



**Republic of Serbia  
OFFICE OF THE WAR CRIMES  
PROSECUTOR**

KTO no. 3/19  
Belgrade, 03 July 2019  
SM/BV

**HIGHER COURT IN BELGRADE  
War Crimes Department**

**BELGRADE**

Pursuant to my authority under article 331 (1 and 5) re article 43 (2.5) of the *Code of Criminal Procedure*, re articles 3 and 4 of the *Act on the Organisation and Competence of Government Authorities in War Crimes Proceedings*, I raise this

**INDICTMENT  
against:**

**AA**

*Personal details:*

*Son of ... and ... née ...*

*Citizen identification number: ...*

*Place and date of birth: ...*

*Place of residence (last known): ...*

*Country of citizenship: Republic of Serbia*

**BACKGROUND FACTS AND GENERAL ALLEGATIONS**

In the period from 1998 to late 1999, a noninternational armed conflict existed in the territory of the Autonomous Province of Kosovo-Metohija (KM). Parties to the conflict were the Army of the Federal Republic of Yugoslavia (FRY) and Police of the Republic of Serbia on one side, and the armed military structure known as the Kosovo Liberation Army (KLA) on the other. Parallely underway was an

international armed conflict between the FRY and NATO armed forces, which existed from 23 March to 10 June 1999.

At all relevant times, the accused, **AA**, was a soldier of the FRY Army, specifically of the Intervention Squad – part of the 177<sup>th</sup> Military Territorial Detachment based in the Peć area (MTD Peć).

**On 01 April 1999**, **AA** and other members of his squad – namely BB, VV, GG, DD, ĐĐ, EE ŽŽ, ZZ, II, JJ, KK, LL and other FNU LNU individuals - were present in the Peć area, where they launched a campaign of terror against the local civilian population. By his involvement in such conduct, **AA** committed grave breaches of international law, as envisaged by the following acts and provisions:

- Articles 3 (1.a), 33 (2) and 49 of the *Geneva Convention on the Protection of Civilian Persons in Time of War (Geneva Convention IV)* of 12 August 1949;
- Articles 51, 52, 75 and 85 (3.a and 4.a) of the *Protocol Additional to the Geneva Conventions of 12 August 1949, Relative to the Protection of Victims of International Armed Conflicts (Protocol I)*; and
- Articles 4 (2.a and 2.g), 13 (2.2) and 17 (2) of the *Protocol Additional to the Geneva Conventions of 12 August 1949, Relative to the Protection of Victims of Noninternational Armed Conflicts (Protocol II)*

BB, VV, GG, DD, ĐĐ, EE and ŽŽ are defendants in a separate case (K.Po2 no. 4/2015) before the Higher Court in Belgrade – War Crimes Department.

ZZ is a defendant in a separate trial (Higher Court in Belgrade – War Crimes Department, Decision K.Po2 no. 4/2015 of 08 June 2015).

Charges against II have been dismissed (Higher Court in Belgrade – War Crimes Department, Decision K.Po2 no. 4/2015 of 14 April 2016).

Investigation against JJ is under way before the Office of the War Crimes Prosecutor (case KTI 11/13).

Proceedings against KK (now deceased) have been discontinued (Higher Court in Belgrade – War Crimes Department, Decision of 21 August 2017).

LjLj, commander of the 177<sup>th</sup> MTD Peć, is standing trial in a separate case (K.Po2 4/2015) before the Higher Court in Belgrade – War Crimes Department.

## CHARGES

### I Crimes in village Ljubenić

1. **In the early morning of 01 April 1999**, acting upon LjLj's order, **AA** and his aforementioned fellow soldiers launched an attack on village Ljubenić, which resulted in the deaths of four civilian persons. Armed with infantry weapons, **AA** and other members of the Intervention Squad – part of the 177<sup>th</sup> MTD Peć, formed three assault groups which entered Ljubenić from three different directions. The combat group which included **AA**, ŽŽ, II and JJ approached the village heading along the local road to the left from the Peć-Dečane highway leading through the village centre. Once inside the village, **AA** and his accomplices conducted an extensive search of Albanian homes. Aided and abetted by his accomplices, **AA** held the local civilians at gunpoint threatening to kill them, forced the residents out of their homes and ordered them to assemble in the village centre. As he fired off shots towards the villagers and their homes, **AA** took the lives of four, namely AB, AV, AG and AD.

2. After the civilians from village Ljubenić had assembled in the village centre, **AA**, ĐĐ, II, EE, ŽŽ and JJ – acting in line with LL's order – engaged in the dislocation of the local civilians. Having separated women and children, **AA** and his accomplices singled out approximately 60 men including AĐ, AE, AŽ, AZ, AI, AJ, AK, AL, ALJ, AM, AN, ANJ, AO, AP, AR, AS, AT, AĆ, AU, AF, AH, AC, AČ, ADŽ, AŠ, BA, BV, BG, BD, BĐ, BE, BŽ, BZ, BI, BJ, BK, BL, BLJ, BM, BN, BNJ, BO, BR, BS, BT, BĆ, BU, BF, BH, BC, BČ, BDŽ, BŠ, VA and other unidentified civilians.

With shots being fired above their heads and before their feet, the women, children and elderly men were forced to leave the village and proceed on foot towards Albania. Escorted by FNU LNU members of the 177<sup>th</sup> MTD Peć, they reached Đakovica, and then crossed over to Albania.

In the course of an unlawful and wanton campaign which was not justified by military necessity, **AA** engaged in the large-scale destruction of civilian property. Alongside other members of the 177<sup>th</sup> MTD Intervention Squad, **AA** set a large number of family homes and ancillary structures on fire so as to prevent their owners' return to the village. Among the civilians whose property was destroyed were VB, VG, VD, VĐ, VE, AC, BŠ, VŽ, VZ, AŠ, VI, VJ, VK, VL, VLJ and VM.

3. Following the expulsion of the part of the Ljubenić population, **AA** and other members of his squad approached the group of the previously separated men. Positioned on the group's left and right were ĐĐ, EE, BB, VV, GG and other FNU LNU members of the Intervention Squad, on the alert for anyone who might try to escape or offer resistance. Meanwhile, LL opened fire on AŠ and AH, who were among the separated men. In subsequence, further to specific instructions

issued by LL, the soldiers including **AA**, II, ZZ, KK, DD, JJ and LL himself opened fire on the civilians who had previously been lined up against the wall of VN's house yard.

Having received perforating wounds, most of the men did not survive the shooting. Their names are as follows:

AĐ, AE, AŽ, AZ, AI, AJ, AK, AL, ALJ, AM, AN, ANJ, AO, AP, AR, AS, AT, AĆ, AU, AF, AH, AC, AČ, ADŽ, AŠ, BA, BV, BG, BD, BĐ, BE, BŽ, BI, BJ, BK, BL, BLJ, BM, BN, BNJ, BO and BR.

Albeit severely injured, few others managed to survive, namely: BS, BT, BĆ, BU, BF, BH, BC, BČ, BDŽ, BŠ and VA.

## **II Crimes in village Čuška**

1. **On 14 May 1999**, acting upon LjLj's<sup>1</sup> orders and under LL's direct command, **AA** and other members of the Intervention Squad – including VV, GG, DD, MM<sup>2</sup>, ZZ<sup>3</sup>, II<sup>4</sup>, JJ<sup>5</sup>, KK<sup>6</sup>, LL and other FNU LNU soldiers – engaged in an attack operation against the Albanian civilian population of village Čuška, which resulted in the deaths of 17 persons.

Armed with infantry weapons and acting with common purpose, **AA** and other soldiers of the 177<sup>th</sup> MTD Peć, namely BB, VV, GG, KK, DD, II, MM, JJ and other FNU LNU individuals, divided themselves into four combat groups. As part of the second group which also included BB, GG, II, MM and other unidentified soldiers of his squad, **AA** launched an attack on the neighbourhood of the ... and ... families. Using arms threat, **AA** and his accomplices assembled approximately 40 civilians, the ... family members, in VNj's house yard and dispossessed them of their identity documents and other personal belongings including cash and valuables.

As they advanced further towards the village, **AA** and his group opened fire on family homes on their way, forcing the residents out and ordering them to assemble in the Hasan Beć neighbourhood in the village centre.

---

<sup>1</sup> Proceedings against LjLj, the former 177<sup>th</sup> MTD commander, are under way before the Higher Court in Belgrade – War Crimes Department (case K.Po2 no. 4/2015).

<sup>2</sup> Proceedings against VV, GG, DD and MM are under way before the Higher Court in Belgrade – War Crimes Department (case K.Po2 no. 4/2015).

<sup>3</sup> Pursuant to Decision K.Po2 no. 4/2015 of 08 June 2015, rendered by the Higher Court in Belgrade – War Crimes Department, defendant ZZ is being heard in a separate trial.

<sup>4</sup> Pursuant to Decision 4/2015 of 14 April 2016, rendered by the Higher Court in Belgrade – War Crimes Department, charges against II have been dismissed.

<sup>5</sup> Investigation against JJ is under way in the Office of the War Crimes Prosecutor (Order ref. KTI 11/13 of 12 November 2013).

<sup>6</sup> Pursuant to its Decision of 21 August 2017, the Higher Court in Belgrade – War Crimes Department has dismissed charges against KK.

In the course of the gunfire, civilians VO, VP, VR, VS, VT, VĆ, VU, VF, VH, VC, VČ, VDŽ, VŠ, GA, GB, GV and GD were killed, whereas GĐ suffered severe bodily injuries but managed to survive.

2. Among those forcibly gathered in the village centre, **AA** and other members of his squad who participated in the attack on Čuška separated around 250 women, children and elderly men including members of the ..., ..., ... and ... families, who were then loaded onto 12 tractors with trailers and forced to leave the village heading towards Albania.

3. In an unlawful and wanton campaign which was not justified by military necessity, **AA** and other members of his squad engaged in the extensive destruction of civilian property, setting fire to family homes and other buildings across the village. Alongside other members of his group, **AA** personally engaged in such acts and therefore significantly contributed to the group's common goal to cleanse the area of any households where the exiled villagers could return.

The rampage campaign left most of the village levelled to the ground. More than 40 civilian family homes and ancillary buildings were burnt down. Among those whose houses were destroyed by fire were GE, GŽ, GZ, GI, GJ, GK, GL, GLJ, GM, GO, GP, GR, GS, GT, GĆ, GU, GF, GH, GC, GČ, GDŽ, GŠ, DA, DB, DV, DG, DĐ, DE, DŽ, DZ, DI, DJ, DK, DL, DLJ, DM, DN, DNJ, DO, DP, DR, DS, DT, DĆ, DU, DF and DH. GN lost his stable, whereas GNj and VNj lost their house, stable and garage. The house and stable owned by DC also disappeared in flames, and so did a Mercedes 200 car owned by DČ.

4. **AA** personally engaged in the killing of local civilians. Aided and abetted by II, he separated GE, DDŽ and DŠ from the group of civilians previously assembled by BB, GG and MM in VC's house yard. **AA** then took the separated men away and into GE's house yard, where he killed them with shots from his automatic rifle.

In a joint operation with KK and ZZ, **AA** forced a group of 12 civilians – namely ĐB, DE, GI, ĐV, DĆ, DU, ĐG, DN, ĐD, ĐE, ĐŽ i DC – into ĐA's house, where he opened sustained fire from his automatic rifle, killing 11 in the process. DC received a perforating wound to the left leg, but managed to escape through a window. In order to conceal the traces of his crime, **AA** collected the victims' remains into a pile, which he covered with a sponge mattress and a blanket, and then set the house on fire. The house was burnt down with the victims' bodies inside.

***By his involvement as a co-perpetrator in the above described attacks, AA committed the criminal offence under article 142 (1) (war crime against civilian population) re article 22 Of the FRY Criminal Act.***

**Bruno Vekarić**  
**Deputy War Crimes Prosecutor**