

1 Monday, 9 February 2026

2 [Open session]

3 [Closing Statements]

4 [The accused entered the courtroom]

5 --- Upon commencing at 9.10 a.m.

6 PRESIDING JUDGE SMITH: Mr. Court Officer, please call the case.

7 THE COURT OFFICER: Good morning, Your Honours. This is the
8 file number KSC-BC-2020-06, The Specialist Prosecutor versus
9 Hashim Thaci, Kadri Veseli, Rexhep Selimi, and Jakup Krasniqi. Thank
10 you, Your Honours.

11 PRESIDING JUDGE SMITH: Good morning, everyone. Today we will
12 begin hearing the closing statements.

13 Now, first of all, I'll ask all the parties and participants to
14 indicate who is present for today's hearing, beginning with the
15 Prosecutor's Office.

16 MS. WEST: Good morning, Your Honours. Today, the SPO is
17 represented by Nathan Quick, Clare Lawson, Mr. Alan Tieger,
18 James Pace, and Matthew Halling. And I am Specialist Prosecutor
19 Kim West.

20 PRESIDING JUDGE SMITH: Thank you, Madam Prosecutor.
21 Victims' Counsel.

22 MR. LAWS: Good morning, Your Honours. I am Simon Laws
23 representing the victims in this case.

24 PRESIDING JUDGE SMITH: Thank you, Mr. Laws.
25 Counsel for Mr. Thaci.

1 MR. MISETIC: Good morning, Your Honours. I'm Luka Misetiç,
2 counsel for Mr. Thaci. To my right is my co-counsel
3 Ms. Nina Tavakoli; our legal associates, Ms. Fellenza Limani and
4 Mr. Matej Pustay; and behind me is Ms. Bonnie Johnston and
5 Mr. Lirim Greicevci. Thank you.

6 PRESIDING JUDGE SMITH: [Microphone not activated].

7 MR. DIXON: Good morning, Your Honours. Rodney Dixon for
8 Mr. Veseli, assisted by my co-counsel Ms. Rowan, Ms. O'Reilly, and
9 legal assistants Mr. Caon and Ms. Ana Hamitaj. Thank you.

10 PRESIDING JUDGE SMITH: Thank you, Mr. Dixon.

11 Mr. Roberts for the Selimi Defence.

12 MR. ROBERTS: Good morning, Your Honour. I am Geoff Roberts on
13 behalf of Mr. Selimi, together with, to my right, Mr. Eric Tully,
14 Mr. Chad Mair, co-counsels; and legal consultant
15 Ms. Furtuna Sheremeti; and behind me, Ms. Riva Gjecaç and
16 Mr. Cristian Vale, our legal associates. Thank you.

17 PRESIDING JUDGE SMITH: Thank you, Mr. Roberts.

18 Counsel for Mr. Krasniqi.

19 MS. V. ALAGENDRA: Good morning, Your Honours.
20 Venkateswari Alagenda for Mr. Jakup Krasniqi, appearing together
21 with Mr. Aidan Ellis and Victor Baiesu, co-counsels;
22 Mr. Mentor Beçiri and Mr. Jacopo Ricci, legal associates; and
23 Mr. Bilall Sherifi. Thank you.

24 PRESIDING JUDGE SMITH: Thank you.

25 From the Registry, anybody?

1 THE REGISTRAR: Good morning, Your Honours. Fidelma Donlon, the
2 Registrar.

3 PRESIDING JUDGE SMITH: Thank you, Madam Registrar.

4 For the record, I note that all the accused are present in the
5 courtroom today.

6 Before we begin with the closing statements, the photographer
7 has asked permission to take a few pictures.

8 You may go ahead.

9 Today we will begin hearing the closing statements in this case.
10 We will follow the agenda set out in the Panel's order on the closing
11 statements, which is filing F03639. As a reminder, today's hearing
12 is scheduled to conclude at 1645, and breaks are scheduled for half
13 an hour at 10.30, resuming at 11.00; one and a half hours for lunch,
14 beginning at 1300 and resuming at 1430; a 15-minute break at 1530,
15 resuming at 1545.

16 Before we start with the closing statements, there are some
17 preliminary matters the Panel wishes to address.

18 First, on November 6th, 2025, the Panel issued order F03565 in
19 which it ordered the parties and participants to provide submissions
20 on the feasibility of holding reparation proceedings after the
21 conclusion of the closing arguments and before the issuance of the
22 trial judgment.

23 Having considered the submissions of the parties and
24 participants, the Panel confirms that it maintains its position set
25 out in its order of December 4, 2024, specifically, that any request

1 for reparations should be filed by Victims' Counsel after the
2 judgment in this case and after any verdicts on the counts are
3 determined.

4 Second, the Panel recalls that the SPO, the Krasniqi Defence,
5 and the Selimi Defence respectively requested that members of their
6 teams be granted rights of audience for the purpose of participating
7 in parts of the closing statements. Specifically, the Panel recalls
8 that the SPO requested that Ms. Lawson be granted the right of
9 audience; the Krasniqi Defence requested that Mr. Beqiri and
10 Mr. Ricci be granted rights of audience; and, three, the Selimi
11 Defence requested that Ms. Sheremeti be granted right of audience.

12 Since the parties and participants have all confirmed that they
13 have no objection to the request, the Panel grants these individual
14 rights of audience for the purpose of participating in these closing
15 statements.

16 Lastly, since the closing statements are being interpreted, the
17 Panel reminds the parties and participants to speak at a slow pace to
18 allow the interpreters to catch up, and to be especially mindful,
19 when you are reading, that one has a tendency to read faster than you
20 would speak normally, so be conscious of that and try to control the
21 speed of your speaking.

22 This concludes the remarks from the Panel. We will now start
23 with the closing statements of the Specialist Prosecutor's Office.
24 You have been allocated eight hours, and you may proceed.

25 MS. WEST: Good morning, Your Honours, Madam Registrar, and

1 everyone in and around the courtroom.

2 It is a privilege to address you here at the closings of the
3 largest case to have successfully progressed through this
4 distinguished institution. With five-plus years behind us, the
5 Kosovo Specialist Chambers has become a regular and conventional
6 court, conducting hearings and trials, and representing to the world
7 that international justice and the rule of law is routine within
8 these four walls. Furthermore, we have also demonstrated that the
9 climate of intimidation can be managed in a manner which ensures that
10 the truth is still heard. In short, we have become a successfully
11 functioning court in a relatively short period of time.

12 The thanks for that, of course, goes to the judiciary, the KSC
13 and SPO staff, the Defence bar sitting before me today, and
14 Victims' Counsel, all with decades of legal experience and all of
15 whom have practiced with an admired professionalism and expertise.
16 Any young lawyer who has stood in the well of this courtroom will
17 have witnessed it and learned from it.

18 But I save my eternal gratitude for those who deserve it the
19 most, for those who have personally taken it upon their own shoulders
20 to ensure that the rule of law is delivered to the people of Kosovo.
21 That is, those victims and witnesses who have come to this Court to
22 give their testimony. And despite fears, threats, and stigma being
23 forced upon witnesses and their families by a limited but vocal group
24 in Kosovo, these witnesses have so yearned for the truth to come out
25 that they nonetheless chose to cooperate with my office and give

1 evidence to this Court, all in an effort to assist in creating a
2 credible and reliable record of the events from 1998 and 1999, where
3 over a hundred people were killed and hundreds more abused in and
4 around 50-plus KLA detention camps.

5 This case is about the four accused's goal to gain and exercise
6 control over all of Kosovo, but this determination for power had
7 something standing in the way, that is, people who were deemed to be
8 opponents. Those who were, or were perceived to be, collaborating
9 with Serbian forces or officials or state institutions, or not
10 supporting the aims or means of the KLA and later the PGoK. This
11 often included people associated with the LDK and persons of Serb and
12 Roma ethnicities. And in order to achieve their goal, the accused
13 committed crimes against their perceived opponents to take control
14 over Kosovo.

15 Your Honours heard the testimony of the Prosecution witnesses
16 called in this case. They included many KLA witnesses, other
17 Kosovars from all different walks of life, numerous victims of
18 varying ethnicities and their family members, and some internationals
19 who were present in Kosovo in 1998 and 1999. The evidence of all the
20 witnesses, as well as the documentary, video, and forensic evidence
21 presented, reveals that these crimes were committed and that the
22 accused bear legal responsibility for them.

23 The Court also heard live evidence from seven Defence witnesses,
24 all internationals. Each was involved in discrete efforts to bring
25 peace and administration to Kosovo, and they should be applauded for

1 their efforts. But whether their involvement in this case and their
2 limited observations are valuable for the purposes of this Court is
3 an entirely different matter. For the most part, the seven
4 international witnesses parachuted into a situation with little
5 background knowledge of the players involved, did not speak the
6 language, interacted face to face with key players only a handful of
7 times, hardly if ever saw any KLA rules, regulations, orders or
8 communiqués, and were not familiar with the KLA structure.

9 For the context of their very specific jobs, this scant layer of
10 information may have been sufficient, but it is woefully inadequate
11 for accurate fact-finding by this Court.

12 Your Honour, today and through our presentations we will show a
13 number of slides, and we request control of the screen. I'll also
14 note that all the slides used during the SPO presentation are for
15 public broadcast unless the speaker specifically indicates otherwise.

16 This dearth of information was most aptly described by a Defence
17 witness himself, the UNMIK deputy, who, in offering to explain to the
18 Court the role of a diplomat and how they arrive at their judgments,
19 candidly testified to the following:

20 "It is the duty, the role of a court to, as much as possible,
21 gather empirical evidence, so it may come as a bit confusing that
22 that's not at all how diplomats, peacemakers proceed and how they
23 reach their conclusions. Diplomats know from the outset they will
24 almost never know the full story. They have to reach judgments, make
25 strategies, and advise their governments on the basis of necessarily

1 incomplete information."

2 And this incomplete information does, undoubtedly, lack exactly
3 what this Court must prioritise: Empirical evidence.

4 This handicap was not only true for the UNMIK deputy who
5 conceded in it his testimony, but it was also equally true for the
6 rest of the international Defence witnesses.

7 Unfortunately, this trial did not escape the long-standing and
8 pervasive climate of intimidation that had been forecasted from the
9 start. To the extent the Court must consider it to make a fair
10 assessment of witness reliability, it should. Indeed, the evidence
11 before you suggests that at least some of these efforts took place
12 right here in The Hague.

13 Still, the Court has before it overwhelming evidence that, for
14 example, the accused were key members of the KLA General Staff well
15 before November 1998, and evidence that the zone commanders took
16 orders from the accused and not the other way around. Clear efforts
17 made to change, dilute, or otherwise influence certain testimony, in
18 particular to the accused Hashim Thaci's benefit, have been
19 uncovered.

20 A few significant and representative examples of those efforts
21 are now part of the record, and any attempts to cynically distort
22 accurate fact -finding by this Court must entirely and utterly fail
23 when the evidence is assessed as a whole.

24 Despite these efforts, many witnesses have been undeterred from
25 ensuring that a credible record of the events is created, and this

1 speaks not only to their courage but also to the strength of this
2 Court and the transparency of the process. This Court has presented
3 an opportunity for the rule of law to take centre stage and for the
4 truth to come out.

5 One such witness, who lost her son and husband, never recovered
6 their bodies, testified. W00072 spoke of the importance of knowing
7 and valuing the truth in the words that only a mother and wife who
8 had suffered an unspeakable tragedy could voice. She said:

9 "I will go to the end of the world just to reach the truth, and
10 as long as I can, I will not give up until I learn the truth and just
11 the truth, and I will continue to go wherever I'm invited to come. I
12 won't stop. I will die with my pain and my wound on my heart. It's
13 almost as if I've seen my son and my husband again."

14 It is important to note that after the charged crimes, this
15 witness left the country and never returned to her family home in
16 Kosovo.

17 Many of our Kosovo Albanian witnesses did not have that option,
18 making their willingness to testify here more complicated. Yet, some
19 risked it to describe to you their sadness and unresolved feelings of
20 loss at not knowing what truly happened to their family members,
21 despite having asked repeatedly. W04811 explained:

22 "25 years with no answer, and we don't know, and that is what
23 kills you the most."

24 W04368 gave evidence that after one of his relatives was taken
25 away by the KLA for questioning, the family never saw the relative

1 again. The family repeatedly asked the KLA for information but were
2 denied any answers. He testified:

3 "This has been very difficult for me and for all my family. I
4 don't know. We don't know why they took him away, for what reason.
5 When you take somebody from his or her own home without a reason,
6 there's no explanation for that."

7 To this day, this family continues to suffer in the absence of
8 closure.

9 The facts of this case and applicable loss support a lengthy
10 term of imprisonment for each of the accused. A full explanation of
11 the relevant factual and legal considerations has been laid out in
12 the Prosecution's final trial brief, and I will not repeat all the
13 factors here. While my colleagues will shortly highlight certain
14 evidence in their presentations and address certain Defence
15 arguments, we rest on our brief which more comprehensively outlines
16 our case.

17 However, it is important that the SPO's position is well
18 understood. A conviction and sentence are not sought against the
19 General Staff nor against the KLA. Equally, no conviction is sought
20 and no sentence can be imposed on the sole basis of being a member of
21 the General Staff or of the KLA. Rather, the SPO's requested
22 convictions on all ten counts and the imposition of a single sentence
23 of 45 years based on the individual contributions to the crimes which
24 are charged in the indictment made by each of Hashim Thaci,
25 Kadri Veseli, Rexhep Selimi, and Jakup Krasniqi. These crimes are

1 war crimes and crimes against humanity and are grave in nature, and
2 the gravity of the charges has not diminished with the passage of
3 time.

4 For the remainder of the Prosecution's time, my colleagues will
5 discuss the responsibility of the accused for the charged crimes.
6 First, Mr. Tieger and Ms. Lawson will discuss the accused's plan to
7 gain and exercise control over all of Kosovo, and the criminal steps
8 they took to eliminate opponents and achieve their goal. Mr. Pace
9 will then summarise the pattern of crimes, including persecution,
10 cruel treatment, arbitrary detention, torture, murder, and enforced
11 disappearances which occurred under the accused's authority and
12 pursuant to their common criminal purpose. Mr. Quick will then
13 discuss the structure and functioning of the General Staff and the
14 KLA during the indictment period. Mr. Quick will also speak about
15 the PGoK's creation and how it provided the accused with an
16 additional parallel vehicle by which to execute and accomplish their
17 common criminal plan. Finally, Mr. Halling will discuss the
18 remaining elements for individual criminal responsibility.

19 Thank you, Your Honours.

20 MR. TIEGER: You can find evidence of the common purpose - to
21 gain control by means that include the unlawful intimidation and
22 mistreatment of those deemed to be opponents - in an extraordinarily
23 vast array of evidence: Communiqués; public declarations;
24 regulations; orders; intelligence and military police reports;
25 notebooks, journals; meetings; inspections; appointments and

1 promotions; efforts to deflect, deny, and justify crimes; the
2 accused's participation in crimes; and, of course, witness evidence.

3 From the beginning of the indictment period to the end,
4 throughout different phases of the conflict, whether the common
5 purpose was being publicly proclaimed or being modulated in response
6 to concerns about the international community, the targeting of
7 collaborators continued. I will address 1998, and Ms. Lawson will
8 then address events of 1999.

9 But to fully understand what happened from March 1998 onwards,
10 it's helpful to know a bit about who the accused were at that time
11 and how they got there, because, unlike many who would join the KLA
12 during this period, the accused were not galvanised by the killings
13 of the Jashari family to volunteer. Instead, they were the pioneers
14 of the KLA who had led it to that point. As another core member of
15 the KLA General Staff said, Hashim Thaci, Kadri Veseli, and
16 Rexhep Selimi were among the few protagonists who were part of a
17 "common structure" and who "started the war and finished it."

18 Jakup Krasniqi, a respected public figure, joined that structure
19 later but would play a comparably important role. It began, as
20 Jakup Krasniqi explained in his first appearance as KLA spokesperson,
21 with the LPK.

22 And this is subtitled, so there is no need for translation.

23 [Video-clip played]

24 MR. TIEGER: The LPK is the political force, as Mr. Krasniqi
25 noted, that deserves uncontested credit for founding the Kosovo

1 Liberation Army. As Azem Syla said in P1875, the KLA could be
2 regarded as a creation of the military wing of the LPK.

3 *Levizja Popullore e Kosoves*, or LPK, was an underground
4 political group which considered that pan-Albanian liberation would
5 not happen without armed conflict. And in the early 1990s, it tasked
6 a handful of members to form its military wing and, as Ilaz Kadolli
7 noted in P12, "to start armed attacks against Serbian army, police,
8 and collaborators with the Serbian occupier in Kosovo."

9 Hashim Thaci and Kadri Veseli, friends since their early student
10 days, were key players in that process, at the forefront of the KLA
11 from the beginning. That's P4216. As Mr. Thaci explained in his SPO
12 interview, echoing what he had also told the ICTY:

13 "When we started our activity in 1992, 1993, we were a small
14 group of people. We were patriots. We were from Drenica. I was one
15 of the people that established it, one of the founders, and this is
16 well known."

17 And similarly, Mr. Veseli explained in his SPRK testimony:

18 "I was a member of the KLA [from] the very beginning. I am
19 actually one of the founders. I was a member of the KLA Main HQ
20 since the beginning."

21 Mr. Thaci had a big role from the start leading organised
22 activities, and Mr. Veseli recalled how, during the period until
23 1994, he and Mr. Thaci would go back and forth to Albania. In 1994,
24 they left for Switzerland, and from then until March 1998, they would
25 come to Kosovo every three to four months, spending two to four weeks

1 at a time. That's P739.4.

2 Thaci and Veseli had many important duties during this time -
3 maintaining contacts, organising, and bringing in arms, including 7
4 of the 12 RPGs used in the synchronised attack on 12 Serbian police
5 stations in September 1997. That's P4200 and P1883.

6 Mr. Thaci earned a reputation as one who bridged the gap between
7 fighters in Kosovo and planners in exile, as a biographer of the KLA
8 noted after consulting extensively with Mr. Thaci and other leaders.
9 As Mr. Veseli said in P4216, Thaci was someone who not only led
10 politically but "put himself in danger" and "is a fighter and at the
11 same time a political leader."

12 Rexhep Selimi, another founding member of the General Staff, was
13 known for his close connection to Adem Jashari and his role as one of
14 the earliest participants and organisers in battle, including his
15 organisation of and participation in the synchronised attacks in
16 September 1997, and, as Mr. Selimi himself observed in P761.4,
17 someone who enjoyed widespread respect and credibility among the
18 fighters.

19 This background and stature was reflected in the description by
20 one well-placed witness of Thaci, Veseli and Selimi as "the strong
21 men of the KLA," that's P1097.9, and why Ramush Haradinaj included
22 Hashim Thaci and Rexhep Selimi among his four proposed candidates for
23 commander of the KLA.

24 A leader of the KLA, as one witness made clear, was one at the
25 inception or core of the idea of war and who had established or

1 formed the KLA more than anyone else. That's P1136.4.

2 As mentioned, Jakup Krasniqi also enjoyed widespread respect, in
3 particular as a former political prisoner. Although he had
4 maintained a legal profile with the LDK during the 1990s, he had made
5 contact with Adem Jashari in 1991, had been involved with the KLA
6 since 1993, that's P186, and has explained that he joined the
7 General Staff no later than beginning of 1997, that's P794, thus
8 bringing the accused together. And throughout, their work was
9 collective in nature.

10 As Kadri Veseli said:

11 "We have had our responsibilities during the entire ... time, in
12 the period 92-98. We had our General Staff and the Operational Staff
13 of the UCK. We did not have separate duties, but all did whatever we
14 could."

15 Rexhep Selimi also underscored in his SPO interview that
16 decisions were made collectively. And Sokol Bashota noted in his
17 ICTY interview that collective decision-making applied to decisions
18 about collaborators.

19 The period from the mid-1990s to March 1998 was marked by
20 increased organisation and armed attacks, as well as determined
21 efforts to ensure that the world knew what the KLA was doing and to
22 magnify the intimidating impact of armed attacks to the full.

23 General or Central Staff communiqués over the next three to four
24 years disseminated a consistent message: The General Staff sought
25 the independence of Kosovo; it would continue until final victory;

1 political parties who considered signing for autonomy would be
2 "punished as a traitor"; it was only the KLA General Staff which had
3 the right to govern and lead in Kosovo, and those now on "the other
4 side" must support their struggle or receive their "deserved
5 punishment"; the occupiers/collaborators would be dealt with
6 mercilessly; and armed units were carrying out attacks on those
7 collaborators.

8 And I refer Your Honours, for example, to P269_ET.1, .2, .5, .6,
9 .8, and .9, .15; P274; P277; and P279; as well as P4290.

10 Now, the communiqués revealed that these particular attacked
11 collaborators included Serbs labelled as colonisers, member of the
12 Serbian Socialist Party who had made a commemorative speech at the
13 funeral of someone executed by KLA units, the rector of the Serb
14 university in Prishtine and his personal driver, persons allegedly
15 known for open collaboration with the occupiers' bodies or for other
16 unspecified anti-nationalist activity. These targets were in line
17 with the extremely broad scope of collaboration as communicated by
18 the General Staff, for example, those who "blindly serve the foreign
19 enslavers ," or "undermine and jeopardise the fate of our liberation
20 war." That's P269.15.

21 There are instances in which Mr. Krasniqi or others assert that
22 collaborators are people who serve the police and the soldiers. Now,
23 first, even this false limitation cannot serve to justify the crimes,
24 as you'll hear later from Mr. Pace. But, second, the evidence, as
25 always, must be assessed as a whole, and there are many more

1 communications and statements that make clear that collaborators
2 included all who were deemed to serve or bow to the occupier.

3 Mr. Krasniqi, for example, made clear in ICTY testimony, that's
4 P794, that collaborators were "the stooges of the Serb regime who
5 served this violent regime," that they were "numerous in the
6 economic, cultural, and political spheres," as well as the security
7 spheres, and included all those who had done harm to the political
8 and military actions of the KLA. He noted also that the Serbian
9 regime apparatus couldn't function in Kosovo only through its police
10 and soldiers, and explained that "this apparatus extended its
11 tentacles to all the pores of public administration."

12 The Defence has attempted to dismiss the communiqués at
13 "propaganda," a word they use as a euphemism for untruthful. That
14 claim is belied by the evidence. First, you can find multiple
15 examples of such corroboration in paragraphs 1473 through 1480 of our
16 final trial brief. And while the communiqués may have exaggerated
17 the extent of KLA success or downplayed difficulties, Mr. Krasniqi
18 testified that the basic facts were accurate and, in fact, validated
19 by other media reports. That's at P800.

20 Indeed, Mr. Krasniqi specifically confirmed in P794 the
21 substance of a number of communiqués, and could not think of a single
22 communiqué he considered not to have actually been issued by the
23 General Staff.

24 As Mr. Krasniqi agreed when testifying before the ICTY at P795,
25 page 3420, propaganda is "an organisational programme of publicity or

1 selected information to propagate a doctrine or practice," and that
2 is exactly what the communiqués did.

3 Further corroboration of the communiqués is found in the ICTY
4 evidence of Sokol Bashota at P1870.3. Asked the simple question how
5 collaborators were dealt with, he explained that "by a decision of
6 the General Staff, measures were taken against them," which were
7 "intended to convey the message that no one should behave this way
8 again." And he continued:

9 "And the General Staff in the communiqués would announce that
10 other people who behaved in the same way should take care not to do
11 so. Collaborators," he explained, "were given a warning and only if
12 they failed to stop punitive measures were taken."

13 And asked what those punitive measures were:

14 "In most cases, decisions were made to kill them."

15 And you can see an example of precisely that in Communiqué 28:

16 "The KLA Central Staff took the decision to have them executed
17 after they had been warned earlier to quit their collaboration with
18 occupiers and in line with KLA Central Staff decision published in
19 Communiqué no. 27."

20 One of the victims was an MP of the Socialist Party of Serbia.
21 *Zeri i Kosoves*, an LPK organ, concluded that his liquidation
22 indicated that "the Albanian people is determined on its road to
23 settle the scores with all those that obstruct the sun of freedom."

24 And in an example of both the breadth of the definition and the
25 effort to maximise the intimidating impact, Communiqué 28 also

1 declared that these executions should serve as a warning to all
2 collaborators and traitors, "especially those who, under the pretext
3 of being pressured by certain international power centres, are likely
4 to make deals to sign agreements with occupiers contrary to national
5 interests."

6 Another example is Communiqué No. 29:

7 "The first assassination was carried out on 13 January of this
8 year, where our guerrilla units executed the collaborator of the
9 Serbian police, Fazli Hasani from Braboniq, Mitrovica. This decision
10 was taken following a long review of his anti-nationalist
11 activities."

12 And, again, a broad warning to a wide audience of potential
13 collaborators:

14 "This is the last time we are appealing to the occupier's
15 collaborators to give up their shameless path, otherwise the people's
16 revengeful arm shall strike them mercilessly anywhere and
17 everywhere."

18 The Defence has emphasised that Bashota told this Court that he
19 was only speaking hypothetically, only musing. Any fair reading of
20 his evidence before the ICTY, however, reveals that this is simply
21 not the case.

22 First, it is crystal clear that he is responding to the question
23 that was asked by simply relating what happened from much of his
24 answer. And even after the moment to which the Defence points to
25 evidence of hypothesising, Bashota stated flatly about collaborators

1 who were warned, "and some of these people respected the warnings and
2 some no," and that's at page 19 of P1870.3.

3 The Defence also asserted - that's the Selimi brief,
4 paragraph 594 - that Bashota recanted his evidence concerning the
5 collective decision-making of the General Staff in relation to
6 collaborators. In fact, he confirmed it. Despite unmistakable
7 efforts to water down the level of specificity in detail as the
8 import of his evidence became more apparent, Bashota nevertheless
9 acknowledged that what he euphemistically characterised as appeals to
10 not collaborate with the enemy were, indeed, collective decisions
11 expressed through communiqués. That's T22986 through 87. And he
12 also confirmed that the communiqués were widely known to public
13 opinion as well as to KLA soldiers.

14 Shortly after he became official spokesperson, Jakup Krasniqi
15 said in an interview that he confirmed to the ICTY, confirmed its
16 accuracy, "collaborators are warned that we will kill them if they
17 continue to follow the wrong path," and he followed it up with the
18 transparently false reassurance, "however, as an army we observe all
19 the international rules of warfare." That's P809.

20 Indeed, at its most important moments, the General Staff
21 corroborated the targeting of collaborators over and over again. For
22 example, when the KLA came out publicly in November 1997,
23 Rexhep Selimi emphasised to the crowd what the KLA had been doing:
24 Carrying out liberation actions against the occupiers, "as well as
25 their Albanian-speaking collaborators, collaborationists." He also

1 noted that those who take pacifist positions "denigrate our holy
2 war." That's P1878.

3 And when members of the General Staff made their first televised
4 appearance in early March 1998, they made clear that they would not
5 accept autonomy, issued a thinly veiled warning to the Kosovar
6 Albanian government to hand over the funds it had gathered or face
7 full responsibility, and noted that all the actions of the KLA had
8 been directed against the Serb occupier "and against the
9 collaborators of the oppressor." That's P4217.

10 Now, this was the beginning of March when the accused were at
11 the very core of the still small group that had pledged itself to the
12 liberation of Kosovo by armed force against the Serbian police, army,
13 and collaborators and traitors. But the beginning of March was also
14 infamously marked by the attack on the Jashari compound and the
15 killing of Adem Jashari and his family, an event that sparked what
16 all parties agree was the beginning of the explosive expansion of the
17 KLA from its guerrilla units origins.

18 Now, you'll hear from Mr. Quick in much more detail about the
19 creation and consolidation of units by the General Staff during this
20 time. For now, I'll simply offer a general picture.

21 The General Staff, which for years assured potential followers
22 and the public that they would not stop even should the conflict grow
23 bloodier and wider, acted immediately.

24 As detailed in our final brief at paragraphs 25 through 27,
25 Hashim Thaci, Kadri Veseli, and a large group of LPK and trusted

1 activists entered Kosovo, where those activists took up positions of
2 leadership, organising existing units and forming new ones from the
3 flood of volunteers who now wanted to join an army to liberate
4 Kosovo, proud to take an oath to be a loyal soldier and to be
5 punished by death if they violated that oath.

6 At the same time, the General Staff strengthened and formalised
7 existing relationships in such places as Dukagjini and Llap, and
8 recruited and vetted professional soldiers to help in training and
9 building the KLA. As Jakup Krasniqi put it in P796, the KLA began to
10 expand from a guerrilla army, and it was the General Staff that "had
11 the responsibility to organise this army."

12 This was, indeed, a hands-on period for the General Staff. As
13 Bislrim Zyrapi noted in P605, before the arrival of the military
14 professionals, the KLA General Staff had control of their units, but
15 "the way in which until then the Staff exercised control had been a
16 great burden to it."

17 Now, that reflected how active, engaged, and busy the accused
18 and other members of the General Staff were. Zyrapi himself had to
19 wait around in Albania for quite some time, even after he was vetted
20 and cleared, for Mr. Thaci to arrive from Kosovo and take him in.
21 And you can see more reflections of that in P1265.

22 Now, this is not for public broadcast.

23 This is a notebook seized from Rexhep Selimi. For various
24 reasons, including the nature of third-party references to him and
25 the difference in handwriting from notes assessed to be written by

1 him, we don't assess this particular notebook to have been written by
2 Mr. Selimi.

3 Now, P1265 records various events from the 12th May in the
4 vicinity of Ujmira and Likoc. For example, the establishment of the
5 first military police station in Likoc on 18 March, or a request that
6 a military police unit be formed in Ujmira. Or two posts in Suhareke
7 converging to the base Celiku. Or Nuri Bytyqi asking to report on
8 aid supply and family life. And you can find those at 6542, 44, and
9 45.

10 And the notebook reflects throughout Mr. Selimi's presence,
11 importance, and involvement, including at page 6541:

12 "Motivation: Came for training. Meeting with '10'"

13 At page 6542:

14 "Motive: Meeting with '10'"

15 6566:

16 "Motive for coming: To consult with '10' about arms supply and
17 organisation of the post."

18 And also:

19 "I talked with them in Qabiq and they advised me to talk with
20 '10.'"

21 Or at page 6607:

22 "Request to '10' - a sniper has been promised to 'hekuri I
23 Masor. He is requesting that the promise come to fruition."

24 And numerous other references scattered throughout the notebook.

25 And just one more reflection of what Mr. Zyrapic was referring

1 to, bearing in mind you'll hear much more on this subject from
2 Mr. Quick.

3 Think of significant battles or events during this period. So
4 in the aftermath of the Glogjan attack in March, Hashim Thaci and
5 Kadri Veseli were there; that's paragraph 672 of the final brief.
6 Decan in May, Kadri Veseli and Hashim Thaci were there; P1355.1.
7 Belacevac mine in June, Hashim Thaci and Kadri Veseli were there;
8 P1273. Rahovec in July, Hashim Thaci, Kadri Veseli, and
9 Rexhep Selimi were there; P1355.2. Llapushnik gorge, Hashim Thaci
10 and Kadri Veseli were there; P189, page 70.

11 So in this burdensome way, to borrow Mr. Zyrapi's phrase, the
12 General Staff was building an army, including rapidly formed
13 specialised units for special tasks - military police, intelligence,
14 special units. And as we've discussed, the General Staff had, for
15 years, been assuring the region, and particularly its potential
16 followers in its communications, that collaborators would be tracked
17 down and dealt with mercilessly, and that is exactly what happened.

18 Consider again P1265, the notebook seized from Mr. Selimi that
19 reflected his presence and involvement. That notebook also reveals
20 the focus on collaborators and suspects throughout, including for
21 such things as having frequent contacts with a brother-in-law who's a
22 Serbian policeman; or for meeting with three fellow villagers who
23 were Serbs; or for insulting the KLA, referring to them as monkeys or
24 thugs; or for having intimate relations with a police officer and a
25 child with him; or for the recent acquisition of a phone. You'll

1 find those at pages 6591, -92, 6605, and 6609.

2 Indeed, contemporaneous notebooks and notes are replete with
3 reflections of the targeting of collaborators by police,
4 intelligence, and special units. And just to name a few examples:
5 P75, P74, P2455, P2623, P651, P2638, P1265 as I just mentioned,
6 P1644.

7 Now, the Defence has urged you to disregard such entries,
8 focusing on what may not be known about the notebooks and darkly
9 speculating that they may have been fabricated.

10 Setting aside the extent to which these notebooks are filled
11 with mundane aspects of daily life in inconsequential detail or so
12 often require reference to additional contextual information for
13 their significance to be understood, or even, more importantly, that
14 the notebooks must be assessed in the context of the totality of the
15 evidence, they are corroborated both broadly and specifically.

16 The trial record contains extensive submissions on corroboration
17 of such items, including through item-by-item explanations in
18 admissibility litigation and in our final trial brief. But for now,
19 let me just give a couple of examples if I may.

20 Again, the next slide is not for public broadcast.

21 This is P75, a notebook related to the Pashtrik zone provided by
22 the ICTY. And just flipping through its pages, you can find entry
23 after entry that was corroborated during the course of this trial.

24 And, again, the following slides are not to be broadcast until I
25 announce the next public item.

1 Page 9244, the highlighted references were corroborated by
2 Witness 3873 at transcript T22578 through 79. 9253 and 9256,
3 highlighted portions corroborated by W4371 at transcript 15253 and
4 254, and 258 through 259. 9254, the dated was corroborated by AF467.
5 9270, highlighted section is corroborated by P1381, which was seized
6 from Jakup Krasniqi and confirmed by W4752 at T17355. 9274,
7 highlighted portions corroborated by W4371 at transcript 15258.
8 9278, highlighted portions are corroborated by 4371 at T15257 through
9 58.

10 And more. 9291, highlighted portions corroborated by P1417,
11 which was seized from Rexhep Selimi, and P3837, which was seized from
12 Jakup Krasniqi, both corroborating the Pashtrik numerical
13 designation. 9295, highlighted portions corroborated by W4295 at
14 21616 through 619. 9298, corroborated by 4371 at transcript 15257;
15 9249, highlighted sections corroborated by Witness 3873 at T22577
16 through 579. 9301, Dukagjini zone code is corroborated by P1417, and
17 P3199, seized from Mr. Krasniqi and Mr. Selimi.

18 And one more, 9269. Here we see a Drenoc victim as corroborated
19 by W4489 at transcript 11772 through 774. That victim also appears
20 in P74, another notebook. And here he appears under "notes about
21 Ardit's Information," which concerns suspicious persons and
22 collaborators. And we know from the evidence that Ardit or Arditi
23 was a member of the Vrrin local staff intelligence who was indeed
24 tasked with what P74 reveals him to be doing - the identification of
25 suspected collaborators. And there also we see highlighted the name

1 of another suspected collaborator, that's in the middle of the page
2 to the left.

3 And now looking at P1112, we see those same two names. P1112
4 was seized from Jakup Krasniqi.

5 Or perhaps instead of a notebook, let's look at collected notes.
6 Also not for public broadcast.

7 P1644 are notes seized in Likoc, Llaushe, and Aqareve during
8 operations of the Serbian MUP in the first week of August during the
9 offensive that overran KLA headquarters following the attack on
10 Rahovec. As Sokol Bashota told the ICTY, the KLA had written
11 materials and "then there were a lot of offensives and a lot of
12 things were lost."

13 And we see on 098615 and 98619, the information on these pages,
14 Your Honours, was corroborated by W4337 at transcript 5310 through
15 19, and by P283. At 98618, Witness 4290 confirmed his signature, and
16 he did that at transcript 2505 through 07. And the references to
17 asking Daja and Haki for weapons are corroborated by the information
18 you can find at paragraphs 462 through 463 of our final brief.

19 At page 98621, the six names highlighted here can also be found
20 in P2459, listing the same six as "persons being looked for."

21 JUDGE METTRAUX: It's your microphone against the -- thank you.

22 MR. TIEGER: Is there still difficulty hearing? Okay.

23 Turning to page 98619 of P1644, we see here the interrogation of
24 one detainee who is asked about a number of people including the
25 highlighted name. And that person, the person being asked about,

1 also appears in P709 and P1445, which were seized by UNMIK from
2 Halil Qadraku, who you will recall was head of G2, of the
3 intelligence service, in the Pashtrik zone.

4 Those exhibits relate how a KLA soldier received a task in April
5 1998 from her superiors Fehmi Lladrovci, Musa Jashari, and
6 Jahir Demaku, as a condition for joining the KLA. The task was to
7 liquidate a Shqipfol, a term used to denote collaborators, also used
8 by Rexhep Selimi in his November 1997 speech. And that Shqipfol was
9 a person whose name you saw in 1644. The assignment was carried out
10 but the victim survived.

11 When told in August 1999 that she'd be transferred to Drenica,
12 the soldier was concerned because that's where the victim who knew
13 she was the attacker lived. So the soldier then sought the
14 assistance of Mr. Qadraku who wrote to Tahir Sinani at the Pashtrik
15 zone command urging that the soldier be protected in light of her
16 service. Sinani wrote back that she was to take up her duties "only
17 after receiving the written order from chief Luli."

18 And continuing with P1644, 98623 to 25 are three pages, and on
19 those three pages you see the names of three men -- names and
20 personal details of three men abducted on three separate days from
21 three separate locations as described in paragraph 314 of the final
22 brief. And at 98620, here you see a list of questions:

23 "When did you first hear of the KLA?

24 "Who is in the KLA?

25 "What do you think about the Albanian people?"

1 And so on.

2 And in P1499, a chilling video, we see those same questions
3 being asked of those men and of a fourth man. That video gives you a
4 small insight into the despair and helplessness of being detained and
5 fearing, or even worse knowing, what awaits. And you can watch one
6 of those men as he says, "I am destroyed, a living destroyed man.
7 Just the thought that your little children are waiting and that I
8 cannot bring up my children through life tomorrow."

9 And at page 98615, we can see how the fourth man, a 58-year-old
10 retired accountant, got there. Brought in by the Pellumbi unit,
11 which was led by Ferat Shala, and which reported directly to the
12 General Staff, and to which Rexhep Selimi assigned codes, and
13 received by Sahit Jashari, who you heard in video in May 1998 saying
14 "the military police of Kosovo Liberation Army are professionally
15 prepared and always ready to carry out the orders given by the
16 General Staff of Kosovo." Those four men were never seen alive
17 again.

18 These overlapping strands of evidence among so many others
19 reflect not only the extraordinary body of evidence that has been
20 introduced but the manifold ways the common purpose and those behind
21 it manifested itself over and over and over. And during this time,
22 the message from the General Staff about collaborators remained the
23 same: We are targeting collaborators.

24 Communiqué No. 47, and this is public, issued on 12 May, stated
25 that during the months of March, April, and May, at the orders of the

1 Kosovo Liberation Army General Staff, a number of attacks were also
2 carried out against certain Albanian collaborationists who, despite
3 earlier warnings, had not given up on their anti-nationalist path.
4 And you'll recall that, among other things, this was the period of
5 the attack we just referred to orchestrated by Demaku, Lladrovci, and
6 Jashari.

7 Communiqué No. 48, issued on 19 June 1998, stated that, by order
8 of the General Staff, military formations carried out armed attacks
9 against enemy forces and "also took punitive measures against some
10 incorrigible collaborationist elements."

11 General Staff spokesperson Jakup Krasniqi, who in his own words
12 "represented and publicised the policy of the General Staff and KLA
13 at that time," so P799, confirmed that the General Staff was
14 targeting collaborators. In an interview of 11 July, which he also
15 confirmed in testimony before the ICTY was accurate, he was asked
16 about criticism of the KLA by the international community for
17 violation of human rights of Serbian and Montenegrin civilians. And
18 he responded with a memorable combination of admission and attempted
19 evasion, answering, "We do not go in for kidnapping, even if some
20 people have suffered, these have been more Albanian collaborators
21 than Serbian civilians." That's at P793.

22 All of this at the same time that the General Staff was
23 preparing and disseminating regulations that codified the targeting
24 and "merciless treatment" of opponents.

25 Now, the Defence has also asserted that what was called the KLA

1 was merely a collection of disparate and autonomous units, and, thus,
2 any detentions of and crimes against opponents cannot be attributed
3 to the accused. But the KLA and the General Staff from its inception
4 comprised a close-knit grouping, with certain long-established
5 strongholds. No one is suggesting that bringing all the village
6 units under its authority occurred instantaneously. It was, instead,
7 a process, and one to which the accused were devoted, and which was
8 remarkably successful in a short period of time due to that
9 leadership.

10 But let's look at a few places where the targeting of opponents
11 was unmistakably and brutally implemented to explore the question of
12 connection between those sites and the General Staff.

13 Likoc was the Drenica zone's headquarters and the zone's
14 military police headquarters. You'll find that in the SPO final
15 brief at paragraph 636. It was a hub from which recruits were
16 deployed to other areas, and, indeed, the General Staff was
17 headquartered there from March until the end of May 1998. That's
18 P776, 44 through 48.

19 It also held a detention site that was well known and feared
20 among the local population, which held civilian detainees including
21 farmers, teachers, elderly persons, accused of such things as being
22 collaborators, LDK supporters, spies and traitors because they
23 supported Rugova, not leaving employment, or showing submission to
24 the occupier by distributing birth certificates. Prisoners were
25 brutally mistreated and killed.

1 The commander of Likoc was Sylejman Selimi, Rexhep Selimi's
2 close relative who, in fact, introduced him to Adem Jashari. In
3 May 1998, Sylejman Selimi was selected as Drenica zone commander at a
4 meeting attended by Rexhep Selimi, and his appointment was approved
5 by the General Staff. Sylejman Selimi explained that, in addition to
6 the many visits by Hashim Thaci and Kadri Veseli and Sokol Bashota,
7 Rexhep Selimi was always present in the area. You'll find that at
8 P1745.

9 And in an interview at the end of July 1998, Sylejman Selimi was
10 asked: "Who deals with the execution of sentences against
11 collaborators and abducted Serb criminals?" A question which itself
12 reflected the open secret that opponents were being targeted.
13 Sylejman Selimi acknowledged the detentions but, taking his lead from
14 Mr. Krasniqi, stated that everything was done according to military
15 law.

16 The deputy commander was Sami Lushtaku, an old comrade of
17 Rexhep Selimi, who re-entered Kosovo with Mr. Thaci and Mr. Veseli
18 immediately after Prekaz. That's P771 and 773. He personally
19 informed one beaten detainee that he and his father had been detained
20 because of allegations that they were spies. And he gave an
21 interview in May 1998 in which he acknowledged that "we have killed
22 police officers, soldiers, and their collaborators." That's P1266.

23 Sahit Jashari was commander of the military police, another
24 long-time comrade from the early days of the KLA. And we've already
25 referred to his allegiance to the General Staff.

1 And Sabit Geci. He headed a unit in the Drenica zone, including
2 at Likoc, and answered to the General Staff and in particular
3 Kadri Veseli. It was from Geci's house that Mr. Selimi went to
4 deliver his speech for the KLA's first appearance and whom Mr. Selimi
5 met very often in the spring and summer of 1998. You'll find that at
6 the final trial brief at paragraph 315.

7 All participated in the mistreatment of detainees.

8 Let's look at one more place before the break. As detailed at
9 paragraph 6676 and onwards of the SPO's final brief, Jabllanice was a
10 site where civilians were held in subhuman conditions and brutally
11 mistreated because they were accused of being spies and
12 collaborators. And there, the commander was Lahi Brahimaj, a member
13 of the General Staff with long-standing ties with the accused.
14 Mr. Veseli hid in Brahimaj's home in Jabllanice in the early 1990s,
15 and it was Brahimaj who proposed Veseli's alias Luli. From the
16 mid-1990s, Selimi frequently met Brahimaj and stayed at his house in
17 Jabllanice, organising weapons shipments and planning military
18 activities. Between 1995 and March 1998, Mr. Thaci and Mr. Brahimaj,
19 one of Thaci's main points of contact in Kosovo, met once or twice a
20 year. Brahimaj was also present at a meeting at the Dukagjini
21 command which adopted rules providing for the execution of
22 collaborators with the enemy.

23 When a group of village elders came to plead for the release of
24 a prisoner, Brahimaj refused them and asked them why they were not
25 fighting, declaring Rugova a traitor and a supporter of Serbian

1 authorities. And on another occasion, he accused a detainee and
2 others from his village of being "LDK supporters" and "traitors"
3 because they had fled an attack by Serbian forces. Brahimaj himself
4 took part in the arrests and mistreatment of detainees.

5 And, Your Honour, this would be an appropriate time for a break.

6 PRESIDING JUDGE SMITH: All right. We'll take a half-hour
7 break.

8 MR. MISETIC: Mr. President, I just wanted to point out that
9 some of our team may be coming in and out in the various sessions,
10 and I wanted to let the Panel know that in case the Panel has any
11 issues with that.

12 PRESIDING JUDGE SMITH: Just do it quietly and not let the door
13 slam.

14 MR. MISETIC: Just in the breaks, not while we're speaking.
15 Thank you.

16 PRESIDING JUDGE SMITH: We'll be back at 11.00 then. Thank you.

17 --- Recess taken at 10.28 a.m.

18 --- On resuming at 10.59 a.m.

19 PRESIDING JUDGE SMITH: You may proceed, Mr. Tieger.

20 MR. TIEGER: Thank you, Mr. President.

21 And for the benefit of the Registrar, all the remaining slides
22 will be public until I indicate toward the end of the presentation
23 those that cannot be broadcast.

24 Your Honours, perhaps we'll look at one more detention site
25 during this spring through early summer period, and that's

1 Llapushnik. As detailed in paragraphs 698 and onward of the final
2 trial brief, over 100 civilians were held and subject to brutal and
3 even horrifying treatment because they were labelled as spies and
4 collaborators, including because they were LDK members.

5 The Celiku 3 unit operated the site, and its commander was
6 reported by and reported to Fatmir Limaj, who himself was personally
7 involved in the detention site.

8 Limaj joined the KLA in 1996 through his friend Rexhep Selimi,
9 with whom he shared a home during their studies in Prishtine. After
10 fleeing Kosovo in 1997, Limaj returned with Hashim Thaci and
11 Kadri Veseli in the immediate aftermath of Prekaz and took up
12 command, operating under the authority of the General Staff,
13 conveying orders from and reporting to the General Staff. P1812.

14 Limaj publicly proclaimed that units in the area were under the
15 command of the General Staff, told Tirana Television that it was his
16 "duty to repeat the position of the UCK General Staff that there can
17 be no talks about Kosova without the KLA," and later became a member
18 of the General Staff as head of the military police directorate. You
19 can see that at P4146, and at our final trial brief paragraph 281.

20 In Llapushnik, Limaj told a detainee that he had been arrested
21 because he sold wood to Serbs and Roma. That's at T20422. A
22 notebook later seized from Limaj's apartment contained notes on
23 suspected collaborators, including a forester who was detained in
24 Llapushnik and executed on the Berisha mountains in late July 1998;
25 P2018.

1 Limaj had frequent contacts with the General Staff. The
2 frequency of his communication and contact was such that
3 Rexhep Selimi assured the ICTY in defence of Limaj that there
4 couldn't have been a detention site there without his knowledge.
5 That's final trial brief para 599.

6 Your Honours, whatever was happening in locations not yet under
7 the authority of the General Staff during this period of rapid
8 expansion, the common purpose was implemented in sites run by those
9 they installed or appointed, who made clear they followed the
10 General Staff who they had known and worked with for years, and who
11 knew best what they wanted.

12 And speaking, as I cited Rexhep Selimi doing a moment ago, of
13 being in places where there could not have been detentions without
14 knowing about it, I've alluded to the accused's extraordinary
15 organisational efforts in this period, which put them in so many
16 places so often. Let's just look at a few.

17 As noted earlier, Thaci, Veseli, and particularly Selimi were
18 regularly in Likoc in that period. Indeed, the General Staff was
19 headquartered there through May when the four men abducted on four
20 different days were interrogated for purposes of propaganda - the
21 province of the General Staff - pursuant to a prepared template.

22 When the Belacevac mine was taken in June 1998, it was
23 extensively covered by the media, documented in international
24 reports, and widely known. See the final trial brief at 1097,
25 paragraph 1097. Thaci and Veseli went there after it was taken, and

1 they can be seen in a still photograph reflecting KLA control and in
2 a video with weapons. Nine mineworkers were abducted by the KLA.
3 That was no secret. Negotiations were held in a vain attempt to
4 secure their release. They were never released and never seen again.
5 You'll find that in the final trial brief at paragraphs 377 through
6 78.

7 Just a month later, Rahovec was taken briefly by the KLA. Now,
8 although the General Staff had concluded that they were not quite
9 ready to take towns like Rahovec, someone jumped the gun, prompting a
10 significant counteroffensive. The KLA General Staff, including
11 Thaci, Veseli, and Selimi, responded immediately, appointing
12 Agim Celaj to command and participate in personally. And you can see
13 paragraphs 232 and 792 of the final trial brief.

14 Over 50 civilians were abducted in Rahovec, Opterushe, and Reti.
15 Reports written during or in the aftermath of these record in a
16 matter of fact manner the taking of civilian prisoners, referring,
17 for example, to "22 individuals would be taken prisoner. 7 women
18 would be released." That's P67.

19 Indeed, the General Staff would later brag about releasing the
20 detained women to the ICRC. That's P4155.

21 But bragging about releasing the women begs the question of what
22 happened to the men. And you can see the General Staff
23 responsibility for that chillingly laid out in paragraphs 792 through
24 817 of our final trial brief.

25 Now, the Defence has argued that the evidence of a particular

1 witness cannot be credited, suggesting a motivation that is, frankly,
2 hard to square with that person's actual involvement, as corroborated
3 by others such as W498, or, indeed, with the risks involved. The
4 detail, depth, and context of the information provided by that
5 witness long ago is compelling and persuasive, particularly given the
6 corroboration, including corroboration by victims; the number of
7 units involved under general and direct General Staff authority; two
8 separate KLA reports - P67 and P1329 - recording in a matter of fact
9 way the taking of civilian prisoners; that between the two major
10 executions and discarding of bodies in the same area, an
11 international who had heard from the ICRC in Malisheve about
12 abductions raised the general issue of abductions and ICRC access to
13 Mr. Thaci and Mr. Veseli, with the still living prisoners in the
14 police station close by. Mr. Thaci and Mr. Veseli did not say, "What
15 detentions? What are you talking about?" Instead, they blithely
16 assured the representative, the international, that the KLA would
17 respect the Geneva Conventions. And later, as mentioned, bragging
18 about having released the women.

19 Throughout the period I've discussed, spring and summer 1998,
20 the targeting and mistreatment of opponents, which had been a
21 hallmark of General Staff efforts even before March 1998, was evident
22 everywhere they went and everywhere they installed their most trusted
23 subordinates, as well as in their statements, communiqués, and
24 regulations.

25 The attack on Rahovec prompted a fierce response by Serb forces,

1 overrunning KLA headquarters and brutally forcing out civilians from
2 those areas. Faced with questions about the extent and necessity of
3 the suffering and the effectiveness of the KLA and its strategies, or
4 simply what was next, the General Staff saw danger and opposition,
5 and cast deviations from General Staff dogma as "special war."

6 Special warfare was deemed to include such matters as
7 speculation about the institutions that were to represent Kosovo,
8 supporting information that created a feeling of panic, sowing
9 defeatism, calling on people to give up weapons, calling for a
10 temporary solution of Kosovo's status, and was to be dealt with
11 mercilessly. The KLA and the Albanian people, declared the
12 General Staff, "was being stabbed in the back by collaborationists
13 and pacifist elements."

14 In August 1998, for example, General Staff Political Declaration
15 No. 7 warned of a "merciless" blow to anyone conducting special war
16 by "speculation" on institution building, a project that the
17 General Staff had embarked on in response to international interest
18 in a single interlocutor and was determined to control.

19 On September 18th, the General Staff stated in Communiqué No. 53
20 that "various punitive actions are being taken against
21 collaborationist elements who continue to serve the occupying rule,"
22 and on September 21st, in Communiqué 54, declared that "all sorts of
23 emissaries have put themselves at the service of the enemy by waging
24 special warfare against our liberation war and heroic army ...
25 collaborationists and political activists who sow defeatism."

1 Those two communiqués book-ended Qirez. On September 20th, in
2 Qirez and Baice, Mr. Thaci, Mr. Selimi, and Sabit Geci again, led the
3 arrest, detention, and beating of parliamentarians conducting a
4 humanitarian visit to different parts of Kosovo with the approval of
5 Ibrahim Rugova. As explained in a KLA military police press release:

6 "Based on information from the KLA intelligence service on
7 20 September 1998 at about 12:15 the KLA military police arrested 13
8 syndicalist, institutionalist party representatives in the village of
9 Qirez, Drenica for their divisive, partisan, schismatic,
10 institutionalist, anti-liberation war propaganda for handing over
11 weapons and for a temporary solution of Kosovo's status ..."

12 And noted that investigations were continuing against three.

13 And just in case the detentions and beatings failed to deliver
14 the message, shortly before they were released, Geci threatened to
15 kill Agim Krasniqi in Thaci's presence. And Mr. Thaci himself
16 threatened another victim for refusing to resign from his political
17 positions, telling him, "Even if you are free now, we could kill you
18 in Prishtine because we have our own people in Prishtine." That's at
19 paragraph 940 of the final trial brief.

20 The General Staff continued its focus on opponents viewed as
21 engaging in special war. In the first week of October, Mr. Krasniqi
22 underscored in an interview the "special war" effort by those trying
23 to justify a "peaceful" path by speaking about KLA losses and thus
24 trying, allegedly, to "destroy" the KLA; P3713.

25 On 30 October, LDK officials Jakup Kastrati and Cen Desku were

1 arrested. And you'll find at paragraphs 956 through 959 of the final
2 trial brief detailed information about what happened to them.

3 KLA military press release number 4 explained why: they had
4 allegedly "spread propaganda about surrendering weapons in
5 cooperation with collaborators," namely, Selman Binishi from the
6 village of Banje and Ramiz Hoxha from Bellanice, who had been
7 executed some time ago by the KLA.

8 As Bardhyl Mahmuti told US diplomatic representative
9 Larry Rossin in response to US concerns about the detentions of these
10 two LDK officials, "In this case we have to do with two spies,
11 collaborationists of the repressive Serb apparatus. They have been
12 arrested because they have caused damage to our cause." And added
13 that only the General Staff had the authority to allow anyone access
14 to them. That's P1090.

15 Similarly, Walker was told by a General Staff representative
16 during the release process, "These are two Albanian traitors whom we
17 tried and they will not do it again." That's T2312 through 13.

18 And the Panel will recall that Selman Binishi and Ramiz Hoxha
19 were executed - indeed executed - and left by the side of the road.
20 A handwritten "execution order" issued by the KLA's secret police
21 service attached to Hoxha's body read:

22 "For collaborating with the occupier and spreading anti-Albanian
23 propaganda, causing fear, panic and hatred, in the name of the
24 Albanian people and in the name of our war of liberation, Ramiz Hoxha
25 from Bellanice is sentenced to death as a traitor of the nation.

1 Such a fate awaits any other traitor."

2 And that's in the final trial brief at paragraphs 88 through 89.

3 The same military police release also asserted that Desku and
4 Kastrati "are in continuous coordination with Agim Krasniqi, a member
5 of the LDK Presidency, who is known to the KLA Intelligence Service
6 as an inspirer of the special war against the KLA and an initiator of
7 a kind of autonomous police in Kosovo."

8 That special war justification for the arrest of Desku and
9 Kastrati was echoed in P1250, a decision of the "KLA military court
10 justice judge, based on information by the KLA intelligence service,"
11 information that Kastrati and Desku since the beginning of the enemy
12 offensive had "carried out a special warfare against the KLA and our
13 people's war for freedom and independence."

14 And how had they done that?

15 "They defended the wretched position of the party they belong
16 to, which has always obstructed our people's commitment in the war
17 for freedom, they spread insecurity and defeatism. They did not help
18 the Kosovo Liberation Army; on the contrary they hindered and
19 sabotaged its just war."

20 And the General Staff ensured that special war was addressed
21 widely. For example, at the end of December, following a
22 General Staff meeting with zone commanders, Mr. Zyrapi issued a
23 report based on written reports received from the zones regarding
24 various issues. With respect to defence and safety, the report
25 noted: "Special units and military police provide special help by

1 successfully facing the enemy's special war and its extended hand."
2 That's at P228.

3 Now, this intensification of the opponent policy coincided with
4 the KLA's heightened engagement with the international community in
5 the second half of 1998. Now, this was a much sought after
6 breakthrough for the KLA and the General Staff, but it brought with
7 it uncomfortable scrutiny that threatened this newly achieved status.
8 So in July 1998, as noted earlier, W2144 met with Mr. Thaci and
9 Mr. Veseli, reminding them of allegations about detentions and
10 abductions and about the need for ICRC access.

11 In September 1998, the Special Rapporteur of the Commission on
12 Human Rights Jiri Dienstbier expressed alarm at reports of abductions
13 carried out by the KLA against Serbian and Albanian civilians,
14 specifically denouncing the mid-July abduction of 51 civilians from
15 the Rahovec area. And in Political Declaration No. 16 from October
16 1998, the General Staff, which was "closely following Kosovo-related
17 political and diplomatic activities," characterised Dienstbier's
18 "irresponsible" representation as "an attack against our just
19 liberation war."

20 And in November, early November, representatives of Human Rights
21 Watch met with Mr. Thaci and Mr. Limaj to discuss specifically the
22 arrest of two Serb journalists and more generally concerns about
23 allegations of violations by the KLA, including harassment,
24 intimidation, and killings. You'll find that at our final trial
25 brief at paragraph 591.

1 Now, one of the responses to this heightened scrutiny and
2 awareness by the internationals was Bislim Zyrapi's order of
3 28 November 1998. That's at T17640 and 43.

4 Now, while this order was directed to increase centralised
5 control over arrests and detentions, it must be understood in full
6 context, including that centralised control over the targeting of
7 collaborators was the problem, not the solution, that the
8 General Staff in its communications had made clear it did not
9 consider collaborators subject to protections normally accorded
10 civilians and in light of the continuing targeting and mistreatment
11 of opponents.

12 I spoke in connection with the March through July period about
13 three detention sites. Let's look quickly at a couple of sites in
14 this period.

15 Bajgore was a site of the Llap zone command headquarters from
16 July until mid-September 1998. During that period of time, at least
17 16 persons were detained there. From the beginning of October, the
18 village of Llapashtice was the location of the Llap zone command
19 headquarters and where the Llap zone command also maintained a
20 detention site in a stable or cowshed. More than 50 detainees were
21 held there, interrogated, beaten, and sometimes killed because they
22 were collaborators, accused for various reasons, including being too
23 friendly with Serbs, selling wood, failing to shut down a local LDK
24 branch, being a forester. And you can find that at the final trial
25 brief at 880 through 910.

1 The commander of the Llap zone was Rrustem Mustafa, Remi, a
2 close associate of Rexhep Selimi's and who, in fact, was with
3 Mr. Selimi and Adem Jashari just before the fatal assault on the
4 Jashari compound. Latif Gashi, the head of the Llap zone
5 intelligence sector, was regularly present in these locations, both
6 these locations, directing the beatings of detainees and personally
7 participating as well.

8 THE INTERPRETER: Interpreter's note: The counsel is kindly ask
9 to slow down when reading for the purposes of interpretation. Thank
10 you.

11 MR. TIEGER: Will do. Apologies to the interpreters.

12 Those beatings were savage, and you'll hear more about that from
13 Mr. Pace.

14 You've also received evidence of Gashi's interrogation
15 philosophy, reflected when he instructs an interlocutor in March 1999
16 that he should "interrogate in three-hour sessions, beating him up
17 all the time, slowly and thoroughly." That's P3551.

18 These facilities were established and operated under
19 General Staff authorisation and direction. Remi established Bajgore
20 on the basis of the communiqués, referring to what is otherwise
21 blindingly obvious to anyone - that the General Staff condemned
22 collaborators and opponents and called for the harshest measures in
23 dealing with them. And Remi further explained, however reluctantly,
24 that after that, he received from the General Staff an order to
25 detain collaborators that was a result of the special needs after the

1 summer offensive. "The giving of an order was done at that time
2 where there were special needs after the summer offensives." P693 on
3 page 6.

4 And as we've just seen, the General Staff, indeed, responded
5 fiercely to the risk of eroded support in the aftermath of the summer
6 offensive, labelling any alternatives to General Staff positions as
7 special war, a traitorous offence.

8 That message was personally delivered in Llap. Shortly after
9 the General Staff discussed special war at a General Staff meeting on
10 16 August, Mr. Thaci, Mr. Krasniqi, Mr. Selimi, and Zyrapi travelled
11 to the Shala and Llap zones and raised the issue of special war,
12 including how to detect and address it.

13 Among other responses, the Llap zone produced a special war
14 brochure at the end of November, which explained that special war
15 was, among other things, "calls for dialogue and a political
16 solution," or, indeed, "any strengthening of pacifism" because that
17 "might result in the KLA factor being ignored by the international
18 community." That's P164.

19 After that visit to Llap in August, General Staff members
20 returned in late October, including Mr. Thaci, Mr. Krasniqi, and
21 Mr. Selimi, among others. That's P189, pages 8863 through 66, and
22 67; and P1264 at SPOE128742.

23 Notes seized from Rexhep Selimi's house and admitted as P181
24 reveal some of what was discussed on that occasion. Again, there was
25 discussion about special war, which Remi assured was under control -

1 "special war and propaganda not present." The notes then reflect a
2 discussion with Latif Gashi, who referred to one former detainee who
3 had been released after discussions with Mr. Thaci and particularly
4 Mr. Selimi and another detainee who was beaten to death and whose
5 body was thrown into a shallow grave near the detention site, where
6 it remained until after the war when Remi and other soldiers directed
7 the family to the location. And the notes reflect Gashi describing
8 the coverup story to explain the death of that detainee who was
9 beaten to death as revealed by autopsies - executed by Serb police.
10 You can find that at paragraph 867 of the final brief.

11 For a variety of reasons, we assess these as notes taken by
12 Mr. Selimi. That is P181. It's clearly an inspection of the type he
13 did routinely at a time he is known to have visited. It is
14 unmistakably Remi talking to a member of the General Staff given the
15 topics and issues raised. Latif Gashi asked if there were suspicions
16 during the time "you worked with the detainee who was released,"
17 reflecting Selimi's acknowledgement that he was the first one in the
18 KLA to deal with that particular detainee. That's P53.6, page 19.
19 And the style and cursive of the notes are similar to others where
20 the context also makes unmistakably clear it is him writing.

21 And one more direct reflection of the common purpose before
22 Ms. Lawson turns to 1999.

23 You'll recall the MP statement, the military police statement on
24 1st November that condemned Kastrati and Desku for their association
25 with Agim Krasniqi, who was a member of the LDK presidency, who was

1 considered an "inspirer of the special war against the KLA and an
2 initiator of a kind of autonomous police in Kosovo." So around that
3 same time, KLA leaders described in a cable as Thaci "and his
4 colleagues," told United States representatives that they would never
5 support a solution that did not provide for independence, that all
6 Serb forces must leave, and "insist that the KLA, not Rugova or
7 anyone else, determine who will be [...] future ethnic Albanian
8 police force ..."

9 Mr. Thaci and Mr. Krasniqi met with United States
10 representatives again on 6 November, when Hill's draft document for
11 an interim resolution of the crisis was presented. And they rejected
12 out of hand the concept of a new Kosovo local police force that would
13 reflect the ethnic balance of the province, insisting that "there's
14 only one Kosovo police force and that is the KLA's police," adding
15 that any Albanian member of a new police force would be considered a
16 "Serbian policeman." That's at P1068.

17 That position was echoed in the General Staff's assessment of
18 Ambassador Hill's draft interim solution, seized from Mr. Krasniqi's
19 home, which states: "No police force shall be set up in Kosovo that
20 derives outside of the KLA [police] units." That's P3760.

21 And so on December 2nd, Mr. Krasniqi gave an order, which
22 reflected exactly the position that Mr. Thaci and Mr. Krasniqi had
23 told the US, that local police would be considered Serbian police and
24 an act of disloyalty that was treasonous. KLA zone commands were
25 instructed to issue orders to the KLA military police to arrest those

1 people who, by showing loyalty to the occupiers, put on the uniform
2 of the Serb police, "thus committing an act of treason towards the
3 Albanian people."

4 The Krasniqi Defence has argued at paragraphs 542 through 48 of
5 their brief that this order was not related to Hill's proposal
6 because he was unable to recall any aspect of his plan relating to
7 the local police, and that in any case Hill's proposed plan never
8 came into effect because it was superseded by Rambouillet, and that
9 Krasniqi's order of 2 December instead "refers solely to combatants
10 who took active part in hostilities."

11 That Hill's plan was ultimately superseded is patently
12 irrelevant to efforts before that to keep it from getting traction.
13 And more importantly, Mr. Hill testified that while he didn't
14 specifically recall elements of his plan, he was "sure" that policing
15 was part of it, recalled talking about it in the context of an
16 "autonomous Kosovo," and that there was concern "when we talked,"
17 concern about local police that the "organisation that controls
18 police will control Kosovo." And he noted "these were people who
19 believed in full independence." That's at T22736 to 38.

20 Hill's actual testimony confirms the contemporaneous cables to
21 which I referred earlier which made clear that KLA concerns about
22 local police were that they threatened independence in favour of a
23 kind of autonomy.

24 Further, in making the claim that the 2 December order refers
25 solely to combatants who took part in hostilities, the Defence is

1 forced to argue that many months and many battles into the conflict,
2 the deputy commander issued an order that combatants, whom they had
3 previously felt free to kill, should now be arrested, not because
4 they engaged in combat but because they are "showing loyalty to the
5 occupier." It is patently clear that the disloyalty they are
6 showing, and that it is somehow necessary to point out to zone
7 commands, is that local police are people who have chosen to become
8 part of "a solution that did not explicitly provide for
9 independence."

10 Mr. Krasniqi's 2 December order was aggressively implemented.

11 And the next slides are not for public broadcast.

12 This, Your Honour, is a report dated 9 March 1999 from the
13 intelligence sector of the Dukagjin operational zone. It lists well
14 over 200 alleged suspected collaborators, including about 40 simply
15 listed as "local police officer." One of those is this man
16 highlighted.

17 And in an operation -- this is also not to be broadcast.

18 In an operation on 25 March involving the coordinated efforts of
19 intelligence and police, that man was arrested at 3.00 in the
20 morning, confessed to all types of things, including "information
21 about five other local police." And now quoting from the written
22 report of the intelligence sector, he "is in possession of a local
23 police officer's booklet," listing the number. "The person in
24 question was executed by the unit of the 132nd Brigade on
25 25 March 1999. His body is buried in ..."

1 3 a.m. in the morning, with a quick burial.

2 And you can see another intelligence report at that time for a
3 further reflection of focus on local police, a March intelligence
4 report expressing concerns about the leaking of information about KLA
5 arrests and KLA executions. That's P3195.4.

6 Mr. Selimi's notes reveal a meeting earlier that month at the
7 Dukagjini zone command during which developments around each zone
8 were discussed as well as the political situation. Additionally, the
9 status of the military police and of the intelligence and
10 counter-intelligence sector was reviewed with the determination that
11 "intelligence and counter-intelligence are functioning at
12 satisfactory level." And in particular, there was discussion of
13 "data on local policemen." That's at P3206.

14 Now, recall we just saw a moment ago P1592, the Dukagjini
15 intelligence report about collaborators that listed more than 40
16 people because they were local police in different areas. That was
17 seized at Mr. Selimi's residence.

18 Your Honours, you can find other reflections of the
19 implementation of the 2 December in Bob, for example, in the early
20 part of March 1999, where detainees were arrested, detained, and
21 mistreated because they were considered to be local police. You'll
22 find that at the Prosecution's final trial brief paragraph 1018.

23 As just reviewed, Your Honours, the common purpose and the
24 accused's deep commitment to it was revealed over and over and over
25 again during 1998.

1 I'll now turn the floor over to Ms. Lawson to discuss its
2 manifestations in 1999.

3 PRESIDING JUDGE SMITH: Thank you, Mr. Tieger.

4 MS. LAWSON: You have just heard about the development of the
5 openly articulated and actively implemented opponent policy pursued
6 by the JCE members.

7 By October 1998, contacts with international actors had
8 increased, KVM was deploying on the ground, and the prospect of
9 internationally brokered negotiations was materialising. As
10 Mr. Tieger alluded to, this brought heightened scrutiny. There's no
11 question that, as a result, the KLA leadership tried to present
12 itself in a more favourable light towards the international
13 community, as it vied to be recognised as the decisive factor in
14 Kosovo and to lead any and all negotiations. However, when it came
15 to the continuing targeting of opponents and resulting crimes,
16 there's also no question that this was a very thin veneer of
17 pretence, as the JCE members simply sought to better hide and
18 disguise what they were doing. And this is amply demonstrated
19 throughout the evidence, but we can start with Mr. Thaci's own words
20 and conduct.

21 And for this, I'm drawing on the evidence cited at
22 paragraphs 951 to 953 of our brief.

23 On 10 November 1998, Thaci, accompanied by Limaj, met with
24 representatives of Human Rights Watch and claimed that two detainees,
25 whose arrests had received considerable public attention, had been

1 tried - *in absentia* and without legal representation - and were now
2 serving a prison sentence. When advised that the detainees should be
3 released, they even represented to Human Rights Watch that they could
4 not intervene in judicial proceedings or "civilian judicial
5 authorities." That's at transcript 7323.

6 This meeting followed a press release by the KLA military police
7 directorates announcing the arrests and one by a KLA justice
8 directorates containing the purported verdict of the military court.
9 When these detainees were eventually released pursuant to a supposed
10 amnesty to coincide with Flag Day, General Staff Communiqué 63
11 announced that the release proved the KLA's recognition of
12 international conventions of war and its respect for the
13 international community. That's at paragraph 962 of our brief.

14 Defence attempts to cast doubt on the authenticity of public
15 statements issued in the name of the military police and justice
16 directorates - primarily on the basis that no such formal
17 directorates existed at the time - fail to persuade. Not only do
18 such press releases address contemporaneously significant factual
19 developments about which certain of the accused had direct knowledge,
20 including the detentions at Qirez and the individuals held at
21 Sedllar, and not only do they do so in terms which reflect the
22 accused's own representations about those events, but there's
23 additional uncontestable support for their authenticity.

24 For example, taking the military police press release, that's
25 P270.10, which incidentally was published in *Koha Ditore* on the same

1 page with General Staff Political Declaration 16, a hand-annotated
2 draft version of this same military police directorate press release
3 was seized from Jakup Krasniqi's house. That's P586.

4 Similarly, in respect of the justice directorate press release,
5 P378, not only do we have Fatmir Limaj, a law graduate,
6 contemporaneously being introduced to Human Rights Watch as the head
7 of the KLA judicial directorate, but, seized from Jakup Krasniqi's
8 house, we have a decision of the purported justice directorate issued
9 during that same time period in respect of two detainees held at that
10 same location. P1250.

11 While, even as described, the purported trial of the two
12 detainees discussed at the meeting failed to meet applicable
13 international standards, the idea that there had been a trial before
14 any court was, quite simply, a lie.

15 As Thaci himself admitted to the ICTY in 2004, he knew that in
16 reality the detainees had not been sentenced. And in his later SPO
17 interview, an extract of which is on screen now, when asked
18 specifically about this incident, Thaci confirmed the KLA didn't have
19 any judicial or legal process, adding that, "This is something that
20 has been made up." That the statements made by Thaci and Limaj in
21 that meeting with Human Rights Watch were direct lies is supported by
22 a multitude of other evidence similarly confirming that no KLA court
23 existed at the time. And that can be found at paragraphs 66, 246,
24 and in 953 of our brief.

25 Similarly, in the Llap zone, when members of the OSCE met

1 with detainees at the start of -- requested to meet with detainees at
2 the start of February 1999, they were presented with a small number
3 of preselected, healthier-looking individuals, who had exceptionally
4 been permitted to clean themselves and had been instructed on what to
5 say. The military police commander there explained the supposed
6 trial process for detainees to the OSCE representatives in elaborate
7 detail. Again, a false depiction of reality to placate the
8 international community. As zone commander Rrustem Mustafa testified
9 before this Court, there was "no process whatsoever" for detainees in
10 the Llap zone. They were just detained. That's at transcript 5572
11 to 5573.

12 Such deception not only demonstrates intent and knowledge, it
13 also demonstrates the active steps taken to mislead international
14 actors, something which each of the Defence briefs are at pains to
15 claim could not possibly have occurred. But additionally, and
16 importantly, it reflected endorsement of the crimes by providing
17 cover for their continuation.

18 As described in our brief, a legal sector and military court
19 were eventually established at the end of 1998, motivated in large
20 part by the need of the KLA leadership to legitimise themselves in
21 front of the international community. The court was underresourced
22 and ineffective, a point about which there appears to be agreement
23 between the parties. However, the court and Dobruna as its head were
24 also marginalised and undermined. General Staff members, including
25 Selimi and Limaj, intervened directly: releasing or hiding detainees,

1 or otherwise bypassing the court entirely. Proceedings that did
2 occur were summary and arbitrary: death sentences were imposed and
3 then altered based on personal relationship, and judgments were
4 signed by persons who were not part of the court, including the chief
5 of staff.

6 But with what limited resources the court did have, it did not
7 investigate anyone for the widely known abductions, mistreatments,
8 and killings that had occurred up until that point. Instead, one of
9 the first cases brought to the court in January 1999, and easily the
10 most prominent of the few that were brought to it, was that of
11 Blerim Kuqi who was arrested at the General Staff headquarters in the
12 presence of Jakup Krasniqi, Rexhep Selimi, and Fatmir Limaj. During
13 a conversation the following day, Krasniqi acknowledged that Kuqi had
14 been arrested and also threatened that anyone who did not respect the
15 KLA programme would be punished, warning that "all tendencies,
16 sabotages of pacifism, and corruption of KLA manpower have to be
17 cut." That is P2094.

18 A document seized from Krasniqi's house entitled "The Pacifist
19 and FARKist Movements for Undermining the Kosovo Liberation Army and
20 its objectives of securing Liberation," and it was seized in multiple
21 versions, mentioned Kuqi in the following way:

22 "The heaviest blow inflicted on our war was struck, first and
23 foremost, by the blocking of money needed by us, and secondly by the
24 insertion of FARKist officers who had joined up not in order to
25 professionalise and assist the KLA but to undermine the fight for

1 freedom. The following are evidence of this: Tahir Zemaj in the
2 Dukagjin, Blerim Kuqi in the Pashtrik zone, and in the Drenica zone,
3 Kemajl Shaqiri and Gani Geci."

4 One of the versions of that is P01111.

5 Following a sham trial, in a process that included defending
6 against allegations that he said that the KLA and the government
7 should be united, P1107, Kuqi was sentenced to death. As reflected
8 in contemporaneous documents, similar fates were planned for other
9 opponents who were intended to be brought before the pseudo-court on
10 charges of treason, and those references can be found at footnote 244
11 of our brief. As such, the court served simultaneously as a fig leaf
12 to place a false veneer of legitimacy over ongoing criminal activity
13 and was used by the JCE members as a further tool to be leveraged
14 against opponents.

15 The court was also reliant on the referral of cases to it, in
16 particular by the military police or intelligence sector; paragraphs
17 251 and 264 of our brief. The absurdity with which this was applied
18 is exemplified in the case of the Savelic brothers, whose abduction
19 attracted a high degree of international attention. Both brothers
20 were beaten in KLA custody with one dying as a result. Sokol Dobruna
21 went personally to the detention site and discussed the case with
22 other General Staff members, yet failed to ensure the initiation of
23 any investigation into the matter and simply ignored the direct
24 evidence in front of him on the basis that no criminal allegation had
25 been submitted.

1 Both Blerim Kuqi and the Savelic brothers were detained at a
2 site in between the village of Klecke and the village of Divjake
3 where the KLA General Staff was headquartered. And from late 1998
4 until 22 June 1999, this site served as the designated detention
5 facility of the General Staff and was operated by the military
6 police. The detainees, which included both Serbian and Albanian
7 civilians, were held for periods of time ranging from a few days to
8 several weeks. As described at paragraph 974 of our brief, detainees
9 there were brutally beaten, with Rexhep Selimi participating
10 personally in the mistreatment on one occasion. 11 detainees were
11 murdered.

12 One of those victims was Ymer Xhafiqi. Being employed in the
13 document office of the MUP station in Prizren, he was perceived as
14 associated with the enemy, and was abducted by black-uniformed KLA
15 soldiers on 9 March 1999. Although the Defence have alleged that all
16 police were combatants, having regard to Xhafiqi's actual function,
17 as well as the circumstances of his arrest and the reasons provided
18 for it, it's apparent that, in fact, he was a civil servant employee
19 who had no involvement in hostilities, and, rather, he was taken as a
20 perceived collaborator. However, there's also no indication
21 whatsoever that his detention was absolutely necessary for security
22 purpose.

23 Douglas Young, a KVM representative, was alerted about Xhafiqi's
24 arrest on the same day on which it occurred and took immediate steps
25 to try and locate him. As described in Young's testimony, and as

1 contemporaneously documented by him, he obtained confirmation that
2 Xhafiqi was held by the KLA, having been shown Xhafiqi's personal
3 documents and informed by a person associated with Rexhep Selimi's
4 nickname of "Ten," that Xhafiqi was under the control of a "higher
5 formation." Indeed, Young was one of two witnesses to testify before
6 the Court regarding Selimi's knowledge of this abduction.

7 And as detailed in our brief, in addition to Krasniqi, Selimi,
8 and Dobruna, others with direct knowledge of and/or involvement in
9 the detention site at Klecke included Veseli and Limaj, as well as at
10 least five other General Staff members.

11 The establishment of the court, as mentioned a short time ago,
12 also served an additional important function for the KLA, and that
13 was as part of the institution-building exercise designed to advance
14 its quest for authority and control. Political Declaration 17, on
15 screen now - and if I haven't mentioned already, all of the slides
16 that I show during my presentation may be publicly broadcast - was
17 issued in November 1998. It reiterated familiar themes, including
18 that no decision on Kosovo could be made without the KLA; that the
19 KLA would not recognise any agreement reached without its
20 participation; that others willing to engage in talks would be
21 condemned; the "autonomy-supporting and institutionalist phalanx"
22 were again described as comprising "former UDB members appointed to
23 ministerial posts."

24 And the declaration also made the following claim of authority:

25 "The General Staff of the KLA would like to remind everyone that

1 Kosovo already has its own institutions, its political leadership,
2 its justice bodies, its army and police force, etc., that have earned
3 their legitimacy before national and international bodies."

4 On 18 January 1999, a public statement, an extract of which is
5 on screen now, was issued specifically in Thaci's name as the head of
6 the political directorate and confirmed that the KLA General Staff
7 was building state institutions. The statement proceeded to, again,
8 vilify Bukoshi, and attempt to undermine the LDK-affiliated parallel
9 institutions. Having accused Bukoshi of, amongst other things,
10 fratricide, Thaci proceeded to claim that, "Bukoshi has financed the
11 assassination and the assassination attempts of KLA commanders. His
12 file includes plans for the liquidation of the General Staff of the
13 KLA, and some distinguished personalities in Kosovo."

14 While the agreement for creation of the PGoK, signed at
15 Rambouillet on 23 February 1999, indeed provided for the
16 participation of the LDK, it came in the atmosphere of vitriol and
17 incendiary allegations just described.

18 Other evidence also contextualises the conditions of complete
19 subjugation under which the KLA leadership were demanding that such
20 participation would occur. This is perhaps best exemplified by
21 Krasniqi's own words, on screen now. In negotiations with the
22 Bukoshi government representatives that occurred around the end of
23 March 1999, Krasniqi had made the conditions for participation clear,
24 as he himself described:

25 "In the end, I submitted some requests to him and he told me

1 that he would consider them with Bukoshi. The requests were as
2 follows:

3 "a) to recognise the KLA programme;

4 "b) to recognise PGoK and to submit to the command of the KLA
5 [General Staff];

6 "c) to respect KLA Regulations;

7 "d) to enter Kosovo; and

8 "e) his headquarters in Tirana to be handed over to the Ministry
9 of Defence of the PGoK."

10 As described in Section II.A.1.a.ii of the brief, well before
11 the agreement for creation of the PGoK was signed, the KLA leadership
12 had already been taking steps to establish governmental and
13 administrative institutions with the express intention that these
14 would lay the "foundations of the future state power." That's
15 P811.32.

16 As such, Thaci effectively used the 23 February agreement as a
17 cloak under which to manifest the institutions of power that the KLA
18 leadership were already pursuing. Political Statement 34, published
19 on 30 March 1999, declared:

20 "Dear fellow patriots, in Kosovo there were two institutions:
21 the provisional government with Hashim Thaci as prime minister, and
22 the Kosovo Liberation Army led by its General Staff. The others,
23 Bukoshi and Bicaaj, who appear abroad and in the name of these
24 institutions, are fraudsters and war criminals."

25 That is P575.

1 And days later, Thaci proceeded to announce the composition of
2 the PGoK. The announcement indicated one vacant post for the LDK,
3 named four LBD members, left one further unallocated post for the
4 LBD, and assigned all other posts to the KLA leadership, including
5 appointing JCE members into key ministerial positions. Selimi became
6 the minister for public order with authority over the police, Veseli
7 became the head of SHIK continuing his intelligence role, Azem Sylja
8 became minister of defence, and Krasniqi continued to frame messaging
9 as government spokesperson.

10 With the withdrawal of Serbian forces following the Kumanovo
11 Agreement, the accused sought to activate the institutional
12 infrastructure that they had been putting in place for many months
13 and assert *de facto* authority on the ground. As described in
14 paragraph 40 of our brief, KLA units promptly seized and occupied key
15 state infrastructure. And simultaneously, Thaci-appointed
16 PGoK-affiliated mayors appeared throughout Kosovo.

17 From the very first meeting with UNMIK in June 1999, the
18 intentions of the Thaci government were clear. As described in
19 paragraph 41 of our brief, Thaci, accompanied by Selimi, presented
20 UNMIK officials with an organigramme of the PGoK. When informed that
21 UNMIK had exclusive executive authority pursuant to UN Security
22 Council Resolution 1244, the KLA representatives responded to the
23 effect of: "Thank you for your help, but now we are in charge. We
24 created the PGoK, and now we run the country."

25 Despite being repeatedly and clearly warned that the PGoK's

1 actions encroached on UNMIK's mandate, Thaci proceeded undeterred in
2 issuing PGoK laws and decrees over key aspects of civilian
3 governments, attempting to enforce a *fait accompli*. By the end of
4 July 1999, Thaci announced that the PGoK had achieved "horizontal and
5 vertical spread of the government" throughout municipalities. That
6 is P4189. And Veseli too had stated his intention to continue
7 operating as head of intelligence even after demilitarisation.

8 Even Defence witness James Covey acknowledged that Thaci seemed
9 intent on the PGoK's claims to administer Kosovo in contravention to
10 the Security Council mandate. That's at transcript 27618 to 27621.
11 He also noted that the expressions of antipathy towards Rugova seemed
12 inconsistent with a fully democratic process, and acknowledged
13 wondering whether Thaci's real intentions were to clear the way for
14 whatever party he might eventually represent. That's T27362 to 63.

15 In fact, closer to the relevant time, Mr. Covey gave a much more
16 direct assessment of events, writing in 2005 that:

17 "Over time, it became more and more apparent that this was not
18 simply a heated political argument. KLA extremists would use any
19 necessary means to displace Rugova and his LDK party apparatus, as
20 well as to be acknowledged as heroes and the guarantors of Kosovo's
21 future independence. KLA fighters saw the LDK's military arm, the
22 Armed Forces of the Republic of Kosovo, FARK, as nearly as much of an
23 enemy as the dreaded Serb special police. Even during the war, the
24 KLA had attacked the FARK. In the vacuum that followed, the KLA's
25 ruthless campaign against the LDK continued."

1 That's P4496.

2 The clarification Covey provided in testimony that this
3 described what was being done by personnel associated with the KLA
4 movement does not assist the accused.

5 The evidence shows that throughout this time, the targeting of
6 opponents did continue. Even after Kumanovo, the military police and
7 intelligence continued to cooperate in the detention and
8 interrogation of civilians on allegations of collaboration. That's
9 P1097.9 at pages 18 to 20.

10 In fact, a communiqué issued by Agim Ceku on behalf of the KLA
11 General Staff on 23 June 1999 announced the identification of three
12 alleged collaborators, based on information from the intelligence
13 services, and the subsequent killing of two of them by the military
14 police, indicating that the third person, who had escaped, remained
15 wanted. That's P1752.

16 While the communiqué claimed that these deaths were the result
17 of resisting arrest, the evidence shows that one of the victims was,
18 in fact, murdered in the hospital where he'd been brought after being
19 wounded in the initial attack. And that's described at paragraph 324
20 of our brief. This communiqué was published less than 48 hours after
21 the KLA PGoK leadership, including Thaci, Krasniqi, and Ceku, had
22 attended the signing of the undertaking pursuant to which the KLA
23 agreed, amongst other things, "not to attack, detain, or intimidate
24 any civilians in Kosovo." And that's P1444, paragraph 10(d).

25 Indeed, with the entry of KFOR in June 1999, room for any

1 legitimate detentions by the KLA PGoK was even more limited than
2 previously. During that period, only detentions of the most limited
3 duration in response to direct threats that could not be averted in
4 sufficient time by KFOR could be said to be absolutely necessary.
5 The evidence shows that none of the charged detentions during this
6 time period meet that criteria, and so, contrary to submissions
7 otherwise, none were lawful.

8 Throughout, despite the risk of his relationship with
9 internationals, Thaci would continue to push for consolidation of
10 power and control for him and his PGoK structures while
11 simultaneously deflecting or denying crimes against opponents.

12 To take just a small sample of examples, a cable recounting what
13 is described as a "difficult meeting" on 29 July 1999, in which Thaci
14 was evasive on criminality and was described as "testing out how far
15 he could go in pushing UNMIK and KFOR to accept UCK *fait accompli*" is
16 noted at paragraph 45 of our brief.

17 A subsequent cable from 7 August 1999 notes that "Thaci is still
18 trying to consolidate the power base and executive rule of the UCK on
19 the ground." That's P1977.

20 Even in November, well after the end of the indictment period,
21 Thaci was still attempting to coerce power. On 15 November 1999,
22 Bernard Kouchner advised that Thaci had indicated his intention to
23 boycott UNMIK and KFOR until they "complied with his wishes." The
24 following day, General Reinhardt, who had taken over from
25 General Jackson as the commander of KFOR in Kosovo, recorded the

1 following observation, as you can see on the screen now:

2 "Thaci is boycotting today's KTC meeting. His refusal to
3 cooperate shows his contempt for the institution and the other
4 members of the KTC. He is behaving like a child who sulks when it
5 does not get its favourite toy. The toy he wants is the presidency
6 of Kosovo and sole political leadership under the umbrella of
7 Kouchner's administration."

8 To finish, I'll address some of the additional specific
9 arguments relating to the common criminal purpose made in the Defence
10 briefs.

11 First, the Selimi Defence argues that the objective of the JCE,
12 rather than just the means, must be inherently criminal. However,
13 the authorities cited say the opposite of what Selimi represents them
14 to say. For example, the cited paragraph of the Brima appeals
15 judgment very clearly explains that the requirement that a common
16 plan is inherently criminal means that it "must either have as its
17 objective a crime within the statute, or contemplate crimes within
18 the Statute as the means of achieving its objective." As explained
19 at footnote 4 of our brief, this flows directly from the original
20 wording of the Tadic appeals judgment.

21 Second, that there was a KLA objective of achieving independence
22 in Kosovo in no way negates the objective on the part of the JCE
23 members to gain and exercise control in the manner charged. Indeed,
24 rather than being a counter-indicator, logic dictates that
25 independence would have been a prerequisite for them to fully attain

1 such control. And it's also a matter of both common sense and
2 established jurisprudence that a person can have multiple
3 simultaneous objectives. For example, Radovan Karadzic was found to
4 have participated in four separate but related JCEs with distinct
5 objectives. The Defence briefs not only deliberately ignore this
6 reality but repeatedly attempt to elide the distinction, including by
7 reference to the motivations of others. However, the motivations of
8 ordinary soldiers for joining the KLA are in no way probative of the
9 intent of the accused. W03165 is, for example, one of the witnesses
10 relied upon for this purpose by both the Thaci and Krasniqi Defences.
11 That he personally joined the KLA in order to protect his country is
12 no probative of the charges in this case. What is probative, and
13 even more poignant in light of his service, is that less than three
14 months later his father was taken by black-clothed soldiers,
15 murdered, and falsely branded as a traitor to the nation.

16 Third, the Defence briefs claim that no direct evidence of the
17 common criminal purpose was presented, and then proceed to make a
18 range of arguments as to why one cannot be inferred. We have
19 summarised in our brief, and here today, the wide range of both
20 direct and circumstantial evidence demonstrating the existence of the
21 common plan. A signed contract among JCE members is not required.
22 But if the multiple contemporaneous public communications of the
23 General Staff as described in Section II.A.1 of our brief are
24 accepted for what they are clearly are, that's direct evidence of the
25 common criminal purpose. If the contemporaneous public statements of

1 the official General Staff spokesperson are accepted for what they
2 clearly are, that's direct evidence of the common criminal purpose.
3 If eyewitness accounts of the words and actions of the accused and
4 other JCE members at multiple detention sites are accepted for what
5 they are, that is direct evidence of the common criminal purpose.
6 And this wealth of evidence is corroborated by other contemporaneous
7 documentation, the manner in which structures and organisations were
8 created and used by the accused, the regulatory framework put in
9 place, the failure of the JCE members to prevent or punish crimes,
10 and by the pattern of the charged crimes. The submissions that have
11 been made simply don't displace the overwhelming volume of evidence
12 proving the existence of the common criminal purpose beyond
13 reasonable doubt.

14 With regard specifically to personal motivations of direct
15 perpetrators, while this may be a relevant consideration where
16 there's an absence of other evidence connecting a particular crime to
17 the common purpose, the mere existence of such motivations do not
18 negate the common purpose or even necessarily remove any particular
19 crime from its scope. Indeed, a direct perpetrator need not share or
20 even know of the common purpose. Rather, the relevant inquiry is
21 whether a sufficient link between the perpetrator in question and a
22 JCE member has been established. And a non-exhaustive list of
23 factors which could establish such a link are set out by, for
24 example, the Krajisnik trial judgment at paragraphs 1081 and 1082.

25 In fact, in making these arguments about personal motivation, in

1 particular with reference to the evidence of international witnesses
2 regarding the atmosphere of revenge in the summer of 1999, the
3 Defence are largely seeking to create a straw man and responding to a
4 case which has not been charged. The accused are not on trial for
5 random criminality occurring during that period or for the wave of
6 general violence and house burning unleashed at that time against
7 Serb civilians. The crimes charged are those committed by the
8 accused's subordinates, and consistent with and in continuation of
9 the long-standing opponent policy.

10 Notably, one of the examples used by the Thaci Defence in an
11 effort to argue that perpetrators were not real KLA is W02951's
12 disbelief that members of the "real KLA who fought for freedom" would
13 have done to him what they did. Not only does this again
14 disingenuously attempt to play on the distinction between the KLA's
15 fight for liberation and the unlawful violence endorsed and pursued
16 by individuals within the KLA, but it carries no weight at all when
17 placed in the context of the concrete location where this witness was
18 mistreated. As set out in our brief, there's extensive evidence,
19 including contemporaneous video evidence, demonstrating that the
20 perpetrators there were, indeed, real members of the KLA.

21 Similarly, reliance on W02652's testimony to argue that there
22 was no general policy to target LDK members typifies both the
23 distortion of evidence and disingenuousness of the points being made.
24 We invite the Panel to read the cited transcript pages. The witness
25 is very clear in saying that "the KLA, as a term," did not have a

1 problem with LDK members, but rather individuals within the KLA were
2 opposed to the LDK, did the bad things, and refused to hold
3 themselves accountable. And when given an opportunity on
4 re-examination to indicate the individuals being referred to, the
5 witness specified that it was the KLA leadership at the main
6 headquarters who pursued this opposition against the LDK.

7 Moreover, contrary to speculative theories put forward in the
8 Defence briefs, for example, in the Thaci brief at paragraphs 41 to
9 51, and the Krasniqi brief at paragraphs 165 to 169, the factual and
10 legal questions before this Panel do not require a dissection of
11 various incentives or disincentives on the part of the accused to
12 participate in the common purpose. Rather, the facts and conduct
13 speak for themselves.

14 As one of my colleagues will address in further detail later in
15 our presentation, the accused did contribute and with the requisite
16 intent. Whether that was a rational choice, whether it was in their
17 interests to do so or not, is beside the point.

18 And, finally, in relation to the pattern arguments raised.
19 First, as already highlighted, the pattern of crimes committed is
20 just one of multiple factors in this case leading to the inescapable
21 conclusion that the crimes were committed pursuant to a common
22 criminal purpose. It's not the sole, or even the main, basis for
23 inferring it. Nonetheless, the purported pattern analysis conducted
24 by the Krasniqi Defence is flawed both in concept and in
25 interpretation. It forms the basis for an assertion that crimes

1 committed were "spontaneous actions of untrained individual actors,"
2 while either noting or disregarding, or completely ignoring, some of
3 the most compelling evidence that this was not the case. Such as,
4 just to take a few examples, the fact that crimes occurred not in
5 random locations but in and around KLA-run detention facilities; that
6 many of these locations were major zone and regional headquarters,
7 and even the General Staff's own official detention facility; that
8 detainees were transferred between such facilities in an organised
9 manner, requiring the participation of multiple personnel; the
10 commonality of personnel - in particular, military police and
11 intelligence members involved in the crimes; the involvement of
12 senior, command level, personnel; and the commonality of the
13 purported basis of detention and of the accusations made during
14 interrogation in line with the charged criminal purpose.

15 Mr. Pace will soon be speaking further about some of the common
16 patterns in the charged crimes.

17 However, the Defence brief even makes the inexplicable claim
18 that the alleged pattern shows that the General Staff were not
19 involved in any crimes proven in the March to October 1998 period.
20 This necessarily involves ignoring, amongst other things, the
21 evidence of direct involvement of General Staff members, including
22 certain of the accused, in the physical perpetration of those crimes.

23 Indeed, what's ultimately a fact-specific inquiry, the Krasniqi
24 Defence's heavy reliance on the Gbagbo case is telling. There, in
25 contrast to this case, crimes were primarily committed during

1 demonstrations or attacks on neighbourhoods, which frequently made it
2 hard to tell the circumstances in which the violence broke out, and
3 also involved quite disparate crimes committed by disparate groups
4 and individuals.

5 The Thaci Defence's selective reliance on the specific facts of
6 Blagojevic are similarly revealing and ignore the wide array of
7 indicators from which a common purpose has been inferred, including,
8 amongst others: a discernible pattern of crimes, that is crimes not
9 committed in a random or unorchestrated manner, and, as with the
10 charged crimes in this case, which were committed in or around
11 detention facilities; common circumstantial elements of crimes, some
12 of which Mr. Pace will shortly touch upon; use of diplomatic
13 negotiations to regroup as corresponds to the reorganisation
14 occurring in this case following the October 1998 cease-fire;
15 replacing members who impede the execution of the common plan, that
16 is, people of independent judgment, with yes-men who are willing to
17 advance its aims, as well as promoting such people, as described, in
18 this case, at paragraph 617 of our brief; coordination amongst
19 different units involved in arrest, detention, and interrogation,
20 with the support of administrative decisions and orders that provide
21 the legal, political and social framework for the JCE, as described
22 in detail throughout Section III of our brief, including the
23 involvement of military police, intelligence, and the transfer of
24 detainees between sites; statements of the JCE members which
25 correspond to subsequent attacks or crimes on the ground, as

1 described, in respect of this case, throughout Section II.A.1 of our
2 brief; and clandestine operations to conceal crimes from
3 international observers, including with the direct involvement of JCE
4 members, such as actively covering up inhumane treatment at detention
5 centres, precisely as described, as this case, at the start of my
6 presentation.

7 And for those factors, I was drawing there from, amongst others,
8 the Sainovic appeals judgment, the Simic trial judgment, the Martić
9 trial judgment, and the Krajisnik trial judgment.

10 And I will now hand over to Mr. Pace who will further describe
11 the pattern of crimes committed. Thank you.

12 PRESIDING JUDGE SMITH: Thank you, Counsellor.

13 MR. PACE: Good afternoon.

14 PRESIDING JUDGE SMITH: Good afternoon, Mr. Pace. You may
15 proceed when ready.

16 MR. PACE: Thank you.

17 Earlier, my colleague set out how the accused formulated and
18 shared the common purpose to gain and exercise control over all of
19 Kosovo by means including unlawfully intimidating, mistreating,
20 committing violence against, and removing those deemed to be
21 opponents.

22 I will be addressing the manifestation of those means - the
23 charged crimes which took place on and around detention sites across
24 Kosovo and parts of northern Albania.

25 Each of these sites is represented by a black dot on the map

1 appearing on your screens. Throughout my presentation, unless noted
2 otherwise, slides are for public broadcast.

3 The locations represented on your screens are those where the
4 victims in this case were persecuted, imprisoned, illegally or
5 arbitrarily arrested and detained, subjected to other inhumane acts,
6 cruel treatment and torture, disappeared, and murdered.

7 The image before you now depicts the 437 incidents of detention
8 which took place between April 1998 and August 1999. Each incident
9 is represented by a blue dot in close proximity to the location of
10 detention. While the number I provided includes persons detained at
11 multiple sites, as noted in Schedule A to the indictment, what we
12 provided there is a minimum number in terms of the incidents.

13 Most of the victims were civilians not taking part in
14 hostilities at the time of the arrests. As is clear from the plain
15 meaning of its language, Article 14(1)(c) of the Law, which reflects
16 Common Article 3(1) of Geneva Conventions, applies to all persons
17 taking no active part in hostilities, in all circumstances and
18 without any adverse distinction. This therefore includes both
19 detained members of opposing forces and members of one's own group.
20 In this regard, I refer, for example, to paragraphs 711 and 722 of
21 the Mustafa trial judgment and paragraph 547 of the ICRC's 2016
22 Commentary to Geneva Convention I.

23 The blue dots on your screen represent farmers, teachers,
24 business persons, retirees. Those who socialised with Serbs. Those
25 who used to or continued to work in state-owned entities in order to

1 make a living during the most difficult of times. Those who didn't
2 join the KLA or who didn't actively contribute to it. Those who
3 supported the LDK. Those accused of being spies or collaborators,
4 often based on generic, unsubstantiated rumours and speculation.
5 Kosovo Albanian, Serb, Roma, Montenegrin, Bosnian, Macedonian. Men,
6 women, and children.

7 Indeed, the individuals whose liberty was unlawfully deprived
8 through the accused's conduct came from all walks of life. But as
9 Your Honours read through our brief, and as you received and
10 considered the evidence throughout the trial, you will have discerned
11 that the targeting and mistreatment of these victims by KLA members
12 under the accused's command and control followed similar patterns.

13 As you heard earlier, opponents were identified by KLA members,
14 including intelligence services and military police. The names of
15 many of those arrested, detained, questioned, beaten, killed, or
16 disappeared can be found in notes taken by KLA members. Such notes
17 often contained details such as the prospective victims' movements or
18 notes on, or warrants for, their arrest. By way of example, I refer
19 to P75, a page of which is on your screen and not for public
20 broadcast, Mr. Tieger showed us earlier.

21 You will recognise the names highlighted here from extensive
22 evidence submitted in this case concerning their targeting and
23 disappearance.

24 Another example is P651, pages from which are on your screen now
25 and also not for public broadcast. Here, you see an example of an

1 arrest warrant for an opponent who was detained and mistreated in
2 Jeshkove. You also see notes indicating that surveillance was being
3 undertaken in relation to the same individual.

4 Several of the victims were arrested from their homes or at
5 checkpoints by masked or armed men. In most instances, KLA members
6 failed to provide detainees with reasons for their arrests beyond
7 inadequate generic assertions or allegations. Some were arrested
8 after being ordered or summonsed to attend KLA headquarters. For
9 example, as you can see in the order on your screen from P1105, which
10 can be publicly broadcast, Jakup Krasniqi, in his capacity as deputy
11 commander of the General Staff, ordered KLA member Blerim Kuqi to
12 report to the General Staff on 16 January 1999. On the date
13 indicated in this order, Kuqi was arrested at General Staff
14 headquarters in the presence of Krasniqi, Rexhep Selimi, and
15 Fatmir Limaj. You heard further details of this incident in earlier
16 presentations.

17 As mentioned earlier, in relation to cases such as this where
18 victims were members of armed forces, including the KLA, they are
19 nevertheless protected under Article 14(1)(c) of the Law.

20 On a related note, when it comes to assessing whether a victim
21 was protected, it's their activity at the time of the commission of
22 the crime which is relevant. As set out in paragraph 602 of the 2025
23 Commentary to Geneva Convention IV:

24 "There is no place for retribution under international
25 humanitarian law."

1 Thaci Defence submissions on the status of certain victims show
2 a misplaced focus on former positions they may have occupied rather
3 than those they occupied at the time of their arrest or detention.
4 Some such submissions are additionally also plainly inaccurate or
5 misleading.

6 For example, while the Thaci Defence mentions that 1338 worked
7 for the police when he was abducted, no mention is made of his
8 specific capacity, which is a relevant consideration. I invite you
9 to look at paragraph 1121 of our brief in that regard. While 1605
10 had worked as a police officer, he was no longer doing so at the time
11 he was arrested.

12 Following their arrest, victims were transferred to and detained
13 in locations used by KLA members in many instances as KLA
14 headquarters, offices, or barracks, or in close proximity thereto.

15 In Jabllanice, detainees were held at a barracks compound, an
16 image of which is on your screens from P101. This location was a
17 short walk from the local KLA headquarters at Lahi Brahimaj's house.

18 Just a reminder, unless I say otherwise, these can be publicly
19 broadcast.

20 Detainees were held in a room on the left of your screens and
21 also in rooms in the house on the right of your screen, which is also
22 where Lahi and Nazmi Brahimaj interrogated and mistreated detainees.

23 Victims across the various sites were detained for various
24 periods of time, ranging from hours to days, weeks, and multiple
25 months.

1 Documentary evidence corroborates witness evidence concerning
2 charged crimes, including by contemporaneously memorialising
3 detentions in black and white.

4 P738, on your screens now and not for public broadcast, is a
5 notebook containing a contemporaneous detention log showing the dates
6 that 52 people were held at Llapashtice. As you can see on this page
7 alone, several detentions lasted for weeks or months. For example,
8 the person listed at number 9 was held for more than five weeks. The
9 person listed at number 8 was detained for four months.

10 Your Honours have received evidence that many detainees were
11 restrained and/or blindfolded while they were being transferred or
12 detained. Many victims were held in locked or guarded rooms and
13 provided no or inadequate food, water, sanitation facilities, hygiene
14 facilities, or medical care.

15 In Bare, a victim spent 20 days of his 56-day detention in a
16 dark, windowless 1-by-2-metre room. He used a small box as a toilet.
17 While this same victim was detained at another location, KLA members
18 told him that they would kill him when he was as thin as a finger.
19 He was rarely given water or food while detained, losing
20 38 kilogrammes over the course of his almost two-month-long
21 detention.

22 In Llapushnik, detainees were held in inhumane conditions,
23 including in both the storage room and the cowshed. One of the
24 detainees described the conditions of detention as so dire that he
25 thought death would have been a better option. Another detainee in

1 Llapushnik hanged himself while he was detained there.

2 While enduring harsh conditions at their location of detention,
3 detainees were questioned, often before, while, or after being
4 beaten. They were asked about their knowledge of, or relationships
5 with, other individuals including Serbs. Some were instructed to
6 confess to crimes they did not commit. Many were accused of being
7 spies, collaborators, or traitors. Many were questioned about, or
8 threatened in relation to, their support of or role in the LDK.

9 On approximately 24 June 1998, at the KLA headquarters in
10 Breshanc, Hashim Thaci urged Kosovo Assembly MPs Avdyl Rama and
11 Uke Bytyqi to publicly resign from their LDK leadership positions and
12 make a recorded statement supporting the KLA. Under pressure, Bytyqi
13 acquiesced. Rama was threatened and mistreated by Thaci when he
14 defied Thaci's demands.

15 The Thaci Defence's characterisation of the evidence concerning
16 Hashim Thaci's role in this incident fails to undermine the relevant,
17 mutually corroborative evidence on record, including that relied on
18 in paragraphs 394 to 395 of our brief.

19 Thaci Defence submissions concerning this incident ignore, in
20 particular, relevant excerpts from the redirect examination of the
21 witness mentioned, for example, at paragraphs 350 to 351 of their
22 brief.

23 The Thaci Defence submissions also ignore the plain meaning of
24 relevant evidence, such as that from 4410's book, where, as you can
25 see on your screen, he wrote, for example:

1 "Hashim Thaci insisted that Uke give more powerful and decisive
2 opinions on the KLA, but he had his own reservations. He wanted to
3 say it in his own way, not for someone to impose it on him."

4 Around two months after this incident, Rexhep Selimi was present
5 and took notes while a detainee was questioned in Likovc. Consistent
6 with many other instances of detention by KLA members, on this
7 occasion, in Selimi's presence, this detainee was questioned about
8 his alleged collaboration with Serbian officials. The same detainee
9 was repeatedly and viciously beaten at this detention site.

10 By the time of this detention, Likovc had already served as a
11 General Staff headquarters and had hosted or would go on to host
12 General Staff meetings, visits by the accused, and meetings with
13 internationals.

14 The following month, September 1998, both Rexhep Selimi and
15 Hashim Thaci were involved in another incident during which detainees
16 were questioned and mistreated. Thaci and Selimi arrived at a local
17 LDK office in Qirez while Kosovo Albanian parliamentary delegation
18 members were detained there by KLA members. Selimi and others
19 transferred 13 of the delegation members to a school building used by
20 the KLA in Baice. There, a group of masked KLA members severely beat
21 at least six of the detainees.

22 Thaci then interrogated the detainees with Sabit Geci. Thaci
23 referred to the detainees as Rugovans and institutionalists. He
24 demanded they resign from their parliamentary positions and write
25 statements renouncing Ibrahim Rugova as a traitor. Thaci was told

1 that the detainees had been mistreated and saw their injuries
2 himself. Thaci and Sabit Geci took the detainees to Krasmirofc where
3 Geci, in Thaci's presence, threatened to kill one victim. Thaci
4 himself threatened another victim.

5 The Thaci Defence attempt to legally validate the delegation's
6 detention by reference to SPO powers to detain under the Law
7 regulating this Court is symptomatic of the illogical nature of
8 Defence submissions in relation to this incident. As set out, for
9 example, in the Confirmation Decision, the deprivation of liberty by
10 KLA members would have had to be justified by criminal proceedings or
11 reasonable grounds to believe that security concerns make it
12 "absolutely necessary."

13 In the Shala case, a Panel of the Court of Appeals Chamber,
14 noted that for the detention to qualify as absolutely necessary,
15 there must be serious and legitimate reasons to think that the person
16 concerned, by his activities, knowledge, or qualifications,
17 represents a real threat to the detaining power's present or future
18 security.

19 The Thaci Defence's attempt to characterise the detained
20 delegation's intention as being anything other than humanitarian
21 ignores clear evidence and in no way indicates that a detention was
22 absolutely necessary.

23 The Thaci Defence's attempts are as erroneous as the view
24 Hashim Thaci asserted during his SPO interview concerning the status
25 of the delegation's members as we can see on our screens now.

1 THE INTERPRETER: Interpreter's note: The counsel is kindly
2 asked to slow down when reading for the purposes of interpretation.
3 Thank you.

4 MR. PACE: I will. Thank you.

5 What is on your screens is from P739.8. Contrary to what
6 Mr. Thaci asserts here, those forming part of the parliamentary
7 delegation detained in Qirez were civilians. Thaci's distortion of
8 the notion of "combatant" is a transparent attempt to justify his
9 criminal activity.

10 Unlike the Thaci and Selimi Defence's selective approach to the
11 evidence concerning the Qirez incident, the Panel must consider all
12 evidence in its totality, including documentary evidence such as
13 military police directorate press release P158.

14 In relation to this and other incidents, the Panel can and
15 should rely on previous detailed, credible, consistent, and
16 corroborated accounts of relevant witnesses where subsequent
17 courtroom testimony by the same witnesses is transparently
18 fear-driven and implausible.

19 The Panel should similarly rely on Thaci's own earlier evidence
20 concerning this incident rather than his later attempts to walk back
21 the truth.

22 The images on your screen now are from Mr. Thaci's January 2020
23 SPO interview in relation to the same incident. These should be
24 publicly broadcast.

25 "At that time, at Baice, did you witness any injuries on

1 Mr. Dedaj's person?

2 "I didn't see it, but I heard that he did, because he was
3 clothed. But I didn't see anything on his face.

4 "Did you know at the time that he had been beaten or mistreated?

5 "Yes.

6 "With respect to Mr. Dedaj and Mr. Bardhi, how do you know that
7 they had been beaten or mistreated if you did not witness it?

8 "I heard it from the soldiers that were present there.

9 "At the time?

10 "Yes, before I went to the school in Baice.

11 "You had been made aware by soldiers before you went to Baice
12 that Mr. Dedaj and Mr. Bardhi had been mistreated?

13 "Yes.

14 "Who did they say had administered the beatings?

15 "They told me, but I also verified this when I got there. We
16 will talk about this in the next interview."

17 However, at that next interview, only six months later, the
18 version of events Mr. Thaci gave was inconsistent and illogical,
19 alleging the injuries referred to just six months before were moral,
20 not physical. I'm here referring to P742.3.

21 Unless he was referring to physical injuries, there is no
22 fathomable reason why Mr. Thaci would have referred in January 2020
23 to one of the victims being clothed as a reason why he did not see
24 that victim's injuries. Neither would Mr. Thaci have responded by
25 saying "they told me" when he was asked, "Who did they say had

1 administered the beatings?"

2 Around a month after the Qirez incident, Hashim Thaci, with
3 Fatmir Limaj, questioned two Serbian journalists while they were
4 detained in Sedllar. The fact that the victims themselves were not
5 able to identify Thaci as one of those questioning them does not
6 detract from the evidence of 4839 who interpreted for Thaci during
7 the questioning.

8 In its argument concerning this incident, the Thaci Defence
9 asserts 4839 was unable to identify the nature of Thaci's role. Yet
10 the evidence they themselves cite in support of that assertion shows
11 that the witness knew that Thaci was in the political department.
12 Regardless, specific knowledge of Thaci's role in the KLA at the time
13 of such questioning is of no relevance as to whether he took part in
14 that questioning.

15 In relation to the Thaci Defence's claims concerning 4839's
16 reliability, including in relation to this incident, I refer
17 Your Honours to paragraphs 1441 to 1447 of our brief.

18 Threats and questioning of detainees by KLA members echoed
19 threats in communiqués and other public statements by the
20 General Staff and members thereof.

21 While transferring two victims to a detention site where they
22 were detained for almost a month, KLA members, who introduced
23 themselves as from the General Staff, beat the two victims. They
24 told them they would be punished with death, that Ibrahim Rugova is a
25 traitor, and that the LDK is the UDB.

1 Similarly, while arresting two other victims, who would later be
2 detained in Likoc, the KLA members told them they were going to
3 liquidate them because they were with the LDK, traitors, and Serb
4 collaborators. Once detained in Likoc, one of the victims was
5 accused of being a spy and a collaborator. KLA members told him that
6 they would kill all those who supported Rugova, and asked him why he
7 was not on Hashim Thaci's side.

8 Such threats and questions echo, for example, the language in
9 P269-ET.5 on your screens now. This is Communiqué 21 where the
10 General Staff threatened it would be merciless against the occupiers
11 and traitors, as we see here.

12 P283 on your screens now, Communiqué 43, shows, as you can see,
13 the General Staff, after calling on all capable Albanians to join the
14 KLA, threatening death to the enemies and traitors.

15 In P287, on your screens now, Communiqué 48, the General Staff
16 called on "all sound political forces" to distance themselves from
17 "the intra-nationalistic, fraudulent, divisive and anarchist policies
18 on behalf of the fictive institutions attempting to eliminate the
19 true national institutions and its KLA."

20 The General Staff, as you can see, goes on to say:

21 "Any action that jeopardises the interests of the homeland and
22 the aims of the liberation war will be condemned and punished."

23 The language used by KLA members while they questioned and
24 threatened detainees also echoed, for example, the threatening
25 language used by Jakup Krasniqi captured in P809, by Hashim Thaci

1 reflected in P387, and by Rexhep Selimi as emerged during testimony
2 on 26 June 2024.

3 Another feature of the charged detentions which emerges time and
4 time again is that detainees were provided no due process guarantees.
5 In most cases, they received no adequate information concerning the
6 reasons for their arrest or detention. Neither were they given an
7 opportunity to challenge such arrest or detention. They were not
8 taken before a judge or competent authority, nor were they accused or
9 charged with any crimes or sentenced.

10 As my colleague addressed earlier, Hashim Thaci and Fatmir Limaj
11 lied about the existence of such due process rights in November 1998
12 discussions with Human Rights Watch representatives. But even their
13 lie, that two Serb journalists who were being detained had been tried
14 *in absentia* without access to a lawyer and were now serving a prison
15 sentence, showed a lack of due process.

16 Indeed, as we saw earlier, years later, Thaci confirmed that
17 "the KLA didn't have any judicial or legal process - mechanism. This
18 is something that had been made up." That quote is from P742.14.

19 Due process guarantees were also lacking when the questioning at
20 certain sites was occasionally conducted by KLA members acting in
21 pseudo-judicial capacities.

22 Your Honour, this would be a good time to take the break.

23 PRESIDING JUDGE SMITH: All right. We'll break for lunch now.
24 We'll be back here at 2.30.

25 We're adjourned.

1 --- Luncheon recess taken at 12.56 p.m.

2 --- On resuming at 2.30 p.m.

3 PRESIDING JUDGE SMITH: All right. Mr. Pace, I think we're
4 ready for you to continue.

5 MR. PACE: Thank you, Your Honour.

6 Just before the break, I mentioned that due process guarantees
7 were also lacking when questioning at certain sites --

8 PRESIDING JUDGE SMITH: [Microphone not activated].

9 MR. PACE: Is it okay now?

10 PRESIDING JUDGE SMITH: [Microphone not activated].

11 MR. PACE: I'm not sure I can fix it.

12 [Trial Panel and Court Officer confers]

13 PRESIDING JUDGE SMITH: [Microphone not activated].

14 MR. PACE: Thank you.

15 Just before the break, I mentioned that due process guarantees
16 were also lacking when the questioning at certain sites was
17 occasionally conducted by KLA members acting in pseudo-judicial
18 capacities.

19 By way of example, a victim underwent a sham trial at brigade
20 headquarters where he was detained. While being beaten, he was asked
21 questions including about impeding the war effort and attending
22 meetings with President Rugova. He was then informed of an order for
23 him to be sent to the operational zone to which the relevant brigade
24 reported.

25 When he was transferred, he was subjected to another sham trial,

1 this time on suspicion of, *inter alia*, spreading propaganda against
2 the KLA. Operational zone staff questioned him on subjects including
3 his involvement with the LDK. No evidence was presented against him,
4 and he was not provided legal representation. Nevertheless, he was
5 told that he was sentenced to several months' imprisonment. He was
6 not provided the opportunity to appeal his sentence.

7 The assertion at paragraph 275 of the Veseli brief that this
8 incident was a purely local dispute is belied by the evidence,
9 including that of the involvement of a plurality of KLA actors at
10 both brigade and zone level as set out in paragraphs 1080 to 1090 of
11 our brief. That evidence includes testimony before this Court
12 corroborated by evidence admitted pursuant to Rule 153 and
13 documentary evidence.

14 The obligation to respect the provisions of Common Article 3 is
15 automatic and absolute for State and non-State parties to the
16 conflict alike. Nevertheless, at paragraph 834 of their brief, the
17 Veseli Defence refer to an alleged obligation of due process,
18 implying they do not accept that certain due process guarantees
19 subsisted in the conflict. Their brief goes on to assert that any
20 such obligation must be seen against the context within which the KLA
21 operated and the KLA's level of development and tailored accordingly.
22 No support is cited for that assertion.

23 The immediately subsequent sentence of the Veseli brief cites to
24 a footnote in an ICRC opinion paper, which notes that the great
25 majority of non-State armed groups would not be able to provide

1 *habeas corpus*. That does not assist the Veseli argument.

2 As set out in the same footnote from the opinion paper:

3 "There is, however, no doubt that IHL binds non-State armed
4 groups that are party to a NIAC, as evidenced by the relevant treaty
5 provisions, and customary IHL."

6 As the opinion paper acknowledges, while Common Article 3
7 applicable in NIAC does not provide specific judicial guarantees,
8 it's generally accepted that Article 75(4) of Additional Protocol I
9 may be taken to reflect customary law applicable in all types of
10 conflict. Among the requirements of Article 75(4) of Additional
11 Protocol I are that for the provision of information without delay of
12 the particulars of the offence alleged and all necessary rights and
13 means of defence, as well as the right to be tried in one's own
14 presence.

15 Even if the Panel were to consider the KLA circumstances in
16 assessing the applicable due process guarantees, given the KLA's
17 level of organisation and the nature of the fundamental and basic due
18 process guarantees at issue, contrary to the Veseli assertion, the
19 law did not require the KLA to do the impossible.

20 Communiqués and other public statements, some of which we looked
21 at earlier, were not the only General Staff documents which were
22 actualised in detention sites across Kosovo and northern Albania. As
23 you can see in P166, rules drafted by Jakup Krasniqi, KLA members
24 were instructed to at all times be merciless.

25 They followed these instructions. They punched and kicked

1 detainees all over their bodies. They beat them with bottles,
2 baseball bats, wooden sticks, rifles, and metal bars. They stabbed
3 them with knives, stomped on them, electrocuted them.

4 In Klecke, Rexhep Selimi beat a detainee with plastic pipes. In
5 Dobratin, military police members also used a plastic pipe when
6 beating a detainee there.

7 The beatings which many victims underwent at KLA detention sites
8 resulted in serious injuries, including profuse bleeding, severe
9 bruises, and broken bones.

10 Victims in locations including Likovc, Bare, Zllash, Gjilan,
11 Verban, Budakove, Jeshkove, Tusuz, the MUP building, another location
12 in Prizren, Kukes, Cahan, Jabllanice, Llapushnik, Malisheve, and
13 Klecke fainted or lost consciousness as a result of the severity of
14 the beatings they endured or the harshness of the conditions they
15 were detained in.

16 As supported by Adjudicated Fact 676, the frequency of the
17 beatings in Kukes meant that the detainees lived in a state of
18 perpetual fear of further violence and death.

19 At Llapashtice, a detainee stated that he begged his captors to
20 shoot him in the head rather than continue to abuse him.

21 Some victims had their ribs or teeth broken, if not both.

22 Detainees in both Verban and Llapushnik had fingernails pulled
23 out with pliers. For the Llapushnik victim, this was an act of
24 punishment for having helped another detainee whose fingers had been
25 cut off.

1 A number of victims were beaten in each other's presence or
2 ordered to beat one another. Being beaten, often multiple times and
3 with anything in sight, was by no means the only mistreatment or
4 hardship detainees endured.

5 Several detainees' property, including money and vehicles, was
6 taken and never returned.

7 In Bubel, detainees were made to saw wood or timber.

8 In Kukes, detainees were made to unload trucks of supplies for
9 the KLA, or to clean rooms and toilets.

10 In Budakove, detainees were forced to dig trenches.

11 In Likovc, detainees were forced to clean blood-covered floors.

12 In Llapushnik, detainees were forced to bury the mutilated
13 bodies of co-detainees.

14 In Llapashtice, detainees were driven to a wooded area. There,
15 they were given a shovel to dig their own grave.

16 Other forms of mistreatment detainees were subjected to further
17 violated their dignity.

18 In Taslixhe, detainees were forced to undress and were kept in
19 their underwear.

20 As supported by adjudicated facts, a detainee in Zllash
21 underwent a mock execution. KLA members urinated on another detainee
22 there.

23 In Sedllar, powerless in the circumstances, a detainee removed
24 his trousers and underwear after a KLA soldier ordered him to do so.

25 Detainees also endured other forms of psychological

1 mistreatment.

2 In Verban, KLA members threatened detainees with execution.
3 They also lied to detainees about their relatives having been killed.

4 Many detainees heard screams or sounds of others being
5 mistreated.

6 As you can see on your screen, a detainee in Gjilan stated:

7 "While I was down in the room, I could hear screams from the
8 other room, and when I say 'screams,' I mean human screams, more like
9 animal screams, cries. Those screams make your blood freeze in the
10 veins. Here, if you heard it now, it would freeze people's blood in
11 the veins. Those screams are unbelievable. And whenever you hear
12 the screams, the one I have just described in particular, he would
13 walk out of the room and go somewhere and once he would open the
14 door, the screams were even more and more intense."

15 Besides the violent beatings, another common occurrence
16 Your Honours will have no doubt noticed in the evidence is that KLA
17 members transferred several detainees between various detention sites
18 within the same town or village. Others were transferred to KLA-run
19 detention sites in other areas, including in other operational zones
20 and from sites in Albania to sites in Kosovo.

21 The evidence of such transfers and, for instance, the
22 involvement of numerous KLA members in the arrest, transfer,
23 detention, questioning, and mistreatment of an individual detainee is
24 among that which should lead Your Honours to dismiss Defence
25 arguments that the crimes were individual acts of revenge and/or the

1 actions of rogue elements.

2 By way of example, witness and documentary evidence along with
3 adjudicated facts now on your screen establish that some of the
4 several detainees held in Ivaje in March 1999 had been detained in
5 Bob immediately before. The five detainees who were not released
6 when Serb forces began shelling Ivaje were transferred to several
7 other locations, including Varosh. Four of them were never seen
8 again. Multiple KLA members engaged in acts of physical brutality
9 and mistreatment against some of the detainees.

10 As we just saw, the facts of this incident were established
11 during a previous trial.

12 Much like is the case with other incidents, the facts and other
13 relevant evidence make it crystal clear that the Krasniqi Defence
14 distorts reality in saying that any crimes that were committed were
15 in response to Serbian attacks or to settle disputes.

16 The Thaci briefs cites to the testimony of one of the victims of
17 the detentions in Ivaje where he says what you can see on your screen
18 now.

19 It is the evidence that, when he was arrested, he was told, "Now
20 you have to deal with the KLA" which is of relevance here, not the
21 witness's opinion that his detention was not a KLA matter.

22 In relation to this and similar submissions made by multiple
23 Defence teams, the opinion of a victim or that of a relative as to
24 why that victim may have been arrested or detained at times needs to
25 be considered with caution. As witnesses have described, the stigma

1 which comes along with being accused of collaboration follows you for
2 all your life. In this context, it is understandable that certain
3 witnesses would rely on anything but such an allegation when trying
4 to justify their mistreatment to themselves or to others, including
5 during testimony.

6 As part of the same argument concerning other inferences from
7 the charged crimes, the Thaci Defence asserts that all the people
8 detained with 4337 were linked to his personal dispute. This is not
9 supported by the evidence cited to at footnote 253 of that brief.

10 To the contrary, evidence shows that, during his month-long
11 detention, his numerous co-detainees were detained for reasons
12 unrelated to his personal dispute, including, for example, their
13 support of the LDK, failure to stop at a KLA checkpoint, and
14 interactions with persons of Serb ethnicity. In this regard, I refer
15 the Panel, for example, to P206 at pages ending 621, 623, 632, 633,
16 and P202 at pages ending 836, 839, 840.

17 Defence contentions in relation to the relevance of alleged
18 personal motives of the direct perpetrators of crimes are unfounded.
19 As set out in paragraph 1365 of our brief, the armed conflict need
20 not have been causal to the commission of the crime charged, but it
21 must have played, at a minimum, a substantial part in either the
22 perpetrator's ability to commit that crime, their decision to commit
23 it, the manner in which it was committed, or the purpose for or guise
24 under which it was committed. Once this nexus has been established,
25 the existence of additional personal motives, such as revenge, will

1 not negate the classification of such acts as war crimes. The law is
2 clear on this subject, as this Court has acknowledged in
3 paragraph 770 of the Shala appeals judgment.

4 Turning back for a moment to the transfer of detainees by KLA
5 members. At times, such detainees, once transferred, were never seen
6 alive again. In June 1998, two opponents who had been arrested,
7 interrogated, and in one case severely beaten at the Drenoc KLA
8 headquarters were personally taken in the direction of the KLA
9 general headquarters by Hashim Thaci and Kadri Veseli. Thaci and
10 Veseli were initially accompanied by Rexhep Selimi during the
11 transfer. The two opponents were never seen or heard from again.

12 Defence assertions concerning evidence relevant to this incident
13 focus on alleged inconsistencies which, even if they were to be true,
14 do not detract from the core of the witness and documentary evidence
15 establishing the relevant facts.

16 Unsurprisingly, the Defence also attempts to downplay the
17 strength of certain relevant evidence.

18 Rexhep Selimi's SPO statement provides direct evidence of
19 Thaci's involvement in this incident. Including because in the same
20 statement Selimi implicates himself and, as such, this evidence is
21 against Selimi's own interest, this excerpt of his statement is
22 reliable.

23 Contrary to the Veseli assertion, Rexhep Selimi did not retract
24 his claim that Kadri Veseli was involved in the transfer. Rather,
25 while he initially expressed uncertainty as to whether Veseli was

1 present at the time of the incident, Selimi ultimately deferred to
2 his better recollection of events in 2003 when he had asserted Veseli
3 was with himself and Thaci as they transferred one of the victims.
4 And I'm here referring to P761.1.

5 The Selimi claim that a witness manipulated, pressured, and
6 threatened Selimi to provide information concerning this incident
7 defies belief, including considering the incriminating evidence
8 Selimi provided to the SPO concerning the same incident many years
9 after such alleged manipulation.

10 Veseli Defence assertions that hearsay evidence in relation to
11 this incident is untested ignore extensive cross-examination of
12 relevant witnesses.

13 The alternative theories concerning this incident posited in the
14 Defence briefs are debunked by the evidence on record, including for
15 the reasons set out at paragraphs 766 to 770 of our brief.

16 The Selimi argument concerning the scope and consequence of the
17 allegation relevant to Selimi is illogical and unfounded.

18 The transfer of these opponents was not the only detainee
19 transfer which Kadri Veseli was involved in. In March 1999, Veseli
20 transferred a detainee from Drenica to Klecke prison after this
21 detainee had been beaten and detained by KLA members.

22 Another recurring feature of the evidence concerning the charged
23 crimes is that at multiple sites detainees were only released because
24 of expected or actual Serbian offences or KFOR raids, and in some
25 cases only after international pressure was exerted on KLA members,

1 including on certain accused, to release the detainees.

2 KLA members under the accused's effective control didn't only
3 treat their direct victims in similar ways. Even their victims'
4 relatives were, in several respects, subject to common behavioural
5 patterns. They were often not allowed to visit their detained
6 relatives, faced with refusals to acknowledge the relative's arrest
7 or detention, or not provided information about their fate or
8 whereabouts. At times they were provided with false information.
9 Sometimes relatives were themselves threatened, beaten, or detained
10 as they desperately sought to learn of their loved ones' fates.

11 The Panel's jurisdiction over the crime of enforced
12 disappearance, just as its jurisdiction over the crime of arbitrary
13 detention, is established for the reasons set out by a Panel of the
14 Court of Appeals Chamber in this case in decision IA009/F00030. The
15 SPO relies on the Confirmation Decision in relation to the elements
16 of both these crimes.

17 Another commonality shared by relatives of multiple victims is
18 their inability to achieve closure concerning what happened to their
19 family members. The remains of victims detained in locations,
20 including Likovc, Jabllanice, Drenoc, Klecke, Varosh, Rahovec, and
21 Nerodime i Ulet have never been found.

22 In relation to Nerodime i Ulet and Novo Brdo, the Krasniqi
23 submissions concerning relevant evidence omit key information.

24 The admission of the evidence concerning the crimes at
25 Nerodime i Ulet pursuant to Rule 155 and Rule 153 was not opposed by

1 the Defence.

2 In relation to Novo Brdo, the evidence of the crime-base witness
3 which the SPO relies on was admitted via Rule 153. After informing
4 the SPO that it did not object to such admission, the Defence did not
5 file a response to the SPO's request to admit this witness's evidence
6 under that rule. This means that the Defence did not object to such
7 admission or otherwise indicate a desire to cross-examine this
8 witness when given the opportunity to do so.

9 This witness's evidence is reliable, internally consistent, and
10 detailed. To the extent the witness addresses issues beyond the
11 crime base, such evidence is corroborated by documentary evidence and
12 the evidence of 4868, who testified pursuant to Rule 154. The crimes
13 are also corroborated by, and form part of, consistent evidence of a
14 pattern of conduct in the Karadak zone and more broadly during the
15 time period.

16 In some cases where the bodies of murder victims were found, KLA
17 members had deliberately left them in fields, roads, or other public
18 places. The murder victims in this case are represented by the red
19 dots appearing on your screen.

20 As established by evidence, including autopsy reports, the
21 injuries found on the bodies of some of these murder victims were
22 similar.

23 The bodies of victims detained, for example, in Likoc,
24 Llapushnik, Malisheve, Bare and Bajgora, Llapashtice, and Klecke,
25 suffered gunshot wounds, often multiple, including to the head and

1 chest, sharp cuts, or blunt-force trauma. The expert evidence of
2 forensic pathologists 4826 and 4874 assist the Panel in this regard,
3 as does other witness and documentary evidence.

4 Other forensic evidence admitted in this case confirms the
5 identity of murder victims through DNA testing. 4875's expert
6 evidence assists the Panel in relation to such evidence.

7 Veseli Defence arguments that forensic evidence admitted via the
8 bar table was never subjected to scrutiny ignores the fact that the
9 Defence had the opportunity to make written submissions on any such
10 item at the time of bar table litigation and in its final brief. The
11 Defence could also have used any such item with relevant witnesses,
12 including the forensic experts who testified. Nothing precluded the
13 Defence from calling witnesses to testify about such evidence or
14 seeking to otherwise tender evidence concerning such items.

15 Veseli Defence arguments that certain admitted autopsy and DNA
16 reports cannot be relied on for the truth of their content should
17 equally be dismissed as they essentially attempt to relitigate an
18 admissibility issue that has been the subject of an interlocutory
19 appeal. In this regard, rely on paragraphs 38 to 42 of our response
20 IA040/F00006 in this case.

21 Selimi Defence submissions concerning the evidence of the
22 circumstances of death of a number of victims blatantly ignore
23 relevant detail and evidence. By way of example, I invite the Panel
24 to compare the Selimi Defence submissions at paragraphs 647 of their
25 brief regarding the murder of six victims with paragraphs 651 to 657

1 of our brief and the underlying evidence that is cited. That
2 underlying evidence includes: specific death threats made by the KLA
3 captors to the victims; the short lapse between the time the victims
4 were last seen in KLA custody and when their bodies were discovered;
5 a KLA soldier's inside knowledge before the bodies were even found
6 that killings had occurred; and forensic findings indicating that the
7 victims were killed in the same location, at the same time, and with
8 the same weapon or weapons.

9 When the relevant evidence is considered together, the only
10 reasonable inference is that the deaths occurred at the hands of KLA
11 members.

12 Another pattern Your Honours will have noted is the involvement
13 of KLA members at all levels in the commission of crimes. The named
14 JCE members who occupied positions in the upper echelons of the KLA
15 are by no means an exception.

16 As confirmed by Rexhep Selimi, JCE member Sabit Geci, like
17 himself, was among those engaged within the KLA in 1997. Geci headed
18 an intelligence unit operating in Drenica that answered to
19 Kadri Veseli and the General Staff. Kadri Veseli acknowledged that
20 he knew Geci and that he met him more than once, including in March
21 1998 in Drenica.

22 The Veseli Defence attempts to distance Veseli from Geci
23 primarily based on linguistics. They claim that Geci introduced
24 himself and was referred to in documentation as secret service rather
25 than intelligence. This attempt fails.

1 For example, in the Provisional Regulations of the Internal Life
2 -- of the Organisation of the Internal Life of the Army, now on your
3 screen, the General Staff itself refer to KLA secret service and
4 intelligence entities as one and the same. As we can see, they refer
5 to the duties of the military police to assist and cooperate with the
6 "Secret Service Directorate of intelligence and
7 counter-intelligence."

8 Later in the conflict, Sabit Geci held a position of authority
9 at the Cahan and Kukes detention sites and was chief of intelligence
10 and counter-intelligence for Albania, reporting directly to the
11 General Staff. A holistic consideration of the relevant evidence
12 concerning Geci establishes his intelligence positions and reporting
13 lines to Veseli and the General Staff.

14 Soon after his direct participation in crimes in Qirez,
15 Sabit Geci travelled in a car to Albania via Lladrovc with
16 Hashim Thaci and Xhavit Ferizi, also known as Raketa. In addition to
17 his involvement in Qirez, Geci took part in interrogations and
18 detentions at Likovc, and in arrests, detentions, interrogations, and
19 mistreatment of opponents in Cahan and Kukes in 1999, physically and
20 psychologically abusing detainees there.

21 After a victim later detained in Cahan was arrested, Sabit Geci
22 declared, "We have the right guy because he is a supporter of
23 Rugova." And Geci asked, "Will Rugova be able to save you now?" He
24 later told the same victim that he would be killed like all other LDK
25 members.

1 Many of the victims who made it out alive continue to suffer in
2 similar ways due to their mistreatment at the hands of KLA members.
3 Unfounded claims by KLA members that victims were spies or
4 collaborators meant that victims and their family members continue to
5 carry a stain which destroyed their reputation. It meant that they
6 were treated as outsiders and were no longer welcome in their
7 village.

8 Victims of charged crimes have had to undergo medical treatment,
9 including surgery. They continue to experience physical and
10 psychological pain. Some were rendered infertile. Some are still
11 unable to earn a living.

12 Family members of victims were themselves traumatised by what
13 happened to their loved ones.

14 W72, whose determination for justice was highlighted by the
15 Specialist Prosecutor earlier today, described the loss of her
16 husband and of her son, both of whom were detained and killed by KLA
17 members, as losing half of her heart. The witness told Your Honours
18 that she will be thinking about her husband and son when she takes
19 her last breath.

20 4489, a wife whose husband's remains have never been found, said
21 that the silence kills and that it has killed her and others for a
22 second time.

23 4367, a mother who, decades after she last saw her son while he
24 was being detained by KLA members, spends that son's birthday
25 ceaselessly crying.

1 The evidence provided by family members of the victims of murder
2 means that although certain KLA members ensured that their victims
3 never got to tell their story to anyone, Your Honours nevertheless
4 received evidence about their arrest, detention, mistreatment, and
5 killing. You also received evidence concerning victims of murder
6 through co-detainees and KLA members brave enough to speak up.

7 As to those victims who were fortunate enough to survive their
8 mistreatment, you received evidence detailing what they experienced
9 through various sources. Some such victims, despite fears for their
10 own and their family's lives and well-being, worked up the courage to
11 come to testify before you.

12 In relation to these and other victims, Your Honours also
13 admitted written statements documenting the crimes in detail, at
14 times without objection by one or more Defence teams.

15 The witness evidence concerning charged crimes is supplemented
16 and corroborated by extensive documentary and pattern evidence.

17 While reviewing such evidence, Your Honours should bear in mind
18 that the violent acts I have mentioned and those details in our brief
19 were carried out on political and/or ethnic grounds, satisfying the
20 elements of the charged crime of persecution.

21 Although my submissions have mentioned several victims,
22 detention sites, and forms of mistreatment, I've barely scratched the
23 surface of the evidence of charged crimes in this case. Our final
24 trial brief sets out detailed submissions on each crime site at
25 Section III. The evidence of the accused's presence at crime sites

1 and direct participation in crimes is set out in more detail
2 throughout our brief.

3 While the evidence I have touched on today is diverse in terms
4 of its nature, it is mutually corroborative, leaving no reasonable
5 doubt that the charged crimes occurred.

6 In the next presentation, Mr. Quick will discuss the structure
7 and functioning of the General Staff and of the KLA during the
8 indictment period.

9 PRESIDING JUDGE SMITH: Thank you, Mr. Pace.

10 Mr. Quick, you can proceed when you're ready.

11 MR. QUICK: Thank you, Your Honour. Just one moment.

12 Good afternoon, Your Honours, and to everyone inside and outside
13 the courtroom.

14 Before I start, I just want to note that all slides I will use
15 today are all public except for one, which is actually the last slide
16 in my presentation.

17 Your Honours, my colleagues have addressed the early formation
18 of the KLA and the General Staff, the common criminal purpose, and
19 the charged crimes. I will address the functioning and structures of
20 the General Staff, Provisional Government of Kosovo, and operational
21 zones. This includes their headquarters, decision-making and
22 meetings, regulations, orders, communications, composition, roles,
23 and reporting lines.

24 The KLA was an organised armed group that was evolving in
25 response to complex and ever-changing military and political

1 circumstances. It was not a traditional army. Certain witnesses'
2 opinions about organisation, structure, and authority were based on
3 comparison to the militaries of the former Yugoslavia, Serbia, or
4 NATO countries. Such opinions provide little assistance in assessing
5 the unique circumstances of the KLA.

6 Of course, a distinction must be drawn between aspiration and
7 reality. Some regulations and orders were, in part, forward-looking
8 to a time when the KLA intended to control an independent Kosovo.
9 Such advance planning, in fact, demonstrates the organisation of the
10 KLA and the General Staff.

11 The reality is that over time, and across organisational change,
12 the accused had authority over the structures in place and used them
13 to execute their common criminal plan.

14 Mr. Tieger has already explained that at the start of the
15 indictment period, the KLA operated from established strongholds
16 under the direct authority of the General Staff, including the
17 accused and the named JCE members.

18 The first charged crimes were committed at such strongholds.

19 As KLA support and volunteers increased following the attacks on
20 Likoshan, Qirez, and Prekaz, the General Staff, including the accused
21 and JCE members, coordinated and directed the expansion of the KLA
22 from its existing strongholds. They targeted strategic locations,
23 they created "free zones," they consolidated control.

24 From May 1998, the accused and General Staff oversaw the
25 establishment and development of operational zones where the charged

1 crimes were committed.

2 By at least early June 1998, the General Staff further divided
3 responsibilities between its members, who nonetheless continued to
4 perform a range of political and military functions as required.

5 Before continuing with the functioning and structures of the
6 General Staff from June 1998, the location of the General Staff's
7 headquarters provide important context. They were chosen
8 strategically to ensure that the General Staff could effectively
9 operate and exercise control.

10 The General Staff used a variety of locations, particularly in
11 the Drenica, Pashtrik, and Nerodime zones, for its meetings and
12 headquarters. At the start of the indictment period, the
13 General Staff was based in and operating out of Likovc. From summer
14 1998, the General Staff was primarily headquartered in Divjake and
15 nearby locations. These headquarters in the Berisha mountains were
16 at the centre of Kosovo and the operational zones, facilitating
17 General Staff oversight and communications, as explained by
18 Fatmir Limaj in the video P836.

19 There are English subtitles on this video, so it does not need
20 interpretation. I'll play the video now.

21 [Video-clip played]

22 MR. QUICK: The General Staff's choice of secure and
23 strategically located headquarters and meeting locations shows its
24 organisation and its adaptability. It maintained its leadership and
25 oversight at all times.

1 The General Staff made decisions by a process of collective
2 deliberation, and majority decisions were respected by all.

3 From spring 1998 onwards, General Staff meetings became
4 increasingly regular, including expanded meetings to which zone
5 commanders were invited. However, as explained by Shukri Buja, at
6 transcript page 21992, when attending General Staff meetings he, as a
7 zone commander, did not have --

8 THE INTERPRETER: The speaker is kindly asked to slow down for
9 the purpose of interpretation. Thank you.

10 MR. QUICK: Of course.

11 When attending General Staff meetings, Shukri Buja, as a zone
12 commander, did not have the right to vote. After the creation of the
13 provisional government in March 1999, joint meetings of the
14 General Staff and senior provisional government officials were held.

15 As set out in paragraph 112 of our brief, General Staff meetings
16 addressed a wide range of matters, including appointments and
17 dismissals, discipline, structure, regulations, intelligence and
18 military police, arrests and detentions, treatment of collaborators
19 and opponents, logistics, finances, and negotiations.

20 After meetings, the General Staff, including the accused,
21 proceeded to issue orders, regulations, and public statements, and
22 took action.

23 For example, the order now on your screen followed a meeting on
24 27 June 1998, and authorised the military police and soldiers at
25 checkpoints to detain suspicious persons. This order was seized from

1 Jakup Krasniqi.

2 While not every General Staff member was present at every
3 meeting, one or more of the accused regularly attended meetings.
4 That Veseli and Thaci were absent from Kosovo during certain periods
5 in the second half of 1998 and early 1999 does not detract from their
6 responsibility, their authority, or the part that they played in the
7 collective decision-making process.

8 All four accused were present in Kosovo for and attended
9 meetings at which critical decisions were made concerning the
10 organisation and leadership of the General Staff, the Provisional
11 Government of Kosovo, and the future direction of each. Moreover,
12 absent members were consulted and informed of decisions reached. The
13 evidence demonstrates that there were always the means and the
14 opportunity to do so. Records and meeting minutes were kept.
15 Orders, regulations, and public statements referred to such meetings.
16 Decisions reached related to the roles and activities of the accused.
17 Meetings often followed up or related to matters discussed at
18 previous meetings. The accused and other General Staff members
19 closely coordinated, were frequently together, and had various
20 communications means at their disposal.

21 Rexhep Selimi, in his SPO interview, confirmed that Hashim Thaci
22 and Kadri Veseli were consulted and informed of meeting outcomes when
23 they were abroad. By way of concrete example, during the
24 negotiations on the exchange of eight captured Serbian soldiers in
25 early January 1999, Jakup Krasniqi was consulting with Hashim Thaci

1 and other General Staff members by satellite phone. At this time, as
2 corroborated also by their travel documents, both Thaci and Veseli
3 were travelling and were together. As will be addressed further by
4 Mr. Halling, the evidence demonstrates that they could - and did -
5 communicate at a moment's notice with the leadership in Kosovo.

6 Beginning in early summer 1998, the General Staff issued
7 regulations governing military organisation, discipline,
8 intelligence, public relations, civil administration, guard duty, and
9 the military police. These regulations asserted the sole authority
10 of the General Staff, and they authorised arrests and detentions.
11 Notably, they contained no guarantees of due process or humane
12 treatment. Such regulations were disseminated. Non-compliance could
13 result in disciplinary measures.

14 The Provisional Regulations of the Organisation of the Internal
15 Life of the Army formed the backbone of this regulatory framework.
16 The General Staff also adopted Internal Regulations, explicitly
17 confirming itself as the highest commanding authority of the KLA.
18 General Staff Disciplinary Regulations empowered superiors at
19 multiple levels to impose a variety of sanctions, including
20 confinement and dismissal.

21 General Staff regulations formed the basis for a steady stream
22 of orders and decisions, including at zone and brigade levels.

23 PRESIDING JUDGE SMITH: We're getting your translation.

24 MR. QUICK: I think the channels are crossed.

25 PRESIDING JUDGE SMITH: Go ahead.

1 MR. QUICK: On your screen is the first page of a three-page
2 General Staff register of protocolled documents. This register was
3 seized from Jakup Krasniqi and it lists orders, decisions, and other
4 General Staff documents. At least 25 of them are admitted exhibits.
5 On the left side of the screen is the English translation, on the
6 right, the Albanian original, and in the middle, the corresponding
7 exhibit numbers.

8 On this first page, you see several admitted orders to the
9 zones, which continue to the next page. This page also includes
10 orders to and concerning specific brigades in Pashtrik, Dukagjin,
11 Nerodime, and the General Staff reconnaissance battalion. The orders
12 and decisions on these first two pages concern command unity,
13 reporting requirements, appointments, training, logistics, taxation,
14 communications, and authority to conduct arrests and detentions.

15 If we go to the final page, there are three more admitted
16 exhibits, including an invitation obliging zone commanders to attend
17 a meeting in January 1999.

18 And now on the next slide, we see the signatures and seals of
19 all seven zone commanders. They were recorded by the General Staff
20 for identification purposes, including when distributing orders and
21 decisions. This document was also seized from Jakup Krasniqi.

22 The General Staff, including the accused, disseminated orders,
23 received reports, and coordinated internally and externally through
24 in-person meetings, radios, couriers, and mobile and satellite
25 phones.

1 The Thaci Defence submits that the KLA had no satellite phones
2 before December 1998, with other Defence teams making similar claims.
3 The evidence presented at trial, including as cited in paragraph 219
4 of our brief, clearly shows otherwise. Indeed, in June 1998, the
5 Drenoc headquarters, a charged detention site, had a satellite phone.
6 P1259, read together with P1264, PDF pages 66 to 67, confirms this.

7 Your Honour, this would be a convenient time to break, if that
8 would be okay.

9 PRESIDING JUDGE SMITH: All right. We'll take a break until
10 1545. Please be back in court at that time.

11 We're adjourned until 1545.

12 --- Break taken at 3.24 p.m.

13 --- On resuming at 3.45 p.m.

14 PRESIDING JUDGE SMITH: All right. Mr. Quick, you may proceed
15 when you're ready.

16 MR. QUICK: Thank you, Your Honour.

17 I will now turn to the General Staff structure. The roles and
18 positions of General Staff members were discussed and decided at its
19 meetings. Their duties and responsibilities were reflected in the
20 General Staff's regulations.

21 The slide on your screen shows the General Staff directorates,
22 together with the positions filled by at least June and July 1998.
23 The yellow frames indicate the accused and the black frames, named
24 JCE members. Certain boxes do not have names. Even if the heads of
25 these directorates were not, at least formally, appointed until

1 autumn 1998, the accused and General Staff members were performing
2 their functions well before, as set out for each in our brief.

3 On your screen now are the positions in the General Staff that
4 existed from at least late 1998. As with the last slide, yellow
5 frames indicate the accused and black frames, named JCE members.

6 The General Staff composition throughout demonstrates the
7 control the accused and JCE members, together with their trusted
8 persons, over General Staff decision-making. As he explained in his
9 SPO interview, Bislim Zyrapi was the one General Staff member who did
10 not form part of that group of trusted persons. He was the only
11 outsider.

12 The Prosecution brief addresses in detail the various positions
13 and directorates. I will focus today on the deputy commander,
14 general inspector, information, political, intelligence, and police.

15 From mid-November 1998, when he assumed the role, Deputy
16 Commander Krasniqi exercised the full authority of the absent general
17 commander.

18 While the Krasniqi Defence attempts to invert the KLA hierarchy,
19 the evidence clearly establishes that the chief of staff ranked below
20 the commander and deputy commanders. Other orders, reports,
21 regulations, and testimony confirm this.

22 The Krasniqi Defence selectively cites Naim Maloku's testimony
23 to support its submissions. Maloku clearly testified at transcript
24 page 25749 that Deputy Commander Krasniqi was senior to the Chief of
25 Staff Zyrapi, and exercised the absent general commander's authority.

1 Krasniqi issued orders Zyrapi did not have the authority to issue.

2 Turning to Rexhep Selimi's roles in the General Staff. By at
3 least June 1998, he was head of the operational directorate, and by
4 mid-July 1998, general inspector. The Selimi Defence disputes the
5 precise date on which he formally assumed the position of general
6 inspector. It notes that Selimi himself previously indicated he was
7 in the position by August or September but was unsure. While the
8 evidence clearly establishes that Selimi had this position by
9 mid-July 1998, his role, authority, and activities remained largely
10 the same before and after his formal appointment.

11 As general inspector, Selimi operated at the level of the
12 general commander. His function was operational, supervisory, and
13 disciplinary.

14 Selimi himself, including in his 2004 ICTY statement and his
15 2019 SPO interview, explained that he was in constant contact with
16 zone commanders and participated in the formation and organisation of
17 the zones. He confirmed that he personally signed appointments of
18 several, which witnesses have testified to. Some such appointment
19 orders have also been admitted.

20 As general inspector, consistent with his previous roles in the
21 KLA, Selimi's primary responsibility was to inspect subordinate units
22 on the ground. As set out in various parts of the Prosecution brief,
23 Selimi visited brigades, intelligence units, and military police to
24 assess combat readiness, morale, organisation, and command. He
25 disseminated and issued General Staff orders, and he confirmed

1 whether these orders were being understood and implemented. Thaci,
2 Veseli, Krasniqi, and other General Staff members performed similar
3 functions on the ground, but Selimi did so most frequently and most
4 extensively.

5 Selimi's inspection role is consistent with internal
6 General Staff documents. One such document seized from Rexhep Selimi
7 is 3D27, which sets out the concept of inspection. It explains that
8 inspections were designed to supervise combat readiness, morale, and
9 command, and to reinforce the strategic aims of the General Staff.
10 On the last page, it provides for the identification of weaknesses
11 and their immediate removal by directives.

12 Selimi conveyed the information he collected during his
13 inspections to the General Staff. He reported at its meetings and
14 submitted written inspection reports. One such report, P2924, from
15 January 1999, summarises his inspections in the Nerodime and Pashtrik
16 zones and of a General Staff special unit.

17 Selim's authority is further illustrated by his appointment as
18 chair of a General Staff commission tasked with defining the
19 boundaries of operational zones. Within days of its formation, the
20 commission submitted a written report, which is Exhibit P1108, signed
21 by Selimi, explaining how the boundaries between the Nerodime and
22 Pashtrik zones were determined based on the General Staff's strategic
23 platform and inspections on the ground. The Defence tries to
24 downplay the importance of this commission and Selimi's role in it.
25 However, that the General Staff collectively decided it should be

1 Selimi to resolve such issues between zones is, indeed, indicative of
2 his role and authority on the ground and the importance of the
3 matter.

4 The same applies to the selection of Selimi and the other
5 accused for the personnel council. It was responsible for analysing
6 and making recommendations on command appointments at the
7 General Staff and lower levels. This council is addressed at
8 paragraphs 178 to 179 of the Prosecution brief.

9 Taken together, the evidence shows that Rexhep Selimi moved
10 continuously between the General Staff and the operational zones
11 while the charged crimes were ongoing there. He disseminated and
12 issued orders on behalf of the General Staff, ensuring that policies
13 and orders were implemented, and that information about events on the
14 ground reached the General Staff.

15 Next, the information and political directorates. Thaci,
16 Veseli, and Krasniqi, in addition to their other responsibilities on
17 the General Staff, exercised continuous political authority.
18 Political and military functions within the KLA were deliberately and
19 necessarily intertwined.

20 The information directorate was under Hashim Thaci until
21 mid-November 1998. It issued political declarations and other public
22 statements, controlled access to the media, and required KLA members,
23 including operational zone commanders, to obtain authorisation for
24 speaking publicly. These were important tools used to shape public
25 perception, communicate policy, target opponents, and enforce

1 discipline.

2 Exhibit P879, a General Staff order from early July 1998,
3 required commanders at all levels to seek the information
4 directorate's authorisation before giving interviews.

5 On the screen now is an interview with Drenica zone commander
6 and named JCE member Sylejman Selimi on 13 August 1998. He begins
7 the interview by confirming he had authorisation from the KLA
8 General Staff information directorate.

9 By at least June 1998, Thaci was also head of the political
10 directorate, which included Kadri Veseli and Jakup Krasniqi, the
11 latter also being the KLA spokesperson. Contrary to the Defence
12 submissions, the political directorate existed and functioned with
13 Thaci at its head, and with Kadri Veseli and Krasniqi as members,
14 well before mid-November 1998. That conclusion is supported by
15 multiple independent sources, including as set out in the
16 Prosecution's final brief at paragraph 224.

17 In both P790, an UNMIK statement from 2003, and P787, an SPRK
18 statement from 2011, Veseli confirmed his role in the political
19 directorate.

20 On page 2 of P787, which Mr. Tieger has already shown, Veseli
21 states:

22 "I was a member of the KLA Main HQ since the beginning. More
23 precisely, I was as well a member of the political directorate. For
24 some years I lived in Switzerland, where I worked closely with
25 Hashim Thaci for a long time."

1 Other evidence also undermines the Defence positions. These
2 include a 2006 media interview with Rexhep Selimi and his 2019 SPO
3 interview, both confirming Thaci as the directorate's head by June
4 1998. On your screen now there is Thaci's official biography from
5 the Kosovo government web site. It states that he was head of the
6 political directorate since 1997.

7 Further supporting the directorate's functioning, a record of
8 meetings on 16 and 26 June 1998 between representatives authorised by
9 the political directorate and internationals was seized from
10 Jakup Krasniqi. That's P3734. And on page 7, it states that the
11 political directorate leads the struggle and deals with its political
12 aspect.

13 From at least July 1998, Thaci and Veseli were carrying out
14 political functions and meeting international representatives and
15 other Kosovo armed and political groups on the ground.

16 In early August 1998, the General Staff political directorate
17 issued a political declaration, Exhibit 1D50, identifying its
18 political representatives, while at the same time threatening those
19 allegedly engaged in the special war with a merciless blow.

20 Further, before the 12 and 13 November meeting, when the Defence
21 claims Thaci was first appointed, he gave his first public statement
22 as head of the political directorate in late October. The evidence
23 on that is cited in paragraph 55 of the Prosecution brief. The Thaci
24 Defence claims that as late as 10 November, Thaci was introduced only
25 as a political representative during a meeting with

1 Frederick Abrahams. However, Abrahams was unequivocal: "My
2 testimony is that he introduced himself as head of the political
3 directorate." That's at transcript page 7602.

4 Following the mid-November 1998 meetings, Thaci retained
5 leadership of the political directorate. As seen in the report on
6 your screen, zone commanders looked to the political directorate for
7 guidance on agitation, propaganda, morale building, and political
8 prevent measures to stop divisive and traitorous elements. The Thaci
9 Defence makes the bewildering claim in paragraph 307 of its brief
10 that the SPO has failed to prove that this report refers to Thaci and
11 not Adem Demaci. First, it refers to the General Staff directorate
12 headed by Thaci, not Demaci. Further, the Defence's repeated
13 attempts to inflate Adem Demaci's authority and position are
14 unsupported. Demaci was entrusted with a limited role in the
15 creation of Kosovo institutions, but he was not a member of the
16 General Staff and he was subordinated to Thaci.

17 In addition to his political role, Kadri Veseli was also head of
18 the intelligence directorate. Initially, intelligence was a shared
19 responsibility among General Staff members.

20 By May 1998, General Staff communiqués, such as P155, reported
21 on the activities of the intelligence service. On your screen is
22 Veseli's explanation that, by June 1998, the General Staff decided to
23 establish the intelligence directorate, known as G2. In its brief at
24 paragraphs 295 and 296, the Veseli Defence refers to this account,
25 but dismisses evidence of directorates before November 1998 as

1 aspirations and nominal titles. The facts demonstrate otherwise.

2 After the General Staff's decision to establish the intelligence
3 directorate, Veseli was present on the ground across multiple zones
4 when intelligence units were being established and were operating.
5 They formed part of the structures that the accused and General Staff
6 members were coordinating, inspecting, organising, and overseeing.

7 Mr. Pace has already discussed Sabit Geci who led an
8 intelligence unit active in the Drenica zone and reported directly to
9 Kadri Veseli and the General Staff.

10 In the Dukagjin zone, the head of intelligence, Faton Mehmetaj,
11 was appointed by late June 1998. As set out in our brief, the
12 Dukagjin intelligence chief and his sector targeted charged victims
13 detained at Jabllanice and other opponents during the indictment
14 period.

15 Kadri Veseli as well as Hashim Thaci, Rexhep Selimi,
16 Jakup Krasniqi, and Lahi Brahimaj were present on the ground in the
17 Dukagjin zone meeting with its command in June and July 1998. They
18 were also aware of Mehmetaj's role. This is shown by, among others,
19 Exhibits 2D26 and P13191.

20 In early August 1998, mirroring Veseli's own dual intelligence
21 and political roles, the political directorate publicly announced
22 Mehmetaj as a political representative alongside Thaci and Krasniqi.
23 That's Exhibit 1D50. Less than a month later, the General Staff, in
24 an order signed by Rexhep Selimi, appointed Mehmetaj head of public
25 information in the Dukagjin zone. The appointment is Exhibit P1947.

1 Like in Drenica and Dukagjin, intelligence personnel were
2 involved in targeting opponents and charged detention sites across
3 zones and in northern Albania. That pattern is entirely consistent
4 with regulations, such as Exhibit P890, which set out intelligence
5 duties. Those duties included identifying individuals important to
6 the enemy, domestically and abroad, and enforcement powers such as
7 kidnapping or killing such individuals.

8 The involvement of the intelligence sector is also consistent
9 with the document on your screen now. The version on your screen was
10 found on Krasniqi's computer and another version was seized in hard
11 copy. The job description at the third bullet point from the bottom
12 sets out intelligence responsibilities, including the "processing of
13 material collected from civilian prisoners and captives."

14 Within the zones, intelligence reports were produced regularly.
15 Zone intelligence chiefs compiled and transmitted those reports to
16 both the zone commander and the General Staff. The head of
17 intelligence in the Pashtrik zone, for example, testified that he
18 printed three copies of his reports, one specifically for
19 transmission to the General Staff.

20 While the Veseli Defence brief focuses on his absences from
21 Kosovo, paragraph 266 of the Prosecution brief already addresses that
22 point. During such absences in early 1999, others, including as
23 installed by Veseli, exercise intelligence functions at the
24 General Staff level. He also had communications means at his
25 disposal, enabling him to coordinate with those present in Kosovo

1 when he was absent and did so.

2 Veseli has claimed that his appointment to SHIK, publicly
3 announced on 2 April 1999, ended his role within the General Staff.
4 However, the evidence demonstrates continuity as set out in paragraph
5 268 of the Prosecution brief.

6 Veseli himself later described the Kosovo Intelligence Service
7 as having a continuity of mission from the KLA through the
8 provisional government and after. He did this in an interview,
9 Exhibit P1859, and he also did it in a public statement announcing
10 the closure of SHIK in 2008, Exhibit P4213.

11 I'll play an excerpt from that now. It has English and Albanian
12 subtitles and does not require interpretation.

13 [Video-clip played]

14 MR. QUICK: By June 1999, SHIK comprised approximately
15 30 members, including as directly drawn from former zone
16 intelligence. For example, despite his previous and repeated direct
17 involvement in crimes when he was head of intelligence in the Llap
18 zone, Latif Gashi was the SHIK general director.

19 Taken together, the evidence demonstrates a continuous,
20 structured intelligence system under Veseli's authority.

21 Turning to the police which cooperated closely with the
22 intelligence services and the charged crimes. From late spring 1998,
23 like intelligence, military police were operational in areas where
24 the accused and General Staff members were present and exercising
25 their authority. They also formed part of the structures in the

1 zones that the accused and the General Staff members were
2 coordinating, inspecting, organising, and overseeing.

3 Consistent with the duties outlined in the Provisional
4 Regulations, which granted the police extensive powers, military
5 police on the ground manned checkpoints, stopped civilians, recorded
6 personal details, arrested, detained, mistreated, and killed
7 opponents, as detailed throughout the Prosecution brief.

8 By at least November 1998, the General Staff had formally
9 appointed JCE member Fatmir Limaj as head of the military police
10 directorate.

11 As set out in paragraphs 283 to 285 of the Prosecution brief,
12 zone police reported to the directorate, which oversaw appointments,
13 logistics, training, inspections, and General Staff detention
14 centres.

15 On 2 April 1999, Rexhep Selimi's appointment as minister of
16 public order in the provisional government was announced. By at
17 least June 1999, he had traded in his camouflage for a black uniform.
18 The next two slides are screenshots from P4228, taken a day after the
19 Kumanovo Agreement was signed on 9 June 1999. On the first, you can
20 see Rexhep Selimi at the right end of the table, in black, using a
21 radio, and he's in the same position on the second screenshot. Other
22 General Staff members and provisional government officials, including
23 Hashim Thaci, are in camouflage.

24 Four days later, on 14 June 1999, KosovaPress and Radio Free
25 Kosovo published the Ministry of Public Order's first communiqué,

1 which states it was signed by Selimi. The communiqué declares that
2 the return of the population would be under the direction of the KLA
3 military police, described as "the nucleus of the future police
4 force," and refers also to the mandate of the "public order forces."
5 The communiqué is P515_ET.69 and P814_ET.35.

6 The public order forces that emerged by June 1999 consisted
7 largely of former military police personnel. Documents seized from
8 Selimi confirm this structure and the functioning of the Ministry of
9 Public Order, including when considered together with the activities
10 of the police on the ground in summer 1999. As set out in paragraphs
11 301 to 302 of the Prosecution brief, such seized documents include
12 organisational charts, personnel records, reports, including from
13 police commanders in the zones, identification cards, and
14 registration forms from KLA members across operational zones. These
15 records concern multiple individuals involved in charged crimes.

16 I've already discussed SHIK and the Ministry of Public Order,
17 which were continuations of the KLA intelligence and police. Other
18 accused and General Staff members were also assigned overlapping
19 roles in the provisional government.

20 The slide on your screen shows the composition of the
21 provisional government in spring and summer 1999. The dark blue
22 boxes are the General Staff members appointed to positions in the
23 provisional government. The same group of trusted persons again make
24 up the decisive majority, with the ability to control and exercise
25 authority through the provisional government. The yellow frames

1 indicate the accused. The black frames indicate named JCE members.

2 One of the light blue boxes includes the deputy post reserved
3 for the LDK, which remained vacant. Ms. Lawson has already explained
4 the reasons. There are also the four positions held by LBD members
5 in light blue. The LBD supported and was aligned with the KLA.

6 To the extent the Krasniqi Defence suggests that he was
7 appointed as minister of reconstruction by the LBD, there is no
8 evidence confirming that, and it doesn't matter. Even if the
9 KLA-aligned LBD had proposed him for this position, it does not
10 change the fact that Krasniqi was also provisional government
11 spokesperson, which was not proposed by the LBD, nor does it impact
12 on his long-standing membership of the General Staff and KLA.

13 The provisional government was formed after the Rambouillet
14 negotiations. In late February 1999, the General Staff confirmed
15 Thaci as prime minister and Sylejman Selimi as general commander.
16 Sylejman Selimi's appointment and subsequent reassignment constitute
17 a concrete and early example of the accused and other JCE members
18 using the provisional government as a parallel vehicle to exercise
19 their authority. They would continue to use it for this purpose and
20 to execute their common plan.

21 Sylejman Selimi's formal appointment followed previous meetings
22 of General Staff members and the zone commanders while the
23 Rambouillet delegation was abroad. However, contrary to Defence
24 submissions, the election of Sylejman Selimi as general commander in
25 February 1999 was not a coup. Sylejman Selimi himself acknowledged

1 this during testimony.

2 This event was not, as the Thaci Defence contends, an emblematic
3 example of zone commanders' authority over the General Staff.

4 Of course, that is not to say that the February 1999 meetings
5 where the change of command was debated were not contentious. But
6 contention alone in no way supports the Defence's submissions.

7 Conversely, the true authority of the General Staff is
8 demonstrated by the surrounding circumstances and the actions it
9 took. First, the General Staff only confirmed the change of command
10 upon the return of the members of the Rambouillet delegation. The
11 evidence supporting this is set out in paragraph 148 of the
12 Prosecution brief.

13 Perhaps most telling, the zone commanders ultimately agreed with
14 the Rambouillet delegation, including the accused, that the resulting
15 agreement should be signed.

16 Thaci did not engage in a convincing, cajoling and supplicating
17 tour to achieve this result, as the Defence suggests without
18 evidentiary support. Rather, he, and other General Staff members,
19 including the other accused, consulted with their highest-ranking
20 military subordinates on the ground to assure sufficient buy-in for
21 an agreement that would require their commitment to fulfil.

22 Exhibit P227, on the screen, records the positive opinions held
23 in the army regarding the Rambouillet Agreement. It followed
24 General Staff consultation with the zone commanders and notes that
25 the General Staff will make the final decision. Notably, while it is

1 signed by all accused and other General Staff members, it is not
2 signed by Sylejman Selimi.

3 On 2 April 1999, Thaci publicly announced the provisional
4 government ministers. Among them was Azem Syla, the now former
5 general commander, in the position of minister of defence. Later in
6 April 1999, Agim Ceku, who was a close associate of Thaci and Veseli,
7 became the General Staff Chief of Staff.

8 Sylejman Selimi was appointed the National Guard Commander. In
9 this position, he reported to Agim Ceku and was once again
10 subordinate to Azem Syla, now as minister of defence. This reporting
11 relationship is evidenced by written reports from Ceku to Syla, as
12 cited in paragraphs 129 and 165 of the Prosecution brief and the
13 testimony of Sylejman Selimi himself. That's transcript page 25239.

14 It is this series of events, properly viewed in context, that
15 illustrates the true state of play. The General Staff and
16 provisional government, led by Hashim Thaci, maintains control
17 throughout.

18 The Thaci Defence wrongly claims that there is no evidence that
19 provisional government ministers, Agim Ceku, as General Staff Chief
20 of Staff, reported to Hashim Thaci as prime minister.

21 While the General Staff and provisional government continued to
22 reach decisions by a process of collective deliberation, Thaci had
23 the authority to implement and enforce such decisions, including
24 through his appointments and his decrees, and reporting lines went to
25 him.

1 For example, Thaci appointed Ceku following consultation with
2 the General Staff and as demonstrated by the appointment decree P112,
3 supported by the proposal of the Ministry of Defence. This was
4 confirmed by Bislrim Zyrapi, who discussed this personnel change
5 directly with Thaci and Rexhep Selimi. Sylejman Selimi, at
6 transcript pages 25540 to 1, also agreed with the evidence of Zyrapi
7 and Rexhep Selimi on this point. In a 2000 interview, Exhibit P1745,
8 Sylejman Selimi stated that Hashim Thaci set up the provisional
9 government and as prime minister officially took the duties of KLA
10 "general -- commanding general." Krasniqi, in his book "The Big
11 Turn," likewise confirmed that the General Staff gave powers to the
12 prime minister to form the provisional government.

13 In addition to appointing Ceku, it was Thaci who appointed Sylva
14 as minister of defence, just as he had appointed other ministers,
15 including Selimi and Veseli. Both Selimi and Veseli confirmed that
16 Veseli, as head of SHIK, reported to Thaci. That's at paragraphs 266
17 and 514 of the brief.

18 In spring 1999, Ceku reported to Azem Sylva as minister of
19 defence, who in turn reported to Thaci as prime minister.

20 Further, when issuing decrees, for example, Decree 83/99 on your
21 screen, Thaci tasked provisional government ministers and the
22 General Staff. This decree concerned the formation of the National
23 Guard. And in it, Thaci tasked the General Staff and Ministry of
24 Defence with shared responsibility for the decree's implementation.

25 The next slide shows that Prime Minister Hashim Thaci, at

1 proposal of the General Staff, issued a decision in May 1999
2 restructuring the KLA, with the prime minister's signature block and
3 the General Staff stamp. In doing so, Thaci tasked the Ministry of
4 Defence with drafting the formation charts for every KLA unit,
5 detachment and structure.

6 In the words of Agim Ceku, recorded in Exhibit P4228, shortly
7 after the Kumanovo Agreement was signed, "any decision of the Kosovo
8 provisional government [...] would be considered an order for the
9 Kosovo Liberation Army."

10 Indeed, it was Thaci, not Ceku, who signed the undertaking in
11 which the KLA agreed to demilitarise. Thaci signed that document as
12 KLA Commander-in-Chief. John Duncan, the very diplomat who drafted
13 the undertaking, confirmed that the commander-in-chief title was only
14 added after Thaci became the nominated signatory.

15 In another example, in August 1999, Thaci sent a letter to the
16 head of UNMIK, Bernard Kouchner, requesting that certain individuals,
17 including Minister of Defence Azem Syla, be allowed to legally carry
18 arms. That's P880. Thaci signed this letter as General Commander of
19 the KLA.

20 There can be no doubt about Thaci's position and authority as
21 prime minister, which he obtained and exercised through the
22 collective decision-making of the General Staff and provisional
23 government.

24 As Serbian forces withdrew in June 1999, the KLA and provisional
25 government pursued all classic avenues of power. KLA and provisional

1 government members seized key state infrastructure and public
2 institutions. They installed mayors, they held meetings, they issued
3 decrees and decisions. And KLA members continued to target opponents
4 across operational zones, including as charged.

5 Having addressed the General Staff and provisional government,
6 I'll now turn to the zones established and operating under their
7 authority. Drenica, Dukagjin, Pashtrik, Shala, Llap, and Nerodime
8 were formally established, and their zone commanders appointed and
9 confirmed by the General Staff over the course of spring and summer
10 1998. Karadak was established later with its commander appointed in
11 late 1998. Throughout the indictment period, the KLA also maintained
12 a series of bases in northern Albania.

13 At charged crime sites and in other locations in the zones in
14 northern Albania, KLA members, including police, intelligence, and
15 special units, targeted, detained, mistreated, tortured, killed, and
16 disappeared opponents.

17 The evidence demonstrates that the zones and bases in northern
18 Albania complied with General Staff orders and instructions, and
19 respected General Staff authority. This is detailed in the
20 Prosecution brief, and I will discuss a few more examples today.

21 The Defence wrongly claims that no superior staff issued orders
22 to the Dukagjin zone. The evidence demonstrates that the zone
23 command respected the authority of the General Staff and complied
24 with its orders.

25 The way this worked in practice is illustrated by a series of

1 complementary contemporaneous records from early July 1998, soon
2 after the zone had been established. They were obtained and seized
3 from different sources.

4 On your screen is a 1 July 1998 decision of the General Staff
5 forbidding communication with journalists. It further provides that
6 the General Staff information directorate decides on informing the
7 public, and that only the KLA spokesman has the right to make known
8 the KLA's positions.

9 The next slide contains the minutes of a work meeting of the
10 Dukagjin command held that same day, 1 July. This meeting was
11 attended by Rexhep Selimi using his alias Agron, which is the alias
12 he used in the Dukagjin zone. He is recorded in the meeting minutes
13 as saying that the spokesman conveys the views of the General Staff
14 headquarters. That's consistent with the 1 July decision we just
15 looked at.

16 Then there is a 2 July 1998 notice sent by Zone Commander
17 Haradinaj to the General Staff. It informs the General Staff that
18 the Dukagjin zone staff had "implemented to the letter the order
19 dated 1 July 1998, regarding communication with the media and
20 journalists."

21 And, finally, there is the warning Haradinaj sent to subordinate
22 headquarters in the Dukagjin zone concerning the 1 July 1998
23 General Staff decision. Overall, this chain of evidence demonstrates
24 swift and effective implementation of and respect for General Staff
25 orders. It also reinforces the need to consider the evidence

1 holistically.

2 Not only did the General Staff issue orders that were complied
3 with, the accused and General Staff also personally and directly
4 enforced their authority. For example, when the General Staff,
5 represented by Thaci, Selimi, Brahimaj, and other General Staff
6 members, removed the popularly elected Tahir Zemaj and reinstalled
7 Haradinaj as zone commander in early September 1998.

8 Zone commands also reported to the General Staff, including on
9 specific matters that the General Staff ordered information on. On
10 your screen is a General Staff order for zone commanders to report on
11 specific questions, problems, and proposals. Topics specified range
12 from leadership to personnel issues, coordination with other zones
13 and civilian bodies, and requests for the General Staff.

14 The next slide includes excerpts from the Llap zone's response,
15 which correspond to the topics on which the General Staff requested
16 reports. Topics covered include the military police, the civil
17 defence, cooperation with other zones, requests for ammunition and
18 weapons, and proposals for zone and brigade command appointments.
19 This information provided by the zones was then conveyed in a report
20 to Deputy Commander Krasniqi. It included information corresponding
21 to the report by the Llap zone, including on the Llap zone's
22 appointment proposals, territorial and civilian defence, military
23 police, and cooperation between the zones.

24 The evidence cited in, among others, paragraph 363 of the
25 Prosecution final brief demonstrates that, in addition to complying

1 with reporting obligations, the Llap zone command implemented
2 General Staff orders on organisation, operations, and detention
3 sites. This was confirmed by Zone Commander Mustafa and his Chief of
4 Staff in court.

5 The Defence claims that the so-called Podujeva line incident
6 illustrates the resistance of zone commanders to General Staff
7 instructions. However, this was an isolated incident.
8 Rrustem Mustafa's refusal to follow Zyrapi's request on this matter
9 is not capable of displacing the corroborated and complementary
10 evidence demonstrating General Staff authority in the Llap zone. It
11 should also be considered in the context of previous General Staff
12 decisions.

13 On 19 November 1998, the General Staff communicated that the
14 Serbian police should withdraw from their positions, including in
15 Llap, and threatened that, if they did not withdraw, KLA patrols
16 would strike. The General Staff position, reflected in Exhibit P668,
17 was disseminated and discussed in the zones. This is demonstrated
18 by, for example, P3190, page U002-0275. Since that was the
19 General Staff's instruction in late November 1998, it is not
20 surprising that, in early December 1998, Mustafa's forces moved into
21 vacated positions and challenged Serbian police.

22 The General Staff also provided instructions directly to
23 subordinate units in the zones that were involved in the commission
24 of charged crimes. For example, in the Drenica zone, military police
25 commander Sahit Jashari reported to both the zone commander and the

1 General Staff. Defence claims to the contrary ignore the record. As
2 Mr. Tieger has already discussed, already in May 1998, Sahit Jashari
3 had declared that the military police would follow orders given by
4 the General Staff. Further, as discussed at paragraph 370 of the
5 Veseli brief, Sylejman Selimi testified that Limaj issued an order
6 around November 1998 mandating military police to report to him in "a
7 hierarchical manner." Other evidence also confirms this reporting
8 line.

9 On your screen are Rexhep Selimi's handwritten notes of an
10 organisational meeting in early December 1998 between Military Police
11 Director Limaj and military police commanders in the Drenica zone.
12 Later, in early February 1999, Limaj ordered the Drenica zone command
13 to send a list of candidates for the military police to be
14 accompanied by photographs for each candidate and necessary details.
15 The purpose was further organisation of KLA military police units.
16 About two weeks later, Sahit Jashari provided such information on all
17 zone and brigade police members, including photographs. This is
18 clearly in response to Limaj's order, contrary to Selimi's submission
19 at paragraph 245 of his brief.

20 The military police directorate also received requests from and
21 provided instruction to police in other zones. On your screen,
22 there's a request from the Nerodime zone military police commander,
23 Isak Musliu, requesting military police regulations, clarification on
24 logistics. On 18 December, as seen on the next slide, the head of
25 the military police directorate provided clarification concerning

1 regulations, hierarchy, and arrest powers. Excerpts of Selimi's
2 notes on the next slide of an inspection in the Nerodime zone in
3 early July 1999. At the bottom, there's another excerpt. And at
4 number 10, they record past complications concerning arrest powers,
5 noting that the issue had been addressed after the relevant police
6 regulations were received.

7 Finally, it was not only the military police directorate that
8 could issue orders to the military police on the ground. For
9 example, in December 1998, the General Staff, through a series of
10 orders issued by Jakup Krasniqi, the finance directorate, the
11 civilian administration directorate, required contributions to the
12 Homeland Calling Fund from workers temporarily employed abroad, and
13 ordered the police to collect such contributions. The orders are
14 Exhibits P3681, P3684, and P3686. A contemporaneous KLA notebook
15 entry from early January records this order. And on the next slide,
16 which is not for public broadcast, we see that the military police
17 enforced the order. The Brigade 121 military police commander even
18 reported two military police members to the General Staff for failing
19 to fully and properly implement the decision. He referred to the
20 functioning of the LDK in a particular village as the main reason for
21 obstacles in their work.

22 The Krasniqi Defence submissions about this series of orders
23 miss the point. That is that General Staff orders, including as
24 issued by Krasniqi, were disseminated and were complied with,
25 including by members of the Brigade 121 military police. This

1 demonstrates authority over KLA members involved in charged crimes.

2 The General Staff provisional government and zone structures I
3 have discussed are addressed in much more detail in the Prosecution
4 brief. The accused had authority over these structures and used them
5 to execute their common criminal plan.

6 Thank you, Your Honour. Tomorrow morning, I will hand over to
7 my colleague Matt Halling, who will discuss the remaining elements of
8 individual criminal responsibility.

9 PRESIDING JUDGE SMITH: Thank you.

10 We will be adjourned until 9.00 a.m. tomorrow. Thank you all
11 for your attendance. We'll see you tomorrow.

12 I might ask, before you leave, what's the times? You've got
13 about at least two and a half hours left.

14 MR. HALLING: Yes, I expect to be slightly under two hours, and
15 then the Specialist Prosecutor will have concluding remarks, so we
16 will comfortably finish within that time.

17 PRESIDING JUDGE SMITH: Okay. We owe you a few minutes from
18 this morning, too, because we used some of your time then. So there
19 should be adequate time.

20 Thank you, everybody. We'll see you tomorrow.

21 --- Whereupon the hearing adjourned at 4.37 p.m.

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