REDACTED].

²²³⁵ 1D00050_ET(Public);P00189_ET.1:p.U015-8833(Public);[REDACTED]. *See also* [REDACTED];[REDACTED].

²²³⁶ P00189_ET.1:p.U015-8880(Public);4D00011_ET(Public);P01356_ET:p.5941(Public); P00792_ET:p.SPOE00068089(Public);[REDACTED].

²²³⁷ *See e.g.* P00687_ET(Public);P00688_ET:pp.U002-2849-U002-2851(Public).

Provisional Regulations,²²³⁸ which provided, *inter alia*, that the Military Police would assist and cooperate with an Intelligence Service Directorate.²²³⁹ The Provisional Regulations specified that the military police ‘must be merciless with enemies and all those who in various ways try to impede or sabotage our liberation struggle’.²²⁴⁰ This regulatory architecture directly informed how the Opponent policy was implemented on the ground by members of the Military Police and intelligence apparatus who surveilled, arrested, detained, and mistreated perceived Opponents.²²⁴¹

546. In November 1998, **KRASNIQI** and the other **Accused** participated in a restructuring of the GS that formally established the Military Police Directorate led by named JCE member Fatmir LIMAJ.²²⁴² In this role, LIMAJ reinforced cooperation with the intelligence services in the targeting of Opponents pursuant to GS policy and the Provisional Regulations.²²⁴³

547. Through the dissemination of these rules and regulations and regular communication with his subordinates,²²⁴⁴ **KRASNIQI** inculcated the rank-and-file with

²²³⁸ P00008_ET(Public);P00008.1_ET(Public);P00189_ET.1:p.U015-8836(Public);P01015_ET:p.036669(Public). *See also* AF236(Public);P00643_ET:p.SPOE00229213(Public).

²²³⁹ P00008_ET:pp.27-28(Public). During the same period, **KRASNIQI** also prepared the Regulations for Reconnaissance Sub-Detachments, which embedded intelligence at every echelon of the KLA structure. *See* P03669_ET(Public). A copy of the Regulations for Reconnaissance Sub-Detachments with handwritten additions and corrections that are reflected in the final version was seized from **KRASNIQI**’s residence. *See* P03670(Public)(original Albanian with handwritten notes);P03670_ET(Public). *See also* W01453:T.22240-22242(07-Nov-2024)(Open).

²²⁴⁰ [REDACTED];P00648_ET:p.SPOE00225130(Public).

²²⁴¹ *See* Section II.A.1. *See also* [REDACTED];W04741:T.14673-14674(23-Apr-2024)(Open);W04741:T.14844(24-Apr-2024)(Open);[REDACTED];[REDACTED];[REDACTED];[REDACTED].

²²⁴² P00189_ET.1:p.U015-8881(Public);P00792_ET:p.SPOE00068092(Public);P00795:p.3412(Public);W04744:T.17178-17179(25-Jun-2024)(Open);[REDACTED];P02088:p.SPOE00070683(Public);P02089_ET:p.SPOE00067220(Public). *See also* P03797_ET:p.U003-3275(Public);P00712_ET:p.SPOE00209329(Public).

²²⁴³ The Military Police Regulations issued by Fatmir LIMAJ as Chief of the GS Military Police Directorate mirror the language used in the Provisional Regulations to describe cooperation with the KLA Intelligence Service. *See* P00009_ET:p.1(Public).

²²⁴⁴ *See e.g.* P01755.3_ET:pp.10-11(Public);P00800:pp.4958, 5004-5005(Public);P01428_ET(Public).

respect for the GS as the most senior commanding body of the KLA.²²⁴⁵ In doing so, **KRASNIQI** sought to embed the understanding that hierarchy should be respected with ‘fanaticism’.²²⁴⁶ In practice, **KRASNIQI** ordered and received reports from the zones,²²⁴⁷ convened meetings between zone commanders and the GS,²²⁴⁸ and ensured compliance through assertions of GS authority,²²⁴⁹ thus maintaining the information flow that enabled the GS to direct measures against Opponents.

ii. Participating in/facilitating/encouraging crimes in furtherance of the common purpose

548. From the moment of his first public appearance as KLA spokesperson in June 1998,²²⁵⁰ **KRASNIQI** was the KLA’s designated external voice.²²⁵¹ As a drafter and editor of communiqués and declarations issued on behalf of the GS,²²⁵² **KRASNIQI** was the custodian of the KLA’s message, which he utilised to direct attention toward and action against Opponents, in accordance with GS policy.²²⁵³

549. **KRASNIQI** not only publicised those policies through speeches, interviews, and communiqués, but directly ensured their implementation. For instance, **KRASNIQI**

²²⁴⁵ P00083_ET;p.SPOE00225108(Public);[REDACTED].

²²⁴⁶ P01447_ET(Public).

²²⁴⁷ See e.g. P00617_ET(Public) read with W04752:T.17479(02-Jul-2024)(Open);[REDACTED] read with W04752:T.17432-17433(02-Jul-2024)(Open);P00628_ET(Public) read with W04752:T.17468(02-Jul-2024)(Open);[REDACTED]. See also [REDACTED]; W01453:T.21898-21899(05-Nov-2024)(Open).

²²⁴⁸ P01428_ET(Public);W04752:T.17475-17476(02-Jul-2024)(Open); [REDACTED].

²²⁴⁹ See e.g. P03682_ET(Public) read with P01358_ET(Public);P01424_ET(Public) read with W04752:T.17469(02-Jul-2024)(Open);P01016_ET(Public) read with W04752:T.17399(01-Jul-2024)(Public); [REDACTED].

²²⁵⁰ **KRASNIQI**’s first appearance as spokesperson was filmed with named JCE member Fatmir LIMAJ standing next to him (along with Ferat SHALA) and **Kadri VESELI** behind the camera. See P01255(Public);P01255_ET(Public);W04410:T.16647-16648(04-Jun-2024)(Open); P01264_ET;pp.SPOE00128620-00128621(Public);P00794:p.3356(Public). See also P00312_ET(Public).

²²⁵¹ P00879_ET(Public);P00563_ET(Public);P04150_ET;p.2(Public);P00794:p.3358(Public); P00795:p.3429(Public).

²²⁵² P00793;pp.U016-2145-U016-2147(Annex 12)(Public) read with P00793_ET;p.U016-2098(Public); [REDACTED];[REDACTED];[REDACTED]; P00595_ET(Public);P00795:p.3430(Public);P00800:pp.5033-5034(Public).

²²⁵³ See Section II.A.4.d.iv.

knew of the detention and release of W03880 and W04828 at Shalë(Sedllarë)/Sedlare.²²⁵⁴ As Deputy Commander, he also signed a GS order directing the military police to ‘arrest those citizens showing loyalty to the occupier who are uniformed in the Serbian police’, extending the order to anyone in the future joining any non-KLA police until Kosovo’s political status was decided.²²⁵⁵ Such orders reinforced those previously issued by the GS ordering the military police to ‘detain suspicious persons’ and authorised ordinary soldiers to do the same at checkpoints.²²⁵⁶ By issuing and circulating such orders from the GS, **KRASNIQI** tied policy messaging to enforceable directives.

550. **KRASNIQI** was also directly involved in the arrest and detention of those deemed ‘suspicious’. Most notably, in January 1999, **KRASNIQI** ordered KLA brigade commander Blerim KUQI to report to the GS,²²⁵⁷ where he was subsequently arrested and detained in **KRASNIQI**’s presence.²²⁵⁸ An LDK supporter with links to the government-in-exile, KUQI became an emblematic victim of Opponent policy,²²⁵⁹ as evidenced by writings authored by and seized from **KRASNIQI**.²²⁶⁰

iii. Failure to prevent/investigate/punish

551. As a member of the GS, **KRASNIQI** was informed about multiple incidents of detention and killing, yet failed to take any meaningful steps to prevent, investigate, or punish these crimes.²²⁶¹ Instead of taking any measures to prevent or discourage crimes,

²²⁵⁴ See Section III.M.

²²⁵⁵ P00183_ET(Public);[REDACTED] read with [REDACTED].

²²⁵⁶ P03674_ET(Public).

²²⁵⁷ [REDACTED];W04752:T.17446(02-Jul-2024)(Open). See also [REDACTED].

²²⁵⁸ [REDACTED];[REDACTED];[REDACTED]; W04752:T.17446-17447(02-Jul-2024)(Open);W04752:T.18327-18328(16-Jul-2024)(Open);W04752:T.18407-18409(17-Jul-2024)(Open);[REDACTED];[REDACTED]. See also P00616_ET(Public).

²²⁵⁹ [REDACTED];[REDACTED];[REDACTED];[REDACTED].

²²⁶⁰ [REDACTED];[REDACTED]; [REDACTED].

²²⁶¹ **KRASNIQI** forwarding an ICRC list of missing persons to the operational zones without getting any response or following up – if this even occurred - is manifestly insufficient. See P04154_ET(Public) read with P00795:pp.3390-3391(Public). See also P02902(Public);P00763.8_ET:pp.25-26(Public).

the communiqués routinely sought to justify or explain them away.

552. **KRASNIQI** had authority over KLA detentions, as plainly demonstrated by his primary negotiating role for the release of 8 captured VJ soldiers in January 1999.²²⁶² Nevertheless, **KRASNIQI** took no efforts to punish the KLA military police who [REDACTED].²²⁶³ Despite the GS eventually releasing [REDACTED] under pressure from international observers,²²⁶⁴ and despite knowing that the KLA did not have any information at the time suggesting they were actual collaborators,²²⁶⁵ **KRASNIQI** continued to attempt to justify their arrests [REDACTED], thereby further condoning the actions of the Military Police.²²⁶⁶

553. **KRASNIQI**'s failure to prevent and punish is also reflected by the (in)actions of the KLA legal sector. As Deputy Commander, **KRASNIQI** oversaw the KLA legal sector, including the Military Court headed by Sokol DOBRUNA.²²⁶⁷ However, despite **KRASNIQI**'s public claims to the contrary, the legal sector utterly failed to abide by the 'laws of war'.²²⁶⁸ Instead, the legal sector routinely deprived Opponents of due process, condoned arbitrary detention practices, and failed to hold perpetrators of crimes to account.²²⁶⁹

²²⁶² See e.g. [REDACTED];[REDACTED] read with [REDACTED] and [REDACTED]; P00189_ET.1:p.U015-8898(Public).

²²⁶³ [REDACTED]. [REDACTED]. See [REDACTED].

²²⁶⁴ [REDACTED].

²²⁶⁵ [REDACTED].

²²⁶⁶ [REDACTED];[REDACTED].

²²⁶⁷ W04752:T.18359(16-Jul-2024)(Open);P01956:p.SITF00010488(Public);[REDACTED];[REDACTED]. See also [REDACTED].

²²⁶⁸ P01096_ET:p.3(Public).

²²⁶⁹ See e.g. P01955.2_ET:p.23(Public);P01955.3_ET:p.9(Public);[REDACTED] read with [REDACTED]. See also Section II.A.3.j.

iv. Dissemination of information to promote the common purpose and engender fear/distrust/hatred

554. As KLA spokesperson, **KRASNIQI** (with input from other GS members, including in particular those in the Information and Political Directorates, such as **THAÇI** and **VESELI**) controlled the tone and substance of the KLA's public messaging in furtherance of GS Opponent policy. As the primary vehicle for dissemination of that policy, **KRASNIQI** intentionally used KLA communiqués to engender fear, distrust, and hatred towards Opponents, harnessing the language of 'special warfare' to justify actions taken against 'collaborators', LDK, FARK, and the government-in-exile.²²⁷⁰ For instance, in September 1998, through Communiqué 53, the GS announced that 'punitive measures of various forms are being taken against collaborationist elements who continue to serve the occupying rule',²²⁷¹ just days before charged victims in this case were to be detained at Qirez/Ćirez.²²⁷² **KRASNIQI** also publicly acknowledged that those 'kidnapped' by the KLA were 'either announced in a list or reported to be executed.'²²⁷³

555. **KRASNIQI** reinforced this message when addressing KLA soldiers²²⁷⁴ and speaking with the media,²²⁷⁵ ensuring that the rank and file (and general public) understood the GS position on Opponents.²²⁷⁶

²²⁷⁰ See e.g. P00283_ET(Public) read with P00794:p.3335(Public);P00155_ET(Public) read with P00794:p.3340(Public) and P00793:p.U016-2098(Public);P00288_ET(Public)read with P00794:pp.3345-3346, 3350(Public);P00270_ET.17(Public).

²²⁷¹ [REDACTED] read with P00794:p.3354(Public).

²²⁷² See Section III.L.

²²⁷³ P00793:p.U016-2177(Annex 18)(Public). See also P00377:p.00676493(Public);P00380:pp.K036-4865-K036-4866(Public).

²²⁷⁴ P01288(Public);P01288_ET:p.2(Public).

²²⁷⁵ See e.g. P00809:p.3(Public) read with P00794:p.3363(Public);P03707_ET:pp.2, 4(Public); P01096_ET:p.2(Public);[REDACTED] read with [REDACTED];P03713_ET:p.3(Public);P04166_ET:pp.1-2(Public).

²²⁷⁶ **KRASNIQI**'s July 1998 interview, originally published by *Der Spiegel*, is illustrative. See P04150_ET:p.2(Public).

556. **KRASNIQI** also played a central role in establishing the means by which GS policy was publicised through the creation of Radio Free Kosovo and Kosovapress.²²⁷⁷ The GS appointed the leaders of both organisations,²²⁷⁸ which sat under the GS umbrella,²²⁷⁹ thereby ensuring the GS (and **KRASNIQI**) maintained tight control over both the tone and substance of the KLA's public messaging.²²⁸⁰

557. **KRASNIQI**'s sustained, hands-on involvement in the drafting and dissemination of communiqués and other GS communications is further reflected in his extensive archive of these materials, including multiple versions and drafts, which were seized from his residence.²²⁸¹

v. Denials/false or misleading information to internationals/public

558. **KRASNIQI**, together with other members of the GS, handled the communiqué process—drafting, revising, and issuing—so that GS public messaging was consistent with policy. **KRASNIQI** tailored GS public messaging to the audience; a prime example being the shift from explicit references to 'liquidations' in drafts to the coded term 'measures' in published communiqués.²²⁸²

559. **KRASNIQI** was particularly selective in his communications with

²²⁷⁷ P01264_ET:pp.SPOE00128783-00128784(Public);P00189_ET.1:p.U015-8840(Public);

P00515_ET.2(Public). For the full version of **KRASNIQI**'s speech commemorating the inauguration of Radio Free Kosovo and Kosovapress, see P00604_ET(Public).

²²⁷⁸ P00739.4_ET:pp.7-8(Public);4D00011_ET(Public);P00189_ET.1:pp.U015-8878, U001-8881(Public); P00187_ET:pp.SPOE00055741-00055742(Public);[REDACTED].

²²⁷⁹ P03743_ET(Public);P00712_ET:p.SPOE00209329(Public).

²²⁸⁰ P00794:p.3317(Public);P00811_ET.4(Public). On multiple occasions, **KRASNIQI** personally contacted Kosovapress via satellite phone to organise the content and publication of GS statements. See e.g. [REDACTED];[REDACTED] read with P00811_ET.52(Public);[REDACTED] read with P00595_ET(Public).

²²⁸¹ See e.g. [REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED];P00595_ET(Public);P00569_ET(Public); P03912_ET(Public);P03736_ET(Public);P03745_ET(Public);P03757_ET(Public).

²²⁸² Compare P00579_ET:p.SPOE00232612(Public)(found at **KRASNIQI**'s residence) with P00288_ET(Public).

internationals, often denying or minimising his knowledge of crimes and emphasising the KLA's respect for international conventions and the laws of war.²²⁸³ **KRASNIQI** denied that the KLA used criminal methods at every opportunity,²²⁸⁴ at times unintentionally doing so in a manner revealing the common criminal purpose:

We do not go in for kidnap[p]ing. Even if some people have suffered, these have been more Albanian collaborators than Serbian civilians. We do not deal with civilians, and we return those whom we take as prisoners of war. A few days ago we handed over two Serbs originating from Croatia to the International Red Cross. Those we have kidnap[p]ed are either announced in a list or reported to be executed, but we do not behave in a base fashion like Serbia.²²⁸⁵

560. Given the information about crimes committed by KLA members conveyed to **KRASNIQI** personally and as a member of the GS, his subsequent denial of knowledge of crimes committed by KLA members during the war is demonstrably false, and an effort to ensure the continuation of the common purpose.²²⁸⁶

vi. Appointing/promoting/approving appointments and promotions

561. **KRASNIQI** kept minutes, appointments, agendas, and correspondence reflecting that high-level appointments and promotions required GS approval.²²⁸⁷ Handwritten notes found at his home further emphasised, with respect to appointments to 'key positions', that 'nothing should be signed without the GS consent'²²⁸⁸ and thereby indicating that GS control over personnel was essential to the

²²⁸³ [REDACTED];P00842(Public);P00842_ET:p.3(Public); P01072:p.116683(Public).

²²⁸⁴ See e.g. P01287:p.4(Public);P00842(Public);P00842_ET:p.3(Public);P00794:p.3291(Public); [REDACTED] read with P00795:pp.3393-3394(Public). See also W04147:T.13739-13742(26-Mar-2024)(Open);P00800:pp.5066, 5117(Public).

²²⁸⁵ P00380:pp.K036-4865-K036-4866(Public);P00793:p.U016-2177(Annex 18)(Public) read with P00793_ET:p.U016-2099(Public).

²²⁸⁶ See e.g. P00796:pp.3449, 3475(Public) read with P01816.2_ET:pp.20-23(Public) and W01453:T.22033(06-Nov-2024)(Open);[REDACTED] read with P00303_ET:p.1(Public) and [REDACTED];P00795:pp.3412-3413, 3418(Public);P00796:pp.3487-3488(Public) read with P04030:p.SPOE00060302(Public) and W02161:T.10891-10892(11-Dec-2023)(Open);P00800:pp.4969-4970, 5067, 5114, 5116-5117(Public) read with [REDACTED];P00300_ET(Public);P00303_ET:p.2(Public).

²²⁸⁷ See e.g. P00610_ET(Public);P01430_ET(Public);[REDACTED];P00663_ET(Public).

²²⁸⁸ P03765_ET(Public).

implementation of the common criminal purpose.

562. **KRASNIQI** participated in GS meetings that led to the appointment of high-level personnel, including JCE members.²²⁸⁹ A notable example is the meeting which took place in November 1998 officially appointing Fatmir LIMAJ to the GS level as chief of the Military Police Directorate²²⁹⁰ (despite his earlier involvement in charged crimes),²²⁹¹ and Sokol DOBRUNA to the head of the GS Legal Sector.²²⁹² **KRASNIQI** therefore played a central role in placing JCE members in key positions to facilitate the realisation of the common criminal purpose.²²⁹³

vii. Providing/arranging/facilitating political, logistical, military or financial support

563. As part of the November 1998 GS restructure, **KRASNIQI** became Deputy Commander for Support.²²⁹⁴ In doing so, the GS elevated its mouthpiece for the public dissemination of the common purpose to a position whereby he had the logistical control necessary to effect concrete action on the ground.

viii. Coordinating and liaising between JCE Members and Tools

564. In spring 1998, **KRASNIQI** was a conduit for information between the GS and

²²⁸⁹ See e.g. W04752:T.17372(01-Jul-2024)(Open);W04752:T.17596(03-Jul-2024)(Open)(noting **KRASNIQI**'s involvement in reinstating Ramush HARADINAJ as Commander over Tahir ZEMAJ).

²²⁹⁰ 4D00011_ET(Public);P00792_ET:p.SPOE00068092(Public);P00795:p.3412(Public);P01356_ET:pp.5941-5942(Public);P00189_ET.1:pp.U015-8878, U015-8881(Public). See also Section II.A.3.l.

²²⁹¹ See e.g. Sections III.C, III.E, III.N, III.Q.

²²⁹² 4D00011_ET(Public);P00775_ET:p.SPOE00068084(Public);P01356_ET:p.5941(Public);P00189_ET.1:pp.U015-8878, U015-8881(Public). See also Section III.A.3.j. **KRASNIQI** directly conveyed DOBRUNA's appointment to him. See P01956:p.SITF00010488(Public);P01955.2_ET:pp.3, 8(Public); [REDACTED].

²²⁹³ **KRASNIQI** also chaired the GS Personnel Council (with **THAÇI** as deputy), which examined proposals for promotions/dismissals and submitted recommendations to the GS Commander. See P01393_ET(Public);[REDACTED];W04752:T.18332(16-Jul-2024)(Open). See also P03695_ET(Public);P00617_ET:p.SPOE00228801(Public);P00811_ET.48(Public).

²²⁹⁴ 4D00011(Public);[REDACTED];[REDACTED]; P00189_ET.1:p.U015-8880(Public).

those entrusted with organising KLA units on the ground. **KRASNIQI** received reports and conveyed GS instructions to commanders regarding the proper organisation of combat units and zone staffs.²²⁹⁵ In doing so, **KRASNIQI** was central to the development of the organisational structure necessary to convey GS policy and implement the common criminal purpose.

565. **KRASNIQI** continued to adopt a hands-on approach throughout the conflict, regularly participating in GS visits to KLA units in the field,²²⁹⁶ and receiving reports from commanders,²²⁹⁷ including those directly involved in the commission of the charged crimes. For example, **KRASNIQI** visited fellow GS member Lahi BRAHIMAJ in Jabllanicë/Jablanica on multiple occasions in 1998, including in July during the period when crimes were committed.²²⁹⁸ It was well known at the time that BRAHIMAJ was the highest ranking KLA member in the area and in charge of Jabllanicë/Jablanica, including the compound where detainees were kept and mistreated.²²⁹⁹

566. **KRASNIQI** conveyed GS appointments to affected personnel, including key JCE members, responsible for the implementation of the common criminal purpose on the ground.²³⁰⁰ For example, during the GS visit to the Llap OZ in August 1998 which, *inter alia*, warned the zone of special war,²³⁰¹ **KRASNIQI** handed Nuredin IBISHI a GS

²²⁹⁵ [REDACTED];[REDACTED];W01453:T.21897-21899(05-Nov-2024)(Open);W01453:T.22176-22177(07-Nov-2024)(Open);P00800:pp.4958, 5004-5005(Public); W04752:T.18266-18267(15-Jul-2024)(Open). *See also* P00693.3_ET:p.7(Public).

²²⁹⁶ *See e.g.* W04752:T.18207(15-Jul-2024)(Open);[REDACTED];[REDACTED];P00189_ET.1:pp.U015-8863-U015-8864, U015-8893(Public); P00187_ET:pp.SPOE00055819-00055820, SPOE00055838(Public);P01264_ET:p.SPOE00128742(Public).

²²⁹⁷ *See e.g.* [REDACTED] read with W04752:T.17432-17433(02-Jul-2024)(Open); P00228_ET(Public);P00617_ET(Public) read with W04752:T.17479(02-Jul-2024)(Open);P00628_ET(Public) read with W04752:T.17468(02-Jul-2024)(Open);[REDACTED].

²²⁹⁸ P00800:pp.5075-5077(Public);W04752:T.17372(01-Jul-2024)(Open).

²²⁹⁹ *See* Section III.B. *See also* [REDACTED].

²³⁰⁰ *See e.g.* P01820_ET:pp.91-92, 97(Public);W04746:T.5530-5531(12-Jul-2023)(Open);[REDACTED];W04765:T.10335, 10339-10340(16-Nov-2023)(Open).

²³⁰¹ P00189_ET.1:pp.U015-8859-U015-8861(Public).

decision confirming his appointment as 151 Brigade Commander.²³⁰² **KRASNIQI** also passed through Bajgorë/Bajgora during this visit, during the period when the Llap OZ command was holding and mistreating detainees there.²³⁰³

567. **KRASNIQI** liaised directly with zone commanders and GS members regarding prisoners. For instance, in January 1999, **KRASNIQI** was in contact with Bislim ZYRAPI and Shala OZ Commander, Rrahman RAMA, regarding the arrest and detention of five elderly Serbs.²³⁰⁴ The following month, ZYRAPI also discussed the detention of two Serbs in the Pashtrik OZ with **KRASNIQI**, after receiving information regarding their detention from Commander Drini.²³⁰⁵ [REMOVED - *withdrawn*].²³⁰⁶

5. *The Accused intended, and knew of, the commission of crimes*

568. Extensive, diverse evidence, including that discussed throughout this Brief and highlighted below, establishes that at all material times, the **Accused** possessed the required knowledge and intent, including specific intent where required,²³⁰⁷ in relation to the charged crimes. Such evidence includes: concessions, acknowledgements and public statements by the **Accused** themselves and/or collectively by the GS; the **Accused**'s own involvement in crimes; their failure to prevent or punish crimes by KLA/PGoK members; the reporting of crimes by KLA/PGoK members, the media and other sources; and meetings with international interlocutors and victims' relatives concerning crimes.

569. In particular, the evidence establishes that the **Accused**: (i) shared the intent to

²³⁰² See Section II.A.3.m.iv. See also P01755.1_ET:pp.13-14(Public);P01755.2_ET:p.10(Public).

²³⁰³ See Section III.H. See also P00739.8_ET:p.1(Public);P00189_ET.1:pp.U015-8859-U015-8860(Public); P00187_ET:pp.SPOE00055819-00055820(Public).

²³⁰⁴ [REDACTED] read with [REDACTED].

²³⁰⁵ [REDACTED] read with [REDACTED].

²³⁰⁶ [REMOVED].

²³⁰⁷ Confirmation Decision, paras.61, 65, 69, 71, 77, 82-83, 97, 101-103;Mustafa Confirmation Decision, paras.53, 57, 60, 62;Shala Confirmation Decision, paras.53, 57, 60, 62;Mustafa TJ, paras.651, 663, 672-673, 688;Shala TJ, paras.944, 960, 969-970, 987;Mustafa AJ, para.388, 404;Shala AJ, paras.745, 808.

commit the charged crimes, and the intent to participate in the common plan involving their commission;²³⁰⁸ (ii) knew that their acts or omissions assisted in the commission of the crimes and were aware of the essential elements of the crimes committed;²³⁰⁹ and (iii) knew or must have had reason to know that their subordinates were about to commit a crime or had done so.²³¹⁰ The **Accused** also knew of the widespread or systematic attack directed against Opponents and that their conduct formed part of it, and were aware of the factual circumstances establishing the existence of the armed conflict and the status of the victims.²³¹¹

The Accused implicitly and explicitly expressed and manifested their intent

570. The **Accused's** roles in the formulation, implementation and enforcement of the common purpose, including as demonstrated by their own words and actions, is directly demonstrative of their intent to participate in it, and to commit the charged crimes. As such, the evidence showing the existence of the common plan,²³¹² and the significant contribution of each of the **Accused** to it,²³¹³ also evidences the **Accused's** intent.

571. In particular, the **Accused's** intent is manifested through, *inter alia*: (i) public statements of the KLA GS and PGoK in the form of communiqués and political declarations;²³¹⁴ (ii) the regulations, structures, and orders that were prepared, issued or

²³⁰⁸ Law, Art.16(1)(a); Confirmation Decision, para.112; *Mustafa* Confirmation Decision, para.73; *Shala* Confirmation Decision, para.73; *Mustafa* TJ, para.741; *Shala* TJ, paras.1002, 1035; *Shala* AJ, paras.740, 788, 811, 846.

²³⁰⁹ Law, Art.16(1)(a); Confirmation Decision, para.117; *Mustafa* Confirmation Decision, para.82; *Shala* Confirmation Decision, para.78.

²³¹⁰ Law, Art.16(1)(c); Confirmation Decision, para.122; *Mustafa* Confirmation Decision, para.87.

²³¹¹ See Section IV; Confirmation Decision, paras.56, 91-92; *Mustafa* Confirmation Decision, paras.47-48; *Shala* Confirmation Decision, paras.47-48; *Mustafa* TJ, paras.718-719; *Shala* TJ, paras.926-927.

²³¹² Section II.A.1.

²³¹³ Section II.A.4.

²³¹⁴ See e.g. Sections II.A.1.d.i; V.I; P00269_ET.10(Public). See also P00794:pp.3319-3321, 3349-3350(Public); Section II.A.3.m.i.

overseen by the **Accused**;²³¹⁵ and (iii) the direct words and actions of the **Accused**, including their participation in the charged crimes.²³¹⁶

572. By way of example, in September 1998, **THAÇI** threatened and questioned members of a parliamentary delegation in Qirez/Ćirez and Baicë/Banjica while knowing some had been beaten.²³¹⁷ On another occasion, **THAÇI** told an LDK activist that he and others would arrest anyone who supported Ibrahim RUGOVA before fighting against Serbia.²³¹⁸ **VESELI**'s intelligence apparatus and personnel played a central role in the identification, interrogation, and mistreatment of Opponents.²³¹⁹ **VESELI** himself was personally involved in the removal of two detainees, one of whom had been severely beaten and neither of whom would be seen alive again, from a detention site in 1998.²³²⁰

573. **SELIMI** demonstrated his intent during the KLA's first public appearance in November 1997 when he threatened that the KLA would 'deal a blow' to 'Albanian speaking collaborators, collaborationists' and condemned those 'trying to demean our sacred war with their pacifist positions'.²³²¹ In April 1999, **SELIMI** beat [REDACTED] with plastic pipes while [REDACTED] was detained in Kleçkë/Klečka, ignoring pleas

²³¹⁵ Sections II.A.1.d.ii; II.A.3.a.i.(b); II.A.1.c. *See e.g.* W04746:T.5606-5607(12-Jul-2023)(Open); P00693.5_ET:pp.9-10(Public);W04746:T.5774(14-Jul-2023)(Open);W04746:T.5846-5848, 5908-5909(17-Jul-2023)(Open);P00693.2_ET:pp.25, 29(Public);P00689:p.SPOE00119331(Public);P01754:pp.SPOE00088347, SPOE00088349(Public);P01755.4_ET:pp.9-11, 14-15;W04758:T.21678-21679(31-Oct-2024)(Open). *See also* P00292_ET:p.043801(Public);P00890_ET:p.U001-7059(Public);[REDACTED].

²³¹⁶ Sections II.A.1.e; II.A.m.v.(a); II.A.4.a.iv; III.A.2.b; III.A.4; III.D.3.e; III.L.1; III.M.1.a; III.N.5.

²³¹⁷ Section III.L.

²³¹⁸ Section II.A.3.m.ii(c). *See also* P04216_ET:p.16(Public).

²³¹⁹ Section II.A.3.k.

²³²⁰ Section III.D. *See also* P01449_ET:p.SPOE00209485(Public).

²³²¹ [REDACTED];P01878_ET(Public);P00189_ET.1:pp.U015-8810-U015-8811(Public);W04401:T.22981-22982(28-Nov-2024)(Open);AF214(Public);W04290:T.24931(10-Feb-2025)(Open);P02032_ET:pp.2-3(Public);W02652:T.2933-2939(17-Apr-2023)(Open);[REDACTED];P00712_ET:p.SPOE00209353(Public);W04765:T.9917-9918(13-Nov-2023)(Open);[REDACTED]. In a similar vein, in summer 1998, **SELIMI** told [REDACTED], an outspoken LDK activist, '[REDACTED]', *see* [REDACTED].

by other KLA members to stop.²³²² **KRASNIQI**, who, by his own account, represented and publicised the GS policy, publicly asserted that the KLA would kill collaborators.²³²³ During a January 1999 [REDACTED] conversation [REDACTED], **KRASNIQI** stated that '[REDACTED]', and that '[REDACTED]'.²³²⁴

574. The **Accused's** intent is further borne out by their awareness of the circumstances in which the policy against Opponents was being implemented. In particular, the **Accused** knew that KLA members were operating without a clear definition of, or process to identify, 'collaborators'.²³²⁵ The **Accused** also had notice that troops were being deployed with minimal training — in some cases, no prior military experience — and either non-existent or minimal information on international humanitarian law obligations.²³²⁶

575. Finally, there is no evidence the **Accused** took necessary measures to prevent crimes or to punish KLA members for their commission.²³²⁷ Rather than expelling such individuals, the GS retained, promoted or gave them added responsibilities.²³²⁸ For detainees, the evidence shows that the **Accused** failed to put in place any structure capable of securing the due process guarantees required by international law.²³²⁹ The reason for the **Accused's** action and inaction is clear: the **Accused** intended the commission of the charged crimes.

²³²² Section III.N.5.

²³²³ P00809(Public);P00794:T.3358-3364(Public); *see also* P00794:p.3327(Public).

²³²⁴ [REDACTED]. *See also* [REDACTED].

²³²⁵ P00796:T.3491-3492(Public);P00800:pp.5063-5066(Public);[REDACTED]; [REDACTED].

²³²⁶ [REDACTED];[REDACTED];[REDACTED].

²³²⁷ Section II.B.3. *See also* [REDACTED];P00763.9_ET:p.4-6(Public);W01453:T.22049-22051(06-Nov-2024)(Open).

²³²⁸ Section II.A.4.

²³²⁹ Section II.A.3.j. *See also* W03865:T.15227(30-Apr-2024)(Open);P00742.14_ET:pp.2-3(Public);W02161:T.10557-10561, 10563-10564(05-Dec-2023)(Open);W04408:T.7319-7320, 7322-7323, 7329-7330(06-Sep-2023)(Open);P00377:pp.0067-6493-0067-6494(Public). *See also* W04746:T.5572-5573(12-Jul-2023)(Open);W04746:T.5851(17-Jul-2023)(Open).

Knowledge of the crimes was inescapable

576. The above-mentioned evidence not only establishes that the **Accused** possessed the required intent, but also that they had knowledge that crimes were being committed by KLA members. Such knowledge has in fact been admitted by several of the **Accused**. In a July 1998 interview, in the course of attempting to justify and legitimise KLA actions, **KRASNIQI** acknowledged that ‘collaborators’ were being kidnapped and executed, and noted a recent release of two Serbs who had been detained in Llapushnik/Lapušnik.²³³⁰ **THAÇI** has acknowledged that in November 1998, he was aware of detentions by KLA members, including that of two Serbian journalists.²³³¹ **THAÇI** and **SELIMI** have both acknowledged they were aware of the case of Fadil SYLEVIQ, who was detained in Bajgorë/Bajgora.²³³²

577. **SELIMI** conceded he was aware of allegations of persons disappearing, that, perhaps, he and others should have taken this issue more seriously at the time and that, perhaps, he did not conduct his duties as he should have.²³³³ **SELIMI** also acknowledged that, throughout the conflict, he knew non-combatants were detained by KLA soldiers, that he presumed ‘everyone, not only just the General Staff members’ knew of such cases, and that he did nothing in particular in relation thereto.²³³⁴

578. Extensive, consistent evidence demonstrates that the **Accused** had a far deeper knowledge of the crimes than they conceded. By virtue, and as part, of their roles and authority within the KLA/PGoK, the **Accused** regularly communicated with KLA members at all levels, including as they travelled throughout the zones on the

²³³⁰ P00380:pp.K036-4865-K036-4866(Public);P00377:p.0067-6493(Public);P04023:p.K007-8704(Public); AF403(Public).

²³³¹ P00739.8_ET:pp.4-5(Public);Section III.M.

²³³² P00739.8_ET:pp.3-5(Public);P00742.2_ET:pp.21-22(Public);[REDACTED]; W04746:T.5593-5595(12-Jul-2023)(Open);P00690:p.SPOE00119397(Public).

²³³³ P00763.9_ET:pp.1, 3-4(Public).

²³³⁴ [REDACTED];P00763.8_ET:pp.2-3(Public);P00763.9_ET:pp.1, 3-4(Public).

ground,²³³⁵ and through couriers, walkie-talkies and satellite phones, and had access to the KLA's internal communication and reporting system.²³³⁶ Indeed, **SELIMI** described himself as 'easily accessible' to OZ commanders: 'I always had a radio, and I moved a lot around the zones.'²³³⁷

579. Through such channels, the **Accused** and other GS members received information and requests concerning all aspects of the KLA's activities, including requests concerning relatively minor issues related to KLA units or members.²³³⁸ The **Accused's** broad awareness of all aspects of KLA activity²³³⁹ must be borne in mind when assessing their intent and knowledge in relation to crimes.

580. The **Accused's** communications with, and reports from, other KLA members specifically addressed the identification of Opponents, detentions, and other crimes by KLA members.²³⁴⁰ Around January 1999, W04752 called **KRASNIQI** to inform him about the detention of five Serb civilians in Drenicë since, as the GS deputy commander at the time, **KRASNIQI** had the authority to order their release.²³⁴¹ [REDACTED].²³⁴²

581. The **Accused's** frequent visits to KLA troops on the ground²³⁴³ resulted in them receiving a broad range of further information concerning KLA activity.²³⁴⁴ Such visits often took place at or near the time and place where crimes were committed.²³⁴⁵ By way

²³³⁵ See e.g. [REDACTED];W04752:T.17392-17393(01-Jul-2024)(Open).

²³³⁶ See e.g. Sections II.A.3.g; II.A.3.a.i.(a); II.A.4.b.i.

²³³⁷ [REDACTED].

²³³⁸ See e.g. P03824(Public)(signed, annotated version);P03824_ET(Public);P02729_ET(Public).

²³³⁹ See e.g. P01264_ET:p.SPOE00128740(Public).

²³⁴⁰ See e.g. P01816.2_ET:pp.19-25(Public);[REDACTED];W01453:T.22029-22034(06-Nov-2024)(Open);[REDACTED];P00067_ET:pp.SITF00437788-00437789(Public);[REDACTED];[REDACTED];W04752:pp.17848-17849(09-Jul-2024)(Open).

²³⁴¹ [REDACTED];[REDACTED];[REDACTED].

²³⁴² [REDACTED]. See also [REDACTED]; [REDACTED];[REDACTED];[REDACTED]. See also [REDACTED].

²³⁴³ Sections II.A.4.a.viii; II.A.4.b.iii; II.A.4.c.ii.

²³⁴⁴ Section II.A.1.d.iii.

²³⁴⁵ Sections III.A; III.D; III.E; III.B; II.A.3.m.iii; III.M; III.Q.

of example:

- a. In [REDACTED] 1998, **SELIMI** was present at the headquarters in Likoc/Likovac during [REDACTED] detention and mistreatment, seeing [REDACTED] there at the time.²³⁴⁶
- b. Between approximately May and July 1998, at least 38 persons were detained under armed guard for varying periods of time in Drenoc/Drenovac, Rahovec/Orahovac, during which time they were subjected to ferocious beatings. **THAÇI**, **VESELI** and **SELIMI** visited Drenoc/Drenovac in this period of time.²³⁴⁷
- c. **THAÇI**, **SELIMI**, and **VESELI** were on the ground in the immediate aftermath of the July 1998 attack on Rahovec/Orahovac and its surrounding villages, during which Serb civilians — who would later be detained, mistreated and killed — were captured.²³⁴⁸
- d. In July 1998, mere days after twelve men initially detained in Malishevë/Mališevo had been taken on GS orders and executed, **THAÇI** and **VESELI** attended a meeting close to the Malishevë/Mališevo police station where detainees were still being held. Allegations of abductions were raised with them during this meeting. **THAÇI**, **VESELI** and **KRASNIQI** were also in the area at other times in June/July 1998.²³⁴⁹
- e. All four **Accused** visited Jabllanicë/Jablanica in 1998, including at or around the time when detainees were being held there. Multiple Jabllanicë/Jablanica detainees were killed.²³⁵⁰

²³⁴⁶ Section III.A.

²³⁴⁷ Section III.D.

²³⁴⁸ Section III.E.

²³⁴⁹ Section III.E.

²³⁵⁰ P00800:pp.5075-5077(Public);W04752:T.17372(01-Jul-2024)(Open);Section III.B.

- f. **THAÇI, SELIMI** and **KRASNIQI** visited Bajgorë/Bajgora in August 1998. The Llap Zone Command was holding and mistreating detainees there around that time.²³⁵¹
- g. In November 1998, W03880 and W04828 were detained in a building in Divjakë/Divljaka, which at the time served as the office and base of **KRASNIQI**. W03880, W04828 and others were beaten and threatened there.²³⁵²
- h. **THAÇI** and **KRASNIQI** visited Kukës around May and June 1999. In the same period, KLA members detained and mistreated multiple individuals there.²³⁵³

582. Beyond mere visits, the **Accused** were at times also based in locations at or around the times crimes were being committed there, including Likoc/Likovac and Divjakë/Divljaka.²³⁵⁴

583. Further, from the outset of the conflict, the media, including media available in or accessible from Kosovo, contemporaneously and consistently reported on crimes by KLA members, including detention and murder, often including details such as the location of the crimes and names of the victims, with such reporting continuing in subsequent years.²³⁵⁵ During the conflict, local media even reported statements by high-ranking KLA members in which they acknowledged having taken measures to punish

²³⁵¹ Section II.A.3.m.iii.

²³⁵² Section III.M.

²³⁵³ Section III.Q.

²³⁵⁴ Sections III.A; III.M; II.A.3.m.i. *See also* AF217(Public).

²³⁵⁵ *See e.g.* P00269_ET.3:pp.U016-2603-U016-2604(Public);P00269_ET.30-P00269_ET.32(Public); [REDACTED];[REDACTED];P04148:pp.101601-101603(Public); P04220(Public);P04259:p.1D00-0482(Public);[REDACTED];P00300_ET(Public); [REDACTED];[REDACTED];P00811_ET.72(Public);P04171:p.077493(Public); P04214.1:p.066388(Public);P01188.2:p.013435(Public);P04185:p.013439(Public); 1D00291:p.DHT11910(Public);P04187_ET:p.13442(Public);P04191:p.020617(Public); P04197:p.020751(Public);[REDACTED];[REDACTED];[REDACTED];[REDACTED].

traitors and collaborators.²³⁵⁶ KLA members, including the **Accused**, followed the media during the conflict.²³⁵⁷

584. While the **Accused** and other GS members received reports from KLA members concerning crimes and paid close attention to both Albanian and international media, these were by no means the only channels through which they gained knowledge of the charged crimes.

585. A number of charged crimes were also contemporaneously addressed in various KLA press releases or statements. An MP Directorate press release asserted that MP had 'arrested 13 syndicalists, "institutionalist" party representatives in the village of Qirez, Drenica, for their divisive, partisan, schismatic, institutionalist, anti-liberation war propaganda for handing over weapons and for a temporary solution of Kosovo's political status within Serbia that they had been conducting on the ground.'²³⁵⁸

586. The arrest of [REDACTED] was [REDACTED], stating, *inter alia*, that [REDACTED].²³⁵⁹ The '[REDACTED]' issued a [REDACTED], also accusing them of [REDACTED].²³⁶⁰ The MP Directorate [REDACTED] issued a [REDACTED] statement announcing the arrest of Serbian journalists W04828 and W03880 on suspicion of espionage.²³⁶¹

²³⁵⁶ P04164_ET(Public);[REDACTED].

²³⁵⁷ [REDACTED];1DW-003(15-Sep-2025):T.26499-26500(Open); [REDACTED];[REDACTED];W04147:T.13816-13817(27-Mar-2024)(Open);P04223_ET(Public);P00800:p.5015(Public);W04403:T.25796-25797, 25810-25812(25-Mar-2025)(Open). In addition, several media articles were seized from **KRASNIQI** (*see e.g.* P00542_ET(Public);[REDACTED];P00537_ET(Public);P00538_ET(Public); [REDACTED];[REDACTED]) and **SELIMI** (*see e.g.* P03755.1_ET(Public); [REDACTED];P00536_ET(Public);P04152_ET(Public);P00851.1_ET(Public); P04173_ET(Public);P04161_ET(Public);P03721_ET(Public);P00535_ET(Public);P03759_ET(Public); P03756_ET(Public)).

²³⁵⁸ P00158_ET:p.043805(Public).

²³⁵⁹ [REDACTED].

²³⁶⁰ [REDACTED].

²³⁶¹ P00270_ET.10(Public).

587. Numerous public reports, appeals and condemnations by various entities referring to a KLA policy to target Opponents, and to detention, murder, and other crimes committed by KLA members, were made or published throughout 1998 and 1999.²³⁶² For example, in her 9 March 1998 statement to the Ministers of the Contact Group, U.S. Secretary of State Madeleine ALBRIGHT, referring to the KLA, made clear that the U.S. had no sympathy for a group that ‘judges, tries and executes ethnic Serbs and Albanians it does not like’.²³⁶³

588. In September 1998, Special Rapporteur of the Commission on Human Rights Jiri DIENSTBIER expressed alarm at reports of abductions carried out by the KLA against both Serbian and Albanian civilians, specifically denouncing the mid-July abduction of 51 civilians from the Rahovec/Orahovac area.²³⁶⁴ At the end of October 1998, the Secretary-General reported that the ICRC was following around 140 abduction cases attributed to the KLA, also noting that two State news agency journalists were abducted by the KLA earlier in the month.²³⁶⁵ Reports concerning crimes were also deliberately distributed in the Albanian-language media and to KLA members.²³⁶⁶ Instead of acting on such warnings, the GS lambasted DIENSTBIER for conducting ‘an attack against our just liberation war’.²³⁶⁷

589. As officials at the highest level of the KLA, the **Accused** were repeatedly

²³⁶² P04259:pp.1D00-0350, 1D00-0410-1D00-0411, 1D00-0415, 1D00-0418, 1D00-0434-1D00-0436, 1D00-0441-1D00-0442, 1D00-0448, 1D00-0479-1D00-0480, 1D00-0482, 1D00-0521, 1D00-0523, 1D00-0528-1D00-0529, 1D00-0543, 1D00-0550-1D00-0551, 1D00-0554-1D00-0555, 1D00-0557-1D00-0558, 1D00-0560(Public);P00743.1:p.SPOE00198220(Public);P04197:p.020751(Public);P04023:p.K007-8707(Public);P00380:p.K036-4871(Public);P00379:p.K022-5099(Public);P00375:p.1(Public);P00377:p.0067-6493(Public);P04082_ET:p.011242(Public);[REDACTED];1DW-004:T.27475(01-Oct-2025)(Open);1DW-009:T.28046(13-Nov-2025)(Open);1DW-003:T.26642-26645, 26647, 26652-26653(16-Sep-2025)(Open). *See also* P00587_ET(Public);P00270_ET.14(Public).

²³⁶³ P04488:p.114010(Public). *See also* 1DW-003:T.26648-26649(16-Sep-2025)(Open).

²³⁶⁴ P04259:pp.1D00-0399(para.86), 1D00-0403(paras.14-15)(Public).

²³⁶⁵ P04259:p.1D00-0403(para.11)(Public).

²³⁶⁶ *See e.g.* W04408:T.7292-7293(05-Sep-2023)(Open);P04154_ET:p.1(Public);P00795:pp.3390-3392(Public).

²³⁶⁷ [REDACTED]. *See also* P03726_ET:p.SPOE00223475(Public).

confronted by international officials who consistently put them on notice of, and condemned, alleged crimes committed by KLA members. In particular, members of the international community raised allegations of crimes by KLA members with the **Accused** at meetings,²³⁶⁸ reminding the KLA leaders of their obligations under international law and urging them to take action.

590. For example, in a July 1998 meeting with **THAÇI** and **VESELI**, Austrian diplomat W02144 raised the KLA's obligations under the Geneva Conventions after having heard about alleged KLA abductions and detentions from ICRC contacts in Malishevë/Mališevo; **THAÇI** deflected with the response that the KLA was a professional army and, as such, would respect the Geneva Conventions.²³⁶⁹

591. In or around November 1998, W04147, the head of US KDOM, met with **KRASNIQI**, Sokol BASHOTA and Ramë BUJA, raising incidents of disappeared or killed Albanians, in particular senior LDK members.²³⁷⁰ Also in November 1998, W04408 of HRW confronted **THAÇI** and Fatmir LIMAJ about a KLA 'trial' at which two prisoners had been sentenced *in absentia* and without a lawyer present.²³⁷¹ W04408 also raised violations allegedly committed by KLA members, including harassment, intimidation, and killings.²³⁷² In the summer of 1999, COMKFOR General JACKSON told **THAÇI** and Agim ÇEKU that illegal detention centres must stop.²³⁷³

²³⁶⁸ See e.g. [REDACTED]; [REDACTED]; [REDACTED]; P01975:p.SPOE00246085(Public); [REDACTED]; 1D00239:p.DHT04157(Public); 1D00242:p.SITF00172903(Public); P01229:pp.SPOE00246090-00246091(Public); W02161:T.10878-10882(11-Dec-2023)(Open). See also W02161:T.10599-10600(05-Dec-2023)(Open).

²³⁶⁹ W02144:T.16131-16132(28-May-2024)(Open); W02144:T.16314-16315, 16336-16338(29-May-2024)(Open); [REDACTED]; [REDACTED]; [REDACTED].

²³⁷⁰ W04147:T.13935(27-Mar-2024)(Open); W04147:T.14044-14045(28-Mar-2024)(Open); [REDACTED]; P01091_ET:pp.SPOE00231057-00231058(Public); [REDACTED].

²³⁷¹ W04408:T.7314-7315(05-Sep-2023)(Open); W04408:T.7319-7320, 7322, 7335(06-Sep-2023)(Open); W04408:T.7613(11-Sep-2023)(Open). Cf. P00742.13_ET:pp.8-9(Public).

²³⁷² W04408:T.7324(06-Sep-2023)(Open); P00376:p.U008-1346(Public). See also P00380:pp.K036-4865-K036-4866(Public).

²³⁷³ [REDACTED]. See also [REDACTED].

592. On 31 July or 1 August 1999, W04408 met with **THAÇI** to provide him with an advance copy of the HRW report concerning abuses against Serbs and Roma in Kosovo, including abductions, detentions and killings allegedly committed by KLA members.²³⁷⁴ **THAÇI** acknowledged that crimes were taking place but self-servingly rejected the allegation that KLA members committed any of them.²³⁷⁵ **THAÇI** did not commit to take any action, nor did W04408 recall any PGoK or other attempts to discuss the recommendations thereafter.²³⁷⁶

593. Similarly, before the OSCE released its two-volume 'As Seen, As Told' report in December 1999, W02161, Director of the OSCE Human Rights Division, and Ambassador Daan EVERTS met with **THAÇI** to discuss the findings, including human rights violations allegedly committed by KLA members.²³⁷⁷

594. The fact that, during the conflict or shortly thereafter, multiple allegations of crimes by KLA members were specifically put to the **Accused** is relevant to the **Accused's** knowledge thereof, despite the **Accused** denying such crimes.²³⁷⁸ As implausible as it may be that **SELIMI** only became aware through the media of allegations that Serb civilians had been killed or were missing after being seized by KLA members in Rahovec/Orahovac in July 1998,²³⁷⁹ even that limited concession is relevant to his knowledge.

595. The **Accused** also had knowledge of charged crimes through family members of detained or abducted persons who frequently met with or otherwise contacted KLA

²³⁷⁴ W04408:T.7335-7337(06-Sep-2023)(Open);W04408:T.7671-7672(11-Sep-2023)(Open). *See also* P00379(Public).

²³⁷⁵ W04408:T.7337-7338(06-Sep-2023)(Open).

²³⁷⁶ W04408:T.7340-7341(06-Sep-2023)(Open);W04408:T.7572(07-Sep-2023)(Open).

²³⁷⁷ W02161:T.10606-10607(05-Dec-2023)(Open). *See also* P00743.1-P00743.3(Public).

²³⁷⁸ *See e.g.* P03705_ET:pp.SPOE00231334-00231335(Public);P01287:pp.K050-8842, K050-8444, K050-8448(Public);P03753_ET.1(Public);Section III.N.3.b.

²³⁷⁹ [REDACTED].

commanders, seeking to locate or obtain the release of their relatives.²³⁸⁰

596. In November 1998, KLA members were aware of demonstrations by the families of 47 Serbs kidnapped by KLA members in Rahovec/Orahovac earlier that year.²³⁸¹ These demonstrations progressed into regular large-scale demonstrations that could not have been ignored by the **Accused**, with a protest march from Rahovec/Orahovac to Dragobil/Dragobilje in December 1998 gathering hundreds of protestors.²³⁸² **KRASNIQI** was directly informed of the protests.²³⁸³ International representatives such as William WALKER, W02172, and W02161 met with the relatives of the missing Serbs, reported on the situation, and/or pressured the KLA, at all levels, for information.²³⁸⁴ Despite such pressure, KLA members consistently and falsely denied detaining Serbs, many of whom were ultimately found dead or presumed to be dead, having never returned home following their detention by KLA units.²³⁸⁵

597. In its assessment, the Panel should also take into account **THAÇI**'s and **SELIMI**'s post-conflict expressions of generalised regret about mistreatment of individuals.²³⁸⁶ Similarly relevant are numerous items seized from **SELIMI** and **KRASNIQI** containing reports dated or referring to 1998 and 1999 concerning KLA members having arrested, detained, and killed individuals, including 'collaborators',²³⁸⁷ or relating to the

²³⁸⁰ See e.g. [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED];[REDACTED]. See also Section III.D.

²³⁸¹ [REDACTED];[REDACTED];[REDACTED].

²³⁸² P04030:p.SPOE00060302(Public);P04259:pp.1D00-0534-1D00-0536(Public); P04031:p.SITF00385555(Public);W00498:T.12518(20-Feb-2024)(Open); [REDACTED];W00072:T.6706-6708(17-Aug-2023)(Open); [REDACTED].

²³⁸³ [REDACTED].

²³⁸⁴ [REDACTED];P00743.1:p.SPOE00198304(Public);W02161:T.10536(05-Dec-2023)(Open); W02161:T.10649-10650(06-Dec-2023)(Open);[REDACTED]; [REDACTED];[REDACTED];[REDACTED];[REDACTED].

²³⁸⁵ P00743.1:p.SPOE00198304(Public);[REDACTED]; [REDACTED].

²³⁸⁶ [REDACTED];[REDACTED];[REDACTED].

²³⁸⁷ Seized from **SELIMI**: [REDACTED]; P03759_ET:p.SPOE00230261(Public). Seized from **KRASNIQI**: [REDACTED];[REDACTED]. See also [REDACTED]; [REDACTED]; [REDACTED].

identification and/or monitoring of Opponents.²³⁸⁸

598. That every single witness called to testify by **THAČI** acknowledged that during or shortly after the conflict they were, at a minimum, aware of allegations of crimes having been committed by KLA members,²³⁸⁹ is also telling.

599. In light of the above, and also considering evidence concerning the **Accused's** stated knowledge of, *inter alia*, the KLA's structure, organisation, attacks and operations,²³⁹⁰ the **Accused's** selective denials of knowledge of detention sites and the crimes — including in circumstances, such as interviews with the SPO or other prosecutorial or judicial institutions, where the **Accused** would have known that admissions could trigger their own criminal responsibility — should be given no weight. In the same breath as he unconvincingly denied knowledge of prison facilities in Llapushnik/Lapušnik, **SELIMI** tellingly conceded that there could not have been such facilities there without his knowledge.²³⁹¹

600. Similarly, in light of the above, in particular the **Accused's** direct involvement in articulating the common purpose and their participation in its implementation,²³⁹² and noting that specific notice of individual crimes is not required,²³⁹³ the fact that one or more of the **Accused** were away from Kosovo for limited periods of time during the conflict is irrelevant. When the **Accused** were abroad, they were able to receive information from, and provide information and instruction to, KLA members on the

²³⁸⁸ Seized from **SELIMI**: [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].
Seized from **KRASNIQI**: [REDACTED]; [REDACTED].

²³⁸⁹ 1DW-004:T.27475(01-Oct-2025)(Open); 1DW-008:T.27592(10-Nov-2025)(Open); 1DW-001:T.26921-26923(17-Sep-2025)(Open); 1DW-003:T.26642-26646, 26652-26653, 26727-26729(16-Sep-2025)(Open); 1D00280:p.SPOE00397414(Public); P04487:00:07:48-00:08:25(Public); P04487_ET(Public); [REDACTED]; 1DW-007:T.28178(17-Nov-2025)(Open).

²³⁹⁰ See e.g. P00742.6_ET:pp.2-3(Public); [REDACTED]; [REDACTED]; P00796:p.3487(Public); P00800:pp.4957-4958, 5004(Public); [REDACTED].

²³⁹¹ [REDACTED].

²³⁹² Section II.A.1.

²³⁹³ *Šainović et al.* AJ, para.1491; *Kvočka et al.* AJ, para.276; *Sesay et al.* AJ, para.906.

ground in Kosovo.²³⁹⁴ Charged crimes occurred throughout the temporal scope of the Indictment, starting and continuing through the spring and summer of 1998, when the **Accused** were, for the most part, in Kosovo and actively involved. The crimes took place at sites where the GS was based or which were otherwise known to and/or visited by the **Accused**, including long-standing zone and regional headquarters and a designated GS detention facility.

601. Finally, while all charged crimes fall within the JCE, in the alternative and to the extent the Panel considers that certain charged crimes do not, it was foreseeable that such crimes might be perpetrated by one or more JCE Members or Tools in carrying out the crimes within the common purpose.²³⁹⁵ With the awareness that such crimes were a possible consequence of the implementation of the common purpose of the JCE, the **Accused** participated in that enterprise and thus willingly took that risk.²³⁹⁶

602. That such crimes were foreseeable to the **Accused** is evidenced by, or can be inferred from, *inter alia*, the **Accused**: (i) repeatedly and publicly calling for, or endorsing, violence against Opponents;²³⁹⁷ (ii) having established, maintained or known of KLA units tasked with the identification, investigation, and neutralisation of Opponents;²³⁹⁸ (iii) having knowledge of the criminal background and propensity of JCE Members to commit crimes;²³⁹⁹ (iv) being aware of ethnic hatred between the parties to the conflict;²⁴⁰⁰ (v) knowing that KLA recruits were being deployed with minimal training and negligible or no information on IHL obligations;²⁴⁰¹ (vi) being aware that

²³⁹⁴ Sections II.A.4 and II.A.3.m.iv.

²³⁹⁵ Law, Art.16(1)(a);Confirmation Decision, paras.109, 114;Mustafa Confirmation Decision, para.75;Shala Confirmation Decision, para.75. See Karadžić JCE Decision, para.18.

²³⁹⁶ Law, Art.16(1)(a);Confirmation Decision, para.114;Mustafa Confirmation Decision, para.75;Shala Confirmation Decision, para.75.

²³⁹⁷ Section II.A.1.b.

²³⁹⁸ Sections II.A.3.k and II.A.3.l.

²³⁹⁹ Section II.A.4.

²⁴⁰⁰ P00530:p.020694(Public);1D00094_ET:p.055501(Public);P00795:pp.3393-3394(Public).

²⁴⁰¹ See e.g. [REDACTED];[REDACTED];[REDACTED].

no clear definition for ‘collaborator’ was provided by the KLA leadership;²⁴⁰² and (vii) personally participating in, or contributing to, the commission of the charged crimes.²⁴⁰³ Further, any JCE III crimes took place around the same time, around the same locations, and in connection with, crimes falling within the common purpose.

603. The diverse, voluminous, and mutually corroborative evidence set out above and throughout this Brief, including of the **Accused**’s roles, words and actions before, throughout, and subsequent to the temporal scope of the Indictment, reveals their intent. The evidence also establishes that the **Accused** possessed the required knowledge in relation to the crimes. Indeed, a wholistic assessment of the evidence shows that such knowledge was unavoidable.

B. OTHER MODES OF LIABILITY

604. All modes of liability charged in this case are charged in the alternative in the Indictment. The elements of each charged mode of liability are met, and the responsibility of the **Accused** can be potentially characterised under all of them. With this in mind, as potential sentencing considerations²⁴⁰⁴ and to ensure that any conviction entered can withstand appellate scrutiny,²⁴⁰⁵ the SPO requests that the Trial Panel make findings on all charged modes of liability.²⁴⁰⁶

1. *JCE III: The Accused strove to take control of Kosovo despite knowing that achieving this goal may result in the commission of the crimes charged*

605. Even if it is found that one or more of the charged crimes falls outside the scope of a proven JCE, the evidence of the **Accused**’s intent and knowledge above²⁴⁰⁷

²⁴⁰² P00796:T.3491-3492(Public);P00800:pp.5063-5066(Public);[REDACTED]; [REDACTED].

²⁴⁰³ Section II.A.4.

²⁴⁰⁴ *Milutinović et al.* TJ, paras.77-78(and the sources cited therein).

²⁴⁰⁵ See Art.46(6).

²⁴⁰⁶ *As done in Gucati and Haradinaj* TJ, para.13.

²⁴⁰⁷ See Section II.A.5.

demonstrates that it was foreseeable that the JCE Members and Tools might perpetrate the remaining charged crimes.²⁴⁰⁸ The **Accused** willingly took the risk that these extended crimes might occur when participating in the common purpose.²⁴⁰⁹ A sufficiently substantial *possibility* is all that is required for foreseeability, and the Accused need not understand that the extended crime would probably be committed.²⁴¹⁰

606. As prominent members of the KLA GS and, later, political leaders in the PGoK involved in formulating, implementing, and overseeing policies and rules that governed the actions of KLA/PGoK members, it was foreseeable to the **Accused** that JCE members and Tools, might commit the crimes charged. The **Accused** marked opponents for punishment and - using language calculated to permit and justify violence against them - targeted them through KLA communiqués and public statements.²⁴¹¹ They not only failed to put any appropriate safeguards in place, but codified the vitriolic message of the communiqués and regulatory documents requiring the 'merciless' treatment of Opponents.²⁴¹² They directly participated in the commission of crimes, and travelled throughout Kosovo, coordinating and liaising between KLA members who supported the common purpose and visiting sites where crimes were

²⁴⁰⁸ *Tadić* AJ, para.228; *Šainović et al.* AJ, para.1557; *Brđanin* AJ, paras.365, 411; *Stakić* AJ, para.65; *Kvočka et al.* AJ, para.83. See also Confirmation Decision, paras.114-115. As repeatedly confirmed by the Appeals Chamber of the *ad hoc* tribunals, JCE III liability also applies to specific intent crimes, and it is not necessary for the Accused to share the specific intent required for JCE III liability. See KSC-BC-2020-06/IA009/F00014, paras.14-26 (and authorities cited) (*Krstić* AJ, para. 150; *Brđanin* Decision, paras.9-10; *Rwamakuba* Decision, para.31; *Stakić* AJ, paras.37-38; *Martić* AJ, paras.80, 84, 194-195, 202-205; *Šainović et al.* AJ, paras.1456, 1550, 1557, 1582, 1591-1592; *Dorđević* AJ, paras.81, 83, 919, 926; *Popović et al.* AJ, paras.1440, 1442, 1708; *Stanišić and Župljanin* AJ, paras.597-599; *Karadžić* AJ, paras.422, 424, 433-437). *Contra.* the unsupported, and *in abstracto*, observation of the STL (STL Applicable Law Decision, paras.248-249).

²⁴⁰⁹ *Tadić* AJ, para.228; *Šainović et al.* AJ, para.1557; *Brđanin* AJ, paras.365, 411; *Stakić* AJ, para.65; *Kvočka et al.* AJ, para.83. See also Confirmation Decision, para.114.

²⁴¹⁰ *Karadžić* AJ, paras.432-433; *Prlić et al.* AJ, para.3022; *Popović et al.* AJ, para.1432.

²⁴¹¹ See Section II.A.1.b.

²⁴¹² P00648_ET:p.SPOE00231464(Public).

committed.²⁴¹³ Although they knew that JCE members and Tools were involved in crimes, the **Accused** did not use their authority to prevent or punish these acts; instead, they appointed and promoted perpetrators to positions of authority within the KLA and PGoK and covered up crimes to international interlocutors and victims' families.²⁴¹⁴

2. *The Accused aided and abetted the crimes charged*

607. Through their acts and omissions, the **Accused** assisted, encouraged, or provided moral support, which had a substantial effect on the commission of the charged crimes.²⁴¹⁵ The same kinds of acts underpinning the **Accused's** JCE contributions²⁴¹⁶ have also been recognised as fulfilling the requirements for aiding and abetting crimes, such as an Accused providing an encouraging presence at a crime site,²⁴¹⁷ providing logistical and operational support,²⁴¹⁸ spreading propaganda,²⁴¹⁹ and staying silent in the face of crimes when in a position of authority to prevent them.²⁴²⁰ No plan or agreement is required for this mode of liability; indeed, the principal may not even know about the accomplice's contribution.²⁴²¹

608. As senior KLA and PGoK leaders, the **Accused's** acts and omissions established how KLA members were expected to treat Opponents²⁴²² and disseminated the anti-Opponent messaging.²⁴²³ The **Accused** exercised their authority over KLA personnel

²⁴¹³ See Section II.A.4.

²⁴¹⁴ See Sections II.A.4.a.iii; II.A.4.b.iii; II.A.4.c.iii; II.A.4.d.iii.

²⁴¹⁵ *Mrkšić and Šljivančanin* AJ, paras.49, 134, 154; *Blaškić* AJ, para.47; *Tadić* AJ, para.229; *Vasiljević* AJ, para.102; *Aleksovski* AJ, paras.162, 164; *Kalimanzira* AJ, para.74; *Nahimana et al.* AJ, para.482; *Taylor* AJ, para.475. See also Confirmation Decision, para. 116.

²⁴¹⁶ See Section II.A.4.

²⁴¹⁷ *Furundžija* TJ, paras.199-209, 232. This is to be distinguished from mere presence at a site, which is insufficient on its own to constitute aiding and abetting. See *Furundžija* TJ, para.208.

²⁴¹⁸ *Krstić* AJ, para.137.

²⁴¹⁹ *Case 002/02* TJ, paras.4180-4186, 4312-4319.

²⁴²⁰ *Aleksovski* TJ, para.88.

²⁴²¹ *Brđanin* AJ, para.263; *Tadić* AJ, para.229(ii).

²⁴²² See Sections II.A.4.a.i; II.A.4.b.i; II.A.4.c.i; II.A.4.d.i.

²⁴²³ See Sections II.A.4.a.iv; II.A.4.b.iv; II.A.4.c.iv; II.A.4.d.iv.

decisions, and, later, PGoK appointments, to ensure that those involved in implementing their anti-Opponent agenda were in positions to do so.²⁴²⁴ The **Accused** also demonstrated that crimes against Opponents were acceptable through their personal participation in them.²⁴²⁵

609. The **Accused** also enabled crimes by refusing to prevent or punish them, despite having the power to do so.²⁴²⁶ Instead, the **Accused** sought to cover up crimes with false information.²⁴²⁷ Through their acts and omissions, the **Accused** established a culture where crimes against Opponents were encouraged, rewarded, and met with impunity, thereby facilitating further crimes.

610. The **Accused** knew of the crimes or were aware of the probability that crimes would be committed and that their acts and omissions would contribute to the crimes.²⁴²⁸ The **Accused** ensured that information flowed to them from their KLA subordinates in the zones and visited sites where crimes were being committed by KLA members, including visits to sites notorious for open mistreatment and/or when abuses were ongoing.²⁴²⁹ International interlocutors raised crimes of KLA members with the **Accused**, as did widespread media reporting.²⁴³⁰ Each **Accused's** knowledge of the crimes charged is also manifestly pronounced by those crimes in which they directly participated.²⁴³¹

²⁴²⁴ See Sections II.A.4.a.vi; II.A.4.b.vii; II.A.4.c.v; II.A.4.d.vi.

²⁴²⁵ See Sections II.A.4.a.ii; II.A.4.b.ii; II.A.4.c.ii; II.A.4.d.ii.

²⁴²⁶ See Sections II.A.4.a.iii; II.A.4.b.iii; II.A.4.c.iii; II.A.4.d.iii.

²⁴²⁷ See Sections II.A.4.a.v; II.A.4.d.v.

²⁴²⁸ *Vasiljević* AJ, paras.102, 142; *Kalimanzira* AJ, para.86; *Taylor* AJ, para.437; *Mrkšić and Šljivančanin* AJ, paras.49, 159; *Brđanin* AJ, para.484; *Blagojević and Jokić* AJ, para.127; *Krnojelac* AJ, para.52; *Simić* AJ, para.86; *Aleksovski* AJ, para.162; *Blaškić* AJ, para.50. See also Confirmation Decision, para. 117.

²⁴²⁹ See Section II.A.3.m.

²⁴³⁰ See Section II.A.5.

²⁴³¹ See Sections II.A.4.a.ii; II.A.4.b.ii; II.A.4.c.ii; II.A.4.d.ii.

3. Superior Responsibility: The Accused failed to prevent the crimes or punish the perpetrators

611. The **Accused** are individually criminally responsible for the charged crimes under a theory of superior responsibility. The elements for superior responsibility under customary international law make no distinction as to whether the superior is military or civilian.²⁴³²

612. The authority of the **Accused** arose originally from their status as founding or early KLA members, only for it to be further consolidated and enhanced through the positions of power to which they appointed themselves and each other throughout the Indictment period.²⁴³³ The KLA GS to which all the **Accused** were part was at the top of a KLA hierarchy that was expected to be respected with 'fanaticism'.²⁴³⁴ The collective decision-making through which this body operated meant that KLA GS decisions – including to arrest, detain, and execute Opponents²⁴³⁵ - are manifestations of the authority of the **Accused** themselves.

a. The Accused were superiors of and exercised effective control over the subordinates who perpetrated the crimes charged

613. By virtue of their authority and General Staff roles, each **Accused** was a *de jure* and *de facto* superior over subordinates who committed the charged crimes.²⁴³⁶ Each had effective control over the perpetrators, in that they had the material ability to prevent

²⁴³² Čelebići AJ, paras.195-196, 240;Aleksovski AJ, para. 76. *Contra* Trial Preparation Conference:T.1959-1960(13-Feb-2023)(Open).

²⁴³³ See Section II.A.4.

²⁴³⁴ See Section II.A.4.d.i.

²⁴³⁵ W04401:T.22986-22987, 23010-23011(28-Nov-2024)(Open);Section II.A.1.b.

²⁴³⁶ Čelebići AJ, paras.192-193, 195;Kayishema and Ruzindana AJ, para.294. See also Confirmation Decision, para.119.

or punish their crimes.²⁴³⁷ Customary international law makes clear that it is not necessary to have the formalised control typical of a modern military superior in order to possess effective control.²⁴³⁸ Effective control as understood under CIL has been found to exist in a variety of hierarchies,²⁴³⁹ with superior responsibility convictions entered, *inter alia*, against a provincial administrator,²⁴⁴⁰ a civilian warden of a prison camp with no formal appointment,²⁴⁴¹ a media executive,²⁴⁴² and the director of a tea factory.²⁴⁴³

²⁴³⁷ Factors indicative of an individual's position of authority and effective control may include: the procedure used for appointment of an accused; his official position; the power to give orders and have them executed; the power to order combat action and re-subordinate units; the availability of material and resources to wage war (including arms and ammunition and communications equipment); the authority to apply disciplinary measures; the authority to promote, demote or remove particular soldiers; the capacity to intimidate subordinates into compliance; the control exercised over the fate of vulnerable persons such as women and children; rewarding himself/herself with positions of power and influence; the protection by personal security guards, loyal to him/her; the superior fuelling or representing the ideology of the movement to which the subordinates adhere; and the interaction with external bodies or individuals on behalf of the group. *Delić* TJ, para.62 (and authorities cited); *Brima et al.* TJ, para.788.

²⁴³⁸ In this regard, see *Čelebići* AJ, para.193 ('In many contemporary conflicts, there may be only *de facto*, self-proclaimed governments and therefore *de facto* armies and paramilitary groups subordinate thereto. Command structure, organised hastily, may well be in disorder and primitive. To enforce the law in these circumstances requires a determination of accountability not only of individual offenders but of their commanders or other superiors who were, based on evidence, in control of them without, however, a formal commission or appointment'). This should be borne in mind when evaluating any opinion evidence of the 'rag-tag nature' of KLA forces (*e.g.* 1D00430(PRV):para.52(Public)), noting as well that such opinions may not be used to establish ultimate issues. KSC-BC-2020-06/F03558, para.24.

²⁴³⁹ See *e.g.* *Kunarac et al.* TJ, para.398 ('Depending on the circumstances, a commander with superior responsibility under Art.7(3) may be a colonel commanding a brigade, a corporal commanding a platoon or even a rankless individual commanding a small group of men').

²⁴⁴⁰ *Kayishema and Ruzindana* TJ, paras.498-499, 506.

²⁴⁴¹ *Čelebići* TJ, paras.739-742, 775.

²⁴⁴² *Nahimana et al.* TJ, paras.970-973, 1033, 1081.

²⁴⁴³ *Musema* TJ, paras.880-882, 895, 900, 906, 915, 920, 925, 936, 951.

i. The Accused held official positions within the KLA and the PGoK

614. In addition to their prevailing authority as originating members,²⁴⁴⁴ the **Accused** held positions of formal authority within the KLA GS and the PGoK through which they exercised control over the subordinate KLA members who perpetrated the crimes charged.²⁴⁴⁵

ii. The Accused had the power to give orders and have them executed

615. Through their positions in the General Staff, the **Accused** gave orders that were followed by their KLA subordinates.²⁴⁴⁶ As examples, **Hashim THAÇI** instructed Kurtesh FONDAJ to take up the position of Commander of the 123 Brigade, and issued him military orders, which FONDAJ obeyed.²⁴⁴⁷ Bislim ZYRAPI executed **THAÇI**'s orders to prepare and post officers into positions,²⁴⁴⁸ while Shukri BUJA followed **THAÇI**'s instructions to organise KLA units in Lipjan/Lipljan and Shtimë/Štimlje.²⁴⁴⁹ **Kadri VESELI** had the ability to issue orders down the chain of command,²⁴⁵⁰ assigning operational duties to KLA members and giving orders concerning detainees.²⁴⁵¹ **SELIMI** personally ordered the release of four KLA soldiers who were being held at

²⁴⁴⁴ W04752:T.18508-18509(17-Jul-2024)(Open), where the witness acknowledged that even as GS Chief of Staff, 'I was a professional, but I did not have the authority. The authority was with those who were there from the very beginning, the inception of the first structures of the Kosovo Liberation Army.' See also P01264_ET:p.SPOE00128630(Open);P01449_ET:p.SPOE00209456(Public);[REDACTED].

²⁴⁴⁵ See Section II.A.4.

²⁴⁴⁶ See Section II.A.3.a.i.b.

²⁴⁴⁷ [REDACTED];W04744:T.17049-17052, 17059-17064(24-Jun-2024)(Open); [REDACTED];W04744:T.17177-17178(25-Jun-2024)(Open); [REDACTED];[REDACTED].

²⁴⁴⁸ P00606_ET:pp.1, 3(Public);W04752:T.17343(01-Jul-2024)(Open);W04752:T.18259-18260(15-Jul-2024)(Open).

²⁴⁴⁹ P01817_ET:pp.68-69, 72-75(Public);P01816.1_ET:p.32(Public);[REDACTED];[REDACTED];W01453:T.21839 21841-21842, 21853-21859(04-Nov-2024)(Open);P01820_ET:pp.9-11, 16-17(Public);P01814:pp.SITF00223937-00223938(Public);[REDACTED].

²⁴⁵⁰ [REDACTED].

²⁴⁵¹ P00606_ET:p.3(Public);W04752:T.17343(01-Jul-2024)(Open);W04752:T.18266(15-Jul-2024)(Open); [REDACTED];P01748_ET:p.U002-3548(Public);[REDACTED];W03873:T.22721-22722(26-Nov-2024)(Open);[REDACTED]. See also P01449_ET:p.SPOE00209456(Public).

Kleçkë/Klečka prison.²⁴⁵² **KRASNIQI** demonstrated both the authority to order the arrests of local police and summons Blerim KUQI to the General Staff prior to his arrest.²⁴⁵³

iii. *The Accused promoted the KLA ideology followed by their subordinates*

616. As described in detail above, each of the **Accused** participated in formulating and promoting the common criminal purpose followed by their KLA subordinates, including anti-Opponent messaging and policies.²⁴⁵⁴

iv. *The Accused had the authority to make appointments and promotions*

617. As members of the GS, including within their respective spheres of responsibility, the **Accused** all exercised authority over appointments and promotions within the KLA and the PGoK, which they used to place persons in power who would pursue their common criminal purpose.²⁴⁵⁵

v. *The Accused interacted with external bodies or individuals on behalf of the KLA and PGoK*

618. Within their respective roles, each of the **Accused** interacted with individuals and groups or organisations external to the KLA and the PGoK. **THAÇI** met and negotiated with internationals (including at critical junctures like the Rambouillet peace talks), controlled external relations with the media, and directed international messaging.²⁴⁵⁶ **VESELI** had diplomatic responsibilities, served as a principal liaison in negotiations, and had contacts with internationals.²⁴⁵⁷ **SELIMI** also met with

²⁴⁵² See Section II.A.4.c.iii. See also W04752:T.17949(10-Jul-2024)(Open).

²⁴⁵³ See Sections II.A.3.m.v; II.A.4.d.iv. See also W04752:T.18220-18221(15-Jul-2024)(Open).

²⁴⁵⁴ See Sections II.A.1; II.A.4.a.i, iv; II.A.4.b.i, iv; II.A.4.c.i, iv; II.A.4.d.i, iv.

²⁴⁵⁵ See Sections II.A.4.a.vi; II.A.b.vii; II.A.4.c.v; II.A.4.d.vi.

²⁴⁵⁶ See Section II.A.4.a. See also W04147:T.13723-12724(26-Mar-2024)(Open).

²⁴⁵⁷ See Section II.A.4.b. See also W03873:T.22758-22759(26-Nov-2024)(Open).

internationals, both early in the Indictment timeframe and later in his capacity as PGoK Minister of Public Order to discuss the activities of KLA military police units.²⁴⁵⁸ In his role as spokesperson, **KRASNIQI** regularly interacted with the broader public and was held out as a KLA representative in prisoner negotiations for the eight captured VJ soldiers and other discussions.²⁴⁵⁹

vi. The Accused had access to material and resources to wage war, which they provided to their subordinates (including arms, ammunition, and communications equipment)

619. The **Accused** exercised their authority to provide logistical, military, or other support to their KLA subordinates. For instance, **THAÇI** gave directions for organising the weapons supply line, and made various efforts to get weapons to trusted KLA commanders for further dissemination.²⁴⁶⁰ **VESELI** liaised with networks inside and outside Kosovo to secure communications, supplies, and movement of personnel necessary for the KLA.²⁴⁶¹ **SELIMI** facilitated logistical planning across operational zones and helped ensure that KLA members had the resources required to fulfil the common purpose of taking control over Kosovo.²⁴⁶² Particularly in his role as Deputy Commander for Support, **KRASNIQI** exercised logistical control over the KLA war effort.²⁴⁶³ That the KLA was able to resist the Serbian forces to the extent they did is itself an indication that the **Accused** had access to the materials and resources to wage war.

²⁴⁵⁸ See Section II.A.4.c. See also [REDACTED].

²⁴⁵⁹ See Section II.A.4.d.

²⁴⁶⁰ W01453:T.21880-21887(05-Nov-2024)(Open); See also Section II.A.4.a.vii.

²⁴⁶¹ See Section II.A.4.b.v.

²⁴⁶² See Section II.A.4.c.vi.

²⁴⁶³ See Section II.A.4.d.vii.

vii. The Accused had the authority to apply disciplinary measures

620. As members of the GS, including within their respective roles, the **Accused** had the authority to discipline KLA subordinates including through internal disciplinary procedures for KLA soldiers who committed transgressions.²⁴⁶⁴ As examples, **THAÇI** acknowledged to internationals that the KLA could discipline its members, and his involvement in the removal of Tahir ZEMAJ as Dukagjin Zone Commander demonstrates that he had the personal authority to relieve soldiers from command.²⁴⁶⁵ Matters of discipline fell within **VESELI**'s purview²⁴⁶⁶ - he had the ability to individually discipline KLA intelligence personnel, including through redeployment.²⁴⁶⁷ **SELIMI**, in his role as General Inspector, would regularly visit units to ensure compliance with regulations and rules, underscoring his authority to supervise and discipline subordinates.²⁴⁶⁸ **KRASNIQI** emphasised the importance of discipline across the KLA in military regulations he prepared.²⁴⁶⁹

viii. The Accused were protected by personal security guards loyal to them

621. Throughout the relevant period, escort and close protection of high-ranking military members were duties described in the Military Police Chapter in the Provisional Regulations²⁴⁷⁰ and in the National Guard's description of duties.²⁴⁷¹ The number of close protection personnel for senior KLA officers and the type of arms they

²⁴⁶⁴ See also [REDACTED].

²⁴⁶⁵ See Section II.A.3.m.ii;W04408:T.7318-7328(06-Sep-2023)(Open).

²⁴⁶⁶ [REDACTED];P01449_ET:p.SPOE00209450(Public).

²⁴⁶⁷ P00709_ET(Public);[REDACTED].

²⁴⁶⁸ W04752:T.17934, 17940(10-Jul-2024)(Open);W04752:T.17443-17444(02-Jul-2024)(Open); W04752:T.18369-18372(16-Jul-2024)(Open);Section II.A.4.c.i. See e.g. P03777_ET(Public); [REDACTED].

²⁴⁶⁹ P00008_ET:pp.1, 4, 9, 11-14, 17-18, 27(Public);[REDACTED];Section II.A.4.d.i.

²⁴⁷⁰ P03663_ET:p.U000-9451(Public);P00009_ET:para.5(Public);P00888_ET(Public); P00648_ET:p.SPOE00225129(Public);P00641_ET:p.SPOE00231464(Public);P01020.2_ET:p.18(Public).

²⁴⁷¹ P03925_ET:p.SPOE00232112(Public);P03787.1_ET:pp.SPOE00228067-SPOE00228068, SPOE00228071(Public);P01434_ET:p.SPOE00228147(Public).

could carry was also regulated in the Undertaking in June 1999.²⁴⁷² In practice, however, KLA and/or PGoK members functioned as the **Accused's** close-protection team, taking positions as bodyguards, escorts or drivers, depending on the occasion.²⁴⁷³

622. During 1998 and 1999, **Hashim THAÇI** had a close protection team, escorting him whenever he was travelling, appearing in public, or headquartered.²⁴⁷⁴ For instance, when visiting Tahir ZEMAJ in August 1998, **THAÇI** was accompanied by armed KLA soldiers,²⁴⁷⁵ and similarly had escorts when visiting Drenicë Zone in September 1998.²⁴⁷⁶ Throughout the relevant period, members that drove, escorted, guarded and served as close-protection included Xhavit FERIZI (aka Xhavit NURAKU or Raketa);²⁴⁷⁷ Isni THAÇI;²⁴⁷⁸ Vahid UKAJ;²⁴⁷⁹ [REDACTED];²⁴⁸⁰ Hyzri TALLA,²⁴⁸¹ and an individual known as commander 'Murizi'.²⁴⁸²

²⁴⁷² P01444:para.23(b)(Public). *See also* [REDACTED].

²⁴⁷³ *See e.g.* P03773_ET(Public).

²⁴⁷⁴ *See e.g.* P04188:p.1(Public);P01264_ET:pp.SPOE00128652-SPOE00128653(Public); P01449_ET:p.SPOE00209472(Public);[REDACTED];1D00291:p.DHT11913(Public); [REDACTED];[REDACTED];W04290:T.25193-25194(12-Feb-2025)(Open);[REDACTED];[REDACTED]. *See also* [REDACTED];P02007.5_ET:pp.8-10(Public);[REDACTED]; [REDACTED];W04403:T.25797-25798(25-Mar-2025)(Open).

²⁴⁷⁵ [REDACTED].

²⁴⁷⁶ P00742.3_ET:pp.19-21, 29(Public). *See also* P01745_ET:pp.U003-9105-U003-9106(Public).

²⁴⁷⁷ P00739.9_ET:pp.3-4(Public);P00763.6_ET:pp.14-16(Public); [REDACTED];[REDACTED];P01264_ET:pp.SPOE00128630-SPOE00128631, SPOE00128657-SPOE00128658, SPOE00128720(Public);[REDACTED];W04410:T.16649, 16677-16680(04-Jun-2024)(Open);[REDACTED];W04403:T.25797-25798(25-Mar-2025)(Open);[REDACTED];P02007.5_ET:pp.8-10(Public);[REDACTED];[REDACTED]. *See also* [REDACTED].

²⁴⁷⁸ [REDACTED];W04290:T.24953(10-Feb-2025)(Open). *See also* P01745_ET:pp.U003-9105-U003-9106(Public);W04290:T.25024-25026(11-Feb-2025)(Open).

²⁴⁷⁹ [REDACTED]. *See also* [REDACTED]; [REDACTED];P03229_ET:p.U001-6273(Public).

²⁴⁸⁰ [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED].

²⁴⁸¹ P00763.6_ET:p.22(Public);P00739.8_ET:p.2(Public).

²⁴⁸² [REDACTED].

623. **Kadri VESELI** was escorted by KLA members,²⁴⁸³ including drivers such as Naser SHALA from Lipjan/Lipljan,²⁴⁸⁴ or Skender SALLAUKA.²⁴⁸⁵ When going together with **THAÇI** to the Bardh i Madh/Veliki Belačevac mine in June 1998, **VESELI** was also driven by Xhavit FERIZI (aka Raketa), who carried a grenade launcher.²⁴⁸⁶

624. **Rexhep SELIMI** also benefitted from KLA and/or PGoK members providing security services to him.²⁴⁸⁷ Throughout 1998 and 1999, members escorting **SELIMI** included Avdi RACI,²⁴⁸⁸ Asllan FRANCA,²⁴⁸⁹ Fitim SHPATI,²⁴⁹⁰ Avdush ADEMAJ,²⁴⁹¹ and Alush AGUSHI.²⁴⁹²

625. **Jakup KRASNIQI** was also escorted by armed KLA members when travelling through Kosovo.²⁴⁹³

²⁴⁸³ [REDACTED].

²⁴⁸⁴ [REDACTED].

²⁴⁸⁵ W04752:T.17853-17854(09-Jul-2024)(Open).

²⁴⁸⁶ [REDACTED];P01264_ET:pp.SPOE00128630-SPOE00128631, SPOE00128720(Public); W04410:T.16649(04-Jun-2024)(Open).

²⁴⁸⁷ See e.g. P04195:p.020709(Public);[REDACTED]. See also [REDACTED];P00895_ET:p.U002-0177(Public);P00763.6_ET:p.22(Public); P00739.8_ET:p.2(Public);[REDACTED].

²⁴⁸⁸ [REDACTED];[REDACTED];W04752:T.17942(10-Jul-2024)(Open);W04290:T.25192-25193(12-Feb-2025)(Open); [REDACTED];[REDACTED];[REDACTED];[REDACTED];P01264_ET:pp.SPOE00128603, SPOE00128761, SPOE00128870, SPOE00128873(Public).

²⁴⁸⁹ P03932_ET(Public);P03947_ET:pp.SPOE00227011-SPOE00227013(Public); P03930_ET:pp.SPOE00227340, SPOE00227344, SPOE00227346-SPOE00227347, SPOE002273349(Public).

²⁴⁹⁰ P03932_ET(Public).

²⁴⁹¹ P00763.9_ET:pp.6-7(Public);P03930_ET:pp.SPOE00227342, SPOE00227344(Public).

²⁴⁹² [REDACTED];W04752:T.17942-17944(10-Jul-2024)(Open).

²⁴⁹³ [REDACTED];W04240:T.20880(22-Oct-2024)(Open);W04752:T.18534-18537(18-Jul-2024)(Open);P01086:00:00:08-00:00:30(Public). See also [REDACTED].

b. The Accused failed to take necessary and reasonable measures to prevent the crimes or punish the perpetrators

626. As set out above, each **Accused** failed to discharge his responsibility to prevent future crimes and punish past crimes of their subordinates.²⁴⁹⁴ The subordinates' criminal responsibility can be under any mode of liability.²⁴⁹⁵

627. The **Accused** did not take the necessary measures which reasonably fell under their material powers to fulfil these responsibilities.²⁴⁹⁶ The **Accused** were obligated to refer crimes of their subordinates to any reasonably available and competent authority, including third parties.²⁴⁹⁷

628. Given their remits within the KLA GS and PGoK, the **Accused** could have created the capacity for the KLA to prevent and punish no differently than their creation of the KLA/PGoK's other structures.²⁴⁹⁸ They could have set up adequate reporting or monitoring channels, as they did with other matters like zone intelligence information.²⁴⁹⁹ They could have issued effective orders to prohibit or stop the commission of crimes, but instead, others initiated belated and isolated efforts to do

²⁴⁹⁴ See Sections II.A.4.a.iii; II.A.4.b.iii; II.A.4.c.iii; II.A.4.d.iii. See also *Dorđević* TJ, para.1888; *Delić* TJ, paras.69, 72; *Hadžihasanović and Kubura* AJ, para.259; *Blaškić* AJ, para.83; *Mucić et al.* TJ, paras.333-334; *Strugar* TJ, paras.373, 416; *Kordić and Čerkez* TJ, paras.445-446; *Blaškić* TJ, para.336; Confirmation Decision, para.120.

²⁴⁹⁵ *Nahimana et al.* AJ, paras.485-486; *Blagojević and Jokić* AJ, paras.280-282; *Čelebići* AJ, paras.195-196; *Fofana and Kondewa* TJ, paras.773-79, 868-878. That the **Accused** had effective control over the direct perpetrators does not change what is legally sufficient for a conviction, and paragraph 55 of the Indictment expressly defines the term 'committed' as including all modes of liability covered by Art.16(1). *Contra* Trial Preparation Conference:T.1880(18-Jan-2023)(Open).

²⁴⁹⁶ *Dorđević* TJ, para.1887; *Orić* AJ, para. 177; *Halilović* AJ, para. 56. See also Confirmation Decision, para.121.

²⁴⁹⁷ See *Popović et al.* AJ, para.1929; *Karadžić* TJ, para.588 (and citations therein). What constitutes necessary and reasonable measures is not a matter of substantive law but of evidence. *Blaškić* AJ, para.72; *Hadžihasanović and Kubura* AJ, para. 33.

²⁴⁹⁸ See Sections II.A.3.a-l.

²⁴⁹⁹ The THAČI Defence conceded that such measures can fall within a commander's obligations, at least for a military superior. See SPO Preparation Conference:T.1959-1960(15-Feb-2023)(Open).

so.²⁵⁰⁰ They could have ceased and then clearly, firmly, and consistently rescinded their incendiary public messaging targeting Opponents, instead they escalated such rhetoric.²⁵⁰¹ They could have adopted more robust regulations or training on international humanitarian law requirements which they were quick to claim awareness of when speaking to internationals.²⁵⁰² They could have issued disciplinary measures or sanctions, as they did in other contexts such as when soldiers drank alcohol or mishandled weapons.²⁵⁰³ They could have used the KLA military court, which brought proceedings against Blerim KUQI and [REDACTED]²⁵⁰⁴ but had no perpetrators of the charged crimes on its docket. They could have withdrawn from the KLA GS/PGoK, rather than appoint themselves into further positions of authority across the Indictment period.²⁵⁰⁵ To the extent the KLA/PGoK structures were insufficient to investigate and punish, this was itself a failure to take necessary and reasonable measures.

629. Any of the crimes committed could also have been referred to international authorities on the ground for further investigation, such as KFOR and the ICTY. These bodies were willing and able to assist in investigating crimes, including crimes which occurred before they had arrived in Kosovo.²⁵⁰⁶ The availability of KFOR in particular to investigate crimes is confirmed by U.N. Security Council Resolution 1244,²⁵⁰⁷ as well

²⁵⁰⁰ 1D00029_ET(Public);P00741_ET.3(Public).

²⁵⁰¹ See Section II.A.1.

²⁵⁰² See Sections II.A.4.a.iv; II.A.4.d.iii, iv.

²⁵⁰³ See Sections II.A.4.a.iii; II.A.4.b.vi.

²⁵⁰⁴ See Section II.A.3.j.

²⁵⁰⁵ See Section II.A.4.

²⁵⁰⁶ See *e.g.* W04868:T.18772-18773(20-Aug-2024)(Open). Other resources were also available to collect information on KLA human rights violations, including Human Rights Watch (W04408) and OSCE/KVM (W02153/W02161).

²⁵⁰⁷ 1D00178:para.11(i)(Public).

as witnesses from both the SPO²⁵⁰⁸ and Defence.²⁵⁰⁹ The **Accused** knew that KFOR was a full executive authority,²⁵¹⁰ called for ICTY involvement in Kosovo as concerned Serb crimes,²⁵¹¹ and celebrated the ICTY's indictment of Slobodan MILOŠEVIĆ,²⁵¹² while failing to refer any of the charged crimes to these same bodies.

c. The Accused knew or had reason to know that their subordinates were about to commit crimes or had done so

630. Each **Accused** knew or had reason to know that their subordinates were about to commit a crime or had done so.²⁵¹³ The information putting the accused on notice need only be sufficiently alarming to justify further enquiry – it need not contain extensive or specific details about the unlawful acts committed or about to be committed.²⁵¹⁴

631. As described above, sufficiently alarming information existed to justify further action which each **Accused** failed to take. KLA subordinates abducted, detained, mistreated, tortured, killed, and/or disappeared hundreds of civilians from over 50

²⁵⁰⁸ W04868:T.18584-18586(19-Aug-2024)(Open). W04868 also gave evidence of how Karadak Zone Commander Ahmet ISUFI would call his attention to Serb atrocities, but received no equivalent information on the charged crimes. See [REDACTED].

²⁵⁰⁹ 1DW-006:T.27202(23-Sep-2025)(Open);1DW-007:T.28212(18-Nov-2025)(Open).

²⁵¹⁰ P00742.5_ET:p.4(Public). KLA leaders appointed by the **Accused** – like Karadak Zone Commander Ahmet ISUFI - called KFOR's attention to Serb atrocities, but not to the perpetrators of the charged crimes. See e.g. [REDACTED].

²⁵¹¹ P04160_ET.1:p.086828(Public);P03754_ET(Public);P03760_ET:p.SPOE00225294(Public);P01813_ET:p.SPOE00227495(Public).

²⁵¹² P00524:p.1(Public);P03910_ET:p.SPOE00229441(Public)(seized from **Jakup KRASNIQI**).

²⁵¹³ Đorđević TJ, paras.1885-1886;Orić TJ, para.319;Blaškić TJ, para.307;Mucić et al. TJ, para.386; Ntawukulilyayo TJ, paras.420-421;Krnojelac AJ, para. 59;Mucić et al. AJ, paras.238-239;Nahimana et al. AJ, para.791;Bagilishema AJ (Reasons), paras.28, 42. See also Confirmation Decision, para.122. Factors which the Trial Chamber takes into consideration include, but are not limited to: the number, type and scope of illegal acts committed by the subordinates, the time during which the illegal acts occurred, the number and types of troops and logistics involved, the geographical location, whether the occurrence of the acts is widespread, the tactical tempo of operations, the *modus operandi* of similar illegal acts, the officers and staff involved, and the location of the superior at the time. Delić TJ, para.64 (and authorities cited).

²⁵¹⁴ Hadžihasanović and Kubura AJ, para. 28;Krnojelac AJ, paras.166, 178-179.

detention sites over an 18-month period.²⁵¹⁵ The KLA had full control over the areas where these detention sites were established and run,²⁵¹⁶ and these crimes followed a consistent pattern and methodology, where: (i) Opponents were identified by KLA members, including intelligence services and military police; (ii) Opponents were summonsed, arrested, or even killed on the spot; and (iii) those summonsed and arrested were detained, interrogated, mistreated, tortured, killed or disappeared. This pattern not only served to inform the **Accused** of specific crimes, it also gave them ample reason to know that their subordinates would continue to commit crimes against detainees unless they acted to prevent them from doing so.

632. This pattern of criminality fully aligned with other information the **Accused** had at the time, including: (i) messages and policies targeting and threatening Opponents, as most prominently expressed in KLA communiqués;²⁵¹⁷ (ii) personal visits to zones where crimes were committed openly and at times when charged crimes took place;²⁵¹⁸ (iii) [REDACTED] and other records discussing detainees;²⁵¹⁹ (iv) information from internationals and the media about crimes of KLA members;²⁵²⁰ and (v) the mistreatment of detainees and other crimes which the **Accused** directly participated in.²⁵²¹

III. CRIMES

633. During the Indictment period, the JCE Members and Tools conducted a campaign of persecution against Opponents in multiple municipalities in Kosovo and

²⁵¹⁵ See Section IV.

²⁵¹⁶ The majority of the detention sites were located in longstanding KLA strongholds, including GS, zone, and regional headquarters, logistical and recruitment bases, and in the GS's official detention site. See Section III.

²⁵¹⁷ See Section II.A.1.

²⁵¹⁸ See Section II.A.3.m.

²⁵¹⁹ See Section V.H.

²⁵²⁰ See Section II.A.5.

²⁵²¹ See Sections II.A.1; II.A.4.a.i; II.A.4.b.i; II.A.4.c.i; II.A.4.d.i.

the districts of Kukës and Has in northern Albania. The persecutory acts described below are demonstrative of a wider campaign of persecution implemented throughout Kosovo, before, during, and after the Indictment period. The persecution was carried out on political and/or ethnic grounds through the crimes described below.

A. LIKOC/LIKOVAC

634. Likoc/Likovac, a hilltop village in the Drenicë area, was an important KLA headquarters from an early stage,²⁵²² and played an increasingly significant role from March 1998, as new KLA recruits were directed to Likoc/Likovac and then deployed to other areas according to need.²⁵²³

635. By March 1998 and for a period thereafter, Likoc/Likovac served as a General Staff headquarters²⁵²⁴ and over the course of the conflict hosted GS meetings, as well as visits by GS members, including **THAÇI, SELIMI, KRASNIQI, VESELI**, Sokol BASHOTA, and Fatmir LIMAJ.²⁵²⁵

636. From its establishment, the Drenicë Zone's headquarters were located in Likoc/Likovac,²⁵²⁶ as were a KLA health centre and hospital,²⁵²⁷ and the Zone's military

²⁵²² [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED]; W04745:T.25482(24-Feb-2025)(Open);W04745:T.25594(25-Feb-2025)(Open).

²⁵²³ See Section II.A.3.m.i.

²⁵²⁴ See Section II.A.3.m.i.

²⁵²⁵ See Section II.A.3.m.i.

²⁵²⁶ AF217(Public);AF244(Public);[REDACTED];[REDACTED]; [REDACTED];P01745_ET:p.U003-9097(Public);W04290:T.24942(10-Feb-2025)(Open); W04752:T.17529(03-Jul-2024)(Open);[REDACTED];[REDACTED];P00763.8_ET:pp.1-2, 4(Public);[REDACTED]; [REDACTED];[REDACTED];P01449_ET:p.SPOE00209456(Public); W04410:T.16693(04-Jun-2024)(Open);[REDACTED];[REDACTED];[REDACTED]. See also [REDACTED];[REDACTED];P02027.1_ET:pp.2079-2080(Public); [REDACTED];[REDACTED];[REDACTED]; P02400/P02400_ET(Public);P02415/P02415_ET(Public);P00136.1/P00136.1_ET(Public); P02439/P02439_ET(Public);P02440_ET(Public);P02441_ET(Public);P01074:p.075342(Public).

²⁵²⁷ W04290:T.24942(10-Feb-2025)(Open);[REDACTED];P01745_ET:p.U003-9098(Public); P01264_ET:p.SPOE00128681(Public);P01449_ET:pp.SPOE00209456(Public).

police headquarters.²⁵²⁸ The KLA also set up a detention facility in Likoc/Likovac, which was operational for several months.²⁵²⁹

637. Drenicë Zone Commander Sylejman SELIMI and his subordinates, including Deputy Zone Commander Sami LUSHTAKU, Military Police Commander Sahit JASHARI, and Black Tigers Special Unit Commander Jahir DEMAKU²⁵³⁰ exercised positions of authority at the detention site, ordering²⁵³¹ and participating directly in various aspects of the arrest, transfer, detention, interrogation, mistreatment, and release of detainees.²⁵³²

638. Other senior KLA members who took part in interrogations and detentions at the Likoc/Likovac detention site included **Rexhep SELIMI**;²⁵³³ Musë JASHARI,²⁵³⁴ who was the Pashtrik OZ Commander by mid-1998²⁵³⁵ and then a member of the General Staff;²⁵³⁶ and Sabit GECI,²⁵³⁷ who, in 1998, headed an intelligence unit in the Drenicë Zone reporting to the General Staff,²⁵³⁸ later was the KLA head of ZKZ in Albania,²⁵³⁹ and in both Drenicë and Albania was involved in detentions and mistreatment of Opponents at multiple locations.²⁵⁴⁰ Xhavit NURAKU/FERIZI (aka Raketa) –**THAÇI**'s

²⁵²⁸ [REDACTED];W04290:T.24949(10-Feb-2025)(Open);W04290:T.25098(11-Feb-2025)(Open);[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];P02447_ET.2(Public);P02450(Public);P02450_ET(Public).

²⁵²⁹ See Section III.A.1.

²⁵³⁰ See Section II.A.3.m.i.

²⁵³¹ See e.g. [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED].

²⁵³² See Sections III.A.1; III.A.2.b; III.A.3.a.

²⁵³³ See Section III.A.2.b.

²⁵³⁴ See Sections III.A.1; III.A.3.a.

²⁵³⁵ See Section II.A.3.m.v.

²⁵³⁶ See Section II.A.3.g.

²⁵³⁷ See Section III.A.1.

²⁵³⁸ See Section II.A.3.m.i.

²⁵³⁹ See Section II.A.3.m.viii.

²⁵⁴⁰ See Sections III.L; III.Q; III.P.

driver, relative, and close associate during the war, who frequently accompanied him²⁵⁴¹ – was also involved in detentions and mistreatment at Likoc/Likovac [REDACTED].²⁵⁴²

639. The detention site was well known amongst the local population.²⁵⁴³ Internationals were informed about the existence of a detention site in Likoc/Likovac,²⁵⁴⁴ and GS members, including **KRASNIQI**, coordinated and were present at prisoner exchanges at this location.²⁵⁴⁵ For example, **KRASNIQI** and other GS members coordinated – including by satellite phone – with, *inter alia*, Sylejman SELIMI and ordered the release of five elderly Serbs held in Likoc/Likovac on 23 January 1999.²⁵⁴⁶ As with previous attempts by internationals to secure releases from Likoc/Likovac, when he was uncooperative, Sami LUSHTAKU initially resisted the release of the elderly Serbs, but ultimately obeyed the General Staff's order.²⁵⁴⁷

1. *Imprisonment / Illegal or Arbitrary Arrest and Detention*

640. Between at least April 1998 and January 1999, KLA members, including **Rexhep**

²⁵⁴¹ [REDACTED];P00763.6_ET:pp.14-16(Public);[REDACTED];[REDACTED];P01264_ET:pp.SPOE00128630-00128631, SPOE00128657-00128658, SPOE00128720(Public);[REDACTED];W04410:T.16649, 16677-16680(04-Jun-2024)(Open);[REDACTED];W04403:T.25797-25798(25-Mar-2025)(Open);[REDACTED];P02007.5_ET:pp.8-10(Public);[REDACTED]; [REDACTED]. *See also* [REDACTED].

²⁵⁴² *See* Sections III.A.1; [REDACTED].

²⁵⁴³ [REDACTED];[REDACTED];[REDACTED]. *See also* [REDACTED];[REDACTED];[REDACTED].

²⁵⁴⁴ [REDACTED];[REDACTED];W04147:T.13562-13563(25-Mar-2024)(Open);W04147:T.13819, 13942(27-Mar-2024)(Open).

²⁵⁴⁵ P00515_ET.6(Public);P00811_ET.12(Public);P00811_ET.16(Public);P00811_ET.23(Public);P00189_ET.1:pp.U015-8846, U015-8889, U015-8891, U015-8896(Public);[REDACTED];4D00041(Public);P01094(Public);P01092_ET:p.SPOE00230900(Public);P00864(Public);[REDACTED];[REDACTED]; [REDACTED];W04147:T.13552-13553, 13556-13557, 13561-13563(25-Mar-2024)(Open);W04147:T.13797(26-Mar-2024)(Open);[REDACTED].

²⁵⁴⁶ [REDACTED];[REDACTED];[REDACTED];[REDACTED]; [REDACTED]. *See also* P00811_ET.23(Public);P00864(Public);W04147:T.13561-13562(25-Mar-2024)(Open);W04147:T.13736(26-Mar-2024)(Open).

²⁵⁴⁷ [REDACTED];[REDACTED];W04147:T.13561-13562(25-Mar-2024)(Open);W04147:T.13736(26-Mar-2024)(Open);P00864(Public).

SELIMI,²⁵⁴⁸ Sylejman SELIMI,²⁵⁴⁹ Sabit GECI,²⁵⁵⁰ Sahit JASHARI,²⁵⁵¹ Jahir DEMAKU,²⁵⁵² Sami LUSHTAKU,²⁵⁵³ Musë JASHARI,²⁵⁵⁴ Smajl LATIFI,²⁵⁵⁵ Muharrem XHEMAJLI,²⁵⁵⁶ Xhavit NURAKU/FERIZI (aka Commander Raketa),²⁵⁵⁷ Shaban SHALA,²⁵⁵⁸ Fatmir

²⁵⁴⁸ [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED];[REDACTED];
[REDACTED]. Regarding **Rexhep SELIMI**'s role in the KLA, *see e.g.*
[REDACTED];P01881_ET(Public);[REDACTED];[REDACTED];P00739.7_ET:p.13(Public).

²⁵⁴⁹ [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];
[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED]. *See also*
P01264_ET:p.SPOE00128605(Public). Regarding Sylejman SELIMI's role in the KLA, *see e.g.*
P01745_ET:p.U003-9097(Public);[REDACTED];[REDACTED];P00795:pp.3400,
3414(Public);[REDACTED];[REDACTED].

²⁵⁵⁰ [REDACTED];[REDACTED]; [REDACTED];[REDACTED];
[REDACTED];[REDACTED];[REDACTED];[REDACTED]. Regarding Sabit GECI's role in the KLA, *see*
e.g. [REDACTED];P00763.4_ET:pp.12, 16-17(Public);[REDACTED];[REDACTED];
[REDACTED];[REDACTED];P02437_ET(Public).

²⁵⁵¹ [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];
[REDACTED]; [REDACTED];[REDACTED];[REDACTED];
[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED]. Regarding
Sahit JASHARI's role in the KLA, *see e.g.* [REDACTED];P02414_ET(Public);
[REDACTED];W04290:T.24949(10-Feb-2025)(Open);W04290:T.25098-25099, 25101(11-Feb-
2025)(Open);P00840:00:20:57-00:21:29(Public);P00840_ET:p.6(Public); P01264_ET:pp.SPOE00128648-
00128649(Public);W04410:T.16693-16694(04-Jun-2024)(Open); W04410:T.16877-16878(06-Jun-
2024)(Open);[REDACTED]; P02445_ET:p.098585(Public);P02447_ET.2(Public).

²⁵⁵² [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];
[REDACTED]. Regarding Jahir DEMAKU's role in the KLA, *see e.g.*
P02423_ET(Public);P02438_ET(Public);P02475_ET:p.097093(Public);[REDACTED];
[REDACTED];P01745_ET:p.U003-9097(Public).

²⁵⁵³ [REDACTED];[REDACTED]; [REDACTED]. Regarding Sami LUSHTAKU's presence in
Likoc/Likovac, *see also* [REDACTED];[REDACTED];[REDACTED];P01264_ET:p.SPOE00128605(Public).
Regarding Sami LUSHTAKU's role in the KLA, *see e.g.* [REDACTED];[REDACTED];
P01745_ET:p.U003-9097(Public);W04290:T.24945(10-Feb-2025)(Open).

²⁵⁵⁴ [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED]. Regarding Musë
JASHARI's role in the KLA, *see e.g.* P01745_ET:pp.U003-9095-U003-9096(Public);P02389_ET(Public).

²⁵⁵⁵ [REDACTED];[REDACTED];[REDACTED];[REDACTED]. Regarding Smajl LATIFI's role in the
KLA, *see e.g.* P02799_ET:p.SITF00438800(Public);P02803_ET(Public).

²⁵⁵⁶ [REDACTED];[REDACTED];[REDACTED];[REDACTED];
[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED]. Regarding Muharrem
XHEMAJLI's role in the KLA, *see e.g.* W04290:T.24950(10-Feb-2025)(Open);[REDACTED];[REDACTED].

²⁵⁵⁷ [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED]; [REDACTED]. Regarding
Xhavit NURAKU/FERIZI's role in the KLA, *see e.g.*
P01264_ET:p.SPOE0128630(Public);P00763.6_ET:pp.14-16(Public);P02434_ET(Public);
[REDACTED];[REDACTED].

²⁵⁵⁸ [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED]; [REDACTED]. *See also*
P02454(Public)(Albanian original with signature);P02454_ET(Public). Regarding Shaban SHALA's role

MEHMETI/GJILANI,²⁵⁵⁹ and others,²⁵⁶⁰ including members of the military police,²⁵⁶¹ took part in the arbitrary arrest and detention of more than 25 individuals, including [REDACTED],²⁵⁶² [REDACTED],²⁵⁶³ [REDACTED],²⁵⁶⁴ [REDACTED],²⁵⁶⁵ [REDACTED],²⁵⁶⁶ [REDACTED],²⁵⁶⁷ [REDACTED],²⁵⁶⁸ [REDACTED],²⁵⁶⁹

in the KLA, *see e.g.* P00141.1(Public)(Albanian original with signature);P00141.1_ET(Public);P02414_ET(Public); W04290:T.24911-24912, 24945-24946(10-Feb-2025)(Open);W04290:T.25191(12-Feb-2025)(Open).

²⁵⁵⁹ [REDACTED]. Regarding Fatmir MEHMETI/GJILANI's role in the KLA, *see e.g.* W04290:T.24950-24951(10-Feb-2025)(Open).

²⁵⁶⁰ [REDACTED];[REDACTED];[REDACTED]. [REDACTED];[REDACTED]; [REDACTED];[REDACTED]. Mirash DAKA/Mirush DAKAJ, known as Korbi or i Ziu, *see* [REDACTED]; [REDACTED];[REDACTED]. Regarding Mirash DAKA/Mirush DAKAJ's role in the KLA, *see e.g.* W04290:T.24948(10-Feb-2025)(Open);P01745_ET:p.U003-9096(Public). [REDACTED];[REDACTED]. [REDACTED];[REDACTED]. [REDACTED]. [REDACTED]. [REDACTED];[REDACTED];[REDACTED]. [REDACTED];[REDACTED]. Milaim LATIFI, *see* [REDACTED];[REDACTED];[REDACTED]. Regarding Milaim LATIFI's role in the KLA, *see e.g.* P02781_ET(Public); [REDACTED];[REDACTED]. Hysni/Isni THAÇI, *see* [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED]. Regarding Hysni/Isni THAÇI's role in the KLA, *see e.g.* W04290:T.24953(10-Feb-2025)(Open). Nuhi GECI, *see* [REDACTED]; [REDACTED];[REDACTED]; [REDACTED]. Regarding Nuhi GECI's role in the KLA, *see e.g.* W04290:T.24949(10-Feb-2025)(Open). Zeqir DEMA KU, *see* [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED]; [REDACTED]. Regarding Zeqir DEMA KU's role in the KLA, *see e.g.* W04290:T.24949(10-Feb-2025)(Open);[REDACTED]. Nexhat DEMA KU, *see* [REDACTED];[REDACTED];[REDACTED];[REDACTED]. Regarding Nexhat DEMA KU's role in the KLA, *see e.g.* W04290:T.24946-24947(10-Feb-2025)(Open). Bashkim DEMA J/DEMIQI, *see* [REDACTED];[REDACTED];[REDACTED];[REDACTED]. Selman DEMA J, *see* [REDACTED];[REDACTED];[REDACTED]. Driton DEMA J, *see* [REDACTED]; [REDACTED];[REDACTED]; [REDACTED]. Agim DEMA J, *see* [REDACTED];[REDACTED]; [REDACTED]. Fadil DEMA KU, *see* [REDACTED];[REDACTED];[REDACTED];[REDACTED]. Regarding Fadil DEMA KU's role in the KLA, *see e.g.* W04290:T.24946(10-Feb-2025)(Open); [REDACTED]. Isa XHEMA JLI, *see* [REDACTED]; [REDACTED]. Regarding Isa XHEMA JLI's role in the KLA *see e.g.* [REDACTED];[REDACTED].

²⁵⁶¹ [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED]; P02781_ET(Public);[REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED].

²⁵⁶² [REDACTED];[REDACTED];[REDACTED];[REDACTED].

²⁵⁶³ [REDACTED];[REDACTED]; [REDACTED];[REDACTED].

²⁵⁶⁴ [REDACTED];[REDACTED]; [REDACTED];[REDACTED].

²⁵⁶⁵ [REDACTED];[REDACTED].

²⁵⁶⁶ [REDACTED];[REDACTED].

²⁵⁶⁷ [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED].

²⁵⁶⁸ [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED].

²⁵⁶⁹ [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED].

[REDACTED],²⁵⁷⁰ [REDACTED],²⁵⁷¹ [REDACTED],²⁵⁷² [REDACTED],²⁵⁷³
 [REDACTED],²⁵⁷⁴ [REDACTED],²⁵⁷⁵ [REDACTED],²⁵⁷⁶ [REDACTED],²⁵⁷⁷
 [REDACTED],²⁵⁷⁸ [REDACTED],²⁵⁷⁹ [REDACTED],²⁵⁸⁰ [REDACTED],²⁵⁸¹
 [REDACTED],²⁵⁸² [REDACTED],²⁵⁸³ W02765,²⁵⁸⁴ W04239,²⁵⁸⁵ [REDACTED],²⁵⁸⁶
 [REDACTED],²⁵⁸⁷ [REDACTED],²⁵⁸⁸ a person called [REDACTED],²⁵⁸⁹ [REDACTED],²⁵⁹⁰
 and others,²⁵⁹¹ at the former police station and certain other locations in Likoc/Likovac.
 Some Likoc/Likovac detainees were transferred from or to other KLA detention

²⁵⁷⁰ [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED].
²⁵⁷¹ [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED].
²⁵⁷² [REDACTED];[REDACTED];[REDACTED]; [REDACTED].
²⁵⁷³ [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED].
²⁵⁷⁴ [REDACTED];[REDACTED];[REDACTED];[REDACTED].
²⁵⁷⁵ [REDACTED];[REDACTED].
²⁵⁷⁶ [REDACTED];[REDACTED]; [REDACTED].
²⁵⁷⁷ [REDACTED];[REDACTED]; [REDACTED].
²⁵⁷⁸ [REDACTED];[REDACTED];[REDACTED];[REDACTED].
²⁵⁷⁹ [REDACTED];[REDACTED];[REDACTED];[REDACTED].
²⁵⁸⁰ [REDACTED];[REDACTED];[REDACTED];[REDACTED].
²⁵⁸¹ [REDACTED];[REDACTED];
 [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED].
²⁵⁸² [REDACTED];[REDACTED]; [REDACTED];[REDACTED]; [REDACTED]. *See also* [REDACTED];
 [REDACTED];[REDACTED].
²⁵⁸³ [REDACTED];[REDACTED]; [REDACTED];[REDACTED].
²⁵⁸⁴ [REDACTED];[REDACTED] *See also* [REDACTED];[REDACTED].
²⁵⁸⁵ [REDACTED];[REDACTED]; [REDACTED];[REDACTED].
²⁵⁸⁶ [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED].
²⁵⁸⁷ [REDACTED];[REDACTED];[REDACTED];[REDACTED].
²⁵⁸⁸ [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED]; [REDACTED].
²⁵⁸⁹ [REDACTED]; [REDACTED];[REDACTED]; [REDACTED].
²⁵⁹⁰ [REDACTED];[REDACTED].
²⁵⁹¹ For [REDACTED] *see* [REDACTED];[REDACTED];[REDACTED]. For [REDACTED] *see*
 [REDACTED];[REDACTED]; [REDACTED];[REDACTED]. *See also* for [REDACTED]:
 [REDACTED];[REDACTED]; [REDACTED];[REDACTED]; [REDACTED]. *See also* P04023:pp.K007-
 8704-K007-8706(Public);P04148:p.101602(Public). For [REDACTED], *see* [REDACTED];
 [REDACTED];[REDACTED]. *See also* P04023:pp.K007-8704-K007-8706(Public). For [REDACTED], *see*
 [REDACTED]. For five elderly Serbs, *see* [REDACTED];[REDACTED];P00864(Public); [REDACTED].
 For other detainees, *see also* [REDACTED];[REDACTED]. [REDACTED];[REDACTED];
 [REDACTED];[REDACTED]; [REDACTED];W04147:T.13562-13563(25-Mar-2024)(Open);
 W04147:T.13819, 13942(27-Mar-2024)(Open);[REDACTED]. For other victims – namely [REDACTED];
 [REDACTED]; [REDACTED] – *see* [REDACTED];[REDACTED].

facilities.²⁵⁹²

641. Victims were arrested at their homes,²⁵⁹³ in the presence of their family members,²⁵⁹⁴ in one case, while [REDACTED] on the street,²⁵⁹⁵ and in another, while looking for [REDACTED].²⁵⁹⁶ In several cases, victims were arrested and detained with their family members, including parents and siblings.²⁵⁹⁷ Certain victims or their family members had previously been targeted by KLA members.²⁵⁹⁸ For example, KLA soldiers in black uniforms arrested [REDACTED] from his home and took him to Likoc/Likovac in [REDACTED] 1998—[REDACTED] after the KLA arrested and murdered [REDACTED]²⁵⁹⁹—saying they had received ‘orders from the Headquarters’ to question him.²⁶⁰⁰ During arrest, KLA members told another victim that [REDACTED].²⁶⁰¹ In a 31 July 1998 interview, Sylejman SELIMI stated that ‘all those that are held in our prisons are prisoners of war’ and ‘everything is done according to the military law’.²⁶⁰²

642. At Likoc/Likovac, detainees were kept in guarded or locked small rooms, some

2592 Sections III.N; III.C; [REDACTED]; [REDACTED];[REDACTED];[REDACTED];[REDACTED];
[REDACTED];[REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED].

2593 [REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED];
[REDACTED];[REDACTED]; [REDACTED];[REDACTED];
[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];

2594 [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];
[REDACTED];[REDACTED]; [REDACTED];[REDACTED].

2595 [REDACTED];[REDACTED]; [REDACTED];[REDACTED].

2596 [REDACTED];[REDACTED]; [REDACTED];[REDACTED].

2597 [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED];
[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED];
[REDACTED];P04023:pp.K007-8704-K007-8706(Public); [REDACTED];[REDACTED];
[REDACTED];[REDACTED].

²⁵⁹⁸ In March 1998, Jahir DEMAKU and Musë JASHARI had gone to [REDACTED] house and accused him of being a collaborator because he had attended [REDACTED] and because he refused to hand over [REDACTED]. *See* [REDACTED];[REDACTED]; [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED]. *See also* [REDACTED];[REDACTED];W04290:T.25007-25008(11-Feb-2025)(Open);[REDACTED];[REDACTED]. *See also* Section III.A.3.c.

²⁵⁹⁹ Section III.A.3.b.

2600 [REDACTED];[REDACTED].

2601 [REDACTED];[REDACTED]; [REDACTED];[REDACTED]; [REDACTED];[REDACTED];
[REDACTED].

2602 P02031 ET:p.SPOE00230093(Public).

with barred windows,²⁶⁰³ and many were tied up.²⁶⁰⁴ One detainee was threatened with death if he tried to leave.²⁶⁰⁵

643. The victims – to the extent their identities or occupations are known – were civilians, including an [REDACTED] woman and other elderly men,²⁶⁰⁶ farmers,²⁶⁰⁷ builders,²⁶⁰⁸ teachers,²⁶⁰⁹ a former [REDACTED] employee,²⁶¹⁰ former policemen,²⁶¹¹ [REDACTED],²⁶¹² a wood-cutter,²⁶¹³ a labourer and a mechanic.²⁶¹⁴ They were not taking part in hostilities.²⁶¹⁵

644. The victims were accused, and/or questioned about others accused, of being traitors, spies, collaborators, LDK supporters,²⁶¹⁶ and Serbian police.²⁶¹⁷ Beyond vague accusations made, including about relatives, friends, and neighbours, they frequently received no specific explanation or reason for their detention.²⁶¹⁸ By way of exception,

²⁶⁰³ [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];
[REDACTED];[REDACTED]. *See also* [REDACTED];[REDACTED];[REDACTED];[REDACTED];
[REDACTED];[REDACTED].

²⁶⁰⁴ [REDACTED];[REDACTED];[REDACTED];[REDACTED].

²⁶⁰⁵ [REDACTED].

²⁶⁰⁶ [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED].

²⁶⁰⁷ [REDACTED];[REDACTED]; [REDACTED];[REDACTED]; [REDACTED];[REDACTED].

²⁶⁰⁸ [REDACTED];[REDACTED].

²⁶⁰⁹ [REDACTED];[REDACTED]; [REDACTED];[REDACTED].

²⁶¹⁰ [REDACTED];[REDACTED].

²⁶¹¹ [REDACTED];[REDACTED].

²⁶¹² [REDACTED];[REDACTED].

²⁶¹³ [REDACTED].

²⁶¹⁴ [REDACTED].

²⁶¹⁵ *See e.g.* [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED];
[REDACTED];[REDACTED];[REDACTED].

²⁶¹⁶ [REDACTED];[REDACTED]; [REDACTED];[REDACTED];
[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];
[REDACTED];[REDACTED]; [REDACTED];[REDACTED]; [REDACTED];
[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED]; [REDACTED];
[REDACTED];[REDACTED]; [REDACTED];[REDACTED]; [REDACTED];[REDACTED];
[REDACTED];[REDACTED];[REDACTED];[REDACTED]. *See also*
[REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED].

²⁶¹⁷ [REDACTED];[REDACTED]; [REDACTED];[REDACTED].

²⁶¹⁸ [REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED];
[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED];
[REDACTED].

KLA members told [REDACTED]²⁶¹⁹ and [REDACTED] family members²⁶²⁰ that [REDACTED] were detained for [REDACTED], an example of ‘submission to the Serb occupier’ which was publicly opposed by the KLA in Drenicë.²⁶²¹ Further, after [REDACTED] had been detained and brutally beaten – a fact he informed [REDACTED] of – [REDACTED] were detained because of allegations that they were spies.²⁶²² Detainees were held without due process of law for varying periods of time,²⁶²³ in some cases for several weeks.²⁶²⁴

645. More than 25 victims were detained and mistreated at Likoc/Likovac in similar circumstances and for similar reasons in April,²⁶²⁵ May,²⁶²⁶ June,²⁶²⁷ July,²⁶²⁸ and August 1998²⁶²⁹ – with the victims held in later summer released only because of the Serbian offensive in the area²⁶³⁰ – and then, after the KLA returned to Likoc/Likovac, in October

²⁶¹⁹ [REDACTED];[REDACTED].

²⁶²⁰ [REDACTED];[REDACTED];[REDACTED].

²⁶²¹ P00811_ET.35:pp.SPOE00053796-00053797(Public).

²⁶²² [REDACTED];[REDACTED].

²⁶²³ See e.g. [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED]. After victim [REDACTED] was released, [REDACTED] visited his house [REDACTED]. However, [REDACTED] was never informed of anyone being investigated, arrested, or punished by the KLA in relation to [REDACTED] arrest. See [REDACTED];[REDACTED]; [REDACTED];W04410:T.16703(04-Jun-2024)(Open).

²⁶²⁴ [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED];[REDACTED]; [REDACTED]; [REDACTED];[REDACTED]; [REDACTED];[REDACTED].

²⁶²⁵ [REDACTED] were arrested on [REDACTED] April 1998. See [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED]. [REDACTED] was arrested on [REDACTED] April 1998. See [REDACTED];[REDACTED];[REDACTED];[REDACTED]; [REDACTED].

²⁶²⁶ [REDACTED] was arrested in May 1998. See [REDACTED].

²⁶²⁷ W02765, [REDACTED] and [REDACTED] were arrested in June 1998. See [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED].

²⁶²⁸ [REDACTED] were arrested on [REDACTED] July 1998 and transferred to Likoc/Likovac shortly thereafter. [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED]. [REDACTED] continued to be mistreated by KLA members, including [REDACTED], during their detention in [REDACTED], before being transferred to Likoc/Likovac. See [REDACTED]; [REDACTED];[REDACTED];[REDACTED].

²⁶²⁹ [REDACTED] were arrested on or around [REDACTED] August 1998. See [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED].

²⁶³⁰ [REDACTED];[REDACTED].

1998²⁶³¹ and January 1999,²⁶³² following a consistent pattern of conduct.

2. *Other Inhumane Acts / Cruel Treatment / Torture*

a. Detention Conditions

646. Some detainees were kept in darkness,²⁶³³ some in a cellar,²⁶³⁴ and some in a small storage room.²⁶³⁵ For part of his time at Likoc/Likovac, [REDACTED].²⁶³⁶ Detainees were given little or no food and water,²⁶³⁷ had to seek permission to use the bathroom, or were only allowed to use the bathroom once per day.²⁶³⁸ Often there no were mattresses to sleep on or proper bedding.²⁶³⁹ Detainees were also forced to labour, including cleaning blood-covered floors.²⁶⁴⁰

b. Psychological and Physical Abuse

647. During arrest and detention at other locations before their transfer to Likoc/Likovac, a number of detainees were threatened with death²⁶⁴¹ and otherwise mistreated.²⁶⁴² For example, [REDACTED] were tied, beaten, and [REDACTED] had [REDACTED], while KLA soldiers accused them of being spies.²⁶⁴³ After KLA soldiers

²⁶³¹ [REDACTED] was arrested in October 1998. [REDACTED].

²⁶³² [REDACTED] was arrested in January 1999. *See* [REDACTED];[REDACTED];[REDACTED]; [REDACTED]. [REDACTED] were arrested in January 1999. [REDACTED];[REDACTED]; [REDACTED];[REDACTED].

²⁶³³ [REDACTED];[REDACTED].

²⁶³⁴ [REDACTED];[REDACTED].

²⁶³⁵ [REDACTED];[REDACTED]; [REDACTED];[REDACTED]

²⁶³⁶ [REDACTED];[REDACTED];[REDACTED].

²⁶³⁷ [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED]; [REDACTED].

²⁶³⁸ [REDACTED];[REDACTED]; [REDACTED];[REDACTED].

²⁶³⁹ [REDACTED];[REDACTED];[REDACTED];[REDACTED]; [REDACTED]; [REDACTED];[REDACTED].

²⁶⁴⁰ [REDACTED];[REDACTED]; [REDACTED].

²⁶⁴¹ [REDACTED].

²⁶⁴² [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED]; [REDACTED]. *See also* [REDACTED].

²⁶⁴³ [REDACTED];[REDACTED].

beat and cut [REDACTED] at two different locations, while he was chained and tied, they attempted to kill him. [REDACTED].²⁶⁴⁴ At Likoc/Likovac, KLA soldiers brutally mistreated the detainees, physically and psychologically, during questioning and throughout their detention,²⁶⁴⁵ at times until they lost consciousness.²⁶⁴⁶ KLA soldiers used, *inter alia*, bottles, baseball bats, wooden sticks, rifles, metal bars, and other tools to mistreat detainees.²⁶⁴⁷ Detainees also witnessed or heard screams of others, including their relatives, being mistreated,²⁶⁴⁸ were beaten in each other's presence or forced to beat each other, and threatened for refusing to do so.²⁶⁴⁹ Serb detainees were threatened with death,²⁶⁵⁰ and questioned about relatives in the police.²⁶⁵¹ Similarly, KLA members interrogated [REDACTED]—who was detained in [REDACTED]—²⁶⁵² about [REDACTED], and about [REDACTED].²⁶⁵³ KLA members interrogated [REDACTED], [REDACTED] who did not support the KLA or any political party,²⁶⁵⁴ about [REDACTED].²⁶⁵⁵

648. During his questioning in [REDACTED] 1998, military police, including Sahit

²⁶⁴⁴ [REDACTED]. *See also* [REDACTED].

²⁶⁴⁵ *See e.g.* [REDACTED];[REDACTED]; [REDACTED];[REDACTED]; [REDACTED].

²⁶⁴⁶ [REDACTED];[REDACTED];

[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED]; [REDACTED];[REDACTED]; [REDACTED].

²⁶⁴⁷ [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED]; [REDACTED];

[REDACTED];[REDACTED];[REDACTED];[REDACTED];

[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED].

²⁶⁴⁸ [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];

[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];

[REDACTED];[REDACTED]; [REDACTED];[REDACTED]. *See also* P04023:pp.K007-8704-K007-8706(Public).

²⁶⁴⁹ [REDACTED]; [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED]; [REDACTED]

²⁶⁵⁰ [REDACTED];[REDACTED].

²⁶⁵¹ [REDACTED];[REDACTED]; [REDACTED];[REDACTED]; [REDACTED].

²⁶⁵² [REDACTED];[REDACTED]; [REDACTED].

²⁶⁵³ [REDACTED];[REDACTED];[REDACTED];[REDACTED]. *See also* Section II.A.3.m.i.

²⁶⁵⁴ [REDACTED];[REDACTED];[REDACTED];[REDACTED].

²⁶⁵⁵ [REDACTED];[REDACTED]; [REDACTED];[REDACTED].

JASHARI, beat [REDACTED],²⁶⁵⁶ and asked him who the spies were, threatening him with death if he refused to speak.²⁶⁵⁷ After, three other KLA members beat him with baseball bats.²⁶⁵⁸ KLA members told [REDACTED] that he would be ‘cut in pieces’ [REDACTED].²⁶⁵⁹ **Rexhep SELIMI**²⁶⁶⁰ — [REDACTED] — was present at the headquarters in Likoc/Likovac during [REDACTED] detention and mistreatment, and, [REDACTED], he briefly saw [REDACTED], who was visibly bleeding.²⁶⁶¹

649. In [REDACTED] 1998, shortly after [REDACTED] was brought to Likoc/Likovac, [REDACTED]. [REDACTED].²⁶⁶² Throughout his detention, [REDACTED] and his family’s lives were threatened, and he was beaten by KLA members, including [REDACTED], on multiple occasions, including with a number of different instruments, and hit on [REDACTED], making him lose consciousness.²⁶⁶³ During the beatings, KLA members, including [REDACTED], continued to accuse him of being a collaborator and spy.²⁶⁶⁴

650. Family members attempted to visit detainees in Likoc/Likovac.²⁶⁶⁵ For example, KLA soldiers confirmed to [REDACTED] that he was there, but they were never

²⁶⁵⁶ [REDACTED];[REDACTED];[REDACTED];[REDACTED].

²⁶⁵⁷ [REDACTED];[REDACTED]; [REDACTED].

²⁶⁵⁸ [REDACTED].

²⁶⁵⁹ [REDACTED].

²⁶⁶⁰ While this allegation was not specified in the Indictment, the Panel found that it is relevant to facts and circumstances validly pleaded, including **SELIMI**’s state of mind. *See* Oral Order:[REDACTED].

²⁶⁶¹ [REDACTED];[REDACTED]. Regarding **Rexhep SELIMI**’s presence in Likoc/Likovac in [REDACTED] 1998 *see also* [REDACTED];[REDACTED];[REDACTED]. **SELIMI** himself acknowledged that he was in the area often. *See* P00778:T.6653(Public).

²⁶⁶² [REDACTED];[REDACTED];[REDACTED]. Regarding **Rexhep SELIMI**’s presence in Likoc/Likovac at the end of [REDACTED] and in [REDACTED] 1998 *see also e.g.* [REDACTED]; [REDACTED]; [REDACTED].

²⁶⁶³ [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED].

²⁶⁶⁴ [REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED]; [REDACTED];[REDACTED].

²⁶⁶⁵ [REDACTED];[REDACTED]; [REDACTED]. *See also* Section III.A.3.c.

allowed to see him. On one occasion, [REDACTED].²⁶⁶⁶

3. *Murder / Enforced Disappearance*

a. [REDACTED]

651. In the late evening of [REDACTED] April 1998, masked and armed KLA soldiers, wearing uniforms with KLA insignia, arrested [REDACTED] and [REDACTED], and took them to [REDACTED].²⁶⁶⁷ [REDACTED] were long-time LDK supporters, which was a fact well-known in the village.²⁶⁶⁸ During the arrest, the KLA soldiers told [REDACTED] and [REDACTED] that they were going to liquidate them because they were with the LDK, traitors, and Serb collaborators.²⁶⁶⁹ The KLA soldiers had also stopped [REDACTED], and were holding him at gunpoint while the others were being arrested.²⁶⁷⁰ [REDACTED] was forced to [REDACTED]²⁶⁷¹ and took [REDACTED].²⁶⁷²

652. Around the same time, five armed, masked men in black and camouflage uniforms with KLA insignia arrested [REDACTED] from their home.²⁶⁷³ They were taken to [REDACTED], where they saw around 15 more armed KLA soldiers and [REDACTED].²⁶⁷⁴ There, KLA soldiers questioned [REDACTED], before they were transferred to [REDACTED],²⁶⁷⁵ where they joined [REDACTED].²⁶⁷⁶ In [REDACTED], KLA soldiers, including [REDACTED],²⁶⁷⁷ beat [REDACTED],²⁶⁷⁸ while accusing them

²⁶⁶⁶ [REDACTED];[REDACTED].

²⁶⁶⁷ [REDACTED];[REDACTED]; [REDACTED];[REDACTED].

²⁶⁶⁸ [REDACTED];[REDACTED].

²⁶⁶⁹ [REDACTED].

²⁶⁷⁰ [REDACTED];[REDACTED]; [REDACTED];[REDACTED].

²⁶⁷¹ [REDACTED].

²⁶⁷² [REDACTED];[REDACTED]; [REDACTED].

²⁶⁷³ [REDACTED];[REDACTED];[REDACTED].

²⁶⁷⁴ [REDACTED];[REDACTED]; [REDACTED].

²⁶⁷⁵ [REDACTED];[REDACTED];[REDACTED].

²⁶⁷⁶ [REDACTED];[REDACTED];[REDACTED].

²⁶⁷⁷ [REDACTED];[REDACTED];[REDACTED].

²⁶⁷⁸ [REDACTED];[REDACTED]; [REDACTED];[REDACTED].

of being spies and traitors because of supporting RUGOVA.²⁶⁷⁹ KLA soldiers also beat [REDACTED], while questioning him about his weapon and who had issued him a weapon permit.²⁶⁸⁰ [REDACTED] were also amongst those arrested that night.²⁶⁸¹

653. All detainees were then driven to Likoc/Likovac.²⁶⁸² [REDACTED] drove one of the vehicles.²⁶⁸³

654. In Likoc/Likovac, [REDACTED], as well as [REDACTED] were separated from [REDACTED], who last saw them in KLA custody.²⁶⁸⁴ [REDACTED] was beaten and kicked, including with rifle butts, by [REDACTED], and others,²⁶⁸⁵ [REDACTED], until he lost consciousness.²⁶⁸⁶ He was accused of being a spy and a collaborator, told that they would kill all those who supported RUGOVA, and [REDACTED]²⁶⁸⁷ and what weapons [REDACTED], had.²⁶⁸⁸ [REDACTED]²⁶⁸⁹ and [REDACTED] were also beaten.²⁶⁹⁰ [REDACTED]` was ordered to face the wall of [REDACTED] and told not to turn or he would be killed.²⁶⁹¹ [REDACTED] was also badly beaten and was bleeding.²⁶⁹²

655. [REDACTED], and [REDACTED] were released in the early morning hours of [REDACTED] April 1998.²⁶⁹³

²⁶⁷⁹ [REDACTED];[REDACTED];[REDACTED];[REDACTED].

²⁶⁸⁰ [REDACTED].

²⁶⁸¹ [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED].

²⁶⁸² [REDACTED];[REDACTED];

[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED]; [REDACTED].

²⁶⁸³ [REDACTED];[REDACTED];[REDACTED].

²⁶⁸⁴ [REDACTED]; [REDACTED];[REDACTED];[REDACTED].

²⁶⁸⁵ [REDACTED];[REDACTED];[REDACTED];[REDACTED].

²⁶⁸⁶ [REDACTED]. *See also* [REDACTED].

²⁶⁸⁷ [REDACTED];[REDACTED]; [REDACTED];[REDACTED].

²⁶⁸⁸ [REDACTED].

²⁶⁸⁹ [REDACTED]. *See also* [REDACTED].

²⁶⁹⁰ [REDACTED];[REDACTED].

²⁶⁹¹ [REDACTED].

²⁶⁹² [REDACTED];[REDACTED]. *See also* [REDACTED];[REDACTED];[REDACTED].

²⁶⁹³ [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED]; [REDACTED].

656. After his release, on [REDACTED] April 1998, [REDACTED]. [REDACTED].²⁶⁹⁴
[REDACTED].²⁶⁹⁵ On [REDACTED] April 1998, [REDACTED]. [REDACTED].²⁶⁹⁶

657. Later that day, on [REDACTED] April 1998, the bodies of the [REDACTED] men – [REDACTED] – and a large amount of cartridge cases were found in [REDACTED].²⁶⁹⁷
The autopsy findings for [REDACTED],²⁶⁹⁸ [REDACTED],²⁶⁹⁹ [REDACTED],²⁷⁰⁰ [REDACTED]²⁷⁰¹ and [REDACTED]²⁷⁰² were similar, and confirmed that each died from multiple gunshot wounds inflicted by the same weapon(s), in the same location, and at the same time, shortly before their bodies were found,²⁷⁰³ and shortly after their abductions.²⁷⁰⁴ [REDACTED].²⁷⁰⁵

²⁶⁹⁴ [REDACTED];[REDACTED].

²⁶⁹⁵ [REDACTED];[REDACTED];[REDACTED];[REDACTED].

²⁶⁹⁶ [REDACTED];[REDACTED].

²⁶⁹⁷ [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED]; [REDACTED]. *See also* [REDACTED].

²⁶⁹⁸ [REDACTED];[REDACTED]; [REDACTED]; [REDACTED];[REDACTED];W04874:T.24311-24315(22-Jan-2025)(Open).

²⁶⁹⁹ [REDACTED];[REDACTED]; [REDACTED]; [REDACTED];[REDACTED];W04874:T.24233-24234, 24325-24327(22-Jan-2025)(Open);W04874:T.24360-24361(23-Jan-2025)(Open).

²⁷⁰⁰ [REDACTED];[REDACTED]; [REDACTED]; [REDACTED].

²⁷⁰¹ [REDACTED];[REDACTED]; [REDACTED]; [REDACTED];[REDACTED];W04874:T.24235-24236(22-Jan-2025)(Open);W04874:T.24367-24369(23-Jan-2025)(Open).

²⁷⁰² [REDACTED];[REDACTED]; [REDACTED]; [REDACTED].

²⁷⁰³ [REDACTED];W04874:T.24435(23-Jan-2025)(Open). *See also*

[REDACTED];[REDACTED];[REDACTED];

[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED].

²⁷⁰⁴ That [REDACTED] were abducted together with [REDACTED] by KLA members as part of the same operation and taken to Likoc/Likovac before their murder is demonstrated by the holistic consideration of the following factors: (i) the circumstances of their abductions and that of [REDACTED], who were all [REDACTED] and targeted as a group; (ii) that [REDACTED] was interrogated about what weapons both [REDACTED] and [REDACTED] – who were both later killed – had; (iii) that the murder victims were held and mistreated separately from [REDACTED] at Likoc/Likovac; (iv) that [REDACTED], and [REDACTED] did not see them among those who were released and they were missing when [REDACTED]; (v) that [REDACTED] and [REDACTED] were found dead together [REDACTED], and [REDACTED] a short time after their abductions; (vi) when [REDACTED] enquired about [REDACTED]; and/or (vii) the expert conclusion that the same weapon(s) were used to kill the victims, who died under similar circumstances, in the same location, and at the same time, shortly before they were found and shortly after their abductions.

²⁷⁰⁵ [REDACTED];[REDACTED].

b. [REDACTED]

658. On [REDACTED] 1998, [REDACTED], a [REDACTED] and LDK supporter,²⁷⁰⁶ was surrounded by KLA members outside his house in [REDACTED] and taken to the KLA HQ in Likoc/Likovac.²⁷⁰⁷ [REDACTED] did not support the KLA and was still a member of the SPS. On this basis, he was accused of being a collaborator.²⁷⁰⁸ [REDACTED] body was found in [REDACTED] in [REDACTED] 1998 and his relatives were informed [REDACTED].²⁷⁰⁹ There were several bullet holes in [REDACTED] body, including his head.²⁷¹⁰ [REDACTED], was arrested on orders of the 'Headquarters' and taken to Likoc/Likovac, where he was mistreated and interrogated.²⁷¹¹

c. [REDACTED]

659. During the night of [REDACTED] January 1999, five armed men, all in uniform with KLA insignia except for one, went to the house of [REDACTED], and told him he was under arrest because he worked for the Serbian Government.²⁷¹² [REDACTED] was accused of being a Serbian collaborator because [REDACTED].²⁷¹³ [REDACTED].²⁷¹⁴

660. In January 1999, upon arrest, [REDACTED] was taken to Likoc/Likovac after being detained in [REDACTED].²⁷¹⁵ Family members made repeated attempts to obtain information about his fate. Upon a first visit to Likoc/Likovac, after at first denying his presence there, KLA members allowed [REDACTED].²⁷¹⁶ During subsequent visits,

²⁷⁰⁶ [REDACTED];[REDACTED].

²⁷⁰⁷ [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED].

²⁷⁰⁸ [REDACTED];[REDACTED];[REDACTED].

²⁷⁰⁹ [REDACTED];[REDACTED].

²⁷¹⁰ [REDACTED];[REDACTED];[REDACTED].

²⁷¹¹ See Sections III.A.1; III.A.2.

²⁷¹² [REDACTED];[REDACTED];[REDACTED];[REDACTED].

²⁷¹³ [REDACTED];[REDACTED].

²⁷¹⁴ [REDACTED];[REDACTED].

²⁷¹⁵ [REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED]; [REDACTED].

²⁷¹⁶ [REDACTED];[REDACTED];[REDACTED]; [REDACTED].

[REDACTED] confirmed that [REDACTED] was detained there and was under investigation because he was a Serbian collaborator.²⁷¹⁷ His relatives were subsequently denied information about him, provided with contradictory or misleading information, and threatened.²⁷¹⁸ [REDACTED] also claimed that [REDACTED]. [REDACTED].²⁷¹⁹

661. [REDACTED]. They were allowed to see him, and were told by [REDACTED] that he was detained because he was suspected of being a Serbian collaborator.²⁷²⁰

662. [REDACTED] was last seen in KLA custody and his remains were never found.²⁷²¹

4. *Continued Targeting*

663. KLA members continued targeting those detained in Likoc/Likovac, and their family members, after their release.²⁷²² For example, in June 1998, **Rexhep SELIMI**, [REDACTED], stopped [REDACTED] together with other KLA members. **SELIMI** took [REDACTED] in his car towards Likoc/Likovac, and on the way questioned him about [REDACTED] family.²⁷²³

664. In [REDACTED] was summoned twice for interrogation at the KLA Headquarters in [REDACTED].²⁷²⁴ Shortly after their release, [REDACTED],²⁷²⁵ while on [REDACTED] 1999, [REDACTED] was again arrested, beaten and detained overnight

²⁷¹⁷ [REDACTED];[REDACTED];[REDACTED];[REDACTED]. [REDACTED]. See [REDACTED].

²⁷¹⁸ [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED].

²⁷¹⁹ [REDACTED];[REDACTED];[REDACTED].

²⁷²⁰ [REDACTED]. See also [REDACTED] and [REDACTED]. [REDACTED]. [REDACTED].

²⁷²¹ [REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED]. See also [REDACTED];[REDACTED].

²⁷²² See also [REDACTED] regarding a group of KLA members from Drenicë looking for [REDACTED] after his release.

²⁷²³ [REDACTED];[REDACTED];[REDACTED].

²⁷²⁴ [REDACTED];[REDACTED];[REDACTED]. [REDACTED] was eventually murdered [REDACTED]. See [REDACTED].

²⁷²⁵ [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED]; [REDACTED].

by KLA members.²⁷²⁶

5. *Victim Impact*

665. As a result of the detention and mistreatment suffered, as well as of the loss of family members, victims suffered lasting physical²⁷²⁷ and psychological consequences.²⁷²⁸ Some victims lived in constant fear and decided to leave their homes.²⁷²⁹

666. For some of the victims, being accused of collaboration or being associated with the Serbian regime was a stain on their reputation,²⁷³⁰ which made their life difficult, to the point that some family members moved away,²⁷³¹ while others wanted to commit suicide.²⁷³²

667. The inability to know for certain what had happened to relatives, or bury their remains, had a 'catastrophic' effect on family members of enforced disappearance victims.²⁷³³

B. JABLLANICË/JABLANICA

668. Jabllanicë/Jablanica,²⁷³⁴ a small village in Gjakovë/Đakovica municipality, was

²⁷²⁶ [REDACTED];[REDACTED]. *See also* [REDACTED]; [REDACTED]. [REDACTED]. *See* [REDACTED];[REDACTED]. *See also* [REDACTED];[REDACTED].

²⁷²⁷ *See e.g.* [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED]; [REDACTED];[REDACTED]; [REDACTED].

²⁷²⁸ [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED].

²⁷²⁹ [REDACTED];[REDACTED].

²⁷³⁰ [REDACTED];[REDACTED];[REDACTED].

²⁷³¹ [REDACTED];[REDACTED].

²⁷³² [REDACTED].

²⁷³³ [REDACTED]. *See also* [REDACTED].

²⁷³⁴ Jabllanicë/Jablanica is now officially known as Shqiponjë, 'Eagle' although its original name is still commonly used. *See e.g.* P01881_ET:p.SPOE00226856(Public);[REDACTED]; [REDACTED].

one of the first KLA headquarters in the Dukagjin area.²⁷³⁵ Because of its geographic location, Jabllanicë/Jablanica was one the main centres for the transfer of weapons from Albania to other areas, including Drenicë.²⁷³⁶

669. Lahi BRAHIMAJ (aka Maxhupi or 15²⁷³⁷) was the commander and highest-ranking KLA member in Jabllanicë/Jablanica.²⁷³⁸ His brother Nazmi BRAHIMAJ – who was the Dukagjin Zone Deputy Commander from July 1998²⁷³⁹ – and Alush AGUSHI were also commanders based in Jabllanicë/Jablanica.²⁷⁴⁰ Alush AGUSHI's 'Mala' Unit, also known as Unit 192,²⁷⁴¹ operated under the auspices of the General Staff and escorted GS members,²⁷⁴² including **Rexhep SELIMI**.²⁷⁴³

670. Lahi BRAHIMAJ and Nazmi BRAHIMAJ exercised authority over military police at Jabllanicë/Jablanica.²⁷⁴⁴ Pjetër SHALA (aka Ujku) was appointed a military police officer there in April or May 1998.²⁷⁴⁵ In spring 1998, in Jabllanicë/Jablanica and the surrounding areas, SHALA interrogated, intimidated, mistreated, and arrested Opponents,²⁷⁴⁶ including [REDACTED].²⁷⁴⁷ In late spring 1999, SHALA committed crimes at Kukës, Albania, including against [REDACTED].²⁷⁴⁸

²⁷³⁵ AF247(Public);AF298(Public).

²⁷³⁶ [REDACTED]. *See also* [REDACTED];P01071:pp.075313-075314(Public).

²⁷³⁷ AF303(Public);AF316(Public);AF318(Public);[REDACTED];

[REDACTED];[REDACTED];1D00165(Public);P03054_ET(Public); [REDACTED].

²⁷³⁸ AF303(Public);P00730:pp.4264-4265(Public);P00731:para.4(Public);P04201_ET:p.4(Public); [REDACTED];[REDACTED].

²⁷³⁹ *See* Section II.A.3.m.ii.

²⁷⁴⁰ P00730:pp.4200-4204, 4264-4265(Public);P00731:para.7(Public);[REDACTED]; AF360(Public).

²⁷⁴¹ P00731:para.7(Public).

²⁷⁴² *See* Section II.A.3.m.ii;W04752:T.18302-18303(16-Jul-2024)(Open).

²⁷⁴³ [REDACTED].

²⁷⁴⁴ AF343(Public);[REDACTED];[REDACTED]; [REDACTED];P03188_ET(Public);P03054_ET(Public); P00908_ET.3:p.U009-9401(Public);[REDACTED].

²⁷⁴⁵ AF958(Public).

²⁷⁴⁶ P01593:p.U002-9309(Public);[REDACTED];[REDACTED]; W01511:T.19614-19616(04-Sep-2024)(Open);[REDACTED];[REDACTED];[REDACTED];[REDACTED]; [REDACTED]. [REDACTED].

²⁷⁴⁷ [REDACTED];[REDACTED];[REDACTED];[REDACTED].

²⁷⁴⁸ *See* Section II.A.3.m.viii.

671. Before and after he became head of the General Staff Finance Directorate,²⁷⁴⁹ Lahi BRAHIMAJ represented the Jabllanicë/Jablanica headquarters and the Dukagjin area, liaising between them and the General Staff.²⁷⁵⁰ In this capacity, BRAHIMAJ frequently met and coordinated with the **Accused**, with whom he had long-standing ties. For example, **VESELI** was in hiding at BRAHIMAJ's house in Jabllanicë/Jablanica in the early 1990s; at this time, BRAHIMAJ proposed **VESELI**'s alias 'Luli'.²⁷⁵¹ From the mid-1990s, **SELIMI** frequently met BRAHIMAJ, and stayed at his house in Jabllanicë/Jablanica, organising weapons shipments from Albania and planning military activities.²⁷⁵² Between 1995 and March 1998, **THAÇI** and Lahi BRAHIMAJ met once or twice a year; BRAHIMAJ was one of **THAÇI**'s main points of contact in Kosovo.²⁷⁵³

672. In spring and summer 1998, all four **Accused** – in addition to their meetings with GS member Lahi BRAHIMAJ in other locations during this time period²⁷⁵⁴ – visited Jabllanicë/Jablanica together with other GS members, including: (i) in early March 1998, **Hashim THAÇI** and **Kadri VESELI**, while accompanying a group of trusted LPK members from Albania to Likoc/Likovac;²⁷⁵⁵ (ii) after the 24 March 1998 Gllogjan/Glodane attack, **Hashim THAÇI** and **Kadri VESELI**;²⁷⁵⁶ (iii) on 23 June 1998, **Rexhep SELIMI** (who used the alias 'Agron' in Dukagjin²⁷⁵⁷), while attending a meeting at which the Dukagjin Zone Command was selected;²⁷⁵⁸ (iv) on 1 July 1998, **Rexhep**

²⁷⁴⁹ See Section II.A.3.f.

²⁷⁵⁰ [REDACTED];P00800:pp.5055-5056, 5076-5077(Public).

²⁷⁵¹ P04212_ET:pp.1-2(Public).

²⁷⁵² [REDACTED];P00778:p.6621(Public);P04200_ET:pp.9-10(Public); P04201_ET:p.3(Public).

²⁷⁵³ P00739.6_ET:pp.1-2(Public).

²⁷⁵⁴ See Sections II.A.3.a.i(a);II.A.3.f.;II.A.3.m.ii.

²⁷⁵⁵ [REDACTED];P01813_ET:pp.SPOE00227472-SPOE00227473(Public).

²⁷⁵⁶ [REDACTED]; [REDACTED].

²⁷⁵⁷ P04200_ET:p.9(Public).

²⁷⁵⁸ [REDACTED];P01593:p.U002-9305(Public);P01602_ET:pp.3-4(Public);
[REDACTED];P03035_ET:pp.SPOE00225756, SPOE00225758(Public); 1D00188_ET(Public).

SELIMI, while attending another meeting with the Dukagjin Zone Command;²⁷⁵⁹ (v) around mid-July 1998 before the Rahovec/Orahovac attack, **Hashim THAÇI**, **Kadri VESELI**, **Rexhep SELIMI**, and **Jakup KRASNIQI**, when they met together with Dukagjin Zone Commander Ramush HARADINAJ;²⁷⁶⁰ (vi) in late August and early September 1998, **Hashim THAÇI** and **Rexhep SELIMI**, when they reinstated HARADINAJ as Dukagjin Zone Commander on behalf of the General Staff;²⁷⁶¹ and (vii) from around 7 September 1998, **Jakup KRASNIQI**.²⁷⁶²

673. In mid-July 1998, at least **Jakup KRASNIQI** visited the barracks at Jabllanicë/Jablanica,²⁷⁶³ while crimes were ongoing there. Further, **KRASNIQI**'s visit from around 7 September 1998, roughly coincided with the commencement of investigations into the bodies – including of Jabllanicë/Jablanica detainee Pal KRASNIQI – found in Lake Radoniq/Radonjić.²⁷⁶⁴ On 10 September 1998, in Political Declaration 8 – drafts of which were seized from **Jakup KRASNIQI**'s residence²⁷⁶⁵ – the General Staff called for vigilance against the misinformation of the enemy and 'the wicked pacifists', referring to, *inter alia*, killings and a mass grave at Gllogjan/Glodane²⁷⁶⁶ (which lies to the north-western side of Lake Radoniq/Radonjić²⁷⁶⁷).

674. Between at least April and late July 1998, the Jabllanicë/Jablanica barracks compound served as a detention facility for those accused of collaboration with the

²⁷⁵⁹ P03032_ET(Public).

²⁷⁶⁰ W04752:T.17372-17374(01-Jul-2024)(Open);W04752:T.17852(09-Jul-2024)(Open);W04752:T.17917(10-Jul-2024)(Open);[REDACTED].

²⁷⁶¹ See Section II.A.3.m.ii(concerning HARADINAJ's reinstatement).

²⁷⁶² P00800:pp.5075-5076(Public). See also [REDACTED];P01955.1_ET RED:p.8(Public).

²⁷⁶³ P00800:pp.5075-5076(Public).

²⁷⁶⁴ AF370(Public).

²⁷⁶⁵ P00562_ET(Public);P00564_ET(Public).

²⁷⁶⁶ [REDACTED].

²⁷⁶⁷ AF367(Public).

Serbian forces.²⁷⁶⁸ The detainees were held in two rooms in a four-room house in the compound.²⁷⁶⁹ Lahi and Nazmi BRAHIMAJ used an office in the same building to interrogate and mistreat detainees.²⁷⁷⁰ The barracks were at the south entrance to Jabllanicë/Jablanica,²⁷⁷¹ and were about a five to seven minute walk from the local headquarters at Lahi BRAHIMAJ's house.²⁷⁷²

675. According to [REDACTED], everyone in the area knew of the detention centre there.²⁷⁷³ Victims' families made repeated enquiries about their relatives' fates, being told that they had been taken to and were detained in Jabllanicë/Jablanica, a fact confirmed to some by KLA members, including Lahi and Nazmi BRAHIMAJ.²⁷⁷⁴

1. Imprisonment / Illegal or Arbitrary Arrest and Detention

676. Between at least April and late July 1998, multiple KLA members, including Lahi BRAHIMAJ, Nazmi BRAHIMAJ, Idriz BALAJ (aka Toger), Naser BRAHIMAJ, Hamza BRAHIMAJ, and military police members, arrested and detained more than 12 persons²⁷⁷⁵ for varying periods of time ranging from one night to six weeks at the Jabllanicë/Jablanica barracks compound, including Idriz NGUCATI,²⁷⁷⁶ Jah BUSHATI,²⁷⁷⁷ at least two unidentified Roma men,²⁷⁷⁸ [REDACTED], Nenad

²⁷⁶⁸ AF301(Public).

²⁷⁶⁹ AF300(Public).

²⁷⁷⁰ [REDACTED];[REDACTED];[REDACTED]. [REDACTED];[REDACTED];[REDACTED].

²⁷⁷¹ AF300(Public).

²⁷⁷² AF302(Public);P00730:pp.4193, 4196, 4264-4265, 4248-4249(Public);[REDACTED].

²⁷⁷³ [REDACTED];[REDACTED]. [REDACTED];[REDACTED].

²⁷⁷⁴ AF319(Public);AF320(Public);AF326(Public);[REDACTED].

²⁷⁷⁵ While the Indictment specifies that at least 13 persons were detained at Jabllanicë/Jablanica, [REDACTED]. However, that more than 12 persons were detained is supported by other evidence, including that Idriz NGUCATI and Jah BUSHATI were detained together with Afrim MORINA. *See* P00730:pp.4247-4248, 4252(Public);P00731:para.6(Public).

²⁷⁷⁶ P00730:pp.4247-4248, 4252(Public);P00731:para.6(Public);[REDACTED]. *See also* [REDACTED].

²⁷⁷⁷ AF306-AF308(Public);[REDACTED];P00730:pp.4262, 4265(Public); P00731:para.6(Public).

²⁷⁷⁸ P00730:pp.4252-4253(Public). In relation to another abducted Roma man taken to Jabllanicë/Jablanica, *see* [REDACTED].

REMIŠTAR, two unidentified Montenegrin men, one unidentified Bosnian man,²⁷⁷⁹ Skender KUQI, Pal KRASNIQI, and [REDACTED].²⁷⁸⁰ In addition, KLA members held [REDACTED] for hours before he was taken to Jabllanicë/Jablanica.²⁷⁸¹ Skender KUQI's name was on a list of 'wanted persons' circulating in the area around the time of his arrest.²⁷⁸²

677. KLA members seized detainees' personal property and never returned it.²⁷⁸³ While detained, victims were guarded, and tied with rope and wire.²⁷⁸⁴ Escape attempts were punished severely.²⁷⁸⁵

678. The victims – none of whom were taking part in hostilities²⁷⁸⁶ – were arrested and detained without due process,²⁷⁸⁷ as demonstrated by the circumstances of their arrest, detention, and mistreatment. They included a farmer arrested with his family,²⁷⁸⁸ a shopkeeper abducted from his shop,²⁷⁸⁹ a farmer and LDK supporter who fled a Serbian attack and was taken by Lahi BRAHIMAJ from his place of refuge,²⁷⁹⁰ [REDACTED],²⁷⁹¹ a traffic policeman abducted on his way to work,²⁷⁹² a man who had previously refused to join the KLA,²⁷⁹³ and a 20-year-old volunteer who had left his family to join the KLA,

²⁷⁷⁹ [REDACTED];AF328(Public);AF365(Public);[REDACTED];[REDACTED];[REDACTED];
[REDACTED]; [REDACTED];[REDACTED].

²⁷⁸⁰ [REDACTED];AF336(Public);[REDACTED];[REDACTED];
[REDACTED];[REDACTED];P00730:pp.4255-4256(Public); [REDACTED];[REDACTED].

²⁷⁸¹ [REDACTED];[REDACTED];[REDACTED]; [REDACTED].

²⁷⁸² [REDACTED];[REDACTED];[REDACTED];[REDACTED].

²⁷⁸³ AF321(Public);[REDACTED];[REDACTED]; [REDACTED].

²⁷⁸⁴ AF314(Public);AF328(Public);AF341(Public);P00730:pp.4252-4253(Public);
[REDACTED];[REDACTED]; [REDACTED].

²⁷⁸⁵ AF344(Public);AF345(Public);AF347(Public);AF348(Public).

²⁷⁸⁶ AF364(Public).

²⁷⁸⁷ [REDACTED];[REDACTED].

²⁷⁸⁸ [REDACTED];AF310(Public);[REDACTED];[REDACTED].

²⁷⁸⁹ AF333(Public);AF334(Public);[REDACTED].

²⁷⁹⁰ [REDACTED];AF338(Public); [REDACTED]. While [REDACTED] was a [REDACTED], he was not a member of the KLA. *See* [REDACTED].

²⁷⁹¹ [REDACTED];[REDACTED];[REDACTED].

²⁷⁹² AF324(Public);AF325(Public);AF327(Public).

²⁷⁹³ [REDACTED].

but was detained before he could do so.²⁷⁹⁴

679. The victims faced vague and/or unsubstantiated allegations of associating with Serbs or policemen, and of being spies and collaborators with the Serbian authorities.²⁷⁹⁵ For example, the only reason they gave [REDACTED] for his arrest, detention, and mistreatment was his friendship with policemen, in particular, [REDACTED].²⁷⁹⁶ When [REDACTED] and [REDACTED] went to Jabllanicë/Jablanica to demand his release, Lahi BRAHIMAJ told them that he had convicted [REDACTED], who would have to serve his time with the KLA, refused permission to see [REDACTED], and asked [REDACTED] why they were not fighting, declaring that RUGOVA was a traitor and a supporter of the Serbian authorities.²⁷⁹⁷ Similarly, before [REDACTED]'s arrest, Lahi BRAHIMAJ and Alush AGUSHI accused him and others from his village of being 'LDK members' and 'traitors' because they had fled during an attack by Serbian forces.²⁷⁹⁸

2. *Other Inhumane Acts / Cruel Treatment / Torture*

a. Detention Conditions

680. Detainees were provided inadequate food, water, sanitation and hygiene facilities, and medical care, and had only the floor to sleep on.²⁷⁹⁹ The windows were covered with wooden planks, and the floor was bloodstained.²⁸⁰⁰ [REDACTED] was not allowed to leave his room for weeks, and during that time, was often unconscious and

²⁷⁹⁴ AF330(Public);AF331(Public);AF332(Public). *See also* P00730:pp.4194-4195(Public); [REDACTED];[REDACTED]; P00730:pp.4249-4250(Public).

²⁷⁹⁵ AF301(Public);AF342(Public);AF343(Public);P00730:pp.4249-4250, 4255(Public); [REDACTED];[REDACTED]. *See also* [REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED].

²⁷⁹⁶ [REDACTED].

²⁷⁹⁷ [REDACTED];[REDACTED].

²⁷⁹⁸ [REDACTED];[REDACTED].

²⁷⁹⁹ AF315(Public);AF341(Public);[REDACTED]; [REDACTED].

²⁸⁰⁰ AF315(Public).

not able to eat or drink.²⁸⁰¹

b. Psychological and physical abuse

681. KLA members, including Lahi BRAHIMAJ, Nazmi BRAHIMAJ, Idriz BALAJ, Naser BRAHIMAJ, Hamza BRAHIMAJ, and military police members, routinely subjected detainees to severe beatings and psychological abuse. While being beaten and mistreated, detainees were accused of collaboration, interrogated, and, in some cases, forced to confess that they were spies.²⁸⁰²

682. KLA members routinely beat detainees in the most 'barbaric' and 'merciless way'²⁸⁰³ all over their bodies with bats, punched and kicked them, stabbed them with knives, and threatened them with death.²⁸⁰⁴ On one occasion, a KLA member gave a gun to one of the Montenegrin men and told him to kill the other.²⁸⁰⁵ On another occasion, Lahi BRAHIMAJ handed a gun to [REDACTED] and told him to kill himself, saying he did not want to 'smear [his] hands' with [REDACTED]'s blood.²⁸⁰⁶

683. Detainees fell in and out of consciousness, screamed in pain, and displayed visible signs of beating and abuse,²⁸⁰⁷ including during rare family visits. For example, from across the road, [REDACTED] was given brief opportunities to see [REDACTED], when the guards would open the compound gates slightly; they dared not speak, but she could see that his face was swollen and his body bruised.²⁸⁰⁸ [REDACTED] later told her that he suffered daily beatings while detained, and that he heard others screaming

²⁸⁰¹ AF315(Public).

²⁸⁰² AF342(Public);AF343(Public);[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED].

²⁸⁰³ [REDACTED].

²⁸⁰⁴ AF314(Public);AF316(Public);AF317(Public);AF328(Public);AF365(Public);P00730:pp.4262, 4265(Public);[REDACTED];[REDACTED].

²⁸⁰⁵ [REDACTED].

²⁸⁰⁶ [REDACTED].

²⁸⁰⁷ AF342(Public);P00730:pp.4249-4250(Public);[REDACTED].

²⁸⁰⁸ [REDACTED].

while they were beaten.²⁸⁰⁹

684. After [REDACTED] managed to escape, Lahi BRAHIMAJ recaptured him and took him to several locations.²⁸¹⁰ During one stop, BRAHIMAJ took [REDACTED] out of the boot, pointed a gun at him and pulled the trigger; smoke came out and [REDACTED] thought he was dead, but did not see any blood coming out of his body.²⁸¹¹ BRAHIMAJ closed the boot again and drove [REDACTED] to the Dukagjin Zone headquarters²⁸¹² in Gllogjan/Glođan,²⁸¹³ where he was beaten and interrogated in a room with bloodstained walls before being released.²⁸¹⁴

685. Near the end of his detention, and after several visitation requests were refused by Lahi BRAHIMAJ, [REDACTED]'s family members were finally permitted to see him; he was 'beaten black and blue', with a broken arm.²⁸¹⁵ They were grateful he was alive.²⁸¹⁶ A short time later, [REDACTED] was released on condition that if he repeated his 'mistakes', he would face criminal charges. Nazmi BRAHIMAJ explained this meant he had to stay in house and not move around.²⁸¹⁷

3. *Murder / Enforced Disappearance*

a. Nenad REMIŠTAR

686. KLA members abducted Nenad REMIŠTAR and took him to the Jabllanicë/Jablanica barracks compound around 12 June 1998.²⁸¹⁸ There, KLA members, including Lahi and Nazmi BRAHIMAJ, beat him with co-detainee [REDACTED]; as a

²⁸⁰⁹ [REDACTED];[REDACTED].

²⁸¹⁰ AF347(Public);AF348(Public);[REDACTED].

²⁸¹¹ AF348(Public);[REDACTED].

²⁸¹² See Section II.A.3.m.ii.

²⁸¹³ AF348(Public);[REDACTED].

²⁸¹⁴ AF349(Public);[REDACTED].

²⁸¹⁵ [REDACTED];[REDACTED];[REDACTED].

²⁸¹⁶ [REDACTED].

²⁸¹⁷ AF321(Public);[REDACTED];[REDACTED].

²⁸¹⁸ AF323(Public);AF324(Public);AF327(Public);AF328(Public);[REDACTED]; [REDACTED].

result he was bloody, had visible injuries, and could not walk.²⁸¹⁹ The next day, KLA soldiers took Nenad REMIŠTAR from the room where he was held with [REDACTED]; [REDACTED] did not see him again.²⁸²⁰ [REDACTED] later heard that Nenad REMIŠTAR had been killed by KLA members.²⁸²¹ REMIŠTAR's relatives sought information concerning his fate, but to no avail; his remains have never been found.²⁸²²

b. Skender KUQI and Pal KRASNIQI

687. Skender KUQI and Pal KRASNIQI, detained at the barracks compound from around 11 July 1998, were in critical condition after being brutally beaten over several days, including by Lahi BRAHIMAJ, Nazmi BRAHIMAJ, Naser BRAHIMAJ, and Hamza BRAHIMAJ.²⁸²³ They attempted to escape with [REDACTED], who was detained in the same room.²⁸²⁴ However, KLA soldiers caught Pal KRASNIQI and Skender KUQI—who were crawling because they were unable to walk²⁸²⁵—and brutally beat them before returning them to their cell.²⁸²⁶

Skender KUQI

688. Due to Skender KUQI's condition after such severe beatings, he was taken to a KLA field hospital in Irzniq/Rznić, as confirmed by Nazmi BRAHIMAJ to the Dukagjin Zone Commander and W01511.²⁸²⁷ KUQI arrived at the hospital unconscious, his kidneys were not working, and his body was deformed and swollen.²⁸²⁸ The following

²⁸¹⁹ AF328(Public);[REDACTED].

²⁸²⁰ AF329(Public);[REDACTED];[REDACTED].

²⁸²¹ [REDACTED].

²⁸²² AF326(Public);[REDACTED].

²⁸²³ AF335(Public);AF336(Public);AF339(Public);AF342(Public);AF344(Public);AF357(Public); [REDACTED];[REDACTED];[REDACTED];[REDACTED].

²⁸²⁴ AF344(Public);[REDACTED];[REDACTED]; [REDACTED].

²⁸²⁵ AF344(Public);[REDACTED];[REDACTED]; [REDACTED].

²⁸²⁶ AF345(Public);[REDACTED];[REDACTED]; [REDACTED].

²⁸²⁷ AF352(Public);[REDACTED];[REDACTED]; AF345(Public);AF353(Public);P00825.2_ET:pp.9-11(Public).

²⁸²⁸ P00825.2_ET:pp.26-27(Public);P00826:pp.SITF00070403-SITF00070404(Public).

day, he died as result of the beatings inflicted on him while detained.²⁸²⁹

689. At his widow's request, W01511 requested Dukagjin Zone intelligence chief Faton MEHMETAJ to announce KUQI's death in the media. MEHMETAJ replied that KUQI was 'a loyal Albanian to the Serbian authorities and his death could therefore only be announced as such'.²⁸³⁰

Pal KRASNIQI

690. Pal KRASNIQI was last seen at the barracks compound on 25 July 1998.²⁸³¹ He was bloody, bruised, and swollen due to the severe beatings which followed his attempted escape.²⁸³² Pal KRASNIQI was later killed while in KLA custody.²⁸³³

691. Pal KRASNIQI's family enquired about his fate. Various KLA members provided contradictory and misleading information, falsely claiming that he had never been at Jabllanicë/Jablanica, and that he was still alive until after the Serbian offensive in September 1998.²⁸³⁴

692. Pal KRASNIQI's body was found in the canal area near Lake Radoniq/Radonjić on 11 September 1998,²⁸³⁵ and was later identified through genetic testing.²⁸³⁶ The corpse had a gunshot wound to the head, which was the cause of death, and fractures on the arms and thigh.²⁸³⁷

²⁸²⁹ P00825.2_ET;p.25(Public);AF353(Public);AF356(Public);[REDACTED]; AF355(Public);[REDACTED];[REDACTED].

²⁸³⁰ P01593;p.U0029310(Public).

²⁸³¹ [REDACTED];AF357(Public).

²⁸³² AF357(Public).

²⁸³³ AF363(Public).

²⁸³⁴ AF358(Public);AF359(Public);AF360(Public);P00821_ET.1:4775-4784, 4801-4802, 4817-4818, 4824-4825(Public); [REDACTED].

²⁸³⁵ [REDACTED].

²⁸³⁶ [REDACTED];[REDACTED];[REDACTED]; AF361(Public);AF362(Public).

²⁸³⁷ AF362(Public);[REDACTED];[REDACTED].

693. The canal area near Lake Radoniq/Radonjić was generally under KLA control in summer 1998.²⁸³⁸ On 20 August 1998, in a meeting attended by local representatives of the Dukagjin Plain, an LDK member stated that because of crimes by KLA members, 'the fish in Lake Radoniq were getting fat on human flesh'.²⁸³⁹ In addition to Pal KRASNIQI, the corpses discovered near Lake Radoniq/Radonjić and later identified included multiple other victims (Serbs, Roma, and multiple members of the same family) abducted by KLA members in the Dukagjin Zone between April and August 1998.²⁸⁴⁰

4. *Continued Targeting*

694. [REDACTED] and Jah BUSHATI continued to be targeted by KLA members after their detention at Jabllanicë/Jablanica. In a [REDACTED].²⁸⁴¹ In the [REDACTED] report, Jah BUSHATI was accused of having contacts 'with compromised persons who are collaborators of the Serbian police'.²⁸⁴²

695. In [REDACTED] 1999, two KLA members, in black clothes, took [REDACTED] to KLA headquarters on [REDACTED]'s order.²⁸⁴³ After going to KLA headquarters, [REDACTED] was questioned about weapons and [REDACTED] told him to return the next day. Instead, [REDACTED] informed [REDACTED] and was not bothered again.²⁸⁴⁴ [REDACTED], KLA members also attempted to arrest [REDACTED]; both managed to escape.²⁸⁴⁵ [REDACTED] previously mentioned [REDACTED], who had

²⁸³⁸ AF369(Public).

²⁸³⁹ [REDACTED];[REDACTED];[REDACTED].

²⁸⁴⁰ [REDACTED];AF380(Public);[REDACTED];AF382-AF390(Public).

²⁸⁴¹ [REDACTED].

²⁸⁴² [REDACTED].

²⁸⁴³ [REDACTED].

²⁸⁴⁴ [REDACTED].

²⁸⁴⁵ [REDACTED].

been abducted and killed, [REDACTED].²⁸⁴⁶

696. In [REDACTED] 1999, after a KLA member arrested [REDACTED], Jah BUSHATI, [REDACTED].²⁸⁴⁷ [REDACTED]²⁸⁴⁸ [REDACTED]²⁸⁴⁹ – [REDACTED].²⁸⁵⁰ [REDACTED] has not seen [REDACTED] since.²⁸⁵¹

5. *Victim Impact*

697. The victims continue to suffer physical and psychological consequences of their mistreatment,²⁸⁵² as do their relatives. For example, W04594 was traumatised by the death of his son, Pal KRASNIQI, and was shocked he was killed by fellow Kosovo-Albanians.²⁸⁵³ W04871 explained that after [REDACTED] was released, he was a different person, thin, withered, and with injuries all over his body; ‘only his soul was intact’.²⁸⁵⁴ [REDACTED] continues to suffer from psychological trauma and [REDACTED].²⁸⁵⁵

C. LLAPUSHNIK/LAPUŠNIK

698. Llapushnik/Lapušnik, Drenas(Gllogoc)/Glogovac municipality, lies in a gorge on both sides of the Pejë/Peć-Prishtinë/Priština road, which is one of the main roads connecting Prishtinë/Priština with the western parts of Kosovo and Albania.²⁸⁵⁶ The Llapushnik/Lapušnik gorge was of strategic importance for the KLA, as it provided a

²⁸⁴⁶ [REDACTED]. [REDACTED] killing by KLA members was reported in a Dukagjin Zone intelligence document. See Section II.A.3.m.ii.

²⁸⁴⁷ [REDACTED].

²⁸⁴⁸ See Section II.A.3.m.ii.

²⁸⁴⁹ P04123(Public).

²⁸⁵⁰ [REDACTED];[REDACTED].

²⁸⁵¹ [REDACTED];[REDACTED].

²⁸⁵² AF322(Public);[REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED].

²⁸⁵³ [REDACTED].

²⁸⁵⁴ [REDACTED].

²⁸⁵⁵ [REDACTED].

²⁸⁵⁶ AF391(Public);[REDACTED];[REDACTED].

corridor for the transportation of weapons and supplies from Albania and enabled the free movement of citizens and soldiers.²⁸⁵⁷

699. On 9 May 1998, after the KLA took control of the Llapushnik/Lapušnik gorge,²⁸⁵⁸ Fatmir LIMAJ (aka Celiku or Daja)²⁸⁵⁹ established a KLA military point there,²⁸⁶⁰ which took the name 'Celiku 3'.²⁸⁶¹ From at least 9 May until 25-26 July 1998, the KLA controlled the village of Llapushnik/Lapušnik.²⁸⁶² The KLA base in the village, located south of the Pejë/Peć-Prishtinë/Priština road, included a detention facility ('Llapushnik/Lapušnik Detention Compound').²⁸⁶³

700. Fatmir LIMAJ was based in the nearby village of Klečkë/Klečka²⁸⁶⁴ and operated under the authority of, conveyed orders from, and reported to the General Staff.²⁸⁶⁵ LIMAJ appointed Isak MUSLIU (aka Qerqizi),²⁸⁶⁶ as the commander of Celiku 3,²⁸⁶⁷ while retaining overall control of the area and the troops stationed therein.²⁸⁶⁸ For instance, LIMAJ personally disciplined KLA soldiers in Llapushnik/Lapušnik,²⁸⁶⁹ and administered an oath of allegiance provided by the General Staff²⁸⁷⁰ to KLA soldiers under his command, in the presence of MUSLIU.²⁸⁷¹ In turn, MUSLIU and other

²⁸⁵⁷ AF61(Public);AF392(Public);[REDACTED];[REDACTED]; P02006.1_ET:pp.15-17(Public);P00778:T.6665-6668(Public);P04146:p.U003-7154(Public).

²⁸⁵⁸ AF62(Public);AF64(Public).

²⁸⁵⁹ [REDACTED];[REDACTED];[REDACTED]; [REDACTED].

²⁸⁶⁰ [REDACTED]; [REDACTED];[REDACTED]; [REDACTED].

²⁸⁶¹ P01816.1_ET:pp.56-57(Public);P01816.2_ET:pp.11-14(Public);[REDACTED]; [REDACTED];[REDACTED];[REDACTED]; P01816.1_ET:p.30(Public).

²⁸⁶² AF63-AF64(Public);AF79-AF82(Public);AF217(Public);[REDACTED]; [REDACTED].

²⁸⁶³ AF393(Public);[REDACTED];P01816.2_ET:pp.2-3, 11-12, 15, 18-19(Public).

²⁸⁶⁴ [REDACTED];P01816.1_ET:p.53(Public); [REDACTED];[REDACTED].

²⁸⁶⁵ P01115.3_ET:pp.12-16(Public);P01816.1_ET:pp.30, 54(Public).

²⁸⁶⁶ [REDACTED];[REDACTED].

²⁸⁶⁷ [REDACTED];[REDACTED];W04743:T.24600(27-Jan-2025)(Open);[REDACTED];[REDACTED];[REDACTED];[REDACTED];P01816.2_ET:pp.9, 11-14(Public);P01816.1_ET:p.51(Public);[REDACTED].

²⁸⁶⁸ [REDACTED];[REDACTED];[REDACTED].

²⁸⁶⁹ [REDACTED].

²⁸⁷⁰ [REDACTED];W01453:T.21871-21872(04-Nov-2024)(Open).

²⁸⁷¹ [REDACTED].

commanders in the area reported to LIMAJ.²⁸⁷² LIMAJ also exercised authority over the fate of those detained in Llapushnik/Lapušnik, interrogating them,²⁸⁷³ and deciding on, and participating in, their mistreatment, release, and execution.²⁸⁷⁴

701. MUSLIU's deputies in Celiku 3 were Ymer ALUSHANI (aka Voglushi) and Shefqet BUQAJ (aka Mesuesi).²⁸⁷⁵ Both MUSLIU and ALUSHANI were in charge of the day-to-day operation of the Llapushnik/Lapušnik Detention Compound.²⁸⁷⁶ Haradin BALA (aka Shala)²⁸⁷⁷ and W04839 (Agim ZOGAJ aka Murrizi) were the main prison guards.²⁸⁷⁸ Other KLA soldiers, such as [REDACTED], 'Tamuli', and 'Zenel', were also involved in the handling of detainees.²⁸⁷⁹

1. Imprisonment / Illegal or Arbitrary Arrest and Detention

702. KLA soldiers in the Llapushnik/Lapušnik area were under instructions to stop suspicious persons at checkpoints and take them to the Llapushnik/Lapušnik Detention Compound.²⁸⁸⁰ Ramiz QERIQI (aka Luan),²⁸⁸¹ Shukri BUJA,²⁸⁸² and KLA soldiers based at Llapushnik/Lapušnik, including Ymer ALUSHANI, Ali/Alush GASHI, Ramadan BEHLULI, Rrahman TAFA, Sule QERIQI, and Ali RAMADANI, abducted individuals,

²⁸⁷² [REDACTED];[REDACTED]; [REDACTED].

²⁸⁷³ [REDACTED];[REDACTED]; [REDACTED]; [REDACTED];[REDACTED]; [REDACTED];[REDACTED].

²⁸⁷⁴ [REDACTED];[REDACTED];P01816.2_ET:pp.20-25(Public);[REDACTED]; [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED];[REDACTED].

²⁸⁷⁵ [REDACTED];[REDACTED]; [REDACTED];P01816.1_ET:p.51(Public);P01816.2_ET:pp.13-14(Public); [REDACTED].

²⁸⁷⁶ [REDACTED]; [REDACTED]; [REDACTED];[REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED].

²⁸⁷⁷ [REDACTED];[REDACTED].

²⁸⁷⁸ AF394(Public);AF398(Public);AF400(Public);[REDACTED]; [REDACTED];[REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED].

²⁸⁷⁹ [REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED]; [REDACTED];[REDACTED].

²⁸⁸⁰ [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED];[REDACTED].

²⁸⁸¹ P01115.3_ET:pp.3, 16(Public);P01115.7_ET:pp.33-34(Public);[REDACTED].

²⁸⁸² P01816.1_ET:pp.28, 30(Public);P01816.2_ET:p.2(Public).

mainly at night, and drove them to Llapushnik/Lapušnik.²⁸⁸³ Those conducting the arrests were armed, wore camouflage or black uniforms with KLA insignia, and some wore masks.²⁸⁸⁴ Some victims were transported to Llapushnik/Lapušnik in the trunk of cars, barely able to breathe.²⁸⁸⁵

703. Over 100 people were detained at the Llapushnik/Lapušnik Detention Compound during the time it was in operation, with up to 30 individuals held there at the same time.²⁸⁸⁶ Llapushnik/Lapušnik detainees came from different locations, including the Lipjan/Lipljan, Shtimë/Štimlje, and Malishevë/Mališevo municipalities.²⁸⁸⁷ Haradin BALA and other KLA soldiers often took property from those they abducted, including cars, tractors, generators, valuables, and money.²⁸⁸⁸

704. Many Kosovar-Albanian victims were targeted because they were LDK supporters,²⁸⁸⁹ or because they were labelled as spies or collaborators.²⁸⁹⁰ A document retrieved from Llapushnik/Lapušnik on 25 July 1998 shows that someone had given a statement indicating [REDACTED].²⁸⁹¹ A notebook later seized from the apartment of Fatmir LIMAJ contained notes on suspected collaborators, including Lutfi/Lufti XHEMSHITI,²⁸⁹² a forester,²⁸⁹³ who was among those executed in the Berishë/Beriša mountains. Shaban HOTI was a Russian translator who had been arrested at a KLA

²⁸⁸³ AF394(Public);[REDACTED];[REDACTED]; [REDACTED];[REDACTED];
[REDACTED];[REDACTED];[REDACTED];[REDACTED]; Shukri BUJA's influence over the fate of detainees is also demonstrated by his intervention with Ymer ALUSHANI for the release of a detainee, see P01816.2_ET:pp.4-5, 14(Public);[REDACTED].

²⁸⁸⁴ [REDACTED];[REDACTED];[REDACTED];[REDACTED].

²⁸⁸⁵ [REDACTED]; [REDACTED];[REDACTED].

²⁸⁸⁶ [REDACTED].

²⁸⁸⁷ [REDACTED];[REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED].

²⁸⁸⁸ [REDACTED];[REDACTED]; [REDACTED];[REDACTED]; [REDACTED].

²⁸⁸⁹ [REDACTED];[REDACTED].

²⁸⁹⁰ [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED];
[REDACTED];[REDACTED];P04023:p.K007-8708(Public);P00380:p.K036-4874(Public).

²⁸⁹¹ [REDACTED];[REDACTED].

²⁸⁹² P02018_ET:p.1(Public).

²⁸⁹³ 4D00007:p.DJK00413(Public).

checkpoint while working with a Russian TV crew.²⁸⁹⁴

705. Many of the Kosovar-Serb victims had been abducted from buses and cars by armed and uniformed KLA members.²⁸⁹⁵ This practice was widespread in Kosovo in the first half of 1998, with at least dozens of Serb victims being mistreated, abducted, killed and/or disappeared after identity checks on the roads.²⁸⁹⁶ It led to great fear, change of travel patterns, and even flight among the Kosovar-Serb population.²⁸⁹⁷ Sylejman SELIMI would later explain that the purpose of 'stopping the buses' was to create a psychological effect, 'so that the Serbs and even a major part of the Albanians would see with their own eyes a rebellious reality'.²⁸⁹⁸

706. Most of those detained were civilians not taking part in hostilities at the time of their arrests, and the two detainees who were members of armed forces²⁸⁹⁹ became *hors de combat* after their arrest.²⁹⁰⁰ Detainees were not promptly informed of the reasons for their detention and/or were not provided any due process.²⁹⁰¹

²⁸⁹⁴ [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];P00380;p.K036-4876(Public).

²⁸⁹⁵ Vojko and Ivan BRAKAC, Stamen GENOV, and Đorđe ĆUK were abducted from the same bus on 29 June 1998 in the village of Carralevë/Crnoljevo, see P04023:pp.K007-8704, K007-8707(Public); P04280_ET:p.1D08-0049(Public);P00910_ET(Public). Jefta PETKOVIĆ, Živorad KRSTIĆ, Milovan KRSTIĆ, Miodrag KRSTIĆ, and Boban from Suharekë/Suva Reka were also kidnapped from a bus on 24 June 1998, see P04280_ET:pp.1D08-0046-1D08-0047(Public).

²⁸⁹⁶ See P04023:p.K007-8707(Public);P00910_ET:pp.1D08-0045, 1D08-0048, 1D08-0050, 1D08-0054(Public); [REDACTED];[REDACTED];[REDACTED];

[REDACTED];P04275:p.1(Public);P04257:p.2(Public);P04251:pp.2-3(Public); P04250:p.3(Public);P01638:pp.1-2(Public);[REDACTED]; [REDACTED];[REDACTED]; [REDACTED].

²⁸⁹⁷ [REDACTED];P04153:p.2(Public).

²⁸⁹⁸ P01745:p.6D00-0767(Public). See also [REDACTED].

²⁸⁹⁹ AF426(Public);[REDACTED].

²⁹⁰⁰ AF403(Public); [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED]; AF419(Public); [REDACTED];AF422-AF425(Public); AF427-AF428(Public);AF430(Public);AF432(Public);AF435(Public);[REDACTED];AF440(Public); AF443(Public);AF445(Public);AF447-AF449(Public);[REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED].

²⁹⁰¹ [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED].

707. The Llapushnik/Lapušnik Detention Compound consisted of four buildings - a barn, a small house, a larger two-storey house, and a garage - that were surrounded by a fence.²⁹⁰² The detainees were mainly held in two separate rooms in the small house,²⁹⁰³ generally referred to as the Storage Room (or basement) and the Cowshed.²⁹⁰⁴ A smaller number of detainees, including [REDACTED], were initially detained in the two-storey house.²⁹⁰⁵ At least one person, Safet HYSENAJ, was detained in the garage.²⁹⁰⁶

a. The Storage Room

708. The Storage Room, located in the one-storey building,²⁹⁰⁷ was approximately two or three by four metres in size, with a concrete floor, one small window, and a metal door.²⁹⁰⁸

709. As many as 12-15 people were detained in the Storage Room at the same time,²⁹⁰⁹ including:

- a. [REDACTED],²⁹¹⁰ who was arrested for [REDACTED],²⁹¹¹ accused of collaboration,²⁹¹² and detained for approximately [REDACTED] 1998;²⁹¹³

²⁹⁰² [REDACTED];P01816.2_ET:pp.16-17(Public); [REDACTED]; W03879:T.6265-6268(14-Aug-2023)(Open);P00255:pp.U003-2456-U003-2457(Public);[REDACTED];[REDACTED];[REDACTED].

²⁹⁰³ P01816.2_ET:pp.16-17(Public);[REDACTED]; [REDACTED].

²⁹⁰⁴ AF395(Public);[REDACTED];[REDACTED]; [REDACTED];[REDACTED]; [REDACTED].

²⁹⁰⁵ AF395(Public); [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED].

²⁹⁰⁶ AF445(Public);[REDACTED];[REDACTED]; [REDACTED].

²⁹⁰⁷ [REDACTED];[REDACTED];[REDACTED];[REDACTED].

²⁹⁰⁸ [REDACTED];[REDACTED]; [REDACTED]; [REDACTED];[REDACTED];[REDACTED];[REDACTED].

²⁹⁰⁹ [REDACTED];[REDACTED].

²⁹¹⁰ [REDACTED];[REDACTED];[REDACTED].

²⁹¹¹ [REDACTED].

²⁹¹² [REDACTED];[REDACTED]; [REDACTED].

²⁹¹³ [REDACTED];[REDACTED].

- b. [REDACTED],²⁹¹⁴ [REDACTED]²⁹¹⁵ [REDACTED],²⁹¹⁶ and [REDACTED],²⁹¹⁷ who were [REDACTED].²⁹¹⁸ In addition to [REDACTED], another [REDACTED] and Fehmi XHEMA, were kidnapped by the KLA, and [REDACTED] detained at the Llapushnik/Lapušnik Detention Compound.²⁹¹⁹
- c. [REDACTED], who was from a village [REDACTED],²⁹²⁰ and was detained for approximately [REDACTED].²⁹²¹ [REDACTED].²⁹²² [REDACTED].²⁹²³

710. Other detainees in the Storage Room included Vojko and Ivan BAKRAČ, two Serbs from Knin, Croatia,²⁹²⁴ who were detained on 29 June and handed over to the ICRC around 8 July 1998,²⁹²⁵ as acknowledged by **Jakup KRASNIQI** in an interview on 12 July 1998.²⁹²⁶ Further detainees included Shefqet RAMADANI from Godanc/Godance,²⁹²⁷ Lutfi/Lufti XHEMSHITI from Bregu i Zi/Crni Breg,²⁹²⁸ Adem from Godanc/Godance, Emin EMINI,²⁹²⁹ Fehmi XHEMA,²⁹³⁰ Hyzri HARJIZI/HAJRIZI,²⁹³¹ Bashkim RASHITI,²⁹³² Muje MUSLIU,²⁹³³ and Shaban HOTI.²⁹³⁴ Eight or more Serbs were

²⁹¹⁴ [REDACTED];[REDACTED];[REDACTED].

²⁹¹⁵ [REDACTED].

²⁹¹⁶ [REDACTED].

²⁹¹⁷ [REDACTED].

²⁹¹⁸ [REDACTED];[REDACTED].

²⁹¹⁹ [REDACTED]. [REDACTED], *see* [REDACTED]; [REDACTED].

²⁹²⁰ [REDACTED];[REDACTED].

²⁹²¹ [REDACTED];[REDACTED]; [REDACTED]; [REDACTED].

²⁹²² [REDACTED].

²⁹²³ [REDACTED];[REDACTED]; [REDACTED].

²⁹²⁴ AF403(Public); [REDACTED];[REDACTED].

²⁹²⁵ AF403(Public);[REDACTED];P04023:p.K007-8704(Public).

²⁹²⁶ P00793:pp.U016-2174, U016-2177(Public).

²⁹²⁷ [REDACTED];[REDACTED];[REDACTED].

²⁹²⁸ [REDACTED];[REDACTED];[REDACTED].

²⁹²⁹ AF432(Public);[REDACTED];[REDACTED]; [REDACTED];[REDACTED].

²⁹³⁰ AF419(Public);[REDACTED];[REDACTED].

²⁹³¹ [REDACTED];[REDACTED]. Hyzri HARJIZI is spelled Hyzri "Hajrizi" in the Pre-Trial Brief and in the Indictment.

²⁹³² AF447(Public);[REDACTED].

²⁹³³ [REDACTED];[REDACTED].

²⁹³⁴ [REDACTED].

detained in the Storage Room.²⁹³⁵ They were Milovan and Miodrag KRSTIĆ;²⁹³⁶ Slobodan MITROVIĆ;²⁹³⁷ Živorad KRSTIĆ;²⁹³⁸ Dragan from Zubin Potok; Boban from Suharekë/Suva Reka; 'Serbo', a traffic policeman from Shtimë/Štimlje;²⁹³⁹ Stamen GENOV;²⁹⁴⁰ and Đorđe ČUK.²⁹⁴¹ Miodrag KRSTIĆ and three other Serbs were eventually shot and killed by Fatmir LIMAJ, Xhevat KRASNIQI, Nexhmi KRASNIQI, and Haxhi SHALA.²⁹⁴² Jefta PETKOVIĆ, too, was detained and killed at the Llapushnik/Lapušnik Detention Compound.²⁹⁴³ No Serb detainees, except for Vojko and Ivan BAKRAČ, were released from Llapushnik/Lapušnik.²⁹⁴⁴

b. The Cowshed

711. The Cowshed measured approximately 4x6 metres in size, with a low ceiling and a concrete floor, a metal door, and a small window.²⁹⁴⁵ The door was locked and guarded.²⁹⁴⁶ On average, 15 or more people were detained in the Cowshed at any given

²⁹³⁵ [REDACTED];[REDACTED].

²⁹³⁶ AF422(Public);[REDACTED];[REDACTED]; [REDACTED]. Miodrag KRSTIĆ is the man named by [REDACTED] as 'Mija'. [REDACTED] described Mija as a 40-year-old Serb from Suharekë/Suva Reka, who was abducted in the Carralevë/Crnoljevo area with three other Serbs. [REDACTED] stated that he was related to 'Mija', Milovan KRSTIĆ and Boban KRSTIĆ, three brothers who were kidnapped in 1998 in Malishevë/Mališevo ([REDACTED]). According to documentary evidence, Miodrag, Milovan and Boban KRSTIĆ were abducted together on 24 June on the Kruševac – Prizren road (P04280:p.1D08-0047(Public)); publicly available maps show that both Carralevë/Crnoljevo and Malishevë/Mališevo are located on or around that road. Finally, personal documents of Miodrag KRSTIĆ and Milovan KRSTIĆ were found at the Llapushnik/Lapušnik Detention Compound, *see* [REDACTED];[REDACTED];[REDACTED].

²⁹³⁷ AF423(Public);[REDACTED];[REDACTED]; [REDACTED].

²⁹³⁸ AF424(Public).

²⁹³⁹ [REDACTED].

²⁹⁴⁰ AF425(Public);[REDACTED];[REDACTED].

²⁹⁴¹ AF427(Public);[REDACTED];[REDACTED].

²⁹⁴² [REDACTED].

²⁹⁴³ AF428-AF429(Public).

²⁹⁴⁴ [REDACTED];AF403(Public).

²⁹⁴⁵ [REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED]; [REDACTED];[REDACTED].

²⁹⁴⁶ [REDACTED];[REDACTED].

time.²⁹⁴⁷

712. [REDACTED] and [REDACTED] were detained in the Cowshed between [REDACTED].²⁹⁴⁸ They came from [REDACTED],²⁹⁴⁹ and were accused of collaborating with the Serbs.²⁹⁵⁰ [REDACTED], a Kosovar-Albanian from [REDACTED],²⁹⁵¹ was detained between [REDACTED] and 25-26 July 1998.²⁹⁵² He was interrogated about [REDACTED].²⁹⁵³ [REDACTED], two Kosovar-Albanians from [REDACTED],²⁹⁵⁴ were detained between [REDACTED] and 26 July 1998.²⁹⁵⁵ [REDACTED] was an LDK supporter.²⁹⁵⁶

713. Other detainees included [REDACTED];²⁹⁵⁷ Hete REXHAJ²⁹⁵⁸ and Xheladin ADEMAJ, both from Petrovë/Petrovo, Shtimë/Štimlje municipality;²⁹⁵⁹ Shyqry ZYMERI from Godanc/Godance;²⁹⁶⁰ a man named Vesel; Agim ADEMI from Godanc/Godance;²⁹⁶¹ Hasan HOXHA from Dobrevë/Dobrevo;²⁹⁶² and Ibush HAMZA.²⁹⁶³ There were [REDACTED]²⁹⁶⁴ and [REDACTED],²⁹⁶⁵ [REDACTED],²⁹⁶⁶

²⁹⁴⁷ [REDACTED].

²⁹⁴⁸ [REDACTED];[REDACTED]; [REDACTED].

²⁹⁴⁹ [REDACTED].

²⁹⁵⁰ [REDACTED].

²⁹⁵¹ [REDACTED].

²⁹⁵² [REDACTED]; [REDACTED]; [REDACTED].

²⁹⁵³ [REDACTED].

²⁹⁵⁴ [REDACTED];[REDACTED].

²⁹⁵⁵ [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];
[REDACTED];[REDACTED]; [REDACTED];[REDACTED].

²⁹⁵⁶ P02884_ET:p.1785(Public).

²⁹⁵⁷ [REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED].

²⁹⁵⁸ AF449(Public);[REDACTED];[REDACTED]; [REDACTED].

²⁹⁵⁹ [REDACTED];[REDACTED]; [REDACTED].

²⁹⁶⁰ [REDACTED];[REDACTED];[REDACTED]; [REDACTED].

²⁹⁶¹ AF430(Public);[REDACTED];[REDACTED]; [REDACTED]; [REDACTED];[REDACTED].

²⁹⁶² [REDACTED];[REDACTED];[REDACTED].

²⁹⁶³ AF435(Public);[REDACTED];[REDACTED]; [REDACTED].

²⁹⁶⁴ [REDACTED].

²⁹⁶⁵ [REDACTED]; [REDACTED];[REDACTED].

²⁹⁶⁶ [REDACTED].

Boban D., and another Serb.²⁹⁶⁷ Two Albanian women were also briefly detained there.²⁹⁶⁸

714. Among the detainees was also Ajet GASHI, from Bubavec/Bobovac, who had worked as a policeman until 1990,²⁹⁶⁹ and had been associated with 'anti-Albanian activity' by an alleged collaborator from Pejë/Peć.²⁹⁷⁰ Ajet GASHI had first been arrested at the KLA headquarters in Likoc/Likovac²⁹⁷¹ around May 1998.²⁹⁷² [REDACTED].²⁹⁷³ [REDACTED].²⁹⁷⁴ [REDACTED].²⁹⁷⁵ [REDACTED].²⁹⁷⁶

715. Ajet GASHI was then transferred to Llapushnik/Lapušnik,²⁹⁷⁷ where Fatmir LIMAJ and other KLA members interrogated him every night, accusing him of collaboration.²⁹⁷⁸ According to [REDACTED], Ajet GASHI was not a collaborator.²⁹⁷⁹

2. *Other Inhumane Acts / Cruel Treatment / Torture*

a. Detention Conditions

716. Detainees in both the Storage Room and the Cowshed were held in inhumane conditions. Both rooms were overcrowded, unbearably hot, and extremely foul smelling.²⁹⁸⁰ The detainees slept on the concrete floor, which was dirty with manure,

²⁹⁶⁷ [REDACTED]; [REDACTED].

²⁹⁶⁸ [REDACTED];[REDACTED]; [REDACTED];[REDACTED].

²⁹⁶⁹ [REDACTED];[REDACTED];[REDACTED].

²⁹⁷⁰ [REDACTED];[REDACTED].

²⁹⁷¹ [REDACTED];[REDACTED].

²⁹⁷² [REDACTED];[REDACTED]; [REDACTED].

²⁹⁷³ [REDACTED];[REDACTED].

²⁹⁷⁴ [REDACTED];[REDACTED];[REDACTED]; [REDACTED].

²⁹⁷⁵ [REDACTED].

²⁹⁷⁶ [REDACTED].

²⁹⁷⁷ [REDACTED];[REDACTED];[REDACTED].

²⁹⁷⁸ [REDACTED];[REDACTED].

²⁹⁷⁹ [REDACTED].

²⁹⁸⁰ AF396(Public);[REDACTED];[REDACTED]; [REDACTED];[REDACTED]; [REDACTED].

blood, human urine, and excrement.²⁹⁸¹ Cowshed detainees were kept in chains.²⁹⁸²

717. There were no washing or sanitary facilities in either detention room; detainees had to relieve themselves in a corner or in a bucket that often overflowed.²⁹⁸³ They were only allowed to briefly go out once every three or four days, at most.²⁹⁸⁴

718. Water and food, which detainees had to eat with dirty hands,²⁹⁸⁵ were not provided regularly.²⁹⁸⁶ At times, the detainees went without any food for days.²⁹⁸⁷ Food was often provided after beatings, which made it more difficult to eat.²⁹⁸⁸ No medical care was provided, despite being available.²⁹⁸⁹ The detainees dared not speak to one another.²⁹⁹⁰

719. The detainees lived in constant fear of being subjected to physical abuse, if not death, and were in a constant atmosphere of anxiety.²⁹⁹¹ Their conditions were so dire that some thought death would have been a better option.²⁹⁹² In fact, one detainee named [REDACTED] hanged himself in the Storage Room.²⁹⁹³

b. Psychological and Physical Abuse

720. KLA members beat the victims as they transported them to the

²⁹⁸¹ [REDACTED];[REDACTED]; [REDACTED];[REDACTED].

²⁹⁸² AF396(Public);[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED]; [REDACTED].

²⁹⁸³ [REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED]; [REDACTED].

²⁹⁸⁴ [REDACTED].

²⁹⁸⁵ AF396(Public);[REDACTED].

²⁹⁸⁶ [REDACTED].

²⁹⁸⁷ [REDACTED];[REDACTED]; [REDACTED].

²⁹⁸⁸ [REDACTED];[REDACTED];[REDACTED].

²⁹⁸⁹ AF396(Public);[REDACTED];[REDACTED]; [REDACTED];[REDACTED]; [REDACTED];[REDACTED]; [REDACTED]; [REDACTED].

²⁹⁹⁰ [REDACTED];[REDACTED]; [REDACTED]; [REDACTED].

²⁹⁹¹ AF404(Public).

²⁹⁹² [REDACTED].

²⁹⁹³ [REDACTED];[REDACTED].

Llapushnik/Lapušnik Detention Compound,²⁹⁹⁴ or immediately upon arrival.²⁹⁹⁵ Some were interrogated on their way to the camp, and beaten.²⁹⁹⁶

721. Within the Llapushnik/Lapušnik Detention Compound, KLA soldiers beat the detainees everywhere: in the two-storey house, Storage Room, Cowshed, and in other locations.

i. The two-storey house

722. KLA soldiers brutally beat Shaban HOTI in the upper floor of the two-storey building.²⁹⁹⁷ As he lay still on the ground, they stomped and jumped on his body, [REDACTED].²⁹⁹⁸ The following day, Haradin BALA beat Musli MUSLIU, an old man from [REDACTED], in the same location, using a large wooden stick.²⁹⁹⁹ The beating was so severe that afterwards the victim could not stand.³⁰⁰⁰ Two KLA soldiers kicked and punched [REDACTED], in the presence of Murrizi, [REDACTED].³⁰⁰¹

ii. Beatings of detainees in the Storage Room

723. KLA members, including Isak MUSLIU and Haradin BALA, severely beat detainees in the Storage Room or nearby, sometimes within earshot.³⁰⁰² They used clubs, sticks, fists, and kicks.³⁰⁰³ During the beatings, KLA soldiers asked the victims the names of spies in their villages or about their relationships with Serbs.³⁰⁰⁴ The beatings were so

²⁹⁹⁴ [REDACTED];[REDACTED].

²⁹⁹⁵ [REDACTED];[REDACTED].

²⁹⁹⁶ [REDACTED].

²⁹⁹⁷ AF442(Public);[REDACTED].

²⁹⁹⁸ AF440(Public);[REDACTED];[REDACTED]; [REDACTED].

²⁹⁹⁹ [REDACTED].

³⁰⁰⁰ [REDACTED];[REDACTED].

³⁰⁰¹ [REDACTED]; [REDACTED].

³⁰⁰² AF408(Public);[REDACTED];[REDACTED];[REDACTED].

³⁰⁰³ [REDACTED];[REDACTED]; [REDACTED].

³⁰⁰⁴ [REDACTED]; [REDACTED];[REDACTED].

severe that they caused fractures and other injuries.³⁰⁰⁵ The detainees were threatened, including at gunpoint,³⁰⁰⁶ and lived in constant fear.³⁰⁰⁷

724. One night, KLA soldiers took Fehmi XHEMA from the Storage Room and later dragged him back to the room, badly beaten.³⁰⁰⁸ The beating left Fehmi gravely injured, and he died shortly thereafter.³⁰⁰⁹ KLA soldiers left Fehmi's body, which began to smell, and removed it when they had to make space for new prisoners.³⁰¹⁰

725. On or around 18 July 1998, Haradin BALA and other KLA soldiers [REDACTED] forced them to bury the mutilated bodies of three fellow detainees, including the body of Agim ADEMI.³⁰¹¹

iii. Beatings of detainees in the Cowshed

726. Isak MUSLIU, Haradin BALA, and other KLA soldiers beat detainees in and near the Cowshed every day and night,³⁰¹² causing them grave injuries.³⁰¹³ Isak MUSLIU and other KLA members also ordered prisoners to beat one another,³⁰¹⁴ and taunted their victims because of their links with the LDK.³⁰¹⁵

727. On one occasion, Haradin BALA [REDACTED] as punishment for helping another detainee who had been beaten and whose fingers had been cut off.³⁰¹⁶

³⁰⁰⁵ AF433(Public);[REDACTED];[REDACTED];[REDACTED];[REDACTED].

³⁰⁰⁶ [REDACTED].

³⁰⁰⁷ [REDACTED];[REDACTED].

³⁰⁰⁸ [REDACTED];[REDACTED].

³⁰⁰⁹ [REDACTED];[REDACTED];[REDACTED].

³⁰¹⁰ [REDACTED];[REDACTED]. [REDACTED]. See [REDACTED].

³⁰¹¹ [REDACTED];AF410(Public);AF431(Public);[REDACTED];[REDACTED];[REDACTED];[REDACTED].

³⁰¹² [REDACTED];[REDACTED]; [REDACTED];[REDACTED]; [REDACTED];[REDACTED].

³⁰¹³ [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED];[REDACTED]; [REDACTED]; [REDACTED].

³⁰¹⁴ [REDACTED].

³⁰¹⁵ [REDACTED].

³⁰¹⁶ [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED].

[REDACTED] Ajet GASHI had been beaten so hard that he was spitting blood and could not speak.³⁰¹⁷ After a while, Isak MUSLIU and 'Zenel' dragged Ajet GASHI out.³⁰¹⁸ [REDACTED].³⁰¹⁹

3. *Murder*

a. Ajet GASHI

728. On or around 12 June 1998, KLA members in Llapushnik/Lapušnik shot and killed Ajet GASHI,³⁰²⁰ thereafter leaving his body on a public road.³⁰²¹ [REDACTED],³⁰²² [REDACTED].³⁰²³ Ajet GASHI's killing was widely reported in the media.³⁰²⁴ [REDACTED].³⁰²⁵ [REDACTED].³⁰²⁶

b. Berishë/Beriša executions

729. On 25 and 26 July 1998, Serbian forces launched a large offensive against the KLA forces in Llapushnik/Lapušnik, forcing them to evacuate the area.³⁰²⁷

730. In the morning of 25 or 26 July 1998, Haradin BALA and W04839 gathered all the detainees into the yard.³⁰²⁸ Armed respectively with a Kalashnikov and an M-48 carbine, they ordered the detainees to walk toward the Berishë/Beriša Mountains. W04839 led them toward the hills, and Haradin BALA brought up the rear.³⁰²⁹ Shyqyri

³⁰¹⁷ [REDACTED];[REDACTED]; [REDACTED].

³⁰¹⁸ [REDACTED];[REDACTED].

³⁰¹⁹ [REDACTED].

³⁰²⁰ [REDACTED];[REDACTED]; [REDACTED].

³⁰²¹ [REDACTED];[REDACTED];[REDACTED].

³⁰²² [REDACTED].

³⁰²³ [REDACTED].

³⁰²⁴ [REDACTED];[REDACTED].

³⁰²⁵ [REDACTED].

³⁰²⁶ [REDACTED].

³⁰²⁷ AF79-AF82(Public);AF397(Public);[REDACTED];[REDACTED]; [REDACTED].

³⁰²⁸ AF398(Public);[REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED].

³⁰²⁹ AF398(Public);[REDACTED];[REDACTED]; [REDACTED].

ZYMERI had a broken leg and had to be helped by other detainees,³⁰³⁰ some of whom were in bad condition.³⁰³¹

731. While walking up the mountain, the group came across one or two vehicles carrying a group of armed people.³⁰³² Fatmir LIMAJ instructed Haradin BALA and W04839 to execute the prisoners, and gave them an additional soldier, armed with a Kalashnikov, to help carry out the execution.³⁰³³

732. The group then continued walking until they arrived at a meadow.³⁰³⁴ After some rest, Haradin BALA called out the names of about ten prisoners, gave them a piece of paper confirming their release, and told them to go.³⁰³⁵ This group included [REDACTED], Muj MUSLIU, Shefqet RAMADANI, Adem, Milaim, and two or three other prisoners.³⁰³⁶ Those who were released eventually made their way to Krojmir/Krajmirovce, where they were questioned and eventually let go by Shukri BUJA and Ramiz QERIQI.³⁰³⁷ Shukri BUJA later informed Fatmir LIMAJ and **Jakup KRASNIQI** that he had done so.³⁰³⁸

733. Thereafter, Haradin BALA, W04839, and the third soldier remained in charge of the last remaining group of prisoners.³⁰³⁹ The group included Lutfi/Lufti XHEMSHITI, [REDACTED], Xheladin ADEMAJ, Hete REXHAJ, Safet HYSENAJ, Shaban HOTI, Emin EMINI, Bashkim RASHITI, Shyqyri ZYMERI, Hyzri HARJIZI/HAJRIZI, Ibush

³⁰³⁰ [REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED].

³⁰³¹ [REDACTED];[REDACTED].

³⁰³² [REDACTED];[REDACTED]; [REDACTED]; [REDACTED].

³⁰³³ [REDACTED]; [REDACTED];[REDACTED];[REDACTED];[REDACTED].

³⁰³⁴ AF399(Public);[REDACTED];[REDACTED];[REDACTED];[REDACTED].

³⁰³⁵ AF399(Public);[REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED].

³⁰³⁶ [REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED]; [REDACTED];[REDACTED].

³⁰³⁷ [REDACTED];[REDACTED];[REDACTED]; P01816.2_ET:pp.19-20(Public);W01453:T.22031-22034(06-Nov-2024)(Open).

³⁰³⁸ P01816.2_ET:pp.19-20(Public);W01453:T.22031-22034(06-Nov-2024)(Open).

³⁰³⁹ AF401(Public);[REDACTED].

HAMZA, and Hasan HOXHA.³⁰⁴⁰ Haradin BALA, W04839, and the other soldier led this group into the woods until they found a clearing, where they stopped.³⁰⁴¹

734. Haradin BALA, W04839, and the other soldier formed a line in front of the prisoners, at which point Haradin BALA told them that they would be executed.³⁰⁴² [REDACTED].³⁰⁴³ At least nine prisoners were killed.³⁰⁴⁴

735. Between August 2001 and April 2002, UNMIK forensic teams exhumed nine bodies from a location in the Berishë/Beriša mountains.³⁰⁴⁵ The remains, all belonging to male individuals,³⁰⁴⁶ were identified³⁰⁴⁷ as Emin EMINI,³⁰⁴⁸ Ibush HAMZA,³⁰⁴⁹ Hyzri HARJIZI/HAJRIZI,³⁰⁵⁰ Shaban HOTI,³⁰⁵¹ Safet HYSENAJ,³⁰⁵² Bashkim RASHITI,³⁰⁵³ Lutfi/Lufti XHEMSHITI,³⁰⁵⁴ Shyqyry ZYMERI,³⁰⁵⁵ and Hasan HOXHA.³⁰⁵⁶ The cause of death for six of them was determined to be gunshots to the head, chest, and pelvis, while for the remaining three it could not be ascertained due to the condition of the remains.³⁰⁵⁷ The remains of several individuals also showed signs of injuries, including fractures, inflicted not long before their death.³⁰⁵⁸ Approximately 30 cartridges fired by

³⁰⁴⁰ [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED];AF432(Public); [REDACTED];AF445(Public);AF440(Public);AF447(Public);[REDACTED];AF435(Public); AF443(Public);AF449(Public).

³⁰⁴¹ [REDACTED].

³⁰⁴² [REDACTED].

³⁰⁴³ AF402(Public);[REDACTED];[REDACTED]; [REDACTED].

³⁰⁴⁴ AF402(Public);[REDACTED].

³⁰⁴⁵ [REDACTED];[REDACTED].

³⁰⁴⁶ [REDACTED].

³⁰⁴⁷ [REDACTED];[REDACTED].

³⁰⁴⁸ AF434(Public).

³⁰⁴⁹ AF436(Public).

³⁰⁵⁰ AF439(Public).

³⁰⁵¹ AF441(Public).

³⁰⁵² AF446(Public).

³⁰⁵³ AF448(Public).

³⁰⁵⁴ [REDACTED].

³⁰⁵⁵ [REDACTED].

³⁰⁵⁶ AF444(Public).

³⁰⁵⁷ [REDACTED].

³⁰⁵⁸ [REDACTED];AF433(Public);[REDACTED]; [REDACTED].

AK-47 rifles were recovered at the site.³⁰⁵⁹

736. [REDACTED].³⁰⁶⁰

4. *Victim Impact*

737. The beatings caused extreme suffering to the victims,³⁰⁶¹ with some detainees suffering physical injuries³⁰⁶² and psychological trauma³⁰⁶³ for years after their detention.

D. DRENOC/DRENOVAC

738. Drenoc/Drenovac, in Rahovec/Orahovac municipality, was one of the first KLA strongholds in the Pashtrik area.³⁰⁶⁴ The town and its surroundings were of strategic importance to the KLA, and it was used as a base for transit to and from Albania³⁰⁶⁵ and, at the direction of the General Staff, for the supply of weapons.³⁰⁶⁶ Members of the Drenoc/Drenovac command had longstanding ties with **Hashim THAÇI** and **Kadri VESELI**, in particular.³⁰⁶⁷

739. In March 1998, Xhemë GASHI (aka Gjermani) crossed into Kosovo with other members of the LPK.³⁰⁶⁸ GASHI had been living in Germany, where he knew the LPK-

³⁰⁵⁹ [REDACTED];[REDACTED].

³⁰⁶⁰ [REDACTED];[REDACTED].

³⁰⁶¹ [REDACTED];[REDACTED].

³⁰⁶² [REDACTED];[REDACTED];[REDACTED];[REDACTED].

³⁰⁶³ [REDACTED].

³⁰⁶⁴ [REDACTED].

³⁰⁶⁵ [REDACTED];P01355.1:pp.30-31, 33(Public);W04752:T.17338(01-Jul-2024)(Open); P00607_ET:p.4(Public);[REDACTED];P01260_ET:p.2(Public); [REDACTED]; [REDACTED];P01149:p.SPOE00128718(Public).

³⁰⁶⁶ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; P00067_ET(Public). *See also* [REDACTED].

³⁰⁶⁷ [REDACTED]; [REDACTED];W03873:T.22584-22585(25-Nov-2024)(Open). *See also* W04752:T.17338(01-Jul-2024)(Open).

³⁰⁶⁸ [REDACTED]; [REDACTED].

affiliated Selim KRASNIQI and Gani PAQARIZI,³⁰⁶⁹ who also became key members of the Drenoc/Drenovac unit.

740. The KLA headquarters in Drenoc/Drenovac announced itself publicly in late April 1998.³⁰⁷⁰ Having fought in Drenicë, Xhemë GASHI from Klinë/Klina was appointed by the General Staff as the Drenoc/Drenovac unit's commander.³⁰⁷¹ Other members of the Drenoc/Drenovac command included Bedri ZYBERAJ and Mensur ZYBERAJ (aka 500),³⁰⁷² both of whom had strong links with, and reported to, the General Staff.³⁰⁷³ Gani PAQARIZI (aka Rreziku) was chosen to head the Military Police, assisted by Selim KRASNIQI (aka Çeliku 2).³⁰⁷⁴ Both men hailed from nearby Malishevë/Mališevo, where another KLA unit cooperated closely with the Drenoc/Drenovac unit.³⁰⁷⁵

741. Military Police personnel included Agron KRASNIQI, Islam GASHI, Isuf BERISHA and Zaim BAJRAKTARI.³⁰⁷⁶ Mahir HASANI, from Pejë/Peć, was also assigned to Drenoc/Drenovac by the General Staff, at the end of May 1998, assuming the role of Deputy Commander.³⁰⁷⁷

742. By April 1998, Xhemë GASHI issued instructions that lists be compiled of

³⁰⁶⁹ [REDACTED]; [REDACTED].

³⁰⁷⁰ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³⁰⁷¹ [REDACTED]; [REDACTED]; W04752:T.18258(15-Jul-2024)(Public); P00067_ET:pp.SITF00437785, SITF00437787(Public). *See also* P00663(Public); W04753:T.9133(30-Oct-2023)(Open); AF456(Public).

³⁰⁷² [REDACTED]; [REDACTED]; P00067_ET:p.SITF00437787(Public); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]. *See also* [REDACTED]; [REDACTED]; [REDACTED].

³⁰⁷³ [REDACTED]; [REDACTED]; [REDACTED]. *See also* [REDACTED].

³⁰⁷⁴ AF456(Public); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]. *See also* [REDACTED]; [REDACTED].

³⁰⁷⁵ [REDACTED]; [REDACTED]; Section III.E.

³⁰⁷⁶ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³⁰⁷⁷ [REDACTED]; P00067_ET:p.SITF00437787(Public); P00663_ET(Public); *see commentary at* W04753:T.9133(30-Oct-2023)(Open) *and at* W04752:T.17340(01-Jul-2024)(Public); [REDACTED]; W04752:T.18258(15-Jul-2024)(Open); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

‘collaborators, those who possess weapons issued by the Serbian regime’.³⁰⁷⁸ Around this time, several people ‘surrendered’ their weapons to GASHI.³⁰⁷⁹ Numerous checkpoints were set up to screen for suspicious persons, and targets were flagged in KLA notebooks.³⁰⁸⁰ From at least the start of June 1998, units in other areas were also cooperating with the Drenoc/Drenovac command, including in the arrest of suspected Opponents.³⁰⁸¹

743. The Drenoc/Drenovac unit used an ex-registration office as its headquarters and nearby buildings, including a school, as detention sites.³⁰⁸² It was publicly known that there were detainees at Drenoc/Drenovac, and many could even be seen through a window at the site.³⁰⁸³

744. The Military Police functioned as ‘a tool, an instrument of the General Staff’ and managed the detentions and interrogations of non-combatant Kosovo Serbs, and Albanian citizens who were suspected of collaborating with the Serb authorities.³⁰⁸⁴ Xhemë GASHI, Gani PAQARIZI and/or Selim KRASNIQI personally effectuated the General Staff’s orders and communicated them to their subordinates, conducted interrogations, took prisoners while armed, and had full access to the detention sites.³⁰⁸⁵ Executions, disappearances, or extended detentions at Drenoc/Drenovac were

³⁰⁷⁸ [REDACTED]; [REDACTED]; [REDACTED]. *See also* [REDACTED].

3079 [REDACTED].

³⁰⁸⁰ [REDACTED];P00067_ET:p.SITF00437786(Public); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]. *See also* [REDACTED]; [REDACTED]; [REDACTED].

3081 [REDACTED]. *See also* AF456(Public).

³⁰⁸² AF457-AF458(Public); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED];
[REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED];
[REDACTED]; W04753:T.9236(30-Oct-2023)(Open); [REDACTED]; [REDACTED].

³⁰⁸³ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]. *See also* [REDACTED]; W04763:T.9141-9142(30-Oct-2023)(Open).

³⁰⁸⁴ AF458(Public); [REDACTED]. *See also* [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

3085 [REDACTED]; [REDACTED]; [REDACTED]; P00012_ET:pp.058013-058015(Public); [REDACTED];
[REDACTED]; [REDACTED].

conducted under the authority of the General Staff.³⁰⁸⁶

745. Upon crossing into Kosovo in May 1998, **THAÇI** instructed Bislim ZYRAPI to provide assistance to the Drenoc/Drenovac unit;³⁰⁸⁷ ZYRAPI advised on military structure, resolved disputes between individual units, and conducted a condensed training for local soldiers.³⁰⁸⁸ In May/June 1998, members of the General Staff including **THAÇI**, **VESELI** and **SELIMI** visited Drenoc/Drenovac multiple times.³⁰⁸⁹ Such visits of the General Staff were ‘routine’, including **THAÇI** and **VESELI** meeting with Gani PAQARIZI at Drenoc/Drenovac headquarters.³⁰⁹⁰

1. *Imprisonment / Illegal or Arbitrary Arrest and Detention*

746. Between May and July 1998, the KLA illegally detained at least 38 civilians deemed KLA opponents in Drenoc/Drenovac.³⁰⁹¹ Some were Serbs, while others were Albanians accused of collaborating with Serbian authorities. None were afforded any sort of due process, and at least six were subsequently murdered.³⁰⁹² Many of the detainees were captured in the immediate aftermath of the Rahovec/Orahovac attack, and held by the Drenoc/Drenovac unit before their eventual transfer to

³⁰⁸⁶ [REDACTED]; P00067_ET:p.4(Public); [REDACTED]; P00012_ET:pp.058013-058015(Public). For more on P00067_ET, *see* [REDACTED]; [REDACTED]; [REDACTED]; P000663_ET(Public)(corroborating P00067_ET:p.SITF00437787); and on P01329, *see* W04744:T.17120-17121(25-Jun-2024)(Open); [REDACTED]. P01329's authenticity is further bolstered by other evidence confirming that Blerim and Agim KUQI's unit did indeed lead the attack on Zoçishtë/Zoçište and Optrushë/Opteruša. *See* W04295:T.21581-21599(30-Oct-2024)(Open); [REDACTED]; [REDACTED]; P00012_ET:p.058008(Public).

3087 [REDACTED]. See also P01816.1_ET:pp.21-29(Public); [REDACTED].

3088 [REDACTED]; [REDACTED]; W04753:T.9131-9133(30-Oct-2023)(Open);W04752:T.17569-17570,
17573(03-Jul-2024)(Open). *See also* P01278:00:01:07-00:01:23(Public);P01278 ET(Public).

3089 [REDACTED]; [REDACTED]; [REDACTED];W04752:T.17338(01-Jul-2024)(Open); [REDACTED];
[REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]. *See also*
P01149 ET:p.SPOE00128718(Public).

3090 [REDACTED]; [REDACTED]; [REDACTED].

[illegible]

³⁰⁹² Others, like [REDACTED] and [REDACTED], are known to have been transferred to Malishevë/Mališevo prior to their death. Further evidence on these other persons, including applicable forensic evidence, can be found in Section III.E.3.

Malishevë/Mališevo.³⁰⁹³

2. *Other Inhumane Acts / Cruel Treatment / Torture*

a. Detention Conditions

747. The detainees were guarded by the unit's Military Police.³⁰⁹⁴ None were given a proper legal basis for their detention. Gani PAQARIZI and Selim KRASNIQI conducted interrogations while armed and uniformed and used beatings to instil fear, instructing their subordinates on how to manage prisoners, including when to stop being violent.³⁰⁹⁵

748. Detainees of the Drenoc/Drenovac KLA unit were held in filthy conditions, including in muddy stables.³⁰⁹⁶ They grew painfully thin from lack of food, and were forced to stay in clothes encrusted with their own blood for prolonged periods.³⁰⁹⁷ Prisoners and people visiting the detention site could hear moans and screams, including of their family members.³⁰⁹⁸ Detainees were generally prohibited from seeing their family; if exceptionally permitted, the visit was supervised.³⁰⁹⁹

b. Psychological and Physical Abuse

749. The prisoners at Drenoc/Drenovac were subjected to ferocious beatings,³¹⁰⁰ in

³⁰⁹³ See Section III.E.

³⁰⁹⁴ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³⁰⁹⁵ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³⁰⁹⁶ [REDACTED]; [REDACTED].

³⁰⁹⁷ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]. See also [REDACTED].

³⁰⁹⁸ [REDACTED]; [REDACTED]; [REDACTED].

³⁰⁹⁹ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³¹⁰⁰ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

what even the VESELI Defence acknowledged in cross-examination was a ‘torture operation’.³¹⁰¹ These beatings were inflicted by, amongst others, Military Police members Gani PAQARIZI and Selim KRASNIQI.³¹⁰² KLA members viciously hit, kicked, punched, electrocuted and threatened to kill detainees, often in view of other prisoners.³¹⁰³ Rooms were locked, people put in handcuffs, and cries reverberated around the prison.³¹⁰⁴ [REDACTED],³¹⁰⁵ [REDACTED].³¹⁰⁶

3. *Murder / Enforced Disappearance*

750. While the majority of those detained in Drenoc/Drenovac were ultimately killed or disappeared, evidence of family members,³¹⁰⁷ co-detainees,³¹⁰⁸ KLA members³¹⁰⁹ (including the **Accused**),³¹¹⁰ expert witness W04826, and documentary evidence³¹¹¹ conclusively establishes their fate. Witnesses corroborate each other on the detainees they encountered at the detention site, as well as on the treatment inflicted on those detained. Several relatives of eventual murder victims were repeatedly informed by various KLA members that their loved one was in a ‘safe place’.³¹¹² [REDACTED] ‘[T]hey would first accuse a person of being a spy and then they would kill them’.³¹¹³

³¹⁰¹ [REDACTED].

³¹⁰² [REDACTED]; [REDACTED]; [REDACTED].

³¹⁰³ In addition to AF470-AF472(Public), *see* [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³¹⁰⁴ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³¹⁰⁵ [REDACTED]; [REDACTED]. *See also* [REDACTED]; [REDACTED].

³¹⁰⁶ [REDACTED]; [REDACTED].

³¹⁰⁷ *See e.g.* [REDACTED].

³¹⁰⁸ *See e.g.* [REDACTED].

³¹⁰⁹ *See e.g.* [REDACTED].

³¹¹⁰ *See e.g.* [REDACTED]; [REDACTED].

³¹¹¹ Including forensic evidence, as detailed in this section and Section III.E.

³¹¹² [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³¹¹³ [REDACTED].

a. [REDACTED]

751. Following the payment of a sum of money to Serbs in exchange for a passport, [REDACTED] was branded as 'with the Serbs'.³¹¹⁴ On or about [REDACTED] 1998, [REDACTED] was arrested by KLA soldiers at his uncle's home [REDACTED] on the orders of Gani PAQARIZI and taken to Drenoc/Drenovac headquarters.³¹¹⁵ [REDACTED].³¹¹⁶ [REDACTED].³¹¹⁷ [REDACTED].³¹¹⁸

752. [REDACTED].³¹¹⁹ [REDACTED].³¹²⁰

753. [REDACTED] the KLA refused to inform them of his fate.³¹²¹ [REDACTED].³¹²² [REDACTED].³¹²³ [REDACTED].³¹²⁴ [REDACTED].³¹²⁵ but failed to get any answers. [REDACTED] partial remains were discovered in 2004.³¹²⁶

b. Hysen KRASNIQI

754. Around 4 June 1998, the Drenoc/Drenovac Military Police executed an order from the General Staff to arrest Hysen KRASNIQI, who they claimed was a collaborator.³¹²⁷ Hysen was viewed as suspicious as he was a vineyard warden who

³¹¹⁴ [REDACTED]; [REDACTED]. In this regard, *see also* [REDACTED]; [REDACTED].

³¹¹⁵ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³¹¹⁶ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]. *See also* [REDACTED]

³¹¹⁷ [REDACTED]; [REDACTED]; [REDACTED].

³¹¹⁸ [REDACTED].

³¹¹⁹ [REDACTED]; [REDACTED].

³¹²⁰ [REDACTED].

³¹²¹ [REDACTED]; [REDACTED]; [REDACTED].

³¹²² [REDACTED]; [REDACTED].

³¹²³ [REDACTED]; [REDACTED]; [REDACTED]; 1D00001:pp.6, 8(Public); [REDACTED]. *See also* [REDACTED].

³¹²⁴ [REDACTED].

³¹²⁵ [REDACTED]. *See also* [REDACTED].

³¹²⁶ [REDACTED]; 1D00001:pp.6, 8(Public); [REDACTED]; [REDACTED]; [REDACTED]. *See also* Sections III.D.3.d; III.E.3.b.

³¹²⁷ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

drew his salary from the FRY state.³¹²⁸ He had previously owned weapons which he surrendered to the Drenoc/Drenovac KLA in April 1998; at that time, Xhemë GASHI interrogated and released him.³¹²⁹ At the time of Hysen KRASNIQI's arrest, W04829 believes that the accusation of 'collaboration' likely stemmed from the victim criticising the KLA while drinking.³¹³⁰

755. On the day of his arrest, Zaim BAJRAKTARI, Agron KRASNIQI and Islam GASHI transported Hysen KRASNIQI from near his home and imprisoned him in the school building.³¹³¹ At points during his detention, Hysen was imprisoned with others including [REDACTED], violently beaten and kept in filthy conditions.³¹³² After more than a month in detention, Drenoc/Drenovac KLA members killed an injured and weak Hysen KRASNIQI.³¹³³ His body has never been located.³¹³⁴

c. [REDACTED]

756. [REDACTED] went to Drenoc/Drenovac detention centre on [REDACTED] June 1998 on the instructions of a KLA member, who told [REDACTED] to present himself to secure [REDACTED] release.³¹³⁵ Drenoc/Drenovac unit members abducted [REDACTED], who was listed as a 'suspect' in a KLA notebook, and released

³¹²⁸ [REDACTED].

³¹²⁹ [REDACTED]; [REDACTED]; W04753:T.9139-9140, 9214(30-Oct-2023)(Open).

³¹³⁰ [REDACTED].

³¹³¹ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]. [REDACTED], the VESELI Defence focused on [REDACTED] Hysen KRASNIQI's abduction deviates from the adjudicated facts, specifically as regards the location of the arrest. But that Hysen KRASNIQI was arrested by Drenoc/Drenovac military police unit is fully in line with the adjudicated facts – the location of the arrest is not pleaded in the Indictment and is not a material fact in this case. [REDACTED] arrest is also generally corroborated by [REDACTED] present in arresting Hysen KRASNIQI. *See* [REDACTED].

³¹³² [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; 1D00001:p.2(Public).

³¹³³ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; 1D00001:p.6(Public). *See also* [REDACTED]; [REDACTED]; [REDACTED].

³¹³⁴ [REDACTED]; P01131:p.101844(Public); [REDACTED]; [REDACTED].

³¹³⁵ [REDACTED]; [REDACTED]; [REDACTED].

[REDACTED].³¹³⁶ [REDACTED].³¹³⁷ [REDACTED] in detention along with [REDACTED], Hysen KRASNIQI and [REDACTED].³¹³⁸ [REDACTED] members of his village, tried in vain to secure his release or obtain information.³¹³⁹ [REDACTED] was eventually transferred to Malishevë/Mališevo and murdered by KLA members.³¹⁴⁰

d. [REDACTED]

757. On [REDACTED] 1998, [REDACTED] was taken from his home by armed Military Police members Zaim BAJRAKTARI and Agron KRASNIQI and brought to the former school building in Drenoc/Drenovac.³¹⁴¹ [REDACTED], was identified as a collaborator as his brother [REDACTED].³¹⁴² [REDACTED] violent abuse in detention.³¹⁴³ Family members sought information on [REDACTED] from several Drenoc/Drenovac KLA members, who responded to their queries with threats or platitudes.³¹⁴⁴ [REDACTED]³¹⁴⁵

758. KLA members beat and eventually killed [REDACTED] in detention.³¹⁴⁶ His remains were discovered in 2004 and identified through DNA analysis.³¹⁴⁷

³¹³⁶ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]. *See also* [REDACTED].

³¹³⁷ [REDACTED]. *See also* [REDACTED]; [REDACTED].

³¹³⁸ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]. *See also* [REDACTED].

³¹³⁹ [REDACTED]; [REDACTED]; [REDACTED]; *see* [REDACTED]. *See also* [REDACTED].

³¹⁴⁰ *See* Section III.E.3.b.

³¹⁴¹ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³¹⁴² [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]. *See also* [REDACTED].

³¹⁴³ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³¹⁴⁴ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]. *See also* [REDACTED]; [REDACTED]; [REDACTED].

³¹⁴⁵ [REDACTED].

³¹⁴⁶ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³¹⁴⁷ [REDACTED]; [REDACTED]; [REDACTED] – *see* [REDACTED]. *See also* Sections III.D.3.a; III.E.3.b.

e. [REDACTED]

759. [REDACTED] and [REDACTED] were both identified as targets in a KLA notebook.³¹⁴⁸ [REDACTED].³¹⁴⁹

760. [REDACTED].³¹⁵⁰ He was detained at Drenoc/Drenovac headquarters [REDACTED],³¹⁵¹ [REDACTED] KLA members including Gani PAQARIZI and Selim KRASNIQI beating him until his 'blood was running in streams'.³¹⁵²

761. [REDACTED].³¹⁵³ When [REDACTED] next went to the Drenoc/Drenovac headquarters, he was detained.³¹⁵⁴

762. On or about [REDACTED] June 1998, [REDACTED] were taken from Drenoc/Drenovac towards the KLA General Headquarters by **THAÇI** and **VESELI**, initially accompanied by **SELIMI**.³¹⁵⁵ [REDACTED].³¹⁵⁶ The two detainees were never seen or heard from again.³¹⁵⁷ [REDACTED].³¹⁵⁸ However, **THAÇI** has consistently

³¹⁴⁸ [REDACTED]; [REDACTED]; [REDACTED]; *see commentary at* [REDACTED]. For further evidence on the role of the KLA intelligence service in the [REDACTED] area where these two victims lived, *see e.g.* [REDACTED]; [REDACTED]. For more on [REDACTED], *see* [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]. *See also* Section III.G.

³¹⁴⁹ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]. *See also* [REDACTED].

³¹⁵⁰ [REDACTED]; [REDACTED]; [REDACTED].

³¹⁵¹ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³¹⁵² [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³¹⁵³ [REDACTED]; [REDACTED].

³¹⁵⁴ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³¹⁵⁵ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]. *See also* [REDACTED]; [REDACTED]; [REDACTED].

³¹⁵⁶ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]. [REDACTED]. *See especially* [REDACTED]. [REDACTED]. *See* [REDACTED].

³¹⁵⁷ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³¹⁵⁸ [REDACTED].

[REDACTED] have never been found.³¹⁷¹ [REDACTED].³¹⁷² [REDACTED].³¹⁷³

766. None of the Defence attempts to challenge this evidence during trial withstand scrutiny. The Defence suggested that [REDACTED].³¹⁷⁴ [REDACTED];³¹⁷⁵ [REDACTED];³¹⁷⁶ [REDACTED].

767. The Defence also challenged the wording of [REDACTED].³¹⁷⁷ [REDACTED].³¹⁷⁸ [REDACTED],³¹⁷⁹ [REDACTED].³¹⁸⁰ [REDACTED].³¹⁸¹ [REDACTED]³¹⁸² [REDACTED].

768. [REDACTED]³¹⁸³ [REDACTED].³¹⁸⁴ [REDACTED].³¹⁸⁵ All evidence points to **THAÇI, VESELI** and **SELIMI** as the last people to see [REDACTED] alive. In fact, *all* Drenoc/Drenovac murder victims were last seen alive in KLA custody, as outlined above.

769. Vagaries about [REDACTED] alleged killing in battle, without any specifics,³¹⁸⁶ cannot qualify as a credible attempt to indicate the circumstances of his death. Had [REDACTED] been killed other than by the KLA, the **Accused** and other KLA leaders would have no reason to keep the circumstances 'hushed'.³¹⁸⁷ Conversely, there was

³¹⁷¹ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³¹⁷² [REDACTED]; [REDACTED]; [REDACTED].

³¹⁷³ [REDACTED]; [REDACTED].

³¹⁷⁴ See [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]. See also [REDACTED]; [REDACTED]; [REDACTED].

³¹⁷⁵ [REDACTED]; [REDACTED].

³¹⁷⁶ [REDACTED]; [REDACTED].

³¹⁷⁷ [REDACTED]; [REDACTED].

³¹⁷⁸ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³¹⁷⁹ [REDACTED].

³¹⁸⁰ [REDACTED].

³¹⁸¹ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]. See also [REDACTED].

³¹⁸² [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]. [REDACTED].

³¹⁸³ [REDACTED].

³¹⁸⁴ [REDACTED].

³¹⁸⁵ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³¹⁸⁶ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³¹⁸⁷ See e.g. [REDACTED].

every incentive to ‘stop the KLA image from being tarnished’ by investigating and elucidating the manner of his death.³¹⁸⁸

770. Finally, the Defence’s alternative hypothesis [REDACTED] may have been killed due to a blood feud [REDACTED], whose evidence was admitted without cross-examination pursuant to Rule 155.³¹⁸⁹ [REDACTED] evidence of such a feud is contradicted by the credible and consistent accounts of [REDACTED].³¹⁹⁰ Such divergences call for caution when evaluating [REDACTED] evidence, and [REDACTED] only be relied upon to the extent corroborated by others.³¹⁹¹ Even if it were assumed that such a blood feud existed, it changes nothing in how [REDACTED] were targeted as collaborators, arrested by the KLA Drenoc/Drenovac unit, delivered to three of the **Accused** personally, and disappeared.³¹⁹²

f. [REDACTED]

771. On [REDACTED] July 1998, soldiers detained [REDACTED] at a KLA checkpoint and transported him to Drenoc/Drenovac.³¹⁹³ [REDACTED] who owned a weapon, but was not involved in any hostilities around the time of his arrest.³¹⁹⁴ [REDACTED].³¹⁹⁵ [REDACTED], interrogated and subjected to beatings before being transferred to Malishevë/Mališevo.³¹⁹⁶

³¹⁸⁸ See [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³¹⁸⁹ [REDACTED]. See [REDACTED]. See also [REDACTED]. [REDACTED]. [REDACTED]. [REDACTED].

³¹⁹⁰ [REDACTED]; [REDACTED]; [REDACTED]. [REDACTED]. [REDACTED]. See [REDACTED]. [REDACTED]. See [REDACTED].

³¹⁹¹ [REDACTED], see [REDACTED]; [REDACTED]. [REDACTED], see [REDACTED]. [REDACTED]. See [REDACTED]. [REDACTED], see [REDACTED], *contrary to* [REDACTED]. In this regard, see also [REDACTED].

³¹⁹² [REDACTED] (e.g. [REDACTED]), [REDACTED]. See [REDACTED].

³¹⁹³ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³¹⁹⁴ [REDACTED].

³¹⁹⁵ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³¹⁹⁶ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

g. [REDACTED]

772. On [REDACTED] 1998, LDK supporter [REDACTED]³¹⁹⁷ was arrested at his home by seven armed KLA members.³¹⁹⁸ They included Gani PAQARIZI and Xhemë GASHI, [REDACTED] interrogating him in Drenoc/Drenovac.³¹⁹⁹ [REDACTED] who on one or two occasions had helped his fellow Albanians to deal with the Serbian police.³²⁰⁰

773. [REDACTED] was beaten and killed while a prisoner in Drenoc/Drenovac.³²⁰¹ [REDACTED] had not been taken by the KLA but had been 'taken by the Serbs'.³²⁰² His family was denied any meaningful information on his fate, and his remains were never found.³²⁰³

774. On or about 20 July 1998, detainees in Drenoc/Drenovac including [REDACTED] and many Serbs from Reti/Retimlje and Opterushë/Opteruša were transferred onwards to Malishevë/Mališevo by KLA members including Xhemë GASHI.³²⁰⁴ As the General Staff's 'trusted man', Xhemë GASHI also conveyed instructions to the Military Police of the Malishevë/Mališevo KLA unit, at one point indicating that '[w]e have been ordered that these [prisoners] should stay here'.³²⁰⁵ The General Staff later appointed Xhemë GASHI to the KLA command in Burrel.³²⁰⁶

³¹⁹⁷ [REDACTED]; [REDACTED].

³¹⁹⁸ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; 1D00001:p.6(Public); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³¹⁹⁹ [REDACTED]; [REDACTED]; [REDACTED].

³²⁰⁰ [REDACTED]; [REDACTED].

³²⁰¹ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³²⁰² [REDACTED].

³²⁰³ [REDACTED]; [REDACTED]; [REDACTED]; P01131:p.101846(Public); [REDACTED]; [REDACTED].

³²⁰⁴ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]. For more on [REDACTED] and [REDACTED], including the applicable forensic evidence, *see* Section III.D.3.b.

³²⁰⁵ [REDACTED]. *See also* [REDACTED]; [REDACTED].

³²⁰⁶ [REDACTED]; [REDACTED].

4. *Victim Impact*

775. The crimes committed by the Drenoc/Drenovac unit of the KLA had a lasting impact on victims and their family members. For example, [REDACTED],³²⁰⁷ described how his father's face in 'that room in Drenoc' prevents him from sleep.³²⁰⁸ [REDACTED] recounted that he misses his father to this day.³²⁰⁹ [REDACTED] recalled the psychological difficulty of losing her husband: 'for him to disappear out of the blue, and for nothing to be known in the 25 years through the persistent requests [sic], it remains hurtful and utterly unacceptable. Whatever has happened, this situation is unacceptable. Silence kills and has killed us for a second time'.³²¹⁰ [REDACTED] raised the heavy and complex emotions resulting from [REDACTED] vanishing without a trace,³²¹¹ while [REDACTED] described how to this day, she spends [REDACTED] birthday ceaselessly crying.³²¹²

E. MALISHEVË/MALIŠEVO

776. Located in Central Kosovo, about 15 kilometres north-east of Rahovec/Orahovac, the KLA stronghold of Malishevë/Mališevo was described by **Jakup KRASNIQI** as a 'significant strategic point for East and Northeast Kosovo'.³²¹³

777. From April 1998 onwards, the relationship between the KLA and LDK was strained as the KLA continuously applied pressure to prevent the LDK from continuing its activities in Malishevë/Mališevo.³²¹⁴ Masked individuals warned families not to

³²⁰⁷ [REDACTED].

³²⁰⁸ [REDACTED].

³²⁰⁹ [REDACTED].

³²¹⁰ [REDACTED].

³²¹¹ [REDACTED]; [REDACTED].

³²¹² [REDACTED].

³²¹³ [REDACTED]; AF130(Public); AF216-AF217(Public).

³²¹⁴ W02652:T.2984(17-Apr-2023)(Open); [REDACTED]; [REDACTED].

support the LDK, and individuals were followed, mistreated, and beaten due to their LDK affiliation.³²¹⁵

778. On or around 9 May 1998, Malishevë/Mališevo and the surrounding area was deemed a KLA 'free zone'.³²¹⁶ New recruits were provided with weapons, and advised by the military police on the code of conduct and the process to follow should they need to move from their villages or posts.³²¹⁷ There were consequences for 'undisciplined soldiers' should they 'disregard the military regulations', up to and including having their weapons removed.³²¹⁸ Soldiers required a KLA travel permit in order to move around.³²¹⁹ People deemed suspicious who entered the free zone were arrested at KLA checkpoints and were brought to the headquarters in Malishevë/Mališevo, in some cases 'just for being a Serb' or even just looking like a Serb.³²²⁰

779. The KLA Headquarters in Malishevë/Mališevo was located in a two-storey house in the town, while KLA soldiers also used a former police station building approximately 60-100 metres away.³²²¹

Local Units

780. *Lumi Unit.* From at least April 1998, Gani KRASNIQI and Isni KILAJ founded and led the 'Lumi' unit of the KLA and recruited members from

³²¹⁵ [REDACTED];[REDACTED].

³²¹⁶ P01264_ET:p.SPOE00128656(Public);[REDACTED];[REDACTED];[REDACTED];[REDACTED]; P00836_ET:p.L0102418(Public). *See also* [REDACTED].

³²¹⁷ [REDACTED];[REDACTED];[REDACTED];[REDACTED].

³²¹⁸ W04278:T.20512(30-Sep-2024)(Open);[REDACTED];[REDACTED].

³²¹⁹ [REDACTED];[REDACTED];W04278:T.20431(30-Sep-2024)(Open);[REDACTED];P02605_ET(Public).

³²²⁰ [REDACTED];[REDACTED].

³²²¹ [REDACTED];P01667.1_ET:p.11(Public);[REDACTED]; [REDACTED];[REDACTED] *see commentary at* [REDACTED].

Malishevë/Mališevo town and its surrounding villages.³²²² Around this time, Gani KRASNIQI met regularly with Sokol BASHOTA, and counted fellow former political prisoners Ramë BUJA and **Jakup KRASNIQI** amongst his friends.³²²³

781. The Lumi unit included military police who began operating openly around June 1998.³²²⁴ They wore black uniforms, with military police armbands.³²²⁵ The Lumi Military Police leader was Jakup HOTI, and its members included Ahmet RRAHMANAJ and Tahir ULLURI.³²²⁶ Gani KRASNIQI exercised authority in relation to matters including military police and prisons.³²²⁷

782. The Lumi unit operated from the two-story building and the nearby former police station building.³²²⁸ Groups comprising approximately 5-12 KLA soldiers were also stationed in various villages in the municipality of Malishevë/Mališevo.³²²⁹ KLA 'points' falling under the Lumi unit were located in the areas of Bllacë/Blace, Belincë/Belince, Bubavec/Bobovac and Astrozub/Ostrozub, where soldiers patrolled and logged their observations in duty notebooks which were subsequently reviewed by military police members.³²³⁰

783. *Çeliku Unit*. Fatmir LIMAJ was involved in early recruitment in the

³²²² [REDACTED];[REDACTED]; [REDACTED];P01667.1:pp.10-11, 22(Public);P01666_ET:p.051759(Public);[REDACTED];[REDACTED];[REDACTED];[REDACTED].

³²²³ W04401:T.23042-23044(02-Dec-2024)(Open);[REDACTED].

³²²⁴ [REDACTED];W04278:T.20470(30-Sep-2024)(Open);[REDACTED].

³²²⁵ [REDACTED];[REDACTED];P00838:00:06:44-00:07:14, 00:09:35(Public), *see commentary at* [REDACTED].

³²²⁶ [REDACTED];[REDACTED];[REDACTED];W04278:T.20502(30-Sep-2024)(Open);P00792_ET:p.SPOE00068089(Public).

³²²⁷ [REDACTED];[REDACTED];W04278:T.20512(30-Sep-2024)(Open); 1D00006_ET(Public);[REDACTED];[REDACTED].

³²²⁸ [REDACTED];P01667.1_ET:p.11(Public);[REDACTED]; [REDACTED]; [REDACTED] *see commentary at* [REDACTED].

³²²⁹ [REDACTED];[REDACTED].

³²³⁰ [REDACTED];W04278:T.20435-20438(30-Sep-2024)(Open), *commenting on* [REDACTED];P01667.1_ET:p.8(Public). *See also* [REDACTED].

Malishevë/Mališevo area and reported his progress to **Rexhep SELIMI**.³²³¹ LIMAJ's Çeliku Unit, based in Kleçkë/Klečka, was also operational in Malishevë/Mališevo at this time.³²³² Haxhi SHALA (aka Topi) was in the Çeliku unit, having arrived in Kosovo in March 1998 together with Fatmir LIMAJ in a group with **Hashim THAÇI**.³²³³ **Hashim THAÇI** provided LIMAJ and SHALA with their initial instructions³²³⁴ and continued to meet LIMAJ on a regular basis throughout summer 1998, including in Malishevë/Mališevo and Banjë/Banje,³²³⁵ the village of both LIMAJ and Haxhi SHALA.³²³⁶ LIMAJ's nephew Sadik SHALA was also a key Çeliku unit member.³²³⁷

784. *Arti Unit*. The Arti unit established its headquarters in a farm outside Rahovec/Orahovac in or around May 1998.³²³⁸ It was headed by Xhelal HAJDA (aka Toni), his deputy Selajdin MULLABAZI (aka Mici) and chief of staff Gezim HAMZA (aka Piktori), previously of Drenoc/Drenovac HQ.³²³⁹

785. *Suharekë/Suva Reka Unit*: In nearby Suharekë/Suva Reka, another KLA unit was formed in June 1998.³²⁴⁰ It was headed by Blerim KUQI, with Habib ELSHANI, Agim KUQI and Ilaz KADOLLI in its command structure.³²⁴¹

³²³¹ [REDACTED];[REDACTED]. See also W01413:T.21871(04-Nov-2024)(Open).

³²³² [REDACTED];[REDACTED];P01381_ET(Public); P00838:00:06:45-00:09:58(Public);P00838_ET:p.2(Public).

³²³³ [REDACTED];[REDACTED]; [REDACTED];[REDACTED];W04278:T.20520(30-Sep-2024)(Open);[REDACTED];P01822_ET:p.4(Public). See also P01115.7_ET:p.22(Public); P01264_ET:p.SPOE00128620(Public).

³²³⁴ [REDACTED];P01822_ET:p.4(Public);P01816.1_ET:pp.28-32(Public);P01820_ET:pp.16-17(Public);[REDACTED];[REDACTED].

³²³⁵ [REDACTED];[REDACTED];W04410:T.16677-16678(04-Jun-2024)(Open);[REDACTED];W04410:T.16680(04-Jun-2024)(Open).

³²³⁶ [REDACTED];W04278:T.20520(30-Sep-2024)(Open); [REDACTED];[REDACTED];P01822_ET:p.4(Public). See also [REDACTED];[REDACTED];W02144:T.16157-16158(28-May-2024)(Open).

³²³⁷ [REDACTED];[REDACTED]; P01817_ET:p.3755(Public);P01264_ET:p.SPOE00128620(Public);W04410:T.16879(06-Jun-2024)(Open).

³²³⁸ [REDACTED];[REDACTED];P02081(Public).

³²³⁹ [REDACTED];[REDACTED]; [REDACTED];[REDACTED].

³²⁴⁰ [REDACTED].

³²⁴¹ [REDACTED];[REDACTED];P01342_ET(Public); W04744:T.16971(24-Jun-2024)(Open).

786. *Drenoc/Drenovac Unit*. The Drenoc/Drenovac unit, as detailed above, also operated in the nearby area.³²⁴²

General Staff

787. From the time that Gani KRASNIQI was setting up the Lumi unit, he had frequent contacts with members of the GS, including in Drenicë and Malishevë/Mališevo.³²⁴³

788. In a meeting on 20 June 1998, the General Staff directed that the Lumi, Çeliku and Lisi-B units 'be subordinated to' the Commander of the Local Operational Staff in Malishevë/Mališevo, and appointed Musë JASHARI to this position.³²⁴⁴ JASHARI recalled that while he found it difficult to leave his comrades to take up the appointment, he 'could not help but respect the order of the General Staff'.³²⁴⁵ By the end of June or start of July, this position was expanded to encompass the Pashtrik OZ, with Musë JASHARI as the zone commander.³²⁴⁶ In this capacity, JASHARI primarily worked together with **Hashim THAÇI**, **Kadri VESELI**, **Rexhep SELIMI**, and **Fatmir LIMAJ**,³²⁴⁷ having known **THAÇI** and **VESELI** since 1992, when he met them with **Adem JASHARI**.³²⁴⁸ As Musë JASHARI noted, during the whole of the war, **THAÇI** knew 'how to counsel us, how to instruct us.'³²⁴⁹

789. In late June 1998, a meeting was held between **Fatmir LIMAJ**, **Musë JASHARI**, **Gani KRASNIQI**, **Isni KILAJ**, **Haxhi SHALA** and **Skender KRASNIQI**.³²⁵⁰ The attendees,

³²⁴² See Section III.D.

³²⁴³ W04401:T.23042-23044(02-Dec-2024)(Open);[REDACTED]; P04216:00:36:40-00:38:24(Public);P04216_ET:p.16(Public). See also P00795:pp.3402-3403(Public).

³²⁴⁴ P01381_ET(Public);[REDACTED] See also [REDACTED].

³²⁴⁵ [REDACTED].

³²⁴⁶ [REDACTED];[REDACTED];W04752:T.17364(01-Jul-2024)(Public). See also P02566_ET(Public).

³²⁴⁷ [REDACTED].

³²⁴⁸ [REDACTED];[REDACTED];W04410:T.16679-16680(04-Jun-2024)(Open).

³²⁴⁹ [REDACTED].

³²⁵⁰ [REDACTED];[REDACTED];[REDACTED];P01260_ET:p.1(Public).

inter alia, confirmed Gani KRASNIQI as the head of the department for public relations and civil administration in Malishevë/Mališevo.³²⁵¹ **Jakup KRASNIQI** visited Malishevë/Mališevo on the same day as this meeting.³²⁵² Shortly thereafter, during a public meeting in Malishevë/Mališevo on 29 June 1998, Fatmir LIMAJ announced Gani KRASNIQI's appointment to the public,³²⁵³ and also declared that the 'Lumi-Çeliku unit is one and only' as it is united 'under the command of the General Staff of the Kosovo Liberation Army'.³²⁵⁴

790. Members of the General Staff – including **Hashim THAÇI** – also visited Gani KRASNIQI and Isni KILAJ at KLA Headquarters in Malishevë/Mališevo in or around June 1998.³²⁵⁵ [REDACTED], around this time, GS members also went to 'visit the trenches'.³²⁵⁶

791. On or prior to 10 July 1998, W02144 attended a meeting in Malishevë/Mališevo with Gani KRASNIQI and **Kadri VESELI**.³²⁵⁷ While Gani KRASNIQI was introduced as the 'mayor of Malishevo', **Kadri VESELI's** conduct made it clear that he was the more senior and the 'actual decision maker' on the KLA side.³²⁵⁸ That same day, **Jakup KRASNIQI** gave an interview in Malishevë/Mališevo in which he noted that Gani KRASNIQI had joined the ranks of the KLA.³²⁵⁹

792. Directly following the outbreak of fighting in Rahovec/Orahovac on 17 July 1998, the General Staff, including **Hashim THAÇI**, **Kadri VESELI**, **Rexhep SELIMI**, **Sokol BASHOTA** and **Lahi BRAHIMAJ**, decided to take direct action, urgently

³²⁵¹ [REDACTED];[REDACTED];P01260_ET:p.1(Public). *See also* Section II.A.1.a.ii.

³²⁵² [REDACTED].

³²⁵³ P00838:00:06:45-00:09:58(Public);P00838_ET:p.2(Public);W04278:T.20472(30-Sep-2024)(Open).

³²⁵⁴ P00838:00:06:45-00:09:58(Public);P00838_ET:p.2(Public);P01264_ET:p.SPOE00128656(Public).

³²⁵⁵ [REDACTED];[REDACTED].

³²⁵⁶ [REDACTED].

³²⁵⁷ [REDACTED].

³²⁵⁸ [REDACTED].

³²⁵⁹ P00793:pp.82, 84(Public).

appointing Agim CELAJ to lead the operations, becoming directly engaged with organising, coordinating the operation and participating in the fight.³²⁶⁰ **Rexhep SELIMI** recalled that while the General Staff were in their positions in Rahovec/Orahovac, they also met with Fatmir LIMAJ,³²⁶¹ and the General Staff ensured that KLA units, including Lumi and LIMAJ's Çeliku unit, supported the operation.³²⁶²

793. **Hashim THAÇI** personally oversaw the use of a bulldozer in order to cut off access on the Rahovec/Orahovac road.³²⁶³ However, in an interview to the ICTY, **Hashim THAÇI** was later keen to distance himself from the events in Rahovec/Orahovac, falsely claiming that he 'was in Albania at the time'.³²⁶⁴

1. *Imprisonment / Illegal or Arbitrary Arrest and Detention*

794. From 17 July 1998, in connection with an offensive on Rahovec/Orahovac and surrounding villages, various KLA units captured Serb civilians and detained them in multiple locations.³²⁶⁵ At least 48 of these civilians were kept prisoner in Malishevë/Mališevo.³²⁶⁶

795. The Rahovec/Orahovac attack and the detentions and killings in its aftermath were dependent on the cooperation of the Arti, Lumi, Çeliku, Drenoc/Drenovac and

³²⁶⁰ [REDACTED];[REDACTED];W04752:T.17587(03-Jul-2024)(Open);[REDACTED];W04401:T.23196(03-Dec-2024)(Open); P04203_ET(Public);[REDACTED];P00795:pp.3417-1418(Public); [REDACTED]. *See also* P02007.6_ET:pp.1-6(Public).

³²⁶¹ [REDACTED]. *See also* [REDACTED].

³²⁶² [REDACTED];[REDACTED]; [REDACTED];[REDACTED];P02007.6_ET:pp.1-6(Public); P00067:p.SITF00437789(Public).

³²⁶³ W04752:T.17587(03-Jul-2024)(Open).

³²⁶⁴ [REDACTED].

³²⁶⁵ *See e.g.* [REDACTED];[REDACTED];[REDACTED];[REDACTED]; [REDACTED];W04295:T.21584-21586(30-Oct-2024)(Open);[REDACTED]; [REDACTED];Sections III.E.2 and III.E.3. *See also* [REDACTED].

³²⁶⁶ *See e.g.* [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];Sections III.E.2 and III.E.3.

Suharekë/Suva Reka units.³²⁶⁷ To assist with coordination, radios were used to communicate both internally and with other KLA units in the area and further afield.³²⁶⁸

796. The Lumi military police separated the captured women, children and a baby from the men and detained them upstairs.³²⁶⁹ Lumi unit members including Jakup HOTI, Ahmet RRAHMANAJ and Mehmet MAZREKU watched over the prisoners.³²⁷⁰ KLA members warned the prisoners that a feared commander named Asllan KLEÇKA would arrive shortly and force them to eat their own body parts.³²⁷¹ In a message to Drenicë zone commander Sylejman SELIMI dated 17 July 1998, KLA commanders described Asllan KLEÇKA as an Arti unit member ‘under the complete control of our forces’ and his behaviour ‘most satisfactory’.³²⁷²

2. *Other Inhumane Acts / Cruel Treatment / Torture*

a. Detention Conditions

797. Men were kept captive in deplorable conditions, and women, children and a baby were also detained against their will.³²⁷³ Cells were filthy, doors were locked, windows obscured, no sleeping material and almost no food was provided.³²⁷⁴ No

³²⁶⁷ See e.g. in addition to Sections III.E.2 and II.E.3, [REDACTED]; [REDACTED];[REDACTED];[REDACTED]; [REDACTED];P00836_ET;p.L010-2418(Public).

³²⁶⁸ [REDACTED];P00779:T.6694-6695(Public);[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];P00796:p.3455(Public);P01667.1_ET:pp.21-22(Public). See also P00840:19:02-19:24(Public).

³²⁶⁹ [REDACTED];[REDACTED]; [REDACTED];W04278:T.20514(30-Sep-2024)(Open); [REDACTED];[REDACTED];[REDACTED];[REDACTED].

³²⁷⁰ [REDACTED];[REDACTED]; [REDACTED].

³²⁷¹ [REDACTED];[REDACTED];[REDACTED];[REDACTED].

³²⁷² [REDACTED];[REDACTED];AF243(Public); Sylejman SELIMI was also known as “Sultan” – see e.g. W03880:T.8591(10-Oct-2023)(Open);[REDACTED];W04147:T.13727(26-Mar-2024)(Open). See also [REDACTED];W04278:T.20442-20445(30-Sep-2024)(Open);[REDACTED];[REDACTED].

³²⁷³ [REDACTED];[REDACTED]; [REDACTED];W04278:T.20514(30-Sep-2024)(Open); [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED]; [REDACTED].

³²⁷⁴ [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED].

medical care was provided to the injured men.³²⁷⁵

b. Psychological and Physical Abuse

798. KLA soldiers beat male prisoners, including to the point of loss of consciousness, before transferring them to their cells in Malishevë/Mališevo.³²⁷⁶ Beatings continued in the cells, and the women and children could hear the cries of their menfolk reverberating around the prison.³²⁷⁷ KLA members also psychologically abused male prisoners throughout their time in detention, including through threatening to kill them,³²⁷⁸ before eventually executing at least 37 of them in remote locations.³²⁷⁹

3. Murder / Enforced Disappearance

a. 18-19 July 1998 Mass Execution

799. At least 13 male Serb civilians were captured in the course of the Rahovec/Orahovac attack.³²⁸⁰ From 17-19 July 1998, they were detained in the police station building in Malishevë/Mališevo.³²⁸¹ Their names were Jovan LUKIĆ, Srećko VITOŠEVIĆ, Srđan VITOŠEVIĆ, Duško ĐINOVIĆ, Čeda ČABARKAPA, Tomislav BALJOŠEVIĆ, Saša BALJOŠEVIĆ, Duško PATRNOGIĆ, Duško DOLAŠEVIĆ,

³²⁷⁵ [REDACTED];[REDACTED].

³²⁷⁶ [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];
[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED]. See also W00072:T.6692(17-Aug-2023)(Open). When confronted on this point, W04278's response was evasive and did not squarely deny that male civilian prisoners were killed, see [REDACTED].

³²⁷⁷ [REDACTED]; [REDACTED];[REDACTED];[REDACTED];[REDACTED];
[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED]; [REDACTED].

³²⁷⁸ [REDACTED];[REDACTED]. See also [REDACTED].

³²⁷⁹ See Section III.E.3.

³²⁸⁰ [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED];
[REDACTED];[REDACTED]; [REDACTED];
[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED];
[REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED]; [REDACTED];[REDACTED];
[REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED]. See also
[REDACTED];[REDACTED];W04875:T.23676-23678(13-Jan-2025)(Open).

³²⁸¹ [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];
[REDACTED]; [REDACTED]. See also [REDACTED].

Dorđe BALJOŠEVIĆ, Aleksandar STANOJEVIĆ, Radovan STALETIĆ and Branislav STALETIĆ.³²⁸²

800. On the night of 18-19 July 1998, Haxhi SHALA of the Çeliku military police³²⁸³ [REDACTED].³²⁸⁴ [REDACTED].³²⁸⁵ [REDACTED].³²⁸⁶

801. That same night, four or five KLA soldiers took the 13 men out in groups, tied their hands and pushed them into a van.³²⁸⁷ [REDACTED] to follow what happened, drove the prisoners and three armed KLA members, including Haxhi SHALA and Sadik SHALA, four kilometres in the direction of Prishtinë/Priština, down a dirt road, and into the woods.³²⁸⁸ On his knees in the van, [REDACTED] loosened the rope on his hands and fled through the woods just as KLA soldiers ordered them from the van at gunpoint.³²⁸⁹ Behind him, [REDACTED] could hear the KLA members fire their rifles.³²⁹⁰ A seriously injured [REDACTED] was filmed by the media a few hours later from a hospital bed in Prizren, lamenting the victims, including his friend Duško ĐINOVIĆ.³²⁹¹

802. The three KLA soldiers shot the other 12 men dead.³²⁹² Their remains were identified following the exhumation of a single mass grave in Malishevë/Mališevo in May 2005, and their identities match exactly with the names of the detainees as

³²⁸² [REDACTED];[REDACTED];
[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];
[REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED]; [REDACTED];
[REDACTED];[REDACTED]; [REDACTED];[REDACTED]; [REDACTED];[REDACTED];
[REDACTED];[REDACTED];[REDACTED]. See also [REDACTED];[REDACTED]. See also [REDACTED]
(listing Staletić Branislav and Staletić Radovan).

³²⁸³ [REDACTED];[REDACTED];[REDACTED]. See also [REDACTED].

³²⁸⁴ [REDACTED];[REDACTED].

³²⁸⁵ [REDACTED];[REDACTED].

³²⁸⁶ [REDACTED];[REDACTED].

³²⁸⁷ [REDACTED];[REDACTED];[REDACTED];[REDACTED]; [REDACTED].

³²⁸⁸ [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED]; [REDACTED].

³²⁸⁹ [REDACTED];[REDACTED]; [REDACTED];[REDACTED]; [REDACTED];[REDACTED].

³²⁹⁰ [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED].

³²⁹¹ [REDACTED];[REDACTED].

³²⁹² [REDACTED];[REDACTED];[REDACTED];[REDACTED]. See also [REDACTED]; P00836_ET:p.L010-2419(Public).

[REDACTED], as set out above.³²⁹³ Autopsies showed that all 12 victims died from gunshot wounds.³²⁹⁴

803. Corroborating their presence at these events, Haxhi SHALA recalled being with Sadik SHALA in Malishevë/Mališevo on 19 July 1998, and suggesting to the latter that he return to Kleçkë/Klečka, where he was based, having ‘shared a lot with his comrades that day’.³²⁹⁵ Sadik SHALA elected to stay and continue to support operations in the Malishevë/Mališevo/Rahovec/Orahovac area alongside his uncle, Fatmir LIMAJ.³²⁹⁶

804. [REDACTED].³²⁹⁷

b. Opterushë/Optëruša, Reti/Retimlje, Zoçishtë/Zoçište, and Other Victims

805. On 17 July 1998, as detailed in a report to the General Staff, KLA members also attacked Opterushë/Optëruša, a village in the municipality of Rahovec/Orahovac.³²⁹⁸ The report included false claims that Serbian paramilitary forces were present, in an attempt to legitimise KLA actions.³²⁹⁹ W04295, a KLA soldier, recalled hearing that the order for the attack came from ‘high up’, while a book by Ilaz KADOLLI details how the General Staff requested that Brigade 123 assist with the attack.³³⁰⁰ Reinforcements on the night of the attack came from Drenoc/Drenovac, and Dobërdelan/Doberdeljane and Samadrexhë/Samodreža in the

³²⁹³ [REDACTED];[REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED]. See also [REDACTED];[REDACTED]. See also W04875:T.23676-23678(13-Jan-2025)(Open);[REDACTED].

³²⁹⁴ [REDACTED];[REDACTED]; [REDACTED];[REDACTED]; [REDACTED];[REDACTED]; [REDACTED];[REDACTED]; [REDACTED];[REDACTED]; [REDACTED];[REDACTED]. See also [REDACTED];W04875:T.23676-23678(13-Jan-2025)(Open).

³²⁹⁵ P00836/P00836_ET:p.L010-2419(Public).

³²⁹⁶ P00836/P00836_ET:p.L010-2419(Public);[REDACTED].

³²⁹⁷ [REDACTED];[REDACTED]. See also P01804_ET:p.099517-099518(Public).

³²⁹⁸ [REDACTED];P01809_ET:p.5D00-8575(Public);W04295:T.21582(30-Oct-2024)(Open).

³²⁹⁹ [REDACTED];W04295:T.21586(30-Oct-2024)(Open).

³³⁰⁰ W04295:T.21598(30-Oct-2024)(Open);P00012:p.058008(Public).

region of Suharekë/Suva Reka.³³⁰¹

806. KLA members forcibly abducted Serb civilians from Opterushë/Opteruša in the course of the attack.³³⁰² Although they held a small number of weapons, they were abducted ‘because they were Serbs’, and for that reason alone.³³⁰³ W00072 explained that the detained men were in the main farmers and agricultural workers, were not members of the Serbian military or police, and had never engaged in fighting with the KLA prior to the attack.³³⁰⁴ W00072’s husband, who was taken prisoner, was a teacher whose kidney disease prevented him from ever serving in the army.³³⁰⁵ Her son, who was also abducted, had recently turned 16 years old.³³⁰⁶

807. The KLA members drove the prisoners to an unfinished house in Peqan/Pécane, where they separated the men from the women.³³⁰⁷ Men were beaten, and W00072 could see a bruise on her husband’s face the next morning, when she saw him for the last time.³³⁰⁸ Male villagers from Opterushë/Opteruša – W00072’s husband Mladen BOŽANIĆ and her son Nemanja BOŽANIĆ, Božidar BOŽANIĆ and his son Novica BOŽANIĆ, Spasa BURDŽIĆ, Predrag (also known as Miodrag)³³⁰⁹ BURDŽIĆ, Srećko SIMIĆ and Spasa BANZIĆ— were transported onwards to the KLA headquarters in Drenoc/Drenovac and from there, on the orders of the General Staff, to Malishevë/Mališevo.³³¹⁰ KLA soldiers took the females to

³³⁰¹ W04295:T.21584(30-Oct-2024)(Open).

³³⁰² P00067_ET:p.4(Public).

³³⁰³ [REDACTED];W04295:T.21580(30-Oct-2024)(Open);[REDACTED].

³³⁰⁴ W00072:T.6693-6694(17-Aug-2023)(Open).

³³⁰⁵ W00072:T.6689(17-Aug-2023)(Open).

³³⁰⁶ [REDACTED];[REDACTED];[REDACTED]; [REDACTED].

³³⁰⁷ [REDACTED];[REDACTED];W00072:T.6697(17-Aug-2023)(Open);[REDACTED].

³³⁰⁸ [REDACTED].

³³⁰⁹ W00072:T.6721(17-Aug-2023)(Open). In this regard, *see* KSC-BC-2020-06/F03155:para.2.

³³¹⁰ [REDACTED];P00067_ET:p.SITF00437788(Public);[REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED]. *See also* [REDACTED];[REDACTED];[REDACTED]; [REDACTED].

Zoçishtë/Zočište.³³¹¹

808. The village of Reti/Retimlje was simultaneously attacked by KLA forces from Rahovec/Orahovac and Suharekë/Suva Reka.³³¹² As was later reported to the General Staff, the KLA abducted Serb civilians from Reti/Retimlje on the morning of 18 July 1998, and took them to Drenoc/Drenovac.³³¹³ Lazar KOSTIĆ and Todor KOSTIĆ were loaded onto a truck, along with Dimitrije KOSTIĆ and his two sons (Miroljub KOSTIĆ and Vekoslav KOSTIĆ); Vitomir KOSTIĆ; Rajko NIKOLIĆ and Cvetko NIKOLIĆ (respectively, the husband and teenage son of Mirjana NIKOLIĆ); Saško KOSTIĆ; Živko KOSTIĆ; the brothers Miodrag KOSTIĆ and Svetislav KOSTIĆ; Srećko KOSTIĆ; Mladen KOSTIĆ and his son Nebojša KOSTIĆ.³³¹⁴ Armed Albanian men from Reti/Retimlje drove the Serb female villagers and Stanoje KOSTIĆ, who was paralysed, towards Zoçishtë/Zočište.³³¹⁵ On 19 July 1998, women abducted from Opterushë/Opteruša gathered in the local monastery for their protection, where they met women taken by the KLA from Reti/Retimlje, ‘found out what had happened there’ and ‘cried together’.³³¹⁶ Other residents of Zoçishtë/Zočište fled to Hoçë e Madhe/Velika Hoča.³³¹⁷

809. On 20 July, while the General Staff were still on the ground and under their direction, local KLA commander Blerim KUQI attacked the village of Zoçishtë/Zočište.³³¹⁸ The following morning, KLA soldiers entered the monastery and transported Serb civilians toward Semetishtë/Semetište, detained them in a school and

³³¹¹ [REDACTED].

³³¹² [REDACTED];W04295:T.21584-21589(30-Oct-2024)(Public).

³³¹³ P00067_ET:p.SITF00437788(Public);AF74(Public);[REDACTED]; [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED]; [REDACTED].

³³¹⁴ AF74(Public);[REDACTED];[REDACTED]; [REDACTED].

³³¹⁵ [REDACTED];[REDACTED]. *See also* [REDACTED];[REDACTED].

³³¹⁶ [REDACTED];[REDACTED];[REDACTED].

³³¹⁷ [REDACTED];[REDACTED].

³³¹⁸ [REDACTED];[REDACTED].

interrogated them.³³¹⁹ The detainees were later released to the ICRC.³³²⁰ A contemporaneous report authored by Agim KUQI details how Zoçishtë/Zočište was successfully ‘cleansed’ and captives were taken.³³²¹

810. On or about 20 July 1998, on the orders of the General Staff, KLA members of the Drenoc/Drenovac unit including Xhemë GASHI (aka Gjermani) and Mahir HASANI, transferred Serb civilians captured in Opterushë/Opteruša and Reti/Retimlje from Drenoc/Drenovac to Malishevë/Mališevo.³³²² The detainees transferred from Drenoc/Drenovac also included one man of Roma ethnicity called [REDACTED].³³²³ They shared a cell with [REDACTED].³³²⁴ [REDACTED] and being ‘suspicious’ in a KLA notebook entry from the day of the transfer ([REDACTED]).³³²⁵ The name [REDACTED] also appears amongst those of other victims on a handwritten list of ‘suspects’ drawn up by the KLA in May 1998.³³²⁶ [REDACTED] detention, an armed KLA soldier told him that names like his were ‘given by higher-ups’.³³²⁷

811. In the days following these attacks, the Serbian media reported on the abductions and killings of civilians.³³²⁸ On 23 July 1998, four days after the 12 men first detained in Malishevë/Mališevo had been taken on the orders of the General Staff and executed, **Hashim THAÇI** and **Kadri VESELI** met with W02144 in the centre of Malishevë/Mališevo.³³²⁹ Close to the police station where detainees were still being

³³¹⁹ [REDACTED];[REDACTED];[REDACTED];[REDACTED].

³³²⁰ [REDACTED];W00072:T.6712(17-Aug-2023)(Open); [REDACTED].

³³²¹ [REDACTED].

³³²² [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED]; [REDACTED].

³³²³ [REDACTED], *see also* [REDACTED];[REDACTED]; [REDACTED];[REDACTED]; [REDACTED].

³³²⁴ [REDACTED];[REDACTED]. [REDACTED] *see* [REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED].

³³²⁵ [REDACTED].

³³²⁶ [REDACTED].

³³²⁷ [REDACTED].

³³²⁸ [REDACTED];[REDACTED]. *See also* [REDACTED]; [REDACTED];P04153(Public).

³³²⁹ [REDACTED];[REDACTED].

held, W02144 directly addressed allegations of abductions and detentions with **Hashim THAÇI** and **Kadri VESELI**.³³³⁰ **Hashim THAÇI** assured W02144 that the KLA would respect the Geneva Conventions, as it was a regular army.³³³¹

812. On or about 26 July 1998, Musë JASHARI [REDACTED].³³³² [REDACTED].³³³³ All detainees in Malishevë/Mališevo were loaded onto a bus, some with their hands tied.³³³⁴ Amongst the detainees on the bus, W00067 recognised Spasa BURDŽIĆ and Predrag BURDŽIĆ from Opterushë/Opteruša and Đorđe ĐORIĆ and Krsta STANOJEVIĆ from Rahovec/Orahovac.³³³⁵ KLA soldiers guarded those on the bus.³³³⁶

813. When the bus broke down,³³³⁷ a soldier [REDACTED].³³³⁸ [REDACTED] the women and children over to KLA soldiers, who detained them for four nights before leaving them on the side of the Prishtinë/Priština-Gjakovë/Đakovica road.³³³⁹

814. In Zatriq/Zatrić, Xhemë GASHI and Mahir HASANI were waiting [REDACTED] the prisoners to a member of the Drenoc/Drenovac military police.³³⁴⁰ [REDACTED].³³⁴¹ [REDACTED] with the prisoners to a location close to Volljakë/Volujak, where the Serb men were executed and their bodies 'thrown down the hole' into a cave.³³⁴²

³³³⁰ [REDACTED].

³³³¹ [REDACTED]; [REDACTED].

³³³² [REDACTED];[REDACTED]; [REDACTED];[REDACTED].

³³³³ [REDACTED];[REDACTED]; [REDACTED].

³³³⁴ [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED];[REDACTED].

³³³⁵ [REDACTED]. *See also* [REDACTED]; [REDACTED].

³³³⁶ [REDACTED];[REDACTED].

³³³⁷ [REDACTED];[REDACTED]. *See also* [REDACTED].

³³³⁸ [REDACTED].

³³³⁹ [REDACTED];[REDACTED];[REDACTED].

³³⁴⁰ [REDACTED];[REDACTED].

³³⁴¹ [REDACTED];[REDACTED].

³³⁴² [REDACTED];[REDACTED].

815. In the cave at Volljakë/Volujak and the Pejë/Peć cemetery, the remains of the male detainees from Reti/Retimlje and Opterushë/Opteruša, and of Krsta STANOJEVIĆ from Rahovec/Orahovac, were found and identified through DNA analysis.³³⁴³ The identity card of Srećko SIMIĆ was also found in the same location.³³⁴⁴ The Office on Missing Persons and Forensics (OMPF) also found evidence of burned bodies at the site.³³⁴⁵ The remains of [REDACTED] were identified in the Arbëria/Dragodan cemetery in Prishtinë/Priština.³³⁴⁶

816. The General Staff requested and, to the extent possible, received reports from the local staff on the events surrounding the Rahovec attack.³³⁴⁷ Multiple such reports were written, including one on 21 July 1998.³³⁴⁸ On 23 July 1998, the General Staff held a meeting discussing events in Rahovec/Orahovac, noting that the initial attack contravened General Staff instructions and that the General Staff had been forced to 'take protective measures'.³³⁴⁹ The command of the KLA 'Rahovec Local Operational Staff' issued a report to the General Staff on 15 August 1998, detailing that during the attack on Opterushë/Opteruša, Reti/Retimlje, and Zoçishtë/Zočiste on 18 July 1998, '22 individuals would be taken prisoner [and] 7 women would be released'.³³⁵⁰

817. In sharp contrast with the formal disciplining of KLA soldiers for infractions such as drinking, the KLA did not investigate or punish soldiers for these crimes.³³⁵¹ Conversely, following the commission of the crimes outlined above, both Musë

³³⁴³ [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];
[REDACTED];[REDACTED]. *See also* W04875:T.23676-23678(13-Jan-2025)(Open);[REDACTED].

³³⁴⁴ [REDACTED];[REDACTED].

³³⁴⁵ [REDACTED].

³³⁴⁶ [REDACTED]; [REDACTED];[REDACTED].

³³⁴⁷ [REDACTED];P00067:p.SITF00437785(Public).

³³⁴⁸ [REDACTED];P00067:p.SITF00437785(Public);[REDACTED].

³³⁴⁹ P00643_ET:pp.SPOE00229213-00229214(Public);W04752:T.17386-17387(01-Jul-2024)(Open);
P00189_ET.1:pp.93, 113(Public);[REDACTED].

³³⁵⁰ P00067_ET:p.4(Public). *See also* [REDACTED].

³³⁵¹ [REDACTED];[REDACTED];[REDACTED];[REDACTED].

JASHARI and Fatmir LIMAJ were promoted, including to positions within the General Staff, and had continued involvement in further KLA operations.³³⁵² Haxhi SHALA was also promoted to the position of commander of the 121 Brigade,³³⁵³ while Sadik SHALA had a KLA battalion named after him.³³⁵⁴

4. *Victim Impact*

818. Surviving prisoners from Malishevë/Mališevo bear lasting physical and psychological scars. They continue to suffer from anxiety, damaged bones, permanent difficulties while walking, and a chronic reliance on painkillers.³³⁵⁵

819. Victims' family members also still suffer the consequences,³³⁵⁶ and as the BALJOSEVIĆ baby grew, he regularly asked when his father Saša would be released.³³⁵⁷

W00072 described the agony of her heartache as follows:

When they took my son away from me, snatched him from my arms, so to speak, it's as if you lost one half of your heart, and the other half I still have left for the other part of my family. And this is how I live on, and I shall die with this. And I will take these thoughts with me when I expire my last breath, I will be thinking about my son and my husband. And as I said, I would go to the ends of the world, to the ends of the earth just to reach the truth.³³⁵⁸

F. BUDAKOVË/BUDAKOVO AND SEMETISHTË/SEMETIŠTE

820. Detainees were held in, and transferred amongst, multiple detention sites in Budakovë/Budakovo, within the Pashtrik Zone, between at least around 4 July and September 1998 and again on or around 28 or 29 April 1999. These detention sites

³³⁵² P00795:pp.3411-3412(Public);P02006.4_ET:p.3(Public);P01124_ET:p.5(Public); [REDACTED];[REDACTED];W04752:T.18424(17-Jul-2024)(Open);[REDACTED];P03839_ET(Public).

³³⁵³ [REDACTED];P02006.4_ET:p.3(Public);[REDACTED]; [REDACTED];[REDACTED].

³³⁵⁴ P02007.6_ET:pp.1-2(Public);P02746_ET(Public);P02742_ET(Public);P02741_ET:p.U000-6111(Public).

³³⁵⁵ [REDACTED];[REDACTED]; [REDACTED]; [REDACTED]. See also [REDACTED];[REDACTED].

³³⁵⁶ [REDACTED];W00498:T.12534(20-Feb-2024)(Open); [REDACTED];[REDACTED].

³³⁵⁷ [REDACTED].

³³⁵⁸ W00072:T.6710(17-Aug-2023)(Open).

included houses such as Bajram PALUSHI's,³³⁵⁹ which was near the headquarters of Brigade 123's Battalion 2³³⁶⁰ where detainees were also held.³³⁶¹ Around August 1998, an order was issued for three detainees held in Budakovë/Budakovo to be transferred to Brigade 123, ultimately being handed over to the KLA Military Police in Semetishtë/Semetište with at least one detainee also being detained there.³³⁶²

821. KLA Brigade 123 and its Military Police unit were headquartered in neighbouring³³⁶³ Breshanc/Brešance and Semetishtë/Semetište, Suharekë/Suva Reka,³³⁶⁴ and fell under the Pashtrik zone.³³⁶⁵ The brigade was formed around June 1998 from units which had been cooperating with the General Staff since at least April 1998.³³⁶⁶ In June 1998, the General Staff appointed Blerim KUQI as the Brigade Commander, a role he served in until around September 1998.³³⁶⁷ By July and August 1998, there were approximately 1,400-1,500 registered and armed soldiers serving in Brigade 123.³³⁶⁸

822. In summer 1998, Brigade 123 comprised two battalions.³³⁶⁹ The 2nd Battalion was created at the end of June 1998, and was based in Budakovë/Budakovo, with Sadik

³³⁵⁹ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; P01826:pp.SITF00032794-SITF00032795(Public); P01827.3_ET:pp.5-8(Public); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³³⁶⁰ P01827.3_ET:pp.9-10(Public); P01830.3_ET:pp.16-18(Public); [REDACTED]; [REDACTED]; P01827.2_ET:pp.15-16(Public); [REDACTED]; P01830.2_ET:p.9(Public).

³³⁶¹ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]. *See also* [REDACTED].

³³⁶² P01826:pp.SITF00032795-SITF00032796(Public); P01827.3_ET:pp.10-16(Public); P01830.3_ET:pp.19-21(Public); P01829:p.SITF00032828(Public); [REDACTED]; [REDACTED].

³³⁶³ P04299(Public).

³³⁶⁴ AF291(Public); P01829:p.SITF00032827(Public); P01830.3_ET:p.1(Public); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; P01827.2_ET:pp.3, 16-17(Public).

³³⁶⁵ AF290(Public); P00189_ET.1:p.U015-8849(Public); P00712_ET:p.SPOE000209330(Public).

³³⁶⁶ [REDACTED]; [REDACTED]; [REDACTED]; W04765:T.9949(13-Nov-2023)(Open); [REDACTED]; W04765:T.9918-9919(13-Nov-2023)(Open); P00712_ET:p.SPOE000209371(Public).

³³⁶⁷ P01830.3_ET:p.1(Public); [REDACTED]; P01827.3_ET:pp.20-21(Public); [REDACTED]; W04744:T.16974-16975, 16980(24-Jun-2024)(Open); [REDACTED]; P01830.1_ET:pp.23-24(Public); P01830.2_ET:pp.10-11(Public); [REDACTED]. *See also* [REDACTED]; [REDACTED].

³³⁶⁸ [REDACTED]. *See also* [REDACTED].

³³⁶⁹ [REDACTED]; P01827.1_ET:pp.10-11(Public); P01826:p.SITF00032792(Public); [REDACTED]; [REDACTED]; W04765:T.9949(13-Nov-2023)(Open).

HALITJAHA, a longstanding LPK member who arrived in Kosovo in June 1998,³³⁷⁰ as its commander through the summer of 1998.³³⁷¹ This battalion comprised four companies, as well as a Military Police unit.³³⁷² In the summer of 1998, Isa MORINA was a company commander in the 2nd Battalion.³³⁷³ Muhamet BUZHALA, Agim ZYBA and Naim KADOLLI were members of Battalion 2's Military Police,³³⁷⁴ while Nuredin ABAZI was appointed as a legal adviser.³³⁷⁵

823. From at least March 1999 Gëzim HAZROLLI was the Brigade 123 Commander³³⁷⁶ and Isa MORINA was the S-2 for Intelligence and Counter-intelligence within the brigade.³³⁷⁷ Following Sadik HALITJAHA, Bekim ARIFI and Fehmi BERISHA commanded the 2nd Battalion.³³⁷⁸ Within the 2nd Battalion, Agim ZYBA was promoted to S-2 for Intelligence and Counter-intelligence, reporting to the battalion commander on a daily basis.³³⁷⁹ Naim KADOLLI and Muhamet BUZHALA were ZYBA's subordinates.³³⁸⁰

824. The **Accused** and other members of the General Staff were familiar with

³³⁷⁰ [REDACTED]; [REDACTED]; [REDACTED].

³³⁷¹ [REDACTED]; [REDACTED]; W04765:T.9949(13-Nov-2023)(Open); [REDACTED]; [REDACTED]; [REDACTED]; P01829:p.SITF00032827(Public); [REDACTED].

³³⁷² [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; P01827.2_ET:pp.4-5, 14-15(Public); P01830.2_ET:pp.7-9(Public).

³³⁷³ [REDACTED]; P01830.2_ET:pp.7-8(Public); W04765:T.10235-10236(16-Nov-2023)(Open); P02773_ET:p.SPOE00226698(Public).

³³⁷⁴ [REDACTED]; [REDACTED]; W03865:T.15141-15142, 15194, 15199, 15206(30-Apr-2024)(Open); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; W04765:T.10168(15-Nov-2023)(Open); [REDACTED]; [REDACTED]; P01829:p.SITF00032827(Public); W04765:T.10235-10236(16-Nov-2023)(Open); P02773_ET:p.SPOE00226698(Public). *See also* P01827.1_ET:pp.18-20(Public); W04765:T.10453(04-Dec-2023)(Open); P01827.2_ET:pp.13-14(Public); [REDACTED].

³³⁷⁵ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; W03865:T.15112, 15114(29-Apr-2024)(Open).

³³⁷⁶ P01827.1_ET:p.25(Public); [REDACTED]; P01827.2_ET:pp.23-24(Public); [REDACTED].

³³⁷⁷ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; P01827.1_ET:pp.27-28(Public).

³³⁷⁸ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; P01827.1_ET:pp.20-21, 25(Public); [REDACTED].

³³⁷⁹ P01827.1_ET:pp.14-15, 21-23, 25-28(Public). *See also* P01827.2_ET:pp.12-13, 20-22(Public); [REDACTED]; P01827.3_ET:p.1(Public).

³³⁸⁰ P01827.1_ET:pp.25-27(Public); P01827.4_ET:p.3(Public).

Budakovë/Budakovo and Semetishtë/Semetište other than solely by virtue of appointments they made in relation to the brigade and zone these locations fell under.³³⁸¹ In July 1998, **THAÇI**, Bislim ZYRAPI, Ramë BUJA and others visited Battalion 2, with **THAÇI** keeping notes about the battalion and informing its commander, Sadik HALITJAHA, that in line with Western military structures, the KLA did not include *komisars* but assistant commanders, prompting HALITJAHA to change the relevant title within the structure.³³⁸² A General Staff special unit also operated in Budakovë/Budakovo, based just 2 kilometres from Battalion 2's headquarters.³³⁸³

825. Further, GS members were in contact with the Pashtrik OZ via radio communication, including specifically about events in Budakovë/Budakovo in January 1999.³³⁸⁴ Entries dated 8 January 1999 in a handwritten document seized from **SELIMI** refer to meetings in and discussions concerning both Battalion 2 of Brigade 123³³⁸⁵ and the General Staff special unit in Budakovë/Budakovo.³³⁸⁶ **THAÇI** was in Budakovë/Budakovo again around April 1999 when he visited units in the area.³³⁸⁷

1. Imprisonment / Illegal or Arbitrary Arrest and Detention

826. At least nine persons were held in Budakovë/Budakovo between around 4 July and September 1998.³³⁸⁸ [REDACTED] detained around 4 July 1998 along with

³³⁸¹ W04744:T.16973-16976, 17049-17052(24-Jun-2024)(Open);P01830.1_ET:pp.23-24(Public); P01830.2_ET:pp.10-11(Public); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED];P00633_ET(Public). *See also* P00292_ET(Public);P00295_ET(Public).

³³⁸² [REDACTED]; [REDACTED]; [REDACTED].

³³⁸³ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; P00877_ET(Public).

³³⁸⁴ [REDACTED]; [REDACTED].

³³⁸⁵ [REDACTED].

³³⁸⁶ [REDACTED].

³³⁸⁷ [REDACTED].

³³⁸⁸ The Indictment (paras.68, 104) and Pre-Trial Brief (paras.390-392) refer to '[REDACTED]' and '[REDACTED]' as [REDACTED]. Admitted evidence indicates that [REDACTED]. Further, due to the absence of admitted evidence, the SPO withdraws the allegation that '[REDACTED]' was detained in Budakovë/Budakovo (*see* Indictment, paras.68, 104, and Pre-Trial Brief, paras.390, 393).

[REDACTED], W01763, Krsta JEFTIĆ, and Stanko STANKOVIĆ, the latter three having been transferred between multiple detention sites within Budakovë/Budakovo.³³⁸⁹ [REDACTED] detained in Budakovë/Budakovo in August 1998 [REDACTED], Latife KOLOLLI, [REDACTED], Rushe KOLOLLI, and [REDACTED] were detained there; Latife and Rushe KOLOLLI and [REDACTED] were then transferred from Budakovë/Budakovo, [REDACTED].³³⁹⁰ [REDACTED] was detained in Budakovë/Budakovo around September 1998³³⁹¹ while [REDACTED],³³⁹² was detained in Budakovë/Budakovo on or around [REDACTED].³³⁹³

827. Among the detainees were some accused of being spies and collaborators³³⁹⁴ on the basis of rumours and generalised suspicions,³³⁹⁵ while others were simply Albanians who interacted with Serbs,³³⁹⁶ who sold wood, including to those of Serb and Roma ethnicity, who worked in state-owned entities,³³⁹⁷ who had not joined the KLA,³³⁹⁸ and/or who supported the LDK.³³⁹⁹ The detainees were civilians and were not taking active part in hostilities at the time of their arrest and/or detention.³⁴⁰⁰

³³⁸⁹ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³³⁹⁰ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]. *See also* [REDACTED]; [REDACTED].

³³⁹¹ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³³⁹² [REDACTED].

³³⁹³ [REDACTED]; [REDACTED].

³³⁹⁴ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³³⁹⁵ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]. *See also* [REDACTED]; [REDACTED]; [REDACTED].

³³⁹⁶ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³³⁹⁷ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³³⁹⁸ [REDACTED]; [REDACTED].

³³⁹⁹ [REDACTED].

³⁴⁰⁰ *See e.g.* [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; W01763:T.10962-10967, 10993(11-Dec-2023)(Open); [REDACTED]; [REDACTED].

828. Detainees were held in locked rooms and/or with KLA members standing guard.³⁴⁰¹ Money and other belongings were taken from detainees and never returned.³⁴⁰² They were provided no due process guarantees- they received no adequate information concerning the reasons for, or an opportunity to challenge, their arrest or detention, and they were not taken before a judge or competent authority, accused or charged with any crimes, or sentenced.³⁴⁰³ Indeed, according to W03865, who himself questioned several of the detainees,³⁴⁰⁴ the KLA did not put in place any structure to secure due process guarantees required by international law.³⁴⁰⁵

829. Detainees in Budakovë/Budakovo and Semetishtë/Semetište were held for several hours or days³⁴⁰⁶ including in basements and rooms with no windows, forced to sleep on hard and/or muddy ground with little or nothing to lie on, and forced to dig trenches.³⁴⁰⁷

830. Multiple KLA members besides Nuredin ABAZI,³⁴⁰⁸ including in particular members of the Military Police and Intelligence services, were involved in the arrest, transfer, detention, questioning and/or mistreatment of detainees in Budakovë/Budakovo and Semetishtë/Semetište. These included Sokol KABASHI, Shukrije GASHI, Agim KABASHI, Bajram MORINA,³⁴⁰⁹ Mus QERKINI,³⁴¹⁰ Agim ZYBA,

³⁴⁰¹ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³⁴⁰² [REDACTED].

³⁴⁰³ W01763:T.10978-10979(11-Dec-2023)(Open); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³⁴⁰⁴ *See e.g.* [REDACTED]; [REDACTED]; [REDACTED].

³⁴⁰⁵ W03865:T.15227(30-Apr-2024)(Open).

³⁴⁰⁶ [REDACTED]; [REDACTED]; [REDACTED].

³⁴⁰⁷ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³⁴⁰⁸ *See e.g.* [REDACTED]; [REDACTED]; [REDACTED].

³⁴⁰⁹ [REDACTED]; [REDACTED]; W01763:T.10961(11-Dec-2023)(Open); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³⁴¹⁰ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

Naim KADOLLI, Muhamet BUZHALA, Magbule MUSTAFA,³⁴¹¹ Sadik HALITJAH,
Isa MORINA,³⁴¹² and Luan MAZREKU.³⁴¹³

831. No KLA members were ever investigated, punished or disciplined in relation to the crimes committed in Budakovë/Budakovo.³⁴¹⁴ On the contrary, Sadik HALITJAH was repeatedly promoted by the General Staff to senior roles in the Pashtrik OZ command,³⁴¹⁵ and briefly to the General Staff itself.³⁴¹⁶ Nuredin ABAZI was promoted to legal adviser within the Pashtrik OZ,³⁴¹⁷ and Isa MORINA became the assistant commander for intelligence and counter-intelligence in Brigade 123.³⁴¹⁸

2. Other Inhumane Acts / Cruel Treatment / Torture

832. Throughout their detention, the detainees were subjected to physical and psychological abuse. KLA members questioned detainees about their movements and whereabouts, other detainees, and knowledge of, and alleged involvement with, Serbian authorities.³⁴¹⁹ Detainees were shot at and punched,³⁴²⁰ made to remove items of clothing, their hands were tied, they were blindfolded, and they were beaten by multiple KLA members, including with objects such as rifles and chains and in each

³⁴¹¹ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED];
[REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED];
[REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

3412 [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED];
[REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED];
[REDACTED].

3413 [REDACTED]; [REDACTED]; [REDACTED].

3414 W01763:T.10979-10980(11-Dec-2023)(Open); [REDACTED]; [REDACTED]); [REDACTED];
[REDACTED]; [REDACTED]; [REDACTED].

3415 [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]
P00712 ET:p.SPOE00209329(Public);W04765:T.10181(15-Nov-2023)(Open).

³⁴¹⁶ [REDACTED];P00712_ET:p.SPOE00209329(Public);W04765:T.10181(15-Nov-2023)(Open).

3417 [REDACTED]; [REDACTED]; W03865:T.15086-15087, 15118(29-Apr-2024)(Open); [REDACTED];
P00712 ET:pp.SPOE00209330-SPOE00209332(Public); [REDACTED].

3418 [REDACTED]; [REDACTED];P01827.2_ET:pp.4-5, 14-15, 20(Public);P01827.1_ET:pp.27-28(Public).

3419 [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

3420 [REDACTED].

other's presence.³⁴²¹ They were threatened and told they would be killed.³⁴²²

833. [REDACTED] tied [REDACTED] to an iron bar, told him they would execute him, kicked him [REDACTED], and beat his head [REDACTED] and caused him to lose consciousness.³⁴²³ Following [REDACTED],³⁴²⁴ [REDACTED] told [REDACTED] that he would find [REDACTED] and kill him.³⁴²⁵

3. *Murder / Enforced Disappearance*

834. In mid-August 1998, pursuant to orders by Sadik HALITJAH, military police member Mus QERKINI and other KLA members arrested [REDACTED], Latife and Rushe KOLOLLI and brought them to Bajram PALUSHI's house in Budakovë/Budakovo where they were detained.³⁴²⁶ There, [REDACTED].³⁴²⁷ After W03865 questioned Latife and Rushe KOLOLLI and concluded they had nothing to do with espionage or collaboration but that, in his view, they were prostitutes,³⁴²⁸ he proposed they be released or sent to the brigade.³⁴²⁹ Nuredin ABAZI did not take any further steps to ensure they were treated with dignity and not mistreated.³⁴³⁰

835. Pursuant to Sadik HALITJAHA's order, Military Police members Agim ZYBA and Naim KADOLLI transferred [REDACTED], Latife and Rushe KOLOLLI towards

3421 [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED][REDACTED]; [REDACTED];
[REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED];
[REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

3422 [REDACTED];W01763:T.11001(11-Dec-2023)(Open); [REDACTED].

3423 [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

3424 [REDACTED].

3425 [REDACTED]; [REDACTED].

3426 [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED];
[REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED];
[REDACTED]; [REDACTED].

3427 [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

3428 [REDACTED]; [REDACTED]; [REDACTED]; W03865:T.15091-15092(29-Apr-2024)(Open); W03865:T.15148-15149, 15188, 15190-15193(30-Apr-2024)(Open).

3429 [REDACTED].

³⁴³⁰ W03865:T.15205-15026(30-Apr-2024)(Open).

Brigade 123, handing them over to military police member Naim BERISHA in the presence of several other KLA soldiers at the entrance to Semetishtë/Semetište.³⁴³¹

836. Those who enquired about [REDACTED]'s fate, including the [REDACTED] and [REDACTED], were told he would be released.³⁴³² However, when [REDACTED]³⁴³³ - went to the KLA headquarters in Budakovë/Budakovo to obtain information concerning [REDACTED], a KLA member threatened his life.³⁴³⁴

837. A few days after Agim ZYBA and Naim KADOLLI handed over Latife and Rushe KOLOLLI to Naim BERISHA,³⁴³⁵ the two women's bodies were found on the road to Topliqan, a few kilometres away from Battalion 2's area of responsibility; their hands were bound and their bodies had gunshots.³⁴³⁶ DNA testing established that one of the bodies was Latife KOLOLLI's.³⁴³⁷ Rushe KOLOLLI's body has never been forensically identified.³⁴³⁸ [REDACTED].³⁴³⁹

4. *Victim Impact*

838. The detainees who survived detention suffered serious injuries, including broken ribs, and required psychological and psychiatric assistance as a result of their mistreatment in Budakovë/Budakovo.³⁴⁴⁰ [REDACTED] remains unable to work due to the life-changing injuries he sustained while he was detained, which injuries necessitated, *inter alia*, [REDACTED] surgeries [REDACTED] and caused ongoing

³⁴³¹ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³⁴³² [REDACTED]; [REDACTED].

³⁴³³ [REDACTED]; [REDACTED]; [REDACTED].

³⁴³⁴ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³⁴³⁵ [REDACTED]; [REDACTED]; [REDACTED].

³⁴³⁶ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³⁴³⁷ [REDACTED]; [REDACTED]; [REDACTED].

³⁴³⁸ [REDACTED]; [REDACTED].

³⁴³⁹ [REDACTED].

³⁴⁴⁰ [REDACTED]; W01763:T.10983-10985(11-Dec-2023)(Open).

physical and psychological issues.³⁴⁴¹

G. JESHKOVË/JEŠKOVO

839. In June 1998, with the assistance of the General Staff, the Prizren local staff was formed in Jeshkovë/Ješkovo from units operating in the Vrrin area of Prizren, where there were no Serbian forces.³⁴⁴² The Prizren local staff was commanded by Remzi ADEMAJ (aka Petriti/Petrit Kodra).³⁴⁴³ Following ADEMAJ's death on 15 August 1998, chief of staff Ekrem REXHA (aka Drini) took over command of the Prizren local staff, which eventually became Brigade 125.³⁴⁴⁴

840. The Prizren local staff was based in a private house in Jeshkovë/Ješkovo and also covered Hoça e Qytetit/Zagradaska Hoça, Poslishtë/Poslište, Billushë/Biluša, Lubiçevë/Ljubiçevo, Lezhë/Lež, Kushnin/Kušnin, and Leskovec/Leskovac.³⁴⁴⁵ In this area there were KLA checkpoints at which armed soldiers checked the identity documents of those passing through.³⁴⁴⁶

841. From June 1998, Xhevat BERISHA, known as Sokoli, was the G-2/ZKZ commander in Jeshkovë/Ješkovo.³⁴⁴⁷ Hajrim QENGAI was BERISHA's deputy.³⁴⁴⁸ Safet KRASNIQI, known as Arditi,³⁴⁴⁹ Ismail KRYEZIU and Elbasan SHOSHAI³⁴⁵⁰ were also

³⁴⁴¹ [REDACTED].

³⁴⁴² See Section II.A.3.m.v.

³⁴⁴³ See Section II.A.3.m.v. See also P02621_ET(Public);[REDACTED]; P02632_ET(Public);P02634_ET(Public).

³⁴⁴⁴ See Section II.A.3.m.v.

³⁴⁴⁵ P00649_ET.1:pp.SITF00245549-SITF00245552(Public);[REDACTED]; [REDACTED];[REDACTED];[REDACTED];[REDACTED].

³⁴⁴⁶ [REDACTED].

³⁴⁴⁷ [REDACTED];[REDACTED];[REDACTED]; [REDACTED];P02649_ET(Public);[REDACTED];[REDACTED];[REDACTED];[REDACTED]; [REDACTED].

³⁴⁴⁸ [REDACTED];P00649_ET.1:p.SITF00245554(Public).

³⁴⁴⁹ [REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED].

³⁴⁵⁰ [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED];[REDACTED].

in the ZKZ in Jeshkovë/Ješkovo. KLA members in the Vrrin area were actively engaged in the identification, arrest and interrogation of suspected collaborators.³⁴⁵¹

842. Remzi ADEMAJ, Xhevat BERISHA, Ismail KRYEZIU, and Elbasan SHOSHAJ communicated directly with the General Staff.³⁴⁵² KRYEZIU and SHOSHAJ also liaised and communicated with other KLA headquarters, including the Pashtrik Zone.³⁴⁵³

843. Selim KRASNIQI was the deputy commander for logistics, assisted by Xhemshit KRASNIQI.³⁴⁵⁴ The KLA MP were based at a school in Jeshkovë/Ješkovo with Seladin BERISHA as the commander, reporting to the brigade commander.³⁴⁵⁵

844. By August 1998, there were around 650 soldiers in the Vrrin area.³⁴⁵⁶ The Prizren local staff had two battalions – the 1st Battalion, commanded by Naser BERISHA in Leskovec/Leskovac, and the 2nd Battalion, commanded by Zafir BERISHA in Billushë/Biluša.³⁴⁵⁷ Within the 2nd Battalion, Xhelil KRASNIQI was the commander of the Hoça e Qytetit/Zagradaska Hoça company, which also covered Jeshkovë/Ješkovo; Avni HAJDARI was the commander of the Poslishtë/Poslište company; and Hajredin SHALA was the commander of the Billushë/Biluša company.³⁴⁵⁸

³⁴⁵¹ [REDACTED];P02649_ET(Public);[REDACTED];[REDACTED];[REDACTED];[REDACTED];
P00649_ET.1:pp.SITF00245554-SITF00245555(Public);[REDACTED];[REDACTED];
[REDACTED];[REDACTED]. For additional context and relevant information concerning certain items cited in this section, *see e.g.* KSC-BC-2020-06/F02944/A01.

³⁴⁵² [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];
[REDACTED]; P00649_ET.2:p.SITF00245556(Public);[REDACTED]. *See also* [REDACTED].

³⁴⁵³ P00649_ET.1:p.SITF00245548(Public);[REDACTED].

³⁴⁵⁴ W04752:T.17367(01-Jul-2024)(Open);P00649_ET.1:p.SITF00245554(Public);P02639_ET(Public);
P02622_ET(Public);[REDACTED].

³⁴⁵⁵ W04752:T.17364-17366(01-Jul-2024)(Open);P00649_ET.1:p.SITF00245554(Public); [REDACTED].

³⁴⁵⁶ [REDACTED].

³⁴⁵⁷ W04752:T.17366(01-Jul-2024)(Open);[REDACTED];[REDACTED];P00649_ET.1:pp.SITF00245554-SITF00245555(Public);[REDACTED].

³⁴⁵⁸ P00649_ET.1:pp.SITF00245549, SITF00245554-SITF00245555(Public);[REDACTED].

1. Imprisonment / Illegal or Arbitrary Arrest and Detention / Other Inhumane Acts / Cruel Treatment / Torture

845. In or around August 1998, at least five persons, including [REDACTED], an unidentified Albanian man, [REDACTED] and [REDACTED] were arrested by KLA soldiers, including one known as 'Uka', and detained in Jeshkovë/Ješkovo, including at the KLA headquarters there.³⁴⁵⁹

846. From around June 1998, KLA members surveilled [REDACTED]; they also surveilled his co-detainee, [REDACTED], who was unemployed and lived [REDACTED].³⁴⁶⁰ [REDACTED] a typed warrant for [REDACTED] arrest, [REDACTED].³⁴⁶¹ By July 1998, [REDACTED]'s and [REDACTED]'s names also appeared on KLA lists of alleged collaborators and suspicious persons.³⁴⁶²

847. On the first day of his detention,³⁴⁶³ [REDACTED] was questioned by KLA members including [REDACTED], in [REDACTED]'s presence, about, *inter alia*, other persons, including his co-detainee, [REDACTED]; [REDACTED] was told that people had been spreading rumours about him and that, [REDACTED], he had to help the KLA.³⁴⁶⁴

848. After the questioning, [REDACTED] indicated that [REDACTED] should be released that same day.³⁴⁶⁵ Nevertheless, [REDACTED]'s detention continued for three

³⁴⁵⁹ [REDACTED];[REDACTED];
[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];
[REDACTED]. See also [REDACTED];[REDACTED];[REDACTED].

³⁴⁶⁰ [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];
[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];
[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED].

³⁴⁶¹ [REDACTED]. See also [REDACTED].

³⁴⁶² [REDACTED];[REDACTED]; [REDACTED].

³⁴⁶³ [REDACTED];[REDACTED].

³⁴⁶⁴ [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED]. See also
[REDACTED];[REDACTED];[REDACTED].

³⁴⁶⁵ [REDACTED];[REDACTED];[REDACTED];[REDACTED].

nights³⁴⁶⁶ in a basement room which was kept locked and had one window with iron bars.³⁴⁶⁷ During his detention, [REDACTED] lost consciousness and vomited after he was struck with what felt like the wooden butt of a rifle on the back of his head while being escorted to the toilet.³⁴⁶⁸ [REDACTED] and the unidentified Kosovo-Albanian man detained with [REDACTED] had been beaten before [REDACTED] was brought into the same room; [REDACTED] found them lying on the ground, unable to talk and moaning in pain, with bodies that were swollen and bruised.³⁴⁶⁹

849. On the final day of his detention, six KLA members, who said they were from the headquarters and who were wearing masks, told [REDACTED] that they had taken him in because of suspicions based on information from someone who had spoken about him, noting that this person had repented, and then released [REDACTED].³⁴⁷⁰ [REDACTED] saw [REDACTED] at the KLA headquarters in Jeshkovë/Ješkovo on the day he was released.³⁴⁷¹ When [REDACTED] saw [REDACTED] after the war, he asked him for forgiveness for what had been done.³⁴⁷²

850. [REDACTED] and the unidentified Albanian man were not released with [REDACTED]; [REDACTED] was later released on certain conditions, including that he take [REDACTED] to the KLA, under threat of life imprisonment if he failed to fulfil such conditions.³⁴⁷³ [REDACTED] is [REDACTED] from [REDACTED], whom KLA members closely monitored and issued an arrest warrant for, and who at one point was taken in for questioning at the Pashtrik OZ command.³⁴⁷⁴

³⁴⁶⁶ [REDACTED].

³⁴⁶⁷ [REDACTED];[REDACTED].

³⁴⁶⁸ [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED].

³⁴⁶⁹ [REDACTED].

³⁴⁷⁰ [REDACTED];[REDACTED]; [REDACTED];[REDACTED].

³⁴⁷¹ [REDACTED].

³⁴⁷² [REDACTED];[REDACTED].

³⁴⁷³ [REDACTED];[REDACTED].

³⁴⁷⁴ [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED];[REDACTED]; [REDACTED].

851. The civilian detainees included a person who bought and sold property,³⁴⁷⁵ a [REDACTED],³⁴⁷⁶ and an unemployed person who stayed home to look after his family.³⁴⁷⁷ Information providing the basis for the detention of at least one of the civilian detainees had seemingly been elicited by beating the person who provided the information.³⁴⁷⁸ Further, detainees were not subjected to legal proceedings, brought before any competent authority, charged or accused with, or sentenced for, any crime, and not offered any legal assistance.³⁴⁷⁹ Property confiscated from the detainees was never returned to them.³⁴⁸⁰

852. The bruised body of [REDACTED], whose family reported him as missing on [REDACTED] 1998, was found [REDACTED] in [REDACTED], near Jeshkovë/Ješkovo, [REDACTED] after he was abducted.³⁴⁸¹

2. *Victim Impact*

853. Due to his treatment in Jeshkovë/Ješkovo, [REDACTED] still feels stressed and unwell and suffers from memory issues.³⁴⁸² [REDACTED] is still traumatised from [REDACTED].³⁴⁸³ [REDACTED] was the sole income-earner in his family, meaning that his killing also resulted in financial hardship for those who survived him.³⁴⁸⁴

H. BARE AND BAJGORË/BAJGORA

854. The detention sites in Bare and Bajgorë/Bajgora, in the Llap Zone, operated from at least August 1998 until mid-September 1998 when a Serbian offensive pushed the

³⁴⁷⁵ [REDACTED].

³⁴⁷⁶ [REDACTED];[REDACTED].

³⁴⁷⁷ [REDACTED];[REDACTED].

³⁴⁷⁸ [REDACTED]. *See also* [REDACTED].

³⁴⁷⁹ [REDACTED].

³⁴⁸⁰ [REDACTED];[REDACTED].

³⁴⁸¹ [REDACTED];[REDACTED]; [REDACTED];[REDACTED].

³⁴⁸² [REDACTED];[REDACTED];[REDACTED].

³⁴⁸³ [REDACTED].

³⁴⁸⁴ [REDACTED].

Llap OZ to relocate its headquarters and detainees to Majac/Majance.³⁴⁸⁵ Detainees were held in, and transferred amongst, three sites: the school building in Bajgorë/Bajgora that served as Llap Zone headquarters,³⁴⁸⁶ a house nearby that became publicly known as the place where ‘collaborators’ were kept,³⁴⁸⁷ and a short-term facility in Bare.³⁴⁸⁸

1. *Imprisonment / Illegal or Arbitrary Arrest and Detention*

855. At least eight persons were held in Bare in August 1998³⁴⁸⁹ and at least 16 were detained in Bajgorë/Bajgora from August through to mid-September 1998.³⁴⁹⁰ Held for varying lengths of time,³⁴⁹¹ the detainees included W03540, Fadil SYLEVIQ, Osman SINANI, and W04416.³⁴⁹² They were guarded by members of the Zone’s military police unit,³⁴⁹³ as well as by soldiers from Brigades 151 and 152 stationed at Zone headquarters.³⁴⁹⁴ Latif GASHI, head of the Llap Zone Intelligence Sector,³⁴⁹⁵ was regularly present at all three detention facilities and was understood to be in charge of the military police and detainees, based on, *inter alia*, GASHI giving orders and those orders being followed.³⁴⁹⁶

³⁴⁸⁵ W04746:T.5544-5546(12-Jul-2023)(Open);[REDACTED];[REDACTED]; [REDACTED];[REDACTED]; [REDACTED];AF756(Public);W04323:T.4671-4675(12-Jun-2023)(Open); [REDACTED].

³⁴⁸⁶ [REDACTED];[REDACTED];W04758:T.21046(23-Oct-2024)(Open); [REDACTED];[REDACTED]; [REDACTED]. *See also* W04323:T.4628-4629(12-Jun-2023)(Open); P00188_ET:p.SPOE00053299(Public);W04746:T.5598-5599(12-Jul-2023)(Open).

³⁴⁸⁷ W04746:T.5543, 5545(12-Jul-2023)(Open);[REDACTED];W04323:T.4641-4643(12-Jun-2023)(Open);[REDACTED].

³⁴⁸⁸ [REDACTED];[REDACTED]; [REDACTED]. *See also* [REDACTED].

³⁴⁸⁹ [REDACTED].

³⁴⁹⁰ [REDACTED];[REDACTED].

³⁴⁹¹ W04746:T.5545(12-Jul-2023)(Open);[REDACTED]; [REDACTED];[REDACTED];[REDACTED].

³⁴⁹² *See e.g.* [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED];[REDACTED].

³⁴⁹³ W04746:T.5503-5505(11-Jul-2023)(Open);W04746:T.5593(12-Jul-2023)(Open);W04746:T.5900(17-Jul-2023)(Open);W04746:T.5938(18-Jul-2023)(Open);[REDACTED].

³⁴⁹⁴ [REDACTED];W04323:T.4877(14-Jun-2023)(Open);W03540:T.5069-5070, 5074(19-Jun-2023)(Open);W04746:T.5544, 5570(12-Jul-2023)(Open). *See also* AF285(Public); P01755.2_ET:p.3(Public).

³⁴⁹⁵ *See e.g.* W04746:T.5486-5488(11-Jul-2023)(Open);W04746:T.5890-5891(17-Jul-2023)(Open).

³⁴⁹⁶ [REDACTED];[REDACTED]; W03540:T.5018-5020(19-Jun-2023)(Open);[REDACTED]; [REDACTED];[REDACTED].

856. In addition to GASHI, other members of the Zone Command took active roles in detaining perceived Opponents. For example, in early August 1998, [REDACTED] men with automatic weapons abducted [REDACTED].³⁴⁹⁷ [REDACTED].³⁴⁹⁸ [REDACTED].³⁴⁹⁹ [REDACTED].³⁵⁰⁰ Llap Zone Commander Rustem MUSTAFA was also informed by his staff that there was a female detainee in custody.³⁵⁰¹ The woman, alleged to have had sexual relations with Serbs,³⁵⁰² was held for at least three days in the school basement, where she was badly mistreated by Latif GASHI and others.³⁵⁰³

857. In another incident, MUSTAFA authorised the arrest of Fadil SYLEVIQ, an alleged Serb collaborator.³⁵⁰⁴ IBISHI spoke to SYLEVIQ shortly after his arrest, having been informed about him by Hyzri TALLA, the deputy head of intelligence in the Llap Zone.³⁵⁰⁵ MUSTAFA also went to speak to SYLEVIQ while he was detained in Bajgorë/Bajgora, having become aware that he had ties to the General Staff.³⁵⁰⁶ **Rexhep SELIMI** and **Hashim THAÇI** were informed that SYLEVIQ was held in Bajgorë/Bajgora, including when they visited the Llap Zone with **Jakup KRASNIQI** around 18-20 August 1998.³⁵⁰⁷ SYLEVIQ, who had connections to the General Staff, in particular **SELIMI**,³⁵⁰⁸ was subsequently released from detention after the General Staff intervened on his behalf, and remained under MUSTAFA's supervision as part of the

³⁴⁹⁷ [REDACTED];[REDACTED];[REDACTED];[REDACTED]. See also [REDACTED].

³⁴⁹⁸ [REDACTED];[REDACTED]; [REDACTED].

³⁴⁹⁹ [REDACTED];[REDACTED].

³⁵⁰⁰ [REDACTED];[REDACTED]; [REDACTED]. See also [REDACTED];[REDACTED]; [REDACTED].

³⁵⁰¹ W04746:T.5597(12-Jul-2023)(Open). See also [REDACTED]; P01756:para.11(Public).

³⁵⁰² [REDACTED]; [REDACTED];[REDACTED]. See also [REDACTED].

³⁵⁰³ [REDACTED];[REDACTED]; [REDACTED];[REDACTED].

³⁵⁰⁴ [REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED].

³⁵⁰⁵ P01756:para.12(Public).

³⁵⁰⁶ W04746:T.5592-5593(12-Jul-2023)(Open).

³⁵⁰⁷ [REDACTED];[REDACTED];[REDACTED]; W04746:T.5593-5595(12-Jul-2023)(Open). See also [REDACTED]; W04752:T.17606(03-Jul-2024)(Open);P00187_ET:pp.SPOE00055819-SPOE00055820(Public);Section II.A.3.m.iii.

³⁵⁰⁸ P01756:para.12(Public);[REDACTED];[REDACTED]. See also [REDACTED].

KLA structures in the Llap Zone.³⁵⁰⁹

858. The detentions in Bare and Bajgorë/Bajgora were arbitrary and unjustified by any legitimate security concerns. KLA soldiers at the detention site knew it held civilian detainees.³⁵¹⁰ [REDACTED],³⁵¹¹ [REDACTED],³⁵¹² [REDACTED].³⁵¹³ [REDACTED],³⁵¹⁴ [REDACTED].³⁵¹⁵

859. Moreover, even if any of the arrests could have been initially justified, the perpetrators' subsequent treatment of the detainees rendered their continued detention arbitrary.³⁵¹⁶ The detainees were provided no due process guarantees.³⁵¹⁷ Most received no information concerning the reasons for their arrest or detention,³⁵¹⁸ but those who did were only informed of vague allegations of collaboration. For example, during a so-called court martial held one night in the forest, W03540 was asked one question about whether he was 'a forester or an agent'; after confirming he was a forester, W03540 was then beaten with a rifle butt until he lost consciousness.³⁵¹⁹

2. *Other Inhumane Acts / Cruel Treatment / Torture*

a. Detention Conditions

860. The Bare and Bajgorë/Bajgora detainees were held in inhumane conditions and were provided with inadequate food, water, and medical care. In Bare, W03540 was

³⁵⁰⁹ W04758:T.21145(24-Oct-2024)(Open);[REDACTED]; P01756:para.12(Public);W04746:T.5590-5595(12-Jul-2023)(Open);W04746:T.5920-5922(17-Jul-2023)(Open);[REDACTED];[REDACTED]. *See also* Section III.T.2.b.

³⁵¹⁰ W04323:T.4646(12-Jun-2023)(Open).

³⁵¹¹ [REDACTED].

³⁵¹² [REDACTED]. *See also* [REDACTED];[REDACTED].

³⁵¹³ [REDACTED];[REDACTED].

³⁵¹⁴ [REDACTED]. *See also* [REDACTED].

³⁵¹⁵ [REDACTED].

³⁵¹⁶ *Shala* AJ, para.734.

³⁵¹⁷ W04746:T.5851(17-Jul-2023)(Open);W04758:T.21707-21708(31-Oct-2024)(Open).

³⁵¹⁸ [REDACTED].

³⁵¹⁹ W03540:T.5012-5014(19-Jun-2023)(Open);[REDACTED]; [REDACTED].

held for approximately 20 days in a dark, windowless one-by-two-metre room, using a small box as a toilet.³⁵²⁰ At the Bajgorë/Bajgora house, detainees stayed in rooms that reeked with the stench of filth, mould, and lack of hygiene.³⁵²¹ At the school headquarters building, the woman detained in the basement was kept barefoot and naked, given only a half blanket for cover.³⁵²² As for provisions, Osman SINANI was ‘entirely transformed’ from a ‘very healthy person’ to ‘thinned out’ and was no longer able to talk easily.³⁵²³ W03540, who was told he would be killed when he was ‘as thin as a finger’, lost 38 kilograms during his 56-day captivity, rarely given water or food.³⁵²⁴ Even when detainees were allowed to see a doctor for severe health issues, their KLA captors denied them more than minimal care and returned them to detention for further mistreatment.³⁵²⁵

b. Psychological and Physical Abuse

861. Latif GASHI and his subordinates subjected the Bare and Bajgorë/Bajgora detainees to brutal physical and psychological abuse. In Bare, W03540 was interrogated and beaten approximately ten times by various groups of armed, uniformed soldiers, sometimes wearing balaclavas.³⁵²⁶ They told W03540 to admit to whatever he was asked and questioned him about his alleged cooperation with Serbian officials such as Luzhan police officers Zoran and Toma.³⁵²⁷ When W03540 said he had nothing to admit, he was punched, kicked, and beaten with police batons, wooden sticks, and rifle butts – often

³⁵²⁰ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³⁵²¹ [REDACTED].

³⁵²² [REDACTED]; [REDACTED].

³⁵²³ [REDACTED].

³⁵²⁴ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³⁵²⁵ [REDACTED]; [REDACTED]; [REDACTED].

³⁵²⁶ [REDACTED]; [REDACTED]; [REDACTED].

³⁵²⁷ [REDACTED]; [REDACTED]; [REDACTED]. Other victims detained by the KLA in Llapashticë/Lapaštica were also questioned about, and accused of, associating with the same Luzhan police officers. See Section III.I.1. See also [REDACTED].

to the point of unconsciousness.³⁵²⁸ GASHI personally participated in these interrogations and beatings and also ordered his men to beat W03540.³⁵²⁹ In one incident, they kicked W03540 in the mouth until all but two of his teeth were broken.³⁵³⁰ In another, GASHI ordered W03540 to remove his shoes and he and his men beat W03540's feet.³⁵³¹

862. GASHI also interrogated and mistreated prisoners at the detention sites in Bajgorë/Bajgora. He and other KLA members knocked out the teeth of the woman held in the school basement and took turns raping her.³⁵³² At the detention house in Bajgorë/Bajgora, raised voices were heard repeatedly during the 15 to 30-minute 'interview' GASHI conducted with one of the detainees.³⁵³³

863. In addition to enduring their own abuse, the detainees saw and heard the abuse of other prisoners. [REDACTED].³⁵³⁴ Later that evening, Latif GASHI beat W03540 with a rifle and broke three of his ribs while other KLA members [REDACTED].³⁵³⁵ Two days later, Latif GASHI beat [REDACTED].³⁵³⁶

864. W03540 was also forced to witness the purported murders of other prisoners. At the end of August 1998, three masked soldiers took W03540 and Osman SINANI to a forest near Bajgorë/Bajgora and tied them to trees, blindfolded.³⁵³⁷ The soldiers told SINANI he had until the count of five to either confess to collaborating with Serbs or be

³⁵²⁸ [REDACTED];[REDACTED];[REDACTED].

³⁵²⁹ [REDACTED];[REDACTED]; [REDACTED];[REDACTED].

³⁵³⁰ [REDACTED];[REDACTED]; [REDACTED].

³⁵³¹ [REDACTED];[REDACTED].

³⁵³² [REDACTED];[REDACTED]. *See also* [REDACTED].

³⁵³³ [REDACTED]. *See also* [REDACTED]; [REDACTED].

³⁵³⁴ [REDACTED];[REDACTED].

³⁵³⁵ [REDACTED];[REDACTED]; [REDACTED]. *See also* [REDACTED]; [REDACTED].

³⁵³⁶ [REDACTED]. *See also* [REDACTED]; [REDACTED].

³⁵³⁷ [REDACTED];[REDACTED];[REDACTED].

killed.³⁵³⁸ W03540 then heard counting followed by gunshots.³⁵³⁹ After his blindfold was removed, W03540 was instructed to 'look at the dead man' and saw SINANI slumped over.³⁵⁴⁰ The soldiers then used the same threats on W03540 and placed a gun in his mouth, pulling the trigger. However, the gun was empty.³⁵⁴¹ W03540 did not know if Osman SINANI's execution was faked, but he never saw SINANI again³⁵⁴² and was later told that SINANI had been beaten to death and buried in the forest.³⁵⁴³

865. A team of KLA soldiers took W03540 to the same forest location a second time and he saw three Albanian men already tied to trees. Shots were fired and the men slumped down, at the same time the soldiers told W03540 his day would come.³⁵⁴⁴ W03540 was subsequently told that the three Albanian men were beaten and killed at a later date.³⁵⁴⁵

3. *Murder*

866. Osman SINANI was detained in the house in Bajgorë/Bajgora from at least 28 August 1998,³⁵⁴⁶ isolated in what KLA soldiers called the 'room of death', as anyone put in the room was doomed to die.³⁵⁴⁷ A few days after SINANI's purported execution in the forest, another detainee told W03540 that KLA members had beaten SINANI to death with sticks and buried him near the house they were detained in.³⁵⁴⁸ SINANI's remains were later found near the village of Bajgorë/Bajgora [REDACTED] directed

³⁵³⁸ [REDACTED];[REDACTED]. *See also* [REDACTED].

³⁵³⁹ [REDACTED];[REDACTED];W03540:T.5071, 5074(19-Jun-2023)(Open).

³⁵⁴⁰ [REDACTED].

³⁵⁴¹ [REDACTED];[REDACTED]; [REDACTED].

³⁵⁴² [REDACTED];[REDACTED]; [REDACTED];W03540:T.5076-5077(19-Jun-2023)(Open).

³⁵⁴³ [REDACTED];W03540:T.5009-5011, 5070-5071, 5077(19-Jun-2023)(Open).

³⁵⁴⁴ [REDACTED];[REDACTED]; W03540:T.5072-5075(19-Jun-2023)(Open).

³⁵⁴⁵ [REDACTED];W03540:T.5074-5075(19-Jun-2023)(Open).

³⁵⁴⁶ [REDACTED];[REDACTED]; [REDACTED].

³⁵⁴⁷ [REDACTED].

³⁵⁴⁸ W03540:T.5009-5011, 5071-5072, 5077(19-Jun-2023)(Open);[REDACTED].

there by Rustem MUSTAFA and other KLA members.³⁵⁴⁹ An autopsy determined that his cause of death was blunt-force trauma to the face and multiple blunt-force trauma to the chest.³⁵⁵⁰ Six different ribs were found to be broken.³⁵⁵¹

867. SINANI's name appeared on a list of 23 Albanian men who were suspected of being Serb collaborators, that was later recovered from K-SHIK headquarters.³⁵⁵² Material seized from **Rexhep SELIMI** also indicates that during a meeting in Buricë/Burince in late October 1998,³⁵⁵³ Latif GASHI briefed members of the General Staff on several detainees held in Bajgorë/Bajgora, including 'Osman SINANI's case', with him described as 'Serbia's collaborator' and it being indicated that he was dead, purportedly 'executed by Serb police'.³⁵⁵⁴ This reflects that the General Staff was both informed about SINANI's detention as an alleged collaborator and participated in the agreed-upon narrative to shift blame for the KLA beating him to death onto Serbian forces.³⁵⁵⁵ That cover-up effort fails in the face of SINANI's autopsy, which reveals that he died from injuries consistent with the beatings inflicted during his detention, not from being shot,³⁵⁵⁶ and that KLA members in Bajgorë/Bajgora knew not only that SINANI had been killed, but also where his body was buried.³⁵⁵⁷

4. *Victim Impact*

868. When W03540 was ultimately released, Latif GASHI made him sign a release

³⁵⁴⁹ [REDACTED];[REDACTED];[REDACTED].

³⁵⁵⁰ W04826:T.24526-24528(27-Jan-2025)(Open);[REDACTED]; [REDACTED].

³⁵⁵¹ W04826:T.24527-24528(27-Jan-2025)(Open);[REDACTED].

³⁵⁵² [REDACTED];[REDACTED];[REDACTED].

³⁵⁵³ [REDACTED];W04758:T.21054(23-Oct-2024)(Open). *See also* P01264_ET:p.SPOE00128742(Public);P00189_ET.1:pp.U015-8863, U015-8866(Public).

³⁵⁵⁴ [REDACTED]. [REDACTED]. *See* [REDACTED]; [REDACTED].

³⁵⁵⁵ This effort is also consistent with other evidence showing that the KLA took active measures to hide their involvement in killings by making it look like they were perpetrated by the Serbian forces, especially in the Llap OZ. *See* Section III.J.2.

³⁵⁵⁶ [REDACTED]. *See also* [REDACTED].

³⁵⁵⁷ [REDACTED];[REDACTED];[REDACTED].

document that falsely stated he had been treated well in detention.³⁵⁵⁸ GASHI warned that if W03540 ever spoke of his mistreatment to anyone, GASHI would set him on fire and kill his entire family.³⁵⁵⁹

869. For years, W03540 and W04416 remained fearful of the KLA and were scared to speak about the abuse they suffered.³⁵⁶⁰ Medical records detail the long-lasting physical and psychological toll that the abuse caused the Bare and Bajgorë/Bajgora victims.³⁵⁶¹

I. LLAPASHTICË/LAPAŠTICA AND RELATED LOCATIONS

870. The village of Llapashticë/Lapaštica, located approximately 10km north of Prishtinë/Priština, served as headquarters for the Llap Zone Command Staff beginning in October 1998.³⁵⁶² Brigades 151 and 152 had units stationed at Llapashticë/Lapaštica to defend the headquarters.³⁵⁶³ These units reported to Brigade 151 Commander Idriz SHABANI (aka Luta) and Brigade 152 Commander Arif MUQOLLI (aka Profa or Profi).³⁵⁶⁴

871. Situated 200-300 metres from the headquarters building were the Llap Military Police headquarters and a stable/cowshed that was used from October/November 1998

³⁵⁵⁸ [REDACTED];[REDACTED];[REDACTED];[REDACTED]; W03540:T.5006-5008, 5079(19-Jun-2023)(Open);[REDACTED].

³⁵⁵⁹ [REDACTED];[REDACTED];[REDACTED];[REDACTED]; W03540:T.5006-5008, 5079(19-Jun-2023)(Open);[REDACTED].

³⁵⁶⁰ [REDACTED];[REDACTED]; [REDACTED];[REDACTED].

³⁵⁶¹ [REDACTED].

³⁵⁶² AF475(Public);AF284(Public);W04746:T.5480(11-Jul-2023)(Open);P00223(Public);W04746:T.5546(12-Jul-2023)(Open);P00188:p.SPOE00053299(Public); [REDACTED]. *See also* P04299(Public).

³⁵⁶³ *See e.g.* W04746:T.5546(12-Jul-2023)(Open).

³⁵⁶⁴ P01765_ET:pp.123265, 123267(Public);W04746:T.5500(11-Jul-2023)(Open);W04746:T.5890(17-Jul-2023)(Open). *See also* Section II.A.3.m.iii.

to hold prisoners,³⁵⁶⁵ in keeping with GS orders to detain collaborators.³⁵⁶⁶

872. The cowshed was the primary detention facility for the Llap Zone until 24 or 25 March 1999 when the NATO bombing campaign and Serb offensives in the area forced the Zone Command to evacuate.³⁵⁶⁷ Under guard, the detainees were taken to the mountains and released, but those who went toward Majac/Majance were re-arrested and detained in a house there.³⁵⁶⁸ Similarly, the two prisoners [REDACTED] were [REDACTED], and detained in Potok [REDACTED].³⁵⁶⁹

873. As the Llap Zone Command maintained its authority over the Llapaštica/Lapaštica detainees even after they were transferred to other locations,³⁵⁷⁰ Llapaštica/Lapaštica, Majac/Majance and Potok in fact were one detention facility that moved as the front lines shifted,³⁵⁷¹ as evidenced by the fact that one register of detainees recorded detentions at all locations.³⁵⁷²

Detention site command structure

874. As Zone Commander, Rrustem MUSTAFA was responsible for and directed the

³⁵⁶⁵ AF475(Public); [REDACTED]; W04746:T.5543-5544, 5546, 5547(12-Jul-2023)(Open); W04746:T.5892-5893(17-Jul-2023)(Open); [REDACTED]; [REDACTED]; [REDACTED]; W04758:T.21680(31-Oct-2024)(Open).

³⁵⁶⁶ W04746:T.5566-5567(12-Jul-2023)(Open); W04746:T.5774(14-Jul-2023)(Open); W04746:T.5908-5909(17-Jul-2023)(Open); P00693.2_ET:p.29(Public); W04758:T.21159-21160(24-Oct-2024)(Open); W04758:T.21679(31-Oct-2024)(Open); P01755.4_ET:pp.9-10(Public); [REDACTED]; [REDACTED]; [REDACTED]. See also P00741_ET.3(Public)/1D00029_ET(Public); [REDACTED]; [REDACTED]; [REDACTED]; W04752:T.17639-17640, 17645(04-Jul-2024)(Open).

³⁵⁶⁷ W04746:T.5543-5544, 5548(12-Jul-2023)(Open); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]. See also AF128(Public); AgreedF3.20(Public).

³⁵⁶⁸ P00690:p.SPOE00119396(Public); W04746:T.5591-5592(12-Jul-2023)(Open); [REDACTED]; [REDACTED].

³⁵⁶⁹ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³⁵⁷⁰ See e.g. W04746:T.5548-5549, 5555-5556(12-Jul-2023)(Open); W04746:T.5890(17-Jul-2023)(Open); W04746:T.5938(18-Jul-2023)(Open); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³⁵⁷¹ See e.g. W04746:T.5548-5549, 5555-5556(12-Jul-2023)(Open); [REDACTED].

³⁵⁷² [REDACTED].

detention of alleged collaborators held at Llapashticë/Lapaštica.³⁵⁷³ He, Deputy Zone Commander Kadri KASTRATI, and Chief of Staff Nuredin IBISHI received reports from those directly in charge of the detention site,³⁵⁷⁴ and had the authority to order the release of detainees.³⁵⁷⁵

875. As Head of the Llap Zone Intelligence Sector and *de facto* Military Police commander,³⁵⁷⁶ Latif GASHI (aka Lata or Fati)³⁵⁷⁷ oversaw the gathering of intelligence and the arrest of suspected collaborators, reporting directly to Rustem MUSTAFA.³⁵⁷⁸ GASHI had unrestricted access to the detainees, whom he regularly interrogated and mistreated.³⁵⁷⁹ He also participated in [REDACTED].³⁵⁸⁰

876. Deputy Military Police commander Nazif MEHMETI (aka Dini)³⁵⁸¹ managed detention site operations at Llapashticë/Lapaštica, reporting both to GASHI and to the Zone Command.³⁵⁸² MEHMETI controlled detainee movements and actively participated in their interrogation and mistreatment.³⁵⁸³ He continued to exercise these functions after the detainees were relocated to other sites.³⁵⁸⁴

877. Guards Sabri GASHI, Gani ZUKA (aka Suzuki), and later, Kamber HOXHA,

³⁵⁷³ AF476(Public);W04746:T.5664(13-Jul-2023)(Open);W04758:T.21154-21155, 21157(24-Oct-2024)(Open); W04758:T.21715(31-Oct-2024)(Open).

³⁵⁷⁴ W04746:T.5502(11-Jul-2023)(Open);W04746:T.5573-5574(12-Jul-2023)(Open);W04746:T.5618(13-Jul-2023)(Open);W04758:T.21696(31-Oct-2024)(Open). *See also* P01765_ET:p.123265(Public).

³⁵⁷⁵ W04746:T.5578(12-Jul-2023)(Open);W04746:T.5664(13-Jul-2023)(Open); [REDACTED]; [REDACTED]. *See e.g.* [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³⁵⁷⁶ *See* Section II.A.3.m.iii. *See also* AF473(Public); [REDACTED].

³⁵⁷⁷ *See* Section II.A.3.m.iii.

³⁵⁷⁸ AF476(Public);AF481(Public);W04746:T.5893-5894(17-Jul-2023)(Open). *See also* W04746:T.5892(17-Jul-2023)(Open)(stating that Gashi's assistant, Hyzri TALLA from the Intelligence Sector, was based in Llapashticë/Lapaštica from October 1998 to March 1999).

³⁵⁷⁹ *See* Section III.I.2.b *below*.

³⁵⁸⁰ *See e.g.* [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³⁵⁸¹ W04746:T.5502(11-Jul-2023)(Open); [REDACTED]. *See also* Section II.A.3.m.iii.

³⁵⁸² AF474(Public);AF478-AF479(Public);W04746:T.5549(12-Jul-2023)(Open);W04746:T.5617-5618(13-Jul-2023)(Open); [REDACTED]; [REDACTED].

³⁵⁸³ *See* Section III.I.2.b *below*.

³⁵⁸⁴ *See e.g.* [REDACTED]; [REDACTED]; [REDACTED].

supervised the daily activities of the detainees and reported to Nazif MEHMETI.³⁵⁸⁵

Both Sabri GASHI and Kamber HOXHA continued their roles after the relocation of detainees, and took part in interrogations and/or mistreatment.³⁵⁸⁶

1. Imprisonment / Illegal or Arbitrary Arrest and Detention

878. Unlawful arrests and detentions spanned the entire period that the Llapashticë/Lapaštica detention facility was active.³⁵⁸⁷ Llap KLA members abducted civilians from their homes,³⁵⁸⁸ from checkpoints and as they moved around town,³⁵⁸⁹ and while complying with ‘informative talk’ summons issued by the Military Police.³⁵⁹⁰ Many of these abductions were violent, frightening, and invasive – including those occurring from homes at night.³⁵⁹¹ All were implemented with the full awareness and on orders of Llap Zone officials, including Rustem MUSTAFA, Latif GASHI, Nazif

³⁵⁸⁵ W04746:T.5502-5503(11-Jul-2023)(Open); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]. *See also* P02233_ET(Public);P02125_ET:p.090847(Public).

³⁵⁸⁶ *See e.g.* [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³⁵⁸⁷ *See e.g.* [REDACTED]. November 1998: [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]. December 1998: [REDACTED]. January 1999: [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]. February 1999: [REDACTED]; [REDACTED]; [REDACTED].

³⁵⁸⁸ *See e.g.* [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]. During trial proceedings, details emerged regarding the KLA detention of [REDACTED] who, [REDACTED], was abducted [REDACTED] and taken to the Llapashticë/Lapaštica detention site: *see* [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³⁵⁸⁹ *See e.g.* [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³⁵⁹⁰ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED], *contra* W04746:T.5570-5571(12-Jul-2023)(Open)(stating that he could not recall a case where somebody would have been summoned with a document in writing). *See also* [REDACTED];P01754:p.SPOE00088348(Public).

³⁵⁹¹ *See e.g.* [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]. *See also* [REDACTED]. *Cf.* W04746:T.5662, 5664(13-Jul-2023)(Open)(Rustem MUSTAFA stating that people could have been beaten after arrest ‘up to the point where their resistance had been defeated’ and before arriving at the detention facilities, but he had no knowledge of a single case).

MEHMETI, and brigade commanders,³⁵⁹² to whom such competence had been delegated.³⁵⁹³

879. The Llap Zone Command targeted people using collaborator lists,³⁵⁹⁴ where even the slightest association with Serbs, such as being too friendly with them or selling goods or services to them in the course of a daily job, was deemed a sufficient basis for arrest and detention.³⁵⁹⁵ For instance, [REDACTED]³⁵⁹⁶ and [REDACTED]³⁵⁹⁷ were accused of [REDACTED] and thus being collaborators.³⁵⁹⁸ [REDACTED] was accused of [REDACTED] with Serb police officers.³⁵⁹⁹ [REDACTED] was similarly accused of being a collaborator and a spy for allegedly [REDACTED] and [REDACTED].³⁶⁰⁰ [REDACTED] was accused of being a member of [REDACTED] and collaborating with the Serb police.³⁶⁰¹ [REDACTED] was initially detained and beaten in [REDACTED] on the accusation of being against the KLA, a spy, and a traitor, and was told he was being [REDACTED] for not cooperating with the KLA, [REDACTED].³⁶⁰² [REDACTED] was

³⁵⁹² See e.g. [REDACTED];P00188:p.SPOE00053306(Public); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED];W04746:T.5592(12-Jul-2023)(Open);W04758:T.21172-21175(24-Oct-2024)(Open);P01755.3_ET:pp.23-24(Public);P01756:paras.20-21(Public); [REDACTED].

³⁵⁹³ W04758:T.21159-21161(24-Oct-2024)(Open). See also P00741_ET.3(Public)/1D00029_ET(Public).

³⁵⁹⁴ See e.g. [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]. Cf.

[REDACTED], which, in contrast to the stated reasons found on the collaborator lists, was given to OSCE / KVM human rights officers W02161 and Susanne RINGGAARD during their 18 February 1999 visit and states that each of the eight detainees they visited were all detained 'because of the grounded suspicion of committing a CO' (Criminal Offence). See also W02161:T.10914-10915(11-Dec-2023)(Open); [REDACTED]; [REDACTED].

³⁵⁹⁵ See e.g. [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³⁵⁹⁶ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³⁵⁹⁷ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]. See also [REDACTED]; [REDACTED]. [REDACTED]: see [REDACTED].

³⁵⁹⁸ During questioning by Latif GASHI and Nazif MEHMETI, [REDACTED]. See [REDACTED]; [REDACTED].

³⁵⁹⁹ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]. Further, around January 1999, [REDACTED]. See e.g. [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]. [REDACTED]; [REDACTED]. See also [REDACTED]; [REDACTED]; [REDACTED].

³⁶⁰⁰ [REDACTED]; [REDACTED]; [REDACTED].

³⁶⁰¹ [REDACTED]; [REDACTED].

³⁶⁰² [REDACTED].

then transferred to the [REDACTED] detention facility [REDACTED].³⁶⁰³ [REDACTED] was allegedly cooperating with the [REDACTED] and was repeatedly asked about [REDACTED].³⁶⁰⁴

880. Based on such suspicions, at least 52 persons were detained at Llapashticë/Lapaštica from around November 1998 to March 1999.³⁶⁰⁵ Held for varying lengths of time,³⁶⁰⁶ the prisoners included [REDACTED],³⁶⁰⁷ [REDACTED],³⁶⁰⁸ [REDACTED],³⁶⁰⁹ [REDACTED],³⁶¹⁰ [REDACTED],³⁶¹¹ [REDACTED],³⁶¹² [REDACTED],³⁶¹³ [REDACTED],³⁶¹⁴ [REDACTED],³⁶¹⁵ [REDACTED],³⁶¹⁶

³⁶⁰³ [REDACTED].

³⁶⁰⁴ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]. *See also* [REDACTED]; [REDACTED] and [REDACTED].

³⁶⁰⁵ *See e.g.* [REDACTED]; P01755.5_ET:p.7(Public); [REDACTED]; [REDACTED]. *See also* W04746:T.5542-5543(12-Jul-2023)(Open)(stating that in the entire Llap zone, the number of detainees did not exceed 100, including KLA soldiers and people who were 'against the mission for freedom or people who disrupted military discipline and order').

³⁶⁰⁶ *See e.g.* [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³⁶⁰⁷ *See e.g.* [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³⁶⁰⁸ *See e.g.* [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³⁶⁰⁹ *See e.g.* [REDACTED]; [REDACTED].

³⁶¹⁰ *See e.g.* [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³⁶¹¹ *See e.g.* [REDACTED]; [REDACTED]; [REDACTED].

³⁶¹² *See e.g.* [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³⁶¹³ *See e.g.* [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³⁶¹⁴ *See e.g.* [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³⁶¹⁵ *See e.g.* [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³⁶¹⁶ *See e.g.* [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

[REDACTED],³⁶¹⁷ [REDACTED],³⁶¹⁸ [REDACTED],³⁶¹⁹ [REDACTED],³⁶²⁰ and [REDACTED].³⁶²¹ Only [REDACTED] and [REDACTED] were [REDACTED], [REDACTED] with 2-3 guards posted outside.³⁶²² Detainees were civilians not taking part in hostilities.³⁶²³

881. Family members desperately sought information from Llap Zone KLA officials after their loved ones were abducted, often not knowing where they had been taken.³⁶²⁴ But despite Rustem MUSTAFA's claim that detentions were common knowledge and 'anyone who wanted to know would know',³⁶²⁵ Llap Zone officials regularly refused to provide information, denied knowing anything, and/or threatened the persons asking. For example, [REDACTED].³⁶²⁶ When [REDACTED] and enquired about [REDACTED], [REDACTED] and threatened to [REDACTED].³⁶²⁷ When challenged by [REDACTED] as to why [REDACTED] was being detained, [REDACTED].³⁶²⁸ When [REDACTED]

³⁶¹⁷ See e.g. [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]. See also other admitted exhibits where [REDACTED] is named as a collaborator or reported as suspicious: [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³⁶¹⁸ See e.g. [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³⁶¹⁹ See e.g. [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³⁶²⁰ See e.g. [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³⁶²¹ See e.g. [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³⁶²² [REDACTED]; [REDACTED]; [REDACTED].

³⁶²³ See e.g. [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³⁶²⁴ See e.g. [REDACTED]; [REDACTED]; [REDACTED]. See also [REDACTED]; [REDACTED]; [REDACTED].

³⁶²⁵ W04746:T.5575(12-Jul-2023)(Open). See also W04746:T.5542(12-Jul-2023)(Open)(agreeing that people were detained).

³⁶²⁶ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³⁶²⁷ [REDACTED]; [REDACTED]. See also [REDACTED].

³⁶²⁸ [REDACTED]. See also [REDACTED]; [REDACTED].

Suzuki and Kamer/Kamber HOXHA took [REDACTED] detainees,³⁶³⁹ including [REDACTED], to a nearby forest to shelter from the attacks.³⁶⁴⁰ On or around 25 March 1999, MEHMETI told the group they were free and should go.³⁶⁴¹ Five from the group moved north towards Kaçandoll/Kaçandol, while the others went south towards Majac/Majance, including [REDACTED].³⁶⁴² The members of the latter group were soon re-arrested³⁶⁴³ and were taken to a private house in Majac/Majance where they were detained³⁶⁴⁴ until most, but not all, were released a short time later.

2. *Other Inhumane Acts / Cruel Treatment / Torture*

a. Detention Conditions

885. At the Llapashticë/Lapaštica detention facility, Deputy Military Police Commander Nazif MEHMETI was required to keep detailed records on the prisoners' living conditions, which he reported to the Llap Zone Command.³⁶⁴⁵ The Zone Headquarters' proximity to the cowshed also made it accessible for members of the Llap Command to personally monitor conditions there in keeping with their responsibility to stay informed about the situation of detainees.³⁶⁴⁶ The evidence indicates that, at best, they did not avail themselves of the opportunity.³⁶⁴⁷

886. Military Police Chief 'Fati' told OSCE-KVM human rights officers W02161 and RINGGAARD that detainees enjoyed food three times a day, had blankets and beds,

³⁶³⁹ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³⁶⁴⁰ [REDACTED]; [REDACTED]; [REDACTED].

³⁶⁴¹ [REDACTED].

³⁶⁴² [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³⁶⁴³ [REDACTED].

³⁶⁴⁴ [REDACTED]; W04746:T.5592(12-Jul-2023)(Open).

³⁶⁴⁵ W04746:T.5573-5574(12-Jul-2023)(Open); W04746:T.5617-5618(13-Jul-2023)(Open); W04746:T.5944(18-Jul-2023)(Open); [REDACTED]; [REDACTED]. *See also* [REDACTED]; [REDACTED].

³⁶⁴⁶ W04746:T.5573(12-Jul-2023)(Open); W04746:T.5663(13-Jul-2023)(Open); [REDACTED]; AF475(Public); [REDACTED].

³⁶⁴⁷ W04746:T.5547-5548(12-Jul-2023)(Open); W04758:T.21167-21168(24-Oct-2024)(Open); [REDACTED].

access to toilets and showers, and medical care as needed, with two to three sharing a room and family visits lasting 30-60 minutes under specific circumstances.³⁶⁴⁸ When W02161 and RINGGAARD were allowed to meet with detainees in February 1999, they were presented with eight 'healthier' prisoners who had been selected ahead of time, [REDACTED] say that they lived in good conditions and were treated humanely.³⁶⁴⁹

887. The reality was much different. The one-room shed where detainees were held was dark, fetid, damp, and cold.³⁶⁵⁰ Frost visibly covered the walls during the winter months when the majority of detainees were imprisoned.³⁶⁵¹ One former captive described the situation in the room as 'a catastrophe'.³⁶⁵²

888. Measuring approximately four by three metres,³⁶⁵³ the cowshed was often overcrowded, with 10 to 25 persons detained at the same time.³⁶⁵⁴ [REDACTED] identified by name around 18 persons who were held with him,³⁶⁵⁵ while [REDACTED] counted around 24 others.³⁶⁵⁶ The prisoners 'slept above each other' or 'side by side like [...] sardines' due to lack of space, often sleeping in shifts³⁶⁵⁷ on sponge mattresses, plywood, clothes, or whatever was available to avoid sleeping on the cold concrete

³⁶⁴⁸ [REDACTED]. See also W04746:T.5754-5755(14-Jul-2023)(Open); [REDACTED]; [REDACTED]; [REDACTED]. Regarding Zone Command attempts to paint conditions in a benign light, see also W04758:T.21167-21168(24-Oct-2024)(Open); [REDACTED].

³⁶⁴⁹ [REDACTED]; [REDACTED]; [REDACTED]. See also [REDACTED]; [REDACTED]; W02161:T.10552-10553, 10555-10557, 10561-10562(05-Dec-2023)(Open); W02161:T.10919-10920, 10923-10924(11-Dec-2023)(Open); [REDACTED]; [REDACTED].

³⁶⁵⁰ AF480(Public); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³⁶⁵¹ [REDACTED]; [REDACTED]; [REDACTED].

³⁶⁵² [REDACTED].

³⁶⁵³ [REDACTED].

³⁶⁵⁴ AF475(Public); AF492(Public); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³⁶⁵⁵ [REDACTED]; [REDACTED]; [REDACTED]. See also [REDACTED]; W04746:T.5588-5589(12-Jul-2023)(Open); W04746:T.5931-5932(18-Jul-2023)(Open); [REDACTED].

³⁶⁵⁶ [REDACTED]; [REDACTED]; [REDACTED]. See also [REDACTED]; W04746:T.5588-5589(12-Jul-2023)(Open); W04746:T.5931-5932(18-Jul-2023)(Open); [REDACTED].

³⁶⁵⁷ [REDACTED]; [REDACTED]; [REDACTED]. See also [REDACTED].

floor.³⁶⁵⁸ At maximum capacity, around 25 detainees had only six mattresses to share amongst them, and blankets also had to be shared.³⁶⁵⁹ Overcrowding was such an issue that MEHMETI brought it to the Zone Command's attention at the end of 1998, proposing to release some of the detainees.³⁶⁶⁰

889. The detainees were provided inadequate food³⁶⁶¹ and medical care.³⁶⁶² They ate, drank and relieved themselves in the shed, using a bucket as a makeshift toilet.³⁶⁶³ Filthy and infested with lice,³⁶⁶⁴ they were given no change of clothing and went long periods without washing.³⁶⁶⁵ The conditions in the cowshed were so unbearable that detainees often stood outside in the courtyard, even on cold winter days.³⁶⁶⁶

890. Several Llapashticë/Lapaštica prisoners were forced to perform manual labour, working from morning to evening on tasks such as fixing roads, chopping wood, cleaning the yard, and washing KLA vehicles.³⁶⁶⁷ On occasion, Latif GASHI drove detainees to a worksite.³⁶⁶⁸ [REDACTED].³⁶⁶⁹

³⁶⁵⁸ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]. *See also* [REDACTED]. In regard to sleeping arrangements at related site [REDACTED], *see* [REDACTED].

³⁶⁵⁹ [REDACTED]; [REDACTED]; [REDACTED].

³⁶⁶⁰ W04746:T.5579-5582(12-Jul-2023)(Open); [REDACTED]; [REDACTED]; [REDACTED]; P01754:p.SPOE00088348(Public); W04758:T.21169(24-Oct-2024)(Open). *See also* [REDACTED]; [REDACTED]; [REDACTED].

³⁶⁶¹ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]. *See also* [REDACTED]; [REDACTED]. In regard to food and water provisions at related site [REDACTED], *see* [REDACTED].

³⁶⁶² [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]. *See also for* [REDACTED]; [REDACTED]; [REDACTED].

³⁶⁶³ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]. In regard to toilet arrangements at related site [REDACTED], *see* [REDACTED].

³⁶⁶⁴ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³⁶⁶⁵ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³⁶⁶⁶ AF480(Public).

³⁶⁶⁷ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]. *Contra* the claim of Military Police Chief 'Fati' in [REDACTED], who told W02161 and RINGGAARD that detainees were 'allowed outside to collect and cut wood, walk and do cleaning'(emphasis added).

³⁶⁶⁸ [REDACTED].

³⁶⁶⁹ [REDACTED]; [REDACTED] [REDACTED]; [REDACTED]; [REDACTED].

b. Psychological and Physical Abuse

891. Zone Commander Rustem MUSTAFA maintained that detainees were not beaten in his area of responsibility, but *if* beatings occurred, it was only up to the point of entry at the facility, such as if someone resisted ‘arrest’.³⁶⁷⁰ According to him, once a person arrived at the detention facility, ‘care for them was good’.³⁶⁷¹ MUSTAFA acknowledged being advised by KDOM in late October 1998 ‘not to deal with civilians, not to beat prisoners, and to not breach the laws of war’, testifying that the issue of improper behaviour towards the civilian population was ‘of no concern at all’ because ‘[t]he behaviour of KLA soldiers towards the civilian population has always been excellent’.³⁶⁷²

892. Despite these public representations, extensive, mutually corroborative evidence demonstrates that inside the walls of Llapashticë/Lapaštica, just as at other sites,³⁶⁷³ prisoners endured both physical and psychological abuse.

893. Far from being a ‘sporadic’ or ‘insignificant’ phenomenon,³⁶⁷⁴ soldiers regularly beat and threatened the prisoners, including with death, while accusing them of being spies or of collaborating with Serbs.³⁶⁷⁵ The beatings were so fierce that [REDACTED] begged to be killed rather than continue to be abused.³⁶⁷⁶

894. Frequently, detainees were beaten shortly after arrival at the facility.³⁶⁷⁷ Covers

³⁶⁷⁰ W04746:T.5661-5662, 5664-5666(13-Jul-2023)(Open);P00692(Public);P00693.8 ET(Public).

³⁶⁷¹ W04746:T.5662(13-Jul-2023)(Open). *See also* [REDACTED].

³⁶⁷² W04746:T.5736-5738, 5740-5744(14-Jul-2023)(Open);W04746:T.5885(17-Jul-2023)(Open). *See also* 1D00028(Public);1D00028 TR(Public);1D00029 ET/P00741 ET.3(Public); [REDACTED].

³⁶⁷³ See Section IV.B.

³⁶⁷⁴ W04746:T.5741(14-Jul-2023)(Open).

³⁶⁷⁵ See e.g. [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED];
[REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED];
[REDACTED]; [REDACTED].

3676 [REDACTED].

³⁶⁷⁷ See e.g. [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

(a sack, bag, or blindfold) were placed over the detainee's head or eyes,³⁶⁷⁸ and members of the military police kicked, punched, and inflicted violence using a variety of tools, including rifle butts, electrified cattle prods, and wooden or rubber batons.³⁶⁷⁹ [REDACTED].³⁶⁸⁰ [REDACTED].³⁶⁸¹

895. The goal of the beatings was to extract confessions of collaboration with the Serbs.³⁶⁸² To that end, Nazif MEHMETI was responsible for presenting detainees for interrogation and took active part in administering the beatings.³⁶⁸³ These were carried out under Latif GASHI's direction, who interrogated the victims whilst the beatings progressed.³⁶⁸⁴ GASHI also personally participated in the violence, including when he [REDACTED] and when he [REDACTED].³⁶⁸⁵

896. Aside from experiencing their own abuse, Llapashticë/Lapaštica prisoners were forced to vicariously experience the abuse of their fellow detainees. Beatings administered openly in the cowshed were impossible to ignore, and when guards collected prisoners 'one after the other' for sessions in the other building,³⁶⁸⁶ it exacerbated the fear and dread of those remaining in the shed. The telltale signs of physical abuse were also unavoidable when fellow detainees returned to the room bloody, bruised, and swollen.³⁶⁸⁷

897. Occasionally, the Llapashticë/Lapaštica captors even forced detainees to inflict

³⁶⁷⁸ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]

³⁶⁷⁹ See e.g. [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³⁶⁸⁰ [REDACTED]; [REDACTED].

³⁶⁸¹ [REDACTED]; [REDACTED]; [REDACTED].

³⁶⁸² See e.g. AF479(Public); [REDACTED]; [REDACTED].

³⁶⁸³ AF479(Public); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³⁶⁸⁴ See e.g. AF477(Public); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³⁶⁸⁵ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]. See also [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³⁶⁸⁶ See e.g. [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³⁶⁸⁷ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

violence on each other, such as when [REDACTED].³⁶⁸⁸ [REDACTED],³⁶⁸⁹ [REDACTED].

3. *Murder*

898. As NATO continued its bombing campaign in April / May 1999, rumours began circulating that some Llapashticë/Lapaštica detainees had been killed.³⁶⁹⁰ [REDACTED], Llap Zone officials [REDACTED] or denied involvement and pled ignorance.³⁶⁹¹ Llap officials also claimed that all prisoners had been given ‘amnesty’ and were released, so any harm that subsequently befell them was not the KLA’s responsibility.³⁶⁹²

899. Left without answers from the KLA, family members reported their cases to international authorities³⁶⁹³ [REDACTED].³⁶⁹⁴ As set out below, the evidence [REDACTED] establishes that five Llapashticë/Lapaštica detainees last seen in the custody of the KLA were intentionally killed by their captors. The five murder victims were [REDACTED], [REDACTED], and [REDACTED] in Majac/Majance, and [REDACTED] and [REDACTED] in Potok.

³⁶⁸⁸ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³⁶⁸⁹ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]. *See also* [REDACTED].

³⁶⁹⁰ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]. *See also* [REDACTED].

³⁶⁹¹ *See e.g.* [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³⁶⁹² W04746:T.5549, 5590(12-Jul-2023)(Open); [REDACTED]; [REDACTED]; P01754:p.SPOE00088348(Public). *See also* KLA documents alleging that the murder victims were granted amnesty / released: [REDACTED]; [REDACTED]. *But see* other evidence indicating that the KLA ‘released’ prisoners, executed them, and then placed blame elsewhere: [REDACTED]; [REDACTED]; [REDACTED].

³⁶⁹³ *See e.g.* [REDACTED]; [REDACTED]; [REDACTED].

³⁶⁹⁴ *See e.g.* [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

a. Majac/Majance

900. [REDACTED].³⁶⁹⁵ [REDACTED].³⁶⁹⁶ [REDACTED].³⁶⁹⁷

901. [REDACTED].³⁶⁹⁸ [REDACTED].³⁶⁹⁹ The three victims were not seen alive again. While the evidence does not definitively establish *which* KLA member(s) ultimately killed the three detainees, it overwhelmingly establishes that they were executed while in KLA custody.³⁷⁰⁰

902. [REDACTED].³⁷⁰¹ [REDACTED].³⁷⁰² [REDACTED].³⁷⁰³

903. [REDACTED].³⁷⁰⁴ [REDACTED].³⁷⁰⁵ [REDACTED].³⁷⁰⁶ [REDACTED].³⁷⁰⁷
[REDACTED].³⁷⁰⁸

904. [REDACTED].³⁷⁰⁹ [REDACTED].³⁷¹⁰ [REDACTED].³⁷¹¹ [REDACTED].³⁷¹²

³⁶⁹⁵ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]. *See also* [REDACTED].

³⁶⁹⁶ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³⁶⁹⁷ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]. *See also* [REDACTED].

³⁶⁹⁸ [REDACTED]; [REDACTED]; [REDACTED].

³⁶⁹⁹ [REDACTED]; [REDACTED].

³⁷⁰⁰ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]. *Contra* W04746:T.5661-5662, 5666(13-Jul-2023)(Open).

³⁷⁰¹ *See e.g.* [REDACTED]; [REDACTED]; [REDACTED].

³⁷⁰² [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³⁷⁰³ [REDACTED]; [REDACTED]; [REDACTED].

³⁷⁰⁴ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³⁷⁰⁵ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³⁷⁰⁶ *See e.g.* [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]. *See also* [REDACTED], an autopsy report [REDACTED] noting that [REDACTED].

³⁷⁰⁷ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]. *See also* [REDACTED]; [REDACTED].

³⁷⁰⁸ [REDACTED].

³⁷⁰⁹ [REDACTED]; [REDACTED].

³⁷¹⁰ [REDACTED]; [REDACTED]. *See also* [REDACTED].

³⁷¹¹ [REDACTED].

³⁷¹² [REDACTED].

[REDACTED],³⁷¹³ [REDACTED],³⁷¹⁴ [REDACTED],³⁷¹⁵ [REDACTED].³⁷¹⁶

905. [REDACTED].³⁷¹⁷ An autopsy determined [REDACTED].³⁷¹⁸ Forensic pathologists [REDACTED].³⁷¹⁹

b. Potok

906. [REDACTED],³⁷²⁰ [REDACTED].³⁷²¹ [REDACTED].³⁷²²

907. [REDACTED].³⁷²³ [REDACTED].³⁷²⁴ [REDACTED].³⁷²⁵

908. [REDACTED].³⁷²⁶ [REDACTED].³⁷²⁷ When the grave was opened, the bodies of [REDACTED] and [REDACTED] were inside, [REDACTED].³⁷²⁸

909. During an autopsy conducted on [REDACTED].³⁷²⁹ [REDACTED] autopsy indicated [REDACTED].³⁷³⁰

³⁷¹³ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³⁷¹⁴ [REDACTED].

³⁷¹⁵ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³⁷¹⁶ [REDACTED]. *See also* [REDACTED].

³⁷¹⁷ [REDACTED]; [REDACTED]; [REDACTED]. *See also* [REDACTED].

³⁷¹⁸ [REDACTED]; [REDACTED]. *See also* [REDACTED]; [REDACTED] [REDACTED].

³⁷¹⁹ [REDACTED].

³⁷²⁰ [REDACTED]; [REDACTED]; [REDACTED]. *See also* [REDACTED].

³⁷²¹ [REDACTED]; [REDACTED]; [REDACTED]. *See also* [REDACTED].

³⁷²² [REDACTED]; [REDACTED]; [REDACTED].

³⁷²³ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³⁷²⁴ [REDACTED]; [REDACTED].

³⁷²⁵ [REDACTED]. *See also* [REDACTED].

³⁷²⁶ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³⁷²⁷ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³⁷²⁸ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³⁷²⁹ [REDACTED]; [REDACTED]. *See also* [REDACTED]; [REDACTED]; [REDACTED].

³⁷³⁰ [REDACTED].

910. [REDACTED].³⁷³¹ [REDACTED].³⁷³² [REDACTED].³⁷³³

4. *Victim Impact*

911. The mistreatment that prisoners endured at Llapashticë/Lapaštica irrevocably affected them both physically and mentally. For example, [REDACTED] due to injuries incurred when he was beaten,³⁷³⁴ [REDACTED] when he was beaten upon arriving at the site,³⁷³⁵ and [REDACTED] suffered severe injuries and pain that lasted long after his release.³⁷³⁶ Ongoing psychological manifestations of the detainees' trauma include panic attacks and anxiety concerning their security and safety.³⁷³⁷

912. The crimes at Llapashticë/Lapaštica also caused physical and mental consequences that have required professional treatment for detainees' family members,³⁷³⁸ including feelings of fear,³⁷³⁹ regret and loss,³⁷⁴⁰ the impacts of stigmatisation,³⁷⁴¹ and severe consequences for their own safety and security as they have tried to obtain justice for what happened.³⁷⁴²

J. DOBRATIN/DOBROTIN

913. In late March/early April 1999, military police and Brigade 152 were stationed

³⁷³¹ [REDACTED]; [REDACTED]; [REDACTED]. *Contra* W04746:T.5549, 5590(12-Jul-2023)(Open); [REDACTED];P01754:p.SPOE00088348(Public); [REDACTED]; [REDACTED].

³⁷³² [REDACTED]; [REDACTED]; [REDACTED].

³⁷³³ [REDACTED].

³⁷³⁴ [REDACTED].

³⁷³⁵ [REDACTED]; [REDACTED].

³⁷³⁶ *See e.g.* [REDACTED]. In regard to ongoing physical injuries experienced by other detainees, *see also* [REDACTED].

³⁷³⁷ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³⁷³⁸ *See e.g.* [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³⁷³⁹ *See e.g.* [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³⁷⁴⁰ *See e.g.* [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³⁷⁴¹ *See e.g.* [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³⁷⁴² *See e.g.* [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

in Dobratin/Dobrotin, a village west of Podujevë/Podujevo.³⁷⁴³ During this time, KLA members based in Dobratin/Dobrotin captured and murdered a Roma civilian.³⁷⁴⁴

1. Imprisonment / Illegal or Arbitrary Arrest and Detention / Cruel Treatment / Torture

914. In late March/early April 1999, KLA military police captured a Roma civilian coming from the direction of a Serbian-controlled area known as the 'zone of death', and brought him to the village centre of Dobratin/Dobrotin.³⁷⁴⁵ There, they tied the prisoner to a sawing horse, and military police officers and also civilians beat him with a plastic pipe.³⁷⁴⁶ KLA members interrogated and threatened the man, who pleaded for his life to be spared.³⁷⁴⁷

2. Murder

915. After two or three days, military policemen untied the injured man and took him to a checkpoint just outside of Dobratin/Dobrotin.³⁷⁴⁸ Latif GASHI appeared 'within seconds' of the Roma man's arrival, and directed that the man be released towards the 'zone of death'.³⁷⁴⁹ As the man walked away, Latif GASHI ordered the KLA soldiers at the checkpoint to shoot him from behind.³⁷⁵⁰ [REDACTED]³⁷⁵¹ [REDACTED].³⁷⁵² Latif GASHI [REDACTED].³⁷⁵³

³⁷⁴³ [REDACTED]; [REDACTED]; P00187_ET:pp.SPOE00055934-00055935(Public).

³⁷⁴⁴ [REDACTED].

³⁷⁴⁵ [REDACTED].

³⁷⁴⁶ [REDACTED].

³⁷⁴⁷ [REDACTED].

³⁷⁴⁸ [REDACTED].

³⁷⁴⁹ [REDACTED].

³⁷⁵⁰ [REDACTED].

³⁷⁵¹ [REDACTED].

³⁷⁵² [REDACTED].

³⁷⁵³ [REDACTED].

K. ZLLASH/ZLAŠ

916. Zllash/Zlaš, a village in the Prishtinë/Priština area within the Llap Zone,³⁷⁵⁴ served as the location of several KLA formations, including the BIA unit, from the second half of 1998³⁷⁵⁵ until a Serbian offensive forced the KLA to leave the area around 19 April 1999.³⁷⁵⁶ The BIA unit, commanded by Salih MUSTAFA (aka Cali),³⁷⁵⁷ was based in an uphill area of Zllash/Zlaš on a compound also used as a detention facility.³⁷⁵⁸ This compound was in close proximity to other KLA facilities in the village, including a school used as a training facility for new recruits, the headquarters of Brigade 153, and the Karadak Zone headquarters.³⁷⁵⁹

917. KLA members detained, interrogated and mistreated perceived Opponents at two locations in Zllash/Zlaš: in September 1998, in a house used by the KLA;³⁷⁶⁰ and in April 1999, in a barn at the BIA compound.³⁷⁶¹

³⁷⁵⁴ AF774(Public); [REDACTED]. *See also* AF283(Public);AF796(Public).

³⁷⁵⁵ The BIA unit began using Zllash/Zlaš as their base from around the middle or second part of 1998, and the Karadak Zone headquarters was present in Zllash/Zlaš from late 1998. *See* [REDACTED];W04485:T.21235-21236(28-Oct-2024)(Open); [REDACTED]. *See also* AF776(Public);Section II.A.3.m.vii. Brigade 153, formally established and headquartered in Zllash/Zlaš from February 1999, evolved from initial KLA Llap Zone structures formed in the Gollak/Goljak area, including Zllash/Zlaš, in early 1998. *See* [REDACTED]; [REDACTED];P00187_ET:pp.SPOE00055805, SPOE00055848(Public); [REDACTED]; [REDACTED];AF791(Public).

³⁷⁵⁶ AF813(Public);W04600:T.20060(19-Sep-2024)(Open); [REDACTED].

³⁷⁵⁷ [REDACTED];AF795(Public);AF808-AF809(Public). *See also* AF773(Public);Section II.A.3.m.iii.

³⁷⁵⁸ AF801(Public);AF804(Public); [REDACTED]. *See also* AF807(Public).

³⁷⁵⁹ AF801(Public);W04746:T.5499-5500(11-Jul-2023)(Open); [REDACTED]; W04600:T.20060-20061(19-Sep-2024)(Open); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³⁷⁶⁰ [REDACTED]; [REDACTED].

³⁷⁶¹ AF804(Public);AF806(Public);AF820(Public);AF869(Public);AF880(Public);AF898(Public); [REDACTED]; [REDACTED];[REDACTED];P01648:p.SPOE00128388(Public); [REDACTED]; [REDACTED]; [REDACTED].

1. Imprisonment / Illegal or Arbitrary Arrest and Detention

a. September 1998

918. On [REDACTED] September 1998, [REDACTED],³⁷⁶² was abducted by [REDACTED] armed and masked KLA members in black uniforms and taken to Zllash/Zlaš.³⁷⁶³ He was detained for five or six days in a house used by the KLA,³⁷⁶⁴ [REDACTED],³⁷⁶⁵ [REDACTED].³⁷⁶⁶ [REDACTED] was never given any reasons for his detention and had no opportunity to challenge its lawfulness.³⁷⁶⁷

919. After [REDACTED] was abducted, [REDACTED].³⁷⁶⁸ [REDACTED].³⁷⁶⁹ [REDACTED] was released the next day.³⁷⁷⁰

920. Following from the earlier disappearance and death of others [REDACTED],³⁷⁷¹ [REDACTED] abduction caused widespread fear [REDACTED], and some of [REDACTED] went into hiding, afraid they would also be targeted by the KLA.³⁷⁷² [REDACTED].³⁷⁷³

b. April 1999

921. Between about 1 and 19 April 1999, members of the BIA unit, along with other KLA military police and soldiers, arbitrarily detained at least seven individuals – including W01679, W03593, W04669, [REDACTED], [REDACTED], [REDACTED], and

³⁷⁶² [REDACTED]; [REDACTED].

³⁷⁶³ [REDACTED]; [REDACTED]; [REDACTED]. *See also* [REDACTED]; [REDACTED].

³⁷⁶⁴ [REDACTED]; [REDACTED].

³⁷⁶⁵ [REDACTED]; [REDACTED]; [REDACTED].

³⁷⁶⁶ [REDACTED]; [REDACTED]. *See also* Section II.A.3.m.iii.

³⁷⁶⁷ [REDACTED].

³⁷⁶⁸ [REDACTED]; [REDACTED]; [REDACTED]. *See also* [REDACTED]; [REDACTED]; [REDACTED].

³⁷⁶⁹ [REDACTED]. *See also* [REDACTED].

³⁷⁷⁰ [REDACTED]; [REDACTED].

³⁷⁷¹ [REDACTED]; [REDACTED].

³⁷⁷² [REDACTED]; [REDACTED].

³⁷⁷³ [REDACTED]; [REDACTED].

a young man known as [REDACTED] – in a barn at the BIA compound in Zllash/Zlaš.³⁷⁷⁴ Detainees held at the BIA compound were not allowed to have contact with anyone outside the detention facility, including their family members,³⁷⁷⁵ and were provided no documentation or reasons for their detention³⁷⁷⁶ nor any opportunity to challenge its lawfulness.³⁷⁷⁷

922. Salih MUSTAFA was present at the BIA compound on several occasions in April 1999, including when detainees were brought to the compound and interrogated, and personally participated in the mistreatment of at least two detainees.³⁷⁷⁸ One of the detainees, W01679, was abducted by BIA members on Salih MUSTAFA's orders and taken directly to him at the BIA compound.³⁷⁷⁹ On arrival, MUSTAFA accused W01679 of being a liar, beat him, and instructed his soldiers to 'finish him', after which W01679 was beaten until unconscious.³⁷⁸⁰

923. BIA members abducted the victims and took them to the BIA compound with the assistance of the military police, Brigade 153 members and other KLA members.³⁷⁸¹ For example, [REDACTED],³⁷⁸² [REDACTED],³⁷⁸³ where [REDACTED] in the presence

³⁷⁷⁴ AF806(Public); [REDACTED]; [REDACTED]; AF868(Public); [REDACTED]; AF880(Public); [REDACTED]; AF887-AF889(Public); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³⁷⁷⁵ AF842(Public); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³⁷⁷⁶ AF814(Public); AF845(Public); AF858(Public); AF872(Public); AF891(Public); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]. *See also* AF808-AF809(Public).

³⁷⁷⁷ AF859(Public); AF873(Public); AF883(Public); AF892(Public); AF901(Public); [REDACTED]; [REDACTED].

³⁷⁷⁸ AF802(Public); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³⁷⁷⁹ AF854(Public); [REDACTED]; [REDACTED].

³⁷⁸⁰ [REDACTED]; AF864-AF865(Public); [REDACTED]; [REDACTED]; [REDACTED].

³⁷⁸¹ [REDACTED]; AF812(Public); AF818(Public); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³⁷⁸² AF794(Public); [REDACTED].

³⁷⁸³ [REDACTED]; [REDACTED].

of Salih MUSTAFA.³⁷⁸⁴

924. At the time of their arrest and detention, [REDACTED], W01679, W03593, W04669, [REDACTED], [REDACTED], [REDACTED], and [REDACTED] were all civilians and not taking part in the hostilities.³⁷⁸⁵

2. *Other Inhumane Acts / Cruel Treatment / Torture*

a. *Detention Conditions*

925. During his detention in Zllash/Zlaš, [REDACTED] was kept in a small, unlit, dirty room,³⁷⁸⁶ and was only taken outside blindfolded at night to relieve himself.³⁷⁸⁷ He was not given any medical care and was too afraid to eat or ask his captors to contact his family, fearing he would be poisoned or beaten.³⁷⁸⁸

926. The detention conditions at the BIA compound were wholly inadequate and degrading.³⁷⁸⁹ The detainees were kept in barns meant for livestock, where they slept on the wet ground, with animal excrement lying around.³⁷⁹⁰ The barns were cold and dark,³⁷⁹¹ and the doors locked and guarded.³⁷⁹² Food and water were insufficient,³⁷⁹³ detainees were unable to wash themselves and had restricted access to a toilet, sometimes having to relieve themselves in a bucket in front of each other.³⁷⁹⁴ They were also denied medical care, despite suffering serious injuries as a result of mistreatment

³⁷⁸⁴ [REDACTED]; [REDACTED].

³⁷⁸⁵ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³⁷⁸⁶ [REDACTED].

³⁷⁸⁷ [REDACTED].

³⁷⁸⁸ [REDACTED]; [REDACTED]; [REDACTED].

³⁷⁸⁹ AF819(Public);AF837(Public); [REDACTED]; [REDACTED]; [REDACTED].

³⁷⁹⁰ AF820(Public);AF823-AF824(Public); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³⁷⁹¹ AF821(Public); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³⁷⁹² AF822(Public); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³⁷⁹³ AF825(Public); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³⁷⁹⁴ AF826-AF828(Public); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

by BIA members.³⁷⁹⁵

b. Psychological and Physical Abuse and Torture

927. During his detention in Zllash/Zlaš, [REDACTED] was repeatedly beaten by masked KLA members in black uniforms, including with a wooden stick.³⁷⁹⁶ The KLA members questioned [REDACTED], accused him of being a traitor, and threatened to 'liquidate' him.³⁷⁹⁷ [REDACTED] also heard other people screaming as if they were tortured.³⁷⁹⁸ Even upon his release, [REDACTED] feared that he was going to be executed due to the way he had been treated.³⁷⁹⁹

928. Likewise, in April 1999, Salih MUSTAFA and his BIA subordinates routinely subjected detainees at the BIA compound to severe physical and psychological abuse.³⁸⁰⁰ The detainees were kicked, punched and slapped almost daily.³⁸⁰¹ They were also individually taken from the barn for more 'brutal' mistreatment, including upstairs to a separate room above the barn, where they were severely beaten with wooden or iron batons, burned with hot irons and candles, and subjected to electric shocks.³⁸⁰² Salih MUSTAFA subjected W03593 to a mock execution and later beat him with a baseball bat.³⁸⁰³ BIA members repeatedly beat W01679, including on Salih MUSTAFA's orders, and urinated on him when he asked for water.³⁸⁰⁴ W04669 was told to remove his shirt

³⁷⁹⁵ AF829(Public);AF860(Public); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³⁷⁹⁶ [REDACTED]; [REDACTED]; [REDACTED].

³⁷⁹⁷ [REDACTED]; [REDACTED]; [REDACTED].

³⁷⁹⁸ [REDACTED].

³⁷⁹⁹ [REDACTED].

³⁸⁰⁰ AF806(Public);AF830(Public);AF834-AF836(Public);AF839-AF841(Public); [REDACTED]; [REDACTED].

³⁸⁰¹ AF831(Public); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³⁸⁰² AF831-AF833(Public); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³⁸⁰³ [REDACTED];AF874-AF876(Public); [REDACTED]; [REDACTED].

³⁸⁰⁴ AF862-AF866(Public); [REDACTED]; [REDACTED]; [REDACTED].

and was then beaten with a rubber baton, leaving his entire back black with bruises.³⁸⁰⁵ Detainees could see and hear other detainees being beaten, and saw the injuries inflicted on them during the mistreatment.³⁸⁰⁶

929. The most severely and frequently mistreated detainee at the BIA compound was [REDACTED]:³⁸⁰⁷ he was beaten until he could no longer stand, burnt with an iron, and stabbed with a knife.³⁸⁰⁸ He was also the only detainee who continuously had his hands tied.³⁸⁰⁹ When [REDACTED] was brought back to the barn after beatings, the BIA members ordered other detainees to shout, 'Death to the traitors, death to the thieves, death to the thugs, and glory to the Kosovo Liberation Army'.³⁸¹⁰ Other detainees observed that [REDACTED] was covered in bruises and bloodied, 'massacred', and 'almost dead', exacerbating their own feelings of fear.³⁸¹¹

930. During their mistreatment at the BIA compound, the detainees were interrogated and accused of being spies, traitors, thieves, or Serbian collaborators.³⁸¹² W01679, W03593 and W04669 were all questioned about being spies, and brutally beaten when they denied these allegations.³⁸¹³ [REDACTED],³⁸¹⁴ while W04669 explained that he was

³⁸⁰⁵ AF894(Public); [REDACTED]; [REDACTED].

³⁸⁰⁶ AF843-AF844(Public);AF849(Public); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³⁸⁰⁷ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³⁸⁰⁸ AF905-AF906(Public); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³⁸⁰⁹ AF904(Public); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³⁸¹⁰ AF909(Public); [REDACTED].

³⁸¹¹ AF908(Public); [REDACTED]; [REDACTED]; [REDACTED] [REDACTED]; [REDACTED]; [REDACTED].

³⁸¹² [REDACTED];AF849(Public);AF866(Public);AF874-AF875(Public);AF893(Public); AF902(Public); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]. *See also* [REDACTED].

³⁸¹³ AF876(Public);AF866(Public);AF893(Public); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³⁸¹⁴ [REDACTED];[REDACTED]; [REDACTED].

targeted [REDACTED].³⁸¹⁵

3. *Murder / Enforced Disappearance*

931. On 19 April 1999, most of the detainees at the BIA compound, except [REDACTED] and [REDACTED], were released in anticipation of an impending Serbian offensive in the Zllash/Zlaš area.³⁸¹⁶ W01679 believed that [REDACTED] was not released because ‘there was nothing left of him to release’ as a result of the torture inflicted upon him.³⁸¹⁷ [REDACTED].³⁸¹⁸

932. Shortly after the other detainees were released, [REDACTED] was murdered as a result of the severe bodily harm inflicted upon him by BIA members, subsequent denial of medical care, and gunshot wounds.³⁸¹⁹ His body was discovered [REDACTED] July 1999 [REDACTED],³⁸²⁰ [REDACTED].³⁸²¹ The corpse showed a bullet wound in his back, and his arms and legs appeared broken, consistent with the injuries witnessed by his co-detainees at the BIA compound.³⁸²²

4. *Victim Impact*

933. Detainees at Zllash/Zlaš were left with severe and long-lasting physical and mental injuries, including broken limbs and teeth, head injuries, chronic pain, and post-traumatic stress.³⁸²³ W03593 was left unable to work, explaining that ‘Commander Cali

³⁸¹⁵ [REDACTED].

³⁸¹⁶ AF813-AF816(Public); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³⁸¹⁷ [REDACTED]; AF924(Public); AF932(Public).

³⁸¹⁸ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]. *See also* AF934(Public).

³⁸¹⁹ [REDACTED]; AF927-AF928(Public); AF931-AF933(Public); [REDACTED]. *See also* [REDACTED].

³⁸²⁰ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³⁸²¹ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³⁸²² AF923-AF924(Public); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]. *See also* [REDACTED]; AF928(Public); AF931(Public).

³⁸²³ AF850-AF851(Public).

[...] turned me into this half a person'.³⁸²⁴ W01679 described the ongoing psychological effects his mistreatment had on him: 'I remember the voices of the people. I have all those flashbacks. [...] The voices of the victims and the voices of the people who tortured us. So, at a certain moment I hear these voices, the shouts, the screams, the swearing'.³⁸²⁵ Both W03593 and W01679 suffered serious injuries while in detention,³⁸²⁶ but were hesitant to explain the cause of their injuries to medical personnel due to the stigma and risk of being targeted by the KLA.³⁸²⁷ W04669's detention likewise caused him fear and stress that stuck with him for years and impacted his family life.³⁸²⁸ The torture and murder of [REDACTED] not only impacted those who witnessed his mistreatment, [REDACTED].³⁸²⁹

L. QIREZ/ĆIREZ AND BAICË/BANJICA

934. In September 1998, Qirez/Ćirez and Baicë/Banjica were part of the Drenicë Operational Zone commanded by Sylejman SELIMI.³⁸³⁰ Qirez/Ćirez, to the northeast of Likoc/Likovac, is one of the largest villages in the area.³⁸³¹ Baicë/Banjica is approximately 20 kilometres south from Qirez/Ćirez, on the eastern side of the Berishë/Beriša mountains, and close to Divjakë/Divljaka and Kleçkë/Klečka.³⁸³² The KLA was present in that area at an early stage, with KLA units – which would later form part of Brigade 111 – active in Baicë/Banjica in spring and summer 1998.³⁸³³ These

³⁸²⁴ [REDACTED]; [REDACTED].

³⁸²⁵ [REDACTED].

³⁸²⁶ AF867(Public);AF877(Public); [REDACTED]; [REDACTED].

³⁸²⁷ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³⁸²⁸ [REDACTED].

³⁸²⁹ [REDACTED]; [REDACTED].

³⁸³⁰ P00680.1:p.034241(Public);P00158_ET:p.2(Public);P01264_ET:p.SPOE00128795(Public); P00793:pp.U016-2097, U016-2129(Public);P00189_ET.1:p.U015-8845(Public);P00739.8_ET:pp.12-13(Public);Section II.A.3.m.i.

³⁸³¹ P00680.1:p.034241(Public);P04299(Public); [REDACTED]. See Section II.A.3.m.i.

³⁸³² P04299(Public). See also P00742.3_ET:p.18(Public).

³⁸³³ See P01264_ET:pp.SPOE00128648, SPOE00128700, SPOE00128716, SPOE00128738(Public); P02411_ET:p.095987(Public);P02399_ET(Public);Section II.A.3.m.i.

included a unit headed by Rasim KIQINA, who became deputy commander in Brigade 111, and a special unit under Jahir DEMAKU,³⁸³⁴ which was using a school in Baicë/Banjica as a barracks.³⁸³⁵ In late summer 1998, when Serbian forces penetrated the Likoc/Likovac area, the Drenicë/Drenica zone headquarters temporarily moved from Likoc/Likovac, first to Baicë/Banjica and then Abri e Epërme/Gornje Obrinje,³⁸³⁶ and the hospital in Likoc/Likovac was evacuated, transferring patients to Abri/Obrinje, Baicë/Banjica and other locations.³⁸³⁷

935. KLA commanders operating in these areas took part in interrogations and detentions at other locations in the Drenicë/Drenica OZ, including as charged in the Indictment.³⁸³⁸ In September 1998, Sabit GEÇI, Sylejman SELIMI, and other high-ranking KLA soldiers, as well as GS members, including **Hashim THAÇI** and **Rexhep SELIMI**, were present in and around Baicë/Banjica and Abri/Obrinje.³⁸³⁹ After the crimes in Qirez/Ćirez and Baicë/Banjica, described below, Gani KOCI, who was part of the Drenicë OZ command, with responsibility for politics, morale, and media,³⁸⁴⁰ was

³⁸³⁴ P01264_ET:pp.SPOE00128645-SPOE00128646, SPOE00128648(Public);P01745_ET:pp.U003-9097-U003-9099, U003-9101-U003-9102, U003-9104-U003-9107, U003-9110(Public);W04290:T.24945(10-Feb-2025)(Open);P00189_ET.1:pp.U015-8830, U015-8849(Public); [REDACTED]; P02411_ET:p.095987(Public);P02423_ET(Public);P02416(Public)(containing Jahir DEMAKU's signature);P02416_ET(Public);P02438_ET(Public). *See also* P00742.3_ET:pp.3-4, 12(Public).

³⁸³⁵ P01264_ET:pp.SPOE00128648, SPOE00128700, SPOE00128716, SPOE00128738(Public); P02399_ET(Public).

³⁸³⁶ W04752:T.17529(03-Jul-2024)(Open);P01745_ET:pp.U003-9094, U003-9104-U003-9105(Public); W04290:T.25007-25008, 25075(11-Feb-2025)(Open);P01449_ET:pp.SPOE00209471-SPOE00209472(Public). *See also* P00189_ET.1:pp.U015-8844-U015-8845(Public).

³⁸³⁷ W04290:T.24943-24944(10-Feb-2025)(Open). *See also* P00742.3_ET:pp.4-5(Public).

³⁸³⁸ *See* Section II.A.3.m.i.

³⁸³⁹ P04203_ET:pp.6-7(Public); [REDACTED]; [REDACTED]; W04744:T.17108-17113(25-Jun-2024)(Open);P00742.3_ET:pp.1-5, 12, 18, 28-29(Public); P01745_ET:pp.U003-9097, U003-9104-U003-9106(Public);P01449_ET:pp.SPOE00209471-SPOE00209472(Public);W04290:T.25024-25026(11-Feb-2025)(Open).

³⁸⁴⁰ P02475_ET:p.097087(Public);P02434_ET:p.097240(Public);P02414:p.SPOE00226694(Public) (handwritten, signed version);P02414_ET:p.SPOE00226694(Public);P00515_ET.38:p.008296(Public); P00189_ET.1:p.U015-8897(Public); [REDACTED]; [REDACTED].

designated by the GS as the contact point for OSCE KDOM observers for Drenicë,³⁸⁴¹ and later appointed as the head of the PGoK Ministry of Justice Directorate of Prisons.³⁸⁴² Sabit GECI also continued to function in the KLA and commit further crimes,³⁸⁴³ and, following their creation, cooperate with the PGoK intelligence bodies.³⁸⁴⁴

1. *Imprisonment / Illegal or Arbitrary Arrest and Detention / Other Inhumane Acts / Cruel Treatment / Torture*

936. On or around 20 September 1998, a group of KLA members led by **THAÇI** unlawfully arrested and detained at least thirteen members of the parliament of Kosovo – including Mehdi BARDHI, Gjergj DEDAJ, Kurtesh DEVAJA, Sokol BLAKAJ, Agim KRASNIQI, Jusuf TELAKU, Veli BYTYQI, Simon AUGUSTINI, Milaim KADRIU, Hasim DERMAKU, Halim MUJKU, Qaush BAJRUSHI, and Musa BINAKAJ – who were part of a delegation on a humanitarian mission to Qirez/Ćirez.³⁸⁴⁵

937. The delegation was first held up at a local LDK office in Qirez/Ćirez by uniformed and armed KLA members, including Gani KOCI, who told them that KLA representatives were en route to talk to them.³⁸⁴⁶ Shortly thereafter, **THAÇI, Rexhep**

³⁸⁴¹ P00688(Public)(original containing **KRASNIQI**'s signature);P00688_ET(Public);W04752:T.17409(01-Jul-2024)(Public).

³⁸⁴² See [REDACTED]; [REDACTED].

³⁸⁴³ See Sections II.A.3.m.viii; III.P-Q.

3844 [REDACTED];P00763.4 ET:pp.9-12(Public); [REDACTED].

3845 [REDACTED]; [REDACTED];P00680.1:pp.034238-034244, 034256-034257,
034262(Public);P00681_ET:pp.034139-034140(Public);P00321.10:48-12:08, 16:52-
20:54(Public);P00321.1_ET:pp.4-8(Public);P00683_ET:pp.1-2(Public); [REDACTED];W03825:T.9329-9340,
9343-9345(06-Nov-2023)(Open);W03825:T.9448-9449(07-Nov-2023)(Open); [REDACTED];
[REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED];
[REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED];
[REDACTED];W04147:T.13543-13546(25-Mar-2024)(Open);W04147:T.13951-13952(27-Mar-2024)(Open);
[REDACTED]; [REDACTED];P00739.8_ET:pp.11-13(Public);P00742.3_ET:pp.2-
3(Public);P00682:p.SITF00055872(Public). *See also* W04240:T.20923-20925(22-Oct-2024)(Open);
[REDACTED].

³⁸⁴⁶ [REDACTED];P00680.1:pp.034240-034243(Public);P00681_ET:pp.034139-034140(Public);W03825.T.9339-9340(06-Nov-2023)(Open); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]. *See also* P00739.8_ET:pp.11-13(Public); P00742.3_ET:pp.2-3(Public); [REDACTED].

SELIMI, and Sabit GECI arrived, escorted by black uniformed KLA military police.³⁸⁴⁷ GECI, introduced as the head of the KLA secret police,³⁸⁴⁸ questioned the delegation about their political activities and reasons for being there,³⁸⁴⁹ insulted them, and accused them and Ibrahim RUGOVA of obstructing the KLA.³⁸⁵⁰ The parliamentarians were informed that the KLA did not recognise the parliament of Kosovo and that they were under arrest.³⁸⁵¹ The detainees' identification cards and phones were confiscated,³⁸⁵² and GECI threatened the detainees with an automatic weapon, [REDACTED].³⁸⁵³

938. After releasing the female delegates and the journalists and drivers accompanying the delegation,³⁸⁵⁴ KLA members, including Sabit GECI, Sylejman SELIMI, and **Rexhep SELIMI**, transferred the remaining thirteen detainees to a school

³⁸⁴⁷ [REDACTED];P00680.1:pp.034242-034244, 034256-034257(Public); P00681_ET:pp.034139-034140(Public);W03825:T.9339-9340, 9344-9345(06-Nov-2023)(Open); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED];P00739.8_ET:pp.11-13(Public); [REDACTED]. *See also* P00739.9_ET:p.5(Public);W04240:T.20923-20925(22-Oct-2024)(Open).

³⁸⁴⁸ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]. *See also* regarding Sabit GECI's role: P01449_ET:p.SPOE00209472(Public);P00763.4_ET:pp.9-12(Public); [REDACTED]; [REDACTED]. *See also* [REDACTED];Section II.A.3.m.i.

³⁸⁴⁹ P00680.1:pp.034242-034244, 034256-034257(Public);P00681_ET:pp.034139-034140(Public); W03825:T.9339-9341, 9343-9347, 9351-9352(06-Nov-2023)(Open); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]. *See also* [REDACTED];P00739.8_ET:pp.11-13(Public);P00739.9_ET:p.5(Public); P00742.3_ET:pp.2-3(Public); [REDACTED];W04240:T.20923-20925(22-Oct-2024)(Open).

³⁸⁵⁰ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; W03825:T.9340, 9343(06-Nov-2023)(Open); [REDACTED]. *See also* [REDACTED].

³⁸⁵¹ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED];P00680.1:pp.034242-034244, 034256-034257(Public); P00681_ET:p.034140(Public);W03825:T.9343-9347, 9351-9357(06-Nov-2023)(Open); [REDACTED]. *See also* [REDACTED].

³⁸⁵² P00680.1:pp.034256-034258(Public);P00681_ET:pp.034139-034140, 03457-034258(Public); W03825:T.9354-9357, 9360, 9362, 9364(06-Nov-2023)(Open); [REDACTED]; [REDACTED]; [REDACTED];P00739.8_ET:pp.12-14(Public).

³⁸⁵³ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³⁸⁵⁴ [REDACTED]; [REDACTED]; [REDACTED];P00680.1:pp.034243(Public);P00681_ET:p.034140(Public); [REDACTED];1D00062_ET:p.116760(Public);W03825:T.9343(06-Nov-2023)(Open); [REDACTED]; [REDACTED].

building used by the KLA in Baicë/Banjica,³⁸⁵⁵ where a group of masked KLA members severely beat at least six of the detainees by punching, kicking, stamping on, and hitting them with wooden sticks all over their bodies.³⁸⁵⁶ Detainees described in detail the horrors of not only being violently beaten, but witnessing the beatings of their friends and colleagues:³⁸⁵⁷ 'I was in shock. I had never been beaten before. When I saw my friends bleeding. These were members of Parliament as well as members of the steering committees and my brain could not grasp all of this [...].'³⁸⁵⁸ Each beating lasted for two or three minutes and continued even after the victims had collapsed to the floor, showed obvious signs of injury, and begged for mercy:

[Sokol BLAKAJ] was bleeding through his nose. He was begging them not to hit him anymore because he had problems with his kidneys. He actually was lying on the ground and leaning against the wall in order to protect his kidneys because they were kicking him and using his fists to hit him everywhere.³⁸⁵⁹

939. After the detainees had been severely abused, **THAÇI** interrogated them one by one, together with Sabit GEÇI, identifying them as 'Rugovans' and 'institutionalists', and demanding they resign from their parliamentary positions and write statements renouncing Ibrahim RUGOVA and the LDK as 'traitors'.³⁸⁶⁰ The parameters of these

³⁸⁵⁵ [REDACTED];P00680.1:pp.034257-034258(Public);P00681_ET:p.034140(Public); W03825:T.9343, 9357-9362(06-Nov-2023)(Open);W03825:T.9673-9676(08-Nov-2023)(Open); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED];P00739.8_ET:pp.12-14(Public). *See also* [REDACTED];W04240:T.20924-20925(22-Oct-2024)(Open).

³⁸⁵⁶ [REDACTED]; [REDACTED];P00680.1:pp.034259-034260, 034268-034269(Public);P00681_ET:p.034140(Public);P00682:p.SITF00055872(Public); [REDACTED];W03825:T.9360-9364, 9366, 9496-9498(06-Nov-2023)(Open); [REDACTED]; [REDACTED]. *See also* P00739.9_ET:pp.1-4(Public); [REDACTED];

[REDACTED];P01740.4_ET:p.4(Public);P01741:paras.7, 28(Public).

³⁸⁵⁷ P00680.1:pp.034258-034259, 034268-034269(Public);P00681_ET:p.034140(Public); [REDACTED]; [REDACTED].

³⁸⁵⁸ P00680.1:p.034259(Public).

³⁸⁵⁹ [REDACTED];P00680.1:p.034269(Public).

³⁸⁶⁰ [REDACTED]; [REDACTED];P00680.1:pp.034260-034265(Public);P00681_ET:p.034140-034141(Public);W03825:T.9395, 9402-9410, 9496-9497(06-Nov-2023)(Open);P00321:10:48-12:08, 16:52-20:54(Public);P00321.1_ET:pp.4-5, 7-8(Public); [REDACTED]; [REDACTED]. *See also* P00763.7_ET:pp.3-8, 10-13, 17-18(Public);P00739.8_ET:pp.11-13, 17(Public);P00739.9_ET:pp.1-6(Public);P00742.3_ET:pp.12-27(Public); [REDACTED];W04240:T.20923-20925(22-Oct-2024)(Open).

interrogations match a 'questionnaire' seized from **KRASNIQI**, which includes, *inter alia*, questions about the purpose of the trip, who had been invited on the 'trip to Drenica', the subject's views on the KLA and what they had said about the KLA, their party affiliations and which party the subject was a 'deputy' of, their awareness of RUGOVA's and their own 'anti-national role', their alleged participation in the 'special war against the KLA', and, notably, a demand for signed declarations renouncing their 'anti-national and destructive engagement'.³⁸⁶¹ **THAÇI** was told that the detainees had been mistreated and saw their injuries himself;³⁸⁶² nevertheless, the detainees were offered no medical treatment.³⁸⁶³ After his interrogation, Gjergj DEDAJ was told that the KLA headquarters had decided that he, Mehdi BARDHI, and Agim KRASNIQI would be killed that night.³⁸⁶⁴

940. On or around 22 September 1998, after the arrest and detention of the parliamentarians had been publicised and appeals made for their release,³⁸⁶⁵ KLA members including **THAÇI** and Sabit GECI took the detainees to another location in Krasmirovac/Krasmirovac and released them.³⁸⁶⁶ Prior to their release, **SELIMI** told Gjergj DEDAJ, Mehdi BARDHI, and Agim KRASNIQI they would remain under investigation after their release.³⁸⁶⁷ In Krasmirovac/Krasmirovac, GECI threatened to kill Agim KRASNIQI in **THAÇI**'s presence, and **THAÇI** himself threatened DEDAJ for refusing to resign from his political positions, telling him 'even if you are free now, we

³⁸⁶¹ P00549_ET:p.SPOE00231902(Public);P00550_ET:p.SPOE00231897(Public). *See also* P00272_ET:p.SPOE00209433(Public). Another document seized from **KRASNIQI**, dated April 1998, accused one of the delegates, [REDACTED]. *See* [REDACTED].

³⁸⁶² P00680.1:pp.034261-034262(Public); [REDACTED]; [REDACTED];P00739.8_ET:pp.11-12(Public);P00739.9_ET:pp.1-4(Public).

³⁸⁶³ P00680.1:pp.034260-034261(Public). *See also* W03825:T.9491-9492(07-Nov-2023)(Open).

³⁸⁶⁴ P00680.1:pp.034263-034264(Public);W03825:T.9425-9428(06-Nov-2023)(Open).

³⁸⁶⁵ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³⁸⁶⁶ [REDACTED]; [REDACTED];P00680.1:pp.034265-034267(Public);P00681_ET:p.034141(Public);W03825:T.9434-9436(06-Nov-2023)(Open); [REDACTED]; [REDACTED]. *See also* P00742.3_ET:pp.28-29(Public); [REDACTED]; [REDACTED].

³⁸⁶⁷ [REDACTED]. *See also* P00680.1:p.034268(Public); [REDACTED].

could kill you in Pristina because we have our own people in Pristina.³⁸⁶⁸ The next day, a 'Military Police Directorate' press release publicly announced that the thirteen parliamentarians had been detained based on information from the KLA intelligence services due to their 'divisive, partisan, schismatic, institutionalist, anti-liberation war propaganda', while also confirming – in line with what **SELIMI** had told them directly before release – that investigations against Gjergj DEDAJ, Mehdi BARDHI, and Agim KRASNIQI continued.³⁸⁶⁹

941. **THAÇI**'s later account of his involvement in the events in Qirez/Ćirez and Baicë/Banjica is marked by notable admissions, followed by transparent and feeble attempts to prevaricate and walk back his original, inculpatory statements.³⁸⁷⁰ For example, during his SPO interview in January 2020, **THAÇI** readily admitted, *inter alia*, that he was present in both Qirez/Ćirez and Baicë/Banjica at the time of this incident together with others, including Sylejman SELIMI, **Rexhep SELIMI**, and Sabit GECI; that he was aware at the time that multiple victims had been beaten and sustained injuries; and that he knew which KLA members were responsible, stating that he would divulge this information in his next interview to first 'think in details about everything'.³⁸⁷¹ Indeed, during this interview, **THAÇI** also revealingly specified that he viewed the unarmed parliamentarians as 'combatants' on the basis that 'everybody was a representative of the national cause'.³⁸⁷² A few months later, in July 2020, **THAÇI** attempted to recharacterise the previously acknowledged beatings as mere verbal insults, and claimed the injuries sustained by the victims were only 'moral and ethical'

³⁸⁶⁸ P00680.1:pp.034266-034267(Public).

³⁸⁶⁹ P00158_ET:p.2(Public);P00760_ET.1(Public). *See also* [REDACTED]; [REDACTED]. A month later, another 'Military Police Directorate' press release dated 1 November 1998 described Agim KRASNIQI as an 'inspirer of the special war against the KLA' and accused him of coordinating with two other LDK officials detained in Shalë/Sedlare. *See* P00303_ET:p.2(Public);Section III.M.1.b.

³⁸⁷⁰ *Compare* P00739.8_ET:pp.11-17(Public);P00739.9_ET:pp.1-6(Public) *with* P00742.3_ET:pp.1-30(Public).

³⁸⁷¹ P00739.8_ET:pp.11-13, 17(Public);P00739.9_ET:pp.1-4(Public).

³⁸⁷² P00739.8_ET:p.12(Public). *See also* [REDACTED].

injuries.³⁸⁷³ Likewise, given the multiple sources of evidence placing him on the scene in Qirez/Ćirez and Baicë/Banjica and describing him as an active participant in the events, **SELIMI**'s evidence to the contrary stands out as an untruthful, self-serving attempt to distance himself from the crimes committed.³⁸⁷⁴

942. The testimony of the Qirez/Ćirez and Baicë/Banjica [REDACTED] was marked by palpable fear, resulting in unconvincing attempts [REDACTED] to recant parts of [REDACTED] previous inculpatory evidence. [REDACTED],³⁸⁷⁵ [REDACTED].³⁸⁷⁶ [REDACTED] W03825's in-court testimony was noteworthy for his explicit fear for himself and the fate of his family, unconvincing new claims, and unsuccessful attempts at disavowing his prior credible evidence.³⁸⁷⁷ Especially when considered in light of his expressed safety concerns,³⁸⁷⁸ W03825's in-court demeanour, recantations, and spontaneous praise of the **Accused** and the KLA³⁸⁷⁹ show that he was willing to go to great lengths to avoid implicating the **Accused** or the KLA, including by making demonstrably false statements about his previous evidence.³⁸⁸⁰ [REDACTED].³⁸⁸¹

943. Notably, **THAÇI** discussed [REDACTED] witnesses and their evidence during non-privileged visits at the detention centre in September and October 2023, both before and after they testified.³⁸⁸²

³⁸⁷³ P00742.3_ET:pp.9-17(Public).

³⁸⁷⁴ See P00763.7_ET:pp.2-6, 10-11(Public); [REDACTED].

³⁸⁷⁵ See [REDACTED]; [REDACTED]; [REDACTED].

³⁸⁷⁶ See e.g. [REDACTED].

³⁸⁷⁷ See e.g. W03825:T.9324, 9345, 9353-9357, 9364-9377, 9385-9389, 9429-9430(06-Nov-2023)(Open); [REDACTED]; W03825:T.9693(08-Nov-2023)(Open); W03825:T.9677-9678(08-Nov-2023)(Open).

³⁸⁷⁸ See e.g. P00681_ET:p.034141(Public); W03825:T.9373, 9438(06-Nov-2023)(Open); W03825:T.9693(08-Nov-2023)(Open).

³⁸⁷⁹ See e.g. W03825:T.9324(06-Nov-2023)(Open).

³⁸⁸⁰ See e.g. W03825:T.9344-9346(06-Nov-2023)(Open)(*inter alia* denying that he had seen **THAÇI** in Qirez/Ćirez, even when confronted with evidence that **THAÇI** himself admitted to being in Qirez/Ćirez on the day the parliamentarians were detained); W03825:T.9677-9691, 9693-9694(08-Nov-2023)(Open).

³⁸⁸¹ See e.g. [REDACTED]; [REDACTED]. See also [REDACTED]; Section V.L.

³⁸⁸² [REDACTED]; [REDACTED]; [REDACTED]. See also [REDACTED]; [REDACTED]; [REDACTED].

944. [REDACTED] initial accounts of the arrest, detention, and severe mistreatment at the hands of the KLA are detailed, credible, mutually consistent, and extensively corroborated by contemporaneous reporting,³⁸⁸³ KLA documents,³⁸⁸⁴ and the evidence of other witnesses,³⁸⁸⁵ [REDACTED]³⁸⁸⁶ and those who spoke to the victims shortly after their release.³⁸⁸⁷ For all these reasons, the Panel should consider the original inculpatory evidence of these witnesses to be credible.

2. *Victim Impact*

945. As a result of their detention and mistreatment, the victims experienced serious physical and mental suffering and injuries, including severe bruising, swelling, bleeding, and broken bones,³⁸⁸⁸ leaving them with prolonged physical ailments such as chronic pain and hearing loss.³⁸⁸⁹ Moreover, as addressed above, the victims' continued reluctance to speak about their mistreatment also reflects their ongoing fear of those responsible for the abuse.

M. SHALË(SEDLLARË)/SEDLARE

946. Shalë/Sedlare is a small village close to Kleçkë/Klečka on the eastern side of the Berishë/Beriša mountains.³⁸⁹⁰ Within the Pashtrik OZ, Shalë/Sedlare was part of the area of responsibility of Brigade 121, which was initially commanded by Fatmir LIMAJ, with

³⁸⁸³ See e.g. [REDACTED]; [REDACTED]; [REDACTED].

³⁸⁸⁴ See P00158_ET:p.2(Public);P00760_ET.1(Public);P00549_ET:p.SPOE00231902(Public); P00550_ET:p.SPOE00231897(Public). See also [REDACTED].

³⁸⁸⁵ See e.g. evidence of W01456, [REDACTED], W04517 (THAÇI), and W04502 (SELIMI) cited above.

³⁸⁸⁶ See e.g. evidence of [REDACTED].

³⁸⁸⁷ See e.g. evidence of W04147 and W04240 cited above.

³⁸⁸⁸ [REDACTED]; [REDACTED];P00680.1:pp.034259, 034261, 034263-034265(Public);P00681_ET:p.034140(Public); [REDACTED]; [REDACTED].

³⁸⁸⁹ P00680.1:p.034260(Public); [REDACTED].

³⁸⁹⁰ P04299(Public).

Haxhi SHALA (aka Topi) as his deputy, and Shaban DRAGAJ as chief of staff.³⁸⁹¹

947. From approximately October 1998,³⁸⁹² LIMAJ stationed KLA military police members, including W04839, in Shalë/Sedlare³⁸⁹³ where they carried out arrests, conducted investigations, and guarded detainees under his command.³⁸⁹⁴ The military police were based at a former health clinic in Shalë/Sedlare, which they used both as their office and to hold detainees.³⁸⁹⁵ Other Brigade 121 members, including LIMAJ's nephew Sabit SHALA, and intelligence member Lul SHURDHA, were also operating in Shalë/Sedlare at the time, including tasking the military police with taking measures against civilians, some of whom they alleged were suspected collaborators.³⁸⁹⁶

948. Dragobil/Dragobilje, on the other side of Kleçkë/Klečka, fell within the area of responsibility of Brigade 122 under commander Hysni KILAJ.³⁸⁹⁷ US KDOM used Dragobil/Dragobilje as a location for meetings between KLA GS members and internationals.³⁸⁹⁸ Sejdi PAQARIZI was the commander of the Brigade 122 military police, with W03885 as his deputy.³⁸⁹⁹

³⁸⁹¹ [REDACTED];W04744:T.16991-16992(24-Jun-2024)(Open); P01115.1_ET:pp.10-12(Public);P01115.2_ET:pp.23, 31(Public);[REDACTED]. *See also* P01124_ET:p.3(Public);[REDACTED];W04752:T.17415(01-Jul-2024)(Open);[REDACTED];[REDACTED];[REDACTED];P01360_ET:p.3(Public).

³⁸⁹² Before this, as early as July 1998, KLA units under Fatmir LIMAJ's command already carried out other arrests in Shalë/Sedlare, including of some of the victims detained and killed in Llapushnik/Lapušnik. *See e.g.* [REDACTED];P00853(Public);[REDACTED]. *See also* Sections III.C.1.b., III.C.3.b.

³⁸⁹³ [REDACTED];[REDACTED];[REDACTED].

³⁸⁹⁴ [REDACTED];[REDACTED].

³⁸⁹⁵ [REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED]; [REDACTED]. *See also* AF217(Public).

³⁸⁹⁶ [REDACTED];P01264_ET:pp.SPOE0128620, SPOE0128673(Public);[REDACTED];[REDACTED].

³⁸⁹⁷ P01668:para.12(Public);W04744:T.16991-16992(24-Jun-2024)(Open).

³⁸⁹⁸ W03885:T.20177(23-Sep-2024)(Open);P01264_ET:pp.SPOE00128747, SPOE00128858(Public); [REDACTED].

³⁸⁹⁹ W03885:T.20136-20139, 20152-20153(23-Sep-2024)(Open);P01668:para.6(Public);P01670_ET:pp.U017-3195-U017-3198(Public);P01668:para.12(Public).

1. Illegal or Arbitrary Arrest and Detention / Other Inhumane Acts / Cruel Treatment / Torture

949. Between late October and November 1998, KLA members detained at least four persons, including W03880, W04828, [REDACTED], without due process of law at the former health clinic in Shalë/Sedlare.³⁹⁰⁰

a. W03880 and W04828

950. On 18 October 1998, while Serbian journalists³⁹⁰¹ W03880 and W04828 were on assignment, they were arrested by KLA members at a checkpoint near Magurë/Magura.³⁹⁰² W03880 and W04828 were taken to Shalë/Sedlare where they were detained under guard for around 20 days, before being transferred to other KLA sites.³⁹⁰³ While in Shalë/Sedlare, W03880 and W04828 were told they were accused of spying,³⁹⁰⁴ and a uniformed KLA soldier shouted at W03880 and put an automatic weapon in his mouth and his eye.³⁹⁰⁵

951. Shortly after their arrest, in response to the high degree of attention surrounding the fate of the two journalists,³⁹⁰⁶ the KLA 'Military Police Directorate' publicly confirmed that W03880 and W04828 were detained and being investigated, indicating they were suspected of 'espionage' and would be treated 'appropriately'.³⁹⁰⁷ Around the

³⁹⁰⁰ [REDACTED];[REDACTED];[REDACTED];[REDACTED]; [REDACTED].

³⁹⁰¹ W03880:T.8481(09-Oct-2023)(Open);W03880:T.8557(10-Oct-2023)(Open); [REDACTED];[REDACTED].

³⁹⁰² [REDACTED];P00270_ET.10(Public);P00300_ET(Public).

³⁹⁰³ [REDACTED];[REDACTED];[REDACTED];W03880:T.8623-8627(10-Oct-2023)(Open);[REDACTED]; [REDACTED].

³⁹⁰⁴ [REDACTED];[REDACTED]; [REDACTED]. *See also* [REDACTED].

³⁹⁰⁵ [REDACTED];[REDACTED];W03880:T.8623-8627(10-Oct-2023)(Open);W03880:T.8449-8451(09-Oct-2023)(Open);[REDACTED].

³⁹⁰⁶ A hand-annotated draft version of the announcement of the arrest of W03880 and W04828, dated 21 October 1998, just three days after the arrests, and seized from **Jakup KRASNIQI**, specifically noted the high degree of publicity that the arrests had already garnered, *see* P00586_ET(Public). *See also* P03744_ET(Public);W04408:T.7307-7309(05-Sep-2023)(Open);P00375(Public).

³⁹⁰⁷ P00270_ET.10(Public);P00300_ET(Public);W04147:T.13979-13980(28-Mar-2024)(Open).

same time, **Hashim THAÇI** went to Shalë/Sedlare and interviewed W03880 and W04828 with Fatmir LIMAJ³⁹⁰⁸ while W04839 interpreted, following which **THAÇI** ordered W04839 to treat the journalists 'the way a proper military' should treat prisoners 'i.e. we were not allowed to torture or beat them'.³⁹⁰⁹ W03880 and W04828 were asked questions about the political situation, how they would describe their treatment in detention if released, and whether they knew any of the KLA leaders.³⁹¹⁰

952. On 10 November 1998, shortly after the fictitious General Staff 'Justice Directorate' had publicly announced the conviction of W03880 and W04828,³⁹¹¹ **THAÇI** and LIMAJ told Human Rights Watch representatives that W03880 and W04828 had been tried *in absentia* without access to a lawyer and were now serving a prison sentence.³⁹¹² At the meeting, LIMAJ introduced himself as Head of the Judicial Directorate.³⁹¹³ The Human Rights Watch representatives explained to **THAÇI** and LIMAJ that such a trial failed to meet international standards of due process and that W03880 and W04828 should be released; **THAÇI** and LIMAJ disagreed with the assessment and refused to allow Human Rights Watch to visit the journalists.³⁹¹⁴

953. In fact, during the course of their detention, W03880 and W04828 were not taken before a judge or other competent authority, given the opportunity to contest their detention or appeal their 'conviction', or granted access to a lawyer; neither were they present at any purported trial, only learning that they had allegedly been tried after

³⁹⁰⁸ Fatmir LIMAJ is a law graduate, *see* [REDACTED];W04752:T.17648(04-Jul-2024)(Open).

³⁹⁰⁹ [REDACTED];[REDACTED]. *See also* [REDACTED];P00003(Public);[REDACTED]; [REDACTED].

³⁹¹⁰ [REDACTED];[REDACTED]; W03880:T.8453-8454(09-Oct-2023)(Open). *See also* W03880:T.8612-8613(10-Oct-2023)(Open); W04408:T.7567-7570(07-Sep-2023)(Open).

³⁹¹¹ P00378(Public). *See also* [REDACTED]. *See also* Section II.A.3.j.

³⁹¹² W04408:T.7307-7309, 7313-7314(05-Sep-2023)(Open);W04408:T.7318-7323, 7333-7334(06-Sep-2023)(Open);W04408:T.7567-7570(07-Sep-2023)(Open);P00742.13_ET:pp.7-9(Public).

³⁹¹³ W04408:T.7325-7330, 7404(06-Sep-2023)(Open);P00376(Public).

³⁹¹⁴ W04408:T.7322-7330(06-Sep-2023)(Open);P00376(Public);P00377(Public).

their release.³⁹¹⁵ Despite their repeated requests, they were never provided any written reasons for their arrest or any written decision in that regard.³⁹¹⁶ Years later, **THAÇI** confirmed that W03880 and W04828 could not have received any trial given that 'the KLA didn't have any judicial or legal process [...]. This is something that has been made up.'³⁹¹⁷

954. Shaban DRAGAJ transferred W03880 and W04828 from Shalë/Sedlare to the GS headquarters in Divjakë/Divljaka, where they were again guarded by W04839 and detained in the basement of the 'white house',³⁹¹⁸ the same building that at the time served as the office and base of **Jakup KRASNIQI**.³⁹¹⁹ While at this location, W03880 and W04828 were beaten and threatened with a knife.³⁹²⁰ They also saw and heard other prisoners being interrogated and beaten by KLA members, including two persons W03880 understood to be Serbian policemen.³⁹²¹ After around 16 days, W03880 and W04828 were further transferred to a nearby barracks and detained there for a night, following which they were transferred to another location where they were detained

³⁹¹⁵ W03880:T.8455-8459, 8473(09-Oct-2023)(Open);[REDACTED];[REDACTED];P00377(Public);W04408:T.7328-7330(06-Sep-2023)(Open).

³⁹¹⁶ W03880:T.8457-8459(09-Oct-2023)(Open);[REDACTED]; [REDACTED];[REDACTED].

³⁹¹⁷ P00742.14_ET:p.1(Public). *See also* [REDACTED];P00794:pp.3321-3322(Public); P00800:p.5089(Public);W04758:T.21707-21708(31-Oct-2024)(Open);P01754:pp.SPOE00088347-00088349(Public).

³⁹¹⁸ W04403:T.25718-25723(24-Mar-2025)(Open);[REDACTED];[REDACTED];[REDACTED];W03880:T.8631-8634(10-Oct-2023)(Open); [REDACTED];[REDACTED];[REDACTED];P02007.3_ET:pp.2-6(Public); [REDACTED];[REDACTED]. *See also* [REDACTED];[REDACTED].

³⁹¹⁹ P01401_ET:p.SPOE00082289(Public);W04752:T.17424(02-Jul-2024)(Open);W04752:T.18032(10-Jul-2024)(Open);[REDACTED];W04403:T.25723(24-Mar-2025)(Open); W04403:T.25810-25811(25-Mar-2025)(Open);W04403:T.25935(26-Mar-2025)(Open);W04746:T.5603-5605(12-Jul-2023)(Open);P01264_ET:p.SPOE00128764(Public).

³⁹²⁰ [REDACTED];W03880:T.8449-8451(09-Oct-2023)(Open); [REDACTED].

³⁹²¹ W03880:T.8570-8581(10-Oct-2023)(Open);[REDACTED]; [REDACTED];[REDACTED]; [REDACTED];[REDACTED]; [REDACTED];[REDACTED]. *See also* P00871:para.6(Public); [REDACTED];P01264_ET:p.SPOE00128752(Public).

for four or five days before being released.³⁹²² During transfer to and between the detention locations, W03880 and W04828 were blindfolded and their hands were tied.³⁹²³

955. The vehicle W03880 and W04828 were stopped in was never returned to them.³⁹²⁴

b. [REDACTED]

956. [REDACTED] were [REDACTED].³⁹²⁵ Throughout the summer of 1998, [REDACTED].³⁹²⁶ [REDACTED],³⁹²⁷ and also previously [REDACTED].³⁹²⁸ On or about [REDACTED] October 1998, [REDACTED]; KLA members, including [REDACTED].³⁹²⁹ There, [REDACTED] - informed [REDACTED] they were under arrest.³⁹³⁰ [REDACTED] KLA members – [REDACTED]³⁹³¹ - blindfolded [REDACTED], tied their hands, and took them to Shalë/Sedlare.³⁹³²

957. During the transfer to Shalë/Sedlare, [REDACTED] were beaten, [REDACTED].³⁹³³ In Shalë/Sedlare, a KLA soldier [REDACTED].³⁹³⁴ [REDACTED]

³⁹²² W04403:T.25718-25723(24-Mar-2025)(Open);[REDACTED];[REDACTED];[REDACTED];W03880:T.8631-8634(10-Oct-2023)(Open);[REDACTED]; [REDACTED];[REDACTED].

³⁹²³ [REDACTED];[REDACTED].

³⁹²⁴ W03880:T.8473(09-Oct-2023)(Open);[REDACTED]; [REDACTED]. *See also* [REDACTED];[REDACTED];[REDACTED];[REDACTED].

³⁹²⁵ [REDACTED].

³⁹²⁶ [REDACTED];[REDACTED]; [REDACTED];[REDACTED].

³⁹²⁷ [REDACTED].

³⁹²⁸ [REDACTED];[REDACTED].

³⁹²⁹ [REDACTED];[REDACTED];

[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED]. [REDACTED]; [REDACTED] *see* [REDACTED];[REDACTED].

³⁹³⁰ [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED].

³⁹³¹ [REDACTED];[REDACTED];[REDACTED].

³⁹³² [REDACTED]. *See also* [REDACTED].

³⁹³³ [REDACTED];[REDACTED]; [REDACTED];[REDACTED].

³⁹³⁴ [REDACTED];[REDACTED].

remained in detention in Shalë/Sedlare until [REDACTED] November 1998, when they were transferred to a KLA site in or near [REDACTED].³⁹³⁵ [REDACTED].³⁹³⁶

958. While, during his initial transfer to Shalë/Sedlare, KLA members asked [REDACTED].³⁹³⁷ Indeed – consistent with the [REDACTED]³⁹³⁸ – soldiers at Shalë/Sedlare told [REDACTED].³⁹³⁹

959. Throughout his detention, [REDACTED] constantly feared he would be executed.³⁹⁴⁰ [REDACTED] were not informed of charges against them, had no access to a lawyer, and were not brought before a judge or other competent authority.³⁹⁴¹ [REDACTED].³⁹⁴² [REDACTED].³⁹⁴³

2. *KLA and General Staff knowledge and involvement*

960. Besides GS publications contemporaneously addressing the arrest and detention of W03880, [REDACTED], these incidents were also addressed in contemporaneous UN and Human Rights Watch reports and press releases, and in media articles.³⁹⁴⁴ As described above and further set out below, members of the General Staff, including certain **Accused**, were also aware of the arrests and detentions due to their direct participation therein, and proximity to and/or meetings with internationals during which the detentions were raised.

³⁹³⁵ [REDACTED];[REDACTED].

³⁹³⁶ See [REDACTED];[REDACTED]; [REDACTED]. [REDACTED] see [REDACTED];[REDACTED]. See also [REDACTED];[REDACTED];[REDACTED]; [REDACTED].

³⁹³⁷ [REDACTED];[REDACTED]; [REDACTED].

³⁹³⁸ [REDACTED].

³⁹³⁹ [REDACTED];[REDACTED]. See also [REDACTED].

³⁹⁴⁰ [REDACTED].

³⁹⁴¹ [REDACTED].

³⁹⁴² [REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED]. See also [REDACTED]; [REDACTED];[REDACTED];[REDACTED].

³⁹⁴³ [REDACTED].

³⁹⁴⁴ [REDACTED];[REDACTED];[REDACTED]; [REDACTED].

961. [REDACTED];³⁹⁴⁵ [REDACTED].³⁹⁴⁶ [REDACTED] on 6 November 1998, **Jakup KRASNIQI**, in the presence of **Hashim THAÇI**, foreshadowed that W03880 and W04828 would be released to mark the eve of the 28 November Flag Day celebrations.³⁹⁴⁷ This meant they would be detained for three more weeks.

962. [REDACTED];³⁹⁴⁸ [REDACTED].³⁹⁴⁹ [REDACTED].³⁹⁵⁰ [REDACTED].³⁹⁵¹

963. After the war, [REDACTED].³⁹⁵²

3. *Victim Impact*

964. The detention had a lasting psychological impact on the Shalë/Sedlare detainees. Despite rationalising that he was at least able to return home alive,³⁹⁵³ W03880 experienced [REDACTED].³⁹⁵⁴ [REDACTED] stated:

[REDACTED].³⁹⁵⁵

N. KLEÇKË/KLEČKA AND RELATED LOCATIONS

965. Kleçkë/Klečka was a KLA stronghold from at least March 1998, when Fatmir

³⁹⁴⁵ [REDACTED];[REDACTED];[REDACTED];

[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED]. *See also* [REDACTED].

³⁹⁴⁶ [REDACTED];[REDACTED];[REDACTED]. *See also* [REDACTED];[REDACTED];[REDACTED]; [REDACTED].

³⁹⁴⁷ P01091_ET:p.SPOE00231058(Public);P00189_ET.1:pp.U015-8889-U015-8890(Public). *See also* [REDACTED].

³⁹⁴⁸ [REDACTED];[REDACTED]; [REDACTED].

³⁹⁴⁹ [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED].

³⁹⁵⁰ [REDACTED];[REDACTED]. *See also* [REDACTED];[REDACTED].

³⁹⁵¹ [REDACTED];[REDACTED].

³⁹⁵² [REDACTED];[REDACTED].

³⁹⁵³ [REDACTED];W03880:T.8588-8589(10-Oct-2023)(Open).

³⁹⁵⁴ [REDACTED];[REDACTED]. *See also* [REDACTED].

³⁹⁵⁵ [REDACTED].

LIMAJ was tasked by the General Staff to set up KLA units in the area.³⁹⁵⁶ Divjakë/Divljaka was located next to Kleçkë/Klečka and was used by the General Staff as a headquarters and, *inter alia*, for meetings with internationals.³⁹⁵⁷ A detention site in Kleçkë/Klečka operated from late 1998 until 22 June 1999.³⁹⁵⁸ The site was opened by authority of the General Staff headquarters and served as the designated detention facility of the General Staff.³⁹⁵⁹ The Military Police were based at the facility, as part of their responsibilities to handle detention matters, and operated the detention facility at the behest of the General Staff.³⁹⁶⁰ **Accused** and named JCE members were directly involved in the detentions there, including **Jakup KRASNIQI, Kadri VESELI, Rexhep SELIMI**, and Fatmir LIMAJ.³⁹⁶¹

966. The Kleçkë/Klečka detention facility was located between the Brigade 121 headquarters at the outskirts of Kleçkë/Klečka and the General Staff headquarters in

³⁹⁵⁶ P01115.2_ET:pp.6, 8-9, 23-26, 29(Public);[REDACTED]; [REDACTED]; [REDACTED]; [REDACTED];P01814:p.SITF00223938(Public);P00836(Public);P00836_ET:pp.L010-2408-L010-2409(Public);P04508_ET:p.SPOE0058153(Public);P01118/P01118_ET(Public). *See also* Section II.A.4.

³⁹⁵⁷ [REDACTED]P00778:pp.6658-6659(Public);P03806_ET(Public);W04744:T.17156-17157(25-Jun-2024)(Open); [REDACTED];W04403:T.25810-25811, 25865(25-Mar-2025)(Open); [REDACTED];P01955.1_ET RED:p.8(Public);P01264_ET:pp.SPOE00128750-00128751, SPOE00128904-00128905, SPOE00128934(Public);W04410:T.16723, 16754(05-Jun-2024)(Open);P01401_ET:p.SPOE0082286(Public);W04752:T.17396(01-Jul-2024)(Public);W04744:T.17173-17174(25-Jun-2024)(Open); [REDACTED];P01256(Public); [REDACTED]; [REDACTED]; [REDACTED].
³⁹⁵⁸ AF531(Public);P01955.2_ET:pp.18, 22-23(Public);P01955.3_ET:p.9(Public);P01956:paras.13-14(Public);P01955.6_ET:p.5(Public); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³⁹⁵⁹ P02007.3_ET:p.23(Public); [REDACTED]; [REDACTED]; W04743:T.24716(28-Jan-2025)(Open); [REDACTED];P01955.2_ET:pp.18, 22-23(Public);P01955.6_ET:pp.14-15(Public).

³⁹⁶⁰ P02007.3_ET:p.23(Public); [REDACTED]; [REDACTED]; W04743:T.24716(28-Jan-2025)(Open);P01955.2_ET:pp.18, 22-23(Public);P01955.3_ET:pp.6-8, 11(Public);P01955.5_ET:p.5(Public);P01955.6_ET:p.12(Public);P01955.8_ET:pp.3-5(Public);P01963:pp.054674, 054684, 054695(Public);P01964:pp.054721, 054724(Public); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED];P00515:p.008179(Public);P00515_ET.74(Public); [REDACTED].

³⁹⁶¹ *See* Section III.N.5.

Divjakë/Divljaka.³⁹⁶² The site was comprised of a two-storey house and three adjacent burnt out buildings.³⁹⁶³ The house had two detention rooms in the basement and an upper floor with a room designated for W04264, which was also used by the Military Police to interrogate detainees.³⁹⁶⁴ A typewriter was available and used to draft reports.³⁹⁶⁵

1. Imprisonment / Illegal or Arbitrary Arrest and Detention

967. At least 18 prisoners were arbitrarily detained in Kleçkë/Klečka prison and held for varying lengths of time ranging from a few days to several weeks.³⁹⁶⁶ Detainees included Serbian and Albanian civilians,³⁹⁶⁷ some of whom had worked in farming,³⁹⁶⁸ teaching,³⁹⁶⁹ and in public service.³⁹⁷⁰ Detainees were held on the basis of allegations of collaboration, activities against the KLA, or because of their political affiliation with the

³⁹⁶² AF540(Public);P01401_ET:pp.SPOE00082285-00082288(Public); [REDACTED]; W04752:T.17422-17423(02-Jul-2024)(Public);W04752:T.17528(03-Jul-2024)(Open);P01356_ET:pp.5943, 6151(Public);W04752:T.17408(01-Jul-2024)(Public);4D00077:pp.SITF00393430, SITF00393446(Public);P02007.3_ET:pp.18-19(Public);W04744:T.16991-16992(24-Jun-2024)(Open);P01346(Public);W03879:T.6274(14-Aug-2023)(Open);P01401_ET:p.SPOE00082287(Public);P02007.5_ET:p.6(Public); [REDACTED].

³⁹⁶³ AF532(Public);AF537(Public); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]. *See also* P01964:p.054717(Public); [REDACTED]; [REDACTED].

3964 AF533(Public);AF535(Public);P02007.3_ET:pp.15-16(Public); [REDACTED]; [REDACTED];
[REDACTED]; [REDACTED]; [REDACTED];[REDACTED]; [REDACTED]; [REDACTED];
[REDACTED]; [REDACTED];P01956:paras.17,21(Public); [REDACTED];
[REDACTED];P01963:pp.054677, 054680(Public); [REDACTED];P01955.7_ET:p.2(Public); [REDACTED].

3965 [REDACTED]).

³⁹⁶⁶ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

3967 [REDACTED];P01955.6 ET:p.12(Public); [REDACTED].

³⁹⁶⁸ [REDACTED]; [REDACTED]; [REDACTED]; W04743:T.24690-24692(28-Jan-2025)(Open).

³⁹⁶⁹ [REDACTED]; [REDACTED]; [REDACTED]; W04743:T.24658-24661(28-Jan-2025)(Open).

3970 [REDACTED]; [REDACTED]; P01955.8 ET:pp.3-5(Public); P01956:paras.29-

30(Public);P01963:p.054684(Public);P04055:p.4(Public); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

LDK.³⁹⁷¹ Some victims were Serbian soldiers and police officers.³⁹⁷² None of them were captured during military attacks; they were all all detained and mistreated under similar circumstances as civilian detainees. The detainees included:

- a. [REDACTED].³⁹⁷³ [REDACTED].³⁹⁷⁴ They were civilians [REDACTED] when arrested.³⁹⁷⁵
- b. *Ymer XHAFIQI*,³⁹⁷⁶ an ethnic Albanian civilian, was kidnapped in March 1999 from his private car.³⁹⁷⁷ He was employed in the document office in the MUP station in Prizren and was the local leader of the SPS party.³⁹⁷⁸
- c. *Sherafedin AJETI*³⁹⁷⁹ (aka Shero), an ethnic Albanian civilian, had served as a MUP prison director and retired in the mid-1990s.³⁹⁸⁰ AJETI was arrested because of unverified rumours that he had mistreated Albanian detainees during his tenure as prison director.³⁹⁸¹

³⁹⁷¹ [REDACTED]; [REDACTED]; [REDACTED]; P02007.4_ET:pp.3-7(Public); [REDACTED]; W04743:T.24654-24658, 24682-24684(28-Jan-2025)(Open); W04743:T.24763,24820(29-Jan-2025)(Open); [REDACTED]; [REDACTED]; P02018:pp.U003-3318, U003-3322(Public); [REDACTED]; [REDACTED]; W04744:T.17205(25-Jun-2024)(Open); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; P01955.7_ET:p.4(Public); P01955.8_ET:pp.3-5(Public); P01956:paras.29-30(Public); P01963:p.054684(Public); W04743:T.24644-24649(28-Jan-2025)(Open); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³⁹⁷² [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; P01955.6_ET:p.12(Public).

³⁹⁷³ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³⁹⁷⁴ [REDACTED]; [REDACTED]; [REDACTED].

³⁹⁷⁵ [REDACTED]; [REDACTED]. Irrespective of evidence, any [REDACTED] was alleged to collaborate with the Serb regime - *see* [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³⁹⁷⁶ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³⁹⁷⁷ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³⁹⁷⁸ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³⁹⁷⁹ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; P01955.8_ET:pp.3-5(Public); P01956:paras.29-30(Public); P01963:p.054684(Public); [REDACTED]; [REDACTED].

³⁹⁸⁰ P01955.8_ET:pp.3-5(Public); P01956:paras.29-30(Public); P01963:p.054684(Public); [REDACTED]; [REDACTED].

³⁹⁸¹ P01955.8_ET:pp.3-5(Public); P01956:paras.29-30(Public); P01963:p.054684(Public).

- d. [REDACTED],³⁹⁸² [REDACTED].³⁹⁸³ [REDACTED].³⁹⁸⁴ [REDACTED].³⁹⁸⁵
[REDACTED].³⁹⁸⁶
- e. *Dragoljub TANASKOVIĆ, Dragan VUČETIĆ, Bojan CVETKOVIĆ, Žarko FILIPOVIĆ and Života TODOROVIĆ*³⁹⁸⁷ were soldiers of the Serbian army,³⁹⁸⁸ driving a requisitioned civilian van between Prizren and Prishtinë/Priština when they were detained on 11 April 1999.³⁹⁸⁹ They all became *hors de combat* upon their capture.
- f. *Arben AVDYLLI*, an ethnic Albanian civilian, was suspected of (unverified) collaboration.³⁹⁹⁰
- g. *Veljko MARKOVIĆ* and *Nebojša ĐURIČIĆ*³⁹⁹¹ were Serbian police officers abducted on 9 February 1999 from roads in the Fushë Kosovë/Kosovo Polje area together with W04043, a car mechanic and driver, who managed to escape.³⁹⁹² MARKOVIĆ and ĐURIČIĆ were off-duty, driving in MARKOVIĆ's private vehicle when they were abducted.³⁹⁹³

³⁹⁸² [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³⁹⁸³ [REDACTED]; [REDACTED]; [REDACTED].

³⁹⁸⁴ [REDACTED]; [REDACTED]; [REDACTED].

³⁹⁸⁵ [REDACTED].

³⁹⁸⁶ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³⁹⁸⁷ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED];
[REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³⁹⁸⁸ [REDACTED]; [REDACTED].

³⁹⁸⁹ See e.g. [REDACTED].

³⁹⁹⁰ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³⁹⁹¹ W04043:T.9713, 9727-9728(09-Nov-2023)(Open); [REDACTED];
[REDACTED];P00699(Public);P00701(Public);1D00068_ET:pp.SITF40004090-40004093(Public);
P00695(Public);P00700(Public);P04043(Public); [REDACTED]; [REDACTED].

³⁹⁹² W04043:T.9712-9713, 9715, 9721, 9744, 9767(09-Nov-2023)(Open);P00694.2_ET:pp.8-15(Public);
[REDACTED]; [REDACTED]; 1D00068_ET:pp.SITF40004076, SITF40004078(Public).

³⁹⁹³ W04043:T.9723-9724(09-Nov-2023)(Open);P00699(Public);P00701(Public).

- h. [REDACTED]³⁹⁹⁴ [REDACTED].³⁹⁹⁵ [REDACTED].³⁹⁹⁶ [REDACTED].³⁹⁹⁷
[REDACTED].³⁹⁹⁸
- i. *Naser HASANI*,³⁹⁹⁹ an ethnic Albanian civilian and teacher, was linked to the killing of a KLA soldier on the basis of his surname and was arrested.⁴⁰⁰⁰
- j. *W03875*, a VJ soldier on leave who was travelling between Prishtinë/Priština and Mitrovicë/Kosovska Mitrovica when kidnapped, was taken to the Kleçkë/Klečka detention facility as someone who had deserted the Serbian army.⁴⁰⁰¹
- k. *Blerim KUQI* was a KLA officer who was arrested following **Jakup KRASNIQI**'s order to appear at the General Staff headquarters in Divjakë/Divljaka on 16 January 1999.⁴⁰⁰² The General Staff was fully aware of accusations against him of desertion and assisting the enemy, labelling him a 'deserter' in a GS meeting before his arrest.⁴⁰⁰³ KLA commanders not affiliated with KUQI became aware of his arrest and wondered about its reasons, and officers close to KUQI assessed that allegations of 'desertion'

³⁹⁹⁴ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³⁹⁹⁵ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³⁹⁹⁶ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

³⁹⁹⁷ [REDACTED]; [REDACTED].

³⁹⁹⁸ [REDACTED].

³⁹⁹⁹ [REDACTED]; W04743:T.24652-24653, 24656(28-Jan-2025)(Open); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴⁰⁰⁰ [REDACTED]; [REDACTED]; [REDACTED]. For further context, see P02007.4_ET:pp.3-7(Public); [REDACTED]; W04743:T.24654-24656(28-Jan-2025)(Open); [REDACTED]; W04743:T.24763, 24820(29-Jan-2025)(Open).

⁴⁰⁰¹ [REDACTED]; P04052:pp.SPOE00234433-00234434(Public); P04059:p.SITF00011674(Public); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴⁰⁰² [REDACTED]; W04752:T.17446-17447(02-Jul-2024)(Open); [REDACTED]; [REDACTED]; [REDACTED]; P00631_ET(Public); P00012_ET:p.058006(Public); [REDACTED]; [REDACTED]; W04744:T.17147-17148, 17193-17195(25-Jun-2024)(Open); W04744:T.17237-17238(26-Jun-2024)(Open); [REDACTED]; [REDACTED].

⁴⁰⁰³ [REDACTED]; [REDACTED]; [REDACTED]; P00616_ET(Public).

were unjustified and based on his unwanted LDK and FARK affiliations.⁴⁰⁰⁴ KUQI's arrest occurred inside the General Staff headquarters in the presence of **Jakup KRASNIQI** (who, as Deputy KLA Commander, ordered the arrest), **Rexhep SELIMI** (as KLA General Inspector), and Fatmir LIMAJ (who, as the head of the Military Police Directorate, immediately placed KUQI in detention).⁴⁰⁰⁵ The detention was then justified through the language of special warfare, with **Jakup KRASNIQI** defending the detention both at the time and afterwards as a necessary step to punish 'sabotages of pacifism' and 'anyone who does not respect the KLA programme'.⁴⁰⁰⁶ KUQI was subsequently sentenced to death in a sham trial for alleged treason, only to be suddenly released.⁴⁰⁰⁷ As part of the court process, KUQI defended his assertions that the KLA and the government should be united, insisting that such concerns were unfairly used against him.⁴⁰⁰⁸

968. The Kleçkë/Klečka detainees were arrested, processed and detained by officers of the Military Police,⁴⁰⁰⁹ including W04839,⁴⁰¹⁰ who had been one of the main prison guards in Llapushnik/Lapušnik in the summer of 1998 and served as the Kleçkë/Klečka

⁴⁰⁰⁴ W04744:T.17205(25-Jun-2024)(Open); [REDACTED]; [REDACTED]; [REDACTED].

⁴⁰⁰⁵ [REDACTED]; [REDACTED]; P00631_ET(Public); [REDACTED]; [REDACTED]; [REDACTED]; W04752:T.17988(10-Jul-2024)(Open); W04752:T.18327-18328(16-Jul-2024)(Open); W04752:T.18407-18409(17-Jul-2024)(Open); [REDACTED]; W04744:T.17147-17148, 17193-17195(25-Jun-2024)(Open); W04744:T.17237-17238(26-Jun-2024)(Open); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴⁰⁰⁶ [REDACTED]; [REDACTED].

⁴⁰⁰⁷ [REDACTED]; [REDACTED]; P01955.7_ET:p.4(Public); [REDACTED]; P01345_ET(Public); P01344_ET(Public); P01955.7_ET:pp.3-4(Public); [REDACTED]. *See also* Section II.A.3.j.

⁴⁰⁰⁸ [REDACTED].

⁴⁰⁰⁹ AF542(Public); [REDACTED]; P00228_ET:p.3(Public); P01955.6_ET:pp.20-21(Public); [REDACTED]; [REDACTED]; [REDACTED].

⁴⁰¹⁰ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; P01955.6_ET:p.19(Public); [REDACTED]; P01955.4_ET:p.14(Public); [REDACTED]; P01955.5_ET:p.7(Public); P01955.6_ET:p.17(Public); P01956:para.11(Public); P01963:p.054676(Public); P01964:p.054721(Public); [REDACTED].

prison warden,⁴⁰¹¹ W04743,⁴⁰¹² Shaban SHALA,⁴⁰¹³ and Naser SHALA (aka Fytyra).⁴⁰¹⁴ Nexhmi KRASNIQI⁴⁰¹⁵ became the police commander of the Pashtrik Zone in early February 1999 upon appointment of the General Staff, with the authority to act in Kleçkë/Klečka,⁴⁰¹⁶ and he reported directly to Fatmir LIMAJ.⁴⁰¹⁷ Many Kleçkë/Klečka detainees received no information concerning the reasons for their arrest or detention, or were only informed of vague allegations.⁴⁰¹⁸

969. Detainees were also transferred from different operational zones and KLA facilities to the Kleçkë/Klečka prison.⁴⁰¹⁹

970. For instance, [REDACTED] was initially held in [REDACTED] before being

⁴⁰¹¹ [REDACTED]; [REDACTED]; [REDACTED]. *See also* Section III.C.

⁴⁰¹² P02007.3_ET:pp.4-5, 13(Public); [REDACTED]; [REDACTED]; P02006.2_ET:pp.9-10(Public); W04743:T.24752-24753(29-Jan-2025)(Open); W04752:T.17528(03-Jul-2024)(Open); [REDACTED]; [REDACTED]; P01956:paras.32, 34-35, 37-38(Public); [REDACTED]; P01963:pp.054685-054686, 054689, 054694(Public); P01964:pp.054732-054733(Public); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴⁰¹³ [REDACTED]; [REDACTED].

⁴⁰¹⁴ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; P01956:para.37(Public); P01963:p.054686(Public); P01964:pp.054732-054733(Public); [REDACTED]; P01095:p.074402(Public); W04743:T.24629-24631(28-Jan-2025)(Open); P02017(Public).

⁴⁰¹⁵ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴⁰¹⁶ 4D00078:p.053945(Public); 4D00077:p.SITF00393441(Public); [REDACTED]; P02006.2_ET:p.9(Public); P02006.4_ET:pp.19, 21(Public); P02007.1_ET:pp.13-14(Public); [REDACTED]; W04743:T.24752-24753(29-Jan-2025)(Open); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴⁰¹⁷ 4D00078:p.053945(Public); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴⁰¹⁸ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴⁰¹⁹ P01955.6_ET:p.15(Public); P01963:p.054691(Public); P01964:p.054722(Public); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; P00694.2_ET:pp.8-15(Public); [REDACTED]; [REDACTED]; 1D00068_ET:pp.SITF40004078-40004079, SITF40004090-40004093(Public); P00695(Public); P00700(Public); P04043:p.SITF00012077(Public); P00694.4_ET:pp.1-2(Public); P00696:pp.106334-106335(Public); W04043:T.9720, 9728-9730, 9762-9764(09-Nov-2023)(Open); P00702(Public); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; P04052:pp.SPOE00234433-00234434(Public); P04059:p.SITF00011674(Public); P04214.1:pp.066386-066388(Public); P04214_ET(Public); P04214(Public); [REDACTED]; [REDACTED]; [REDACTED].

transferred to Klečkë/Klečka.⁴⁰²⁰ [REDACTED] was one of the KLA strongholds with [REDACTED].⁴⁰²¹ The headquarters of [REDACTED] was based in [REDACTED], and Commander [REDACTED] and his soldiers of [REDACTED] were based there from [REDACTED].⁴⁰²² As to the detention itself, [REDACTED], [REDACTED] and another soldier arrested [REDACTED] in [REDACTED] on the basis of alleged collaboration and took him to [REDACTED].⁴⁰²³ [REDACTED] was detained there, [REDACTED], interrogated, and severely beaten [REDACTED], by [REDACTED] and others, and at times in the presence of [REDACTED].⁴⁰²⁴ [REDACTED],⁴⁰²⁵ [REDACTED]⁴⁰²⁶ [REDACTED].⁴⁰²⁷ [REDACTED]⁴⁰²⁸ [REDACTED].⁴⁰²⁹ [REDACTED] drove [REDACTED] to Klečkë/Klečka.⁴⁰³⁰ [REDACTED].⁴⁰³¹

971. [REDACTED].⁴⁰³² **Jakup KRASNIQI** informed W04264 about additional detention facilities of the General Staff in Krasivari,⁴⁰³³ and in the basement of a house

⁴⁰²⁰ [REDACTED]; [REDACTED]; [REDACTED].

⁴⁰²¹ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴⁰²² [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴⁰²³ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴⁰²⁴ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]. *See also* [REDACTED]; [REDACTED].

⁴⁰²⁵ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴⁰²⁶ *See* [REDACTED].

⁴⁰²⁷ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]. *See also* [REDACTED].

⁴⁰²⁸ [REDACTED]).

⁴⁰²⁹ [REDACTED]; [REDACTED]; [REDACTED].

⁴⁰³⁰ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]. *See also* [REDACTED].

⁴⁰³¹ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴⁰³² [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴⁰³³ P01955.2_ET:pp.18-20, 22-23(Public);P01955.3_ET:p.9(Public);P01955.4_ET:p.16(Public); P01955.5_ET:pp.22-25(Public);P01955.6_ET:p.5(Public);P01955.8_ET:pp.12-14(Public);P01956:paras.13-14(Public); [REDACTED]; [REDACTED].

in Tërpezë/Trpeza [REDACTED].⁴⁰³⁴ The fourth battalion of Brigade 121 and a Military Police platoon were based in Tërpezë/Trpeza.⁴⁰³⁵ [REDACTED].⁴⁰³⁶

2. *Other Inhumane Acts / Cruel Treatment / Torture*

a. *Detention Conditions*

972. The detainees faced inhumane conditions in Kleçkë/Klečka and were held in basement rooms approximately 4x4 metres in size.⁴⁰³⁷ One of the basement rooms had a small window with metal bars and was kept locked.⁴⁰³⁸ The rooms were unheated and were freezing during the winter time.⁴⁰³⁹ Detainees were kept blindfolded, with their hands tied.⁴⁰⁴⁰

973. There was blood splattered on the wall in one of the detention rooms.⁴⁰⁴¹ Most prisoners slept on a concrete floor, with some having sponges to sleep on.⁴⁰⁴² No hygiene products were provided and detainees had to use a bucket when relieving themselves.⁴⁰⁴³ Some detainees of Serb ethnicity were held in the nearby burnt out houses and slept on the bare floor covered with straw.⁴⁰⁴⁴

⁴⁰³⁴ P01955.2_ET:pp.18, 22-23(Public);P01955.3_ET:p.9(Public);P01955.6_ET:p.5(Public);P01956:paras.13-14(Public); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴⁰³⁵ P02006.2_ET:pp.5, 7(Public);P02006.3_ET:pp.10-11(Public);P02006.4_ET:pp.4-6(Public); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴⁰³⁶ [REDACTED]; [REDACTED].

⁴⁰³⁷ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴⁰³⁸ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴⁰³⁹ E.g. [REDACTED]; [REDACTED].

⁴⁰⁴⁰ [REDACTED]; [REDACTED]; [REDACTED].

⁴⁰⁴¹ [REDACTED]; [REDACTED].

⁴⁰⁴² [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴⁰⁴³ [REDACTED]; [REDACTED]; [REDACTED].

⁴⁰⁴⁴ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]. *See also* P01964:p.054717(Public);AF537(Public).

b. Psychological and Physical Abuse

974. Detainees in Klečkë/Klečka were brutally beaten and threatened with death,⁴⁰⁴⁵ including by members of the Military Police, and some prisoners received death threats or severe physical mistreatment before arrival.⁴⁰⁴⁶ Detainees sustained bruises and swelling,⁴⁰⁴⁷ bleeding,⁴⁰⁴⁸ cuts and scars on their bodies,⁴⁰⁴⁹ and lost consciousness.⁴⁰⁵⁰ They were kicked with military boots, punched with fists, and beaten with rifle butts and pistols, batons, pieces of wire, and hard plastic pipes.⁴⁰⁵¹ As set out further below, **Rexhep SELIMI** participated directly in one of the beatings.⁴⁰⁵²

975. KLA members interrogated detainees in the basement rooms and in the interrogation room upstairs, at times whilst beating them.⁴⁰⁵³ KLA soldiers accused detainees of being policemen or of having killed Albanians, and asked them about their marital status, place of employment, locations of schools, and their relations to particular persons.⁴⁰⁵⁴ [REDACTED] the Military Police conducted interrogations of detainees in W04264's office on the first floor, including [REDACTED].⁴⁰⁵⁵ [REDACTED].⁴⁰⁵⁶

⁴⁰⁴⁵ [REDACTED]; [REDACTED]; P04055:p.4(Public); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴⁰⁴⁶ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]. *See also* Section III.N.1.

⁴⁰⁴⁷ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴⁰⁴⁸ [REDACTED].

⁴⁰⁴⁹ [REDACTED].

⁴⁰⁵⁰ [REDACTED].

⁴⁰⁵¹ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴⁰⁵² *See* Section III.N.5.

⁴⁰⁵³ AF535(Public); [REDACTED]; [REDACTED]; [REDACTED]; P02006.1_ET:p.21(Public); [REDACTED].

⁴⁰⁵⁴ [REDACTED].

⁴⁰⁵⁵ [REDACTED]; [REDACTED]; [REDACTED].

⁴⁰⁵⁶ [REDACTED]; [REDACTED].

3. *Murder / Enforced Disappearance*

976. A total of 11 prisoners were murdered, including [REDACTED],⁴⁰⁵⁷ Veljko MARKOVIĆ and Nebojša ĐURIČIĆ,⁴⁰⁵⁸ Sherafedin AJETI,⁴⁰⁵⁹ Arben AVDYLI,⁴⁰⁶⁰ Ymer XHAFIQI,⁴⁰⁶¹ Dragoljub TANASKOVIĆ, Dragan VUČETIĆ, Bojan CVETKOVIĆ, Žarko FILIPOVIĆ and Života TODOROVIĆ.⁴⁰⁶² Some of the victims were placed in nearby mass graves.⁴⁰⁶³ These were uncovered by EULEX in 2009 at W04839's directions.⁴⁰⁶⁴

977. The DNA of the remains matched the identity of the detainees as detailed by W04839,⁴⁰⁶⁵ and for most of them, their cause of death was identified as gunshot wounds to the chest or the head, or cuts to the neck with a sharp instrument resembling killings by execution, matching the statements of W04839.⁴⁰⁶⁶ Murder victims Ymer XHAFIQI, Sherafedin AJETI and Arben AVDYLI remain disappeared and are presumed dead, as their bodies remain missing.⁴⁰⁶⁷

a. [REDACTED]

978. On [REDACTED] 1999, [REDACTED] when they were arrested by armed KLA

⁴⁰⁵⁷ [REDACTED]; [REDACTED].

⁴⁰⁵⁸ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; P00701(Public); W04043:T.9713, 9727-9728(09-Nov-2023)(Open); [REDACTED]; [REDACTED]; P00699(Public); 1D00068_ET:SITF40004090-40004093(Public); P00695(Public); P00700(Public); P04043:p.SITF00012077(Public); [REDACTED]; [REDACTED]; [REDACTED].

⁴⁰⁵⁹ [REDACTED]; [REDACTED]; [REDACTED].

⁴⁰⁶⁰ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴⁰⁶¹ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴⁰⁶² [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴⁰⁶³ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴⁰⁶⁴ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴⁰⁶⁵ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴⁰⁶⁶ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴⁰⁶⁷ [REDACTED]; [REDACTED]; [REDACTED].

soldiers [REDACTED] and held at gunpoint.⁴⁰⁶⁸ In the presence of a KLA commander, both detainees were transferred to the Klečkë/Klečka detention facility, [REDACTED].⁴⁰⁶⁹ During the initial encounter and transfer to Klečkë/Klečka, KLA soldiers hit [REDACTED] with a rifle butt and kicked them all over their bodies, leading to their faces being covered in blood.⁴⁰⁷⁰

979. Upon arrival in Klečkë/Klečka, [REDACTED].⁴⁰⁷¹ A KLA interrogator asked about his personal details, occupation, locations of the Serbian army and police force, and his knowledge about [REDACTED].⁴⁰⁷² [REDACTED] responded that he knew [REDACTED], which led the KLA interrogator to accuse [REDACTED] of being associated with the work of the Serbian police.⁴⁰⁷³ [REDACTED] was heavily beaten thereafter.⁴⁰⁷⁴ [REDACTED].⁴⁰⁷⁵

980. Whilst in detention, KLA soldiers beat [REDACTED] with police batons and wire cables, and kicked and punched him so badly that he was covered in blood and wished for a bullet to kill him.⁴⁰⁷⁶ [REDACTED] received several fractures to his face, shoulder and hands, cuts, his whole body was swollen,⁴⁰⁷⁷ and he became temporarily unconscious due to the mistreatment he received.⁴⁰⁷⁸

981. At one point, [REDACTED] were both handcuffed [REDACTED].⁴⁰⁷⁹

⁴⁰⁶⁸ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴⁰⁶⁹ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴⁰⁷⁰ [REDACTED]; [REDACTED].

⁴⁰⁷¹ [REDACTED]; [REDACTED]; [REDACTED].

⁴⁰⁷² [REDACTED]; [REDACTED]; [REDACTED]. *See also* [REDACTED].

⁴⁰⁷³ [REDACTED].

⁴⁰⁷⁴ [REDACTED].

⁴⁰⁷⁵ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]. *See also* [REDACTED].

⁴⁰⁷⁶ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴⁰⁷⁷ [REDACTED]; [REDACTED]; [REDACTED].

⁴⁰⁷⁸ [REDACTED]; [REDACTED].

⁴⁰⁷⁹ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

[REDACTED].⁴⁰⁸⁰ [REDACTED].⁴⁰⁸¹ [REDACTED].⁴⁰⁸² [REDACTED].⁴⁰⁸³
[REDACTED].⁴⁰⁸⁴

982. Forensic evidence, including his death certificate, corroborate that the injuries suffered by [REDACTED] in Klečkë/Klečka caused his death.⁴⁰⁸⁵

983. On [REDACTED] 1999, [REDACTED],⁴⁰⁸⁶ [REDACTED].⁴⁰⁸⁷

984. The General Staff did not investigate any wrongdoing; instead, [REDACTED].⁴⁰⁸⁸

b. Ymer XHAFIQI

985. On 9 March 1999, about a week after [REDACTED], KLA soldiers in black uniforms abducted Ymer XHAFIQI in Piranë/Pirane village.⁴⁰⁸⁹ OSCE/KVM verifier W03724 was informed about the abduction on the same day and sought information from, among others, Commanders Drini and Skender HOXHA.⁴⁰⁹⁰ HOXHA, who was implicated in the abduction of XHAFIQI, first denied and then accidentally confirmed his knowledge about him, stating that he had seen XHAFIQI's MUP badge and police

⁴⁰⁸⁰ [REDACTED]; [REDACTED].

⁴⁰⁸¹ [REDACTED]; [REDACTED].

⁴⁰⁸² [REDACTED]; [REDACTED]; [REDACTED].

⁴⁰⁸³ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴⁰⁸⁴ [REDACTED]; [REDACTED]; [REDACTED].

⁴⁰⁸⁵ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴⁰⁸⁶ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴⁰⁸⁷ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴⁰⁸⁸ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴⁰⁸⁹ [REDACTED]; P04054:p.SPOE00061114(Public); P04059:p.SITF00011666(Public); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴⁰⁹⁰ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; W03724:T.8150, 8152, 8167(14-Sep-2023)(Open); [REDACTED]; [REDACTED].

warrant card.⁴⁰⁹¹

986. [REDACTED],⁴⁰⁹² [REDACTED].⁴⁰⁹³ [REDACTED].⁴⁰⁹⁴ [REDACTED].⁴⁰⁹⁵

987. **SELIMI**'s outright denial of knowing XHAFIQI in his SPO interview⁴⁰⁹⁶ is refuted by the evidence admitted in this trial, including [REDACTED].⁴⁰⁹⁷ [REDACTED] evidence is further corroborated by the testimony of W03724, who, in his search to find XHAFIQI, recalled a separate encounter on the same day in Tërpezë/Trpeza with a person associated with 'Ten' who confirmed that XHAFIQI was 'under the control of higher formation', which W03724 understood to mean the General Staff.⁴⁰⁹⁸ W03724 was shown XHAFIQI's police badge, personal ID card, vehicle registration documents and a notebook on that occasion.⁴⁰⁹⁹

988. Ymer XHAFIQI was detained, severely mistreated and murdered in Kleçkë/Klečka, and his remains are still missing.⁴¹⁰⁰

c. Sherafedin AJETI and Arben AVDYLI

989. Sherafedin AJETI was abducted in the Mitrovicë/Kosovska Mitrovica area by KLA soldiers Ismet HAXHA and Hamza HASANI, who were 'Sabit GECI people' who

⁴⁰⁹¹ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; W03724:T.8150, 8152, 8167(14-Sep-2023)(Open); [REDACTED]; [REDACTED]; [REDACTED]; P04054:p.SPOE00061114(Public).

⁴⁰⁹² [REDACTED]; [REDACTED].

⁴⁰⁹³ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴⁰⁹⁴ [REDACTED]; [REDACTED].

⁴⁰⁹⁵ [REDACTED]; [REDACTED]; [REDACTED].

⁴⁰⁹⁶ P00763.9_ET:p.2(Public).

⁴⁰⁹⁷ [REDACTED]; [REDACTED]. *See also* [REDACTED].

⁴⁰⁹⁸ [REDACTED]; [REDACTED]; P04059:pp.SITF00011666, SITF00011674(Public); P04057:p.SPOE00061130(Public); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED], supported by a follow-up encounter between W03724 and Fatmir LIMA], *see* W03724:T.8056(14-Sep-2023)(Open); [REDACTED]; [REDACTED]. *See also* [REDACTED]; [REDACTED].

⁴⁰⁹⁹ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴¹⁰⁰ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

had previously killed and buried a supposed Serbian spy given to them by GECI, less than a week after XHAFIQI's arrest, on 15 March 1999.⁴¹⁰¹ On 21 March 1999, the KLA transferred AJETI to the Kleçkë/Klečka detention facility, where he was received by Naser SHALA, detained and severely mistreated by KLA soldiers.⁴¹⁰² In early April 1999, KLA soldiers executed AJETI; his remains are still missing.⁴¹⁰³

990. Arben AVDYLI was arrested by the KLA on 10 February 1999 in Baicë/Banjica, temporarily detained in Likoc/Likovac, and on 21 March 1999 transferred to the Kleçkë/Klečka detention facility, where he was received by Naser SHALA and detained together with XHAFIQI and AJETI in one of the basement rooms, and beaten.⁴¹⁰⁴ In early April 1999, Arben AVDYLI was killed by KLA soldiers; his remains are still missing.⁴¹⁰⁵

d. Veljko MARKOVIĆ and Nebojša ĐURIČIĆ

991. Veljko MARKOVIĆ and Nebojša ĐURIČIĆ were abducted by KLA soldiers on 9 February 1999⁴¹⁰⁶ and transferred in different cars and by use of vehicle changes.⁴¹⁰⁷ KLA soldiers placed MARKOVIĆ into a vehicle and drove him towards Kleçkë/Klečka together with Dragan IVANIŠEVIĆ, who managed to escape under KLA fire, whereas MARKOVIĆ remained in KLA custody and was handed over at the Kleçkë/Klečka

⁴¹⁰¹ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴¹⁰² [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED];
[REDACTED];P01955.8_ET:pp.3-5(Public);P01956:paras.29-30(Public);P01963:p.054684(Public);
[REDACTED].

⁴¹⁰³ [REDACTED];[REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED];
[REDACTED]; [REDACTED].

⁴¹⁰⁴ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED];
[REDACTED]; [REDACTED].

⁴¹⁰⁵ [REDACTED]; [REDACTED]; [REDACTED].

⁴¹⁰⁶ See Section III.N.1.

⁴¹⁰⁷ P00694.2_ET:pp.8-15(Public); [REDACTED];W04043:T.9712-9713, 9744, 9767(09-Nov-2023)(Open);
[REDACTED];1D00068_ET:pp.SITF40004078, SITF40004090-40004093(Public);P00699(Public);P00700-
P00701(Public);P00695(Public);P04043:p.SITF00012077(Public).

detention facility.⁴¹⁰⁸ ĐURIČIĆ also arrived there, and both of them were interrogated, beaten, and subsequently killed and buried in the same grave by KLA soldiers in April 1999 near the detention site.⁴¹⁰⁹ Forensic evidence corroborates that MARKOVIĆ and ĐURIČIĆ were executed by gunshots to the head and trunk.⁴¹¹⁰

e. Dragoljub TANASKOVIĆ, Dragan VUČETIĆ, Bojan CVETKOVIĆ, Žarko FILIPOVIĆ and Života TODOROVIĆ

992. As noted above, on 11 April 1999, KLA soldiers detained VJ soldiers Dragoljub TANASKOVIĆ, Dragan VUČETIĆ, Bojan CVETKOVIĆ, Žarko FILIPOVIĆ and Života TODOROVIĆ between Novak/Novake and Gjinoc/Đinovce and transferred them to Klečkë/Klečka.⁴¹¹¹ [REDACTED] demonstrate that KLA commanders quickly became aware of the abduction⁴¹¹² but did not intervene. KLA soldiers beat the detainees with punches and kicks.⁴¹¹³

993. On or around 18 April 1999, KLA soldiers executed the VJ soldiers and buried their bodies in a grave near the Klečkë/Klečka detention facility.⁴¹¹⁴ Forensic evidence corroborates W04839's account that Dragoljub TANASKOVIĆ, Dragan VUČETIĆ, Bojan CVETKOVIĆ, Žarko FILIPOVIĆ and Života TODOROVIĆ were executed by

⁴¹⁰⁸ [REDACTED];P00694.4_ET:pp.1-2(Public);P00696:pp.106334-106335(Public);W04043:T.9712-9713, 9720, 9728-9730, 9762-9764(09-Nov-2023)(Open);P00702(Public);1D00068_ET:pp.SITF40004078-40004079, SITF40004090-40004093(Public);P00700-P00701(Public);P00695(Public);P04043:p.SITF00012077(Public).

⁴¹⁰⁹ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴¹¹⁰ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴¹¹¹ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]. *See also* Section III.N.1.

⁴¹¹² [REDACTED]; [REDACTED]; [REDACTED].

⁴¹¹³ [REDACTED]; [REDACTED].

⁴¹¹⁴ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

gunshots to the head and cuts to the neck by a scythe blade.⁴¹¹⁵

4. *Victim Impact*

994. The detainees suffered severe physical harm due to their detention and mistreatment, including broken bones,⁴¹¹⁶ which required hospital treatment⁴¹¹⁷ and surgery.⁴¹¹⁸

995. Detainees also suffered serious and lasting psychological consequences. [REDACTED].⁴¹¹⁹ [REDACTED].⁴¹²⁰

5. *Knowledge and Involvement of JCE Members*

996. Multiple **Accused** actively participated and knew that detainees were arbitrarily held and mistreated in the Klečké/Klečka detention facility. Some detainees showed clear signs of physical abuse upon arrival, including bleeding on the head and broken bones.⁴¹²¹ Some of the detentions and mistreatment, such as the case of [REDACTED], became well-known internationally, with information circulated publicly condemning the crime and demanding the KLA leadership to investigate.⁴¹²²

997. **Jakup KRASNIQI** was involved in detention matters at Klečké/Klečka at the latest by mid-December 1998.⁴¹²³ As noted above, in at least one instance, in mid-January

⁴¹¹⁵ [REDACTED]; [REDACTED]; [REDACTED]; W04875:T.23560-23563, 23632-23634(13-Jan-2025)(Open); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; W04826:T.24519-24524(27-Jan-2025)(Open); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴¹¹⁶ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴¹¹⁷ [REDACTED].

⁴¹¹⁸ [REDACTED].

⁴¹¹⁹ [REDACTED]; [REDACTED].

⁴¹²⁰ [REDACTED].

⁴¹²¹ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴¹²² [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]. *Contra* [REDACTED]; [REDACTED].

⁴¹²³ P01955.2_ET:pp.18, 22-23(Public); P01955.3_ET:p.9(Public); P01956:paras.13-14(Public); P01955.6_ET:p.5(Public); [REDACTED].

1999, **KRASNIQI** ordered a detainee, Blerim KUQI, to the GS headquarters in Divjakë/Divljaka and exercised his authority to have him arrested and detained.⁴¹²⁴ [REDACTED].⁴¹²⁵

998. **Kadri VESELI** was present in the Kleçkë/Klečka area in March and early April 1999, attended GS meetings with Fatmir LIMAJ in the Berishë/Beriša mountains,⁴¹²⁶ and in at least one instance – following W03875's initial KLA arrest [REDACTED] - personally transferred the detainee to the Kleçkë/Klečka detention facility on 21 March 1999.⁴¹²⁷ **VESELI** himself admitted that he was in Kosovo during the time period covering 21 March 1999 and moved around in Pashtrik, Nerodime and Drenicë⁴¹²⁸ – which is where Commander Sahit JASHARI detained W03875 before the transfer to Kleçkë/Klečka occurred.⁴¹²⁹ KLA soldiers in Drenicë repeatedly beat W03875 before his transfer, and on one occasion the beating was so severe that W03875 was covered in blood.⁴¹³⁰

999. **VESELI** remained in the area also after the handover and was seen by W04679 and W03873 in Divjakë/Divljaka and Kleçkë/Klečka shortly before W03875 was released.⁴¹³¹ W03875's capture received international media attention and was alerted to the VJ General Staff, the KLA General Staff, and the OSCE, which reported on W03875's

⁴¹²⁴ See Sections III.N.1; II.A.3.j.

⁴¹²⁵ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴¹²⁶ [REDACTED]; [REDACTED]; [REDACTED]; P01264_ET:p.SPOE00128889(Public)(supporting **VESELI**'s presence in the nearby village of Lladroc/Ladrovac on 13 March 1999); [REDACTED]; [REDACTED]; P01863:00:32:58-00:34:06, 00:35:08(Public); P01863_ET:pp.4-5(Public); W03873:T.22585, 22654-22655(25-Nov-2024)(Open); W03873:T.22716-22718(26-Nov-2024)(Open); [REDACTED]; P01836:p.091267(Public); [REDACTED]; [REDACTED].

⁴¹²⁷ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]. See also P04056:p.SPOE00059697(Public); P04283_ET:p.7(Public).

⁴¹²⁸ [REDACTED].

⁴¹²⁹ [REDACTED].

⁴¹³⁰ [REDACTED].

⁴¹³¹ [REDACTED]; [REDACTED]; W04679:T.22317(18-Nov-2024)(Open); [REDACTED]; [REDACTED]; W03873:T.22720-22721(26-Nov-2024)(Open); [REDACTED]. See also [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

arrest and detention and worked on his release.⁴¹³²

1000. **VESELI**'s knowledge of detentions in Kleçkë/Klečka is further corroborated by W04743,⁴¹³³ who specified that **VESELI** asked him in early May 1999 about an incident of KLA soldiers being held in Kleçkë/Klečka on suspicion of having arbitrarily detained and mistreated civilians 'because it's likely that he had heard about the case as such'; and even though W04743 could not recall the specific words used in the conversation, he confirmed that 'logically we would have mentioned the bases [...] that led to the detention of the persons in question'.⁴¹³⁴

1001. **Rexhep SELIMI**, in late April 1999, beat [REDACTED] with plastic pipes.⁴¹³⁵ [REDACTED] soldiers referred to **SELIMI** as 'Tenth' and 'General',⁴¹³⁶ [REDACTED].⁴¹³⁷

1002. [REDACTED]. [REDACTED].⁴¹³⁸ [REDACTED].⁴¹³⁹ [REDACTED]; [REDACTED].⁴¹⁴⁰ [REDACTED].⁴¹⁴¹ [REDACTED].⁴¹⁴²

1003. Shortly after, at the latest on 1 May 1999, **SELIMI** exerted his authority to release several military policemen, including Ajvaz KORPUZI, Syleman QERIQLI, Dalip DURMISHI and Arzim HAZIRI,⁴¹⁴³ who were detained in Kleçkë/Klečka because they

⁴¹³² [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴¹³³ W04743:T.24678-24679(28-Jan-2025)(Open);P02006.3_ET:pp.16-17(Public); P00789:p.SITF00398194(Public).

⁴¹³⁴ W04743:T.24678-24679(28-Jan-2025)(Open).

⁴¹³⁵ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴¹³⁶ [REDACTED]; [REDACTED]. *See also* [REDACTED];P00775_ET:p.SPOE00068076(Public); [REDACTED]; [REDACTED]; [REDACTED];W04743:T.24604(27-Jan-2025)(Open).

⁴¹³⁷ [REDACTED]; [REDACTED].

⁴¹³⁸ [REDACTED]; [REDACTED]; [REDACTED].

⁴¹³⁹ [REDACTED]; [REDACTED]; [REDACTED]. *See also* [REDACTED]; [REDACTED].

⁴¹⁴⁰ [REDACTED]. *See also* [REDACTED]; [REDACTED].

⁴¹⁴¹ [REDACTED]; [REDACTED]. *See also* [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴¹⁴² [REDACTED]; [REDACTED].

⁴¹⁴³ P02007.4_ET:p.10(Public); [REDACTED];W04743:T.24662(28-Jan-2025)(Open);W04743:T.24728(29-Jan-2025)(Open).

had opened a local prison without permission, assaulted a civilian – Faik SHALA – and illegally detained an Albanian doctor under the allegation that he was a deserter.⁴¹⁴⁴ **SELIMI** went to the Kleçkë/Klečka prison, met with W04743, enquired about the facts of the case, questioned the suspects personally on the first floor of the prison, and took over the investigation file.⁴¹⁴⁵ **SELIMI** superficially reviewed the file, and subsequently ordered the release of the suspects and the return of their weapons.⁴¹⁴⁶ W04743 specified that he ‘cannot recall if he told **SELIMI** that the suspects had opened an illegal detention facility, but it should have been mentioned because it was the main issue in the case.’⁴¹⁴⁷ W04743 did not receive a reason from **Rexhep SELIMI** why the suspects were released and he considered the matter to have been taken over by **SELIMI** as a member of the General Staff.⁴¹⁴⁸

1004. W04743, a.k.a ‘Bashkim Fino’ stated that it might have been the case that **SELIMI** took notes when he met him in Kleçkë/Klečka prison.⁴¹⁴⁹ P02019 – which are handwritten notes seized from **SELIMI**’s house – corroborate W04743’s statement and contain the ‘minutes’ with Brigade 121 ‘Bashkim Fino – Intelligence Service’ from the same day of the meeting, 1 May 1999, specifying that the criminal acts of the suspects, including ‘arbitrary imprisonment, unreported isolations, use of physical violence’ were discussed.⁴¹⁵⁰

1005. **Rexhep SELIMI** was also personally involved in the detention of Kleçkë/Klečka

⁴¹⁴⁴ [REDACTED];P02007.4_ET:pp.10-12, 16-17(Public); [REDACTED];W04743:T.24662-24670, 24682(28-Jan-2025)(Open); W04743:T.24818(29-Jan-2025)(Open); [REDACTED]; [REDACTED].

⁴¹⁴⁵ P02007.4_ET:pp.13-14(Public);W04743:T.24729, 24805(29-Jan-2025)(Open); [REDACTED].

⁴¹⁴⁶ P02007.4_ET:p.14(Public);W04743:T.24672-24673(28-Jan-2025)(Open);W04743:T.24739, 24741, 24807(29-Jan-2025)(Open). *See also* [REDACTED].

⁴¹⁴⁷ [REDACTED]; [REDACTED]; [REDACTED]. *See also* W04743:T24672(28-Jan-2025)(Open).

⁴¹⁴⁸ [REDACTED]; [REDACTED].

⁴¹⁴⁹ W04743:T.24673(28-Jan-2025)(Open); [REDACTED]; [REDACTED];P00789:p.SITF00398194(Public).

⁴¹⁵⁰ [REDACTED];W04743:T.24673, 24676(28-Jan-2025)(Open); W04743:T.24729-24730(29-Jan-2025)(Open). *See also* P02006.1_ET:p.21(Public).

detainee Sami DUGA,⁴¹⁵¹ and was present with **Jakup KRASNIQI** when Blerim KUQI was arrested on 16 January 1999 in Divjakë/Divljaka.⁴¹⁵²

1006. The detention and mistreatment of detainees in Kleçkë/Klečka was well-known in the General Staff. Apart from the **Accused**, at least seven other GS members operated in the Kleçkë/Klečka area or were implicated in various forms of detention-related matters: Fatmir LIMAJ,⁴¹⁵³ Sokol BASHOTA,⁴¹⁵⁴ Ramë BUJA,⁴¹⁵⁵ Sokol DOBRUNA,⁴¹⁵⁶ Lahi BRAHIMAJ,⁴¹⁵⁷ Bislim ZYRAPI,⁴¹⁵⁸ and Agim ÇEKU.⁴¹⁵⁹ [REDACTED] show that BASHOTA discussed with other GS members how to hide their knowledge about detainees being held by the KLA from international representatives.⁴¹⁶⁰

⁴¹⁵¹ P02019_ET:p.SPOE00226489(Public)(stating that above mentioned HAZIRI handed over suspected person Sami DUGA to the MP office); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]. *Contra* [REDACTED].

⁴¹⁵² W04752:T.17446-17447(02-Jul-2024)(Open);W04752:T.17986-17988(10-Jul-2024)(Open); [REDACTED]; [REDACTED]; [REDACTED];P00631_ET(Public); [REDACTED]; [REDACTED]. *See also* 4D00078:p.053944(Public);P01955.7_ET:pp.3-4(Public); [REDACTED]; [REDACTED].

⁴¹⁵³ [REDACTED];4D00077:p.SITF00393432(Public); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED];W04744:T.17200-17201, 17207-17208(25-Jun-2024)(Open); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED];P01956:para.19(Public); P01963:pp.054677-054679(Public);P01955.2_ET:pp.23, 26(Public);P01964:p.054726(Public); P01955.9_ET:pp.6-7(Public); [REDACTED]; [REDACTED];AF538(Public); [REDACTED]. *See also* [REDACTED]; [REDACTED].

⁴¹⁵⁴ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; W04752:T.17526-17527(03-Jul-2024)(Open); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; P01075:p.1(Public); [REDACTED].

⁴¹⁵⁵ [REDACTED].

⁴¹⁵⁶ W04744:T.16984-16985(24-Jun-2024)(Open); [REDACTED]; [REDACTED];[REDACTED]; [REDACTED];P01955.8_ET:pp.3-5, 10(Public);[REDACTED];[REDACTED];P01963:pp.054675, 054680-054681, 054684(Public); [REDACTED]; [REDACTED];P01955.7_ET:pp.17-22(Public); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴¹⁵⁷ [REDACTED].

⁴¹⁵⁸ [REDACTED];W04752:T.18243(15-Jul-2024)(Open); 4D00077:p.SITF00393435(Public);P01955.7_ET:pp.18, 24, 27(Public);P01956:para.21(Public); [REDACTED]; [REDACTED];W04744:T.17049-17068(24-Jun-2024);W04744:T.17187(25-Jun-2024)(Open); [REDACTED]; 4D00078:p.053944(Public); [REDACTED]; W04147:T.14031-14038(28-Mar-2024)(Open);P01963:p.054680(Public);P01955.4_ET:p.7(Public).

⁴¹⁵⁹ [REDACTED];P01955.9_ET:p.16(Public); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; P02007.3_ET:p.3(Public); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴¹⁶⁰ [REDACTED]. *See also* P01075:p.1(Public); [REDACTED].

O. BOB, IVAJË/IVAJA, BIÇEC/BIÇEVAC, AND VAROSH/VAROŠ SELO

1007. Within the Nerodime Zone, Brigade 162's area of responsibility included the Kaçanik/Kaçanik municipality, including, in March 1999, units in Ivajë/Ivaja, the mountains of Bob, Biçec/Biçevac and other locations.⁴¹⁶¹ Agim BAJRAMI was the commander of Brigade 162 until he was killed in action on 10 August 1998,⁴¹⁶² being replaced by Qamil ILAZI (aka Bardhi), who was appointed by Shukri BUJA, the Nerodime OZ Commander.⁴¹⁶³ As Brigade Commander, ILAZI obtained and disseminated information from the GS.⁴¹⁶⁴ Enver AXHAMI was ILAZI's bodyguard.⁴¹⁶⁵ ILAZI was killed on 14 May 1999 following which, pursuant to an order from the General Staff, Hajrush KURTAJ, who had been serving as Deputy Commander, served as the Brigade 162 Commander until 11 June 1999.⁴¹⁶⁶

1008. Jenuz SHURDHANI was Brigade 162's Deputy Commander for security matters.⁴¹⁶⁷ Ejup RUNJEVA (aka Era) was also in Brigade 162's command.⁴¹⁶⁸ Xhabir ELEZI was the Brigade 162 Military Police Commander, reporting to the Brigade Commander.⁴¹⁶⁹ Nuhi PROVOLIU, Bujar TAFILI, Rrustem DEMA and Fadil CAKA were all members of Xhabir ELEZI's Military Police unit.⁴¹⁷⁰

⁴¹⁶¹ P01015_ET:p.036669(Public); [REDACTED]; W04576:T.12615-12618(20-Feb-2024)(Open);W04576:T.12625-12626(21-Feb-2024)(Open);W01453:T.21980-21981(05-Nov-2024)(Open);W01453:T.22040-22042(06-Nov-2024)(Open).

⁴¹⁶² P01020.1_ET:p.24(Public);W04576:T.12650(21-Feb-2024)(Open).

⁴¹⁶³ P01020.1_ET:pp.24-26(Public);W01453:T.21935-21936(05-Nov-2024)(Open); [REDACTED].

⁴¹⁶⁴ P01020.3_ET:pp.6-7(Public).

⁴¹⁶⁵ W04576:T.12907-12908(22-Feb-2024)(Open); [REDACTED].

⁴¹⁶⁶ P01020.1_ET:pp.24-26(Public); [REDACTED];W04576:T.12503-12504, 12501(01-Feb-2024)(Open);W04576:T.12811-12815(22-Feb-2024)(Open);W01453:T.21887-21888(05-Nov-2024)(Open);P01020.3_ET:pp.1-2(Public);P01014_ET.2(Public).

⁴¹⁶⁷ [REDACTED];P01014_ET.3(Public);W04576:T.12648(21-Feb-2024)(Open).

⁴¹⁶⁸ W04576:T.12908(22-Feb-2024)(Open);W01453:T.22046-22047(06-Nov-2024)(Open).

⁴¹⁶⁹ W04576:T.12649, 12654(21-Feb-2024)(Open);P01014_ET.3(Public); [REDACTED]; W04576:T.12884(22-Feb-2024)(Open);P01020.2_ET:p.18(Public).

⁴¹⁷⁰ P01014_ET.3(Public);W04576:T.12654-12655(21-Feb-2024)(Open);W04576:T.12881, 12885(22-Feb-2024)(Open).

1009. In March 1999, Brigade 162's command was based in Ivajë/Ivaja,⁴¹⁷¹ with Qamil ILAZI based there, including between 26 February and 8 March 1999.⁴¹⁷² In the mountains over Bob, the KLA used an old house, including as a KLA kitchen and as the location where one could enrol in the KLA;⁴¹⁷³ Feriz GURI's company was based there from around 26 February 1999.⁴¹⁷⁴ In Biçec/Bičevac, a KLA company led by Nazmi OSMANI was based in the Zhark neighbourhood in 1999.⁴¹⁷⁵

1010. Brigade 161 operated in the Jezerc/Jezerce region, based in Ferizaj/Uroševac, which included Varosh/Varoš Selo.⁴¹⁷⁶ Brigade 161's Commander was Ahmet KAÇIKU, followed by Ilmi RAMUSHOLLI (aka Graniti), from approximately January 1999.⁴¹⁷⁷

1. Imprisonment / Illegal or Arbitrary Arrest and Detention

1011. Between about 1 and 8 March 1999, KLA members detained at least thirteen persons, including [REDACTED] Riza KIKI, [REDACTED], Rrahim ELEZI, W04018, [REDACTED], [REDACTED] and [REDACTED], [REDACTED], [REDACTED], Nezir TOPOJANI, and Faik RECI in Ivajë/Ivaja, Kaçanik/Kaçanik.⁴¹⁷⁸ The detainees were held in a house where KLA members from Doganaj/Doganović were staying, about 40-50 metres away from where Brigade Commander ILAZI was based.⁴¹⁷⁹ Military Police

⁴¹⁷¹ W01453:T.21982(05-Nov-2024)(Open);W01453:T.22041-22042(06-Nov-2024)(Open); [REDACTED].

⁴¹⁷² W04576:T.12615-12617(20-Feb-2024)(Open).

⁴¹⁷³ W04576:T.12617-12618(20-Feb-2024)(Open);W04576:T.12628-12629, 12643-12646(21-Feb-2024)(Open); P01002:p.036805(Public);P01014:p.044213(Public);W04018:T.7189-7190(05-Sep-2023)(Open); [REDACTED].

⁴¹⁷⁴ W04576:T.12617-12618(20-Feb-2024)(Open);W04576:T.12628(21-Feb-2024)(Open).

⁴¹⁷⁵ W04576:T.12626, 12628-12629(21-Feb-2024)(Open).

⁴¹⁷⁶ P01015_ET:p.036669(Public); [REDACTED];W01453:T.22042(06-Nov-2024)(Open);W04752:T.17502-17503(03-Jul-2024)(Open); [REDACTED].

⁴¹⁷⁷ W01453:T.21935-21936(05-Nov-2024)(Open);P01015_ET:p.036670(Public).

⁴¹⁷⁸ [REDACTED];AF559(Public); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]. See also [REDACTED].

⁴¹⁷⁹ [REDACTED]; [REDACTED].

Commander Xhabir ELEZI was among those present in this house.⁴¹⁸⁰

1012. [REDACTED] of the detainees [REDACTED], were detained in a bunker and a house in Bob, Kaçanik/Kaçanik, before being transferred to Ivajë/Ivaja.⁴¹⁸¹ [REDACTED] of the detainees, [REDACTED] Nezir TOPOJANI, were detained in Kukaj/Kukavica before being detained in Ivajë/Ivaja.⁴¹⁸² Riza KIKI and Faik RECI were first held in Kotlinë/Kotline.⁴¹⁸³

1013. On or about 8 March 1999, the persons detained in Ivajë/Ivaja were taken to Kukaj/Kukavica and all detainees other than Riza KIKI, Faik RECI, Rrahim ELEZI, Nezir TOPOJANI and W04018 were released in the vicinity shortly thereafter.⁴¹⁸⁴ On the same day [REDACTED], Riza KIKI, [REDACTED] was still detained and tied with ropes to four or five others who had also previously been detained in Ivajë/Ivaja.⁴¹⁸⁵

1014. Riza KIKI, Faik RECI, Rrahim ELEZI, Nezir TOPOJANI and W04018 were transferred to Biçec/Biçevac, Kaçanik/Kaçanik, where they were detained in or near a courtyard.⁴¹⁸⁶ Around 8 or 9 March 1999, Harush KURTAJ and other KLA members were in Biçec/Biçevac.⁴¹⁸⁷

1015. On or about 10 March 1999, Riza KIKI, Faik RECI, Rrahim ELEZI, Nezir TOPOJANI and W04018 were transferred from Biçec/Biçevac to Varosh/Varoš Selo, Ferizaj/Uroševac, where they were detained in a house until on or about 12 March 1999 when Ejup RUNJEVA took the detainees out of the room one by one, with Rrustem DEMA, Enver AXHAMI, Nuhi PROVOLI and Bujar TAFILI present.⁴¹⁸⁸ The detainees

⁴¹⁸⁰ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴¹⁸¹ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴¹⁸² [REDACTED]; [REDACTED]; [REDACTED].

⁴¹⁸³ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴¹⁸⁴ AF559(Public); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴¹⁸⁵ [REDACTED]; [REDACTED].

⁴¹⁸⁶ [REDACTED]; [REDACTED].

⁴¹⁸⁷ W04576:T.12711-12712(21-Feb-2024)(Open).

⁴¹⁸⁸ [REDACTED].

were beaten.⁴¹⁸⁹ Rrustem DEMA, Enver AXHAMI and Ejup RUNJEVA put W04018 into the trunk of a car which then overturned; W04018 managed to escape somewhere in the vicinity of Ferizaj/Uroševac.⁴¹⁹⁰ Riza KIKI, Faik RECI, Rrahim ELEZI, and Nezir TOPOJANI have not been seen again after being detained in Varosh/Varoš Selo.⁴¹⁹¹

1016. During their detention and transfers, detainees were restrained and guarded, including by armed KLA soldiers.⁴¹⁹²

1017. The persons detained in one or more of Bob, Ivajë/Ivaja, Biçec/Bičevac and Varosh/Varoš Selo conducted business with, or were employed by, Serbs⁴¹⁹³ or were seen in the company of such persons,⁴¹⁹⁴ supported the LDK,⁴¹⁹⁵ did not support the KLA,⁴¹⁹⁶ and/or were regarded as 'suspicious', in certain instances simply for membership of the SPS or based on false rumours.⁴¹⁹⁷ During his detention, [REDACTED] was told that he was arrested because [REDACTED], worked for Serbia.⁴¹⁹⁸ Ejup RUNJEVA confirmed to [REDACTED] that Riza KIKI had been taken for questioning because he was a member of the SPS and, therefore, a collaborator and suspicious person.⁴¹⁹⁹

1018. Before, during and/or after their arrest and detention, several of the detainees - including W04018, [REDACTED], and [REDACTED] - were also claimed to be local

⁴¹⁸⁹ [REDACTED]; [REDACTED].

⁴¹⁹⁰ [REDACTED]; [REDACTED]; [REDACTED].

⁴¹⁹¹ [REDACTED]; [REDACTED].

⁴¹⁹² [REDACTED].

⁴¹⁹³ [REDACTED]; [REDACTED]; [REDACTED].

⁴¹⁹⁴ [REDACTED]; [REDACTED].

⁴¹⁹⁵ [REDACTED].

⁴¹⁹⁶ [REDACTED].

⁴¹⁹⁷ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]. See also P01015_ET:pp.036703-036704, 036740(Public);P01130_ET:p.6D07-0057(Public);P01018_ET(Public); [REDACTED]; [REDACTED].

⁴¹⁹⁸ [REDACTED].

⁴¹⁹⁹ [REDACTED]. See also [REDACTED]; [REDACTED]; [REDACTED].

police.⁴²⁰⁰ Prior to his arrest, W04018 sold wood and cattle,⁴²⁰¹ was friendly with persons of Serb ethnicity, including because they could help him with his business,⁴²⁰² and had publicly stated he would not join the KLA.⁴²⁰³ [REDACTED],⁴²⁰⁴ and Riza KIKI worked as a guard supervisor at a cement factory.⁴²⁰⁵ In Biçec/Bičevac, Ejup RUNJEVA questioned W04018 about an incident when RUNJEVA saw W04018 give wood to a Serbian commander.⁴²⁰⁶

1019. The detainees were civilians and were not taking active part in hostilities at the time of their arrest and/or detention. Indeed, several of the detainees were arrested while they were in their homes or travelling from one location to another.⁴²⁰⁷ The detainees were not meaningfully informed of the reasons for their detention, not provided any legal representation, and not given the opportunity to challenge their detention, including by being taken before a judge or other competent authority.⁴²⁰⁸

1020. Multiple KLA soldiers, including Menduh ELEZI, Rustem DEMA, Bujar TAFILI, Fadil CAKA, Zeqir AXHEMI, Sefedin DEMA, Nuhi PROVOLI, Xhabir ELEZI, Enver AXHAMI and Ejup RUNJEVA, some of whom were armed, were involved in the arrest, detention and/or mistreatment of the detainees.⁴²⁰⁹ There is no information indicating that any KLA member ever investigated, or punished, the perpetrators for

⁴²⁰⁰ W04018:T.7174-7178, 7182-7183, 7187-7189, 7218, 7247, 7252, 7267-7268(05-Sep-2023)(Open); [REDACTED]; [REDACTED]. *See also* [REDACTED]; [REDACTED]; W04756:T.12713-12715(21-Feb-2024)(Open); [REDACTED]; P01018_ET:pp.SPOE00093211-00093212([REDACTED])(Public); P01015_ET:pp.036704, 036740(Public); P01130_ET:pp.6D07-0055([REDACTED]), 6D07-0057([REDACTED] (Public).

⁴²⁰¹ W04018:T.7185-7186(05-Sep-2023)(Open); [REDACTED].

⁴²⁰² [REDACTED].

⁴²⁰³ [REDACTED].

⁴²⁰⁴ [REDACTED].

⁴²⁰⁵ W04018:T.7179-7181(05-Sep-2023)(Open).

⁴²⁰⁶ [REDACTED]; [REDACTED].

⁴²⁰⁷ [REDACTED]; W04018:T.7198, 7264-7265(05-Sep-2023)(Open); [REDACTED]; [REDACTED]; [REDACTED].

⁴²⁰⁸ AF562-AF563(Public); W04018:T.7191, 7214(05-Sep-2023)(Open); [REDACTED]; [REDACTED].

⁴²⁰⁹ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

their conduct.⁴²¹⁰

2. *Other Inhumane Acts / Cruel Treatment / Torture*

1021. KLA members such as Zeqir AXHEMI, Sefedin DEMA, Enver AXHAMI and Rustem DEMA verbally abused and questioned detainees, including about generalised alleged collaboration with 'Arkan' and the Serbs or alleged involvement with local police.⁴²¹¹

1022. In Ivajë/Ivaja, Qamil ILAZI, ordered Jenuz SHURDANI to obtain the personal details of those detained there and to obtain their opinion as to why they were being detained.⁴²¹² SHURDANI questioned all the detainees other than W04018⁴²¹³ and then informed Qamil ILAZI about what he had learnt.⁴²¹⁴

1023. Detainees were beaten and psychologically and physically mistreated.⁴²¹⁵ For example, in Bob, Enver AXHAMI and Rustem DEMA beat W04018, Rrahim ELEZI, and [REDACTED] with automatic weapons.⁴²¹⁶ Enver AXHAMI and Rustem DEMA hit W04018 in his testicles, including with a machine gun, and laughed at him while they did so.⁴²¹⁷ In Ivajë/Ivaja, Fadil CAKA beat [REDACTED] and [REDACTED] him; his [REDACTED].⁴²¹⁸ In Varosh/Varoš Selo, detainees could hear each other crying and/or screaming as a result of the beatings they were subjected to in the hallway

⁴²¹⁰ W01453:T.22049-22051(06-Nov-2024)(Open); [REDACTED]; W04576:T.12712-12713(21-Feb-2024)(Open).

⁴²¹¹ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; W04018:T.7206, 7244-7247(05-Sep-2023)(Open).

⁴²¹² [REDACTED]; [REDACTED]; [REDACTED].

⁴²¹³ [REDACTED]; [REDACTED]; [REDACTED].

⁴²¹⁴ [REDACTED].

⁴²¹⁵ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴²¹⁶ [REDACTED]; [REDACTED].

⁴²¹⁷ [REDACTED].

⁴²¹⁸ [REDACTED].

outside the room they were being detained in.⁴²¹⁹ With a hook-shaped wire,⁴²²⁰ Ejup RUNJEVA pierced W04018's chin, nose and lips, and Enver AXHAMI pierced his forehead.⁴²²¹

1024. Detainees were held in makeshift detention cells in freezing cold temperatures, provided inadequate food, water, heat, and/or bedding.⁴²²² W04018 still suffers from pain in his foot due to the cold he was exposed to while detained, as well as pain in his chest, head, and neck as a consequence of his detention; he also has nightmares.⁴²²³

3. *Murder / Enforced Disappearance*

1025. Less than a week following W04018's escape, the OSCE asked Brigade 162 Commander Qamil ILAZI about persons arrested by the KLA; the OSCE were told that this was handled by the KLA Military Police.⁴²²⁴ Several of the detainees' family members also attempted to obtain information about the detainees' whereabouts from various KLA members; some were told their relatives had been handed over to the Nerodime OZ, but none of the limited information provided led anywhere.⁴²²⁵ There is no information indicating that Riza KIKI, Faik RECI, Rrahim ELEZI or Nezir TOPOJANI, last seen by W04018 while he was detained with them in Varosh/Varoš Selo just before he managed to escape,⁴²²⁶ are alive.⁴²²⁷

⁴²¹⁹ [REDACTED].

⁴²²⁰ [REDACTED]; [REDACTED].

⁴²²¹ [REDACTED]; [REDACTED]; [REDACTED]; W04018:T.7264-7265(05-Sep-2023)(Open); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴²²² [REDACTED].

⁴²²³ [REDACTED]; W04018:T.7192(05-Sep-2023)(Open); [REDACTED].

⁴²²⁴ P04058:p.SPOE00060843(Public).

⁴²²⁵ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]. *See also* [REDACTED].

⁴²²⁶ [REDACTED]; [REDACTED]; [REDACTED].

⁴²²⁷ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

P. CAHAN

1026. The detention facility located in the KLA military barracks in Cahan, Albania,⁴²²⁸ operated from at least April until mid-June 1999,⁴²²⁹ when KLA troops relocated to Kosovo and remaining detainees were transferred to Prizren.⁴²³⁰

1027. Since at least spring 1998,⁴²³¹ the KLA military barracks in Cahan housed a logistics base, commanded by Haki HAJDARI (aka Haki Drenica), who reported to GS member Xheladin GASHI (aka Commander Plaku).⁴²³² Multiple members of the KLA/PGoK's senior leadership visited Cahan, including Azem SYLA, Fatmir LIMAJ, and Bislim ZYRAPI, who all visited between April and June 1999.⁴²³³ During this time period, Cahan was also one of the command centres for Operation Arrow,⁴²³⁴ which included an assistant commander for ZKZ: Naser SHALA (aka Ftyra).⁴²³⁵ He was in Cahan in May 1999 and his ZKZ superior was Sabit GECI, the head of ZKZ in Albania in spring 1999.⁴²³⁶

1028. Sabit GECI – who introduced himself as the Secret Police Chief,⁴²³⁷ had a position of authority at the Kukës detention facility,⁴²³⁸ and reported directly to the General Staff⁴²³⁹ – inspected the detention facility at Cahan, and had authority over the KLA

⁴²²⁸ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴²²⁹ See e.g. [REDACTED].

⁴²³⁰ See e.g. [REDACTED].

⁴²³¹ P01115.1_ET:pp.21-22, 24, 28-29(Public); P02006.1_ET:pp.9, 12(Public); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴²³² [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]. See also [REDACTED].

⁴²³³ W03873:T.22613(25-Nov-2024)(Open); [REDACTED]; [REDACTED]; AF603(Public); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴²³⁴ W04752:T.17509(03-Jul-2024)(Open); [REDACTED]; [REDACTED]; [REDACTED].

⁴²³⁵ [REDACTED].

⁴²³⁶ [REDACTED]; [REDACTED].

⁴²³⁷ [REDACTED]; [REDACTED]; [REDACTED]. In September 1998, Sabit GECI also introduced himself as Secret Police Chief to detainees at Qirez/Ćirez. See Section III.L.

⁴²³⁸ See Section III.Q.

⁴²³⁹ See Section II.A.3.m.viii.

members who operated it, ordering and participating directly in various aspects of the arrest, transfer, detention, interrogation, and release of the detainees.⁴²⁴⁰ Haki HAJDARI and his subordinates, including Riza ALIJA (aka Commander Hoxha), who was responsible for training soldiers at the military barracks,⁴²⁴¹ and Sali REXHEPI (aka Sali BERISHA), were in charge of the detention facility and its operation.⁴²⁴² Amongst the KLA members at the detention facility and/or involved in arrests, interrogations, and prisoner transfers, there were also members of the military police in black uniforms, who moved between Cahan and other KLA bases in Albania,⁴²⁴³ and members of the KLA intelligence services/ZKZ.⁴²⁴⁴ At least one of the detainees had featured in KLA intelligence reports and collaborator lists before their arrest.⁴²⁴⁵

1029. The facilities at the Cahan HQ included a two-storey building, where a command room was located, a kitchen, and a lower building with the soldiers' dormitory and an arms depot. At least two rooms were used to detain people.⁴²⁴⁶

1. Imprisonment / Illegal or Arbitrary Arrest and Detention

1030. Between April and June 1999, KLA members, including Sabit GECI,⁴²⁴⁷ Xhemshit

⁴²⁴⁰ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]. *See also* [REDACTED]; [REDACTED]; [REDACTED].

⁴²⁴¹ AF604-AF605(Public). *See also* P04298:p.SITF0016398(Public).

⁴²⁴² [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴²⁴³ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴²⁴⁴ In addition to Sabit GECI, other ZKZ members participated in the arrest, detention, and mistreatment of the victims. *See* [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴²⁴⁵ [REDACTED]. *See also* [REDACTED]. These documents are associated with the Dukagjin OZ. Notably, KLA members of the Dukagjin OZ were involved in detentions at Cahan. *See* [REDACTED]; [REDACTED]; W04735:T.19369(02-Sep-2024)(Open); [REDACTED]; [REDACTED]. *See e.g.* P03062_ET(Public); P03083_ET(Public)(confirming that Agron HARADINAJ was a member of the Dukagjin OZ).

⁴²⁴⁶ [REDACTED]; [REDACTED]; P00085:pp.065575, 065580, 065581, 065582(Public); P01590(Public); W04735:T.19356-19358, 19360-19363(02-Sep-2024)(Open); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴²⁴⁷ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]. *See also* [REDACTED].

KRASNIQI,⁴²⁴⁸ Haki HAJDARI (aka Haki Drenica), Sali REXHEPI (aka Sali BERISHA), Riza ALIJA (aka Commander Hoxha), and Shaban HOTI,⁴²⁴⁹ arbitrarily arrested and detained at least 17 people⁴²⁵⁰ at the KLA military barracks in Cahan, for varying periods of time.⁴²⁵¹ The detainees included: [REDACTED], [REDACTED], [REDACTED], and W04381,⁴²⁵² [REDACTED] soldier [REDACTED],⁴²⁵³ [REDACTED],⁴²⁵⁴ [REDACTED];⁴²⁵⁵ and a young, wounded soldier accused of deserting.⁴²⁵⁶

1031. Detainees – whose personal documents and other possessions were confiscated⁴²⁵⁷ – were not allowed to leave the detention room, except on a few occasions when they remained under guard (for example, very briefly when escorted to the toilet),⁴²⁵⁸ and were kept in handcuffs or otherwise restrained.⁴²⁵⁹ Soldiers were ordered to shoot and kill detainees if they looked out of the window of the room,⁴²⁶⁰ which was

⁴²⁴⁸[REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]. See also P01435_ET(Public)(confirming the shelling of Cahan).

⁴²⁴⁹ See e.g. [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; P01591(Public). See also [REDACTED]; [REDACTED]; [REDACTED]. See also, e.g. regarding Fatmir THAÇI: [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴²⁵⁰ See e.g. [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]. See also [REDACTED]; [REDACTED]; [REDACTED]; W04752:T.17780(08-Jul-2024)(Open); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴²⁵¹ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴²⁵² [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴²⁵³ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; W04735:T.19366(02-Sep-2024)(Open).

⁴²⁵⁴ [REDACTED]; [REDACTED]; W04752:T.17780(08-Jul-2024)(Open); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴²⁵⁵ [REDACTED]; [REDACTED]; [REDACTED]; W04735:T.19366(02-Sep-2024)(Open).

⁴²⁵⁶ This soldier was identified as [REDACTED]. See [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; W04735:T.19366(02-Sep-2024)(Open); [REDACTED].

⁴²⁵⁷ [REDACTED]; [REDACTED]; [REDACTED].

⁴²⁵⁸ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; W04735:T.19357-19358(02-Sep-2024)(Open) commenting on P01590:p.1(Public); [REDACTED].

⁴²⁵⁹ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴²⁶⁰ [REDACTED].

locked.⁴²⁶¹

1032. The victims were detained for varying periods of time, ranging from days to several weeks.⁴²⁶² Some of the detainees at Cahan were held in, and transferred amongst, several KLA locations and detention sites, including in [REDACTED], KLA barracks and [REDACTED], Albania,⁴²⁶³ and in Kosovo, the dormitory building in Prizren that served as one of the Pashtrik Zone headquarters⁴²⁶⁴ and, after KFOR raided the dormitory, a garage in a private house in Tusus, Prizren.⁴²⁶⁵

1033. During the period of their detention, none of the detainees were members of the Serbian armed forces and none were taking part in hostilities.⁴²⁶⁶ The victims detained for the longest periods were all civilians and included:

- a. W04735, a Kosovo Albanian bricklayer and LDK supporter looking for his family amongst Kosovar refugees in Albania;⁴²⁶⁷
- b. [REDACTED];[REDACTED];⁴²⁶⁸
- c. [REDACTED];⁴²⁶⁹ and

⁴²⁶¹ AF576(Public).

⁴²⁶² [REDACTED]. Regarding [REDACTED] release, *see* [REDACTED]; [REDACTED]; [REDACTED]. *See also* [REDACTED]; [REDACTED]. Regarding [REDACTED] release, *see* [REDACTED]; [REDACTED]. Regarding [REDACTED] release, *see* [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴²⁶³ *See e.g.* [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴²⁶⁴ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]. Regarding the KLA Pashtrik Zone HQ being based in the student's dormitory, *see e.g.* W03873:T.22689(26-Nov-2024)(Open) commenting on P01865.

⁴²⁶⁵ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED] [REDACTED]; [REDACTED]; W04735:T.19376-19377(02-Sep-2024)(Open). *See also* [REDACTED]; [REDACTED]; [REDACTED].

⁴²⁶⁶ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; W04735:T.19366(02-Sep-2024)(Open); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; W04735:T.19366(02-Sep-2024)(Open).

⁴²⁶⁷ [REDACTED]; [REDACTED].

⁴²⁶⁸ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴²⁶⁹ [REDACTED]; [REDACTED]; [REDACTED].

d. [REDACTED].⁴²⁷⁰

1034. While some detainees faced accusations of collaboration and/or being ‘spies’, such allegations were vague and/or based solely on the detainees’ alleged affiliations with the LDK, FARK, or [REDACTED], and/or that they allegedly did not support the KLA.⁴²⁷¹ For example, after W04735 was arrested, Sabit GECI declared, ‘we have the right guy because he is a supporter of Rugova’ and asked, ‘will Rugova be able to save you now?’⁴²⁷² He later told W04735 that he would be killed like all other LDK members.⁴²⁷³ At one point, [REDACTED] told [REDACTED], who had been accused of treason,⁴²⁷⁴ that they were holding him ‘pointlessly’ and did not have ‘a single piece of information’ about him. Nonetheless, his detention continued.⁴²⁷⁵

1035. As demonstrated by the circumstances of their arrest and detention, the victims were not afforded adequate, if any, due process. After several weeks in detention, on or around 20 May 1999, Sali REXHEPI and Haki HAJDARI brought [REDACTED] in front of a ‘judge’ in Kukës.⁴²⁷⁶ [REDACTED] was accused of not having handed over his weapons, of having accepted the Serbian regime, and because [REDACTED] paid [REDACTED] contribution to the government.⁴²⁷⁷ [REDACTED] was charged with being an admirer of Ibrahim RUGOVA, friend of former Defence Minister Ahmet KRASNIQI, brother of an LDK leader, friend of the ‘seven brothers’, and for organising

⁴²⁷⁰ [REDACTED]; [REDACTED].

⁴²⁷¹ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]. *Contra see* W04735:T.19378(02-Sep-2024)(Open); [REDACTED]; [REDACTED].

⁴²⁷² [REDACTED]; [REDACTED]; [REDACTED].

⁴²⁷³ [REDACTED]; [REDACTED]; [REDACTED].

⁴²⁷⁴ [REDACTED].

⁴²⁷⁵ [REDACTED].

⁴²⁷⁶ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴²⁷⁷ [REDACTED].

the three percent fund.⁴²⁷⁸ They were not afforded the right to counsel.⁴²⁷⁹ Despite the judge's ruling that no reason justified their detention, Sali REXHEPI and Haki HAJDARI took [REDACTED] back to the Cahan detention facility,⁴²⁸⁰ where their mistreatment continued.⁴²⁸¹

2. *Other Inhumane Acts / Cruel Treatment / Torture*

a. Detention Conditions

1036. Detainees were kept in a small room without proper bedding or heating, exposed to very cold temperatures,⁴²⁸² and precarious and demeaning hygienic conditions, without the possibility to bathe for weeks.⁴²⁸³ One detainee had to eat with his hands tied.⁴²⁸⁴

1037. On at least two occasions, detainees were forced to perform physical labour: some feared they would be killed once out of the barracks, while others were grateful for the opportunity to temporarily leave the inhumane conditions of their cells.⁴²⁸⁵

b. Psychological and Physical Abuse

1038. Sabit GECI, Riza ALIJA, Sali REXHEPI, Haki HAJDARI, Xhemshit KRASNIQI and other KLA members physically and psychologically abused the detainees

⁴²⁷⁸ [REDACTED]; [REDACTED]; [REDACTED].

⁴²⁷⁹ [REDACTED]; [REDACTED].

⁴²⁸⁰ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]. *Contra* [REDACTED].

⁴²⁸¹ *See e.g.* [REDACTED].

⁴²⁸² AF576(Public); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴²⁸³ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴²⁸⁴ [REDACTED].

⁴²⁸⁵ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

statements, *inter alia*, about their relatives' affiliations, members of the Serbian forces, and alleged collaborators.⁴²⁹⁴ [REDACTED].⁴²⁹⁵ [REDACTED].⁴²⁹⁶ On another occasion, after Riza ALIJA beat W04381 until he lost consciousness, W04381 was taken to Haki HAJDARI. HAJDARI accused W04381 of being a spy and questioned him about alleged collaborators, [REDACTED]. [REDACTED].⁴²⁹⁷ [REDACTED].⁴²⁹⁸

3. *Victim Impact*

1042. Detainees at Cahan suffered permanent injuries as a result of their mistreatment. W04735 never fully recovered from the physical and psychological mistreatment he suffered, and is still taking medication to manage the pain. He has difficulties moving his arm and suffers from back pain, headaches and insomnia.⁴²⁹⁹ [REDACTED]. [REDACTED]. [REDACTED].⁴³⁰⁰

Q. KUKËS

1043. On 31 March 1999, the General Staff issued an order for the mobilisation of the entire population of Kosovo located in and outside the country, and directed the KLA military police to remain active both in and outside Kosovo and as necessary, to 'compel all those obliged to report'.⁴³⁰¹ Around this time, a KLA base in an old metalworks factory located about two kilometres outside of Kukës, Albania ('KMF'),⁴³⁰² functioned

⁴²⁹⁴ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]. *Contra see* W04735:T.19378(02-Sep-2024)(Open); [REDACTED]; [REDACTED].

⁴²⁹⁵ [REDACTED].

⁴²⁹⁶ [REDACTED].

⁴²⁹⁷ [REDACTED].

⁴²⁹⁸ [REDACTED]; [REDACTED]; [REDACTED]. *See also* [REDACTED]; [REDACTED].

⁴²⁹⁹ [REDACTED]; [REDACTED]; W04735:T.19380-19383(02-Sep-2024)(Open).

⁴³⁰⁰ [REDACTED]; [REDACTED].

⁴³⁰¹ P00114_ET(Public); [REDACTED]; P03804_ET(Public).

⁴³⁰² AF612(Public); AF940(Public); [REDACTED].

as a KLA headquarters for recruitment and mobilisation,⁴³⁰³ logistical support of the Kosovo frontline,⁴³⁰⁴ preparation and launch of Operation Arrow,⁴³⁰⁵ and from May 1999, the main command centre for Operation Arrow.⁴³⁰⁶

1044. In addition, the KMF was used – primarily by the mobilisation team and military police stationed there⁴³⁰⁷ – to detain, question, and mistreat Opponents, based on vague allegations of sympathising or otherwise being associated with Serbia, ‘Serbs’, or Serbian authorities, being ‘traitors’ or ‘collaborators’, or not being sufficiently financially, militarily, or politically supportive of the KLA.⁴³⁰⁸

1045. The KMF had initially been set up by Ruzhdi SARAMATI – who commanded the logistics and mobilisation unit based at Kukës – and Xheladin GASHI (aka Plaku) – a GS member responsible for logistics, financing, and mobilisation for all northern Albania.⁴³⁰⁹ Sabit GECI – who was the ZKZ head in Albania in spring 1999,⁴³¹⁰ had a position of authority at the Cahan detention facility,⁴³¹¹ and reported directly to the General Staff⁴³¹² – had authority over the KLA members who operated the detention facility at the KMF, ordering and participating directly in various aspects of the arrest,

⁴³⁰³ AF941-AF942(Public); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; P03804_ET(Public). *See also* [REDACTED].

⁴³⁰⁴ AF941(Public); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴³⁰⁵ AF943(Public); W04752:T.17508-17509(03-Jul-2024)(Open); [REDACTED]; [REDACTED].

⁴³⁰⁶ W04752:T.17508-17509(03-Jul-2024)(Open); [REDACTED]; [REDACTED].

⁴³⁰⁷ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]. The mobilisation sector’s responsibility for detentions at the KMF is further corroborated by [REDACTED], who upon arrival at the KMF [REDACTED], *see* [REDACTED]. *See also* [REDACTED]; W04752:T.17780(08-Jul-2024)(Open), where W04752 testified about Plaku’s decision to arrest a member of the government in exile and his driver in Cahan.

⁴³⁰⁸ [REDACTED]; AF611(Public); AF948-AF949(Public); AF953-AF955(Public); [REDACTED].

⁴³⁰⁹ W04752:T.17501-17502(03-Jul-2024)(Open); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴³¹⁰ AF674(Public); [REDACTED]; [REDACTED]; [REDACTED].

⁴³¹¹ *See* Section III.P.

⁴³¹² *See* Section II.A.3.m.viii.

transfer, detention, interrogation, and release of the detainees.⁴³¹³

1046. Xhemshit KRASNIQI was a Military Police commander⁴³¹⁴ who worked with the mobilisation team stationed at the KMF.⁴³¹⁵ He led military policemen during arrest operations,⁴³¹⁶ and was directly in charge of detention operations at the KMF.⁴³¹⁷ Xhemshit KRASNIQI cooperated closely with Sabit GECI, who outranked KRASNIQI,⁴³¹⁸ as also demonstrated by GECI's role during interrogations and beatings.⁴³¹⁹ W04848 worked with the military police and was in charge of interrogating both civilians⁴³²⁰ and soldiers⁴³²¹ detained at the KMF.⁴³²² He had been appointed to this role by Xhemshit KRASNIQI and Sabit GECI.⁴³²³ W04848 also reported to Xheladin GASHI.⁴³²⁴ Hafir HOXHA, another subordinate of Xheladin GASHI, commanded a military police unit stationed at the KMF,⁴³²⁵ where military policemen conducted arrests and mistreated detainees.⁴³²⁶

1047. Other KLA members involved in detentions at the KMF included Haki HAJDARI (aka Haki Drenica),⁴³²⁷ who was in charge of the detention facility at Cahan,⁴³²⁸ Pjetër

⁴³¹³ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴³¹⁴ [REDACTED]; [REDACTED]; [REDACTED].

⁴³¹⁵ [REDACTED]; [REDACTED]; [REDACTED].

⁴³¹⁶ [REDACTED]; [REDACTED].

⁴³¹⁷ AF961(Public); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]. *See also* the evidence on beatings by Xhemshit KRASNIQI in Kukës, discussed below, and Section III.P.1 for his involvement in detention operations in Cahan.

⁴³¹⁸ [REDACTED].

⁴³¹⁹ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴³²⁰ AF962(Public); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴³²¹ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴³²² AF962(Public); AF1004(Public).

⁴³²³ [REDACTED]; [REDACTED].

⁴³²⁴ [REDACTED]; [REDACTED]. *See also* [REDACTED].

⁴³²⁵ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴³²⁶ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴³²⁷ [REDACTED]; [REDACTED].

⁴³²⁸ *See* Section III.P.1.

SHALA, who took orders from Sabit GEÇI,⁴³²⁹ and certain individuals nicknamed 'Bedri' and 'Van Damme'.⁴³³⁰

1048. In addition to Xheladin GASHI, who was present at the KMF on a daily basis,⁴³³¹ GS and senior PGoK officials visited and/or were based in Kukës and the KMF in May and early June 1999, including Bislim ZYRAPI,⁴³³² Azem SYLA,⁴³³³ Fatmir LIMAJ,⁴³³⁴ Hashim THAÇI,⁴³³⁵ and Jakup KRASNIQI.⁴³³⁶

1049. Detentions at the KMF were well-known to both KLA members⁴³³⁷ and civilians, including detainees' family members.⁴³³⁸ Azem SYLA and Bislim ZYRAPI were notified of the existence of a detention centre at Kukës.⁴³³⁹ Xhemshit KRASNIQI and Ruzhdi SARAMATI made arrests during the mobilisation drive as they screened for potential collaborators, or when somebody refused to join the KLA.⁴³⁴⁰ Documents detailing arrests of KLA personnel in Albania for disciplinary matters by the KLA Military Police, including Xhemshit KRASNIQI, were seized from Rexhep SELIMI's house.⁴³⁴¹ Likewise, contemporaneous notes seized from Jakup KRASNIQI record that Ruzhdi SARAMATI issued travel permits and that military police detained and beat persons who went to town without permission.⁴³⁴² Members of the General Staff and Ministry of Defence, including Minister Azem SYLA, exercised their superior authority over the process by, for example, withdrawing an arrest warrant relating to SARAMATI's

⁴³²⁹ [REDACTED]; [REDACTED].

⁴³³⁰ AF960(Public);AF963(Public).

⁴³³¹ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴³³² W04752:T.17508-17509(03-Jul-2024)(Open); [REDACTED]; [REDACTED].

⁴³³³ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴³³⁴ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴³³⁵ P04218/P04218_ET(Public); [REDACTED]; [REDACTED]; [REDACTED];P00814_ET.14(Public).

⁴³³⁶ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴³³⁷ AF968(Public); [REDACTED]; [REDACTED].

⁴³³⁸ [REDACTED].

⁴³³⁹ [REDACTED].

⁴³⁴⁰ [REDACTED].

⁴³⁴¹ [REDACTED]; [REDACTED].

⁴³⁴² P03910_ET:p.SPOE00229426(Public).

involvement in violent crimes in Burrel,⁴³⁴³ and revoking an order removing SARAMATI from his position due to his 'misbehaviour'.⁴³⁴⁴

1050. Azem SYLA appointed SARAMATI to lead a group of soldiers on one of the four axes of Operation Arrow; this group later became the 128 Brigade.⁴³⁴⁵ In mid-June 1999, SARAMATI and the 128 Brigade moved to Prizren, and were involved in further crimes.⁴³⁴⁶

1051. The KMF was comprised of a yard with several buildings in its perimeter, and was surrounded by a fence.⁴³⁴⁷ The entrance to the KMF was through a metal gate, guarded in shifts by KLA members who were stationed at a small building located immediately on the left-hand side upon entering the gate.⁴³⁴⁸ On the left-hand side, past the gate, a two-storey building hosted offices and sleeping quarters for KLA soldiers and officers ('Command Building').⁴³⁴⁹ Opposite the entrance was a warehouse for food and uniforms.⁴³⁵⁰ Past the gate, to the right, was a warehouse where newly mobilised KLA soldiers slept.⁴³⁵¹

1052. The detainees were mainly held in a building to the right-hand side of the KMF entrance gate ('Detention Building'), located approximately 40-60 metres from the Command Building,⁴³⁵² where one room in the upper floor was also used for detentions

⁴³⁴³ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴³⁴⁴ [REDACTED]; [REDACTED].

⁴³⁴⁵ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴³⁴⁶ See Section III.V.2.

⁴³⁴⁷ AF944(Public); [REDACTED]; [REDACTED]; [REDACTED].

⁴³⁴⁸ AF945(Public); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴³⁴⁹ AF946-AF947(Public); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴³⁵⁰ AF952(Public); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴³⁵¹ [REDACTED]; [REDACTED].

⁴³⁵² AF953(Public); AF955(Public); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

(‘Command Building Detention Room’).⁴³⁵³ Inside the Detention Building were a corridor and three rooms (‘Room 1’, ‘Room 2’ and ‘Room 3’).⁴³⁵⁴ Rooms 1 and 3 were used to hold detainees,⁴³⁵⁵ while Room 2 was used for interrogations and beatings.⁴³⁵⁶

1. Imprisonment / Illegal or Arbitrary Arrest and Detention

1053. Between May and June 1999, KLA members, including Sabit GEÇI, Fatmir LIMAJ, Pjetër SHALA, and Xhemshit KRASNIQI, detained and mistreated at least 19 persons in the KMF, including [REDACTED], [REDACTED],⁴³⁵⁷ [REDACTED],⁴³⁵⁸ W04733,⁴³⁵⁹ W04366,⁴³⁶⁰ [REDACTED],⁴³⁶¹ [REDACTED],⁴³⁶² W01984,⁴³⁶³ [REDACTED],⁴³⁶⁴ [REDACTED],⁴³⁶⁵ [REDACTED],⁴³⁶⁶ [REDACTED] and [REDACTED],⁴³⁶⁷ three [REDACTED],⁴³⁶⁸ two [REDACTED],⁴³⁶⁹ and [REDACTED].⁴³⁷⁰ Other detainees included four KLA soldiers accused of desertion,⁴³⁷¹ and a Serb

⁴³⁵³ AF948(Public); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴³⁵⁴ AF954(Public); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴³⁵⁵ AF954(Public); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴³⁵⁶ AF954(Public); [REDACTED]; [REDACTED]; [REDACTED].

⁴³⁵⁷ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]. *See also* [REDACTED]; [REDACTED].

⁴³⁵⁸ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]. *See also* [REDACTED]; [REDACTED].

⁴³⁵⁹ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]. *See also* [REDACTED].

⁴³⁶⁰ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]. *See also* [REDACTED].

⁴³⁶¹ [REDACTED]; [REDACTED]; [REDACTED]. *See also* [REDACTED].

⁴³⁶² [REDACTED]; [REDACTED]; [REDACTED].

⁴³⁶³ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴³⁶⁴ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴³⁶⁵ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴³⁶⁶ [REDACTED]; [REDACTED]; [REDACTED].

⁴³⁶⁷ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴³⁶⁸ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴³⁶⁹ [REDACTED]; [REDACTED].

⁴³⁷⁰ [REDACTED].

⁴³⁷¹ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

soldier.⁴³⁷² The Detention Building door was locked, with guards posted outside,⁴³⁷³ and the detainees were physically restrained, tied, and/or guarded.⁴³⁷⁴

1054. Some of the victims were detained, interrogated, and mistreated at other locations, including Durrës⁴³⁷⁵ and Ramanak,⁴³⁷⁶ Albania before, and the former MUP building in Prizren, Kosovo⁴³⁷⁷ after, the KMF. Many victims were only released from the KMF or related detention locations following the intervention of third parties.⁴³⁷⁸

1055. At the time of their arrest, most detainees – who had fled Kosovo after the start of the NATO bombings⁴³⁷⁹ or had been expelled by the Serbian forces⁴³⁸⁰ – were civilians not taking part in the hostilities.⁴³⁸¹ The detainees included [REDACTED],⁴³⁸² a [REDACTED],⁴³⁸³ a [REDACTED],⁴³⁸⁴ a [REDACTED],⁴³⁸⁵ [REDACTED],⁴³⁸⁶ [REDACTED] , and a [REDACTED].⁴³⁸⁷ They faced vague and unsubstantiated accusations of being murderers or spies,⁴³⁸⁸ of having personal or professional affiliations with Serbs,⁴³⁸⁹ or of not being sufficiently supportive of the KLA war

⁴³⁷² [REDACTED].

⁴³⁷³ AF955(Public); [REDACTED];P02068.1_ET:p.1446(Public); [REDACTED];P01662.1_ET:p.1207(Public); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴³⁷⁴ See Section III.Q.2.a.

⁴³⁷⁵ [REDACTED]; [REDACTED]; [REDACTED].

⁴³⁷⁶ [REDACTED]; [REDACTED]; [REDACTED].

⁴³⁷⁷ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]. See also Section III.V.3.

⁴³⁷⁸ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴³⁷⁹ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴³⁸⁰ [REDACTED].

⁴³⁸¹ [REDACTED]; [REDACTED].

⁴³⁸² [REDACTED]; [REDACTED].

⁴³⁸³ [REDACTED].

⁴³⁸⁴ [REDACTED]; [REDACTED].

⁴³⁸⁵ [REDACTED]; [REDACTED]; [REDACTED].

⁴³⁸⁶ [REDACTED].

⁴³⁸⁷ [REDACTED].

⁴³⁸⁸ AF1003(Public); [REDACTED]; [REDACTED]; [REDACTED].

⁴³⁸⁹ [REDACTED]; [REDACTED];AF1003-AF1004(Public); [REDACTED]; [REDACTED]; [REDACTED].

effort.⁴³⁹⁰ [REDACTED], [REDACTED] featured on KLA intelligence documents circulating in Kosovo months before their arrest,⁴³⁹¹ and had previously been targeted by KLA members, including Pjetër SHALA (aka Ujku) who was now also operating at the KMF, [REDACTED].⁴³⁹²

1056. The detainees were not provided due process guarantees. For example, while W04848 presented himself to detainees as a judge or prosecutor,⁴³⁹³ he did not review the lawfulness of their detention.⁴³⁹⁴

2. *Other Inhumane Acts / Cruel Treatment / Torture*

a. Detention Conditions

1057. Detention conditions, including in the Command Building Detention Room and in the Detention Building, were wholly inadequate and degrading.⁴³⁹⁵ The toilets, located close to the Detention Building, were dirty and foul-smelling.⁴³⁹⁶ KLA members in charge of the detainees denied them sufficient food,⁴³⁹⁷ causing them to lose a substantial amount of weight.⁴³⁹⁸ Access to water was also restricted,⁴³⁹⁹ with the detainees preferring to remain thirsty than to ask for water, for fear of being beaten.⁴⁴⁰⁰ Medical care was either completely absent or inadequate.⁴⁴⁰¹

⁴³⁹⁰ [REDACTED]; [REDACTED].

⁴³⁹¹ [REDACTED]. *See also* [REDACTED].

⁴³⁹² [REDACTED]; [REDACTED]. *See also* [REDACTED], for Pjetër SHALA's (aka Ujku) involvement in beatings of detainees [REDACTED] in 1998.

⁴³⁹³ [REDACTED]; [REDACTED]; [REDACTED].

⁴³⁹⁴ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴³⁹⁵ [REDACTED]; AF969-AF971(Public); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴³⁹⁶ [REDACTED]; AF956(Public); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴³⁹⁷ AF636(Public); AF675(Public); AF972(Public); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴³⁹⁸ AF636(Public); AF675(Public); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴³⁹⁹ AF973-AF974(Public); AF635(Public); P02068.1_ET:p.1431(Public).

⁴⁴⁰⁰ AF973-AF974(Public); [REDACTED].

⁴⁴⁰¹ AF950(Public); AF975-AF976(Public); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

1058. The Detention Room in the Command Building, where [REDACTED], W04733, and [REDACTED] were detained,⁴⁴⁰² measured approximately 2x2 metres and had a low, slanted ceiling, making it impossible for the detainees to move or stand up straight.⁴⁴⁰³ They slept on thin sponges on the concrete floor, with no furniture, electricity, or windows.⁴⁴⁰⁴ Upon arrival in this room, [REDACTED] found urine-filled bottles and dirty blankets.⁴⁴⁰⁵ It was very hot, and [REDACTED] was afraid to ask for water.⁴⁴⁰⁶

1059. Most of the victims were detained in Room 1,⁴⁴⁰⁷ with up to thirteen people, or more, detained there at the same time.⁴⁴⁰⁸ The room had no furniture,⁴⁴⁰⁹ was small, overcrowded,⁴⁴¹⁰ and extremely hot.⁴⁴¹¹ Some detainees slept on the concrete floor, while others had a thin sponge mattress or sleeping bags.⁴⁴¹² The blankets were sometimes removed as a form of collective punishment due to the detainees' alleged collaboration.⁴⁴¹³ The detainees had to ask permission to go to the toilet,⁴⁴¹⁴ and the guards escorting detainees to the toilets would often harass them.⁴⁴¹⁵ Detainees were not allowed to talk to each other, which reinforced their fear and anxiety.⁴⁴¹⁶ [REDACTED]

⁴⁴⁰² [REDACTED]; [REDACTED]; [REDACTED].

⁴⁴⁰³ AF970(Public); [REDACTED]; [REDACTED]; [REDACTED].

⁴⁴⁰⁴ [REDACTED].

⁴⁴⁰⁵ [REDACTED].

⁴⁴⁰⁶ [REDACTED].

⁴⁴⁰⁷ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴⁴⁰⁸ [REDACTED]; [REDACTED].

⁴⁴⁰⁹ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴⁴¹⁰ AF630(Public).

⁴⁴¹¹ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴⁴¹² [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴⁴¹³ AF675(Public).

⁴⁴¹⁴ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴⁴¹⁵ [REDACTED].

⁴⁴¹⁶ AF630(Public);AF977(Public).

hands were tied most of the time.⁴⁴¹⁷

1060. Room 1 was never cleaned except by the detainees themselves. With very few exceptions, detainees were not allowed to wash themselves.⁴⁴¹⁸ They were also not able to change clothes, except for [REDACTED].⁴⁴¹⁹ One detainee stated that detention conditions were so bad that they would have been unsuitable even for cattle.⁴⁴²⁰

1061. [REDACTED],⁴⁴²¹ two [REDACTED],⁴⁴²² [REDACTED],⁴⁴²³ [REDACTED],⁴⁴²⁴ [REDACTED],⁴⁴²⁵ [REDACTED]⁴⁴²⁶ and [REDACTED],⁴⁴²⁷ were detained in Room 3. It had a small window with bars⁴⁴²⁸ and no furniture.⁴⁴²⁹ The detainees slept on blankets on the concrete floor, except for [REDACTED].⁴⁴³⁰

1062. [REDACTED].⁴⁴³¹ Some of the detainees were ordered to clean the toilets⁴⁴³² or the rooms.⁴⁴³³

b. Physical and psychological abuse

1063. KLA soldiers and military policemen physically and psychologically abused

⁴⁴¹⁷ [REDACTED].

⁴⁴¹⁸ [REDACTED]; [REDACTED]; [REDACTED].

⁴⁴¹⁹ [REDACTED]; [REDACTED].

⁴⁴²⁰ AF675(Public); [REDACTED].

⁴⁴²¹ [REDACTED]; [REDACTED].

⁴⁴²² [REDACTED]; [REDACTED].

⁴⁴²³ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴⁴²⁴ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]. [REDACTED] was also detained in other locations, for approximately one month in total, *see* [REDACTED]; [REDACTED].

⁴⁴²⁵ [REDACTED]; [REDACTED].

⁴⁴²⁶ [REDACTED]; [REDACTED].

⁴⁴²⁷ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴⁴²⁸ [REDACTED].

⁴⁴²⁹ [REDACTED].

⁴⁴³⁰ [REDACTED].

⁴⁴³¹ [REDACTED]; [REDACTED].

⁴⁴³² [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴⁴³³ [REDACTED].

detainees on a daily basis,⁴⁴³⁴ leaving them traumatised.⁴⁴³⁵ The frequency of the beatings induced in them a state of perpetual fear of violence and death.⁴⁴³⁶

1064. Sabit GECI,⁴⁴³⁷ Xhemshit KRASNIQI,⁴⁴³⁸ Pjetër SHALA,⁴⁴³⁹ and other KLA members, including military policemen,⁴⁴⁴⁰ mistreated detainees in the warehouse,⁴⁴⁴¹ in one of the rooms where [REDACTED] was detained,⁴⁴⁴² inside the Detention Building,⁴⁴⁴³ and in the Command Building.⁴⁴⁴⁴ The detainees were mistreated on their way to the toilets,⁴⁴⁴⁵ to get water,⁴⁴⁴⁶ and as they laboured around the KMF.⁴⁴⁴⁷ Inside Room 1, they were forced to beat each other⁴⁴⁴⁸ and to mimic sexual acts.⁴⁴⁴⁹ They heard people being shot and beaten outside, and witnessed the consequences on the victims' bodies when they were brought back.⁴⁴⁵⁰

1065. KLA members, including Sabit GECI,⁴⁴⁵¹ Xhemshit KRASNIQI,⁴⁴⁵² Pjetër

⁴⁴³⁴ [REDACTED];AF646(Public); [REDACTED];AF978-AF980(Public); [REDACTED];AF1003(Public);
[REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED];
[REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴⁴³⁵ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴⁴³⁶ AF676(Public);AF978-AF980(Public); [REDACTED]; [REDACTED]; [REDACTED].

4437 [REDACTED]; [REDACTED].

4438 [REDACTED]; [REDACTED].

4439 [REDACTED]; [REDACTED].

4440 [REDACTED]; [REDACTED].

4441 [REDACTED]; [REDACTED]; [REDACTED].

4442 [REDACTED]; [REDACTED].

⁴⁴⁴³ AF968(Public); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED];
[REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

4444 [REDACTED]; [REDACTED].

4445 [REDACTED]; [REDACTED].

⁴⁴⁴⁶ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

4447 [REDACTED]; [REDACTED].

4448 [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

4449 [REDACTED].

4450 [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

4451 [REDACTED].

4452 [REDACTED].

SHALA,⁴⁴⁵³ W04848,⁴⁴⁵⁴ and Fatmir LIMAJ,⁴⁴⁵⁵ routinely interrogated detainees, usually at night, in Room 2 or in the Command Building.⁴⁴⁵⁶ They questioned them about their jobs, their whereabouts during and prior to the war, their knowledge of or relationship with Serbs and Serbian collaborators. They accused them of being spies, traitors, murderers, rapists, or of collaborating with Serbs, and took written statements from some of them.⁴⁴⁵⁷ Often, the interrogations entailed brutal beatings.⁴⁴⁵⁸

1066. One of the worst beatings took place on or about 20 May 1999,⁴⁴⁵⁹ in a room located on the ground floor of the Command Building.⁴⁴⁶⁰ That night, KLA soldiers and military police, including Sabit GEÇI, Xhemshit KRASNIQI, and Pjetër SHALA,⁴⁴⁶¹ [REDACTED],⁴⁴⁶² severely beat [REDACTED],⁴⁴⁶³ [REDACTED],⁴⁴⁶⁴ [REDACTED],⁴⁴⁶⁵ [REDACTED],⁴⁴⁶⁶ [REDACTED],⁴⁴⁶⁷ the three [REDACTED],⁴⁴⁶⁸ [REDACTED],⁴⁴⁶⁹ and a [REDACTED],⁴⁴⁷⁰ forcing them to see and hear the violence inflicted on the others while

⁴⁴⁵³ [REDACTED].

⁴⁴⁵⁴ AF962(Public);AF1003(Public).

⁴⁴⁵⁵ [REDACTED]; [REDACTED]; [REDACTED].

⁴⁴⁵⁶ [REDACTED]; [REDACTED]; [REDACTED]. *See also* AF949(Public);AF955(Public);AF962(Public); [REDACTED]; [REDACTED]; [REDACTED].

⁴⁴⁵⁷ AF1003-AF1004(Public); [REDACTED]; [REDACTED]; [REDACTED].

⁴⁴⁵⁸ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴⁴⁵⁹ [REDACTED]; [REDACTED]; [REDACTED], stating that the incident took place on 'Thursday evening'. In 1999, May the 20th was a Thursday. [REDACTED]'s evidence could also suggest that the incident took place earlier, [REDACTED], *see* [REDACTED]. [REDACTED]. In light of the consistent evidence from W04733 and [REDACTED], and of [REDACTED]'s original timeline, the mistreatment in the office of the Command Building must have taken place on or around 20 May 1999.

⁴⁴⁶⁰ AF646(Public);AF949(Public); [REDACTED]; [REDACTED].

⁴⁴⁶¹ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴⁴⁶² [REDACTED]; [REDACTED]; [REDACTED].

⁴⁴⁶³ [REDACTED]; [REDACTED]; [REDACTED].

⁴⁴⁶⁴ [REDACTED]; [REDACTED]; [REDACTED].

⁴⁴⁶⁵ [REDACTED]; [REDACTED]. [REDACTED], *see* [REDACTED]; [REDACTED]. It is possible that [REDACTED] at the time, *see* [REDACTED].

⁴⁴⁶⁶ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴⁴⁶⁷ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴⁴⁶⁸ [REDACTED]; [REDACTED]; [REDACTED].

⁴⁴⁶⁹ [REDACTED]; [REDACTED]; [REDACTED].

⁴⁴⁷⁰ [REDACTED]; [REDACTED]; [REDACTED].

they waited for their turn.⁴⁴⁷¹ Several KLA members were brandishing guns, using them to beat the prisoners.⁴⁴⁷² Extensive questioning took place during that night, with the purpose to elicit confessions and information, and to punish the victims for their perceived activity as Serb sympathisers or collaborators.⁴⁴⁷³

1067. The perpetrators beat [REDACTED] with baseball bats, rubber batons, and metal bars,⁴⁴⁷⁴ cut him with knives,⁴⁴⁷⁵ and [REDACTED].⁴⁴⁷⁶ They burned him,⁴⁴⁷⁷ and threw salt into his eyes and wounds.⁴⁴⁷⁸ They asked him why he worked for the Serbs, calling him a spy,⁴⁴⁷⁹ and told him that he would be executed.⁴⁴⁸⁰ Sabit GECI ordered [REDACTED].⁴⁴⁸¹ At some point, Xhemshit KRASNIQI hit [REDACTED], wounding him and making him faint.⁴⁴⁸² He was revived with water but fainted again.⁴⁴⁸³

1068. As a consequence, [REDACTED] blood,⁴⁴⁸⁴ with [REDACTED] commenting that '[REDACTED]'.⁴⁴⁸⁵ At some point, Xhemshit KRASNIQI told [REDACTED] as he could not walk anymore,⁴⁴⁸⁶ and had multiple open wounds and broken bones.⁴⁴⁸⁷ Medical

⁴⁴⁷¹ [REDACTED]; [REDACTED]; [REDACTED].

⁴⁴⁷² [REDACTED]; [REDACTED].

⁴⁴⁷³ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴⁴⁷⁴ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴⁴⁷⁵ [REDACTED].

⁴⁴⁷⁶ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴⁴⁷⁷ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴⁴⁷⁸ [REDACTED]; [REDACTED].

⁴⁴⁷⁹ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴⁴⁸⁰ [REDACTED].

⁴⁴⁸¹ [REDACTED]; [REDACTED].

⁴⁴⁸² [REDACTED]; [REDACTED]; [REDACTED].

⁴⁴⁸³ [REDACTED].

⁴⁴⁸⁴ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴⁴⁸⁵ [REDACTED].

⁴⁴⁸⁶ [REDACTED]; [REDACTED].

⁴⁴⁸⁷ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

personnel [REDACTED],⁴⁴⁸⁸ but KLA soldiers [REDACTED].⁴⁴⁸⁹

1069. That night, Xhemshit KRASNIQI, Pjetër SHALA, and others beat [REDACTED], with Xhemshit KRASNIQI striking [REDACTED] made him faint.⁴⁴⁹⁰

1070. [REDACTED] was beaten until dawn with batons and metal bars.⁴⁴⁹¹ Sabit GECI hit him [REDACTED],⁴⁴⁹² with others then hitting him again on his head [REDACTED].⁴⁴⁹³ The beatings made [REDACTED] faint multiple times.⁴⁴⁹⁴ Each time, he was revived with buckets of water and hit again.⁴⁴⁹⁵ The perpetrators threw salt on his wounds and waterboarded him.⁴⁴⁹⁶ At the end of the beating, as [REDACTED] was brought outside the room, [REDACTED] beating began.⁴⁴⁹⁷

1071. At the end of the night, [REDACTED] could hardly walk.⁴⁴⁹⁸ [REDACTED], too, were brought back to the Detention Building in extremely bad condition: they were bleeding heavily, with pain in their neck, head, back, hands and legs.⁴⁴⁹⁹ They did not receive any medical treatment.⁴⁵⁰⁰

3. *Murder*

1072. After some days, Xhemshit KRASNIQI and another KLA soldier [REDACTED],

⁴⁴⁸⁸ [REDACTED]; [REDACTED].

⁴⁴⁸⁹ [REDACTED]; [REDACTED].

⁴⁴⁹⁰ [REDACTED].

⁴⁴⁹¹ [REDACTED].

⁴⁴⁹² [REDACTED].

⁴⁴⁹³ [REDACTED].

⁴⁴⁹⁴ [REDACTED].

⁴⁴⁹⁵ [REDACTED].

⁴⁴⁹⁶ [REDACTED].

⁴⁴⁹⁷ [REDACTED].

⁴⁴⁹⁸ [REDACTED]; [REDACTED].

⁴⁴⁹⁹ [REDACTED]; [REDACTED]; [REDACTED].

⁴⁵⁰⁰ [REDACTED].

causing severe pain and bruising.⁴⁵⁰¹ [REDACTED].⁴⁵⁰² [REDACTED].⁴⁵⁰³ [REDACTED].
[REDACTED].⁴⁵⁰⁴

1073. In the evening [REDACTED], KLA soldiers including Xhemshit KRASNIQI, Pjetër SHALA, Bedri, and Van Damme, interrogated and beat [REDACTED],⁴⁵⁰⁵ asking them to [REDACTED].⁴⁵⁰⁶

1074. At some point, 'Van Damme' [REDACTED].⁴⁵⁰⁷ After that, Xhemshit KRASNIQI [REDACTED] leg and shot him.⁴⁵⁰⁸ [REDACTED] began bleeding profusely,⁴⁵⁰⁹ but his tormentors continued beating him and [REDACTED].⁴⁵¹⁰ When [REDACTED].⁴⁵¹¹ [REDACTED].⁴⁵¹² However, this potentially life-saving measure was denied by the 'people in charge',⁴⁵¹³ who stated: 'We did not maltreat him to this point to send him to the hospital then'.⁴⁵¹⁴ The other detainees tried to help [REDACTED], placing blankets on his wound, but the bleeding did not stop and the blankets became all red.⁴⁵¹⁵ [REDACTED] died inside Room 1 the following day.⁴⁵¹⁶ After that, Xhemshit KRASNIQI threatened [REDACTED].⁴⁵¹⁷

⁴⁵⁰¹ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴⁵⁰² [REDACTED].

⁴⁵⁰³ [REDACTED].

⁴⁵⁰⁴ [REDACTED]; [REDACTED].

⁴⁵⁰⁵ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴⁵⁰⁶ [REDACTED]; [REDACTED].

⁴⁵⁰⁷ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴⁵⁰⁸ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴⁵⁰⁹ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴⁵¹⁰ [REDACTED].

⁴⁵¹¹ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴⁵¹² [REDACTED]; [REDACTED].

⁴⁵¹³ [REDACTED]; [REDACTED].

⁴⁵¹⁴ [REDACTED].

⁴⁵¹⁵ [REDACTED].

⁴⁵¹⁶ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴⁵¹⁷ [REDACTED].

1075. After the death of [REDACTED].⁴⁵¹⁸ With his arrival, and that of other new guards, the beatings stopped.⁴⁵¹⁹ The new guards brought about some other marginal improvements,⁴⁵²⁰ but the detention conditions remained degrading and inhumane.⁴⁵²¹

1076. After his release [REDACTED] ⁴⁵²² and [REDACTED].⁴⁵²³ About [REDACTED] later, [REDACTED] identified through DNA analysis.⁴⁵²⁴ The autopsy established that gunshots to the right leg led to the bleeding out and death of the victim.⁴⁵²⁵

4. *Victim Impact*

1077. The victims' detention and mistreatment at the KMF caused lasting physical and psychological effects. Their symptoms – many of which continue to this day – include physical and psychological pain, stress, anxiety, trouble sleeping,⁴⁵²⁶ and fear.⁴⁵²⁷ For example, despite being covered in blood, with several wounds and broken bones, [REDACTED].⁴⁵²⁸ The loss of [REDACTED], took a terrible toll on him, and will stay

⁴⁵¹⁸[REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴⁵¹⁹ [REDACTED]; [REDACTED]; [REDACTED].

⁴⁵²⁰ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴⁵²¹ Overcrowding continued, especially in Room 1, *see* [REDACTED]; [REDACTED]. Detainees continued to suffer from the heat, *see* [REDACTED]; [REDACTED]; from the scarcity of food, as evidenced by the significant weight loss suffered by, *inter alia*, [REDACTED], both of whom were not released for days [REDACTED], *see* [REDACTED]; [REDACTED]; [REDACTED]. Medical care continued to be denied to the detainees. [REDACTED], *see* [REDACTED]. Yet, he did not receive any medical treatment following [REDACTED]'s death. Following his release, [REDACTED], *see* [REDACTED]; [REDACTED].

⁴⁵²² [REDACTED]; [REDACTED]; [REDACTED].

⁴⁵²³ [REDACTED].

⁴⁵²⁴ [REDACTED]; [REDACTED]; [REDACTED]; W04875:T.23556-23557(13-Jan-2025)(Open); [REDACTED]; [REDACTED].

⁴⁵²⁵ [REDACTED];[REDACTED]. While the [REDACTED], *see* [REDACTED], [REDACTED]. This, however, does not affect the overall credibility of [REDACTED], who acknowledged that it was hard for him to remember details such as [REDACTED], *see* [REDACTED].

⁴⁵²⁶ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴⁵²⁷ [REDACTED].

⁴⁵²⁸ [REDACTED].

with him forever.⁴⁵²⁹

R. BUBËL/BUBLJE AND KOSTËRC/KOSTRC

1078. The detention sites in Bubël/Bublje and Kostërc/Kostrc,⁴⁵³⁰ Suharekë/Suva Reka, both of which fell under the Pashtrik OZ,⁴⁵³¹ operated between at least on or about 6 and 16 June 1999.⁴⁵³² Detainees were held [REDACTED] inside a house in Bubël/Bublje [REDACTED],⁴⁵³³ and, via [REDACTED],⁴⁵³⁴ transferred to Kostërc/Kostrc where they were held [REDACTED] near the Pashtrik OZ headquarters.⁴⁵³⁵ The 'Eye of the Eagle' special unit, created by W04765 and W03873 and headed by Nezir KRYEZIU and his deputy, Ilaz KADOLLI, was also based nearby.⁴⁵³⁶ This special unit reported not only to the Pashtrik OZ commander, but also to the General Staff directly, including to **Rexhep SELIMI**.⁴⁵³⁷ Brigade 123 was also based in Kostërc/Kostrc.⁴⁵³⁸

1079. Brigade 122 was commanded by Vllaznim KRYEZIU with Selim KRASNIQI as his deputy and Habib PAQARIZI as the head of the ZKZ.⁴⁵³⁹ Faton THAÇI and Nuhi SHALA were members of Brigade 122 while Ragib BEGAJ was a battalion commander within this brigade.⁴⁵⁴⁰ In 1999, Brigade 122 received orders from the Pashtrik OZ,⁴⁵⁴¹

⁴⁵²⁹ [REDACTED]; [REDACTED].

⁴⁵³⁰ Kostërc/Kostrc and Nishor are neighbouring villages often referred to interchangeably, *see e.g.* [REDACTED]; [REDACTED]; [REDACTED]; W04744:T.17114(25-Jun-2024)(Open); [REDACTED].

⁴⁵³¹ AF290(Public); [REDACTED].

⁴⁵³² [REDACTED]; [REDACTED].

⁴⁵³³ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; W04278:T.20447-20448(30-Sep-2024)(Open).

⁴⁵³⁴ [REDACTED]; [REDACTED]; [REDACTED].

⁴⁵³⁵ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; W03873:T.22662-22669(26-Nov-2024)(Open); [REDACTED]; [REDACTED]; [REDACTED]; 4D00077:SITF00393441(Public); [REDACTED].

⁴⁵³⁶ W03873:T.22618-22621, 22626-22627(25-Nov-2024)(Open); P00012_ET:pp.058009, 058022(Public); [REDACTED]; [REDACTED].

⁴⁵³⁷ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴⁵³⁸ W04744:T.16966-16967, 16988-16990(24-Jun-2024)(Open); P01346(Public); [REDACTED].

⁴⁵³⁹ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; W03873:T.22665-22666(26-Nov-2024)(Open); P02757_ET(Public); [REDACTED].

⁴⁵⁴⁰ P02817_ET:p.U000-6993(Public); P02758_ET(Public); [REDACTED].

⁴⁵⁴¹ P02817_ET:p.U000-6996(Public).

actively investigated, questioned and detained persons,⁴⁵⁴² and sent information concerning arrested persons to the Pashtrik OZ.⁴⁵⁴³

1. Imprisonment / Illegal or Arbitrary Arrest and Detention

1080. Between on or about 6 and 9 June 1999, [REDACTED] were detained in Bubël/Bublje; they were then transferred to Kostërc/Kostrc where they were detained with at least four other Kosovo-Albanians from Suharekë/Suva Reka; some of the detainees were held in Kostërc/Kostrc until on or about 16 June 1999.⁴⁵⁴⁴

1081. Specifically, [REDACTED] was detained from on or about 6 to 9 June in Bubël/Bublje and 9 to 16 June 1999 in Kostërc/Kostrc.⁴⁵⁴⁵ [REDACTED] had been detained in Bubël/Bublje before [REDACTED] arrived there, while [REDACTED] was detained there shortly before or after [REDACTED] arrival; all three were transferred to Kostërc/Kostrc together, with [REDACTED] and [REDACTED] released from there a few days before [REDACTED].⁴⁵⁴⁶ When [REDACTED] and [REDACTED] arrived in Kostërc/Kostrc, about seven Kosovo-Albanians from Suharekë/Suva Reka were already being detained in the [REDACTED] there; other detainees were later brought into the [REDACTED], at one point reaching a maximum of around thirty detainees- over twenty such detainees were still being held there when [REDACTED] was released.⁴⁵⁴⁷

1082. Despite initially being told [REDACTED], at the time of his arrest [REDACTED] was [REDACTED].⁴⁵⁴⁸ [REDACTED].⁴⁵⁴⁹

1083. [REDACTED] was arrested at [REDACTED] in [REDACTED] on 6 June 1999

⁴⁵⁴² P02817_ET:p.U000-6993-U000-6994(Public).

⁴⁵⁴³ P02817_ET:p.U000-6994(Public).

⁴⁵⁴⁴ [REDACTED];[REDACTED]; [REDACTED];[REDACTED]; [REDACTED].

⁴⁵⁴⁵ [REDACTED];[REDACTED].

⁴⁵⁴⁶ [REDACTED];[REDACTED]; [REDACTED];[REDACTED]. *See also* [REDACTED].

⁴⁵⁴⁷ [REDACTED].

⁴⁵⁴⁸ [REDACTED]; [REDACTED];[REDACTED];[REDACTED].

⁴⁵⁴⁹ [REDACTED];[REDACTED].

when he went there after [REDACTED]; [REDACTED].⁴⁵⁵⁰ One or two months before his arrest, [REDACTED].⁴⁵⁵¹

1084. Like [REDACTED] was also involved in [REDACTED].⁴⁵⁵² [REDACTED], who was [REDACTED], was arrested by three KLA members [REDACTED] in or near [REDACTED].⁴⁵⁵³ [REDACTED] told [REDACTED] he had been detained because he had allegedly opposed the KLA.⁴⁵⁵⁴ [REDACTED] was a Kosovo-Albanian manual labourer arrested by KLA members in black uniforms when he was on his way back from [REDACTED].⁴⁵⁵⁵ Other persons detained in Kostërc/Kostrc were detained because they had opposed certain individuals or commanders.⁴⁵⁵⁶

1085. [REDACTED] saw [REDACTED] detained in Bubël/Bublje and said he should be released.⁴⁵⁵⁷ Nevertheless, there was an order for detainees to be sent to the Pashtrik OZ⁴⁵⁵⁸ and [REDACTED] were transferred, on foot, by KLA members [REDACTED] to [REDACTED] despite visible injuries; after spending the night in [REDACTED] they were taken to Kostërc/Kostrc by KLA military police members [REDACTED].⁴⁵⁵⁹

1086. Detainees were guarded by KLA soldiers, including [REDACTED].⁴⁵⁶⁰ They were not told the reasons for their arrests, were not provided any access to counsel or legal representation, and were not permitted to contact family members.⁴⁵⁶¹ They were also questioned and subjected to sham trials administered by KLA members during which

⁴⁵⁵⁰ [REDACTED].

⁴⁵⁵¹ [REDACTED];[REDACTED]; [REDACTED];[REDACTED].

⁴⁵⁵² [REDACTED];[REDACTED];[REDACTED];[REDACTED].

⁴⁵⁵³ [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED]; [REDACTED].

⁴⁵⁵⁴ [REDACTED];[REDACTED].

⁴⁵⁵⁵ [REDACTED];[REDACTED]; [REDACTED].

⁴⁵⁵⁶ [REDACTED].

⁴⁵⁵⁷ [REDACTED].

⁴⁵⁵⁸ [REDACTED];[REDACTED];[REDACTED].

⁴⁵⁵⁹ [REDACTED];[REDACTED]; [REDACTED];[REDACTED]

⁴⁵⁶⁰ [REDACTED].

⁴⁵⁶¹ [REDACTED];[REDACTED];[REDACTED];[REDACTED].

they were denied due process guarantees.

1087. In Bubël/Bublje, [REDACTED] was questioned about [REDACTED].⁴⁵⁶² While [REDACTED] and [REDACTED] beat [REDACTED] questioned [REDACTED] about [REDACTED]; [REDACTED].⁴⁵⁶³

1088. [REDACTED] interrogation, in Bubël/Bublje was administered by [REDACTED], who asked questions [REDACTED] while [REDACTED] was beaten by [REDACTED]; [REDACTED] were also present.⁴⁵⁶⁴ [REDACTED] informed [REDACTED] there was an order to send [REDACTED] to the Pashtrik OZ.⁴⁵⁶⁵

1089. In Kostërc/Kostrc, [REDACTED] were administered by Pashtrik OZ command members inside Pashtrik OZ headquarters.⁴⁵⁶⁶ [REDACTED]; [REDACTED].⁴⁵⁶⁷ [REDACTED].⁴⁵⁶⁸ [REDACTED] – who still bore visible bruises on his face from his prior beatings and mistreatment – was questioned regarding [REDACTED]; [REDACTED].⁴⁵⁶⁹ [REDACTED].⁴⁵⁷⁰ [REDACTED] was only released due to [REDACTED].⁴⁵⁷¹

1090. Like [REDACTED], in Kostërc/Kostrc, [REDACTED]; [REDACTED].⁴⁵⁷²

⁴⁵⁶² [REDACTED].

⁴⁵⁶³ [REDACTED].

⁴⁵⁶⁴ [REDACTED];[REDACTED]; [REDACTED].

⁴⁵⁶⁵ [REDACTED];[REDACTED].

⁴⁵⁶⁶ [REDACTED];[REDACTED]; [REDACTED].

⁴⁵⁶⁷ [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED].

⁴⁵⁶⁸ [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED].

⁴⁵⁶⁹ [REDACTED];[REDACTED];[REDACTED].

⁴⁵⁷⁰ [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED].

⁴⁵⁷¹ [REDACTED];[REDACTED].

⁴⁵⁷² [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED].

2. *Other Inhumane Acts / Cruel Treatment / Torture*

a. Detention Conditions

1091. Detainees held in Bubël/Bublje and Kostërc/Kostrc were held in inhumane conditions and not provided medical care.⁴⁵⁷³ In Bubël/Bublje, three detainees were held together for several days in a locked [REDACTED] that had no bed and was too small for them to even lie down.⁴⁵⁷⁴ The three detainees were only taken outside on two or three occasions, each time being guarded by [REDACTED] who told them to [REDACTED], which they did.⁴⁵⁷⁵ In Kostërc/Kostrc, detainees were held in a locked, guarded [REDACTED]; there were no beds or mattresses, and the approximately 30 detainees who were held there at one point slept on the concrete floor.⁴⁵⁷⁶

b. Psychological and Physical Abuse and torture

1092. In both Bubël/Bublje and Kostërc/Kostrc, detainees were physically and psychologically abused.

1093. In Bubël/Bublje, detainees were beaten, sometimes several times a day and including during [REDACTED] they were subjected to, by KLA members including [REDACTED].⁴⁵⁷⁷ [REDACTED] was beaten with a stick whilst being told that [REDACTED]; his injuries were still visible after his release.⁴⁵⁷⁸ [REDACTED] was beaten with an iron bar, and was kicked and punched by multiple KLA soldiers, including [REDACTED], resulting in visible injuries, including blood all over his

⁴⁵⁷³ [REDACTED];[REDACTED];[REDACTED].

⁴⁵⁷⁴ [REDACTED];[REDACTED];[REDACTED].

⁴⁵⁷⁵ [REDACTED].

⁴⁵⁷⁶ [REDACTED];[REDACTED]; [REDACTED].

⁴⁵⁷⁷ [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED];
[REDACTED];[REDACTED];[REDACTED]

⁴⁵⁷⁸ [REDACTED];[REDACTED]; [REDACTED].

face.⁴⁵⁷⁹ In Kostërc/Kostrc, uniformed soldiers beat detainees at night.⁴⁵⁸⁰

S. [REDACTED]

1094. The KLA had a longstanding presence at [REDACTED],⁴⁵⁸¹ [REDACTED],⁴⁵⁸² [REDACTED]⁴⁵⁸³ and [REDACTED],⁴⁵⁸⁴ all of which fell within the KLA Drenicë OZ.⁴⁵⁸⁵ [REDACTED] belonged to the area of responsibility of [REDACTED].⁴⁵⁸⁶ The [REDACTED] locations were within the area of responsibility of Brigade 114, which covered the part of the Drenicë OZ adjacent to the Shala OZ.⁴⁵⁸⁷

1095. From at least November 1998 until at least July 1999, Sabit LLADROVCI was the commander of Battalion 1 of Brigade 114 in the Drenicë OZ, including with responsibility over the area surrounding [REDACTED].⁴⁵⁸⁸ KLA member [REDACTED] operated in the [REDACTED] area,⁴⁵⁸⁹ and was associated with Sabit LLADROVCI in [REDACTED] 1999.⁴⁵⁹⁰ [REDACTED] was operating in the area of [REDACTED],⁴⁵⁹¹ and

⁴⁵⁷⁹ [REDACTED];[REDACTED];[REDACTED];[REDACTED].

⁴⁵⁸⁰ [REDACTED];[REDACTED].

⁴⁵⁸¹ [REDACTED]. [REDACTED]; [REDACTED];[REDACTED];
[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];
[REDACTED];[REDACTED].

⁴⁵⁸² [REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED];
[REDACTED];[REDACTED];[REDACTED]; [REDACTED].

⁴⁵⁸³ [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED];
[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];
[REDACTED];[REDACTED].

⁴⁵⁸⁴ [REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED];
[REDACTED].

⁴⁵⁸⁵ [REDACTED];[REDACTED];[REDACTED];[REDACTED].

⁴⁵⁸⁶ [REDACTED];[REDACTED];[REDACTED]; [REDACTED]; [REDACTED];[REDACTED].

⁴⁵⁸⁷ [REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED];
[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED].

⁴⁵⁸⁸ [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];
[REDACTED];[REDACTED];[REDACTED].

⁴⁵⁸⁹ [REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED]; [REDACTED];
[REDACTED].

⁴⁵⁹⁰ [REDACTED].

⁴⁵⁹¹ [REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED].

was also associated with [REDACTED].⁴⁵⁹² They communicated with each other and with other KLA members using portable radios and satellite phones.⁴⁵⁹³

1096. Until approximately [REDACTED] 1999 when the [REDACTED]⁴⁵⁹⁴ – [REDACTED]⁴⁵⁹⁵ – the [REDACTED], located on the [REDACTED].⁴⁵⁹⁶ [REDACTED]; [REDACTED].⁴⁵⁹⁷

1097. From [REDACTED], KLA members targeted [REDACTED]. For example, [REDACTED], was abducted and disappeared.⁴⁵⁹⁸ Subsequently, in [REDACTED], following a military operation [REDACTED], KLA members abducted [REDACTED], who were never seen again. [REDACTED].⁴⁵⁹⁹ On [REDACTED], KLA members attacked [REDACTED]. [REDACTED],⁴⁶⁰⁰ [REDACTED].⁴⁶⁰¹

1098. As set out below, immediately after [REDACTED] 1999, W01129, [REDACTED], was detained and transferred between a number of KLA locations [REDACTED].⁴⁶⁰² Another [REDACTED], who witnessed W01129's abduction, was also abducted and killed shortly thereafter.⁴⁶⁰³

1. Imprisonment / Illegal or Arbitrary Arrest and Detention

1099. On [REDACTED] 1999, a large group of armed KLA members arrested W01129

⁴⁵⁹² [REDACTED].

⁴⁵⁹³ [REDACTED];[REDACTED]; [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED].

⁴⁵⁹⁴ [REDACTED];[REDACTED]; [REDACTED].

⁴⁵⁹⁵ [REDACTED].

⁴⁵⁹⁶ [REDACTED].

⁴⁵⁹⁷ [REDACTED];[REDACTED];[REDACTED]; [REDACTED].

⁴⁵⁹⁸ [REDACTED].

⁴⁵⁹⁹ [REDACTED].

⁴⁶⁰⁰ [REDACTED];[REDACTED].

⁴⁶⁰¹ [REDACTED].

⁴⁶⁰² [REDACTED].

⁴⁶⁰³ [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED].

as he [REDACTED] at the [REDACTED].⁴⁶⁰⁴ They transferred him between multiple locations over the following days: first to [REDACTED],⁴⁶⁰⁵ then to [REDACTED],⁴⁶⁰⁶ [REDACTED], then to [REDACTED],⁴⁶⁰⁷ and finally to [REDACTED].⁴⁶⁰⁸

1100. At all sites and during transit between them, W01129 was guarded, surrounded, or accompanied by armed KLA members.⁴⁶⁰⁹ He was frequently bound during his detention.⁴⁶¹⁰

1101. W01129 was a civilian. He [REDACTED],⁴⁶¹¹ [REDACTED].⁴⁶¹² Throughout his arrest and detention, W01129 was provided no due process guarantees⁴⁶¹³ and received no information justifying his detention,⁴⁶¹⁴ save for general and unsubstantiated accusations made in the course of his mistreatment.⁴⁶¹⁵

2. *Other Inhumane Acts / Cruel Treatment / Torture*

a. Arrest at [REDACTED]

1102. When W01129 [REDACTED] on about [REDACTED] 1999, a group of around 12-15 men, including [REDACTED], emerged from [REDACTED], some wearing camouflage uniforms and KLA insignia.⁴⁶¹⁶ They were armed with automatic rifles,

⁴⁶⁰⁴ [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED]; [REDACTED].

⁴⁶⁰⁵ [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED]; [REDACTED].

⁴⁶⁰⁶ [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];
[REDACTED];[REDACTED].

⁴⁶⁰⁷ [REDACTED];[REDACTED]; [REDACTED];[REDACTED]; [REDACTED];[REDACTED].

⁴⁶⁰⁸ [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED].

⁴⁶⁰⁹ [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED].

⁴⁶¹⁰ [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];
[REDACTED];[REDACTED].

⁴⁶¹¹ [REDACTED];[REDACTED]; [REDACTED];[REDACTED]; [REDACTED].

⁴⁶¹² [REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED]; [REDACTED].

⁴⁶¹³ [REDACTED].

⁴⁶¹⁴ [REDACTED];[REDACTED];[REDACTED].

⁴⁶¹⁵ [REDACTED];[REDACTED]; [REDACTED];[REDACTED]; [REDACTED].

⁴⁶¹⁶ [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED].

large knives, and hand grenades.⁴⁶¹⁷ By satellite phone, [REDACTED] informed someone that they had captured [REDACTED].⁴⁶¹⁸

1103. The KLA members, who were under [REDACTED] command,⁴⁶¹⁹ immediately surrounded, beat, and threatened W01129.⁴⁶²⁰ They tied his hands with a rope, punched him, and hit him with rifle butts.⁴⁶²¹ [REDACTED] sat on W01129's chest, placed a knife to his throat, and threatened to cut him [REDACTED].⁴⁶²² [REDACTED] men sharpened their knives in front of W01129.⁴⁶²³

1104. W01129 was told that he was under arrest and that he would be taken to the KLA headquarters in [REDACTED], where his fate would be decided.⁴⁶²⁴

1105. The KLA members then transferred W01129, whose rib was broken from the beatings,⁴⁶²⁵ [REDACTED].⁴⁶²⁶ W01129 spent [REDACTED], where he was further beaten.⁴⁶²⁷

1106. By the late afternoon, [REDACTED] and two of his soldiers loaded W01129 in a tractor trailer and drove him to [REDACTED].⁴⁶²⁸ Before reaching [REDACTED]. When [REDACTED] told him that W01129 was being transferred on the commander's orders, [REDACTED].⁴⁶²⁹

⁴⁶¹⁷ [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED].

⁴⁶¹⁸ [REDACTED];[REDACTED].

⁴⁶¹⁹ [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED].

⁴⁶²⁰ [REDACTED];[REDACTED]; [REDACTED];[REDACTED]; [REDACTED].

⁴⁶²¹ [REDACTED];[REDACTED]; [REDACTED];[REDACTED]; [REDACTED].

⁴⁶²² [REDACTED];[REDACTED]; [REDACTED];[REDACTED]; [REDACTED].

⁴⁶²³ [REDACTED].

⁴⁶²⁴ [REDACTED].

⁴⁶²⁵ [REDACTED].

⁴⁶²⁶ [REDACTED].

⁴⁶²⁷ [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED].

⁴⁶²⁸ [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];
[REDACTED];[REDACTED].

⁴⁶²⁹ [REDACTED];[REDACTED];[REDACTED];[REDACTED].

b. [REDACTED]

1107. After reaching [REDACTED], who had a satellite phone,⁴⁶³⁰ introduced himself as the commander.⁴⁶³¹ W01129 was held in an empty, unfinished building with no windows or doors.⁴⁶³² KLA soldiers, [REDACTED], tied W01129's hands behind his back and beat him with [REDACTED], including rifles and metal bars, for four to five hours until late at night.⁴⁶³³ The prolonged beating resulted in serious injuries.⁴⁶³⁴ At one point, [REDACTED] stated he had orders to take W01129 [REDACTED].⁴⁶³⁵

c. [REDACTED]

1108. Following [REDACTED] orders, W01129 was taken at gunpoint and on foot to the village of [REDACTED], where he was detained in an old house located at the outskirts of the village, close to a [REDACTED] that served as the local KLA headquarters.⁴⁶³⁶ He was placed in [REDACTED], which was cold during the night.⁴⁶³⁷ No toilet was available, and he was given only some bread and [REDACTED].⁴⁶³⁸

1109. [REDACTED], on about [REDACTED], W01129 was brought before [REDACTED] – [REDACTED]⁴⁶³⁹ – who introduced himself as the commander to W01129.⁴⁶⁴⁰ [REDACTED] interrogated W01129 for approximately two hours about [REDACTED]. [REDACTED] stated that [REDACTED].⁴⁶⁴¹

⁴⁶³⁰ [REDACTED];[REDACTED];[REDACTED];[REDACTED].

⁴⁶³¹ [REDACTED];[REDACTED]; [REDACTED].

⁴⁶³² [REDACTED];[REDACTED]; [REDACTED].

⁴⁶³³ [REDACTED];[REDACTED];[REDACTED];[REDACTED].

⁴⁶³⁴ [REDACTED];[REDACTED]; [REDACTED].

⁴⁶³⁵ [REDACTED].

⁴⁶³⁶ [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED]; [REDACTED].

⁴⁶³⁷ [REDACTED];[REDACTED]; [REDACTED].

⁴⁶³⁸ [REDACTED].

⁴⁶³⁹ [REDACTED];[REDACTED].

⁴⁶⁴⁰ [REDACTED];[REDACTED]; [REDACTED];[REDACTED].

⁴⁶⁴¹ [REDACTED];[REDACTED]; [REDACTED];[REDACTED].

1110. During later questioning at the [REDACTED] – where [REDACTED] was again present⁴⁶⁴² – a commander questioned W01129 about [REDACTED]; he then beat W01129 hard on the head with a pistol until he lost consciousness.⁴⁶⁴³ W01129 was next taken to an adjacent room, where his legs and hands were tied, and [REDACTED], beat W01129 hard, taking turns with [REDACTED].⁴⁶⁴⁴ Eventually, W01129 was forced to write a statement about [REDACTED].⁴⁶⁴⁵

1111. Later [REDACTED] and other KLA members drove W01129 to [REDACTED].⁴⁶⁴⁶

d. [REDACTED]

1112. At [REDACTED] handed W01129 over to commander [REDACTED],⁴⁶⁴⁷ who then interacted with W01129 daily.⁴⁶⁴⁸ W01129 spent most of his detention in [REDACTED], where he was held in [REDACTED].⁴⁶⁴⁹ [REDACTED] was small with a low ceiling, a small window, and a door with bars.⁴⁶⁵⁰ The place was cold at night and dark.⁴⁶⁵¹ W01129 had no opportunity to wash himself during his detention.⁴⁶⁵² When he needed to relieve himself outside, an armed KLA member escorted him.⁴⁶⁵³ He was occasionally given a stale piece of bread and cheese, which he had to ration.⁴⁶⁵⁴

1113. W01129 was detained at [REDACTED] until [REDACTED] 1999, during which time he was [REDACTED].⁴⁶⁵⁵ [REDACTED] and his subordinates frequently

⁴⁶⁴² [REDACTED].

⁴⁶⁴³ [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED].

⁴⁶⁴⁴ [REDACTED];[REDACTED];[REDACTED];[REDACTED].

⁴⁶⁴⁵ [REDACTED];[REDACTED].

⁴⁶⁴⁶ [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED].

⁴⁶⁴⁷ [REDACTED].

⁴⁶⁴⁸ [REDACTED];[REDACTED]; [REDACTED].

⁴⁶⁴⁹ [REDACTED]; [REDACTED];[REDACTED];[REDACTED].

⁴⁶⁵⁰ [REDACTED].

⁴⁶⁵¹ [REDACTED].

⁴⁶⁵² [REDACTED].

⁴⁶⁵³ [REDACTED];[REDACTED].

⁴⁶⁵⁴ [REDACTED]; [REDACTED];[REDACTED].

⁴⁶⁵⁵ [REDACTED].

mistreated and interrogated him.⁴⁶⁵⁶ [REDACTED] demanded that W01129 confess [REDACTED].⁴⁶⁵⁷ [REDACTED] informed W01129 that his superiors would decide his fate.⁴⁶⁵⁸

1114. Despite the presence of a doctor treating KLA soldiers in [REDACTED], W01129 received no medical care.⁴⁶⁵⁹

1115. W01129 was released on [REDACTED] 1999, [REDACTED]. [REDACTED].⁴⁶⁶⁰

3. *Victim Impact*

1116. As a result of the detention and abuse, W01129 suffered two broken ribs, a broken arm, injuries to his head, and still has visible ligature marks on his arms.⁴⁶⁶¹ [REDACTED] shortly after his release on [REDACTED] 1999, followed by [REDACTED].⁴⁶⁶²

T. TASLIXHE/TASLIDŽE

1117. Prishtinë/Priština fell within the Llap Operational Zone.⁴⁶⁶³ From 11 June 1999, simultaneous with the departure of the Serbian forces from the area,⁴⁶⁶⁴ Rustem MUSTAFA and the Llap Operational Zone Command, entered Prishtinë/Priština and established their headquarters in Kolovicë/Kojlovica.⁴⁶⁶⁵ **Jakup KRASNIQI** was also

⁴⁶⁵⁶ [REDACTED];[REDACTED]; [REDACTED].

⁴⁶⁵⁷ [REDACTED].

⁴⁶⁵⁸ [REDACTED].

⁴⁶⁵⁹ [REDACTED];[REDACTED];[REDACTED].

⁴⁶⁶⁰ [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED];[REDACTED].

⁴⁶⁶¹ [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];
[REDACTED];[REDACTED].

⁴⁶⁶² [REDACTED];[REDACTED]; [REDACTED];[REDACTED].

⁴⁶⁶³ P01375(Public);AF283(Public);W04746:T.5472(11-Jul-2023)(Open).

⁴⁶⁶⁴ [REDACTED];[REDACTED].

⁴⁶⁶⁵ W04746:T.5599(12-Jul-2023)(Open);W04746:T.5660-5661(13-Jul-2023)(Open);

P00187_ET:pp.SPOE00055972-SPOE00055973(Public);P01755.9_ET:pp.26, 29(Public);W04600:T.20069(19-

present in Kolovicë/Kojlovica at this time, including visiting the Llap zone command headquarters.⁴⁶⁶⁶ From early June 1999, the BIA unit, including commander Salih MUSTAFA, had already been stationed in the nearby Taslixhe/Taslidže neighbourhood of Prishtinë/Priština.⁴⁶⁶⁷

1118. On 15 June 1999, Rrustem MUSTAFA gave a news conference from the Llap command headquarters in which he commented that many Serb civilians were ‘immersed deeply in perpetrating crimes’, and had realised that they had no place in Kosovo.⁴⁶⁶⁸ Around the same time, Salih MUSTAFA also spoke to the press from a base in Prishtinë/Priština, where he was ‘meticulously respectful’ of the KLA hierarchy, confirmed he was under the Llap command, and indicated he considered Prime Minister **THAÇI** to be the legitimate government.⁴⁶⁶⁹ Surrounded by young men wearing BIA armbands, he claimed responsibility for a recent assassination, and stated *inter alia* that those people who did violence against Albanians ‘must pay the price’, confirming that the KLA would punish them if the international troops and Hague court did not.⁴⁶⁷⁰

1119. Between [REDACTED] 1999,⁴⁶⁷¹ three [REDACTED] – [REDACTED] – were held at and transferred between at least three sites in and around [REDACTED] and Taslixhe/Taslidže: an unfinished house [REDACTED],⁴⁶⁷² the basement of a house in the

Sep-2024)(Open);[REDACTED];P00188:p.SPOE00053322(Public);
P00693.10_ET:p.1(Public);P01772(Public);[REDACTED];W04485:T.21232-21234(28-Oct-2024)(Public). *See also* [REDACTED];[REDACTED]; [REDACTED].

⁴⁶⁶⁶ P01772(Public);[REDACTED];W04485:T.21232-21234(28-Oct-2024)(Public);
P01970_ET:p.101962(Public);P01264_ET:pp.SPOE00128902-SPOE00128903, SPOE00128907-SPOE00128908(Public).

⁴⁶⁶⁷ P00187_ET:p.SPOE00055972(Public);[REDACTED].

⁴⁶⁶⁸ P00187_ET:p.SPOE00055973, fn.539(Public).

⁴⁶⁶⁹ P04184(Public);[REDACTED].

⁴⁶⁷⁰ P04184(Public).

⁴⁶⁷¹ [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED];[REDACTED];
[REDACTED]; [REDACTED].

⁴⁶⁷² [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];
[REDACTED].

vicinity of the Taslixhe/Taslidže neighbourhood,⁴⁶⁷³ and a second building in the same neighbourhood.⁴⁶⁷⁴

1. Imprisonment / Illegal or Arbitrary Arrest and Detention

1120. On [REDACTED] 1999,⁴⁶⁷⁵ [REDACTED]⁴⁶⁷⁶ [REDACTED]⁴⁶⁷⁷ [REDACTED],⁴⁶⁷⁸ were arrested by a group of armed men with KLA armbands,⁴⁶⁷⁹ outside [REDACTED].⁴⁶⁸⁰ Immediately upon arrest, they were searched, and mistreated with fists, a pistol butt and spades.⁴⁶⁸¹ KLA members confiscated their weapons, documents, money, and [REDACTED]'s vehicle.⁴⁶⁸² They were then taken to a nearby unfinished house in this village,⁴⁶⁸³ before being transferred by car to a second house where they were placed in a basement.⁴⁶⁸⁴

1121. Around the same time,⁴⁶⁸⁵ W01338, [REDACTED],⁴⁶⁸⁶ was arrested [REDACTED] by three armed KLA soldiers in camouflage uniforms with KLA armbands.⁴⁶⁸⁷ W01338

⁴⁶⁷³ [REDACTED];[REDACTED];[REDACTED];

[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];
[REDACTED];[REDACTED];[REDACTED].

⁴⁶⁷⁴ [REDACTED];[REDACTED];

[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED].

⁴⁶⁷⁵ [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED].

⁴⁶⁷⁶ [REDACTED];[REDACTED];[REDACTED].

⁴⁶⁷⁷ [REDACTED];[REDACTED].

⁴⁶⁷⁸ [REDACTED];[REDACTED]; [REDACTED].

⁴⁶⁷⁹ [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED].

⁴⁶⁸⁰ [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED].

⁴⁶⁸¹ [REDACTED];[REDACTED];[REDACTED]; [REDACTED].

⁴⁶⁸² [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED].

⁴⁶⁸³ [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];
[REDACTED].

⁴⁶⁸⁴ [REDACTED];[REDACTED];[REDACTED];

[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];
[REDACTED];[REDACTED];[REDACTED].

⁴⁶⁸⁵ [REDACTED];[REDACTED]; [REDACTED];[REDACTED].

⁴⁶⁸⁶ [REDACTED]; [REDACTED];[REDACTED]. *See also* [REDACTED].

⁴⁶⁸⁷ [REDACTED];[REDACTED];[REDACTED].

was blindfolded, beaten,⁴⁶⁸⁸ and taken to a basement located in Taslixhe/Taslidže,⁴⁶⁸⁹ where he was detained together with [REDACTED].⁴⁶⁹⁰

1122. The third site, where all three victims were detained, was located in Prishtinë/Priština, [REDACTED], in Taslixhe/Taslidže.⁴⁶⁹¹ There, the detainees were kept inside the building, in a place described by them as a room or shed.⁴⁶⁹²

1123. Throughout their detention, the three men were never charged with any crimes, were provided no reasons for their detention nor given any opportunity to challenge its lawfulness.⁴⁶⁹³ During interrogations, any accusations were of a general nature, and many questions related to other people, such as Albanians who may have socialised with them, and matters about which the victims had no information.⁴⁶⁹⁴ The victims believe they were held by the KLA due to [REDACTED].⁴⁶⁹⁵

1124. In the afternoon of [REDACTED] 1999, the detainees managed to cut each other's hands free with a broken glass and escape to the street,⁴⁶⁹⁶ [REDACTED].⁴⁶⁹⁷ [REDACTED],⁴⁶⁹⁸ [REDACTED].⁴⁶⁹⁹

⁴⁶⁸⁸ [REDACTED];[REDACTED].

⁴⁶⁸⁹ [REDACTED];[REDACTED];[REDACTED];[REDACTED].

⁴⁶⁹⁰ [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED].

⁴⁶⁹¹ [REDACTED];[REDACTED];[REDACTED];

[REDACTED];[REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED]; [REDACTED].

⁴⁶⁹² [REDACTED];[REDACTED];

[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED]; [REDACTED].

⁴⁶⁹³ [REDACTED].

⁴⁶⁹⁴ [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED];[REDACTED].

⁴⁶⁹⁵ [REDACTED];[REDACTED].

⁴⁶⁹⁶ [REDACTED];[REDACTED];

[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED].

⁴⁶⁹⁷ [REDACTED];[REDACTED]; [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED].

⁴⁶⁹⁸ [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED].

⁴⁶⁹⁹ [REDACTED];[REDACTED]; [REDACTED].

2. *Other Inhumane Acts / Cruel Treatment / Torture*

a. Detention Conditions

1125. During their detention, the victims were held under guard,⁴⁷⁰⁰ were given no food and little or no water.⁴⁷⁰¹ They were forced to [REDACTED],⁴⁷⁰² with their hands very painfully bound to one another [REDACTED].⁴⁷⁰³

b. Psychological and Physical Abuse

1126. All three victims were subjected to severe physical and psychological abuse. Immediately upon their arrest outside [REDACTED], were mistreated, including breaking the latter's nose with a pistol butt.⁴⁷⁰⁴ The mistreatment continued in a nearby unfinished house,⁴⁷⁰⁵ where the two victims were beaten, including on the back with a spade.⁴⁷⁰⁶

1127. At W01338's arrest, the KLA members cocked their weapons at him, and beat him in the presence of [REDACTED].⁴⁷⁰⁷ His mistreatment continued on his way to the nearby detention location.⁴⁷⁰⁸

1128. In that location, in a basement of a house, [REDACTED] were threatened with death by individuals with visible KLA insignias,⁴⁷⁰⁹ whereas W01338 was beaten outside

⁴⁷⁰⁰ [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED];[REDACTED].

⁴⁷⁰¹ [REDACTED];[REDACTED];[REDACTED]; [REDACTED].

⁴⁷⁰² [REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED].

⁴⁷⁰³ [REDACTED];[REDACTED]; [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED];[REDACTED].

⁴⁷⁰⁴ [REDACTED];[REDACTED]; [REDACTED].

⁴⁷⁰⁵ [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED]; [REDACTED].

⁴⁷⁰⁶ [REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED]; [REDACTED].

⁴⁷⁰⁷ [REDACTED];[REDACTED].

⁴⁷⁰⁸ [REDACTED];[REDACTED].

⁴⁷⁰⁹ [REDACTED].

the basement.⁴⁷¹⁰ All three detainees were kept blindfolded and questioned about their mobilisation, possession of weapons, looting, Albanians they had allegedly killed and raped, and Albanians who had socialised with them or worked for the police.⁴⁷¹¹ After their interrogation, the detainees' blindfolds were removed, [REDACTED],⁴⁷¹² who they believed was the Commander.⁴⁷¹³

1129. Shortly after arriving at the third, and last, location in Taslixhe/Taslidže, the KLA members beat W01338 with rifle butts, put a knife to the throat of [REDACTED], and punched the latter in the face.⁴⁷¹⁴

1130. The three victims were then placed in a room or shed, and were severely beaten throughout the night of [REDACTED] 1999 and into the following day,⁴⁷¹⁵ including with fists, feet, brass knuckles, pistol butts, plastic hoses, and metal pipes.⁴⁷¹⁶ They were also splashed with cold water.⁴⁷¹⁷ [REDACTED].⁴⁷¹⁸

1131. At one point, the detainees were covered with a blanket, causing them to breathe and sweat heavily, and W01338 to believe they would be killed.⁴⁷¹⁹ When [REDACTED] began to shout, a KLA member shoved the barrel of an automatic rifle into his mouth and warned him to stay quiet.⁴⁷²⁰

⁴⁷¹⁰ [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED].

⁴⁷¹¹ [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];
[REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED].

⁴⁷¹² [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];
[REDACTED];[REDACTED]. In respect of [REDACTED], *see also* Section [REDACTED].

⁴⁷¹³ [REDACTED];[REDACTED]. *See also* [REDACTED].

⁴⁷¹⁴ [REDACTED];[REDACTED]; [REDACTED];[REDACTED]; [REDACTED].

⁴⁷¹⁵ [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED];
[REDACTED];[REDACTED].

⁴⁷¹⁶ [REDACTED];[REDACTED]; [REDACTED];[REDACTED].

⁴⁷¹⁷ [REDACTED];[REDACTED]; [REDACTED].

⁴⁷¹⁸ [REDACTED];[REDACTED]; [REDACTED];[REDACTED].

⁴⁷¹⁹ [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED];
[REDACTED];[REDACTED].

⁴⁷²⁰ [REDACTED];[REDACTED].

1132. During their detention, the three [REDACTED] were subjected to [REDACTED] and death threats,⁴⁷²¹ and heard each other being beaten and interrogated.⁴⁷²²

3. *Victim Impact*

1133. Due to [REDACTED]'s detention and mistreatment, his face and hands were swollen, several ribs were broken, [REDACTED],⁴⁷²³ injuries that continue to cause him pain and limitations to this day.⁴⁷²⁴ [REDACTED] nose was broken and his body was bruised.⁴⁷²⁵ Following W01338's release, he was hospitalised but out of fear refused to remain in care.⁴⁷²⁶ W01338's [REDACTED] were broken, and he suffered [REDACTED]⁴⁷²⁷ and a serious deterioration of his health.⁴⁷²⁸

1134. During their detention, the victims believed they would be killed.⁴⁷²⁹ As a result of their plight, [REDACTED] continue to suffer from long-lasting psychological consequences, which [REDACTED] described as 'imploding in my body and my head'.⁴⁷³⁰ [REDACTED] suffers from nightmares, takes medication for anxiety and constantly looks over his shoulder.⁴⁷³¹ [REDACTED] detention also affected [REDACTED].⁴⁷³² W01138 indicated that the events have impacted his psychological state, and that of his family,⁴⁷³³ while he was detained, the same KLA soldiers who kidnapped him [REDACTED].⁴⁷³⁴

⁴⁷²¹ [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED].

⁴⁷²² [REDACTED];[REDACTED];[REDACTED]; [REDACTED].

⁴⁷²³ [REDACTED];[REDACTED].

⁴⁷²⁴ [REDACTED];[REDACTED].

⁴⁷²⁵ [REDACTED];[REDACTED].

⁴⁷²⁶ [REDACTED].

⁴⁷²⁷ [REDACTED].

⁴⁷²⁸ [REDACTED].

⁴⁷²⁹ [REDACTED];[REDACTED];[REDACTED].

⁴⁷³⁰ [REDACTED].

⁴⁷³¹ [REDACTED];[REDACTED].

⁴⁷³² [REDACTED]. *See also* [REDACTED].

⁴⁷³³ [REDACTED].

⁴⁷³⁴ [REDACTED];[REDACTED];[REDACTED].

1135. The [REDACTED] other belongings [REDACTED] carried with them were confiscated by the KLA and never returned.⁴⁷³⁵ [REDACTED].⁴⁷³⁶ [REDACTED].⁴⁷³⁷

U. VĚRBAN/VRBAN

1136. KLA units were active in Viti/Vitina municipality, which fell within the Karadak OZ, from at least mid-April 1999.⁴⁷³⁸ As of 8 June 1999, Karadak OZ Brigade 173 was engaged in combat with Serbian forces in Věrban/Vrban, which, like Gjilan/Gnjilane and Novebërdë/Novo Brdo, fell under the authority of Karadak OZ Commander, Ahmet ISUFI.⁴⁷³⁹ This village was less than 10km from Viti/Vitina town,⁴⁷⁴⁰ where the 173 Brigade was headquartered in summer 1999.⁴⁷⁴¹

1137. Between 13 and 15 June 1999, the Karadak OZ Command was communicating by satellite phone with KLA troops in the Viti/Vitina area and the General Staff concerning troop movements, reinforcements, the killing of paramilitaries, the disarming and release of detained Serbs, and related discussions with KFOR in Viti/Vitina municipality.⁴⁷⁴² By 15 June 1999, the Serbian forces had withdrawn⁴⁷⁴³ and KLA members set up checkpoints in the Viti/Vitina area, conducted searches, and disarmed, intimidated, mistreated, expelled, and detained Serbs.⁴⁷⁴⁴ KLA members took a number of detainees to the KLA base in Věrban/Vrban following arrest operations

⁴⁷³⁵ [REDACTED].

⁴⁷³⁶ [REDACTED].

⁴⁷³⁷ [REDACTED];[REDACTED].

⁴⁷³⁸ [REDACTED];P02141_ET(Public);W04485:T.21227-21232(28-Oct-2024)(Public); [REDACTED]. *See also* [REDACTED]; Section II.A.3.m.vii.

⁴⁷³⁹ P00814_ET.29:p.SPOE00055594(Public). *See also* Section II.A.3.m.vii.

⁴⁷⁴⁰ [REDACTED];[REDACTED].

⁴⁷⁴¹ [REDACTED];P04131:p.SITF00173022(Public);[REDACTED]. The identified KLA commander of the KLA base in Věrban/Vrban was seen in Viti/Vitina by [REDACTED]after his release. *See* [REDACTED].

⁴⁷⁴² [REDACTED]. [REDACTED], *see* [REDACTED];[REDACTED]; [REDACTED]. *See also* Section II.A.3.m.vii.

⁴⁷⁴³ [REDACTED];[REDACTED].

⁴⁷⁴⁴ [REDACTED];[REDACTED]; [REDACTED];[REDACTED];
[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];
[REDACTED];[REDACTED];[REDACTED].

that were organised and carried out across multiple villages in the Viti/Vitina area, some 20 or more kilometres from the KLA base in Vërban/Vrban.⁴⁷⁴⁵ In certain cases, these arrests were preceded by periods of surveillance, with KLA soldiers lying in wait for the opportune moment to arrest those targeted.⁴⁷⁴⁶ Some KLA soldiers used a radio to communicate with others who instructed them to take detainees to Vërban/Vrban.⁴⁷⁴⁷

1138. The detention site at the KLA base in Vërban/Vrban operated from around [REDACTED] 1999 to [REDACTED] 1999.⁴⁷⁴⁸ Detainees were held in a house within a KLA compound comprised of multiple buildings situated around a courtyard.⁴⁷⁴⁹ Other houses within the compound were used to accommodate KLA soldiers and for interrogations.⁴⁷⁵⁰

1139. By about [REDACTED] 1999, the first victims had been released. They reported the detention site at Vërban/Vrban, providing a list of those still detained to local officials in Viti/Vitina and KFOR. KFOR began several days of negotiations with the KLA for the release of the remaining detainees, whose mistreatment was ongoing.⁴⁷⁵¹

1. Imprisonment / Illegal or Arbitrary Arrest and Detention

1140. Between about [REDACTED] 1999, Shaban SHAQIRI, Ramadan PIRA, Ilmi PIRA, and other KLA members⁴⁷⁵² abducted at least nine people – including

⁴⁷⁴⁵ [REDACTED];[REDACTED];[REDACTED]; [REDACTED]; [REDACTED].

⁴⁷⁴⁶ [REDACTED];[REDACTED];

[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED]; [REDACTED].

⁴⁷⁴⁷ [REDACTED].

⁴⁷⁴⁸ [REDACTED];[REDACTED];[REDACTED].

⁴⁷⁴⁹ [REDACTED];[REDACTED]; [REDACTED].

⁴⁷⁵⁰ [REDACTED];[REDACTED]; [REDACTED].

⁴⁷⁵¹ [REDACTED];[REDACTED]; [REDACTED];[REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴⁷⁵² [REDACTED];[REDACTED]; [REDACTED];[REDACTED].

[REDACTED];⁴⁷⁵³ [REDACTED] W00778 [REDACTED];⁴⁷⁵⁴ [REDACTED];⁴⁷⁵⁵
[REDACTED];⁴⁷⁵⁶ [REDACTED];⁴⁷⁵⁷ a man named [REDACTED];⁴⁷⁵⁸ [REDACTED];⁴⁷⁵⁹
and [REDACTED]⁴⁷⁶⁰ – from villages throughout Viti/Vitina municipality, and detained
them at the KLA base in Vërban/Vrban. [REDACTED] were detained until about
[REDACTED] 1999,⁴⁷⁶¹ with the remaining victims held until about [REDACTED] 1999,
when they were released to KFOR.⁴⁷⁶²

1141. During the victims' arrests, KLA soldiers in camouflage and black uniforms
searched the victims and their vehicles; confiscated their identification cards, any
weapons found, and other possessions;⁴⁷⁶³ and – sometimes in the presence of their
family members and others⁴⁷⁶⁴ – tied, beat, and stabbed the victims.⁴⁷⁶⁵ KLA members
took several detainees to intermediate locations before transporting them to
Vërban/Vrban.⁴⁷⁶⁶ At Vërban/Vrban, detainees had their heads covered, and/or were
tied and guarded.⁴⁷⁶⁷

1142. The victims were civilians at the time of their detention and were not taking

⁴⁷⁵³ [REDACTED];[REDACTED]; [REDACTED];[REDACTED].

⁴⁷⁵⁴ [REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED].
[REDACTED]. See [REDACTED]; [REDACTED]; [REDACTED];[REDACTED].

⁴⁷⁵⁵ [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED];
[REDACTED];[REDACTED].

⁴⁷⁵⁶ [REDACTED];[REDACTED]; [REDACTED]; [REDACTED];[REDACTED]; [REDACTED].

⁴⁷⁵⁷ [REDACTED];[REDACTED].

⁴⁷⁵⁸ [REDACTED];[REDACTED]; [REDACTED];[REDACTED]; [REDACTED];[REDACTED].

⁴⁷⁵⁹ [REDACTED];[REDACTED];[REDACTED]; [REDACTED].

⁴⁷⁶⁰ [REDACTED]. See also [REDACTED].

⁴⁷⁶¹ [REDACTED];[REDACTED];

[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED].

⁴⁷⁶² [REDACTED];[REDACTED]; [REDACTED];[REDACTED]; [REDACTED];[REDACTED];
[REDACTED];[REDACTED].

⁴⁷⁶³ [REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED].

⁴⁷⁶⁴ [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED].

⁴⁷⁶⁵ [REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED];
[REDACTED].

⁴⁷⁶⁶ [REDACTED];[REDACTED].

⁴⁷⁶⁷ [REDACTED];[REDACTED]; [REDACTED].

active part in hostilities. Detainees, including [REDACTED]⁴⁷⁶⁸ and [REDACTED],⁴⁷⁶⁹ were targeted because they were [REDACTED].⁴⁷⁷⁰ Several detainees, including [REDACTED].⁴⁷⁷¹ KLA members made vague accusations that certain detainees or their family members committed crimes against Albanians.⁴⁷⁷² While KLA soldiers noted that [REDACTED] was on a list before he was arrested,⁴⁷⁷³ during his [REDACTED] period of detention and mistreatment at Vërban/Vrban, he was accused by KLA members of committing certain crimes (which he denied),⁴⁷⁷⁴ and was also told by a KLA commander at Vërban/Vrban that he had been arrested 'by mistake'.⁴⁷⁷⁵ Another detainee, [REDACTED], was subjected to a [REDACTED] in the presence of several military police.⁴⁷⁷⁶ [REDACTED] was accused [REDACTED], who confirmed that [REDACTED] was not the perpetrator. Despite this, [REDACTED] was not released and was instead subjected to further beatings.⁴⁷⁷⁷

1143. None of the detainees, regardless of the professed reason for their detention, were afforded any meaningful due process,⁴⁷⁷⁸ as confirmed by the circumstances of their arrests, detention, and mistreatment.

⁴⁷⁶⁸ [REDACTED];[REDACTED].

⁴⁷⁶⁹ [REDACTED];[REDACTED];[REDACTED];[REDACTED].

⁴⁷⁷⁰ [REDACTED];[REDACTED];[REDACTED]; [REDACTED]. *See also* [REDACTED]; [REDACTED];[REDACTED]; [REDACTED];[REDACTED].

⁴⁷⁷¹ [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED]; [REDACTED].

⁴⁷⁷² [REDACTED];[REDACTED];[REDACTED].

⁴⁷⁷³ [REDACTED].

⁴⁷⁷⁴ [REDACTED];[REDACTED];[REDACTED];[REDACTED]; [REDACTED].

⁴⁷⁷⁵ [REDACTED];[REDACTED]; [REDACTED];[REDACTED].

⁴⁷⁷⁶ [REDACTED];[REDACTED];[REDACTED].

⁴⁷⁷⁷ [REDACTED].

⁴⁷⁷⁸ [REDACTED];[REDACTED]; [REDACTED].

2. *Other Inhumane Acts / Cruel Treatment / Torture*

a. Detention Conditions

1144. Detainees were held in inhumane conditions and received inadequate food, water, and medical care. At least ten detainees were kept in a small room with a concrete floor and barred windows.⁴⁷⁷⁹ Conditions were cramped. There was no space to lie down to sleep, forcing the detainees to stand, crouch, or sit throughout their detention.⁴⁷⁸⁰ The detainees were provided with limited food and water, but some were unable to eat or drink as their hands were tied and they were constantly being beaten and abused.⁴⁷⁸¹

b. Psychological and Physical Abuse

1145. KLA soldiers, including members of the military police⁴⁷⁸² and a commander at Vërban/Vrban,⁴⁷⁸³ subjected the detainees to physical and psychological abuse.

1146. Taking turns,⁴⁷⁸⁴ KLA members beat detainees all over their bodies and with all manner of instruments, including rifles, pieces of wood, and chains,⁴⁷⁸⁵ until they lost consciousness.⁴⁷⁸⁶ KLA members also tormented detainees with pliers, pulling out their nails and leaving open wounds that went untreated.⁴⁷⁸⁷ KLA members forced [REDACTED] inside a barrel and beat him with a stick,⁴⁷⁸⁸ suffocated [REDACTED]

⁴⁷⁷⁹ [REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED]; [REDACTED].

⁴⁷⁸⁰ [REDACTED].

⁴⁷⁸¹ [REDACTED];[REDACTED]; [REDACTED].

⁴⁷⁸² [REDACTED];[REDACTED];[REDACTED].

⁴⁷⁸³ [REDACTED]. *See also* [REDACTED].

⁴⁷⁸⁴ [REDACTED].

⁴⁷⁸⁵ [REDACTED];[REDACTED]; [REDACTED].

⁴⁷⁸⁶ [REDACTED];[REDACTED].

⁴⁷⁸⁷ [REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED]; [REDACTED].

⁴⁷⁸⁸ [REDACTED].

with a knife to his throat,⁴⁷⁸⁹ and, on one occasion, beat [REDACTED] throughout the night and into the following morning.⁴⁷⁹⁰ [REDACTED] described the beatings as constant.⁴⁷⁹¹ The mistreatment was so great that one detainee requested help from another to commit suicide.⁴⁷⁹²

1147. The beatings were accompanied by psychological abuse and cruelty. The detainees were forced to witness each other's mistreatment and could hear each other scream in pain.⁴⁷⁹³ KLA members took certain detainees out of the room where they were kept, forced them to write down their 'last wish', and threatened them with execution.⁴⁷⁹⁴ Detainee [REDACTED]'s 'last wish', as communicated to his guards, was [REDACTED].⁴⁷⁹⁵ However, after [REDACTED] was released on or about [REDACTED] 1999, KLA members informed [REDACTED] that [REDACTED] had been killed.⁴⁷⁹⁶ KLA members also told [REDACTED] that [REDACTED] had been raped and killed, and that [REDACTED] would be killed next.⁴⁷⁹⁷

1148. Over the course of their detention, KLA members took detainees one-by-one to another room, as if by '[REDACTED]', where they were beaten, interrogated,⁴⁷⁹⁸ and forced to make false confessions and sign statements, including as a precondition for release.⁴⁷⁹⁹ For example, a KLA soldier beat [REDACTED] with a rifle and a piece of wood in an attempt to force him to confess that [REDACTED].⁴⁸⁰⁰ KLA members

⁴⁷⁸⁹ [REDACTED];[REDACTED].

⁴⁷⁹⁰ [REDACTED].

⁴⁷⁹¹ [REDACTED]. *See also* [REDACTED].

⁴⁷⁹² [REDACTED];[REDACTED].

⁴⁷⁹³ [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED].

⁴⁷⁹⁴ [REDACTED];[REDACTED]; [REDACTED];[REDACTED].

⁴⁷⁹⁵ [REDACTED];[REDACTED].

⁴⁷⁹⁶ [REDACTED].

⁴⁷⁹⁷ [REDACTED];[REDACTED]; [REDACTED].

⁴⁷⁹⁸ [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED].

⁴⁷⁹⁹ [REDACTED];[REDACTED]; [REDACTED].

⁴⁸⁰⁰ [REDACTED];[REDACTED].

questioned other detainees about their relationships with Albanians,⁴⁸⁰¹ crimes allegedly committed by the Serbian forces,⁴⁸⁰² and the whereabouts of certain members of the Serbian forces.⁴⁸⁰³ [REDACTED] was beaten because [REDACTED].⁴⁸⁰⁴

1149. Prior to the release of some detainees to KFOR, a KLA commander at Vërban/Vrban had them [REDACTED].⁴⁸⁰⁵ [REDACTED].⁴⁸⁰⁶ [REDACTED].⁴⁸⁰⁷ Instead, the commander forced detainees to write statements confirming that they had not been mistreated while in KLA custody.⁴⁸⁰⁸

3. *Victim Impact*

1150. As a result of their detention and mistreatment, the victims suffered long-lasting physical and psychological consequences. They had open wounds, lacerations, bruises all over their bodies, and broken bones, requiring hospitalisation and long-term treatment, causing pain, discomfort, and medical conditions that continue to this day.⁴⁸⁰⁹ For example, [REDACTED], who had been severely beaten [REDACTED],⁴⁸¹⁰ [REDACTED].⁴⁸¹¹ [REDACTED] when he was detained, continues to suffer from tremors in his hands, and has developed high blood pressure and diabetes.⁴⁸¹² Despite receiving medical and psychiatric treatment since 1999, [REDACTED] continues to suffer from insomnia, post-traumatic stress disorder, and depression, and has

⁴⁸⁰¹ [REDACTED];[REDACTED].

⁴⁸⁰² [REDACTED];[REDACTED];[REDACTED].

⁴⁸⁰³ [REDACTED];[REDACTED].

⁴⁸⁰⁴ [REDACTED];[REDACTED].

⁴⁸⁰⁵ [REDACTED];[REDACTED].

⁴⁸⁰⁶ [REDACTED];[REDACTED].

⁴⁸⁰⁷ [REDACTED];[REDACTED]; [REDACTED].

⁴⁸⁰⁸ [REDACTED];[REDACTED].

⁴⁸⁰⁹ [REDACTED];[REDACTED];[REDACTED];[REDACTED];

[REDACTED];[REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED].

⁴⁸¹⁰ [REDACTED].

⁴⁸¹¹ [REDACTED].

⁴⁸¹² [REDACTED].

experienced [REDACTED].⁴⁸¹³ The events have also impacted the victims' family members.⁴⁸¹⁴

V. PRIZREN

1. *Tusus*

1151. In mid-March 1999, Samedin XHEZAIRI obtained the permission of the Pashtrik OZ commander to relocate from Jeshkovë/Ješkovo to the Tusus neighbourhood in Prizren.⁴⁸¹⁵ XHEZAIRI commanded a special unit falling under Brigade 125.⁴⁸¹⁶

1152. Following the withdrawal of FRY forces from Prizren in mid-June 1999, the KLA took over, in a coordinated manner, municipal buildings, schools, courts, dormitories and other facilities and exercised control over various neighbourhoods in and around Prizren.⁴⁸¹⁷

1153. In the Tusus neighbourhood, the KLA operated a checkpoint with a barricade and a flag,⁴⁸¹⁸ as well as a headquarters,⁴⁸¹⁹ located in a private house above the Prizren hospital, at the foot of a hill, next to the woods.⁴⁸²⁰ This HQ served as a base for

⁴⁸¹³ [REDACTED];[REDACTED];[REDACTED];[REDACTED]. The physical and psychological conditions described by [REDACTED] are corroborated by medical evidence. *See* [REDACTED];[REDACTED];[REDACTED]; [REDACTED].

⁴⁸¹⁴ [REDACTED];[REDACTED].

⁴⁸¹⁵ [REDACTED];[REDACTED];[REDACTED];[REDACTED].

⁴⁸¹⁶ [REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED].

⁴⁸¹⁷ [REDACTED];[REDACTED]; [REDACTED];[REDACTED];
[REDACTED];[REDACTED];[REDACTED]; P00012_ET:pp.057998-
058001(Public);[REDACTED];P01188.2(Public); P00503(Public);P01570(Public).

⁴⁸¹⁸ [REDACTED].

⁴⁸¹⁹ [REDACTED];[REDACTED]; [REDACTED];[REDACTED]; [REDACTED];[REDACTED].

⁴⁸²⁰ [REDACTED];[REDACTED];
[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];
[REDACTED];[REDACTED];[REDACTED];
[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED].

XHEZAIRI's 125 Brigade special unit.⁴⁸²¹ By that time, XHEZAIRI was bypassing the Brigade 125 commander, who was a professional soldier, and instead communicating directly with Zone Commander Tahir SINANI.⁴⁸²² The HQ included a detention site located in the garage of the house, which operated between around 15 and 23 June 1999.⁴⁸²³ Armed, uniformed KLA members surrounded and guarded the detention facility.⁴⁸²⁴

1154. Samedin XHEZAIRI,⁴⁸²⁵ as well as 125 Brigade member Genc DAKA, who was the chief of staff of the 2nd battalion of Brigade 125 and had previously performed intelligence functions,⁴⁸²⁶ and Xhemshit KRASNIQI, who also had an intelligence function,⁴⁸²⁷ were amongst the KLA soldiers present at the detention facility and exercising control over the detainees, including by transferring them there, questioning them, or deciding on their release.⁴⁸²⁸

a. Imprisonment / Illegal or Arbitrary Arrest and Detention

1155. In June 1999,⁴⁸²⁹ members of the KLA, including Samedin XHEZAIRI and Xhemshit KRASNIQI,⁴⁸³⁰ arbitrarily detained at least 10 people in a garage in Tusus,

⁴⁸²¹ [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];
[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];P01572_ET(Public);
[REDACTED]; [REDACTED];W04752:T.17499-17501(03-Jul-2024)(Open); [REDACTED].

⁴⁸²² [REDACTED].

⁴⁸²³ [REDACTED];[REDACTED];[REDACTED].

⁴⁸²⁴ [REDACTED];[REDACTED]; [REDACTED].

⁴⁸²⁵ [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];
[REDACTED];[REDACTED].

⁴⁸²⁶ [REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED]; [REDACTED];
[REDACTED];[REDACTED].

⁴⁸²⁷ [REDACTED];[REDACTED]; [REDACTED];[REDACTED]. Xhemshit KRASNIQI had been a founding member of the 125 Brigade in summer 1998 (see Section II.A.3.m.v) and subsequently cooperated closely with Sabit GECI in Albania (see Sections III.P; III.Q). He is an identified perpetrator across multiple detention locations (see Sections III.P; III.Q; III.V.3).

⁴⁸²⁸ [REDACTED];W04735:T.19376-19377(02-Sep-2024)(Public); [REDACTED];[REDACTED].

⁴⁸²⁹ [REDACTED];[REDACTED];[REDACTED];[REDACTED].

⁴⁸³⁰ See e.g. [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED];
[REDACTED];[REDACTED].

including: W04735, [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], a Bosniak nicknamed [REDACTED], and [REDACTED].⁴⁸³¹

1156. [REDACTED], [REDACTED], [REDACTED], [REDACTED], and [REDACTED] were arrested and transferred to Tusus⁴⁸³² by KLA soldiers, including members of the KLA Military Police,⁴⁸³³ between [REDACTED]⁴⁸³⁴ [REDACTED] 1999.⁴⁸³⁵ During arrest, detainees were severely mistreated: [REDACTED] was hit on the head with a rifle, while an elderly Serb named [REDACTED] was beaten until he lost consciousness;⁴⁸³⁶ [REDACTED] was beaten with rifle butts and fists and subjected to ethnic slurs;⁴⁸³⁷ and [REDACTED] had his hands tied, was punched and repeatedly hit in the face.⁴⁸³⁸ Detainees had their belongings and documents seized.⁴⁸³⁹

1157. Some of the detainees were held at and transferred between multiple detention sites: W04735 [REDACTED], previously detained in Cahan and other locations in Prizren, were transferred to Tusus by Xhemshit KRASNIQI during KFOR's raid of the Dormitory in Prizren,⁴⁸⁴⁰ [REDACTED], [REDACTED] and [REDACTED] were transferred twice between Tusus and the former MUP building in Prizren in the face of

⁴⁸³¹ [REDACTED];[REDACTED]; W04735:T.19377(02-Sep-2024)(Open);[REDACTED]; [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED].

⁴⁸³² [REDACTED];[REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED].

⁴⁸³³ [REDACTED];[REDACTED]; [REDACTED];[REDACTED]; [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED].

⁴⁸³⁴ [REDACTED];[REDACTED];[REDACTED];[REDACTED].

⁴⁸³⁵ [REDACTED];[REDACTED];[REDACTED].

⁴⁸³⁶ [REDACTED];[REDACTED]; [REDACTED].

⁴⁸³⁷ [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED].

⁴⁸³⁸ [REDACTED];[REDACTED];[REDACTED];[REDACTED].

⁴⁸³⁹ [REDACTED];[REDACTED]; [REDACTED];[REDACTED]; [REDACTED];[REDACTED]; [REDACTED].

⁴⁸⁴⁰ [REDACTED];W04735:T.19376(02-Sep-2024)(Public).

an impending KFOR raid.⁴⁸⁴¹

1158. The detainees were all civilians and not taking part in the hostilities at the time of their arrest.⁴⁸⁴² Detainees were arrested and detained because they were Serbs, Roma, or on the basis of their political affiliation. For example, W04735 and [REDACTED], a labourer and a [REDACTED] respectively, were targeted because of their perceived political affiliation,⁴⁸⁴³ and [REDACTED] was questioned about not joining the KLA.⁴⁸⁴⁴ [REDACTED] was a [REDACTED] who was arrested by the KLA outside a relative's apartment in Prizren.⁴⁸⁴⁵ [REDACTED], a [REDACTED] who had worked for [REDACTED], was arrested with an elderly Serb, [REDACTED], on the street near [REDACTED] home;⁴⁸⁴⁶ those arresting him reported through a mobile phone that they 'had caught a Serb'.⁴⁸⁴⁷ [REDACTED], was arrested near his home by KLA soldiers patrolling the streets in his neighbourhood.⁴⁸⁴⁸ [REDACTED] and an ethnic Serb, was arrested by KLA soldiers, who had been checking Serb houses in his neighbourhood for weapons, and who told him that he needed to come in for an 'interview'.⁴⁸⁴⁹ During arrest and detention, [REDACTED] were all confronted only with generalised allegations of committing crimes against Albanians or collaborating with Serbian armed forces.⁴⁸⁵⁰

⁴⁸⁴¹ [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED]. *See contra* [REDACTED].

⁴⁸⁴² [REDACTED];[REDACTED]; [REDACTED];[REDACTED];
[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED];
[REDACTED]; [REDACTED];[REDACTED].

⁴⁸⁴³ [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED].

⁴⁸⁴⁴ [REDACTED].

⁴⁸⁴⁵ [REDACTED];[REDACTED].

⁴⁸⁴⁶ [REDACTED].

⁴⁸⁴⁷ [REDACTED];[REDACTED].

⁴⁸⁴⁸ [REDACTED];[REDACTED]; [REDACTED];[REDACTED]; [REDACTED];[REDACTED].

⁴⁸⁴⁹ [REDACTED];[REDACTED]; [REDACTED];[REDACTED].

⁴⁸⁵⁰ [REDACTED];[REDACTED]; [REDACTED];[REDACTED];
[REDACTED];[REDACTED];[REDACTED].

b. Other Inhumane Acts / Cruel Treatment / Torture*i. Detention Conditions*

1159. Multiple detainees were held in an approximately five by five metres dimly lit garage with no access to daylight.⁴⁸⁵¹ They were provided with insufficient food and water,⁴⁸⁵² occasionally thrown stale bread, as if they were dogs.⁴⁸⁵³ The only water they had was from a spout, which some of the detainees credited with keeping them alive.⁴⁸⁵⁴ [REDACTED] and another detainee were kept in a vehicle inspection pit, covered with planks and a tarpaulin.⁴⁸⁵⁵ [REDACTED] was handcuffed throughout his detention.⁴⁸⁵⁶

ii. Psychological and Physical Abuse

1160. KLA members subjected the Tusus detainees to severe physical and psychological abuse.⁴⁸⁵⁷ Detainees were insulted with ethnic slurs,⁴⁸⁵⁸ ordered to speak Albanian,⁴⁸⁵⁹ interrogated in a blood-stained room with weapons on display,⁴⁸⁶⁰ and severely mistreated.⁴⁸⁶¹ [REDACTED], for example, was kicked in the mouth with a boot and beaten with a club by KLA soldiers wearing black camouflage uniforms.⁴⁸⁶² Detainees kept in the garage could hear screams coming from the interrogation room,

⁴⁸⁵¹ [REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED]; [REDACTED].

⁴⁸⁵² [REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED].

⁴⁸⁵³ [REDACTED];[REDACTED].

⁴⁸⁵⁴ [REDACTED];[REDACTED].

⁴⁸⁵⁵ [REDACTED];[REDACTED]; [REDACTED];[REDACTED].

⁴⁸⁵⁶ [REDACTED];[REDACTED].

⁴⁸⁵⁷ [REDACTED];[REDACTED]; W04735:T.19377-19378(02-Sep-2024)(Open);[REDACTED]; [REDACTED];[REDACTED];[REDACTED]; [REDACTED].

⁴⁸⁵⁸ [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED]; [REDACTED];[REDACTED];

[REDACTED];[REDACTED];[REDACTED];W04735:T.19378(02-Sep-2024)(Open).

⁴⁸⁵⁹ [REDACTED].

⁴⁸⁶⁰ [REDACTED];[REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED].

⁴⁸⁶¹ E.g. [REDACTED];

[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED]; W04735:T.19378(02-Sep-2024)(Open);[REDACTED].

⁴⁸⁶² [REDACTED];[REDACTED].

and saw the injuries fellow detainees sustained from the mistreatment.⁴⁸⁶³

1161. Uniformed KLA members beat [REDACTED] on several occasions both inside the garage and in the interrogation room.⁴⁸⁶⁴ [REDACTED] was also questioned and beaten together with [REDACTED],⁴⁸⁶⁵ who was visibly bloodshot and bruised in his face.⁴⁸⁶⁶ On one occasion, a KLA soldier ordered [REDACTED] to remove his trousers, place the soles of his feet on a concrete block, and 'choose' between telling the truth or being hit with a rubber cord or a baseball bat.⁴⁸⁶⁷ While being beaten, [REDACTED] was asked how many Albanians he had killed⁴⁸⁶⁸ and 'Where are your Serbs to save you now?'.⁴⁸⁶⁹ [REDACTED] was severely beaten with police batons, metal pipes, baseball bats and other instruments,⁴⁸⁷⁰ while being accused of committing murders and rape, but was never confronted with any evidence supposedly supporting the accusations.⁴⁸⁷¹ KLA soldiers yelled insults and burnt [REDACTED] feet and legs with cigarettes throughout the interrogation.⁴⁸⁷² They also threatened to kill [REDACTED],⁴⁸⁷³ held a rifle to [REDACTED] head,⁴⁸⁷⁴ and told him that he would have to dig his own grave if he did not surrender his weapons.⁴⁸⁷⁵ [REDACTED].⁴⁸⁷⁶

⁴⁸⁶³ [REDACTED];[REDACTED]; [REDACTED];[REDACTED].

⁴⁸⁶⁴ [REDACTED];[REDACTED]; [REDACTED];[REDACTED].

⁴⁸⁶⁵ [REDACTED];[REDACTED];

[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED]; [REDACTED].

⁴⁸⁶⁶ [REDACTED].

⁴⁸⁶⁷ [REDACTED];[REDACTED]. *See also* [REDACTED].

⁴⁸⁶⁸ [REDACTED];[REDACTED].

⁴⁸⁶⁹ [REDACTED].

⁴⁸⁷⁰ [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED]; [REDACTED]; [REDACTED].

⁴⁸⁷¹ [REDACTED];[REDACTED]; [REDACTED];[REDACTED]; [REDACTED].

⁴⁸⁷² [REDACTED];[REDACTED]; [REDACTED];[REDACTED].

⁴⁸⁷³ [REDACTED];[REDACTED];[REDACTED]; [REDACTED].

⁴⁸⁷⁴ [REDACTED].

⁴⁸⁷⁵ [REDACTED];[REDACTED].

⁴⁸⁷⁶ [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED].

1162. [REDACTED].⁴⁸⁷⁷ Although [REDACTED] had limited information, he understood that certain neighbours of his with connections to the KLA may have intervened on his behalf.⁴⁸⁷⁸ [REDACTED] was also released later that day, [REDACTED].⁴⁸⁷⁹ The KLA soldier who released [REDACTED] told him that if he wanted to survive, he had to change religion or flee to Serbia.⁴⁸⁸⁰

1163. The remaining detainees, including [REDACTED], were all released at approximately midnight on or around 23 June 1999, following fears of an impending KFOR raid.⁴⁸⁸¹ Before being released, some of them were threatened with death if they ever spoke of their detention.⁴⁸⁸² Upon release, [REDACTED] fled to Serbia,⁴⁸⁸³ while [REDACTED] did not seek medical attention out of fear of being killed.⁴⁸⁸⁴ [REDACTED] was left with permanent physical injuries⁴⁸⁸⁵ and 'felt like a person without a soul. A man completely empty.'⁴⁸⁸⁶

⁴⁸⁷⁷ [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];
[REDACTED];[REDACTED];[REDACTED].

⁴⁸⁷⁸ [REDACTED].

⁴⁸⁷⁹ [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];
[REDACTED];[REDACTED]; [REDACTED];[REDACTED]. *See also* [REDACTED].

⁴⁸⁸⁰ [REDACTED];[REDACTED]; [REDACTED];[REDACTED].

⁴⁸⁸¹ Allegedly, on orders of Commander Drini. *See* [REDACTED]; [REDACTED]. *See also*
[REDACTED];[REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED];
[REDACTED];[REDACTED]; [REDACTED];[REDACTED];W04735:T.19377(02-Sep-2024)(Open).

⁴⁸⁸² [REDACTED];[REDACTED]; [REDACTED];[REDACTED];
[REDACTED];[REDACTED];W04735:T.19377(02-Sep-2024)(Open).

⁴⁸⁸³ [REDACTED];[REDACTED];[REDACTED]; [REDACTED].

⁴⁸⁸⁴ [REDACTED].

⁴⁸⁸⁵ [REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED].

⁴⁸⁸⁶ [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED].

2. [REDACTED]

1164. [REDACTED].⁴⁸⁸⁷ [REDACTED].⁴⁸⁸⁸ [REDACTED],⁴⁸⁸⁹ [REDACTED].⁴⁸⁹⁰
[REDACTED].⁴⁸⁹¹ [REDACTED].⁴⁸⁹²

a. Imprisonment / Illegal or Arbitrary Arrest and Detention

1165. [REDACTED]. [REDACTED]; [REDACTED].⁴⁸⁹³ [REDACTED],⁴⁸⁹⁴
[REDACTED].⁴⁸⁹⁵ [REDACTED].⁴⁸⁹⁶

1166. [REDACTED].⁴⁸⁹⁷ [REDACTED].⁴⁸⁹⁸ [REDACTED],⁴⁸⁹⁹ [REDACTED],⁴⁹⁰⁰
[REDACTED].⁴⁹⁰¹ [REDACTED].⁴⁹⁰² [REDACTED],⁴⁹⁰³ [REDACTED].⁴⁹⁰⁴

⁴⁸⁸⁷ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED];
[REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED];
[REDACTED].

⁴⁸⁸⁸ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED];
[REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED];
[REDACTED]; [REDACTED].

⁴⁸⁸⁹ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED];
[REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED];
[REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴⁸⁹⁰ [REDACTED]; [REDACTED].

⁴⁸⁹¹ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]. [REDACTED]; [REDACTED].

⁴⁸⁹² [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED];
[REDACTED].

⁴⁸⁹³ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴⁸⁹⁴ [REDACTED]; [REDACTED]; [REDACTED].

⁴⁸⁹⁵ [REDACTED]; [REDACTED].

⁴⁸⁹⁶ [REDACTED]; [REDACTED].

⁴⁸⁹⁷ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴⁸⁹⁸ [REDACTED]; [REDACTED]; [REDACTED].

⁴⁸⁹⁹ [REDACTED]; [REDACTED].

⁴⁹⁰⁰ [REDACTED]; [REDACTED]; [REDACTED].

⁴⁹⁰¹ [REDACTED].

⁴⁹⁰² [REDACTED]; [REDACTED]; [REDACTED]. [REDACTED]; [REDACTED].

⁴⁹⁰³ [REDACTED]; [REDACTED].

⁴⁹⁰⁴ [REDACTED].

1167. [REDACTED],⁴⁹⁰⁵ [REDACTED].⁴⁹⁰⁶ [REDACTED]⁴⁹⁰⁷ [REDACTED],⁴⁹⁰⁸
[REDACTED].⁴⁹⁰⁹

1168. [REDACTED],⁴⁹¹⁰ [REDACTED],⁴⁹¹¹ [REDACTED]⁴⁹¹²; [REDACTED].⁴⁹¹³
[REDACTED].⁴⁹¹⁴ [REDACTED],⁴⁹¹⁵ [REDACTED].⁴⁹¹⁶

1169. [REDACTED],⁴⁹¹⁷ [REDACTED].⁴⁹¹⁸ [REDACTED].⁴⁹¹⁹ [REDACTED].⁴⁹²⁰
[REDACTED].⁴⁹²¹

1170. [REDACTED].⁴⁹²² [REDACTED].⁴⁹²³ [REDACTED],⁴⁹²⁴ [REDACTED].⁴⁹²⁵
[REDACTED].⁴⁹²⁶

⁴⁹⁰⁵ [REDACTED]; [REDACTED].

⁴⁹⁰⁶ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴⁹⁰⁷ [REDACTED]; [REDACTED].

⁴⁹⁰⁸ [REDACTED]; [REDACTED].

⁴⁹⁰⁹ [REDACTED].

⁴⁹¹⁰ [REDACTED].

⁴⁹¹¹ [REDACTED]; [REDACTED]; [REDACTED].

⁴⁹¹² [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED];
[REDACTED]; [REDACTED]; [REDACTED].

⁴⁹¹³ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴⁹¹⁴ [REDACTED]; [REDACTED].

⁴⁹¹⁵ [REDACTED].

⁴⁹¹⁶ [REDACTED]; [REDACTED].

⁴⁹¹⁷ [REDACTED]; [REDACTED].

⁴⁹¹⁸ [REDACTED].

⁴⁹¹⁹ [REDACTED].

⁴⁹²⁰ [REDACTED]; [REDACTED].

⁴⁹²¹ [REDACTED]; [REDACTED]; [REDACTED].

⁴⁹²² [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED];
[REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED];
[REDACTED].

⁴⁹²³ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴⁹²⁴ [REDACTED].

⁴⁹²⁵ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴⁹²⁶ [REDACTED]; [REDACTED]; [REDACTED].

b. Other Inhumane Acts / Cruel Treatment / Torture

1171. [REDACTED].⁴⁹²⁷ [REDACTED].⁴⁹²⁸ [REDACTED].⁴⁹²⁹ [REDACTED].⁴⁹³⁰
[REDACTED].⁴⁹³¹ [REDACTED].⁴⁹³² [REDACTED].⁴⁹³³

c. Victim Impact

1172. [REDACTED].⁴⁹³⁴ [REDACTED].⁴⁹³⁵ [REDACTED].⁴⁹³⁶

3. MUP Building

1173. Following the withdrawal of Serbian forces,⁴⁹³⁷ KLA units took over public facilities in Prizren in June 1999,⁴⁹³⁸ including the former MUP Building,⁴⁹³⁹ in breach of an agreement with KFOR.⁴⁹⁴⁰ From approximately 13 June 1999,⁴⁹⁴¹ the KLA used the facility to arbitrarily detain and abuse at least 20 civilians, until 18 June 1999 when KFOR soldiers forcibly removed and disarmed the KLA members present, and released

⁴⁹²⁷ [REDACTED]; [REDACTED]; [REDACTED].

⁴⁹²⁸ [REDACTED]; [REDACTED].

⁴⁹²⁹ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴⁹³⁰ [REDACTED].

⁴⁹³¹ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴⁹³² [REDACTED]; [REDACTED]; [REDACTED].

⁴⁹³³ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴⁹³⁴ [REDACTED]; [REDACTED].

⁴⁹³⁵ [REDACTED].

⁴⁹³⁶ [REDACTED].

⁴⁹³⁷ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED] read with [REDACTED].

⁴⁹³⁸ P01188.2(Public); [REDACTED]; [REDACTED].

⁴⁹³⁹ P01179:p.U002-4992(Public); [REDACTED]; [REDACTED]; P00503:00:00:34(Public) together with [REDACTED]; [REDACTED]; P00502:00:05:03-00:06:25(Public); [REDACTED] read with [REDACTED].

⁴⁹⁴⁰ [REDACTED]; [REDACTED]; W02540:T.15563-15564(21-May-2024)(Open); [REDACTED].

⁴⁹⁴¹ [REDACTED]; [REDACTED]; W02540:T.15592-15593(21-May-2024)(Open). *See also* P00503:00:00:35-00:00:45(Public) together with W02540:T.15524(21-May-2024)(Open); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

the detainees.⁴⁹⁴²

1174. The commanders of the zone military police and Eye of the Eagle units – Nexhmedin KRASNIQI,⁴⁹⁴³ Nezir KRYEZIU,⁴⁹⁴⁴ and Ilaz KADOLLI⁴⁹⁴⁵—and members of their and other KLA units⁴⁹⁴⁶ occupied the building during the time detainees were abused in KLA custody⁴⁹⁴⁷ as did Xhemshit KRASNIQI⁴⁹⁴⁸ and Pashtrik OZ ZKZ member Nezir ÇOÇAJ.⁴⁹⁴⁹ During this period, the KLA controlled access to the building, including through: (i) armed guards posted at the entrance and with detainees (thereby preventing access to detainees);⁴⁹⁵⁰ (ii) KLA soldiers operating a reception area to register detainees where their IDs were confiscated;⁴⁹⁵¹ and (iii) identification required of KLA members entering the building.⁴⁹⁵² Before the KFOR raid, a Pashtrik OZ ZKZ member removed an entire carload of UDB files from the building; the files were transported to ZKZ General Staff headquarters in Prishtinë/Priština, on the instructions of SINANI and QADRAKU.⁴⁹⁵³

1175. When W02540 approached the illegally-occupied building on 18 June 1999, and intervened, sensing something was being concealed,⁴⁹⁵⁴ KFOR unwittingly discovered

⁴⁹⁴² [REDACTED]; [REDACTED]; P01191.2_ET:pp.20, 31(Public); [REDACTED]; [REDACTED]; [REDACTED]; P00501:00:03:34-00:05:07(Public) read with [REDACTED]; P00502(Public); P00503(Public); [REDACTED]; [REDACTED]; [REDACTED].

⁴⁹⁴³ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴⁹⁴⁴ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴⁹⁴⁵ [REDACTED]; P00012_ET:pp.057971, 058022(Public); [REDACTED]; [REDACTED]; [REDACTED].

⁴⁹⁴⁶ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴⁹⁴⁷ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; W02540:T.15510-15511(21-May-2024)(Open); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴⁹⁴⁸ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴⁹⁴⁹ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴⁹⁵⁰ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴⁹⁵¹ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]. *See also* [REDACTED].

⁴⁹⁵² [REDACTED]. *See also* [REDACTED].

⁴⁹⁵³ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]. *See also* [REDACTED].

⁴⁹⁵⁴ [REDACTED]; W02540:T.15529(21-May-2024)(Open).

an important headquarters with high-level KLA commanders. These commanders initially resisted KFOR's intervention,⁴⁹⁵⁵ and exercised authority over a then-unknown number of well-armed⁴⁹⁵⁶ KLA soldiers inside the building.⁴⁹⁵⁷ KFOR compelled Nexhmedin KRASNIQI, Nezir KRYEZIU and others,⁴⁹⁵⁸ to vacate and disarm.⁴⁹⁵⁹ Approximately 25 KLA personnel were forced to evacuate the building; a majority wore uniforms, including some with MP arm bands, with others in civilian clothing.⁴⁹⁶⁰ KFOR freed approximately 15 detainees,⁴⁹⁶¹ despite the KLA's partially successful concealment efforts.⁴⁹⁶² While most victims did not know the names of their abusers, victims identified Sami VEHAJI,⁴⁹⁶³ Selim (Atom) KRASNIQI⁴⁹⁶⁴ Nezir KRYEZIU⁴⁹⁶⁵ and Xhemshit KRASNIQI,⁴⁹⁶⁶ as having personally participated in their detention and mistreatment.

1176. Upon the discovery of injured civilians and a deceased [REDACTED] man,⁴⁹⁶⁷ KFOR temporarily detained KLA members and confiscated identification documents of

⁴⁹⁵⁵ [REDACTED]; [REDACTED];P01187:p.U002-4996(Public) together with W02540:T.15521(21-May-2024)(Open); [REDACTED].

⁴⁹⁵⁶ [REDACTED]; [REDACTED].

⁴⁹⁵⁷ [REDACTED];W02540:T.15510-15511, 15521(21-May-2024)(Open). *See also* W03881:T.15653(22-May-2024)(Open).

⁴⁹⁵⁸ [REDACTED];P01179:p.U002-4992(Public) read with [REDACTED];P01184(Public) read with W02540:T.15510-15511, 15529(21-May-2024)(Open); [REDACTED]; [REDACTED] read with [REDACTED]; [REDACTED] read with [REDACTED]; [REDACTED] read with [REDACTED].

⁴⁹⁵⁹ [REDACTED];P01179:p.U002-4993(Public) read with [REDACTED];P01186(Public) read with W02540:T.15514(21-May-2024)(Open);P00501:00:00:33-00:01:17(Public).

⁴⁹⁶⁰ [REDACTED]; [REDACTED]; P01191.2_ET:pp.29, 33(Public);W03881:T.15697, 15699(22-May-2024)(Open);P01192:para.5(Public); [REDACTED]; [REDACTED].

⁴⁹⁶¹ [REDACTED];W02540:T.15528(21-May-2024)(Open); [REDACTED]; [REDACTED];P01188.1:p.SPOE00347353(Public); [REDACTED];P00501:00:01:58-00:02:55, 00:03:34-00:05:07(Public).

⁴⁹⁶² [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]. *See also* Section III.V.1.

⁴⁹⁶³ [REDACTED]; [REDACTED];W04743:T.24695(28-Jan-2025)(Open). *See also* P01399_ET(Public).

⁴⁹⁶⁴ [REDACTED]; [REDACTED].

⁴⁹⁶⁵ [REDACTED]; [REDACTED]. *See also* [REDACTED].

⁴⁹⁶⁶ [REDACTED].

⁴⁹⁶⁷ [REDACTED]; [REDACTED]; W02540:T.15529(21-May-2024)(Open);P01191.2_ET:pp.17-18(Public); [REDACTED]; W03881:T.15625(21-May-2024)(Open).

suspected perpetrators,⁴⁹⁶⁸ as it had interrupted crimes in progress, made clear by the condition of victims, the inadequate conditions in the building, and the presence of torture instruments,⁴⁹⁶⁹ consistent with the injuries of victims.⁴⁹⁷⁰ Press, victims' relatives, and bystanders witnessed a lengthy search and rescue operation,⁴⁹⁷¹ in which medics attended to injured, pale, and frightened victims who stood apart from their disarmed abusers, kept separated by KFOR.⁴⁹⁷²

1177. On arrival to the building, Drini and Sadik HALITJAHA entered with KFOR, and were shown the deceased [REDACTED] man.⁴⁹⁷³ The reactions of these commanders, Drini⁴⁹⁷⁴ and HALITJAHA,⁴⁹⁷⁵ further demonstrate the significance of the events at this site, the responsibility of those implicated, and the awareness of senior KLA leaders of abuse of civilians by KLA members. HALITJAHA's attempts to explain why he went there and what he was shown (and not shown) are implausible denials by

⁴⁹⁶⁸ [REDACTED]; [REDACTED] [REDACTED]; [REDACTED]; W02540:T.15520, 15565, 15577-15578(21-May-2024)(Open).

⁴⁹⁶⁹ P01179:p.U002-4993(Public) read with [REDACTED]; W02540:T.15598(21-May-2024)(Open); [REDACTED]; W03881:T.15629(21-May-2024)(Open); P01191.2_ET:pp.27-28(Public); P01192:para.11(Public); P01186(Public).

⁴⁹⁷⁰ W02586:T.24466(23-Jan-2025)(Open); [REDACTED].

⁴⁹⁷¹ [REDACTED]; [REDACTED]; [REDACTED]; W02540:T.15585(21-May-2024)(Open); P01186(Public); [REDACTED]; P00501:00:00:00-00:07:40(Public); [REDACTED]; [REDACTED].

⁴⁹⁷² [REDACTED]; P00501:00:02:45, 00:03:38(Public); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; P01191.2_ET:pp.21, 39(Public); W03881:T.15625(21-May-2024)(Open); W03881:T.15701(22-May-2024)(Open); W02586:T.24466(23-Jan-2025)(Open); [REDACTED].

⁴⁹⁷³ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴⁹⁷⁴ After seeing the deceased's body, Drini said 'this is very bad for us' and referred to the KLA soldiers present as 'filth' because he thought they were responsible. *See* [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴⁹⁷⁵ W02540 showed HALITJAHA the body and said, "That is obviously a fresh wound. It's not one that was inflicted by the Serbs. This was obviously done by KLA fighters, and if we go outside now, the foreign press is out there, should we discuss this again outside." Following this, HALITJAHA became far more cooperative. *See* [REDACTED]; [REDACTED] read with W02540:T.15517-15518(21-May-2024)(Open); [REDACTED]; W02540:T.15522-15525(21-May-2024)(Open) read with P01187:p.U002-4997(Public); [REDACTED]; [REDACTED] read with [REDACTED] and [REDACTED].

the deputy zone commander.⁴⁹⁷⁶

1178. Prior to the raid, SINANI was specifically informed by zone-level ZKZ that ‘simple, ordinary’ citizens, both named and unnamed, were being detained.⁴⁹⁷⁷ No attempts were made to punish those responsible—and only four days after the raid, KRYEZIU and Sami VEHAPE were caught, engaged in an attempted kidnapping, this time near the monastic school at the refuge KFOR had provided for freed detainees from the MUP Building.⁴⁹⁷⁸ Nine freed MUP Building detainees at the monastic school confirmed these events, and the responsibility of KRYEZIU and VEHAPE for beating detainees at the MUP Building.⁴⁹⁷⁹ No action against perpetrators was taken, even as the story of the MUP Building crimes made global headlines.⁴⁹⁸⁰ In July 1999, THAÇI was told of the torture of a MUP building detainee directly by a Swiss journalist but deflected questions about it as being for the courts that were being established.⁴⁹⁸¹

a. Imprisonment / Illegal or Arbitrary Arrest and Detention

1179. Serbs, Roma, and others perceived as Opponents,⁴⁹⁸² were forcibly detained and subjected to violence by KLA members occupying the MUP Building as a KLA ‘police station.’⁴⁹⁸³ At least 20 civilians were held in the MUP Building between at least 16 June and 18 June 1999 including, [REDACTED],⁴⁹⁸⁴ [REDACTED],⁴⁹⁸⁵ [REDACTED],⁴⁹⁸⁶

⁴⁹⁷⁶ W04765:T.9932(13-Nov-2023)(Open); [REDACTED]; [REDACTED]. *Contra* [REDACTED]; [REDACTED] together with W02540:T.15517-15518(21-May-2024)(Open); [REDACTED].

⁴⁹⁷⁷ [REDACTED]; [REDACTED].

⁴⁹⁷⁸ [REDACTED]; [REDACTED].

⁴⁹⁷⁹ [REDACTED].

⁴⁹⁸⁰ P01188.1(Public); [REDACTED]; P00088:00:02:14-00:02:49(Public); P04185:pp.013437-013440(Public); [REDACTED]; [REDACTED].

⁴⁹⁸¹ 1D00094_ET:p.055501(Public); [REDACTED].

⁴⁹⁸² P00379:pp.K022-5099, K022-5107-K022-5108(Public); [REDACTED]; [REDACTED]; [REDACTED].

⁴⁹⁸³ [REDACTED].

⁴⁹⁸⁴ [REDACTED]; [REDACTED]. [REDACTED]. [REDACTED]. [REDACTED].

⁴⁹⁸⁵ [REDACTED]; [REDACTED].

⁴⁹⁸⁶ [REDACTED]; [REDACTED].

[REDACTED],⁴⁹⁸⁷ [REDACTED],⁴⁹⁸⁸ [REDACTED],⁴⁹⁸⁹ [REDACTED],⁴⁹⁹⁰
 [REDACTED],⁴⁹⁹¹ [REDACTED],⁴⁹⁹² [REDACTED],⁴⁹⁹³ [REDACTED],⁴⁹⁹⁴
 [REDACTED],⁴⁹⁹⁵ [REDACTED],⁴⁹⁹⁶ [REDACTED],⁴⁹⁹⁷ [REDACTED],⁴⁹⁹⁸
 [REDACTED],⁴⁹⁹⁹ [REDACTED],⁵⁰⁰⁰ [REDACTED],⁵⁰⁰¹ [REDACTED],⁵⁰⁰² and
 [REDACTED].⁵⁰⁰³ In some instances, detainees were beaten by KLA soldiers before
 arriving at the MUP Building.⁵⁰⁰⁴ Upon arrival, KLA soldiers took their belongings,
 including identification documents.⁵⁰⁰⁵

1180. Only two detainees are known to have been released before the KFOR raid (on
 the condition that they return the next day).⁵⁰⁰⁶ Several were transferred between KLA
 detention sites, including [REDACTED], who was held for several hours before KLA
 members took him to Tusus,⁵⁰⁰⁷ and [REDACTED], [REDACTED], and [REDACTED],
 all also held at Tusus,⁵⁰⁰⁸ who were part of a group of approximately 5-7 detainees
 hidden by KLA soldiers in cells adjacent to the MUP Building during the KFOR raid.⁵⁰⁰⁹

⁴⁹⁸⁷ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴⁹⁸⁸ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴⁹⁸⁹ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]. *See also* [REDACTED];
 [REDACTED].

⁴⁹⁹⁰ [REDACTED]; [REDACTED]; [REDACTED].

⁴⁹⁹¹ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴⁹⁹² [REDACTED]; [REDACTED].

⁴⁹⁹³ [REDACTED]; [REDACTED]. *See also* [REDACTED].

⁴⁹⁹⁴ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴⁹⁹⁵ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]. *See also* [REDACTED].

⁴⁹⁹⁶ [REDACTED]; [REDACTED]; [REDACTED]. *See also* [REDACTED].

⁴⁹⁹⁷ [REDACTED]; [REDACTED].

⁴⁹⁹⁸ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁴⁹⁹⁹ [REDACTED]; [REDACTED].

⁵⁰⁰⁰ [REDACTED]; [REDACTED]; [REDACTED].

⁵⁰⁰¹ [REDACTED].

⁵⁰⁰² [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁵⁰⁰³ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁵⁰⁰⁴ [REDACTED]; [REDACTED].

⁵⁰⁰⁵ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁵⁰⁰⁶ [REDACTED]; [REDACTED]; [REDACTED].

⁵⁰⁰⁷ [REDACTED]; [REDACTED].

⁵⁰⁰⁸ *See* Section III.V.1.

⁵⁰⁰⁹ [REDACTED]; [REDACTED]; [REDACTED].

who accosted them on the street.⁵⁰²⁶

1182. Serbs were subjected to derogatory ethnic-based insults, and some Serb detainees were accused of supporting MILOŠEVIĆ based on their ethnicity.⁵⁰²⁷ Catholics, Roma, Ashkali and others faced general accusations of collaboration rooted in ethnic stereotypes and insults.⁵⁰²⁸ Some detainees were never interrogated, only beaten.⁵⁰²⁹ The detainees brought from the [REDACTED] were given no information as to the reason for their continued detention, they were only beaten.⁵⁰³⁰

b. Other Inhumane Acts / Cruel Treatment / Torture

i. Detention Conditions

1183. Detainees were held in overcrowded and dirty cells, hallways, offices, and stairwells.⁵⁰³¹ Many were handcuffed or tied with rope,⁵⁰³² some handcuffed to radiators or a staircase railing for long periods,⁵⁰³³ and unable even to relieve themselves.⁵⁰³⁴ Despite evident injuries, including to the head⁵⁰³⁵ and stab wounds,⁵⁰³⁶ no medical attention was provided.⁵⁰³⁷ The detainees were not provided with food or water⁵⁰³⁸ – when one detainee sought water, he was hit with a water bottle and punched.⁵⁰³⁹ Some

⁵⁰²⁶ [REDACTED]; [REDACTED]; [REDACTED].

⁵⁰²⁷ [REDACTED]; [REDACTED]; [REDACTED].

⁵⁰²⁸ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]. See also [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁵⁰²⁹ See e.g. [REDACTED]; [REDACTED]; [REDACTED].

⁵⁰³⁰ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁵⁰³¹ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁵⁰³² [REDACTED]; [REDACTED]; [REDACTED].

⁵⁰³³ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁵⁰³⁴ [REDACTED]; [REDACTED].

⁵⁰³⁵ [REDACTED]; P01188.2(Public).

⁵⁰³⁶ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁵⁰³⁷ [REDACTED]; [REDACTED]; [REDACTED].

⁵⁰³⁸ [REDACTED]; [REDACTED]; [REDACTED].

⁵⁰³⁹ [REDACTED].

were forced to clean the corridors while detained.⁵⁰⁴⁰

ii. Psychological and Physical Abuse

1184. The detainees experienced severe physical and psychological abuse and torture. Many were interrogated⁵⁰⁴¹ and beaten all over their bodies,⁵⁰⁴² some to the point of unconsciousness,⁵⁰⁴³ and stabbed with sharp objects.⁵⁰⁴⁴ Their injuries included gaping wounds, stab wounds, lacerations on their heads, fractures, and bruises.⁵⁰⁴⁵ Some detainees who had been transferred from other detention locations arrived at the MUP Building with injuries and were further mistreated.⁵⁰⁴⁶ Detainees saw and heard other detainees being beaten,⁵⁰⁴⁷ and experienced acute fear, with some new arrivals placed in rooms covered in blood.⁵⁰⁴⁸ Detainees feared for their lives,⁵⁰⁴⁹ [REDACTED],⁵⁰⁵⁰ [REDACTED].⁵⁰⁵¹

c. Murder

1185. In an office on the first floor of the MUP Building, behind a locked door guarded by a KLA soldier,⁵⁰⁵² KFOR discovered the body of [REDACTED] man, found seated

⁵⁰⁴⁰ [REDACTED]; [REDACTED]; [REDACTED].

⁵⁰⁴¹ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁵⁰⁴² [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁵⁰⁴³ [REDACTED]; [REDACTED].

⁵⁰⁴⁴ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁵⁰⁴⁵ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; P01188.1(Public); [REDACTED]; P01191.2_ET:pp.39, 42-43(Public); W03881:T.15700-15701(22-May-2024)(Open); W02586:T.24466(23-Jan-2025)(Open); [REDACTED].

⁵⁰⁴⁶ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁵⁰⁴⁷ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁵⁰⁴⁸ [REDACTED].

⁵⁰⁴⁹ [REDACTED]; [REDACTED].

⁵⁰⁵⁰ [REDACTED]; [REDACTED].

⁵⁰⁵¹ [REDACTED].

⁵⁰⁵² [REDACTED]; [REDACTED].

[REDACTED],⁵⁰⁶⁸ [REDACTED],⁵⁰⁶⁹ inside the MUP Building.⁵⁰⁷⁰ He learned from KLA members present that [REDACTED] and [REDACTED] were [REDACTED] at the MUP Building.⁵⁰⁷¹ [REDACTED] and [REDACTED] were not free to leave and appeared worried or concerned,⁵⁰⁷² and like others held with them, were visible at the very entrance of the MUP Building.⁵⁰⁷³ [REDACTED] claimed to have no knowledge of the questioning, if any, of these detainees,⁵⁰⁷⁴ he confirmed that he expected that [REDACTED] and [REDACTED] would be [REDACTED].⁵⁰⁷⁵ He suggested to [REDACTED], shortly after seeing [REDACTED],⁵⁰⁷⁶ his scepticism as to the [REDACTED] the necessity to detain, noting that [REDACTED] was probably already released from another building exit⁵⁰⁷⁷ and safe at his home.⁵⁰⁷⁸ Regardless of the alleged presentation of [REDACTED], neither [REDACTED] nor [REDACTED] constituted a security risk to the KLA, a fact freely acknowledged [REDACTED].⁵⁰⁷⁹

1188. [REDACTED],⁵⁰⁸⁰ and observed marks of beatings with a hard instrument suggesting that he may have died from internal injuries.⁵⁰⁸¹ The KFOR military police report prepared at the time, which confirmed that death ensued in connection with his

⁵⁰⁶⁸ [REDACTED].

⁵⁰⁶⁹ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁵⁰⁷⁰ [REDACTED]; [REDACTED].

⁵⁰⁷¹ [REDACTED]; [REDACTED]; [REDACTED].

⁵⁰⁷² [REDACTED]; [REDACTED].

⁵⁰⁷³ [REDACTED].

⁵⁰⁷⁴ [REDACTED].

⁵⁰⁷⁵ [REDACTED].

⁵⁰⁷⁶ [REDACTED] initial claims about [REDACTED], and his conversations with [REDACTED] conflict with [REDACTED] consistent evidence that [REDACTED] in the evening and was searching for [REDACTED] in the late afternoon and evening [REDACTED], including at the MUP Building (and returned the next day) (*see e.g.* [REDACTED]; [REDACTED]; [REDACTED]). Furthermore, [REDACTED] conflicts with W02586's estimated time of death (*see e.g.* [REDACTED]). [REDACTED] stated he did not know if KFOR arrived at the MUP Building when he was leaving it).

⁵⁰⁷⁷ [REDACTED].

⁵⁰⁷⁸ [REDACTED].

⁵⁰⁷⁹ [REDACTED]. *See also* [REDACTED].

⁵⁰⁸⁰ [REDACTED].

⁵⁰⁸¹ [REDACTED] [REDACTED].

bodily injuries,⁵⁰⁸² the photos of the KFOR press sergeant,⁵⁰⁸³ and the evidence of KFOR members who observed markings on [REDACTED] body consistent with torture instruments and trauma,⁵⁰⁸⁴ all reveal the extent of his visible injuries – ‘fresh wounds’, suffered during the last hours of his life.⁵⁰⁸⁵ While the precise medical cause of death is unknown, those who caused [REDACTED] wounds, and denied medication to him, are responsible for his murder, having (i) substantially contributed to his death, (ii) with the intent to cause serious bodily harm, and (iii) should reasonably have known their conduct might lead to his death.⁵⁰⁸⁶

d. Victim Impact

1189. Victims and their families suffered grave and long-lasting consequences. The murder victim’s family suffers emotional and psychological trauma,⁵⁰⁸⁷ lingering fear of physical harm,⁵⁰⁸⁸ [REDACTED],⁵⁰⁸⁹ [REDACTED]. For some survivors, the weight of being falsely accused of spying has crippled them emotionally.⁵⁰⁹⁰ Depression, anxiety, panic attacks and constant fear remain as a result of their arbitrary detention⁵⁰⁹¹—some detainees were unable to work after their mistreatment,⁵⁰⁹² others never returned to their homes for fear of discrimination.⁵⁰⁹³ Due to extreme distrust, several victims’ injuries went untreated,⁵⁰⁹⁴ and detainees suffered long-term physical consequences

⁵⁰⁸² [REDACTED].

⁵⁰⁸³ W03881:T.15625-15627(21-May-2024)(Open) read with [REDACTED].

⁵⁰⁸⁴ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED];P01192:para.11(Public).

⁵⁰⁸⁵ [REDACTED].

⁵⁰⁸⁶ See *Mustafa* TJ, paras.686, 688. See also *Mustafa* TJ, para.687 (the perpetrator’s conduct does not have to be the sole cause of death of the victim, but it must at a minimum have contributed substantially thereto).

⁵⁰⁸⁷ [REDACTED]; [REDACTED].

⁵⁰⁸⁸ [REDACTED].

⁵⁰⁸⁹ [REDACTED]; [REDACTED].

⁵⁰⁹⁰ [REDACTED]; [REDACTED].

⁵⁰⁹¹ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁵⁰⁹² [REDACTED]; [REDACTED].

⁵⁰⁹³ [REDACTED].

⁵⁰⁹⁴ [REDACTED]; [REDACTED].

from the beatings they endured.⁵⁰⁹⁵

4. [REDACTED]

1190. [REDACTED].⁵⁰⁹⁶ [REDACTED].⁵⁰⁹⁷

1191. [REDACTED]⁵⁰⁹⁸ [REDACTED].⁵⁰⁹⁹ [REDACTED];⁵¹⁰⁰ [REDACTED].⁵¹⁰¹
[REDACTED]⁵¹⁰² [REDACTED].⁵¹⁰³ [REDACTED]⁵¹⁰⁴ [REDACTED]⁵¹⁰⁵ [REDACTED].⁵¹⁰⁶

a. Imprisonment / Illegal or Arbitrary Arrest and Detention

1192. [REDACTED].⁵¹⁰⁷

1193. [REDACTED]; [REDACTED].⁵¹⁰⁸ [REDACTED]⁵¹⁰⁹ [REDACTED].⁵¹¹⁰
[REDACTED].⁵¹¹¹ [REDACTED].⁵¹¹²

1194. [REDACTED].⁵¹¹³ [REDACTED].⁵¹¹⁴

⁵⁰⁹⁵ [REDACTED]; [REDACTED].

⁵⁰⁹⁶ [REDACTED];[REDACTED]; [REDACTED];[REDACTED]. [REDACTED].

⁵⁰⁹⁷ [REDACTED];[REDACTED]; [REDACTED]; [REDACTED];[REDACTED];
[REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED];
[REDACTED];[REDACTED];[REDACTED].

⁵⁰⁹⁸ [REDACTED].

⁵⁰⁹⁹ [REDACTED];[REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED].

⁵¹⁰⁰ [REDACTED];[REDACTED]; [REDACTED].

⁵¹⁰¹ [REDACTED];[REDACTED]. [REDACTED].

⁵¹⁰² [REDACTED].

⁵¹⁰³ [REDACTED];[REDACTED]; [REDACTED];[REDACTED].

⁵¹⁰⁴ [REDACTED].

⁵¹⁰⁵ [REDACTED].

⁵¹⁰⁶ [REDACTED];[REDACTED]; [REDACTED].

⁵¹⁰⁷ [REDACTED];[REDACTED]; [REDACTED];[REDACTED];
[REDACTED];[REDACTED];[REDACTED]; [REDACTED]; [REDACTED].

⁵¹⁰⁸ [REDACTED];[REDACTED]; [REDACTED];[REDACTED]; [REDACTED].

⁵¹⁰⁹ [REDACTED];[REDACTED].

⁵¹¹⁰ [REDACTED];[REDACTED];[REDACTED].

⁵¹¹¹ [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED]; [REDACTED].

⁵¹¹² [REDACTED];[REDACTED];[REDACTED].

⁵¹¹³ [REDACTED].

⁵¹¹⁴ [REDACTED].

1195. [REDACTED].⁵¹¹⁵ [REDACTED].⁵¹¹⁶ [REDACTED].⁵¹¹⁷

1196. [REDACTED].⁵¹¹⁸ [REDACTED].⁵¹¹⁹ [REDACTED].⁵¹²⁰

1197. [REDACTED].⁵¹²¹ [REDACTED].⁵¹²²

1198. [REDACTED].⁵¹²³ [REDACTED].⁵¹²⁴ [REDACTED].⁵¹²⁵ [REDACTED];
[REDACTED].⁵¹²⁶

1199. [REDACTED].⁵¹²⁷ [REDACTED].⁵¹²⁸

1200. [REDACTED].⁵¹²⁹ [REDACTED].⁵¹³⁰

b. Other Inhumane Acts / Cruel Treatment / Torture

1201. [REDACTED].⁵¹³¹ [REDACTED].⁵¹³² [REDACTED].⁵¹³³ [REDACTED].⁵¹³⁴

⁵¹¹⁵ [REDACTED].

⁵¹¹⁶ [REDACTED];[REDACTED];[REDACTED].

⁵¹¹⁷ [REDACTED];[REDACTED]; [REDACTED].

⁵¹¹⁸ [REDACTED];[REDACTED];[REDACTED].

⁵¹¹⁹ [REDACTED];[REDACTED];[REDACTED].

⁵¹²⁰ [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED]; [REDACTED].

⁵¹²¹ [REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED].

⁵¹²² [REDACTED];[REDACTED].

⁵¹²³ [REDACTED];[REDACTED];[REDACTED].

⁵¹²⁴ [REDACTED];[REDACTED].

⁵¹²⁵ [REDACTED];[REDACTED].

⁵¹²⁶ [REDACTED];[REDACTED];[REDACTED].

⁵¹²⁷ [REDACTED];[REDACTED];[REDACTED].

⁵¹²⁸ [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED].

⁵¹²⁹ [REDACTED].

⁵¹³⁰ [REDACTED].

⁵¹³¹ [REDACTED];[REDACTED];[REDACTED];[REDACTED].

⁵¹³² [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];

[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED].

⁵¹³³ [REDACTED];[REDACTED]; [REDACTED].

⁵¹³⁴ [REDACTED];[REDACTED]; [REDACTED];[REDACTED].

[REDACTED].⁵¹³⁵ [REDACTED].⁵¹³⁶ [REDACTED].⁵¹³⁷

1202. [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].⁵¹³⁸

[REDACTED].⁵¹³⁹ [REDACTED].⁵¹⁴⁰ [REDACTED].⁵¹⁴¹ [REDACTED].⁵¹⁴²

1203. [REDACTED].⁵¹⁴³ [REDACTED].⁵¹⁴⁴ [REDACTED];[REDACTED].⁵¹⁴⁵

1204. [REDACTED]⁵¹⁴⁶ [REDACTED].⁵¹⁴⁷ [REDACTED]⁵¹⁴⁸

[REDACTED]⁵¹⁴⁹[REDACTED]. [REDACTED],⁵¹⁵⁰ [REDACTED]. [REDACTED]⁵¹⁵¹

[REDACTED].⁵¹⁵²

1205. [REDACTED].⁵¹⁵³ [REDACTED].⁵¹⁵⁴ [REDACTED].⁵¹⁵⁵ [REDACTED].⁵¹⁵⁶

⁵¹³⁵ [REDACTED];[REDACTED].

⁵¹³⁶ [REDACTED];[REDACTED]; [REDACTED].

⁵¹³⁷ [REDACTED];[REDACTED].

⁵¹³⁸ [REDACTED];[REDACTED]; [REDACTED]; [REDACTED];[REDACTED]; [REDACTED];
[REDACTED]. [REDACTED].

⁵¹³⁹ [REDACTED].

⁵¹⁴⁰ [REDACTED];[REDACTED];[REDACTED].

⁵¹⁴¹ [REDACTED];[REDACTED]; [REDACTED].

⁵¹⁴² [REDACTED].

⁵¹⁴³ [REDACTED];[REDACTED]; [REDACTED];
[REDACTED];[REDACTED];[REDACTED];[REDACTED].

⁵¹⁴⁴ [REDACTED].

⁵¹⁴⁵ [REDACTED];[REDACTED]; [REDACTED];[REDACTED].

⁵¹⁴⁶ [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];
[REDACTED];[REDACTED].

⁵¹⁴⁷ [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];
[REDACTED];[REDACTED];[REDACTED].

⁵¹⁴⁸ [REDACTED].

⁵¹⁴⁹ [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED].

⁵¹⁵⁰ [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED]; [REDACTED].

⁵¹⁵¹ [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED].

⁵¹⁵² [REDACTED];[REDACTED].

⁵¹⁵³ [REDACTED]; [REDACTED];[REDACTED];[REDACTED];[REDACTED];
[REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED].

⁵¹⁵⁴ [REDACTED];[REDACTED];[REDACTED];[REDACTED];
[REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED].

⁵¹⁵⁵ [REDACTED].

⁵¹⁵⁶ [REDACTED];[REDACTED].

1206. [REDACTED]. [REDACTED].⁵¹⁵⁷ [REDACTED].⁵¹⁵⁸ [REDACTED].⁵¹⁵⁹
[REDACTED].⁵¹⁶⁰ [REDACTED].⁵¹⁶¹ [REDACTED].⁵¹⁶²

1207. [REDACTED].⁵¹⁶³ [REDACTED].⁵¹⁶⁴ [REDACTED].⁵¹⁶⁵ [REDACTED].⁵¹⁶⁶
[REDACTED].⁵¹⁶⁷

1208. [REDACTED].⁵¹⁶⁸ [REDACTED].⁵¹⁶⁹ [REDACTED].⁵¹⁷⁰

1209. [REDACTED]. [REDACTED].⁵¹⁷¹ [REDACTED].⁵¹⁷² [REDACTED].⁵¹⁷³
[REDACTED].⁵¹⁷⁴ [REDACTED].⁵¹⁷⁵ [REDACTED].⁵¹⁷⁶ [REDACTED].⁵¹⁷⁷
[REDACTED].⁵¹⁷⁸

1210. [REDACTED].⁵¹⁷⁹ [REDACTED].⁵¹⁸⁰ [REDACTED].⁵¹⁸¹ [REDACTED].⁵¹⁸²

⁵¹⁵⁷ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].
⁵¹⁵⁸ [REDACTED]; [REDACTED].
⁵¹⁵⁹ [REDACTED]; [REDACTED].
⁵¹⁶⁰ [REDACTED].
⁵¹⁶¹ [REDACTED].
⁵¹⁶² [REDACTED]; [REDACTED];
[REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].
⁵¹⁶³ [REDACTED].
⁵¹⁶⁴ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].
⁵¹⁶⁵ [REDACTED].
⁵¹⁶⁶ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].
⁵¹⁶⁷ [REDACTED]; [REDACTED].
⁵¹⁶⁸ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]. [REDACTED].
[REDACTED]; [REDACTED].
⁵¹⁶⁹ [REDACTED]; [REDACTED].
⁵¹⁷⁰ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].
⁵¹⁷¹ [REDACTED]; [REDACTED].
⁵¹⁷² [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].
⁵¹⁷³ [REDACTED]; [REDACTED]; [REDACTED].
⁵¹⁷⁴ [REDACTED]; [REDACTED]; [REDACTED].
⁵¹⁷⁵ [REDACTED]; [REDACTED]; [REDACTED].
⁵¹⁷⁶ [REDACTED]; [REDACTED].
⁵¹⁷⁷ [REDACTED]; [REDACTED].
⁵¹⁷⁸ [REDACTED]; [REDACTED].
⁵¹⁷⁹ [REDACTED]; [REDACTED].
⁵¹⁸⁰ [REDACTED].
⁵¹⁸¹ [REDACTED].
⁵¹⁸² [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

[REDACTED]⁵¹⁸³ [REDACTED]⁵¹⁸⁴ [REDACTED]⁵¹⁸⁵ [REDACTED].⁵¹⁸⁶ [REDACTED]⁵¹⁸⁷
[REDACTED].⁵¹⁸⁸ [REDACTED]⁵¹⁸⁹ [REDACTED]⁵¹⁹⁰ [REDACTED].⁵¹⁹¹
[REDACTED].⁵¹⁹² [REDACTED].⁵¹⁹³

c. Victim Impact

1211. [REDACTED].⁵¹⁹⁴ [REDACTED]. [REDACTED]; [REDACTED];
[REDACTED].⁵¹⁹⁵

1212. [REDACTED]; [REDACTED].⁵¹⁹⁶ [REDACTED].⁵¹⁹⁷

W. RAHOVEC/ORAHOVAC

1213. Around 13 or 14 June 1999, shortly after the withdrawal of the Serbian forces and pursuant to the Pashtrik OZ Command's orders,⁵¹⁹⁸ the 124 Brigade entered Rahovec/Orahovac.⁵¹⁹⁹ Rahovec/Orahovac fell within the Pashtrik OZ⁵²⁰⁰ and was within

⁵¹⁸³ [REDACTED];[REDACTED]; [REDACTED];[REDACTED].

⁵¹⁸⁴ [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁵¹⁸⁵ [REDACTED];[REDACTED];[REDACTED];[REDACTED]; [REDACTED].

⁵¹⁸⁶ [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED];[REDACTED].

⁵¹⁸⁷ [REDACTED];[REDACTED].

⁵¹⁸⁸ [REDACTED].

⁵¹⁸⁹ [REDACTED];[REDACTED]; [REDACTED];[REDACTED].

⁵¹⁹⁰ [REDACTED];[REDACTED]. [REDACTED].

⁵¹⁹¹ [REDACTED]; [REDACTED]; [REDACTED];[REDACTED];[REDACTED]. [REDACTED];
[REDACTED].

⁵¹⁹² [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED];
[REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED];
[REDACTED];[REDACTED];[REDACTED];[REDACTED]; [REDACTED].

⁵¹⁹³ [REDACTED];[REDACTED]; [REDACTED];[REDACTED].

⁵¹⁹⁴ [REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED].

⁵¹⁹⁵ [REDACTED];[REDACTED].

⁵¹⁹⁶ [REDACTED];[REDACTED].

⁵¹⁹⁷ [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED].

⁵¹⁹⁸ [REDACTED];[REDACTED];[REDACTED]; [REDACTED]; [REDACTED];[REDACTED].

⁵¹⁹⁹ P02507.1_ET:pp.19-20(Public);P02507.3_ET:pp.2-3, 15(Public);P02509_ET:p.088748(Public);
P01701.1_ET:p.11(Public);[REDACTED];[REDACTED]; [REDACTED].

⁵²⁰⁰ AF290(Public). *See also* Section II.A.3.m.v.

the 124 Brigade's area of responsibility.⁵²⁰¹ KLA commander Ismet TARA – who had previously been the acting commander of the 124 Brigade in late 1998 and the Pashtrik OZ chief of finance in early 1999⁵²⁰² – returned to Rahovec/Orahovac with the 124 Brigade.⁵²⁰³ The brigade had orders from Pashtrik OZ Deputy Commander Sadik HALITJAH to 'clear the terrain from the criminals and protect the population and facilities of special importance' and report any issue to the Pashtrik OZ intelligence chief Halil QADRAKU, who would enter Rahovec/Orahovac with military police.⁵²⁰⁴

1214. In mid-June 1999, the 124 Brigade Commander was Skender HOXHA.⁵²⁰⁵ However, shortly after the KLA entered Rahovec/Orahovac, he was acting as the KLA liaison to KFOR in Prizren,⁵²⁰⁶ and was replaced as 124 Brigade Commander by Ismet TARA, whose appointment was formalised approximately 20 days later.⁵²⁰⁷ Ismet TARA continued as the 124 Brigade Commander until late 1999.⁵²⁰⁸ In summer 1999, he issued orders on a wide range of brigade and civilian administration matters,⁵²⁰⁹ including: for the confiscation of Serb property;⁵²¹⁰ for the occupation of public property, despite UNMIK requests to vacate them;⁵²¹¹ and for mobilisation and setting up of road blocks.⁵²¹² TARA also kept registers of 124 Brigade soldiers, including military police,

⁵²⁰¹ W04744:T.16967-16968(24-Jun-2024)(Open);[REDACTED];P01346(Public);P02784_ET(Public);P02792_ET(Public);P02786_ET(Public);[REDACTED]. *See also e.g.* P02793_ET:p.3(Public).

⁵²⁰² [REDACTED];P02570_ET(Public);P02571_ET(Public).

⁵²⁰³ [REDACTED];[REDACTED];W04745:T.25602-25603(25-Feb-2025)(Open).

⁵²⁰⁴ [REDACTED];[REDACTED]; [REDACTED].

⁵²⁰⁵ [REDACTED];[REDACTED];P02776(Public); P02778_ET(Public).

⁵²⁰⁶ P00007:p.069164(Public);[REDACTED];[REDACTED].

⁵²⁰⁷ [REDACTED];[REDACTED]; [REDACTED];W04745:T.25601-25603(25-Feb-2025)(Open).

⁵²⁰⁸ [REDACTED];P02793_ET:pp.3, 7(Public);P02794_ET(Public). *See also* P03929_ET:p.SITF00436374(Public) regarding the role of the 124 Brigade Military Police in issuing visas in July 1999;P02781_ET:p.SITF00439514(Public).

⁵²⁰⁹ P02794_ET(Public);P02795_ET(Public);P02798_ET(Public);P02799_ET(Public);P02806_ET(Public). *See also* P02797_ET(Public).

⁵²¹⁰ [REDACTED]. *See also* [REDACTED];P02794_ET(Public); P02798_ET(Public).

⁵²¹¹ [REDACTED].

⁵²¹² P02800_ET(Public).

pursuant to the General Staff's order.⁵²¹³

1215. The 124 Brigade included a Military Police unit, which continued to function throughout summer 1999.⁵²¹⁴ Sejdi PAQARIZI was the 124 Brigade military police commander and Milaim LATIFI was his deputy.⁵²¹⁵ Similarly, the Brigade also had a ZKZ/intelligence unit, headed by Selim GASHI,⁵²¹⁶ which, in summer 1999, shared the same premises as, and cooperated with, the military police.⁵²¹⁷ By late summer 1999, military police members in Rahovec/Orahovac were referred to as 'public order police', and some, including Milaim LATIFI, were issued identification cards by the Ministry of Public Order.⁵²¹⁸ The PGoK Municipal Council in Rahovec/Orahovac provided funds to the 124 Brigade military police.⁵²¹⁹

1216. In Rahovec/Orahovac, KLA members occupied multiple buildings, including the former MUP station and the Fire Department Building, where they detained Opponents from around 16 June 1999.⁵²²⁰ The 124 Brigade Command was set up in the former MUP

⁵²¹³ P02801_ET(Public);P02802_ET(Public);P02805_ET(Public);[REDACTED];
[REDACTED];[REDACTED];W04745:T.25604-25605(25-Feb-2025)(Open).

⁵²¹⁴ See Section II.A.3.m.v. See also [REDACTED];

[REDACTED];[REDACTED];[REDACTED];P02822_ET(Public). Regarding the existence of MP units in Rahovec/Orahovac in 1998, see e.g. [REDACTED]. *Contra* see [REDACTED] where Ismet TARA claims that he did not have an MP unit under his command.

⁵²¹⁵ P03929_ET:pp.SITF00436374-00436375, SITF00436410(Public);P02832_ET(Public);
[REDACTED];[REDACTED];[REDACTED];

P02832_ET(Public);[REDACTED];[REDACTED];[REDACTED]. See also

[REDACTED];[REDACTED];[REDACTED]; P01671_ET:p.1(Public);P02781_ET(Public); [REDACTED] where Ismet TARA confirms that Milaim LATIFI was in his Brigade, acknowledges his signature on P02781, but denies the existence of a military police unit under his command;[REDACTED];
[REDACTED];[REDACTED].

⁵²¹⁶ [REDACTED];P01856:p.070950(Public);P03929_ET:pp.SITF00436386, SITF00436410(Public).

⁵²¹⁷ P03929_ET:pp.SITF00436377, SITF00436386, SITF00436410(Public). See also Section II.A.3.m.v.

⁵²¹⁸ P02846_ET(Public);[REDACTED];P03929_ET:pp.SITF00436374-00436375,
SITF00436410(Public);[REDACTED];[REDACTED]. See also Section II.A.3.i.

⁵²¹⁹ P02804_ET(Public). The funds were received by Sejdi PAQARIZI and Agim POPAJ, whose military police membership is corroborated by other evidence. See e.g. [REDACTED].

⁵²²⁰ [REDACTED];[REDACTED];

P00007:p.069164(Public);[REDACTED];[REDACTED];W01163:T.20593(02-Oct-

station in Rahovec/Orahovac upon Ismet TARA's decision.⁵²²¹ Ismet TARA kept his office in the former MUP station.⁵²²²

1217. On 17 July 1999, **Hashim THAÇI**, together with Fatmir LIMAJ, visited Rahovec/Orahovac to commemorate the 1998 KLA attack on the town.⁵²²³ The rally, organised by the 124 Brigade, was attended by more than 35,000 people.⁵²²⁴ **THAÇI** was led into town by three hundred uniformed KLA soldiers in a show of strength.⁵²²⁵ Ismet TARA – who personally met with **THAÇI** after the event⁵²²⁶ – described the reception for **THAÇI** as ‘magnificent’ and compared it to a rally organised for Tito.⁵²²⁷ Contemporaneous footage shows **Hashim THAÇI** addressing a cheering crowd, surrounded by hundreds of uniformed KLA soldiers standing in formation.⁵²²⁸ During the speech, **THAÇI**, *inter alia*, declared that ‘we will not allow anyone to shield criminals in the town of Rahovec/Orahovac.’⁵²²⁹

1218. Previously, in late 1998, in response to daily protests and then a peace march to seek information about Serbs abducted in Rahovec/Orahovac in July, *Zëri i Kosovës*⁵²³⁰ had published generalised accusations that ‘there were no civilian Serbs in Kosovo’ and virtually all Serbs were responsible for crimes against Albanians.⁵²³¹

2024)(Open);P02509_ET:p.088748(Public);P02510_ET:p.088747(Public);P02507.3_ET:p.12(Public);P02508:p.U000-0019(Public);P01701.1_ET:p.14(Public);P02506_ET:p.093398(Public);W00208:T.9256(02-Nov-2023)(Open);[REDACTED];[REDACTED]. See also [REDACTED];[REDACTED].

⁵²²¹ [REDACTED];[REDACTED];[REDACTED]; P00007:p.069164(Public);P02507.1_ET:pp.19-20(Public);[REDACTED]; [REDACTED].

⁵²²² [REDACTED].

⁵²²³ P02841(Public);P02841_ET(Public);[REDACTED]. See also e.g. AF74(Public);AF76(Public).

⁵²²⁴ [REDACTED].

⁵²²⁵ P02841(Public);P02841_ET(Public).

⁵²²⁶ [REDACTED]. In the six-month period from 17 July 1999 to 25 December 1999, W04745 met with **THAÇI** many times. See [REDACTED].

⁵²²⁷ [REDACTED].

⁵²²⁸ P02841(Public).

⁵²²⁹ 1D00124:00:01:55(Public).

⁵²³⁰ [REDACTED].

⁵²³¹ P03762_ET(Public).

1219. After KLA members arrived, most Serbs in Rahovec/Orahovac fled to the Serbian part of town, upon 'request' by the KLA leadership, including Ismet TARA, and for security reasons, and remained there under KFOR protection.⁵²³² Those Serbs who had not fled or were travelling outside the Serb part of town were targeted by KLA soldiers.⁵²³³ Throughout summer 1999, military police (also referred to in contemporaneous records as the 'public order police'⁵²³⁴), acting together with other KLA members and carrying out Pashtrik OZ and 124 Brigade Command orders, performed disciplinary and civilian police functions,⁵²³⁵ and investigated, collected information on, interrogated, arrested, mistreated, and/or killed Serbs, Roma, and alleged collaborators.⁵²³⁶

1220. Ismet TARA's cooperation with KFOR⁵²³⁷ was limited, and he and his soldiers received numerous reprimands [REDACTED] concerning their conduct.⁵²³⁸ When confronted, TARA reflexively distanced himself from and denied crimes by KLA members under his command,⁵²³⁹ and offered implausible explanations.⁵²⁴⁰ While he admitted certain details when he felt compelled to do so, his denials of knowledge or involvement in crimes are contradicted by credible and reliable evidence, and explained

⁵²³² [REDACTED];P02507.3_ET:pp.8, 35-36(Public); [REDACTED]; [REDACTED];[REDACTED].

⁵²³³ P01699_ET:p.030668(Public);P02507.3_ET:pp.3-8, 35-36(Public);[REDACTED]; [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED].

⁵²³⁴ See e.g. P02846_ET:p.SITF00438997(Public);[REDACTED];P03929_ET:pp.SITF00436374-00436375, SITF00436410(Public);[REDACTED];[REDACTED].

⁵²³⁵ [REDACTED]; P02796_ET(Public);[REDACTED];[REDACTED]; P02842_ET(Public);P02843_ET(Public);P023844_ET(Public);P02845_ET(Public); [REDACTED]; P03929_ET:pp.SITF00436361, SITF00436381, SITF00436386-00436387(Public); [REDACTED].

⁵²³⁶ [REDACTED]; [REDACTED];[REDACTED]; P00007:p.069164(Public);[REDACTED];[REDACTED]; [REDACTED] where W04745 confirms that Driton HAMZA was one of his soldiers. Regarding the arrest of three elderly Serbs, see [REDACTED]; [REDACTED];[REDACTED]. Regarding the arrest and mistreatment of several Roma men by the 124 Brigade, see [REDACTED]. See also [REDACTED] where Ismet TARA conceded that KLA soldiers might have been involved in burning down Serb houses.

⁵²³⁷ See e.g. [REDACTED];[REDACTED].

⁵²³⁸ [REDACTED];[REDACTED].

⁵²³⁹ [REDACTED]. [REDACTED]. See [REDACTED]. [REDACTED]. See [REDACTED];[REDACTED].

⁵²⁴⁰ [REDACTED].

by his position of authority and direct involvement in the events.⁵²⁴¹ Shortly after the crimes, in 2001, Ismet TARA admitted that KLA members kidnapped and killed civilians suspected to be collaborators, no matter if they were Serbs, Roma or Albanians,⁵²⁴² in a statement he now denies ever giving.⁵²⁴³

1221. As detailed below, Serbs were subjected to weapon searches, harassment, physical and psychological abuse, and arbitrary arrest and detention. Some were detained and mistreated at the former MUP station and Fire Department Building in Rahovec/Orahovac, before disappearing or being executed. The victims – who were all civilians and were not taking part in hostilities – included: Cvetko PELEVIĆ, Marko VITOŠEVIĆ, Svetislav GRKOVIĆ, Panta GRKOVIĆ, Tihomir MILJKOVIĆ, Boban DEDIĆ, and Marko JELIĆ. Of these, only one person – Tihomir MILJKOVIĆ – survived.

1. Arrest, mistreatment and murder of Serb civilians

1222. On or around 16 June 1999, armed KLA soldiers, in black and camouflage uniforms, arrested at least five elderly and retired Serb men,⁵²⁴⁴ including Cvetko

⁵²⁴¹ For example, he admitted knowledge of Boban DEDIĆ's and Marko JELIĆ's disappearance, with whom he had personal relationships, but his self-serving assertions and denials of the crimes are contradicted by credible and reliable evidence set out herein. In relation to his knowledge of DEDIĆ and JELIĆ, *see* [REDACTED];[REDACTED];[REDACTED]. In relation to his personal relationships with them, *see* [REDACTED];[REDACTED];[REDACTED]. Similarly, while he was compelled to admit that the HQ of the 124 Brigade was the police station in Rahovec/Orahovac, he denied occupying the nearby Fire Department Building in June 1999, as this was a notorious KLA detention facility at the time, as confirmed by several witnesses. In relation to the police station, *see* [REDACTED];[REDACTED]. In relation to the fire station, *see* [REDACTED];[REDACTED]. In relation to the notoriety of the detention facility at the time, *see* W00208:T.9254-9258(02-Nov-2023)(Open); [REDACTED]. *See also* P02509_ET:p.088748(Public);P02510_ET:p.088747(Public); W01163:T.20593(02-Oct-2024)(Open);P02507.3_ET:pp.2, 12(Public);P02508:pp.U000-0018-U000-0019(Public).

⁵²⁴² [REDACTED].

⁵²⁴³ [REDACTED];[REDACTED];W04745:T.25620-25626, 25639-25642, 25650-25653(25-Feb-2025)(Open). *See also* [REDACTED] confirming that the meeting between W04745 and UNMIK officials took place.

⁵²⁴⁴ Tihomir MILJKOVIĆ was born in the late 1920s and was retired: P02509_ET:p.088748(Public); P02510_ET:p.088746(Public). Panta GRKOVIĆ was a pensioner born in 1933: [REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED]. Svetislav GRKOVIĆ was a retired director of a factory: [REDACTED];P02506_ET:p.093398(Public). Cvetko PELEVIĆ was a retiree born in 1935: P02507.1_ET:pp.9, 13(Public);P02508:pp.U000-0018, U000-0020(Public).

PELEVIĆ, Tihomir MILJKOVIĆ, Marko VITOŠEVIĆ, Svetislav GRKOVIĆ, and Panta GRKOVIĆ,⁵²⁴⁵ after ordering them to hand over their weapons and searching some of their homes.⁵²⁴⁶ The men were taken to the Fire Department Building in Rahovec/Orahovac, where they were arbitrarily detained.⁵²⁴⁷ Cvetko PELEVIĆ and Panta GRKOVIĆ and their wives were physically and psychologically abused during their arrests, with both men being beaten, which was witnessed by their respective wives.⁵²⁴⁸ Weapons were seized, and Panta GRKOVIĆ's house was set on fire.⁵²⁴⁹

1223. The KLA members who arrested Cvetko PELEVIĆ, as well as those who arrested Tihomir MILJKOVIĆ, Marko VITOŠEVIĆ, and Svetislav GRKOVIĆ, included Afrim BALAJ,⁵²⁵⁰ while military police member Mehmet/Mahmut UKSHINI⁵²⁵¹ also participated in the arrest of MILJKOVIĆ, VITOŠEVIĆ, and Svetislav GRKOVIĆ. Panta GRKOVIĆ was arrested by about 10 KLA members,⁵²⁵² including Avnija BALAJ.⁵²⁵³

1224. At the Fire Department Building, Tihomir MILJKOVIĆ was detained in a bathroom together with Marko VITOŠEVIĆ and Cvetko PELEVIĆ.⁵²⁵⁴ Cvetko PELEVIĆ

⁵²⁴⁵ W01163:T.20590-20593(02-Oct-2024)(Open);P01701.1_ET:pp.12-14, 16(Public);P01701.2_ET:pp.27-28, 33-36(Public);W00208:T.9256-9259(02-Nov-2023)(Open);P02509_ET:p.088748(Public); P02510_ET:p.088747(Public);P02507.1_ET:pp.13, 25(Public);P02507.3_ET:pp.2-6, 12, 15(Public); P02508:pp.U000-0018-U000-0019(Public);[REDACTED]; [REDACTED];P02506_ET:p.093398(Public);[REDACTED];[REDACTED].

⁵²⁴⁶ P02507.3_ET:pp.6-7, 14(Public);P02508:p.U000-0019(Public);[REDACTED]; [REDACTED];P02506_ET:p.093398(Public);P02509_ET:p.088748(Public); [REDACTED];[REDACTED].

⁵²⁴⁷ W01163:T.20593(02-Oct-2024)(Open);W00208:T.9256-9258(02-Nov-2023)(Open); P02509_ET:p.088748(Public);P02510_ET:p.088747(Public);P02507.3_ET:p.12(Public);P02508:p.U000-0019(Public);P01701.1_ET:p.14(Public);P02506_ET:p.093398(Public).

⁵²⁴⁸ P02507.1_ET:p.8(Public);P02507.3_ET:pp.2-7(Public);P02508:pp.U000-0018-U000-0019(Public); P01701.1_ET:pp.12, 17-18(Public);P01701.2_ET:pp.9-10, 17-18, 27-28, 35(Public).

⁵²⁴⁹ P02507.1_ET:pp.7-9(Public);P02507.3_ET:pp.6-7, 14(Public);P02508:pp.U000-0018-U000-0019(Public);P01701.2_ET:pp.17-18, 35, 37(Public);P01701.3_ET:pp.1-2(Public).

⁵²⁵⁰ P02507.3_ET:pp.3, 9, 12(Public);P02508:p.U000-0018(Public);[REDACTED]; [REDACTED];P02506_ET:p.093398(Public);[REDACTED];[REDACTED].

⁵²⁵¹ [REDACTED];P02842_ET:p.SITF00439039(Public);P02846_ET:p.SITF00438997(Public); [REDACTED];[REDACTED];P02506_ET:p.093398(Public); [REDACTED];[REDACTED].

⁵²⁵² P01701.1_ET:pp.13-15(Public).

⁵²⁵³ P01701.1_ET:pp.13-14(Public);P01701.2_ET:p.9(Public).

⁵²⁵⁴ P02509_ET:p.088748(Public);P02510_ET:p.088747(Public).

was lying on the floor 'half dead', covered in blood, with his skull broken to the point of the brain being visible.⁵²⁵⁵ There, KLA members beat MILJKOVIĆ and Marko VITOŠEVIĆ, including with ceramic tiles on their heads, until they were bloody and unconscious,⁵²⁵⁶ and pushed VITOŠEVIĆ's head into a toilet bowl.⁵²⁵⁷ MILJKOVIĆ was also hit with a wooden stick on his left shoulder and right arm, resulting in the arm being broken.⁵²⁵⁸

1225. Later that evening, Cvetko PELEVIĆ died from his injuries while still detained at the Fire Department Building.⁵²⁵⁹

1226. At around 23:00 that night, KLA soldiers placed Svetislav GRKOVIĆ, Marko VITOŠEVIĆ, Tihomir MILJKOVIĆ, together with the body of Cvetko PELEVIĆ, in a van, and took them in the direction of Brestoc/Brestovac village.⁵²⁶⁰ [REDACTED].⁵²⁶¹ [REDACTED] GRKOVIĆ and VITOŠEVIĆ being beaten and two gunshots.⁵²⁶² [REDACTED] Marko VITOŠEVIĆ, and Svetislav GRKOVIĆ were killed.⁵²⁶³

1227. The remains of Cvetko PELEVIĆ,⁵²⁶⁴ Svetislav GRKOVIĆ,⁵²⁶⁵ and Marko VITOŠEVIĆ⁵²⁶⁶ were never found. The body of Panta GRKOVIĆ was found on 22 June

⁵²⁵⁵ P02509_ET:p.088748(Public);P02510_ET:p.088747(Public);[REDACTED].

⁵²⁵⁶ P02509_ET:p.088748(Public);P02510_ET:p.088747(Public).

⁵²⁵⁷ P02510_ET:p.088747(Public).

⁵²⁵⁸ P02510_ET:p.088747(Public).

⁵²⁵⁹ P02509_ET:p.088748(Public);P02510_ET:p.088747(Public);P02504_ET:p.093393(Public); W00208:T.9256-9259(02-Nov-2023)(Open);[REDACTED]; [REDACTED].

⁵²⁶⁰ P02509_ET:p.088749(Public);P02510_ET:p.088747(Public);W01163:T.20590-20592(02-Oct-2024)(Open); [REDACTED];[REDACTED]; [REDACTED].

⁵²⁶¹ P02509_ET:p.088749(Public);P02510_ET:p.088747(Public);W01163:T.20590-20592(02-Oct-2024)(Open); P02507.4_ET:p.11(Public);[REDACTED];[REDACTED];[REDACTED].

⁵²⁶² P02509_ET:p.088749(Public);P02510_ET:p.088747(Public);[REDACTED];[REDACTED].

⁵²⁶³ P02510_ET:p.088747(Public). *See also* P02509_ET:pp.088748-088749(Public).

⁵²⁶⁴ P02507.3_ET:p.35(Public);P02507.4_ET:pp.10-11, 19(Public);P02508:p.U000-0020(Public); P01131:p.101843(Public).

⁵²⁶⁵ [REDACTED];[REDACTED];

P02506_ET:p.093398(Public);P02507.3_ET:p.35(Public);P01701.3_ET:p.7(Public);W01163:T.20593(02-Oct-2024)(Open).

⁵²⁶⁶ P02506_ET:p.093398(Public);W01163:T.20593(02-Oct-2024)(Open);P02510_ET:p.088747(Public).

1999 with his hands tied and gunshot wounds to his head and abdomen.⁵²⁶⁷ The time of death was determined to be around 16 June 1999, the same day of his arrest.⁵²⁶⁸

2. *Arrest and Murder of Boban DEDIĆ*

1228. On or around 18 June 1999, uniformed and armed KLA soldiers arbitrarily arrested accountant Boban DEDIĆ,⁵²⁶⁹ when his car broke down as he was returning to the Serb part of Rahovec/Orahovac with [REDACTED].⁵²⁷⁰ The KLA soldiers told [REDACTED] that they were taking Boban to the police station, and that he would be brought back within 15 minutes.⁵²⁷¹ [REDACTED] immediately reported Boban's arrest to a KFOR patrol,⁵²⁷² as well as informed [REDACTED].⁵²⁷³ Just a few days earlier, on or around 16-17 June 1999, 124 Brigade Commander Ismet TARA, accompanied by several uniformed KLA soldiers, expelled Boban DEDIĆ's family from their home,⁵²⁷⁴ after KLA soldiers had searched their house for weapons and assaulted Predrag DEDIĆ.⁵²⁷⁵

1229. Upon learning of his son's arrest, Predrag DEDIĆ went to the former MUP station, located next to the Fire Department Building, to enquire about Boban's whereabouts, but was himself detained by uniformed KLA soldiers.⁵²⁷⁶ Predrag DEDIĆ

⁵²⁶⁷ [REDACTED];[REDACTED];P01701.3_ET:pp.4, 7(Public);P02507.3_ET:p.29(Public);[REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED].

⁵²⁶⁸ [REDACTED];[REDACTED].

⁵²⁶⁹ Boban DEDIĆ was a civilian working as an accountant at an agricultural company: [REDACTED];[REDACTED];[REDACTED].

⁵²⁷⁰ [REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED];[REDACTED].

⁵²⁷¹ [REDACTED];[REDACTED]; [REDACTED];[REDACTED].

⁵²⁷² [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED].

⁵²⁷³ [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED].

⁵²⁷⁴ [REDACTED];[REDACTED];[REDACTED];W00208:T.9301(02-Nov-2023)(Open);[REDACTED]; [REDACTED];[REDACTED];[REDACTED]; [REDACTED]. See also [REDACTED]; [REDACTED].

⁵²⁷⁵ [REDACTED];[REDACTED]. See also [REDACTED].

⁵²⁷⁶ [REDACTED];[REDACTED]; [REDACTED];[REDACTED];W00208:T.9254-9255(02-Nov-2023)(Open);[REDACTED];[REDACTED]; W01163:T.20593(02-Oct-2024)(Open); [REDACTED]; [REDACTED].

was kept in an unlocked cell guarded by KLA soldiers at the former MUP station,⁵²⁷⁷ and was only released upon KFOR intervention.⁵²⁷⁸

1230. Later that day, Ismet TARA, together with a KFOR officer, assured Predrag and Božana DEDIĆ that Boban was safe and that he would return the following morning.⁵²⁷⁹ However, Boban DEDIĆ did not return and upon further enquiries, Ismet TARA claimed not to know where Boban was.⁵²⁸⁰

1231. Boban DEDIĆ was never seen again, and remains missing.⁵²⁸¹

1232. Ever since the abduction of their son Boban, Predrag DEDIĆ suffers from [REDACTED],⁵²⁸² and Božana DEDIĆ suffers from [REDACTED].⁵²⁸³ After Predrag DEDIĆ was forced to leave, he lived as a refugee for several years, and was forced to sell his apartment in Kosovo to those who had occupied it.⁵²⁸⁴

3. *Arrest and Murder of Marko JELIĆ*

1233. Marko JELIĆ – an accountant who had been an OSCE interpreter in 1998 and was forcibly mobilised to work as a cook for the Serbian army during the NATO bombings⁵²⁸⁵ – was arbitrarily arrested in Rahovec/Orahovac on or around 9 August

⁵²⁷⁷ [REDACTED];[REDACTED]; [REDACTED];[REDACTED];W00208:T.9304(02-Nov-2023)(Open);[REDACTED];[REDACTED].

⁵²⁷⁸ [REDACTED];[REDACTED];[REDACTED]; [REDACTED];W00208:T.9288-9289(02-Nov-2023)(Open);[REDACTED];[REDACTED];[REDACTED]; [REDACTED].

⁵²⁷⁹ [REDACTED];[REDACTED]; [REDACTED];W00208:T.9298(02-Nov-2023)(Open);[REDACTED]. *See also* [REDACTED];[REDACTED]; [REDACTED].

⁵²⁸⁰ [REDACTED];[REDACTED];[REDACTED];W00208:T.9264, 9275-9276, 9299(02-Nov-2023)(Open). *See also* [REDACTED].

⁵²⁸¹ [REDACTED];[REDACTED];[REDACTED]; W00208:T.9264(02-Nov-2023)(Open);[REDACTED];[REDACTED]; [REDACTED];P01131:p.101848(Public).

⁵²⁸² [REDACTED];W00208:T.9266(02-Nov-2023)(Open).

⁵²⁸³ [REDACTED];[REDACTED].

⁵²⁸⁴ [REDACTED];W00208:T.9266-9267(02-Nov-2023)(Open).

⁵²⁸⁵ Stamen JELIĆ confirmed that Marko JELIĆ was a civilian who worked as an accountant in the financial department of a private company. *See* [REDACTED];

1999, when three armed KLA soldiers, in black uniforms with KLA insignia on their sleeves, broke into his house and ordered him to follow them to the 'staff'.⁵²⁸⁶ One of the soldiers, who had also taken part in Panta GRKOVIĆ's arrest, presented himself as the leader of the group.⁵²⁸⁷ The KLA soldiers told Marko JELIĆ's wife and the other family members present that Marko was being taken to the KLA Headquarters in Prizren for an informative talk, and that he would be soon brought back.⁵²⁸⁸ When Marko JELIĆ's mother tried to protest, the KLA soldiers pushed her, smashed a light switch, ripped the phone out of the wall, and took Marko away.⁵²⁸⁹ Marko JELIĆ's abduction was reported to KFOR.⁵²⁹⁰

1234. On the following days, the same KLA soldiers returned to harass Stamena JELIĆ and her family, including by ransacking the house and telling her that she should leave Rahovec/Orahovac.⁵²⁹¹ On one occasion, they beat Marko JELIĆ's father so severely that he was covered in bruises, unable to walk and took months to recover.⁵²⁹²

P01701.1_ET:p.23(Public);P01701.2_ET:pp.1-2(Public). During the NATO bombings, Marko JELIĆ was mobilised by the Yugoslav Army as a reservist in Prizren, where he worked as a cook. *See* [REDACTED];P01701.3_ET:p.21(Public);P01703:para.16(Public); P01700_ET:p.030658(Public). In 1998, Marko JELIĆ also worked as an interpreter for Francis LEDWIDGE and the OSCE. *See* W01163:T.20595, 20603(02-Oct-2024)(Open);P01703:para.26(Public).

⁵²⁸⁶ P01700_ET:p.030657(Public);P01701.3_ET:pp.4-5, 19(Public);P01701.4_ET:pp.1-5, 8(Public); P01699_ET:p.030668(Public);P01702_ET:p.SITF00314868(Public);P01703:para.25(Public); W01163:T.20600(02-Oct-2024)(Open);[REDACTED].

⁵²⁸⁷ P01701.2_ET:pp.25-27(Public);P01701.4_ET:pp.5-6, 9(Public);W01163:T.20601(02-Oct-2024)(Open); P01703:para.15(Public).

⁵²⁸⁸ P01701.2_ET:p.11(Public);P01701.4_ET:pp.5, 8, 17(Public);P01699_ET:p.030668(Public); P01700_ET:p.030657(Public).

⁵²⁸⁹ P01701.4_ET:pp.8-9, 13(Public);P01699_ET:p.030668(Public);P01702_ET:p.SITF00314868(Public). Marko JELIĆ's wife Stamena recognised the KLA soldiers as locals from Rahovec/Orahovac. *See* P01701.4_ET:p.8(Public);P01699_ET:pp.030668-030669(Public);P01700_ET:p.030657(Public); P01702_ET:p.SITF00314869(Public);W01163:T.20600, 20602(02-Oct-2024)(Open).

⁵²⁹⁰ P01701.4_ET:pp.11-12, 14(Public);P01703:para.9(Public);P01699_ET:p.030669(Public); P01700_ET:p.030657(Public);P01702_ET:p.SITF00314869(Public);W01163:T.20611-20612(02-Oct-2024)(Open).

⁵²⁹¹ P01701.4_ET:pp.7, 16-19(Public);P01703:para.25(Public);P01700_ET:p.030658(Public); P01702_ET:pp.SITF00314869-00314870(Public);P01701.2_ET:p.28(Public).

⁵²⁹² P01701.4_ET:pp.18-19(Public);P01703:para.14(Public);P01700_ET:p.030658(Public); P01702_ET:p.SITF00314869(Public).

1235. KLA Brigade commander Ismet TARA was on notice of Marko JELIĆ's abduction as OSCE Officer Francis LEDWIDGE, as well as Marko's mother (Stamena JELIĆ's mother-in-law), had informed him about it shortly after his abduction.⁵²⁹³

1236. Marko JELIĆ was never seen again, and remains missing.⁵²⁹⁴

1237. Stamena JELIĆ and her children's lives were significantly impacted by the abduction and disappearance of Marko JELIĆ.⁵²⁹⁵ Their daughter, who was very attached to her father, stopped speaking for a month when they left Rahovec/Orahovac for Montenegro.⁵²⁹⁶ Stamena JELIĆ suffered physically and mentally for at least a year.⁵²⁹⁷ As Marko JELIĆ's remains were never recovered, his family members still do not know what happened to him, and have no grave to remember him.⁵²⁹⁸

X. NERODIMJA E ULËT/DONJE NERODIMLJE

1238. Nerodimja e Ulët/Donje Nerodimlje⁵²⁹⁹ is located in Ferizaj/Uroševac municipality, a short distance from Jezerc/Jezerce to the west, Gremë/Grebno to the southeast, Ferizaj/Uroševac town to the east, and Mollopolc/Malopoljce (Shtimë/Štimlje municipality) and Petrovë/Petrovo (Shtimë/Štimlje municipality) to the northwest.⁵³⁰⁰ This entire area fell within the Nerodime Zone.⁵³⁰¹

⁵²⁹³ [REDACTED];P01703:paras.10-11(Public);P01700_ET:p.030657(Public); W01163:T.20592-20593, 20603, 20614-20615(02-Oct-2024)(Open);[REDACTED];[REDACTED];[REDACTED].

⁵²⁹⁴ P01701.1_ET:p.8(Public);P01701.2_ET:p.11(Public);P01701.4_ET:p.27(Public);W01163:T.20597(02-Oct-2024)(Open);[REDACTED];[REDACTED];P01131:p.101847(Public).

⁵²⁹⁵ W01163:T.20595-20597(02-Oct-2024)(Open).

⁵²⁹⁶ W01163:T.20595-20596(02-Oct-2024)(Open).

⁵²⁹⁷ W01163:T.20596(02-Oct-2024)(Open).

⁵²⁹⁸ W01163:T.20596-20597(02-Oct-2024)(Open).

⁵²⁹⁹ Nerodimja e Ulët/Donje Nerodimlje is also known as Nerodimja e Poshtme or 'lower' Nerodime/Nerodimlje and is neighboured by 'upper' Nerodime/Nerodimlje or Nerodimja e Epërme/Gornje Nerodimlje, which are sometimes referred to collectively as Nerodime/Nerodimlje. *See e.g.* [REDACTED];P04299:D5(Public);P04300(Public).

⁵³⁰⁰ P04299:D5(Public);P04300(Public);P02866_ET:p.SITF00316408(Public); [REDACTED]. *See also* W04576:T.12627(21-Feb-2024)(Open);P00763.5_ET:p.18(Public).

⁵³⁰¹ *See* Section II.A.3.m.vi.

1239. Before mid-June 1999 – when the charged crimes at Nerodimja e Ulët/Donje Nerodimlje took place – the KLA 161 Brigade had established bases in, and was operating in the area of, Jezerc/Jezerce⁵³⁰² and Gremë/Grebno,⁵³⁰³ as well as Mollopolc/Malopoljce and Petrovë/Petrovo,⁵³⁰⁴ where the Nerodime Zone Command was also based.⁵³⁰⁵ Until mid-June 1999, Nerodimja e Ulët/Donje Nerodimlje, certain neighbouring villages, and Ferizaj/Uroševac town remained under the control of the Serbian forces.⁵³⁰⁶

1240. Around 15 June 1999, the last of the Serbian police and army withdrew from the area, and Nerodime Zone Commander Shukri BUJA ordered Brigades 161 and 162 to enter and take control of the towns in the Zone that had not yet been liberated.⁵³⁰⁷ The Nerodime Zone Command itself moved from its headquarters in Mollopolc/Malopoljce and Petrovë/Petrovo to Ferizaj/Uroševac town ‘to liberate [it] from the military and police Serbian forces’.⁵³⁰⁸ Meanwhile, uniformed KLA soldiers, came from the direction of Jezerc/Jezerce – where the 1st Battalion of Brigade 161 was based⁵³⁰⁹ – and entered Nerodimja e Ulët/Donje Nerodimlje in formation and firing their weapons before

⁵³⁰² P02922_ET(Public);P02920_ET(Public);P02923_ET(Public);P00873_ET(Public);P02953_ET(Public);P02957_ET(Public);P02969_ET(Public);P02978_ET(Public); [REDACTED]. *See also* [REDACTED];W04576:T.12627(21-Feb-2024)(Open); [REDACTED];P01813_ET:pp.SPOE00227463, SPOE00227479, SPOE00227484, SPOE00227490(Public).

⁵³⁰³ P02973_ET(Public);P01813_ET:pp.SPOE00227463, SPOE00227479, SPOE00227484, SPOE00227490(Public);W04752:T.17502-17503(03-Jul-2024)(Open).

⁵³⁰⁴ W01453:T.21953-21954(05-Nov-2024)(Open);P00874_ET(Public);P02927_ET(Public);P02918_ET(Public);P02916_ET(Public);P02968_ET(Public);P02937_ET(Public);P02958_ET(Public);P02972_ET(Public).

⁵³⁰⁵ *See* Section II.A.3.m.vi. *See also* P02973_ET(Public).

⁵³⁰⁶ [REDACTED]; [REDACTED]; W01453:T.22004-22005(05-Nov-2024)(Open);W01453:T.22042(06-Nov-2024)(Open).

⁵³⁰⁷ W01453:T.22004-22005(05-Nov-2024)(Open).

⁵³⁰⁸ W01453:T.22000-22001, 22004(05-Nov-2024)(Open).

⁵³⁰⁹ P02922_ET(Public);P02920_ET(Public);P02923_ET(Public);P00873_ET(Public);P02953_ET(Public);P02957_ET(Public);P02969_ET(Public);P02978_ET(Public); [REDACTED]. *See also* [REDACTED];W04576:T.12627(21-Feb-2024)(Open); [REDACTED];P01813_ET:pp.SPOE00227463, SPOE00227479, SPOE00227484, SPOE00227490(Public);W04752:T.17502-17503(03-Jul-2024)(Open).

leaving in the direction of Ferizaj/Uroševac.⁵³¹⁰ From around this time, as many as 50 KLA soldiers, including Muhamet MALOKU (aka Meti) and a commander named 'Ismet', were stationed at a military compound in the village of Balaj/Balić, approximately three kilometres from Nerodimja e Ulët/Donje Nerodimlje on the road to Ferizaj/Uroševac.⁵³¹¹

1241. In the days after the KLA arrived, soldiers in black uniforms with KLA insignia,⁵³¹² including military police commander Muhamet MALOKU (aka Meti) from Jezerc/Jezerce,⁵³¹³ went from home to home demanding and seizing weapons, and harassing, beating, and detaining Serb civilians in Nerodimja e Ulët/Donje Nerodimlje and neighbouring villages.⁵³¹⁴ Nevertheless, [REDACTED], Dimko PARLIĆ, decided to stay, as they were told that those who had not taken part in the war would be safe.⁵³¹⁵

1. Murder

1242. On or around 17 June 1999, around a dozen KLA soldiers appeared at the home of Dimko PARLIĆ [REDACTED], in a secluded area of Nerodimja e Ulët/Donje Nerodimlje.⁵³¹⁶ Amongst these soldiers was Muhamet MALOKU, who introduced himself as a police commander.⁵³¹⁷ They said they were taking PARLIĆ, who had worked at a local factory, was not a member of the Serbian forces, and had not participated in the war,⁵³¹⁸ 'to their commander in the village of Balaj/Balić for a

⁵³¹⁰ [REDACTED]; [REDACTED].

⁵³¹¹ [REDACTED]; [REDACTED]; [REDACTED].

⁵³¹² [REDACTED]; [REDACTED]. *See also* [REDACTED].

⁵³¹³ P02866_ET:pp.SITF00316406-00316407(Public); [REDACTED]. *See also* P02866_ET:p.SITF00316408(Public);P02867(Public)/P02867_ET(Public); [REDACTED].

⁵³¹⁴ [REDACTED]; [REDACTED]. *See also* [REDACTED]; [REDACTED].

⁵³¹⁵ [REDACTED].

⁵³¹⁶ P02866_ET:p.SITF00316406(Public); [REDACTED]; [REDACTED].

⁵³¹⁷ P02866_ET:p.SITF00316406(Public); [REDACTED].

⁵³¹⁸ [REDACTED]; [REDACTED].

conversation', or 'informative interview.'⁵³¹⁹

1243. Sometime later, PARLIĆ was returned by the same soldiers who had taken him.⁵³²⁰ PARLIĆ told [REDACTED] that he had been held in a large house in Balaj/Balić, which he described as a 'military facility' accommodating approximately 50 KLA soldiers.⁵³²¹ There, a KLA commander questioned PARLIĆ about his job, possession of weapons, and whether he was a member of the Serbian forces or had participated in the war.⁵³²² During the interrogation, the commander consulted a notebook with a list of names of Serbs in the village and notations of whether they were accused of doing something harmful to Albanians.⁵³²³ Afterward, the commander gave him a piece of paper stating this and that no one should 'interfere with him.'⁵³²⁴

1244. Frightened by this incident, Dimko PARLIĆ [REDACTED] moved to the house of [REDACTED], near the centre of Nerodimja e Ulët/Donje Nerodimlje.⁵³²⁵ However, a short time later, MALOKU and another KLA soldier came to this house, told Dimko PARLIĆ that he needed 'to make a statement to our commander', and took him to Balaj/Balić a second time.⁵³²⁶ PARLIĆ returned severely beaten and bruised, covered in blood, and unable to eat even a piece of bread.⁵³²⁷ When [REDACTED] asked MALOKU why they had taken PARLIĆ when he had not done anything, MALOKU replied that he was simply taken 'for questioning'.⁵³²⁸ No further explanation was provided.

1245. PARLIĆ told [REDACTED] that he had been interrogated by a man named

⁵³¹⁹ P02866_ET:p.SITF00316406(Public); [REDACTED].

⁵³²⁰ [REDACTED];[REDACTED]; [REDACTED].

⁵³²¹[REDACTED]; [REDACTED].

⁵³²² [REDACTED];P02866_ET:pp.SITF00316406-00316407(Public); [REDACTED].

⁵³²³ [REDACTED].

⁵³²⁴ [REDACTED];P02866_ET:p.SITF00316407(Public).

⁵³²⁵ [REDACTED].

⁵³²⁶ [REDACTED];P02866_ET:p.SITF00316407(Public); [REDACTED].

⁵³²⁷ [REDACTED];P02866_ET:p.SITF00316407(Public); [REDACTED].

⁵³²⁸ [REDACTED].

'Ismet' who was 'some sort of main commander'.⁵³²⁹ Upon leaving the commander's room, a group of waiting soldiers beat PARLIĆ with police batons, shouting ethnic slurs, and firing shots close to his head.⁵³³⁰

1246. PARLIĆ had been ordered to report to the KLA a third time, but afraid of being beaten again, he did not go.⁵³³¹ The following day, MALOKU and another KLA soldier [REDACTED] berated Dimko PARLIĆ for not reporting as ordered.⁵³³² PARLIĆ was mistreated, pushed into a car, and taken in the direction of Balaj/Balić.⁵³³³ When PARLIĆ did not return home, [REDACTED] asked MALOKU about him; he claimed PARLIĆ had been released near his house in the forest.⁵³³⁴ However, PARLIĆ was never seen or heard from again and his body has never been found.⁵³³⁵

1247. About one week after PARLIĆ's disappearance, Muhamet MALOKU and other KLA soldiers returned to Nerodimja e Ulët/Donje Nerodimlje and directed [REDACTED], and other residents to leave.⁵³³⁶ [REDACTED], and the remaining PARLIĆ family members subsequently fled towards Serbia with only essential luggage, passing through a checkpoint manned by 25-30 KLA soldiers just outside Balaj/Balić.⁵³³⁷

2. *Victim Impact*

1248. The trauma of [REDACTED]'s mistreatment and disappearance continue to this day. Having never visited a doctor before these events, [REDACTED] now takes medication for anxiety.⁵³³⁸ [REDACTED] only hopes to learn the location of PARLIĆ's

⁵³²⁹ [REDACTED]; [REDACTED].

⁵³³⁰ [REDACTED];P02866_ET:p.SITF00316407(Public).

⁵³³¹ [REDACTED]; [REDACTED].

⁵³³² [REDACTED];P02866_ET:p.SITF00316407(Public); [REDACTED].

⁵³³³ [REDACTED]; [REDACTED];P02866_ET:p.SITF00316407(Public).

⁵³³⁴ [REDACTED].

⁵³³⁵ [REDACTED]; [REDACTED]. *See also* [REDACTED]; [REDACTED];P01131:p.101835(Public).

⁵³³⁶ [REDACTED]; [REDACTED].

⁵³³⁷ [REDACTED]; [REDACTED];P02866_ET:pp.SITF00316407-00316408(Public).

⁵³³⁸ [REDACTED].

remains, so that [REDACTED] can 'bury him properly'.⁵³³⁹

1249. [REDACTED] was very close to [REDACTED], Dimko PARLIĆ, and has suffered mental harm as a result of his disappearance, exacerbated by the fact that PARLIĆ was abducted [REDACTED] and his body has never been found.⁵³⁴⁰

Y. GJILAN/GNJILANE

1250. By mid-June 1999, Karadak Zone Commander Ahmet ISUFI (aka Rexha) and soldiers under his authority⁵³⁴¹ were based in Gjilan/Gnjilane.⁵³⁴² They occupied the former JNA building,⁵³⁴³ established headquarters used for administration and logistics,⁵³⁴⁴ and used the boarding school dormitory ('Dormitory')⁵³⁴⁵ as an illegal assembly area, military training location, weapons storage facility, and detention site.⁵³⁴⁶ ISUFI was seen at the Dormitory,⁵³⁴⁷ where approximately 60 KLA members were based,⁵³⁴⁸ including military police⁵³⁴⁹ and holders of JIC cards, issued to a limited number of key KLA personnel.⁵³⁵⁰ A KLA emblem was prominently displayed on the side of the Dormitory.⁵³⁵¹ KLA members at the Dormitory coordinated closely with

⁵³³⁹ [REDACTED].

⁵³⁴⁰ [REDACTED].

⁵³⁴¹ [REDACTED];[REDACTED];W04868:T.18612-18614(19-Aug-2024)(Open). *See also* [REDACTED];[REDACTED].

⁵³⁴² *See* [REDACTED];[REDACTED]; 4D00111_ET(Public);P02496_ET(Public)(ALB:pp.023880–023881, seal and stamp visible); [REDACTED]. *See also* P02497_ET(Public);P02498_ET(Public); [REDACTED].

⁵³⁴³ P02512.2_ET:pp.20-23(Public).

⁵³⁴⁴ [REDACTED];[REDACTED];[REDACTED];[REDACTED];W04868:T.18691-18694(19-Aug-2024)(Open).

⁵³⁴⁵ P00743.2:pp.SITF00001571, SITF00001717(Public);W02161:T.10614-10615(05-Dec-2023)(Open).

⁵³⁴⁶ [REDACTED];[REDACTED];W04868:T.18595-18596, 18617-18618(19-Aug-2024)(Open);[REDACTED].

⁵³⁴⁷ [REDACTED];[REDACTED];[REDACTED]; [REDACTED];W04868:T.18757(20-Aug-2024)(Open).

⁵³⁴⁸ [REDACTED];[REDACTED];[REDACTED].

⁵³⁴⁹ [REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED]. *See also* [REDACTED];[REDACTED];[REDACTED]; [REDACTED]; [REDACTED];[REDACTED];[REDACTED].

⁵³⁵⁰ [REDACTED];[REDACTED].

⁵³⁵¹ [REDACTED];[REDACTED];[REDACTED]. *See also* [REDACTED];W04868:T.18616-18617(19-Aug-2024)(Open); W04868:T.18767-18768(20-Aug-2024)(Open).

other KLA bases in the area, including at the Karadak OZ administrative building⁵³⁵² and the permitted KLA assembly area in Malishevë/Mališevo on the outskirts of Gjilan/Gnjilane.⁵³⁵³

1251. In late June and July 1999, KLA members intimidated, searched, arrested, interrogated, and detained civilians in and around Gjilan/Gnjilane, including at the Dormitory⁵³⁵⁴ - which was known as a place you did not come back from⁵³⁵⁵ - and in neighbouring villages. For example, on 16 July 1999, during a KFOR patrol north of Gjilan/Gnjilane, a frantic woman reported that her son had just been kidnapped while working in a nearby field.⁵³⁵⁶ KFOR found him at the KLA base in Malishevë/Mališevo, bound in the back of a white Zastava truck and being forced to sign a written statement concerning Serbs and weapons in their possession.⁵³⁵⁷ Before KFOR managed to secure the release of the man, who had been beaten, Fatmir MEHMETI/GJILANI — the military police commander, Ahmet ISUFI's subordinate, and the commander in charge of the Malishevë/Mališevo assembly area — showed his JIC card and insisted that KFOR could not be at the authorised assembly point.⁵³⁵⁸

1252. In early August 1999, KFOR received a report from an Albanian woman of being beaten at the Dormitory, which led to the Dormitory, and other suspected KLA premises, being placed under KFOR surveillance.⁵³⁵⁹ Soon after, KFOR conducted a

⁵³⁵² [REDACTED];[REDACTED];[REDACTED]; [REDACTED];P04011:pp.SPOE00227291–SPOE00227292(Public);[REDACTED];[REDACTED];W04868:T.18738(20-Aug-2024)(Open).

⁵³⁵³ [REDACTED];[REDACTED];W04868:T.18605–18606(19-Aug-2024)(Open);[REDACTED];[REDACTED]; [REDACTED];[REDACTED].

⁵³⁵⁴ P00005:p.SITF00249197(Public). *See also* P00743.2:pp.SITF00001581-SITF00001582(Public); W02161:T.10591, 10616-10618(05-Dec-2023)(Open).

⁵³⁵⁵ [REDACTED]. *See also* P02895.2_ET:p.2(Public); [REDACTED];[REDACTED];P02897.2_ET:pp.11-12(Public); [REDACTED].

⁵³⁵⁶ [REDACTED];[REDACTED];W04868:T.18587–18590(19-Aug-2024)(Open);[REDACTED].

⁵³⁵⁷ [REDACTED];[REDACTED];[REDACTED];W04868:T.18587–18590(19-Aug-2024)(Open);[REDACTED].

⁵³⁵⁸ [REDACTED];[REDACTED];[REDACTED];W04868:T.18605–18606(19-Aug-2024)(Open);[REDACTED].

⁵³⁵⁹ [REDACTED];[REDACTED];[REDACTED];W04868:T.18695(19-Aug-2024)(Open);[REDACTED].

series of raids, beginning at the Karadak OZ administration building in Gjilan/Gnjilane,⁵³⁶⁰ where it seized illegal police paperwork, as well as computers containing lists identifying both Albanians and Serbs who had allegedly collaborated with the Serbian police or military.⁵³⁶¹ At a subsequent raid at a school in Kishnapolë/Kišno Polje — during which the white Zastava truck KFOR had previously observed carrying a kidnapped Serb farmer at Malishevë/Mališevo arrived — KFOR found inside the school and truck large quantities of ammunition, weapons including grenades, training materials for use of explosives, misappropriated humanitarian aid, records of the truck's dispatches, and other KLA documentation.⁵³⁶²

1253. During surveillance at the Dormitory over the same period, KFOR snipers observed a system of light signals to announce KFOR patrols, a guard roster, KLA signs, a visit by ISUFI accompanied by uniformed personnel, and a man forcefully taken out of the white Zastava truck and into the dormitory.⁵³⁶³ This man was later found 'beaten senseless' under a nearby tree, and died shortly after.⁵³⁶⁴ Due to mounting concern and intelligence, KFOR applied pressure to the local KLA leadership, which provided a series of false explanations about the Dormitory's use and purpose, claiming first it was a university, and subsequently that it was housing refugees.⁵³⁶⁵

1254. On 9 August 1999 — on the basis of the intelligence gathered during these raids, surveillance, and the report of the Albanian woman and statements of others who had been detained and beaten at the Dormitory — KFOR raided the location.⁵³⁶⁶ During the raid, KFOR personnel discovered a 'torture chamber' in the basement, including

⁵³⁶⁰ [REDACTED];[REDACTED]; [REDACTED];[REDACTED];W04868:T.18754(20-Aug-2024)(Open).

⁵³⁶¹ [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED]; [REDACTED]. *See also* [REDACTED].

⁵³⁶² [REDACTED];[REDACTED];[REDACTED]; [REDACTED].

⁵³⁶³ [REDACTED];[REDACTED];[REDACTED];[REDACTED];W04868:T.18738-18739(19-Aug-2024)(Open); [REDACTED].

⁵³⁶⁴ [REDACTED];[REDACTED].

⁵³⁶⁵ [REDACTED];[REDACTED];[REDACTED].

⁵³⁶⁶ [REDACTED];[REDACTED];[REDACTED].

exposed electrical wires, cut off broom sticks, and sharpened sticks.⁵³⁶⁷ There was blood on the floor.⁵³⁶⁸ KFOR seized a large amount of weapons, documents, and KLA uniforms.⁵³⁶⁹ The Albanian female victim identified the so-called 'torture chamber' as the place where she was mistreated, and identified ten KLA members, who were then arrested by KFOR, including two JIC card holders.⁵³⁷⁰

1255. As ISUFI was initially unavailable, other leading KLA members were present at the Dormitory during and after the raid, including: (i) information officer Ismet SYLEJMANI;⁵³⁷¹ (ii) the KLA 'head of security' in the area, Shaqir SHAQIRI,⁵³⁷² who moved around in an official vehicle with a KLA tag, wore a black uniform with 'PU' insignia, and had previously been present during the raid of the Karadak OZ administration building;⁵³⁷³ and (iii) Fatmir MEHMETI/GJILANI,⁵³⁷⁴ another member of the KLA leadership, close associate of ISUFI,⁵³⁷⁵ and commander in charge of the KLA assembly area in Malishevë/Mališevo. Fatmir MEHMETI/GJILANI's name was on a door label in the Dormitory, together with the name of Adrian MEHMETI,⁵³⁷⁶ who also had a JIC card and was one of the ten perpetrators identified by the Albanian victim and arrested by KFOR.⁵³⁷⁷

1256. After the ten KLA soldiers had been arrested and as pressure mounted, ISUFI

⁵³⁶⁷ [REDACTED];[REDACTED];W04868:T.18594-18596(19-Aug-2024)(Open);[REDACTED];[REDACTED];W04868:T.18590-18591(19-Aug-2024)(Open);[REDACTED].

⁵³⁶⁸ [REDACTED];[REDACTED]; [REDACTED];W04868:T.18590-18592(19-Aug-2024)(Open).

⁵³⁶⁹ [REDACTED];[REDACTED];[REDACTED]; W04868:T.18594-18596(19-Aug-2024)(Open);[REDACTED];[REDACTED];[REDACTED].

⁵³⁷⁰ [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];W04868:T.18594, 18620(19-Aug-2024)(Open);[REDACTED].

⁵³⁷¹ [REDACTED]. *See also* [REDACTED]; [REDACTED].

⁵³⁷² [REDACTED]. *See also* [REDACTED]; [REDACTED].

⁵³⁷³ [REDACTED].

⁵³⁷⁴ [REDACTED];[REDACTED];[REDACTED]; W04868:T.18605-18606(19-Aug-2024)(Open).

⁵³⁷⁵ [REDACTED];[REDACTED].

⁵³⁷⁶ [REDACTED];[REDACTED].

⁵³⁷⁷ [REDACTED];[REDACTED];W04868:T.18618-18621(19-Aug-2024)(Open);W04868:T.18733(20-Aug-2024)(Open);[REDACTED].

finally arrived.⁵³⁷⁸ KFOR showed him what had been found, explained why the ten KLA members identified by the Albanian female victim had been arrested, walked him through the 'torture chamber', and demanded that the KLA vacate the Dormitory.⁵³⁷⁹ ISUFI calmed the KLA soldiers and the crowd that had formed, and requested that the detained KLA members be released to him.⁵³⁸⁰ When KFOR refused, ISUFI left to speak to the KFOR Brigadier General.⁵³⁸¹ Following the discussions, Fatmir MEHMETI/GJILANI returned to the Dormitory and announced that ISUFI had agreed that the ten arrested KLA soldiers could be taken into KFOR custody and the rest could remain at the Dormitory for a week.⁵³⁸²

1257. After the Dormitory raid, the Karadak OZ military police commander, Fatmir MEHMETI/GJILANI — in a report seized from the residence of the former Minister of Public Order, **Rexhep SELIMI** — informed the General Staff and the Ministry of Public Order that KFOR had raided the military police premises and arrested ten soldiers, and called 'for a better understanding and treatment of the Army'.⁵³⁸³

1. Imprisonment / Illegal or Arbitrary Arrest and Detention

1258. In late June and July 1999, KLA members — including Adem MUSTAFA,⁵³⁸⁴ a soldier known as the 'Builder',⁵³⁸⁵ and military police⁵³⁸⁶ — arrested and detained at least nine individuals at the Dormitory. The detainees included W00025, [REDACTED], W04824 and his brother, W04238 and [REDACTED], W04825, another Serb man,⁵³⁸⁷ an

⁵³⁷⁸ [REDACTED].

⁵³⁷⁹ [REDACTED];[REDACTED];W04868:T.18592-18593(19-Aug-2024)(Open).

⁵³⁸⁰ [REDACTED];[REDACTED];[REDACTED];W04868:T.18593(19-Aug-2024)(Open).

⁵³⁸¹ [REDACTED];[REDACTED].

⁵³⁸² [REDACTED];W04868:T.18619(19-Aug-2024)(Open); [REDACTED].

⁵³⁸³ [REDACTED];W04868:T.18602-18607(19-Aug-2024)(Open).

⁵³⁸⁴ [REDACTED];[REDACTED].

⁵³⁸⁵ P02897.1_ET:pp.14-15, 18-19(Public);[REDACTED].

⁵³⁸⁶ [REDACTED];[REDACTED];[REDACTED]; [REDACTED]. *See also* [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED].

⁵³⁸⁷ [REDACTED];[REDACTED]; [REDACTED];[REDACTED].

unidentified Roma man,⁵³⁸⁸ and W04696.⁵³⁸⁹ Multiple victims were only released after intervention by KFOR or others, and on condition, for example, that they hand over any weapons they possessed,⁵³⁹⁰ deny their mistreatment at the Dormitory,⁵³⁹¹ and leave Gjilan/Gnjilane or Kosovo.⁵³⁹² Before being released, [REDACTED] heard the KLA members ask whether he should be taken to Malishevë/Mališevo,⁵³⁹³ where, as noted above, there was a KLA assembly area.

1259. Detainees included a [REDACTED] (W04696),⁵³⁹⁴ an employee of a Serbian company (W04825),⁵³⁹⁵ and a janitor (W04824) and his brother⁵³⁹⁶ – none of whom had been members of the Serbian military or police in 1998 or 1999⁵³⁹⁷ – and former Serbian army reservists.⁵³⁹⁸ At the time of their detention, the victims were civilians and were not taking active part in hostilities.

1260. The victims were questioned in a generic way about their membership or association with members of the Serbian forces,⁵³⁹⁹ and the whereabouts, weapons, and

⁵³⁸⁸ [REDACTED];[REDACTED]; [REDACTED];[REDACTED];P02897.2_ET:pp.5, 7-9(Public);[REDACTED].

⁵³⁸⁹ W04238 and [REDACTED] were abducted mid-June 1999, at the same time as an unidentified Roma man ([REDACTED]); W04824 and his brother were abducted in mid-June 1999 ([REDACTED]); W04825 was abducted on or around 23 June 1999 (P02897.1:p.8(Public); P02896_ET:p.SITF00161884(Public)); W00025 was abducted on [REDACTED] June 1999, and detained at the same time as another Serb man ([REDACTED];[REDACTED]; [REDACTED]); [REDACTED] was abducted on [REDACTED] June 1999 ([REDACTED];[REDACTED];[REDACTED]); W04696 was abducted on 28 July 1999 ([REDACTED]; [REDACTED]); Mirko JOVIĆ was abducted on 12 July 1999; Džemo ZULJIĆ was abducted on 14 July 1999 ([REDACTED]). *See also* [REDACTED];[REDACTED]; [REDACTED].

⁵³⁹⁰ *See e.g.* [REDACTED];[REDACTED];[REDACTED].

⁵³⁹¹ *See e.g.* [REDACTED].

⁵³⁹² [REDACTED];[REDACTED];[REDACTED];[REDACTED]; [REDACTED]. *See also* [REDACTED]; [REDACTED];P02897.2_ET:p.19(Public).

⁵³⁹³ [REDACTED].

⁵³⁹⁴ [REDACTED];[REDACTED].

⁵³⁹⁵ P02897.1_ET:p.4(Public).

⁵³⁹⁶ W04824:T.16926, 16940-16942(06-Jun-2024)(Open).

⁵³⁹⁷ P02896_ET:p.SITF00161883(Public);[REDACTED];[REDACTED]; [REDACTED];[REDACTED].

⁵³⁹⁸ [REDACTED];P02513_ET:p.SITF00195538(Public);[REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED].

⁵³⁹⁹ [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED]; [REDACTED].

activities of family members or others affiliated with the Serbian military and police.⁵⁴⁰⁰ [REDACTED] was vaguely accused of committing crimes, without any details being provided.⁵⁴⁰¹ [REDACTED].⁵⁴⁰² Beyond the questions asked and/or vague accusations made during their interrogations, the victims were not specifically informed of the reasons for their arrest or any charges against them, and, as demonstrated by the circumstances of their arrest and detention, all were denied due process.⁵⁴⁰³

1261. The circumstances of the victims' arrests, detention, and mistreatment followed a consistent pattern of conduct. Victims were abducted in the presence of family members⁵⁴⁰⁴ by armed soldiers in camouflage and/or black uniforms,⁵⁴⁰⁵ who came to their houses, often accompanied by the victims' neighbours,⁵⁴⁰⁶ demanded that weapons be handed over,⁵⁴⁰⁷ searched the premises,⁵⁴⁰⁸ forced the victims into vehicles, and drove them under guard and/or gunpoint to the Dormitory.⁵⁴⁰⁹ When [REDACTED] was

⁵⁴⁰⁰ [REDACTED];[REDACTED];[REDACTED];[REDACTED].

⁵⁴⁰¹ [REDACTED]; [REDACTED];[REDACTED].

⁵⁴⁰² [REDACTED].

⁵⁴⁰³ W04824:T.16927(06-Jun-2024)(Public);[REDACTED]; [REDACTED];[REDACTED]. *See also* [REDACTED].

⁵⁴⁰⁴ P02514_ET:p.005400(Public);[REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED];[REDACTED];P02897.1_ET:pp.11-14(Public); P02896_ET:pp.SITF00161884-SITF00161885(Public);P02895.1_ET:pp.6-8, 15-16(Public);P02895.2_ET:pp.5-6, 15(Public).

⁵⁴⁰⁵ P02895.1_ET:pp.8-9(Public);P02514_ET:p.005400(Public);[REDACTED]; [REDACTED];[REDACTED];[REDACTED];[REDACTED];P02897.1_ET:pp.8-14(Public);P02896_ET:pp.SITF00161884, SITF00161887-SITF00161888(Public).

⁵⁴⁰⁶ P02895.1_ET:pp.8, 11(Public);[REDACTED]; [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED];[REDACTED]. W04824 and his brother were abducted on the street the day after three armed and uniformed soldiers with KLA insignia, accompanied by neighbours, had searched their house. *See* [REDACTED];[REDACTED];[REDACTED]. W04696, [REDACTED], was taken from his place of employment. *See* [REDACTED];[REDACTED];[REDACTED];[REDACTED].

⁵⁴⁰⁷ [REDACTED];[REDACTED]; [REDACTED];[REDACTED].

⁵⁴⁰⁸ P02895.2_ET:p.24(Public);[REDACTED];[REDACTED]; [REDACTED];[REDACTED];P02897.1_ET:pp.12-13(Public).

⁵⁴⁰⁹ P02895.1_ET:pp.16-18(Public);[REDACTED]; [REDACTED];[REDACTED]; [REDACTED];[REDACTED]; [REDACTED];[REDACTED]; [REDACTED];P02897.1_ET:pp.15-18(Public);P02897.2_ET:pp.1-2(Public). Džemo ZULJIĆ was abducted at home the day after three individuals who declared to act on behalf of the KLA had come to the house to confiscate his weapons. *See* [REDACTED].

brought into the yard of the Dormitory, he heard KLA soldiers say 'here comes yet another customer'.⁵⁴¹⁰ Once inside the Dormitory, KLA members recorded the victims' personal details, confiscated and/or destroyed their identification documents,⁵⁴¹¹ and brought them to rooms,⁵⁴¹² including in the basement,⁵⁴¹³ where they were tied, handcuffed, interrogated, and mistreated.⁵⁴¹⁴

2. *Other Inhumane Acts / Cruel Treatment / Torture*

1262. Several victims were threatened or mistreated during their abduction, including W04238 and his father, who were severely beaten.⁵⁴¹⁵ After several men burst into W04825's house, they grabbed and handcuffed him, cut the telephone wires, and put knives against his wife's and mother's throats, while others stood guard outside.⁵⁴¹⁶ Similarly, the KLA members who stopped W04824 and his brother beat them with batons and pistols, and punched, kicked, and insulted them.⁵⁴¹⁷

1263. At the Dormitory, detainees were kicked and beaten all over their bodies, including with fists, sticks, batons, chains, and other tools by armed and uniformed men wearing KLA and/or military police insignia.⁵⁴¹⁸ Cigarettes were extinguished on

⁵⁴¹⁰ [REDACTED];[REDACTED].

⁵⁴¹¹ P02514_ET:p.005400(Public);P02512.2_ET:p.44(Public);[REDACTED]; [REDACTED];[REDACTED]; [REDACTED];[REDACTED]; [REDACTED];P02897.2_ET:pp.5-6(Public); P02896_ET:p.SITF00161886(Public).

⁵⁴¹² [REDACTED];[REDACTED]; [REDACTED];[REDACTED];P02897.2_ET:pp.5-7(Public); P02896_ET:p.SITF00161886(Public).

⁵⁴¹³ P02512.2_ET:pp.40-42(Public);P02512.3_ET:pp.1-2, 7-8(Public);P02513_ET:pp.SITF00195538, SITF00195542, SITF00195547-SITF00195548(Public); [REDACTED]; [REDACTED];[REDACTED];[REDACTED];[REDACTED].

⁵⁴¹⁴ P02512.2_ET:p.14(Public);P02512.3_ET:pp.16, 20, 31, 33(Public); [REDACTED];[REDACTED]; [REDACTED];[REDACTED];W04824:T.16928-16929(06-Jun-2024)(Open);[REDACTED];[REDACTED].

⁵⁴¹⁵ [REDACTED].

⁵⁴¹⁶ P02897.1_ET:pp.9-14(Public);P02896_ET:pp.SITF00161884-SITF00161885(Public).

⁵⁴¹⁷ [REDACTED];[REDACTED].

⁵⁴¹⁸ P02512.3_ET:pp.3-11, 13-15(Public);P02513_ET:pp.SITF00195538-SITF00195539, SITF00195542-SITF00195544, SITF00195546(Public);P02514_ET:p.005400(Public);[REDACTED];[REDACTED]; [REDACTED]; [REDACTED];[REDACTED]; [REDACTED]; [REDACTED];

W04825's skin, who was also forced to kiss one of the perpetrator's boots.⁵⁴¹⁹ Several detainees lost consciousness as a result of the beating or, upon release, required assistance to leave the building as they could not walk.⁵⁴²⁰ Some victims also witnessed the mistreatment and detention of others,⁵⁴²¹ and heard screams coming from other rooms, in particular, from the basement,⁵⁴²² which [REDACTED] described as animal-like screams that 'make your blood freeze in the veins'.⁵⁴²³

1264. Detainees held in the basement were mistreated most severely. Multiple KLA members, taking turns,⁵⁴²⁴ kicked and beat [REDACTED] from head to toe with truncheons, police batons, and other hard objects.⁵⁴²⁵ After having been severely beaten, and with broken ribs, W00025 was dragged into a room, where he was forced to fight another detainee who had already been badly beaten.⁵⁴²⁶ Someone holding a knife threatened to cut W00025's ear.⁵⁴²⁷ Before being released, KLA members tied his hands and threw him out of a window into the yard.⁵⁴²⁸

1265. In the course of the victims' detention and mistreatment, KLA members insulted them, including on the basis of their Serb ethnicity,⁵⁴²⁹ and interrogated them about

[REDACTED];[REDACTED]; W04824:T.16928-16929(06-Jun-2024)(Open);[REDACTED];P02897.2_ET:pp.12-14, 16(Public); P02896_ET:pp.SITF00161884-SITF00161887(Public).

⁵⁴¹⁹ P02897.2_ET:pp.13-14(Public).

⁵⁴²⁰ P02512.3_ET:p.6(Public);[REDACTED];[REDACTED];[REDACTED].

⁵⁴²¹ P02512.3_ET:pp.6-13, 14-15(Public);P02513_ET:pp.SITF00195538-SITF00195539, SITF00195542-SITF00195543, SITF00195546(Public);P02514_ET:p.005400(Public);[REDACTED];[REDACTED];[REDACTED];[REDACTED];P02897.2_ET:pp.5, 7-9(Public);[REDACTED].

⁵⁴²² [REDACTED];[REDACTED]; [REDACTED];P02897.2_ET:pp.5, 15-16(Public); [REDACTED].

⁵⁴²³ [REDACTED];[REDACTED].

⁵⁴²⁴ [REDACTED];[REDACTED].

⁵⁴²⁵ [REDACTED];[REDACTED].

⁵⁴²⁶ P02512.3_ET:pp.6-13, 14-15(Public);P02513_ET:pp.SITF00195538-SITF00195539, SITF00195542-SITF00195543(Public).

⁵⁴²⁷ P02512.3_ET:pp.7, 11(Public);P02513_ET:pp.SITF00195538-SITF00195539(Public).

⁵⁴²⁸ [REDACTED];[REDACTED]; [REDACTED].

⁵⁴²⁹ See e.g. [REDACTED]. See also [REDACTED]; [REDACTED];[REDACTED];[REDACTED].

whether they had been in the military,⁵⁴³⁰ possessed weapons,⁵⁴³¹ or had knowledge of persons associated with the Serbian forces or related activities and incidents.⁵⁴³² Some were asked why they had not yet left Kosovo.⁵⁴³³ W04238 and his father were shown a list of people that the KLA were looking for, with those from Gjilan/Gnjilane marked with a red flag.⁵⁴³⁴ While being beaten, [REDACTED] was questioned as to whether he or others had killed anyone.⁵⁴³⁵ The KLA soldiers responded, 'Never mind. You Serbs killed the Albanians,'⁵⁴³⁶ and continued to beat him.⁵⁴³⁷

3. *Murder*

1266. Mirko JOVIĆ, a former prison guard,⁵⁴³⁸ and Džemo ZULJIĆ, a former police officer,⁵⁴³⁹ were both abducted in Gjilan/Gnjilane just two days apart, on 12 and 14 July 1999, respectively, and were taken to the Dormitory.⁵⁴⁴⁰ They were both civilians and were not taking active part in hostilities at the time. Their arrest and targeting by KLA members associated with the Dormitory is corroborated by a consistent pattern of conduct.

a. Mirko JOVIĆ

1267. On the evening of 12 July 1999, Mirko JOVIĆ – who had previously left Kosovo and had just returned to Gjilan/Gnjilane – arrived at his apartment with three or four

⁵⁴³⁰ [REDACTED];[REDACTED];[REDACTED].

⁵⁴³¹ [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED]; [REDACTED].

⁵⁴³² [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED]; [REDACTED].

⁵⁴³³ [REDACTED];[REDACTED]; P02513_ET:pp.SITF00195538(Public). *See also* [REDACTED]; [REDACTED];[REDACTED]; [REDACTED];[REDACTED];P02896_ET:pp.SITF00161886, SITF00161891(Public).

⁵⁴³⁴ [REDACTED].

⁵⁴³⁵ [REDACTED]. *See also* [REDACTED];[REDACTED];[REDACTED].

⁵⁴³⁶ [REDACTED]. *See also* [REDACTED];[REDACTED];[REDACTED].

⁵⁴³⁷ [REDACTED].

⁵⁴³⁸ P02895.2_ET:p.26(Public).

⁵⁴³⁹ [REDACTED].

⁵⁴⁴⁰ P02895.1_ET:pp.6–7, 14, 17, 19, 21(Public);[REDACTED];[REDACTED].

KLA members in black uniforms and a neighbour.⁵⁴⁴¹ The neighbour left and a friend of Mirko JOVIĆ, Adem SYLA, arrived.⁵⁴⁴² They searched the house,⁵⁴⁴³ and one of the soldiers, who had handcuffs attached to his pants,⁵⁴⁴⁴ stated that they needed to collect passes for free movement.⁵⁴⁴⁵ Mirko JOVIĆ, who did not want to leave and proposed to give a statement the next day given that the curfew would start soon, was taken from his apartment and placed into a vehicle, along with his cousin and W00016, who was told and felt compelled to go, and Adem SYLA.⁵⁴⁴⁶ Shortly after their vehicle stopped across the road from the Dormitory,⁵⁴⁴⁷ one of the KLA members in black uniforms stated that they had to wait for the commander, who had gone to Malishevë/Mališevo.⁵⁴⁴⁸ As noted above, there was a KLA assembly point in Malishevë/Mališevo and Fatmir MEHMETI/GJILANI, a senior KLA member also associated with Dormitory, was in charge there.

1268. After some time, JOVIĆ was told he had to go with the KLA members and the women, who stated that they wanted to accompany JOVIĆ, were ordered to go home with Adem SYLA.⁵⁴⁴⁹ JOVIĆ was taken across the street towards the Dormitory, with one KLA member on each side of him.⁵⁴⁵⁰

1269. W00016 asked Adem SYLA to help secure JOVIĆ's release; SYLA first claimed to know 'more important' people than those who had abducted JOVIĆ, and later denied having any knowledge of the event.⁵⁴⁵¹ W00016 also reported JOVIĆ's abduction to the

⁵⁴⁴¹ P02895.1_ET:pp.6-9, 11(Public).

⁵⁴⁴² P02895.1_ET:pp.11-12(Public).

⁵⁴⁴³ P02895.2_ET:pp.21-22, 24(Public).

⁵⁴⁴⁴ P02895.1_ET:pp.9, 25(Public).

⁵⁴⁴⁵ P02895.1_ET:pp.12-14, 16-17(Public).

⁵⁴⁴⁶ P02895.1_ET:pp.12-16(Public);P02895.2_ET:pp.30-31(Public).

⁵⁴⁴⁷ P02895.1_ET:pp.17-18(Public).

⁵⁴⁴⁸ P02895.1_ET:pp.17-18(Public).

⁵⁴⁴⁹ P02895.1_ET:p.20(Public);P02895.2_ET:p.5(Public).

⁵⁴⁵⁰ P02895.1_ET:p.21(Public);P02895.2_ET:pp.5-6(Public).

⁵⁴⁵¹ P02895.2_ET:pp.6-7(Public).

local church, the UN, and KFOR.⁵⁴⁵² W00016 never saw JOVIĆ again.⁵⁴⁵³

1270. Mirko JOVIĆ's body was eventually found in Arbëria/Dragodan cemetery in Prishtinë/Priština – where the bodies of other charged victims had been reburied⁵⁴⁵⁴ – and an autopsy conducted on 18 June 2000 identified the cause of death as multiple gunshot wounds.⁵⁴⁵⁵ In addition to a gunshot wound to the skull, two bullets were found in soft tissue, indicating that he had also been shot in another part of his body.⁵⁴⁵⁶

b. Džemo ZULJIĆ

1271. On 13 July 1999, after [REDACTED] learned about Mirko JOVIĆ's abduction the previous night⁵⁴⁵⁷ and the evening before Džemo ZULJIĆ was abducted, KLA members came to the home of ZULJIĆ [REDACTED] to collect weapons, which ZULJIĆ handed over.⁵⁴⁵⁸ One of ZULJIĆ's neighbours, who passed by on the way to his own apartment, urged him to cooperate so he would not have problems with the KLA.⁵⁴⁵⁹

1272. The following morning, two different KLA members returned⁵⁴⁶⁰ and said that Džemo ZULJIĆ should go with them to the Dormitory to give a statement concerning the weapons he had handed over the day before.⁵⁴⁶¹ As he objected, they said, 'You better go. It's better that you go voluntarily rather than being forced to'.⁵⁴⁶² The KLA members said that Džemo ZULJIĆ would be back in half an hour, told him there was no need to change his clothes, and took him wearing his sweatpants and slippers.⁵⁴⁶³

⁵⁴⁵² P02895.2_ET:pp.8-9(Public);[REDACTED];[REDACTED].

⁵⁴⁵³ P02895.2_ET:p.5(Public);[REDACTED].

⁵⁴⁵⁴ [REDACTED]; [REDACTED]; [REDACTED];[REDACTED].

⁵⁴⁵⁵ [REDACTED];W04826:T.24536-24537(27-Jan-2025)(Open). *See also* [REDACTED].

⁵⁴⁵⁶ [REDACTED].

⁵⁴⁵⁷ [REDACTED].

⁵⁴⁵⁸ [REDACTED];[REDACTED];[REDACTED].

⁵⁴⁵⁹ [REDACTED];[REDACTED].

⁵⁴⁶⁰ [REDACTED].

⁵⁴⁶¹ [REDACTED];[REDACTED].

⁵⁴⁶² [REDACTED];[REDACTED].

⁵⁴⁶³ [REDACTED];[REDACTED].

They then pushed Džemo ZULJIĆ into a car, and took him to the Dormitory.⁵⁴⁶⁴

1273. Shortly after the abduction, [REDACTED] told a neighbour about ZULJIĆ's abduction. The neighbour went to the Dormitory and then confirmed to [REDACTED] that [REDACTED] was being interrogated there, and would be released in half an hour.⁵⁴⁶⁵ [REDACTED] never saw [REDACTED] alive again.⁵⁴⁶⁶

1274. ZULJIĆ's body was discovered in Uglar/Uglare – which is less than 10 kilometres from Gjilan/Gnjilane, with Malishevë/Mališevo situated in between⁵⁴⁶⁷ – and identified on 28 February 2002.⁵⁴⁶⁸

4. *Victim Impact*

1275. Victims suffered long-term consequences as a result of their beatings,⁵⁴⁶⁹ including various physical and psychological issues.⁵⁴⁷⁰ For example, W04824 sustained broken ribs, was covered in bruises, and needed two to three months to recover from his injuries.⁵⁴⁷¹ He still has psychological issues and required psychiatric treatment.⁵⁴⁷² As a result of his severe mistreatment, W00025 had to stay in bed for three months to recover.⁵⁴⁷³ After [REDACTED] abduction and death, [REDACTED] had to take

⁵⁴⁶⁴ [REDACTED];[REDACTED].

⁵⁴⁶⁵ [REDACTED];[REDACTED].

⁵⁴⁶⁶ [REDACTED].

⁵⁴⁶⁷ P04300(Public).

⁵⁴⁶⁸ [REDACTED];W04826:T.24536-24537(27-Jan-2025)(Open). *See also* [REDACTED];[REDACTED].

⁵⁴⁶⁹ P02512.3_ET:pp.3-4, 9, 39(Public);P02512.4_ET:p.1(Public);P02513_ET:pp.SITF00195539, SITF00195542, SITF00195544(Public);[REDACTED];

[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];

[REDACTED];P02897.2_ET:pp.25-26(Public);[REDACTED];

[REDACTED];[REDACTED];[REDACTED];W04824:T.16929-16930(06-Jun-2024)(Open).

⁵⁴⁷⁰ [REDACTED];[REDACTED];P02897.2_ET:pp.25-

26(Public);[REDACTED];[REDACTED];[REDACTED];[REDACTED].

⁵⁴⁷¹ [REDACTED];[REDACTED]; [REDACTED];[REDACTED];W04824:T.16929-16930(06-Jun-2024)(Open).

⁵⁴⁷² [REDACTED];[REDACTED];[REDACTED].

⁵⁴⁷³ P02512.3_ET:pp.3-4, 9, 39(Public);P02512.4_ET:p.1(Public);P02513_ET:pp.SITF00195539, SITF00195542, SITF00195544(Public).

medicine because of the trauma they suffered.⁵⁴⁷⁴ Several victims and their families fled Gjilan/Gnjilane and eventually left Kosovo due to the events.⁵⁴⁷⁵

Z. SUHAREKË/SUVA REKA

1276. Suharekë/Suva Reka municipality formed part of the Pashtrik Zone,⁵⁴⁷⁶ and was strategically important due to its location.⁵⁴⁷⁷ From the summer of 1998, KLA Brigade 123 was based there.⁵⁴⁷⁸ Between January and March 1999, more than 1,700 KLA soldiers were in this brigade, at least 40 of whom were military police.⁵⁴⁷⁹ Brigade 123 covered *inter alia* Budakovë/Budakovo and Rahovec/Orahovac, and detained Opponents in multiple locations in its area of responsibility.

1277. After the withdrawal of the Serbian forces, Brigade 123 entered Suharekë/Suva Reka on 13 June 1999 to 'cleanse the city from the last criminal gangs', and established its base there.⁵⁴⁸⁰ The Eye of the Eagle special unit, commanded by Nezir KRYEZIU,⁵⁴⁸¹ which had an area of operation that included Suharekë/Suva Reka, Malishevë/Mališevo, Rahovec/Orahovac, and parts of Prizren,⁵⁴⁸² was also amongst the first KLA units to enter Suharekë/Suva Reka on 13 June 1999,⁵⁴⁸³ after an hours long firefight with Serbian forces.⁵⁴⁸⁴ Upon entering, the unit positioned itself at various

⁵⁴⁷⁴ [REDACTED].

⁵⁴⁷⁵ [REDACTED];[REDACTED];

[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];

[REDACTED];W04824:T.16931-16932(06-Jun-2024)(Open);P02897.2_ET:p.19(Public);

P02896_ET:p.SITF00161884(Public);[REDACTED]; [REDACTED];[REDACTED];[REDACTED].

⁵⁴⁷⁶ AF290(Public);P00189_ET.1:p.U015-8849(Public);P01375(Public).

⁵⁴⁷⁷ [REDACTED].

⁵⁴⁷⁸ [REDACTED];AF291(Public);[REDACTED]; [REDACTED];[REDACTED].

⁵⁴⁷⁹ [REDACTED]. *See also* [REDACTED].

⁵⁴⁸⁰ [REDACTED];[REDACTED];[REDACTED]; [REDACTED].

⁵⁴⁸¹ [REDACTED];[REDACTED];[REDACTED];

P00012_ET:p.058022(Public);P00712_ET:p.SPOE00209330(Public);[REDACTED]; [REDACTED].

⁵⁴⁸² P00012_ET:p.057971(Public).

⁵⁴⁸³ P00012_ET:pp.057998-057999(ALB, p.057999)(Photo of Nezir KRYEZIU visible in ALB original)(Public);[REDACTED].

⁵⁴⁸⁴ P00012_ET:pp.057998-057999(Public).

points throughout the city, with KRYEZIU and some of his soldiers staying close to the police station.⁵⁴⁸⁵

1278. Nezir KRYEZIU continued to be stationed in Suharekë/Suva Reka for several days from 13 June 1999, before going to Prizren.⁵⁴⁸⁶ At the time, in addition to commanding the Eye of the Eagle special unit, KRYEZIU was also the deputy commander of the military police at the Pashtrik Zone level.⁵⁴⁸⁷ In these capacities, KRYEZIU reported to the Pashtrik Zone command⁵⁴⁸⁸ and his Eye of the Eagle Unit to the General Staff, including **Rexhep SELIMI**.⁵⁴⁸⁹

1. Imprisonment / Illegal or Arbitrary Arrest and Detention / Other Inhumane Acts / Cruel Treatment / Torture

1279. On [REDACTED] 1999,⁵⁴⁹⁰ [REDACTED] was arrested and detained by the KLA for [REDACTED] days⁵⁴⁹¹ during which he was transferred between several locations, including [REDACTED] Suharekë/Suva Reka,⁵⁴⁹² a house under construction in the direction of Rahovec/Orahovac,⁵⁴⁹³ and [REDACTED].⁵⁴⁹⁴

1280. [REDACTED], [REDACTED] was abducted by three armed men wearing uniforms with KLA insignia.⁵⁴⁹⁵ At gunpoint, the KLA members forced [REDACTED] to drive until they arrived at [REDACTED] Suharekë/Suva Reka [REDACTED].⁵⁴⁹⁶ Upon

⁵⁴⁸⁵ P00012_ET:p.058000(Public).

⁵⁴⁸⁶ [REDACTED];[REDACTED].

⁵⁴⁸⁷ [REDACTED];[REDACTED].

⁵⁴⁸⁸ [REDACTED];[REDACTED]; P00712_ET:p.SPOE00209330(Public).

⁵⁴⁸⁹ [REDACTED];[REDACTED];[REDACTED]; [REDACTED]. *See also* [REDACTED];[REDACTED];[REDACTED];[REDACTED].

⁵⁴⁹⁰ [REDACTED];[REDACTED];[REDACTED];[REDACTED].

⁵⁴⁹¹ [REDACTED];[REDACTED]; [REDACTED].

⁵⁴⁹² [REDACTED];[REDACTED];[REDACTED];[REDACTED].

⁵⁴⁹³ [REDACTED];[REDACTED]; [REDACTED].

⁵⁴⁹⁴ [REDACTED];[REDACTED];[REDACTED]; [REDACTED].

⁵⁴⁹⁵ [REDACTED];[REDACTED]; [REDACTED];[REDACTED]; [REDACTED].

⁵⁴⁹⁶ [REDACTED];[REDACTED];[REDACTED];[REDACTED].

arrival, [REDACTED] saw approximately 15 uniformed, armed KLA members in camouflage and black uniforms.⁵⁴⁹⁷

1281. [REDACTED], [REDACTED] was stripped of his personal belongings and placed in a detention cell.⁵⁴⁹⁸ The items taken, including his car, were never returned to him.⁵⁴⁹⁹

1282. For [REDACTED] days, [REDACTED] was brought in and out of a room where he was interrogated and beaten - the KLA members took turns hitting him all over his body using fists, boots, rifle butts, and batons.⁵⁵⁰⁰ Throughout this time, he was interrogated about the locations of Albanian graves and the whereabouts of a Serb police commander, about which [REDACTED] knew nothing.⁵⁵⁰¹ At one point, [REDACTED].⁵⁵⁰² On the [REDACTED] day of his detention, [REDACTED] was tied up, had a blanket placed over his head, and was transported to a house under construction [REDACTED] in the direction of Rahovec/Orahovac.⁵⁵⁰³ At that location, [REDACTED] was tied to a concrete beam, with KLA members alternating his position between hanging upside down with his legs tied over his head, and upright with his hands tied above.⁵⁵⁰⁴ He was held there for a further three days,⁵⁵⁰⁵ during which he was not provided any food or water and was subjected to threats, including a pistol being forced into his mouth and pressed against his head in an attempt to extract a confession.⁵⁵⁰⁶ After several days, when [REDACTED] did not provide the information they demanded, the perpetrators blindfolded [REDACTED] and drove him back to

⁵⁴⁹⁷ [REDACTED];[REDACTED]; [REDACTED].

⁵⁴⁹⁸ [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED].

⁵⁴⁹⁹ [REDACTED];[REDACTED]; [REDACTED].

⁵⁵⁰⁰ [REDACTED];[REDACTED]; [REDACTED].

⁵⁵⁰¹ [REDACTED];[REDACTED]; [REDACTED].

⁵⁵⁰² [REDACTED]; [REDACTED]. [REDACTED];[REDACTED].

⁵⁵⁰³ [REDACTED];[REDACTED]; [REDACTED].

⁵⁵⁰⁴ [REDACTED];[REDACTED];[REDACTED]; [REDACTED].

⁵⁵⁰⁵ [REDACTED];[REDACTED]; [REDACTED].

⁵⁵⁰⁶ [REDACTED];[REDACTED].

[REDACTED] Suharekë/Suva Reka [REDACTED].⁵⁵⁰⁷

1283. The only reason provided to [REDACTED] for his detention was his prior employment as a traffic policeman.⁵⁵⁰⁸ Given the nature of his (former) duties,⁵⁵⁰⁹ the lack of any specific allegations against him,⁵⁵¹⁰ and the fact that the Serbian forces had already withdrawn by that time, his detention was clearly not necessitated by security considerations. [REDACTED] was not informed of any criminal charges against him, nor was he given any opportunity to challenge his detention before a judge or competent authority.⁵⁵¹¹

1284. [REDACTED] days after [REDACTED] had first been detained, [REDACTED] took him from [REDACTED] Suharekë/Suva Reka [REDACTED] and drove him to [REDACTED] where he was placed in the basement.⁵⁵¹² [REDACTED].⁵⁵¹³ Later on the same day, after around two hours [REDACTED],⁵⁵¹⁴ [REDACTED] was released.⁵⁵¹⁵ Upon his release, [REDACTED] was ordered [REDACTED] to report to him daily at the KLA headquarters [REDACTED], which [REDACTED] did twice, [REDACTED].⁵⁵¹⁶ [REDACTED] never gave reasons why [REDACTED] was obliged to report to him after the release.⁵⁵¹⁷

1285. As a result of his mistreatment, [REDACTED] suffered bruises all over his body

⁵⁵⁰⁷ [REDACTED];[REDACTED]; [REDACTED].

⁵⁵⁰⁸ [REDACTED];[REDACTED].

⁵⁵⁰⁹ [REDACTED];[REDACTED].

⁵⁵¹⁰ [REDACTED];[REDACTED].

⁵⁵¹¹ [REDACTED];[REDACTED].

⁵⁵¹² [REDACTED];[REDACTED];[REDACTED]; [REDACTED].

⁵⁵¹³ [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];
[REDACTED];[REDACTED].

⁵⁵¹⁴ [REDACTED];[REDACTED];[REDACTED]; [REDACTED].

⁵⁵¹⁵ [REDACTED];[REDACTED]. *See also* [REDACTED];[REDACTED];
[REDACTED];[REDACTED];[REDACTED].

⁵⁵¹⁶ [REDACTED];[REDACTED]; [REDACTED];[REDACTED]; [REDACTED].

⁵⁵¹⁷ [REDACTED].

and experiences trauma to this day.⁵⁵¹⁸ After his release, members of the KLA came looking for him again on several occasions. Fearing for his life, [REDACTED] left his village [REDACTED].⁵⁵¹⁹

AA. NOVEBËRDË/NOVO BRDO

1286. In mid-June 1999, Karadak OZ Commander Ahmet ISUFI issued an order for unit commander Florim KLLOKOQI to 'maintain public order and peace in the area Novobërdë at the [...] Police Station'.⁵⁵²⁰ Thereafter, the KLA headquarters in Novobërdë/Novo Brdo was considered a 'satellite' of the Karadak OZ Command headquarters in Gjilan/Gnjilane.⁵⁵²¹ The former Serbian police station, where Florim KLLOKOQI and his unit were based,⁵⁵²² was the only one in the area,⁵⁵²³ and was located approximately 800 metres north of the Novobërdë/Novo Brdo mine.⁵⁵²⁴ The mine was important due to its mineral wealth and the explosives stored there.⁵⁵²⁵

1287. Florim KLLOKOQI, who wore a black uniform and a beret with KLA insignia,⁵⁵²⁶ was the recognised KLA commander in the area,⁵⁵²⁷ and he and his men, including Hajdar KLLOKOQI,⁵⁵²⁸ conducted patrols and set up checkpoints.⁵⁵²⁹

1288. The crimes charged for Novobërdë/Novo Brdo took place on or about

⁵⁵¹⁸ [REDACTED] [REDACTED].

⁵⁵¹⁹ [REDACTED];[REDACTED]; [REDACTED].

⁵⁵²⁰ [REDACTED];[REDACTED]; [REDACTED];W04868:T.18745-18746, 18748, 18752(20-Aug-2024)(Open); W04868:T.18699(19-Aug-2024)(Open);[REDACTED];[REDACTED].

⁵⁵²¹ [REDACTED];[REDACTED];W04868:T.18745-18746(20-Aug-2024)(Open). Documents seized from the KLA base in Novobërdë/Novo Brdo and Karadak OZ officials seen in the area corroborate this connection. *See e.g.* [REDACTED];[REDACTED].

⁵⁵²² [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED].

⁵⁵²³ [REDACTED].

⁵⁵²⁴ [REDACTED]. *See also* [REDACTED].

⁵⁵²⁵ [REDACTED]. *See also* [REDACTED].

⁵⁵²⁶ [REDACTED];[REDACTED].

⁵⁵²⁷ [REDACTED];[REDACTED].

⁵⁵²⁸ [REDACTED];[REDACTED].

⁵⁵²⁹ [REDACTED];[REDACTED].

[REDACTED]⁵⁵³⁰ and [REDACTED]⁵⁵³¹ June 1999, soon after KLLOKOQI's appointment and occupation of the former police station. Less than a month later – on account of KLA activity in the area being commonplace, reports of violence and killings, and the explosives stored at the Novobërdë/Novo Brdo mine⁵⁵³² – KFOR raided the former police station (which flew a KLA flag⁵⁵³³) and nearby mine, seizing large quantities of explosives and records detailing KLA organisation, KFOR movements, and activities against Serbs.⁵⁵³⁴ Just before the raid commenced, KFOR troops observed a KLA assault on a Serbian farm in the vicinity of the KLA headquarters in Novobërdë/Novo Brdo.⁵⁵³⁵

1. Imprisonment / Illegal or Arbitrary Arrest and Detention

1289. [REDACTED], and certain other KLA members arrested at least four persons – including [REDACTED] and [REDACTED] on or about [REDACTED] June 1999, and [REDACTED] on or about [REDACTED] June 1999 – and detained them [REDACTED] in Novobërdë/Novo Brdo. At the time, [REDACTED],⁵⁵³⁶ [REDACTED], and [REDACTED]⁵⁵³⁷ were all civilians, not taking direct part in hostilities. They were targeted due to their Serb ethnicity, real or perceived connection with the Serbian authorities and regime, and, in the case of [REDACTED], also on condition that they surrender their weapons and leave the area. The relevant circumstances of and reasons for their arrests, detention, mistreatment, and release demonstrate that they were not

⁵⁵³⁰ [REDACTED];[REDACTED].

⁵⁵³¹ [REDACTED];[REDACTED];[REDACTED].

⁵⁵³² [REDACTED];[REDACTED];[REDACTED]; W04868:T.18752(20-Aug-2024)(Open). *See also* [REDACTED]; P00006:pp.SITF00249807, SITF00249809, SITF00249811-00249812(Public);[REDACTED].

⁵⁵³³ [REDACTED];[REDACTED].

⁵⁵³⁴ [REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED]; [REDACTED].

⁵⁵³⁵ [REDACTED];[REDACTED].

⁵⁵³⁶ [REDACTED];[REDACTED].

⁵⁵³⁷ While there is no direct evidence concerning the status or employment of [REDACTED] during the war, even if they were former members of the police or military, the Serbian military and police in the area had left and those former members who remained were demobilised and/or no longer employed. *See e.g.* [REDACTED].

afforded any due process.

1290. On or about [REDACTED] June 1999,⁵⁵³⁸ [REDACTED], and [REDACTED]⁵⁵³⁹ went to Novobërdë/Novo Brdo so that [REDACTED].⁵⁵⁴⁰ They were [REDACTED].⁵⁵⁴¹ [REDACTED] was a [REDACTED] and was unemployed by mid-June, [REDACTED].⁵⁵⁴² [REDACTED], who was [REDACTED], was a [REDACTED], who was [REDACTED] due to his family's circumstances.⁵⁵⁴³

1291. When they reached [REDACTED] in Novobërdë/Novo Brdo, [REDACTED] saw rifles pointed at them and armed men approaching.⁵⁵⁴⁴ [REDACTED], wearing black uniforms with KLA insignia and armed with pistols, and around five or six other KLA members, wearing camouflage and holding rifles, surrounded [REDACTED].⁵⁵⁴⁵ [REDACTED] the KLA members, including [REDACTED].⁵⁵⁴⁶

1292. The KLA members searched [REDACTED] and his car, questioned [REDACTED]⁵⁵⁴⁷ – about their purpose for being there, and threatened to kill them.⁵⁵⁴⁸ [REDACTED] declared that, '[REDACTED] [...]'.⁵⁵⁴⁹ [REDACTED] and other KLA members then accompanied [REDACTED], which they thoroughly searched.⁵⁵⁵⁰ [REDACTED] warned that if even a single bullet or weapon was found, the three Serbs would be executed.⁵⁵⁵¹

⁵⁵³⁸ [REDACTED];[REDACTED].

⁵⁵³⁹ [REDACTED].

⁵⁵⁴⁰ [REDACTED].

⁵⁵⁴¹ [REDACTED];[REDACTED]

⁵⁵⁴² [REDACTED];[REDACTED].

⁵⁵⁴³ [REDACTED];[REDACTED];[REDACTED].

⁵⁵⁴⁴ [REDACTED].

⁵⁵⁴⁵ [REDACTED];[REDACTED].

⁵⁵⁴⁶ [REDACTED].

⁵⁵⁴⁷ [REDACTED].

⁵⁵⁴⁸ [REDACTED].

⁵⁵⁴⁹ [REDACTED].

⁵⁵⁵⁰ [REDACTED].

⁵⁵⁵¹ [REDACTED].

1293. After the search, [REDACTED] confirmed that [REDACTED] and that he [REDACTED].⁵⁵⁵² [REDACTED] instructed [REDACTED].⁵⁵⁵³ At this point, a [REDACTED] intervened, requested the Serbs' release, and following a separate conversation with the KLA members, informed [REDACTED] that they could go, but should follow the commander's instructions [REDACTED].⁵⁵⁵⁴

1294. As [REDACTED] headed to their car, [REDACTED] saw that the same KLA members who had stopped them were now pointing their weapons at and approaching another car with [REDACTED].⁵⁵⁵⁵ [REDACTED]⁵⁵⁵⁶ As [REDACTED] drove away, he saw [REDACTED] being taken out of the car and surrounded by the armed KLA members.⁵⁵⁵⁷ A day or two later, they reported [REDACTED] having their car confiscated,⁵⁵⁵⁸ and having been detained and abused [REDACTED] in Novobërdë/Novo Brdo⁵⁵⁵⁹ until a third party intervened and secured their release.⁵⁵⁶⁰ During their detention, a military policeman [REDACTED] told them, '[REDACTED].'⁵⁵⁶¹ The circumstances of and reasons for the detention of [REDACTED] are consistent with and corroborated by the same KLA members' treatment of [REDACTED].

1295. [REDACTED] – who were travelling back from [REDACTED]⁵⁵⁶² – were stopped [REDACTED] on or about [REDACTED] June 1999 in [REDACTED] by [REDACTED].⁵⁵⁶³ [REDACTED] blocked the road with a car, and the other two armed

⁵⁵⁵² [REDACTED].

⁵⁵⁵³ [REDACTED];[REDACTED].

⁵⁵⁵⁴ [REDACTED].

⁵⁵⁵⁵ [REDACTED].

⁵⁵⁵⁶ [REDACTED].

⁵⁵⁵⁷ [REDACTED].

⁵⁵⁵⁸ [REDACTED].

⁵⁵⁵⁹ [REDACTED].

⁵⁵⁶⁰ [REDACTED].

⁵⁵⁶¹ [REDACTED].

⁵⁵⁶² [REDACTED].

⁵⁵⁶³ [REDACTED];[REDACTED].

men flanked [REDACTED] on either side of the road, one pointing his gun at [REDACTED].⁵⁵⁶⁴ [REDACTED] told [REDACTED] that he was going to destroy all of the [REDACTED], after which the KLA members held guns to [REDACTED]'s head, searched and beat [REDACTED], forced him into their car, and drove him away in the direction of Novobërdë/Novo Brdo.⁵⁵⁶⁵ One of the KLA members told [REDACTED] that he had one hour to [REDACTED], otherwise [REDACTED] would be killed.⁵⁵⁶⁶

1296. [REDACTED] was taken [REDACTED] in Novobërdë/Novo Brdo.⁵⁵⁶⁷ Meanwhile, [REDACTED],⁵⁵⁶⁸ who, at [REDACTED]'s request, went to Novobërdë/Novo Brdo.⁵⁵⁶⁹ After talking to [REDACTED],⁵⁵⁷⁰ informing [REDACTED] that if he [REDACTED] would be released.⁵⁵⁷¹ [REDACTED] to [REDACTED].⁵⁵⁷² An hour or two later, a car arrived with [REDACTED].⁵⁵⁷³

2. Other Inhumane Acts / Cruel Treatment / Torture

1297. During his arrest and detention, [REDACTED] was physically and psychologically assaulted. In the course of his arrest on [REDACTED] June 1999, KLA members kicked [REDACTED] and hit him on the head with their pistols [REDACTED].⁵⁵⁷⁴ The mistreatment continued at the former police station in Novobërdë/Novo Brdo. [REDACTED] reported to [REDACTED] that he was severely beaten in an office, [REDACTED].⁵⁵⁷⁵ After his release, he could not stand due to his

⁵⁵⁶⁴ [REDACTED].

⁵⁵⁶⁵ [REDACTED].

⁵⁵⁶⁶ [REDACTED].

⁵⁵⁶⁷ [REDACTED].

⁵⁵⁶⁸ [REDACTED];[REDACTED].

⁵⁵⁶⁹ [REDACTED].

⁵⁵⁷⁰ [REDACTED].

⁵⁵⁷¹ [REDACTED].

⁵⁵⁷² [REDACTED].

⁵⁵⁷³ [REDACTED].

⁵⁵⁷⁴ [REDACTED].

⁵⁵⁷⁵ [REDACTED].

injuries, and barely talked, uttering only '[REDACTED]'.⁵⁵⁷⁶ [REDACTED] asked [REDACTED] why this had happened; [REDACTED] – consistent with [REDACTED]'s insults, threats, and demands to [REDACTED] on [REDACTED]⁵⁵⁷⁷ and [REDACTED]⁵⁵⁷⁸ June 1999 – told him, '[REDACTED]'.⁵⁵⁷⁹

3. *Victim Impact*

1298. As a result of the events on [REDACTED] and [REDACTED] June 1999, [REDACTED]⁵⁵⁸⁰ [REDACTED]⁵⁵⁸¹ suffered lasting trauma and injuries. The [REDACTED] – distressed and afraid⁵⁵⁸² – [REDACTED] to seek immediate medical assistance for [REDACTED].⁵⁵⁸³ [REDACTED].⁵⁵⁸⁴ [REDACTED].⁵⁵⁸⁵

BB. TOKBASHQE

1299. Initially based in Koliq/Kolić,⁵⁵⁸⁶ the Llap OZ National Guard (aka Fifth Battalion),⁵⁵⁸⁷ commanded by Ajet POTERA,⁵⁵⁸⁸ entered Prishtinë/Priština alongside Llap OZ commander Rrustem MUSTAFA (aka Commander Remi) on 11 June 1999 and set up the Llap OZ HQ at Kolovicë/Kojlovica.⁵⁵⁸⁹ The Llap OZ National Guard was based in two locations: at the Llap OZ HQ in Kolovicë/Kojlovica and at a military base

⁵⁵⁷⁶ [REDACTED].

⁵⁵⁷⁷ [REDACTED]. This is also consistent with the military policeman's reported statements to [REDACTED] during their detention. *See* [REDACTED].

⁵⁵⁷⁸ [REDACTED].

⁵⁵⁷⁹ [REDACTED].

⁵⁵⁸⁰ [REDACTED].

⁵⁵⁸¹ [REDACTED]. *See* [REDACTED];[REDACTED].

⁵⁵⁸² *See e.g.* [REDACTED].

⁵⁵⁸³ [REDACTED].

⁵⁵⁸⁴ [REDACTED];[REDACTED];[REDACTED].

⁵⁵⁸⁵ [REDACTED];[REDACTED].

⁵⁵⁸⁶ P00187_ET:p.SPOE00055965(Public).

⁵⁵⁸⁷ [REDACTED];P01434_ET:p.SPOE00228149(Public). *See also* P00515_ET.75:p.008713(Public);P00814_ET.39(Public).

⁵⁵⁸⁸ [REDACTED];P00187_ET:p.SPOE00055964(Public); [REDACTED];P01765_ET:p.123265(Public).

⁵⁵⁸⁹ W04746:T.5659-5660(13-Jul-2023)(Open);P00187_ET:pp.SPOE00055972-00055973(Public). *See also* [REDACTED];[REDACTED];[REDACTED].

in the Tokbashqe neighbourhood of Prishtinë/Priština.⁵⁵⁹⁰ The Tokbashqe base was composed of four guarded 'controlling points' and a main gate.⁵⁵⁹¹

1300. Other National Guard soldiers present at Tokbashqe during this period [REDACTED].⁵⁵⁹²

1. Imprisonment / Illegal or Arbitrary Arrest and Detention

1301. In July or August 1999, a Serbian man, approximately 60 to 70 years old, was abducted [REDACTED] and brought to Tokbashqe in the boot of a car [REDACTED].⁵⁵⁹³ The man's face was bruised from being 'violently' forced into the boot of the car.⁵⁵⁹⁴ [REDACTED], he appeared 'confused and frightened'.⁵⁵⁹⁵ The man was detained because he was a Serb.⁵⁵⁹⁶

1302. [REDACTED] and detained him in a room,⁵⁵⁹⁷ which was used as a warehouse.⁵⁵⁹⁸

2. Other Inhumane Acts / Cruel Treatment / Torture / Murder

1303. The victim was kept tied up in the warehouse room for at least two days during which time he was beaten by National Guard soldiers, [REDACTED].⁵⁵⁹⁹ The man was kept hidden [REDACTED].⁵⁶⁰⁰

1304. [REDACTED]. [REDACTED].⁵⁶⁰¹ The man was ultimately killed

⁵⁵⁹⁰ [REDACTED];[REDACTED]. See also [REDACTED].

⁵⁵⁹¹ [REDACTED].

⁵⁵⁹² [REDACTED];P00187_ET:p.SPOE00055965(Public).

⁵⁵⁹³ [REDACTED];[REDACTED].

⁵⁵⁹⁴ [REDACTED];[REDACTED].

⁵⁵⁹⁵ [REDACTED].

⁵⁵⁹⁶ [REDACTED];[REDACTED].

⁵⁵⁹⁷ [REDACTED].

⁵⁵⁹⁸ [REDACTED];[REDACTED].

⁵⁵⁹⁹ [REDACTED];[REDACTED].

⁵⁶⁰⁰ [REDACTED].

⁵⁶⁰¹ [REDACTED].

[REDACTED].⁵⁶⁰² [REDACTED].⁵⁶⁰³ No members of the National Guard were disciplined over this incident.⁵⁶⁰⁴

IV. CONTEXTUAL ELEMENTS

A. WAR CRIMES

1. *Introduction*

1305. The evidence shows that during the Indictment period, the crimes committed by the **Accused** were closely associated with and took place in the context of a non-international armed conflict ('NIAC').

1306. The Serbian forces and KLA were engaged in protracted armed hostilities in and around the territory of Kosovo which reached the requisite intensity by at least March 1998, and—in the absence of a peaceful settlement—continued until at least 20 September 1999.⁵⁶⁰⁵

2. *Existence of a NIAC*

a. Organised Parties

i. Serbian Forces

1307. Throughout the Indictment period, the Serbian forces party to the NIAC acted as an 'organ of authority' of the governments of the FRY and the Republic of Serbia, and

⁵⁶⁰² [REDACTED].

⁵⁶⁰³ [REDACTED].

⁵⁶⁰⁴ [REDACTED].

⁵⁶⁰⁵ As the existence of a NIAC from 30 November 1998 to 9 June 1999 is not disputed, the submissions herein are limited to evidence which demonstrates that the NIAC existed from at least March to November 1998, and from June to September 1999. *See* AgreedFJD1. For the intensity of hostilities, emphasis is on the period before the end of May 1998, since the Defence concedes that the evidence reaches the relevant threshold for the period after that (*see* KSC-BC-2020-06/F03256, paras.56, 110).

included units of the VJ, MUP, and other groups fighting for the FRY and/or Serbia.⁵⁶⁰⁶

ii. KLA

1308. Evidence shows that from at least March 1998 until at least 20 September 1999 when it formally completed its demilitarisation process, the KLA was an 'organised armed group' with the requisite capacity to carry out military operations.⁵⁶⁰⁷ During and well before⁵⁶⁰⁸ this time, the KLA exerted increasing territorial control in Kosovo,⁵⁶⁰⁹ with functioning command structures;⁵⁶¹⁰ logistics operations;⁵⁶¹¹ public relations;⁵⁶¹² disciplinary regimes;⁵⁶¹³ and an overall exercise of authority.⁵⁶¹⁴

⁵⁶⁰⁶ See e.g. AgreedF3.22(Public);AF8(Public);AF29(Public);AF31-AF32(Public);AF44(Public);AF46(Public);AF57(Public);AF70-AF71(Public);AF85(Public);AF88(Public);AF111(Public);AF113(Public);AF132(Public);AF135-AF136(Public);AF139-AF151(Public);AF153-AF156(Public);AF159-AF169(Public);AF171-AF172(Public);AF175-AF177(Public);AF249(Public);AF748-AF749(Public);P04248_ET(Public);P04257_ET;p.1(Public);P04261_ET;pp.1-2(Public);P04257_ET(Public);P00067_ET;p.SITF00437788(Public);P00270_ET.6(Public);P01809_ET(Public);P04022(Public);P04281_ET;pp.03085486, 03085511(Public);P01745_ET;p.U0039102(Public);P00292_ET(Public);[REDACTED];P00294_ET(Public);P00295_ET(Public);[REDACTED];P04259;pp.1D00-0554-1D00-0556(Public);[REDACTED];[REDACTED];[REDACTED].

⁵⁶⁰⁷ See e.g. AF19-AF24(Public);AF229(Public);P01356_ET;pp.5932-5934,5940-5956(Public);AF34(Public);AF41-AF42(Public);AF45(Public);AF49-AF58(Public);AF60(Public);AF63(Public);AF66-AF69(Public);AF71-AF77(Public);AF80-AF81(Public);AF88(Public);AF110-AF112(Public);P01356_ET;p.5959(Public);Sections IV.A.2.b-c.

⁵⁶⁰⁸ See e.g. P04251_ET(Public);W04290:T.24908-24910(10-Feb-2025)(Open);P01745_ET;pp.U0039091-U0039092(Public);P00187_ET;p.SPOE00055730(Public);P04250_ET(Public);[REDACTED];[REDACTED].

⁵⁶⁰⁹ See e.g. AF216(Public);AF298(Public);[REDACTED];[REDACTED];W04278:T.20435-20437(30-Sep-2024)(Open);[REDACTED];[REDACTED];[REDACTED];[REDACTED];P04256_ET;p.U003-4165(Public);P04023;pp.00649683-00649684(Public);AF45(Public);AF49-AF50(Public);AF66(Public);AF381(Public);P04267_ET;p.1(Public);AF63-AF64(Public);[REDACTED];[REDACTED];[REDACTED];P04271_ET(Public);P04272_ET(Public);P04273_ET(Public);[REDACTED];AF65(Public);AF199-AF200(Public);AF257(Public);AF260-AF261(Public);[REDACTED];AF71(Public);AF73(Public);AF76(Public);AF85-AF86(Public);AF88(Public);[REDACTED];[REDACTED];AF110-AF111(Public);Sections II.A.3; IV.A.2.b-c.

⁵⁶¹⁰ See Sections II.A.2-3; IV.A.2.b-c.

⁵⁶¹¹ See Sections II.A.2; II.A.3.e; IV.A.2.b-c.

⁵⁶¹² See Section II.A.3.h.

⁵⁶¹³ See Section II.A.3.a.

⁵⁶¹⁴ See Sections IV.A.2.b-c.

b. The NIAC intensity threshold was met by at least March 1998

i. Frequency and Scope of Armed Violence

1309. In 1996 there were already increasingly regular incidents of violence between Serbian forces and the KLA.⁵⁶¹⁵ In 1997 these incidents further increased in frequency,⁵⁶¹⁶ including the Ludoviq (Rrezallë e Re) battle in November 1997.⁵⁶¹⁷

1310. These clashes continued to intensify in early 1998, occurring in multiple locations throughout Kosovo.⁵⁶¹⁸ By March 1998, the fighting between Serbian forces and the KLA had become continuous and included ‘major [...] hostilities’,⁵⁶¹⁹ ‘open battle’,⁵⁶²⁰ ‘frontal combat’⁵⁶²¹ and ‘armed conflict’⁵⁶²² after Serbian forces launched a large-scale offensive in and around Drenicë, including Likoshan/Likošane and Qirez/Ćirez from 28 February to 1 March;⁵⁶²³ and Prekaz/Prekaze from 3 to 7 March.⁵⁶²⁴

1311. In March 1998, there were numerous armed confrontations between Serbian

⁵⁶¹⁵ See e.g. AF16-AF18(Public);P00269_ET.4(Public);P00269_ET.2(Public);P00269_ET.3(Public);P00269_ET.23(Public);P00269_ET.6(Public);P00269_ET.8(Public);P00778:p.6628(Public).

⁵⁶¹⁶ See e.g. AF20-AF21(Public);W04290:T.24927-24928(10-Feb-2025)(Open);P00279_ET(Public);P00153_ET(Public);[REDACTED].

⁵⁶¹⁷ See e.g. P00152_ET(Public);P00269_ET.26(Public);P00269_ET.17(Public);P00280_ET(Public);P00187_ET:p.SPOE00055730(Public);W04290:T.24928-24932(10-Feb-2025)(Open);P00189_ET.1:pp.U015-8784-U015-8809(Public);P01878_ET(Public);AF21(Public).

⁵⁶¹⁸ See e.g. [REDACTED];P00283_ET(Public);[REDACTED];P00380.1:p.070910(Public);P00189_ET.1:p.U015-8767(Public);P04250_ET(Public);P01745_ET:p.U0039093(Public). See also P04492:p.SPOE00405211(Public);1D00410:para.68(Public);P04023:p.0064-9668(Public).

⁵⁶¹⁹ 1DW-008:T.27661(10-Nov-2025)(Open).

⁵⁶²⁰ See e.g. P01747_ET:p.098251(Public).

⁵⁶²¹ See e.g. P00778:p.6591(Public). See also AF750(Public);W04290:T.24937-24939,24966(10-Feb-2025)(Open);[REDACTED].

⁵⁶²² P00742.7_ET:p.14(Public).

⁵⁶²³ See e.g. AF24(Public);AF30(Public);AF751(Public);W04290:T.24933-24937(10-Feb-2025)(Open);P00270_ET.5(Public);P00380.1:pp.070910,070913(Public);[REDACTED];P01745_ET:p.U003-9093(Public);P04023:pp.0064-9668-0064-9670(Public);W04758:T.21012-21013(23-Oct-2025)(Open);P00187_ET:p.SPOE00055731(Public).

⁵⁶²⁴ See e.g. W04290:T.24936-24937(10-Feb-2025)(Open);P00380.1:pp.070910,070913(Public);[REDACTED];P01745_ET:p.U003-9094(Public);[REDACTED];P04023:pp.0064-9668,0064-9671-0064-9678(Public);AF29(Public).

forces and the KLA across a wide front, including in and around the villages of Dubravë/Dubrava and Glllogjan/Glodane.⁵⁶²⁵

1312. The increase in the frequency and scope of armed clashes from late February and throughout March resulted in frontlines between the parties at various places in Kosovo.⁵⁶²⁶

1313. The Serbian forces and KLA were fighting on a daily basis between March and May 1998.⁵⁶²⁷ As publicly acknowledged by the KLA in its Communiqué Number 47, the period of March to early May 1998 marked the ‘continuation and strengthening to a higher level of war’.⁵⁶²⁸

1314. In April 1998, sustained combat operations were launched by both the KLA and Serbian forces across multiple locations and days.⁵⁶²⁹

1315. Early May 1998 saw a further escalation⁵⁶³⁰ and continuous fighting between the

⁵⁶²⁵ See e.g. P00284_ET(Public);P00794:pp.3336-3337(Public);P00285_ET(Public);P00269_ET.19(Public); AF42(Public);P04255_ET(Public);P04257_ET:pp.3-4(Public);[REDACTED]; [REDACTED];P04257_ET:pp.1-2(Public);AF34(Public);AF677(Public).

⁵⁶²⁶ See e.g. P00730:pp.4191,4193(Public);[REDACTED];P03052_ET(Public); [REDACTED];P00189_ET.1:p.U015-8825(Public);P03216_ET:pp.29-32(Public); P01115.6_ET:pp.16-18(Public);[REDACTED];W03540:T.5039(19-Jun-2025)(Open);P01267_ET:p.1(Public);P01747_ET:p.098258(Public);AF764-AF765(Public);AF769(Public); Sections II.A.3.m.iii; III.E.

⁵⁶²⁷ See e.g. P04023:p.00649668(Public);W04290:T.24938,24966(10-Feb-2025)(Open). See also AF23(Public); [REDACTED];Section II.A.3.m.iii.

⁵⁶²⁸ See e.g. [REDACTED];W04765:T.9916-9919(13-Nov-2025)(Open); P00712_ET:p.SPOE00209371(Public). See also AF44(Public);W04752:T.17336(01-Jul-2024)(Open).

⁵⁶²⁹ See e.g. AF23(Public);AF44-AF45(Public);AF48(Public);AF59(Public);AF51(Public);AF53(Public); AF55-AF57(Public);AF769(Public);P04261_ET:p.1(Public);[REDACTED]; [REDACTED];W04752:T.17336(01-Jul-2024)(Open);P04263_ET:pp.1-2(Public);P04264_ET:p.3(Public);[REDACTED];P01264_ET:pp.SPOE00128681, SPOE00128592(Public);P04262_ET:p.1(Public);P04282_ET:p.1(Public); P01092_ET:p.SPOE00230868(Public);[REDACTED]; [REDACTED];[REDACTED];P04259:pp.1D00-0414(para.9), 1D00-0479(para.54)(Public);[REDACTED];[REDACTED].

⁵⁶³⁰ See e.g. P01747_ET:p.098264(Public);P04259:p.1D00-0418(paras.13, 20, 22)(Public); P04269_ET:p.1(Public);P04273_ET:p.1(Public). See also P04492:p.SPOE00405211(Public); 4D00152:p.DJK00892(Public).

KLA and Serbian forces across Kosovo.⁵⁶³¹ These clashes were followed by the first Llapushnik/Lapušnik Gorge battle on 9 May 1998.⁵⁶³² On 12 May 1998 the war reached Rahovec/Orahovac.⁵⁶³³ Between 19 and 31 May 1998, regular combat operations and clashes between KLA and Serbian forces continued in multiple areas throughout Kosovo.⁵⁶³⁴

1316. Throughout June 1998, combat operations continued to expand across Kosovo.⁵⁶³⁵

1317. The NIAC assumed 'wider operational dimensions' in July 1998.⁵⁶³⁶ On 17 July,

⁵⁶³¹ See e.g. P04268_ET(Public);P04270_ET:pp.2-4(Public);P01804_ET:pp.099497-099498(Public); P04282_ET:pp.2-3(Public);[REDACTED];P00067_ET:pp.SITF00437785-SITF00437787(Public);P04023:p.0064-9679(Public);[REDACTED]; [REDACTED];P04234:p.3(Public);P04269_ET:pp.1-3(Public).

⁵⁶³² See e.g. AF62-AF63(Public);W04410:T.16819(05-Jun-2024)(Open);P00836_ET:p.L0102424(Public); [REDACTED];P01264_ET:pp.SPOE00128612,SPOE00128710-SPOE00128711(Public);P00189_ET.5:p.U015-9018(Public);P01745_ET:p.U003-9096(Public); [REDACTED];W04290:T.24996(10-Feb-2025)(Open); P01092_ET:p.SPOE00230868(Public);P02027.1_ET:pp.2094-2095(Public);P02027.2_ET:pp.2166-2169(Public).

⁵⁶³³ See e.g. [REDACTED];[REDACTED]; [REDACTED];[REDACTED]; P00067_ET:p.SITF00437785(Public); [REDACTED];[REDACTED].

⁵⁶³⁴ See e.g. AF58-AF59(Public);AF60(Public);[REDACTED]; [REDACTED];P04282_ET:pp.4-5(Public);P00579_ET(Public);P04275_ET:p.3(Public); [REDACTED];P01264_ET:pp.SPOE00128608,SPOE00128592(Public); [REDACTED];P00067_ET:p.SITF00437787(Public); P04023:p.K0078703(Public);P01092_ET:pp.SPOE00230868-SPOE00230869(Public);P00380.1:pp.070915-070916(Public);P01804_ET:pp.099504-099505(Public).

⁵⁶³⁵ See e.g. P04015:pp.1-2(Public);[REDACTED];P04277_ET(Public);P04018:pp.R025-4279-R025-4281(Public);AF68-AF69(Public);P01356_ET:pp.5939-5941(Public);P04017:pp.R025-4297-R025-4299(Public);P01593:p.U002-9307(Public);P01264_ET:pp.SPOE00128649,SPOE00128721(Public); AF70(Public);[REDACTED];AF67(Public);P04278_ET(Public); W04240:T.20740-20742(21-Oct-2024)(Open);P01746_ET:pp.098634-098655(Public);P04016(Public). See also AF44(Public).

⁵⁶³⁶ P00288_ET(Public);P00875_ET(Public);P02478_ET(Public);[REDACTED]; AF73(Public);AF88(Public);P00795:pp.3415-3417(Public);[REDACTED]; P01827.1_ET:p.19(Public);P03127_ET:pp.U001-6861-U001-6863,U001-6868(Public);P03139_ET:pp.U001-3862-U001-3863(Public);P04259:pp.1D00-0399(para.86), 1D00-0402-1D00-0403(para.5), 1D00-0426(Annex I), 1D00-0430(para.6)(Public);P03185_ET:pp.5-6(Public);P04019:pp.1-3(Public);AF75(Public); [REDACTED];[REDACTED];P02088:para.1(Public);[REDACTED];[REDACTED];[REDACTED]; P03101_ET(Public);[REDACTED]. See also P04508_ET:p.SPOE0058153(Public); [REDACTED];AF72(Public);AF752(Public);[REDACTED]; [REDACTED].

the KLA initiated open combat in Rahovec/Orahovac,⁵⁶³⁷ which lasted for four days.⁵⁶³⁸ Between 25-26 July, the KLA and Serbian forces fought in the second Llapushnik/Lapušnik Gorge battle.⁵⁶³⁹

1318. In early August 1998, large-scale offensives continued in western Kosovo.⁵⁶⁴⁰ On 24 August 1998, a battle took place in and around Luzhnicë.⁵⁶⁴¹ By the end of August, additional clashes were reported in the Pashtrik zone.⁵⁶⁴²

1319. **Rexhep SELIMI** described September 1998 as ‘one of the most difficult months in terms of fighting in Kosovo’.⁵⁶⁴³ In mid-September, the KLA and Serbian forces engaged in the battle of Kaçandoll, involving the Llap and Shala OZs, and lasting three days.⁵⁶⁴⁴ By the end of September, heavy fighting had reached the Drenicë zone.⁵⁶⁴⁵

1320. The situation in Kosovo in October-November 1998 also reflected ‘a state of

⁵⁶³⁷ See e.g. AF74(Public);[REDACTED];[REDACTED];AF76(Public). See also [REDACTED]; [REDACTED];P01804_ET;p.099516(Public);[REDACTED]; [REDACTED].

⁵⁶³⁸ See e.g. W03873:T.22613-22614(25-Nov-2024)(Open);[REDACTED]; [REDACTED];P00836_ET;p.14(Public).

⁵⁶³⁹ See e.g. AF80(Public);AF79(Public);P03172_ET(Public);P04021:pp.1-3(Public);P00189_ET.1:p.U015-8831(Public);P01264_ET:pp.SPOE00128668, SPOE00128671(Public);[REDACTED]. See also P04022:para.2(Public);P04281_ET:pp.03085485-03085573(Public).

⁵⁶⁴⁰ See e.g. [REDACTED];AF58(Public);AF754(Public);P03112_ET(Public); AF755(Public);AF716(Public);P03106_ET(Public);P03107_ET(Public);[REDACTED]. See also P04259:pp.1D00-0402-1D00-0403(para.5), 1D00-0430(para.6)(Public).

⁵⁶⁴¹ See e.g. P01264_ET:pp.SPOE00128694-SPOE00128695(Public);P01829:p.SITF00032827(Public); W04744:T.17047(24-Jun-2024)(Open);W04741:T.14801(24-April-2024)(Open);[REDACTED].

⁵⁶⁴² See e.g. P04259:p.1D00-0430(para.6)(Public);P00292_ET:p.1(Public).

⁵⁶⁴³ [REDACTED]. See also AF58(Public);[REDACTED]; P03176_ET:p.U002-1775(Public);P01749_ET:p.4(Public);W04746:T.5561-5562(12-Jul-2023)(Open); P04157_ET:p.SPOE40010564(Public);[REDACTED]; [REDACTED];P01830.1_ET:pp.20, 25(Public); [REDACTED].

⁵⁶⁴⁴ See e.g. W04758:T.21020-21022(23-Oct-2024)(Open);[REDACTED]; [REDACTED];P00187_ET:pp.SPOE00055710, SPOE00055712, SPOE00055824, SPOE00055830(Public);W04758:T.21638(31-Oct-2024)(Open). See also AF756(Public);W04403:T.25850-25851(25-Mar-2025)(Open).

⁵⁶⁴⁵ See e.g. P00295_ET:p.1(Public);W04290:T.24959-24960(10-Feb-2025)(Open); [REDACTED];P00294_ET(Public);P01827.1_ET:pp.16, 20-21(Public); AF87(Public). See also P04259:p.1D00-0521(Public).

armed conflict'.⁵⁶⁴⁶ Despite the October ceasefire Agreements, the KLA used the opportunity to regain control and launch attacks in different areas of Kosovo.⁵⁶⁴⁷ Armed clashes and attacks continued throughout November 1998,⁵⁶⁴⁸ including a major offensive on 20 November in the Dukagjin zone.⁵⁶⁴⁹

ii. *Means and Methods of Warfare*

(a) *Personnel*

1321. From January 1998 onwards, Serbian forces raised the combat readiness of military personnel.⁵⁶⁵⁰ By March 1998, joint VJ and MUP bases started to appear in all major towns in Kosovo.⁵⁶⁵¹

1322. The clashes that occurred in March 1998 represented a widely recognised escalation in the intensity of the armed conflict, galvanising support for the KLA domestically and abroad.⁵⁶⁵² Throughout March 1998, the KLA continued to grow

⁵⁶⁴⁶ W02161:T.10521,10523(05-Dec-2023)(Open). *See also* P04259:p.1D00-0521(para.12)(Public); P01356_ET:p.5941(Public);[REDACTED]; [REDACTED].

⁵⁶⁴⁷ *See e.g.* AF111(Public);P04259:p.1D00-0521(para.13)(Public);[REDACTED];P00537_ET(Public);P00298_ET:p.2(Public).

⁵⁶⁴⁸ *See e.g.* [REDACTED];[REDACTED]; [REDACTED];[REDACTED].

⁵⁶⁴⁹ P03230_ET(Public).

⁵⁶⁵⁰ *See e.g.* P04249_ET(Public);P04252_ET(Public);AF24(Public);AF30(Public);AF751(Public); W04290:T.24933-24939(10-Feb-2025)(Open);P00270_ET.5(Public);P00380.1:pp.070910,070913(Public); [REDACTED];P01745_ET:p.U003-9093(Public);P04023:pp.0064-9671-0064-9677(Public). *See also* [REDACTED];[REDACTED];AF44(Public); P00270_ET.5(Public);P00380.1:pp.070910,070913(Public);P00794:pp.3301-3302(Public); P01745_ET:p.U003-9093(Public);P04023:pp.0064-9671-0064-9677(Public).

⁵⁶⁵¹ *See e.g.* AF31(Public).

⁵⁶⁵² *See e.g.* AgreedF3.6;AF30(Public);AF41(Public);AF251(Public);[REDACTED];W02652:T.3088(18-Apr-2023)(Open);W03885:T.20150(23-Sep-2024)(Open); W04147:T.13853-13854(27-Mar-2024)(Open);W04278:T.20466-20467(30-Sep-2024)(Open); W04290:T.24940,24966(10-Feb-2025)(Open);W04403:T.25707-25708(24-Mar-2025)(Open); W04410:T.16771,16818-16819(05-Jun-2024)(Open);W04745:T.25480-25482(24-Feb-2025)(Open); W04746:T.5715-5717(14-Jul-2023)(Open);W04746:T.5948(18-Jul-2023)(Open);[REDACTED];P00380.1:p.070910(Public);[REDACTED];[REDACTED];[REDACTED];P00778:p.6590-6592,6648(Public);P00793:paras.5,7-8(Public);P00739.4_ET:pp.13-15(Public);P00794:pp.3299-

rapidly and became more visible, particularly in the Drenicë region.⁵⁶⁵³

1323. In April 1998, a marked rise in enlistments was sustained,⁵⁶⁵⁴ coinciding with the KLA's communiqué declaring a state of war.⁵⁶⁵⁵ Likewise, increases in recruiting, funding, and support for the KLA were also observed in May 1998, stemming from the early 1998 armed confrontations.⁵⁶⁵⁶

1324. From early March 1998, KLA members were tasked with deploying and setting up operational military units throughout Kosovo, expanding from established KLA bases and strongholds.⁵⁶⁵⁷ By spring 1998, Military Police and Special Units had become operational, while operational zone command structures in Drenicë were in the process of formation.⁵⁶⁵⁸ In the summer of 1998, the KLA organised into brigades, battalions, companies, platoons, and squads.⁵⁶⁵⁹ Likewise, operational zone command structures in

3303, 3336-3339(Public); [REDACTED];P01264_ET:pp.SPOE00128800-SPOE00128681(Public);[REDACTED];P01593:pp.U002-9297-U002-9298(Public);[REDACTED];P01814:p.SITF00223937(Public);P02027.1_ET:p.2067(Public);P04023:p.0064-9668(Public);[REDACTED];[REDACTED]; [REDACTED]; P 01817_ET:pp.3733-3736,3738-3756,3759-3760(Public);P01820_ET:pp.3927-3929,3983-3984(Public); [REDACTED];P02006.1_ET:p.8(Public);[REDACTED];P00730:p.4179(Public);[REDACTED];[REDACTED]. *See also* P04269_ET:pp.1-2(Public);[REDACTED];[REDACTED]; P02389_ET(Public);P03672_ET(Public);P04274_ET:pp.1-2(Public);P01748_ET:p.U002-3551(Public); P00189_ET.1:p.U015-8830(Public);[REDACTED].

⁵⁶⁵³ *See e.g.* [REDACTED];P04259:p.1D00-0479(Public).

⁵⁶⁵⁴ *See e.g.* P02006.1_ET:p.8(Public);[REDACTED];P00730:p.4179(Public);[REDACTED];W02652:T.2933(17-Apr-2023)(Open);[REDACTED];[REDACTED].

⁵⁶⁵⁵ P00286_ET:p.U016-2146, para.6(Public).

⁵⁶⁵⁶ *See e.g.* W04745:T.25480-25481(24-Feb-2025)(Open);[REDACTED]; P04269_ET:pp.1-2(Public);[REDACTED];[REDACTED];P02389_ET(Public); P03672_ET(Public);P04274_ET:pp.1-2(Public);P01748_ET:p.U002-3551(Public); [REDACTED]. *See also* P00189_ET.1:p.U015-8830(Public).

⁵⁶⁵⁷ *See e.g.* [REDACTED];[REDACTED];[REDACTED];P01814:pp.SITF00223937-SITF00223938(Public);P01817_ET:pp.3751-3758(Public); P01820_ET:pp.3926-3929,3983-3984(Public);[REDACTED]; P01881_ET:p.SPOE00226856(Public);[REDACTED];P01814:p.SITF00223938(Public);[REDACTED].

⁵⁶⁵⁸ *See* [REDACTED];[REDACTED]; W04745:T.25480,25491(24-Feb-2025)(Open);[REDACTED];[REDACTED];W04744:T.17031(24-Jun-2024)(Open);P01745_ET:pp.U003-9095-U003-9096(Public);AF268(Public);AF273(Public);AF773(Public);AF776-AF777(Public);AF788(Public);[REDACTED];W04290:T.24956-24957(10-Feb-2025)(Open). *See also* [REDACTED];W04278:T.20469(30-Sep-2024)(Open);[REDACTED];Sections II.A.3.m.i-ii; II.A.3.m.v; III.E; III.K.

⁵⁶⁵⁹ *See e.g.* P02090.2_ET:pp.9-10(Public);P02087.2_ET:pp.16-17(Public);P00187_ET:p.SPOE00055736(Public);P01754:p.SPOE00088344(Public);P00796:p.3483(Public);[REDACTED];[REDACTED];[REDACTED];P00792_ET:p.SPOE00068091(Public);AF239(Public).

Dukagjin, Llap, Shala and Nerodime were also established.⁵⁶⁶⁰ By the end of June 1998, the General Staff had approved and distributed internal regulations.⁵⁶⁶¹

1325. In response to the continued intensification of armed clashes, Serbian forces also further increased their presence on the ground.⁵⁶⁶²

(b) Weapons and Equipment

1326. Late 1997 and early 1998 saw the deployment of increasingly destructive and sophisticated military weapons and equipment by both parties. The weapons, ammunition, and other military equipment smuggled by the KLA from Albania had become a major issue for Serbian forces, who deployed multiple units along the Albanian border in attempts to close KLA supply routes.⁵⁶⁶³ The evidence reveals a sustained and intensifying use of heavy arms between March and November 1998, ranging from artillery and mortars to attack helicopters, anti-aircraft guns, hand-held rocket launchers and explosive devices.⁵⁶⁶⁴

1327. The KLA was using RPGs by September 1997, as demonstrated by its coordinated attacks on 12 police stations.⁵⁶⁶⁵ In the Ludoviq(Rrezallë e Re) battle in

⁵⁶⁶⁰ See Sections II.A.3.m.ii-iv; II.A.3.m.vi.

⁵⁶⁶¹ See e.g. AF236(Public). See also Section II.A.3.a.i.b.

⁵⁶⁶² See e.g. AF47(Public);AF155-AF156(Public);P04259:p.1D00-0415(para.6)(Public); [REDACTED];P04265_ET(Public);P04261_ET:pp.1-6(Public); P04266_ET:p.1(Public);P04264_ET:pp.3-4(Public);P04276_ET:p.1(Public).

⁵⁶⁶³ See e.g. AF19(Public); AF22(Public);W04752:T.17337-17338(01-Jul-2024)(Open);[REDACTED];P04261_ET:pp.1-2(Public);[REDACTED];P00730:pp.4190(Public); 1D00463_ET:p.1(Public). See also [REDACTED].

⁵⁶⁶⁴ See e.g. AF24-AF25(Public);AF750(Public);P00380.1:pp.070910-070913(Public);P04269_ET:p.2(Public); P03008_ET:p.3(Public);P04282_ET:pp.2-4(Public);P01748_ET:p.U002-3550(Public);P04259:p.1D00-0418(para.20)(Public);[REDACTED];P00579_ET(Public); [REDACTED];[REDACTED]; P01747_ET:p.098274(Public);P04278_ET(Public);P04018:pp.R025-4279-R025-4281(Public); [REDACTED];[REDACTED];[REDACTED];[REDACTED];P03173_ET(Public);P03101_ET(Public); P03171_ET(Public);P03147_ET(Public);P03159_ET(Public);[REDACTED]; [REDACTED];[REDACTED];P04281_ET:p.03085505(Public); [REDACTED];P03228_ET:p.U001-6290(Public);[REDACTED];[REDACTED]; P04259:p.1D00-0522(Public);[REDACTED].

⁵⁶⁶⁵ See e.g. W04290:T.24927-24935(10-Feb-2025)(Open);P00279_ET:p.1(Public);[REDACTED].

November 1997, the KLA used RPGs, an M-53 machine gun, sniper rifles, and submachine guns to face and partially destroy Serbian forces including more than ten armoured vehicles, a tank, and a military helicopter.⁵⁶⁶⁶ The KLA continued to use rockets against Serbian offensives and in other confrontations in early 1998, along with lighter weapons.⁵⁶⁶⁷ As the KLA's ranks swelled in March and April 1998, so did its supply of heavy machine-guns, sniper rifles, anti-tank rockets, and artillery.⁵⁶⁶⁸ Mortars, anti-aircraft guns, and heavy artillery were also used during the assault on the 52nd Military Police Battalion between 22 and 24 April 1998.⁵⁶⁶⁹

1328. In May 1998, the KLA also possessed and used heavy weapons in combat operations.⁵⁶⁷⁰ Evidence related to the first Llapushnik/Lapušnik Gorge battle on 9 May 1998 demonstrates the extent of the damage caused to Serbian forces, including the destruction of a Pinzgauer.⁵⁶⁷¹ Even in non-frontline settings, the use of explosives reveals the extent to which such devices had become part of the conflict's fabric.⁵⁶⁷²

⁵⁶⁶⁶ See W04290:T.24928-24930(10-Feb-2025)(Open);P00187_ET:p.SPOE00055730(fn.62)(Public); P01745_ET:pp.U0039094-U0039092(Public);P01883_ET:p.SPOE00131840(Public).

⁵⁶⁶⁷ See e.g. W04290:T.24928-24932(10-Feb-2025)(Open);P04257_ET:p.U003-4161(Public); P04254_ET(Public);P04253_ET:p.1(Public). See also [REDACTED];[REDACTED].

⁵⁶⁶⁸ See e.g. AgreedF3.6(Public);AF30(Public);AF41(Public);W02652:T.2931,2933(17-Apr-2023)(Open); W02652:T.3088(18-Apr-2023)(Open);W03885:T.20150(23-Sep-2024)(Open);W04147:T.13853-13854(27-Mar-2024)(Open);W04278:T.20466-20467(30-Sep-2024)(Open);W04290:T.24940,24966(10-Feb-2025)(Open);W04403:T.25707-25708(24-Mar-2025)(Open);W04410:T.16771,16818-16819(05-Jun-2024)(Open);W04752:T.17337-17338(01-Jul-2024)(Open);W04745:T.25482(24-Feb-2025)(Open); W04746:T.5715-5717(14-Jul-2023)(Open);W04746:T.5948(18-Jul-2023)(Open);[REDACTED];P00380.1:p.070910(Public);[REDACTED];[REDACTED];[REDACTED];[REDACTED]; P00778:pp.6590-6592,6648(Public);P00793:paras.5,7-8(Public);P00739.4_ET:pp.13-15(Public); P00794:pp.3299-3303,3336-3339(Public);[REDACTED]; P01264_ET:p.SPOE00128800-SPOE00128681(Public);[REDACTED]; [REDACTED];P01814:p.SITF00223937(Public);P02027.1_ET:p.2067(Public); P04023:p.0064-9668(Public). See also [REDACTED].

⁵⁶⁶⁹ See e.g. AF51-AF52(Public);AF55(Public);P04282_ET:pp.1-2(Public).

⁵⁶⁷⁰ See e.g. [REDACTED].

⁵⁶⁷¹ See e.g. P01015_ET:p.036645(Public);[REDACTED]; P01264_ET:p.SPOE00128612(Public);[REDACTED]; P01092_ET:p.SPOE00230868(Public);P01804_ET:pp.099498-099499(Public).

⁵⁶⁷² See e.g. P01745_ET:p.U0039094(Public);P04264_ET:p.2(Public);P01748_ET:p.U002-3550(Public).

1329. At the end of July 1998, the KLA reported an attack on a Serbian convoy using rocket propelled grenades which resulted in the destruction of a transport lorry.⁵⁶⁷³ Similarly, in early November 1998, the use of hand-held rocket launchers against MUP armoured cars was reported near Shtimë/Štimlje.⁵⁶⁷⁴

1330. For its part, Serbian forces executed operations using a wide array of battlefield-grade weaponry from late 1997 onwards. In early 1998 attacks on villages such as Prekaz/Prekaze, Likoshan/Likošane, Qirez/Ćirez, Dubravë/Dubrava, and Gllogjan/Glođane, they deployed heavy machine guns, armoured personnel carriers, artillery, grenades, rocket launchers, and attack helicopters.⁵⁶⁷⁵ As the conflict expanded in 1998, so did the military arsenal of the Serbian forces.⁵⁶⁷⁶

iii. Casualties and Humanitarian Impact

1331. By early 1998, the numbers of casualties on both sides of the conflict began to increase along with the numbers of civilian casualties. Serbian media reported at the end of February 1998 that nine Serbian police officers, 18 ethnic Albanians, and four Serbs had been killed.⁵⁶⁷⁷

1332. Serbian forces' late February and early March 1998 attacks in and around Likoshan/Likošane and Qirez/Ćirez resulted in the deaths of at least 24 people,

⁵⁶⁷³ P03101_ET(Public).

⁵⁶⁷⁴ [REDACTED]. See also [REDACTED].

⁵⁶⁷⁵ See e.g. AF24-AF25(Public);AF750-AF751(Public);W04290:T.24934-24935,24937-24939,24966(10-Feb-2025)(Open);P00270_ET.5(Public);P00380.1:pp.070910-070913(Public);P01745_ET:pp.U0039093-U0039095(Public);P04023:pp.00649669-00649671(Public);P01747_ET:pp.098251,098253,098255(Public);1DW-007:T.28107(17-Nov-2025)(Open).

⁵⁶⁷⁶ See e.g. P01274(Public);[REDACTED];[REDACTED]; P00289_ET(Public);P04268_ET:p.U015-9528(Public);P01746_ET:pp.098634-098655(Public); [REDACTED];[REDACTED];AF84(Public);P04019:pp.1-3(Public);P00187_ET:p.SPOE00055736(Public);P00189_ET.1:p.U015-8831(Public);P03139_ET:p.U001-3862(Public);[REDACTED];[REDACTED];P00290_ET(Public);P03107_ET:p.1(Public);P00292_ET:p.1(Public);W04743:T.24710-24711(28-Jan-2025)(Open);P03176_ET:p.U002-1775(Public);[REDACTED];[REDACTED];P04257_ET:pp.1-2(Public).

⁵⁶⁷⁷ See e.g. P04023:p.0064-9668(Public).

including members of the KLA and Serbian forces, as well as many civilian non-combatants.⁵⁶⁷⁸ Several KLA members were also wounded.⁵⁶⁷⁹

1333. The fighting in and around Prekaz/Prekaze on 3-7 March 1998 killed more than 50 Kosovar-Albanians, including Adem JASHARI and most of his family.⁵⁶⁸⁰

1334. In early March 1998, KLA attacks caused substantial damage to buildings.⁵⁶⁸¹ Also during March, Serbian forces shelled multiple villages and many houses were destroyed.⁵⁶⁸²

1335. As a result of the fighting in Gllogjan/Glođane on 24 March, three KLA members were killed and 20 additional people were wounded, including local KLA commander Ramush HARADINAJ.⁵⁶⁸³ The attack on the HARADINAJ compound also resulted in internally displaced people, specifically villagers from Gllogjan/Glođane who fled to other villages.⁵⁶⁸⁴

1336. In total, as a result of Serbian forces' operations in Likoshan/Likošane, Qirez/Ćirez, Prekaz/Prekaze, Dubravë/Dubrava, and Gllogjan/Glođane, from 28 February to 24 March 1998, at least 80 people were killed and many were wounded on both sides.⁵⁶⁸⁵ Also around this time, the displacement of civilians resulting from the

⁵⁶⁷⁸ See e.g. AF24(Public);AF751(Public);W04290:T.24933-24936(10-Feb-2025)(Open);P00270_ET.5(Public);P00380.1:pp.070910-070913(Public);P04023:pp.00649668-00649670(Public).

⁵⁶⁷⁹ See e.g. P00270_ET.5(Public);P01745_ET:p.U003-9093(Public);W04290:T.24934-24935(10-Feb-2025)(Open);W04290:T.25145(12-Feb-2025)(Open).

⁵⁶⁸⁰ See e.g. AF28(Public);P00380.1:p.070910(Public);[REDACTED];[REDACTED];P04512_ET(Public);[REDACTED].

⁵⁶⁸¹ See P04254_ET(Public);P01747_ET:pp.098251,098253,098257(Public);P04023:pp.00649675-00649676(Public).

⁵⁶⁸² See e.g. W04290:T.24939(10-Feb-2025)(Open);P01747_ET:p.098257(Public);P04023:pp.00649681-00649683(Public).

⁵⁶⁸³ See e.g. AF39(Public);P01264_ET:p.SPOE00128589(Public);P04259:p.1D00-0479(para.53)(Public).

⁵⁶⁸⁴ See e.g. [REDACTED];P04023:pp.00649678-00649679(Public).

⁵⁶⁸⁵ See e.g. AF751(Public);P04023:p.0064-9668(Public);P04257_ET:pp.1-2(Public).

increasing hostilities was noted by Serbian forces.⁵⁶⁸⁶

1337. In April 1998, the armed conflict caused dozens of casualties and material losses.⁵⁶⁸⁷ As a result of an armed clash on 23 April 1998, there were at least 16 fatalities.⁵⁶⁸⁸ In the course of 22 and 26 April 1998 combat operations, a helicopter was shelled and an armoured vehicle destroyed.⁵⁶⁸⁹ The NIAC was further underscored by a significant impact on civilians, leading to thousands fleeing the country and many others joining daily public demonstrations.⁵⁶⁹⁰ As reported by UNHCR at the end of April, an estimated 17,500 people had been displaced inside Kosovo, with approximately 5,000 fleeing to Montenegro, and around 1,000 to Albania.⁵⁶⁹¹

1338. The fighting in May 1998 continued to result in substantial human and material losses.⁵⁶⁹² By 8 May 1998, 23 KLA soldiers had been killed and a large number wounded.⁵⁶⁹³ Between 11 and 13 May 1998, fighting in Rahovec/Orahovac, Ponoshec/Ponoševac, and Smolicë/Smonica resulted in around a further 23 casualties.⁵⁶⁹⁴ Furthermore, the impact on civilians continued to increase, with thousands more displaced.⁵⁶⁹⁵ The Report of the Secretary-General noted that the number of internally displaced persons by the end of May had exceeded 42,000.⁵⁶⁹⁶

⁵⁶⁸⁶ See e.g. P04253_ET:p.3(Public);P04254_ET(Public);P04257_ET:p.3(Public).

⁵⁶⁸⁷ See e.g. P04259:p.1D00-0479(Public);[REDACTED];P04282_ET:pp.1-2(Public); P01092_ET:p.SPOE00230868(Public);P00813_ET.3(Public).

⁵⁶⁸⁸ See e.g. P04282_ET:p.1(Public);AF54(Public);P04259:p.1D00-0479(para.54)(Public).

⁵⁶⁸⁹ See e.g. P04282_ET:p.2(Public);[REDACTED].

⁵⁶⁹⁰ See e.g. P04259:p.1D00-0479(para.52)(Public);P04023:p.K007-8704(Public);AF50(Public); P04261_ET:p.1(Public);P00380:p.K036-4873(Public);P04274_ET:p.3(Public); [REDACTED];P01747_ET:p.098261(Public).

⁵⁶⁹¹ See e.g. P04259:p.1D00-0479(para.52)(Public).

⁵⁶⁹² See e.g. [REDACTED];P04269_ET:pp.1,3-4(Public); [REDACTED];P01264_ET:p.SPOE00128658(Public);P04270_ET:pp.2-4(Public); [REDACTED];P00067_ET:pp.SITF00437786-SITF00437787(Public);P04259:p.1D00-0418(para.20)(Public);P01092_ET:pp.SPOE00230868-SPOE00230869(Public);P01804_ET:pp.099497, 099499,099503-099505(Public);[REDACTED].

⁵⁶⁹³ P04269_ET:p.3(Public).

⁵⁶⁹⁴ [REDACTED].

⁵⁶⁹⁵ See e.g. P04269_ET:p.1(Public);P04274_ET:p.3(Public);[REDACTED].

⁵⁶⁹⁶ P04259:p.1D00-0418(para.19)(Public).

According to UNHCR, by 4 June 1998 there were already around 6,500 refugees registered, and it had increased its planning figures to 20,000.⁵⁶⁹⁷

1339. The number of casualties and degree of material damage continued to rise during and after summer 1998.⁵⁶⁹⁸ During the 24 July 1998 attack on the village of Nec, in Dukagjin, a tank was destroyed and a Pinzgauer was set on fire.⁵⁶⁹⁹ On 29 June 1998, 4 KLA soldiers were killed during the Serbian counter-offensive on the Bardh i Madh/Veliki Belačevac coal mine.⁵⁷⁰⁰ On 2 August 1998, following eight days of fighting in the Dukagjini zone, the KLA reported 37 Serbian and two KLA fatalities, along with dozens of wounded.⁵⁷⁰¹

1340. As the conflict continued to intensify, the number of displaced civilians grew daily.⁵⁷⁰² In June 1998 alone, approximately 40,000 people fled the Drenicë region.⁵⁷⁰³ According to the ICRC, around 3,000 people escaped to Montenegro and 10,000 to Albania.⁵⁷⁰⁴ By the end of October 1998, the UN Secretary-General estimated that the total number of displaced persons had risen to 240,000,⁵⁷⁰⁵ characterising the situation as a 'mass displacement of civilian population'.⁵⁷⁰⁶

⁵⁶⁹⁷ P04259:p.1D00-0418(para.20)(Public).

⁵⁶⁹⁸ See e.g. AF67(Public);P04018:p.R025-4281(Public);P04277_ET(Public);AF72(Public);P04019:pp.1-3(Public);P03101_ET(Public);P04259:pp.1D00-0425(paras.11,16-17),1D00-0521(Public); [REDACTED];[REDACTED].

⁵⁶⁹⁹ P03139_ET:pp.U001-3862-U001-3863(Public).

⁵⁷⁰⁰ See e.g. P01264_ET:pp.SPOE00128649,SPOE00128721(Public).

⁵⁷⁰¹ P03106_ET(Public).

⁵⁷⁰² See e.g. P04148:pp.101601-101602(Public);AF83(Public);P04020:para.1(Public);1D00139:p.2(Public); [REDACTED];P04259:pp.1D00-0408,1D00-0430(paras.6-7),1D00-0431(para.17, Annex paras.1-2)(Public);P00684:p.SITF00055883(Public);W02144:T.16141-16142(28-May-2024)(Open); P00750:p.K035-6955(Public);2D00009:p.DKV0150(Public);2D00010:p.DKV0148(Public).

⁵⁷⁰³ AF68(Public).

⁵⁷⁰⁴ 3D00024(Public).

⁵⁷⁰⁵ P04259:p.1D00-0402(para.5)(Public). See also [REDACTED]; [REDACTED];2D00049:p.DKV1781(Public);2D00050(Public);1DW-003:T.26556-26559(15-Sep-2025)(Open);[REDACTED]; [REDACTED];[REDACTED]; 2D00051:p.DKV1779(Public);[REDACTED];4D00158:p.019590(Public).

⁵⁷⁰⁶ P04259:p.1D00-0433(Public).

iv. *Perception and Characterisation of the Armed Conflict*

1341. Repeatedly throughout 1997, the KLA presented itself as a party to an armed conflict,⁵⁷⁰⁷ waging a war of liberation,⁵⁷⁰⁸ and operating under the orders of the General Staff.⁵⁷⁰⁹ The KLA viewed Serbia as violating humanitarian law from at least 1997,⁵⁷¹⁰ and the escalation in hostilities by March 1998 was clearly noted by both parties.⁵⁷¹¹

1342. This marked escalation also led to a significant increase in the attention and involvement of the international community. This is demonstrated by, *inter alia*, UNSC Resolution 1160, passed on 31 March, which imposed an arms embargo and called on the FRY to find a political solution to the ‘issue of Kosovo’.⁵⁷¹² That Resolution 1160 did not explicitly describe the situation as an ‘armed conflict’ at this stage is neither unusual nor indicative of how the UNSC viewed the matter, considering that it typically avoids making formal legal determinations in such resolutions, as evidenced by Resolutions 1203, 1239, and 1244—none of which expressly reference an armed conflict.

1343. Numerous international bodies and non-governmental organisations acknowledged the conflict’s higher level of intensity by March 1998, releasing statements, recommending courses of action, and/or acting to address the growing violence⁵⁷¹³—with some expressly determining the existence of a NIAC from that point.⁵⁷¹⁴

⁵⁷⁰⁷ See e.g. P00276_ET(Public);P00152_ET(Public);P00277_ET(Public);P00221_ET(Public);P00153_ET(Public);P03671_ET(Public).

⁵⁷⁰⁸ See e.g. P00281_ET(Public);P00270_ET.2(Public).

⁵⁷⁰⁹ See e.g. P00273_ET(Public);P00274_ET(Public);P00277_ET(Public);P00221_ET(Public);P00153_ET(Public);P00152_ET(Public);P00280_ET(Public);P00269_ET.16(Public). See also AF228(Public).

⁵⁷¹⁰ See e.g. P00152_ET(Public). See also P00284_ET(Public).

⁵⁷¹¹ See e.g. [REDACTED];P00286_ET;p.U016-2146,para.6(Public);P04257_ET(Public); [REDACTED].

⁵⁷¹² See e.g. AF43(Public);P04014(Public).

⁵⁷¹³ See e.g. P04259:pp.1D00-0374-1D00-0375,1D00-0399-1D00-0400,1D00-0414-1D00-0417,1D00-0441-1D00-0442,1D00-0448,1D00-0454-1D00-0455,1D00-0462,1D00-0479,1D00-0511(Public);P04488(Public);P04517(Public);1D00461(Public).

⁵⁷¹⁴ W04408:T.7288-7289(05-Sep-2023)(Open).

1344. Tellingly, already by 9 March 1998, the ICTY was being asked to investigate incidents of violence in Kosovo which might fall within its jurisdiction.⁵⁷¹⁵ The following day, due to the 'exceptional circumstance' created by the escalating violence, the ICTY Prosecutor issued an extraordinary statement in which she confirmed the ICTY's jurisdiction.⁵⁷¹⁶

1345. The international community continued to raise concerns about the escalating hostilities in April 1998, appealing for restraint and issuing recommendations to ensure effective monitoring.⁵⁷¹⁷ The European Council expressed its 'deep concern at the mounting violence in Kosovo' on 27 April 1998, and the Secretary-General's report indicated that from April 1998 'the scope and intensity of the conflict in Kosovo grew dramatically'.⁵⁷¹⁸

1346. In early May 1998, the international community's attention to the conflict also continued to heighten.⁵⁷¹⁹ On the basis of the 'intensity and frequency of the clashes' from February to May 1998, the HLC found that Kosovo had 'entered a state of armed conflict as identified by international humanitarian law'.⁵⁷²⁰

1347. The international community's attention to the conflict also continued to heighten during and after the summer of 1998.⁵⁷²¹ In September 1998, a UN report found

⁵⁷¹⁵ See e.g. P04259:p.1D00-0454(Public). See also P04014:para.17(Public).

⁵⁷¹⁶ See e.g. P04259:p.1D00-0462(Public). On 7 July 1998, the ICTY Prosecutor reiterated that the nature and scale of the fighting in Kosovo had risen to the level of an armed conflict under international law. Although this statement was made in July, it was characterised as a *reiteration* of the Prosecutor's earlier statement on jurisdiction.

⁵⁷¹⁷ See e.g. P04259:pp.1D00-0402,1D00-0414-1D00-0417(Public).

⁵⁷¹⁸ P04259:pp.1D00-0402,1D00-0448(Public).

⁵⁷¹⁹ See e.g. P04259:pp.1D00-0419,1D00-0452(Public);P04023:p.00649668(Public).

⁵⁷²⁰ P04023:p.006496785(Public).

⁵⁷²¹ See e.g. P04259:pp.1D00-0375(paras.1,5(iii)),1D00-0399(para.86),1D00-0408,1D00-0422(para.13),1D00-0425(paras.11,16-17),1D00-0426(Annex I),1D00-0430(para.6),1D00-0433-1D00-0437,1D00-0449,1D00-0445-1D00-0446,1D00-0482-1D00-0483,1D00-0524(para.48)(Public);3D00024(Public);[REDACTED];2D00049:p.DKV1781(Public);P00684:p.SITF00055883(Public);P00750:p.K035-6955(Public).

a dramatic increase in the ‘geographical scope and intensity of the armed hostilities’.⁵⁷²² As a result, on 23 September 1998, the UNSC adopted Resolution 1199, demanding an immediate cessation of hostilities and the maintenance of a ceasefire by all parties.⁵⁷²³

1348. The international community’s concern was also reflected in the establishment of observer missions. In June 1998, the creation of three KDOMs was agreed upon,⁵⁷²⁴ and they became operational progressively between early July and September 1998.⁵⁷²⁵ Subsequent international agreements in October 1998 led to the establishment of the OSCE KVM,⁵⁷²⁶ tasked with verifying compliance with Resolution 1199.⁵⁷²⁷ Despite these efforts, tensions between the parties continued to escalate. By the end of October, UNSC Resolution 1203 reiterated the call for immediate action to ensure cooperation and prevent a humanitarian catastrophe,⁵⁷²⁸ while reports from KDOM in November 1998 continued to indicate rising tensions between the parties.⁵⁷²⁹

c. The NIAC Continued through September 1999

1349. In June 1999, the Kumanovo Agreement provided for a ceasefire, but not a peace settlement.⁵⁷³⁰ Thus, the NIAC persisted as demonstrated by the parties’ (i) continued non-compliance with international agreements and obligations; (ii) statements which reflected their sustained war-footing; (iii) maintaining the means to wage war; and (iv) ongoing hostile and provocative acts. As a result, there was no peaceful settlement in fact, and the imminent resumption of hostilities was a serious concern among the

⁵⁷²² P04259:p.1D00-0399(para.84)(Public).

⁵⁷²³ See e.g. AF89(Public). See also 2D00051:p.DKV1779(Public).

⁵⁷²⁴ AF90(Public).

⁵⁷²⁵ AF91(Public).

⁵⁷²⁶ See e.g. AF95(Public);[REDACTED];AF100(Public);1D00262:para.16(Public); [REDACTED];[REDACTED].

⁵⁷²⁷ AF101(Public). See also [REDACTED];[REDACTED].

⁵⁷²⁸ P04259:p.1D00-0410(paras.4,10,14)(Public). See also P04259:pp.1D00-0402-1D00-0403(para.5)(Public).

⁵⁷²⁹ P01083:p.074583(Public). See also 1D00280:p.SPOE00397415(Public);1DW-009:T.28050-28052(13-Nov-2025)(Open). See also 1DW-003:T.26747(16-Sep-2025)(Open).

⁵⁷³⁰ P04515:p.SPOE00405851(Public);1DW-007:T.28203-28204(18-Nov-2025)(Open).

parties and the international community through at least 20 September 1999 when the KLA ceased to exist as such.

i. Continued Non-compliance

1350. Over the course of the NIAC, the parties failed to comply with UNSC resolutions demanding, *inter alia*, an end to hostilities in Kosovo.⁵⁷³¹ The October 1998 agreement the Serbian authorities reached with international representatives,⁵⁷³² and the related unilateral KLA ceasefire declaration,⁵⁷³³ were not respected, and the resulting ‘ceasefire’ periods were used by the parties as opportunities to regroup, rearm, regain control over territory, and launch further attacks.⁵⁷³⁴ Likewise, international efforts to broker peace agreements between the parties, in particular at Rambouillet, failed,⁵⁷³⁵ leading to a resumption of intense hostilities, which were ongoing when the MTA was signed on 9 June 1999.⁵⁷³⁶ The MTA had the *goal* of ‘establish[ing] a durable cessation of hostilities’ through a phased withdrawal and refraining from ‘any hostile or provocative acts’.⁵⁷³⁷ The MTA provided for the possible return of ‘selected FRY personnel’ with KFOR permission,⁵⁷³⁸ and until at least 17 September 1999, the VJ expressed to KFOR an interest in the return of FRY forces to Kosovo.⁵⁷³⁹

1351. Also on 9 June 1999, the KLA General Staff and PGoK proclaimed a unilateral ceasefire, which would only become effective when, *inter alia*, all military actions of the Serbian forces ceased.⁵⁷⁴⁰ On 10 June 1999, UNSCR 1244—noting previous non-

⁵⁷³¹ See e.g. P00750(Public);AF89(Public). See also 1D00078:p.1(Public)(noting the multiple UNSC Resolutions not fully complied with).

⁵⁷³² AF95-AF101(Public).

⁵⁷³³ See P00189_ET.1:p.U015-8863(Public);P00296_ET(Public).

⁵⁷³⁴ AF110-AF117(Public).

⁵⁷³⁵ AF118-AF127(Public).

⁵⁷³⁶ P04064(Public);AgreedFJD1(Public).

⁵⁷³⁷ P04064:p.6D09-0141(Public).

⁵⁷³⁸ P04064:pp.6D09-0141,6D09-0145(Public).

⁵⁷³⁹ [REDACTED]. See also [REDACTED];1DW-009:T.28074-28075(13-Nov-2025)(Open).

⁵⁷⁴⁰ P00525(Public).

compliance with UNSC resolutions and that the situation in the region continued to constitute a threat to international peace and security—outlined the principles required for a ‘solution to the Kosovo crisis’.⁵⁷⁴¹

1352. On 21 June 1999, KFOR and **Hashim THAÇI** signed a demilitarisation undertaking providing for a ceasefire by the KLA, its disengagement from conflict zones, and subsequent demilitarisation (‘Undertaking’).⁵⁷⁴² By its very terms, the Undertaking indicated an understanding by KFOR and the KLA of the reality, or at a minimum the real risk, of continued hostilities.⁵⁷⁴³ To establish a durable cessation of hostilities and provide for the support and authorisation of KFOR,⁵⁷⁴⁴ the KLA agreed to a phased de-escalation, demilitarisation, and transformation process, to be completed within 90 days.⁵⁷⁴⁵

1353. Equally, the withdrawal of Serbian forces cannot be equated with a peaceful settlement, and was the result of KFOR’s active and necessary enforcement of the MTA. Pursuant to UNSCR 1244, KFOR had the mandate and authority to prevent the return of Serbian forces.⁵⁷⁴⁶ In fact, KFOR’s first objective was to deter renewed hostility and threats against Kosovo by Yugoslav and Serbian forces.⁵⁷⁴⁷ The continued requirement for KFOR to deter and, if necessary, repel the return of Serbian forces starkly illustrates the substantial risk of a resumption of hostilities during this period.⁵⁷⁴⁸

⁵⁷⁴¹ 1D00078:pp.1-4,6-7(Public).

⁵⁷⁴² P01444:para.1(Public).

⁵⁷⁴³ P01444:paras.4,6,9-10(Public).

⁵⁷⁴⁴ P01444:para.6(Public).

⁵⁷⁴⁵ P01444:paras.14,22-23(Public).

⁵⁷⁴⁶ [REDACTED];[REDACTED];[REDACTED]; 1D00078:pp.0361-6805-0361-6806(Public).

⁵⁷⁴⁷ 1DW-007:T.28199-28202,28288-28289(18-Nov-2025)(Open);1D00214:p.SPOE00212681(Public); P02516:p.121595(Public).

⁵⁷⁴⁸ 1DW-007:T.28204(18-Nov-2025)(Open). *See e.g.* 1D00114(Public);P04197:p.020751(Public). *See similarly e.g.* *Ntaganda* TJ, paras.717, 720 (noting the exercise of control over territory, or prevention of such control, can be a determinative factor in assessing the intensity of an armed conflict in the absence of active hostilities);*Al Hassan* TJ, para.1267.

1354. In this light and, in particular considering past non-compliance, it is clear that attaining a peaceful settlement was, at a minimum, dependent on the: (i) withdrawal of Serbian forces, including paramilitary forces; (ii) deployment of KFOR; (iii) cessation of hostile and provocative acts; and (iv) demilitarisation of the KLA. The necessity of these conditions being realised in full before a peaceful settlement could be achieved was underlined by the fact that—despite previous efforts—the Serbian authorities and KLA never directly reached any agreement with one another. Although the agreements summarised above created a pathway to a peaceful settlement, until September 1999, the agreed, necessary conditions for peace were not met.

ii. Statements Reflecting a Sustained War-footing

1355. Throughout the summer of 1999, KLA and PGoK leadership—including **Hashim THAÇI** and **Jakup KRASNIQI**—actively resisted international authority and their demilitarisation obligations. They warned that the KLA would rearm if necessary and claimed that Serbs were continuing to smuggle weapons into Kosovo.⁵⁷⁴⁹ The KLA continued to represent themselves as a military force into September 1999,⁵⁷⁵⁰ and did not effectively demilitarise until then.⁵⁷⁵¹ Their defiant rhetoric not only illustrated a continued perception of threats from Serbian forces, but also reflected that the KLA had not demilitarised, and might not.⁵⁷⁵² This perception was echoed in repeated statements by the KLA⁵⁷⁵³ and Serbian leadership.⁵⁷⁵⁴

⁵⁷⁴⁹ P04194_ET(Public);P04188(Public).

⁵⁷⁵⁰ See e.g. P04120:para.6(Public);[REDACTED];P04085:p.2(Public).

⁵⁷⁵¹ 1DW-004:T.27338-27339(30-Sep-2025)(Open);[REDACTED]; [REDACTED]. See also [REDACTED].

⁵⁷⁵² P00755:pp.SITF00172747-SITF00172749(Public);[REDACTED]; [REDACTED];[REDACTED]; [REDACTED];P00529(Public);[REDACTED]; P00530(Public).

⁵⁷⁵³ See e.g. [REDACTED];[REDACTED];

[REDACTED];[REDACTED];P04188(Public);[REDACTED];P00528(Public);P04198(Public);P00533:pp.02 0823-020824(Public).

⁵⁷⁵⁴ See e.g. [REDACTED];[REDACTED]; [REDACTED];[REDACTED].

iii. *Maintaining the Means to Wage War*

1356. Between early June and September 1999, the KLA failed in its obligations to fully comply with KFOR, disarm, and demobilise.⁵⁷⁵⁵ KFOR noted that the KLA continued to ‘flex[...] its muscles’ and demonstrated a ‘policy of partial compliance with demilitarisation procedures’ in a deliberate effort to ‘consolidate their gains, maintain caches of weapons and expand their influence’.⁵⁷⁵⁶ Indeed, the deployment of KFOR and other international forces, which was ongoing and phased throughout the summer of 1999,⁵⁷⁵⁷ was impeded by blockades against KFOR troops,⁵⁷⁵⁸ as well as KLA threats directed at KFOR.⁵⁷⁵⁹ The KLA also established illegal bases in KFOR-controlled areas,⁵⁷⁶⁰ occupied former MUP buildings,⁵⁷⁶¹ set up illegal checkpoints,⁵⁷⁶² and illegitimately claimed to act under KFOR authorisation.⁵⁷⁶³ Certain evictions and building takeovers were expressly indicated as being ‘mobilisations’ for the ‘military needs’ of the KLA.⁵⁷⁶⁴

1357. The KLA also continued to stockpile weaponry and maintain numerous illegal

⁵⁷⁵⁵ See e.g. [REDACTED];[REDACTED];W02161:T.10591, 10594-10595(05-Dec-2023)(Open). See also ICRC Commentary, para.495.

⁵⁷⁵⁶ [REDACTED]. See also [REDACTED];[REDACTED];[REDACTED];W02161:T.10881-10882(11-Dec-2023)(Open);P00755:p.SITF00172749(Public); 1D00243_ET:p.DHT04015(Public);[REDACTED];[REDACTED].

⁵⁷⁵⁷ See e.g. [REDACTED];P02529:p.SPOE00000717(Public); [REDACTED];P01973:p.SPOE00209742(Public).

⁵⁷⁵⁸ See e.g. [REDACTED];[REDACTED];[REDACTED]; P04119:p.SPOE00060132(Public);P02563:p.SPOE0000781(Public);P00743.2:p.SITF00001657(Public). See also P00006:p.SITF00249806(Public).

⁵⁷⁵⁹ See e.g. [REDACTED];[REDACTED]; [REDACTED]; [REDACTED]. See also [REDACTED].

⁵⁷⁶⁰ [REDACTED];[REDACTED];[REDACTED]; [REDACTED].

⁵⁷⁶¹ [REDACTED];P00379:p.K022-5107(Public);[REDACTED]; [REDACTED]; [REDACTED];[REDACTED].

⁵⁷⁶² [REDACTED];[REDACTED];P01984:p.012761(Public); P04128(Public);1DW-004:T.27472-27473(01-Oct-2025)(Open).

⁵⁷⁶³ [REDACTED].

⁵⁷⁶⁴ P04120:para.6(Public);P02797_ET(Public).

weapons caches, including with heavy arms.⁵⁷⁶⁵ This persisted despite KFOR operations to stop such activities.⁵⁷⁶⁶ KFOR raids and weapon seizures occurred in many locations including Dukagjin,⁵⁷⁶⁷ Gjakovë/Đakovica,⁵⁷⁶⁸ Kamenicë/Kamenica,⁵⁷⁶⁹ Malishevë/Mališevo,⁵⁷⁷⁰ Mijavic,⁵⁷⁷¹ Nashec/Našec,⁵⁷⁷² Novobërdë/Novo Brdo,⁵⁷⁷³ Pejë/Peć,⁵⁷⁷⁴ Ponoshec/Ponoševac,⁵⁷⁷⁵ Prishtinë/Priština,⁵⁷⁷⁶ Prizren,⁵⁷⁷⁷ and Rahovec/Orahovac.⁵⁷⁷⁸ When KLA members were tipped off about impending raids, they swiftly ‘cleared’ the premises before KFOR troops arrived.⁵⁷⁷⁹

1358. Throughout this time, Serbian forces maintained an active presence at the border and [REDACTED].⁵⁷⁸⁰

iv. Ongoing Hostile and Provocative Acts

1359. Intelligence and other reports indicated that Serbian forces sought to re-enter Kosovo.⁵⁷⁸¹ From early July 1999, Serbian units manned checkpoints on both sides of the

⁵⁷⁶⁵ P04496:p.SPOE00397812(Public);1DW-004:T.27500-27502(01-Oct-2025)(Open);[REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED].

See also [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED]; [REDACTED].

⁵⁷⁶⁶ *See e.g.* [REDACTED];W04868:T.18593,18596-18597(19-Aug-2024)(Open);[REDACTED]. *See also* [REDACTED]; P00743.2:pp.SITF00001571-SITF00001572(Public).

⁵⁷⁶⁷ [REDACTED].

⁵⁷⁶⁸ P00743.2:pp.SITF00001718(Public);W02161:T.10647-10648(06-Dec-2023)(Open); [REDACTED];[REDACTED].

⁵⁷⁶⁹ [REDACTED].

⁵⁷⁷⁰ [REDACTED];[REDACTED]; [REDACTED].

⁵⁷⁷¹ [REDACTED].

⁵⁷⁷² P01984:p.012761(Public);[REDACTED].

⁵⁷⁷³ [REDACTED];[REDACTED];[REDACTED].

⁵⁷⁷⁴ [REDACTED].

⁵⁷⁷⁵ [REDACTED];[REDACTED];P00379:p.K022-5107(Public).

⁵⁷⁷⁶ [REDACTED];[REDACTED]; [REDACTED];[REDACTED].

⁵⁷⁷⁷ [REDACTED]; [REDACTED];[REDACTED];[REDACTED].

⁵⁷⁷⁸ [REDACTED];[REDACTED];P01984:p.012761(Public).

⁵⁷⁷⁹ [REDACTED].

⁵⁷⁸⁰ *See e.g.* [REDACTED];[REDACTED];[REDACTED]; [REDACTED].

⁵⁷⁸¹ [REDACTED];[REDACTED];P04515:p.SPOE00405851(Public);1DW-007:T.28125-28126(17-Nov-2025)(Open);1DW-007:T.28203-28204(18-Nov-2025)(Open);1DW-009:T.28066(13-Nov-2025)(Open).

border,⁵⁷⁸² positioned tanks within firing range,⁵⁷⁸³ and fired on civilians.⁵⁷⁸⁴ Active-duty MUP and VJ personnel were found inside Kosovo, some in civilian attire,⁵⁷⁸⁵ prompting UNMIK and KFOR to initiate measures against the 'large number of MUP forces' still operating in the territory.⁵⁷⁸⁶

1360. Serb paramilitary groups also operated in Kosovo on behalf of the FRY and Serbia.⁵⁷⁸⁷ The MTA and the KLA demilitarisation agreement explicitly treated these as part of Serbian forces.⁵⁷⁸⁸ The KLA and Kosovar-Albanians frequently raised concerns about their presence.⁵⁷⁸⁹ **Hashim THAÇI**, Agim ÇEKU and others indicated that paramilitary incursions remained a problem,⁵⁷⁹⁰ and KLA units actively investigated and reported on Serb paramilitary activity.⁵⁷⁹¹

1361. Provocations of Serbian forces and threats made by the KLA fuelled concerns that Serbian forces would, acting under the pretext of protecting the Serb population and defending FRY sovereignty, return to Kosovo.⁵⁷⁹² By late August 1999, tensions had escalated to the point that Serbia was reportedly preparing for military reinvasion,

⁵⁷⁸² [REDACTED];[REDACTED]. See also [REDACTED].

⁵⁷⁸³ [REDACTED].

⁵⁷⁸⁴ [REDACTED]. See also [REDACTED].

⁵⁷⁸⁵ P04091:p.SPOE00203362(Public);[REDACTED]; [REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED]; [REDACTED]. See also P00755:p.SITF00172747(Public); [REDACTED];[REDACTED].

⁵⁷⁸⁶ P04091:p.SPOE00203362(Public).

⁵⁷⁸⁷ See e.g. AF748-AF749(Public);P00814_ET.45(Public);1DW-009:T.28061,28074-28075,28082-28085(13-Nov-2025)(Open);P04507:p.057249(Public);1DW-004:T.27516-27518(01-Oct-205)(Open).

⁵⁷⁸⁸ See e.g. P04064:para.3(c)(Public);P01444:para.5(b)(Public).

⁵⁷⁸⁹ [REDACTED];[REDACTED];[REDACTED];

[REDACTED];[REDACTED];[REDACTED];1D00065(Public);1D00257(Public);P04095:pp.SITF00011490-00011491(Public);P04098:paras.4,6(Public);[REDACTED];1D00238(Public); [REDACTED];[REDACTED].

⁵⁷⁹⁰ P04198(Public);P00533:p.020824(Public);[REDACTED]. See also P00748:pp.SITF40008439-SITF40008441(Public);[REDACTED]; [REDACTED];[REDACTED].

⁵⁷⁹¹ See e.g. [REDACTED];[REDACTED]; [REDACTED].

⁵⁷⁹² See e.g. [REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED]; [REDACTED].

prompting KFOR to prepare defensive operations.⁵⁷⁹³

1362. The omnipresent illegal policing function of the KLA represented a continual and provocative violation of the demilitarisation obligations.⁵⁷⁹⁴ Misconduct against Serbs and others ranged from illegal questioning⁵⁷⁹⁵ and evictions,⁵⁷⁹⁶ to kidnapping⁵⁷⁹⁷ and murder.⁵⁷⁹⁸ Even W02135 who discussed the KLA's 'broad' compliance with demilitarisation, explained that 'local level problems' with the KLA, including illegal policing, kidnapping, and murder, were extensive, serious, and never addressed in any depth by the KLA leadership.⁵⁷⁹⁹ Indeed, both sides engaged in acts of intimidation and violence that extended well into September 1999.⁵⁸⁰⁰

1363. Attacks using artillery, mortars, grenades, and automatic weapons also continued from early June through September 1999.⁵⁸⁰¹ The KLA launched operations

⁵⁷⁹³ [REDACTED];P04119:p.SPOE0060131-SPOE0060132(Public);[REDACTED]. *See also* [REDACTED];[REDACTED]; [REDACTED];1DW-007:T.28199-28202(18-Nov-2025)(Open);P02535:paras.6,15(Public); 1DW-009:T.28064-28066(13-Nov-2025)(Open).

⁵⁷⁹⁴ [REDACTED];[REDACTED];P04094:pp.067953-067955(Public);P00755:pp.SITF00172746-SITF00172749(Public);1DW-006:T.27208(23-Sep-2025)(Open); [REDACTED]; [REDACTED];[REDACTED]; [REDACTED];[REDACTED];P04112:para.5(c)(Public); [REDACTED];[REDACTED]. *See also* [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED]; W02161:T.10591,10594-10595,10599-10600(05-Dec-2023)(Open);W02161:T.10636,10648-10649(06-Dec-2023)(Open);P00743.2:pp.SITF00001598,SITF00001726(Public);[REDACTED]; P04103:para.3(Public).

⁵⁷⁹⁵ *See e.g.* P04111(Public).

⁵⁷⁹⁶ *See e.g.* P04106(Public).

⁵⁷⁹⁷ *See e.g.* P04109:p.SITF00384717(Public);P04124:p.SITF00388139(Public).

⁵⁷⁹⁸ *See e.g.* [REDACTED].

⁵⁷⁹⁹ [REDACTED];[REDACTED]. *See also* P00755:p.SITF00172748(Public).

⁵⁸⁰⁰ *See e.g.* [REDACTED];[REDACTED]; [REDACTED];[REDACTED];W02161:T. 10591-10593, 10599-10600,10606-10607,10616-10618(05-Dec-2023)(Open);W02161:T.10636,10657-10659(06-Dec-2023)(Open); [REDACTED]; [REDACTED]; [REDACTED];[REDACTED];W02183:T.24143-24145,24152-24155(21-Jan-2025)(Open);[REDACTED];P01969:paras.30-32(Public); P00743.2:pp.SITF00001572,SITF00001581-SITF00001582,SITF00001585(Public);W04408:T.7335-7341(06-Sep-2023)(Open);P00379:pp.K022-5103-K022-5104,K022-5106-K022-5107,K022-5111(Public); [REDACTED];[REDACTED];P01984:p.012761(Public). *See also* [REDACTED];[REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED]; [REDACTED].

⁵⁸⁰¹ *See e.g.* [REDACTED];[REDACTED];[REDACTED]; [REDACTED];W04868:T.18765-18766(20-Aug-2024)(Open);[REDACTED];[REDACTED];P00515_ET.76(Public);[REDACTED]; [REDACTED];[REDACTED].

targeting alleged Serb war criminals,⁵⁸⁰² and Serb villages, quarters, religious sites and symbols were attacked with mortars and explosives,⁵⁸⁰³ while Serbian forces and paramilitaries conducted retaliatory attacks against ethnic Albanians in border areas.⁵⁸⁰⁴ During this time there were numerous examples of cross-border and internal armed hostilities.⁵⁸⁰⁵

1364. The evidence cited above shows there was a real risk that armed hostilities could resume at any moment and that no peaceful settlement had been reached in fact—and the NIAC therefore continued at least until the KLA formally demobilised on 20 September 1999. In any event, the fundamental protections afforded to the victims in this case extended beyond the cessation of hostilities.⁵⁸⁰⁶

3. *Nexus to NIAC*

1365. The armed conflict need not have been causal to the commission of the crime charged but it must have played, at a minimum, a substantial part in either the perpetrator's ability to commit that crime; their decision to commit it; the manner in which it was committed; or the purpose for or guise under which it was committed.⁵⁸⁰⁷ Once this nexus has been established, the existence of additional personal motives such as revenge will not negate the classification of such acts as war crimes.⁵⁸⁰⁸

1366. The evidence shows that the charged crimes were committed by KLA members against Opponents, including persons associated with the opposing party to the armed

⁵⁸⁰² [REDACTED];1DW-008:T.27857(11-Nov-2025)(Open). *See also* P01984:p.012761(Public);[REDACTED].

⁵⁸⁰³ [REDACTED];[REDACTED]; P04128:p.045402(Public).

⁵⁸⁰⁴ *See e.g.* [REDACTED];[REDACTED]; P00743.2:p.SITF00001706(Public).

⁵⁸⁰⁵ *See e.g.* [REDACTED];[REDACTED];[REDACTED];P04196_ET(Public);[REDACTED]; P04124:pp.SITF00388137,SITF00388139(Public); P04128:p.045402(Public);[REDACTED].

⁵⁸⁰⁶ Confirmation Decision, para.89. *See also Tadić Jurisdiction Decision, para.69; Additional Protocol II, Arts. 2,4-6.*

⁵⁸⁰⁷ *See Kunarac AJ, para.58.*

⁵⁸⁰⁸ *See similarly Tadić AJ, paras.248-251,271-272.*

conflict, and were undertaken in furtherance of the KLA's stated objectives of strengthening its position in the conflict, eliminating perceived threats, and consolidating its control over Kosovo.⁵⁸⁰⁹ The evidence therefore demonstrates a clear link between these crimes and the NIAC.

4. *Victim Status*

1367. The evidence shows that the charged crimes were committed in and around KLA/PGoK detention sites against victims who were not actively taking part in hostilities and who enjoyed protected status at the time the offences were committed.⁵⁸¹⁰

5. *Awareness of the Factual Circumstances Establishing the NIAC and the Protected Status of the Victims*

1368. Throughout the Indictment period, the **Accused** were aware of the factual circumstances establishing the NIAC, and that crimes were being committed against protected persons.

1369. The **Accused** acknowledged the state of the armed conflict throughout the relevant period,⁵⁸¹¹ communicated about it through established mechanisms,⁵⁸¹² and were present on the ground during or soon after active hostilities⁵⁸¹³—all of which demonstrate their awareness of the existing NIAC.

⁵⁸⁰⁹ See e.g. W03873:T.22593-22597(25-Nov-2024)(Open);P00889_ET:p.U001-4905(Public);[REDACTED];[REDACTED]; [REDACTED]; P01356_ET:p.6051(Public);W04401:T.22987, 22992-22994(28-Nov-2024)(Open);P00269_ET.34:p.U016-2814(Public);Section II.A.1.b.

⁵⁸¹⁰ See e.g. Sections III.A-Z.

⁵⁸¹¹ See Section IV.B.6. See also P00739.4_ET.1:pp.14-17(Public);P00739.6_ET:pp.9-10(Public);[REDACTED];[REDACTED];P00789:pp.SITF00398185-SITF00398186(Public);[REDACTED];P01859_ET.2:pp.SPOE00052998,SPOE00053004-SPOE00053005(Public);P00794:pp.3341-3344(Public);P00795:pp.3415-3417, 3423-3424, 3387-3388(Public);P00800:p.5055(Public);P00793:p.U0162176(Public);[REDACTED];[REDACTED];[REDACTED]; P00761.7_ET:p.21(Public);P00794:pp.3336-3339(Public);P00778:p.6591(Public);[REDACTED];[REDACTED];P00189.1_ET:p.U015-8830(Public).

⁵⁸¹² See Section II.A.3.g.

⁵⁸¹³ See Section II.A.4. See also P00778:pp.6628-6630(Public);[REDACTED].

1370. The **Accused** were also aware that Opponents not taking active part in the hostilities were being targeted, arrested, detained, killed, or otherwise mistreated. Through the General Staff's command and communications structure,⁵⁸¹⁴ the **Accused** planned, provided logistics, and issued orders to JCE Members and tools⁵⁸¹⁵ for, among other things related to the NIAC, issues related to Opponents.⁵⁸¹⁶ JCE members and tools also reported their actions to the General Staff, including in relation to the deprivation of liberty of Opponents.⁵⁸¹⁷ The **Accused** were aware that crimes were being committed against Opponents under KLA custody or control.⁵⁸¹⁸

B. CRIMES AGAINST HUMANITY

1. *Introduction*

1371. The evidence shows that during the Indictment period, the crimes committed by the **Accused** were part of a widespread and/or systematic attack directed against the civilian population of Kosovo identified as Opponents; and that the **Accused** were aware of this attack and that their actions were a part thereof. The contextual elements for crimes against humanity have therefore been met.

⁵⁸¹⁴ See Sections II.A.3.a; II.A.4.

⁵⁸¹⁵ See Sections II.A.3.d; II.A.4.

⁵⁸¹⁶ See Sections II.A.1; II.A.3.

⁵⁸¹⁷ See Sections II.A.1.b.v; II.A.3.

⁵⁸¹⁸ See Sections II.A.1.b; IV.B.6.

2. *There was an attack*

1372. Before,⁵⁸¹⁹ during,⁵⁸²⁰ and after⁵⁸²¹ the Indictment period, members of the KLA/PGoK carried out an aggressive and brutal campaign targeting Opponents⁵⁸²² through numerous acts of mistreatment and violence across Kosovo and Northern Albania.⁵⁸²³ During this time, KLA/PGoK members including the **Accused** committed multiple crimes against at least hundreds of Opponents, such as murder, imprisonment, torture, and/or other inhumane acts, including those charged in the Indictment.⁵⁸²⁴

3. *The attack targeted a civilian population*

1373. The KLA/PGoK attack was directed at Opponents, a segment of the population that was overwhelmingly civilian.⁵⁸²⁵ Opponents were the primary target of the attack in the KLA/PGoK campaign to consolidate territorial and political control through the exclusion, abuse, and elimination of dissenting or 'undesirable' civilians.⁵⁸²⁶ These acts were neither isolated nor random, but instead formed part of a wider strategy to

⁵⁸¹⁹ See Sections II.A.1.a-c; III.A-Z. See also e.g. P04488(Public);1DW-003:T.26643-26646(16-Sep-2025)(Open);P04487_ET:00:07:48-00:08:25(Public);[REDACTED];P00269_ET.1(Public); P04217:00:01:21-00:01:49,00:03:23-00:04:32(Public);P04217_ET:pp.1-2(Public);[REDACTED];P00282_ET(Public);P00281_ET(Public);2D00034(Public).

⁵⁸²⁰ See e.g. Sections III.A-BB.

⁵⁸²¹ See Section II.A.1.b;P04103:para. 3(Public);P04106:para.3.f(Public). This type of activity by the KLA is corroborated by P01948(Public), a *Washington Post* article that describes a similar *modus operandi* for evictions;P04111(Public);[REDACTED];P00745:pp.SPOE00127733-00127734(Public);W02161:T.10630-10631,10635-10636,10657-10659,10664-10665(06-Dec-2023)(Open); P04197:pp.020751-020752(Public);P01740.5_ET:pp.25-34(Public);P01740.6_ET:pp.2-6,10-13(Public); P01740.7_ET:p.18(Public);P01741:para.10(Public);P01744(Public);[REDACTED]; W04240:T.20770-20771, 20780-20782(21-Oct-2024)(Open).

⁵⁸²² See Sections II.A.1.b-c.

⁵⁸²³ See e.g. Sections III.A-BB.

⁵⁸²⁴ See e.g. Sections III.A-BB.

⁵⁸²⁵ See Section II.A.1.b. Although a small number of victims might have been employed by or otherwise affiliated with Serbian forces, they were not taking active part in hostilities at the time, and were nonetheless targeted as part of the charged attack. The existence of non-civilians within a targeted population does not alter that population's civilian character, and non-civilians can be victims of crimes against humanity. See *Blagojević and Jokić* TJ, para. 544; *Akayesu* TJ, para.582; *Martić* AJ, para.307; *Mrkšić and Šlišančanin* AJ, para.29. See also Article 50(3) of Additional Protocol I.

⁵⁸²⁶ See Section II.A.1.c.

consolidate power by eliminating dissent and opposition.⁵⁸²⁷

1374. As early as 1994, public statements by KLA leaders called for violence against Opponents, often characterised as spies, traitors, collaborators, or pacifists.⁵⁸²⁸ These calls for violence continued and increased until Summer 1998, when they became less explicit as a result of increased interaction with and pressure from the international community, and persisted in a more understated form throughout 1999.⁵⁸²⁹

1375. Moreover, KLA/PGoK members including the **Accused** and other members of the General Staff made numerous public statements expressly indicating that the crimes being committed against Opponents were meant to not only punish individual victims, but also to serve as a warning to all potential Opponents, their families, and communities; and to deter any action unwanted by the KLA.⁵⁸³⁰

1376. The targeting of civilians was also achieved through KLA/PGoK members refusing to provide accurate information concerning the detention and/or whereabouts of Opponents, further broadening the impact of such crimes on the civilian population in Kosovo.⁵⁸³¹

4. The attack was widespread

1377. The evidence demonstrates that the KLA/PGoK attack against Opponents was widespread, with large numbers of victims at dozens of crime sites spread across a wide geographical area. The large-scale, widespread nature of the attack is also evidenced by

⁵⁸²⁷ See Section III.A.1.b.

⁵⁸²⁸ See Section II.A.1. See e.g. AF16-AF18(Public);AF20(Public);AF189-AF190(Public);AF208-214(Public); W01453:T.22252(07-Nov-2024)(Open);P00269_ET.28(Public);P00269_ET.1(Public).

⁵⁸²⁹ See Sections II.A.1.b; II.A.4.

⁵⁸³⁰ See Sections II.A.1.b; II.A.4-5. See also W04401:T.23309-23313(04-Dec-2024)(Open); [REDACTED];P00273_ET(Public);P00274_ET(Public);P00283_ET(Public); P00287_ET(Public);P00809:pp.2-3(Public);P00794:pp.3360-3364(Public).

⁵⁸³¹ See Sections III.A.3; III.A.5; III.B.3; III.B.5; III.D.3-4; III.E.3-4; III.K.3-4; III.O.3. See also [REDACTED];[REDACTED].

the fact that the crimes committed against Opponents were well known within and outside of Kosovo.⁵⁸³²

1378. During the Indictment period, the KLA/PGoK attack on Opponents included the crimes charged in this case: hundreds of incidents of arbitrary detention,⁵⁸³³ over a hundred killings,⁵⁸³⁴ and over a dozen enforced disappearances.⁵⁸³⁵

1379. KLA/PGoK crime sites were numerous and wide-ranging with, for example, more than 50 detention sites located throughout Kosovo and Northern Albania.⁵⁸³⁶ In early July 1998, Serbian authorities reported that 100 civilians had been abducted from numerous municipalities in Kosovo by members of the KLA between January and July of that year, 14 of whom were killed, while the fate of 56 others was unknown.⁵⁸³⁷ Human Rights Watch reported that, as of the fall of 1998, the KLA was suspected of having abducted hundreds of people, and of killing dozens of civilians in numerous locations.⁵⁸³⁸

5. *The attack was systematic*

1380. The KLA/PGoK attack against Opponents was highly organised and followed a consistent pattern throughout the Indictment period, resulting in severe consequences for its victims as well as their families and communities.

1381. The KLA/PGoK leadership, including members of the General Staff and the **Accused**, issued statements,⁵⁸³⁹ regulations, directions, and orders,⁵⁸⁴⁰ which

⁵⁸³² See Sections II.A.4-5. See e.g. W04752:T.18257-18258(15-Jul-2024)(Open);P01356_ET:T.6051(Public); [REDACTED].

⁵⁸³³ See Section III.

⁵⁸³⁴ See Section III.

⁵⁸³⁵ See e.g. Section III.

⁵⁸³⁶ See e.g. Section III.

⁵⁸³⁷ P04280_ET(Public).

⁵⁸³⁸ P00380:pp.K036-4865-K036-4869(Public). See similarly P04023:pp.K007-8704-K007-8708(Public).

⁵⁸³⁹ See Sections II.A.4-5.

⁵⁸⁴⁰ See Sections II.A.1.d, II.A.3.a.i.b.

consistently and repeatedly called for and/or endorsed crimes against Opponents as part of the KLA/PGoK policy and plan.⁵⁸⁴¹

1382. Additionally, high-level KLA/PGoK structures such as the Intelligence Services⁵⁸⁴² and Military Police⁵⁸⁴³ were established by the KLA/PGoK leadership with the express intent of identifying and investigating Opponents.

1383. Moreover, KLA/PGoK commanders, including the **Accused**, directly participated in the commission of crimes against Opponents.⁵⁸⁴⁴

1384. Opponents were also identified by name in General Staff statements, and lists were disseminated to and used by KLA members at checkpoints across Kosovo to identify and detain Opponents.⁵⁸⁴⁵

1385. Furthermore, Opponents were detained at and transferred between detention facilities located at KLA/PGoK headquarters and bases,⁵⁸⁴⁶ requiring a significant degree of coordination and resources.

1386. Crimes against Opponents were also routinely reported to the KLA/PGoK leadership.⁵⁸⁴⁷ While the KLA/PGoK leadership publicly acknowledged some of its crimes in order to intimidate Opponents,⁵⁸⁴⁸ the vast majority of allegations were repeatedly denied.⁵⁸⁴⁹

1387. In addition to being highly-organised, the attack followed a consistent pattern whereby KLA/PGoK members routinely identified, detained, and interrogated

⁵⁸⁴¹ See Sections II.A.1.b-e.

⁵⁸⁴² See Section II.A.3.k.

⁵⁸⁴³ See Section II.A.3.l.ii.

⁵⁸⁴⁴ See Section II.A.4.

⁵⁸⁴⁵ See Section II.A.1.b.

⁵⁸⁴⁶ See e.g. Sections III.C; III.D; III.F; III.H; III.I; III.M; III.O; III.P; III.Q; III.R; III.Y; III.BB.

⁵⁸⁴⁷ See Sections II.A.3-5.

⁵⁸⁴⁸ See Sections II.A.1.b-e.

⁵⁸⁴⁹ See Sections II.A.1.b; II.A.4-5.

Opponents.⁵⁸⁵⁰ Many victims were then abused and/or mistreated by KLA/PGoK members, including being disappeared or killed.⁵⁸⁵¹

1388. Moreover, many of the same perpetrators continued to commit similar crimes,⁵⁸⁵² and many crime sites were used numerous times.⁵⁸⁵³ Some victims were targeted multiple times.⁵⁸⁵⁴

1389. The KLA/PGoK attack on Opponents resulted in severe consequences for its victims.⁵⁸⁵⁵

1390. The impact of crimes committed by KLA/PGoK members was felt not only by the direct victims, but also by their families and communities because the targets of the attack included journalists, intellectuals, and (especially moderate) political and community leaders⁵⁸⁵⁶ and were amplified through aggressive public statements—an effect expressly intended by the KLA/PGoK leadership.⁵⁸⁵⁷

1391. The manner in which these crimes were committed also gravely impacted the wider civilian population in Kosovo. Kosovar-Serb victims were regularly abducted from buses and cars when travelling, which led to great fear, changes in travel patterns, and even flight among the Kosovar-Serb population.⁵⁸⁵⁸ Murder victims were deliberately deposited in highly visible locations to ‘send a message’.⁵⁸⁵⁹

1392. The collaborator label was applied so quickly and loosely that it became

⁵⁸⁵⁰ See e.g. Sections II.A.1; II.A.4-5.

⁵⁸⁵¹ See e.g. Sections II.A.1; II.A.4-5.

⁵⁸⁵² See e.g. Sections III.A-C; III.I; III.P-Q. See also P04057:p.SPOE00061130(Public); P04059:p.SITF00011666(Public).

⁵⁸⁵³ See e.g. Sections III.A-C; III.I; III.P-Q.

⁵⁸⁵⁴ See e.g. Section III.Q.

⁵⁸⁵⁵ See e.g. Sections III.A.3; III.B.3; III.D.3; III.E.3.b; III.K.3; III.O.3.

⁵⁸⁵⁶ See Section II.A.1.b; P04259:pp.1D00-0554-1D00-0555(Public).

⁵⁸⁵⁷ See Sections II.A.1.b-e.

⁵⁸⁵⁸ See e.g. Section III.C.

⁵⁸⁵⁹ See e.g. Sections III.A; III.C; III.I; III.M; VI; [REDACTED].

contagious and spread through family and work relations and friendships.⁵⁸⁶⁰ As a result, perceived collaborators and their families were ostracised,⁵⁸⁶¹ and Kosovars searching for abducted family members risked mistreatment and even death themselves.⁵⁸⁶² The abduction and severe abuse of suspected collaborators was committed so openly by KLA members, and became so notorious,⁵⁸⁶³ that many victims who feared they would be next either fled or reported themselves to the KLA to ‘clear their name’.⁵⁸⁶⁴ The crimes significantly contributed to a climate of fear and insecurity in Kosovo which persists to this day.⁵⁸⁶⁵

6. *The Accused had knowledge of the attack*

1393. As the architects and advocates of the KLA/PGoK policy and plan to target Opponents,⁵⁸⁶⁶ the **Accused** were keenly aware that a widespread and/or systematic attack against the civilian population was taking place,⁵⁸⁶⁷ and that their actions formed part of this attack.⁵⁸⁶⁸

1394. This awareness is plainly demonstrated by the numerous explicit statements, orders, and other actions of the **Accused** relating to the targeting and mistreatment of Opponents⁵⁸⁶⁹—including their direct participation in the charged crimes.⁵⁸⁷⁰ Such

⁵⁸⁶⁰ See e.g. Section II.A.1.b.i; Section III.A; Section III.I; [REDACTED]; P00743.1;p.SPOE00198221(Public); [REDACTED]; [REDACTED].

⁵⁸⁶¹ See e.g. Section III.A; See also W04240:T.20770,20780-20782 (21-Oct-2024)(Open); [REDACTED]; W03165:T.4269-4270,4273(18-May-2023)(Open); W03165:T.4462(22-May-2023)(Open).

⁵⁸⁶² See e.g. Sections III.C-D; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; AF466(Public); [REDACTED]; [REDACTED].

⁵⁸⁶³ See Sections III.B; III.I.

⁵⁸⁶⁴ See Sections III.C; III.I.

⁵⁸⁶⁵ See e.g. P04259:pp.1D00-0554-1D00-0555(Public).

⁵⁸⁶⁶ See Sections II.A.1; II.A.4.

⁵⁸⁶⁷ See Sections II.A.1; II.A.5.

⁵⁸⁶⁸ See Sections II.A.4-5.

⁵⁸⁶⁹ See Section II.A.5.

⁵⁸⁷⁰ See e.g. Sections II.A.4; III.A; III.L.

awareness can also be inferred by their leadership positions in the KLA/PGoK,⁵⁸⁷¹ through which they received reports of crimes;⁵⁸⁷² from their presence at or near multiple crime sites;⁵⁸⁷³ and from the infamous nature of the crimes committed against Opponents.⁵⁸⁷⁴

V. GENERAL EVIDENTIARY CONSIDERATIONS

A. GENERAL STANDARD

1395. The guilt of the Accused must be proven beyond reasonable doubt.⁵⁸⁷⁵ The standard of beyond reasonable doubt is to be applied to facts constituting the elements of the charged crime and modes of liability as a whole, as well as to facts on which the conviction depends.⁵⁸⁷⁶ It shall not be applied to individual pieces of evidence.⁵⁸⁷⁷

1396. Reasonable doubt should be grounded in reason, linked to the evidence, lack of evidence, or inconsistencies in the evidence, and based on logic and common sense.⁵⁸⁷⁸ It cannot be imaginary or frivolous.⁵⁸⁷⁹

1397. Circumstantial evidence, which may be relied on by the Panel,⁵⁸⁸⁰ is evidence on subsidiary facts from which a material fact may be reasonably inferred.⁵⁸⁸¹ The standard of proof beyond reasonable doubt for circumstantial evidence is satisfied when the

⁵⁸⁷¹ See Sections II.A.3.a-b.

⁵⁸⁷² See Section II.A.4.

⁵⁸⁷³ See Sections II.A.4-5; III.A; III.L.

⁵⁸⁷⁴ See Section II.A.5. See also W04752:T.18257-18258(15-Jul-2024)(Open);P01356_ET:T.6051(Public); P00760;p.076690(Public).

⁵⁸⁷⁵ See Art.21(3);Rules 140(1) and 158(3);*Mustafa* TJ, para.27;*Shala* TJ, para.74.

⁵⁸⁷⁶ Rule 140(2);*Gucati and Haradinaj* TJ, para.35;*Mustafa* TJ, para.28;*Mustafa* AJ, para.368;*Shala* TJ, para.75; *Ongwen* TJ, para.227;*Ntaganda* AJ, para.37;*Taylor* AJ, para.227.

⁵⁸⁷⁷ Rule 140(2). See also *Gucati and Haradinaj* TJ, para.35;*Mustafa* TJ, para.28;*Shala* TJ, para.75.

⁵⁸⁷⁸ Rule 140(2);*Gucati and Haradinaj* TJ, para.36;*Mustafa* TJ, para.27;*Ongwen* TJ, para.228.

⁵⁸⁷⁹ *Gucati and Haradinaj* TJ, para.36;*Mustafa* TJ, para.27;*Shala* TJ, para.74;*Rutaganda* AJ, para.488;*Ongwen* TJ, para.228;Rule 140(2).

⁵⁸⁸⁰ KSC-BC-2020-06/F01603, para.86.

⁵⁸⁸¹ See *Mustafa* TJ, para.29.

inference to be drawn from such evidence is the only reasonable one.⁵⁸⁸² Where a conviction is based solely or to a decisive extent on circumstantial evidence, such evidence shall be assessed with caution, and reasoned findings shall be provided based on its consistency and intrinsic coherence.⁵⁸⁸³

B. ASSESSMENT OF EVIDENCE

1398. All evidence relied upon by the SPO was deemed admissible by the Panel on the basis of its *prima facie* relevance and probative value.⁵⁸⁸⁴ The weight to be accorded to each piece of evidence must now be assessed, in light of the entire body of evidence admitted. The Panel should carry out a holistic evaluation of the evidence to determine whether the facts at issue have been established.⁵⁸⁸⁵

1399. The reliability of documentary evidence may consider *inter alia*, the source of the document, its indicia of authenticity and reliability, its content, its purported use,⁵⁸⁸⁶ and its coherence and consistency with other evidence in the case.⁵⁸⁸⁷

1400. The Panel has full discretion to assess the credibility and the reliability of a witness before relying on their evidence, and determine the weight to be given to their testimony pursuant to Rule 139(4).⁵⁸⁸⁸ The fact that a witness may have previously given differing, or even false, evidence before another court, does not *per se* render them unreliable.⁵⁸⁸⁹ The same consideration of credibility and reliability will apply *mutatis mutandis* whether the witness testified live, pursuant to Rule 154, or if the statements

⁵⁸⁸² Rule 140(3); *Gucati and Haradinaj* TJ, para.37; *Mustafa* TJ, para.29; *Shala* TJ, para.76; *Ngirabatware* TJ, para.60.

⁵⁸⁸³ Rule 139(5); *Gucati and Haradinaj* TJ, para.42; *Shala* TJ, para.92; *Mustafa* TJ, para.45; *Ngirabatware* TJ, para.60.

⁵⁸⁸⁴ Rules 138(1), 139(1).

⁵⁸⁸⁵ *Gucati and Haradinaj* TJ, para.38; *Mustafa* AJ, para.206; *Shala* AJ, para.681.

⁵⁸⁸⁶ *Mustafa* TJ, para.42; *Musema* TJ, paras.59-60, 63-67, 70-72.

⁵⁸⁸⁷ *Mustafa* TJ, para.42.

⁵⁸⁸⁸ *Mustafa* TJ, paras.34-35; *Shala* TJ, paras.81-82.

⁵⁸⁸⁹ *Shala* AJ, para.283; *Shala* TJ, para.109; KSC-BC-2020-06/F01603, paras.49-50.

were admitted pursuant to Rule 153 and 155.⁵⁸⁹⁰

1401. The Panel has broad discretion in evaluating inconsistencies, *proprio motu* or upon challenge, when necessary to determine whether the requirement for the applicable standard of proof is met in relation to an element or a fact.⁵⁸⁹¹ Any relevant explanation, and factors such as trauma or the passage of time, may be considered by the Panel,⁵⁸⁹² including the climate of witness intimidation in Kosovo.⁵⁸⁹³ Minor discrepancies between evidence should not be considered as discrediting such evidence, and the Panel may accept parts of evidence while rejecting others.⁵⁸⁹⁴

1402. Although hearsay evidence is generally treated with caution, it does not necessarily have lower probative value than direct evidence.⁵⁸⁹⁵

1403. The evidence presented by the Accused is to be assessed in the same manner as the evidence presented by the SPO.⁵⁸⁹⁶

1404. Evidence of events outside the temporal scope of the charges has been admitted and can be relied on if it is relevant to establish facts and circumstances pleaded in the Indictment,⁵⁸⁹⁷ including to: (i) clarify certain context; (ii) establish by inference elements of criminal conduct occurring during the time of the charges, in particular the *mens rea*;

⁵⁸⁹⁰ See, for the latter, *Shala* TJ, para.87.

⁵⁸⁹¹ *Mustafa* TJ, para.36;*Shala* TJ, para.83. Such inconsistencies, contradictions and/or inaccuracies do not automatically render documentary or witness evidence unreliable: see *Gucati and Haradinaj* TJ, para.38; *Mustafa* TJ, paras.36, 42;*Shala* TJ, paras.83, 89;KSC-BC-2020-06/F01603, para.50;KSC-BC-2020-06/F02464, para.29.

⁵⁸⁹² *Mustafa* TJ, para.36;*Shala* TJ, para.83.

⁵⁸⁹³ *Gucati and Haradinaj* TJ, para.38;*Mustafa* TJ, para.57;*Shala* TJ, para.97. See also in this regard Section V.L.

⁵⁸⁹⁴ Rule 139(6);*Mustafa* TJ, para.37. See also *Popović et al.* AJ, paras.136-137;*Ngirabatware* TJ, para.53.

⁵⁸⁹⁵ *Mustafa* TJ, para.44;KSC-BC-2020-06/F01380, para.21. See also *Gucati and Haradinaj* TJ, para.24.

⁵⁸⁹⁶ *Ntaganda* AJ, paras.13, 587.

⁵⁸⁹⁷ KSC-BC-2020-06/F03300, para.53.

or (iii) demonstrate a deliberate pattern of conduct.⁵⁸⁹⁸

C. CORROBORATION

1405. All charges contained in the Indictment are proven beyond a reasonable doubt by credible, reliable, and authentic evidence, including, in particular, testimonial evidence. As with other courts,⁵⁸⁹⁹ corroboration is not a requirement before the KSC;⁵⁹⁰⁰ instead, corroboration may go to the reliability of evidence or its suitability to be relied upon to support a conviction.⁵⁹⁰¹ For evidence 'to be considered as corroborative, different testimonies or evidence do not need to be identical in all aspects or describe the same fact in the same way', but must support or strengthen the fact in question.⁵⁹⁰² Whether corroborative evidence supports the proposed evidence must be assessed on a case-by-case basis.⁵⁹⁰³

1406. In compliance with Rule 140(4)(a), none of the findings required for convictions against the Accused are based solely or to a decisive extent on statements of witnesses whom the Defence had no opportunity to examine ('untested evidence'). To the extent that certain underlying incidents⁵⁹⁰⁴ may rely on untested evidence, those incidents are sufficiently corroborated by, *inter alia*, (pattern) evidence which the Accused had the opportunity to test,⁵⁹⁰⁵ adjudicated facts,⁵⁹⁰⁶ or a combination thereof. Whether or not a pattern of conduct provides sufficient corroboration of an indispensable finding

⁵⁸⁹⁸ KSC-BC-2020-06/F02393, para.17. *See also* KSC-BC-2020-06/F02489, para.45; *Case 002/02 TJ*, para.60; *Taylor TJ*, para.101.

⁵⁸⁹⁹ *Aleksovski AJ*, para.62. *See also Haradinaj et al. AJ*, paras.145, 219.

⁵⁹⁰⁰ Rule 139(5). *See also Mustafa TJ*, para.43.

⁵⁹⁰¹ *See e.g. Ndahimana AJ*, para.45.

⁵⁹⁰² KSC-BC-2020-06/IA039/F00005, para.36 (internal citations omitted).

⁵⁹⁰³ KSC-BC-2020-06/IA039/F00005, para.36 (internal citations omitted).

⁵⁹⁰⁴ *See* Sections III.X. and III.AA.

⁵⁹⁰⁵ *Shala AJ*, para.480.

⁵⁹⁰⁶ *Karadžić AJ*, para.452 (noting, in particular, that 'trial chambers, after having reviewed the record as a whole, may rely on adjudicated facts to establish the underlying crime base when making findings in support of convictions').

necessary for conviction is ‘a fact-specific inquiry’ that ‘must be assessed on a case-by-case-basis’ and may also encompass relying upon evidence outside of the temporal scope of the Indictment.⁵⁹⁰⁷ Sufficient corroboration of untested evidence may be shown by patterns of conduct, as well as circumstantial evidence. For example, when evaluating the *mens rea* for murder, the *Shala* Appeals Panel found untested evidence was sufficiently corroborated by ‘other circumstantial evidence’ that was relied upon ‘to infer Shala’s intent to commit the crime of murder’.⁵⁹⁰⁸

1407. Jurisprudence before the ICTY and ICTR provides additional guidance as to when a ‘pattern of conduct’ provides sufficient corroboration. In *Popović et al.*, the Trial Chamber relied on untested evidence to establish an incident of ‘opportunistic killing’ and followed a similar pattern of conduct as other instances of opportunistic killing supported by tested evidence, which was later held up on appeal.⁵⁹⁰⁹ Other jurisprudence similarly echoes this finding, underscoring that patterns of conduct based on tested evidence may sufficiently corroborate untested evidence.⁵⁹¹⁰

1408. In addition to assessing corroborative patterns of conduct, an Accused’s waiver of the right to test evidence is relevant when considering whether Rule 140(4)(a)’s considerations are implicated. Put simply, there can be no finding of prejudice where the Accused did not challenge the admission of statements under Rule 153 or 155,

⁵⁹⁰⁷ *Shala* AJ, paras.479, 480, 519 fn.1212. See also *Stakić* AJ, para.122 (noting that ‘[a]s a general principle, the Appeals Chamber did not commit any error of law in relying on evidence originating from outside the time-period of the Indictment.’).

⁵⁹⁰⁸ *Shala* AJ, paras.847-852 (upholding finding pertaining to the *mens rea* for murder that was based on untested evidence on the basis it was corroborated by tested evidence pertaining to other similar conduct).

⁵⁹⁰⁹ *Popović et al.* TJ, paras.448-449; *Popović et al.* AJ, paras.102-104.

⁵⁹¹⁰ *Karemera* TJ, paras.1409-1411 (relying upon the written statement of a single victim to establish that *Interahamwe* and soldiers raped women in Butare prefecture on the basis that the incident was ‘corroborated by the pattern of evidence from other prefectures’). See also *Dorđević* AJ, paras.804-808.

effectively waiving the right to cross-examination.⁵⁹¹¹

1409. Rule 140(4)(a)'s plain language supports this interpretation, as it militates against reliance on the 'statement of a witness whom the Defence *had no opportunity* to examine'; whether or not an Accused availed themselves of that opportunity is not relevant to Rule 140(4)(a).⁵⁹¹² This is further underscored by the object and purpose of Rule 153, namely, ensuring judicial economy, particularly in large joint criminal enterprise cases which involve multiple incidents and acts other than those of the Accused. Rule 153 is an important vehicle of judicial economy that ensures the admittance of 'crime base evidence which goes to matters other than the acts and conduct of the Accused'.⁵⁹¹³ As such, the fact that the Defence did not seek to exercise that right, including by way of not opposing the admission of Rule 153 or Rule 155 statements, should be considered when evaluating whether Rule 140(4)(a)'s procedural safeguards are implicated.⁵⁹¹⁴

⁵⁹¹¹ As previously underscored before the KSC, an accused may waive his or her rights of his own free will. *See e.g.* KSC-BC-2020-04/IA006/F00007, paras.51-54.

⁵⁹¹² Rule 140(4)(a): 'A conviction may not be based solely or to a decisive extent on: (a) the statement of a witness whom the Defence **had no opportunity** to examine' (emphasis added). While not directly addressed, the *Shala* Appeals Panel underscored the Accused's opposition to the Rule 153 statements at issue while also underscoring the timing of the Rule 153-155 statements as prejudicial to the Accused in its assessment of untested evidence, and further underscored that the reason for a witness's absence is also relevant when considering whether the right to examine has been violated. *See Shala* AJ, paras.476, 550 fn.1274, 591, 592, 599.

⁵⁹¹³ *See e.g.* KSC-BC-2020-06/F02937, para.12 (noting that W00964's Proposed Evidence was suitable for admission under Rule 153 as it 'provides crime-base evidence which goes to proof of matters other than the acts and conduct of the Accused as charged in the indictment'). This also is in line with ICTY jurisprudence underscoring the purpose of Rule 92bis is to 'establish what has now become known as "crime base" evidence, rather than the acts and conduct of what may be described as the accused's immediately proximate subordinates'. *Galić* Rule 92bis(c) Appeal Decision, paras.11, 16. *See also Stakić* AJ, paras.201-202 (underscoring instances where Rule 92bis statements were relied upon to establish context of the crimes and not the acts and conduct of the accused, including a finding that 77 Croats were killed in Brisevo in July 1992).

⁵⁹¹⁴ Such an approach is also in line with jurisprudence pertaining to waiver. *See e.g.* ECtHR *Murtazaliyeva* Decision, paras.118-127 (underscoring the 'unequivocal manner' by which the Defence waived its right to cross examine when it agreed to the 'reading out of A's pre-trial statements' in lieu of appearing in person, thus finding that there was no violation under Art.6(3) of the ECHR). *See also* KSC-BC-2020-06/F03327, at para.20 (underscoring the importance of considering whether admission of what constitutes a statement under Rules 153-155 was not objected to, as such constitutes 'waiv[ing] the benefit of the safeguards foreseen by Rules 153-155').

D. ACCUSED'S STATEMENTS

1410. The **Accused's** Statements⁵⁹¹⁵ admitted into evidence were both lawfully taken, and obtained in compliance with the standards of international human rights law.⁵⁹¹⁶ The Panel found that the Statements were relevant,⁵⁹¹⁷ authentic, and had *prima facie* probative value, which was not outweighed by their prejudicial effect,⁵⁹¹⁸ a finding that applied to **Accused** and **co-Accused** equally.⁵⁹¹⁹

1411. It is now for the Panel to determine what weight to give to the **Accused's** Statements and Associated Exhibits, in light of all the relevant evidence before it.⁵⁹²⁰

1412. The Statements should be considered on all issues to which they are relevant, and in respect of all **Accused**.⁵⁹²¹ As already found by the Appeals Panel, sufficient safeguards existed and are in place to protect the rights of each **Accused**, with respect

⁵⁹¹⁵ The **Accused's** Statements consist of Mr **THAÇI** [REDACTED] SPO interviews (P00739.1_ET to P00739.9_ET; P00742.1_ET to P00742.21_ET; [REDACTED]; [REDACTED]); [REDACTED] ([REDACTED]; [REDACTED]; [REDACTED]); [REDACTED] ([REDACTED]; [REDACTED]; [REDACTED]); Mr **SELIMI's** Witness statements and testimony ([REDACTED]; [REDACTED]; [REDACTED]; P00775_ET; P00776; P00777 to P00782; [REDACTED]); Mr **VESELI's** witness statements and testimony ([REDACTED]; [REDACTED]; [REDACTED]; P00789; [REDACTED]); Mr **KRASNIQI's** witness statements and testimony ([REDACTED]; P00792_ET; P00793; P00794 to P00799; P00800 to P00806); and their corresponding Associated Exhibits, as tendered in KSC-BC-2020-06/F01351/A01, and in KSC-BC-2020-06/F01533/A01 (together, the 'Accused's Statements').

⁵⁹¹⁶ Accused's Statements Decision, paras.31, 39, 48, 56-57, 98, 106, 129-130, 132-133, 135-137, 141-142, 144-145, 147-148, 150-151, 153-154, 156-157, 161, 163, 168-169, 171-172, 174-175, 177-178, 180-181, 188-189, 191-192, 194, 198, 200, 202, 204, 206-207.

⁵⁹¹⁷ Accused's Statements Decision, paras.64, 66-67, 73-75, 76, 79, 81-82, 87, 89-91, 113, 115, 119, 121-122, 128, 130-131, 133-134, 136-137, 140, 142-143, 145-146, 148-149, 151-152, 154-155, 157-158, 162-163, 167, 169-170, 172-173, 175-176, 178-179, 181, 187, 189-190, 192-193, 197-199, 201-203, 205-207.

⁵⁹¹⁸ Accused's Statements Decision, paras.65-67, 74-75, 76, 80-82, 88-91, 114-115, 120-122, 129-130, 132-133, 135-137, 141-142, 144-145, 147-148, 150-151, 153-154, 156-157, 161-163, 168-169, 171-172, 174-175, 177-178, 180-181, 188-189, 191-192, 196-198, 200-202, 204-207.

⁵⁹¹⁹ Accused's Statements Decision, para.217. The Panel also found that the Defence would have the opportunity to challenge any aspect of the admitted statements through relevant witnesses and/or to call evidence in respect of such issues: *see* Accused's Statements Decision, paras.65, 74, 80, 88, 114, 120, 129, 132, 135, 141, 144, 147, 150, 153, 156, 161, 168, 171, 174, 177, 180, 188, 191, 196, 200, 204, 217.

⁵⁹²⁰ Accused's Statements Decision, paras.65, 74, 80, 88, 129, 132, 144, 150, 153, 161, 196, 217; Accused's Statements Appeals Decision, para.70. *See also Mustafa AJ*, para.38.

⁵⁹²¹ Accused's Statements Decision, para.217.

to the use of their own or their co-defendants' statements.⁵⁹²²

1413. Specifically, although the **Accused** have chosen not to testify,⁵⁹²³ the Defence was provided with opportunities to challenge the Statements, including in cross-examination during the Prosecution case, and during the Defence cases. Further, the Trial Panel is composed of professional, experienced Judges, who can be expected to use the evidence with the appropriate care,⁵⁹²⁴ and, in particular, have regard to the existence (or lack) of corroborating tested evidence before using Statements against a co-Accused in respect of any critical aspect of the case.⁵⁹²⁵ In any event, statements of any witness, including a co-accused, whom the Defence was not able to examine cannot be used solely or to a decisive extent to support a conviction against the Accused.⁵⁹²⁶

1414. The **Accused's** alleged lack, or limited knowledge, of certain Associated Exhibits does not undermine their relevance and probative value.⁵⁹²⁷ That constitutes a factor to assess when determining what weight and probative value to attach to such items, including 'whether knowledge of their content can be inferred despite the Accused's claim of lack of knowledge'.⁵⁹²⁸

1415. Finally, in line with the principles outlined above, self-serving statements of the **Accused** should be treated with caution, especially when they contradict other evidence in the case. For instance, **THAÇI** and **SELIMI**, to varying degrees, attempted to distance themselves from the arrest, detention and interrogation of the detainees in Qirez/Ćirez

⁵⁹²² Namely: (i) the statements were lawfully taken; (ii) the Accused had the opportunity to challenge the statements; and (iii) they must not form the basis for a co-accused's conviction to a 'decisive degree', see Accused's Statements Appeals Decision, paras.67, 72. See also ECtHR, *Lucà* Judgment, paras.40-41.

⁵⁹²³ Accused's Statements Appeals Decision, para.71; Accused's Statements Decision, para.218.

⁵⁹²⁴ Accused's Statements Appeals Decision, para.55; Accused's Statements Decision, paras.218-219.

⁵⁹²⁵ Accused's Statements Decision, para.218.

⁵⁹²⁶ Accused's Statements Decision, paras.215-219; Accused's Statements Appeals Decision, paras.65, 67, 72; Rule 140(4)(a); ECtHR *Lucà* Judgment, paras.40-41. See also ECtHR *Al-Khawaja and Tahery* Judgment, para.90; *Prlić et al.* Transcript Decision, para.53.

⁵⁹²⁷ Accused's Statements Decision, paras.75, 89.

⁵⁹²⁸ Accused's Statements Decision, paras.75, 89.

and Baicë/Banjica.⁵⁹²⁹ This is contradicted by *inter alia* the testimony of victim-witnesses and internationals.⁵⁹³⁰ Other examples include: (i) **THAÇI** stating that he had no specific knowledge of the arrest, detention and interrogation of [REDACTED] and [REDACTED], as well as their release,⁵⁹³¹ which is contradicted by the evidence of insider⁵⁹³² and international⁵⁹³³ witnesses; (ii) **THAÇI**'s denial that he was a GS member before late 1998,⁵⁹³⁴ which is contradicted – *inter alia* – by witnesses;⁵⁹³⁵ (iii) **THAÇI**'s denial that he gave any orders (and had the authority to do so) in 1998 or 1999,⁵⁹³⁶ which is equally contradicted by evidence;⁵⁹³⁷ and (iv) **THAÇI**'s evidence that his signature had been switched with that of Agim ÇEKU on the demilitarisation agreement, but not the title of 'Commander-in-chief',⁵⁹³⁸ which is contradicted by evidence of international witnesses, including those called by **THAÇI** himself.⁵⁹³⁹

1416. Other similar self-serving statements should also be treated with appropriate caution in light of the personal interests of the **Accused** in providing exculpatory evidence, a consideration that does not denote a violation of the presumption of innocence.⁵⁹⁴⁰

E. INSIDER WITNESSES⁵⁹⁴¹

1417. As part of the SPO's case, the Panel heard or otherwise admitted the evidence of

⁵⁹²⁹ P00739.8_ET:p.11(Public);[REDACTED];P00763.7_ET:p.2(Public).

⁵⁹³⁰ See e.g. P00681_ET:p.034139-034140(Public);[REDACTED];[REDACTED];W04147:T.13543-13545(25-Mar-2024)(Open);[REDACTED]. See also Section III.L.

⁵⁹³¹ P00742.14_ET:p.2(Public).

⁵⁹³² [REDACTED]. See also Section III.M.

⁵⁹³³ W04408:T.7313(05-Sep-2023)(Open);W04408:T.7404, 7318, 7320(06-Sep-2023)(Open).

⁵⁹³⁴ P00739.6_ET:p.10(Public).

⁵⁹³⁵ [REDACTED];[REDACTED];[REDACTED]. See also Section II.A.4.a.

⁵⁹³⁶ P00742.12_ET:p.7(Public).

⁵⁹³⁷ See e.g. [REDACTED];P00606_ET:pp.1, 3(Public).

⁵⁹³⁸ P00742.7_ET(Public).

⁵⁹³⁹ [REDACTED];[REDACTED];P01444(Public);1DW-006:T.27191, 27303-27304(23-Sep-2025)(Open).

⁵⁹⁴⁰ *Nyiramasuhuko et al.* AJ, para.2891; *Musema* AJ, para.50.

⁵⁹⁴¹ Insider witnesses for whom prior inconsistent statements were admitted under Rule 143(2)(c) are addressed in the section specifically designated to those witnesses: see Section V.F.

numerous KLA members from battalions, brigades, and operational zones across Kosovo and Albania, and from the KLA General Staff. These witnesses provided extensive evidence concerning, *inter alia*, the KLA's formation, structure and organisation, the **Accused's** roles, actions and intent, and the charged crimes. While the testimony of many SPO insider witnesses was clearly influenced by a wish to minimise their own culpability and/or that of one or more of the **Accused**, the abundant incriminating evidence provided by such witnesses should be given due weight,⁵⁹⁴² in particular when such evidence is against the witness's own interests, contained in statements predating this trial, and/or where reliably corroborated.

1. W03873

1418. W03873 was a member of the LPK who, after joining the KLA in March 1998, occupied roles including Head of the G-2 in the Pashtrik OZ from around January 1999.⁵⁹⁴³ W03873 is generally credible in relation to matters including the creation of the LPK and the KLA,⁵⁹⁴⁴ receiving instructions directly from **SELIMI** in March 1998 and from **VESELI** in April 1999,⁵⁹⁴⁵ the structure and organisation of intelligence units at brigade and zone levels,⁵⁹⁴⁶ KLA members' receipt of information concerning collaborators,⁵⁹⁴⁷ and preparing reports for the General Staff.⁵⁹⁴⁸ However, as is the case with a number of other insiders, W03873's evidence is not credible when it comes to certain matters which could lead to potential self-incrimination or inculcate the **Accused**. By way of example, considering, *inter alia*, other available evidence and the witness' specific roles within the KLA, in particular in the intelligence sector in a Zone

⁵⁹⁴² *Nyiramasuhuko* AJ, para.2971; *Nchamihigo* AJ, para.47.

⁵⁹⁴³ [REDACTED].

⁵⁹⁴⁴ See e.g. W03873:T.22552-22560(25-Nov-2024)(Open);[REDACTED].

⁵⁹⁴⁵ [REDACTED];[REDACTED];W03873:T.22584(25-Nov-2024)(Open);[REDACTED];W03873:T.22721-22722, 22771-22776(26-Nov-2024)(Open).

⁵⁹⁴⁶ See e.g. [REDACTED];P01856_ET(Public);W03873:T.22592-22593(25-Nov-2024)(Open).

⁵⁹⁴⁷ See e.g. W03873:T.22589-22591, 22594-22598(25-Nov-2024)(Open).

⁵⁹⁴⁸ [REDACTED];W03873:T.22715-22716(26-Nov-2024)(Open);W03873:T.22811-22812(27-Nov-2024)(Open).

where Opponents were routinely arrested, detained and mistreated, his denial of knowledge of the commission of crimes by KLA members is not credible. Similarly, certain implausible explanations he provided concerning KLA-related documentary evidence⁵⁹⁴⁹ should not be relied on, also considering the plain language of such items.

2. W03865

1419. W03865, a legal advisor within Battalion 2 of Brigade 123 and, later, within the Pashtrik Zone,⁵⁹⁵⁰ provided reliable evidence establishing that KLA members including himself were involved in the arrest, detention, and/or questioning of multiple detainees in 1998 and 1999,⁵⁹⁵¹ including on the basis of mere rumours.⁵⁹⁵² Nevertheless, certain aspects of W03865's evidence should be assessed with caution, including those reflecting clear attempts to downplay the role and authority of his friend, [REDACTED] and former commander, W04765.⁵⁹⁵³

3. W04264

1420. W04264 was appointed head of the KLA Military Court and Legal Department (collectively 'the Legal Sector') on 19 November 1998.⁵⁹⁵⁴ Much of W04264's evidence, admitted under Rule 155(1),⁵⁹⁵⁵ is internally consistent⁵⁹⁵⁶ and corroborated by other

⁵⁹⁴⁹ See [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED].

⁵⁹⁵⁰ W03865:T.15112, 15114, 15117(29-Apr-2024)(Open).

⁵⁹⁵¹ [REDACTED];[REDACTED]; [REDACTED];W03865:T.15100(29-Apr-2024)(Open);W03865:T.15153(30-Apr-2024)(Open).

⁵⁹⁵² [REDACTED];[REDACTED];W03865:T.15147-15149(30-Apr-2024)(Open).

⁵⁹⁵³ See [REDACTED];[REDACTED]. Compare, e.g., [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED];[REDACTED] with [REDACTED];[REDACTED].

⁵⁹⁵⁴ P01956:p.SITF00010488(Public);P01963:p.054668(Public);[REDACTED]. See also [REDACTED].

⁵⁹⁵⁵ [REDACTED].

⁵⁹⁵⁶ See, e.g., in relation to **KRASNIQI**'s role in giving W04264 his assignment as head of the legal sector: P01956:p.SITF00010488(Public);P01963:p.054668(Public). See also [REDACTED]. His evidence concerning the staff and resources provided to the legal sector is also internally consistent: see e.g. P01955.2_ET:pp.6-7(Public);P01955.4_ET:pp.1-3(Public); P01956:pp.SITF00010488, SITF00010492(Public);P01963:p.054668(Public).

evidence, as detailed throughout this Brief.⁵⁹⁵⁷ Accordingly, the Panel should give due weight to such evidence from W04264, including his interactions with the **Accused**,⁵⁹⁵⁸ the General Staff operating detention facilities including a designated prison in Kleçkë/Klečka,⁵⁹⁵⁹ the military police's responsibility to handle detainees in the Kleçkë/Klečka prison,⁵⁹⁶⁰ W04264's limited influence with the military police, including Fatmir LIMAJ, in relation to handling detainees,⁵⁹⁶¹ non-existent communication with LIMAJ on detention-related matters,⁵⁹⁶² the legal sector's limited capacity⁵⁹⁶³ and inactivity in cases of alleged collaboration,⁵⁹⁶⁴ W04264's lack of presence in General Staff meetings,⁵⁹⁶⁵ his limited knowledge of detainees,⁵⁹⁶⁶ and the circumstances surrounding the detention of [REDACTED],⁵⁹⁶⁷ as well as Sherafedin AJETI.⁵⁹⁶⁸

4. W04290

1421. W04290 — who is **Rexhep SELIMI**'s cousin — was the former Drenicë Zone Commander and at one point the General Commander of the KLA.⁵⁹⁶⁹ W04290's evidence can only be relied upon in part given the contradictions between his prior statements and testimony.⁵⁹⁷⁰ In areas where W04290's evidence is consistent across his prior statements, preparation session, and testimony, this evidence can be relied upon

⁵⁹⁵⁷ See Sections II.A.3.j; III.N.

⁵⁹⁵⁸ [REDACTED];P01955.2_ET:pp.1-3(Public);[REDACTED]; P01956:p.SITF00010488(Public).

⁵⁹⁵⁹ See e.g. P01955.6_ET:p.15(Public);P01955.2_ET:pp.18, 22-23(Public).

⁵⁹⁶⁰ P01955.2_ET:pp.23-24(Public);P01955.6_ET:p.12(Public);P01956:p.SITF00010492(Public).

⁵⁹⁶¹ P01956:p.SITF00010490(Public);P01955.2_ET:p.26(Public);P01955.6_ET:pp.20-21(Public).

⁵⁹⁶² P01955.6_ET:pp.20-21(Public);P01955.9_ET:pp.6-7(Public);P01956:p.SITF00010490(Public).

⁵⁹⁶³ See e.g. P01955.4_ET:pp.2-3(Public);P01956:pp.SITF00010488, SITF00010492(Public).

⁵⁹⁶⁴ See e.g. P01956:p.SITF00010490(Public);P01955.5_ET:pp.8-9(Public).

⁵⁹⁶⁵ [REDACTED];P01955.6_ET:p.13(Public);P01955.9_ET:p.2(Public). See also regarding W04264's exclusion from the inner circle: [REDACTED].

⁵⁹⁶⁶ P01955.6_ET:pp.13, 20-21(Public).

⁵⁹⁶⁷ See e.g. [REDACTED];[REDACTED].

⁵⁹⁶⁸ See e.g. P01955.8_ET:pp.2-4(Public);P01956:p.SITF00010492(Public).

⁵⁹⁶⁹ AF242-AF243(Public);W04290:T.24981-24982(10-Feb-2025)(Open).

⁵⁹⁷⁰ Media interview P01745_ET(Public) is also of relevance when identifying these contradictions, noting W04290 confirmed that everything said in this interview was correct but for two discrete corrections from the preparation session which were repeated during testimony: W04290:T.24908-24910(10-Feb-2025)(Open).

other than in relation to topics where he is clearly contradicted by more credible evidence, such as his absurd claim that there were no detentions at Likoc/Likovac.⁵⁹⁷¹ When W04290's evidence is internally inconsistent, it must be assessed against other evidence and on the circumstances in which it was given, and can only be relied upon cautiously and with a clear understanding as to why one account is more credible than another.⁵⁹⁷²

5. W04401

1422. W04401 was the former KLA Deputy Commander and a General Staff member.⁵⁹⁷³ He provided consistent and very specific evidence concerning the General Staff's collaborator policies to the ICTY in 2006,⁵⁹⁷⁴ when there was no apparent impact on the **Accused** or himself. In assessing his 2024 account, it is essential to consider his manifest concern for the impact of his evidence on the **Accused** in a case where the issues he previously spoke openly about are now central.⁵⁹⁷⁵ It is important to consider when W04401's evidence feeds into or cuts against his manifest bias in favour of the

⁵⁹⁷¹ W04290:T.25013-25014, 25097-25098(11-Feb-2025)(Open);W04290:T.25190-25191, 25203-25204(12-Feb-2025)(Open).

⁵⁹⁷² By way of example, in relation to the Sabit GECI intelligence unit, the declarative manner in which the 2003 statement ([REDACTED]) was written, in conjunction with the *Bota Sot* article ([REDACTED]) and the absence of corrections from W04290's witness preparation session, mean that, despite his testimony to the contrary (W04290:T.25161-25165, 25170-25176(12-Feb-2025)(Open)), W04290 understood **VESELI** to be in charge of Sabit GECI's unit. This is part of a broader constellation of evidence proving that Sabit GECI was under the General Staff's control, including **VESELI**. Another example concerns W04290's evidence on receiving General Staff orders; this evidence was given in 2003/2005 to the ICTY (*see e.g.* [REDACTED]), with the clarification that these orders were followed when possible, as battle conditions did not always allow this to occur (W04290:T.24955-24956(10-Feb-2025)(Open)). W04290's opinion that the General Staff was disorganised and 'nearly non-existent' should be discredited in comparison, noting that W04290 stated equally emphatically that he 'never knew how the General Staff was organised or how it functioned' (W04290:T.25131(12-Feb-2025)(Open)).

⁵⁹⁷³ P00847_ET:p.3(Public);P00739.4_ET:pp.14, 19(Public);P00189_ET.1:p.U015-8833(Public).

⁵⁹⁷⁴ [REDACTED];[REDACTED].

⁵⁹⁷⁵ On matters which were of direct import in *Haradinaj et al.*, W04401 dissembled in a way quite similar to the manner in which he testified in this case. *See* [REDACTED].

Accused, mindful in particular of differences between the 2006 and 2024 accounts.⁵⁹⁷⁶

Additionally, W04401 was [REDACTED].⁵⁹⁷⁷

6. W04743

1423. W04743 was an LPK activist who returned to Kosovo in spring 1998 to join the KLA and was eventually appointed Military Police and ZKZ Commander of the 121 Brigade.⁵⁹⁷⁸ W04743 is credible in relation to matters including: LPK support to the KLA;⁵⁹⁷⁹ receiving instructions directly from **SELIMI** upon arrival in Kosovo in spring 1998;⁵⁹⁸⁰ the structure of KLA units around Kleçkë/Klečka and their involvement in fighting in spring-summer 1998;⁵⁹⁸¹ the structure of the 121 Brigade,⁵⁹⁸² its Military Police⁵⁹⁸³ and ZKZ units;⁵⁹⁸⁴ the criminal cases investigated by the 121 Brigade Military Police;⁵⁹⁸⁵ arrest and detention of suspected collaborators;⁵⁹⁸⁶ W04839's role and presence at the Kleçkë/Klečka prison;⁵⁹⁸⁷ and the presence of **Jakup KRASNIQI**⁵⁹⁸⁸ and

⁵⁹⁷⁶ In general (i) W04401's evidence in line with his bias – such as exculpating the **Accused** – should be rejected when it conflicts with reliable contradictory evidence, such as whether the collaborator policy he described to the ICTY in such detail was only 'hypothetical' (see e.g. W04401:T.23315-23318(04-Dec-2024)(Open)); (ii) W04401's evidence cutting against his bias is more reliable, as this is the truth W04401 was trying to hide but did not manage to; and (iii) when W04401's evidence from 2006 and 2024 conflict, his 2006 account to the ICTY is generally the more credible and reliable account. W04401's bias in favour of the *Haradinaj et al.* accused was also there in 2006, but his willingness to make more admissions against that interest shows this account to be generally more truthful (see e.g. [REDACTED]).

⁵⁹⁷⁷ See e.g. [REDACTED];[REDACTED].

⁵⁹⁷⁸ P02006.1_ET:pp.6-9, 12, 15(Public);P02006.2_ET:pp.8-10(Public); [REDACTED];[REDACTED].

⁵⁹⁷⁹ See e.g. P02006.1_ET:pp.6-9(Public).

⁵⁹⁸⁰ P02006.1_ET:pp.12(Public);W04743:T.24699, 24701-24702(28-Jan-2025)(Open).

⁵⁹⁸¹ See e.g. P02006.1_ET:pp.14-21(Public);P02006.4_ET:p.2(Public);[REDACTED]; W04743:T.24599-24600(27-Jan-2025)(Open).

⁵⁹⁸² See e.g. P02006.2_ET:pp.5-6(Public);P02006.4_ET:pp.3-6(Public).

⁵⁹⁸³ See e.g. P02006.2_ET:pp.8-16(Public);P02006.4_ET:pp.24-25(Public);W04743:T.24752-24753(29-Jan-2025)(Open);[REDACTED];W04743:T.24622-24627(28-Jan-2025)(Open); [REDACTED].

⁵⁹⁸⁴ See e.g. P02006.3_ET:pp.8-12(Public);P02007.4_ET:pp.2-7(Public);[REDACTED]; [REDACTED];[REDACTED];W04743:T.24633-24634, 24654-24658(28-Jan-2025)(Open).

⁵⁹⁸⁵ See e.g. [REDACTED];W04743:T.24719-24720(28-Jan-2025)(Open);W04743:T.24816-24818(29-Jan-2025)(Open);[REDACTED];[REDACTED].

⁵⁹⁸⁶ See e.g. P02007.4_ET:pp.4-5(Public);W04743:T.24639-24645(28-Jan-2025)(Open); [REDACTED].

⁵⁹⁸⁷ See e.g. P02007.3_ET:pp.5-7(Public);[REDACTED].

⁵⁹⁸⁸ P02006.1_ET:pp.22-23(Public).

SELIMI⁵⁹⁸⁹ in Klečkë/Klečka in summer 1998.

1424. Further, W04743's account regarding the role and direct involvement of GS members, including **SELIMI** and **VESELI**, in a case relating to crimes against civilians committed by members of the Military Police, is credible.⁵⁹⁹⁰ W04743's evidence regarding his interactions with **VESELI** is reliable given W04743's role, tasks and demonstrated knowledge of KLA intelligence activities, including his use of informants, which is corroborated by documentary evidence.⁵⁹⁹¹ **VESELI** has previously acknowledged their working relationship during the war.⁵⁹⁹² Similarly, W04743's evidence regarding his meeting with **SELIMI**—whom he knew since April 1998⁵⁹⁹³—and the handover to him of the Krojmir case file is clear, credible and remained unvaried through the years.⁵⁹⁹⁴ His account is corroborated by the contemporary investigative file that W04743 compiled and voluntarily handed over to the SPO, as well as by handwritten notes found in **SELIMI**'s possession, recounting those same events in a similar manner.⁵⁹⁹⁵

1425. W04743 did, however, distance himself from crimes by denying knowledge of violence and lodging accusations against W04839.⁵⁹⁹⁶ Some of his denials are highly implausible. For example, W04743 claimed to have limited knowledge of Klečkë/Klečka

⁵⁹⁸⁹ W04743:T.24598(27-Jan-2025)(Open).

⁵⁹⁹⁰ See e.g. P02007.4_ET:pp.10-17(Public);[REDACTED];W04743:T.24662-24675, 24678-24680(28-Jan-2025)(Open);W04743:T.24728-24729, 24735, 24739, 24741, 24745, 24794-24795, 24805, 24807, 24818(29-Jan-2025)(Open);[REDACTED];P02019_ET(Public). See also Section III.N.

⁵⁹⁹¹ [REDACTED];P02007.4_ET:pp.3-7(Public);[REDACTED]; W04743:T.24654-24658(28-Jan-2025)(Open);W04743:T.24763, 24820(29-Jan-2025)(Open);P02018:pp.U003-3318, U003-3322(Public);P02018_ET(Public);[REDACTED];[REDACTED].

⁵⁹⁹² P00789:p.SITF00398194(Public).

⁵⁹⁹³ P02006.1_ET:pp.12-13(Public);W04743:T.24699-24703(28-Jan-2025)(Open);W04743:T.24598(27-Jan-2025)(Open).

⁵⁹⁹⁴ See e.g. [REDACTED];P02007.4_ET:pp.10-17(Public);W04743:T.24673-24676(28-Jan-2025)(Open).

⁵⁹⁹⁵ [REDACTED];P02019_ET(Public).

⁵⁹⁹⁶ W04743:T.24695-24696(28-Jan-2025)(Open);W04743:T.24775(29-Jan-2025)(Open).

detainees,⁵⁹⁹⁷ [REDACTED].⁵⁹⁹⁸ Several factors should be considered when assessing W04743's denials and allegations: W04743 was tried and acquitted for the events that took place in Klečkë/Klečka; W04839 had a significant role in that trial, and specifically in pinpointing W04743's involvement in crimes;⁵⁹⁹⁹ and, finally, W04743's relationship with **VESELI**, who offered him a job in SHIK shortly after the war,⁶⁰⁰⁰ and whom W04743 has known since at least June 1998.⁶⁰⁰¹

7. W04746

1426. Llap OZ commander W04746⁶⁰⁰² frequently dissembled, allowed himself to be led by Defence questioning, and/or gave misleading answers which he would then correct or clarify.⁶⁰⁰³ As such, on a number of topics (including subordination to/relationship with the GS, as discussed below) his testimony goes in circles and is contradictory. However, when confronted with his prior evidence, W04746 stuck firmly to endorsing his prior statements,⁶⁰⁰⁴ and – to the extent they were put to him and confirmed – the evidence in those statements should be fully credited.

1427. This includes evidence concerning the Llap OZ and Zone Command structure, sectors and reporting lines,⁶⁰⁰⁵ his powers and responsibilities as Zone Commander,⁶⁰⁰⁶

⁵⁹⁹⁷ P02007.3_ET:pp.25-26(Public);[REDACTED].

⁵⁹⁹⁸ [REDACTED];4D00078:p.053944(Public);[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED].

⁵⁹⁹⁹ W04743:T.24775-24776(29-Jan-2025)(Open). *See e.g.* [REDACTED].

⁶⁰⁰⁰ W04743:T.24680(28-Jan-2025)(Open).

⁶⁰⁰¹ P02006.3_ET:p.17(Public);W04410:T.16679-16680(04-Jun-2024)(Open);[REDACTED];P01264_ET:p.SPOE00128714(Public).

⁶⁰⁰² W04746:T.5471(11-Jul-2023)(Open);W04746:T.5527-5528, 5530-5531(12-Jul-2023)(Open);W04746:T.5722-5723(14-Jul-2023)(Open).

⁶⁰⁰³ *See e.g.* W04746:T.5611-5612(13-Jul-2023)(Open), where W04746 tried to represent Adem DEMAÇI as 'the' political representative, until being forced to clarify that he meant at the KLA political office in Prishtinë/Priština. *See also* [REDACTED];W04746:T.5841-5842(17-Jul-2023)(Open).

⁶⁰⁰⁴ *See e.g.* W04746:T.5548, 5558, 5592(12-Jul-2023)(Open);W04746:T.5620(13-Jul-2023)(Open);W04746:T.5835-5836, 5849-5851(17-Jul-2023)(Open).

⁶⁰⁰⁵ *See* Section II.A.3.m.iii. *See e.g.* W04746:T.5533-5538, 5607-5608(12-Jul-2023)(Open);P00693.6_ET:p.3(Public);P00693.5_ET(Public).

⁶⁰⁰⁶ *See* Section II.A.3.m.iii.

meetings within the Zone,⁶⁰⁰⁷ KLA GS visits,⁶⁰⁰⁸ communication systems and related equipment,⁶⁰⁰⁹ including regular telephone contacts between the Llap Zone and the GS,⁶⁰¹⁰ and evidence of various instructions/directions and orders issued by the GS.⁶⁰¹¹ Full credit should be given to such statements against interest, for example, admissions regarding detentions and KLA policy thereto.⁶⁰¹² Such evidence is also internally consistent and corroborated by other evidence.⁶⁰¹³

1428. W04746 transparently attempted to downplay the role and authority of the **Accused**. Those aspects should be assessed both against the totality of his own evidence, and in light of the full evidentiary record. For example, despite making claims during cross-examination to the effect that there was no authority above the Zone Commanders,⁶⁰¹⁴ when confronted with his own prior statements on re-examination,⁶⁰¹⁵ W04746 accepted that the Llap OZ was in fact subordinated to the GS.

1429. Areas that W04746 tried to minimise or deny, which significantly included mistreatments at the Llapashticë/Lapaštica detention centre,⁶⁰¹⁶ are not credible in light

⁶⁰⁰⁷ See Section II.A.3.m.iii. For meetings of the Llap OZ Command and subordinate units, *see e.g.* W04746:T.5534-5535(12-Jul-2023)(Open).

⁶⁰⁰⁸ See Section II.A.3.m.iii. *See e.g.* W04746:T.5528, 5531-5532, 5602(12-Jul-2023)(Open);W04746:T.5482-5484(11-Jul-2023)(Open);W04746:T.5618-5625(13-Jul-2023)(Open).

⁶⁰⁰⁹ See Section II.A.3.m.iii; W04746:T.5514-5515, 5523-5526(12-Jul-2023)(Open).

⁶⁰¹⁰ See *e.g.* W04746:T.5523-5526, 5533-5534(12-Jul-2023)(Open).

⁶⁰¹¹ See *e.g.* W04746:T.5606-5608(12-Jul-2023)(Open);W04746:T.5774(14-Jul-2023)(Open);W04746:T.5908-5909(17-Jul-2023)(Open);P00693.6_ET:pp.3, 5(Public).

⁶⁰¹² See *e.g.* W04746:T.5545, 5575-5576(12-Jul-2023)(Open);W04746:T.5732-5733(14-Jul-2023)(Open).

⁶⁰¹³ See *e.g.* W04758:T.21679-21680, 21698(31-Oct-2024)(Open);P01755.4_ET:pp.3-4, 9-10(Public); P01755.8_ET:pp.9-10(Public);W04758:T.21052-21053, 21059-21061(23-Oct-2024)(Open); P01552_ET:pp.077791-077795(Public);P01754:pp.SPOE00088347-00088348(Public);W04758:T.21084, 21181, 21196, 21201(24-Oct-2024)(Open);[REDACTED];[REDACTED];P01755.1_ET:pp.13-15(Public);P01755.2_ET:p.10(Public); P00187_ET:p.SPOE00055820(Public).

⁶⁰¹⁴ See *e.g.* W04746:T.5696-5697, 5768-5769(14-Jul-2023)(Open).

⁶⁰¹⁵ W04746:T.5834-5836, 5838(17-Jul-2023)(Open);P00689:p.SPOE00119331(Public); P00691:p.SPOE00119030(Public).

⁶⁰¹⁶ W04746 did not accept that detainees were beaten and killed in the Llap OZ in 1998 and 1999; however, he could not exclude that detainees 'could have been beaten up during the journey' before they arrived at the detention facilities of the Llap Zone command: *see* W04746:T.5661-5662(13-Jul-2023)(Open);P00692:p.SPOE00087290(Public);P00693.8_ET:p.6(Public).

of the extensive contrary and mutually corroborative evidence presented at trial.⁶⁰¹⁷ Equally, W04746's acknowledged close relationship with direct perpetrators such as Latif GASHI,⁶⁰¹⁸ his proximity to the crimes (which occurred in and around the Llap Zone Command headquarters),⁶⁰¹⁹ and W04746's confirmed authority and control over the Zone, render unbelievable his claimed disavowal of knowledge of mistreatments at the Llapashticë/Lapaštica detention centre.

1430. Finally, the Panel should consider that W04746 has a longstanding relationship with the **Accused**, including in the context of the LPK movement,⁶⁰²⁰ and that he was employed by **THAÇI** close to the time W04746 was interviewed by the SPO.⁶⁰²¹ All of these considerations, together with the climate of intimidation, are relevant context to explaining some of his exculpatory testimony, and militate in favour of giving particular weight to admissions made contrary to his and his former KLA comrades' interests.

8. W04752

1431. W04752 was the Head of the Operational Directorate (from mid-July 1998) and KLA Chief of Staff (from November 1998).⁶⁰²² A holistic assessment of W04752's evidence should consider *inter alia* the full context of his service with the KLA, including the Opponent policy operating at the time - and its continuing resonance in Kosovar

⁶⁰¹⁷ See Section III.I.

⁶⁰¹⁸ See e.g. W04746:T.5487-5488(11-Jul-2023)(Public);W04746:T.5761-5762(14-Jul-2023)(Open).

⁶⁰¹⁹ The KLA detention facility in Llapashticë/Lapaštica was based in the Military Police building, see W04746:T.5547(12-Jul-2023)(Open). The detention facility in Llapashticë/Lapaštica was about 200 metres away from the KLA Llap OZ headquarters, see W04746:T.5663(13-Jul-2023)(Open);W04746:T.5892-5893(17-Jul-2023)(Open). The kitchen that served the Zone Command was in the Military Police building, where the detainees were, and W04746 would go there frequently to have his meals, see W04746:T.5547(12-Jul-2023)(Open);W04746:T.5664(13-Jul-2023)(Open).

⁶⁰²⁰ See W04746:T.5829-5830(17-Jul-2023)(Open);P00188:pp.SPOE00053338-SPOE00053339(Public). See also P04208_ET:p.SPOE00053368(Public);P04205_ET:pp.1-2(Public).

⁶⁰²¹ See e.g. P00742.21_ET:pp.4-5, 7-8, 11-13(Public);[REDACTED]. See also W04746:T.5668-5670(13-Jul-2023)(Public).

⁶⁰²² W04752:T.17369-17370, 17395-17396(01-Jul-2024)(Open).

society, the climate of intimidation, his broadly consistent past and recent testimony, his individual role, and his relationships with the **Accused**.

1432. Despite having a senior role within the KLA, W04752 was not part of the General Staff inner circle to which the **Accused** belonged, and did not have the same authority as those who were present 'from the very beginning.'⁶⁰²³ In light of his professional background, and his support for other fellow-officers, such as Drini, W04752 was not fully trusted by all KLA members, including certain members of the General Staff, and both during and after the Indictment period has himself been the target of threats, suspicion, and slander.⁶⁰²⁴ Such factors would affect both the extent to which the JCE Members would openly discuss Opponent policy with him and the extent to which he would be prepared to be fully open about such policy.

1433. Notwithstanding this, W04752 has given largely consistent evidence over time, before different courts, and stood behind those statements; including with regard to the structural organisation of the General Staff, and other matters falling within his own responsibilities. In line with his roles at the time, his testimonial focus has generally been on operational matters and enhancing professionalism within the KLA. W04752 also acknowledged the limits of his first-hand knowledge where relevant. He confirmed, for example, that he did not have full visibility into certain aspects, such as the extent of communications between the GS and the zones, in particular in the summer of 1998,⁶⁰²⁵ or a complete overview of organisational roles and responsibilities, including the internal workings of the Political Directorate.⁶⁰²⁶ Furthermore, attempts to discredit W04752 in relation to the authority and conduct of **KRASNIQI**, including, for example, in relation to **KRASNIQI**'s exercise of authority to detain Blerim KUQI,⁶⁰²⁷

⁶⁰²³ W04752:T.18590(17-Jul-2024)(Open).

⁶⁰²⁴ See e.g. [REDACTED];[REDACTED].

⁶⁰²⁵ W04752:T.18264(15-Jul-2024)(Open).

⁶⁰²⁶ W04752:T.18280-18281(15-Jul-2024)(Open).

⁶⁰²⁷ W04752:T.18551-18554(18-Jul-2024)(Open).

must be weighed against the significant corroborating evidence that separately incriminates **KRASNIQI** for this very episode,⁶⁰²⁸ as well as W04752's logical, coherent, and largely consistent explanations — not only through multiple weeks of testifying in this case, but also when considered in relation to his prior evidence.

1434. However, W04752 has consistently minimised his knowledge of criminality by KLA members.⁶⁰²⁹ Such denials, while not facially credible given the nature of his role, and the sheer weight of the crimes on record, must be viewed in context and with consideration for the likely motivations for doing so: notably, self-preservation in a longstanding climate of intimidation.

1435. Finally, it is necessary to consider W04752's relationships with the **Accused**. During the time of the SPO's investigations in this case, W04752 was employed by **THAÇI** as an adviser.⁶⁰³⁰ Moreover, [REDACTED]. [REDACTED].⁶⁰³¹ This, in combination with the pervasive climate of intimidation in Kosovo,⁶⁰³² means that W04752's evidence must be assessed with this broader context in mind.

9. W04765

1436. W04765 held various positions in the KLA, including as Commander of Battalion 2, within Brigade 123, in Budakovë/Budakovo, Assistant Commander for Morale and Politics within the Pashtrik OZ, a member of the KLA General Staff within the J-1, and from March 1999 as the Deputy Commander of the Pashtrik OZ.⁶⁰³³ Considering, *inter alia*, his evident bias,⁶⁰³⁴ unconvincing attempts to exculpate himself,⁶⁰³⁵ and contrary

⁶⁰²⁸ See Section II.A.4.d.

⁶⁰²⁹ See e.g. [REDACTED];W04752:T.17587(03-Jul-2024)(Open); [REDACTED].

⁶⁰³⁰ [REDACTED].

⁶⁰³¹ [REDACTED].

⁶⁰³² KSC-BC-2020-06/F03216, paras.36-37.

⁶⁰³³ [REDACTED];[REDACTED]; [REDACTED];[REDACTED];W04765:T.9949(13-Nov-2023)(Open);W04765:T.10156-10157(15-Nov-2023)(Open).

⁶⁰³⁴ See e.g. W04765:T.10332(16-Nov-2023)(Open).

⁶⁰³⁵ [REDACTED];[REDACTED]. See Section III.F.

evidence as noted throughout the Brief, several aspects of W04765's evidence, in particular his stated lack of knowledge of several crimes and his general commentary concerning the role and/or authority of the **Accused**, should not be relied on.

1437. On the other hand, W04765 provided credible evidence on issues which he, and several other insider witnesses, clearly perceived as less incriminating factors in the case, such as aspects of his own role and authority,⁶⁰³⁶ the organisation and structure of Battalion 2 and the Pashtrik OZ,⁶⁰³⁷ and certain interactions with the **Accused**.⁶⁰³⁸ W04765's evidence concerning, *inter alia*, the General Staff issuing certain orders, which were implemented,⁶⁰³⁹ and [REDACTED] being detained [REDACTED],⁶⁰⁴⁰ are also credible, in particular in light of corroborative evidence cited throughout the Brief.

10. [REDACTED]

1438. [REDACTED] is a credible and reliable witness. [REDACTED] convincingly explained that [REDACTED].⁶⁰⁴¹ Although [REDACTED].⁶⁰⁴² Subsequent witness testimony bears out that [REDACTED].⁶⁰⁴³

1439. While [REDACTED] was keen to claim that [REDACTED], it is clear that [REDACTED] was unwilling to share the full extent of what he knew in relation to [REDACTED].⁶⁰⁴⁴ [REDACTED] also contradicted his own assessment of [REDACTED]

⁶⁰³⁶ See e.g. [REDACTED]; [REDACTED]; [REDACTED];[REDACTED];W04765:T.9949(13-Nov-2023)(Open);W04765:T.10156-10157(15-Nov-2023)(Open).

⁶⁰³⁷ See e.g. [REDACTED];P00712_ET:pp.SPOE00209330-SPOE00209331, SPOE00209371, SPOE00209401-SPOE00209402(Public);W04765:T.9918-9921(13-Nov-2023)(Open).

⁶⁰³⁸ [REDACTED];[REDACTED];W04765:T.10255-10256, 10258-10259(16-Nov-2023)(Open).

⁶⁰³⁹ See e.g. [REDACTED];[REDACTED];W04765:T.9923(13-Nov-2023)(Open);W04765:T.10192(15-Nov-2023)(Open);W04765:T.10284(16-Nov-2023)(Open).

⁶⁰⁴⁰ [REDACTED];W04765:T.9907-9911(13-Nov-2023)(Open).

⁶⁰⁴¹ [REDACTED].

⁶⁰⁴² See e.g. [REDACTED].

⁶⁰⁴³ See [REDACTED]. [REDACTED]. [REDACTED].

⁶⁰⁴⁴ [REDACTED].

by confirming the accuracy of the latter's testimony on a series of significant points.⁶⁰⁴⁵

1440. The Defence sought to call into question [REDACTED].⁶⁰⁴⁶ However, [REDACTED] 's testimony is consistent with [REDACTED],⁶⁰⁴⁷ and the evidence of [REDACTED] is corroborative of [REDACTED]'s activities for the [REDACTED] in the same timeframe.⁶⁰⁴⁸

11. W04839

1441. The Defence's arguments about the credibility of W04839⁶⁰⁴⁹ are without merit.

1442. Evidence admitted in this trial produced a solid factual basis buttressing W04839's detailed account of detentions, mistreatment and killings; his evidence is mutually corroborated and based on documents and the eye-witness testimony of KLA soldiers and detainees who interacted with W04839 in the Kleçkë/Klečka prison, including W04264,⁶⁰⁵⁰ W04743,⁶⁰⁵¹ [REDACTED],⁶⁰⁵² [REDACTED],⁶⁰⁵³ and [REDACTED].⁶⁰⁵⁴ Documents authored, and details provided by W04839 are corroborated⁶⁰⁵⁵ and authenticated.⁶⁰⁵⁶ [REDACTED] noted that he trusted W04839 and that he was certain W04839 was telling the truth when meeting him in Kleçkë/Klečka

⁶⁰⁴⁵ Compare [REDACTED] with [REDACTED]; [REDACTED];
[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED].

6046 [REDACTED].

6047 [REDACTED].

⁶⁰⁴⁸ See e.g. [REDACTED].

6049 [REDACTED];[REDACTED].

⁶⁰⁵⁰ P01955.5_ET:p.7(Public). Compare P01955.6_ET:p.20(Public) with [REDACTED]; [REDACTED]. Compare P01955.7_ET:pp.21-22(Public) with [REDACTED].

⁶⁰⁵¹ See e.g. P02007.3 ET:pp.6-7(Public);[REDACTED].

6052 [REDACTED];[REDACTED];[REDACTED];[REDACTED].

6053 [REDACTED].

6054 [REDACTED].

⁶⁰⁵⁵ See e.g. [REDACTED];W04403:T.25721-25722(24-Mar-2025)(Open).

6056 [REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED];
[REDACTED];[REDACTED]; [REDACTED].

prison.⁶⁰⁵⁷

1443. Additionally, the evidence demonstrates that W04839 had detailed knowledge about the mistreatment and murders in Klečkë/Klečka, which can reasonably only be known by an insider witness. W04839 knew the locations where the murder victims were buried and it was due to his knowledge and assistance that these graves were discovered.⁶⁰⁵⁸ W04839 identified several victims who were killed and buried with full name and ethnicity before their bodies were exhumed,⁶⁰⁵⁹ and his identifications matched the DNA of the victims.⁶⁰⁶⁰

1444. W04839 also had detailed knowledge about the type of killings that occurred. His description of the *modus operandi* matches the cause of death as verified through autopsy reports and death certificates, including particularities that some of the victims were killed from close range by gunshots and slashes to the body, including to the neck.⁶⁰⁶¹ W04839 was able to correctly describe a particular murder weapon used for slashing as a scythe blade.⁶⁰⁶² The very same blade was found in one of the graves along with the victims whom W04839 had correctly identified as being slashed by KLA soldiers.⁶⁰⁶³

1445. W04839's credibility is also demonstrated by his evidence about the crimes at the Llapushnik/Lapušnik Detention Compound. W04389, aka Murrizi,⁶⁰⁶⁴ was one of the two main prison guards there,⁶⁰⁶⁵ a fact that he admitted,⁶⁰⁶⁶ together with his

⁶⁰⁵⁷ [REDACTED].

⁶⁰⁵⁸ [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED].

⁶⁰⁵⁹ [REDACTED];[REDACTED].

⁶⁰⁶⁰ [REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED];
[REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁶⁰⁶¹ [REDACTED];[REDACTED]; [REDACTED];[REDACTED]; [REDACTED];
[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED].

⁶⁰⁶² [REDACTED].

⁶⁰⁶³ [REDACTED].

⁶⁰⁶⁴ [REDACTED].

⁶⁰⁶⁵ See Section III.C.

⁶⁰⁶⁶ [REDACTED];[REDACTED]. W04839's role as a prison guard is corroborated by KLA insiders, see [REDACTED], and victims, see [REDACTED];[REDACTED];[REDACTED].

involvement in the execution of detainees.⁶⁰⁶⁷ As such, he provided evidence on the prison's layout,⁶⁰⁶⁸ detention conditions,⁶⁰⁶⁹ identities of the victims,⁶⁰⁷⁰ perpetrators,⁶⁰⁷¹ mistreatments,⁶⁰⁷² and murders,⁶⁰⁷³ which is strongly corroborated by the evidence of other KLA members and victims alike.

1446. With respect to Fatmir LIMAJ's role and involvement in crimes at the Llapushnik/Lapušnik Detention Compound,⁶⁰⁷⁴ W04839's insider evidence is both highly probative, and consistent with that of multiple KLA members⁶⁰⁷⁵ and victims.⁶⁰⁷⁶ His animosity towards LIMAJ and admissions to not having been completely truthful before cooperating with EULEX should be juxtaposed with the serious and repeated witness intimidation he was confronted with.⁶⁰⁷⁷ The evidence of [REDACTED] further demonstrates that this evidence is credible. [REDACTED], in fact, stated that it was [REDACTED].⁶⁰⁷⁸ W04839 made this statement in a context unrelated to any proceedings against LIMAJ, with no discernible reason to give false information to [REDACTED]. There is no indication that W04839 carried any bias against the **Accused**.

1447. The evidence of W04839 is corroborated by a wide body of evidence from many different sources and fully reliable.

⁶⁰⁶⁷ Cf. [REDACTED];[REDACTED]; [REDACTED];[REDACTED]. See also [REDACTED].

⁶⁰⁶⁸ See [REDACTED] see e.g. [REDACTED]; [REDACTED], [REDACTED]; [REDACTED].

⁶⁰⁶⁹ See e.g. [REDACTED]; [REDACTED].

⁶⁰⁷⁰ Cf. e.g. [REDACTED]. See also [REDACTED].

⁶⁰⁷¹ Cf., e.g., [REDACTED]. [REDACTED], see e.g. [REDACTED]; [REDACTED]; [REDACTED].

⁶⁰⁷² See [REDACTED].

⁶⁰⁷³ See [REDACTED] see [REDACTED];[REDACTED].

⁶⁰⁷⁴ See e.g. [REDACTED];[REDACTED].

⁶⁰⁷⁵ [REDACTED];[REDACTED].

⁶⁰⁷⁶ See e.g. [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED];[REDACTED].

⁶⁰⁷⁷ [REDACTED];[REDACTED];[REDACTED];[REDACTED];

[REDACTED];[REDACTED];[REDACTED];[REDACTED].

⁶⁰⁷⁸ [REDACTED].

F. RULE 143 WITNESSES

1448. Where the Panel has admitted a witness's prior inconsistent statement pursuant to Rule 143(2)(c),⁶⁰⁷⁹ such statement should be used both to assess the credibility of the relevant witness and for the truth of its contents,⁶⁰⁸⁰ in particular considering, *inter alia*, that the Defence was afforded the opportunity to cross-examine such witnesses and tender evidence in relation to the witnesses and/or incidents they addressed.⁶⁰⁸¹ As part of its assessment in relation to such witnesses, the Panel should also consider, for example, any ties to, bias favouring, or motives to exculpate, the **Accused** and/or other KLA members, any bias against the KSC/SPO, and any indication that the witness may have been intimidated, threatened, pressured or influenced, or colluded with other witnesses.⁶⁰⁸²

1. W01453

1449. Nerodime OZ commander⁶⁰⁸³ W01453's alleged failure, when appearing to testify in this case, to recall incriminating evidence contained in prior statements and his attempts to recant or modify excerpts thereof, were unpersuasive.⁶⁰⁸⁴ The Panel should consider several factors in this regard, including his longstanding relationship with the

⁶⁰⁷⁹ W04745, whose prior inconsistent statements were admitted pursuant to Rule 143(2)(c), is addressed in the Rahovec/Orahovac crime site: *see* Section III.W

⁶⁰⁸⁰ *See also* KSC-BC-2020-06/F01226/A01, para.120. The Panel has broad discretion in assessing inconsistencies in a witness's account, which, in accordance with Rule 139(6), do not *per se* render that account unreliable, *see Shala* AJ, para.358;*Shala* TJ, para.83;*Mustafa* AJ, para.307;*Mustafa* TJ, para.36. Furthermore, the Panel has the discretion to accept parts of a witness's account and reject others, *see Shala* AJ, para.358;*Shala* TJ, para.84;*Mustafa* AJ, paras.272, 307;*Mustafa* TJ, para.37. *See also Ongwen* TJ, para.260;*Ngirabatware* TJ, para.53. Prior inconsistent statements may be relied on over the witness's testimony before the Panel, *see* KSC-BC-2020-06/F01821, paras.28, 31. *See also* ECtHR, *Vidgen v. the Netherlands*, para.39.

⁶⁰⁸¹ *See e.g.* [REDACTED];[REDACTED];[REDACTED]; 1D00062_ET(Public);[REDACTED]. *See also* KSC-BC-2020-06/F01821, para.46.

⁶⁰⁸² *Shala* TJ, para.82. *See also Mustafa* TJ, para.35;*Shala* AJ, para.357;*Mustafa* AJ, para.233. *See similarly Ongwen* TJ, para.258.

⁶⁰⁸³ AF242(Public);AF293(Public).

⁶⁰⁸⁴ *See, e.g.* W01453:T.21839-21847(04-Nov-2024)(Open);W01453:T.21879-21887, 21923-21926(05-Nov-2024)(Open).

Accused and his position of authority within the KLA.⁶⁰⁸⁵ W01453 was a long-time LPK member who crossed into Kosovo with **THAÇI** and **VESELI** and thereafter frequently communicated and cooperated with, and reported to, GS members including **THAÇI** and **KRASNIQI**. The General Staff itself was temporarily located within the OZ W01453 commanded. [REDACTED]. Additionally, W01453 [REDACTED].⁶⁰⁸⁶

1450. The evidence of W01453's knowledge of and/or involvement in arrests, detentions and/or mistreatment during the conflict⁶⁰⁸⁷ is also relevant to the Panel's evaluation of his evidence and the reasons he was untruthful in relation to, *inter alia*, the commission of crimes by KLA members. W01453's refuting of the outcome of domestic proceedings which concluded that serious crimes took place within W01453's sphere of responsibility⁶⁰⁸⁸ is a transparently predictable attempt to avoid self-incrimination. That the crimes W01453 refutes also form part of the charges against the **Accused**⁶⁰⁸⁹ is added reason why his denials thereof are unreliable.

1451. Conversely, W01453's extensive, detailed admitted prior statements,⁶⁰⁹⁰ provided in closer temporal proximity to the events addressed therein and in circumstances which could not lead to a finding of guilt in relation to the **Accused** are generally consistent and reliable and should be credited, in particular where corroborated.

2. [REDACTED]

1452. [REDACTED] provided similar accounts of events in [REDACTED] in his [REDACTED] and [REDACTED] statement, but in [REDACTED].⁶⁰⁹¹ During his

⁶⁰⁸⁵ See Section II.A.3.m.vi.

⁶⁰⁸⁶ See e.g. [REDACTED].

⁶⁰⁸⁷ See Sections II.A.3.m.vi.; III.C. See also [REDACTED].

⁶⁰⁸⁸ See [REDACTED]; W01453:T.22048-22049(06-Nov-2024)(Open).

⁶⁰⁸⁹ See Section III.O.

⁶⁰⁹⁰ P01814(Public);P01815_ET(Public);P01816.1_ET(Public);P01816.2_ET(Public);P01817_ET(Public); [REDACTED];[REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED].

⁶⁰⁹¹ [REDACTED].

testimony, [REDACTED] minimised the evidence he had clearly outlined in [REDACTED] – usually by [REDACTED].⁶⁰⁹² [REDACTED]'s claim that his previous statements contain '[REDACTED]'⁶⁰⁹³ is implausible given that similar information is noted down [REDACTED] years apart.⁶⁰⁹⁴ Furthermore, [REDACTED].⁶⁰⁹⁵ Given the extensive corroboration of his evidence,⁶⁰⁹⁶ [REDACTED]'s [REDACTED] and [REDACTED] statements are credible and reliable, and his frightened, minimised testimony before the Panel must be considered with extreme caution.

3. W03825⁶⁰⁹⁷

1453. W03825's testimony before the Panel and certain evidence he provided during his SPO interview concerning the treatment of a political delegation in Qirez/Ćirez and Baicë/Banjica in September 1998 are watered down versions of, and stand in stark contrast to, previous detailed, highly incriminating accounts provided closer in time to the relevant incidents.⁶⁰⁹⁸ W03825's denial and recantation, including as concerns the role of **THAÇI** and **SELIMI** in relevant events, are illogical, with the witness, for example, simultaneously providing a possible alternative source for his injuries while denying that he had any such injuries.⁶⁰⁹⁹ Prior to his testimony, W03825 [REDACTED].⁶¹⁰⁰ W03825's repeatedly expressed concerns about his and his family's safety,⁶¹⁰¹ and transparent attempts to paint the **Accused** in a positive light,⁶¹⁰² provide relevant context to the Panel's assessment of his more recent, weakened assertions,

⁶⁰⁹² See e.g. [REDACTED].

⁶⁰⁹³ [REDACTED].

⁶⁰⁹⁴ See e.g. [REDACTED].

⁶⁰⁹⁵ [REDACTED].

⁶⁰⁹⁶ See [REDACTED].

⁶⁰⁹⁷ See Section III.L.

⁶⁰⁹⁸ See e.g. [REDACTED];P00681(Public).

⁶⁰⁹⁹ W03825:T.9385-9393(06-Nov-2023)(Open);W03825:T.9501-9504(07-Nov-2023)(Open).

⁶¹⁰⁰ [REDACTED].

⁶¹⁰¹ See e.g. W03825:T.9373, 9420, 9438(06-Nov-2023)(Open);W03825:T.9450, 9474, 9486-9487, 9554(07-Nov-2023)(Open);W03825:T.9650(08-Nov-2023)(Open);See also P00681_ET:pp.034138, 034141(Public).

⁶¹⁰² W03825:T.9357-9358, 9360, 9362, 9394(06-Nov-2023)(Open).

which should not be credited.

4. W03827⁶¹⁰³

1454. Prior to his testimony in court, W03827 also provided consistent and reliable statements about his arrest and detention by the KLA in [REDACTED].⁶¹⁰⁴ However, during his testimony in this case, W03827 resisted answering questions on a wide range of matters based on a purported lack of memory,⁶¹⁰⁵ which was belied by, *inter alia*, W03827's selective yet emphatic denials when confronted with prior statements he made inculcating the **Accused**.⁶¹⁰⁶

1455. Much like [REDACTED], W03827 had previously expressed fear and a reluctance to testify.⁶¹⁰⁷ [REDACTED]. Also [REDACTED].⁶¹⁰⁸ As with [REDACTED], the Panel has ample reason to credit the admitted prior inculpatory evidence of W03827 and to discount his more recent exculpatory evidence.⁶¹⁰⁹

5. W03877

1456. Much like other witnesses referred to above, prior to testifying, W03877 expressed concerns about cooperating with the SPO, noting, for example, that such cooperation would make people think he is a Serbian collaborator.⁶¹¹⁰ Despite the fact that, during testimony before the KSC, he alleged memory failure and denied the accuracy of certain aspects of his prior statements,⁶¹¹¹ W03877's evidence nevertheless

⁶¹⁰³ See also [REDACTED].

⁶¹⁰⁴ [REDACTED];[REDACTED];[REDACTED]. See also [REDACTED].

⁶¹⁰⁵ See e.g. [REDACTED];[REDACTED].

⁶¹⁰⁶ [REDACTED];[REDACTED].

⁶¹⁰⁷ [REDACTED].

⁶¹⁰⁸ [REDACTED]. See also [REDACTED].

⁶¹⁰⁹ See also [REDACTED].

⁶¹¹⁰ [REDACTED].

⁶¹¹¹ See e.g. [REDACTED].

establishes, *inter alia*, that [REDACTED],⁶¹¹² [REDACTED],⁶¹¹³ [REDACTED].⁶¹¹⁴ W03877's attempts to water down more incriminating aspects of his evidence should not be credited, including considering evidence corroborating such aspects.⁶¹¹⁵

6. W04230

1457. While W04230 asserted severe difficulty recalling multiple events and/or details, noting he experienced memory issues since [REDACTED],⁶¹¹⁶ his admitted [REDACTED] SPO interview provides a credible and reliable account of his experience in detention and should be relied upon, including considering that it is corroborated by [REDACTED]'s testimony and evidence from [REDACTED] and W04230's [REDACTED].⁶¹¹⁷ Similar to other witnesses in this section, [REDACTED].⁶¹¹⁸

7. W04576

1458. Certain aspects of the evidence of W04576, the deputy commander and later commander of Brigade 162,⁶¹¹⁹ for example in relation to KLA presence at certain locations,⁶¹²⁰ the roles of certain KLA Brigade 162 members,⁶¹²¹ and the KLA's failure to investigate or punish any KLA member within the Nerodime OZ for the way they treated anyone,⁶¹²² are reliable. However, his general demeanour in court in this case, including his reluctance to answer SPO questions in a straightforward manner,⁶¹²³ and

⁶¹¹² [REDACTED];[REDACTED].

⁶¹¹³ [REDACTED];[REDACTED].

⁶¹¹⁴ [REDACTED];[REDACTED].

⁶¹¹⁵ See e.g. [REDACTED]. See also [REDACTED].

⁶¹¹⁶ [REDACTED];[REDACTED]; [REDACTED].

⁶¹¹⁷ See [REDACTED].

⁶¹¹⁸ [REDACTED].

⁶¹¹⁹ P01020.1_ET:p.24-26(Public).

⁶¹²⁰ W04576:T.12617-12618(20-Feb-2024)(Open);W04576:T.12627-12629, 12643-12646, 12711-12712(21-Feb-2024)(Open).

⁶¹²¹ W04576:T.12649-12651, 12654-12655, 12729-12730(21-Feb-2024)(Open);W04576:T.12881-12885, 12907-12908(22-Feb-2024)(Open).

⁶¹²² W04576:T.12712-12713(21-Feb-2024)(Open);W04576:T.12908-12910, 12921-12922(22-Feb-2024)(Open).

⁶¹²³ See e.g. W04576:T.12638-12641, 12669-12672(21-Feb-2024)(Open).

a number of illogical answers provided when he did respond,⁶¹²⁴ are among the reasons why other aspects of his in-court evidence should be reviewed with caution.

G. EXPERT EVIDENCE

1459. The SPO called three expert witnesses: W04826, W04874, and W04875 (collectively, the 'Experts'), each of whom provided their independent opinion.⁶¹²⁵ The Defence did not challenge the qualifications of the experts⁶¹²⁶ and cross-examined each of them. Considering, *inter alia*, the Experts' high level of competence in their field of expertise and the consistency of their opinions with other evidence in the case,⁶¹²⁷ their evidence is reliable and of high probative value.⁶¹²⁸

1. Forensic Pathologists W04826 and W04874

1460. Forensic pathologist W04826, with decades of experience, including in Kosovo with the ICTY, UNMIK, and EULEX,⁶¹²⁹ testified about post-mortem examinations he performed on victims named in the Indictment,⁶¹³⁰ whose murders are charged in relation to locations including Bajgorë/Bajgora,⁶¹³¹ Llapushnik/Lapušnik,⁶¹³² Drenoc/Drenovac,⁶¹³³ Malishevë/Mališevo,⁶¹³⁴ and Kleçkë/Klečka.⁶¹³⁵

⁶¹²⁴ See e.g. W04576:T.12637, 12651-12652, 12724(21-Feb-2024)(Open); W04576:T.12908-12910(22-Feb-2024)(Open).

⁶¹²⁵ **W04826:** [REDACTED]; [REDACTED]. **W04874:** [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]. **W04875:** [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; W04875:T.23546-23686(13-Jan-2025)(Open).

⁶¹²⁶ KSC-BC-2020-06/F03201/COR, para.2.

⁶¹²⁷ Mustafa TJ, para.41; Shala TJ, para.88; Ntaganda TJ, para.54.

⁶¹²⁸ Nahimana et al. AJ, para.199.

⁶¹²⁹ P02001(Public).

⁶¹³⁰ Indictment:Schedule B; [REDACTED]; W04826:T.24503-24581(27-Jan-2025)(Open).

⁶¹³¹ [REDACTED]; [REDACTED]; [REDACTED]; W04826:T.24526-24531(27-Jan-2025)(Open).

⁶¹³² [REDACTED]; [REDACTED].

⁶¹³³ [REDACTED]; [REDACTED].

⁶¹³⁴ [REDACTED]. See e.g. [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁶¹³⁵ [REDACTED]. See e.g. [REDACTED]; [REDACTED]; [REDACTED].

1461. W04826's expert report confirms his authorship of numerous documents,⁶¹³⁶ including autopsy reports and death certificates,⁶¹³⁷ and contains clarifications and additional detail in relation to the post-mortem examinations he performed,⁶¹³⁸ enhancing the probative value thereof.

1462. Forensic pathologist W04874, who, like W04826, also has decades of experience, including as the ICTY's Chief Pathologist for Bosnia and Croatia,⁶¹³⁹ testified regarding certain general questions relevant to forensic pathology, autopsy reports, and related documentation pertaining to the deaths of victims named in the Indictment.⁶¹⁴⁰ Based on his analysis of the documentation,⁶¹⁴¹ W04874 provided his expert opinion on information pertaining to the circumstances of the death of victims whose murders are charged in relation to locations including Likoc/Likovac,⁶¹⁴² Jabllanicë/Jablanica,⁶¹⁴³ Malishevë/Mališevo,⁶¹⁴⁴ Majac/Majance,⁶¹⁴⁵ and Klečë/Klečka.⁶¹⁴⁶

1463. The evidence of W04826 and W04874 further confirms the violent nature of the deaths suffered by several of the victims of murder in this case. By way of example, W04826 concluded that the cause of death of two victims he examined included sharp incisions to the neck area, which could have been inflicted by a scythe found at the

⁶¹³⁶ [REDACTED];[REDACTED].

⁶¹³⁷ See e.g. [REDACTED];[REDACTED];[REDACTED].

⁶¹³⁸ [REDACTED].

⁶¹³⁹ P01989(Public).

⁶¹⁴⁰ Indictment:Schedule B;[REDACTED];[REDACTED]; [REDACTED].

⁶¹⁴¹ Expert witnesses are ordinarily afforded wide latitude to offer opinions within their expertise, and their views need not be based upon first-hand knowledge or experience, and furthermore, expert witnesses ordinarily 'lack personal familiarity with the particular circumstances of a case and are required to give their professional opinion on such circumstances by applying their specialised knowledge and skills, often on the basis of facts observed and reported by others.' See KSC-BC-2020-06/F03201/COR, para.30;KSC-BC-2020-06/F03202, para.28;KSC-BC-2020-06/F03203, para.20. See also *Mladić* Decision on Richard Butler, paras.12-13;*Popović* Interlocutory Appeal Decision on Richard Butler, para.27;*Ntaganda* Decision on Preliminary Challenges to Expert Witnesses, para.9.

⁶¹⁴² [REDACTED];[REDACTED].

⁶¹⁴³ [REDACTED];[REDACTED];[REDACTED].

⁶¹⁴⁴ [REDACTED];[REDACTED].

⁶¹⁴⁵ [REDACTED];[REDACTED].

⁶¹⁴⁶ [REDACTED];[REDACTED].

relevant site.⁶¹⁴⁷ Other victims examined by W04826 died due to multiple gunshot wounds, including to the head.⁶¹⁴⁸ W04874 agreed with the cause of death set out in each of the autopsy reports he reviewed, including multiple gunshot wounds;⁶¹⁴⁹ with the only exception involving a victim for whom, unlike the examining pathologist, W04874 would have concluded, despite the body's decomposition, that the cause of death was a gunshot injury to the head.⁶¹⁵⁰

2. Forensic Geneticist W04875

1464. Forensic geneticist W04875, who has extensive experience including in the identification of skeletal remains in various jurisdictions,⁶¹⁵¹ testified regarding certain general terms and factors relevant to the identification of individuals through DNA analysis and related documentation, as well as the identification through DNA analysis of skeletal remains of victims named in the Indictment,⁶¹⁵² whose murders are charged in relation to locations including Jabllanicë/Jablanica,⁶¹⁵³ Llapushnik/Lapušnik,⁶¹⁵⁴ Kukës,⁶¹⁵⁵ Kleçkë/Klečka,⁶¹⁵⁶ and Malishevë/Mališevo.⁶¹⁵⁷

1465. W04875 testified that the ICMP, the organisation that prepared the vast majority of the DNA reports in evidence,⁶¹⁵⁸ ‘pioneered the use of the DNA-led approach to

⁶¹⁴⁷ [REDACTED];[REDACTED];[REDACTED];W04826:T.24519-24524(27-Jan-2025)(Open);[REDACTED].

⁶¹⁴⁸ See e.g. [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

6149 [REDACTED];[REDACTED].

6150 [REDACTED];[REDACTED].

6151 P01950(Public).

⁶¹⁵² Indictment:Schedule B;W04875:T.23546-23686(13-Jan-2025)(Open);[REDACTED].

6153 [REDACTED];[REDACTED].

6154 [REDACTED]:[REDACTED].

6155 [REDACTED];[REDACTED];[REDACTED]; [REDACTED].

6156 [REDACTED]:[REDACTED]:[REDACTED]: [REDACTED].

6157 [REDACTED];[REDACTED];[REDACTED];

[REDACTED];[REDACTED];[REDACTED];
[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED].

⁶¹⁵⁸ See e.g. [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED];

[REDACTED];[REDACTED];[REDACTED];[REDACTED];

[REDACTED];[REDACTED];[REDACTED];[REDACTED];
[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED];
[REDACTED];[REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED].

human identification, in particular in post-conflict contexts', noting it is 'a highly respected organisation' which 'established the benchmark for the methodology to be used in this type of work'.⁶¹⁵⁹ W04875 also testified that he has no reason to question, or knowledge of specific flaws in, the ICMP's processes.⁶¹⁶⁰ This and other evidence provided by W04875⁶¹⁶¹ underscores that the Panel can and should rely on the identification of victims of murder as contained in the admitted reports on DNA analysis, many of which are corroborated by other evidence.

H. [REDACTED]

1466. Once evaluated in the context of the entire trial record,⁶¹⁶² the Panel should give full weight to [REDACTED].⁶¹⁶³ These [REDACTED], bearing official headers and classification markings, indicate the relevant dates and [REDACTED];⁶¹⁶⁴ and many are interrelated, concerning the same issues and/or persons.⁶¹⁶⁵ Further, as set out below and throughout this brief, numerous [REDACTED] are corroborated by extensive evidence from various sources.

1467. The Panel has received a large volume of credible, detailed evidence on the [REDACTED],⁶¹⁶⁶ establishing the [REDACTED] authenticity, accuracy and reliability. [REDACTED],⁶¹⁶⁷ testified, *inter alia*, about the [REDACTED] during the Indictment

⁶¹⁵⁹ W04875:T.23676-23677(13-Jan-2025)(Open).

⁶¹⁶⁰ W04875:T.23677-23678(13-Jan-2025)(Open).

⁶¹⁶¹ See e.g. W04875:T.23559-23560, 23565(13-Jan-2025)(Open).

⁶¹⁶² See e.g. [REDACTED];[REDACTED]. See also [REDACTED].

⁶¹⁶³ [REDACTED]. [REDACTED]. See [REDACTED].

⁶¹⁶⁴ See e.g. [REDACTED];[REDACTED];[REDACTED];
[REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED].

⁶¹⁶⁵ See e.g. [REDACTED];[REDACTED];[REDACTED];[REDACTED]; [REDACTED].

⁶¹⁶⁶ See [REDACTED].

⁶¹⁶⁷ [REDACTED].

period.⁶¹⁶⁸ [REDACTED],⁶¹⁶⁹ gave evidence about the [REDACTED],⁶¹⁷⁰ [REDACTED],⁶¹⁷¹ which is consistent with the [REDACTED].⁶¹⁷² [REDACTED] also testified about the [REDACTED].⁶¹⁷³ [REDACTED], testified about, *inter alia*, the [REDACTED] as well as [REDACTED] and the consequent importance of accuracy and reliability.⁶¹⁷⁴

1468. The evidence of [REDACTED] concerning the [REDACTED] is complementary and corroborative. It establishes, *inter alia*, that by 1999, there were [REDACTED].⁶¹⁷⁵ Only [REDACTED].⁶¹⁷⁶ The [REDACTED].⁶¹⁷⁷ The [REDACTED].⁶¹⁷⁸ The accuracy of [REDACTED] was paramount.⁶¹⁷⁹ To ensure this, [REDACTED],⁶¹⁸⁰ [REDACTED].⁶¹⁸¹ Indeed, the majority of [REDACTED].⁶¹⁸² [REDACTED];⁶¹⁸³ [REDACTED].⁶¹⁸⁴ The fact that, during the Indictment period, there was only a [REDACTED],⁶¹⁸⁵ coupled with the multiple factors taken into account to [REDACTED],⁶¹⁸⁶ means that [REDACTED] are reliable.

1469. The Panel has received detailed submissions on the contextualisation and

⁶¹⁶⁸ [REDACTED];[REDACTED];[REDACTED].

⁶¹⁶⁹ [REDACTED];[REDACTED]; [REDACTED];[REDACTED];
[REDACTED];[REDACTED];[REDACTED];[REDACTED];
[REDACTED];[REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED].

⁶¹⁷⁰ [REDACTED];[REDACTED];[REDACTED].

⁶¹⁷¹ [REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED].

⁶¹⁷² [REDACTED];[REDACTED]; [REDACTED];[REDACTED].

⁶¹⁷³ [REDACTED]; [REDACTED];[REDACTED];[REDACTED].

⁶¹⁷⁴ [REDACTED];[REDACTED];[REDACTED];[REDACTED]. *See also* [REDACTED].

⁶¹⁷⁵ [REDACTED];[REDACTED].

⁶¹⁷⁶ [REDACTED];[REDACTED].

⁶¹⁷⁷ [REDACTED], noting that, in case of [REDACTED].

⁶¹⁷⁸ [REDACTED];[REDACTED]; [REDACTED];[REDACTED].

⁶¹⁷⁹ [REDACTED];[REDACTED].

⁶¹⁸⁰ [REDACTED];[REDACTED].

⁶¹⁸¹ [REDACTED];[REDACTED].

⁶¹⁸² [REDACTED];[REDACTED]; [REDACTED]; [REDACTED].

⁶¹⁸³ [REDACTED];[REDACTED];[REDACTED]. *See also* [REDACTED].

⁶¹⁸⁴ [REDACTED];[REDACTED];[REDACTED];[REDACTED].

⁶¹⁸⁵ [REDACTED];[REDACTED].

⁶¹⁸⁶ [REDACTED]; [REDACTED].

corroboration of [REDACTED].⁶¹⁸⁷ Several witnesses, including [REDACTED], have given evidence confirming the substantive accuracy of relevant [REDACTED] or the general tenor thereof, corroborating, and/or contextualising the evidence of [REDACTED]. For example, W04752 confirmed [REDACTED].⁶¹⁸⁸ W03724 confirmed the content of [REDACTED].⁶¹⁸⁹

1470. Additionally, [REDACTED] confirmed the content of [REDACTED].⁶¹⁹⁰ W04147 confirmed the content of [REDACTED].⁶¹⁹¹ W04403 authenticated [REDACTED].⁶¹⁹² W04401 confirmed several [REDACTED].⁶¹⁹³ In addition to directly confirming [REDACTED], multiple witnesses also provided evidence corroborative of the content of [REDACTED].⁶¹⁹⁴ Documentary evidence from many different sources also corroborates details from the content of [REDACTED].⁶¹⁹⁵

1471. Accordingly, [REDACTED] corroborate and complement witness and documentary evidence, and adjudicated facts, which, taken together, demonstrate: (i) the KLA's communications structures and high level of organisation; (ii) that KLA members in relevant locations in Kosovo and Albania acted under the authority and pursuant to the instructions of the **Accused** and General Staff; and (iii) that the JCE

⁶¹⁸⁷ See e.g. [REDACTED];[REDACTED].

⁶¹⁸⁸ [REDACTED];[REDACTED].

⁶¹⁸⁹ [REDACTED].

⁶¹⁹⁰ [REDACTED].

⁶¹⁹¹ [REDACTED];[REDACTED].

⁶¹⁹² [REDACTED].

⁶¹⁹³ [REDACTED];[REDACTED].

⁶¹⁹⁴ For example, in relation to [REDACTED] (see e.g. [REDACTED]), see e.g. [REDACTED];[REDACTED];[REDACTED];[REDACTED]. In relation to [REDACTED] (see e.g. [REDACTED]), see e.g. [REDACTED]. In relation to [REDACTED] (see e.g. [REDACTED]), see e.g. [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED].

⁶¹⁹⁵ For example, in relation to [REDACTED] (see e.g. [REDACTED]), see e.g. [REDACTED];[REDACTED];[REDACTED];[REDACTED]; [REDACTED]. In relation to [REDACTED] (see e.g. [REDACTED]), see e.g. [REDACTED];[REDACTED]; [REDACTED];[REDACTED]; [REDACTED]; [REDACTED]. In relation to [REDACTED] (see e.g. [REDACTED]), see e.g. [REDACTED];[REDACTED];[REDACTED];[REDACTED]. In relation to [REDACTED] (see e.g. [REDACTED]), see e.g. [REDACTED]; [REDACTED];[REDACTED]. See also [REDACTED].

members shared the common criminal purpose, which they implemented personally and through the structures in place.⁶¹⁹⁶ [REDACTED] also corroborate and complement other evidence and adjudicated facts concerning the charged crimes; the armed conflict and widespread and systematic attack against the civilian population; the **Accused's** effective control, in particular, their means and ability to take necessary and reasonable measures to prevent the charged crimes or punish the perpetrators; the practical assistance, encouragement, and/or moral support the **Accused** provided to the perpetrators of the charged crimes; and the **Accused's** and other JCE members' knowledge and intent.

1472. The Defence, having extensively cross-examined [REDACTED],⁶¹⁹⁷ and [REDACTED],⁶¹⁹⁸ has failed to substantiate its allegations concerning [REDACTED].⁶¹⁹⁹ In any event, the extensive witness and documentary evidence corroborating the content of numerous [REDACTED], as well as the evidence on their purpose and accuracy, rebut these bald assertions. Accordingly, the Defence's broad and unsubstantiated arguments that the [REDACTED] with should be dismissed.⁶²⁰⁰

I. PUBLIC STATEMENTS

1473. Before and during the Indictment period, the GS and PGoK used communiqués, political declarations and other such public written statements (hereinafter together: communiqués) to disseminate information and propagate KLA doctrine and practice.⁶²⁰¹ Communiqués were intended partly⁶²⁰² as a tool to disseminate KLA

⁶¹⁹⁶ See [REDACTED].

⁶¹⁹⁷ [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED].

⁶¹⁹⁸ See e.g. [REDACTED];[REDACTED]; [REDACTED];[REDACTED]; [REDACTED].

⁶¹⁹⁹ [REDACTED]. See also [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED].

⁶²⁰⁰ See [REDACTED].

⁶²⁰¹ AF228(Public);W04401:T.23257(03-Dec-2024)(Open);P04156_ET:pp.2-3(Public); P00794:p.3315(Public);P00795:p.3420(Public);W01453:T.22212(07-Nov-2024)(Open); P00739.5_ET:p.5(Public);P00739.6_ET:p.16(Public).

⁶²⁰² KSC-BC-2020-06/F01705, para.19.

propaganda, minimising KLA defeats, amplifying its successes,⁶²⁰³ and embellishing its image for the international community.⁶²⁰⁴ However, they did reflect actual events on the ground,⁶²⁰⁵ including: (i) measures against Opponents, including collaborators;⁶²⁰⁶ (ii) specific combat operations;⁶²⁰⁷ (iii) KLA/PGoK appointments,⁶²⁰⁸ (iv) GS meetings, including with internationals;⁶²⁰⁹ and (v) information about the peace negotiations.⁶²¹⁰ Moreover, they were used as tool to disseminate GS policies, warnings, and

⁶²⁰³ See e.g. statements minimising the impact of Serbian attacks against the KLA: W04278:T.20509-20511(30-Sep-2024)(Open);P00295_ET(Public);or statements inflating the KLA's military strength: P00794:pp.3339-3341(Public) referring to P00793:pp.U016-2150-U016-2152(Public), which reflects the content of Communiqué 47;[REDACTED];W04323:T.4854-4856(14-Jun-2023)(Open);[REDACTED].

⁶²⁰⁴ See e.g. GS statements condemning violence against the civilian population: W04401:T.23257-23258(03-Dec-2024)(Open), and P00545_ET(Public);or GS statements granting amnesty to detainees: W04147:T.13992-13993(28-Mar-2024)(Open);1D00047_ET(Public).

⁶²⁰⁵ P00794:p.3340(Public);P00795:p.3420(Public);P00800:pp.4967-4968, 4972, 5012, 5035(Public).

⁶²⁰⁶ See e.g. P00269_ET.31(Public) and Communiqué 24 (P00269_ET.6(Public)) referring to the killing of Ejup BAJGORA;P00269_ET.27(Public) and Communiqué 29 (P00274_ET(Public)) referring to the assassination attempt against Radivoje PAPOVIĆ;P04033(Public) and Communiqué 65 (P00588_ET(Public)) referring to the kidnapping and murder of Zvonko BOJANIĆ;Communiqué 80 (P01752_ET(Public)) referring to the arrest and killing of the LUTANI brothers (see also W04240:T.20793-20794(21-Oct-2024)(Open)); [REDACTED] and Communiqué 27 (P00269_ET.8(Public)) referring to the killing of Milos NIKOLIĆ.

⁶²⁰⁷ See e.g. Communiqué 19 (P00269_ET.3:p.U016-2604(Public)), referring to a KLA attack on 22 April 1996;Communiqué 36 (P00279_ET(Public)), referring to coordinated attacks on MUP stations in Kosovo, including Runik/Rudnik (cf. W04290:T.24927-24928(10-Feb-2025)(Open));Communiqué 42 ([REDACTED]), referring to the attack against the JASHARI compound (cf. P04250_ET(Public));Communiqué 43 (P00283_ET(Public)), detailing fighting on 27 February 1998, and Communiqué 47 ([REDACTED]), detailing military operations in March-May 1998 (cf. Section IV.A.);Communiqué 49 (P00270_ET.6(Public)), referring to KLA operations with casualties *inter alia* in Bardh i Madh/Veliki Belačevac (cf. P01264_ET:p.SPOE00128649(Public));Communiqué 52 (P00584_ET(Public)), referring to KLA attacks at the end of August 1998 (cf. [REDACTED]).

⁶²⁰⁸ See e.g. 1D00050_ET(Public);1D00070_ET(Public);P00540_ET(Public).

⁶²⁰⁹ See e.g. Political declaration 3 (P00540_ET(Public)), covering topics discussed at the 10 June 1998 meeting, including the appointment of **KRASNIQI** as KLA spokesperson (see e.g. P00189.1_ET:p.U015-8833(Public);P00189_ET.3:p.U0015-8985, fn.153(Public);Communiqué 69 (P00811_ET.9(Public)), reporting on meetings between the KLA and KVM for the release of 8 VJ soldiers (see [REDACTED]);GS Information Note (P00305_ET:p.043864(Public)), about the 6 November 1998 meeting between Christopher HILL, **THAÇI**, and **KRASNIQI**;Communiqué 73 (P00811_ET.43(Public)), discussing a GS meeting also referred to in [REDACTED];Communiqué 75 (P00811_ET.53(Public)), referring to a GS meeting of 27 and 28 February 1999 debriefing participants about the outcome of the Rambouillet conference (also mentioned by **KRASNIQI** in P00812_ET.2(Public)).

⁶²¹⁰ See e.g. P04167:p.019608(Public);P00811_ET.34:p.SPOE00053790(Public); P00811_ET.39:pp.SPOE00053852-00053853(Public);P00595_ET(Public);P00811_ET.53:p.SPOE00054064-00054065(Public).

decisions.⁶²¹¹

1474. The first communiqué attributable to the KLA dates back to 1994.⁶²¹² Communiqués continued to be published until at least June 1999.⁶²¹³ As early as 1994,⁶²¹⁴ and continuing in the following years, communiqués included statements against Opponents,⁶²¹⁵ and claimed responsibility for attacks against persons targeted as ‘collaborators’.⁶²¹⁶

1475. Communiqués related to Opponents were also issued in the name of specific KLA GS Directorates. The Military Police Directorate, whose existence was formalised shortly thereafter,⁶²¹⁷ issued communiqués concerning investigations against suspects.⁶²¹⁸ These communiqués contemporaneously reflected actual events of which the GS -including the **Accused** - had direct knowledge, such as the detention of Serbian journalists Nebojša RADOŠEVIĆ and Vladimir DOBRIČIĆ,⁶²¹⁹ [REDACTED].⁶²²⁰ On 1

⁶²¹¹ W04401:T.23257(03-Dec-2024)(Open);P00739.6_ET:p.16(Public);W04401:T.23426(04-Dec-2024)(Open); [REDACTED]. See also P00515_ET.17:pp.007898-007899(Public).

⁶²¹² W03873:T.22858(27-Nov-2024)(Open);P04200_ET:p.5(Public);P04208_ET:pp.SPOE00053367-00053368(Public);[REDACTED];P02027.1_ET:p.2055(Public);P00794:p.3314(Public); P01874_ET(Public).

⁶²¹³ P01752_ET(Public).

⁶²¹⁴ The first communiqué included a KLA claim of responsibility for an attack against an Albanian collaborator and other prior attacks, including the 1994 attack in Drenas(Gllogoc)/Glogovac: P00269_ET.28(Public);P01857_ET:pp.19-20(Public);P04200_ET:p.2(Public).

⁶²¹⁵ [REDACTED]. See e.g. communiqués labelling people as Serbian spies: P00269_ET.1(Public); traitors: P00269_ET.5(Public);P00283_ET(Public);P00270_ET.5(Public); criminals: P00269_ET.8(Public); occupiers: P00153_ET(Public);[REDACTED].

⁶²¹⁶ W04746:T.5558(12-Jul-2023)(Open);P00693.2_ET:p.19(Public);P00693.5_ET:p.6(Public); P00693.6_ET:p.5(Public);[REDACTED];P01356_ET:p.6051(Public);[REDACTED]. See e.g. P00269_ET.6(Public);P00273_ET(Public);P00269_ET.10(Public); P00274_ET(Public);P00276_ET(Public);P00269_ET.12(Public);P00277_ET(Public);P00269_ET.13(Public); P00221_ET(Public);P00270_ET.1(Public);P00278_ET(Public);P00282_ET(Public);P00269_ET.16(Public); P00270_ET.2(Public);P00283_ET(Public);[REDACTED];P00270_ET.4(Public); P00287_ET(Public);P00577_ET(Public);P00270_ET.6(Public);P00288_ET(Public);P00578_ET(Public); P00579_ET:p.SPOE00232612(Public);P00584_ET:p.SPOE00225230(Public);P00582_ET:pp.SPOE00225216-00225217(Public);[REDACTED];P00270_ET.17(Public);P00157_ET(Public); P00270_ET.7(Public);[REDACTED];P00297_ET(Public);P00299(Public);P01752_ET(Public).

⁶²¹⁷ W04744:T.17178-17179(25-Jun-2024)(Open);[REDACTED]; P02089_ET:p.SPOE00067220(Public).

⁶²¹⁸ P00760_ET.1(Public).

⁶²¹⁹ P00586_ET(Public);P00270_ET.10(Public);Sections II.A.5 and III.M.

⁶²²⁰ [REDACTED];[REDACTED] referring to [REDACTED];[REDACTED].

November 1998, a 'Military Court of Justice Directorate' of the KLA GS issued a communiqué, indicating *inter alia* that 'the Military Court of the Justice Directorate of KLA General Headquarters' convicted Nebojša RADOŠEVIĆ and Vladimir DOBRIČIĆ and sentenced them to 60 days in prison.⁶²²¹ These communications were part of the GS's active efforts to portray the existence of formal processes within the KLA.⁶²²² Certain of the GS communiqués were also specified to have been issued by the GS Information Directorate,⁶²²³ which directed the KLA's public communications, including making the decisions to inform the public.⁶²²⁴

1476. Communiqués were faxed or transmitted by telephone, and then broadcast on the television and radio, and widely published in newspapers⁶²²⁵ including *Koha Ditore*, the most widely-read newspaper at the time.⁶²²⁶ Some communiqués were published or reproduced across several media.⁶²²⁷ Communiqués faxed to *Zëri i Kosovës* was published as a matter of policy, pursuant to a decision of the LPK General Council.⁶²²⁸ Their content was also reflected in international news.⁶²²⁹ After the KLA GS established Radio Free Kosovo and the *Kosovapress* media outlets, because traditional media were

⁶²²¹ P00378(Public);W04408:T.7333(05-Sep-2023)(Open).

⁶²²² See Section II.A.3.j.

⁶²²³ See e.g. Communiqué 49: P00288_ET(Public);P00270_ET.6(Public).

⁶²²⁴ P00879_ET(Public). See also Section II.A.3.h.

⁶²²⁵ [REDACTED];[REDACTED]; P00794:p.3317(Public);[REDACTED];[REDACTED]; [REDACTED]. See e.g. Communiqué 19: P04290_ET(Public)and P00269_ET.3(Public); Communiqué 20: P00269_ET.4(Public); Communiqué 38: P00269_ET.14(Public) and P00280_ET(Public); Communiqué 39: P00281_ET(Public) reflected in P00793:pp.U016-2113-U016-2114(Public); Communiqué 40: P00270.2_ET(Public); Communiqué 47: [REDACTED]; Communiqué 59: P00297_ET(Public); Political Declaration 3: P00270_ET.15(Public);P00270:p.U008-1630(Albanian original)(Public).

⁶²²⁶ P00800:p.5015(Public). See e.g. P00270_ET.1(Public);P00270_ET.6(Public);[REDACTED].

⁶²²⁷ See e.g. Communiqué 35, published in *Zëri i Kosovës* (P00278(Public)) and *Koha Ditore* (P00270:p.U008-1607(Public)); Communiqué 40, published in *Zëri i Kosovës* (P00282(Public)) and *Koha Ditore* (P00270:p.U008-1608(Public)); Communiqué 54, published in *Zëri i Kosovës* (P00173_ET(Public)) and *Koha Ditore* (P00156_ET(Public)).

⁶²²⁸ W01453:T.22216, 22248-22249(07-Nov-2024)(Open).

⁶²²⁹ See e.g. P00269_ET.3(Public);P04167(Public).

seen as not sufficiently supportive of the KLA,⁶²³⁰ these outlet were also used by the GS to disseminate its ideology, including through communiqués.⁶²³¹

1477. Communiqués were published based on information received from the field, but were issued initially from Switzerland or Albania, and then – from approximately April 1998 – from Kosovo.⁶²³² Various GS members participated in the drafting of early communiqués.⁶²³³ However, from, or shortly after, the start of the Indictment period primary responsibility for communiqués rested with **THAÇI** and **KRASNIQI**, in their capacities as Head of the Information Directorate and KLA spokesperson, respectively.⁶²³⁴

1478. Claims that the communiqués did not actually come from the KLA General Staff⁶²³⁵ are refuted by the body of evidence. Authorship or content of the admitted communiqués was not disputed by the KLA during the relevant period.⁶²³⁶ Around the time of publication of specific communiqués, other public statements or representations by GS members, OZ commanders or other KLA representatives explicitly confirmed the authenticity of communiqués, or reinforced the same themes, thus demonstrating their

⁶²³⁰ 4D00011_ET(Public);P00313_ET:p.2(Public);P00811_ET.2(Public);P00593_ET(Public);P01092_ET:p.SPOE00230877(Public);P00270_ET.12(Public).

⁶²³¹ P00794:p.3317(Public).

⁶²³² P01857_ET:pp.54-55(Public);P00800:pp.5012, 5030(Public);P00739.5_ET:p.8(Public).

⁶²³³ P00739.5_ET:pp.5-6(Public);W04401:T.23002(28-Nov-2024)(Open);W04401:T.23407(04-Dec-2024)(Open);[REDACTED];[REDACTED];P00763.3_ET:p.6(Public);[REDACTED]. W04401 unconvincingly recanted on this point during his testimony, in an attempt to distance himself from the actions of the GS: W04401:T.23080-23083(02-Dec-2024)(Open);W04401:T.23351-23354, 23420-23421(04-Dec-2024)(Open).

⁶²³⁴ [REDACTED];P01751_ET(Public);P00800:pp.4954, 4974, 4993, 5012, 5033-5035(Public);[REDACTED];P00793:p.U016-2095, para.6(Public) related to Political Declaration 2 (see P00545_ET(Public)) and version published in **KRASNIQI**'s book, P00189_ET.1:pp.U015-8827-U015-8828(Public). See also P01264_ET:p.SPOE00128747(Public), together with P00303_ET:p.043862(Public).

⁶²³⁵ [REDACTED];[REDACTED]. In relation to Communiqué 61, see Section III.D. In relation to Communiqué 59, see Sections II.A.4.a., II.A.4.c. Although Communiqué 42 (P00283_ET(Public)) contains indications that information published in a prior communiqué was erroneous, no evidence was elicited on which communiqué it related to.

⁶²³⁶ KSC-BC-2020-06/F01705, para.43. See also W01453:T.22250(07-Nov-2024)(Open). See also P01751_ET(Public). Compare P00283_ET(Public);[REDACTED].

authenticity.⁶²³⁷ Similarly, communiqués were frequently published together with other public statements by the GS or OZ command, even appearing on the same page in *Zëri i Kosovës* or other media.⁶²³⁸ That some communiqués were published by several media outlets around the same time also corroborates their existence, origin and bolsters their authenticity.⁶²³⁹ Some communiqués reported on events shortly after they occurred, and provided information only KLA GS members were in a position to know.⁶²⁴⁰

1479. Communiqués are corroborated by voluminous evidence in the case,⁶²⁴¹ including public statements of the Accused,⁶²⁴² admitted statements of the Accused,⁶²⁴³

⁶²³⁷ See e.g. Communiqué 58 (P00270_ET.9(Public)) referring to the ceasefire also mentioned in P04139_ET(Public) and P04161_ET(Public); Communiqué 66 (P00308_ET:p.SPOE40000796(Public)) containing similar language used by **THAÇI** in P04142(Public): “...serious provocation against the Albanian people, the Kosovo Liberation Army and the international community, in particular the United States”; Communiqué 75 (P00811_ET.53(Public)) referring to PGoK appointments and a GS meeting mentioned by **KRASNIQI** in P04172_ET(Public). See also P01090_ET:p.SPOE00226139(Public), confirming Political Declaration 17 (P00305/P00305_ET(Public)); and P04161_ET:pp.4-5(Public), confirming the GS ceasefire decision communicated in Political Declaration 12 (P00298_ET(Public)).

⁶²³⁸ See e.g. P00292(Public); P00157(Public)(Albanian original).

⁶²³⁹ KSC-BC-2020-06/F01705, para.28.

⁶²⁴⁰ See e.g. Communiqué 75 (P00811_ET.53(Public)), referring to a GS meeting of 27 and 28 February 1999 debriefing the participants about the outcome of the Rambouillet conference; Communiqué 80 (P01752_ET(Public)), reporting on the first meeting between KLA and COMKFOR of 22 June 1999.

⁶²⁴¹ For more corroboration of communiqués and political declarations, see KSC-BC-2020-06/F01268, Annexes 1-6.

⁶²⁴² See e.g. P01749_ET(Public).

⁶²⁴³ Cf. e.g. Communiqué 35 (P00221_ET(Public)) and Communiqué 45 (P00793:pp.U016-2133-U016-2135(Public)) with P00793:para.10(Public), P00794:pp.3319, 3321, 3336-3337(Public), and P00800:pp.4964-4966(Public); Communiqué 37 (P00152_ET(Public)) with P00793:para.10(Public); Communiqué 40 (P00793:pp.U016-2116-U016-2119(Public)) with P00793:para.10(Public), P00794:pp.3322-3324(Public), and P00800:p.4952(Public); Communiqué 41 (P00793:pp.U016-2120-U0116-2121(Public)) with P00793:para.10(Public) and P00800:p.4965(Public); Communiqué 42 (P00793:pp.U016-2123-U016-2127(Public)) with P00793:para.10(Public), P00794:pp.3325-3326(Public), and P00800:p.4966(Public); Communiqué 43 (P00793:pp.U016-2129-U016-2131(Public)) with P00793:para.10(Public), P00794:pp.3335-3336(Public), and P00800:p.4966(Public); Communiqué 46 (P00793:pp.U016-2142-U016-2143(Public)) with P00793:para.10(Public); Communiqué 47 (P00270:p.U008-1614(Public), P00155_ET(Public) with P00739.6_ET:p.10(Public) and [REDACTED]; Communiqué 49 (P00793:pp.U016-2161-U016-2163(Public)) with P00793:para.10(Public) and P00794:pp.3345-3346, 3350-3351(Public).

testimony of witnesses,⁶²⁴⁴ [REDACTED],⁶²⁴⁵ and other documentary evidence.⁶²⁴⁶

1480. Many communiqués were also seized from **KRASNIQI** in multiple versions, including drafts and hand-edited versions containing amendments that were later reflected in the published versions.⁶²⁴⁷

1481. The Panel has received a large volume of credible and detailed evidence establishing the relevance, origins, authenticity and reliability of KLA communiqués, and corroborating their contents, and should thus give full weight to those public statements. Communiqués are relevant to these proceedings as they concern *inter alia*: (i) the existence of the armed conflict and the role of the KLA in combat actions; (ii) the role and power of the KLA GS in operational matters; and (iii) the policy of targeting and legitimising attacks against Opponents.⁶²⁴⁸ Communiqués dated outside the temporal scope of the Indictment are relevant to provide, amongst other things, context in relation to events within the temporal scope of the Indictment, and establish patterns of conduct which are relevant to facts alleged in the Indictment.⁶²⁴⁹

⁶²⁴⁴ See e.g. Communiqué 36 (P00279_ET(Public)) corroborated by W01453:T.22214-22215, 22219-22220 (07-Nov-2024)(Open) and W04290:T.24927-24928(10-Feb-2025)(Open); Communiqué 54 (P00156_ET(Public)) corroborated by W04290:T.24959-24960(10-Feb-2025)(Open); Communiqué 59 (P00297_ET(Public)) corroborated by P01740.5_ET:p.12(Public); Political Declaration 10 (P00158_ET(Public)), confirmed by W04278 ([REDACTED]).

⁶²⁴⁵ [REDACTED].

⁶²⁴⁶ Cf. e.g. Military Police Directorate Communiqué 2 (P00586_ET(Public)) with P00375(Public); Communiqué 63 (1D00047_ET(Public)) with P00377(Public); Communiqué 37 (P00152_ET(Public)) with P00269_ET.32(Public); Communiqué 39 (P00281_ET(Public)) with P00793:pp.U016-2113-U016-2114(Public); Political Declaration 7 ([REDACTED]) with P04156.3/P04156_ET:p.SPOE40010563(Public).

⁶²⁴⁷ See e.g. Political Declaration 3: draft seized from **KRASNIQI** (P00546/P00546_ET(Public)), published in *Koha Ditore* (P00540_ET(Public)); Political Declaration 8: handwritten draft (P00562/P00562_ET(Public)) included in his book manuscript 'The Albanians hours' (P00564/P00564_ET(Public)), both seized from **KRASNIQI**, and published in *Koha Ditore* (P00270_ET.17(Public)); Communiqué 49: handwritten draft seized from **KRASNIQI** (P00578/P00578_ET(Public)), published in *Zëri i Kosovës* (P00288_ET(Public)); Communiqué 73: hand-edited draft seized from **KRASNIQI** (P00594/P00594_ET(Public)), published in *Zëri i Kosovës* (P00541/P00541_ET(Public)). See also Opening Statements:T.2200-2207(03-Apr-2023)(Public).

⁶²⁴⁸ KSC-BC-2020-06/F01705, para.38.

⁶²⁴⁹ KSC-BC-2020-06/F01705, para.18.

J. SEIZED MATERIALS AND OTHER CONTEMPORARY KLA DOCUMENTS

1482. Seized materials and other contemporary KLA documents are reliable and of high probative value. These items were seized from KLA bases or KLA members, during or after the Indictment period, which is relevant to consideration of their authenticity.⁶²⁵⁰ The search and seizure operations were conducted by the SPO,⁶²⁵¹ ICTY,⁶²⁵² UNMIK,⁶²⁵³ KFOR⁶²⁵⁴ or Serbian authorities.⁶²⁵⁵

1. Material seized from the Accused

1483. Search and seizure from **Jakup KRASNIQI**'s and **Rexhep SELIMI**'s person and residence were authorised on 26 October 2020,⁶²⁵⁶ and conducted on [REDACTED]⁶²⁵⁷ and [REDACTED],⁶²⁵⁸ respectively. The items seized during these searches were photographed, seized, inventoried in logs and sealed in evidence bags or boxes for larger items.⁶²⁵⁹ They were securely transported by SPO personnel to the SPO premises in the Hague.⁶²⁶⁰ The SPO reviewed the items seized and retained only those of relevance.⁶²⁶¹

⁶²⁵⁰ See e.g. items seized from the Accused: KSC-BC-2020-06/F03191/COR, paras.23, 34, 42-47; items seized from other KLA members: KSC-BC-2020-06/F03214, para.78; items seized from KLA bases: KSC-BC-2020-06/F03214, paras.71, 75, related to [REDACTED], which was considered relevant by the Panel to assess the authenticity of items seized by Serbia during the operations described in the document.

⁶²⁵¹ The SPO conducted search and seizure operations at the residences of the Accused in both Cases 5 and 6 and in the context of obstruction-related investigations (see e.g. evidence seized from [REDACTED], Isni KILAJ and Bashkim SMAKAJ, described in KSC-BC-2020-06/F03120/A01).

⁶²⁵² See e.g. KSC-BC-2020-06/F02944, para.29, fn.113.

⁶²⁵³ See e.g. KSC-BC-2020-06/F02944, para.29, fn.111 and Annex 3; KSC-BC-2020-06/F02178, para.21, fn.99.

⁶²⁵⁴ See e.g. KSC-BC-2020-06/F02944, para.29, fn.112.

⁶²⁵⁵ See below Section V.J.2.

⁶²⁵⁶ KSC-BC-2020-06/F00030; KSC-BC-2020-06/F00031/COR.

⁶²⁵⁷ KSC-BC-2020-06/F00095, para.2.

⁶²⁵⁸ KSC-BC-2020-06/F00100, para.2.

⁶²⁵⁹ KSC-BC-2020-06/F00100, paras.6-8, 13; KSC-BC-2020-06/F00100/A01; KSC-BC-2020-06/F00095, paras.5, 8, 10, 21-22; KSC-BC-2020-06/F00095/A03.

⁶²⁶⁰ KSC-BC-2020-06/F00100, paras.9-11, 13; KSC-BC-2020-06/F00095, paras.14, 18, 23-26. See also KSC-BC-2020-06/F00366.

⁶²⁶¹ KSC-BC-2020-06/F00214.

1484. The Panel and the Defence have received relevant and detailed information on the searches and seizures,⁶²⁶² which led to findings, upheld on appeal, that the search and seizure operations were lawful.⁶²⁶³ The SPO has also submitted, for items tendered into evidence, the place and time of seizure, and Court orders authorising the search and seizures.⁶²⁶⁴

1485. A number of contemporaneous notes seized from **Rexhep SELIMI**⁶²⁶⁵ are attributable to him on the basis of multiple factors, including that: (i) they contain **SELIMI**'s signature⁶²⁶⁶ or name;⁶²⁶⁷ (ii) the video of **SELIMI** taking notes in a notebook during a meeting with internationals in Tërstenik/Trstenik on 5 March 1999 match the contents and appearance of a notebook seized from him;⁶²⁶⁸ (iii) **SELIMI**'s presence during the meetings described in the notes, and the manner in which the notes reference his presence or comments;⁶²⁶⁹ (iv) the general consistency of the writing and entries; and

⁶²⁶² KSC-BC-2020-06/F00100;KSC-BC-2020-06/F00095.

⁶²⁶³ KSC-BC-2020-06/F01596, paras.101-120. The Panel also found no breach of the SPO's obligations with regard to the items found on a USB stick in **Jakup KRASNIQI**'s wallet (*see* KSC-BC-2020-06/F03191, para.15;KSC-BC-2020-06/IA029/F00005, paras.32, 36-38).

⁶²⁶⁴ Oral Order:T.11021(15-Jan-2024)(Open). *See e.g.* KSC-BC-2020-06/F02234;KSC-BC-2020-06/F02333; KSC-BC-2020-06/F02423;KSC-BC-2020-06/F02495;KSC-BC-2020-06/F02574;KSC-BC-2020-06/F02628; KSC-BC-2020-06/F02707;KSC-BC-2020-06/F02764;KSC-BC-2020-06/F02898;KSC-BC-2020-06/F02979; KSC-BC-2020-06/F03130.

⁶²⁶⁵ [REDACTED];[REDACTED];P02412(Public);P03206(Public); P03765(Public);P03781.2(Public);[REDACTED];[REDACTED].

⁶²⁶⁶ [REDACTED]; [REDACTED];P01108(Public)(**Rexhep SELIMI**'s signature visible in ALB original);[REDACTED];P02924(Public)(**Rexhep SELIMI**'s signature visible in ALB original);P02924_ET(Public).

⁶²⁶⁷ [REDACTED]; [REDACTED]. *See also* W04752:T.17973-17974(10-Jul-2024)(Open), where W04752 confirmed **SELIMI** as a likely participant in the meeting where his name is signed under the agenda;[REDACTED];[REDACTED]; [REDACTED].

⁶²⁶⁸ For the match in contents of the meeting, *compare e.g.* [REDACTED] *with* [REDACTED]. For the appearance of the notebook, *compare e.g.* [REDACTED] *with* [REDACTED]; [REDACTED].

⁶²⁶⁹ Regarding **SELIMI**'s participation in meetings, *see* [REDACTED]; [REDACTED];[REDACTED]. For additional evidence of **SELIMI**'s participation, *compare e.g.* P01264_ET:pp.SPOE00128805-00128806(Public) *with* [REDACTED]; *compare* P01264_ET:pp.SPOE00128741-00128742(Public) *with* [REDACTED]; *compare* W04752:T.17496(03-Jul-2024)(Open) *with* [REDACTED]; *compare* W04752:T.17973-17974(10-Jul-2024)(Open) *with* [REDACTED]; *compare* W01453:T.21954-21955(05-Nov-2024)(Open) *with* [REDACTED]; *compare* [REDACTED] *with* [REDACTED]; [REDACTED].

(v) several witnesses confirm the contents of the notes in relation to **SELIMI**.⁶²⁷⁰ Furthermore, even pages in these collections of notes lacking direct evidence of **SELIMI**'s authorship, indicate his knowledge of their contents due to his GS membership, combined with the indication that: (i) the author of the notes acted on behalf of the GS;⁶²⁷¹ (ii) the topics are at GS-level;⁶²⁷² (iii) the recorded speaker is directing his comments to the GS;⁶²⁷³ and (iv) the contents of the notes were communicated by, or to, the GS.⁶²⁷⁴

1486. Similar factors apply to a number of contemporaneous notes⁶²⁷⁵ seized from **Jakup KRASNIQI**, including that there is: (i) overlap between the contents of the seized notes and his published books;⁶²⁷⁶ (ii) reference to the minutes of the meetings seized from **KRASNIQI** as sources in his published books;⁶²⁷⁷ (iii) overlap between the contents of the notes and other interviews and public statements of **KRASNIQI**;⁶²⁷⁸ or

⁶²⁷⁰ W01453:T.21954-21955(05-Nov-2024)(Open);W04752:T.17400(01-Jul-2024)(Open);W04752:T.17496(03-Jul-2024)(Open);W04752:T.17957-17959, 17973-17974(10-Jul-2024)(Open); [REDACTED];[REDACTED].

⁶²⁷¹ [REDACTED];[REDACTED]; [REDACTED];[REDACTED].

⁶²⁷² [REDACTED]; [REDACTED];[REDACTED];[REDACTED];[REDACTED];[REDACTED].

⁶²⁷³ [REDACTED]; [REDACTED]; [REDACTED];[REDACTED].

⁶²⁷⁴ [REDACTED];[REDACTED]; P02924_ET(Public);[REDACTED]; [REDACTED]; [REDACTED], if seen together with [REDACTED], which shows that GS members took part in the meeting; [REDACTED]; [REDACTED].

⁶²⁷⁵ See e.g. [REDACTED];P00644(Public);P00645(Public);[REDACTED]; [REDACTED];P01408(Public);P01431(Public);P03701(Public);P03719(Public); [REDACTED];P03770(Public);P03773(Public);P03774(Public);P03775(Public);P03777(Public); P03779(Public);P03782(Public);P03792(Public);P03910(Public);P04143(Public);P01093_ET(Public).

⁶²⁷⁶ Compare P03779_ET(Public) with P00189_ET.1:pp.U015-2284, U015-8904(Public); P03774_ET:p.SPOE00227663(Public) with P00189_ET.1:p.U015-8902(Public); [REDACTED] with P00189_ET.2:pp.U015-8944, U015-8956, U015-8961-U015-8962, U015-8966-U015-8967, U015-8969(Public), and P00189_ET.1:pp.U015-8776, U015-8825,U015-8885(Public);and 4D00011_ET(Public) with P00189_ET.1:pp.U015-8878-U015-8881(Public);P03770_ET(Public) and P00189_ET.1:pp.U015-8891-U015-8892,U015-8895(Public).

⁶²⁷⁷ Compare P00189_ET.3:pp.U015-8986(Public) with P03779_ET:p.SPOE00229219(Public) and P01431_ET(Public);P00189_ET.3:p.U015-8989(Public) with [REDACTED] and P00644_ET(Public);P00189_ET.3:p.U015-8988(Public) with P00645_ET(Public).

⁶²⁷⁸ Compare P01096_ET(Public) and P03719_ET(Public).

(iv) the items contain **KRASNIQI**'s signature or name.⁶²⁷⁹ In addition, **KRASNIQI** has admitted in court his authorship of notes and other documents seized from his house by the SPO.⁶²⁸⁰ Many pages from these contemporaneous notes seized from **KRASNIQI** also speak to his knowledge of their contents by virtue of his membership in the GS, together with the indication that: (i) the author of the notes acted on behalf of the GS;⁶²⁸¹ (ii) the noted topics are at the GS level;⁶²⁸² (iii) the recorded speaker is directing his comments to the GS;⁶²⁸³ (iv) the contents of the notes were communicated by or to the GS;⁶²⁸⁴ and (v) witnesses and evidence from other sources corroborate the contents of the notes in relation to **KRASNIQI**.⁶²⁸⁵

1487. With regard to the workstation seized from **Jakup KRASNIQI**'s residence,⁶²⁸⁶ multiple factors demonstrate that it was a computer used predominantly by him⁶²⁸⁷ during the Indictment period, even if other GS members working with **Jakup KRASNIQI** also used it at times.⁶²⁸⁸ For instance, documents found on the workstation

⁶²⁷⁹ P03774(Public)(Handwritten name visible in ALB);P03774_ET:p.SPOE00227663(Public); [REDACTED];[REDACTED];P04143(Public)(Signature visible in ALB);P04143_ET:p.SPOE00229233(Public).

⁶²⁸⁰ **KRASNIQI** unsworn statement:T.2433-2434(05-April-2023)(Open).

⁶²⁸¹ P03777_ET(Public);P03773_ET(Public), seen together with P02758_ET(Public).

⁶²⁸² P03792_ET(Public);P03775_ET(Public), seen together with [REDACTED];[REDACTED];[REDACTED];P03782_ET(Public).

⁶²⁸³ P03777_ET(Public).

⁶²⁸⁴ P03773_ET(Public), seen together with P02758_ET(Public);P03701_ET:p.SPOE00227868(Public), seen together with P01447_ET(Public);P01408_ET(Public);[REDACTED].

⁶²⁸⁵ W04401:T.23045-23047(02-Dec-2024)(Open) confirming [REDACTED];W04752:T.17757-17760(08-Jul-2024)(Open) confirming P00645_ET(Public);W04147:T.13557(25-Mar-2024)(Open); W04147:T.13786(26-Mar-2024)(Open) confirming P01093_ET(Public). *See also* [REDACTED] confirming [REDACTED];4D00068_ET:p.SPOE00226468(Public) confirming [REDACTED].

⁶²⁸⁶ W04752:T.18052-18054(11-Jul-2024)(Public).

⁶²⁸⁷ *See* P01406(Public);W04752:T.17429(02-Jul-2024)(Public);P01264_ET:p.SPOE00128711(Public); P01284(Public);P01403(Public);P01405(Public). *See also*: P00763.3_ET:pp.2-3(Public).

⁶²⁸⁸ In addition, the fact that the workstation was not in use at the time of its seizure only adds to its authenticity and contemporaneity, and, in this context, no conclusion can be drawn as to the weight or probative value to be attributed to items [REDACTED], P00613(Public), P00611(Public), P02913(Public), P02772(Public), P00610(Public) and [REDACTED] simply because they were recovered as deleted files (*see* [REDACTED];[REDACTED];[REDACTED];and [REDACTED]).

relate to his prior role as local LDK chairman,⁶²⁸⁹ and draft answers to interviews he gave to various media were also found in hardcopy, hand-edited versions at his residence and reproduced in his book manuscript.⁶²⁹⁰ Similarly, other documents were seized both in hard copy at **Jakup KRASNIQI**'s residence or from the USB found in his wallet, and as digital files in the workstation.⁶²⁹¹ KLA documents found in the workstation are also otherwise corroborated by the evidence in the case.⁶²⁹² Finally, insofar as certain documents on the workstation contained the initials of others – for example, Adem GRABOVCI and were drafted by them – this is consistent with their respective roles, their close cooperation and proximity with **KRASNIQI**, and many such documents were, in fact, prepared for and signed by **KRASNIQI**.⁶²⁹³

1488. The documents found in the workstation, or seized from the **Accused**, are authentic, and the fact that they were found in the **Accused**'s possession supports that the **Accused** had notice and/or knowledge of the information therein.

2. *Serbian seized material*

1489. Documents seized by Serbian authorities are also reliable and of high probative

⁶²⁸⁹ See e.g. P03731_ET(Public);[REDACTED];P03733_ET(Public).

⁶²⁹⁰ See e.g. P03703_ET(Public), with a similar hardcopy hand-edited version seized from **Jakup KRASNIQI**'s residence (P03704_ET(Public);P03704(Public)(handwritten annotations in ALB)), and another copy being part of his book manuscript 'The Albanians' Hour had come' (P03702_ET(Public)); P03709_ET(Public), with a partial hardcopy hand-edited version seized from **Jakup KRASNIQI**'s residence (P03700_ET(Public);P03700(Public)(handwritten annotations in ALB)), and published version in *Zëri i Kosovës* at P03698_ET(Public);P03712_ET(Public), with a similar hardcopy hand-edited version seized from **Jakup KRASNIQI**'s residence (P03711_ET(Public);P03711(Public)(handwritten annotations in ALB)), and another copy being part of his book manuscript 'The Albanians' Hour had come' (P03710_ET(Public));P03717_ET with a partial hardcopy hand-edited version seized from **Jakup KRASNIQI**'s residence (P03715_ET.1(Public);P03715(Public)(handwritten annotations in ALB)), and published version in *Zëri i Kosovës* at P03716_ET(Public).

⁶²⁹¹ See e.g. P01394_ET(Public) found in hard copy in **Jakup KRASNIQI**'s residence and its duplicate P03767_ET(Public) found in the workstation;P03768_ET(Public) seized from **Jakup KRASNIQI**'s wallet and its near duplicate P00184_ET(Public) found in the workstation.

⁶²⁹² See e.g. KLA Regulations P03664-P03666_ET(Public), P03668_ET(Public) found in the workstation, which are corroborated by statements of the Accused, statements of witnesses and other Regulations provided by other sources (see Annex 1 to KSC-BC-2020-06/F03065/A01, pp.3-7, 10-11).

⁶²⁹³ See Section II.A.3.b.

value. Materials seized by the Serbian authorities were both received from the ICTY, having been provided to them many years ago,⁶²⁹⁴ and directly from Serbia, on the basis of Requests for assistance.⁶²⁹⁵ After being collected, the evidence was [REDACTED].⁶²⁹⁶ Serbian authorities drafted reports on the search and seizures operations at KLA bases,⁶²⁹⁷ which confirm their provenance, location, circumstances, and materials seized. The purpose of collecting and analysing such materials during the conflict period would not have been served by fabrication, as they had significant operational value to the Serbian authorities, and the planning of Serbian operations depended on the accuracy of the material collected.⁶²⁹⁸

1490. When admitting documents seized by Serbia, the Panel established their *prima facie* authenticity, and considered there was no basis to consider that evidence as *prima facie* suspicious,⁶²⁹⁹ rejecting the Defence's submissions to the contrary.⁶³⁰⁰ As the SPO has previously submitted,⁶³⁰¹ there is no evidence on the record sufficient to establish that materials should be treated as *prima facie* suspicious just because they emanate from Serbia. The information contained in these seized documents, including notebooks, is corroborated by witnesses and other evidence in the case.⁶³⁰² Similarly, documents forming part of seized collections have been authenticated by witnesses, who provided

⁶²⁹⁴ Haradinaj CoC Submission, Annex A, paras.6,13 (concerning evidence provided to the SPO by the ICTY and falling in ERN range U000-0287-U002-3928).

⁶²⁹⁵ [REDACTED].

⁶²⁹⁶ [REDACTED];[REDACTED].

⁶²⁹⁷ See e.g. [REDACTED];[REDACTED];[REDACTED], admitted in KSC-BC-2020-06/F03214, paras.71, 75;[REDACTED];[REDACTED]; [REDACTED].

⁶²⁹⁸ See, similarly, in relation to [REDACTED] for the same reasons: [REDACTED];[REDACTED];[REDACTED]; [REDACTED].

⁶²⁹⁹ KSC-BC-2020-06/F01664, para.35;KSC-BC-2020-06/F01963, para.28;KSC-BC-2020-06/F03141, para.51; KSC-BC-2020-06/IA032/F00005, para.41.

⁶³⁰⁰ See e.g. KSC-BC-2020-06/F01963, paras.29-30.

⁶³⁰¹ KSC-BC-2020-06/IA032/F00003, para.13.

⁶³⁰² See e.g. [REDACTED] and [REDACTED], which corroborate each other, and are corroborated by witness testimony. See e.g. in relation to [REDACTED]: [REDACTED];[REDACTED]. In relation to [REDACTED], see [REDACTED]. See also KSC-BC-2020-06/F01892, paras.17-19. See also P01358_ET(Public), referring and corroborated by P03682_ET(Public) seized from Jakup KRASNIQI.

corroboration and context, buttressing the authenticity of the collections as a whole.⁶³⁰³ Finally, duplicates of items seized by Serbia were also seized from other sources, including from **Jakup KRASNIQI**.⁶³⁰⁴

K. DEFENCE WITNESSES AND DOCUMENTARY EVIDENCE

1491. Following the SPO's case-in-chief, the THAČI Defence called seven *viva voce* witnesses,⁶³⁰⁵ while the KRASNIQI Defence tendered the Rule 153 statement of [REDACTED] (collectively 'Defence witnesses').⁶³⁰⁶ The Defence witnesses and Defence evidence⁶³⁰⁷ fail to disturb the SPO's case proven beyond a reasonable doubt.

1492. While much of the Defence witnesses' testimony – including opinion and impression evidence – is unreliable given its lack of substantiation and the fact it is contradicted by a vast body of contrary evidence, certain elements can be relied upon. In line with well-established international jurisprudence,⁶³⁰⁸ the SPO relies on portions of their evidence shown to be reliable, including admissions made against the witnesses' interests or those of the **Accused**, certain purely factual observations, and admissions that came forward from confrontation during cross-examination.

⁶³⁰³ KSC-BC-2020-06/F02178, para.21;KSC-BC-2020-06/F02248, para.21;KSC-BC-2020-06/F02468, para.17; KSC-BC-2020-06-F02667, para.17.

⁶³⁰⁴ See e.g. P00008_ET(Public) seized by Serbia and near duplicates P00008.1_ET(Public) and P00641_ET(Public) seized from **Jakup KRASNIQI**; P00539_ET(Public) seized by Serbia, and near duplicates P00570_ET(Public) seized from **Jakup KRASNIQI** and P00311_ET(Public) from the Lausanne Library. See also [REDACTED] seized by Serbia and near duplicate P03035_ET(Public) seized from **Jakup KRASNIQI**; P00892_ET(Public) seized by Serbia and near duplicate P03666_ET(Public) seized from **Jakup KRASNIQI** (format differs).

⁶³⁰⁵ The THAČI Defence called the following witnesses: 1DW-003, 1DW-001, 1DW-006, 1DW-004, 1DW-008, 1DW-009, and 1DW-007. See also KSC-BC-2020-06/F03516, para.1. W04760, whose statements were tendered pursuant to Rule 155 by the THAČI Defence, is addressed in Section III.D.

⁶³⁰⁶ KSC-BC-2020-06/F03552, para.40;[REDACTED]. The SPO reiterates its submissions that 4D00140_ET is irrelevant, unsubstantiated, and lacks probative value. See KSC-BC-2020-06/F03464, paras.3-7.

⁶³⁰⁷ Including as tendered during the SPO case-in-chief.

⁶³⁰⁸ See e.g. *Bošković et al.* AJ, para.59; *Šainović et al.* AJ, para.294; *Krajišnik* AJ, para.354.

1. *THAÇI Defence Witnesses*

1493. The testimony of the THAÇI Defence witnesses focused largely on four claims: (i) that **THAÇI** had little to no influence or authority over the KLA; (ii) that the KLA was a decentralised body in which all authority – to the limited extent it existed – resided in local or regional commanders; (iii) that neither the KLA nor **THAÇI** was responsible for post-June 1999 crimes; and (iv) that the armed conflict ended in June 1999. These assertions emerged from assumptions refuted by the totality of the evidence on the record, and were oftentimes contradicted by information the THAÇI Defence witnesses either did not have, did not remember, or disregarded. These claims fail to disrupt the SPO's case proven beyond a reasonable doubt, as they lack foundation, were ill-informed, and in some cases, resulted from extraneous motivations or perspectives.

a. Claims regarding THAÇI's purported lack of authority

1494. The THAÇI Defence witnesses focused extensively on **THAÇI**'s purported lack of authority over the KLA during the course of their testimony.⁶³⁰⁹ However, as became abundantly clear during the course of their testimony, these claims lacked foundation, as they were derived from a handful of contacts and limited information,⁶³¹⁰ are easily refuted by credible evidence on the record,⁶³¹¹ were contradictory,⁶³¹² and were similarly

⁶³⁰⁹ See e.g. 1DW-003:T.26506-26511, 26513-26514(15-Sep-2025)(Open);1DW-001:T.26870-26871(18-Sep-2025)(Open);1DW-006:T.27077-27080(22-Sep-2025)(Open);1DW-009:T.28023-28024(13-Nov-2025)(Open).

⁶³¹⁰ See e.g. 1DW-003:T.26748-26749, 26765-26768(16-Sep-2025)(Open);1D00280:p.SPOE00397415(Public); 1DW-006:T.27143-27144(22-Sep-2025)(Open);1DW-001:T.26865, 26890-26893, 26902, 26919-26920(17-Sep-2025)(Open);1DW-001:T.26953, 26971(18-Sep-2025)(Open);1DW-008:T.27687-27690(10-Nov-2025)(Open); 1DW-008:T.27731, 27747-27748, 27750, 27782, 27795, 27837-27838, 27842-27843, 27858-27859(11-Nov-2025)(Open).

⁶³¹¹ See e.g. 1DW-006:T.27141-27142(22-Sep-2025)(Open). See also 1DW-006:T.27168-27169(23-Sep-2025)(Open);1DW-007:T.28169-28171, 28177-28179, 28180-28182(17-Nov-2025)(Open).

⁶³¹² For example, 1DW-004 was unable to adequately explain why UNMIK routinely requested **THAÇI**'s intervention to address issues such as the commission of crimes despite his purported lack of authority or sway, and similarly could not explain contradictory contemporaneous statements regarding **THAÇI**'s purported calls for peace. See 1DW-004:T.27611-27612(02-Oct-2025)(Open). Compare [REDACTED] with 1DW-004:T.27369-27371(30-Sep-2025)(Open) (noting that the 'possibility of double talk' by **THAÇI** could not be excluded).

rooted in inadequately supported vague ‘impressions’.⁶³¹³ They should be accorded no weight by this Panel.

1495. 1DW-004, 1DW-006, and 1DW-007’s ‘impressions,’ in particular, underscore the lack of weight the Panel should give to the THAÇI Defence witnesses’ statements regarding THAÇI’s authority. 1DW-006 placed great significance on his ‘feeling’ that there was a lack of deference paid by Zone Commanders to THAÇI as supposedly exemplified by THAÇI’s appearance in a ‘Western suit, looking very smooth,’ which provided a ‘visual clash’ with the Zone Commanders present at the Undertaking negotiations.⁶³¹⁴

1496. Similarly, both 1DW-004 and 1DW-007 placed considerable weight on their interpretation of the body language of THAÇI and KLA Zone Commanders at a single September 1999 JIC meeting in forming their conclusion that THAÇI lacked authority over the Zone Commanders.⁶³¹⁵ 1DW-007 underscored that THAÇI did not join the Zone Commanders when they sought out 1DW-007 at breaks, underscoring instead that, as THAÇI ‘looked more Western’ and, because he ‘didn’t look like he had been out in the woods fighting’, it was ‘clear he wasn’t in charge’.⁶³¹⁶ For 1DW-004, THAÇI’s body language at the sole opportunity 1DW-004 met with both THAÇI and the Zone Commanders was sufficient to ‘confirm [...] what we had believed from the very beginning’, being that THAÇI ‘had no meaningful relationship’ with the commanders.⁶³¹⁷

⁶³¹³ See e.g. 1DW-003:T.26797(17-Sep-2025)(Open);1DW-008:T.27925(12-Nov-2025)(Open);1DW-001:T.26865, 26902(17-Sep-2025)(Open);1DW-001:T.26958-26959(18-Sep-2025)(Open).

⁶³¹⁴ 1DW-006:T.27077-27079(22-Sep-2025)(Open)(further stating that THAÇI was treated as having the authority of an ‘important politician’ while underscoring his belief that a ‘commander-in-chief’ cannot be a political leader). Regarding THAÇI’s contrasting appearance in the field, see P01449_ET:pp.SPOE00209482-00208483(Public).

⁶³¹⁵ [REDACTED];1DW-004:T.27346-27348(30-Sep-2025)(Open);1DW-004:T.27458(01-Oct-2025)(Open). See also 1DW-007:T.28134-28135(01-Nov-2025)(Open); [REDACTED].

⁶³¹⁶ 1DW-007:T.28134-28135(01-Nov-2025)(Open).

⁶³¹⁷ 1DW-004:T.27346-27348(30-Sep-2025)(Open). See also 1D00390:paras.16(e), 61-64(Public).

1497. Such ‘observations’ are plainly unreliable and should be accorded no to limited weight.⁶³¹⁸ Furthermore, whatever minimal weight such observations might be entitled to is undercut by evidence on the record that either directly refutes such claims,⁶³¹⁹ or provides alternative explanations for **THAÇI**’s purported behaviour and conduct at the JIC meeting, including **THAÇI**’s outburst of anger at the internationals prior to the meeting,⁶³²⁰ or even the simple fact that, as **THAÇI** held himself out as Prime Minister,⁶³²¹ there would be other explanations for him distancing himself from his subordinates.

1498. In addition to the atmospherics at the JIC meeting, 1DW-007 also placed emphasis on one other meeting at which **THAÇI** was purportedly unable to provide requested targeting information on Serb positions.⁶³²² 1DW-007, however, was unable to explain why he would have sought time-sensitive targeting information from a high-level leadership figure who had been away from Kosovo on international outreach for at least a week when NATO had far more direct and real-time access to such information, or why **THAÇI** expressed no awareness of any such discussion when interviewed after the meeting.⁶³²³ Furthermore, while 1DW-007 similarly asserted that he had not received military information from the KLA, which he chalked up to its lack of organisation,⁶³²⁴ during cross examination he conceded he *did* in fact receive military targeting information from the KLA and that NATO *was* receiving information from the

⁶³¹⁸ See e.g. KSC-BC-2020-06/F03012, para.58.

⁶³¹⁹ While 1DW-006 emphasised that **THAÇI**’s lack of authority was shown during the Undertaking negotiations, he nonetheless underscored that **THAÇI** signed the Undertaking as the ‘commander in chief’, a title that was only added once **THAÇI**’s name appeared in the signature block, and further conceded that the Zone Commanders expressed no disapproval or opposition to this, directly contradicting his own assessments. See 1DW-006:T.27149(22-Sep-2025)(Open);1DW-006:T.27185-27191, 27303-27304(23-Sep-2025)(Open).

⁶³²⁰ 1DW-004:T.27468-27469(01-Oct-2025)(Open);[REDACTED].

⁶³²¹ 1DW-008:T.27934(12-Nov-2025)(Open);1DW-004:T.27448(01-Oct-2025)(Open);1DW-004:T.27622(02-Oct-2025)(Open).

⁶³²² 1DW-007:T.28116-28117(17-Nov-2025)(Open);1DW-007:T.28239(18-Nov-2025)(Open).

⁶³²³ 1DW-007:T.28247-28248, 28272-28273(18-Nov-2025)(Open).

⁶³²⁴ 1DW-007:T.28117-28118(17-Nov-2025)(Open).

KLA, further underscoring the unreliability of his recollections, impressions and assessment.⁶³²⁵

b. Claims regarding the KLA's organisation

1499. Closely related to claims regarding THAÇI's purported lack of authority was the assertion that the KLA was a decentralised body in which all authority – to the limited extent it existed – resided in local or regional commanders.⁶³²⁶ This claim, however, lacked foundation and credibility, and was contradicted by the relevant witnesses' own testimony, or other evidence on the record. Defence witnesses could not and did not know about – among many other relevant matters – contemporaneous orders, reports, KLA regulations, minutes of meetings, or of commanders of zones and brigades.⁶³²⁷ When confronted with such gaps in their knowledge, some THAÇI Defence witnesses conceded the limits of their knowledge; 1DW-004 noted that diplomats and peacekeepers know from the outset that they will 'almost never know the full story', underscoring that, instead of having concrete data, diplomats and peace-keepers can only 'try to assess what [they] have in front of [them]' by 'indirection' or 'fingerspitzengefühl (fingertips feel).'⁶³²⁸ As further highlighted below, such ill-informed and predominantly subjective assessments should be accorded no weight by this Panel.

1500. 1DW-003 – who displayed a clear lack of foundational knowledge regarding

⁶³²⁵ 1DW-007:T.28243-28248, 28254-28259(18-Nov-2025)(Open). See also P04514:pp.DHT111472-DHT111473(Public);P02499_ET:p.077981(Public).

⁶³²⁶ See e.g. 1DW-008:T.27673-27674(10-Nov-2025)(Open).

⁶³²⁷ 1DW-009:T.28034-28037(13-Nov-2025)(Open). See also 1DW-006:T.27021, 27140-27141(22-Sep-2025)(Open);1DW-006:T.27271, 27321-27322(23-Sep-2025)(Open);1DW-004:T.27447-27449, 27455(01-Oct-2025)(Open);1DW-007:T.28169-28171, 28177-28179, 28180-28182(17-Nov-2025)(Open);[REDACTED];1DW-008:T.27679-27681(10-Nov-2025)(Open);1DW-008:T.27842-27843(11-Nov-2025)(Open);1DW-008:T.27932-27936(12-Nov-2025)(Open).

⁶³²⁸ 1DW-004:T.27557-27558(01-Oct-2025)(Open).

relevant matters⁶³²⁹ – posited himself as a better authority than **SELIMI** concerning **THAÇI**'s role in the KLA.⁶³³⁰ 1DW-006, who had no knowledge of the inner-workings of the KLA,⁶³³¹ gave great weight to the power of Zone Commanders – most of whom he could not even name⁶³³² – based on his involvement in the Undertaking negotiations. However, 1DW-006 failed to recall – and as can be seen from video evidence⁶³³³ – the presence of PGoK leaders at negotiations, and similarly his own evidence that he called a break during the negotiations to speak with the 'key players,' *i.e.*, **THAÇI**, Agim ÇEKU, and **KRASNIQI**,⁶³³⁴ and not with the Zone Commanders, directly contradicting his 'assessment' regarding the KLA power structure.

1501. 1DW-008 similarly provided contradictory testimony regarding the KLA's leadership. While lamenting his failure to identify suitable KLA interlocutors, 1DW-008 acknowledged that KLA members were, at least initially, secretive as to the identity of KLA leaders and information concerning the KLA's internal organisation,⁶³³⁵ and detailed the unorthodox, inefficient approaches he undertook in his attempted identification.⁶³³⁶ When he did meet KLA members with authority, including **THAÇI**, **SELIMI** and **KRASNIQI**, he refused to believe they possessed such authority simply because they did not provide immediate, definitive answers to the complex, highly consequential matters discussed, that, as he was told, necessitated consideration by the

⁶³²⁹ 1DW-003:T.26592-26597(15-Sep-2025)(Open);1DW-003:T.26638-26639, 26722-26723, 26743-26744, 26756, 26765-26769(16-Sep-2025)(Open);1DW-003:T.26797-26798(17-Sep-2025)(Open).

⁶³³⁰ Compare 1DW-003:T.26619-26620(15-Sep-2025)(Open) with P00763.5_ET:p.17(Public). See also 1DW-003:T.26768-26770(16-Sep-2025)(Open).

⁶³³¹ See *e.g.* 1DW-006:T.27021, 27140-27141(22-Sep-2025)(Open);1DW-006:T.27271, 27321-27322(23-Sep-2025)(Open).

⁶³³² 1DW-006:T.27166(23-Sep-2025)(Open). See also 1DW-006:T.27143(22-Sep-2025)(Open), where the witness was similarly unable to name KLA operational zones.

⁶³³³ 1DW-006:T.27168-27169(23-Sep-2025)(Open).

⁶³³⁴ 1DW-006:T.27269-27271(23-Sep-2025)(Open).

⁶³³⁵ 1D00425:p.DHT08900(Public).

⁶³³⁶ 1DW-008:T.27751-27761, 27767(11-Nov-2025)(Open);1D00425:pp.DHT08910-DHT08911(Public); 1DW-008:T.27665-27668(10-Nov-2025)(Open);1DW-008:T.27881(12-Nov-2025)(Open).

GS.⁶³³⁷

1502. 1DW-009, whose expertise was confined to matters related to Serbia rather than to Kosovo,⁶³³⁸ put forward various assertions regarding the KLA's lack of organisation that lacked foundation or are clearly contradicted by evidence on the record.⁶³³⁹ In support of his claims that the KLA was wholly decentralised, 1DW-009 relied entirely on his assertion that General JACKSON would have forcefully confronted the KLA leadership with the crimes in the summer of 1999 if General JACKSON believed that the KLA leadership was responsible for such crimes, or could quell the perpetrators.⁶³⁴⁰ In fact, General JACKSON *did* confront the KLA leadership about KLA detention-related crimes, revealing both the continuing policy of detaining Opponents and General JACKSON's view – contrary to 1DW-009's claim – that the KLA's hierarchical nature warranted raising concerns with its leadership.⁶³⁴¹

1503. By contrast, in some instances, THAÇI Defence witnesses provided factual evidence that bolsters the SPO's well-proven case. For example, 1DW-006's factual observations regarding the Undertaking negotiations underscored the true 'power brokers' of the KLA in the negotiations, namely **THAÇI** and **KRASNIQI**.⁶³⁴² 1DW-007's observations regarding his own experience as SACEUR underscored the importance of discussion and taking into account the positions of subordinate officers before taking a decision, offering an explanation that applies at least equally to the leadership and organisation of a non-state armed group like the KLA.⁶³⁴³ Similarly, Defence witness

⁶³³⁷ 1DW-008:T.27662-27663, 27665-27673, 27687-27690(10-Nov-2025)(Open);1DW-008:T.27750-27759, 27769-27770, 27785, 27797(11-Nov-2025)(Open);1D00423:pp.DHT12274-DHT12276, DHT12287-DHT12288(Public);P04508_ET:pp.SPOE0058153-SPOE0058154(Public);P04492:p.SPOE00405216(Public).

⁶³³⁸ 1DW-009:T.28029, 28031-28032(13-Nov-2025)(Open);[REDACTED].

⁶³³⁹ 1DW-009:T.28034-28037(13-Nov-2025)(Open).

⁶³⁴⁰ [REDACTED].

⁶³⁴¹ [REDACTED];P00755:p.SITF00172748(Public).

⁶³⁴² 1DW-006:T.27269-27271(23-Sep-2025)(Open).

⁶³⁴³ 1DW-007:T.28183-28189(17-Nov-2025)(Open). *See also* W04868:T.18779-18780(20-Aug-2024)(Open);[REDACTED].

evidence making it clear that KLA members, including some of the **Accused**, sought, at a minimum, to displace the LDK,⁶³⁴⁴ and observations that **THAÇI**'s longstanding desire for Kosovo to become independent was the primary reason the Kosovo-Albanian delegation led by **THAÇI** did not sign the agreement at Rambouillet⁶³⁴⁵ should also be generally accepted by this Panel as reliable factual observations.

c. Claims regarding post-June 1999 violence

1504. Several **THAÇI** Defence witnesses asserted that the KLA and **THAÇI** were not responsible for post-June 1999 crimes, stating instead that violence that did occur was wholly comprised of retaliatory crimes.⁶³⁴⁶ However, as underscored at various points during cross-examination and examination by the Panel, these witnesses were not even aware of the crimes charged in this case and opined instead on crimes not covered by the Indictment,⁶³⁴⁷ and serious concerns and allegations pertaining to KLA detention crimes were reported on and/or investigated by, *inter alia*, KFOR and UNMIK during the relevant time period, undermining **THAÇI** Defence witnesses' testimony.⁶³⁴⁸ This claim similarly fails to disrupt the SPO's evidence as it is without foundation, fails to address matters in dispute relevant to adjudication, and is clearly contradicted by reliable evidence on the record.

⁶³⁴⁴ 1DW-008:T.27684-27690(10-Nov-2025)(Open);1D00423:pp.DHT12287-DHT12288(Public);1DW-008:T.27842, 27844, 27865(11-Nov-2025)(Open);1D00425:pp.DHT08898, DHT08912-DHT08913, DHT08918(Public);1DW-008:T.27874-27875, 27922, 27932(12-Nov-2025)(Open). *See also* 1DW-001:T.26895, 26931-26935, 26966-26968(17-Sep-2025)(Open);P04491:p.SPOE40010710(Public).

⁶³⁴⁵ 1DW-008:T.27702(10-Nov-2025)(Open);1DW-008:T.27795, 27813(11-Nov-2025)(Open);1DW-001:T.26911-26912(17-Sep-2025)(Open);[REDACTED];1DW-001:T.26954(18-Sep-2025)(Open);1D00377:pp.DHT10235, DHT10237(Public).

⁶³⁴⁶ *See e.g.* 1DW-009:T.28013-28014(12-Nov-2025)(Open);[REDACTED];1DW-009:T.28024(13-Nov-2025)(Open);1DW-006:T.27120(22-Sep-2025)(Open).

⁶³⁴⁷ *Compare e.g.* 1DW-007:T.28279-28280(18-Nov-2025)(Open) *with* [REDACTED]. *See also* 1DW-009:T.28045-28056(13-Nov-2025)(Open);1DW-004:T.27474(01-Oct-2025)(Open);1DW-003:T.26675-26676(16-Sep-2025)(Open).

⁶³⁴⁸ *See e.g.* 1DW-009:T.28045-28046(13-Nov-2025)(Open);P04502(Public);P00380(Public);P04153(Public);P04130(Public). *See also* 1DW-008:T.27692(10-Nov-2025)(Open);1DW-003:T.26727-26729(16-Sep-2025)(Open).

1505. For example, 1DW-009's assertions regarding the source of post-June 1999 violence are unreliable and lack foundation. While 1DW-009 underscored he 'personally observed' violence on the ground that informed his assessment regarding the KLA's lack of involvement in post-June 1999 crimes,⁶³⁴⁹ it became apparent that his 'ample' time spent in Kosovo was grossly exaggerated, having spent a total of six to seven days in Kosovo.⁶³⁵⁰ Furthermore, while 1DW-009 asserted that the summer of 1999 violence was entirely revenge related and not attributable to the KLA, on cross-examination he conceded he was aware of reports of detention centres being run by the KLA, but could not recall specifics,⁶³⁵¹ and further agreed that General JACKSON would have been well-placed to identify and report violations of the Undertaking.⁶³⁵²

1506. Similar to 1DW-009, 1DW-007's assertions regarding the summer of 1999 violence, including that it was not attributable to the KLA, lacked foundation and are directly contradicted by evidence on the record. Even when presented with evidence to the contrary pertaining to, *inter alia*, U.S. KFOR raids at KLA detention sites that coincided with 1DW-007's limited travel to Kosovo, 1DW-007 doggedly refused to change his prior assertions, showing an inability to objectively take into account contrary facts.⁶³⁵³ Instead, he betrayed a clear misapprehension of his role as a witness by ignoring or rejecting facts at odds with his belief that the KLA was on the right side of history, offering lengthy tangential commentaries on matters wholly irrelevant to this case.⁶³⁵⁴

1507. 1DW-004 testified regarding the violence of the summer of 1999, focusing in

⁶³⁴⁹ 1DW-009:T.28013-28014(12-Nov-2025)(Open);[REDACTED];1DW-009:T.28024(13-Nov-2025)(Open).

⁶³⁵⁰ 1DW-009:T.28003-28004, 28012-28013(12-Nov-2025)(Open).

⁶³⁵¹ 1DW-009:T.28045-28056(13-Nov-2025)(Open).

⁶³⁵² 1DW-009:T.28057-28058(13-Nov-2025)(Open).

⁶³⁵³ 1DW-007:T.28216-28218, 28170(18-Nov-2025)(Open).

⁶³⁵⁴ 1DW-007:T.28276-28278, 28303-28305(18-Nov-2025)(Open). *See similarly* 1DW-003:T.26639(16-Sep-2025)(Open).

particular on **THAÇI**'s purported calls for peace.⁶³⁵⁵ However, when confronted with evidence regarding, *inter alia*, KLA detention sites and **THAÇI**'s lack of cooperation, 1DW-004 was unable to explain the divergence between his assertions and contemporaneous reports and records, including reports he acknowledged he would have seen.⁶³⁵⁶ Instead, 1DW-004 revealed actions by himself and Bernard KOUCHNER to deflect calls to address allegations of crimes reportedly involving the KLA, refusing to raise these issues with **THAÇI** – despite direct démarches from UN Headquarters – on the basis that such actions were ‘not useful as UNMIK strategy’.⁶³⁵⁷ Similarly, while 1DW-003 was well aware of contemporaneous US authorities’ detailed reporting and public condemnation of KLA violence and crimes, including his own such condemnations,⁶³⁵⁸ he publicly dismissed allegations of such crimes without even having knowledge of the sources thereof.⁶³⁵⁹

1508. As with other claims, **THAÇI** Defence witnesses’ claims regarding post-June 1999 crimes fail to disrupt the overwhelming – and, by contrast, relevant – evidence on the record pertaining to KLA detention-related crimes, and should be dismissed entirely.

d. Claims regarding the end of armed conflict

1509. The **THAÇI** Defence witnesses’ claims pertaining to the end of the armed conflict are contradicted by reliable evidence on the record, are without foundation or

⁶³⁵⁵ [REDACTED].

⁶³⁵⁶ 1DW-004:T.27481-27482(01-Oct-2025)(Open);[REDACTED]. 1DW-004, who also underscored **THAÇI**'s purported lack of authority, similarly could not explain why 1DW-004 repeatedly sought **THAÇI**'s assistance with quelling violence, despite his lack of authority. See 1DW-004:T.27611-27612(02-Oct-2025)(Open). Compare 1D00390:paras.29, 31, 33, 42-43, 70(Public) with 1DW-004:T.27369-27371(30-Sep-2025)(Open).

⁶³⁵⁷ 1DW-006:T.27540-27542(01-Oct-2025)(Open).

⁶³⁵⁸ 1DW-003:T.26642-26649, 26653(16-Sep-2025)(Open);P04487_ET(Public);P04488:p.114010(Public);P01067:p.075307(Public);P04487:00:07:48-00:08:25(Public). See similarly 1DW-001:T.26926-26928(17-Sep-2025)(Open).

⁶³⁵⁹ 1DW-003:T.26538-26542(15-Sep-2025)(Open);1DW-003:T.26661-26664(16-Sep-2025)(Open);1D00291:pp.DHT11910-DHT11911(Public);1D00275:p.DHT05186(Public). See also 1DW-003:T.26664-26668(16-Sep-2025)(Open).

expression of the (legal) standard they applied, and are at odds with the actual legal standard governing the end of a non-international armed conflict, as described in greater detail in this Brief. Indeed, while witnesses like 1DW-007⁶³⁶⁰ and 1DW-009 definitively claimed the end of armed conflict to have occurred in June 1999, they instead provided compelling factual observations to the contrary. These factual observations, instead of undermining the SPO's case, bolster other reliable evidence on the record as underscored throughout this Brief pertaining to the end of the armed conflict.

1510. For example, while 1DW-009 provided an unfounded opinion with regard to the end of the armed conflict,⁶³⁶¹ during cross-examination he provided purely factual observations that contradicted this assertion, including underscoring the continued presence of Serbian paramilitaries remaining active in Kosovo as raised by **THAÇI**, as well as the real risk of a Serb reinvasion.⁶³⁶² Similarly, 1DW-007 conceded that the risk of a Serbian reinvasion remained a real concern of his, including even at the time of his February 2000 US Senate testimony,⁶³⁶³ and further conceded that the summer of 1999 was more accurately called a 'ceasefire'.⁶³⁶⁴

1511. These factual observations – and not the wholly unfounded opinions regarding the end of the conflict, which in any event is the exclusive purview of the Panel – are generally reliable and should be accorded weight by this Panel.

1512. Whether the evidence given by **THAÇI** Defence witnesses represented – as conceded by 1DW-004 – efforts to defend doing their best at the time under circumstances they knew to be inadequate for purposes of 'adjudicating past history',⁶³⁶⁵

⁶³⁶⁰ 1DW:007:T.28120-28122(17-Nov-2025)(Open);1D00430:para.27(Public).

⁶³⁶¹ 1DW-009:T.28068(13-Nov-2025)(Open).

⁶³⁶² 1DW-009:T.28064-28066, 28074-28076, 28082(13-Nov-2025)(Open).

⁶³⁶³ 1DW-007:T.28204, 28208(18-Nov-2025)(Open).

⁶³⁶⁴ 1DW-007:T.28203-28204(18-Nov-2025)(Open).

⁶³⁶⁵ 1DW-004:T.27559(01-Oct-2025)(Open).

or represented efforts to cling to earlier impressions despite repeated examples of evidence to the contrary or even represented appeals to ignore the past, it is clear that their evidence was grounded in temporal, quantitative and qualitative limitations that fail to undercut the SPO's case.

e. Additional considerations

1513. Additional relevant considerations, including close personal friendships with **THAÇI**, close business dealings with **THAÇI**, ill-informed opinions regarding the KSC, and clear animosity against the SPO and KSC further underscore the lack of reliability of Defence witnesses' testimony and should be considered by the Panel when assessing what weight, if any, to give to it.

1514. For example, 1DW-003 developed a friendship with **THAÇI** in 1999 and, only a few years ago, worked closely with **THAÇI** while employed by a firm to lobby on **THAÇI**'s behalf in relation to political and economic issues.⁶³⁶⁶ Despite his acknowledged lack of information concerning the specific charges or the evidence in this case, 1DW-003 nonetheless publicly stated that **THAÇI** was being prosecuted under an untrue, absurd theory, further describing his prosecution as a disgrace being undertaken by an institution run amok and inventing the law as it goes.⁶³⁶⁷ Other **THAÇI** Defence witnesses also underscored their utter lack of understanding or knowledge of the crimes relevant to the Indictment while nonetheless offering sweeping statements regarding the culpability of the **Accused**.⁶³⁶⁸ Such additional considerations should be taken into account when assessing what weight, if any, to give

⁶³⁶⁶ 1D00280:p.SPOE00397415(Public);1DW-003:T.26492-26493, 26603(15-Sep-2025);1DW-003:T.26674-26681, 26683(16-Sep-2025)(Open);P00489(Public);1D00279_ET:p.SPOE00229726(Public).

⁶³⁶⁷ 1DW-003:T.26668-26670, 26675-26676, 26686-26691(16-Sep-2025)(Open);P04490(Public);P04490_ET:pp.1-2(Public).

⁶³⁶⁸ Compare e.g. 1DW-007:T.28279-28280(18-Nov-2025)(Open) with 1D00430:paras.32-34(Public). See also 1DW-009:T.28045-28056(13-Nov-2025)(Open).

to THAÇI Defence witnesses' testimony.

2. *Defence Documentary Evidence*

1515. During the course of the SPO's case presentation, the Defence tendered evidence that fails to disrupt the SPO's case proven beyond a reasonable doubt. Some of this evidence clearly lacked probative value, and should be treated with caution by the Panel in its final assessment.

1516. By way of example, the SPO underscores the tendered or utilised 'passport records' to dispute the Accused **THAÇI** and **VESELI**'s whereabouts during the Indictment period.⁶³⁶⁹ These records fail to rebut evidence presented by the SPO concerning the presence of the **Accused** at relevant moments in time.

1517. For example, while the THAÇI Defence tendered 'passport records' to corroborate, *inter alia*, **THAÇI**'s purported entry into Albania on 27 April 1999,⁶³⁷⁰ there is no discernible stamp contained in the corresponding 'passport record' that clearly establishes such travel, and several of the purported 'stamps' are illegible⁶³⁷¹ and thus unreliable. Furthermore, during the Indictment period, travel over land borders without customs or passport control, including by **THAÇI** and **VESELI**, was common,⁶³⁷² and it is not unusual for people to hold more than one passport, including for example, in the case of Kosovar Albanians, an Albanian passport. As such, the passport records – like other Defence evidence lacking reliability and/or probative value⁶³⁷³ – should be treated with caution by the Trial Panel.

⁶³⁶⁹ See e.g. [REDACTED];[REDACTED];W04765:T.10497-10500(05-Dec-2023)(Open); W04147:T.14270-14278(03-Apr-2024)(Open).

⁶³⁷⁰ KSC-BC-2020-06/F03448/A01, p.2.

⁶³⁷¹ See e.g. [REDACTED]. See also [REDACTED].

⁶³⁷² See e.g. P00739.6_ET:p.2(Public);[REDACTED];AF22(Public);P04216_ET:p.10(Public).

⁶³⁷³ See e.g. 1D00247:p.DHT01458(Public)(document purported to be Drenicë Zone Order); W04290:T.25085-25091, 25093(11-Feb-2025)(Open).

L. CLIMATE OF WITNESS INTIMIDATION

1518. The longstanding and pervasive climate of witness intimidation within which this case has been conducted⁶³⁷⁴ has impacted, to various degrees, the evidence of certain witnesses. This factor should be considered when the Panel assesses witness credibility and reliability⁶³⁷⁵ in particular since the record shows that certain SPO witnesses have, in these and/or prior proceedings, been reluctant to testify due to concerns for their safety and/or that of their families,⁶³⁷⁶ and, when they appeared to testify in this case, have illogically and unpersuasively attempted to recant or evade past assertions – sometimes while simultaneously expressly indicating their fear and concern.⁶³⁷⁷ Several witnesses specifically mentioned recent attempts to interfere with their evidence.⁶³⁷⁸

1519. As such, the climate of witness intimidation in this case is not solely historic, but one that certain of the **Accused** have tried to foster and exploit. In particular, while detained pending the outcome of this case, **THAÇI** repeatedly gave instructions to intermediaries to urge witnesses to advance certain narratives, or make specific changes,⁶³⁷⁹ aimed at minimising or eliminating his culpability for the charged offences.

⁶³⁷⁴ See *Shala* TJ, para.97; *Mustafa* TJ, paras.50, 57; *Gucati and Haradinaj* TJ, para.577; KSC-BC-2023-10/F00693, para.20. See also KSC-BC-2020-06/F03216, para.37; [REDACTED]. The very establishment of the KSC is itself also relevant in this regard, see [REDACTED].

⁶³⁷⁵ See *Shala* TJ, paras.82, 97; *Mustafa* TJ, paras.35, 57; *Katanga* TJ, para.87. The obstruction-related evidence admitted in this case can assist in assessing the credibility of SPO witnesses irrespective of whether the instructions on how to testify actually reached them, or were adhered to, see KSC-BC-2020-06/F03216, para.36.

⁶³⁷⁶ See e.g. [REDACTED]. [REDACTED]. [REDACTED]; [REDACTED]. [REDACTED]. [REDACTED]; [REDACTED]. [REDACTED].

⁶³⁷⁷ See e.g. **W03825**: W03825:T.9373, 9420, 9438(06-Nov-2023)(Open); W03825:T.9450, 9474, 9486-9487, 9509-9512, 9554(07-Nov-2023)(Open); W03825:T.9650(08-Nov-2023)(Open). [REDACTED]. See also [REDACTED]. That the Accused are former KLA leaders and all held positions of power in Kosovo as government officials is also relevant in this regard, see AgreedF1.12-1.14(Public); AgreedF1.26(Public); AgreedF1.27A-B(Public); AgreedF1.41-1.42(Public); AgreedF1.48(Public); AgreedF1.50(Public); AgreedF1.52-1.53(Public); AgreedF1.58(Public).

⁶³⁷⁸ See e.g. [REDACTED]; W03825:T.9373(06-Nov-2023)(Open). See also [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁶³⁷⁹ See e.g. [REDACTED]; [REDACTED]; [REDACTED] containing, *inter alia*, instructions to witnesses to deny the **Accused**'s presence at key events and/or to change their account in their preparation session.

This included for example, that: (i) contrary to extensive evidence,⁶³⁸⁰ himself and others were not members of the KLA General Staff until November 1998,⁶³⁸¹ reflecting the content of notes seized from one of the visitors **THAÇI** discussed this specific issue with while detained;⁶³⁸² and that (ii) he did not have the level of authority which the overwhelming evidence in this case establishes he had⁶³⁸³ and instead others, including Adem DEMAÇI⁶³⁸⁴ and KLA Zone Commanders,⁶³⁸⁵ had far more authority than the reality borne out in this case demonstrates.⁶³⁸⁶ Given the active backdrop of such efforts, and whether successful or not in any particular case, the Panel should exercise particular caution when considering the evidence on such aspects of the case.

VI. SENTENCING

1520. In view of the gravity of the crimes, the role of the **Accused**, the severe consequences for the victims, the importance of deterrence, the presence of multiple aggravating factors, and the lack of any mitigating factors, the Panel should impose a lengthy term of imprisonment.

1521. Further, the Panel should order the **Accused** to make restitution or pay compensation pursuant to Article 44(6).

A. APPLICABLE LAW

1522. The primary goal of sentencing is to ensure that the final or aggregate sentence reflects the totality of the criminal conduct and the overall culpability of the offender.⁶³⁸⁷

⁶³⁸⁰ See Section II.A.4.a.

⁶³⁸¹ See e.g. [REDACTED];[REDACTED]; [REDACTED].

⁶³⁸² Compare [REDACTED] with [REDACTED].

⁶³⁸³ See e.g. [REDACTED];[REDACTED]. See also [REDACTED].

⁶³⁸⁴ See e.g. [REDACTED]. See also [REDACTED].

⁶³⁸⁵ See e.g. [REDACTED]. See also [REDACTED].

⁶³⁸⁶ See Section II.A.4.a.

⁶³⁸⁷ *Stanišić & Simatović* TJ, para.611;Čelebići AJ, para.430.

Deterrence and retribution are two of the main purposes of sentencing.⁶³⁸⁸ Other factors, such as rehabilitation, should be considered, but should not carry undue weight.⁶³⁸⁹ The sentence, as with the conviction, reflects the dual imperatives of ensuring equality before the law and delivering justice for victims.⁶³⁹⁰ It also serves as an acknowledgement of the harm suffered by victims and society.⁶³⁹¹

1523. In determining the sentence, a panel retains broad discretion, pursuant to its obligation to individualise the penalty to the specific circumstances of the case.⁶³⁹² A panel shall consider the gravity of the crime and its consequences, the convicted person's personal contribution to the crime and individual circumstances, and aggravating and mitigating circumstances related to each factor.⁶³⁹³ Aggravating circumstances concern the crime(s) the person was convicted of and/or the convicted person himself,⁶³⁹⁴ and must be established beyond reasonable doubt.⁶³⁹⁵ Mitigating circumstances must be shown by a balance of probabilities,⁶³⁹⁶ need not directly relate to the crime or the scope of the charge(s), but must relate directly to the convicted

⁶³⁸⁸ *Mustafa* TJ, para.772;*Stanišić & Simatović* TJ, para.611. See also Art.38 KCC.

⁶³⁸⁹ *Mustafa* TJ, para.772;*Mustafa* AJ, para.451;*Shala* TJ, paras.1060-1061;*Shala* AJ, para.874;*Gucati and Haradinaj* AJ, para.410;*Popović et al.* AJ, para.1966;*Stakić* AJ, para.402;*Deronjić* SAJ, para.136;*Kordić and Čerkez* AJ, para.1079(citing *Čelebići* AJ, para.806).

⁶³⁹⁰ *Mustafa* TJ, paras.774, 777;*Shala* TJ, paras.1063, 1065;*Nikolić* SJ, para.124 (citing *Stakić* TJ, para.901).

⁶³⁹¹ *Mustafa* TJ, para.774;*Shala* TJ, para.1063. See also Art.38(1)(1.3)KCC.

⁶³⁹² *Mustafa* TJ, paras.784, 795;*Mustafa* AJ, para.453;*Shala* TJ, para.1073;*Shala* AJ, paras.876, 927. See also *Čelebići* AJ, para.717;*Brđanin* AJ, para.500;*Galić* AJ, para.442(citing *Tadić* SAJ, para.69);*Furundžija* AJ, para.250;*Semanza* AJ, para.394;*Momir Nikolić* JSA, para.8;*Krstić* AJ, paras.242, 248;*Simić* AJ, para.238.

⁶³⁹³ *Mustafa* TJ, para.783;*Mustafa* AJ, para.449;*Shala* TJ, para.1072;*Shala* AJ, para.871;Art.44(5);Rule 163(4).See also *Popović et al.* AJ, para.1966;*Krstić* AJ, para.241;*Blaškić* AJ, para.680;*Ayyash* SJ, para.169.

⁶³⁹⁴ *Mustafa* TJ, para.793;*Shala* TJ, para.1082;*Bemba et al.* SD, para.25;*Al Mahdi* J&S, para.73;*Stanišić and Župljanin* TJ, para.894.

⁶³⁹⁵ *Mustafa* TJ, para.793;*Shala* TJ, para.1082.See also *Gucati and Haradinaj* TJ, para.955;*Ongwen* SD, para.53;*Bemba et al.* SD, para.25;*Al Mahdi* J&S, para.73;*Mucić et al.* AJ, para.763;*Stanišić and Župljanin* TJ, para.894.

⁶³⁹⁶ *Mustafa* TJ, para.792;*Shala* TJ, para.1081;*Gucati and Haradinaj* TJ, para.955;*Bemba et al.* SD, para.24;*Al Mahdi* J&S, para.74;*Ntaganda* SJ, para.24;*Lubanga* SD, para.34;*Katanga* SD, para.34;*Bralo* SAJ, para.8;*Babić* SAJ, para.43;*Čelebići* AJ, para.590.

person.⁶³⁹⁷

1524. The law applicable to sentencing is the KSC Law, which defines war crimes and crimes against humanity under customary international law and establishes the sentencing framework.⁶³⁹⁸ The Panel may impose a maximum sentence of life imprisonment.⁶³⁹⁹

1525. As affirmed by the Supreme Court and confirmed by the Constitutional Court, the Panel shall also consider, but is not bound by, the applicable sentencing ranges in Article 44(2)(a)-(b).⁶⁴⁰⁰ Consideration of these ranges, while required, must be done with consideration of a broader range of factors⁶⁴⁰¹ – including Article 44(2)(c) and the particular circumstances of the case – which a panel must holistically evaluate and weigh.⁶⁴⁰² Article 44(2)(c) requires a panel to consider whether reliance on the ranges in Article 44(2)(a)-(b) would prejudice the extent of punishment under general principles of law.⁶⁴⁰³ A panel is entitled to impose, subject to Article 44(1), either a greater or lesser sentence than would have been imposed under other punitive regimes in Kosovo.⁶⁴⁰⁴

1526. In the present case, the gravity, scale and systemic nature of the crimes reaches the highest level of seriousness, requiring a holistic assessment - distinct from sentencing ranges for domestic crimes under other laws. Furthermore, the SFRY Code

⁶³⁹⁷ *Mustafa* TJ, para.792; *Shala* TJ, para.1081; *Ntaganda* SJ, para.24; *Bemba et al.* SD, para.24; *Al Mahdi* J&S, para.74.

⁶³⁹⁸ *Mustafa* CCJ, paras.109, 119; See Arts.13-14.

⁶³⁹⁹ Art.44(1); *Mustafa* TJ, para.779; *Mustafa* AJ, para.449; *Shala* TJ, para.1067; *Shala* AJ, paras.870, 895.

⁶⁴⁰⁰ *Mustafa* CCJ, paras.115-117; *Mustafa* Legality Decision, paras.62, 106; *Mustafa* TJ, para.780; *Mustafa* AJ, para.466; *Shala* TJ, para.1068; *Shala* AJ, paras.884-885, 898. See also *Limaj et al.* TJ, para.734; *Haradinaj et al.* TJ, para.497; *Tadić* SJ, para.12; *Čelebići* AJ, paras.813-816; *Stakić* AJ, para.398(citing *Serushago* AJ, para.30); *Krstić* AJ, para.262; *Simić* AJ, para.264. See also *Mustafa* SPO Legality Request, para.32 regarding the Sentencing Guidelines.

⁶⁴⁰¹ See Art.44(5)(similarly using the phrase ‘shall take into account’).

⁶⁴⁰² *Mustafa* Legality Decision, para.106.

⁶⁴⁰³ *Mustafa* AJ, para.466.

⁶⁴⁰⁴ See *Krstić* AJ, para.262; *Haradinaj et al.* TJ, para.497; *Banović* SJ, para.89; *Jelisić* AJ, para.117. See also *Plavšić* SJ, para.115; *Čelibići* AJ, paras.813, 820; *Kupreškić et al.* AJ, para.418; *Kunarac* AJ, para.349.

and UNMIK amendments do not provide a sentencing range for international law crimes, including modes of liability, relevant to the charges in this case.⁶⁴⁰⁵

1527. In determining the appropriate sentence, the Panel may also consider sentencing practices of both national and international courts for similar cases.⁶⁴⁰⁶ Such practices could offer guidance where the same offence was committed in substantially similar circumstances.⁶⁴⁰⁷ In practice, such guidance is limited due to the existence of numerous variables; direct transposition of sentences is incompatible with the obligation to individualise the sentence.⁶⁴⁰⁸ Furthermore, a trial panel must individualise the sentence ‘with due regard for the *entirety of the case*, which may justify different sentences in similar cases.’⁶⁴⁰⁹

B. THE GRAVITY OF THE CRIMES AND THE ROLE OF THE ACCUSED REQUIRE A LENGTHY SENTENCE

1. *The crimes were very grave and caused grave consequences*

1528. Gravity of the crimes is the primary consideration in imposing a sentence.⁶⁴¹⁰ Assessing gravity requires qualitative and quantitative assessment, considering the

⁶⁴⁰⁵ When previously addressing ‘offences’ under customary international law in the context of ECHR Art.7, the Constitutional Chamber considered war crimes and crimes against humanity, ‘including related modes of liability.’ See *Shala* Referral Decision, para.63; JCE and Jurisdiction, paras.70-72, 78, 71.

⁶⁴⁰⁶ *Mustafa* TJ, para.794; *Mustafa* AJ, para.478; *Shala* TJ, para.1083.

⁶⁴⁰⁷ *Shala* AJ, para.924; *Gucati and Haradinaj* AJ, para.435; *Furundžija* AJ, para.250 (cited in *Čelebići* AJ, para.720 and *Jelišić* AJ, para.99); *Dorđević* AJ, para.949; *Kvočka et al.* AJ, para.681; *Semanza* AJ, para.394; *Strugar* AJ, para.348.

⁶⁴⁰⁸ *Mustafa* TJ, para.794; *Mustafa* AJ, para.478; *Shala* TJ, paras.1070, 1083; *Shala* AJ, para.924. See also *Mustafa* New Determination, para.21, fn.55, and citations therein; *Gucati and Haradinaj* AJ, paras.434-435; *Simić* AJ, para.238; *Semanza* AJ, para.394; *Čelebići* AJ, para.719; *Kupreškić et al.* AJ, para.443; *Blaškić* AJ, para.681.

⁶⁴⁰⁹ *Prlić et al.* AJ Vol.III, para.3341 (emphasis added); *D. Milošević* AJ, para.327. Identification of shared aspects or the existence of factual commonalities between cases will not, on their own, persuade the Appeals Chamber that the cases are comparable for purposes of sentencing, see *Prlić et al.* AJ Vol.III, paras.3340-3341.

⁶⁴¹⁰ *Mustafa* AJ, para.451; *Mustafa* TJ, para.787; *Shala* AJ, para.874. See also *Čelebići* AJ, para.731 (citing *Čelebići* TJ, para.1225); *Galić* AJ, para.442 (citing *Galić* TJ, para.758); *Kupreškić et al.* TJ, para.852; *Aleksovski* AJ, para.182.

nature, scale or scope, circumstances, and consequences of the offences.⁶⁴¹¹ International criminal practice has consistently established that persons tried for international crimes were aware, or should have been aware, that such crimes constitute among the gravest violations of international humanitarian law, thus attracting the most severe penalties.⁶⁴¹²

1529. Arbitrary detention is grave in nature, including because it exposes victims to other, additional human rights violations.⁶⁴¹³ The prohibition of cruel treatment and torture protects core human values, including human dignity, mental and physical well-being, and security.⁶⁴¹⁴ An attack on these values is a grave crime in itself. The crime of enforced disappearance is of utmost gravity.⁶⁴¹⁵ It removes victims from legal protection, effectively negates their very existence as human beings with rights, and involves other related crimes.⁶⁴¹⁶ Persecution stands amongst the most heinous of all crimes against humanity, as it is grounded in the denial of equality and excludes individuals from society through flagrant and systematic rights violations.⁶⁴¹⁷ The right to life and prohibition against illegal killing protects the highest human value: life.⁶⁴¹⁸ It is precious for its own sake and required for the enjoyment of all other human rights.⁶⁴¹⁹

1530. Gravity is measured *in abstracto*, by analysing the nature of the crime in general

⁶⁴¹¹ *Mustafa* TJ, para.787.

⁶⁴¹² *Mustafa* TJ, para.781;*Shala* AJ, para.897. See also *Mladić* AJ, para.564;*Blaškić* AJ, para.681(citing *Čelebići* AJ, para.817);*Haradinaj et al.* TJ, para.497.

⁶⁴¹³ *Mustafa* TJ, para.796;*Shala* TJ, para.1087.

⁶⁴¹⁴ *Mustafa* TJ, para.797;*Shala* TJ, para.1088;*Furundžija* TJ, para.281;*Krnojelac* TJ, para.180;*Ongwen* SD, para.157.

⁶⁴¹⁵ *Case 002/01* TJ, para.446. See also IA Convention on Forced Disappearance, Preamble, para.3.

⁶⁴¹⁶ *Case 002/02* TJ, para.2855;*Burundi* Decision, para.120;IACtHR, *Gómez-Palomino v. Peru*, para.92; *Anzualdo Castro v. Peru*, paras.96-99;*Chitay Nech et al. v. Guatemala*, paras.99-100;*Velásquez Rodríguez v. Honduras*, paras.155, 158. See also *Kupreškić et al.* TJ, para.678;ECtHR, *Kurt v. Turkey*, para.124.

⁶⁴¹⁷ *Kupreškić et al.* TJ, paras.621, 751;*Ntaganda* TJ, para.991;*Kordić and Čerkez* AJ, para.671. See also *Ruggiu* TJ, para.22.

⁶⁴¹⁸ *Mustafa* TJ, para.798;*Shala* TJ, para.1090;*Ntaganda* SJ, para.44;*Ongwen* SD, paras.153-154;*Naletilić and Martinović* TJ, para.758.

⁶⁴¹⁹ General Comment No.35, para.2.

terms, and *in concreto*, by assessing the particular circumstances of the case.⁶⁴²⁰ The victims and witnesses in this case brought to light the detention of civilians (or those *hors de combat*), without charge or cause, by KLA members. This act, and the ensuing acts of violence committed while detained, are of high gravity *in abstracto*,⁶⁴²¹ that is, by the very nature of the crime(s).

1531. Sadly, the trial record is replete with compelling evidence of gravity *in concreto*, as survivors, witnesses, and family members described the seriousness of the crimes and the consequences. Over nineteen-months, detainees were apprehended and taken to isolated locations.⁶⁴²² None were provided the basic guarantees which must be afforded to all persons deprived of their liberty in an armed conflict.⁶⁴²³ Detainees were held in inhumane and degrading conditions with inadequate, if any, access to basic provisions.⁶⁴²⁴ For instance, in Llapashticë/Lapaštica, detainees were held in a shed [REDACTED].⁶⁴²⁵ In Llapushnik/Lapušnik, detainees slept on [REDACTED] were chained to troughs or to each other.⁶⁴²⁶ W04501, detained at [REDACTED], described his detention conditions as [REDACTED]⁶⁴²⁷

1532. Likewise, detainees were routinely subjected to unpredictable and extraordinary physical and psychological violence, including in some instances by groups, and/or lasting hours or days.⁶⁴²⁸ Detainees were stabbed, electrocuted, burned, or [REDACTED],⁶⁴²⁹ sometimes in combination – for example, in Zllash/Zlaš, one victim

⁶⁴²⁰ *Mustafa TJ*, para.788;*Shala TJ*, para.1077;*Gucati and Haradinaj TJ*, para.951.

⁶⁴²¹ *See also Bemba et al. SD*, para.23;*Ayyash SJ*, para.169.

⁶⁴²² *See* Section IV.B.

⁶⁴²³ *See* Section III.

⁶⁴²⁴ *See* Section III.

⁶⁴²⁵ *See* Section III.I.2.a.

⁶⁴²⁶ *See* Section III.C.2.a.

⁶⁴²⁷ [REDACTED].

⁶⁴²⁸ *See* Section III.

⁶⁴²⁹ *See* Sections III.A.2.b;III.D.2.b;III.Q.2.b;III.V.1.b.ii and 3.b.ii.

was burned, cut, and electrocuted.⁶⁴³⁰ Beatings were carried out using various objects⁶⁴³¹ - W01140 was severely beaten [REDACTED] during interrogation⁶⁴³² - leaving some detainees unconscious or unable to walk.⁶⁴³³ Detainees were forced to fight one another and witness the physical abuse and, in some cases, murder of their co-detainees.⁶⁴³⁴ They were forced to engage in humiliating acts, including [REDACTED], kissing their abusers' boots, [REDACTED].⁶⁴³⁵ Detainees in Drenoc/Drenovac suffered ferocious beatings - [REDACTED] described being beaten with such impact that [REDACTED];⁶⁴³⁶ one detainee was abused with such force as [REDACTED];⁶⁴³⁷ and the [REDACTED] of another victim described [REDACTED].⁶⁴³⁸ As the VESELI Defence aptly noted, Drenoc/Drenovac was a 'torture operation'.⁶⁴³⁹ When KFOR entered Kosovo in summer 1999, they too discovered and documented KLA 'torture chambers' and wounds caused by abuse.⁶⁴⁴⁰

1533. The detention conditions and brutal mistreatment took a tremendous toll on the detainees, including extensive and long-lasting physical and psychological consequences.⁶⁴⁴¹ Their severe mistreatment led numerous detainees to contemplate

⁶⁴³⁰ See Section III.K.2.b.

⁶⁴³¹ See Section III.

⁶⁴³² See [REDACTED].

⁶⁴³³ See Sections III.A.2.b;III.B.3.a;III.G.1;III.H.1;III.N.2.b;III.P.2.b;III.Q.2.b;III.S.2.c;III.U.2.b;III.V.1.a and 4.b;III.Y.2.

⁶⁴³⁴ See Sections

III.A.2.b;III.B.3.a;III.C.2.b.i;III.D.2.b;III.H.2.b;III.I.2.b;III.K.2.b;III.M.1.b;III.Q.2.b;III.U.2.b;III.V.1.b.ii, 2.b and 3.b.ii;III.Y.2;III.W.1;VCAF7(Public);VCAF10(Public).

⁶⁴³⁵ See e.g. [REDACTED];[REDACTED]; P02897.2_ET:p.13(Public);[REDACTED];[REDACTED]. See also VCF10(Public).

⁶⁴³⁶ [REDACTED].

⁶⁴³⁷ [REDACTED].

⁶⁴³⁸ [REDACTED].

⁶⁴³⁹ [REDACTED];Section III.D.2.b.

⁶⁴⁴⁰ See Sections [REDACTED];III.Y.

⁶⁴⁴¹ See Section III;[REDACTED];[REDACTED];[REDACTED]; [REDACTED];[REDACTED];[REDACTED]; [REDACTED]. See also *Vasiljević AJ*, para.167;*Blaškić TJ*, para.787.

suicide, or wish for death.⁶⁴⁴² W01129, for example, continues to [REDACTED].⁶⁴⁴³ W02018 was [REDACTED] following severe beatings at [REDACTED],⁶⁴⁴⁴ and W04419 has [REDACTED] stemming from the injuries he sustained in [REDACTED].⁶⁴⁴⁵ Likewise, W01336 described the [REDACTED]⁶⁴⁴⁶ and W01140 stated that [REDACTED] and '[REDACTED]'.⁶⁴⁴⁷

1534. The grave consequences of these crimes extended beyond the immediate victims to the broader community. Some murder victims were placed in highly visible locations near roads or public buildings.⁶⁴⁴⁸ Beyond the indignity to the deceased and the callousness of discarding human bodies in public places with full knowledge that family members may be exposed and profoundly traumatised, the evidence shows that the purpose of doing this was to send a message to other Opponents. Ymer ALUSHANI, a KLA member [REDACTED], confirmed as much,⁶⁴⁴⁹ as did the 'execution warrant' left next to the bodies of Ramiz HOXHA and Selman BINIQI, warning that the same fate would await other 'traitors'.⁶⁴⁵⁰ This practice occurred across zones and throughout the Indictment period, involving a range of victims and KLA soldiers,⁶⁴⁵¹ including those who became General Staff members.⁶⁴⁵² These actions demonstrate that the gravity of

⁶⁴⁴² See Sections III.C.2.a; III.N.3.a; III.U.2.b.

⁶⁴⁴³ See Section III.S.3.

⁶⁴⁴⁴ See [REDACTED].

⁶⁴⁴⁵ See [REDACTED].

⁶⁴⁴⁶ [REDACTED].

⁶⁴⁴⁷ [REDACTED].

⁶⁴⁴⁸ See e.g. [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁶⁴⁴⁹ See [REDACTED].

⁶⁴⁵⁰ [REDACTED]. See also Section II.A.3.m.v.

⁶⁴⁵¹ See e.g. [REDACTED]: [REDACTED]; Ajeta GASHI in June 1998: Section III.C.3.a; Latife and Rushe KOLOLLI in August 1998: Section III.F.3; Ramiz HOXHA and Selman BINIQI in October 1998: Section II.A.3.m.v; [REDACTED]: [REDACTED]; and [REDACTED]: Section III.V.3.c.

⁶⁴⁵² For instance, Musë JASHARI drove detainees to [REDACTED] in [REDACTED], while Sylejman SELIMI told one of the detainees' relatives that they were being questioned. Later that same day, the bodies of [REDACTED], and [REDACTED] were found in a [REDACTED]. See [REDACTED]. Similarly, Fatmir LIMAJ was part of the group that executed Ajeta GASHI in Llapushnik/Lapušnik in June 1998, and was also in the immediate vicinity where Selman BINIQI and Ramiz HOXHA were killed on the road near Bellanicë/Belanica in October 1998. See Sections II.A.3.m.v; III.C.3.a.

the crimes is high as against not only the specific victims, for whom the consequences were absolute, but also the entire civilian population, including those perceived as Opponents.⁶⁴⁵³

1535. Moreover, the crimes traumatised the detainees' families, who feared for their loved ones while detained and were deeply shocked by their terrible condition upon return.⁶⁴⁵⁴ Their suffering continued, as relatives and dependants faced severe economic and emotional hardship as a consequence of the crimes.⁶⁴⁵⁵ Others have survivors' guilt; as recounted by W04371, he endures mental anguish from [REDACTED].⁶⁴⁵⁶ Similarly, W04870 expressed [REDACTED], testifying that:

[REDACTED].⁶⁴⁵⁷

1536. For some victims, the arbitrary nature of the crimes fractured the survivors' and their family members' prior belief system, leaving them haunted by actions or decisions they or their loved one made, resulting, in some cases, in the destruction of their families.⁶⁴⁵⁸

1537. The families of enforced disappearance victims suffer prolonged anguish, sometimes of indefinite duration, and many cannot reach any measure of closure, given the uncertainty about their loved one's fate.⁶⁴⁵⁹ W04489 knows that '[REDACTED]'.⁶⁴⁶⁰ Mothers described the pain of children, who grew up struggling to understand that

⁶⁴⁵³ See *Sesay et al.* SJ, para.115; *Obrenović* SJ, para.68; *Al Hassan* SJ, para.49, fn.140; *Stakić* TJ, para.910.

⁶⁴⁵⁴ See e.g. [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁶⁴⁵⁵ *Mustafa* TJ, para.798; *Shala* TJ, para.1090; *Ntaganda* SJ, para.44; *Krnojelac* AJ, para.260. See also [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁶⁴⁵⁶ [REDACTED].

⁶⁴⁵⁷ [REDACTED].

⁶⁴⁵⁸ See e.g. [REDACTED]; [REDACTED]; [REDACTED].

⁶⁴⁵⁹ See e.g. [REDACTED]. See also *Blagojević and Jokić* TJ, para.653; IACtHR, *Goiburú et al. v. Paraguay*, para.97; *Case 002/02* TJ, para.2854; *US v. Altstoetter et al.*, p.1058; ECtHR, *Kurt v. Turkey*, paras.133-134.

⁶⁴⁶⁰ [REDACTED].

their father was simply lost or disappeared, and without a resting place for the family to visit.⁶⁴⁶¹

1538. Many victims were Kosovo-Albanians, targeted by fellow members of their own community, whom they had previously had no reason to fear.⁶⁴⁶² The fact that one's family member(s) were killed as Opponents left surviving relatives in Kosovo with the feeling that they were now 'outsiders' or 'foreigners', left on their own to survive somehow.⁶⁴⁶³ Family members remained in Kosovo under a cloud; they described the stigma and threats they suffered by being 'stained as a family'.⁶⁴⁶⁴ The impact of these crimes, therefore, reverberates far beyond the immediate victims, leaving deep scars within the broader community.

2. *The Accused's direct and deliberate participation mandates a lengthy sentence*

1539. Among the relevant factors to assess the **Accused's** contribution to the crimes are the specific roles played in their commission, the means employed to execute them, the degree of intent, and the systematic nature of the **Accused's** actions.⁶⁴⁶⁵

1540. The evidence unequivocally demonstrates that, from at least March 1998 through September 1999, the **Accused** shared the common purpose to gain control over Kosovo through systematic violence against Opponents.⁶⁴⁶⁶ The **Accused** exercised *de facto* and *de jure* authority over JCE Members and Tools who carried out their policy, resulting in the deaths of more than 100 scheduled victims and widespread suffering for hundreds more.⁶⁴⁶⁷ The **Accused** shared the intent for the commission of the crimes charged and

⁶⁴⁶¹ See e.g. [REDACTED];[REDACTED].

⁶⁴⁶² See [REDACTED].

⁶⁴⁶³ See [REDACTED].

⁶⁴⁶⁴ See e.g. [REDACTED];[REDACTED]; P01701.4_ET:p.16(Public);[REDACTED];[REDACTED]; [REDACTED];[REDACTED]. See also Sections III.A.5;III.I.4; III.V.3.d;III.W.3.

⁶⁴⁶⁵ *Mustafa* TJ, para.790;*Shala* TJ, para.1079;*Gucati and Haradinaj* TJ, para.952. See also *Ongwen* SD, para.139; *Bemba et al.* SD, para.74;*Al Mahdi* J&S, para.83.

⁶⁴⁶⁶ See Section II.A.1.

⁶⁴⁶⁷ See Sections II.A.3 and 4.

knowingly violated international law and fundamental principles of human dignity to achieve their goal.⁶⁴⁶⁸

1541. Furthermore, the **Accused** pursued the common purpose with unrelenting determination, remaining actively involved and exercising authority and influence throughout the Indictment period.⁶⁴⁶⁹ They were present at locations where crimes were committed, received reports and personally observed evidence of their commission;⁶⁴⁷⁰ they were aware of criminal acts and grave suffering and failed to prevent these acts or punish KLA members committing them.⁶⁴⁷¹ The **Accused's** positions as key GS members obligated them to prevent the commission of crimes and ensure that KLA soldiers followed the requirements of international law.⁶⁴⁷² In this regard, **THAÇI's** position as the KLA/PGoK leading political figure had a significant legitimising and encouraging effect on KLA soldiers' conduct.⁶⁴⁷³ **SELIMI's** and **KRASNIQI's** senior roles as KLA Inspector General and KLA Deputy Commander, respectively, entailed directing and supervising KLA soldiers, over whom they wielded the authority to promote and discipline. **VESELI's** position leading the intelligence function gave him oversight in key aspects of implementing the Opponent policy. By appointing and retaining subordinates known for committing crimes, the **Accused** failed to take the necessary and reasonable measures to prevent and/or punish the commission of crimes.⁶⁴⁷⁴ Notwithstanding the crimes of Xhemë GASHI, Gani KOCI, and Sabit GEÇI, the GS still appointed and protected them.⁶⁴⁷⁵

⁶⁴⁶⁸ See Section II.A.5.

⁶⁴⁶⁹ See Section II.A.4. See also *Krstić* TJ, para.711.

⁶⁴⁷⁰ See Section II.B.3.c.

⁶⁴⁷¹ See Sections II.B.3.b-c.

⁶⁴⁷² *D. Milošević* TJ, para.999; *Kvočka et al.* AJ, para.101.

⁶⁴⁷³ *Krasjišnik* TJ, paras.1159-1160.

⁶⁴⁷⁴ See Section II.B.3.b. See also *Kvočka et al.* TJ, para.314 and citations therein; *Čelebići* AJ, paras.192-193, 238, 241, 256.

⁶⁴⁷⁵ See Sections II.A.4;III.L;III.Q.

1542. The **Accused** personally participated in the crimes,⁶⁴⁷⁶ increasing their individual culpability and fostering a command climate that tolerated and encouraged crimes against Opponents.⁶⁴⁷⁷ The **Accused** actively coordinated and made efforts to deny or provide false or misleading information to the international community and victims' families.⁶⁴⁷⁸ **SELIMI**, when asked about the whereabouts of [REDACTED].⁶⁴⁷⁹ Similarly, over the years, the [REDACTED] families repeatedly inquired with all **Accused** for information, with [REDACTED], in particular, providing no assistance.⁶⁴⁸⁰

1543. The crimes committed by the **Accused** were committed in furtherance of a criminal enterprise devised and implemented through JCE Members at the pinnacle of the KLA/PGoK power structure. Each **Accused** played a central role in orchestrating and executing serious crimes over a large geographic area and during a period of approximately one and a half years.⁶⁴⁸¹ The significance and magnitude of the **Accused's** authority, coupled with the brutality of its exercise and their direct personal participation, renders these crimes of the highest gravity and must weigh heavily in determining the appropriate sentences.⁶⁴⁸²

C. THE AGGRAVATING CIRCUMSTANCES SUPPORT A LENGTHY TERM OF IMPRISONMENT

1. *Aggravating factors include the vulnerability of the victims and cruelty of the crimes*

1544. The vulnerability of the victims and the extreme cruelty of their mistreatment are

⁶⁴⁷⁶ See Section II.A.4.

⁶⁴⁷⁷ *Aleksovski* AJ, para.183.

⁶⁴⁷⁸ See Section II.A.4.

⁶⁴⁷⁹ [REDACTED]. See also Section III.N.3.b.

⁶⁴⁸⁰ See Sections II.A.4;[REDACTED].

⁶⁴⁸¹ See Section II.A.4. See also *Prlić et al.* TJ Vol.IV, para.1302.

⁶⁴⁸² *Strugar* AJ, para.353(citing TJ, para.464);*Aleksovski* AJ, para.183;*Krasjišnik* AJ, para.739. See also *Tadić* TJ, para.191;*Karadžić* AJ, para.765.

aggravating factors.⁶⁴⁸³ The targeted group was overwhelmingly civilian,⁶⁴⁸⁴ comprised in part of women, teenagers, children, elderly and disabled people,⁶⁴⁸⁵ and included members of the same family.⁶⁴⁸⁶ During their detention and mistreatment, they were stripped of the application of legal process, left uninformed as to the reasons and duration of detention,⁶⁴⁸⁷ and left completely at the mercy of their tormentors,⁶⁴⁸⁸ exacerbating their sense of helplessness.⁶⁴⁸⁹ They lived in a state of fear and intimidation.

1545. Crimes were committed with excessive cruelty evidenced by *inter alia* (i) the prolonged, in some cases lasting for more than a month,⁶⁴⁹⁰ and violent beatings, shown by the instruments and methods used, the injuries inflicted and participation of multiple perpetrators, often in groups; (ii) the degrading and humiliating mistreatment; and (iii) being made to witness or hear each other's mistreatment or death.⁶⁴⁹¹

1546. Many murder victims were beaten and tortured before death; some were beaten to death over a period of time.⁶⁴⁹² Other murder victims suffered the torment of knowing they were about to die.⁶⁴⁹³

⁶⁴⁸³ Rule 163(1)(b)(iii)-(iv).

⁶⁴⁸⁴ Status Conference:T.1886-1887(18-Jan-2023)(Open).

⁶⁴⁸⁵ See Sections III.A.1;III.C.1 and 2;III.E.1 and 3.b;III.F.3;III.H.1;III.I.1;III.Q.1;III.V.1.a and 3;III.W.1;III.Y; III.BB. See also *Martić* TJ, para.490;*Prlić et al.* TJ Vol.IV, para.1305.

⁶⁴⁸⁶ See Sections III.A.1;III.B.3;III.C.1;III.E.3.b;III.F.1;III.N.3;III.O.1;III.Q.1;III.T.1;III.U.1;III.Y.1;III.AA.

⁶⁴⁸⁷ See Section III.

⁶⁴⁸⁸ See Section III.

⁶⁴⁸⁹ See e.g. [REDACTED];[REDACTED].

⁶⁴⁹⁰ See Sections III.A.1;III.B.1; III.C.1.a and 3b;III.D.3.b and d;III.I.1;III.M.1.b;III.N.1;III.P.1;III.Q.2.a.

⁶⁴⁹¹ See Section VI.B.a. See also *Blaškić* TJ, para.783.

⁶⁴⁹² See e.g. [REDACTED]; [REDACTED]; [REDACTED]. See also [REDACTED]—and [REDACTED], whose body was found with extensive bruising caused by blunt force trauma and handcuffed to a chair inside a KLA detention facility: [REDACTED]; [REDACTED].

⁶⁴⁹³ See e.g. Srećko VITOŠEVIĆ, Srđan VITOŠEVIĆ, Duško ĐINOVIĆ, Čeda ČABARKAPA, Tomislav BALJOŠEVIĆ, Saša BALJOŠEVIĆ, Duško PATRNOGIĆ, Duško DOLAŠEVIĆ, Đorđe BALJOŠEVIĆ, Aleksandar STANOJEVIĆ, Radovan STALETIĆ and Branislav STALETIĆ: Section III.E.3.a; and [REDACTED]. See also *Erdemović* 1998 SJ, para.20.

2. *The Accused abused their power and used their authority and influence to commit the crimes*

1547. Abuse of power or official position is an aggravating factor;⁶⁴⁹⁴ specifically a position of authority, its' exercise, and the significant consequences of a breach will aggravate the sentence.⁶⁴⁹⁵ The **Accused** exercised authority over KLA/PGoK structures; they set the policy, made critical decisions and issued orders on a broad range of matters, including appointments, military operations, and interactions with the media and international actors.⁶⁴⁹⁶ In this sense, the **Accused** abused their senior positions and central authority within the KLA hierarchy to identify, and direct violence against Opponents.⁶⁴⁹⁷ This deliberate and sustained abuse of power was effected to suppress, displace and eliminate Opponents.⁶⁴⁹⁸

D. A LENGTHY SENTENCE IS CONSISTENT WITH SENTENCES IMPOSED FOR GRAVE CRIMES IN CASES BEFORE SIMILARLY-SITUATED COURTS

1548. While it has been recognised that considering the sentence imposed for the same offences committed in substantially similar circumstances may offer certain comparative guidance, this principle has limited utility in practice.⁶⁴⁹⁹

1549. Before the KSC, sentences have been imposed in *Shala* and *Mustafa* for war crimes committed in KLA-run detention facilities. Salih MUSTAFA and Pjetër SHALA, sentenced to 15 and 13 years, respectively,⁶⁵⁰⁰ were convicted for crimes with a limited

⁶⁴⁹⁴ Rule 163(1)(b)(ii).

⁶⁴⁹⁵ *D. Milošević* AJ, para.302;*Galić* AJ, para.412;*Stakić* AJ, para.411;*Krstić* TJ, para.709;*Krajišnik* TJ, para.1156; *Blagojević & Jokić* AJ, para.324;*Jokić* SJ, paras.61-62;*Blaškić* AJ, para.686;*Mladić* AJ, paras.545-546.

⁶⁴⁹⁶ See Section II.A.4.

⁶⁴⁹⁷ See Sections II.A.4;IV.B. See also *Brđanin* TJ, para.332;*Plavšić* SJ, para.57.

⁶⁴⁹⁸ See Sections II.A.4;IV.B.

⁶⁴⁹⁹ See Section VI.A.

⁶⁵⁰⁰ *Mustafa* New Determination, para.26;*Shala* AJ, para.935.

number of victims, of brief duration and in a single location,⁶⁵⁰¹ while the **Accused** in this case were the highest political and military leaders responsible for orchestrating crimes across numerous zones, against many victims, and for a longer period.⁶⁵⁰² The **Accused** should unquestionably face more severe punishment than those who simply carried out their objectives and committed a limited share of the crimes within the common plan.⁶⁵⁰³ MUSTAFA and SHALA's sentences establish the baseline for Article 14 convictions in cases with similar facts.

1550. As has been roundly acknowledged, the existence of numerous variables and the tendency of parties to focus on similarities and not differences while comparing sentences does not make the cases or sentences analogous.⁶⁵⁰⁴ The entirety of the case must be considered, and different panels may reach different conclusions on sentencing even in similar or related cases.⁶⁵⁰⁵ The complexity inherent in identifying similar cases for sentencing purposes is evident in instances in which aspects that clearly distinguish a sentence, such as a guilty plea (including undertaking substantial cooperation with the prosecution),⁶⁵⁰⁶ an accused's lack of authority,⁶⁵⁰⁷ or the existence of accessorial liability,⁶⁵⁰⁸ have been overlooked in favor of factual comparison.⁶⁵⁰⁹

1551. In this case, the nature of each **Accused's** exercise of power was expansive, covering numerous functions, including those of an army, those of the police, those of

⁶⁵⁰¹ *Mustafa* TJ, paras.495, 584; *Shala* TJ, paras.587, 748.

⁶⁵⁰² See Sections II.A.4;III.

⁶⁵⁰³ See *Stakić* TJ, para.918; *Tadić* SAJ, paras.55-56; *D. Milošević* TJ, para.999.

⁶⁵⁰⁴ *Kvočka et al.* AJ, para.696.

⁶⁵⁰⁵ *Prlić et al.* AJ Vol.III, paras.3340-3341; *D. Milošević* AJ, para.327.

⁶⁵⁰⁶ *Mustafa* New Determination, para.20, fn.52 citing *Rajić* SJ and *Zelenović* SJ. Cf. *Mustafa* Legality Decision, para.105, fn.161; *Rajić* Plea, para.17 and *Zelenović* Plea, para.9(the accused agreed to full and substantial cooperation with the Prosecutor concerning all matters about which the Prosecutor requested cooperation, without reservation or evasion).

⁶⁵⁰⁷ *Mustafa* New Determination, para.20, fn.52 citing *Limaj et al.* TJ(with respect to Haradin BALA). Cf. *Mustafa* Legality Decision, para.105, fn.161.

⁶⁵⁰⁸ *Mustafa* New Determination, para.20, fn.52 citing *Vasiljević* TJ and AJ, and *Boškoski and Tarčulovski* TJ and AJ(with respect to Tarčulovski). Cf. *Mustafa* Legality Decision, para.105, fn.161.

⁶⁵⁰⁹ *Prlić et al.* AJ Vol.III, paras.3338-3342.

the executive, myriad governmental departments and of the press.⁶⁵¹⁰ While emphasising the recognised limitations of comparison for sentencing purposes, the SPO notes that there are certain cases before other tribunals encompassing similar offences and circumstances, including with regard to aggravating and mitigating factors. As explained below, lengthy sentences have been imposed in other cases where the gravity of the crimes is high and an accused's functions and contributions spanned numerous aspects and exceeded the expected or technical remit of a single position, which is recognition of an obvious fact—an accused may have a high degree of responsibility based on diverse significant contributions, not limited to his or her formal position, including when acting as a member of a JCE.

1552. As but one example, in *Stakić*, the accused, a physician, held mid-level civilian leadership roles, including as local Crisis Staff president.⁶⁵¹¹ The Appeals Chamber (based on the Trial Chamber's findings) found that he played a 'unique pivotal role in coordinating the persecutory campaign' in Prijedor municipality⁶⁵¹² – among other contributions he took part in ordering attacks, removing non-Serbs from employment, deporting non-Serbs and depriving them of their property, and coordinating and cooperating with the police and army in operating three detention camps, in and around which many detainees were killed.⁶⁵¹³

1553. The Crisis Staff covered logistics for the camps' operations, and took decisions on continuing detention.⁶⁵¹⁴ STAKIĆ and the civilian members of the Crisis Staff considered themselves to be on the same level as the army and the police, working jointly in a relationship of cooperation.⁶⁵¹⁵

⁶⁵¹⁰ See Section II.A.4.

⁶⁵¹¹ *Stakić* TJ, para.336.

⁶⁵¹² *Stakić* AJ, para.380(citing *Stakić* TJ, para.906).

⁶⁵¹³ *Stakić* TJ, paras.126-127, 307-309, 377, 544, 609, 712, 809, 814, 906.

⁶⁵¹⁴ *Stakić* TJ, paras.377, 385, 387, 388.

⁶⁵¹⁵ *Stakić* TJ, paras.370, 372.

1554. The Appeals Chamber held that STAKIĆ was in a JCE with the leaders of the army, police and political bodies,⁶⁵¹⁶ with a common goal of consolidating Serb power in the municipality by forcing non-Serbs out.⁶⁵¹⁷ STAKIĆ was not a direct or physical perpetrator, but was 'behind the direct perpetrators.'⁶⁵¹⁸ STAKIĆ's life sentence (reduced to 40 years on appeal) reflected his essential role and the gravity of the crimes.⁶⁵¹⁹

1555. Like STAKIĆ, the sentence of Milan MARTIĆ reflected his contributions and authority in multiple spheres - he commanded the police, armed forces, and was an influential political figure and holder of the highest political office in the RSK.⁶⁵²⁰ MARTIĆ was convicted in part for his JCE contribution aiming to establish an ethnically Serb territory through displacement of the non-Serb population.⁶⁵²¹ His convictions in respect of detention facilities, including some facilities operated by direct subordinates, included persecution, cruel treatment, and torture.⁶⁵²² His 35-year sentence was upheld on appeal.⁶⁵²³

1556. Before the SCSL, the grave impact of crimes on society supported lengthy sentences, including for Charles TAYLOR. While the SCSL placed weight on additional factors, such as breach of public trust,⁶⁵²⁴ TAYLOR's 50-year sentence for aiding and abetting war crimes and crimes against humanity was upheld on appeal.⁶⁵²⁵ There, in assessing gravity, the Trial Chamber found that the crimes had been devastating for

⁶⁵¹⁶ The Appeals Chamber considered that the Trial Chamber had wrongly entered a conviction under a different mode of liability, *see Stakić* AJ, paras.62, 68-70, 85.

⁶⁵¹⁷ *Stakić* AJ, paras.71-73 and cites therein.

⁶⁵¹⁸ *Stakić* AJ, para.72(citing *Stakić* TJ, para.818).

⁶⁵¹⁹ *See Stakić* AJ, paras.393, 416, 423.

⁶⁵²⁰ *Martić* TJ, paras.337, 449, 498.

⁶⁵²¹ *Martić* TJ, para.445.

⁶⁵²² *Martić* TJ, paras.407-425.

⁶⁵²³ *Martić* AJ, para.354.

⁶⁵²⁴ *Taylor* SJ, paras.97, 102.

⁶⁵²⁵ *Taylor* AJ, para.708. *See Taylor* TJ, para.6994; *Taylor* SJ, para.70.

victims, their families and society as a whole, observed that public stigma caused victims additional pain, and held that for surviving victims, 'their suffering will be life-long.'⁶⁵²⁶ While the nature and context of the crimes at issue differ from this case, the suffering of the victims and their families, coupled with the social stigma borne by the victims, is also severe.

1557. Finally, while prior Kosovo cases are not binding nor particularly apposite due to factual and legal framework differences, Kosovo courts have imposed sentences reaching the top of relevant sentencing ranges for KLA members, including JCE member Sabit GECI.⁶⁵²⁷ In war crimes cases in other domestic jurisdictions, courts have imposed lengthy sentences for murder, including with limited victims.⁶⁵²⁸ Cases before domestic courts with factual parallels to a case as vast as this case are rare, but in domestic war crimes prosecutions with many murder victims, courts have imposed life sentences.⁶⁵²⁹

E. THERE ARE NO MITIGATING FACTORS

1558. Mitigating circumstances may include the convicted person's conduct after the act, including efforts to compensate victims, guilty pleas, and cooperation with the SPO/KSC.⁶⁵³⁰ There are no mitigating factors in this case.

1559. At no point in the more than 25 years since the crimes occurred have **THAÇI**,

⁶⁵²⁶ *Taylor* SJ, paras.71, 74.

⁶⁵²⁷ *See e.g. Geci et al.* SCJ, pp.2-3(15-year sentence). In Kosovo, physical perpetrators convicted for murders committed in single attacks have received sentences of nearly 15 years, *see e.g. Kosovo* APS26/2021.

⁶⁵²⁸ *See e.g.* Sawoniuk convicted of the war crime of two counts of murder, sentenced to life imprisonment(*R v Sawoniuk*); German case with Defendant A convicted of war crimes of murder and membership in a foreign terrorist organisation, sentenced to life imprisonment (*Germany 6 StS 5/20*); Dutch case with Accused convicted of war crime of one count of murder, sentenced to 20 years (*The Netherlands 09/748001-19*). *See also US v. Belfast* (conviction of 97 years for torture under national legislation).

⁶⁵²⁹ *See e.g. The Netherlands 09/748013-12; France 23/0073.*

⁶⁵³⁰ Rule 163(1)(a).

VESELI, SELIMI or KRASNIQI expressed genuine remorse. One witness stated that THAÇI had expressed [REDACTED].⁶⁵³¹ This statement, which was fundamentally limited – [REDACTED], rather than a personal apology – cannot be seen as mitigation. Similarly THAÇI's generalised reference to sympathy for *all* victims of the war, during his unsworn statement⁶⁵³² falls short of a demonstration of regret; an expression of sympathy for victims does not amount to remorse as such and carries lesser, if any, weight compared to a showing of genuine remorse.⁶⁵³³ This statement and his statement [REDACTED] ring hollow against THAÇI's defence of his own conduct as he pronounced in open court that '[e]veryone in our place would have done exactly the same thing' and that 'without popular resistance, there wouldn't be a Kosovo today'.⁶⁵³⁴ Such statements compound the stigma heaped on victims who have spoken out and undermine their right to access to justice by suggesting that the crimes were fairly committed and furthered the cause of an independent Kosovo. In this regard, international practice has rejected the pursuit of a 'just cause' as an excuse for the commission of crimes.⁶⁵³⁵ To hold otherwise would fundamentally undermine the universal protections of IHL and the purposes of sentencing.⁶⁵³⁶ Instead, deterrence, recognised in the Law as a primary purpose of sentencing,⁶⁵³⁷ necessitates the imposition of a severe sentence that reflects the extreme gravity of the crimes committed, demonstrates the international community's condemnation, and deters future perpetration of similar offences.⁶⁵³⁸

⁶⁵³¹ [REDACTED];[REDACTED].

⁶⁵³² THACI unsworn statement:T.2346-2347(4-Apr-2023)(Open).

⁶⁵³³ *Ntaganda* SJ, paras.236, 238-239;*Katanga* SD, paras.117-121;*Taylor* AJ, para.695;*Sesay et al.* AJ, para.1248(citing *Fofana and Kondewa* AJ, para.487). *See also Strugar* AJ, paras.335-366.

⁶⁵³⁴ THACI unsworn statement:T.2347(4-Apr-2023)(Open).

⁶⁵³⁵ *Fofana and Kondewa* AJ, para.533(citing *Kordić and Čerkez* AJ, para.1082). *See also Limaj et al.* TJ, para.170.

⁶⁵³⁶ *Fofana and Kondewa* AJ, paras.530-531, 534.

⁶⁵³⁷ *Mustafa* TJ, para.772;*Shala* TJ, para.1060;*Gucati and Haradinaj* TJ, para.938;Art.38 KCC.

⁶⁵³⁸ *Todorović* SJ, para.30;*Aleksovski* AJ, para.185 and citations therein;*Prlić et al.* TJ Vol.IV, para.1276;*Erdemović* 1996 SJ, paras.64-65.

1560. In the same vein, the conduct of the **Accused** cannot be justified by the crimes committed by Serbian forces. The *tu quoque* defence has been roundly rejected, with multiple courts recognising that it has 'no impact on [the Accused's] responsibility'.⁶⁵³⁹ Likewise, this Panel has already clarified that crimes committed by Serbian forces fall outside the scope of the case and are therefore generally irrelevant to the charges.⁶⁵⁴⁰

1561. Furthermore, no alleged peace-making overtures may be considered as mitigation. In particular, **THAČI** actively obstructed and delayed political negotiations, subordinating cooperation to his conditions.⁶⁵⁴¹ In addition, his public statements regarding a multi-ethnic society were opportunistic, devoid of credible commitment, and aimed at advancing his personal goals.⁶⁵⁴² Similarly, the age of the **Accused** at the time of the commission of the crimes has been rejected as mitigation by international and KSC jurisprudence.⁶⁵⁴³

1562. Neither the passage of time, nor the **Accused's** alleged good character or alleged cooperation with the court constitute mitigating factors.⁶⁵⁴⁴ Indeed, after being summoned, **KRASNIQI** stated that, although he would comply, the 'Special Court' was 'entirely fabricated in Belgrade with slander and lies'.⁶⁵⁴⁵

⁶⁵³⁹ *Kupreškić et al.* TJ, paras.511, 517; *Martić* AJ, para.111; *Karadžić* Decision on exclusion of evidence, para.5.

⁶⁵⁴⁰ Oral_Order:T.3746(12-May-2023)(Open). *See also* [REDACTED]; Status Conference:T.1725-1726(16-Dec-2022)(Open).

⁶⁵⁴¹ P04497_ET:pp.SPOE40016012, SPOE40016034, SPOE40016040, SPOE40016049(Public); [REDACTED]; P04501:p.SPOE00212679(Public). *See also* P00811_ET.47:p.SPOE00053985(Public); P04127:pp.SITF00173981-SITF00173982(Public); Sections II.A.1.a.ii; II.A.3.m.vii.

⁶⁵⁴² [REDACTED]; P04496:p.SPOE00397813(Public); 1DW-004:T.27610-27611(02-Oct-2025)(Open); W02183:T.23929-23930(20-Jan-2025)(Open); P04094:p.067954(Public); 1DW-007:T.28229-28230(18-Nov-2025)(Open); P04497_ET:pp.SPOE40016149-SPOE40016150(Public); [REDACTED]. *See also* [REDACTED]; Section II.A.1.a.ii.

⁶⁵⁴³ *Shala* TJ, para.1110; *Ntaganda* SJ, para.208; *Furundžija* TJ, para.284; *Delalić et al.* AJ, para.827.

⁶⁵⁴⁴ *Mustafa* TJ, para.824; *Shala* TJ, para.1115; *Shala* AJ, para.917. *See also* *Bemba et al.* SD, para.186; *Katanga* SD, paras.127-128; *Naletilić and Martinović* AJ, para.630; *Ntaganda* AJ, para.255; *Brđanin* TJ, para.1128; *Nikolić* SJ, paras.272-273; *Mrđa* SJ, para.103.

⁶⁵⁴⁵ P04210_ET:p.061379(Public).

F. CONCLUSION

1563. Significant sentences are warranted because of the gravity of the crimes, the **Accused's** roles therein, the presence of aggravating factors and absence of mitigating factors. Lengthy sentences will have a deterrent effect, sending a message to future potential perpetrators that crimes will be prosecuted – and that they will not be protected by the passage of time. An appropriate and significant sentence will reassure the general public, surviving victims, their relatives, and witnesses, that the rule of law is implemented and enforced, and that 'globally accepted laws and rules have to be obeyed by everybody'.⁶⁵⁴⁶

1564. The same sentence should be imposed on each **Accused** given the commonalities in the nature and extent of their contributions to the CCP. Further, the same aggravating circumstances apply in respect of each **Accused**, and no mitigating factors exist.

1565. Having considered the applicable sentencing ranges and the factors set out above, and given that pursuant to Rule 163(4), the Panel must first determine a sentence in respect of each charge in the Indictment, the SPO requests the Panel to impose the following sentences on the **Accused**:

Count 1: 37 years' imprisonment;

Count 2: 32 years' imprisonment;

Count 3: 32 years' imprisonment;

Count 4: 35 years' imprisonment;

Count 5: 35 years' imprisonment;

Count 6: 40 years' imprisonment;

⁶⁵⁴⁶ *Mustafa TJ*, para.776;*Shala TJ*, para.1064;*Brđanin TJ*, para.1091;*Nikolić SJ*, para.139;*Taylor SJ*, para.16.

Count 7: 40 years' imprisonment;

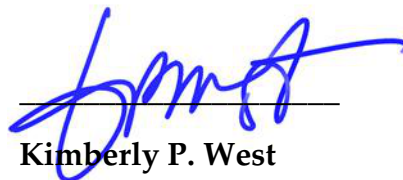
Count 8: 44 years' imprisonment;

Count 9: 44 years' imprisonment;

Count 10: 35 years' imprisonment.

1566. Rule 163(4) requires the Panel to impose a single sentence reflecting the totality of the criminal conduct of each **Accused**, which shall not be less than the highest individual sentence for each charge. The Panel may sentence each **Accused** to the terms of imprisonment set out in relation to Counts 1-10 cumulatively, or impose a higher sentence of imprisonment than that set out in relation to any specific count. In line with these principles, the SPO requests, for each **Accused**, a single sentence of 45 years.

Word Count: 179,981



Kimberly P. West

Specialist Prosecutor

Monday, 19 January 2026

At The Hague, the Netherlands.

A list of corrections is attached at Annex 3,⁶⁵⁴⁷ which is confidential pursuant to Rule 82(4).

⁶⁵⁴⁷ See Registry Practice Direction, Files and Filings before the Kosovo Specialist Chambers, KSC-BD-15, 17 May 2019, Article 27(2).