



Republic of Serbia
OFFICE OF THE WAR CRIMES
PROSECUTOR
Ref. KTRZ-9/11

Belgrade, 31 May 2011

HIGHER COURT IN BELGRADE
War Crimes Department

Belgrade

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

INDICTMENT

Against **AA**, a.k.a. ..., born ...

BACKGROUND AND GENERAL ALLEGATIONS:

This indictment refers to the events that took place in the area of Peć, Autonomous Province of Kosovo and Metohija (AKPM) from 23 March to 20 June 1999, in the context of a larger conflict that existed in the AKPM territory between the Federal Republic of Yugoslavia – Yugoslav Army and Serbian Police forces – and the NATO coalition supported by the armed military organization known as the Kosovo Liberation Army ("KLA" or "UCK").

At the time relevant to this indictment, the accused, AA, was a member of the Military/Territorial Detachment based in Peć, specifically of its 177th platoon commonly known as the *Jackals*, which operated under the command of the late AB.

Acting as a member of the Serbian party to the conflict, whose aim was to expel the Albanian population from that area and to establish full control over the whole APKM territory with a view to creating an ethnically clean setting, AA committed serious

breaches of the rules of international law as envisaged by the following acts and provisions:

- Articles 3 (1.a, 1.d) and 33 of the *Geneva Convention Relative of the Protection of Civilian Persons at Time of War (Geneva Convention IV)*, adopted on 12 August 1949; and
- Articles 51, 75, 76 and 77 of the *Protocol Additional to the Geneva Conventions, Relating to the Protection of Victims of International Armed Conflicts (Protocol I)*,

Both of the above being ratified by the FPRY National Assembly in 1950.

Amidst a campaign of terror against persons who were not involved in the hostilities and as such were entitled to humane treatment without any unfavourable discrimination based on ethnic or religious backgrounds, the accused, AA, launched armed attacks on the civilian population, which included the following: individual and group killings; acts of intimidation and terror; destruction/burning of buildings, ancillary facilities and motor vehicles; large-scale seizures of civilian possessions – money, jewelry, valuables, motor vehicles; etc. None of the foregoing conduct on the part of AA was justified by military necessity, but rather intended to force the surviving civilian population to leave their villages and move to the Republic of Albania.

CHARGES:

In the early morning of 14 May 1999, upon orders issued by the late AB, this accused took part in an armed operation in village Čuška, which also involved a number of other individuals, namely the following: accused members of the *Jackals* - AV, AG, AD, AE, AŽ; suspects VP, MS and DS (the three will stand trial in a separate case); accused members of the Territorial Defence force AZ and AI; accused member of the active police force AJ; and other still unidentified members of the *Jackals*, Territorial Defence and Police units. In a joint and synchronized action, armed with automatic rifles, all of the above-mentioned individuals divided themselves into four groups and spread out through the village. Acting together and simultaneously with other members of his unit, AA – who was the leader of one of the groups – consciously and wilfully engaged in a campaign of terror against villagers of Čuška, specifically:

a) At the head of his group, together with another part of the same unit – group under the command of AŽ, AA mounted an armed attack on civilians in the part of the village which was the site of HG's family home. Forcing residents from their homes and threatening to kill members of the two G families, AA herded all inhabitants of the neighbourhood into H's house yard, where he forcibly dispossessed them of their valuables, cash, gold, watches etc. Thereupon, keeping the neighbourhood residents under sustained fire, he forced them to leave their homes, which he subsequently set ablaze in an operation that claimed the lives of AK and AL.

b) In the village centre, where a group of approximately 300 civilians had been forcibly assembled – some in AG's house yard, and others in those of HG and SG, AA divided those present into groups, separating women, children and elderly males from militarily capable men. Having forced the latter group to the square by the local churchyard, AA dispossessed them of their money, watches and valuables. Meanwhile, the rest of his unit rounded up and held at gunpoint all of the assembled villagers, robbed females of their cash and gold jewelry, whereupon they ordered children, women and elderly men to leave the village in a convoy of tractors with trailers and proceed towards Albania.

c) Acting in compliance with AB's order and in concert with AV, AA urged the previously separated males to hand out their personal documents, money, gold jewelry and other valuables. The men did so and placed the requested items on the ground before their feet. In subsequence, AA ordered LJE to collect all the valuables and cash (amounting to a total of around 20,000 Deutsch Marks), pack the spoils in two sacks the size of schoolbags and hand them over. Additionally, all car owners among the assembled villagers were ordered to fetch and surrender their vehicles, which they did without resistance as AA warned them that any acts of disobedience would be punished by death.

d) Aided and abetted by AŽ and VP, AA committed multiple killings of the local civilians – militarily fit males who had remained entrapped at the square. Having forced a group of 12 civilians – namely GE, GJ, GR, GH, KI, KS, KD, LJU, LJO, DI, AG and GI – inside AG's house, AA killed the victims by discharging bursts of fire from his automatic rifle. One of the victims, IG, received several perforating wounds in the left leg but managed to escape through a house window.

In order to conceal his crime, AA collected the victims' death remains, covered them with a blanket and pieces of sponge and set the house on fire. The structure was burnt down along with the victims' remains inside.

e) During the armed attack on Čuška villagers, 44 civilians were deprived of life; 40 family houses and as many ancillary buildings were gutted by fire, and so were several motor vehicles – 3 lorries, 5 passenger cars and 3 tractors; material goods of an undetermined worth were seized from their owners, including money, valuables, passenger cars and two lorries; and finally, more than 400 local civilians were expelled from the village.

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) re article 22 of the *Yugoslav Criminal Act*.

Vladimir Vukčević
War Crimes Prosecutor

