



Republic of Serbia
Office of the War Crimes Prosecutor

HIGHER COURT IN BELGRADE
WAR CRIMES DEPARTMENT

10 September 2010

Pursuant to my authority under articles 46 (2.3), 265 (1) and 266 of the Criminal Procedure Act, in re article 3 (4.2) of the Act on Organisation and Competence of State Authorities in War Crimes Proceedings, I hereby raise this

INDICTMENT

Against:

1. **TOPLICA MILADINOVIĆ**, a.k.a. "Top", born on 18/09/1957 in village Rakoš, Istok municipality, with registered residence in Aranđelovac, citizen of the Republic of Serbia, military pensioner, married and father of four, with no criminal record, currently in custody pursuant to ruling Ki.Po2-83/10 of 13 March 2010, rendered by the investigative judge of the Belgrade Higher Court's War Crimes Department, effective as of 12 March 2010, when he was deprived of liberty;

2. **SREĆKO POPOVIĆ**, a.k.a. "Ćale", born on 29/03/1955 in Prizren, Prizren municipality, with registered residence in Kragujevac and previous registered residence in the municipality of Crna Trava, Serb and citizen of Serbia, economic technician, married and father of two, reportedly has no criminal record, pursuant to ruling ref. Ki.Po2- 83/10 in custody since 7 April 2010, when he was deprived of liberty;

3. **SLAVIŠA KASTRATOVIĆ**, a.k.a. "Đura" a.k.a. "Kastro", born on 23/11/1972 in Goraždevac, Peć municipality, with registered residences in Goraždevac, Peć municipality and in village Adrane, Kraljevo municipality; citizen of Serbia; worker by occupation, married and father of two; formerly convicted before the Kraljevo District Court pursuant to judgment ref. K-135/99 of 27 March 2000, for the criminal offence recognized by article 23 of the Public Order and Peace Act; currently in custody pursuant to ruling ref. Ki.Po2-83/10 of 13 March 2010, rendered by the investigative judge of the Belgrade Higher Court's War Crimes Department, effective

as of 12 March 2010, when he was deprived of liberty;

4. BOBAN BOGIĆEVIĆ, born on 19/01/1974 in Peć, with registered residences in Peć and in Belgrade, municipality New Belgrade; citizen of Serbia; butcher by occupation; married and father of one; previously convicted before the Peć District Court pursuant to judgment ref. K187/96, for the criminal offence punishable under article 166 of the Serbian Criminal Code; currently in custody pursuant to ruling ref. Ki.Po2-83/10 of 13 March 2010, rendered by the investigative judge of the Belgrade Higher Court's War Crimes Department and effective as of 12 March 2010, when he was deprived of liberty;

5. ZVONIMIR CVETKOVIĆ, a.k.a. "Njonja", born on 21/11/1953 in Peć, with registered residences in Peć and in Belgrade, municipality Vračar, and current unregistered residence in Ćuprija; citizen of Serbia; machine technician by occupation; married; no criminal record; currently in custody pursuant to ruling ref. Ki.Po2-83/10 of 13 March 2010, rendered by the investigative judge of the Belgrade Higher Court's War Crimes Department and effective as of 12 March 2010, when he was deprived of liberty;

6. RADOSLAV BRNOVIĆ, born on 12/03/1950 in village Raušić, municipality Peć, with registered residence in Kovanluk, municipality Kraljevo; no criminal record, defends himself from liberty;

7. VIDOJE KORIĆANIN, born on 24/06/1966 in Peć, with registered residences in Klina, municipality Klina, and in Kraljevo; citizen of Serbia; police officer serving with the Kraljevo-based Gendarmerie Detachment – part of the Ministry of the Interior (MUP) Serbia; previously convicted before the District Court in Trstenik, pursuant to judgment ref. K-315/99 for the criminal offence punishable under article 201 of the Serbian Criminal Code; currently in custody pursuant to ruling ref. Ki.Po2-83/10 of 13 March 2010, rendered by the investigative judge of the Belgrade Higher Court's War Crimes Department and effective as of 12 March 2010, when he was deprived of liberty;

8. VELJKO KORIĆANIN, a.k.a. "Veljo", born on 17/04/1960 in Zahač, municipality Peć, with current residence in the municipality of Kragujevac; citizen of Serbia; carpenter by occupation; married; convicted in 1987 under article 53 of the Serbian Criminal Code, currently in custody pursuant to ruling ref. Ki.Po2-83/10 of 13 March 2010, rendered by the investigative judge of the Belgrade Higher Court's War Crimes Department and effective as of 12 March 2010, when he was deprived of liberty;

9. ABDULAH SOKIĆ, a.k.a. "Bosanac", a.k.a. "Boško" and a.k.a. "Vampir", born on 25/12/1955 in Breza, BH, with last known residence in the municipality of Vrnjačka Banja, with current residence in the municipal territory of Visoko, BH; citizen of BH;

driver by occupation; divorced; previously convicted; currently in custody pursuant to the ruling (ref. Ki.Po2-83/10) of 18 May 2010, rendered by the investigative judge of the Belgrade Higher Court's War Crimes Department and effective as of 14 April 2010, when he was deprived of liberty.

GENERAL ALLEGATIONS:

In the period relevant to this indictment, namely that between 23 March 1999 and 20 June 1999, an armed conflict existed in and around Peć, in the territory of the autonomous province of Kosovo and Metohija. The hostilities involved the Federal Republic of Yugoslavia – namely the Yugoslav Army and Serbian Police forces – on one side, and the NATO coalition forces supported by the armed military structure known as the “Kosovo Liberation Army” (KLA, or UCK), on the other.

The accused, Toplica Miladinović, at the time commander of the 177th Military Territorial Department (VTO) Peć; (deceased) Nebojša Minić, commander of the 1st VTO Detachment, the so-called “Jackals”; the following accused individuals, at the time members of the said detachment: Srećko Popović, Abdulah Sokić, Slaviša Kastratović, Zvonimir Cvetković, and Boban Bogićević; aided and abetted by the following suspects (in relation to whom proceedings have been separated): Ranko Momić, Predrag Vuković, Zoran Obradović, Miloško Nikolić, Siniša Mašić, and Siniša Dunder; along with other unidentified members of the “Jackals” and those of the Territorial Defence (TO) force, including the accused, Veljko Korićanin, and suspects Zoran Jašović and Vidoje Jašović, against whom proceedings have been separated; acting also in concert with a number of active or reserve members of the police force, including the accused, Vidoje Korićanin and Radoslav Brnović, who voluntarily joined the “Jackals”.

All acting within the Serbian party to the conflict in order to accomplish their common goal – the expulsion of Albanian population from the area and gaining full control over the territory of Kosovo and Metohija, with a view to creating an ethnically clean zone;

Acting in breach of articles 3 (1.1a, 1.1.d) and 33 of the Fourth Convention on Protection of Civilian Persons in War, of 12 August 1949; and in breach of articles 51, 75, 76 and 77 of the Protocol Additional to the foregoing Convention, Relative to the Protection of Victims of International Armed Conflicts (Protocol I), ratified by the National Assembly of the Federal Peoples' Republic of Yugoslavia (FNRJ) in 1950;

On a number of occasions throughout the period relevant to this indictment, the above-specified accused individuals, alongside their aiders and abettors, failed to treat persons who were not immediately involved in the hostilities – ethnic Albanian civilians – in a humane manner free of any discrimination based on ethnic

backgrounds or personal beliefs. Specifically, the accused and their aiders ordered and launched armed attacks against the overall population of village Čuška and engaged in the following acts:

- individual and mass killings
- measures of intimidation and terror, including the destruction by burning civilians' houses, support facilities and motor vehicles;
- large-scale seizure campaigns, dispossessing civilians of their money, jewellery, valuables and motor vehicles, all of which were not justified by military necessity; and
- displacement of the surviving civilian population from the village, with a view to their relocation to Albania.

I

The accused, Toplica Miladinović, Aided and abetted by (deceased) Nebojša Minić. On 13 May 1999, at the Peć-based Yugoslav Army (VJ) Main Staff, the accused, Toplica Miladinović, in his capacity as commander of the 177th VTO Detachment reserve force, ordered (deceased) Nebojša Minić, at the time immediate commander of the platoon commonly known as the "Jackals"- part of the 177th VJ Brigade, that a search operation be carried out in the surrounding area of Peć, which included villages Čuška, Pavlan and Zahač, on 14 May 1999. The alleged aim of the search operation – which was to be conducted in the local family homes – was the tracking and liquidation of armed KLM members, although in several previous search operations conducted pursuant to his orders, the same unit had not found any weapons or KLA members whatsoever.

The accused, Miladinović, was aware that as of late March 1999, the said unit had invariably committed serious breaches of international law as it carried out his orders – including armed campaigns against civilian population, individual or mass killings of civilians, looting and robberies. Miladinović was duly informed about the course of all activities undertaken by his unit through regular radio communication with the unit commander, Nebojša Minić, and with several other "Jackals" in charge of particular tasks on the ground. Moreover, prior to issuing any concrete orders, Miladinović was on more than one occasions warned by the head of the local police office in Peć of his unit's impermissible conduct.

In view of the above, the accused, Miladinović, was aware of possible consequences of his orders, specifically of the fact that Nebojša Minić and his unit were likely to launch armed attacks against unarmed villagers who were not involved in the

hostilities, that such attacks were likely to include individual and group murders of civilians, excessive destruction of villages, seizure of personal possessions from ethnic Albanian civilians etc., and might well result in the expulsion of the overall civilian populations from their villages. By acting in the manner as described above, i.e. by issuing specific attack orders, the accused, Toplica Miladinović, virtually acquiesced to such consequences.

In the morning of 14 May 1999, acting upon Miladinović's orders, (deceased) Nebojša Minić ordered members of his unit to leave Peć, go to village Ćuška and carry out an armed attack on the local population.

Pursuant to the foregoing orders issued by Miladinović and passed on by Minić,

II

The accused: Srećko Popović, Abdulah Sokić, Slaviša Kastratović, Zvonimir Cvetković, Boban Bogićević, Vidoje Korićanin and Veljko Korićanin,

Aided and abetted by the suspects: Ranko Momić, Predrag Vuković, Zoran Obradović, Milojko Nikolić, Siniša Mašić, Siniša Dunder, Zoran Jašović and Vidoje Jašović, along with FNU Bulatović and a number of other FNU LNU members of the "Jackals", Territorial Defence and police forces,

A.

All of the above-mentioned individuals applied military paints and exhaust pipe waste to their faces lest they should be recognized;

In subsequence, they reached village Ćuška, where they were met by the local police and TO members, who were familiar with the location of particular houses in the village. Among the local TO members were the accused, Veljko Korićanin; the suspects, Zoran Jašović and Vidoje Jašović; and a member of the local police force in Klinčina, Vidoje Korićanin.

The attack organizer, Nebojša Minić, divided the unit into four groups and assigned permanent members of his unit – the accused, Srećko Popović; the suspects, Ranko Momić and Milojko Nikolić; and himself – as group leaders.

Having ordered that the groups be joined by the local members who had first met them in the village, Minić instructed the groups to disperse in several directions and start the search campaign around the village and inside individual houses, to force all civilians whom they would find in the houses to gather in the village centre, at the location near the local cemetery known as Hasan Beq, and to set their family houses

and support facilities on fire.

In a joint and simultaneous action undertaken upon Minić's orders and in concert with a number of police and TO members, the "Jackals" – armed with automatic rifles and divided into four groups – dispersed into several directions, opened fire from their weapons, searched family houses, forced all villagers out of their homes and to the village centre, dispossessed them of their property, looted their households, robbed them of their valuables, money and motor vehicles, and burnt down their houses, support facilities and motor vehicles.

Acting together and simultaneously with others, keen to personally engage in the offence, aware of their acts and willing to carry out the received orders, members of the groups committed individual murders of civilians, specifically:

1. The accused, Abdulah Sokić. At the outset of the operation, as he started his search tour of the houses, the accused, Sokić, opened fire from his automatic rifle at two unidentified male civilians who were moving along the street and towards their homes, thereby killing them on the spot.

2. The accused: Srećko Popović and Boban Bogićević. Along with the suspects: Zoran Obradović, FNU Bulatović and other FNU LNU members of the group headed by Popović.

As they passed by the neighbourhood inhabited by the Gashi families and by that of Ibish Kelmendi, the accused, Srećko Popović, ordered all of the residents to get out of their homes and gather in the yard of Brahim Gashi's house, whereas he instructed members of his group to surround them and hold them at gunpoint, and then to rob the captives of their personal documents, money and gold jewellery.

Acting upon the received orders, the accused, Boban Bogićević, and the suspect, Zoran Obradović, aided and abetted by still unidentified members of the "Jackals", TO and police forces, forced all of the residents out of their homes and into Brahim Gashi's yard, where they surrounded the captives and, by discharging shots from their automatic weapons in the air and before the captives' feet, ordered their victims to hand in their money and gold jewellery, all the while on the alert for possible resistance or escape attempts.

As the group and their captives were still in in the yard, the accused, Srećko Popović, ordered members of his group to take away and kill Rasim Rama, Muhamet Shala and Brahim Gashi, saying: "You can do to them whatever you wish, you can burn them, cut them, or do anything else that you please with these people." Acting in compliance with Popović's instructions, the suspects, Zoran Obradović and FNU Bulatović, first took Rasim Rama and Muhamet Shala into the yard of Rasim Rama's

house, where Bulatović deprived them of life by discharging several bursts from his machine-gun into their bodies. Several minutes later and in the same manner, he took the life of Brahim Gashi in the yard of Rame Gashi's house.

In subsequence, the accused, Srećko Popović, and members of his group ordered the villagers assembled in a group of approximately one hundred civilians to leave their homes and go towards Albania. The said orders were accompanied by death threats and bursts of fire discharged above the villagers' heads and in front of their feet. Finally, the accused and his co-perpetrators set all the houses in the neighbourhood on fire.

3. The group headed by the accused, Srećko Popović, which, among others, included the accused, Boban Bogićević, and the suspects, Zoran Obradović and FNU Bulatović; and members of the group headed by the late Nebojša Minić, which, among others, included the accused: Abdulah Sokić and Slaviša Kastratović, and the suspect, Siniša Mašić .

As they jointly moved further, the groups reached the neighbourhood inhabited by the Çeku families, where, upon Minić's orders, they forced the residents under gun threat to assemble in the yard of Kadri Çeku's house. Once inside the yard, all the while with automatic rifle barrels pointed towards them, the villagers were lined up against a wall and made to hand in their money and valuables, as well as their personal documents, which the accused, Srećko Popović, tore to pieces and threw away.

The accused, Srećko Popović, then forced Kadri Çeku into the house, where he opened short sustained fire on the victim and killed him by discharging six rounds into his vital body parts.

In subsequence, (deceased) Nebojša Minić and the suspect, Siniša Mašić, first beat Agim Çeku's father, Hasan Çeku, and then forced him under gun threat inside a barn located next to the family house, where Minić slit the victim's throat with a hunter's knife. While the victim was still giving signs of life, the suspect, Siniša Mašić, discharged two rounds from his automatic rifle – one into the head, and the other into the chest of the victim, who was thereby killed on the spot. Finally, the perpetrators set the barn on fire, with the victim's body left inside.

The assembled group of approximately fifty civilians were then ordered to leave their homes and set out towards Albania. After those civilians had left the village, the perpetrators set on fire all the houses in the Çeku neighbourhood.

In the meantime,

4. Suspect Ranko Momić – the third group leader – along with suspect Predrag

Vuković and other members of his group; and suspect Miloško Nikolić along with members of his group, mounted armed attacks on the local population in various parts of village Čuška, including the site of Hallit Gashi's family house.

All the while firing rounds from their weapons, the perpetrators expelled the locals from their family homes and searched through their households. Under death threats, they forced two families from the Gashi neighbourhood inside the yard of Hallit's house, where they dispossessed them of all valuables including money, gold jewels, watches and similar items.

Thereafter, a number of FNU LNU "Jackals" forced first Haki Gashi, and then Selim Gashi, to enter Hallit Gashi's house, where they took the lives of the two by discharging several rounds from their automatic weapons into the victims' bodies.

As they had done so, the perpetrators continued to discharge bursts of fire and thereby forced the inhabitants of that part of the village to move out and proceed towards the village centre, whereupon they set on fire all the houses in the neighbourhood.

B.

The accused: Srećko Popović, Abdulah Sokić, Slaviša Kastratović, Zvonimir Cvetković, Boban Bogićević, Vidoje Korićanin and Veljko Korićanin,

Acting in concert with the suspects: Ranko Momić, Predrag Vuković, Zoran Obradović, Miloško Nikolić, Siniša Mašić, Zoran Jašović and Vidoje Jašović, and aided and abetted by Siniša Dunder, FNU Bulatović and other FNU LNU members of the "Jackals", TO and police units – when all remaining civilians (approximately 300 people) had been herded into the village centre (part of them into the yard of Ajet Gashi, and the other part into the yard of Haki and Sali Gashi) – (deceased) Minić ordered members of his unit to divide the assembled villagers into two groups, i.e. to separate women, children and the old from those men whom Minić would assess as capable of military service.

In a joint and synchronized action carried out upon Minić's order, the above-named accused individuals separated the men as ordered and assembled them at a square close to the cemetery, whereas women, children and the elderly were forced into the house yards of Ajet Gashi, Haki Gashi and Sali Gashi. Having done so, the accused rounded up the overall population, and held them at gunpoint in order to prevent any resistance or escape attempts.

The search tour of homes being over, the accused, Srećko Popović, on his way back to the square, stopped at Ajet Gashi's house, went inside and opened fire from his

automatic rifle on Sul Gashi, Skender Gashi and Muharem Gashi, thereby killing the three on the spot.

The suspect, Zoran Obradović, aided and abetted by two FNU LNU “Jackals“, forcibly took 100,000 DM from Caush Lushi, as well as a Toyota Super sports car which he found in Lushi’s yard. Under gun threat he forced Caush to come with him to the car and start the engine, and then – promising that he would save the life of Caus’s son Arijan in return – took the car from the owner and drove away towards the village centre. As he saw the car approaching, Minić, at the time present in the village centre – hit the vehicle by several rounds from his automatic rifle and thereby destroyed it.

Meanwhile,

For now FNU LNU member of “Jackals” unit at gunpoint forced Ibish Gashi to enter Sali Rexha’s house yard, with the house already on fire, and deprived him of his life by shooting from automatic rifle.

- After that, they surrounded women, children and elderly and held them at gunpoint, so they would not escape and took their money and gold jewelry.

- Afterwards, upon the order of Nebojša Minić, holding them all at gunpoint and threatening to kill them if they do not leave the village, they forced children and elderly men to bring tractors with trailers over. They forced all the gathered population, 250 civilians, to climb on tractor-trailers and leave the village in 12 tractors with trailers.

As the convoy of selected people, mostly women, children and elderly, was leaving the village in tractor-trailers under gunpoint,

- Three FNU LNU members of “Jackals” unit killed Çaush Lushi, by making him go to the toilette near Ajet Gashi’s house and firing their automatic weapons into it.

In addition, in the village street, approximately 30 meters from graveyard – village square, they discharged their automatic rifles and deprived Berish Avdi of his life.

V.

Accused: Slaviša Kastratović, Boban Bogićević, Vidoje Korićanin, Veljko Korićanin and Abdulah Sokić, together with suspects Predrag Vuković, Siniša Dunder and FNU LNU members of “Jacklas” unit,

Acting on Minić’s order, surrounded selected a group of 30 militarily able-bodied

men, held them at gunpoint with weapons in their hands and preventing them from escaping or resisting while robbed, and then all deprived of their lives.

They were aware that they are giving additional self-confidence do the immediate perpetrators of the robbery and murders and were ready to help the execution if needed. In this way they all participated in confiscating property and committing murders.

G.

Accused: Srećko Popović together with suspect Ranko Momić. Acting on the same order, asked selected men to hand in all the personal documents, money, gold jewelry and all valuables they had. Victims did so and laid the objects on the ground in front of them.

- Then they forced Erzen Lushi to pick up all the valuables and money - in total 20 000 DEM from the ground and put all that into two bags, the size of a school backpack, and surrender it to them.

- After surrendering vehicle keys, under gunpoint and threat of murder, they made the owners bring the vehicles and hand them over. Thereat they took a passenger car "Peugeot caravan" from Dem Kelmendi; from Skender Kelmendi red "Mercedes 124" truck, with 10-ton capacity, which was handed over to them by Skender Kelmendi as a ransom for the life of his son Erdoman and from FNU LNU injured party civilian they took one truck.

D.

Accused: Srećko Popović, Zvonimir Cvetković together with suspects Ranko Momić, Predrag Vuković, Milojko Nikolić, Siniša Mašić, Zoran Obradović, late Nebojša Minić and FNU Bulatović.

Acting on the same orders committed multiple murders of detained civilians.

a. Suspects Ranko Momić, Predrag Vuković and Milojko Nikolić, forced a group of 12 civilians to enter Azem Gashi's house at gunpoint. Those were injured parties Emin Gashi, Jashar Gashi, Rama Gashi, Halil Gashi, Iber Kelmendi, Skender Kelmendi, Dem Kelmendi, Uka Lushi, Osmani Lushi, Ismet Dinaj, Gani Avdilaj and Isa Gashi.

Whereupon they deprived the victims of their lives by joint, simultaneous, serial shooting, except Isa Gashi, who was shot in the leg and managed to escape by jumping through a window. Then, to conceal the crime, they piled up the remains,

covered them with sponges and a blanket and set them on fire, causing a fire in which the remains and the house burnt down.

b. accused Zvonimir Cvetković together with suspects Siniša Mašić and late Nebojša Minić. Made the other group of 10 civilians to enter Dem Gashi's house at gunpoint, and then made them enter his living room. Those were injured parties: Ahmet Gashi, Brahim Gashi, Besim Kelmendi, Erdogan Kelmendi, Brahim Kelmendi, Mentor Kelmendi, Sefedin Lushi, Hasan Avdilaj, Ramiz Lushi and Rexh Kelmendi.

Whereupon they deprived the victims of their lives by joint, simultaneous, serial shooting, except Rexh Kelmendi, who managed to escape unnoticed, through a window.

Then, to conceal the crime, they piled up the remains in one pile in the room, covered them with sponges and set them on fire, causing the remains and the house to burn down.

v. Accused Srećko Popović, together with suspects Zoran Obradović and FNU Bulatović took the third group of 10 civilians to Sahit Gashi's house and into the living room. The injured parties in this group were Mus Gashi, Xhafer Gashi, Abdullah Lushi, Xhafer Lushi, Arijan Lushi, Zeqir Alilaj, Isuf Shala, Emrush Krasniqi, Skender Alushi and Hazir Berisha.

In the living room, accused Popović delivered "a verdict" by saying out loud: "In the name of the state of Serbia, all of you will be killed..." Then, together with suspect Zoran Obradović, shooting from an automatic weapon and Bulatović shooting from a machinegun shoot a series of shoots into victims, depriving them of their lives, except Hazir Berisha who, although heavily wounded in both legs, managed to escape unnoticed, through a window. Thereafter they "made sure that victims are dead" by shooting them in the heads with a pistol.

Afterwards they have gathered the remains on one pile, covered them with sponges and a blanket and set all of that on fire, causing the remains and the house to burn down.

By actions described in points A to D, all of them jointly during this attack have:

- deprived of life a total of 43 civilians
- confiscated an undetermined amount of gold jewelry and valuables
- confiscated more than 125 000 DEM in total from: Çausht Lushi 100 000 DEM, from Rexh Kelmendi a "Seiko" watch, from his wife 200 DEM and gold jewelry, from

Yimerte Gashi 850 DEM, from Shprese Kelmendi approximately 4 000 DEM, and 20000 DEM from men gathered in the centre of the village

- confiscated multiple passenger vehicles and two trucks.

They handed over all of the confiscated property to late Nebojša Minić after the "action" was finished. He himself kept a part of the "loot", and divided the rest with the members of his unit: accused Srećko Popović, accused Slaviša Kastratović, suspects Siniša Mišić, Ranko Momić, Predrag Vuković, Zoran Obradović and Miloško Nikolić.

- By causing fires they have destroyed more than 40 family houses and more than 40 support facilities, among which are homes of the following families: Afrim Çeku's, Haxhi Vokshi's, Rexh Kelmendi's, Shaban Gashi's, Sahit Gashi's, Syl Gashi's, Dem Gashi's, Muç Loni's, Sevdi Berisha's, Zeqir Tahirukaj's, Rasim Rama's, Husen Çeku's, Soll Çeku's, Syl Çeku's, Haki A. Gashi's, Beqir Gashi's, Qayim Safuj's, Pajazit Hajdaraj's, Tahir Kelmendi's, Iber Kelmendi's, Skender Kelmendi's, Uke Lushi's, Hallit Gashi's, Magjur Gashi's, Bek Sakolli's, Drejtan Shkreli's, Neyir Tahirukaj's, Muç Llomi's, Hysen Çeku's, Bajram Çeku's, Daut Çeku's, Avdill Berisha's, Zykan Vikçi's and Hazir Kelmendi's.

- By causing fire and serial shooting, they have destroyed 3 trucks, 5 passenger vehicles and 3 tractors.

- They have banished more than 400 civilians, women, children and elderly, from the village.

III

Accused Radoslav Brnović, a commander of police station Kličina, voluntarily joined the attack on civilian population of Ćuška, to depopulate and banish that population from the village. In a police vehicle at the village buss station, located by the main road, he met a convoy of tractors with approximately 250 banished Ćuška villagers and ordered them to leave the village. He directed the convoy onto the main regional road and instructed them to follow that road from the village to the town of Peć and the Republic of Albania. He followed them in a police vehicle to the battery factory in Peć, where a police checkpoint was located.

- By the above described conduct, as co-perpetrators, they committed the criminal offence, recognized by Article 142 of the Criminal Code of the Federal Republic of Yugoslavia (war crime against the civilian population) related to Article 22 of the Yugoslav Criminal Code

Therefore,

I P R O P O S E

That a trial be scheduled and held before the Higher Court in Belgrade – War Crimes Department, whereto the following should be summoned:

1. War Crimes Prosecutor

2. Accused: Toplica Miladinović, Srećko Popović, Slaviša Kastratović, Boban Bogićević, Zvonimir Cvetković, Radoslav Brnović, Vidoje Korićanin, Veljko Korićanin, Abdulah Sokić

3. Witnesses:

The following should be read out in addition to the evidentiary procedure:

1. Report on the results of the forensic-technical analysis, conducted by a Danish coroner's team on August 18th, 1999

2. Document named Information on criminal acts committed to the damage of Albanians in the area of secretariat of the interior (SUP) Peć from January 1st, 1998 to June 10th, 1999

3. Document named Information on negative behavior of Yugoslav Army members in the field, from April 30th 1999

4. Memo to the headquarters of police administration in Priština, ref. no. 235-268/99, dated May 17th, 1999

5. Certificates about items confiscated from the accused persons

6. To inspect the photo documentation contained in court record

I also propose detention to be determined for the accused on basis of Article 142 (2.1) and 5 of the Yugoslav Criminal Code.

S t a t e m e n t o f r e a s o n s

Legally relevant matter-of-fact significant to this event, shown in the enacting terms of the indictment, is established by the results of the pretrial and investigative proceedings in this matter, based on testimonies and information gathered by the prosecutor in charge in pretrial proceedings, testimonies of witnesses heard before an

investigative judge of the War Crimes Chamber of the District court in Belgrade, contents of the witness testimonies before the Hague Trial Chamber, which were taken and evaluated according to Article 14 of the Act on Organization and Competence of State Authorities in War Crimes Proceedings, as well as on basis of the written documentation in the records.

This specific event took place on the territory of Peć Municipality, approximately 3 km from Peć, in direction of Priština, in Ćuška village. At the time Ćuška village had 200 households and 2000 inhabitants, mostly Albanian. Ćuška village is located on the left and right side of the main Peć – Priština road. It happened in the part of the village located on the right side of the road, in Gashi and Ćeku family neighborhood and in the village centre, at the cemetery, called Hasan Beć by the villagers, at the time of an armed conflict in Kosovo, on May 14th, 1999.

At the time in question, there was an armed conflict between armed force of the Federal Republic of Yugoslavia – Yugoslav Army and police forces of the Republic of Serbia, on one side, and members of armed military organization “Kosovo Liberation Army” and NATO Coalition, on the other. This conflict took place on the territory of Kosovo, when NATO forces offensive started against Federal Republic of Yugoslavia. On March 24th, 1999 NATO began aerial attacks on targets in FRY. A day earlier, by a Regulation FRY declared a state of imminent war danger, and on March 24th, 1999 a state of war.

The goal of NATO forces intervention was to attack one armed side in the conflict, Serbian armed forces, and to weaken its fighting power and finally to completely incapacitate and neutralize this fighting power. NATO forces placed themselves openly to the side of the other fighting power, the side of armed forces of the KLA, in an already existing conflict, which had the character of internal conflict until then. With the beginning of NATO intervention, and declaring the state of war, armed conflict on the territory of the Autonomous Province of Kosovo and Metohia (AP KIM) changed from internal to international armed conflict.

Peć Municipality with its surrounding villagers, including Ćuška, Pavlen, Naklo and Zahač all were in the responsibility zone of 177th Military-territorial detachment – VTO, of the Yugoslav Army. Commander of this unit was the accused Toplica Miladinović, with the rank of captain. Within this detachment, a unit was formed under the command of Nebojša Minić. Nebojša Minić voluntarily joined the Yugoslav Army and placed himself under the command of Toplica Miladinović, in the first days of bombing, at the end of March 1999.

Srećko Popović, Abdulah Sokić, Slaviša Kastratović, Zvonimir Cvetković and Boban Bogicević joined the Yugoslav Army together and at the same time with Nebojša Minić. The same relates to suspects at now large and against whom separate

proceedings are led: Ranko Momić, Predrag Vuković, Zoran Obradović, Milojko Nikolić, Siniša Minić, Siniša Dunđer and others, placed in squad under the command of Nebojša Minić.

They were under a direct command of Toplica Miladinović, through commander Minić. They executed "special" missions in the town of Peć and surrounding villages, which mostly consisted of "clearing out" the terrain in villages and searching houses purportedly with the goal of finding weapons or hidden KLA members.

In this area also were regular police forces of SUP Peć and local police stations, active police members, who were engaged in fighting the KLA. The reserve members of the police were engaged in other jobs and tasks within the scope of police service, especially on securing police and other buildings, constable and patrol services.

The event described in this indictment, the war crime committed, is tightly connected with the existing armed conflict. The perpetrators of this crime, accused and their comrades in arms acted on the side of the Serbian armed forces, as fighters, members of "Jacklas" squad, within Yugoslav Army's 177th VTO, while victims, by their national determination, belonged to the opposing side in the armed conflict. The act they committed was in the function of reaching the main goal of the armed conflict, which consisted of banishing Albanian population from this area, gaining total control over the whole territory of Kosovo and Metohia and creating ethnically clean area.

Considering the contents of all the abovementioned statements, testimonies of the accused persons, finding and opinions of coroners, contents of written documentation gathered during the course of the investigation, the following matter-of-fact is established:

- Members of "Jacklas" squad, upon the order of the accused, Toplica Miladinović, executed the attack on civilian population of Ćuška village.

Individual active and reserve members of police, including Vidoje Korićanin and Radosav Brnović, joined members of "Jacklas" squad. They were also joined by members of other units of Territorial Defense (TO), including Veljko Korićanin and other, presently unknown members, who were from neighboring villages and who waited for the "Jackals" squad members in the village itself.

- According to the witness PS, the reason for the attack on Ćuška village lies in the fact that this is the birthplace of Agim Ćeku, the KLA leader, and that his father, family and relatives all live in this village. This fact explains the presence of the accused Vidoje and Veljko Korićanin, from Nakla village, in the immediate vicinity of Ćuška, presence of Jašović brothers and other, presently unidentified, members of

TO. Their task was obviously to point out parts of the village and houses of Çeku family, as well as houses of other suspected KLA members.

- All witnesses confirm that the attack had three phases, in the way described in the enacting terms of the indictment.

There is no doubt among the witnesses about the scenario of the attack: house searches, expelling of inhabitants and gathering them in one place, robbing and confiscating of personal property, money, valuables, vehicles, then selecting individuals, mostly men, and depriving them of life, usually with other villagers watching, and then banishing the rest of the village population from the village and burning their houses.

According to witness PS, this was a well-coordinated scenario, on which members of the "Jacklas" were acting and completed tasks from Toplica Milanović during the entire war in Kosovo. Besides Čuška action, they completed at least 15 actions: cleansing of the town of Peć-Kapešnica, buss station, Dardanija and similar, the villages of Naklo, Zahač, Pavlen, Lubenić, Nabrđe, Velika and Mala Jablanica, Pašino Polje, Vitimirica.

Toplica Miladinović wrote down all those actions meticulously in his war journal – The War Journal of 177th VTO. He described those actions as clearing out and searching of the terrain with the goal of finding Albanian terrorists. Late Nebojša Minić and his squad members excellently used all those actions for committing robberies and by doing so acquiring money, valuables and motor vehicles. Minić used to take these vehicles to Montenegro and sold them through his channels.

It is not questionable, all the witnesses agree, that the consequences of the attack are: 43 persons murdered, mostly men, militarily able-bodied; that three persons were killed individually in Brahim Gashi's yard, two persons in Kadri Çeku's house and yard, one after the other, two persons in Hallit Gashi's house, three persons individually in Sali Rexha's house in the toilette in the street one more, a total of 13 persons, as group execution of selected men occurred, which were taken in three separate groups to three different houses and murdered, a of total 29 persons, in Ajet Gashi's house. Over 40 family houses were destroyed in a fire that was set, agricultural machinery was destroyed, motor vehicles, all surviving inhabitants were banished from Čuška village, after being robbed first. One part of those inhabitants went to Montenegro, while the others were hiding in surrounding villages or in woods and hills around Čuška until the end of the war.

It is established from the report of forensic-technical analysis, conducted by a Danish forensic team, that the death of injured parties was caused by discharging firearms, and that most of the remains are completely or partially burnt down in a fire.

The goal of all described activities, undertaken by the accused and their accomplices, was to banish all the surviving population of Čuška village to the Republic of Albania. Over 400 civilians, villagers, were forced to leave the village in three groups. The group of approximately 250 civilians on tractors was met by accused Radoslav Branović at the village bus station, the commander of police station Kličina. He ordered this group in the direction of Peć and the Republic of Albania and followed the convoy in his police vehicle to the police checkpoint at the battery factory in Peć. Members of “Jackals” unit have shown extreme brutality, insensitivity and inconsiderateness. Presently FNU LNU members took infants from gathered villagers and put knives against their throats. They were also shooting just in front gathered villagers’ feet and beating individual men with women and children watching. The abovementioned persons committed murders in cruel and insidious way, often shooting victims in their backs and firing a large number of projectiles in their bodies. They set on fire most of the bodies to render identification of victims ineffective. In this way, they have shown extreme cruelty during the commission of this criminal act.

Every victim was a civilian, Albanian and unarmed, and this discriminating fact was the cause for their murder, intimidation by destroying their private property and vehicles, confiscating personal documents, money and other valuables, and finally banishing.

This fact clearly points to a conclusion that the victims of the crimes the defendants are accused of were deprived of their lives and had their property destroyed, only because of their ethnical identity. As such, if not protected by any other Geneva Convention, they have to be considered as “protected persons” under the Fourth Geneva Convention, having in mind that members of the extended “Jackals” unit obviously thought that the victims belonged to the opposing side because of their national identity and as such represented a danger.

All injured parties, named in the enacting terms, are to be considered as protected persons, being civilians of Albanian nationality, under Article 3 (1.1a) and d) of the Fourth Geneva Convention on protection of civilian persons in war time, dated August 12th, 1949, Articles 51, 75, 76 and 77 of the Additional Protocol 1. On protection of victim of noninternational armed conflicts, and Articles 4 and 13 of the Additional Protocol 2. On protection of victim of noninternational armed conflicts.

By plundering civilian victims’ property in Čuška village, all of the accused acted in violation of Article 33 of the Fourth Convention, which categorically states that “robbery is forbidden”.

Accordingly and based on the established objective circumstances, connected with the facts and circumstances from the proposed witness statements, from which the

specific and individual acts of all of the accused ensue, it is established that acts of the accused persons have all of the important attributes of the criminal act, recognized by Article 142 (1) (war crime against civilian population) of the Yugoslav Criminal Code.

WAR CRIMES PROSECUTOR
Vladimir Vukcević