

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

CASE NO: IT-04-84-PT

THE PROSECUTOR OF THE TRIBUNAL

AGAINST

**RAMUSH HARADINAJ
IDRIZ BALAJ
LAHI BRAHIMAJ**

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 Brahimag**

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

THE ACCUSED

1. **Ramush Haradinaj**, was born on 3 July 1968 in Glodane/Gllogjan¹ in the municipality of Deçani/Deçan in the territory of Kosovo, in the former Yugoslavia.
2. From at least 1 March 1998 until, mid-June 1998, **Ramush Haradinaj** was *defacto* commander in the *Ushtria Çlirimtare e Kosovës* (UÇK), otherwise known as the Kosovo Liberation Army (KLA). On or after mid-June 1998

¹ 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.

until at least June 1999, **Ramush Haradinaj** was appointed *de jure* commander. As commander, **Ramush Haradinaj** had overall command of the KLA forces in the Operational Zone, called Dukagjin, 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, Deçani/Deçan, Đakovica/Gjakovë, Istok/Istog and part of the municipality of Klina/Klinë. As such, the villages of Glodane/Gllogjan, Dašinovac/Dashinoc, Dolac/Dolc, Ratiš/Ratishë, Dubrava/Dubravë, Grabanica/Grabanicë, Loçane/Lloçan, Babaloć/Baballoq, Rznicić/Irzniciq, Požar/Pozhare, Žabelj/Zhabel, Zahać/Zahaq, Ždrelo/Zhdrellë, Gramočelj/Gramaqel, Dujak/Dujakë, Piskote/Piskotë, Pljančor/ Plançar, Nepolje/Nepolë, Kosurić/Kosuriq, Loda/Loxhë, Barane/Baran, the Lake Radonjić/Radoniq area and Jablanica/Jabllanicë were within the area of **Ramush Haradinaj's** command and control.
4. In March 1998, the KLA was still a nascent organisation. At least from early March 1998, the Haradinaj family was involved in organizing the KLA in the Glodane/Gllogjan. By May 1998 the KLA Staff for Dukagjin was established. By June 1998, the Dukagjin Regional Operative Staff was established. Each KLA operational area in Kosovo acted independently of the senior command authority. **Ramush Haradinaj** was one of the most independent zone commanders. By late June 1998 **Ramush Haradinaj** had extended his control into the neighbouring municipalities of Peć/Pejë, Istok/Istog, Klina/Klinë and Đakovica/Gjakovë. As the Dukagjin Operational Zone commander, **Ramush Haradinaj** had control of the 131st to the 138th Brigades and associated subordinate units. In addition to his military authority, in the clan-based structure of the Kosovar society, **Ramush Haradinaj** was a central figure in the area of his native village of Glodane/Gllogjan and in the municipality of Deçani/Deçan.
5. **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.

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 was a member of Parliament from 2001 until 2004. In December 2004, he became the Prime Minister of Kosovo.
7. **Idriz Balaj** (also known as "Toger/Togeri" meaning "Lieutenant") was born on 23 August 1971 in Iglarevo/Gllarevë, in the municipality of Klinë/Klinë in the territory of Kosovo in the former Yugoslavia.
8. At all times relevant to this indictment **Idriz Balaj** was a member of the Kosovo Liberation Army. He commanded a special unit known as "The Black Eagles". Upon the approval of **Ramush Haradinaj**, the "Black Eagles" was created in April 1998 as a Rapid Intervention Special Unit. This unit was usually headquartered in Rznić/Irzniq village and 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 a direct subordinate to **Ramush Haradinaj** and worked closely with him.
9. In 1999, after the cessation of hostilities, **Idriz Balaj** joined the Kosovo Protection Corps, and held the rank of Major. In 2002, he was convicted of murder and sentenced to 15 years in prison.
10. **Lahi Brahimaj**, (also known as "Maxhup" meaning Gypsy) was born on 26 January 1970 in Jablanica/Jabllanicë in the Municipality of Djakovica/Gjakovë in Kosovo in the former Yugoslavia. **Lahi Brahimaj** is **Ramush Haradinaj's** uncle.

11. At all times relevant to this indictment, **Lahi Brahimaj** was a member of the KLA and stationed at the Jablanica/Jabllanicë Headquarters. He was appointed the Deputy Commander of the Dukagjin Operative Staff on 23 June 1998. He remained the Deputy Commander until 5 July 1998 until he was replaced by Nazmi Brahimaj. As the Deputy Commander and as a KLA soldier, **Lahi Brahimaj** was subordinate to **Ramush Haradinaj** and worked closely with him. After the cessation of hostilities, **Lahi Brahimaj** became a high ranking officer in the Kosovo Protection Corps.

GENERAL ALLEGATIONS

12. 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.
13. At all times relevant to this indictment, a state of armed conflict existed on the territory of Kosovo, between, on the one hand the KLA and the Armed Forces of the Republic of Kosovo (FARK), and on the other hand, 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 were closely related to the armed conflict in that the victims of those crimes, persons taking no active part in hostilities, were either Serb civilians or persons, including Kosovar Albanian, Kosovar Roma/Egyptian civilians and other civilians, who were perceived as collaborating with the Serbs Forces or were otherwise perceived as not supporting the KLA, or resisting the KLA by non-military means.
14. By their nature or consequences, all acts or omissions charged as crimes against humanity were part of a widespread or systematic attack, directed against part of the civilian population in the Dečani/Deçan, Peć/Pejë Đakovica/Gjakovë, Istok/Istog and Klina/Klinë municipalities of the province of Kosovo. The civilian population against whom the attack was targeted comprised the Serb civilian population in the municipalities as well as those civilians perceived to be collaborating with the Serbs or otherwise not

supporting the KLA. Each of the Accused knew that his conduct, including the murders, torture, abductions, forcible transfers, persecutory acts, inhumane acts, unlawful detention and other acts of violence against Serb civilians and Kosovar Albanian, Kosovar Roma/Egyptian civilians and other civilians, comprised part of the said attack.

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

INDIVIDUAL CRIMINAL RESPONSIBILITY

16. **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 the crimes set out in this indictment. Each of the Accused is responsible, as further specified below, for any acts or omissions in the planning, instigating, ordering, committing, or otherwise aiding and abetting in the planning, preparation or execution of those crimes.
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. 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, racial considerations, or a combination thereof, or were instigated, ordered, planned or aided and abetted with the awareness of a substantial likelihood that persecutions as a crime against humanity would be committed in the execution of the order, plan or instigation.
19. **Ramush Haradinaj, Idriz Balaj and Lahi Brahimaj** are criminally responsible as members of a JCE, in each count of the indictment, in that each had the shared intent to commit the crimes that fell within the common

purpose of the JCE and each acted, or omitted to act, to further the purpose of the JCE.

20. 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 their common criminal plan, and that were either within the scope of the JCE, or that were the natural and foreseeable consequences thereof.
21. 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 joint criminal enterprise or that were the natural and foreseeable consequences thereof.
22. The JCE began on or around March 1998, and continued at least until mid-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 purpose of the JCE, and who participated in the execution of the crimes set forth in this indictment, or otherwise contributed to achieving the purpose of the JCE. These other members of the JCE who shared the intent to commit crimes and further the common purpose were **Ramush Haradinaj's** brothers, Daut Haradinaj and Shkëlzen Haradinaj, and other persons, including but not limited to Frashër 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.
23. The common 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 Albanians, Kosovar Roma/Egyptian civilians and other civilians, who were or were perceived to have been collaborators with the Serb Forces or to have not

supported the KLA. The mistreatment 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 against those targeted civilians.

24. The joint criminal enterprise involved the establishment and operation of KLA detention facilities and the mistreatment of detained persons at such facilities, including at Jablanica/Jabllanicë and at other local headquarters, such as the Black Eagles Special Unit headquarters at Rznić/Irznik and the Glodane/Gllogjan KLA headquarters. Each of the Accused, **Ramush Haradinaj**, **Idriz Balaj**, and **Lahi Brahimaj** contributed to the JCE through their individual participation in the operation of these detention facilities and the mistreatment of persons detained at such facilities. As indicated in paragraphs 20 and 21, the Accused, as members of the JCE, are liable for any crimes committed in the detention center that were outside of the scope of the common purpose but that were the natural and foreseeable consequence of the JCE.

PARTICIPATION IN THE JOINT CRIMINAL ENTERPRISE

25. The Accused **Ramush Haradinaj**, acting in concert with other members of the JCE, participated in the CJE by his acts or omissions including:
- 26.
- (a) as Commander of the Dukagjin Operational Zone **Ramush Haradinaj** ensured that KLA forces under his control operated in a structured and disciplined manner and provided overall control of planning and organization of operations. Under his control and direction, the KLA forces, established a system whereby Kosovar Serbs, Kosovar Albanians and Kosovar Roma/Egyptian civilians who collaborated, or were perceived to have collaborated with Serb forces, were targeted or abduction, murder, detention, and other forms of mistreatment;
 - (b) by excluding all rivals to KLA forces, such as the FARK, in the Dukagjin Operational Zone in order to provide his soldiers with ability to dominate the area and to persecute targeted civilians;

- (c) by making use of his house as a centre of operations, and 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 the targeted civilians;
- (d) by approving the creation of the notorious "Black Eagles" Special Unit that carried out attacks on, and mistreated, the targeted civilians.
- (e) by appointing and maintaining his co-Accused **Idriz Balaj** as commander of the "Black Eagles" Special Unit.
- (f) 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 centre, where targeted civilians were maltreated;
- (g) by planning, establishing and operating detention centres which were used for the unlawful detention and mistreatment of those listed in the indictment, including the Jablanica/Jabllanicë detention centre headquarters;
- (h) by condoning and encouraging the criminal conduct committed by his co-Accused and KLA soldiers when he was present at the Jablanica/Jabllanicë detention centre
- (i) by his acts and omissions, as set forth in each Count in the indictment, including Counts 1, 2, 3, 4, 15, 16, 23, 24, 31, 32, 33 and 34, whereby he physically perpetrated, ordered, planned, instigated, or aided and abetted the crimes described and charged;
- (j) by controlling the continued detention, release and access to medical treatment, of the targeted civilians detained by the KLA in the Dukagjin Operational Zone, including the Jablanica/Jabllanicë detention facility;
- (k) by condoning and encouraging the criminal conduct of his co-Accused and other subordinates in the Dukagjin Operational Zone, at such places as the Jablanica/Jabllanicë detention facility, the Barane Headquarters, the Glodane/Gllogjan headquarters, and the Rznić/Irznj headquarter;
- (l) by personally participating, together with KLA forces, in the abduction of Hajrullah Gashi and Isuf Hoxha together with KLA forces who were then murdered;
- (m) by providing his tacit approval for detained persons to be executed.

27. The Accused **Idriz Balaj**, acting in concert with other members of the JCE, participated in the joint criminal enterprise by his acts or omissions including:
- (a) as Commander of the "Black Eagles" Special Unit, **Idriz Balaj** worked closely with **Ramush Haradinaj** and provided direct operational support for the criminal activities in the Dukagjin Operational Zone;
 - (b) by his acts and omissions, as set forth in each count in the indictment, including Counts 7, 8, 13, 14, 17, 18, 19, 20, 23, 24, 31, 32, 33, 34, 35, 36, and 37 of the indictment whereby, he committed, planned, instigated or aided and abetted the crimes described and charged;
 - (c) by condoning and encouraging the criminal conduct of the members of the "Black Eagles" unit that were his subordinates and that of other KLA members;
 - (d) by using and allowing to be used the Black Eagles Headquarters in the Rznici/Irznici, for the purpose, among others of carrying out the JCE by mistreating, raping and killing targeted civilians.
 - (e) by condoning and encouraging the criminal conduct that he witnessed at the Jablanica/Jabllanicë detention center committed by his co-Accused and the KLA soldiers;
 - (f) by condoning and encouraging the criminal conduct that he witnessed at the Rznici/Irznici detention center committed by individuals including members of the "Black Eagles";
 - (g) by attempting to prevent enquiry into and to conceal the abduction and murder of civilians and the disposal of their bodies at Radonjici/Radonici Lake.
28. The Accused **Lahi Brahimaj**, acting in concert with other members of the JCE, participated in the joint criminal enterprise by his acts or omissions including:
- (a) as Deputy Commander of the Dukagjin Operative Staff and as a KLA commander he worked closely with Ramush Haradinaj and provided

direct operational support for the criminal activities in the Dukagjin Operational Zone

- (b) by running the KLA detention facility at Jablanica/Jabllanicë, at least from 23 June 1998 until 5 July 1998, for the purpose, among others of carrying out the JCE by detaining and mistreating targeted civilians;
- (c) by condoning and encouraging the criminal conduct of his co-Accused and other KLA soldiers at the Jablanica/Jabllanicë detention centre 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 the targeted civilians in the Dukagjin Operational Zone;
- (e) by his acts and omissions, as set forth as set forth in each count in the indictment, including Counts 23, 24, 25, 26, 27, 28, 31, 32, 33, and 34 of the indictment whereby he committed, planned, ordered, instigated or aided and abetted the crimes described and charged.

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

ADDITIONAL OR ALTERNATIVE ARTICLE 7(1) LIABILITY

30. **Ramush Haradinaj, Idriz Balaj, Lahi Brahimaj** are, in addition to, or in the alternative, individually responsible as further specified below, for planning, instigating, ordering, committing, or otherwise aiding and abetting in the planning, preparation or execution of charged crimes through their acts or omissions.
31. **Ramush Haradinaj** is individually criminally responsible for his acts and omissions in that he planned, committed, ordered, instigated or aided and abetted the crimes described and charged in Counts 1, 2, 3, 4, 15, 16, 23, 24, 31, 32, 33 and 34 of the indictment.

32. **Idriz Balaj** is individually criminally responsible for his acts and omissions in that he physically perpetrated, planned, instigated or aided and abetted the crimes described and charged in Counts 7, 8, 13, 14, 17, 18, 19, 20, 23, 24, 31, 32, 33, 34, 35, 36, and 37 of the indictment.
33. **Lahi Brahimaj** is individually criminally responsible for his acts and omissions in that he ordered, instigated or aided and abetted the crimes described and charged in Counts 23, 24, 25, 26, 27, 28, 31, 32, 33, and 34 of the indictment.

STATEMENT OF FACTS

34. In 1998 the municipality of Dečani/Dečan 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 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 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.
35. In early 1998, tensions increased between Serbian authorities and the KLA in the area surrounding Glodane/Gllogjan. The area between Glodane/Gllogjan and Dečani/Dečan was of critical strategic importance for the KLA because it connected the KLA headquarters in Glodane/Gllogjan to the border with Albania, where the KLA received arms and supplies throughout 1998. Glodane/Gllogjan became also an important recruiting centre for the KLA in the Dukagjin region and in the Operational Zones of Šalja/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 Babaloć/Baballoq.

36. 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 Serb policeman was killed and **Ramush Haradinaj** was wounded.
37. After 24 March 1998, KLA forces under the command and control of **Ramush Haradinaj** mounted a military campaign to seize control of the area between the villages of Glodane/Gllogjan, and Dečani/Deçan and particularly the villages of Dubrava/Dubravë, Rznić/Irznik, Ratiš/Ratishë, and Dašinovac/Dashinoc and to drive ethnic Serbs out of the villages where they were living. They also continued to launch attacks against the camp of refugees of Babaloć/Baballoq, near Dečani/Deçan. This refugee camp had been the target of similar KLA attacks since 1997.
38. During March and April 1998 KLA forces under the command and control of **Ramush Haradinaj**, including the "Black Eagles" Unit 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 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.
39. During the succeeding months, within the Dukagjin zone, 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, Roma/Egyptian, and Albanian civilians perceived as collaborators, who were not taking part in hostilities. The KLA forces, under the command and control of **Ramush Haradinaj**, carried out abductions in the Dukagjin zone. Tens of civilians went missing. Between March 1998 and September 1998, in the municipalities of the Dukagjin Operational Zone. In addition to those

mentioned in this indictment more than 60 civilians, Serbs and Albanians, were abducted and many of those were subsequently killed.

40. The village of Jablanica is situated in the municipality of Đakovica/Gjakova. Jablanica/Jabllanica is approximately 18 km from Glodane/Gllogjan. As early as 1995 and 1996, the accused **Lahi Brahimaj**, who resided in Jablanica/Jabllanica, 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. At the beginning of 1998, as early as March, the KLA Jablanica/Jabllanica 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** went to the Jablanica/Jabllanica 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 (Dečani/Deçan). As early as the second half of May 1998, a make-shift detention centre was established at the Jablanica/Jabllanica headquarters.
41. During the end of August and the beginning of September 1998, Serb forces mounted a counter-offensive and retook, temporarily, the area surrounding Glodane/Gllogjan. A Serbian forensic crime scene team conducted an investigation in the vicinity of the canal leading to Lake Radonjić/Radoniq and the road leading to Dašinovac/Dashinoc.
42. On or about 12 September 1998, the team recovered around 30 bodies or partial remains in the Radonjić/Radoniq Lake canal area and approximately three bodies on the road leading to Dašinovac/Dashinoc. The bodies and remains were forensically examined in temporary mortuary facilities in Đakovica /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.

43. Some of the remains that were recovered from the Radonjić/Radoniq Lake canal area and on the road leading to Dašinovac/Dashinoc were identified by Serb authorities using traditional identification procedures. These included: Vukosava Marković and Darinka Kovač (Counts 7 and 8); Miloš Radunović and Slobodan Radošević (Counts 11 and 12); Hajrullah Gashi and Isuf Hoxha (Counts 15 and 16); Ilira Frrokaj (Counts 17 and 18); Ilija Antić and Velizar Stošić (Counts 21 and 22). Other remains that were recovered were subsequently identified by international organizations using genetic tests. These included: Milka Vlahović (Counts 9 and 10); the mother of SST7/04 (Counts 13 and 14); Zenun Gashi, Misin Berisha and Sali Berisha (Counts 19 and 20); Malush Meha, Rade Popadic, Idriz Hoti, Afrim Sylejmani, Zdravko Radunović, Xhevat Berisha, Nurije Krasniqi and Kutjim Imeraj (Counts 21 and 22); and Pal Krasniqi (Counts 31 and 32).
44. Some of the remains that were recovered from the sites described above remain unidentified although tests have been conducted to attempt to establish their identity. These remains consist of the bodies of around 10 individuals. All of the remains show evidence of a violent death.
45. The centre of operations for **Ramush Haradinaj** during the conflict in 1998 and 1999 was his village of Gllogjan/Glodjane in the municipality of Dečani/Dečan. It was approximately two kilometres from the area of the Radonjić/Radoniq Lake canal, where many of the bodies were discovered, and was situated on one of only two small access roads to that zone. The village of Dašinovac/Dashinoc, where three other bodies were found, was approximately nine kilometres away.

COUNTS 1 and 2

46. On 28 May 1998, Witness SST7/38, arrived at home in Junik with some relatives and neighbours. The house had been broken into and was in a state of disarray. Shortly thereafter, three armed KLA under the command of **Ramush Haradinaj** soldiers came to the house and ordered Witness SST7/38 and the

witness' family and neighbours to join a convoy of civilian detainees and leave Junik in the direction of the Albanian border.

47. The witness' group attempted to escape the convoy of detainees but were stopped at a KLA checkpoint and ordered to rejoin it. After reaching the hamlet of Gacifer (a suburb of Junik), the KLA soldiers took the detainees to an old mill in the woods and told them to sit on the ground in the rain. After approximately one hour, a vehicle arrived containing four KLA members, one of whom was **Ramush Haradinaj**.
48. One of the KLA soldiers told **Ramush Haradinaj**, "*Commander Ramush Haradinaj, the people we have captured are at your disposal.*" This same soldier advised **Ramush Haradinaj** that Witness SST7/38 had information about the MUP. **Ramush Haradinaj** then ordered KLA soldiers to search the witness and the witness' father to obtain information, using force if necessary. **Ramush Haradinaj** then left in the vehicle with one of the soldiers.
49. The remaining soldiers proceeded to humiliate and beat Witness SST7/38's father. He was stripped naked. Half of his moustache was shaved off with a knife. He was knocked to the ground, struck with a rifle butt and kicked until he lost consciousness. The soldiers permitted Albanian civilians to spit at, kick and throw objects at the detainees. Witness SST7/38 was also stripped naked and a knife was placed against the witness' throat. Witness SST7/38 was then forced to attempt to eat a small, plastic coated book and was struck on the face with a pistol. The witness' father regained consciousness and was allowed to dress but the witness was forced to remain naked in the rain. The witness and the witness' father were tied together, back to back, using barbed wire. The soldiers threatened to kill them.
50. The witness' group later rejoined the convoy. In Jasić/Jasiq, the witness met a KLA soldier from Junik that the witness knew from before and begged him for help. Instead of helping, he swore, beat and kicked the witness, and the witness' father, sister and sister-in-law and struck them with a rifle-butt, telling the witness to call Slobodan Milošević and the Chief of the MUP for

help. The convoy spent the night in a meadow. Witness SST7/38 was not allowed to dress. On the morning of 29 May, the witness and the witness' father were tied to a tree. The witness' family was denied food and water. The sister of Witness SST7/38 was sexually assaulted. The Witness SST7/38 was denied medical attention on the basis that the Witness SST7/38 was to be executed.

51. The group spent a second night in the meadow. Clothes were returned to Witness SST7/38. Witness SST7/38 was allowed to dress. On the morning of 30 May, the group left the meadow and was taken to KLA HQ in Djoci/Gjocaj. There, the group, less a few members, was lined up at the edge of a ravine to be shot. They escaped down the ravine due to the intervention of an acquaintance of the witness from Junik.

Thereby **Ramush Haradinaj, Idriz Balaj and Lahi Brahimaj** committed as part of a JCE;

In the alternative **Ramush Haradinaj** ordered, instigated or aided and abetted:

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

Alternatively, A CRIME AGAINST HUMANITY, Deportation and Torture, punishable under Articles 5(d) and 5(f) and 7(1) of the Statute of the Tribunal;

Count 2: A VIOLATION OF THE LAWS OR CUSTOMS OF WAR, Torture, and Outrages Upon Personal Dignity 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

52. On or about 18 April 1998, three ethnic Serb civilians, Dragoslav Stojanović and Mijat Stojanović, and Veselin Stijović, were seized from the house of the Stojanović family in Dubrava/Dubravë by KLA forces while trying to retrieve personal belongings.

53. They were interrogated and beaten, resulting in serious bodily injuries and great suffering. They were first beaten at the Stojanović family house in Dubrava/Dubravë, and then in a KLA headquarters in Glodane/Gillogjan. During their interrogation, they were asked by the KLA soldiers, under the command of **Ramush Haradinaj**, why, being Serbs, they had returned to their village without permission.
54. **Ramush Haradinaj** was present in the building at the time, and was aware of the interrogation and beating of the three men. **Ramush Haradinaj** kicked, threatened, and intimidated Dragoslav Stojanović.
55. Later that day, KLA soldiers under the command and control of **Ramush Haradinaj** marched Dragoslav Stojanović, Mijat Stojanović, and Veselin Stijović from the KLA headquarters in the village of Glodjane/Gillogjan to the house of Stojanović family in the adjoining village of Dubrava/Dubravë in order to search for weapons. Dragoslav Stojanović, Mijat Stojanović, and Veselin Stijović were blindfolded and driven to a location near Babaloć/Baballoq village, municipality of Dečani/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.
56. As a result of the beatings all three men suffered severe injury and were hospitalised.

Thereby **Ramush Haradinaj**, **Idriz Balaj**, and **Lahi Brahimaj** committed as part of a JCE;

In the alternative, **Ramush Haradinaj** committed and/or aided and abetted:

Count 3: A CRIME AGAINST HUMANITY, Persecution (torture, unlawful detention, deportation and forcible transfers) punishable under Articles 5(h) and 7(1) of the Statute of the Tribunal;

Alternatively, A CRIME AGAINST HUMANITY, Deportation and Torture punishable under Articles 5 (d) and 5(f) and Article 7(1) of the Statute of the Tribunal;

Count 4: A VIOLATION OF THE LAWS OR CUSTOMS OF WAR, torture and 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

57. On or about 23 April 1998, Rosa Radošević, along with her son, Staniša Radošević, and a friend, Novak Stijović, all Serbs, were travelling from Dečani/Dečan when they were stopped and searched by KLA soldiers, under the command of **Ramush Haradinaj**, at the intersection of the road to Glogjane/Gllogjan, in the village of Požar/Pozhare, municipality of Dečani/Dečan. The KLA soldiers told them that they could not proceed to Dašinovac/Dashinoc village as it had become KLA territory, and nor were they permitted to return to Dečani/Dečan. All three Serbs were then abducted and their vehicles impounded. They were taken to Glogjane/Gllogjan. KLA soldiers, under the command of **Ramush Haradinaj**, interrogated them while repeatedly punching, kicking, and beating, using metal bars because they were Serbs. Novak Stijović and Staniša Radošević suffered greatly. KLA soldiers then ordered Staniša Radošević to go to his home in Dečani/Dečan and retrieve his hunting rifle. He was provided with a KLA badge to produce to other KLA soldiers, if stopped. His mother Rosa Radošević and Novak Stijović were released later that day.

Thereby **Ramush Haradinaj, Idriz Balaj** and **Lahi Brahimaj** committed as part of a JCE;

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

Alternatively, A CRIME AGAINST HUMANITY, Imprisonment and Torture, punishable under Article 5(e) and 5(f) and Article 7(1) of the Statute of the Tribunal;

Count 6: A VIOLATION OF THE LAWS OR CUSTOMS OF WAR, Torture and 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

58. On an unknown date between the 21st of April 1998 and before the 12th of September 1998, Vukosava Marković, born on 9 August 1937, and her sister Darinka Kovać, born on 18 September 1932, both Serbs, were abducted from their home by **Idriz Balaj** and KLA soldiers, under the command of **Ramush Haradinaj**, in the village of Ratiš, municipality of Dečani/Dečan. **Idriz Balaj** then set fire to their home. Both women were killed and their remains were recovered by a Serbian forensic team on 12 September 1998 near a canal leading into Lake Radonjić/Radoniq. Forensic examination revealed gunshot wounds on both bodies and multiple bone fractures Vukosava Marković's body.

Thereby **Ramush Haradinaj, Idriz Balaj** and **Lahi Brahima**j committed as part of a JCE;

In the alternative, **Idriz Balaj** committed and/or aided and abetted:

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

59. On or about 21 April 1998, Milovan Vlahović, born 5 August 1935, and Milka Vlahović, born on 5 May 1933, husband and wife, both Serbs living in the village of Ratiš, municipality of Decane were abducted by KLA soldiers under the command of **Ramush Haradinaj**. Local Albanians who tried to prevent the abduction were threatened that they would be killed as well if they interfered.
60. The body of Milovan Vlahović has not been recovered and he has not been seen by his family since at least September 1998.
61. The remains of Milka Vlahović were located in Lake Radonjić 1998 and have been subsequently identified by DNA analysis.

Thereby **Ramush Haradinaj**, **Idriz Balaj** and **Lahi Brahimaj** committed as part of a JCE:

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 and 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

62. On an unknown day between 19th of April 1998 and September 1998, Slobodan Radošević, born on 8 October 1943, and his neighbour, Miloš Radunović born on 19 February 1938, both Serbs, resident in the village of Dasinovac, municipality of Decani, were abducted by KLA soldiers under the command of **Ramush Haradinaj**. Subsequently a KLA communication appeared in a local Serbian newspaper and on local television news stating that

the families of Slobodan Radošević and Miloš Radunović should go to a location at the roadside near Dečani/Dečan to collect the bodies of these persons. The families, being afraid, did not go to the site.

63. The remains of the bodies of Slobodan Radošević and Miloš Radunović were recovered under a layer of soil by members of the Serbian Police on 12 September 1998 just north of Lake Radonjić/Radoniq on the road leading to the village of Dašinovac/Dashinoc, as stated in the KLA communication. These remains have been identified by DNA analysis.

Thereby **Ramush Haradinaj, Idriz Balaj** and **Lahi Brahimaj** committed as part of a JCE:

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

64. On an unknown date in between April and May 1998, a sister of Witness SST7/04 was abducted from her family home in Ratiš/Ratish by **Idriz Balaj** and two KLA soldiers under the command of **Ramush Haradinaj**. She was taken to the KLA Headquarters of the Black Eagles in the neighbouring village of Rznic, municipality of Deçani. There she was detained for a night by the accused **Idriz Balaj** and his soldiers. She was later returned to her home to collect her clothing and informed her family that she was required to return to the KLA Headquarters or face execution. The sister of Witness SST7/04 was last seen by her family walking towards Riznic as she had been required by **Idriz Balaj** to return to the KLA headquarters. She has not been seen since by her family.

65. On an unknown day in early summer of 1998, and following the earlier disappearance of a sister of witness SST7/04, the mother of Witness SST7/04 was abducted from her home by the accused **Idriz Balaj** and masked KLA soldiers following an interrogation by those soldiers concerning the whereabouts of a son. Her family was ordered to remain in their house as she was taken away. She was killed and her bodily remains were later found at Lake Radonjić and subsequently identified by DNA testing.
66. On an unknown date in early Autumn 1998, and following the abductions of the sister referred to in paragraph 18 and the mother of Witness SST7/04, **Idriz Balaj** along with soldiers of the "Black Eagles Unit" attacked the house of Witness SST7/04 in the late evening firing their weapons in the air. They entered the house and abducted a second sister of Witness SST7/04 at gun point. This sister was killed and her body recovered in the ensuing days in the vicinity of Žabelj/Zhabel, municipality of Đakovica/Gjakova. Her bodily remains have subsequently been identified by DNA analysis.

Thereby **Ramush Haradinaj, Idriz Balaj** and **Lahi Brahimaj** committed as part of a JCE;

In the alternative, **Idriz Balaj**, planned, committed and/or aided and abetted:

Count 13: A CRIME AGAINST HUMANITY, Persecution (harassment, unlawful detention, forced recruitment, 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) and 5(i) and Article 7(1) of the Statute of the Tribunal;

Count 14: A VIOLATION OF THE LAWS OR CUSTOMS OF WAR, Murder, 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 15 and 16

67. 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 Priština/Prishtinë by bus. The bus was stopped at the entrance of Dulje/Duhel, municipality of Suva Reka/Suharekë, on the road towards Mališevo/Malishevë, by the accused **Ramush Haradinaj** and KLA soldiers under his command. **Ramush Haradinaj** and the KLA soldiers took Hajrullah Gashi and Isuf Hoxha from the bus and drove in the direction of Glodane/Gllogjan.
68. Both men were killed on an unknown date between the time of their abduction and the 12th of September 1998 when their bodies were found by the Serbian Police in the vicinity of Lake Radonjić/Radoniq. Their remains were identified by traditional means. A forensic examination of the body of Hajrullah Gashi revealed wounds consistent with blunt trauma. A forensic examination of the body of Isuf Hoxha revealed multiple bone fractures and several missing skull bones.

Thereby **Ramush Haradinaj, Idriz Balaj** and **Lahi Brahimaj** committed as part of a JCE:

In the alternative, **Ramush Haradinaj** planned, committed and/or aided and abetted;

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

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

COUNTS 17 and 18

69. Ilira Frrokaj, born 25 May 1957 and her husband Tush Frrokaj, born on 29 August 1961, both Catholic Albanians, resided in the village of Pljančor/Plançar, in the Đakovica/Gjakova municipality. On an unknown date in August 1998 they traveled by car from their home to Nepolje/Nepalë village. They did not reach their destination. They were stopped at a roadblock by KLA soldiers including **Idriz Balaj**, abducted, and driven off in a car with KLA soldiers. Relatives made enquiries of the KLA personnel and ascertained that Idriz Balaj had abducted Ilira Frrokaj and Tush Frrokaj.
70. Ilira Frrokaj and Tush Frrokaj were both killed. The body of Ilira Frrokaj was recovered adjacent to her vehicle in the canal of Lake Radonjić/Radoniq. The vehicle had several bullet holes in it. 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 has not been recovered and he has not been seen since.

Thereby **Ramush Haradinaj, Idriz Balaj** and **Lahi Brahimaj** committed as part of a JCE;

In the alternative, **Idriz Balaj**, committed and/or aided and abetted:

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

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

COUNTS 19 and 20

71. Between the 1st and 31st day of August 1998, at the “Black Eagles” unit headquarters at Rznić, **Idriz Balaj** detained as prisoners Zenun Gashi, a former policeman, Misin Berisha and his son, Sali Berisha, all of Roma ethnicity, because of their perceived collaboration with the Serbs. On the 1st of August 1998 Zenun Gashi was abducted from his home in the village of Kosurić/Kosuriq, municipality of Pec/Peja, by KLA soldiers under the command of **Ramush Haradinaj** and beaten. He was taken to the said “Black Eagles” headquarters. During their detention at the said “Black Eagles” headquarters all three men were severely tortured. Sali Berisha’s nose was cut off, in the presence of **Idriz Balaj** and KLA soldiers. **Idriz Balaj** cut each of the three men on their necks, arms and thighs, rubbed salt into the wounds and sewed them up. **Idriz Balaj** wrapped 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 tied behind **Idriz Balaj**’s vehicle and dragged away in the direction of Lake Radonjić/Radoniq. The three men were mistreated and killed by KLA soldiers under the command of **Ramush Haradinaj**. The bodies of Sali Berisha, Misin Berisha and Zenun Gashi were located at Lake Radonjić and subsequently identified by DNA analysis.

Thereby **Ramush Haradinaj**, **Idriz Balaj**, and **Lahi Brahimaj** committed as part of a JCE:

In the alternative, **Idriz Balaj**, committed:

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

Alternatively, A CRIME AGAINST HUMANITY, Murder and Torture, punishable under Articles 5(a) 5(f) and Article 7(1) of the Statute of the Tribunal;

Count 20: A VIOLATION OF THE LAWS OR CUSTOMS OF WAR, Murder and torture, 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

72. Ilija Antić, born 18 July 1934, a Serb living in Ločane/Lločan, municipality of Dečani/Dečan, was last seen alive on the evening of 27 or 28 May 1998 when he visited the home of his brother, Đorđe Antić in Ločane/Lločan. Other family members had already left the village because of shooting incidents by the KLA. His body was recovered by Serb authorities in September 1998 at Lake Radonjić/Radoniq. The body revealed multiple bone fractures including skull injuries. Subsequent DNA analysis confirmed the identification of the remains as being those of Ilija Antić.
73. Velizar Stošić, a Serb born in 1935, living in Belo Polje/Bellopoje, Peć/Peja municipality went missing on 19 July 1998 in Loda/Logjë, Peć/Peja municipality. His bicycle was found in the field where he had gone to check his crops. The remains of his body were recovered in September 1998 next to the concrete wall of the canal leading into Lake Radonjić/Radoniq. Examination of the body revealed gunshot wounds to the head and legs, and a rope ligature was found at the neck. Subsequent DNA analysis confirmed the identification of the body as that of Velizar Stošić.
74. Zdravko Radunović, born in Orahovac/Rrahovec on 16 September 1955, a Serb, went missing on 18 July 1998 after leaving his house in Peć/Peja. He intended to travel to the village of Dobrić/Dobriq (Đakovica/Gjakova municipality). Serbian Police reported later that Zdravko Radunović had been abducted in the village of Dujak/Dujakë (Đakovica/Gjakova municipality) by two KLA members and taken to the village of Glodane/Gllogjan, where they handed him over to a local KLA commander. The KLA members admitted to Serb Police that Zdravko Radunović had eventually been killed and his body left at Lake Radonjić/Radoniq in September 1998. His remains were recovered next to the concrete wall of canal leading into Lake Radonjić/Radoniq. The skull revealed an exit wound caused by a bullet. Subsequent DNA analysis confirmed the identification of the remains as those of Zdravko Radunović.

75. Xhevat Berisha, a Roma, born January 1986, disappeared in August 1998 from the village of Gillogjan, municipality of Peja/Pec. His bodily remains were found next to the canal leading into Lake Radonjić/Radoniq. Subsequent DNA analysis confirmed the identification of the remains as those of Xhevat Berisha.
76. Nurije Krasniqi, a married Kosovo Albanian couple, lived in the village of Turjak in the municipality of Peć/Peja. On 12 July 1998 KLA soldiers abducted them. She was never seen alive again. The bodily remains of Nurije Krasniqi were found near the canal leading into Lake Radonjić/Radoniq in September 1998. The bodily remains of her husband, Istref Krasniqi, were found near the canal leading into Lake Radonjić/Radoniq. Subsequent DNA analysis confirmed the identification of the remains as those of Nurije Krasniqi..
77. On 4 July 1998 Kutjim Imeraj, a Roma, was in the village of Lower Novo Selo, municipality of Gjakova. He was abducted by KLA soldiers. His remains were found close to the canal leading into Lake Radonjić/Radoniq in September 1998. DNA analysis confirmed the identification of the remains as those of Kutjim Imeraj.
78. Rade Popadic, a Serb Police Inspector, was stationed in Junik. On or about 24 May 1998 Rade Popadic, whilst driving a van with a fellow police officer, Nikola Jovanovic, was abducted. The bodily remains of Rade Popadic were found close to the canal leading into Lake Radonjić/Radoniq in September 1998. DNA analysis confirmed the identification of the remains as those of Rade Popadic.
79. Malush Shefki Meha, left his home in Peć/Peja on or about 27 July 1998. He was never seen alive again. His bodily remains were discovered close to the canal leading into Lake Radonjić/Radoniq in September 1998. DNA analysis confirmed the identification of the remains as those of Malush Shefki Meha.
80. Idriz Hoti, a Kosovo Albanian, resident in Gjakova, was last seen alive in June or July 1998. He was never seen alive again. His bodily remains were found

close to the canal leading into Lake Radonjić/Radoniq in September 1998. DNA analysis confirmed the identification of the remains as those of Idriz Hoti.

81. Afrim Sylejmani, a Kosovo Albanian, resident in Gjakova, disappeared in April 1998. His bodily remains were close to Lake Radonjić/Radoniq in September 1998. DNA analysis confirmed the identification of the remains as those of Afrim Sylejmani.
82. Approximately 10 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. They remain unidentified.

Thereby **Ramush Haradinaj, Idriz Balaj and Lahi Brahimaj** committed as part of a JCE:

Count 21: 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 Article 5(a) and Article 7(1) of the Statute of the Tribunal;

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

COUNTS 23 and 24

83. On or about 19 May 1998, Ivan Zarić, a Serb, accompanied by two Albanians, Agron Berisha, and Burim Bejta, left their home village of Dolac/Dolcë (Klina/Klinë municipality) and travelled to the flour mill in the village of Grabanica/Grabanicë (Klina/Klinë municipality) where they were arrested by KLA soldiers, taken to an abandoned house, and severely beaten. They were then taken to the Jablanica/Jabllanica Headquarters where they were detained.

84. Whilst detained at the Jablanica/Jabllanica detention centre, and in the presence of **Ramush Haradinaj, Idriz Balaj** cut off Ivan Zarić's ear and threatened Agron Berisha and Burim Bejta by threatening to do the same.
85. Following the mutilation, **Lahi Brahimaj**, in 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" unit then took away the three men. They have not been seen alive since.

Thereby **Ramush Haradinaj, Idriz Balaj, and Lahi Brahimaj** committed as part of a JCE;

In the alternative, **Ramush Haradinaj** committed and/or aided and abetted;

Idriz Balaj, committed and/or aided and abetted, and;

Lahi Brahimaj ordered, instigated or aided and abetted:

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

Alternatively, A CRIME AGAINST HUMANITY, Murder and torture, punishable under Articles 5(a) and 5(f) and Article 7(1) of the Statute of the Tribunal;

Count 24: A VIOLATION OF THE LAWS OR CUSTOMS OF WAR, Murder, torture and cruel treatment, 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

86. On or around 25 May 1998, two Roma men, Ukë Rexhepaj and his son-in-law Nesret Alijaj, were abducted 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** ordered their execution. They have not been seen alive since.

Thereby **Ramush Haradinaj, Idriz Balaj, and Lahi Brahimaj** committed as part of a JCE;

In the alternative, **Lahi Brahimaj** ordered, instigated or aided and abetted:

Count 25: 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 Inhumane Acts, punishable under Article 5(a) and (i) and Article 7(1) of the Statute of the Tribunal;

Count 26: 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 Articles 3 and 7(1) of the Statute of the Tribunal.

COUNTS 27 and 28

87. On or about 13 June 1998, Witness SST7/06, a Catholic Albanian, perceived to be a collaborator, was stopped by KLA soldiers under the command of **Ramush Haradinaj** at a checkpoint situated on the road between Klina and Dakovica/Gjakova. His vehicle was searched and a gun was found. He was taken to Jablanica/Jabllanica KLA Headquarters. Upon his arrival, he was severely beaten by KLA soldiers including Nazmi Brahimaj, brother of the accused **Lahi Brahimaj**.

88. Between 13 June 1998 and around 25 July 1998, Witness SST7/06 was detained at the KLA Headquarters and detention facilities. During his imprisonment 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.

Thereby **Ramush Haradinaj, Idriz Balaj, and Lahi Brahimaj** committed as part of a JCE;

In the alternative, **Lahi Brahimaj**, committed and/or aided and abetted:

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

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

Count 28: A VIOLATION OF THE LAWS OR CUSTOMS OF WAR, torture, and 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

89. On or about 13 June 1998, Nenad Remistar, a Serbian Police officer, was stopped at the KLA checkpoint on the road between Klinë/Klinë and Dakovica/Gjakova. Nenad Remistar was taken to Jablanica/Jabllanica KLA Headquarters. Upon his arrival he was severely beaten by KLA soldiers including Nazmi Brahimaj, brother of accused **Lahi Brahimaj**.
90. On or about 14 June 1998, Nenad Remistar was taken from the Jablanica/Jabllanica KLA detention facilities by unknown KLA soldiers. His family have never seen him since.
91. 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/Jabllanica KLA detention facilities by KLA soldiers. These individuals were held for a period of about three days and were severely mistreated and beaten. They were then taken from the detention centre by KLA soldiers.

Thereby **Ramush Haradinaj, Idriz Balaj, and Lahi Brahimaj** committed as part of a JCE:

Count 29: A CRIME AGAINST HUMANITY, Persecution (unlawful detention, and torture), punishable under Articles 5(h) and 7(1) of the Statute of the Tribunal;

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

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

COUNTS 31 and 32

92. On or about 10 of July 1998, Pal Krasniqi, a Catholic Albanian, went to the Jablanica/Jabllanica KLA Headquarters to join the KLA. He remained at the Jablanica/Jabllanica Headquarters for a few days until accused of being a spy for the Serbs by a KLA commander, and arrested. Pal Krasniqi was then beaten severely until he made a false confession.
93. Pal Krasniqi was last seen alive on or about 26 July 1998 at the Jablanica/Jabllanica KLA Headquarters where he was detained. His remains were located at Lake Radonjić and have been identified by DNA analysis.
94. On or about 11 July 1998, Skender Kući, a shopkeeper living in the village of Zahać/Zahaq (Peć/Peja municipality) was abducted by KLA soldiers and taken to the Jablanica/Jabllanica KLA Headquarters. Skender Kući was then severely beaten and tortured by KLA soldiers.
95. On or about 16 July 1998, Skender Kući, 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. He was buried by KLA soldiers in Jablanica/Jabllanica, and was later exhumed and his remains given to his family upon instructions by **Ramush Haradinaj**.

96. On or about 13 July 1998, Witness SST7/03, an Albanian who refused to fight with the KLA, was asked by **Lahi Brahimaj** to accompany him to the Jablanica/Jabllanica KLA Headquarters. Upon his arrival at the KLA Jablanica/Jabllanica Headquarters, Witness SST7/03 was imprisoned together with two other men by **Lahi Brahimaj**. KLA soldiers physically abused Witness SST7/03 until he became unconscious because of his refusal to join the KLA. KLA soldiers later interrogated and beat these three men. During their imprisonment at the Jablanica/Jabllanica KLA Headquarters the men were tied up. 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".
97. On or about 16 July 1998, Witness SST7/03 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 SST7/03, which they did using instruments. **Lahi Brahimaj** and **Idriz Balaj** encouraged the beating. During the beating **Idriz Balaj** accused Witness SST7/03 of being a Serbian spy and threatened him. **Lahi Brahimaj** encouraged Witness SST7/03 to commit suicide. Witness SST7/03 subsequently escaped.
98. On or about 26 to 28 July 1998 witness SST7/03 was again abducted at gunpoint in Jablanica/Jabllanica by **Lahi Brahimaj** who took him to his house where he was beaten, and then taken to the Jablanica/Jabllanica KLA Headquarters, where **Lahi Brahimaj** interrogated him. **Lahi Brahimaj** then beat Witness SST7/03 before going to the Glodane/Gllogjan KLA headquarters, where Witness SST7/03 was handed over to a KLA military police officer, where he was again beaten. Witness SST7/03 was then released by **Ramush Haradinaj**.

Thereby **Ramush Haradinaj**, **Idriz Balaj** and **Lahi Brahimaj** committed as part of a JCE;

In the alternative, **Idriz Balaj** and **Lahi Brahimaj** planned, committed, instigated, and/or aided and abetted, and **Ramush Haradinaj** aided and abetted;

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

Alternatively, A CRIME AGAINST HUMANITY, Murder and torture, punishable under Articles 5(a) and 5(f) and Article 7(1) of the Statute of the Tribunal;

Count 32: A VIOLATION OF THE LAWS OR CUSTOMS OF WAR, Murder, and torture 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 33 and 34

99. On or around the 23 May 1998, Naser Lika from Grabanica/Grabanicë and Fadil Fazlija were seized in the village of Žabelj/Zhabel by KLA soldiers under suspicion of treason, for their alleged support the Democratic League of Kosovo (LDK) a rival of the KLA. They were taken to the Jablanica/Jabllanica KLA Headquarters. At the Jablanica/Jabllanica headquarters **Lahi Brahimaj, Ramush Haradinaj, Idriz Balaj** and other KLA MEMBERS threatened Naser Lika, Fadil Fazilu (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.
100. One evening in July 1998, **Lahi Brahimaj** and other KLA soldiers abducted Naser Lika at his house in Grabanica/Grabanicë (Klina/Klinë) and took him to the Jablanica/Jabllanica KLA headquarters, where he was taken 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 Naser Lika. **Ramush Haradinaj** ordered the cessation and resumption of the beating. **Idriz Balaj** threatened to kill Naser

Lika in the presence and hearing of **Ramush Haradinaj**. During the beating **Ramush Haradinaj** spat in Naser Lika's 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 forced to work in the kitchen of the KLA Headquarters. After approximately three weeks, he managed to escape.

Thereby **Ramush Haradinaj**, **Idriz Balaj** and **Lahi Brahimaj** committed as part of a JCE;

In the alternative, **Ramush Haradinaj** ordered, instigated or aided and abetted, and **Idriz Balaj**, and **Lahi Brahimaj** planned, committed or aided and abetted;

Count 33: A CRIME AGAINST HUMANITY, Persecution (unlawful detention, torture), punishable under Article 5(h) and Article 7(1) of the Statute of the Tribunal;

Alternatively, A CRIME AGAINST HUMANITY, Torture, punishable under Article 5(f) and Article 7(1) of the Statute of the Tribunal.

Count 34: A VIOLATION OF THE LAWS OR CUSTOMS OF WAR, Torture and 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 35, 36 and 37

101. Witness SST7/01 and Witness SST7/02 lived in the village of Rznić/Irznj, Municipality of Dečani/Deçan. At the beginning of 1998, the KLA entered the village of Rznić/Irznj 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 Rznić/Irznj and ordered the villagers to defend the area against the Serbs and to dig trenches at locations he had selected.

102. In April of 1998, witness SST7/01 was ordered to participate in the digging of such trenches. KLA soldiers also took part in this digging. Witness SST7/01 was warned that if he did not participate he would be killed. Witness SST7/01 was sometimes forced to work for a long time without being given food or water. He was not paid for this work which lasted approximately 3 months. After this time Witness SST7/01 was forced by the KLA to carry out unpaid agricultural work.
103. On several occasions throughout 1998, Witness SST7/01 was used by **Idriz Balaj** as a "human shield". He was forced to walk some distance in front of **Idriz Balaj** and his KLA soldiers in order to draw enemy fire in the event of encountering opposing forces.
104. 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 Rznić/Irznj. **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.
105. 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.
106. 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 as part of a JCE;

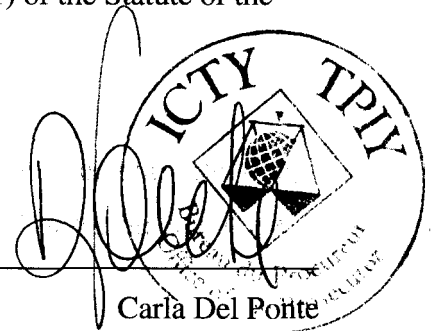
In the alternative **Idriz Balaj** planned and committed:

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

Alternatively, A CRIME AGAINST HUMANITY, Rape and torture, punishable under Articles 5(f) and 5(g) and Article 7(1) of the Statute of the Tribunal;

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

Count 37: A VIOLATION OF THE LAWS OR CUSTOMS OF WAR, Torture and 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.

The image shows a handwritten signature in black ink over a circular official seal. The seal contains the text 'ICTY TPIY' at the top and 'INTERNATIONAL CRIMINAL TRIBUNAL FOR THE former YUGOSLAVIA' around the bottom edge. In the center of the seal is a globe with a scale of justice and a sword.

Carla Del Ponte
Prosecutor

Dated this 25th day of October 2006

At The Hague

The Netherlands