

Summary of Trial Judgment in

***Specialist Prosecutor v. Hashim Thaçi, Kadri Veseli, Rexhep Selimi, and
Jakup Krasniqi (KSC-BC-2020-06)***

1. Trial Panel II will pronounce today the Trial Judgment in the case of the *Specialist Prosecutor v. Hashim Thaçi, Kadri Veseli, Rexhep Selimi, and Jakup Krasniqi*. The Panel is composed of myself, Presiding Judge Charles L. Smith III, Judge Christoph Barthe, Judge Guénaél Mettraux and Reserve Judge Fergal Gaynor. This Judgment is pronounced in public, in the name of the people of Kosovo, and in the presence of Hashim Thaçi, Kadri Veseli, Rexhep Selimi, and Jakup Krasniqi, the Accused.

2. I kindly ask the people seated in the visitor's gallery to remain silent and quiet during the reading of the summary of the Judgment. Please remember that this is a court of law and that serious matters are being discussed and ruled on. Any disturbance, either verbally or physically, will result in the court and its security officer taking appropriate action.

3. Before turning to the Panel's findings on the charges against Mr Thaçi, Mr Veseli, Mr Selimi, and Mr Krasniqi, the Panel wishes to address a few important issues.

4. The case concerns the acts and conduct of the Accused, Mr Thaçi, Mr Veseli, Mr Selimi, and Mr Krasniqi, as alleged in the Indictment.

5. The case is exclusively concerned with facts and circumstances relevant to the charges against the Accused in this case. This case is not about the legitimacy of the Kosovo Liberation Army and its goal of an independent Kosovo. This case is

not concerned with weighing the responsibilities of one side against those of the other. This case is not concerned with the crimes Serbian forces and paramilitaries *undoubtedly* committed against Kosovo-Albanians. This case is not concerned with any claim of self-defence.

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

7. In relation to this issue, criminal responsibility before the Specialist Chambers is only personal. This principle is enshrined in the legal framework of the Specialist Chambers. It grants this tribunal jurisdiction over natural persons only. Accordingly, the Specialist Chambers will only hold accountable *persons* for crimes of which they are individually responsible. In this case, the charges presented by the Specialist Prosecutor relate solely to the individual criminal responsibility of the Accused.

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

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

10. I will now begin with the summary of the Judgment. I will read a summary of the main findings made by the Panel, but this summary is not part of the

Judgment, which is the only authoritative account of the Panel's findings and ruling. The non-authoritative summary will be available on the website of the Specialist Chambers. The confidential version of the Judgment will be made available to the Accused and the Parties and participants at the end of the hearing. The public redacted version and translated versions of the Judgment will be made available in due course.

The Accused and the Charges

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

12. *Hashim Thaçi* – the first Accused in this case – is a Kosovar national, born on 24 April 1968 in Burojë/Broćna, Skënderaj/Srbica municipality, Kosovo. The Specialist Prosecutor's Office, hereafter referred to as SPO, alleges that Mr Thaçi was a founding member of the "UÇK", known in English as the Kosovo Liberation Army, hereafter referred to as the KLA, as well as a founding member of the KLA Central or General Staff, and that he remained a member of the KLA General Staff from 1998 and into 1999, and that, from at least March 1998 through September 1999, he was also: (i) head of the KLA Political and Information Directorates; and (ii) prime minister of the Provisional Government of Kosovo, hereafter referred to as the PGoK, and KLA commander-in-chief.

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

14. *Rexhep Selimi* – the third Accused in this case – is a Kosovar national, born on 15 March 1971 in Aqarevë/Ovcarevo, Skënderaj/Srbica municipality, Kosovo. The SPO alleges that Mr Selimi was a founding member of the General Staff and remained a member of the General Staff from 1998 and into 1999, and that he was also: (i) head of the KLA Operational Directorate; (ii) KLA inspector general; and (iii) minister of public order or minister of internal affairs of the PGoK.

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

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

17. The SPO also charged the Accused with four counts of war crimes under Article 14(1) of the Law, namely illegal or arbitrary arrest and detention (Count 3), cruel treatment (Count 5), torture (Count 7) and murder (Count 9). According to the SPO, all acts and omissions took place in the context of, and were associated with, a non-international armed conflict between the KLA and forces of the Federal Republic of Yugoslavia, hereafter referred to as FRY, which existed throughout the Indictment period. The SPO alleged that the crimes were committed at, or in connection with, KLA bases and headquarters, and/or during

KLA activities, and that the Accused were aware of the factual circumstances establishing the existence of the armed conflict and knew that the victims were persons taking no active part in hostilities.

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

19. All four Accused pleaded not guilty to all charges.

Overview of the Trial Proceedings

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

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

22. Moreover, 156 victims have participated in the proceedings.

23. Following the hearing of the closing statements, the case was closed on 18 February 2026, and the Panel entered its deliberations for the pronouncement of the Judgment.

Environment of Witness Intimidation

24. This trial was conducted against the backdrop of a persistent climate of witness intimidation. Several SPO witnesses who testified before the Panel in this case recanted past statements, evaded basic details from prior accounts, lied to the Panel, recited a learned set of lines or otherwise changed their previous account. Some witnesses may have been afraid or unwilling to tell the Panel their full story

out of concerns for their own and their families' safety, others out of misplaced loyalty.

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

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

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

Historical Context

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

29. Under the Constitution of the Socialist Federal Republic of Yugoslavia, or SFRY, of 1974, Kosovo was an autonomous region. In March 1989, amidst rising tensions, the Assembly of Serbia effectively rescinded Kosovo's autonomous status. In response to protests, the authorities of the SFRY attempted to strengthen their control over the region and adopted discriminatory policies against the population of Albanian ethnicity. Thereafter, inter-ethnic relations and the economic situation in Kosovo progressively deteriorated.

30. In December 1989, the Democratic League of Kosovo, also known as the LDK, which was headed by Ibrahim Rugova, was formed and was one of the main political parties in Kosovo. The LDK's main goal was to oppose the SFRY/Serbian regime in Kosovo and bring Kosovo towards independence, initially through

peaceful and democratic methods, but, facing increasing political opposition, later grew to support also armed resistance.

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

32. In the early 1990s, armed resistance started in Kosovo. This was led by, among others, members of the People's Movement for the Republic of Kosovo, known as the LPRK, which subsequently became the People's Movement for Kosovo, known as the LPK. In April 1993, the LPK formally took the decision to start preparations for armed struggle in Kosovo, including by means of attacks against FRY/Serbian forces and those who were perceived as collaborators of the FRY/Serbian authorities.

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

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

The Accused's Backgrounds and Positions

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

36. *Hashim Thaçi*. Mr Thaçi was a founding member of the KLA as well as a member of the General Staff, both before and throughout the time relevant to the charges. In June 1998, in connection with the establishment of the Political Directorate of the KLA, Mr Thaçi became the chief or director of the KLA Political

Directorate. In August 1998, the General Staff nominated Mr Thaçi as a political representative of the KLA. By the end of February 1999, Mr Thaçi became the prime minister of the PGoK and also acted as the KLA commander in chief from that time onward.

37. *Kadri Veseli.* Kadri Veseli was a founding member of the KLA as well as a member of the General Staff, both before and throughout the time relevant to the charges. From May 1998 to March 1999, Kadri Veseli was the head of the Intelligence Directorate or G-2, sometimes referred to by other acronyms. From at least August 1998, Kadri Veseli was a member of the Political Directorate together with Hashim Thaçi and Jakup Krasniqi. At the end of March 1999, when the PGoK established an intelligence agency called SHIK, Kadri Veseli was appointed the head of that agency.

38. *Rexhep Selimi.* Mr Selimi was a founding member of the KLA as well as a member of the General Staff, both before and throughout the time relevant to the charges. From March to August 1998, Rexhep Selimi was the head of the KLA Operational Directorate. From September 1998, Rexhep Selimi was the inspector general of the KLA. When the PGoK was established, Rexhep Selimi became the minister of public order.

39. *Jakup Krasniqi.* Mr Krasniqi was a member of the KLA as well as a member of the General Staff both before and throughout the time relevant to the charges. In June 1998, Mr Krasniqi was appointed one out of two deputy commanders of the KLA. In July 1998, Mr Krasniqi was appointed the official spokesperson of the KLA. From at least August 1998, Mr Krasniqi was a member of the Political Directorate of the KLA. When the PGoK was established, Mr Krasniqi became the spokesperson of the PGoK and then one of its ministers.

THE PANEL'S FINDINGS ON THE CRIMES CHARGED

40. I will now turn to the Panel's findings in relation to the crimes charged in the Indictment and then to its findings in respect of the responsibility of the Accused. I will first address the contextual elements of crimes against humanity and war crimes, respectively.

Existence of a Widespread or Systematic Attack Directed Against Any Civilian Population

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

42. Accordingly, the Panel found that the SPO failed to demonstrate beyond reasonable doubt that the crimes against humanity of persecution (Count 1), imprisonment (Count 2), other inhumane acts (Count 4), torture (Count 6), murder (Count 8) and enforced disappearance (Count 10) were committed.

The Armed conflict – the nexus – the awareness

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

44. Following on from this finding, the Panel found that the incidents underpinning the charges of war crimes which commenced after 20 June 1999, namely after the non-international armed conflict between the KLA and the FRY/Serbian forces had come to an end and international humanitarian law had ceased to apply to those concerned, could not qualify as war crimes. Therefore, the Panel found that the general requirements of Article 14 of the Law were not met in relation to those crimes.

Charged Crimes Satisfying the Contextual Elements of War Crimes

45. I will now turn to the Panel's findings in relation to the charged crimes that satisfy the contextual elements of war crimes. In this regard, the Panel recalls that when persons have been deprived of their liberty in circumstances associated with the conflict, international humanitarian law continues to apply in principle in

respect of those detained until such deprivation or restriction of liberty comes to an end.

Count 3: Illegal or Arbitrary Arrest and Detention

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

47. Victims were arrested by KLA members, including by members of the military police, and brought to detention sites, controlled by the KLA, in Kosovo and Northern Albania. Many victims were arrested in similar circumstances from their homes or from roads by KLA members and then taken to a detention site. When arrested by KLA members, many victims were beaten, verbally abused, blindfolded, had their hands or feet tied and belongings confiscated. The evidence shows that individuals were generally arrested and detained on allegations of being “Serb collaborators”, “collaborators”, “spies”, “traitors” and other similar accusations.

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

49. At no point were the arrest and detention of these individuals justified by criminal proceedings, nor by reasonable grounds to believe that security concerns

made the deprivation of their liberty absolutely necessary. In fact, detainees included schoolteachers, farmers, foresters, general workers and, in some instances, women and children. With some very limited exceptions, there is no evidence that any of the individuals detained had engaged in any criminal activity, had taken an active part in hostilities or any other activity causing legitimate security concerns for the KLA that would have warranted their detention. In fact, victims were held on unsubstantiated and unspecified accusations and rumours of being Serb collaborators, including because of their ethnicity or their alleged and unspecified “spying” activities or contact or business activities with Serbs or Serbian police or military. There is no credible evidence that the individuals arrested and detained in KLA detention facilities were in fact “Serb collaborators”, “collaborators”, “spies”, or “traitors”, as alleged by the KLA.

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

51. At no point during their detention were detained persons provided with the basic guarantees that they were entitled to under international humanitarian law, in particular basic due process and humane treatment. In particular, with some very limited exceptions, detainees were not formally informed of the reasons for their detention, were not brought promptly before a judge or other competent authority and were not provided with an opportunity to challenge the lawfulness

of their detention. Rather, they were rather kept at the arbitrary mercy of their captors.

52. The Panel found that the deliberate manner through which victims were arrested and detained, not given any reasons for their detention, and denied any form of due process demonstrated that at least some of the KLA members involved intended to arrest and detain the detainees without valid grounds and in disregard of any safeguard and form of due process.

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

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

Counts 5 and 7: Cruel Treatment and Torture

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

56. In particular, the Panel found that KLA members at various detention sites in Kosovo and Northern Albania established, contributed to and maintained inhumane detention conditions. Detainees were detained in different locations and types of buildings, including former school buildings, cowsheds and basements. Detainees were often held in rooms that were too small to accommodate all detainees held there. There was no or no adequate bedding.

Many detainees had to sleep on concrete floor; some covered in mud or human and animal excrements. With some limited exceptions, detainees were not provided with sufficient or adequate food and water. In fact, in some detention sites, detainees went days without being given any food. Again, with some limited exceptions, detainees did not receive medical care. Detainees were not permitted to wash themselves; most of them did not have access to adequate toilet facilities. One witness, held in Llapushnik/Lapušnik, recounted that “initially detainees had to relieve themselves on the floor and later use a bucket as toilet.” In many detention locations, detainees were chained, handcuffed or had their hands or feet tied. One witness, held in Cahan, recounted that his hands were tied together for 20 consecutive days.

57. In addition, the Panel found that many of the KLA members who were involved in their detention physically assaulted detainees. In various detention locations, certain KLA members regularly kicked and brutally and repeatedly beat detainees, including with rifle butts, clubs, wooden sticks, axe handles, metal bars and electrical cables. Detainees were hung upside down from their feet and beaten. Some detainees were forced to fight each other. Many detainees were beaten until they could no longer stand up, had difficulties to breathe or lost consciousness. Some detainees died from the injuries received from severe beatings inflicted by their KLA captors. One detainee, held in Llapushnik/Lapušnik, recounted that when KLA members beat one of his co-detainees, the co-detainee pleaded with the soldiers, saying “[g]ive me a bullet. Don’t have me suffer like this”, to which one of the soldiers responded “[t]here is no bullet for you. We will take your life little by little.”

58. KLA members also inflicted psychological suffering on detainees. Detainees were forced to hear and see other detainees being beaten and screaming in pain. For example, a witness held in Llapushnik/Lapušnik recounted that two detainees were “beaten so severely in front of other detainees that all detainees started

crying.” A man who had committed suicide was left hanging in the room so that others could see him. Some detainees were forced to bury the bodies of other detainees. In numerous detention sites, detainees were told that they would be killed, or that their co-detainees had been executed; other detainees were subjected to “mock executions”. Detainees could hear and see their family members or friends being beaten, or were told about family members being detained elsewhere, but were not allowed to see them. One witness, whose relative was so severely beaten in Llapushnik/Lapušnik that he later died in front of him, told his co-detainees that “I would have felt better if they had killed me than [my relative] because he had small children and I loved him very much.”

59. The Panel found that these acts caused severe physical and psychological harm and suffering to the detained persons. Many detainees sustained serious physical or psychological injuries. For example, detainees had their fingernails pulled out, their limbs broken, including arms, ankles, legs, and ribs. Several witnesses described that, until this day, they have pains in their feet, hands or other body parts and are not able walk or use them properly. Numerous detainees lost teeth or still have scars from their beatings. Many witnesses also recounted the lasting psychological consequences of their ordeal. In particular, several witnesses recounted suffering from headaches, problems sleeping and long-term depression.

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

61. In addition, detainees were frequently subjected to harsh interrogations. Detainees were questioned about their jobs, about alleged collaboration with Serbs, about Serb collaborators, why they had become spies, why they had not joined the KLA and one detainee about why he was not on “Thaçi’s side”. In some

locations, detainees were forced to write statements, including names of alleged collaborators. Detainees were, amongst other accusations, personally accused of being “Serb collaborators”, “spies”, “traitors”, “soldiers of Rugova”, supporting the LDK, joining the FARK and not supporting the KLA.

62. The physical and psychological mistreatment, together with the inhumane detention conditions, left several detainees with lasting physical and psychological injuries.

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

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

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

66. For these reasons, the Panel found that the SPO established beyond reasonable doubt that the war crimes of cruel treatment (Count 5) and torture (Count 7) were committed against at least 303 individuals. In respect of these individuals, the Panel found that the charge of the war crime of cruel treatment (Count 5) was fully consumed by the charge of torture (Count 7).

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

Count 9: Murder

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

69. For example, one witness, whose family member was detained by the KLA in Likoc/Likovac and later transferred to a different location, recounted that the victim's "family learnt about his death from the media". The witness further recounted that when family members went to retrieve the victims' body, which had been left at the roadside, the victim's "arm had been broken, there were some

wounds in the stomach and he had bruises and cuts on his hands”, and he was found “wearing different clothes from those he had left in.”

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

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

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

73. For these reasons, the Panel found that the SPO proved beyond reasonable doubt that the war crime of murder under Count 9 was committed.

Individual Criminal Responsibility

74. I will now turn to the nature of the Accused’s participation in the commission of the charged crimes.

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

76. The Panel also found that, in seeking to achieve these goals, and in the time period relevant to the charged crimes, the four Accused and other JCE Members

shared an understanding that a critical component of the means and strategy for achieving the KLA leadership's goals was the targeting, eliminating or neutralising of certain individuals who were perceived and described as an impediment to their goals, hereafter referred to as "Opponents".

77. The targeting of Opponents took the form of: (i) killings; (ii) arrests and detention without due process; and (iii) physical and psychological mistreatment and other forms of abuse, intimidation and harassment, including through the deployment of "special warfare" against them. "Special warfare" involved deploying a deliberate narrative that cast certain individuals as collaborators of the FRY/Serbian authorities or as impediment to the KLA's war efforts and therefore as a threat to the KLA. This "special warfare" had the effect of legitimising and encouraging violence against them.

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

The Common Criminal Purpose

79. The Panel found that the existence of the common criminal purpose was supported by multiple factors, the principal ones being: (i) the pre-war targeting and assassination of ethnic Albanians as suspected collaborators and ethnic Serbs as enemies, criminals or occupiers and the use of communiques to take credit for these attacks and assassinations; (ii) the continued targeting of ethnic Albanians and Serbs and others during the war for the same alleged reasons; (iii) the use of wartime communiques and political declarations to take credit for "punitive measures" and issue warnings and threats against other Opponents; (iv) the deployment of "special warfare" against those Opponents; (v) the echoing of the

messaging in communiques by Hashim Thaçi, Jakup Krasniqi and Rexhep Selimi; (vi) the assignment to the military police to monitor and arrest suspicious people and the intelligence service to search for, identify and neutralise suspected collaborators; (vii) the establishment of detention sites to hold such individuals and the fact that there was a similar pattern of conduct across those detention sites and across areas controlled by the KLA; (viii) the search for individuals based on, amongst other things, lists of collaborators or suspicious persons or on the basis of information received from the intelligence sector; (ix) the clear pattern of crimes committed across KLA detention facilities and *modus operandi* of the individuals concerned; and (x) the tolerance, acceptance, and encouragement of these crimes by members of the JCE and the associated existence of a general policy of impunity in respect of the crimes committed against Opponents.

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

81. While the responsibility of the Accused is individual and personal, what they did could not have been achieved by any one individual. They did so together, single-mindedly, and with the assistance of others. They agreed to a common criminal purpose *together*; decided to build a system to achieve it *together*; set up detention facilities *together*; established and regulated a military police, an intelligence service and special units, and gave them the task to fulfil their criminal plan; gave themselves and each other roles, titles and positions in which they controlled the implementation of the common criminal purpose; *together* they appointed others to important positions; issued communiques that spread their views and policies, attacked enemies, and took credit for murders and detention, *together*; they secured complete impunity for the perpetrators of these crimes as a matter of policy, again *together*.

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

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

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

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

Significant Contribution

86. I will now turn to the Accused's significant contribution to the implementation of the common criminal purpose. In relation to Mr Thaçi, the Panel found that Mr Thaçi significantly contributed to the implementation of the common criminal purpose. In particular, the Panel found that Hashim Thaçi, as a member of the General Staff and in his capacity as the head of the Political Directorate, was a key member in formulating and implementing the common criminal purpose. In this respect, the Panel found that the Political Directorate had almost exclusive authority over the KLA's political decisions and created the KLA's political vision and expressed it publicly. This included the targeting of

alleged “collaborators”, the setting up of a structure, competent bodies and regulations to do so, and the deployment of “special warfare” against Opponents, including through the publication of communiques and political declarations and other public statements. Pursuant to the common purpose, Mr Thaçi, jointly with the other Accused, appointed loyal individuals to core commanding positions that ensured that they kept control at all times over the KLA and ensured that their plan was fully and effectively implemented down the chain. Many of these loyalists who were appointed or chosen by the Accused went on to commit crimes or were aware that crimes were being committed pursuant to the common purpose.

87. In addition, Mr Thaçi participated in, and encouraged, the commission of crimes in a variety of ways including the following. Through the publication of communiques and political declarations and the deployment of “special warfare”, Mr Thaçi expressed tolerance and encouragement for the commission of crimes against Opponents. Mr Thaçi also personally participated in crimes, including the arrest, detention and interrogation of 13 parliamentarians in Qirez/Ćirez and Baicë/Banjica, the arrest, detention, transfer and murder of Behajdin Allaqi and had knowledge of the arrest and detention of several other individuals. In relation to Behajdin Allaqi, the Panel found that, in 1993, Behajdin Allaqi was involved in a serious dispute with Hashim Thaçi and Azem Sylja, who accused him of having brought an alleged Serbian spy, Shaban Shala, into the political movement to which they belonged, thus causing serious risks to the members of that movement. This resulted in Mr Thaçi taking over the role that had been promised to Behajdin Allaqi. The Panel has also determined that prior to his disappearance, Behajdin Allaqi had been subject to surveillance from the KLA intelligence service. Hashim Thaçi and Kadri Veseli had demanded to be informed of his presence at the KLA headquarters in Drenoc/Drenovac. On or about 11 June 1998, Behajdin Allaqi left his home and went to the KLA headquarters in Drenoc/Drenovac. Sometime

thereafter, Mr Thaçi and Kadri Veseli arrived. They took Behajdin Allaqi away in handcuffs. Behajdin Allaqi was never seen again, and the Panel is satisfied that he was murdered. To hide their responsibility, those concerned took various steps. On 1 November 1998, Communique 61 was published by the KLA General Staff claiming that Behajdin Allaqi had died a martyr in battle. This was a smokescreen intended to hide the truth of what had happened to Behajdin Allaqi. Similarly, following the war, Hashim Thaçi, Kadri Veseli and Azem Sylja tried to placate the family of Behajdin Allaqi with bribes and promises so that they would abandon their quest for justice and truth. It is to their immense credit that the family resisted these offers. Shaban Shala too had been arrested and mistreated by the KLA in Drenoc/Drenovac. He, too, was murdered in circumstances described in our Judgment.

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

89. Turning to Mr Veseli, the Panel found that Mr Veseli significantly contributed to the implementation of the common purpose. In particular, the Panel found that Kadri Veseli was the head of the Intelligence Directorate, whose primary responsibilities included identifying, obtaining information about, monitoring and neutralising persons deemed to be suspicious of being “collaborators”.

Accordingly, the Intelligence Directorate was one of the primary vehicles through which the common criminal purpose was implemented and Mr Veseli was, at all relevant times, a key member in implementing the common purpose.

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

91. In addition, the Panel found that Mr Veseli participated in and encouraged the commission of crimes. In particular, Mr Veseli was personally involved in the implementation of the General Staff's "special warfare", as the head of the Intelligence Directorate and as a member of the Political Directorate, was personally involved in the process of identification and targeting of Opponents, many of whom were eventually murdered, and personally participated in crimes, including the arrest, detention, transfer and murder of Behajdin Allaqi and the arrest, detention, transfer and release of another KLA detainee. The Panel also found that Mr Veseli had contemporaneous knowledge of crimes against Opponents, in particular, their unlawful arrest and detention, mistreatment and murder. Despite this knowledge, Mr Veseli took no steps to prevent, investigate or punish these crimes. Instead, as already stated, Mr Veseli actively participated in and encouraged crimes and continued to head the very entity that was most responsible for the targeting, arrest, detention and, in some cases, murders of perceived Opponents.

92. The Panel notes in this context that the so-called intelligence on which many of these victims were arrested, detained and killed was little more than unverified rumours. Based on that information, victims were called and described as "spies" and "collaborators" and violently treated as such. In reality, there is no indication that the victims in this case were spies or collaborators. In the minds of those

concerned, the fact that they had not expressed full loyalty or support for the KLA, or were linked to another political organisation, or had Serbian friends or jobs in Serbian companies was enough to treat them as collaborators of the military enemy.

93. Turning to Mr Selimi, the Panel found that Mr Selimi significantly contributed to the implementation of the common purpose. The Panel found that Rexhep Selimi was a foundational member of the KLA and a member of the General Staff since before the conflict, and, in these roles participated in the dissemination of both pre-war and war communiques. The Panel has also determined that his official position as inspector general gave him less authority over other members of the KLA than was the case with the other Accused. The Panel found, however, that Mr Selimi, as a member of the General Staff and in his capacities as the head of the Operational Directorate and the KLA inspector general, was instrumental in establishing the operational zones and units of the KLA. In this respect, the Panel emphasised that the establishment of the operational zones and units was not in and of itself criminal. Nonetheless, the Panel found that Mr Selimi regularly inspected these operational zones and units, including receiving frequent reports about “suspected persons” and “collaborators”. The Panel is, therefore, satisfied that Mr Selimi was aware that KLA units, which he was responsible for inspecting, were targeting “suspected persons” and “collaborators” pursuant to the common purpose. Because of his involvement in pre-war attacks against collaborators and the existence of communiques taking responsibility for those attacks, he was fully aware that this was the KLA’s policy. Pursuant to the common purpose, Mr Selimi, jointly with the other Accused, appointed loyal individuals to core positions, many of whom either went on to commit crimes or were aware that crimes were being committed pursuant to the common purpose.

94. In addition, the Panel found that Mr Selimi encouraged and participated in crimes in a variety of ways that are described in full in the Judgment. In particular, Mr Selimi participated in the arrest and detention of 13 parliamentarians in Qirez/Ćirez and was present at several charged crime sites. The Panel also found that Mr Selimi encouraged the commission of crimes by participating in the General Staff's "special warfare", by taking no actions to prevent, stop or punish crimes when receiving reports of crimes being committed and by setting a precedent that crimes were acceptable by personally participating in crimes. The Panel also found that Mr Selimi had contemporaneous knowledge of a significant number of crimes against Opponents, in particular, their unlawful arrest and detention, mistreatment and murder. Despite this knowledge, Mr Selimi took no steps to prevent, investigate or punish these crimes. Instead, as already stated, Mr Selimi encouraged the commission of crimes and ensured that multiple JCE Members and others involved in crimes were promoted rather than punished, including by promoting individuals, who had been involved in crime, when he became the minister of public order in the PGoK. In one instance, he personally intervened to ensure that four KLA members who had been detained for setting up an illegal detention facility were released and thus enjoyed impunity. As inspector general, he completely failed to ensure that the KLA operated in compliance with its obligations under international humanitarian law and, instead, tolerated serious violations of that law.

95. Turning to Mr Krasniqi, the Panel found that Mr Krasniqi significantly contributed to the implementation of the common purpose. In particular, the Panel found that Jakup Krasniqi, as a member of the General Staff and the Policial Directorate, as spokesperson and as deputy commander of the KLA, was a key member in formulating and implementing the policy to target Opponents. In particular, the Panel found that Mr Krasniqi, together with Hashim Thaçi, used his role as a member of the Political Directorate and as the KLA spokesperson to

formulate and implement a policy to target Opponents. Mr Krasniqi, through the publication of communiques and political statements and other public speeches, as well as orders, encouraged the commission of crimes against individuals perceived as Opponents, including through the KLA's "special warfare". These statements, amongst other things, took responsibility for assassinations of, and "punitive measures" against, "collaborators" and encouraged and expressed tolerance of crimes against Opponents, such as "[c]ollaborators are warned that we will kill them if they continue to follow the wrong path", thereby disseminating and promoting the common purpose. Pursuant to the common purpose, Mr Krasniqi, jointly with the other Accused, appointed loyal individuals to core positions and created the framework and entities, such as the military police, intelligence and counterintelligence service and special units, tasked with and responsible for the implementation of the policy against Opponents.

96. Mr Krasniqi had contemporaneous knowledge of a significant number of crimes against Opponents, in particular, their unlawful arrest and detention, mistreatment and murder. Despite this knowledge, Mr Krasniqi took no meaningful steps to prevent, investigate or punish these crimes. Instead, Mr Krasniqi engaged in efforts to deny that these crimes were being committed by seeking to portray the KLA as compliant with international humanitarian law, denied specific allegations that some members of the KLA were committing crimes and, in meetings with internationals, denied or minimised these practices.

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

98. For these reasons, the Panel found that all four Accused, Mr Thaçi, Mr Veseli, Mr Selimi and Mr Krasniqi, are criminally responsible, through their significant contribution to a joint criminal enterprise, for the war crime of arbitrary detention (Count 3) against 385 individuals, cruel treatment (Count 5) against 49

individuals, torture (Count 7) against 303 individuals, and murder (Count 9) against 96 individuals.

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

Sentencing

100. I will now turn to sentencing. I will briefly summarise the purposes of sentencing and the factors considered by the Panel to determine the appropriate sentence for the crimes of which the Accused are criminally responsible.

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

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

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

Gravity of the Crimes and their Consequences

104. As to the gravity of the crimes, the Panel considered that the scale and nature of the crimes committed were very serious. In particular, crimes were widespread and committed by KLA members across 14 municipalities in Kosovo and at certain

locations in two districts in Northern Albania. At least 385 individuals were arrested and arbitrarily detained, subjected to cruel and inhumane treatment, tortured and, in 96 cases, murdered by members of the KLA.

105. All these crimes are grave in nature, noting that arbitrary detention exposes victims to additional human rights violations; cruel treatment and torture represent a severe assault on human dignity, and physical and psychological well-being; and murder is inherently one of the most serious crimes.

106. The Panel also took into account that a considerable number of victims were particularly vulnerable. Some individuals were arrested and detained together with family members and had to hear and witness the mistreatment or killing of their family members. Some detainees were women and children. For example, an infant of 12 to 14 months old was detained for 10 days with his mother in Malishevë/Mališevo, and a 14-year-old boy was detained in Llapashticë/Lapaštica. Other individuals faced a heightened degree of vulnerability because of their old age. For example, a 70-year-old man was severely beaten to the extent that his face was “smashed up” and covered in blood.

107. Lastly, as already mentioned when addressing the charged crimes, the Panel also considered the heightened cruelty of some of the crimes committed and that the victims and their families in this case suffered lasting physical and psychological injuries as a result of the crimes.

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

109. In the words of Professor Howard Zinn: “There is no flag large enough to cover the shame of killing innocent people.”

Nature and Extent of the Accused’s Involvement

110. The Panel also assessed the nature and extent of the Accused’s involvement. The relevant facts have already been set out before and will not be repeated.

Aggravating and Mitigating Circumstances

111. The Panel will now turn to assess the individual circumstances of the Accused as well as other aggravating and mitigating factors.

112. *Hashim Thaçi*. I will turn to Mr Thaçi first.

113. In terms of aggravating circumstances, the Panel accorded weight to Mr Thaçi's abuse of his authority. In particular, the Panel found that Hashim Thaçi used his position, leadership, authority, and standing to enforce the criminal aspects of the common purpose.

114. In terms of mitigating circumstances, the Panel accorded limited weight only to the following:

- a. Mr Thaçi's role in advocating for the establishment of the Specialist Chambers,
- b. Mr Thaçi resigning as President of Kosovo and voluntarily surrendering and cooperating with the SPO;
- c. Mr Thaçi attending interviews with the SPO in 2020;
- d. Mr Thaçi playing, to a certain extent, a constructive role in UNMIK's peacebuilding aims; and
- e. Mr Thaçi's family circumstances.

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

116. *Kadri Veseli*. I will now turn to Mr Veseli.

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

118. In terms of mitigating circumstances, the Panel accorded weight to the following:

- a. Mr Veseli is married and has school-aged children, although only limited weight was given to this factor;
- b. Mr Veseli has, with one exception, displayed good conduct throughout the proceedings, although only limited weight was given to this factor; and
- c. Mr Veseli voluntarily surrendered to the SPO, although only limited weight was given to this factor.

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

120. *Rexhep Selimi*. I will now turn to Mr Selimi.

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

122. In terms of mitigating circumstances, the Panel accorded mitigating weight to:

- a. Mr Selimi has a wife and children with whom he claims to have a strong bond, although only limited weight was given to this factor;
- b. Mr Selimi cooperated with the SPO and attended interviews with them in 2019 and 2020 during which he generally gave candid answers; and

- c. Mr Selimi voluntarily surrendered to the SPO and cooperated with the SPO when they searched his house, although only limited weight was given to this factor.

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

124. *Jakup Krasniqi*. I will now turn to Mr Krasniqi.

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

126. In terms of mitigating circumstances, the Panel accorded mitigating weight to:

- a. Mr Krasniqi's advanced age;
- b. Mr Krasniqi's family circumstances; and
- c. *Proprio motu*, that Mr Krasniqi has largely exhibited good behaviour during the court proceedings.

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

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

Verdict

129. I will now pronounce the verdict, which I will pronounce in the following order, Mr Thaçi, Mr Krasniqi, Mr Veseli and Mr Selimi.

HASHIM THAÇI

130. Mr Hashim Thaçi, please stand.

131. In the name of the people of Kosovo, for the reasons set out in the Judgment and summarised above, and having considered all the evidence and the arguments of the Parties and Victims' Counsel, the Panel, pursuant to Articles 43 and 44 of the Law and Rules 158, 159 and 163 of the Rules, finds you Hashim Thaçi **GUILTY** of:

- a. Count 3, Illegal or Arbitrary Arrest and Detention as a War Crime under Articles 14(1)(c), and 16(1)(a) of the Law, committed against at least 385 persons;
- b. Count 5, Cruel Treatment as a War Crime under Articles 14(1)(c)(i) and 16(1)(a) of the Law, committed against at least 49 persons;
- c. Count 7, Torture as a War Crime under Articles 14(1)(c)(i) and 16(1)(a) of the Law, committed against at least 303 persons; and
- d. Count 9, Murder as a War Crime under Articles 14(1)(c)(i) and 16(1)(a) of the Law, committed against 96 persons.

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

133. The Panel finds you **NOT GUILTY** of the crimes against humanity of persecution, imprisonment, other inhumane acts, torture, murder and enforced disappearance under Counts 1, 2, 4, 6, 8 and 10.

134. I will now pronounce the sentence.

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

136. The Panel has determined:

- a. a term of 15 years of imprisonment for the war crime of illegal or arbitrary arrest and detention (Count 3)
- b. a term of 4 years of imprisonment for the war crime of cruel treatment (Count 5);
- c. a term of 20 years of imprisonment for the war crime of torture (Count 7); and
- d. a term of 23 years of imprisonment for the war crime of murder (Count 9).

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

138. Mr Thaçi, you may be seated.

JAKUP KRASNIQI

139. Mr Jakup Krasniqi, please stand.

140. In the name of the people of Kosovo, for the reasons set out in the Judgment and summarised above, and having considered all the evidence and the arguments of the Parties and Victims' Counsel, the Panel, pursuant to Articles 43 and 44 of the Law and Rules 158, 159 and 163 of the Rules, finds you Jakup Krasniqi **GUILTY** of:

- a. Count 3, Illegal or Arbitrary Arrest and Detention as a War Crime under Articles 14(1)(c) and 16(1)(a) of the Law, committed against at least 385 persons;
- b. Count 5, Cruel Treatment as a War Crime under Articles 14(1)(c)(i) and 16(1)(a) of the Law, committed against at least 49 persons;
- c. Count 7, Torture as a War Crime under Articles 14(1)(c)(i) and 16(1)(a) of the Law, committed against at least 303 persons; and

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

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

142. The Panel finds you **NOT GUILTY** of the crimes against humanity of persecution, imprisonment, other inhumane acts, torture, murder and enforced disappearance under Counts 1, 2, 4, 6, 8 and 10.

143. I will now pronounce the sentence.

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

145. The Panel has determined:

- a. a term of 15 years of imprisonment for the war crime of illegal or arbitrary arrest and detention (Count 3);
- b. a term of 4 years of imprisonment for the war crime of cruel treatment (Count 5);
- c. a term of 20 years of imprisonment for the war crime of torture (Count 7); and
- d. a term of 23 years of imprisonment for the war crime of murder (Count 9).

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

147. Mr Krasniqi, you may be seated.

KADRI VESELI

148. Mr Kadri Veseli, please stand.

149. In the name of the people of Kosovo, for the reasons set out in the Judgment and summarised above, and having considered all the evidence and the arguments of the Parties and Victims' Counsel, the Panel, pursuant to Articles 43 and 44 of the Law and Rules 158, 159 and 163 of the Rules, finds you Kadri Veseli **GUILTY** of:

- a. Count 3, Illegal or Arbitrary Arrest and Detention as a War Crime under Articles 14(1)(c) and 16(1)(a) of the Law, committed against at least 385 persons;
- b. Count 5, Cruel Treatment as a War Crime under Articles 14(1)(c)(i) and 16(1)(a) of the Law, committed against at least 49 persons;
- c. Count 7, Torture as a War Crime under Articles 14(1)(c)(i) and 16(1)(a) of the Law, committed against at least 303 persons; and
- d. Count 9, Murder as a War Crime under Articles 14(1)(c)(i) and 16(1)(a) of the Law, committed against 96 persons.

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

151. The Panel finds you **NOT GUILTY** of the crimes against humanity of persecution, imprisonment, other inhumane acts, torture, murder and enforced disappearance under Counts 1, 2, 4, 6, 8 and 10.

152. I will now pronounce the sentence.

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

154. The Panel has determined:

- a. a term of 10 years of imprisonment for the war crime of illegal or arbitrary arrest and detention (Count 3);
- b. a term of 3 years of imprisonment for the war crime of cruel treatment (Count 5);
- c. a term of 13 years of imprisonment for the war crime of torture (Count 7); and
- d. a term of 16 years of imprisonment for the war crime of murder (Count 9).

155. The Panel sentences you to a single sentence of **18 years** of imprisonment, with credit for the time served.

156. Mr Veseli, you may be seated.

REXHEP SELIMI

157. Mr Rexhep Selimi, please stand.

158. In the name of the people of Kosovo, for the reasons set out in the Judgment and summarised above, and having considered all the evidence and the arguments of the Parties and Victims' Counsel, the Panel, pursuant to Articles 43 and 44 of the Law and Rules 158, 159 and 163 of the Rules, finds you Rexhep Selimi **GUILTY** of:

- a. Count 3, Illegal or Arbitrary Arrest and Detention as a War Crime under Articles 14(1)(c) and 16(1)(a) of the Law, committed against at least 385 persons;
- b. Count 5, Cruel Treatment as a War Crime under Articles 14(1)(c)(i) and 16(1)(a) of the Law, committed against at least 49 persons;
- c. Count 7, Torture as a War Crime under Articles 14(1)(c)(i) and 16(1)(a) of the Law, committed against at least 303 persons; and
- d. Count 9, Murder as a War Crime under Articles 14(1)(c)(i) and 16(1)(a) of the Law, committed against 96 persons.

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

160. The Panel finds you **NOT GUILTY** of the crimes against humanity of persecution, imprisonment, other inhumane acts, torture, murder and enforced disappearance under Counts 1, 2, 4, 6, 8 and 10.

161. I will now pronounce the sentence.

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

163. The Panel has determined:

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

- b. a term of 2 years of imprisonment for the war crime of cruel treatment (Count 5);
- c. a term of 8 years of imprisonment for the war crime of torture (Count 7); and
- d. a term of 11 years of imprisonment for the war crime of murder (Count 9).

164. The Panel sentences you to a single sentence of **13 years** of imprisonment, with credit for the time served.

165. Mr Selimi, you may be seated.

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

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

168. The court stands adjourned.