



Republic of Serbia
Office of the War Crimes Prosecutor

DISTRICT COURT IN BELGRADE
WAR CRIMES CHAMBER

25 April 2005

Pursuant to my authority under Art. 46 Para. 2 (3), Art. 265 Para. 1 and Art. 266 of the Act on Criminal Procedure, re Art. 4 of the Law on Organization and Competence of State Authorities in War Crimes Proceedings, I herein raise the

INDICTMENT

Against the following accused persons:

RADOSLAV MITROVIĆ aka Rade, Colonel, Assistant Gendermerie Commander, with no previous criminal record, currently detained further to Ruling Ref. Ki.V.9/05 of 17 October 2005, rendered by the Belgrade War Crimes Chamber Investigating Judge, the detention period counting as of 26 October 2005, when he was deprived of liberty;

RADOJKO REPANOVIĆ, Assistant Commander of the Police Unit in Kruševac, with no previous criminal record, currently detained further to Ruling Ref. Ki.V.9/05 of 17 October 2005, rendered by the Belgrade War Crimes Chamber Investigating Judge, the detention period counting as of 26 October 2005, when he was deprived of liberty;

NENAD JOVANOVIĆ aka Neša, Criminal Inspector of the Police Unit in Lazarevac, with no previous criminal record, currently detained further to Ruling Ref. Ki.V.9/05 of 17 October 2005, rendered by the Belgrade War Crimes Chamber Investigating Judge, the detention period counting as of 26 October 2005, when he was deprived of liberty;

SLAĐAN ČUKARIĆ aka Božo, Officer of the Police Unit in Leskovac, with no previous criminal record, currently detained further to Ruling Ref. Ki.V.9/05 of 17 October 2005, rendered by the Belgrade War Crimes Chamber Investigating Judge, the detention term counting as of 26 October 2005, when he was deprived of liberty;

MILORAD NIŠAVIĆ aka Miško, merchant, with no previous criminal record, currently detained further to Ruling Ref. Ki.V.9/05 of 17 October 2005, rendered by the Belgrade War Crimes Chamber Investigating Judge, the detention term counting as of 26 October 2005, when he was deprived of liberty;

MIROSLAV PETKOVIĆ aka Miki, worker, with no previous criminal record, currently detained further to Ruling Ref. Ki.V.9/05 of 17 October 2005, rendered by the Belgrade War Crimes Chamber Investigating Judge, the detention term counting as of 26 October 2005, when he was deprived of liberty;

ZORAN PETKOVIĆ, traffic technician – driver, with no previous criminal record, currently detained further to Ruling Ref. Ki.V.9/05 of 17 October 2005, rendered by the Belgrade War Crimes Chamber Investigating Judge, the detention term counting as of 26 October 2005, when he was deprived of liberty;

RAMIZ PAPIĆ, employed with the Ministry of the Interior of the Republic of Serbia (MUP), member of the Police Unit in Sjenica, with no previous criminal record, currently detained further to Ruling Ref. Ki.V.9/05 of 17 October 2005, rendered by the Belgrade War Crimes Chamber Investigating Judge, the detention term counting as of 26 October 2005, when he was deprived of liberty,

FOR THE REASONS SET FORTH BELOW:

On the 26th day of March 1999, as of 12.00 hrs. onwards, at the site of Suva Reka (AP Kosovo and Metohija), amidst the armed conflict between the armed forces of the Federal Republic of Yugoslavia (i.e. Yugoslav Army and Serbian Police forces) on one side, and members of the armed military organization called «Kosovo Liberation Army» («KLA»; «UCK») on the other, concurrently with the armed conflict between the Federal Republic of Yugoslavia and the Coalition of NATO forces,

Acting as members of Special Police Units (SPU), drawn from active and reserve forces of the Suva Reka Police Unit being part of the Serbian Police Force, along with the members of the then State Security Service and members of the Territorial Defence,

In breach of International Humanitarian Law governing the conduct of war, contained in the provisions of Art. 3 (1 a, c) of IV Geneva Convention on Protection of Civilians in War Circumstances of 12 August 1949, in Arts. 51, 75, 76 and 77 of the Annexed Protocol I on protection of victims of international armed conflicts, and in Arts. 4 and 13 of Annexed Protocol II on protection of victims of noninternational armed conflicts,

The aforementioned accused individuals are criminally responsible for the following

offences:

Radoslav Mitrović, Radojko Repanović and Nenad Jovanović, in their respective capacities of Commander of 37th Detachment within SPU, (also known as »Niš Detachment«), Commander of the Suva Reka Police Unit and Assistant Commander of the Suva Reka Police Unit,

Ordered attacks on civilians at Beriškansko Naselje, a suburb close to the Reštan road, inhabited by the Beriša and other Albanian families, the attacks involving murders of civilians, large-scale destruction of their property, and subsequent relocation of the survivors,

Whereas the accused: Slađan Čukarić, Miroslav Petković and Ramiz Papić, aided and abetted by the following individuals: (deceased) Radovan Tanović, (deceased) Miroslav Đorđević, a number of FNU LNU members of the Suva Reka Police Unit, Milorad Nišavić acting within the State Security Service along with another FNU LNU State Security member, Zoran Petković, acting within the Territorial Defence force along with a number of FNU LNU Territorial Defence members, as well as other FNU

LNU members of the Niš Detachment,

In a joint and simultaneous action, while being aware of and willing to act upon the received order, armed with their personal weaponry, left the courtyard of the Suva Reka Police building and went towards the houses along the Reštan road inhabited by ethnic Albanian civilians, who had not been involved in the hostilities; having arrived at the stated site, the aforementioned accused individuals forced the residents out of their homes, subsequently searching, plundering and burning their personal and real properties, as well as killing some of the victims; meanwhile, intimidating the survivors by death threats, the accused forced them to leave Suva Reka and move to Albania.

CHARGES

COUNT I:

Further to the order issued by the Kosovo and Metohija Police Headquarter within the Ministry of the Interior, in his commanding capacity over 37th SPU Detachment («Niš Detachment»), RADOSLAV MITROVIĆ, assisted by around forty members of his unit, was assigned to head and supervise the previously detailed joint operation of the military and police forces, which was, at the time relevant to this indictment, underway in his immediate vicinity, at around 2 km away from the downtown area and throughout the whole of the Suva Reka municipality. As the aforementioned

joint forces were taking shooting positions and advancing toward the Reštan road, the accused, RADOŠLAV MITROVIĆ, approached the accused: Radojko Repanović and Nenad Jovanović in front the Suva Reka Police building and ordered them and the police units under their command to join his group in the searching and burning campaign, whereby they should kill those found inside the houses, load their bodies onto a truck and drive them away. RADOŠLAV MITROVIĆ instigated the stated police units to obey his orders by saying: «Move along, why are you hesitating, kill them and drive them away... don't expect me to do your part of the job».

Acting upon Mitrović's orders, the accused: RADOJKO REPANOVIĆ and NENAD JOVANOVIĆ, in their respective capacities of Commander and Assistant Commander of the Suva Reka Police Unit, assigned a group of cca. ten active and reserve members of the Suva Reka Police Unit, which consisted of the following accused persons: Slađan Čukarić, Miroslav Petković and Ramiz Papić, along with (deceased) Radovan Tanović, (deceased) Miroslav Đorđević and a number of still unidentified members of this police unit, to perform the task as described above. The accused, RADOJKO REPANOVIĆ, urged the aforementioned group to act by saying: «Go there, kill them, load the bodies and drive them away», whereas the accused, NENAD JOVANOVIĆ, ordered: «Hurry up, move along». Subsequently, REPANOVIĆ and JOVANOVIĆ drew another group of the Suva Reka Police members, whom REPANOVIĆ ordered to assist the Civil Defence forces in loading the bodies of the killed onto a truck and drive them away from the scene of the event. The accused:

SLAĐAN ČUKARIĆ, head of a sector within the Suva Reka Police Unit;

MIROSLAV PETKOVIĆ, officer of the Suva Reka Police Unit;

RAMIZ PAPIĆ, head of a patrol group within the Suva Reka Police Unit;

MILORAD NIŠAVIĆ, member of the State Security covering the Prizren area; and

ZORAN PETKOVIĆ, reserve officer of the Suva Reka Police Unit,

Are charged as follows:

1. After SLAĐAN ČUKARIĆ, MIROSLAV PETKOVIĆ and (deceased) Radovan Tanović had removed captive Abdulah Ešljani from the Suva Reka Police detention facility, SLAĐAN ČUKARIĆ took the previously tied captive to the house owned by Nedžad Beriša, which was approximately 100 metres away, and fired a bullet from his automatic rifle into the victim's chest, whereupon the latter fell on the ground; subsequently, ČUKARIĆ approached the victim and, shooting from a close distance, fired another bullet into the victim's head, the inflicted wounds resulting in the

victim's death.

2. The accused: SLAĐAN ČUKARIĆ, MIROSLAV PETKOVIĆ, ZORAN PETKOVIĆ, RAMIZ PAPIĆ and MILORAD NIŠAVIĆ, aided and abetted by (deceased) Radovan Tanović and (deceased) Miroslav Đorđević, rounded up the family houses of Sedat, Bujar, Faik, Nedžad and Vesel Beriša, at the time being occupied by a total of around 50 persons, i.e. the Beriša family members; in subsequence, the aforementioned accused forcefully entered the houses and engaged in large-scale searches; they removed all of the residents from Vesel Beriša's house and separated males from women and children; the two separated groups were encircled, while the group consisting of women and children was forced by gunshots to move in the direction of the local shopping mall and pizza restaurant; meanwhile,

(a) The accused, SLAĐAN ČUKARIĆ, aided and abetted by (deceased) Radovan Tanović, lined up Nedžad Beriša, Hava Beriša, Faton Beriša and Fatima Beriša against a wall of Faik Beriša's house and in a series of consecutive shooting rounds deprived the victims of life;

(b) The accused, ZORAN PETKOVIĆ, called Bujar Beriša out by shouting: «Where are your Americans now to help you – come out here – there shall not remain a single living Albanian – we shall eliminate them all», whereupon he fired several rounds from his automatic rifle, thereby killing Bujar Beriša; concurrently, an unidentified member of the Suva Reka Police Unit shot dead Sedat Beriša as the latter was trying to escape;

(c) In the house owned by Faton Beriša, the accused, Milorad Nišavić, fired three gunshots at Nedžad Beriša, thereby inflicting lethal wounds upon the victim;

Having transferred the dead bodies into Faton and Nedžad's house, the accused set the house on fire, wherein the bodies were burnt down; they proceeded by setting afire and thereby destroying the house of Faik Beriša, whose surviving family members – women, children and men – rushed out of the house and ran towards the local crafts centre; while they were trying to escape, the accused, acting all together and at a time, opened fire from automatic rifles in the victims' direction, thus forcing them onto the premises of the Calabria pizza restaurant; the described event resulted in serious physical injuries, i.e. entrance wounds in the body and legs, sustained by Nedžad Beriša and his wife Lirie (at the time in the eighth month of her pregnancy); as the two sought refuge in the bus station courtyard, they were found by acc. Miroslav Petković and (deceased) Radovan Tanović, who jointly and concurrently fired several shots from their automatic rifles, whereby Nedžad was lethally wounded in the head, while Lirie, albeit wounded herself, managed to reach the premises of the pizza restaurant.

3. Following an explosion caused by (deceased) Radovan Tanović, who had thrown two hand grenades inside the pizza restaurant, the accused: SLAĐAN ČUKARIĆ and MIROSLAV PETKOVIĆ entered the restaurant and opened fire from their automatic rifles, thereby killing most of those who had survived the explosion; after the corpses had been removed in order to be driven away from the scene, both of the herein accused once again opened fire from their automatic rifles, thereby killing the few who were still showing signs of life. In subsequence, acc. SLAĐAN ČUKARIĆ took Jašar Beriša, previously collected from a service station by (deceased) Boban Vuksanović, behind the truck onto which the bodies of the dead were being loaded, and shot several bullets into the victim, thereby lethally wounding him in the chest area.

By acting in the above described manner, the herein accused individuals

1. Killed a total of 48 (forty-eight) persons, namely:

(1) Abdulah Ešljani and

(2) Jašar Beriša;

forty-six (46) members of the Beriša families, whose names, age details and family relationships are as follows:

Family of Vesel (father's name Šaban) Beriša:

(3) Vesel (61);

(4) Hanumša (100, Vesel's mother);

(5) Sofia (58, Vesel's wife);

(6) Fatmira (22, Vesel's daughter);

(7) Hajdin (37, Vesel's son);

(8) Mihrie (26, Hajdin's wife);

(9) Besim (26, Vesel's son);

(10) Mevlude (26, Besim's wife);

(11) Genci (4, Vesel's grandson);

(12) Granit (2, Vesel's grandson);

Family of Vesel (father's name Ramadan) Beriša:

(13) Hava (63, Vesel's wife);

(14) Sedat (45, Vesel's son);

(15) Dafina (15, Vesel's granddaughter);

(16) Drilon (13, Vesel's grandson);

(17) Bujar (40, Vesel's son);

(18) Flora (38, Bujar's wife);

(19) Vlorjan (17, Vesel's grandson);

(20) Edon (12, Vesel's grandson);

(21) Dorentina (4, Vesel's granddaughter);

(22) Nedžmedin (37, Vesel's son);

(23) Lirie (24, Nedžmedin's pregnant wife);

Family of Faik (father's name Ramadan) Beriša:

(24) Nedžat (44, Faik's son);

(25) Majlinda (15, Faik's granddaughter);

(26) Herolinda (13, Faik's granddaughter);

(27) Altin (11, Faik's grandson);

(28) Redon (1, Faik's grandson);

(29) Fatime (48, Ismet Beriša's wife);

(30) Faton (27, Faik's grandson);

(31) Sebahate (25, Faton's wife);

(32) Ismet (2, Faton's son);

(33) Eron (1, Faton's son);

Family of Sahid Beriša:

(34) Musli (63, Sahid's son);

(35) Nefija (54, Musli's wife);

(36) Zymrete (30, Musli's daughter);

(37) Violeta (22, Musli's daughter);

(38) Afrim (24, Musli's son);

(39) Avdi (43, Sahid's son);

(40) Fatima (37, Avdi's wife);

(41) Kushrim (11, Avdi's son);

(42) Hamdi (54, Sahid's son);

(43) Dželihe (50, Hamdi's wife);

(44) Artá (18, Hamdi's daughter);

(45) Zana (13, Hamdi's daughter);

(46) Merita (10, Hamdi's daughter);

(47) Hanumša (9, Hamdi's daughter);

(48) Mirat (7, Hamdi's son).

2. Šireta Beriša, Vjolca Beriša and Gramos Beriša, the survivors who had been loaded onto the truck along with the bodies of the dead, jumped out of the truck moving along the road to Prizren, whereby the three suffered serious injuries to the body, namely, Šireta Beriša sustained entrance wounds in the areas of right shoulder, right thigh and abdomen, as well as multiple injuries to the limbs;

Vjolca Beriša sustained multiple entrance wounds in the areas of limbs and

abdomen, while her underage son,

Gramos Beriša, sustained an entrance wound in the left shoulder.

3. The bodies of the dead were then loaded onto a truck owned by Gradac, a Suva Reka based Civil Engineering Company, whereupon Spiro Krstić, the Company driver, transported them in two turns to the military barracks compound in Prizren. A number of unidentified workers of Higijena, the Prizren based Communal Enterprise, buried the bodies in a mass grave at a military firing range in the vicinity of villages Ljubidža and Koruša; a week later, in a night of early April 1999, acting upon orders issued by General Vlastimir Đorđević, against whom proceedings are underway at the Hague Tribunal, a number of still unidentified police members assisted by Communal Enterprise workers Budimir Spasić and Ali Đogaj recovered the bodies and loaded them on two refrigerator trucks; the trucks were subsequently taken over by unknown members of the Special Antiterrorist Unit being part of the Serbian Police, and transported to Batajnica, where they were reburied.

The remains of Sedat Beriša, Bujar Beriša, Nedžad Beriša, Fatima Beriša and Faton Beriša were transferred to the Suva Reka cemetery, where they were buried by the Civil Defence and Communal Enterprise staffs.

COUNT II

Obeying the received orders, aided and abetted by a FNU LNU member of the Suva Reka Police Unit, the accused, RAMIZ PAPIĆ, went from one house to another in search of those still alive and urged them to leave the area of Suva Reka and Kosovo and move to Albania, lest they should live the same destiny as their compatriots in the pizza restaurant; on the same occasion, PAPIĆ urged the Beriša brothers, Agron and Bardil, to give him money in return for their lives; having received 1,000 Deutsch marks from Bardil, PAPIĆ warned the Beriša brothers that he still could not guarantee their safety and that they had better take their families to Albania, or otherwise they would be killed by another police group likely to arrive soon. Further to that warning, the two left their homes and, together with their families, joined a refugee convoy moving towards Prizren and bound for Albania.

By acting in the above described manner, the accused: Radoslav Mitrović, Radojko Repanović, Nenad Jovanović, Slađan Čukarić, Milorad Nišavić, Zoran Petković and Ramiz Papić bear criminal responsibility as co-perpetrators of the offence recognized as war crime against civilian population under Art. 142 (1), re Art. 22 of the FRY Penal Code.

In view of the forgoing,

I P R O P O S E

That a trial be settled and held before this Court, whereto the following parties should be summoned:

War Crimes Prosecutor of the Republic of Serbia;

The accused: Radoslav Mitrović, Radojko Repanović, Nenad Jovanović, Slađan Ćukarić, Milorad Nišavić, Miroslav Petković, Zoran Petković and Ramiz Papić (all of whom to be taken from the Belgrade District Prison), along with their defence councils;

Witnesses:

Legal representatives of the deceased.

For all of the herein accused, I propose extension of custody further to Ruling Ref. KiV 9/05 of 17 October 2005, rendered by the War Crimes Chamber's Investigating Judge, the detention term counting as of 26 October 2005, when they were deprived of liberty.

S t a t e m e n t o f R e a s o n s

The facts set forth within the Enacting Terms of this Indictment have been established throughout the pretrial and trial proceedings in this case, on the basis of the witness statements given before the Investigating Judge of the Belgrade District Court's War Crimes Chamber and on the basis of allegations contained in the transcripts of the witness statements provided by the Hague Tribunal (the latter being assessed as relevant further to Art. 14 of the Law on Organization and Competence of Bodies Involved in Fighting War Crimes Perpetrators), as well as on the basis of the written evidence contained in the files.

The event, which was the subject of investigation conducted by the War Crimes Prosecutor and the War Crimes Chamber's Investigating Judge, occurred in the downtown of Suva Reka in Kosovo and Metohija, on the first days of the 1999 air raids, following the announcement of war and the beginning of the NATO attacks on the country.

According to the official statistics provided by the Prizren Secretariat and ordered by the Republic of Serbia's Ministry of the Interior, on the day of 23 March 1999 the Suva Reka population consisted of cca. 75,000 inhabitants, out of whom 3,500 were Serbs, 1,000 Romas, while 70,500 were ethnic Albanians. Beriškansko Naselje consisted of a number of Albanian households situated along the Reštan road and in the immediate

vicinity of the local police headquarter. Among other houses on the stated location, there is the house owned by Vesel Beriša, which was previously occupied by the members of the OSCE Verification Mission.

On the grounds of the foregoing facts, I deem the above described activities of each of the herein accused individuals to contain all relevant elements of a criminal offence recognized as War Crime Against Civilians under Art. 142 (1) of the FRY Penal Code.

WAR CRIMES PROSECUTOR
Vladimir Vukčević