

**ANNEX 1 to**  
**Prosecution submissions pursuant to Order F01283**

Public



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

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

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## I. INTRODUCTION

1. **Hashim THAÇI, Kadri VESELI, Rexhep SELIMI, and Jakup KRASNIQI** (collectively, '**Accused**') were senior political and military leaders of the Kosovo Liberation Army ('KLA')<sup>1</sup> and Provisional Government of Kosovo ('PGoK') throughout the Indictment Period.<sup>2</sup> They leveraged fear, personal and political loyalties, control over resources, and their positions within the KLA/PGoK - including as members of the General Staff<sup>3</sup> - to execute a common criminal purpose.

2. Together with other JCE Members,<sup>4</sup> **Hashim THAÇI, Kadri VESELI, Rexhep SELIMI, and Jakup KRASNIQI** pursued a common criminal purpose to gain and exercise control over all of Kosovo by means including unlawfully intimidating, mistreating, committing violence against, and removing those deemed to be opponents. Such opponents included persons who were or were perceived to have been: (a) collaborating or associating with FRY forces<sup>5</sup> or officials or state institutions or (b) otherwise not supporting the aims or means of the KLA and later the PGoK, including persons associated with the Democratic League of Kosovo ('LDK') and persons of Serb, Roma, and other ethnicities (collectively, '**Opponents**').

3. Pursuant to this common criminal purpose - designed, disseminated, and enforced by the **Accused** - **Opponents** were subject to the crimes of persecution, imprisonment, illegal or arbitrary arrest and detention, other inhumane acts, cruel treatment, torture, enforced disappearance, and murder. The crimes charged were committed in and around KLA/PGoK detention site locations in Kosovo and parts of

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<sup>1</sup> In Albanian, Ushtria Çlirimtare e Kosovës ('UÇK').

<sup>2</sup> When used herein this term has the same meaning as attributed in the Indictment (KSC-BC-2020-06/F00455/RED/A01 ('Indictment'), para.16).

<sup>3</sup> During the early organisation of the KLA, the term 'Central Staff', rather than 'General Staff', was used for the central organising entity of the KLA. Throughout this brief, the term 'General Staff' will be used, save in the case of direct quotations.

<sup>4</sup> When used herein this term has the same meaning as attributed in the Indictment (Indictment, KSC-BC-2020-06/F00455/RED/A01, para.35).

<sup>5</sup> When used herein, this term has the same meaning as attributed in the Indictment (Indictment, KSC-BC-2020-06/F00455/RED/A01, para.18).

Albania. Many of the detention sites in which the crimes occurred were located at longstanding KLA strongholds, including Operational Zone<sup>6</sup> and regional headquarters, and formally acknowledged prisons. At all times, the **Accused** acted with intent and knowledge.

4. As outlined below, **Hashim THAÇI known as Gjarpëri /Snake/, Kadri VESELI known as Luli, Rexhep SELIMI known as Dhjetëshi /Tenth or Tenner/ or Agron or Tafil or Lulzim,** and **Jakup KRASNIQI** are criminally responsible for the crimes charged in the Indictment through their participation in the common criminal purpose, their failure to prevent the crimes or punish the perpetrators, and the practical assistance, encouragement and moral support they provided to the perpetrators of the crimes.

## II. THE ACCUSED WERE KEY MEMBERS OF THE JOINT CRIMINAL ENTERPRISE

5. From the outset, the aggressive and public targeting of perceived collaborators, traitors, and other Opponents considered to be undermining the KLA or its liberation war, was a central focus for the KLA leadership.<sup>7</sup> Opponents were to be identified and punished, including by confinement, banishment, or death, as a warning to others.<sup>8</sup>

6. As elaborated below, the existence of the common criminal purpose is evidenced through the context in which the KLA/PGoK were created and developed, the statements and conduct of the **Accused** and other JCE Members, the policies and practices employed - including as reflected in contemporaneous communiqués and political declarations, rules, regulations, orders, reporting, training materials, and other documentation - and the crimes committed.

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<sup>6</sup> Initially, there were operational 'sub-zones' within one operational 'zone', which encompassed all of Kosovo; in late 1998, the terminology changed and the 'subzones' were transformed into 'zones'. See e.g. [REDACTED]. For ease of reference, the term 'zone' is used throughout this brief.

<sup>7</sup> [REDACTED]. See also [REDACTED].

<sup>8</sup> [REDACTED]; IT-04-84 P00146.E; [REDACTED]. See also [REDACTED].

7. The **Accused** implemented the common criminal purpose through means including KLA/PGoK structures and individuals over which they exercised authority. **Hashim THAÇI, Kadri VESELI, Rexhep SELIMI, Jakup KRASNIQI** and other JCE Members also led by example in implementation of the common criminal purpose, participating in the intimidation, interrogation, mistreatment, and/or detention of Opponents on the ground.

8. No set definition of what was meant by a ‘collaborator’ was ever provided,<sup>9</sup> and it was easy for anyone to be labelled as such.<sup>10</sup> KLA soldiers and commanders simply understood collaborators ‘to be people who obstructed or sabotaged the KLA or cooperated with the enemy’, including those considered to ‘damage’, ‘endanger’, or fail to support the KLA, or to have ‘spread fear, panic or rumours’.<sup>11</sup> Equally, persons cooperating with the civilian authorities of the Serbian regime, socialising with Serbs, or following a peaceful approach were labelled as collaborators or traitors.<sup>12</sup>

9. The fact that persons targeted as Opponents extended beyond those perceived to be directly collaborating with enemy forces was confirmed by **Jakup KRASNIQI**, who - when questioned on the reason for the arrest of two particular persons - testified that: ‘they were in the LDK, and they had a different policy, and maybe they were considered an obstacle for the KLA, but they weren’t taken as collaborators, since we didn’t have that information’.<sup>13</sup>

10. Those branded as collaborators or traitors - whether through public communiqués or otherwise - were threatened and endangered.<sup>14</sup> Hundreds of them were victims of the crimes charged in this case. As is evident from the evidence of the

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<sup>9</sup> [REDACTED].

<sup>10</sup> [REDACTED].

<sup>11</sup> [REDACTED]. *See also* [REDACTED].

<sup>12</sup> [REDACTED]; IT-05-87 1D00018, pp.323,336.

<sup>13</sup> [REDACTED].

<sup>14</sup> [REDACTED]. *See also* [REDACTED].

crimes recounted below, no lawful basis or exigency can justify the violence committed against them.

A. INTENT AND KNOWLEDGE

11. As outlined in detail below, the **Accused's** statements and deliberate and longstanding participation in the formulation, dissemination, enforcement, and implementation of the common criminal purpose demonstrate that they shared the common criminal purpose, intended to commit the charged crimes and knew that they were being committed.

12. In addition to these multiple factors, the **Accused's** commitment to the attainment of the common purpose is further revealed by their awareness of the circumstances in which the policy against Opponents was being implemented, the absence of safeguards to prevent abuses, and efforts to deny the implementation of the common purpose or prevent it from being disrupted. The **Accused**: (i) knew that KLA members were operating without a clear definition of, or process to identify, 'collaborators';<sup>15</sup> (ii) had notice that troops were being deployed with minimal training, in some cases no prior military experience, and either non-existent or minimal information on international humanitarian law obligations;<sup>16</sup> and (iii) had access to, *inter alia*, communications and reporting structures, which enabled regular communication with the zones and subordinate units, including those that were committing the crimes.<sup>17</sup>

13. Indeed, **THAÇI**,<sup>18</sup> **VESELI**,<sup>19</sup> **SELIMI**,<sup>20</sup> **KRASNIQI**,<sup>21</sup> and other General Staff members<sup>22</sup> were informed of crimes against Opponents from multiple sources. Abuses

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<sup>15</sup> [REDACTED].

<sup>16</sup> [REDACTED].

<sup>17</sup> See paras 126-134.

<sup>18</sup> [REDACTED]; 020430-020431, p.020430; [REDACTED].

<sup>19</sup> [REDACTED].

<sup>20</sup> [REDACTED].

<sup>21</sup> [REDACTED].

<sup>22</sup> [REDACTED].

against civilians were being reported to the General Staff by subordinate commands,<sup>23</sup> and there was ongoing public notice of crimes, including through large-scale demonstrations,<sup>24</sup> in the media<sup>25</sup> and reports and communications of civil leaders, governmental, international, and non-governmental organisations.<sup>26</sup> The General Staff paid close attention to both Albanian and international media,<sup>27</sup> denied the crimes,<sup>28</sup> and denounced international criticism of the KLA as unfounded.<sup>29</sup> The release of all abducted persons by both parties to the conflict was a subject of the negotiations in Rambouillet.<sup>30</sup>

14. **SELIMI** has confirmed that he was aware of detentions<sup>31</sup> and **KRASNIQI**, who also communicated directly with JCE Members about prisoners,<sup>32</sup> has confirmed knowledge of both detentions and killings.<sup>33</sup> International representatives have confirmed that they specifically confronted, among others, **THAÇI**,<sup>34</sup> **VESELI**,<sup>35</sup> **SELIMI**,<sup>36</sup> and **KRASNIQI**,<sup>37</sup> with reports of, in particular, abductions and detentions. Family members of detained or abducted persons frequently approached KLA commanders, including the **Accused** and JCE Members, seeking to locate or obtain the release of their relatives.<sup>38</sup>

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<sup>23</sup> [REDACTED].

<sup>24</sup> [REDACTED]; 021988-021989, p.021988; [REDACTED].

<sup>25</sup> 101768-101768; 101601-101603, pp.101601-101603; 101604-101606, pp.101604-101606; 066386-066389, pp.066386-066389; 020732-020733, pp.020732-020733; 076690-076692, p.076690-076692; 020723-020725, pp.020723-020724; 020946-020949, pp.020946-020948; 020568-020569, p.020568; 016912-016913, p.016913; 020751-020753, p.020751; [REDACTED]; 013445-013447, pp.013445-013447.

<sup>26</sup> [REDACTED]; 076631-076631; IT-05-87 1D00018, pp.183-184, 302, 304, 309, 311, 313-314, 331-332, 335-338, 341; [REDACTED].

<sup>27</sup> [REDACTED]. *See also* [REDACTED].

<sup>28</sup> *See* Section E.

<sup>29</sup> [REDACTED]; SPOE40000796-SPOE40000796-ET Revised; [REDACTED]. *See also* 020765-020765.

<sup>30</sup> IT-05-87 1D00018, pp.435, 454. *See also* [REDACTED].

<sup>31</sup> [REDACTED].

<sup>32</sup> [REDACTED].

<sup>33</sup> [REDACTED]. *See also* [REDACTED].

<sup>34</sup> [REDACTED].

<sup>35</sup> [REDACTED].

<sup>36</sup> [REDACTED].

<sup>37</sup> [REDACTED].

<sup>38</sup> *See e.g.* [REDACTED].

15. The crimes were also common knowledge both in Kosovo and abroad,<sup>39</sup> openly announced or admitted by various KLA commanders to outsiders,<sup>40</sup> openly discussed in KLA meetings and recorded in KLA documents,<sup>41</sup> and the **Accused** were frequently personally present at and had access to KLA sites, including where persons were detained, mistreated, and/or killed.

16. For example, at different times and depending on the security situation, the **Accused** and the General Staff were based at, among other locations, Likoc/Likovac<sup>42</sup> and locations in the Berishë/Beriša Mountains, in particular, Divjakë/Divljaka, which is near Kleçkë/Klečka.<sup>43</sup> Additionally, during the Indictment Period:<sup>44</sup>

a. **Hashim THAÇI** personally visited sites including, amongst many others, Likoc/Likovac<sup>45</sup> and the wider Drenicë Zone,<sup>46</sup> Jabllanica/Jablanica,<sup>47</sup> Drenoc/Drenovac,<sup>48</sup> Malishevë/Mališevo,<sup>49</sup> Kleçka/Klečka,<sup>50</sup> Bajgorë/Bajgora,<sup>51</sup> the Shala and Llap Zones,<sup>52</sup> and Kukës in Albania.<sup>53</sup>

b. **Kadri VESELI** personally visited sites including, amongst many others, Likoc/Likovac,<sup>54</sup> and the wider Drenicë Zone,<sup>55</sup> Jabllanica/Jablanica,<sup>56</sup>

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<sup>39</sup> [REDACTED]; IT-05-87 1D00018, pp.335-337; [REDACTED].

<sup>40</sup> IT-05-87 1D00018, pp.315, 336; [REDACTED].

<sup>41</sup> See Section C below.

<sup>42</sup> [REDACTED].

<sup>43</sup> [REDACTED].

<sup>44</sup> See also Section III below.

<sup>45</sup> [REDACTED].

<sup>46</sup> [REDACTED]; 019748-019749, p.019748.

<sup>47</sup> [REDACTED].

<sup>48</sup> [REDACTED].

<sup>49</sup> [REDACTED].

<sup>50</sup> [REDACTED].

<sup>51</sup> [REDACTED].

<sup>52</sup> [REDACTED].

<sup>53</sup> [REDACTED].

<sup>54</sup> [REDACTED].

<sup>55</sup> [REDACTED].

<sup>56</sup> [REDACTED].

Drenoc/Drenovac,<sup>57</sup> Malishevë/Mališevo,<sup>58</sup> Kleçka/Kleçka,<sup>59</sup> and Kukës in Albania.<sup>60</sup>

c. **Rexhep SELIMI** personally visited sites including, amongst many others, Likoc/Likovac<sup>61</sup> and the wider Drenicë Zone,<sup>62</sup> Jabllanica/Jablanica,<sup>63</sup> Drenoc/Drenovac,<sup>64</sup> Kleçka/Kleçka,<sup>65</sup> Bajgorë/Bajgora,<sup>66</sup> as well as the Shala and Llap Zones.<sup>67</sup>

d. **Jakup KRASNIQI** personally visited sites including, amongst many others, Likoc/Likovac,<sup>68</sup> Jabllanica/Jablanica,<sup>69</sup> Malishevë/Mališevo,<sup>70</sup> Kleçka/Kleçka,<sup>71</sup> the Shala and Llap Zones,<sup>72</sup> and Kukës in Albania.<sup>73</sup>

17. **THAÇI, SELIMI, and VESELI** were also on the ground in the immediate aftermath of the attack by KLA units on Rahovec/Orahovac, and its surrounding villages,<sup>74</sup> during which Serb civilians - who would later be detained, mistreated and killed - were captured.<sup>75</sup>

## B. PUBLIC STATEMENTS

18. The policy concerning Opponents was expressed, amongst other ways, through public communiqués, political declarations and statements. These were

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<sup>57</sup> [REDACTED].

<sup>58</sup> [REDACTED].

<sup>59</sup> [REDACTED].

<sup>60</sup> [REDACTED].

<sup>61</sup> [REDACTED].

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

<sup>63</sup> [REDACTED].

<sup>64</sup> [REDACTED].

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

<sup>66</sup> [REDACTED].

<sup>67</sup> [REDACTED].

<sup>68</sup> [REDACTED].

<sup>69</sup> [REDACTED].

<sup>70</sup> [REDACTED].

<sup>71</sup> [REDACTED].

<sup>72</sup> [REDACTED].

<sup>73</sup> [REDACTED].

<sup>74</sup> [REDACTED].

<sup>75</sup> See Section (III)(E) below.

authored, approved, and controlled by the KLA General Staff and PGoK leadership.<sup>76</sup> One General Staff member described the writing of communiqués as having been a main focus of General Staff activity throughout 1997.<sup>77</sup> Subsequently, the Political Directorate, in particular, led by **Hashim THAÇI**,<sup>78</sup> and including **Jakup KRASNIQI**<sup>79</sup> and **Kadri VESELI**, had responsibility for KLA policy.<sup>80</sup> Where unauthorised communiqués were issued in the name of the KLA by other entities, the General Staff would disclaim responsibility, declaring them ‘invalid’.<sup>81</sup>

19. The public statements and communiqués were frequently prepared on the basis of information received from the ground,<sup>82</sup> including through the KLA’s intelligence services and military police.<sup>83</sup> The statements promptly reported on, and claimed responsibility for, actions taken against Opponents,<sup>84</sup> and were often issued shortly after decisions reached at General Staff meetings.<sup>85</sup>

20. Commanders and soldiers on the ground were provided with General Staff communiqués, or directly informed of their contents,<sup>86</sup> and also learned of the General Staff’s public statements through the press.<sup>87</sup> KLA members respected the General Staff’s public relations and policy-making authority,<sup>88</sup> used the communiqués as policy statements to guide their organisation,<sup>89</sup> and referred to them in zone level decisions and orders.<sup>90</sup>

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<sup>76</sup> [REDACTED].

<sup>77</sup> [REDACTED].

<sup>78</sup> [REDACTED].

<sup>79</sup> [REDACTED].

<sup>80</sup> [REDACTED].

<sup>81</sup> For example SPOE00209429-SPOE00209429-ET Revised.

<sup>82</sup> [REDACTED]. See also [REDACTED].

<sup>83</sup> [REDACTED; SPOE40000795-SPOE40000795-ET.

<sup>84</sup> [REDACTED].

<sup>85</sup> [REDACTED].

<sup>86</sup> [REDACTED].

<sup>87</sup> [REDACTED].

<sup>88</sup> [REDACTED].

<sup>89</sup> [REDACTED].

<sup>90</sup> [REDACTED].

21. As outlined in the sections below, these public statements threatened, endorsed, legitimised, and encouraged violence and attacks against Opponents. In doing so, they exceeded the realms of legitimate political discourse. They also served other strategic agendas, including the KLA/PGoK leadership's attempt to position themselves as the only true voice of the Albanian people, and to claim control of the country.

### **Before March 1998**

22. The first communiqué clearly attributable to the KLA<sup>91</sup> was issued in 1994 and claimed responsibility for killings of members of the 'occupying forces' and 'traitors'.<sup>92</sup> It ended with the call, 'Down with the occupiers and the traitors! Freedom to the People!'<sup>93</sup>

23. This message was elaborated and reinforced throughout 1995, 1996 and 1997. KLA communiqués during this period claimed responsibility for an increasing number of further attacks and killings, including against persons branded as: a 'Serbian spy' or 'collaborator of the Serbian regime';<sup>94</sup> 'collaborators', 'traitors' and 'collaborationists';<sup>95</sup> a 'collaborator' accused of unspecified 'anti-nationalist' activities;<sup>96</sup> a 'collaborator' who was described, *inter alia*, as being a member of the Serbian Socialist Party and having given a speech at the funeral of a Serb whom the KLA had 'executed';<sup>97</sup> and even the Rector of the Serbian University in Pristina, and his personal driver, for having carried out 'anti-Albanian activities' within the educational system.<sup>98</sup>

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<sup>91</sup> [REDACTED].

<sup>92</sup> [REDACTED].

<sup>93</sup> [REDACTED].

<sup>94</sup> [REDACTED]. *See also* [REDACTED]; SPOE00209307-SPOE00209307-ET Revised; [REDACTED].

<sup>95</sup> [REDACTED]; SPOE00209308-SPOE00209308-ET Revised.

<sup>96</sup> [REDACTED].

<sup>97</sup> [REDACTED].

<sup>98</sup> [REDACTED].

24. The Communiqués were issued in the name of the KLA General Staff.<sup>99</sup> Many specified that the attacks had been conducted upon the decision or order of the General Staff.<sup>100</sup> They also indicated that these actions were intended as a ‘warning’ to all others. For example, Communiqué 28 states that ‘[t]heir execution is a warning to all enemy’s collaborators and nation’s traitors’.<sup>101</sup> Communiqué 29 follows this up by threatening that:<sup>102</sup>

[t]his is the last time we are appealing to the occupier’s collaborators to give up their shameless path, otherwise the people’s revengeful arm shall strike them mercilessly anywhere and everywhere.

25. From an early stage, it was apparent that the KLA leadership demanded absolute unity behind it and that perceived political opponents fell within those being targeted. Particular vitriol was directed towards the LDK under President RUGOVA and the Prime Minister of the government-in-exile Bujar BUKOSHI, whose members advocated a policy of non-violent resistance to the Serbian state.<sup>103</sup>

26. Addressing them as ‘you on the other side’, Communiqué 27 cautioned Albanians involved ‘in Kosovo’s political movement’ that they ‘must support [the KLA’s] struggle, otherwise we will knock on your doors to give you the deserved punishment’.<sup>104</sup> Similarly, the warning to ‘all enemy’s collaborators and nation’s traitors’ in Communiqué 28 was directed ‘especially to those who under the pretext of being pressured by certain international power centres may enter deals to sign agreements with the occupier, against the national interests’.<sup>105</sup> In Communiqué 29 the KLA declared itself to be ‘the only sovereign power in our land and our institutions’.<sup>106</sup>

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<sup>99</sup> [REDACTED]; SPOE00209309-SPOE00209309-ET Revised; SPOE00209429-SPOE00209429-ET Revised. *See also* [REDACTED].

<sup>100</sup> [REDACTED].

<sup>101</sup> [REDACTED].

<sup>102</sup> [REDACTED].

<sup>103</sup> [REDACTED].

<sup>104</sup> [REDACTED].

<sup>105</sup> [REDACTED].

<sup>106</sup> [REDACTED].

27. Speaking at the first public appearance of the KLA during a widely attended funeral in November 1997,<sup>107</sup> **SELIMI** confirmed that the KLA had undertaken operations against ‘Albanian-speaking collaborators of the occupier, collaborationists’. He further alleged that other political representatives ‘attempt to denigrate our holy war with their pacifist positions’.<sup>108</sup>

28. Shortly afterwards, Communiqué 40 - issued in December 1997 and making an express reference to the KLA’s public appearance less than a week previously - referred to ‘the failed pacifist movement’, and called on ‘the Kosovo Government and Prime Minister BUKOSHI in particular to give up empty and confused phrases’ and hand over their funds to the KLA.<sup>109</sup>

### March-July 1998

29. Throughout the first half of 1998, as the clashes between KLA units and FRY forces intensified, the KLA also increased its public presence. In addition to the issuance of further communiqués and political declarations, General Staff representatives gave their first televised interview,<sup>110</sup> and **Jakup KRASNIQI** was appointed as KLA spokesperson in June 1998,<sup>111</sup> thereafter regularly speaking to the press. As outlined below, these public statements continued to reinforce familiar themes: claiming responsibility for further attacks against alleged collaborators, and harshly denouncing and threatening perceived Opponents while simultaneously asserting sole authority of the KLA leadership in Kosovo.

30. For example, communiqués issued during this period announced the killing of a ‘collaborator of the invader’,<sup>112</sup> persons described as ‘criminal’,<sup>113</sup> as well as attacks

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<sup>107</sup> [REDACTED].

<sup>108</sup> SPOE00209301-SPOE00209301-ET.

<sup>109</sup> [REDACTED].

<sup>110</sup> [REDACTED].

<sup>111</sup> See para.102 below.

<sup>112</sup> [REDACTED]; SPOE00209429-SPOE00209429-ET Revised; [REDACTED].

<sup>113</sup> [REDACTED]; SPOE00209429-SPOE00209429-ET Revised; [REDACTED].

against 'Albanian collaborationists, who, despite earlier warnings, had not given up their anti-nationalistic path'.<sup>114</sup> During the first televised interview of General Staff members in March 1998, General Staff representatives, wearing balaclavas, repeatedly identified 'collaborators' as a target of KLA operations.<sup>115</sup> On 19 June 1998, Communiqué 48 confirmed that 'punitive measures against some incorrigible collaborationist elements' had continued,<sup>116</sup> and Communiqué 49 subsequently similarly advised that '[m]easures have also been taken against certain diehard collaborators, who are still working against our national interests.'<sup>117</sup>

31. KLA actions in relation to alleged collaborators were further acknowledged by **Jakup KRASNIQI** in a July 1998 interview in which he stated that '[e]ven if some people have suffered, these have been more Albanian collaborators than Serbian civilians'. **KRASNIQI** added that '[t]hose we have kidnapped are either announced in a list or reported to be executed, but we do not behave in a base fashion like Serbia'.<sup>118</sup> In a separate interview, also in July 1998, and directly reflecting the content of prior communiqués, **KRASNIQI** stated that collaborators are warned 'that we will kill them if they continue on the wrong path'.<sup>119</sup>

32. Throughout, the warnings being issued by the KLA leadership continued to refer to perceived political rivals, accusing them of undermining the liberation war and acting against the KLA. Communiqué 48, for example, denounced 'fraudulent, divisive and anarchist policies on behalf of the fictive institutions attempting to eliminate the true national institutions and its KLA'. In it, the General Staff threatened that:<sup>120</sup>

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<sup>114</sup> [REDACTED].

<sup>115</sup> [REDACTED].

<sup>116</sup> SPOE40000793-SPOE40000793-ET Revised.

<sup>117</sup> SPOE00209431-SPOE00209431-ET Revised; [REDACTED].

<sup>118</sup> [REDACTED]; IT-03-66 P230.C8; [REDACTED].

<sup>119</sup> [REDACTED].

<sup>120</sup> SPOE40000793-SPOE40000793-ET Revised.

This cannot lead to anything but to benefitting the enemy and to fratricide. Any action that jeopardises the interests of the homeland and the aims of the liberation war will be condemned and punished.

33. Speaking in the March 1998 interview, the KLA's representatives made thinly veiled threats against Bujar BUKOSHI if he did not hand over the funds collected by the government-in-exile to the General Staff.<sup>121</sup> This was even more explicit in Communiqué 44 - issued in the same month - where it was stated that efforts to raise funds for 'partial issues' is deemed a 'manipulation of the will of our brothers', and that those who did so would be 'severely punished'.<sup>122</sup>

34. In interviews, **Jakup KRASNIQI** directed specific criticism towards RUGOVA, the LDK, and the government-in-exile, casting them as 'lackeys and pawns' acting under 'Belgrade's permission'.<sup>123</sup> Similarly, in published statements, the General Staff's Information Directorate under **Hashim THAÇI**<sup>124</sup> dismissed the LDK-organised elections as 'décor for the occupier', intended to 'curb and undermine the liberation war'.<sup>125</sup>

35. At this same time, the KLA leadership made increasingly assertive claims for exclusive authority. By March 1998, they claimed to have 'become [...] the only force that represents and realises' the aspirations of the 'oppressed Albanian people', and stated that: '[a]s such, the [KLA] should be recognised as the only legitimate authority of that part of the Albanian nation that is under occupation.'<sup>126</sup>

36. In a Political Declaration in which the KLA set out its 'operational goals'<sup>127</sup> and was significantly based on the political programme of the People's Movement for Kosovo ('LPK'),<sup>128</sup> the KLA leadership reiterated that 'an agreement without our

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<sup>121</sup> [REDACTED].

<sup>122</sup> [REDACTED].

<sup>123</sup> [REDACTED]; 043849-043849; IT-03-66 P140; [REDACTED].

<sup>124</sup> See para.101 below.

<sup>125</sup> SPOE00209433-SPOE00209433-ET Revised. See also SPOE00209430-SPOE00209430-ET Revised.

<sup>126</sup> [REDACTED].

<sup>127</sup> [REDACTED].

<sup>128</sup> [REDACTED].

presence will be void and condemned'.<sup>129</sup> Equally, committees and money-raising crisis-staffs set up internationally 'without the agreement of the KLA' were rejected as 'anarchist activities'.<sup>130</sup>

37. As **Jakup KRASNIQI** expressed it: '[o]ur freedom fighters are also capable of making political decisions. Those who defend the country with their blood are allowed to decide about its fate'.<sup>131</sup> **KRASNIQI** added, '[r]ight now, it's not Rugova who decides for Kosovo, but the KLA',<sup>132</sup> and confirmed that in the event of a withdrawal of the Serbian police and army from Kosovo it would be the KLA who would immediately take over.<sup>133</sup>

### July-October 1998

38. In the midst of the series of Serbian offensives commencing in July 1998, the General Staff had declared that:<sup>134</sup>

[...] mistaken are those who think that, just with a single enemy offensive, they deprived the KLA of the right to make the laws and lead politics in Kosovo [...] We in the KLA will not agree to others choosing our leaders [...].

39. Thereafter, in August 1998, coming under international pressure to engage politically,<sup>135</sup> the KLA publicly announced its 'political representatives', including **Hashim THAÇI** and **Jakup KRASNIQI**.<sup>136</sup>

40. Confronted with the losses incurred during the Serbian offensives, the KLA leadership escalated the rhetoric deployed against Opponents, including in particular those aligned with the LDK or government-in-exile. As actions were taken against Opponents on the ground, as outlined below, statements were issued during this period making direct allegations of collaboration with the enemy.

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<sup>129</sup> IT-03-66 P142; [REDACTED].

<sup>130</sup> [REDACTED].

<sup>131</sup> [REDACTED].

<sup>132</sup> [REDACTED].

<sup>133</sup> [REDACTED].

<sup>134</sup> [REDACTED].

<sup>135</sup> [REDACTED].

<sup>136</sup> [REDACTED].

41. For example, in an interview in mid-September 1998, **Jakup KRASNIQI** announced that FARK<sup>137</sup> had been formed to destroy the KLA from inside, and that it was collaborating with the Serbian secret services.<sup>138</sup> Communiqué 53, issued the following day, similarly branded FARK-commander Tahir ZEMAJ a UDB<sup>139</sup> member.<sup>140</sup> The withdrawal of FARK forces a short time previously had been heralded in a KLA public announcement stating that ‘treachery’ was removed from military duties.<sup>141</sup>

42. In Communiqué 51, the General Staff declared that its war would have been more successful everywhere were it not for attempts to:<sup>142</sup>

infiltrate hostile and defeatist elements into the KLA, who have engaged and are still engaging in a special kind of nasty warfare, spreading misinformation and creating a feeling of panic, not just among the population only.

43. Political Declaration 8 announced that ‘the only places where the Serbian forces have not found resistance is in those locations that are dominated by the pacifists and “professionals” (former police)’, adding that the KLA was ‘being stabbed in the back by the collaborationalists and pacifist elements’.<sup>143</sup>

44. Just over a week later, Communiqué 54 referred to those who surrendered as ‘evil Albanians’, and stated that ‘all sorts of emissaries have put themselves at the service of the enemy by waging special warfare against our liberation war and our heroic army’.<sup>144</sup> The Communiqué referred to ‘collaborationists and political activists, who sow defeatism, spread propaganda against the KLA and call on the people to give up their weapons to the enemy’. It then threatened that ‘those who conduct

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<sup>137</sup> The Armed Forces of Kosovo Republic (‘FARK’). FARK had been organised under the auspices of the Ministry of Defence of the government-in-exile under BUKOSHI. Certain FARK units were deployed in Kosovo during summer 1998, while certain other local units affiliated themselves with FARK.

<sup>138</sup> SPOE40010565-SPOE40010565-ET, p.SPOE40010565; 043867-043867-ET.

<sup>139</sup> Uprava državne bezbednosti (‘UDB’), the Yugoslav State Security Administration or State Security Service.

<sup>140</sup> [REDACTED].

<sup>141</sup> SPOE40010564-SPOE40010564-ET, p.1.

<sup>142</sup> 043801-043801-ET Revised.

<sup>143</sup> SPOE40000794-SPOE40000794-ET Revised; [REDACTED].

<sup>144</sup> [REDACTED].

special warfare, whoever they may be, will be treated in accordance to with [sic] the laws in wartime circumstances.’<sup>145</sup>

45. In language which would a short time later be reflected by **THAÇI** in public statements, Political Declaration 10 referred to ‘the political parties of Kosovo [...] becoming an impediment to this sacred war’, attributed ‘treachery’ to them, and claimed that they were seriously threatening ‘the influence and authority’ of the KLA in front of the international community.<sup>146</sup> The Political Declaration blamed the post-Serbian offensive situation in Kosovo on primarily ‘the political parties of Kosovo’ who gave the occupier space and impetus to undertake the offensive and put Albanian lives at risk.<sup>147</sup>

46. In a column for the LPK publication ‘*Zëri i Kosovës*’, which **Jakup KRASNIQI** contributed in October 1998, **KRASNIQI** accused intellectuals, journalists, political activists, and others unaffiliated with the KLA of having ‘spread fear and defeatism by painting a distorted and denigrating picture of the KLA’ and having ‘turned into instruments of a staggering special war’.<sup>148</sup> He described RUGOVA as ‘always willing to sacrifice Kosovo’s freedom and independence’ for *inter alia* an ‘accompanying suite of former-UDB agents’,<sup>149</sup> and, finally, he threatened those who have ‘financial obligations’ to carry them out or else ‘the KLA will act through its legal and executive mechanisms, according to the laws of war’.<sup>150</sup>

47. Prior to the establishment of the KLA Political Directorate, the LPK and ‘*Zëri i Kosovës*’ had acted as the KLA’s political wing.<sup>151</sup> Throughout the Indictment Period, *Zëri i Kosovës* continued to disseminate not only LPK and KLA communiqués, political declarations, and interviews with the KLA leadership,<sup>152</sup> but it also reverberated the

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

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

<sup>147</sup> [REDACTED].

<sup>148</sup> 043867-043867-ET, p.2; SPOE40010565-SPOE40010565-ET; [REDACTED].

<sup>149</sup> 043867-043867-ET, p.2.

<sup>150</sup> 043867-043867-ET, p.2.

<sup>151</sup> IT-04-84-T5003-5081, p.5013; [REDACTED]; [REDACTED]. *See also* [REDACTED].

<sup>152</sup> [REDACTED]; SPOE40010567-SPOE40010567-ET; SPOE40010568-SPOE40010568-ET.

General Staff's attacks on the LDK, government-in-exile, and other Opponents. This included articles which reinforced the General Staff's condemnations of special and psychological warfare,<sup>153</sup> equated the LDK with treason, asserted that there were no Serb civilians in Kosovo, that all Serbs were part of the enemy forces, and claimed that all who hid collaborators shared their responsibility.<sup>154</sup>

48. Through September 1998, the General Staff reiterated that it would consider any agreement falling short of full independence as 'national treason'.<sup>155</sup> It also continued to publicise 'preventative and punitive measures'<sup>156</sup> against 'collaborationist elements who continued to serve the occupying rule' or who 'during the offensive demonstrated in one form or another that they were in the service of the enemy'.<sup>157</sup> Similarly, the KLA Military Police Directorate specifically announced the 'arrest' of 13 'institutionalists' for their 'divisive, [...] anti-liberation war propaganda'.<sup>158</sup>

#### **October 1998-March 1999**

49. As diplomatic efforts intensified, culminating in the ceasefire agreement signed between the FRY and NATO on 15 October 1998,<sup>159</sup> the KLA issued repeated warnings that it must lead negotiations on the Albanian side, and threats that the General Staff would not allow any individual or party to 'climb to power' without 'deserving it and without sacrificing anything'.<sup>160</sup>

50. Political Declaration 11, for example, stated that the Albanian side in any negotiations must be represented by 'political and patriotic personalities who have

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<sup>153</sup> SPOE00056432-00056447, p.SPOE00056447; SPOE00056463-SPOE00056463-ET.

<sup>154</sup> See [REDACTED]. See also 043800-043800-ET; [REDACTED]; SPOE40010564-SPOE40010564-ET, pp.2-3; [REDACTED].

<sup>155</sup> [REDACTED].

<sup>156</sup> 043801-043801-ET Revised.

<sup>157</sup> 043801-043801-ET Revised, p.2; [REDACTED].

<sup>158</sup> 043805-043805-ET, p.2; [REDACTED]. See also Section III(L) below.

<sup>159</sup> See para.698 below.

<sup>160</sup> 043860-043860-ET Revised; 043807-043807-ET.

supported and advanced the national cause, and not by those who have denigrated it'.<sup>161</sup> Political Declaration 17, issued on 3 November 1998, similarly reiterated that no talks could be held or decisions reached without the KLA, and claimed that it already had its own institutions and political leadership that had 'earned their legitimacy'.<sup>162</sup>

51. Within days of issuance of that declaration, **Jakup KRASNIQI** and **Hashim THAÇI** met with U.S. Ambassador Christopher HILL. Speaking to the press, **THAÇI** described the meeting as being of 'great importance', as it confirmed that there cannot be a 'solid and a politically accepted solution without the participation of the KLA'.<sup>163</sup>

52. Simultaneous with these developments, the KLA continued to publicly report on actions taken against Opponents, with some of the public statements now attempting to present a false veneer of due process. For example, on 29 October 1998, the Military Police Directorate announced that it had detained two Serb journalists and sentenced them to 'pre-trial detention' for purposes of investigating their identities and intentions. The announcement further specified that the detainees' treatment during the investigation would be 'appropriate, without the elements of Milošević's police state'.<sup>164</sup>

53. Similarly, on 1 November 1998, the Military Police Directorate announced that military police of the Pashtrik Zone had 'arrested' LDK officials Jakup KASTRATI and Cen DESKU. It was reported that the 'Investigative Sector of the KLA Military Police Directorate' was carrying out investigations regarding them at 'Investigative Prison number 3', based on information from the intelligence services that DESKU and KASTRATI had spread propaganda about surrendering weapons, in cooperation with previously executed collaborators Selman BINISHI and Ramiz HOXHA. They were further alleged to have been in 'continuous coordination' with a member of the LDK

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<sup>161</sup> 043806-043806-ET Revised, p.2.

<sup>162</sup> 043864-043864-ET Revised.

<sup>163</sup> 019593-019594.

<sup>164</sup> 043858-043858-ET; [REDACTED].

Presidency, who the announcement described as ‘an inspirer of the special war against the KLA’.<sup>165</sup>

54. Ramiz HOXHA and Selman BINISHI, two of the individuals referenced in the Military Police Directorate press release, had been abducted in October 1998. Their bodies were discovered a short time later with gunshot wounds and a handwritten ‘Execution order’ issued by the KLA ‘secret police’, which read as follows:<sup>166</sup>

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

The other traitors will have the same fate.

55. Meanwhile, General Staff Communiqué 59, issued in response to the death of Abedin REXHA, cast LDK-affiliated soldier Gani GECI as a ‘branded collaborator’, and alleged that he had been seen wearing a mask while leading the Serbian police in massacres against the civilian population.<sup>167</sup> According to **Rexhep SELIMI, THAÇI** informed him by satellite phone that Abedin REXHA had been seriously injured in an argument with Gani GECI, whom **THAÇI** referred to as ‘the Dog’.<sup>168</sup> Then in a second call, **THAÇI** read the text of Communiqué 59 to **Rexhep SELIMI**. When **SELIMI** asked **THAÇI** why he had included the falsehood about Gani GECI leading the Serbian massacres, **THAÇI** responded, ‘[s]o we can fully destroy him’.<sup>169</sup>

56. Separately, the KLA Information Directorate also reported upon the arrest and detention of persons alleged to have ‘collaborated with the enemy’. It was announced that they were being dealt with by the ‘competent organs’. The statement further warned that ‘the same action will be taken in the future in respect to other groups who [...] obstruct the educational process, damage forests, and commit other deeds that

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<sup>165</sup> [REDACTED].

<sup>166</sup> [REDACTED].

<sup>167</sup> 043861-043861-ET Revised, p.1; [REDACTED].

<sup>168</sup> [REDACTED].

<sup>169</sup> [REDACTED].

endanger the people and the fatherland'.<sup>170</sup> Indeed, foresters, teachers, and others would be amongst the victims detained at KLA sites.

57. The same day LDK members Cen DESKU and Jakup KASTRATI were arrested,<sup>171</sup> **Hashim THAÇI** filmed his first public appearance, which was subsequently broadcast on 24 November 1998. In it **THAÇI** attacked political rivals as 'autonomist elements' who were engaged in conducting 'propaganda and special warfare'.<sup>172</sup>

58. On 12 November 1998, reflecting concerns that the KLA's position was not adequately supported by the media,<sup>173</sup> the General Staff decided to create its own media outlets, Radio Free Kosovo and Kosovapress.<sup>174</sup> **Jakup KRASNIQI** described the 'duty and aim' of these media outlets as being to give a 'deserving voice to the rifles of freedom', to inform the public of the just war of liberation and 'make known our freedom-loving strategy'.<sup>175</sup>

59. In early January 1999, the decision to create these media outlets was announced in Communiqué 68<sup>176</sup> and **Jakup KRASNIQI** attended the outlets' inauguration.<sup>177</sup> The General Staff could issue orders to these outlets.<sup>178</sup> With General Staff protection and support,<sup>179</sup> Radio Free Kosovo and Kosovapress took up the gauntlet, publicly labelling and condemning collaborators, traitors, and other Opponents.<sup>180</sup>

60. With the KLA announcement in December 1998 that it would resume armed hostilities and in the run-up to the Rambouillet negotiations, the General Staff

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<sup>170</sup> U003-8552-U003-8690, p.U003-8643-U003-8643.

<sup>171</sup> [REDACTED].

<sup>172</sup> [REDACTED].

<sup>173</sup> [REDACTED].

<sup>174</sup> [REDACTED].

<sup>175</sup> [REDACTED].

<sup>176</sup> [REDACTED].

<sup>177</sup> [REDACTED].

<sup>178</sup> [REDACTED].

<sup>179</sup> [REDACTED].

<sup>180</sup> [REDACTED]; SPOE00053836. *See also* para.66 below.

continued to escalate the language in its statements attacking Opponents, including the LDK and government-in-exile.

61. In January 1999, the General Staff issued an ultimatum that obliged the BUKOSHI government to begin transferring funds to it within 10 days, and announced that if this was not done within that timeframe 'we will take another decision on merit, in conformity with the circumstances and the national interest'.<sup>181</sup> As was noted at the meeting at which the General Staff decided to issue this order, the BUKOSHI Government would comply or 'otherwise they shall be publicly declared traitors and be pursued by the KLA'.<sup>182</sup>

62. In public statements throughout, KLA Political Director **Hashim THAÇI**, and Deputy Commander and Spokesperson **Jakup KRASNIQI**, accused RUGOVA and BUKOSHI of, amongst other things, 'betrayal', 'desertion', 'fratricide', and involvement in 'covert operations' to damage the KLA, labelling them as 'Belgrade's autonomy supporting satellites'.<sup>183</sup>

### **From March 1999**

63. With the public announcement of the PGoK's formation and composition,<sup>184</sup> these attacks continued. The leaders of the government-in-exile were condemned as 'fraudsters' and 'war criminals'.<sup>185</sup> Prime Minister **Hashim THAÇI** called on 'the Kosovo people not to fall prey to the special war by people who wish to harm the national cause', asking the opposition leaders 'to get out of the holes in the Prishtina basements'.<sup>186</sup> After Ibrahim RUGOVA met with Slobodan MILOŠEVIĆ in Belgrade, spokesperson **Jakup KRASNIQI** accused RUGOVA of treason.<sup>187</sup>

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<sup>181</sup> SPOE00053732-SPOE00053733-ET, p.2. *See also* [REDACTED].

<sup>182</sup> [REDACTED].

<sup>183</sup> 019595-019599; SPOE00056467-SPOE00056467-ET; 019602-019603; SPOE00056451-SPOE00056451-ET; [REDACTED]. *See also* SPOE00053662-SPOE00053665-ET; [REDACTED].

<sup>184</sup> *See paras* 116-117.

<sup>185</sup> [REDACTED]; SPOE00054517-SPOE00054518-ET.

<sup>186</sup> SPOE00056586-SPOE00056586-ET.

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

64. In further statements, **THAÇI** continued to accuse RUGOVA of ‘political and national irresponsibility’,<sup>188</sup> reiterate his claim that BUKOSHI ‘sabotaged the war’, and demand that members of the public ‘distance themselves from and pay no attention to the mafia-communist clique of BUKOSHI and his mercenaries’.<sup>189</sup> PGoK Defence Minister Azem SYLA<sup>190</sup> and spokesperson **Jakup KRASNIQI** - respectively, the former KLA General Commander and Deputy Commander - reinforced these messages, the latter declaring ‘those who do not want to struggle but harvest its fruit’ as meaningless and repeating, once again, the position that all institutions except for the KLA are ‘fictitious’.<sup>191</sup>

65. Throughout April 1999, the Dukagjini,<sup>192</sup> Drenicë,<sup>193</sup> Llap,<sup>194</sup> and Shala<sup>195</sup> Zone commands issued a series of statements supporting the General Staff and echoing its attacks and demands on BUKOSHI and the government-in-exile. Indeed, throughout the Indictment Period, authorised KLA political representatives and senior KLA and PGoK authorities, including Fatmir LIMAJ, Sylejman SELIMI, and Shukri BUJA, gave public statements reinforcing and stressing the General Staff’s positions against Opponents, in particular, ‘the destructive Rugova clan’, government-in-exile, FARK, and others deemed unsupportive of the KLA.<sup>196</sup>

66. Such attacks also now resonated in Radio Free Kosovo broadcasts and Kosovapress publications.<sup>197</sup> On 12 May 1999, in the midst of such attacks, Prime Minister **Hashim THAÇI**, accompanied by PGoK ministers **Kadri VESELI**, **Rexhep**

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<sup>188</sup> [REDACTED]. *See also* 019756-019757.

<sup>189</sup> [REDACTED].

<sup>190</sup> 008672-008674-ET; 019741-019741.

<sup>191</sup> [REDACTED]. *See also* 008718-008720-ET; [REDACTED].

<sup>192</sup> SPOE00054593-SPOE00054594-ET.

<sup>193</sup> [REDACTED]. *See also* [REDACTED].

<sup>194</sup> [REDACTED].

<sup>195</sup> [REDACTED].

<sup>196</sup> [REDACTED]; [REDACTED]; IT-03-66 P37a. *See also* [REDACTED]; SPOE40010561-SPOE40010563-ET; SPOE40010569-SPOE40010569-ET; SPOE40010568-SPOE40010568-ET; [REDACTED]; SPOE40010564-SPOE40010564-ET; [REDACTED].

<sup>197</sup> SPOE00055067-SPOE00055070-ET, p.SPOE00055068-SPOE00055070; [REDACTED].

**SELIMI** and others, visited Kosovapress and expressed appreciation for its work.<sup>198</sup>

Less than a week later, Radio Free Kosovo publicly declared that:<sup>199</sup>

The criticisms that Free Kosovo directs at certain political clans are made having the support of the KLA GS, the Government of Prime Minister Hashim THAÇI, and the Government of Albania. All the machinations that conflict with this constellation of the aligned national forces will remain in the sights of our criticism, of our bolstered opposition; because two realities, two governments, or two armies and other hypocritical finagling like this will not be accepted for the fate and future of the people of Kosovo. [...] The so called moderate wing is manifesting hypocrisy and irresponsibility in our circumstances and conditions. [...] This voice will challenge and tear the mask off every machination backstabbing or collaboration with the enemy by anyone [...].

67. Continuing to require absolute unity behind the KLA/PGoK leadership, the General Staff issued a general mobilisation order, with military police authorised to take 'by force' those who did not report.<sup>200</sup> Similarly, the KLA Health Sector announced that medical workers who did not obtain a permit from it would be treated as 'negligent towards the Kosovo Liberation Army', and it ordered the military police and other executive organs to take measures against such people.<sup>201</sup>

68. On 23 June 1999 - two days after **Hashim THAÇI** signed the demilitarisation agreement requiring the KLA to cease hostile and provocative acts and complete a phased demilitarisation,<sup>202</sup> and around the same time the General Staff met concerning the transformation of the KLA into a national guard<sup>203</sup> - the General Staff issued Communiqué 80, in which it announced that two 'wanted' collaborators had been identified based on information provided by the intelligence services. The military police had killed one collaborator in a shootout, while another was still sought.<sup>204</sup>

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<sup>198</sup> 008667-008669-ET; [REDACTED].

<sup>199</sup> [REDACTED].

<sup>200</sup> SPOE00054519-SPOE00054522-ET.

<sup>201</sup> See e.g. [REDACTED].

<sup>202</sup> See para.699 below.

<sup>203</sup> [REDACTED].

<sup>204</sup> SPOE00313999-00313999.

69. Throughout the summer and autumn of 1999 threats and condemnations by the KLA/PGoK leadership toward Opponents continued, including ‘the empty pacifist policy of Rugova and the LDK.’<sup>205</sup>

C. REGULATIONS, DIRECTIONS AND ORDERS

70. Members of the KLA leadership, including Sokol BASHOTA, a Deputy Commander and General Staff member,<sup>206</sup> and Zone Commander Rrustem MUSTAFA, have confirmed that the General Staff gave orders to kill<sup>207</sup> and detain<sup>208</sup> collaborators. BASHOTA explained that ‘[a]fter the order to kill the collaborator had been issued by the General Staff, it could be carried out by any soldier who identified the collaborator’.<sup>209</sup> [REDACTED].<sup>210</sup>

71. The policy of targeting alleged collaborators and other Opponents is documented throughout KLA rules and regulations, and reporting and training materials. As set out below, and in addition to the multiple public statements previously addressed, the policy was also discussed and communicated by General Staff members, including the **Accused**, in meetings, and in visits to KLA Zones.

72. On 4 July 1998, the KLA Provisional Regulations of the Internal Life of the Army, drafted by **Jakup KRASNIQI**, were approved in a General Staff meeting.<sup>211</sup> They provided, *inter alia*, that the military police<sup>212</sup> would assist and cooperate with an Intelligence Service Directorate.<sup>213</sup> In the Regulations, the military police were instructed that they ‘should be merciless toward the enemy and [...] all those who try to obstruct and sabotage our liberation war’.<sup>214</sup> Regulations adopted by the General

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<sup>205</sup> [REDACTED].

<sup>206</sup> [REDACTED].

<sup>207</sup> [REDACTED].

<sup>208</sup> [REDACTED].

<sup>209</sup> [REDACTED].

<sup>210</sup> [REDACTED].

<sup>211</sup> [REDACTED].

<sup>212</sup> [REDACTED].

<sup>213</sup> [REDACTED].

<sup>214</sup> [REDACTED].

Staff were disseminated to KLA members throughout the zones.<sup>215</sup> They were directly referenced in orders and regulations issued both at General Staff<sup>216</sup> and Zone level,<sup>217</sup> including on matters relating to detention and detained Opponents.

73. Military police rules adopted at the zone level replicated similar language to that of the General Staff regulations, providing, for example, that the military police were to 'investigate and uncover all individuals who collaborate with the enemy in any way' and 'take action against all who work against the Kosovo Liberation Army'.<sup>218</sup> Multiple internal KLA rules and regulations directly ordained the killing of collaborators.<sup>219</sup>

74. Additional regulatory directions for dealing with Opponents were also given. Pursuant to a General Staff order, military police and soldiers at checkpoints were authorised to 'detain suspicious persons and assets'.<sup>220</sup> Consistent with this, later guard duty rules provided for apprehended persons to be escorted to the subzone command.<sup>221</sup> Orders for the establishment of detention centres and the detention of collaborators were given in a series of meetings held between members of the General Staff - including, at various times, **Jakup KRASNIQI**, **Rexhep SELIMI**, **Sokol BASHOTA**, and **Hashim THAÇI** - and Zone Commanders, in the second half of 1998.<sup>222</sup>

75. Following proposals for the formation of civilian or local village policing,<sup>223</sup> the General Staff issued an additional written order, signed by **Jakup KRASNIQI**, which directed zone commanders to order the military police:<sup>224</sup>

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<sup>215</sup> [REDACTED]. *See also* Section II(D) below.

<sup>216</sup> [REDACTED].

<sup>217</sup> [REDACTED].

<sup>218</sup> [REDACTED].

<sup>219</sup> [REDACTED].

<sup>220</sup> [REDACTED].

<sup>221</sup> [REDACTED].

<sup>222</sup> [REDACTED].

<sup>223</sup> *See* IT-05-87 1D00018, p.1D00-0593. *See also* [REDACTED].

<sup>224</sup> [REDACTED].

[...] to detain those citizens who, by showing loyalty towards the occupier have been carrying the uniform of the Serbian police, by which they have committed the act of treason towards the Albanian population. The same will happen in the future to every citizen who joins any police force other than the formations of the KLA, until the political status of Kosova is solved.

76. [REDACTED].<sup>225</sup>

77. By late November 1998, the abuses that had been and continued to be committed were so well-known that Bislim ZYRAPI issued an order to all zone commanders<sup>226</sup> expressly addressing 'negative phenomena and abuse against persons and private property'.<sup>227</sup> The order heightened centralised control over arrests and detentions by directing that they could only be ordered 'by brigade commanders or higher superiors', except in critical military situations or when there were 'criminal acts against members of the KLA, individuals or the civilian authorities'.<sup>228</sup> Before issuance of the order, reports of abuses against civilians in the zones and the issue of collaborators were discussed at a General Staff meeting attended by, among others, **Jakup KRASNIQI, Rexhep SELIMI, Lahi BRAHIMAJ, and Fatmir LIMAJ**.<sup>229</sup>

78. The General Staff then continued to stoke animosity. This is evidenced, for example, by a December 1998 General Staff order which specifically directed all zone commanders to ensure that the fighters and population were 'filled with hatred against the enemy and its collaborators', with the objective of achieving unification behind the liberation struggle 'led and commanded by' the General Staff.<sup>230</sup> Such orders were given effect. Sadik HALITJAHA - the Pashtrik Zone Deputy Commander<sup>231</sup> - speaking at a rally organized by the Pashtrik Zone command in March 1999, advocated 'revenge for our sisters, brothers, children and everyone one [sic] who was killed and massacred. REVENGE, REVENGE, REVENGE', and

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<sup>225</sup> [REDACTED].

<sup>226</sup> [REDACTED].

<sup>227</sup> [REDACTED].

<sup>228</sup> [REDACTED].

<sup>229</sup> [REDACTED].

<sup>230</sup> [REDACTED].

<sup>231</sup> See para.233 below.

implored those present to 'tie' themselves 'as firmly as possible to the KLA and the General Staff, which is leading the struggle for freedom'.<sup>232</sup>

79. The **Accused**, and other senior KLA commanders, made clear that political opponents, and especially persons affiliated with the LDK or FARK, fell within those to be considered suspicious and targeted. For example, in addition to their direct actions on the ground,<sup>233</sup> [REDACTED].<sup>234</sup> The General Staff also issued specific orders for FARK flags to be confiscated.<sup>235</sup>

80. Additionally, from at least the time of the Serbian offensive in summer 1998, particular attention began to be focused on ensuring that measures to address those seen as engaging in special warfare were implemented. In August 1998, a General Staff delegation - including **Hashim THAÇI**, **Jakup KRASNIQI**, and **Rexhep SELIMI** - travelled to the Shala and Llap Zones.<sup>236</sup> There, in addition to appointing commanders and inspecting military exercises,<sup>237</sup> they advised commanders about 'a form of special warfare' that had 'caused a lot of damage' to the war effort, and on how to detect and address it.<sup>238</sup> The 'carriers' of this form of special warfare were deeply embedded members of the LDK, who were alleged to have used such membership as a 'guise' for their collaboration with the FRY intelligence and security services.<sup>239</sup>

81. By mid-August 1998, the special warfare concept was being reflected in KLA reporting,<sup>240</sup> and discussed at General Staff meetings, where the actions of FARK officers, which were claimed to be '[...] against the KLA and the war in general', were also addressed.<sup>241</sup> Tahir ZEMAJ and other Opponents, including persons affiliated

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<sup>232</sup> [REDACTED].

<sup>233</sup> See para.112 below.

<sup>234</sup> [REDACTED].

<sup>235</sup> [REDACTED].

<sup>236</sup> [REDACTED]. See also para.205 below.

<sup>237</sup> [REDACTED].

<sup>238</sup> [REDACTED].

<sup>239</sup> [REDACTED].

<sup>240</sup> [REDACTED].

<sup>241</sup> [REDACTED].

with the LDK, were subsequently discussed further at a General Staff meeting on 29 December 1998.<sup>242</sup>

82. Sadik HALITJAHA similarly instructed soldiers under his command that LDK members were untrustworthy and traitors of Kosovo, specifying that the war was not just against the Serbs but also against members of the LDK. In his September 1998 address, HALITJAHA told them that 'all structures of the LDK are against us'.<sup>243</sup>

83. The concept of 'special warfare' was described in a KLA Public Information Service brochure circulating in late 1998 as encompassing propaganda and psychological warfare which could discredit the KLA.<sup>244</sup> The brochure identified Albanian 'pacifists', expressly including the LDK, as one of the main protagonists of special warfare and asserted that 'those elements who have infiltrated our ranks or operate among people to damage the KLA and to spread fear, panic or rumours are UDB collaborators and they should be dealt with in the most severe way'.<sup>245</sup> This brochure was later used in training of battalion commanders.<sup>246</sup>

84. On 28 November 1998, **Jakup KRASNIQI**, Fatmir LIMAJ, and other General Staff members and KLA soldiers attended a flag-day celebration in front of the headquarters of the General Staff in Divjakë/Divljaka.<sup>247</sup> Those present saluted a uniformed **Jakup KRASNIQI**, who was introduced as a general representative of the KLA and gave a speech denouncing 'political opponents' and asserting that the KLA had 'coped with a coordinated special war from outside and inside'.<sup>248</sup>

85. A series of reports at the General Staff level further reflected the KLA leadership's ongoing focus on Opponents, including those being cast as conducting a 'special war' against them, and the fact that this was being implemented and

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<sup>242</sup> [REDACTED].

<sup>243</sup> [REDACTED].

<sup>244</sup> [REDACTED].

<sup>245</sup> [REDACTED].

<sup>246</sup> [REDACTED].

<sup>247</sup> [REDACTED].

<sup>248</sup> [REDACTED].

understood in the Zones. These reports noted, *inter alia*, that: (i) the most obvious deficiencies on the ground in 1998 included - in addition to ongoing issues with 'collaboration' and 'groups with a pacifist agenda'<sup>249</sup> - 'the infiltration of deserting and disrupting elements (that could be called enemies)';<sup>250</sup> (ii) military police and special units were providing 'special help by successfully facing the enemy's special war and its collaborators';<sup>251</sup> and (iii) the authority of the Political Directorate under **Hashim THAÇI** to, *inter alia*, take 'political preventive measures to stop the divisive and traitor elements'.<sup>252</sup>

86. The reports were compiled on the basis both of reporting by the Zone commands and personal inspection by members of the General Staff Directorates.<sup>253</sup> Similarly, General Inspector **Rexhep SELIMI**'s notes from inspection of KLA units in the Pashtrik and Nerodime Zones in early 1999 reflect the focus on the 'special war' waged against the KLA.<sup>254</sup> These same notes record 'complications' in arrests conducted by the military police in the Zone, which were resolved upon receipt of the military police regulations.<sup>255</sup> A multiplicity of contemporaneous documents record KLA arrests, detentions and interrogations of alleged collaborators and other Opponents.<sup>256</sup>

87. The General Staff's messaging was further reinforced during a training conducted in early February 1999 during which KLA soldiers were lectured about, *inter alia*: (i) special warfare by the enemy;<sup>257</sup> (ii) a 'Fifth Column', which included

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<sup>249</sup> [REDACTED].

<sup>250</sup> [REDACTED].

<sup>251</sup> [REDACTED].

<sup>252</sup> [REDACTED].

<sup>253</sup> See e.g. [REDACTED].

<sup>254</sup> [REDACTED].

<sup>255</sup> [REDACTED].

<sup>256</sup> [REDACTED].

<sup>257</sup> [REDACTED].

enemy informants and collaborators;<sup>258</sup> and (iii) an oath to 'strive to eradicate traitors'.<sup>259</sup>

88. A series of intercepted conversations between KLA commanders and other personnel in spring and summer 1999 capture discussions regarding the detention and mistreatment of members of the FRY forces and of Opponents.<sup>260</sup> As the KLA entered towns after the withdrawal of FRY forces, remaining police, as well as alleged collaborators and other Opponents, were targeted in an organised manner, including in accordance with instructions issued.<sup>261</sup>

D. STRUCTURES AND INDIVIDUALS THROUGH WHICH THE COMMON PURPOSE WAS IMPLEMENTED

89. The **Accused** were senior political and military leaders of the KLA/PGoK throughout the Indictment Period, exercising authority over the individuals and KLA/PGoK structures implementing the common criminal purpose.

90. The KLA was not the military of a recognised state and the PGoK was not an officially recognised governmental structure. As such, not all aspects of their functioning were formally regulated and power structures did not always follow formal hierarchy. Nonetheless, the **Accused** and other JCE Members ensured that structures were in place, developed, and adjusted as needed to effectively implement their common criminal purpose.<sup>262</sup> Their control was exercised not only through the KLA/PGoK organisational structures, but also through fear, control over essential funds, logistics, and supplies,<sup>263</sup> and personal prestige and loyalties.

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<sup>258</sup> [REDACTED].

<sup>259</sup> [REDACTED].

<sup>260</sup> [REDACTED].

<sup>261</sup> See III(S)-(DD) below. See also [REDACTED].

<sup>262</sup> [REDACTED].

<sup>263</sup> See paras 126-140 below.

91. Indeed, the **Accused** and other key JCE Members had longstanding affiliations and relationships of trust.<sup>264</sup> **Hashim THAÇI**, **Kadri VESELI** and **Rexhep SELIMI** were each among the founding members of the General Staff<sup>265</sup> and **THAÇI**, **VESELI** and **KRASNIQI** had been consulting about political strategy since as early as 1996.<sup>266</sup> **THAÇI** and **VESELI** were particularly close, sharing similar backgrounds, ideas, and activities, and frequently acting and traveling together.<sup>267</sup> Further, **SELIMI** ‘invested’ himself in **THAÇI**’s appointments as KLA Political Director, head of the Kosovo delegation to Rambouillet, and Prime Minister of the PGoK.<sup>268</sup> Even after the Indictment Period, the close ideological ties between the **Accused** continued, as demonstrated by the fact that **KRASNIQI** and **SELIMI** were both members of the initiatory council of **THAÇI**’s new PPK political party in October 1999.<sup>269</sup> In 2001, **THAÇI** remarked at a meeting of former KLA commanders that **KRASNIQI** does not publish a book without consultations with ‘us’.<sup>270</sup>

92. In addition to their own close relationships, the **Accused** enjoyed a high level of prestige among KLA commanders and soldiers.<sup>271</sup> For example, **THAÇI**’s presence alone was sufficient to boost morale<sup>272</sup> and the deference shown to him was noted both within and outside the KLA.<sup>273</sup> KLA commanders and soldiers also had great respect for **VESELI**<sup>274</sup> and **SELIMI**.<sup>275</sup> Likewise, **KRASNIQI** was described by JCE Member and [REDACTED].<sup>276</sup>

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<sup>264</sup> [REDACTED].

<sup>265</sup> [REDACTED]. *See also* para.96 below.

<sup>266</sup> [REDACTED].

<sup>267</sup> [REDACTED].

<sup>268</sup> [REDACTED].

<sup>269</sup> [REDACTED].

<sup>270</sup> [REDACTED].

<sup>271</sup> *See e.g.* [REDACTED].

<sup>272</sup> [REDACTED].

<sup>273</sup> [REDACTED].

<sup>274</sup> [REDACTED].

<sup>275</sup> [REDACTED].

<sup>276</sup> [REDACTED].

## LPK and creation of the KLA

93. In October 1991, **Hashim THAÇI**, Azem SYLA, and Xhavit HALITI attended a meeting of the LPK, a long extant Albanian nationalist organisation.<sup>277</sup> At this meeting it was decided that armed force was necessary to liberate Kosovo.<sup>278</sup> **Hashim THAÇI** and Azem SYLA were entrusted with handling the organisation of armed groups in Kosovo,<sup>279</sup> while Xhavit HALITI and others played key roles in organising and preparing for armed resistance.<sup>280</sup>

94. In May 1993, Adem JASHARI and others carried out an armed attack against Serbian police officers, which, according to **Rexhep SELIMI**, marked the founding of the KLA.<sup>281</sup> Thereafter, following a meeting organised by, among others, **Hashim THAÇI**,<sup>282</sup> the LPK created a 'Special Sector' to coordinate activities with the armed units in Kosovo.<sup>283</sup> Special Sector members actively coordinated with **Rexhep SELIMI** and others to unify armed groups and create a military organisation and hierarchy.<sup>284</sup>

95. After a number of military actions had been carried out, a decision was taken to give a name to the entity responsible for these actions.<sup>285</sup> Xhavit HALITI, Azem SYLA, **Hashim THAÇI**, **Kadri VESELI**, **Rexhep SELIMI**, and others consulted on different naming options.<sup>286</sup> On 17 November 1994 - the same date of issuance of Communiqué 11<sup>287</sup> - the LPK Presidency approved the KLA name.<sup>288</sup> The LPK continued to politically, logistically, and financially support the KLA after its creation and throughout the Indictment Period.<sup>289</sup>

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<sup>277</sup> [REDACTED].

<sup>278</sup> [REDACTED].

<sup>279</sup> [REDACTED].

<sup>280</sup> [REDACTED].

<sup>281</sup> [REDACTED].

<sup>282</sup> [REDACTED].

<sup>283</sup> [REDACTED].

<sup>284</sup> [REDACTED].

<sup>285</sup> [REDACTED].

<sup>286</sup> [REDACTED].

<sup>287</sup> [REDACTED].

<sup>288</sup> [REDACTED].

<sup>289</sup> [REDACTED].

96. By 1995, the General Staff was created in order to plan, organise, and coordinate actions in Kosovo.<sup>290</sup> It was made up of a core trusted group<sup>291</sup> based both in Kosovo and abroad,<sup>292</sup> including Azem SYLA,<sup>293</sup> Xhavit HALITI,<sup>294</sup> **Hashim THAÇI**,<sup>295</sup> **Kadri VESELI**,<sup>296</sup> **Rexhep SELIMI**,<sup>297</sup> Lahi BRAHIMAJ,<sup>298</sup> and Sokol BASHOTA.<sup>299</sup> By 1997, **Jakup KRASNIQI** - who had been involved with the KLA from much earlier<sup>300</sup> - had joined the General Staff.<sup>301</sup> In addition to political matters, **Hashim THAÇI** and **Kadri VESELI** worked on, amongst other things, the organisation of the KLA, including liaising between General Staff members in Kosovo and those based elsewhere.<sup>302</sup> **Rexhep SELIMI** was based in Kosovo and, together with others, consolidated and coordinated armed actions on the ground.<sup>303</sup>

### General Staff

97. The leadership intended, from the outset, to prevent the KLA from being dismissed as merely 'units without leadership'.<sup>304</sup> The General Staff was the body which exercised political and operational decision-making and control.<sup>305</sup> According to its own regulations:<sup>306</sup>

The General Staff of the KLA is the most senior leading and commanding body of the KLA and constitutes the fundamental and unifying organisation of all the armed units and other organisations in Kosovo. It is based on the principles of commanding and

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<sup>290</sup> [REDACTED].

<sup>291</sup> [REDACTED].

<sup>292</sup> [REDACTED].

<sup>293</sup> [REDACTED].

<sup>294</sup> [REDACTED].

<sup>295</sup> [REDACTED].

<sup>296</sup> [REDACTED].

<sup>297</sup> [REDACTED].

<sup>298</sup> [REDACTED].

<sup>299</sup> [REDACTED].

<sup>300</sup> [REDACTED].

<sup>301</sup> [REDACTED].

<sup>302</sup> [REDACTED].

<sup>303</sup> [REDACTED].

<sup>304</sup> [REDACTED].

<sup>305</sup> [REDACTED]; IT-03-66 T2145-T2203, p.2175.

<sup>306</sup> [REDACTED].

leading which presumes the most appropriate manner of using human abilities and technical equipment with the purpose of the operational and tactical units of the KLA performing their combat tasks and simultaneously achieving the greatest successes.

98. Following the Prekaz attack, with the great upswell in international attention and popular support and volunteers, LPK and KLA members previously based internationally returned to Kosovo. The General Staff swiftly responded to the situation on the ground.<sup>307</sup>

99. Azem SYLA, Hashim THAÇI, Kadri VESELI, Rexhep SELIMI, Jakup KRASNIQI, and other JCE Members organised and coordinated the growth of the KLA and expansion of the free zones.<sup>308</sup> In early spring 1998, Jakup KRASNIQI publicly left the LDK and made his long-standing KLA membership known.<sup>309</sup>

100. Responsibilities among General Staff members began to be divided from March 1998 onwards,<sup>310</sup> and by May 1998, there was an increasing definition of roles within the General Staff.<sup>311</sup> The General Staff itself decided these roles, appointing and dividing responsibilities among its members.<sup>312</sup>

101. By November 1998 - with many of the following positions and directorates existing since at least May 1998 - the General Staff consisted of a General Commander (Azem SYLA until February 1999,<sup>313</sup> and then Sylejman SELIMI until as late as April 1999), two Deputy Commanders (Sokol BASHOTA and Jakup KRASNIQI),<sup>314</sup> a Chief of Staff, and nine directorates:<sup>315</sup> Personnel, Intelligence (under Kadri VESELI),<sup>316</sup> Operations (under Rexhep SELIMI<sup>317</sup> until as late as July 1998),<sup>318</sup> Logistics, Finance

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<sup>307</sup> [REDACTED].

<sup>308</sup> See paras 168-178 below.

<sup>309</sup> [REDACTED].

<sup>310</sup> [REDACTED].

<sup>311</sup> IT-03-66 T6590-T6679, p.6595; [REDACTED].

<sup>312</sup> [REDACTED].

<sup>313</sup> [REDACTED].

<sup>314</sup> [REDACTED].

<sup>315</sup> [REDACTED].

<sup>316</sup> [REDACTED].

<sup>317</sup> [REDACTED].

<sup>318</sup> [REDACTED].

(under Lahi BRAHIMAJ),<sup>319</sup> Civil Administration, Military Police (under Fatmir LIMAJ),<sup>320</sup> Communications, and the Information and Political Directorates (under Hashim THAÇI, from at least June 1998, and including Jakup KRASNIQI and Kadri VESELI).<sup>321</sup>

102. By at least June 1998, **Jakup KRASNIQI** was appointed KLA spokesperson;<sup>322</sup> by July 1998, **Rexhep SELIMI** was appointed General Inspector;<sup>323</sup> and, in November and December 1998, a Juridical Sector and Military Court were added.<sup>324</sup> Xhavit HALITI and Xheladin GASHI were responsible for logistics and weapon shipments from Albania, where the KLA maintained a series of bases used for recruitment, training, and logistics throughout the Indictment Period.<sup>325</sup>

103. Reflecting a centralised, formal power structure, the Deputy Commanders, General Inspector, Political Directorate, Juridical Sector/Military Court and logistics sector in Albania all reported directly to the General Commander and, in his absence, First Deputy Commander **Jakup KRASNIQI**.<sup>326</sup> Throughout 1998 and at least the first half of 1999, Azem SYLA, the General Commander, was in fact primarily absent from Kosovo, based in Albania.<sup>327</sup>

104. There were also reporting lines between the deputy commanders and directorates. For example, Lahi BRAHIMAJ reported to **Rexhep SELIMI**<sup>328</sup> and both Lahi BRAHIMAJ and Fatmir LIMAJ reported to and took orders from **Jakup KRASNIQI**.<sup>329</sup> By at least the autumn of 1998, both international interlocutors and KLA commanders observed that other KLA members, including General Staff

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<sup>319</sup> [REDACTED]; SPOE00183317-00183342 RED, para.16; [REDACTED].

<sup>320</sup> [REDACTED].

<sup>321</sup> [REDACTED]; 071794-071796; [REDACTED].

<sup>322</sup> SPOE00209432-SPOE00209432-ET Revised; [REDACTED]; [REDACTED].

<sup>323</sup> [REDACTED].

<sup>324</sup> See paras 141-145 below.

<sup>325</sup> [REDACTED].

<sup>326</sup> [REDACTED].

<sup>327</sup> [REDACTED].

<sup>328</sup> [REDACTED].

<sup>329</sup> See e.g. [REDACTED].

members, would defer to **THAÇI**.<sup>330</sup> One international witness recounts that: 'it was clear at the time that **THAÇI** had a preeminent role based on the fact that other commanders deferred to him at meetings and he did the majority of talking when he was present with other KLA commanders'.<sup>331</sup> Another similarly recalled that when matters to be addressed spanned Zones, it would be 'elevated' to **THAÇI**.<sup>332</sup> As discussed below, the **Accused** and other prominent JCE Members would, in spring 1999, also assume prominent positions in the PGoK.<sup>333</sup>

105. The General Staff met and coordinated frequently.<sup>334</sup> At General Staff meetings, the various members and directorate heads would report, raise issues and problems, and 'there were also analyses' and important decisions.<sup>335</sup> The different directorates - which had subordinate counterparts in the zone and brigade commands - communicated requests and reports that had been received from the zone commands related to their areas of responsibility.<sup>336</sup>

106. General Staff decision-making was collective, and followed consultation among members.<sup>337</sup> Efforts were made to involve absent members before decisions were reached. For example, when the General Staff negotiated and decided about the release of detainees held by the KLA, absent members were regularly informed and consulted.<sup>338</sup> After decisions were reached, efforts were also made to inform absent members at the earliest opportunity.<sup>339</sup>

107. Matters discussed and/or decided at General Staff meetings included:

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<sup>330</sup> [REDACTED].

<sup>331</sup> [REDACTED].

<sup>332</sup> [REDACTED].

<sup>333</sup> See paras 114-125 below.

<sup>334</sup> [REDACTED].

<sup>335</sup> [REDACTED].

<sup>336</sup> [REDACTED].

<sup>337</sup> [REDACTED].

<sup>338</sup> [REDACTED].

<sup>339</sup> [REDACTED].

- a. appointments, assignments, and dismissals of its own members,<sup>340</sup> of zone and brigade commands,<sup>341</sup> and PGoK officials, including **Hashim THAÇI** as PGoK Prime Minister;<sup>342</sup>
- b. operational and structural matters, including the structure of the General Staff, KLA, PGoK, and zones, boundaries of and coordination between the zones, the situation on the ground and the activities of zone commands, transformation of the KLA into a national guard, logistics, financing, training, military operations, and ceasefires;<sup>343</sup>
- c. KLA policy, strategy, and objectives,<sup>344</sup> including the writing of communiqués;<sup>345</sup>
- d. negotiations and agreements with internationals and other Kosovo-Albanian armed and political groups;<sup>346</sup>
- e. enemy activities,<sup>347</sup> arrests and/or releases,<sup>348</sup> and other matters relating to the identification and treatment of collaborators and other Opponents;<sup>349</sup>
- f. creation of Radio Free Kosovo and Kosovapress;<sup>350</sup> and
- g. reports of abuses by KLA members against civilians in the zones.<sup>351</sup>

108. The General Staff received and responded to requests for logistics, funds, rules, advice, and organisational assistance, including resolution of disputes between commanders.<sup>352</sup> Likewise, the General Staff ordered the provision of and received

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<sup>340</sup> [REDACTED].

<sup>341</sup> [REDACTED].

<sup>342</sup> [REDACTED].

<sup>343</sup> [REDACTED].

<sup>344</sup> [REDACTED].

<sup>345</sup> [REDACTED].

<sup>346</sup> [REDACTED].

<sup>347</sup> [REDACTED].

<sup>348</sup> [REDACTED].

<sup>349</sup> [REDACTED]. *See also* Section C above.

<sup>350</sup> [REDACTED].

<sup>351</sup> [REDACTED].

<sup>352</sup> [REDACTED].

information and equipment from subordinate commanders and units.<sup>353</sup> General Staff orders were distributed to subordinate commanders for onward dissemination through the ranks.<sup>354</sup> Subordinate commanders reported to the General Staff about the situation in their areas of responsibility.<sup>355</sup>

109. The General Staff also adopted regulations which concerned, amongst other matters, discipline.<sup>356</sup> In particular, a specific set of KLA Disciplinary Regulations were adopted.<sup>357</sup> The Disciplinary Regulations emphasised hierarchy, respect for authority, the obligatory nature of orders, and discipline, and provided for various disciplinary measures in case of breach, ranging from reprimand to demotion, confinement, and dismissal.<sup>358</sup> Pursuant to these regulations and in addition to their *de facto* authority as senior leadership figures within the KLA, the **Accused**, through their official positions in the General Staff, held extensive formal powers, including to commend, promote<sup>359</sup> and discipline or dismiss<sup>360</sup> soldiers.

110. The General Staff, zone, and brigade commands relied upon and applied the Disciplinary Regulations, issuing orders imposing and warning of disciplinary measures, including dismissal and confinement.<sup>361</sup> Throughout the Indictment Period, KLA commanders had various disciplinary measures at their disposal, including written warnings, confiscation of weapons and uniforms, demotion, and dismissal.<sup>362</sup>

111. Although having designated roles within the General Staff, the **Accused's** actual responsibilities varied depending on need at any given time, and spanned any

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<sup>353</sup> [REDACTED]. See also paras 168-178 below.

<sup>354</sup> [REDACTED]. See also paras 168-178 below.

<sup>355</sup> [REDACTED].

<sup>356</sup> [REDACTED].

<sup>357</sup> [REDACTED].

<sup>358</sup> [REDACTED].

<sup>359</sup> [REDACTED].

<sup>360</sup> [REDACTED].

<sup>361</sup> [REDACTED]; IT-05-87 P02464-E; [REDACTED].

<sup>362</sup> [REDACTED]; IT-03-66 T2048-T2103, pp.2082, 2084-2085; [REDACTED]; IT-04-84bis P00176.E, p.3; [REDACTED].

number of political and operational matters.<sup>363</sup> In addition to their roles at the General Staff and in the formulation, dissemination, and implementation of the Opponents policy through communiqués and other means, as set out above, the **Accused** were actively involved in and demonstrated their control over essential political and operational activities, including in respect of units, sites, and locations where crimes occurred.<sup>364</sup> For example, throughout the Indictment Period:

- a. **Hashim THAÇI:** (i) played a vital liaison function between KLA members in Kosovo and those abroad, which encompassed facilitating supplies, deployments, and other communications;<sup>365</sup> (ii) led deployments of KLA members into Kosovo,<sup>366</sup> welcomed and deployed other KLA members,<sup>367</sup> and visited zone commands and inspected troops;<sup>368</sup> (iii) issued General Staff instructions to commanders;<sup>369</sup> (iv) intervened personally, together with other General Staff members, to resolve disputes between commanders and solve problems on the ground;<sup>370</sup> (v) appointed and participated in the appointment of commanders and PGoK officials;<sup>371</sup> (vi) coordinated, took part in, and received reports concerning military operations on the ground;<sup>372</sup> (vii) authorised, supervised, and escorted journalists and oversaw the creation of footage for propaganda purposes;<sup>373</sup> (viii) communicated, negotiated, and signed agreements with representatives of international and Kosovo-Albanian governments, groups, and

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<sup>363</sup> See e.g. [REDACTED].

<sup>364</sup> See also Section III below.

<sup>365</sup> [REDACTED].

<sup>366</sup> [REDACTED]. See also para.170 below.

<sup>367</sup> [REDACTED].

<sup>368</sup> [REDACTED]; 019664-019664; [REDACTED]. See also [REDACTED].

<sup>369</sup> [REDACTED].

<sup>370</sup> [REDACTED].

<sup>371</sup> [REDACTED]. See also paras 117, 168 et seq.

<sup>372</sup> [REDACTED].

<sup>373</sup> [REDACTED].

organisations,<sup>374</sup> and (ix) participated in General Staff decision-making, including during negotiations for the release of KLA detainees;<sup>375</sup>

b. **Kadri VESELI:** (i) led deployments of KLA members into Kosovo,<sup>376</sup> welcomed and deployed other KLA members,<sup>377</sup> and visited zone commands and units on the ground;<sup>378</sup> (ii) conducted investigations<sup>379</sup> and dealt with disciplinary matters involving zone commanders;<sup>380</sup> (iii) intervened personally, together with other General Staff members, to resolve disputes between commanders on the ground;<sup>381</sup> (iv) took part in negotiations and signed agreements with representatives of other Kosovo-Albanian groups;<sup>382</sup> (v) took part in, coordinated, directed and received reports concerning military operations and the activities of intelligences services on the ground;<sup>383</sup> (vi) authorised, supervised and escorted journalists and oversaw the creation of footage for propaganda purposes;<sup>384</sup> (vii) played a vital liaison function between KLA members in Kosovo and those abroad, which encompassed facilitating supplies, deployments, and other communications,<sup>385</sup> and (viii) was involved in personnel matters;<sup>386</sup>

c. **Rexhep SELIMI:** (i) took part in negotiations with both internationals and other Kosovo-Albanian armed and political groups in Kosovo and Albania;<sup>387</sup> (ii) received and deployed KLA members and took part in oath

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<sup>374</sup> [REDACTED]; 019593-019594; [REDACTED]; 043864-043864-ET Partial; [REDACTED]; 019604-019606; [REDACTED].

<sup>375</sup> [REDACTED].

<sup>376</sup> [REDACTED].

<sup>377</sup> [REDACTED].

<sup>378</sup> [REDACTED]. *See also* para.16 above.

<sup>379</sup> [REDACTED].

<sup>380</sup> [REDACTED].

<sup>381</sup> [REDACTED].

<sup>382</sup> [REDACTED].

<sup>383</sup> [REDACTED]. *See also* paras 156-166 below.

<sup>384</sup> [REDACTED].

<sup>385</sup> [REDACTED].

<sup>386</sup> [REDACTED].

<sup>387</sup> [REDACTED].

ceremonies;<sup>388</sup> (iii) participated in and oversaw the appointment of commanders,<sup>389</sup> personally signing relevant orders;<sup>390</sup> (iv) took part in investigations into disciplinary issues;<sup>391</sup> (v) instructed, inspected,<sup>392</sup> supervised and directed KLA units and formations, including intelligence<sup>393</sup> and military police units,<sup>394</sup> including on the degree of discipline, and the degree of implementation of the 'strategic aims of the General Staff',<sup>395</sup> (vi) received complaints about KLA members, and reported back to the General Staff;<sup>396</sup> (vii) liaised between the General Staff and zone and other commanders, consulting on organisational and political matters, and communicating policies, orders, and reports;<sup>397</sup> (viii) oversaw delineation of zone boundaries;<sup>398</sup> (ix) coordinated, received reports about and took part in military operations;<sup>399</sup> (x) participated in negotiations on behalf of the General Staff for the release of KLA detainees;<sup>400</sup> and (xi) consulted about collaborators with zone commanders, including in relation to detention,<sup>401</sup> and ordered the release of prisoners;<sup>402</sup>

d. **Jakup KRASNIQI:** (i) liaised with commanders on the ground, disseminating orders and instructions, consulting on organisational and political matters, and ordering their attendance at General Staff meetings;<sup>403</sup>

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<sup>388</sup> [REDACTED].

<sup>389</sup> [REDACTED].

<sup>390</sup> [REDACTED].

<sup>391</sup> [REDACTED].

<sup>392</sup> [REDACTED].

<sup>393</sup> [REDACTED].

<sup>394</sup> [REDACTED].

<sup>395</sup> [REDACTED].

<sup>396</sup> [REDACTED].

<sup>397</sup> [REDACTED].

<sup>398</sup> [REDACTED].

<sup>399</sup> [REDACTED].

<sup>400</sup> [REDACTED].

<sup>401</sup> [REDACTED].

<sup>402</sup> [REDACTED].

<sup>403</sup> [REDACTED].

(ii) received reports on the outcome of operations, including concerning any prisoners taken,<sup>404</sup> issued orders,<sup>405</sup> and was involved in appointing, assigning, replacing, dismissing, and disciplining commanders and other senior officials;<sup>406</sup> (iii) together with other members of the General Staff, resolved disputes between commanders;<sup>407</sup> (iv) communicated, including by satellite phone, with the press, including the LPK publication *Zëri i Kosovës*;<sup>408</sup> (v) communicated, requested assistance from, and negotiated with international representatives;<sup>409</sup> (vi) authorised PGoK personnel to travel internationally;<sup>410</sup> and (vii) negotiated and issued orders, on behalf of the General Staff, for the arrest and release of detainees.<sup>411</sup>

112. **Hashim THAÇI, Kadri VESELI, Rexhep SELIMI, and Jakup KRASNIQI** also personally implemented their common criminal purpose on the ground by participating in the intimidation, interrogation, mistreatment, and detention of Opponents, including at or in relation to events: (i) in June 1998 [REDACTED],<sup>412</sup> [REDACTED],<sup>413</sup> and Breshanc/Brešance (**Hashim THAÇI and Kadri VESELI**);<sup>414</sup> (ii) in July 1998 in Malishevë/Mališevo (**Jakup KRASNIQI**);<sup>415</sup> (iii) in August 1998 in Likoc/Likovac (**Rexhep SELIMI**);<sup>416</sup> (iv) in September 1998 in the Dukagjini Zone (**Hashim THAÇI and Rexhep SELIMI**)<sup>417</sup> and in Qirez/Ćirez and Baicë/Banjica

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<sup>404</sup> [REDACTED].

<sup>405</sup> [REDACTED].

<sup>406</sup> [REDACTED].

<sup>407</sup> [REDACTED].

<sup>408</sup> [REDACTED].

<sup>409</sup> 019593-019594; [REDACTED]; 043864-043864-ET Partial; [REDACTED]; 019604-019606; [REDACTED].

<sup>410</sup> [REDACTED].

<sup>411</sup> [REDACTED].

<sup>412</sup> See [REDACTED].

<sup>413</sup> See [REDACTED].

<sup>414</sup> See para. 230 below.

<sup>415</sup> See Section III(E) below.

<sup>416</sup> See Section III(A) below.

<sup>417</sup> See paras 195-198 below.

(Hashim THAÇI and Rexhep SELIMI);<sup>418</sup> (v) in October 1998 in Jabllanicë/Jablanica (Rexhep SELIMI)<sup>419</sup> and Shalë/Sedlare (Hashim THAÇI);<sup>420</sup> (vi) between about January and May 1999 in Kleçkë/Klečka (Kadri VESELI, Rexhep SELIMI and Jakup KRASNIQI);<sup>421</sup> and (vii) late May or early June 1999 in Kukës (Kadri VESELI).<sup>422</sup> Other JCE Members, including Azem SYLA, Lahi BRAHIMAJ, Fatmir LIMAJ, Sylejman SELIMI, Rrustem MUSTAFA, Shukri BUJA, Latif GASHI, and Sabit GEÇI, also directly participated in the arrest, detention, mistreatment, torture, and/or murder of Opponents on the ground.<sup>423</sup> The allegations relating to these incidents are set out in the relevant sections below.

113. Through such acts, the **Accused** and other JCE Members led by negative example, thereby further promoting the commission of crimes in furtherance of the common purpose. These acts formed part of, and exemplified, a consistent pattern of unlawfully intimidating, mistreating, committing violence against, and removing Opponents, which began before and was ongoing during the Indictment Period.

## **PGoK**

114. Until the creation of the PGoK government-styled bodies, the KLA Political Directorate played a central role in formulating and disseminating internal and external policy, including in relation to the identification and treatment of Opponents, creating and controlling the army's image and spearheading KLA diplomacy.<sup>424</sup> Meanwhile, beginning in summer 1998 and with ever-increasing determination, the General Staff took measures to formally establish governmental and civil administration structures in the free zones.<sup>425</sup>

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<sup>418</sup> See Section III(L) below.

<sup>419</sup> See para.200 below.

<sup>420</sup> See Section III(M) below.

<sup>421</sup> See Section III(N) below.

<sup>422</sup> See Section III(Q) below.

<sup>423</sup> See Section III below.

<sup>424</sup> [REDACTED].

<sup>425</sup> [REDACTED].

115. For example, in late 1998, the General Staff decided to formally establish a Directorate for Public Relations and Civil Administration ('DPRCA') as a 'superior body of the civil administration',<sup>426</sup> which would cooperate only with those authorised by the KLA.<sup>427</sup> It was envisaged that DPRCA would cooperate closely with **THAÇI**'s Political and Information Directorates.<sup>428</sup> DPRCA regulations, which conformed with the decisions of and were approved by the 'governing organisation', namely the General Staff, were designed to ensure taxation and administration in support of the KLA.<sup>429</sup>

116. In early 1999, recognising the need for more formalised public political representation, discussions were initiated during the Rambouillet conference for formation of the PGoK.<sup>430</sup> At the end of March 1999, the General Staff appointed **THAÇI** as PGoK Prime Minister.<sup>431</sup> As Prime Minister, **THAÇI** assumed the role of KLA Commander-in-Chief.<sup>432</sup> Thereafter, the KLA General Commander and KLA Chief of Staff reported to **THAÇI**.<sup>433</sup>

117. On 2 April 1999, Prime Minister **THAÇI** formally announced the composition of the PGoK.<sup>434</sup> Under the Prime Minister, **KRASNIQI** was spokesperson, **VESELI** was Chief of the Intelligence Service of Kosovo (*Shërbimi Informativ i Kosovës*, 'SHIK'), **SELIMI** was Minister of Public Order, and **SYLA** was Minister of Defence.<sup>435</sup> Other key ministries, such as Finance and Local Government, were similarly allocated to prominent KLA members.<sup>436</sup>

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<sup>426</sup> [REDACTED].

<sup>427</sup> [REDACTED].

<sup>428</sup> [REDACTED].

<sup>429</sup> [REDACTED].

<sup>430</sup> [REDACTED].

<sup>431</sup> SPOE00054517-SPOE00054518-ET, p.SPOE00054518-ET; [REDACTED].

<sup>432</sup> [REDACTED].

<sup>433</sup> [REDACTED]. *See also* [REDACTED].

<sup>434</sup> SPOE00054541-SPOE00054541-ET; 019662-019663, p.019662.

<sup>435</sup> [REDACTED]; SPOE00054541-SPOE00054541-ET; 019662-019663; [REDACTED].

<sup>436</sup> SPOE00054541-SPOE00054541-ET; 019662-019663; [REDACTED].

118. **THAÇI**'s competencies were both representational and operational, as illustrated by the fact that **THAÇI** gave an order for general mobilisation, soon after the NATO bombardment began<sup>437</sup> and was involved in drawing up military plans.<sup>438</sup> Indeed, the PGoK tasked the General Staff, which then 'operationalised' such assignments. This included, for example, in relation to Operation Arrow in spring 1999 for a '[g]round [c]orridor to be opened to resupply the KLA with the weapons and ammunition which it needs to achieve its mission [...]'.<sup>439</sup> Implementing PGoK orders,<sup>440</sup> the General Staff would then issue orders to zone commands.<sup>441</sup>

119. The General Staff and PGoK coordinated closely,<sup>442</sup> with operational and situational reports being made to the PGoK, including to the Minister of Defence Azem SYLA,<sup>443</sup> and the PGoK issuing appointments and operational orders, transferring and assigning personnel, taking recruitment, disciplinary and reorganisation measures, and authorising journalists.<sup>444</sup>

120. The PGoK held meetings on military strategy and organization, following which orders would be issued, including for the appointment of JCE Members to PGoK and General Staff posts.<sup>445</sup> For example, following a PGoK meeting on 27 April 1999, **THAÇI** appointed a National Guard commander (Sylejman SELIMI) and KLA Chief of Staff (Agim CEKU).<sup>446</sup> **THAÇI** later appointed Fatmir LIMAJ as Deputy Minister of Defence.<sup>447</sup> Following the 27 April 1999 PGoK meeting, **THAÇI** also charged the Ministry of Defence under Azem SYLA with a range of organisational

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<sup>437</sup> [REDACTED].

<sup>438</sup> [REDACTED].

<sup>439</sup> [REDACTED].

<sup>440</sup> See e.g. [REDACTED].

<sup>441</sup> See e.g. [REDACTED].

<sup>442</sup> See e.g. [REDACTED].

<sup>443</sup> [REDACTED].

<sup>444</sup> [REDACTED].

<sup>445</sup> [REDACTED].

<sup>446</sup> [REDACTED].

<sup>447</sup> [REDACTED].

tasks related to the General Staff's mobilisation order,<sup>448</sup> including creation of a National Guard to oversee special duties, autonomous guard units, and military training and logistics structures.<sup>449</sup> Further, despite the Minister of Defence's publicly stated position against disarmament,<sup>450</sup> the PGoK Ministry of Defence had ultimate oversight over demobilisation and KLA legacy issues, such as awarding certificates and honors regarding former combatant status.<sup>451</sup>

121. On 27 April 1999, **Hashim THAÇI**, on behalf of the Provisional Government, claimed responsibility for leading and governing Kosovo.<sup>452</sup> In the immediate aftermath of the withdrawal of Serb forces, in particular, PGoK structures became a key implementing mechanism for the JCE Members, and a primary means by which they attempted to exercise continuing control over the territory. The KLA and PGoK immediately began to take over state institutions, buildings, such as municipality buildings, former MUP stations, companies, and medical facilities, and take control of territory.<sup>453</sup>

122. Within two weeks of the PGoK having established itself in Prishtinë/Priština,<sup>454</sup> **THAÇI** was publicly proclaiming they had a 'horizontal and vertical spread of the government not just in Pristina, but in all of the municipalities of Kosovo'.<sup>455</sup> **THAÇI** and the PGoK were issuing political regulations, legal edicts, appointing mayors, and meeting with international representatives concerning PGoK structures and functions.<sup>456</sup>

123. In his first meeting with UNMIK in June 1999, **THAÇI**, accompanied by **Rexhep SELIMI**, presented UNMIK with an organigram of the PGoK.<sup>457</sup> Following an

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<sup>448</sup> SPOE00054519-SPOE00054522-ET, pp.SPOE00054519-SPOE00054522.

<sup>449</sup> [REDACTED].

<sup>450</sup> [REDACTED].

<sup>451</sup> [REDACTED].

<sup>452</sup> [REDACTED].

<sup>453</sup> [REDACTED]; 040562-040567, pp.040562-040567; [REDACTED].

<sup>454</sup> [REDACTED].

<sup>455</sup> [REDACTED].

<sup>456</sup> [REDACTED].

<sup>457</sup> [REDACTED].

explanation of UNSCR 1244, which designated the UN as the only legitimate governing authority in Kosovo, a former UNMIK legal advisor describes the following reaction:<sup>458</sup>

To that explanation, the reaction of THACI and the other KLA leaders was clear. They had unilaterally established what they called Provisional Government of Kosovo, which was composed mainly by KLA representatives. The [PGoK] had been established in order to exercise total control in Kosovo to the exclusion of the international presence and any other ethnic Albanian organizations/political parties. Their basic message in response to our explanation of resolution 1244 was 'thank you and thank you for your help, but now we are in charge. We created the [PGoK] and we now run the country.

124. Likewise, another former UNMIK official explained that **THAÇI, SELIMI, SYLA**, and the zone commanders approached any interaction:<sup>459</sup>

as if we needed to negotiate with them and not with anyone else. Effectively, through the PU and the other structures they were able to control lots of ground in terms of the local population that was returning. They were organising their own versions of municipalities, local police, and authority over property and economic developments.

125. Throughout summer 1999, General Staff members and PGoK officials continued to assert<sup>460</sup> control over subordinate structures, as also observed by international bodies and representatives.<sup>461</sup> Under pressure, **THAÇI, SELIMI**, and other senior KLA and PGoK officials demonstrated their authority, for example, by (reluctantly) closing detention facilities.<sup>462</sup>

## Communications

126. As reflected by the creation of a General Staff Directorate for Communications from at least November 1998,<sup>463</sup> particular attention was given to ensuring effective means of communication between KLA members and units throughout Kosovo, and in Albania.<sup>464</sup> The methods employed enabled members of the General Staff to be in

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<sup>458</sup> [REDACTED].

<sup>459</sup> [REDACTED].

<sup>460</sup> [REDACTED].

<sup>461</sup> [REDACTED].

<sup>462</sup> [REDACTED].

<sup>463</sup> [REDACTED].

<sup>464</sup> [REDACTED].

daily communication with the zones.<sup>465</sup> During the Indictment Period, international observers frequently witnessed the effectiveness of these communications channels, seeing implementation of General Staff orders on the ground.<sup>466</sup>

127. **Hashim THAÇI, Kadri VESELI, Rexhep SELIMI, Jakup KRASNIQI,** and other General Staff members regularly travelled to assist, receive reports from, consult with, and give orders to KLA members and units operating in locations throughout Kosovo.<sup>467</sup> KLA commanders also travelled to General Staff headquarters to report, consult, and receive assistance and direction.<sup>468</sup> Afterwards, zone commanders would communicate General Staff orders and instructions to the brigades,<sup>469</sup> which in turn communicated with battalion commands.<sup>470</sup>

128. In addition to in-person meetings, the **Accused** and other KLA commanders used mobile phones, radios, satellite phones, and couriers.<sup>471</sup> As outlined below, such communications systems within the KLA were overseen by the General Staff.<sup>472</sup>

129. A General Staff archive preserving documents sent or received by the General Staff<sup>473</sup> and protocol book recording documents produced, sent or received were maintained.<sup>474</sup> Duty officers manned a communications room at the General Staff headquarters, which was used to communicate with zone commands.<sup>475</sup> Communications personnel were appointed on the zone<sup>476</sup> and brigade levels.<sup>477</sup>

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<sup>465</sup> [REDACTED].

<sup>466</sup> [REDACTED].

<sup>467</sup> See paras 168 *et seq.*; [REDACTED].

<sup>468</sup> [REDACTED].

<sup>469</sup> [REDACTED].

<sup>470</sup> [REDACTED].

<sup>471</sup> [REDACTED].

<sup>472</sup> [REDACTED].

<sup>473</sup> [REDACTED].

<sup>474</sup> [REDACTED].

<sup>475</sup> [REDACTED].

<sup>476</sup> [REDACTED]; U001-1826-U001-1826-ET; [REDACTED].

<sup>477</sup> [REDACTED].

130. The General Staff organised standardised communication systems and plans down to the company level,<sup>478</sup> which were transmitted to the zone commands, for onward dissemination through the ranks.<sup>479</sup> Standardised codes included codes for messages or orders such as 'one person arrested' and 'bring them to the base'.<sup>480</sup> General Staff personnel also trained representatives from each zone in communications,<sup>481</sup> with the results of such training being subsequently communicated to the zone commanders.<sup>482</sup>

131. The General Staff provided the zone commands<sup>483</sup> with call signs and codes for units, locations, and commanders.<sup>484</sup> **Rexhep SELIMI**, for example, took part in organising a centralised radio communication system, including use of standard codes.<sup>485</sup> Zone commands then distributed radio codes to the brigades.<sup>486</sup> The General Staff instructed zone commands to ensure that all units used the same communication network.<sup>487</sup>

132. General Staff radios<sup>488</sup> had a range of approximately 50 kilometres, with the General Staff's repeater.<sup>489</sup> Radios were also used by zone commands to communicate with the General Staff,<sup>490</sup> within<sup>491</sup> and to other<sup>492</sup> zone command staffs, with brigades<sup>493</sup> and local KLA headquarters,<sup>494</sup> and with special units.<sup>495</sup> Likewise, there

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<sup>478</sup> [REDACTED].

<sup>479</sup> [REDACTED].

<sup>480</sup> [REDACTED].

<sup>481</sup> [REDACTED].

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<sup>490</sup> [REDACTED].

<sup>491</sup> [REDACTED].

<sup>492</sup> [REDACTED].

<sup>493</sup> [REDACTED].

<sup>494</sup> [REDACTED].

<sup>495</sup> [REDACTED].

was radio communication between and within brigades and battalions,<sup>496</sup> and efforts were made to distribute radios proportionally.<sup>497</sup> The responsibilities of company and platoon commanders included the organisation of the radio communication system within their respective units.<sup>498</sup> The KLA also took active steps to acquire additional radios, including by ordering civilians to hand over devices in their possession.<sup>499</sup>

133. The General Staff used and issued satellite phones to communicate with zone commands<sup>500</sup> and internationally.<sup>501</sup> Instructions concerning their use were disseminated.<sup>502</sup> **Jakup KRASNIQI** issued an order for subordinate commanders to register their satellite phones with the General Staff; otherwise, their numbers would be blocked.<sup>503</sup> At the zone level, satellite phones were used to communicate between<sup>504</sup> and within<sup>505</sup> zone commands,<sup>506</sup> and for daily brigade reports.<sup>507</sup>

134. The General Staff also organised a courier system. The General Staff instructed zone commanders to establish networks of couriers<sup>508</sup> and ordered zone couriers to report to the General Staff every two weeks.<sup>509</sup> The General Staff used couriers to communicate with and relay orders to the Zones<sup>510</sup> and local headquarters.<sup>511</sup> Couriers were also used to pass messages within brigade commands and to subordinate units.<sup>512</sup>

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<sup>496</sup> [REDACTED].

<sup>497</sup> [REDACTED].

<sup>498</sup> [REDACTED].

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<sup>501</sup> [REDACTED].

<sup>502</sup> [REDACTED].

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<sup>504</sup> [REDACTED].

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<sup>510</sup> [REDACTED].

<sup>511</sup> [REDACTED].

<sup>512</sup> [REDACTED].

## Logistics

135. A Directorate for Logistics was created within the General Staff,<sup>513</sup> and personnel were appointed to deal specifically with logistics and supplies.<sup>514</sup> Logistics personnel were also appointed at zone, brigade, and local headquarters, with responsibility for distribution and maintenance of supplies, uniforms, vehicles, and arms.<sup>515</sup> Commanders reported to the General Staff about logistics and supplies in their areas of responsibility<sup>516</sup> and the General Staff issued orders concerning the use, provision, procurement, and availability of logistics and equipment in the zones.<sup>517</sup>

136. Throughout the Indictment Period, under the General Staff's direction and oversight, the KLA was recruiting, training and deploying large numbers of soldiers,<sup>518</sup> purchasing and distributing uniforms, weapons (including automatic rifles, rocket propelled grenades, mortars, high precision anti-aircraft weapons and anti-tank missiles) and other equipment and supplies,<sup>519</sup> and organising weapon supply lines.<sup>520</sup> Amongst other aspects, daily routines, chain of command and reporting, military operations, recruitment and oath-taking, the maintenance, storage and use of weapons, discipline, and guard duties were all subject to regulation throughout the Indictment Period.<sup>521</sup>

137. In addition, KLA command staffs controlled and recorded movements of soldiers;<sup>522</sup> prepared duty rosters;<sup>523</sup> maintained personnel<sup>524</sup> and financial records, often using typed templates;<sup>525</sup> kept inventories of uniforms, ammunition and

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<sup>513</sup> [REDACTED].

<sup>514</sup> [REDACTED].

<sup>515</sup> [REDACTED].

<sup>516</sup> [REDACTED].

<sup>517</sup> [REDACTED].

<sup>518</sup> [REDACTED].

<sup>519</sup> [REDACTED].

<sup>520</sup> [REDACTED].

<sup>521</sup> [REDACTED].

<sup>522</sup> [REDACTED]; IT-04-84 P00166.E; [REDACTED]; IT-04-84 P00181.E; IT-04-84 P00214; [REDACTED].

<sup>523</sup> [REDACTED].

<sup>524</sup> [REDACTED]; IT-04-84bis P00164.E; [REDACTED].

<sup>525</sup> [REDACTED].

weapons,<sup>526</sup> disbursed provisions of fuel, food, and other goods,<sup>527</sup> and conducted physical and theoretical military training.<sup>528</sup>

138. Additional logistical and operational measures to ensure the KLA's control were also taken.<sup>529</sup> For example, KLA commands ordered civilians not to evacuate their villages without the permission of the KLA in order to counter 'enemy' propaganda,<sup>530</sup> mandated that farmers donate part of their harvest to the KLA,<sup>531</sup> prohibited political activities,<sup>532</sup> ordered able-bodied men to join the KLA,<sup>533</sup> and appropriated vehicles,<sup>534</sup> funds,<sup>535</sup> and weapons.<sup>536</sup> KLA units also established checkpoints to control movement and guard the entry points to the areas under KLA control.<sup>537</sup> Guards, whose duties were regulated,<sup>538</sup> checked and recorded the persons and vehicles moving through checkpoints.<sup>539</sup> KLA units issued travel permits, often on typewritten templates, for soldiers and civilians to move around in, enter, or leave KLA-controlled territories,<sup>540</sup> including to travel to Albania.<sup>541</sup>

## Finances

139. In addition to logistics control, the General Staff also oversaw finances and included a Directorate of Finance, which collected, recorded and then disbursed donations of money, supplies, and vehicles to KLA units and members.<sup>542</sup> The

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<sup>526</sup> [REDACTED].

<sup>527</sup> IT-04-84 P00226.E; [REDACTED].

<sup>528</sup> [REDACTED]; IT-04-84 P00186.E; [REDACTED].

<sup>529</sup> [REDACTED]; IT-04-84 P00124.E; [REDACTED].

<sup>530</sup> [REDACTED].

<sup>531</sup> [REDACTED].

<sup>532</sup> IT-04-84 P00158.E.

<sup>533</sup> IT-04-84 P00146.E; [REDACTED].

<sup>534</sup> [REDACTED].

<sup>535</sup> [REDACTED].

<sup>536</sup> [REDACTED].

<sup>537</sup> [REDACTED].

<sup>538</sup> [REDACTED].

<sup>539</sup> IT-03-66 P245.2a; [REDACTED]; IT-03-66 P129a; [REDACTED].

<sup>540</sup> [REDACTED]; IT-03-66 P171; [REDACTED].

<sup>541</sup> [REDACTED].

<sup>542</sup> [REDACTED].

Directorate of Finance received funds collected by the Homeland Calling Fund,<sup>543</sup> calculated the dues owed by Kosovo-Albanians in the diaspora,<sup>544</sup> and appointed members to the Fund's governing body.<sup>545</sup> The General Staff also ordered, in a written order signed by **Jakup KRASNIQI** and enforced by military police, the collection of taxes.<sup>546</sup>

140. The General Staff, through, *inter alia*, the Directorate of Finance,<sup>547</sup> **Rexhep SELIMI**,<sup>548</sup> and **Jakup KRASNIQI**,<sup>549</sup> provided and authorised disbursement of funds to KLA members in the zones. The General Staff appointed heads of finance in the zones<sup>550</sup> and zone commands reported about financial matters to the General Staff.<sup>551</sup> Likewise, assistant commanders for finance were appointed at the brigade level.<sup>552</sup> Within the zones, the zone commander was in charge of distributing finances and loans to individuals, families, and subordinates for the procurement of military equipment and supplies, including vehicles, computers, food, medicine, and fuel.<sup>553</sup>

### Legal sector and military court

141. Prior to November 1998, the KLA did not have formal judicial structures in place.<sup>554</sup> Although **Fatmir LIMAJ** and **Hashim THAÇI** had, in early November 1998, represented to international actors that a military court had been created and that the KLA was complying with international humanitarian law,<sup>555</sup> it was not in fact until

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<sup>543</sup> [REDACTED].

<sup>544</sup> [REDACTED].

<sup>545</sup> [REDACTED].

<sup>546</sup> [REDACTED].

<sup>547</sup> [REDACTED].

<sup>548</sup> [REDACTED].

<sup>549</sup> [REDACTED].

<sup>550</sup> [REDACTED].

<sup>551</sup> [REDACTED].

<sup>552</sup> [REDACTED].

<sup>553</sup> [REDACTED]; IT-05-87 4D00042-E; [REDACTED].

<sup>554</sup> [REDACTED].

<sup>555</sup> [REDACTED].

later that **KRASNIQI** appointed Sokol DOBRUNA head of the KLA Juridical Sector and to the role of military judge.<sup>556</sup>

142. Despite its formal existence thereafter, as observed by the Juridical Sector's own staff, the General Staff was not interested in having a 'proper functional military court' and the legal sector was not taken seriously.<sup>557</sup> The creation of a Juridical Sector and Military Court had been viewed as an imperative by the KLA principally in order to represent itself to the international community as a legitimate army which followed the laws of war.<sup>558</sup>

143. While the Juridical Sector/military court had jurisdiction over all members of the KLA as well as civilians in areas under KLA control,<sup>559</sup> it was under-resourced and ineffective.<sup>560</sup> The staff - which consisted of DOBRUNA and two other lawyers - were primarily involved in drafting legal texts.<sup>561</sup> DOBRUNA did not attend General Staff meetings and had few meetings with the **Accused** or the General Commander.<sup>562</sup> During this period, [REDACTED]<sup>563</sup> and [REDACTED].<sup>564</sup>

144. The legal sector generally did not have access to the zones,<sup>565</sup> did not receive information about detention facilities in the zones,<sup>566</sup> was not consulted about the establishment of prisons,<sup>567</sup> and dealt with only a handful of cases in total.<sup>568</sup> Notably, not a single case was referred to the Military Court as being one of alleged collaboration.<sup>569</sup> [REDACTED], although any allegations of collaboration should have

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<sup>556</sup> [REDACTED]. *See also* [REDACTED].

<sup>557</sup> [REDACTED].

<sup>558</sup> [REDACTED].

<sup>559</sup> [REDACTED].

<sup>560</sup> [REDACTED].

<sup>561</sup> [REDACTED].

<sup>562</sup> [REDACTED].

<sup>563</sup> [REDACTED].

<sup>564</sup> [REDACTED].

<sup>565</sup> [REDACTED].

<sup>566</sup> [REDACTED].

<sup>567</sup> [REDACTED].

<sup>568</sup> [REDACTED].

<sup>569</sup> [REDACTED].

been brought to the court, it was possible that the command carried out actions in such cases without notifying him.<sup>570</sup>

145. Even in the few cases the court dealt with, the **Accused** and the General Staff maintained control,<sup>571</sup> including over detainees and which cases were referred to the legal sector.<sup>572</sup> On one occasion, **Rexhep SELIMI** interfered in an ongoing investigation in a case under the legal sector and released four military police officers implicated in illegal detentions and mistreatment of persons in Pjetërshticë/Petraštica.<sup>573</sup>

### Intelligence and police

146. The KLA military police (*Policia Ushtarake* or 'PU') and intelligence services (G2, *Zbulim Kunderzbulim*, or 'ZKZ', *Shërbimi informativ* or 'Sh.I.') - in cooperation with special units - worked together to identify and take measures against Opponents.<sup>574</sup> These bodies - which existed at both General Staff<sup>575</sup> and zone levels - were subordinate to and regulated by the General Staff, including by the Intelligence Directorate<sup>576</sup> under **Kadri VESELI** and the Military Police Directorate under **Fatmir LIMAJ**.<sup>577</sup> The General Staff and its Intelligence and Military Police Directorates received reports from subordinate military police and intelligence services.<sup>578</sup> Treason, desertion, and collaboration were matters addressed at the zone command and General Staff levels.<sup>579</sup>

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<sup>570</sup> [REDACTED].

<sup>571</sup> [REDACTED].

<sup>572</sup> See e.g. [REDACTED].

<sup>573</sup> [REDACTED].

<sup>574</sup> [REDACTED].

<sup>575</sup> [REDACTED].

<sup>576</sup> [REDACTED].

<sup>577</sup> [REDACTED].

<sup>578</sup> [REDACTED].

<sup>579</sup> See e.g. [REDACTED].

147. In late March 1999, Prime Minister **Hashim THAÇI** appointed **Rexhep SELIMI** as Minister of Public Order.<sup>580</sup> **SELIMI** exercised this role, which entailed that of a Minister of Interior<sup>581</sup> and 'head of police',<sup>582</sup> until January 2000. The police continued to cooperate closely with the intelligence services, which after the creation of the PGoK, included the *Shërbimi Informativ i Kosovës* or 'SHIK' under **Kadri VESELI** and the Ministry of Defence intelligence service (*Shërbimi Informativ Ushtarak*, M2,<sup>583</sup> or 'SHIU') under **Abdullah PRAPASHTICA**.<sup>584</sup>

### Police

148. KLA units began creating military police units in spring 1998.<sup>585</sup> From May 1998, military police units - whose members generally wore black clothes or uniforms with 'PU' armbands<sup>586</sup> - were formed and operating throughout areas under KLA control.<sup>587</sup> After his appointment as Military Police Director by autumn 1998, **Fatmir LIMAJ** and the Military Police Directorate were responsible for training, inspecting, and supervising the military police at the General Staff level,<sup>588</sup> and in the zones, overseeing the appointment of military police commanders and personnel,<sup>589</sup> and providing instructions and orders, including concerning arrests.<sup>590</sup> Complaints about the behaviour of military police were made directly or indirectly to the Military Police Directorate.<sup>591</sup> The military police had extensive authority within the zones;<sup>592</sup> military

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<sup>580</sup> [REDACTED]; SPOE00054541-SPOE00054541-ET; [REDACTED].

<sup>581</sup> [REDACTED].

<sup>582</sup> [REDACTED].

<sup>583</sup> [REDACTED].

<sup>584</sup> [REDACTED].

<sup>585</sup> [REDACTED]; IT-04-84bis P00072; [REDACTED].

<sup>586</sup> [REDACTED].

<sup>587</sup> [REDACTED]; IT-04-84bis P00190.E, p.2; [REDACTED]; IT-04-84bis P00190.E; [REDACTED].

<sup>588</sup> [REDACTED].

<sup>589</sup> [REDACTED].

<sup>590</sup> [REDACTED].

<sup>591</sup> [REDACTED].

<sup>592</sup> [REDACTED].

police at the General Staff level had jurisdiction throughout areas under KLA control.<sup>593</sup>

149. Military police functions included – in addition to discipline enforcement and civilian policing<sup>594</sup> and consistent with General Staff orders and policy<sup>595</sup> – manning and/or inspecting checkpoints,<sup>596</sup> screening refugee groups for spies;<sup>597</sup> escorting KLA commanders and guarding headquarters;<sup>598</sup> enforcing mobilisation orders;<sup>599</sup> collecting taxes;<sup>600</sup> confiscating property;<sup>601</sup> conducting investigations, arrests, and interrogations, and carrying out punishments, in particular, of Opponents;<sup>602</sup> guarding KLA detention sites;<sup>603</sup> and otherwise taking measures against collaborators and the ‘special war’.<sup>604</sup>

150. The General Staff had envisaged the transformation of the military police into a civilian police force from early on.<sup>605</sup> With the creation of the PGoK, the KLA began this transformation, with police forces remaining a key means of implementing the common criminal purpose.

151. From his appointment in March 1999, Minister of Public Order **Rexhep SELIMI** organised and oversaw this police force (‘MPO police’), which was established as early as April 1999<sup>606</sup> and encompassed and was composed of active and former military police units and members (‘KLA/MPO police’).<sup>607</sup> In June 1999, **SELIMI** quickly

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<sup>593</sup> [REDACTED].

<sup>594</sup> [REDACTED].

<sup>595</sup> See Sections B-C above.

<sup>596</sup> [REDACTED].

<sup>597</sup> [REDACTED].

<sup>598</sup> [REDACTED].

<sup>599</sup> SPOE00054519-SPOE00054522-ET, pp.SPOE00054520-SPOE00054521.

<sup>600</sup> [REDACTED].

<sup>601</sup> [REDACTED].

<sup>602</sup> [REDACTED]; SPOE00054519-SPOE00054522-ET; [REDACTED].

<sup>603</sup> [REDACTED].

<sup>604</sup> [REDACTED].

<sup>605</sup> [REDACTED].

<sup>606</sup> [REDACTED].

<sup>607</sup> [REDACTED].

established himself as UNMIK's point of contact for police-related matters,<sup>608</sup> acknowledging that he ran the police force.<sup>609</sup> **SELIMI's** authority over the police forces on the ground<sup>610</sup> was reflected in his ability to close military police stations, following KFOR threats of eviction.<sup>611</sup>

152. As the FRY forces withdrew,<sup>612</sup> KLA and PGoK affiliated forces, including police, quickly established bases, including in MUP stations,<sup>613</sup> and assumed policing functions,<sup>614</sup> albeit without offering due process.<sup>615</sup> Throughout summer 1999, the MPO was actively registering members, in particular, police officers.<sup>616</sup> Under Minister **SELIMI** were his deputy, various commands, directorates, and commissions, including a property and housing commission<sup>617</sup> and district police commands.<sup>618</sup> **SELIMI** held meetings with police concerning structure and organisation,<sup>619</sup> personally signed identification cards issued to MPO personnel and police,<sup>620</sup> and requested funds from the PGoK for district police forces.<sup>621</sup>

153. From **SELIMI's** appointment as Minister of Public Order, KLA/MPO police were engaged in a wide range of civil-police activities and beyond,<sup>622</sup> including patrols,<sup>623</sup> guarding and escorting prisoners,<sup>624</sup> entering, allocating, and confiscating public and private property,<sup>625</sup> collecting and storing weapons,<sup>626</sup> conducting

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<sup>608</sup> [REDACTED].

<sup>609</sup> [REDACTED].

<sup>610</sup> [REDACTED].

<sup>611</sup> [REDACTED].

<sup>612</sup> [REDACTED].

<sup>613</sup> [REDACTED].

<sup>614</sup> [REDACTED].

<sup>615</sup> [REDACTED].

<sup>616</sup> [REDACTED].

<sup>617</sup> [REDACTED].

<sup>618</sup> [REDACTED].

<sup>619</sup> [REDACTED].

<sup>620</sup> [REDACTED].

<sup>621</sup> [REDACTED].

<sup>622</sup> [REDACTED].

<sup>623</sup> [REDACTED].

<sup>624</sup> [REDACTED].

<sup>625</sup> [REDACTED].

<sup>626</sup> [REDACTED].

investigations, arrests, and interrogations,<sup>627</sup> beatings, assaults, extortion, threats against and enforced house evictions of Opponents,<sup>628</sup> and actively gathering information about former members of the FRY forces and reservists, minorities, collaborators, and other Opponents.<sup>629</sup> During and in the weeks following the Indictment Period, KLA/MPO police units reported directly to the Ministry of Public Order concerning criminal investigations, arrests, interrogations, and the identities of paramilitary troops, JNA members, 'Serbian extremists', and Kosovo-Albanians offering support to Serbs.<sup>630</sup> Reports to KLA/MPO police units of involvement of its members in criminal conduct were frequent.<sup>631</sup>

154. While **Rexhep SELIMI** gave assurances to international representatives concerning compliance with the demilitarisation agreement,<sup>632</sup> police forces on the ground were taking efforts to conceal the full extent of their operations,<sup>633</sup> reported to the MPO concerning KFOR activities, including searches,<sup>634</sup> and were seen by internationals as 'part of the shadowy elements of the KLA'.<sup>635</sup> In early 2000, international bodies were aware of as many as 1,200 KLA/MPO police Kosovo-wide.<sup>636</sup> International representatives raised concerns about activities of the KLA/MPO police, including their involvement in illegal arrests and detentions, directly with **Hashim THAÇI**, **Rexhep SELIMI**, and other General Staff members and PGoK officials.<sup>637</sup>

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<sup>627</sup> [REDACTED].

<sup>628</sup> [REDACTED].

<sup>629</sup> [REDACTED].

<sup>630</sup> [REDACTED].

<sup>631</sup> [REDACTED].

<sup>632</sup> [REDACTED].

<sup>633</sup> [REDACTED].

<sup>634</sup> [REDACTED].

<sup>635</sup> [REDACTED].

<sup>636</sup> [REDACTED].

<sup>637</sup> [REDACTED].

155. In carrying out its functions, the KLA/MPO police continued close cooperation and exchanged information, including about Opponents and crimes against civilians, with the intelligence services.<sup>638</sup>

### Intelligence

156. Intelligence services were an acknowledged necessity from the KLA's founding.<sup>639</sup> By June 1998, an Intelligence Directorate under **Kadri VESELI** had been established within the General Staff.<sup>640</sup> **Kadri VESELI** was overseeing ongoing intelligence training from around August 1998<sup>641</sup> and reconfirmed in his position by the General Staff in November 1998.<sup>642</sup>

157. The Intelligence Directorate was the 'highest authority for intelligence activity and security [...] assist[ing] the commands of subordinate units, [...] organis[ing] and direc[ing] their work [...] and writ[ing] Special Regulations'.<sup>643</sup> **SELIMI** has acknowledged that 'it was difficult to infiltrate the KLA under the watchful eye of our intelligence service.'<sup>644</sup> Further, **VESELI** has stated that '[d]uring my tenure I was very successful in intercepting Serbia's secret codes and infiltrations to cause harm to Kosovo'.<sup>645</sup>

158. On 23 July 1998, the General Staff adopted 'Provisional Regulations for Intelligence Sub-Units in War',<sup>646</sup> drafted by **Jakup KRASNIQI**, subsequently circulating them to the zones.<sup>647</sup> Another set of regulations focusing on operations

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<sup>638</sup> [REDACTED].

<sup>639</sup> [REDACTED]; SPOE00056467-SPOE00056467-ET; [REDACTED].

<sup>640</sup> [REDACTED]; SPOE00052992-SPOE00053035-ET, p.SPOE00053010; [REDACTED].

<sup>641</sup> SPOE00052992-SPOE00053035-ET, p.SPOE00053012-SPOE00053013.

<sup>642</sup> [REDACTED].

<sup>643</sup> [REDACTED].

<sup>644</sup> [REDACTED].

<sup>645</sup> [REDACTED].

<sup>646</sup> [REDACTED].

<sup>647</sup> [REDACTED].

provided that the intelligence service should be embedded in all military command units on various levels of the organisation.<sup>648</sup>

159. Intelligence services<sup>649</sup> also operated in each of the zones<sup>650</sup> and in Albania,<sup>651</sup> and were embedded throughout zone,<sup>652</sup> brigade,<sup>653</sup> and battalion structures.<sup>654</sup> In addition to those formally holding intelligence positions, intelligence personnel were not always identified or known as such,<sup>655</sup> for example, persons appointed for morale and politics could also have intelligence functions.<sup>656</sup>

160. Intelligence services reported both within the zones and to the General Staff,<sup>657</sup> in particular, the Intelligence Directorate.<sup>658</sup> Depending on the area, zone or brigade command composition, and the subject matter, intelligence reporting lines also bypassed zone and brigade commanders,<sup>659</sup> with intelligence reports being made directly to **Kadri VESELI** and the Intelligence Directorate.<sup>660</sup> When receiving a report from the zone intelligence services, **Kadri VESELI** was responsible for verifying and disseminating such information, including about collaborators, to the General Commander and other General Staff members for action.<sup>661</sup>

161. The duties and tasks of the intelligence services included the gathering of information about enemy forces, their positions, movements, and weapons; enemy propaganda efforts;<sup>662</sup> KLA soldiers, including members of the military police, for

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<sup>648</sup> [REDACTED].

<sup>649</sup> [REDACTED].

<sup>650</sup> [REDACTED]; IT-04-84 P00228.E; [REDACTED].

<sup>651</sup> [REDACTED].

<sup>652</sup> [REDACTED].

<sup>653</sup> [REDACTED].

<sup>654</sup> SPOE00052992-SPOE00053035-ET, p.SPOE00053011; [REDACTED].

<sup>655</sup> [REDACTED].

<sup>656</sup> [REDACTED].

<sup>657</sup> [REDACTED].

<sup>658</sup> [REDACTED].

<sup>659</sup> [REDACTED].

<sup>660</sup> [REDACTED].

<sup>661</sup> [REDACTED].

<sup>662</sup> [REDACTED].

vetting purposes<sup>663</sup> and disciplinary matters;<sup>664</sup> collaborators and other Opponents, both within and outside the KLA.<sup>665</sup> In this respect, intelligence duties included involvement in abductions and detentions, interrogations, mistreatment, and executions.<sup>666</sup> The intelligence services also received complaints concerning crimes by KLA members, including at detention sites.<sup>667</sup> In carrying out their duties, the intelligence services cooperated with the military police.<sup>668</sup>

162. SHIK was established at the time of the PGoK's creation<sup>669</sup> and was closely associated and cooperated with the KLA/MPO police<sup>670</sup> and other KLA/PGoK intelligence services from which it drew its staff.<sup>671</sup> These police and intelligence services reported and provided information to SHIK.<sup>672</sup> SHIK chief **Kadri VESELI** reported to Prime Minister **Hashim THAÇI**.<sup>673</sup>

163. Under **Kadri VESELI**, there was a deputy (Hilmi RECICA),<sup>674</sup> a general director (Latif GASHI),<sup>675</sup> and four thematic directorates,<sup>676</sup> including an organised crime unit, within which the intelligence officers operated.<sup>677</sup> **VESELI** personally oversaw SHIK recruitment; potential members were carefully vetted.<sup>678</sup>

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<sup>663</sup> [REDACTED].

<sup>664</sup> [REDACTED].

<sup>665</sup> [REDACTED].

<sup>666</sup> [REDACTED].

<sup>667</sup> [REDACTED].

<sup>668</sup> 043805-043805-ET, p.043805; 043857-043858; [REDACTED].

<sup>669</sup> [REDACTED].

<sup>670</sup> See para.155 above.

<sup>671</sup> [REDACTED].

<sup>672</sup> [REDACTED].

<sup>673</sup> [REDACTED].

<sup>674</sup> [REDACTED].

<sup>675</sup> [REDACTED].

<sup>676</sup> [REDACTED].

<sup>677</sup> [REDACTED].

<sup>678</sup> [REDACTED].

164. SHIK reports were written using code names<sup>679</sup> and SHIK members directly reported to and received instructions from **Kadri VESELI** about certain sensitive matters, including collaborators.<sup>680</sup>

165. SHIK's overall purpose was, in **VESELI's** words, defending the 'national interest' and 'national substance'.<sup>681</sup> During and in the months following the Indictment Period, SHIK members vetted public employees, collected information concerning and monitored the activities of FRY forces, international organisations, and the security situation, investigated war crimes committed by FRY forces, and investigated, interrogated, targeted, and mistreated Opponents.<sup>682</sup>

166. Members of SHIU within the Ministry of Defence cooperated closely with SHIK and KLA/MPO police,<sup>683</sup> who were based throughout the zones, and were headed by Abdullah PRAPASHTICA under Minister of Defence Azem SYLA.<sup>684</sup> SHIU members carried out duties similar to the other intelligence services, including collecting information concerning current and former KLA members, and Opponents, and enforcing PGoK decisions.<sup>685</sup>

### Special units

167. Special units - which were created at the General Staff, zone, and brigade levels - assisted the police and intelligence services<sup>686</sup> in 'facing the enemy's special war and its collaborators'.<sup>687</sup> Special unit members often wore black uniforms, moved all over Kosovo, cooperating with other KLA units,<sup>688</sup> and, when they were on 'special

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<sup>679</sup> [REDACTED].

<sup>680</sup> [REDACTED].

<sup>681</sup> [REDACTED].

<sup>682</sup> [REDACTED].

<sup>683</sup> [REDACTED].

<sup>684</sup> [REDACTED].

<sup>685</sup> [REDACTED].

<sup>686</sup> [REDACTED].

<sup>687</sup> [REDACTED].

<sup>688</sup> [REDACTED].

missions', were exempt from the General Staff's prohibition for KLA members to wear masks.<sup>689</sup>

## Zones

168. The General Staff's ability to carry out coordinated and sizeable military operations and control significant territory was apparent from well before the Indictment Period.<sup>690</sup> However, as units were consolidated into zone and brigade commands throughout 1998, this capacity further expanded, as did the capacity of the **Accused** and JCE Members to oversee, control, and ensure the implementation of the common criminal purpose.

169. Under General Staff oversight: (i) existing KLA strongholds expanded, arming and organising KLA units in neighbouring areas;<sup>691</sup> and (ii) in areas where there was no or inadequate KLA presence, the **Accused** and other JCE Members dispatched trusted LPK and KLA members to recruit and organise.

170. For example, around the beginning of the Indictment Period, **Hashim THAÇI** and **Kadri VESELI** led a group,<sup>692</sup> which included JCE Members Fatmir LIMAJ, Haxhi SHALA, Sami LUSHTAKU, Sahit JASHARI, and Shukri BUJA, into Kosovo.<sup>693</sup> In Likoc/Likovac, **Rexhep SELIMI**, **Hashim THAÇI**, Fatmir LIMAJ, Shukri BUJA, and others held discussions about the organisation of the KLA.<sup>694</sup> Many of those who arrived in the group from Albania were then dispatched to various municipalities in Kosovo, often ones with which they were familiar, to engage in recruitment and military organisation.<sup>695</sup>

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<sup>689</sup> [REDACTED].

<sup>690</sup> [REDACTED]; SPOE00053380-SPOE00053393-ET, p.SPOE00053388; [REDACTED]; SPOE00209429-SPOE00209429-ET Revised; [REDACTED],

<sup>691</sup> See para.179 *et seq.*

<sup>692</sup> [REDACTED].

<sup>693</sup> [REDACTED].

<sup>694</sup> [REDACTED].

<sup>695</sup> [REDACTED].

171. Shukri BUJA, who had been an editor of LPK publication *Zëri i Kosovës* in Switzerland<sup>696</sup> and would become the Nerodime Zone Commander, was instructed by the General Staff, through **Hashim THAÇI**, to go to the municipalities of Lipjan/Lipljan and Shtime/Štimlje to organise units there;<sup>697</sup> Fatmir LIMAJ, who would become the Brigade 121 commander, and subsequently the head of the Military Police Directorate, went to Kleckë/Klečka and Malishevë/Mališevo;<sup>698</sup> Ismet JASHARI, known as Kumanova, went to Suharekë/Suva Reka;<sup>699</sup> Agim BAJRAMI went to Kačanik/Kaçanik,<sup>700</sup> Xheme GASHI, known as Gjermani, went to Drenoc/Drenovac;<sup>701</sup> [REDACTED] went to Llap;<sup>702</sup> and [REDACTED], who had been given a letter from Azem SYLA to present to **Rexhep SELIMI** setting out his place of deployment and tasks, went to Krojmir/Krajmrovce.<sup>703</sup>

172. **Rexhep SELIMI** described the deployment of the relatively senior LPK volunteers who arrived on the ground in Kosovo at this time as a significant turning point, marking a shift in the balance of power and, in particular, increasing the authority of **THAÇI** and the other LPK-affiliated KLA General Staff members.<sup>704</sup> The same process of deployment was followed as additional individuals and groups - from within Kosovo and abroad - arrived at KLA headquarters.<sup>705</sup>

173. Once established, local and regional units coordinated with one another,<sup>706</sup> and reported directly to, and received orders directly from, the General Staff.<sup>707</sup> The General Staff also resolved disputes arising between units.<sup>708</sup> However, with the

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<sup>696</sup> [REDACTED].

<sup>697</sup> [REDACTED].

<sup>698</sup> [REDACTED].

<sup>699</sup> [REDACTED].

<sup>700</sup> [REDACTED].

<sup>701</sup> [REDACTED].

<sup>702</sup> [REDACTED].

<sup>703</sup> [REDACTED].

<sup>704</sup> [REDACTED].

<sup>705</sup> [REDACTED]. *See para.179 et seq.*

<sup>706</sup> [REDACTED].

<sup>707</sup> [REDACTED].

<sup>708</sup> [REDACTED].

exponential growth of the KLA and expansion of the free zones, the General Staff began to take further organisational measures to replicate a traditional army.<sup>709</sup>

174. Operational zones had been identified in early 1998, and by May, zone commanders were being selected.<sup>710</sup> Military police units<sup>711</sup> and special units<sup>712</sup> were also created within the zones and on the level of the General Staff.<sup>713</sup> **Hashim THAÇI, Kadri VESELI, Rexhep SELIMI, Jakup KRASNIQI**, and other General Staff members also recruited, and consulted military professionals, some of whom - after vetting - were then incorporated into the command structure and tasked, under the General Staff's control, to assist in organisation and development, including instilling unity of command.<sup>714</sup> One such professional, Bislim ZYRAPI, who would become KLA Chief of Staff, remarked contemporaneously on the speed and efficiency of this process, once the General Staff gave its blessing.<sup>715</sup>

175. Under General Staff direction, the reorganisation of units into more traditional army structures would continue intensively throughout the summer and the second half of 1998.<sup>716</sup> This included the transformation and consolidation of existing units into brigades.<sup>717</sup>

176. As described below, the General Staff appointed command staff at both zone and brigade level.<sup>718</sup> The General Staff also had the power to dismiss and replace zone and brigade commanders.<sup>719</sup> Appointments and dismissals frequently followed meetings of the General Staff or between General Staff members and zone

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<sup>709</sup> [REDACTED].

<sup>710</sup> [REDACTED]

<sup>711</sup> See para.179 *et seq.*

<sup>712</sup> [REDACTED].

<sup>713</sup> [REDACTED].

<sup>714</sup> [REDACTED]; SPOE00131824-SPOE00131857-ET, p.SPOE00131849; [REDACTED].

<sup>715</sup> [REDACTED].

<sup>716</sup> [REDACTED].

<sup>717</sup> [REDACTED].

<sup>718</sup> See also [REDACTED].

<sup>719</sup> See e.g. [REDACTED].

commanders.<sup>720</sup> General Staff delegations would also visit zone commands to confirm appointments, including by way of signed orders.<sup>721</sup>

177. By the end of the year, and following receipt of zone commander reports,<sup>722</sup> the KLA Chief of Staff reported to the Deputy Commander that the 'subordination line from the highest level of command, GS, and down to the squad is at an appropriate level'.<sup>723</sup>

178. In addition to the bases it controlled in northern Albania,<sup>724</sup> the General Staff created and oversaw seven zones during the Indictment Period, namely, Drenicë, Dukagjini, Llap, Shala, Pashtrik, Nerodime, and Karadak. The charged crimes were committed in and around KLA bases and headquarters falling within these territories.

#### Drenicë Zone

179. KLA armed units were set-up in Drenicë as early as 1993, including units led by **Rexhep SELIMI**.<sup>725</sup> From early 1998, Drenicë - in particular, Likovac/Likoc, which was being used as a General Staff headquarters<sup>726</sup> - was the first place which new KLA recruits reported to before being assigned to other locations.<sup>727</sup> Even prior to the establishment of Operational Zones by the General Staff,<sup>728</sup> units in the Drenicë area<sup>729</sup> reported directly to the General Staff.<sup>730</sup>

180. Drenicë was the first zone to be established.<sup>731</sup> In May 1998, Sylejman SELIMI, Bekim BERISHA, Sami LUSHTAKU, Jahir DEMAKU and the commanders of KLA

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<sup>720</sup> See e.g. [REDACTED].

<sup>721</sup> See e.g. [REDACTED].

<sup>722</sup> [REDACTED].

<sup>723</sup> [REDACTED].

<sup>724</sup> [REDACTED]. See also Sections III(P)-(Q) below.

<sup>725</sup> [REDACTED]; SPOE00053380-SPOE00053393-ET, p.SPOE00053385; [REDACTED].

<sup>726</sup> [REDACTED].

<sup>727</sup> [REDACTED].

<sup>728</sup> [REDACTED].

<sup>729</sup> [REDACTED].

<sup>730</sup> [REDACTED].

<sup>731</sup> [REDACTED]. See also IT-03-66 P1.11.

units operating in Drenicë, met in the village of Plluzhine/Pluzina and, in the presence of **Rexhep SELIMI** as General Staff representative, proposed Sylejman SELIMI as the Commander of the Drenicë Zone.<sup>732</sup> The proposal was submitted to the General Staff, which approved the appointment.<sup>733</sup> The Deputy Commander of the Drenicë Zone was Sami LUSHTAKU.<sup>734</sup> When Sylejman SELIMI became KLA General Commander at the end of February 1999, Sami LUSHTAKU took over as Drenicë Zone commander.<sup>735</sup>

181. The Drenicë Zone headquarters were located in Likoc/Likovac, in the former police station,<sup>736</sup> about 100 meters away from the General Staff headquarters, which was located in a house belonging to **Hashim THAÇI**'s relative Xhavit FERIZI, known as Rakete.<sup>737</sup> During the Indictment Period, the **Accused** and other General Staff members were frequently in Likoc/Likovac, including holding meetings there with internationals.<sup>738</sup>

182. Between May and the end of 1998, the number of KLA soldiers in the Drenicë Zone rose from about 200 to thousands.<sup>739</sup> Units operating in the Drenicë Zone were progressively re-subordinated into brigade structures, subsequently forming companies, battalions, and platoons within each brigade.<sup>740</sup> In May 1998, Brigades 112, 113 and 114 were created<sup>741</sup> under commanders Jahir DEMAKU, Abedin REXHA, known as Sandokan, Muje KRASNIQI, and Fehmi LLADROVCI, respectively.<sup>742</sup> The

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<sup>732</sup> [REDACTED].

<sup>733</sup> [REDACTED].

<sup>734</sup> [REDACTED].

<sup>735</sup> [REDACTED].

<sup>736</sup> [REDACTED].

<sup>737</sup> [REDACTED].

<sup>738</sup> [REDACTED].

<sup>739</sup> [REDACTED].

<sup>740</sup> [REDACTED].

<sup>741</sup> [REDACTED].

<sup>742</sup> [REDACTED].

Drenicë Zone was separated into three parts by asphalt roads, which also served as the borders of Brigades 112-114; another brigade, 111, was centred in Likoc/Likovac.<sup>743</sup>

183. Military police, intelligence and special units were also established in the Drenicë Zone. Sabit GECI headed an intelligence unit that answered directly to **Kadri VESELI** and the General Staff.<sup>744</sup> Sabit GECI had the authority to issue orders in the Drenicë Zone, including interrogating and arresting military personnel and civilians.<sup>745</sup>

184. On 9 May 1998, Sylejman SELIMI issued the program and plan for a special unit.<sup>746</sup> SELIMI subsequently appointed Jahir DEMAKU as special unit commander, and notified the appointment to the General Staff<sup>747</sup> for its approval.<sup>748</sup> Regulations and a training program for members of the special unit, called the 'Black Tigers', were adopted.<sup>749</sup> Internationals observed and were informed about special units in black uniforms under the General Staff's command operating in the Drenicë area.<sup>750</sup>

185. A 'Programme for Military Police', indicated to come into force from 20 May 1998, was also adopted.<sup>751</sup> The creation of the military police was done pursuant to an order of the General Staff.<sup>752</sup> The Drenicë Zone military police was headed by Sahit JASHARI,<sup>753</sup> who reported to the Drenicë Zone commander and to the General Staff.<sup>754</sup> Subsequently, in February 1999, upon an order of the General Staff's Military Police

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<sup>743</sup> [REDACTED].

<sup>744</sup> [REDACTED].

<sup>745</sup> [REDACTED].

<sup>746</sup> [REDACTED].

<sup>747</sup> [REDACTED].

<sup>748</sup> [REDACTED].

<sup>749</sup> [REDACTED].

<sup>750</sup> [REDACTED].

<sup>751</sup> [REDACTED].

<sup>752</sup> [REDACTED].

<sup>753</sup> [REDACTED].

<sup>754</sup> [REDACTED].

Directorate,<sup>755</sup> a formal recruitment process was carried out for new military police members to be assigned within the brigade structures of the Drenicë Zone.<sup>756</sup>

186. The General Staff issued orders to the Drenicë Zone command,<sup>757</sup> which in turn reported to,<sup>758</sup> and requested reinforcements, funds, fuel, and other provisions from, the General Staff.<sup>759</sup> Soldiers received training<sup>760</sup> and undisciplined soldiers would be punished with assignment of extra shifts, warnings, or weapons confiscation.<sup>761</sup> The Drenicë Zone command, *inter alia*: (i) issued orders to brigade commanders, both orally (in person or via radio) and in writing;<sup>762</sup> (ii) provided funds to local headquarters;<sup>763</sup> (iii) communicated with other Zones, for example, in relation to military training, supplies and logistics;<sup>764</sup> (iv) regulated the daily working schedule of its members;<sup>765</sup> and (v) maintained lists of new potential recruits from the area, lists of KLA members who had been provided with weapons, and lists of persons to be arrested.<sup>766</sup> Likewise, brigade commanders organised the daily routine of brigade members<sup>767</sup> and records of military expenses were maintained.<sup>768</sup> First aid and hospital services were also organised in the Drenicë Zone<sup>769</sup> and the Zone command issued orders regulating various aspects of civilian life.<sup>770</sup>

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<sup>755</sup> [REDACTED].

<sup>756</sup> [REDACTED].

<sup>757</sup> See e.g. [REDACTED].

<sup>758</sup> See e.g. [REDACTED].

<sup>759</sup> [REDACTED].

<sup>760</sup> [REDACTED].

<sup>761</sup> [REDACTED].

<sup>762</sup> [REDACTED].

<sup>763</sup> [REDACTED].

<sup>764</sup> [REDACTED].

<sup>765</sup> [REDACTED].

<sup>766</sup> [REDACTED].

<sup>767</sup> [REDACTED].

<sup>768</sup> [REDACTED].

<sup>769</sup> [REDACTED].

<sup>770</sup> [REDACTED].

## Dukagjini Zone

187. The Dukagjini Zone in western Kosovo would eventually cover Deçan/Dečani, Pejë/Peć, Gjakovë/Đakovica, and parts of Istog/Istok and Klinë/Klina municipalities.<sup>771</sup>

188. By late 1994, a clandestine group had been created in the Dukagjini area.<sup>772</sup> By 1995, there were already discussions within the LPK concerning creation of the Dukagjini Zone.<sup>773</sup> Armed activities of KLA units in the Dukagjini area, which were frequently coordinated by General Staff members and involved KLA groups in other areas of Kosovo, intensified between late 1996 and 1998.<sup>774</sup> In early 1998, particularly after the 24 March 1998 attack on the HARADINAJ family compound in Glllogjan/Glođane, the KLA expanded in the Dukagjini area and weapons availability increased as, *inter alia*, rifles, AK-47s, mortars, anti-tank rockets, sniper rifles, and grenades were brought in from Albania.<sup>775</sup>

189. General Staff member Lahi BRAHIMAJ liaised between the Glllogjan/Glođane and Jabllanicë/Jablanica headquarters and the General Staff.<sup>776</sup> During the Indictment Period, **Hashim THAÇI**, **Kadri VESELI**, **Rexhep SELIMI**, **Jakup KRASNIQI**, and other General Staff members visited and communicated with the Dukagjini command, disseminating orders and appointments, collecting information, and consulting on organisational, military, and political matters.<sup>777</sup>

190. In late spring 1998, provisional rules were issued, which provided, *inter alia*, for mandatory execution of collaborators and arrests of suspicious persons.<sup>778</sup> Military police regulations were also adopted at a meeting attended by Lahi BRAHIMAJ.<sup>779</sup> The

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<sup>771</sup> [REDACTED].

<sup>772</sup> [REDACTED].

<sup>773</sup> [REDACTED].

<sup>774</sup> [REDACTED].

<sup>775</sup> [REDACTED].

<sup>776</sup> [REDACTED].

<sup>777</sup> [REDACTED]; IT-04-84 P00224.E; [REDACTED]; IT-04-84 P00224.E; IT-04-84 P00217.E; [REDACTED]; U001-5599-U001-5599-ET; [REDACTED]. *See also* Section III(B) below.

<sup>778</sup> [REDACTED].

<sup>779</sup> [REDACTED].

regulations identified the military police as a 'special resource' and 'component of the Kosovo Liberation Army' and tasked them with: (i) 'deal[ing]' with desertions, propaganda against the 'ruling order', and dissemination of disinformation; (ii) investigating and uncovering collaborators; and (iii) taking 'action against all who work against the [KLA]'.<sup>780</sup>

191. In 1998 and 1999, KLA members, including police and intelligence services, in the Dukagjini Zone were identifying, harassing, interrogating, detaining, mistreating, and killing Opponents.<sup>781</sup>

192. On 23 June 1998, General Staff members **Rexhep SELIMI**, known as Agron, and Lahi BRAHIMAJ, known as Maxhupi, met with Ramush HARADINAJ, Nazmi BRAHIMAJ, and other representatives of villages on the Dukagjini plain at Lahi BRAHIMAJ's house in Jabllanicë/Jablanica and selected the Dukagjini Zone staff.<sup>782</sup> At the meeting, Ramush HARADINAJ was elected Zone Commander, Faton MEHMETAJ became Head of Intelligence, and Alush AGUSHI, known as Mala - a special unit commander who was close to **Rexhep SELIMI** and Lahi BRAHIMAJ<sup>783</sup> - became Head of Morale and Politics.<sup>784</sup> Idriz BALAJ, known as Toger, was Head of a special unit known as the Black Eagles.<sup>785</sup> By early July 1998, Nazmi BRAHIMAJ was Dukagjini Zone Deputy Commander.<sup>786</sup> The General Staff was informed about,<sup>787</sup> and confirmed the appointments of, the Zone and Deputy Zone Commanders.<sup>788</sup>

193. In one of his first acts as Dukagjini Zone commander, Ramush HARADINAJ ordered local headquarters and the population to, *inter alia*, 'take measures to prevent any activity that goes to the detriment of our war' and 'in cases of opposition or non-

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<sup>780</sup> [REDACTED].

<sup>781</sup> See e.g. Section III(B); [REDACTED].

<sup>782</sup> [REDACTED]; IT-04-84bis D00146.E, p.7.

<sup>783</sup> [REDACTED].

<sup>784</sup> [REDACTED].

<sup>785</sup> [REDACTED].

<sup>786</sup> IT-04-84 P00168.E; [REDACTED].

<sup>787</sup> [REDACTED].

<sup>788</sup> [REDACTED].

implementation', immediate measures of isolation, disarmament, and imprisonment.<sup>789</sup> The Dukagjini Zone coordinated with other zones, transferring troops and supplies;<sup>790</sup> registered soldiers;<sup>791</sup> issued mobilisation orders,<sup>792</sup> travel<sup>793</sup> and work authorisations,<sup>794</sup> invitations and summons for meetings<sup>795</sup> and ceremonies;<sup>796</sup> posted notices and announcements;<sup>797</sup> received requests and reports from subordinate commands;<sup>798</sup> ordered the disbandment of political parties;<sup>799</sup> and ordered that buildings be vacated and property confiscated for use by the KLA.<sup>800</sup>

194. Initially, the Dukagjini Zone was divided into several regional commands.<sup>801</sup> By July 1998, brigades were being formed; eventually, there were six brigades, Brigades 131-136.<sup>802</sup> **Rexhep SELIMI** and other General Staff members were involved in brigade command selection.<sup>803</sup> The Dukagjini Zone command implemented and disseminated General Staff orders once received.<sup>804</sup>

195. The General Staff demonstrated its ability to enforce its authority in the face of perceived challenges by FARK members under Tahir ZEMAJ and associated units in summer 1998. Within days of the FARK forces' arrival, they were harassed, intimidated, and, on one occasion, severely beaten, shot, and mistreated by KLA members, including Ramush HARADINAJ and Idriz BALAJ; they were told that the

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<sup>789</sup> IT-04-84 P00146.E, p.1.

<sup>790</sup> IT-04-84 P00166.E; [REDACTED]; IT-04-84 P00181.E; IT-04-84 P00214.E; IT-04-84 P00221.E; IT-04-84 P00224.E; [REDACTED].

<sup>791</sup> [REDACTED].

<sup>792</sup> [REDACTED]; IT-04-84 P01184.E, pp.U0168388–U0168389; [REDACTED].

<sup>793</sup> [REDACTED]; IT-04-84 P01184.E, p.U0168400.

<sup>794</sup> [REDACTED].

<sup>795</sup> [REDACTED]; IT-04-84bis P00073.E; IT-04-84 P01188.E; [REDACTED]; IT-04-84 P01184.E, p.U0168399; [REDACTED].

<sup>796</sup> [REDACTED].

<sup>797</sup> IT-04-84 P00235.E; IT-04-84 P00242.E; IT-04-84 P00239.E; IT-04-84 P00240.E; [REDACTED].

<sup>798</sup> [REDACTED].

<sup>799</sup> [REDACTED].

<sup>800</sup> [REDACTED].

<sup>801</sup> [REDACTED].

<sup>802</sup> [REDACTED].

<sup>803</sup> See e.g. [REDACTED].

<sup>804</sup> See e.g. [REDACTED].

government-in-exile had no authority in the Dukagjini Zone.<sup>805</sup> The 'FARK problem' was also addressed by **Jakup KRASNIQI** in a public interview in mid-July 1998<sup>806</sup> and was discussed in General Staff meetings, including in July and August 1998.<sup>807</sup>

196. At a meeting on 20 August 1998, Tahir ZEMAJ replaced Ramush HARADINAJ as Dukagjini Zone commander;<sup>808</sup> government-in-exile Defence Minister Ahmet KRASNIQI confirmed the appointment.<sup>809</sup> In late August 1998, after learning of the change in command, **Hashim THAÇI**, **Rexhep SELIMI**, and other General Staff members descended on the Dukagjini Zone informing Ramush HARADINAJ and Tahir ZEMAJ that only the General Staff could appoint commanders.<sup>810</sup>

197. On 1 September 1998, **Hashim THAÇI**, **Rexhep SELIMI** and other General Staff members attended a meeting at Sferkë (Sverkë)/Svrhe, where the Military Police Commander Dinë BERISHA stated that he supported the 'institutional line' (BUKOSHI's government-in-exile). **Rexhep SELIMI** responded, '[t]he [General Staff] has never recognised and shall never recognise this institutional line, the parliament, the President [...]'.<sup>811</sup> Thereafter, **Hashim THAÇI** declared that those 'who do not recognise the General Staff are criminals and we will not leave the weapons in the hands of the criminals, we shall fight against them.'<sup>812</sup> [REDACTED]<sup>813</sup> [REDACTED].<sup>814</sup>

198. The next day, **Hashim THAÇI**, **Rexhep SELIMI**, and other General Staff members - who were armed<sup>815</sup> - had another meeting with Tahir ZEMAJ, Ramush HARADINAJ, and other FARK and KLA members at Bardhaniq/Bardonić. General

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<sup>805</sup> [REDACTED]. See also [REDACTED]; IT-04-84bis D00146.E, pp.6-8, 14.

<sup>806</sup> [REDACTED].

<sup>807</sup> [REDACTED].

<sup>808</sup> [REDACTED].

<sup>809</sup> [REDACTED].

<sup>810</sup> [REDACTED].

<sup>811</sup> [REDACTED].

<sup>812</sup> [REDACTED].

<sup>813</sup> [REDACTED].

<sup>814</sup> [REDACTED].

<sup>815</sup> [REDACTED].

Inspector **Rexhep SELIMI** distributed orders re-appointing the Dukagjini Zone command staff<sup>816</sup> and, when Tahir ZEMAJ continued to refuse to accept the General Staff's authority, **Hashim THAÇI** declared that he would fight him like the Serbs.<sup>817</sup> A large-scale Serbian offensive commenced shortly after this meeting and Tahir ZEMAJ and his forces retreated to Albania.<sup>818</sup> The General Staff publicly condemned them.<sup>819</sup> 199. [REDACTED].<sup>820</sup> [REDACTED].<sup>821</sup> These orders were not carried out due to intervening circumstances, including the Serbian offensive.<sup>822</sup>

200. In late October 1998, at Jabllanicë/Jablanica, **Rexhep SELIMI** threatened [REDACTED],<sup>823</sup> whose name was included on a blacklist circulated earlier that month.<sup>824</sup> **SELIMI** accused him of having criticised the KLA.<sup>825</sup> [REDACTED].<sup>826</sup>

201. In summer 1999, the KLA/PGoK in the Dukagjini Zone rapidly took over civil administration, controlling public enterprises, public functions, and formerly state-owned factories.<sup>827</sup> KLA members, including Idriz BALAJ, detained, mistreated, and killed returning FARK members who had served under Tahir ZEMAJ,<sup>828</sup> and there were reports of ongoing discrimination against and targeting of Opponents.<sup>829</sup>

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<sup>816</sup> [REDACTED].

<sup>817</sup> [REDACTED].

<sup>818</sup> [REDACTED].

<sup>819</sup> [REDACTED].

<sup>820</sup> [REDACTED].

<sup>821</sup> [REDACTED].

<sup>822</sup> [REDACTED].

<sup>823</sup> [REDACTED].

<sup>824</sup> [REDACTED].

<sup>825</sup> [REDACTED].

<sup>826</sup> [REDACTED].

<sup>827</sup> *See e.g.* [REDACTED].

<sup>828</sup> [REDACTED].

<sup>829</sup> [REDACTED].

## Llap Zone

202. The Llap Zone covered the north-east of Kosovo, encompassing Prishtine/Priština, Podujevë/Podujevo, and the upland region of Gollak/Goljak to the east of Prishtine/Priština.<sup>830</sup>

203. By order of the General Staff, the Llap Zone was to be composed of three brigades, which Kadri KASTRATI, known as Daja, began creating in May 1998.<sup>831</sup> Around the same time, the BIA unit, a special unit within the Llap Zone, was also functioning; it was commanded by Salih MUSTAFA, known as Cali, who was appointed by Rrustem MUSTAFA, known as Remi,<sup>832</sup> the Zone Commander.<sup>833</sup>

204. By the beginning of July 1998, the Llap Zone Command and the soldiers of the Zone were located in Bajgora/Bajgorë,<sup>834</sup> where the Zone headquarters were located in a school.<sup>835</sup>

205. In August 1998, a General Staff delegation which included **Hashim THAÇI**, **Rexhep SELIMI**, **Jakup KRASNIQI**, and Bislim ZYRAPI travelled to Bajgora/Bajgorë.<sup>836</sup> There, the General Staff formally appointed the senior leadership of the Llap Zone Headquarters, including Rrustem MUSTAFA, as Zone Commander,<sup>837</sup> Kadri KASTRATI as the Deputy Commander, and Latif GASHI, known as Lata, as the Head of Intelligence.<sup>838</sup> As part of his duties, Latif GASHI would identify potential collaborators and inform the General Staff, which would then decide as to how to proceed.<sup>839</sup>

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<sup>830</sup> See e.g. [REDACTED].

<sup>831</sup> [REDACTED].

<sup>832</sup> [REDACTED].

<sup>833</sup> [REDACTED].

<sup>834</sup> [REDACTED].

<sup>835</sup> [REDACTED].

<sup>836</sup> [REDACTED].

<sup>837</sup> [REDACTED]; SPOE00038241-SPOE00038251. See also [REDACTED].

<sup>838</sup> [REDACTED]; SPOE00038241-SPOE00038251; [REDACTED].

<sup>839</sup> [REDACTED].

206. During a July 1998 Zone staff meeting in Bajgora/Bajgorë, Rrustem MUSTAFA appointed Hamit HAMITI as Chief of Logistics, and Fatmir HUMOLLI as Chief of Morale and Politics.<sup>840</sup> Rrustem MUSTAFA proposed Nuredin IBISHI, known as Leka, as Brigade 151 Commander and Idriz SHABANI as Brigade 152 Commander; these proposals were accepted by the General Staff, which formally appointed them to these positions.<sup>841</sup> Nuredin IBISHI reported directly to Rrustem MUSTAFA, including on the conditions in the Llapashtica/Lapištica detention centre.<sup>842</sup> IBISHI was appointed Chief of Staff of the Llap Zone around December 1998.<sup>843</sup>

207. From about June/July 1998, pursuant to General Staff orders, members of the Llap Zone headquarters took measures to recruit, train, and deploy new soldiers, as well as to expand and consolidate command structures for the Zone.<sup>844</sup> There were clear communications and command structures within the Llap Zone,<sup>845</sup> and there were regular lines of ordering and reporting between the General Staff and the Zone.<sup>846</sup> Within brigades, written instructions existed requiring compliance with orders without deviation.<sup>847</sup>

208. Military police were established at the Llap Zone Headquarters on or about 22 July 1998 pursuant to instructions by the General Staff.<sup>848</sup> Nazif MEHMETI, known as Dini, was appointed by Rrustem MUSTAFA as Acting Commander of the Llap Zone military police from the end of October 1998.<sup>849</sup> The military police were part of the Intelligence Service; as such, Nazif MEHMETI took his orders from Latif GASHI.<sup>850</sup> Military police within the brigades were subordinate, and reported, to the brigade

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<sup>840</sup> [REDACTED].

<sup>841</sup> [REDACTED].

<sup>842</sup> [REDACTED].

<sup>843</sup> [REDACTED].

<sup>844</sup> [REDACTED].

<sup>845</sup> [REDACTED].

<sup>846</sup> [REDACTED]; IT-05-87\_1 P00437\_Ea; [REDACTED].

<sup>847</sup> *See e.g.* [REDACTED].

<sup>848</sup> [REDACTED].

<sup>849</sup> [REDACTED].

<sup>850</sup> [REDACTED].

commander.<sup>851</sup> The senior Brigade 151 Military Police Commander was Naip GUBETINI;<sup>852</sup> for Brigade 152 it was Ramadan JASHARI.<sup>853</sup>

209. While the General Staff delegation, which included **Hashim THAÇI**, **Rexhep SELIMI**, **Jakup KRASNIQI**, and Bislim ZYRAPI, was in the Llap Zone in August 1998, it also advised the commanders about a 'form of special warfare', concerning LDK members collaborating with the Serbian authorities.<sup>854</sup> A Special Warfare brochure was later produced by the KLA Public Information Service and disseminated in the Llap Zone around late November 1998.<sup>855</sup> In December 1998, Rrustem MUSTAFA issued a document setting out duties, *inter alia*, of the Sector for Morale to, in cooperation with the Intelligence Sector, 'observe' and take measures against the 'special warfare campaign'.<sup>856</sup>

210. During other communication between the General Staff and the Llap Zone, including during meetings between the Zone Commanders and General Staff in late 1998, the General Staff warned about alleged collaborators and provided instructions on how to deal with them.<sup>857</sup> A General Staff order regarding alleged collaborators was disseminated within the Llap Zone;<sup>858</sup> such orders served as the basis for further action by Zone staff on this subject. For example, a 24 April 1999 order signed by Rrustem MUSTAFA authorised the liquidation of those who 'will obstruct the development of KLA affairs', on the basis of, *inter alia*, the 'regulation of [the] general staff.'<sup>859</sup>

211. Following the Serb offensive of September 1998, the Llap Zone Command was moved for a short period of time to the village of Popove in the region of

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<sup>851</sup> [REDACTED].

<sup>852</sup> [REDACTED].

<sup>853</sup> [REDACTED].

<sup>854</sup> See Section II(C) above.

<sup>855</sup> [REDACTED]. See Section II(C) above.

<sup>856</sup> [REDACTED].

<sup>857</sup> [REDACTED].

<sup>858</sup> [REDACTED].

<sup>859</sup> [REDACTED].

Majac/Majance,<sup>860</sup> before being relocated to Kotunishte and Llapashtice/Lapaštica by October 1998.<sup>861</sup>

212. In late October 1998, another General Staff delegation, which included **Hashim THAÇI, Jakup KRASNIQI**, Bislím ZYRAPI and Rame BUJA, visited the Llap Zone, this time at the headquarters in Llapashtice/Lapaštica, and held a meeting which focused on military and political issues, including the recently reached HOLBROOKE-MILOŠEVIĆ agreement.<sup>862</sup> Notes from this time in **Rexhep SELIMI's** possession confirm that the special war was also discussed.<sup>863</sup> Soon after the visit, an order was issued by the General Staff appointing, amongst others, Fatmir HUMOLLI as the official KLA point person to KDOM/OSCE from the Llap Zone.<sup>864</sup>

213. In early 1999, Brigade 153 was created,<sup>865</sup> commanded by Adem SHEHU, with Sejdi VESELI as Deputy Commander and Fatmir SOPI as Commander of Civilian Protection.<sup>866</sup> The Brigade Headquarters were initially located in different houses in Zllash/Zlaš and in a school which was also used as a training location for recruits.<sup>867</sup> Like Brigades 151 and 152, this new brigade followed the orders of the Llap Zone Command.<sup>868</sup>

214. In March 1999, as a result of a Serbian attack, the Llap Zone Headquarters was moved from Llapashtice/Lapaštica to multiple locations.<sup>869</sup>

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<sup>860</sup> [REDACTED].

<sup>861</sup> [REDACTED]; SPOE00038241-SPOE00038251.

<sup>862</sup> [REDACTED].

<sup>863</sup> [REDACTED].

<sup>864</sup> [REDACTED].

<sup>865</sup> [REDACTED].

<sup>866</sup> [REDACTED].

<sup>867</sup> [REDACTED].

<sup>868</sup> [REDACTED].

<sup>869</sup> [REDACTED].

215. Intercepted communications from the first half of June 1999 demonstrate that the Llap Zone command was seeking to cover up continuing hostile acts<sup>870</sup> and establish a presence in Prishtine/Priština and Podujevë/Podujevo.<sup>871</sup>

216. Around this time, the Llap Zone main headquarters were in the New Kolovica/Koljovica neighbourhood;<sup>872</sup> PGoK spokesman **Jakup KRASNIQI** initially stayed in the same building.<sup>873</sup> On 13 June 1999,<sup>874</sup> the BIA unit started operating out of the Zenel HAJDINI school in Vranjevc/Vranjevac neighbourhood.<sup>875</sup> By 22 June 1999, KLA intelligence services had received complaints about the soldiers based in that location.<sup>876</sup> On 18 June 1999, Llap zone personnel communicated about the release of a detainee.<sup>877</sup>

217. In late June 1999, preparations were made to take over key buildings in Podujevë/Podujevo town.<sup>878</sup> Deputy Commander Kadri KASTRATI, Intelligence Service Chief Latif GASHI, and military police Commander Muhamet LATIFI installed Sylejman GASHI as head of the PGoK in Podujevë/Podujevo.<sup>879</sup> The KLA intelligence services and military police closely interacted and coordinated with the PGoK, enforcing PGoK decisions.<sup>880</sup> Police and intelligence records indicate that the police and intelligence services were coordinating with and receiving instructions from the General Staff.<sup>881</sup>

218. By July 1999, the majority of the Llap Zone police had moved to Prishtine/Priština,<sup>882</sup> set up several police stations and divided the town into areas of

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<sup>870</sup> [REDACTED].

<sup>871</sup> [REDACTED].

<sup>872</sup> [REDACTED].

<sup>873</sup> [REDACTED].

<sup>874</sup> [REDACTED].

<sup>875</sup> 020435-020436, p.020435; 040562-040567, p.040566.

<sup>876</sup> [REDACTED].

<sup>877</sup> [REDACTED].

<sup>878</sup> [REDACTED].

<sup>879</sup> [REDACTED].

<sup>880</sup> See e.g. [REDACTED].

<sup>881</sup> [REDACTED].

<sup>882</sup> [REDACTED].

responsibility.<sup>883</sup> Military police records demonstrate that they were performing police functions,<sup>884</sup> involved in housing allocation,<sup>885</sup> and keeping records of alleged collaborators and Kosovo-Albanians who assisted Serbs.<sup>886</sup>

### Shala Zone

219. The Shala Zone was located in the northwest of Kosovo. It extended along both sides of the Prishtinë/Priština-Mitrovicë/Kosovska Mitrovica road,<sup>887</sup> and shared boundaries with the Drenicë and Llap Zones, as well as with Serbia.<sup>888</sup> It included the Mitrovicë/Kosovska Mitrovica and Vushtrria/Vučitrn municipalities,<sup>889</sup> and its headquarters were in Oshlan/Ošlanje.<sup>890</sup>

220. Around June or July 1998, information about the boundary between the Shala and Drenicë Zones was conveyed during a meeting with the General Staff, attended by **Rexhep SELIMI** and others, at Likoc/Likovac.<sup>891</sup> The General Staff appointed Rrahman RAMA as Shala Zone Commander<sup>892</sup> and he remained in this position throughout the war.<sup>893</sup> RAMA's deputy was Mensur KASUMI.<sup>894</sup>

221. Brigades were established by the General Staff in late June or early July 1998.<sup>895</sup> There were two active brigades in the Shala Zone: Brigades 141 — also known as 'Mehe UKA'<sup>896</sup> — and 142,<sup>897</sup> which reported to the Zone Commander.<sup>898</sup> The two brigades

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<sup>883</sup> [REDACTED].

<sup>884</sup> *See e.g.* [REDACTED].

<sup>885</sup> [REDACTED].

<sup>886</sup> [REDACTED].

<sup>887</sup> [REDACTED].

<sup>888</sup> [REDACTED].

<sup>889</sup> [REDACTED].

<sup>890</sup> [REDACTED].

<sup>891</sup> [REDACTED].

<sup>892</sup> [REDACTED].

<sup>893</sup> [REDACTED].

<sup>894</sup> [REDACTED].

<sup>895</sup> [REDACTED].

<sup>896</sup> [REDACTED].

<sup>897</sup> [REDACTED].

<sup>898</sup> [REDACTED].

roughly divided the geographic authority of the Shala Zone north and south of Mitrovicë/Kosovska Mitrovica.<sup>899</sup>

222. Brigade 141 was headquartered in Bare, near Bajgorë/Bajgora.<sup>900</sup> Hisni AHMETI was the commander.<sup>901</sup> The brigade headquarters in Bare/Barja was used by soldiers from both the Shala Zone and Llap Zone from 1998 onwards.<sup>902</sup> Brigade 142 was initially headquartered in Zhilivodë/Žilivoda, when Shala became a zone.<sup>903</sup> The headquarters eventually moved to be co-located with the Zone headquarters in Oshlan/Ošlanje.<sup>904</sup> Each of the brigades had a staff and a designated leader within each village under its area of operation.<sup>905</sup> There were also premises at the brigade headquarters for detaining people.<sup>906</sup>

223. A military police unit was established in the Shala Zone by autumn 1998<sup>907</sup> under Commander Isa HAJRIZI.<sup>908</sup> The General Staff conveyed written instructions naming the commander of the military police.<sup>909</sup> There was also a ZKZ structure in the Zone.<sup>910</sup> Almost every village within a brigade's area of operation would have a ZKZ officer, called an officer in charge of morale issues, who would report to the ZKZ officer at the brigade headquarters; relevant information would be provided to the Zone commander through the brigade commander.<sup>911</sup> The intelligence service had authority to call on the military police to assist with arrests.<sup>912</sup>

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<sup>899</sup> [REDACTED].

<sup>900</sup> [REDACTED].

<sup>901</sup> [REDACTED].

<sup>902</sup> [REDACTED].

<sup>903</sup> [REDACTED].

<sup>904</sup> [REDACTED].

<sup>905</sup> [REDACTED].

<sup>906</sup> [REDACTED].

<sup>907</sup> [REDACTED].

<sup>908</sup> [REDACTED].

<sup>909</sup> [REDACTED].

<sup>910</sup> [REDACTED].

<sup>911</sup> [REDACTED].

<sup>912</sup> [REDACTED].

224. The Shala Zone communicated with and received orders from the General Staff in various ways. KLA members in the Shala Zone including RAMA, would travel to meet with the General Staff, and to receive instructions,<sup>913</sup> obtain weapons, and consult.<sup>914</sup> RAMA would meet with, among others, **Rexhep SELIMI**.<sup>915</sup>

225. The General Staff and other KLA commanders would also visit the Shala Zone.<sup>916</sup> These included visits by Sabit GEÇI, **Hashim THAÇI**, **Kadri VESELI**, **Jakup KRASNIQI**, **Rexhep SELIMI**, and Sylejman SELIMI.<sup>917</sup> General Staff delegations visited Shala Zone in August 1998<sup>918</sup> and around late October 1998<sup>919</sup> for purposes of inspecting after the September 1998 offensive.<sup>920</sup> The General Staff also warned the Shala Zone in advance of attacks by FRY forces.<sup>921</sup> During visits, General Staff members would give orders to RAMA, who would then pass the orders down to the brigades.<sup>922</sup>

226. The General Staff also used satellite phones, with almost daily communications by October 1998.<sup>923</sup> Indeed, **Jakup KRASNIQI** was personally in touch with RAMA regarding certain matters, such as when the Shala Zone captured eight Serbian soldiers.<sup>924</sup> Satellite phones would also be used to convey information within Shala Zone using call-sign codes.<sup>925</sup>

227. As early as June 1998, KLA rules were disseminated in the Shala Zone,<sup>926</sup> including a rule that collaborators could be punished by execution.<sup>927</sup> Instructions

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<sup>913</sup> [REDACTED].

<sup>914</sup> [REDACTED].

<sup>915</sup> [REDACTED].

<sup>916</sup> [REDACTED].

<sup>917</sup> [REDACTED].

<sup>918</sup> [REDACTED].

<sup>919</sup> [REDACTED].

<sup>920</sup> [REDACTED].

<sup>921</sup> [REDACTED].

<sup>922</sup> [REDACTED].

<sup>923</sup> [REDACTED].

<sup>924</sup> [REDACTED].

<sup>925</sup> [REDACTED].

<sup>926</sup> [REDACTED].

<sup>927</sup> [REDACTED].

from the General Staff that, in certain cases, alleged collaborators were to be arrested and handed over to the General Staff were disseminated within the Shala Zone.<sup>928</sup> Further, persons in the Shala Zone who were uncooperative with the KLA's demands of assistance were threatened, mistreated, and detained.<sup>929</sup> Lists of wanted persons circulated in the Shala Zone.<sup>930</sup>

### Pashtrik Zone

228. The Pashtrik Zone existed by at least autumn 1998.<sup>931</sup> Geographically, it covered Rahovec/Orahovac, parts of Klinë/Klina, Suharekë/Suva Reka, Prizren, and Malishevë/Mališevo municipalities.<sup>932</sup> The headquarters were in Kostërc/Kostrc and Nishor, Breshanc/Brešance.<sup>933</sup>

229. Before the Zone was officially established, the General Staff was overseeing organisation of units in the area. On 15 June 1998, Brigade 123 was established and was based in Suharekë/Suva Reka.<sup>934</sup> The Brigade was created by the General Staff,<sup>935</sup> and Blerim KUQI was appointed as its commander.<sup>936</sup> KUQI reported to and received orders from the General Staff.<sup>937</sup> On 20 June 1998, members of the General Staff appointed Musa JASHARI as Commander of the Local Operational Staff based in Malishevë/Mališevo; he was later replaced by Sylejman KOLLQAKU.<sup>938</sup>

230. Around this time, in addition to their organisational efforts, members of the General Staff were also taking measures in the future Pashtrik Zone to enforce the General Staff's repeated calls for LDK members to support the KLA. Around 24 June

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<sup>928</sup> [REDACTED].

<sup>929</sup> [REDACTED].

<sup>930</sup> [REDACTED].

<sup>931</sup> [REDACTED]; IT-03-66 P49; [REDACTED]. *See also* [REDACTED].

<sup>932</sup> [REDACTED].

<sup>933</sup> [REDACTED].

<sup>934</sup> [REDACTED].

<sup>935</sup> [REDACTED].

<sup>936</sup> [REDACTED].

<sup>937</sup> [REDACTED].

<sup>938</sup> [REDACTED].

1998, **Hashim THAÇI** and **Kadri VESELI** arranged for a meeting at the KLA headquarters in Breshanc/Brešance with prominent LDK members Abdyl RAMA [REDACTED]<sup>939</sup> - and Uke BYTYCI.<sup>940</sup> The purpose of the meeting was for BYTYCI to make a public statement supporting the KLA.<sup>941</sup> During the recording of the statement, there were several breaks and tensions were high; BYTYCI did not want to resign from the LDK and **THAÇI** insisted that BYTYCI give a more powerful and decisive statement about the KLA.<sup>942</sup> Abdyl RAMA, however, refused to give a public statement [REDACTED].<sup>943</sup>

231. The General Staff also took measures within the Pashtrik Zone command to assert its control. For example, in early spring 1999, Ekrem REXHA, known as Commander Drini - who had become Pashtrik Zone Commander in late 1998<sup>944</sup> - was replaced by Tahir SINANI at a meeting chaired by then General Commander Sylejman SELIMI and led by Fatmir LIMAJ and **Rexhep SELIMI**.<sup>945</sup> There was propaganda against Ekrem REXHA within the KLA and media;<sup>946</sup> he was accused of supporting FARK.<sup>947</sup>

232. Within the Pashtrik Zone, just as in other zones, an ongoing rivalry existed between members associated with the General Staff and/or the LPK,<sup>948</sup> and those associated with the LDK or FARK.<sup>949</sup> General Staff members, including **Rexhep SELIMI**, Fatmir LIMAJ, and **Jakup KRASNIQI**, accused actual or perceived supporters of FARK of refusing to fight in the war.<sup>950</sup> Due to this distrust, certain

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<sup>939</sup> [REDACTED].

<sup>940</sup> [REDACTED].

<sup>941</sup> [REDACTED].

<sup>942</sup> [REDACTED].

<sup>943</sup> [REDACTED].

<sup>944</sup> [REDACTED].

<sup>945</sup> [REDACTED].

<sup>946</sup> [REDACTED].

<sup>947</sup> [REDACTED].

<sup>948</sup> [REDACTED].

<sup>949</sup> [REDACTED].

<sup>950</sup> [REDACTED].

commanders within the Zone reported directly to the General Staff, bypassing those affiliated with the LDK and FARK.<sup>951</sup>

233. Until his arrest,<sup>952</sup> Blerim KUQI was Deputy Zone Commander.<sup>953</sup> Sadik HALITJAHA was then appointed Deputy Zone Commander by the General Staff.<sup>954</sup> He was trusted as an LPK loyalist.<sup>955</sup> Previously, HALITJAHA had served as the Commander of Morale and Propaganda for the Pashtrik Zone.<sup>956</sup>

234. In late 1998 and 1999, in meetings attended by, among others, **Hashim THAÇI**, **Rexhep SELIMI**, **Jakup KRASNIQI**, and Fatmir LIMAJ, the General Staff also appointed other Pashtrik Zone and brigade commanders.<sup>957</sup> The Pashtrik Zone had several brigades and there were weekly meetings between the zone command and brigade commanders.<sup>958</sup>

235. Brigade 121 was the most powerful brigade in the Pashtrik Zone,<sup>959</sup> based in Berisha, and commanded by Haxhi SHALA, known as Topi, from autumn 1998.<sup>960</sup> Brigade 122 was located in Dragobil/Dragobilje and commanded by Vesel MALIQI, followed by Vllaznim KRYEZIU.<sup>961</sup> Brigade 124 was located in Reti/Retimlje and commanded by Skender HOXHA.<sup>962</sup> All three were affiliated with the LPK.<sup>963</sup> Brigade 125 was commanded by Nehat BASHA.<sup>964</sup> The smallest brigade<sup>965</sup> was Brigade 126, also called the 'Hasi' Brigade, commanded by Safet GASHI.<sup>966</sup> Commander Ekrem

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<sup>951</sup> [REDACTED].

<sup>952</sup> See Section III(Q) below.

<sup>953</sup> [REDACTED].

<sup>954</sup> [REDACTED]; 019645-019645; [REDACTED].

<sup>955</sup> [REDACTED].

<sup>956</sup> [REDACTED].

<sup>957</sup> [REDACTED].

<sup>958</sup> [REDACTED].

<sup>959</sup> [REDACTED].

<sup>960</sup> [REDACTED].

<sup>961</sup> [REDACTED].

<sup>962</sup> [REDACTED].

<sup>963</sup> [REDACTED].

<sup>964</sup> [REDACTED].

<sup>965</sup> [REDACTED].

<sup>966</sup> [REDACTED].

REXHA ordered Samedin XHEZAIRI to establish Brigade 127, but the endeavor failed when the unit was attacked.<sup>967</sup> Brigade 128, commanded by Ruzhdi SARAMATI, was a fusion between Brigades 127 and 128 and was based in Nashec/Našec, after the Serb withdrawal from the Prizren region.<sup>968</sup>

236. The intelligence commander for the Pashtrik Zone was Halil QADRAKU,<sup>969</sup> who was appointed by the General Staff.<sup>970</sup> His deputy was Ilaz KADOLLI.<sup>971</sup> Members of the intelligence brigade units collected information for counter-intelligence purposes.<sup>972</sup>

237. Each brigade<sup>973</sup> had a military police unit, which was subordinated to the Pashtrik Zone command's military police commander, Nexhmi KRASNIQI.<sup>974</sup> KRASNIQI selected the brigade military police members.<sup>975</sup> He reported to the Zone command and also directly reported to General Staff Military Police Director Fatmir LIMAJ.<sup>976</sup> Military police members did not report to brigade commanders;<sup>977</sup> they reported on brigade activities to the Zone command<sup>978</sup> and often reported directly to the General Staff.<sup>979</sup> The brigade military police units managed, *inter alia*, discipline in each brigade;<sup>980</sup> the Zone military police also covered issues such as treason and suspected collaborators.<sup>981</sup> Military police in the Pashtrik Zone also arrested and interrogated persons.<sup>982</sup>

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<sup>967</sup> [REDACTED].

<sup>968</sup> [REDACTED].

<sup>969</sup> [REDACTED].

<sup>970</sup> [REDACTED].

<sup>971</sup> [REDACTED].

<sup>972</sup> [REDACTED].

<sup>973</sup> [REDACTED].

<sup>974</sup> [REDACTED].

<sup>975</sup> [REDACTED].

<sup>976</sup> [REDACTED].

<sup>977</sup> [REDACTED].

<sup>978</sup> [REDACTED].

<sup>979</sup> [REDACTED].

<sup>980</sup> [REDACTED].

<sup>981</sup> [REDACTED].

<sup>982</sup> [REDACTED].

238. Around April 1999, a special military police unit called 'Eye of the Eagle' was set up in the Pashtrik Zone; Tahir SINANI appointed Nezir KRYEZIU as the commander of this unit and Ilaz KADOLLI as the deputy commander.<sup>983</sup> KRYEZIU reported to Tahir SINANI and, in his absence, to Sadik HALITJAHA.<sup>984</sup> The Eye of the Eagle unit was managed by the intelligence service and also reported directly to the General Staff.<sup>985</sup>

239. From 11 June 1999,<sup>986</sup> KLA members of the Pashtrik Zone had relocated to Prizren, setting up bases there.<sup>987</sup> Around 16 or 17 June 1999, Kadri KRYEZIU, took office as PGoK mayor of Prizren.<sup>988</sup> The PGoK took control of municipal administration, including police, public services, and socially owned businesses.<sup>989</sup> **Rexhep SELIMI** appointed the local police commanders, such as Nexhmi KRASNIQI in Prizren and Sabit GASHI in Suharekë/Suva Reka.<sup>990</sup> KRASNIQI reported to **SELIMI**,<sup>991</sup> [REDACTED].<sup>992</sup> KLA/MPO police were active in the Pashtrik Zone, including in Prizren,<sup>993</sup> Suharekë/Suva Reka,<sup>994</sup> and Rahovec/Orahovac. For example, in Rahovec/Orahovac, the police cooperated with intelligence services<sup>995</sup> and ordered and conducted arrests.<sup>996</sup>

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<sup>983</sup> [REDACTED].

<sup>984</sup> [REDACTED].

<sup>984</sup> [REDACTED].

<sup>985</sup> [REDACTED].

<sup>986</sup> [REDACTED].

<sup>987</sup> See Section III(V) below.

<sup>988</sup> 020439-020439; [REDACTED].

<sup>989</sup> [REDACTED].

<sup>990</sup> [REDACTED].

<sup>991</sup> See also [REDACTED].

<sup>992</sup> [REDACTED].

<sup>993</sup> See Section III(V) below.

<sup>994</sup> [REDACTED].

<sup>995</sup> [REDACTED].

<sup>996</sup> [REDACTED].

### Nerodime Zone

240. In March 1998, Shukri BUJA - who would later become Nerodime Zone Commander - crossed into Kosovo with a group of about thirty people led by **Hashim THAÇI** and **Kadri VESELI**; BUJA and other members of this group then spent a few days in Drenicë.<sup>997</sup> At the time, BUJA discussed the organisation of the KLA with **Rexhep SELIMI**, **Hashim THAÇI**, and **Fatmir LIMAJ**.<sup>998</sup> **Hashim THAÇI** approved BUJA's proposal that he move to Lipjan/Lipljan and Shtimë/Stimlje in order to organise the KLA forces there.<sup>999</sup>

241. Lipjan/Lipljan and Shtime/Stimlje would come to fall under the Nerodime Zone, which also covered Ferizaj/Uroševac, Shtërcë/Štrpce, Kaçanik/Kaçanik, and surrounding villages.<sup>1000</sup> It bordered Llap in the north, Karadak in the east, Macedonia in the south, Pashtrik in the west, and Drenicë in the north-west.<sup>1001</sup>

242. Around April 1998, Shukri BUJA helped Imri ILAZI organise a unit in Ferizaj/Uroševac.<sup>1002</sup> In May 1998, the process of setting up the unit in Shtimë/Stimlje pursuant to the General Staff's instructions was completed.<sup>1003</sup> Around the same time, the General Staff appointed Agim BAJRAMI as the commander of the Kaçanik/Kaçanik unit within the Nerodime Zone.<sup>1004</sup> BUJA was also tasked by the General Staff, in particular **Hashim THAÇI** whom BUJA spoke to by telephone, to coordinate the transportation of weapons from Albania to Kaçanik/Kaçanik, Lipjan/Lipljan, Shtimë/Stimlje, and Ferizaj/Uroševac.<sup>1005</sup>

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<sup>997</sup> [REDACTED].

<sup>998</sup> [REDACTED].

<sup>999</sup> [REDACTED].

<sup>1000</sup> [REDACTED].

<sup>1001</sup> [REDACTED].

<sup>1002</sup> [REDACTED].

<sup>1003</sup> [REDACTED].

<sup>1004</sup> [REDACTED].

<sup>1005</sup> [REDACTED].

243. BUJA's appointment as Commander of the Nerodime Zone was communicated to him in June or July 1998, by **Jakup KRANSIQI**.<sup>1006</sup> [REDACTED]:<sup>1007</sup>

[REDACTED].

244. As Zone Commander, BUJA acted as the link between the Zone and the General Staff.<sup>1008</sup> The Nerodime Zone was supervised by and reported to the General Staff.<sup>1009</sup> BUJA received instructions from General Staff members, including Azem SYLA and Sokol BASHOTA, through **Jakup KRANSIQI**, concerning the restructuring and functioning of units and the organisation of the Nerodime command.<sup>1010</sup> The General Staff also prepared and disseminated plans to the Nerodime Zone transforming it from a subzone to a Zone<sup>1011</sup> and delineated its boundaries with the Pashtrik Zone.<sup>1012</sup> In early January 1999, General Inspector **Rexhep SELIMI** visited the Nerodime Zone; among other matters, the 'special war' was discussed during this inspection.<sup>1013</sup>

245. The General Staff made appointments in the Nerodime Zone command staff, including Daut ILAZI as Chief of the Operations Staff, Ilmi REÇICA as Chief of the Information Sector, Fehmi MUJOTA as Chief of the Morale Sector, and Fehmi HAJRULLAHU as Chief of the Logistics Sector,<sup>1014</sup> and brigade commanders.<sup>1015</sup> Imri ILAZI was BUJA's deputy<sup>1016</sup> and Isak MUSLIU was military police commander.<sup>1017</sup> Fatmir LIMAJ, as head of the Military Police Directorate, provided information directly to the Nerodime Zone police commander, including in relation to the

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<sup>1006</sup> [REDACTED].

<sup>1007</sup> [REDACTED].

<sup>1008</sup> [REDACTED].

<sup>1009</sup> [REDACTED].

<sup>1010</sup> [REDACTED].

<sup>1011</sup> [REDACTED].

<sup>1012</sup> [REDACTED].

<sup>1013</sup> [REDACTED].

<sup>1014</sup> [REDACTED].

<sup>1015</sup> [REDACTED].

<sup>1016</sup> [REDACTED].

<sup>1017</sup> [REDACTED].

procedure to be followed in relation to arrests,<sup>1018</sup> and also issued orders to the Nerodime Zone command more broadly.<sup>1019</sup>

246. The General Staff approved the Nerodime Zone military strategy, launched around July 1998, which aimed to physically connect KLA units within Nerodime and to enable connection with units in Drenicë and Pashtrik.<sup>1020</sup> The KLA engaged in combat with FRY forces in the second half of 1998 and the first half of 1999.<sup>1021</sup> The General Staff was informed of such operations,<sup>1022</sup> receiving reports through the Zone command.<sup>1023</sup> Shukri BUJA was also informed about military activities in other Zones, such as Pashtrik and Drenicë, during General Staff meetings.<sup>1024</sup>

247. The Zone's area was extensive and daily reports and communication were by satellite phone and radio communication.<sup>1025</sup> Between 1,400 and 1,700 soldiers were attached to the Nerodime Zone at various times.<sup>1026</sup> The Nerodime Zone headquarters were in Mollopolc/Malopljce in Shtimë/Stimlje municipality for most of the time<sup>1027</sup> and in Jezercë/Jezerc at other times.<sup>1028</sup> In Mollopolc/Malopljce, the KLA had a hospital, kitchen, training area, and premises for other sectors.<sup>1029</sup> About 150 persons ran the headquarters, which also included a special unit and a guard unit.<sup>1030</sup>

248. As the commander, Shukri BUJA was directly involved in the work of the Zone's brigades<sup>1031</sup> and he visited and inspected them.<sup>1032</sup> Brigades ensured that orders

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<sup>1018</sup> [REDACTED].

<sup>1019</sup> *See e.g.* [REDACTED].

<sup>1020</sup> [REDACTED].

<sup>1021</sup> [REDACTED].

<sup>1022</sup> *See e.g.* 043801-043801-ET Revised; [REDACTED]; 043806-043806-ET Revised; 043807-043807-ET Revised; [REDACTED].

<sup>1023</sup> [REDACTED].

<sup>1024</sup> [REDACTED].

<sup>1025</sup> [REDACTED].

<sup>1026</sup> [REDACTED].

<sup>1027</sup> [REDACTED].

<sup>1028</sup> [REDACTED].

<sup>1029</sup> [REDACTED].

<sup>1030</sup> [REDACTED].

<sup>1031</sup> [REDACTED].

<sup>1032</sup> [REDACTED].

by the General Staff and the Nerodime Zone command were disseminated to, and implemented by, their battalions.<sup>1033</sup> Battalions within the Nerodime Zone reported to the brigades frequently, including in relation to positions occupied by KLA forces, casualties, and other matters.<sup>1034</sup> Battalions and brigades within the Nerodime Zone undertook disciplinary actions against soldiers, for example for abandoning a post without prior authorisation, on the basis of KLA disciplinary rules.<sup>1035</sup>

249. Within the Nerodime Zone, Brigade 161 operated in the Jezercë/Jezerc region, based in Ferizaj/Uroševac.<sup>1036</sup> Brigade 161's commander was Ahmet KAÇIKU and then Ilmi RAMUSHOLLI.<sup>1037</sup> Brigade 162's area of responsibility included all 32 villages included under Kaçanik/Kaçanik, including Ivajë/Ivaja, the mountains of Bob, Kukaj, Biçec/Biçevac, Runjevë/Runjeva, and parts of Dushkaj.<sup>1038</sup> Agim BAJRAMI was the commander of Brigade 162 until he died on 10 August 1998,<sup>1039</sup> being replaced by Qamil ILLAZI.<sup>1040</sup> Qamil ILLAZI, known as Bardhi, was appointed by, and reported to, Shukri BUJA; BAJRAMI had also reported to BUJA.<sup>1041</sup> Qamil ILLAZI was in contact with Bislim ZYRAPI in relation to Brigade 162's operations.<sup>1042</sup> On 14 May 1999, ILLAZI died and, pursuant to an order from the General Staff, Hajrush KURTAJ served as the commander of Brigade 162 from 15 May until 11 June 1999, reporting to Shukri BUJA.<sup>1043</sup> Xhabir ELEZI was the commander of the military police in Brigade 162, reporting to the brigade commander.<sup>1044</sup> While the Nerodime Zone was initially

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<sup>1033</sup> [REDACTED].

<sup>1034</sup> *See e.g.* [REDACTED].

<sup>1035</sup> [REDACTED].

<sup>1036</sup> [REDACTED].

<sup>1037</sup> [REDACTED].

<sup>1038</sup> [REDACTED].

<sup>1039</sup> [REDACTED].

<sup>1040</sup> [REDACTED].

<sup>1041</sup> [REDACTED].

<sup>1042</sup> [REDACTED].

<sup>1043</sup> [REDACTED].

<sup>1044</sup> [REDACTED].

composed of only Brigades 161 and 162, Brigades 163 and 164 were added at a later stage.<sup>1045</sup>

250. Around March or April 1999, **Hashim THAÇI**, **Kadri VESELI**, **Rexhep SELIMI**, and **Fatmir LIMAJ** and others were present in Nerodime as the General Staff was temporarily based in the Zone at the time, specifically in Mollopolc/Malopljce, Petrove/Petrovo, and Drenjak.<sup>1046</sup> They attended meetings concerning Operation Arrow<sup>1047</sup> and made appointments to the PGoK and General Staff.<sup>1048</sup> In April 1999, **Hashim THAÇI** and others also visited other locations in Nerodime, including the headquarters of Brigade 162, escorted by the brigade military police.<sup>1049</sup>

### Karadak Zone

251. By early 1999, **Ahmet ISUFI** was appointed Karadak Zone Commander.<sup>1050</sup> The Karadak Zone included Gjilan/Gnjilane, Kamenicë/Kamenica, Viti/Vitina, Novobërdë/Novo Brdo and the surrounding villages.<sup>1051</sup>

252. While it was referenced in KLA communiqués dating back to 1997,<sup>1052</sup> Karadak Zone developed later than the other zones.<sup>1053</sup> As explained by **Jakup KRASNIQI**, it had ‘cultivated pacifism’ and the population was ‘more mixed’ than in other zones.<sup>1054</sup> The General Staff, recognising these issues, and the lack of weapons,<sup>1055</sup> left this zone initially as a supply route.<sup>1056</sup>

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<sup>1045</sup> [REDACTED].

<sup>1046</sup> [REDACTED].

<sup>1047</sup> [REDACTED].

<sup>1048</sup> [REDACTED].

<sup>1049</sup> [REDACTED].

<sup>1050</sup> [REDACTED].

<sup>1051</sup> [REDACTED].

<sup>1052</sup> [REDACTED]. *See also* SPOE00209309-SPOE00209309-ET Revised; [REDACTED]; SPOE00209310-SPOE00209310-ET Revised.

<sup>1053</sup> [REDACTED].

<sup>1054</sup> [REDACTED].

<sup>1055</sup> [REDACTED].

<sup>1056</sup> [REDACTED].

253. Following the outbreak of war in Drenicë,<sup>1057</sup> the future Karadak Zone and Deputy Zone Commanders, respectively, Ahmet ISUFI and Shemsi SYLA,<sup>1058</sup> together with Ilmi RAMADANI - **Jakup KRASNIQI**'s contact point<sup>1059</sup> - went to Likoc/Likovac, where they discussed the organisation of the KLA in the Karadak Zone with the General Staff.<sup>1060</sup> There they were provided organisational guidelines.<sup>1061</sup> The General Staff continued contacts with Ahmet ISUFI and Shemsi SYLA thereafter.<sup>1062</sup>

254. After the summer 1998 offensive, Ahmet ISUFI, Shemsi SYLA, and Ilmi RAMADANI were also in contact with the Llap Zone, which they then closely cooperated with.<sup>1063</sup> By the end of 1998,<sup>1064</sup> the Karadak Zone command was located in Zllash/Zlaš, close to Brigade 153 of the Llap Zone because it was a 'safe area.'<sup>1065</sup> They had their own area of operations<sup>1066</sup> and were receiving funding from the General Staff.<sup>1067</sup>

255. By April 1999, the Karadak Zone had military police under the commander known as Luani<sup>1068</sup> and had established Brigade 171 with approximately 200-300 soldiers.<sup>1069</sup> Later, Brigade 172 was also established.<sup>1070</sup>

256. The developments in the Karadak Zone attracted the attention of the FRY authorities<sup>1071</sup> and there were ongoing clashes between KLA and FRY forces in late April and early May 1999.<sup>1072</sup> The KLA entered Gjilan/Gnjilane around 14 June 1999.<sup>1073</sup>

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<sup>1057</sup> [REDACTED].

<sup>1058</sup> [REDACTED].

<sup>1059</sup> [REDACTED].

<sup>1060</sup> [REDACTED].

<sup>1061</sup> [REDACTED].

<sup>1062</sup> [REDACTED].

<sup>1063</sup> [REDACTED].

<sup>1064</sup> [REDACTED].

<sup>1065</sup> [REDACTED].

<sup>1066</sup> [REDACTED].

<sup>1067</sup> [REDACTED].

<sup>1068</sup> [REDACTED].

<sup>1069</sup> [REDACTED].

<sup>1070</sup> [REDACTED].

<sup>1071</sup> IT-05-87\_1 P01384\_E, p.1.

<sup>1072</sup> [REDACTED].

<sup>1073</sup> [REDACTED].

257. In summer 1999, the Karadak Zone command was meeting with General Staff members<sup>1074</sup> and KFOR concerning demilitarisation and the KLA's undertakings.<sup>1075</sup> The KLA was not permitted by KFOR to assemble outside of designated areas, but was repeatedly in violation of this rule.<sup>1076</sup> There were also numerous violations of the demilitarization agreement.<sup>1077</sup> The KLA wore 'law enforcement-type badges and uniforms and other things', and engaged in illegal arrests under these auspices.<sup>1078</sup> The citizens were forced to comply, whether Albanian or Serb.<sup>1079</sup>

258. The Karadak Zone, headed by ISUFI, also controlled municipal structures, public services, utilities, and provisional administrators,<sup>1080</sup> which prohibited agreements with 'the Serbian party, KFOR or any other party'.<sup>1081</sup> The Municipal Statute<sup>1082</sup> was based on the 'Decree for organization of local government' issued on 31 July 1999, by **Hashim THAÇI**'s PGoK.<sup>1083</sup>

259. Commander ISUFI issued orders, including for persons to appear at the 'Command Staff' of the Karadak Zone.<sup>1084</sup> Military police were active in the Karadak Zone throughout summer 1999.<sup>1085</sup> There were communications within the KLA<sup>1086</sup> and with internationals<sup>1087</sup> concerning abducted Serbs. The KLA denied any knowledge and offered no assistance.<sup>1088</sup>

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<sup>1074</sup> [REDACTED].

<sup>1075</sup> [REDACTED].

<sup>1076</sup> [REDACTED].

<sup>1077</sup> [REDACTED].

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<sup>1079</sup> [REDACTED].

<sup>1080</sup> [REDACTED].

<sup>1081</sup> [REDACTED].

<sup>1082</sup> [REDACTED].

<sup>1083</sup> [REDACTED].

<sup>1084</sup> [REDACTED].

<sup>1085</sup> [REDACTED].

<sup>1086</sup> [REDACTED].

<sup>1087</sup> [REDACTED].

<sup>1088</sup> [REDACTED].

## E. FAILURES AND DENIALS

260. In addition to the conduct described above, through their knowing failures and denials, the **Accused** embraced a climate of impunity within the KLA. Indeed, the **Accused**, acting individually and collectively in their senior positions in the General Staff and PGoK, appointed, promoted, and approved the appointment and promotion of persons with a known history of alleged involvement in serious crimes, including the **Accused** themselves, Azem SYLA, Lahi BRAHIMAJ, Fatmir LIMAJ, Sylejman SELIMI, Rrustem MUSTAFA, Shukri BUJA, Latif GASHI, Sabit GECI, and other JCE Members and Tools.<sup>1089</sup>

261. While embracing persons with a criminal past, the **Accused** also failed to take any meaningful - let alone available and necessary - measures to prevent further crimes or punish the perpetrators. **Rexhep SELIMI** has acknowledged that he did nothing<sup>1090</sup> and knew of no actions or investigations in relation to any detention sites.<sup>1091</sup> He claimed that '[t]he KLA did not have any punishing mechanisms'.<sup>1092</sup>

262. This inaction stands in stark contrast to the range of reported misconduct or disciplinary actions, including detention, taken against KLA members for other breaches, which covered everything from missing morning drills or firing weapons in the air to drinking alcohol and watching television.<sup>1093</sup>

263. Further facilitating the commission of crimes, **Hashim THAÇI**,<sup>1094</sup> **Jakup KRASNIQI**,<sup>1095</sup> and other KLA/PGoK members and representatives<sup>1096</sup> repeatedly denied the crimes and falsely claimed compliance with international humanitarian law, sometimes simultaneously acknowledging or foreshadowing the ongoing

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<sup>1089</sup> See Section II(D).

<sup>1090</sup> [REDACTED].

<sup>1091</sup> [REDACTED].

<sup>1092</sup> [REDACTED].

<sup>1093</sup> [REDACTED]; IT-05-87 P02464-E; [REDACTED].

<sup>1094</sup> See e.g. [REDACTED]; 020579-020579; 101924-01; 020984-020985, p.020985; 102289-102292, p.102290.

<sup>1095</sup> See e.g. [REDACTED]; 020404-020406, p.020405. See also 020407-020408.

<sup>1096</sup> See e.g. [REDACTED]; 020698-020701, pp.020699-020700; [REDACTED]; 020509-020512, pp.020509-020510; 076690-076692.

commission of crimes. For example, in an interview in July 1998, while stating that '[c]ollaborators are warned that we will kill them if they continue on the wrong path', **KRASNIQI** simultaneously claimed that 'as an army we abide by all international rules of warfare'.<sup>1097</sup>

264. In summer 1999, **THAÇI** took weeks before giving in to international pressure to make a public statement condemning the ongoing violence in Kosovo.<sup>1098</sup> When he did so, **THAÇI**'s public statements were qualified and focused on distancing the KLA from the crimes, gaining political advantage, and appeasing the international community,<sup>1099</sup> rather than condemning alleged crimes by KLA members or specifically instructing KLA members to cease such criminal activities. For example, in August 1999, a PGoK statement issued in **THAÇI**'s name expressed indignation at the killing of civilians in Kosovo, while also claiming that Serbian paramilitary forces remained in Kosovo disguised as civilians and that the KLA police would be able to prevent crime if given freedom to operate.<sup>1100</sup> Less than a week before this statement, the KFOR Commander had shared his concerns about kidnappings by KLA police with **THAÇI**.<sup>1101</sup> Moreover, in summer 1999, the KLA/PGoK leadership, including **THAÇI**, was seeking international support for establishment of a Kosovo Police Service, in which KLA members would be given priority.<sup>1102</sup>

265. Internationals noted that there was a remarkable contradiction in the way the KLA/PGoK leadership, in particular **THAÇI**, asserted authority and control when it came to making demands in the name of the KLA, for example, concerning policy changes, but claimed a lack of authority when confronted with reports of KLA human rights abuses.<sup>1103</sup>

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<sup>1097</sup> [REDACTED].

<sup>1098</sup> [REDACTED].

<sup>1099</sup> [REDACTED].

<sup>1100</sup> [REDACTED].

<sup>1101</sup> [REDACTED].

<sup>1102</sup> [REDACTED].

<sup>1103</sup> [REDACTED].

266. The **Accused**'s failures and denials were made in the context of - and indeed were preceded and followed by - ongoing public statements reinforcing, and implementing, the common criminal purpose.<sup>1104</sup> Considered in context, such denials and misrepresentations, both before and after the Indictment Period, demonstrate the **Accused**'s consciousness of guilt and should be considered in support of conviction.

### III. JCE MEMBERS AND TOOLS COMMITTED THE CHARGED CRIMES

267. During the Indictment Period, the **Accused** executed the common criminal purpose through a campaign of persecution against Opponents in in Kosovo and parts of Albania.<sup>1105</sup> Through the acts and omissions described below, the JCE Members and Tools committed the charged crimes against humanity and war crimes,<sup>1106</sup> namely, persecution (Count 1), imprisonment/illegal or arbitrary arrest and detention (Counts 2-3), other inhumane acts/cruel treatment (Counts 4-5), torture (Counts 6-7), murder (Counts 8-9), and enforced disappearance (Count 10).

268. For the incidents described below, before summarising the evidence concerning the commission of the crimes, a brief introductory explanation is provided in relation to relevant structures, individuals, and events pertaining to that location. The charged crimes arose from the **Accused**'s common criminal purpose, and were implemented through individuals and structures controlled by them. As such, the crimes are intrinsically connected to, and should be read together with, the evidence detailed above relating to the **Accused**'s common criminal purpose, its execution, the implementing individuals and structures, and the territories and zones within or around which the crimes were committed.

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<sup>1104</sup> See Section II(B).

<sup>1105</sup> In addition to the acts detailed below, the SPO intends to present evidence of additional incidents, including as summarised in other parts of this brief, and regarding the situation in Kosovo and northern Albania to establish the persecution campaign.

<sup>1106</sup> The locations and crimes set out below are in roughly chronological order, following the order they were presented in the Indictment. See [REDACTED].

## A. LIKOC/LIKOVAC

269. Likoc/Likovac, a hilltop village in the Drenicë area, played a key role in the KLA's attempts to gain and exercise control over Kosovo from a very early stage. New KLA recruits were often first sent to Likoc/Likovac, some following basic training and the receipt of weapons in Albania,<sup>1107</sup> after which they would be sent to other areas according to the relevant needs.<sup>1108</sup>

270. Likoc/Likovac also served as a General Staff headquarters, including in spring 1998, and hosted several General Staff meetings, as well as visits by General Staff members, including **Hashim THAÇI**, **Rexhep SELIMI**, **Jakup KRASNIQI**, Sokol BASHOTA, and Fatmir LIMAJ.<sup>1109</sup> During the Indictment Period, Likoc/Likovac also hosted meetings between internationals and KLA members such as **Hashim THAÇI**, **Jakup KRASNIQI**, **Rexhep SELIMI**, and Sylejman SELIMI.<sup>1110</sup>

271. By spring 1998, the Drenicë Zone's headquarters were located in a former police station in Likoc/Likovac.<sup>1111</sup> Likoc/Likovac also hosted a KLA health centre and hospital<sup>1112</sup> and the Zone's military police headquarters.<sup>1113</sup>

272. **Rexhep SELIMI** in particular was frequently present in the Drenicë area.<sup>1114</sup> He was in charge of military matters in Likoc/Likovac<sup>1115</sup> where he had the authority to give orders to KLA members,<sup>1116</sup> including a commander known as Raketa,<sup>1117</sup> [REDACTED],<sup>1118</sup> and [REDACTED].<sup>1119</sup>

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<sup>1107</sup> [REDACTED].

<sup>1108</sup> [REDACTED].

<sup>1109</sup> [REDACTED].

<sup>1110</sup> [REDACTED].

<sup>1111</sup> [REDACTED].

<sup>1112</sup> [REDACTED].

<sup>1113</sup> [REDACTED].

<sup>1114</sup> [REDACTED].

<sup>1115</sup> [REDACTED].

<sup>1116</sup> [REDACTED].

<sup>1117</sup> [REDACTED].

<sup>1118</sup> [REDACTED].

<sup>1119</sup> [REDACTED].

**Crimes**

273. Between at least April 1998 and January 1999, more than 25 individuals, including [REDACTED],<sup>1120</sup> [REDACTED]<sup>1121</sup> [REDACTED],<sup>1122</sup> [REDACTED],<sup>1123</sup> [REDACTED],<sup>1124</sup> [REDACTED],<sup>1125</sup> [REDACTED],<sup>1126</sup> [REDACTED],<sup>1127</sup> [REDACTED],<sup>1128</sup> [REDACTED],<sup>1129</sup> [REDACTED],<sup>1130</sup> [REDACTED],<sup>1131</sup> [REDACTED],<sup>1132</sup> [REDACTED],<sup>1133</sup> [REDACTED],<sup>1134</sup> [REDACTED],<sup>1135</sup> [REDACTED],<sup>1136</sup> [REDACTED],<sup>1137</sup> [REDACTED],<sup>1138</sup> [REDACTED],<sup>1139</sup> [REDACTED],<sup>1140</sup> [REDACTED],<sup>1141</sup> [REDACTED],<sup>1142</sup> [REDACTED],<sup>1143</sup> [REDACTED],<sup>1144</sup> [REDACTED],<sup>1145</sup> [REDACTED],<sup>1146</sup> [REDACTED],<sup>1147</sup> [REDACTED],<sup>1148</sup> a person called ‘Sogojevi’/‘Sogojeva’,<sup>1149</sup> [REDACTED],<sup>1150</sup> and a

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1120 [REDACTED].  
 1121 [REDACTED].  
 1122 [REDACTED].  
 1123 [REDACTED].  
 1124 [REDACTED].  
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 1147 [REDACTED].  
 1148 [REDACTED].  
 1149 [REDACTED].  
 1150 [REDACTED].

teacher from Plluzhina<sup>1151</sup> were detained by KLA members including **Rexhep SELIMI**,<sup>1152</sup> Sylejman SELIMI,<sup>1153</sup> Sabit GEÇI,<sup>1154</sup> Sahit JASHARI,<sup>1155</sup> Jahir DEMAKU, known as Maxhup/Magjupi,<sup>1156</sup> Shaban SHALA,<sup>1157</sup> Musa JASHARI,<sup>1158</sup> Sami LUSHTAKU,<sup>1159</sup> [REDACTED],<sup>1160</sup> [REDACTED],<sup>1161</sup> Mirash DAKA/Mirush DAKA, known as Korbi or i Ziu,<sup>1162</sup> [REDACTED],<sup>1163</sup> [REDACTED],<sup>1164</sup> Fatmir GJILANI,<sup>1165</sup> Muharrem XHEMAJLI,<sup>1166</sup> [REDACTED],<sup>1167</sup> [REDACTED],<sup>1168</sup> Hysni/Isni THAÇI,<sup>1169</sup> Nuhi GEÇI,<sup>1170</sup> Zeqir DEMAKU,<sup>1171</sup> Nexhat DEMAKU,<sup>1172</sup> Bashkim DEMAJ/DEMIQI,<sup>1173</sup> Selman DEMAJ,<sup>1174</sup> Driton DEMAJ,<sup>1175</sup> Agim DEMAJ,<sup>1176</sup> and Fadil DEMAKU,<sup>1177</sup> at the former police station and certain other locations in Likoc/Likovac.

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<sup>1151</sup> [REDACTED].

<sup>1152</sup> [REDACTED].

<sup>1153</sup> [REDACTED].

<sup>1154</sup> [REDACTED].

<sup>1155</sup> [REDACTED].

<sup>1156</sup> [REDACTED].

<sup>1157</sup> [REDACTED].

<sup>1158</sup> [REDACTED].

<sup>1159</sup> [REDACTED].

<sup>1160</sup> [REDACTED].

<sup>1161</sup> [REDACTED].

<sup>1162</sup> [REDACTED].

<sup>1163</sup> [REDACTED].

<sup>1164</sup> [REDACTED].

<sup>1165</sup> [REDACTED].

<sup>1166</sup> [REDACTED].

<sup>1167</sup> [REDACTED].

<sup>1168</sup> [REDACTED].

<sup>1169</sup> [REDACTED].

<sup>1170</sup> [REDACTED].

<sup>1171</sup> [REDACTED].

<sup>1172</sup> [REDACTED].

<sup>1173</sup> [REDACTED].

<sup>1174</sup> [REDACTED].

<sup>1175</sup> [REDACTED].

<sup>1176</sup> [REDACTED].

<sup>1177</sup> [REDACTED].

274. Detainees were held without due process of law for varying periods of time, in some cases [REDACTED].<sup>1178</sup> They received no explanation for their detention<sup>1179</sup> and were accused of being traitors, spies, Serb collaborators, or LDK supporters.<sup>1180</sup>

275. Detainees were kept in guarded rooms with locked doors and barred windows.<sup>1181</sup> Many of the detainees were kept tied up.<sup>1182</sup> Some were detained in complete darkness and did not see daylight [REDACTED];<sup>1183</sup> some were kept in the cellar of the building.<sup>1184</sup> There were no mattresses or the like to sleep on.<sup>1185</sup> Detainees were given no<sup>1186</sup> or only little food<sup>1187</sup> and were only occasionally allowed to use the bathroom.<sup>1188</sup>

276. Detainees at Likoc/Likovac were beaten and psychologically and physically mistreated, often until they lost consciousness.<sup>1189</sup> By way of example, [REDACTED] was questioned and beaten by several KLA members [REDACTED];<sup>1190</sup> [REDACTED].<sup>1191</sup> [REDACTED],<sup>1192</sup> [REDACTED].<sup>1193</sup> KLA soldiers also used, *inter alia*, water bottles, baseball bats, wooden sticks, rifles, metal bars and tools to mistreat [REDACTED] and other detainees and [REDACTED].<sup>1194</sup> During his beating, [REDACTED] was [REDACTED], insulted, and his and his family's lives were threatened.<sup>1195</sup> After being beaten, he was dragged back to his room.<sup>1196</sup>

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<sup>1178</sup> [REDACTED].

<sup>1179</sup> [REDACTED].

<sup>1180</sup> [REDACTED].

<sup>1181</sup> [REDACTED].

<sup>1182</sup> [REDACTED].

<sup>1183</sup> [REDACTED].

<sup>1184</sup> [REDACTED].

<sup>1185</sup> [REDACTED].

<sup>1186</sup> [REDACTED].

<sup>1187</sup> [REDACTED].

<sup>1188</sup> [REDACTED].

<sup>1189</sup> [REDACTED].

<sup>1190</sup> [REDACTED].

<sup>1191</sup> [REDACTED].

<sup>1192</sup> [REDACTED].

<sup>1193</sup> [REDACTED].

<sup>1194</sup> [REDACTED].

<sup>1195</sup> [REDACTED].

<sup>1196</sup> [REDACTED].

277. Detainees were also beaten in each other's presence, forced to beat each other,<sup>1197</sup> and threatened for refusing to do so.<sup>1198</sup> They were forced to undertake labour, such as cleaning blood-covered floors.<sup>1199</sup>

278. Sylejman SELIMI was directly involved in the questioning, beating, and threatening of certain detainees.<sup>1200</sup> In [REDACTED] 1998, **Rexhep SELIMI** was involved in the interrogation of [REDACTED] in Likoc/Likovac; during this interrogation, [REDACTED] was accused of being a spy [REDACTED].<sup>1201</sup>

279. Detainees were denied medical assistance for their injuries.<sup>1202</sup> Many of the victims who survived detention at Likoc/Likovac needed several weeks and months of treatment for the physical injuries suffered during detention and the psychological trauma affected their lives for many years after their release.<sup>1203</sup> [REDACTED].<sup>1204</sup> [REDACTED].<sup>1205</sup>

280. Other detainees did not survive KLA detention at Likoc/Likovac. [REDACTED],<sup>1206</sup> [REDACTED].<sup>1207</sup> [REDACTED].<sup>1208</sup> [REDACTED].<sup>1209</sup> [REDACTED]. [REDACTED]. [REDACTED].<sup>1210</sup>

281. The body of [REDACTED],<sup>1211</sup> [REDACTED],<sup>1212</sup> [REDACTED].<sup>1213</sup> [REDACTED].<sup>1214</sup>

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<sup>1197</sup> [REDACTED].

<sup>1198</sup> [REDACTED].

<sup>1199</sup> [REDACTED].

<sup>1200</sup> [REDACTED].

<sup>1201</sup> [REDACTED].

<sup>1202</sup> [REDACTED].

<sup>1203</sup> [REDACTED].

<sup>1204</sup> [REDACTED].

<sup>1205</sup> [REDACTED].

<sup>1206</sup> [REDACTED].

<sup>1207</sup> [REDACTED].

<sup>1208</sup> [REDACTED].

<sup>1209</sup> [REDACTED].

<sup>1210</sup> [REDACTED].

<sup>1211</sup> [REDACTED].

<sup>1212</sup> [REDACTED].

<sup>1213</sup> [REDACTED].

<sup>1214</sup> [REDACTED].

282. [REDACTED], has not been seen since his detention in Likoc/Likovac, [REDACTED].<sup>1215</sup>

B. JABLLANICË/JABLANICA

283. From the early 1990s, Jabllanicë/Jablanica<sup>1216</sup> in Gjakovë/Đakovica municipality was known for its commitment to armed resistance.<sup>1217</sup> Jabllanicë/Jablanica was one of the first ‘free zones’, with guards, checkpoints, and a curfew.<sup>1218</sup> From around late 1994, LPK members were providing weapons to the KLA group in Jabllanicë/Jablanica.<sup>1219</sup> By May 1998, the Jabllanicë/Jablanica headquarters oversaw a ‘free zone’ with a perimeter of 20 kilometres; it was connected to, *inter alia*, the Glllogjan/Glođane and Malishevë/Mališevo free zones.<sup>1220</sup> On 23 June 1998, Jabllanicë/Jablanica formally became part of the Dukagjini Zone at a meeting attended by General Staff members Lahi BRAHIMAJ, known as Maxhupi, and **Rexhep SELIMI**, known as Agron or Ten.<sup>1221</sup>

284. Lahi BRAHIMAJ, a founding member of the General Staff, represented the Jabllanicë/Jablanica headquarters and KLA units in the surrounding areas, liaising between them and the General Staff.<sup>1222</sup> By June 1998, Lahi BRAHIMAJ was head of the General Staff Finance Directorate.<sup>1223</sup> He reported to Sokol BASHOTA and **Rexhep SELIMI**.<sup>1224</sup>

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<sup>1215</sup> [REDACTED].

<sup>1216</sup> Jabllanicë/Jablanica is now officially known as Shqiponjë, although its original name is still commonly used. *See e.g.* [REDACTED].

<sup>1217</sup> [REDACTED].

<sup>1218</sup> [REDACTED].

<sup>1219</sup> [REDACTED].

<sup>1220</sup> [REDACTED].

<sup>1221</sup> [REDACTED].

<sup>1222</sup> [REDACTED].

<sup>1223</sup> [REDACTED].

<sup>1224</sup> [REDACTED].

285. In addition to his position on the General Staff, Lahi BRAHIMAJ was the commander and highest ranking KLA member in Jabllanicë/Jablanica.<sup>1225</sup> Alush AGUSHI and Nazmi BRAHIMAJ - the Dukagjini Zone Deputy Commander from July 1998<sup>1226</sup> - were also senior commanders based in Jabllanicë/Jablanica.<sup>1227</sup>

286. Beginning in 1994 and continuing through summer 1998, **Hashim THAÇI, Kadri VESELI, Rexhep SELIMI, Jakup KRASNIQI**, Sylejman SELIMI, and other General Staff members and senior KLA commanders visited Jabllanicë/Jablanica, stayed at Lahi BRAHIMAJ's house and, with Lahi BRAHIMAJ: (i) organised the transport of weapons, supplies, soldiers, and recruits to Jabllanicë/Jablanica and other areas of Kosovo; (ii) held meetings with commanders in the area; (iii) arranged coordinated attacks with KLA units in other parts of Kosovo; and (iv) gave instructions on operational, personnel, and political matters.<sup>1228</sup>

287. Before formation of the Zone military police, Nazmi BRAHIMAJ, as local staff commander, oversaw the military police in Jabllanicë/Jablanica; the military police enforced discipline, rules, and orders issued by Lahi BRAHIMAJ and Nazmi BRAHIMAJ.<sup>1229</sup> Soldiers at Jabllanicë/Jablanica received military and weapons training, but no training in the laws of war.<sup>1230</sup>

288. The soldiers stayed at barracks located in the last compound in Jabllanicë/Jablanica on the road to Zhabel/Žabelj, less than a kilometre from Lahi BRAHIMAJ's house.<sup>1231</sup> The compound was gated and had a four-room, red brick house.<sup>1232</sup> Lahi BRAHIMAJ and Nazmi BRAHIMAJ were frequently present at the

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<sup>1225</sup> [REDACTED].

<sup>1226</sup> IT-04-84bis P00168.E; [REDACTED].

<sup>1227</sup> [REDACTED].

<sup>1228</sup> [REDACTED].

<sup>1229</sup> [REDACTED].

<sup>1230</sup> [REDACTED].

<sup>1231</sup> [REDACTED].

<sup>1232</sup> [REDACTED].

barracks compound.<sup>1233</sup> In July 1998, **Jakup KRASNIQI** visited the Jabllanicë/Jablanica barracks.<sup>1234</sup>

289. The Jabllanicë/Jablanica headquarters used the barracks compound as a detention facility.<sup>1235</sup> The crimes against detainees at the barracks compound - which were often committed openly and publicly - were common knowledge among the soldiers and civilian population in the area.<sup>1236</sup>

### Crimes

290. Between at least April 1998 and late July 1998, multiple KLA members, including Lahi BRAHIMAJ, Nazmi BRAHIMAJ, Idriz BALAJ, known as Toger, Avdi SMAJLI, Naser BRAHIMAJ, Hamza BRAHIMAJ, and military police members, arrested and detained at least 13 persons for varying periods of time at the Jabllanicë/Jablanica barracks compound, including Idriz NGUCATI,<sup>1237</sup> Jah BUSHATI,<sup>1238</sup> at least two unidentified Roma men,<sup>1239</sup> [REDACTED], Nenad REMIŠTAR, three unidentified Montenegrin men and one unidentified Bosnian man,<sup>1240</sup> Skender KUQI, Pal KRASNIQI, and [REDACTED].<sup>1241</sup> In addition, KLA soldiers held [REDACTED] before he was taken to Jabllanicë/Jablanica.<sup>1242</sup>

291. Detainees were guarded, tied with rope and wire,<sup>1243</sup> and held without due process of law.<sup>1244</sup> They were provided inadequate food, water, sanitation and hygiene facilities, medical care, and bedding.<sup>1245</sup> At least one detainee was forced into a flooded

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<sup>1233</sup> [REDACTED].

<sup>1234</sup> [REDACTED].

<sup>1235</sup> See e.g. [REDACTED].

<sup>1236</sup> See e.g. [REDACTED].

<sup>1237</sup> [REDACTED].

<sup>1238</sup> [REDACTED].

<sup>1239</sup> [REDACTED].

<sup>1240</sup> [REDACTED].

<sup>1241</sup> [REDACTED].

<sup>1242</sup> [REDACTED].

<sup>1243</sup> [REDACTED].

<sup>1244</sup> [REDACTED].

<sup>1245</sup> [REDACTED].

cellar after being beaten,<sup>1246</sup> another did not receive a change of clothes for nearly a month.<sup>1247</sup> Detainees' documents and belongings were confiscated and never returned.<sup>1248</sup>

292. Multiple KLA members, including Lahi BRAHIMAJ, Nazmi BRAHIMAJ, Idriz BALAJ, Avdi SMAJLI, Naser BRAHIMAJ, Hamza BRAHIMAJ, and military police members, routinely subjected detainees to severe beatings and psychological abuse.<sup>1249</sup> W01236 described it as their 'programme'.<sup>1250</sup> Detainees were hit all over their bodies with baseball bats, punched, kicked, cut and stabbed with knives, and threatened with death.<sup>1251</sup> They could hear and see the severe abuse of other detainees and, on at least one occasion, were ordered to kill one another.<sup>1252</sup> On another occasion, Lahi BRAHIMAJ handed a gun to a detainee and told him to kill himself.<sup>1253</sup> Detainees spat blood, floated in and out of consciousness, were in poor physical condition, and displayed visible signs of beating and abuse,<sup>1254</sup> including during rare family visits.<sup>1255</sup> For example, when guards allowed W01237 brief glimpses of [REDACTED] from across the road, he was barely recognisable due to swelling and bruises.<sup>1256</sup> Likewise, when W04871 saw [REDACTED] after several weeks of detention, she did not recognise him; he was 'beaten black and blue'.<sup>1257</sup>

293. Detainees at Jabllanicë/Jablanica were interrogated about and accused of associating with Serbs or policemen, and of being spies and collaborators with the Serbian authorities.<sup>1258</sup>

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<sup>1246</sup> [REDACTED].

<sup>1247</sup> [REDACTED].

<sup>1248</sup> [REDACTED].

<sup>1249</sup> *See e.g.* [REDACTED].

<sup>1250</sup> [REDACTED].

<sup>1251</sup> [REDACTED].

<sup>1252</sup> [REDACTED].

<sup>1253</sup> [REDACTED].

<sup>1254</sup> [REDACTED].

<sup>1255</sup> [REDACTED].

<sup>1256</sup> [REDACTED].

<sup>1257</sup> [REDACTED].

<sup>1258</sup> [REDACTED].

294. At least one Jabllanicë/Jablanica detainee was also transferred to and mistreated at other locations.<sup>1259</sup> [REDACTED].<sup>1260</sup>

295. W01236 and W04305 continue to suffer physical and psychological consequences of their mistreatment.<sup>1261</sup>

### Nenad REMIŠTAR

296. Around 12 June 1998, KLA soldiers abducted Nenad REMIŠTAR, a traffic policeman from Bica, Klinë/Klina.<sup>1262</sup> At the Jabllanicë/Jablanica barracks compound, [REDACTED] multiple KLA members, including Nazmi BRAHIMAJ, mercilessly and repeatedly beat them with kicks, punches, and bats.<sup>1263</sup> After the beating, Nenad REMIŠTAR was bloody, had visible injuries, and could not walk.<sup>1264</sup> The next day, KLA soldiers took Nenad REMIŠTAR away [REDACTED].<sup>1265</sup> [REDACTED] later heard that Nenad REMIŠTAR had been killed by the KLA.<sup>1266</sup> Nenad REMIŠTAR's wife sought information concerning his fate, but to no avail; his remains have never been discovered.<sup>1267</sup>

### Skender KUQI and Pal KRASNIQI

297. Around 11 July 1998, KLA soldiers brought Skender KUQI and Pal KRASNIQI to the barracks compound, where KLA soldiers, including Lahi BRAHIMAJ, Nazmi BRAHIMAJ, Naser BRAHIMAJ, and Hamza BRAHIMAJ, repeatedly beat them over several days.<sup>1268</sup> They were in critical condition.<sup>1269</sup> Skender KUQI lay on the ground,

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<sup>1259</sup> [REDACTED].

<sup>1260</sup> [REDACTED].

<sup>1261</sup> [REDACTED].

<sup>1262</sup> [REDACTED].

<sup>1263</sup> [REDACTED].

<sup>1264</sup> [REDACTED].

<sup>1265</sup> [REDACTED].

<sup>1266</sup> [REDACTED].

<sup>1267</sup> [REDACTED].

<sup>1268</sup> [REDACTED].

<sup>1269</sup> [REDACTED].

had difficulty breathing, and was so swollen that 'his clothes could not contain his body'.<sup>1270</sup> Pal KRASNIQI was unable to stand and swollen; he did 'toilet functions' in his pants.<sup>1271</sup> They were accused of being spies and collaborators; Pal KRASNIQI confessed to avoid further torture.<sup>1272</sup>

298. After several days, Skender KUQI and Pal KRASNIQI attempted to escape [REDACTED].<sup>1273</sup> Pal KRASNIQI and Skender KUQI were crawling because they were unable to walk.<sup>1274</sup> KLA soldiers caught Skender KUQI and Pal KRASNIQI, brutally beat them, and returned them to their cell.<sup>1275</sup> After, Skender KUQI was unconscious and had a bloated stomach.<sup>1276</sup> Pal KRASNIQI was also in very bad condition and could not eat or drink.<sup>1277</sup>

#### *Skender KUQI's death*

299. Due to his condition, Skender KUQI was taken to a KLA field hospital in Irzniq/Rznić.<sup>1278</sup> When he arrived at the hospital, Skender KUQI - who was in good health before his detention<sup>1279</sup> - was unconscious, his kidneys were not working, and his body was deformed, swollen, and bruised due to 'violent acts'.<sup>1280</sup> Treatment was unsuccessful, and Skender KUQI died.<sup>1281</sup> His body was later exhumed and autopsied.<sup>1282</sup> While no conclusion was reached as to cause of death, the examiner found that the pattern and location of the fractures on the sternum and right third rib,

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<sup>1270</sup> [REDACTED].

<sup>1271</sup> [REDACTED].

<sup>1272</sup> [REDACTED].

<sup>1273</sup> [REDACTED].

<sup>1274</sup> [REDACTED].

<sup>1275</sup> [REDACTED].

<sup>1276</sup> [REDACTED].

<sup>1277</sup> [REDACTED].

<sup>1278</sup> [REDACTED].

<sup>1279</sup> [REDACTED].

<sup>1280</sup> [REDACTED].

<sup>1281</sup> [REDACTED].

<sup>1282</sup> [REDACTED].

'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'.<sup>1283</sup>

*Pal KRASNIQI's disappearance and death*

300. The last credible sighting of Pal KRASNIQI was around 25 July 1998 at the barracks compound.<sup>1284</sup> He was 'as a person is before he dies', bloody, bruised, and swollen.<sup>1285</sup>

301. Beginning in summer 1998 and for years thereafter, Pal KRASNIQI's family sought information concerning his fate.<sup>1286</sup> Various KLA members indicated that Pal KRASNIQI had disappeared, falsely claimed he had never been at Jabllanicë/Jablanica, and falsely stated that he was still alive at the end of September 1998.<sup>1287</sup>

302. On 11 September 1998, the remains of dozens of persons were discovered near Lake Radoniq/Radonjić; they were exhumed and autopsied.<sup>1288</sup> In 2005, one of these bodies was identified through genetic testing to belong to Pal KRASNIQI.<sup>1289</sup> This body was in an advanced state of putrefaction at the time of discovery and had a gunshot wound to the head, which was the cause of death, and fractures on the arms and thigh.<sup>1290</sup>

C. LLAPUSHNIK/LAPUŠNIK

303. The village of Lapushnik/Lapušnik, located in central Kosovo, lies in a gorge along the Pristina-Peje road.<sup>1291</sup> After the battle of Llapushnik/Lapušnik on 9 May 1998,

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<sup>1283</sup> [REDACTED].

<sup>1284</sup> [REDACTED].

<sup>1285</sup> [REDACTED].

<sup>1286</sup> [REDACTED].

<sup>1287</sup> [REDACTED].

<sup>1288</sup> IT-04-84 P01181.E; [REDACTED].

<sup>1289</sup> [REDACTED].

<sup>1290</sup> [REDACTED].

<sup>1291</sup> [REDACTED].

Fatmir LIMAJ set up a KLA territory in Llapushnik/Lapušnik<sup>1292</sup> and appointed Isak MUSLIU as the commander.<sup>1293</sup> LIMAJ's nickname was Celiku, and he named the unit in Llapushnik/Lapušnik 'Celiku 3'.<sup>1294</sup>

304. MUSLIU's deputies were Shefqet BUQAJ and Ymer ALUSHANI.<sup>1295</sup> In May or June 1998, Fatmir LIMAJ presided over a ceremony in Llapushnik/Lapušnik where he administered an oath of allegiance to KLA soldiers under his command.<sup>1296</sup> MUSLIU and ALUSHANI were also in attendance.<sup>1297</sup>

305. Further to his appointment, MUSLIU issued orders and assignments to soldiers<sup>1298</sup> and was responsible for the organisation of a checkpoint around Llapushnik/Lapušnik.<sup>1299</sup> MUSLIU and ALUSHANI, together with the commanders of other units under LIMAJ's authority, reported to Fatmir LIMAJ, who retained ultimate authority in Llapushnik/Lapušnik.<sup>1300</sup> In turn, LIMAJ reported to the General Staff.<sup>1301</sup>

306. Between April<sup>1302</sup> and the end of July 1998, the KLA 'Celiku 3' headquarters in Llapushnik/Lapušnik hosted a prison. The headquarters were located in a fenced compound made up by a barn/cowshed, a small house, a bigger house, and a garage, with a round well in the yard.<sup>1303</sup>

307. Isak MUSLIU and Ymer ALUSHANI were in charge of the prison.<sup>1304</sup> However, it was Fatmir LIMAJ who had ultimate authority on the treatment, transfer, release,

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<sup>1292</sup> [REDACTED].

<sup>1293</sup> [REDACTED].

<sup>1294</sup> [REDACTED].

<sup>1295</sup> [REDACTED].

<sup>1296</sup> [REDACTED].

<sup>1297</sup> [REDACTED].

<sup>1298</sup> [REDACTED].

<sup>1299</sup> [REDACTED].

<sup>1300</sup> [REDACTED].

<sup>1301</sup> [REDACTED].

<sup>1302</sup> [REDACTED].

<sup>1303</sup> [REDACTED].

<sup>1304</sup> [REDACTED].

and the killing of prisoners.<sup>1305</sup> LIMAJ personally took part in the interrogation,<sup>1306</sup> beating, and assassination of prisoners.<sup>1307</sup>

308. Prison guards included Agim ZOGAJ, known as Murrizi, Haradin BALA, known as Shala, and Skender SALIHAI, known as Hoxha.<sup>1308</sup> ZOGAJ, BALA, and SALIHAI all slept in the compound.<sup>1309</sup> LIMAJ restricted access to the prison to maintain secrecy.<sup>1310</sup>

309. Between May and the end of July 1998, as many as 100 persons may have been detained in the Llapushnik/Lapušnik prison, reaching peaks of 30 prisoners at a time. The majority of the prisoners were Kosovo-Albanians, but Serbs and Romas were also detained there.<sup>1311</sup> The detainees had been arrested in different areas around Llapushnik/Lapušnik, such as Malishevë/Mališevo, and Lipjan/Lipljan.<sup>1312</sup>

## Crimes

310. A number of LIMAJ's subordinates carried out the arrests, often at night, of people who were then brought to the Llapushnik/Lapušnik prison. [REDACTED].<sup>1313</sup> Ymer ALUSHANI, Xhevat KRASNIQI, Shukri BUJA, Ramadan BEHLULI, and Ramiz QERIQI were among the members of the group conducting arrests.<sup>1314</sup> [REDACTED].<sup>1315</sup>

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<sup>1305</sup> [REDACTED].

<sup>1306</sup> [REDACTED].

<sup>1307</sup> [REDACTED].

<sup>1308</sup> [REDACTED].

<sup>1309</sup> [REDACTED].

<sup>1310</sup> [REDACTED].

<sup>1311</sup> [REDACTED].

<sup>1312</sup> [REDACTED].

<sup>1313</sup> [REDACTED].

<sup>1314</sup> [REDACTED].

<sup>1315</sup> [REDACTED].

311. The KLA command in Llapushnik/Lapušnik had a list of suspected collaborators who were targeted for elimination.<sup>1316</sup> On one occasion, Ymer ALUSHANI [REDACTED], stating that the order had come from the upper levels.<sup>1317</sup>

312. The prisoners in Llapushnik/Lapušnik were kept in two different rooms within the same compound,<sup>1318</sup> one referred to by the prisoners as the cowshed,<sup>1319</sup> or barn, and the other one referred to as the storage room.<sup>1320</sup>

### Cowshed

313. Detainees in the cowshed included [REDACTED], who were held there between [REDACTED];<sup>1321</sup> [REDACTED], who was detained between [REDACTED];<sup>1322</sup> Ajet GASHI, who was imprisoned in Llapushnik/Lapušnik between approximately the end of May and 12 June 1998;<sup>1323</sup> and [REDACTED] and [REDACTED], who were detained there [REDACTED].<sup>1324</sup> Other detainees in the cowshed included Shyqeri ZYMERI from Godance who had a broken leg; Xheladin ADEMAJ from Petrove;<sup>1325</sup> [REDACTED].<sup>1326</sup>

314. The cowshed had a thick metal door, which was kept locked with a chain, and a small window.<sup>1327</sup> The floor was made of concrete, with animal excrement scattered about it.<sup>1328</sup> Detainees were kept chained.<sup>1329</sup> They had to urinate and defecate, while chained and in the same place where they then slept, inside a bucket.<sup>1330</sup> Conditions

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<sup>1316</sup> [REDACTED].

<sup>1317</sup> [REDACTED].

<sup>1318</sup> [REDACTED].

<sup>1319</sup> [REDACTED].

<sup>1320</sup> [REDACTED].

<sup>1321</sup> [REDACTED].

<sup>1322</sup> [REDACTED].

<sup>1323</sup> [REDACTED].

<sup>1324</sup> [REDACTED].

<sup>1325</sup> [REDACTED].

<sup>1326</sup> [REDACTED].

<sup>1327</sup> [REDACTED].

<sup>1328</sup> [REDACTED].

<sup>1329</sup> [REDACTED].

<sup>1330</sup> [REDACTED].

were so dire that some of those detained there thought death would have been a better option.<sup>1331</sup>

315. Food was not provided everyday to those in the cowshed, but when it was provided the detainees had to eat with their dirty hands while chained.<sup>1332</sup> Food was often served after the detainees had been beaten, which made it difficult for them to eat.<sup>1333</sup> No medical assistance was provided to injured detainees.<sup>1334</sup>

316. Isak MUSLIU, known as Qerqizi, Haradin BALA, and other KLA soldiers severely beat the detainees in the cowshed every day or night.<sup>1335</sup> The beatings caused lasting and severe pain, and left the detainees badly injured.<sup>1336</sup> Beatings were so hard that some of the detainees became unconscious.<sup>1337</sup> On one occasion, BALA [REDACTED].<sup>1338</sup> [REDACTED] was taken away from the barn one day and was not seen again by the other detainees.<sup>1339</sup>

317. With the exception of [REDACTED], the detainees held in the cowshed at Llapushnik/Lapušnik were [REDACTED] at the time of their arrests.<sup>1340</sup> A number of the detainees in the cowshed understood their detention to be the result of alleged collaboration with the Serbs or for having associations with Serbs or Romas.<sup>1341</sup>

318. Fatmir LIMAJ, too, interrogated detainees at the cowshed.<sup>1342</sup> According to [REDACTED], Fatmir LIMAJ would interrogate and beat detainees upon their arrival

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<sup>1331</sup> [REDACTED].

<sup>1332</sup> [REDACTED].

<sup>1333</sup> [REDACTED].

<sup>1334</sup> [REDACTED].

<sup>1335</sup> [REDACTED].

<sup>1336</sup> [REDACTED].

<sup>1337</sup> [REDACTED].

<sup>1338</sup> [REDACTED].

<sup>1339</sup> [REDACTED].

<sup>1340</sup> [REDACTED].

<sup>1341</sup> [REDACTED].

<sup>1342</sup> [REDACTED].

to the cowshed.<sup>1343</sup> [REDACTED] recalls seeing Fatmir LIMAJ at the Llapushnik/Lapušnik detention facility on several occasions.<sup>1344</sup>

### Storage room

319. Detainees in the storage room included, but were not limited to:

- a. [REDACTED] and [REDACTED], both civilians, who were detained between [REDACTED] and [REDACTED];<sup>1345</sup>
- b. [REDACTED], a civilian,<sup>1346</sup> between approximately [REDACTED] until [REDACTED];<sup>1347</sup>
- c. [REDACTED], who was [REDACTED];<sup>1348</sup> and
- d. Emin EMINI,<sup>1349</sup> Fehmi XHEMA (or Fehmi Tafa),<sup>1350</sup> Bajrush REXHAJ, Muj MUSLIJA from Belince, Sahit Sherif BEQAJ from Petrove, Alush LUMA from Krasishte, a man from the village of Varigovc, and Hasan HOXHA from Dobreva.<sup>1351</sup>

320. The storage room was about three by four meters in size with a door, a window which was always closed, and a concrete floor.<sup>1352</sup> The prisoners could use a bucket to relieve themselves or were escorted once a day to a toilet outside the room.<sup>1353</sup> They were under instructions not to speak to each other.<sup>1354</sup> Food was not provided every day, but water was provided in sufficient amounts.<sup>1355</sup>

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<sup>1343</sup> [REDACTED].

<sup>1344</sup> [REDACTED].

<sup>1345</sup> [REDACTED].

<sup>1346</sup> [REDACTED].

<sup>1347</sup> [REDACTED].

<sup>1348</sup> [REDACTED].

<sup>1349</sup> [REDACTED].

<sup>1350</sup> [REDACTED].

<sup>1351</sup> [REDACTED].

<sup>1352</sup> [REDACTED].

<sup>1353</sup> [REDACTED].

<sup>1354</sup> [REDACTED].

<sup>1355</sup> [REDACTED].

321. Guards including Isak MUSLIU and Haradin BALA frequently and severely beat those detained in the storage room,<sup>1356</sup> with the most severe beatings usually taking place outside it.<sup>1357</sup> One night, KLA soldiers Ramadan BEHLULI and Ali GASHI took Fehmi XHEMA out of the room and brought him back badly beaten; Fehmi's lifeless body was taken away some time after the beating.<sup>1358</sup> Fehmi's family members have not seen him again after his body was taken away.<sup>1359</sup> During his detention, [REDACTED] lived in constant fear.<sup>1360</sup>

322. On another occasion, a group of KLA soldiers entered the room carrying Shaban HOTI, an old man who worked as a Russian translator, whom they beat savagely in a room adjacent to the storage room.<sup>1361</sup> KLA soldiers came back the following night to beat HOTI again. The reason for the beating was Shaban HOTI's work as a translator for Russian Central Television.<sup>1362</sup>

323. The detainees held within the storage room at the Llapushnik/Lapušnik detention facility were civilians at the time of their arrests. [REDACTED].<sup>1363</sup> They were accused of collaborating with the Serbs, of being spies, and were interrogated for any knowledge they had of collaborators.<sup>1364</sup> [REDACTED] [REDACTED].<sup>1365</sup>

324. A surviving prisoner recalls Fatmir LIMAJ's presence at the storage room. [REDACTED],<sup>1366</sup> [REDACTED].<sup>1367</sup> [REDACTED].<sup>1368</sup>

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<sup>1356</sup> [REDACTED].

<sup>1357</sup> [REDACTED].

<sup>1358</sup> [REDACTED].

<sup>1359</sup> [REDACTED].

<sup>1360</sup> [REDACTED].

<sup>1361</sup> [REDACTED].

<sup>1362</sup> [REDACTED].

<sup>1363</sup> [REDACTED].

<sup>1364</sup> [REDACTED].

<sup>1365</sup> [REDACTED].

<sup>1366</sup> [REDACTED].

<sup>1367</sup> [REDACTED].

<sup>1368</sup> [REDACTED].

Other detainees

325. [REDACTED] were arrested [REDACTED]. They were detained in Llapushnik/Lapušnik on accusations of spying for the Serbs.<sup>1369</sup> [REDACTED].<sup>1370</sup> [REDACTED] were beaten extensively while in detention.<sup>1371</sup>

326. Detainees sustained lasting mental and physical trauma as a result of the time which they spent in the Llapushnik/Lapušnik detention facility. This includes the loss of body parts and diminished senses, severe bruising, broken bones, and ongoing mental trauma.<sup>1372</sup>

Ajet GASHI

327. Ajet GASHI, a Kosovar Albanian from Bubavec born on 22 March 1954,<sup>1373</sup> had been a MUP employee until around 1993.<sup>1374</sup> [REDACTED].<sup>1375</sup>

328. [REDACTED].<sup>1376</sup> [REDACTED].<sup>1377</sup> [REDACTED].<sup>1378</sup> [REDACTED].<sup>1379</sup> [REDACTED].<sup>1380</sup> [REDACTED].<sup>1381</sup>

329. Ajet GASHI was at some point moved from Likoc/Likovac to the Llapushnik/Lapušnik prison,<sup>1382</sup> as he was suspected of being a spy for the Serbs.<sup>1383</sup> There, Fatmir LIMAJ, Isak MUSLIU, Haxhi SHALA and others interrogated and severely beat him, which eventually led Ajet GASHI to name other people as

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<sup>1369</sup> [REDACTED].

<sup>1370</sup> [REDACTED].

<sup>1371</sup> [REDACTED].

<sup>1372</sup> [REDACTED].

<sup>1373</sup> [REDACTED].

<sup>1374</sup> [REDACTED].

<sup>1375</sup> [REDACTED].

<sup>1376</sup> [REDACTED].

<sup>1377</sup> [REDACTED].

<sup>1378</sup> [REDACTED].

<sup>1379</sup> [REDACTED].

<sup>1380</sup> [REDACTED].

<sup>1381</sup> [REDACTED].

<sup>1382</sup> [REDACTED].

<sup>1383</sup> [REDACTED].

collaborators.<sup>1384</sup> After at least eight days of detention in the cowshed, Ajet GASHI was taken away by three masked men and was not seen again by the other prisoners.<sup>1385</sup>

330. Ajet GASHI's body was found on 12 June 1998 on the road between Leletic and Magura and the discovery was widely reported by local news outlets.<sup>1386</sup> KLA personnel in Llapushnik/Lapušnik including Fatmir LIMAJ, Isak MUSLIU and Ymer ALUSHANI had killed him on accusations of being a Serb collaborator.<sup>1387</sup> GASHI's body was left on the road on purpose as a warning for other perceived collaborators.<sup>1388</sup> On 29 May 2002, the Malisheva Municipal Court certified that Ajet GASHI had been killed on 12 June 1998.<sup>1389</sup>

#### Execution in the Berishë/Beriša mountains

331. On 25 or 26 July 1998, when the Serbs launched an offensive against Llapushnik/Lapušnik, Agim ZOGAJ, Haradin BALA, and another KLA guard freed the about 30 prisoners left in the cowshed and storage room of the Llapushnik/Lapušnik prison and escorted them at gunpoint towards the Berishë/Beriša mountain.<sup>1390</sup>

332. Along the way, the group met Fatmir LIMAJ, known as Celiku, who instructed the guards to execute the prisoners.<sup>1391</sup> After some time, the group arrived to a meadow with a cherry tree. There, the prisoners were divided in two different

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<sup>1384</sup> [REDACTED].

<sup>1385</sup> [REDACTED].

<sup>1386</sup> [REDACTED].

<sup>1387</sup> [REDACTED].

<sup>1388</sup> [REDACTED].

<sup>1389</sup> [REDACTED].

<sup>1390</sup> [REDACTED].

<sup>1391</sup> [REDACTED].

groups.<sup>1392</sup> Agim ZOGAJ and Haradin BALA released one group of about 20 people.<sup>1393</sup>  
[REDACTED],<sup>1394</sup> [REDACTED],<sup>1395</sup> [REDACTED],<sup>1396</sup> [REDACTED].<sup>1397</sup>

333. People in the group that were not released included [REDACTED], Luta (or Lufti) XHEMSHITI, Xheladin ADEMAJ, [REDACTED], Safet HYSENAJ, Shaban HOTI, Emin EMINI, Bashkim RASHITI, Shyqeri ZYMERI who had a broken leg, Hyzri HAJRIZI, Ibush HAMZA, Hasan HOXHA, and [REDACTED].<sup>1398</sup> After the group of freed detainees had left, Haradin BALA, Agim ZOGAJ, and the other KLA soldier took the remaining prisoners to a more secluded clearing where they executed them with their rifles, two AK-47s and one M48 carbine.<sup>1399</sup> [REDACTED].<sup>1400</sup>

334. [REDACTED].<sup>1401</sup>

335. Between August 2001 and April 2002, UNMIK police exhumed bodies from a location in the Berishë/Beriša mountains.<sup>1402</sup> The bodies belonged to nine males. The cause of death for six of them was determined to be gunshot wounds to the head, chest and pelvis. The cause of death of the remaining three could not be ascertained.<sup>1403</sup> The death was determined to have occurred over two years before the autopsy.<sup>1404</sup> More than 30 cartridges of 7.62mm calibre compatible with AK-47 rifles were recovered on the site.<sup>1405</sup>

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<sup>1392</sup> [REDACTED].

<sup>1393</sup> [REDACTED].

<sup>1394</sup> [REDACTED].

<sup>1395</sup> [REDACTED].

<sup>1396</sup> [REDACTED].

<sup>1397</sup> [REDACTED].

<sup>1398</sup> [REDACTED].

<sup>1399</sup> [REDACTED].

<sup>1400</sup> [REDACTED].

<sup>1401</sup> [REDACTED].

<sup>1402</sup> [REDACTED].

<sup>1403</sup> [REDACTED].

<sup>1404</sup> [REDACTED].

<sup>1405</sup> [REDACTED].

336. DNA testing established that the bodies recovered at Berisha belonged to Emin EMINI, Ibush HAMZA, Hyzri HARJIZI, Shaban HOTI, Safet HYSENAJ, Bashkim RASHITI, Lufti XHEMSHITI, known as Luta, and Shyqeri ZYMERI.<sup>1406</sup>

337. No DNA identification is available for Hasan HOXHA, but his family members identified with absolute certainty the clothes found on one of the bodies as belonging to their father Hasan.<sup>1407</sup> [REDACTED].

#### D. DRENOC/DRENOVAC

338. Drenoc/Drenovac is in the Rahovec/Orahovac Municipality.<sup>1408</sup> In late April 1998, the KLA became active in Drenoc/Drenovac.<sup>1409</sup> In an early June 1998 meeting, a battalion command was agreed upon for the area with the approval of the General Staff.<sup>1410</sup> The General Staff brought in key figures to assume the Drenoc/Drenovac command.<sup>1411</sup> Xheme GASHI, known as the German or Gjermani, was the commander, Mahir HASANI was his deputy and Gani PAQARIZI, known as Rrezik or Rreziku, was the head of the military police, assisted by his friend Selim KRASNIQI, known as Celiku.<sup>1412</sup> Mensur ZYBERAJ, known as 500, was the Assistant Commander for Political Affairs, and Bedri ZYBERAJ was the General Administrator.<sup>1413</sup> Mensur and Bedri ZYBERAJ were locals from near Drenoc/Drenovac, whereas these other commanders came from outside the area.<sup>1414</sup>

339. The unit at Drenoc/Drenovac also had at least three sub-units covering a wider area, most notably the one based at Ratkoc/Ratkovac commanded by Smajl LATIFI.<sup>1415</sup>

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<sup>1406</sup> [REDACTED].

<sup>1407</sup> [REDACTED].

<sup>1408</sup> [REDACTED].

<sup>1409</sup> [REDACTED].

<sup>1410</sup> [REDACTED].

<sup>1411</sup> [REDACTED].

<sup>1412</sup> [REDACTED].

<sup>1413</sup> [REDACTED].

<sup>1414</sup> [REDACTED].

<sup>1415</sup> [REDACTED].

Gani PAQARIZI could give orders to the military police in those units to deliver people to his Drenoc/Drenovac headquarters.<sup>1416</sup>

340. The Drenoc/Drenovac military police was headquartered at the site of a school and a registration building.<sup>1417</sup> Part of the responsibilities of Drenoc/Drenovac military police was to bring people to be interrogated and detained, and prisoners were held in the basement of the school and in the registration building.<sup>1418</sup> The military police personnel included Agron KRASNIQI, Islam GASHI, Zaim BAJRAKTARI and Isuf BERISHA.<sup>1419</sup> These men took orders from Xheme GASHI, Gani PAQARIZI, and/or Selim KRASNIQI, all of whom had access to where the detainees were held.<sup>1420</sup>

341. Checkpoints were set up for civilians, and soldiers required permits to leave the zone.<sup>1421</sup> Permission was required from the command for detainees to receive visits from their family members.<sup>1422</sup>

342. Developments from the area would be provided to the General Staff,<sup>1423</sup> and members of the General Staff would visit Drenoc/Drenovac. **Hashim THAÇI** visited Drenoc/Drenovac on at least three occasions between late April and early August 1998.<sup>1424</sup> **Kadri VESELI**, **Rexhep SELIMI** and Bislim ZYRAPI also visited.<sup>1425</sup>

343. Bislim ZYRAPI trained soldiers at Drenoc/Drenovac upon Mensur ZYBERAJ's request in late May 1998.<sup>1426</sup> Mahir HASANI and another former VJ officer travelling with ZYRAPI from Albania stayed behind to assist with organising local staff, with HASANI being named Deputy Commander soon after.<sup>1427</sup> In his capacity as a member

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<sup>1416</sup> [REDACTED].

<sup>1417</sup> [REDACTED].

<sup>1418</sup> [REDACTED].

<sup>1419</sup> [REDACTED].

<sup>1420</sup> [REDACTED].

<sup>1421</sup> [REDACTED].

<sup>1422</sup> [REDACTED].

<sup>1423</sup> [REDACTED].

<sup>1424</sup> [REDACTED].

<sup>1425</sup> [REDACTED].

<sup>1426</sup> [REDACTED].

<sup>1427</sup> [REDACTED].

of the General Staff, ZYRAPI returned to Drenoc/Drenovac in June 1998 to resolve a dispute whereby the Ratkoc/Ratkovac company soldiers were not following orders from the Drenoc/Drenovac headquarters.<sup>1428</sup>

344. **THAÇI** and **VESELI** were capable of giving orders to Drenoc/Drenovac soldiers, and the General Staff could give permission for orders to execute or disappear someone from the Drenoc/Drenovac area.<sup>1429</sup> [REDACTED].<sup>1430</sup>

345. This structure generally applied from early June 1998 through around 23 July 1998, when the KLA moved all Drenoc/Drenovac prisoners following the failed Rahovec/Orahovac offensive.<sup>1431</sup> In the days preceding this transfer, Gani PAQARIZI was killed.<sup>1432</sup>

### Crimes

346. Between approximately May and July 1998, at least 38 persons were detained under armed guard for varying periods of time and without due process of law at the KLA headquarters in Drenoc/Drenovac, Rahovec/Orahovac on suspicion of being spies and collaborators.<sup>1433</sup>

347. Between May and July 1998, detainees at Drenoc/Drenovac, Rahovec/Orahovac were held in makeshift cells and provided inadequate medical care.<sup>1434</sup> Personal property of detainees was seized and never returned.<sup>1435</sup> Multiple KLA members routinely subjected detainees to severe beatings and psychological abuse - detainees

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<sup>1428</sup> [REDACTED].

<sup>1429</sup> In addition to the General Staff's overall command and control over Drenoc/Drenovac set out earlier in this section, *see* [REDACTED].

<sup>1430</sup> [REDACTED].

<sup>1431</sup> [REDACTED].

<sup>1432</sup> [REDACTED].

<sup>1433</sup> In addition to the detainees within this sub-section, *see* [REDACTED].

<sup>1434</sup> [REDACTED].

<sup>1435</sup> [REDACTED].

were hit with batons, punched, kicked, electrocuted, and/or threatened with death.<sup>1436</sup>

They could see and hear the severe abuse of other detainees.<sup>1437</sup>

348. Detainees were interrogated about and accused of associating with Serbs, being spies and collaborators with the Serbian authorities, and not supporting the KLA.<sup>1438</sup>

Detainees included LDK supporters and persons of Serb and Roma ethnicities.<sup>1439</sup>

349. Detainees suffered lasting injuries from their beatings.<sup>1440</sup> Family members of detainees suffered greatly, especially for family members of those detainees who were killed and never came home.<sup>1441</sup> Detainees murdered at Drenoc/Drenovac are set out in the following paragraphs below.

[REDACTED]

350. [REDACTED] was arrested on or about [REDACTED] 1998 at his home and brought to the former school building occupied by the KLA in Drenoc/Drenovac.<sup>1442</sup>

[REDACTED] was beaten and killed in detention by certain KLA members.<sup>1443</sup> His remains were never definitively recovered, though body parts believed to be his were found.<sup>1444</sup>

[REDACTED]

351. [REDACTED] was arrested by KLA soldiers in [REDACTED] 1998 and brought to Drenoc/Drenovac.<sup>1445</sup> The order to arrest him was [REDACTED].<sup>1446</sup> [REDACTED]

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<sup>1436</sup> [REDACTED].

<sup>1437</sup> [REDACTED].

<sup>1438</sup> [REDACTED].

<sup>1439</sup> In addition to the detainees discussed by name within this sub-section, *see* [REDACTED].

<sup>1440</sup> [REDACTED].

<sup>1441</sup> [REDACTED].

<sup>1442</sup> [REDACTED].

<sup>1443</sup> [REDACTED].

<sup>1444</sup> [REDACTED].

<sup>1445</sup> [REDACTED].

<sup>1446</sup> [REDACTED].

was beaten and, after approximately 45 days in detention, killed by KLA members.<sup>1447</sup>  
His remains have never been recovered.

[REDACTED]

352. [REDACTED] was detained in Drenoc/Drenovac from on or about [REDACTED].<sup>1448</sup> He was accused of being a collaborator, and severely beaten.<sup>1449</sup> On or about [REDACTED] 1998, [REDACTED].<sup>1450</sup> [REDACTED].<sup>1451</sup> On approximately [REDACTED] 1998, [REDACTED] were taken from Drenoc/Drenovac [REDACTED].<sup>1452</sup> The two men were never seen or heard from again.

353. [REDACTED], their families repeatedly begged [REDACTED] KLA members for information [REDACTED] fate of the two men; the families never received it, and [REDACTED].<sup>1453</sup> [REDACTED]'s partial remains were discovered at a location in [REDACTED].<sup>1454</sup> [REDACTED] remains have never been found.<sup>1455</sup>

[REDACTED]

354. In [REDACTED] 1998, [REDACTED] was brought to Drenoc/Drenovac, having been arrested by certain KLA members in Ratkoc/Ratkovac.<sup>1456</sup> He was accused of being a spy, and last seen in KLA custody in Drenoc/Drenovac.<sup>1457</sup> His partial remains were identified in [REDACTED].<sup>1458</sup>

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<sup>1447</sup> [REDACTED].

<sup>1448</sup> [REDACTED].

<sup>1449</sup> [REDACTED].

<sup>1450</sup> [REDACTED].

<sup>1451</sup> [REDACTED].

<sup>1452</sup> [REDACTED].

<sup>1453</sup> [REDACTED].

<sup>1454</sup> [REDACTED].

<sup>1455</sup> [REDACTED].

<sup>1456</sup> [REDACTED].

<sup>1457</sup> [REDACTED].

<sup>1458</sup> [REDACTED].

[REDACTED]

355. [REDACTED] was arrested at his house by armed KLA members on or about [REDACTED] 1998, and detained in Drenoc/Drenovac.<sup>1459</sup> The KLA claimed he was a spy.<sup>1460</sup> He was severely beaten and killed by certain KLA members.<sup>1461</sup> [REDACTED] remains were never found, and his family was denied information regarding his fate.<sup>1462</sup>

[REDACTED]

356. On or about [REDACTED] 1998, [REDACTED] was arrested by KLA military police in [REDACTED] and brought to Drenoc/Drenovac.<sup>1463</sup> He was accused of being with the Serbs [REDACTED].<sup>1464</sup> He was severely beaten, and last seen alive in KLA custody in Drenoc/Drenovac on [REDACTED] 1998.<sup>1465</sup> Despite repeated enquiries, his family was not informed of his fate.<sup>1466</sup> [REDACTED] partial remains were identified in [REDACTED].<sup>1467</sup>

#### Detainees transferred to Malishevë/Mališevo

357. On or about 20 July 1998, a group of Serb detainees was transferred from detention in Drenoc/Drenovac to Malishevë/Mališevo by bus.<sup>1468</sup> The group included [REDACTED].<sup>1469</sup> [REDACTED].<sup>1470</sup> [REDACTED].<sup>1471</sup>

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<sup>1459</sup> [REDACTED].

<sup>1460</sup> [REDACTED].

<sup>1461</sup> [REDACTED].

<sup>1462</sup> [REDACTED].

<sup>1463</sup> [REDACTED].

<sup>1464</sup> [REDACTED].

<sup>1465</sup> [REDACTED].

<sup>1466</sup> [REDACTED].

<sup>1467</sup> [REDACTED].

<sup>1468</sup> [REDACTED].

<sup>1469</sup> [REDACTED].

<sup>1470</sup> [REDACTED].

<sup>1471</sup> [REDACTED].

## E. MALISHEVË/MALIŠEVO

358. The town of Malishevë/Mališevo is located in central Kosovo, about 15 kilometres north-east of Rahovec/Orahovac, along the road leading to Prishtinë/Pristina.<sup>1472</sup>

359. Prominent local political leaders in Malishevë/Mališevo - including Gani KRASNIQI and Hysni KILAJ - left the LDK and joined the KLA following the attack by FRY forces on the JASHARI's compound in March 1998.<sup>1473</sup>

360. From March/April 1998, Gani KRASNIQI had constant contacts with members of the General Staff, including Fehmi LLADROVCI, **Hashim THAÇI**, **Rexhep SELIMI**, **Jakup KRASNIQI** and Sokol BASHOTA.<sup>1474</sup> He would meet members of the General Staff in Likoc/Likovac up to three times per week, as well as in other locations in the Drenicë/Drenica, Malishevë/Mališevo and Klinë/Klina areas.<sup>1475</sup>

361. From at least March 1998, Gani KRASNIQI and Hysni KILAJ formed the 'Lumi' unit of the KLA, recruiting members both in the town of Malishevë/Mališevo and in the surrounding villages, where KLA posts were progressively established.<sup>1476</sup> There were about 5-12 KLA soldiers in each of the 40 villages of the Municipality of Malishevë/Malishevo in spring 1998.<sup>1477</sup>

362. Hysni KILAJ was the commander of the Lumi unit.<sup>1478</sup> Gani KRASNIQI was the KLA political representative in Malishevë/Mališevo and was superior to Hysni KILAJ.<sup>1479</sup> Other members of KLA staff in Malishevë/Mališevo included Skender KRASNIQI and Ismet KRASNIQI, in charge of logistics, and Skender HOTI and Hasime MAZREKU, respectively in charge of operations and morale.<sup>1480</sup> Commanders

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<sup>1472</sup> [REDACTED].

<sup>1473</sup> [REDACTED].

<sup>1474</sup> [REDACTED].

<sup>1475</sup> [REDACTED].

<sup>1476</sup> [REDACTED].

<sup>1477</sup> [REDACTED].

<sup>1478</sup> [REDACTED].

<sup>1479</sup> [REDACTED].

<sup>1480</sup> [REDACTED].

of strategic KLA posts in the area of Malishevë/Mališevo - such as the sub-headquarters of Bllacë/Blace, Balincë/Balince, Bubavec/Bobovac and Llapqelle - were also part of the KLA staff in Malishevë/Mališevo.<sup>1481</sup> Local commanders received orders from Hysni KILAJ and, starting in May 1998, communicated with the Malishevë/Mališevo headquarters via radio.<sup>1482</sup> Recruits were trained<sup>1483</sup> and provided with uniforms and weapons, as they became available.<sup>1484</sup>

363. On 9 May 1998, Malishevë/Mališevo and the surrounding area were declared a 'free territory' under the control of the KLA.<sup>1485</sup> Supplies from Albania would arrive to Malishevë/Mališevo and from there distributed to other areas under KLA control.<sup>1486</sup> KLA soldiers at checkpoints would control the identity of persons accessing the free zone.<sup>1487</sup> [REDACTED].<sup>1488</sup>

364. The KLA headquarters were initially established in a two-storey house in the centre of Malishevë/Mališevo.<sup>1489</sup> The Lumi unit started using the former police building in Malishevë/Mališevo, located less than hundred metres away, in mid-July 1998.<sup>1490</sup>

365. The military police of the Lumi unit started operating in Malishevë/Mališevo in May 1998.<sup>1491</sup> [REDACTED] <sup>1492</sup> [REDACTED].<sup>1493</sup> Military police members of the Lumi unit wore black uniforms with military police armbands.<sup>1494</sup> The military police

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<sup>1481</sup> [REDACTED].

<sup>1482</sup> [REDACTED].

<sup>1483</sup> [REDACTED].

<sup>1484</sup> [REDACTED].

<sup>1485</sup> [REDACTED].

<sup>1486</sup> [REDACTED].

<sup>1487</sup> [REDACTED].

<sup>1488</sup> [REDACTED].

<sup>1489</sup> [REDACTED].

<sup>1490</sup> [REDACTED].

<sup>1491</sup> [REDACTED].

<sup>1492</sup> [REDACTED].

<sup>1493</sup> [REDACTED].

<sup>1494</sup> [REDACTED].

maintained discipline amongst soldiers and exercised police functions towards civilians.<sup>1495</sup>

366. In spring 1998, the 'Celiku' unit of the KLA, based in Kleckë/Klecka and reporting to Fatmir LIMAJ, was also present in Malishevë/Mališevo and surrounding areas.<sup>1496</sup> On 20 June 1998, the General Staff appointed Musa JASHARI as Commander of the Local Operational Staff based in Malishevë/Mališevo and subordinated the Celiku and Lumi units to the command of the Local Operational Staff in Malishevë/Mališevo.<sup>1497</sup> On 29 June 1998, Fatmir LIMAJ, Gani KRASNIQI and Shukri BUJA held a public meeting in Malishevë/Mališevo, in the course of which Fatmir LIMAJ emphasized that the Lumi and Celiku units in Malishevë/Mališevo were united under the command of the General Staff.<sup>1498</sup>

367. In July 1998, **Jakup KRASNIQI**, attended a meeting in Malishevë/Mališevo with Gani KRASNIQI, Hysni KILAJ, Fatmir LIMAJ, Haxhi SHALA and Musa JASHARI, [REDACTED].<sup>1499</sup> [REDACTED].<sup>1500</sup> [REDACTED].<sup>1501</sup> [REDACTED].<sup>1502</sup>

## Crimes

368. In connection with the KLA offensive against Rahovec/Orahovac and surrounding villages on 17-18 July 1998,<sup>1503</sup> the KLA arrested Serb civilians and detained them in multiple locations, including the former police station building in Malishevë/Mališevo.<sup>1504</sup>

369. Between 17 and 27 July 1998, at least 48 civilians were unlawfully detained by the KLA in the detention centre located in the former police building in

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<sup>1495</sup> [REDACTED].

<sup>1496</sup> [REDACTED].

<sup>1497</sup> [REDACTED].

<sup>1498</sup> [REDACTED].

<sup>1499</sup> [REDACTED].

<sup>1500</sup> [REDACTED].

<sup>1501</sup> [REDACTED].

<sup>1502</sup> [REDACTED].

<sup>1503</sup> [REDACTED].

<sup>1504</sup> [REDACTED].

Malishevë/Mališevo.<sup>1505</sup> Prisoners were brought in separate groups.<sup>1506</sup> Some of the detainees were killed days after their arrest.<sup>1507</sup> When the detention site was evacuated on or about 26 July 1998, women, children [REDACTED] were eventually released, while - as described below - the remaining prisoners were killed.<sup>1508</sup>

370. Male detainees were placed on the ground floor of the building while women and children were placed on the first floor.<sup>1509</sup> [REDACTED], Mehmet MAZREKU and other KLA soldiers guarded the prisoners.<sup>1510</sup> Cells were locked, windows obscured, there were no beds and insufficient food was provided.<sup>1511</sup> When they arrived, male prisoners showed signs of having been beaten.<sup>1512</sup> Male prisoners were severely beaten while in detention.<sup>1513</sup>

371. [REDACTED], [REDACTED] and [REDACTED], were detained from [REDACTED] July 1998 until the evacuation of the Malishevë/Mališevo prison.<sup>1514</sup> [REDACTED], as well as [REDACTED] were detained [REDACTED] from [REDACTED] July 1998 until the evacuation of the prison.<sup>1515</sup> Women and children were not beaten; after the first day, they were provided with some mattresses and food [REDACTED].<sup>1516</sup> [REDACTED] **Jakup KRASNIQI** was inside the prison building and, on one occasion, came to the room where the female detainees were being kept.<sup>1517</sup>

372. Thirteen male Serb civilians, captured by the KLA in the course of the offensive in the Rahovec/Orahovac area,<sup>1518</sup> were detained in a room together between 17 and

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<sup>1505</sup> [REDACTED].

<sup>1506</sup> [REDACTED].

<sup>1507</sup> [REDACTED].

<sup>1508</sup> [REDACTED].

<sup>1509</sup> [REDACTED].

<sup>1510</sup> [REDACTED].

<sup>1511</sup> [REDACTED].

<sup>1512</sup> [REDACTED].

<sup>1513</sup> [REDACTED].

<sup>1514</sup> [REDACTED].

<sup>1515</sup> [REDACTED].

<sup>1516</sup> [REDACTED].

<sup>1517</sup> [REDACTED].

<sup>1518</sup> [REDACTED].

19 July 1998.<sup>1519</sup> The group included Jovan LUKIĆ, Srećko VITOŠEVIĆ, Srdjan VITOŠEVIĆ, Duško DZINOVIĆ, Ceda CABRKAPA, Tomislav BALJOŠEVIĆ, Saša BALJOŠEVIĆ, Duško PATRNOGIĆ, Duško DOLASEVIĆ, Djordje BALJOŠEVIĆ, Aleksandar STANOJEVIĆ, Radovan STALETIĆ and Branislav STALETIĆ.<sup>1520</sup> All of these detainees were taken out of the Malishevë/Mališevo prisons on the evening of 19 July 1998.<sup>1521</sup> KLA soldiers tied the detainees' hands, pushed them inside a van and drove about four kilometres in the direction of Prishtinë/Pristina.<sup>1522</sup> KLA soldiers brought the detainees into the woods, pointed their rifles at them and told them to get out.<sup>1523</sup> [REDACTED].<sup>1524</sup> [REDACTED].<sup>1525</sup> Their skeletonized remains were exhumed in a single mass grave in Malishevë/Mališevo in May 2005.<sup>1526</sup>

373. On the morning of 18 July 1998, the KLA, including members of the Drenoc/Drenovac headquarters, attacked the village of Opertusë/Opertuša.<sup>1527</sup> Soldiers forcibly abducted Serb civilians from their houses and kept them for one night in an unfinished house in the direction of Suharekë/Suva Reka.<sup>1528</sup> Men were separated from women and beaten overnight.<sup>1529</sup> In the morning of 19 July 1998, all detained women and Milutin BURDŽIĆ were put in a truck and driven by KLA soldiers toward Zoçishtës/Zočişte.<sup>1530</sup> [REDACTED].<sup>1531</sup> Male villagers from Opertusë/Opertuša - namely, Mladen BOŽANIĆ and his son Nemanja BOŽANIĆ, Bozidar BOŽANIĆ and his son Novica BOŽANIĆ, Spasa BURDŽIĆ, Predrag BURDŽIĆ, Srećko SIMIĆ and

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<sup>1519</sup> [REDACTED].

<sup>1520</sup> [REDACTED].

<sup>1521</sup> [REDACTED].

<sup>1522</sup> [REDACTED].

<sup>1523</sup> [REDACTED].

<sup>1524</sup> [REDACTED].

<sup>1525</sup> [REDACTED].

<sup>1526</sup> [REDACTED].

<sup>1527</sup> [REDACTED].

<sup>1528</sup> [REDACTED].

<sup>1529</sup> [REDACTED].

<sup>1530</sup> [REDACTED].

<sup>1531</sup> [REDACTED].

Spasa BANZIĆ<sup>1532</sup> remained in KLA custody and were transported to the KLA headquarters in Drenoc/Drenovac.<sup>1533</sup>

374. On the morning of 18 July 1998 KLA soldiers forcibly abducted Serb civilians from their houses in Reti/Retimlje,<sup>1534</sup> ordered all Serb men to get on a truck and drove them in the direction of Drenoc/Drenovac.<sup>1535</sup> The group included Lazar KOSTIĆ and Todor KOSTIĆ, sons of Petra; Dimitrije KOSTIĆ and his two sons Miroljub KOSTIĆ and Vekoslav KOSTIĆ; Vitomir KOSTIĆ; Rajko NIKOLIĆ and Cvetko NIKOLIĆ, respectively, the husband and the 16-year-old son of Mirjiana NIKOLIĆ; Sasko KOSTIĆ; Živko KOSTIĆ; the brothers Miodrag KOSTIĆ and Svetislav KOSTIĆ; Srećko KOSTIĆ; Mladen KOSTIĆ and his son Nebojša KOSTIĆ.<sup>1536</sup> Three armed Albanian men from [REDACTED] drove [REDACTED] towards [REDACTED].<sup>1537</sup>

375. On or about 20 July 1998, KLA soldiers transferred Serb detainees taken from Opertusë/Opertuša and Reti/Retimlje, by bus, from Drenoc/Drenovac to Malishevë/Mališevo.<sup>1538</sup> The group also included [REDACTED] who had been previously detained in [REDACTED], namely [REDACTED], and [REDACTED].<sup>1539</sup>

376. On or about [REDACTED] 1998, [REDACTED] was arrested [REDACTED] by KLA soldiers, severely beaten and eventually brought to the former police station building in Malishevë/Mališevo.<sup>1540</sup> He was detained in Malishevë/Mališevo [REDACTED] and further beaten while in detention.<sup>1541</sup> He shared his cell with [REDACTED], and [REDACTED].<sup>1542</sup>

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<sup>1532</sup> [REDACTED].

<sup>1533</sup> [REDACTED].

<sup>1534</sup> [REDACTED].

<sup>1535</sup> [REDACTED].

<sup>1536</sup> [REDACTED].

<sup>1537</sup> [REDACTED].

<sup>1538</sup> [REDACTED].

<sup>1539</sup> [REDACTED].

<sup>1540</sup> [REDACTED].

<sup>1541</sup> [REDACTED].

<sup>1542</sup> [REDACTED].

377. [REDACTED].<sup>1543</sup> On or about 27 July 1998, Musa JASHARI ordered the KLA in Malishevë/Mališevo to transport the detainees to Kleckë/Klecka.<sup>1544</sup> All detainees, including men and women, were taken out of prison and put on a bus.<sup>1545</sup> Amongst the Serb detainees on the bus, [REDACTED] Spasa BURDIĆ and Pedrag BURDIĆ from Opertusë/Opertuša and Dorde DORIĆ and Krsta STANOJEVIĆ from Rahovec/Orahovac.<sup>1546</sup>

378. The bus drove in the direction of Prishtinë/Pristina, [REDACTED].<sup>1547</sup> Between Novosellë/Novo Selo and Kleckë/Klecka the bus broke down.<sup>1548</sup> A soldier arrived, conveying the order that detainees had to be brought to the units that had originally captured them.<sup>1549</sup> Women and children were let out of the bus in a location close to Zatriq/Zatrić, kept for the following four nights and then released.<sup>1550</sup> Male detainees were brought to Xheme GASHI and Mahir HASANI, the Commander and Deputy Commander of the Drenoc/Drenovac headquarters, who said to hand over the detainees to 'Cufa', a member of the Drenoc/Drenovac military police.<sup>1551</sup> Mehmet MAZREKU followed the bus to a cave located near Volljakë/Volujak, where the Serb men were executed and buried.<sup>1552</sup>

379. The remains of seven male victims from Reti/Retimlje,<sup>1553</sup> of three male victims from Opertusë/Opertuša,<sup>1554</sup> and of Krsta STANOJEVIĆ from Rahovec/Orahovac,<sup>1555</sup> were found in the Volljakë/Volujak cave and identified through DNA analysis.<sup>1556</sup> The

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<sup>1543</sup> [REDACTED].

<sup>1544</sup> [REDACTED].

<sup>1545</sup> [REDACTED].

<sup>1546</sup> [REDACTED].

<sup>1547</sup> [REDACTED].

<sup>1548</sup> [REDACTED].

<sup>1549</sup> [REDACTED].

<sup>1550</sup> [REDACTED].

<sup>1551</sup> [REDACTED].

<sup>1552</sup> [REDACTED].

<sup>1553</sup> [REDACTED].

<sup>1554</sup> [REDACTED].

<sup>1555</sup> [REDACTED].

<sup>1556</sup> [REDACTED].

identity card of Srećko SIMIĆ was also found in the same location.<sup>1557</sup> Some of the bodies buried in the Volljakë/Volujak cave might have been burned,<sup>1558</sup> while others were reburied over time in other locations pending identification, including in the Dragodan cemetery in Prishtinë/Pristina.<sup>1559</sup> The remains of [REDACTED] were identified [REDACTED].<sup>1560</sup>

380. On 19 July 1998, women from Reti/Retimlje and Opertusë/Opertuša, together with women and elderly people from Zoçishtës/Zočişte gathered in the local monastery, while younger Serb men from Zoçishtës/Zočişte moved to Velica Hoca as they feared a KLA attack.<sup>1561</sup> On 21 July 1998, the KLA attacked the village of Zoçishtës/Zočişte and the monastery on the next morning.<sup>1562</sup> KLA soldiers transported Serbian civilians from the monastery toward Semetishtë/Semetište and detained them in the local school building for a night and interrogated them.<sup>1563</sup> On 22 July 1998, the detainees were released to the ICRC.<sup>1564</sup>

381. In the immediate aftermath of the Rahovec/Orahovac attack and while certain of the events described above were ongoing, **Hashim THAÇI, Kadri VESELI, Rexhep SELIMI, Sokol BASHOTA** and **Lahi BRAHIMAJ** coordinated the activities of KLA units from the ground.<sup>1565</sup> **Hashim THAÇI** ensured that the road between Rahovec/Orahovac and Malishevë/Mališevo was cut off<sup>1566</sup> and [REDACTED].<sup>1567</sup> KLA commander Agim KUQI reported contemporaneously that the General Staff ordered the attack on Zoçishtës/Zočişte.<sup>1568</sup>

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<sup>1557</sup> [REDACTED].

<sup>1558</sup> [REDACTED].

<sup>1559</sup> [REDACTED].

<sup>1560</sup> [REDACTED].

<sup>1561</sup> [REDACTED].

<sup>1562</sup> [REDACTED].

<sup>1563</sup> [REDACTED].

<sup>1564</sup> [REDACTED].

<sup>1565</sup> [REDACTED].

<sup>1566</sup> [REDACTED].

<sup>1567</sup> [REDACTED].

<sup>1568</sup> [REDACTED].

382. In the days following the Rahovec/Orahovac attack, the Serbian press reported about the abduction and killing of civilians by the KLA.<sup>1569</sup> On 23 July 1998, while detainees were still being held in Malishevë/Mališevo, **Hashim THAÇI** and **Kadri VESELI** held a meeting with the representatives of the Austrian Embassy at the KLA headquarters in Malishevë/Mališevo.<sup>1570</sup> In the course of the meeting, allegations of detentions and abductions carried out by the KLA were addressed, and **Hashim THAÇI** and **Kadri VESELI** were warned that human rights abuses by the KLA would not serve the KLA cause.<sup>1571</sup> **Hashim THAÇI** claimed that the KLA would respect the Geneva convention because it was a regular army.<sup>1572</sup>

383. On 15 August 1998, a report from the command of the Rahovec/Orahovac Operational Staff was addressed to the General Staff, indicating, *inter alia*, that the local KLA units had 'disarmed' the Serbian population of Reti/Retimlje and Opertusë/Opertuša on 18 July 1998, that 22 prisoners had been taken, and that seven women had been released.<sup>1573</sup> Throughout 1998 and 1999, the crimes against civilians from the Rahovec/Orahovac area by the KLA were widely reported in the media and were common knowledge in the area.<sup>1574</sup> International actors addressed the issue with KLA representatives.<sup>1575</sup> [REDACTED].<sup>1576</sup>

#### F. BUDAKOVË/BUDAKOVO AND SEMETISHTË/SEMETIŠTE

384. KLA Brigade 123, which fell under the Pashtrik Zone,<sup>1577</sup> was formed around June 1998; in August and September 1998 the brigade's headquarters were in Semetishte/Semetiste, Suharekë/Suva Reka.<sup>1578</sup> Blerim KUCI served as the commander

<sup>1569</sup> [REDACTED]. *See also* 101559-01, 101559-01-TR-ET.

<sup>1570</sup> [REDACTED].

<sup>1571</sup> [REDACTED].

<sup>1572</sup> [REDACTED].

<sup>1573</sup> [REDACTED].

<sup>1574</sup> [REDACTED]. *See also* 101604-101606.

<sup>1575</sup> [REDACTED].

<sup>1576</sup> [REDACTED].

<sup>1577</sup> [REDACTED].

<sup>1578</sup> [REDACTED].

of Brigade 123 until around September 1998.<sup>1579</sup> Around February 1999, Gezim HAZROLI was appointed commander of this brigade and served in this role including in April 1999;<sup>1580</sup> HAZROLI and other KLA members received direct orders from the General Staff.<sup>1581</sup>

385. The Brigade Commander reported to the Zone Commander and regular meetings with zone and other commanders were held at General Staff headquarters, with the relevant information then being passed down to company, unit or platoon commanders.<sup>1582</sup>

386. On or around 26 June 1998, Battalion 2 of Brigade 123 was established in Budakovë/Budakovo by Sadik HALITJAHA who served as the Battalion Commander until around September 1998.<sup>1583</sup> This battalion's area of responsibility included all the areas around Budakovë/Budakovo.<sup>1584</sup> Battalion 2 at first had only one company, that in Budakovë/Budakovo headed by Isa MORINA; three other companies were formed in July/August 1998: the second company, based in Bukosh/Bukoš, was headed by Shaban GASHI, the third was based in Papaz, and the fourth, based in Maçitevo/Maqitevë, was headed by Selim HAZIRAJ.<sup>1585</sup>

387. Around mid-July 1998, Sadik HALITJAHA set up a military police unit within Battalion 2.<sup>1586</sup> Musli KOLOLLI was the commander of the military police in Budakovë/Budakovo from around July 1998.<sup>1587</sup> During a meeting around November 1998 in Nishor/Nišor, Kostërc/Kostrc, attended, *inter alia*, by Sadik HALITJAHA and Sadri EMERLLAHU, Bislim ZYRAPI, who introduced himself as the Chief of the KLA General Staff, appointed Musli KOLOLLI to Brigade 123, then based in

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<sup>1579</sup> [REDACTED].

<sup>1580</sup> [REDACTED].

<sup>1581</sup> [REDACTED].

<sup>1582</sup> [REDACTED].

<sup>1583</sup> [REDACTED].

<sup>1584</sup> [REDACTED].

<sup>1585</sup> [REDACTED].

<sup>1586</sup> [REDACTED].

<sup>1587</sup> [REDACTED].

Nishor/Nišor.<sup>1588</sup> Nuredin ABAZI served in Battalion 2 between June and September 1998.<sup>1589</sup>

388. At the end of July 1998, **Hashim THAÇI**, Bislim ZYRAPI, Rame BUJA and others visited Battalion 2.<sup>1590</sup> **THAÇI** kept notes about the situation in Battalion 2, including the structure of the battalion, its positions, trenches, and bunkers.<sup>1591</sup>

389. Fehmi BERISHA served as the commander of Battalion 2 from around January or February 1999.<sup>1592</sup> Under Fehmi BERISHA, there was a restructuring of the battalion, with S1-S5 positions being appointed: the S1 was Ramadan HAXHIU, in charge of personnel, Xhemajl KASTRATI was the S3 in charge of operational military planning, Haxhi SALLAKU was the S4 in charge of logistics, and Skender BASHA was the S5 in charge of military-civilian relations.<sup>1593</sup> Around January or February 1999, Agim ZYBA, who had joined Battalion 2 in June 1998,<sup>1594</sup> was appointed as the S2, also referred to as ZKZ, dealing with intelligence and counter-intelligence.<sup>1595</sup> As S2, ZYBA would report to Fehmi BERISHA every evening during meetings at the battalion's headquarters.<sup>1596</sup> Agim ZYBA had two subordinates in the S2: Naim KADOLLI and Muhamet BUZHALA.<sup>1597</sup>

## Crimes

390. Between about 4 July 1998 and September 1998 and on or around 28 or 29 April 1999, at least twelve persons, including [REDACTED], [REDACTED], [REDACTED] and [REDACTED],<sup>1598</sup> [REDACTED], Latife and Rushe KOLOLLI, and

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<sup>1588</sup> [REDACTED].

<sup>1589</sup> [REDACTED].

<sup>1590</sup> [REDACTED].

<sup>1591</sup> [REDACTED].

<sup>1592</sup> [REDACTED].

<sup>1593</sup> [REDACTED].

<sup>1594</sup> [REDACTED].

<sup>1595</sup> [REDACTED].

<sup>1596</sup> [REDACTED].

<sup>1597</sup> [REDACTED].

<sup>1598</sup> [REDACTED].

[REDACTED],<sup>1599</sup> [REDACTED],<sup>1600</sup> and [REDACTED],<sup>1601</sup> were arrested and detained in Budakovë/Budakovo by KLA members including [REDACTED], Shukrije GASHI, Bajram MORINA, [REDACTED], [REDACTED], some of whom were armed.<sup>1602</sup> Immediately following detention in Budakovë/Budakovo, at least one of the detainees, [REDACTED], was transferred to Semetishtë/Semetište and also detained [REDACTED] there around 19 to 20 August 1998.<sup>1603</sup>

391. In particular, on or around [REDACTED] 1998, [REDACTED] and [REDACTED], [REDACTED] and [REDACTED] were detained in multiple locations in Budakovë/Budakovo, including a bunker, a 2-by-2 metre area dug into the ground, and a basement with earth and mud on the ground and no windows or anything to sit or lay on.<sup>1604</sup>

392. On or around 17 August 1998,<sup>1605</sup> [REDACTED] Latife and [REDACTED] Rushe, as well as [REDACTED] were detained in a house in Budakovë/Budakovo which was about 1 kilometre from the KLA headquarters in Budakovë/Budakovo.<sup>1606</sup> Latife and Rushe KOLOLLI and [REDACTED] were arrested pursuant to an order from Sadik HALITJAHA.<sup>1607</sup>

393. Around [REDACTED] 1998, [REDACTED] was arrested [REDACTED] and detained for several days in a house in Budakovë/Budakovo [REDACTED].<sup>1608</sup>

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<sup>1599</sup> [REDACTED].

<sup>1600</sup> [REDACTED].

<sup>1601</sup> [REDACTED].

<sup>1602</sup> [REDACTED].

<sup>1603</sup> [REDACTED].

<sup>1604</sup> [REDACTED].

<sup>1605</sup> [REDACTED].

<sup>1606</sup> [REDACTED].

<sup>1607</sup> [REDACTED].

<sup>1608</sup> [REDACTED].

394. On or around [REDACTED] 1999, [REDACTED],<sup>1609</sup> was arrested and detained [REDACTED] in Budakovë/Budakovo.<sup>1610</sup> [REDACTED].<sup>1611</sup> [REDACTED].<sup>1612</sup>

395. Detainees in Budakovë/Budakovo included persons considered to be working for the Serbian police and persons considered traitors,<sup>1613</sup> persons of Serbian ethnicity,<sup>1614</sup> [REDACTED],<sup>1615</sup> and [REDACTED].<sup>1616</sup> While detained in Budakovë/Budakovo, [REDACTED].<sup>1617</sup>

396. Detainees in Budakovë/Budakovo were not informed of the reasons for their arrest.<sup>1618</sup> [REDACTED].<sup>1619</sup> Detainees in Budakovë/Budakovo and Semetishtë/Semetište were guarded and/or kept in locked rooms.<sup>1620</sup>

397. Detainees in Budakovë/Budakovo were physically restrained and beaten,<sup>1621</sup> including in each other's presence and by multiple soldiers.<sup>1622</sup> For example, [REDACTED].<sup>1623</sup> [REDACTED].<sup>1624</sup> [REDACTED].<sup>1625</sup>

398. Due to his treatment in Budakovë/Budakovo, [REDACTED] suffered injuries [REDACTED]. [REDACTED] suffered from psychological issues following the incident.<sup>1626</sup> [REDACTED],<sup>1627</sup> [REDACTED].<sup>1628</sup>

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<sup>1609</sup> [REDACTED].

<sup>1610</sup> [REDACTED].

<sup>1611</sup> [REDACTED].

<sup>1612</sup> [REDACTED].

<sup>1613</sup> [REDACTED].

<sup>1614</sup> [REDACTED].

<sup>1615</sup> [REDACTED].

<sup>1616</sup> [REDACTED].

<sup>1617</sup> [REDACTED].

<sup>1618</sup> [REDACTED].

<sup>1619</sup> [REDACTED].

<sup>1620</sup> [REDACTED].

<sup>1621</sup> [REDACTED].

<sup>1622</sup> [REDACTED].

<sup>1623</sup> [REDACTED].

<sup>1624</sup> [REDACTED].

<sup>1625</sup> [REDACTED].

<sup>1626</sup> [REDACTED].

<sup>1627</sup> [REDACTED].

<sup>1628</sup> [REDACTED].

399. Detainees in Budakovë/Budakovo and Semetishtë/Semetište were also questioned, including about the presence of, and/or involvement with, Serb forces, and about other detainees; they were threatened and psychologically and verbally abused.<sup>1629</sup> For example, in Budakovë/Budakovo, Latife and Rushe KOLOLLI were questioned by Nuredin ABAZI about whether they were involved in spying against the KLA and serving Serbian forces.<sup>1630</sup> While detained in Budakovë/Budakovo, [REDACTED] was accused of being a spy.<sup>1631</sup> [REDACTED].<sup>1632</sup>

400. After Latife and Rushe KOLOLLI [REDACTED] were questioned, Sadik HALITJAHA issued an order stating that they should be transferred from Budakovë/Budakovo to Brigade 123,<sup>1633</sup> which, at the time was located in Semetishtë/Semetište.<sup>1634</sup> After about three days in detention in Budakovë/Budakovo,<sup>1635</sup> Latife and Rushe KOLOLLI [REDACTED] were transferred by Naim KADOLLI and Agim ZYBA from the house they were detained in and handed over to KLA member Naim BERISHA at the entrance to Semetishtë/Semetište.<sup>1636</sup> [REDACTED] was detained in Semetishtë/Semetište for around two days and then released.<sup>1637</sup>

401. [REDACTED].<sup>1638</sup> [REDACTED].<sup>1639</sup> [REDACTED].<sup>1640</sup>

402. The bodies of Latife and Rushe KOLOLLI were found on or around 23 August 1998 in the vicinity of Toplicane, Suharekë/Suva Reka, with their arms tied and injuries including gunshots.<sup>1641</sup>

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<sup>1629</sup> [REDACTED].

<sup>1630</sup> [REDACTED].

<sup>1631</sup> [REDACTED].

<sup>1632</sup> [REDACTED].

<sup>1633</sup> [REDACTED].

<sup>1634</sup> [REDACTED].

<sup>1635</sup> [REDACTED].

<sup>1636</sup> [REDACTED].

<sup>1637</sup> [REDACTED].

<sup>1638</sup> [REDACTED].

<sup>1639</sup> [REDACTED].

<sup>1640</sup> [REDACTED].

<sup>1641</sup> [REDACTED].

## G. JESHKOVË/JEŠKOVO

403. Around June 1998, Vrrin/Verrin was declared a free zone and the KLA set up its local command for Prizren in Jeshkovë/Ješkovo, covering an area which also included Hoca e Qytetit, Poslisht/Poslishte, Billushe, Lubiqeve, Lez/Leze/Lezhe, Kushnin, and Leskovac/Leskovec.<sup>1642</sup> There were KLA checkpoints all around these villages at which armed soldiers checked the identity documents of those passing through.<sup>1643</sup> The local command was a predecessor to KLA Brigade 125, which formally came into existence by mid-August 1998 and covered the same area.<sup>1644</sup>

404. In June 1998, at the request of KLA members in Jeshkovë/Ješkovo, Sokol BASHOTA asked Bislim ZYRAPI to help the Jeshkovë/Ješkovo KLA members with restructuring, which he did, meeting them in Drenicë in June 1998.<sup>1645</sup>

405. From at least June 1998, the KLA in Jeshkovë/Ješkovo consisted of numerous, armed soldiers, who were assigned specific roles and received training, albeit not on the laws of war.<sup>1646</sup> Weapons would be brought to Jeshkovë/Ješkovo from Albania and soldiers from other areas, including Drenicë and Dukagjini, would collect such weapons from Jeshkovë/Ješkovo.<sup>1647</sup>

406. From around June 1998 until his death on 15 August 1998, Remzi ADEMI, known as Petriti or Petrit Kodra, served as the KLA Commander in Jeshkovë/Ješkovo, having been appointed by the General Staff.<sup>1648</sup> ADEMI would travel to, and have contact with, the General Staff directly.<sup>1649</sup> After ADEMI's death, the General Staff

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<sup>1642</sup> [REDACTED].

<sup>1643</sup> [REDACTED].

<sup>1644</sup> [REDACTED].

<sup>1645</sup> [REDACTED].

<sup>1646</sup> [REDACTED].

<sup>1647</sup> [REDACTED].

<sup>1648</sup> [REDACTED].

<sup>1649</sup> [REDACTED].

engaged Ekrem REXHA, known as Drini, as the new Commander of Brigade 125.<sup>1650</sup>  
ADEMI and REXHA issued orders, which were complied with.<sup>1651</sup>

407. From June 1998, Xhevat BERISHA, known as SOKOLI, was a commander for the ZKZ in Jeshkovë/Ješkovo, tasked, *inter alia*, with finding out who the collaborators and the spies were, reporting to Remzi ADEMI and later to REXHA.<sup>1652</sup> Safet KRASNIQI,<sup>1653</sup> Ismail KRYEZIU and Elbasan SHOSHAJ<sup>1654</sup> were also in the ZKZ in Jeshkovë/Ješkovo, with KRYEZIU and SHOSHAJ acting as liaison officers with other KLA headquarters, including in Suharekë/Suva Reka, Rahovec/Orahovac and Malishevë/Mališevo.<sup>1655</sup> KRYEZIU also liaised with the Pashtrik Zone<sup>1656</sup> and the General Staff.<sup>1657</sup>

408. Other KLA commanders in Jeshkovë/Ješkovo included Seladin BERISHA, the military police commander who reported to the Brigade Commander,<sup>1658</sup> Xhemsit KRASNIQI, who played a role in securing weapons,<sup>1659</sup> and Selim KRASNIQI, the chief of logistics.<sup>1660</sup>

409. Remzi ADEMI and Ekrem REXHA after him, as well as Xhevat BERISHA and Seladin BERISHA and others, lived in the KLA headquarters in Jeshkovë/Ješkovo.<sup>1661</sup> About 50-100 metres away from the headquarters, KLA soldiers and military police lived in a school building.<sup>1662</sup>

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<sup>1650</sup> [REDACTED].

<sup>1651</sup> [REDACTED].

<sup>1652</sup> [REDACTED].

<sup>1653</sup> [REDACTED].

<sup>1654</sup> [REDACTED].

<sup>1655</sup> [REDACTED].

<sup>1656</sup> [REDACTED].

<sup>1657</sup> [REDACTED].

<sup>1658</sup> [REDACTED].

<sup>1659</sup> [REDACTED].

<sup>1660</sup> [REDACTED].

<sup>1661</sup> [REDACTED].

<sup>1662</sup> [REDACTED].

410. Within Brigade 125, Naser BERISHA was the commander of Battalion 1,<sup>1663</sup> based in Leskovec,<sup>1664</sup> Zafir BERISHA was the commander of Battalion 2, based in Billushe and appointed by Remzi ADEMI.<sup>1665</sup> Within Battalion 2, Xhelil KRASNIQI was the commander of the Hoca e Qytetit company, which also covered Jeshkovë/Ješkovo, Avni HAJDARI was the commander of the Poslishte company, and Hajredin SHALA was the commander of the Billushe company.<sup>1666</sup>

411. Battalion commanders would meet every couple of days at the Brigade headquarters in Jeshkovë/Ješkovo to report about the situation in their own areas, including to the brigade commander and ZKZ representatives; the brigade commander would brief them about meetings with members of the General Staff.<sup>1667</sup>

### Crimes

412. In or around August 1998, at least five persons, including [REDACTED],<sup>1668</sup> [REDACTED],<sup>1669</sup> [REDACTED]<sup>1670</sup> were arrested and detained by KLA soldiers, including one [REDACTED],<sup>1671</sup> at the KLA headquarters in Jeshkovë/Ješkovo.

413. The KLA's interest in and surveillance of [REDACTED],<sup>1672</sup> [REDACTED].<sup>1673</sup> By at least [REDACTED] 1998, [REDACTED]'s names also appeared on KLA lists of alleged collaborators and suspicious persons.<sup>1674</sup>

414. Detainees at Jeshkovë/Ješkovo were held in a basement room, which was kept locked and had one window with iron bars.<sup>1675</sup> Detainees were beaten and

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<sup>1663</sup> [REDACTED].

<sup>1664</sup> [REDACTED].

<sup>1665</sup> [REDACTED].

<sup>1666</sup> [REDACTED].

<sup>1667</sup> [REDACTED].

<sup>1668</sup> [REDACTED].

<sup>1669</sup> [REDACTED].

<sup>1670</sup> [REDACTED].

<sup>1671</sup> [REDACTED].

<sup>1672</sup> [REDACTED].

<sup>1673</sup> [REDACTED].

<sup>1674</sup> [REDACTED].

<sup>1675</sup> [REDACTED].

psychologically and physically mistreated.<sup>1676</sup> For example, [REDACTED],<sup>1677</sup> [REDACTED].<sup>1678</sup> [REDACTED].<sup>1679</sup>

415. During his detention, [REDACTED],<sup>1680</sup> [REDACTED] was questioned by KLA members, [REDACTED].<sup>1681</sup> [REDACTED].<sup>1682</sup> [REDACTED].<sup>1683</sup> [REDACTED].<sup>1684</sup>

416. [REDACTED].<sup>1685</sup> The body of another Jeshkovë/Ješkovo detainee, [REDACTED], was found [REDACTED]; his body was bruised and showed signs of beating.<sup>1686</sup>

417. Due to his treatment in Jeshkovë/Ješkovo, [REDACTED].<sup>1687</sup>

#### H. BARE AND BAJGORË/BAJGORA

418. Bajgorë/Bajgora was the first detention site used by the Llap Zone between August and September 1998; it was located by the premises of the Zone Headquarters,<sup>1688</sup> and next to, or part of, the barracks that housed members of Brigades 151 and 152.<sup>1689</sup> The detention site was run by the Llap Zone military police.<sup>1690</sup> There was a room in the detention site referred to as 'Dead People', where detainees were held.<sup>1691</sup> Within the detention site, [REDACTED]; Latif GASHI, Head of the Zone

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<sup>1676</sup> [REDACTED].

<sup>1677</sup> [REDACTED].

<sup>1678</sup> [REDACTED].

<sup>1679</sup> [REDACTED].

<sup>1680</sup> [REDACTED].

<sup>1681</sup> [REDACTED].

<sup>1682</sup> [REDACTED].

<sup>1683</sup> [REDACTED].

<sup>1684</sup> [REDACTED].

<sup>1685</sup> [REDACTED].

<sup>1686</sup> [REDACTED].

<sup>1687</sup> [REDACTED].

<sup>1688</sup> [REDACTED].

<sup>1689</sup> [REDACTED].

<sup>1690</sup> [REDACTED].

<sup>1691</sup> [REDACTED].

Intelligence Sector, commanded the military police in Bajgorë/Bajgora.<sup>1692</sup> Bare was a nearby location also used for short-term detentions and interrogations.<sup>1693</sup>

419. [REDACTED],<sup>1694</sup> [REDACTED].<sup>1695</sup> After the offensive of mid-September 1998, once Bajgorë/Bajgora ceased to be operational as a headquarters, surviving detainees from Bare and Bajgorë/Bajgora were transferred to a location in Majac/Majance, following which they were released.<sup>1696</sup>

420. Members of the Llap command reported to, and consulted with, members of the General Staff, including on detainees.<sup>1697</sup>

### Crimes

421. [REDACTED].<sup>1698</sup> [REDACTED].<sup>1699</sup>

422. Detainees were accused of collaborating with Serbian authorities and threatened with death.<sup>1700</sup> They were interrogated and beaten, at times in each other's presence, by KLA members including Latif GASHI; they were beaten with rifles, truncheons and a stick, causing severe injuries.<sup>1701</sup> [REDACTED].<sup>1702</sup>

423. [REDACTED].<sup>1703</sup> [REDACTED].<sup>1704</sup> Soldiers [REDACTED] to confess that he had collaborated with the Serbs or he would be killed.<sup>1705</sup> The soldiers then counted to five, after which shots were fired.<sup>1706</sup> [REDACTED].<sup>1707</sup> [REDACTED].<sup>1708</sup> The cause of

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<sup>1692</sup> [REDACTED].

<sup>1693</sup> [REDACTED].

<sup>1694</sup> [REDACTED].

<sup>1695</sup> [REDACTED].

<sup>1696</sup> [REDACTED].

<sup>1697</sup> [REDACTED].

<sup>1698</sup> [REDACTED].

<sup>1699</sup> [REDACTED].

<sup>1700</sup> [REDACTED].

<sup>1701</sup> [REDACTED].

<sup>1702</sup> [REDACTED].

<sup>1703</sup> [REDACTED].

<sup>1704</sup> [REDACTED].

<sup>1705</sup> [REDACTED].

<sup>1706</sup> [REDACTED].

<sup>1707</sup> [REDACTED].

<sup>1708</sup> [REDACTED].

death was blunt force trauma to the face and multiple blunt force trauma to the chest.<sup>1709</sup> Six different ribs were found to be broken.<sup>1710</sup>

424. [REDACTED].<sup>1711</sup> When [REDACTED] left Bajgorë/Bajgora,<sup>1712</sup> there was one room with six prisoners [REDACTED], and another group of [REDACTED] prisoners who were in another room.<sup>1713</sup> [REDACTED].<sup>1714</sup> [REDACTED].<sup>1715</sup> [REDACTED] was told by Latif GASHI that he and his family would be killed if he spoke of his maltreatment.<sup>1716</sup>

#### I. LLAPASHTICË/LAPAŠTICA AND RELATED LOCATIONS

425. Llapashticë/Lapaštica, a village approximately 10km north of Pristina, was the location of the Llap Zone Headquarters where Zone Commander Rrustem MUSTAFA had his main office.<sup>1717</sup> About 200-300 metres from the Zone Headquarters was the Military Police Headquarters and a stable converted into a detention site.<sup>1718</sup>

426. Potok operated as the Zone Headquarters for approximately two weeks around October 1998, otherwise functioning as a KLA hospital from September 1998 to April 1999.<sup>1719</sup> Majac/Majance served as a brigade headquarters from December 1998 until January 1999; from March to May 1999, it was also used as a temporary detention site as detainees were moved from Llapashticë/Lapaštica due to a change in the front lines.<sup>1720</sup> Majac/Majance was under the authority of Brigade 151, and Potok was under Brigade 152.<sup>1721</sup>

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<sup>1709</sup> [REDACTED].

<sup>1710</sup> [REDACTED].

<sup>1711</sup> [REDACTED].

<sup>1712</sup> [REDACTED].

<sup>1713</sup> [REDACTED].

<sup>1714</sup> [REDACTED].

<sup>1715</sup> [REDACTED].

<sup>1716</sup> [REDACTED].

<sup>1717</sup> [REDACTED].

<sup>1718</sup> [REDACTED].

<sup>1719</sup> [REDACTED].

<sup>1720</sup> [REDACTED].

<sup>1721</sup> [REDACTED].

427. From around August 1998 until June 1999, Latif GASHI functioned as the Head of Intelligence for the Llap Zone, and had the authority to order the release of detainees.<sup>1722</sup>

### Crimes

428. Between at least November 1998 and March 1999, at least 52 detainees were held at Llapashticë/Lapaštica.<sup>1723</sup> The detainees were kept in a stable, measuring approximately four by three meters, situated in a yard next to the military police headquarters, at a short distance from the Llap Zone Headquarters.<sup>1724</sup> [REDACTED].<sup>1725</sup>

429. The detainees, some of whom were arrested at gunpoint by KLA soldiers,<sup>1726</sup> were not told they were under arrest, or shown any order or warrant for their arrest, nor were the reasons for their detention explained to them.<sup>1727</sup> The detainees, including [REDACTED], were all civilians at the time of their detention, not taking part in hostilities; they were held under guard in locked quarters, restrained, and subject to coercive circumstances and treatment.<sup>1728</sup>

430. KLA members, including Latif GASHI, questioned and beat detainees, and threatened them, including with death; detainees were accused of collaborating with Serbs or being spies.<sup>1729</sup> They were beaten frequently,<sup>1730</sup> including with objects,<sup>1731</sup> some were electrocuted,<sup>1732</sup> made to perform manual labour,<sup>1733</sup> and at times physically

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<sup>1722</sup> [REDACTED].

<sup>1723</sup> [REDACTED].

<sup>1724</sup> [REDACTED].

<sup>1725</sup> [REDACTED].

<sup>1726</sup> [REDACTED].

<sup>1727</sup> [REDACTED].

<sup>1728</sup> [REDACTED].

<sup>1729</sup> [REDACTED].

<sup>1730</sup> [REDACTED].

<sup>1731</sup> [REDACTED].

<sup>1732</sup> [REDACTED].

<sup>1733</sup> [REDACTED].

restrained and had bags placed over their heads.<sup>1734</sup> They were also forced to beat their fellow detainees.<sup>1735</sup> [REDACTED] still suffers as a result of his mistreatment in Llapashticë/Lapaštica.<sup>1736</sup>

431. Detainees were kept in a cold room with frost on the walls.<sup>1737</sup> There was no light, only a bucket for a toilet, and insufficient space for the detainees.<sup>1738</sup> Detainees could only wash infrequently.<sup>1739</sup>

432. Up to 30 detainees were held in the stable at one time, six of whom are believed to have been murdered by the KLA.<sup>1740</sup> [REDACTED].<sup>1741</sup> [REDACTED] looked like he had been beaten up and was in great pain.<sup>1742</sup> [REDACTED].<sup>1743</sup> [REDACTED].<sup>1744</sup>

433. A number of the detainees in Llapashticë/Lapaštica were detained elsewhere before or after their detention there. For example, [REDACTED] was arrested on [REDACTED] 1999 and taken to [REDACTED] where he was told [REDACTED], and that he was sentenced to death for not cooperating with the KLA.<sup>1745</sup> [REDACTED] was also told he would be left alone if he complied.<sup>1746</sup> He was detained in a house in [REDACTED] in very poor conditions,<sup>1747</sup> beaten frequently,<sup>1748</sup> and accused of cooperating with the Serbs and being a spy.<sup>1749</sup> During interrogation, a KLA soldier known as [REDACTED].<sup>1750</sup> [REDACTED] was transferred to Llapashticë/Lapaštica by

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<sup>1734</sup> [REDACTED].

<sup>1735</sup> [REDACTED].

<sup>1736</sup> [REDACTED].

<sup>1737</sup> [REDACTED].

<sup>1738</sup> [REDACTED].

<sup>1739</sup> [REDACTED].

<sup>1740</sup> [REDACTED].

<sup>1741</sup> [REDACTED].

<sup>1742</sup> [REDACTED].

<sup>1743</sup> [REDACTED].

<sup>1744</sup> [REDACTED].

<sup>1745</sup> [REDACTED].

<sup>1746</sup> [REDACTED].

<sup>1747</sup> [REDACTED].

<sup>1748</sup> [REDACTED].

<sup>1749</sup> [REDACTED].

<sup>1750</sup> [REDACTED].

[REDACTED]; he was told by [REDACTED], and that [REDACTED] requested his transfer.<sup>1751</sup>

434. [REDACTED].<sup>1752</sup> [REDACTED].<sup>1753</sup> [REDACTED]'s body was discovered in a shallow grave [REDACTED] along with the bodies of [REDACTED].<sup>1754</sup> The autopsy of [REDACTED] showed the cause of death was a gunshot wound to the head.<sup>1755</sup>

435. [REDACTED]'s names appear in a hand-written list entitled 'Collaborators', containing the names of [REDACTED] people and who they were alleged to have collaborated with.<sup>1756</sup> [REDACTED]'s name also appears in a log of detainees where he is recorded as having been detained from [REDACTED] until [REDACTED],<sup>1757</sup> [REDACTED].<sup>1758</sup> In addition to being detained in Llapashticë/Lapaštica, [REDACTED] was also detained in [REDACTED]<sup>1759</sup> where his body was found along with that of [REDACTED].<sup>1760</sup> The autopsy report on [REDACTED] showed, *inter alia*, fractures at the right orbital fossa, a bullet hole on the left femur, and a bullet in the soft tissue behind the neck.<sup>1761</sup>

#### J. DOBRATIN/DOBROTIN

436. In late March/early April 1999, military police and Brigade 152 were stationed in Dobratin/Dobrotin; Latif GASHI was present in Dobratin/Dobrotin at this time.<sup>1762</sup>

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<sup>1751</sup> [REDACTED].

<sup>1752</sup> [REDACTED].

<sup>1753</sup> [REDACTED].

<sup>1754</sup> [REDACTED].

<sup>1755</sup> [REDACTED].

<sup>1756</sup> [REDACTED].

<sup>1757</sup> [REDACTED].

<sup>1758</sup> [REDACTED].

<sup>1759</sup> [REDACTED].

<sup>1760</sup> [REDACTED].

<sup>1761</sup> [REDACTED].

<sup>1762</sup> [REDACTED].

## Crimes

437. Around late March 1999, a Roma civilian was captured in or around the village of Dobratin/Dobrotin, west of Podujevo, because he had arrived from an area known as the 'death zone' in the Serbian controlled area.<sup>1763</sup> For at least two days, the Roma civilian was kept tied in the middle of the village and exposed to beatings and violence from both the military and civilians.<sup>1764</sup> He was then untied by the military police, taken by Latif GASHI and two military police to a checkpoint just outside of Dobratin/Dobrotin, and released.<sup>1765</sup> As the man walked away, Latif GASHI ordered the KLA soldiers stationed at the checkpoint to shoot him from behind.<sup>1766</sup> [REDACTED].<sup>1767</sup>

### K. ZLLASH/ZLAŠ

438. Between about 1 April 1999 and 21 April 1999, members of the BIA Guerrilla unit ('BIA unit') commanded by Salih MUSTAFA, in concert with members of the Kosovo Liberation Army's ('KLA') military police and other KLA soldiers arbitrarily detained, interrogated, and mistreated at least seven civilians in the building used by the BIA unit as their base in Zllash/Zlaš ('Zllash/Zlaš Detention Compound'), a small hamlet approximately 10 km east of Prishtinë/Priština.<sup>1768</sup> One detainee, [REDACTED], was murdered on or around [REDACTED] 1999.

439. The BIA unit operated within the Llap Zone of the KLA, taking orders from the Zone Commander and the Llap operation zone Chief of Staff.<sup>1769</sup> The BIA was commanded by Salih MUSTAFA, known as Cali.<sup>1770</sup>

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<sup>1763</sup> [REDACTED].

<sup>1764</sup> [REDACTED].

<sup>1765</sup> [REDACTED].

<sup>1766</sup> [REDACTED].

<sup>1767</sup> [REDACTED].

<sup>1768</sup> [REDACTED].

<sup>1769</sup> [REDACTED].

<sup>1770</sup> [REDACTED].

440. During the Indictment period, BIA soldiers had a base in Zllash/Zlaš, in a neighbourhood known by the locals as 'Sfarç'.<sup>1771</sup> The BIA headquarters in Zllash/Zlaš was located up-hill,<sup>1772</sup> about a 20 minute walk from the school,<sup>1773</sup> and consisted of a number of houses with a yard and a wall around them.<sup>1774</sup> The main house was a two-story building.<sup>1775</sup> There were also some sheds used for animals.<sup>1776</sup> The location was guarded by soldiers<sup>1777</sup> and was occupied exclusively by the BIA unit.<sup>1778</sup> The BIA operated out of Zllash/Zlaš from 1998 until April 1999.<sup>1779</sup>

441. One of the BIA units' main tasks was intelligence gathering.<sup>1780</sup> The BIA was a unit attached to the Llap Zone Command; and reported to and took orders directly from the Llap Zone Headquarters.<sup>1781</sup> The BIA unit operated in the urban areas of Prishtinë/Priština, Fushë Kosovë/Kosovo Polje and Obiliq/Obilić,<sup>1782</sup> and had a presence in Zllash/Zlaš.<sup>1783</sup>

442. The BIA unit was also known as 'Skifteri'.<sup>1784</sup> Some of the BIA members wore uniforms, while others did not.<sup>1785</sup> Salih MUSTAFA wore a camouflage uniform and often sported a red beret.<sup>1786</sup> One of the detainees saw Salih MUSTAFA wearing a red beret while he beat him with other BIA members.<sup>1787</sup> The BIA had approximately 20-30 soldiers at their base in Zllash/Zlaš but with more soldiers elsewhere.<sup>1788</sup>

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<sup>1771</sup> [REDACTED].

<sup>1772</sup> [REDACTED].

<sup>1773</sup> [REDACTED].

<sup>1774</sup> [REDACTED].

<sup>1775</sup> [REDACTED].

<sup>1776</sup> [REDACTED].

<sup>1777</sup> [REDACTED].

<sup>1778</sup> [REDACTED].

<sup>1779</sup> [REDACTED].

<sup>1780</sup> [REDACTED].

<sup>1781</sup> [REDACTED]; *See also* 020435-020436, p.020435.

<sup>1782</sup> [REDACTED].

<sup>1783</sup> [REDACTED].

<sup>1784</sup> [REDACTED].

<sup>1785</sup> [REDACTED].

<sup>1786</sup> [REDACTED].

<sup>1787</sup> [REDACTED].

<sup>1788</sup> [REDACTED].

443. BIA members identified by other KLA soldiers include, Ibrahim/Brahim MEHMETAJ, known as Bimi, Bahri GASHI, 'Tabut' and 'Vdekija'.<sup>1789</sup> [REDACTED] identified Dardani as the BIA deputy, and that a soldier named 'Shyti' was also a guard at the Zllash/Zlaš Detention Compound.<sup>1790</sup>

### Crimes

444. Between about 1 and 19 April 1999, Salih MUSTAFA and certain other BIA members, including soldiers nicknamed 'Tabut' or 'Tabuti' or 'Kommandant Tabuti', 'Ilmi VELA', 'Bimi', 'Dardan', 'Afrim', arbitrarily deprived at least seven civilians,<sup>1791</sup> including [REDACTED], another detainee, and [REDACTED],<sup>1792</sup> of their liberty without due process of law at the KLA Zllash/Zlaš Detention Compound. While in detention, victims were subjected to cruel treatment and torture. [REDACTED], was murdered on or shortly after 19 April 1999.

445. Detainees were arrested in the first half of April and taken to the Zllash/Zlaš Detention Compound by KLA soldiers, including the BIA, and military police.<sup>1793</sup> Those who were released, were let go on or around 19 April 1999 as the FRY forces' offensive in the region of Gollak/Goljak was closing in.<sup>1794</sup>

446. The detainees were not shown any legal paper authorising their arrest.<sup>1795</sup> When released, BIA soldiers did not give the detainees any release papers or explain the reasons for the end of their detention.<sup>1796</sup> The detainees were not allowed to have contact with anyone from outside the prison, including family members.<sup>1797</sup>

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<sup>1789</sup> [REDACTED].

<sup>1790</sup> [REDACTED].

<sup>1791</sup> [REDACTED].

<sup>1792</sup> [REDACTED].

<sup>1793</sup> [REDACTED].

<sup>1794</sup> [REDACTED].

<sup>1795</sup> [REDACTED].

<sup>1796</sup> [REDACTED].

<sup>1797</sup> [REDACTED].

447. During interrogations, some detainees were accused of being collaborators, friends of the Serbs, spies, or thieves.<sup>1798</sup> [REDACTED] believed [REDACTED] to be the reason for his arrest, saying that [REDACTED].<sup>1799</sup>

448. Prisoners were kept in harsh and unsanitary conditions. The ground was wet, there were no windows, nor sufficient airflow.<sup>1800</sup> Food and water were insufficient,<sup>1801</sup> detainees were unable to wash and had to use a bucket as a toilet.<sup>1802</sup> The stable was locked,<sup>1803</sup> and the door guarded.<sup>1804</sup> No medical attention was available to detainees.<sup>1805</sup>

449. The detainees were severely beaten, at times with objects, and some were electrocuted.<sup>1806</sup> The detainees were maltreated almost every day by BIA members including those known as 'Bimi', Afrimi, Dardan, Ilmi Vela, 'Tabuti', Bujar, and Avni. Salih MUSTAFA took part in and oversaw the mistreatment.<sup>1807</sup> On one occasion, [REDACTED] was also beaten by [REDACTED].<sup>1808</sup> The detainees were humiliated and psychologically abused.<sup>1809</sup> Salih MUSTAFA once pushed [REDACTED].<sup>1810</sup> These beatings and other forms of maltreatment caused severe pain to the detainees, some of whom still have physical and psychological injuries.<sup>1811</sup> Detainees heard other detainees being beaten upstairs.<sup>1812</sup>

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<sup>1798</sup> [REDACTED].

<sup>1799</sup> [REDACTED].

<sup>1800</sup> [REDACTED].

<sup>1801</sup> [REDACTED].

<sup>1802</sup> [REDACTED].

<sup>1803</sup> [REDACTED].

<sup>1804</sup> [REDACTED].

<sup>1805</sup> [REDACTED].

<sup>1806</sup> [REDACTED].

<sup>1807</sup> [REDACTED].

<sup>1808</sup> [REDACTED].

<sup>1809</sup> [REDACTED].

<sup>1810</sup> [REDACTED].

<sup>1811</sup> [REDACTED].

<sup>1812</sup> [REDACTED].

450. The most severely and frequently mistreated detainee was [REDACTED].<sup>1813</sup> [REDACTED]. He would return from his beatings covered in blood.<sup>1814</sup>

451. [REDACTED] was severely and continuously beaten by KLA soldiers to the point he could no longer stand.<sup>1815</sup>

452. [REDACTED] stated the detainees were treated worse than animals.<sup>1816</sup> This treatment soon took its toll on the detainees' mental well-being.<sup>1817</sup> They expected to be killed at any moment.<sup>1818</sup> [REDACTED] was scared, and did not dare to speak when spoken to by his cell mates.<sup>1819</sup>

453. In the course of their mistreatment, detainees were questioned and/or accused of being collaborators, friends of the Serbs, spies or thieves. Salih MUSTAFA accused both [REDACTED] of being a spy before starting to beat him,<sup>1820</sup> and [REDACTED], who was also accused of cooperating with the Serbs.<sup>1821</sup> [REDACTED] was mistreated during his interrogation, [REDACTED].<sup>1822</sup> [REDACTED] was tortured because he was accused of being [REDACTED].<sup>1823</sup> [REDACTED]. Instead, he was accused of being a spy and detained.<sup>1824</sup>

454. On 19 April 1999, all the detainees, except [REDACTED], were released.<sup>1825</sup> [REDACTED].<sup>1826</sup> [REDACTED] believed the reason why [REDACTED].<sup>1827</sup>

455. [REDACTED].<sup>1828</sup>

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<sup>1813</sup> [REDACTED].

<sup>1814</sup> [REDACTED].

<sup>1815</sup> [REDACTED].

<sup>1816</sup> [REDACTED].

<sup>1817</sup> [REDACTED].

<sup>1818</sup> [REDACTED].

<sup>1819</sup> [REDACTED].

<sup>1820</sup> [REDACTED].

<sup>1821</sup> [REDACTED].

<sup>1822</sup> [REDACTED].

<sup>1823</sup> [REDACTED].

<sup>1824</sup> [REDACTED].

<sup>1825</sup> [REDACTED].

<sup>1826</sup> [REDACTED].

<sup>1827</sup> [REDACTED].

<sup>1828</sup> [REDACTED].

456. [REDACTED].<sup>1829</sup> [REDACTED].<sup>1830</sup> [REDACTED]. [REDACTED].<sup>1831</sup>

457. During the time of their arrest, detention and mistreatment, and in case of [REDACTED] also of his murder, [REDACTED], [REDACTED], [REDACTED], [REDACTED], and one other detainee were all civilians and not taking part in the hostilities.<sup>1832</sup>

L. QIREZ/ĆIREZ AND BAICË/BANJICA

458. In September 1998, Qirez/Ćirez, Skënderaj/Srbica, and Baicë/Banjica, Drenas (Glllogoc)/Glogovac fell under the Drenicë Zone, which was commanded by Sylejman SELIMI.<sup>1833</sup> At the time, the KLA had a logistics base in Qirez/Ćirez and most of the KLA members from the Drenicë zone were present there.<sup>1834</sup>

### Crimes

459. On or about 20 September 1998, thirteen parliamentary delegation members, including [REDACTED], who were on a humanitarian visit to Qirez/Ćirez, were arrested by a group of KLA members, which included Sabit GECI and was led by **Hashim THAÇI**,<sup>1835</sup> and held under armed guard in an office in Qirez/Ćirez by KLA members including Gani KOCI.<sup>1836</sup>

460. **Hashim THAÇI** spoke to the group in the office in Qirez/Ćirez and asked them what they were doing there 'because we do not recognise the parliament of Kosovo'.<sup>1837</sup> **Rexhep SELIMI** collected the identity cards of the thirteen parliamentary

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<sup>1829</sup> [REDACTED].

<sup>1830</sup> [REDACTED].

<sup>1831</sup> [REDACTED].

<sup>1832</sup> [REDACTED].

<sup>1833</sup> [REDACTED].

<sup>1834</sup> [REDACTED].

<sup>1835</sup> [REDACTED].

<sup>1836</sup> [REDACTED].

<sup>1837</sup> [REDACTED].

delegation members while they were detained in Qirez/Ćirez.<sup>1838</sup> Sabit GEÇI, who was armed, threatened the detainees there.<sup>1839</sup>

461. On 20 September 1998, the thirteen parliamentary delegation members were transferred to a school in Baicë/Banjica where they were detained.<sup>1840</sup> During the transfer from Qirez/Ćirez to Baicë/Banjica [REDACTED].<sup>1841</sup>

462. Detainees were not informed of any charges or valid reasons for their arrest either in Qirez/Ćirez or in Baicë/Banjica.<sup>1842</sup>

463. Between about 20 September 1998 and 22 September 1998, multiple KLA members subjected the detainees at Baicë/Banjica to severe beatings and psychological abuse.<sup>1843</sup> At least six of the detainees were beaten; they were beaten all over their bodies with sticks, kicked, stamped upon and punched by masked KLA soldiers, and/or threatened with death.<sup>1844</sup> After he was beaten, [REDACTED].<sup>1845</sup> The detainees could hear and see the severe abuse of other detainees.<sup>1846</sup>

464. After the delegation members had been severely beaten in Baicë/Banjica, and had visible injuries, **Hashim THAÇI** and Sabit GEÇI questioned them, identifying them as 'Rugovans', asking them to write statements renouncing Ibrahim RUGOVA, and asking them to renounce the LDK and to resign from their parliamentary functions.<sup>1847</sup>

465. [REDACTED].<sup>1848</sup> At the time he spoke to [REDACTED] and [REDACTED], **THAÇI** knew that they had been mistreated since he had been informed about this by

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<sup>1838</sup> [REDACTED].

<sup>1839</sup> [REDACTED].

<sup>1840</sup> [REDACTED].

<sup>1841</sup> [REDACTED].

<sup>1842</sup> [REDACTED].

<sup>1843</sup> [REDACTED].

<sup>1844</sup> [REDACTED].

<sup>1845</sup> [REDACTED].

<sup>1846</sup> [REDACTED].

<sup>1847</sup> [REDACTED].

<sup>1848</sup> [REDACTED].

the KLA soldiers who were present.<sup>1849</sup> Sabit GECI threatened to kill a delegate in **Hashim THAÇI**'s presence, and, shortly before their release THAÇI [REDACTED].<sup>1850</sup> **Rexhep SELIMI** asked the detainees in Baicë/Banjica why, as professors and intellectuals, they had all gone there, and returned their identification cards to them before they were released.<sup>1851</sup>

466. During his detention in Baicë/Banjica, [REDACTED] was told by KLA member Tahir DESKU that KLA headquarters had decided to kill [REDACTED] and [REDACTED].<sup>1852</sup> During their detention, the same three detainees were also told by **Rexhep SELIMI** that they were still under investigation.<sup>1853</sup>

467. The detainees were driven to another location, where they were released on 22 September 1998.<sup>1854</sup> A day later, a press release from the KLA's Military Police Directorate reported the 'arrest' of 13 'institutionalists' for their 'divisive, [...] anti-liberation war propaganda', noting that 'investigative procedures' would continue against these three individuals, who were declared to be 'suspicious persons'.<sup>1855</sup> However, **Rexhep SELIMI** has since confirmed that there was no KLA investigation related to the detention of the parliamentary delegation members.<sup>1856</sup>

468. [REDACTED] was left severely traumatised by the detention; he still suffers [REDACTED] as a result of his beating in Baicë/Banjica.<sup>1857</sup> [REDACTED].<sup>1858</sup>

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<sup>1849</sup> [REDACTED].

<sup>1850</sup> [REDACTED].

<sup>1851</sup> [REDACTED].

<sup>1852</sup> [REDACTED].

<sup>1853</sup> [REDACTED].

<sup>1854</sup> [REDACTED].

<sup>1855</sup> [REDACTED].

<sup>1856</sup> [REDACTED].

<sup>1857</sup> [REDACTED].

<sup>1858</sup> [REDACTED].

M. SHALË (SEDLARË)/SEDLARE

469. A KLA platoon falling under Brigade 121 was established in Shalë/Sedlare, Lipjan/Lipljan, by around October 1998.<sup>1859</sup> Ali MEJZINOLI was the commander of this platoon, reporting to Brigade 121 in Kleçkë/Klečka.<sup>1860</sup> KLA military police, including Esat SAHITI, Gani KASTRATI and Agim ZOGAJ, were active in Shalë/Sedlare at the time,<sup>1861</sup> reporting to Fatmir LIMAJ.<sup>1862</sup> The KLA base in Shalë/Sedlare was in a former health clinic.<sup>1863</sup> The platoon later became a battalion under Commander Fadil GASHI and Deputy Commander Fatmir SHURDHAI.<sup>1864</sup>

### Crimes

470. Between late October 1998 and November 1998, KLA members detained at least four persons, including [REDACTED], without due process of law and under guard in Shalë/Sedlare, including at a former health clinic.<sup>1865</sup>

471. [REDACTED].<sup>1866</sup> [REDACTED].<sup>1867</sup> [REDACTED]<sup>1868</sup> and [REDACTED].<sup>1869</sup>

472. [REDACTED].<sup>1870</sup>

473. During transfer to and from Shalë /Sedlare, detainees were blindfolded and their hands were tied.<sup>1871</sup> Detainees at Shalë/Sedlare were subjected to beatings,

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<sup>1859</sup> [REDACTED].

<sup>1860</sup> [REDACTED].

<sup>1861</sup> [REDACTED].

<sup>1862</sup> [REDACTED].

<sup>1863</sup> [REDACTED].

<sup>1864</sup> [REDACTED].

<sup>1865</sup> [REDACTED].

<sup>1866</sup> [REDACTED].

<sup>1867</sup> [REDACTED].

<sup>1868</sup> [REDACTED].

<sup>1869</sup> [REDACTED].

<sup>1870</sup> [REDACTED].

<sup>1871</sup> [REDACTED].

threats, and psychological abuse by a number of KLA members.<sup>1872</sup> [REDACTED].<sup>1873</sup>  
[REDACTED].<sup>1874</sup> [REDACTED].<sup>1875</sup> [REDACTED].<sup>1876</sup>

474. [REDACTED].<sup>1877</sup> [REDACTED].<sup>1878</sup>

475. [REDACTED].<sup>1879</sup> [REDACTED].<sup>1880</sup>

476. [REDACTED].<sup>1881</sup> [REDACTED].<sup>1882</sup>

477. [REDACTED].<sup>1883</sup> [REDACTED]<sup>1884</sup> [REDACTED]<sup>1885</sup> [REDACTED].<sup>1886</sup>  
[REDACTED].<sup>1887</sup> [REDACTED].<sup>1888</sup>

478. [REDACTED].<sup>1889</sup> [REDACTED].<sup>1890</sup>

#### N. KLEÇKË/KLEČKA AND RELATED LOCATIONS

479. Kleçkë/Klečka and Divjakë/Divljaka are neighbouring villages<sup>1891</sup> in the Berisha mountains.<sup>1892</sup> They formed part of the free territory<sup>1893</sup> surrounding Malishevë/Mališevo between May and July 1998,<sup>1894</sup> and fell under the Pashtrik Zone.

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<sup>1872</sup> [REDACTED].

<sup>1873</sup> [REDACTED].

<sup>1874</sup> [REDACTED].

<sup>1875</sup> [REDACTED].

<sup>1876</sup> [REDACTED].

<sup>1877</sup> [REDACTED].

<sup>1878</sup> [REDACTED].

<sup>1879</sup> [REDACTED].

<sup>1880</sup> [REDACTED].

<sup>1881</sup> [REDACTED].

<sup>1882</sup> [REDACTED].

<sup>1883</sup> [REDACTED].

<sup>1884</sup> [REDACTED].

<sup>1885</sup> [REDACTED].

<sup>1886</sup> [REDACTED].

<sup>1887</sup> [REDACTED].

<sup>1888</sup> [REDACTED].

<sup>1889</sup> [REDACTED].

<sup>1890</sup> [REDACTED].

<sup>1891</sup> [REDACTED].

<sup>1892</sup> IT-03-66 P34; IT-03-66 P34.1a, p.L0102408.

<sup>1893</sup> [REDACTED].

<sup>1894</sup> [REDACTED].

480. Fatmir LIMAJ, known as Celiku,<sup>1895</sup> arrived in Kleçkë/Klečka in mid-March 1998<sup>1896</sup> with instructions from the General Staff to set up KLA units in the area.<sup>1897</sup> He established a headquarters in the village.<sup>1898</sup>

481. From at least May 1998, LIMAJ received reports from his unit commanders in weekly meetings, which were held in the KLA Headquarters in Kleçkë/Klečka.<sup>1899</sup> Members of the command staff, including Haxhi SHALA, who commanded the military police there in 1998<sup>1900</sup> before serving as commander of the Brigade 121,<sup>1901</sup> and Nexhmi KRASNIQI, who would subsequently become chief of the military police on the Pashtrik Zone level,<sup>1902</sup> [REDACTED] attended.<sup>1903</sup> On occasion, Isak MUSLIU also took part in the meetings.<sup>1904</sup>

482. LIMAJ issued orders to his unit commanders on military matters, disciplinary matters and recruitment of staff.<sup>1905</sup> He frequently issued orders in the name of the General Staff.<sup>1906</sup>

483. Members of the General Staff also used Kleçkë/Klečka and Divjakë/Divljaka as a base.<sup>1907</sup> **Jakup KRASNIQI** recorded a televised appearance, in the presence of Fatmir LIMAJ and **Kadri VESELI**, at the KLA Headquarters in Kleçkë/Klečka in June 1998,<sup>1908</sup> and - again together with Fatmir LIMAJ - held a meeting with internationals there in July 1998.<sup>1909</sup>

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<sup>1895</sup> [REDACTED].

<sup>1896</sup> [REDACTED].

<sup>1897</sup> [REDACTED].

<sup>1898</sup> [REDACTED].

<sup>1899</sup> [REDACTED].

<sup>1900</sup> [REDACTED].

<sup>1901</sup> [REDACTED].

<sup>1902</sup> [REDACTED].

<sup>1903</sup> [REDACTED].

<sup>1904</sup> [REDACTED].

<sup>1905</sup> [REDACTED].

<sup>1906</sup> [REDACTED].

<sup>1907</sup> [REDACTED].

<sup>1908</sup> [REDACTED]; IT-03-66 P34, sec.16:53-17:05; [REDACTED].

<sup>1909</sup> [REDACTED].

484. The units commanded by Fatmir LIMAJ were consolidated into Brigade 121 in late summer 1998.<sup>1910</sup> Brigade 121 was based in Kleçkë/Klečka.<sup>1911</sup> When the Serbs took over Kleçkë/Klečka in August/September 1998, the KLA temporarily moved to Novoselle/Fshat I Ri before subsequently returning to Kleçkë/Klečka.<sup>1912</sup> From the end of 1998, Haxhi SHALA, known as Topi, became the commander of this brigade<sup>1913</sup> after Fatmir LIMAJ became the head of the General Staff Military Police Directorate. [REDACTED].<sup>1914</sup>

485. The General Staff facilities in Divjakë/Divljaka comprised five separate houses and included a building serving as the General Staff Headquarters, a logistics facility, and a building used for the security service.<sup>1915</sup>

486. **Kadri VESELI, Rexhep SELIMI, Hashim THAÇI, Jakup KRASNIQI, Fatmir LIMAJ, Bislim ZYRAPI** and Lahi BRAHIMAJ were regularly present in Divjakë/Divljaka and participated in meetings,<sup>1916</sup> some with zone commanders also in attendance.<sup>1917</sup>

487. [REDACTED].<sup>1918</sup> [REDACTED].<sup>1919</sup>

## Crimes

488. The General Staff operated a detention facility at a house in the outskirts of Kleçkë/Klečka ('Kleçkë/Klečka prison'), about half-way between the General Staff Headquarters in Divjakë/Divljaka and the Brigade 121 Headquarters.<sup>1920</sup> About 200 -

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<sup>1910</sup> [REDACTED].

<sup>1911</sup> [REDACTED].

<sup>1912</sup> [REDACTED].

<sup>1913</sup> [REDACTED].

<sup>1914</sup> [REDACTED].

<sup>1915</sup> [REDACTED].

<sup>1916</sup> [REDACTED].

<sup>1917</sup> [REDACTED].

<sup>1918</sup> [REDACTED].

<sup>1919</sup> [REDACTED].

<sup>1920</sup> [REDACTED].

300 meters away from Kleçkë/Klečka prison there were three houses that had been burned down, which were also used to detain prisoners.<sup>1921</sup>

489. Kleçkë/Klečka prison already existed prior to [REDACTED].<sup>1922</sup>  
[REDACTED].<sup>1923</sup>

490. Kleçkë/Klečka prison had a basement with at least two rooms having an approximate size of four by four meters, and an upper floor.<sup>1924</sup> The basement rooms were used to detain the prisoners.<sup>1925</sup> One of the basement rooms had a little window with bars<sup>1926</sup> and could be locked.<sup>1927</sup> The upper floor was occupied by the military police,<sup>1928</sup> [REDACTED].<sup>1929</sup> [REDACTED].<sup>1930</sup> [REDACTED],<sup>1931</sup> [REDACTED].<sup>1932</sup>  
[REDACTED].<sup>1933</sup>

491. Agim ZOGAJ, known as Murizzi, was a member of the military police.<sup>1934</sup> In early 1999, Fatmir LIMAJ appointed ZOGAJ as the guard at Kleçkë/Klečka prison.<sup>1935</sup>

492. Individuals detained, mistreated and/or killed in Kleçkë/Klečka included:  
[REDACTED],<sup>1936</sup> [REDACTED],<sup>1937</sup> [REDACTED],<sup>1938</sup> [REDACTED],<sup>1939</sup> [REDACTED]  
(murdered),<sup>1940</sup> Ymer XHAFIQI (murdered),<sup>1941</sup> Sherafedin AJETI (murdered),<sup>1942</sup>

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<sup>1921</sup> [REDACTED].

<sup>1922</sup> [REDACTED].

<sup>1923</sup> [REDACTED].

<sup>1924</sup> [REDACTED].

<sup>1925</sup> [REDACTED].

<sup>1926</sup> [REDACTED].

<sup>1927</sup> [REDACTED].

<sup>1928</sup> [REDACTED].

<sup>1929</sup> [REDACTED].

<sup>1930</sup> [REDACTED].

<sup>1931</sup> [REDACTED].

<sup>1932</sup> [REDACTED].

<sup>1933</sup> [REDACTED].

<sup>1934</sup> [REDACTED].

<sup>1935</sup> [REDACTED].

<sup>1936</sup> [REDACTED].

<sup>1937</sup> [REDACTED].

<sup>1938</sup> [REDACTED].

<sup>1939</sup> [REDACTED].

<sup>1940</sup> [REDACTED].

<sup>1941</sup> [REDACTED].

<sup>1942</sup> [REDACTED].

[REDACTED],<sup>1943</sup> [REDACTED],<sup>1944</sup> [REDACTED],<sup>1945</sup> Dragoljub TANASKOVIĆ (murdered),<sup>1946</sup> Dragan VUČETIĆ (murdered),<sup>1947</sup> Bojan CVETKOVIĆ (murdered),<sup>1948</sup> Žarko FILIPOVIĆ (murdered),<sup>1949</sup> Života TODOROVIĆ (murdered),<sup>1950</sup> Arben AVDYLI (murdered),<sup>1951</sup> Veljko MARKOVIĆ (murdered),<sup>1952</sup> Nebojša ĐURIČIĆ (murdered),<sup>1953</sup> two detainees seen by [REDACTED];<sup>1954</sup> [REDACTED],<sup>1955</sup> [REDACTED],<sup>1956</sup> [REDACTED],<sup>1957</sup> and [REDACTED].<sup>1958</sup>

493. The prisoners included civilians who worked as [REDACTED]<sup>1959</sup> or [REDACTED].<sup>1960</sup> Other detainees included [REDACTED],<sup>1961</sup> [REDACTED],<sup>1962</sup> and [REDACTED].<sup>1963</sup> It was known by KLA soldiers operating in Klečkë/Klečka that detainees were held even though they were civilians and considered innocent.<sup>1964</sup> Some of the prisoners were [REDACTED],<sup>1965</sup> while others were [REDACTED].<sup>1966</sup>

494. Detainees were held on the basis of allegations of disobedience, espionage, or because of their political beliefs.<sup>1967</sup> KLA soldiers accused the detainees of being

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<sup>1943</sup> [REDACTED].

<sup>1944</sup> [REDACTED].

<sup>1945</sup> [REDACTED].

<sup>1946</sup> [REDACTED].

<sup>1947</sup> [REDACTED].

<sup>1948</sup> [REDACTED].

<sup>1949</sup> [REDACTED].

<sup>1950</sup> [REDACTED].

<sup>1951</sup> [REDACTED].

<sup>1952</sup> [REDACTED].

<sup>1953</sup> [REDACTED].

<sup>1954</sup> [REDACTED].

<sup>1955</sup> [REDACTED].

<sup>1956</sup> [REDACTED].

<sup>1957</sup> [REDACTED].

<sup>1958</sup> [REDACTED].

<sup>1959</sup> [REDACTED].

<sup>1960</sup> [REDACTED].

<sup>1961</sup> [REDACTED].

<sup>1962</sup> [REDACTED].

<sup>1963</sup> [REDACTED].

<sup>1964</sup> [REDACTED].

<sup>1965</sup> [REDACTED].

<sup>1966</sup> [REDACTED].

<sup>1967</sup> [REDACTED].

policemen or of having killed Albanians.<sup>1968</sup> Detainees were also asked about their marital status, place of employment, locations of schools,<sup>1969</sup> and relations to particular persons.<sup>1970</sup> KLA soldiers cursed about the ethnicity of certain Serbian detainees.<sup>1971</sup>

495. Detainees were kept with their hands tied,<sup>1972</sup> blindfolded,<sup>1973</sup> and in freezing temperatures.<sup>1974</sup> The detainees used a toilet pot to relieve themselves and needed to empty the toilet pot outside.<sup>1975</sup> One of the rooms had bloodstains on the wall.<sup>1976</sup>

496. Conditions in the burned down houses were even worse; detainees slept on soil covered with straw.<sup>1977</sup> There was no running water.<sup>1978</sup> Detainees in these houses were guarded by a soldier who Nexhmi KRASNIQI had assigned.<sup>1979</sup>

497. Detainees were kicked with military boots,<sup>1980</sup> punched with fists,<sup>1981</sup> and beaten with rifle butts and pistols,<sup>1982</sup> batons,<sup>1983</sup> pieces of wire<sup>1984</sup> and hard plastic pipes.<sup>1985</sup> The beatings continued after detainees fell on the ground and temporarily lost consciousness.<sup>1986</sup> Detainees were hit on their heads, eyes, feet, soles, back and elsewhere.<sup>1987</sup> Detainees heard screams and could hear other detainees being beaten.<sup>1988</sup>

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<sup>1968</sup> [REDACTED].

<sup>1969</sup> [REDACTED].

<sup>1970</sup> [REDACTED].

<sup>1971</sup> [REDACTED].

<sup>1972</sup> [REDACTED].

<sup>1973</sup> [REDACTED].

<sup>1974</sup> [REDACTED].

<sup>1975</sup> [REDACTED].

<sup>1976</sup> [REDACTED].

<sup>1977</sup> [REDACTED].

<sup>1978</sup> [REDACTED].

<sup>1979</sup> [REDACTED].

<sup>1980</sup> [REDACTED].

<sup>1981</sup> [REDACTED].

<sup>1982</sup> [REDACTED].

<sup>1983</sup> [REDACTED].

<sup>1984</sup> [REDACTED].

<sup>1985</sup> [REDACTED].

<sup>1986</sup> [REDACTED].

<sup>1987</sup> [REDACTED].

<sup>1988</sup> [REDACTED].

498. Detainees were threatened with knives and weapons and told they would be killed.<sup>1989</sup>

499. The beatings left detainees covered in blood and with parts of their bodies swollen and black.<sup>1990</sup> [REDACTED].<sup>1991</sup> Detainees suffered from lasting psychological trauma due to the mistreatment they received.<sup>1992</sup>

500. As outlined below, members of the General Staff, including the **Accused**, were aware of and directly participated in aspects of the detention and/or mistreatment of detainees at Kleçkë/Klečka prison.

501. [REDACTED],<sup>1993</sup> [REDACTED]. [REDACTED].<sup>1994</sup>

502. In December 1998, **Jakup KRASNIQI**, pursuant to General Staff regulations, ordered LDK-affiliated KLA commander Blerim KUQI, to Divjakë/Divljaka Headquarters for a 'consultation'.<sup>1995</sup> There, **Jakup KRASNIQI** chaired a meeting with **Rexhep SELIMI**, Fatmir LIMAJ, Bislim ZYRAPI, Lahi BRAHIMAJ, and others in attendance.<sup>1996</sup> After some had left the meeting, the General Staff members questioned KUQI as to why he had left his soldiers in September 1998, and General Staff members including **Jakup KRASNIQI** decided that KUQI, considered a deserter, should be arrested and imprisoned and that his case be handed over to the KLA Legal Department.<sup>1997</sup> He was accused of treason.<sup>1998</sup>

503. The KLA military police guarded and detained KUQI in Divjakë/Divljaka and Kleçkë/Klečka prison.<sup>1999</sup> LIMAJ told [REDACTED]: 'If you release this one I will kill

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<sup>1989</sup> [REDACTED].

<sup>1990</sup> [REDACTED].

<sup>1991</sup> [REDACTED].

<sup>1992</sup> [REDACTED].

<sup>1993</sup> See Section III(M).

<sup>1994</sup> See Section III(M).

<sup>1995</sup> [REDACTED].

<sup>1996</sup> [REDACTED].

<sup>1997</sup> [REDACTED].

<sup>1998</sup> [REDACTED].

<sup>1999</sup> [REDACTED].

you. This one has to be executed.<sup>2000</sup> [REDACTED],<sup>2001</sup> [REDACTED].<sup>2002</sup>  
[REDACTED].<sup>2003</sup>

504. On [REDACTED] 1999, KLA soldiers arrested [REDACTED] near [REDACTED],<sup>2004</sup> brought them to Klečkë/Klečka prison, where they were detained and severely mistreated.<sup>2005</sup> [REDACTED].<sup>2006</sup> [REDACTED].<sup>2007</sup> [REDACTED].<sup>2008</sup> [REDACTED].<sup>2009</sup> [REDACTED].<sup>2010</sup> [REDACTED].<sup>2011</sup> [REDACTED].<sup>2012</sup> [REDACTED].<sup>2013</sup> [REDACTED].<sup>2014</sup> [REDACTED].<sup>2015</sup>

505. On [REDACTED]1999, KLA members arrested [REDACTED] at a KLA checkpoint in [REDACTED] village.<sup>2016</sup> [REDACTED] was transferred to [REDACTED], and thereafter to [REDACTED], where he was interrogated and beaten.<sup>2017</sup> While being transferred to another house, [REDACTED] was beaten at a [REDACTED], resulting in being covered in blood.<sup>2018</sup> The KLA detained and mistreated [REDACTED] in the house for [REDACTED] days; he was also interrogated by [REDACTED].<sup>2019</sup> [REDACTED] detention generated significant unrest and tension, [REDACTED].<sup>2020</sup> **Kadri VESELI**, accompanied by other KLA

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<sup>2000</sup> [REDACTED].

<sup>2001</sup> [REDACTED].

<sup>2002</sup> [REDACTED].

<sup>2003</sup> [REDACTED].

<sup>2004</sup> [REDACTED].

<sup>2005</sup> [REDACTED].

<sup>2006</sup> [REDACTED].

<sup>2007</sup> [REDACTED].

<sup>2008</sup> [REDACTED].

<sup>2009</sup> [REDACTED].

<sup>2010</sup> [REDACTED].

<sup>2011</sup> [REDACTED].

<sup>2012</sup> [REDACTED].

<sup>2013</sup> [REDACTED].

<sup>2014</sup> [REDACTED].

<sup>2015</sup> [REDACTED].

<sup>2016</sup> [REDACTED].

<sup>2017</sup> [REDACTED].

<sup>2018</sup> [REDACTED].

<sup>2019</sup> [REDACTED].

<sup>2020</sup> [REDACTED].

soldiers, then transferred [REDACTED] to Klečkë/Klečka prison and handed him over to Naser SHALA.<sup>2021</sup> [REDACTED] ultimately released [REDACTED], together with [REDACTED] and [REDACTED] on [REDACTED] 1999.<sup>2022</sup>

506. On 9 March 1999, KLA members arrested Ymer XHAFIQI near Pirane village<sup>2023</sup> and brought him to Klečkë/Klečka prison, where he was detained and severely mistreated until 5 April 1999.<sup>2024</sup> Fatmir LIMAJ issued an execution order for XHAFIQI and co prisoners Sherafedin AJETI, Veljko MARKOVIĆ, Nebojsa ĐURIČIĆ.<sup>2025</sup> [REDACTED].<sup>2026</sup>

507. On the day of XHAFIQI's arrest, the OSCE inquired about his fate with various KLA commanders,<sup>2027</sup> one of whom said he had seen XHAFIQI's personal identification documents.<sup>2028</sup> [REDACTED], the OSCE inquired with a person recognized as a high-level representative of **Rexhep SELIMI**.<sup>2029</sup> At this meeting, the OSCE was notified that XHAFIQI was not there but under KLA 'higher formation control' where he was allegedly treated 'under the Geneva conventions'.<sup>2030</sup> The OSCE was presented with XHAFIQI's identification documents at that meeting.<sup>2031</sup>

508. In a second, separate meeting, the OSCE also inquired with LIMAJ, about XHAFIQI's fate.<sup>2032</sup> He confirmed that XHAFIQI was under the control of the General Staff,<sup>2033</sup> but denied the OSCE access to XHAFIQI stating that the prisoner was being questioned and providing OSCE with access 'would give the prisoner hope'.<sup>2034</sup> When

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<sup>2021</sup> [REDACTED].

<sup>2022</sup> [REDACTED].

<sup>2023</sup> [REDACTED].

<sup>2024</sup> [REDACTED].

<sup>2025</sup> [REDACTED].

<sup>2026</sup> [REDACTED].

<sup>2027</sup> [REDACTED].

<sup>2028</sup> [REDACTED].

<sup>2029</sup> [REDACTED].

<sup>2030</sup> [REDACTED].

<sup>2031</sup> [REDACTED].

<sup>2032</sup> [REDACTED].

<sup>2033</sup> [REDACTED].

<sup>2034</sup> [REDACTED].

the OSCE reminded him that the detainee needs to be treated according to the Geneva conventions, LIMAJ replied that he was well aware of such responsibilities.<sup>2035</sup>

509. On [REDACTED] 1999, members of the military police arrested [REDACTED] and took him to Kleçkë/Klečka prison.<sup>2036</sup> There, [REDACTED]<sup>2037</sup> stating that the decision to arrest him 'had come from above'.<sup>2038</sup> The military police interrogated [REDACTED].<sup>2039</sup>

510. Several KLA soldiers beat [REDACTED] while he was detained, including with hard plastic pipes; one of the soldiers beating him was referred to as [REDACTED].<sup>2040</sup>

511. [REDACTED].<sup>2041</sup> [REDACTED].<sup>2042</sup>

512. [REDACTED].<sup>2043</sup> [REDACTED],<sup>2044</sup> a copy of which [REDACTED] received when he was released.<sup>2045</sup>

513. [REDACTED].<sup>2046</sup> [REDACTED].<sup>2047</sup>

514. On 9 February 1999, MUP Officers Veljko MARKOVIĆ and Nebojsa ĐURIČIĆ disappeared while on duty in Nedakovac.<sup>2048</sup> Fatmir LIMAJ and Nexhmi KRASNIQI brought MARKOVIĆ and ĐURIČIĆ to Kleçkë/Klečka, where they were detained until 5 April 1999 in Kleçkë/Klečka prison and the burnt houses.<sup>2049</sup> Agim ZOGAJ, Behlul LIMAJ and Arben KRASNIQI walked MARKOVIĆ and ĐURIČIĆ to a nearby field, and ZOGAJ executed them upon LIMAJ's order.<sup>2050</sup> Shaban SHALA and Arben

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<sup>2035</sup> [REDACTED].

<sup>2036</sup> [REDACTED].

<sup>2037</sup> [REDACTED].

<sup>2038</sup> [REDACTED].

<sup>2039</sup> [REDACTED].

<sup>2040</sup> [REDACTED].

<sup>2041</sup> [REDACTED].

<sup>2042</sup> [REDACTED].

<sup>2043</sup> [REDACTED].

<sup>2044</sup> [REDACTED].

<sup>2045</sup> [REDACTED].

<sup>2046</sup> [REDACTED].

<sup>2047</sup> [REDACTED].

<sup>2048</sup> [REDACTED].

<sup>2049</sup> [REDACTED].

<sup>2050</sup> [REDACTED]

KRASNIQI covered the bodies.<sup>2051</sup> EULEX recovered the bodies of MARKOVIĆ and ĐURIČIĆ in a grave near Kleçkë/Klečka prison; their cause of death was gunshot wounds to the head and torso.<sup>2052</sup>

515. In March 1999, KLA soldiers arrested Sherafedin AJETI in Kosovska Mitrovica and transferred him to Kleçkë/Klečka prison, where he was detained and mistreated.<sup>2053</sup> [REDACTED].<sup>2054</sup> [REDACTED].<sup>2055</sup> [REDACTED].<sup>2056</sup>

516. On 21 March 1999, KLA soldiers arrested Arben AVDYLI and detained and mistreated him in Kleçkë/Klečka prison until 2 April 1999, when he was released by the KLA because of an oncoming Serbian offensive.<sup>2057</sup> One day after his release, the KLA re-arrested him and executed him near Kleçkë/Klečka prison.<sup>2058</sup> [REDACTED].<sup>2059</sup> AVDYLI's remains have never been found.<sup>2060</sup>

517. On 11 April 1999, KLA soldiers arrested Bojan CVETKOVIĆ, Žarko FILIPOVIĆ, Dragoljub TANASKOVIĆ, Života TODOROVIĆ and Dragan VUČETIĆ and brought them to Kleçkë/Klečka prison and the burnt houses, where they were detained until 18 April 1999.<sup>2061</sup> The detainees were beaten by Nexhmi KRASNIQI, and other KLA soldiers.<sup>2062</sup> [REDACTED].<sup>2063</sup> LIMA] ordered [REDACTED].<sup>2064</sup> [REDACTED].<sup>2065</sup> They asked [REDACTED] to get shovels and bury the bodies [REDACTED].<sup>2066</sup>

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<sup>2051</sup> [REDACTED].

<sup>2052</sup> [REDACTED].

<sup>2053</sup> [REDACTED].

<sup>2054</sup> [REDACTED].

<sup>2055</sup> [REDACTED].

<sup>2056</sup> [REDACTED].

<sup>2057</sup> [REDACTED].

<sup>2058</sup> [REDACTED].

<sup>2059</sup> [REDACTED].

<sup>2060</sup> [REDACTED].

<sup>2061</sup> [REDACTED].

<sup>2062</sup> [REDACTED].

<sup>2063</sup> [REDACTED].

<sup>2064</sup> [REDACTED].

<sup>2065</sup> [REDACTED].

<sup>2066</sup> [REDACTED].

518. EULEX discovered the bodies [REDACTED] in a grave near Kleçkë/Klečka,<sup>2067</sup> and determined their cause of death as gunshots to the head, and cuts to the neck by a sharp instrument.<sup>2068</sup>

O. BOB, IVAJË/IVAJA, BIÇEC/BIÇEVAC, AND VAROSH/VAROŠ SELO

519. KLA Brigade 162's area of responsibility included all 32 villages included under Kaçanik/Kaçanik, including Ivajë/Ivaja, the mountains of Bob, Kukaj, Biçec/Biçevac, Runjev, and parts of Dushkaj.<sup>2069</sup> In early March 1999, Brigade 162 had units in Ivajë/Ivaja, Bob, Biçec/Biçevac and other locations,<sup>2070</sup> and was involved in several combat operations around this time.<sup>2071</sup>

520. Qamil ILLAZI, known as Commander Bardhi, was the commander of Brigade 162 from around August 1998 until May 1999; he was appointed by, and reported to, Shukri BUJA, the Nerodime Zone Commander,<sup>2072</sup> who was based in Ferizaj/Uroševac, which also fell within the area of responsibility of the Nerodime Zone.<sup>2073</sup> Between 26 February and 24 March 1999, Qamil ILLAZI was based in Ivajë/Ivaja.<sup>2074</sup> At the time, Hajrush KURTAJ was the deputy commander of Brigade 162.<sup>2075</sup>

521. Ejup RUNJEVA was in the command of Brigade 162, assisting Qamil ILLAZI.<sup>2076</sup> Xhabir ELEZI was the commander of the military police in KLA Brigade 162, reporting to the brigade commander.<sup>2077</sup> Nuhi PROVOLIU, Bujar TAFILI, Rrustem Dema, Ilir ZHARKU, Fadil CAKA and Muhamet ZENELI were all members

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<sup>2067</sup> [REDACTED].

<sup>2068</sup> [REDACTED].

<sup>2069</sup> [REDACTED].

<sup>2070</sup> [REDACTED].

<sup>2071</sup> [REDACTED].

<sup>2072</sup> [REDACTED].

<sup>2073</sup> [REDACTED].

<sup>2074</sup> [REDACTED].

<sup>2075</sup> [REDACTED].

<sup>2076</sup> [REDACTED].

<sup>2077</sup> [REDACTED].

of Xhabir ELEZI's unit.<sup>2078</sup> Jenuz SHURDHANI was the deputy commander for security matters.<sup>2079</sup>

522. The KLA occupied many houses in Ivajë/Ivaja<sup>2080</sup> and Brigade 162's headquarters were located there in early March 1999.<sup>2081</sup> In the mountains over Bob, the KLA used an old house, including as the KLA's main kitchen in the area and to train soldiers.<sup>2082</sup> Feriz GURI's company was based there from the beginning of March 1999, reporting to Qamil ILLAZI.<sup>2083</sup> In Biçec/Bičevac, the KLA was based in the Zhark neighbourhood which housed a company led by Nazmi ISMANI.<sup>2084</sup>

### Crimes

523. Between about 1 and 12 March 1999, at least thirteen persons, including [REDACTED] and Riza KIKI, [REDACTED], Rrahim ELEZI, [REDACTED], Nezir TOPOJANI, and Faik RECI, were detained by KLA soldiers, in locations including Ivajë/Ivaja, Bob, Biçec/Bičevac and Varosh/Varoš Selo.<sup>2085</sup>

524. In particular, between about [REDACTED], KLA members detained at least 13 persons, including [REDACTED] and Riza KIKI, [REDACTED], Rrahim ELEZI, [REDACTED], Nezir TOPOJANI, and Faik RECI in Ivajë/Ivaja, Kaçanik/Kaçanik,<sup>2086</sup> [REDACTED],<sup>2087</sup> [REDACTED].<sup>2088</sup>

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<sup>2078</sup> [REDACTED].

<sup>2079</sup> [REDACTED].

<sup>2080</sup> [REDACTED].

<sup>2081</sup> [REDACTED].

<sup>2082</sup> [REDACTED].

<sup>2083</sup> [REDACTED].

<sup>2084</sup> [REDACTED].

<sup>2085</sup> [REDACTED].

<sup>2086</sup> [REDACTED].

<sup>2087</sup> [REDACTED].

<sup>2088</sup> [REDACTED].

525. The detainees in Ivajë/Ivaja were held in a house where KLA members from Doganaj were staying, about 40-50 metres away from where Qamil ILAZI was based.<sup>2089</sup> Xhabir ELEZI was among those present in this house.<sup>2090</sup>

526. On or [REDACTED] 1999, [REDACTED] were released in the vicinity shortly thereafter.<sup>2091</sup> [REDACTED].<sup>2092</sup> [REDACTED].<sup>2093</sup>

527. [REDACTED] were transferred to Biçec/Biçevac, Kaçanik/Kaçanik, where they were detained [REDACTED].<sup>2094</sup> Ejup RUNJEVA was in Biçec/Biçevac on 9 or 10 March 1999 along with Qamil ILLAZI, Vehbi KORACI and Hajrush KURTAJ.<sup>2095</sup>

528. On or about [REDACTED] 1999, these same [REDACTED] detainees were transferred from Biçec/Biçevac to Varosh/Varoš Selo, Ferizaj/Uroševac, where they were detained in a house until on or about [REDACTED] 1999 [REDACTED].<sup>2096</sup> The detainees were beaten.<sup>2097</sup> [REDACTED].<sup>2098</sup> [REDACTED].<sup>2099</sup>

529. Multiple KLA soldiers, including [REDACTED], some of whom were armed, were involved in the arrest and detention of the detainees.<sup>2100</sup>

530. The persons detained in one or more of Ivajë/Ivaja, Bob, Biçec/Biçevac and Varosh/Varoš Selo [REDACTED]<sup>2101</sup> [REDACTED],<sup>2102</sup> [REDACTED],<sup>2103</sup> [REDACTED],<sup>2104</sup> [REDACTED].<sup>2105</sup>

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<sup>2089</sup> [REDACTED].

<sup>2090</sup> [REDACTED].

<sup>2091</sup> [REDACTED].

<sup>2092</sup> [REDACTED].

<sup>2093</sup> [REDACTED].

<sup>2094</sup> [REDACTED].

<sup>2095</sup> [REDACTED].

<sup>2096</sup> [REDACTED].

<sup>2097</sup> [REDACTED].

<sup>2098</sup> [REDACTED].

<sup>2099</sup> [REDACTED].

<sup>2100</sup> [REDACTED].

<sup>2101</sup> [REDACTED].

<sup>2102</sup> [REDACTED].

<sup>2103</sup> [REDACTED].

<sup>2104</sup> [REDACTED].

<sup>2105</sup> [REDACTED].

531. During their detention and transfers, detainees were restrained and guarded, including by armed soldiers.<sup>2106</sup> They were held in makeshift detention cells in freezing cold temperatures, provided inadequate food, water, heat, and/or bedding, and not informed of the reasons for their detention.<sup>2107</sup>

532. While they were being arrested and detained, detainees were verbally abused and questioned, including about alleged collaboration with the Serbs, by KLA members such as [REDACTED].<sup>2108</sup> For example, [REDACTED].<sup>2109</sup> In Ivajë/Ivaja, [REDACTED] .<sup>2110</sup> [REDACTED] questioned all the detainees [REDACTED]<sup>2111</sup> and then informed about what he had learnt.<sup>2112</sup> [REDACTED].<sup>2113</sup>

533. Detainees were beaten and psychologically and physically mistreated.<sup>2114</sup> For example, in Bob, [REDACTED].<sup>2115</sup> [REDACTED].<sup>2116</sup> [REDACTED].<sup>2117</sup> [REDACTED].<sup>2118</sup> [REDACTED],<sup>2119</sup> [REDACTED].<sup>2120</sup>

534. [REDACTED].<sup>2121</sup>

535. Family members of the detainees attempted to obtain information about the detainees' whereabouts from KLA members, but none of them succeeded in doing so.<sup>2122</sup> [REDACTED].<sup>2123</sup> There is no information indicating that Riza KIKI, Faik RECI, Rrahim ELEZI or Nezir TOPOJANI are alive.<sup>2124</sup>

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<sup>2106</sup> [REDACTED].

<sup>2107</sup> [REDACTED].

<sup>2108</sup> [REDACTED].

<sup>2109</sup> [REDACTED].

<sup>2110</sup> [REDACTED].

<sup>2111</sup> [REDACTED].

<sup>2112</sup> [REDACTED].

<sup>2113</sup> [REDACTED].

<sup>2114</sup> [REDACTED].

<sup>2115</sup> [REDACTED].

<sup>2116</sup> [REDACTED].

<sup>2117</sup> [REDACTED].

<sup>2118</sup> [REDACTED].

<sup>2119</sup> [REDACTED].

<sup>2120</sup> [REDACTED].

<sup>2121</sup> [REDACTED].

<sup>2122</sup> [REDACTED].

<sup>2123</sup> [REDACTED].

<sup>2124</sup> [REDACTED].

## P. CAHAN

536. Between at least October 1998<sup>2125</sup> and June 1999, the KLA operated military barracks in Cahan, Has District, Albania, up the mountain from the KLA military hospital in Krumë.<sup>2126</sup> The barracks included an old house,<sup>2127</sup> a depot that was used for logistics and for supplies,<sup>2128</sup> which included heavy ammunition such as anti-tank ammunition,<sup>2129</sup> a kitchen annex, and other structures.<sup>2130</sup> Soldiers from Brigades 121 and 126 were present in Cahan.<sup>2131</sup> Soldiers were housed and trained at the barracks.<sup>2132</sup>

537. In January 1999, Haki HAJDARI, known as Haki DRENICA, was the senior commander of the headquarters at Cahan, and his deputy was Riza ALIA, known as Commander HOXHA.<sup>2133</sup> There was a total of 15 or 20 soldiers stationed at the Cahan site, all of whom reported to, and received instructions from, ALIA and HAJDARI.<sup>2134</sup> HAJDARI's military responsibilities at the Cahan site included munitions, weapons, supplies, and equipment.<sup>2135</sup> These duties were given to him by Xheladin GASHI, known as Commander PLAKU.<sup>2136</sup> GASHI was in charge of logistics for the border area, including food supplies, supplying weapons to the KLA, and handling rent payments for the Cahan property.<sup>2137</sup>

538. By April and May 1999, [REDACTED].<sup>2138</sup> [REDACTED].<sup>2139</sup>

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<sup>2125</sup> [REDACTED].

<sup>2126</sup> [REDACTED].

<sup>2127</sup> [REDACTED].

<sup>2128</sup> [REDACTED].

<sup>2129</sup> [REDACTED].

<sup>2130</sup> [REDACTED].

<sup>2131</sup> [REDACTED].

<sup>2132</sup> [REDACTED].

<sup>2133</sup> [REDACTED].

<sup>2134</sup> [REDACTED].

<sup>2135</sup> [REDACTED].

<sup>2136</sup> [REDACTED].

<sup>2137</sup> [REDACTED].

<sup>2138</sup> [REDACTED].

<sup>2139</sup> [REDACTED].

539. In the spring and summer of 1999, numerous KLA commanders and soldiers visited the Cahan Military Barracks, including [REDACTED],<sup>2140</sup> Fatmir LIMAJ,<sup>2141</sup> Azem SYLA,<sup>2142</sup> Sabit GEÇI,<sup>2143</sup> Xhemshit KRASNIQI,<sup>2144</sup> [REDACTED],<sup>2145</sup> Safet GASHI, [REDACTED],<sup>2146</sup> and Pjetër SHALA.<sup>2147</sup>

### Crimes

540. Between April and June 1999, at least 17 persons,<sup>2148</sup> including [REDACTED],<sup>2149</sup> [REDACTED],<sup>2150</sup> [REDACTED],<sup>2151</sup> [REDACTED],<sup>2152</sup> [REDACTED],<sup>2153</sup> [REDACTED],<sup>2154</sup> [REDACTED],<sup>2155</sup> [REDACTED],<sup>2156</sup> [REDACTED],<sup>2157</sup> and [REDACTED],<sup>2158</sup> were detained by KLA members, including Sabit GEÇI,<sup>2159</sup> at the KLA military barracks in Cahan.<sup>2160</sup> Some detainees at Cahan were transferred from or to other KLA detention sites, including other locations in Albania [REDACTED]<sup>2161</sup> and in Prizren.

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<sup>2140</sup> [REDACTED].

<sup>2141</sup> [REDACTED].

<sup>2142</sup> [REDACTED].

<sup>2143</sup> [REDACTED].

<sup>2144</sup> [REDACTED].

<sup>2145</sup> [REDACTED].

<sup>2146</sup> [REDACTED].

<sup>2147</sup> [REDACTED].

<sup>2148</sup> [REDACTED].

<sup>2149</sup> [REDACTED].

<sup>2150</sup> [REDACTED].

<sup>2151</sup> [REDACTED].

<sup>2152</sup> [REDACTED].

<sup>2153</sup> [REDACTED].

<sup>2154</sup> [REDACTED].

<sup>2155</sup> [REDACTED].

<sup>2156</sup> [REDACTED].

<sup>2157</sup> [REDACTED].

<sup>2158</sup> [REDACTED].

<sup>2159</sup> [REDACTED].

<sup>2160</sup> [REDACTED].

<sup>2161</sup> [REDACTED].

541. Detainees were interrogated and mistreated on the basis that they were alleged to be collaborators,<sup>2162</sup> '[working] with the Serbs',<sup>2163</sup> spies,<sup>2164</sup> or sympathisers of President RUGOVA and the LDK.<sup>2165</sup> For example, [REDACTED], Sabit GECI declared, 'We have the right guy, because he is a supporter of [Ibrahim] RUGOVA', and [REDACTED]'<sup>2166</sup> [REDACTED], GECI declared: 'We will exterminate all of LDK'.<sup>2167</sup>

542. Detainees at Cahan were kept in a cramped, bare, makeshift prison cell, the door of which was always locked.<sup>2168</sup> They had to beg the KLA guards repeatedly to escort them to the toilet,<sup>2169</sup> and they were kept in handcuffs<sup>2170</sup> or subjected to other forms of restraint.<sup>2171</sup> KLA soldiers would threaten to shoot the detainees whenever they were spotted at the window of their cell.<sup>2172</sup> Detainees were psychologically mistreated and beaten aggressively<sup>2173</sup> including with iron bars,<sup>2174</sup> wooden sticks,<sup>2175</sup> rubber batons,<sup>2176</sup> shoes,<sup>2177</sup> a makeshift whip,<sup>2178</sup> a razor blade,<sup>2179</sup> and rifles.<sup>2180</sup>

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<sup>2162</sup> [REDACTED].

<sup>2163</sup> [REDACTED].

<sup>2164</sup> [REDACTED].

<sup>2165</sup> *See e.g.* [REDACTED].

<sup>2166</sup> [REDACTED].

<sup>2167</sup> [REDACTED].

<sup>2168</sup> [REDACTED].

<sup>2169</sup> [REDACTED].

<sup>2170</sup> [REDACTED].

<sup>2171</sup> [REDACTED].

<sup>2172</sup> [REDACTED].

<sup>2173</sup> [REDACTED].

<sup>2174</sup> [REDACTED].

<sup>2175</sup> [REDACTED].

<sup>2176</sup> [REDACTED].

<sup>2177</sup> [REDACTED].

<sup>2178</sup> [REDACTED].

<sup>2179</sup> [REDACTED].

<sup>2180</sup> [REDACTED].

543. [REDACTED],<sup>2181</sup> [REDACTED],<sup>2182</sup> and [REDACTED].<sup>2183</sup> Two detainees were taken out and never seen again.<sup>2184</sup>

544. [REDACTED].<sup>2185</sup> [REDACTED].<sup>2186</sup>

545. [REDACTED].<sup>2187</sup> [REDACTED].<sup>2188</sup> [REDACTED]<sup>2189</sup> and [REDACTED].<sup>2190</sup> [REDACTED].<sup>2191</sup>

546. [REDACTED],<sup>2192</sup> [REDACTED].<sup>2193</sup> [REDACTED].<sup>2194</sup>

547. A doctor who examined a detainee who was beaten at Cahan told KLA members there that they had 'crossed the line'.<sup>2195</sup> [REDACTED].<sup>2196</sup>

548. Due to their treatment at Cahan, the detainees were left exhausted and disoriented,<sup>2197</sup> had bruises all over their bodies,<sup>2198</sup> suffered from visible head injuries,<sup>2199</sup> and were uncertain they would survive.<sup>2200</sup> After they were released, they continued to feel afraid.<sup>2201</sup>

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<sup>2181</sup> [REDACTED].

<sup>2182</sup> [REDACTED].

<sup>2183</sup> [REDACTED].

<sup>2184</sup> [REDACTED].

<sup>2185</sup> [REDACTED].

<sup>2186</sup> [REDACTED].

<sup>2187</sup> [REDACTED].

<sup>2188</sup> [REDACTED].

<sup>2189</sup> [REDACTED].

<sup>2190</sup> [REDACTED].

<sup>2191</sup> [REDACTED].

<sup>2192</sup> [REDACTED].

<sup>2193</sup> [REDACTED].

<sup>2194</sup> [REDACTED].

<sup>2195</sup> [REDACTED].

<sup>2196</sup> [REDACTED].

<sup>2197</sup> [REDACTED].

<sup>2198</sup> [REDACTED].

<sup>2199</sup> [REDACTED].

<sup>2200</sup> [REDACTED].

<sup>2201</sup> [REDACTED].

Q. KUKES

549. In April 1998, [REDACTED] Mensur KASUMI set up a small logistics base in a house in Kukës.<sup>2202</sup> Ruzhdi SARAMATI was initially stationed there to organise the transfer of technical equipment from Albania to Kosovo.<sup>2203</sup> When logistic and storage needs increased in the spring of 1999, the KLA set up a main base in a nearby former factory site ('Kukës Metal Factory'),<sup>2204</sup> about 600-700 meters from the logistics base.<sup>2205</sup>

550. The Kukës Metal Factory was a walled-off compound which comprised an entrance with a metal gate and several buildings<sup>2206</sup> creating an inner yard. The compound included a 2-storey building used by the KLA staff command,<sup>2207</sup> which housed a recruitment office,<sup>2208</sup> a clinic/ambulance,<sup>2209</sup> an operational centre,<sup>2210</sup> and rooms for soldiers to sleep.<sup>2211</sup> A second building was used as a kitchen/canteen and for storage purposes<sup>2212</sup>. Another building was used as a warehouse with an adjacent concrete building containing small rooms.<sup>2213</sup>

551. [REDACTED].<sup>2214</sup> [REDACTED].<sup>2215</sup>

552. The KLA used the Kukës Metal Factory for the recruitment and registration of soldiers,<sup>2216</sup> for logistics,<sup>2217</sup> and for the storage and distribution of clothing, food, weapons and equipment.<sup>2218</sup> It also served as a base for the KLA military police.<sup>2219</sup>

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<sup>2202</sup> [REDACTED].

<sup>2203</sup> [REDACTED].

<sup>2204</sup> [REDACTED].

<sup>2205</sup> [REDACTED].

<sup>2206</sup> [REDACTED].

<sup>2207</sup> [REDACTED].

<sup>2208</sup> [REDACTED].

<sup>2209</sup> [REDACTED].

<sup>2210</sup> [REDACTED].

<sup>2211</sup> [REDACTED].

<sup>2212</sup> [REDACTED].

<sup>2213</sup> [REDACTED].

<sup>2214</sup> [REDACTED].

<sup>2215</sup> [REDACTED].

<sup>2216</sup> [REDACTED].

<sup>2217</sup> [REDACTED].

<sup>2218</sup> [REDACTED].

<sup>2219</sup> [REDACTED].

Civilians and KLA soldiers routinely arrived at the Kukës Metal Factory<sup>2220</sup> and remained there until they were mobilized and transported to other KLA facilities in northern Albania,<sup>2221</sup> including to Cahan<sup>2222</sup> and Burrel.<sup>2223</sup> About 200-300 KLA soldiers were present in the Kukës Metal Factory regularly,<sup>2224</sup> some of whom were from Drenicë or belonged to Brigade 128.<sup>2225</sup>

553. Xheladin GASHI, a member of the General Staff, spearheaded KLA mobilization efforts in northern Albania.<sup>2226</sup> He had responsibility for logistical matters in the Kukës Metal Factory<sup>2227</sup> and visited the factory on a daily basis.<sup>2228</sup>

554. Those at the Kukës Metal Factory had a direct reporting line to the General Staff.<sup>2229</sup> Sabit GECI was present at the Metal Factory in May and June 1999.<sup>2230</sup> He was understood by fellow KLA soldiers to have been appointed by the General Staff.<sup>2231</sup> He had significant power and authority, including in relation to detainees, and nobody dared to do anything without GECI's approval.<sup>2232</sup> GECI moved around in Kukës and Tirana.<sup>2233</sup> In April 1999, GECI was seen in the Main KLA Headquarters of the General Staff in Tirana, receiving a tasking from Azem SYLA.<sup>2234</sup>

555. Xhemshit KRASNIQI was a commander in Jeshkove in 1998 responsible for securing and transporting weapons from Albania to Kosovo.<sup>2235</sup> Thereafter he became one of the founders of Brigade 125.<sup>2236</sup> He was frequently present in the Kukës Metal

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<sup>2220</sup> [REDACTED].

<sup>2221</sup> [REDACTED].

<sup>2222</sup> [REDACTED].

<sup>2223</sup> [REDACTED].

<sup>2224</sup> [REDACTED].

<sup>2225</sup> [REDACTED].

<sup>2226</sup> [REDACTED].

<sup>2227</sup> [REDACTED].

<sup>2228</sup> [REDACTED].

<sup>2229</sup> [REDACTED].

<sup>2230</sup> [REDACTED].

<sup>2231</sup> [REDACTED].

<sup>2232</sup> [REDACTED].

<sup>2233</sup> [REDACTED].

<sup>2234</sup> [REDACTED].

<sup>2235</sup> [REDACTED].

<sup>2236</sup> [REDACTED].

Factory from April 1999<sup>2237</sup> and formed part of Xheladin GASHI's mobilization team.<sup>2238</sup> KRASNIQI was in charge of the prison in the Factory.<sup>2239</sup> He was seen in the KLA command building and had an office there.<sup>2240</sup> KRASNIQI was Sabit GECI's 'sidekick' or second in command.<sup>2241</sup>

556. Others KLA members present at the Kukës Metal Factory included: Haki HAJDARI, a member of GASHI's mobilization team who served as an assistant to Xheladin GASHI;<sup>2242</sup> Ruzhdi SARAMATI, who became the commander of Brigade 128<sup>2243</sup> and had an office in the Factory;<sup>2244</sup> [REDACTED];<sup>2245</sup> and Pjeter SHALA, known as Ujku.<sup>2246</sup>

557. Members of the General Staff, including **Jakup KRASNIQI**<sup>2247</sup> and **Hashim THAÇI**,<sup>2248</sup> were also regularly present in Kukës, including at the Factory.<sup>2249</sup> In particular, in May or the beginning of June 1999, **Hashim THAÇI** and **Jakup KRASNIQI** were seen at the Kukës Metal Factory for about 15 minutes, addressing KLA soldiers who had lined up in the courtyard.<sup>2250</sup> **Hashim THAÇI** was also seen visiting the factory accompanied by Fatmir LIMAJ.<sup>2251</sup> Azem SYLA was also seen at the Kukës Metal Factory.<sup>2252</sup>

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<sup>2237</sup> [REDACTED].

<sup>2238</sup> [REDACTED].

<sup>2239</sup> [REDACTED].

<sup>2240</sup> [REDACTED].

<sup>2241</sup> [REDACTED].

<sup>2242</sup> [REDACTED].

<sup>2243</sup> [REDACTED].

<sup>2244</sup> [REDACTED].

<sup>2245</sup> [REDACTED].

<sup>2246</sup> [REDACTED].

<sup>2247</sup> [REDACTED].

<sup>2248</sup> [REDACTED].

<sup>2249</sup> [REDACTED].

<sup>2250</sup> [REDACTED].

<sup>2251</sup> [REDACTED].

<sup>2252</sup> [REDACTED].

## Crimes

558. Between May and June 1999, KLA members Sabit GEÇI, Xhemshit KRASNIQI, Pjeter SHALA, and others detained or mistreated at least 20 persons at the Kukës Metal Factory, including: [REDACTED], [REDACTED],<sup>2253</sup> [REDACTED],<sup>2254</sup> [REDACTED],<sup>2255</sup> [REDACTED]<sup>2256</sup>, [REDACTED],<sup>2257</sup> [REDACTED],<sup>2258</sup> [REDACTED],<sup>2259</sup> [REDACTED],<sup>2260</sup> [REDACTED],<sup>2261</sup> [REDACTED],<sup>2262</sup> [REDACTED],<sup>2263</sup> [REDACTED],<sup>2264</sup> [REDACTED],<sup>2265</sup> and [REDACTED].<sup>2266</sup> Over the course of their detention, KLA soldiers transferred detainees between the Kukës Metal Factory, the KLA site in Cahan, other places in northern Albania, and the MUP/SUP station in Prizren, Kosovo.<sup>2267</sup>

559. Detainees were unarmed civilians not taking part in hostilities; they included [REDACTED],<sup>2268</sup> [REDACTED],<sup>2269</sup> [REDACTED],<sup>2270</sup> [REDACTED],<sup>2271</sup> [REDACTED]<sup>2272</sup> [REDACTED].<sup>2273</sup> Detainees were interrogated by [REDACTED] and other KLA soldiers to determine if they were 'clean'.<sup>2274</sup> They were accused of being

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<sup>2253</sup> [REDACTED].

<sup>2254</sup> [REDACTED].

<sup>2255</sup> [REDACTED].

<sup>2256</sup> [REDACTED].

<sup>2257</sup> [REDACTED].

<sup>2258</sup> [REDACTED].

<sup>2259</sup> [REDACTED].

<sup>2260</sup> [REDACTED].

<sup>2261</sup> [REDACTED].

<sup>2262</sup> [REDACTED].

<sup>2263</sup> [REDACTED].

<sup>2264</sup> [REDACTED].

<sup>2265</sup> [REDACTED].

<sup>2266</sup> [REDACTED].

<sup>2267</sup> [REDACTED].

<sup>2268</sup> [REDACTED].

<sup>2269</sup> [REDACTED].

<sup>2270</sup> [REDACTED].

<sup>2271</sup> [REDACTED].

<sup>2272</sup> [REDACTED].

<sup>2273</sup> [REDACTED].

<sup>2274</sup> [REDACTED].

murderers or spies,<sup>2275</sup> and were questioned about their personal and professional affiliations.<sup>2276</sup> KLA soldiers attempted to secure confessions during interrogations.<sup>2277</sup> Certain detainees were released on the basis of their personal connections with influential KLA soldiers operating in Kukës.<sup>2278</sup>

560. Agim CEKU brought detainee [REDACTED] to the Kukës Metal Factory on [REDACTED] 1999; he body-searched [REDACTED], took away his passports and questioned him about his belongings before leaving.<sup>2279</sup> Sometime [REDACTED] [REDACTED] 1999, [REDACTED] was questioned at the Kukës Metal Factory by Fatmir LIMAJ and **Kadri VESELI** in the presence of Sabit GECI for one hour.<sup>2280</sup> LIMAJ asked the detainee [REDACTED].<sup>2281</sup> **Kadri VESELI** asked the detainee [REDACTED].<sup>2282</sup>

561. [REDACTED] 1999, Xheladin GASHI and [REDACTED] were present and saw [REDACTED] being brought into the Kukës Metal Factory.<sup>2283</sup>

562. Detainees were restrained<sup>2284</sup> and kept under guard by at least one armed KLA soldier.<sup>2285</sup> The overall conditions of detention were miserable and unsanitary.<sup>2286</sup> The detainees received inadequate food<sup>2287</sup> and inadequate medical care.<sup>2288</sup> They were required to use the outdoor toilets in the compound which were in very poor hygienic condition.<sup>2289</sup> Some of the detainees were ordered to clean the toilets.<sup>2290</sup>

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<sup>2275</sup> [REDACTED].

<sup>2276</sup> [REDACTED].

<sup>2277</sup> [REDACTED].

<sup>2278</sup> [REDACTED].

<sup>2279</sup> [REDACTED].

<sup>2280</sup> [REDACTED].

<sup>2281</sup> [REDACTED].

<sup>2282</sup> [REDACTED].

<sup>2283</sup> [REDACTED].

<sup>2284</sup> [REDACTED].

<sup>2285</sup> [REDACTED].

<sup>2286</sup> [REDACTED].

<sup>2287</sup> [REDACTED].

<sup>2288</sup> [REDACTED].

<sup>2289</sup> [REDACTED].

<sup>2290</sup> [REDACTED].

563. KLA soldiers mistreated the detainees frequently throughout their detention and psychologically abused them, which left the detainees traumatised.<sup>2291</sup> Sabit GECI, Xhemshit KRASNIQI, Pjeter SHALA and other KLA soldiers made use of iron bars and batons and a baseball bat,<sup>2292</sup> guns, knives and other sharp objects<sup>2293</sup> when inflicting the mistreatment on the detainees. The detainees were frequently beaten on their head, chest, back, soles of their feet and other parts of the body.<sup>2294</sup> The beatings resulted in the detainees' teeth<sup>2295</sup> and ribs<sup>2296</sup> being broken, and the detainees losing control of bodily functions<sup>2297</sup> and losing consciousness.<sup>2298</sup>

564. Detainees were also ordered to hit one another.<sup>2299</sup> For example, Sabit GECI, in the presence of Xhemshit KRASNIQI, Pjeter SHALA and other KLA soldiers, ordered [REDACTED],<sup>2300</sup> which [REDACTED]<sup>2301</sup> and [REDACTED].<sup>2302</sup>

565. Indeed, [REDACTED] were subjected to continued, severe, mistreatment while being detained.<sup>2303</sup> Sabit GECI hit [REDACTED] on one occasion with [REDACTED].<sup>2304</sup> Xhemshit KRASNIQI beat him with [REDACTED].<sup>2305</sup> Pjeter SHALA participated in this mistreatment [REDACTED], and in at least one instance hit [REDACTED] on the head with a police baton.<sup>2306</sup>

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<sup>2291</sup> [REDACTED].

<sup>2292</sup> [REDACTED].

<sup>2293</sup> [REDACTED].

<sup>2294</sup> [REDACTED].

<sup>2295</sup> [REDACTED].

<sup>2296</sup> [REDACTED].

<sup>2297</sup> [REDACTED].

<sup>2298</sup> [REDACTED].

<sup>2299</sup> [REDACTED].

<sup>2300</sup> [REDACTED].

<sup>2301</sup> [REDACTED].

<sup>2302</sup> [REDACTED].

<sup>2303</sup> [REDACTED].

<sup>2304</sup> [REDACTED].

<sup>2305</sup> [REDACTED].

<sup>2306</sup> [REDACTED].

566. On or about [REDACTED] 1999, [REDACTED] ordered the [REDACTED].<sup>2307</sup>  
[REDACTED].<sup>2308</sup> [REDACTED].<sup>2309</sup> [REDACTED].<sup>2310</sup>

567. [REDACTED].<sup>2311</sup> [REDACTED] with metal bars, guns and a baseball bat.<sup>2312</sup>  
[REDACTED].<sup>2313</sup> [REDACTED].<sup>2314</sup> [REDACTED].<sup>2315</sup> [REDACTED].<sup>2316</sup>  
[REDACTED].<sup>2317</sup>

568. [REDACTED].<sup>2318</sup> [REDACTED].<sup>2319</sup> [REDACTED]<sup>2320</sup> [REDACTED].<sup>2321</sup>  
[REDACTED].<sup>2322</sup> [REDACTED].<sup>2323</sup>

569. [REDACTED].<sup>2324</sup> [REDACTED]<sup>2325</sup> [REDACTED].<sup>2326</sup>

#### R. BUBËL/BUBLJE AND KOSTËRC/KOSTRCE

570. From around September 1998, Bubël/Bublje fell within the area of responsibility of KLA Brigade 122 within the Pashtrik Zone; this brigade had its headquarters in Bubël/Bublje and its area of responsibility also included Llapceve/Labucevo, Panorac/Panorc and Turjake/Turjak.<sup>2327</sup> In June 1999, Vllaznim KRYEZIU was the

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<sup>2307</sup> [REDACTED].

<sup>2308</sup> [REDACTED].

<sup>2309</sup> [REDACTED].

<sup>2310</sup> [REDACTED].

<sup>2311</sup> [REDACTED].

<sup>2312</sup> [REDACTED].

<sup>2313</sup> [REDACTED].

<sup>2314</sup> [REDACTED].

<sup>2315</sup> [REDACTED].

<sup>2316</sup> [REDACTED].

<sup>2317</sup> [REDACTED].

<sup>2318</sup> [REDACTED].

<sup>2319</sup> [REDACTED].

<sup>2320</sup> [REDACTED].

<sup>2321</sup> [REDACTED].

<sup>2322</sup> [REDACTED].

<sup>2323</sup> [REDACTED].

<sup>2324</sup> [REDACTED].

<sup>2325</sup> [REDACTED].

<sup>2326</sup> [REDACTED].

<sup>2327</sup> [REDACTED].

commander of Brigade 122, with Selim KRASNIQI as his deputy and Habib PAQARIZI as head of the ZKZ.<sup>2328</sup>

571. In June 1999, Kostërc/Kostrc fell within the area of responsibility of KLA Brigade 123, which was also responsible for Breshance/Brešance, Semetishte/Semetiste and Nishor/Nišor.<sup>2329</sup> At the time, the Pashtrik Zone headquarters were also located in Kostërc/Kostrc with Tahir SINANI, appointed by the General Staff, as the Pashtrik Zone commander, and Sadik HALITJAHA as his deputy.<sup>2330</sup>

572. Within the Pashtrik Zone, Vesel MALIQI was the Head of G1, covering personnel and administration, Halil QADRAKU was the Head of G2, ZKZ, reporting to Tahir SINANI and **Kadri VESELI**, Bajram BEKTESHI was the Head of G3, in charge of operations, Skender KRASNIQI was the Head of G4, covering logistics and finance, Sebahajdin CENA was the Head of G5, in charge of civilian-military relations, and Sami SEJDA was the Head of G6, covering communications.<sup>2331</sup> Nexhmi KRASNIQI was in charge of the military police at the Pashtrik Zone level.<sup>2332</sup> He reported to Tahir SINANI and Sadik HALITJAHA , and also directly reported to Fatmir LIMAJ, the Military Police Commander within the General Staff.<sup>2333</sup> Nuredin ABAZI served as a legal adviser in the Pashtrik Zone.<sup>2334</sup>

573. Around April 1999, a special unit called “Eye of the Eagle” was set up in the Pashtrik Zone; Tahir SINANI appointed Nezir KRYEZIU as the commander of this unit and Ilaz KADOLLI as the deputy commander.<sup>2335</sup> KRYEZIU reported to Tahir SINANI and, in his absence, to Sadik HALITJAHA.<sup>2336</sup> At the beginning of 1999, this

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<sup>2328</sup> [REDACTED].

<sup>2329</sup> [REDACTED].

<sup>2330</sup> [REDACTED].

<sup>2331</sup> [REDACTED].

<sup>2332</sup> [REDACTED].

<sup>2333</sup> [REDACTED].

<sup>2334</sup> [REDACTED].

<sup>2335</sup> [REDACTED].

<sup>2336</sup> [REDACTED].

unit's headquarters were moved to Kostërc/Kostrc, about 100 metres from the Pashtrik Zone Headquarters.<sup>2337</sup>

## Crimes

574. Between on or about 6 and 16 June 1999, at least seven persons, including [REDACTED],<sup>2338</sup> and other persons [REDACTED],<sup>2339</sup> were arrested and detained by KLA soldiers, including [REDACTED], in locations including in Bubël/Bublje and Kostërc/Kostrc.

575. Detainees in Bubël/Bublje and Kostërc/Kostrc included [REDACTED],<sup>2340</sup> [REDACTED],<sup>2341</sup> [REDACTED],<sup>2342</sup> and persons perceived as opposing the KLA.<sup>2343</sup>

576. In Bubël/Bublje, detainees were held in [REDACTED] a house [REDACTED] was kept locked, and they were not allowed to leave the room other than when they were questioned [REDACTED].<sup>2344</sup> [REDACTED].<sup>2345</sup>

577. [REDACTED].<sup>2346</sup> [REDACTED].<sup>2347</sup> [REDACTED].<sup>2348</sup> In Kostërc/Kostrc, detainees were held [REDACTED] close to the Pashtrik Zone Headquarters.<sup>2349</sup>

578. Detainees did not have access to sufficient food and drink, and were not provided with medical care or adequate sanitation or hygiene facilities.<sup>2350</sup>

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<sup>2337</sup> [REDACTED].

<sup>2338</sup> [REDACTED].

<sup>2339</sup> [REDACTED].

<sup>2340</sup> [REDACTED].

<sup>2341</sup> [REDACTED].

<sup>2342</sup> [REDACTED].

<sup>2343</sup> [REDACTED].

<sup>2344</sup> [REDACTED].

<sup>2345</sup> [REDACTED].

<sup>2346</sup> [REDACTED].

<sup>2347</sup> [REDACTED].

<sup>2348</sup> [REDACTED].

<sup>2349</sup> [REDACTED].

<sup>2350</sup> [REDACTED].

579. Detainees were beaten in in Bubël/Bublje as well as in Kostërc/Kostrc.<sup>2351</sup> For example, [REDACTED].<sup>2352</sup> [REDACTED].<sup>2353</sup> [REDACTED].<sup>2354</sup> [REDACTED].<sup>2355</sup>

580. [REDACTED].<sup>2356</sup>

581. [REDACTED].<sup>2357</sup> [REDACTED].<sup>2358</sup> [REDACTED].<sup>2359</sup>

582. [REDACTED].<sup>2360</sup> [REDACTED].<sup>2361</sup> [REDACTED].<sup>2362</sup>

S. [REDACTED]

583. From at least 1998, KLA member [REDACTED] was in charge of the [REDACTED].<sup>2363</sup> The KLA also had a longstanding presence at [REDACTED],<sup>2364</sup> [REDACTED]<sup>2365</sup> and [REDACTED],<sup>2366</sup> all of which fell within the KLA Drenicë Zone.<sup>2367</sup> Sahit JASHARI was the head of the military police in the Drenicë Zone.<sup>2368</sup> In [REDACTED] 1999, Sabit LLADROVCI was the commander of Battalion 1 of KLA Brigade 114 in the Drenicë Zone [REDACTED].<sup>2369</sup>

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<sup>2351</sup> [REDACTED].

<sup>2352</sup> [REDACTED].

<sup>2353</sup> [REDACTED].

<sup>2354</sup> [REDACTED].

<sup>2355</sup> [REDACTED].

<sup>2356</sup> [REDACTED].

<sup>2357</sup> [REDACTED].

<sup>2358</sup> [REDACTED].

<sup>2359</sup> [REDACTED].

<sup>2360</sup> [REDACTED].

<sup>2361</sup> [REDACTED].

<sup>2362</sup> [REDACTED].

<sup>2363</sup> [REDACTED].

<sup>2364</sup> [REDACTED].

<sup>2365</sup> [REDACTED].

<sup>2366</sup> [REDACTED].

<sup>2367</sup> [REDACTED].

<sup>2368</sup> [REDACTED].

<sup>2369</sup> [REDACTED].

## Crimes

584. From around [REDACTED] 1999,<sup>2370</sup> [REDACTED] was detained by the KLA, and transferred through multiple locations, before being released on [REDACTED] 1999.<sup>2371</sup>

585. [REDACTED] was abducted while waiting for [REDACTED] near [REDACTED].<sup>2372</sup> [REDACTED], one of the abductors, sat on [REDACTED] chest, with a knife to his throat and told him that he would be [REDACTED].<sup>2373</sup> [REDACTED] was moved to a shepherd's shelter where they [REDACTED]<sup>2374</sup> and fired shots above his head.<sup>2375</sup> [REDACTED] used a satellite phone to report that [REDACTED] had been captured.<sup>2376</sup> [REDACTED] was tied, and told that he was arrested and would be brought to the KLA [REDACTED].<sup>2377</sup> [REDACTED] was then placed on a tractor trailer, with his hands and legs tied<sup>2378</sup> and a blanket was put over his head.<sup>2379</sup> [REDACTED] drove the tractor.<sup>2380</sup>

586. At [REDACTED] was placed him inside an unfinished house in the village, where 15-20 KLA members were present.<sup>2381</sup> A man came to him who [REDACTED].<sup>2382</sup> [REDACTED] was kicked and beaten with [REDACTED]<sup>2383</sup> until late at night.<sup>2384</sup> Both the commander and [REDACTED] participated in part of the beating.<sup>2385</sup>

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<sup>2370</sup> [REDACTED].

<sup>2371</sup> [REDACTED].

<sup>2372</sup> [REDACTED].

<sup>2373</sup> [REDACTED].

<sup>2374</sup> [REDACTED].

<sup>2375</sup> [REDACTED].

<sup>2376</sup> [REDACTED].

<sup>2377</sup> [REDACTED].

<sup>2378</sup> [REDACTED].

<sup>2379</sup> [REDACTED].

<sup>2380</sup> [REDACTED].

<sup>2381</sup> [REDACTED].

<sup>2382</sup> [REDACTED].

<sup>2383</sup> [REDACTED].

<sup>2384</sup> [REDACTED].

<sup>2385</sup> [REDACTED].

587. On [REDACTED] 1999,<sup>2386</sup> [REDACTED] was tied again and taken on foot to a house in [REDACTED].<sup>2387</sup> [REDACTED].<sup>2388</sup> [REDACTED] asked [REDACTED] his personal details, how many people he killed<sup>2389</sup> and if he participated in the war. [REDACTED] informed [REDACTED] that he had not killed anyone or participated in the war.<sup>2390</sup> The interrogation lasted for an hour.<sup>2391</sup> [REDACTED] told him that he would be brought to the headquarters, convicted and shot by a firing squad.<sup>2392</sup> [REDACTED] also threatened [REDACTED].<sup>2393</sup>

588. [REDACTED] was then moved to the school in the village,<sup>2394</sup> where [REDACTED],<sup>2395</sup> in order to be further interrogated.<sup>2396</sup> He was brought to a classroom before a uniformed 'head commander'.<sup>2397</sup> [REDACTED] was also present. After a few minutes, the head commander got up, and without saying anything pistol-whipped [REDACTED] on the head, repeatedly rendering him unconscious.<sup>2398</sup> Later, in another classroom, [REDACTED] was beaten further, including by [REDACTED],<sup>2399</sup> who tried to get him to 'confess'.<sup>2400</sup> After the beatings, [REDACTED] was forced to write a statement with [REDACTED].<sup>2401</sup>

589. Later that day, [REDACTED], [REDACTED] and other KLA members transferred [REDACTED] again<sup>2402</sup> to [REDACTED].<sup>2403</sup>

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<sup>2386</sup> [REDACTED].

<sup>2387</sup> [REDACTED].

<sup>2388</sup> [REDACTED].

<sup>2389</sup> [REDACTED].

<sup>2390</sup> [REDACTED].

<sup>2391</sup> [REDACTED].

<sup>2392</sup> [REDACTED].

<sup>2393</sup> [REDACTED].

<sup>2394</sup> [REDACTED].

<sup>2395</sup> [REDACTED].

<sup>2396</sup> [REDACTED].

<sup>2397</sup> [REDACTED].

<sup>2398</sup> [REDACTED].

<sup>2399</sup> [REDACTED].

<sup>2400</sup> [REDACTED].

<sup>2401</sup> [REDACTED].

<sup>2402</sup> [REDACTED].

<sup>2403</sup> [REDACTED].

590. There, [REDACTED] was interrogated,<sup>2404</sup> beaten by multiple persons,<sup>2405</sup> and his ribs were broken.<sup>2406</sup> He was held in a small, low-ceilinged, stable, which had a door with bars on the outside.<sup>2407</sup> Once or twice a day if he wanted to drink water he would have to take it out of the well [REDACTED].<sup>2408</sup> When going to the bathroom, he was escorted with guns.<sup>2409</sup> He was occasionally given a piece of bread and cheese, which he would ration.<sup>2410</sup>

591. On [REDACTED] 1999, after [REDACTED] days in [REDACTED] finally escaped [REDACTED],<sup>2411</sup> [REDACTED].<sup>2412</sup>

592. [REDACTED] still has visible ligature marks,<sup>2413</sup> and scars from his ordeal.<sup>2414</sup>

#### T. TASLIXHE/TASLIDŽE

593. In June 1999, Prishtinë/Priština and adjacent villages continued to fall under the Llap Zone.<sup>2415</sup> As of 5 June 1999, the KLA BIA unit's staff was based in Taslixhe/Taslidže,<sup>2416</sup> a neighbourhood in Prishtinë/Priština;<sup>2417</sup> from there, this and other units assisted in designating locations for the stationing of the Llap Zone command in Prishtinë/Priština.<sup>2418</sup> As a result, on 11 June 1999, the Llap Zone command moved its permanent headquarters to nearby Kolovicë/Kojlovica.<sup>2419</sup>

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<sup>2404</sup> [REDACTED].

<sup>2405</sup> [REDACTED].

<sup>2406</sup> [REDACTED].

<sup>2407</sup> [REDACTED].

<sup>2408</sup> [REDACTED].

<sup>2409</sup> [REDACTED].

<sup>2410</sup> [REDACTED].

<sup>2411</sup> [REDACTED].

<sup>2412</sup> [REDACTED].

<sup>2413</sup> [REDACTED].

<sup>2414</sup> [REDACTED].

<sup>2415</sup> [REDACTED].

<sup>2416</sup> [REDACTED].

<sup>2417</sup> [REDACTED].

<sup>2418</sup> [REDACTED].

<sup>2419</sup> [REDACTED].

## Crimes

594. Between about [REDACTED] 1999,<sup>2420</sup> at least three persons, including [REDACTED],<sup>2421</sup> and [REDACTED], were detained by KLA members at locations in and around Taslixhe/Taslidže.<sup>2422</sup>

595. [REDACTED] were on their way out of [REDACTED]<sup>2423</sup> when they were stopped by a group of armed KLA soldiers.<sup>2424</sup> They were tied up, blindfolded and taken to a nearby house<sup>2425</sup> for [REDACTED]<sup>2426</sup> before being transferred to a second location, an unfinished house with a cellar.<sup>2427</sup>

596. [REDACTED] was approached [REDACTED] in [REDACTED] by three KLA soldiers.<sup>2428</sup> They cocked their weapons at [REDACTED],<sup>2429</sup> and started to beat him<sup>2430</sup> [REDACTED].<sup>2431</sup> [REDACTED] was then blindfolded and taken [REDACTED] towards Taslixhe/Taslidže.<sup>2432</sup> He was first taken to a KLA headquarters,<sup>2433</sup> where he was held for approximately [REDACTED] and beaten, including with rifle butts.<sup>2434</sup> Then he was brought to a nearby shed<sup>2435</sup> where [REDACTED] were also being held.<sup>2436</sup>

597. During their detention in the shed, the three detainees were beaten, including with a shovel, rifles, plastic hoses, and metal pipes.<sup>2437</sup> They were interrogated about who they were, their parents, their mobilisation, weapons, and certain police officers

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<sup>2420</sup> [REDACTED].

<sup>2421</sup> [REDACTED].

<sup>2422</sup> [REDACTED].

<sup>2423</sup> [REDACTED].

<sup>2424</sup> [REDACTED].

<sup>2425</sup> [REDACTED].

<sup>2426</sup> [REDACTED].

<sup>2427</sup> [REDACTED].

<sup>2428</sup> [REDACTED].

<sup>2429</sup> [REDACTED].

<sup>2430</sup> [REDACTED].

<sup>2431</sup> [REDACTED].

<sup>2432</sup> [REDACTED].

<sup>2433</sup> [REDACTED].

<sup>2434</sup> [REDACTED].

<sup>2435</sup> [REDACTED].

<sup>2436</sup> [REDACTED].

<sup>2437</sup> [REDACTED].

as well as about Albanians they had allegedly killed, houses they had allegedly set on fire and theft they had allegedly committed.<sup>2438</sup>

598. At some point [REDACTED] arrived at the shed<sup>2439</sup> and began interrogating and beating all three detainees.<sup>2440</sup> The interrogation and mistreatment continued for several hours without interruption, until two or three in the morning.<sup>2441</sup> During the questioning the detainees were frequently beaten<sup>2442</sup> and water was poured on them.<sup>2443</sup> All three detainees were forced to [REDACTED].<sup>2444</sup>

599. The next morning,<sup>2445</sup> when [REDACTED] began shouting, one of the KLA members [REDACTED] warned him to be quiet.<sup>2446</sup> [REDACTED] heard the captors say that [REDACTED] was coming.<sup>2447</sup> Afterwards, the three detainees were blindfolded and beaten again.<sup>2448</sup>

600. [REDACTED], all three detainees managed to escape.<sup>2449</sup> Outside there were [REDACTED]<sup>2450</sup> and [REDACTED].<sup>2451</sup>

#### U. VËRBAN/VRBAN

601. Vërban/Vrban is a village near Viti/Vitina. At least as of 8 June 1999, the first battalion of Brigade 173 was active in Vërban/Vrban.<sup>2452</sup> Viti/Vitina municipality fell under the KLA Karadak Zone, with Ahmet ISUFI as the Zone Commander.<sup>2453</sup>

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<sup>2438</sup> [REDACTED].

<sup>2439</sup> [REDACTED].

<sup>2440</sup> [REDACTED].

<sup>2441</sup> [REDACTED].

<sup>2442</sup> [REDACTED].

<sup>2443</sup> [REDACTED].

<sup>2444</sup> [REDACTED].

<sup>2445</sup> [REDACTED].

<sup>2446</sup> [REDACTED].

<sup>2447</sup> [REDACTED].

<sup>2448</sup> [REDACTED].

<sup>2449</sup> [REDACTED].

<sup>2450</sup> [REDACTED].

<sup>2451</sup> [REDACTED].

<sup>2452</sup> [REDACTED].

<sup>2453</sup> [REDACTED].

## Crimes

602. On or around [REDACTED] 1999, Serbs in nearby Novoselle/Novo Selo village in Viti/Vitina were told to surrender their weapons.<sup>2454</sup> Sami LUSHTAKU, Deputy Commander of the KLA Drenicë Zone, arrived in a black jeep with four bodyguards, all armed and uniformed.<sup>2455</sup> LUSHTAKU announced that they had a deadline of 15 minutes to hand over their weapons and indicated that a group of KLA were ready to go into the village.<sup>2456</sup> It was understood that the residents would all be killed if they did not surrender their weapons.<sup>2457</sup> Shaban SHAQIRI, a KLA member, gave the location in the centre of the village where the weapons should be handed in.<sup>2458</sup>

603. Between on or about [REDACTED] 1999 and [REDACTED] 1999, KLA members detained at least nine<sup>2459</sup> persons for varying periods at a house in Vërban/Vrban, Viti/Vitina, including: [REDACTED]<sup>2460</sup> and [REDACTED];<sup>2461</sup> [REDACTED];<sup>2462</sup> and [REDACTED].<sup>2463</sup> Other identified detainees were: [REDACTED]<sup>2464</sup>, [REDACTED],<sup>2465</sup> [REDACTED]<sup>2466</sup> and [REDACTED].<sup>2467</sup> The detention location consisted of four or five buildings in a yard.<sup>2468</sup> The detainees

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<sup>2454</sup> [REDACTED].

<sup>2455</sup> [REDACTED].

<sup>2456</sup> [REDACTED].

<sup>2457</sup> [REDACTED].

<sup>2458</sup> [REDACTED].

<sup>2459</sup> [REDACTED].

<sup>2460</sup> [REDACTED].

<sup>2461</sup> [REDACTED].

<sup>2462</sup> [REDACTED].

<sup>2463</sup> [REDACTED].

<sup>2464</sup> [REDACTED].

<sup>2465</sup> [REDACTED].

<sup>2466</sup> [REDACTED].

<sup>2467</sup> [REDACTED].

<sup>2468</sup> [REDACTED].

included [REDACTED],<sup>2469</sup> as well as [REDACTED],<sup>2470</sup> [REDACTED]<sup>2471</sup> and [REDACTED].<sup>2472</sup>

604. [REDACTED] were detained by four armed and uniformed men who came out of a jeep with a 'military police' sticker.<sup>2473</sup> [REDACTED] were hit and mistreated<sup>2474</sup> before being driven to Vërban/Vrban.<sup>2475</sup> Their captors used a Motorola radio to communicate while they were being transferred.<sup>2476</sup>

605. [REDACTED] was stopped by [REDACTED],<sup>2477</sup> who then handed him over to uniformed KLA members, [REDACTED].<sup>2478</sup> [REDACTED] was beaten<sup>2479</sup> and told that he was being arrested because of [REDACTED].<sup>2480</sup> After moving him through several nearby locations,<sup>2481</sup> [REDACTED] drove [REDACTED] to [REDACTED].<sup>2482</sup> A few hours later, [REDACTED] - having been arrested [REDACTED] by a group of about 20-30 KLA soldiers, including [REDACTED].<sup>2483</sup>

606. The detainees, were insulted and interrogated about and accused of committing crimes against Albanians,<sup>2484</sup> associating and collaborating with Serbian authorities<sup>2485</sup> and in case of at least one detainee, beaten because [REDACTED].<sup>2486</sup> They were also interrogated about [REDACTED]<sup>2487</sup> [REDACTED].<sup>2488</sup>

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<sup>2469</sup> [REDACTED].

<sup>2470</sup> [REDACTED].

<sup>2471</sup> [REDACTED].

<sup>2472</sup> [REDACTED].

<sup>2473</sup> [REDACTED].

<sup>2474</sup> [REDACTED].

<sup>2475</sup> [REDACTED].

<sup>2476</sup> [REDACTED].

<sup>2477</sup> [REDACTED].

<sup>2478</sup> [REDACTED].

<sup>2479</sup> [REDACTED].

<sup>2480</sup> [REDACTED].

<sup>2481</sup> [REDACTED].

<sup>2482</sup> [REDACTED].

<sup>2483</sup> [REDACTED].

<sup>2484</sup> [REDACTED].

<sup>2485</sup> [REDACTED].

<sup>2486</sup> [REDACTED].

<sup>2487</sup> [REDACTED].

<sup>2488</sup> [REDACTED].

607. Throughout their detention, the detainees at Vërban/Vrban were subject to repeat severe beatings<sup>2489</sup> and psychological abuse. They were beaten with rifles<sup>2490</sup> sticks,<sup>2491</sup> and boots.<sup>2492</sup> [REDACTED] described their separate beatings, including having their heads hit against the wall, <sup>2493</sup> the mistreatment was so severe [REDACTED] thought he would die.<sup>2494</sup>

608. Detainees could hear or see others being beaten,<sup>2495</sup> including [REDACTED].<sup>2496</sup> They were subject to forced confessions;<sup>2497</sup> including writing a [REDACTED],<sup>2498</sup> or admitting certain crimes.<sup>2499</sup> [REDACTED] was subject to simulated executions, and threatened with the rape and murder of [REDACTED].<sup>2500</sup>

609. Pliers were used [REDACTED];<sup>2501</sup> press [REDACTED] fingertips while asking him [REDACTED];<sup>2502</sup> squeeze thumbs;<sup>2503</sup> and cut [REDACTED].<sup>2504</sup> Additionally, at least two detainees [REDACTED], described being beaten over a barrel.<sup>2505</sup>

610. The detainees suffered bruises and swelling;<sup>2506</sup> bleeding;<sup>2507</sup> inability to sleep;<sup>2508</sup> they lost consciousness;<sup>2509</sup> suffered mental trauma<sup>2510</sup> and broken bones.<sup>2511</sup>

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2489 [REDACTED].

2490 [REDACTED].

2491 [REDACTED].

2492 [REDACTED].

2493 [REDACTED].

2494 [REDACTED].

2495 [REDACTED].

2496 [REDACTED].

2497 [REDACTED].

2498 [REDACTED].

2499 [REDACTED].

2500 [REDACTED].

2501 [REDACTED].

2502 [REDACTED].

2503 [REDACTED].

2504 [REDACTED].

2505 [REDACTED].

2506 [REDACTED].

2507 [REDACTED].

2508 [REDACTED].

2509 [REDACTED].

2510 [REDACTED].

2511 [REDACTED].

[REDACTED],<sup>2512</sup> and sustained psychological<sup>2513</sup> and/or physical damage that continued after their release,<sup>2514</sup> [REDACTED].<sup>2515</sup>

611. At one point [REDACTED] was brought to another building in the same compound where there was a [REDACTED].<sup>2516</sup> [REDACTED], was seated in the centre.<sup>2517</sup> [REDACTED] was interrogated about his involvement [REDACTED].<sup>2518</sup> [REDACTED] feet were bleeding and he was barefoot, but no one asked him about it.<sup>2519</sup> Despite being [REDACTED] was taken back and beaten and interrogated in the morning again.<sup>2520</sup>

612. [REDACTED] was also at some point taken to see a commander, [REDACTED].<sup>2521</sup> He was told not to mention having been beaten in front of the commander.<sup>2522</sup> The commander took his personal details and asked him about crimes.<sup>2523</sup>

613. [REDACTED] described a commander who told them that they had been arrested by mistake.<sup>2524</sup> [REDACTED] was told not to [REDACTED].<sup>2525</sup> Before some of the detainees [REDACTED].<sup>2526</sup> The commander [REDACTED].<sup>2527</sup>

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<sup>2512</sup> [REDACTED].

<sup>2513</sup> [REDACTED].

<sup>2514</sup> [REDACTED].

<sup>2515</sup> [REDACTED].

<sup>2516</sup> [REDACTED].

<sup>2517</sup> [REDACTED].

<sup>2518</sup> [REDACTED].

<sup>2519</sup> [REDACTED].

<sup>2520</sup> [REDACTED].

<sup>2521</sup> [REDACTED].

<sup>2522</sup> [REDACTED].

<sup>2523</sup> [REDACTED]

<sup>2524</sup> [REDACTED].

<sup>2525</sup> [REDACTED].

<sup>2526</sup> [REDACTED].

<sup>2527</sup> [REDACTED].

## V. PRIZREN

614. In advance of the withdrawal of FRY forces from Prizren in mid-June 1999,<sup>2528</sup> KLA units entered Prizren<sup>2529</sup> and upon the withdrawal, established Prizren as a centre for the KLA and returning population.<sup>2530</sup> The KLA took over municipal buildings, schools, courts, dormitories and other facilities<sup>2531</sup> and KLA members exercised control over various neighbourhoods in and around Prizren.<sup>2532</sup> The Prizren municipality building housed the Pashtrik Zone Command<sup>2533</sup> and upon taking control of Prizren, members of the staffs and zone brigade commanders met there.<sup>2534</sup> Ekrem REXHA, known as Drini,<sup>2535</sup> entered Prizren with members of Brigades 123-125 beginning 13 June 1999<sup>2536</sup> and himself settled at the 'Dom Armije' (also called the Yugoslav army or VJ/JNA Officers' house).<sup>2537</sup> By 15 June 1999, Fatmir LIMAJ and Pashtrik Zone Commander Tahir SINANI were present in Prizren.<sup>2538</sup>

615. The Zone Command used the 'Dom Armije' from approximately 16 or 17 June 1999; they later utilised space at the student dormitories in Prizren<sup>2539</sup> and Prizren municipal assembly building located at Qylhane.<sup>2540</sup> The intelligence services established offices at the Zone Command and Hotel Theranda.<sup>2541</sup> Fatmir LIMAJ, Tahir SINANI, Ekrem REXHA, [REDACTED], [REDACTED], and [REDACTED] were present [REDACTED].<sup>2542</sup> Members of the General Staff, including Fatmir LIMAJ,

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<sup>2528</sup> [REDACTED].

<sup>2529</sup> [REDACTED].

<sup>2530</sup> [REDACTED]; 072507-02, pt.8:10-8:43; [REDACTED].

<sup>2531</sup> [REDACTED]; *See* 013435-013436; [REDACTED]. *See also* 068357-01; 068357-02; 070854-070869; [REDACTED]; [REDACTED].

<sup>2532</sup> [REDACTED].

<sup>2533</sup> [REDACTED].

<sup>2534</sup> [REDACTED].

<sup>2535</sup> [REDACTED].

<sup>2536</sup> [REDACTED].

<sup>2537</sup> [REDACTED].

<sup>2538</sup> 020439-020439; [REDACTED].

<sup>2539</sup> [REDACTED].

<sup>2540</sup> [REDACTED].

<sup>2541</sup> [REDACTED].

<sup>2542</sup> [REDACTED].

came to Prizren<sup>2543</sup> and meetings with the General Staff and Pashtrik Zone Command were held at the Hotel Theranda<sup>2544</sup> and included discussion of organising the KLA, territorial control and law enforcement.<sup>2545</sup>

616. Brigade 125 relocated from Reti to Prizren after the Serbian withdrawal and, commanded by Nehat BASHA, was initially based at private homes and the Dom Armije.<sup>2546</sup> On the order of Ekrem REXHA,<sup>2547</sup> members of Brigade 125 including [REDACTED], Samedin XHEZAI, known as Commander Hoxha, [REDACTED] established themselves in [REDACTED]<sup>2548</sup> and from approximately [REDACTED] 1999, at the [REDACTED]<sup>2549</sup> and later at the [REDACTED] building.<sup>2550</sup> XHEZAI had direct radio communication with Zone Commander Tahir SINANI.<sup>2551</sup> The KLA had a checkpoint in Tusus with a barricade and flag,<sup>2552</sup> and Brigade 125 had responsibility for Prizren and the surrounding villages.<sup>2553</sup>

617. Ruzhdi SARAMATI, the Brigade 128 Commander was based in Našec/Nashec and he was responsible for that area.<sup>2554</sup> Part of Brigade 124, [REDACTED], entered Prizren town in the area near the hospital,<sup>2555</sup> and part of Brigades 123 and 124 stayed in the Dom Armije with parts of Brigade 125.<sup>2556</sup> Once established in Prizren, the Zone Command had meetings with brigade commanders on a weekly basis, on issues including accommodation for KLA soldiers and the KLA structure.<sup>2557</sup>

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<sup>2543</sup> [REDACTED].

<sup>2544</sup> [REDACTED].

<sup>2545</sup> [REDACTED].

<sup>2546</sup> [REDACTED].

<sup>2547</sup> [REDACTED].

<sup>2548</sup> [REDACTED].

<sup>2549</sup> [REDACTED].

<sup>2550</sup> [REDACTED].

<sup>2551</sup> [REDACTED].

<sup>2552</sup> [REDACTED].

<sup>2553</sup> [REDACTED].

<sup>2554</sup> [REDACTED].

<sup>2555</sup> [REDACTED].

<sup>2556</sup> [REDACTED].

<sup>2557</sup> [REDACTED].

618. The zonal military police, commanded by Nexhmedin KRASNIQI, relocated to Prizren, and KRASNIQI, his deputy Nezir KRYEZIU,<sup>2558</sup> and the military police were based at various times in the Prizren MUP building, [REDACTED].<sup>2559</sup> The tasks of the military police - who retained high visibility as the 'police component' of the KLA and wore armbands with a 'PU' designation<sup>2560</sup> -changed in peace time and the Eye of the Eagle unit, led by Nezir KRYEZIU,<sup>2561</sup> was informally integrated into the police.<sup>2562</sup> **Rexhep SELIMI**, who became the Minister of Public Order, equipped the military police with new authority and identification, including via a communique dated 14 June 1999 detailing the role of the military police.<sup>2563</sup> [REDACTED].<sup>2564</sup> [REDACTED].<sup>2565</sup>

619. At the time the Serbs departed, Ekrem REXHA, former Pashtrik Zone Commander<sup>2566</sup> and former leader of Brigade 125,<sup>2567</sup> occupied a leadership role in Prizren,<sup>2568</sup> and was an official point of contact for KFOR<sup>2569</sup>, which entered prior to the Serb withdrawal and secured the departing convoys of Serbs.<sup>2570</sup> The KLA tried to establish control at border crossings,<sup>2571</sup> establish illegal checkpoints,<sup>2572</sup> carry weapons,<sup>2573</sup> engage in kidnappings,<sup>2574</sup> seize apartments by force or threat of force,<sup>2575</sup>

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<sup>2558</sup> [REDACTED].

<sup>2559</sup> [REDACTED].

<sup>2560</sup> [REDACTED].

<sup>2561</sup> [REDACTED].

<sup>2562</sup> [REDACTED].

<sup>2563</sup> [REDACTED].

<sup>2564</sup> [REDACTED].

<sup>2565</sup> [REDACTED].

<sup>2566</sup> [REDACTED]. He was replaced as Pashtrik Zone Commander in early 1999 by Tahir SINANI and made Director of the Department of Military Education of the KLA. *See* [REDACTED].

<sup>2567</sup> [REDACTED].

<sup>2568</sup> [REDACTED].

<sup>2569</sup> [REDACTED]; 013435-013436; 068357-01, pt.1:01.

<sup>2570</sup> [REDACTED]; 072507-01, pt.00:06:34-00:07:45.

<sup>2571</sup> [REDACTED]; 072507-02, pt.00:07:43-00:08:10.

<sup>2572</sup> [REDACTED]; 072507-01, p.00:04:50-00:05:15; [REDACTED].

<sup>2573</sup> [REDACTED].

<sup>2574</sup> [REDACTED].

<sup>2575</sup> [REDACTED].

including by expelling the Serbs who were still present<sup>2576</sup> and act as law enforcement, allowing and in some cases participating in such acts, attempting to take advantage of the vacuum left by the Serbian withdrawal.<sup>2577</sup> KFOR and later UNMIK tried to prevent these acts by investigating, raiding detention locations and raising concerns with Nexhmedin KRASNIQI and others in leadership at weekly meetings at the brigade and zone levels.<sup>2578</sup>

620. Once the military police and other KLA units were established in Prizren, civilians accused of being Serbian collaborators and ethnic minorities were mistreated by KLA members including the intelligence units and military police in various locations, including the sites specified below, and at the student dormitory and at the Zone Command.<sup>2579</sup> [REDACTED]<sup>2580</sup> and anyone who was alleged to be against the KLA could be arrested as a collaborator and killed.<sup>2581</sup> Detainees were held in poor conditions, and were maltreated, and beaten.<sup>2582</sup> Tahir SINANI, Nexhmedin KRASNIQI, Nezir KRYEZIU, and others were directly informed of the detentions and warned about consequences, but no action was taken.<sup>2583</sup> Ekrem REXHA spoke with detainees while they were held in detention in several locations in Prizren.<sup>2584</sup>

## Crimes

### Tusus

621. In June 1999, at least ten persons of various ethnicities, including [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED],

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<sup>2576</sup> [REDACTED].

<sup>2577</sup> [REDACTED].

<sup>2578</sup> [REDACTED].

<sup>2579</sup> [REDACTED].

<sup>2580</sup> [REDACTED].

<sup>2581</sup> [REDACTED].

<sup>2582</sup> [REDACTED].

<sup>2583</sup> [REDACTED].

<sup>2584</sup> [REDACTED].

[REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], were detained under guard in the garage of a private home in the Tusus neighbourhood of Prizren, [REDACTED].<sup>2585</sup> Many of the detainees had been brought by KLA members to the garage, [REDACTED],<sup>2586</sup> from other KLA detention sites, including in Prizren<sup>2587</sup> and Albania.<sup>2588</sup> KLA members, such as Xhemshit KRASNIQI<sup>2589</sup> and Samedin XHEZAI<sup>2590</sup> were present at the detention site. The detainees were arrested, detained, questioned and mistreated and were accused of having collaborated with the Serbian regime, being disloyal, or targeted because they were members of ethnic minorities.<sup>2591</sup>

622. Detainees were held in a dark garage, including in a trench below ground covered with planks.<sup>2592</sup> They were interrogated by KLA members in the garage<sup>2593</sup> and in a nearby interrogation room, with visible blood spray on the walls<sup>2594</sup> and an array of weapons, on display.<sup>2595</sup> KLA members beat and abused the detainees,<sup>2596</sup> some of whom were elderly.<sup>2597</sup> Some detainees were beaten to unconsciousness.<sup>2598</sup> All were psychologically and physically mistreated,<sup>2599</sup> including, for one detainee, being shown a shallow hole, pick and shovel and being told to start digging his own grave.<sup>2600</sup> In the garage, detainees heard the screams of those being interrogated and beaten, contributing to the climate of fear.<sup>2601</sup>

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<sup>2585</sup> [REDACTED].

<sup>2586</sup> [REDACTED].

<sup>2587</sup> [REDACTED].

<sup>2588</sup> [REDACTED].

<sup>2589</sup> [REDACTED].

<sup>2590</sup> [REDACTED].

<sup>2591</sup> [REDACTED].

<sup>2592</sup> [REDACTED].

<sup>2593</sup> [REDACTED].

<sup>2594</sup> [REDACTED].

<sup>2595</sup> [REDACTED].

<sup>2596</sup> [REDACTED].

<sup>2597</sup> [REDACTED].

<sup>2598</sup> [REDACTED].

<sup>2599</sup> [REDACTED].

<sup>2600</sup> [REDACTED].

<sup>2601</sup> [REDACTED].

623. The detainees were released sporadically, including by Brigade 125 members Samedin XHEZAIRI<sup>2602</sup> and Genc DAKAJ.<sup>2603</sup> Others were released when KLA members received information that KFOR planned to raid the site.<sup>2604</sup> One detainee was warned to leave Kosovo or change their religion,<sup>2605</sup> and several were warned they would be executed if they spoke about their detention.<sup>2606</sup> As a result of the severe beatings, the victims suffered long-term injuries and physical and mental illness.<sup>2607</sup>

[REDACTED]

624. Between approximately 16 June 1999 and 19 June 1999, at least three persons were detained at [REDACTED],<sup>2608</sup> where the KLA had established a base.<sup>2609</sup> [REDACTED],<sup>2610</sup> [REDACTED].<sup>2611</sup> [REDACTED],<sup>2612</sup> including of crimes committed by Albanians.<sup>2613</sup> [REDACTED].<sup>2614</sup> [REDACTED].<sup>2615</sup> [REDACTED].<sup>2616</sup>

625. [REDACTED] and [REDACTED] were both beaten.<sup>2617</sup> KLA members beat [REDACTED] when he arrived at [REDACTED], using sticks, hands, feet and chains.<sup>2618</sup> Even after he collapsed, the KLA members continued to beat him.<sup>2619</sup> He was beaten regularly, including with wooden sticks, while held in detention.<sup>2620</sup> [REDACTED], [REDACTED] and [REDACTED] were held in a locked and guarded

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<sup>2602</sup> [REDACTED].

<sup>2603</sup> [REDACTED].

<sup>2604</sup> [REDACTED].

<sup>2605</sup> [REDACTED].

<sup>2606</sup> [REDACTED].

<sup>2607</sup> [REDACTED].

<sup>2608</sup> [REDACTED].

<sup>2609</sup> [REDACTED].

<sup>2610</sup> [REDACTED].

<sup>2611</sup> [REDACTED].

<sup>2612</sup> [REDACTED].

<sup>2613</sup> [REDACTED].

<sup>2614</sup> [REDACTED].

<sup>2615</sup> [REDACTED].

<sup>2616</sup> [REDACTED].

<sup>2617</sup> [REDACTED].

<sup>2618</sup> [REDACTED].

<sup>2619</sup> [REDACTED].

<sup>2620</sup> [REDACTED].



[REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], and [REDACTED] were detained by KLA soldiers at the Prizren MUP building, which had been taken by the KLA after the Serb withdrawal.<sup>2635</sup> The detainees were of various ethnicities<sup>2636</sup> and several were arrested on this basis—certain Albanians, Roma, Ashkali and others were held by the KLA for allegedly collaborating with the former Yugoslav regime,<sup>2637</sup> while [REDACTED].<sup>2638</sup> One detainee, [REDACTED], was brought to the MUP building, where he was handcuffed and his belongings were confiscated, before being transferred to detention at Tusus later that day,<sup>2639</sup> [REDACTED].<sup>2640</sup>

628. KLA members present included Selim, known as Atom,<sup>2641</sup> KRASNIQI,<sup>2642</sup> Xhemshit KRASNIQI,<sup>2643</sup> [REDACTED],<sup>2644</sup> [REDACTED],<sup>2645</sup> [REDACTED],<sup>2646</sup> [REDACTED]<sup>2647</sup> and [REDACTED].<sup>2648</sup> The building was guarded by armed KLA members.<sup>2649</sup> Detainees were interrogated and beaten by KLA members<sup>2650</sup> including to the point of unconsciousness<sup>2651</sup> and some were stabbed with sharp objects.<sup>2652</sup> Detainees were held in cells, hallways and rooms, which were overcrowded, dirty and lacked water and toilets.<sup>2653</sup> They were not given any food or water and when one of

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<sup>2635</sup> [REDACTED].

<sup>2636</sup> 013435-013436, p.013435; [REDACTED].

<sup>2637</sup> [REDACTED].

<sup>2638</sup> [REDACTED].

<sup>2639</sup> [REDACTED].

<sup>2640</sup> [REDACTED].

<sup>2641</sup> [REDACTED].

<sup>2642</sup> [REDACTED].

<sup>2643</sup> [REDACTED].

<sup>2644</sup> [REDACTED].

<sup>2645</sup> [REDACTED].

<sup>2646</sup> [REDACTED].

<sup>2647</sup> [REDACTED].

<sup>2648</sup> [REDACTED].

<sup>2649</sup> [REDACTED].

<sup>2650</sup> [REDACTED]; 016914-016915; [REDACTED].

<sup>2651</sup> [REDACTED].

<sup>2652</sup> [REDACTED].

<sup>2653</sup> [REDACTED].

detainees asked for water, he was hit with a water bottle and punched.<sup>2654</sup> Detainees saw and heard other detainees being beaten and some new arrivals were placed in cells with blood 'all over.'<sup>2655</sup> [REDACTED].<sup>2656</sup>

629. The detainees, several of whom were handcuffed and otherwise tied,<sup>2657</sup> were only released when KFOR, which had received information from the local population that people were being held there,<sup>2658</sup> raided the building and disarmed the KLA members present,<sup>2659</sup> including members of the KLA military police<sup>2660</sup> and Eye of the Eagle unit.<sup>2661</sup> KFOR personnel observed various implements and weapons in the premises and on the person of KLA members<sup>2662</sup> and myriad injuries to detainees including stab wounds, broken bones and bruises<sup>2663</sup> which required medical treatment by KFOR medical personnel<sup>2664</sup> and in some cases, immediate transfer by KFOR to the local hospital.<sup>2665</sup> One detainee, [REDACTED], was found dead, beaten with forceful impact with visible welts, bruises and a massive hematoma, and cuffed to a chair,<sup>2666</sup> in a room guarded by a KLA member.<sup>2667</sup> Nezir KRYEZIU,<sup>2668</sup> Nexhmedin KRASNIQI,<sup>2669</sup> [REDACTED],<sup>2670</sup> Ekrem REXHA,<sup>2671</sup> and others were present on site as KFOR secured the premises and attended to the detainees. While KFOR endeavoured

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<sup>2654</sup> [REDACTED]; 013445-013447, p.013446.

<sup>2655</sup> [REDACTED].

<sup>2656</sup> [REDACTED].

<sup>2657</sup> [REDACTED].

<sup>2658</sup> [REDACTED].

<sup>2659</sup>[REDACTED]; 072507-02, pt.00:11:21-00:12:05; 00:17:46-00:18:07; 072507-03, pt.00:10:05-00:10:41; 00:11:52-00:12:02.

<sup>2660</sup> [REDACTED].

<sup>2661</sup> [REDACTED].

<sup>2662</sup> [REDACTED].

<sup>2663</sup> [REDACTED]; 013445-013447, p.013446.

<sup>2664</sup> [REDACTED].

<sup>2665</sup> [REDACTED].

<sup>2666</sup> [REDACTED]; 013435-013436; [REDACTED]; 013445-013447.

<sup>2667</sup> [REDACTED].

<sup>2668</sup> [REDACTED].

<sup>2669</sup> [REDACTED].

<sup>2670</sup> [REDACTED].

<sup>2671</sup> [REDACTED].

to secure the entire building and release all detainees,<sup>2672</sup> KLA members successfully concealed several, including [REDACTED] and others, who were removed and taken without KFOR's knowledge to other detention sites, including at Tusus.<sup>2673</sup> As a result of being mistreated and detained in the MUP Building, one detainee felt unable to return home and spent years as a refugee, never able to return due to the fear of how the experience of being beaten and detained by the KLA would be considered by people in Kosovo.<sup>2674</sup>

[REDACTED]

630. On approximately 26 June 1999, at least four persons,<sup>2675</sup> [REDACTED] were forcibly detained by KLA soldiers, at [REDACTED]<sup>2676</sup> [REDACTED].<sup>2677</sup> KLA members searched for [REDACTED]<sup>2678</sup> and informed those found that they must go to [REDACTED] and threatened to kill the families of those who resisted.<sup>2679</sup>

631. Upon arrival, at least two detainees were asked to confirm their ethnicity and contact with Serbs,<sup>2680</sup> whereupon a KLA member explained to others that they were [REDACTED].<sup>2681</sup> The detainees were then immediately taken to the basement and beaten.<sup>2682</sup> Detainees were held in a [REDACTED]<sup>2683</sup> where they were beaten<sup>2684</sup> and psychologically and physically mistreated: for example, two detainees were told to

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<sup>2672</sup> [REDACTED].

<sup>2673</sup> [REDACTED]. While the KLA moved detainees at gunpoint and told KFOR that there were no detainees present, KFOR found some of the detainees when a detainee screamed for help in German.

*See* [REDACTED].

<sup>2674</sup> [REDACTED].

<sup>2675</sup> [REDACTED].

<sup>2676</sup> [REDACTED].

<sup>2677</sup> [REDACTED].

<sup>2678</sup> [REDACTED].

<sup>2679</sup> [REDACTED].

<sup>2680</sup> [REDACTED].

<sup>2681</sup> [REDACTED].

<sup>2682</sup> [REDACTED].

<sup>2683</sup> [REDACTED].

<sup>2684</sup> [REDACTED].

have sexual intercourse with each other,<sup>2685</sup> detainees were beaten in front of each other,<sup>2686</sup> and when one detainee asked for water he was forced to [REDACTED].<sup>2687</sup> Detainees observed blood-spattered walls and one detainee saw three or four people completely covered in blood leaving [REDACTED].<sup>2688</sup> Detainees were beaten with an array of instruments, including hammers, truncheons, baseball bats,<sup>2689</sup> and a chain.<sup>2690</sup> The detainees were questioned about whether they had worked with Serbs<sup>2691</sup> and about whether they had weapons.<sup>2692</sup> While being beaten, including to the point of unconsciousness,<sup>2693</sup> KLA members asked a detainee who he had killed, who he had raped, and where his weapons were and threatened to kill his family.<sup>2694</sup>

632. One detainee was [REDACTED]<sup>2695</sup> and was threatened that if he told anyone about what happened, he would be killed, along with his family.<sup>2696</sup> Two others were released and told to go home, even though they were covered in blood and had difficulty walking.<sup>2697</sup> They were visibly seriously injured, such that [REDACTED]<sup>2698</sup> and went to [REDACTED]to investigate.<sup>2699</sup> [REDACTED], conducted an investigation and found the rooms that had been described by the injured persons, with hoses, cigarettes, and other items used for mistreatment.<sup>2700</sup> While the detainees did not know

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<sup>2685</sup> [REDACTED].

<sup>2686</sup> [REDACTED].

<sup>2687</sup> [REDACTED].

<sup>2688</sup> [REDACTED].

<sup>2689</sup> [REDACTED].

<sup>2690</sup> [REDACTED].

<sup>2691</sup> [REDACTED].

<sup>2692</sup> [REDACTED].

<sup>2693</sup> [REDACTED].

<sup>2694</sup> [REDACTED].

<sup>2695</sup> [REDACTED].

<sup>2696</sup> [REDACTED].

<sup>2697</sup> [REDACTED].

<sup>2698</sup> [REDACTED].

<sup>2699</sup> [REDACTED].

<sup>2700</sup> [REDACTED].

the KLA members who abducted and beat them by name, [REDACTED]<sup>2701</sup> [REDACTED], who was also present at [REDACTED].<sup>2702</sup>

633. The victims suffered serious injuries,<sup>2703</sup> and some required months to recover.<sup>2704</sup> [REDACTED] could not walk for a month,<sup>2705</sup> and still feels like his life has not returned to what it was before being beaten by KLA members.<sup>2706</sup> He is constantly under stress and fears that someone will ask him about what happened.<sup>2707</sup> Some victims [REDACTED], afraid to go outside.<sup>2708</sup> Several detainees still experience physical pain from their injuries.<sup>2709</sup>

W. RAHOVEC/ORAHOVAC

634. Around [REDACTED] the KLA entered Rahovec/Orahovac.<sup>2710</sup> For security reasons, most Serbs moved to the Serbian enclave in town and remained there [REDACTED].<sup>2711</sup>

635. Rahovec/Orahovac fell under the KLA Pashtrik Zone, which from spring 1999 [REDACTED],<sup>2712</sup> [REDACTED].<sup>2713</sup>

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<sup>2701</sup> [REDACTED].

<sup>2702</sup> [REDACTED].

<sup>2703</sup> [REDACTED].

<sup>2704</sup> [REDACTED].

<sup>2705</sup> [REDACTED].

<sup>2706</sup> [REDACTED].

<sup>2707</sup> [REDACTED].

<sup>2708</sup> [REDACTED].

<sup>2709</sup> [REDACTED].

<sup>2710</sup> [REDACTED].

<sup>2711</sup> [REDACTED].

<sup>2712</sup> [REDACTED].

<sup>2713</sup> [REDACTED].

636. [REDACTED].<sup>2714</sup> [REDACTED],<sup>2715</sup> [REDACTED].<sup>2716</sup> Brigade 124 was headquartered in [REDACTED] in Rahovec/Orahovac town, and its soldiers were also stationed in the nearby<sup>2717</sup> [REDACTED].<sup>2718</sup>

### Crimes

637. Around [REDACTED] 1999, [REDACTED] were arrested by armed and uniformed KLA<sup>2719</sup> after their homes were searched for weapons:<sup>2720</sup> [REDACTED] [REDACTED] and [REDACTED]. They were all taken to [REDACTED].<sup>2721</sup> During their arrest [REDACTED] were also beaten.<sup>2722</sup> On approximately [REDACTED] 1999 [REDACTED] was also abducted,<sup>2723</sup> followed in [REDACTED].<sup>2724</sup> None of the men were seen alive again, except for [REDACTED] who managed to escape.

### Abduction of [REDACTED]

638. [REDACTED],<sup>2725</sup> and of [REDACTED]: [REDACTED].<sup>2726</sup> Also present at that abduction were: [REDACTED],<sup>2727</sup> [REDACTED],<sup>2728</sup> and [REDACTED]. [REDACTED] was kidnapped by 10 KLA members,<sup>2729</sup> [REDACTED].<sup>2730</sup>

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<sup>2714</sup> [REDACTED].

<sup>2715</sup> [REDACTED].

<sup>2716</sup> [REDACTED].

<sup>2717</sup> [REDACTED].

<sup>2718</sup> [REDACTED].

<sup>2719</sup> [REDACTED].

<sup>2720</sup> [REDACTED].

<sup>2721</sup> [REDACTED].

<sup>2722</sup> [REDACTED].

<sup>2723</sup> [REDACTED].

<sup>2724</sup> [REDACTED].

<sup>2725</sup> [REDACTED].

<sup>2726</sup> [REDACTED].

<sup>2727</sup> [REDACTED].

<sup>2728</sup> [REDACTED].

<sup>2729</sup> [REDACTED].

<sup>2730</sup> [REDACTED].

639. At [REDACTED] was separated from the other [REDACTED] men.<sup>2731</sup> [REDACTED] were put in a room together where they saw [REDACTED], who was 'half dead'.<sup>2732</sup> [REDACTED] body was covered with blood and his skull was broken.<sup>2733</sup> [REDACTED] were then beaten, including on their heads with ceramic tiles, until they lost consciousness.<sup>2734</sup> At one point the perpetrators put [REDACTED]'s head into a toilet bowl.<sup>2735</sup> Later in the evening, [REDACTED] saw that [REDACTED] was no longer alive.<sup>2736</sup>

640. Around [REDACTED] on [REDACTED] 1999, the KLA soldiers placed [REDACTED], as well as the body of Cvetko PELEVIĆ in a van, and went in the direction of the [REDACTED] village.<sup>2737</sup> While the soldiers were busy disposing the body of [REDACTED], [REDACTED] managed to escape.<sup>2738</sup> When he was hiding around 100 metres away from the car, he heard [REDACTED] being beaten and then two gunshots.<sup>2739</sup>

641. The remains of [REDACTED],<sup>2740</sup> [REDACTED]<sup>2741</sup> and [REDACTED]<sup>2742</sup> were never found. Only the body of [REDACTED] was found.<sup>2743</sup> [REDACTED].<sup>2744</sup> [REDACTED] house was looted and torched.<sup>2745</sup>

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<sup>2731</sup> [REDACTED].

<sup>2732</sup> [REDACTED].

<sup>2733</sup> [REDACTED].

<sup>2734</sup> [REDACTED].

<sup>2735</sup> [REDACTED].

<sup>2736</sup> [REDACTED].

<sup>2737</sup> [REDACTED].

<sup>2738</sup> [REDACTED].

<sup>2739</sup> [REDACTED].

<sup>2740</sup> [REDACTED].

<sup>2741</sup> [REDACTED].

<sup>2742</sup> [REDACTED].

<sup>2743</sup> [REDACTED].

<sup>2744</sup> [REDACTED].

<sup>2745</sup> [REDACTED].

Abduction of [REDACTED]

642. The [REDACTED] first interacted with [REDACTED] on or around [REDACTED] 1999 when the latter came to their home accompanied by four uniformed KLA soldiers demanding, on behalf of the KLA, [REDACTED].<sup>2746</sup>

643. On or around [REDACTED] 1999<sup>2747</sup> [REDACTED] was abducted by the KLA, on the day that [REDACTED], [REDACTED], decided to leave town.<sup>2748</sup> [REDACTED], four uniformed, armed KLA soldiers<sup>2749</sup> came in a car and told [REDACTED] to come with them to the police station, adding that they would bring him back in 15 minutes.<sup>2750</sup>

644. On the same day [REDACTED] reported the case to a [REDACTED],<sup>2751</sup> and [REDACTED] went to the KLA police station, [REDACTED], demanding the release [REDACTED].<sup>2752</sup> [REDACTED] was himself briefly locked in a room and was released only after [REDACTED] intervention.<sup>2753</sup> He saw [REDACTED] car parked nearby.<sup>2754</sup> A member of [REDACTED] told [REDACTED] not to worry as [REDACTED] had assured him that [REDACTED] was safe and would be released.<sup>2755</sup> [REDACTED] himself also assured [REDACTED] that [REDACTED] should not worry and that [REDACTED] would be released the next day.<sup>2756</sup> [REDACTED] met [REDACTED] again the next day but were told that he did not know what had happened to [REDACTED], claiming that gangs from Albania had joined the KLA.<sup>2757</sup> [REDACTED] was never seen again.<sup>2758</sup>

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<sup>2746</sup> [REDACTED].

<sup>2747</sup> [REDACTED].

<sup>2748</sup> [REDACTED].

<sup>2749</sup> [REDACTED].

<sup>2750</sup> [REDACTED].

<sup>2751</sup> [REDACTED].

<sup>2752</sup> [REDACTED].

<sup>2753</sup> [REDACTED].

<sup>2754</sup> [REDACTED].

<sup>2755</sup> [REDACTED].

<sup>2756</sup> [REDACTED].

<sup>2757</sup> [REDACTED].

<sup>2758</sup> [REDACTED].

Abduction of [REDACTED]

645. On around [REDACTED] 1999,<sup>2759</sup> [REDACTED] was abducted from his house in Rahovec/Orahovac by three armed and uniformed KLA men.<sup>2760</sup> They broke into the house<sup>2761</sup> and ordered [REDACTED] to go with them.<sup>2762</sup> One of the soldiers, who had also beaten and abducted [REDACTED],<sup>2763</sup> produced a blue ID card<sup>2764</sup> and introduced himself as being a member of the KLA and the leader of the group.<sup>2765</sup> [REDACTED] and other family members,<sup>2766</sup> were informed that [REDACTED] was being taken for an informative talk to the KLA Headquarters in Prizren, and that he would be soon brought back.<sup>2767</sup> When [REDACTED] mother tried to protest, the KLA pushed her, smashed a light switch, ripped the phone lines out of the wall, and took [REDACTED] away in a car.<sup>2768</sup>

646. During the next days, the men who abducted [REDACTED] kept returning to ransack his house and harass his wife, demanding that she leave Rahovec/Orahovac.<sup>2769</sup> They claimed that if her husband had killed Albanians he was never going to come back<sup>2770</sup> and they badly beat [REDACTED] father.<sup>2771</sup> The harassment continued until [REDACTED] left Kosovo.<sup>2772</sup> [REDACTED] was never seen again.<sup>2773</sup>

647. [REDACTED] was on notice of [REDACTED] abduction as [REDACTED] had specifically informed him about it shortly after the victim's disappearance.

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<sup>2759</sup> [REDACTED].

<sup>2760</sup> [REDACTED].

<sup>2761</sup> [REDACTED].

<sup>2762</sup> [REDACTED].

<sup>2763</sup> [REDACTED].

<sup>2764</sup> [REDACTED].

<sup>2765</sup> [REDACTED].

<sup>2766</sup> [REDACTED].

<sup>2767</sup> [REDACTED].

<sup>2768</sup> [REDACTED].

<sup>2769</sup> [REDACTED].

<sup>2770</sup> [REDACTED].

<sup>2771</sup> [REDACTED].

<sup>2772</sup> [REDACTED].

<sup>2773</sup> [REDACTED].

## X. FERIZAJ/UROŠEVAC

648. Ferizaj/Uroševac was in the KLA Nerodime Zone.<sup>2774</sup> On [REDACTED], the KLA took control of the post office, hospitals, and other buildings there.<sup>2775</sup> At the time, armed and uniformed KLA soldiers were operating at the entrance of Ferizaj/Uroševac and in the nearby public utility company known as [REDACTED].<sup>2776</sup> Within days of the KLA's takeover of Ferizaj/Uroševac, the OSCE began to receive reports of kidnappings there.<sup>2777</sup>

**Crimes**

649. On about [REDACTED] 1999, [REDACTED], left [REDACTED], Ferizaj/Uroševac, due to information that the KLA was about to enter the village.<sup>2778</sup> At the entrance of Ferizaj/Uroševac, by the [REDACTED] building, [REDACTED] was stopped by uniformed and armed KLA soldiers with masks.<sup>2779</sup> The KLA soldiers took [REDACTED] belongings, which included personal documents and valued possessions, and never returned them.<sup>2780</sup>

650. [REDACTED] was taken to the [REDACTED] building.<sup>2781</sup> [REDACTED] was tied to a radiator in a room [REDACTED].<sup>2782</sup> He was then put in the trunk of a car.<sup>2783</sup> [REDACTED]<sup>2784</sup> - [REDACTED]; [REDACTED].<sup>2785</sup>

651. [REDACTED] was taken to a locked room in a private house in the direction of [REDACTED].<sup>2786</sup> Over the course of several hours, KLA soldiers beat him all over his

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<sup>2774</sup> [REDACTED].

<sup>2775</sup> [REDACTED].

<sup>2776</sup> [REDACTED].

<sup>2777</sup> [REDACTED].

<sup>2778</sup> [REDACTED].

<sup>2779</sup> [REDACTED].

<sup>2780</sup> [REDACTED].

<sup>2781</sup> [REDACTED].

<sup>2782</sup> [REDACTED].

<sup>2783</sup> [REDACTED].

<sup>2784</sup> [REDACTED].

<sup>2785</sup> [REDACTED].

<sup>2786</sup> [REDACTED].

body while he lay on the concrete floor.<sup>2787</sup> He lost consciousness on multiple occasions.<sup>2788</sup> During the beatings, KLA soldiers accused him of killings; [REDACTED].<sup>2789</sup> The KLA soldiers [REDACTED]<sup>2790</sup> and his personal details were entered into a computer.<sup>2791</sup> At some point, the commanding officer arrived<sup>2792</sup> and [REDACTED] was asked to give a statement.<sup>2793</sup> He was questioned by the commanding officer, in the presence of two others,<sup>2794</sup> about the war and what had happened.<sup>2795</sup>

652. [REDACTED] was then put into the trunk of a car and driven back to his house, where he handed over his weapon to KLA members.<sup>2796</sup> [REDACTED].<sup>2797</sup>

653. [REDACTED]'s psychological issues persist to present day.<sup>2798</sup>

#### Y. VRELO

654. Within the Nerodime Zone, Brigade 161 operated in the Jezerc region, based in Ferizaj/Uroševac.<sup>2799</sup> Imri ILAZI established a KLA base in Gremë/Grebno, Ferizaj/Uroševac where, in March 1999, Brigade 161 deployed a unit under the command of [REDACTED].<sup>2800</sup> Gremë/Grebno is close to Vrelo. Shortly after the Serb withdrawal, the KLA also appeared in nearby Varosh/Varoš Selo.<sup>2801</sup>

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<sup>2787</sup> [REDACTED].

<sup>2788</sup> [REDACTED].

<sup>2789</sup> [REDACTED].

<sup>2790</sup> [REDACTED].

<sup>2791</sup> [REDACTED].

<sup>2792</sup> [REDACTED].

<sup>2793</sup> [REDACTED].

<sup>2794</sup> [REDACTED].

<sup>2795</sup> [REDACTED].

<sup>2796</sup> [REDACTED].

<sup>2797</sup> [REDACTED].

<sup>2798</sup> [REDACTED].

<sup>2799</sup> [REDACTED].

<sup>2800</sup> [REDACTED].

<sup>2801</sup> [REDACTED].

## Crimes

655. On [REDACTED] 1999, [REDACTED] were abducted at a KLA checkpoint in [REDACTED].<sup>2802</sup> When [REDACTED] stated that he was [REDACTED], KLA member [REDACTED] was able to confirm that by consulting a list of names.<sup>2803</sup> [REDACTED] and [REDACTED] were forced into a car at gunpoint<sup>2804</sup> and transferred to a house in [REDACTED].<sup>2805</sup> On the way there [REDACTED] was threatened with death.<sup>2806</sup> There were many KLA soldiers, including guards, in and around the house in [REDACTED].<sup>2807</sup>

656. The two detained men were forced to stand facing the wall of the house; [REDACTED] was mistreated and beaten, including with rifle butts, by multiple KLA soldiers in [REDACTED] presence.<sup>2808</sup> [REDACTED] and [REDACTED] were placed in a room<sup>2809</sup> and were interrogated together for several hours by two KLA soldiers.<sup>2810</sup> They were questioned about particular individuals and their contacts with Albanians, weapons, and alleged crimes.<sup>2811</sup> During the interrogation they had their hands tied and were threatened and intimidated.<sup>2812</sup>

657. [REDACTED] was ordered to go and get their weapons in order to surrender them; they were told that [REDACTED] would be killed if the weapons were not brought.<sup>2813</sup> [REDACTED] was threatened with death,<sup>2814</sup> kicked, and punched.<sup>2815</sup> After collecting the weapons, [REDACTED] was escorted to [REDACTED] at the KLA

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<sup>2802</sup> [REDACTED].

<sup>2803</sup> [REDACTED].

<sup>2804</sup> [REDACTED].

<sup>2805</sup> [REDACTED].

<sup>2806</sup> [REDACTED].

<sup>2807</sup> [REDACTED].

<sup>2808</sup> [REDACTED].

<sup>2809</sup> [REDACTED].

<sup>2810</sup> [REDACTED].

<sup>2811</sup> [REDACTED].

<sup>2812</sup> [REDACTED].

<sup>2813</sup> [REDACTED].

<sup>2814</sup> [REDACTED].

<sup>2815</sup> [REDACTED].

headquarters in [REDACTED].<sup>2816</sup> Upon [REDACTED] order, [REDACTED] was also brought there by KLA soldiers,<sup>2817</sup> following which [REDACTED] and [REDACTED] were released.<sup>2818</sup>

Z. NERODIMJA E ULËT/ DONJE NERODIMLJE

658. In June 1999, following the withdrawal of the FRY forces, KLA soldiers arrived 'in a formation' in Nerodime e Eperme/Gornje Nerodimlje and Nerodime e Poshtme (Nerodimja e Ulët)/Donje Nerodimlje from the direction of the Albanian village of Jezerc/Jezerce.<sup>2819</sup>

659. Armed<sup>2820</sup> and uniformed KLA soldiers went to people's homes in both Nerodime e Eperme/Gornje Nerodimlje and Nerodime e Poshtme/Donje Nerodimlje.<sup>2821</sup> The soldiers, including Police Commander<sup>2822</sup> [REDACTED], would collect weapons<sup>2823</sup> and ask for, and then take away, the master of the house; afterwards, houses were burned.<sup>2824</sup> About 50 KLA soldiers [REDACTED], used a three-story house in Balaj/Balić as a base.<sup>2825</sup> These locations are all in the Nerodime Zone.

## Crimes

660. By 17 June 1999, more than half of the villagers in Nerodime e Eperme/Gornje Nerodimlje had already left; [REDACTED] Dimko PARLIĆ, decided to stay because Dimko PARLIĆ was not in the military or any other armed units.<sup>2826</sup>

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<sup>2816</sup> [REDACTED].

<sup>2817</sup> [REDACTED].

<sup>2818</sup> [REDACTED].

<sup>2819</sup> [REDACTED].

<sup>2820</sup> [REDACTED].

<sup>2821</sup> [REDACTED].

<sup>2822</sup> [REDACTED].

<sup>2823</sup> [REDACTED].

<sup>2824</sup> [REDACTED].

<sup>2825</sup> [REDACTED].

<sup>2826</sup> [REDACTED].

661. On or about 17 June 1999, around a dozen KLA soldiers, including [REDACTED],<sup>2827</sup> went to [REDACTED] and asked to speak to Dimko, saying he was to be taken to their commander for a conversation.<sup>2828</sup>

662. Dimko PARLIĆ was taken to a commander in a room within a military facility in the nearby village of Balaj/Balic.<sup>2829</sup> The commander interrogated PARLIĆ about where he was employed, whether he had any weapons, and whether he had participated in the war.<sup>2830</sup> The commander had a book in front of him in which he looked for Dimko PARLIĆ's name among other Serbian names; when he could not find it, the commander gave Dimko PARLIĆ a piece of paper saying that he was not to be touched or interfered with.<sup>2831</sup>

663. The next day, Dimko PARLIĆ was again approached by KLA soldiers, including [REDACTED]<sup>2832</sup> and again taken to see the same commander.<sup>2833</sup> After being questioned, soldiers who were waiting for him outside of the commander's room forced Dimko PARLIĆ into another room where he was beaten, including with police batons.<sup>2834</sup> They forced him to lick his own blood from the floor and cursed his Serbian mother.<sup>2835</sup> When he returned home, his back was all bruised and he was covered in blood.<sup>2836</sup>

664. Finally, the next day, the same people, including [REDACTED], who took him on the first day, came again.<sup>2837</sup> Dimko PARLIĆ was pushed into the car, taken away,

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<sup>2827</sup> [REDACTED].

<sup>2828</sup> [REDACTED].

<sup>2829</sup> [REDACTED].

<sup>2830</sup> [REDACTED].

<sup>2831</sup> [REDACTED].

<sup>2832</sup> [REDACTED].

<sup>2833</sup> [REDACTED].

<sup>2834</sup> [REDACTED].

<sup>2835</sup> [REDACTED].

<sup>2836</sup> [REDACTED].

<sup>2837</sup> [REDACTED].

and never seen again.<sup>2838</sup> That same night, others in the village were also abducted and disappeared.<sup>2839</sup> By the following day, the PARLIĆ house had been plundered.<sup>2840</sup>

AA. GJILAN/GNJILANE

665. Gjilan/Gnjilane was located in the Karadak Zone, which was headed by Zone Commander Ahmet ISUFI.<sup>2841</sup> Ahmet ISUFI had authority over KLA soldiers in the zone, including those at the Dormitory.<sup>2842</sup> ISUFI was seen at the Dormitory.<sup>2843</sup> KFOR command in the area considered it impossible for the Dormitory to operate without ISUFI's knowledge.<sup>2844</sup>

666. The Dormitory building of a former boarding school in Gjilan/Gnjilane was occupied and used by the KLA from mid-June 1999.<sup>2845</sup> There were many uniformed KLA soldiers at the building, including three holders of JIC cards, issued to a limited number of key KLA personnel.<sup>2846</sup> KLA used the Dormitory as an illegal assembly area in violation of the demilitarization agreement, a military training location and a detention site.<sup>2847</sup> There were approximately 60 KLA military persons based there.<sup>2848</sup> It was obvious that it was being used as a KLA location, with a UCK emblem prominently displayed on the side of the building.<sup>2849</sup>

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<sup>2838</sup> [REDACTED].

<sup>2839</sup> [REDACTED].

<sup>2840</sup> [REDACTED].

<sup>2841</sup> [REDACTED].

<sup>2842</sup> [REDACTED].

<sup>2843</sup> [REDACTED].

<sup>2844</sup> [REDACTED].

<sup>2845</sup> [REDACTED].

<sup>2846</sup> [REDACTED].

<sup>2847</sup> [REDACTED].

<sup>2848</sup> [REDACTED].

<sup>2849</sup> [REDACTED].

## Crimes

667. In late June and July 1999, KLA members detained at least [REDACTED] persons without due process of law at a KLA headquarters located at the Dormitory in Gjilan/Gnjilane, including [REDACTED] and [REDACTED] and [REDACTED]; [REDACTED];<sup>2850</sup> [REDACTED], who heard screams coming from the basement and also saw an unidentified man being dragged up the stairs;<sup>2851</sup> [REDACTED]; and [REDACTED]. [REDACTED], was taken from [REDACTED] in late [REDACTED] 1999.<sup>2852</sup> Detainees included [REDACTED]<sup>2853</sup> [REDACTED] Serbs with no affiliation to the Serbian military or police.<sup>2854</sup>

668. The Dormitory had been under surveillance by KFOR snipers for possible illegal activity, and in the course of doing so saw Ahmed ISUFI and other uniformed personnel at the site.<sup>2855</sup> [REDACTED].<sup>2856</sup> [REDACTED].<sup>2857</sup> On [REDACTED] 1999, and following reports that [REDACTED] was coerced and beaten there, [REDACTED].<sup>2858</sup>

669. [REDACTED] discovered a 'torture chamber', including exposed electrical wires, cut off broom sticks, and sharpened sticks.<sup>2859</sup> There was blood on the floor.<sup>2860</sup> [REDACTED] large amount of weapons, documents and KLA uniforms.<sup>2861</sup>

670. [REDACTED]<sup>2862</sup> and the son [REDACTED] were amongst the persons identified as participating in the arrest and beatings of certain of the victims.<sup>2863</sup>

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<sup>2850</sup> [REDACTED].

<sup>2851</sup> [REDACTED].

<sup>2852</sup> [REDACTED].

<sup>2853</sup> [REDACTED].

<sup>2854</sup> [REDACTED].

<sup>2855</sup> [REDACTED].

<sup>2856</sup> [REDACTED].

<sup>2857</sup> [REDACTED].

<sup>2858</sup> [REDACTED].

<sup>2859</sup> [REDACTED].

<sup>2860</sup> [REDACTED].

<sup>2861</sup> [REDACTED].

<sup>2862</sup> [REDACTED].

<sup>2863</sup> [REDACTED].

671. [REDACTED] and [REDACTED] were beaten for approximately 30 minutes during their arrest, and the [REDACTED] s ribs were broken.<sup>2864</sup> [REDACTED] still suffers from the consequences of this beating.<sup>2865</sup> [REDACTED] [REDACTED] and [REDACTED] [REDACTED] - were also visibly injured following their detention.<sup>2866</sup>

672. Interrogations of detainees included questions as to why they had not yet left Kosovo,<sup>2867</sup> if they were in the military,<sup>2868</sup> had weapons,<sup>2869</sup> and about particular persons or incidents.<sup>2870</sup> Some were targeted on the basis of their ethnicity and told they 'should've gone to Serbia'.<sup>2871</sup> [REDACTED] was shown a document at the Dormitory,<sup>2872</sup> which had a list of people that the KLA were looking for, and people from Gjilan/Gnjilane were marked on it with a red flag.<sup>2873</sup>

673. [REDACTED] was dragged into a different cell, after his ribs were broken, and was forced to fight another detainee, who had already been badly beaten.<sup>2874</sup> [REDACTED].<sup>2875</sup> The soldiers who had detained him and several others surrounded him, and they beat him from head to toe with batons and other things.<sup>2876</sup> He was beaten severely all over his body, and lost consciousness [REDACTED].<sup>2877</sup> [REDACTED],<sup>2878</sup> [REDACTED].<sup>2879</sup> [REDACTED]<sup>2880</sup>

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<sup>2864</sup> [REDACTED].

<sup>2865</sup> [REDACTED].

<sup>2866</sup> [REDACTED].

<sup>2867</sup> [REDACTED].

<sup>2868</sup> [REDACTED].

<sup>2869</sup> [REDACTED].

<sup>2870</sup> [REDACTED].

<sup>2871</sup> [REDACTED].

<sup>2872</sup> [REDACTED].

<sup>2873</sup> [REDACTED].

<sup>2874</sup> [REDACTED].

<sup>2875</sup> [REDACTED].

<sup>2876</sup> [REDACTED].

<sup>2877</sup> [REDACTED].

<sup>2878</sup> [REDACTED].

<sup>2879</sup> [REDACTED].

<sup>2880</sup> [REDACTED].

674. Witnesses described long term consequences as a result of their beatings,<sup>2881</sup> including various psychological issues.<sup>2882</sup>

### Mirko JOVIĆ and Džemo ZULJIĆ

675. Mirko JOVIĆ and Džemo ZULJIĆ<sup>2883</sup> were both abducted in Gjilan/Gnjilane just two days apart, on 12 and 14 July 1999, respectively, and were taken to the Dormitory. They were never seen alive again.<sup>2884</sup>

676. On 12 July 1999, Mirko JOVIĆ ([REDACTED]) was taken from his house, in a vehicle by KLA members and [REDACTED],<sup>2885</sup> who said that they needed to collect passes for free movement.<sup>2886</sup> Shortly after their vehicle stopped across the road from the Dormitory,<sup>2887</sup> JOVIĆ was told he had to go with the KLA [REDACTED].<sup>2888</sup> JOVIĆ was escorted, with one person on either side of him, towards the Dormitory.<sup>2889</sup> [REDACTED] never saw JOVIĆ again after that evening.<sup>2890</sup>

677. Mirko JOVIĆ's body was eventually found, and an autopsy conducted on 18 June 2000<sup>2891</sup> identified the cause of death as a gunshot wound to the skull.<sup>2892</sup> Two bullets were found in soft tissue that indicated that he was shot a further time in another part of the body.<sup>2893</sup>

678. On 13 July 1999, the evening before Džemo ZULJIĆ was abducted, KLA came to his home to collect weapons which he handed over.<sup>2894</sup> The following morning two

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<sup>2881</sup> [REDACTED].

<sup>2882</sup> [REDACTED].

<sup>2883</sup> [REDACTED].

<sup>2884</sup> [REDACTED].

<sup>2885</sup> [REDACTED].

<sup>2886</sup> [REDACTED].

<sup>2887</sup> [REDACTED].

<sup>2888</sup> [REDACTED].

<sup>2889</sup> [REDACTED].

<sup>2890</sup> [REDACTED].

<sup>2891</sup> [REDACTED].

<sup>2892</sup> [REDACTED].

<sup>2893</sup> [REDACTED].

<sup>2894</sup> [REDACTED].

KLA men returned and took Džemo ZULJIĆ to the Dormitory.<sup>2895</sup> When ZULJIĆ resisted, they said, ‘you better go. It’s better that you go voluntarily rather than being forced to.’<sup>2896</sup> [REDACTED].<sup>2897</sup>

679. [REDACTED].<sup>2898</sup> His body was discovered in [REDACTED] and identified on [REDACTED] 2002.<sup>2899</sup>

BB. FORMER POLICE STATION IN SUHAREKË/SUVA REKA

680. Suharekë/Suva Reka municipality fell within the Pashtrik Zone,<sup>2900</sup> and was strategically important due to its location.<sup>2901</sup> Brigade 123, established in the summer of 1998, was based there.<sup>2902</sup> Between January and March 1999, more than 1,700 KLA soldiers were serving in this brigade.<sup>2903</sup>

681. On or after 12 June 1999, KLA soldiers started entering Suharekë/Suva Reka town,<sup>2904</sup> [REDACTED].<sup>2905</sup> A special unit called Kittrat, [REDACTED] head of the special unit ‘Eye of the Eagle’, which reported to the Pashtrik Zone command,<sup>2906</sup> [REDACTED].<sup>2907</sup> By 15 June 1999, the KLA had set up checkpoints in the town.<sup>2908</sup>

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<sup>2895</sup> [REDACTED].

<sup>2896</sup> [REDACTED].

<sup>2897</sup> [REDACTED].

<sup>2898</sup> [REDACTED].

<sup>2899</sup> [REDACTED].

<sup>2900</sup> [REDACTED].

<sup>2901</sup> [REDACTED].

<sup>2902</sup> [REDACTED].

<sup>2903</sup> [REDACTED].

<sup>2904</sup> [REDACTED].

<sup>2905</sup> [REDACTED].

<sup>2906</sup> [REDACTED].

<sup>2907</sup> [REDACTED].

<sup>2908</sup> [REDACTED].

## Crimes

682. From on or around [REDACTED] 1999,<sup>2909</sup> [REDACTED] was detained by the KLA for [REDACTED] days<sup>2910</sup> during which he was [REDACTED]. Having been stopped by three armed KLA soldiers,<sup>2911</sup> he was forced to drive to the Suharekë/Suva Reka [REDACTED] where he saw approximately fifteen uniformed, armed KLA members.<sup>2912</sup> There, [REDACTED] personal documents, money and valuables were confiscated and he was placed in a detention cell.<sup>2913</sup> He was later brought up to meet [REDACTED].<sup>2914</sup>

683. For three days,<sup>2915</sup> [REDACTED] was mistreated and interrogated about the location of Albanian graves, a member of the Serbian police, and the number of Albanians he had allegedly killed.<sup>2916</sup> KLA members took turns beating and hitting [REDACTED] with rifle butts, batons, and boots.<sup>2917</sup>

684. On the third day, [REDACTED] was tied, blindfolded, and driven in the direction of [REDACTED],<sup>2918</sup> where he was held [REDACTED].<sup>2919</sup> He was [REDACTED] - without food or water.<sup>2920</sup> In an attempt to make him confess, the barrel of a cocked pistol was put in [REDACTED] mouth and he was threatened with death.<sup>2921</sup> When the perpetrators realised that [REDACTED] did not know anything, they discussed what to do with him.<sup>2922</sup> He was blindfolded again and driven back to the [REDACTED] in Suharekë/Suva Reka.<sup>2923</sup>

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<sup>2909</sup> [REDACTED].

<sup>2910</sup> [REDACTED].

<sup>2911</sup> [REDACTED].

<sup>2912</sup> [REDACTED].

<sup>2913</sup> [REDACTED].

<sup>2914</sup> [REDACTED].

<sup>2915</sup> [REDACTED].

<sup>2916</sup> [REDACTED].

<sup>2917</sup> [REDACTED].

<sup>2918</sup> [REDACTED].

<sup>2919</sup> [REDACTED].

<sup>2920</sup> [REDACTED].

<sup>2921</sup> [REDACTED].

<sup>2922</sup> [REDACTED].

<sup>2923</sup> [REDACTED].

685. On the final day of his detention, [REDACTED] was taken out of the cell at the [REDACTED] in Suharekë/Suva Reka and handed [REDACTED],<sup>2924</sup> who drove him to [REDACTED].<sup>2925</sup> [REDACTED] was put in the basement there for a few hours while [REDACTED].<sup>2926</sup>

686. Upon [REDACTED] release, [REDACTED] ordered him to report back daily to the KLA headquarters,<sup>2927</sup> which [REDACTED] did a number of times<sup>2928</sup> before taking refuge in [REDACTED].<sup>2929</sup>

CC. NOVEBËRDË/NOVO BRDO

687. Novebërdë/Novo Brdo municipality was part of the KLA Karadak Zone, headed by Ahmet ISUFI.<sup>2930</sup> [REDACTED] was known to KFOR as a local KLA commander in Novebërdë/Novo Brdo.<sup>2931</sup>

## Crimes

688. [REDACTED],<sup>2932</sup> [REDACTED]<sup>2933</sup> [REDACTED] by a group of armed men, some in KLA uniforms.<sup>2934</sup> One of the armed men was [REDACTED], who was in charge of the group.<sup>2935</sup> The three men were questioned about their purpose for being there.<sup>2936</sup> [REDACTED].<sup>2937</sup> However, after the intervention of local person who knew them, [REDACTED] and his relatives were permitted to proceed.<sup>2938</sup>

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<sup>2924</sup> [REDACTED].

<sup>2925</sup> [REDACTED]. *See* Section III(V).

<sup>2926</sup> [REDACTED].

<sup>2927</sup> [REDACTED].

<sup>2928</sup> [REDACTED].

<sup>2929</sup> [REDACTED].

<sup>2930</sup> [REDACTED].

<sup>2931</sup> [REDACTED].

<sup>2932</sup> [REDACTED].

<sup>2933</sup> [REDACTED].

<sup>2934</sup> [REDACTED].

<sup>2935</sup> [REDACTED].

<sup>2936</sup> [REDACTED].

<sup>2937</sup> [REDACTED].

<sup>2938</sup> [REDACTED].

689. As he left, [REDACTED].<sup>2939</sup> According to what they told him later, they were taken to the KLA controlled police station in Novebërdë/Novo Brdo<sup>2940</sup> [REDACTED].<sup>2941</sup>

690. Four days later, [REDACTED], [REDACTED].<sup>2942</sup>

691. The KLA members held [REDACTED] at gunpoint,<sup>2943</sup> kicked him in the knees, hit him on the head with their pistols when he resisted, and forced him into their vehicle.<sup>2944</sup> When [REDACTED] protested they put a pistol in his mouth.<sup>2945</sup> [REDACTED].<sup>2946</sup>

692. [REDACTED] was taken to the former police station in [REDACTED], which was then a KLA headquarters, and placed in an office.<sup>2947</sup> The KLA put a knife against his throat and beat him severely, [REDACTED].<sup>2948</sup>

693. [REDACTED] why they were doing this to them,<sup>2949</sup> [REDACTED]. [REDACTED].<sup>2950</sup> Since no neighbours could guarantee their safety, they left their village the next day<sup>2951</sup> and their house was burned down a few days later.<sup>2952</sup>

DD. TOKBASHQE

694. In the summer of 1999, KLA soldiers [REDACTED] of the KLA Llap Zone took a [REDACTED] male civilian of Serbian ethnicity to the KLA base in Tokbashqe,

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<sup>2939</sup> [REDACTED].

<sup>2940</sup> [REDACTED].

<sup>2941</sup> [REDACTED].

<sup>2942</sup> [REDACTED].

<sup>2943</sup> [REDACTED].

<sup>2944</sup> [REDACTED].

<sup>2945</sup> [REDACTED].

<sup>2946</sup> [REDACTED].

<sup>2947</sup> [REDACTED].

<sup>2948</sup> [REDACTED].

<sup>2949</sup> [REDACTED].

<sup>2950</sup> [REDACTED].

<sup>2951</sup> [REDACTED].

<sup>2952</sup> [REDACTED].

Prishtinë/Priština, in the boot of a car.<sup>2953</sup> The man was detained because of his ethnicity.<sup>2954</sup>

695. He was held for about two or three days during which he was severely beaten,<sup>2955</sup> he was then killed at the KLA base in Tokbashqë [REDACTED],<sup>2956</sup> [REDACTED],<sup>2957</sup> [REDACTED].<sup>2958</sup>

696. [REDACTED].<sup>2959</sup> The soldiers did not fear reprisals or punishment; abuses against Serbs were accepted.<sup>2960</sup>

#### EE. ARMED CONFLICT

697. During the Indictment Period, an armed conflict existed in Kosovo between the KLA and FRY forces,<sup>2961</sup> including VJ and MUP units and other groups fighting on behalf of the FRY.<sup>2962</sup> This conflict encompassed hostilities involving heavy weapons, and occasioned casualties and displacement of a large number of civilians, while also attracting the attention of the international community.<sup>2963</sup> Intense fighting occurred in various parts of Kosovo,<sup>2964</sup> exacerbated by weaponry such as rocket launchers,<sup>2965</sup>

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<sup>2953</sup> [REDACTED].

<sup>2954</sup> [REDACTED].

<sup>2955</sup> [REDACTED].

<sup>2956</sup> [REDACTED].

<sup>2957</sup> [REDACTED].

<sup>2958</sup> [REDACTED].

<sup>2959</sup> [REDACTED].

<sup>2960</sup> [REDACTED].

<sup>2961</sup> [REDACTED]; IT-05-87\_1 P01029, pp.105, 144, 157, 161, 167; [REDACTED]; IT-04-84 P01143.E, p.2; [REDACTED]; IT-04-84 P00968.E; [REDACTED]; SPOE00131824-SPOE00131857-ET, p.SPOE00131848; SPOE00209430-SPOE00209430-ET Revised; [REDACTED].

<sup>2962</sup> [REDACTED]; 043850-043850-ET Revised; [REDACTED]; 043804-043804-ET Revised; SPOE00055399-SPOE00055399-ET Revised; 075007-075129; [REDACTED]; SPOE00209430-SPOE00209430-ET Revised; [REDACTED]; 043850-043850-ET Revised; [REDACTED]; SPOE00209429-SPOE00209429-ET Revised; SPOE00053380-SPOE00053393-ET, p.11; [REDACTED]; IT-03-66 P230.D18, p.1; IT-05-87\_1 P00886\_E, p.11; IT-03-66 P230.D24; [REDACTED]; IT-05-87\_1 P00886\_E, p.36; [REDACTED]; 043801-043801-ET Revised; [REDACTED]; IT-05-87\_1 P00886\_E, p.79; [REDACTED]; 043806-043806-ET Revised; 043861-043861-ET Revised; [REDACTED]; 065716-065720; [REDACTED]; IT-05-87 1D00018, pp.335–337; [REDACTED].

<sup>2963</sup> [REDACTED]; 075007-075129; [REDACTED].

<sup>2964</sup> [REDACTED].

<sup>2965</sup> [REDACTED].

mortars,<sup>2966</sup> automatic weapons,<sup>2967</sup> armoured vehicles, artillery,<sup>2968</sup> and military aircraft.<sup>2969</sup> The conflict resulted in significant numbers of displaced persons within and outside Kosovo.<sup>2970</sup>

698. While FRY-OSCE and FRY-KDOM agreements were reached in October 1998<sup>2971</sup> and FRY-KFOR<sup>2972</sup> and KLA-KFOR<sup>2973</sup> agreements were reached in June 1999 for a ceasefire, withdrawal of the FRY forces from Kosovo and demilitarisation of the KLA, no agreement was ever reached between the KLA and the FRY forces themselves, and no peaceful settlement was achieved between the KLA and FRY during the Indictment Period. Indeed, both FRY forces<sup>2974</sup> and the KLA<sup>2975</sup> were found to be in violation of their respective agreements during the summer of 1999, and hostilities continued into the second half of June 1999.<sup>2976</sup>

699. Following withdrawal of FRY forces on 20 June 1999, the situation remained volatile and unstable: FRY forces were discovered on the border of, and in, Kosovo on several occasions;<sup>2977</sup> the KLA maintained unauthorised weapons depots, police stations, and detention facilities; and both the KLA and FRY forces continued hostile and provocative acts through at least September 1999.<sup>2978</sup> Until at least September 1999, the redeployment of FRY forces and resumption of hostilities in Kosovo was a real concern among the parties to the conflict.<sup>2979</sup> Under customary international law, the

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<sup>2966</sup> [REDACTED].

<sup>2967</sup> [REDACTED].

<sup>2968</sup> SPOE00209430-SPOE00209430-ET Revised; [REDACTED]; 043850-043850-ET Revised; [REDACTED].

<sup>2969</sup> [REDACTED].

<sup>2970</sup> See e.g. 075007-075129, pp.44, 91, 116; [REDACTED].

<sup>2971</sup> [REDACTED].

<sup>2972</sup> [REDACTED].

<sup>2973</sup> [REDACTED].

<sup>2974</sup> See e.g. 076097-076099, p.2; 076092-076096, p.1; [REDACTED].

<sup>2975</sup> See e.g. [REDACTED]; 076092-076096, pp.1-2.

<sup>2976</sup> [REDACTED].

<sup>2977</sup> 076097-076099, p.2; 076092-076096, p.1; [REDACTED].

<sup>2978</sup> [REDACTED].

<sup>2979</sup> [REDACTED].

fundamental protections afforded to the victims in this case extended beyond the cessation of hostilities.<sup>2980</sup>

700. The KLA: (i) had a command structure and was able to conduct military operations, exercise control over territory, and establish bases and headquarters in Kosovo and northern Albania;<sup>2981</sup> (ii) had significant logistical capacity, including weapons, finances, and communications;<sup>2982</sup> (iii) recruited members, providing them military training and uniforms;<sup>2983</sup> and (iv) issued numerous communiqués and declarations before and during the conflict, sometimes referring to the Geneva Conventions.<sup>2984</sup>

701. The perpetrators of the crimes were KLA/PGoK members, and the crimes were committed at and in connection with headquarters and bases used by the KLA, a party to the armed conflict. The perpetrators targeted Opponents for mistreatment on the basis of their association with the opposing party to conflict, or their perceived failure to support the KLA in the conflict.<sup>2985</sup>

#### FF. WIDESPREAD AND SYSTEMATIC ATTACK

702. During the Indictment Period, there was a widespread and systematic attack against the civilian population of Opponents in Kosovo and northern Albania.

703. KLA members abducted, detained, ill-treated, tortured, and/or killed hundreds of civilians<sup>2986</sup> at, in connection with, or during transfer to or from more than 50 detention sites located throughout areas under KLA control in Kosovo and in northern Albania.<sup>2987</sup> Throughout the Indictment Period, many of the same perpetrators

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<sup>2980</sup> [REDACTED]. See also ICTY, *Prosecutor v. Tadić*, IT-94-1-AR72, Decision on the Defence Motion for Interlocutory Appeal on Jurisdiction, 2 October 1995, para.69; Additional Protocol II, Articles 2, 4-6.

<sup>2981</sup> Section II(D); [REDACTED].

<sup>2982</sup> Section II(D); [REDACTED].

<sup>2983</sup> Section II(D); [REDACTED].

<sup>2984</sup> Section II(B).

<sup>2985</sup> Section II(B).

<sup>2986</sup> See Section III; [REDACTED].

<sup>2987</sup> [REDACTED]; IT-05-87 1D00018, pp.331–332; [REDACTED].

continued to commit crimes,<sup>2988</sup> the same locations continued to be crime scenes,<sup>2989</sup> and some of the same victims were targeted multiple times.<sup>2990</sup> The violations had deleterious impacts not only on the direct victims, but also on their families and communities. In this regard, the victims included political leaders and others who represented the Opponent population as a whole<sup>2991</sup> and public statements by the KLA/PGoK leadership expressly indicated that the attacks were a warning to all other Opponents.<sup>2992</sup>

704. The acts of mistreatment followed a consistent pattern and methodology, which was applied across a wide range of territory:<sup>2993</sup> (i) Opponents were identified, including based on information obtained by KLA members, including check-point guards, intelligence services, military police, and special units; (ii) Opponents were then summonsed, arrested, or, in some cases, killed on the spot; and (iii) those summonsed and arrested, including at check-points, places of employment, and refugee camps, were interrogated, detained, mistreated, tortured, killed, and/or disappeared. In this respect, KLA members committed a further pattern of killings in connection with KLA withdrawals from sites in the face of offensives by FRY forces. At or around the time of such withdrawals, detainees were killed, sometimes after first being transferred on to one or more other detention locations.<sup>2994</sup>

705. The KLA/PGoK leadership made public statements and issued or approved regulations, directions, orders, and threats against Opponents, while also directing, condoning, and encouraging their mistreatment and execution.<sup>2995</sup> KLA perpetrators sought information concerning, and from, Opponents, to punish and discriminate

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<sup>2988</sup> See e.g. Sections III(A), (L), (P), (Q); Section III(B), [REDACTED]; Section III(C) and [REDACTED].

<sup>2989</sup> See e.g. Sections III(A), (I), (N). See also Section III(B), [REDACTED].

<sup>2990</sup> See e.g. Section III(Q), [REDACTED]; III(A).

<sup>2991</sup> See e.g. Sections III(L), (M).

<sup>2992</sup> See Section II(B).

<sup>2993</sup> Section III; [REDACTED]; IT-03-66 P148; [REDACTED].

<sup>2994</sup> See e.g. Sections III(B)-(E), (I), (K).

<sup>2995</sup> See Sections II(B), (C); [REDACTED]; SPOE00209429-SPOE00209429-ET Revised; [REDACTED]; 043805-043805-ET; [REDACTED]; 043864-043864-ET Partial; [REDACTED].

against them, to deter opposition, and to muster support for the KLA.<sup>2996</sup> KLA members, including military police and intelligence services, compiled information about, and lists of, collaborators and other Opponents.<sup>2997</sup> Once identified, Opponents were detained at KLA headquarters and bases where they were mistreated, and often transferred between detention sites.<sup>2998</sup> KLA commanders, including members of the General Staff and zone and brigade commands, were directly involved in the identification of and crimes against Opponents.<sup>2999</sup>

706. The **Accused** knew of the widespread and systematic attack on the civilian population. The crimes were common knowledge inside and outside Kosovo.<sup>3000</sup> Public statements made by the KLA/PGoK leadership condoned and encouraged attacks against Opponents,<sup>3001</sup> and regulations, structures, directions, and orders of the KLA/PGoK leadership concerned the identification and targeting of Opponents.<sup>3002</sup> KLA/PGoK commanders, including the **Accused**, and other KLA members took part in threats, intimidation, arrests, disappearances, detentions, interrogations, mistreatment, and killings of Opponents.<sup>3003</sup> The **Accused** were also part of and used communication networks that would have apprised them of these events.<sup>3004</sup>

707. Crimes against Opponents were also publicly reported from early on in the Indictment Period;<sup>3005</sup> international and non-governmental organisations and other sources reported that KLA members were responsible for hundreds of crimes between February 1998 and continuing through the summer of 1999.<sup>3006</sup> The ability to

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<sup>2996</sup> See Section III.

<sup>2997</sup> See Section II(D); [REDACTED].

<sup>2998</sup> See Section III.

<sup>2999</sup> See Sections II, III.

<sup>3000</sup> See Section II(A); [REDACTED]; 076690-076692, p.1.

<sup>3001</sup> See Sections II(B); [REDACTED].

<sup>3002</sup> See Section II(C).

<sup>3003</sup> See para.112.

<sup>3004</sup> See Section II(D).

<sup>3005</sup> See e.g. [REDACTED].

<sup>3006</sup> See e.g. [REDACTED]; IT-05-87 1D00018, pp.183–184, 302, 309–311, 313, 323–325, 331–332, 338–341; [REDACTED]; 076631-076631; [REDACTED].

determine an accurate number of persons detained or otherwise targeted by the KLA was impacted by the means used - such as disguises, abductions at night,<sup>3007</sup> and refusal to provide any or accurate information about victims to family members and others<sup>3008</sup> - and the failure of the KLA to provide statistics concerning its detained population, acknowledge detentions, and provide international organisations access to detainees.<sup>3009</sup>

#### IV. THE ACCUSED AIDED AND ABETTED THE CHARGED CRIMES

708. Through the same acts and omissions detailed above as significant contributions to the common criminal purpose, the **Accused** also aided and abetted the crimes.<sup>3010</sup> Through those acts and omissions, each of the **Accused** provided assistance, encouragement, and/or moral support, which had a substantial effect on the commission of the crimes. The **Accused** were aware of the probability that these crimes would be committed and that their acts and omissions would contribute to their commission.

#### V. THE ACCUSED FAILED TO PREVENT THE CRIMES OR PUNISH THE PERPETRATORS

709. The **Accused** are individually criminally responsible for the charged crimes through failing to take necessary and reasonable measures to prevent their commission or punish the perpetrators.<sup>3011</sup> The **Accused** had both formal and *de facto* power and authority over those who committed<sup>3012</sup> the charged crimes. The powers and authority of the **Accused** have been set out above.

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<sup>3007</sup> See e.g. paras 167, 310, 329.

<sup>3008</sup> See e.g. paras 14, 301, 355, 356, 455, 535.

<sup>3009</sup> [REDACTED].

<sup>3010</sup> [REDACTED].

<sup>3011</sup> [REDACTED].

<sup>3012</sup> The term 'committed', as used in the context of superior responsibility, includes all modes of liability covered by Article 16(1) of the Law. See [REDACTED].

710. In summary, as senior members of the KLA/PGoK the **Accused** had authority over the entire KLA/PGoK structures. They exercised this authority in setting policy, making decisions and issuing orders on a wide variety of issues - ranging from military operations, to making appointments, disbursing supplies and regulating interactions with the media.

711. Others within the KLA/PGoK reported to the **Accused**, including zone, brigade and unit commanders, members of the General Staff directorates, staff commands at the zone level, and police and intelligence units.

712. With such powers and authority, the **Accused** had the ability to take a wide-range of measures to prevent the charged crimes or punish the perpetrators. Despite knowing or having reason to know of the crimes,<sup>3013</sup> they failed do so. For example, as detailed above:

- a. Each **Accused** had the authority to issue orders that were complied with. They could have issued necessary and reasonable orders to prohibit or stop the commission of crimes.
- b. Each **Accused** played a key role in the design, preparation, and execution of the crimes. As such, they could have prevented the crimes, including through the incorporation of appropriate safeguards such as adequate training and necessary regulations and procedures.
- c. Each **Accused** had the authority to dismiss, demote or otherwise discipline the perpetrators of the crimes.
- d. Each **Accused** had the ability to report information about the commission or possible commission of crimes to appropriate authorities either within the structures they themselves created or outside the KLA.

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<sup>3013</sup> See Section II(A) above.

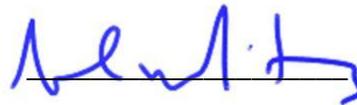
e. Each **Accused** had the authority to order and initiate genuine and adequate investigations into allegations of crimes and to order arrests.

713. Instead, the **Accused** sought to cover up the crimes through denials,<sup>3014</sup> deflections and token measures designed to appease international interlocutors.<sup>3015</sup> Rather than using the structures at their disposal, including police and other investigative units, to prevent or punish the charged crimes, these entities were instrumentalised by the **Accused** to perpetrate their common criminal purpose. Investigations or inquiries that were conducted were directed against Opponents, or in relation to crimes perpetrated by FRY forces. The **Accused** created and encouraged a climate of impunity for crimes against Opponents.

## VI. CONCLUSION

714. **Hashim THAÇI, Kadri VESELI, Rexhep SELIMI, and Jakup KRASNIQI** are individually criminally responsible as charged.

**Word count: 49,767**



**Alex Whiting**

**Acting Specialist Prosecutor**

Monday, 3 April 2023

At The Hague, the Netherlands.

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<sup>3014</sup> See Section II(E) above.

<sup>3015</sup> See Section II(D) above.

<b>LIST OF ACRONYMS</b>	
<b>Acronym</b>	<b>Full Name</b>
BIA	Llap Zone BIA Guerrilla Unit
DPRCA	Directorate for Public Relations and Civil Administration
FARK	Armed Forces of the Republic of Kosovo
FRY	Federal Republic of Yugoslavia
G2, ZKZ, or SHI	KLA intelligence services
GS	General Staff
JCE	Joint criminal enterprise
JNA or VJ	Yugoslav (People's) Army
KDOM	Kosovo Diplomatic Observer Mission
KFOR	Kosovo Force
KLA	Kosovo Liberation Army
LDK	Democratic League of Kosovo
LPK	People's Movement for Kosovo
PGoK	Provisional Government of Kosovo
M2 or SHIU	Ministry of Defence intelligence service
MPO	Ministry of Public Order
MUP	Serbian Ministry of Internal Affairs
NATO	North Atlantic Treaty Organisation
OSCE	Organisation for Security and Co-operation in Europe
PGoK	Provisional Government of Kosovo

PPDK or PDK	Democratic (Progress) Party of Kosovo
PU	KLA military police
SHIK	Intelligence Service of Kosovo
[REDACTED]	[REDACTED]
UDB	Serbian State Security Administration
UNMIK	United Nations Mission in Kosovo
UNSCR	United Nations Security Council Resolution