



Republic of Serbia
OFFICE OF THE WAR CRIMES
PROSECUTOR

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VŠ/II

HIGHER COURT IN BELGRADE
- War Crimes Department -

BELGRADE

Background and allegations:

In the former part of July 1999, an armed conflict existed in the Autonomous Province of Kosovo-Metohija (APKM). Parties to the conflict were armed forces of the Federal Republic of Yugoslavia (FRY) - Yugoslav Army and the Republic of Serbia's police force on one side, and the military organization known as the Kosovo Liberation Army (KLA or UCK) and the NATO coalition on the other. The conflict had been under way as of 24 March 1999, when a state of war was declared pursuant to a FRY National Assembly ruling published in the *FRY Official Gazette* no. 15/99. The clashes persisted up to 26 June 1999, when the FRY Assembly ruling to end hostilities came into force.

Acting as members of a party to the conflict, specifically of the Operational Pursuit Groups (OPG) – part of the 124th Interventions Brigade operating within the Separate Police Units (PJP), the accused, AA (at the time OPG squad commander) and AB (head of a section within the same OPG squad), committed grave breaches of international law.

Specifically, the aforementioned accused individuals failed to treat their victims – prisoners of war AV, AG and AD – in the manner envisaged by the following acts and provisions:

- Articles 3 (1) and 13 of the *Geneva Convention on the Treatment of*

- Prisoners of War (Geneva Convention III)*, adopted in 1949 and ratified by the FPRY Assembly in 1950;
- Article 2 (2) re articles 4 and 5 of the *Protocol Additional II*; and
 - Article 75 (6) of the *Protocol Additional I*.

AV, AG and AD were members of a voluntary unit known as the "Athlantic Brigade", which was established in New York in late March 1999 and subsequently transferred to the Republic of Albania. In the course of April 1999, having illegally entered the Kosovo-Metohija territory, the Athlantic Brigade placed itself at the disposal of a party to the conflict, i.e. the Kosovo Liberation Army. On 26 June 1999, at around 13.00 h, AV, AG and AD got captured by the Serbian police at the APKM administrative border. The three were driven to the Prokuplje District Prison, where they served a 15-day sentence for illegal state entry.

Charges:

Upon orders received from AA as his immediate superior, AB took over AV, AG and AD from the Prokuplje District Prison and transported them in official police vehicles to a training centre based in Petrovo Selo near Kladovo, where he was met by AA. Without notifying the captives of the reasons for their detention, their status or further destiny, and acting in breach of articles 25 and 26 of the *Third Geneva Convention*, AA and AB confined them in a room with a metal door inside an unfinished facility unsuitable for human accommodation. Deprived of basic hygienic and health conditions, the captives were kept locked inside an ill-lit room with no sanitary equipment, beds or bed sheets. As a result of the inhumane acts on the part of the herein accused individuals, the captives felt intense fear for their further fate and for their very existence.

In the night of 9 July 1999, AA removed AV, AG and AD from their place of confinement and handed them over to unknown police members who tied them with lengths of wire, pushed them into a police car and drove them to a location behind the training centre, close to a mass gravesite with death remains of Albanian civilians previously transported from Kosovo.

Once on the spot, the FNU LNU police officers opened fire from their 9mm PARA handguns and killed AV, AG and AD with shots in the back of head, whereupon the death remains of the three were dumped in the mass gravesite. As victims of the summary execution, AV, AG and AD were denied the right to a fair and impartial trial.

While acting as accessories to the execution, AA and AB were of sound mind and fully aware of an unlawful nature of their acts, including the captives' removal

and transport from the Prokuplje prison, as well as their subsequent confinement in an inadequate room until the arrival of unknown perpetrators – officers of the Serbian Ministry of the Interior. Furthermore, AA removed the captives from their place of confinement in the middle of the night and handed them – their hands tied up with wire – over to the unknown police members and subsequent executors. By engaging in the foregoing acts, the accused, AA and AB, wilfully facilitated the execution and enabled the immediate perpetrators to deprive the victims of life.

By acting as accessories to the crime, the accused, AA and AB, committed the criminal offence recognized by article 144 (war crime against prisoners of war) re article 24 of the *Yugoslav Criminal Act*.

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