

ANNEX 1 to

Prosecution submission of public version of F01330/A01 and related matter

Public

PROPOSED FACTS

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| I. BACKGROUND | | | | | |
| 1. | In the early 1980s, following the death of SFRY ² President Josip Broz "Tito", demonstrations took place as the Kosovo Albanians sought full recognition for Kosovo as a republic within the SFRY. | <i>Milutinović</i> , TJ Vol.1, para.218 | 697 | 13 | |
| 2. | Some of these demonstrations turned violent, and the police and the Yugoslav Army were deployed. | <i>Milutinović</i> , TJ Vol.1, para.218 | 697 | 13 | |
| 3. | There were increasing calls by the Serbs for reduction of the autonomy of Kosovo. | <i>Milutinović</i> , TJ Vol.1, para.218 | 697 | 13 | |
| 4. | By March 1989, these calls led to approval from the SFRY Assembly for amendment of the Serbian Constitution in terms of "conclusions" that identified a need to "normalise" the "deteriorated situation" in Kosovo, and to inter alia "take measures immediately for establishing the criminal and other responsibility of those who have inspired or organised counter- | <i>Milutinović</i> , TJ Vol.1, para.218 | 697 | 13 | |

¹ This field is provided to facilitate review and comments by the other Parties and Participants.

² Socialist Federal Republic of Yugoslavia ('SFRY').

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
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| | revolutionary activities in Kosovo,” and to stem the emigration of Serbs and Montenegrins from Kosovo. | | | | |
| 5. | After receiving approval from the SFRY Assembly and positive votes in the provincial assemblies, on 28 March 1989 the Serbian Assembly adopted the proposed constitutional amendments. | <i>Milutinović</i> , TJ Vol.1, para.220; <i>See also Đorđević</i> , TJ, para.24 | 697 | 13 | |
| 6. | The Kosovo Albanians perceived the amendments as removing the substantial autonomy previously enjoyed by Kosovo and Vojvodina, and that, in fact, was their effect. | <i>Milutinović</i> , TJ Vol.1, para.221; <i>See also Đorđević</i> , TJ, para.24 | 697 | 13 | |
| 7. | For example, the regulation of education and the taxation system was placed within the jurisdiction of the Government of Serbia, and responsibility for the public security services was placed under republican control. All were previously within the exclusive competence of the provincial authorities. | <i>Milutinović</i> , TJ Vol.1, para.221 | 697 | 13 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|-----|---|---|-----|------------|-----------------------|
| 8. | Two amendments were of particular significance: the removal of the need for the consent of the provincial assemblies to further constitutional amendments affecting the whole republic; and the greater power of the Serbian Presidency to use MUP ³ forces in Kosovo to “protect the constitutional order”. | <i>Milutinović</i> , TJ Vol.1, para.221 | 697 | 13 | |
| 9. | Following these constitutional amendments the situation in Kosovo deteriorated, with public protests leading to street violence. | <i>Milutinović</i> , TJ Vol.1, para.222 <i>See also Đorđević</i> , TJ, para.24 | 697 | 13 | |
| 10. | In response to the protests, the SFRY Presidency adopted special measures which were supported by a declaration of the SFRY Assembly. SFRY authorities assumed responsibility for the police in Kosovo. | <i>Đorđević</i> , TJ, para.24 | 697 | 13 | |
| 11. | From around 1989 differences between the aspirations of the majority of the Kosovo Albanian population and the designs of | <i>Milutinović</i> , TJ Vol.1, para.237 | 697 | 13 | |

³ Ministry of the Interior of Serbia (‘MUP’).

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|-----|---|---|-----|------------|-----------------------|
| | the FRY and Serbian state authorities created a tense and unstable environment. | | | | |
| 12. | Efforts by the authorities to exert firmer control over the province and to diminish the influence of the Kosovo Albanians on local governance, public services, and economic life polarised the community. | <i>Milutinović</i> , TJ Vol.1, para.237 | 697 | 13 | |
| 13. | Indeed, laws, policies, and practices were instituted that discriminated against the Albanians, feeding into local resentment and feelings of persecution. | <i>Milutinović</i> , TJ Vol.1, para.237 | 697 | 13 | |
| 14. | At the same time, fears among the minority non-Albanian population of Kosovo were heightened by state rhetoric and the actions of the Kosovo Albanians creating their own “parallel” institutions. | <i>Milutinović</i> , TJ Vol.1, para.237 | 697 | 13 | |
| 15. | In the years following the revocation of Kosovo’s autonomous status inter-ethnic relations in Kosovo and the economic situation in the province deteriorated significantly. | <i>Dorđević</i> , TJ, para.29 | 697 | 13 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|--------------------|--|---------------------------------|-----|------------|-----------------------|
| II. ARMED CONFLICT | | | | | |
| 16. | In early 1996, the first organised violence against Kosovo Serb civilians and police took place. | <i>Dorđević</i> , TJ, para.33 | 697 | 14 | |
| 17. | Violent attacks on Serbian police continued throughout the summer and autumn of 1996. | <i>Dorđević</i> , TJ, para.33 | 697 | 14 | |
| 18. | Between June 1994 and June 1997, there were incidents involving explosions and arson in Prishtinë/Pristina, buildings were destroyed or blown up. | <i>Dorđević</i> , TJ, para.33 | 697 | 14 | |
| 19. | Border control in Albania in 1996 and 1997 was weak and the KLA brought weapons and other equipment across the border to Kosovo. The majority of arms for the KLA ⁴ were smuggled over from northern Albania into Kosovo. Most weapons were purchased in Albania, however arms were also imported from other countries. | <i>Dorđević</i> , TJ, para.1566 | 700 | 19 | |

⁴ Kosovo Liberation Army ('KLA').

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|-----|---|--|-----|------------|-----------------------|
| 20. | The KLA's actions intensified in 1997 and especially towards the end of 1997. | <i>Dorđević</i> , TJ, para.35 <i>See also Limaj</i> , TJ, para.48 | 697 | 14 | |
| 21. | In November 1997, during an armed clash between Serbian forces and the KLA in the village of Laushe/Lausa, Halil Geci, a teacher was killed. | <i>Limaj</i> , TJ, para.48 | 697 | 14 | |
| 22. | In early 1998 and throughout the year, the KLA continued to smuggle weapons to Kosovo across the border from Albania; it also conducted training of Kosovo Albanians. At the beginning of 1998, for example, the Prizren SUP ⁵ were alerted to weapons and ammunition arriving in Kosovo. Automatic weapons, explosives and mines were seized. | <i>Dorđević</i> , TJ, para.277 | 697 | 14 | |
| 23. | Although incidents against the police in Kosovo had taken place before March 1998, attacks against police occurred | <i>Dorđević</i> , TJ, fn.982 | 697 | 14 | |

⁵ Secretariats of the Interior ('SUP').

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|---|--|--|-----|------------|-----------------------|
| | virtually on a daily basis following this date. | | | | |
| A. ATTACKS IN QIREZ/ĆIREZ, LIKOSHAN/LIKOŠANE AND PREKAZ | | | | | |
| 24. | On 28 February and 1 March 1998 fighting between Serbian forces and the KLA took place in the villages of Çirez/Cirez and Likoshan/Likošane, in the border area between the municipalities of Skënderaj/Srbica and Glogoc/Glogovac, during which some 24 people were killed, many of them members of two families. | <i>Dorđević</i> , TJ, para.271; <i>Limaj</i> , TJ, para.135 <i>See also Haradinaj retrial</i> , TJ, para.143 | 697 | 18-21, 31 | |
| 25. | Helicopters, armoured military vehicles, mortars and machine guns were used in the attack. | <i>Limaj</i> , TJ, para.135 <i>See also Dorđević</i> , TJ, para.271 | 697 | 18-21, 31 | |
| 26. | On 3 March 1998, MUP forces surrounded the family compound of Adem Jashari in the village of Prekaz/Prekaze, Skënderaj/Srbica municipality. | <i>Dorđević</i> , TJ, para.271 | 697 | 18-21, 31 | |
| 27. | The MUP forces maintained a siege of the Jashari compound for several days. | <i>Dorđević</i> , TJ, para.271 | 697 | 18-21, 31 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|-----|---|---|-----|------------|-----------------------|
| 28. | At least 54 people most of them members of the Jashari family, were killed. | <i>Dorđević</i> , TJ, para.271 | 697 | 18-21, 31 | |
| 29. | The operation in Prekaze/Prekaz was organised and carried out by the RDB ⁶ and the RJB ⁷ of the MUP. The unit for special operations, JSO ⁸ of the RDB, and an SAJ unit ⁹ carried out the operation while other SAJ units and a PJP ¹⁰ unit of the RJB blockaded the surrounding region. | <i>Dorđević</i> , TJ, para.271 | 697 | 18-21, 31 | |
| 30. | The attacks by the Serbian forces on the family compounds of the Ahmeti family and the Jashari family on 28 February and on 5 March 1998, respectively, during which Adem Jashari was killed, also had a great impact on the Kosovo Albanian people living beyond Likoshan/Likošane and Prekaz/Prekaze in Skenderaj/Srbica | <i>Haradinaj retrial</i> , TJ, para.143 | 697 | 18-21, 31 | |

⁶ State Security Department ('RDB').

⁷ Public Security Department ('RJB').

⁸ Unit for Special Operations ('JSO').

⁹ Special Anti-Terrorist ('SAJ') unit.

¹⁰ Special Police ('PJP').

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|-----|---|-------------------------------|-----|------------|-----------------------|
| | municipality, where these two attacks took place. | | | | |
| 31. | In March 1998 joint VJ ¹¹ and MUP bases started to appear in all major towns in Kosovo. | <i>Dorđević, TJ, para.273</i> | 697 | 18-21, 31 | |
| 32. | In March 1998, PJP forces carried out an operation in the area of Klinë/Klina and Skënderaj/Srbica, the purpose of which was to hold the road between Klinë/Klina and Skënderaj/Srbica. | <i>Dorđević, TJ, para.280</i> | 697 | 18-21, 31 | |
| 33. | Following this, PJP forces carried out an operation "to free" the road between Peć/Pejë and Deçan/Dečani, which had been sealed off by the KLA. As part of this operation, checkpoints were set up to uncover weapons, drugs and persons wanted by the Serbian authorities. | <i>Dorđević, TJ, para.280</i> | 697 | 18-21, 31 | |

¹¹ Army of the Federal Republic of Yugoslavia ('VJ').

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|---------------------------|---|---|----------|------------|-----------------------|
| B. GLOGJAN/GLOĐANE ATTACK | | | | | |
| 34. | Beginning at around 1030 hours on 24 March 1998, there was an exchange of fire between the Serbian police firing from the yard of the Stojanović property and KLA members firing from the Haradinaj family compound. By about 1100 or 1200 hours the course of the fighting had shifted from the Haradinaj compound to the village of Glogjan/Glođane. The fighting went on until approximately 2000 or 2100 hours. | <i>Haradinaj retrial</i> , TJ, para.145 | 697 | 18-21, 31 | |
| 35. | This shootout at the Haradinaj compound made the Kosovo Albanian population very wary of the Serbian “repression” and spread fear. | <i>Haradinaj retrial</i> , TJ, para.149 | 697 | 18-21, 31 | |
| 36. | The Haradinaj family compound was located along the Gramaqel/Gramočelj-Glogjan/Glođane road at the border between the villages of Glogjan/Glođane and Dubravë/Dubrava in Deçan/Deçani municipality. | <i>Haradinaj retrial</i> , TJ, para.144 | 188, 697 | 18-21, 31 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|-----|--|---|---------------|------------|-----------------------|
| 37. | The Haradinaj family compound is approximately 150 to 200 metres away from the Stojanović family compound. ¹² There were 27 families living in Dubravë/Dubrava in 1998. The Stojanović family was the only Kosovo Serb or Montenegrin house; the other families were all Kosovo Albanian. | <i>Haradinaj retrial</i> , TJ, para.144 | 188, 697 | 18-21, 31 | |
| 38. | During the course of the battle, Miodrag Otović, the commander of the Irzniq/Rznić police station, was shot and killed approximately 100 metres away from Haradinaj family compound. | <i>Haradinaj retrial</i> , TJ, para.146 | 188, 697 | 18-21, 31 | |
| 39. | Ramush Haradinaj was injured and taken to Lahi Brahimaj's house in Jabllanicë/Jablanica. | <i>Haradinaj retrial</i> , TJ, para.146 | 188, 192, 697 | 18-21, 31 | |
| 40. | Ramush Haradinaj's role during the fighting at the Haradinaj compound also increased his popularity in Kosovo. | <i>Haradinaj retrial</i> , TJ, para.149 | 188, 697 | 18-21, 31 | |

¹² See also Section XVII below.

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|--------------------------------|---|---|----------|------------|-----------------------|
| 41. | The attacks on the Ahmeti family, the Jashari family, and the Haradinaj family motivated many to join the KLA. | <i>Haradinaj retrial, TJ, para.149</i> <i>See also Đorđević, TJ, para.272</i> | 697 | 18-21, 31 | |
| 42. | On 25 March 1998, an armed group of Kosovo Albanians opened fire with automatic weapons from the territory of Albania at the Mitar Voinović border post, an attack which was repelled. Such incidents along the border became increasingly common around this time. | <i>Haradinaj retrial, TJ, para.150</i> | 188, 697 | 18-21, 31 | |
| C. UNSC RESOLUTION 1160 | | | | | |
| 43. | On 31 March 1998, the United Nations Security Council passed Resolution 1160 which imposed an arms embargo and called upon the FRY to take measures to achieve a political solution to the situation in Kosovo. | <i>Đorđević, TJ, para.1535</i> <i>See also Đorđević, TJ, para.294; Milutinović, TJ Vol.1, para.318</i> | 697 | 18-21, 31 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|---------------------------------|--|---|---------|------------|-----------------------|
| D. EVENTS IN APRIL AND MAY 1998 | | | | | |
| 44. | Operations involving both the VJ and MUP forces were launched in western Kosovo, including Dečani/Deçan municipality, from early April to early June 1998. As a consequence, houses in villages to the north of Dečani/Deçan town, and in the town itself, were damaged or destroyed by both weapons-fire and burning. | <i>Milutinović</i> , TJ Vol.1, para.869 | 697-701 | 18-31 | |
| 45. | In April 1998, PJP forces carried out an operation with the aim of establishing control over Jabllanicë/Jablanica in Gjakovë/Đakovica municipality, which was a KLA stronghold. PJP forces attempted to take the village for about a day but failed. The exchange of fire was significant. | <i>Dorđević</i> , TJ, para.281 | 697 | 18-21, 31 | |
| 46. | A heavy VJ presence was observed in Kosovo by the end of April 1998. | <i>Limaj</i> , TJ, para.164 | 697 | 18-21, 31 | |
| 47. | A forward command post of the Pristina Corps was set up on 21 April 1998. | <i>Limaj</i> , TJ, para.164 | 697 | 18-21, 31 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|-----|---|---|-----|------------|-----------------------|
| 48. | By at least late April, Serbian forces shelled the Dukagjin area. | <i>Haradinaj</i> , TJ, para.96 | 697 | 18-21, 31 | |
| 49. | The Yugoslav government had built refugee accommodations in Baballoq/Babaloc in Deçan/Deçani municipality. Serb and Montenegrin refugees had been housed there. This settlement in Baballoq/Babaloc, which was located on the edge of KLA controlled territory, was attacked by the KLA on 18 and 19 April 1998 from the Kosovo Albanian village of Baballoq/Babaloc or Suka-eBaballoq/Babaloc. | <i>Haradinaj retrial</i> , TJ, para.150 | 697 | 18-21, 31 | |
| 50. | At 0715 hours on 21 April 1998, uniformed KLA soldiers and armed civilians arrived in tractors and trucks in the village of Ratiš-i-Epërm/Gornji Ratiš in Deçan/Deçani municipality and fired shots into the air above Kosovo Serb houses. As a result, most of the Kosovo Serb inhabitants left their houses, after which the KLA took control of the village. | <i>Haradinaj retrial</i> , TJ, para.151 | 697 | 18-21, 31 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|-----|--|--------------------------------|-----|------------|-----------------------|
| 51. | In the morning of 22 April 1998, 20-30 persons attacked the 52nd Military Police Battalion from a hill named "Suka e Vogelj", to which Serbian forces responded with a double-barrelled anti-aircraft gun and a 155 millimetre Howitzer. | <i>Haradinaj</i> , TJ, para.98 | 697 | 18-21, 31 | |
| 52. | In the early afternoon, there was another attack on the 52nd Military Police Battalion from Suka e Vogelj. | <i>Haradinaj</i> , TJ, para.98 | 697 | 18-21, 31 | |
| 53. | Also on the same day, there was an exchange of fire between troops of the 53rd border battalion and persons at a barricade in Babaloć/Baballoq, Deçani/Deçan municipality. | <i>Haradinaj</i> , TJ, para.98 | 697 | 18-21, 31 | |
| 54. | On the same day, VJ from the Košare/Koshare border post clashed with the KLA at the FRY/Albania border, killing 16 of them. | <i>Haradinaj</i> , TJ, para.98 | 697 | 18-21, 31 | |
| 55. | During the night, the 52nd Military Police Battalion came under prolonged fire from automatic rifles and mortars. | <i>Haradinaj</i> , TJ, para.98 | 697 | 18-21, 31 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|-----|---|---|---------|------------|-----------------------|
| 56. | In the evening of 25 April 1998, the KLA launched an infantry attack on the 52nd Military Police Battalion at the Lake Radonjić/Radoniq dam. | <i>Haradinaj</i> , TJ, para.98 | 697 | 18-21, 31 | |
| 57. | On 27 April 1998, there were three separate clashes between the KLA and the VJ at the FRY/Albania border. | <i>Haradinaj</i> , TJ, para.98 | 697 | 18-21, 31 | |
| 58. | Combat operations continued and reached high levels of intensity during major offensives of Serbian forces into the Dukagjin area in late May, early-to-mid-August, and early September 1998. | <i>Haradinaj</i> , TJ, para.100 | 697 | 18-21, 31 | |
| 59. | On or about 19 May 1998, Serbian forces attacked the village of Grabanicë/Grabanica in Klinë/Klina municipality. This attack lasted three days, after which the Serbian forces overran the village. | <i>Haradinaj retrial</i> , TJ, para.155 | 697 | 18-21, 31 | |
| 60. | By the end of May 1998, KLA units were constantly engaged in armed clashes with substantial Serbian forces in areas from the Kosovo-Albanian border in the west, | <i>Limaj</i> , TJ, para.172 | 697-700 | 16, 18-22 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
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| | to near Prishtina/Pristina in the east, to Prizren/Prizren and the Kosovo-Macedonian border in the south and the municipality of Mitrovica/Kosovka Mitrovica in the north. | | | | |
| E. EVENTS IN MID-1998 | | | | | |
| 61. | The Llapushnik/Lapušnik gorge was of strategic importance for the KLA: having control over the gorge provided the KLA with a corridor for the transportation of weapons and supplies from Albania and also enabled the free movement of citizens and soldiers. | <i>Limaj, TJ, para.66</i> | 697 | 18-21, 31 | |
| 62. | On 9 May 1998, Serbian forces attacked the villages in the Llapushnik/Lapušnik gorge including Llapushnik/Lapušnik, Komaran/Komorane and Krekova. | <i>Limaj, TJ, para.67</i> | 697 | 18-21, 31 | |
| 63. | The KLA were successful in resisting the Serbian attack at Llapushnik/Lapušnik on 9 May 1998 and the Serbian forces withdrew to their previously held positions in Komaran/Komorane. | <i>Limaj, TJ, para.75</i> | 697 | 18-21, 31 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|-----|--|--------------------------------|-----|------------|-----------------------|
| 64. | From that time, the KLA remained in Llapushnik/Lapušnik until 25 or 26 July 1998 when Serbian forces drove them from the village. | <i>Limaj</i> , TJ, para.77 | 697 | 18-21, 31 | |
| 65. | In June or by July 1998 the KLA held up to 50 per cent of the territory of Kosovo. | <i>Dorđević</i> , TJ, para.300 | 697 | 18-21, 31 | |
| 66. | Three main roads had been closed by the KLA by June 1998 which cut off the supply lines for the Serbian forces. | <i>Dorđević</i> , TJ, para.300 | 697 | 18-21, 31 | |
| 67. | In June 1998, there were frequent attacks by the KLA on the police and the army. Incidents of kidnapping by the KLA of ethnic Serbs and Albanians perceived as collaborators also increased, as did incidents of intimidation, harassment and killings by the KLA. In June 1998 an armed attack was carried out against the police station in Suva Reka/Suharekë. One policeman was wounded. In the night between 12 and 13 June the police station in Rudnik/Runik in Srbica/Skenderaj municipality was attacked; it had previously come under sniper and | <i>Dorđević</i> , TJ, para.301 | 697 | 18-21, 31 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|-----|---|--------------------------------|-----|------------|-----------------------|
| | <p>infantry fire for days. 11 houses belonging to Serb families were also set on fire that night in the nearby village of Leocina/Leçinë. In a nearby village a Serb civilian was killed, and his house subsequently was set on fire.</p> | | | | |
| 68. | <p>In June 1998 armed clashes between the KLA and Serbian forces took place in the Drenica region, which encompasses the border areas of the municipalities of Srbica/Skenderaj and Glogovac/Gllogoc. Villages in the region were shelled by the VJ. As a result, some 40,000 people fled from the region and moved to the municipalities of Vuçitrn/Vushtrri and Kosovska Mitrovica/Mitrovicë.</p> | <i>Dorđević</i> , TJ, para.302 | 697 | 18-21, 31 | |
| 69. | <p>In June a number of operations by the Serbian forces were carried out in the municipalities of Dečani/Deçan and Đakovica/Gjakovë, located in western Kosovo along the border with Albania. In late May or early June 1998, Austrian diplomats travelled to Peć/Pejë and Dečani/Deçan. The trip was organised by</p> | <i>Dorđević</i> , TJ, para.303 | 697 | 18-21, 31 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|-----|---|-------------------------------|-----|------------|-----------------------|
| | the FRY Ministry of Foreign Affairs. 9 French, Greek and British defence attachés were also present. Clashes between the Serbian security forces and the KLA had taken place in Dečani/Deçan and when the diplomats visited the town they saw there houses that had been burned or destroyed. The town appeared deserted. | | | | |
| 70. | In June or July 1998 MUP PJP forces carried out an operation in the area of the villages Prilep, Junik and Babaloc/Babbaloq, in Dečani/Deçan municipality. The operation involved holding the road from Đakovica/Gjakovë and Dečani/Deçan and securing the communication lines. | <i>Dorđević, TJ, para.304</i> | 697 | 18-21, 31 | |
| 71. | By July 1998, the KLA had gained control of the Belacevac coal mine, which was a major source of power supply. MUP forces launched one or more actions to retake the mine and eventually took control of the plant. | <i>Dorđević, TJ, para.300</i> | 697 | 18-21, 31 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|-----|---|--------------------------------|-----|------------|-----------------------|
| 72. | In early July 1998 fighting between Serbian forces and the KLA took place in the village of Loda/Loxhë in Peć/Pejë municipality. During the fighting police officers were injured and some were abducted. The body of one of them was found a month later, mutilated. | <i>Dorđević</i> , TJ, para.307 | 697 | 18-21, 31 | |
| 73. | In July 1998 the road between Glogovac/Gllogoc and Srbica/Skenderaj in central Kosovo was cut off by the KLA. There were frequent KLA attacks in the area between Glogovac/Gllogoc and Komorane/Komoran, on the Priština/Prishtinë-Peć/Pejë road. The road to Suva Reka/Suharekë from Uroševac/Ferizaj had been blockaded by the KLA. | <i>Dorđević</i> , TJ, para.309 | 697 | 18-21, 31 | |
| 74. | On 17 July 1998, the KLA carried out an attack on the village of Retimlje/Retijë in Orahovac/Rahovec municipality. They collected ammunition belonging to the residents as well as some valuables. 11 members of one Serb family were | <i>Dorđević</i> , TJ, para.310 | 697 | 18-21, 31 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|-----|--|-------------------------------|-----|------------|-----------------------|
| | kidnapped and one member of the family was killed during the attack. | | | | |
| 75. | Around mid-July 1998, the Serbian forces started a heavy offensive against the KLA in Kosovo. This lasted until the end of September 1998. | <i>Dorđević, TJ, para.311</i> | 697 | 18-21, 31 | |
| 76. | On 17 July 1998, Serbian forces launched an attack on the town of Orahovac/Rahovec. A PJP unit was sent "to liberate" the town. PJP, SAJ, and VJ units took part in the operation. | <i>Dorđević, TJ, para.312</i> | 697 | 18-21, 31 | |
| 77. | KLA members in town had automatic weapons. The KLA also had 12.7 millimetre Browning machine-guns in the hills. | <i>Dorđević, TJ, para.312</i> | 697 | 18-21, 31 | |
| 78. | Shortly after the fighting started, the KLA began withdrawing into the hills overlooking Orahovac/Rahovec. | <i>Dorđević, TJ, para.312</i> | 697 | 18-21, 31 | |
| 79. | A major offensive was undertaken by Serbian forces on 24 July 1998 in the area of Llapushnik/Lapušnik, | <i>Limaj, TJ, para.163</i> | 697 | 18-21, 31 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|-----|---|-----------------------------|-----|------------|-----------------------|
| | Komaran/Komorane and east of Klinë/Klina. | | | | |
| 80. | Another battle between the KLA and Serbian forces took place on 25 and 26 July 1998, once again in the area of Llapushnik/Lapušnik. | <i>Limaj</i> , TJ, para.62 | 697 | 18-21, 31 | |
| 81. | The KLA lost control of Llapushnik/Lapušnik in a battle with Serbian forces which took place on 25 and 26 July 1998. | <i>Limaj</i> , TJ, para.78 | 697 | 18-21, 31 | |
| 82. | The KLA forces were unable to stand-up to the strength of the Serbian attack and, on 26 July, all KLA forces withdrew from Llapushnik/Lapušnik. | <i>Limaj</i> , TJ, para.80 | 697 | 18-21, 31 | |
| 83. | On 26 July 1998, virtually the entire population of Llapushnik/Lapušnik moved from the gorge to the Berishë/Beriša Mountains. | <i>Limaj</i> , TJ, para.81 | 697 | 18-21, 31 | |
| 84. | In the battle at Llapushnik/Lapušnik, on 25 and 26 July 1998, the Serbian forces used heavy military weaponry such as tanks, 220 mm cannons, and "Katyusha" | <i>Limaj</i> , TJ, para.163 | 697 | 18-21, 31 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|-----|---|---|-----|------------|-----------------------|
| | rockets. The fighting continued the entire day on 25 July and on 26 July 1998 until the KLA forces withdrew from the area. Llapushnik/Lapušnik village then came under Serbian control. | | | | |
| 85. | MUP and VJ operations were conducted in Western Kosovo in July, August, and into September 1998, in implementation of the Plan for Combating Terrorism, and focused particularly on Junik, Glođane/Gllogjan, and Jabllanicë/Jablanica, which were KLA strongholds. | <i>Milutinović, TJ, Vol.1, para.874</i> | 697 | 18-21, 31 | |
| 86. | In August 1998 a delegation including Ambassador Petritsch and Emma Bonino, the European Commission Commissioner for Humanitarian Aid, visited Kosovo. They travelled to Mališevo/Malishevë, Banja/Bajë and other parts of Kosovo but were not allowed to proceed to some of these areas by the KLA because of the large media presence with the group. | <i>Dorđević, TJ, para.329</i> | 697 | 18-21, 31 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|-----|---|--|-----|------------|-----------------------|
| 87. | An offensive by the Serbian security forces took place in the Drenica region, in the municipalities of Srbica/Skenderaj, Glogovac/Gllogoc and Klina/Klinë at the end of September 1998. | <i>Dorđević</i> , TJ, para.337 | 697 | 18-21, 31 | |
| 88. | The area between Peć/Peja town and Đakovica/Gjakova town in western Kosovo, covering villages in Dečani/Deçan municipality and further east to Jabllanicë /Jablanica and Glođane/Gllogjan, was the site of significant combat operations between the VJ and MUP, on the one side, and the KLA, on the other, between July and September 1998. The situation in specific locations was a shifting one, with the FRY and Serbian forces making advances against the KLA in some places and then the KLA retaking that territory shortly afterwards. | <i>Milutinović</i> , TJ, Vol.1, para.881 | 697 | 18-21, 31 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|-------------------------|---|---|-----|------------|-----------------------|
| F. UNSC RESOLUTION 1199 | | | | | |
| 89. | <p>On 23 September 1998 the United Nations Security Council passed Resolution 1199 demanding that all parties, groups and individuals immediately cease hostilities and maintain ceasefire in Kosovo. The resolution called upon the authorities in the FRY and the Kosovo Albanian leadership to enter immediately into a meaningful dialogue. The resolution further demanded the FRY to cease all action by the security forces affecting the civilian population and order the withdrawal of security units used for civilian repression and to enable effective and continuous international monitoring in Kosovo. Resolution 1199 further urged States and international organisations represented in the FRY to make available personnel to carry out effective and continuous international monitoring in Kosovo.</p> | <p><i>Dorđević</i>, TJ, paras 346, 1535</p> <p><i>See also Milutinović</i>, TJ Vol. 1, para.328</p> | 697 | 18-21, 31 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|---|---|-------------------------------|-----|------------|-----------------------|
| G. INTERNATIONAL OBSERVER MISSIONS AND THE OCTOBER AGREEMENTS | | | | | |
| 90. | <p>In June 1998, the President of the FRY Slobodan Milošević and the President of Russia, Boris Yeltsin met in Moscow. At this meeting it was agreed that foreign diplomatic representatives would have broader powers to monitor the situation in Kosovo. Subsequently, the US Special Envoy for the Balkans Richard Holbrooke met with Slobodan Milošević in Belgrade. It was accepted that the monitoring of the situation in Kosovo would no longer be left to foreign diplomatic missions in Belgrade and that formal observer missions would be established in Priština/Prishtinë. These missions became known as Kosovo Diplomatic Observer Missions or KDOMs. It was agreed that three KDOMs would be established: Russian KDOM, EU-KDOM and US-KDOM.</p> | <i>Dorđević, TJ, para.295</i> | 697 | 18-21, 31 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|-----|---|-------------------------------|-----|------------|-----------------------|
| 91. | In early July 1998 the first of the three missions, the EU-KDOM was established. The US-KDOM was established in late July 1998 and quickly became the largest. The Russian KDOM was established in early September 1998. It had only five or six officers, and it did not have vehicles suited for travel outside Priština/Prishtinë. | <i>Dorđević, TJ, para.296</i> | 697 | 18-21, 31 | |
| 92. | The mandate of the KDOMs was to provide the international community with accurate and independent information about the situation in Kosovo which would be collected by international observers present on the ground in Kosovo. | <i>Dorđević, TJ, para.297</i> | 697 | 18-21, 31 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|-----|--|--------------------------------|-----|------------|-----------------------|
| 93. | In the late summer and autumn of 1998 the KDOMs ran daily missions to various parts of Kosovo. The US-KDOM would send a team of two American officers and a Serb or Albanian interpreter to areas where there was information of clashes or in areas that were contested. The three missions coordinated their activities and worked closely together. The missions had frequent contacts with representatives of the MUP in Priština/Prishtinë. | <i>Dorđević</i> , TJ, para.298 | 697 | 18-21, 31 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|-----|---|-------------------------------|-----|------------|-----------------------|
| 94. | With the establishment of the OSCE Kosovo Verification Mission (“KVM”), various KDOM contingents were absorbed by the KVM. The EU and the USA retained small representation in Priština/Prishtinë, to serve their respective diplomatic missions in the region. The remaining 15 member staff of the US-KDOM, also ran missions and provided unclassified reporting to Washington, Brussels and to the US Mission in Belgrade on the general situation on the ground. This continued until the end of March 1999. | <i>Dorđević, TJ, para.299</i> | 697 | 18-21, 31 | |
| 95. | In October 1998, three international agreements were concluded which laid the foundation for the establishment and functioning of an OSCE monitoring mission in Kosovo, the Kosovo Verification Mission or KVM. | <i>Dorđević, TJ, para.348</i> | 698 | 18-21, 31 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|-----|---|---|-----|------------|-----------------------|
| 96. | In early October 1998 the United States, with the backing of the Contact Group, sent Ambassador Holbrooke to Belgrade in an attempt to secure the compliance of the FRY and Serbian authorities with UN Security Council Resolutions 1160 and 1199. | <i>Milutinović</i> , TJ Vol.1, para.329 | 698 | 18-21, 31 | |
| 97. | Holbrooke was able to establish “a framework for a formal agreement with the FRY”, leaving the details to be agreed later. This framework is widely referred to as the Holbrooke-Milošević Agreement, although there was no written record of it. | <i>Milutinović</i> , TJ Vol.1, para.330 | 698 | 18-21, 31 | |
| 98. | At least partial withdrawal of FRY/Serbian forces from Kosovo was contemplated to comply with UN Security Council Resolution 1199. | <i>Milutinović</i> , TJ Vol.1, para.331 | 698 | 18-21, 31 | |
| 99. | In mid-October 1998, the Holbrooke-Milošević Agreement was separately endorsed by the governments of Serbia and the FRY. | <i>Milutinović</i> , TJ Vol.1, para.332 | 698 | 18-21, 31 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|---|---|-----|------------|-----------------------|
| 100. | On 14 October 1998, the FRY Government authorised the then Foreign Minister, Živadin Jovanović, to conclude an agreement with the chairman of the OSCE, Bronislaw Geremek, for the deployment and operation of a verification mission. On 16 October 1998 Jovanović and Geremek signed an agreement for the establishment of the KVM. | <i>Milutinović</i> , TJ Vol.1, para.334 | 698 | 18-21, 31 | |
| 101. | The role envisaged for the KVM was to “verify compliance by all parties in Kosovo with UN Security Council Resolution 1199, and report instances of progress and/or non-compliance to the OSCE Permanent Council, the UN Security Council, and other organisations”. Additionally, the KVM would inter alia supervise elections in Kosovo, report on the maintenance of a ceasefire by all parties, and verify the numbers, movements, and locations of FRY/Serbian military and police forces. | <i>Milutinović</i> , TJ Vol.1, para.338 | 698 | 18-21, 31 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|--|--------------------------------------|-----|------------|-----------------------|
| 102. | On 24 and 25 October 1998, meetings between international representatives and representatives of the FRY and Serbia took place in the White Palace in Belgrade. The purpose of the meetings was to discuss steps to be taken to achieve full compliance by the FRY with the requirements of the United Nations Security Council Resolution 1199. | <i>Dorđević</i> , TJ, para.357 | 698 | 18-21, 31 | |
| 103. | After discussions lasting for one day and most of the following night, the negotiators on the role and responsibility of the police reached an agreement. A document entitled "Understanding between KDOM and Ministry of Interior of the Republic of Serbia" was signed by representatives of the negotiating parties. | <i>Dorđević</i> , TJ, para.360 | 698 | 18-21, 31 | |
| 104. | The negotiations on the role and responsibility of the VJ were also successful and an agreement was reached. | <i>Dorđević</i> , TJ, paras 361, 362 | 698 | 18-21, 31 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|---|---|-----|------------|-----------------------|
| 105. | On 25 October 1998, the Clark-Naumann Agreement was signed by NATO representatives and Milošević. | <i>Milutinović</i> , TJ Vol.1, para.347 | 698 | 18-21, 31 | |
| 106. | The terms of the Clark-Naumann Agreement, insofar as they related to the VJ, stated that forces and equipment would be reduced to the levels prior to the outbreak of “terrorist activities” in February 1998. VJ forces would return to barracks except for three “company-sized teams” to protect communication lines. VJ border guards would remain in position along the international border. Any heavy or special equipment or weaponry transferred to the MUP by the VJ would be withdrawn from Kosovo or returned to the VJ. In relation to the MUP, special police units were to be removed from Kosovo, and the numbers of forces reduced to the February 1998 levels. Heavy equipment remaining under MUP control would be returned to cantonment sites. | <i>Milutinović</i> , TJ Vol.1, para.348 | 698 | 18-21, 31 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|--|-----------------------------------|-----|------------|-----------------------|
| 107. | The 1998 October Agreements required the VJ and MUP forces to scale back their numbers and weaponry and to abide by a ceasefire in a bid to resolve the Kosovo issue politically and allow displaced people to return home before the onset of winter. | <i>Dorđević, TJ,</i> para.2011 | 698 | 18-21, 31 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|---|--------------------------------|-----|------------|-----------------------|
| 108. | <p>The KVM established five regional centres in Kosovo. These were Regional Centre 1 (Prizren), headed by Brigadier General Joseph Maisonneuve, Regional Centre 2 (Kosovska Mitrovica/Mitrovicë), headed by Leif Windmar, Regional Centre 3 (Pe/Pejë), headed by Edward Sziagzek, Regional Centre 4 (Gniljane/Gjilan), headed by Richard Heaslip, and Regional Centre 5 (Priština/Prishtinë), headed by Matti Teraveinen. Each regional centre had a head, a deputy head, and three liaison officers for the MUP, the VJ, and the KLA, respectively and a small contingent of KVM verifiers. In 1998 Regional Centre 1 had 130 international and over 100 local staff. It was divided into coordination centres based in Orahovac/Rahovec, Prizren, and Suva Reka/Suharekë. The daily work of the centres consisted of patrolling the respective area by teams in armoured vehicles during daylight hours. Teams met with villagers, visited police stations and other locations.</p> | <i>Dorđević</i> , TJ, para.355 | 698 | 18-21, 31 | |

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|------|--|-------------------------------|-----|-----------|--|
| 109. | <p>Reports on events in Kosovo were sent through the KVM regional centres to the KVM headquarters in Priština/Prishtinë where KVM staff would review the incoming information, inform those involved in the immediate action, and compile an interim or daily report of the events in the preceding 24 hours. The information from all regional liaison officers was compiled by coordinating liaison officers for the VJ, the MUP, and the KLA. Richard Ciaglinski was the KVM coordinating liaison officer for the VJ, Guy Sands for the MUP and David Wilson and subsequently David Meyer, for the KLA. This information was then sent to the KVM Fusion Centre, a KVM body responsible for compiling of information and analysis, which was subordinated to the Deputy Head of Mission General Drewienkiewicz, in order to determine what occurred in the previous night and to identify trends. KVM daily reports were sent to the OSCE headquarters in Vienna, the NATO headquarters in Kumanovo, FYROM and the European Union Monitoring Mission.</p> | <i>Dorđević, TJ, para.356</i> | 698 | 18-21, 31 | |
|------|--|-------------------------------|-----|-----------|--|

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|--|---|--|-----|------------|-----------------------|
| H. EVENTS BETWEEN OCTOBER 1998 AND RAMBOUILLET | | | | | |
| 110. | After the October Agreements, the KLA came to hold more territory. | <i>Dorđević, TJ, para.382</i> | 698 | 18-21, 31 | |
| 111. | The KLA used the opportunity of the partial withdrawal of VJ and MUP units following the October Agreements to regroup, regain control over, and launch attacks in, some areas in Kosovo, particularly in the regions of Malishevë/Mališevo, Glogoc/Glogovac and Podujevë/Podujevo. | <i>Dorđević, TJ, para.2016</i> | 698 | 18-21, 31 | |
| 112. | In the second half of November and in December 1998, NATO observed an increasing number of incidents in Kosovo, most of them instigated by the KLA which was trying to fill the vacuum left by the withdrawing FRY/Serbian forces. | <i>Milutinović, TJ Vol.1, para.351</i> | 698 | 18-21, 31 | |
| 113. | On 8 January 1999 eight VJ soldiers were taken prisoner by the KLA at the village of Stari Trg/Stantërg, Kosovska Mitrovica/Mitrovicë municipality. KVM representatives entered into negotiations | <i>Dorđević, TJ, para.394</i> | 698 | 18-21, 31 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|---|---------------------------------------|-----|------------|-----------------------|
| | with the KLA and the VJ authorities and managed to obtain the release of the soldiers in exchange for nine KLA prisoners. | | | | |
| 114. | On 15 January 1999, a joint MUP and VJ operation took place in the village of Reçak/Račak, which is located in the municipality of Shtime/Štimlje, central Kosovo. The operation was carried out in response to the killing of members of a police patrol by the KLA which occurred a few days earlier. | <i>Dorđević</i> , TJ, paras 416, 1920 | 698 | 18-21, 31 | |
| 115. | In the course of the operation not less than 45 Kosovo Albanians were killed. Some 20 to 24 of the bodies had gunshot wounds to the head and appeared to have been shot from a close range. At least one of the bodies had been decapitated. Among the victims was a woman and a child. | <i>Dorđević</i> , TJ, paras 416, 1920 | 698 | 18-21, 31 | |
| 116. | The killings at Reçak/Račak provoked anger in Brussels and Washington as a clear violation of the October Agreements by the Serbian side and raised a serious | <i>Dorđević</i> , TJ, para.418 | 698 | 18-21, 31 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|--------------------------------------|--|---|---------|------------|-----------------------|
| | concern that an outbreak of a widespread conflict was about to happen. | | | | |
| 117. | The Račak/Rečak incident of 15 January 1999 essentially signalled the end of the ceasefire agreement. | <i>Dorđević, TJ, para.2016</i> | 698 | 18-21, 31 | |
| I. THE RAMBOUILLET CONFERENCE | | | | | |
| 118. | In February 1999, in a further effort to resolve the conflict in Kosovo, the international community organised talks in Rambouillet between the FRY government and a delegation from Kosovo, which included Ibrahim Rugova, the President of the LDK, representatives of other civil society organisations and representatives of the KLA. | <i>Dorđević, TJ, para.432</i> <i>See also Milutinović, TJ Vol.1, paras 355-358</i> | 697-698 | 18-21, 31 | |
| 119. | The negotiations were organised by the French Minister of Foreign Affairs Hubert Védrine and were co-chaired by the British Foreign Secretary Robin Cook. Representatives of the countries in the Contact Group, i.e. United States, France, | <i>Dorđević, TJ, para.432</i> <i>See also Milutinović, TJ Vol.1, paras 355-358</i> | 697-698 | 18-21, 31 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|---|--|---------|------------|-----------------------|
| | Britain, Italy, and Russia were heavily involved in the negotiations. | | | | |
| 120. | The talks lasted for about three weeks but final agreement could not be reached. | <i>Dorđević</i> , TJ, para.432 <i>See also Milutinović</i> , TJ Vol.1, paras 355-358, 389 | 697-698 | 18-21, 31 | |
| 121. | The international mediators asked the parties to sign a declaration of intent indicating their willingness to continue and sign the agreement, which they did. The negotiations were then interrupted and both delegations returned home. | <i>Dorđević</i> , TJ, para.432 | 697-698 | 18-21, 31 | |
| 122. | The talks reconvened three weeks later in Paris but broke down immediately because both sides had changed their attitude and the draft agreement was not signed. | <i>Dorđević</i> , TJ, para.433 <i>See also Milutinović</i> , TJ Vol.1, paras 389, 392 | 697-698 | 18-21, 31 | |
| 123. | During the negotiations in Rambouillet, there was a substantial reduction of the level of violence in Kosovo. | <i>Dorđević</i> , TJ, para.435 | 697-698 | 18-21, 31 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|----------------------------|--|--|---------|------------|-----------------------|
| 124. | As it became clear that there was not going to be agreement between the parties, on 19 March 1999 the then OSCE Chairman in Office Knut Vollebaek ordered the immediate withdrawal of the KVM from Kosovo. | <i>Milutinović</i> , TJ Vol.1, para.402 | 697-698 | 18-21, 31 | |
| 125. | By noon on 20 March 1999 the KVM, consisting by then of approximately 1,300 international personnel, had evacuated to Macedonia. | <i>Milutinović</i> , TJ Vol.1, para.402 <i>See also Đorđević</i> , TJ, para.445 | 697-698 | 18-21, 31 | |
| 126. | The UNHCR withdrew from Kosovo on 21 March 1999. | <i>Đorđević</i> , TJ, para.446 | 697-698 | 18-21, 31 | |
| 127. | After making a final attempt at agreement with Milošević in Belgrade, Holbrooke announced the failure of negotiations on 23 March 1999. | <i>Milutinović</i> , TJ Vol.1, para.398 | 697-698 | 18-21, 31 | |
| J. NATO AIR STRIKES | | | | | |
| 128. | On 24 March 1999, NATO commenced its military operations in the FRY. | <i>Đorđević</i> , TJ, para.1580 | 697-698 | 18-21, 31 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|---|--|---------|------------|-----------------------|
| | | <i>See also Milutinović, TJ Vol.1, paras 398, 1209</i> | | | |
| 129. | In the lead up to the NATO bombing, which commenced 24 March 1999, the KLA had established areas of responsibility in its Pashtrik operational zone, that included the municipality of Rahovec/Orahovac. | <i>Dorđević, TJ, para.449</i> | 697-698 | 18-21, 31 | |
| 130. | The area of Malishevë/Mališevo and Pagarushë/Pagaruša, to the north of Rahovec/Orahovac, was specifically referred to as one of the KLA strongholds and local headquarters were said to be established in Krushë-e-Madhe/Velika Kruša, Brestoc/Brestovac/ and Retia-e-Poshtme/Donje Retimlje. | <i>Dorđević, TJ, para.449</i> | 697-698 | 18-21, 31 | |
| 131. | Over the course of the campaign, NATO aircraft flew sorties from various airbases in Europe and bombed targets across the FRY. | <i>Milutinović, TJ Vol.1, para.1209</i> | 697-698 | 18-21, 31 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|---|---|---|---------|------------|-----------------------|
| K. MOVEMENT OF KOSOVO ALBANIAN POPULATION | | | | | |
| 132. | A broad operation was conducted by the VJ and MUP at the end of March 1999 in an area covering parts of Prizren, Suhareka/Suva Reka, and Rahovec/Orahovac municipalities. | <i>Milutinović</i> , TJ Vol.2, para.1160 | 697-698 | 18-21, 31 | |
| 133. | Large numbers of Kosovo Albanians began leaving Kosovo and crossing the border to Albania from 24 March 1999. | <i>Dorđević</i> , TJ, para.903 <i>See also Milutinović</i> , TJ Vol.2, para.1150 | 697-698 | 18-21, 31 | |
| 134. | As estimated by UNHCR, from 24 March 1999 to 10 June 1999, some 800,000 Kosovo Albanians left Kosovo, constituting almost 40 per cent of the population, or around 46 per cent of the Kosovo Albanian population. | <i>Dorđević</i> , TJ, para.2009 | 697-698 | 31 | |
| L. MILITARY TECHNICAL AGREEMENT AND RESOLUTION 1244 | | | | | |
| 135. | A Military Technical Agreement between the International Security Force (“KFOR”) and the Governments of the FRY and | <i>Milutinović</i> , TJ Vol.1, para.1215 | 697-698 | 18-21, 31 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|---|--|---------|------------|-----------------------|
| | Serbia was signed and entered into force on 9 June 1999. | | | | |
| 136. | The agreement provided that the FRY and Serbian authorities would allow the deployment of KFOR following the adoption of a UN Security Council resolution and, further, that they would allow KFOR to operate without interference. | <i>Milutinović</i> , TJ Vol.1, para.1215 | 697-698 | 18-21, 31 | |
| 137. | On 10 June 1999, the Security Council adopted Resolution 1244, which stated that the responsibilities of the international security presence should include ensuring the military withdrawal, demilitarising the KLA, and creating a secure environment for the return of refugees and displaced persons. | <i>Milutinović</i> , TJ Vol.1, para.1216 | 697-698 | 18-21, 31 | |
| 138. | The resolution also authorised the creation of an international civil presence, the purpose of which was to provide an interim administration for Kosovo. | <i>Milutinović</i> , TJ Vol.1, para.1216 | 697-698 | 18-21, 31 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|---|---|--|---------|------------|-----------------------|
| 139. | A report signed by the VJ 3rd Army Commander, Pavković, the Commander of the VJ's Air Force, Smiljanić, and Obrad Stevanović for the Serbian MUP, was sent on 20 June 1999 to the KFOR commander, Lieutenant General Michael Jackson, confirming the withdrawal of forces from Kosovo and promising co-operation through the newly established Commission for Co-operation with the United Nations Mission and the Joint Implementation Commission. | <i>Milutinović</i> , TJ Vol.1, para.1216 | 697-698 | 31 | |
| III. FORCES OF THE FEDERAL REPUBLIC OF YUGOSLAVIA ('FRY') AND SERBIA | | | | | |
| A. VJ | | | | | |
| 140. | In 1998-1999, the Army of the Federal Republic of Yugoslavia (Vojska Jugoslavije) ('VJ') was recognised by the FRY Constitution adopted on 27 April 1992, which provided that the FRY "shall have an Army to defend its sovereignty, territory, independence, and constitutional order" and set out that a federal law should be adopted regulating | <i>Dorđević</i> , TJ, para.144 | 697-701 | 18-31 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|---|---|---------|------------|-----------------------|
| | the VJ. The Law on the VJ was adopted on 18 May 1994. | | | | |
| 141. | The structure and functioning of the Army of the Federal Republic of Yugoslavia (<i>Vojska Jugoslavije</i> 'VJ') during 1998 and 1999 was governed by, inter alia: (a) the FRY Constitution adopted on 27 April 1992; (b) the FRY Law on Defence adopted in 1994; (c) the Law on the VJ adopted in 1994, in accordance with article 134, paragraph 4, of the FRY Constitution, which provided that "... [a] federal law shall be adopted regulating the Army of Yugoslavia"; and (d) the Rules of Service of the VJ. Of these, the Law on the VJ was intended to serve as the main body of rules regulating the organisation and function of the VJ. | <i>Milutinović, TJ Vol.1, para.413</i> | 697-701 | 18-31 | |
| 142. | The VJ was divided into three services: The Land Forces, the Air Force and Anti-Aircraft Defence, and the Navy. These services were, in turn, divided into combat arms and supporting arms, and divided themselves into sections and specialist | <i>Milutinović, TJ Vol.1, para.417;</i> <i>See also Dorđević, TJ, para.149</i> | 697-701 | 18-31 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|---|---|---------|------------|-----------------------|
| | services. The “highest professional and staff organ” for the preparation and use of the VJ was its General Staff, which was composed of the Chief of the General Staff and his assistants, along with their support staff. | | | | |
| 143. | The Land Forces were the biggest and most important force of the VJ and were divided into Armies. In 1998–1999 there were three Armies: the 1st Army (headquartered in Belgrade, Serbia), the 2nd Army (headquartered in Podgorica, Montenegro), and the 3rd Army (headquartered in Niš, Serbia). | <i>Milutinović</i> , TJ Vol.1, para.418 | 697-701 | 18-31 | |
| 144. | The VJ was commanded by the FRY President in accordance with decisions of the Supreme Defence Council (SDC). The President of the FRY was often referred to as the “Supreme Commander”. | <i>Milutinović</i> , TJ Vol.1, paras 433, 482; <i>See also Đorđević</i> , TJ, para.146 | 697-701 | 18-31 | |
| 145. | The military command body immediately subordinated to the civilian leadership of the VJ was the General Staff. The Law on the VJ describes the General Staff as the | <i>Milutinović</i> , TJ Vol.1, para.468 | 697-701 | 18-31 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
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| | highest professional and staff organ for the preparation and use of the VJ in times of peace and war. In broad terms, it was responsible for training officers and soldiers, manning the ranks of the VJ, forming plans for the development of the VJ and for the use of the VJ in potential combat situations, and providing the civilian leadership of the VJ with information and proposals to facilitate strategic decision-making. | | | | |
| 146. | In 1998-1999, the VJ General Staff was the highest military command body immediately subordinate to the civilian leadership. | <i>Dorđević</i> , TJ, para.155 | 697-701 | 18-31 | |
| 147. | The 1 st , 2 nd and 3 rd Armies were the operational groups subordinated to the VJ General Staff in 1998-1999. | <i>Dorđević</i> , TJ, para.157 | 697-701 | 18-31 | |
| 148. | Within the land forces, subordinate to the VJ General Staff, was the 3 rd Army, whose zone of responsibility encompassed southern Serbia. The 3 rd Army was divided into two corps, the Niš Corps and the | <i>Milutinović</i> , TJ Vol.1, para.482; <i>See also Dorđević</i> , TJ, para.157 | 697-701 | 18-31 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
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| | Priština Corps, with the latter having responsibility for the area of Kosovo. | | | | |
| 149. | During the conflict the Supreme Command Staff had “uninterrupted command communication” with the commands of the subordinate units carrying out operations in Kosovo. | <i>Milutinović</i> , TJ Vol.1, para.493 | 697-701 | 18-31 | |
| 150. | Due to the growing complexity of the security situation in the 3rd Army’s zone of responsibility during 1999, Pavković, by then 3rd Army Commander, established a Forward Command Post in Priština/Prishtina on 1 February 1999. | <i>Milutinović</i> , TJ Vol.1, para.588 | 697-701 | 18-31 | |
| 151. | Between 1 January 1999 and 20 June 1999 there were also a number of units in Kosovo outside of the 3rd Army’s chain of command, namely units of the Air Force and Anti-Aircraft Defence, which were subordinated to the command of the Air Force and the Air-Defence. Although the 3rd Army and Priština Corps Commanders were not in command of these units at any stage during the NATO | <i>Milutinović</i> , TJ Vol.1, para.654 | 697-701 | 18-31 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
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| | bombing, they liaised with representatives of those forces at the Priština Corps Command. | | | | |
| 152. | While the number of Priština Corps soldiers was 17,971 as at 31 March 1999, the total manpower of the VJ in Kosovo under the Priština Corps, including re-subordinated units and volunteers stood at 61,892 as of 13 April 1999. | <i>Dorđević</i> , TJ, para.270 | 697-701 | 18-31 | |
| 153. | The Priština Corps consisted of 12 brigades, each of which had responsibility for a particular area within Kosovo in 1999. These included: the 15th Armoured Brigade, the 125th Motorised Brigade, the 243rd Mechanised Brigade, the 549th Motorised Brigade, the 52nd Mixed Artillery Brigade, the 52nd Air Defence Artillery Rocket Brigade, the 37th Motorised Brigade and the 211th Armoured Brigade. | <i>Dorđević</i> , TJ, para.159 | 697-701 | 18-31 | |
| 154. | The 125th mtbr was subordinated to the Prishtinë/Priština Corps. Throughout 1998, the area of responsibility of the 125th | <i>Haradinaj retrial</i> , TJ, para.126 | 697-701 | 18-31 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
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| | mtbr covered a number of municipalities, including Klinë/Klina, Istog/Istok, Pejë/Peć, and Deçan/Dečani. The strength of the 125th mtbr was increased from 1,400 men in January 1998 to 1,880 towards the end of the year to counter disruptions on the state border with Albania. | | | | |
| 155. | A forward command post of the 125th mtbr was established in Pejë/Peć in or after April 1998 as organised groups of armed Kosovo Albanians were developing in an increasing number of villages and were attacking MUP controls. Combat group 2 of the 125th mtbr was also located in Pejë/Peć. The military strength of the forward command post in Pejë/Peć was around 400 men in April and May 1998. | <i>Haradinaj retrial</i> , TJ, para.126 | 697-701 | 18-31 | |
| 156. | The Priština Corps Command set up a forward command post in Gjakovë/Đakovica on 21 April 1998 with 10-15 men. | <i>Haradinaj retrial</i> , TJ, para.126 | 697-701 | 18-31 | |
| 157. | VJ soldiers were obliged to wear uniforms when the rules of service so required. | <i>Dorđević</i> , TJ, para.162 | 697-701 | 18-31 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
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| | Regular VJ units wore camouflage uniforms that were principally green, which carried VJ insignia on the upper left arm. The regular VJ insignia depicted a double-headed eagle above the FRY flag. | | | | |
| 158. | Service members had a duty to wear uniforms when performing official tasks. According to the VJ Rules of Service, the prescribed military uniform was set out in the "Military Uniform Regulations". | <i>Milutinović</i> , TJ Vol.1, para.426 | 697-701 | 18-31 | |
| B. MUP | | | | | |
| 159. | Between 1 January 1999 and 20 June 1999, the Ministry of the Interior of Serbia (<i>Ministarstvo Unutrasnjih Poslova</i>) ('MUP') functioned under the Law on Ministries of 5 February 1991. Its mandate was to perform the duties of state administration in relation to the protection and security of the state, the protection of human lives, safety of persons and property, the prevention and detection of crimes and the capture of the perpetrators and their transfer to the applicable authorities, the | <i>Dorđević</i> , TJ, para.36 | 697-701 | 18-31 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
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| | maintenance of public order, as well as, inter alia, border crossing control, the monitoring of the movements in the border area, citizenship and identity cards and passports. In essence, it performed the police function of the Republic of Serbia. | | | | |
| 160. | The MUP consisted of two primary elements, the Public Security Department (<i>Resor Javne Bezbednosti</i>) ('RJB') responsible for maintaining public order and the State Security Department (<i>Resor Državne Bezbednosti</i>) ('RDB') responsible for maintaining state security and responding to threats to the state. | <i>Dorđević</i> , TJ, para.39; <i>See also Milutinović</i> , TJ Vol.1, para.659 | 697-701 | 18-31 | |
| 161. | The tasks of the MUP were performed on the ground by Secretariats of the Interior (SUPs) established in local areas throughout Serbia. SUPs had responsibility for the security situation in the geographic area for which they were established. There were 33 SUPs altogether in the territory of the Republic of Serbia, all of which were subordinate to | <i>Dorđević</i> , TJ, para.46 | 697-701 | 18-31 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
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| | the RJB. Of these, in 1998-1999, there were seven SUPs in Kosovo. | | | | |
| 162. | According to Article 4 of the Rules on Organisation of the MUP, the Kosovo SUPs were in the municipalities of Gnjilane/Gjilan, Đakovica/Gjakova, Kosovska Mitrovica/Mitrovica, Peć/Peja, Prizren, Priština/Prishtina, and Uroševac/Ferizaj. | <i>Milutinović, TJ Vol.1, para.660</i> | 697-701 | 18-31 | |
| 163. | The SUP chief commanded operations in his geographic area of responsibility. In terms of the anti-terrorist actions and operations in Kosovo from June 1998 and in 1999, the SUPs in Kosovo were commanded by the MUP Staff in Priština/Prishtinë, which coordinated and planned operations. | <i>Dorđević, TJ, para.49</i> | 697-701 | 18-31 | |
| 164. | The SUPs were composed of Municipal Departments/Sectors of the Interior (<i>Odelenja Unutršnjih Poslova</i>) ('OUPs') and local police stations. In Gnjilane/Gjilan, there was an OUP in the municipalities of Vitina/Viti and Kosovska | <i>Dorđević, TJ, para.50</i> | 697-701 | 18-31 | |

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| | <p>Kamenica/Kamenicë, and a police station in the municipality of Novo Brdo/Novobërdë. In Đakovica/Gjakovë, there was an OUP in the municipality of Dečani/Dečan. In Kosovska Mitrovica/Mitrovicë, OUPs existed in the municipalities of Vučitrn/ Vushtrria, Leposavić/Leposaviq and Srbica/Skenderaj, and police stations in the municipalities of Zvean/Zvečan and Zubin Potok. In Peć/Pejë, there were OUPs in the municipalities of Istok/Istog and Klina/Klinë. In Prizren, OUPs were in the municipalities of Dragaš/Dragash, Orahovac/Rahovec and Suva Reka/Suharekë. In Priština/Prishtinë, OUPs existed in the municipalities of Glogovac/Gllogoc, Kosovo Polje/Fushë Kosovë, Lipljan/Lipjan, Obilić/Obiliq and Podujevo/Podujevë. In Uroševac/Ferizaj, there was an OUP in the municipality of Kačanik/Kaçanik, and police stations in the municipalities of Štimlje/Shtime and Štrpce/Shtëpcë.</p> | | | | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
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| 165. | In 1998 and 1999, PJP units in Kosovo included the 122nd and 124th Intervention Brigades and the 23rd, 35th, 36th, 37th, 73rd, 85th and 86th PJP Detachments. The 122nd Intervention Brigade was an amalgamation of the 21st and 22nd PJP Detachments. The 124th Intervention Brigade came into being on 18 June 1998 pursuant to a decision of Minister Stojiljković, before which it was the 24th PJP Detachment. In Kosovo, each SUP had at least one PJP, while the Priština/Prishtinë SUP had two. | <i>Dorđević</i> , TJ, para.63 | 697-701 | 18-31 | |
| 166. | On 15 January 1998, a decision was issued which expanded the mandate of the MUP Staff to include cooperation with the RDB, the VJ, other state organs and organs of local self-government. One of its tasks was the prevention and suppression of terrorism in Kosovo. | <i>Dorđević</i> , TJ, para.105 | 697-701 | 18-31 | |
| 167. | In mid-1998, the local population of non-Albanian ethnicity in Kosovo began to be armed and trained by the VJ and the MUP. The decision to form and arm these local | <i>Dorđević</i> , TJ, para.92 | 697-701 | 18-31 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
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| | defence units, also called reserve police squads (RPOs), was made by the MUP headquarters in Belgrade, passed down to the MUP Staff, and implemented by the SUPs. | | | | |
| 168. | The OUPs and police stations directly performed tasks related to internal affairs in their geographic area of responsibility, except where a Secretariat had its headquarters, in which case the Secretariat directly performed the tasks. The OUPs were responsible for conducting internal affairs and ensuring personal and property security of the public in the relevant area of responsibility, as well as preventing and solving crimes, finding and capturing perpetrators of crimes and bringing them before the competent authorities, and maintaining public law and order. Each OUP consisted of a police station, with or without branch police stations, a Section or Group for Crime Prevention and an Administration Section or Group. They reported to the SUPs, | <i>Dorđević, TJ, para.51</i> | 697-701 | 18-31 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
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| | which remained responsible for the work of the OUPs and police stations. | | | | |
| 169. | Special Police Units (<i>Posebne Jedinice Policije</i>) ('PJPs') were established pursuant to Article 6 of the Rules on Organisation of the MUP by the former Minister of the Interior, Zoran Sokolović, on 1 August 1993, to carry out "special security tasks" in regular circumstances and in the case of a state of emergency, with an emphasis on "combat tasks and interventions in the case of serious breaches of public law and order". Such tasks included the "detection, arrest and destruction" of rebel and sabotage and terrorist groups or individual members thereof. To carry out such complex security and combat tasks, the PJP units were to be developed into "mobile, rapid, technically well-equipped and professionally trained and drilled units armed with state-of-the-art weapons". | <i>Dorđević, TJ, para.57;</i> <i>See also Milutinović, TJ Vol.1, para.666</i> | 697-701 | 18-31 | |
| 170. | The PJP were instructed on the use of weapons by the VJ. The list of weapons | <i>Dorđević, TJ, para.67</i> | 697-701 | 18-31 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
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| | they were trained to use included infantry mines, anti-personnel mines, mortars of 60 and 80 (or 82) millimetre calibre, the Browning 12.7 millimetre machine gun, the PAT anti-aircraft gun, the WASP hand held rocket launcher and the Zolja rocket launcher. | | | | |
| 171. | Pursuant to the Rules of the Internal Organisation of the State Security Department (<i>Resora Drzavne Bezbednosti</i>) ('RDB'), the RDB was responsible for the protection of the security of the Republic of Serbia and the FRY and uncovering and preventing activities directed at undermining or toppling the constitutional order of Serbia and the FRY. Its tasks comprised counterintelligence, intelligence, countering extremism and terrorism and other security tasks of the Republic and FRY. RDB Centres were set up in Kosovo in Gnjilane/Gjilan, with a branch in Uroševac/Ferizaj, in Priština/Prishtinë, with a branch in Kosovska Mitrovica/Mitrovicë, and in | <i>Dorđević, TJ, para.78;</i> <i>See also Milutinović, TJ Vol.1, para.680</i> | 697-701 | 18-31 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
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| | Prizren, with branches in Đakovica/Gjakovë and Peć/Pejë. | | | | |
| 172. | The Law on Internal Affairs of the Republic of Serbia provided for the possibility for strengthening the MUP with conscripts from the reserve force of the Ministry in case of an imminent threat of war. | <i>Dorđević</i> , TJ, para.88 <i>See also Milutinović</i> , TJ Vol.1, para.662 | 697-701 | 18-31 | |
| 173. | Police reservists were civilians with normal civilian jobs when they were not enlisted. | <i>Dorđević</i> , TJ, para.88 | 697-701 | 18-31 | |
| 174. | Article 2 of the Law on the Police Uniform and Insignia from March 1996 ("Law on the Uniform") provided that the MUP had four different types of uniforms: (a) the regular uniform; (b) the dress, performance, and escort uniform; (3) the intervention uniform; and (4) the training uniform. The "regular", "dress", and "performance" winter uniforms were navy blue in colour. | <i>Milutinović</i> , TJ Vol.1, para.705 | 697-701 | 18-31 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
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| C. JOINT COMMAND | | | | | |
| 175. | Despite the constraints of the existing constitutional and legal regimes, a Joint Command was created and functioned for about a year, by decisions and actions at the very highest political, military and police levels, so as to coordinate and jointly command the operations of the Federal VJ and the Provincial MUP, with some other Serbian forces, in anti-terrorist and defence measures in Kosovo. | <i>Dorđević</i> , TJ, para.231 | 697-701 | 18-31 | |
| 176. | From 22 July 1998 to late October 1998, the Joint Command met at least two or three times per week, depending on the influx of information or the level of combat activities. | <i>Dorđević</i> , TJ, para.232 | 697-701 | 18-31 | |
| 177. | The Joint Command operated at least until 1 June 1999. | <i>Dorđević</i> , TJ, para.236 | 697-701 | 18-31 | |
| IV. DEMOCRATIC LEAGUE OF KOSOVO ('LDK') | | | | | |
| 178. | One of the main political parties in Kosovo, the Democratic League of Kosovo | <i>Dorđević</i> , TJ, para.30; | 25 | 13 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
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| | ("LDK"), was formed on 23 December 1989. | <i>See also Limaj, TJ, para.41</i> | | | |
| 179. | Ibrahim Rugova was elected president of the LDK. | <i>Dorđević, TJ, para.30</i> | 25 | 13 | |
| 180. | Ibrahim Rugova was the leader of the LDK and Bujar Bukoshi was the (LDK) Prime Minister of the government in exile. | <i>Haradinaj retrial, TJ, para.254</i> | 25 | 13 | |
| 181. | The LDK advocated a policy of non-violent resistance to the authorities in Serbia. | <i>Dorđević, TJ, para.30</i> <i>See also Haradinaj retrial, TJ, para.254</i> | 25 | 13 | |
| 182. | The LDK supported the view that Kosovo should have the status of a republic within the Yugoslav federation while it continued to exist and be independent if the federation ceased to exist. | <i>Dorđević, TJ, para.30</i> | 25 | 13 | |
| 183. | The LDK's position was that independence should be achieved by peaceful, diplomatic, and democratic methods and violence should not be used. | <i>Dorđević, TJ, para.30</i> | 25 | 13 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
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| 184. | In October 1991, the LDK formed a so-called "government" for Kosovo which mainly operated abroad. | <i>Dorđević, TJ, para.30</i> | 25 | 13 | |
| 185. | The party developed structures in many towns and villages and enjoyed strong support among the Kosovo Albanian population. | <i>Dorđević, TJ, para.30</i> | 25 | 13 | |
| 186. | In 1990 and 1991, and in the following years, Albanian language elementary and high schools were closed. In response, the LDK set up a parallel unofficial system of education. | <i>Dorđević, TJ, para.31</i> | 25 | 13 | |
| 187. | In September 1991, a referendum for independence was held in Kosovo, in which the Serbian population of the province did not participate. The overwhelming majority of the Kosovo Albanians voted for independence. | <i>Limaj, TJ, para.42</i> | 25 | 13 | |
| 188. | In May 1992, elections were held in Kosovo and the LDK led by Ibrahim Rugova won the majority of votes. However, the Parliament never convened. | <i>Limaj, TJ, para.42</i> <i>See also Dorđević, TJ, para.30</i> | 25 | 13 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
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| 189. | In early 1998, the LDK changed its prior policy of non-violent opposition to support armed resistance. | <i>Haradinaj retrial</i> , TJ, para.254 | 25 | 13, 45 | |
| 190. | Following unsuccessful attempts to launch the work of the new Kosovo Parliament, the political opposition to the LDK and its policy for a peaceful solution of the Kosovo question grew stronger. | <i>Limaj</i> , TJ, para.44 | 25 | 14 | |
| V. ARMED FORCES OF THE REPUBLIC OF KOSOVO ('FARK') | | | | | |
| 191. | Bujar Bukoshi created a Ministry of Defence and appointed Ahmet Krasniqi as the Minister of Defence of the Republic of Kosovo and Agim Mehmeti as his Deputy. It was then that the LDK established the FARK. | <i>Haradinaj retrial</i> , TJ, para.255 | 195-198 | 18-31 | |
| 192. | The LDK held talks with the KLA on the relationship of their armed forces from 22 to 24 May 1998 in Oslo, Norway. At this meeting, the KLA "agreed to be integrated into the Ministry of Defence, but that the new, integrated force would continue to be known as the KLA, since this name was | <i>Haradinaj retrial</i> , TJ, para.255 | 195-198 | 18-31 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
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| | already widely known” and “meant something to the population”. It was also agreed that the KLA insignia would be used on uniforms. | | | | |
| 193. | In June 1998 FARK soldiers were trained at the Tropoje region of northern Albania. There were three FARK brigades: the 131st commanded by Rrustem Berisha; the 133rd commanded by Kemajl Shaqiri; and the 134th commanded by Tahir Zemaj. Tahir Zemaj was the highest ranking FARK officer and the commander of all three FARK brigades. | <i>Haradinaj retrial</i> , TJ, para.256 | 195-198 | 18-31 | |
| 194. | Ahmet Krasniqi decided on the operational zones and deployment of the FARK brigades in Kosovo | <i>Haradinaj retrial</i> , TJ, para.257 | 195-198 | 18-31 | |
| 195. | The initial deployment of FARK brigades into Kosovo was planned to occur in three stages. First, the brigades were to march from Albania to Jasiq/Jasić in Deçan/Dečani municipality and wait for weapons and equipment; second, they were to march from Jasiq/Jasić to | <i>Haradinaj retrial</i> , TJ, para.257 | 195-198 | 18-31 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
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| | Isniq/Istinić in Deçan/Dečani municipality; and third, they were to “form military barracks and enlist men and train them as soldiers and reorganise the army in general”. | | | | |
| 196. | The 134 th brigade consisted of approximately 100-200 soldiers and 23-25 officers. They entered Kosovo in late June 1998 and arrived at Jasiq/Jasić in the early hours of 25 June 1998, where they remained for a few days. Thereafter, the brigade continued and arrived at Isniq/Istinić around 30 June 1998. The FARK brought with them automatic rifles and grenades. | <i>Haradinaj retrial, TJ, para.258</i> | 195-198 | 18-31 | |
| 197. | On 25 June 1998, FARK representatives met with KLA commanders, Salih Veseli and Naim Maloku in Jasiq/Jasić. | <i>Haradinaj retrial, TJ, para.259</i> | 195-198 | 18-31 | |
| 198. | The FARK representatives stated they could not submit to the KLA because of the agreement that had been reached in Oslo in May 1998 to create a joint command. The KLA commanders either | <i>Haradinaj retrial, TJ, para.259</i> | 195-198 | 18-31 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
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| | did not know about the agreement in Oslo or were pretending not to know. | | | | |
| 199. | On 26 June 1998, Ramush Haradinaj arrived in Jasiq/Jasić with other KLA soldiers including Idriz Balaj, Salih Veseli, Naim Maloku and Hajdan Abazi. The discussions during the meeting focused on the command of the Dukagjin Operational Zone and the entering of FARK forces into the area. Ramush Haradinaj introduced himself as commander of the “Dukagjini Plain”. Haradinaj told the FARK representatives that they arrived in territory liberated by the KLA, that they had to accept his command or return to Albania, and that he did not recognise the agreement in Oslo. Ramush Haradinaj instructed the FARK to become part of the KLA command. He stated that senior FARK officers should be distributed among the operative units and in the villages, and carry out their tasks within the structure of the “Dukagjini operative staff”; this was refused by the FARK. No agreement was reached. The FARK | <i>Haradinaj retrial</i> , TJ, para.260 | 195-198 | 18-31 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
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| | informed the KLA that they would continue to carry out their military plans and strategies in phases. | | | | |
| 200. | On 27 June 1998, the KLA invited the FARK commander Tahir Zemaj to Junik in Deçan/Deçani municipality to continue discussions on the command of the KLA and FARK. However, FARK officers believed that it was too dangerous and advised Tahir Zemaj not to go. Instead of Tahir Zemaj, two other FARK officers went to Junik on 30 June 1998. At the meeting of 30 June 1998, the two FARK representatives met with Salih Veseli, who introduced himself as the “Dukagjin Zone Chief of Staff”, and the other representative as Hajdan Abazi. The FARK officers conveyed Tahir Zemaj’s position, which was unchanged from the previous two meetings, and informed the KLA attendants that the FARK “wanted to finish the second phase of their deployment, marching to Isniq”, and that “if anyone got in Ftheirğ way”, the FARK forces “would have to act according to | <i>Haradinaj retrial</i> , TJ, para.261 | 195-198 | 18-31 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
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| | <p>military rules". When the FARK representative told Salih Veseli that the FARK was going to continue with its deployment, Salih Veseli responded that the KLA could not guarantee the safety of FARK. There was no use of military force by the KLA. The FARK forces were not prepared to be commanded by the "Dukagjin KLA". Their deployment was delayed until the night of 30 June 1998 because of the problems with the KLA and the nondelivery of a convoy of weapons expected to arrive from Albania.</p> | | | | |
| 201. | <p>On 2 July 1998, FARK brigade commanders and KLA commanders again met in Isniq/Istinić. On behalf of FARK, Tahir Zemaj discussed the "Supreme Staff of the FARK, including the activity of its senior officers since 1991"; the "formal founding of the Supreme Staff on 5 March 1998"; the formation of the brigades on 21 June 1998; and the agreement reached with the KLA leadership. He discussed the establishment of "two FARK components: the KLA and the MT (or territorial</p> | <p><i>Haradinaj retrial</i>, TJ, para.262</p> | 195-198 | 18-31 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|---|--|---------|------------|-----------------------|
| | defence)”. On behalf of the KLA, Rrustem Tetaj stated that the KLA did not recognise the Supreme Staff of the FARK, since it was based outside of Kosovo. | | | | |
| 202. | Discussions continued at a meeting on 5 July 1998. At this meeting, Rrustem Tetaj explained that the KLA did not recognise the authority of the government in exile, and that the “Staff of the Plain of Dukagjin” had been “formed on 23 May 1998”. Ramush Haradinaj stated that “the KLA was born here in Kosovo”, and that the best way to integrate the forces was for the FARK forces to join the KLA. | <i>Haradinaj retrial</i> , TJ, para.263 | 195-198 | 18-31 | |
| 203. | Following increasing tension between the KLA and the FARK, a meeting was convened on the evening of 10 July 1998 to devise a solution to organise the KLA and the FARK forces. It was agreed at this meeting that the KLA and the FARK would form three brigades. Following the meeting Tahir Zemaj made a formal request to Ramush Haradinaj for particular appointments and job | <i>Haradinaj retrial</i> , TJ, para.85 (see also para.279) | 195-198 | 18-31 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
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| | specifications within the combined forces; FARK officers would be dispersed among the brigades. | | | | |
| 204. | The 1st brigade was led by Tahir Zemaj and was based in Prapaqan/Papraçane in Deçan/Deçani municipality. | <i>Haradinaj retrial</i> , TJ, para.86 | 195-198 | 18-31 | |
| 205. | The formation of the 2nd brigade was authorised by Ramush Haradinaj. It was based in the school building of Bardhaniq/Bardonić and/or Zhabel/Žabelj in Gjakovë/Đakovica municipality. The area of responsibility of the brigade was to encompass the following villages in the Deçan/Deçani municipality: Lubeniq/Ljubenić, Strellc-i-Epërm/Gornji Streoc, Strellc-i-Ulët/Donji Streoc, Kryshec/Kruševac, Dubovik, Lëbushë/Ljubuša, Isniq/Istinić, Llukë-e-Epërme/Gornja Luka, Broliq/Brolić, Dujakë/Dujak and Prapaqan/Papraçane. | <i>Haradinaj retrial</i> , TJ, para.87 | 195-198 | 18-31 | |
| 206. | The 3rd brigade (also known as the Adrian Krasniqi brigade, and later as the Isuf Gervalla brigade) was based at the | <i>Haradinaj retrial</i> , TJ, para.89 | 195-198 | 18-31 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
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| | <p>primary school in Baran/Barane in Pejë/Peć municipality. The area of responsibility of the brigade was to include the following villages in Pejë/Peć municipality: Raushiq/Raušić, Rashiq/Rašić, Kotradiq/Kotradić, Vranoc/Vranovac, Baran/Barane, Kosuriq/Kosurić, Buçan/Bučane, Llugagji/Lugadžija, Glllogjan/Gloñane, Nepolë/Nepolje, Qeskovë/Ceskovo, and Loxhë/Lođa. Rustem Berisha was originally appointed by Ramush Haradinaj as commander of the 3rd brigade on 12 July 1998. Rustem Berisha never took up this position; Nazif Ramabaja filled the role of the commander.</p> | | | | |
| 207. | <p>On 11 July 1998, talks between KLA and FARK representatives continued in Prapaqan/Prapaçane to decide where officers would be deployed and what their job specifications would be. As a result of the meeting, Tahir Zemaj sent a request to the “Dukagjin Plain Operative Staff” requesting the “appointment and job</p> | <p><i>Haradinaj retrial</i>, TJ, para.90</p> | 195-198 | 18-31 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
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| | specification of military officers in the operative brigades". It listed 20 officers for appointment, five of whom were already KLA members present in the Dukagjin area. | | | | |
| VI. PEOPLE'S MOVEMENT FOR KOSOVO ('LPK') | | | | | |
| 208. | In 1990, the Popular Movement for Kosovo ("LPK"), a successor of the Popular Movement for the Republic of Kosovo ("LPRK"), was established. | <i>Limaj</i> , TJ, para.41 | 93 | 14 | |
| 209. | The LPK advocated for a solution of the Kosovo question through active means and did not exclude the possibility of armed action. | <i>Limaj</i> , TJ, para.41 | 93-94 | 14 | |
| 210. | The LPK was active primarily among Kosovo Albanian communities in countries in Western Europe as its activities in Kosovo were conducted underground. | <i>Limaj</i> , TJ, para.41 | 93-95 | 14 | |
| 211. | After the public appearance of the KLA in 1997, the LPK's activities focused on | <i>Limaj</i> , TJ, para.41 | 93-95 | 14 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|-------------------------------------|--|--|---------|------------|-----------------------|
| | supporting the KLA politically and financially. | | | | |
| VII. KOSOVO LIBERATION ARMY ('KLA') | | | | | |
| 212. | In 1991, Adem Jashari and an armed political formation in Prekazi/Prekaz, Skenderaj/Srbica municipality, organised the first armed action against the Serbian police and military forces. | <i>Limaj</i> , TJ, para.43 | 93 | 14 | |
| 213. | The KLA supported a solution of the Kosovo question through an active armed resistance to the official regime. | <i>Limaj</i> , TJ, para.45 | 21, 697 | 15 | |
| 214. | KLA soldiers appeared in uniform for the first time in public on 28 of November 1997 in the town of Lauša/Laushë, Srbica/Skenderaj municipality, at a funeral of a teacher who was killed by Serbian police. | <i>Dorđević</i> , TJ, para.1537. <i>See also Haradinaj retrial</i> , TJ, para.17; <i>Limaj</i> , TJ, para.48 | 700 | 19 | |
| 215. | The KLA patch on uniforms had an "eagle emblem" and the letters "UÇK". | <i>Haradinaj retrial</i> , TJ, para.30 <i>See also Milutinović</i> , TJ, Vol.1, para.837; | 700 | 19 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
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| | | <i>Dorđević, TJ, para.1563</i> | | | |
| 216. | In 1998 and early 1999 Mališevo/Malisheva was a major KLA headquarters and was known as the KLA “capital of the free territories”. Right before the NATO bombing started, the “hotspots” for KLA activity, and the areas that the FRY/Serbian forces considered important, were the Podujevo/Podujeva area, because it was on the main route connecting Niš to Priština/Prishtina, the Vučitrn/Vushtrria area, the area around Jablanica/Jabllanica in western Kosovo, and the Kačanik/Kaçanik area, close to the Macedonian border. | <i>Milutinović, TJ, Vol.1, para.817</i> | 700 | 19 | |
| 217. | In 1998, major KLA headquarters were located in Malisheve/Malisevo, in Klecke/Klecka, and in the village of Divjake/Divljaka. There were also headquarters in Jabllanice/Jablanica, Carraleve/Crnoljevo, Shale/Sedlare, Vojnike/Vocjnak, Likofc/Likovac, Pjetershtice/Petrastica, Dobrotin/Dobratin | <i>Limaj, TJ, para.104</i> <i>See also Dorđević, TJ, para.1548</i> | 483, 700 | 19 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
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| | and Llapushnik/Lapušnik, among other places. | | | | |
| 218. | In 1998, there was a General Staff of the KLA. | <i>Dorđević, TJ, para.1541</i> | 96-97, 101 | 19 | |
| 219. | Following the killing of Adem Jashari, Azem Syla (Sula) became the general commander of the KLA and Sokol Bashota was a deputy commander of the KLA. | <i>Haradinaj retrial, TJ, para.19</i> | 96-97, 101 | 19 | |
| 220. | The General Staff were located in the Berisha Mountains, near Mališevo/Malishevë in central Kosovo, from November 1998 until March 1999. | <i>Dorđević, TJ, para.1541</i> | 96-97, 101 | 19 | |
| 221. | Bislim Zyrapi served as KLA Chief of Staff between November 1998 and March 1999. | <i>Milutinović, TJ, Vol.1, para.823</i> | 96-97, 101, 174 | 19 | |
| 222. | From late 1998, operations were discussed first within the General Staff, and the zone commander of the particular zone for which the operation was prepared was also asked to attend. Once the operation plans were clear, the approval of the General Staff was given to the zone commander to carry out the operation. | <i>Dorđević, TJ, para.1542</i> | 97, 700 | 19 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|---|--|----------|------------|-----------------------|
| | The zone commander would then act according to the instructions contained in the order about the operation. | | | | |
| 223. | Each KLA operational zone had a zone commander, appointed by the General Staff, heading its command structure. | <i>Dorđević, TJ,</i> para.1546 <i>See also Limaj, TJ,</i> para.96 | 108, 700 | 19 | |
| 224. | The KLA General Staff took the decision in 1998 to divide operational zones into brigades, each of which had a commander. | <i>Dorđević, TJ,</i> para.1547 | 108, 700 | 19 | |
| 225. | The zone commander proposed a commander and deputy commander for each brigade and the General Staff approved the proposals. | <i>Dorđević, TJ,</i> para.1547 | 108, 700 | 19 | |
| 226. | Brigades were further divided into battalions, usually three to four infantry battalions, and battalions into companies and platoons. | <i>Dorđević, TJ,</i> para.1547 | 108, 700 | 19 | |
| 227. | Sylejman Selimi's decisions as a commander were disseminated immediately when he was present and | <i>Limaj, TJ,</i> para.105 | 108, 700 | 19 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|--|---|----------|------------|-----------------------|
| | copies of orders directed to units were also generally copied to the General Staff. | | | | |
| 228. | The communications between the KLA and the public were generally conducted by communiqués. As a general rule the communiqués were issued by the General Staff. From the end of 1997 to August 1998 the General Staff of the KLA issued dozens of communiqués reporting military actions and operations undertaken by the organisation. | <i>Limaj, TJ, para.103</i> <i>See also Selim Krasniqi et al., Supreme Court of Kosovo, Ap.-Kz 371/2008, p.10</i> | 700 | 19 | |
| 229. | The KLA established military hospitals and clinics. From December 1998 to March 1999, there were two military hospitals. Each operational zone had one or more clinics and an ambulance. There was a military hospital in Pagaruša/Pagarushë village, Pashtrik Operational Zone, and another in Drenicë/Drenica Operational Zone. | <i>Dorđević, TJ, para.1564</i> | 700 | 19 | |
| 230. | Within the General Staff and the operational zones, personal Motorola two-way radios, with a range of only a few | <i>Dorđević, TJ, para.1570</i> | 128, 132 | 19 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|--|---|----------|------------|-----------------------|
| | kilometres, were used. This was an official form of communication, with each zone having its own radio communication base and the General Staff, primarily based in the Pashtrik Zone, having a radio repeater to increase the range of the radios to approximately 50 kilometres. | <i>See also Milutinović, TJ Vol.1, para.828</i> | | | |
| 231. | Satellite telephones were issued to the General Staff and each zone commander. | <i>Dorđević, TJ, para.1570</i> | 128, 133 | 19 | |
| 232. | Couriers were also used as an official means of communication between the General Staff and the operational zone commands. | <i>Dorđević, TJ, para.1570</i> | 128, 134 | 19 | |
| 233. | A system for recording orders and other documents was in place within the KLA. There were archives of the General Staff of the KLA, containing combat reports and other documents, which were sent to Priština/Prishtinë immediately after the war. | <i>Dorđević, TJ, para.1545</i> | 129 | 19 | |
| 234. | Every written document was archived in the relevant operational zone and with the | <i>Dorđević, TJ, para.1545</i> | 129 | 19 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|---|---|--------------|------------|-----------------------|
| | General Staff, which obtained a seal in November or December 1998. Orders were archived with minutes, and oral orders issued by the General Staff to the zone commanders, or by zone commanders to brigades, would be followed up in writing, and then archived. | | | | |
| 235. | The KLA was financially supported by two funds in 1997 and 1998: the "Bukoshi Fund" (also known as the "Government Fund" or the "3% Fund") and the "Homeland Calling Fund". The Homeland Calling Fund was created in 1995 and was controlled by the KLA General Staff. Contributions came mainly from Albanians living abroad, many of whom were in Switzerland, Albania, Italy and the United Kingdom. | <i>Haradinaj retrial, TJ, para.29;</i> <i>See also Milutinović, TJ, Vol.1, para.834;</i> <i>Dorđević, TJ, para.1565</i> | 139, 700 | 19 | |
| 236. | At least by the end of June 1998 the Provisional Regulations for the Organisation of the Army's Internal Life" of the KLA ("Regulations") were available and were being distributed by the General | <i>Limaj, TJ, paras 98, 110</i> | 72, 109, 136 | 19, 50-53 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|---|---|----------|------------|-----------------------|
| | Staff and available for KLA soldiers at various positions. | | | | |
| 237. | Commanders of zones in Kosovo were obliged to inform the General Staff of any crimes or breaches of the laws of war committed within their area of operation; the General Staff would then order appropriate action. | <i>Haradinaj retrial, TJ, para.39</i> | 109, 136 | | |
| 238. | A commander of a zone was obliged to remove persons who committed the crime or breach from the position that they were in. | <i>Haradinaj retrial, TJ, para.39</i> | 109, 136 | | |
| 239. | By the end of 1998, the KLA had issued interim regulations on the organisation of its internal affairs, which were later updated. These were distributed to zone commanders and their subordinates. There was also a system for reporting from the zone commanders to the General Staff, for ensuring military discipline, and for appointing commanders at various levels. By this time the KLA zones had been | <i>Milutinović, TJ, Vol.1, para.826</i> <i>See also Limaj, TJ, para.97</i> | 97, 700 | 19 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|---|--|-------------------|------------|-----------------------|
| | organized into brigades, battalions, companies, platoons and squads. | | | | |
| 240. | A Rulebook on the Organisation of Internal Affairs in the KLA set out the code of conduct for everyone under the authority of the General Staff. The Rulebook distributed to the KLA soldiers included rules established by Western armies. The Rulebook was distributed to KLA soldiers throughout all seven operational zones and the zone commanders were responsible for the distribution of the books within their area of responsibility. | <i>Dorđević, TJ, para.1571</i> | 72, 109, 136 | 19, 50-53 | |
| 241. | In early 1998, there were several sub-zones throughout Kosovo. Until November 1998, all of Kosovo was one zone. After November 1998, the sub-zones were renamed zones. | <i>Haradinaj retrial, TJ, para.26, fn.49</i> | 168, 174, 176-178 | 18-31 | |
| 242. | There were seven (sub-)zones in Kosovo in 1998: | <i>Haradinaj retrial, TJ, para.27</i> | 168, 174, 176-178 | 18-31 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|-----------------|---|----------------------------|-----|------------|-----------------------|
| | <p>a. the first zone was Drenica, commanded by Sylejman Selimi;</p> <p>b. the second zone was Dukagjin, commanded by Ramush Haradinaj;</p> <p>c. the third zone was Llap, commanded by Rrustem Mustafa ("Remi");</p> <p>d. the fourth zone was Shala, commanded by Rrahmon Rama;</p> <p>e. the fifth zone was Pashtrik, commanded by Musa Jashari;</p> <p>f. the sixth zone was Nerodimlje, commanded by Shukri Buja; and</p> <p>g. the seventh zone was Karadak, commanded by Ahmet Isufi.</p> | | | | |
| A. DRENICË ZONE | | | | | |
| 243. | At the end of May 1998, Sylejman Selimi was appointed commander of the Drenicë/Drenica zone. | <i>Limaj</i> , TJ, para.55 | 180 | 19, 62 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|--------------------------|---|--|----------|------------|-----------------------|
| 244. | In the Drenicë/Drenica Operational Zone, the village of Likoc/Likovac served as a headquarters. | <i>Dorđević</i> , TJ, para.1549 | 181 | 19, 62 | |
| 245. | The municipalities of Skenderaj/Srbica, Glogoc/Glogovac and Klinë/Klina were included in the Drenicë/Drenicë zone. The KLA 111th brigade was partly based in Likovac/Likoc. The 112th, 113th and 114th brigades were all active in this zone. | <i>Dorđević</i> , TJ, para.1549 | 182 | 19, 62 | |
| B. DUKAGJINI ZONE | | | | | |
| 246. | The Dukagjin refers to a geographic area in western Kosovo comprising around 40-50 villages in the municipalities of Deçan/Deçani to the west, Pejë/Peć to the north, Gjakovë/Đakovica to the southeast, and parts of the municipalities of Istog/Istok to the northeast and Klinë/Klina to the east. | <i>Haradinaj retrial</i> , TJ, para.42 <i>See also Dorđević</i> , TJ, para.1551 | 187, 189 | 19 | |
| 247. | The first KLA headquarters in the Dukagjin area were established in Jablanica/Jabllanicë, in Đakovica/Gjakovë | <i>Haradinaj</i> , TJ, para.65 | 187 | 19 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|---|--|---------------------|------------|-----------------------|
| | municipality, and Glođane/Gllogjan, in Dečani/Deçan municipality. | | | | |
| 248. | The KLA in western Kosovo had three “family power bases” – the Haradinajs in Gllogjan/Glođane, the Jasharis in Prekaz; and the Brahimajs in Jabllanicë/Jablanica. | <i>Haradinaj retrial, TJ, para.42</i> | 187-192, 283-288 | 63 | |
| 249. | The strategic importance of the area of the Dukagjin zone for the various factions present in the theatre in 1998 – the Serbian forces comprising the VJ and the MUP on the one hand and the KLA on the other – derived in particular from the fact that it lay on the KLA’s main re-supply route from Albania through to Kosovo. | <i>Haradinaj retrial, TJ, para.125</i> | 187-189 | 19 | |
| 250. | Most villages in the Dukagjin zone had limited weapons available as they began to organise. As a village started to get organised, a small group of young men were sent to Gllogjan/Glođane and then on to Albania to collect weapons. They purchased weapons in Albania including rifles, AK47s, mortars, anti-tank rockets, sniper rifles, ammunition, some grenades, | <i>Haradinaj retrial, TJ, para.46</i> | 187-189 | 19 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|---|---------------------------------------|-----|------------|-----------------------|
| | and a hand-held mortar. These were then brought back to the village. | | | | |
| 251. | Ramush Haradinaj's role in the fighting at the Haradinaj family compound on 24 March 1998 had increased the local population's support for the KLA and given Ramush Haradinaj, the commander of the Glogjan/Glođane village, immense popularity and respect. | <i>Haradinaj retrial, TJ, para.45</i> | 188 | 19 | |
| 252. | As a result of developments in the Dukagjin zone and in response to an increased presence of Serbian forces, a meeting of representatives of the villages around Glogjan/Glođane in Dečan/Dečani municipality was initiated by Ramush Haradinaj and Faton Mehmetaj, a KLA member, to discuss further action to better coordinate the Dukagjin zone. | <i>Haradinaj retrial, TJ, para.54</i> | 188 | 19 | |
| 253. | A meeting, held on 26 May 1998 in Glogjan/Glođane, was chaired by Ramush Haradinaj as commander of Glogjan/Glođane village. About 80 | <i>Haradinaj retrial, TJ, para.55</i> | 188 | 19 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|---|---------------------------------------|-----|------------|-----------------------|
| | people attended, including representatives from the KLA village defence organisations of almost all the villages in the Dukagjin zone. Also briefly present at the meeting was Idriz Balaj. | | | | |
| 254. | At the 26 May 1998 meeting, Ramush Haradinaj spoke about the situation in the area and asked the village representatives “to defend their villages, to be aware of the situation, to be mature, and to know what they should do”. He also spoke about the founding of the KLA and that it was time to coordinate all the villages and set up a structure to command the situation. | <i>Haradinaj retrial, TJ, para.55</i> | 188 | 19 | |
| 255. | The attending village representatives determined the boundaries of the sub-zones and elected the commanders of these sub-zone areas; these decisions were agreed on by consensus. It was decided that Ramush Haradinaj, as commander of sub-zone 1, would be the overall commander, coordinator or representative of these sub-zones. It was further decided that the headquarters of the Dukagjin zone | <i>Haradinaj retrial, TJ, para.57</i> | 188 | 19 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|---|---------------------------------------|-----|------------|-----------------------|
| | <p>would be in Glllogjan/Glođane and that a regional staff was to be established. This regional staff covering the newly created sub-zones in the Dukagjin zone was interchangeably referred to as the “Glllogjan/Glođane Regional Headquarters”, “Glllogjan/Glođane Regional Staff”, “Dukagjin Regional Headquarters”, or “Headquarters of the Dukagjin Region”.</p> | | | | |
| 256. | <p>The following sub-zones of the Dukagjin zone were decided upon at the meeting:</p> <p>“Sub-zone 1” was to be based in Glllogjan/Glođane in Deçan/Deçani municipality and to be commanded by Ramush Haradinaj. The area included the villages of Glllogjan/Glođane, Shaptej/Šaptej, Gramaqel/Gramočelj, Dubravë/Dubrava, Baballoq/Babaloc, Prilep and Rastavicë/Rastavica;</p> <p>Sub-zone 2” was to be based in Irzniq/Rznić in Deçan/Deçani municipality and to be commanded by</p> | <i>Haradinaj retrial, TJ, para.58</i> | 188 | 19 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|-----|---|--------|-----|------------|-----------------------|
| | <p>Shemsedin Çekaj. Sub-zone 2 included the villages of Irzniq/Rznić, Ratish-i-Epërm/Gornji Ratiš, Ratish-i-Ulët/Donji Ratiš, Beleg, and Kodrali/Kodralija;</p> <p>“Sub-zone 3” was to be based in Pozhar/Požar in Deçan/Deçani municipality and to be commanded by Rrustem Tetaj. It comprised of the following villages, Llukë-e-Epërme/Gornja Luka, Llukë-e-Ulët/Donja Luka, Lumbardh/Ljumbarda, Dashinoc/Dašinovac, Maznik and Vranoc/Vranovac;</p> <p>“Sub-zone 4” was to incorporate the area which was divided by the Bistricë/Bistrica River and the village of Isniq/Istinić in Deçan/Deçani municipality. It was to be commanded by Skender Rexhahmetaj. Sub-zone 4 comprised of the villages of Prapaqan/Prapaçane, Strellc-i-Epërme/Gornji Streoc, Strellc-i-Ulët/Donji Streoc, Dubovik, Kryshevc/Kruševac, and Rashiq/Rašić;</p> | | | | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|--|--|---------|------------|-----------------------|
| | "Sub-zone 5" was commanded by Adem Ukëhaxhaj and was comprised of the villages of Carrabreg/Crnobreg, Voksh/Vokša and Drenoc/Drenovac in Deçan/Deçani municipality. | | | | |
| 257. | On 21 June 1998, a meeting between the sub-zones in the Dukagjin zone and Jabllanicë/Jablanica was held in Irzniq/Rznić in Deçan/Deçani municipality; both Lahi Brahimaj and Nazmi Brahimaj were in attendance and were introduced by Ramush Haradinaj as representatives from Jabllanicë/Jablanica. The purpose of the meeting was to coordinate activities within the Dukagjin zone, encourage cooperation, and create a single working body with a commander. | <i>Haradinaj retrial, TJ, para.71</i> | 190 | 19 | |
| 258. | During the meeting on 21 June 1998, the Dukagjini Regional Staff discussed creation of KLA military police. | <i>Haradinaj retrial, TJ, para.110</i> | 195-198 | 18-31 | |
| 259. | At the meeting Ramush Haradinaj stated that "[t]here are [r]egulations on the [m]ilitary [p]olice which will carry out | <i>Haradinaj retrial, TJ, para.110</i> | 195-198 | 18-31 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|---|---------------------------------------|-----|------------|-----------------------|
| | regular tasks and keep the peace in the Dukagjin region". "Acting on his own initiative, Faton [Mehmetaj] read an alternative version of the tasks of the police with 12 items" and Ramush Haradinaj "reread the first alternative item by item, and all the items were approved one by one". | | | | |
| 260. | After its creation, the members of the Operational Staff of the Dukagjin Operational Zone would meet once or twice a week and occasionally only once every two weeks, for work meetings in Irzniq/Rznić, Glogjan/Glođane, Pozhar/Požar, Kodrali/Kodralija, Isniq/Istinić or Llukë/Luka. These meetings were used to discuss how to defend and protect the population in their areas of responsibility and to analyse the situation in each sub-zone to allow for better coordination and supply of weapons. | <i>Haradinaj retrial, TJ, para.76</i> | 192 | 19 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|---|--|----------|------------|-----------------------|
| 261. | <p>In mid-July 1998, Bislim Zyrapci and Ramush Haradinaj visited the KLA units in Glogjan/Glođane, and the KLA positions in the surrounding area. Over the course of the next two days they also visited Irzniq/Rznić (the local commander was Shemsedin Çekaj), Prilep (the local commander was Maliq Ndrecaj) and Shaptej/Šaptej in Deçan/Dečani municipality, and the Reka-e-Keqe area, including Ramoc in Gjakovë/Đakovica municipality, Smolicë/Smonica (the local commander was Naim Maloku) and Junik (the local commander was Aziz Hyseni) in Deçan/Dečani municipality. Bislim Zyrapci wanted to visit these village units, see the level of organisation, and integrate some of these areas into the Dukagjin Operational Zone; the visit was facilitated by Ramush Haradinaj. During the visit both Smolicë/Smonica and Junik agreed to join the Dukagjin Operational Zone. The incorporation of the area of Reka-e-Keqe under the command of the Dukagjin Operational Zone was agreed upon.</p> | <p><i>Haradinaj retrial, TJ, para.94</i></p> | 127, 187 | 19 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|--|--|---------|------------|-----------------------|
| 262. | During a meeting on 12 July 1998 in the Vranoc/Vranovac home of Din Krasniqi, the Baran/Barane Valley KLA commander, Din Krasniqi gave to a brigade commander a list of eight candidates for the military police in the Baran/Barane Valley. The names of the eight candidates included Hasan Gashi and "Ibwr" or "Ibra" Krasniqi. "Hasan Gashi" from Baran/Barane was elected as the commander of the KLA military police in Baran/Barane Valley. | <i>Haradinaj retrial, TJ, para.113</i> | 697-701 | 18-31 | |
| 263. | The KLA military police formed in Baran/Barane Valley had an area of responsibility covering 17 villages. | <i>Haradinaj retrial, TJ, para.115</i> | 697-701 | 18-31 | |
| 264. | At the meeting on 25 July 1998, it was discussed that the KLA military police were to be organised into "platoons" with "commanders and deputy commanders for the area". Further, the "[KLA] General Staff" approved Fadil Nimonaj or "Tigri", who participated in the meeting, as "commander of the military police". | <i>Haradinaj retrial, TJ, para.117</i> | 697-701 | 18-31 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
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| 265. | A report dated 28 July 1998 sent by Ramush Haradinaj to the KLA General Staff indicates that the Dukagjin Operational Zone “formed a [m]ilitary [p]olice” and that it was “functioning well”. | <i>Haradinaj retrial, TJ, para.117</i> | 195-198 | 18-31 | |
| 266. | On 1 August 1998 Ramush Haradinaj clarified that the duties of local KLA headquarters included assisting the KLA military police. | <i>Haradinaj retrial, TJ, para.117</i> | 195-198 | 18-31 | |
| 267. | Members of the military police wore black shirts and trousers with KLA insignia on the left shoulder. | <i>Haradinaj retrial, TJ, para.124</i> | 700 | 18-31 | |
| 268. | The KLA military unit known as the ‘Black Eagles’ was in existence no later than 14 May 1998 and ceased operations sometime in September 1998. This unit was referred to as the ‘Special Unit’, the ‘rapid intervention unit’, and the ‘subversive sabotage unit’. | <i>Haradinaj retrial, TJ, para.100</i> | 192, 700-701 | 19 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|---|--|--------------|------------|-----------------------|
| 269. | Idriz Balaj commanded the Black Eagles. He was commonly referred to as Commander or Toger/Togeri. | <i>Haradinaj retrial, TJ, para.101</i> | 192, 700-701 | 19 | |
| 270. | The Black Eagles consisted of approximately 30-40 members. | <i>Haradinaj retrial, TJ, para.105</i> | 192, 700-701 | 19 | |
| 271. | The Black Eagles were based in Glllogjan/Glođane in Deçan/Deçani municipality, as part of the regional KLA headquarters. The Black Eagles also established a second headquarters at Irzniq/Rznić in Deçan/Deçani municipality in mid-to-late July 1998. | <i>Haradinaj retrial, TJ, para.104</i> | 192, 700-701 | 19 | |
| 272. | The unit was intended to operate all over the Dukagjin Operational Zone and to intervene wherever necessary. | <i>Haradinaj retrial, TJ, para.104</i> | 192, 700-701 | 19 | |
| 273. | The Black Eagles unit was created “to provide rapid intervention and military support” for villages under attack by Serbian forces when that need arose. The entire unit would not deploy for a particular operation, but rather a selected | <i>Haradinaj retrial, TJ, para.108</i> | 192, 700-701 | 19 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|---|--|--------------|------------|-----------------------|
| | few members of the unit – around three to five members – would deploy. | | | | |
| 274. | During the summer of 1998, the Black Eagles, inter alia, engaged in battles in Voksh/Vokša, Baballoq/Babaloc, Prilep, Gramaqel/Gramocelj, Rastavicë/Rastavica, Junik, Carrabreg/Crnobreg in Deçan/Deçani municipality, and Loxhë/Loña in Pejë/Peç municipality. | <i>Haradinaj retrial, TJ, para.108</i> | 192, 700-701 | 19 | |
| 275. | The Black Eagles wore uniforms distinct from those of ordinary KLA soldiers, consistent of black civilian clothing, sometimes with a black beret, and with a KLA insignia on the right side of the uniform and another patch with the Black Eagles insignia. | <i>Haradinaj retrial, TJ, para.106</i> | 192, 700-701 | 19 | |
| 276. | The Black Eagles were provided with weapons and training at the Black Eagles headquarters in Glllogjan/Glođane. Training sometimes lasted for days and was intensive. | <i>Haradinaj retrial, TJ, para.107</i> | 192, 700-701 | 19 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|---|--|------------------|------------|-----------------------|
| 277. | On or about 20 August 1998, following the Serbian offensive, representatives of about 60 villages in the Dukagjin Operational Zone attended a meeting in Prapaqan/Prapaçane in Deçan/Deçani municipality to discuss the reorganisation and restructuring of the forces in the region in order to conduct military operations and confront the “enemy”. | <i>Haradinaj retrial</i> , TJ, para.95 (<i>see also</i> para.281) | 195-198, 697-701 | 18-31 | |
| 278. | The meeting was attended by 68 local KLA and FARK staff representatives, including, Ramush Haradinaj and Tahir Zemaj. Ramush Haradinaj conceded he was no longer able to lead forces in the Dukagjin Operational Zone because of recent losses in the area, including Glllogjan/Gloñane and Irzniq/Rznić in Deçan/Deçani municipality and Gjakovë/Đakovica. Representatives of 48 villages of the Dukagjin Operational Zone voted for Tahir Zemaj to become the zone commander. Tahir Zemaj replaced Ramush Haradinaj and was appointed the | <i>Haradinaj retrial</i> , TJ, para.95 | 195-198, 697-701 | 18-31 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|---|--|---------------------|------------|-----------------------|
| | commander of the Dukagjin Operational Zone. Ramush Haradinaj became the deputy commander. The forces were to operate in four brigades, each comprised of its own separate “departments”. These four brigades were to form a corps. | | | | |
| 279. | A document reflecting the change in commander of the Dukagjin Operational Zone was jointly issued by Ramush Haradinaj and Tahir Zemaj on 21 August 1998. As a result of these changes, the “Dukagjin Plain Operational Directorate” was formed; this was to oversee the four brigades under the coordination of the new Operational Directorate. Tahir Zemaj ordered that the KLA General Staff be informed about the new appointment and be given the opportunity to object within 24 hours. | <i>Haradinaj retrial, TJ,</i> para.96 | 195-198, 697-701 | 18-31 | |
| 280. | On 3 September 1998, the commander of the 1st brigade based in Prapaqan/Prapačane, Tahir Zemaj, informed local staffs within the Dukagjin Operational Zone that the same command | <i>Haradinaj retrial, TJ,</i> para.98 | 697-701 | 18-31 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|--------------|---|--|---------------|------------|-----------------------|
| | structure that was in place up until 20 August 1998 would be reinstated. | | | | |
| 281. | On 8 September 1998, the FARK withdrew from Kosovo. | <i>Haradinaj retrial, TJ,</i> para.99 | 697-701 | 18-31 | |
| 282. | In March 1999, the command of the Dukagjin operational zone was in the village of Glllogjan/Glođane although its location varied. The 131st, 132nd, 133rd and 134th brigades were operating in this zone. | <i>Dorđević, TJ,</i> para.1143 <i>See also Limaj, TJ,</i> para.64 | 194 | 19 | |
| C. LLAP ZONE | | | | | |
| 283. | Prishtinë/Priština, Podujevë/Podujevo, Lipljan/Lipjan, Fushë Kosovë/Kosovo Polje, and Obiliq/Obilic were included in the Llap operational zone. | <i>Dorđević, TJ,</i> para.1554 | 202 | 19 | |
| 284. | Rrustem Mustafa was the Commander in Llap Operational Zone. | <i>Dorđević, TJ,</i> para.1554 | 205 | 19, 70-71 | |
| 285. | The 151 st and 152 nd brigades operated in Llap in an area consisting of the left side of the Prishtinë/Priština – Podujevë/Podujevo road including the | <i>Dorđević, TJ,</i> para.1554 | 203, 206, 213 | 19 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|---------------|--|--|---------------|------------|-----------------------|
| | villages of the Podujevë/Podujevo up to the Bajgorë/Bajgora village, whilst the 153 rd brigade was operating on the other side of the Prishtinë/Priština – Podujevë/Podujevo road including the villages of the Podujevë/Podujevo municipality. | <i>See also Limaj, TJ, para.64</i> | | | |
| 286. | The 151st, 152nd and 153rd brigades were in the Llap Zone and were operating in the eastern part of Vushtrria/Vučitrn in northern Kosovo. | <i>Milutinović, TJ, Vol.1, para.827, fn.2169</i> | 203, 306, 213 | 19 | |
| D. SHALA ZONE | | | | | |
| 287. | Shala Operational Zone included the municipalities of Mitrovicë/Mitrovica, Vushtrri/Vučitrn, Leposaviq/Leposavic, Zveçan/Zvecan and Zubin Potok. | <i>Dorđević, TJ, para.1553</i> | 219 | 19 | |
| 288. | Rrahmon Rama was the commander of the zone. | <i>Haradinaj retrial, TJ, para.27</i> <i>See also Dorđević, TJ, para.1553</i> | 220 | 19 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------------------|---|--|----------|------------|-----------------------|
| 289. | The 141st and 142nd brigades were active in the Shala zone. | <i>Limaj</i> , TJ, para.64 <i>See also Dorđević</i> , TJ, para.1553 | 221 | 19 | |
| E. PASHTRIK ZONE | | | | | |
| 290. | Pashtrik Operational Zone included the municipalities of Prizren, Suharekë/Suva Reka, Malishevë/Mališevo in part, Rahovec/Orahovac and Dragash/Dragaš. | <i>Dorđević</i> , TJ, para.1550 | 228 | 19 | |
| 291. | The 121st brigade command was based in Klečkë/Klecke and Malishevë/Mališevo, the 122nd brigade command was based in Joviq/Jovic village from November 1998 until March 1999, the 123rd brigade command was based in Brezance village, the command of the 124th, 126th and 127th brigades were based in Reti/Retimlje village. The KLA 125th brigade had the responsibility of covering Prizren and its surrounding area. Most of the villages in Suva Reka/Suhareke municipality were within the area of responsibility of the 123rd brigade and some villages in the | <i>Dorđević</i> , TJ, para.1550 <i>See also Limaj</i> , TJ, para.64 | 229, 235 | 19 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------------------|--|---|-----|------------|-----------------------|
| | northern part of Suva Reka/Suhareke were under the 121st brigade. | | | | |
| F. NERODIME ZONE | | | | | |
| 292. | Nerodime Operational Zone included the municipalities of Ferizaj/Uroševac, Shtime/Štimlje, Kačanik/Kaçanik and Shtrpcë/Štrpce. | <i>Dorđević</i> , TJ, para.1552 | 241 | 19 | |
| 293. | Shukri Buja was commander of the Nerodime/Nerodimlje zone. | <i>Dorđević</i> , TJ, para.1552 <i>See also Limaj</i> , TJ, para.578; <i>Haradinaj retrial</i> , TJ, para.27 | 243 | 19, 80 | |
| 294. | The 161st and 162nd brigades were active in the Nerodime zone. | <i>Limaj</i> , TJ, para.64 <i>See also Dorđević</i> , TJ, para.1552 | 249 | 19, 80 | |
| G. KARADAK ZONE | | | | | |
| 295. | The municipalities of Gjilan/Gnjilane, Viti/Vitina, Kamenicë/Kamenica and | <i>Dorđević</i> , TJ, para.1555 | 251 | 19 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|-----------------------------------|--|--|-----|------------|-----------------------|
| | Novobërdë/Novo Brdo were included in Karadak operational zone. | | | | |
| 296. | Ahmet Isufi was the Commander for Karadak Operational Zone. | <i>Dorđević</i> , TJ, para.1555 <i>See also Haradinaj retrial</i> , TJ, para.27 | 251 | 19 | |
| 297. | The Karadak zone had the 171st and 172nd Brigades. | <i>Limaj</i> , TJ, para.64 | 255 | 19 | |
| VIII. JABLLANICË/JABLANICA | | | | | |
| 298. | Jabllanicë/Jablanica is a small village, situated in a mountainous area in the northeastern part of Gjakovë/Đakovica municipality, close to the border with the municipalities of Decan/Dečani, Pejë/Peć, and Klinë/Klina. Among others, the villages of Dollovë/ Dolovo, Grabanicë/Grabanica, Glllogjan/Glođane, and Napolë/Nepolje are situated to the northeast of Jabllanicë/Jablanica, Kosuriq/Kosurić, Baran/Barane, and | <i>Haradinaj retrial</i> , TJ, para.429 | 283 | 63 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|---|---|---------|------------|-----------------------|
| | Bucan/Bučane to the northwest, and Dashinoc/Dašinovac, Zhabel/Žabelj, and Kralan/Kraljane to the south. The KLA established a presence in Jabllanicë/Jablanica before March 1998 and the village was considered by some the oldest KLA headquarters in western Kosovo. | | | | |
| 299. | The KLA established a presence in Jabllanicë/Jablanica before March 1998 and the village was considered by some the oldest KLA headquarters in western Kosovo. | <i>Haradinaj retrial, TJ, para.429</i> | 283 | 63 | |
| 300. | At the south entrance to Jabllanicë/Jablanica, the first structure on the left side of the road from Zhabel/Žabelj, was a compound with wooden gates. It was surrounded in part by a wall and in part by a fence, with a long wall along the road leading to Zhabel/ Žabelj. Inside the compound, to the left of the gates, was a long one-storey building. Inside the yard, there was another one-storey building, rectangular in shape, | <i>Haradinaj retrial, TJ, para. 430</i> | 288-289 | 63 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|--|--|---------|------------|-----------------------|
| | made of red bricks. This building had four rooms and a cellar. The evidence indicates that this KLA compound was used as a KLA headquarters and as KLA barracks. | | | | |
| 301. | The barracks at Jabllanicë/Jablanica served as a makeshift prison for those accused of collaboration with Serbian forces. The barracks held those perceived to be collaborators and spies. | <i>Limaj, TJ, para.203</i> | 289 | 63, 100 | |
| 302. | Not far from the KLA compound in Jabllanicë/Jablanica, some five to seven minutes walking, was the house of Lahi Brahimaj. KLA soldiers met and sometimes slept in this house. | <i>Haradinaj retrial, TJ, para.431</i> | 288-289 | 63 | |
| 303. | Lahi Brahimaj was the KLA commander of Jabllanicë/Jablanica. | <i>Haradinaj retrial, TJ, para.68</i> | 285 | 63 | |
| 304. | After a meeting on 23 June 1998, Jabllanicë/Jablanica, among others, became part of the Dukagjin Operational Zone. | <i>Haradinaj retrial, TJ, para.42</i> | 283 | 63 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|----------------|--|---|---------|------------|-----------------------|
| 305. | Serbian forces entered Jabllanicë/Jablanica in Gjakovë/Đakovica municipality on or around 2 or 3 August 1998. | <i>Haradinaj retrial, TJ, para.289</i> | 697-701 | 18-31 | |
| A. JAH BUSHATI | | | | | |
| 306. | In the spring of 1998, Jah Bushati was abducted and taken to the KLA compound in Jabllanicë/Jablanica. | <i>Haradinaj retrial, TJ, para. 182</i> | 290 | 63, 100 | |
| 307. | Jah Bushati was detained in this compound for a period of time and was beaten by KLA soldiers. | <i>Haradinaj retrial, TJ, para. 182</i> | 290 | 63, 100 | |
| 308. | After a period of detention, Jah Bushati joined the KLA as a soldier. | <i>Haradinaj retrial, TJ, para. 182</i> | 290 | 63, 100 | |
| B. WITNESS 6 | | | | | |
| 309. | On 13 June 1998, at about 1130 hours Witness 6, a farmer, left his home with his family. They travelled in the witness's vehicle, a Mercedes Benz. They took the Gjakovë/Đakovica–Klinë/Klina road in the direction of Klinë/Klina. Somewhere near Grabanicë/Grabanica or near Dollovë/Dolovo in Klinë/Klina | <i>Haradinaj retrial, TJ, para.477</i> | 290 | 63, 100 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|--|--|-----|------------|-----------------------|
| | municipality, they were stopped at a Serbian police or military checkpoint. The Serbian police informed the witness that he and his family would not be able to continue their trip. They took the main Gjakovë/Đakovica–Klinë/Klina road back in the direction of Gjakovë/Đakovica. | | | | |
| 310. | On their way back Witness 6 and his family passed through a location known as Guri-i-Zi or Volljakë/Volujak in Klinë/Klina municipality. As the road was in a bad condition they were driving very slowly, at a speed of about 10 kilometres per hour. At about 1300 hours, Witness 6 and his family were stopped by some 10 to 15 soldiers. Witness 6 believed they were members of the KLA. They were armed. Some of them wore camouflage uniforms, some, civilian clothes. There were no insignia or patches on their clothes. Witness 6 did not recognise any of the men, but his wife was able to recognise one of the soldiers. The soldiers checked Witness 6's documents and searched him and his car. They found a pistol, seized it, | <i>Haradinaj retrial, TJ, para.478</i> | 290 | 63, 100 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|--|--|-----|------------|-----------------------|
| | and the witness's documents. They also found a photograph of Witness 6 with a friend of his, who was a retired policeman, in his uniform. | | | | |
| 311. | Witness 6 and his family remained inside their car, about 200 metres away from the road, for approximately two hours during which questions about the pistol and the photograph were asked. At about 1530 or 1600 hours, an Opel Kadett, light-blue colour, with Gjakovë/Đakovica license plates came from the main road. Shots were fired as the Opel Kadett was approaching. One of the soldiers asked Witness 6 whether he recognised the car, to which he answered that he did not. One of the soldiers in the Opel Kadett said that they came from Gjakovë/Đakovica. Witness 6, his wife and one of their children, together with one of the soldiers got into the Opel Kadett. Witness 6's other children remained in his car. There was one soldier in each of the cars. Inside the Opel Kadett, Witness 6 saw an album of photographs of a person whom he knew | <i>Haradinaj retrial, TJ, para.479</i> | 290 | 63, 100 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|---|--|-----|------------|-----------------------|
| | from before. This was Nenad, a Kosovo Serb or a Montenegrin, from the village of Binxhë/Bica, close to Klinë/Klina, who worked as a traffic policeman in Gjakovë/Đakovica. | | | | |
| 312. | Approximately 20 minutes after the arrival of the Opel Kadett, the two cars departed in the direction of Gjakovë/Đakovica. They passed through the village of Mrauser/Mrasor, crossed a bridge over the Drini River and entered the village of Kralan/Kraljane in Gjakovë/Đakovica municipality. From Kralan/Kraljane they went north, passed by the village of Kpuz in Klinë/Klina municipality and went to Napolë/Nepolje where Witness 6's family was released. Witness 6 was taken towards the village of Catholic Gllogjan/Glođane in Pejë/Peć municipality, from where they crossed the Bisticë/Dešanska Bistrica River and went to Jabllanicë/Jablanica. Witness 6's car, driven by soldiers, was following. | <i>Haradinaj retrial, TJ, para.480</i> | 290 | 63, 100 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|--|--|-----|------------|-----------------------|
| 313. | At a time before 1800 hours on 13 June 1998, Witness 6 arrived in Jabllanicë/Jablanica. He was taken through a gate, to a courtyard of a compound with a one-storey house made of red bricks, located in the middle of the courtyard. Witness 6 found out later that the one-storey house had four rooms and a basement. Later he was able to see that there was water in the basement. Immediately to the left of the gate there was a room along the side of the road. Witness 6 spent approximately six weeks in this compound. | <i>Haradinaj retrial, TJ, para.481</i> | 290 | 63, 100 | |
| 314. | On his arrival, Witness 6 was brought into the room, on the side of the road, immediately to the left inside the gate. He spent his first night in the KLA compound in Jabllanicë/Jablanica in this room together with Nenad, the traffic policeman from Gjakovë/Đakovica, whom he knew from before and whose photographs he had seen earlier that day in the Opel Kadett. Both were beaten in the same manner. They were tied up with a rope | <i>Haradinaj retrial, TJ, para.482</i> | 290 | 63, 100 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|--|---|-----|------------|-----------------------|
| | <p>during the night. Witness 6 was beaten by several KLA soldiers who were constantly changing and taking turns. They beat him until they were exhausted, using baseball bats, sticks, or their fists. At the time, Witness 6 was not aware who these soldiers were but he learned subsequently that one of them was Nazmi Brahimaj. Witness 6 lost consciousness; he was not able to indicate for how long he was beaten on the first day. He was kicked and punched on his legs and arms; he had some fractures and bruises on his back. Witness 6 was not told why he was beaten. Nevertheless, soldiers accused him of staying with Serbs and told him that he was a spy for Serbia. On the following afternoon Witness 6 was transferred to the one-storey red brick building in the courtyard of the compound.</p> | | | | |
| 315. | <p>Witness 6 stayed in one of the four rooms, four by four metres large, in the one-storey building. There was a window on the side facing the road, barred with wooden planks. There was electricity, but no light-</p> | <p><i>Haradinaj retrial</i>, TJ, para.483</p> | 290 | 63, 100 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|---|---|-----|------------|-----------------------|
| | <p>bulb. The floor was wooden and there was blood on it. Witness 6 was detained in this building for six weeks. During the first four weeks of his detention he was not able to leave the room, he was always locked. Later he was taken out of the room by unknown persons to use the toilet. There were no “covers” in this room in the first three weeks of Witness 6’s detention; only the floor. Witness 6 had water but was given insufficient food. He was often unconscious and was not able to eat or drink.</p> | | | | |
| 316. | <p>Numerous soldiers beat Witness 6 during the first four weeks of his detention in the KLA compound in Jabllanicë/Jablanica. Lahi Brahimaj, aka Maxhupi, his brother Nazmi Brahimaj and his cousin Hamza Brahimaj were the initiators of his beatings. Lahi Brahimaj, Nazmi Brahimaj, and Hamza Brahimaj were “constantly” there. Two days would not pass without Witness 6 seeing Lahi Brahimaj. Lahi Brahimaj was a member of the KLA and was wearing either camouflage or black</p> | <p><i>Haradinaj retrial, TJ,</i> para.484</p> | 290 | 63, 100 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|--|---|-----|------------|-----------------------|
| | <p>uniform. Hamza Brahimaj was there almost every day during the first four weeks of Witness 6's detention. Nazmi Brahimaj was there continuously. The other soldiers referred to him as deputy commander. During the first four weeks of his detention Witness 6 knew Lahi Brahimaj, Nazmi Brahimaj, and Hamza Brahimaj by appearance because he saw the three men close to him almost every day. During this period he also heard people speaking of or to these men by these names. He did not know the names of any of the other soldiers at Jabllanicë/Jablanica.</p> | | | | |
| 317. | <p>Nazmi Brahimaj, Lahi Brahimaj, and Hamza Brahimaj used to come to the room where Witness 6 was detained and stayed there for five to 10 minutes. Usually they would beat Witness 6, but there were occasions when he was not beaten by them. Sometimes, when other soldiers would beat Witness 6 Nazmi Brahimaj, Lahi Brahimaj, and Hamza Brahimaj would leave the room, but sometimes</p> | <p><i>Haradinaj retrial, TJ,</i> para.485</p> | 290 | 63, 100 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|--|--|-----|------------|-----------------------|
| | Nazmi Brahimaj and Lahi Brahimaj would stay. Not all three of them came at the same time. Nazmi Brahimaj, Lahi Brahimaj, and Hamza Brahimaj would beat Witness 6 with baseball bats and fists. For the first two weeks of his detention Witness 6's body was swollen because of the beatings. | | | | |
| 318. | About four weeks after his detention in the KLA compound in Jabllanicë/Jablanica, i.e. on or about 11 July 1998, the beatings of Witness 6 stopped. He had more freedom and even though he stayed in the same room during the night, during the day he was able to move around the courtyard. He started washing the dishes in the kitchen. In this period Witness 6 had more contact with Gani Brahimaj, who used to bring him food during his detention. Gani Brahimaj was Lahi Brahimaj's cousin and worked as a cook in the KLA compound in Jabllanicë/Jablanica. During this period Witness 6 saw Lahi Brahimaj and heard | <i>Haradinaj retrial, TJ, para.486</i> | 290 | 63, 100 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|--|--|-----|------------|-----------------------|
| | that people were addressing him by his name or the pseudonym "Maxhup". | | | | |
| 319. | Following Witness 6's abduction, his relatives started searching for him. They found out that he was detained in Jabllanicë/Jablanica. A group of elders from his village went to Jabllanicë/Jablanica to demand his release. They arrived at the KLA compound in Jabllanicë/Jablanica and told the guard at the front gate why they were there. The guard told the elders that they would have to speak to "Commander Maxhupi". There is no further explanation who "Commander Maxhupi" was. Some time later, two men in black uniforms with KLA patches, armed with pistols came to the front gate. One of the men introduced himself as "Commander Maxhupi"; the elders were asked for the reason of their visit. When the group explained that they had come to ask for the release of Witness 6, "Maxhupi" told them that he had convicted him and that he would have to serve his time with the KLA. The group | <i>Haradinaj retrial, TJ, para.487</i> | 290 | 63, 100 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
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| | was not allowed to see Witness 6, but “Maxhupi” told his relatives that they could see him in two weeks time. During this conversation “Maxhupi” also asked the group why they were not fighting and exchanged views with them about the President of Kosovo at the time, Ibrahim Rugova. | | | | |
| 320. | During the following two weeks a relative of Witness 6 visited Jabllanicë/Jablanica daily but was not allowed in the compound. When approximately two weeks passed, as “Maxhupi” had indicated, the relative attempted to visit Witness 6 again. He was allowed into the compound but “Maxhupi” did not allow him to see Witness 6. In the following days, the relative of Witness 6 managed again to enter the compound but was not allowed to see Witness 6. A few days later Nazmi Brahimaj told the relatives that they would be allowed to see Witness 6. A family visit took place soon thereafter. | <i>Haradinaj retrial, TJ, para.488</i> | 290 | 63, 100 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
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| 321. | Witness 6's eventual release was conditional. It was stated in the paper that if Witness 6 repeated his mistakes, he would face criminal charges. Nazmi Brahimaj told Witness 6 that this meant that he had to stay inside his house and not move around. Witness 6 also received a paper signed by Nazmi Brahimaj informing him that the Operative Staff of the Dukagjin Operational Zone, Local Staff of Jabllanicë/Jablanica, at a meeting held on 24 July 1998, decided to confiscate his Mercedes Benz and his 7.65 millimetre revolver for the needs of the KLA. Witness 6, accompanied by a soldier, picked up these decisions from Nazmi Brahimaj's house which he said was located about 200 to 250 metres away from the KLA compound in Jabllanicë/Jablanica. He left Jabllanicë/Jablanica on 25 July 1998. | <i>Haradinaj retrial, TJ, para.490</i> | 290 | 63, 100 | |
| 322. | Five days after his release from the KLA compound in Jabllanicë/Jablanica, Witness 6 visited the outpatient clinic of the textile factory in Gjakovë/Đakovica. He was referred for an x-ray of the urinary | <i>Haradinaj retrial, TJ, para.491</i> | 290 | 63, 100 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
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| | tract and left forearm. His left forearm was broken and he had an injury to his back and shoulder. Witness 6 also visited another doctor who prescribed painkillers. Witness 6 has been taking medications ever since and at the time of giving evidence still felt the consequences of his injuries. | | | | |
| C. NENAD REMIŠTAR | | | | | |
| 323. | Nenad Remištar was born in the village of Binxhë/Biča in Klinë/Klina municipality on 4 February 1969. In 1998 he lived in Binxhë/Biča. He worked as a traffic police officer in the SUP Gjakovë/Đakovica. Since March or April 1998, it became dangerous for him to take the Gjakovë/Đakovica–Klinë/Klina road every evening and for security reasons, he would stay in Gjakovë/Đakovica for four or five days before returning to his home in Binxhë/Biča. | <i>Haradinaj retrial</i> , TJ, para.499 | 296 | 143 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|--|--|-----|------------|-----------------------|
| 324. | On 13 June 1998 around 1330 hours Nenad Remištar left his home in Binxhë/Biča for a shift from 1700 hours to midnight that day. He left alone in his car, a blue Opel Kadett 1300, license plates DJ-2711. He was dressed in civilian clothes, a short sleeved shirt, chequered blue, green, and yellow in colour, dark blue jeans, black leather belt, and black leather shoes with laces. Nenad Remištar was approximately 168 centimetres tall, he had short light brown to blond hair, blue eyes and no facial hair. | <i>Haradinaj retrial, TJ, para.500</i> | 296 | 143 | |
| 325. | A few days passed without Nenad Remištar's relatives receiving any news from him. A few days later colleagues of Nenad Remištar inquired about him as he had been absent from work for 10 days. Nenad Remištar's absence from work for 10 days was confirmed by the officer on duty in the SUP Gjakovë/Đakovica. | <i>Haradinaj retrial, TJ, para.501</i> | 296 | 143 | |
| 326. | Nenad Remištar's relatives inquired about his disappearance from Kosovo Albanians from the village of Shtupel/Štupelj in | <i>Haradinaj retrial, TJ, para.502</i> | 296 | 143 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
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| | Klinë/Klina municipality. Some 20 days after his disappearance, his relatives heard that Nenad Remištar had been kidnapped near the village of Rakovinë/Rakovina on the Klinë/Klina–Gjakovë/Đakovica road together with a Catholic Kosovo Albanian from Gjakovë/Đakovica, that they were then imprisoned in Jabllanicë/Jablanica and that the Catholic Kosovo Albanian told this to others. | | | | |
| 327. | In the afternoon of 13 June 1998 a blue Opel Kadett, with Gjakovë/Đakovica license plates, containing photographs of Nenad, a traffic policeman from the village of Binxhë/Bica, who worked in Gjakovë/Đakovica, arrived close to a location known as Guri-i-Zi or Volljakë/Volujak on the Klinë/Klina–Gjakovë/Đakovica road, driven by KLA soldiers. The blue Opel Kadett driven by KLA soldiers near a location known as Guri-i-Zi or Volljakë/Volujak belonged to Nenad Remištar. Between 1330 and 1530 hours on 13 June 1998 Nenad Remištar was removed from his vehicle by KLA | <i>Haradinaj retrial</i> , TJ, para.504 | 296 | 143 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
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| | soldiers, somewhere on the Klinë/Klina – Gjakovë/Đakovica road. | | | | |
| 328. | In the evening hours of 13 June 1998 Nenad, a traffic policeman from the village of Binxhë/Bica, who worked in Gjakovë/Đakovica, was seen in detention in the KLA compound in Jabllanicë/Jablanica. This was Nenad Remištar. Nenad Remištar spent the night of 13 to 14 June 1998 together with Witness 6, detained in a room along the road in the KLA compound in Jabllanicë/Jablanica. They were tied up with a rope. They were both beaten in the same manner and with the same implements, namely they were kicked and punched, beaten on their legs and arms, hit with baseball bats, sticks or fists. Nenad Remištar was beaten by Nazmi Brahimaj and other soldiers who were taking turns. | <i>Haradinaj retrial, TJ, para.505</i> | 296 | 143 | |
| 329. | Witness 6 was transferred to the one-storey red brick building in the courtyard of the KLA compound in Jabllanicë/Jablanica on 14 June 1998, the | <i>Haradinaj retrial, TJ, para.506</i> | 296 | 143 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|---|--|--|--------------|------------|-----------------------|
| | day after his arrival in the KLA compound in Jabllanicë/Jablanica. In the afternoon of that day, two soldiers came and took Nenad away; he was not able to walk and had blood and visible injuries on his body. Witness 6 never saw Nenad Remištar again. | | | | |
| D. SKENDER KUCI, PAL KRASNIQI AND WITNESS 3 | | | | | |
| 330. | Pal Krasniqi was a Catholic Kosovo Albanian who in 1998 was residing with his family in the town of Pejë/Peć. In 1998 he was approximately 20 years old. | <i>Haradinaj retrial, TJ, para.523</i> | 290, 297-302 | 142-144 | |
| 331. | On 10 July 1998, Pal Krasniqi and Mahir Demaj left Pejë/Peć to join the KLA, that later that day they were detained at the Serbian police station in Klinë/Klina where they were interrogated and beaten and that on the following day, 11 July they were able to continue their journey. They arrived in the village of Jabllanicë/Jablanica on 11 July 1998. | <i>Haradinaj retrial, TJ, para.526</i> | 290, 297-302 | 142-144 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
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| 332. | On their arrival in Jabllanicë/Jablanica, Pal Krasniqi and Mahir Demaj were brought to an improvised hospital in a private two-storey house where injured soldiers were being treated. Mahir Demaj and Pal Krasniqi told the doctor and others, including two KLA soldiers, about their beatings. On the following morning Mahir Demaj joined a group of men who were heading towards Junik to collect weapons. Pal Krasniqi stayed in Jabllanicë/Jablanica. | <i>Haradinaj retrial, TJ, para.526</i> | 290, 297-302 | 142-144 | |
| 333. | In 1998 Skender Kuçi lived in the village of Lutogllavë/Ljutoglava in Pejë/Peć municipality with his wife and three sons. He owned a shop for agricultural fertilisers in the nearby village of Zahaq/Zahać in the same municipality. In 1998 he was approximately 45 years old. | <i>Haradinaj retrial, TJ, para.528</i> | 290, 297-302 | 142-144 | |
| 334. | On an unspecified day in July 1998 at noon Qerim Kuçi visited Skender Kuçi at his shop in Zahaq/Zahać. Some 10 minutes after Qerim Kuçi entered the shop a car arrived and two men went into the shop. They were wearing civilian clothes and | <i>Haradinaj retrial, TJ, para.529</i> | 290, 297-302 | 142-144 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
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| | <p>military style camouflage jackets. They had masks, in black and red colour. There were no insignia on their clothes or masks. The two men were armed with automatic weapons. They shouted in the Serbian language "Hands up!" pointing their weapons to Qerim and Skender Kuçi. They then searched Qerim Kuçi's pockets and took Skender Kuçi outside to the garage, where Skender's car, a Mercedes, was parked. Two or three minutes later, Qerim Kuçi saw Skender's car leaving, driven by Skender with one of the two men in it. The car in which the two men had arrived followed, driven by the other man. The two cars went in the direction of Klinë/Klina.</p> | | | | |
| 335. | <p>On approximately 13 or 14 July 1998, Witness 6 observed the arrival of a metallic colour Mercedes 190 in the KLA compound in Jabllanicë/Jablanica. A man, who, Witness 6 found out later, was a Kosovo Albanian Muslim from Zahaq/Zahać was brought out of the boot of the car and was beaten in the yard. After</p> | <p><i>Haradinaj retrial</i>, TJ, para.530 (see also para.534)</p> | 290, 297-302 | 142-144 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
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| | that the Kosovo Albanian man from Zahaq/Zahać was brought to the room opposite Witness 6's room and was beaten there. Nazmi Brahimaj and Hamza Brahimaj participated in beatings. Lahi Brahimaj was present during the beatings. | | | | |
| 336. | On approximately 14 or 15 July 1998, Witness 6 saw a man, who, he learned later was Pal Krasniqi from Pejë/Peć, being brought to the KLA compound in Jabllanicë/Jablanica. Pal Krasniqi was brought to the same room as the Kosovo Albanian man from Zahaq/Zahać. Pal Krasniqi was wearing sports clothes, a track suit with a white stripe on the side with some buttons. | <i>Haradinaj retrial, TJ, para.531 (see also para.534)</i> | 290, 297-302 | 142-144 | |
| 337. | A few hours after Pal Krasniqi was brought in on approximately 14 or 15 July 1998, Witness 6 saw a third man being brought to the same room in the KLA compound in Jabllanicë/Jablanica. This man was Witness 3. | <i>Haradinaj retrial, TJ, para.532 (see also para.534)</i> | 290, 297-302 | 142-144 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
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| 338. | <p>On an unspecified day in June or July 1998 Lahi Brahimaj arrived at the house where Witness 3 was staying and asked for Witness 3. Lahi Brahimaj said that he wanted Witness 3 to become one of his soldiers. Witness 3 left with Lahi Brahimaj. In the car, a Mercedes Benz which, Witness 3 found out later, belonged to Skender Kuçi, Lahi Brahimaj asked Witness 3 about his Kalashnikov. He then took Witness 3 to the KLA compound in Jabllanicë/Jablanica. Upon Witness 3's arrival, Lahi Brahimaj led him inside the compound to a detention room. Lahi Brahimaj then left. Two men were already detained in the room. Witness 3 knew one of them from before, this was Skender Kuçi, who used to be Witness 3's teacher in primary school. The other man Witness 3 did not know at the time but he found out after the war that his name was Pal Krasniqi.</p> | <p><i>Haradinaj retrial, TJ,</i> paras 533-534</p> | <p>290, 297-302</p> | <p>142-144</p> | |
| 339. | <p>Shortly after he entered the room, he was suddenly beaten with baseball bats by four or five persons in uniform. No</p> | <p><i>Haradinaj retrial, TJ,</i> paras 535-536</p> | <p>290, 297-302</p> | <p>142-144</p> | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
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| | <p>questions were asked of Witness 3 during the beating. Witness 3 pushed one or two of the men in an effort to defend himself. Witness 3 then lost consciousness. After he regained consciousness, Witness 3 found that his body was completely bruised and swollen. He could not stand upright to go to urinate. One of the men in the KLA compound in Jabllanicë/Jablanica told him to urinate in his pants. Shortly after Witness 3 had regained consciousness, Pal Krasniqi told Witness 3 to accept what he had done because Pal Krasniqi would otherwise “kill” him. Witness 3 thought that Pal Krasniqi had lost his mind. Naser Brahimaj then came to ask Witness 3 what had happened. Witness 3 explained to him what Pal Krasniqi had said and Naser Brahimaj then proceeded to beat Pal Krasniqi “many times” with a baseball bat. Pal Krasniqi lost consciousness because he was hit on the head repeatedly.</p> | | | | |
| 340. | <p>Naser Brahimaj beat Skender Kuçi five or six times per day. Skender Kuçi told Witness 3 that he was being treated that</p> | <p><i>Haradinaj retrial, TJ, para.537</i></p> | <p>290, 297-302</p> | <p>142-144</p> | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
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| | way because he had a lot of money. One night Nazmi Brahimaj came and kicked each detainee once. | | | | |
| 341. | During the night the three men had their hands tied behind their backs and their ankles were bound. However, the men were able to move about because there was some free rope, approximately a metre, left. During the day the men were untied. They were given little or no food. | <i>Haradinaj retrial, TJ, para.538</i> | 290, 297-302 | 142-144 | |
| 342. | Pal Krasniqi and Skender Kuçi were in a very bad condition. During the beatings of Pal Krasniqi Witness 3 heard one of the KLA soldiers say that a Serbian officer from Klinë/Klina had sent Pal Krasniqi to Jabllanicë/Jablanica to find out about the munitions and the number of soldiers. Pal Krasniqi was “swollen all over”, could not stand up and smelled bad. He did his bodily functions in his pants. Skender Kuçi was in “a worse situation”. “He was black, bruised up all over on one part of his face. [...] When he breathed, he made | <i>Haradinaj retrial, TJ, para.539</i> | 290, 297-302 | 142-144 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
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| | a strong noise. He screamed because of the pain”. | | | | |
| 343. | On approximately 15 or 16 July 1998, Witness 3 was brought to the room that was adjacent to the room where Witness 3 was detained before. Lahi Brahimaj was there with two women and a man, all of whom were wearing black uniforms. Witness 3 did not recall whether the women had badges or insignia on their uniform, whereas the man had a “PU” patch on his arm. Lahi Brahimaj asked Witness 3 how the Serbian forces entered the village of Gjurgjevik-i-Madh/Veliki Đurdevik to which Witness 3 responded that he was never in this village and that he was in Gjurgjevik-i-Vogël/Mali Đurdevik. Lahi Brahimaj then asked the two women whether they wanted to practice beating on Witness 3 with batons, which they proceeded to do for five or 10 minutes. He also tendered his gun to Witness 3 and told him to kill himself because Lahi Brahimaj did not want to smear his hands with Witness 3’s blood. | <i>Haradinaj retrial, TJ, para.541</i> | 290, 297-302 | 142-144 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
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| | The other man in the room told Witness 3 that he and Lahi Brahimaj were going to Glllogjan/Glođane and that, if Witness 3 did not confess upon their return, he would slash his throat. Witness 3 was then returned to the detention room. | | | | |
| 344. | Around 15 or 16 July 1998, Witness 3 told Skender Kuçi and Pal Krasniqi that he intended to escape and that they could come along if they wanted. There was a window in the room, which had not been properly framed and was tied with some wires. Witness 3 removed the window, went outside, and started running towards the woods and past a stream. It was about 1300 hours. Witness 3 was fired upon and Witness 3 saw that Skender Kuçi had not made it past the stream. Skender Kuçi, who was more gravely injured than Witness 3, was not able to run or to walk on his feet so he had been crawling away. Witness 6, who was observing the events from the kitchen, saw Witness 3 opening the window and helping Skender Kuçi and Pal Krasniqi get out through the | <i>Haradinaj retrial</i> , TJ, paras 542, 544 | 290, 297-302 | 142-144 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
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| | window. Pal Krasniqi was also not able to run due to injuries and the two of them were caught. | | | | |
| 345. | Witness 6 saw Hamza Brahimaj and other soldiers “beat and torture” Skender Kuçi and Pal Krasniqi in the meadows. The two men were then dragged to the detention room where they were “tortured” and the beatings continued. Witness 6 heard that Skender Kuçi was taken to the hospital in Glllogjan/Glođane in Deçan/Deçani on the day after his attempted escape. | <i>Haradinaj retrial, TJ, para.543</i> | 290, 297-302 | 142-144 | |
| 346. | After his escape, Witness 3 ran through the woods. He was barefoot. He went to a relative’s house in the village of Buçan/Bučane where he obtained a pair of shoes. He stayed at another villager’s house that night. That villager later said he could not host Witness 3 any longer because Witness 3 was wanted. Witness 3 eventually went back to the village of Jabllanicë/Jablanica to see his personal relations. One of these relations offered to let Witness 3 stay at his place, and said that | <i>Haradinaj retrial, TJ, para.545</i> | 290, 297-302 | 142-144 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
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| | he would talk to Lahi Brahimaj. He later told Witness 3 that he had made an agreement with Lahi Brahimaj that Witness 3's Kalashnikov would be returned and that Witness 3 would be "a free man". | | | | |
| 347. | Several days later Lahi Brahimaj saw Witness 3 in Jabllanicë/Jablanica and started to swear at him, accusing him of being a traitor. Lahi Brahimaj aimed his pistol at Witness 3 and took him to Lahi's home. Once there, Lahi Brahimaj beat Witness 3 and slapped his face. He accused him of being a traitor and berated him for having escaped from the detention facility, referring to it as "the largest prison in Kosovo". Brahimaj further accused Witness 3 of having been paid 10,000 German Marks by Skender Kuçi to help him escape. Witness 3 denied it. One of the women who had beaten Witness 3 in detention was present during these events. | <i>Haradinaj retrial, TJ, para.556</i> | 290, 297-302 | 142-144 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
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| 348. | Lahi Brahimaj then took Witness 3 to the same car he had used to take him to the KLA compound in Jabllanicë/Jablanica before. Witness 3 was made to sit in front while the woman sat behind him, pressing a gun to his neck. They drove Witness 3 to a location some five minutes away from the village by car, where Lahi Brahimaj had Witness 3 get out of the car's passenger seat and enter its boot. The car then drove away. At one point, the car stopped, Brahimaj opened the boot, started to swear at Witness 3, took out his gun, pointed it at Witness 3 and pulled the trigger. Smoke came out of the gun and Witness 3 thought that he was wounded but he did not see blood coming out of his body. Brahimaj closed the boot again. The car drove away and Witness 3 found that he had been driven to the village of Glogjan/Glođane in Deçan/Deçani municipality, which was Ramush Haradinaj's village. Witness 3 was taken to the KLA headquarters at that location. | <i>Haradinaj retrial, TJ, para.557</i> | 290, 297-302 | 142-144 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
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| 349. | At the KLA headquarters, a blond male in a uniform bearing a KLA patch escorted Witness 3 to a room. There were “four or five persons, or 10” in this room. The blond man asked Witness 3 to put his hands on a table and beat Witness 3 on his body as hard as he could for 10-15 minutes while asking him what he had done. There was no one in authority over the blond man. Witness 3 saw stains of blood on the walls. Two young men subsequently entered the room and the beating stopped. The two young men asked the witness what he had been accused of, to which he responded that he did not know. They prevented the blond man from coming back to beat Witness 3 again. They brought cigarettes and matches to Witness 3. | <i>Haradinaj retrial, TJ, para.558</i> | 290, 297-302 | 142-144 | |
| 350. | Witness 3 subsequently met with a person whom he believed was Ramush Haradinaj, because the other soldiers addressed him as “the commander”. After the war, he was told it was Ramush Haradinaj. He did not know who Ramush | <i>Haradinaj retrial, TJ, para.559</i> | 290, 297-302 | 142-144 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
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| | <p>Haradinaj was at the time. That commander asked Witness 3 who had brought him to that facility. Witness 3 said that it was Lahi Brahimaj. The commander seemed angry that Brahimaj had done so. The commander gave Witness 3 bread and took him away from the room. The commander asked him if he had anywhere to stay in the village. After Witness 3 answered that he did not, the commander took him to another room where soldiers used to sleep. The commander advised Witness 3 to sleep away from the window to protect himself in case of a shelling. The commander added that, if nobody was available to pick up Witness 3 from the facility, the commander would take Witness 3 to Witness 3's family. But that night Naser Brahimaj and Myftar Brahimaj came to drive Witness 3 to the house of a relative and the commander said "you are free". Haradinaj told him to stay away from what happened and to return to his family. Nobody bothered</p> | | | | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
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| | Witness 3 “ever again” after he met with the commander. | | | | |
| 351. | Witness 6 never saw Skender Kuçi after the day of his escape. He was informed subsequently by Gani Brahimaj that Skender Kuçi died in the hospital. | <i>Haradinaj retrial, TJ, para.560</i> | 290, 297-302 | 142-144 | |
| 352. | In July 1998, Rrustem Tetaj, a KLA commander, was contacted by a man called Jusaj, a friend of Skender Kuçi, in relation to Skender Kuçi’s abduction. Jusaj told Rrustem Tetaj that Skender Kuçi had been abducted by the KLA and was being held in Jabllanicë/Jablanica. Rrustem Tetaj contacted Faton Mehmetaj, who told Rrustem Tetaj to talk to Ramush Haradinaj. Ramush Haradinaj had no knowledge of these events. Rrustem Tetaj and Ramush Haradinaj went together to the house of Nazmi Brahimaj in Jabllanicë/Jablanica. On arrival they spoke with Nazmi Brahimaj and Ramush Haradinaj told Nazmi Brahimaj that Skender Kuçi should be released immediately. Rrustem Tetaj also heard | <i>Haradinaj retrial, TJ, para.561</i> | 290, 297-302 | 142-144 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
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| | <p>Ramush Haradinaj tell Nazmi Brahimaj that “no such thing should happen anymore because this is damaging our cause”. Nazmi Brahimaj told them that Skender Kuçi had been slightly injured by one of the soldiers as he was trying to escape and that he would be released as soon as he was well.</p> | | | | |
| 353. | <p>Three or four days after Ramush Haradinaj told Nazmi Brahimaj to release Skender Kuçi, Ramiz Berisha, a relative of Skender Kuçi, told Rrustem Tetaj that Skender Kuçi had still not been released. Rrustem Tetaj, Ramush Haradinaj and Ramiz Berisha went back to Jabllanicë/Jablanica. There Nazmi Brahimaj told them that Skender Kuçi had been sent to the makeshift hospital in Irzniq/Rznić but because of the lack of means they had not succeeded in saving his life. He was buried in a forest near Jabllanicë/Jablanica. Rrustem Tetaj and Ramiz Berisha informed Skender Kuçi’s family. Ramiz Berisha requested that the body be reburied in the cemetery of the</p> | <p><i>Haradinaj retrial, TJ, para.563</i></p> | 290, 297-302 | 142-144 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
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| | village of Dubovik, Deçan/Deçani municipality; Nazmi Brahimaj agreed. | | | | |
| 354. | Skender Kuçi's body was buried at the entrance of Jabllanicë/Jablanica, near the mosque. On an unspecified date, during the night, KLA soldiers, unearthed Skender Kuçi's body. A coffin had been prepared and the body was put in it. Skender Kuçi's personal belongings were collected by Rrustem Tetaj and Ramiz Berisha from Nazmi Brahimaj and were given to Skender Kuçi's family. Skender Kuçi's car was not returned | <i>Haradinaj retrial, TJ, para.565</i> | 290, 297-302 | 142-144 | |
| 355. | On 9 March 2004, pursuant to an order of the district court of Pejë/Peć, OMPF officials exhumed the body of Skender Kuçi from the Dubovik cemetery in the presence of his family and an OTP investigator. The report of the autopsy conducted on 12 April 2004 and subsequently confirmed by the OMPF of UNMIK concluded that the cause of death was unascertained. It was noted in the report, however, that the pattern and the | <i>Haradinaj retrial, TJ, para.566</i> | 290, 297-302 | 142-144 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|--|--|--------------|------------|-----------------------|
| | location of the fractures on the sternum and right third rib, "if caused during the peri-mortem interval, [...] would be consistent with anterior compression of the chest caused by a blow, stomping or a similar force". | | | | |
| 356. | Skender Kuçi died in mid July 1998, after his attempted escape from the KLA compound in Jabllanicë/Jablanica, as a result of beatings inflicted on him while in detention at the KLA compound in Jabllanicë/Jablanica. | <i>Haradinaj retrial, TJ, para.567 (see also para.577)</i> | 290, 297-302 | 142-144 | |
| 357. | Following the attempted escape on approximately 15 or 16 July 1998 Pal Krasniqi remained in the KLA compound in Jabllanicë/Jablanica. He was in a critical condition. His body was all black and blue from the beatings, it was swollen; there was blood all over him, he was spitting blood. On 25 July 1998 when Witness 6 was released from the KLA compound in Jabllanicë/Jablanica, Pal Krasniqi was still in the compound. | <i>Haradinaj retrial, TJ, para.568</i> | 290, 297-302 | 142-144 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|--|--|--------------|------------|-----------------------|
| 358. | On an unspecified day between 10 July 1998 and the end of June 1999 Ded Krasniqi and his brother Hil went to Jabllanicë/Jablanica to inquire about Pal Krasniqi. Several soldiers in Jabllanicë/Jablanica had been told that he had been taken from Jabllanicë/Jablanica to either Pejë/Peć or Klinë/Klina. | <i>Haradinaj retrial, TJ, para.570</i> | 290, 297-302 | 142-144 | |
| 359. | In September or October 2000, Ded Krasniqi, in an attempt to locate Pal Krasniqi, went to Jabllanicë/Jablanica where he spoke with Hamez Ukshini, a KLA member whom Ded Krasniqi knew from before. Hamez Ukshini kept a notebook of KLA members who came in and out of Jabllanicë/Jablanica and he told Ded Krasniqi that he would look for Pal's name. Some time later he told Ded Krasniqi that Pal Krasniqi had never been in Jabllanicë/Jablanica. | <i>Haradinaj retrial, TJ, para.571</i> | 290, 297-302 | 142-144 | |
| 360. | Subsequently Ded Krasniqi contacted Alush Agushi, a KLA commander, and met with him in Klinë/Klina. Alush Agushi told Ded Krasniqi that Pal | <i>Haradinaj retrial, TJ, para.572</i> | 290, 297-302 | 142-144 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|---|--|-----|------------|-----------------------|
| | Krasniqi had been with the KLA until the Serbian offensive in September 1998. At the time the KLA had been surrounded by the Serbian army and Alush Agushi told his soldiers to go in whatever direction they chose. Alush Agushi told Ded Krasniqi that he would get back to him in several weeks but he never did. Ded Krasniqi found out that Alush Agushi had been transferred to Prishtinë/Priština and travelled there to meet him. However, he was not allowed access to Alush Agushi. | | | | |
| 361. | The remains found at the canal area at Lake Radoniq/Radonjić included those of Pal Krasniqi. | <i>Haradinaj retrial, TJ, para.342</i> | 302 | 144 | |
| 362. | ICMP DNA analysis identified the remains labelled R-9 as those of Pal Krasniqi. The outer concrete wall of the canal showed bullet marking just above body R-9. An autopsy conducted on the remains on 5 December 2003 found gunshot injuries to the head, trunk and upper limbs. These multiple gunshot injuries were determined to be the cause of | <i>Haradinaj, TJ, para.420</i> | 302 | 144 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|--------------------|--|---|--------------|------------|-----------------------|
| | death. An autopsy conducted on the remains in September 1998 revealed a side-arm bullet entry wound on the left lower jaw; exit wound on the right side of the skull. The autopsy revealed fractures on both upper arms, the right lower arm and the right thigh; these could not have been caused by a fall. The degree of decomposit with a time of death between April and August 1998. | | | | |
| 363. | Pal Krasniqi was murdered in KLA custody. | <i>Haradinaj</i> , TJ, para.422 | 302 | 144 | |
| 364. | Pal Krasniqi was not taking part in hostilities at the time the crimes were committed. | <i>Haradinaj</i> , TJ, para.423 | 290, 297-302 | 142-144 | |
| E. OTHER DETAINEES | | | | | |
| 365. | Towards the end of June 1998, one Bosnian man and unidentified Montenegrins were brought to the KLA compound in Jabllanicë/Jablanica where they were beaten and stabbed with knives by KLA | <i>Haradinaj retrial</i> , TJ, para.513 | 290 | 63, 100 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|---|--|-----|------------|-----------------------|
| | soldiers in the presence of Nazmi Brahimaj and Hamza Brahimaj. | | | | |
| 366. | Witness 6 heard soldiers saying that the Bosnian was a Muslim; he spoke a little Albanian. During the beatings soldiers accused him of interrupting the power supply and Witness 6 came to know during the beatings that he worked for a company called Elektrokosova in Deçan/Deçani. He was wearing light trousers and a dark light summer shirt. The Montenegrins did not speak any Albanian and Witness 6 did not know anything about them. One of the Montenegrins was older than the others – about 35 or 40 years old and wore a jacket. Three days later, at about 2200 hours, the Bosnian and the Montenegrins were taken away and Witness 6 never saw them again since. | <i>Haradinaj retrial, TJ, para.511</i> | 290 | 63, 100 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|---|--|--|-----|------------|-----------------------|
| F. BODIES DISCOVERED NEAR LAKE RADONIQ/RADONJIĆ | | | | | |
| 367. | Jabllanicë/Jablanica in Gjakovë/Đakovica municipality lies to the north-eastern side of Lake Radoniq/Radonjić, while Glogjan/Glođane in Deçan/Dečani municipality lies to the north-western side of Lake Radoniq/Radonjić. | <i>Haradinaj retrial, TJ, para.325</i> | 302 | 144 | |
| 368. | The canal is located in Deçan/Dečani municipality at the north-western side of Lake Radoniq/Radonjić. | <i>Haradinaj retrial, TJ, para.325</i> | 302 | 144 | |
| 369. | The canal area at Lake Radoniq/Radonjić was generally under the control of the KLA in summer 1998, but there were occasional Serbian forces patrols and clashes in the canal area. | <i>Haradinaj retrial, TJ, para.329</i> | 302 | 144 | |
| 370. | On 8 or 9 September 1998, a Serbian investigation team arrived at the canal. This team included both MUP and RDB officers, as well as several domestic officials and domestic and international representatives and journalists. | <i>Haradinaj retrial, TJ, para.330</i> | 302 | 144 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|--|---|-----|------------|-----------------------|
| 371. | At the site, they saw, <i>inter alia</i> , bullet holes in the canal wall, bodies and remains and spent ammunition casings. | <i>Haradinaj retrial</i> , TJ, para.330 | 302 | 144 | |
| 372. | On 9 or 10 September 1998, the appointed Pejë/Peć District Court investigating judge sent a request to the Belgrade Institute of Forensic Medicine asking that a team of forensic experts be appointed to assist with investigations at in the Lake Radoniq/Radonjić area. | <i>Haradinaj retrial</i> , TJ, para.331 | 302 | 144 | |
| 373. | The Belgrade forensic team arrived at the canal area around 11 September 1998 to begin the exhumation and completed work there on 15 or 16 September 1998. | <i>Haradinaj retrial</i> , TJ, para.332 | 302 | 144 | |
| 374. | The team took photographs and video footage of each of the bodies and partial remains, marked and noted their locations, and gave each an individual label with its own number and an "R" prefix. | <i>Haradinaj retrial</i> , TJ, para.332 | 302 | 144 | |
| 375. | The bodies and remains were loaded onto a truck and transported to a garage in | <i>Haradinaj retrial</i> , TJ, para.332 | 302 | 144 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|---|--|-----|------------|-----------------------|
| | Hotel Paštrik in Gjakovë/Đakovica for autopsies at the end of each day because it was deemed too dangerous to conduct autopsies on site due to the KLA presence. | | | | |
| 376. | The autopsies at Hotel Paštrik began on 12 September 1998 and were conducted by members of the Belgrade forensic team. | <i>Haradinaj retrial, TJ, para.332</i> | 302 | 144 | |
| 377. | The autopsies were concluded on 16 September 1998. | <i>Haradinaj retrial, TJ, para.333</i> | 302 | 144 | |
| 378. | A total of 37 or 38 bodies, partial remains or personal items were labelled in the canal area; some of these labelled remains were later found to belong to the same individual. | <i>Haradinaj retrial, TJ, para.334</i> | 302 | 144 | |
| 379. | The remains found at the canal area at Lake Radoniq/Radonjić included those of Misin Berisha, Zenun Gashi, Velizar Stošić, Nurije Krasniqi, Istref Krasniqi, Malush Meha, Ilira Frrokaj, Kujtim Imeraj, Rade Popadić, Vukosava Marković, Darinka Kovač, Pal Krasniqi, and Milka Vlahović. | <i>Haradinaj retrial, TJ, para.342</i> | 302 | 144 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|---|---------------------------------|-----|------------|-----------------------|
| 380. | In August or September 1998 British and American military teams were taken to a canal leading to Lake Radonjić near the village of Glodjane/Gllogjan where they were shown six bodies alleged to have been Serbs killed by the KLA. | <i>Dorđević</i> , TJ, para.328 | 302 | 144 | |
| 381. | On or about 21 April 1998, the KLA took control of Gornji Ratiš/Ratishë ë Eperm, where Milovan and Milka Vlahović were among the last Serbs remaining. | <i>Haradinaj</i> , TJ, para.206 | 302 | 144 | |
| 382. | In September 1998, the bodies identified as R-11 and R-12, a mother and daughter, were found at the Lake Radonjić/Radoniq canal in immediate proximity to each other. | <i>Haradinaj</i> , TJ, para.239 | 302 | 144 | |
| 383. | From approximately the beginning of April 1998, armed men repeatedly visited the family house of R-11 and R-12. ¹³ The men wore civilian, military, or black KLA clothes, and some of them wore masks. | <i>Haradinaj</i> , TJ, para.237 | 302 | 144 | |

¹³ R-11 and R-12 are identified as sister 'S' and her mother. The remains of another sister, 'M' were also identified. See *Haradinaj*, TJ, paras 234-236. The related Proposed Facts use 'R-11' and 'R-12' when referring to 'S' and her mother.

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|---|-------------------------------------|-----|------------|-----------------------|
| | They asked about weapons and searched the house. | | | | |
| 384. | Around mid-April 1998, KLA soldiers took R-11 and R-12 from their home. | <i>Haradinaj, TJ, para.238</i> | 302 | 144 | |
| 385. | No earlier than late April 1998, KLA soldiers killed R-11 and R-12. They were not taking active part in the hostilities at the time. | <i>Haradinaj, TJ, para.239</i> | 302 | 144 | |
| 386. | Sometime around mid-1998, KLA soldiers took another member of R-11's and R-12's family from their home and murdered her. | <i>Haradinaj, TJ, para.240</i> | 302 | 144 | |
| 387. | On 1 August 1998, KLA members took Zenun Gashi, a retired police officer of Roma ethnicity, from his house in Kosurić/Kosuriq. He was subjected to cruel treatment and subsequently murdered while in KLA custody. Zenun Gashi was not taking active part in hostilities at the time. | <i>Haradinaj, TJ, paras 269-270</i> | 302 | 144 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|--------------------------------|---|---------------------------------|-----|------------|-----------------------|
| 388. | In July 1998, KLA soldiers took Nurije and Istref Krasniqi from their home and brought them to the KLA headquarters in Glogjan/Glođane. | <i>Haradinaj</i> , TJ, para.311 | 302 | 144 | |
| 389. | Nurije and Istref Krasniqi were murdered while in KLA custody. They were not taking active part in hostilities at the time. | <i>Haradinaj</i> , TJ, para.311 | 302 | 144 | |
| 390. | In September 1998, the remains of Nurije and Istref Krasniqi were found close to each other at the Radoniq/Radonjić canal. | <i>Haradinaj</i> , TJ, para.311 | 302 | 144 | |
| IX. LLAPUSHNIK/LAPUŠNIK | | | | | |
| 391. | The village of Llapushnik/Lapušnik is located in Glogovc/Glogovac municipality in central Kosovo. It lies in a gorge on both sides of the Peje/Pec-Prishtina/Pristina highway, which is one of the main roads connecting Prishtina/Pristina with the western parts of Kosovo, and with Albania. | <i>Limaj</i> , TJ, para.66 | 303 | 64 | |
| 392. | The Llapushnik/Lapušnik gorge was of strategic importance for the KLA: having control over the gorge provided the KLA | <i>Limaj</i> , TJ, para.66 | 303 | 64 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|---|-----------------------------------|----------|------------|-----------------------|
| | with a corridor for the transportation of weapons and supplies from Albania and also enabled the free movement of citizens and soldiers. | | | | |
| 393. | From mid-June 1998 at the latest to 25 or 26 July 1998, a prison camp conducted by the KLA existed in the village of Llapushnik/Lapušnik, to the south of the Peje/Pec-Prishtina/Pristina road. | <i>Limaj</i> , TJ, para.282 | 306 | 64 | |
| 394. | Abducted individuals were taken to or detained in a KLA-run prison camp in the village of Llapushnik/Lapušnik. The witnesses were abducted in similar circumstances: from a road, or taken from their homes by armed soldiers wearing camouflage or black uniforms, black masks, or KLA insignias. Some of these soldiers were identified as Ali/Alush Gashi, Ramadan Behluli, Shukri Buja, Rrahman Tafa, Sule Qeriqi and Ali Ramadani, all of whom were KLA soldiers. The witnesses were blindfolded, put in a car, sometimes in the trunk, and driven to a farm compound. There, an | <i>Limaj</i> , TJ, paras 273, 280 | 306, 310 | 64 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|--|----------------------------|-------------------|------------|-----------------------|
| | individual referred to as Shala removed the blindfolds and led them to a room where they were held. | | | | |
| 395. | Detainees at the compound in Llapushnik/Lapušnik were held in different locations at the prison camp, namely the storage room, the cowshed and some rooms located into the main house of the compound and in the garage. | <i>Limaj, TJ, para.284</i> | 306, 312 | 64, 101 | |
| 396. | In the storage room and the cowshed, food and water were not provided regularly, and there were no cleaning, washing or sanitary facilities. Both the cowshed and the storage room were not adequately ventilated and at times were overcrowded, especially the storage room. Even though the detainees were allowed outside the storage room once in a while to be able to have some fresh air, there were no sleeping facilities in the storage room or the cowshed, which was exacerbated by overcrowding, particularly in the storage room. Detainees in the cowshed were typically chained to | <i>Limaj, TJ, para.288</i> | 306, 314-315, 320 | 64, 101 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|---|----------------------------|----------|------------|-----------------------|
| | the wall or tied to other detainees. No medical care was provided, although readily available. | | | | |
| 397. | On 25 and 26 July 1998, Serbian forces launched a large offensive against the KLA forces in the Llapushnik/Lapušnik area. As this offensive developed to the advantage of the Serbian forces, the departure of KLA forces from Llapushnik/Lapušnik and the prison camp was precipitated. | <i>Limaj, TJ, para.448</i> | 331 | 146 | |
| 398. | In the morning of 25 or 26 July 1998, the two guards identified as Shala and Murrizi gathered the prisoners remaining at the time in the prison camp from their respective places of detention into the yard. Shala and Murrizi, both armed with Kalashnikov automatic weapons, ordered the twenty or so prisoners to walk towards the Berishe/Berisa Mountains. Murrizi led them towards the hills. Shala brought up the rear. | <i>Limaj, TJ, para.448</i> | 308, 331 | 146 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|---|-----------------------------|--------------|------------|-----------------------|
| 399. | The group arrived at a meadow in the Berishe/Berisa Mountains and stopped near a cherry tree. After about two hours, Shala called out the names of about ten prisoners, that is about half of the group, who were taken aside some 100 metres away. They were each given a piece of paper confirming their release and told to go. Both Shala and Murrizi were engaged in the process of releasing this group of prisoners. | <i>Limaj</i> , TJ, para.450 | 308, 332 | 146 | |
| 400. | The KLA soldier and prison guard known as Shala who was active in the KLA prison camp in Llapushnik/Lapušnik between 9 May 1998 and 25 or 26 July 1998 was Haradin Bala. | <i>Limaj</i> , TJ, para.649 | 308, 331-333 | 64, 146 | |
| 401. | After Haradin Bala and Murrizi set free some prisoners, they had charge of the last remaining group of prisoners in the Berishe/Berisa Mountains on 25 or 26 July 1998. | <i>Limaj</i> , TJ, para.649 | 308, 331-333 | 64, 146 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|---------------------------------|---|-----------------------------------|---------------|------------|-----------------------|
| 402. | KLA soldiers, including Haradin Bala and Murrizi, shot and killed nine of the remaining prisoners on 25 or 26 July 1998 in a location in the Berishe/Berisa Mountains. | <i>Limaj</i> , TJ, paras 454, 664 | 308, 331-333 | 64, 146 | |
| A. VOJKO AND IVAN BAKRAČ | | | | | |
| 403. | Vojko and Ivan Bakrač were detained by the KLA in the storage room at the Llapushnik/Lapušnik prison camp from 29 June 1998 to 6 July 1998. Vojko and Ivan Bakrač were not taking an active part in hostilities during that time. | <i>Limaj</i> , TJ, para.290 | 312, 319, 320 | 64, 101 | |
| 404. | The Bakračs were personally affected by seeing detainees being beaten and the resulting injuries, as well as the fear each of them had in the circumstances, especially at times when each of them saw the other taken away, knowing then all too well, despite their short detention in the storage room, the fate that usually awaited prisoners who were taken out of the room. The detainees in general, and among them the Bakračs, were clearly compelled to live | <i>Limaj</i> , TJ, para.293 | 312, 319, 320 | 64, 101 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|----------------|--|-----------------------------|---------------|------------|-----------------------|
| | with the ever-present fear of being subjected to physical abuse, if not death, and in a constant atmosphere of anxiety enhanced by what seemed to them to be an arbitrary selection of detainees for abuse. | | | | |
| B. L07 | | | | | |
| 405. | L07 was detained by the KLA in the Llapushnik/Lapušnik prison camp for three days in July 1998. L07 was not taking active part in hostilities during his detention. | <i>Limaj</i> , TJ, para.295 | 312, 323 | 64, 101 | |
| 406. | L07 was beaten while detained at the Llapushnik/Lapušnik prison camp. | <i>Limaj</i> , TJ, para.297 | 312, 321 | 64, 101 | |
| C. L10 AND L06 | | | | | |
| 407. | L10 was detained by the KLA in the storage room at the Llapushnik/Lapušnik prison camp for a period from 13 or 14 June 1998 to 25 or 26 July 1998. He was not taking an active part in hostilities during that time. | <i>Limaj</i> , TJ, para.298 | 312, 319, 320 | 64, 101 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|---|--|------------------------|--------------|-----------------------|
| 408. | L10 was beaten at the Llapushnik/Lapušnik prison camp by KLA guards on two occasions. He was also compelled to bury other detainees' corpses, corpses which were disfigured by abuse before death, which accentuated L10's suffering, as did the threat proffered to L10. | <i>Limaj</i> , TJ, para.300 | 312, 319-321 | 64, 101 | |
| 409. | A prison guard named Shala threatened L10 with a gun to the head. | <i>Limaj</i> , TJ, paras 299-300 | 312, 319-321 | 64, 101 | |
| 410. | Haradin Bala forced L04 and L10 to bury the mutilated bodies of three fellow detainees, amongst which was the body of Agim Ademi. | <i>Limaj</i> , TJ, paras 652, 662, 670 | 308, 316, 321, 331-337 | 64, 101, 146 | |
| 411. | L06 was detained by the KLA in the storage room at the Llapushnik/Lapušnik prison camp for a period from 13 or 14 June 1998 to 25 or 26 July 1998. He was taking no active part in hostilities at the time. | <i>Limaj</i> , TJ, para.303 | 312, 319, 320 | 64, 101 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|--------|---|-----------------------------|---------------|------------|-----------------------|
| 412. | L06 was shackled with a 10 kg chain for much of his detention and was severely beaten. | <i>Limaj</i> , TJ, para.305 | 312, 319, 320 | 64, 101 | |
| 413. | A severe level of violence was inflicted upon L06 and his assailants mistreated him for a specific purpose, i.e. punishing him and/or obtaining information concerning so-called spies who were allegedly operating in his village. | <i>Limaj</i> , TJ, para.306 | 312, 319, 320 | 64, 101 | |
| D. L96 | | | | | |
| 414. | L96 was detained by the KLA in the main house and the storage room at the Llapushnik/Lapušnik prison camp for a short period of time until 25 or 26 July 1998. He was taking no active part in hostilities at the time. | <i>Limaj</i> , TJ, para.307 | 312, 319, 320 | 64, 101 | |
| E. L04 | | | | | |
| 415. | L04 was detained in the cowshed in the Llapushnik/Lapušnik prison camp from around the end of June to 25 or 26 July | <i>Limaj</i> , TJ, para.310 | 312-318 | 64, 101 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|--------|--|----------------------------------|---------|------------|-----------------------|
| | 1998. He was taking no active part in hostilities at the time. | | | | |
| 416. | In the course of his detention by the KLA in the cowshed at the Llapushnik/Lapušnik prison camp, L04 was subjected to physical and mental mistreatment. The physical mistreatment sustained caused an impairment of his right leg and arm which, to the present day, still causes him pain. L04 also had to bury corpses during his detention, which caused physical suffering and psychological trauma. | <i>Limaj</i> , TJ, paras 312-313 | 312-318 | 64, 101 | |
| F. L12 | | | | | |
| 417. | L12 was detained in the cowshed at the Llapushnik/Lapušnik prison camp from around the end of June 1998 until 25 or 26 July 1998. L12 was not taking an active part in the hostilities at the time. | <i>Limaj</i> , TJ, para.314 | 312-318 | 64, 101 | |
| 418. | During the period of his detention by the KLA in the cowshed at the Llapushnik/Lapušnik prison camp, L12 | <i>Limaj</i> , TJ, para.318 | 312-318 | 64, 101 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|----------------|---|-----------------------------|--------------|------------|-----------------------|
| | was subjected to serious physical mistreatment, as a result of which he still endures pain. | | | | |
| G. FEHMI XHEMA | | | | | |
| 419. | Fehmi Xhema was detained by the KLA in the storage room at the Llapushnik/Lapušnik prison camp for a period from 13 June 1998 until an unknown date before 25 or 26 July 1998. | <i>Limaj</i> , TJ, para.331 | 312, 319-321 | 64, 101 | |
| 420. | On one day of his detention, Fehmi Xhema was taken from the storage room and was returned later having been grievously beaten. Fehmi Xhema remained in the storage room for a matter of one to three days, during which time he appeared to both L06 and L10 to be dead. He was then finally removed from the storage room and was not returned. While he was in the Llapushnik/Lapušnik prison camp Fehmi Xhema was not taking any active part in hostilities. | <i>Limaj</i> , TJ, para.331 | 312, 319-321 | 64, 101 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|---|---|-----------------------------|---------------|------------|-----------------------|
| 421. | Fehmi Xhema was subjected to a significant level of violence while detained at the Llapushnik/Lapušnik prison camp, which caused him extremely serious levels of physical suffering and injury. His attackers acted deliberately. Fehmi Xhema was detained for many days in the storage room and was handcuffed to L10. | <i>Limaj</i> , TJ, para.333 | 312, 319-321 | 64, 101 | |
| H. MILOVAN KRSTIĆ AND MIODRAG KRSTIĆ | | | | | |
| 422. | Milovan Krstić and Miodrag Krstić were detained at the Llapushnik/Lapušnik prison camp by the KLA for an undetermined period of time beginning on 24 June 1998. They were taking no active part in hostilities during that time. | <i>Limaj</i> , TJ, para.340 | 312, 319-320 | 64, 101 | |
| I. SLOBODAN MITROVIĆ | | | | | |
| 423. | Slobodan Mitrović was detained by the KLA in the storage room at the Llapushnik/Lapušnik prison camp for an undetermined period of time, beginning on 24 June 1998. Slobodan Mitrović was | <i>Limaj</i> , TJ, para.348 | 312, 319, 320 | 64, 101 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|-------------------|---|-----------------------------|--------------|------------|-----------------------|
| | not taking any active part in hostilities during that time. | | | | |
| J. ŽIVORAD KRSTIĆ | | | | | |
| 424. | Živorad Krstić was detained by the KLA in the storage room at Llapushnik/Lapušnik for an unspecified period of time beginning on 25 June 1998. He was taking no active part in hostilities at the time. Živorad Krstić was subjected to the general conditions in the storage room. At the time of his detention, he was in poor health, suffering from diabetes, and recovering from eye surgery at the time he was apprehended. | <i>Limaj</i> , TJ, para.359 | 312, 319-321 | 64, 101 | |
| K. STAMEN GENOV | | | | | |
| 425. | Stamen Genov was detained at the Llapushnik/Lapušnik prison camp by the KLA for an undetermined period beginning on 29 June 1998 until an unknown date before 25 or 26 July 1998. He was taking no active part in hostilities at the time. Stamen Genov was subjected | <i>Limaj</i> , TJ, para.367 | 312, 319-321 | 64, 101 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|--------------|---|-----------------------------|-------------------|------------|-----------------------|
| | to extreme levels of violence and abuse by unknown persons during the time of his detention in the storage room. | | | | |
| 426. | Stamen Genov was a member of the medical corps of the VJ. Stamen Genov was viciously beaten on frequent occasions. Stamen Genov's captors inflicted physical and psychological abuse upon him. The mistreatment of Stamen Genov intensified upon his captors' discovery of his military identification. He was punished and interrogated because of this military affiliation. A statement signed by Stamen Genov was found at Llapushnik/Lapušnik after the KLA evacuated, detailing various structures and personnel of the VJ within Kosovo. | <i>Limaj</i> , TJ, para.366 | 312, 319-321, 323 | 64, 101 | |
| L. ĐORĐE ČUK | | | | | |
| 427. | Đorđe Čuk was detained by the KLA at the Llapushnik/Lapušnik prison camp for an undetermined period of time beginning on 29 June 1998 until not later than 25 or 26 July 1998. He was taking no | <i>Limaj</i> , TJ, para.376 | 312, 319-321, 323 | 64, 101 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|-------------------|---|-----------------------------|---------|-------------------|-----------------------|
| | active part in hostilities at the time. Đorđe Čuk was detained in the storage room at the Llapushnik/Lapušnik prison camp, and beating was inflicted upon him. | | | | |
| M. JEFTA PETKOVIĆ | | | | | |
| 428. | Jefta Petković was detained by the KLA at the Llapushnik/Lapušnik prison camp for an undetermined period of time beginning approximately on 24 June 1998 until his death on a date sometime before mid-July 1998. He was taking no active part in hostilities during that time. | <i>Limaj</i> , TJ, para.384 | 312 | 64, 101 | |
| 429. | Jefta Petković was killed while a detainee at the Llapushnik/Lapušnik prison camp. | <i>Limaj</i> , TJ, para.392 | 312 | 64, 101, 145, 146 | |
| N. AGIM ADEMI | | | | | |
| 430. | Agim Ademi was detained at the Llapushnik/Lapušnik prison camp from sometime in late June 1998 until sometime before 18 July 1998. He was taking no active part in hostilities during that time. | <i>Limaj</i> , TJ, para.398 | 312-318 | 64, 101 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|---------------|---|----------------------------------|------------------------|--------------|-----------------------|
| | Agim Ademi was detained in the cowshed at the Llapushnik/Lapušnik prison camp. | | | | |
| 431. | Agim Ademi's death occurred in connection with his detention at the Llapushnik/Lapušnik prison camp. Agim Ademi died after being shot on the left side. | <i>Limaj</i> , TJ, paras 401-402 | 312-318 | 64, 101 | |
| O. EMIN EMINI | | | | | |
| 432. | Emin Emini was detained by the KLA in the storage room at the Llapushnik/Lapušnik prison camp at least from mid-June to 25 or 26 July 1998, at which point he was escorted with the other prisoners to the Berishe/Berisa Mountains. Emin Emini was not taking any active part to the hostilities during this period of time. | <i>Limaj</i> , TJ, para.410 | 312, 319, 320, 333 | 64, 101, 146 | |
| 433. | During the period of his detention by the KLA in the storage room at the Llapushnik/Lapušnik prison camp, Emin Emini suffered severe beatings which | <i>Limaj</i> , TJ, para.414 | 312, 319-321, 333, 336 | 64, 101, 146 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|----------------|---|-----------------------------------|---------------|--------------|-----------------------|
| | caused multiple fractures and other injuries. | | | | |
| 434. | The body of Emin Emini was exhumed from the large grave at the execution site in the Berishe/Berisa Mountains. Emin Emini was killed in that same location by multiple gunshots. Emin Emini was killed by KLA members including Shala and Murrizi. At the time he was killed, Emin Emini was detained by the KLA and was not taking any active part in any hostilities. | <i>Limaj</i> , TJ, paras 459, 461 | 319, 331-337 | 146 | |
| P. IBUSH HAMZA | | | | | |
| 435. | Ibush Hamza was held by the KLA at the Llapushnik/Lapušnik prison camp for an undetermined period until 25 or 26 July 1998, at which point he was escorted with the other prisoners to the Berishe/Berisa Mountains. Ibush Hamza was not taking any active part to the hostilities during this period. | <i>Limaj</i> , TJ, para.415 | 312, 333, 336 | 64, 101, 146 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------------------|---|-----------------------------------|----------|--------------|-----------------------|
| 436. | The body of Ibush Hamza was exhumed from the large grave at the execution site in the Berishe/Berisa Mountains. Ibush Hamza was killed in that location by multiple gunshots. Ibush Hamza was killed by KLA members including Shala and Murrizi. At the time he was killed, Ibush Hamza was detained and was not taking any active part in any hostilities. | <i>Limaj</i> , TJ, paras 464, 466 | 331-337 | 146 | |
| Q. HYZRI HARJIZI | | | | | |
| 437. | Hyzri Harjizi was detained by the KLA in the storage room at the Llapushnik/Lapušnik prison camp for an undetermined period of time until 25 or 26 July 1998, at which point he was escorted by KLA guards with the other prisoners to the Berishe/Berisa Mountains. During this period, Hyzri Harjizi was not taking any active part to the hostilities. | <i>Limaj</i> , TJ, paras 418, 419 | 312, 336 | 64, 101, 146 | |
| 438. | Hyrzi Harjizi was among the prisoners who remained behind in the | <i>Limaj</i> , TJ, para.468 | 331-337 | 146 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|----------------|--|-----------------------------------|--------------------|--------------|-----------------------|
| | Berishe/Berisa Mountains after the first group was released. | | | | |
| 439. | The body of Hyzri Harjizi was exhumed from the large grave at the execution site in the Berishe/Berisa Mountains. Hyzri Harjizi was killed in that location by gunshot to the head. He was shot by KLA soldiers including Shala and Murrizi. At the time he was killed, Hyzri Harjizi was detained by the KLA and was not taking any active part in any hostilities. | <i>Limaj</i> , TJ, paras 469, 471 | 331-337 | 146 | |
| R. SHABAN HOTI | | | | | |
| 440. | Shaban Hoti was detained by the KLA in the Llapushnik/Lapušnik_prison camp, at least for part of the time in the room on the first floor in the main house of the prison camp, from around 20 July until 25 or 26 July 1998, at which time he was escorted with other prisoners by KLA guards to the Berishe/Berisa Mountains. Shaban Hoti was not taking any active part to the hostilities during this period of time. | <i>Limaj</i> , TJ, para.423 | 312, 322, 333, 336 | 64, 101, 146 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|---|-----------------------------------|--------------------|--------------|-----------------------|
| 441. | The body of Shaban Hoti was exhumed from the large grave in the vicinity of the execution site in the Berishe/Berisa Mountains. Shaban Hoti was killed on 25 or 26 July 1998 in that same location by multiple gunshots. The perpetrators were KLA soldiers including Shala and Murrizi, who were armed and guarding the group of prisoners who remained after others were released. Shala and Murrizi acted together to kill Shaban Hoti on 25 or 26 July 1998. At the time of his death, Shaban Hoti was detained by the KLA and was not taking any active part in any hostilities. | <i>Limaj</i> , TJ, paras 474, 476 | 331-337 | 146 | |
| 442. | Shaban Hoti was mistreated in the main house at the Llapushnik/Lapušnik prison camp. He was targeted for grave mistreatment as a direct result of his acting as an interpreter for Russian journalists. | <i>Limaj</i> , TJ, para.424 | 312, 322, 333, 336 | 64, 101, 146 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------------------|---|----------------------------------|--------------------|--------------|-----------------------|
| S. HASAN HOXHA | | | | | |
| 443. | Hasan Hoxha was detained by the KLA at the Llapushnik/Lapušnik prison camp, from around 17 July until 25 or 26 July 1998, at which point he was escorted by KLA guards with the other prisoners to the Berishe/Berisa Mountains. Hasan Hoxha was not taking any active part to the hostilities during this period of time. | <i>Limaj</i> , TJ, para.427 | 312, 319, 333, 337 | 64, 101, 146 | |
| 444. | The body of Hasan Hoxha was exhumed from a grave at the execution site in the Berishe/Berisa Mountains. Hasan Hoxha was killed on 25 or 26 July 1998 in that location by gunshot by armed KLA soldiers including Shala and Murrizi. At the time he was killed, Hasan Hoxha was detained by the KLA and was not taking any active part in the hostilities. | <i>Limaj</i> , TJ, paras 481-482 | 331-337 | 146 | |
| T. SAFET HYSENAJ | | | | | |
| 445. | Safet Hysenaj was detained in the Llapushnik/Lapušnik prison camp, for an undetermined period of time until 25 or 26 | <i>Limaj</i> , TJ, para.430 | 312, 333, 336 | 64, 101, 146 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|--|-----------------------------------|---------|------------|-----------------------|
| | July 1998, ¹⁴ at which point he was escorted with the other prisoners by KLA guards to the Berishe/Berisa Mountains. Safet Hasenaj was not taking any active part to the hostilities at the time. | | | | |
| 446. | The body of Safet Hysenaj was exhumed from the main grave at the execution site in the Berishe/Berisa Mountains. Safet Hysenaj suffered a fracture of the right scapula around the time of death. Further, it remains the case that Safet Hysenaj had been detained by the KLA in the Llapushnik/Lapušnik prison camp prior to his death and was among the prisoners escorted to the execution site by the armed KLA soldiers known as Shala and Murrizi. Safet Hysenaj was killed in the Berishe/Berisa Mountains on 25 or 26 July 1998 at the same time as the other victims. Safet Hysenaj was killed by KLA escorts including those identified as Shala and Murrizi. Safet Hysenaj was detained by | <i>Limaj</i> , TJ, paras 485, 487 | 331-337 | 146 | |

¹⁴ The indictment period in this case was from May 1998 to around 26 July 1998.

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|--------------------|--|-----------------------------------|------------------------|--------------|-----------------------|
| | the KLA and was not taking any active part in any hostilities. | | | | |
| U. BASHKIM RASHITI | | | | | |
| 447. | Bashkim Rashiti was detained in the storage room at the Llapushnik/Lapušnik prison camp from about 11 July until 25 or 26 July 1998, at which point he was escorted under KLA guard with the other prisoners to the Berishe/Berisa Mountains. | <i>Limaj</i> , TJ, para.433 | 312, 319-320, 333, 336 | 64, 101, 146 | |
| 448. | The body of Bashkim Rashiti was exhumed from the main grave at the execution site in the Berishe/Berisa Mountains. Bashkim Rashiti was killed at that location on 25 or 26 July 1998 by gunshot to the head. Bashkim Rashiti was killed by armed KLA escorts, including individuals identified as Shala and Murrizi. At the time he was killed, Bashkim Rashiti was detained by the KLA and was not taking any active part in any hostilities. | <i>Limaj</i> , TJ, paras 490, 492 | 331-337 | 146 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|--------------------|--|-----------------------------|------------------------|--------------|-----------------------|
| V. HETEM REXHAJ | | | | | |
| 449. | Hetem Rexhaj was detained by the KLA at the Llapushnik/Lapušnik prison camp for a period of time from early July 1998 until 25 or 26 July 1998, at which point he was escorted under KLA guard with the other prisoners to the Berishe/Berisa Mountains. Hetem Rexhaj was not taking any active part to the hostilities during this time. | <i>Limaj</i> , TJ, para.436 | 312, 333, 337 | 64, 101 | |
| W. LUTFI XHEMSHITI | | | | | |
| 450. | Lutfi Xhemshiti was detained in the storage room at the Llapushnik/Lapušnik prison camp for a period from approximately 2 July until 25 or 26 July 1998, at which point he was escorted under KLA guard with the other prisoners from the prison camp to the Berishe/Berisa Mountains. Lutfi Xhemshiti was not taking any active part to hostilities during this period of time. | <i>Limaj</i> , TJ, para.440 | 312, 319-320, 333, 336 | 64, 101, 146 | |
| 451. | During the period of his detention by the KLA in the storage room at the | <i>Limaj</i> , TJ, para.442 | 312, 319-321, 333, 336 | 64, 101, 146 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|---|-----------------------------------|---------|------------|-----------------------|
| | Llapushnik/Lapušnik prison camp, Lutfi Xhemshiti suffered severe beatings which caused multiple fractures to the ribs. | | | | |
| 452. | The body of Lutfi Xhemshiti was exhumed from the mass grave at the execution site in the Berishe/Berisa Mountains. Lutfi Xhemshiti had suffered mechanical traumas, traumas involving such force as to fracture his sternum and ribs, which are generally consistent with traumas suffered by several other victims. Lutfi Xhemshiti was killed on 25 or 26 July 1998 in the Berishe/Berisa Mountains together with the other victims with whom he was buried. Lutfi Xhemshiti was killed by KLA escorts including those identified as Shala and Murrizi. At the time he was killed, Lutfi Xhemshiti was detained by the KLA and was not taking any active part in the hostilities. | <i>Limaj</i> , TJ, paras 499, 501 | 331-337 | 146 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|-------------------|--|-----------------------------------|-------------------|--------------|-----------------------|
| X. SHYQYRI ZYMERI | | | | | |
| 453. | Shyqyri Zymeri was detained in the cowshed at the Llapushnik/Lapušnik prison camp for a period from about 27 June 1998 until 25 or 26 July 1998, at which point he was escorted by KLA guards with the other remaining prisoners to the Berishe/Berisa Mountains. Shyqyri Zymeri was not taking any active part to the hostilities during this period of time. | <i>Limaj</i> , TJ, para.444 | 312-318, 333, 336 | 64, 101, 146 | |
| 454. | In the course of his detention by the KLA at the Llapushnik/Lapušnik prison camp, Shyqyri Zymeri suffered severe mistreatment which caused multiple fractures. | <i>Limaj</i> , TJ, para.446 | 312-318, 333, 336 | 64, 101, 146 | |
| 455. | The body of Shyqyri Zymeri was exhumed from the mass grave at the execution site in the Berishe/Berisa Mountains. Shyqyri Zymeri was killed at that location. Shyqyri Zymeri was killed on 25 or 26 July 1998 at that site by KLA escorts, including those identified as Shala and Murrizi. At the time he was killed, Shyqyri Zymeri was | <i>Limaj</i> , TJ, paras 504, 506 | 331-337 | 146 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|--------------------|--|---|---------|------------|-----------------------|
| | detained by the KLA and was not taking any active part in the hostilities. | | | | |
| X. DRENOC/DRENOVAC | | | | | |
| 456. | In the period between May 1998 and October 1998 and in the region of Drenoc/Drenovac, an organization was in place with its headquarters and structured on different levels of command, with a Chief of the Military police, his Deputy, other agents and the "political commissar". This organization was able to carry out police tasks, manage a detention centre and move the prisoners when the Serbian offensive started. This organization provided health care for wounded as well as military units outside Drenoc/Drenovac. This organization did not act autonomously but within the framework of the activities and of the more general goals of KLA. The unit in Drenoc/Drenovac was a part of the KLA. | <i>Selim Krasniqi et al.,</i> Supreme Court of Kosovo, Ap.- Kz 371/2008, p.13 | 338-345 | 65 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|---|---|----------|---------------------|-----------------------|
| 457. | Between May 1998 and October 1998, members of the Kosovo Liberation Army (KLA) organized and ran a detention centre in Dranovc/Drenovac Village in Zatriq, Rahovec/Orahovac. | <i>Selim Krasniqi et al.</i> , District Court of Prizren, P 85/2005, p.7 | 346-349 | 65-66, 102, 147-152 | |
| 458. | A KLA policy was in existence which resulted in the abduction, interrogation, detention, beating, and in some instances, killing of non-combatant Kosovo Serbian and Kosovo Albanian citizens who were suspected of collaborating with the Serbian authorities. The KLA established the Drenoc/Drenovac detention centre which kept those so suspected in isolation. A number of victims were taken against their will from their families and brought to the Drenoc/Drenovac detention centre or were detained after they appeared in the detention centre on different occasions. | <i>Selim Krasniqi et al.</i> , District Court of Prizren, P 85/2005, pp.7-8 | 346-349 | 65-66, 102, 147-152 | |
| 459. | As it was the case for Selim Krasniqi, Bedri Zyberaj was part of the organization and the management of the Drenoc/Drenovac detention centre and of the inhumane | <i>Selim Krasniqi et al.</i> , Supreme Court of | 338, 340 | 65-66, 102, 147-152 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|--|---|--------------|---------------------|-----------------------|
| | treatment which was reserved to the detainees. He could abduct individuals (such as [REDACTED]), interview witnesses or suspects (Witness D, and Witness E), and had the possibility to interfere with the visits to the detainees ([REDACTED]). He was the person looked for by the witnesses when these wanted to reach the detainees, he had influence as "political commissar". Zyberaj is responsible for having abducted and interviewed persons, thus participating directly to the management of the Drenoc/Drenovac detention centre. | Kosovo, Ap.-Kz 371/2008, p.70 | | | |
| 460. | Agron Krasniqi abducted [REDACTED] and [REDACTED], and abducted and beat Witness U. Agron Krasniqi was seen by the witnesses acting as a guard in the premises of the detention centre of Drenoc/Drenovac, where he was a member of the Military Police. Agron Krasniqi was directly involved, as a Military Policeman, in the management of the detention centre. | <i>Selim Krasniqi et al.</i> , Supreme Court of Kosovo, Ap.-Kz 371/2008, p.82 | 340, 346-349 | 65-66, 102, 147-152 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|---------------|--|---|---------------------|------------------------|-----------------------|
| A. [REDACTED] | | | | | |
| 461. | <p>On 2 June 1998. [REDACTED] together with [REDACTED] and [REDACTED], went to the KLA Drenoc/Drenovac Headquarters on board [REDACTED]'s vehicle. [REDACTED] was detained by the KLA soldiers while [REDACTED] and [REDACTED] were allowed to go home. On 3 or 4 June 1998, [REDACTED]'s father, [REDACTED] accompanied by [REDACTED], went to the Dranovc/Drenovac detention centre to look for [REDACTED]. They were not allowed to see him. On his second visit three days after his first visit, [REDACTED] failed to see the victim again. However, somebody told him at the headquarters that "[REDACTED] is no longer here, he is in Drenica". [REDACTED] saw [REDACTED]'s vehicle parked outside the headquarters. He never saw [REDACTED] again after 2 June 1998. Selim Krasniqi knew about</p> | <p><i>Selim Krasniqi et al.</i>, District Court of Prizren, P 85/2005, p.8</p> <p><i>See also Selim Krasniqi et al.</i>, Supreme Court of Kosovo, Ap.-Kz 371/2008, pp.30-32</p> | 346-349, 352-353 | 65-66, 102, 147-152 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|---------------|---|---|--------------|---------------------|-----------------------|
| | [REDACTED] and was involved in that detention. | | | | |
| B. [REDACTED] | | | | | |
| 462. | On 3 June 1998 [REDACTED] was abducted from his uncle [REDACTED]'s home in Ratkovc/Ratkovac (Rahovec/Orahovac) municipality village by KLA soldiers Milaim Latifi, Ruzhdi Qazim, Krasniqi and Naser Krasniqi upon the orders of Gam Paqarizi (nicknamed "Rrezik", now deceased) who was then the Commander of the Military Police in Dranovc/Drenovac Village. The abduction was witnessed by [REDACTED] and Witness B. Witness A saw [REDACTED] at the detention centre with swollen cheeks on 5 or 6 of June 1998. This was the last time Witness A saw [REDACTED]. | <i>Selim Krasniqi et al.</i> , District Court of Prizren, P 85/2005, p.8 | 346-349, 356 | 65-66, 102, 147-152 | |
| 463. | On 13 July 1998, Witness B met [REDACTED] who was very skinny, held his trousers with a rope, was unshaved and very hungry, asked for food but Witness B was not allowed to bring food. | <i>Selim Krasniqi et al.</i> , Supreme Court of Kosovo, Ap.-Kz 371/2008, p.80 | 346-349, 356 | 65-66, 102, 147-152 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|---------------|---|--|--------------|---------------------|-----------------------|
| | [REDACTED] cried and asked to see his daughter, which also was not possible. The shirt and the trousers of [REDACTED] had bloodstains on them. Witness B was not allowed to visit [REDACTED] anymore despite the fact that he went to Drenoc/Drenovac more than 30 times. | | | | |
| C. [REDACTED] | | | | | |
| 464. | On 4 June 1998, [REDACTED] was taken from his home by KLA soldiers Agron Krasniqi, Zaim Bajraktari, Islam Gashi and Islam Gashi's uncle's son. The following day Witness TT and Witness N went to the Drenoc/Drenovac detention centre to look for [REDACTED] and were able to talk to Isuf Gashi, then to Selim Krasniqi, who referred them to Bedri Zyberaj. The witnesses saw the victim several weeks after his abduction in a room at the Drenoc/Drenovac detention centre where several KLA soldiers, among them Selim Krasniqi and Islam Gashi, were also present. | <i>Selim Krasniqi et al.</i> , District Court of Prizren, P 85/2005, p.8 | 346-349, 351 | 65-66, 102, 147-152 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|---------------|---|---|--------------|---------------------|-----------------------|
| 465. | [REDACTED] was in a very grave condition, had lost a lot of weight, was unshaven, had unclipped nails, his clothes were very muddy, since he was sleeping in muddy stables for 5 weeks, and stained with blood. The visit happened in the presence of three police officers who made it clear that the conversation with the detainee was allowed only about family matters. | <i>Selim Krasniqi et al.</i> , Supreme Court of Kosovo, Ap.-Kz 371/2008, p.81 | 346-349, 351 | 65-66, 102, 147-152 | |
| D. [REDACTED] | | | | | |
| 466. | On 7 June 1998, [REDACTED] was abducted and detained at the Drenoc/Drenovac detention centre. The day prior to his abduction his son [REDACTED] went to the Drenoc/Drenovac detention centre with [REDACTED] to find out if their names were on the "black list". [REDACTED] was detained by the KLA soldiers. The KLA soldiers told [REDACTED] to tell [REDACTED] to go to the Drenoc/Drenovac detention centre so that his son can be released. Thus, | <i>Selim Krasniqi et al.</i> , District Court of Prizren, P 85/2005, p.8 | 346-349, 357 | 65-66, 102, 147-152 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|---------------|--|---|--------------|---------------------|-----------------------|
| | [REDACTED] went to the Drenoc/Drenovac detention centre where he was abducted while his son [REDACTED] was released. | | | | |
| E. [REDACTED] | | | | | |
| 467. | On 10 June 1998, [REDACTED] was taken from outside his home by three men wearing black uniforms two of whom were identified as Agron Krasniqi and Zaim Bajraktari. The following day [REDACTED] and [REDACTED] went to the school in Drenoc/Drenovac village where they saw Zaim Bajraktari. When they confronted Zaim Bajraktari the latter told them that [REDACTED] was locked in the basement and that if they wanted to know more about [REDACTED] they should talk to Bedri Zyberaj. Bedri Zyberaj admitted to them that it was he who was responsible for taking away [REDACTED] and that they should do what they needed to and leave. | <i>Selim Krasniqi et al.</i> , District Court of Prizren, P 85/2005, pp.8-9 | 346-349, 350 | 65-66, 102, 147-152 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|---------------|--|--|--------------|---------------------|-----------------------|
| F. [REDACTED] | | | | | |
| 468. | On 2 July 1998, [REDACTED] and [REDACTED] were on their way to pick up a bride. At the Dranovc/Drenovac and Paragan roads they were stopped at a KLA checkpoint manned by four armed KLA soldiers. Their IDs were taken and brought by a soldier to the vineyard. Thereafter, one of the KLA soldiers came back and asked who [REDACTED] was. [REDACTED] identified himself and after three hours a "Lada Caravan" car arrived and took [REDACTED]. The KLA soldier told [REDACTED] that he could pick up [REDACTED] the following day at 8 00 am. [REDACTED] however did not come back out of fear. | <i>Selim Krasniqi et al.</i> , District Court of Prizren, P 85/2005, p.9 | 346-349, 357 | 65-66, 102, 147-152 | |
| G. [REDACTED] | | | | | |
| 469. | On 13 July 1998, [REDACTED] was abducted in his house by seven KLA soldiers who told [REDACTED]'s family that they were only going to ask him some questions and release him later. Since | <i>Selim Krasniqi et al.</i> , District Court of Prizren, P 85/2005, p.9 | 346-349, 355 | 65-66, 102, 147-152 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------------------|--|---|---------|---------------------|-----------------------|
| | [REDACTED] never came back [REDACTED] later went to Dranovc/Drenovac to look for him. There he met Bedri Zyberaj whom he heard was the police “commissar” in charge of the KLA headquarters. Bedri Zyberaj told him to go to the police located at the school building and ask for “Celiku”. | | | | |
| H. OTHER VICTIMS | | | | | |
| 470. | Witness E was detained and beaten up in Drenoc/Drenovac. He was detained for three days and nights during which he was given nothing to eat and to drink. Witness E had to sleep on the floor in a room in which coal was kept without any blanket to cover himself. He had no toilet facilities and had to relieve himself in the same room where he slept. Witness E was not allowed to wash away his blood. | <i>Selim Krasniqi et al.,</i> Supreme Court of Kosovo, Ap.-Kz 371/2008, pp.81-82 | 346-349 | 65-66, 102, 147-152 | |
| 471. | Witness U was arrested, taken to Drenoc/Drenovac by the KLA and beaten | <i>Selim Krasniqi et al.,</i> Supreme Court of | 346-349 | 65-66, 102, 147-152 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|--|--|---|---------|---------------------|-----------------------|
| | up. After he renounced to his credit, Witness U was released. | Kosovo, Ap.-Kz 371/2008, p.82 | | | |
| 472. | Witness W was arrested, taken to Drenoc/Drenovac, questioned and beaten by Selim Krasniqi so hard that he fell. He was beaten on his nose which after that was bleeding. The previous day also his son had been abducted by the KLA, then interrogated and beaten by Agron Krasniqi. | <i>Selim Krasniqi et al.</i> , Supreme Court of Kosovo, Ap.-Kz 371/2008, p.82 | 346-349 | 65-66, 102, 147-152 | |
| XI. LLAPASHTIĆE/LAPAŠTICA AND RELATED LOCATIONS | | | | | |
| 473. | Latif Gashi was the Chief of Military Intelligence for the Llap zone and de facto directing the Military Police and was the superior of Nazif Mehmeti. | <i>Latif Gashi et al.</i> , Basic Court of Prishtinë/Priština, P 448/2012, para.102.f | 425-435 | 71-73, 107-108 | |
| 474. | Nazif Mehmeti was commander of the KLA Military Police at the Llapasticë/Lapaštica detention camp. | <i>Latif Gashi et al.</i> , Basic Court of Prishtinë/Priština, P 448/2012, para.92 | 425-435 | 71-73, 107-108 | |
| 475. | A Zone Headquarters existed in Llapasticë/Lapaštica, and a Military Police Headquarters and detention centre | <i>Latif Gashi et al.</i> , Basic Court of | 425-435 | 71-73, 107-108 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|---|---|---------|----------------|-----------------------|
| | existed within a short distance of the Zone Headquarters. The detention cell was a stable/barn in which the conditions were basic and limited. The number of detainees kept there varied and went up to approximately 20 persons. | Prishtinë/Priština, P 448/2012, para.102 | | | |
| 476. | Rrustem Mustafa selected and appointed Latif Gashi. Mustafa was responsible for and directed the regime of detention and beatings. Mustafa had a close relationship with Gashi, who knew that his actions were undertaken with the express approval and endorsement of Mustafa. | <i>Latif Gashi et al.</i> , Basic Court of Prishtinë/Priština, P 448/2012, para.104.c | 425-435 | 71-73, 107-108 | |
| 477. | Latif Gashi was centrally involved in the operation of the detention facility at Llapshtica. The beatings of the detainees were carried out under his direction. He personally engaged in the questioning of victims whilst they were beaten. | <i>Latif Gashi et al.</i> , District Court of Prishtinë/Priština, C 425/2001, p.87 <i>See also Latif Gashi et al.</i> , Basic Court of Prishtinë/Priština, P 448/2012, para.102.g | 425-435 | 71-73, 107-108 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|---|---|---------|----------------|-----------------------|
| 478. | Nazif Mehmeti was the supervisor of the detention centre guards. He was reporting to his direct supervisor, Latif Gashi. | <p><i>Latif Gashi et al.,</i> District Court of Prishtinë/Priština, C 425/2001, p.88</p> <p><i>See also Latif Gashi et al.,</i> Basic Court of Prishtinë/Priština, P 448/2012, para.103.b</p> | 425-435 | 71-73, 107-108 | |
| 479. | Nazif Mehmeti was responsible for keeping the detainees in detention and for presenting the detainees for interrogation, being fully aware that such interrogations would involve beatings in order to extract confessions of collaboration with the Serbs. In addition, Mehmeti played an active personal role in inflicting the beatings. | <i>Latif Gashi et al.,</i> Basic Court of Prishtinë/Priština, P 448/2012, paras 102.e, 103.c | 425-435 | 71-73, 107-108 | |
| 480. | The room in which detainees were kept at night, or during the day, was dark, damp and cold, it was so unbearable that detainees used to stay out in the courtyard all day long even in the winter days. | <i>Latif Gashi et al.,</i> District Court of Prishtinë/Priština, P 526/05, p.25 | 425-435 | 71-73, 107-108 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|---------------|---|--|--------------|----------------|-----------------------|
| 481. | Latif Gashi, tasked with the duty to gather information, had direct and unrestricted access to the cell and visited and interrogated and beat the detainees, directly reporting to his superior, Rrustem Mustafa. | <i>Latif Gashi et al.</i> , District Court of Prishtinë/Priština, P 526/05, p.25 | 425-435 | 71-73, 107-108 | |
| A. [REDACTED] | | | | | |
| 482. | On or about 25 or 26 November 1998, [REDACTED] was travelling from Pristina to Podujeva when he was stopped by 3-5 uniformed, armed members of the KLA in the village of [REDACTED]. They asked for his name together with the name of the person he was travelling with. The KLA members informed him that they had orders to arrest them. The KLA members were Sarni Saraqi, Ilir Mekiqi and Shefqet. They were wearing military uniforms. He was taken by car with a sack over his head to Llapasticë/Lapaštica, arriving on about 25 or 26 November 1998. He slept the night in the stable where 7 to 8 other detainees were also held. | <i>Latif Gashi et al.</i> , Basic Court of Prishtinë/Priština, P 448/2012, paras 35.a, 35.k, 35(k) | 428-435, 429 | 71-73, 107-108 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
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| 483. | The following morning, [REDACTED] was taken to a building 20-30 metres away for questioning. The building was a house with 3 or 4 rooms. [REDACTED] was escorted to the building by guards wearing a sack over his head. He recalls being taken to this building three times. During the first interrogation, he was told "You are a spy. Why do you get along with Serbs? Why do you spend time with them?". The first interrogation lasted about 2 hours and he was not threatened or maltreated during this interrogation. He did not get to know who interrogated him during this first occasion. Afterwards he was taken back to the stable. He was not told how long he would be detained for. | <i>Latif Gashi et al.</i> , Basic Court of Prishtinë/Priština, P 448/2012, paras 35.b, 35.k | 428-435 | 71-73, 107-108 | |
| 484. | [REDACTED] was interrogated for the second time approximately one week after the first. Again, he was taken from the stable with a sack over his head. He was made to wear the sack throughout the interview. Despite wearing the sack, [REDACTED] was able during the | <i>Latif Gashi et al.</i> , Basic Court of Prishtinë/Priština, P 448/2012, paras 35.c, 35.k | 428-435 | 71-73, 107-108 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|--|---|---------|----------------|-----------------------|
| | interrogation to remove the sack from his eyes from time to time to see who was assaulting him. He saw Latif Gashi and Nazif Mehmeti. They were wearing uniforms, Gashi wore an army camouflage uniform and Mehmeti wore a black uniform. At the second interrogation, Latif was interviewing him and Nazif had him beaten up. | | | | |
| 485. | There were two people in the room and the guard that escorted [REDACTED] from the stable remained outside the door. It was Nazif Mehmeti who beat [REDACTED], and Latif Gashi who did the questioning. The beating was administered using a stick and an “electric stick” (cattle prod) and lasted for 1 hour before a rest of 30 minutes and then continuing. Although he was made to wear a sack over his head throughout, he was able to look underneath the sack while scratching his head to see who was beating and questioning. [REDACTED] was beaten on his legs, arms and back while he was seated. The electric prod was | <i>Latif Gashi et al.</i> , Basic Court of Prishtinë/Priština, P 448/2012, paras 35.d, 35.k | 428-435 | 71-73, 107-108 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
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| | <p>applied to his neck and knees for a long time, causing loss of senses and trembling. It was extremely painful. In total, it seemed to last for about 3 hours. As a result of the beating, [REDACTED] was covered in bruises and in 2002 still suffer with his back. He was not able to walk unaided after that beating and was assisted by the guard back to the stable.</p> | | | | |
| 486. | <p>[REDACTED] was released on 31 December 1998. Two days before he was interrogated for the third time. Again, he was asked the same questions. On this occasion his head was not covered by a sack and Latif Gashi and Nazif Mehmeti conducted the interrogation. The interrogation lasted for less than one hour and he was beaten. Nazif Mehmeti beat him with a stick all over and it lasted for 15 minutes non-stop. Latif Gashi was questioning while Mehmeti was beating. As a result, [REDACTED] could not walk for a day and could not stand up until the day he was released.</p> | <p><i>Latif Gashi et al.</i>, Basic Court of Prishtinë/Priština, P 448/2012, paras 35.e, 35.k</p> | 428-435 | 71-73, 107-108 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|--|---|---------|----------------|-----------------------|
| 487. | Upon his release, [REDACTED] was given a letter by Nazif Mehmeti and signed by him which accused him of being an enemy collaborator without any justification or reasoning. | <i>Latif Gashi et al.</i> , Basic Court of Prishtinë/Priština, P 448/2012, paras 35.f, 35.k | 428-435 | 71-73, 107-108 | |
| 488. | In all, [REDACTED] was detained for approximately 37 days, with between 7-10 other detainees in the stable, during which he was interrogated 3 times and beaten twice. The other detainees included [REDACTED] and two brothers whose names [REDACTED] did not know. These other detainees were beaten too. Beatings would also sometimes occur within the stable from other KLA soldiers, and the detainees were sometimes made to beat each other. | <i>Latif Gashi et al.</i> , Basic Court of Prishtinë/Priština, P 448/2012, paras 35.g, 35.k | 428-435 | 71-73, 107-108 | |
| 489. | [REDACTED] did not take an active part in hostilities. | <i>Latif Gashi et al.</i> , Basic Court of Prishtinë/Priština, P 448/2012, para.102.d | 428-435 | 71-73, 107-108 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|---------------|--|---|---------|---------------------|-----------------------|
| B. [REDACTED] | | | | | |
| 490. | [REDACTED] was detained at Llapasticë/Lapaštica from about 28-29 November 1998 for about 60 days. On this occasion, Witness I had taken his brother there by car and on arrival Latif Gashi said to them "Send him downstairs, because I am going to join you soon." They went to another building about 500 metres away. The house of the Military Police was about 100 metres from the KLA Headquarters. | <i>Latif Gashi et al.</i> , Basic Court of Prishtinë/Priština, P 448/2012, paras 39.b, 40 | 428-435 | 71-73, 107-108, 157 | |
| 491. | After about 10 minutes, Latif Gashi came along with two other KLA soldiers. They were all armed. Witness I recognised Latif Gashi. | <i>Latif Gashi et al.</i> , Basic Court of Prishtinë/Priština, P 448/2012, paras 39.c, 40 | 428-435 | 71-73, 107-108, 157 | |
| 492. | There were up to 24 prisoners detained in the barn/stable at Llapasticë/Lapaštica. | <i>Latif Gashi et al.</i> , Basic Court of Prishtinë/Priština, P 448/2012, paras 39.d, 40 | 428-435 | 71-73, 107-108, 157 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|--|---|---------|---------------------|-----------------------|
| 493. | Eventually, Commander Remi (Rrustem Mustafa) ordered [REDACTED]'s release. | <i>Latif Gashi et al.</i> , Basic Court of Prishtinë/Priština, P 448/2012, paras 39.f, 40 | 428-435 | 71-73, 107-108, 157 | |
| 494. | [REDACTED] told Witness I about the detention in Llapasticë/Lapaštica. He was held in a cowshed with approximately 23-24 other people and had been maltreated. [REDACTED] had scars and bruises on his front and back. He said that Latif Gashi had beaten him. He further stated that he had been accused of running prostitution with Serb Police Officers and had been told by Lata (Latif Gashi) that he had to kill a Serb Police Officer to prove himself a patriot. | <i>Latif Gashi et al.</i> , Basic Court of Prishtinë/Priština, P 448/2012, paras 39.b, 40, 43.b | 428-435 | 71-73, 107-108, 157 | |
| 495. | [REDACTED] told Witness J that other detainees included [REDACTED], and others. | <i>Latif Gashi et al.</i> , Basic Court of Prishtinë/Priština, P 448/2012, paras 43.b, 44 | 428-435 | 71-73, 107-108, 157 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|---|--|---------|---------------------|-----------------------|
| 496. | Witness J spoke to Gashi, who questioned her about the alleged relationship between [REDACTED] and a friend who was a Serb policeman. | <i>Latif Gashi et al.</i> , Basic Court of Prishtinë/Priština, P 448/2012, paras 43.b, 44 | 428-435 | 71-73, 107-108, 157 | |
| 497. | On 23 February 1999, [REDACTED] was again taken from his home by up to 8 KLA soldiers. Some wearing military uniform, some wearing black and all armed. It was a forcible arrest and [REDACTED] did not surrender voluntarily. | <i>Latif Gashi et al.</i> , Basic Court of Prishtinë/Priština, P 448/2012, paras 43.a, 44 | 428-435 | 71-73, 107-108, 157 | |
| 498. | On or about 23 February 1998, Witness I was at home at around midnight when he became aware of unidentified people around his house. Witness I therefore crossed the 30 metres from his house to his brother [REDACTED]'s house. On route, he came across armed KLA soldiers in black uniform. Witness I recognised one of them as Haradin Berisha from Burica village. He recognised two others as school friends. One of them, Jashar Ejupi said to him "I am sorry for you but I have an order from above. We have to send | <i>Latif Gashi et al.</i> , Basic Court of Pristina, P 448/2012, paras 39.a, 40, 43.b-43.c, 44 | 428-435 | 71-73, 107-108, 157 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|---|---|---------|---------------------|-----------------------|
| | <p>your brother to the HQ". Witness I replied that his brother had previously been there for 60 days and had suffered a lot. Jashar Ejupi and Jetullah Zhdrella from Penuh village stated that "we have no option other than to obey the orders that have been given to us." After a radio discussion which confirmed the order to bring [REDACTED] to HQ that night, the KLA soldiers stated that they would take [REDACTED] to Llapasticë/Lapaštica. The arrest on 23 February 1998 was [REDACTED]'s second detention by the KLA and was the last time Witness I and the family saw [REDACTED] alive.</p> | | | | |
| 499. | <p>After the 02/1999 detention began, Latif Gashi refused to speak to Witness J. Other KLA soldiers told her that [REDACTED] was being detained in a stable with other prisoners. Witness J and her brother, Witness I, spoke to a high-ranking police officer who introduced himself as Nazif Mehmeti, but he simply had them ejected</p> | <p><i>Latif Gashi et al.</i>, Basic Court of Prishtinë/Priština, P 448/2012, paras 43.b, 44</p> | 428-435 | 71-73, 107-108, 157 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
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| | from the prison yard by other police officers. | | | | |
| 500. | After the war, Witness I found the body of [REDACTED] buried in a shallow grave with others, including [REDACTED], near Majac. | <i>Latif Gashi et al.</i> , Basic Court of Prishtinë/Priština, P 448/2012, paras 39.h, 40, 43.c, 44 | 428-435 | 71-73, 107-108, 157 | |
| 501. | [REDACTED] did not take an active part in hostilities. | <i>Latif Gashi et al.</i> , Basic Court of Prishtinë/Priština, P 448/2012, para.102.d | 428-435 | 71-73, 107-108 | |
| C. [REDACTED] | | | | | |
| 502. | On about 30 January 1999, [REDACTED] received a summons from the KLA. On 31 January 1999, he attended at HQ. He ended up at Llapasticë/Lapaštica. After 4 days, he had not returned home, so Witness C attended at Llapasticë/Lapaštica to discover what had happened. She asked to meet Rustem Mustafa ("Commander Remi"). After 10 | <i>Latif Gashi et al.</i> , Basic Court of Prishtinë/Priština, P 448/2012, paras 47.b, 48 | 428-435 | 71-73, 107-108, 158 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
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| | minutes she was taken to a two-storied house in which there was a room like an office with two people that she thought were policemen. She was introduced to them. One was Latif Gashi, who was wearing a military uniform. The other was Nazif Mehmeti who was dressed in black. | | | | |
| 503. | Witness C told them that she wanted to see her husband. The two men told her that he was to be accused. They asked her if she knew that he was married to a Serb woman which she declared to be ridiculous. Her husband was brought into the room and accusations were made against him in her presence. He appeared to be in pain. He did not have such signs of pain/injury prior to his detention in Llapasticë/Lapaštica. When he arrived in the room he was escorted by armed police officers. Witness C was not allowed to speak to her husband. When Witness C challenged Gashi and Mehmeti they responded with threats stating that they had the right to “exterminate” her. The two men then demanded that she | <i>Latif Gashi et al.</i> , Basic Court of Prishtinë/Priština, P 448/2012, paras 47.c, 48 | 428-435 | 71-73, 107-108, 158 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
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| | surrendered a weapon that was held by her family and that if she didn't, her son who was in exile would be in danger if she supported her husband or didn't obey. | | | | |
| 504. | Witness C attended to the same place 2 or 3 days later and surrendered the weapon, though she was not allowed to see her husband. Again, she dealt with Gashi and Mehmeti. However, she was told that the investigations into her husband were continuing. | <i>Latif Gashi et al.</i> , Basic Court of Prishtinë/Priština, P 448/2012, paras 47.d, 48 | 428-435 | 71-73, 107-108, 158 | |
| 505. | Later Witness C received a message from an unidentified person stating that her husband was in a grave condition. This led to her making a statement to Adem Demaci, the KLA political representative in Pristina. Ultimately, [REDACTED] died in circumstances that appear to be related to his detention by the KLA. | <i>Latif Gashi et al.</i> , Basic Court of Prishtinë/Priština, P 448/2012, paras 47.e, 48 | 428-435 | 71-73, 107-108, 158 | |
| 506. | [REDACTED] did not take an active part in hostilities. | <i>Latif Gashi et al.</i> , Basic Court of Prishtinë/Priština, | 428-435 | 71-73, 107-108 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|---------------|--|---|---------|---------------------|-----------------------|
| | | P 448/2012, para.102.d | | | |
| D. [REDACTED] | | | | | |
| 507. | Witness P is [REDACTED]. [REDACTED] was arrested by the KLA on 2 November 1998. On 3 November 1998, Witness P discovered that [REDACTED] had not been taken by the Serbs, as he initially feared, but by the KLA Military Police for informative talks. Further enquiries revealed that [REDACTED] was being held in Llapasticë/Lapaštica. | <i>Latif Gashi et al.</i> , Basic Court of Prishtinë/Priština, P 448/2012, paras 51.a, 52 | 428-435 | 71-73, 107-108, 157 | |
| 508. | As a result of that information, Witness P together with his father attended at Llapasticë/Lapaštica and spoke to Latif Gashi at the zone HQ. At the time Gashi was using the nickname "Fati" which is another nickname that has been ascribed by various witnesses to Gashi. When asking Gashi why [REDACTED] had been arrested, Gashi replied in a very rude way. He did not want to tell them why their brother had been arrested and he told | <i>Latif Gashi et al.</i> , Basic Court of Prishtinë/Priština, P 448/2012, paras 51.b, 52 | 428-435 | 71-73, 107-108, 157 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|---|---|---------|----------------------|-----------------------|
| | Witness P to get lost. Gashi did not confirm that [REDACTED] was detained in Llapasticë/Lapaštica. However, a nearby soldier informed Witness P where his brother was detained. | | | | |
| 509. | The following day, Witness P and other relatives again returned to Llapasticë/Lapaštica with food and clothes for [REDACTED]. They were not allowed to visit him. Despite regular frequent further visits, Witness P did not get to visit [REDACTED]. On about 23 November at such a visit, Latif Gashi again saw Witness P and again issued threats of death to him. | <i>Latif Gashi et al.</i> , Basic Court of Prishtinë/Priština, P 448/2012, paras 51.c, 52 | 428-435 | 71-73, 107-108, 157 | |
| 510. | At some stage, [REDACTED] was able to smuggle a letter out from the detention centre to his family. The letter stated that Latif Gashi was maltreating, beating and physically and mentally abusing him (meaning [REDACTED]). [REDACTED] begged Witness P to go to Adem Demaci for help to secure [REDACTED]'s release. | <i>Latif Gashi et al.</i> , Basic Court of Prishtinë/Priština, P 448/2012, paras 51.d, 52 | 428-435 | 71-73, 107, 108, 157 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|---------------|--|--|---------|---------------------|-----------------------|
| 511. | After the war, when trying to locate [REDACTED], Witness P spoke to a KLA commander called "Luta" (Idriz Shabani). Shabani told Witness P to speak to Latif Gashi because [REDACTED] had been in Gashi's hands. [REDACTED] was found in a grave in Majac. | <i>Latif Gashi et al.</i> , Basic Court of Prishtinë/Priština, P 448/2012, paras 51.e, 52 | 428-435 | 71-73, 107-108, 157 | |
| 512. | [REDACTED] did not take an active part in hostilities. | <i>Latif Gashi et al.</i> , Basic Court of Prishtinë/Priština, P 448/2012, para.102.d | 428-435 | 71-73, 107-108 | |
| E. [REDACTED] | | | | | |
| 513. | [REDACTED] was an elderly man in ill health. He had been a teacher for 30 years. He was kidnapped/arrested by the KLA on 7 February 1999. KLA soldiers entered when [REDACTED] and Witness D were asleep. The soldiers were in military uniform and armed. [REDACTED] and Witness D were woken and told to dress and the arresting soldier was violent towards [REDACTED] and hit him. The | <i>Latif Gashi et al.</i> , Basic Court of Prishtinë/Priština, P 448/2012, paras 58.a, 59, 61.a., 62, 69.a, 70 | 428-435 | 71-73, 107-108, 158 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|---|---|---------|---------------------|-----------------------|
| | <p>soldiers also requested that weapons in [REDACTED]'s possession be surrendered to them. Witness D handed a handgun and hunting rifle over. The soldiers told [REDACTED] that he was to be taken to Llapasticë/Lapaštica. [REDACTED]'s daughters were present in the house during his arrest and were distressed.</p> | | | | |
| 514. | <p>The following day, Witness D and a male relative attended at KLA HQ Llapasticë/Lapaštica to ask for [REDACTED]. Whilst there, Witness D saw and recognised Latif Gashi who she knew from before the war. Witness D stated that Gashi was referring to himself as “Lata” of “Latif”. She was unable to get information at Llapasticë/Lapaštica and so went to Bradash. Witness D was led to believe that [REDACTED] was detained there. That was not true, and in due course, about a month after [REDACTED]'s detention, at a meeting with Commander Ylli (Sabit Rahimi) she was told that Alush was detained in</p> | <p><i>Latif Gashi et al.</i>, Basic Court of Prishtinë/Priština, P 448/2012, paras 58.b, 59</p> | 428-435 | 71-73, 107-108, 158 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|---|---|---------|---------------------|-----------------------|
| | Llapasticë/Lapaštica and was in the hands of Latif Gashi and Nazif Mehmeti. Ylli also told Witness D that [REDACTED] was suffering in prison. He was being questioned about collaboration and was being maltreated and beaten. | | | | |
| 515. | Witness G went to Llapasticë/Lapaštica looking for [REDACTED] without success. | <i>Latif Gashi et al.</i> , Basic Court of Prishtinë/Priština, P 448/2012, paras 69.b, 70 | 428-435 | 71-73, 107-108, 158 | |
| 516. | Witness E went repeatedly to Llapasticë/Lapaštica to gain information about her father. Eventually they were assisted by Commander Ylli who told her that Latif Gashi was the one who held her father. | <i>Latif Gashi et al.</i> , Basic Court of Prishtinë/Priština, P 448/2012, paras 61.b, 62, 69.c, 70 | 428-435 | 71-73, 107-108, 158 | |
| 517. | On a later occasion, Commander Ylli was able to arrange a secret meeting between Witness D, Witness E, Witness G and [REDACTED]. [REDACTED] was very sick. He told Witness D that he was detained in Llapasticë/Lapaštica, that the | <i>Latif Gashi et al.</i> , Basic Court of Prishtinë/Priština, P 448/2012, paras | 428-435 | 71-73, 107-108, 158 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|---------------|--|---|---------|---------------------|-----------------------|
| | conditions were very bad and that Latif Gashi was "killing him". [REDACTED] was tired, pale, and had bruises. He asked Witness D to help him by speaking to Gashi's family, to Commander Profi and Commander Remi. | 58.c, 59, 61.b., 62, 69.d, 70 | | | |
| 518. | Witness D did not see her husband again, though her daughters met him one more time. He was later found in a grave with [REDACTED]. | <i>Latif Gashi et al.</i> , Basic Court of Prishtinë/Priština, P 448/2012, paras 58.d, 59 | 428-435 | 71-73, 107-108, 158 | |
| 519. | [REDACTED] did not take an active part in hostilities. | <i>Latif Gashi et al.</i> , Basic Court of Prishtinë/Priština, P 448/2012, para.102.d | 428-435 | 71-73, 107-108 | |
| F. [REDACTED] | | | | | |
| 520. | On a date in 1998/1999, [REDACTED] and her son had been visiting a family member. Shortly after leaving that relative's house, a person approached from behind with a handgun and ordered | <i>Latif Gashi et al.</i> , Basic Court of Prishtinë/Priština, P 448/2012, paras 73.a, 74 | 428-435 | 71-73, 107-108, 157 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|---|---|---------|----------------------|-----------------------|
| | them into a car. They entered the car as a result of the threat/order and were taken against their will, blindfolded and hooded. In due course they were taken to Llapasticë/Lapaštica. The kidnappers were wearing KLA uniforms. | | | | |
| 521. | In Llapasticë/Lapaštica, Witness H and his mother were in the control of soldiers in black uniform who Witness H believed to be Military Police. They were placed “into a dark cell, like a cellar”. Witness H was detained for three days and nights and then released. When he was released, his mother was not. | <i>Latif Gashi et al.</i> , Basic Court of Prishtinë/Priština, P 448/2012, paras 73.b, 74 | 428-435 | 71-73, 107-108, 157 | |
| 522. | During his detention, Witness H and his mother were questioned. Before the questioning, Witness H heard the name Latif Gashi being mentioned by the soldiers. He also saw the face of the person addressed as Latif. When [REDACTED] was questioned, the person questioning her said “I am Latif Gashi.” Another soldier referred to Gashi as “Fati”. Gashi had a distinctive mole on his cheek. When | <i>Latif Gashi et al.</i> , Basic Court of Prishtinë/Priština, P 448/2012, paras 73.c, 74 | 428-435 | 71-73, 107, 108, 157 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|--|--|---------|---------------------|-----------------------|
| | <p>[REDACTED] was questioned, Witness H was able to see from his room and look through a window. He saw Latif Gashi holding a gun to his mother. He saw another male bald with mid-sized body. After the war, he recognised this person to be [REDACTED]. After his mother had been interviewed, she was returned to the cell and was crying. His mother told Witness H that she had been accused of spying for the Serbs, that she had had a handgun put to her head and in her mouth and that they said she was a traitor to her country. Gashi had told her that she would be taken to a "grave hill". During the detention, Witness H formed the impression that Gashi was the person in charge of the soldiers that Witness H saw. Witness H saw another detainee at the detention centre called [REDACTED] who he recognised because he knew him previously.</p> | | | | |
| 523. | <p>Witness H did not see his mother alive again after he had been released. In due</p> | <p><i>Latif Gashi et al.</i>, Basic Court of Prishtinë/Priština,</p> | 428-435 | 71-73, 107-108, 157 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|--------------|--|---|---------|----------------|-----------------------|
| | course, her body was recovered from the same grave as [REDACTED]. | P 448/2012, paras 73.d, 74 | | | |
| 524. | [REDACTED] did not take an active part in hostilities. | <i>Latif Gashi et al.</i> , Basic Court of Prishtinë/Priština, P 448/2012, para.102.d | 428-435 | 71-73, 107-108 | |
| G. WITNESS M | | | | | |
| 525. | There was a KLA run detention centre at Llapasticë/Lapaštica in which Witness M and others were detained and questioned regarding allegations of collaboration with Serbs. | <i>Latif Gashi et al.</i> , Basic Court of Prishtinë/Priština, P 448/2012, para.77 | 428-435 | 71-73, 107-108 | |
| 526. | Witness M did not take an active part in hostilities. | <i>Latif Gashi et al.</i> , Basic Court of Prishtinë/Priština, P 448/2012, para.102.d | 428-435 | 71-73, 107-108 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|--------------|--|---|---------|----------------|-----------------------|
| H. WITNESS V | | | | | |
| 527. | Witness V was arrested on 6 January 1999 by KLA soldiers, wearing black uniforms. He was given a summons requiring him to attend at Llapasticë/Lapaštica. He went to Llapasticë/Lapaštica with his son and his father. Having identified himself to the soldiers he was put into a room with 12-13 other detainees. He was beaten on the first night. He was interviewed on at least 4 occasions. The person that interviewed him had a black uniform but Witness V did not know the name. The detention room and the interview room were about 15 metres away in the same yard. All the prisoners were Albanian and the cell doors were kept locked. Witness V suffered bruises but not more serious injuries. After 12 days he was released with a warning that it was better not to associate with the Serbs. | <i>Latif Gashi et al.</i> , Basic Court of Prishtinë/Priština, P 448/2012, paras 79.a, 80 | 428-435 | 71-73, 107-108 | |
| 528. | Witness V did not take an active part in hostilities. | <i>Latif Gashi et al.</i> , Basic Court of Prishtinë/Priština, | 428-435 | 71-73, 107-108 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|--|---|---|---------|-------------------------|-----------------------|
| | | P 448/2012, para.102.d | | | |
| I. [REDACTED] | | | | | |
| 529. | [REDACTED] was detained at Llapasticë/Lapaštica, where interrogations were carried out by Military Police Officers carrying batons. Threats were made, though [REDACTED] was not personally beaten. | <i>Latif Gashi et al.</i> , Basic Court of Prishtinë/Priština, P 448/2012, para.83 | 428-435 | 71-73, 107-108 | |
| 530. | [REDACTED] did not take an active part in hostilities. | <i>Latif Gashi et al.</i> , Basic Court of Prishtinë/Priština, P 448/2012, para.102.d | 428-435 | 71-73, 107-108 | |
| XII. KLEÇKË/KLEČKA AND RELATED LOCATIONS | | | | | |
| 531. | In 1999, a prison/detention centre was operated by the KLA in the village of Kleçkë/Klečka. | <i>Arben Krasniqi et al.</i> , Basic Court of Prishtinë/Priština, P 766/12, p.146 | 479-518 | 78-79, 115-116, 161-165 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|--|--|---------|-----------------------------|-----------------------|
| 532. | The prison/detention centre was a residential building built on two floors. | <i>Arben Krasniqi et al.</i> , Basic Court of Prishtinë/Pristina, P 766/12, p.146 | 479-518 | 78-79, 115- 116, 161-165 | |
| 533. | The ground floor was partially subterranean with two rooms, where individuals were detained. | <i>Arben Krasniqi et al.</i> , Basic Court of Prishtinë/Pristina, P 766/12, p.146 | 479-518 | 78-79, 115- 116, 161-165 | |
| 534. | A toilet was located in the yard. | <i>Arben Krasniqi et al.</i> , Basic Court of Prishtinë/Pristina, P 766/12, p.146 | 479-518 | 78-79, 115- 116, 161-165 | |
| 535. | The first floor was used by KLA members to interrogate detainees. | <i>Arben Krasniqi et al.</i> , Basic Court of Prishtinë/Pristina, P 766/12, p.146 | 479-518 | 78-79, 115- 116, 161-165 | |
| 536. | Members of the KLA were responsible for guarding the prison. | <i>Arben Krasniqi et al.</i> , Basic Court of Prishtinë/Pristina, P 766/12, p.146 | 479-518 | 78-79, 115- 116, 161-165 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|--|--|----------|-----------------------------|-----------------------|
| 537. | Other buildings in or about the village of Kleçkë/Klečka were used for the detention of prisoners. | <i>Arben Krasniqi et al.</i> , Basic Court of Prishtinë/Pristina, P 766/12, p.146 | 479-518 | 78-79, 115- 116, 161-165 | |
| 538. | During the relevant period of time, ¹⁵ FL ¹⁶ served as head of the KLA military police, within the KLA general headquarters in Divjake/Divljaka. Prior to his appointment to this office, he was a commander of the 121st Brigade. | <i>Arben Krasniqi et al.</i> , Basic Court of Prishtinë/Pristina, P 766/12, p.228 | 148 | 35 | |
| 539. | FL's ¹⁷ deputy was HS ¹⁸ ("T"), who after FL's appointment to the KLA general headquarters became commander of the 121st Brigade. | <i>Arben Krasniqi et al.</i> , Basic Court of Prishtinë/Pristina, P 766/12, p.228 | 481, 484 | 78-79 | |
| 540. | The KLA military police operated in the KLA base in Kleçkë/Klečka. | <i>Arben Krasniqi et al.</i> , Basic Court of Prishtinë/Pristina, P 766/12, p.229 | 490 | 78-79 | |

¹⁵ The indictment period in this case was from early 1999 until mid-June 1999.

¹⁶ Fatmir Limaj.

¹⁷ Fatmir Limaj.

¹⁸ Haxhi Shala.

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|---------------|---|--|---------------|-----------------------------|-----------------------|
| 541. | NK2, as a member of the KLA military police, was in the KLA base in Kleçkë/Klečka. | <i>Arben Krasniqi et al.</i> , Basic Court of Prishtinë/Pristina, P 766/12, p.230 | 481 | 78-79 | |
| 542. | Members of the KLA military police transported detainees to and from Kleçkë/Klečka. | <i>Arben Krasniqi et al.</i> , Basic Court of Prishtinë/Pristina, P 766/12, p.230 | 503-517 | 78-79, 115- 116, 161-165 | |
| A. [REDACTED] | | | | | |
| 543. | SA was detained in the detention centre in Kleçkë/Klečka run by KLA, in March 1999. He remained there until 3 April 1999. He was a civilian. | <i>Arben Krasniqi et al.</i> , Basic Court of Prishtinë/Pristina, P 766/12, p.160 | 491, 506, 515 | 162 | |
| 544. | SA was beaten also in front of the other prisoners, in the cell, and when SA was taken upstairs his screams could be heard from the upstairs in the cell. | <i>Arben Krasniqi et al.</i> , Basic Court of Prishtinë/Pristina, P 766/12, p.160 | 491, 506, 515 | 162 | |
| 545. | [REDACTED] and [REDACTED] were detained in Kleçkë/Klečka detention facility and were killed on 3 April 1999. | <i>Arben Krasniqi et al.</i> , Court of Appeals of Kosovo, PAKR 266/14, p.71 | 492, 506 | 162 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|---|---|--|--------------|------------|-----------------------|
| B. WITNESS H AND HIS BROTHER | | | | | |
| 546. | On 27 February 1999, anonymous Witness H and his brother were arrested and taken to Kleçkë/Klečka. | <i>Arben Krasniqi et al.</i> , Basic Court of Prishtinë/Pristina, P 766/12, pp.162, 165 | 492, 504 | 161 | |
| 547. | Witness H and his brother were beaten during their detention in Kleçkë/Klečka. | <i>Arben Krasniqi et al.</i> , Basic Court of Prishtinë/Pristina, P 766/12, pp.162, 165 | 492, 504 | 161 | |
| 548. | Witness H witnessed his brother's death as a result of severe physical mistreatment, without being able to seek medical assistance and with no medical assistance being provided. | <i>Arben Krasniqi et al.</i> , Basic Court of Prishtinë/Pristina, P 766/12, p.165 | 492, 504 | 161 | |
| C. [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED] | | | | | |
| 549. | DT, BC, ZF, ZT and DV were taken by the KLA on 11 April 1999. They were subsequently killed. | <i>Arben Krasniqi et al.</i> , Basic Court of Prishtinë/Pristina, P 766/12, pp.90, 169 | 492, 517-518 | 165 | |
| 550. | Grave site KER01, indicated by [REDACTED], was exhumed and the | <i>Arben Krasniqi et al.</i> , Court of Appeals of | 492, 517-518 | 165 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|-------------------------------------|--|---|---------------|------------|-----------------------|
| | bodies of [REDACTED], [REDACTED], [REDACTED], [REDACTED] and [REDACTED] were recovered from it. Military clothing was recovered from the grave. Two bodies had their hands tied behind their backs and ligatures were recovered. | Kosovo, PAKR 266/14, p.58 | | | |
| 551. | DT was a Captain in the Reserve of the Serbian Army. | <i>Arben Krasniqi et al.</i> , Basic Court of Prishtinë/Pristina, P 766/12, pp.103-104 | 492, 517-518 | 165 | |
| 552. | The injuries sustained by DT and DV are consistent with their having been killed by a scythe blade. | <i>Arben Krasniqi et al.</i> , Basic Court of Prishtinë/Pristina, P 766/12, p.105 | 492, 517-518 | 165 | |
| D. [REDACTED] AND [REDACTED] | | | | | |
| 553. | VM and ND were killed by gunshot wounds and their bodies interred at site KQ01 in the village of Kleçkë/Klečka. | <i>Arben Krasniqi et al.</i> , Basic Court of Prishtinë/Pristina, P 766/12, pp.170-171 | 492, 506, 514 | 164 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|--|--|--|--------------|--------------------|-----------------------|
| E. [REDACTED] | | | | | |
| 554. | [REDACTED] was brought to the Kleçkë/Klečka prison facility on 21 March 1999, and was released on 2 April 1999. | <i>Arben Krasniqi et al.</i> , Court of Appeals of Kosovo, PAKR 266/14, p.69 | 492, 516 | 163 | |
| F. [REDACTED], [REDACTED] AND [REDACTED] | | | | | |
| 555. | BK, EK and NK2 were taken into KLA custody in Kleçkë/Klečka in or about February 1999. None of them were at the time of their detention taking any active part in hostilities. | <i>Arben Krasniqi et al.</i> , Basic Court of Prishtinë/Pristina, P 766/12, p.162 | 491-492 | 78-79, 115- 116 | |
| XIII. BOB, IVAJË/IVAJA, BIÇEC/BIÇEVAC, AND VAROSH/VAROŠ SELO | | | | | |
| 556. | On 27 February 1999, [REDACTED] was abducted from his home by members of the KLA. The next day his son, [REDACTED] was also abducted along with [REDACTED]. After being taken to another location they were brought to the village of Ivaja, where they were held. | <i>Rrustem Dema et al.</i> , District Court of Prishtinë/Pristina, P 215/04, p.5 | 523-524, 526 | 80, 117 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|---|---|--------------------------|------------|-----------------------|
| 557. | On 5 March 1999 [REDACTED], also known as Kapitan, was abducted from his home. Later that night [REDACTED] was abducted from his home and taken with [REDACTED] to what has been described as a bunker in the village of Bob. From there they were taken to other locations, eventually winding up in the village of Ivaja where they joined other Kosovar Albanians being held by the KLA. | <i>Rrustem Dema et al.</i> , District Court of Pristinë/Pristina, P 215/04, p.5 | 523-524, 526-527 | 80, 117 | |
| 558. | At that time there were approximately 14 such prisoners in Ivaja, among them were; [REDACTED], [REDACTED], the brothers [REDACTED] and [REDACTED], [REDACTED], [REDACTED] and [REDACTED], [REDACTED] and his son, [REDACTED], [REDACTED], [REDACTED], and two people identified by [REDACTED] only as [REDACTED] and [REDACTED] from Kacanik. | <i>Rrustem Dema et al.</i> , District Court of Pristinë/Pristina, P 215/04, p.5 | 523-524, 526, 532-535 | 80, 117 | |
| 559. | They were all held until the 8th of March when the Serb forces began shelling the village. At some point during the day most of the captives were allowed to leave with | <i>Rrustem Dema et al.</i> , District Court of | 526 | 80, 117 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|--|--|--------------|------------|-----------------------|
| | the villagers fleeing from the Serbian shelling. | Pristinë/Pristina, P 215/04, p.5 | | | |
| 560. | Five people were not released, [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED]. These five were taken, in captivity, to several other locations. [REDACTED], [REDACTED], [REDACTED], [REDACTED] have not been seen again. | <i>Rrustem Dema et al.</i> , District Court of Pristinë/Pristina, P 215/04, p.5 | 526-528, 535 | 80, 117 | |
| 561. | Some of the captives, including [REDACTED] were brutally beaten and maltreated during their captivity at the hands of the KLA. | <i>Rrustem Dema et al.</i> , District Court of Pristinë/Pristina, P 215/04, p.6 | 528, 531-535 | 80, 117 | |
| 562. | There was no evidence that those held in detention were advised by their captors as to why they were being held. | <i>Rrustem Dema et al.</i> , District Court of Pristinë/Pristina, P 215/04, p.42 | 531 | 80, 117 | |
| 563. | No system of adjudication or process was afforded to them to protest their detention, to be represented, or to be heard in any | <i>Rrustem Dema et al.</i> , District Court of Pristinë/Pristina, P 215/04, p.42 | 531 | 80, 117 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|---|---|---|------------|-----------------------|
| | way in opposition to their detention or treatment. | | | | |
| 564. | Rrustem Dema participated in the abduction of [REDACTED], [REDACTED], [REDACTED] and [REDACTED]. He was present and aware of the conditions under which these persons were held in Bob and engaged in the beating of [REDACTED] there. | <i>Rrustem Dema et al.</i> , District Court of Pristinë/Pristina, P 215/04, p.43 | 523-524, 526-527, 528-529, 532-533 | 80, 117 | |
| 565. | Enver Axhami was present in Bob. At some point in or near Bob he took out a gun and pointed it at [REDACTED] and threatened to shoot him. Further he and Rrustem Dema beat [REDACTED] on the way from Bob to Ivaja. And at a later point in Varosh, he pierced [REDACTED]'s forehead. | <i>Rrustem Dema et al.</i> , District Court of Pristinë/Pristina, P 215/04, pp.43, 44 | 528-529, 532-533 | 80, 117 | |
| 566. | Ejup Runjeva personally engaged in direct assaults on [REDACTED] and [REDACTED]. | <i>Rrustem Dema et al.</i> , District Court of Pristinë/Pristina, P 215/04, p.44 | 521, 527, 528-529, 533 | 80, 117 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------------|--|---|--------------------------|------------|-----------------------|
| 567. | Rrustem Dema, Enver Axhami and Ejup Runjeva personally engaged in acts of physical brutality and maltreatment against [REDACTED] and some of the other detainees. | <i>Rrustem Dema et al.</i> , District Court of Pristinë/Pristina, P 215/04, p.45 | 527-529, 532-533, 535 | 80, 117 | |
| XIV. CAHAN | | | | | |
| 568. | [REDACTED] was a supporter of LDK and Ibrahim Rugova from the early 1990s. In the beginning of April 1999, [REDACTED] was working in Croatia. When the NATO bombing commenced in Kosovo, [REDACTED]'s family fled Kosovo for Albania. [REDACTED] travelled to Albania in search of his family and, in the evening of 12 April 1999, he arrived in Krume. In the middle of the night, 8-10 uniformed persons wearing masks and armed with weapons knocked on his door and informed him that his family was waiting in a nearby mosque. They took [REDACTED] to the mosque where Sabit Geci was present. Sabit Geci introduced himself and stated that he was the "chief of the KLA secret police". With | <i>Sabit Geci et al.</i> , District Court of Mitrovicë/Mitrovica, P 45/2010, para.133 | 540-548 | 81, 118 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|---|---|---------|------------|-----------------------|
| | <p>regard to [REDACTED], Sabit Geci stated: “we have the right guy because he is a supporter of Rugova” and “will Rugova be able to save you now?”. [REDACTED] and two other Kosovo-Albanians were then taken by car to the KLA camp in Cahan by Sabit Geci and Haki Hajdari. [REDACTED] saw that it was a military barracks, and there were approximately 100-150 KLA soldiers present.</p> | | | | |
| 569. | <p>Approximately four days after the NATO airstrike began, Witness M and his family were expelled from their home by Serbian military. They travelled first to Rozaje, Montenegro, and then to Skallure village near Durres in Albania. After ten days, on or about 16 April 1999, a person came to their door in the evening and introduced himself as a member of SHIK. There were two other persons with him waiting in a vehicle. This person informed Witness M that he had to come with him to Durres. Witness M obliged and, after getting into their vehicle and departing, they told him</p> | <p><i>Sabit Geci et al.</i>, District Court of Mitrovicë/Mitrovica, P 45/2010, para.134</p> | 540-548 | 81, 118 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|---|---|---------|------------|-----------------------|
| | that they were not SHIK but KLA. Witness M was then taken to Hotel Drenica. | | | | |
| 570. | At Hotel Drenica, Witness M was interrogated by Xhemshit Krasniqi. Xhemshit Krasniqi was armed with a gun during the questioning. Witness M was accused of being a spy and was asked for names of Serb collaborators. The KLA soldiers confiscated Witness M's driver's license identification card, ring, watch and cash. He was then taken handcuffed to the KLA military camp in Kukes. After a few minutes, the KLA brought Witness K in handcuff into the car. | <i>Sabit Geci et al.</i> , District Court of Mitrovicë/Mitrovica, P 45/2010, para.135 | 540-548 | 81, 118 | |
| 571. | Witness K left Kosovo with his family and some fellow villagers due to the conflict. He arrived in Durrës, Albania, on or about 30 March 1999. There, he was living in a refugee camp near the beach for approximately 12 days. Two persons dressed in civilian clothing, who stated that they were KLA, told Witness K that he had to come with them to answer some questions. He was brought first to Hotel | <i>Sabit Geci et al.</i> , District Court of Mitrovicë/Mitrovica, P 45/2010, para.136 | 540-548 | 81, 118 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|---|---|---------|------------|-----------------------|
| | Drenica in Durres for one night, where he was asked questions by a person claiming to be an investigative judge. Witness K was then brought to Kukes, where he was held for approximately three days. Then Witness K was transported together with Witness M out of the Kukes camp. | | | | |
| 572. | From Kukes, Witness K and Witness M were first driven to Krume. During the journey, the KLA soldiers told Witness M that they were going to shoot him. They stopped briefly in Krume, where Haki Hajdari, who introduced himself as "Commander Drenica", instructed the KLA soldiers to take Witness K and Witness M to Cahan. Witness K and Witness M were then driven to the KLA camp in Cahan. It was on or about 17 April 1999. | <i>Sabit Geci et al.</i> , District Court of Mitrovicë/Mitrovica, P 45/2010, para.137 | 540-548 | 81, 118 | |
| 573. | Witness N resigned his position in mid-April 1999 and left his home with his family, because all of the Kosovo Albanians were leaving the village and he no longer felt safe. The family travelled to | <i>Sabit Geci et al.</i> , District Court of Mitrovicë/Mitrovica, P 45/2010, para.138 | 540-548 | 81, 118 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|---|---|---------|------------|-----------------------|
| | Shkodra in Albania where they stayed in a tobacco factory, and after ten days Witness N was summoned for questioning by three KLA members. The KLA members beat him and asked him about his employment. Upon his release, Witness N returned to the factory and armed KLA members arrived after midnight and arrested him. | | | | |
| 574. | The KLA brought Witness N first to the Albanian police station where he was detained until the morning, next to the KLA headquarters in Kukes where he was held for a few hours, and then to Krume. In Krume, Witness N was beaten by the three KLA soldiers who had transported him there, and asked questions about his family and why he had not resigned from his job sooner. In the night at approximately 21:00 hrs, Witness N was transferred to the Cahan camp. | <i>Sabit Geci et al.</i> , District Court of Mitrovicë/Mitrovica, P 45/2010, para.139 | 540-548 | 81, 118 | |
| 575. | Witness K, Witness M, Witness N and [REDACTED] were all kept in the same detention room in the Cahan camp. | <i>Sabit Geci et al.</i> , District Court of | 540-548 | 81, 118 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|---|---|---------|------------|-----------------------|
| | [REDACTED] was brought there first and, for the first seven days, remained alone in the room. Witness K and Witness M were then brought into the room. Approximately three weeks later, Witness N was also brought into the room, and later Witness O. While detainees were regularly kept in the room, from time to time more persons were brought in, so that at one point there were up to 17 persons. | Mitrovicë/Mitrovica, P 45/2010, para.140 | | | |
| 576. | The detention room in the Cahan camp was small and narrow, measuring approximately 2x2.5-2.7 meters with one window, which caused a lot of drafts because the glass was broken. As a result, it was very cold inside the room. The door was always locked. | <i>Sabit Geci et al.</i> , District Court of Mitrovicë/Mitrovica, P 45/2010, para.141 | 540-548 | 81, 118 | |
| 577. | The detention room in the Cahan camp leaked water and rain so that the floor became very wet. For the first three days that Witness K was in the room, the floor was so wet that the detainees could not lie down to sleep. After this, some plastic | <i>Sabit Geci et al.</i> , District Court of Mitrovicë/Mitrovica, P 45/2010, para.142 | 540-548 | 81, 118 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|--|---|---------|------------|-----------------------|
| | sheeting was given to the detainees to put on the wet floor. | | | | |
| 578. | [REDACTED] slept on the concrete floor of the detention room in the Cahan camp, on top of a 1 cm thick sponge. He was not provided with any blanket and covered himself at night with his own jacket. Later, after other detainees had arrived, some blankets were provided. Witness K, Witness M and [REDACTED] huddled together for warmth during the night, and the hands of Witness K and [REDACTED] were always tied. In fact, [REDACTED]'s hands were kept tied together for ten days. | <i>Sabit Geci et al.</i> , District Court of Mitrovicë/Mitrovica, P 45/2010, para.143 | 540-548 | 81, 118 | |
| 579. | The toilet was located outside of the detention room in the Cahan camp, in a field, and stank badly. Detainees could ask permission to go to the toilet in the morning and in the afternoon. However, they were not able to go to the toilet on a regular basis, and at night some detainees urinated into plastic bottles. The detainees | <i>Sabit Geci et al.</i> , District Court of Mitrovicë/Mitrovica, P 45/2010, para.146 | 540-548 | 81, 118 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|--|---|---------|------------|-----------------------|
| | had to ask "100 times" before finally being allowed to go to the toilet. | | | | |
| 580. | There was no opportunity for the detainees to bathe or wash themselves. [REDACTED] was able to shave once after five weeks of detention, and to wash only once during approximately nine weeks of detention. Witness K was able only to shave once during approximately eight weeks of detention. The detainees were never provided with a change of fresh clothing. | <i>Sabit Geci et al.</i> , District Court of Mitrovicë/Mitrovica, P 45/2010, para.147 | 540-548 | 81, 118 | |
| 581. | [REDACTED] was detained for approximately nine weeks, from 12 April to 20 June. Witness K was held for approximately two months. Witness M was detained in Cahan for approximately six days. Witness N was detained for over one month. | <i>Sabit Geci et al.</i> , District Court of Mitrovicë/Mitrovica, P 45/2010, para.149 | 540-548 | 81, 118 | |
| 582. | [REDACTED] was brought from Krume to the Cahan KLA camp in a vehicle driven by Haki Hajdari. Sabit Geci was also in the vehicle. During the drive, Sabit Geci | <i>Sabit Geci et al.</i> , District Court of | 540-548 | 81, 118 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
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| | slapped [REDACTED] and stated: "you've lived enough, you've had a good life." Upon arrival at the Cahan camp, Sabit Geci stated: "we will exterminate all of [REDACTED]." Sabit Geci slapped [REDACTED] and also hit him with his crutch. | Mitrovicë/Mitrovica, P 45/2010, para.150 | | | |
| 583. | [REDACTED] was put into a room with Sabit Geci, Riza Alija (a.k.a. "Commander Hoxha"), and someone named "Fatmir". Haki Hajdari was passing in and out of the room. Sabit Geci stated that [REDACTED] must withdraw or let go of [REDACTED], and threatened that "we will all kill you". Sabit Geci slapped [REDACTED] and hit him with his crutch. Riza Alija began hitting [REDACTED] with a baton or piece of wood and struck him at least once in the chin. [REDACTED] was bleeding heavily and became paralyzed. At one point, [REDACTED] lost consciousness and was revived by Fatmir with a bucket of water. When [REDACTED] regained consciousness, he heard Sabit Geci tell Riza Alija that they should give | <i>Sabit Geci et al.</i> , District Court of Mitrovicë/Mitrovica, P 45/2010, para.151 | 540-548 | 81, 118 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
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| | [REDACTED] to SHIK to be executed. Sabit Geci also stated that they would look for [REDACTED] “at the yellow gates” in order to kill him. At that time, [REDACTED] staying in a house which had a yellow gate. Sabit Geci also claimed that they had already killed Ahmet Krasniqi, Enver Maloku and Sabri Hamiti. [REDACTED] was then brought to another room. | | | | |
| 584. | When Witness K and Witness M were first brought into the detention room they saw that [REDACTED] had already been badly mistreated; he had blood on his leg due to a wound there and another wound on his head. His face head and hands were full of bruises. | <i>Sabit Geci et al.</i> , District Court of Mitrovicë/Mitrovica, P 45/2010, para.152 | 540-548 | 81, 118 | |
| 585. | When Witness N was brought to the Cahan camp, he was handed over to Haki Hajdari (a.k.a. “Haki Drenica”), Sali Rexhepi and Shaban Hoti and taken to a basement where they beat and interrogated him. Haki Hajdari, Sali Rexhepi and Shaban Hoti, along with | <i>Sabit Geci et al.</i> , District Court of Mitrovicë/Mitrovica, P 45/2010, para.156 | 540-548 | 81, 118 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
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| | other unknown KLA soldiers, tied Witness N's hands, removed his socks and beat him on the soles of his feet with wooden sticks until he felt that he lost consciousness. After he regained consciousness, they beat him again for approximately another hour. During both beatings, the KLA, including Sabit Geci, Riza Alija and Haki Hajdari, asked Witness N questions about his employment. | | | | |
| 586. | After this beating and interrogation, Witness N was brought to a detention room on the second floor where Witness K was being held. Witness N had been beaten before being brought into the detention room and had visible injuries. | <i>Sabit Geci et al.</i> , District Court of Mitrovicë/Mitrovica, P 45/2010, para.157 | 540-548 | 81, 118 | |
| 587. | Witness N suffered another beating on or about 09 May 1999. | <i>Sabit Geci et al.</i> , District Court of Mitrovicë/Mitrovica, P 45/2010, para.161 | 540-548 | 81, 118 | |
| 588. | During the time in which [REDACTED] was detained in the camp, he suffered two | <i>Sabit Geci et al.</i> , District Court of | 540-548 | 81, 118 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
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| | serious beatings from Riza Alija. On the first occasion, [REDACTED] requested permission from the guard to go to the toilet. His hands were still tied together. When [REDACTED] was returning from the toilet, Riza Alija began to beat him with a heavy shoe. [REDACTED] fell to the ground and lost consciousness. When he regained consciousness, [REDACTED] felt pain all over his body and had fresh blood on his face. | Mitrovicë/Mitrovica, P 45/2010, para.163 | | | |
| 589. | On the second occasion, [REDACTED] was again returning from the toilet to the detention room when Riza Alija began beating him. | <i>Sabit Geci et al.</i> , District Court of Mitrovicë/Mitrovica, P 45/2010, para.164 | 540-548 | 81, 118 | |
| 590. | In addition to these two serious beatings, [REDACTED] occasionally suffered less severe ill-treatment at the hands of other KLA soldiers during the time when he travelled to and from the toilet. [REDACTED] was asked questions while he was beaten regarding who he was and what he did for work. At one point, he was | <i>Sabit Geci et al.</i> , District Court of Mitrovicë/Mitrovica, P 45/2010, para.165 | 540-548 | 81, 118 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
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| | instructed to write down the reason for his arrest by the KLA. | | | | |
| 591. | When Witness K and Witness M were first taken to the Cahan camp, on or about 16 April 1999, they were handed over to two KLA police officers and Riza Alija. They immediately began hitting and punching Witness K and Witness M. Riza Alija was hitting them with an iron bar and continued to beat them as they ran up one flight of stairs and into the detention room. Witness M was beaten more than Witness K on the way to the detention room. | <i>Sabit Geci et al.</i> , District Court of Mitrovicë/Mitrovica, P 45/2010, para.167 | 540-548 | 81, 118 | |
| 592. | [REDACTED] was already inside the detention room when Witness K and Witness M arrived and he witnessed Riza Alija beating them. Witness K, Witness M and [REDACTED] all had their hands tied at this time. Riza Alija continued to beat Witness K and Witness M inside the detention room for approximately two more minutes, hitting them at least six to seven times. Witness M was beat so badly | <i>Sabit Geci et al.</i> , District Court of Mitrovicë/Mitrovica, P 45/2010, para.168 | 540-548 | 81, 118 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
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| | that he lost consciousness and fell to the floor. [REDACTED] was also hit at least once by one of the KLA soldiers at this time. During this beating, the KLA soldiers were insulting the detainees and calling them “spies”. This is the only incident where Witness K was beaten. | | | | |
| 593. | Later that day, Witness K and Witness M were taken downstairs to be interviewed. Haki Hajdari was waiting in the interrogation room and introduced himself as the commander of all the soldiers. Haki Hajdari began questioning Witness K first. | <i>Sabit Geci et al.</i> , District Court of Mitrovicë/Mitrovica, P 45/2010, para.169 | 540-548 | 81, 118 | |
| 594. | Haki Hajdari then began to interview Witness M. Riza Alija was present when the questioning started. Haki Hajdari asked Witness M why he had become a “spy” and asked him for the names of Serb collaborators. Haki Hajdari gave him a pen and paper and instructed him to give a written statement. At some point during | <i>Sabit Geci et al.</i> , District Court of Mitrovicë/Mitrovica, P 45/2010, para.170 | 540-548 | 81, 118 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
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| | the interview of Witness M, Witness K was taken out of the room. | | | | |
| 595. | Witness N was brought into the detention room, approximately the first week of May. [REDACTED], Witness K and Witness O had all be beaten prior to his arrival. They had bruises on their heads and were swollen. | <i>Sabit Geci et al.</i> , District Court of Mitrovicë/Mitrovica, P 45/2010, para.171 | 540-548 | 81, 118 | |
| 596. | Witness N was also subjected to further maltreatment. Witness N was mistreated often in the detention room, and whoever came to the room hit him, including Riza Alija. As a result of the maltreatment, Witness N had difficulty moving and could not stand up properly. | <i>Sabit Geci et al.</i> , District Court of Mitrovicë/Mitrovica, P 45/2010, para.172 | 540-548 | 81, 118 | |
| 597. | On or around 25 or 26 May 1999, Shaban Hoti and Riza Alija entered the room and brought with them a female. Riza Alija stood at the door while Shaban Hoti was inside the room. Riza Alija instructed the female to beat the detainees and then Riza Alija and Shaban Hoti watched while the | <i>Sabit Geci et al.</i> , District Court of Mitrovicë/Mitrovica, P 45/2010, para.173 | 540-548 | 81, 118 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
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| | female beat both [REDACTED] and Witness N with a stick. | | | | |
| 598. | [REDACTED] heard Witness O screaming before he was brought into the detention room. When he was brought in, Witness O had injuries from being beaten and his legs were heavily bruised. Witness O told [REDACTED] that Riza Alija and others had beaten him after accusing him of joining FARK. | <i>Sabit Geci et al.</i> , District Court of Mitrovicë/Mitrovica, P 45/2010, para.174 | 540-548 | 81, 118 | |
| 599. | Riza Alija maltreated and beat detainees when they first arrived at the camp. | <i>Sabit Geci et al.</i> , District Court of Mitrovicë/Mitrovica, P 45/2010, para.175 | 540-548 | 81, 118 | |
| 600. | On approximately 20 May 1999, [REDACTED] was presented with a written charge by KLA member Sali Rexhepi (a.k.a. "Sali Berisha"). The charge stated "Admirer of President Rugova, a person who organizes the free percent (sic) for Kosova. A friend of [REDACTED] who was murdering in Tirana, [REDACTED] brother, leader of [REDACTED], and a | <i>Sabit Geci et al.</i> , District Court of Mitrovicë/Mitrovica, P 45/2010, para.176 | 540-548 | 81, 118 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
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| | friend of seven brothers.” [REDACTED] and Witness N were then taken by Haki Hajdari and Sali Rexhepi to a court in Kukes and placed into different rooms. | | | | |
| 601. | A judge came into the room where [REDACTED] was, read the written charge against him and then spoke with [REDACTED]. He then told [REDACTED] that as far as he was concerned, [REDACTED] was free. Witness N was also released by the judge. | <i>Sabit Geci et al.</i> , District Court of Mitrovicë/Mitrovica, P 45/2010, para.177 | 540-548 | 81, 118 | |
| 602. | When Haki Hajdari and Sali Rexhepi came to collect [REDACTED] and Witness N, they were told by a police officer at the court that [REDACTED] and Witness N were to be freed. Haki Hajdari was apprehensive and decided not to release [REDACTED] and Witness N, but to bring them back to the KLA camp in Cahan. When they returned to the detention room, Witness K was gravely relieved because he had been told by Riza Alija that | <i>Sabit Geci et al.</i> , District Court of Mitrovicë/Mitrovica, P 45/2010, para.178 | 540-548 | 81, 118 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|---|---|---------|------------|-----------------------|
| | the KLA had executed [REDACTED] and Witness N. | | | | |
| 603. | Sabit Geci was present in the Cahan camp during the relevant time period. ¹⁹ | <i>Sabit Geci et al.</i> , District Court of Mitrovicë/Mitrovica, P 45/2010, para.195 | 540-548 | 81, 118 | |
| 604. | During the relevant time period, ²⁰ Riza Alija was known as “Hoxha” by other KLA soldiers and the detainees at the Cahan camp. | <i>Sabit Geci et al.</i> , District Court of Mitrovicë/Mitrovica, P 45/2010, para.204 | 540-548 | 81, 118 | |
| 605. | Riza Alija was responsible for training the KLA soldiers in the Cahan camp. | <i>Sabit Geci et al.</i> , District Court of Mitrovicë/Mitrovica, P 45/2010, para.205 | 540-548 | 81, 118 | |
| 606. | Haki Hajdari was Haki Drenica and was present in the Cahan camp. | <i>Sabit Geci et al.</i> , District Court of Mitrovicë/Mitrovica, P 45/2010, para.211 | 540-548 | 81, 118 | |

¹⁹ The indictment period in this case was April 1999 to mid-June 1999.

²⁰ The indictment period in this case was April 1999 to mid-June 1999.

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|--|---|---------|------------|-----------------------|
| 607. | Shaban Hoti was a member of the KLA who was present in the Cahan camp. | <i>Sabit Geci et al.</i> , District Court of Mitrovicë/Mitrovica, P 45/2010, para.214 | 540-548 | 81, 118 | |
| 608. | The main detention room in the Cahan camp in which almost all the witnesses were held was extremely small, and not sufficient for the numbers of detainees involved. Detainees slept on a concrete, bare floor, sometimes without blankets when these were removed as a form of collective punishment due to their alleged collaborations. Water was scarce and not regularly provided. Food was also provided in small amount and inconsistently. Several witnesses suffered significant weight loss due to the poor and inadequate diet provided during their weeks of detention. Sanitation was almost non-existent with limited access to toilets, and no opportunity for washing or changing of clothes. The detainees were kept in filthy, squalid conditions, not fit, as one witness described, for animals. | <i>Sabit Geci et al.</i> , District Court of Mitrovicë/Mitrovica, P 45/2010, para.219 | 540-548 | 81, 118 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
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| 609. | In addition to the harsh physical conditions, the fact of the beatings that were occurring, and the frequency of such beatings, meant that the detainees were living in a state of perpetual fear of further violence and of death. Such a state of fear, maintained over a period of weeks with no indication of if and when they would be released from detention, added to the inhumane treatment of the witnesses and compounded the suffering they endured. | <i>Sabit Geci et al.</i> , District Court of Mitrovicë/Mitrovica, P 45/2010, para.220 | 540-548 | 81, 118 | |
| 610. | Sabit Geci was a member of the KLA with a command role, within the “Military Police”. Sabit Geci actively participated in a number of beatings of witnesses. He also enjoyed a degree of authority and control over other KLA soldiers who were responsible for the day-to-day living conditions of the detainees. | <i>Sabit Geci et al.</i> , District Court of Mitrovicë/Mitrovica, P 45/2010, para.221 | 540-548 | 81, 118 | |
| XV. KUKËS | | | | | |
| 611. | At the relevant time, ²¹ the KLA had established a camp in Kukës, Albania, | <i>Sabit Geci et al.</i> , District Court of | 558 | 82, 119-120 | |

²¹ The relevant time period concerned offences at the KLA camp in Kukës between 18 May and 3 June 1999.

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
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| | which was used, <i>inter alia</i> , for detaining, questioning and ill-treating ethnic Kosovo Albanians suspected of collaboration with the Serb forces. | Mitrovicë/Mitrovica, P 45/2010, paras 45, 55 <i>See also Xhemshit Krasniqi</i> Basic Court of Mitrovicë/Mitrovica, P 184/15, paras 97, 140 | | | |
| 612. | In 1999, the KLA had converted a factory in Kukës, Albania into a military camp. In various ways and via various routes, each of the witnesses left their homes in Kosovo and crossed the border into Albania as a direct result of the conflict. While some arrived voluntarily to the KLA camp, others were forcibly brought there by KLA soldiers. | <i>Sabit Geci et al.</i> , District Court of Mitrovicë/Mitrovica, P 45/2010, para.56 | 558 | 82, 119-120 | |
| 613. | On 14 May 1999, Witness A arrived in Durres by boat from Italy. A young man approached Witness A, asked to see his passport, and escorted him to a waiting motor vehicle. There were two other men | <i>Sabit Geci et al.</i> , District Court of Mitrovicë/Mitrovica, P 45/2010, para.57 | 558-569 | 82, 119-120 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|---|--|---------|---------------------|-----------------------|
| | <p>in the vehicle, one of whom was identified to Witness A by other passengers as “Haki Drenica”. Witness A was put into the vehicle and initially taken to somewhere in Durres, where he was asked questions regarding his support for the war. He was detained there, locked into a room with a guard, for approximately four days and thereafter taken by car to the KLA camp in Kukës.</p> | | | | |
| 614. | <p>At the beginning of May 1999, Witness B and [REDACTED] were taken together with Witness C to the border of Albania. They crossed the border and travelled voluntarily to Kukës, arriving on or about 14 May 1999. In Kukës, Witness B intended to report to the KLA headquarters in order to get uniforms and be mobilized. They obtained a ride to the KLA headquarters from Refki Qenaj.</p> | <p><i>Sabit Geci et al.</i>, District Court of Mitrovicë/Mitrovica, P 45/2010, para.58</p> | 558-569 | 82, 119-120, 167 | |
| 615. | <p>When Witness B, Witness C and [REDACTED] arrived at the headquarters, they had to wait to be interviewed, during which time they were moved to a</p> | <p><i>Sabit Geci et al.</i>, District Court of</p> | 558-569 | 82, 119-120, 167 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
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| | warehouse where the KLA stored uniforms and food. They were kept in the warehouse for three days, guarded by a person in uniform. Then KLA military police arrived with insignia on their shoulders and wearing white belts. They tied the hands of Witness B, [REDACTED] and Witness C, placing them under arrest. They were detained in the warehouse for an additional 24 hours, with their hands bound and guarded by armed security guards. Then Witness B and [REDACTED] were moved to one room while Witness C was moved to another. | Mitrovicë/Mitrovica, P 45/2010, para.59 | | | |
| 616. | In 1999, Witness D and Witness E left Kosovo due to the war and crossed the border into Albania. In May 1999, they were arrested by three uniformed KLA soldiers under the allegation that they were Serbian policemen. Witness D and Witness E were interviewed together in the KLA headquarters in Kukës and asked questions such as whether they were | <i>Sabit Geci et al.</i> , District Court of Mitrovicë/Mitrovica, P 45/2010, para.60 | 558-569 | 82, 119-120 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|---|--|---------|-------------|-----------------------|
| | police officers. Afterwards, they were brought to the warehouse. | | | | |
| 617. | Witness F arrived in Kukës on approximately 28 or 29 April 1999. He was staying in a refugee camp when one day in mid-May, Xhemshit Krasniqi and another KLA soldier appeared and told Witness F he had to be taken to the KLA headquarters to be interviewed. | <i>Sabit Geci et al.</i> , District Court of Mitrovicë/Mitrovica, P 45/2010, para.61 | 558-569 | 82, 119-120 | |
| 618. | On 11 May 1999, Witness G's the entire village was expelled from their homes by Serbian government authorities and they travelled together to Kukës, Albania. On or about 15-17 May 1999, in Kukës, Xhemshit Krasniqi and two other KLA soldiers dressed in black uniforms sought out Witness G by name and told him that he had to come for an "informative conversation." They brought him to the KLA headquarters in the former factory, where the KLA soldiers accused Witness G of expelling the villagers from their homes, of having a gun, and of being a friend and collaborator of the Serbs. | <i>Sabit Geci et al.</i> , District Court of Mitrovicë/Mitrovica, P 45/2010, para.62 | 558-569 | 82, 119-120 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
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| | Witness G was forced to write a statement regarding this. After the interview, he was informed that he would have to stay in the camp until the KLA could finish investigating him and he was moved into another room. | | | | |
| 619. | On 18 May 1999, Witness H was in Durres, Albania when four men in KLA military police uniforms forced him at gunpoint to get into their car. They took him first to military bunkers in Ramanak, and then on around 21 May 1999 to the KLA camp in Kukës. In Durres, they had forced him to put on a black KLA Military Police Uniform because Witness H's son had reported his kidnapping to the police. Witness H was still wearing this black uniform when he arrived in Kukës. | <i>Sabit Geci et al.</i> , District Court of Mitrovicë/Mitrovica, P 45/2010, para.63 | 558 | 82, 119-120 | |
| 620. | Witness A, Witness B, Witness C, Witness D, Witness E, Witness F, Witness G, Witness H and [REDACTED] were all detained in the KLA camp in Kukës, in three different locations. | <i>Sabit Geci et al.</i> , District Court of Mitrovicë/Mitrovica, P 45/2010, para.64 | 558 | 82, 119-120, 167 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|---|---|---------|-------------|-----------------------|
| 621. | When Witness C was taken out of the warehouse, she was locked alone in a small room measuring approximately 2x2 meters. It had a dirt floor, and inside there was a very thin mattress but no furniture. There was one window, the size of an A4 sheet of paper, covered with a grill. There was no light in the room. | <i>Sabit Geci et al.,</i> District Court of Mitrovicë/Mitrovica, P 45/2010, para.65 | 558-569 | 82, 119-120 | |
| 622. | There were guards outside the room. Food was provided once or twice daily and water was also provided. Witness C was never allowed to leave the room for exercise and had no access to fresh air. There was a bad stench from the toilets which were located very close to the room. Witness C would have to ask permission to be taken by the guard to the toilet. | <i>Sabit Geci et al.,</i> District Court of Mitrovicë/Mitrovica, P 45/2010, para.66 | 558-569 | 82, 119-120 | |
| 623. | Witness C was kept in this room for approximately one month. During this time, Witness C was never allowed to bathe or wash, and had no access to clean clothes. | <i>Sabit Geci et al.,</i> District Court of Mitrovicë/Mitrovica, P 45/2010, para.67 | 558-569 | 82, 119-120 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|--|---|---------|---------------------|-----------------------|
| 624. | When Witness A was brought to the Kukës camp, the KLA soldiers initially detained him in a small room, where he was locked up and guarded. | <i>Sabit Geci et al.</i> , District Court of Mitrovicë/Mitrovica, P 45/2010, para.68 | 558-569 | 82, 119-120 | |
| 625. | Witness A was detained alone in this room for approximately 2-3 days, until around midnight on or about 20 May 1999 when Witness H was brought into the room. | <i>Sabit Geci et al.</i> , District Court of Mitrovicë/Mitrovica, P 45/2010, para.69 | 558-569 | 82, 119-120 | |
| 626. | The room had a low ceiling so that one could not stand up straight inside. There was no furniture, and there was no electricity. There was no window. Witness A and Witness H slept on thin sponges on the concrete floor. | <i>Sabit Geci et al.</i> , District Court of Mitrovicë/Mitrovica, P 45/2010, para.70 | 558 | 82, 119-120 | |
| 627. | Approximately three days after Witness H arrived, Witness A and Witness H were moved from this makeshift room to another room where Witness B, Witness D, Witness E, Witness F, Witness G, [REDACTED] and an unknown male Roma were being detained together. | <i>Sabit Geci et al.</i> , District Court of Mitrovicë/Mitrovica, P 45/2010, para.71 | 558-569 | 82, 119-120, 167 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|--|--|---------|---------------------|-----------------------|
| 628. | Witness A, Witness B, Witness D, Witness E, Witness F, Witness G, and Witness H were all held in the same room during overlapping periods of their detentions. | <i>Sabit Geci et al.</i> , District Court of Mitrovicë/Mitrovica, P 45/2010, para.72 | 558-569 | 82, 119-120 | |
| 629. | After having been initially detained in the warehouse for four days, Witness B and [REDACTED] were moved into a room together with Witness D, Witness E, and an unknown male Roma. At some later point, Witness A, Witness F, Witness G and Witness H were each also brought into this room. Because in addition to the witnesses, other people were also being brought in and out during overlapping periods of time, the total number of persons detained in the room on a single day ranged from between seven and thirteen people. | <i>Sabit Geci et al.</i> , District Court of Mitrovicë/Mitrovica, P 45/2010, para.73 | 558-569 | 82, 119-120, 167 | |
| 630. | The room was extremely small, especially in consideration of the number of detainees who were held together there. The room was a small limited space and substantially overcrowded. The door to the room was locked. The detainees inside | <i>Sabit Geci et al.</i> , District Court of Mitrovicë/Mitrovica, P 45/2010, para.74 | 558-569 | 82, 119-120 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|---|---|---------|---------------------|-----------------------|
| | were also not allowed to speak to each other. | | | | |
| 631. | The room was bare of any furniture and had a concrete floor. There were 2 or 3 windows with iron bars but no glass. The temperature was “disastrously hot” inside the room. Witness A and Witness B slept on the concrete floor, while Witness H had a thin 2 cm sponge. Witness G and Witness F slept on sleeping bags. After sleeping on the concrete for approximately one week, some detainees were given thin blankets to sleep on, however those blankets were taken away again after another week. After the killing of detainee [REDACTED], the detainees were provided with some blankets and sponges. | <i>Sabit Geci et al.</i> , District Court of Mitrovicë/Mitrovica, P 45/2010, para.75 | 558-569 | 82, 119-120, 167 | |
| 632. | The detention room was never cleaned except by the detainees themselves. There were no showers and the detainees could not wash themselves. Witness B was allowed to wash himself only once with cold water outside in the yard during his detention in Kukës from approximately 14 | <i>Sabit Geci et al.</i> , District Court of Mitrovicë/Mitrovica, P 45/2010, para.76 | 558-569 | 82, 119-120 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|---|--|---------|-------------|-----------------------|
| | <p>May to 17 June 1999, and only because he was covered with blood from maltreatment. Witness A was able to wash himself only once during his detention, outside in the yard with two buckets of water. Witness F was able to wash himself in a shed in the yard. Witness D, Witness E and Witness G had access to water for bathing outside approximately every third day, but this was due to their forced labor of unloading the trucks which allowed them to leave the room daily unlike the other detainees.</p> | | | | |
| 633. | <p>The detainees were not able to change into clean clothes during their detention with the exception of Witness F who once received a fresh change of clothes from his family.</p> | <p><i>Sabit Geci et al.</i>, District Court of Mitrovicë/Mitrovica, P 45/2010, para.77</p> | 558-569 | 82, 119-120 | |
| 634. | <p>The toilet was located outside. The detainees had to ask permission to go to the toilet and would be escorted and guarded by soldiers during this time. Witness A would often be harassed by KLA soldiers when he went to or from the</p> | <p><i>Sabit Geci et al.</i>, District Court of Mitrovicë/Mitrovica, P 45/2010, para.78</p> | 558-569 | 82, 119-120 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|--|---|---------|-------------|-----------------------|
| | toilet, to the point that he would try to avoid going there. | | | | |
| 635. | The water supply was inconsistently provided and not on a daily basis. All the detainees in the room had to share whatever water was provided and therefore had to be economic with it. | <i>Sabit Geci et al.</i> , District Court of Mitrovicë/Mitrovica, P 45/2010, para.79 | 558-569 | 82, 119-120 | |
| 636. | The food supply for the detainees was also provided inconsistently and in an inadequate amount. This resulted in substantial weight loss of the detainees. | <i>Sabit Geci et al.</i> , District Court of Mitrovicë/Mitrovica, P 45/2010, para.80 | 558-569 | 82, 119-120 | |
| 637. | Due to their forced labour of unloading trucks Witness D, Witness E, and Witness G did not eat in the room with the other detainees, but with the KLA soldiers. | <i>Sabit Geci et al.</i> , District Court of Mitrovicë/Mitrovica, P 45/2010, para.81 | 558-569 | 82, 119-120 | |
| 638. | While most of the detainees were kept locked up in the room all day, Witness D, Witness E and Witness G were made to work long hours in the warehouse every day, unloading trucks of supplies for the KLA. Their work hours began early morning and lasted anywhere from 22:00 | <i>Sabit Geci et al.</i> , District Court of Mitrovicë/Mitrovica, P 45/2010, para.82 | 558-569 | 82, 119-120 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|---|---|---------|-------------|-----------------------|
| | hrs to 01:00 hrs. Witness D and Witness E were also forced to clean the communal toilets during the night hours. | | | | |
| 639. | Witness A was held in the Kukës camp for approximately one month, from on or about 14 May to on or about 18 June 1999. | <i>Sabit Geci et al.</i> , District Court of Mitrovicë/Mitrovica, P 45/2010, para.83 | 558-569 | 82, 119-120 | |
| 640. | Witness B was held for approximately one month, from on or about 14 May until approximately 16 June 1999 to 19 June 1999. | <i>Sabit Geci et al.</i> , District Court of Mitrovicë/Mitrovica, P 45/2010, para.83 | 558-569 | 82, 119-120 | |
| 641. | Witness D and Witness E were held in the camp for approximately one month. | <i>Sabit Geci et al.</i> , District Court of Mitrovicë/Mitrovica, P 45/2010, para.83 | 558-569 | 82, 119-120 | |
| 642. | Witness F was detained for approximately one month. | <i>Sabit Geci et al.</i> , District Court of Mitrovicë/Mitrovica, P 45/2010, para.83 | 558-569 | 82, 119-120 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|--|--|---------|-------------|-----------------------|
| 643. | Witness G was held in the camp for approximately 3 weeks, starting from on or about 15-17 May 1999. | <i>Sabit Geci et al.</i> , District Court of Mitrovicë/Mitrovica, P 45/2010, para.83 | 558-569 | 82, 119-120 | |
| 644. | Witness H was held in the camp from approximately 21 May until 01 June 1999. | <i>Sabit Geci et al.</i> , District Court of Mitrovicë/Mitrovica, P 45/2010, para.83 | 558-569 | 82, 119-120 | |
| 645. | On or about 19 May 1999, there took place in Kukës, with Sabit Geci playing a leading directing role, a mass beating of Witnesses A, B, C, D, E, F, H and [REDACTED]. The victims were beaten en mass, and deliberately brought to the scene so that they could be forced to see and hear the violence being inflicted on others whilst they had to wait their turn. This caused the detainees great pain and suffering, both physical and mental. During this violence, extensive questioning took place regarding the witnesses' involvement in past events related to the conflict, associations with Serbs, and activities as spies. Thus, the | <i>Sabit Geci et al.</i> , District Court of Mitrovicë/Mitrovica, P 45/2010, para.226 (<i>see also</i> paras 84-96) | 558-569 | 82, 119-120 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|---|--|---------|------------------|-----------------------|
| | purpose was to illicit confessions and information from the witnesses and to punish them for perceived activity as a Serb sympathizer or collaborator. | | | | |
| 646. | On this night, the detainees were taken one by one from the room in which they were regularly detained into another room located on the ground floor which resembled an office. There was a table, chairs and a bed in the office. | <i>Sabit Geci et al.</i> , District Court of Mitrovicë/Mitrovica, P 45/2010, para.85 | 558-569 | 82, 119-120 | |
| 647. | Inside the office were many KLA soldiers, including Sabit Geci, Xhemshit Krasniqi, Osman Kryeziu and Pjeter Shala (a.k.a. "Commander Ujku" meaning "Wolf"). Some were in KLA uniform and others in civilian clothes. | <i>Sabit Geci et al.</i> , District Court of Mitrovicë/Mitrovica, P 45/2010, para.86 | 558-569 | 82, 119-120 | |
| 648. | The beatings lasted until the morning sunlight had started. After the beatings, the detainees were taken from the office back into the detention rooms one by one. Witness A arrived back in bad condition, he could hardly walk and his hand was swollen. Witness B and [REDACTED] | <i>Sabit Geci et al.</i> , District Court of Mitrovicë/Mitrovica, P 45/2010, para.96 | 558-569 | 82, 119-120, 167 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|--|--|---------|---------------------|-----------------------|
| | were brought back in extremely bad condition, and were complaining about pain in their necks, heads, back, hands and legs. [REDACTED] was dragged into the room by KLA soldiers because he could not walk. Neither one received any medical treatment for their injuries. | | | | |
| 649. | Witness A was beaten a number of times in the detention room and suffered a lot of pain and injuries as a result of these beatings. During one beating, Sabit Geci asked Witness A questions about [REDACTED], such as “why are you taking goods from Serbia and bringing them into Kosovo?”. | <i>Sabit Geci et al.</i> , District Court of Mitrovicë/Mitrovica, P 45/2010, para.99 | 558-569 | 82, 119-120 | |
| 650. | In the evening on or about 20 May 1999, Xhemshit Krasniqi and other KLA soldiers beat Witness B, [REDACTED] and other detainees in the room with iron bars, police batons, weapons and fists. After this, there were at least three additional occasions where Witness B was beaten by KLA soldiers in the room where he was | <i>Sabit Geci et al.</i> , District Court of Mitrovicë/Mitrovica, P 45/2010, para.101 | 558-569 | 82, 119-120, 167 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|--|--|---------|---------------------|-----------------------|
| | being detained. Sabit Geci was involved in one of those beatings. | | | | |
| 651. | During the first three days that Witness B was detained in the warehouse, he witnessed Witness D, Witness E and an unknown male Roma screaming while being beaten by the KLA military police. | <i>Sabit Geci et al.</i> , District Court of Mitrovicë/Mitrovica, P 45/2010, para.102 | 558-569 | 82, 119-120 | |
| 652. | Witness D and Witness E and [REDACTED] were also beaten on several occasions while in the detention room. | <i>Sabit Geci et al.</i> , District Court of Mitrovicë/Mitrovica, P 45/2010, para.103 | 558-569 | 82, 119-120, 167 | |
| 653. | Witness D and Witness E were also beaten while they were working unloading the supply trucks in the warehouse. | <i>Sabit Geci et al.</i> , District Court of Mitrovicë/Mitrovica, P 45/2010, para.104 | 558-569 | 82, 119-120 | |
| 654. | Witness F was maltreated on two separate occasions. On the first occasion, after he had been detained in the room for 2-3 weeks, Witness F was hit in the eye. This occurred in the detention room and the other detainees were present and were also being hit. The KLA soldiers also asked | <i>Sabit Geci et al.</i> , District Court of Mitrovicë/Mitrovica, P 45/2010, para.105 | 558-569 | 82, 119-120 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|---|---|---------|---------------------|-----------------------|
| | Witness F questions about his identity and where he worked, as they were concerned that he was a Serb collaborator. They called him a “traitor” and “spy”. | | | | |
| 655. | The second occasion was when Witness F was made to face the wall and was hit in the back. It felt like being hit with a police rubber baton. As a result, he could not move his back at all. | <i>Sabit Geci et al.</i> , District Court of Mitrovicë/Mitrovica, P 45/2010, para.106 | 558-569 | 82, 119-120 | |
| 656. | Witness H was beaten from time to time when unknown KLA soldiers would come into the detention room late at night and beat him and the other detainees on their hands with rubber batons. | <i>Sabit Geci et al.</i> , District Court of Mitrovicë/Mitrovica, P 45/2010, para.107 | 558-569 | 82, 119-120 | |
| 657. | On or about 20 May 1999 around noon, Sabit Geci entered the detention room where Witness B was being detained with [REDACTED] and several other persons. Geci was with two KLA Military Police, and they brought three arrested KLA soldiers into the room. The three KLA soldiers were brought in because they had left the front line. Sabit Geci and other | <i>Sabit Geci et al.</i> , District Court of Mitrovicë/Mitrovica, P 45/2010, paras 108- 109 | 558-569 | 82, 119-120, 167 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|---|--|---------|---------------------|-----------------------|
| | KLA soldiers wearing black uniforms from the Special Unit beat the three arrested soldiers until they fainted. One broke a baton over the head of one of them. On this same occasion, they also beat the detainees already in the room – specifically Witness B, Witness D, Witness E, the unknown male Roma, and two other detainees. | | | | |
| 658. | Witness C was also subjected to severe maltreatment. | <i>Sabit Geci et al.</i> , District Court of Mitrovicë/Mitrovica, P 45/2010, para.113 | 558-569 | 82, 119-120 | |
| 659. | While still being initially detained in the warehouse, Witness C was woken up on the 3rd morning to see [REDACTED] being beaten by three persons with sticks and batons. During the beating, the KLA asked questions about how Witness B, Witness C and [REDACTED] had arrived in Kukës. They also slapped and kicked Witness C, asking questions about | <i>Sabit Geci et al.</i> , District Court of Mitrovicë/Mitrovica, P 45/2010, para.114 | 558-569 | 82, 119-120, 167 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|---|---|---------|------------------|-----------------------|
| | her affiliation with Witness B and [REDACTED]. | | | | |
| 660. | When taken out of the warehouse, Witness C was separated from the others and detained alone in a room. During this time, she was also subjected to severe maltreatment. During her detention, Witness C was interrogated by different KLA soldiers on almost a daily basis. They asked questions about Witness B and [REDACTED] and about their association with Witness C, because the KLA suspected them of collaborating with the Serbs. These interrogations involved violence, beatings and ill treatment. On one occasion, they beat Witness C with a knife or metal stick, and on another occasion Witness C was beat unconscious. | <i>Sabit Geci et al.</i> , District Court of Mitrovicë/Mitrovica, P 45/2010, para.115 | 558-569 | 82, 119-120, 167 | |
| 661. | Witness C has suffered injuries and permanent scarring. | <i>Sabit Geci et al.</i> , District Court of Mitrovicë/Mitrovica, P 45/2010, para.115 | 558-569 | 82, 119-120 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|---|--|---------|---------------------|-----------------------|
| 662. | During her detention, Witness C could hear the screams of men every day. | <i>Sabit Geci et al.</i> , District Court of Mitrovicë/Mitrovica, P 45/2010, para.115 | 558-569 | 82, 119-120 | |
| 663. | Witness G was interrogated three times. During each interview, he was accused of expelling his fellow villagers from their homes, of owning a gun, and of being a friend and collaborator with the Serbs. The interviews mostly occurred in the late night, such as 23:00 hrs and midnight. | <i>Sabit Geci et al.</i> , District Court of Mitrovicë/Mitrovica, P 45/2010, para.117 | 558-569 | 82, 119-120 | |
| 664. | Witness A was accused by the KLA soldiers of involvement in the murder of the "Gervalla brothers". In addition, he was made to write out his biography. | <i>Sabit Geci et al.</i> , District Court of Mitrovicë/Mitrovica, P 45/2010, para.118 | 558-569 | 82, 119-120 | |
| 665. | Witness D and Witness E were kept in detention because of an allegation that they were part of a paramilitary unit who fought with the Serbs. | <i>Sabit Geci et al.</i> , District Court of Mitrovicë/Mitrovica, P 45/2010, para.120 | 558-569 | 82, 119-120 | |
| 666. | [REDACTED] had been in a traffic accident approximately six months prior to May 1999 and suffered six broken ribs | <i>Sabit Geci et al.</i> , District Court of | 558-569 | 82, 119-120, 167 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|---|---|---------|------------------|-----------------------|
| | and injuries to his head which required stitches. These injuries had not fully healed yet when he was arrested, detained and beaten in Kukës. | Mitrovicë/Mitrovica, P 45/2010, para.121 | | | |
| 667. | [REDACTED] died while he was detained at the Kukës camp on or about 05 June 1999. | <i>Sabit Geci et al.</i> , District Court of Mitrovicë/Mitrovica, P 45/2010, para.122 | 558-569 | 82, 119-120, 167 | |
| 668. | In the evening of 3 or 4 June 1999, Witness B was taken out of the detention room and into another room. Xhemshit Krasniqi and several other KLA soldiers were present. The KLA tried to coerce Witness B into making a confession on tape and when he refused, they beat him. At some point, Witness B was forced to put on a bullet-proof vest, stood up against the wall and fired shots at, causing him to faint. | <i>Sabit Geci et al.</i> , District Court of Mitrovicë/Mitrovica, P 45/2010, para.123 | 558-569 | 82, 119-120, 167 | |
| 669. | When Witness B regained consciousness, the KLA returned him to the detention room (where Witnesses A, D, E, F-were being held) and took [REDACTED] out to the room across the corridor. Witness B | <i>Sabit Geci et al.</i> , District Court of Mitrovicë/Mitrovica, P 45/2010, para.124 | 558-569 | 82, 119-120, 167 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|---|---|---------|------------------|-----------------------|
| | heard shots fired and the screams of [REDACTED], and believed that he had been killed. However, [REDACTED] was brought back into the detention room in the early morning hours and he told Witness B that the KLA had fired shots at him and he had fainted. | | | | |
| 670. | That same day, Xhemshit Krasniqi came into the detention room and told Witness B and [REDACTED] "One of you is going to live tonight but not both." | <i>Sabit Geci et al.</i> , District Court of Mitrovicë/Mitrovica, P 45/2010, para.125 | 558-569 | 82, 119-120, 167 | |
| 671. | That evening, KLA soldiers came to the detention room again and took both Witness B and [REDACTED] back into the room across the corridor without a door. The KLA soldiers again tried to coerce Witness B and [REDACTED] into making a confession on tape, accused them of involvement in the killing of Commander Petrit, and questioned them. The KLA beat them with batons, injuring their ribs, and hit them in their faces with automatic weapons. One KLA soldier shot Witness B | <i>Sabit Geci et al.</i> , District Court of Mitrovicë/Mitrovica, P 45/2010, para.126 | 558-569 | 82, 119-120, 167 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|--|---|---------|------------------|-----------------------|
| | in his left foot just above the toes with a TT pistol from a distance of 50-70 cm. | | | | |
| 672. | Then another KLA soldier fired an automatic weapon at [REDACTED], hitting him with one to three shots under his left knee causing heavy bleeding. Despite these wounds, the KLA soldiers continued to brutally maltreat Witness B and [REDACTED] throughout the night and into the early morning hours, even after returning both of them to the detention room. | <i>Sabit Geci et al.</i> , District Court of Mitrovicë/Mitrovica, P 45/2010, para.127 | 558-569 | 82, 119-120, 167 | |
| 673. | Witness B asked for a doctor for [REDACTED] and one was brought to examine him inside the detention room. The doctor could not stop the bleeding from the gunshot wound and recommended that [REDACTED] be brought to the Kukës hospital. However such measure, which could have saved the life of [REDACTED], was denied by the KLA soldiers present. The other detainees, and specifically Witness D and Witness E tried to help [REDACTED]. Hours later, at | <i>Sabit Geci et al.</i> , District Court of Mitrovicë/Mitrovica, P 45/2010, para.128 | 558-569 | 82, 119-120, 167 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|--|---|---------|-------------|-----------------------|
| | approximately 14:00 hrs, [REDACTED] died inside the detention room. | | | | |
| 674. | Sabit GECE was a senior member of the KLA with a command role, holding authority and control over soldiers below him. | <i>Sabit Geci et al.</i> , District Court of Mitrovicë/Mitrovica, P 45/2010, paras 191, 221 | 558-569 | 82, 119-120 | |
| 675. | The main detention room in which almost all the witnesses were held was extremely small, and not sufficient for the numbers of detainees involved. Detainees slept on a concrete, bare floor, sometimes without blankets when these were removed as a form of collective punishment due to their alleged collaborations. Water was scarce and not regularly provided. Food was also provided in small amount and inconsistently. Several witnesses suffered significant weight loss due to the poor and inadequate diet provided during their weeks of detention. Sanitation was almost non-existent with limited access to toilets, and no opportunity for washing or changing of clothes. The detainees were | <i>Sabit Geci et al.</i> , District Court of Mitrovicë/Mitrovica, P 45/2010, para.219 | 558-569 | 82, 119-120 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|---|---|--|----------------------|-------------|-----------------------|
| | kept in filthy, squalid conditions, not fit, as one witness described, for animals. | | | | |
| 676. | The frequency of the beatings meant that the detainees were living in a state of perpetual fear of further violence and of death. | <i>Sabit Geci et al.</i> , District Court of Mitrovicë/Mitrovica, P 45/2010, para.220 | 558-569 | 82, 119-120 | |
| XVI. OTHER INCIDENTS | | | | | |
| A. MIJAT STOJANOVIĆ, DRAGOSLAV STOJANOVIĆ, AND VESELIN STIJOVIĆ | | | | | |
| 677. | Mijat Stojanović and Dragoslav Stojanović fled their family compound in Dubravë/Dubrava in Deçan/Deçani municipality after the clash between the MUP forces and the KLA at the Haradinaj family compound on 24 March 1998. | <i>Haradinaj retrial</i> , TJ, para.183 <i>See also Haradinaj</i> , TJ, para.177 | 191, 267, 702-707 | 16-31, 59 | |
| 678. | At around 0830 or 0900 hours on 18 April 1998, two members of the Stojanović family, Mijat Stojanović and Dragoslav Stojanović, and their relative Veselin Stijović, all Kosovo Serbs, returned to the Stojanović family compound to retrieve some of their belongings. | <i>Haradinaj retrial</i> , TJ, para.183 <i>See also Haradinaj</i> , TJ, para.177 | 191, 267, 702-707 | 16-31, 59 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|--|---|----------------------|------------|-----------------------|
| 679. | While Mijat Stojanović and Veselin Stijović were packing, gunshots were fired from the direction of Dubravë/Dubrava. | <i>Haradinaj retrial</i> , TJ, para.183 <i>See also Haradinaj</i> , TJ, para.177 | 191, 267, 702-707 | 16-31, 59 | |
| 680. | The initial shots were followed by further gunfire from the direction of the Haradinaj compound in Gllogjan/Glođane. | <i>Haradinaj retrial</i> , TJ, para.183 <i>See also Haradinaj</i> , TJ, para.177 | 191, 267, 702-707 | 16-31, 59 | |
| 681. | The shooting continued for roughly 40 minutes, after which 15 to 30 men carrying small arms entered the front yard of the Stojanović compound. | <i>Haradinaj retrial</i> , TJ, para.184 <i>See also Haradinaj</i> , TJ, para.177 | 191, 267, 702-707 | 16-31, 59 | |
| 682. | The armed men demanded that the inhabitants of the home surrender. | <i>Haradinaj retrial</i> , TJ, para.184 <i>See also Haradinaj</i> , TJ, para.177 | 191, 267, 702-707 | 16-31, 59 | |
| 683. | Dragoslav Stojanović opened the front door and allowed these armed men to enter the house. | <i>Haradinaj retrial</i> , TJ, para.184 | 191, 267, 702-707 | 16-31, 59 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|--|---|-------------------|------------|-----------------------|
| | | <i>See also Haradinaj, TJ, para.177</i> | | | |
| 684. | Daut Haradinaj and another Kosovo Albanian entered the house first. Others followed. Most of these men donned camouflage or black uniforms; they wore the KLA insignia. | <i>Haradinaj retrial, TJ, para.185</i> <i>See also Haradinaj, TJ, para.177</i> | 191, 267, 702-707 | 16-31, 59 | |
| 685. | The KLA soldiers physically mistreated Mijat, Dragoslav and Veselin. They shouted insults at them that referenced their Serb ethnicity and declared that “Kosovo belonged to the Albanians”. This continued for about 15 or 20 minutes until Nasim Haradinaj, Ramush Haradinaj’s cousin, arrived. Nasim appeared to have “influence” over these men and attempted to stop the beatings; his commands were only briefly adhered to. | <i>Haradinaj retrial, TJ, para.186</i> <i>See also Haradinaj, TJ, para.177</i> | 191, 267, 702-707 | 16-31, 59 | |
| 686. | Following further beatings, Mijat, Dragoslav, and Veselin were forcibly taken to the house of Smajl Haradinaj, the | <i>Haradinaj retrial, TJ, para.187</i> <i>See also Haradinaj, TJ, para.177</i> | 191, 267, 702-707 | 16-31, 59 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|---|---|-------------------|------------|-----------------------|
| | uncle of Ramush Haradinaj and father of Nasim Haradinaj, in Glogjan/Glođane | | | | |
| 687. | As they were being taken to Smajl Haradinaj's house, all three captives were ordered to keep their heads down and not to look left or right. | <i>Haradinaj retrial</i> , TJ, para.188 <i>See also Haradinaj</i> , TJ, para.177 | 191, 267, 702-707 | 16-31, 59 | |
| 688. | There were many armed persons along the road to Glogjan/Glođane, a number of whom wore uniforms with the KLA insignia. During the journey to Smajl Haradinaj's house, Mijat, Dragoslav, and Veselin were mistreated by many of these persons, as well as by their captors, and insulted on the basis of their Serb ethnicity. | <i>Haradinaj retrial</i> , TJ, para.189 <i>See also Haradinaj</i> , TJ, para.177 | 191, 267, 702-707 | 16-31, 59 | |
| 689. | At Smajl Haradinaj's house, the three captives were taken to the first floor by Daut Haradinaj, Besnik Haradinaj, and Zeqir (Zećir) Nimonaj. Present in this house were a number of armed soldiers in black or camouflaged uniforms, which displayed the KLA symbol on the right | <i>Haradinaj retrial</i> , TJ, para.190 <i>See also Haradinaj</i> , TJ, para.177 | 191, 267, 702-707 | 16-31, 59 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|--|---|-------------------|------------|-----------------------|
| | shoulder; this symbol was also visible on the soldiers' caps. | | | | |
| 690. | Mijat, Dragoslav, and Veselin were taken upstairs and placed in a room together. Over the next few hours, each of the three men was individually taken into a second room, where he was interrogated and beaten by several persons with rifle butts, bats, and metal bars. Those administering the beatings included Zeqir Nimonaj, Daut Haradinaj, and Besnik Haradinaj. The questioning consisted of various accusations and verbal abuse, which referenced their Serb ethnicity. After leaving the room, Mijat, Dragoslav, and Veselin, were subjected to further beatings. | <i>Haradinaj retrial</i> , TJ, para.191 <i>See also Haradinaj</i> , TJ, para.177 | 191, 267, 702-707 | 16-31, 59 | |
| 691. | A KLA soldier interrogated Dragoslav Stojanović about the police, why he was in Dubrava/Dubravë without a permit, and why he had not joined "them". | <i>Haradinaj</i> , TJ, para.177 | 191, 267, 702-707 | 16-31, 59 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|---|---|----------------------|------------|-----------------------|
| 692. | Mijat Stojanović was accused of being a spy. | <i>Haradinaj</i> , TJ, para.177 | 191, 267, 702-707 | 16-31, 59 | |
| 693. | Veselin Stijović was asked whether he had any weapons. | <i>Haradinaj</i> , TJ, para.177 | 191, 267, 702-707 | 16-31, 59 | |
| 694. | Dragoslav was mistreated the worst; he incurred severe injuries causing him to drift in and out of consciousness throughout the day | <i>Haradinaj retrial</i> , TJ, para.192 <i>See also Haradinaj</i> , TJ, para.177 | 191, 267, 702-707 | 16-31, 59 | |
| 695. | At roughly 1500 hours after the beatings had ceased, Nasim Haradinaj informed Mijat, Dragoslav, and Veselin that they would be released. Nasim also gave Dragoslav a pill for the pain and Hilmi Haradinaj (Ramush Haradinaj's father) brought Dragoslav some refreshments. | <i>Haradinaj retrial</i> , TJ, para.193 <i>See also Haradinaj</i> , TJ, para.177 | 191, 267, 702-707 | 16-31, 59 | |
| 696. | Mijat Stojanović then accompanied Nasim Haradinaj and another soldier to retrieve one of the cars that Mijat and his companions had driven that morning. While leaving Smajl Haradinaj's property, | <i>Haradinaj retrial</i> , TJ, para.193 <i>See also Haradinaj</i> , TJ, para.177 | 191, 267, 702-707 | 16-31, 59 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|--|---|-------------------|------------|-----------------------|
| | Mijat Stojanović saw Ramush Haradinaj standing with his father in the yard. | | | | |
| 697. | Upon Mijat's return, he, Veselin, and Dragoslav were again offered food and drink by Hilmi Haradinaj. They were then taken by Nasim Haradinaj back to the Stojanović home so that he and his men could search the property for weapons. When no weapons were found, Mijat, Dragoslav, and Veselin were bound, blindfolded, and taken to the refugee camp in Baballoq/Babaloc, where they received medical attention. The entire incident lasted roughly from 0900 to 1700 hours. | <i>Haradinaj retrial, TJ, para.194</i> <i>See also Haradinaj, TJ, para.177</i> | 191, 267, 702-707 | 16-31, 59 | |
| 698. | Dragoslav was subsequently hospitalised for his injuries, first in Pejë/Peć, and later in Prishtinë/Priština. His injuries included a burst stomach, spleen, and duodenum. He was operated in Prishtinë/Priština and remained in intensive care for a number of days. | <i>Haradinaj retrial, TJ, para.194</i> <i>See also Haradinaj, TJ, para.177</i> | 191, 267, 702-707 | 16-31, 59 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|---|---|---------------------------------|----------------------|------------|-----------------------|
| B. ROSA RADOŠEVIĆ, NOVAK STIJOVIĆ, AND STANIŠA RADOŠEVIĆ | | | | | |
| 699. | On 22 April 1998, Rosa Radošević, Novak Stijović, and Staniša Radošević were stopped by armed KLA soldiers on the road in or near Požar/Pozhare. KLA soldiers subsequently took the three by car in the direction of Glođane/Gllogjan. At the entrance of Glođane/Gllogjan, Novak Stijović and Staniša Radošević were kicked and beaten by a group of KLA soldiers with fists and rifle and pistol butts for a considerable amount of time. Novak Stijović fell to the ground and Staniša Radošević was bleeding. The three were then taken inside a room in a nearby house and Staniša Radošević was beaten and interrogated. Staniša Radošević was sent out of the house on the condition that he would go to collect two guns. After some time Rosa Radošević and Novak Stijović were released. Staniša Radošević retrieved one gun and then left for Dečani/Dečan under the pretext of getting the other gun, | <i>Haradinaj</i> , TJ, para.187 | 191, 267, 702-707 | 16-31, 59 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
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| | but instead escaped and went to the local police station. | | | | |
| 700. | The beating caused Novak Stijović and Staniša Radošević serious physical suffering. | <i>Haradinaj</i> , TJ, para.188 | 191, 267, 702-707 | 16-31, 59 | |
| 701. | The KLA soldiers repeatedly told Novak Stijović and Staniša Radošević that they, as Serbs, could not return to their homes since that land was not theirs. During the beatings, the KLA soldiers interrogated them about their knowledge of and connections with the Serbian police, asking questions about police force numbers, locations, and individual members. They also questioned Staniša Radošević about the ethnicity of persons named in his address book. One KLA soldier threatened to kill Rosa Radošević and Novak Stijović unless Staniša Radošević went to collect two guns. The beatings were aimed at obtaining information and at intimidating and coercing the victims, and at discriminating | <i>Haradinaj</i> , TJ, para.189 | 191, 267, 702-707 | 16-31, 59 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|--|--|---|-------------------|------------|-----------------------|
| | against Novak Stijović and Staniša Radošević on the basis of their ethnicity. | | | | |
| C. FOUR FARK SOLDIERS (JULY 1998) | | | | | |
| 702. | On 4 July 1998, four FARK soldiers were sent by FARK commander Tahir Zemaj from Isniq/Istinić to Pacaj in Gjakovë/Đakovica municipality, to obtain weapons coming in from Albania. At that time, the FARK 134th brigade was located in Isniq/Istinić village. The soldiers took a travel document issued by Tahir Zemaj with them. On their journey, the FARK soldiers stopped at Irzniq/Rznić, so that one of them could get his military uniform and an additional travel document from Maxhun Çekaj, the KLA village commander. | <i>Haradinaj retrial</i> , TJ, para.264 | 195, 267, 702-707 | 16-31, 59 | |
| 703. | As the other FARK soldiers were waiting in a village store, Idriz Balaj and Daut Haradinaj, wearing black uniforms, arrived at the store and demanded that the FARK soldiers come to Glllogjan/Gloñane. Subsequently, when the soldier who had | <i>Haradinaj retrial</i> , TJ, para.265 | 195, 267, 702-707 | 16-31, 59 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|--|---|-------------------|------------|-----------------------|
| | gone to collect his uniform and travel document arrived at the store, Idriz Balaj and Daut Haradinaj repeated their demand and fired several shots in the air. ⁹⁸⁷ At one point, the travel document obtained from KLA village commander Maxhun Çekaj was shown to Idriz Balaj and Daut Haradinaj. Daut Haradinaj tore the document up and summoned Maxhun Çekaj, telling him that the travel document should not have been provided to “these FARK soldiers” because they did not belong in Kosovo, and the KLA should “fight against them”. | | | | |
| 704. | The four FARK soldiers subsequently went in their own vehicle to Glllogjan/Gloñane, in a convoy led by Daut Haradinaj in his vehicle, followed by Idriz Balaj in a third vehicle. When they arrived, there was a group of around 100-200 people, most of whom were in civilian clothes, waiting outside the KLA staff building. | <i>Haradinaj retrial</i> , TJ, para.266 | 195, 267, 702-707 | 16-31, 59 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|---|--|-------------------|------------|-----------------------|
| 705. | Upon their arrival in Glogjan/Gloňane, one of the FARK soldiers entered the KLA staff building to speak with Ramush Haradinaj. As the FARK soldier who spoke with Ramush Haradinaj was exiting the building, Ramush Haradinaj followed in a visibly angry manner. A FARK soldier was struck by Ramush Haradinaj. | <i>Haradinaj retrial</i> , TJ, para.267 | 195, 267, 702-707 | 16-31, 59 | |
| 706. | Shortly thereafter, the four FARK soldiers were beaten and kicked by many individuals including Idriz Balaj, Daut Haradinaj, and other KLA soldiers. One of the FARK soldiers was injured by gun shot near the neck at the back of his right shoulder. Ramush Haradinaj is among the men who fired their guns. | <i>Haradinaj retrial</i> , TJ, paras 268-269 | 195, 267, 702-707 | 16-31, 59 | |
| 707. | After a brief period of beatings, three of the four FARK soldiers were dragged by the hair into the KLA staff building by soldiers in black uniforms, including Idriz Balaj and Daut Haradinaj. As they were dragged, their beating continued. The fourth FARK soldier, who had suffered the gunshot wound to the shoulder, was | <i>Haradinaj retrial</i> , TJ, para.270 | 195, 267, 702-707 | 16-31, 59 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|---|---|-------------------|------------|-----------------------|
| | told by Ramush Haradinaj that he had “two minutes to leave the village of Glogjan”. This soldier returned to the FARK command and was later admitted to hospital in Isniq/Istinić. Inside the KLA staff building, the remaining three FARK soldiers were undressed and beaten again by soldiers in black uniform; one of the FARK soldiers lost consciousness. | | | | |
| 708. | Thereafter, on the same day, Ramush Haradinaj ordered Idriz Balaj and Daut Haradinaj to take the three FARK soldiers to Kodrali/Kodralija in Deçan/Deçani municipality. The FARK soldiers were then forced by Idriz Balaj and Daut Haradinaj to run undressed for several kilometres while shots were being fired in the air. When they passed through Irzniq/Rznić village, men “dressed in black clothes like military police” asked Idriz Balaj who the FARK soldiers were. When Idriz Balaj replied that they were “soldiers of Tahir Zemaj”, the men beat and kicked them. | <i>Haradinaj retrial</i> , TJ, para.271 | 195, 267, 702-707 | 16-31, 59 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|---|---|-------------------|------------|-----------------------|
| 709. | The FARK soldiers eventually arrived in Isniq/Istinić at around 2200 hours; all three were immediately offered medical attention and subsequently admitted to Isniq/Istinić hospital. | <i>Haradinaj retrial</i> , TJ, para.272 | 195, 267, 702-707 | 16-31, 59 | |
| 710. | In discussions concerning the 4 July 1998 incident discussed in a meeting on 5 July 1998, Ramush Haradinaj stated that he felt sorry for what had happened to the four FARK soldiers, that this had been, in his words, “a failed action”, and that it would not happen again. Tahir Zemaj stated that this was to be the first and last of such incidents and asked Ramush Haradinaj to “dismiss those responsible for the attack” but the latter refused. | <i>Haradinaj retrial</i> , TJ, para.273 | 195, 267, 702-707 | 16-31, 59 | |
| 711. | On 10 July 1998, while the FARK 134th brigade was located in a school at Prapaqan/Prapačane in Deçan/Dečani municipality, around 15-30 KLA soldiers, including Ramush Haradinaj, Daut Haradinaj, Idriz Balaj and soldiers dressed in black uniforms, arrived at the school and demanded that the FARK officers | <i>Haradinaj retrial</i> , TJ, para.277 | 195, 267, 702-707 | 16-31, 59 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
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| | leave immediately. The KLA soldiers had weapons and Ramush Haradinaj fired into the air. At that time, Ramush Haradinaj and Idriz Balaj were also wearing black uniforms. As a consequence of the demands of the KLA soldiers, the FARK officers left the barracks and went to the houses that they had been staying at in Prapaqan/Prapaçane. | | | | |
| D. INCIDENTS AT RZNIQ/IRZNIĆ HEADQUARTERS | | | | | |
| 712. | One night in summer 1998, five armed men in black uniforms with KLA insignia took a Roma woman and her husband from their home to the KLA headquarters in Rznić/Irzniq, Deçan/Deçani. | <i>Haradinaj, TJ, para.465 (see also para.460)</i> <i>See also Haradinaj, AJ, para.95</i> | 191, 267, 702-707 | 16-31, 59 | |
| 713. | This headquarters had a reputation for violence. | <i>Haradinaj, AJ, para.95</i> | 191, 267, 702-707 | 16-31, 59 | |
| 714. | At the headquarters, two of the five armed men put the man in a well, where he was left standing in water, while two other armed men took the woman into a room. | <i>Haradinaj, TJ, para.465</i> <i>See also Haradinaj, AJ, para.95</i> | 191, 267, 702-707 | 16-31, 59 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|---|---|-------------------|------------|-----------------------|
| 715. | In this room, a man interrogated the woman about whether her husband had collaborated with the Serbian police. He placed several weapons on the table and then repeatedly subjected her to sexual penetration without her consent in the course of about one and a half hours. | <i>Haradinaj</i> , TJ, paras 465-466 | 191, 267, 702-707 | 16-31, 59 | |
| 716. | On 11 August 1998, an ECMM team in Kosovo went to Irzniq/Rznić in Deçan/Dečani municipality while it was being shelled. As they were leaving the area, they were stopped by KLA soldiers a few times and ultimately taken to KLA headquarters in Glllogjan/Gloñane by KLA soldiers, including Idriz Balaj, who accused them of being spies. An interpreter with the ECMM team was ill-treated by Idriz Balaj. In Glllogjan/Gloñane, they met Ramush Haradinaj who asked them questions and subsequently released them with an escort out of the area on the same day. | <i>Haradinaj retrial</i> , TJ, para.306 | 191, 267, 702-707 | 16-31, 59 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|---|---|--|-------------------|------------|-----------------------|
| E. [REDACTED] | | | | | |
| 717. | On the night of 24 March 1999, KLA member Gjelosh Krasniqi carried off [REDACTED] as a prisoner from his brother's house and together with other KLA soldiers pillaged weapons from other houses in the village of Dublibare. | <i>Gjelosh Krasniqi, District Court of Peja/Pec, P.No.67/09, pp.90, p.92 (concerning Krasniqi's KLA membership). See also pp. 89, 94-95</i> <i>See also Gjelosh Krasniqi, Supreme Court of Kosovo, Ap-Kž-353/2009, pp.6-8</i> | 191, 267, 702-707 | 16-31, 59 | |
| 718. | The purported reason for the action against [REDACTED] was because of his supposed collaboration with the Serbs since he was a local police officer working for the Serbian government. | <i>Gjelosh Krasniqi, District Court of Peja/Pec, P.No.67/09, p.92</i> | 191, 267, 702-707 | 16-31, 59 | |
| F. [REDACTED], [REDACTED], [REDACTED], [REDACTED], AND [REDACTED] | | | | | |
| 719. | On 23 or 24 June 1999, Bekim Zekaj and Ahmet Elshani told [REDACTED], [REDACTED], [REDACTED], | <i>Idriz Balaj, District Court of Peja/Pec, C.C. No. 190/02,</i> | 201, 267, 702-707 | 16-31, 59 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|---|---|-------------------|------------|-----------------------|
| | [REDACTED] and [REDACTED] that they were wanted at the Dukagjini Headquarters. | pp.13-14 (<i>see also</i> pp.2-3) <i>See also Idriz Balaj et al. Supreme Court of Kosovo, AP. 95/2003, pp.10, 12-14</i> | | | |
| 720. | Bekim Zekaj and Ahmet Elshani escorted [REDACTED], [REDACTED], [REDACTED], [REDACTED] and [REDACTED] to the Dukagjini Headquarters in Peja/Peć. | <i>Idriz Balaj</i> , District Court of Peja/Peć, C.C. No. 190/02, p.14 (<i>see also</i> pp.2-3) <i>See also Idriz Balaj et al. Supreme Court of Kosovo, AP. 95/2003, pp.10, 12-14</i> | 201, 267, 702-707 | 16-31, 59 | |
| 721. | At the headquarters, Ethem Ceku, a brother to Agim Ceku, appeared at the door with two other men who were in black special unit uniforms. They told [REDACTED], [REDACTED], [REDACTED], [REDACTED] and [REDACTED] that Ramush Haradinaj | <i>Idriz Balaj</i> , District Court of Peja/Peć, C.C. No. 190/02, p.14 (<i>see also</i> pp.2-3) <i>See also Idriz Balaj et al. Supreme Court of</i> | 201, 267, 702-707 | 16-31, 59 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|---|---|-------------------|------------|-----------------------|
| | wanted to have an informative talk with them. | Kosovo, AP. 95/2003, pp.10, 12-14 | | | |
| 722. | [REDACTED], [REDACTED], [REDACTED], [REDACTED] and [REDACTED] went back downstairs where Ahmet Elshani told them to surrender their weapons. [REDACTED] had a pistol belonging to [REDACTED]. He surrendered this to Ahmet Elshani and [REDACTED], [REDACTED], [REDACTED], [REDACTED] and [REDACTED] were searched before they got back into their Opel Kadett. | <i>Idriz Balaj</i> , District Court of Peja/Peć, C.C. No. 190/02, p.14 (<i>see also</i> pp.2-3) <i>See also Idriz Balaj et al.</i> Supreme Court of Kosovo, AP. 95/2003, pp.10, 12-14 | 201, 267, 702-707 | 16-31, 59 | |
| 723. | [REDACTED], [REDACTED], [REDACTED], [REDACTED] and [REDACTED] were taken to Ratish village. While being taken to Ratish the victims were again escorted by Ahmet Elshani, Ramush Ahmetaj, Bekim Zekaj and other soldiers. | <i>Idriz Balaj</i> , District Court of Peja/Peć, C.C. No. 190/02, p.14 (<i>see also</i> pp.2-3) <i>See also Idriz Balaj et al.</i> Supreme Court of Kosovo, AP. 95/2003, pp.10, 12-14 | 201, 267, 702-707 | 16-31, 59 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|---|--|-------------------|------------|-----------------------|
| 724. | At a building in Ratish, [REDACTED], [REDACTED], [REDACTED], [REDACTED] and [REDACTED] were put in a line. Daut Haradinaj came and punched each victim. Each victim that he hit fell to the ground. | <i>Idriz Balaj</i> , District Court of Peja/Peć, C.C. No. 190/02, p.14 (<i>see also</i> pp.2-3) <i>See also Idriz Balaj et al.</i> Supreme Court of Kosovo, AP. 95/2003, pp.10, 12-14 | 201, 267, 702-707 | 16-31, 59 | |
| 725. | [REDACTED], [REDACTED], [REDACTED], [REDACTED] and [REDACTED] were taken behind the building and lined up. Bekim Zekaj punched them and kicked them. | <i>Idriz Balaj</i> , District Court of Peja/Peć, C.C. No. 190/02, p.14 (<i>see also</i> pp.2-3) <i>See also Idriz Balaj et al.</i> Supreme Court of Kosovo, AP. 95/2003, pp.10, 12-14 | 201, 267, 702-707 | 16-31, 59 | |
| 726. | [REDACTED], [REDACTED], [REDACTED], [REDACTED] and [REDACTED] were then led downhill from the building and were again lined up. A woman came and slapped [REDACTED]. Later, Daut Haradinaj came again and spoke to [REDACTED] | <i>Idriz Balaj</i> , District Court of Peja/Peć, C.C. No. 190/02, p.14 (<i>see also</i> pp.2-3) <i>See also Idriz Balaj et al.</i> Supreme Court of | 201, 267, 702-707 | 16-31, 59 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|--|--|-------------------|------------|-----------------------|
| | and [REDACTED]. Daut Haradinaj took a stick from a fence and the victims had to stretch out their hands. He beat each victim with the stick on the palms and then on their heads until each fainted. | Kosovo, AP. 95/2003, pp.10, 12-14 | | | |
| 727. | Idriz Balaj, nicknamed Toger, came with three or four soldiers, all of them in black uniform. From this place the victims were taken to the fence of the village where they were lined up against the fence. The soldiers ordered the victims to undress from the waist up and they took everything from the victims, valuables and documents. The soldiers removed magazines from their automatic weapons and ordered the victims to lie down one by one and they beat the victims one by one using the guns as whipping sticks. At some point during this beating, Idriz Balaj took the victim [REDACTED] and scarred him on the back with a knife. When they stopped beating the victims, they lined them up against the fence and then one of the soldiers hit [REDACTED], breaking his teeth. The victims were given back | <p><i>Idriz Balaj</i>, District Court of Peja/Peć, C.C. No. 190/02, pp.14-15 (<i>see also</i> pp.2-3)</p> <p><i>See also Idriz Balaj et al.</i> Supreme Court of Kosovo, AP. 95/2003, pp.10, 12-14</p> | 201, 267, 702-707 | 16-31, 59 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|--|---|-------------------|------------|-----------------------|
| | their clothes, but Toger took away all their valuables and documents before he left. The remaining soldiers escorted the victims to a house two or three kilometres away. | | | | |
| 728. | At the house, the victims found that some soldiers were staying there. They were at the house until dark when Idriz Balaj came. They then beat the victims and again the victims fainted. Later, they put [REDACTED] and [REDACTED] in a car. Toger, Ilir Selimaj and another soldier got in the car and drove off but at the gate they turned to the right. After one hour or one hour and a half, they heard pistol shots. | <i>Idriz Balaj</i> , District Court of Peja/Peć, C.C. No. 190/02, p.15 (<i>see also</i> pp.2-3) <i>See also Idriz Balaj et al.</i> Supreme Court of Kosovo, AP. 95/2003, pp.10, 12-14 | 201, 267, 702-707 | 16-31, 59 | |
| 729. | Toger, Ilir, and the other soldier came back and put [REDACTED], [REDACTED] and [REDACTED] into the car. Because the car was crowded they took [REDACTED] out. Again Toger, Ilir and the other soldier got into the car and drove towards the same direction as with the first two victims. [REDACTED] again heard gunshots from that direction. One of the soldiers said, | <i>Idriz Balaj</i> , District Court of Peja/Peć, C.C. No. 190/02, p.15 (<i>see also</i> pp.2-3) <i>See also Idriz Balaj et al.</i> Supreme Court of Kosovo, AP. 95/2003, pp.10, 12-14 | 201, 267, 702-707 | 16-31, 59 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|--|---|-------------------|------------|-----------------------|
| | ““They have gone to the other world””. About 20 minutes or half an hour later the car came back. | | | | |
| 730. | [REDACTED] was then put in the car. Toger as always was driving. The soldier who had accompanied the other victims got in but Ilir did not. Instead a different soldier got in. They set out in the same direction as with the other victims, but the vehicle developed a fault, so they stopped and got out. While the other soldiers pushed the car of the road, [REDACTED] escaped and, as he did so, heard the soldiers shouting and shooting. | <i>Idriz Balaj</i> , District Court of Peja/Peć, C.C. No. 190/02, p.15 <i>(see also pp.2-3)</i> <i>See also Idriz Balaj et al.</i> Supreme Court of Kosovo, AP. 95/2003, pp.10, 12-14 | 201, 267, 702-707 | 16-31, 59 | |
| 731. | After he escaped, [REDACTED] was in hiding for four days before going to Montenegro. | <i>Idriz Balaj</i> , District Court of Peja/Peć, C.C. No. 190/02, p.16 <i>(see also pp.2-3)</i> | 201, 267, 702-707 | 16-31, 59 | |
| 732. | [REDACTED], [REDACTED], [REDACTED], [REDACTED] were never heard from again. | <i>Idriz Balaj</i> , District Court of Peja/Peć, C.C. No. 190/02, p.3 | 201, 267, 702-707 | 16-31, 59 | |

| No. | Proposed Fact | Source | PTB | Indictment | Comments ¹ |
|------|---|---|-------------------|------------|-----------------------|
| | | <i>See also Idriz Balaj et al. Supreme Court of Kosovo, AP. 95/2003, pp.10, 12-14</i> | | | |
| 733. | The bodies of [REDACTED] and [REDACTED] were later found in and exhumed from a grave along with two other unidentified bodies. Based on forensic reports, it was established that [REDACTED] was murdered with two bullets to the head. | <i>Idriz Balaj et al. Supreme Court of Kosovo, AP. 95/2003, pp.15-17</i> | 201, 267, 702-707 | 16-31, 59 | |
| 734. | During the events on 23 or 24 June 1999, the soldiers, including Idriz Balaj and Daut Haradinaj, kept asking them if they wanted to establish another Headquarters of the KLA, but [REDACTED] said they had no intention of doing so. | <i>Idriz Balaj, District Court of Peja/Pec, C.C. No. 190/02, p.16 (see also pp.2-3)</i> | 201, 267, 702-707 | 16-31, 59 | |