



**Republic of Serbia
OFFICE OF THE WAR CRIMES
PROSECUTOR**

Ref. KTRZ-4/10
Belgrade, 10 September 2010

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, re articles 3 and 4 (2) of the Act on the Organization and Competence of Government Authorities in War Crimes Proceedings, I raise this

INDICTMENT

Against:

- 1. AA a.k.a. ...**
- 2. AB a.k.a. ...**
- 3. AD a.k.a. ...**
- 4. AG**
- 5. AE a.k.a. ...**
- 6. AL**
- 7. AĐ**
- 8. AK a.k.a. ...**
- 9. AŽ a.k.a. ...**

BACKGROUND FACTS AND GENERAL ALLEGATIONS

In the period from 23 March and 20 June 1999, which covers the time relevant to this indictment, an armed conflict existed in the territory of the Autonomous Province of Kosovo-Metohija. Parties to the conflict were the Federal Republic of Yugoslavia (Yugoslav Army and Republic of Serbia's police forces) on one side, and forces

consisting of the NATO Alliance and the armed military organization known as the 'Kosovo Liberation Army' (KLA or UÇK) on the other.

As members of the *Jackals* paramilitary unit fighting on behalf of the Serbian party to the conflict, the accused: **AA, AB, AZ, AD, AE** and **AZ**, aided and abetted by the following: AM (now deceased); ALJ, AN, ANJ, AO, AP and AR (members of the same unit due to stand trial in a separate case); other FNU LNU members of the same unit; members of the Territorial Defence force (TO) including the herein accused **AK** and two others, namely AS and AT, who are suspects in a separate case; and members of the active and reserve police structures including **AD** and **AL**, who had voluntarily joined the unit,

Launched a series of operations in the area of Peć and its surrounding villages aimed at the accomplishment of the common goal – the expulsion of the local ethnic Albanian population, establishment of full control across the overall territory of Kosovo-Metohija and creation of an ethnically clean area.

Albeit obligated to treat the local population – Albanian civilians who were not involved in the hostilities – in a humane manner devoid of discrimination based on ethnic backgrounds or personal commitments, the accused and their accomplices failed to do so as they engaged – through ordering or direct participation – in an attack operation against the local population, which included the following:

- individual and mass killings;
- acts of terror and intimidation including the burning of family homes, ancillary facilities and motor vehicles;
- large-scale plunder of civilians' possessions including cash, jewelry, motor vehicles etc., which (acts) had no justification in terms of military necessity;
- dislocation of surviving civilians from their homes and villages with a view to permanently removing them from the area and chasing them away to Albania.

By their involvement in the foregoing acts, the accused and their accomplices committed grave breaches of the rules of international law as anticipated by the following acts and provisions:

- Articles 3 (1.a, 1.d), 33 and 43 of the *Geneva Convention on the Protection of Civilian Persons in Time of War (Geneva Convention IV)* of 12 August 1949; and
- Articles 51, 75, 76 and 77 of the *Protocol Additional to the Geneva Conventions, Relative of the Protection of Victims of International Armed Conflicts (Protocol I)* of 12 August 1949, ratified by the FPRY National Assembly in 1950.

CHARGES

I

The accused, AA,

Aided and abetted by AM (now deceased)

On 13 May 1999 in Peć, **AA** was present at the headquarters of the Yugoslav Army. In his capacity as commander of the 177th Military Technical Detachment (VTO) reserve force, he ordered the late AM – at the time immediate commander of the 1st Platoon operating within the 177th VTO – to conduct a search operation of family homes in villages Čuška, Pavljan and Zahač on 14 May 1999, allegedly aimed at the identification and liquidation of armed KLA members, and the subsequent seizure of their weapons. As he issued the search order, **AA** had no reason to believe that KLA troops were present in those villages, given that earlier search operations conducted upon his orders had failed to find any traces of KLA troops or firearms in the area.

Given his previous knowledge about the unit's conduct on the ground, which involved systematic plunder of civilian property, as well as individual or mass killings of civilians, whereof he had regularly received alerting reports from the head of the Peć-based Police Administrative Office as of late March 1999; and

Considering the fact that, in the course of military operations, he maintained direct contact through radio links with the late AM as the platoon commander, as well as with commanders of other parts of the unit operating under his control, **AA** was or should have been aware of the ongoing developments and of the manner in which his orders were executed.

AA was aware of possible consequences of his order, specifically that AM and his men were likely to mount an armed attack on the unarmed local civilians who were not involved in the hostilities, and that the operation might involve individual and mass killings, large-scale destruction of the villages, extensive seizure of civilians' possessions and the expulsion of the overall local population from the area.

Having issued the search order nonetheless, **the accused, AA**, acquiesced to such consequences.

II

The accused: AB, AŽ, AD, AE, AZ, AĐ and AK,

Aided and abetted by ALJ, AN, ANJ, AV, AP, AR, AS, AT,
and by FNU LNU members of ... unit, TO and police structures

A.

Acting upon the received order, having covered their faces with paints and exhaust waste in order to hide their identity, the accused and their accomplices came to village ..., where they were met by the local police and TO members including **AK**, AS and AT, as well as reserve police officers **AD** and PS, all of whom were familiar with the area and therefore likely to facilitate the operation.

As the operation organizer, AM divided the unit into four groups and appointed permanent unit members – namely **AB**, ALJ, AV and himself – as group leaders. Having also assigned their local accomplices to the groups, AM ordered them to carry out the search of the village advancing from different directions. He also instructed the groups to force the villagers out of their homes and towards an assembly point close to the cemetery in the village centre, and thereupon set their houses and ancillary facilities on fire.

Armed with automatic rifles and divided into four groups, the accused members of the ... unit and their accomplices from the local police and TO structures launched a synchronized and coordinated operation advancing from multiple directions and discharging shots from their firearms. In the course of the raid, civilians were forced out of their homes and towards the village centre. Their households were plundered, possessions seized and their property – including houses, storage facilities and motor vehicles – was set on fire.

Acting together and at a time, the attackers were determined to carry out their superior's order and wilfully engaged in the operation, at all times aware of the consequences of their acts.

Some of the attackers also engaged in individual killings. Specifically:

1. The accused, **AŽ**

At the very outset of the operation, as his group was about to start the search, he opened fire from his automatic rifle on two unidentified civilian men who were approaching along the street and killed them on the spot.

2. The accused: **AB** and **AŽ**

Aided and abetted by **AC**, NN ... and other FNU LNU members of the group headed by **AB**, they arrived in the part of the village inhabited by VN's and AU's families. **AB** forced the residents out of their homes and into VH's house yard. Meanwhile, he ordered the members of his group to surround the residents, hold them at gunpoint and seize their possessions including personal documents, cash and gold jewelry. In compliance with **AB**'s orders, **AZ** and **AC**, alongside some unidentified members of the ... unit, TO and

police structures, forced the residents out of their homes and into VH's house yard. Having surrounded those assembled in the yard and discharging shots in the air or before their feet, at all times on the alert for possible resistance or escape attempts, the attackers compelled the assembled civilians to hand over their cash and gold jewelry. While all of them were still in VH's house yard, **AB** ordered the members of his group to take away and kill DA, ŽT and VH, saying: "You can do to them whatever you wish, you can burn them, cut them, or do whatever else you please with these people!"

Acting in compliance with **AB**'s instructions, ANJ and a FNU LNU member of the ... unit took ŽĆ and ŽT into ŽĆ's house yard, where ŽU deprived them of life by discharging several bursts from his machine-gun into the victims. Shortly afterwards and in the same manner, ŽU took the life of VH in DT's house yard.

All the while threatening to kill them and shooting above their heads and before their feet, **AB** and the rest of his group ordered those present in the yard – approximately 100 local civilians – to leave their homes and set out towards Albania. Following the civilians's departure, all the houses in the neighbourhood were burnt to the ground.

B.

The accused: AB, AŽ, AD, AE, AZ, AĐ and AK

Aided and abetted by ALJ, AN, AĆ, AV, AP, AS and AT,
Alongside AR, NN ... and other members of the ... unit, TO and police structures

When the remaining civilians – approximately 300 people altogether – had been rounded up in the village centre (part of them in GLJ's house yard and the rest in those of VO and GS), the late AM ordered the men under his command to divide those present into two groups, separating women, children and elders from the men assessed by AM as fit for military service.

In a joint and synchronized action, these accused and their accomplices carried out their superior's order. They collected the able-bodied men at a square close to the cemetery, and forced the women, children and elders into GLJ's, VO's and GS's house yards. Having done so, they surrounded the captured civilians holding them at gunpoint so as to prevent resistance or escape attempts.

On his way to the village square following the search operation, **AB** entered GLJ's house. Having found ŽDŽ, DD and DG inside, he opened fire from his automatic rifle and killed the three on the spot.

Aided and abetted by two unidentified members of the ... unit, AĆ dispossessed VŠ of 100,000 German Marks, as well as of a ... car which he found in VŠ's house yard. Threatening to kill him from his automatic rifle, AĆ forced VŠ to start the car engine,

whereupon he took over the vehicle in exchange for the life of VŠ's son ZŠ. AČ drove to the village centre, where AM destroyed the car by shots from his automatic rifle.

A FNU LNU member of the ... unit forced DŠ at gunpoint into the yard of GA's house, which was already in flames. He opened fire from his automatic rifle and killed the victim at the the basement entrance door.

Holding the women, children and elders at gunpoint in order to prevent escapes, the attackers dispossessed the women of their money and gold jewels.

Acting in compliance with AM's order, holding them at gunpoint and threatening to kill anyone who might disobey, the attackers ordered the children and elders to fetch their tractors with trailers, whereupon all of those assembled (approximately 250 civilians) were forced to get on the trailers and leave the village in a convoy of 12 tractors.

Three FNU LNU members of the ... unit forced VŠ into a toilet facility outside GLJ's house, and then killed him with shots from their automatic rifles.

In a street approximately 30 metres away from the village square and the cemetery, the attackers killed ZA with shots from their automatic rifles.

V.

The accused: AD, AZ, AĐ, AK and AŽ,

Aided and abetted by AN, AR and FNU LNU members of the ... unit

Further to AM's orders, the accused and their accomplices surrounded a group of 30 able-bodied men and held them at gunpoint so as to prevent any resistance or escape attempts. Meanwhile, their accomplices robbed the captured youths of their possessions and ultimately killed them.

As they engaged in such conduct, the accused consciously encouraged the immediate perpetrators to persist in the plunder and killings, at all times ready to personally assist in the executions as needed, whereby they also took part in those criminal acts.

G.

The accused, AB, aided and abetted by ALJ

In compliance with AM's orders, **AB** and ALJ forced the previously selected men to hand over their personal documents, money, gold jewelry and other valuables. The men complied and laid the requested items on the ground in front of them.

In subsequence, ZB was instructed to pick up all the valuables, cash and personal documents from the ground, put them in two bags the size of school backpacks and hand them over to **AB** and ALJ.

Under death threats, some civilians were forced to fetch and surrender their vehicles. Specifically, a *Peugeot* estate car was seized from ZV, a red *Mercedes 124* 10-ton truck from ZG in exchange for the life of his son ZD, and another truck from a FNU LNU civilian.

D.

The accused: AB and AE,

Aided and abetted by ALJ, AN, AV, AP, AĆ, AM and FNU LNU ...

Acting upon the same order, **AB** and his accomplices carried out the execution of the captured civilians, specifically:

- a. ALJ, AV and AN forced the first group of 12 civilians – namely DR, DS, DT, DĆ, DU, GDŽ, GŠ, DF, DH, DC, DČ and DDŽ – into GT's house. Once inside the house, all of the aforementioned individuals simultaneously discharged bursts of fire from their automatic rifles into the victims. Noone survived the massacre save for DDŽ, who – albeit with a penetrating wound in his left leg – managed to jump out through a window and escape from the scene. In order to conceal their crimes, the perpetrators piled together the victims' bodies, covered them with sponge mattresses and a blanket and set the place on fire. The house was burnt to the ground with the death remains inside.
- b. **AE**, AG and AM forced at gunpoint another group of 10 civilians – namely GG, GD, GĐ, GE, GZ, GI, GJ, GK, GL and GLJ – into GV's house. Inside the house, all of the aforementioned individuals simultaneously discharged bursts of fire from their automatic rifles into the victims. Noone survived the massacre save for GJ, who managed to flee unnoticed through a window. In order to conceal their crimes, the perpetrators piled together the victims' bodies, covered them with sponge mattresses and set the place on fire. The house was burnt to the ground with the death remains inside.
- c. Aided and abetted by AĆ and a FNU LNU member of the ... unit, AB led a third group of 10 civilians – namely ĐA, ĐB, ĐV, ĐG, ĐD, ĐĐ, ĐE, ĐŽ, ĐZ and ZĐ – to ĐI's house and into the living room, where **AB** pronounced a "judgment" saying: "In the name of the State of Serbia, all of you are going to be killed..." The three subsequently opened fire – **AB** and AĆ from their automatic rifles and the FNU LNU from his machine gun – at the victims. They continued to shoot until the

victims collapsed to the floor, and then – in order to make sure everyone was dead – shot them point blank in the head. Noone survived the massacre save for ZĐ, who – albeit heavily wounded in both legs – managed to escape unnoticed through a window. In order to conceal their crime, the perpetrators piled together the victims' bodies, covered them with sponge mattresses and a blanket, and then set the place on fire. The house was burnt to the ground with the death remains inside.

As they engaged in the acts described under items A through D, the accused and their accomplices took the lives of 43 civilians.

Furthermore, the accused and their accomplices seized gold jewelry and other civilian possessions of undetermined value including more than 125,000 DM in cash, specifically: 100,000 DM from VŠ; a *Seiko* watch from GK; 200 DM and gold jewelry from GK's wife; 850 DM from GČ; around 4,000 DM from GU; 20,000 DM during the body search of the men assembled in the village centre; several passenger cars; and two trucks.

On completion of the 'operation', the overall spoils were handed over to AM, who kept part for himself and shared the rest between **AB**, **AD**, AP, ALJ, AN, AĆ and AO.

In addition to the foregoing, the accused and their accomplices set fire to a large number of structures, which resulted in the destruction of more than 40 houses and more than 40 ancillary facilities, including the family homes of the following: ZE, ZŽ, GK, GD, ĐI, ZI, GV, ZJ, ZK, ZL, ZČ, ZLJ, ZM, ZN, VO, ZNJ, ZO, ZP, ZR, ZS, GS, ZT, ZC, ZU, ZF, ZH, ZC, ZČ, DF, ŽC, ZDŽ, ZŠ, IA, IV, IG, ID, IĐ, IE, IŽ and II.

Likewise, several motor vehicles – 3 trucks, 5 passenger cars and 3 tractors – were destroyed by flames or bursts of gunfire

Conclusively, more than 400 civilians – mostly women, children and elders – were forced out of the village.

III.

AL, the local police commander who had voluntarily joined the attack operation against the civilian population of Čuška with a view to forcibly expelling them from the village, was in an official vehicle at the local bus stop on the main road, waiting for the arrival of a convoy of tractors with trailers carrying over 250 expelled civilians. As the convoy arrived, the accused ordered it to leave the village and redirected it to the main regional road leading to Peć and further to the Republic of Albania. Moving in his police vehicle, **AL** escorted the convoy up to the battery factory in Peć, where a police checkpoint had been set up.

By their involvement as coperpetrators in the foregoing acts, the herein accused individuals committed the criminal offence under article 142 (1) (war crime against civilian population) in re article 22 of the *Yugoslav Criminal Act*.

**Vladimir Vukčević
War Crimes Prosecutor**