



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

Ref. KTRZ-5/12
Belgrade, 26 September 2012

HIGHER COURT IN BELGRADE
War Crimes Department

Belgrade

Pursuant to my authority under articles 43 (2.5) and 331 (1) of the *Criminal Procedure Code*, I raise this

INDICTMENT

Against AA

Personal details:

Son of ...

Residence: ...

Background and general allegations

In the period between 23 March and 20 June 1999, an international armed conflict existed in the territory of the then Federal Republic of Yugoslavia. Parties to the conflict were the Federal Republic of Yugoslavia (Yugoslav Army and Republic of Serbia's police forces) on one side, and on the other, forces composed of the NATO Alliance and units of the armed military organization called 'Kosovo Liberation Army' (KLA) on the other.

As a soldier of the unit commanded by the late ..., which was part of the 177th Military Technical Detachment (VTO) based in Peć, Kosovo-Metohija and operating within the Yugoslav Army, the accused, AA, engaged in the expulsion of the ethnic Albanian populations from villages Ljubenić, Ćuška and Zahač, subjecting them to a campaign of terror and intimidation that included the killing of local civilians, unlawful and wilful

destruction of civilian property – burning of civilians' homes and storage facilities, as well as large-scale plunder of their possessions. All of the foregoing acts were committed with a view to permanently removing the local population from their homes and villages and chasing them away to Albania.

By engaging in the above-described conduct, the accused, AA, committed grave breaches of the rules of international law as anticipated by the following acts and provisions:

- Articles 3 (1.1.a), 33 and 49 of the *Geneva Convention on the Protection of Civilian Persons in Time of War (Geneva Convention IV)* of 12 August 1949; and
- Articles 51, 52 and 85 of the *Protocol Additional to the Geneva Conventions of 12 August 1949, Relative of the Protection of Victims of International Armed Conflicts (Protocol I)*.

Charges

I

In the morning of 01 April 1999, AA was present in village Ljubenić alongside other members of his unit, namely AG, AD, AĐ, AE, AŽ, AZ, AI, as well as other still unidentified members of the 177th VTO and Territorial Defence force. Armed with personal infantry weapons, deployed in a horseshoe formation advancing from the directions of the local cemetery and the main road, the group entered Ljubenić, shooting above the heads and before the feet of civilians – local villagers whom they met on their way. Using gunfire and death threats, AA and his accomplices searched local households, forcing the residents out of their homes and to the village centre, where the villagers were forced at gunpoint to hand over their cash, gold jewelry and other valuables. In fear for their lives and those of their families, the villagers did as ordered.

In subsequence, AA personally engaged in the burning of family homes and storage facilities, or otherwise stood in the immediate vicinity with a machine gun in his hands, thereby providing support for the members of his unit to persist in their campaign. As he did so, AA participated in the burning of eleven family homes, namely those of AJ, AK, AL, ALJ, AM, AN, ANJ, AO, AP, AR and AS.

Alongside other members of his unit, using death threats and shooting above the villagers' heads or before their legs, AA forced them towards the village centre, where the late ... removed all males fit for military service from the group and forced them against the wall of AT's house yard close to the village mosque. Meanwhile, AV, AŽ, AZ, AE, AG, AD, AI, AĐ and AA, as well as other members of their unit and the Territorial

Defence force, holding weapons in their hands, were deployed around and on the alert for possible resistance or escape attempts.

Acting jointly and simultaneously with other members of his unit, AA opened fire from his machine gun, discharging bursts of fire above the heads of the remaining civilians – mostly women, children and elderly people. Cursing and shouting at them and also threatening their lives, AA forced them to march in column along the street leading from the mosque to the main regional Peć-Dečani road. Deployed along the street, other members of the 177th VTO held the passing civilians at gunpoint and discharged occasional bursts in their direction, thereby forcing the column to leave the village and proceed towards Albania.

Meanwhile, AA removed AĆ and AU from the group of the previously separated men and, following a brief exchange with the two, deprived them of life with bursts of gunfire.

Immediately afterwards, AA and his accomplices opened fire at the remaining men. AV, AE and AT discharged bursts from their automatic rifles and AA from his machine gun, thereby inflicting penetrating wounds on the men, some of whom died on the spot, whereas several others got severely injured.

With his machine gun ready to fire, AA remained in the vicinity of those killed, meanwhile AE walked across the scene and, stamping over the bodies of the dead and surviving, discharged bursts and rounds of fire from his automatic rifle in the heads and bodies of those who were still giving signs of life. As he did so, AE kept yelling, "*Oh, you are still jiggling, Balija!*", or "*And you too, Alija?*".

The massacre resulted in the deaths of at least forty-five civilians, whose names (with fathers' names in parentheses) are set forth below:

1 – 45*.

Furthermore, twelve others received grave bodily injuries in the form of perforating wounds. The names of the wounded are as follows:

1 – 12*

* Personal details of the victims (1 – 45 and 1 – 12) have been removed in line with the *Rules of Personal Data Anonymization in OWCP Indictments*.

II

a) In the morning of 14 May 1999, AA and his accomplices, namely AŽ, AZ, AE, AT, AD, AI, AĐ, DL, DLJ, DM, DN and DNJ, alongside other unidentified members of their unit

and of the TO force, mounted an all-out attack on village Čuška. AA personally engaged in the operation, or otherwise was present in the immediate vicinity with a machine gun in his hands, thereby providing support for the members of his unit to persist in their campaign, which included the plundering and destruction of civilian property, setting fire to family homes and storage facilities, as well as the expulsion of the local people, who were forced to leave their homes and flee the village on their tractors and trailers.

AA was involved in the separation of male villagers and their subsequent executions.

In the part of the village inhabited by DO's and DP's families, AA killed DR, DS and DT by several bursts from his machine gun.

Accompanied by AŽ and AD, AA then proceeded to the village centre, where a group of male civilians had been assembled in the vicinity of the local cemetery. AA and his accomplices removed ten civilians from the group – namely DĆ, DU, DF, DH, DC, DČ, DDŽ, DŠ, ĐA and ĐB – and took them to ĐV's house. Once inside the house, AA opened fire from his machine gun and discharged several bursts into the victims, thereby depriving of life all except ĐB, who – albeit severely wounded in both legs – managed to jump out through a window and escape unobserved. In order to conceal their crime, the accused and his accomplices piled together the victims' death remains, covered them with sponge mattresses and a blanket and set the place on fire, whereby the house was burnt down with the death remains inside.

b) Later that day, AA and his accomplices arrived in village Zahač. Acting in the manner as described under item a), AA engaged in the looting of civilians, destruction of their property, burning of family homes and storage facilities, as well as in the expulsion of the overall local population. Removed from their homes, the people were forced to leave the village on their tractors and trailers.

Having assembled ĐG's family members in their house yard, AA, aided and abetted by several unidentified members of his unit, ordered ĐG to hand in his cash and gold. While AA was holding those present at gunpoint so as to prevent any resistance or escape attempts, his FNU LNU accomplices hit ĐG and his sons ĐĐ and ĐE with their rifle butts over the head and body before the eyes of the rest of their family. Finally, ĐG and his family were ordered to leave their home and set off towards Albania.

Accompanied by his accomplice AE, AA then moved on to ĐŽ's family home, where he forced at gunpoint ĐŽ's family members – namely ĐZ; ĐI; ĐJ; ĐŽ; ĐK with his wife and children; ĐL; ĐLJ with his wife and children; and ĐM with his family – to assemble in ĐŽ's house yard. AA then went on to rob those present of their gold and cash, including 2,000 DM which he seized from ĐŽ. Having also seized everyone's personal documents, AA set them on fire and then proceeded to search the house, whereupon he set it on fire and left the scene.

In subsequence, AA ordered ĐŽ, ĐI, ĐK and ĐLJ to cross over to ĐNJ's house yard, where he forced at gunpoint ĐNJ out of the house and robbed him of his cash – approximately 1,000 DM and an undetermined amount of Dinars. As AA stood in the close vicinity keeping guard over those present in order to prevent any resistance or escape attempts, AE herded ĐŽ, ĐI, ĐK and ĐLJ into ĐNJ's stable and lined them up, whereupon he robbed ĐZ of his gold, hit the victim with his rifle butt and ultimately let him go. Upon ĐLJ's departure, AE discharged bursts of automatic gunfire into those inside the stable, thereby taking the lives of ĐŽ, ĐI and ĐK. Having done so, AE burnt down the stable with the victims' bodies inside.

Having done so, AE forced ĐO and ĐNJ to come with him to ĐO's home, where AE seized 200 DM from ĐO's mother. Standing in the close vicinity, AA was watching those present in ĐO's house yard, all the while on the alert for possible resistance or escape attempts. In the meanwhile, AE forced ĐO inside the house, where he killed the victim by shots from his automatic rifle.

By his involvement as a co-perpetrator in the foregoing acts, the accused, AA, committed the criminal offence under article 142 (1) (war crime against civilian population) in re article 22 of the *Yugoslav Criminal Code*.

**Dragoljub Stanković
Deputy War Crimes Prosecutor**