



Republic of Serbia
OFFICE OF THE WAR CRIMES
PROSECUTOR
Ref. KTO No.8/2013
Belgrade, 22 November 2013

HIGHER COURT IN BELGRADE
War Crimes Department

BELGRADE

Pursuant to my authority under articles 43 (2.5), 331 (1) and 333 (1) of the Criminal Procedure Code; and under articles 3 and 4 (1) of the Act on Organization and Competence of State Authorities in War Crimes Proceedings, I raise this

INDICTMENT

Against:

1. **AA** a.k.a. ..., son of ... and ... née ...; citizen identification no. ...; place/date of birth: ...; registered place of residence: ... (property owner: ...); citizen of ...; occupation: ...;
2. **BB** a.k.a. ..., citizen identification no. ...; son of ... and ... née ...; place/date of birth: ...; registered place of residence: ... (property owner: ...); citizen of ...; occupation: ...;
3. **VV** a.k.a. ..., citizen identification no. ...; son of ... and ... née ...; place/date of birth: ...; registered place of residence: ...; registered temporary dwelling: ... (property owner: ...); citizen of ...; occupation:

Background and charges:

In the period between 1998 and late 1999, a non-international armed conflict existed in village Ljubenić, municipality Peć, and in the overall territory of the then Autonomous Province of Kosovo-Metohija. Parties to the conflict were the Federal Republic of Yugoslavia (FRY), Yugoslav Army and Serbian Police forces on one side, and the armed military organization known as the Kosovo Liberation Army (KLA) on the other. Concurrently, an international armed conflict between the FRY armed forces and NATO Alliance was under way in that territory.

Acting as members of ... operating within ... – part of the Yugoslav Army; aided and abetted by other members of their squad, namely GG, dd, ĐĐ, EE, ŽŽ, ZZ, II and accused witness collaborator A1 (all of whom are subject to the ongoing criminal proceedings before the Higher Court in Belgrade – War Crimes Department **in case K.Po2-48/2010**, pursuant to indictment **KTRZ 4/10**, raised by the War Crimes Prosecutor); and along with a number of other individuals, including the following: JJ (against whom proceedings have been separated); KK (against whom investigation has been discontinued); and other unidentified members of the ... and ..., under the command and upon orders of (now deceased) LL;

And acting in breach of the International Law as anticipated by the following legal acts/provisions:

- Geneva Convention on the Protection of Civilian Persons at Time of War of 12 August 1949 (Geneva Convention IV) - article 3(1.a); and
- Protocol Additional to the Geneva Convention on the Protection of Victims of International Armed Conflicts of 12 August 1949 (Protocol II) – articles 13(2) and 17 (2),

On 01 April 1999, the herein accused individuals **engaged in the offences** set forth below:

1 Attack on the civilian population of village Ljubenić, resulting in the deaths of four persons

Aided and abetted by other members of the ... who took part in the operation, armed with infantry weapons and organized in three separate groups, the attackers approached the village from three different directions. Specifically, the group which included the accused, AA, entered the village from the direction of the Peć-Dečani motorway and along the main local road leading through the village centre. Meanwhile, the accused, BB, and his group approached the village from the right side of the main village road, whereas the group led by the accused, VV, proceeded from the left. As they advanced towards the village, the groups raided all houses on their way, threatened the local civilians with death, forced them out of their homes, ordered them to assemble in the village centre and fired gunshots towards the villagers and their houses. The shooting campaign resulted in the deaths of LJJ, MM, NN and NJNJ.

2. Forcible displacement of all local women, children and elderly men

Aided and abetted by other members of ... who took part in the attack , AA, BB and VV assembled the overall local population in the village centre. Having separated approximately 60 male civilians from the group, the accused ordered the rest to leave the area and proceed on foot to Albania, threatening with their arms and firing shots above the civilians' heads all the while. A group of women refused to be

separated from the men or to proceed along the main Peć-Dečani road and further to Albania, but were ultimately forced to do so as the accused opened fire above their heads, cursed and threatened to kill them all.

In the course of and following the raid, alongside other members of ... who took part in the operation, AA, BB and VV set the local family homes and other facilities on fire so as to prevent the displaced villagers from returning to their households. Among the local civilians whose homes and ancillary buildings got burnt down were the following: OO, PP, RR, SS, TT, ĆĆ, UU, FF, HH, CC, ČČ, DŽDŽ, ŠŠ, AB, AV and AG.

3. Killing of at least 42 and wounding of 11 Albanian male civilians

Following the expulsion of part of the Ljubenić population, alongside other members of the ... who took part in the attack, AA, BB and VV approached the separated group of male civilians. As AA, BB and several other members of their squad – namely GG, DD, AD and NN – stood in the close vicinity of the group securing it from its left and right in order to prevent any escape attempts or resistance, LL (now deceased) opened fire at CC and AĆ, who were part of the separated group. In subsequence, acting upon LL's explicit orders, BB joined LL, II, ŽŽ, ZZ, EE, KK and JJ in a shooting campaign against the group of civilians. As a result of the entrance and exit wounds sustained in the process, most of them died on the spot. At least 42 people were deprived of life, namely the following: 1 – 42.*

Furthermore, 11 persons sustained grave bodily injuries in the form of entrance and exit wounds, namely the following: 1 – 11.*

By engaging in the conduct described above, the accused, AA, BB and VV, committed the criminal offence under article 142 (1) (war crime against civilian population) in re article 22 (co-perpetration) of the FRY Criminal Act.

Snežana Stanojković
Deputy War Crimes Prosecutor

* Personal details of the victims (1 – 42) and (1 – 11) have been removed in line with the *Rules of Personal Data Anonymization in OWCP Indictments*.