

1 Wednesday, 16 September 2026

2 [Open session]

3 [Pronouncement of Trial Judgment]

4 [The Accused entered the court]

5 --- Upon commencing at 10.00 a.m.

6 PRESIDING JUDGE SMITH: We'll take a moment to allow the
7 photographers to do what they plan to do. And I believe the
8 Thaci Defence has opted out of having photos. They know.

9 All right. Good morning, and welcome, everyone.

10 Madam Court Officer, please call the case.

11 THE COURT OFFICER: Good morning, Your Honours. This is file
12 KSC-BC-2020-06, The Specialist Prosecutor versus Hashim Thaci,
13 Kadri Veseli, Rexhep Selimi, and Jakup Krasniqi.

14 PRESIDING JUDGE SMITH: Thank you.

15 Also, before we begin, let's take the appearances.

16 We'll begin with the SPO. Madam Prosecutor.

17 MS. WEST: Good morning, Your Honour. Good morning to everyone
18 in and around the courtroom. I am Specialist Prosecutor Kim West,
19 and with me this morning are Nathan Quick, Clare Lawson,
20 Matthew Halling, James Pace, and Mr. Alan Tieger.

21 PRESIDING JUDGE SMITH: Thank you.

22 And now Mr. Laws for the Victims.

23 MR. LAWS: Good morning, Your Honour. I am Simon Laws, counsel
24 for the Victims in this case, together with my co-counsel,
25 Maria Radziejowska.

1 PRESIDING JUDGE SMITH: Thank you, Mr. Laws.

2 Counsel for Thaci Defence, Mr. Misetic.

3 MR. MISETIC: Good morning, Your Honour. Good morning, everyone
4 in the courtroom. My name is Luka Misetic. I'm Specialist Counsel
5 for Hashim Thaci. To my right are my co-counsel, Ms. Nina Tavakoli,
6 Ambassador Pierre Prosper, Ms. Sophie Menegon. And behind me are our
7 officers, Bonnie Johnston and Lirim Greicevci. Thank you.

8 PRESIDING JUDGE SMITH: Thank you, Mr. Misetic.

9 Mr. Dixon for the Veseli Defence.

10 MR. DIXON: Good morning, Your Honours. Rodney Dixon for
11 Kadri Veseli. I'm with co-counsel Kerrie Rowan and Annie O'Reilly,
12 legal associate Ana Hametaj, and consultants Uran Ismajli and
13 Avni Bytyqi. Thank you.

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

15 Mr. Roberts as counsel for Selimi Defence.

16 MR. ROBERTS: Thank you, Your Honour. Geoff Roberts on behalf
17 of Mr. Rexhep Selimi, together with my co-counsel, Mr. Eric Tully and
18 Mr. Chad Mair; legal consultant Ms. Fortuna Sheremeti; and our two
19 legal associates, Mr. Christian Vale and Ms. Nataliia Ryzhenko.
20 Thank you.

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

22 Now the counsel for the Krasniqi Defence, Ms. Alagendra.

23 MS. V. ALAGENDRA: Good morning, Your Honours.
24 Venkateswari Alagendra, counsel for Mr. Jakup Krasniqi, appearing
25 together with co-counsels Mr. Aidan Ellis, Dato' Shyamala Alagendra;

1 also with legal associate Mentor Beqiri; and also appearing with us,
2 Bilall Sherifi and Durim Limaj. Thank you, Your Honours.

3 PRESIDING JUDGE SMITH: Thank you, Ms. Alagenda.

4 Now for the Registrar, Dr. Donlon.

5 THE REGISTRAR: Good morning, Your Honours. Fidelma Donlon,
6 Registrar, together with Jonas Nilsson, Deputy Registrar.

7 PRESIDING JUDGE SMITH: Thank you.

8 Trial Panel II will pronounce today the Trial Judgment in the
9 case of the Specialist Prosecutor versus Hashim Thaci, Kadri Veseli,
10 Rexhep Selimi, and Jakup Krasniqi. The Panel is composed of myself,
11 Presiding Judge Charles L. Smith; Judge Christoph Barthe, who is
12 seated to my left, your right; Judge Guénaél Mettraux, to my right
13 and your left immediately; and then to the far right,
14 Reserve Judge Fergal Gaynor. This Judgment is pronounced in public,
15 in the name of the people of Kosovo, and in the presence of
16 Hashim Thaci, Kadri Veseli, Rexhep Selimi, and Jakup Krasniqi, the
17 Accused.

18 I kindly ask the people seated in the visitor's gallery to
19 remain silent and quiet during the reading of the summary of the
20 Judgment. Please remember that this is a court of law and that
21 serious matters are being discussed and ruled on. Any disturbance,
22 either verbally or physically, will result in the Court and its
23 security officer taking appropriate action. And we certainly don't
24 expect that to happen.

25 Before turning to the Panel's findings on the charges against

1 Mr. Thaci, Mr. Veseli, Mr. Selimi, and Mr. Krasniqi, the Panel wishes
2 to address a few important issues.

3 This case concerns the acts and conduct of the Accused,
4 Mr. Thaci, Mr. Veseli, Mr. Selimi, and Mr. Krasniqi, as alleged in
5 the Indictment.

6 This case is exclusively concerned with the facts and
7 circumstances relevant to the charges against the Accused in this
8 case. This case is not about the legitimacy of the Kosovo Liberation
9 Army and its goal of independence for Kosovo. This case is not
10 concerned with weighing the responsibilities of one side against
11 those of the other. This case is not concerned with the crimes
12 Serbian forces and paramilitaries undoubtedly committed against
13 Kosovo-Albanians. This case is not concerned with any claim of
14 self-defence.

15 Instead, this case is exclusively concerned with the questions
16 of whether crimes alleged in the Indictment were committed and
17 whether the Accused can be held criminally responsible for any of
18 them. Specifically, crimes alleged to have been committed against
19 Serbs, Roma and, in particular, Kosovo-Albanians by certain members
20 of the KLA and by the Accused themselves.

21 In relation to this issue, criminal responsibility before the
22 Specialist Chambers is only personal. This principle is enshrined in
23 the legal framework of the Specialist Chambers. It grants this
24 tribunal jurisdiction over natural persons only. Accordingly, the
25 Specialist Chambers will only hold accountable persons for crimes of

1 which they are individually responsible. In this case, the charges
2 presented by the Specialist Prosecutor relate solely to the
3 individual criminal responsibility of the Accused.

4 In deciding this issue, the Panel has been guided by the
5 principle that its role is to assess the evidence in determination of
6 the truth and to ensure that justice is done. As 19th century
7 British statesman and Prime Minister Benjamin Disraeli once stated:
8 "Justice is truth in action."

9 It was the Panel's responsibility to conduct the trial with
10 respect, and adherence to, the principles of due process, applying
11 the standard of proof beyond a reasonable doubt and ensuring that no
12 one was found guilty unless the Panel was satisfied of that person's
13 guilt beyond a reasonable doubt. This Panel has, over the last three
14 and a half years, been committed to fulfilling those duties.

15 I now will begin with the summary of the Judgment. I will read
16 a summary of the main findings made by the Panel, but this summary is
17 not part of the Judgment, which is the only authoritative account of
18 the Panel's findings and ruling. This non-authoritative summary will
19 available on the website of the Specialist Chambers following the
20 hearing. The confidential version of the Judgment will be made
21 available to the Accused and the Parties and participants at the end
22 of the hearing. The public redacted version and translated versions
23 of the Judgment will be made available in due course.

24 I will start by recalling the charges against the Accused.

25 First, Hashim Thaci - the first Accused in this case - is a

1 Kosovar national, born on 24 April 1968 in Buroje/Brocna,
2 Skenderaj/Srbica municipality. The Specialist Prosecutor's Office,
3 hereinafter referred to as "the SPO," alleges that Mr. Thaci was a
4 founding member of the UCK, known in English as the Kosovo Liberation
5 Army, hereafter referred to as "the KLA," as well as the founding
6 member of the KLA Central or General Staff and that he remained a
7 member of the KLA General Staff from 1998 and into 1999, and that
8 from at least March 1998 and September 1999, he was also: (i) head of
9 the KLA Political and Information Directorates; (ii) and prime
10 minister of the Provisional Government of Kosovo, hereinafter
11 referred to as "PGoK," and also the KLA commander-in-chief.

12 Kadri Veseli - the second Accused in this case - is a Kosovar
13 national, born on 31 May 1967, in Mitrovica/Kosovska Mitrovica, in
14 Mitrovica/Kosovska Mitrovica municipality, in Kosovo. The SPO
15 alleges that Mr. Veseli was a founding member of the KLA and
16 General Staff, remained a member of the General Staff from 1998 into
17 1999, and that he was also: (i) a member of the KLA Political
18 Directorate and head of the KLA Intelligence Directorate, also called
19 "G-2"; and (ii) chief of the Kosovo Intelligence Service, known as
20 "SHIK"; and (iii) minister of the intelligence service of the PGoK.

21 Rexhep Selimi - the third Accused in this case - is a Kosovar
22 national, born on 15 March 1971, in Aqareve/Ovcarevo, in the
23 Skenderaj/Srbica municipality in Kosovo. The SPO alleges that
24 Mr. Selimi was a founding member of the General Staff and remained a
25 member of the General Staff from 1998 and into 1999, and that he was

1 also: (i) head of the KLA Operational Directorate; (ii) KLA
2 inspector general; and (iii) minister of public order or minister of
3 internal affairs of the PGoK.

4 Jakup Krasniqi - the fourth and last Accused in this case - is a
5 Kosovar national, born on 1 January 1951, in Fatos (Negroc)/Negrovce,
6 Drenas municipality in Kosovo. The SPO alleges that Mr. Krasniqi was
7 a member of the General Staff from 1998 and into 1999, and that he
8 was also: (i) a member of the KLA Political Directorate; (ii) the
9 official KLA spokesperson; and (iii) KLA deputy commander; and (iv)
10 spokesperson of the PGoK.

11 The SPO charged all four Accused with six counts of crimes
12 against humanity under Article 13(1) of the Law, namely persecution
13 in Count 1, imprisonment in Count 2, other inhumane acts in Count 4,
14 torture in Count 6, and murder in Count 8, and enforced disappearance
15 in Count 10. According to the SPO, the acts and omissions charged as
16 crimes against humanity were part of a widespread or systematic
17 attack directed against the civilian population of Opponents. The
18 SPO further alleged that the Accused knew of the attack and that
19 their conduct formed a part of it.

20 The SPO also charged the Accused with four counts of war crimes
21 under Article 14(1) of the Law, namely illegal or arbitrary arrest
22 and detention in Count 3, cruel treatment in Count 5, torture in
23 Count 7, and murder in Count 9. According to the SPO, all acts and
24 omissions took place in the context of, and were associated with, a
25 non-international armed conflict between the KLA and forces of the

1 Federal Republic of Yugoslavia, hereinafter referred to as "FRY,"
2 which existed throughout the Indictment period. The SPO alleged that
3 the crimes were committed at, or in connection with, the KLA bases
4 and headquarters, and/or during KLA activities, and that the Accused
5 were aware of the factual circumstances establishing the existence of
6 the armed conflict and knew that the victims were persons taking no
7 active part in the hostilities.

8 The SPO alleged that the Accused are individually criminally
9 responsibly, under various modes of liability, pursuant to
10 Article 16(1)(a) and (c) of the Law, for all crimes charged in the
11 Indictment.

12 All four Accused pleaded not guilty to all charges.

13 I will now give you a short overview of the trial proceedings.
14 The trial commenced on 3 April 2023 with the opening statements of
15 the SPO and Victims' Counsel. The Defence made its opening
16 statements on 4 and 5 April 2023.

17 During the trial, the Panel received the evidence of 273
18 witnesses, both in court and in writing. The Panel admitted 5,467
19 exhibits into evidence. The Panel took judicial notice of 1,017
20 adjudicated facts and 29 agreed facts. Further, the transcript of
21 these proceedings reached 29,238 pages in length.

22 Moreover, 156 victims have participated in the proceedings.

23 Following the hearing of the closing statements, the case was
24 closed on 15 February 2026, and the Panel entered its deliberations
25 for the pronouncement of the Judgment.

1 This trial was conducted against the backdrop of a persistent
2 climate of witness intimidation. Several SPO witnesses who testified
3 before the Panel in this case recanted prior statements, evaded basic
4 details from their prior accounts, lied to the Panel, recited a
5 learned set of lines and otherwise changed their previous account.
6 Some witnesses may have been afraid or unwilling to tell the Panel
7 their full story out of concerns for their own and their families'
8 safeties, others out of misplaced loyalty.

9 Nevertheless, most witnesses who appeared before the Panel did
10 so with great courage and determination; several witnesses did so in
11 the face of intimidation and attempts to discourage them from
12 testifying.

13 The Panel's ability to render this Judgment is a testimony to
14 their courage and determination.

15 Because of this climate of intimidation and the risk of harm
16 that many of the victims and witnesses encountered because of their
17 involvement in these proceedings, protective measures had to be
18 granted to protect their identity. As a result, the Panel will not
19 give their names or those of their relatives publicly so as to
20 preserve their safety and security.

21 I will now briefly address the historical background leading up
22 to the time period relevant to the present charges.

23 Under the Constitution of the Socialist Federal Republic of
24 Yugoslavia, or SFRY, of 1974, Kosovo was an autonomous region. In
25 March 1989, amidst rising tensions, the Assembly of Serbia

1 effectively rescinded Kosovo's autonomous status. In response to
2 protests, the authorities of the SFRY attempted to strengthen their
3 control over the region and adopted discriminatory policies against
4 the population of Albanian ethnicity. Thereafter, inter-ethnic
5 relations and the economic situation in Kosovo progressively
6 deteriorated.

7 In December 1989, the Democratic League of Kosovo, also known as
8 the LDK, which was headed by Ibrahim Rugova, was formed and was one
9 of the main political parties in Kosovo. The LDK's main goal was to
10 oppose the SFRY/Serbian regime in Kosovo and bring Kosovo towards
11 independence, initially through peaceful and democratic methods, but,
12 facing increasing political opposition, later grew to support also
13 armed resistance.

14 In September 1991, the Assembly of Kosovo first approved a
15 constitution for the newly proclaimed Republic of Kosovo within the
16 SFRY and then adopted a resolution declaring Kosovo an independent
17 and sovereign state on 22 September 1991. In a referendum, the
18 overwhelming majority of Kosovo-Albanians voted in favour of
19 independence.

20 In the early 1990s, armed resistance started in Kosovo. This
21 was led by, among others, members of the People's Movement for the
22 Republic of Kosovo, known as the LPRK, which subsequently became the
23 People's Movement for Kosovo, known as the LPK. In April 1993, the
24 LPK formally took the decision to start preparations for armed
25 struggle in Kosovo, including by means of attacks against the

1 FRY/Serbian forces and those who were perceived as collaborators of
2 the FRY/Serbian authorities.

3 The KLA, which in effect was a continuation and development of
4 the LPK's military wing, emerged in the 1990s. The KLA was formally
5 established at the third general assembly of the LPK in 1993 and made
6 its first appearance in public on 28 November 1997. From at least
7 1994, the KLA had a General Staff.

8 The KLA was both a political and a military body. The KLA's
9 goal included independence for Kosovo. And as a strategy to achieve
10 that goal, the KLA opted to use military force and violence against
11 those who opposed it.

12 Let me turn now to the Accused's backgrounds and positions.

13 Hashim Thaci was a founding member of the KLA as well as a
14 member of the General Staff, both before and throughout the time
15 relevant to the charges. In June 1998, in connection with the
16 establishment of the Political Directorate of the KLA, Mr. Thaci
17 became chief or director of the KLA Political Directorate. In
18 August 1998, the General Staff nominated Mr. Thaci as a political
19 representative of the KLA. By the end of February 1999, Mr. Thaci
20 became the prime minister of the PGoK and also acted as the KLA
21 commander-in-chief from that time onward.

22 Kadri Veseli was a founding member of the KLA as well as a
23 member of the General Staff, both before and throughout the time
24 relevant to the charges. From May 1998 to March 1999, Kadri Veseli
25 was the head of the Intelligence Directorate or G-2, sometimes

1 referred to by other acronyms. From at least August 1998,
2 Kadri Veseli was a member of the Political Directorate together with
3 Hashim Thaci and Jakup Krasniqi. At the end of March 1999, when the
4 PGoK established an intelligence agency called SHIK, Kadri Veseli was
5 appointed the head of that agency.

6 As to Rexhep Selimi, he was a founding member of the KLA as well
7 as a member of the General Staff, both before and throughout the time
8 relevant to the charges. From March to August 1998, Rexhep Selimi
9 was the head of the KLA Operational Directorate. From
10 September 1998, Rexhep Selimi was the inspector general of the KLA.
11 When the PGoK was established, Mr. Selimi became the minister of
12 public order.

13 Finally, Mr. Krasniqi. He was a member of the KLA as well as a
14 member of the General Staff, both before and throughout the time
15 relevant to the charges. In June 1998, Mr. Krasniqi was appointed
16 one out of two deputy commanders of the KLA. In July 1998,
17 Mr. Krasniqi was appointed the official spokesperson of the KLA. And
18 from at least August 1998, Mr. Krasniqi was a member of the
19 Political Directorate of the KLA. When the PGoK was established,
20 Mr. Krasniqi became the spokesperson of the PGoK and then one of its
21 ministers.

22 The Panel's findings on the crimes charged.

23 I will now turn to the Panel's findings in relation to the
24 crimes charged in the Indictment and then to its findings in respect
25 to the responsibility of the Accused. I will first address the

1 contextual elements of the crimes against humanity and war crimes,
2 respectively.

3 With respect to the existence of a widespread or systematic
4 attack directed against a civilian population as a requirement of
5 crimes against humanity, the Panel found that the SPO failed to prove
6 beyond a reasonable doubt, pursuant to Article 13 of the Law, that
7 there was a widespread or systematic attack directed against a
8 civilian population. In this respect, the Panel found that, between
9 at least April 1998 and August 1999, KLA members committed acts of
10 violence against and mistreatment of civilians throughout Kosovo and
11 in certain areas in Northern Albania controlled by the KLA, including
12 but not limited to acts referred to in Article 13 of the Law. The
13 Panel also found that these acts amounted to an attack that was both
14 widespread and systematic. The Panel found, however, that the SPO
15 failed to prove beyond a reasonable doubt that this attack was
16 directed against a civilian population. In particular, the Panel
17 found that, while a policy or plan to target individuals perceived as
18 Opponents existed, victims were mainly and for some of them
19 exclusively selected and targeted based on individualised
20 considerations, rather than their membership in a targeted civilian
21 population. The Panel was therefore not satisfied that the people
22 targeted by the KLA members in the context of this case qualified as
23 a civilian population for the purpose of crimes against humanity.

24 Accordingly, the Panel found the SPO failed to demonstrate
25 beyond a reasonable doubt that the crimes against humanity of

1 persecution in Count 1, imprisonment in Count 2, other inhumane acts
2 in Count 4, and torture in Count 6, and murder in Count 8, and
3 enforced disappearance in Count 10 were committed.

4 I will now turn to the armed conflict as a prerequisite for all
5 war crimes. The Panel found that, from at least the end of
6 March 1998 to or on or around 20 June 1999, a non-international armed
7 conflict within the meaning of Article 14(2) of the Law and customary
8 international law took place between the KLA and the FRY/Serbian
9 forces. The conflict took place in Kosovo but international
10 humanitarian law regulating that conflict also applied in certain
11 locations controlled by the KLA in Northern Albania. The Panel
12 further found that the crimes charged were committed in the context
13 of, and were linked to, a non-international armed conflict, thereby
14 meeting the nexus requirement. The Panel also found that the victims
15 were individuals enjoying legal protection under the applicable
16 standards of international humanitarian law, as they were taking no
17 active part in the hostilities at the relevant time. The Panel is
18 further satisfied that all four Accused were aware of the
19 circumstances establishing the non-international armed conflict and
20 the nexus and the protected status of the victims.

21 Following on from this finding, the Panel found that the
22 incidents underpinning the charges of war crimes which commenced
23 after 20 June 1999, namely after the non-international armed conflict
24 between the KLA and the FRY/Serbian forces had come to an end and
25 international humanitarian law had ceased to apply to those

1 concerned, could not qualify as war crimes. Therefore, the Panel
2 found that the general requirements of Article 14 of the Law were not
3 met in relation to those crimes.

4 I will now turn to the Panel's findings in relation to the
5 charged crimes that satisfy the contextual elements of war crimes.
6 In this regard, the Panel recalls that when persons have been
7 deprived of their liberty in circumstances associated with the
8 conflict, international humanitarian law continues to apply in
9 principle in respect of those detained until such deprivation or
10 restriction of liberty comes to an end.

11 I start with Count 3, illegal or arbitrary arrest and detention.
12 Based on the totality of the available evidence, the Panel has found
13 that between April 1998 and 20 June 1999 at least 385 individuals
14 were arbitrarily deprived of their liberty by KLA members at various
15 -- I'm sorry, at numerous KLA-controlled detention sites across
16 14 municipalities in Kosovo and certain locations in two districts in
17 Northern Albania.

18 Victims were arrested by KLA members, including by members of
19 the military police, and brought to detention sites controlled by the
20 KLA in Kosovo and Northern Albania. Many victims were arrested in
21 similar circumstances from their homes or from roads by KLA members
22 and then taken to a detention site. When arrested by KLA members,
23 many victims were beaten, verbally abused, blindfolded, had their
24 hands or feet tied and belongings confiscated. The evidence shows
25 that the individuals were generally arrested and detained on

1 allegations of being "Serb collaborators," "collaborators," "spies,"
2 "traitors," and other similar accusations.

3 While detained at detention sites, victims were not free to
4 leave. They were kept in locked or guarded rooms, surrounded by
5 armed KLA members who prevented them from leaving; many of the
6 detainees were chained, handcuffed, or had their hands tied together,
7 others were held at gunpoint. One witness, who was held in
8 Llapushnik/Lapusnik, recounted that when he was brought into a
9 cowshed "there were four or five animal stalls and, at least, seven
10 people chained 'like animals.'"

11 At no point were the arrests and detention of these individuals
12 justified by criminal proceedings, nor by reasonable grounds to
13 believe that security concerns made the deprivation of their liberty
14 absolutely necessary. In fact, detainees included schoolteachers,
15 farmers, foresters, general workers and, in some instances, women and
16 children. With some very limited exceptions, there is no evidence
17 that any of the individuals detained had engaged in any criminal
18 activity, had taken an active part in hostilities or any other
19 activity causing legitimate security concerns for the KLA that would
20 have warranted their detention. In fact, victims were held on
21 unsubstantiated and unspecified accusations and rumours of being Serb
22 collaborators, including because of their ethnicity or their alleged
23 and unspecified "spying" activities or contact or business activities
24 with Serbs or Serbian military or police. There is no credible
25 evidence that the individuals arrested and detained in KLA detention

1 facilities were in fact "Serb collaborators," "collaborators,"
2 "spies," or "traitors," as alleged by the KLA.

3 While the Panel heard evidence that some arrests and detentions
4 may have been motivated by personal grievances, the Panel found that
5 even when personal grievances may have played a role in some
6 individuals initially being arrested, KLA members formalised their
7 detention, without regard for the provenance or veracity of the
8 allegations against them. Individuals were detained, at all times,
9 by the KLA, in KLA facilities; they were called "spies" and
10 "collaborators," mistreated and sometimes murdered by members of the
11 KLA. In fact, personal grievances might have rendered some of the
12 detainees more vulnerable to harm from KLA members or others who held
13 such grievances.

14 At no point during their detention were detained persons
15 provided with the basic guarantees that they were entitled to under
16 international humanitarian law, in particular basic due process and
17 humane treatment. In particular, with some very limited exceptions,
18 detainees were not formally informed of the reasons for their
19 detention, were not brought promptly before a judge or other
20 competent authority, and were not provided with an opportunity to
21 challenge the lawfulness of their detention. Rather, they were kept
22 at the arbitrary mercy of their captors.

23 The Panel found that the deliberate manner through which victims
24 were arrested and detained, not given any reasons for their
25 detention, and denied any form of due process demonstrated that at

1 least some of the KLA members involved intended to arrest and to
2 detain the detainees without valid grounds and in disregard of any
3 safeguard and form of due process.

4 The Panel therefore found that, between April 1998 and
5 20 June 1999, in 14 municipalities in Kosovo and at certain locations
6 in two districts in Northern Albania, KLA members intentionally
7 committed acts or omissions that resulted in the deprivation of the
8 physical liberty of at least 385 persons taking no active part in the
9 hostilities, without a legal basis or due process of law, thereby
10 rendering their arrest and detention arbitrary.

11 For these reasons, the Panel found that the SPO had established
12 beyond a reasonable doubt that the war crime of illegal or arbitrary
13 arrest and detention under Count 3 was committed in respect of at
14 least 385 individuals.

15 Counts 5 and 7, which are cruel treatment and torture.

16 I now turn to Counts 5 and 7, cruel treatment and torture.
17 Based on the totality of the available evidence, the Panel found that
18 between April 1998 and 20 June 1999, 348 individuals were subjected
19 to cruel treatment and out of these 348 individuals, 303 individuals
20 were subjected to torture.

21 In principle, the Panel found that the KLA members at various
22 detention sites in Kosovo and Northern Albania established,
23 contributed to, and maintained inhumane detention conditions.
24 Detainees were detained at different locations and types of
25 buildings, including former school buildings, cowsheds, and

1 basements. Detainees were often held in rooms that were too small to
2 accommodate all detainees held there. There was no or no adequate
3 bedding. Many detainees had to sleep on a concrete floor; some
4 covered in mud or human and animal excrement. With some limited
5 exceptions, detainees were not provided with sufficient or adequate
6 food and water. In fact, in some detention sites, detainees went
7 days without being given any food. Again, with some limited
8 exceptions, detainees did not receive medical care. Detainees were
9 not permitted to wash themselves, or most of them did not have access
10 to adequate toilet facilities. One witness, held in
11 Llapushnik/Lapusnik, recounted that "initially detainees had to
12 relieve themselves on the floor and later use a bucket as a toilet."
13 In many detention locations, detainees were chained, handcuffed, or
14 had their hands or feet tied. One witness, held in Cahan, recounted
15 that his hands were tied together for 20 consecutive days.

16 In addition, the Panel found that many of the KLA members who
17 were involved in their detention physically assaulted detainees. In
18 various detention locations, certain KLA members regularly kicked and
19 brutally and repeatedly beat detainees, including with rifle butts,
20 clubs, wood sticks, axe handles, metal bars, and electrical cables.
21 Detainees were hung upside down from their feet and beaten. Some
22 detainees were forced to fight each other. Many detainees were
23 beaten until they could no longer stand up, or had difficulties to
24 breathe, or lost consciousness. Some detainees died from the
25 injuries received from severe beatings inflicted by their KLA

1 captors. One detainee, held in Llapushnik/Lapusnik, recounted that
2 when KLA members beat one of his co-detainees, the co-detainee
3 pleaded with the soldiers, saying "[g]ive me a bullet. Don't have me
4 suffer like this," to which one of the soldiers responded "[t]here is
5 no bullet for you. We will take your life little by little."

6 KLA members also inflicted psychological suffering on detainees.
7 Detainees were forced to hear and see other detainees being beaten
8 and screaming in pain. For example, a witness held in
9 Llapushnik/Lapusnik recounted that two detainees were "beaten so
10 severely in front of other detainees that all detainees started
11 crying." A man who had committed suicide was left hanging in the
12 room so that others could see him. Some detainees were forced to
13 bury the bodies of other detainees. In numerous detention sites,
14 detainees were told that they would be killed, or that their
15 co-detainees had been executed; other detainees were subjected to
16 "mock executions." Detainees could hear and see their family members
17 or friends being beaten, or were told about family members being
18 detained elsewhere, but were not allowed to see them. One witness,
19 whose relative was so severely beaten in Llapushnik/Lapusnik that he
20 later died in front of him, told his co-detainees that "I would have
21 felt better if they had killed me than [my relative] because he had
22 small children and I loved him very much."

23 The Panel found that these acts caused severe physical and
24 psychological harm and suffering to the detained persons. Many
25 detainees sustained serious physical or psychological injuries. For

1 example, detainees had their fingernails pulled out, their limbs
2 broken, including arms, ankles, legs, and ribs. Several witnesses
3 described that, until this day, they have pains in their feet, hands
4 or other body parts and are not able to walk or use them properly.
5 Numerous detainees lost teeth and still have scars from their
6 beatings. Many witnesses also recounted the lasting psychological
7 consequences of their ordeal. In particular, several witnesses
8 recounted suffering from headaches, problems sleeping, and long-term
9 depression.

10 The Panel found that the deliberate manner through which
11 detainees were kept in inhumane conditions and brutally and
12 repeatedly beaten demonstrates that at least the KLA members
13 identified in the Judgment intended to cause serious mental and
14 physical suffering to detainees.

15 In addition, detainees were frequently subjected to harsh
16 interrogations. Detainees were questioned about their jobs, about
17 alleged collaboration with Serbs, about Serb collaborators, why they
18 had become spies, why they had not joined the KLA, and one detainee
19 asked why he was not on "Thaci's side." In some locations, detainees
20 were forced to write statements, including names of alleged
21 collaborators. Detainees were, amongst other accusations, personally
22 accused of being "Serb collaborators," "spies," "traitors," "soldiers
23 of Rugova," supporting the LDK, joining FARK, and not supporting the
24 KLA.

25 The physical and psychological mistreatment, together with the

1 inhumane detention conditions, left several detainees with lasting
2 physical and psychological injuries.

3 The Panel therefore found that at least some of the KLA members
4 involved intentionally inflicted severe physical and psychological
5 harm and suffering on at least 303 individuals for the purpose of
6 obtaining a confession, punishing, intimidating, coercing, or
7 discriminating against them on the basis of ethnic or political
8 grounds.

9 Taking the mistreatment suffered by the victims as a whole, the
10 Panel found that between April 1998 and 20 June 1999, in
11 14 municipalities in Kosovo and at certain locations in two districts
12 of Northern Albania, KLA members intentionally committed acts or
13 omissions which caused serious mental or physical suffering or injury
14 upon at least 348 persons taking no active part in the hostilities,
15 whom they arbitrarily arrested and detained, or which constituted a
16 serious attack on their human dignity.

17 In addition, the Panel found that between April 1998 and
18 June 1999, in 14 municipalities in Kosovo and certain locations in
19 two districts in Northern Albania, KLA members intentionally
20 inflicted severe mental or physical pain or suffering upon at least
21 303 persons taking no active part in the hostilities, whom they
22 arbitrarily arrested and detained, in pursuance of purposes, such as
23 obtaining information or a confession, punishing, intimidating,
24 coercing, or discriminating against, on any grounds, the victim or a
25 third person.

1 For these reasons, the Panel found that the SPO established
2 beyond a reasonable doubt that the war crimes of cruel treatment,
3 Count 5, and Count 7, torture, were committed against at least 303
4 individuals. In respect of these individuals, the Panel found that
5 the charge of war crime of cruel treatment, Count 5, was fully
6 consumed by the charge of torture in Count 7.

7 The Panel also found that the SPO established beyond a
8 reasonable doubt that the war crime of cruel treatment in Count 5 was
9 committed against at least 49 individuals. In particular, the Panel
10 found that the offence of cruel treatment was not consumed by the
11 offence of torture in respect of the four victims who were subjected
12 to cruel treatment and torture in different detention sites, and
13 45 victims who were found to have been subjected to cruel treatment
14 but not torture.

15 Finally, the issue of murder.

16 I will now move to Count 9, murder as a war crime. The Panel
17 has found, based on the totality of the available evidence, that
18 between April 1998 and 20 June 1999, in 12 municipalities in Kosovo
19 and at a location in one district in Northern Albania, KLA members
20 intentionally committed acts or omissions resulting in the deaths of
21 at least 96 individuals taking no active part in hostilities. In
22 particular, at various locations controlled by members of the KLA in
23 Kosovo and Northern Albania, murder victims in this case were shot to
24 death and others died because of the severe beatings inflicted upon
25 them. Many of the murder victims' bodies were found in a condition

1 that involved further outrage upon their dignity.

2 For example, one witness, whose family member was detained by
3 the KLA in Likoc/Likovac and later transferred to a different
4 location, recounted that the victim's "family learnt about his death
5 from the media." The witness further recounted that when family
6 members went to retrieve the victim's body, which had been left at
7 the roadside, the victim's "arm had been broken, there were some
8 wounds in the stomach, and he had bruises and cuts on his hands," and
9 he was found wearing different clothes from those he had left in.

10 The bodies of some murder victims were never found, thus further
11 contributing to the pain of surviving relatives.

12 The Panel also found that, considering circumstances such as the
13 detention of murder victims prior to their death, their severe
14 physical assaults, the injuries their bodies, including gunshot
15 wounds, and the conditions and manner in which their bodies were
16 found, the only reasonable inference from the available evidence was
17 that at least some of the KLA members involved intended to kill
18 96 persons.

19 The Panel therefore found that between April 1998 and
20 20 June 1999 in 12 municipalities in Kosovo and at a location in one
21 district in Northern Albania, KLA members intentionally committed
22 acts or omissions resulting in the death of at least 96 persons
23 taking no active part in the hostilities.

24 For these reasons, the Panel found that the SPO proved beyond a
25 reasonable doubt that the war crime of murder under Count 9 was

1 committed.

2 I will now turn to the nature of the Accused's participation in
3 the commission of the charged crimes.

4 The Panel found that all four Accused and others in the KLA
5 leadership, including alleged JCE members, pursued the dual
6 objectives of securing Kosovo's independence and establishing
7 political and institutional control over what they hoped would be an
8 independent Kosovo. These objectives were to be achieved through
9 military, political, and other means. The Panel did not consider it
10 necessary to determine whether these dual objectives were, in
11 themselves, criminal or otherwise unlawful.

12 The Panel also found that, in seeking to achieve these goals,
13 and in the time period relevant to the charged crimes, the four
14 Accused and other JCE members shared an understanding that a critical
15 component of the means and strategy for achieving the KLA
16 leadership's goals was the targeting, eliminating, or neutralising of
17 certain individuals who were perceived and described as an impediment
18 to their goals, hereafter referred to as "Opponents."

19 The targeting of Opponents took the form of: (i) killings;
20 (ii) arrests and detention without due process; (iii) physical and
21 psychological mistreatment and other forms of abuse, intimidation and
22 harassment, including through the deployment of "special warfare"
23 against them. "Special warfare involved deploying a deliberate
24 narrative that cast certain individuals as collaborators of the
25 FRY/Serbian authorities or as an impediment to the KLA's war efforts

1 and therefore as a threat to the KLA. This "special warfare" had the
2 effect of legitimising and encouraging violence against them.

3 Those targeted by the KLA included various categories of people,
4 including: (i) members and representatives of or people associated
5 with other political or military forces, in particular the LDK and
6 the FARK, who had not fully renounced their loyalty to those
7 entities; (ii) individuals alleged to be associated with the
8 FRY/Serbian authorities; and (iii) members of ethnic minorities,
9 including a number of Roma and Serbs.

10 The Panel found that the existence of the common criminal
11 purpose was supported by multiple factors, the principal ones being:
12 (i) the pre-war targeting and assassination of ethnic Albanians as
13 suspected collaborators and ethnic Serbs as enemies, criminals or
14 occupiers and the use of communiqués to take credit for these attacks
15 and assassinations; (ii) the continued targeting of ethnic Albanians
16 and Serbs and others during the war for the same alleged reasons;
17 (iii) the use of wartime communiqués and political declarations to
18 take credit for "punitive measures" and issue warnings and threats
19 against other Opponents; (iv) the deployment of "special warfare"
20 against these Opponents; (v) the echoing of the messaging in
21 communiqués by Hashim Thaci, Jakup Krasniqi, and Rexhep Selimi; (vi)
22 the assignment to the military police to monitor and arrest
23 suspicious people and the intelligence service to search for,
24 identify and neutralise suspected collaborators; (vii) the
25 establishment of detention sites to hold such individuals and the

1 fact that there was a similar pattern of conduct across these
2 detention sites and across areas controlled by the KLA; (viii) the
3 search for individuals based on, amongst other things, lists of
4 collaborators or suspicious persons or on the basis of information
5 received from the intelligence sector; (ix) the clear pattern of
6 crimes committed across the KLA detention facilities and
7 *modus operandi* of the individuals concerned; and (x) the tolerance,
8 acceptance, and encouragement of these crimes by members of the JCE
9 and the associated existence of a general policy of impunity in
10 respect of the crimes committed against the Opponents.

11 It is not the goals that the Accused sought to achieve that
12 rendered their acts criminal. It is the means by which they sought
13 to achieve them that did, in particular, the systematic arrest,
14 detention, mistreatment and killings of those the Accused perceived
15 or described as the Opponents.

16 While the responsibility of the Accused is individual and
17 personal, what they did could not have been achieved by one
18 individual. They did so together, single-mindedly, and with the
19 assistance of others. They agreed to a common criminal purpose
20 together; decided to build a system to achieve it together; set up
21 detention facilities together; established and regulated a military
22 police, an intelligence service and special units, and gave them the
23 task to fulfil their criminal plan; gave themselves and each other
24 roles, titles and positions in which they controlled the
25 implementation of the common criminal purpose; together they

1 appointed others to important positions; issued communiqués that
2 spread their views and policies, attacked enemies and took credit for
3 murders and detention, together; they secured complete impunity for
4 the perpetrators of these crimes as matter of policy, again together.

5 Others, in particular, Fatmir Limaj, Sabit Geci,
6 Rrustem Mustafa, and Latif Gashi, were eager implementers of the
7 criminal purpose targeting Opponents.

8 The plan was as simple as it was harmful. In particular, the
9 entailed: (i) setting up detention facilities in all areas
10 controlled by the KLA; (ii) identifying individuals perceived as
11 opposing the KLA; and (iii) arresting and detaining them and, if
12 necessary, killing them.

13 That plan was systematically and ruthlessly implemented, all
14 through the territory controlled by the KLA and all through the
15 conflict. No steps were taken by any of the Accused to stop it,
16 prevent it, attenuate it or roll it back. Instead, they each and all
17 contributed to it, encouraged it and facilitated its implementation.
18 It was their plan and they stuck to it until they could not, and did
19 not need to, anymore.

20 Contrary to what the Defence has argued, these crimes were not
21 the consequence of some local blood feuds, personal revenge, gangs of
22 thugs or returning civilians. They were all the consequences of a
23 plan, a criminal plan, that had been devised by the Accused and
24 others and which they implemented personally and through others all
25 through the conflict.

1 I will now turn to the Accused's significant contribution to the
2 implementation of the common criminal purpose. In relation to
3 Mr. Thaci, the Panel found that Mr. Thaci significantly contributed
4 to the implementation of the common criminal purpose. In particular,
5 the Panel found that Hashim Thaci, as a member of the General Staff
6 and in his capacity as the head of the Political Directorate, was a
7 key member in formulating and implementing the common criminal
8 purpose. In this respect, the Panel found that the
9 Political Directorate had almost exclusive authority over the KLA's
10 political decisions and created the KLA's political vision and
11 expressed it publicly. This included the targeting of alleged
12 "collaborators," the setting up of a structure, competent bodies and
13 regulations to do so, and the deployment of "special warfare" against
14 Opponents, including through the publication of communiqués and
15 political declarations and other public statements. Pursuant to the
16 common purpose, Mr. Thaci, jointly with the other Accused, appointed
17 loyal individuals to core commanding positions that ensured that they
18 kept control at all times over the KLA and ensured that their plan
19 was fully and effectively implemented down the chain. Many of those
20 loyalists who were appointed or chosen by the Accused went on to
21 commit crimes or were aware that crimes were being committed pursuant
22 to the common purpose.

23 In addition, Mr. Thaci participated in, and encouraged, the
24 commission of crimes in a variety of ways, including the following.
25 Through the publication of communiqués and political declarations and

1 the deployment of "special warfare," Mr. Thaci expressed tolerance
2 and encouragement for the commission of crimes against Opponents.
3 Mr. Thaci also personally participated in crimes, including the
4 arrest, detention, and interrogation of 13 parliamentarians at
5 Qirez/Cirez and Baice/Banjica, the arrest, detention, transfer, and
6 murder of Behajdin Allaqi and had knowledge of the arrest and
7 detention of several other individuals. In relation to
8 Behajdin Allaqi, the Panel found that, in 1993, Behajdin Allaqi was
9 involved in a serious dispute with Hashim Thaci and Azem Sylja, who
10 accused him of having brought an alleged Serbian spy, Shaban Shala,
11 into the political movement to which they belonged, thus causing
12 serious risks to the members of that movement. This resulted in
13 Mr. Thaci taking over the role that had been promised to
14 Behajdin Allaqi. The Panel has also determined that prior to his
15 disappearance, Behajdin Allaqi had been subject to surveillance from
16 the KLA intelligence service. Hashim Thaci and Kadri Veseli had
17 demanded to be informed of his presence at the KLA headquarters in
18 Drenoc/Drenovac. On or about 11 June 1998, Behajdin Allaqi left his
19 home and went to the KLA headquarters in Drenoc/Drenovac. Sometime
20 thereafter, Mr. Thaci and Kadri Veseli arrived. They took
21 Behajdin Allaqi away in handcuffs. Behajdin Allaqi was never seen
22 again, and the Panel is satisfied that he was murdered. To hide
23 their responsibility, those concerned took various steps. On
24 1 November 1998, Communiqué 61 was published by the KLA General Staff
25 claiming that Behajdin Allaqi had died as a martyr in battle. This

1 was a smokescreen intended to hide the truth of what had happened to
2 Behajdin Allaqi. Similarly, following the war, Hashim Thaci,
3 Kadri Veseli, and Azem Sylja tried to placate the family of
4 Behajdin Allaqi with bribes and promises so that they would abandon
5 their quest for justice and truth. It is to their intense and
6 immense credit that the family resisted these efforts. Shaban Shala
7 too had been arrested and mistreated by the KLA in Drenoc/Drenovac.
8 He, too, was murdered in circumstances described in our Judgment.

9 The Panel also found that Mr. Thaci had contemporaneous
10 knowledge of a significant number of crimes against Opponents, in
11 particular, their unlawful arrest and detention, mistreatment and
12 murder. Despite this knowledge, Mr. Thaci took no steps to prevent,
13 investigate or punish these crimes. Instead, as already stated,
14 Mr. Thaci actively participated in and encouraged crimes, including
15 by promoting individuals involved in crimes. He also disseminated or
16 helped disseminate false information about detainees and victims of
17 the crimes by KLA members, gave false assurances of compliance with
18 international humanitarian law on behalf of the KLA, contributed to
19 the policy of impunity in respect of the perpetrators of crimes
20 against Opponents, and showed a ruthless ability to remove and
21 eliminate political impediments to their exclusive leadership of the
22 war.

23 Turning to Mr. Veseli, the Panel found that Mr. Veseli
24 significantly contributed to the implementation of the common
25 purpose. In particular, the Panel found that Kadri Veseli was the

1 head of the Intelligence Directorate, whose primary responsibilities
2 included identifying, obtaining information about, monitoring and
3 neutralising persons deemed to be suspicious of being
4 "collaborators." Accordingly, the Intelligence Directorate was one
5 of the primary vehicles through which the common criminal purpose was
6 implemented, and Mr. Veseli was, at all relevant times, a key member
7 in implementing the common purpose.

8 Pursuant to the common purpose, Mr. Veseli, jointly and with
9 other Accused, appointed loyal individuals to core positions in order
10 to ensure the effective implementation of their plan. As already
11 stated, many of those individuals either went on to commit crimes or
12 were aware that crimes were being committed pursuant to their common
13 purpose.

14 In addition, the Panel found that Mr. Veseli participated in and
15 encouraged the commission of crimes. In particular, Mr. Veseli was
16 personally involved in the implementation of the General Staff's
17 "special warfare," as the head of the Intelligence Directorate and as
18 a member of the Political Directorate, was personally involved in the
19 process of identification and targeting of Opponents, many of whom
20 were eventually murdered, and personally participated in crimes,
21 including the arrest, detention, transfer, and murder of
22 Behajdin Allaqi, and the arrest, detention, transfer, and release of
23 another KLA detainee. The Panel also found that Mr. Veseli had
24 contemporaneous knowledge of crimes against Opponents, in particular,
25 their unlawful arrest and detention, mistreatment and murder.

1 Despite this knowledge, Mr. Veseli took no steps to prevent,
2 investigate or punish these crimes. Instead, as already stated,
3 Mr. Veseli actively participated in and encouraged crimes and
4 continued to head the very entity that was most responsible for the
5 targeting, arrest, detention and, in some cases, murders of perceived
6 Opponents.

7 The Panel notes in this context that the so-called intelligence
8 on which many of these victims were arrested, detained and killed was
9 little more than unverified rumours. Based on that information,
10 victims were called and described as "spies" and "collaborators" and
11 violently treated as such. In reality, there is no indication that
12 the victims in this case were spies or collaborators. In the minds
13 of those concerned, the fact that they had not expressed full loyalty
14 or support for the KLA, or were linked to another political
15 organisation, or had Serbian friends or jobs in Serbian companies was
16 enough to treat them as collaborators of the military enemy.

17 Turning to Mr. Selimi, the Panel found that Mr. Selimi
18 significantly contributed to the implementation of the common
19 purpose. The Panel found that Rexhep Selimi was a foundational
20 member of the KLA and a member of the General Staff since before the
21 conflict, and, in these roles, participated in the dissemination of
22 both pre-war and war communiqués. The Panel has also determined that
23 his official position as inspector general gave him less authority
24 over other members of the KLA than was the case with the other
25 Accused. The Panel found, however, that Mr. Selimi, as a member of

1 the General Staff and in his capacities as the head of the
2 Operational Directorate and the KLA inspector general, was
3 instrumental in establishing the operational zones and units of the
4 KLA. In this respect, the Panel emphasised that the establishment of
5 the operational zones and units was not in and of itself criminal.
6 Nonetheless, the Panel found that Mr. Selimi regularly inspected
7 these operational zones and units, including receiving frequent
8 reports about the "suspected persons" and "collaborators." The Panel
9 is, therefore, satisfied that Mr. Selimi was aware that the KLA
10 units, which he was responsible for inspecting, were targeting
11 "suspected persons" and "collaborators" pursuant to the common
12 purpose. Because of his involvement in pre-war attacks against
13 collaborators and the existence of communiqués taking responsibility
14 for these attacks, he was fully aware that this was the KLA's policy.
15 Pursuant to the common purpose, Mr. Selimi, jointly with the other
16 Accused, appointed loyal individuals to core positions, many of whom
17 either went on to commit crimes or were aware that crimes were being
18 committed pursuant to the common purpose.

19 In addition, the Panel found that Mr. Selimi encouraged and
20 participated in crimes in a variety of ways that are described in
21 full in the Judgment. In particular, Mr. Selimi participated in the
22 arrest and detention of 13 parliamentarians in Qirez/Cirez and was
23 present at several charged crime sites. The Panel also found that
24 Mr. Selimi encouraged the commission of crimes by participating in
25 the General Staff's "special warfare," by taking no actions to

1 prevent, stop or punish crimes when receiving reports of crimes being
2 committed and by setting a precedent that crimes were acceptable by
3 personally participating in crimes. The Panel also found that
4 Mr. Selimi had contemporaneous knowledge of a significant number of
5 crimes against Opponents, in particular, their unlawful arrest and
6 detention, mistreatment, and murder. Despite this knowledge,
7 Mr. Selimi took no steps to prevent, investigate, or punish these
8 crimes. Instead, as already stated, Mr. Selimi encouraged the
9 commission of crimes and ensured that multiple JCE Member and others
10 involved in crimes were promoted rather than punished, including by
11 promoting individuals who had been involved in crime when he became
12 the minister of public order in the PGoK. In one instance, he
13 personally intervened to ensure that four KLA members who had been
14 detained for setting up an illegal detention facility were released
15 and thus enjoyed impunity. As inspector general, he completely
16 failed to ensure that the KLA operated in compliance with its
17 obligations under international humanitarian law and, instead,
18 tolerated serious violations of that law.

19 Turning now to Mr. Krasniqi, the Panel found that Mr. Krasniqi
20 significantly contributed to the implementation of the common
21 purpose. In particular, the Panel found that Jakup Krasniqi, as a
22 member of the General Staff and the Political Directorate, and as
23 spokesperson and as a deputy commander of the KLA, was a key member
24 in formulating and implementing the policy to target Opponents. In
25 particular, the Panel found that Mr. Krasniqi, together with

1 Hashim Thaci, used his role as a political member of the Political
2 Directorate and as the KLA spokesperson to formulate and implement a
3 policy to target Opponents. Mr. Krasniqi, through the publication of
4 communications -- I'm sorry, publication of communiqués and political
5 statements and other public speeches, as well as orders, encouraged
6 the commission of crimes against individuals perceived as Opponents,
7 including through the KLA's "special warfare." These statements,
8 among other things, took responsibility for assassinations of, and
9 "punitive measures" against, "collaborators" and encouraged and
10 expressed tolerance of crimes against Opponents, such as
11 "collaborators are warned" - this is a quote from one of the
12 communiqués - "collaborators are warned that we will kill them if
13 they continue to follow the wrong path," thereby disseminating and
14 promoting the common purpose. Pursuant to the common purpose,
15 Mr. Krasniqi, jointly with the other Accused, appointed loyal
16 individuals to core positions and created the framework and entities,
17 such as the military police, intelligence and counterintelligence
18 service and special units, tasked with and responsible for the
19 implementation of the policy against Opponents.

20 Mr. Krasniqi had contemporaneous knowledge of a significant
21 number of crimes against Opponents, in particular, their unlawful
22 arrest and detention, mistreatment, and murder. Despite this
23 knowledge, Mr. Krasniqi took no meaningful steps to prevent,
24 investigate or punish these crimes. Instead, Mr. Krasniqi engaged in
25 efforts to deny that these crimes were being committed by seeking to

1 portray the KLA as compliant with international humanitarian law,
2 denied specific allegations that some members of the KLA were
3 committing crimes and, in meetings with internationals, denied or
4 minimised these practices.

5 The Panel also found that all four Accused shared the common
6 criminal purpose, contributed significantly to it and intended that
7 the relevant crimes associated with that common criminal purpose be
8 committed.

9 For these reasons, the Panel found that all four Accused -
10 Mr. Thaci, Mr. Veseli, Mr. Selimi, and Mr. Krasniqi - are criminally
11 responsible, through their significant contribution to a joint
12 criminal enterprise, for the war crime of arbitrary detention in
13 Count 3 against 385 individuals, cruel treatment in Count 5 against
14 49 individuals, torture in Count 7 against 303 individuals, and
15 murder in Count 9 against 96 individuals.

16 The Panel also found that a number of other individuals -
17 Lahi Brahimaaj, Fatmir Limaj, Sylejman Selimi, Rrustem Mustafa,
18 Latif Gashi, Shukri Buja, and Sabit Geci - shared and agreed to the
19 common criminal purpose and participated in its realisation. As
20 such, they too were found to be members of the alleged JCE, although
21 no finding of guilt was made in respect of them and they are still
22 entitled to be presumed innocent.

23 I will now turn to sentencing. I will briefly summarise the
24 purpose of sentencing and the factors considered by the Panel to
25 determine the appropriate sentence for the crimes of which the

1 Accused are criminally responsible.

2 The Panel recalls that retribution and deterrence are primary
3 purposes of sentencing an individual convicted of a crime.

4 Moreover, the Panel wishes to underline the importance of
5 bringing to justice the perpetrators of crimes so serious that they
6 are of concern to the international community as a whole. Another
7 important purpose of sentencing is the acknowledgement of the harm
8 and suffering caused to the victims and society at large.

9 The factors relevant to the determination of a sentence
10 includes: (i) first and foremost, the gravity of the crime and its
11 consequences; (ii) the nature and extent of the Accused's
12 involvement; (iii) the individual circumstances of the relevant
13 person; and (iv) the existence of other aggravating and mitigating
14 factors.

15 As to the gravity of the crimes, the Panel considers that the
16 scale and nature of the crimes committed were very serious. In
17 particular, crimes were widespread and committed by KLA members
18 across 14 municipalities in Kosovo and at certain locations in two
19 districts in Northern Albania. At least 385 individuals were
20 arrested and arbitrarily detained, subjected to cruel and inhumane
21 treatment, tortured and, in 96 cases, murdered by members of the KLA.

22 All these crimes are grave in nature, noting that arbitrary
23 detention exposes victims to additional human rights violations;
24 cruel treatment and torture represent a severe assault on human
25 dignity, and physical and psychological well-being; and murder is

1 inherently one of the most serious crimes.

2 The Panel also took into account that a considerable number of
3 victims were particularly vulnerable. Some individuals were arrested
4 and detained together with family members and had to hear and witness
5 the mistreatment or killing of their family members. Some detainees
6 were women and children. For example, an infant of 12 to 14 months
7 old was detained for 10 days with his mother in Malisheve/Malishevo,
8 and a 14-year-old boy was detained in Llapashtice/Lapastica. Other
9 individuals faced a heightened degree of vulnerability because of
10 their old age. For example, a 70-year-old man was severely beaten to
11 the extent that his face was "smashed up" - this is a quote -
12 "smashed up" and covered in blood.

13 Lastly, as already mentioned when addressing the charged crimes,
14 the Panel also considered the heightened cruelty of some of the
15 crimes committed and that the crimes and -- I'm sorry, and that the
16 victims and their families in these cases suffered lasting physical
17 and psychological injuries as a result of the crimes.

18 For these reasons, the Panel assessed the gravity of the
19 consequences of the crimes as being extremely serious.

20 In the words of a noted professor, Howard Zinn, "There is no
21 flag large enough to cover the shame of killing innocent people."

22 The Panel also assessed the nature and extent of the Accused's
23 involvement. The relevant factors have already been set out before
24 and will not be repeated.

25 The Panel will turn now to assess the individual circumstances

1 of the Accused as well as the other aggravating and mitigating
2 factors.

3 Hashim Thaci. I will turn to Mr. Thaci first.

4 In terms of aggravating circumstances, the Panel weighed -- the
5 Panel accorded weight to Mr. Thaci's abuse of his authority. In
6 particular, the Panel found that Hashim Thaci used his position,
7 leadership, authority, and standing to enforce the criminal aspects
8 of the common purpose.

9 In terms of mitigating circumstances, the Panel accorded limited
10 weight only to the following:

11 a. Mr. Thaci's role in advocating for the establishment of the
12 Specialist Chambers;

13 b. Mr. Thaci's resigning as President of Kosovo and voluntarily
14 surrendering and cooperating with the SPO;

15 c. Mr. Thaci attending interviews with the SPO in 2020;

16 d. Mr. Thaci playing, to a certain extent, a constructive role
17 in UNMIK's peacebuilding aims; and

18 e. Mr. Thaci's family circumstances.

19 Finally, the Panel did not accord any significant weight to any
20 other factors advanced in mitigation.

21 As to Kadri Veseli, in terms of aggravating circumstances, the
22 Panel accorded weight to Mr. Veseli's abuse of his authority. In
23 particular, the Panel found that Kadri Veseli used his position,
24 leadership, authority, and standing to enforce the criminal aspects
25 of the common purpose.

1 In terms of mitigating circumstances, the Panel accorded weight
2 to the following:

3 a. Mr. Veseli is married and has school-aged children, although
4 only limited weight was given to this factor;

5 b. Mr. Veseli has, with one exception, displayed good conduct
6 throughout the proceedings, although only limited weight was given to
7 this factor; and

8 c. Mr. Veseli voluntarily surrendered to the SPO, although only
9 limited weight was given to this factor.

10 Finally, the Panel did not accord any significant weight to any
11 of the other factors advanced in mitigation.

12 I turn now to Mr. Selimi.

13 In terms of aggravating circumstances, the Panel accorded weight
14 to Mr. Selimi's abuse of his authority. In particular, the Panel
15 found that Mr. Rexhep Selimi's failure to prevent and punish
16 violations of IHL by KLA members, viewed in light of his authority,
17 knowledge, and ability to intervene, amounted to an abuse of his
18 position and authority.

19 In terms of mitigating circumstances, the Panel accorded
20 mitigating weight to:

21 a. Mr. Selimi has a wife and children with whom he claims to
22 have a strong bond, although only limited weight was given to this
23 factor;

24 b. Mr. Selimi cooperated with the SPO and attended interviews
25 with them in 2019 and 2020 during which he generally gave candid

1 answers; and

2 c. Mr. Selimi voluntarily surrendered to the SPO and cooperated
3 with the SPO when they searched his home, although only a limited
4 weight was given to this factor.

5 Finally, the Panel did not accord any significant weight to any
6 of the other factors advanced in mitigation.

7 I now turn to Mr. Krasniqi.

8 In terms of aggravating circumstances, the Panel accorded weight
9 to Mr. Krasniqi's abuse of his authority. In particular, the Panel
10 found that Jakup Krasniqi used his position, leadership, authority,
11 and standing to enforce criminal aspects of the common purpose.

12 In terms of mitigating circumstances, the Panel accorded
13 mitigating weight to:

14 a. Mr. Krasniqi's advanced age;

15 b. Mr. Krasniqi's family circumstances; and

16 c. *Proprio motu*, that Mr. Krasniqi has largely exhibited good
17 behaviour during the court proceedings.

18 Finally, the Panel did not accord any significant weight to any
19 of the factors advanced in mitigation -- to the other factors
20 advanced in mitigation.

21 This completes the summary of the Panel's findings.

22 I will now pronounce the verdict, which I will pronounce in the
23 following order: First, Mr. Thaci, then Mr. Krasniqi, then
24 Mr. Veseli, then Mr. Selimi.

25 Mr. Hashim Thaci, please stand.

1 Mr. Thaci, in the name of the people of Kosovo, and for the
2 reasons set out in the Judgment and summarised above, and having
3 considered all the evidence and the arguments of the Parties and the
4 Victims' Counsel, the Panel, pursuant to Articles 43 and 44 of the
5 Law and Rules 158, 159 and 163 of the Rules, finds you, Hashim Thaci,
6 guilty of:

7 a. Count 3, Illegal or Arbitrary Arrest and Detention as a War
8 Crime under Articles 14(1)(c) and 16(1)(a) of the Law, committed
9 against at least 385 persons;

10 b. Count 5, Cruel Treatment as a War Crime under Articles
11 14(1)(c)(i) and 16(1)(a) of the Law, committed against at least 49
12 persons;

13 c. Count 7, Torture as a War Crime under Articles 14(1)(c)(i)
14 and 16(1)(a) of the Law, committed against at least 303 persons; and

15 d. Count 9, Murder as a War Crime under Articles 14(1)(c)(i)
16 and 16(1)(a) of the Law, committed against 96 persons.

17 The Panel finds you not guilty of a number of incidents of war
18 crimes because they were not proven beyond a reasonable doubt, or
19 because the charge was absorbed by another more specific one, or
20 because the incident in question was found to fall outside of the
21 court's jurisdiction.

22 The Panel finds you not guilty of the crimes against humanity of
23 persecution, imprisonment, other inhumane acts, torture, murder, and
24 enforced disappearance under Counts 1, 2, 4, 6, 8 and 10.

25 I will now pronounce the sentence.

1 Mr. Thaci, given that you have been found guilty of more than
2 one crime, the Panel has determined an individual sentence for each
3 crime for which a conviction has been entered, pursuant to Rule
4 163(4) of the Rules. I will therefore first set out the individual
5 sentences, thereafter I will pronounce a single sentence for the
6 totality of your criminal -- for the totality of your criminal
7 conduct.

8 The Panel has determined:

9 a. a term of 15 years of imprisonment for the war crime of
10 illegal or arbitrary arrest and detention (Count 3);

11 b. a term of 4 years of imprisonment for the war crime of cruel
12 treatment (Count 5);

13 c. a term of 20 years of imprisonment for the war crime of
14 torture (Count 7); and

15 d. a term of 23 years of imprisonment for the war crime of
16 murder (Count 9).

17 The Panel now sentences you to a single sentence of 25 years of
18 imprisonment, with credit for time served.

19 Mr. Thaci, you may be seated.

20 Mr. Krasniqi, please stand.

21 PRESIDING JUDGE SMITH: Mr. Krasniqi, in the name of the people
22 of Kosovo, and for the reasons set out in the Judgment and summarised
23 above, and having considered all the evidence and the arguments of
24 the Parties and Victims' Counsel, the Panel, pursuant to Articles 43
25 and 44 of the Law and Rules 158, 159, and 163 of the Rules finds you,

1 Jakup Krasniqi, guilty of:

2 a. Count 3, Illegal or Arbitrary Arrest and Detention as a War
3 Crime under Articles 14(1)(c) and 16(1)(a) of the Law, committed
4 against at least 385 persons;

5 b. Count 5, Cruel Treatment as a War Crime under Articles
6 14(1)(c)(i) and 16(1)(a) of the Law, committed against at least 49
7 persons;

8 c. Count 7, Torture as a War Crime under Articles 14(1)(c)(i)
9 and 16(1)(a) of the Law, committed against at least 303 persons; and

10 d. Count 9, Murder as a War Crime under Articles 14(1)(c)(i)
11 and 16(1)(a) of the Law, committed against 96 persons.

12 The Panel finds you not guilty of a number of incidents of war
13 crimes because they were not proven beyond a reasonable doubt, or
14 because the charge was absorbed by another more specific one, or
15 because the incident in question was found to fall outside of the
16 Court's jurisdiction.

17 The Panel finds you not guilty of the crimes against humanity of
18 persecution, imprisonment, other inhumane acts, torture, murder and
19 enforced disappearance under Counts 1, 2, 4, 6, 8 and 10.

20 I will now pronounce the sentence.

21 Mr. Krasniqi, given that you have been found guilty of more than
22 one crime, the Panel has determined an individual sentence for each
23 crime for which a conviction has been entered, pursuant to Rule
24 163(4) of the Rules. I will therefore first set out the individual
25 sentences, thereafter I will pronounce a single sentence for the

1 totality of your criminal conduct.

2 The Panel has determined:

3 a. a term of 15 years of imprisonment for the war crime of
4 illegal or arbitrary arrest and detention (Count 3);

5 b. a term of 4 years of imprisonment for the war crime of cruel
6 treatment (Count 5);

7 c. a term of 20 years of imprisonment for the war crime of
8 torture (Count 7); and

9 d. a term of 23 years of imprisonment for the war crime of
10 murder (Count 9).

11 The Panel sentences you to a single sentence of 25 years of
12 imprisonment, with credit for the time served.

13 You may be seated, Mr. Krasniqi.

14 Mr. Veseli, please stand.

15 Mr. Veseli, in the name of the people of Kosovo, and for the
16 reasons set out in the Judgment and summarised above, and having
17 considered all the evidence and the arguments of the Parties and
18 Victims' Counsel, the Panel, pursuant to Articles 43 and 44 of the
19 Law and Rules 158, 159 and 163 of the Rules, finds you, Kadri Veseli,
20 guilty of:

21 a. Count 3, Illegal or Arbitrary Arrest and Detention as a War
22 Crime, under Articles 14(1)(c) and 16(1)(a) of the Law, committed
23 against at least 385 persons;

24 b. Count 5, Cruel Treatment as a War Crime under Articles
25 14(1)(c)(i) and 16(1)(a) of the Law, committed against at least 49

1 persons;

2 c. Count 7, Torture as a War Crime under Articles 14(1)(c)(i)
3 and 16(1)(a) of the Law, committed against at least 303 persons; and

4 d. Count 9, Murder as a War Crime, under Articles 14(1)(c)(i)
5 and 16(1)(a) of the Law, committed against 96 persons.

6 The Panel finds you not guilty of a number of incidents of war
7 crimes because they were not proven beyond a reasonable doubt, or
8 because the charge was absorbed by another more specific one, or
9 because the incident in question was found to fall outside of the
10 court's jurisdiction.

11 The Panel finds you not guilty of the crimes against humanity of
12 persecution, imprisonment, other inhumane acts, torture, murder and
13 enforced disappearance under Counts 1, 2, 4, 6, 8 and 10.

14 I will now pronounce the sentence.

15 Mr. Veseli, given that you have been found guilty of more than
16 one crime, the Panel has determined an individual sentence for each
17 crime for which a conviction has been entered, pursuant to Rule
18 163(4) of the Rules. I will therefore first set out the individual
19 sentences, thereafter I will pronounce a single sentence for the
20 totality of your criminal conduct.

21 The Panel has determined:

22 a. a term of 10 years of imprisonment for the war crime of
23 illegal or arbitrary arrest and detention (Count 3);

24 b. a term of 3 years of imprisonment for the war crime of cruel
25 treatment (Count 5);

1 c. a term of 13 years of imprisonment for the war crime of
2 torture (Count 7); and

3 d. a term of 16 years of imprisonment for the war crime of
4 murder (Count 9).

5 The Panel sentences you to a single sentence of 18 years of
6 imprisonment, with credit for time served.

7 Mr. Veseli, you may be seated.

8 Mr. Selimi, you may please stand.

9 Mr. Rexhep Selimi, in the name of the people of Kosovo, and for
10 the reasons set out in the Judgment and summarised above, and having
11 considered all of the evidence and the arguments of the Parties and
12 Victims' Counsel, the Panel, pursuant to Articles 43 and 44 of the
13 Law, and Rules 158, 159 and 163 of the Rules, finds you, Rexhep
14 Selimi, guilty of:

15 a. Count 3, Illegal or Arbitrary Arrest and Detention as a War
16 Crime under Articles 14(1)(c) and 16(1)(a) of the Law, committed
17 against at least 385 persons;

18 b. Count 5, Cruel Treatment as a War Crime under Articles
19 14(1)(c)(i) and 16(1)(a) of the Law, committed against at least 49
20 persons;

21 c. Count 7, Torture as a War Crime under Articles 14(1)(c)(i)
22 and 16(1)(a) of the Law, committed against at least 303 persons; and

23 d. Count 9, Murder as a War Crime under Articles 14(1)(c)(i)
24 and 16(1)(a) of the Law, committed against 96 persons.

25 The Panel finds you not guilty of a number of incidents of war

1 crimes because they were not proven beyond a reasonable doubt, or
2 because the charge was absorbed by another more specific one, or
3 because the incident in question was found to fall outside of the
4 court's jurisdiction.

5 The Panel finds you not guilty of the crimes against humanity of
6 persecution, imprisonment, other inhumane acts, torture, murder and
7 enforced disappearance under Counts 1, 2, 4, 6, 8, and 10.

8 I will now pronounce the sentence.

9 Mr. Selimi, given that you have been found guilty of more than
10 one crime, the Panel has determined that an individual sentence for
11 each crime for which a conviction has been entered, pursuant to Rule
12 163(4) of the Rules, I will therefore first set out the individual
13 sentences, thereafter I will pronounce a single sentence for the
14 totality of your criminal conduct.

15 The Panel has determined:

16 a. a term of 6 years of imprisonment for the war crime of
17 illegal or arbitrary arrest and detention (Count 3);

18 b. a term of 2 years of imprisonment for the war crime of cruel
19 treatment (Count 5);

20 c. a term of 8 years of imprisonment for the war crime of
21 torture (Count 7); and

22 d. a term of 11 years of imprisonment for the war crime of
23 murder (Count 9).

24 The Panel sentences you to a single sentence of 13 years of
25 imprisonment, with credit for time served.

1 Mr. Selimi, you may be seated.

2 The Registry shall now distribute the Judgment in electronic
3 form and provide certified copies of the English version to the
4 Accused. The Albanian version shall be served to the Accused once it
5 is ready. The Panel instructs the Court Officer to distribute the
6 Judgment.

7 THE COURT OFFICER: Your Honours, the Confidential Trial
8 Judgment, filing F3782, has been processed and notified
9 electronically to the relevant and authorised recipients.

10 PRESIDING JUDGE SMITH: Thank you.

11 Thank you, Mr. Court Officer. Madam Court Officer has indicated
12 that the electronic version has been served as well.

13 The Panel recalls that the issue of reparations, in respect of
14 which it has received submissions from the Parties and Victims'
15 Counsel prior to the closing of the case, is pending before the Panel
16 and that it will shortly issue a scheduling order in respect of this
17 matter.

18 We are now adjourned.

19 --- Whereupon the proceedings adjourned at
20 11.38 a.m.