

KAQ-363/08

**INTERIM ADMINISTRATION OF KOSOVO
ADMINISTRATA E PËRKOHSHME E KOSOVES
PRIVREMENA ADMINSTRACIJA KOSOVA**

Office of the District Public Prosecutor
Pejë/Peć
PP – KT 88/08
CIR 2008/714/PEJ/EK
4 December 2008

Republika e Kosovës  Republika Kosovo
GJYKATA E QARKUT - OKRUŽNI SUD
PEJË - PEĆ

Pranuar-Primljeno: 24.12.2008			
Nr. pun. Org. jed.	Nr. Br.	Shtojce Prilog	Vlera Vrednost
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**TO THE DISTRICT COURT OF
PEJË/PEĆ**

1. Pursuant to the Provisional Criminal Procedure Code of Kosovo (PCPCK) Articles 304 and 305, Deborah Wilkinson, International Public Prosecutor, acting in her capacity as District Public Prosecutor, Pejë/Peć District, issues the following



INDICTMENT

AGAINST:

First name and surname:	Gjelosh Krasniqi
Nickname:	"Jimmy"
First name and surname of father:	[REDACTED]
Mother's first name:	[REDACTED]
Mother's maiden name:	[REDACTED]
Nationality:	Kosovo Albanian
Citizenship:	Kosovo habitual resident
Occupation:	Farmer
Place of residence:	Nepolë/Nepolje village, Pejë/Peć municipality
Place of birth:	Nepolë/Nepolje village, Pejë/Peć municipality
Date of birth:	13 September 1973
Family status:	Single, no children
Education level:	
Literate:	Yes
Financial position:	Average
Personal identification number:	U.S. Refugee Travel Document # A078220798
Other criminal proceedings in progress:	Indicted in U.S. District Court, Southern District of New York, on charges of (1) Hobbs Act Robbery, (2) Hobbs Act Robbery Conspiracy, and (3) Possession of Firearm in Connection with Crime of Violence, 18 U.S.C. 1951 and 924(c), Docket No. S1 07 Cr. 907 (SAS); arrest warrant outstanding
Custody status:	In detention from 27 May 2008 through 24 September 2008 and from 7 November 2008 to the present

DESCRIPTION AND LEGAL NAMES OF THE CRIMINAL OFFENCES
(pursuant to PCPCK Article 305, paragraph 1, sub-paragraph 3
and Article 305, paragraph 1, sub-paragraph 4)

Count 1

2. That on 24 March 1999, Gjelosh Krasniqi, in violation of rules of international law effective at the time of war, armed conflict, or occupation, namely the Geneva Convention Relative to the Protection of Civilians in Time of War (hereafter Geneva Convention IV), Articles 3 and 147, and Protocol II to the Geneva Conventions, Article 4, in the village of Doblivarë/Doblibare, Gjakovë/Đakovica municipality, Kosovo, committed:

- A. the illegal arrest, detention, taking as hostage, deprivation of right to fair and impartial trial, inhumane treatment, and murder of P█████ L█████ a civilian person;
- B. the unlawful property confiscation and pillaging of an AK-47 rifle and a 7.65 pistol from P█████ L█████ a civilian person;
- C. the unlawful property confiscation and pillaging of an M-48 rifle from T█████ K█████, a civilian person;
- D. the unlawful property confiscation and pillaging of an M-48 rifle and a CZ 99 9 mm pistol, number 45981, from Gj█████ Q█████, a civilian person;
- E. the unlawful property confiscation and pillaging of an M-48 rifle, a 7.65 mm Bronvik pistol and ammunition from M█████ P█████, a civilian person.

3. By these actions the defendant committed the criminal offence of *War Crimes Against the Civilian Population*, in violation of the Socialist Federal Republic of Yugoslavia Criminal Law (SFRY CL) Article 142, punishable by imprisonment of not less than five (5) years and no more than forty (40) years.

EXPLANATION OF THE GROUNDS FOR FILING THE INDICTMENT
(pursuant to PCPCK Article 305, paragraph 1, sub-paragraph 5)

4. In March 1999 a state of internal armed conflict existed in the territory of Kosovo between the Kosovo Liberation Army ("KLA") (also known as the *Ushtria Çlirimtare e Kosovës* ("UÇK")), and the armed forces of the Yugoslav Army (VJ), the Federal Republic of Yugoslavia (FRY) Ministry of the Interior, the and the Republic of Serbia's Ministry of the Interior. The armed forces involved were under responsible command and exercised control over part of the territory of Kosovo, enabling them to carry out sustained and concerted military operations.

5. The defendant at the time of the criminal offences was acting on behalf of the armed forces of the KLA and was a party to the conflict; he was therefore required to obey rules of international law regarding protection of civilian population during both international and internal armed conflicts.

6. The victims of the war crimes referred to in this Indictment were members of the civilian population and were not taking any direct part in the hostilities. Thus they were protected persons as defined by Geneva Convention IV and Protocol II to the Geneva Conventions. With specific attention to victim P█████ L█████, who was both a farmer and a member of the local police at the time of the defendant's criminal acts, his membership in the local police force did not cause him to lose his status as a protected civilian under Geneva Convention IV and Protocol II to the Geneva Conventions. See *E█████ R█████, E█████ A█████ and Rr█████ D█████*, Supreme Court of Kosovo, AP - KZ 477/05, pages 22 - 24 and *Declaration on the Police*, Resolution 690 (1979), Parliamentary Assembly, Council of Europe.

7. There is a *nexus* between the defendant's acts constituting war crimes, as charged in this Indictment, and the internal armed conflict that was on-going in Kosovo in March 1999. The existence of the armed conflict played a substantial part in the ability of the accused to carry out the offences, and the actions of the accused were directly linked to the armed conflict.

8. Victim P█████ L█████ was, at the time of the criminal offence, a 47 year old Kosovo Albanian farmer, a husband and father of seven, who lived in Doblisarë/Doblibare, Gjakovë/Đakovica municipality. After the beginning of the armed conflict in Kosovo, the municipal authorities in Gjakovë/Đakovica employed P█████ L█████ as a police officer for the village of Doblisarë/Doblibare. P█████ neighbor P█████ K█████ described him as someone who "didn't do wrong to anyone, he was not bad with anyone in the village, but he worked for Yugoslavian government only to keep his family."

9. On evening of 24 March 1999, P█████ L█████ and members of his family were at the home of P█████ brother, N█████ L█████. At around 8:00 - 8:30 p.m., defendant Gjelosh Krasniqi came to the house with four other men, all dressed in camouflage uniforms with KLA insignia, carrying AK-47 rifles. Krasniqi demanded to know which one of them was P█████ L█████. P█████ stepped forward and identified himself to Krasniqi. Krasniqi and the other KLA soldiers then searched the house for weapons and seized an AK-47 rifle and a 7.65 mm pistol belonging to P█████. After that, Krasniqi and the other soldiers left the L█████'s home, taking P█████ as a prisoner, in order to search several other houses in the village for weapons. However, Krasniqi ordered one KLA soldier to watch the occupants at N█████ L█████'s residence.

10. With P█████ in custody, Krasniqi and the other soldiers went to three other homes in Doblisarë/Doblibare village that night. When they approached the house of P█████ K█████, P█████ called out "Godfather T█████." Hearing that, P█████ K█████ came out into his yard and saw P█████, with his hands tied behind him, surrounded by KLA soldiers, one of whom P█████ recognized as Gjelosh Krasniqi. P█████ K█████ said "What's up P█████?" and P█████ replied, "I don't know." One of the KLA soldiers then asked to see P█████ K█████'s uncle, T█████ K█████. When T█████ K█████ came out of the house the soldiers demanded that he turn over an M-48 rifle that he owned, and he did so. According to T█████ K█████, he had a license for the rifle and so was in legal possession of it at the time it was confiscated.

11. Krasniqi and the group of KLA soldiers also went to the home of M█████ P█████. There, Krasniqi showed P█████'s police identity card to M█████, and asked

him if he knew that person. M■■■■■ replied that he did know him, because P■■■■■ was his godfather. Krasniqi also demanded that M■■■■■ turn over his weapons. M■■■■■ did so, handing over an M-48 rifle, a 7.65 mm Bronvik pistol, and some ammunition. When he did so, M■■■■■ told Krasniqi that "I'm giving you the weapons but I'm afraid that you might come to take me and my sons one day." Krasniqi replied "We will not come to take you because you have behaved well."

12. Finally, Krasniqi and the soldiers went to the home of Gj■■■■■ Q■■■■■, where they told Q■■■■■ that they had to come inside and take his weapons. Q■■■■■ responded that they didn't need to come in because he would turn over his weapons to them, which he did, handing over a CZ 99 pistol, number 45981, to Gjelijosh Krasniqi, and an M-48 rifle to another KLA soldier. According to Q■■■■■, he had licenses for the weapons and so was in legal possession of them at the time they were confiscated.

13. At around 11:30 p.m. Gjelijosh Krasniqi and the KLA soldiers returned to N■■■■■ L■■■■■'s home, together with P■■■■■, to pick up the soldier they had left standing guard. The soldiers said that P■■■■■ had to come with them to KLA Headquarters in Jabllanicë/Jablanica. M■■■■■ L■■■■■, P■■■■■'s brother, asked why they were taking him, explaining that P■■■■■ had several children. Krasniqi replied that P■■■■■ was being taken because he was a local police officer. He also said that "If G■■■■■ and M■■■■■ release him we would release him as well." Krasniqi ordered the L■■■■■ family members not to move from their house, and then he and the soldiers left the yard with P■■■■■, closing the gate behind them. Gj■■■■■ L■■■■■, P■■■■■'s son, re-opened the gate to try to see where they were taking his father, but when Krasniqi noticed him he yelled "Shut the door or I will kill him like a dog!" Gj■■■■■ L■■■■■ then returned to the yard and closed the gate.

14. Since he was taken away by Krasniqi and the KLA soldiers on 24 March 1999, P■■■■■ L■■■■■ has remained missing and is presumed dead by his family. P■■■■■'s family members have given blood samples to international organizations for DNA analysis and comparison; however to date P■■■■■'s remains have not been located or identified.

15. After the conflict had ended, Gj■■■■■ L■■■■■ met Krasniqi in Doblibarë/Doblibare village and asked him where P■■■■■ was. Krasniqi replied that if he wanted to know what happened to his father, he had to go to KLA Headquarters in Jabllanicë/Jablanica and talk to L■■■■■ B■■■■■ and M■■■■■ N■■■■■ (both senior KLA commanders). Krasniqi also told Gj■■■■■ "I left your father in Maznik village, and I don't know anything about him. Don't bother to look for him because you might get lost in the same way as your father did."

16. Gj■■■■■ L■■■■■ reported to investigators for the International Criminal Tribunal for the Former Yugoslavia (ICTY) and to the UNMIK police that his sister, M■■■■■ N■■■■■, was living and working in New York City in 2002, when Krasniqi came to her office (a travel agency) and told her "Listen, I killed your father and I don't care about that a bit, neither about you." Krasniqi also told M■■■■■ N■■■■■ that her father was buried not far from their house in Doblibarë/Doblibare village.

17. Krasniqi's membership in the KLA is established by documents issued by the Kosovo Protection Corps (also known as the *Trupat e Mbrojtjes së Kosovës*, or "TMK") and taken from his person when he was arrested on 27 May 2008. One of these documents, titled "Confirmation", issued by the TMK, Third Protection Zone,

Military-Civilian Liaison Section, Medical Section on 21 May 2008, states that Gjelosh Krasniqi served as a soldier in the KLA in Headquarters Nepole from 16 June 1998 through 9 September 1998, and in the Brigade Unit 132 from 9 September 1998 through 20 June 1999. According to that "Confirmation Krasniqi was wounded on 5 April 1999 while fight in Jabllanicë/Jablanica, Gjakovë/Đakovica municipality.

18. The ICTY has provided the UNMIK Police with documents confiscated from the KLA by Yugoslavian authorities. One of those documents is a report by the Intelligence Section of the KLA Dukagjini Operative Zone Command dated 21 March 1999. That report describes Xhelosh Krasniqi "from Napolja" as spending half an hour every day inside the local command of the Jabllanicë/Jablanica Operative Zone Command.

19. Another document provided to the UNMIK Police by the ICTY, titled "Process Verbal" ("minutes"), was drafted by the Intelligence Section of the KLA Dukagjini Operative Zone Command on 25 March 1999. Those minutes record an interrogation of P█████ L█████ by an unidentified person or persons. The "minutes" set out a purported "confession" by P█████ L█████, in which he admits being employed as a local police officer by the Municipal Assembly of Gjakovë/Đakovica since October 1998, and to supposedly providing reports to the Serbian police concerning KLA military activities in the area of his village.

20. The "minutes" state that Gjelosh Krasniqi arrested P█████ L█████ on 24 March 1999. They also note that P█████ L█████ had with him his police identification card, and that he was summarily executed on 25 March 1999 by the Brigade Unit 132. P█████'s place of burial is left blank.

PROPOSAL FOR TRIAL
(pursuant to PCPCK Article 305, paragraph 1, sub-paragraph 6)

21. The Public Prosecutor proposes that the main trial of this case be scheduled and held in the District Court of Pejë/Peć.

RECOMMENDATION AS TO EVIDENCE AND WITNESSES
(pursuant to PCPCK Article 305 paragraph 1, sub-paragraph 7)

22. The International District Public Prosecutor requests that the following persons be summoned to attend the main trial:

International District Public Prosecutor Deborah Wilkinson

Defendant Gjelosh Krasniqi

Defense attorney Mr. Haxhi Millaku

23. The International District Public Prosecutor recommends that the following witnesses be summoned to testify at the main trial:

Injured party Gj█████ L█████

Injured party Z [REDACTED] L [REDACTED]

Injured party M [REDACTED] L [REDACTED]

Injured party P [REDACTED] I [REDACTED]

Injured party B [REDACTED] L [REDACTED]

Injured party E [REDACTED] L [REDACTED]

Injured party M [REDACTED] N [REDACTED]

M [REDACTED] P [REDACTED]

Gj [REDACTED] Q [REDACTED]

P [REDACTED] K [REDACTED]

T [REDACTED] K [REDACTED]

P [REDACTED] H [REDACTED], ICTY Investigator

Th [REDACTED] O [REDACTED], ICTY Interpreter

E [REDACTED] G [REDACTED], ICTY Interpreter

E [REDACTED] Sh [REDACTED], ICTY Interpreter

A [REDACTED] G [REDACTED], ICTY Interpreter

Officer H [REDACTED] A [REDACTED], KPS # 5529

Officer Z [REDACTED] Z [REDACTED], KPS # 0353

Officer I [REDACTED] J [REDACTED], KPS # 4487

Officer M [REDACTED] F [REDACTED], KPS # 0041

Officer K [REDACTED] R [REDACTED], CP # 15405

24. The International District Public Prosecutor recommends that the court read and consider the following documents during the main trial:

- (1) UNMIK Police War Crimes Unit Case Report, case number 2002-00047
- (2) Witness statement of Gj [REDACTED] L [REDACTED] dated 17 - 18 January 2003
- (3) Witness statement of Gj [REDACTED] L [REDACTED] dated 2 - 3 February 2004
- (4) Witness statement of Gj [REDACTED] L [REDACTED] dated 16 January 2008
- (5) Witness statement of Gj [REDACTED] L [REDACTED] dated 1 March 2008

- (6) Witness statement of Gj [REDACTED] L [REDACTED] dated 26 August 2008
- (7) Witness statement of P [REDACTED] L [REDACTED] dated 16 January 2008
- (8) Witness statement of P [REDACTED] K [REDACTED] dated 16 March 2008 & photo line-up
- (9) Witness statement of Gj [REDACTED] Q [REDACTED] dated 11 April 2008
- (10) Witness statement of B [REDACTED] L [REDACTED] dated 16 March 2008
- (11) Witness statement of M [REDACTED] P [REDACTED] dated 11 April 2008
- (12) Witness statement of E [REDACTED] L [REDACTED] dated 16 March 2008
- (13) Witness statement of M [REDACTED] N [REDACTED] dated 7 - 9 December 2005
- (14) UÇK Dukagjini Command Operative Zone Minutes concerning interrogation of P [REDACTED] L [REDACTED], dated 25 March 1999
- (15) UÇK Intelligence Service notes
- (16) *Note Regarding of documents requested for applying in Scheme of Martyr Families, Invalids and Civil Victims*
- (17) Confirmation dated 21 May 2008, Protocol 15/06, series 62, issued by TMK
- (18) Confirmation dated 21 May 2008, Protocol No.: 09/08, issued by TMK
- (19) Documents seized from person of Gjelosh Krasniqi during arrest on 26 May 2008
- (20) *Rights of An Arrested Person* form completed for Gjelosh Krasniqi on 18 June 2008
- (21) *Interview/Examination of Defendant* form completed for Gjelosh Krasniqi on 18 June 2008
- (22) Ante Mortem Report, INV NRO # 0592/INV/05, dated 29 November 2005
- (23) Ante Mortem Report, INV NRO # 0031/INV/07, dated 17 January 2008
- (24) Additional Report of Off. H [REDACTED] A [REDACTED], KPS # 5529, dated 3 March 2008
- (25) Supplement Report of Off. H [REDACTED] A [REDACTED], KPS # 5529 dated 5 March 2008
- (26) Additional Report of Off. H [REDACTED] A [REDACTED], KPS # 5529 dated 25 March 2008
- (27) Summary of Information Gathered for the Investigation by Off. H [REDACTED] A [REDACTED], KPS # 5529, dated 29 April 2008
- (28) National Crime Information Center data base print out
- (29) Memo from Off. A [REDACTED] Th [REDACTED] UNMIK Interpol Liaison Office, to Off. K [REDACTED] R [REDACTED] CP # 15905, dated 17 June 2008
- (30) Letter from Special Agent C [REDACTED] C [REDACTED], FBI, to Off. K [REDACTED] R [REDACTED], CP # 15905, dated 24 June 2008

- (31) Indictment against A [REDACTED] N [REDACTED], J [REDACTED] M [REDACTED] D [REDACTED] M [REDACTED], L [REDACTED] P [REDACTED], D [REDACTED] C [REDACTED], Ened Gjelaj, and Gjelosh Krasniqi in the United States District Court, Southern District of New York, criminal case number S1 07 Cr. 907 (SAS)
- (32) Warrant for Arrest of Gjelosh Krasniqi issued on 18 December 2007 by Judge Ronald L. Ellis, U.S. Magistrate, Southern District of New York, Docket No. S1 07 Cr. 907 (SAS)
- (33) Verdicts against A [REDACTED] N [REDACTED], J [REDACTED] M [REDACTED], D [REDACTED] M [REDACTED], L [REDACTED] P [REDACTED], D [REDACTED] C [REDACTED], and E [REDACTED] Gj [REDACTED], in the United States District Court, Southern District of New York, criminal case number S1 07 Cr. 907 (SAS)
- (34) Photocopies of cover and all pages from original U.S. Refugee Travel Document for Gjelosh Krasniqi, issued 8 March 2007, expired 8 March 2008
- (35) Pisces data base print out ("Travel Summary") for Gjelosh Krasniqi
- (36) Pisces data base print out ("Identity" and "Travel Documents") for Gjelosh Krasniqi
- (37) Copy of I.D. page from Gjelosh Krasniqi U.S. Refugee Travel Document issued on 8 March 2005, expired 8 March 2006
- (38) Copy of I.D. page from Gjelosh Krasniqi U.S. Refugee Travel Document issued 1 December 2003, expired 1 December 2004
- (39) Photocopies of Gjelosh Krasniqi travel documents and Pisces records from Kosovo Border Police

25. The International District Public Prosecutor recommends that that the court review and consider the following physical exhibits during the main trial:

Photograph of victim Pashk Luli

**MOTION FOR CONTINUATION OF DETENTION
(pursuant to PCPCK Article 305, paragraph 2)**

26. The District Public Prosecutor moves that the panel reviewing detention under PCPCK Article 306, paragraph 5, extend the detention on remand against the defendant. The basis for continuing detention on remand is as follows:

A grounded suspicion exists that Gjelosh Krasniqi has committed the criminal offences set forth in the Indictment (PCPCK Article 281, paragraph 1, subparagraph 1)

27. The District Public Prosecutor directs the Court's attention to the facts set forth in paragraphs 4 - 20 above, *Explanation of the Grounds for Filing the Indictment*, as support for the finding that there is a grounded suspicion that the defendant committed the criminal offence of *War Crimes Against the Civilian Population*, SFRY CL 142.

Circumstances indicate that there is a danger of flight (PCPCK Article 281, paragraph 1, sub-paragraph 2, point (i))

28. The defendant is an extremely high flight risk, based on the following evidence:

A. The defendant fled from the United States, where he had been granted refugee status, when United States federal law enforcements officials were attempting to arrest him for criminal acts committed as an associate of the Genovese Organized Crime family;

B. The U.S. District Court for the Southern District of New York has issued an arrest warrant (Docket No. S1 07 Cr. 907 (SAS)) for the defendant for serious criminal offences involving Robbery, Conspiracy to Commit Robbery, and Weapons Violations;

C. International Public Prosecutor Deborah Wilkinson has personally spoken on the phone to Assistant U.S. Attorney Elie Honig concerning Krasniqi's status in the proceedings described in paragraph B above; Mr. Honig has confirmed, both verbally and in an e-mail, that Gjelosh Krasniqi was never arrested, has never appeared, and has never posted any appearance bond in the criminal proceedings S1 07 Cr. 907 (SAS) in U.S. District Court in New York;

D. The information from the Kosovo Border Police *Pisces* data base and the entry and exit stamps in the defendant's Refugee Travel Document indicate that the defendant frequently travels into and out of different Balkan countries;

E. From January through May 2008 the defendant entered and exited Kosovo multiple times, and while in Kosovo he stayed in motels rather than at his family home and drove different vehicles in an apparent attempt to elude arrest by the police; and

F. The defendant is single and has no dependents in Kosovo.

There are grounds to believe that Gjelosh Krasniqi will obstruct the progress of the criminal proceedings by influencing witnesses or accomplices (PCPCK Article 281, paragraph 1, sub-paragraph 2, point (ii))

29. The defendant has repeatedly made both direct and indirect threats of violence against victims and witnesses in this criminal proceeding, including to Gj[REDACTED] L[REDACTED], M[REDACTED] N[REDACTED], and B[REDACTED] L[REDACTED]. The defendant's previous juvenile adjudication for Murder, the indictment filed against him in U.S. Federal Court, Southern District of New York, for crimes of violence against persons in association with a major organized crime family, and his reputation in the community of Pejë/Peć for violence and criminality, supports a finding that victims and witnesses have a reasonable basis for believing that the defendant will carry out the threats he has made against them.

30. On 6 August 2008 the defendant's uncle, P ■ K ■ went to the home of injured party G ■ L ■ and attempted to persuade him that the defendant was not responsible for the abduction and murder of P ■ L ■. This indicates that even when in custody the defendant is ready to use proxies in his family to influence witnesses.

The seriousness of the criminal offence and the personal characteristics, past conduct, and other personal circumstances indicate a risk that the Gjelosh Krasniqi will commit a criminal offence which he has threatened to commit (PCPCK Article 281, paragraph 1, sub-paragraph 2, point (iii))

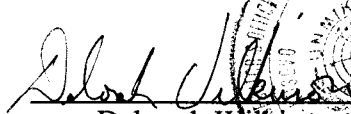
31. *War Crimes Against the Civilian Population* is among the most serious of criminal offences, especially when the predicate criminal act involves the forcible disappearance and murder of civilians.

32. The defendant was previously adjudicated as a juvenile offender for the offence of Murder, and, as stated in paragraphs 28 (A) - (C) above, he has been indicted in U.S. District Court, Southern District of New York, for criminal acts in association with a major organized crime family..

The other measures listed in PCPCK Article 268, paragraph 1, are insufficient to ensure the presence of Gjelosh Krasniqi, to prevent re-offending, and to ensure the successful conduct of the criminal proceedings (PCPCK Article 281, paragraph 1, sub-paragraph 3)

33. The defendant's extremely high flight risk, his repeated threats of violence against witnesses and victims, and his established record of criminal recidivism demonstrates that promises on the his part to remain in Kosovo, prohibitions on his approaching people, attendance at police stations, bail, and house detention would all be insufficient to prevent him from fleeing, tampering with and threatening witnesses, and committing additional crimes.

Respectfully Submitted


Deborah Wilkinson
International District Public Prosecutor

