

**ANNEX 7 to**  
**Submission of amended Indictment and related documents**

Public

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Amended Evidentiary Outline  
Dormitory, Gjilan/Gnjilane

LEGAL ELEMENTS <sup>1</sup>	REFERENCE(S) TO EVIDENCE
<b>CRIMES</b>	
<b>1. War Crimes</b>	
<b>Elements of Underlying Counts</b>	
<b>Count 3: Illegal or Arbitrary Arrest and Detention</b>	
(1) Deprivation of an individual's liberty without due process of law.	In late July 1999, [REDACTED] was taken by car from his place of work to the Dormitory in Gjilan/Gnjilane. <sup>2</sup> At the Dormitory, he was searched and his car keys and identification card were taken and his driver's license was torn apart. <sup>3</sup> [REDACTED] was held in a basement under guard and his hands were tied. <sup>4</sup> He was not told of the reason for his detention or arrest and was not accused of having committed any crime. <sup>5</sup>
(2) Intent to deprive an individual of liberty without due process of law or in the reasonable knowledge that the act or	The perpetrators' intent is demonstrated by the circumstances of the arrest and detention and the deliberate manner in which the detainee was brought to and detained at the Dormitory.

<sup>1</sup> Pursuant to the Amendment Decision (KSC-BC-2020-06/F00777, para.40), this amended outline includes details of the evidence submitted to support the modification of the timeframe for the Gjilan/Gnjilane detention site (to include July 1999), in particular, those facts relating to [REDACTED]'s detention and mistreatment. These evidentiary details are consistent with those set out in the Amendment Decision (KSC-BC-2020-06/F00777, paras 120-144 and 153-161) and Corrected Version of Prosecution Pre-Trial Brief (KSC-BC-2020-06/F00709/A01, paras 667-674). *See also* KSC-BC-2020-06/F00455/A04, p.12.

<sup>2</sup> 076248-TR-ET Part 1, pp.5, 9, 11; Part 2, p.2; Part 3, pp.9-10.

<sup>3</sup> 076248-TR-ET Part 2, p.3.

<sup>4</sup> 076248-TR-ET Part 1, pp.8-9; Part 2, pp.4-5.

<sup>5</sup> 076248-TR-ET Part 3, pp.2, 5.

Public Redacted  
Amended Evidentiary Outline  
Dormitory, Gjilan/Gnjilane

omission is likely to cause arbitrary deprivation of liberty.	
(3) The victim is a person taking no active part in the hostilities.	[REDACTED], <sup>6</sup> was taken from his place of work. <sup>7</sup> He was never in the military. <sup>8</sup>
(4) Knowledge that the victim is a person taking no active part in hostilities.	The perpetrators participated in and were aware of the circumstances of the victim's arrest and/or detention.
<b>Count 5: Cruel or Inhuman Treatment</b>	
(1) An act or omission that causes serious mental or physical suffering or injury, or constitutes a serious attack on human dignity.	<p>KLA members caused serious mental or physical suffering or injury to, or seriously attacked the human dignity of [REDACTED] by arbitrarily detaining him (<i>see Count 3</i>). KLA members also caused serious mental or physical suffering or injury to the victim, or seriously attacked his human dignity, by mistreating him and/or through the conditions of his detention.</p> <p>At the Dormitory, as also set out above, [REDACTED] was searched and his car keys and identification card were taken and his driver's license was torn apart.<sup>9</sup> Next, in a basement, at least three men took turns beating [REDACTED], who was seated and tied, with bare hands and/or sticks, mostly on his back, for at least 40 minutes to an hour in the presence of at least one other man and within earshot of others.<sup>10</sup> One of the men brandished a pistol and pointed it at the victim.<sup>11</sup> The beating was carried out in an apparently organised manner and one of the men gave</p>

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<sup>6</sup> 076248-TR-ET Part 1, p.3.

<sup>7</sup> 076248-TR-ET Part 1, pp.5, 9, 11; Part 2, p.2; Part 3, pp.9-10.

<sup>8</sup> 076248-TR-ET Part 1, p.8.

<sup>9</sup> 076248-TR-ET Part 2, p.3.

<sup>10</sup> 076248-TR-ET Part 1, p.9; Part 2, pp. 4-5.

<sup>11</sup> 076248-TR-ET Part 2, p.5.

Public Redacted  
Amended Evidentiary Outline  
Dormitory, Gjilan/Gnjilane

	<p>instructions as to how to beat the victim.<sup>12</sup> During the beating, the victim was interrogated (<i>see Count 7, element 2</i>).</p> <p>[REDACTED] sustained bruises and contusions that took about a month to heal<sup>13</sup> and had psychological conditions that continued after his release.<sup>14</sup></p>
(2) Intent to inflict serious bodily or mental harm or commit a serious attack upon the human dignity of the victim.	The perpetrators' intent is demonstrated by their active participation in the arrest, detention, and mistreatment of the detainee.
(3) The victim is a person taking no active part in the hostilities.	The the victim was taking no active part in the hostilities even before he was detained ( <i>see Count 3, element 3</i> ) and was then in KLA custody.
(4) Knowledge that the victim is a person taking no active part in hostilities.	The perpetrators participated in and were aware of the victim's detention and/or the circumstances of his arrest. <i>See Count 3, element 4, and Count 5, element 1.</i>
<b>Count 7: Torture</b>	
(1) The infliction, by act or omission, of severe pain or suffering, whether physical or mental.	<p>In late July 1999, perpetrators inflicted severe pain or suffering on [REDACTED] while he was detained and mistreated at the Dormitory.</p> <p><i>See Count 5, element 1.</i></p>
(2) Aimed at obtaining information or a confession, or at punishing, intimidating or coercing the	During his detention and mistreatment, [REDACTED] was questioned regarding Serbs in the military, an incident during which an Albanian man had been shot, whether the victim had weapons or was in the military, and about a location allegedly used by a Serbian command post

<sup>12</sup> 076248-TR-ET Part 1, p.9; Part 2, p.5.

<sup>13</sup> 076248-TR-ET Part 3, p.9.

<sup>14</sup> 076248-TR-ET Part 3, p.10.

Public Redacted  
Amended Evidentiary Outline  
Dormitory, Gjilan/Gnjilane

victim or a third person, or at discriminating, on any ground, against the victim or a third person.	and Serbian forces. <sup>15</sup> The perpetrators told the victim he had to give a statement because he continued to work [REDACTED], <sup>16</sup> requested the victim to work for them, <sup>17</sup> and told the victim to leave Kosovo. <sup>18</sup>
(3) Intent to inflict severe pain or suffering	<i>See Count 5, element 2.</i>
(4) The victim is a person taking no active part in the hostilities.	<i>See Count 5, element 3.</i>
(5) Knowledge that the victim is a person taking no active part in hostilities.	<i>See Count 5, element 4.</i>
<b>Count 9: Murder or Killing</b>	
(1) An act or omission resulting in the death of an individual.	[REDACTED] [REDACTED] and [REDACTED] were both abducted in Gjilan/Gnjilane just two days apart, on [REDACTED] 1999, respectively. [REDACTED] was escorted away towards the Dormitory and was not seen again, until his body was found in June 2000. Just two days later, on [REDACTED] July 1999, [REDACTED] was abducted, taken to the Dormitory and was never seen again until his body was found in 2002. [REDACTED].

<sup>15</sup> 076248-TR-ET Part 1, p.8; Part 2, pp. 4-6.

<sup>16</sup> 076248-TR-ET Part 1, p.11.

<sup>17</sup> 076248-TR-ET Part 2, p.7.

<sup>18</sup> 076248-TR-ET Part 1, p.8; Part 3, pp.7-8.

Public Redacted  
Amended Evidentiary Outline  
Dormitory, Gjilan/Gnjilane

	<p>(1) [REDACTED]</p> <p>[REDACTED] who was taken from his home on [REDACTED] July 1999, along with his next-door neighbour, [REDACTED] and a relative, [REDACTED], by three or four men in black and by his neighbor, [REDACTED]. While the women were released once they arrived near the Dormitory, [REDACTED] was not seen again until his body was found in June 2000.<sup>19</sup></p> <p>(a) <u>Abduction of [REDACTED]</u></p> <p>[REDACTED] in Gjilan/Gnjilane.<sup>20</sup> In search of a break from the constant buzzing of her doorbell by Albanian youth telling her to 'go to Slobodan Milošević, you Chetnik woman. Just go away' and to 'leave Kosovo,'<sup>21</sup> she went to visit [REDACTED] who was at [REDACTED]'s place on [REDACTED] July 1999 at approximately 19:00.<sup>22</sup></p> <p>[REDACTED] observed how [REDACTED] appeared suddenly with 'some people from the UCK and with one of our neighbours.'<sup>23</sup> There were possibly three or four of them, in black uniforms.<sup>24</sup> One of them may have had a pair of handcuffs.<sup>25</sup> The neighbor was in civilian clothing and his name was [REDACTED].<sup>26</sup></p> <p>[REDACTED] could hear them speaking in Serbian in the living room.<sup>27</sup> [REDACTED] was 'very frightened.'<sup>28</sup> She was just looking for a way she could 'get away from that situation.'<sup>29</sup></p> <p>During this time, within the span of approximately 30 minutes, the first neighbor left and the second neighbor appeared, [REDACTED].<sup>30</sup> '[T]hey started with this story that [REDACTED] should get some kind of passes for free movement.'<sup>31</sup> [REDACTED] replied, 'Listen, I'm going to come tomorrow. I'm going to give you a statement or whatever you want. And now, if I go now, now it's the curfew, so if I go with you now, I will not be able to return.'<sup>32</sup> The apartment was searched at some point, and they took a bag from [REDACTED], a briefcase, but [REDACTED] did not know what was in that briefcase.<sup>33</sup></p> <p>According to [REDACTED], 'all of a sudden we all had to go get those passes, so they picked all three of us. They took us away with them and brought us to the Internat, to the Dormitory.'<sup>34</sup></p>
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Public Redacted  
Amended Evidentiary Outline  
Dormitory, Gjilan/Gnjilane

	<p>[REDACTED], a KLA person, and [REDACTED] were in [REDACTED] car.<sup>35</sup> The other remaining KLA personnel were in their own vehicle.<sup>36</sup></p> <p>The vechile stopped in front of the high school, across the road from the Dormitory and one of the KLA men from the second car stepped out and announced: 'The Commander has gone to Malishevo,' a village near Gjilan/Gnjilane.<sup>37</sup> [REDACTED] and others sat in the car for a short amount of time,<sup>38</sup> until the same KLA person came back.<sup>39</sup> He told them to get out of the car and he said, 'Okay. You bring him over here and take these women home.'<sup>40</sup></p>
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<sup>19</sup> SITF00030155-SITF00030184, p.5.

<sup>20</sup> 082037-TR-ET, Part 1, p.6.

<sup>21</sup> 082037-TR-ET, Part 1, pp.6, 8; Part 2 pp.3-4, 11 and 24.

<sup>22</sup> 082037-TR-ET, Part 1, pp.6-8; Part 2 p.25.

<sup>23</sup> 082037-TR-ET, Part 1, pp.8-9.

<sup>24</sup> 082037-TR-ET, Part 1, p.9.

<sup>25</sup> 082037-TR-ET, Part 1, p.9; Part 2, p.25.

<sup>26</sup> 082037-TR-ET, Part 1, pp.8-9; *see also* Part 2, pp.27-28.

<sup>27</sup> 082037-TR-ET, Part 1, pp.10-11.

<sup>28</sup> 082037-TR-ET, Part 1, pp.11-12; Part 2, p.4.

<sup>29</sup> 082037-TR-ET, Part 1, p.11.

<sup>30</sup> 082037-TR-ET, Part 1, p.12.

<sup>31</sup> 082037-TR-ET, Part 1, pp.12-13.

<sup>32</sup> 082037-TR-ET, Part 1, p.13.

<sup>33</sup> 082037-TR-ET, Part 2, pp.24, 30.

<sup>34</sup> 082037-TR-ET, Part 1, p.14.

<sup>35</sup> 082037-TR-ET, Part 1, p.16.

<sup>36</sup> 082037-TR-ET, Part 1, p.16.

<sup>37</sup> 082037-TR-ET, Part 1, pp.17-18.

<sup>38</sup> 082037-TR-ET, Part 1, p.18.

<sup>39</sup> 082037-TR-ET, Part 1, p.20.

<sup>40</sup> 082037-TR-ET, Part 1, p.20.

Public Redacted  
Amended Evidentiary Outline  
Dormitory, Gjilan/Gnjilane

	<p>The women responded that they wanted to go with [REDACTED], and he shouted, ‘take these women home.’<sup>41</sup> He said it twice to [REDACTED] who didn’t say anything back.<sup>42</sup> [REDACTED] saw [REDACTED] not far from her, with two persons accompanying him on each of his sides towards the direction of the Dormitory.<sup>43</sup> She never saw [REDACTED] again after that evening.<sup>44</sup></p> <p>During the ride back, [REDACTED] told [REDACTED] that he knew some important people and she thought that meant that he would help [REDACTED].<sup>45</sup> After [REDACTED] and the two women came back to their apartment building, [REDACTED] said that he would go to a coffee shop [REDACTED], to find out what happened to [REDACTED].<sup>46</sup> He said that he would return in 20 to 30 minutes.<sup>47</sup> Skeptical that he would be back after 20 minutes, [REDACTED] went to [REDACTED] after half an hour.<sup>48</sup> [REDACTED] opened the door and pretended that nothing had happened.<sup>49</sup> [REDACTED] confronted him saying, ‘this kidnapping, right, you actually kidnapped him.’<sup>50</sup></p> <p>The next morning, feeling unsafe, [REDACTED] asked a friend to go with her to the Serbian Orthodox Church to report the kidnapping to the UN and KFOR.<sup>51</sup></p>
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<sup>41</sup> 082037-TR-ET, Part 1, p.20; Part 2, p.5.

<sup>42</sup> 082037-TR-ET, Part 1, p.20.

<sup>43</sup> 082037-TR-ET, Part 1, p.21; Part 2, pp.5-6.

<sup>44</sup> 082037-TR-ET, Part 1, p.21; Part 2, p.5.

<sup>45</sup> 082037-TR-ET, Part 1, p.20; Part 2, p.6.

<sup>46</sup> 082037-TR-ET, Part 2, pp.6-7, 31.

<sup>47</sup> 082037-TR-ET, Part 2, p.7.

<sup>48</sup> 082037-TR-ET, Part 2, p.7.

<sup>49</sup> 082037-TR-ET, Part 2, p.7.

<sup>50</sup> 082037-TR-ET, Part 2, p.7.

<sup>51</sup> 082037-TR-ET, Part 2, pp.8-9.



Public Redacted  
Amended Evidentiary Outline  
Dormitory, Gjilan/Gnjilane

(b) Autopsy

The autopsy of [REDACTED] was conducted on [REDACTED].<sup>52</sup> There was a gunshot wound to the skull.<sup>53</sup> Two bullets were found in soft tissue that indicated that he was shot a further time in another part of the body.<sup>54</sup> Cause of death was multiple gunshot wounds.<sup>55</sup> DNA samples from the family were used to confirm the identity of the body.<sup>56</sup>

(2) [REDACTED]<sup>57</sup>

[REDACTED].<sup>58</sup> [REDACTED].<sup>59</sup> He and his wife lived in Gjilan/Gnjilane on [REDACTED].<sup>60</sup> All the Serbs from the building had left prior to the incident and although [REDACTED], had begged him to leave, he kept saying that he did not need to leave as he did no harm.<sup>61</sup> They had sent their kids away to Serbia, just two days before the incident.<sup>62</sup>

[REDACTED] was abducted from his home in the morning of [REDACTED] July 1999, in the presence of his [REDACTED].<sup>63</sup> His is body was identified on [REDACTED].<sup>64</sup>

(a) Weapons seizure prior to the abduction of [REDACTED]

The evening before [REDACTED] was abducted, on [REDACTED] July 1999, a few young men from the neighbourhood came to collect weapons from him.<sup>65</sup> They said that they were with the KLA.<sup>66</sup> They said they were sent by the KLA and that if [REDACTED] surrendered his weapon, that he would be safe in his own apartment.<sup>67</sup> They were all outside of their front door, with some commotion as [REDACTED] did not want to surrender the weapons.<sup>68</sup>

[REDACTED] asked a neighbor that was passing by at that time, who was also [REDACTED], who these men were.<sup>69</sup> One of them was [REDACTED],<sup>70</sup> who lived in the building behind<sup>71</sup> them and the neighbour advised that [REDACTED] should surrender the weapons for his 'own safety'<sup>72</sup> and so that he would not have 'any problems with the KLA.'<sup>73</sup>

[REDACTED] handed his weapon over and asked for a receipt, but was told that there was no need for one to be issued.<sup>74</sup> Then, they explained that he would be getting one, the next day.<sup>75</sup>

(b) Abduction of [REDACTED]

Public Redacted  
Amended Evidentiary Outline  
Dormitory, Gjilan/Gnjilane

	The next day, in the morning of [REDACTED] July 1999, someone rang the doorbell. <sup>76</sup> [REDACTED] told her husband to stay inside. <sup>77</sup> She and her husband were scared. <sup>78</sup> They had heard about others
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<sup>52</sup> SITF00030155-SITF00030184, p.5.

<sup>53</sup> SITF00030135-SITF00030137, p.1.

<sup>54</sup> SITF00030135-SITF00030137, p.1.

<sup>55</sup> SITF00030135-SITF00030137, p.1.

<sup>56</sup> SITF00030155-SITF00030184, p.24.

<sup>57</sup> The last name has been spelt many different ways, including: [REDACTED]. The adopted spelling is the one used by his wife, although note that [REDACTED] is the name found on the birth certificate. *See* SITF00272501-SITF00272501, p.1; SITF000269164-SITF000269164-ET.

<sup>58</sup> 078047-TR-ET Part 1, p.6

<sup>59</sup> 078047-TR-ET Part 1, pp.6-7.

<sup>60</sup> 078047-TR-ET Part 1, p.7.

<sup>61</sup> 078047-TR-ET Part 1, p.19.

<sup>62</sup> 078047-TR-ET Part 1, pp.16-17.

<sup>63</sup> 078047-TR-ET Part 1, pp.7, 13.

<sup>64</sup> SITF00188171-00188185, p.3.

<sup>65</sup> 078047-TR-ET Part 1, pp.7-8; Part 2, p.2.

<sup>66</sup> 078047-TR-ET Part 1, p.10.

<sup>67</sup> 078047-TR-ET Part 1, p.8.

<sup>68</sup> 078047-TR-ET Part 1, pp.9-10.

<sup>69</sup> 078047-TR-ET Part 1, p.8; Part 2, p.2.

<sup>70</sup> 078047-TR-ET Part 1, p.8; Part 2, p.2.

<sup>71</sup> 078047-TR-ET Part 1, pp.8, 10.

<sup>72</sup> 078047-TR-ET Part 1, p.8.

<sup>73</sup> 078047-TR-ET Part 1, p.10.

<sup>74</sup> 078047-TR-ET Part 1, p.11.

<sup>75</sup> 078047-TR-ET Part 1, p.11.

<sup>76</sup> 078047-TR-ET Part 1, p.13.

<sup>77</sup> 078047-TR-ET Part 1, p.13.

<sup>78</sup> 078047-TR-ET Part 1, p.16.

Public Redacted  
Amended Evidentiary Outline  
Dormitory, Gjilan/Gnjilane

	<p>being taken away most nights, never to be seen again, including most recently [REDACTED].<sup>79</sup> [REDACTED] was also scared for his wife [REDACTED], because if he were taken away, she would be the only Serb left in the building.<sup>80</sup></p> <p>As she opened the door, she saw two men.<sup>81</sup> They asked: 'Where is [REDACTED]?' She responded that he was at home. They asked him to step outside.<sup>82</sup> [REDACTED] went back inside and told her husband that there are two unknown men at the front door asking for him.<sup>83</sup> He got up and went to the front door.<sup>84</sup></p> <p>They said they would like to come inside.<sup>85</sup> They came in and sat down.<sup>86</sup> [REDACTED] later learned from her neighbour that one of them was named [REDACTED].<sup>87</sup> One of the men said to her husband, '[REDACTED], get ready and we'll take you to the boarding school.'<sup>88</sup> [REDACTED] resisted, saying that there was no need for that, explaining that the night before he had surrendered his weapons.<sup>89</sup></p> <p>[REDACTED] kept refusing. They said, 'you better go. It's better that you go voluntarily rather than being forced to.'<sup>90</sup> They said that he would be back in half an hour.<sup>91</sup></p>
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<sup>79</sup> 078047-TR-ET Part 1, p.16.

<sup>80</sup> 078047-TR-ET Part 1, p.16.

<sup>81</sup> 078047-TR-ET Part 1, p.13.

<sup>82</sup> 078047-TR-ET Part 1, p.13.

<sup>83</sup> 078047-TR-ET Part 1, pp 13-14.

<sup>84</sup> 078047-TR-ET Part 1, p.14.

<sup>85</sup> 078047-TR-ET Part 1, p.14.

<sup>86</sup> 078047-TR-ET Part 1, p.14.

<sup>87</sup> 078047-TR-ET Part 1, pp.14-15, 17.

<sup>88</sup> 078047-TR-ET Part 1, p.14.

<sup>89</sup> 078047-TR-ET Part 1, p.14.

<sup>90</sup> 078047-TR-ET Part 1, p.14.

<sup>91</sup> 078047-TR-ET Part 1, p.14.

Public Redacted  
Amended Evidentiary Outline  
Dormitory, Gjilan/Gnjilane

	<p>[REDACTED] turned around and looked at his wife and tried to tell her that they knew each other and that they worked in the same field.<sup>92</sup> He told her not to worry, that he would be back in half an hour.<sup>93</sup> He was wearing sweatpants and indoor slippers and wanted to change.<sup>94</sup> They told him that there was no need to change that he would be back in half an hour.<sup>95</sup> As they took him, [REDACTED] started crying.<sup>96</sup> She ran to the balcony and saw that he was 'practically pushed' into a gray car.<sup>97</sup></p> <p>Approximately an hour later, she then went to her next-door neighbor who lived across from them.<sup>98</sup> She told him that they took her husband away to the boarding school.<sup>99</sup> He said he would go to check if that is where they took him.<sup>100</sup> He said that he was 'at the boarding school. He's being interrogated. He will be released in half an hour.'<sup>101</sup> He explained further, 'you know how -- how this whole situation is. It's very dangerous, even for myself. I need to stay low profile.'<sup>102</sup></p> <p>[REDACTED] never saw her husband alive thereafter. His body was identified on [REDACTED].<sup>103</sup></p>
<p>(2) Intent to kill or to wilfully cause serious injury or grievous bodily harm which the perpetrator</p>	<p>The deliberate manner in which the KLA perpetrators treated the victims demonstrated their intent. The perpetrators were associated with the Dormitory detention site, where victims were deliberately subject to serious injury or grievous bodily harm which the perpetrators should have reasonably known might lead to death. The victims, who were previously [REDACTED], were</p>

<sup>92</sup> 078047-TR-ET Part 1, p.14.

<sup>93</sup> 078047-TR-ET Part 1, p.14.

<sup>94</sup> 078047-TR-ET Part 1, pp.14, 19.

<sup>95</sup> 078047-TR-ET Part 1, p.14.

<sup>96</sup> 078047-TR-ET Part 1, p.14.

<sup>97</sup> 078047-TR-ET Part 1, pp.15, 20.

<sup>98</sup> 078047-TR-ET Part 1, pp.15, 20.

<sup>99</sup> 078047-TR-ET Part 1, p.15.

<sup>100</sup> 078047-TR-ET Part 1, p.15.

<sup>101</sup> 078047-TR-ET Part 1, p.20.

<sup>102</sup> 078047-TR-ET Part 1, p.20.

<sup>103</sup> SITF00188171-00188185, p.3.

Public Redacted  
Amended Evidentiary Outline  
Dormitory, Gjilan/Gnjilane

should reasonably have known might lead to death.	identified, singled out, interrogated, abducted, and isolated. Within a matter of two days, both victims were abducted and disappeared in comparable circumstances.
(3) The victim is a person taking no active part in the hostilities.	The victims, former [REDACTED] were at home at the time of their respective abductions.
(4) Knowledge that the victim is a person taking no active part in the hostilities.	The victims were known to the perpetrators, were at home at the time of abductions, and were questioned before being taken away.
<b>2. Crimes Against Humanity</b>	
<b>Elements of Underlying Counts</b>	
<b>Count 2: Imprisonment</b>	
(1) Deprivation of an individual's liberty without due process of law.	<i>See Count 3, element 1.</i>
(2) Intent to deprive an individual of liberty without due process of law or in the reasonable knowledge that the act or omission is likely to cause arbitrary deprivation of liberty.	<i>See Count 3, element 2.</i>
<b>Count 4: Other Inhumane Acts</b>	
(1) An act or omission that causes serious bodily or mental harm or	<i>See Count 5, element 1.</i>

Public Redacted  
Amended Evidentiary Outline  
Dormitory, Gjilan/Gnjilane

constitutes a serious attack on human dignity.	
(2) Is of similar gravity to other enumerated crimes against humanity.	<i>Cf. Counts 1, 2, 6, and 8.</i>
(3) Performed deliberately with the intent to inflict serious bodily or mental harm or commit a serious attack upon the human dignity of the victim.	<i>See Count 5, element 2.</i>
<b>Count 6: Torture</b>	
(1) The infliction, by act or omission, of severe pain or suffering, whether physical or mental.	<i>See Count 5, element 1 and Count 7, element 1.</i>
(2) Aimed at obtaining information or a confession, or at punishing, intimidating or coercing the victim or a third person, or at discriminating, on any ground, against the victim or a third person.	<i>See Count 7, element 2.</i>
(3) Intent to inflict severe pain or suffering.	<i>See Count 7, element 3.</i>

Public Redacted  
Amended Evidentiary Outline  
Dormitory, Gjilan/Gnjilane

<b>Count 8: Murder</b>	
(1) An act or omission resulting in the death of an individual.	<i>See Count 9, element 1.</i>
(2) Intent to kill or to wilfully cause serious injury or grievous bodily harm which the perpetrator should reasonably have known might lead to death.	<i>See Count 9, element 2.</i>
<b>Count 1: Persecution</b>	
(1) Act or omission that discriminates in fact.	The victims included [REDACTED], were of Serb ethnicity, and/or were associated with Serbs ( <i>see Counts 2-9 above</i> ).
(2) Denies or infringes upon a fundamental right laid down in international customary or treat law.	<i>Cf. Counts 2-9.</i>
(3) Is of comparable gravity to enumerated crimes against humanity.	<i>Cf. Counts 2-9.</i>
(4) Carried out deliberately with the intention to discriminate on political, racial, ethnic or religious grounds.	The deliberate nature of the perpetrators' acts or omissions and their intention to discriminate is demonstrated by the manner in which the victims were identified, singled out and isolated, interrogated, abducted, and mistreated ( <i>see Counts 2-9 above</i> ).