



Republic of Serbia
OFFICE OF THE WAR CRIMES
PROSECUTOR

Ref. KTRZ. No.12/07
Belgrade, 14 April 2008
MV/MS

DISTRICT COURT IN BELGRADE
War Crimes Chamber

Pursuant to my authority under articles 46 (2.3), 265 (1) and 266 of the *Criminal Procedure Code*, re articles 3 and 4 (2) of the *Act on the Organisation and Competence of Government Authorities in War Crimes Proceedings*, I raise this

INDICTMENT

Against the following individuals:

- 1 **AA**
- 2 **AB**
- 3 **AV**
- 4 **AG**

BACKGROUND FACTS AND GENERAL ALLEGATIONS

At all times relevant to this indictment an international armed conflict – involving air raids conducted by the NATO coalition forces – existed in the territory of the then Federal Republic of Yugoslavia (FRY). Concurrently underway were hostilities between the FRY military forces (consisting of troops from Serbia and Montenegro) and RS police units on one side, and the so-called Kosovo Liberation Army (KLA) – armed formations of ethnic Albanians inhabiting the Serbian Autonomous Province of Kosovo and Metohija – on the other.

At the time members of the unit known as the *Scorpions*, which was a component of the Republic of Serbia's police force (MUP), these accused were present in the area of Podujevo, where they engaged in a criminal campaign against local civilians, leaving a number of people dead or severely injured in the process.

By their participation in the above described incident, **AA**, **AB**, **AV** and **AG** committed grave breaches of the rules of international law as set out in the following acts and provisions:

Article 2 (1, 3.1a) of the *Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Geneva Convention IV)* of 12 August 1949, ratified by the Federal People's Republic of Yugoslavia (FPRY), *FPRY Official Gazette* No. 24/50;

Article 51 (1, 2, 3) of the *Protocol Additional to the Geneva Conventions of 12 August 1949, Relating to the Protection of Victims of International Armed Conflicts (Protocol I)*, ratified by the Socialist Federal Republic of Yugoslavia (FPRY), *FPRY Official Gazette – International Contracts* No. 16/78; and

Articles 1 (1) and 4 (1, 2a) of the *Protocol Additional to the Geneva Conventions of 12 August 1949, Relative to the Protection of Victims in Non-International Armed Conflicts (Protocol II)*, ratified by the Socialist Federal Republic of Yugoslavia (SFRY), *SFRY Official Gazette – International Contracts* No. 16/78.

CHARGES

On 28 March 1999, the *Scorpions* arrived in Podujevo and settled in the local homes, whereupon the herein accused individuals entered the front yard of the Gashi family house, situated at 7 Rahman Morina Street. Aided and abetted by AD (finally convicted before the District Court in Belgrade, Judgment K.1823/04 of 17 June 2005), and by several FNU LNU MUP members, these accused fired several missiles from their 7.62 automatic rifles into a group of civilians assembled in the yard, with a clear intention to take their lives. The civilians, mostly women and children – local Albanians who were not involved in the hostilities – had previously been picked up from the streets and forced into the Gashi house yard. The operation resulted in the deaths of 14 persons, of whom 7 were under age. The victims' names and years of birth are set forth below:

AD (....); **AE** (....); **AŽ** (....); **AZ** (....); **AI** (....); **AJ** (....); **AK** (....); **AL** (....); **ALj** (....); **AM** (....); **AN** (....); **ANj** (....); **AO** (....); and **AP** (....).

Furthermore, the incident resulted in 5 children being seriously wounded. Their names and years of birth are as follows:

AR (....); **AS** (....); **AT** (....); **AĆ** (....); and **AU** (....).

Notified of the above described incident, officers of the Podujevo police station secured medical care and treatment for the wounded, and withdrew the *Scorpions* from the Kosovo-Metohija territory.

By their joint engagement in the above described conduct, AA, AB, AV and AG committed the criminal offence recognised by article 142 (1) (war crime against civilian population) of the *FRY Criminal Act*.

Vladimir Vukčević
War Crimes Prosecutor

