

**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/Lloçan, Požar/Pozhare, Ratiš/Ratishë, and Rznić/Irznik 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/Irznik 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

Đakovica/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 Count 5. 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.

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, Rzníc/Irzniciq, 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. By at least April 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/Dolce 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** and **Idriz Balaj** 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/Irznj 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** and **Idriz Balaj** 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 21 January 2011