

**ANNEX 6 to**  
**Submission of amended Indictment and related documents**

Public

Public Redacted  
Evidentiary Outline  
Budakovë/Budakovo and Semetishtë/Semetište

LEGAL ELEMENTS	REFERENCE(S) TO EVIDENCE
<b>CRIMES</b>	
<b>1. War Crimes</b>	
<b>Elements of Underlying Counts</b>	
<b>Count 3: Illegal or Arbitrary Arrest and Detention</b>	
(1) Deprivation of an individual's liberty without due process of law.	<p>KLA members deprived at least 12 persons of their liberty without due process of law by detaining them in locations in Budakovë/Budakovo<sup>1</sup> and Semetishtë/Semetište<sup>2</sup> at various times between about 4 July 1998 and 29 April 1999.</p> <p><b>[REDACTED], &amp; Unidentified Albanian Man</b></p> <p>On or around 4 July 1998 [REDACTED] was driving [REDACTED] on a tiller when, close to the entrance to [REDACTED], the three men were stopped by [REDACTED] and [REDACTED] who were wearing black uniforms and carried automatic rifles and magnum revolvers.<sup>3</sup> A third person</p>

<sup>1</sup> Battalion 2 of KLA Brigade 123 was established in Budakovë/Budakovo on or around 26 June 1998 (078562-TR-ET, Part 1, pp.15-16; 088941-TR-ET, Part 1, pp.9-10, 19). This battalion's area of responsibility included all the areas around Budakovë/Budakovo (078562-TR-ET, Part 2, p.9; 088941-TR-ET, Part 1, p.17). Brigade 123 fell under the Pashtrik Operational Zone (088941-TR-ET, Part 2, pp.3-4, 15-16).

<sup>2</sup> Brigade 123 was formed around June 1998 and its headquarters were in Semetishte/Semetiste, Suharekë/Suva Reka, in August and September 1998 (083721-TR-ET, Part 2, p.13; 088941-TR-ET, Part 3, pp.15-16). Blerim KUCI served as the commander of Brigade 123 until around September 1998 (088941-TR-ET, Part 2, pp.2-3, Part 3, pp.20-21; 078562-TR-ET, Part 2, pp.5-6).

<sup>3</sup> 078045-TR-ET, Part 1, pp.7, 13-15.

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in black uniform arrived and stood in front of [REDACTED] with a rocket launcher which he pointed at them.<sup>4</sup>

The three men were put in the tiller's trailer and [REDACTED] pointed his weapon at them.<sup>5</sup> As they were being driven away, [REDACTED] appeared in a vehicle and the tiller stopped as they turned towards [REDACTED].<sup>6</sup> A shot was fired at [REDACTED].<sup>7</sup>

[REDACTED] were then pushed into the trunk of [REDACTED]'s vehicle and taken to a house in Budakovë/Budakovo.<sup>8</sup> Their shoelaces and t-shirts were removed, their hands were tied, they were blindfolded and beaten.<sup>9</sup>

[REDACTED], still blindfolded, was thrown down the stairs leading to a bunker located behind the house they had arrived at.<sup>10</sup> His blindfold slipped and a person [REDACTED] kicked him on his head from behind.<sup>11</sup> A person wearing camouflage uniform with KLA insignia on his shoulder, a red beret, and armed with a pistol, questioned [REDACTED] in the bunker and told him they had killed his father.<sup>12</sup> [REDACTED] was interrogated next, and then [REDACTED].<sup>13</sup>

[REDACTED], blindfolded and with hands tied, were taken to a barn, put into a vehicle with [REDACTED] and others, and taken to a house owned by [REDACTED] located about 2.5

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<sup>4</sup> 078045-TR-ET, Part 1, pp.15-17.

<sup>5</sup> 078045-TR-ET, Part 1, p.17.

<sup>6</sup> 078045-TR-ET, Part 1, pp.17-18.

<sup>7</sup> 078045-TR-ET, Part 1, p.17.

<sup>8</sup> 078045-TR-ET, Part 1, pp.18-21, 23.

<sup>9</sup> 078045-TR-ET, Part 1, p.28.

<sup>10</sup> 078045-TR-ET, Part 1, pp.30-32.

<sup>11</sup> 078045-TR-ET, Part 1, p.31.

<sup>12</sup> 078045-TR-ET, Part 1, pp.30-35.

<sup>13</sup> 078045-TR-ET, Part 1, pp.31-32, 35-36.

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kilometres away from the house they were initially taken to in Budakovë/Budakovo.<sup>14</sup> Two persons led them to a basement and threw them in.<sup>15</sup> One person guarded them inside the basement, and another outside.<sup>16</sup> A little after they were taken there, persons arrived and asked that the three men be released; the guards told these persons to leave if they did not want to be detained with the three men.<sup>17</sup> A group of people, including some in uniform and some women, arrived; the three men were put in a circle in the basement and beaten.<sup>18</sup>

After the beating, two Albanian detainees, [REDACTED], were brought into the basement.<sup>19</sup> They both showed signs of having been beaten.<sup>20</sup> The two men were in the basement for about two hours and then taken away.<sup>21</sup>

On 5 July 1998, [REDACTED] and one other person put [REDACTED] in a vehicle and told them they were taking them to be shot.<sup>22</sup> They made a few stops and [REDACTED] and the other person, as well as others at checkpoints, discussed whether they would shoot the three men.<sup>23</sup> They arrived in [REDACTED], took the three men out of the vehicle, lined them up, ordered them to turn around and then told them they were going home and untied them.<sup>24</sup> They did not allow the three men to

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<sup>14</sup> 078045-TR-ET, Part 1, pp.35-38, Part 2, pp.1-2.

<sup>15</sup> 078045-TR-ET, Part 2, pp.3-4.

<sup>16</sup> 078045-TR-ET, Part 2, p.3.

<sup>17</sup> 078045-TR-ET, Part 2, p.5.

<sup>18</sup> 078045-TR-ET, Part 2, pp.6-7.

<sup>19</sup> 078045-TR-ET, Part 1, pp.35, Part 2, pp.9-11.

<sup>20</sup> 078045-TR-ET, Part 2, pp.10-12.

<sup>21</sup> 078045-TR-ET, Part 2, pp.11-12.

<sup>22</sup> 078045-TR-ET, Part 2, pp.14-15.

<sup>23</sup> 078045-TR-ET, Part 2, pp.14-15.

<sup>24</sup> 078045-TR-ET, Part 2, pp.15-16.

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	<p>go to [REDACTED], stating that everybody had been killed there, and ordered them to go to [REDACTED], which they did.<sup>25</sup></p> <p>[REDACTED]</p> <p>On or around 17 August 1998,<sup>26</sup> [REDACTED] was taken from the yard of his house [REDACTED], put into the trunk of a car, and driven to the house of [REDACTED] in Budakovë/Budakovo, where he was put in a room.<sup>27</sup> The house was about 1 kilometre from the KLA headquarters in Budakovë/Budakovo.<sup>28</sup></p> <p>On or around 17 August 1998,<sup>29</sup> pursuant to an order from [REDACTED],<sup>30</sup> [REDACTED], were arrested by KLA member [REDACTED] at a check-point in or around [REDACTED] and taken to the house of [REDACTED] in Budakovë/Budakovo where they were held in separate rooms.<sup>31</sup></p> <p>On or around 17 August 1998,<sup>32</sup> [REDACTED] was driving from [REDACTED] towards Budakovë/Budakovo when he was stopped in [REDACTED] by [REDACTED], dressed in a black uniform, with two other persons in green camouflage uniform.<sup>33</sup> Their uniforms had KLA insignia</p>
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<sup>25</sup> 078045-TR-ET, Part 2, p.16.

<sup>26</sup> 078559-TR-ET, Part 1, pp.17-22; 088951-TR-ET, Part 2, pp.4-5, 14, Part 3, pp.11-12; 088944-TR-ET, Part 3, pp.9-10, 20; 088941-TR-ET, Part 3, pp.5-6; 078562-TR-ET, Part 3, p.4.

<sup>27</sup> 088951-TR-ET, Part 2, pp.2-3.

<sup>28</sup> 078562-TR-ET, Part 3, pp.8-9; 088944-TR-ET, Part 3, pp.16-18; 088941-TR-ET, Part 3, p.10.

<sup>29</sup> 078559-TR-ET, Part 1, pp.17-22; 088951-TR-ET, Part 2, pp.4-5, 14, Part 3, pp.11-12; 088944-TR-ET, Part 3, pp.9-10, 20; 088941-TR-ET, Part 3, pp.5-6; 078562-TR-ET, Part 3, p.4.

<sup>30</sup> 088944-TR-ET, Part 3, p.13; 088941-TR-ET, Part 3, pp.5-6.

<sup>31</sup> 088944-TR-ET, Part 3, p.13; 078562-TR-ET, Part 3, pp.4-6, 8; 088941-TR-ET, Part 3, pp.8-10; 078559-TR-ET, Part 1, pp.25-27; 088951-TR-ET, Part 1, p.5, Part 2, pp.4-5, 14, Part 3, pp.11-12.

<sup>32</sup> 078559-TR-ET, Part 1, pp.17-22; 088951-TR-ET, Part 2, pp.4-5, 14, Part 3, pp.11-12; 088944-TR-ET, Part 3, pp.9-10, 20; 088941-TR-ET, Part 3, pp.5-6; 078562-TR-ET, Part 3, p.4.

<sup>33</sup> 078559-TR-ET, Part 1, pp.20-22; 088944-TR-ET, Part 3, pp.9-10.

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and they were armed.<sup>34</sup> [REDACTED] arrested [REDACTED]<sup>35</sup> pursuant to an order from [REDACTED].<sup>36</sup> [REDACTED]'s hands were tied and he was put in a vehicle driven by [REDACTED] who told [REDACTED] that he was under arrest but did not tell him why.<sup>37</sup> [REDACTED] was detained in an empty room constantly guarded by soldiers adjacent to the room [REDACTED] was detained in.<sup>38</sup>

On the same day [REDACTED] was arrested and detained in a house in Budakovë/Budakovo, he was beaten and blindfolded there.<sup>39</sup> KLA members took [REDACTED] to a room in the same house where he met [REDACTED] in the presence of two or three soldiers in camouflage uniforms, one of whom was [REDACTED].<sup>40</sup> [REDACTED] spoke about [REDACTED]; he also asked [REDACTED] if she had been beaten and she told him she was beaten a little.<sup>41</sup> [REDACTED] confirmed that [REDACTED] was also being detained in the same location, and [REDACTED] heard [REDACTED]'s voice there.<sup>42</sup> This was the last time [REDACTED] ever spoke to [REDACTED].<sup>43</sup> [REDACTED] was then made to write his name on a paper, and was released as it was getting dark, being told to go home and stay under house arrest there.<sup>44</sup> At no point did anyone

<sup>34</sup> 078559-TR-ET, Part 1, pp.19, 29-30.

<sup>35</sup> 078559-TR-ET, Part 1, pp.21-22.

<sup>36</sup> 088944-TR-ET, Part 3, pp.9-10; 088941-TR-ET, Part 3, pp.5-6.

<sup>37</sup> 078559-TR-ET, Part 1, pp.20-22.

<sup>38</sup> 078559-TR-ET, Part 1, pp.23-26, Part 2, pp.15-17, 20-21; 078562-TR-ET, Part 3, p.23.

<sup>39</sup> 088951-TR-ET, Part 2, pp. 15, 19, Part 3, pp.5, 10-11, 14-16.

<sup>40</sup> 088951-TR-ET, Part 2, pp.4-7, Part 3, pp.11-12.

<sup>41</sup> 088951-TR-ET, Part 2, pp.5-7, 13-14, Part 3, pp.11-12.

<sup>42</sup> 088951-TR-ET, Part 2, pp.5-6, Part 3, pp.12-14.

<sup>43</sup> 088951-TR-ET, Part 2, p.5.

<sup>44</sup> 088951-TR-ET, Part 2, pp.5, 7, Part 3, pp.10-11, 15-16.

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accuse [REDACTED] of committing any crimes, inform him he had been found guilty of anything, or that he was being sentenced.<sup>45</sup>

With a guard at the door, [REDACTED] spoke to [REDACTED] separately about whether they were involved in spying against the KLA and serving Serbian forces.<sup>46</sup> After having spoken to the two women, [REDACTED] concluded they were prostitutes and proposed to [REDACTED] to release them or send them to the Brigade.<sup>47</sup> [REDACTED] also questioned [REDACTED] in Budakovë/Budakovo while [REDACTED] was blindfolded, asking him about [REDACTED] and whether he worked for the Serbs or had connections to the police.<sup>48</sup> While in detention in Budakovë/Budakovo, [REDACTED] was also verbally abused and his jaw was injured after being punched.<sup>49</sup>

[REDACTED] issued a written order stating that [REDACTED] should be transferred from Budakovë/Budakovo to Brigade 123,<sup>50</sup> which, at the time was located in Semetishtë/Semetište.<sup>51</sup> After about three days in detention in Budakovë/Budakovo,<sup>52</sup> [REDACTED] were taken to a vehicle by [REDACTED]'s house and sat in the back seat with KLA member [REDACTED] in the driver's seat and [REDACTED] in the passenger's seat.<sup>53</sup> From Budakovë/Budakovo, they took the road to Semetishtë/Semetište, and at the entrance to Semetishtë/Semetište, they were handed over to KLA member [REDACTED].<sup>54</sup>

<sup>45</sup> 088951-TR-ET, Part 3, pp.13-14.

<sup>46</sup> 078562-TR-ET, Part 3, pp.9-10, 18.

<sup>47</sup> 078562-TR-ET, Part 3, pp.15-16; 088941-TR-ET, Part 3, p.9.

<sup>48</sup> 078559-TR-ET, Part 1, pp.26-29, 33, Part 2, pp.22-23; 078562-TR-ET, Part 3, pp.22-23.

<sup>49</sup> 078559-TR-ET, Part 2, pp.3-5, 11.

<sup>50</sup> 088941-TR-ET, Part 3, pp.10-11, 13, 15-16; 089115-TR-ET, Part 3, pp.14-20; 078562-TR-ET, Part 3, pp.18-19; 088944-TR-ET, Part 3, pp.18-21.

<sup>51</sup> 088941-TR-ET, Part 3, pp.15-16.

<sup>52</sup> 078559-TR-ET, Part 2, p.5.

<sup>53</sup> 088941-TR-ET, Part 3, pp.11-13; 089115-TR-ET, Part 3, pp.14-16, 19-20.

<sup>54</sup> 088941-TR-ET, Part 3, pp.14-19; 089115-TR-ET, Part 3, pp.14-16, 20; 088944-TR-ET, Part 3, pp.18-21.

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[REDACTED] was taken to an uninhabited house in Semetishtë/Semetište and put in a room in a basement there.<sup>55</sup> The room was empty; there was no bed or chair, and the door was kept locked.<sup>56</sup> After [REDACTED] was put in the basement, while blindfolded, he was taken to an office where he was questioned about [REDACTED] and his involvement with the Serbian police.<sup>57</sup> He was then taken back to the room in the basement where he was held for two days before being told to go home.<sup>58</sup> [REDACTED] signed a document noting he took back possession of his vehicle and drove himself to [REDACTED].<sup>59</sup> He was not accused of having committed any crime at any time during his detention.<sup>60</sup>

[REDACTED]

Around September 1998,<sup>61</sup> [REDACTED] was arrested [REDACTED].<sup>62</sup> He was detained for several days in a house in Budakovë/Budakovo [REDACTED].<sup>63</sup> While detained in Budakovë/Budakovo, [REDACTED] was accused of being a spy and physically mistreated.<sup>64</sup> A detainee [REDACTED] was detained in Budakovë/Budakovo at the same time as [REDACTED].<sup>65</sup> [REDACTED] was released shortly before [REDACTED] was transferred by the KLA to serve in Budakovë/Budakovo.<sup>66</sup>

<sup>55</sup> 078559-TR-ET, Part 2, p.7.

<sup>56</sup> 078559-TR-ET, Part 2, pp.7-8, 21.

<sup>57</sup> 078559-TR-ET, Part 2, pp.7-9.

<sup>58</sup> 078559-TR-ET, Part 2, pp.5-7, 9-10, 24.

<sup>59</sup> 078559-TR-ET, Part 2, p.24.

<sup>60</sup> 078559-TR-ET, Part 2, pp.23-24.

<sup>61</sup> 077605-TR-ET, Part 2, pp.14-15, Part 3, pp.27-31; [REDACTED].

<sup>62</sup> [REDACTED].

<sup>63</sup> 077605-TR-ET, Part 3, pp.27-31; [REDACTED].

<sup>64</sup> 077605-TR-ET, Part 3, pp.27-31; [REDACTED].

<sup>65</sup> [REDACTED].

<sup>66</sup> 077605-TR-ET, Part 3, pp.27-28; [REDACTED].



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	<p>[REDACTED]</p> <p>On or around 28 or 29 April 1999, KLA member [REDACTED] and another soldier arrived at [REDACTED]'s house in [REDACTED] where [REDACTED] was staying, and told [REDACTED] that they were there because they needed to take [REDACTED] with them and ask him some questions.<sup>67</sup> [REDACTED] put [REDACTED] in a vehicle, tied his hands with some form of rope and they headed in the direction of Budakovë/Budakovo.<sup>68</sup></p> <p>While they were in the vehicle, [REDACTED] hit [REDACTED] with the handle of his gun and pointed his gun at [REDACTED].<sup>69</sup> At one point, [REDACTED] stopped the vehicle, searched [REDACTED] and took his wristwatch, 175 Deutschemarks and 75 Yugoslav dinars; these were never returned to him.<sup>70</sup> In the vehicle, [REDACTED] told [REDACTED] that [REDACTED]<sup>71</sup> and noted that [REDACTED] had said he would take revenge against the person who killed [REDACTED] so [REDACTED] would kill him as well.<sup>72</sup> On one of the instances when [REDACTED] stopped the car, he asked [REDACTED] if he knew where the Serbs were, and then about how he managed to travel to [REDACTED].<sup>73</sup></p> <p>When they got out of the vehicle, [REDACTED] cocked a 9-millimetre revolver, loaded it, and put it in [REDACTED]'s mouth.<sup>74</sup> [REDACTED] took [REDACTED] to KLA headquarters in Budakovë/Budakovo, where they spent about five minutes.<sup>75</sup> [REDACTED] then took</p>
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<sup>67</sup> 088948-TR-ET, Part 1, p.11, Part 2, p.1, Part 3, pp.2-3.

<sup>68</sup> 088948-TR-ET, Part 1, p.11.

<sup>69</sup> 088948-TR-ET, Part 1, p.11, Part 2, p.3.

<sup>70</sup> 088948-TR-ET, Part 1, pp.14-15, Part 2, p.13.

<sup>71</sup> 088948-TR-ET, Part 3, p.5; 088951-TR-ET, Part 3, pp.8-9.

<sup>72</sup> 088948-TR-ET, Part 1, pp.11-12, Part 2, p.4, Part 3, p.2.

<sup>73</sup> 088948-TR-ET, Part 3, p.4.

<sup>74</sup> 088948-TR-ET, Part 3, p.10.

<sup>75</sup> 088948-TR-ET, Part 1, p.12, Part 2, pp.4-6.

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[REDACTED] to a house about 500 metres away from the headquarters where they spent around 20 minutes; the Military Police were staying in the oda of this house, and there [REDACTED] told KLA member [REDACTED] to go with him.<sup>76</sup> [REDACTED] and another soldier took [REDACTED] to the basement of a house in the Palush neighbourhood about 1 kilometre away.<sup>77</sup> The basement had been burned down and the room he was put in had a very small window and an iron door.<sup>78</sup>

In the basement, [REDACTED] and another soldier started to beat and insult [REDACTED] while his hands were tied, seriously injuring him.<sup>79</sup> After the beating, his feet were also tied together, and they put a rope around his neck and tied that rope to a piece of metal which was on the ground.<sup>80</sup> [REDACTED] questioned [REDACTED] about [REDACTED] and accused him of working and collaborating with Serbs; [REDACTED] denied this.<sup>81</sup> At some point after he was tied to the ground, another person entered with a sniper rifle and addressed [REDACTED], asking him if he wanted to execute [REDACTED] immediately.<sup>82</sup>

After about an hour, [REDACTED] regained consciousness, managed to untie himself and, on the evening of the same day he was arrested, escaped in the direction of [REDACTED], reaching [REDACTED] the following day.<sup>83</sup>

At no time was [REDACTED] told why he was arrested, transferred or detained, accused of committing any crimes, or taken before a judge or court.<sup>84</sup>

<sup>76</sup> 088948-TR-ET, Part 1, p.12, Part 2, pp.5-7.

<sup>77</sup> 088948-TR-ET, Part 1, pp.12-13, Part 2, pp.5-7, Part 3, pp.18-19.

<sup>78</sup> 088948-TR-ET, Part 3, p.12.

<sup>79</sup> 088948-TR-ET, Part 1, pp.12-13, Part 2, pp.5-10.

<sup>80</sup> 088948-TR-ET, Part 1, p.13, Part 2, pp.10-11.

<sup>81</sup> 088948-TR-ET, Part 3, pp.10-11.

<sup>82</sup> 088948-TR-ET, Part 1, p.13, Part 2, pp.11-12.

<sup>83</sup> 088948-TR-ET, Part 1, pp.13-15, Part 2, pp.8, 18-19.

<sup>84</sup> 088948-TR-ET, Part 3, p.16.

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<p>(2) Intent to deprive an individual of liberty without due process of law or in the reasonable knowledge that the act or omission is likely to cause arbitrary deprivation of liberty.</p>	<p>The KLA members' intent is demonstrated by the deliberate manner in which the detainees were brought to and/or detained in one or more of the abovementioned locations and mistreated at these locations. While ten of the detainees were released or managed to escape, two detainees died after last being seen in KLA custody.</p>
<p>(3) The victim is a person taking no active part in the hostilities.</p>	<p>[REDACTED]</p> <p>[REDACTED] were arrested while driving to [REDACTED]; [REDACTED] had fled from [REDACTED] the day before after having heard shots while tending to cattle.<sup>85</sup> None of the three Serbians were in any way involved with the Serbian military in July 1998.<sup>86</sup></p> <p>[REDACTED]</p> <p>[REDACTED] was [REDACTED] years old when he was detained in Budakovë/Budakovo.<sup>87</sup></p> <p>[REDACTED]</p> <p>Prior to his arrest, [REDACTED] worked as a [REDACTED].<sup>88</sup> He was arrested while he was at his house [REDACTED].<sup>89</sup></p> <p>[REDACTED]</p> <p>[REDACTED] were arrested at a check-point.<sup>90</sup></p>

<sup>85</sup> 078045-TR-ET, Part 1, pp.7-8, 14-15.

<sup>86</sup> 078045-TR-ET, Part 1, pp.7-8, 17, Part 2, p.19.

<sup>87</sup> 078045-TR-ET, Part 1, pp.35-38, Part 2, pp.1, 9-11.

<sup>88</sup> 088951-TR-ET, Part 2, pp.16-18.

<sup>89</sup> 088951-TR-ET, Part 2, pp.2-3.

<sup>90</sup> 088944-TR-ET, Part 3, p.13.

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	<p>[REDACTED]</p> <p>[REDACTED] worked for [REDACTED] during the time of his arrest.<sup>91</sup> He was a member of [REDACTED] at the time, as were other members of his family.<sup>92</sup> He was arrested while he was driving from [REDACTED] towards Budakovë/Budakovo.<sup>93</sup></p> <p>[REDACTED]</p> <p>[REDACTED] was a carpenter.<sup>94</sup> [REDACTED].<sup>95</sup></p> <p>[REDACTED]</p> <p>At the time of his arrest, [REDACTED] worked as a farmer, cut and sold firewood, and was [REDACTED].<sup>96</sup> He was not a KLA member.<sup>97</sup> He was arrested in [REDACTED] where he was staying with relatives after being expelled from [REDACTED] by the Serbs.<sup>98</sup></p>
<p>(4) Knowledge that the victim is a person taking no active part in hostilities.</p>	<p>The perpetrators participated in and were aware of the circumstances of the victims' arrest and/or detention.</p>
<p><b>Count 5: Cruel or Inhuman Treatment</b></p>	

<sup>91</sup> 078559-TR-ET, Part 1, pp.7-8, 13.

<sup>92</sup> 078559-TR-ET, Part 1, pp.8-10.

<sup>93</sup> 078559-TR-ET, Part 1, pp.19-22.

<sup>94</sup> 077605-TR-ET, Part 4, p.1.

<sup>95</sup> [REDACTED].

<sup>96</sup> 088948-TR-ET, Part 1, pp.4-6, Part 3, pp.10-11.

<sup>97</sup> 088948-TR-ET, Part 1, pp.9-10.

<sup>98</sup> 088948-TR-ET, Part 1, pp.6-7, 11, Part 2, p.1, Part 3, pp.2-3.

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<p>(1) An act or omission that causes serious mental or physical suffering or injury, or constitutes a serious attack on human dignity.</p>	<p>KLA members caused serious mental or physical suffering or injury to, or seriously attacked the human dignity of the victims by arbitrarily detaining them (<i>see Count 3</i>). KLA members also caused serious mental or physical suffering or injury to victims, or seriously attacked their human dignity, by mistreating them and/or through the conditions they subjected the victims to during their detention.</p> <p><b>[REDACTED], &amp; Unidentified Albanian Man</b></p> <p>When [REDACTED] were arrested on or around 4 July 1998 close to [REDACTED], weapons were pointed at them.<sup>99</sup> While they were being driven away from the location of their arrest, a shot was fired at [REDACTED].<sup>100</sup> They were then pushed into the trunk of [REDACTED]'s vehicle where [REDACTED] punched [REDACTED] in his back.<sup>101</sup></p> <p>When the three men arrived at a house in Budakovë/Budakovo, their shoelaces and t-shirts were removed, their hands were tied, and they were blindfolded and beaten.<sup>102</sup> All three men were punched and kicked, and hit with the ends of rifle butts and chains in each other's presence; the beating lasted for around an hour.<sup>103</sup> The skin on [REDACTED]'s head was ripped by the barrel of an automatic rifle.<sup>104</sup></p> <p>[REDACTED] were taken, one by one, to a bunker, a 2-by-2 metre area dug into the ground, behind the house they had arrived at.<sup>105</sup> [REDACTED], still blindfolded, was taken first and thrown down the stairs leading to the bunker.<sup>106</sup> A person [REDACTED] kicked him on his head from behind and</p>
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<sup>99</sup> 078045-TR-ET, Part 1, pp.16-17.

<sup>100</sup> 078045-TR-ET, Part 1, p.17.

<sup>101</sup> 078045-TR-ET, Part 1, pp.18-19.

<sup>102</sup> 078045-TR-ET, Part 1, pp.21, 23, 28.

<sup>103</sup> 078045-TR-ET, Part 1, pp.29-30.

<sup>104</sup> 078045-TR-ET, Part 1, p.29.

<sup>105</sup> 078045-TR-ET, Part 1, pp.30-32.

<sup>106</sup> 078045-TR-ET, Part 1, pp.30-32.

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he was questioned about how many police and army troops there were in [REDACTED], what the composition of the village was, and other issues.<sup>107</sup> He was also told he would probably be released the next day to bury his father whom the KLA had killed.<sup>108</sup> The interrogation lasted about an hour, with [REDACTED] being interrogated next, and then [REDACTED].<sup>109</sup>

[REDACTED], blindfolded and with hands tied, were taken to a barn and then put in a vehicle with [REDACTED] and others and taken to another house where two persons led them to a basement and threw them in.<sup>110</sup> One person guarded them inside the basement, and another outside.<sup>111</sup> The basement was about 21 metres squared with earth and mud on the ground; it had no windows and there was nothing to sit or lay on.<sup>112</sup>

The three men were told they would be taken to [REDACTED], [REDACTED].<sup>113</sup> [REDACTED] understood this to mean they would be taken to be killed.<sup>114</sup>

A group of people, including some in uniform and some women, arrived; the three men were put in a circle in the basement and punched with fists and whatever these people had in their hands for about two and a half hours.<sup>115</sup> When the beating stopped, a person entered with a knife and wanted to gouge [REDACTED]'s eye out, but a guard punched this person and threw him out.<sup>116</sup>

<sup>107</sup> 078045-TR-ET, Part 1, pp.30-33, 35.

<sup>108</sup> 078045-TR-ET, Part 1, pp.33-34.

<sup>109</sup> 078045-TR-ET, Part 1, pp.32, 35.

<sup>110</sup> 078045-TR-ET, Part 1, pp.35-38, Part 2, pp.1, 3-4.

<sup>111</sup> 078045-TR-ET, Part 2, p.3.

<sup>112</sup> 078045-TR-ET, Part 2, p.12.

<sup>113</sup> 078045-TR-ET, Part 2, pp.7-8.

<sup>114</sup> 078045-TR-ET, Part 2, p.9.

<sup>115</sup> 078045-TR-ET, Part 2, pp.6-7.

<sup>116</sup> 078045-TR-ET, Part 2, p.7.

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After this beating, two Albanian detainees, [REDACTED] were brought into the basement.<sup>117</sup> The two men said they were considered to be working for the Serbian police, that they were considered traitors, and that the younger man was tortured with hot water.<sup>118</sup> The younger Albanian man had injuries on his legs and feet that looked like boiling water had been poured over them and he was unable to walk; [REDACTED]'s face appeared to have been beaten and was covered in blood.<sup>119</sup> The two men were in the basement for about two hours and then taken away.<sup>120</sup>

On 5 July 1998, [REDACTED] and one other person arrived, put [REDACTED] in a vehicle, and told them they were taking them to be shot.<sup>121</sup> Prior to releasing the detainees, they made a few stops and [REDACTED] and the other person, as well as others at checkpoints, discussed whether they would shoot the three men.<sup>122</sup>

During the incident [REDACTED] suffered injuries to his throat and six of his ribs were broken; [REDACTED] sustained several knife cuts on his back and suffered from psychological issues following the incident.<sup>123</sup>

[REDACTED]

While detained in Budakovë/Budakovo, [REDACTED] was pushed and slapped two or three times, kicked twice on his head and once on the lower part of his legs.<sup>124</sup> He was told that what was

<sup>117</sup> 078045-TR-ET, Part 2, pp.1, 9-11.

<sup>118</sup> 078045-TR-ET, Part 2, pp.10-12.

<sup>119</sup> 078045-TR-ET, Part 2, pp.10-12.

<sup>120</sup> 078045-TR-ET, Part 2, pp.11-12.

<sup>121</sup> 078045-TR-ET, Part 2, pp.14-15.

<sup>122</sup> 078045-TR-ET, Part 2, pp.14-15.

<sup>123</sup> 078045-TR-ET, Part 2, pp.19-20.

<sup>124</sup> 088951-TR-ET, Part 2, pp.15-19, Part 3, pp.5, 10-11, 14-16.

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happening to him was his punishment for working with the Serbs.<sup>125</sup> When he was released, he was told to go home and stay under house arrest there.<sup>126</sup> At no point did anyone accuse [REDACTED] of committing any crimes, inform him he had been found guilty of anything, or that he was being sentenced.<sup>127</sup>

In Budakovë/Budakovo, [REDACTED] were questioned about spying against the KLA and serving Serbian forces.<sup>128</sup> Pursuant to an order by [REDACTED],<sup>129</sup> they were transferred from their detention in Budakovë/Budakovo into the custody of KLA member [REDACTED] at the entrance to Semetishtë/Semetište.<sup>130</sup> Their corpses were found on or around 23 August 1998 in the vicinity of [REDACTED], with their arms tied and injuries including gunshots.<sup>131</sup>

During his arrest, [REDACTED]'s hands were tied and he was not told why he was being arrested.<sup>132</sup> The room he was detained in in Budakovë/Budakovo was empty and constantly guarded by soldiers.<sup>133</sup> While blindfolded, he was questioned about [REDACTED] and whether he worked for the Serbs or had connections to the police.<sup>134</sup> He was verbally abused and his jaw was injured after being punched.<sup>135</sup> [REDACTED] slept on a very thin blanket on the concrete ground in Budakovë/Budakovo, which was very uncomfortable and caused him pain.<sup>136</sup> In

<sup>125</sup> 088951-TR-ET, Part 2, pp.15-19.

<sup>126</sup> 088951-TR-ET, Part 2, p.7, Part 3, pp.10-11, 15-16.

<sup>127</sup> 088951-TR-ET, Part 3, pp.13-14.

<sup>128</sup> 078562-TR-ET, Part 3, pp.9-10, 18.

<sup>129</sup> 088941-TR-ET, Part 3, pp.10-11, 13, 15-16; 089115-TR-ET, Part 3, pp.14-20; 078562-TR-ET, Part 3, pp.18-19; 088944-TR-ET, Part 3, pp.18-21.

<sup>130</sup> 088941-TR-ET, Part 3, pp.14-19; 089115-TR-ET, Part 3, pp.14-16, 20; 088944-TR-ET, Part 3, pp.18-21.

<sup>131</sup> SITF00032949-SITF00032968; SITF00032906-SITF00032918; SITF00185224-00185226; *See also* 078559-TR-ET, Part 2, p.25.

<sup>132</sup> 078559-TR-ET, Part 1, pp.20-24.

<sup>133</sup> 078559-TR-ET, Part 1, p.25, Part 2, pp.20-21; 078562-TR-ET, Part 3, p.23.

<sup>134</sup> 078559-TR-ET, Part 1, pp.26-29, 33-34, Part 2, pp.22-23; 078562-TR-ET, Part 3, pp.22-23.

<sup>135</sup> 078559-TR-ET, Part 2, pp.3-5, 11.

<sup>136</sup> 078559-TR-ET, Part 2, pp.12-13.



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Semetishtë/Semetište, [REDACTED] was detained in an empty room; there was no bed or chair, and the door was kept locked.<sup>137</sup> [REDACTED] also slept on concrete in Semetishtë/Semetište, causing him pain.<sup>138</sup> While blindfolded, he was taken to an office in the same building and questioned.<sup>139</sup> [REDACTED] was not accused of having committed any crime at any time during his detention.<sup>140</sup>

[REDACTED]

Around September 1998,<sup>141</sup> [REDACTED]].<sup>142</sup> He was detained for several days in a house in Budakovë/Budakovo [REDACTED].<sup>143</sup> While detained in Budakovë/Budakovo, [REDACTED] was accused of being a spy and physically mistreated.<sup>144</sup> [REDACTED].<sup>145</sup> [REDACTED].<sup>146</sup>

[REDACTED]

On or around 28 or 29 April 1999, KLA soldiers arrested [REDACTED] in [REDACTED].<sup>147</sup> During his transfer to Budakovë/Budakovo, [REDACTED]'s hands were tied with some form of rope and KLA member [REDACTED] hit [REDACTED] with the handle of his gun and pointed his gun at him.<sup>148</sup> [REDACTED] also stopped the vehicle, searched [REDACTED] and took his wristwatch, 175

<sup>137</sup> 078559-TR-ET, Part 2, pp.7-8, 21.

<sup>138</sup> 078559-TR-ET, Part 2, p.12.

<sup>139</sup> 078559-TR-ET, Part 2, pp.7-9.

<sup>140</sup> 078559-TR-ET, Part 2, pp.23-25.

<sup>141</sup> 077605-TR-ET, Part 2, pp.14-15, Part 3, pp.27-31; [REDACTED]

<sup>142</sup> [REDACTED].

<sup>143</sup> 077605-TR-ET, Part 3, pp.27-31; [REDACTED].

<sup>144</sup> 077605-TR-ET, Part 3, pp.27-31; [REDACTED].

<sup>145</sup> [REDACTED].

<sup>146</sup> [REDACTED].

<sup>147</sup> 088948-TR-ET, Part 1, pp.6-7, 11, Part 3, pp.2-3.

<sup>148</sup> 088948-TR-ET, Part 1, p.11, Part 2, p.3.

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	<p>Deutschemarks and 75 Yugoslav dinars; these were never returned to him.<sup>149</sup> [REDACTED] threatened to kill [REDACTED] and told him that he had killed [REDACTED].<sup>150</sup></p> <p>When they got out of the vehicle, [REDACTED] cocked a 9-millimetre revolver, loaded it, and put it in [REDACTED]'s mouth.<sup>151</sup> [REDACTED] took [REDACTED] to KLA headquarters in Budakovë/Budakovo, where they spent about 5 minutes.<sup>152</sup> [REDACTED] then took [REDACTED] to a house about 500 metres away from the headquarters where they spent around 20 minutes.<sup>153</sup> KLA member [REDACTED] and another soldier then took [REDACTED] to the basement of a house in the Palush neighbourhood.<sup>154</sup> The basement had been burned down and the room had a very small window and an iron door.<sup>155</sup></p> <p>In the basement, [REDACTED] and the other soldier started to beat [REDACTED] while his hands were tied.<sup>156</sup> [REDACTED] hit him with the butt of a Kalashnikov and broke four of his teeth; they beat him until he was lying down and they left him for dead.<sup>157</sup> His entire body was bruised and black and, when he was lying down, the other soldier jumped on his stomach twice and insulted him.<sup>158</sup> [REDACTED] kicked [REDACTED], and one of the three KLA members kicked him in his genital area.<sup>159</sup> After he had fallen, they put him up and [REDACTED] hit him with a plastic hose</p>
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<sup>149</sup> 088948-TR-ET, Part 1, pp.14-15, Part 2, p.13.

<sup>150</sup> 088948-TR-ET, Part 1, pp.11-12, Part 2, p.4, Part 3, pp.2, 5; 088951-TR-ET, Part 3, pp.8-9.

<sup>151</sup> 088948-TR-ET, Part 3, p.10.

<sup>152</sup> 088948-TR-ET, Part 1, p.12, Part 2, pp.4-6.

<sup>153</sup> 088948-TR-ET, Part 1, p.12, Part 2, pp.5-7.

<sup>154</sup> 088948-TR-ET, Part 1, pp.12-13, Part 2, pp.5-6, Part 3, pp.18-19.

<sup>155</sup> 088948-TR-ET, Part 3, p.12.

<sup>156</sup> 088948-TR-ET, Part 1, pp.12-13.

<sup>157</sup> 088948-TR-ET, Part 1, p.13, Part 2, pp.7-8; 088951-TR-ET, Part 3, pp.8-9.

<sup>158</sup> 088948-TR-ET, Part 1, p.13, Part 2, pp.8-9.

<sup>159</sup> 088948-TR-ET, Part 2, pp.8-9.

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	<p>on his head.<sup>160</sup> The other soldier stabbed both [REDACTED]'s arms, on one of them around the wrist, piercing his skin and causing him to bleed.<sup>161</sup> He was also injured in his lip, [REDACTED], as a result of being hit with the butt of a weapon.<sup>162</sup></p> <p>After the beating, his feet were also tied together, and they put a rope around his neck and tied that rope to a piece of metal which was on the ground.<sup>163</sup> At some point after he was tied to the ground, another person entered with a sniper rifle and addressed [REDACTED], asking him if he wanted to execute [REDACTED] immediately.<sup>164</sup></p> <p>[REDACTED] did not have access to a bathroom and was not provided with food or water while he was in the basement.<sup>165</sup> He was not told why he was arrested, transferred or detained, never accused of committing any crimes, and never taken before a judge or court.<sup>166</sup></p> <p>[REDACTED] has not worked since this incident because he was seriously injured as a result and still suffers with his hearing abilities,<sup>167</sup> underwent multiple surgeries and replaced broken teeth.<sup>168</sup></p>
<p>(2) Intent to inflict serious bodily or mental harm or commit a serious attack upon the human dignity of the victim.</p>	<p>The perpetrators' intent is demonstrated by their active participation in the arrest, detention, and mistreatment of the detainees.</p>

<sup>160</sup> 088948-TR-ET, Part 2, pp.9-10.

<sup>161</sup> 088948-TR-ET, Part 3, pp.13-14.

<sup>162</sup> 088948-TR-ET, Part 3, pp.14-15.

<sup>163</sup> 088948-TR-ET, Part 1, p.13, Part 2, pp.10-11.

<sup>164</sup> 088948-TR-ET, Part 1, p.13, Part 2, pp.11-12.

<sup>165</sup> 088948-TR-ET, Part 3, p.15.

<sup>166</sup> 088948-TR-ET, Part 3, pp.15-16.

<sup>167</sup> 088948-TR-ET, Part 1, pp.5-6, Part 2, pp.9-10.

<sup>168</sup> 088948-TR-ET, Part 2, pp.8-9.

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<p>(3) The victim is a person taking no active part in the hostilities.</p>	<p>The victims were taking no active part in the hostilities even before they were detained (<i>see Count 3, element 3</i>). Afterwards, they were in KLA custody.</p>
<p>(4) Knowledge that the victim is a person taking no active part in hostilities.</p>	<p>The KLA perpetrators participated in and were aware of the victims' detention and/or the circumstances of their arrest. <i>See Count 3, element 4, and Count 5, element 1.</i></p>
<p><b>Count 7: Torture</b></p>	
<p>(1) The infliction, by act or omission, of severe pain or suffering, whether physical or mental.</p>	<p>Between about 4 July 1998 and 29 April 1999, KLA members inflicted severe pain or suffering on at least twelve persons while they were detained and/or otherwise mistreated in one or more of Budakovë/Budakovo and Semetishtë/Semetište.</p> <p><i>See Count 5, element 1.</i></p>
<p>(2) Aimed at obtaining information or a confession, or at punishing, intimidating or coercing the victim or a third person, or at discriminating, on any ground, against the victim or a third person.</p>	<p>[REDACTED] <b>and unidentified man</b></p> <p>[REDACTED] is of Serbian ethnicity and was born in [REDACTED].<sup>169</sup> [REDACTED].<sup>170</sup> While being detained in Budakovë/Budakovo [REDACTED] was asked about how many police and army troops there were in [REDACTED], what the composition of the village was, and other issues.<sup>171</sup> [REDACTED] was also told his father had been killed.<sup>172</sup> [REDACTED] were also interrogated.<sup>173</sup></p>

<sup>169</sup> 078045-TR-ET, Part 1, p.3.

<sup>170</sup> 078045-TR-ET, Part 1, p.4.

<sup>171</sup> 078045-TR-ET, Part 1, pp.30-33, 35.

<sup>172</sup> 078045-TR-ET, Part 1, pp.33-34.

<sup>173</sup> 078045-TR-ET, Part 1, pp.32, 35.

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	<p>The three men were told they would be taken to [REDACTED].<sup>174</sup> [REDACTED] understood this to mean they would be taken to be killed.<sup>175</sup></p> <p>[REDACTED] told [REDACTED] that they were considered to be working for the Serbian police, that they were considered traitors, and that [REDACTED] was tortured.<sup>176</sup></p> <p>[REDACTED]</p> <p>While detained in Budakovë/Budakovo, [REDACTED] was told that what was happening to him was his punishment for working with the Serbs.<sup>177</sup></p> <p>Six or seven months before the arrest and detention of [REDACTED], [REDACTED] had reported neighbours to the Serbian police station for shooting in the air several times with weapons near her house.<sup>178</sup> While detained in Budakovë/Budakovo, [REDACTED] were questioned about spying against the KLA and serving Serbian forces.<sup>179</sup> [REDACTED] asked them what they were doing in Suharekë/Suva Reka at times when no one could freely walk around.<sup>180</sup> [REDACTED] stated that they were going out for meat and to see their friends.<sup>181</sup></p>
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<sup>174</sup> 078045-TR-ET, Part 2, pp.7-8.

<sup>175</sup> 078045-TR-ET, Part 2, p.9.

<sup>176</sup> 078045-TR-ET, Part 2, pp.9-13.

<sup>177</sup> 088951-TR-ET, Part 2, pp.15-19.

<sup>178</sup> 088951-TR-ET, Part 3, pp.5-8.

<sup>179</sup> 078562-TR-ET, Part 3, pp.9-10, 12.

<sup>180</sup> 078562-TR-ET, Part 3, p.12.

<sup>181</sup> 078562-TR-ET, Part 3, pp.14-15.

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	<p>[REDACTED] was arrested because it was thought he was connected to the Serbs.<sup>182</sup> During his detention in Budakovë/Budakovo, [REDACTED] was asked whether he knew [REDACTED]; he answered that he did [REDACTED].<sup>183</sup> [REDACTED] was also asked whether he knew if [REDACTED] had relations with Serbian police, and whether he worked for the Serbs or had connections to the police.<sup>184</sup> In Semetishtë/Semetište, [REDACTED] was also questioned about [REDACTED] and about his involvement with the Serbian police.<sup>185</sup></p> <p>[REDACTED]</p> <p>While detained in Budakovë/Budakovo, [REDACTED] was accused of being a spy.<sup>186</sup> [REDACTED].<sup>187</sup></p> <p>[REDACTED]</p> <p>[REDACTED].<sup>188</sup> During his arrest, KLA soldiers stated they were arresting him because they needed to ask him some questions.<sup>189</sup> In the vehicle, [REDACTED] told [REDACTED] that he had killed [REDACTED]<sup>190</sup> and noted that [REDACTED] had said he would take revenge against the person who killed [REDACTED] so [REDACTED] would kill him as well.<sup>191</sup> [REDACTED] stopped the vehicle and asked [REDACTED] if he knew where the Serbs were, and then about how he managed to travel to [REDACTED]; when [REDACTED] told him he travelled with five or six families, [REDACTED] remarked that the Serbs would not do him any harm.<sup>192</sup> While detained in a basement in Budakovë/Budakovo, [REDACTED] questioned [REDACTED] about [REDACTED] and accused him of working and collaborating with the Serbs; [REDACTED] denied this.<sup>193</sup></p>
(3) Intent to inflict severe pain or suffering	<b>See Count 5, element 2.</b>

<sup>182</sup> 078562-TR-ET, Part 3, p.21.

<sup>183</sup> 078559-TR-ET, Part 1, p.25.

<sup>184</sup> 078559-TR-ET, Part 1, pp.27-34, Part 2, pp.22-23.

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(4) The victim is a person taking no active part in the hostilities.	<i>See Count 5, element 3.</i>
(5) Knowledge that the victim is a person taking no active part in hostilities.	<i>See Count 5, element 4.</i>
<b>Count 9: Murder or Killing</b>	
(1) An act or omission resulting in the death of an individual.	<p>KLA members are responsible for the death, on or after about 19 August 1999, of [REDACTED] who were among the persons detained and questioned in Budakovë/Budakovo.<sup>194</sup></p> <p>In particular, on or around 17 August 1998,<sup>195</sup> [REDACTED] were arrested at a check-point in or around Savrova or Bukosh and taken to a house in Budakovë/Budakovo where they were detained in separate rooms.<sup>196</sup> While being detained there, [REDACTED] met [REDACTED] in a room in the</p>

<sup>185</sup> 078559-TR-ET, Part 2, pp.7-9.

<sup>186</sup> 077605-TR-ET, Part 3, p.31.

<sup>187</sup> [REDACTED].

<sup>188</sup> 088951-TR-ET, Part 3, p. 9.

<sup>189</sup> 088948-TR-ET, Part 3, p.2.

<sup>190</sup> 088948-TR-ET, Part 1, p.12, Part 3, p.5.

<sup>191</sup> 088948-TR-ET, Part 1, pp.11-12, Part 2, p.4, Part 3, p.2.

<sup>192</sup> 088948-TR-ET, Part 3, p.4.

<sup>193</sup> 088948-TR-ET, Part 3, pp.10-11.

<sup>194</sup> *See* evidence cited under Count 3, element 1, Count 5, element 1, and Count 7, element 2.

<sup>195</sup> 078559-TR-ET, Part 1, pp.17-22; 088951-TR-ET, Part 2, pp.4-5, 14, Part 3, pp.11-12; 088944-TR-ET, Part 3, pp.9-10, 20; 088941-TR-ET, Part 3, pp.5-6; 078562-TR-ET, Part 3, p.4.

<sup>196</sup> 088944-TR-ET, Part 3, p.13; 078562-TR-ET, Part 3, pp.4-6, 8; 088941-TR-ET, Part 3, pp.5-6, 8-10; 078559-TR-ET, Part 1, pp.24-27; 088951-TR-ET, Part 1, p.5, Part 2, pp.4-5, 14, Part 3, pp.11-12.

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same house in the presence of KLA soldiers.<sup>197</sup> [REDACTED] told [REDACTED] she had been beaten a little, and confirmed that [REDACTED] was also being detained there.<sup>198</sup> This was the last time [REDACTED] ever spoke to [REDACTED].<sup>199</sup>

During their detention in Budakovë/Budakovo, [REDACTED] were questioned by [REDACTED] about whether they were involved in spying against the KLA and serving Serbian forces;<sup>200</sup> [REDACTED] then proposed to [REDACTED] to release them or send them to the Brigade.<sup>201</sup>

Pursuant to an order by [REDACTED],<sup>202</sup> after about three days in detention in Budakovë/Budakovo,<sup>203</sup> [REDACTED] were put into a vehicle and transferred from Budakovë/Budakovo into the custody of KLA member [REDACTED] at the entrance to Semetishtë/Semetište.<sup>204</sup>

The corpses of [REDACTED] were found on or around 23 August 1998 in the vicinity of [REDACTED], with their arms tied and injuries including gunshots attributed to a weapon belonging to [REDACTED].<sup>205</sup> [REDACTED] was not informed of where the bodies were taken subsequent to their discovery, so he went to look for them in different cemeteries and found a sign

<sup>197</sup> 088951-TR-ET, Part 2, pp.4-7, 13-14, Part 3, pp.11-12.

<sup>198</sup> 088951-TR-ET, Part 2, pp.5-7, Part 3, pp.3-4, 11-14.

<sup>199</sup> 088951-TR-ET, Part 2, p.5.

<sup>200</sup> 078562-TR-ET, Part 3, pp.9-10, 18.

<sup>201</sup> 078562-TR-ET, Part 3, pp.15-16; 088941-TR-ET, Part 3, p.9.

<sup>202</sup> 088941-TR-ET, Part 3, pp.10-11, 13, 15-16; 089115-TR-ET, Part 3, pp.14-20; 078562-TR-ET, Part 3, pp.18-19; 088944-TR-ET, Part 3, pp.18-21.

<sup>203</sup> 078559-TR-ET, Part 2, p.5.

<sup>204</sup> 088941-TR-ET, Part 3, pp.14-19; 089115-TR-ET, Part 3, pp.14-16, 20; 088944-TR-ET, Part 3, pp.18-21.

<sup>205</sup> SITF00032949-SITF00032968; SITF00032906-SITF00032918; SITF00185224-00185226; *see also* 078559-TR-ET, Part 2, p.25.



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	with their names on it [REDACTED] and he then informed the authorities about this location. <sup>206</sup> DNA analysis confirmed that one of the corpses buried [REDACTED] was [REDACTED]. <sup>207</sup>
(2) Intent to kill or to wilfully cause serious injury or grievous bodily harm which the perpetrator should reasonably have known might lead to death.	The deliberate manner in which the KLA perpetrators treated the detainees demonstrated their intent to kill or, at a minimum, to wilfully cause serious injury or grievous bodily harm which they should have reasonably known might lead to death. The KLA's interest in [REDACTED] led them to detain and question [REDACTED] about them. While the [REDACTED] were subsequently released, the two women were last seen alive being handed over to a KLA member at the entrance to Semetishtë/Semetište pursuant to an order by the commander of the KLA's Battalion 2 instructing their transfer to Brigade 123.
(3) The victim is a person taking no active part in the hostilities.	<b>See Count 5, element 3.</b>
(4) Knowledge that the victim is a person taking no active part in hostilities.	<b>See Count 5, element 4.</b>

<sup>206</sup> 088951-TR-ET, Part 2, p.9, Part 3, p.8.

<sup>207</sup> SPOE00056149-00056200, pp.SPOE00056163-SPOE00056165, SPOE00056170, SPOE00056194.

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<b>2. Crimes Against Humanity</b>	
<b>Elements of Underlying Counts</b>	
<b>Count 2: Imprisonment</b>	
(1) Deprivation of an individual's liberty without due process of law.	<i>See Count 3, element 1.</i>
(2) Intent to deprive an individual of liberty without due process of law or in the reasonable knowledge that the act or omission is likely to cause arbitrary deprivation of liberty.	<i>See Count 3, element 2.</i>
<b>Count 4: Other Inhumane Acts</b>	
(1) An act or omission that causes serious bodily or mental harm or constitutes a serious attack on human dignity.	<i>See Count 5, element 1.</i>
(2) Is of similar gravity to other enumerated crimes against humanity.	<i>Cf. Counts 1, 2, 6, and 8.</i>

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<p>(3) Performed deliberately with the intent to inflict serious bodily or mental harm or commit a serious attack upon the human dignity of the victim.</p>	<p><i>See Count 5, element 2.</i></p>
<p><b>Count 6: Torture</b></p>	
<p>(1) The infliction, by act or omission, of severe pain or suffering, whether physical or mental.</p>	<p><i>See Count 5, element 1 and Count 7, element 1.</i></p>
<p>(2) Aimed at obtaining information or a confession, or at punishing, intimidating or coercing the victim or a third person, or at discriminating, on any ground, against the victim or a third person.</p>	<p><i>See Count 7, element 2.</i></p>
<p>(3) Intent to inflict severe pain or suffering.</p>	<p><i>See Count 7, element 3.</i></p>
<p><b>Count 8: Murder</b></p>	
<p>(1) An act or omission resulting in the death of an individual.</p>	<p><i>See Count 9, element 1.</i></p>

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<p>(2) Intent to kill or to wilfully cause serious injury or grievous bodily harm which the perpetrator should reasonably have known might lead to death.</p>	<p><i>See Count 9, element 2.</i></p>
<p><b>Count 10: Enforced Disappearance of Persons</b></p>	
<p>(1) Arrest, detention or abduction of person(s) by, or with the authorisation, support or acquiescence of, a state or political organisation.</p>	<p>KLA members are responsible for the enforced disappearance of [REDACTED] who were among the persons detained in Budakovë/Budakovo from on or around 17 August 1998. <i>See evidence cited under Count 3, elements 1 and 3, Count 5, element 1, and Count 7, element 2.</i></p>
<p>(2) Followed by refusal to acknowledge that deprivation of freedom or to give information on the fate or whereabouts of those persons, with the intention of removing them from the protection of the law.</p>	<p>[REDACTED] last spoke to [REDACTED] while both were being detained in Budakovë/Budakovo.<sup>208</sup> During this final meeting, [REDACTED] confirmed that [REDACTED] was also being detained there,<sup>209</sup> and [REDACTED] heard [REDACTED]'s voice in the location where all three were being detained.<sup>210</sup> After this encounter, [REDACTED] was released and made efforts to obtain information about [REDACTED].<sup>211</sup> In particular, he went back to the location where they were detained in Budakovë/Budakovo where he told a guard he was there to talk to [REDACTED] to know what happened to [REDACTED], but the guard told him to go back or he would kill him.<sup>212</sup></p>

<sup>208</sup> 088951-TR-ET, Part 2, pp.4-7, 13-14, Part 3, pp.11-12.

<sup>209</sup> 088951-TR-ET, Part 2, pp.5-6, Part 3, pp.3-4, 12-14.

<sup>210</sup> 088951-TR-ET, Part 2, pp.5-6, Part 3, pp.3-4, 12-14.

<sup>211</sup> 078562-TR-ET, Part 3, p.27; 088951-TR-ET, Part 2, pp.5, 7, Part 3, pp.10-11, 15-16.

<sup>212</sup> 088951-TR-ET, Part 2, pp.7, 13.

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(3) Intent to commit the act of enforced disappearance.	The perpetrators' intent is demonstrated by their active participation in the arrest, detention, and/or mistreatment of the detainees, and/or by their failure to acknowledge the deprivation of freedom or to give accurate information on the fate or whereabouts of the victims.
<b>Count 1: Persecution</b>	
(1) Act or omission that discriminates in fact.	The persons detained in one or more of Budakovë/Budakovo and Semetishtë/Semetište were Serbian, <sup>213</sup> suspected of having collaborated with Serbians <sup>214</sup> or of having been otherwise involved therewith, <sup>215</sup> and/or supported the LDK. <sup>216</sup> <i>See also evidence cited under Counts 2-10.</i>
(2) Denies or infringes upon a fundamental right laid down in international customary or treat law.	<i>Cf. Counts 2, 4, 6, 8, and 10.</i>
(3) Is of comparable gravity to enumerated crimes against humanity.	<i>Cf. Counts 2, 4, 6, 8, and 10.</i>
(4) Carried out deliberately with the intention to discriminate on	The deliberate nature of the KLA members' acts or omissions and their intention to discriminate is demonstrated by the manner in which the victims were brought to and/or held in one or more of

<sup>213</sup> 078045-TR-ET, Part 1, pp.3-4.

<sup>214</sup> 078562-TR-ET, Part 3, pp.4, 6, 9-10, 18, 21-23; 078559-TR-ET, Part 1, pp.28-29, Part 2, pp.7-9, 22-23; 078045-TR-ET, Part 2, pp.10-12; 077605-TR-ET, Part 3, pp.27-31; [REDACTED].

<sup>215</sup> 088948-TR-ET, Part 4, p.5; 078559-TR-ET, Part 2, p.8.

<sup>216</sup> 078559-TR-ET, Part 1, pp.8-10.

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political, racial, ethnic or religious grounds.
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Budakovë/Budakovo and Semetishtë/Semetište and treated at one or both locations, including on the basis of, <i>inter alia</i> , collaborating with Serbs.
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