



Republic of Serbia
OFFICE OF THE WAR CRIMES
PROSECUTOR
KTO no. 7/2013
Belgrade, 04 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 articles 3 and 4 (1) of the Act on the Organization and Competence of State Authorities in War Crimes Proceedings, I raise this

INDICTMENT

Against:

1. **AA**

Personal details:

Son of ... and ... née ...

Citizen identification no. ...

Place/date of birth: ...

Registered place of residence: ...

Citizen of ...

Occupation: ...

Educational background: ...

2. **BB**

Personal details:

Son of ... and ... née ...

Citizen identification no. ...

Place/date of birth: ...

Registered place of residence: ...

Citizen of ...
Occupation: ...
Educational background: ...

Statement of reasons:

The events relevant to this indictment took place in village Trnje, municipality Suva Reka, amidst a noninternational armed conflict that existed in the overall territory of the then AP Kosovo-Metohija from 1998 to late 1999. Parties to the conflict were the Federal Republic of Yugoslavia (FRY) – Yugoslav Army and Republic of Serbia's police force on one side, and the armed military organization known as the Kosovo Liberation Army (KLA) on the other. Parallely under way was an international armed conflict between the FRY armed forces and the NATO coalition, which existed in the period between 24 March 1999 and 20 June 1999.

At the time members of the Yugoslav Army, namely of the Background Battalion operating within the 549th Motorized Brigade – part of the Priština Corps, aided and abetted by still unidentified members of the same unit, these accused broke the rules of international law as anticipated by article 3 (1.a) of the Geneva Convention on the Protection of Civilian Persons in Time of War of 12 August 1949 (Geneva Convention IV), and by article 4 (4.1, 2.a) of the Protocol Additional to the Geneva Conventions of 12 August 1949, on the Protection of Victims of International Armed Conflicts (Protocol II).

1. The accused, AA

In his capacity as commander of the Background Battalion, 549th Motorized Brigade of the Priština Corps, he ordered an attack and a killing campaign against civilian population, which resulted in the deaths of at least 27 Albanian civilians, with two more sustaining severe bodily injuries.

In the early morning hours of 25 March 1999, shortly prior to the armed attack on village Trnje, this accused, accompanied by his troops and his subordinated commanders, arrived on the hill top behind the village. Having assembled his subordinated commanders, including the accused BB, he pointed towards village Trnje and ordered that "there must be no survivors left", which – according to the issued order – implied the cleansing of the village and killing of the local civilian population.

In compliance with the received order, the lower commanders including the accused BB divided their soldiers into three combat groups, which subsequently entered village Trnje and carried out an attack operation that resulted in the deaths of at least 27 villagers who were not involved in the hostilities. Thus, the accused BB and his combat group killed one male person at the entrance to the village, another one in the house of AB, and 16 others – including men, women and children – in AB's household yard. Meanwhile, several FNU LNU members of the Background Battalion

raided the house of AV, where they took the lives of two men and one woman, namely the following: AG, AD and AĐ. The attackers continued their death raid behind the house of AŽ, where they took the lives of three women and a man, namely AZ, AI, AJ and AK. The group then proceeded towards the Trnje river bank, where they killed three more men, namely AŽ, AL and ALJ.

2. The accused, BB

As a sergeant and commander of the first combat group, acting in compliance with the order received from his superior commander AA, the accused BB entered village Trnje on the said date, and – albeit aware that his acts were in breach of the rules of international law – engaged in the following:

- At the entrance to the village, he took the life of Albanian civilian BA, aged around 70, by firing a shot from his automatic rifle into the victim, who sustained severe injuries to the back and died on the spot.
- Having entered the village, this accused went to the house of AB, where he found BV. He ordered witnesses SA and SB to kill BV, but the two refused to do so. The accused, BB, then killed BV himself by shots from his automatic rifle, and addressed the witnessess with the words: "This is how it should be done".
- In AB's yard, where there were several family homes, this accused ordered the soldiers from his group to search all the houses, pick up all the residents whom they found inside and take them out to the yard. The soldiers picked up 18 civilians, all ethnic Albanians, including men, women and children. The accused, BB, then ordered three soldiers from his group to open fire from their automatic rifles on the residents who were lined up in the yard, and himself shot several rounds in the victims' direction. The shooting campaign resulted in the deaths of 16 civilians, whose names and years of birth are as follows: BG (...); BD (...); BĐ (...); AB (...); BŽ (...); BZ (...); BI (...); BJ (...); BL (...); BLJ (...); BK (...); BM (...); BN (...); BNJ (...); BO (...); and BP. Two more residents, BR and BS, sustained grave bodily injuries.

By engaging as co-perpetrators in the above-described acts, these accused individuals committed the criminal offence of war crime against civilian population, recognized by article 142 (1) in re article 22 of the Yugoslav Criminal Code.

Vojislav Šoškić
Deputy War Crimes Prosecutor