

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

**CASE NO: IT-04-84-I**

**THE PROSECUTOR OF THE TRIBUNAL**

**AGAINST**

**RAMUSH HARADINAJ  
IDRIZ BALAJ  
LAHI BRAHIMAJ**

**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 Glodjane/Gllogjan\* in the municipality of Decani/Deçan in the province of Kosovo.
2. At all times relevant to this indictment, **Ramush Haradinaj** was a commander in the *Ushtria Çlirimtare e Kosovës* (UÇK), otherwise known as the Kosovo Liberation Army (KLA). In this position, **Ramush Haradinaj** had overall command of the KLA forces in one of the KLA operational zones, called Dukagjin, in the western part of Kosovo bordering upon Albania and Montenegro. He was one of the most senior KLA leaders in Kosovo.
3. The Dukagjin Operational Zone encompassed the municipalities of Pec/Pejë, Decani/Deçan, Dakovica/Gjakovë, and part of the municipalities of Istok/Istog and Klina/Klinë. As such, the villages of Glodjane/Gllogjan, Dasinovac/Dashinoc, Dolac/Dollc, Ratis/Ratishë, Dubrava/Dubravë, Grabanica/Grabanicë, Locane/Lloçan, Babaloc/Baballoq, Rznice/Irznice, Pozar/Pozhare, Zabelj/Zhabel, Zahac/Zahaq, Zdrelo/Zhdrellë, Gramocelj/Gramaqel, Dujak/Dujakë, Piskote/Piskotë, Pljancor/Plançar, Nepalje/Nepolë, Kosuric/Kosurice, Lodja/Loxhë, Barane/Baran, the Lake Radonjic/Radonice area and Jablanica/Jabllanicë were under his command and control.
4. In spring 1998, the KLA was still a nascent organisation with no unified command structure. It had a General Staff Headquarters, but no identified supreme commander was giving orders. In the clan-based structure of the Kosovar society each operational area was

therefore acting independently of the senior command authority and **Ramush Haradinaj** was one of the most independent zone commanders. Starting as a central figure in the area of his native village of Glodjane/Gllogjan and in the municipality of Decani/Deçan, **Ramush Haradinaj** extended in 1998 his control into the neighbouring municipalities of Pec/Pejë, Istok/Istog, Klina/Klinë and Dakovica/Gjakovë and as the Dukagjin Operational Zone commander had control of eight brigades and associated subordinate units.

5. **Ramush Haradinaj** held his position of Zone Commander throughout the war in Kosovo until at least the cessation of hostilities between the Serbian forces and the KLA in June 1999.
6. In 1999 **Ramush Haradinaj** joined the Kosovo Protection Corps (KPC), a new force created by The United Nations Mission in Kosovo (UNMIK), in order to integrate the KLA units in the New Kosovo internationally-administered force structures. He became Commander of the Second Regional Task Group of the KPC based in Prizren. In 2000 he resigned from his function in the KPC and founded the political party called "The Alliance for the Future of Kosovo" (AAK). He eventually became a member of Parliament and is presently the Prime Minister of Kosovo.
7. **Idriz Balaj (also known as "Toger/Togeri" or "Lieutenant")** was born on 23 August 1971 in Iglarevo/Gllarevë, municipality of Klina/Klinë in Kosovo.
8. At all times relevant to this indictment **Idriz Balaj** was a member of the Kosovo Liberation Army and acted as the commander of the special unit known as "The Black Eagles". This unit was usually headquartered in Rznic/Irznik village, but its jurisdiction extended throughout the territory of the Dukagjin Operational Zone. He was subordinate to **Ramush Haradinaj**, reported directly to him, and worked closely with him.
9. The Special Unit known as the "Black Eagles" was created as a Rapid Intervention Special Unit on the orders of Commander **Ramush Haradinaj**. **Idriz Balaj** was appointed as its Commander.
10. In 1999, after the cessation of hostilities, **Idriz Balaj** joined the Kosovo Protection Corps, and held the rank of Major. He is presently in custody in Kosovo serving a 15 year sentence for murder, having been convicted in 2002.
11. **Lahi Brahimaj, (also known as "Maxhup" or "Gipsy")** was born on 26 January 1970 in Jablanica/Jabllanicë, Municipality of Djakovica/Gjakovë in Kosovo. He is a close relative of **Ramush Haradinaj**.
12. At all times relevant to this indictment **Lahi Brahimaj** was a member of the Kosovo Liberation Army and acted as the Deputy Commander of The Dukagjin Operative Staff or as the Dukagjin zone contact person to the KLA General Staff. Stationed in Jablanica/Jabllanicë, he was subordinate to **Ramush Haradinaj**, reported directly to him, and worked closely with him.
13. **Lahi Brahimaj** currently is a high ranking officer in the Kosovo Protection Corps.

## GENERAL ALLEGATIONS

14. 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 on the territory of Kosovo in the former Yugoslavia.
15. At all times relevant to this indictment, a state of armed conflict existed between the Kosovo Liberation Army and Serbian forces on the territory of Kosovo. The crimes alleged in this indictment were closely related to that conflict in that the victims of those crimes, persons taking no active part in hostilities, were either Serb civilians or persons perceived to be collaborating with the Serbs or persons otherwise perceived to be not supporting the KLA.
16. Those victims, including Albanian and Roma civilians believed by the KLA to be refusing to co-operate with or to be resisting the KLA by non-military means, were targeted for persecution and maltreatment, comprising intimidation, abduction, imprisonment, beating, torture and murder.
17. All acts or omissions charged as crimes against humanity were part of a widespread or systematic attack, directed against the Serb civilian population and those members of the Albanian and Roma/Egyptian civilian population in the Decani/Deçan, Pec/Pejë Dakovica/Gjakovë, Istok/Istog and Klina/Klinë municipalities of the province of Kosovo perceived to be collaborators or not supporting the KLA. Each of the Accused knew that his course of conduct, involving mistreatment and the commission of acts of violence, formed part of such an attack.
18. All acts or omissions charged as persecution were committed by the Accused with the intent to discriminate against the victims on the basis of religious, political or racial considerations.
19. 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 and Additional Protocol II.

#### **INDIVIDUAL CRIMINAL RESPONSIBILITY**

20. **Ramush Haradinaj, Idriz Balaj, and Lahi Brahimaj** are each charged, pursuant to Article 7(1) of the Tribunal's Statute, as being individually responsible for having committed the crimes set out in this indictment. They are responsible, as further specified below, for planning, instigating, ordering, committing, or otherwise aiding and abetting the commission of those crimes. By using the word "committed" the Prosecutor does not aver that the three Accused necessarily each physically committed all of the crimes charged. "Committing" in this indictment includes the participation of each of the Accused in a joint criminal enterprise.
21. Each of the Accused knowingly participated in the joint criminal enterprise, sharing the intent of the other participants in the joint criminal enterprise and being aware of the consequences of the execution of its criminal purpose.
22. By virtue of his participation in a joint criminal enterprise, each Accused is charged as being responsible for the acts of his two co-accused, for the acts of other members of the joint criminal enterprise, and for all of the crimes committed in furtherance of their common criminal plan which were either within the scope of the joint criminal enterprise or were

foreseeable consequences of it.

23. The joint criminal enterprise came into existence on or before April 1998 and continued at least until September 1998. Its membership comprised **Ramush Haradinaj, Idriz Balaj, Lahi Brahimaj** and other KLA soldiers subordinate to them who were aware of its purpose and who participated in the execution of the crimes set forth in this indictment or who otherwise contributed to achieving the purpose of the joint criminal enterprise. Among others, they were Daut Haradinaj, Frashër Haradinaj, Shkëlzen Haradinaj, 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.
24. That purpose, which necessarily involved the commission of crimes against humanity and violations of the laws or customs of war, was the consolidation of total control of the Kosovo Liberation Army over the KLA operational zone of Dukagjin by attacking and persecuting certain sections of the civilian population there: namely the unlawful removal of Serb civilians from that area, and the forcible, violent suppression of any real or perceived form of collaboration with the Serbs by Albanian or Roma civilians there. The criminal purpose included the intimidation, abduction, imprisonment, beating, torture and murder of targeted civilians in violation of Articles 3 and 5 of the Tribunal's Statute.
25. In relation to those counts involving the participation of **Ramush Haradinaj, Idriz Balaj, and Lahi Brahimaj** in that aspect of the joint criminal enterprise relating to the KLA detention facility at Jablanica/Jabllanicë, the Accused also bear individual criminal responsibility in that they participated in its operation or assisted in or facilitated its activity when the detention facility was operated in a manner which made the discriminatory and persecutory intent of the operation patently clear. All of the crimes described herein and contained in the individual counts of this indictment were committed as part of this joint criminal enterprise or were a foreseeable consequence of it.

#### **PARTICIPATION IN THE JOINT CRIMINAL ENTERPRISE**

26. The Accused **Ramush Haradinaj**, acting in concert with other members of the joint criminal enterprise, participated in the joint criminal enterprise in the following manner:
  - a. as Commander of the Dukagjin Operational Zone he ensured that KLA forces under his control operated in a structured and disciplined manner, provided overall control of planning and organisation of operations, and established a system whereby individuals were targeted for abduction mistreatment and murder, and whereby a systematic attack on vulnerable sections of the civilian population was carried out;
  - b. by excluding all rival KLA forces, he secured power for his own troops within his zone, and by attacking Serb forces in rural areas gave his own troops freedom to dominate and persecute vulnerable sections of the civilian population;
  - c. he made use of his own house as a centre of operations, and used his other Haradinaj family resources and the support of his family members to further the consolidation of his power and his persecution of civilians;
  - d. he appointed and maintained his co-accused **Idriz Balaj** in a position of responsibility over the notorious "Black Eagles" Special Unit and **Lahi Brahimaj**

in a position of responsibility over an impromptu detention centre located in a private compound in Jablanica/Jabllanicë that was also used as a KLA headquarters, and condoned and encouraged their criminal conduct in such positions;

- e. on some occasions he personally ordered, controlled and participated in beatings of persons detained by his forces and taking no active part in hostilities, and on other occasions by his presence and tacit or overt approval for such criminal conduct he, in his position as Commander, encouraged or instigated criminality by members of his own forces;
- f. he controlled the continued detention or release or medical treatment of persons held by the KLA in his operational zone, including in the Jablanica/Jabllanicë detention facility, which he personally visited and knew to be operating in a persecutory and criminal fashion;
- g. he personally participated in the abduction of persons who were later found murdered;
- h. on at least one occasion he gave his tacit approval as Commander for detained persons to be executed.

27. The Accused **Idriz Balaj** participated in the joint criminal enterprise in the following manner:

- a. as Commander of the "Black Eagles" Special Unit he worked closely with **Ramush Haradinaj** and provided direct operational support for his activities;
- b. personally, and using soldiers under his command, he repeatedly abducted, beat, mutilated, tortured and murdered civilians and detained persons taking no active part in hostilities;
- c. he raped a Roma/Egyptian woman;
- d. he personally visited the Jablanica/Jabllanicë detention centre, mutilated and tortured a prisoner there and, by his presence as a KLA commander, provided his tacit or overt approval for persecution and criminal conduct by other KLA soldiers there and knew that the facility was operating in a persecutory and criminal fashion;
- e. He attempted to prevent enquiry into and to conceal the abduction and murder of civilians and the disposal of their bodies at Radonjic/Radoniq Lake.

28. The Accused **Lahi Brahimaj** participated in the joint criminal enterprise in the following manner:

- a. as Deputy Commander of the Dukagjin Operative Staff and the responsible local KLA commander, he ran the KLA detention facility at Jablanica/Jabllanicë, ordered, supervised and participated in the beating and torture and murder of persons who were detained there;

- b. he personally abducted one civilian and took him to the Jablanica/Jabllanicë detention facility where he was repeatedly beaten, and personally took him from the detention facility to a potential place of execution.

29. Further specification of the functioning of the joint criminal enterprise and of the participation of each of the accused in it is provided in the charges and the statement of facts below.

### **STATEMENT OF FACTS**

30. In 1998 the municipality of Decani/Deçan had a population of 57,125 of which 55,886 were Albanian, 791 Serb and 448 were of other ethnicity. The population of the municipality of Dakovica/Gjakovë was around 131,700 in 1998 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 Serb and 5,381 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 Pec/Pejë was around 150,000 with 111,638 Albanians, 14,765 Serbs and 13,788 of other ethnicity.
31. In early 1998, tensions increased between Serbian authorities and the Kosovo Liberation Army in the area surrounding Glodjane/Gllogjan, the place of native origin of **Ramush Haradinaj**. The area between Glodjane/Gllogjan and Decani/Deçan was of critical strategic importance for the KLA because it connected the KLA headquarters in Glodjane/Gllogjan to the border with Albania, where the KLA received arms and supplies throughout 1998. Glodjane/Gllogjan became also an important recruiting centre for the KLA in the Dukagjin region and in the Operational Zones of Salja/Shalë, Lap/Llap and Drenica/Drenicë. 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 Babaloc/Baballoq.
32. As a consequence, on 24 March 1998 Serbian Police forces surrounded the compound of the family of **Ramush Haradinaj** in Glodjane/Gllogjan. **Ramush Haradinaj** and KLA forces under his command successfully repelled this attack. One Serb policeman was killed and **Ramush Haradinaj** was wounded.
33. After 24 March 1998, KLA forces under the command and control of **Ramush Haradinaj** mounted a systematic campaign to seize control of the area between the villages of Glodjane/Gllogjan, and Decani/Deçan and particularly the villages of Dubrava/Dubravë, Rznici/Irznici, Ratis/Ratishë, and Dasinovac/Dashinoc in order to drive ethnic Serbs out of the villages where they were living. They also continued to launch attacks against the camp of refugees of Babaloc/Baballoq, near Decani/Deçan. This camp had been the target of similar KLA attacks since 1997.
34. 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 Serbian civilian and Roma/Egyptian civilians out of these villages, and killed those civilians that remained behind or 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 Decani/Deçan for a period of approximately three weeks.

35. During the succeeding months, within the Dukagjin zone, in particular in the municipalities of Decani/Deçan and Pec/Pejë, KLA forces under the command and control of **Ramush Haradinaj** continued to mount similar attacks on Serb, Roma/Egyptian, and Albanian civilians perceived as collaborators, not then taking part in hostilities. Many abductions by KLA forces under the command and control of **Ramush Haradinaj** took place in the Dukagjin zone and tens of civilians went missing. Between March and September 1998, in the municipalities of the Dukagjin zone, in addition to those mentioned in this indictment at least 25 Serbian policemen were targeted and more than 60 civilians, Serbs and Albanians, were abducted and many of those were subsequently killed.
36. **Ramush Haradinaj** and the KLA forces acting under his command including but not limited to **Idriz Balaj** and **Lahi Brahimaj**, had full control of the operational zone and wanted that control to be exclusive. They did not tolerate the presence of any other Albanian factions fighting against the Serbs, such as the Armed Forces of the Republic of Kosovo ("FARK") in their territory. On 4 July 1998, **Ramush Haradinaj** along with soldiers of his Headquarters in Glodjane/Gllogjan beat, humiliated and seriously injured four members of these forces who were crossing the area to collect a consignment of weaponry due to arrive from Albania.
37. The village of Jablanica is situated in the municipality of Dakovica/Gjakova. The distance that separates the village of Jablanica/Jabllanica from Glodjane/Gllogjan is approximately 18km. As early as 1995 and 1996, the accused **Lahi Brahimaj**, who resided in the village, sheltered other members of the KLA in his house in Jablanica/Jabllanica and assisted them in their transit through the area of Dukagjin. An armoury was established and his house was used to hold clandestine meetings. During this period no armed actions were carried out in the Dukagjin area. At the beginning of 1998, as early as March/April the Jablanica/Jabllanica KLA Headquarters was located in a private house. These 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 throughout the territory. **Ramush Haradinaj** attended the 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 Glodjane (Decani/Deçan). As early as the second half of May 1998, a make-shift detention centre was established at these headquarters in Jablanica/Jabllanica. From this time until August 1998, at least 12 identified and four unidentified persons, all non-combatants, were detained, beaten and tortured there. One is known to have died as consequence of the beating inflicted at the Jablanica/Jabllanica KLA detention centre. Others are still missing.
38. During the end of August and the beginning of September 1998, Serb forces mounted a counter-offensive and retook temporarily the area surrounding Glodjane/Gllogjan. A Serbian forensic crime scene team conducted an investigation in the vicinity of the canal leading to Lake Radonjic/Radoniq, the Ekonomija Farm in Rznic/Irznik and the road leading to Dasinovac/Dashinovic.
39. On or about 12 September 1998, the team recovered at least 30 bodies or partial remains in the Radonjic/Radoniq Lake canal area, six bodies at Ekonomija Farm and at least three bodies on the road leading to Dasinovac/Dashinovic. The bodies and remains were forensically examined in temporary mortuary facilities in Dakovica /Gjakova. Several of these remains have been identified as those of Serb, Roma and Albanian civilians who disappeared between April and early September 1998 in the Dukagjin area.
40. The centre of operations for **Ramush Haradinaj** during the conflict in 1998 and 1999 was

his village of Gllogjan/Glodjane in the municipality of Decani/Deçan. It was approximately two kilometres from the area of the Radonjic/Radoniq Lake canal and Ekonomija Farm where the bodies and remains were discovered, and was situated on one of only two small access roads to that zone. The village of Dasinovac/Dashinovc, where the three other bodies were found, was nine kilometres away. The precise number of bodies buried there is unknown because the remains were commingled. Forensic evaluation of the remains reveals that a minimum of 39 bodies were disposed of at the lake-side site.

41. Twelve of the remains that were recovered from the sites described above were identified by Serb authorities using traditional identification procedures. These included: Vukosava Markovic and Darinka Kovac (Counts 7 and 8); Milovan Vlahovic (Counts 9 and 10); Milos Radunovic and Slobodan Radosevic (Counts 11 and 12); Hajrullah Gashi and Isuf Hoxha (Counts 15 and 16); Ilira Frrokaj and Tush Frrokaj (Counts 17 and 18); and Ilija Antic, Adzi Seferaj and Velizar Stosic, (Counts 21 and 22). Five of the remains that were recovered were identified by international organizations using genetic tests. These included: Milka Vlahovic (Counts 9 and 10); the mother of SST7/04 (Counts 13 and 14); Safet Kuqi and Zdravko Radunovic (Counts 21 and 22) and Pal Krasniqi (Counts 31 to 33).
42. Some of the remains that were recovered from the sites described above remain unidentified although tests are still being conducted to attempt to establish their identity. These remains consist of the bodies of at least 22 individuals including two children. All of the remains show evidence of a violent death.

#### **COUNTS 1 and 2**

43. The Jollaj family was a Roma/Egyptian family living in Glodjane/Gllogjan where most of the population was Albanian. Between March and May 1998, the members of that family were regularly harassed and threatened by **Ramush Haradinaj** and his brothers, Daut Haradinaj, Frashër Haradinaj and Shkëlzen Haradinaj, who were all living in the immediate neighbourhood. **Ramush Haradinaj** and his brothers frequently rushed into the house of the Jollaj family, accusing them of working with the Serbs, shooting in their yard with automatic rifles, allegedly searching for weapons. On many occasions they told the Jollaj family to move from Glodjane/Gllogjan and to leave Kosovo for Serbia because they wanted Kosovo to be only for Albanians.
44. On one occasion **Ramush Haradinaj** and a number of local KLA soldiers acting under his direct command, attacked Binak Jollaj, the grandfather of the family, beat him with their rifles, and took property from him. On a subsequent occasion, **Ramush Haradinaj** came with a group of KLA soldiers at night to Jollaj home, destroyed their furniture, broke the windows of the house and ordered the family to go out from their house and leave the village. As a consequence, the Jollaj family moved to Piskote/Piskotë, in the Djakovica/Gjakovë area where other KLA soldiers continued to harass them and take their property.

Thereby **Ramush Haradinaj** committed:

**Count 1:** A CRIME AGAINST HUMANITY, Persecution (harassment, inhumane acts, destruction of property), punishable under Articles 5(h) and 7(1) of the Statute of the Tribunal;

**Alternatively,** A CRIME AGAINST HUMANITY, Inhumane Acts, punishable under

Articles 5(i) and 7(1) of the Statute of the Tribunal;

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

### COUNTS 3 and 4

45. On or around 18 April 1998, three ethnic Serb civilians, Dragoslav Stojanovic and Mijat Stojanovic, and their cousin Veselin Stijovic, were seized from the house of the Stojanovic family in Dubrava/Dubravë by KLA forces while they were trying to retrieve their personal belongings from their home. They had earlier decided, at the end of March 1998, to leave their village of Dubrava/Dubravë because they no longer felt that it was safe to remain there.
46. On 18 April 1998, first at the Stojanovic family house in Dubrava/Dubravë, and then at the house of Smajl Haradinaj, used as a KLA headquarters in Glodjane/Gllogjan, Dragoslav Stojanovic, Mijat Stojanovic, and Veselin Stijovic were interrogated and beaten, resulting for each in serious bodily injuries and great suffering. During their interrogation, they were asked by the KLA soldiers why they had come back to their village without permission.
47. **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 Stojanovic.
48. Later that day, KLA soldiers under the command and control of **Ramush Haradinaj** marched Dragoslav Stojanovic, Mijat Stojanovic, and Veselin Stijovic from the KLA headquarters in the village of Glodjane/Gllogjan to the house of Stojanovic family in the adjoining village of Dubrava/Dubravë in order to search for weapons. Dragoslav Stojanovic, Mijat Stojanovic, and Veselin Stijovic were blindfolded and driven to a place near Babaloc/Baballog village, municipality of Decani/Deçan where they were ordered to get out of the car and start walking towards the Serb area without looking back. They were threatened that they would be shot if they looked back. The three men did not come back to their village.
49. As a result of their beating, Dragoslav Stojanovic required hospitalisation for 28 days and Mijat Stojanovic and Veselin Stijovic required to be hospitalised for six or seven days.

Thereby **Ramush Haradinaj, Idriz Balaj, and Lahi Brahimaj** committed:

**Count 3:** A CRIME AGAINST HUMANITY, Persecution (unlawful detention, inhumane acts, deportation or forcible transfer of civilians) punishable under Articles 5(h) and 7(1) of the Statute of the Tribunal;

**Alternatively,** A CRIME AGAINST HUMANITY, Deportation and Other Inhumane Acts, punishable under Articles 5(d) 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, as recognised by Common Article 3(1) (a) of the Geneva Conventions of 1949, punishable under Articles 3 and 7(1) of the Statute of the Tribunal.

## COUNTS 5 and 6

50. On or about 23 April 1998, Rosa Radosevic from the village of Dasinovac/Dashinoc, municipality of Decani/Deçan, born on 25 January 1938, along with her son, Stanisa Radosevic, and a friend, Novak Stijovic, all Serbs, were travelling from Decani/Deçan when they were intercepted and searched by the KLA soldiers at the intersection of the road to Glogjane/Gllogjan, in the village of Pozar/Pozhare, municipality of Decani/Deçan. The KLA soldiers told them that they could not go to Dasinovac/Dashinoc village as it had become a KLA territory. They were also not allowed to return to Decani/Deçan. Rosa Radosevic, Stanisa Radosevic and Novak Stijovic were abducted and their vehicles were impounded near Pozar/Pozhare and were taken to the KLA headquarters building in Glodjane/Gllogjan where they were humiliated, detained, interrogated and beaten. Groups of KLA soldiers repeatedly punched and kicked Novak Stijovic and Stanisa Radosevic all over their bodies, causing them suffering. The KLA soldiers at Glodjane/Gllogjan Headquarters, after beating and interrogating Stanisa Radosevic and Novak Stijovic, ordered Stanisa Radosevic to go to his home in Decani/Deçan and bring his hunting rifle. To have free access in the KLA area, he was given a KLA badge to show if he were stopped on his way by other KLA soldiers. His mother Rosa Radosevic and Novak Stijovic were further detained in Glodjane/Gllogjan before being released later that day.

Thereby **Ramush Haradinaj, Idriz Balaj, and Lahi Brahimaj** committed:

**Count 5:** A CRIME AGAINST HUMANITY, Persecution (unlawful detention, inhumane acts) punishable under Articles 5(h) and 7(1) of the Statute of the Tribunal;

**Alternatively,** A CRIME AGAINST HUMANITY, Imprisonment and Other Inhumane Acts, punishable under Article 5(e) 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, as recognised by Common Article 3(1)(a) of the Geneva Conventions of 1949, punishable under Articles 3 and 7(1) of the Statute of the Tribunal.

## COUNTS 7 and 8

51. On 21 April 1998, Vukosava Markovic (née Vujosevic), born on 9 August 1937, and her sister Darinka Kovac (née Vujosevic), born on 18 September 1932, both Serbs, disappeared from their house in the village of Ratis, municipality of Decani/Deçan. Ratis is three to four kilometers from Glodjane. Both women were killed and their remains were recovered by a Serbian forensic team on 12 September 1998 near the concrete canal leading to the Radonjic/Radoniq Lake. An examination revealed gunshot wounds on both bodies and multiple bone fractures Vukosava Markovic's body.

Thereby **Ramush Haradinaj, Idriz Balaj, and Lahi Brahimaj** committed:

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

**Alternatively,** A CRIME AGAINST HUMANITY, Murder, punishable under Articles 5(a) and 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 Articles 3 and 7(1) of the Statute of the Tribunal.

### COUNTS 9 and 10

52. On or about 21 April 1998, Milovan Vlahovic, born 5 August 1935, and Milka Vlahovic, born on 5 May 1933, husband and wife, both Serbs living in the village of Ratis, municipality of Decane went missing. KLA soldiers under the command of **Ramush Haradinaj** were reported to have taken the elderly couple to the KLA headquarters in Glodjane. Local Albanians who tried to prevent the abduction were threatened that they would be killed as well if they interfered.
53. Milovan Vlahovic was killed and his remains were found on 12 September 1998 next to the concrete wall of the Radonjic/Radoniq canal. A forensic examination revealed bone fractures made by mechanical force. Indentations made by bullets were visible on the concrete wall of the canal.
54. Milka Vlahovic has not been seen alive since her abduction and is believed to have been killed.

Thereby **Ramush Haradinaj, Idriz Balaj, and Lahi Brahimaj** committed:

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

**Alternatively,** A CRIME AGAINST HUMANITY, Murder, punishable under Articles 5(a) and 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 Articles 3 and 7(1) of the Statute of the Tribunal.

### COUNTS 11 and 12

55. On or about 23 April 1998, Slobodan Radosevic, born on 8 October 1943, husband of Rosa Radosevic, and two neighbours, Milos Radunovic born on 19 February 1938, and his wife Milica Radunovic born in 1938, all Serbs, who had stayed in their homes in the village of Dasinovac, municipality of Decani, disappeared. KLA soldiers were rumoured locally to have abducted them. Subsequently a KLA communication appeared in a local Serbian newspaper and on local television news stating that the families of Slobodan Radosevic and Milos Radunovic should go to the roadside near Decani/Deçan to collect the bodies of these men. The families, being afraid, did not go to the site.
56. The remains of the bodies of Slobodan Radosevic and Milos Radunovic were recovered under a layer of soil by members of the Serbian Police on 12 September 1998 just north of Lake Radonjic/Radoniq on the road leading to the village of Dasinovac/Dashinoc, exactly where the KLA communication had stated. Although female remains and partly burned

women's clothing were discovered on the opposite side of the same road, the body of Milica Radunovic has not been identified. She is officially listed as missing.

Thereby **Ramush Haradinaj, Idriz Balaj, and Lahi Brahimaj** committed:

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

**Alternatively,** A CRIME AGAINST HUMANITY, Murder, punishable under Articles 5(a) and 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 Articles 3 and 7(1) of the Statute of the Tribunal.

### COUNTS 13 and 14

57. One night, in late April or early May, a sister of Witness SST7/04 was abducted from the family home in Ratis/Ratish by **Idriz Balaj** and two KLA soldiers who forced entry into the house. She was taken to the KLA Headquarters of the Black Eagles in the neighbouring village of Rznic, municipality of Decani. There she was detained for one night by the accused **Idriz Balaj** and his soldiers. She was later brought to her home to collect her clothing. The sister of Witness SST7/04 was last seen by her family being taken away by the accused **Idriz Balaj**, and has not been seen alive since. She is presumed to have been killed. She is officially listed as missing.
58. On a subsequent occasion in the early summer of 1998, the mother of Witness SST7/04 was abducted by the accused **Idriz Balaj** and three or four masked KLA soldiers. She was not seen alive again and is presumed to have been killed.
59. Sometime later, in August 1998, **Idriz Balaj** along with soldiers of the "Black Eagles Unit" attacked the house of Witness SST7/04's mother, firing their weapons in the air. They broke the door down, entered the house and abducted another relative of Witness SST7/04. That relative was killed and the body was found the next day in the vicinity of Zabelj/Zhabel, municipality of Dakovica/Gjakova, where a unit of the "Black Eagles" was stationed from time to time.

Thereby **Ramush Haradinaj, Idriz Balaj, and Lahi Brahimaj** committed:

**Count 13:** A CRIME AGAINST HUMANITY, Persecution (harassment, unlawful detention, murders), punishable under Articles 5(h) and 7(1) of the Statute of the Tribunal;

**Alternatively,** A CRIME AGAINST HUMANITY, Murders and Other Inhumane Acts, punishable under Articles 5(a) 5(i) and Article 7(1) of the Statute of the Tribunal;

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

## COUNTS 15 and 16

60. On or about the 20 July 1998, Hajrullah Gashi, born in February 1951, and Isuf Hoxha, born in 1938, both Kosovar Albanians, left from Dakovica/Gjakova to travel to Pristina/Prishtinë by bus. The bus was stopped at the entrance of Dulje/Duhel, municipality of Suva Reka/Suharekë, on the road towards Malisevo/Malishevë, by the accused **Ramush Haradinaj** and another KLA soldier, each wearing a black uniform. Both men entered the bus. **Ramush Haradinaj** said: *"I am Ramush Haradinaj and I am looking for Isuf Hoxha and Hajrullah Gashi."* **Ramush Haradinaj** and the KLA soldier took Hajrullah Gashi and Isuf Hoxha from the bus and drove them away towards the direction of Glodjane/Gllogjan.
61. Both men were killed. The bodies of Hajrullah Gashi and Isuf Hoxha were found on 12 September 1998 by the Serbian Police in the vicinity of Lake Radonjic/Radoniq. A forensic examination of the body of Hajrullah Gashi revealed wounds consistent with blunt trauma. The body of Isuf Hoxha revealed multiple bone fractures and several missing skull bones.

Thereby **Ramush Haradinaj**, **Idriz Balaj**, and **Lahi Brahimaj** committed:

**Count 15:** A CRIME AGAINST HUMANITY, Persecution (unlawful detention, murder), punishable under Articles 5(h) and 7(1) of the Statute of the Tribunal;

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

**Count 16:** 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 Articles 3 and 7(1) of the Statute of the Tribunal.

## COUNTS 17 and 18

62. Ilira Frrokaj, born 25 May 1957 and her husband Tush Frrokaj, born on 29 August 1961, both Catholic Albanians, lived in the village of Pljancor/Plançar, in the Dakovica/Gjakova municipality. In August 1998 they traveled together by car from their home in the village of Pljancor/Plançar to Napolje/Nepalë village, when they went missing. Relatives made enquiries of the KLA and went to the house of Ardian Kurti, a local KLA commander, in the village of Gramocelj/Gramaqel on the missing couple's route. While there, the accused **Idriz Balaj** came to the house and was heard to warn Ardian Kurti: *"Do not interfere in other people's affairs if you want to stay alive. Otherwise you might end up among the others"*. The relatives went to the KLA Headquarters in Glodjane/Gllogjan where they met with Shkelzen Haradinaj, the brother of **Ramush Haradinaj**. They provided him with photographs of the missing couple and were told that **Idriz Balaj** would come to the Headquarters. **Idriz Balaj** never reported to the Headquarters and when he met Ilira and Tush Frrokaj's relations on two subsequent occasions, he refused to discuss the disappearance with them.
63. Ilira Frrokaj and Tush Frrokaj were both killed. Their bodies were recovered below a fall of the canal of Lake Radonjic/Radoniq along with their vehicle which had several bullet holes. The body of Ilira 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 revealed a fractured skull.

Thereby **Ramush Haradinaj, Idriz Balaj, and Lahi Brahimaj** committed:

**Count 17:** A CRIME AGAINST HUMANITY, Persecution (unlawful detention, murder), punishable under Articles 5(h) and 7(1) of the Statute of the Tribunal;

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

**Count 18:** 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 Articles 3 and 7(1) of the Statute of the Tribunal.

#### COUNTS 19 and 20

64. In August 1998, at the "Black Eagles" unit headquarters at Rznice, **Idriz Balaj** detained as prisoners Zenun Gashi, a former policeman, Misin Berisha and his son, Sali Berisha, all of Roma ethnicity. Zenun Gashi was last seen in the village of Kosuric/Kosuriq, municipality of Pec/Peja. On the day of his abduction, he was observed to have been badly beaten in a car with three KLA soldiers, in the neighbouring village of Barane/Baran. While detained, Sali Berisha's nose was cut off, in the presence of **Idriz Balaj** and of two other KLA soldiers. **Idriz Balaj** cut each of the three men on their necks, arms and thighs, rubbed salt into the cuts and sewed them up with a needle. **Idriz Balaj** then wrapped Zenun Gashi, Misin Berisha and Sali Berisha in barbed wire and used an implement to drive the barbs of the wire into their flesh. **Idriz Balaj** also stabbed Zenun Gashi in the eye. The three men were then tied behind **Idriz Balaj's** vehicle and dragged away in the direction of Lake Radonjic/Radoniq. They have not been seen alive since this day and are presumed to have been killed.

Thereby **Ramush Haradinaj, Idriz Balaj, and Lahi Brahimaj** committed:

**Count 19:** A CRIME AGAINST HUMANITY, Persecution (unlawful detention, murder), punishable under Articles 5(h) and 7(1) of the Statute of the Tribunal;

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

**Count 20:** 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 Articles 3 and 7(1) of the Statute of the Tribunal.

#### COUNTS 21 and 22

65. Ilija Antic, born on 18 July 1934, a Serb farmer living in Locane/Lloçan, in the municipality of Decani/Deçan was last seen alive on the evening of 27 or 28 May 1998 when he visited the home of his brother, Dordje Antic, who also lived in the village of Locane/Lloçan. Other family members had already left the village because of incidents of shooting by KLA. The body of Ilija Antic was recovered by Serb authorities in September 1998 in the Radonjic/Radoniq sited described in the statement of facts. The body revealed multiple bone fractures including an injury to the skull which might have been caused by a blow to the head with a

sharp object.

66. The remains of Adzi Seferaj, a Roma, born on 11 July 1940, living in Pljancor/Plançar, Pec/Peja municipality, were recovered on 12 September 1998 next to the concrete wall of the Radonjic/Radoniq canal by the Serb forensic team. Examination revealed a gunshot wound and blunt trauma, including multiple fractures to the skull and the lower jaw. A piece of yellow adhesive tape found next to the body was similar to tape found around the neck of an unidentified body.
67. Velizar Stosic, a Serb farmer born in 1935, living in Belo Polje/Bellopoje, Pec/Peja municipality went missing on 19 July 1998 in Lodja/Logjë, Pec/Peja municipality. His bicycle was found in the field where he had gone to check his crops. The remains of his body were recovered next to the same concrete wall of the Radonjic/Radoniq canal in September 1998. Examination of the body revealed gunshot wounds to the head and legs, and a rope ligature was found at the neck.
68. Safet Kuqi, born on 2 January 1951, an Albanian bank employee went missing on 6 September 1998 after leaving his house in Dakovica/Gjakova to go to Zdrelo/Zhdrellë, a village about seven kilometres from Dakovica/Gjakova in the direction of Lake Radonjic/Radoniq. His disappearance was reported to OSCE in Dakovica/Gjakova and to the KLA in Pristina/Prishtina on 15 November 1998. The International Commission on Missing Persons has conducted a presumptive identification of his remains. These remains had been recovered in a thicket covered with grass and leaves at the Ekonomija Farm in September 1998. They revealed multiple fractures of facial bones and ribs caused by blunt instrument.
69. Zdravko Radunovic, born in Orahovac/Rrahovec on 16 September 1955, a Serb market inspector, went missing on 18 July 1998 after leaving his house in Pec/Peja. He intended to visit a relative in the village of Dobric/Dobriq (Dakovica/Gjakova municipality). The Serbian Police reported later that day that Zdravko Radunovic had been abducted in the village of Dujak/Dujakë (Dakovica/Gjakova municipality) by two KLA members, Luan Pervorfi and Krist Pervorfi, from that village, and taken to the village of Glodjane/Gllogjan, where they handed him over to one of the local KLA commanders. They had admitted that Zdravko Radunovic had eventually been killed and his body left at Lake Radonjic/Radoniq in September 1998. ICMP has conducted a presumptive identification of his remains which were recovered next to the concrete wall of the Radonjic/Radoniq canal. The skull revealed an exit wound caused by a bullet.
70. Approximately 22 other persons were killed and their bodies disposed of in the same location and in a similar manner to the victims identified and described above. Efforts continue to establish by scientific tests the identity of these victims.

Thereby **Ramush Haradinaj, Idriz Balaj, and Lahi Brahimaj** committed:

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

**Alternatively,** A CRIME AGAINST HUMANITY, Murders, 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, Murders, as

recognised by Common Article 3(1) (a) of the Geneva Conventions of 1949, punishable under Articles 3 and 7(1) of the Statute of the Tribunal.

#### COUNTS 23 and 24

71. On or about 19 May 1998, Ivan Zaric, a Serb, accompanied by two Albanians, Agron Berisha, and Burim Bejta, left their home village of Dolac/Dollc (Klina/Klinë municipality) and travelled to the flour mill in the village of Grabanica/Grabanicë (Klina/Klinë municipality). At the flour mill they were arrested by KLA soldiers, who took them to an abandoned house and beat them. After the beating, they were forced into a vehicle and driven to the Jablanica/Jabllanica Headquarters.
72. On or about the 19 May 1998 and the following days, Ivan Zaric, Agron Berisha and Burim Bejta were detained at the Jablanica/Jabllanica detention centre. In the presence of **Ramush Haradinaj** and as he watched, **Idriz Balaj** cut off Ivan Zaric's ear with a knife, while looking at the two other detainees and saying "*look what we'll do to you*".
73. After this mutilation, **Lahi Brahimaj**, in presence and hearing of **Ramush Haradinaj**, ordered "*now we will issue the papers for Drenica*", for Ivan Zaric, Agron Berisha and Burim Bejta. "Issuing papers for Drenica" was known and understood in this context to mean that they be taken away and executed. Then **Idriz Balaj** and a group of soldiers from his unit, the "Black Eagles" removed the three detainees from the presence of **Ramush Haradinaj** and took them away. They have not been seen alive since.

Thereby **Ramush Haradinaj**, **Idriz Balaj**, and **Lahi Brahimaj** committed:

**Count 23:** A CRIME AGAINST HUMANITY, Persecution (unlawful detention, inhumane acts, murders), punishable under Articles 5(h) and 7(1) of the Statute of the Tribunal;

**Alternatively,** A CRIME AGAINST HUMANITY, Murders and Other Inhumane Acts, punishable under Articles 5(a) and 5(i) and Article 7(1) of the Statute of the Tribunal;

**Count 24:** A VIOLATION OF THE LAWS OR CUSTOMS OF WAR, Murders, as recognised by Common Article 3(1) (a) of the Geneva Conventions of 1949, punishable under Articles 3 and 7(1) of the Statute of the Tribunal.

#### COUNTS 25 and 26

74. On or around 25 May 1998, two Roma men, Ukë Rexhepaj and his son-in-law Nesret Alijaj, were detained at the village of Grabanica/Grabanicë (Klina/Klinë municipality) by KLA soldiers and accused of being Serbian collaborators. They were taken to the Jablanica/Jabllanica KLA Headquarters and detention centre. There **Lahi Brahimaj** issued an order that they be "*sent to Drenica*". "Issuing papers for Drenica" was known and understood in this context to mean that they be taken away and executed. Neither has been seen alive since.

Thereby **Ramush Haradinaj**, **Idriz Balaj**, and **Lahi Brahimaj** committed:

**Count 25:** A CRIME AGAINST HUMANITY, Persecution (unlawful detention, murders),

punishable under Articles 5(h) and 7(1) of the Statute of the Tribunal;

**Alternatively**, A CRIME AGAINST HUMANITY, Murders, punishable under Article 5(a) and Article 7(1) of the Statute of the Tribunal;

**Count 26**: A VIOLATION OF THE LAWS OR CUSTOMS OF WAR, Murders, as recognised by Common Article 3(1) (a) of the Geneva Conventions of 1949, punishable under Articles 3 and 7(1) of the Statute of the Tribunal.

### COUNTS 27 and 28

75. On or about 13 June 1998, a Catholic Albanian man, Witness SST7/06, was stopped by KLA soldiers at a checkpoint situated on the road between Klina and Dakovica/Gjakova. During a search of his vehicle, a gun was found and he was accused of being a Serbian collaborator. He was taken to Jablanica/Jabllanica KLA Headquarters. Upon his arrival, he was severely beaten on his arms, legs and back by KLA soldiers including Nazmi Brahimaj, brother of accused **Lahi Brahimaj**.
76. Between 13 June 1998 and around 25 July 1998, Witness SST7/06 was detained at the KLA Headquarters and detention facilities. During his imprisonment there Witness SST7/06 was regularly beaten by **Lahi Brahimaj**, Nazmi Brahimaj, and other KLA soldiers. On or about 25 July 1998, Witness SST7/06 was released from the Jablanica/Jabllanica KLA Headquarters by Nazmi Brahimaj whom **Ramush Haradinaj** had appointed to replace **Lahi Brahimaj** as deputy commander of the Dukagjin Operative Staff.

Thereby **Ramush Haradinaj**, **Idriz Balaj**, and **Lahi Brahimaj** committed:

**Count 27**: A CRIME AGAINST HUMANITY, Persecution (unlawful detention, and inhumane acts), punishable under Articles 5(h) and 7(1) of the Statute of the Tribunal;

**Alternatively**, A CRIME AGAINST HUMANITY, Inhumane Acts, punishable under Article 5(i) and Article 7(1) of the Statute of the Tribunal;

**Count 28**: A VIOLATION OF THE LAWS OR CUSTOMS OF WAR, Cruel Treatment, as recognised by Common Article 3(1) (a) of the Geneva Conventions of 1949, punishable under Articles 3 and 7(1) of the Statute of the Tribunal.

### COUNTS 29 and 30

77. On or about 13 June 1998, a vehicle driven by Serbian Police officer, Nenad Remistar, was stopped at the KLA checkpoint situated on the road between Klina/Klinë and Dakovica/Gjakova. Nenad Remistar was taken to Jablanica/Jabllanica KLA Headquarters. Upon his arrival he was severely beaten on his arms, legs and back by KLA soldiers including Nazmi Brahimaj, brother of accused **Lahi Brahimaj**.
78. On or about 14 June 1998, Nenad Remistar was taken away from the Jablanica/Jabllanica KLA detention facilities by unknown KLA soldiers. He has not been seen alive since and remains missing.

79. Between mid-June 1998 and the end of July 1998, one unknown individual of Bosnian ethnicity and three unknown individuals of Montenegrin ethnicity were brought into the same detention facilities by KLA soldiers. These individuals were held for a period of about three days and were also ill-treated and beaten. They were then taken from the detention centre by KLA soldiers. Their whereabouts and fate are unknown.

Thereby **Ramush Haradinaj, Idriz Balaj, and Lahi Brahimaj** committed:

**Count 29:** A VIOLATION OF THE LAWS OR CUSTOMS OF WAR, Cruel Treatment, as recognised by Common Article 3(1) (a) of the Geneva Conventions of 1949, punishable under Articles 3 and 7(1) of the Statute of the Tribunal;

**Count 30:** 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 Articles 3 and 7(1) of the Statute of the Tribunal.

### COUNTS 31, 32 and 33

80. On or about 10 of July 1998, Pal Krasniqi, a Catholic Albanian, went to the Jablanica/Jabllanica KLA Headquarters in order to join the KLA. He remained at the Jablanica/Jabllanica Headquarters for a few days until a KLA commander, Alush Agushi, also known as "Mal", accused him of being a spy for the Serbs and arrested him. Pal Krasniqi was then beaten until he made a false confession.
81. On or about 11 July 1998, Skender Kuci, a shopkeeper living in the village of Zahac/Zahaq (Pec/Peja municipality) whose brother was a policeman, was seized by KLA soldiers who put him in the boot of his car and drove him to the Jablanica/Jabllanica KLA Headquarters. His car was confiscated and used thereafter by accused **Lahi Brahimaj**. Skender Kuci was then severely beaten by two KLA soldiers and imprisoned in a flooded basement in one of the buildings in the Headquarters compound. This basement was flooded with water to hip level.
82. On or about 13 July 1998, Witness SST7/03, an Albanian who had refused to fight with the KLA, was asked by **Lahi Brahimaj** to accompany him to the Jablanica/Jabllanica KLA Headquarters. Upon their arrival at the Jablanica/Jabllanica Headquarters, Witness SST7/03 was taken to the second building in the compound by **Lahi Brahimaj** and confined him in a room with two other men. Four or five KLA soldiers beat Witness SST7/03 until he became unconscious. Later on the same day, Nazmi Brahimaj and a soldier named Myftar Brahimaj kicked the three prisoners and interrogated them. During their imprisonment at the Jablanica/Jabllanica KLA Headquarters and detention facilities, the three men had their hands tied behind their backs with rope. Between 13 July 1998 and 16 July 1998, one of the prisoners was repeatedly beaten by Nazmi Brahimaj and Naser Brahimaj, also known as "Rusi".
83. On or about 16 July 1998, Witness SST7/03 was taken from the room in which he was being detained at the Jablanica/Jabllanica KLA headquarters and brought to the office of **Lahi Brahimaj** to be interrogated. Also present during that interrogation were **Idriz Balaj** and two unidentified female KLA soldiers from the Military Police unit. **Lahi Brahimaj** then asked the two unidentified female KLA soldiers "*if they wished to practice*" on Witness SST7/03. The two unidentified female officers then began to beat Witness SST7/03 with telescopic batons all over his body. While this was happening, **Lahi Brahimaj** and **Idriz Balaj** stood by watching and laughing. During this beating **Idriz Balaj** interrogated

Witness SST7/03, accusing him of being a Serbian spy and threatened to cut his throat. During this interrogation, **Lahi Brahimaj** encouraged Witness SST7/03 to commit suicide and offered him the means to do so.

84. On or about 13 July 1998, two relatives of Skender Kuci met **Lahi Brahimaj** to enquire about his detention and condition. **Ramush Haradinaj** was informed about the arrest of Skender Kuci from a member of his staff. **Ramush Haradinaj** then met Nazmi Brahimaj who confirmed that Skender Kuci was detained at the prison. **Ramush Haradinaj** ordered his release but Nazmi Brahimaj informed him that he could not be released immediately because of injuries he had sustained from the beating he received after being caught trying to escape.
85. On or about 16 July 1998, Skender Kuci, unconscious, was transferred to a KLA medical facility in Rznic/Irznik for treatment. He died soon after and was buried by the KLA soldiers in Jablanica/Jabllanica. Family members of Skender Kuci learned about his death and contacted **Ramush Haradinaj**, who gave instructions for the body of Skender Kuci to be exhumed and handed back to the family for a religious burial. A burial ceremony with KLA honours was then arranged and the body of Skender Kuci was re-buried at Dubovik village, in Pec/Peja municipality.
86. Pal Krasniqi was last seen alive on or about 26 July 1998 at the Jablanica/Jabllanica KLA Headquarters where he was detained. He is still recorded as missing.
87. On or about 26 to 28 July 1998 witness SST7/03 was accosted in Jablanica/Jabllanica by **Lahi Brahimaj** who took him at gunpoint to his house. There **Lahi Brahimaj** struck Witness SST7/03 repeatedly on the face before taking him at gunpoint back to the Jablanica/Jabllanica KLA Headquarters, where **Lahi Brahimaj** interrogated him. **Lahi Brahimaj** then forced Witness SST7/03 into the boot of a Mercedes-Benz car and drove him first for more than an hour before stopping the vehicle. He then pressed his gun against the chest of Witness SST7/03 and threatened to kill him. He then continued the drive to another location, where he stopped the vehicle opened the boot and said to an unidentified man "*I brought you a very good man.*" The unidentified man answered "*we have no place here for killing people. We are here to defend them*". **Lahi Brahimaj** then kicked Witness SST7/03 before he closed the boot of the car and continued to the Glodjane/Gllogjan KLA headquarters, where Witness SST7/03 was handed over to an unidentified KLA military police officer, further beaten with a wooden stick and kicked. Witness SST7/03 was then taken to a different room where he met **Ramush Haradinaj** who told him that he could go and not to get involved with the army in any way. Witness SST7/03 was then taken back to Jablanica/Jabllanica Headquarters and was released.

Thereby **Ramush Haradinaj, Idriz Balaj, and Lahi Brahimaj** committed:

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

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

**Count 32:** 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 Articles 3 and 7(1) of the Statute of the Tribunal;

**Count 33:** A VIOLATION OF THE LAWS OR CUSTOMS OF WAR, Cruel Treatment, as recognised by Common Article 3(1) (a) of the Geneva Conventions of 1949, punishable under Articles 3 and 7(1) of the Statute of the Tribunal.

#### COUNT 34

88. On or around the 23 May 1998, Naser Lika from Grabanica/Grabanicë and Fadil Fazlija were seized in the village of Zabelj/Zhabel by KLA soldiers under suspicion of treason, for their alleged support of a political party (the LDK) rival to the KLA. They were taken to the Jablanica/Jabllanica KLA Headquarters. At the Jablanica/Jabllanica headquarters **Lahi Brahimaj, Ramush Haradinaj, Idriz Balaj** and other members of the KLA threatened Naser Lika, Fadil Fazlija and a group of approximately twenty men from the village of Grabanica/Grabanicë, stating *"now you will go back to your village to fight the Serbs and make them leave. You can't live anywhere in Kosovo if you are not going to free your village from the Serbs first"*. Naser Lika and Fadil Fazlija were released due to the intervention of a family member, who threatened to commence a "blood feud" with the Brahimaj family if they were not released.
89. One evening in July 1998, **Lahi Brahimaj**, his brother Nazmi Brahimaj, and number of KLA soldiers seized Naser Lika at his house in Grabanica/Grabanicë (Klina/Klinë) placed him in the boot of a vehicle and, following an order transmitted to the vehicle by radio, took him to the Jablanica/Jabllanica KLA headquarters. On arrival there Naser Lika was brought before **Ramush Haradinaj** and **Idriz Balaj**. **Ramush Haradinaj** said, *"You brought him, so go ahead with your job"*. At this point a KLA soldier known as "Bandash" began to beat him. **Ramush Haradinaj** ordered "Bandash" to stop the beating for a short time and then ordered him to resume the beating. **Idriz Balaj** then pressed a gun against the head of Naser Lika and said to him in the presence and hearing of **Ramush Haradinaj** *"I never beat people. I am here to kill them"*. **Ramush Haradinaj** then ordered "Bandash" to continue the beating. Naser Lika was struck hard and fell to the floor. At this moment, **Ramush Haradinaj** seized him by the hair, turned Naser Lika's face towards him and spat on his face. 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 taken to the headquarters and was forced to work in the kitchen. After approximately three weeks, he managed to escape.

Thereby **Ramush Haradinaj, Idriz Balaj, and Lahi Brahimaj** committed:

**Count 34:** A CRIME AGAINST HUMANITY, Persecution (unlawful detention, inhumane acts), punishable under Article 5(h) and Article 7(1) of the Statute of the Tribunal;

**Alternatively,** A CRIME AGAINST HUMANITY, Inhumane Acts, punishable under Article 5(i) and Article 7(1) of the Statute of the Tribunal.

#### COUNTS 35, 36 and 37

90. Witness SST7/01 and Witness SST7/02 lived in the village of Rznica/Irznica, Municipality of Decani/Deçan. At the beginning of 1998, the KLA entered the village of Rznica/Irznica and formed a headquarters in the village in a building attached to the local school. The accused

**Idriz Balaj** and members of his unit, the "Black Eagles," all wearing black uniforms, were stationed in these Headquarters. **Ramush Haradinaj**, as the commander of the Dukagjin area, came regularly to the village of Rznici/Irznici and ordered the villagers to defend the area against the Serbs and to dig trenches at locations he had selected.

91. On an occasion around midnight at the end of July or beginning of August 1998, **Idriz Balaj** and four black uniformed and masked KLA soldiers, forced Witness SST7/01 and Witness SST7/02 to walk to the KLA Headquarters in Rznici/Irznici. **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 removed the clothing of Witness SST7/02, forced her onto a bed, and raped her.
92. The rape was subsequently reported to the KLA local authorities by the woman's family. When asked about the rape by some KLA soldiers, **Idriz Balaj** is reported to have denied it at first and then to have stated that he had been ordered to do it. No action was taken against him.
93. Witness SST7/01 was taken into the Headquarters building. **Idriz Balaj** placed a knife against the throat of Witness SST7/01 and threatened to cut his head off because of his ethnicity. **Idriz Balaj** then told the witness 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 other KLA soldiers then physically beat him.

Thereby **Ramush Haradinaj**, **Idriz Balaj**, and **Lahi Brahimaj** committed:

**Count 35:** A CRIME AGAINST HUMANITY, Persecution (unlawful detention, rape, inhumane acts), punishable under Article 5(h) and Article 7(1) of the Statute of the Tribunal;

**Alternatively,** A CRIME AGAINST HUMANITY, Rape and Other Inhumane Acts, punishable under Articles 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 Articles 2 and 3 and 7(1) of the Statute of the Tribunal;

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

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Carla Del Ponte  
Prosecutor

Dated this 4<sup>th</sup> day of March 2005  
At The Hague  
The Netherlands

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\*Because many villages in Kosovo are known by a Serbian and an Albanian name, all villages are identified by their Serbian name first and their Albanian name second.`align`