

**UNITED
NATIONS**

International Tribunal for the
Prosecution of Persons
Responsible for Serious Violations of
International Humanitarian Law
Committed in the Territory of the
former Yugoslavia since 1991

Case No. IT-04-84bis-PT
Date: 9 November 2010

IN TRIAL CHAMBER II

Before: Judge Bakone Justice Moloto, Presiding
Judge Burton Hall
Judge Guy Delvoie

Registrar: Mr. John Hocking

THE PROSECUTOR

v.

**RAMUSH HARADINAJ
IDRIZ BALAJ
LAHI BRAHIMAJ**

PUBLIC

**SUBMISSION OF NEW VERSION OF THE REVISED FOURTH
AMENDED INDICTMENT**

The Office of the Prosecutor:

Mr. Paul Rogers

Counsel for the Defence:

Mr. Ben Emmerson QC and Mr. Rodney Dixon for Ramush Haradinaj
Mr. Gregor Guy-Smith and Ms. Colleen Rohan for Idriz Balaj
Mr. Richard Harvey and Mr. Paul Troop for Lahi Brahimaj

**THE INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIA**

Case No. IT-04-84bis-PT

THE PROSECUTOR

v.

**RAMUSH HARADINAJ
IDRIZ BALAJ
LAHI BRAHIMAJ**

PUBLIC

**SUBMISSION OF NEW VERSION OF THE REVISED FOURTH AMENDED
INDICTMENT**

1. Pursuant to the Trial Chamber's order of 3 November 2010 and in compliance with paragraphs 50 and 51 of the Appeals Chamber's Judgement,¹ the Prosecution hereby submits a new "tracked" version as well as a "clean" version of the new Revised Fourth Amended Indictment ("Revised Indictment") corresponding to what is at issue in the partial retrial with paragraphs and counts numbered consecutively.
2. The Prosecution has adjusted the pleading of the Revised Indictment to reflect that it is not seeking a further conviction against Lahi Brahimaaj for committing the crimes charged in Count 3 (former Count 28) and in relation to Count 5 (former Count 32) as regards Witness 3, by virtue of his participation in a joint criminal enterprise. However, the Prosecution considers that his acts and omissions in relation to those Counts are relevant to the joint criminal enterprise and reserves the right to adduce evidence of those crimes for which he has already been convicted in order to prove the joint criminal enterprise.

¹ Order regarding the Revised Fourth Amended Indictment, 3 November 2010, p. 2; *Prosecutor v. Haradinaj et al.*, Case No.IT-04-84-A, Judgement, 21 July 2010, paras. 50, 51.

3. As Lahi Brahimaj was convicted under Count 5 (former Count 32) only in relation to the allegations in paragraphs 60 to 63 of the Revised Indictment concerning Witness 3,² the Prosecution understands the reference in paragraph 51 of the Appeal Judgement that “Lahi Brahimaj will therefore not be retried in relation to [Counts 28 and 32]” as being limited to the parts of the counts he was convicted of. Therefore, the Appeals Chamber’s order should be read as an order to retry Lahi Brahimaj for his participation in the joint criminal enterprise under Count 5 (former Count 32) in relation to the crimes against Pal Krasniqi and Skender Kuqi charged in the Revised Indictment.

4. Annex A contains the “tracked” version of the new Revised Fourth Amended Indictment which highlights the revisions made. Annex B contains a “clean” version of the new Revised Fourth Amended Indictment.

5. The Prosecution reserves the right to present evidence of removed allegations where this evidence is deemed relevant to the retrial case.

Word Count: 388



Paul Rogers
Senior Trial Attorney

Dated this 9th day of November 2010
At The Hague, The Netherlands

² *Prosecutor v. Haradinaj et al.*, Case No.IT-04-84-T, Judgement, 3 April 2008, paras.424, 437, 451, 478.

**THE INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIA**

Case No. IT-84bis-PT

THE PROSECUTOR

v.

**RAMUSH HARADINAJ
IDRIZ BALAJ
LAHI BRAHIMAJ**

PUBLIC APPENDIX A TO

**SUBMISSION OF NEW VERSION OF THE REVISED
FOURTH AMENDED INDICTMENT**

**THE INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIA**

CASE NO: IT-04-84~~bis~~-PT

THE PROSECUTOR OF THE TRIBUNAL

AGAINST

**RAMUSH HARADINAJ
IDRIZ BALAJ
LAHI BRAHIMAJ**

REVISED FOURTH AMENDED INDICTMENT

The Prosecutor of the International Criminal Tribunal for the former Yugoslavia, pursuant to her authority under Article 18 of the Statute of the International Criminal Tribunal for the former Yugoslavia, charges:

**Ramush Haradinaj
Idriz Balaj
Lahi Brahimaj**

with ~~CRIMES AGAINST HUMANITY~~ and **VIOLATIONS OF THE LAWS OR CUSTOMS OF WAR** as set forth below:

THE ACCUSED

1. **Ramush Haradinaj** (also known as “Smajl”) was born on 3 July 1968 in Glodane/Gllogjan,¹ in the municipality of Dečani/Deçan in Kosovo, in the former Yugoslavia.
2. From at least 1 March 1998 until mid-June 1998, **Ramush Haradinaj** was a *de facto* commander in the *Ushtria Çlirimtare e Kosovës* (UÇK), otherwise known as the Kosovo Liberation Army (KLA). In mid-June 1998, **Ramush Haradinaj** was appointed a *de jure* commander. As a commander, **Ramush**

¹ Because many places in Kosovo are known by both a Serbian and an Albanian name, all places are identified by their Serbian name first and their Albanian name second.

Haradinaj had overall command of the KLA forces in the Dukagjin Operational Zone, located in western Kosovo. He was one of the most senior KLA leaders in Kosovo.

3. The Dukagjin Operational Zone encompassed the municipalities of Peć/Pejë, Dečani/Dečan, Đakovica/Gjakovë, and parts of the municipalities of Istok/Istog and Klina/Klinë. The villages of Barane/Baran, Belo Polje/Bellopoje, Kosurić/Kosuriq, Loda/Loxhë, Lower Novo Selo/Novo Sello, Nepolje/Nepolë, Peć/Pejë, Turjak/Turjakë, and Zahać/Zahaq in Peć/Pejë municipality; Babaloć/Baballoq, Dašinovac/Dashinoc, Dečani/Dečan, Djoci/Gjocaj, Dubrava/Dubravë, Glodane/Gllogjan, Gramočelj/Gramaqel, Junik/Junik, Ločane/Lloçan, Požar/Pozhare, Ratiš/Ratishë, and Rznić/Irzniciq in Dečani/Dečan municipality; Đakovica/Gjakovë, Dujak/Dujakë, Jablanica/Jabllanicë, Piskote/Piskotë, Pljančor/Plançar, and Žabelj/Zhabel, in Đakovica/Gjakovë municipality; Dolac/Dolc and Grabanica/Grabanicë in Klina/Klinë municipality; and the Lake Radonjić/Radoniq canal area were within the area of **Ramush Haradinaj's** command and control.
4. In spring 1998, the KLA had a General Staff but no identified supreme commander was giving orders. Each KLA operational area in Kosovo acted independently of the senior command authority. **Ramush Haradinaj** was one of the most independent zone commanders. He based his military operations at his family compound in Glodane/Gllogjan which became the KLA headquarters for the Dukagjin Operational Zone.
5. By early April 1998, parts of Dečani/Dečan and Đakovica/Gjakovë around **Ramush Haradinaj's** Glodane/Gllogjan base were firmly under his control, and by late June 1998 he had extended his control into the neighbouring municipalities of Peć/Pejë, Istok/Istog, and Klina/Klinë. As the Dukagjin Operational Zone Commander, **Ramush Haradinaj** controlled local KLA units. Sub-zone commanders in the zone received and followed his orders. In addition to his military authority, in the clan-based structure of Kosovar society, **Ramush Haradinaj** was a prominent figure in the area of his native village of Glodane/Gllogjan and in the municipality of Dečani/Dečan.

6. **Ramush Haradinaj** held his position as the Dukagjin Operational Zone Commander throughout the armed conflict in Kosovo until at least the cessation of hostilities in June 1999.
7. In 1999, **Ramush Haradinaj** joined the Kosovo Protection Corps (KPC), a new force created by the United Nations Interim Administration Mission in Kosovo (UNMIK) in order to integrate KLA units into the new internationally-administered force structures in Kosovo. He became Commander of the Second Regional Task Group of the KPC based in Prizren/Prizren. In 2000, he resigned from his function in the KPC and founded a political party called “The Alliance for the Future of Kosovo.” He was a Member of Parliament from 2001 until 2004. In December 2004, he became the Prime Minister of Kosovo.
8. **Idriz Balaj** (also known as “Toger/Togeri” meaning “Lieutenant”) was born on 23 August 1971 in Iglarevo/Gllarevë, in the municipality of Klina/Klinë in Kosovo, in the former Yugoslavia.
9. At all times relevant to this indictment, **Idriz Balaj** was a member of the KLA. He commanded a special unit known as the “Black Eagles.” With the approval of **Ramush Haradinaj**, the Black Eagles unit was created in April 1998 as a Rapid Intervention Special Unit. This unit was usually headquartered in Rznić/Irzniq village, its numbers varied from 40 to 100 soldiers, and its members came from several villages. **Ramush Haradinaj** helped **Idriz Balaj** to train the Black Eagles who operated throughout the municipalities in the Dukagjin Operational Zone. As Commander of the Black Eagles, **Idriz Balaj** was directly subordinated to **Ramush Haradinaj** and worked closely with him.
10. In 1999, after the cessation of hostilities, **Idriz Balaj** joined the KPC and held the rank of Major.
11. **Lahi Brahimaj** (also known as “Maxhup” meaning “Gypsy”) was born on 26 January 1970 in Jablanica/Jabllanicë, in the municipality of

Dakovica/Gjakovë, in Kosovo, in the former Yugoslavia. **Lahi Brahimaj** is **Ramush Haradinaj**'s uncle.

12. At all times relevant to this indictment, **Lahi Brahimaj** was a member of the KLA and stationed at the Jablanica/Jablanicë Headquarters. He was appointed Deputy Commander of the Dukagjin Operative Staff on 23 June 1998. He remained Deputy Commander until 5 July 1998, when he was removed from this position. His brother, Nazmi Brahimaj, was then appointed to replace him as Deputy Commander of the Dukagjin Operative Staff. **Lahi Brahimaj** then continued to serve as Finance Director of the KLA General Staff. Throughout the entire indictment period, despite the change in his formal position, **Lahi Brahimaj** was a subordinate of **Ramush Haradinaj** and worked closely with him. After the cessation of hostilities, **Lahi Brahimaj** became a high-ranking officer in the KPC.

GENERAL ALLEGATIONS

13. All acts or omissions alleged in this indictment as ~~crimes against humanity or~~ violations of the laws or customs of war occurred between 1 March 1998 and 30 September 1998 in Kosovo, in the former Yugoslavia.
14. At all times relevant to this indictment, a state of armed conflict existed in Kosovo between the KLA, and the forces of the Federal Republic of Yugoslavia and the Ministry of the Interior of the Republic of Serbia (Serbian Forces). The crimes alleged in this indictment under Article 3 of the Statute of the Tribunal were closely related to the armed conflict. The victims of those crimes were persons taking no active part in hostilities. The victims were mainly Serb, Kosovar Albanian, or Kosovar Roma/Egyptian civilians or other civilians. The KLA perceived most of these civilian victims to be collaborating with the Serbian Forces, not supporting the KLA, or resisting the KLA by non-military means.
- ~~15. All acts or omissions charged as crimes against humanity in this indictment were part of a widespread or systematic attack by the KLA directed against~~

~~part of the civilian population in the Dečani/Dečan, Peć/Pejë, Đakovica/Gjakovë, Istok/Istog, and Klina/Klinë municipalities of Kosovo. The civilian population against whom the attack was directed comprised the Serb civilian population in these municipalities as well as civilians perceived to be collaborating with the Serbs or otherwise not supporting the KLA. Each Accused knew that his conduct, including the murders, torture, abductions, forcible transfers, persecutory acts, inhumane acts, unlawful detention, and other acts of violence against Serb, Kosovar Albanian, and Kosovar Roma/Egyptian civilians, and other civilians, charged in this indictment, comprised part of the attack.~~

15. At all times relevant to this indictment, **Ramush Haradinaj, Idriz Balaj, and Lahi Brahimaj** were required to abide by the laws and customs governing the conduct of armed conflicts, including the Geneva Conventions of 1949.

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INDIVIDUAL CRIMINAL RESPONSIBILITY

16. **Ramush Haradinaj, Idriz Balaj, and Lahi Brahimaj** are each charged, pursuant to Article 7(1) of the Statute of the Tribunal, as being individually criminally responsible for the crimes charged in this indictment.

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17. “Committing” in this indictment includes the physical perpetration of a crime, either by act or omission, or the participation by an Accused in a joint criminal enterprise (JCE).

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18. Each Accused is charged with committing the crimes charged as participants in the JCE as described in paragraphs ~~23 to 25~~. In the alternative, each Accused is charged with having planned, instigated, ordered, committed, or otherwise aided and abetted the planning, preparation, or execution of the crimes as set out in the counts referred to in paragraphs ~~20 to 22~~.

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19. For the modes of liability of planning, instigating, or ordering the crimes charged, each Accused acted with the awareness of the substantial likelihood that the crimes would be committed in the execution of the plan, order, or instigation. For the mode of liability of aiding and abetting, each Accused was

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aware that his acts or omissions assisted in the commission of crimes charged in this indictment or was aware that one of a number of crimes would probably be committed and that his acts or omissions would assist in the commission of such crime or crimes.

~~21. All acts or omissions charged as persecution were either committed by an Accused with the intent to discriminate against the victims on the basis of religious, political, or racial considerations, or a combination of these, or were planned, instigated, ordered, or aided and abetted by an Accused with the awareness of a substantial likelihood that persecution as a crime against humanity would be committed in the execution of the order, plan, or instigation, or as a result of the aiding and abetting.~~

20. Alternatively to his liability under JCE, **Ramush Haradinaj** is individually criminally responsible for his acts and omissions in that he ~~planned,~~ instigated, ordered, committed, or aided and abetted the crimes described and charged in Counts ~~1, 2, 3, 4, 15, 16, 23, 1, 31, 32, 33,~~ and 6 of the indictment.

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21. Alternatively to his liability under JCE, **Idriz Balaj** is individually criminally responsible for his acts and omissions in that he planned, ~~instigated,~~ committed, or aided and abetted the crimes described and charged in Counts ~~7, 8, 13, 14, 17, 18, 19, 20, 23, 1, 31, 32, 33,~~ and 6, 35, 36, and 37 of the indictment.

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22. Alternatively to his liability under JCE, **Lahi Brahimaj** is individually criminally responsible for his acts and omissions in that he planned, instigated, ordered, committed, or aided and abetted the crimes described and charged in Counts ~~23, 1, 25, 2, 27, 28, 31, 32, 33,~~ and 6 of the indictment.

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JOINT CRIMINAL ENTERPRISE

23. **Ramush Haradinaj, Idriz Balaj, and Lahi Brahimaj** are criminally responsible, as participants in the JCE, for the crimes charged in each count of the indictment, with the exception of Lahi Brahimaj in relation to Count 3 and in relation to parts of Count 5 concerning Witness 3 described in

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[paragraphs 60 to 63 below](#). Each crime charged in the indictment was within the common criminal purpose of the JCE and each Accused shared the intent with the other co-perpetrators to commit these crimes. Alternatively, to the extent that some of the crimes charged did not fall within the JCE, they were the natural and foreseeable consequences of the JCE and each Accused was aware that these crimes were the natural and foreseeable consequences of the execution of the JCE.

24. The common criminal purpose of the JCE was to ~~consolidate the total control of the KLA over the Dukagjin Operational Zone by the unlawful removal and mistreatment of Serb civilians and by the mistreatment of Kosovar Albanian and Kosovar Roma/Egyptian civilians, and other civilians, who were, or were perceived to have been, collaborators with the Serbian Forces or otherwise not supporting the KLA. The common criminal purpose involved the commission of crimes against humanity under Article 5 and violations of the laws or customs of war under Article 3, including murder, persecution, inhumane acts, cruel treatment, unlawful detention, and torture. The JCE included the establishment and operation of KLA detention facilities and the mistreatment of detained persons at these facilities, including at the KLA's headquarters at Jablanica/Jabllanicë and Glodane/Gllogjan, and at the Black Eagles headquarters at Rznić/Irznik.~~

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25. The JCE began on or around March 1998, and continued at least until late September 1998. Its membership comprised **Ramush Haradinaj, Idriz Balaj, Lahi Brahimaj**, and other KLA soldiers who shared the intent to commit the crimes that were within the common criminal purpose of the JCE, and who participated in the execution of the crimes charged in this indictment, or otherwise contributed to achieving the common criminal purpose of the JCE. The other members of the JCE who shared the intent to commit the crimes that were within the common criminal purpose included **Ramush Haradinaj's** brothers, Daut Haradinaj, Frashër Haradinaj, and Shkëlzen Haradinaj, and others, including Nasim Haradinaj, Zeqir Nimonaj, Luan Përvorfi, Krist Përvorfi, Nazmi Brahimaj, Naser Brahimaj known as "Rusi,"

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Alush Agushi, Myftar Brahimaj, Pjetër Shala, Arbnor Zejneli, and Azem Veseli.

26. By virtue of his participation in the JCE, each Accused is individually responsible for the acts and omissions of his two co-Accused and for the acts and omissions of other members of the JCE that were in furtherance of the common criminal purpose, and that were either within the object of the JCE or that were the natural and foreseeable consequences of its execution.

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27. Each Accused is also individually responsible for the acts and omissions of other persons, who were not members of the JCE, but who were used by the members of the JCE to carry out crimes committed in furtherance of the common criminal purpose that were either within the scope of the JCE or that were the natural and foreseeable consequences of its execution.

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PARTICIPATION OF EACH ACCUSED IN THE JOINT CRIMINAL ENTERPRISE

28. **Ramush Haradinaj** participated in the JCE by his acts or omissions including:

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- (a) by ensuring, as Commander of the Dukagjin Operational Zone, that KLA forces under his control operated in a structured and disciplined manner, and by controlling, planning, and organizing KLA operations;
- (b) by allowing the KLA, under his control and direction, to establish a system whereby it targeted for abduction, murder, detention, and other forms of mistreatment Serb, Kosovar Albanian and Kosovar Roma/Egyptian civilians, and other civilians who collaborated with, or were perceived to have collaborated with, the Serbian Forces or otherwise not to have supported the KLA;
- (c) by excluding all rivals to KLA forces, such as the Armed Forces of the Republic of Kosovo (FARK), from the Dukagjin Operational Zone in order to provide his soldiers with the ability to dominate the area and to persecute civilians;

- (d) by making use of his house as a centre of operations, and by using other Haradinaj family resources and the support of his family members to further the consolidation of his power for the purpose, among others, of carrying out the JCE, including the persecution of civilians;
- (e) by approving the creation of the notorious Black Eagles unit that carried out attacks on, and mistreated, civilians;
- (f) by appointing and retaining his co-Accused **Idriz Balaj** as Commander of the Black Eagles;
- (g) by appointing **Lahi Brahimaj**, and subsequently Nazmi Brahimaj, as Deputy Commander of the Dukagjin Operative Staff and as the responsible KLA soldier at the Jablanica/Jabllanicë detention facility, where civilians were detained and mistreated;
- (h) by planning, establishing, and operating ~~detention facilities, including the Jablanica/Jabllanicë detention facility, which was~~ used for the unlawful detention and mistreatment of civilians;
- (i) by condoning and encouraging the criminal conduct committed by his co-Accused and KLA soldiers when he was present at the Jablanica/Jabllanicë detention facility;
- (j) by controlling the continued detention, release, and access to medical treatment of civilians detained by the KLA in the Dukagjin Operational Zone, including at the Jablanica/Jabllanicë detention facility;
- (k) by condoning and encouraging the criminal conduct of his co-Accused and other subordinates in the Dukagjin Operational Zone, at such places as the Jablanica/Jabllanicë detention facility, ~~the Barane/Baran headquarters, the Glodane/Gillogjan headquarters, and the Rznic/Irznic headquarters;~~
- (l) by providing his tacit approval for detained persons to be executed; and
- (m) by his acts and omissions in the criminal activities described in this indictment, including those in Counts ~~1, 2, 3, 4, 15, 16, 23, 1, 31, 32, 33,~~ and ~~6,~~ whereby he ~~planned,~~ instigated, ordered, committed, or aided and abetted the crimes described and charged.

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29. **Idriz Balaj** participated in the JCE by his acts or omissions including:

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- (a) by working closely, as Commander of the Black Eagles, with **Ramush Haradinaj** and providing direct operational support for the KLA's criminal activities in the Dukagjin Operational Zone;
- (b) by condoning and encouraging the criminal conduct of the members of the Black Eagles, who were his subordinates, and that of other KLA members;
- (c) ~~by using, and allowing to be used, the Black Eagles Headquarters in Rznić/Irznik, for the purpose, among other purposes, of carrying out the JCE by mistreating, raping, and killing civilians;~~
- (c) by condoning and encouraging the criminal conduct of his co-Accused and other KLA soldiers at the Jablanica/Jabllanicë detention facility;
- ~~(e) by condoning and encouraging the criminal conduct that he witnessed at the Rznić/Irznik detention facility committed by individuals including members of the Black Eagles;~~
- ~~(f) by attempting to prevent enquiry into, and to conceal, the abduction and murder of civilians and the disposal of their bodies in the Lake Radonjić/Radonik canal area; and~~
- (d) by his acts and omissions in the criminal activities described in this indictment, including those in Counts ~~7, 8, 13, 14, 17, 18, 19, 20, 23, 1;~~ ~~and 31, 32, 33, 6, 35, 36, and 37~~ whereby he planned, instigated, committed, or aided and abetted the crimes described and charged.

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30. **Lahi Brahimaj** participated in the JCE by his acts or omissions including:

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- (a) by working closely, as Deputy Commander of the Dukagjin Operative Staff and as a KLA Commander, with **Ramush Haradinaj** and providing direct operational support for the KLA's criminal activities in the Dukagjin Operational Zone;
- (b) by running the KLA detention facility at Jablanica/Jabllanicë, from at least April 1998 until on or about 5 July 1998, for the purpose, among other purposes, of carrying out the JCE by detaining and mistreating civilians;
- (c) by condoning and encouraging the criminal conduct of his co-Accused and other KLA soldiers at the Jablanica/Jabllanicë detention facility during that time period and thereafter, until at least mid-September 1998;

- (d) by condoning and encouraging the criminal conduct of KLA soldiers, including the military police and other persons who attacked and otherwise mistreated civilians in the Dukagjin Operational Zone; and
- (e) by his acts and omissions in the criminal activities described in this indictment, including those in Counts ~~23, 1, 25, 2, 27, 3, 31, 5, 33, and 6~~ whereby he planned, instigated, ordered, committed, or aided and abetted the crimes described and charged.

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31. Further specification of the functioning of the JCE and of the participation of each accused is provided in the charges and the statement of facts below.

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STATEMENT OF FACTS

32. In 1998 the municipality of Dečani/Deçan had a population of 57,125, of which 55,886 were Albanian, 791 were Serb, and 448 were of other ethnicity. The population of the municipality of Đakovica/Gjakovë was around 131,700 with 122,856 Albanians, 3,211 Serbs, and 5,680 of other ethnicity. The population of the municipality of Istok/Istog was around 64,000, of which 51,343 were Albanian, 7,270 were Serb, and 5,381 were of other ethnicity. The population of the municipality of Klina/Klinë was around 75,000 with 66,683 Albanians, 6,306 Serbs and 3,386 of other ethnicity. The population of the municipality of Peć/Pejë was around 150,000 with 111,638 Albanians, 14,765 Serbs, and 13,788 of other ethnicity.

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33. In early 1998, tensions increased between Serbian authorities and the KLA in the area surrounding Glodane/Gllogjan. Until early September 1998, **Ramush Haradinaj's** KLA headquarters were located in his family compound in his native village of Glodane/Gllogjan. The area between Glodane/Gllogjan and Dečani/Deçan was of critical strategic importance for the KLA because it connected **Ramush Haradinaj's** KLA headquarters in Glodane/Gllogjan to the border with Albania from where the KLA received arms and supplies throughout 1998. Glodane/Gllogjan also became an important recruiting centre for the KLA in the Dukagjin region and in the Operational Zones of Šalja/Shalë, Lap/Llap, and Drenica/Drenicë.

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34. KLA forces mounted attacks on Serbian Police targets in the Dukagjin region and also on a neighbouring camp of Serbian/Montenegrin refugees located in the village of Babaloć/Baballoq, and, as a consequence, on 24 March 1998, Serbian Police forces surrounded the compound of the family of **Ramush Haradinaj** in Glodane/Gllogjan. **Ramush Haradinaj** and KLA forces under his command successfully repelled this attack. One Serbian policeman was killed and **Ramush Haradinaj** was wounded.

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35. After 24 March 1998, KLA forces under the command and control of **Ramush Haradinaj** mounted a military campaign to seize control of the area between the villages of Glodane/Gllogjan and Dečani/Dečan and particularly the villages of Dubrava/Dubravë, Rznić/Irznik, Ratiš/Ratishë, and Dašinovac/Dashinoc and to drive ethnic Serbs out of the villages where they were living. They also continued to launch attacks against the camp of refugees in Babaloć/Baballoq. This refugee camp had been the target of similar KLA attacks since 1997.

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36. During March and April 1998, KLA forces under the command and control of **Ramush Haradinaj**, including the Black Eagles under the direct command of **Idriz Balaj**, harassed, beat, or otherwise drove Serb civilians and Roma/Egyptian civilians out of these villages, and killed many Serb or Roma/Egyptian civilians who remained behind or who had refused to abandon their homes. In the second half of April 1998, KLA forces under the command and control of **Ramush Haradinaj** succeeded in blockading parts of Dečani/Dečan for a period of approximately three weeks.

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37. By mid-April 1998, much of the Serb population living in the Dukagjin Operational Zone had fled the area following acts of violence and persecution directed at Serb civilians by KLA forces. Over the course of several days following 19 April 1998, KLA attacks forced out or killed virtually every Serb civilian remaining in the KLA controlled parts of the Dukagjin Operational Zone.

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38. During the following months, within the Dukagjin Operational Zone, and in particular in the municipalities of Dečani/Dečan and Peć/Pejë, KLA forces under the command and control of **Ramush Haradinaj** continued to mount similar attacks on Serb, Kosovar Albanian, and Kosovar Roma/Egyptian civilians, or other civilians, perceived as collaborators or perceived as not supporting the KLA, who were not taking part in hostilities. KLA forces, under the command and control of **Ramush Haradinaj**, carried out abductions in the Dukagjin Operational Zone. Dozens of civilians went missing. Between March 1998 and September 1998, in the municipalities of the Dukagjin Operational Zone, in addition to the victims mentioned in this indictment, the KLA abducted more than 60 civilians and subsequently killed many of them.

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39. The village of Jablanica/Jabllanicë is in the municipality of Đakovica/Gjakova approximately 18 kilometres from Glodane/Gllogjan. From late 1995, **Lahi Brahimaj**, who lived in Jablanica/Jabllanicë, sheltered other members of the KLA in his house and assisted them in their transit through the area of Dukagjin. An armoury was established and **Lahi Brahimaj's** house was used to hold clandestine meetings. During this period, no armed actions were carried out in the Dukagjin area.

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40. From at least March 1998, the KLA's Jablanica/Jabllanicë headquarters provided shelter to high-profile members of the KLA who were entering Kosovo and travelling to other areas of the province to establish commands. **Ramush Haradinaj** went to the Jablanica/Jabllanicë headquarters to receive medical attention and to recover from the injuries he sustained on 24 March 1998, when armed contact with the Serbian Forces took place at his family compound in Glodane/Gllogjan. After an offensive by Serbian forces in early September 1998, **Ramush Haradinaj** moved his KLA headquarters to the family compound of **Lahi Brahimaj** in Jablanica/Jabllanicë.

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41. In mid-May 1998, the KLA established a make-shift detention facility at its Jablanica/Jabllanicë headquarters. The Jablanica/Jabllanicë detention facility was contained in a four-room house next to the family compound of **Lahi**

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Brahimaj, which contained the KLA's Jablanica/Jabllanicë headquarters. **Lahi Brahimaj** had an office in the house. The KLA generally kept its detainees together in a room measuring approximately sixteen square metres in size and containing no furniture. Some prisoners were also thrown into the basement of the house, which was flooded with about half a metre of water, and detained there. During their detention, detainees were given very little food or water, were regularly beaten and subjected to other forms of physical mistreatment, and were denied medical treatment for their injuries. A number of prisoners at the Jablanica/Jabllanicë detention facility died as a result of their injuries, or were executed on orders of the Accused.

42. Lake Radonjić/Radoniq, and the concrete canal leading into a river which drains into the lake, were within the Dukagjin Operational Zone. The canal passes within approximately two kilometres of Glodane/Gllogjan. During the indictment period, KLA soldiers under the command and control of **Ramush Haradinaj** controlled the territory surrounding the lake. Permission from the KLA, in the form of a pass, was required to travel in the area. ~~The Lake Radonjić/Radoniq canal area was **Idriz Balaj's** favoured execution site. Local residents were afraid to visit this area for fear of reprisals by **Idriz Balaj** and members of the Black Eagles.~~

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43. During the end of August and the beginning of September 1998, Serbian Forces mounted a counter-offensive and temporarily retook the area surrounding Glodane/Gllogjan, including the Lake Radonjić/Radoniq canal area.

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44. A Serbian forensic crime scene team then conducted an investigation in the vicinity of the canal leading to Lake Radonjić/Radoniq and the road leading to Dašinovac/Dashinoc.

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45. On or about 12 September 1998, the team recovered human remains from 32 identifiable bodies in the Lake Radonjić/Radoniq canal area. Many of the bodies were found near one of only two small access roads to that area. The

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team also found two bodies on the road leading to Dašinovac/Dashinoc, approximately nine kilometres from Glodane/Gllogjan.

46. The bodies and remains were forensically examined in temporary mortuary facilities in Đakovica/Gjakova. Some of the remains that were recovered from the Lake Radonjić/Radoniq canal area and on the road leading to Dašinovac/Dashinoc were identified by Serbian authorities using traditional identification procedures. ~~These remains included those of the following nine persons: Vukosava Marković and Darinka Kovač (Counts 7 and 8); Miloš Radunović and Slobodan Radošević (Counts 11 and 12); Hajrullah Gashi and Isuf Hoxha (Counts 15 and 16); Ilira Frrokaj (Counts 17 and 18); and Ilija Antić and Velizar Stošić (Counts 21 and 22).~~ Other remains that were recovered were subsequently identified by international organizations using DNA tests. These remains included those of ~~the following nineteen persons: Milka Vlahović (Counts 9 and 10); the mother and a sister of Witness SST7/04 (paragraphs 68 and 69 of Counts 13 and 14); Zenun Gashi, Misin Berisha, and Sali Berisha (Counts 19 and 20); Malush Meha, Rade Popadić, Idriz Hoti, Afrim Sylejmani, Zdravko Radunović, Xhevat Berisha, Nurije Krasniqi, Istref Krasniqi, Kemajl Gashi, Kujtim Imeraj, Sanije Balaj and Sejd Noçi (Counts 21 and 22); and Pal Krasniqi (Counts 31 and 5).~~

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49. ~~Some of the remains that were recovered from the sites described above remain unidentified, although tests have been conducted in an attempt to establish their identities. These remains consist of the bodies of approximately five individuals. All of the remains show evidence of a violent death.~~

50. ~~Cartridges and ammunition found by Serbian authorities in March 1998, during operations against the KLA in the villages around Glodane/Gllogjan (Gramočelj/Gramaqul and Pljančor/Plançar), are of the same make and identity as those found by Serbian authorities in September 1998 at the Lake Radonjić/Radoniq canal exhumation site.~~

CHARGES

COUNTS 1 and 2

51. ~~On 28 May 1998, three armed KLA soldiers came to the home of Witness SST7/38 in Junik and forced the witness and the witness' family and neighbours to leave their house and join a convoy of civilians leaving Junik in the direction of the Albanian border.~~
52. ~~The witness' group escaped from the convoy but was stopped at a KLA checkpoint and ordered to rejoin the convoy. After reaching the hamlet of Gacifer (a suburb of Junik), KLA soldiers took Witness SST7/38's family and neighbours to an old mill in the woods and made them sit on the ground in the rain. **Ramush Haradinaj** arrived there about an hour later.~~
53. ~~A KLA soldier told **Ramush Haradinaj** that the captured people were at his disposal and that Witness SST7/38 had information about the MUP. **Ramush Haradinaj** ordered the KLA soldiers to search the witness and the witness' father and to obtain information from the witness, using force if necessary. **Ramush Haradinaj** then left.~~
54. ~~The KLA soldiers beat Witness SST7/38's father and permitted Albanian civilians to mistreat the detainees. They stripped Witness SST7/38 naked and placed a knife against the witness' throat, forced the witness to eat a small plastic coated book, and struck the witness on the face with a pistol. The witness and the witness' father were tied together, back to back, using barbed wire. The soldiers threatened to kill them.~~
55. ~~Over the next two days, as the convoy continued towards Djoci/Gjocaj, KLA soldiers humiliated and physically mistreated the detainees. A KLA soldier beat and kicked Witness SST7/38, and the witness' father, sister, and sister-in-law, and struck them with a rifle butt. On 29 May 1998, the witness and the witness' father were tied to a tree and denied food and water. KLA soldiers sexually assaulted the sister of Witness SST7/38. Medical attention was denied to Witness SST7/38 on the basis that the witness was to be executed.~~

~~56. On the morning of 30 May 1998, the group was taken to the KLA headquarters in Djoci/Gjocaj. There KLA soldiers lined up members of the group at the edge of a ravine in order to shoot them. They managed to escape execution by running down the ravine, after the intervention of an outsider, and fleeing to a Serbian-controlled area. The KLA did not permit Witness SST7/38 and the witness' family to return to their home in Junik.~~

~~By these acts and omissions **Ramush Haradinaj, Idriz Balaj, and Lahi Brahimaj** committed as part of the JCE defined in paragraphs 26 and 27 above, the following crimes:~~

~~**Count 1:** A CRIME AGAINST HUMANITY, Persecution (deportation or forcible transfer, imprisonment, torture, other inhumane acts, abduction), punishable under Article 5(h) and Article 7(1) of the Statute of the Tribunal;~~

~~**In the alternative,** A CRIME AGAINST HUMANITY, Torture and Other Inhumane Acts (forcible transfer, imprisonment, serious physical and mental injury), punishable under Articles 5(f) and 5(i) and Article 7(1) of the Statute of the Tribunal;~~

~~**Count 2:** A VIOLATION OF THE LAWS OR CUSTOMS OF WAR, Cruel Treatment and Torture and Outrages upon Personal Dignity, as recognised by Common Articles 3(1)(a) and 3(1)(c) of the Geneva Conventions of 1949, punishable under Article 3 and Article 7(1) of the Statute of the Tribunal.~~

~~**In the alternative,**~~

~~**Ramush Haradinaj** ordered, instigated, or aided and abetted the commission of the crimes described in Count 1 and Count 2.~~

COUNTS 3 and 4

~~57. On or about 18 April 1998, KLA forces abducted three Serb civilians, Dragoslav Stojanović, Mijat Stojanović, and Veselin Stijović, from the Stojanović family house in Dubrava/Dubravë.~~

~~58. The KLA forces interrogated and beat the detainees, causing them serious bodily injuries and great suffering. They were first beaten at the Stojanović~~

~~family house in Dubrava/Dubravë, and then at the KLA headquarters in Glodane/Gllogjan.~~

59. ~~**Ramush Haradinaj** was present in the building at the time, and was aware of the interrogation and beating of the three men. **Ramush Haradinaj** kicked, threatened, and intimidated Dragoslav Stojanović.~~

60. ~~Later that day, KLA soldiers under the command and control of **Ramush Haradinaj** took Dragoslav Stojanović, Mijat Stojanović, and Veselin Stijović from the KLA headquarters in Glodane/Gllogjan to a location near Babaloć/Baballoq village, where they were blindfolded, ordered to walk towards the Serb area, and threatened with execution if they looked back. The three walked to the Serb part of Babaloć/Baballoq. From there they were taken to a clinic in the town of Dečani/Deçan where they were initially treated for their injuries, and then to the hospital in the city of Peć/Pejë where they received further treatment for the severe injuries that they had received as a result of the beatings. They were not able to return to their homes while the area was under KLA control. After the area had been retaken by Serbian Forces in late August or early September, Mijat Stojanović was able to visit his family home in Dubrava/Dubravë which he found had been completely destroyed.~~

~~By these acts and omissions **Ramush Haradinaj**, **Idriz Balaj**, and **Lahi Brahimaj** committed as part of the JCE defined in paragraphs 26 and 27 above, the following crimes:~~

~~**Count 3:** A CRIME AGAINST HUMANITY, Persecution (deportation or forcible transfer, imprisonment, torture, other inhumane acts, abduction), punishable under Article 5(h) and Article 7(1) of the Statute of the Tribunal;~~

~~**In the alternative,** A CRIME AGAINST HUMANITY, Torture and Other Inhumane Acts (forcible transfer, imprisonment, serious physical and mental injury), punishable under Articles 5(f) and 5(i) and Article 7(1) of the Statute of the Tribunal;~~

~~**Count 4:** A VIOLATION OF THE LAWS OR CUSTOMS OF WAR, Cruel Treatment and Torture, as recognised by Common Article 3(1)(a) of the Geneva Conventions of 1949, punishable under Article 3 and Article 7(1) of the Statute of the Tribunal.~~

~~**In the alternative,**~~

~~**Ramush Haradinaj** committed, or aided and abetted the commission of, the crimes described in Count 3 and Count 4.~~

COUNTS 5 and 6

61. ~~On or about 23 April 1998, three Serb civilians, Rosa Radošević, her son Staniša Radošević, and Novak Stijović, were stopped and searched by KLA soldiers in the village of Požar/Pozhare. The KLA soldiers abducted the three, impounded their vehicles and took them to Glodane/Gllogjan. There, KLA soldiers, under the command of **Ramush Haradinaj**, interrogated Staniša Radošević and Novak Stijović while repeatedly punching, kicking, and beating them with metal bars, thereby causing them great suffering. The beating was so severe that it rendered Novak Stijović unconscious. The KLA released the three from its custody on the same day.~~

~~By these acts and omissions **Ramush Haradinaj**, **Idriz Balaj**, and **Lahi Brahimaj** committed as part of the JCE defined in paragraphs 26 and 27 above, the following crimes:~~

~~**Count 5:** A CRIME AGAINST HUMANITY, Persecution (imprisonment, torture, other inhumane acts, abduction), punishable under Article 5(h) and Article 7(1) of the Statute of the Tribunal;~~

~~**In the alternative,** A CRIME AGAINST HUMANITY, Imprisonment, Torture, and Other Inhumane Acts (serious physical and mental injury), punishable under Articles 5(e), 5(f), and 5(i) and Article 7(1) of the Statute of the Tribunal;~~

~~**Count 6:** A VIOLATION OF THE LAWS OR CUSTOMS OF WAR, Cruel Treatment and Torture, as recognised by Common Article 3(1)(a) of the Geneva Conventions of 1949, punishable under Article 3 and Article 7(1) of the Statute of the Tribunal.~~

COUNTS 7 and 8

~~62. Between 21 April 1998 and 12 September 1998, Serb sisters Vukosava Marković and Darinka Kovač were abducted from their home in the village of Ratiš/Ratishë by **Idriz Balaj** and KLA soldiers. **Idriz Balaj** then set fire to their home. Both women were killed while in KLA custody. On 12 September 1998 a Serbian forensic team recovered their remains in the Lake Radonjić/Radoniq canal area. Forensic examination revealed gunshot wounds on both bodies and multiple bone fractures to Vukosava Marković's body.~~

~~By these acts and omissions **Ramush Haradinaj**, **Idriz Balaj**, and **Lahi Brahimaj** committed as part of the JCE defined in paragraphs 26 and 27 above, the following crimes:~~

~~**Count 7:** A CRIME AGAINST HUMANITY, Persecution (murder), punishable under Article 5(h) and Article 7(1) of the Statute of the Tribunal;~~

~~**In the alternative,** A CRIME AGAINST HUMANITY, Murder, punishable under Article 5(a) and Article 7(1) of the Statute of the Tribunal;~~

~~**Count 8:** A VIOLATION OF THE LAWS OR CUSTOMS OF WAR, Murder, as recognised by Common Article 3(1)(a) of the Geneva Conventions of 1949, punishable under Article 3 and Article 7(1) of the Statute of the Tribunal.~~

~~**In the alternative,**~~

~~**Idriz Balaj** committed, or aided and abetted the commission of, the crimes described in Count 7 and Count 8.~~

COUNTS 9 and 10

~~63. On or about 21 April 1998, KLA soldiers abducted two Serbs, Milovan Vlahović and his wife Milka Vlahović, who were living in the village of Ratiš/Ratishë. Local Albanians who tried to prevent the abduction were threatened with death if they interfered. The two Serbs were then killed while in KLA custody.~~

64. ~~The body of Milovan Vlahović has not been recovered. The remains of Milka Vlahović were located in the Lake Radonjić/Radoniq canal area in 1998 and have been subsequently identified by DNA analysis.~~

~~By these acts and omissions **Ramush Haradinaj, Idriz Balaj, and Lahi Brahimaj** committed as part of the JCE defined in paragraphs 26 and 27 above, the following crimes:~~

~~**Count 9:** A CRIME AGAINST HUMANITY, Persecution (murder), punishable under Article 5(h) and Article 7(1) of the Statute of the Tribunal;~~

~~**In the alternative,** A CRIME AGAINST HUMANITY, Murder, punishable under Article 5(a) and Article 7(1) of the Statute of the Tribunal;~~

~~**Count 10:** A VIOLATION OF THE LAWS OR CUSTOMS OF WAR, Murder, as recognised by Common Article 3(1)(a) of the Geneva Conventions of 1949, punishable under Article 3 and Article 7(1) of the Statute of the Tribunal.~~

COUNTS 11 and 12

65. ~~Between 19 April 1998 and September 1998, KLA soldiers abducted two Serbs living in the village of Dašinovac/Dashinoc, Slobodan Radošević and his neighbour, Miloš Radunović. They were subsequently killed while in KLA custody.~~

66. ~~On 12 September 1998 Serbian Police recovered the remains of the bodies of Slobodan Radošević and Miloš Radunović near Dašinovac/Dashinoc.~~

~~By these acts and omissions **Ramush Haradinaj, Idriz Balaj, and Lahi Brahimaj** committed as part of the JCE defined in paragraphs 26 and 27 above, the following crimes:~~

~~**Count 11:** A CRIME AGAINST HUMANITY, Persecution (murder), punishable under Article 5(h) and Article 7(1) of the Statute of the Tribunal;~~

~~**In the alternative,** A CRIME AGAINST HUMANITY, Murder, punishable under Article 5(a) and Article 7(1) of the Statute of the Tribunal;~~

~~**Count 12:** A VIOLATION OF THE LAWS OR CUSTOMS OF WAR, Murder, as recognised by Common Article 3(1)(a) of the Geneva Conventions of 1949, punishable under Article 3 and Article 7(1) of the Statute of the Tribunal.~~

COUNTS 13 and 14

67. ~~From April 1998, **Idriz Balaj** and armed KLA soldiers under his command repeatedly came to the family home of Witness SST7/04, in Ratiš/Ratishë, often late at night. During their visits they screamed at and cursed members of the household, threatened their lives, ransacked the house, and took money and property. As a result of this pattern of harassment and the repeated targeting of members of his family, Witness SST7/04 and members of his family were forced to flee from their home in fear of their lives.~~

68. ~~In either April or May 1998, **Idriz Balaj** and two KLA soldiers abducted a sister of Witness SST7/04 from the family's home in Ratiš/Ratishë. They took her to the KLA headquarters of the Black Eagles in Riznić/Irznik and detained her at least overnight. The soldiers then returned her to her home. **Idriz Balaj** required her to return to the KLA headquarters or face execution. Her family last saw her walking in the direction of the Black Eagles headquarters in Riznić/Irznik. She was killed while in KLA custody. Her remains were found in the Lake Radonjić/Radonik canal area in September 1998.~~

69. ~~In early summer 1998, and following the disappearance of a sister of Witness SST7/04, **Idriz Balaj** and masked KLA soldiers interrogated the mother of Witness SST7/04 at her home in Ratiš/Ratishë and then abducted her. Her family was ordered to remain in their house as she was taken away. She was killed while in KLA custody and her bodily remains were later found in the Lake Radonjić/Radonik canal area.~~

70. ~~In early autumn 1998, and following the abductions of the first sister and the mother of Witness SST7/04, **Idriz Balaj** and soldiers of the Black Eagles attacked the house of Witness SST7/04 with gunfire. They abducted a second~~

~~sister of Witness SST7/04 at gunpoint. KLA soldiers killed this second sister. Her body was found some days later near Žabelj/Zhabel.~~

~~By these acts and omissions **Ramush Haradinaj, Idriz Balaj, and Lahi Brahimaj** committed as part of the JCE defined in paragraphs 26 and 27 above, the following crimes:~~

~~**Count 13:** A CRIME AGAINST HUMANITY, Persecution (murder, imprisonment, abduction, harassment), punishable under Article 5(h) and Article 7(1) of the Statute of the Tribunal;~~

~~**In the alternative,** A CRIME AGAINST HUMANITY, Murder and Other Inhumane Acts (harassment, imprisonment), punishable under Articles 5(a) and 5(i) and Article 7(1) of the Statute of the Tribunal;~~

~~**Count 14:** A VIOLATION OF THE LAWS OR CUSTOMS OF WAR, Murder and Cruel Treatment, as recognised by Common Article 3(1)(a) of the Geneva Conventions of 1949, punishable under Article 3 and Article 7(1) of the Statute of the Tribunal.~~

~~**In the alternative,**~~

~~**Idriz Balaj** committed, or planned, instigated, or aided and abetted the commission of, the crimes described in Count 13 and Count 14.~~

COUNTS 15 and 16

~~71. On or about 20 July 1998, Hajrullah Gashi and Isuf Hoxha, both Kosovar Albanians, were traveling on a bus which was stopped at a bus station at Mališevo/Malishevë, by **Ramush Haradinaj** and KLA soldiers under his command. **Ramush Haradinaj** and the KLA soldiers took Hajrullah Gashi and Isuf Hoxha from the bus and drove in the direction of Glodane/Glllogjan.~~

~~72. Both men were killed while in KLA custody on an unknown date between the time of their abduction and 12 September 1998, when their bodies were found by the Serbian Police in the Lake Radonjić/Radoniq canal area. A forensic examination of the body of Hajrullah Gashi revealed wounds consistent with~~

~~blunt trauma. A forensic examination of the body of Isuf Hoxha revealed multiple bone fractures and several missing skull bones.~~

~~By these acts and omissions **Ramush Haradinaj, Idriz Balaj,** and **Lahi Brahimaj** committed as part of the JCE defined in paragraphs 26 and 27 above, the following crimes:~~

~~**Count 15:** A CRIME AGAINST HUMANITY, Persecution (murder, imprisonment, abduction), punishable under Article 5(h) and Article 7(1) of the Statute of the Tribunal;~~

~~**In the alternative,** A CRIME AGAINST HUMANITY, Murder and Other Inhumane Acts (imprisonment), punishable under Articles 5(a) and 5(i) and Article 7(1) of the Statute of the Tribunal;~~

~~**Count 16:** A VIOLATION OF THE LAWS OR CUSTOMS OF WAR, Murder and Cruel Treatment, as recognised by Common Article 3(1)(a) of the Geneva Conventions of 1949, punishable under Article 3 and Article 7(1) of the Statute of the Tribunal.~~

~~**In the alternative,**~~

~~**Ramush Haradinaj** committed, or planned or aided and abetted the commission of, the crimes described in Count 15 and Count 16.~~

COUNTS 17 and 18

~~73. Hira Frrokaj and her husband Tush Frrokaj, both Catholic Kosovar Albanians, lived in the village of Pljančor/Plançar. In August 1998, while traveling by car to Napolje/Nepalë village, KLA soldiers, including **Idriz Balaj**, stopped them at a checkpoint and abducted them.~~

~~74. Hira Frrokaj and Tush Frrokaj were both killed while in KLA custody. The body of Hira Frrokaj was recovered adjacent to her vehicle in the Lake Radonjić/Radoniq canal. The vehicle had several bullet holes in it. The body of Hira Frrokaj revealed the presence of a projectile in one leg, multiple bone fractures, including skull fractures, and evidence of burning of the body. The body of Tush Frrokaj has not been recovered.~~

By these acts and omissions ~~Ramush Haradinaj, Idriz Balaj, and Lahi Brahimaj~~ committed as part of the JCE defined in paragraphs 26 and 27 above, the following crimes:

~~**Count 17:** — A CRIME AGAINST HUMANITY, Persecution (murder, imprisonment, abduction), punishable under Article 5(h) and Article 7(1) of the Statute of the Tribunal;~~

~~**In the alternative,** A CRIME AGAINST HUMANITY, Murder and Other Inhumane Acts (imprisonment), punishable under Articles 5(a) and 5(i) and Article 7(1) of the Statute of the Tribunal;~~

~~**Count 18:** A VIOLATION OF THE LAWS OR CUSTOMS OF WAR, Murder and Cruel Treatment, as recognised by Common Article 3(1)(a) of the Geneva Conventions of 1949, punishable under Article 3 and Article 7(1) of the Statute of the Tribunal.~~

~~**In the alternative,**~~

~~**Idriz Balaj** committed, or aided and abetted the commission of, the crimes described in Count 17 and Count 18.~~

~~COUNTS 19 and 20~~

~~75. — On 1 August 1998, KLA soldiers abducted Zenun Gashi, a Kosovar Roma/Egyptian former policeman, from his home in the village of Kosurić/Kosuriq, beat him, and took him to the Black Eagles headquarters in Rznić/Irzniq.~~

~~76. — Between 1 August 1998 and 31 August 1998, **Idriz Balaj** detained Zenun Gashi and Misin Berisha, and his son, Sali Berisha, who were all of Roma/Egyptian ethnicity, at the Black Eagles headquarters in Rznić/Irzniq. They were detained because of their perceived collaboration with Serbian Forces.~~

~~77. — During their detention, **Idriz Balaj** and KLA soldiers severely mistreated the three men. Sali Berisha's nose was cut off in the presence of **Idriz Balaj**.~~

~~Idriz Balaj~~ cut each of the three men on their necks, arms, and thighs, rubbed salt into the wounds and sewed them up. ~~Idriz Balaj~~ wrapped the three men in barbed wire, driving the barbs of the wire into their flesh. ~~Idriz Balaj~~ stabbed Zenun Gashi in the eye. The three men were tied behind ~~Idriz Balaj's~~ vehicle and dragged away in the direction of Lake Radonjić/Radoniq. They were killed while in KLA custody. Their bodies were found in the Lake Radonjić/Radoniq canal area and subsequently identified by DNA analysis.

By these acts and omissions ~~Ramush Haradinaj, Idriz Balaj, and Lahi Brahimaj~~ committed as part of the JCE defined in paragraphs 26 and 27 above, the following crimes:

~~**Count 19:** A CRIME AGAINST HUMANITY, Persecution (murder, imprisonment, torture, other inhumane acts, abduction), punishable under Article 5(h) and Article 7(1) of the Statute of the Tribunal;~~

~~**In the alternative,** A CRIME AGAINST HUMANITY, Murder, Imprisonment, Torture, and Other Inhumane Acts (serious physical and mental injury), punishable under Articles 5(a), 5(e), 5(f), and 5(i), and Article 7(1) of the Statute of the Tribunal;~~

~~**Count 20:** A VIOLATION OF THE LAWS OR CUSTOMS OF WAR, Murder, and Cruel Treatment, and Torture, as recognised by Common Article 3(1)(a) of the Geneva Conventions of 1949, punishable under Article 3 and Article 7(1) of the Statute of the Tribunal.~~

~~**In the alternative,**~~

~~Idriz Balaj~~ committed, or aided and abetted the commission of, the crimes described in Count 19 and Count 20.

COUNTS 21 and 22

78. ~~In April 1998, Afrim Sylejmani, a Kosovar Albanian resident in Dakovica/Gjakova, disappeared. He was subsequently killed while in KLA custody. In September 1998 his remains were found in the Lake Radonjić/Radoniq canal area.~~

79. — On or about 24 May 1998, Rade Popadić, a Serbian Police Inspector stationed in Junik, was abducted by members of the KLA while travelling in a van on the road between Babaloć/Baballoq and Junik with a fellow police officer. He was subsequently killed while in KLA custody. In September 1998 his remains were found in the Lake Radonjić/Radoniq canal area.
80. — On 27 or 28 May 1998, Ilija Antić, a Serb living in Ločane/Lloçan, was last seen alive when he visited the home of his brother, Đorđe Antić, in Ločane/Lloçan. Other family members had already left the village because of shooting incidents by the KLA. Ilija Antić was killed while in KLA custody. Serbian authorities recovered his body in September 1998 in the Lake Radonjić/Radoniq canal area. The body revealed multiple bone fractures, including skull injuries.
81. — In June or July 1998, Idriz Hoti, a Kosovar Albanian resident in Đakovica/Gjakova, disappeared. He was subsequently killed while in KLA custody. In September 1998 his remains were found in the Lake Radonjić/Radoniq canal area.
82. — On 4 July 1998, KLA soldiers in the village of Lower Novo Selo/Novo Sello, abducted Kujtim Imeraj, a Kosovar Roma/Egyptian. He was subsequently killed while in KLA custody. In September 1998 his remains were found in the Lake Radonjić/Radoniq canal area.
83. — On 12 July 1998, KLA soldiers abducted Nurije Krasniqi and Istref Krasniqi, both Kosovar Albanians, from their family home in the village of Turjak/Turjakë. They were killed while in KLA custody. In September 1998 their remains were found in the Lake Radonjić/Radoniq canal area.
84. — On 18 July 1998, Zdravko Radunović, a Serb, went missing after leaving his house in Peć/Pejë. KLA soldiers abducted him in the village of Dujak/Dujakë and took him to the village of Glodane/Gllogjan, where they handed him over to a local KLA commander. While in KLA custody he was shot in the head

~~and killed. In September 1998 his remains were found in the Lake Radonjić/Radoniq canal area.~~

~~85. On 19 July 1998, Velizar Stošić, a Serb living in Belo Polje/Bellopoje, went missing in Loda/Loxhë. Velizar Stošić was killed while in KLA custody and the remains of his body were recovered in September 1998 in the Lake Radonjić/Radoniq canal area. Examination of the body revealed gunshot wounds to the head and legs and a rope ligature around his neck.~~

~~86. On or about 27 July 1998, Malush Shefki Meha, a Kosovar Albanian, left his home in Peć/Pejë. He was subsequently killed while in KLA custody. In September 1998 his remains were found in the Lake Radonjić/Radoniq canal area.~~

~~87. In August 1998, Xhevat Berisha, a Roma/Egyptian, disappeared from the village of Glodane/Gllogjan. He was subsequently killed while in KLA custody. His remains were found in the Lake Radonjić/Radoniq canal area in September 1998.~~

~~88. In the summer of 1998, Kemajl Gashi, a Kosovar Albanian, left his home in Peć/Pejë. His son, a member of the KLA in Barane/Baran, last saw his father at the KLA barracks in Barane/Baran. The Barane/Baran KLA Commander told him that his father had been arrested as a Serbian spy. Kemajl Gashi's son heard KLA soldiers beating him in the Barane/Baran barracks. Kemajl Gashi was killed while in KLA custody. His remains were found in September 1998 in the Lake Radonjić/Radoniq canal area.~~

~~88.1 Sanije Balaj lived in the village of Lower Streoc/Strelc. On or about 11 or 12 August 1998, she drove towards the village of Rosulje/Rosuje, in Peć/Pejë Municipality together with two of her relatives. In the village of Barane/Baran, a group of armed and uniformed KLA soldiers stopped the group and detained Sanije Balaj on suspicion of being a Serb collaborator. Cufë Krasniq and other KLA members then interrogated Sanije Balaj. Following the interrogation, Idriz Gashi (also known as "Galani") and another KLA soldier, Avni Krasniqi, took Sanije Balaj towards the main KLA~~

headquarters in Glodane/Gllogjan for the purpose of further interrogation. On the way there they stopped the car in the area of Lugu I Isufit. Idriz Gashi took Sanije Balaj into the nearby forest and shot her dead. Idriz Gashi and Avni Krasniqi later returned to the forest and buried her body. Several days later, **Idriz Balaj** and other KLA members exhumed her body. **Idriz Balaj** drove away with the body in the direction of Glodane/Gllogjan. In September 1998 Sanije Balaj's remains were found in the Lake Radonjić/Radoniq canal area.

88.2 ~~Sejd Noei, a Kosovar Albanian, lived in the village of Batush/Bataushë in Đakovica/Gjakovë Municipality. He was wanted by the KLA. In July 1998, a KLA soldier went to Košare/Koshare where Sejd Noei was staying, to take him into custody. The next day Sejd Noei left with a KLA soldier who took him to a KLA checkpoint near Junik and left him in the custody of other KLA soldiers. In about August 1998, KLA soldiers took a relative of Sejd Noei to the KLA headquarters in Glodane/Gllogjan where he was interrogated by Shkëlzen Haradinaj. Sejd Noei was killed while in KLA custody. His remains were found in the Lake Radonjić/Radoniq canal area in September 1998.~~

89. ~~Approximately five other people were killed while in KLA custody and their bodies disposed of in the same location and in a similar manner to the victims identified and described above. They remain unidentified.~~

By these acts and omissions **Ramush Haradinaj, Idriz Balaj, and Lahi Brahimaj** committed as part of the JCE defined in paragraphs 26 and 27 above, the following crimes:

Count 21: A CRIME AGAINST HUMANITY, Persecution (murder), punishable under Article 5(h) and Article 7(1) of the Statute of the Tribunal;

In the alternative, A CRIME AGAINST HUMANITY, Murder, punishable under Article 5(a) and Article 7(1) of the Statute of the Tribunal;

~~**Count 22:** A VIOLATION OF THE LAWS OR CUSTOMS OF WAR, Murder, as recognised by Common Article 3(1)(a) of the Geneva Conventions of 1949, punishable under Article 3 and Article 7(1) of the Statute of the Tribunal.~~

COUNTS 23 and 1

47. On or about 19 May 1998, Ivan Zarić, a Serb, accompanied by two Roma/Egyptians, Agron Berisha and Burim Bejta, left their home village of Dolac/Dolle and travelled to the flour mill in the village of Grabanica/Grabanicë. There they were arrested by KLA soldiers, taken to an abandoned house, and severely beaten. The KLA soldiers then took them to the Jablanica/Jabllanicë headquarters where they were detained.

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48. While detained at the Jablanica/Jabllanicë detention facility, and in the presence of **Ramush Haradinaj, Idriz Balaj** mutilated Ivan Zarić by cutting off his ear and threatened to do the same to Agron Berisha and Burim Bejta.

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49. Following the mutilation of Ivan Zarić, **Lahi Brahimaj**, in the presence and hearing of **Ramush Haradinaj**, ordered the execution of Ivan Zarić, Agron Berisha, and Burim Bejta. **Idriz Balaj** and a group of KLA soldiers from the Black Eagles then took away the three men. They were killed while in KLA custody. Their bodies have not been recovered.

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By these acts and omissions **Ramush Haradinaj, Idriz Balaj, and Lahi Brahimaj** committed as part of the JCE defined in paragraphs ~~23 to 25~~ above, the following crimes:

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~~**Count 23:** A CRIME AGAINST HUMANITY, Persecution (murder, imprisonment, torture, other inhumane acts, abduction), punishable under Article 5(h) and Article 7(1) of the Statute of the Tribunal;~~

~~**In the alternative,** A CRIME AGAINST HUMANITY, Murder, Imprisonment, Torture, and Other Inhumane Acts (serious physical and mental injury), punishable under Articles 5(a), 5(e), 5(f), and 5(i) and Article 7(1) of the Statute of the Tribunal;~~

Count 1: A VIOLATION OF THE LAWS OR CUSTOMS OF WAR, Murder, and Cruel Treatment, and Torture, as recognised by Common Article 3(1)(a) of the Geneva Conventions of 1949, punishable under Article 3 and Article 7(1) of the Statute of the Tribunal.

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In the alternative,

Ramush Haradinaj committed, or aided and abetted the commission of, the crimes described in ~~Count 23 and~~ Count 1;

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Idriz Balaj committed, or aided and abetted the commission of, the crimes described in ~~Count 23 and~~ Count 1; and

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Lahi Brahimaj ordered, instigated, or aided and abetted the commission of the crimes described in ~~Count 23 and~~ Count 1.

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~~COUNTS 25 and~~ 2

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50. On or around 25 May 1998, KLA soldiers abducted two Roma/Egyptian men, Ukë Rexhepaj and his son-in-law Nesret Alijaj, from the village of Grabanica/Grabanicë and accused them of being Serbian collaborators. They were taken to the Jablanica/Jabllanicë KLA headquarters and detention facility. There **Lahi Brahimaj** ordered their execution. They were killed while in KLA custody.

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By these acts and omissions **Ramush Haradinaj, Idriz Balaj, and Lahi Brahimaj** committed as part of the JCE defined in paragraphs ~~23 to, 25~~ above, the following crimes:

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~~**Count 25:** A CRIME AGAINST HUMANITY, Persecution (murder, imprisonment, abduction), punishable under Article 5(h) and Article 7(1) of the Statute of the Tribunal;~~

~~**In the alternative,** A CRIME AGAINST HUMANITY, Murder and Other Inhumane Acts (imprisonment), punishable under Articles 5(a) and 5(i) and Article 7(1) of the Statute of the Tribunal;~~

Count 2: A VIOLATION OF THE LAWS OR CUSTOMS OF WAR, Murder and Cruel Treatment, as recognised by Common Article 3(1)(a) of the Geneva

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Conventions of 1949, punishable under Article 3 and Article 7(1) of the Statute of the Tribunal.

In the alternative,

Lahi Brahimaj ordered, instigated, or aided and abetted the commission of the crimes described in Count ~~25~~ and ~~2~~.

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COUNTS ~~27~~ and ~~3~~

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51. On or about 13 June 1998, Witness ~~6~~, a Catholic Kosovar Albanian, perceived to be a collaborator by the KLA, was stopped by KLA soldiers at a checkpoint on the road between Klina/Klinë and Đakovica/Gjakova. They searched the vehicle and found a gun. The KLA soldiers took him to Jablanica/Jabllanicë KLA headquarters. Upon his arrival there, he was severely beaten by KLA soldiers including Nazmi Brahimaj, the brother of **Lahi Brahimaj**.

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52. Between 13 June 1998 and around 25 July 1998, Witness ~~6~~ was detained at the Jablanica/Jabllanicë KLA headquarters and detention facilities. During his imprisonment Witness ~~6~~ was regularly beaten by **Lahi Brahimaj**, Nazmi Brahimaj, and other KLA soldiers. He was beaten with baseball bats almost to unconsciousness. On or about 25 July 1998, Witness ~~6~~ was released from the Jablanica/Jabllanicë KLA headquarters by Nazmi Brahimaj.

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By these acts and omissions **Ramush Haradinaj**, **Idriz Balaj**, and **Lahi Brahimaj** committed as part of the JCE defined in paragraphs ~~23~~ to ~~25~~ above, the following crimes:

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~~**Count 27:** A CRIME AGAINST HUMANITY, Persecution (imprisonment, torture, other inhumane acts, abduction), punishable under Article 5(h) and Article 7(1) of the Statute of the Tribunal;~~

~~**In the alternative,** A CRIME AGAINST HUMANITY, Imprisonment, Torture, and Other Inhumane Acts (serious physical and mental injury), punishable under Articles 5(e), 5(f), and 5(i), and Article 7(1) of the Statute of the Tribunal;~~

~~**Count 3:** A VIOLATION OF THE LAWS OR CUSTOMS OF WAR, Cruel Treatment and Torture, as recognised by Common Article 3(1)(a) of the Geneva~~

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Conventions of 1949, punishable under Article 3 and Article 7(1) of the Statute of the Tribunal.

In the alternative,

~~**Lahi Brahimaj** committed, or aided and abetted the commission of, the crimes described in Count 27 and Count 28.~~

COUNTS ~~29~~ and ~~4~~

53. On or about 13 June 1998, Nenad Remistar, a Serbian Police officer, was stopped by KLA soldiers at a KLA checkpoint on the road between Klina/Klinë and Đakovica/Gjakova. The KLA soldiers took him to Jablanica/Jabllanicë KLA detention facilities. Upon his arrival he was severely beaten with baseball bats by KLA soldiers including Nazmi Brahimaj, the brother of **Lahi Brahimaj**.

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54. On or about 14 June 1998, Nenad Remistar was taken from the Jablanica/Jabllanicë KLA detention facilities. He was killed while in KLA custody. His body has not been recovered.

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55. Between mid-June 1998 and the end of July 1998, an unknown individual of Bosnian ethnicity and three unknown individuals of Montenegrin ethnicity were brought to the Jablanica/Jabllanicë KLA detention facilities by KLA soldiers. They were detained for about three days during which KLA soldiers severely beat them with baseball bats and stabbed them with knives. They were then taken from the detention facility by KLA soldiers.

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By these acts and omissions **Ramush Haradinaj, Idriz Balaj, and Lahi Brahimaj** committed as part of the JCE defined in paragraphs ~~23 to 25~~ above, the following crimes:

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~~**Count 29:** A CRIME AGAINST HUMANITY, Persecution (murder, imprisonment, torture, other inhumane acts, abduction), punishable under Article 5(h) and Article 7(1) of the Statute of the Tribunal;~~

~~**In the alternative,** A CRIME AGAINST HUMANITY, Murder, Imprisonment, Torture, and Other Inhumane Acts (serious physical and mental injury), punishable under Articles 5(a), 5(e), 5(f), and 5(i), and Article 7(1) of the Statute of the Tribunal;~~

Count 4: A VIOLATION OF THE LAWS OR CUSTOMS OF WAR, Murder and Cruel Treatment, and Torture, as recognised by Common Article 3(1)(a) of the Geneva Conventions of 1949, punishable under Article 3 and Article 7(1) of the Statute of the Tribunal.

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COUNTS ~~31~~ and ~~5~~

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56. On or about 10 July 1998, Pal Krasniqi, a Catholic Kosovar Albanian, went to the Jablanica/Jabllanicë KLA headquarters to join the KLA. He remained at the Jablanica/Jabllanicë headquarters for a few days until he was arrested as a spy. Pal Krasniqi was then beaten severely with baseball bats until he made a false confession.

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57. Pal Krasniqi was last seen alive on or about 26 July 1998 at the Jablanica/Jabllanicë KLA headquarters where he was detained. He was killed while in KLA custody. In September 1998 his remains were located in the Lake Radonjić/Radoniq canal area.

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58. On or about 11 July 1998, Skender Kuqi, a Kosovar Albanian, was abducted by KLA soldiers from his shop in Zahać/Zahaq and taken to the Jablanica/Jabllanicë KLA headquarters where KLA soldiers severely beat him with sticks and iron bars.

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59. On or about 16 July 1998, Skender Kuqi, unconscious and severely injured as a result of beatings received while in KLA custody, was transferred to a KLA medical facility in Rznić/Irzniciq for treatment, where he died. His kidney had been exposed through an open wound as a result of the beatings. He was buried by KLA soldiers in Jablanica/Jabllanicë. His body was later exhumed and his remains given to his family on the instructions of **Ramush Haradinaj**.

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60. On or about 13 July 1998, Witness 3, a Kosovar Albanian who refused to fight for the KLA, was asked by **Lahi Brahimaj** to accompany him to the Jablanica/Jabllanicë KLA headquarters. Upon his arrival at the KLA Jablanica/Jabllanicë headquarters, **Lahi Brahimaj** detained him with two other men. KLA soldiers beat **Witness 3** until he lost consciousness.

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61. While in detention KLA soldiers interrogated and beat the three men and tied them up. Between 13 July 1998 and 16 July 1998, Nazmi Brahimaj and Naser Brahimaj, also known as “Rusi,” repeatedly beat the two unknown prisoners.

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62. On or about 16 July 1998, Witness 3 was taken to an office where **Lahi Brahimaj**, **Idriz Balaj**, and two female KLA soldiers were present. **Lahi Brahimaj** invited the female KLA soldiers to beat Witness 3, which they did using instruments. **Lahi Brahimaj** and **Idriz Balaj** encouraged the beating. During the beating **Idriz Balaj** accused Witness 3 of being a Serbian spy and threatened him. **Lahi Brahimaj** encouraged Witness 3 to commit suicide. Witness 3 subsequently escaped.

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63. In late July 1998, Witness 3 was again abducted at gunpoint in Jablanica/Jabllanicë by **Lahi Brahimaj**. **Lahi Brahimaj** took Witness 3 to **Lahi Brahimaj**’s house where he beat the witness. **Lahi Brahimaj** then took Witness 3 to the Jablanica/Jabllanicë KLA headquarters, where **Lahi Brahimaj** interrogated and beat Witness 3 before taking him to the Glodane/Gillogjan KLA headquarters, where Witness 3 was handed over to a KLA military police officer, who also beat the witness. **Ramush Haradinaj** subsequently released Witness 3 from KLA custody.

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By these acts and omissions **Ramush Haradinaj**, **Idriz Balaj**, and **Lahi Brahimaj** committed as part of the JCE defined in paragraphs 23 to 25 above, the following crimes:

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~~**Count 31:** A CRIME AGAINST HUMANITY, Persecution (murder, imprisonment, torture, other inhumane acts, abduction), punishable under Article 5(h) and Article 7(1) of the Statute of the Tribunal;~~

~~**In the alternative,** A CRIME AGAINST HUMANITY, Murder, Imprisonment, Torture, and Other Inhumane Acts (serious physical and mental injury), punishable under Articles 5(a), 5(e), 5(f), and 5(i), and Article 7(1) of the Statute of the Tribunal;~~

Count 5: A VIOLATION OF THE LAWS OR CUSTOMS OF WAR, Murder, and Cruel Treatment, and Torture, as recognised by Common Article 3(1)(a) of the Geneva Conventions of 1949, punishable under Article 3 and Article 7(1) of the Statute of the Tribunal.

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~~**In the alternative,**~~

~~**Ramush Haradinaj** aided and abetted the commission of the crimes described in Count 31 and Count 32;~~

~~**Idriz Balaj** committed, or planned, instigated, or aided and abetted the commission of, the crimes described in Count 31 and Count 32; and~~

~~**Lahi Brahimaj** committed, or planned, instigated, or aided and abetted the commission of, the crimes described in Count 31 and Count 32.~~

COUNTS 33 and 6

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64. On or around 23 May 1998, Kosovar Albanians Naser Lika and Fadil Fazlija (Fazliu), both from Grabanica/Grabanicë, were abducted in the village of Žabelj/Zhabel by KLA soldiers under suspicion of treason, for having allegedly supported the Democratic League of Kosovo (LDK). KLA soldiers took them to the Jablanica/Jabllanicë KLA headquarters. There, **Lahi Brahimaj, Ramush Haradinaj, Idriz Balaj,** and other KLA members threatened Naser Lika, Fadil Fazlija (Fazliu), and about twenty men from the village of Grabanica/Grabanicë, informing them that they could not live in Kosovo unless they freed their village from the Serbs. The KLA released Naser Lika and Fadil Fazlija (Fazliu) after a family member intervened and threatened a “blood feud.”

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65. In July 1998, **Lahi Brahimaj** and other KLA soldiers again abducted Naser Lika at his house in Grabanica/Grabanicë and took him to the

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Jablanica/Jabllanicë KLA headquarters, where he was brought before **Ramush Haradinaj** and **Idriz Balaj**. **Ramush Haradinaj** told **Lahi Brahimaj** to go ahead with his “job.” A KLA soldier, “Bandash,” then beat Naser Lika with a baseball bat. **Ramush Haradinaj** repeatedly ordered the cessation and resumption of the beating. **Idriz Balaj** threatened to kill Naser Lika. During the beating, **Ramush Haradinaj** spat in Naser Lika’s face. KLA soldiers kicked him in the testicles while he lay on the ground. Naser Lika was then imprisoned for three days in the flooded basement of the second building in the compound. During this time he was again severely beaten. Thereafter, Naser Lika was forced to work in the kitchen of the KLA headquarters. After approximately three weeks, he managed to escape.

By these acts and omissions **Ramush Haradinaj**, **Idriz Balaj**, and **Lahi Brahimaj** committed as part of the JCE defined in paragraphs ~~23, to, 25~~ above, the following crimes:

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~~**Count 33:** A CRIME AGAINST HUMANITY, Persecution (imprisonment, torture, other inhumane acts, abduction), punishable under Article 5(h) and Article 7(1) of the Statute of the Tribunal;~~

~~**In the alternative,** A CRIME AGAINST HUMANITY, Imprisonment, Torture, and Other Inhumane Acts (serious physical and mental injury), punishable under Articles 5(e), 5(f), and 5(i) and Article 7(1) of the Statute of the Tribunal.~~

~~**Count 6:** A VIOLATION OF THE LAWS OR CUSTOMS OF WAR, Cruel Treatment and Torture, as recognised by Common Article 3(1)(a) of the Geneva Conventions of 1949, punishable under Article 3 and Article 7(1) of the Statute of the Tribunal.~~

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~~**In the alternative,**~~

~~**Ramush Haradinaj** ordered, instigated, or aided and abetted the commission of the crimes described in ~~Count 33~~ and ~~Count 6~~;~~

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~~**Idriz Balaj** committed, or planned or aided and abetted the commission of, the crimes described in ~~Count 33~~ and ~~Count 6~~; and~~

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~~**Lahi Brahimaj** committed, or planned or aided and abetted the commission of, the crimes described in ~~Count 33~~ and ~~Count 6~~.~~

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COUNTS 35, 36 and 37

109. ~~Witness SST7/01 and Witness SST7/02 lived in the village of Rznić/Irznik. At the beginning of 1998, KLA soldiers entered the village of Rznić/Irznik and formed a headquarters in the village in a building attached to the local school. **Idriz Balaj** and members of his unit, the Black Eagles, were stationed in these headquarters. **Ramush Haradinaj**, as the Commander of the Dukagjin area, came regularly to the village of Rznić/Irznik and ordered the villagers to defend the area against the Serbs and to dig trenches at locations he had selected.~~
110. ~~In April 1998, KLA soldiers ordered Witness SST7/01 to participate in the digging of trenches with KLA soldiers. Witness SST7/01 was warned that if he did not participate he would be killed. Witness SST7/01 was sometimes forced to work for long periods of time without being given food or water. He was not paid for this work which lasted approximately three months. After this time Witness SST7/01 was forced by the KLA to carry out unpaid agricultural work.~~
111. ~~On several occasions throughout 1998, **Idriz Balaj** used Witness SST7/01 as a “human shield” in the Dukagjin Operational Zone by forcing him to walk in front of **Idriz Balaj** and his KLA soldiers in order to draw enemy fire.~~
112. ~~At the end of July or the beginning of August 1998, **Idriz Balaj** and four uniformed and masked KLA soldiers forced Witness SST7/01 and Witness SST7/02 to walk to the KLA headquarters in Rznić/Irznik. **Idriz Balaj** took Witness SST7/02 into the building to interrogate her about involvement or collaboration with the Serbian Police and military forces. After interrogating her, **Idriz Balaj** ordered another KLA soldier in the room to leave them alone. **Idriz Balaj** then forced her onto a bed and repeatedly raped her.~~
113. ~~Witness SST7/02’s family reported the rape to the KLA local authorities. **Idriz Balaj** told KLA soldiers that he had been ordered to commit the rape. No action was taken against him.~~

~~114. Witness SST7/01 was taken into the headquarters building. **Idriz Balaj** placed a knife against Witness SST7/01's throat and threatened to cut his head off because of his ethnicity. **Idriz Balaj** then told him that all members of his ethnic group had to leave Kosovo. Witness SST7/01 was then tied onto a metal bed frame. **Idriz Balaj** and KLA soldiers then beat him.~~

~~By these acts and omissions **Ramush Haradinaj**, **Idriz Balaj**, and **Lahi Brahimaj** committed as part of the JCE defined in paragraphs 26 and 27 above, the following crimes:~~

~~**Count 35:** A CRIME AGAINST HUMANITY, Persecution (imprisonment, torture, rape, other inhumane acts, abduction, forcible labour), punishable under Article 5(h) and Article 7(1) of the Statute of the Tribunal;~~

~~**In the alternative,** A CRIME AGAINST HUMANITY, Imprisonment, Torture, Rape, and Other Inhumane Acts (forcible labour, serious physical and mental injury), punishable under Articles 5(e), 5(f), 5(g), and 5(i) and Article 7(1) of the Statute of the Tribunal;~~

~~**Count 36:** A VIOLATION OF THE LAWS OR CUSTOMS OF WAR, Rape, punishable under Article 3 and Article 7(1) of the Statute of the Tribunal;~~

~~**Count 37:** A VIOLATION OF THE LAWS OR CUSTOMS OF WAR, Cruel Treatment and Torture, as recognised by Common Article 3(1)(a) of the Geneva Conventions of 1949, punishable under Article 3 and Article 7(1) of the Statute of the Tribunal.~~

~~**In the alternative,**~~

~~**Idriz Balaj** committed, or planned the commission of, the crimes described in Count 36 and Count 37.~~

Carla Del Ponte
Prosecutor

Dated 16 October 2007

At The Hague

The Netherlands

Revised 9 November 2010

**THE INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIA**

Case No. IT-84bis-PT

THE PROSECUTOR

v.

**RAMUSH HARADINAJ
IDRIZ BALAJ
LAHI BRAHIMAJ**

PUBLIC APPENDIX B TO

**SUBMISSION OF NEW VERSION OF THE REVISED
FOURTH AMENDED INDICTMENT**

**THE INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIA**

CASE NO: IT-04-84bis-PT

THE PROSECUTOR OF THE TRIBUNAL

AGAINST

**RAMUSH HARADINAJ
IDRIZ BALAJ
LAHI BRAHIMAJ**

REVISED FOURTH AMENDED INDICTMENT

The Prosecutor of the International Criminal Tribunal for the former Yugoslavia, pursuant to her authority under Article 18 of the Statute of the International Criminal Tribunal for the former Yugoslavia, charges:

**Ramush Haradinaj
Idriz Balaj
Lahi Brahimaj**

with **VIOLATIONS OF THE LAWS OR CUSTOMS OF WAR** as set forth below:

THE ACCUSED

1. **Ramush Haradinaj** (also known as “Smajl”) was born on 3 July 1968 in Glodane/Gllogjan,¹ in the municipality of Dečani/Deçan in Kosovo, in the former Yugoslavia.
2. From at least 1 March 1998 until mid-June 1998, **Ramush Haradinaj** was a *de facto* commander in the *Ushtria Çlirimtare e Kosovës* (UÇK), otherwise known as the Kosovo Liberation Army (KLA). In mid-June 1998, **Ramush Haradinaj** was appointed a *de jure* commander. As a commander, **Ramush**

¹ Because many places in Kosovo are known by both a Serbian and an Albanian name, all places are identified by their Serbian name first and their Albanian name second.

Haradinaj had overall command of the KLA forces in the Dukagjin Operational Zone, located in western Kosovo. He was one of the most senior KLA leaders in Kosovo.

3. The Dukagjin Operational Zone encompassed the municipalities of Peć/Pejë, Dečani/Dečan, Đakovica/Gjakovë, and parts of the municipalities of Istok/Istog and Klina/Klinë. The villages of Barane/Baran, Belo Polje/Bellopoje, Kosurić/Kosuriq, Loda/Loxhë, Lower Novo Selo/Novo Sello, Napolje/Nepolë, Peć/Pejë, Turjak/Turjakë, and Zahać/Zahaq in Peć/Pejë municipality; Babaloć/Baballoq, Dašinovac/Dashinoc, Dečani/Dečan, Djoci/Gjocaj, Dubrava/Dubravë, Glodane/Gllogjan, Gramočelj/Gramaqel, Junik/Junik, Ločane/Lločan, Požar/Pozhare, Ratiš/Ratishë, and Rznić/Irzniq in Dečani/Dečan municipality; Đakovica/Gjakovë, Dujak/Dujakë, Jablanica/Jabllanicë, Piskote/Piskotë, Pljančor/Plançar, and Žabelj/Zhabel, in Đakovica/Gjakovë municipality; Dolac/Dolc and Grabanica/Grabanicë in Klina/Klinë municipality; and the Lake Radonjić/Radoniq canal area were within the area of **Ramush Haradinaj's** command and control.
4. In spring 1998, the KLA had a General Staff but no identified supreme commander was giving orders. Each KLA operational area in Kosovo acted independently of the senior command authority. **Ramush Haradinaj** was one of the most independent zone commanders. He based his military operations at his family compound in Glodane/Gllogjan which became the KLA headquarters for the Dukagjin Operational Zone.
5. By early April 1998, parts of Dečani/Dečan and Đakovica/Gjakovë around **Ramush Haradinaj's** Glodane/Gllogjan base were firmly under his control, and by late June 1998 he had extended his control into the neighbouring municipalities of Peć/Pejë, Istok/Istog, and Klina/Klinë. As the Dukagjin Operational Zone Commander, **Ramush Haradinaj** controlled local KLA units. Sub-zone commanders in the zone received and followed his orders. In addition to his military authority, in the clan-based structure of Kosovar society, **Ramush Haradinaj** was a prominent figure in the area of his native village of Glodane/Gllogjan and in the municipality of Dečani/Dečan.

6. **Ramush Haradinaj** held his position as the Dukagjin Operational Zone Commander throughout the armed conflict in Kosovo until at least the cessation of hostilities in June 1999.
7. In 1999, **Ramush Haradinaj** joined the Kosovo Protection Corps (KPC), a new force created by the United Nations Interim Administration Mission in Kosovo (UNMIK) in order to integrate KLA units into the new internationally-administered force structures in Kosovo. He became Commander of the Second Regional Task Group of the KPC based in Prizren/Prizren. In 2000, he resigned from his function in the KPC and founded a political party called “The Alliance for the Future of Kosovo.” He was a Member of Parliament from 2001 until 2004. In December 2004, he became the Prime Minister of Kosovo.
8. **Idriz Balaj (also known as “Toger/Togeri” meaning “Lieutenant”)** was born on 23 August 1971 in Iglarevo/Gllarevë, in the municipality of Klinë/Klinë in Kosovo, in the former Yugoslavia.
9. At all times relevant to this indictment, **Idriz Balaj** was a member of the KLA. He commanded a special unit known as the “Black Eagles.” With the approval of **Ramush Haradinaj**, the Black Eagles unit was created in April 1998 as a Rapid Intervention Special Unit. This unit was usually headquartered in Rznice/Irznice village, its numbers varied from 40 to 100 soldiers, and its members came from several villages. **Ramush Haradinaj** helped **Idriz Balaj** to train the Black Eagles who operated throughout the municipalities in the Dukagjin Operational Zone. As Commander of the Black Eagles, **Idriz Balaj** was directly subordinated to **Ramush Haradinaj** and worked closely with him.
10. In 1999, after the cessation of hostilities, **Idriz Balaj** joined the KPC and held the rank of Major.
11. **Lahi Brahimaj (also known as “Maxhup” meaning “Gypsy”)** was born on 26 January 1970 in Jablanica/Jabllanicë, in the municipality of

Dakovica/Gjakovë, in Kosovo, in the former Yugoslavia. **Lahi Brahimaj** is **Ramush Haradinaj's** uncle.

12. At all times relevant to this indictment, **Lahi Brahimaj** was a member of the KLA and stationed at the Jablanica/Jablanicë Headquarters. He was appointed Deputy Commander of the Dukagjin Operative Staff on 23 June 1998. He remained Deputy Commander until 5 July 1998, when he was removed from this position. His brother, Nazmi Brahimaj, was then appointed to replace him as Deputy Commander of the Dukagjin Operative Staff. **Lahi Brahimaj** then continued to serve as Finance Director of the KLA General Staff. Throughout the entire indictment period, despite the change in his formal position, **Lahi Brahimaj** was a subordinate of **Ramush Haradinaj** and worked closely with him. After the cessation of hostilities, **Lahi Brahimaj** became a high-ranking officer in the KPC.

GENERAL ALLEGATIONS

13. All acts or omissions alleged in this indictment as violations of the laws or customs of war occurred between 1 March 1998 and 30 September 1998 in Kosovo, in the former Yugoslavia.
14. At all times relevant to this indictment, a state of armed conflict existed in Kosovo between the KLA, and the forces of the Federal Republic of Yugoslavia and the Ministry of the Interior of the Republic of Serbia (Serbian Forces). The crimes alleged in this indictment under Article 3 of the Statute of the Tribunal were closely related to the armed conflict. The victims of those crimes were persons taking no active part in hostilities. The victims were mainly Serb, Kosovar Albanian, or Kosovar Roma/Egyptian civilians or other civilians. The KLA perceived most of these civilian victims to be collaborating with the Serbian Forces, not supporting the KLA, or resisting the KLA by non-military means.

15. At all times relevant to this indictment, **Ramush Haradinaj, Idriz Balaj, and Lahi Brahimaj** were required to abide by the laws and customs governing the conduct of armed conflicts, including the Geneva Conventions of 1949.

INDIVIDUAL CRIMINAL RESPONSIBILITY

16. **Ramush Haradinaj, Idriz Balaj, and Lahi Brahimaj** are each charged, pursuant to Article 7(1) of the Statute of the Tribunal, as being individually criminally responsible for the crimes charged in this indictment.
17. “Committing” in this indictment includes the physical perpetration of a crime, either by act or omission, or the participation by an Accused in a joint criminal enterprise (JCE).
18. Each Accused is charged with committing the crimes charged as participants in the JCE as described in paragraphs 23 to 25. In the alternative, each Accused is charged with having planned, instigated, ordered, committed, or otherwise aided and abetted the planning, preparation, or execution of the crimes as set out in the counts referred to in paragraphs 20 to 22.
19. For the modes of liability of planning, instigating, or ordering the crimes charged, each Accused acted with the awareness of the substantial likelihood that the crimes would be committed in the execution of the plan, order, or instigation. For the mode of liability of aiding and abetting, each Accused was aware that his acts or omissions assisted in the commission of crimes charged in this indictment or was aware that one of a number of crimes would probably be committed and that his acts or omissions would assist in the commission of such crime or crimes.
20. Alternatively to his liability under JCE, **Ramush Haradinaj** is individually criminally responsible for his acts and omissions in that he instigated, ordered, committed, or aided and abetted the crimes described and charged in Counts 1 and 6 of the indictment.

21. Alternatively to his liability under JCE, **Idriz Balaj** is individually criminally responsible for his acts and omissions in that he planned, committed, or aided and abetted the crimes described and charged in Counts 1 and 6 of the indictment.
22. Alternatively to his liability under JCE, **Lahi Brahimaj** is individually criminally responsible for his acts and omissions in that he planned, instigated, ordered, committed, or aided and abetted the crimes described and charged in Counts 1, 2 and 6 of the indictment.

JOINT CRIMINAL ENTERPRISE

23. **Ramush Haradinaj, Idriz Balaj, and Lahi Brahimaj** are criminally responsible, as participants in the JCE, for the crimes charged in each count of the indictment, with the exception of **Lahi Brahimaj** in relation to Count 3 and in relation to parts of Count 5 concerning Witness 3 described in paragraphs 60 to 63 below. Each crime charged in the indictment was within the common criminal purpose of the JCE and each Accused shared the intent with the other co-perpetrators to commit these crimes. Alternatively, to the extent that some of the crimes charged did not fall within the JCE, they were the natural and foreseeable consequences of the JCE and each Accused was aware that these crimes were the natural and foreseeable consequences of the execution of the JCE.
24. The common criminal purpose of the JCE was to mistreat Serb civilians and Kosovar Albanian and Kosovar Roma/Egyptian civilians, and other civilians, who were, or were perceived to have been, collaborators with the Serbian Forces or otherwise not supporting the KLA. The common criminal purpose involved violations of the laws or customs of war under Article 3, including murder, cruel treatment, and torture. The JCE included the establishment and operation of and the mistreatment of detained persons at the KLA's headquarters at Jablanica/Jabllanicë.
25. The JCE began on or around March 1998, and continued at least until late September 1998. Its membership comprised **Ramush Haradinaj, Idriz**

Balaj, Lahi Brahimaj, and other KLA soldiers who shared the intent to commit the crimes that were within the common criminal purpose of the JCE, and who participated in the execution of the crimes charged in this indictment, or otherwise contributed to achieving the common criminal purpose of the JCE. The other members of the JCE who shared the intent to commit the crimes that were within the common criminal purpose included **Ramush Haradinaj's** brothers, Daut Haradinaj, Frashër Haradinaj, and Shkëlzen Haradinaj, and others, including Nasim Haradinaj, Zeqir Nimonaj, Luan Përvorfi, Krist Përvorfi, Nazmi Brahimaj, Naser Brahimaj known as "Rusi," Alush Agushi, Myftar Brahimaj, Pjetër Shala, Arbnor Zejneli, and Azem Veseli.

26. By virtue of his participation in the JCE, each Accused is individually responsible for the acts and omissions of his two co-Accused and for the acts and omissions of other members of the JCE that were in furtherance of the common criminal purpose, and that were either within the object of the JCE or that were the natural and foreseeable consequences of its execution.
27. Each Accused is also individually responsible for the acts and omissions of other persons, who were not members of the JCE, but who were used by the members of the JCE to carry out crimes committed in furtherance of the common criminal purpose that were either within the scope of the JCE or that were the natural and foreseeable consequences of its execution.

PARTICIPATION OF EACH ACCUSED IN THE JOINT CRIMINAL ENTERPRISE

28. **Ramush Haradinaj** participated in the JCE by his acts or omissions including:
 - (a) by ensuring, as Commander of the Dukagjin Operational Zone, that KLA forces under his control operated in a structured and disciplined manner, and by controlling, planning, and organizing KLA operations;
 - (b) by allowing the KLA, under his control and direction, to establish a system whereby it targeted for abduction, murder, detention, and other forms of

- mistreatment Serb, Kosovar Albanian and Kosovar Roma/Egyptian civilians, and other civilians who collaborated with, or were perceived to have collaborated with, the Serbian Forces or otherwise not to have supported the KLA;
- (c) by excluding all rivals to KLA forces, such as the Armed Forces of the Republic of Kosovo (FARK), from the Dukagjin Operational Zone in order to provide his soldiers with the ability to dominate the area and to persecute civilians;
 - (d) by making use of his house as a centre of operations, and by using other Haradinaj family resources and the support of his family members to further the consolidation of his power for the purpose, among others, of carrying out the JCE, including the persecution of civilians;
 - (e) by approving the creation of the notorious Black Eagles unit that carried out attacks on, and mistreated, civilians;
 - (f) by appointing and retaining his co-Accused **Idriz Balaj** as Commander of the Black Eagles;
 - (g) by appointing **Lahi Brahimaj**, and subsequently Nazmi Brahimaj, as Deputy Commander of the Dukagjin Operative Staff and as the responsible KLA soldier at the Jablanica/Jabllanicë detention facility, where civilians were detained and mistreated;
 - (h) by planning, establishing, and operating the Jablanica/Jabllanicë detention facility, which was used for the unlawful detention and mistreatment of civilians;
 - (i) by condoning and encouraging the criminal conduct committed by his co-Accused and KLA soldiers when he was present at the Jablanica/Jabllanicë detention facility;
 - (j) by controlling the continued detention, release, and access to medical treatment of civilians detained by the KLA in the Dukagjin Operational Zone, including at the Jablanica/Jabllanicë detention facility;
 - (k) by condoning and encouraging the criminal conduct of his co-Accused and other subordinates in the Dukagjin Operational Zone, at such places as the Jablanica/Jabllanicë detention facility;
 - (l) by providing his tacit approval for detained persons to be executed; and

(m) by his acts and omissions in the criminal activities described in this indictment, including those in Counts 1 and 6, whereby he instigated, ordered, committed, or aided and abetted the crimes described and charged.

29. **Idriz Balaj** participated in the JCE by his acts or omissions including:

- (a) by working closely, as Commander of the Black Eagles, with **Ramush Haradinaj** and providing direct operational support for the KLA's criminal activities in the Dukagjin Operational Zone;
- (b) by condoning and encouraging the criminal conduct of the members of the Black Eagles, who were his subordinates, and that of other KLA members;
- (c) by condoning and encouraging the criminal conduct of his co-Accused and other KLA soldiers at the Jablanica/Jabllanicë detention facility; and
- (d) by his acts and omissions in the criminal activities described in this indictment, including those in Counts 1 and 6 whereby he planned, committed, or aided and abetted the crimes described and charged.

30. **Lahi Brahimaj** participated in the JCE by his acts or omissions including:

- (a) by working closely, as Deputy Commander of the Dukagjin Operative Staff and as a KLA Commander, with **Ramush Haradinaj** and providing direct operational support for the KLA's criminal activities in the Dukagjin Operational Zone;
- (b) by running the KLA detention facility at Jablanica/Jabllanicë, from at least April 1998 until on or about 5 July 1998, for the purpose, among other purposes, of carrying out the JCE by detaining and mistreating civilians;
- (c) by condoning and encouraging the criminal conduct of his co-Accused and other KLA soldiers at the Jablanica/Jabllanicë detention facility during that time period and thereafter, until at least mid-September 1998;
- (d) by condoning and encouraging the criminal conduct of KLA soldiers, including the military police and other persons who attacked and otherwise mistreated civilians in the Dukagjin Operational Zone; and

(e) by his acts and omissions in the criminal activities described in this indictment, including those in Counts 1, 2, 3, 5, and 6 whereby he planned, instigated, ordered, committed, or aided and abetted the crimes described and charged.

31. Further specification of the functioning of the JCE and of the participation of each accused is provided in the charges and the statement of facts below.

STATEMENT OF FACTS

32. In 1998 the municipality of Dečani/Deçan had a population of 57,125, of which 55,886 were Albanian, 791 were Serb, and 448 were of other ethnicity. The population of the municipality of Đakovica/Gjakovë was around 131,700 with 122,856 Albanians, 3,211 Serbs, and 5,680 of other ethnicity. The population of the municipality of Istok/Istog was around 64,000, of which 51,343 were Albanian, 7,270 were Serb, and 5,381 were of other ethnicity. The population of the municipality of Klina/Klinë was around 75,000 with 66,683 Albanians, 6,306 Serbs and 3,386 of other ethnicity. The population of the municipality of Peć/Pejë was around 150,000 with 111,638 Albanians, 14,765 Serbs, and 13,788 of other ethnicity.
33. In early 1998, tensions increased between Serbian authorities and the KLA in the area surrounding Glodane/Gllogjan. Until early September 1998, **Ramush Haradinaj's** KLA headquarters were located in his family compound in his native village of Glodane/Gllogjan. The area between Glodane/Gllogjan and Dečani/Deçan was of critical strategic importance for the KLA because it connected **Ramush Haradinaj's** KLA headquarters in Glodane/Gllogjan to the border with Albania from where the KLA received arms and supplies throughout 1998. Glodane/Gllogjan also became an important recruiting centre for the KLA in the Dukagjin region and in the Operational Zones of Šalja/Shalë, Lap/Llap, and Drenica/Drenicë.
34. KLA forces mounted attacks on Serbian Police targets in the Dukagjin region and also on a neighbouring camp of Serbian/Montenegrin refugees located in the village of Babaloć/Baballoq, and, as a consequence, on 24 March 1998,

Serbian Police forces surrounded the compound of the family of **Ramush Haradinaj** in Glodane/Gllogjan. **Ramush Haradinaj** and KLA forces under his command successfully repelled this attack. One Serbian policeman was killed and **Ramush Haradinaj** was wounded.

35. After 24 March 1998, KLA forces under the command and control of **Ramush Haradinaj** mounted a military campaign to seize control of the area between the villages of Glodane/Gllogjan and Dečani/Deçan and particularly the villages of Dubrava/Dubravë, Rznić/Irznik, Ratiš/Ratishë, and Dašinovac/Dashinoc and to drive ethnic Serbs out of the villages where they were living. They also continued to launch attacks against the camp of refugees in Babaloć/Baballoq. This refugee camp had been the target of similar KLA attacks since 1997.
36. During March and April 1998, KLA forces under the command and control of **Ramush Haradinaj**, including the Black Eagles under the direct command of **Idriz Balaj**, harassed, beat, or otherwise drove Serb civilians and Roma/Egyptian civilians out of these villages, and killed many Serb or Roma/Egyptian civilians who remained behind or who had refused to abandon their homes. In the second half of April 1998, KLA forces under the command and control of **Ramush Haradinaj** succeeded in blockading parts of Dečani/Deçan for a period of approximately three weeks.
37. By mid-April 1998, much of the Serb population living in the Dukagjin Operational Zone had fled the area following acts of violence and persecution directed at Serb civilians by KLA forces. Over the course of several days following 19 April 1998, KLA attacks forced out or killed virtually every Serb civilian remaining in the KLA controlled parts of the Dukagjin Operational Zone.
38. During the following months, within the Dukagjin Operational Zone, and in particular in the municipalities of Dečani/Deçan and Peć/Pejë, KLA forces under the command and control of **Ramush Haradinaj** continued to mount similar attacks on Serb, Kosovar Albanian, and Kosovar Roma/Egyptian

civilians, or other civilians, perceived as collaborators or perceived as not supporting the KLA, who were not taking part in hostilities. KLA forces, under the command and control of **Ramush Haradinaj**, carried out abductions in the Dukagjin Operational Zone. Dozens of civilians went missing. Between March 1998 and September 1998, in the municipalities of the Dukagjin Operational Zone, in addition to the victims mentioned in this indictment, the KLA abducted more than 60 civilians and subsequently killed many of them.

39. The village of Jablanica/Jabllanicë is in the municipality of Đakovica/Gjakova approximately 18 kilometres from Glodane/Gllogjan. From late 1995, **Lahi Brahimaj**, who lived in Jablanica/Jabllanicë, sheltered other members of the KLA in his house and assisted them in their transit through the area of Dukagjin. An armoury was established and **Lahi Brahimaj's** house was used to hold clandestine meetings. During this period, no armed actions were carried out in the Dukagjin area.
40. From at least March 1998, the KLA's Jablanica/Jabllanicë headquarters provided shelter to high-profile members of the KLA who were entering Kosovo and travelling to other areas of the province to establish commands. **Ramush Haradinaj** went to the Jablanica/Jabllanicë headquarters to receive medical attention and to recover from the injuries he sustained on 24 March 1998, when armed contact with the Serbian Forces took place at his family compound in Glodane/Gllogjan. After an offensive by Serbian forces in early September 1998, **Ramush Haradinaj** moved his KLA headquarters to the family compound of **Lahi Brahimaj** in Jablanica/Jabllanicë.
41. In mid-May 1998, the KLA established a make-shift detention facility at its Jablanica/Jabllanicë headquarters. The Jablanica/Jabllanicë detention facility was contained in a four-room house next to the family compound of **Lahi Brahimaj**, which contained the KLA's Jablanica/Jabllanicë headquarters. **Lahi Brahimaj** had an office in the house. The KLA generally kept its detainees together in a room measuring approximately sixteen square metres in size and containing no furniture. Some prisoners were also thrown into the

basement of the house, which was flooded with about half a metre of water, and detained there. During their detention, detainees were given very little food or water, were regularly beaten and subjected to other forms of physical mistreatment, and were denied medical treatment for their injuries. A number of prisoners at the Jablanica/Jabllanicë detention facility died as a result of their injuries, or were executed on orders of the Accused.

42. Lake Radonjić/Radoniq, and the concrete canal leading into a river which drains into the lake, were within the Dukagjin Operational Zone. The canal passes within approximately two kilometres of Glodane/Gllogjan. During the indictment period, KLA soldiers under the command and control of **Ramush Haradinaj** controlled the territory surrounding the lake. Permission from the KLA, in the form of a pass, was required to travel in the area.
43. During the end of August and the beginning of September 1998, Serbian Forces mounted a counter-offensive and temporarily retook the area surrounding Glodane/Gllogjan, including the Lake Radonjić/Radoniq canal area.
44. A Serbian forensic crime scene team then conducted an investigation in the vicinity of the canal leading to Lake Radonjić/Radoniq and the road leading to Dašinovac/Dashinoc.
45. On or about 12 September 1998, the team recovered human remains from 32 identifiable bodies in the Lake Radonjić/Radoniq canal area. Many of the bodies were found near one of only two small access roads to that area. The team also found two bodies on the road leading to Dašinovac/Dashinoc, approximately nine kilometres from Glodane/Gllogjan.
46. The bodies and remains were forensically examined in temporary mortuary facilities in Đakovica/Gjakova. Some of the remains that were recovered from the Lake Radonjić/Radoniq canal area and on the road leading to Dašinovac/Dashinoc were identified by Serbian authorities using traditional identification procedures. Other remains that were recovered were

subsequently identified by international organizations using DNA tests. These remains included those of Pal Krasniqi (Count 5).

CHARGES

COUNT 1

47. On or about 19 May 1998, Ivan Zarić, a Serb, accompanied by two Roma/Egyptians, Agron Berisha and Burim Bejta, left their home village of Dolac/Dolle and travelled to the flour mill in the village of Grabanica/Grabanicë. There they were arrested by KLA soldiers, taken to an abandoned house, and severely beaten. The KLA soldiers then took them to the Jablanica/Jabllanicë headquarters where they were detained.
48. While detained at the Jablanica/Jabllanicë detention facility, and in the presence of **Ramush Haradinaj, Idriz Balaj** mutilated Ivan Zarić by cutting off his ear and threatened to do the same to Agron Berisha and Burim Bejta.
49. Following the mutilation of Ivan Zarić, **Lahi Brahimaj**, in the presence and hearing of **Ramush Haradinaj**, ordered the execution of Ivan Zarić, Agron Berisha, and Burim Bejta. **Idriz Balaj** and a group of KLA soldiers from the Black Eagles then took away the three men. They were killed while in KLA custody. Their bodies have not been recovered.

By these acts and omissions **Ramush Haradinaj, Idriz Balaj, and Lahi Brahimaj** committed as part of the JCE defined in paragraphs 23 to 25 above, the following crimes:

Count 1: A VIOLATION OF THE LAWS OR CUSTOMS OF WAR, Murder, and Cruel Treatment, and Torture, as recognised by Common Article 3(1)(a) of the Geneva Conventions of 1949, punishable under Article 3 and Article 7(1) of the Statute of the Tribunal.

In the alternative,

Ramush Haradinaj committed, or aided and abetted the commission of, the crimes described in Count 1;

Idriz Balaj committed, or aided and abetted the commission of, the crimes described in Count 1; and

Lahi Brahimaj ordered, instigated, or aided and abetted the commission of the crimes described in Count 1.

COUNT 2

50. On or around 25 May 1998, KLA soldiers abducted two Roma/Egyptian men, Ukë Rexhepaj and his son-in-law Nesret Alijaj, from the village of Grabanica/Grabanicë and accused them of being Serbian collaborators. They were taken to the Jablanica/Jabllanicë KLA headquarters and detention facility. There **Lahi Brahimaj** ordered their execution. They were killed while in KLA custody.

By these acts and omissions **Ramush Haradinaj**, **Idriz Balaj**, and **Lahi Brahimaj** committed as part of the JCE defined in paragraphs 23 to 25 above, the following crimes:

Count 2: A VIOLATION OF THE LAWS OR CUSTOMS OF WAR, Murder and Cruel Treatment, as recognised by Common Article 3(1)(a) of the Geneva Conventions of 1949, punishable under Article 3 and Article 7(1) of the Statute of the Tribunal.

In the alternative,

Lahi Brahimaj ordered, instigated, or aided and abetted the commission of the crimes described in Count 2.

COUNT 3

51. On or about 13 June 1998, Witness 6, a Catholic Kosovar Albanian, perceived to be a collaborator by the KLA, was stopped by KLA soldiers at a checkpoint on the road between Klina/Klinë and Đakovica/Gjakova. They searched the vehicle and found a gun. The KLA soldiers took him to Jablanica/Jabllanicë KLA headquarters. Upon his arrival there, he was severely beaten by KLA soldiers including Nazmi Brahimaj, the brother of **Lahi Brahimaj**.

52. Between 13 June 1998 and around 25 July 1998, Witness 6 was detained at the Jablanica/Jabllanicë KLA headquarters and detention facilities. During his imprisonment Witness 6 was regularly beaten by **Lahi Brahimaj**, Nazmi Brahimaj, and other KLA soldiers. He was beaten with baseball bats almost to unconsciousness. On or about 25 July 1998, Witness 6 was released from the Jablanica/Jabllanicë KLA headquarters by Nazmi Brahimaj.

By these acts and omissions **Ramush Haradinaj**, **Idriz Balaj**, and **Lahi Brahimaj** committed as part of the JCE defined in paragraphs 23 to 25 above, the following crimes:

Count 3: A VIOLATION OF THE LAWS OR CUSTOMS OF WAR, Cruel Treatment and Torture, as recognised by Common Article 3(1)(a) of the Geneva Conventions of 1949, punishable under Article 3 and Article 7(1) of the Statute of the Tribunal.

COUNT 4

53. On or about 13 June 1998, Nenad Remistar, a Serbian Police officer, was stopped by KLA soldiers at a KLA checkpoint on the road between Klina/Klinë and Đakovica/Gjakova. The KLA soldiers took him to Jablanica/Jabllanicë KLA detention facilities. Upon his arrival he was severely beaten with baseball bats by KLA soldiers including Nazmi Brahimaj, the brother of **Lahi Brahimaj**.
54. On or about 14 June 1998, Nenad Remistar was taken from the Jablanica/Jabllanicë KLA detention facilities. He was killed while in KLA custody. His body has not been recovered.
55. Between mid-June 1998 and the end of July 1998, an unknown individual of Bosnian ethnicity and three unknown individuals of Montenegrin ethnicity were brought to the Jablanica/Jabllanicë KLA detention facilities by KLA soldiers. They were detained for about three days during which KLA soldiers

severely beat them with baseball bats and stabbed them with knives. They were then taken from the detention facility by KLA soldiers.

By these acts and omissions **Ramush Haradinaj, Idriz Balaj, and Lahi Brahimaj** committed as part of the JCE defined in paragraphs 23 to 25 above, the following crimes:

Count 4: A VIOLATION OF THE LAWS OR CUSTOMS OF WAR, Murder and Cruel Treatment, and Torture, as recognised by Common Article 3(1)(a) of the Geneva Conventions of 1949, punishable under Article 3 and Article 7(1) of the Statute of the Tribunal.

COUNT 5

56. On or about 10 July 1998, Pal Krasniqi, a Catholic Kosovar Albanian, went to the Jablanica/Jabllanicë KLA headquarters to join the KLA. He remained at the Jablanica/Jabllanicë headquarters for a few days until he was arrested as a spy. Pal Krasniqi was then beaten severely with baseball bats until he made a false confession.
57. Pal Krasniqi was last seen alive on or about 26 July 1998 at the Jablanica/Jabllanicë KLA headquarters where he was detained. He was killed while in KLA custody. In September 1998 his remains were located in the Lake Radonjić/Radoniq canal area.
58. On or about 11 July 1998, Skender Kuqi, a Kosovar Albanian, was abducted by KLA soldiers from his shop in Zahać/Zahaq and taken to the Jablanica/Jabllanicë KLA headquarters where KLA soldiers severely beat him with sticks and iron bars.
59. On or about 16 July 1998, Skender Kuqi, unconscious and severely injured as a result of beatings received while in KLA custody, was transferred to a KLA medical facility in Rznić/Irznik for treatment, where he died. His kidney had been exposed through an open wound as a result of the beatings. He was

buried by KLA soldiers in Jablanica/Jabllanicë. His body was later exhumed and his remains given to his family on the instructions of **Ramush Haradinaj**.

60. On or about 13 July 1998, Witness 3, a Kosovar Albanian who refused to fight for the KLA, was asked by **Lahi Brahimaj** to accompany him to the Jablanica/Jabllanicë KLA headquarters. Upon his arrival at the KLA Jablanica/Jabllanicë headquarters, **Lahi Brahimaj** detained him with two other men. KLA soldiers beat Witness 3 until he lost consciousness.
61. While in detention KLA soldiers interrogated and beat the three men and tied them up. Between 13 July 1998 and 16 July 1998, Nazmi Brahimaj and Naser Brahimaj, also known as “Rusi,” repeatedly beat the two unknown prisoners.
62. On or about 16 July 1998, Witness 3 was taken to an office where **Lahi Brahimaj**, **Idriz Balaj**, and two female KLA soldiers were present. **Lahi Brahimaj** invited the female KLA soldiers to beat Witness 3, which they did using instruments. **Lahi Brahimaj** and **Idriz Balaj** encouraged the beating. During the beating **Idriz Balaj** accused Witness 3 of being a Serbian spy and threatened him. **Lahi Brahimaj** encouraged Witness 3 to commit suicide. Witness 3 subsequently escaped.
63. In late July 1998, Witness 3 was again abducted at gunpoint in Jablanica/Jabllanicë by **Lahi Brahimaj**. **Lahi Brahimaj** took Witness 3 to **Lahi Brahimaj**’s house where he beat the witness. **Lahi Brahimaj** then took Witness 3 to the Jablanica/Jabllanicë KLA headquarters, where **Lahi Brahimaj** interrogated and beat Witness 3 before taking him to the Glodane/Gllogjan KLA headquarters, where Witness 3 was handed over to a KLA military police officer, who also beat the witness. **Ramush Haradinaj** subsequently released Witness 3 from KLA custody.

By these acts and omissions **Ramush Haradinaj**, **Idriz Balaj**, and **Lahi Brahimaj** committed as part of the JCE defined in paragraphs 23 to 25 above, the following crimes:

Count 5: A VIOLATION OF THE LAWS OR CUSTOMS OF WAR, Murder, and Cruel Treatment, and Torture, as recognised by Common Article 3(1)(a) of the Geneva Conventions of 1949, punishable under Article 3 and Article 7(1) of the Statute of the Tribunal.

COUNT 6

64. On or around 23 May 1998, Kosovar Albanians Naser Lika and Fadil Fazlija (Fazliu), both from Grabanica/Grabanicë, were abducted in the village of Žabelj/Zhabel by KLA soldiers under suspicion of treason, for having allegedly supported the Democratic League of Kosovo (LDK). KLA soldiers took them to the Jablanica/Jabllanicë KLA headquarters. There, **Lahi Brahimaj, Ramush Haradinaj, Idriz Balaj**, and other KLA members threatened Naser Lika, Fadil Fazlija (Fazliu), and about twenty men from the village of Grabanica/Grabanicë, informing them that they could not live in Kosovo unless they freed their village from the Serbs. The KLA released Naser Lika and Fadil Fazlija (Fazliu) after a family member intervened and threatened a “blood feud.”
65. In July 1998, **Lahi Brahimaj** and other KLA soldiers again abducted Naser Lika at his house in Grabanica/Grabanicë and took him to the Jablanica/Jabllanicë KLA headquarters, where he was brought before **Ramush Haradinaj** and **Idriz Balaj**. **Ramush Haradinaj** told **Lahi Brahimaj** to go ahead with his “job.” A KLA soldier, “Bandash,” then beat Naser Lika with a baseball bat. **Ramush Haradinaj** repeatedly ordered the cessation and resumption of the beating. **Idriz Balaj** threatened to kill Naser Lika. During the beating, **Ramush Haradinaj** spat in Naser Lika’s face. KLA soldiers kicked him in the testicles while he lay on the ground. Naser Lika was then imprisoned for three days in the flooded basement of the second building in the compound. During this time he was again severely beaten. Thereafter, Naser Lika was forced to work in the kitchen of the KLA headquarters. After approximately three weeks, he managed to escape.

By these acts and omissions **Ramush Haradinaj, Idriz Balaj, and Lahi Brahimaj** committed as part of the JCE defined in paragraphs 23 to 25 above, the following crimes:

Count 6: A VIOLATION OF THE LAWS OR CUSTOMS OF WAR, Cruel Treatment and Torture, as recognised by Common Article 3(1)(a) of the Geneva Conventions of 1949, punishable under Article 3 and Article 7(1) of the Statute of the Tribunal.

In the alternative,

Ramush Haradinaj ordered, instigated, or aided and abetted the commission of the crimes described in Count 6;

Idriz Balaj committed, or planned or aided and abetted the commission of, the crimes described in Count 6; and

Lahi Brahimaj committed, or planned or aided and abetted the commission of, the crimes described in Count 6.

Carla Del Ponte
Prosecutor

Dated 16 October 2007

At The Hague

The Netherlands

Revised 9 November 2010