

ON PEOPLE'S BEHALF

THE DISTRICT COURT IN GJILAN, in the Panel composed by the judge Hasan Sadiku, Presiding Judge, the international judge Patrice de Charette, law-judges Behlul Gagica, Ismet Jakupi and Baki Azemi all members of the Panel and the minute taker Nurije Uruqi, in the criminal case against the accused Millosh Jokiq from the village of Goshica, Municipality of Viti, defended by Zhivojin Jekanoviq, attorney from Pristina and Stojan Gjuriq, attorney from Belgrade, because of the criminal act of war crimes against civil population as per the Article 142. par.1 of the Criminal law of Yugoslavia. Based on the indictments of the District Public prosecutor's Office in Gjilan, Pp. no. 28/2000 from 25.02.2000 and PP.no. 103/2000 from 08.06.2000 represented by the District Public Prosecutor in Gjilan, Sabit Maliqi, after the sessions held on 15.05. 2000, 20.06.2000, 17.07.2000, 03.08.2000, 11.08.2000, 11.09.2000 and 18.09.2000, in the presence of the parties: the District Public Prosecutor in Gjilan Sabit Maliqi, the accused Millosh Jokiq and his defense attorney Zhivojin Jekanoviq, from Pristina, on 20.09.2000 announced the following public:

VERDICT

The accused Millosh Jokiq, name of the father Velibor and mother Milusha, maiden name Petrovqi, born on 04.02.1979, in the village of Klenike, Municipality of Bujanovc, current resident in Gushica village, Municipality of Viti, citizen of FRY, Montenegrin, student, not married, literate, of middle family income, supposedly not convicted before, in detention since 26.08.1999.

IS FOUND GUILTY**Because:**

1. During the war time, as long as the armed conflict and the NATO Pact bombings lasted against the so called Yugoslavia, in collaboration with Bozhidar Stojanovic, nickname Gjida, Agim Ajeti, Ratko Jokiq, Vukoje Jokiq, Sllavolub Gjeliq, Zharko Jokiq, Milorad N. and two more unknown persons, wearing military uniforms, armed with automatic rifles and other weapons, being part of a reserve military unit of the Yugoslav Army, willingly and in a systematic manner have planned and organized the execution of different criminal actions with the aim to expel the Albanian population from the villages of Verbank and Smire of the Municipality of Viti. They have fired non-stop long bursts from their fire weapons in every hamlet and house, have ill-treated, beaten, murdered, raped, and expelled people causing panic and fear amongst local population.
2. The accused Millosh Jokiq, on 8 May 1999, early in the morning in the village of Verban of the Municipality of Viti, has fired non-stop fire weapon bursts in the hamlets and houses of the village, causing with that panic and fear amongst the local population. Using rude violence he has separated women, men, old people and other children, all unarmed, in a number of more than 2000 inhabitants and has violently expelled them from the village. As a result of that a number of the expelled sought

refuge in the mountains while others went towards the Kosovo – Macedonian border. After that follows the criminal action of looting, damaging and destroying in a large scale the property with the aim to put into danger the very existence of this population.

3. The accused Millosh Jokic, on 9 May 1999, at around 11.00 hrs, in the village of Verban, Municipality of Viti, has willingly deprived of life the now late Rexhep Emerllahu, in the way that while he was talking to the witness Sabri Fetahu and when the now late Rexhep Emerllahu opened the yard gate, from a distance of 10 m fired a burst from his automatic rifle AK-47 in the direction of the late Rexhep, who in that occasion received grave bodily injuries, dangerous for the life, and as a result of that died on the spot.
4. The accused Millosh Jokiq, on 15 April 1999, at around 15.00 hrs, in the village of Smira, Municipality of Viti, has willingly ordered the members of the group Bozhidar Stojanoviq and Agim Ajeti, a gypsy nationality member, to deprive of life the now late Ramadan Berati and they hit the late Ramadan Berati right away with the butt of the automatic rifle, on the head and other parts of his body, causing him grave bodily injuries, dangerous for the life, and as a result of that bringing the late Ramadan to immediate death.
5. Because on 30 May 1999, in the village of Verban, at around 13.00 hrs, in the house of Elmaz Selmani, has willingly separated the injured Marte Tunaj, who was at that time going to the house of her neighbor Kimete Selmani to make the bread and bring it to her other family members in the mountain and tends where they were at that time, and being armed with an automatic rifle, two grenades and a bayonet, has first put the machine gun on the chest of the injured Marte Tunaj and then has taken away from her the gold bracelets, the necklace, finger rings, the engagement ring and the earrings. Then he has brought her to the kitchen and from there has ordered her to go to the other sleeping room. Then under the threat of the machine gun and the knife has constrained her to sexual relation by violence, and after 5 hours of confinement and ill-treatment has ordered her to go to Albania declaring to her that “this is Serb land”.
6. The accused Millosh Jokiq, at the time, place and manner already described in the clause 5 of this verdict, armed with automatic rifle has wreaked his nationalist anger against Marte Tunaj, Elmaz Selmani, Kimete Selmani, Hajdar Jashari, Hafize Jashari, Fatbardha Emerllahu and Bedri Emerllahu in the way that has ordered the above mentioned persons to stand in a line against a surrounding wire wall and on the barrel of his machine gun has kept them in a stand-by position facing the sun. On that occasion has deprived Elmaz Selmani of 100 DM, Hajdar Jashari of 600 Yugoslav dennars, Bedri Emerllahu of 300 DM and Fatbardha Emerllahu of 3 rings, 1 necklace and earrings. Then has started to interrogate them one after another trying to learn about their men and sons whereabouts and also about the munitions, the uniforms and where the KLA was. All this terror and ill-treatment has lasted almost 5 hours and in the end he has ordered all of them to leave the place and go to Albania because that was “Serb land”.

Committing this way the criminal act of war crimes against civil population as per the Article 142, par.1 of the Criminal Law of Yugoslavia, applicable according to the decree of UNMIK.

Therefore the court according to the Articles 5, 33, 38, 41 and 50 of the Criminal Law of Yugoslavia and also according to the Article 351 of the Law on Penal Procedure.

SENTENCES HIM

With a 20 (twenty) years imprisonment period, including in it also the time when he was kept in detention, it means since 26.08.1999. The detention of the accused is extended until this verdict enters in force.

The accused is obliged to compensate all the expenses of the criminal procedure based on the final account of this court.

The injured Marte Tunaj and Xhevat Emerllahu regarding their property-right legal claim are advised to refer to a civil suit.

JUSTIFICATION

The District Public Prosecutor's Office in Gjilan, with the indictment PP. no. 28/2000 from 25.02.2000 and PP. no. 103/2000 from 08.06.2000, has accused Millosh Jokiq from the village of Gushica, Municipality of Viti, of committing the criminal act of genocide as it is foreseen in the provision of the Article 141. par.1 of the Penal Law of Yugoslavia.

The representative of the indictment, the District Public Prosecutor of Gjilan, Sabit Maliqi, during his final speech did the rectification and supplemented the indictment as in the enacting clause of this verdict, pursuant to the Article 337 of the Law on Penal Procedure, remaining on the whole close to the charges submitted in written form, then changed and supplemented and also to the legal qualification of the criminal act and proposed a condign punishment according to the law against the accused for the criminal act committed.

The injured Marte Tunaj and the injured Xhevat Emerllahu, in their final speeches declared that they joined the criminal procedure against the accused while regarding the property-right legal claim said to have requested to refer to a regular civil suit.

The defense attorney of the accused Zhivojin Jekanoviq in his final speech said: when the criminal act of genocide is in question the defense considers that the basic element proving the commission of the criminal act of genocide described in both indictments is missing because the accused Millosh Jokiq has not committed any act of genocide because the conscience that the members of the Albanian nation should be murdered could not exist in the mind of the accused Millosh Jokiq. Also the accused could not incite such actions even if his own actions were not contestable. The thing we all should concentrate upon is whether the accused Millosh was a participant in these criminal acts or not and I am fully convinced that based on the facts that we have examined so far the latter has not committed these acts.

At the end he proposed that according to the Article 350, item 3 of the Law on Penal Procedure he be discharged from the indictment.

The accused Millosh Jokiq during the investigation procedure as well as during the main trial, has on the whole rejected the commission of the criminal act he is charged with by the indictments and in his own defense has declared: I come of a wealthy family from the village of Gushica. I have never had any problem with Albanians and we have lived together with them in the village during the bombing time. Nobody has left our village or be expelled. To my mind all the villagers knew that I was never mobilized and that KLA members were coming to my house and they were convinced that I was not involved in the military and paramilitary units. Ilir Maliqi and Sinan Metallari from the village of Gushice know this very well. I have met with Naim Zeqiri, Lulzim Zeqiri and Muhamet Zeqiri during the time of the bombings and have stayed together in the road of the village. During the time of the NATO Pact bombings I was staying at my house in the village of Gushice. I was not mobilized, have not completed the military service and have not been the leader of any group. I did not have any need to leave the village of Verban, do not know what has happened in that village during the time of the bombings and I have not heard that something happened at all. During the time of the bombings, myself together with my family was working the land. In our village our neighbors Albanians stayed there and we did not let anybody touch them. There are 18 Serb houses in the village of Gushica and around 100 Albanian houses. I have never been in the village of Verban and have never heard that somebody was ill-treated or God forbid murdered. I do not know for what reason these people are accusing me when they know themselves, as the God knows it too, that I have not committed this criminal act. On 30 May 1999 I was in the village of Germova at my uncle's for a village celebration and at my aunt's husband Petar Dincic and Zoran Petroviq and at my friend Zhivko Dincic. I was there together with all my family. We went to Germova that day and have stayed until 20.00 hrs in the evening. I do not know that woman and do not know why she reported me. I swear that I have not committed this they have charged me with, do not have any contact with her and have not even heard about something like that. I swear to all my family, to my name and to the God's name that I do not know anything about this. I was 21 years old when I first heard about the genocide but do not know what it is and have never heard before about it. After the bombing, nobody came to talk that somebody from our family had done something as long as my mother was in the village. After the end of the war our neighbors, who were in the village during the time of the bombings, came there too and also from the village of Veran and nobody complained about anything happening to anybody. I never thought to do what I am accused for because never in my life was I a nationalist. I have always been in favor of joint living for all the inhabitants. I do not know who are those people that are mentioned in the indictment, do not know about that group and have not even heard about that because there were no paramilitary groups here at all.

It is not true that on the 15 April 1999 I took part in the murdering of Ramadan Berati from the village of Smira. I never knew Ramadan Berati, do not know where is his house and do not know that unknown person (NN) of roma nationality. I never ordered anybody to kill the late Ramadan Berati. After the end of the war myself together with my two sisters and my brother went to Serbia while my mother and father stayed in the village, and after they left the village and came to Viti. While I was staying at my uncle's Radovan Jokiq in Viti and was waiting to participate in the competition announced to become a policeman, was arrested on 26.08.1999 by KFOR. After the searching of the house of my uncle Radovan Jokiq it was found a semiautomatic rifle and an automatic rifle that were not mine but belonged to my uncle.

The court after having heard the accused examined in the main trial the suggested evidences one by one and altogether as a whole and evaluated the legal viewpoints of the

parties. The court came to the conclusion that the accused Millosh Jokiq has committed the criminal act described in the enacting clause of this verdict therefore declared him criminally responsible for the act committed.

The witness XHEVAT EMERLLAHU declared during the main hearing: during the time of the bombings, on 8 May 1999, at around 10 o'clock started the withdrawal – moving away of the villagers from the village towards the mountain because there were many fire weapon shots coming from the village of Gushica and after they entered the village started to set the house ablaze. This way they set the house of Rashit Latifi on fire. Then they met somebody named Jahir Asllani and took his white plis (int.note.traditional hat) from his head, cut it in the form of a cross and wanted to throw him in the fire. I cannot describe to you the way children, women and elderly people left the village because of the fear. After leaving the village we sought refuge in the mountain, at a place called “Tharina” in the tends and without even the most basic living conditions. On the next day, on 9 May, at around 10 o'clock, my brother, the now late Rexhep together with Muhadin, Viar and Faruk came down from the mountain to the house to take some food supplies. I do not know how did it happen. In the afternoon, my sister told me that the late Rexhep had gone home to take some food but had never returned. After I came to know this, went secretly together with Nazmi and Selim into the village to search for the late. We searched for him inside the houses and yards but did not find him. Then we went to the village of Gushica to a person named Merko whom I advised to ask in the Army headquarters whether the late had been taken by the army and brought to the headquarters. The same person, after asking in the headquarters, told me that the army had not taken him. I left for the village of Verban right away and on the road there met the cousin Ali who told me that they had found the cadaver of the now late Rexhep, behind the barn. We went there and took the cadaver but because of the danger that existed, just brought him inside the room and continued on the way to the mountain where we were staying. On the next day we buried the late in the village cemetery. The late had 3 bullets on his back, had his left leg broken on the kneecap and had other injuries on the head.

I know the accused Millosh from before because his mother was working in the same school where I was working. I do not know who killed the now late Rexhep but do know that the Serb Army Police and paramilitary Headquarters was located in the village of Gushica, in the Jokiq hamlet and all of the operations have been assisted by Jokiq's family. I have stayed in the mountain together with my family until 22 May and after this date myself with my family as well as many other co-villagers of Verban village have been forced to go to Macedonia because of the danger coming from Serb paramilitaries. In Macedonia we have stayed until the liberation, respectively after the entry of NATO forces.

He joined the criminal procedure against the accused Millosh Jokiq while regarding the property-right legal claim said to have requested to refer to a regular civil suit.

The witness SHUKRIJE EMERLLAHU, declared during the main trial: It is true that on 9 May 1999, in the village of Verban, Serb paramilitaries premeditatedly have murdered my son Rexhep Emerllahu. That day myself together with my other family members was hiding in the mountain. My son Xhevat told me the next day about the killing of my son Rexhep.

The witness SINAN METALLARI, declared in the main trial: I live in Mjakeve hamlet which is located in the vicinity of the hamlet of Jokiqeve in the village of Gushica. The

road to the village of Verban goes by the Jokiq's houses. It is true that during the war in Kosovo I have stayed in the village of Gushica. Since the beginning of the war, the Serb army and paramilitary headquarters was in the village of Gushica, in the Jokiq's hamlet. I have heard about the killing of Rexhep Emerllahu only on the next day, on 10 May 1999 from Marko Angjellkoviq from Gushica who told me that he had been killed by paramilitaries. I know the accused Millosh Jokiq since I was a child because we were brought up together. During the whole war period he has been wearing a paramilitary camouflage uniform, was armed, had a beard, short hair and a red handkerchief on his head. I have seen this more than 50 times.

On 9 May 1999, at around 9 o'clock, I have seen the accused Millosh Jokiq, Vukoje Jokiq, Sllavolub Jokiq, Ratko Jokiq and Millorad whose surname do not know, all wearing camouflage uniforms and driving two cars; one a police car and the other one a white color "Lada" model car. I saw them leaving Gushica and going in the direction of the village of Verban. These persons were in a group and all the villagers of Gushice could testify about this. In the house of the accused Millosh I have seen also the beds where the paramilitaries were sleeping. During the time of the war I was in charge to observe the movements of militaries and paramilitaries inside and outside the village and have seen the above-mentioned persons returning from the villages of Verban, Germove, Smire etc and shooting continuously from fire weapons in order to cause panic and fear amongst the population. The witness declares that he can not recall the exact date when the accused together with 12 other paramilitaries came to his house and asked for money, oil and gasoline. I was hiding in a safe place. I have personally seen the accused driving a "Mazda" model car which belonged to Ismail Hakija from the village of Smira, who had a mini market named "Migros" and the accused took it away from the above-mentioned person. During the bombings time a part of the village of Gushica left for Macedonia while another part of it has gone to the village of Pozharan.

In the end, after the insistence of the accused the witness declared: I swear to my only son that I have stated here all and only what I have seen.

The witness MUHADIN EMERLLAHU, during the main trial declared: on 8 May 1999, the inhabitants of our village left their houses and the village and went to seek refuge in the mountains because of the danger represented by Serb army, police and paramilitaries. They entered the village that day shooting from their fire weapons. Like the whole village also myself together with my family left the village and went to the mountain, at a place named "Zharina". Because we did not have any possibility to take food supplies for the whole family, on the next day, on 9 May 1999 were constrained to come back to the house to take some food. It was me, Visar, Faruk and the now late Rexhep who went to get some food. After we came to the village everybody went at his house. While I was taking some eggs from the barn, in a distance of 70 m from that place where I was, saw in the yard of the now late Rexhep a person with a uniform on who had grabbed the now late Rexhep from his hair and was hitting on the head. As soon as I saw this went to Visar and Faruk right away and told them about that paramilitary who had captured Rexhep and we left going to the mountain. Some 5 minutes after we entered in the mountain heard a long machine gun burst. In the evening I heard that Rexhep Emerllahu had been killed.

The witness SABRI FETAHU, during the investigation procedure and the main trial declared: on the critical day on 9 May 1999 we have parted from the villages of Sadovna and Jerliva with my "Ferguson 39" tractor with trailer to the village of Verban to bring flour to the villagers. I had 1500 kg of flour loaded on my tractor. At around 11-12

o'clock, while entering the village of Verban, I noticed that something was not in order because there was nobody on the streets, the gates were open and all the animals were outside in the streets. When I got to the hamlet of Jasharaj driving my tractor suddenly some 9-10 paramilitaries all in camouflage uniforms and armed showed from all the sides and surrounded me. They stopped me right away and ordered me to get off the tractor. They started to curse and ill-treat me. Judging by their behavior these paramilitaries were not regular soldiers because they had their head shaved, had beards and red handkerchiefs tied on their heads. They behaved in a very cruel way with me. One of them who was corpulent, had his head shaved and a beard separated me from other paramilitaries pointing his machine gun at me. The accused Millosh, whom I did not know, started to ask his friends about who wanted to kill me and after nobody wanted to do what the accused was suggesting, the accused started to curse against my mother, wife, father, children and against all Albanians. Then he ordered me to go back to the wall while he was standing behind me with his machine gun pointed at me. After I went to lean on that wall, on the right side some 3-4 m distance from there was the Selim Emerllahu's yard gate. I did not know that day that it was Selim's yard gate; this I learned later. Suddenly I heard that the yard gate opened and in that moment the accused was standing with his machine gun pointed at me and after hearing the noise of the yard gate opening shot a burst against the yard gate. After that burst I heard it closing down again and understood that somebody got killed there but I did not know who was because did not see the victim because it fell on the internal side of the yard. After the machine gun burst and the yard gate sound, the accused has immediately ordered me to jump on the tractor and I thought he wanted to shoot me from the back because perhaps he thought I knew him now. I jumped slowly on the tractor, started it and drove on the first gear then the second waiting for the moment when he would shoot me from behind. Then I returned to the village of Sadovina and told my family about how did it happen. Later I heard that Rexhep Emerllahu name and surname, from the village of Verban had been killed at the yard gate of the house of Selim Emerllahu.

I thank the accused for not killing me but I want today to testify about the accused and the late. I did not know the accused Millosh Jokiq before. I can now recognize this person even amongst one thousand other people because can never forget his rude behavior in those difficult moments for me. The name of this person is Millosh Jokiq from the village of Gushica and I have identified him after the war in Viti. I have seen this person and recognized his face while passing by a dwelling residence and have informed right away the KFOR soldiers. Then we have come together with the KFOR soldiers to that flat where I had previously seen the accused. We came to the door and the soldiers knocked on it asking whether there was any male inside the flat. Some times later a woman came to the door and from the other side of it said that there was no male in the flat. Then with the insistence of the KFOR soldiers she opened the door of the flat and after we entered in it noticed that the accused was there inside. The KFOR soldiers have immediately asked me whether he was the person. I identified him well and told them that he was the person who had killed Rexhep Emerllahu from the village of Verban. The KFOR soldiers have taken the accused out of the flat and have asked him whether he was in possession of any weapons. He answered that he did not posses any weapon but after the searching of the house, in the flat where the accused was found, the KFOR soldiers found a semi automatic rifle loaded and ready for fire and another semi automatic rifle also loaded and ready for fire.

The witness VEZIR BERATI, in the main trial declared: it was Thursday, 15 April 1999, at around 10 o'clock. The whole village of Smira was surrounded from all the sides by

soldiers and paramilitaries that had come from Viti and Kabash village. Because of the fact that our hamlet is in the beginning of the village, some 3 Serb paramilitaries came entering in each house and ordering us out of the house and to leave the village. So we have been constrained to leave the houses and walk on the road of the village. After we had walked some 200-300 m were stopped by a big group of paramilitaries that did not allow us to continue further. Then 3 paramilitaries came out of this group, one of them was the accused Millosh and he did not allow us to go further and ordered us to go into the yard of Hysni Selim Ahmeti. We were around 200 people there from our hamlet called "Cernoviqeve", were brought into the yard. While we were standing gathered there one paramilitary made a sign with his finger to the late Ramadan to come. Prior to this the accused Millosh, who was standing by the yard gate, had said something to this paramilitary. Immediately after this short conversation a paramilitary of Roma nationality and another paramilitary too came and took the now late Ramadan. They started to bring him into the room of Hysni Selimi. People saw it when before entering the room of Hysni Selimi one of the paramilitaries hit him with the butt of his semi automatic rifle on the middle of the back. Then they brought him inside the room and kept him there for 10-15 min. Then both paramilitaries; the gypsy one and the other one, took him out of there holding him by his arms and left him laying on the ground in the yard. The late asked for water and I approached him wanting to help but when I did so one of the paramilitaries hit me with the butt of his rifle on the left arm. So I had to go back and leave my brother laying there without any help. After that the now late was laying there they ordered us to line up and brought us to the house of Hysni Selimi that was some 50 m distance from the place we were first kept. After that we have been brought to that house, they first broke down the doors of the rooms, then separated us and brought us into two rooms. Then they ordered us to stand there facing the wall and started to hit us in the beginning with fists and kicks and after that hit us with a fence stick. They would hit us with it after asking us for example: Who is with the KLA, where are the weapons etc.

The witness SULLTAN BERATI, declared in the main trial: on 15 April 1999, while we had gathered in the yard of the house of Hysen Ahmeti, the accused came, I knew him from before, together with a Roma nationality paramilitary and another paramilitary whom I did not know. The accused Millosh ordered these two paramilitaries to take the late Ramadan and bring him inside the room. The Roma nationality paramilitary and the other paramilitary separated the now late from us and brought him inside the men's room. After some time of heavily beating they took him out holding by his arms and left him laying on the ground. They did not allow us to approach and help him. While the late was laying on the ground they started to call us by names. First to be called were: Sulltan Berati, Ismet Berati, Izer Berati, Hevzi Berati, Izer Ramadani, Nezir Ramadani, Nexhmedin Ramadani and many others. Then they separated us from the crowd of other people and brought us inside the room. There they ordered us to stand facing the wall and started to hit us with fists and kicks until we all laid down. Then they went out staying there for a while and came back again with a stick. They first asked Hysen Ramadani whether he was a member of KLA and he answered that he was not. They hit him twice with the stick and asked him "where are the weapons" but he answered that he had no weapons. They hit him again with the stick and the third time asked him where his uniform was hitting him two more times. After Hysen Ramadani they came to ask me whether I was a member of KLA and I said that I was not. They hit me twice with the stick on my back. Then they asked me about the weapons and after I answered that I did not have any they hit me twice with the stick. Then they asked me about the whereabouts of the weapons store of the KLA and hit me again. All of us that were there in those two rooms were heavily beaten. After they had beaten us they went to the other room and did

the same there. Before going to the other room these persons told me and Izet Ramadani that now they were going to kill us if you will not tell us where do you keep the weapons and the KLA uniforms. They told us they were going us and be back in 10 min and that they wanted us to tell them what they had asked us. Then they went to the other room doing there the same that they had done to us. After they had beaten all of us went and too my grandfather Haxhi Kadri Berati and brought him into the room. They ordered him to ask us whether we were soldiers of the KLA but he told them that none of us was a KLA soldier. After that they ordered us to leave the village of Smira and to go to Macedonia "to free Kosovo". Because the tractors were ready we went to the street and stayed there from 11 until 17 o'clock and then went back home. We found all of the houses looted and destroyed.

The witness MARTE TUNAJ, declared in the main trial: It's two years that I know the accused Millosh Jokiq. I have met this person in the post office of Viti where I had gone to pay my phone bill. I have known him through his uncle's son Zharki who had come to the café "Jelen" of my husband in Viti. From the family of the accused I know also his father Bora, mother Millunka and his uncle Vukoje. On 7 or 8 May I have seen the accused together with two other persons from the house through binoculars. They entered in my house, broke the door and filled three bags with different things there. During the time when I was staying in the mountains have observed through binoculars the accused every day coming to my house and taking away all he could. I had many valuable things in my house which amounting to over 80.000 DM but I have forgotten all this comparing to his other actions against me. Us, as the whole village of Verban, have stayed in the mountains from 8 May until 22 May 1999 at a place called "Zharina" in the nylon tends, without eating or drinking. After the 23 May we have gone back home, stayed there one night and went back to the mountain because of the danger of the Serb paramilitaries. On 30 May, it was Sunday, I have gone back home from the mountain to make some meal for our families in the mountains together with Kimete, Hafize, Elmaz and Hajdar. While walking to the house we had agreed with Kimete that after we make the meal ready Kimete would come to my house and then we would go back to the mountain again. Each of us went at her house. I prepared the meal and was waiting for Kimete to come. But she did not come so I started walking to her house. When I got there saw that the doors were opened. I got scared but continued my way up to the front stairs of Kimete's house and called her "o Kimete". Then the accused who had been inside Kimete's house came out with his machine gun in his hands and said to me "freeze" in a low voice trying to change the shape of his voice in order not to be recognized. Then he put his machine gun on my chest and ordered me to take off my hand the bracelet, golden rings from the fingers, earrings, watches. Then he put his hand in my chest and ordered me to take the golden chain off which was 1.5 m long. He put all of these valuables in his pocket and ordered me to enter inside Kimete's house. After I entered the house saw Kimete, Hafize, Hajdar and Fatbardha were there too. After he brought me in ordered me to sit down and went outside to the spot where he took off my valuables and then came back again. He said to me "come here". I refused to do so telling him to tell me what he had to tell. But he, being armed with a machine gun, grenades and knives, forced me to go to the other room. After forcing me to the other room the accused ordered me to undress myself saying he would like to search me for money although I had told him that I did not have more money. Then the accused took his knife out and put it on my throat. I was constrained to take the blouse off allegedly showing him that I had no money. Later on he constrained me to sit on the couch and to turn my back to him. Then he took my clothes off and has completed the sexual act from behind. I fainted and was lost. After he completed the act ordered me to put the clothes on and go back to the room where Kimete, Hajdar etc were. I did not tell

them about what had happened to me. I did not tell to anybody about this except for the mother of the accused whom I met in Viti in the market. I told her everything what her son had done to me. When I went back to the room saw there Kimete, Elmaz, Hafize, Hajdar and Fatbardha. The accused asked Elmaz for the door key in order to lock us in the room but because Elmaz did not have the key from the door the accused ordered us to stay in. That's what we did while the accused went to my house where there were two more paramilitaries together with Bedri Emerllahu who looting many stuff from the house. After the accused together with the paramilitaries returned to the house of Elmaz where we were kept, the accused ordered us to go out and line up close to a surrounding wire. After that all of us lined up there facing the accused and backing the wire. The accused pointed the machine gun in our direction and in that occasion another paramilitary told him "I will do that" and I understood that they wanted to kill us. After that the accused himself was asking us questions like "where is your son, where is your husband, where is the money" and any other questions, then they ordered us to find the son, husband and money until next day at 11 o'clock as a condition to be released. Then the accused addressed us with these words:" What are you doing here, here is Serbia, you do not have any place here".

The witness ILIR MALIQI, in the main trial declared: I live in the village of Gushica. I do not know anything about the killing of the now late Rexhep Emerllahu from the village of Verban and that has been committed by the accused Millosh Jokiq because during that time I was in Drenica as a KLA soldier. When I came back from the war I was told from my co-villagers that Rexhep Emerllahu was killed by Millosh Jokiq, a co-villager of mine who was mobilized as paramilitary.

The witness FATBARDHA EMERLLAHU during the main trial declared: I do not remember the exact date but do know that it was the month of May, at around 12,45 hrs. While I was staying with my husband Bedri, in the room of the house, heard a noise in the yard and saw 3 Serb paramilitaries wearing military uniforms who wanted to take my father-in-law who was in the yard and that fortunately managed to escape. All three paramilitaries were masked, had military uniforms on, were armed with machine guns and had the hair cut. After they couldn't catch my father-in-law, entered inside the house first in the first floor and searched the rooms then went on the second floor where I was staying with my husband Bedri. Because the door of the room where we were staying was closed they broke it and violently forced us out. After that they brought us out started to look in the village for smoking chimneys in the houses. They saw that there was smoke coming out of the chimney of the house of Elmaz and ordered me to go together with my husband to the house of Elmaz. On the way to the house of Elmaz Selmani, the accused took my neck chain away from me, the earrings and the rings from my hand. After that they brought us to the house of Elmaz two other paramilitaries took my husband Bedri and went into the village while myself remained in the yard of Elmaz Selmani where there were Kimete, Hafize, Hajdar and Elmazi and the accused stayed there guarding us. After some time, the accused ordered all of us to enter inside and to make the sofra (int.note.dinning table with short legs) ready to eat lunch. We did that but none of us wanted to have lunch. Because I was sick and was laying down in the room, the accused called me several times to come to the other room but I refused. The accused was watching an erotic magazine and was turning it to me to see too. In the meantime Marte Tunaj came and in that moment the accused was in the corridor. When he saw her coming went to meet her in the yard. About his behavior with her and about how he took the golden valuables away from her Marte Tunaj herself could testify better. We were all present when he took her inside the room and addressed her by saying "come here". She

first refused saying there was no need for her to go to the other room but when the accused pointed the machine gun to her, Marta was forced to go to the other room and on that occasion the accused closed our door telling us not to move form the room. So we have stayed locked in there while Marte Tunaj was locked in the other room. She did not tell anything but said that the accused had searched her and has asked for money. Later the accused ordered us to go out and line up close to the surrounding wire in the yard of the house of Elmaz. They kept me, Kimete, Hafize, Elmaz, Hajdar and Marte there asking us different kind of questions. Finally they released me and my husband, after having asked money for the husband to be released.

The witness KIMETE SELMANI, during the main trial declared: People from our hamlet of Jasharaj, as the whole village of Verban, were forced to leave the houses and to seek refuge at the place called "Zharina" because of the shooting from the fire weapons. Because we were living in the mountain and because of the lack of food supplies we have been constrained to come to the village in a secret way to take food supplies for our families. This was on Sunday, on 30 May. We left the mountain to go to the village. It were me, Marta and Hafize. While I was making the food in the house have gone out to the yard and have seen the accused together with two other persons. They were armed with machine guns, grenades and knives. The accused put the machine gun barrel on my throat and asked me whether there was anybody inside the house. I was thinking that he would not come inside and told him that there was nobody there. But the armed accused came inside and found Hafize there. He took her out of the house threatening her with the machine gun and asked her about her husband. She told him that her husband had gone to graze the cows. In that moment the husband of Kimete, Elmaz came and the accused pointed the machine gun at him, asking for his ID and money. Then came the husband of Hafize, Hajdar and the accused pointed again his machine gun in his direction and asked for his ID He showed the ID giving also 700 denars to him. The accused took the money and put it in his pocket. After that he took the money from Hajdar he took all of us inside the room under the threat of the machine gun barrel and ordered us not to move from there. After that the accused saw Marte Tunaj coming, went out and pointing his machine gun in her direction took all the golden jewelries from her body and ordered her inside the room where all of us were kept. After some time he ordered Marte to go to the other room and she did so. Some times later she came back to that room where we all were. Later on the accused ordered us to go out to the yard and to line up by the surrounding wire facing the accused. While we had lined up backing the surrounding wire, the accused and the other paramilitaries were talking between each other saying: "I will kill them" and then another one would say: "No, I will kill them". This was how they kept us for around half an hour. After this I gave to the accused 100 DM in his hand. He checked it to make sure it was not false and put it in his pocket. Then he turned to the other paramilitaries saying that here were women in charge of keeping the money. Before this I did not know the accused. Marte knew him and when she had told him that she knew him he had answered that was from Serbia.

The witness HAFIZE JASHARI, during the main trial declared: I know the accused Millosh Jokiq since the time of the war. He had his head shaved. Men from the village told me that his name was Millosh Jokiq from Gushica village. Serbs from the village of Gushica came into the village of Verban and fired for a long time from their machine guns. When the Serbs from the village of Gushica came to Verban, myself together with my family were constrained to leave the village and seek refuge in the mountain. The other members of the family went to Macedonia while there was only me with my husband Hajdar Jashari who stayed in the mountain. On 30 May 1999 while I was

preparing the meal in the house of Elmaz Selmani because we did not dare to make it in our house, there came 3 Serb paramilitaries; the accused Millosh Jokiq and two other paramilitaries. They were all wearing camouflage uniforms, were armed with machine guns, grenades and knives. I do recognize the accused because have stayed with him and in front of him for 3 hours. The witness amongst other things mentions also that while they were locked in the room; the witness, Kimete, Hajdar, Elmaz and Fatbardha who was sick and laying, the accused was showing a newspaper with photos to Fatbardha. Later Marte Tunaj came and the accused forced her to go to the other room under the threat of the machine gun and then searched her for money. In the end the accused ordered us to line up by the wire and in front of us was pointing and charging the machine gun talking something with the other paramilitaries. I do not know what were they saying because do not know the Serb language. I know that he has taken the amount of 500 – 800 denars from my husband Hajdar and that was all the pension money that he had received a couple of days before that.

The witness MIFTAR METALLARI, during the main trial declared: It is already 30 years that I live in the village of Gushica. My house is located some 500 m distance from the house of the accused. I have seen the accused during the whole war time wearing a uniform and armed. They never let me leave the village during the whole war time period despite all ill-treatment taken against me and my family and the fact that many times they put the rifle on my throat and threatened to kill me. I have seen the accused Millosh Jokiq wearing the military uniform at the corner of the street of our village that goes in the direction of our hamlet. All the mature persons of the family of Jokiq were wearing uniforms during the war time.

The witness HAMDI FETAHU, during the investigation procedure and the main trial has declared amongst other things that: on 8 May 1999 I was with my family in the village of Verban and at around 11 o'clock came some 9 paramilitaries from the village of Gushica whom I have observed through the binoculars. These persons have first beaten Jahir Asllani and set the house Rashit Latifi on fire. Then have started shooting from their weapons and because of that we have been constrained to leave the houses and go to the mountain with my 11 family members and all people from our hamlet that has over 300 inhabitants. After that we have stayed in the mountain for some days. On 20 May the other members of my family went to Macedonia and together with them went 99% of the inhabitants of the Jasharaj hamlet and also other villagers from other hamlets. Some of them stayed in the mountains and some in some other villages like in Begraca, Pozhoran etc, while myself together with my wife stayed in the mountain. On 21 May I and my wife have returned home. On 30 May 1999 Zoran from Viti came to my house together with another person. Then some two other persons came after whom I did not know and later on the accused Millosh Jokiq came with another person. I know him since 1997 time when we would go to hunt together with him at a place called "Trena". The accused asked for 6 coffees as soon as he came. He also wanted to go upstairs on the second floor of the house to raid. The door of the room was broken and the accused noticed two bottles of oil with the inscription "USA" on them. He asked me where had I taken those bottles and I answered that I did not know where my sons had taken them. Immediately the accused has charged and pointed his machine gun in my direction and asked me to tell him where was the "Mother Tereza" store. I told him that I did not know where was it in the village of Verban but that I knew where was it in Viti. After that we went downstairs I asked Zoran, who at that time was downstairs waiting, why was he doing all this because no soldier had been wounded or killed in the village of Verban. Then the accused Millosh pointed the machine gun that he had on his arm in my direction and told me that one soldier had been

killed in the village of Smira and that there were found 30 rifles, 75 machine guns, 120 grenades, 1 submachine gun and many hand mortars. The accused told me that he had not taken his shoes off from already three weeks and told me that he was very hungry though the village of Gushica was only 30 min distance from the village of Verban. The witness declared also that after the raiding of the house they had taken also his "Zastava 101" model car after loading it with looted stuff from the other houses of the village of Verban and that they had sent all that in the village of Gushica. That same car he had found after the end of the war destroyed at a place called "Beli Dug" and that there was an anti tank mine placed there close.

The witness HAJDAR JASHARI, during the main trial declared: I live in the village of Verban that is 1 km distance from the village of Gushica. There are Albanians, Roma's and Serbs living in the village of Gushica. There are only Albanians living in the village of Verban. I have worked for 17 years as courier in the elementary school "Zenel Hajdini in the village of Gushica. There were Albanian and Serb pupils studying in this school. I know the accused Millosh since I was a child because he has finished the school in the village of Gushice where myself and the mother of the accused Millunka (she was a teacher) were working. I also knew the father of the accused Bora that was working as a referent of the national defense in Viti. The relations between the Albanians and the Serbs before the war were good. I know that after the war started the accused together with his friends expelled us from our houses and the village. On 8 May 1999, the paramilitaries from the village of Gushica, under the lead of the accused expelled us from the houses and the village and we sought refuge in the mountain at the place called "Zharina". On 30 May 1999 the accused came with his friends, he knows better with whom, that were wearing military uniforms and were armed with machine guns and knives. While my wife was at the house of Elmaz Selmani preparing the meal and I was enering into Elmaz's yard, suddenly the accused Millosh showed in front of me with a machine gun in his hands pointed against me and told me "hands up". After I raised my hands up he asked me where had I been, where were my sons. I told him that I had been grazing the cows and regarding the sons I told him that they had left because of the NATO bombings because I did not dare to tell him differently. Then the accused told me: "NATO is yours, not ours". Being scared I told him that NATO knows nobody. After that he asked for my ID and i showed it to him. I had some 600 denars in there from my pension and the accused took them out of the Id with his own hand while he gave me back the ID. Then the accused kept us lined up by the fence facing the sun for around 2 hours. Then he ordered everybody to enter inside the house of Elmaz Selmani. After that we entered inside he ordered me to take the table and to make it ready for eating, but nobody ate anything. Then the accused started to raid the rooms of the house of Elmaz Selmani and later asked for the keys from Elmaz in order to lock us inside the room but Elmaz did not have any keys. The accused closed the door threatening us that if we would leave the room he "would cut our heads immediately". After this he ordered me to go with him to the house of Xhemajl Selmani where the accused broke the doors of all of the rooms kicking them and entered inside taking from there a TV receiver and a gas device for making coffee. He ordered me to carry these things up to some wooden fence where I left them. After that I came back to the yard of Elmaz Selmani and entered inside where there were Kimete, Elmaz, Fatbardha and Hafize. While we were staying there the accused brought Marte to the room where we were and addressed us with the words "why are you leaving your houses, where are your daughters", "where are the daughters-in-law, they must be home". Then he ordered us to turn the head on the opposite side and showed to Fatbardha a magazine with photos. The accused brought Marte Tunaj to the other room; I do not know for how long did he keep her there and what did he do to her; she could tell it better. At

around 17 hrs 2 other paramilitaries, friends of the accused, came to the house of Elmaz. They were also wearing camouflage uniforms and were armed with machine guns. With them was also Bedri Emerllahu. In that moment the accused Millosh Jokiq ordered all of us to leave the room and go to the yard outside. After that we went out to the yard, he asked Marte to go together with him to her house but she refused to go with him alone. Later she agreed to go with him and Bedri Emerllahu. Those 2 other paramilitaries stayed with us guarding until the accused Millosh returned. He ordered all of us to go by the surrounding wire fence of the yard of Elmaz Selmani and kept us there backing it for approximately half an hour, ill-treating us in different ways.

The witness ELMAZ SELMANI, during the main trial declared: I know the accused Millosh Jokiq since my childhood. He is from the village of Gushica. On 8 May 1999, at around 09.30 hrs, the accused Millosh together with his 16 friends came to the village of Verban. The accused was leading that group of people. They all had military camouflage uniforms on and were armed with machine guns and knives. All these people under leaded by the accused Millosh Jokiq were paramilitaries and came from Gushica to Verban. After coming into the village of Verban they first set the house of Rashit Latifi on fire. Then they opened fire from the fire weapons, caught Jahir Asllani and wanted to throw him on the fire but his children started to yell and the paramilitaries were constrained to release him ordering though him to leave the village within one hour otherwise would kill him. The paramilitaries separated into two groups after entering into the village; the first group leaded by the accused went to Jasharaj hamlet while the other group to Shavarinve hamlet. The accused Millosh with his group of paramilitaries were shooting from their fire weapons while passing by Jasharaj hamlet causing panic and terror and because of that the whole hamlet-people of the village were constrained to leave their houses and go to the mountain at the place called "Zharina". There we have stayed for 14 days and during that period of time my 4 sons, daughters-in-law and my daughter have been constrained to cross the border and go to Macedonia, while myself with my wife Kimete stayed there in the mountain and after some time returned home. On 30 May, at around 12,30 hrs I went out of my house to take a look outside and when came back suddenly met at my yard gate with the accused Millosh and two other paramilitaries. They had military uniforms on, were armed with machine guns, knives and hand grenades. In the yard I saw my wife Kimete, Hafize and a young daughter-in-law Fatbardha with her husband Bedri. All the three of them were lined up backing the wall of the house. When I entered into the yard, the accused Millosh pointed the machine gun to my chest and ordered me to empty my pockets. I took my watches and the cigarettes out of my pocket; he took them from me and put them in his pocket. The other two paramilitaries, whose names I do not know, told Bedri Emerllahu to bring them in each house in order to search whether was anybody left there or not, while only the accused Millosh remained there with us. He ordered us to go into the house, inside to room of my house. It was me, my wife Kimete, Hafize, Fatbardha and Hajdar there inside that room. In the mean time Marte Tunaj came and before that the accused went out and deprived her of all golden valuables that she had on her. Then he brought her into the room where we were kept and pointing the machine gun at us he ordered not to move otherwise would kill all of us. After a little while the accused ordered Marte to leave the room. She first refused but he pointed his machine gun in her direction and forced her to go to the other room. There he kept her for 10-15 min and she can tell better how he behaved but Marte told us that the accused had asked for money from her. Then the accused Millosh Jokiq spoke to Fatbardha Emerllahu asking her to come to that other room too. He threatened her that in case she wouldn't go he would cut her head with a knife. After hearing that we all stood up and said to him that we were going to follow Fatbardha wherever she would go. After this the accused ordered all of us out of the room

to the yard of the house and ordered us to line up by the wire fence facing the accused. He was all the time pointing his machine gun at us. After some time he released all the others and brought me into the men's room. There the accused and two other paramilitaries put me on the wall and hit me in between the two arms. I fell down as a result of those hits and was laying on my flank. Then one of the paramilitaries pointed his machine gun at me as I was laying while the other one put his knife on my throat. Feeling the danger I asked them what they wanted from me. They asked me "where is your money you built this house". I told them that the house belonged to my son and that I did not have any money. Then they warned me that it was the last time they were asking me to give them the money otherwise they would kill me. And when they threatened me for the second time I told them that I had only 100 DM. They asked me to give it to them immediately but because my wife had them I told this to them. Then they released me and went outside. I called my wife and told her to give the 100 DM to them and she did so handing them over to Millosh Jokiq. After he got the money shouted loud that here it were the women to keep the money. Then they went in the direction of the house of Hajdar and I was observing them from the second floor of the house. I saw them going in the direction of the village of Gushica.

The witness BEDRI EMERLLAHU, declared during the main trial that: On 8 May, in the village of Verban came the paramilitaries with military uniforms and were shooting from their weapons and there were many shots fired on that occasion. Because of that we have been constrained to leave the houses and go to the mountain. Some two weeks later myself together with the family returned home thinking that the danger had already passed and same did some other co-villagers too. On 23 May my brothers with their families left going to Macedonia while myself together with my wife and the father stayed at home. Two days later, on 25 May 1999 I hit the road to Kacanik, aiming to cross the border to Macedonia because of the danger of Serb paramilitaries. Because of the closing of the border we have been constrained to come back home after some 4 days. We arrived home on Saturday. On Sunday, 30 May 1999, at around 12.45 hrs 3 paramilitaries with military uniforms came to our house. My father Rizah was in the yard in that moment and they yelled "freeze" many times at him but the father ran away while myself with my wife Fatbardha remained at home. All three paramilitaries came into the room braking the door and I thought they would kill me judging by their brutal behavior. I was on the second floor and they after braking the door threw me downstairs, asked for my ID and provoked me in different ways. After they forced me and my wife out, they started to look throughout the hamlet for the houses with smoking chimneys. They noticed that the chimney of the house of Elmaz Selamni was smoking and ordered us to go in that direction. When we arrived at the house of Elmaz found Elmaz's wife and the wife of Hajdar there. Then they were talking to the women and the accused took away 4 rings, one golden chain and the earrings from my wife. Then Elmaz, who was mowing, came there too and starting from that moment the two paramilitaries took me with them during their raiding of the houses throughout the hamlet. The accused Millosh remained at the house of Elmaz. In the beginning we went to the house of Hamdi Fetahu and they wanted to take his car. Then they continued the raids on other houses destroying everything they found. After we returned to the house of Elmaz where it was the third paramilitary with the three wives. Elmaz also joined us and we went to the house of Vehbi Selmani where they looted, raided and destroyed everything. During the raid of the house of Vehbi they ordered me to make some coffee for them and when they were drinking it and raki (int. note. alcoholic drink), which they found in the house, threatened me with 3 knives each of them that they would cut my throat or kill me. They said to me "do you know that we have killed 2, beaten 3 and that 2 have escaped from us???". I told them that I did not know

anything about this. Then they threatened me again asking for money. One of them took my track suit off and took 300 DM from me. After they took my money asked me whether I knew them. I told them that I did not. After that they forced me to carry two bags with looted stuff to the car of Hamdi Fetahu that was close to the gates of the house of Elmaz. After we put the stuff inside the car we came into the yard of Elmaz. There I saw Hajdar, Marte Tunaj and others. One of the paramilitaries asked Marte why she had come there when her house was elsewhere. Then they forced me and her to go to her house.

The witness added that he did not know the accused before but that now he knew him very well, that he remembered him because had stayed with him for more than 3 hours. He said that the accused in comparison with the other two was corpulent, taller and had his head shaved.

The witness ALEKSANDAR JACEVIC, declared during the main trial: I have been studying in the same elementary school with the accused Millosh Jokiq from the 5-th until the 8-th class. We have been together in the middle technical school but in different parallels. I have been in the metal-cutter parallel while the accused was in another parallel. On 19 March 1998 I was called to arms in Zajcare and after the military trainings was sent in Knjazhevc in the Serb-Bulgarian border unit. I was on military service until 17 June and arrived home in Viti only on 20 June 1999 because there were no cars to travel. In Viti I introduced myself and then competed with the first group of people to be admitted in the Kosovo police service and was admitted in the police academy in Vushtri. I started there on 22 May 2000 and finished it on 15 July.

The witnesses DRAGAN PAVLLOVIQ, DOBROSAV ANTIQ and ALEKSANDAR ZHDRALE, in the minutes before the investigating judge of the military court of Nish, from 24.09. and 27.09. 1999, have all declared that during the war time period, which was announced in FRY starting from 24.03.1999 until 13.06.1999, with their military units have been transferred and dislocated in the region of the village of Gushica of Viti Municipality. They were in charge of protecting the border from the irruption of infantry forces of the NATO Pact. They declared that the accused has never been engaged by the army neither as a reservist nor as a volunteer or terrain connoisseur. That they had never seen the accused wearing a military uniform or armed before though they knew him and his family very well. They declared that did not know about the killing of Rexhep Emerllahu from Verban village and said to have never heard about any civilian Albanian to have killed any Serb. Even if something like this would have occurred they would have heard but this was not possible to have happened without them coming to know about it.

From the minutes on the confrontation of the accused Millosh Jokiq with the witness Sabri Fetahu from 16.12.1999, the witness SABRI FETAHU, with his face facing directly the accused has declared that during the month of May 1999, I can not remember the date but maybe it was on 9 or 19 of May, I was driving a "Ferguson" model tractor, with a cabin, from the village of Sadovina to the village of Verban. When I have entered into the village of Verban have noticed that the village was deserted, the doors were opened and the animals were on the streets. When I got to Jasharaj hamlet you suddenly came in front of my tractor and ordered me to stop it. Then you told me to get out of it and from all those people there you have cursed me saying "I will f.....your mother, father, wife, children etc and everybody by the register". I did not dare to answer and have played smiling. After ten minutes you took me apart and ordered me to go behind and stand by the wall. He had his machine gun in his hand pointed at me. When I went close to the wall of that object suddenly heard the noise that the small garden gate makes when it opens. Then you shot a

burst from your machine gun but I do not know how many bullets. I heard that the door slammed and closed. Then after that burst you told me” run away you mother fucker”. I obeyed to your order, went to the tractor, started it and was not sure whether would escape death. I was waiting for the moment when you would kill me from behind, but you did not shoot at me.

From the minutes on confrontation of the witness MIFTAR METALLARI, with the accused, the witness Miftar Metallari, facing the accused has declared: During the war time period I have seen you wearing a military uniform. The accused turns to the witness Miftar and asks:”When is that you have seen me with a uniform”. The witness declares that he has seen him at the road corner that turns in the direction of our hamlet.

With the reading of the situation report in the village of Verban before and after the war compiled by the administrator of the village of Verban, it has been proved that the village of Verban had had 2096 inhabitants before the war and immediately after the starting of the NATO bombings, 90% of inhabitants of this village have been expelled by the Serb paramilitaries leaded by Millosh Jokiq from Gushica village.

With the examination of the photo documentation taken on the spot of the event by the KFOR, the court has established the traces of the projectiles that hit the side door of the yard of the house of Selim Emerllahu, and where according to the testimony given by Sabri Fetahu the now late Rexhep was shot by the accused.

Therefore, based on all the above-mentioned and examined evidences and established facts and in first order on the uncontestable fact that the accused Millosh Jokiq has committed the incriminating acts such as the killing of the now late Rexhep Emerllahu from the village of Verban, the ordering of the killing of Ramadan Berati from the village of Smira, the raping committed against Marte Tunaj and also other incriminating acts described in the enacting clause of this verdict. The court is convinced that the commission of these acts has been proved by the ocular witness testimonies both during the investigation procedure and the main trial, that the accused committed these acts during the armed conflict between NATO Pact forces on one side and the Serb military, police and paramilitary forces on the other and that such incriminating acts were aiming the mass expulsion of the civilian undefended Albanian population from its land and as a final step the ethnic cleansing of Kosovo. For these reasons the Court found all the elements of the criminal act of war crimes against civilian population present in the actions of the accused, as per the Article 142, par.1 of the Criminal Law of Yugoslavia, which criminal act is included in the Chapter XVI of the same law so of the criminal acts against humanity and the international law and not referred to the criminal act of genocide from the Article 141 of the Criminal law of Yugoslavia as he has been accused. This because according to this legal provision, in order to commit the criminal act of genocide, the author of such criminal act should have aimed the destruction of an ethnic and racial group and such act has not been supported with any evidence in this concrete case. Therefore the Court found the elements of the criminal act of war crimes against civilian population present in the actions of the accused, according to the provision of the Article 142, par.1 of the Criminal Law of Yugoslavia applicable based on the UNMIK Decree. In that regard, with these committed actions, the accused Millosh Jokiq has violated the rules of the International law, because the acts in question have been committed within the framework of the general and systematic plan of attacks against civilian population. With this he has violated the rules of the International law during the armed conflict therefore the Court found the accused guilty for this criminal act and pronounced the maximal

punishment of a time period of 20 (twenty) years to him foreseen for this criminal act according to the provision of the Article 142, par.1 of the Criminal law of Yugoslavia.

In the case of the calculation of the type and amount of penalty, the Court kept in mind all the circumstances foreseen by the provision of the Article 41 of the Criminal law of Yugoslavia which have their influence regarding the smoothness or harshness of the punishment. There were found no mitigating circumstances for the accused while as aggravating circumstances the Court took: the level of penal responsibility, the motives that incited the commission of the criminal act and the persistence demonstrated by the accused for the committed criminal act. Therefore the Court pronounced the maximal punishment foreseen for this criminal act as in the enacting clause of this verdict being convinced that only this kind of punishment could influence for the better both on the accused in first order and on his living community attaining this way the aim of the punishment as foreseen in the provision of the Article 5 and 33 of the Criminal law of Yugoslavia.

The decision on the criminal procedure expenses was based on the Provision of the article 98 of the Law on Penal Procedure.

Based on what has already been mentioned, the same was decided as in the enacting clause of this verdict

THE DISTRICT COURT IN GJILAN
On. 20.09.2000

Minute Taker,
Nurije Uruqi

Presiding Judge-Judge,
Hasan Sadiku

LEGAL REMEDY: The appeal against this verdict can be addressed to the Supreme Court of Kosovo in Pristina within a 15 days time limit from the date when this verdict was announced. The appeal should be submitted in two copies through this Court.