



Republic of Serbia
Office of the War Crimes Prosecutor

DISTRICT COURT IN BELGRADE
WAR CRIMES CHAMBER

11 August 2009

Pursuant to my authority under articles 46 (2.3), 265 (1) and 266 of the Criminal Procedure Act, and article 4 (2) of the Act on Organization and Competence of State Authorities in War Crimes Proceedings, I hereby issue this

INDICTMENT

Against:

1. AJDARI, Fazlija, a/k/a Faza, born on 5 January 1966 in Vranje, with residence in Preševo; on 23 April 2009, the Investigative Judge of the Belgrade District Court's War Crimes Chamber rendered a Ruling (Ki.V.No.15/08) on his detention, but he is still at large and unavailable to the authorities;
2. ALIJI, Rexhep, a/k/a Redža, born on 24 April 1962 in village Depce (Preševo municipality); on 23 April 2009, the Investigative Judge of the Belgrade District Court's War Crimes Chamber rendered a Ruling (Ki.V.No.15/08) on his detention, but he is still at large and unavailable to the authorities;
3. SHAQIRI, Shaqir, a/k/a Šaća, born on 1 September 1964 in village Depce (Preševo municipality), with residence in Preševo; on 23 April 2009, the Investigative Judge of the Belgrade District Court's War Crimes Chamber rendered a Ruling (Ki.V.No.15/08) on his detention, but he is still at large and unavailable to the authorities;
4. MUSLIJI, Shefket, a/k/a Adžija, born on 12 February 1963 in village Končulj (Bujanovac municipality), with residence in Končulj; on 23 April 2009, the Investigative Judge of the Belgrade District Court's War Crimes Chamber rendered a Ruling (Ki.V.No.15/08) on his detention, but he is still at large and unavailable to the authorities;

5. ALIJI, Sadik, born on 2 September 1965 in village Depce (Preševo municipality), with residence in Preševo; on 23 April 2009, the Investigative Judge of the Belgrade District Court's War Crimes Chamber rendered a Ruling (Ki.V.No.15/08) on his detention, but he is still at large and unavailable to the authorities;
6. ALIJI, Idriz, a/k/a Ramush, born on 28 November 1972 in Preševo, with residence in Preševo; on 23 April 2009, the Investigative Judge of the Belgrade District Court's War Crimes Chamber rendered a Ruling (Ki.V.No.15/08) on his detention, but he is still at large and unavailable to the authorities;
7. MEMISHI, Agush, a/k/a Džabiri, born on 20 July 1979 in Preševo, factory worker; unmarried; literate; completed elementary school and two grades of secondary education; ethnic Albanian, citizen of the Republic of Serbia, with residence in Preševo; pursuant to the Ruling (Ki.V.No.15/08) of 29 December 2008, rendered by the Investigative Judge of the Belgrade District Court's War Crimes Chamber, he has been under detention since 26 December 2008;
8. HAJDARI, Faton, a/k/a Kulji, born on 18 December 1982 in Vranje, with residence in Preševo; manual worker, married and father of two; literate; completed five grades of elementary school; ethnic Albanian and citizen of the Republic of Serbia; pursuant to the Ruling (Ki.V.No.15/08) of 29 December 2008, rendered by the Investigative Judge of the Belgrade District Court's War Crimes Chamber, he has been under detention since 26 December 2008;
9. NUHIU, Shemsi, a/k/a Šema, born on 14 April 1975 in Preševo, with residence in Preševo; on 23 April 2009, the Investigative Judge of the Belgrade District Court's War Crimes Chamber rendered a Ruling (Ki.V.No.15/08) on his detention, but he is still at large and unavailable to the authorities;
10. HASANI, Ahmet, a/k/a Afrikanac, a/k/a Indijanac, born on 10 March 1975 in Preševo; literate, completed four grades of elementary school; gas fitter by occupation; married and father of three; ethnic Albanian and citizen of the Republic of Serbia; pursuant to the Ruling (Ki.V.No.15/08) of 29 December 2008, rendered by the Investigative Judge of the Belgrade District Court's War Crimes Chamber, he has been under detention since 26 December 2008;
11. HASANI, Nazif, a/k/a Kačak, born on 9 April 1969 in village Inatovce (Gnjilane municipality), with residence in Preševo, seasonal worker; literate, completed five grades of elementary school; married and father of four; ethnic Albanian and citizen of the Republic of Serbia; pursuant to the Ruling (Ki.V.No.15/08) of 29 December 2008, rendered by the Investigative Judge of the Belgrade District Court's War Crimes Chamber, he has been under detention since 26 December 2008;

12. HALIMI, Ramadan, a/k/a Rama, born on 25 October 1968 in village Stanevce (Preševo municipality), with residence in Preševo; on 23 April 2009, the Investigative Judge of the Belgrade District Court's War Crimes Chamber rendered a Ruling (Ki.V.No.15/08) on his detention, but he is still at large and unavailable to the authorities;

13. HAJDARI, Samet, born on 1 March 1980 in Preševo, with residence in Preševo; manual worker; married and father of two; literate, did not attend school; ethnic Albanian and citizen of the Republic of Serbia; pursuant to the Ruling (Ki.V.No.15/08) of 29 December 2008, rendered by the Investigative Judge of the Belgrade District Court's War Crimes Chamber, he has been under detention since 26 December 2008;

14. HAJDARI, Ferat, born on 13 May 1977 in Preševo, with residence in Preševo; married and father of three; literate, completed four grades of elementary school; pursuant to the Ruling (Ki.V.No.15/08) of 29 December 2008, rendered by the Investigative Judge of the Belgrade District Court's War Crimes Chamber, he has been under detention since 26 December 2008;

15. SAHITI, Kamber, born on 14 September 1976 in Preševo, with residence in Preševo; metal worker; married and father of two; ethnic Albanian, citizen of the Republic of Serbia; pursuant to the Ruling (Ki.V.No.15/08) of 29 December 2008, rendered by the Investigative Judge of the Belgrade District Court's War Crimes Chamber, he has been under detention since 26 December 2008;

16. SADIKU, Selimon, a/k/a Msus, a/k/a Sulja, born on 25 March 1969 in village Rajince; completed grammar school and has no formal occupation; married and father of three; ethnic Albanian and citizen of the Republic of Serbia; pursuant to the Ruling (Ki.V.No.15/08) of 29 December 2008, rendered by the Investigative Judge of the Belgrade District Court's War Crimes Chamber, he has been under detention since 26 December 2008;

17. FAZLIJU, Burim, a/k/a Fura, born on 1 January 1980 in Preševo, with residence in village Miratovac (Preševo municipality); worker; literate, completed six grades of elementary school; unmarried; ethnic Albanian and citizen of the Republic of Serbia; pursuant to the Ruling (Ki.V.No.15/08) of 29 December 2008, rendered by the Investigative Judge of the Belgrade District Court's War Crimes Chamber, he has been under detention since 26 December 2008.

BACKGROUND AND CHARGES:

The individuals charged by this indictment were members of an armed military formation named Kosovo Liberation Army (UCK) in the course of an armed conflict

which existed in the territory of the Autonomous Province of Kosovo and Metohija, and which involved the FRY armed forces on one side, and the NATO coalition and UCK on the other. The hostilities – which were concurrently of an international and noninternational (internal) character – broke out on 24 March 1999, and continued as an internal conflict well after 20 June 1999, following the suspension of the NATO bombing campaign against the FRY pursuant to the Military-Technical Agreement of 9 June 1999 and UN Resolution 1244 of 10 June 1999. In compliance with the foregoing Agreement and Resolution, the FRY armed forces withdrew from the territory of Kosovo and Metohija, whereas the UCK armed force failed to stop all offensive activities and enter a process of demilitarization, as bound by article 5 re art. 9 (b) of the Resolution. Disrespecting their obligation under the UN Resolution, the UCK troops carried on their attacks against civilian population and individuals until late December 1999, when that army was disbanded.

In early June 1999, a UCK unit was deployed in the territory of the so-called Karadak Operational Zone (which included the areas of Gnjilane, Vitina, Kosovska Kamenica and Novo Brdo). Specifically, the unit's command staff was based in the building of the JNA Home in Gnjilane, whereas its other members – around 100 soldiers altogether – were accommodated in the dormitory building of the local Boarding School.

In the period between early June and late December 1999, members of the said UCK unit consciously and wilfully ordered and committed a number of criminal acts against Serb and other non-Albanian civilians, as well as against some ethnic Albanians, which included unlawful arrests, inhumane treatment, torture, rapes, murders, causing bodily injuries and great suffering, pillage of civilian property, etc. By engaging in the foregoing acts, which were aimed at the accomplishment of a common goal, namely at the establishment of full civil and military control over the KM territory with concurrent expulsion of Serb and non-Albanian populations thereof, the individuals charged by this indictment committed grave breaches of international legal rules governing the conduct of war, specifically of the following: -Articles 2 (1); 3 (1.a, 1.c); and 33 (2) of the Geneva Convention on Protection of Civilian Persons in Time of War (Geneva Convention IV) of 12 August 1949; and - Article 2 (2) re articles 5 and 6 re article 4 (1, 2.a, 2.e, 2.g) of the Protocol Additional to the above Convention, relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II).

I

The accused:

Fazlija AJDARI, Rexhep ALIJI and Shaqir SHAQIRI

Being at the head of the UCK Operational Centre in charge of the Gnjilane area, which was based in the building of the JNA Home in Gnjilane, the above-named accused were actual commanders of the said unit, which operated in the area known as Karadak Operational Zone. In the period from early June through late December 1999, according to a previously made agreement, these accused individuals issued immediate orders to members of their unit to deploy in groups over the area and engage in a campaign of terror against Serb and other non-Albanian civilians, as well as against Albanians disloyal to the UCK. Thus, in the course of June 1999, pursuant to their mutual agreement, they did the following:

a)The accused, Rexhep ALIJI, ordered all members of the said UCK unit based in the dormitory of the Gnjilane Boarding School to assemble in the courtyard, and, as they stood in a semicircle around him, said: "Come and see how Serbs should be killed," whereupon the accused: Sadik ALIJI, Idriz ALIJI, Shemsi NUHIU and Ramadan HALIMI, acting upon his orders and instructions, brutally killed two Serb civilians, in the manner detailed under item II of this indictment.

b)Having summoned members of the same UCK unit to the courtyard of the dormitory building once again, the accused: Fazlija AJDARI, Rexhep ALIJI and Shaqir SHAQIRI told them that their obligation from that point onwards would be to act in compliance with a special "procedure," which involved the search and arrests of Serb civilians in Gnjilane and its surrounding municipalities, whereupon the aptives were to be physically tortured, robbed of their possessions and eventually confined on the cellar premises underneath the dormitory. These accused individuals urged their subordinates to subject the detained civilians to inhumane treatment, torture them to death and cut the victims' bodies into pieces, which they would pack in sacks and subsequently throw into Livoč Lake outside Gnjilane, into rubbish skips around the dormitory and elsewhere in order to conceal traces of their crimes. The accused also instructed the soldiers under their command to expel remaining Serbs from the area and loot their homes. The accused additionally urged their subordinates to carry out the received orders and specifically said the following: Rexhep ALIJI: "Do you see now what you are expected to do to the Serbs?" and: "Do kill as many Serbs as you can!" Fazlija AJDARI: "You must kill as many Serbs as you can get hold of, and expel and rob others. Do not let them get away easily, bring them here to the cellar!" Shaqir SHAQIRI: "All of you are pretty well aware of how long they have killed and mistreated our people, and now the time has come for us to take our revenge, to punish them for whatever they have done to us!"

All of the accused's subordinates complied with the received orders, which resulted in the unlawful arrests and physical torture of at least 267 persons of various nationalities, including Serbs and other non-Albanians, as well as a number of Albanians, specifically:

- At least 80 persons were tortured to death and killed;
- At least 34 persons are still missing, their destinies remaining unknown up to the present day;
- At least 153 persons were unlawfully deprived of their liberty, subjected to brutal treatment and eventually released.

II

The accused:

Rexhep ALIJI, Sadik ALIJI, Idriz ALIJI, Shemsi NUHIU and Ramadan HALIMI

- On an unidentified day in June 1999, the accused, Rexhep ALIJI, summoned all members of the UCK unit to the courtyard of the dormitory building where the unit was based. Upon his orders, the accused: Sadik ALIJI, Idriz ALIJI, Ramadan HALIMI and Shemsi NUHIU instructed the soldiers how they should kill Serb civilians. In order to demonstrate the "procedure", Rexhep ALIJI personally killed two unidentified civilians, whereupon he ordered the accused, Sadik ALIJI, to drive a yellow Ascona car with a Vranje number plate into the courtyard, which the latter did. Inside the car there were two men and an elderly woman, all of whom were of Serb nationality. Acting upon Rexhep ALIJI's orders, the accused: Sadik ALIJI, Idriz ALIJI and Ramadan HALIMI removed the three civilians from the car. In subsequence, the accused: Idriz ALIJI and Ramadan HALIMI pulled the woman down on the concrete ground and tied one of her legs to the Ascona car driven by Sadik ALIJI, and the other to a Zastava 128 car of a pale yellow colour and with Vranje number plates, which was driven by Shemsi NUHIU. That being done, Rexhep ALIJI ordered Sadik ALIJI and Shemsi NUHIU to pull off in opposite directions and said: "Move slowly, do not do away with her too soon!" The cars pulled off and started tearing the victim apart. As she was still alive and screaming, the two cars drove back and the accused: Idriz ALIJI and Ramadan HALIMI released her legs but this time fastened her arms to the cars. The accused, Rexhep ALIJI, commanded: "Tie her arms now and move off slowly, just take your time!" Complying with the instructions, Sadik ALIJI and Shemsi NUHIU started their cars in two opposite directions and ultimately tore the victim apart, whereby she was eventually deprived of her life. The accused applied the same manner to kill the older of the two men, whereupon, further to Rexhep ALIJI's order, Idriz ALIJI took an axe from the Ascona boot and cut the two bodies into pieces, which were then packed into sacks by the Ramadan HALIMI, Idriz ALIJI, Sadik ALIJI and Shemsi NUHIU. Having loaded the sacks into the Ascona car, the same accused individuals drove off to Livoč Lake and dumped them into the water. Meanwhile, the third victim – a young Serb civilian – was transferred to the cellar below the dormitory,

where he was tortured and subsequently killed by unidentified UCK members.

III

The accused:

Fazlija AJDARI, Rexhep ALIJI, Shaqir SHAQIRI, Shefket MUSLIU, Sadik ALIJI, Idriz ALIJI, Agush MEMISHI, Faton HAJDARI, Shemsi NUHIU, Ahmet HASANI, Nazif HASANI, Ramadan HALIMI, Samet HAJDARI, Ferat HAJDARI, Kamber SAHITI, Selimon SADIKU, Burim FAZLIU, and Witness Collaborator "Božur 50".

In the period between the first half of June 1999 and late December 1999, acting in compliance with the orders described in item I of this indictment, acting in concert with other FNU LNU UCK members and within various operational groups, the foregoing accused individuals launched a number of attacks against civilian population and their property in and around the territory of towns Gnjilane, Kamnik, Vlačica and Kamenica. The attacks included the burning of houses, unlawful arrests and physical maltreatment of a large number of civilians – Serbs, other non-Albanians and Albanians, of whom at least 56 were killed either in their homes or in the street. However, the majority of those arrested were transferred to and locked up inside the cellar premises below the dormitory, where they were tortured and mutilated to death on the part of these accused, who broke the victims' fingers and hit them on the head with square metal tubes, pulled out their nails and teeth with pincers, thrust knives into their tongues, hammered cigarette lighters into their skulls, stabbed them all over with knives, fired gunshots into their bodies, hit and kicked them, choked them by putting plastic bags over their heads, strangled them with lengths of wire, cut off their sexual organs with machetes, slashed their throats with knives, etc. Two of the victims that have been positively identified so far were Zorica MLADENOVIĆ and Stojanče MLADENOVIĆ.

At all times and places relevant to this indictment, these accused individuals subjected a number of imprisoned female civilians, among whom were also protected witnesses C1 and C2, to humiliation and abuse, which included rapes, inhumane treatment and injuries to bodily integrity. On more than one occasions, acting in groups or individually, the accused subjected female prisoners to forcible sexual intercourse by inserting their sexual organs into the victims' vaginas, rectums or mouths, forcing them to swallow their sperm. The accused used all manner of weapons to beat the victims, including truncheons which they also pushed into their vaginas, urinated and spat on them. As a result of such treatment, the female prisoners sustained severe injuries to the vagina, rectum, arms, legs and other parts of the body, and endured great suffering.

1.

The accused: Ramadan HALIMI, Idriz ALIJI a/k/a Ramush, Shemsi NUHIU a/k/a Shema, Agush MEMISHI, Ahmet HASANI, Faton HAJDARI, Witness Collaborator Božur 50 and a number of FNU LNU UCK members

On 13 June 1999, the above-named individuals killed Zorica MLADENović, Stojanče MLADENović and two unidentified Serb females in the cellar below the dormitory building in Gnjilane.

The accused: Agush MEMISHI and Faton HAJDARI, aided and abetted by a number of FNU LNU UCK members, unlawfully arrested Zorica MLADENović, Stojanče MLADENović and an unidentified female person in the vicinity of the Gnjilane bus station, whereupon the captives were transported to the dormitory building in a white Lada car driven by witness collaborator Božur 50. On arrival, the captives were taken over by Shemsi NUHIU and Idriz ALIJI, who, along with Ahmet HASANI, Agush MEMISHI, Faton HAJDARI, Ramadan HALIMI and a number of FNU LNU UCK members, locked them inside the cellar premises. The three, along with another unidentified female who had been taken captive and brought to the cellar by a group of FNU LNU UCK members, were subjected to a torturing “procedure” that ultimately resulted in the victims’ deaths. In order to conceal the traces of their crimes, the torturers cut the victims’ bodies into pieces – Agush MEMISHI with a handsaw and Faton HAJDARI with an axe – whereupon they packed the pieces into sacks, which were then taken away and dumped into a rubbish skip near the dormitory by Agush MEMISHI, Faton HAJDARI and witness collaborator Božur 50.

2.

The accused, Agush MEMISHI and Witness Collaborator Božur 50

On an unidentified day in the latter part of June 1999, these two individuals seized an unidentified male civilian outside the open-air market in Gnjilane, whereupon Agush MEMISHI pulled a wire loop – the so-called strangling wire – over the victim’s head, and tightened it until the victim was dead.

3.

The accused, Agush MEMISHI and Witness Collaborator Božur 50

In Gnjilane, several days after the event described in item 2. above, these two individuals approached an unidentified elderly male civilian of Serb nationality as he passed along the street leading from the Army Home to the Post Office. The accused, Agush MEMISHI, hit the victim in the stomach. As the man reeled under the blow,

witness collaborator Božur 50 pulled a length of strangling wire over his head and tightened it until the victim was dead.

4.

The accused: Idriz ALIJI a/k/a Ramush, Agush MEMISHI, Faton HAJDARI, Shemsi NUHIU a/k/a Shema, Ramadan HALIMI and Witness Collaborator Božur 50, aided and abetted by a number of FNU LNU UCK members

On an unidentified day between mid-June and late September 1999, the accused: Agush MEMISHI and Idriz ALIJI, acting in concert with witness collaborator Božur 50 and a FNU LNU UCK member, unlawfully arrested three unidentified civilians, of whom two were Serbs and one Albanian. Having transferred the captives to the cellar of the dormitory building, they tied one of the Serbs and the Albanian to radiator tubes on the ceiling, whereas they pressed the older of the two Serbs against a table, where Faton HAJDARI beat him with a square metal rod until he broke the victim's fingers; Faton HAJDARI was soon joined by Agush MEMISHI, witness collaborator Božur 50 and others, who, equipped with square metal rods, continued beating the victim all over the body. At one point, another accused, Ramadan HALIMI, entered the room and reproached those inside for their inefficiency. In order to demonstrate what proper beating should look like, he broke the victim's head with a single stroke of a metal square rod, and then hammered a cigarette lighter into the victim's skull. In a joint campaign that followed, all of the UCK members who were present at the spot went on to mutilate and otherwise torture the remaining two victims until they were dead. Finally, the perpetrators cut the victims' bodies into pieces, tied them up in sacks which were then loaded onto a Zastava 128 car, whereupon Shemsi NUHIU and Faton HAJDARI drove the load to Livoč Lake and dumped it in the water.

5.

The accused: Agush MEMISHI, Idriz ALIJI, Shemsi NUHIU, Ahmet HASANI, Faton HAJDARI and Witness Collaborator Božur 50,

Aided and abetted by FNU LNU UCK members

On an unidentified day between mid-June and late September 1999, the foregoing accused individuals killed three unidentified male civilians of Serb nationality on the cellar premises below the dormitory building in Gnjilane. Having unlawfully arrested them in Gnjilane, Agush MEMISHI, Idriz ALIJI, Shemsi NUHIU and witness collaborator Božur 50 transferred the captives to the cellar premises below the dormitory, where they tied their hands to radiator tubes on the ceiling. MEMISHI, ALIJI, NUHIU and Božur 50 were soon joined by Ahmet HASANI and Faton

HAJDARI, whereupon they jointly engaged in practicing kung fu movements on the victims. In the ensuing developments, the perpetrators jointly engaged in a torturing “procedure”, which involved beating the victims with metal tubes over the fingers and body. At one point, a UCK member nicknamed Drakula said: “Let’s drink some Serbian blood!” A/k/a Drakula went on to stab the victims with a knife and poke his finger into their wounds to bleed more heavily, whereupon he filled a glass with blood and drank it up. The group then resumed their beating campaign, and Agush MEMISHI, wishing to test his new Walter handgun, placed the victims one behind another and killed them by discharging a round of nine bullets into their stomachs, all the while checking the penetrating power of the weapon. Finally, all of the accused went on to cut the victims’ bodies into pieces and put them in sacks which were then loaded onto two cars, whereupon the load was driven to Livoč Lake and dumped in the water.

6.

The accused, Ahmet HASANI, aided and abetted by a FNU LNU UCK member On an unidentified day between mid-June and late September 1999, Ahmet HASANI, aided and abetted by a FNU LNU UCK member, deprived two unidentified senior civilians – a man and a woman of Serb nationality – of their lives by throwing them through an upper-floor window of a skyscraper in Gnjilane.

7.

The accused: Faton HAJDARI, Agush MEMISHI, Ahmet HASANI, Idriz AJIJI, Ramadan HALIMI, Shemsi NUHIU and Witness Collaborator Božur 50, aided and abetted by a number of FNU LNU UCK members

On the same day as the event described in 6. above, the foregoing accused individuals participated in the killing of four women and two men – unidentified Serb civilians – and in the plunder of their flat.

Having learnt that one of the flats in the skyscraper mentioned in 6. above was inhabited by Serbs, these accused individuals broke the door down, forcibly entered the flat and ordered those inside to hand in any weapons they had. As one of the men opened a cooker drawer in order to pull out his automatic gun and hand it in to the intruders, three UCK members opened fire from their automatic guns on the residents, thereby killing a woman and a man on the spot, and wounding another man and a woman. Subsequently, Faton HAJDARI produced his knife and stabbed the wounded woman in the chest several times, whereupon he slashed her throat. Concurrently, witness collaborator Božur 50 and FNU LNU UCK member a/k/a Udba dragged the wounded man into another room, whereas all other members of their group raped the two surviving women, whom they subsequently killed by

cutting their throats, which they also did with the wounded man. Finally, the accused plundered all valuables from the flat and left. At a later point in time, Ahmet HASANI removed the bodies from the site.

8.

The accused: Rexhep ALIJI, Fazli AJDARI, Shaqir SHAQIRI, Idriz ALIJI, Shemsi NUHIJU, Sadik ALIJI, Agush MEMISHI, Faton HAJDARI, Ahmet HASANI, Ramadan HALIMI and Witness Collaborator Božur 50,

Aided and abetted by FNU LNU UCK members

On an unidentified day between mid-June and late September 1999, in an event that occurred in the part of Gnjilane called Kamnik, the foregoing accused individuals participated in the killing of two Serb civilians – an elderly woman and a young man, and in the plunder of their home.

Fazlija AJDARI and Rexhep ALIJI ordered Idriz ALIJI to go with other UCK members to Kamnik, force out all Serbs thereof and plunder their homes. In compliance with the received orders and instructions, Idriz ALIJI, Shemsi NUHIJU, Sadik ALIJI, Agush MEMISHI, Faton HAJDARI, Ahmet HASANI, Ramadan HALIMI, witness collaborator Božur 50 and several FNU LNU UCK members went to the site in three cars – a Lada, a Zastava 128 and an Opel Ascona. They jumped over a wall and into a garden, where they came across an elderly woman. As witness collaborator Božur 50 took her around the head and neck, Faton HAJDARI approached and said: "Let's see how white is this old woman's ass," whereupon all of them raped the victim. A young man then came out of the house begging them to let him go and promising that his parents would give them money in return. Ignoring his pleas, Idriz ALIJI, Ramadan HALIMI and Sadik ALIJI seized the youth and tied him up. Meanwhile, Faton HAJDARI found a hammer in the garden and used it to hit the old woman on the head, which resulted in the victim's immediate death. The group then entered the house and engaged in a joint plunder of all valuables that they found inside. In subsequence, they took the captured youth to commanders Rexhep ALIJI, Fazlija AJDARI and Shaqir SHAQIRI, who interrogated him and urged his family to pay a ransom for his return. A few days later, under orders from the three commanders, the captive was killed by FNU LNU UCK members.

9.

The accused: Idriz ALIJI and Ramadan HALIMI

On an unidentified day between mid-June and late September 1999, the foregoing

accused individuals deprived an unidentified Serb civilian of his life.

In the vicinity of the Accumulators Factory in Gnjilane, the perpetrators opened fire and shot several bullets into the victim, whereupon they put him into a Lada passenger car and drove away in an unknown direction.

10.

The accused: Ramadan HALIMI, Sadik ALIJI and Idriz ALIJI, aided and abetted by FNU LNU UCK members

On an unidentified day between mid-June and late September 1999, the aforementioned individuals unlawfully arrested an unidentified male civilian of Serb nationality.

Ramadan HALIMI, Sadik ALIJI and Idriz ALIJI seized the victim in downtown Gnjilane and took him to the building of the Yugoslav Army Home, where they handed him over to other UCK members. Several days later, the victim was transferred to the dormitory building, where he was tortured and ultimately killed.

11.

The accused: Agush MEMISHI, Faton HAJDARI, Ramadan HALIMI, Idriz ALIJI and witness collaborator Božur 50, aided and abetted by FNU LNU UCK members

On an unidentified day between mid-June and late September 1999, the foregoing individuals deprived an unidentified Albanian civilian of his life.

Ordered by Fazli AJDARI to organize a group that would liquidate an alleged "Serb spy", Albanian who lived in Gnjilane, Agush MEMISHI and Faton HAJDARI, aided and abetted by Ramadan HALIMI, Idriz ALIJI, witness collaborator Božur 50 and several FNU LNU UCK members, went to the specified address in the vicinity of the Electrodistribution building, seized the victim in front of the building where he was living and killed him on the spot. As Agush MEMISHI fired several gunshots in the victim's head from an Italian 7.76-mm Berretta gun, Faton HAJDARI and others joined in with their Kalashnikov rifles. The victim's body, with his head blown apart, was left on the street as a warning to other Albanians.

12.

The accused: Agush MEMISHI and Witness Collaborator Božur 50, aided and abetted by FNU LNU UCK members

On an unidentified day between mid-June and late September 1999, the foregoing

accused individuals seized and unlawfully arrested three unidentified Serb civilians in the vicinity of the local mosque. They subsequently transferred the captives to the cellar of dormitory building and subjected them to a torturing “procedure” which resulted in the victims’ deaths.

13.

The accused: Shefket MUSLIU, Burim FAZLIU, Selimon SADIKU a/k/a Masus and Witness Collaborator Božur 50, aided and abetted by a number of FNU LNU UCK members

On an unidentified day between mid-June and late September 1999, the foregoing individuals deprived two unidentified Serb civilians of their lives on the cellar premises below the dormitory building.

Aided and abetted by several FNU LNU UCK members, Shefket MUSLIU, Burim FAZLIU and Selimon SADIKU arrested the victims and transferred them to the cellar below the dormitory, where they striped them naked and engaged in the above-described torturing “procedure”. At one point, witness collaborator Božur 50 entered the premises and ordered one of the victims to hold the other’s sexual organ and pull it back, which the latter did, whereupon the witness collaborator produced his machete and cut off the victim’s organ. As the victim collapsed on the ground with pain, Selimon SADIKU poured him with water and said: “Why are you lying there, you bloody son of a bitch, get up on your feet, this is not a wedding party here!” In subsequence, the participants jointly resumed their beating campaign until the victims were dead.

14.

The accused: Shefket MUSLIU, Faton HAJDARI, Ferat HAJDARI, Burim FAZLIU and Witness Colaborator Božur 50, aided and abetted by several FNU LNU UCK members

On an unidentified day between mid-June and late September 1999, the foregoing individuals deprived three unidentified Serb civilians of their lives.

Aided and abetted by several FNU LNU UCK members, Shefket MUSLIU unlawfully arrested three Serb civilians and transferred them to the cellar premises below the dormitory building. In a torturing “procedure” that followed, Shefket MUSLIU used a square metal rod to hit the victims on the knees, whereas Faton HAJDARI – who entered the cellar with Feart HAJDARI and witness collaborator Božur 50 shortly afterwards – took another square metal rod and hit one of the victims three times on the head saying: “Look what Rama has taught me!” As he said

so, Faton HAJDARI hammered a lighter into a hole that he had previously made in the victim's head, whereupon the perpetrators jointly resumed their torturing campaign until the victims were dead.

15.

The accused: Fazlija AJDARI, Ferat HAJDARI, Samet HAJDARI, Faton HAJDARI, Kamber SAHITI, Agush MEMISHI and Witness Collaborator Božur 50, aided and abetted by FNU LNU UCK members

On several occasions between mid-June and late September 1999, the foregoing individuals deprived a total of 13 unidentified Roma civilians of their lives.

In a number of attacks launched on a settlement called Bela Zemlja – Ciganska Mahala, Agush MEMISHI, Faton HAJDARI, Samet HAJDARI and witness collaborator Božur 50 threw bombs into Roma homes while their residents were inside, whereupon Fazlija AJDARI, Faton HAJDARI, Ferat HAJDARI, Samet HAJDARI, Agush MEMISHI, Kamber SAHITI and FNU LNU UCK members would break into, search through and plunder the victims' homes. Additionally, the perpetrators would kill anyone whom they had seen wearing a uniform in photographs found during the search, rape female residents, burn down homes and massacre the bodies of the killed, whose remains they would burn down both inside and outside the homes.

16.

The accused: Faton HAJDARI, Agush MEMISHI and Witness Collaborator Božur 50, aided and abetted by FNU LNU UCK members

On an unidentified day between mid-June and late September 1999, the foregoing individuals deprived three unidentified civilians of their lives on the cellar premises below the dormitory building in Gnjlane.

Aided and abetted by FNU LNU UCK members, Faton HAJDARI and Agush MEMISHI engaged in a torturing "procedure" which resulted in the deaths of three civilians. In a joint action with witness collaborator Božur 50 and another FNU LNU UCK member, the perpetrators cut the victims' bodies into pieces and put them into sacks, which they loaded onto a white Lada passenger car, transported to Livoč Lake and dumped in the water.

17.

The accused: Agush MEMISHI, Shemsi NUHIU, Ahmet HASANI and Witness

Collaborator Božur 50, aided and abetted by FNU LNU UCK members

On an unidentified day between mid-June and late September 1999, the foregoing individuals deprived at least one unidentified Serb civilian of his life in village Vlačica.

After the group had reached the village in two cars, witness collaborator Božur 50 remained outside the vehicles, whereas the rest of the group entered a Serb home and opened fire on the residents from their automatic rifles, thereby killing at least one civilian.

18.

The accused, Faton HAJDARI

On an unidentified day between mid-June and late September 1999, the above-named accused individual deprived two unidentified Serb civilians of their lives in town Kosovska Kamenica.

As he passed through the town in a white Lada car driven by witness collaborator Božur 50, Faton HAJDARI discharged a number of bullets from his Kalashnikov rifle into two Serb civilians, which resulted in the victims' immediate deaths.

19.

The accused, Ahmet HASANI, aided and abetted by an FNU LNU UCK member

On an unidentified day between mid-June and late September 1999, the above-named accused individual deprived an unidentified Serb civilian of his life in town Gnjilane.

Having seized the victim outside the park in the vicinity of the local bus station, the accused robbed him of his identity card and, aided and abetted by an FNU LNU UCK member, beat him to death, whereupon he dumped the victim's body in a nearby manhole.

20.

The accused: Idriz ALIJI, Ramadan HALIMI, Faton HAJDARI, Selimon SADIKU, Burim FAZLIU, Ahmet HASANI, Nazif HASANI, Kamber SAHITI, Samet HAJDARI and Witness Collaborator Božur 50, aided and abetted by FNU LNU UCK members

On an unidentified day between mid-June and late September 1999, the foregoing individuals engaged in inhumane acts against two unidentified Serb civilians – a father and his daughter, thus causing great suffering to the victims.

In one of the rooms on the 1st floor of the dormitory building in Gnjilane, holding their knives at the victims' throats, the perpetrators forced the male victim to place his sexual organ into his daughter's mouth, whereupon, applying the same manner of threat, they coerced him into performing a sexual act on his daughter.

21.

The accused: Agush MEMISHI, Faton HAJDARI, Ahmet HASANI, Nazif HASANI, Burim FAZLIU, Samet HAJDARI, Ferat HAJDARI, Selimon SADIKU and Kamber SAHITI, aided and abetted by FNU LNU UCK members

In the period between 17 and 23 June 1999, the foregoing individuals unlawfully arrested protected witnesses C1 and C2, whom they subsequently subjected to torture, rapes and other acts of inhumane, humiliating and degrading treatment on the premises of the dormitory building in Gnjilane.

In the morning hours of 17 June 1999, as they were standing in a queue for bread in front of a shop close to the Gnjilane bus station, C1 and C2 were approached by several FNU LNU UCK members, who removed them from the queue and unlawfully arrested them. The perpetrators drove the victims in an Opel Ascona passenger car to the entrance door of the dormitory building, where the victims were taken over by another group of UCK members, among whom was also Faton HAJDARI.

The group, including Faton HAJDARI, transferred C1 and C2 to the first floor of the building, where the victims remained unlawfully confined for the next several days. Throughout their captivity, C1 and C2 were deprived of food and water, and subjected to daily torture on the part of a large number of individuals, who raped, beat and otherwise brutalised them.

Several days later, C1 and C2 were transferred to another UCK-controlled facility in village Ugljare in Gnjilane municipality, where they were severely beaten and ultimately released on condition that they immediately left the territory of Kosovo and Metohija.

22.

The accused: Faton HAJDARI, Samet HAJDARI and Selimon SADIKU,

Aided and abetted by FNU LNU UCK members

In the period between 8 a.m. and the afternoon hours of 27 June 1999, the foregoing individuals subjected S.P. to a campaign of terror and robbed him of his possessions.

At approximately 8 a.m., four uniformed and armed FNU LNU UCK members unlawfully arrested S.P. in his home in Gnjilane and transferred him to the dormitory. The victim spent several hours confined in one of the rooms, where groups of 4 or 5 UCK members, among whom was also Faton HAJDARI, beat him with batons. In the afternoon hours of the same day, S.P. was released from the Dormitory and warned not to leave his home or otherwise he would be killed. At around 11 a.m. of the following day, a group of 5 UCK members, among whom were also Samet HAJDARI and Selimon SADIKU, came to S.P.'s home and seized his Volkswagen Santana LH car with Podgorica registration plate, as well as the accompanying documents for the car.

23.

The accused: Nazif HASANI and Idriz ALIJI, aided and abetted by FNU LNU UCK members

On 19 June 1999, the foregoing individuals unlawfully deprived M.S., his wife M.S., and B.Z. of their liberty and subjected them to a campaign of torture.

At around 11.30 a.m., Nazif HASANI, aided and abetted by a FNU LNU UCK member, arrested the three civilians at the Gnjilane bus station and forced them into one of the station premises, where the perpetrators spent approximately one hour beating and interrogating the victims. In the further course of developments, the perpetrators took male M.S. and B.Z. to the building of the former Elementary School Selami Haliqi in the part of Gnjilane called Gavran, where the two were handed over to another group of FNU LNU UCK members. In the meantime, female victim M.S. remained detained in the school building, where around 10 UCK members, including Idriz ALIJI, beat her with baseball bats and rubber batons. At around 3 p.m. of the same day, the victims were hauled to the building of the former fire station and handed over to the KFOR authorities.

24.

The accused, Samet HAJDARI, aided and abetted by FNU LNU UCK members

On an unidentified day in the latter part of June 1999 in Gnjilane, the foregoing individuals unlawfully arrested protected witness A5, his father and his son, whereupon they subjected protected witness A5 and his brother to acts of torture and maltreatment.

Having seized the three at the Gnjilane bus station, a group of approximately 20 FNU LNU UCK members hauled protected witness A5 and his brother to a residential house in the part of Gnjilane called Čener Česma and handed them over to another

group of FNU LNU UCK members, who subjected the victims to a campaign of beating that persisted for several hours. Among the perpetrators was also Samet HAJDARI, who beat protected witness A5 with a bat and a gun. A certain while later, the three were released.

By their participation in the foregoing events, all of the aforementioned accused individuals acted as coperpetrators in the criminal offence recognized by article 142 (1) re art. 22 (war crime against civilian population) of the Yugoslav Criminal Act.

In view of the above, I PROPOSE that a public trial be held before this Court, whereto the following should be summoned:

1. War Crimes Prosecutor of the Republic of Serbia;
2. The accused: Agush MEMISHI, Faton HAJDARI, Ahmet HASANI, Nazif HASANI, Samet HAJDARI, Ferat HAJDARI, Kamber SAHITI, Selimon SADIKU and Burim FAZLIU, all of whom to be transferred from the detention unit of the Belgrade District Court;
3. Witness collaborator
4. Victims and witnesses
5. Protected witnesses.

I further propose that, in the course of evidentiary proceedings, the following documents should be presented and read out:

- List of persons killed in the territory controlled by the Gnjilane Secretariat of the Interior (SUP) in the period between June and December 1999, with the list of registered events with death incidences that occurred in the territory controlled by SUP Gnjilane in the period between June and December 1999, and crime reports against FNU LNU persons;
- List of kidnapped / released persons in the territory controlled by SUP Gnjilane in the period June-December 1999;
- Photo album consisting of 38 photographs;
- Photo album consisting of 113 photographs of persons kidnapped and subsequently released by the UCK troops in the course of 1999;
- Photo album consisting of 48 photographs of persons kidnapped by the UCK troops in Gnjilane during 1999;

- Photo album consisting of 5 newly obtained photographs of persons kidnapped by the UCK troops in Gnjilane during 1999;
- Photo album with photographs from the Gnjilane Orthodox Cemetery;
- 14 photo albums with photographs seized in Preševo on 26 December 2008, during the search of residential and other premises of Ahmet HASANI and others;
- Photo album with 65 photographs and records of witness identifications;
- Letter of the Serbian Government's Missing Persons Committee registered under number 021-01-24/2009-02 and dated 15 June 2009, alongside the record of the presence of death remains of 8 FNU LNU persons found in a garbage container outside the Gnjilane Hospital;
- Letter of the Central Investigative Criminal Unit – UNMIK Police, registered under number 22829 and dated 11 July 2000, reporting on the identification of a mass gravesite;
- OSCE Special Report dated 8 July 2000;
- Letter dated 30 August 2000, signed by the Director of the Political Pillar of the Secretary General's Representative – part of the UN Mission to the Autonomous Province of Kosovo and Metohija, addressed to the President of the UNMIK-FRY Cooperation Committee, Ambassador Stanimir Vukićević; and
- Eight folders containing relevant forensic documentation.

In consideration of the still persisting reasons underlying the relevant Ruling on Detention (Ki.V.No.15/08 of 29 December 2008) rendered by the Investigative Judge of the Belgrade District Court's War Crimes Chamber, I propose that all of the accused be remanded in custody pursuant to the said Ruling.

In addition to the above, I PROPOSE that the accused: Fazlija AJDARI, Rexhep AJDARI, Shaqir SHAQIRI, Shefket MUSLIU, Sadik ALIJI, Idriz ALIJI, Shemsi NUHIU and Ramadan HALIMI be tried in absentia pursuant to article 304 (2) of the Criminal Procedure Act.

Grounds for the proposal that Fazlija AJDARI, Rexhep AJDARI, Shaqir SHAQIRI, Shefket MUSLIU, Sadik ALIJI, Idriz ALIJI, Shemsi NUHIU and Ramadan HALIMI be tried in absentia lie in the fact that, while these accused individuals are at large and unavailable to the State authorities, it is of essential importance that the trial should include all of the accused regardless of whether they are within or beyond reach.

Namely, it is of the utmost importance that the witness collaborator and protected witnesses – who are persons under special protection – be heard within the course of a joint evidentiary proceeding, given that any postponement of the criminal prosecution of the accused who are presently unavailable would foreseeably result in part of evidence getting lost, considering the time lapse of 10 years since the crime commission.

WAR CRIMES PROSECUTOR
Vladimir Vukčević