



CASE INFORMATION SHEET

(IT-05-87)

**ŠAINOVIĆ *et al.* \***


*The Prosecutor v. Nikola Šainović, Dragoljub Ojdanić,  
Nebojša Pavković, Vladimir Lazarević, Sreten Lukić & Milan Milutinović*



**NIKOLA ŠAINOVIĆ**

	Deputy Prime Minister of the Federal Republic of Yugoslavia (Serbia and Montenegro)
<b>Indictment</b>	Initial: 24 May 1999; operational indictment: 21 June 2006
<b>Surrendered</b>	2 May 2002
<b>Transferred to ICTY</b>	2 May 2002
<b>Plea</b>	3 May 2002, pleaded not guilty
<b>Commencement of Trial</b>	10 July 2006
<b>Closing arguments</b>	19 – 27 August 2008
<b>Trial Chamber Judgement</b>	26 February 2009: convicted of crimes against humanity and violations of the laws or customs of war
<b>Appeals Chamber Judgement</b>	23 January 2014: convicted of crimes against humanity and violations of the laws or customs of war
<b>Sentence</b>	18 years' imprisonment
<b>Sentence served</b>	On 18 September 2014, transferred to Sweden to serve his sentence. Early release granted on 10 July 2015

**DRAGOLJUB OJDANIĆ**

	Chief of the General Staff of the Yugoslav Army ("Vojska Jugoslavije" or "VJ")
<b>Indictment</b>	Initial: 24 May 1999; operational indictment: 21 June 2006
<b>Surrendered</b>	25 April 2002
<b>Transferred to ICTY</b>	25 April 2002
<b>Plea</b>	26 April 2002, pleaded not guilty
<b>Commencement of Trial</b>	10 July 2006
<b>Closing arguments</b>	19 – 27 August 2008
<b>Trial Chamber Judgement</b>	26 February 2009: convicted of (aiding and abetting) crimes against humanity
<b>Sentence</b>	15 years' imprisonment
<b>Sentence served</b>	Early release granted on 10 July 2013

\*Following the acquittal of Milan Milutinović, the name of the case was changed from Milutinović *et al.* to Šainović *et al.*

**NEBOJŠA PAVKOVIĆ**

Commander of the Third Army of the VJ

<b>Indictment</b>	Initial: 2 October 2003; operational indictment: 21 June 2006
<b>Surrendered</b>	25 April 2005
<b>Transferred to ICTY</b>	25 April 2005
<b>Plea</b>	28 April 2005, pleaded not guilty
<b>Commencement of Trial</b>	10 July 2006
<b>Closing arguments</b>	19 – 27 August 2008
<b>Trial Chamber Judgement</b>	26 February 2009: convicted of crimes against humanity and violations of the laws or customs of war
<b>Appeals Chamber Judgement</b>	23 January 2014: convicted of crimes against humanity and violations of the laws or customs of war
<b>Sentence</b>	22 years' imprisonment
<b>Serving sentence</b>	On 25 August 2014, transferred to Finland to serve his sentence

**VLADIMIR LAZAREVIĆ**

Commander of the Priština Corps of the VJ

<b>Indictment</b>	Initial: 2 October 2003; operational indictment: 21 June 2006
<b>Surrendered</b>	3 February 2005
<b>Transferred to ICTY</b>	3 February 2005
<b>Plea</b>	7 February 2005, pleaded not guilty
<b>Commencement of Trial</b>	10 July 2006
<b>Closing arguments</b>	19 – 27 August 2008
<b>Trial Chamber Judgement</b>	26 February 2009: convicted of (aiding and abetting) crimes against humanity
<b>Appeals Chamber Judgement</b>	23 January 2014: convicted of (aiding and abetting) crimes against humanity
<b>Sentence</b>	14 years' imprisonment
<b>Sentence served</b>	Early release granted on 7 September 2015

**SRETEN LUKIĆ**

Head of the Serbian Ministry of Internal Affairs (“Ministarstvo unutrašnjih poslova” or “MUP”) staff for Kosovo & Metohija

<b>Indictment</b>	Initial: 2 October 2003; operational indictment: 21 June 2006
<b>Surrendered</b>	4 April 2005
<b>Transferred to ICTY</b>	4 April 2005
<b>Plea</b>	4 May 2005, pleaded not guilty
<b>Commencement of Trial</b>	10 July 2006
<b>Closing arguments</b>	19 – 27 August 2008
<b>Trial Chamber Judgement</b>	26 February 2009: convicted of crimes against humanity and violations of the laws or customs of war
<b>Appeals Chamber Judgement</b>	23 January 2014: convicted of crimes against humanity and violations of the laws or customs of war
<b>Sentence</b>	20 years’ imprisonment
<b>Serving sentence</b>	On 27 October 2015, transferred to Poland to serve his sentence

**MILAN MILUTINOVIĆ**

President of the Republic of Serbia

<b>Indictment</b>	Initial: 24 May 1999; operational indictment: 21 June 2006
<b>Surrendered</b>	20 January 2003
<b>Transferred to ICTY</b>	20 January 2003
<b>Plea</b>	27 January 2003, pleaded not guilty
<b>Commencement of Trial</b>	10 July 2006
<b>Closing arguments</b>	19 – 27 August 2008
<b>Trial Chamber Judgement</b>	26 February 2009: acquitted

## INDICTMENT

### Four counts of crimes against humanity

- Deportation (Count 1)
- Other inhumane acts (forcible transfer) (Count 2)
- Murder (Count 3)
- Persecutions (Count 5)

### One count of violations of the laws or customs of war

- Murder (Count 4)

### *Alleged responsibility of the Accused*

The Prosecution charged the Accused with crimes committed during a campaign of terror and violence directed against the ethnic Albanian population of Kosovo in early 1999. Each of the Accused was alleged to have participated in a joint criminal enterprise, aimed at modifying the ethnic balance in Kosovo and ensuring continued control by the Serbian Authorities. The plan was to be executed by criminal means, including deportations, murders, forcible transfers and persecutions of Kosovo Albanians.

## THE TRIAL

The trial commenced on 10 July 2006.

The Prosecution case closed on 1 May 2007.

On 18 May 2007, the Trial Chamber issued an oral decision pursuant to Rule 98*bis* and dismissed the motions for acquittal filed by all the Defence teams.

The Defence case commenced on 6 August 2007 and closed on 16 May 2008.

From 19 until 21 May 2008 and then on 8 and 9 July 2008, the parties examined two witnesses called by the Trial Chamber.

The closing arguments were presented between 19 and 27 August 2008.

The Judgement was delivered on 26 February 2009.

## TRIAL CHAMBER JUDGEMENT

The Trial Chamber found that there was a broad campaign of violence directed against the Kosovo Albanian civilian population and that this took place during the course of NATO air-strikes in the Federal Republic of Yugoslavia ("FRY") which began on 24 March 1999. This campaign was conducted by army and Interior Ministry police forces (MUP) under the control of FRY and Serbian authorities, who were responsible for mass expulsions of Kosovo Albanian civilians from their homes, as well as incidents of killing, sexual assault, and the intentional destruction of mosques. The Trial Chamber found that these crimes were committed in the execution of a joint criminal enterprise, the purpose of which was to "use violence and terror to force a significant number of Kosovo Albanians from their homes and across the borders, in order for the state authorities to maintain control over Kosovo."

Nikola Šainović, Nebojša Pavković and Sreten Lukić were each sentenced to 22 years' imprisonment for crimes against humanity and violation of the laws or customs of war.

Vladimir Lazarević and Dragoljub Ojdanić were found guilty of aiding and abetting the deportation and forcible transfer of the ethnic Albanian population of Kosovo and each sentenced to 15 years' imprisonment. Milan Milutinović was acquitted of all charges.

## APPEALS PROCEEDINGS

The Prosecution appealed in respect of all of the Accused except Milutinović. Initially, all the Defence teams also filed appeals.

On 28 January 2013, Dragoljub Ojdanić withdrew his appeal. Following this, the Prosecution also withdrew its appeal in relation to Ojdanić and, on 31 January 2013, the Appeals Chamber declared appellate proceedings in relation to Ojdanić concluded. On 10 July 2013, he was granted early release.

The Appeals Hearing took place between 11 and 15 March 2013.

## APPEALS CHAMBER JUDGEMENT

The Appeals Judgement was pronounced on 23 January 2014. The Appeals Chamber partially granted the appeals of both the Defence and the Prosecution.

The final convictions are as follows:

**Nikola Šainović, Nebojša Pavković and Sreten Lukić**, on the basis of individual criminal responsibility (Article 7(1) of the Statute of the Tribunal), were found guilty of:

- Deportation, other inhumane acts (forcible transfer), murder and persecutions (crimes against humanity, Article 5)
- Murder (violations of the laws or customs of war, Article 3)

Sentence: 18 years' of imprisonment for Šainović, 22 years for Pavković and 20 years for Lukić

**Vladimir Lazarević**, on the basis of individual criminal responsibility (Article 7(1) of the Statute of the Tribunal), was found guilty of aiding and abetting:

- Deportation and other inhumane acts (forcible transfer) (crimes against humanity, Article 5)

Sentence: 14 years' of imprisonment

Judge Liu Daqun appended a partially dissenting opinion and a declaration, and Judge Arlette Ramarosan and Judge Bakhtiyar Tuzmukhamedov appended dissenting opinions.

On 25 August 2014, Nebojša Pavković was transferred to Finland to serve his sentence.

On 18 September 2014, Nikola Šainović was transferred to Sweden to serve his sentence. He was granted early release on 10 July 2015.

On 27 October 2015, Sreten Lukić was transferred to Poland to serve his sentence.

On 7 September 2015, Vladimir Lazarević was granted early release.

## STATISTICS

<b>Trial days</b>	<b>285</b>
<b>Prosecution witnesses</b>	<b>117</b>
<b>Prosecution exhibits</b>	<b>1455</b>
<b>Defence witnesses</b>	<b>123</b>
<b>Defence exhibits</b>	<b>2896</b>
<b>Trial Chamber witnesses</b>	<b>2</b>
<b>Trial Chamber exhibits</b>	<b>18</b>