homes. Surroi described finding the houses of his friends empty, with all the family members expelled, even on one occasion finding a pie on the stove that was still warm and a teapot boiling on the stove.\[2079\]

802. [REDACTED].\[2080\] [REDACTED].\[2081\]

803. Haxhiu witnessed the residents of the Bregu e Diellit/Kodra e Diellit neighbourhood being expelled on 2 April 1999. Armed and masked paramilitaries evicted the residents from their homes, while VJ and MUP directed people on the streets and ordered the displaced persons to proceed in specific directions. Car owners were ordered to leave for Macedonia, while those without cars were ordered to go to the Kosovo Polje/Fushë Kosove train station.\[2082\] The convoy of cars leaving the city was many kilometres long.\[2083\]

804. Witness accounts from Priština/Prishtinë establish that Serb forces and armed civilians methodically channelled thousands of ethnic Albanians towards the train station. Bala described that as she walked there were armed MUP and VJ on one side and Serb civilians on the other, with their weapons pointing at the Albanians. Her group was funneled towards the main checkpoint and then directed to the train station.\[2084\] En route, it was apparent that Albanian shops had been destroyed by fire and by demolition.\[2085\] Russo similarly described walking in a convoy, comprised primarily of women, children and the elderly, for approximately two kilometres to the train station. He noted that the various crossroads and road junctions had been blocked off and that armed groups of MUP, "militia personnel" and occasionally armed civilians were guarding the road every 10-15 metres to keep people on course. As the convoy passed certain junctions, large numbers of refugees from other areas would join. Consistent with the haste of their forced departure, the majority of people did not even seem to be carrying suitcases or bags of personal effects.\[2086\] Along the way, Serb civilians standing at the roadides or looking out of their windows were making derogatory gestures, throwing things or yelling threats and insults at the Albanians, while the police made no efforts to stop them.\[2087\]

\[2079\] Surroi,T,294-295.
\[2080\] [REDACTED].
\[2081\] [REDACTED].
\[2082\] Haxhiu,T,6241;P994,pp.22-28,32; P992,p.6;P993,pp.44-45.
\[2083\] Haxhiu,T,6243
\[2084\] Bala,T,2294,P420,p.7.
\[2085\] Bala,P420,p.7.
\[2086\] Russo,P1213,p.6
\[2087\] See: Bala,T,2295,P421,p.83; Russo,P1213,p.6.
805. Emin Kabashi also described walking to the Priština/Prishtinë railway station with “a very long column of people”. Police were escorting the column all along the way. There was a tank stopped on the Vranjevac/Vranjeve Bridge that divided the convoy in two: police sent one section to the Islamic seminary and the other to the railway station. There was a Serbian police patrol checkpoint on the way to the railway station, where police had a computer and a list of names and were asking people about the names on the list. Kabashi saw his name on the list and so did not give his real name to the police. At one point, Kabashi saw four snipers watching them from atop buildings.

806. On 1 April, Surroi similarly observed “a very big wave, a river of people” heading towards the railway station in Kosovo Polje/Fushë Kosova while “escorted by the Serbian police”. On 2 April 1999, he saw Albanians being stripped of their personal documents and observed a large mass of identity cards that had been piled on the street.

807. Thousands of Albanians were arriving at the train station each day. Armed MUP, paramilitaries and armed Serb civilians guarded the exits of the station and killed those who attempted to flee. Bala, for example, observed MUP wearing blue camouflage uniforms surrounding the Albanians and amongst them recognized particular traffic policemen from Dragodan. There were thousands of people, primarily children, youth, women and the elderly, who were waiting to get on the train. It seemed “as if the entire population of Pristina was there”, and they were tired, scared and traumatized. Some people were put onto trains relatively quickly, while others waited days and nights outside. People were also loaded into buses outside the station.

808. The MUP forced hundreds of Albanians into each train carriage. The compartments were so crowded that there was no room to move, it was hard to breathe, and the children were pushed into the overhead luggage compartments for their own safety. Several trains left each day to Gjere [Jankoviq] Hani I Elezit, a village near the Macedonian border. The Uroševac/ferizaj railway station logbook shows that after 24 March 1999, trains were running on exceptional schedules to
and from Priština, and both the number of trains and the number of carriages was increased. These trains would go towards the border full of people and return empty. Serb soldiers and police were onboard the trains. When the trains finally stopped, police and VJ soldiers ordered the refugees at gunpoint to walk along the train tracks to the border with Macedonia. The border area – a “no man’s land” between Macedonia and Kosovo – was full of thousands upon thousands of displaced Albanians.

809. Throughout the deportation process, police sought to take any identification documents from the Albanians and destroy them. IDs were demanded and destroyed along the convoy routes, as Albanians walked along the train tracks to the border, and/or upon arrival at the border zone.

Sexual Assault

810. [REDACTED] [REDACTED]

811. [REDACTED] [REDACTED] [REDACTED] [REDACTED]

Forces of the FRY and Serbia were responsible for the crimes in Priština

812. The forces that participated in the expulsions in Priština/Prishtinë were identified by witnesses as Serb police, soldiers, local civilians and “paramilitaries”, based on the clothing they wore. There was extensive evidence that these forces worked together.

813. Despite defence witness Milutin Filipović’s claims that there were no tanks or combat units in Priština/Prishtinë following the outbreak of the war, orders make clear that forces were actively deployed to the area. A 27 March 1999 order from the Priština Military District, for example, tasked units “To protect the Serbian population” and “To guard roads, military installations, and other features”. Under the heading “Neighbours”, the order also identified

2101 Bucaliu, P826, p.92.
2102 Bucaliu, P826, p.20; P829, pp.5-6; Bala, P420, pp.7-8.
2103 Bala, T.2300, 2347-2348; P420, p.8; P421, p.52; Kabashi, P424, pp.5-6; Drewienkiewicz, T.6396.
2104 See e.g. P840, Drewienkiewicz, T.6394-6397; Bala, P420, p.8.
2105 Surroi, T.296. And note the similar observation of Drewienkiewicz at a later stage: T.6399.
2106 Bala, T.2299; P420, p.8; P421, p.70.
2107 Kabashi, T.2303; Drewienkiewicz, T.6396-6397.
2108 [REDACTED].
2109 [REDACTED].
2110 [REDACTED].
2111 [REDACTED].
2112 [REDACTED].
2113 Filipovic, T.11619-11624.
“Commands and units of the PrK and MUP deployed in the area”. The order also tasked the 50th Military Territorial Detachment to “protect features of importance” in “co-ordination with forces of the MUP and internal security”, and to “protect the Serbian population in the southern part of the town of Pristina”. On 1 April 1999, the PrK Command also directed the 15th Armoured Brigade to “establish control of the territory and law and order in the general area of Priština.” More generally, Filipović was a manifestly untrustworthy witness across a broad range of topics, and in particular with respect to events in Priština/Pristina.

814. At the time these crimes were committed, the MUP and the VJ had full combat control over Priština/Pristinë and the surrounding areas. Priština/Pristinë was the location of the Third Army Command Post, the PrK Command Post and the MUP Staff. The MUP Staff continued to issue orders and dispatches from Priština/Pristinë while these extensive deportations were being conducted, and Lukeć issued many MUP Staff daily reports from Priština over this period that expressly referred to the number of Albanians leaving Kosovo. These reports went directly to Đorđević and to the Minister.

815. Đorđević himself visited the MUP Staff HQ in Priština/Pristinë in mid-April 1999, and then met with Pavković and Lazarević at the PrK Headquarters, along with Lukeć, Stevanović and Đaković.

816. The Priština SUP was fully operative during these massive deportation operations and was responsible to Đorđević. Đorđević in fact personally visited the Priština SUP and met with the SUP Chief in the midst of the deportation campaign.

8. Đakovica/Gjakovë Municipality

817. Đakovica/Gjakovë municipality, located in the western part of Kosovo, was primarily ethnic Albanian.
(a) Dakovica/Gjakovë town

818. From on or about 24 March 1999 through April 1999, police systematically went from house to house in Dakovica/Gjakovë town ordering Kosovo Albanians to leave.2125

819. During expulsions, MUP forces created a climate of terror and fear. MUP forces attacked people’s compounds and killed residents.2126 In addition, police and paramilitaries, and sometimes soldiers, set on fire, destroyed and looted many of the houses and shops belonging to Kosovo Albanians.2127 All damaged property belonged to local Albanians.2128 Reports in the OSCE-KVM Bluebook corroborate the pattern of violence and destruction of property in Dakovica/Gjakovë town from 24–26 March 1999.2129

(b) Miloš Gilić Street/Milosh Giliq Street

820. During the night of 1–2 April 1999, forces of the FRY and Serbia launched an operation against the Čerim/Qerim district of Dakovica/Gjakovë town. Over a period of several hours, Serb forces forcibly entered houses of Kosovo Albanians, killed the occupants, and set their houses on fire.2130 Serbian houses were left untouched.2131 Over 50 persons were killed during the action.

821. During that night, Serb police and paramilitaries attacked a house at 157 Miloš Gilić/Milosh Giliq Street, firing with their automatic weapons.2132 There were 21 civilians, mostly women and children, in the basement of the house.2133 The policemen forced them to move from the basement into the house,2134 and shot indiscriminately at the group.2135 The policemen then set the house on fire.2136 Only 10-year-old Dren Čaka survived the massacre.2137 The remaining 20 civilians from the basement were killed.2138 Forensic data, assessed by Eric Baccard, a forensic

2125 Haxhibeqiri, P.1068, p.9; T.6988-6998, 6996-6997. See also Dula, T.8345, 8398.
2126 Dula, P.1268, p.3; T.8328, 8334–8335, 8361–8367; Hoxha, P.880, pp.3, 4; Haxhibeqiri, P.1068, pp.9–11.
2128 Haxhibeqiri, T.6943; Vejsa, P.978, p.3.
2129 P.1029, pp.135, 140, 142, 151, 153.
2130 Hoxha, P.879, pp.6–7; Vejsa, T.6089; P.978, pp.2–3; P.979, pp.16–17; K.74, P.1095, p.2; Parashumti, P.903, p.5; T.5968, 5993.
2131 Vejsa, P.978, pp.3, 980; T.6096–6097, K.74, P.1095, pp.2–3; Parashumti, P.903, pp.5–6; T.5972–5974, 6002, 6004; P.906.
2132 Hoxha, P.879, pp.6–7; K.74, P.1095, p.5; Vejsa, P.978, pp.2–3.
2133 Čaka, T.8633, P.1296, pp.6–7; Vejsa, P.978, p.4.
2135 Čaka, T.8635–8637, 8642–8647; P.1296, pp.10, 10–12; P.1300; P.1301, pp.6–8; Hoxha, P.879, pp.7; P.880, pp.26–27; Vejsa, T.6091.
2136 Vejsa, P.978, p.3; P.979, p.18; K.74, P.1095, p.5; Hoxha, P.879, p.7; T.5625; P.880, p.28; Parashumti, P.903, pp.5–6; T.5972–5974, 6002, 6004; P.906.
2138 Hoxha, P.879, pp.8–9; Vejsa, P.978, pp.3–4; Čaka, P.1296, pp.21, 33. See Proof of Death Charts, Schedule G.
pathologist, confirmed that there were at least 20 victims: one adult male, several adult females, and 12 children.\textsuperscript{2139}

822. That night, 44 other people were killed in the neighbourhood.\textsuperscript{2140}

823. On the early morning of 2 April 1999, residents and survivors from the Čerim/Qerim district joined a convoy of people leaving the town on foot and on tractors.\textsuperscript{2141} Similarly, between late March and April 1999, thousands of people left Dakovica/Gjakovë town and joined “a river of people, many kilometres long”, moving towards Albania.\textsuperscript{2142}

824. The police and the army were at almost every street corner.\textsuperscript{2143} Checkpoints manned by police were in the town, including at the Mete Efendi Bridge and barracks, near the town exit.\textsuperscript{2144} Here, policemen ordered refugees to throw all IDs and driver’s licences into two large boxes.\textsuperscript{2145} Serb police and soldiers escorted convoys to the Kosovo/Albanian border at Ćafa Prušit/Qafa e Prushit.\textsuperscript{2146} There, police and soldiers manned the checkpoint and asked refugees for their IDs.\textsuperscript{2147} People in the convoy were eventually allowed to cross the border at Qafa e Prushit.\textsuperscript{2148}

825. Defence witness Miloš Došan, Commander of the 52\textsuperscript{nd} ARB based in Dakovica/Gjakovë town,\textsuperscript{2149} observed large groups of people moving through and leaving Dakovica/Gjakovë town at the end of March and early April 1999.\textsuperscript{2150} He denied Serb forces deported Kosovo Albanians from their homes.\textsuperscript{2151} He claimed that people left because of NATO/depleted uranium, terrorist activity and propaganda.\textsuperscript{2152} Došan’s testimony is neither credible nor reliable because it is biased. He had an interest in distancing himself from crimes because his brigade was involved in crimes in

\textsuperscript{2139} Baccard, P1139, pp. 15, 37–39; P1161, pp. 2–10; T. 7661–7665; P1140, pp. 18–19.
\textsuperscript{2140} Hoxha, P880, pp. 33, 37.
\textsuperscript{2141} Hoxha, P879, p. 8; P881, p. 15; Čaka, T. 8649; P1296, pp. 26–27; Haxhibeqiri, P1068, p. 11; K74, P1095, p. 6; Vejza, T. 6092–6093, P978, p. 3.
\textsuperscript{2142} Haxhibeqiri, P1068, p. 11; T. 6098.
\textsuperscript{2143} Hoxha, P879, p. 8. See also K74, P1095, p. 6.
\textsuperscript{2144} Dula, T. 8347; Vejza, T. 6093–6094; P978, p. 3; P979, pp. 8–9; Parashumti, T. 5978, 6013; Hoxha, P879, p. 8.
\textsuperscript{2145} Dula, T. 8347–8349; Vejza, T. 6093–6094; P978, p. 3; P979, p. 9; Parashumti, T. 5978; Hoxha, P879, p. 8; P880, p. 34.
\textsuperscript{2146} Dula, P1628, p. 4; T. 8229, 8347, 8349, K74, P1095, p. 6.
\textsuperscript{2147} Dula, P1628, p. 4; Hoxha, P879, p. 8; P881, pp. 15–17, 30–31; Vejza, P978, p. 4; P979, p. 9; K74, P1095, p. 6; Čaka, T. 8649, 8663–8664, 8668.
\textsuperscript{2148} Hoxha, P879, p. 8; P881, pp. 16–17; Vejza, P978, p. 4.
\textsuperscript{2149} Došan, T. 11383–11435; 11436; D685, pp. 2–3.
\textsuperscript{2150} Došan, T. 11383–11384, 11467–11469; D685, pp. 28, 367.
\textsuperscript{2151} Došan, D685, pp. 29, 80.
\textsuperscript{2152} Došan, T. 11424–11425, 11469–11470, 11514–11515; D685, pp. 27–28, 61, 79.
Meja/Meje.\textsuperscript{2153} In contrast to his testimony, witnesses leaving Dakovica/Gjakovë town consistently testified they left because Serbian police forced them to leave and made them fear for their lives.\textsuperscript{2154}

\textit{Destruction of cultural property and religious sites}

826. Between the end of March and early April 1999, VJ and MUP forces burned or damaged many Albanian historical and religious sites in Dakovica/Gjakovë town, especially its old historic quarter, including: the bazaar, Hadum mosque and adjoining Islamic Library.

827. Witness Dula’s house was situated approximately 300m away from the old Hadum mosque in the town’s historic quarter.\textsuperscript{2155} In the night between 24 and 25 March 1999, Dula heard Serbian voices,\textsuperscript{2156} wood and shops burning,\textsuperscript{2157} and explosions and shelling from the bazaar area.\textsuperscript{2158} The following morning, 25 March 1999, Dula saw that almost her entire neighbourhood was destroyed. Many of the old bazaar shops were still smoking or on fire,\textsuperscript{2159} and the Hadum mosque had been damaged: the top of the minaret tower had collapsed on the ground.\textsuperscript{2160} Hashibeqiri, a town resident, saw the old historic quarter burning\textsuperscript{2161} and mosque damaged\textsuperscript{2162} at similar times to Dula, corroborating her evidence. In early April 1999, he also saw “paramilitaries” setting houses on fire in his neighbourhood, Hadum or Carshia e Vjetër.\textsuperscript{2163}

828. Riedlmayer’s report and testimony support the conclusion that the old bazaar shops, Hadum mosque, its library and Islamic school had been heavily damaged and burned.\textsuperscript{2164} The pattern and the nature of the damage suggested that fire from the ground, rather than air strikes, caused the destruction.\textsuperscript{2165} These findings do not support the Defence claims\textsuperscript{2166} that NATO air-strikes had caused the damage in the old bazaar of Dakovica/Gjakovë. Further, Riedlmayer’s report recorded

\textsuperscript{2153} Došan, T.11392-11393,11398,11473;D703,p.2;P958,p.33.
\textsuperscript{2154} Dula,P1268,pp.2-4;T.8349,8357-8360,8375,8399;Hoxha,P879,p.8;P880,p.25;K74,P1095,p.6. See also Part III, Section(B)(3).
\textsuperscript{2155} Dula,P1268,p.2.
\textsuperscript{2156} Dula,P1268,p.2:T.8358.
\textsuperscript{2157} Dula,P1268,p.2:T.8333,8361.
\textsuperscript{2158} Dula,T.8374-8375.
\textsuperscript{2159} Dula,P1268,p.3:T.8336-8339,8378-8379;P1269.
\textsuperscript{2160} Dula,P1268,p.4:T.8336-8337,8339-8341;P1104,p.1;P1107.
\textsuperscript{2161} Hashibeqiri,P1068,p.9:T.6947-6949;P1069.
\textsuperscript{2162} Hashibeqiri,T.6942;P1069,mark 2.
\textsuperscript{2163} Hashibeqiri,T.6940-6943;P1068,p.10.
\textsuperscript{2164} Riedlmayer,T.7500-7519;P1104,p.1;P1108,p.1;P1099,pp.87-92;P1106;P1110. See also Hashibeqiri,T.6945,7008-7009.
\textsuperscript{2165} Riedlmayer,T.7510-7511,7646-7647;P1099,p.88.
\textsuperscript{2166} See e.g. Došan,D685,p.29. See also Došan,T.11353-11354,11456-11458;D687,pp.1-2;D685,pp.58,310.
that informants saw MUP forces setting the bazaar and Hadum mosque on fire the night after the NATO bombing began.\textsuperscript{2167}

829. Corroborating Riedlmayer’s conclusions, Vejsa, a Miloš Gilić Street resident, testified that NATO did not bomb the Dakovica/Gjakovë historic centre between 24 March and 2 April 1999.\textsuperscript{2168} Similarly, VJ daily situation reports do not record a significant bombardment of Dakovica/Gjakovë around 24 March 1999.\textsuperscript{2169}

*Forces of the FRY and Serbia were responsible for the crimes committed in Dakovica/Gjakovë*

830. The crimes committed in the Dakovica/Gjakovë municipality were committed by forces of the FRY and Serbia in organised and co-ordinated actions. The evidence shows that VJ and MUP units were involved in operations, often together, in Dakovica/Gjakovë town and municipality during the Indictment period.

831. Already from summer 1998, VJ units were present in Dakovica/Gjakovë.\textsuperscript{2170} From March until June 1999, the VJ operated in Dakovica/Gjakovë with the 549\textsuperscript{th} Mbr,\textsuperscript{2171} the 52\textsuperscript{nd} ARB,\textsuperscript{2172} the 52\textsuperscript{nd} MBn,\textsuperscript{2173} the 125\textsuperscript{th} Mbr,\textsuperscript{2174} and Dakovica VT\textsuperscript{Od}.\textsuperscript{2175} The commanders of these units were subordinated to Lazarević.

832. In 1999, Dordević personally ordered the deployment and redeployment of the 23\textsuperscript{rd} and 73\textsuperscript{rd} PJP Detachments to Dakovica/Gjakovë.\textsuperscript{2176}

(c) Korenica/Korenicë

833. On 25 March 1999, VJ forces entered the villages of Deva/Devë and Babaj and executed eight civilian men.\textsuperscript{2177}

834. On 27 March, soldiers led by a VJ commander named Dragan ordered villagers to leave Guska/Guskë within one hour for Albania.\textsuperscript{2178} They left in a convoy,\textsuperscript{2179} and were ultimately sent to

\begin{footnotes}
\item[2167] Riedlmayer, T. 7503, P1099, pp. 92–93; P1105, p. 2; P1108.
\item[2168] Vejsa, T. 6098, pp. 92–93, 95, 104.
\item[2169] *See* D930, pp. 1-2. The first mention of damage inflicted in the Dakovica is the entry from 28 March 1999: between 22:00 and 23:15, the Devet Jugovci barracks were bombarded with no consequences: D930, p. 4.
\item[2170] D728, p. 1.
\item[2171] *See e.g.* D337, pp. 2, 4, 6, 18, P1032.
\item[2172] P958, pp. 6, 9, 12.
\item[2174] P919.
\item[2175] P900.
\item[2176] P1, P71, P1182. *See also* P1193, P1195, P1487, P1185, P1189, P1196, P1199, P1488.
\item[2177] Deda, P1030, p. 5.
\item[2178] Deda, P1030, p. 5; P1031, p. 4; T. 6542.
\end{footnotes}
Korenica/Korenicë. 2180 Similarly, on 4 April 1999, a uniformed and heavily armed policeman named Milutin Praščević and other police officers ordered families in Korenica/Korenicë to leave for Albania. 2181 They too left in a convoy, 2182 but were ordered back to Korenica/Korenicë. 2183

835. On 27 April 1999, Korenica/Korenicë was attacked during the Meja operation, as described below.

(d) Meja/Meje

836. On the morning of 27 April 1999, VJ, MUP and paramilitary forces began sweeping through the Reka/Caragoj Valley, from the village of Dobroš/Dobrosh to Korenica/Korenicë, forcibly expelling Albanian residents and setting their homes on fire. 2184

837. Witness K73 stated that his VJ unit first “sealed” the village of Dobroš/Dobrosh and the “cleansing” continued from there for two days until they reached Korenica/Korenicë. 2185 On the first day they expelled “hundreds” of Albanian civilians and set their houses on fire. 2186 [REDACTED]. 2187

838. Similarly, witness K90 said his VJ unit blockaded and “secure[d]” the area around Korenica/Korenicë and Meja/Meje. 2188 Many police were then deployed into the area, and “randomly fired into homes.” 2189 As villagers began to flee, their homes would be “set alight”. 2190

839. About 35 soldiers, paramilitaries and policemen ordered Lizane Malaj’s family out of their house in Korenica/Korenicë, stole three cars and made the men lie down at gunpoint. 2191 Elsewhere in Korenica/Korenicë, nine men wearing uniforms which were not the “normal” army uniforms forced everyone out of the house in which Merita Deda, a refugee from Guska/Guskë, was

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2179 Deda, P1030, p.5; T.6537–6538.
2180 Deda, P1031, p.5; T.6537–6538.
2181 Malaj, T.811, 857–858.
2182 Malaj, T.809–811.
2183 Malaj, T.811.
2184 K73, [REDACTED], P330-A, para.41.
2185 K73, [REDACTED], P330-A, para.41.
2186 K73, P330-A, para.42; P331-A, para.8; [REDACTED], [REDACTED].
2187 [REDACTED].
2188 K90, P321, para.48; T.1452–1453.
2189 K90, P321, para.48; T.1344–1345.
2190 K90, P321, para.48.
sheltering.\textsuperscript{2192} That same morning in Meja/Mejë, four uniformed men, including two local MUP officers, told Martin Pnishi’s family to leave, as they were about to burn the house down.\textsuperscript{2193}

840. A consistent practice of Serb forces, including policemen, throughout the Meja/Mejë operation was to separate the men from the women, and then beat, rob and kill the men. This happened to the men in Malaj’s and Deda’s family and houses.\textsuperscript{2194} Serb forces made the women in Deda’s house raise three fingers and shout “Serbia, Serbia”.\textsuperscript{2195} The rest of the family members were told to walk to Albania.\textsuperscript{2196} After the killings, Serb forces set the houses on fire.\textsuperscript{2198}

841. Police, VJ soldiers and paramilitaries manned checkpoints on the roads where they separated out the men and killed them.\textsuperscript{2199} At one checkpoint, K90 saw hundreds of displaced Albanians “coming from everywhere”.\textsuperscript{2200} MUP officers separated men from women, and “herded” at least three to four groups of up to 10 men into houses in a compound at gunpoint.\textsuperscript{2201} There, the police executed the Albanian men.\textsuperscript{2202} Later, K90 saw the police set fire to these houses.\textsuperscript{2203}

842. At a checkpoint on the road near his home in Meja/Mejë, Pnishi observed Serb forces separating the men from the women, then sending some men to the nearby school building.\textsuperscript{2204} Nike Peraj, a VJ officer, later saw four men’s dead bodies lying behind the school’s toilets.\textsuperscript{2205}

843. During the course of the Meja/Mejë operation, forces of the FRY and Serbia killed at least 344 people. Years later, the human remains of approximately 300 of these victims were exhumed from mass graves at Batajnica, including those of some of Malaj’s and Deda’s relatives.\textsuperscript{2206}

844. The displaced Albanians who were not executed were forced to leave Kosovo. Convoys of refugees from villages throughout the Reka/Caragoj valley, including Korenicë/Korenica, Guska/Guskë, Junik, Dakovica/Gjakovë and Skivjane/Skivjan, made their way to Albania.\textsuperscript{2207}

\begin{footnotesize}
\begin{itemize}
\item \textsuperscript{2192} Deda,P1031,pp.5–6,8,17,34,P1030,p.6. See also Pnishi,P313,para.90.
\item \textsuperscript{2193} Pnishi,T:6574–6575,6578,P1033,pp.2–3,P1034,pp.5–6. [REDACTED].
\item \textsuperscript{2194} Malaj,T:818; Deda,P1031,pp.5–7,P1030,p.6.
\item \textsuperscript{2195} Deda,P1030,p.6,P1031,pp.5–6.
\item \textsuperscript{2196} Malaj,T:815–818.
\item \textsuperscript{2197} Malaj,T:819.
\item \textsuperscript{2198} Malaj,T:819–820,873–874. [REDACTED];K90,T:1346.
\item \textsuperscript{2199} See also Pnishi,P1033,p.4;T:1448;Peraj,P313,para.71–74.
\item \textsuperscript{2200} K90,P321,para.53.
\item \textsuperscript{2201} K90,P321,para.s.54,59,61;T:1351–1352.
\item \textsuperscript{2202} K90,P321,para.62–68.
\item \textsuperscript{2203} Pnishi,P1033,p.4,9.
\item \textsuperscript{2204} Peraj,P313,para.94.
\item \textsuperscript{2205} See P98;P99;P100;P756;Anax C, Schedule H;Deda,P1031,p.7;Malaj,T:830–832.
\end{itemize}
\end{footnotesize}
Along the way, VJ soldiers and police manned checkpoints and lined the road, forcing them to keep walking.  

845. So that Kosovo Albanians could not return, Serb forces, including police, took the refugees’ IDs and registration plates as they expelled them from their houses, at checkpoints and at the border.  

**Forces of the FRY and Serbia were responsible for the crimes committed during the Meja/Mejë operation**

846. Peraj stated that in early March 1999, the PrK Chief of Security, Momir Stojanović, told him that Serbian forces would carry out a cleansing plan against Albanians in Dakovica/Gjakovë municipality. On 22 April 1999, Stojanović’s relative, Milutin Praščević, was killed along with other MUP officers in a KLA ambush. Stojanović held an informal gathering in Dakovica/Gjakovë town and prior to mourning Praščević’s death, there, in an “emotional outburst” he told Nikola Mićunović (VJ Major commanding reservist units of the Territorial Defence, aka “Dragan”) and Colonel Kovačević (commander of Dakovica/Gjakovë MUP station) that at least 100 “heads” had to be eliminated and all houses burned in revenge. Days later, Mićunović told Peraj that “the valley of Carragoj was going to pay a very high price”. As demanded by Stojanović, six days after Praščević’s murder, over 300 Albanian “heads” were in fact eliminated, and most Albanian homes burned.

847. Around this time, about 400 policemen arrived in the area in buses and civilian vehicles. By at least 25 April 1999, the VJ and the MUP had deployed their units to the area northwest of Meja/Mejë, towards Junik.

848. Documentary evidence shows that both VJ and MUP units were engaged, specifically: VJ 125th Mbr; elements of the 63rd Parachute Brigade, 52d MPBn; 2nd Battalion of the 549th
Mtrb; 2220 52nd ARB; 2221 and one company of MUP PJP 73rd Territorial Detachment was deployed in the Ponoševač/Ponoshec, Korenica/Korenić, and Smocica/Smolice villages area. 2222

849. On a map, Peraj showed the deployment of VJ and MUP units along the Dakovica/Gjakovë-Decane/Deçan road. 2223 During the operation, the 63rd Parachute Brigade moved down the left side of the valley, parallel with the 52nd MPBn. The PJP 73rd Territorial Detachment moved down the right side of the valley. 2224

850. In a 27 April combat report, the Commander of the 125th Mtrb, Dragan Živanović, referred to a column of “Siptar civilians” on the axis of the Seremet/Sheremetaj-Racaj/Rracaj-Dakovica/Gjakovë and “further on.” 2225 This axis would have passed through or near Meja/Mejë. The task for the following day was to “continue mopping up the general area of Reka in a concerted action with the MUPs”. 2226

851. On 27 April, the 2nd Battalion of the 549th Mtrb blocked off the Korenica/Korenić village axis. 2227 Other VJ units did the same. 2228 Many police were then deployed into the area. 2229

852. Šešelji’s and Arkan’s units were also deployed in the area. 2230

853. General Lazarević and Lieutenant-Colonel Goran Jeffović (Staff Officer for PrK operations) coordinated the overall action from Dakovica/Gjakovë. 2231 By late April 1999, Lazarević was primarily based at the Dakovica/Gjakovë forward command post, together with other members of the PrK Command. 2232 From there, he directed the operations on the ground and received reports from Novica Stanković and Milan Kotur at a VJ command post. 2233 Colonel Kotur, from the PrK, 2234 was deployed to a command post at the Catholic Church northwest of Osek village, where

2220 D37, pp. 10–12; Došan, T. 11479, 11481; [REDACTED].
2221 P958, p. 33; Došan, T. 11392–11393, 11398, 11473; P703, p. 2.
2222 P949, p. 2. See also Peraj, P313, para. 65.
2223 Peraj, P313, paras. 64–65; P317, T. 1225–1227.
2224 K73, P330-A, paras. 37, 41; [REDACTED]; P337; [REDACTED].
2225 P950, p. 2.
2226 P950, p. 3.
2227 D37, p. 11.
2228 K90, P321, para. 48; T. 1452–1453; [REDACTED].
2229 K90, P321, para. 48; T. 1344–1345.
2230 Pushti, P1033, p. 5; Peraj, P313, para. 80.
2231 Peraj, P313, para. 65.
2232 Peraj, P313, para. 91.
2233 Peraj, P313, paras. 91, 93.
2234 Peraj, T. 1264.
he had a clear view of the Reka/Caragoj valley to direct the operation. The MUP command post was located in the Dervish prayer house in the Dužlje/Duzhnje village.

854. Defence witness Momir Stojanović went to great lengths to undermine Peraj’s testimony. Stojanović denied he ever said that there would be a cleansing operation, and that Serb forces should seek retribution for Praščević’s killing. Stojanović had a personal interest in undermining Peraj’s testimony, as it implicated him in instigating the murder of over 300 Albanians. To distance himself from these comments, Stojanović made highly incredible claims, including: he did not remember Praščević was killed during the war, he was evasive about whether Praščević was a police officer, he even denied that he knew at the time that the KLA killed Praščević. Given that it was Stojanović’s job to gather KLA intelligence, that the initial criminal report stated clearly that terrorists killed Praščević, and that multiple witnesses were aware that the Meja/Mejë action was at least partly in response to this terrorist killing, these denials are not worthy of belief.

855. Further, Stojanović went to great lengths to distance himself from the crimes committed in Meja/Mejë. He claimed not to know that the VJ had committed any crimes during the operation, even though it was his job to learn of crimes committed by the VJ and investigate them. Since the action led to the murder of over 300 people, thousands of displaced Albanians, and homes burning throughout the entire valley, either Stojanović was negligent in his job or he was not truthful. At a minimum, it is clear that he had little interest in investigating the crimes committed during the Meja/Mejë operation: when remains of those killed there were found in a mass grave in Batajnica, he conducted no investigation, even though he was Chief of Security of the Army of Serbia and Montenegro at the time. In general, Stojanović was an incredible witness who tried to assist himself and the defence rather than give objective, truthful testimony.

856. The organisation and planning involved in the Meja/Mejë operation are further evidenced by the fact that VJ and MUP forces hid the dead bodies of the Albanians they murdered. Peraj saw four

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2235 Peraj,P313,pam.63;P317.  
2236 Peraj,P313,pam.63;P317.  
2237 Stojanović,T.11894-11895.  
2238 Stojanović,T.11890.  
2239 Stojanović,T.11906-11908.  
2240 Stojanović,T.11889-11890.  
2241 P1544;Stojanović,T.11905.  
2242 Dobar,T.11476-11478.  
2243 Stojanović,T.11929.  
2244 Stojanović,T.11938-11944.
trucks driving towards Dakovica/Gjakovë town from Meja/Mejë with a police escort, transporting piles of bodies.\textsuperscript{245} The MUP then buried these bodies in mass graves.\textsuperscript{246}

9. Gnjilane/Gjiilan Municipality


(a) Žegra/Zhegër

858. In 1999, the village of Žegra/Zhegër had approximately 4,000 residents. Out of about 600 houses, roughly 70 houses were Serb.\textsuperscript{247}

859. Throughout March 1999 there was a noticeable build-up of MUP, paramilitary and VJ forces in Žegra/Zhegër.\textsuperscript{248} These forces were primarily based in the radiator factory, the agricultural co-operative and the primary school.\textsuperscript{249} VJ forces also expelled Albanian families from their homes in order to quarter soldiers.\textsuperscript{250} Two or three weeks before the NATO campaign started, reservists and regular VJ soldiers manned a checkpoint at the entrance of the village to check residents' identity documents.\textsuperscript{251} Forces in APC's and tanks patrolled the area daily.\textsuperscript{252}

860. On 28 March 1999 (Muslim holiday of Bajram), the Serb families in Žegra/Zhegër started to mark their homes with a white cloth on the door to distinguish their houses from the Albanian ones.\textsuperscript{253} Paramilitaries assisted by local Serbs searched the village for prominent Albanians.\textsuperscript{254} They attempted to locate the LDK president, Tahir Tahiri, but did not succeed and instead killed his brother, Shyqeri Tahiri.\textsuperscript{255}

\textsuperscript{245} Pemj, P312, para. 86, 88.
\textsuperscript{246} See Part III, Section B(5).
\textsuperscript{247} Pemj, P786, p. 2, P787, para. 4.
\textsuperscript{248} P1028, p. 812. See also Shabani, P786, pp. 2-3; P787, para. 2.
\textsuperscript{249} Shabani, P786, pp. 2-3. See also K81, P792, p. 6; P793, p. 16 (the factory was located at the entrance to the Žegra/Zhegër village approximately one kilometre away from Vladovo/Lladovë).
\textsuperscript{250} Shabani, P786, p. 3.
\textsuperscript{251} Shabani, P786, p. 2.
\textsuperscript{252} Shabani, P786, p. 2.
\textsuperscript{253} Shabani, P786, p. 2; P788, pp. 22-25.
\textsuperscript{254} Shabani, P788, pp. 5-6; P786, p. 3. Shabani names the local Serbs who provided the list of prominent Albanians (P787, para. 5). K81 corroborated Shabani’s evidence and gave a list of civilians he saw working with the soldiers/paramilitaries. K81, P792, p. 8.
\textsuperscript{255} Shabani, P786, p. 3; P788, p. 5.
861. On 29 March, MUP, VJ, paramilitary and local Serbs began systematically expelling the ethnic Albanian residents from Žegra/Zhëgër.\textsuperscript{226} Serb forces in APC’s drove through the village firing machine guns at houses.\textsuperscript{227} VJ soldiers went from house to house, forcing people to leave at gunpoint.\textsuperscript{228} They shot at and injured several residents.\textsuperscript{229} Most of the villagers fled to the mountains.\textsuperscript{226} They sought refuge in the woods and the neighbouring village of Donja Stubla/Stubëlë E Poshtme, where they lived in very difficult conditions for about five weeks.\textsuperscript{226}

862. In early April, villagers from other parts of Gnjilane/Gjilan municipality, such as Ribnik/Rimnik, Delekari, Budrika/Burrke E Eperme, Mogila/Mogille, Nosalje/Nosalë and Vladovo/Lladovë, also fled to Donja Stubla/Stubëlë E Poshtme, after Serb forces attacked their villages,\textsuperscript{226} killing and injuring many civilians.\textsuperscript{226} Some of the wounded died upon arrival in Donja Stubla/Stubëlë E Poshtme.\textsuperscript{226}

863. By mid April, roughly 20,000 people had amassed in Donja Stubla/Stubëlë E Poshtme.\textsuperscript{226} Food and water became scarce, so large groups of refugees began leaving the village everyday in the direction of Macedonia.\textsuperscript{226}

864. One group of about 600 Albanians left Donja Stubla/Stubëlë E Poshtme in early May.\textsuperscript{226} On their way to Macedonia, they were shot at by VJ soldiers. Later, thirty to forty VJ and paramilitary forces stopped them near a border crossing and separated the men from the women. The forces surrounded the men at gunpoint, and threatened to kill them.\textsuperscript{226} Their commander yelled ethnic insults at the Albanians, and ordered the group to walk to Preshevë/Preševo, Serbia.\textsuperscript{226} The convoy set off for Preshevë/Preševo and, over the night, was joined by 300 other Albanians, including some from Žegra/Zhëgër.\textsuperscript{226} They all crossed into Macedonia the following day.\textsuperscript{226}

\textsuperscript{226} Shabani, p.786, p.3; p.787, pp.4-6.
\textsuperscript{227} Shabani, p.786, p.3; p.787, para.8.
\textsuperscript{228} Shabani, p.786, p.3.
\textsuperscript{229} Shabani, p.786, p.3; p.787, paras 9-12.
\textsuperscript{230} Shabani, p.786, p.3. Some villagers attempted to go back and were expelled a second time (Shabani, p.787, paras 13-14; p.788, pp.6-7).
\textsuperscript{231} Shabani, p.788, pp.4-5; p.788, pp.41-42.
\textsuperscript{232} Shabani, p.788, p.4.
\textsuperscript{233} Shabani, p.786, p.4.
\textsuperscript{234} Shabani, p.786, p.4.
\textsuperscript{235} Shabani, p.786, p.4.
\textsuperscript{236} Shabani, p.786, pp.4-5; p.788, pp.41-42.
\textsuperscript{237} Shabani, p.786, p.4.
\textsuperscript{238} Shabani, p.786, p.4.
\textsuperscript{239} Shabani, p.786, p.4.
\textsuperscript{240} Shabani, p.786, p.4.
\textsuperscript{241} Shabani, p.786, p.4.
\textsuperscript{242} Shabani, p.786, p.4.
\textsuperscript{243} Shabani, p.786, p.4.
\textsuperscript{244} Shabani, p.786, p.4.
865. In total, about 1,200 to 1,300 people fled Žegra/Zhegër at the end of March 1999. By 26 June 1999, when some villagers returned to Žegra/Zhegër, all but a few of the Albanian houses were either totally or partially burned, while Serb houses were intact.

(b) Vladovo/Lladovë

866. On 25 March 1999, armed VJ and paramilitaries entered Vladovo/Lladovë on eight to 10 buses. Many of the paramilitaries, including men known as Arkan’s Tigers, stayed in a factory with the VJ at the entrance to Žegra/Zhegër. They were armed with automatic guns and drove civilian vehicles. They set up check-points, stole residents’ cars, and mistreated the civilian population.

867. Many of the villagers, including women, children and the elderly, fled to the mountains, from where they could see that Serb forces kept shooting in the village. Around 2 April, a handful of villagers decided to go back to Vladovo/Lladovë. VJ soldiers in dark green uniforms opened fire on them with automatic guns, wounding and killing villagers.

868. After about two weeks, the villagers ran out of food, and a group of them went to the village of Zub/Zhub. Shortly thereafter, the VJ began attacking civilian houses in Zub/Zhub, causing the residents to flee. Soldiers opened fire on the fleeing civilians. The group from Vladovo/Lladovë managed to escape and later joined a convoy of 1,000 people travelling to the Macedonina. Police and VJ escorted the convoy to the Macedonian border. At the border, MUP searched the convoy, and took everyone’s ID papers. The convoy had to remain at the Macedonian border until the border crossing opened, and eventually crossed on 14 April 1999.

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2272 Shaban, P786, pp. 3-4, P788, pp. 6-7. K81 also witnessed people fleeing Žegra/Zhegër around this time (K81, P792, p. 8).
2273 Shaban, P787, para. 19 (Shaban claimed that roughly 120 Albanian houses were totally burned and 420 were partially burned). K81 also confirmed that Albanian houses in Žegra/Zhegër were burned, while Serb houses were intact (K81, P792, p. 8).
2274 K81, P792, p. 6; P793, p. 3 (correction to the number of buses: 8 to 10, not 80 buses). VJ soldiers wore dark green uniforms, while the paramilitaries wore parts of uniform or civilian clothes, had long beards, and appeared to be older than the VJ soldiers (K81, P792, p. 6; P793, pp. 17, 20).
2275 K81, P792, p. 6; P793, pp. 16, 20, 23. The factory was located at the entrance to the Žegra/Zhegër village approximately one kilometre away from Vladovo/Lladovë.
2276 K81, P792, p. 6; P793, p. 19.
2277 K81, P792, pp. 6-7.
2278 K81, P792, p. 7.
2279 K81, P792, p. 7.
2280 K81, P792, pp. 8-9.
2281 K81, P792, p. 9.
2282 K81, P792, p. 9.
2283 K81, P792, p. 9.
2284 K81, P792, p. 9.
2285 K81, P792, p. 9.
(c) Prilepica/Përelpnicë

869. Prilepica/Përelpnicë, located north-east of the town of Gnjilane/Gjilan, had about 3,000 primarily Albanian inhabitants as of March 1999.2286

870. On 6 April, ten to fifteen soldiers came into the village, fired their guns, and caused some frightened residents to flee.2287 The soldiers said that they had orders from Belgrade to empty the village and threatened the village imam, Abdylhaqim Shaqiri, and told him to instruct the population to leave their homes.2288 The villagers were given two hours to leave in the direction of Uroševac/Ferizaj.2289

871. A convoy of about 3,000 people and 400 cars left Prilepica/Përelpnicë.2290 The convoy first stopped near Kmetoče/Kmetovece village at a MUP and VJ checkpoint, where they were questioned by VJ soldiers.2291 They continued on the road and were later stopped by the police who informed them that the Gnjilane/Gjilan SUP had sent orders instructing the convoy to return to Prilepica/Përelpnicë.2292 Some villagers returned to Prilepica/Përelpnicë that night to find their houses destroyed, looted and raided.2293

872. About one week later, on 13 or 14 April, the VJ ordered Prilepica/Përelpnicë villagers to leave again. Two local reserve VJ soldiers, Ljuba Palamarevic and Djilas Mladenovic, said that they had orders to empty Prilepica/Përelpnicë.2294 The entire village evacuated again the following day with a MUP escort in a convoy of approximately 500 vehicles. They were later joined by expelled villagers from Kosac/Kosovce.2295 When they reached Macedonia, border police ordered them to leave all their vehicles in a nearby field along with the keys and licenses. They were later taken on buses from Macedonia to different refugee camps.2296

2286 Shaqiri,P729,p.5.
2287 Shaqiri,P729,pp.6-9. Most of the soldiers were solid olive-green-grey uniforms. One or two wore green camouflage. They carried automatic rifles, Kalashnikovs, and spoke Serbo-Croatian.
2288 Shaqiri,P729,pp.8-11.
2289 Shaqiri,P729,p.17.
2290 Shaqiri,P729,p.23.
2291 Shaqiri,P729,pp.23-24. VJ soldiers were wearing olive-green-grey uniforms. The MUP were wearing traffic police uniforms with white ribbons on the arm.
2292 Shaqiri,P729,pp.25-30; P731.
2293 Shaqiri,P729,pp.30-32.
2294 Shaqiri,P729,pp.33-36.
2295 Shaqiri,P729,pp.38-41. P733 maps the route.
2296 Shaqiri,P729,pp.55-56;P732; P733.
Destruction of cultural property: Vlaštica/Vlastica

873. In late March to early April, forces described as VJ soldiers assisted by local armed civilians attacked the village of Vlaštica/Vlastica. They looted and burned houses. Riedlmayer categorized the Vlaštica/Vlastica mosque as "heavily damaged". The database entry for the Vlaštica mosque shows that the interior was burned out. Information from the EU/IMG report as well as a media account also confirmed damages to the interior of the mosque.

Forces of the FRY and Serbia were responsible for the crimes in Gnjilane/Gjilan municipality

874. VJ, MUP, and paramilitary forces were present during the expulsions of the civilian population from Gnjilane/Gjilan municipality. The VJ was present with the 175th Infantry Brigade, deployed in the area until at least mid-April, together with MUP forces. Various “armed non-Albanian civilians” and “paramilitaries” were reported to be working alongside the Serb forces.

875. Witnesses identified both VJ and MUP forces as perpetrators of the crimes committed in Gnjilane/Gjilan municipality, either through the uniforms they wore, or through the fact that some of the soldiers, policemen or local Serbs committing crimes were known to victims and witnesses.

876. Documentary evidence in the Trial Record shows that:

- On or about 19 March to 21 March 1999, the OSCE-KVM reported a large military presence including armored vehicles in the border area to the south of Gnjilane/Gjilan. This coincides with the expulsions in Žegra/Zhegër, which began in late March.

- By the end of March 1999, the 58th Military Territorial Detachment (VTOd), in coordination with the 52nd Mixed Artillery Brigade, the 175th Infantry Brigade, and MUP forces, was deployed in the town of Gnjilane/Gjilan and in other villages in the area.

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2297 K81,P793,p.18.
2298 K81,P792,p.7;P793,pp.7-8;P795.
2299 Riedlmayer,T.7538;P1099,pp.78-79;P795,P1125,P1126.
2300 Riedlmayer,T.7539;P1126,P1099,p.78.
2301 Riedlmayer,T.7539,P1126.
2302 P768,p.2. See also P1028,p.812;P896.
2303 Shabani,P786,pp.2-3;P788,pp.5-6;K81,P792,pp.6,8;P793,pp.16,20,23;Shaqiri,P729,pp.6-9.
2304 Shabani,P788,pp.5-6;P786,p.3;P787,para.5;K81,P792,pp.6,8;P793,pp.17,20;Shaqiri,P729,pp.6-9,23-24.
2305 P1028,p.812.
2306 Shabani,P786,pp.3-4;P788,pp.5-6.
2307 P896,pp.5(8.1).
- At a MUP Staff meeting of 4 April 1999, SUP chief Gavrančić reported "problems with volunteers in Žegra", and that about 50,000 persons had moved out.\textsuperscript{2308}

- A report on criminal proceedings alleged that, on 29 March 1999, seven soldiers/volunteers from the 175\textsuperscript{th} Infantry Brigade committed crimes in Žegra/Zhegër.\textsuperscript{2309}

- On 13 April 1999, a Joint Command order tasked the Niš Corps, a tactical group of the 252\textsuperscript{nd} Armoured Battalion, and the 175\textsuperscript{th} Infantry Brigade, with the assistance of the armed non-Albanian population, to support the MUP in combat actions in the area.\textsuperscript{2310}

10. Uroševac/Terizaj

(a) Staro Selo/Fshati I Vjeter

877. On the night of 24 March 1999, a Praga sitting on the Uroševac/Terizaj–Gnjilane/Gjilan road fired towards Staro Selo/Fshati I Vjeter.\textsuperscript{2311} "[M]any houses were hit by the shells."\textsuperscript{2312} In response to the shelling, the residents in the outlying houses in the village, including witness Bajram Bucaliu and his family, moved in with relatives living closer to the village centre.\textsuperscript{2313}

878. On 2 April, a VJ forces consisting of approximately 50 soldiers and 5 tanks entered the village.\textsuperscript{2314} The soldiers confiscated villagers’ vehicles and required villagers to hand over weapons.\textsuperscript{2315}

879. The soldiers remained in Staro Selo/Fshati I Vjeter until the morning of 5 April 1999, when they left in the direction of the Gnjilane/Gjilan road.\textsuperscript{2316} Before leaving the village, they set fire to some of the Albanian homes they had previously occupied.\textsuperscript{2317}

880. In the early afternoon that same day, approximately 80 paramilitaries arrived in the village from the direction of the Priština-Skopje road.\textsuperscript{2318} The paramilitaries said that they were Šešelj’s men.\textsuperscript{2319}
881. The paramilitaries took control of the village, placing a curfew, confiscating vehicles, extorting money, and forcing a number of local young men to dig trenches.\textsuperscript{2320}

882. On 13 April 1999, the paramilitaries killed three villagers and took four others, including two women, to an unknown location.\textsuperscript{2321} News of the killings spread quickly,\textsuperscript{2322} and caused the entire village, except four Albanian families, to flee the next day. Bucaliu explained that the killings left the villagers no choice but to leave.\textsuperscript{2323}

883. The villagers travelled in a convoy of 500 to 600 people toward Uroševac/Ferizaj.\textsuperscript{2324} The convoy had to pass through a joint VJ-MUP checkpoint at the bridge junction with the Skopje-Priština/Prishtina highway.\textsuperscript{2325}

884. In Uroševac/Ferizaj town, there were tanks in the town centre and checkpoints throughout the town “at crucial points,” allowing them to control the exits and entrances to neighbourhoods.\textsuperscript{2326} There were streams of people walking on foot towards the train station.\textsuperscript{2327} Bucaliu and his family began their journey to Macedonia by train the following day as described below.

885. Bucaliu returned to Staro Selo/Fshati I Vjetër on 6 July 1999 and found that his house and many others had been completely burned down.\textsuperscript{2328}

(b) Biba/Bibe and Sojevo/Sojevë

886. During the NATO bombing, local Serbs were armed and wearing uniforms.\textsuperscript{2329} Conversely, the Serbian authorities did not distribute any arms to the Kosovo Albanians in the area.\textsuperscript{2330} On 24 March 1999, most of the residents of Biba/Bibe moved to houses in the centre of the village, away from the main road.\textsuperscript{2331}

\textsuperscript{2319} Bucaliu,P827,p.9.
\textsuperscript{2320} Bucaliu,P824,pp.3-4,P826,pp.28,57,P827,p.9.
\textsuperscript{2321} Bucaliu,T.5081;P824,p.4;P826,p.28;P827,p.10.
\textsuperscript{2322} Bucaliu,T.5078.
\textsuperscript{2323} Bucaliu,T.5058.
\textsuperscript{2324} Bucaliu,T.5056,5083-5088,P825,p.3,P826,p.30;P827,pp.10-12.
\textsuperscript{2325} Bucaliu,T.5056,P825,p.3.
\textsuperscript{2326} Bucaliu,P825,p.4;T.5056-5057.
\textsuperscript{2327} Bucaliu,P825,p.4.
\textsuperscript{2328} Bucaliu,T.5066,5111,P825,p.5;P826,pp.33-34;P827,p.14.
\textsuperscript{2329} Hyseni,P809,p.4;P810,pp.3-4.
\textsuperscript{2330} Hyseni,P810,p.4.
\textsuperscript{2331} Hyseni,P808,pp.2;P809,pp.4-5;P810,p.7.
887. That night, APCs shelled houses in Bibra/Bibe along the main road. After three days, Hyseni moved with his family to his uncle’s house in Sojevo/Sojevë. The VJ was stationed at the village school, and also occupied some private homes. He saw three tanks and two anti-aircraft artillery cannons positioned near his uncle’s house. This unit stayed there for several days, then left and joined the unit stationed at the Sojevo/Sojevë school.

888. Around 6 April 1999, Hyseni saw a group of 18 “paramilitaries” and two “policemen” enter Sojevo/Sojevë from the direction of Gnjilane/Gjilan. The paramilitaries wore green uniforms and carried automatic weapons and knives, while the policemen wore blue/black uniforms and carried automatic rifles. The paramilitaries and police terrorized the villagers. They “torched the entire neighbourhood” of Limanaj and also killed two Albanians.

889. Paramilitaries and police then moved toward the neighbourhood where Hyseni was staying, and the villagers began to flee into the woods. Hyseni saw that two paramilitaries shot his paralyzed uncle and his aunt.

890. Hyseni and his family hid in the woods with over 200 other villagers. This group then split in two. Paramilitaries found one of the groups, robbed the villagers and ordered them to travel to Ferizaj or be killed.

891. The VJ unit stationed at the Sojevo/Sojevë school ordered everyone in that neighbourhood to “leave the village” and travel to Uroševac/Ferizaj. Hyseni travelled with hundreds of others towards Uroševac/Ferizaj town.

892. Once the convoy reached Uroševac/Ferizaj, it was stopped by the “Serbian traffic police” and ordered to proceed to Gnjilane/Gjilan. The convoy left Uroševac/Ferizaj, but only travelled...
to Slatina/Slatine village, where Hyseni and his family stayed for about 12 days. While they were there, thousands of refugees flowed into the town from Gnjilane and other villages.

893. Hyseni and his family ultimately left Slatina/Slatine and travelled to Uroševac/Ferizaj. Hyseni described the situation in Uroševac/Ferizaj as “terrible.” The army, the police, and paramilitaries were present, and there was constant shooting. Hyseni and his family eventually left Uroševac/Ferizaj and travelled to Macedonia by bus on 28 April 1999 as described below.

894. Hyseni returned to Biba/Bibe a year later, and discovered that his house had been burned to the ground.

(c) Mirosvlje/Mirosale

895. Around 4 April 1999, Florim Krasiqi, a resident of Mirosvlje/Mirosalë, observed a very large convoy of military vehicles travelling on the main road from Gnjilane/Gjilan towards Uroševac/Ferizaj town. These forces shelled towards the villages of Rahovica/Rahovicë and Zlatare/Zllatar. From his position Krasiqi could hear, but not see, the shelling. His observations are corroborated by the War Diary of the 243rd Mechanised Brigade, which documented for 4 April 1999: “Mortar...as decided by the commander, is engaged on providing support to MUP forces on the axis of [illegible] village – Rahovica village.”

896. The next day, Krasiqi travelled to Rahovica/Rahovicë and Zlatare/Zllatar and learned from the residents that the shelling had killed four and wounded five villagers. He attended their funerals.

897. As Krasiqi returned on 5 April 1999, he could hear the “very loud noises of the automatic weapons firing and shelling” and “the noise of large vehicles like tanks moving around the area.” The sounds were coming from the direction of Pojatistë/Pojatishme village.

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2351 Hyseni, P808, p.3; P809, p.6; P810, pp.11,51-52.
2352 Hyseni, P808, p.3; P809, p.6; P810, p.11. See also P811.
2353 Hyseni, P808, p.6; P808, p.3.
2354 Hyseni, T.4868-4869.
2355 Hyseni, P809, p.4.
2356 Hyseni, T.4870.
2358 F. Krasiqi, P631, p.2.
2359 F. Krasiqi, P631, p.2; P630, p.34.
2360 F. Krasiqi, P631, p.2.
2361 P956, p.10.
2362 F. Krasiqi, P631, p.2.
2363 F. Krasiqi, P631, p.2.
2364 F. Krasiqi, P631, p.2.
time later, approximately 1,000 displaced people from Pojatistë/Pojatishme sought shelter in Miroavlje/Mirosalë. The displaced were citizens of Pojatistë/Pojatishme and refugees from other villages, such as Uroševac/Ferizaj, Muhasër Prelez/Prelezi i Muhaxherëve, and Muhovce/Muhoc, who had been staying in Pojatistë/Pojatishme because they had been driven out of their villages.

898. Krasniqi helped find shelter for the refugees in Miroavlje/Mirosalë – there were so many displaced people that often 40 people had to share a single room. Krasniqi spoke with about 20 to 30 of the refugees. Consistently, the refugees told him, “They were all forced out of their villages by the Serb military.”

899. Around 7 April 1999, Krasniqi saw fires in the distance, and houses burning in the villages of Sojevo and Komogla. The next day, Krasniqi saw a military convoy approaching the outskirts of Miroavlje/ Mirosalë, and several soldiers began running towards the houses in the village. The residents of Miroavlje/Mirosalë feared for their safety and immediately fled.

900. A convoy of approximately 20 vehicles and hundreds of villagers started heading towards Uroševac/Ferizaj town. They encountered several checkpoints and soldiers along the road. On the way, Krasniqi saw many homes on fire or destroyed.

901. When they arrived at Uroševac/Ferizaj, the refugees encountered a police checkpoint on the outskirts of town. Krasniqi and his family arrived in Uroševac/Ferizaj on 8 April. On 14 April 1999, Krasniqi decided to leave the town because he feared for his safety. He and his family travelled to Macedonia by bus as described below.

902. Defence witness Radomir Mitić, the chief of the police department of the Uroševac/Ferizaj SUP, testified that the population did move from surrounding rural areas to Uroševac/Ferizaj town, but that this was due to antiterrorist operations, fighting between the police and the KLA, and

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2364 F. Krasniqi, P631, p.2.
2365 F. Krasniqi, P631, pp.2-3.
2366 F. Krasniqi, P631, p.15.
2367 F. Krasniqi, P631, pp.3-4.
2368 F. Krasniqi, P631, pp.3-4.
2369 F. Krasniqi, P631, pp.3-4.
2370 F. Krasniqi, P631, p.4.
2371 F. Krasniqi, P631, p.5.
2373 F. Krasniqi, P631, pp.5-6; P630, p.28.
2374 F. Krasniqi, P631, pp.5-6; P630, p.29
2375 F. Krasniqi, P631, p.6.
2376 F. Krasniqi, P631, p.6.
2377 F. Krasniqi, P631, p.6.
2378 Mitić, T, 12615.
NATO cluster bombs. This runs counter to the first-hand testimony of three independent witnesses – Bucaliu, Hyseni, and Krasniqi – who described not only their experiences, but those of their fellow villagers. They were clear that they and their neighbours fled solely because of the actions of Serb forces.

(d) The Uroševac Train Station

903. The chief of the Uroševac/Ferizaj train station co-ordinated with the MUP and the VJ to transport large numbers of Albanians across the border into Macedonia. In 1999, the railway station in Uroševac/Ferizaj was the second busiest in Kosovo, after the station in Kosovo Polje. Trains running through the Uroševac/Ferizaj station originated at Kosovo Polje, and then continued on to Gërmen Janković/Hani i Elezit and then Skopje, Macedonia.

904. Shortly before the NATO air strikes began, the Serbian chief of the station, Zika Ilić, began to meet with VJ officers. Bajram Bucaliu worked at the Uroševac/Ferizaj train station until 25 March 1999. He noted that in the week prior to the NATO air strikes, military officers began coming to the station to meet with Ilić, which was unusual.

905. Once the air strikes began, Serb employees took exclusive control of the station. On 25 March 1999, Ilić fired all the Albanian employees at the Uroševac/Ferizaj station, including Bucaliu. Ilić explained, "It's an order from above." The Serb employees continued working at the station.

906. Trains running on this line transported an extraordinary number of passengers from Priština to the Macedonian border. Following the start of the NATO bombing, train service ceased for five days from 24 to 28 March. Once train travel resumed on 29 March, most of the trains were running on a special, irregular schedule. Many of these trains did not stop in
Uroševac/Ferizaj, which was very unusual. Bucaliu observed that these trains did not stop because they were already “crammed” with passengers.

907. Further, these trains had many more carriages than usual – ten to twenty instead of the usual two to three. Also, passengers were loaded into freight cars.

908. Additionally, many trains had either a police or military escort travelling on them, which was unusual. The log book entries indicate that the trains were “running according to the rules, with an escort from Kosovo Polje/Fushe Kosove.” Bucaliu saw policemen riding on trains, wearing “regular police uniforms,” with a camouflage pattern of “blue, white and a kind of brown.”

909. While many trains were already full before reaching Uroševac/Ferizaj, others did stop there, and they transported Albanians from Uroševac/Ferizaj out of Kosovo.

910. On 14 April 1999, Bucaliu and his family travelled to Uroševac/Ferizaj town, and went to the train station the next day. Approximately ten policemen were at the train station. There were ten passenger cars to take people to the border. Thousands of Kosovo Albanians boarded the train, packed “like sardines.” There were policemen escorting the train. However, at the border, the train was not allowed to disembark by the Macedonian authorities, and was ultimately sent back to Uroševac/Ferizaj.

911. The next day, 16 April 1999, Bucaliu and his family boarded another train headed for Đeneral Janković/Hani i Elezit. Again, the train was packed with about 3,000 Kosovo Albanians and not all people waiting to board could get on. Again, policemen escorted the train.

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2389 Bucaliu, P826, pp.18, 51; P827, p.22. Bucaliu explained that an arrow in columns 3 and 4 indicates trains that passed through the Uroševac/Ferizaj station, but did not stop there, even when scheduled to do so. See P829, pp.112-116.
2390 Bucaliu, P826, p.95; P827, p.26.
2391 Bucaliu, P826, pp.18, 51-52, 91-92.
2392 Bucaliu, P826, pp.16-17.
2393 Bucaliu, P826, p.17.
2394 Bucaliu, P826, p.20; P827, p.63.
2395 Bucaliu, P826, p.20; P829, pp.112-113.
2396 Bucaliu, T.5059-5060; P826, p.20. See also P824, p.5.
2397 Bucaliu, P826, p.20.
2398 Bucaliu, P825, p.4; P826, pp.30, 34.
2399 Bucaliu, P825, p.4.
2400 Bucaliu, P825, p.4.
2401 Bucaliu, T.5057-5059; P825, p.4; P824, p.5; P826, pp.30-31; P827, pp.12, 23; P829, pp.124-125.
2402 Bucaliu, T.5059.
2403 Bucaliu, P826, p.31.
2404 Bucaliu, T.5057; P825, p.4; P824, p.5; P826, p.31; P827, pp.12, 23-24.
2405 Bucaliu, P824, p.5; P825, p.4; P826, pp.31, 34; P827, pp.13, 24.
2406 Bucaliu, P824, p.5; P826, p.31.
912. At Đeneral Janković/HANI I Elezit, the train was allowed to continue all the way to the border. 2408 According to Bucaliu, this was "not a normal thing to happen, because usually passenger trains shouldn't go up to the border but remain at the station." 2409 Policemen and soldiers took control at the border crossing 2410 and directed passengers to cross the border. 2411

913. According to Bucaliu, to manage overcrowded trains after the NATO air strikes, the station chief at the Uroševac/Ferizaj railway station sought additional transportation from the bus station. 2412 In addition, the station chief also called on a private truck company, "Fertrans", to transport passengers to the border by trucks. 2413 Krasniqi and his family experienced this when they fled Uroševac/Ferizaj, around the same time that Bucaliu left. 2414 They could not board a train because it was already overcrowded, and they took a bus instead, which took them to the Đeneral Janković/HANI I Elezit border crossing. 2415

914. On 27 April, Hyseni and his family joined a group of 30 displaced people who had travelled to Uroševac/Ferizaj after being expelled from Nerodimje/Nerodime. 2416 The next morning the group went to the Uroševac/Ferizaj bus station, where Hyseni saw four buses filled with people. 2417 Hyseni testified that, "Of course [the buses] were arranged by the Serb forces, because the road to Skopje doesn't . . . employ four of five buses." 2418

915. Soldiers and policemen were present at the bus station. Everyone was made to pay 20 DM before boarding. 2419 In Kačanik/Kaçanik town, the VJ and MUP stopped the four buses at a checkpoint and exhorted the refugees for money and valuables. 2420 The bus ultimately arrived at the Đeneral Janković/HANI I Elezit border crossing. 2421 Police ordered refugees in a column to cross the border in groups of ten. 2422

2407 Bucaliu, T.5059; P.824, p.5; P.827, p.13.
2408 Bucaliu, T.5060; P.826, p.32; P.824, p.5; P.827, p.14.
2409 Bucaliu, P.826, p.32. See also, T.5060.
2410 Bucaliu, T.5060; P.824, p.5; P.825, p.5; P.826, p.32; P.827, p.14.
2411 Bucaliu, T.5060; P.825, p.5; P.826, pp.32, 72, 74; P.827, p.14.
2412 Bucaliu, P.826, pp.19.
2413 Bucaliu, P.826, pp.19.
2417 Hyseni, T.4870; P.808, p.5; P.809, p.7; P.810, pp.14-15.
2418 Hyseni, T.4870.
2419 Hyseni, T.4912; P.809, p.7; P.808, p.3.
2420 Hyseni, T.4912; P.808, pp.3-4; P.809, p.7.
2421 Hyseni, T.4871; P.809, p.7.
2422 Hyseni, T.4871.
916. Defence witness Mitić claimed that the Uroševac/Ferizaj SUP was not involved in organizing transportation for Albanians to leave Kosovo. However, whether it was at the level of the Uroševac/Ferizaj SUP or higher, it is clear that the MUP and the VJ were directly involved in transporting Albanians out of Kosovo. The VJ met with the Serbian station chief, Ilić, on multiple occasions prior to the NATO air strikes. Once the air strikes began, the station operated irregular trains with more carriages, and fired all the Albanian employees. The MUP escorted passenger trains from Kosovo Polje to the Macedonian border, were present in unusual numbers at the Uroševac/Ferizaj train and bus stations, and exercised control over buses during their journey to the border.

*Forces of the FRY and Serbia were responsible for the crimes in Uroševac/Ferizaj municipality*

917. Forces of the FRY and Serbia were responsible for the crimes in Uroševac/Ferizaj municipality. In the month before the NATO bombing started, there was a build-up of Serb forces there, comprised of VJ and MUP forces working in cooperation with reservists. By mid-February 1999, there were thirty-six RPOs in Uroševac/Ferizaj municipality, and a total of 4,951 weapons had been issued to reservists by the MUP and the VJ. There were frequent police patrols, and checkpoints along the main road from Priština to Skopje. Police forces used the MUP building, while the military used the barracks along the road to Prizren.

918. The Uroševac/Ferizaj SUP was fully operative during these massive deportation operations and was responsible to Đorđević. Đorđević in fact personally visited the Uroševac/Ferizaj SUP and met with the SUP Chief in the midst of the deportation campaign. The SUP chief briefed Đorđević about the situation on the ground and about the mass-scale departure of civilians by train to Macedonia.

919. The 243rd Mechanised Brigade was deployed in Uroševac/Ferizaj, and was reinforced with volunteers. They worked together with the MUP, and were heavily engaged in combat operations in the villages of Uroševac/Ferizaj during the NATO intervention. On 13 April 1999, the Joint Command tasked two VJ brigades, MUP units, and armed non-Albanians to participate in

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2423 Mitić, T. 12733.
2424 Hyseni, P809, p.4; P810, pp.3-4.
2425 P1055, p.7.
2426 Hyseni, P809, p.4.
2427 Hyseni, P809, p.4.
2428 Đorđević, T. 9738.
2429 Đorđević, T. 10021.
2430 P962-P956, p.7.
2431 See e.g. P956, pp.7-9, 12.
an action in the area between Gnjilane/Gjilan and Uroševac/Ferizaj.\textsuperscript{2432} The same day, the 243rd Mechanised Brigade worked with Uroševac/Ferizaj PJP to “crush[] and destroy[]” KLA in the “Firaj, Brod and Slatina sector”.\textsuperscript{2433} It was these forces, together with paramilitaries and armed civilians, that committed the crimes throughout Uroševac/Ferizaj municipality.

11. Kačanik Municipality

920. Between March and May 1999 forces of the FRY and Serbia attacked villages in Kačanik/Kačanik municipality, including Kotlina/Kotlinë, Slatina/Slatinë, Vata, and Kačanik/Kačanik town. These attacks resulted in the destruction of houses and religious sites and civilian deaths.

(a) Kotlina/Kotlinë

921. On the morning of 24 March, Serb forces entered Kotlina/Kotlinë and fired on the village for hours.\textsuperscript{2434} There was no outgoing fire from the village.\textsuperscript{2435} When the shelling ceased, VJ and police forces encircled the village. The men fled into the hills, while the women, children and elderly gathered in an open field near the centre of the village.\textsuperscript{2436}

922. From a vantage point, Luko observed tanks and Pinzgauers enter the village.\textsuperscript{2437} He saw police and soldiers capture approximately 20 unarmed men in a wooded area and then beat them.\textsuperscript{2438} Luko described the forces involved in Kotlina/Kotlinë as wearing blue camouflage police uniforms and bullet-proof vests.\textsuperscript{2439} Some had the word “POLICIJA” in white letters on their backs. Some were also wearing black masks. Others wore red bandanas on their heads.\textsuperscript{2440} The soldiers were wearing green camouflage VJ uniforms with green berets on their heads.\textsuperscript{2441}

923. By noon, these forces had gathered all the remaining people from the village. They separated the women and the children from the elderly men, took the men to another area of the field and made them lie face down on the ground, while kicking or beating them with rifle butts.\textsuperscript{2442}
924. Later, two military trucks arrived in the village, and around 400 people, mainly women and children, were forced onto the trucks and driven towards Kačanik/Kačanić town.\textsuperscript{2443} At gunpoint, the police ordered the remaining villagers to follow the trucks on foot.\textsuperscript{2444}

925. Police and VJ forces then led the group of 20 captured men towards the north of the village.\textsuperscript{2445} Loki saw soldiers and policemen beat the prisoners and throw them into the wells. About 30 minutes later, Loki heard shots and a loud explosion from the area of the wells and saw smoke rising from them.\textsuperscript{2446}

926. After the police and VJ forces left, Loki and other villagers returned to the village.\textsuperscript{2447} They found the bodies of Idriz Kuqi, Vejsel Vlashi, and another villager, Zimer Loki, who was badly injured but still alive.\textsuperscript{2448} He later died from his injuries.\textsuperscript{2449} During his testimony, Loki was able to identify the people killed in Kotlina/Kotlinë on a set of photographs.\textsuperscript{2450}

927. In September 1999, an Austrian forensic team exhumed 22 bodies from the wells.\textsuperscript{2451} Families members identified the victims.\textsuperscript{2452} Baccard gave evidence on the report prepared by the Austrian forensic team regarding the Kotlina/Kotlinë site.\textsuperscript{2453} A total of 25 victims were recovered: 22 were in the upper and lower wells, and 3 in the mosque.\textsuperscript{2454} At the time of Baccard's report, 21 individuals were identified from the recovered remains, while 5 bodies remained unidentified.\textsuperscript{2455} Marks of explosion or shrapnel were found on 21 bodies.\textsuperscript{2456} The cause of death of the three bodies exhumed at the mosque was gunshot wounds.\textsuperscript{2457} Ten other bodies also bore gunshot wounds.\textsuperscript{2458} There were three cases of injuries to the head by blunt force.\textsuperscript{2459} Tests of samples of clothing found at the well sites confirmed the presence of traces of explosives.\textsuperscript{2460}

\textsuperscript{2443} Loki,P652,p.5,P653,p.9-10.
\textsuperscript{2444} Loki,P652,p.5,P653,p.9-10.
\textsuperscript{2445} Loki,P652,pp.5,9,P653,pp.11-12,82-86. See also marking n.4 on P656. Loki,T,3641,3643,3681. See also P660.
\textsuperscript{2446} Loki,P652,p.6,P653,p.13,P660.
\textsuperscript{2447} Loki,P652,p.6,P653,pp.65-66.
\textsuperscript{2448} Loki,P652,pp.5-6,P653,pp.65-66. See also Annex C, Schedule K.
\textsuperscript{2449} Loki,P652,p.6. See also Annex C, Schedule K.
\textsuperscript{2450} Loki,T,3646-3649,P659,P653,pp.16-17. See also Annex C, Schedule K.
\textsuperscript{2451} Loki,P653,pp.14-15,P1167,P658.
\textsuperscript{2452} Loki,P653,pp.14-15.
\textsuperscript{2453} Baccard,P1139,p.48. See also P1167.
\textsuperscript{2454} Baccard,P1139,pp.48,51.
\textsuperscript{2455} Baccard,P1139,p.49,P1140,p.27.
\textsuperscript{2456} Baccard,P1139,pp.50-52.
\textsuperscript{2457} Baccard,P1139,pp.49,50,51.
\textsuperscript{2458} Baccard,P1139,pp.50,52.
\textsuperscript{2459} Baccard,P1139,pp.51,52.
\textsuperscript{2460} Baccard,P1167,p.42,P1140,p.28.
928. Defence expert Zoran Stanković challenged the findings and methodology of the Austrian forensic team. He claimed that the bodies had been brought from elsewhere and thrown down the well shafts, and that the killings happened before the bodies were thrown into the wells. In reaching his conclusions, Stanković ignored the evidence discovered by the Austrian team on site, which confirmed that the bodies had been blown up in the wells. The Austrian team found that: (a) the walls of the upper and lower well shafts were blackened with soot; (b) all 22 bodies in the wells were severely damaged from the effects of the explosions or fire; and (c) tests of soil samples from inside the wells revealed the presence of TNT.

929. Stanković also claimed that the fact that only 12 bullet casings were recovered on-site supported his thesis that the bodies had been killed elsewhere. However, in cross-examination, he conceded that he did not have any basis to reach this conclusion. Stanković’s expert evidence in relation to this incident is, at best, no more than speculation and should be disregarded.

(b) Kačanić/Kačanik town

930. On 27 March 1999, Isa Raka saw two military Jeeps and a car arriving at a lime factory across the river from Raka’s house. Around 20-30 police officers got out. Two officers wore VJ camouflage uniforms with a green and brown pattern and the others wore blue camouflage uniforms. Raka recognized the person who was giving orders and who appeared to be in charge as “Lubisha”, the Deputy Commander in the Kačanić/Kačanik police station.

931. The policemen took up positions in the lime factory and began firing towards the houses across the river. One grenade hit Raka’s house, going through the roof. No one was firing...
towards the factory. Several civilians were wounded or killed by the shooting. Raka’s pregnant wife, Sherife, was hit by the gunfire.

932. The next day, people from other neighbourhoods told Raka that the police were going from house to house expelling residents, and that they had killed a civilian and taken away two others.

933. Out of fear, Raka’s family and the rest of the neighbours decided to leave before the police arrived. They fled through the woods towards Macedonia in a group of around 500-1000 people. Raka travelled with other men who helped him to carry his wounded wife on a stretcher.

934. Raka’s wife was sent to the hospital in Skopje, but died days later. When Raka returned to Kačanik/Kačanik in mid-June 1999, he found his house damaged.

(c) Slatina/Sllatina and the Vata/Vataj hamlet

935. On 13 April, Sejdi Lami saw VJ forces entering Vata/Vataj with four Pragas and six military lorries loaded with approximately 100 soldiers. Some soldiers wore brown and blue camouflage uniforms, while others wore dark brown and black camouflage uniforms. Lami described another group of men wearing bandannas and dark uniforms as paramilitaries. Lami also saw two other groups of soldiers heading to Vata/Vataj; one group of approximately 150 persons moved around the village of Slatina/Sllatina, while the other group came from the direction of Brod in the Štrpece/Shtërpe municipality.

936. The soldiers started shooting at the houses in Vata/Vataj and then entered the village, causing the local population to flee. There was no outgoing fire from the village.
937. After the soldiers left the village, Lami and his brothers found four dead bodies lying along a path.\textsuperscript{2491} He recognized them as Mahmut Čaka, Hebib Lami, Rraman Lami,\textsuperscript{2492} and Brahim Lami.\textsuperscript{2493} That day, seven more bodies were brought to the village: they were all civilians and had no weapons.\textsuperscript{2494} All the 11 bodies were buried on 14 April in the local Muslim cemetery.\textsuperscript{2495} In July 1999, KFOR exhumed these bodies, and forensic experts examined them and reburied the bodies.\textsuperscript{2496}

938. Between 14 and 15 April 1999, the whole population fled Vata/Vataj and headed to the Macedonian border in fear.\textsuperscript{2497} They were stopped by the VJ and asked for money to be allowed to cross the border. They paid 5000 DM and were then allowed to pass.\textsuperscript{2498} When Lama returned to his village in July 1999, he found that his and other houses had been looted.\textsuperscript{2499}

939. Baccard gave evidence on the burial site at Vata/Vataj based on the examinations of a Canadian Forensic Team.\textsuperscript{2500} Ten of the bodies were exhumed and autopsied.\textsuperscript{2501} The cause of death in all the cases was gunshot injuries.\textsuperscript{2502} Further, a Danish Forensic Team autopsied three additional victims from a second grave site in Slatina/Sllatina: Qemajl Deda, Nazmi Elezi, and Vesel Elezi.\textsuperscript{2503} The cause of death was multiple gunshot wounds, stab wounds, and head injury from a grenade.\textsuperscript{2504}

\textit{Destruction of cultural property and religious sites}

940. The attack by Serb forces on the villages of Kačanik/Kaćanik municipality resulted in the destruction of religious sites. The mosque in Kotlina/Kotlinë was damaged.\textsuperscript{2505} Further, during an

\textsuperscript{2491} Lami,T.3720,3722-3723,P663, marks an.1-2 (mark a.1 indicates the hamlet of Vata, mark n. 2 indicates the location of the four dead bodies); Lami,T.3700-3703.
\textsuperscript{2492} Lami,P661,p.4;P662,p.8.
\textsuperscript{2493} Lami,P661,p.4;P662,p.7. All these victims, except for Rraman Lami, are listed in Schedule K of the Indictment.
\textsuperscript{2494} Lami,P661,p.5,T.3723-3724. Lami remembered the names of only four of 4 of the 7 bodies: Ilir Osman Čaka, Jakup Čaka, “Shyqqi”, and Ramadan Xhokli (Lami,P662,p.7).
\textsuperscript{2495} Lami,P661,p.5,T.3724.
\textsuperscript{2496} See P1169;P1170.
\textsuperscript{2497} Lami,T.3701,3724-3725.
\textsuperscript{2498} Lami,P661,p.5,T.3717.
\textsuperscript{2499} Lami,P661,p.5.
\textsuperscript{2500} Baccard,P1139,p.56. See also P1168;P1169.
\textsuperscript{2501} Baccard,P1139,pp.56,59;P1168,pp.14-16. The grave of Ramadan Xholki was left undisturbed at the request of his father (see P1169,pp.5,15).
\textsuperscript{2502} Baccard,P1139,pp.37,59;P1168,p.16. See Annex C, Schedule K.
\textsuperscript{2503} Baccard,P1170.
\textsuperscript{2504} Baccard,P1170,pp.5,11,19.
\textsuperscript{2505} P1131;Riedlmayer,P1099,pp.68-69.
attack on Ivaja/Ivajë on 8 March, the mosque in the village was set alight, and the minaret was partially destroyed.

Forces of the FRY and Serbia were responsible for the crimes in Kačanik/Kaçanik municipality

941. The evidence shows that VJ and MUP units were involved in operations in Kačanik/Kaçanik municipality in late March and April 1999. Kačanik/Kaçanik municipality was in the AOR of the 243rd Mechanised Brigade, commanded by General Jelić, Lazarević’s direct subordinate. When the charged crimes occurred, Jelić’s brigade was involved in actions in support of the MUP, including the Uroševac/Ferizaj PJP, in Kotлина/Kotlinë, Slatina/Sllatinë, Stagovo/Stagovë and Dubrava/Lisnajë.

942. Further, as described above, witnesses identified both VJ and MUP forces as perpetrators of the crimes committed in Kačanik/Kaçanik municipality, either through the uniforms they wore, or because they knew the soldiers and policemen committing the crimes.

12. Dečani/Deçan

(a) Drenovac/Drenoc and Beleg

943. On or around 27 March 1999, police entered Drenovac/Drenoc and ordered the Kosovo Albanian population to leave. K58, a local resident, saw houses burning. The villagers went to the nearby village of Beleg. In Beleg, K58 sought refuge in a house belonging to Naim Vishaj, along with about 100 refugees from the villages of Drenovac/Drenoc, Crnobreg/Carrabreg and Glodane/Gillogjan.

944. On the evening of 28 March 1999, a large group of police, soldiers and paramilitaries entered Beleg, continuously shelled and shot, and created an atmosphere of fear and tension.

945. Early on 29 March 1999, armed policemen and soldiers surrounded K20’s family house in Beleg, ordered the family out and took them to the basement of an unfinished house.
basement quickly filled to about 300 people. From inside the basement, the villagers heard shooting.

946. Policemen and soldiers guarded the civilians, threatening them with guns. K20 testified that an armed, Albanian-speaking policeman gave orders to others and kept watch over the villagers. That afternoon, policemen took the civilians out of the basement to a field/meadow. As they exited, Serb forces pointed APCs, tanks and other heavy weaponry towards the villagers. Serbian police and paramilitaries also surrounded Naim Vishaj's house and ordered everyone out. Like K20, the policemen took K58 and her family to a basement; however, it was overcrowded, so they took them to a large meadow.

947. In the field/meadow, about 100 police and soldiers or paramilitaries separated men from women and children, stripped many people naked and searched everyone for valuables and documents, which they then took. Policemen beat Mazrekaj with blows and rifle butts and did the same with other men. The women were later taken to a basement, searched, and forced to hand over their valuables.

948. The group in the field/meadow was kept outside in the rain until darkness. Men, including Mazrekaj, were detained overnight in the house with the basement. The women, including K20 and K58, and children were taken to two rooms and a cowshed/stable in a different house in Beleg. Paramilitary guarded the rooms.
949. During the night, two or three men in green uniforms came to K58’s and K20’s room and took out around 20 girls and young women for “cleaning” tasks.\textsuperscript{2532} [REDACTED].\textsuperscript{2533}

950. K20 and the other two girls were taken to a burnt house.\textsuperscript{2534} K20 was put in a room, where a soldier forcibly undressed her.\textsuperscript{2535} [REDACTED].\textsuperscript{2536} K20 was raped several times that night by different soldiers.\textsuperscript{2537} The Albanian-speaking policeman and other soldiers stood in the doorway occasionally illuminating the scene with a torch.\textsuperscript{2538} [REDACTED].\textsuperscript{2539}

951. At least three young girls, K20 included, were sexually assaulted by soldiers that night.\textsuperscript{2540} K58 testified that when the girls returned they were crying and looked dishevelled. She overheard one telling her mother that she had been raped.\textsuperscript{2541}

952. On 30 March 1999, Serb forces ordered the villagers to leave Beleg and to depart for Albania.\textsuperscript{2542} The women, children and elderly were put on tractors and trucks,\textsuperscript{2543} and joined a convoy of hundreds of refugees heading for Kukës, on the Albanian border.\textsuperscript{2544} Police and APCs, from the VJ and MUP, escorted the refugees out.\textsuperscript{2545} The refugees were asked for their IDs, but explained that they had already been seized in Beleg.\textsuperscript{2546}

953. Between 40 and 66 men from Beleg, Drenovac/Drenoc and Sllup/Sllup, including K58’s husband, were kept behind. The men have not been heard from since.\textsuperscript{2547}

954. [REDACTED].\textsuperscript{2548}
Forces of the FRY and Serbia were responsible for the crimes in Dečani/Dečan municipality

955. Both the VJ and the MUP were involved in operations in Dečani/Dečan municipality at the end of March 1999.2549

956. The OSCE-KVM Bluebook reported that on 30 March 1999, there were 12 tanks and 100 vehicles in Dečani/Dečan.2550 Witnesses testified that police and VJ entered Beleg and escorted civilians out with blue and green APCs/army vehicles.2551 They also had Pragas, trucks, tanks and anti-aircraft artillery.2552

957. Witnesses identified policemen, paramilitaries and soldiers as the forces that ordered villagers to leave their homes in Drenovac/Drenoc on 27 March 1999,2553 and Beleg on 29 and 30 March 1999.2554 It was again policemen, assisted by soldiers or paramilitaries, who separated men and women, and beat, stripped, searched and stole money, valuables and IDs from them in Beleg on 29 March 1999.2555 Soldiers, directed by a policeman, raped several young girls in Beleg on the night of 29 March 1999.2556

958. The War Diary of the 125th Motorised Brigade confirms that the VJ was conducting combat operations in Dečani/Dečan at the end of March 1999, and that it was engaged in “providing support” to MUP forces.2557 Draško Živanović commanded the Brigade.2558 Zivanović was Lazarević’s direct subordinate.2559

959. The Dečani/Dečan OUP was based in Dečani/Dečan town.2560 Defence witness Vukmir Mirčić, the OUP Chief, was directly subordinated to the Dakovicia SUP Chief, both of whom were subordinated to Dordević.2561

960. Mirčić denied that MUP and VJ forces expelled Kosovo Albanians or committed any crimes against the population.2562 Although admitting that he saw long convoys of Kosovo Albanian

2549 P954, p.10.
2550 P1029, pp.151–152.
2551 Mazrekaj, T.3842,3847–3848; P675, p.13; P676, pp.17,20–22,44–45; [REDACTED]; P1280, p.2; D359.
2552 [REDACTED]; P318, pp.2–3; P1280, p.2; [REDACTED]; K58, T.7298,7327.
2553 Mazrekaj, T.3840,3849; P675, p.8; P676, pp.10–11,17; K58, P1080, p.5; P1081, pp.24–25; K58, T.7313,7341.
2555 [REDACTED]; P1280, pp.3–4; [REDACTED]; K58, T.7296–7298,7320–7322,7324–7325,7343; P1080, pp.7–8; P1081, pp.14,23–33,36,40–42; Mazrekaj, T.3844–3845; P675, pp.10–11.
2556 K20,P1280, p.5; [REDACTED]. See also K58, T.7326–7328,7343; P1080, pp.7,9; P1081, p.8.
2557 P957, pp.3–4. See also P954, p.10.
2558 Došan, T.11480; P1366; P929, p.2. See also P957, pp.1–2.
2559 See e.g. P954, p.1.
2560 Mirčić, T.13340–13341.
2561 Mirčić, T.13228–13229,13293,13295,13306.
2562 Mirčić, T.13362–13364,13372–13373,13375–13376,13390.
refugees leaving in late March 1999, Mirčić said they left because of NATO and the KLA. Mirčić’s testimony is neither credible nor reliable. Witnesses testified that they were forced to leave by the police; they did not leave because of NATO and there was no KLA presence in Beleg at the time of their expulsion. Mirčić sought to detach himself from the expulsions and crimes since he and the policemen in his OUP were implicated in them.

13. Vučitrn/Vushtrria municipality

Vučitrn/Vushtrria municipality is located in north-central/east Kosovo. According to the 1998 Defence Plan for the Town of Vučitrn/Vushtrria, the municipality was 95% Albanian, with 700 Serbs and Montenegrins living in the town.

Serb forces began building up in the area of Vučitrn/Vushtrria in late February/early March 1999. Special MUP forces arrived in the area from outside Kosovo.

On 28 or 29 March 1999, Serb forces launched an offensive from the Rashije/Rašica area outside the village of Gornja Studimlja/Studime e Epërme in the Vučitrn/Vushtrria municipality, causing residents to flee. Serb forces burned houses in Donja Studimlja/Studime e Poshteme to prevent villagers from returning.

On 1 April 1999, Serb police expelled the Kosovo Albanian population of Vučitrn/Vushtrri town from their houses.

From 25 April until 6 May 1999, a large-scale operation (the “Bajgora operation”) involving MUP, VJ and armed “non-Šiptars” took place in Vučitrn/Vushtrria municipality. During this action tens of thousands of ethnic Albanian civilians were forcibly expelled, hundreds were imprisoned and tortured, and over one hundred civilians were murdered.

On or about 2 May 1999, forces of the FRY and Serbia broke through the front line in the areas of Lab/Llap and Mejenica, and advanced south attacking several villages, including

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2563 Mirčić, T. 13290, 13343–13344, 13346–13349.
2564 Mirčić, T. 13290–13292, 13344, 13347, 13349–13351; D698; D922, pp. 2–3; D923.
2565 See K58, T. 7312–7313, [REDACTED].
2566 See e.g. Mirčić, T. 13355, 13366–13367, 13369, 13377–13378.
2567 D266, p. 2.
2569 Gërshehu, P512, pam. 6; P513, pp. 11–12.
2570 Gërshehu, P512, pam. 6; D70, p. 2; T. 3110.
2572 P969; P345; P959; P955, pp. 57–63; P1040, pp. 1.6.
Skrovna/Skromë, Slakovce/Sllakofc, Ceceli/Cecelija, Gornja Sudimlja/Studime e Epërme, and Veseckovec/Vesekovec village. They forced villagers out of their homes, and burnt houses, shops, and mosques.

967. Approximately 30,000 to 50,000 people formed a convoy and headed down the “Studime Gorge” road in the direction of Vučitrn/Vushtrria town. Serbian forces advanced on the convoy from multiple sides, and fired shells at them, pushing them south.

968. Late that afternoon, on 2 May 1999, the convoy arrived in Gornja Sudimlja/Studimja e Epërme, but due to the shelling could not move and were massed together in a large group. The convoy was surrounded on all sides by Serbian forces. Throughout the evening and night VI, MUP, and paramilitary forces demanded money from the civilians, threatened and beat them, killing those who did not give them money.

969. These forces murdered over 100 Kosovo Albanians on 2 May 1999. Gërxhaliu heard forces saying that they had already killed about 50 people, and that they should continue until they reached 100. When they were done, Gërxhaliu heard one Serbian male say, “Soldiers, let’s go back now. We have no fuel and it is clear up here. We have mopped up the terrain.” Serb forces then ordered the refugees to proceed, and split the convoy in two parts.

970. On 3 May 1999, Serb forces led the refugees to an agricultural co-operative near Vučitrn/Vushtrria town. Policemen were on the road to the agricultural co-operative, where the refugees were housed in cramped hangars.

971. The following morning the refugees were taken out of the hangars. Police surrounded the area. Kadriu recognised a local policeman from Vučitrn/Vushtrria police station, Dragan

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2573 Kadriu, P515, p.14; P516, p.16; Gërxhaliu, P512, paras.11-12; P513, p.134; Xhaferi, T.3082, 3103, 3116.
2574 Gërxhaliu, P512, paras.11-12; P513, p.134; Kadriu, P515, p.14; Xhaferi, T.3082.
2575 Xaferi, T.3047; P509, pp.16-18, 33, 39-40; P510, para.4; Kadriu, P516, pp.22-23, 315, pp.14-15; Gërxhaliu, P512, para.1; P513, pp.20-22, 90, 94; T.3110, 3111, 3148, 3159, 3160, 3167, D70, p.2, 514.
2576 Gërxhaliu, T.3168, Xhaferi, T.3047.
2577 Kadriu, P515, p.16; Gërxhaliu, P512, para.12; T.3112-3113; P514.
2578 Gërxhaliu, P512, para.12; P514, T.3122, Kadriu, P516, p.15, Xhaferi, T.3048; P509, pp.17-18, 22-23; P510, para.5; 511.
2579 Xaferi, P510, para.5.
2580 Gërxhaliu, P512, paras.15, 18, T.3161, 3162, 3168; P513, pp.97, 130; D70, p.2; Xhaferi, T.3041, 3048; P509, pp.23-44, 45-47, 48, 63; P510, para.5; T.3040-3041; Kadriu, P516, p.16.
2581 Gërxhaliu, P512, para.18; D70, p.2.
2583 Gërxhaliu, P512, para.21; D70, p.3.
2584 Gërxhaliu, P512, para.24; T.3102, 3116.
2585 Kadriu, P515, p.16; Gërxhaliu, P513, p.93.
2586 Gërxhaliu, P513, p.92; Kadriu, P516, p.16; Xhaferi, T.3054; P510, para.10; P511.
2587 Xhaferi, P510, para.10.
2588 Kadriu, P515, p.16; Xhaferi, T.3054; P510, para.10.
Petrović and Xhafa recognized his deputy police commander, Simić. The police separated men from women, children and the elderly, loaded the men onto trucks and drove them to the Smrekovnica/Smrakonica prison in Vučitrn/Vushtrria municipality.

972. At the Smrekovnica/Smrakonica prison, police severely beat the men with sticks and guns as they entered the prison. Kadriu saw Duško Janjić, Vučitrn/Vushtrria police chief, and his deputy, Simić, at the prison.

973. The men were kept in inhumane and overcrowded conditions. Prisoners were regularly beaten almost every evening. Kadriu recognized two policemen from his village as amongst the forces beating them: Zoran Vukotić and Saša Manojlović.

974. On or about 23 May 1999, many of the men were put on buses armed by the MUP, and escorted to the Albanian border. In Žurëf Zhur, close to the border crossing, the detainees were forced off the buses, beaten by the policemen, and then told to run to the border with their hands behind their heads. Their identification documents were seized before they crossed into Albania.

975. In July 1999, a French forensic team exhumed and autopsied the bodies of 93 victims of the convoy massacre of 2 May 1999 from a local cemetery in Gornja Sudimlja/Studimja e Epërmë, in two grave sites ("L1" and "L2"). In 83 cases, the bodies presented wounds inflicted by firearms, blunt or sharp weapons. The two most common causes of death were injuries to the abdominal internal organs and skull-brain injuries. The French team found that in a number of instances, the overall appearance of the injuries sustained by the victims "suggest a shot fired from close or point blank range".

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2500 Kadriu, PS 15, p. 17.  
2501 Kadriu, PS 15, p. 17.  
2502 Xhafa, PS 10, para. 10, T. 3055-3056, 3094-3096.  
2503 Kadriu, PS 15, p. 17.  
2504 Kadriu, PS 15, p. 18; Xhafa, T. 3055, 3095; PS 09, pp. 8, 55; PS 10, para. 11; PS 11.  
2505 Kadriu, PS 15, p. 18; PS 16, p. 18.  
2506 Kadriu, PS 16, pp. 21-22, 43.  
2507 Kadriu, PS 15, p. 18; PS 16, p. 19.  
2508 Kadriu, PS 15, p. 20.  
2509 Kadriu, PS 15, p. 20.  
2510 Baccard, P 1139, p. 64; P 1173, p. 6, P 1174, p. 2.  
2511 Baccard, P 1139, pp. 66, 68; P 1166, p. 40.  
2512 Baccard, P 1139, pp. 66, 68.  
2513 See e.g. P 1172, p. 4, 6, 13, 15, 20, 22, 24, 26, 32, 36, 38, 40, 43, 45. See also P 1171.
Destruction of cultural property and religious sites

976. At least three mosques were destroyed or damaged in Vučitrn/Vushtrria. The Market Mosque and its surroundings were set on fire and later bulldozed. The Market Mosque was “completely destroyed”, and two more mosques, Gazi Ali Bey and Karamanli, were “lightly damaged”.

Forces of the FRY and Serbia perpetrated the crimes in Vučitrn/Vushtrria municipality

977. VI and MUP records demonstrate that the crimes perpetrated in Vučitrn/Vushtrria were committed as part of organized and coordinated joint operations of the VI and MUP acting to drive the Albanian population out of Kosovo. Documentary evidence and witness testimony demonstrate that expulsions and murders were committed during the course of these joint operations.

978. On 23 March 1999, pursuant to a Joint Command order, VI and MUP forces conducted an operation in the Malo Kosovo area, north of Vučitrn/Vushtrria municipality. Around this time, crimes and expulsions began taking place in the area. Soon after, on 28 to 29 March 1999, Serbian forces launched an offensive from the Rashica/Rašica area, causing locals to flee.

979. On 15 April 1999, the Joint Command ordered the 211th Armoured Brigade, the 15th Armoured Brigade, and the 58th Light Infantry Brigade, with the help of the “armed non-Šiptar population”, to support the MUP in an action in the Bajgora-Bare sector (the “Bajgora operation”). This action began on 25 April and continued into early May 1999. Lazarević issued an order on 4 May 1999 tasking PrK units to engage in an action with the MUP and armed non-Šiptars in the Bajgora-Bare sector.

980. Lukić and Stevanović were informed about the completion of actions in Bajgora. On 11 May 1999, at a MUP Staff meeting, the Bajgora operation was declared a success, and PJP commanders reported on its completion.

2603 Kadriu, P515, p.12; P1098, p.87; Riedlmayer, P1099, p.49; P1102, pp.1-2
2604 P1098, p.87.
2605 Riedlmayer, P1099, pp.34-35, 49; P1102, pp.3-5; P1103, pp.1-6.
2606 D105.
2607 D105.
2608 Gërshaliu, P512, para.6; P513, pp.11, 12.
2609 P969.
2610 P959-P955, pp.57-63.
2611 P1040, pp.1, 6.
2612 P345, pp.2, 4.
981. The 125th okbr War Diary confirms that, after preparations and briefings on 22 and 23 April 1999, beginning on 25 April units were engaged in the Bajgora operation, providing support to the MUP. The diary also recorded that on 22 April 1999, a large number of refugees had arrived in the Vučitrn/Vushtrria area and that on 30 April 1999 in the Bajgora region columns of refugees were being directed by the MUP.

982. The 15th okbr War Diary confirms that, on 21 April 1999, the unit began preparations for the Bajgora operation with the MUP, and were engaged in supporting the MUP in a siege on 24/25 April 1999. The diary also records columns of refugees on 30 April 1999, and states that the MUP were engaged in “triage” and directing the columns. Units were engaged in the Bajgora operation at least until 2 May 1999.

983. According to the Defence Plan for the Town of Vučitrn/Vushtrria, about 150 non-Albanians were organized in a local civilian defence, their strength estimated to be about two companies, armed with infantry weapons. The plan envisaged placing the armed civilians under the command of the MUP and provided for co-ordination with the VJ for fire support.

984. VJ and MUP units were the only units deployed in the area where the convoy massacre occurred. The 211th Armoured Brigade, the 15th Mechanised Battalion, the 58th Light Infantry Brigade, and the 35th PIP Detachment participated in the Bajgora operation. The 15th Armoured Brigade was deployed to the south-east of where the convoy was attacked. The 211th Armoured Brigade was deployed to the north-west. PIP units conducted a sweep operation from north to south of Vučitrn/Vushtrria municipality. The column of refugees was encircled from every direction. These units controlled the area where the massacre occurred.

\[\text{References:} \]

\[201^3 \text{p959, pp.3-4,6.} \]
\[201^4 \text{p959, pp.10,13,17,19,24,27.} \]
\[201^5 \text{p959, pp.3-4.} \]
\[201^6 \text{p959, p.24.} \]
\[201^7 \text{p955.} \]
\[201^8 \text{p955.} \]
\[201^9 \text{p955.} \]
\[202^1 \text{D266, p.3; 524.} \]
\[202^2 \text{D266, pp.3,4,6.} \]
\[202^3 \text{D266, p.5.} \]
\[202^4 \text{P959, para.5,1.} \]
\[202^5 \text{P959, para.5,1; P955, p.57.} \]
\[202^6 \text{P969, para.5,3.} \]
\[202^7 \text{P934, p.4.} \]
\[202^8 \text{P969, para.5,1.} \]
985. Witnesses identified police officers taking part in the expulsion and mistreatment of civilians.\textsuperscript{2628}

986. MUP documents demonstrate that the MUP was responsible for the detention of Kosovo Albanians at the Smrekovnica prison. Two police reports, from 3 and 16 May 1999, signed by the Commander of the Vučitrn/Vushtrria police station, Ljubisa Simić, report the detention of 830 to 887 individuals at the Smrekovnica prison, following a joint MUP-VJ action in the Vučitrn/Vushtrria area.\textsuperscript{2629} Furthermore, a request dated 11 May 1999, stated that the Smrekovnica prison had an “enormous” amount of detainees and needed more supplies.\textsuperscript{2630} At the MUP Staff meeting of 7 May 1999, Kosovska Mitrovica deputy SUP Chief Bogunović reported that, as a result of the Bajgora operation, 827 “terrorists” were being held at the Smrekovnica prison.\textsuperscript{2631}

987. A letter from the Vučitrn/Vushtrria Municipal Council, dated 3 May 1999, sent a request for humanitarian aid for 30,000 refugees in the Donja Studimlja and Smrekovica villages. It further stated that there are already “25,000 Šiptari” in Vučitrn/Vushtrria, and that they are unable to support them all.\textsuperscript{2632}

988. Witnesses described the numerous forces that mistreated the civilians as VJ, MUP, and paramilitary.\textsuperscript{2633} Witnesses also saw civilians assisting MUP and VJ forces with the expulsions, and torching Albanian houses in Vučitrn/Vushtrria town.\textsuperscript{2634}

14. Podujevo/Podujevë

989. On 28 March 1999, members of the Skorpions killed 16 civilians, two elderly men and fourteen women and children, from the Bogujevci, Durigi and Llugaljiu families in Podujevo/Podujevë.\textsuperscript{2635} Five children survived the massacre but sustained serious and multiple gunshot wounds.\textsuperscript{2636} The massacre took place within 30 minutes of the arrival of the Skorpions to Podujevo/Podujevë.\textsuperscript{2637}

\textsuperscript{2628} Kadriu, P515pp.17-19; P516, p.18; Xhafa, P510, para.10; T.3055-3056, 3094-3096. See P1288, p.4.
\textsuperscript{2629} P1351; P519.
\textsuperscript{2630} P518.
\textsuperscript{2631} P771, p.5.
\textsuperscript{2632} P520.
\textsuperscript{2633} Xhafa, P512; paras.15-16, 18, 24; P513; pp.24-26, 77, 90-91, 97, 115-116, 130; T.3115-3116; D70, p.2; Xhafa, T.3040-3041, 3048; P509, pp.23, 44-45, 47-48, 63; P510, para.5; Kadriu, P516, p.16.
\textsuperscript{2634} Kadriu, P515, p.12.
\textsuperscript{2635} See Annex C, Schedule L.
\textsuperscript{2636} S.Bogujevci, P373, paras.57, 63; T.1899; F.Bogujevci, P383, para.51; T.1936.
\textsuperscript{2637} Dordević, T.9705; Trajkoći, T.9094.
990. In March 1999, Saranda and Fatos Bogujevci, two survivors of the massacre, lived in a large family compound in Podujevo/Podujevë town. The compound contained three houses. Shortly before the NATO air campaign commenced, some family friends, the Duriqis, moved into a house in the rear of the compound.

991. The compound was located on the main road in the centre of Podujevo/ Podujevë town, close to the police station. To the right of the family compound was Selman Gashi’s family compound.

992. In the weeks before the NATO bombing, many Kosovo Albanian families moved from surrounding villages to Podujevo/ Podujevë town due to clashes between the KLA and Serbian forces in the villages. The Bogujevicis confined themselves to their house because there were many police and military vehicles passing through the main road. There were also tanks just outside Podujevo/ Podujevë.

993. The family heard rumours that Serbian forces were targeting and killing men, so the men of the family left the house and hid. The family believed that they would not be targeted if only women and children remained in the house.

994. On the morning of 28 March 1999, Fatos saw a police vehicle pull up in front of the family compound and police or soldiers on the street. For their safety, the family moved to the Duriqi house.

995. Upon arrival, there were 19 people in that house, 18 women and children and Hamdi Duriqi, a 70-year-old man.

996. At around 9:00am, the families heard shooting and breaking glass. They noticed four or five “soldiers” inside the compound, in front of the Duriqi house.

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2639 S. Bogujevci, P.373, para. 16; T. 1881–1882; F. Bogujevci, P.383, para. 16; T. 1925.
2640 S. Bogujevci, P.373, paras. 11, 13; F. Bogujevci, P.383, paras. 11, 13. See also F. Bogujevci, T. 1924, 1926; P.384; S. Bogujevci, T. 1893; P.377.
2645 S. Bogujevci, T. 1880; P.373, para. 19; P.375, pp. 1–2; F. Bogujevci, P.383, para. 18; P.381, p. 2.
2646 S. Bogujevci, P.373, pp. 1–2; F. Bogujevci, P.381, p. 1; P.383, para. 26.
2647 F. Bogujevci, P.383, para. 26; P.384, p. 1–2; T. 1927. See also S. Bogujevci, P.373, para. 25; T. 1913; P.374, p. 2.
2648 S. Bogujevci, T. 1880; P.373, para. 26; P.375, p. 2; P.374, p. 2; F. Bogujevci, P.383, para. 27; T. 1927–1928.
2649 S. Bogujevci, P.373, para. 26; T. 1881; F. Bogujevci, P.383, paras. 25, 27; T. 1924; Indictment, Schedule L. See also, S. Bogujevci, T. 1895–1896; P.379, pp. 6–8.
997. The families started leaving the house, but once outside, the “soldiers” stopped and searched them and the house. Shouting at them, the “soldiers” escorted the families through Selman Gashi’s courtyard with their hands up. Fatos said that in referring to “soldiers”, he was not referring to the regular army or police. The “soldiers” wore green camouflage uniforms. Saranda said that the “soldiers” had a two-headed eagle on their shoulders.

998. Goran Stoparić, a former member of the Skorpions, was deployed to Podujevo/Podujevë with the Skorpions on 28 March 1999. The unit had just arrived in Podujevo, and Stoparić was searching for accommodation with another Skorpion member, Milovan Tomic. From the back room of the house he had found, Stoparić observed members of the Skorpions pushing 19 ethnic Albanian civilians at gunpoint into the house’s backyard. The group was comprised of one elderly male, 12 children, and the remainder were women. Stoparić said the civilians “looked terrified”.

999. The Skorpions singled out Hamdi Durici. They told him to put his hands against the wall, searched him and took his plis. They also searched others in the group, but stopped searching when asked by Stoparić and Tomic.

1000. A Skorpion member approached Shefkat Bogujevci, Fatos’s mother, and took some money from her. There was a shed or outbuilding behind the group and members of the Skorpions took Shefkat inside. The rest of the group was taken to another neighbour’s courtyard.

1001. From the courtyard, the group, except for Shefkat, was taken to the street, facing the police station, where they stood in a column. Stoparić said that he and Tomic became concerned about

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2652 F.Bogujevci,P383,para.28;P382,p.2.
2653 S.Bogujevci,P373,para.28;P375,p.3;P374,pp.2-3;F.Bogujevci,P383,para.30;P382,p.3.
2654 S.Bogujevci,P373,para.33;P375,pp.3-4;F.Bogujevci,P383,para.31;P381,p.2;T.1929.
2655 F.Bogujevci,P383,para.29.
2656 S.Bogujevci,T.1883,pp.4-5;F.Bogujevci,P383,para.32;P381,p.4-5;P382,p.5;T.1929,1932-1933;Stoparić,T.2827;P493,para.42. See also Vasiljevic,T.5909.
2657 S.Bogujevci,P375,para.6-7. See also Stoparić,P493,para.41;T.2819.
2658 S.Bogujevci,T.2830,2864;P493,para.47,50. See also Trijkovic,T.9093-9094,D442,pp.1-2;P86,p.1. See P496;Stoparić,T.2825,2831. See generally Stoparić,P493,para.51.
2659 Stoparić,T.2825,2827;P493,para.50-52;P40,p.31;P496.
2660 Stoparić,P493,para.52.
2661 Stoparić,P493,para.52.
2662 Stoparić,P493,para.52.
2663 S.Bogujevci,P373,para.32;P375,pp.3-4;F.Bogujevci,P383,para.30;P382,p.3.
2664 S.Bogujevci,P373,para.33;P375,pp.3-4;F.Bogujevci,P383,para.31;P381,p.2;T.1929,Stoparić,P493,para.52;P40,p.31.
2665 Stoparić,T.2825-2826;P493,para.52;P40,p.31. See also F.Bogujevci,P383,para.31;P381,p.2;T.1929.
2666 S.Bogujevci,P373,para.36-37;P374,pp.3-8;P375,pp.3-5;T.1892;P376,F.Bogujevci,P383,para.35;P381,p.2;P382,p.3.
2667 S.Bogujevci,P373,para.37-38;P374,pp.3-8;9;P375,pp.5-6;F.Bogujevci,P383,para.31.
2668 S.Bogujevci,T.1884,1893;P373,para.39;P374,pp.3-5;F.Bogujevci,P383,para.35;P382,p.7. See F.Bogujevci,T.1924,1926;P384.
what the Skorpion members intended to do with the civilians, so Stoparic sent the civilians out to the street to the commander of the unit, Slobodan Medic (aka Boca).2666

1002. On the street, there were many soldiers and policemen, including PJP, SAJ, local policemen and Skorpion members.2667 These forces were breaking shop windows and looting.2668 On a map, Stoparic marked where the different forces were, using a colour code corresponding to the colour of their uniforms.2669

1003. A "soldier" approached Hamdi Durici, slapped him and pulled him out of the group.2670 Selman Gashi was also on the street, outside a nearby coffee house.2671 A "soldier" directed Gashi and Durici into the coffee house, following them inside.2672 Saranda and Fatos heard two shots from inside the coffee house and have not seen either man since.2673 Both men were older than 50.2674

1004. On a diagram, Fatos indicated where the coffee house was. He indicated that the group was standing between the path and the coffee house,2675 and so he could see it. On a map, Stoparic marked where "the man" was separated and taken into "some kind of catering facility".2676 Both witnesses identified similar locations.

1005. The group was directed back into the courtyard from where they had come.2677 As they walked, the Skorpion members continued to shout.2678 On a photograph, Saranda marked the passage from the street by which the group returned to the courtyard.2679 On a diagram, Fatos marked the courtyard into which the group was directed.2680 Similarly, Stoparic marked the direction in which the women and children returned to the courtyard and where he was standing when they returned.2681

2666 Stoparic,P493,parama.52;T.2814. See P496;Stoparic,T.2826.-2827;P493,parama.51.
2667 Stoparic,T.2864;P493,parama.49;P40,p.3;S.Bogujevic,T.1884,1910-1911;P373,parasa.39,41,62;P374,pp.3-4,8;P375, p.6;F.Bogujevic,P383,parama.35;P382,p.3.
2668 S.Bogujevic,T.1884;P373,parama.42;P374,p.4;F.Bogujevic,P383,parama.36;P381,p.2.
2669 Stoparic,T.2827;P496. See generally Stoparic,P493,parama.51.
2670 S.Bogujevic,T.1885;P373,parama.42;P374,p.4;P375,p.3;F.Bogujevic,P383,parama.36;P382,pp.3,5. See Stoparic,T.2810-2811;P493,parama.54.
2671 S.Bogujevic,T.1885;P373,parama.43;P374,p.4;F.Bogujevic,P383,parama.35.
2672 S.Bogujevic,T.1885;P373,parama.43;P374,p.4;P375,p.3;F.Bogujevic,P383,parama.36;Stoparic,T.2827,2828;P493,parama.54.
2673 S.Bogujevic,T.1885;P373,parama.43;P374,p.4;P375,p.3;F.Bogujevic,P383,parama.36;P382,p.7.
2674 F.Bogujevic,T.1931.
2675 F.Bogujevic,T.1924,1930-1931;P384.
2676 Stoparic,T.2827-2828,2830;P496. See generally Stoparic,P493,parama.51.
2677 S.Bogujevic,P373,parama.44;P374,p.4;F.Bogujevic,P383,parama.37;P381,p.2;P382,p.3. See also Stoparic,T.2828-2830;P496;P493,parama.54;P40,p.31.
2678 S.Bogujevic,P373,parama.44;P374,p.4;F.Bogujevic,P381,p.2.
2679 S.Bogujevic,T.1892,P376.
2680 F.Bogujevic,T.1924,1933;P384.
2681 Stoparic,T.2829;P496. See generally Stoparic,P493,parama.51.
1006. Shefkate, who had been earlier separated from the group, was taken out of the shed and into the courtyard. She was crying: “They are only children”.2682 The Skorpions then took Shefkate and the group behind the house.2683 While she was walking, one of the Skorpions pushed Shefkate, and then shot her once in the back. She fell on the ground, and the same man shot her again and killed her.2684

1007. The Skorpions surrounded the civilians in the courtyard.2685 There were approximately 10 “soldiers” in the courtyard, with others coming in and out.2686 Saranda said that the “soldier” who shot Shefkate changed his weapon and started shooting at the group.2687

1008. Saranda described what happened next:

When he started shooting, I just leaned on the wall and just slid down and then it hit me on my right leg, the bullet, and then after a while the shooting stopped; and there was a sound from someone, the kind of sound where you’re struggling to breathe, and then the shooting started again. And then when the shooting started again, it hit me in my arm and in my back. And then after a while, the shooting stopped, and then it was quiet, so I wasn’t sure whether the soldiers were still there or had gone. And then I decided to lift my head up.2688

1009. Fatos gave a similar account of the shooting and said that the civilians “all fell on top of each other and just fell on the floor”.2689

1010. Saranda and Fatos identified some of the shooters as wearing a green camouflage uniform.2690 Fatos said that the “soldier” who separated Shefkate from the group and directed the group back into the courtyard was the “leader” because he gave orders.2691

1011. Stoparić heard the shooting with Tomić, as they moved towards an alley leading to an adjacent street. He described it as “continuous and very loud”.2692 Seconds later, Stoparić and Tomić ran back to the courtyard as the shooting ceased2693 and stopped just at the courtyard’s entry,

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2682 S.Bogujević, T.1885; P373, para.46; P374, p.4; F.Bogujević, P383, para.38; T.1933.
2683 S.Bogujević, T.1885–1886; P380; P373, para.46; P374, p.4; P375, p.4.
2684 S.Bogujević, P373, para.46; P374, p.4; P375, p.4; T.1885–1886,1891; P376; F.Bogujević, P383, para.40; T.1933 P381, p.2.
2685 S.Bogujević, P373, para.47; P375, p.8; T.1890,1894–1895; P380; P379, pp.1, 5; F.Bogujević, P383, para.37; T.1934; Stoparić, P493, para.56; T.2834.
2686 S.Bogujević, T.1891; P376; P373, para.47. See also Stoparić, T.2833–2834; P493, paras.56–57.
2687 S.Bogujević, T.1885–1886; P373, para.47–48. See also P196, p.1; D442, p.2; F.Bogujević, P383, para.42.
2688 S.Bogujević, T.1887. See also S.Bogujević, 1890–1891,1894; P376; P373, para.48; P374, p.4; P375, p.4; P378.
2689 S.Bogujević, T.1934. See also F.Bogujević, P383, para.42–45; P382, para.4; T.1935; P384.
2690 S.Bogujević, P373, paras.59; 62; P374, p.6; F.Bogujević, P383, para.37; T.1932–1933.
2691 F.Bogujević, T.1932–1933; P383, paras.33, 35; P382, p.5.
2692 Stoparić, P493, para.55.
2693 Stoparić, P493, paras.55–56; T.2832; P497.
from where they had a clear view of the courtyard. Stoparić saw the bodies of the civilians whom he had seen earlier at the base of a wall.

1012. Stoparić saw Saša Cvetan, Dragan Medić, Dragan Borojević and Dejan Demirović facing the victims in the courtyard and marked their positions on a map. Stoparić believed that they were involved in the shooting and that Dragan Medić, Boca’s brother, ordered the men to kill the civilians because he was the highest ranked in the group. The shooters left, without exchanging words with Stoparić.

1013. Saranda, Fatos and Stoparić all thought that more than one shooter perpetrated the massacre, from the nature of the injuries and the rapid fire of the shots.

1014. Fourteen civilians were killed in the shooting in the courtyard. Only five children survived. Saranda was shot in the arm 13 times, twice in the leg and once in the back and now has limited movement in her left arm. Fatos was wounded in both legs with three bullets in one and two in another.

1015. The survivors were administered first aid and taken to Priština/Prishtinë hospital. At some point one of the children, 9-year-old Lirije Bogujević, was sent to Belgrade for treatment. Saranda’s father eventually learnt that the children were in the hospital and visited them. The children remained in hospital until June 1999.

1016. The bodies from the massacre were buried in the outskirts of Podujevo/Podujevë. An exhumation report from a grave site in Podujevo, conducted by the OSCE identified 19 bodies,
including the people listed by Saranda and Fatos. The British Forensic Team conducted individual autopsy reports on eight bodies. The general conclusion from the autopsies was that the cause of death was multiple gunshot wounds to the chest, neck and head.

15. Unscheduled Incidents

(a) Čuska/Qyshk

1017. Čuska/Qyshk is located approximately three kilometres east of Peja/Pec. In May 1999, the village consisted of approximately 2,000 residents, largely of Kosovo Albanian ethnicity. Around 16 or 17 April 1999, VJ and MUP entered Čuska/Qyshk and set fire to a number of Albanian houses. They did not harm the Serbian houses.

1018. On 14 May 1999, Tahir Kelmendi a Čuska/Qyshk resident saw around eighty heavily armed VJ and MUP members enter Čuska/Qyshk. Hazir Berisha, a local villager gathered with others in the center of Čuska/Qyshk. The VJ and MUP surrounded them. Men were separated from women and children. Everyone was ordered to throw down their possessions, including identification documents. Hazir Berisha had seen two of the perpetrators (Srečko Popović and Nenad Kastratović) before when they set fire to houses in Čuska/Qyshk in April 1999. Nebojša Minić was also present. On 14 May, Hazir Berisha did not know their names but learnt this later.

1019. The VJ and the MUP divided the 30 odd men into three groups. Before that, Popović made a hand gesture that Hazir Berisha took to mean that "the men should be killed." They insulted the men by saying, "Where is NATO?" and "Where is the America?"

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2712 P1150, pp.4-7. See S. Bogujević, T. 1899; P373, paras. 26, 63; F. Bogujević, P383, paras. 25, 27, 52.
2713 See P1142; P1145; P1146; P1147; P1148; P1149; P1141; P1143; P1144.
2714 P1142, pp. 3-4; P1141, p.1; P1143, p.1; P1144; p.1; P1145, p.1; P1146, p.1; P1147, p.1, P1148, p.1; P1149, p.1. See also Baccard, T. 7681-7682.
2715 Hazir Berisha, P796, para. 5.
2716 Hazir Berisha, P796, para. 5.
2717 Hazir Berisha, P796, para. 10.
2718 Kelmendi, P803, paras. 12-22, T. 4765-4770.
2719 Hazir Berisha, P796, paras. 22-23, T. 4611.
2720 Hazir Berisha, T. 4611-4612.
2721 Hazir Berisha, T. 4612, Kelmendi, P803, para. 45, T. 4721.
2722 Hazir Berisha, P796, paras. 26, 31-32, T. 4612-4613; Kelmendi, T. 4721. See also Abrahams, T. 3984; P756, pp. 56-57.
2723 Hazir Berisha, P796, para. 72, T. 4608-4609, 4629, 4655-4659; P797; P772
2724 Hazir Berisha, P796, paras. 47, 73, P772; T. 4612-4613, 4616, 4625. Minić was identified as the man on the top row on the far right-hand side of P772 wearing the police uniform and holding the Kalashnikov. The man on the bottom row on the far right of P772 was also with Nebojša Minić on 14 May 1999 (P772, Hazir Berisha, T. 4610, 4613).
2725 Hazir Berisha, T. 4609, 4656, 4658-4659; P797; P772.
2726 Hazir Berisha, P796, paras. 43-47, 50, T. 4616-4617, 4621; Kelmendi, P803, paras. 46, 54-55, T. 4721-4723. See also Abrahams, T. 3984; P756, pp. 57, 62.
1020. The VJ and MUP directed Hazir Berisha's group of about a dozen men to a house. They started shooting; Hazir Berisha was hit in his leg. A canister was thrown and filled the room with black smoke. Hazir Berisha caught on fire. He escaped through a window, hid and was eventually rescued. Kelmendi heard and observed the murders from a distance.

1021. Approximately 41 men were killed in Ćuska/Qyshk on 14 May. Three men survived from each house. On that day, other Albanians were killed by the same perpetrators in the nearby villages Pavlač/Pavlan and Sahac/Zahač.

Forces of the MUP and the VJ were Responsible for the Crimes in Ćuska/Qyshk

1022. On 13 May 1999, Vlahović, a police commander told refugees at a neighbouring village to go to Ćuska/Qyshk because the police would be sending all Ćuska/Qyshk residents to Albania.

1023. On 16 and 17 April and on 14 May 1999, the MUP wore blue camouflage police uniforms with a grey mixture of colours while the VJ wore both solid green and camouflage uniforms. Hazir Berisha identified "Pucari" as an active policeman in Pec/Peja who was there on 14 May 1999. When shown P772, Braković, a PJP commander recognized some men as policemen. Braković thought he recognised "Salipur," a police officer affiliated with the Pec/Peja SUP. The SUP Chief of Pec/Peja was Đorđević's direct subordinate.

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272 Hazir Berisha, paras.43,47-48,T.4616-4617.
273 Hazir Berisha, paras.51,T.4617.
274 Hazir Berisha, paras.53-55,T.4617-4618.
275 Hazir Berisha, paras.56-57,T.4618-4621.
276 Hazir Berisha, paras.60-61,T.4619-4621.
277 Hazir Berisha, paras.61-62,T.4619-4620,4665.
278 Hazir Berisha, paras.64-74,T.4619-4622,4666-4667. See also Kelmendi,T.4724,4730-4731,4739,4781-4782,P.797.
279 Kelmendi,P.803,para.55-60,T.4723-4724,4731-4732.
280 Hazir Berisha,T.4623,Abrahams,T.3983-3984,P.756,p.70.
281 Kelmendi,P.803,para.57,T.4724,4731-4732.
282 Hazir Berisha,T.4624,Abrahams,P.756,pp.71-73,T.3983. For other murders at that time, see also Kelmendi,P.803 paras.50-51,73-75,T.4714-4715,4725-4726,4733,4737,4740-4744,4780.
283 Kelmendi,P.803,para.34-36,T.4716-4717,4720,4775,4776,4785-4787. See also Kelmendi,P.803,para.24-29,T.4719-4720,T.4771-4772.
284 Hazir Berisha,T.4631,4640. See also D117,p.2. Hazir Berisha said that he did not know why D117 mentioned "paramilitaries" and that it was the police and the army in who were at Qyska/Ćuska that day: Hazir Berisha,T.4646-4650.
285 Hazir Berisha,T.4627-4631,P.772.
286 P345,p.7;Braković,T.4185-4186,P.772.
1024. Both Berisha and Kelmendi recognized the man wearing a cap as Salipur (or Saripuri or Şalipur) and said he was a policeman. Kelmendi knew Salipur as “Munja.” Sharipul was known as a dangerous man and maltreated Albanians.

1025. Braković knew of a unit called “Munja” in Peć/Peja that was composed of policemen tasked with complex tasks in mid-1998 in the town of Peć. During a Joint Command meeting on 30 July 1998, Đorđević stated that “Munja/Lightning will tomorrow proceed to Vučak near Ovčarevo”. It is likely that the “Munja” participated in the Čuska/Qyshk massacre.

(b) Pusto Selò/PustaSelë

1026. Pusto Selò/PustaSelë is a village in Orahovac/Rahovec municipality, located north-east of Orahovac/Rahovec town. On 31 March 1999, Serb forces in tanks entered Pusto Selò/PustaSelë. They separated men from women and children, and took their valuables. They sent the women towards Ratak/Ratkoc.

1027. The police told the remaining men to “[s]it down, kneel down, like you do in the mosque” and look down at the earth that “belongs to Serbia”. They beat the men and emptied their pockets of valuables, money and identification documents. Beqir Krasniqi, a Pusto Selò/PustaSelë resident, heard the Serbian word for “execution” – “streljanje” – from one of the police radios.

1028. The police then marched the men to a nearby stream, lined them along the river, and shot at them in smaller groups. The police repeated this procedure four times. Krasniqi was in the

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2342 Hazir Berisha, P772, T.4610, 4626, 4631; Berisha knew his name before 14 May and knew him to be a policeman. (T.4627).  
2343 Kelmendi, T.4727, 4745, P772.  
2344 Kelmendi, T.4727-4728, 4745, 4750, 4753, 4785-4786; Hazir Berisha, T.4626, 4671. Hazir Berisha’s testimony on whether Sharipul was present in Qyshk/Quska on 14 May is unclear. See Hazir Berisha, T.4610, 4631, 4653, 4657. Berisha said that he knew that Salipur had been killed (T.4653).  
2345 Braković, T.4187. See also P755, pp.14-22.  
2346 P886, p.23.  
2347 P823, p.16.  
2348 Mazrek, T.6169-6170, 6188, 6192, 6198-6199; P987, p.3; B. Krasniqi, P909, p.3; P908, p.3; D226, p.2.  
2349 Mazrek, T.987, p.3; T.6170-6171, 6199; B. Krasniqi, T.6035, 6073, 6078, 6081; P908, p.3; P909, p.3; D226, p.3.  
2350 Mazrek, T.987, p.4; T.6171; B. Krasniqi, T.6077; P908, p.3.  
2351 B. Krasniqi, T.6035; P909, p.3; T.6029.  
2352 B. Krasniqi, T.6063; 6073; Mazrek, T.6171.  
2353 Mazrek, T.987, pp.3-4; T.6171; B. Krasniqi, T.6035, 6078; P908, pp.3-4; D226, p.3. See also B. Krasniqi, T.6029.  
2354 B. Krasniqi, P909, p.4; T.6036, 6080.  
2355 B. Krasniqi, T.6035-6036; P908, p.5; D226, p.3; Mazrek, T.987, p.4.  
2356 Mazrek, T.6172; 6198; P987, p.4; B. Krasniqi, T.6035-6036, 6080; P908, p.5; D226, p.3.  
2357 Mazrek, T.6172-6174; P987, pp.4-5.
second group of men. When the shooting started, bodies fell on top of Krasniqi. After his group, Krasniqi heard two more rounds of fire. Mazrekus was in the last group of men. At the river, around 200–300 shots were fired. Mazreku fell down. Krasniqi saw houses on fire. 106 men were executed, and thirteen survived.

Forces of the FRY and Serbia were responsible for the crimes in Pusto Selos

1029. VJ and MUP forces were responsible for the massacre. Serbs who arrived on tanks and the shooters wore “grass green” or “[d]ark green, olive green” clothes. “Policija” or Milicija was written on their backs. The Serbian flag and four “S” was worn on the sleeves. Krasniqi gave various descriptions of the uniforms of the Serb forces in Pusto Selos/Pustaselé due to his difficulty in naming colours. Despite the discrepancies in his description of uniforms, Krasniqi consistently testified that police “in uniform” were in Pusto Selos/Pustaselé and committed the massacre. Krasniqi and Mazrekus both testified that the Serb forces they saw were older than regular soldiers and entered Pusto Selos/Pustaselé in tanks, trucks and jeeps.

1030. Further, as already discussed elsewhere (Part IV, Section (C)(1)), there is overwhelming evidence confirming the presence of forces of the FRY and Serbia in the Orahovac/Rahovec municipality from the end of March until at least mid-April 1999.

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2758 B.Krasniqi,T.6080;B.Krasniqi,P908,p.5-3;D226,p.3. See also Mazrekus,P987,pp.4-5.
2759 B.Krasniqi,P908,p.5.
2760 B.Krasniqi,D226,p.3;P908,pp.5-6.
2761 Mazrekus,P987,p.5.
2762 Mazrekus,P987,p.5;T.6174.
2763 B.Krasniqi,P908,p.6;T.6072,D226,p.3. See also D811,p.5.
2764 Mazrekus,T.6175;P988,para.13;B.Krasniqi,T.6072,P908,p.7.
2765 Mazrekus,T.6174-6175;P987,p.3;P988,para.13;B.Krasniqi,D226,p.3. See also B.Krasniqi,T.6035-6036,P908,pp.5,7; [REDACTED].
2766 Mazrekus,T.6172,6198,P987,p.4;B.Krasniqi,T.6035-6036,6080,P908,p.5.
2767 Mazrekus,T.6170,6172,6193,6197-6198,P988,para.6.
2768 Mazrekus,T.6170,6178-6179,6192-6193,6197-6198,P987,p.3;P988,paras.6-7. See also Mazrekus,T.6194;P327.
2769 Mazrekus,T.6194-6196;P318.
2770 See e.g. B.Krasniqi,P908,p.3;D225(MFI),pp.1,3. B.Krasniqi marked the blue camouflage pattern as the uniforms he saw in Pusto Selos/Pustaselé (B.Krasniqi,T.6030-6031;P910).
2771 B.Krasniqi,T.6023-6024.
2772 B.Krasniqi,T.6029. See also B.Krasniqi,T.6036.
2773 B.Krasniqi,T.6043;6072,P908,p.3;P909,para.21;23;Mazrekus,P988,para.6.
2774 B.Krasniqi,T.6061;P908,p.8;Mazrekus,T.6170,6192,6198,P987,p.3;P318.
2775 See e.g. P350;P1316;P1317;P970;P988. See also P1285; [REDACTED];P1548,p.2.
V. RESPONSIBILITY PURSUANT TO ARTICLES 7(1) AND 7(3) OF THE STATUTE

A. Legal Elements of Article 7(1) mode of liability

1. Joint criminal enterprise (JCE)

1031. Participation in a JCE is a form of “commission” under Article 7(1) of the Statute. A conviction under this mode of responsibility requires a finding that the accused participated in the JCE. The accused in this case did not physically commit any crimes but participated in the JCE as co-perpetrator. For responsibility under JCE, the participant need not physically participate in any element of any crime, so long as the requirements of JCE responsibility are met. Nor is the participant in a JCE required to be physically present when and where the crime is being committed.

JCE I

1032. The elements for the first form of JCE are:

- A plurality of persons;
- The existence of a common design, plan or purpose which amounts to or involves the commission of a crime provided for in the Statute;
- The accused participated in the common design, plan or purpose through his acts or omissions;
- The JCE members shared the intent for the crimes in question.

Plurality of persons

1033. JCE liability requires a plurality of persons. They need not be organised in a military, political, or administrative structure. While the plurality of persons belonging to the JCE must

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2776 Kvočka AJ, para.79; Vasiljević AJ, para.95.
2778 Kvočka AJ, paras.112-113,276; Simba AJ, para.296. However, it may be taken as an indicator of a co-perpetrator’s contribution. Simba AJ, para.296.
2779 Stakić AJ, para.64. See also Kvočka AJ, para.81; Vasiljević AJ, para.100.
2780 Stakić AJ, para.69 (referring to a plurality of persons that acted together in the implementation of a common goal).
2781 Stakić AJ, para.64 (referring to Tadić AJ, para.227).
2782 Stakić AJ, para.64 (referring to Tadić AJ, para.227).
2783 Brđanin AJ, para.365 (referring to Accused’s intent to commit the crime and to participate in a common plan aimed at its commission); Kvočka AJ, para.82; Stakić AJ, para.65; Vasiljević AJ, para.97; Tadić AJ, para.196.
2784 Stakić AJ, para.69 (referring to a plurality of persons that acted together in the implementation of a common goal).
be identified, it is not necessary to identify by name each of the persons involved. Depending on the circumstances of the case, it can be sufficient to refer to categories or groups of persons.

1034. Liability under JCE may exist even if none or only some of the physical perpetrators are members of the JCE. What matters in a first category JCE is not whether the person who carried out the actus reus of a particular crime is a JCE member, but whether the crime in question forms part of the common purpose. This is a matter of evidence.

1035. Where the principal perpetrator of a particular crime is not a JCE member, this essential requirement - whether the crime is part of the common purpose - may be inferred from various circumstances, including the fact that the accused or any other member of the JCE closely cooperated with the principal perpetrator to further the common criminal purpose. To hold a member of a JCE responsible for crimes committed by non-members, it has to be shown that the crime can be imputed to one member of the JCE, who - when using a principal perpetrator - acted in accordance with the common plan. The existence of this link should be assessed on a case-by-case basis. "Factors indicative of such a link include evidence that the JCE member explicitly or implicitly requested the non-JCE member to commit such a crime or instigated, ordered, encouraged, or otherwise availed himself of the non-JCE member to commit the crime." A link can also be established where the JCE member controls the hierarchical structure to which the physical perpetrator belongs, or where a hierarchical structure used by the JCE member cooperates with the physical perpetrators.

Common Purpose

1036. It is necessary to prove the existence of a common plan, design or purpose among the JCE members which amounts to or involves the commission of a crime provided for in the Statute. An explicit agreement among the JCE participants is not required. There is no need for this

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2786 Stakić AI, para.64 (referring to Tadić AJ, para.227).
2787 Krajčinik AI, para.156.
2788 Krajčinik AI, para.156; Limaj AI, para.99; Brcadin AI, para. 430.
2789 Brcadin AJ, para.413.
2790 Brcadin AJ, paras.410,418-419.
2791 Brcadin AJ, para.418.
2793 Brcadin AJ, para.413.
2794 Brcadin AJ, para.413.
2795 Krajčinik AI, para.226.
2796 Martyć AI, para.181.
2797 See, Martyć AI, para.195.
2798 Stakić AI, para.64 (referring to Tadić AJ, para.227).
2799 Krajčinik TJ, para.883.
purpose to have been previously arranged or formulated; it may materialise extemporaneously and be inferred from the facts. The common purpose can evolve over time so as to comprise additional (expanded) crimes. This requires that the JCE members were informed of the crimes, did nothing to prevent their recurrence and persisted in the implementation of this expansion of the common objective.

Contribution

The accused must have participated in the common purpose. This participation need not involve the commission of a specific crime (for example, murder, extermination, torture), or be criminal per se, but may take the form of assistance in, or contribution to, the execution of the common purpose. It is sufficient for the accused to have committed an act or an omission which contributes to the common criminal purpose. Although an accused's contribution to the JCE need not be necessary or substantial, it should at least be a significant contribution to the crimes for which the accused is to be found responsible.

Mens Rea

In JCE I the co-perpetrators possess the shared intent for the crimes in question. This requires the common state of mind that the crime(s) should be carried out; the commission of the crime must be the goal of the JCE members. Such intent is different from motive and JCE members need not desire the criminal result or be enthusiastic about it. Intent may be inferred from the circumstances, such as from acceptance of the crime and continued contribution. The inference that the JCE members were motivated by the requisite intent may be drawn even where those individuals are not precisely identified. An individual's conduct may be a relevant factor in establishing his or her intent.

2799 Stakić AI, para.64 (referring to Tadić AI, para.227).
2800 Krajišnik AI, para.163.
2801 Krajišnik AI, para.171.
2802 Stakić AI, para.64 (referring to Tadić AI, para.227).
2803 Stakić AI, para.64; Krajišnik AI, para.695.
2804 Kvočka AI, para.187.
2805 Simba AI, para.303; Brdanin AI, para.430. In practice, the significance of the accused's contribution will be relevant to demonstrating that the accused shared the intent to pursue the common purpose: Kvočka AI, para.97.
2806 Tadić AI, para.228; Stakić AI, para.65.
2807 Krajišnik AI, paras.200, 707.
2808 Brdanin AI, paras.365, 431; Martić AI, para.172.
2809 Kvočka AI, paras 105-106, 416.
2810 Kvočka AI, para.243.
2811 Krajišnik AI, para.200.
2812 See Krsić AI, para.34 ("Where direct evidence of genocidal intent is absent, the intent may still be inferred from the factual circumstances of the crime. The inference that a particular atrocity was motivated by genocidal intent may be
JCE III

1039. Responsibility under JCE III is responsibility for crimes which were not included in the common purpose, but were nevertheless a natural and foreseeable consequence of the execution of the common purpose.\textsuperscript{2814}

1040. The requisite \textit{mens rea} for this form of JCE is twofold.\textsuperscript{2815} First, the accused must have the intention to participate in and contribute to the common criminal plan, design or purpose.\textsuperscript{2816} Second, it must have been foreseeable that such a crime might be perpetrated by one or other members of the group, and it must be proved that the accused willingly took that risk.\textsuperscript{2817} This means that the accused was aware that such crime was a possible consequence of the execution of that enterprise and with that awareness, the accused decided to participate in that enterprise.\textsuperscript{2818} The crime must be shown to have been foreseeable to the accused in particular.\textsuperscript{2819}

1041. When the accused, or any other member of the JCE, in order to further the common criminal purpose, uses persons who, in addition to (or instead of) carrying out the \textit{actus reus} of the crimes forming part of the common purpose, commit crimes going beyond that purpose, the accused may be found responsible for such crimes provided that he participated in the common criminal purpose with the requisite intent and that, in the circumstances of the case, (i) it was foreseeable that such a crime might be perpetrated by one or more of the persons used by him (or by any other member of the JCE) in order to carry out the \textit{actus reus} of the crimes forming part of the common purpose; and (ii) the accused willingly took that risk: the accused, with the awareness that such a crime was a possible consequence of the implementation of that enterprise, decided to participate in that enterprise.\textsuperscript{2820}

drawn, moreover, even where the individuals to whom the intent is attributable are not precisely identified (references omitted, emphasis added)); see also Kordić AJ, para.675 (inferring discriminatory intent on the part of the perpetrators, required for persecutions, and referring to Krstić).

\textsuperscript{2814} Kvočka AJ, para.213.
\textsuperscript{2815} Kvočka AJ, para.83.
\textsuperscript{2816} Kvočka AJ, para.83.
\textsuperscript{2817} Kvočka AJ, para.83.
\textsuperscript{2818} Stakić AJ, para.65.
\textsuperscript{2820} Brdanin AJ, para.411.
2. Ordering

Actus Reus

1042. The accused, as a person in a position of authority, instructed another person to commit an offence.\(^{2821}\)

1043. It is sufficient that there is proof of some position of authority on the part of the accused that would compel the perpetrator to commit a crime pursuant to the accused’s order.\(^{2822}\) A formal superior-subordinate relationship is not required.\(^{2823}\) The position of authority may be informal or of a purely temporary nature.\(^{2824}\)

1044. The order does not need to be given in any particular form,\(^{2825}\) and does not necessarily have to be explicit in relation to the consequences it will have.\(^{2826}\) It is not necessary that the order be given directly to the individual executing it.\(^{2827}\) Physical presence at the scene of the crime is not required.\(^{2828}\) The order has to have a direct and substantial effect on the commission of the illegal act.\(^{2829}\)

Mens Rea

1045. The accused acted with direct intent or with the awareness of the substantial likelihood that a crime would be committed in the execution of that order.\(^{2830}\)

3. Planning

Actus Reus

1046. The accused, alone or together with others, designed the criminal conduct constituting the crimes charged. The planning was a factor substantially contributing to the perpetration of the crimes.\(^{2831}\)

1047. The existence of a plan can be proved by circumstantial evidence.\(^{2832}\)

\(^{2821}\) Kordić A1,para.28.
\(^{2822}\) Karera A1,para.211; Senanze AJ,para.361.
\(^{2823}\) Kordić A1,para.28.
\(^{2824}\) Senanze A1,para.363.
\(^{2825}\) Kambudzo A1,para.76; Krstić TJ,para. 601.
\(^{2826}\) D. Milošević A1,para.267.
\(^{2827}\) Blairkic TJ,para.282.
\(^{2828}\) D. Milošević A1,para.290.
\(^{2829}\) Kambudzo A1,para.75; Koyshema A1,para.186; Gacumbitsi A1,paras.184-185.
\(^{2830}\) Blairkic A1,para.42; Kordić A1,paras.29,30.
\(^{2831}\) Kordić A1,para.26.
Mens Rea

1048. The accused acted with direct intent or with the awareness of the substantial likelihood that a crime would be committed in the execution of that plan.\textsuperscript{2833} 

4. Instigating

Actus Reus

1049. The accused prompted another person to commit the offence.\textsuperscript{2834} The instigation was a factor substantially contributing to the conduct of the other person committing the crime.\textsuperscript{2835} The accused need not be present when the instigated crime is committed.\textsuperscript{2836}

1050. It need not be shown that the offence would not have been committed without the participation of the instigator. It suffices to demonstrate that the instigation was a factor substantially contributing to the conduct of the person committing the crime.\textsuperscript{2837}

Mens Rea

1051. The accused acted with direct intent or with the awareness of the substantial likelihood\textsuperscript{2838} that a crime would be committed in the execution of that instigation.\textsuperscript{2839}

5. Aiding and abetting

Actus Reus

1052. The accused gave practical assistance, encouragement, or moral support which had a substantial effect on the perpetration of the crime.\textsuperscript{2840}

1053. The actus reus of aiding and abetting a crime may occur before, during, or after the principal crime has been perpetrated, and the location at which the actus reus takes place may be removed from the location of the principal crime.\textsuperscript{2841}

\textsuperscript{2832} Blaškić TJ, para.279.
\textsuperscript{2833} Kordić AI, paras.29,31.
\textsuperscript{2834} Kordić AI, para.27.
\textsuperscript{2835} Kordić AI, para.27.
\textsuperscript{2836} Nahimana AI, para.660.
\textsuperscript{2837} Kordić AI, para.27.
\textsuperscript{2838} Kordić AI, para.32.
\textsuperscript{2839} Kordić AI, paras.29,32.
\textsuperscript{2840} Blaškić AI, para.46.
Mens Rea

1054. The accused knew that his acts assist in the commission of the crime of the principal perpetrator and was aware of the essential elements of the crime which was ultimately committed by the principal. It is not necessary that the aider and abettor is aware of the precise crime that was intended and which in the event was committed, rather it suffices that he is aware that one of a number of crimes will probably be committed, and one of those crimes is in fact committed.

B. Legal elements of Article 7(3) mode of liability

1055. Criminal responsibility under Article 7(3) requires: 1) the existence of a superior-subordinate relationship with the superior’s “effective control” over the subordinate(s), 2) knowledge or reason to know that a crime is about to be or has been committed by a subordinate, and 3) a failure to take necessary and reasonable measures to prevent the crime or punish the perpetrator.

1056. Superior responsibility under Article 7(3) “encompasses all forms of criminal conduct by subordinates, not only the ‘committing’ crimes in the restricted sense of the term, but all other modes of participation under Article 7(1).” Applicable in both international and internal armed conflicts, the scope of superior responsibility under Article 7(3) of the Statute extends beyond traditional “command responsibility” to both military and civilian superiors who possess authority.

1. Superior-subordinate relationship

1057. For Article 7(3) liability it must be established that the accused was a de jure or de facto superior and that he had effective control over the subordinate who engaged in criminal conduct.

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2842 Blaškić AJ, para. 48.
2843 Sinić AJ, para. 86. See also Mrkić AJ, paras. 49, 60, (referring to the awareness of a probability); see also para.63; Blaškić AJ, para.45, 50; Ndindabaheet AJ, para. 122 (referring to aiding and abetting a crime with awareness that a crime will probably be committed) Furundžija TJ, para.246; Blaškić TJ, para.287 (both referred to in Blaškić AJ, fn.94), Brdarin TJ, para.272; Strugar TJ, para.350.).
2844 Blaškić AJ, para.50.
2847 Hadžihasanović Superior Responsibility AJ, paras.10-36,57.
1058. A superior-subordinate relationship is most obviously characterised by the hierarchical relationship that exists in a military structure on all levels, but it does not require direct or formal subordination. Furthermore, there is no requirement that the relationship between the superior and subordinate be direct, immediate or permanent in nature; superior responsibility can be triggered in cases of temporary command or re-subordination of troops.

1059. The superior must also have “effective control” over the subordinates, meaning “the material ability to prevent or punish” the subordinates’ offences.

1060. Indicators of effective control are more a matter of evidence than of substantive law. Such indicators are limited to demonstrating the power to prevent, punish, or initiate measures leading to proceedings against the alleged perpetrators. The ability to initiate criminal investigations against the perpetrators may be an indicator of effective control. The capacity to issue orders, and proof that the orders are actually followed, is yet another indicator. More than one entity can wield effective control over a unit at a particular point in time.

2. Knew or had reason to know

1061. An assessment of the mental element required by Article 7(3) of the Statute should be made "in the specific circumstances of each case, taking into account the specific situation of the superior concerned at the time in question." To be held responsible under Article 7(3), it must be proved that a superior knew or had reason to know that a subordinate was about to commit a crime or had done so. This requirement is satisfied if information was available to the superior which would have

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2849 See ICRC Commentary on Article 87 of Additional Protocol I, para.3553: “There is no member of the armed forces exercising command who is not obliged to ensure the proper application of the [Geneva] Conventions and the [Additional] Protocol. As there is no part of the army which is not subordinate to a military commander at whatever level, this responsibility applies from the highest to the lowest level of the hierarchy, from the Commander-in-Chief down to the common soldier who takes over as head of the platoon to which he belongs at the moment his commanding officer has fallen and is no longer capable of fulfilling his task.”

2850 Čelebić A1, para.303.

2851 See Strugar T1, para.362-363.

2852 Štrugar T1, para.362, fn.1072, relying on ICRC Commentary on Article 87 of Additional Protocol I,p.1019 (para.3554), which provides that: “A commander may, for a particular operation and for a limited period of time, be supplied with reinforcements consisting of troops who are not normally under his command. He must ensure that these members of the armed forces comply with the Conventions and the Protocol as long as they remain under his command.” See also Blažič A1, paras.498-499; Đelić T1, para.54.

2853 Čelebić A1, paras.196,256; Čelebić T1, para.577-378.

2854 Blažič A1, para.69, citing Aleksovski A1, paras.73-74, Čelebić A1, para.206.

2855 Blažič A1, para.69, citing Aleksovski A3, para.76.

2856 Halilović A1, para.182.

2857 Halilović A1, para.207. See also D.Milošević A1, para.280; Strugar A1, paras.253-254.

2858 Aleksovski T1, para.106; Blažič T1, para.303.

2859 Čelebić A1, para.239.
put him on notice – whether actual or inquiry notice – of offences by subordinates.\textsuperscript{2860} The same state of knowledge is required for both civilian and military superiors.\textsuperscript{2861}

**Actual notice**

1062. Actual knowledge may be established through direct or circumstantial evidence.\textsuperscript{2862} In determining whether a superior had actual knowledge of the acts of his subordinates, the Chamber may consider factors such as the number, type and scope of unlawful acts, their timing, the number and type of troops and the logistics involved, the modus operandi of similar unlawful acts, the staff and officers involved, and the location of the superior when the acts were committed.\textsuperscript{2863}

**Inquiry notice**

1063. Criminal responsibility attaches to a superior where information was available to him which would have put him on notice of the offences committed by his subordinates.\textsuperscript{2864} It is not required that the superior actually acquaint himself with the information.\textsuperscript{2865} A superior will be deemed to have reason to know when he possessed information sufficiently alarming to justify further inquiry.\textsuperscript{2866} This information may be general in nature, and does not need to include specific details about unlawful acts which have been or are about to be committed.\textsuperscript{2867} Examples of information that may put a superior on inquiry notice include the criminal propensity or violent or unstable character of subordinates, the level of their training and instruction, and the tactical situation.\textsuperscript{2868}

1064. Knowledge of past crimes can also put a superior on notice of the risk of future crimes.\textsuperscript{2869} Moreover, where a superior fails to punish known past crimes, it “is likely to be understood by his subordinates at least as acceptance, if not encouragement, of such conduct with the effect of

\textsuperscript{2860} Čelebići AI, paras.238,241 provide in part: “a superior will be criminally responsible through the principles of superior responsibility only if information was available to him which would have put him on notice of offences committed by subordinates” (emphasis added).

\textsuperscript{2861} Brdonin T1, para.282; Knojelac T1, para.94; Musome T1, paras.147-148. See Nahimana AI, paras.791, 839-841.

\textsuperscript{2862} Hadžihasanović T1, para.94, citing Čelebići T1, para.386; Knojelac T1, para.94; Kordić T1, para.427; Brdonin T1, para.278; Strugar T1, para.368. See also Đelić T1, para.64; Boškoski T1, para.413.

\textsuperscript{2863} Čelebići T1, para.386; Orić T1, para.319. See also Đelić T1, para.64; Boškoski T1, para.413.

\textsuperscript{2864} Čelebići AI, para.241. See also Blaškić AI, paras.62,64; Haulićović T1, paras.67; Orić AI, para.52.

\textsuperscript{2865} Čelebići AI, para.239.

\textsuperscript{2866} Strugar AI, paras.298, 304; Hadžihasanović AI, paras.28,261; Čelebići AI, para.232 (finding that “failure to conclude, or conduct additional inquiry, in spite of alarming information constitutes knowledge of subordinate offences”).

\textsuperscript{2867} See Čelebići AI, para.238; Knojelac AI, paras.154-155,171; Blaškić AI, para.62.

\textsuperscript{2868} Hadžihasanović T1, paras.99-100. See also Čelebići AI, para.238.

\textsuperscript{2869} Strugar AI, para.301; Hadžihasanović AI, para.30. See also Knojelac AI, para.172 (entering convictions under Article 7(3) for Knojelac’s failure “to take the necessary and reasonable measures to prevent the acts of torture committed subsequent to those inflicted on Ekrem Zeković and for having failed to investigate the acts of torture committed prior to those inflicted on Ekrem Zeković and, if need be, punish the perpetrators.”).
increasing the risk of new crimes being committed.”

As such, it is relevant to the determination of whether a superior possessed information sufficiently alarming to put him on notice of the risk that subordinates might subsequently perpetrate similar crimes. While a superior’s knowledge of and failure to punish his subordinates’ past offences is insufficient, in itself, to conclude that the superior knew that similar future offences would be committed by the same group of subordinates, this may, depending on the circumstances of the case, nevertheless constitute sufficiently alarming information to justify further inquiry under the “had reasons to know” standard.

3. Failed to prevent or punish

The last requirement under Article 7(3) is that the superior failed to take the necessary and reasonable measures to prevent the crime or to punish the perpetrators.

What measures are “necessary and reasonable”?

The “necessary and reasonable” measures to prevent or punish which a superior must take are those measures that are “within his material possibility,” to be evaluated on a case-by-case basis. In essence, “it is a commander’s degree of effective control, his material ability, which will guide the Trial Chamber in determining whether he reasonably took the measures required either to prevent the crime or to punish the perpetrator.”

Generally speaking, “necessary” measures are the measures appropriate for the superior to discharge his obligation (showing that he genuinely tried to prevent or punish) and “reasonable” measures are those reasonably falling within the material powers of the superior.

2870 Hadžihasanović AJ, para. 30. See also Strogar AJ, para. 301.
2871 Hadžihasanović AJ, para. 30 (Failure to punish known past crimes “is indeed relevant to the determination of whether, in the circumstances of a case, a superior possessed information that was sufficiently alarming to put him on notice of the risk that similar crimes might subsequently be carried out by subordinates and justify further inquiry”).
2872 Strogar AJ, paras. 301, 304.
2874 Blaškić TJ, para. 335. See also paras. 301-302. Čelebija TJ, para. 395 (“a superior may only be held criminally responsible for failing to take such measures that are within his powers. The question then arises of what actions are to be considered to be within the superior’s powers in this sense. As the corollary to the standard adopted by the Trial Chamber with respect to the concept of superior, we conclude that a superior should be held responsible for failing to take such measures that are within his material possibility.”).
2875 Halilović AJ, para. 63, reiterated in Oric AJ, para. 177. See also Hadžihasanović AJ, para. 33 (noting that Article 86 of Additional Protocol I requires superiors to take “all feasible measures within their power” to punish a breach of the laws of war). Article 87 adds the duty to “initiate such steps as are necessary to prevent such violations […] and, where appropriate, to initiate disciplinary or penal action against violators thereof.”
Duty to prevent or punish involves distinct legal obligations

1067. A superior’s duty to prevent or punish does not permit a superior to choose in terms of alternatives, to either prevent the crimes or to await their commission and then punish. The failure to prevent and the failure to punish “represent two distinct legal obligations, the failure of either one of which entails responsibility under Article 7(3) of the Statute.”

Duty to prevent

1068. In observing the duty to prevent, “the superior must intervene as soon as he becomes aware of the planning or preparation of crimes to be committed by his subordinates and as long as he has the effective ability to prevent them from starting or continuing.” The superior must take steps to prevent as soon as he is on notice of possible crimes. The superior must undertake all measures which are necessary and reasonable to prevent subordinates from planning, preparing or executing the crimes. For example, beyond issuing routine instructions to observe the law, “a superior may have to give special orders aimed at bringing unlawful practices of subordinates in compliance with the rules of war” and ensure their implementation. A superior may further be required to investigate whether crimes are about to be committed, to protest against or criticise criminal action, to take disciplinary measures, or to report to and/or to insist that immediate action be taken before a superior authority, even if the superior lacks the formal capacity or legal competence to perform such measures personally. For instance, “[a]n obvious case of failure would be if a superior, despite awareness of the criminal activities of his or her subordinates, did

2876 Orić TJI, para.326, citing Bližić TJI, paras.336; Strugar TJI, para.373; Blagojević TJI, para.793; Limaj TJI, para.527; Semenić TJI, para.407. See also Milutinović TJI, Vol.1, para.116; Delić TJI, para.69; Bošković TJI, para.416.
2877 Hadžihasanović AJI, para.259.
2878 Orić TJI, para.328.
2879 Popović TJI, para.402.
2880 Orić TJI, para.565.
2881 Orić TJI, para.565, citing Strugar TJI, para.374 (referencing the Hostages case, 11 TWC 759, p.1311); Halilović TJI, para.74; Bagilishena TJI, para.265.
2882 Orić TJI, para.331, citing Strugar TJI, para.378; Halilović TJI, para.74; Hadžihasanović TJI, para.153. See also Delić TJI, para.73.
2883 Orić TJI, para.331, citing Strugar TJI, para.416; Halilović TJI, para.90.
2884 Orić TJI, para.331, citing Strugar TJI, para.374 (referencing High Command case, 11 TWC 1, p.623); Halilović TJI, para.89.
2885 Orić TJI, para.331, citing Strugar TJI, para.374 (referencing Tokyo Judgement I, p.452); Halilović TJI, para.89. See also Delić TJI, para.73.
2886 Orić TJI, para.331, citing Bližić TJI, paras.329,335; Hadžihasanović TJI, para.154.
2887 Orić TJI, para.331, citing Strugar TJI, para.374 (referencing Tokyo Judgement I, p.448); Halilović TJI, para.89. See also Delić TJI, para.73.
2888 Orić TJI, para.331.
nothing, for instance by simply ignoring such information. The duty to prevent includes a duty to suppress an unlawful act while it is being committed.

**Duty to punish**

1069. Additionally, a superior has to take all measures that are necessary and reasonable in order to ensure that crimes of subordinates are punished. For example, the superior must order or execute appropriate sanctions or, if such action would be premature, "must at least conduct an investigation and establish the facts in order to ensure that offenders under his or her effective control are brought to justice." The obligation on the part of the superior is to take active steps to ensure that the perpetrators are brought to justice. Reporting crimes to competent prosecutorial authorities is a reasonable measure that the superior could be required to undertake. The superior is not required to personally conduct the investigation or dispense the punishment, but must at least ensure investigation of the matter and submit a report "to the competent authorities for further investigation or sanction." As with preventing crimes, "the superior's own lack of legal competence does not relieve him from pursuing what his or her material ability enables him or her to do."
C. Vlastimir Đorđević's Individual Criminal Responsibility under Article 7(1) of the Statute

1. Đorđević is responsible for the crimes charged in the Indictment as a member of the JCE

(a) Introduction

1070. Throughout the Indictment period, Đorđević was Chief of the RJB and was the “highest ranking officer” and “the number 2 man” in the MUP. He also held key positions as Assistant Minister of the MUP and member of the MUP Minister’s Collegium.

1071. Throughout his membership in the JCE set out in the Indictment, Đorđević significantly contributed to its implementation through his acts and omissions. In particular:

- as Assistant Minister of the MUP, Chief of the RJB and member of the MUP Minister’s Collegium, he commanded and controlled all RJB units and subordinate units in Kosovo, which perpetrated the crimes charged in the Indictment;
- as a member of the Joint Command and Head of the RJB, he participated in the training and arming of non-Albanian civilians and the disarming of Albanian villages;
- he participated in the planning and co-ordination of joint MUP/VJ combat operations;
- he incorporated paramilitary groups into the MUP in Kosovo;
- he concealed murders perpetrated during MUP/VJ actions in Kosovo; and
- he created an environment permissive of criminal behaviour by MUP units.

1072. Through his participation in the MUP Collegium and the Joint Command, and as Head of the RJB, Đorđević acted in concert with other JCE members to further the common purpose of maintaining control over Kosovo through various criminal means. Through his position of authority, Đorđević commanded and controlled MUP units, including those in Kosovo, participated in planning and co-ordinating joint MUP/VJ operations, and used MUP units to commit crimes.

1073. Đorđević shared the intent of other JCE members to implement the common purpose through the commission of crimes and is therefore responsible pursuant to Article 7(1) of the Statute for the crimes committed during the campaign to modify the ethnic balance in Kosovo. Alternatively, should the Trial Chamber find that the crimes in Counts 3 to 5 were outside the common purpose, these crimes were natural and foreseeable consequences of the execution of the plan to modify the ethnic balance through deportation and forcible transfer. In deciding to

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200 Mišić, T.14073; Vasiljević, T.5933.
participate in that enterprise, Đorđević willingly accepted the risk that such crimes might be committed.

(b) Đorđević's position

1074. Đorđević joined the Serbian MUP in July 1971. On 11 September 1996, he was appointed Assistant Minister of Interior. On 1 June 1997, upon his promotion to Lieutenant-General, he became acting Head of the RJB. On 10 July 1997, the President of Serbia promoted him to Colonel General, the highest rank within the MUP. On 27 January 1998, MUP Minister Stojiljković appointed Đorđević Chief of the RJB, a position he held until 30 January 2001.

(c) Đorđević commanded and controlled all RJB units in Kosovo

(i) Đorđević headed the RJB

1075. Đorđević was the highest-ranking MUP officer and commanded and controlled MUP units and attached units engaged in combat operations. His authority to control the RJB is evident from his mandate under Article 54 of the Rules of Internal Organisation of the MUP. Đorđević confirmed that according to these rules, as Chief of the Department, he had authority and duty to control the RJB throughout Serbia.

1076. The RJB was the largest MUP Department. From at least July to October 1998 and throughout the conflict in 1999, the RJB had more than 14,000 personnel in Kosovo, including members of special units - PJP and SAJ. These personnel fell under Đorđević's authority.

1077. The RJB chain of command flowed from Stojiljković and Đorđević at the MUP HQ in Belgrade to the MUP Staff. The MUP Staff was the body in charge of co-ordinating and managing the work of MUP units engaged in combat actions in Kosovo, and served as an intermediate command level between MUP HQ and SUPs in Kosovo. Lukić, the Head of the MUP Staff and

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2903 Đorđević, T., 9388, D393, p. 1.
2904 Đorđević, T., 9394-9396, D394.
2905 Order on Agreed Facts, p. 25; Đorđević, T., 9396, D395.
2906 Đorđević, T., 9533-9534, 9771, D421.
2907 Đorđević, T., 9396-9397, D396; D397; Order on Agreed Facts, p. 25.
2908 P557, Art. 54.
2909 Đorđević, T., 9788, 9817, 9823.
2910 P1038, p. 21; P769, p. 1; P87, p. 7; P1509(MFI), p. 4; Đorđević, T., 10043.
2911 P1809, pp. 4-5.
2912 Cvetić, T., 6597.
a JCE member, implemented the plans and policies adopted at the level of Belgrade. He reported to Đorđević and Stojiljković.2913

**Đorđević’s powers as Head of the RJB**

1078. Đorđević’s primary function was to ensure that the RJB fulfilled its mandate.2914 In order to do so, he had broad powers and his use of them is evidenced by:

- Deployment of police units to Kosovo to carry out anti-terrorist operations.2915 Decisions to deploy PJP units were issued in the form of dispatches and were made by the MUP Minister or by a person authorised by him.2916 According to Cvetić, “as a rule, the authorised person was the head of the RJB.”2917 Đorđević confirmed that such dispatches needed to be signed by an official in his position of authority.2918 Reports from SUPs to the MUP HQ in Belgrade confirm that Đorđević’s instructions were complied with.2919 Đorđević’s dispatches contained detailed instructions on the units, the number of personnel and amount of equipment to be deployed, and the municipalities in Kosovo to which these units were sent.2920 Đorđević’s dispatches also contained instructions on the units being rotated out of Kosovo.2921

- Issuing orders containing tasks and instructions for the SUPs, MUP Staff and RJB special units in Kosovo. Several dispatches demonstrate his authority.2922 For example, on 18 February 1999, when the MUP was making plans to launch an offensive in the Spring, Đorđević issued a dispatch addressed to all RJB units requiring them to update their defence plans and recruit to full capacity the 21st to 87th PJP detachments.2923 On 12 June 1999, following the signing of the Kumanovo agreement, Đorđević ordered the withdrawal of all MUP units from Kosovo.2924

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2913 See Part III, Section (A)(b)(i).
2914 See P357, Art.2.
2915 P131; P132; P134; P137; P138; P346; P713; P1188.
2916 Cvetić, T.6649, 6655-6656, 6658.
2917 Cvetić, T.6655.
2918 Đorđević, T.10058; P137. See also Kerić, T.7773.
2919 Golubović, T.1669-1670; P355 (issued in response to P133). See also Kerić, T.7782. The following dispatches were issued in response to RJB Dispatch 587 (P711): P1191; P1192; P1194; P1195; P1196; P1197; P1198; P1199. The following dispatches were issued in response to RJB Dispatch 218 (P713): P1482; P1483; P1484.
2920 Kerić, T.7768; P181; P356; P711; P137.
2921 Cvetić, T.6658-6659. See P1182; P1183; P1184; P1185; P133; P135; P136; P139; P346; P712; P1189; P1190.
2922 Đorđević, T.9461 (P132); Đorđević, T.9628-9629 (P1202); T.9640 (P1203); T.9640-9641 (D433); T.9653-9654 (P715); T.9659 (D717).
2923 P356, item 1.
2924 P1209.
• Setting up staffs within the RJB.2925 In order to better co-ordinate the work of MUP units in Kosovo, Dordević formed the MUP Staff of KiM on 11 June 19972926 and renewed the Staff’s mandate on 15 May 1998.2927 On 11 June 1998, he appointed Lukić as Head of the Staff.2928

• Disciplining members of the RJB responsible for crimes. In his dispatch of 9 April 1999, Dordević authorised heads of organisational units to impose the disciplinary sanctions prescribed in the Decree on Internal Affairs During the State of War, for serious violations of employment obligations and duties.2929 In cases involving criminal offences—such as rape, murder or looting—SUP Chiefs, Dordević’s subordinates, were required to seek the authorisation from the MUP HQ in Belgrade before initiating criminal proceedings against the offender.2930

• Appointing and dismissing RJB personnel, including SUP chiefs and members of the MUP Staff.2931 Dordević was the only official, other than the Minister, authorised to issue decisions on the appointment and dismissal of staff.2932

(ii) Dordević continued to command RJB units in Kosovo after June 1998 and during the Indictment period

1079. Dordević claimed that pursuant to Stojiljković’s decision of 16 June 1998 expanding the MUP Staff, Lukić became answerable directly to Stojiljković, not to him, for MUP units involved in anti-terrorist operations in Kosovo.2933 Dordević insisted that he was not in charge of “a single policeman who was engaged in Kosovo in anti-terrorist activities or on the defence of the country”.2934

1080. Stojiljković’s 16 June 1998 decision did not divest Dordević of his powers as Head of the RJB nor modify the chain of command within the MUP.2935 On the contrary, the evidence proves that after 16 June 1998, Dordević continued to exercise command authority over RJB units,

2925 See P357, Art.10.
2926 D402. See also Dordević, T.9466-9467, 9469.
2927 D100; Dordević, T.9476.
2928 P760; Dordević, T.9553-9554. See also P57; Part III, Section(A)(3)(b)(ii).
2929 P1050; Cvetić, T.6711-6712.
2930 Cvetić, T.6708-6711, 6757-6758; P50; P1044, Art.10.
2931 Cvetić, T.6774-6775. See e.g. P76; P77; P79; P80; P82; P140; P143; P144; P703; P1044; D405.
2932 Dordević, T.10060. See also T.9737-9738.
2933 Dordević, T.9481-9482, 9794-9795, 9935, 10059.
2934 Dordević, T.10118.
including those in Kosovo. Lukić remained a member of the RJB and Đorđević’s direct subordinate.

1081. Đorđević played a key role in the implementation of the 1998 summer offensive. Following the meeting at Beli Dvor on 21 July 1998, where the Plan for Suppressing Terrorism was adopted, Stojilković called a meeting at the MUP HQ, which Đorđević, Stevanović and Lukić attended, to discuss the tasks to be carried out by the MUP pursuant to the Plan. Đorđević testified that given the importance of the forthcoming task, Stojilković instructed both Đorđević and Stevanović to be present during the execution of this task of fighting terrorism in order to “fulfil our obligations.” 2937

1082. Đorđević left for Priština that same evening. He met with the PrK Commander and members of the political leadership in Priština. 2938 The next day, Đorđević and Stevanović attended a MUP Staff meeting, at which SUP Chiefs and PJP commanders were present. Đorđević and Stevanović briefed participants on the recently-adopted Plan and issued instructions on the forthcoming tasks to be carried out by police units. 2939

1083. That evening, Đorđević also attended a meeting with the VJ and MUP leadership and senior political representatives in the province. 2940 Again, the implementation of the Plan was the main topic on the agenda. When the MUP and the VJ began implementing the Plan, these meetings of the senior MUP, VJ and political leadership evolved into the daily briefings of the Joint Command. Đorđević participated actively in these meetings. 2941

1084. The notes of Joint Command meetings show Đorđević’s hands-on involvement and command over MUP combat actions from July to October 1998. 2942 For example:

- On 26 July, Đorđević directed: “Finish off Priština-Kijevo tomorrow, approach Mališevo as soon as possible, put Crnoljevo, Suva Reka and Zborne on hold and move on to Junik and Rudnik.” 2943

- On 27 July, Đorđević addressed the details of the operation against Mališevo/Malisheve, 2944 which was launched the next day. Đorđević was in the field during this joint MUP-VJ

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2936 Đorđević, T. 9567-9569.
2937 Đorđević, T. 9568.
2938 Đorđević, T. 9569-9571.
2939 Đorđević, T. 9574-9575, 9800-9801; Cvetić, T. 6627-6629; P768.
2940 P886, p. 2; Đaković, T. 7878-7881; Đorđević, T. 9578.
2942 See e.g. P886, pp. 9, 12, 14, 19, 23, 27, 29, 57, 60, 69, 95, 101, 105, 108.
2943 P886, p. 12.
2944 P886, pp. 13-14.
That same day, when the action was completed, Đorđević called via radio from Mališevo/Malishevë to a MUP Staff meeting in Priština, attended by Stojiljković, and said that Mališevo/Malishevë was “free.”

- On 12 August, Đorđević ordered: “engage the 3rd and 4th Detachments around Loda and have them work on Friday; do Voška and Slup and engage the army.” The notes of the following day record that preparations of MUP detachments for the Vokša and Slup action were ongoing, with a VJ combat group as a support.

- On 23 August, Đorđević updated participants on actions involving several PJP Detachments and the JSO, and instructed that “the Prizren and Belgrade companies and the SAJ […] proceed along the Dulje-Rance direction”. Trajković confirmed that in this period the SAJ took part in an action along the Dulje-Rance axis.

- On 22 September, following Pavković’s comment about a misunderstanding regarding the engagement of the 1st and 8th PJP companies with the 15th Armoured Brigade in this action, Đorđević reported: “These two companies have been engaged with one PJP detachment to close the route through Drvare with one company; two companies came out west of Žilivoda village”. The PrK order of 19 September 1998 instructed the 15th Armoured Brigade to support the 1st and 8th PJP companies in this action.

1085. Đorđević was on the ground in Kosovo throughout the implementation of the Plan, and closely monitored the operations of MUP units in the field. He testified that “In 1998, when the situation was most difficult, I was down there all the time”. He described his role:

> When I was in Kosovo, I was not merely an observer. On the order of the minister, it was my task to get involved and to provide assistance in the activities being carried out down there and to give my contribution to the success of the anti-terrorist activity.

1086. Trajković said that Đorđević and Stevanović were frequently with SAJ units when they were in the field, “Their presence...was obvious.”

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2945 Đorđević, T.9597-9598.
2946 Cvetić, T.6621,6644;P688,p.4. See also Cvetić, T.6612.
2947 P886,p.41.
2948 P886,p.44. See also P1232,p.3.
2949 P886,p.57.
2950 Trajković, T.9057-9069; P886,p.57.
2951 P886,p.108.
2952 P1422,pp. 8-9.
2953 Đorđević, T.9515.
2954 Đorđević, T.9853-9854.
2955 Đorđević, T.10031.
2956 Đorđević, T.9790-9791.
2957 Trajković, T.9066-9067.
Towards the end of September 1998, approximately 1500 PJP troops conducted a large-scale operation in the areas of Jablanica and Glodane. While the operation was underway, Đorđević visited Decani and met with Decani OUP Chief Vukmir Mirčić, who informed him that tens of thousands of civilians from some 20 villages had gathered in Istinić, north of Decani town. Đorđević approved Mirčić’s proposal to send someone to Istinić to negotiate the peaceful surrender of the weapons. After the villagers had handed in their weapons, Đorđević personally went to the village with Mirčić and met with the elders. As a result of the peaceful hand-over, the police action was not “carried through as planned”. Although Đorđević denied that he put an end to the action, that is the only reasonable inference to be drawn from the evidence. In his 2004 letter to the Nedelnji Telegraf, Đorđević wrote that after the weapons were handed over, “I immediately stopped any further search of the terrain.”

During the summer offensive, Đorđević also spent time at the premises of the MUP Staff. He had an office in the same building. Cvetic testified that both Đorđević and Stevanović were often at the Staff in Kosovo during the period between 25 July and the end of September 1998. Both also attended MUP Staff meetings during that period.

Đorđević acknowledged that he was fully familiar with the activities of the MUP Staff in the summer of 1998. He knew about the contents of the MUP Staff report that provided an overview of MUP “operations aimed at eradicating terrorist activities” in Kosovo in the summer of 1998. Đorđević was directly involved in these activities at the time: “All the activities of the staff were familiar to me, especially for the period when I was there myself.” Đorđević said that this document “faithfully represents the situation prevailing at the time and the events unfolding.”

Lučić recognised Đorđević’s authority as his superior. For example, reporting to the Joint Command with respect to the situation in Orahovac/Rahovec on 29 July 1998, Lučić stated: “the unit did not leave Orahovac as ordered by General Đorđević.” At a meeting on 4 September
1998, Đorđević ordered Lukić to “return all inhabitants to the village by force tomorrow” and to search the terrain for weapons. The following day, Lukić reported that Đorđević’s instructions had been carried out.

1091. Đorđević remained Head of the RJB in 1999 and continued to exercise his powers and play a strategic role in MUP operations in Kosovo. As explained in more detail below, he was at the Stimlje police station while the joint VJ/MUP action in Račak was underway and monitored that action. He also attended the 17 February 1999 MUP Staff meeting, along with the senior leadership of the MUP, at which the RJB offensive to be launched in the spring was discussed. He made several trips to Kosovo in March and April 1999, and remained apprised of the situation on the ground. He also continued to attend Joint Command meetings in 1999, and participated in a meeting in Priština on 1 June 1999 that dealt with MUP and VJ actions on the ground.

1092. During the Indictment period, Đorđević deployed RJB units to Kosovo. From late February through mid-March 1999, in preparation for the Spring offensive, Đorđević issued numerous orders deploying PIP units to Kosovo. The units remained on the ground throughout the conflict in 1999 and participated in the crimes charged in the Indictment.

1093. Đorđević was also responsible for the use of the SAJ in Kosovo. SAJ Commander Trajković testified that, in March 1999, he spoke several times with his “immediate superior” Đorđević about replenishing the SAJ with additional men, and said that it was only natural that Đorđević would be the first person he spoke to about this. As described in more detail below, Đorđević deployed the Skorpions to reinforce the SAJ in Kosovo on two occasions in 1999. In July 1999, Đorđević issued a decision ending Trajković’s tour of duty as SAJ Commander in Kosovo.

(iii) Đorđević participated in high-level strategic meetings

1094. Đorđević was a member of the MUP Minister’s Collegium, the highest policy-making body within the MUP. It was comprised of Minister Stojiljković and his six Assistant Ministers — Đorđević (Chief of the RJB); Marković (Chief of the RDB); General Nikola Ćurčić (Deputy Chief

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2973 P885,p.73.
2974 P885,p.75.
2975 See e.g. P356;P711;P137.
2976 See Part IV, Section(C).
2977 Trajković,T.9087.
2978 [REDACTED].
2979 [REDACTED].
2980 See Part V, Section(C)(f).
2981 Trajković,T.9056;P145.
2982 Đorđević,T.10030;Mišić,T.14029-14030,14069.
of the RDB); General Petar Žeković (Head of the Administration for Joint Affairs, Board and Lodging); General Obrad Stevanović (Head of the Police Administration), and General Stojan Mišić (Head of the Administrations for Alien Affairs, Travel Documents, Fire Fighting and Communications). 2982

1095. The Collegium managed the work of the MUP.2983 Collegium meetings were held every Tuesday.2984 Stojiljković presided over these meetings.2985 As in 1998, the Collegium met regularly during the conflict in 1999.2986

1096. The Collegium dealt with matters such as recruitment, reinforcement and replenishment of units, and logistical and procurement matters relevant to the engagement of units in Kosovo.2987 Through the Police Administration, the Collegium received requests from the MUP Staff on police units to be deployed to Kosovo or to be rotated back to Serbia, and acted on these requests to ensure that the MUP Staff received the forces and logistical resources required.2988 The Collegium also decided upon appropriate security policies, directing all organisational units and forces in the field.2989 Personnel-related decisions were also made at the level of the Collegium.2990

1097. Dordević became a member of the Joint Command when it was established in July 1998.2991 Dordević’s role and the nature of his involvement in the Joint Command are reflected in the minutes of Joint Command meetings, where he regularly attended and participated.2992 All Joint Command members, including Dordević, were kept informed at all stages of the operations.2993 Dordević remained a member of the Joint Command in 1999.2994 The role and authority of the Joint Command are discussed in more detail in Part III(A)(3)(b)(i).

1098. Throughout his tenure as Head of the RJB, Dordević represented the Department at high-level co-ordination meetings dealing with MUP operations in Kosovo. Other JCE members also participated in these meetings. For example:

2982 Dordević,T.9409;P263;Mišić,T.14069,14082;D208.
2983 Mišić,T.14021,14023,1427-1428,14078.
2984 Mišić,T.14079-14080.
2985 Mišić,T.14080,14145.
2986 Mišić,T.14053,14079.
2987 Mišić,T.14032,14040,14054,14086-14088,14090,14092,14907.
2988 Mišić,T.14087-14090,14095.
2989 Mišić,T.14083,14091.
2990 Cvetić,T.6855.
2991 P886,p.2;Daković,T.7878-7881;Dordević,T.9577-9578.
2992 See e.g. P886, pp.9,12,14,19,23,27,29,57,60,69,95,101,105,108.
• On 21 July 1998, Đorđević was one of the senior MUP representatives present at a meeting held in Milošević’s office in Belgrade where the summer offensive was planned. Other senior representatives of the MUP (Stožiljković, Stevanović, Marković and Lukić), the VJ (Perišić, Samardžić, Pavković and Dimitrijević) and several state officials (Milutinović, Šainović, Andelković) also attended. Milošević informed those present that the SDC had decided to engage the VJ in Kosovo. Pavković presented a plan for a large-scale joint MUP/VJ offensive on a map and the plan was approved.

• In August 1998, Đorđević participated in two meetings at Beli Dvor in Belgrade, with the same members of the senior leadership. The implementation of the Plan for Suppressing Terrorism was assessed, and Pavković and Lukić submitted reports for the 3rd Army and the MUP.

• On 25 October 1998, Đorđević headed the Serbian MUP team in the negotiations of the Clark-Naumann Agreement, which included matters impacting the work of the MUP in Kosovo. Đorđević was the lead negotiator for the MUP and signed the agreement with US-KDOM representative Shaun Byrnes at the end of these negotiations.

• On 29 October 1998, in his capacity of Chief of the RJB, Đorđević participated in the meeting of the Operations Inter-Departmental Staff for the Suppression of Terrorism in Belgrade, where the implementation of the Plan for Suppressing Terrorism and the work of the Joint Command were discussed.

• On 27 November 1998, Đorđević participated in a meeting in Belgrade chaired by Stožiljković, and also attended by Marković, MUP Assistant Ministers, Šainović, and Lukić. The “essence of the meeting” was a recommendation “to continue execution of anti-terrorist actions aimed at suppressing terrorism in Kosovo” and to strengthen the police role in these actions by making it “more offensive in taking measures in the newly arisen situation.”

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2995 Paković, T. 7916-7918, 8048, 9563-9564. See also P87, pp. 3, P1361, P682.
2996 Đorđević, T. 9829, 9874-9875, 9563-9564, 9566. See also P87, p. 3.
2997 Đorđević, T. 9619-9620.
2998 Đorđević, T. 9620.
2999 Byrnes, T. 8177, P1214, p. 31.
3000 P836; Byrnes, T. 8178, 8230-8231. See also Byrnes, T. 8180-8181.
3001 Đorđević, T. 10153.
3002 P87.
3003 P689, p. 3.
3004 P689, p. 3.
On 5 January 1999, Đorđević represented the RJB at a co-ordination meeting on the situation in Kosovo at Beli Dvor. Milošević, Milutinović, Šainović, Ojdanić, Stojiljković, Pavković, and Lukić were also in attendance.

On 4 May 1999, Đorđević attended a meeting in Milošević's villa in Belgrade at which the leaders of the police and military and civilian Serbian leadership were present. Pavković and Lukić provided an overview of the activities of VJ and MUP units in Kosovo.

On 9 July 1999, Đorđević was one of the senior MUP officers present at a meeting with the VJ leadership at the VJ General Staff. Ojdanić called the meeting to resolve ongoing problems of insufficient co-operation between the VJ and the MUP in dealing with crimes in Kosovo.

(iv) The Serbian military and political leadership, and internationals, recognised Đorđević as the leader of the RJB in Kosovo.

1099. Members of the VJ and the political leadership of the FRY, including Milošević himself, recognised Đorđević's authority over the use of MUP units in Kosovo. At a meeting on 17 May 1999 at Beli Dvor in Belgrade, Milošević, the senior VJ leadership and Marković, discussed the issue of paramilitaries in Kosovo and the presence of the Skorpions. Milošević instructed Marković to “sit down with Vlajko [Stojiljković] and Rođa [Đorđević] and clear it up with them—their heads won’t be chopped off but Boca must answer.” Vasiljević, who attended the meeting, understood Milošević to be instructing Marković to relay this message to “those persons who bear the highest responsibility for the use of MUP forces [in Kosovo].”

1100. In July 1999, Milošević decorated Đorđević with the Order of the Yugoslav Flag in the First Degree for his leadership of MUP units in Kosovo, commending Đorđević for “the exceptional results achieved in commanding police units, for the courage, determination and discipline exhibited in discharging security tasks of combating terrorism in Kosovo and Metohija...”
1101. Internationals dealt with Đordević as the Head of the RJB. During negotiations for the October Agreements, Byrnes understood Đordević to be leading the Serbian side, because Đordević was introduced in that capacity. Byrnes said that Đordević “was clearly in charge” of the MUP negotiating team.

(v) Conclusion

1102. Given his significant involvement in operations in 1998 and continued involvement in 1999, the only reasonable inference is that Đordević remained actively involved in the command and control of RJB units, including those in Kosovo, throughout the Indictment period.

1103. Whether or not Đordević acted pursuant to an order from his superior in the government does not relieve him of criminal responsibility if those actions were taken in furtherance of the JCE. The fact that the plan emanated from higher levels of the government is part of the Prosecution's case and is not inconsistent with his individual criminal liability for the part he played. In the same vein, if Stojiljković were present to meet these allegations it would not assist him to claim that the orders originated from persons superior to him, for example, Milošević.

1104. At the time relevant to the Indictment, Đordević and Stojiljković managed the work of the MUP in Kosovo from the highest strategic level. Although they often went to Kosovo, neither needed to be based there to play his role. That was Lukić's role. Đordević and Stojiljković worked in tandem, as indicated by Stojiljković in his dispatch of 24 March 1999: “...it is necessary to intensify the enforcement of measures that were ordered as per our dispatch number 312 of the 18th of February 1999...” Stojiljković was referring to Đordević's dispatch no.312, in which he reiterated instructions on measures to be adopted that had been issued by Stojiljković at a MUP Staff meeting of 17 February 1999. The evidence shows that Lukić implemented these measures on the ground.

1105. Đordević's authority is beyond dispute. His subordinates on the ground recognised his authority, as did other members of the Minister's Collegium. His colleagues in the VJ and the senior political leadership recognised Đordević as one of the key figures in the MUP. The evidence in relation to Đordević's powers and functions as Head of the RJB also reveals his key role in

3016 Byrnes, T.8230-8231.
3017 Byrnes, T.8178.
3018 See ICTY Statute, Art. 7(4).
3019 P702, p.1(emphasis added).
3020 P356.
3021 P85, pp.2-3.
planning, controlling and organising the work of the RJB units in Kosovo. Đorđević worked closely with the leadership of the MUP, in particular Stojiljković, Stevanović and Lukić, to co-ordinate MUP operations with the VJ in Kosovo. He regularly represented the RJB at high-level meetings with the leadership of the FRY and Serbia.

1106. The powers invested in the office of Chief of the RJB could not easily be superseded. Đorđević testifies that in October 2000 he refused to obey two orders of the Minister which envisaged the use of excessive force against Serbian civilians. As a result, the actions were not carried out. 3021 [REDACTED]. 3022 This evidence demonstrates firstly, that Đorđević was not a mere pawn of the Minister and, secondly, that while he occupied the post of chief of the RJB, his cooperation or approval was required to use RJB units in security operations. Đorđević’s claims that the Minister effectively divested him of much of his authority and power to control the RJB especially in the use of the units operating in Kosovo 3023 were simply not credible.

(d) Đorđević participated in training and arming non-Albanian civilians and disarming Albanian villages

1107. As the Head of the RJB and a member of the Joint Command, Đorđević played a significant role in the process of arming non-Albanian civilians and disarming ethnic Albanians throughout Kosovo. Through his participation in the Joint Command, Đorđević participated in the efforts of the FRY and Serbian leadership to carry out these processes, despite his awareness of the likelihood that criminal acts would be perpetrated. His active involvement in the implementation of this policy shows that he acted in concert with other JCE members to further the common purpose through criminal means.

(i) The arming of the non-Albanian population

1108. Đorđević was involved in arming the non-Albanian population in Kosovo. The decision to arm non-Albanians was made at the highest levels of the government in Serbia and the FRY, with the participation of the MUP leadership. 3024 The MUP Staff implemented this decision. 3025

1109. The MUP Staff armed local non-Albanian villagers and formed reserve police squads (RPOs). 3026 On 30 June 1998, the MUP Staff sent a dispatch to all SUPs to assess the need for

3021 Đorđević, T.9962; P1474, pp.8-9.
3022 [REDACTED].
3023 Đorđević, T.9515,9587,9687-9688,9788-9789.
3024 Cvetič, T.6663-6664; Đorđević, T.9862,9901.
3025 Cvetič, T.6713,See also P1052.
weapons for RPOs.\textsuperscript{3027} In the beginning of July 1998, SUPs began setting up RPOs.\textsuperscript{3028} By February 1999, the total number of armed non-Albanians in Kosovo was about 60,000.\textsuperscript{3029} Ethnic Albanians did not receive weapons and were not included in RPOs.\textsuperscript{3030}

1110. While Đorđević accepted that the MUP organised and trained the RPOs,\textsuperscript{3031} he maintained that the MUP did not exert control over these squads nor manage their work.\textsuperscript{3032} According to him, the MUP simply provided logistics, training and equipment to members of these squads.\textsuperscript{3033}

1111. The evidence shows that RPOs were under the general command and control of the MUP, which was also responsible for organising and training them:

- The MUP exercised authority over the appointment of RPO commanders.\textsuperscript{3034} On 10 July 1998, Lukić sent a dispatch to the commanders of several police stations in Kosovo, instructing them to organise the local defence with the newly formed RPOs, engage the RPOs, and carry out training.\textsuperscript{3035} At the 28 July 1998 meeting of the MUP Staff, Stojiljković instructed those present: “Chiefs of reserve police stations should be from the respective villages”.\textsuperscript{3036}

- The RPOs were responsible to the commander of the police station in their area, who in turn issued specific tasks to the RPO commander.\textsuperscript{3037}

- RPOs provided support to MUP forces during organized anti-terrorist operations in the areas under their protection.\textsuperscript{3038} When engaged in actions with MUP units, RPO members were placed under the command of the MUP.\textsuperscript{3039}

- The MUP Staff issued instructions regarding the use of RPOs. For example, on 2 December 1998, SUP chiefs were reminded to submit reports on the strength, weapons, training and activities of RPOs.\textsuperscript{3040} On 7 and 11 May 1999, Lukić ordered that members of the RPOs

\textsuperscript{3027} Cvetic, T.6634, 6663-6664; Đorđević, T.9901. See P1054, p.1; P1052; P688, p.8; P975; P690, para.8; P689, pp.6,8; P1043, p.5; P770, pp.4-5; P85, pp.1,3.
\textsuperscript{3028} P1054, p.1; P1052. See Cvetic, T. 6836-6837; D267; D268; Halit Berisha, T. 3417.
\textsuperscript{3029} P1054. See D432, p.6; P688, p.8.
\textsuperscript{3030} Cvetic, T.6717; P1055, pp.6-7. See also P976; P1330, p.9; P87, p.10.
\textsuperscript{3031} Cvetic, T.6719; Đaković, T. 8137.
\textsuperscript{3032} Đorđević, T.9906-9907, 9940.
\textsuperscript{3033} Đorđević, T.9908, 9911, 9919, 9928, 9939-9940.
\textsuperscript{3034} Đorđević, T.9907, 9919, 9939-9940.
\textsuperscript{3035} P1054, p.1; D270.
\textsuperscript{3036} D269; P1052. See Đorđević, T.9906-9907.
\textsuperscript{3037} P688, p.8.
\textsuperscript{3038} Cvetic, T.6713. See e.g. D270, p.4; P1043, p.5. See also Halit Berisha, T.3417, 3393; P599 pp.56-58; P600, p.13.
\textsuperscript{3039} See e.g. P969, p.1; P971, p.2.
\textsuperscript{3040} See e.g. D260, p.6.
\textsuperscript{3041} P689, pp.6,8. See also P764, p.3.
could only wear police or military uniforms when they were performing tasks as police or VJ reservists.\(^{3041}\n
1112. Dordević claimed to have limited knowledge of the arming process, and that he was unaware that the VJ and the MUP co-ordinated the arming and training of RPOs through the Joint Command.\(^{3042}\) Yet the evidence is overwhelming that Dordević was fully aware of the policy of arming the RPOs and sanctioned its implementation. The arming of non-Albanians was an integral part of the 1998 Plan for Suppressing Terrorism.\(^{3043}\) The progress made in the implementation of this policy was discussed at Joint Command meetings, which Dordević attended. When confronted with evidence of these meetings, Dordević repeatedly denied having knowledge about the matters discussed.\(^{3044}\) Dordević’s denials are not credible, as evidence by numerous discussions during Joint Command meetings that he personally attended:

- On 29 July 1998, Lukić reported: “Weapons were distributed today in Vitina (I.100), Kosovska Kamenica, training has not been conducted yet.”\(^{3045}\)
- On 20 August 1998, Minić said: “Recruit the Serbs in those villages and organise a meeting with the village commanders.”\(^{3046}\)
- On 19 September 1998, Lazarević referred to the fact that “a plan for Čićavica has been made”.\(^{3047}\) A PrK order issued that day instructed PrK units to support “territorially-based MUP forces and the Serbian population” in the action around Mt Čićavica.\(^{3048}\) The notes of subsequent Joint Command meetings indicate that Dordević was present when this action was discussed.\(^{3049}\) His intervention at the meeting of 22 September 1998 shows that he was not only aware the action took place, but that he had detailed information about the axis of deployment for PJP units participating in the action.\(^{3050}\)
- On 28 October 1998, Pavković said: “We must bear in mind the use of armed people and how to include them in defending roads.”\(^{3051}\)
- On 29 October 1998, at the meeting of the Operations Inter-Departmental Staff for the Suppression of Terrorism in Belgrade, when the Plan for Suppressing Terrorism was discussed, Pavković expressly stated that the following task formed part of the Plan:

\(^{3041}\) P771, p.12; P345, pp.8-9; D111, para. 19.
\(^{3042}\) Dordević, T.9903,9909,9913,9923-9925.
\(^{3043}\) P87, p.4; P1223; P1051.
\(^{3044}\) See e.g. Dordević, T.9914-9916 (P886, p.18); T.9921 (P886, p.22).
\(^{3045}\) P886, p.22; Dordević, T.9921.
\(^{3046}\) P886, p.55; Dordević, T.9922.
\(^{3047}\) P886, p.103.
\(^{3048}\) P1422, p.5; Dordević, T.9861, 9863.
\(^{3050}\) See P1422, pp.8-9; P886, p.108. See also P87, p.5.
\(^{3051}\) P886, p.142; Dordević, T.9868-9869.
"Arming the Serbian and Montenegrin people and establishing reserve police units to defend Serbian villages," Lukić reported that 12,500 reservists had undergone training in July and that in the final stages of the offensive, 14,500 men were trained. Đorđević attended this meeting.

Đorđević knew that the policy of arming continued in 1999. He attended the 17 February 1999 MUP Staff meeting, where the report prepared by Pešić regarding RPOs in each municipality was discussed. At the meeting, Lukić reported that RPOs in nearly all villages inhabited by Serbs were very active.

This evidence demonstrates that Đorđević was directly involved in discussions at a strategic level with other JCE members about the arming, training and use of RPOs and was fully aware of the ongoing process. He was aware of the number of RPOs formed by the MUP and of the total number of weapons distributed. He also knew that the MUP and the VJ co-ordinated this activity through the Joint Command. It is inconceivable that he was, as he claims, not fully apprised of these matters and their significance. As Chief of the RJB, Đorđević must have endorsed the implementation of the policy.

Armed non-Albanian civilians were used in actions by the MUP and the VJ. Cvetic explained how RPOs were engaged in these joint actions. Numerous VJ and Joint Command combat orders state that the "armed non-Šiptar population" was "to be engaged" by the PrK and the MUP in carrying out operations on the ground. Among the tasks assigned to this entity were: reinforcing and assisting VJ and MUP forces in "crushing and destroying terrorist forces", securing military facilities and communication routes, and defending areas populated with non-Albanians. The phrase "armed non-Šiptar population" in these orders referred to groups of armed non-Albanian civilians who were engaged in actions with MUP and VJ units.

The use of armed non-Albanian civilians in MUP and VJ operations in 1998 is further evidenced by VJ orders and reports. A report of the 3rd Army Forward Command from 2 October 1998 analysed the positive experiences of joint MUP/VJ operations during the summer.
offensive and stated: "The distribution of weapons to citizens loyal to the FRY has made it possible for large-scale resistance against the terrorists to be organised."  

1117. Discussions between Samardžić and Ojdanić at the VJ Collegium meeting of 2 February 1999 in Belgrade confirm that there were plans to use the armed civilians in VJ-MUP actions in 1999. For example, the 16 February 1999 PrK plan for operations and co-ordinated actions with the MUP in the regions of Malo Kosovo, Drenica and Mališevo involved the use of the armed Serbs in Kosovo. This plan was implemented through a series of Joint Command orders in March. 

1118. Witnesses from different municipalities recounted that once the NATO bombing campaign began, the MUP and the VJ used armed local Serbs to carry out crimes against Kosovo Albanians and to expel them from their homes. 

1119. Đorđević's claims that armed non-Albanian civilians were not used in any joint MUP-VJ actions are not credible. 

(ii) Đorđević participated in the disarming of predominantly Albanian villages

1120. Đorđević was also involved in disarming predominantly Albanian villages. This disarmament was part of the 1998 Plan for Suppressing Terrorism. While the MUP undertook the task of disarming Kosovo Albanians in the interior of the province, the PrK carried this out in the border belt. As discussed above, Đorđević described his involvement in negotiating the disarming of the ethnic-Albanian village of Istinići in September 1998. 

1121. Joint Command members monitored the progress of the disarming campaign in 1998, as reflected in the notes of a Joint Command meeting of 19 September 1998, and in the minutes of the 29 October meeting at Beli Dvor. These disarming activities continued into October and  

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3061 D340, p.4.  
3062 P1333, p.23.  
3063 P889, p.4.  
3064 P730 (Malo Kosovo, Vucitrn); D105; P971; P972 (Drenica); and P969 (Bajgora area- Vucitrn/Kosovska Mitrovica). See also P85, p.1.  
3065 See e.g. Bal, P420, p.7; T.2293-2294; Kadriu, P515, p.12; Ramadani, P306, pp.4-5, 18-19, 38, 43; M.Krasniqi, T.1057-1058; Zatiqi, T.3810; P672, p.6.  
3066 Đorđević, T.9862-9863, 9869, 9902-9903.  
3067 P87, p.4.  
3068 D338; P886, p.82; D244; D432, p.7.  
3069 Đorđević, T.9802-9804. See Mirčić, T.13263-13270.  
3070 See e.g. P886, pp.39-41, 43, 48-49, 54-55, 66, 70, 73, 75, 78, 84, 87, 89-90, 93, 97, 99-100, 103, 120.  
3071 P886, p.103.  
3072 P87, pp.4-5.
November 1998. Several Joint Command Operative reports from October and November 1998 indicate that VJ and MUP units were collecting weapons "in Sipciar villages."\(^{3073}\)

(iii) By arming non-Albanians and disarming ethnic Albanians, Đorđević facilitated the commission of the crimes charged

1122. Đorđević knew that ethnic tensions in Kosovo were running high in 1998 and 1999. The evidence establishes that the FRY and Serbian leadership was well aware of the highly-charged nature of the ethnic tension prevailing in Kosovo in 1998 and 1999, and of the real risk that ethnic Serbs would misuse the weapons being distributed.\(^{3074}\) As one of the most senior members of the MUP, it would have been obvious to Đorđević that arming one ethnic group while disarming another in an atmosphere of mutual hostility and ethnic tensions would inevitably lead to crimes based on ethnicity. Despite his awareness of the risks associated with utilising armed civilians in the local defence, Đorđević endorsed this policy and participated in its realisation.

1123. Armed local Serbs were incorporated into MUP and VJ units that committed the crimes charged in the Indictment. Specifically, they were utilised to forcibly expel the ethnic Albanian population from the province.

(e) Đorđević planned and co-ordinated joint MUP/VJ combat operations

1124. Đorđević also participated in planning and co-ordinating joint MUP/VJ combat operations in 1998 and 1999. During the 1998 summer offensive, Đorđević was intimately involved in the Joint Command that directed and implemented the Plan for Suppressing Terrorism.\(^{3075}\)

1125. As described elsewhere in this brief, the MUP and the VJ worked in close co-ordination pursuant to Joint Command orders. This close co-ordination was a common feature of MUP and VJ forces carrying out operations in Kosovo in 1998. Such co-ordination was also necessary during the Indictment period to implement the common plan. Through his participation in the Joint Command, Đorđević used the MUP to commit crimes.

1126. As in 1998, Đorđević remained directly involved in MUP combat activities in Kosovo in 1999. This is evidenced by his hands-on involvement in the joint MUP/VJ action in Račak/Reçak on 15 January 1999. This was a planned and co-ordinated action.\(^{3076}\) Đorđević was at the Stimlje

\(^{3073}\) P1230, p.5; P1218, p.6; P1399, p.8; P1219, p.4.
\(^{3074}\) P902, p.16; D523, p.16; P85, p.3.
\(^{3075}\) See Part II, Section (A)(3)(b)(i).
\(^{3076}\) See Part V, Section (C)(1)(e).
police station at the onset of the operation and the events confirm his authority over, and knowledge of, planned MUP actions.

1127. The Račak/Reçak action began very early on the morning of 15 January and involved several MUP and VJ units. [REDACTED].

1128. [REDACTED].

1129. [REDACTED].

1130. Dordević testified that he was not at the Stimalje police station on 15 January 1999. He said that he arrived in Pristina on the morning of 15 January as part of a high-level government delegation from Belgrade. The delegation attended a meeting at the MUP Staff. After lunch, Goran Radosavljević, a member of the Staff, informed Dordević in passing that there had been an action in the village of Račak/Reçak and that in that action, terrorists were killed. Dordević claimed that he knew nothing about the planning of the action and stated that it was planned by the MUP Staff and the Uroševac SUP and that KVM had been duly notified about it. KVM witnesses, however, testified that they had not been notified of this action.

1131. Dordević stated that after concluding his official business in Peć on 16 January, he went on a ski trip to Mt. Kapoanik and was there when William Walker gave a press conference calling the Račak/Reçak action a massacre. According to Dordević, he visited the Stimalje police station on 18 January 1999, when judicial authorities conducted an on-site investigation into the incident.

3077 Mitić, T.12758-9; [REDACTED].
3078 [REDACTED].
3079 [REDACTED].
3080 [REDACTED].
3081 [REDACTED].
3082 [REDACTED].
3083 [REDACTED].
3084 [REDACTED].
3085 [REDACTED].
3086 Dordević, T.9665; D437.
3087 Dordević, T.9666-9667; D437.
3088 Dordević, T.9667.
3089 Dordević, T.9667-9668.
3090 Drewniakiewicz, T.6504; P864; P869.
3091 Dordević, T.9669-9671.
3092 Dordević, T.9672-9673.
3093 [REDACTED].
3094 [REDACTED].
1132. This significant alleged contradiction was never put to K86 by the Defence in cross-

examination, in accordance with Rule 90(H)(ii). He was therefore never afforded an opportunity to

comment on this Defence position, or to address its feasibility.

1133. Defence witnesses Mitić and Mladenović sought to support Đorđević’s position that he was

not at the Stinlje police station on 15 January. Their testimony was neither credible nor reliable.

Mitić was at the Stinlje police station with Janicević that morning, monitoring the action.3095 He

stated that Janicević kept in radio contact with units participating in the action,3096 that the fighting

continued all day,3097 and that he had information “that there were fatalities.”3098 Nonetheless, Mitić

claimed that he did not know there had been a massacre in Račak/Receq. He stated that police only

conducted an on-site investigation on 18 January 1999 because the incident received great attention

from KVM and the top leadership.3099

1134. Mitić repeatedly denied that Đorđević was at the Stinlje police station on 15 January,3100

claiming that he only saw Đorđević there on 18 January when the on-site investigation took

place.3101 He also denied that Đorđević had any involvement in the planning of the action.3102 Even

when confronted with Janicević’s detailed testimony in the Milošević case3103 about Đorđević’s

participation in planning the action on 12 January and his presence at the Stinlje police station on

15 January, Mitić maintained his denials.3104 Mitić stated that perhaps Janicević “confused the
dates” regarding Đorđević’s presence at the police station and Đorđević’s presence at a meeting at

the MUP Staff when the action was planned.3105 KVM representative Maisonneuve confirmed that

Janicević was involved in planning this action and commanded the MUP units involved.3106 Given

Janicević’s direct involvement in the Račak/Receq action, Mitić’s explanation that Janicević simply

cnfused the dates is not plausible. Mitić tailored his evidence to help Đorđević.

3095 Mitić, T.12678.
3096 Mitić, T. 12683.
3097 Mitić, T. 12683-12684.
3098 Mitić, T. 12683.
3099 Mitić, T. 12687-12688.
3100 Mitić, T. [REDACTED] 12802-12803.
3101 Mitić, T. 12659-12660, [REDACTED]
3102 Mitić, T. 12797-12798, 12800.
3103 P1555.
3104 Mitić, T. 12802-12803.
3105 Mitić, T. 12798, 12802-12805.
3106 Maisonneueve, T. 5474-5475, P869, pp.7-8.
1135. [REDACTED]. Mladenović claimed that he and the men arrived at Stimlje at 8.30am. However, he also said that he set off from Uroševac at around 8:30am. [REDACTED]. [REDACTED]. [REDACTED].

1136. A month after the Račak/Rečak action, on 17 February 1999, Đorđević participated in a MUP Staff meeting where operations to be carried out by the MUP in the spring were discussed. Lukić reported on a plan to carry out three mopping up operations in the Podujevo, Dragobilja and Drenica areas. Stojiljković told those present that “Within two or three days of an attack, we have to put our plans in motion and use the time to mop up the territory from terrorists.”

1137. In preparation for this offensive, Đorđević deployed additional PJP units to Kosovo from late February to mid-March 1999. The offensive planned in February 1999 by Đorđević and other JCE members was implemented down the VJ and MUP chains of command in late March 1999 through a series of Joint Command orders. Many of the crimes charged in the Indictment were committed in the course of this offensive.

(f) Đorđević used paramilitary groups and volunteers

1138. Đorđević significantly contributed to the JCE by engaging paramilitary groups and volunteers to commit crimes against ethnic Albanian civilians. Đorđević approved of their use to supplement MUP units in Kosovo. One notorious group was the Skorpions unit, which was incorporated into the SAJ and deployed to Kosovo with Đorđević’s approval. On 28 March, members of the Skorpions massacred civilians in Podujevo. The unit was disbanded and returned to Serbia proper. Some weeks later, Đorđević approved its redeployment to Kosovo. The unit remained in Kosovo until May and participated in “cleansing” actions with PJP units.

(i) Prior to the commencement of the NATO campaign Stojiljković and Đorđević prepared for the introduction of paramilitaries and volunteers in to the MUP

1139. At the 17 February meeting of the MUP Staff, Stojiljković said: “approach and engage volunteers carefully, linking their engagement through the reserve police force when assessed as

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3107 [REDACTED].
3108 Mladenović, T.12492.
3109 [REDACTED].
3110 [REDACTED].
3111 [REDACTED].
3112 PS5.
3113 PS5, pp.13.
3114 See e.g., P356; P711; P137.
necessary". The following day, Đorđević issued Dispatch 312, setting out the tasks Stojiljković outlined, which were to "carry out the necessary checks, compile lists and establish complete control over volunteer and paramilitary units and their members." Pursuant to this dispatch, all SUPs had the duty to establish whether there were members of paramilitary formations in their territories who had fought in Croatia and Bosnia and Herzegovina and, if there were any volunteers in their area, they were to record and control them.

1140. In line with his role of implementing policy in Kosovo, on 17 March, at a MUP Staff meeting, Lukić instructed SUP chiefs to retain volunteers who arrived in Kosovo, since such men were to be engaged in MUP operations once the war began. On the eve of the NATO bombing, Stojiljković issued a dispatch that reinforced the measures ordered in Dispatch 312. Stojiljković instructed: "You shall register all volunteer and paramilitary units and their members and keep them under control in case that you might need to engage them." The incorporation of volunteers and paramilitaries in the police was unlawful.

(ii) Đorđević approved and facilitated the use of the Skorpions unit in Kosovo in 1999

a. Đorđević reinforced the SAJ with the Skorpions

1141. Đorđević played a key role in the incorporation of the Skorpions into the MUP. SAJ Commander Trajković testified that prior to his deployment to Kosovo in 1999, he spoke several times with Đorđević about replenishing the SAJ with a combat group. His evidence to this extent is confirmed by Đorđević. Around 25 March, Trajković called Đorđević, who told him that a combat group in Prokletije was ready to join the SAJ. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED].

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3113 P356, para.7; Cvetic, T.6681.
3119 Cvetic, T.6678.
3117 Cvetic, T.6692.
3118 P702, Cvetic, T.6680.
3119 P702, para. Stenography added.
3120 Cvetic, T.6675,6678; Simovic, T.13702; Mišić, T.14111-14112,14115.
3131 Trajković, T.9087.
3122 Đorđević, T.9695-9697.
3123 Trajković, T.9090.
3124 Trajković, T.9087-9090.
3125 [REDACTED].
3126 [REDACTED].
3127 [REDACTED].
3128 [REDACTED] [REDACTED].
3130 [REDACTED].
1142. [REDACTED].

1143. Following these contacts with Trajković [REDACTED], Đorđević approved the engagement of the Skorpions with the SAJ. His testimony on this point is not credible in light of the unchallenged evidence of Trajković [REDACTED]. Similarly, defence witnesses Zoran Simović, the Belgrade SAJ Commander, and Radoslav Stalević, the Priština SAJ Commander, both testified that Trajković told them that he found the "reservists" for the SAJ [REDACTED]. Neither Simović nor Stalević participated in any meetings [REDACTED] regarding the engagement of the reservists, yet both seemed to have a detailed recollection of these discussions. Stalević and Simović aligned their evidence in order to support Đorđević.

1145. The Defence never gave Trajković the chance to address these claims. He was never, in fact, cross-examined about the Skorpions at all.

b. The re-grouping of the Skorpions

1146. The original unit was disbanded around 1996 after participating in the Croatian and Bosnian conflicts.

1147. Some days before the NATO bombing, Medić visited Stoparić in Šid to persuade him to join the old Skorpions unit that was being reformed and would be attached to the SAJ. Stoparić was assigned to enlist volunteers who wished to join the Skorpions.

1148. On 24 March 1999, approximately 120 volunteers left Šid in buses. Many had no experience in fighting and were untrained. Stoparić said this was the first time that untrained...
volunteers would operate alongside the SAJ.\textsuperscript{3145} The buses travelled to Belgrade,\textsuperscript{3146} [REDACTED].\textsuperscript{3147}

c. Dordević ordered the deployment of Mecić’s unit to Kosovo with the SAJ

1149. Dordević attempted to downplay his role in deploying the Skorpions to Kosovo with the SAJ. Dordević said that Stojiljković was responsible for engaging reservists with the SAJ,\textsuperscript{3148} and after he gave his approval, Dordević had informed Trajković and the Police Administration of the Minister’s decision.\textsuperscript{3149} Dordević tried to place himself outside the chain of command for SAJ units in Kosovo and said that the reservists entered Kosovo, without his approval, pursuant to a MUP Staff decision.\textsuperscript{3150} This is contradicted by the evidence of Trajković and K92.

1150. It is clear that Dordević had the authority to deploy the Skorpions to Kosovo and to attach them to the SAJ. Trajković said that he discussed the engagement of additional men with Dordević, his direct superior, and said that it was only natural that Dordević would be the first person he spoke to about this.\textsuperscript{3151} In the report Trajković prepared for Dordević in May 1999,\textsuperscript{3152} Trajković stated that the RJB Chief (Dordević) and MUP Staff approved the engagement for the SAJ of 128 reservists, commanded by Slobodan Mecić. The reservists were then put on the roster of SAJ reservists on 25 March.\textsuperscript{3153} [REDACTED].\textsuperscript{3154}

1151. Simović sought to support Dordević’s position that it was the Minister who decided on the engagement of the unit and that Dordević simply conveyed the Minister’s decision to Trajkovic.\textsuperscript{3155} Simović’s testimony on this point is, at best, no more than speculation; these decisions were made at a level well above his rank. More generally, Simović was an untrustworthy witness in many

\textsuperscript{3143} Stoparčić,T.2817;P493,para.8-40.
\textsuperscript{3144} Stoparčić,P493,para.39.
\textsuperscript{3145} Stoparčić,P493,para.39;P495,pp.16-17.
\textsuperscript{3146} Stoparčić,P493,para.41;T.2817.
\textsuperscript{3147} [REDACTED].
\textsuperscript{3148} Dordević,T.9697-9698. [REDACTED],10114-10115.
\textsuperscript{3149} Dordević,T.9698,10114. [REDACTED].
\textsuperscript{3150} Dordević,T.9701-9703,10115-10116.
\textsuperscript{3151} Trajković,T.9087.
\textsuperscript{3152} Dordević,T.9713,10114.
\textsuperscript{3153} P86,p.1;D442, p.1.
\textsuperscript{3154} [REDACTED].Vasilijević,T.5681-5682,5688;p884,p.1.
\textsuperscript{3155} Simović,T.13573-13574,13581-13582,13605-13606.
areas. For example, he initially said that he left Podujevo on 28 March to attend a funeral in Belgrade but later admitted that the funeral did not take place on that day.\footnote{Simović, T. 13591, 13612, 13614, 13657-13661.}

\[\text{d. Dordević knew he was deploying a notorious paramilitary unit}\]

1152. Dordević knew that he was deploying a paramilitary unit to join the SAJ. During a phone conversation with Trajković, Dordević told him that the combat group contained experienced or partly experienced combatants, who had been at the fronts in Slavonia, Baranja and Western Srem.\footnote{Trajković, T. 9090.}

\[\text{[REDACTED].}\]

1153. All parties involved were aware that this was a paramilitary unit. Both Trajković and Simović knew that the men attached to the SAJ in March 1999 were the Skorpions. Trajković said that the unit was called the Skorpions because its leader, Slobodan Medić, was previously the commander of the Skorpions unit that had been active in Slavonia, Baranja, Western Srem and Bosnia.\footnote{[REDACTED].} The symbols and emblems of the Skorpions appeared during the same period.\footnote{Simović, T. 13606-13607.}

Trajković explained that the group was even referred to as the Skorpions in internal MUP lists for the payment of per diems and other expenses.\footnote{Stoparić, T. 2854; P493, para. 39.} Simović stated that he learned the reservists were referred to as the Skorpions from his conversation with Trajković.\footnote{Stoparić, P493, para. 39; T. 2819.}

1154. Stoparić was surprised that the Skorpions would be joining the SAJ because the SAJ were an elite anti-terrorist unit.\footnote{[REDACTED].} The Skorpions were deployed to Kosovo as a group under Medić’s command. They were retained as a group and not dispersed into detachments. The Skorpions were identified by others and identified themselves as a separate unit.\footnote{Stoparić, P493, p. 101} The Skorpions uniforms had the SAJ patch/insignia (the sword with the 4S’s) on one arm and the Skorpions patch/insignia on the other arm.\footnote{Stoparić, P493, paras. 311, 41; T. 2819.}

1155. \footnote{[REDACTED].}
1156. [REDACTED].

1157. Despite Đorđević’s denials, it is clear from the accounts of both Trajković and K92 that Đorđević knew the men’s background. Having played such a vital role in their incorporation into the MUP, the inescapable inference is that Đorđević knew that the men were the Skorpions and their antecedents.

1158. A preliminary background check would have disclosed the criminal antecedents of many of the Skorpions. On 8 May, Lieutenant-Colonel Đurović, Deputy Chief of Security for the PrK, informed Vasiļjević that serious crimes involving paramilitary formations were being committed in Kosovo. Vasiļjević tasked Đurović to prepare an investigative report, which he delivered four days later. Đurović informed Vasiļjević that a paramilitary group led by Boca Medić—the Skorpions—had been deployed to Kosovo as part of the SAJ commanded by Trajković. The report stated that the Skorpions had been deployed in the former Yugoslavia and that among them were persons who had criminal records. Their general reputation was that they had “criminal types in their ranks, problematic people...”.375

1159. Đorđević’s claims that he did not know that the Skorpions were a notorious paramilitary group are not credible. Had he requested a background check of the men, he, like Vasiļjević, would have known that Medić’s men included criminals. This information was readily available given that Vasiļjević was able to obtain it within four days.

1160. Đorđević was in fact well aware that Serbian paramilitary and volunteer groups, like the Skorpions, were “as a rule a front for criminal interests”. He himself had explicitly warned SUP Chiefs of this in his dispatch of 29 April 1998.

1161. Both Simović and Stalević testified that, in 1999, they were unaware of any criminal offences committed by the unit. It is equally unsurprising that the MUP commanders, including Đorđević, would deny knowledge that the unit included persons with criminal records. The

3169 [REDACTED].
3170 [REDACTED].
3171 Đorđević,T.9709–9710;9715, [REDACTED],10108.
3172 Vasiļjević,T.5662.
3173 Vasiļjević,T.5665,5665–5667.
3174 Vasiļjević,T.5666.
3175 Vasiļjević,T.5667.
3176 Đorđević,T.9710;9715,10108
3177 Đorđević,T.9545;P709.
3178 Simović,T.13596,13693–13696,13699;Stalević,T.13789.
credibility of this denial must be weighed in light of Vasiljević’s testimony that this was well known within VJ security circles.

1162. Based on [REDACTED] the circumstances in which these men had been mobilised, given that Medić had gathered volunteers for the purpose of being incorporated into the SAJ, and bearing in mind that it was unlawful to engage volunteers in the MUP, Đorđević had clear notice that some, if not all, of these men were unsuitable for the police. That he permitted their incorporation into the SAJ without ensuring that these checks were made suggests that he knew—and intended—that they would be involved in activities other than legitimate operations. The SAJ was the most elite special force of the RJB, yet many of these recruits had no experience in fighting and were untrained. [REDACTED][REDACTED][REDACTED]

e. The Skorpions were deployed to Kosovo in late March 1999

1163. On 25 March, the Skorpions arrived on buses from Šid to the police football stadium outside Belgrade. Uniformed policemen distributed uniforms to the men. The men, [REDACTED], were transported to the SAJ base in Prolom Banja on about 26 March, where they remained for two days.

1164. On 26 March, Trajković’s jeep hit a mine and his driver, Radovan Aleksić, was killed and Trajković injured. While he was in hospital, Trajković learned that Simović and Đorđević had agreed to introduce the unit. On 27 March, Simović went to Prolom Banja to arrange for the deployment of the Skorpions. On 28 March, Simović escorted them in buses from Prolom Banja to Podujevo/ Podujevë. Along the way at Davolija Varoš, Medić outlined the mission: to “clear up the other half” of Podujevo/ Podujevë that was not under Serbian control.

3179 Đorđević,T.9695;Stalević,T.13839-13843.
3180 Stoparić,P493,parn.39.
3181 [REDACTED].
3182 [REDACTED]. See P66,Arts.27,29.
3183 Stoparić,P493,para.41;P495,p.78; [REDACTED].
3184 [REDACTED]. Stoparić,P493,paras.41-43.
3185 [REDACTED].
3186 Stoparić,P493,para.44;P86, p.1;D442, p.1.
3187 Stoparić,P493,para.45.
3188 Trajković,T.9091-9092.
3189 Simović,T.13585-13587,13738,13748-13749.
3190 Trajković,T.9092;Simović,T.13586-13587,13600,13738–13739,17348. See Stalević,T.13783-13784.
3191 Stoparić,P493,para.46.
f. Upon arriving in Podujevo/Podujevë, the Skorpions killed a group of civilians

1165. Upon their arrival in Podujevo/Podujevë on 28 March 1999, members of the Skorpions shot and killed a group of 16 civilians: two elderly men and fourteen women and children. Five children survived the massacre but sustained serious multiple gunshot wounds. 3192

1166. Simović called Dordević to inform him about the incident. 3193 Trajković learned about the massacre on 28 March while at the hospital in Priština. 3194 The reservists committed the killings during the first 30 minutes that they were in Podujevo/Podujevë. 3195

1167. The VJ was also informed about the massacre. Stošanović, the Chief of Security of the PrK Command, ordered that the incident be investigated in full. 3196

g. The Skorpions were under SAJ command by the time they arrived in Podujevo/Podujevë

1168. Like Simović and Stalević, Dordević testified that at the time of the massacre, the Skorpions had not been technically attached to the SAJ as reservists. 3197 These claims were not supported by the evidence or the circumstances of these events.

1169. In what appears to be an attempt to distance himself from the killings, Simović claimed that Medić’s men were never attached to the SAJ and were therefore not under his command. 3198 Simović insisted that he had no authority over the reservists. 3199 He was unable to provide an answer when asked repeatedly by the Trial Chamber who could issue orders to these reservists. 3200 Similarly, Stalević could not provide an answer to the question of who could issue orders to the “reservists”. 3201 Simović and Stalević’s evasiveness was little more than an attempt to deny responsibility for the crime committed by the Skorpions under their command. Given the command structures within the MUP, it is not plausible that the Skorpions would have been deployed to Kosovo with the SAJ without first being placed under the command of the SAJ.

3192 See Part IV, Section(C)(14).
3193 Dordević, T.9703-9704.
3194 Trajković, T.9093.
3195 Dordević, T.9705; Trajković, T.9094.
3196 Stošanović, T.11777–11778.
3197 Dordević, T.9705.
3198 Simović, T.13742, 13747.
3200 Simović, T.13718–13721, 13749–13753.
3201 Stalević, T.13909–13910.
1170. By the time the Skorpions had arrived in Podujevo/Podujevë, they had been incorporated into the SAJ. As the most senior commander on the ground, Simović was their commander. Simović’s authority is evident from the fact that he ordered them to return to Prolom Banja. The following statements demonstrate that he considered the Skorpions his subordinates:

- "I told the members of my unit, I ordered them, to send back all the Skorpion members on the buses and to send them to Prolom Banja, and [...] if there were any members of the reserve force of the Serbia MUP, then certainly that order would have applied to them too because I, as a senior officer, [...] could order subordinates." 

- In both his interview and testimony before the Prokuplje Court in 2002 (P1590/P1591), Simović indicated that he ordered the Skorpions and Medić to return to Prolom Banja. When confronted with his prior statements in the Đorđević case, Simović eventually conceded that he had given this order to "all those who were there, members of the reserve force." 

1171. Stalević confirmed that the men were returned to Prolom Banja on Simović’s order.

1172. Stoparić similarly testified that Simović ordered Medić to return the reservists to Prolom Banja within half an hour of the massacre. In total, the Skorpions were in Podujevo/Podujevë for less than one hour.

1173. After deciding to return the unit, Simović informed the MUP Staff and Đorđević. Trajković and Stalević confirm this. The massacre committed by the Skorpions was, however, not reported in the MUP Staff’s daily bulletin of important events of 28 March 1999 sent by the Staff to the MUP Minister and Đorđević.

h. At Prolom Banja, the Skorpions were disarmed and disbanded

1174. Once the Skorpions returned to Prolom Banja, Đorđević issued an order for the unit to be disarmed and sent home. Acting on Đorđević’s orders, Trajković [REDACTED] travelled to...
Prolom Banja to arrange this.\textsuperscript{3213} Trajković told the men to return their weapons and said that they were going back to Belgrade.\textsuperscript{3214} According to Stoparic, the Skorpions turned in their weapons, but retained their uniforms, and left.\textsuperscript{3215} Medić gave a speech at Prolom Banja. He said: “What did they expect, we are at war, people get killed in war.”\textsuperscript{3216}

i. In April 1999, Dordević redeployed the Skorpions to Kosovo

1175. Shortly thereafter, in April 1999, Dordević redeployed the Skorpions to Kosovo and re-attached them to the SAJ. Despite his denials,\textsuperscript{3217} Dordević eventually conceded that he redeployed the Skorpions to Kosovo:

Later he [Trajković] told me, I need them [reengaged reservists for the SAJ]; I will guarantee for them. I asked him, How many? He said, 100. I obtained an approval from the minister. I engaged the administration in charge of sending the reservists down there. He made the selection. He takes charge. And now you’re holding me responsible.

\textit{All right, I may be responsible}, but what I know is that he [Trajković] provided guarantee for their re-engagement. And I know, based on the testimony we heard here from one of the reservists, is that they carried out their job extremely professionally, and they didn’t commit any crime. \textsuperscript{3218}

1176. [REDACTED].\textsuperscript{3219} They decided to redeploy the reserve force once again.\textsuperscript{3220} Trajković assured Dordević that “for as long as I remained there, there would be no further incidents”.\textsuperscript{3221} In his May 1999 report, Trajković wrote that the MUP Staff and “Chief of Department” approved the redeployment.\textsuperscript{3222} Trajković was unsure who issued the order for redeployment but was informed about the re-engagement by Dordević in the second half of April.\textsuperscript{3223}

1177. [REDACTED].\textsuperscript{3224} [REDACTED].\textsuperscript{3225} [REDACTED].\textsuperscript{3226} [REDACTED].\textsuperscript{3227}

1178. Vasiljević corroborated Trajković’s evidence. At a meeting of the VJ leadership in Belgrade on 16 May 1999, Pavković stated that General Đaković had had a discussion with “Boca”, who told

\textsuperscript{3213} Trajković, T.9095-9096,9112-9113; Dordević, T.9706-9707,9709,10112. [REDACTED].
\textsuperscript{3214} Trajković, T.9096. See also P86, p.2; D442, p.2; Dordević, T.9706-9707.
\textsuperscript{3215} Stoparic, P493, para.62,7.2844.
\textsuperscript{3216} Stoparic, P493, para.61,7.2842.
\textsuperscript{3217} Dordević, T.10109-10110,10116-10117.
\textsuperscript{3218} Dordević, T.10113 (emphasis added).
\textsuperscript{3219} [REDACTED].
\textsuperscript{3220} Trajković, T.9101-9102; P86, D442.
\textsuperscript{3221} Trajković, T.9101,9105-9106.
\textsuperscript{3222} P86, p.2; D442, p.2.
\textsuperscript{3223} Trajković, T.9106.
\textsuperscript{3224} [REDACTED].
\textsuperscript{3225} [REDACTED].
\textsuperscript{3226} [REDACTED].
\textsuperscript{3227} [REDACTED].
him that the group had arrived in Kosovo following Đorđević’s orders and that the MUP would collect the group and send them to those areas where the situation was the worst.\footnote{Vasiljević,T.5673-5674;P1595 states: “We also have verified information that Major-General Milan Đaković, operative officer in the command of the 3rd Army, recognised in this group a certain Slobodan Medić, aka Boca, and asked him what sort of task had brought him there, to which the other replied that he had come by order of the MUP General Rodja.” (P1595 is a supplement to a report to the 3rd Army Command from the field dated 16 May 1999).}  

1179. Following Đorđević’s approval to re-engage the Skorpions with the SAJ, 108 members of the original group of 128 were redeployed to assist the SAJ.\footnote{Trajković,T.9102; Đorđević,T.9708,10116.} Medić was again placed in charge of them.\footnote{P86,p.2;D442,p.2.}  

1180. All of the men involved in the Podujevo/Podujevë killings, except for Saša Cvetan, were redeployed.\footnote{Stopanić,T.2844;P495,p.17.} Trajković stated that although they redeployed members who had committed the crime, they did not realise this at the time.\footnote{Trajković,T.9109.} Simović claimed that the police had the duty to screen the men before they were redeployed and that he knew procedures were underway, but could not say if the men had actually been screened.\footnote{Simović,T.13680-13681.}  

1181. In the context of the crimes that he knew were being committed in Kosovo, returning this violent paramilitary group is evidence of Đorđević’s intention to contribute to the implementation of the common plan. He would have been well aware that he was returning some of the perpetrators of this horrendous crime. Đorđević did not ensure that the men who committed the massacre within minutes of arriving in Podujevo/Podujevë were not sent back. He could not responsibly rely solely on Trajković’s assurance when he was aware that none of the shooters had been charged.\footnote{Stopanić,P493,pam.63.}  

\textbf{j. Once redeployed to Kosovo, the Skorpions participated in “cleansing” ethnic Albanian villages}  

1182. After the Skorpions were disarmed, Stopanić and the other Skorpions had returned to Šid.\footnote{Stopanić,P493,pam.63.} Boca’s men visited them in Šid about 10 days later.\footnote{Stopanić,P493,pam.63.} The next day, the men were redeployed to Kosovo in two buses.\footnote{Stopanić,P493,pam.64;T.2844.} On 26 April, the Skorpions arrived at the SAJ forward command in
Kosovo Polje. Stoparic observed many PJP units in Kosovo Polje and recognized PJP members from Kragujevac.

1183. Around 28 or 29 April, the Skorpions and PJP units were transported to Jezerc in Suva Reka municipality. The units commenced operations to drive the KLA out and seize villages ("cleaning"). Under the SAJ’s command, and along with active-duty members, they engaged in operations in the Jezerc Mountain sector. They remained in Kosovo until 9 May.

1184. The Skorpions participated in joint actions, along with PJP units, that were aimed at preventing Kosovo Albanians from returning to their homes. After the Skorpions took a village they would withdraw. Then the PJP in the rear guard would enter the village and set fire to the houses. Stoparic said: “Once the Albanians left and we’d take control of the terrain, they would come back from the forest after two days. I presume if you set somebody’s house on fire that they have no place to go to or to go back to. I think that’s the only reasonable conclusion.”

(g) Dordevic played a leading role in the concealment of the crime of murder

1185. Dordevic played a leading role in actively concealing the evidence of widespread murders committed by the forces of the FRY and Serbia against Kosovo Albanians. Over the course of the Indictment period, he co-ordinated the clandestine burial of multiple truckloads of bodies that were systematically exhumed from across Kosovo and driven hundreds of kilometres to the grounds of the 13 Maj Centre in Batajnica, outside of Belgrade. The remains of more than 800 Kosovo Albanian victims, from across Kosovo, were eventually exhumed from that site. Over the same time period, the MUP was similarly concealing the bodies of Kosovo Albanian victims at another SAJ base in Petrovo Selo, located in north-eastern Serbia. This was undoubtedly part of the same operation. While Dordevic was acting to conceal these shipments of bodies, murders were still being committed in Kosovo by the forces of the FRY and Serbia, and these crimes were systematically concealed through the mass transport of the bodies.

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3237 P86,p.2;D442,p.2;Simovic,T.13594,13678.
3238 Stoparic,P493,para.65.
3239 Stoparic,P493,para.67.
3240 Stoparic,P493,para.67;Stoparic,T.2874.
3241 P86,p.2;D442,p.2;Stalevic,T.13894.
3242 P86,p.2;D442,p.2. See Dordevic,T.9708-9709.
3243 Stoparic,P493,para.68;T.2888-2889.
3244 Stoparic,P493,para.68.
3245 Stoparic,P493,para.68.
3246 Stoparic,T.2888-2889.
1186. When two separate refrigerator trucks full of bodies surfaced in rivers on opposite sides of Serbia in April of 1999, Đorđević played a principal role in the operations to re-conceal them. He ordered that bodies from a truck found in the Danube be removed and transported to the 13 Maj Centre. He also oversaw the burial of bodies found in a truck floating in Lake Peručač in a mass grave on-site.

1187. These large-scale operations to conceal bodies had to be organized and approved at a high level. The MUP had to co-ordinate systematic operations to transport the bodies away from massacre sites, to temporarily bury the bodies, and then to unearth these bodies, load them into trucks and transport them out of Kosovo. The burial sites in Serbia had to be pre-selected, and high-level clearance, equipment, manpower and funding were required to bury the bodies in these mass graves. Đorđević significantly contributed to the JCE by providing these resources and by directly overseeing the transport and burial operations. As the Chief of the RJB, Đorđević was also the superior officer and the contact person for the SUP Chiefs and other senior MUP officials tasked with overseeing these concealment operations on the ground. The concealment of these bodies, and the cover-up of the serious crimes they would have evidenced to local observers and to the international community, was a substantial contribution to the JCE.

(i) The Refrigerator Truck in Bor/Kladovo

1188. On 5 April 1999, a refrigerator truck containing bodies was found floating in the Danube River in eastern Serbia near the village of Tekija.3247 After preliminary steps were taken by the nearby Kladovo OUP, Bor SUP Chief Caslav Golubović was contacted and briefed about the discovery and the steps that had been taken thus far.3248 Golubović contacted Đorđević in Belgrade at approximately 21:00 on 6 April and sought instructions on how to proceed. Golubović briefed Đorđević, informing him of everything he had been apprised of.3249 This included the information that there were 20-30 human bodies in the refrigerator truck and that the bodies were of men, women and children. Golubović told Đorđević that the bodies were dressed in civilian clothing and that many of the bodies were dressed in the billowing pants normally worn by Kosovo Albanians.3250 Golubović also told Đorđević that the truck itself appeared to be from Kosovo.3251

3247 Radiojkočić, T. 1764-1765.
3248 See supra para.557.
3249 Golubović, T. 1662,1746;T. 353, p.8; Đorđević, T. 9720.
3250 Golubović, T. 1662,1735-1736;T. 353, p.14; Đorđević, T. 9721,9979.
3251 Đorđević, T. 9721.
1189. Ten or fifteen minutes after this conversation, Đorđević called back and gave Golubović instructions that the bodies should be retrieved and buried in the immediate vicinity. He told Golubović that this incident was to remain confidential.

1190. Pursuant to Đorđević’s instructions, Golubović organized for the bodies to be removed and buried that night. As they worked, it became apparent that there were approximately 50 more bodies in the truck than they had anticipated. Golubović phoned Đorđević at about 22:30 and explained that they would not be able to finish by morning. Đorđević instructed Golubović to instead load these bodies into a new truck and have them transported to Belgrade, and ordered that the refrigerator truck in which they had been found be destroyed.

1191. The workers managed to load about 30 of the bodies into a truck. At this point, Golubović called Đorđević. Đorđević told Golubović that this first shipment of 30 bodies should be transported to Belgrade. Golubović’s driver, Ljubinko Ursuljanović, drove this first lorry towards Belgrade, with two policemen escorting him. Golubović was later telephoned by a person from the Ministry who asked for the truck’s license number and the driver’s mobile number, so that Ursuljanović and the lorry could be met en-route and escorted to the final destination.

1192. When Ursuljanović returned the next day, he told Golubović that a Volkswagen Golf had escorted him through Belgrade and that the truck was taken over by other persons “on the way to Novi Sad.” Six or seven days later, the SUP Bor was called and told that the truck was available to be picked up. Ursuljanović went and retrieved the truck from a MUP parking lot.

1193. Golubović asked Đorđević to secure a truck so they could use it the next day to transport the remaining bodies to Belgrade. When the truck arrived, these 53 bodies were loaded and transported to the SAJ centre in Batajnica.

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3252 Golubović, T.1725; P.353, p.10; Đorđević, T.9722.
3253 Đorđević, T.9721-9722.
3254 Golubović, T.1742,1713; P.352, p.3.
3256 Đorđević, T.9726; Golubović, T.1744; P.353, p.15.
3257 Radojković, P.359, pp.1-19; Golubović, P.353, pp.15-16.
3258 Golubović, T.1747,1748; P.352, p.4; P.353, pp.15-16.
3259 Golubović, T.1747,1758; P.352, p.3; P.353, pp.15-17; P.403, p.1.
3260 Golubović, P.352, p.4; P.353, pp.16-17.
3261 Batajnica is between Belgrade and Novi Sad—see P.2.
3263 Golubović, P.352, p.2; P.353, pp.18-19.
3264 Golubović, P.353, pp.18-19; [REDACTED].
Continuing the Coverup

1194. Pursuant to Đorđević’s orders, once the bodies had been removed and transported to Belgrade, Golubović arranged to have the refrigerator lorry destroyed. After an unsuccessful attempt to destroy the truck by setting it on fire, it was demolished with explosives. Đorđević plainly acknowledged that this order was unlawful.

1195. Đorđević also instructed Golubović that the case was not to be made public or reported by the media. [REDACTED].

Đorđević Oversees the Funding for the Operation

1196. Đorđević also approved and oversaw the funding for this cover-up. After asking Đorđević on 7 April to provide him with money so he could pay the workers, Golubović received 10,000 dinars about 4-7 days later, which he distributed. The workers were paid from the MUP’s special expenses fund. Slobodan Borisavljević, Đorđević’s Chef de Cabinet, told the Working Group that Đorđević instructed him to cover the operational expenses for the whole operation. The paperwork evidencing these payments was approved and signed by Đorđević on 19 and 22 April. [REDACTED]. Despite having signed and approved the documents, Đorđević claimed that he was “not familiar with the name at all”.

Assessing Đorđević’s False Claims

1197. Đorđević made a number of specific claims with respect to the re-concealment of these bodies that were neither reliable nor consistent with the evidence.

i) Đorđević did not consult with the Minister before ordering the bodies to be buried onsite

1198. Đorđević claimed that the Minister had ordered him to tell Golubović that the bodies should be buried on-site and stated that he “didn’t issue any orders until the minister was informed”. This assertion is inconsistent with his letter to the Nedeljni Telegraph, dated 18 June 2004, in which

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3205 Golubović, T.1715, 1755-1756; P353, pp.19-20; Đorđević, T.9726.
3206 Radojković, P.359, pp.23-24; T.1783; Golubović, T.1755-1756; P352, p.4; P353, p.20.
3207 Đorđević, T.10002.
3208 P352, p.4; Golubović, T.1710; P353, pp.20-21.
3209 [REDACTED].
3210 Golubović, T.1667; P353, p.22. See also Radojković, P.359, pp.17-19; Đorđević, T.9984.
3211 P387, p.3.
3212 [REDACTED]; P389, p.1; Đorđević, T.9982-9983.
3213 P391, P392; [REDACTED]. See also P393, signed by Borisavljević.
3214 [REDACTED].
3215 Đorđević, T.9984.
3216 Đorđević, T.9721, 9824.
he stated that immediately upon learning about the bodies, he himself “proposed that the complete criminal processing be conducted there”, and only informed the Minister afterwards.\textsuperscript{3277} Đorđević struggled to explain these discrepancies in cross-examination.\textsuperscript{3278}

ii) \textit{There was Never any Intention to Autopsy or Properly Process these Bodies}

1199. The claim that Đorđević, the Minister\textsuperscript{3279} or anyone else intended for the bodies to be autopsied or properly processed is fundamentally inconsistent with the nature of the actual operations. Neither the municipal or district prosecutor, nor any investigating judge, had been at the site when the bodies were being unloaded – at night. There was no forensic assistance at the scene. Moreover, Đorđević had initially ordered Golubović to bury these bodies at the site, and only later decided that they should be loaded onto another truck.\textsuperscript{3280} These steps were fundamentally inconsistent with any lawful handling of a truck full of human remains. The secrecy that Đorđević demanded at the time, and the ongoing concealment operation at Batajnica that he coordinated over the next two months, make clear that Đorđević was only interested in keeping this operation concealed.

iii) \textit{Đorđević did not remove himself from this operation}

1200. Đorđević testified that he removed himself from dealing with the bodies after Golubović had followed his orders to load them into the first truck and have them driven to Belgrade. He stated that he told the Minister: “Do as you like. I don’t wish to take part in this whole matter any longer.”\textsuperscript{3281} These claims are neither credible nor internally consistent. The suggestion that Đorđević withdrew at this point and that the Minister acted on his own to communicate with the truck drivers and determine “what the final destination was going to be” is inconsistent with the evidence that immediately thereafter Đorđević proceeded to oversee the burial of these very bodies in Batajnica.\textsuperscript{3282} Indeed, the very choice of this location – the SAJ’s \textit{13 Maj} Centre – suggests Đorđević’s involvement itself. In light of Đorđević’s continuing actions, there are only two plausible options: that Đorđević organized the delivery of the bodies to Batajnica himself, or that he acted in concert with the Minister to do so.

1201. Đorđević also claimed that immediately after he conveyed his instructions to Golubović on how to proceed, he told the Minister that they should establish a commission or group to investigate

\textsuperscript{3277} P1474,p.7;Đorđević,T.9967-9968.
\textsuperscript{3278} Đorđević,T.9824-9828.
\textsuperscript{3279} See P1474,p.7;Đorđević,T.9967-9968.
\textsuperscript{3280} Golubović,T.1745-1746.
\textsuperscript{3281} Đorđević,T.9727-9728.
\textsuperscript{3282} Đorđević,T.9727. \textit{See} section infra paras.1217-1229.
the matter. In light of Dordević’s overall actions, this claim is absurd. Just days later, Dordević was involved in the burial of bodies from another refrigerator truck found in Lake Peručac. In the two months that followed, he then co-ordinated the burial of hundreds of additional bodies in mass graves in Batajnica. [REDACTED].

1202. It would appear that Dordević’s position, as with other issues, evolved in order to place all of the responsibility for his actions onto the Minister. In any case, the Indictment charges that Dordević and the Minister participated together, along with several other key political, military and MUP figures, in committing these crimes. The participation of the Minister, or of any of the other co-perpetrators, does not negate Dordević’s individual criminal responsibility.

(ii) The Refrigerator Truck Incident at Lake Peručac

1203. When the human cargo of another refrigerator truck washed up in Lake Peručac, Dordević also oversaw efforts to conceal those bodies by burying them onsite along the banks of the river.

1204. In mid-April of 1999, the Chief of the Užice SUP, Dordić Kerić, received a telephone call from Slavko Petrović, Chief of the Bajina Bašta OUP. Petrović told Kerić that a number of dead bodies were floating in Lake Peručac. After confirming the report, Kerić called Dordević and informed him of this “extraordinary event”. Kerić and Dordević had known each other for about 15 years. Kerić sought further instructions from Dordević concerning what he should do next and whether they should inform the investigating judge and prosecutor. Dordević instructed Kerić not to inform anyone, and to “conduct additional checks”.

1205. Dordević ordered that Zoran Mićirićević, Chief of the Užice Crime Police, should be sent to the site with a group of inspectors. Dordević told Kerić that he should keep him (Dordević) informed and receive instructions about what to do afterwards. Sometime later, Mićirićević telephoned Kerić and informed him that the number of bodies was growing and that a container had surfaced. He told Kerić that there were male and female bodies and that they were mostly dressed

2383 Dordević, T. 9723
2384 [REDACTED].
2385 Kerić, T. 7755, 7817. Kerić testified that he received the telephone call “about two weeks” before he was transferred to his new post. He was transferred to that post on 1 May 1999 (T. 7754), thus further suggesting that he received the telephone call in the middle of April 1999.
2386 Kerić, T. 7755-7756.
2387 Kerić, T. 7756-7757, 7818; Dordević, T. 9728.
2388 Dordević, T. 9990.
2389 Kerić, T. 7756-7757, 7819-7820.
2390 Kerić, T. 7757, 7819-7820; Dordević, T. 9728, 9991.
2391 Kerić, T. 7755-7757.
in civilian clothes. Kerić telephoned Đorđević and informed him about what was being found. He asked Đorđević for further instructions. Đorđević instructed Kerić that they should speak “a little later.”

1206. Đorđević testified that at this point he went to see the Minister and conveyed the information to him. According to Đorđević, the Minister “didn’t comment, he didn’t give me any instructions; and didn’t ask me to pass them to anyone.” Đorđević claimed that it was his belief at this time that the Minister “was going to settle this matter with someone else,” and that he therefore just left the Minister’s office.

The Bodies were Buried Onsite

1207. As instructed, Kerić called Đorđević again about an hour later. Kerić testified that Đorđević told him that, “it was necessary to take measures to remove the bodies from the lake, to engage a number of officers and civilians for this purpose, and that these bodies should be buried in a mass grave near Lake Peručac dam.”

1208. Kerić’s testimony that Đorđević ordered him to bury the bodies on-site is inconsistent with D316, a transcript of an interview that Kerić gave on 8 June 2005 to Judge Đilparić of the Belgrade District Court. In that interview, unlike the evidence he had provided to the Tribunal and the signed statement he provided to the Working Group in 2001, Kerić did not state that Đorđević had ordered the burial of the bodies, but stated that he and Mitićević had buried them on their own in the absence of clear instructions. Kerić nonetheless insisted during his evidence in Đorđević that he was instructed by Đorđević to bury the bodies on-site.

1209. The issue of whether Đorđević directly ordered the burial of the bodies is addressed in more detail below, as are more general attempts by Đorđević to downplay his knowledge and involvement in this episode. Notwithstanding these denials, it is clear that on the uncontroversial evidence of both Kerić and Đorđević:

a) Kerić informed Đorđević about the truckload of human bodies when it was discovered.
b) Dordević, Kerić’s superior, was in regular communication with Kerić throughout the
time in which the bodies were being dealt with and had issued him orders and expected
him to report back;

c) Kerić informed Dordević that the bodies had been recovered from the water and then
buried onsite, near the dam;\footnote{298}

d) The burial of these bodies in Lake Perućac was unlawful, and Đordević was aware of
this;\footnote{299} and

e) Đordević maintained this cover-up, while at the same time acting to conceal truckloads
of other bodies coming from Kosovo.

Assessing Đordević’s Limited Denials

1210. Đordević largely confirmed Kerić’s account and admitted his knowledge and involvement
with respect to the discovery and subsequent re-concealment of the bodies onsite. However, he
sought to downplay his involvement in several respects:

- Đordević denied telling Kerić to send Zoran Mitićević or anybody else to the scene,
claiming that this was “for him to decide”;

- Đordević testified that he only had two conversations with Kerić. The first occurred when
Kerić informed him about the incident and Đordević told him to check what it was about.
The second occurred when Kerić conveyed to Đordević what else was found in the lake;\footnote{301}

- Đordević testified that he never instructed Kerić to bury the bodies, and that Kerić did so on
his own and simply conveyed this information to Đordević.\footnote{302}

1211. Đordević’s denials of involvement and knowledge are not credible in the context of these
events. Đordević was not only SUP Chief Kerić’s superior but Chief of the entire RJB. Kerić and
Đordević agree that Kerić called Đordević seeking instructions on what to do about this significant
issue. This was consistent with the operative chain of command. Đordević also admits that upon
being informed of the existence of these bodies, he ordered Kerić to “investigate it and to call me
later”.\footnote{303} In short, up until the moment that the bodies were actually buried, Đordević was issuing
orders to a subordinate, seeking to gather more information with respect to what should be done.
This is precisely what one would expect, given their respective ranks within the MUP hierarchy.
Đordević’s position – that having already issued such instructions he suddenly became a passive
bystander as Kerić buried the bodies on his own – strains credulity. Perhaps more importantly, it
makes even less sense that a subordinate like Kerić, who was in ongoing direct communication with

\footnotesize
\begin{itemize}
\item \footnote{298} Đordević,T. 9995; Kerić,T. 7759-7760.
\item \footnote{299} Đordević,T. 10002.
\item \footnote{300} Đordević,T. 9991-9992.
\item \footnote{301} Đordević,T. 9729
\item \footnote{302} Đordević,T. 9992,9995.
\item \footnote{303} Đordević,T. 9728,9991.
\end{itemize}
the Chief of the Department about what was clearly a highly sensitive matter, would act in any
manner that was not in keeping with the wishes of his superior.

1212. In the overall context of the events taking place in April of 1999, Đorđević’s limited denials
of knowledge and responsibility are less probable still. Đorđević admits, as outlined above, that he
had just issued orders to another SUP Chief, Golubović, with respect to what to do with another
refrigerator truck full of bodies that had surfaced in another river. Both Đorđević and Golubović
testified that Đorđević first ordered that the bodies should be buried onsite, and only later (when
onsite burial proved unfeasible), ordered that they be loaded into new trucks and transported once
again.3304 Having just dealt with a remarkably similar incident involving a refrigerator truck, where
the first approach was to order the local SUP Chief to bury the bodies onsite, it makes little sense to
suggest that when the same issue arose at Lake Perućače, Đorđević was this time largely a passive
observer who checked in only occasionally while that SUP Chief buried the bodies on his own
initiative.

1213. In any event, it is clear on both Kerić and Đorđević’s accounts that having completed the act
of burying these bodies, Kerić reported directly back to Đorđević. Đorđević undertook none of the
actions required of a superior commanding officer who was aware of and personally involved in the
concealment of another truckload of human bodies. To the contrary, he continued to act to conceal
these bodies, along with the other shipments and burials that he was co-ordinating throughout this
period.

**Đorđević Instructed Kerić Not to Contact the Investigative Judge or Prosecutor**

1214. Đorđević’s intention to conceal the evidence of these crimes was evident throughout his
dealings with the bodies found at Lake Perućače. It was also apparent in his instructions that Kerić
not inform the investigating judge or prosecutor.

1215. Kerić explained that after Mitrićević told him that the number of bodies was increasing and
that there were a number of bodies in the trailer, he (Kerić) had asked Đorđević for a second time
whether he should inform the investigating judge. Đorđević told Kerić not to advise either the
investigating judge or the prosecutor. This was contrary to standard procedure.3305

3304 Golubović,T:1725;P353,p.10; Đorđević,T:9722.
3305 Kerić,T:7761-7762.
1216. Kerić obeyed Đorđević’s command, noting that if he had not complied he would have been subject to disciplinary proceedings from Đorđević.\footnote{3306} It may be noted that, in all of his accounts, including in his statement to Judge Dilparić addressed above, Kerić was consistent that Đorđević had instructed him not to inform the investigative judge.\footnote{3307} Đorđević sought to deny that he had instructed Kerić not to inform the investigative judge, but his testimony was evasive.\footnote{3308}

(iii) **The Concealment of Bodies at the 13 Maj Centre in Batajnica**

1217. Đorđević co-ordinated the burial of hundreds of bodies in mass graves at the 13 Maj Centre in Batajnica, the training ground for the SAJ, which was under his de facto and de jure control. Đorđević admitted that the Minister had placed him in charge of the SAJ, and that even for some 10 years prior to that the SAJ had been under his “direct leadership”.\footnote{3309}

1218. [REDACTED].\footnote{3310}

1219. Đorđević provided K87 with specific instructions with respect to the location and method of burial. These instructions reflected a thorough knowledge of the present layout of the Centre and forethought into where the bodies would best be concealed. He directed K87 to bury the bodies “behind the firing range”, noting that this would be the most convenient place for burial because the earth had already been disturbed.\footnote{3311} [REDACTED]. As they were leaving his office, they met the Minister who was passing by and Đorđević told the Minister that, “this was the man who was supposed to wrap up the whole matter”.\footnote{3312}

**When did the Bodies First Arrive in Batajnica?**

1220. [REDACTED] Đorđević provided rough estimates with respect to when the bodies first arrived at Batajnica. [REDACTED].\footnote{3314} Đorđević claimed that he learned from the Minister “Shortly after the event at Perućac” that the trucks containing bodies had been brought to

\footnotesize{\begin{itemize}
\item \footnote{Kerić,T.7811.}
\item \footnote{D316,pp.3-4. It should be noted that when the Defence asked Kerić to read this portion aloud[T.7843], the translation used in court differed significantly from the English translation of D316 itself. In particular, Kerić read it as stating: “Since the number of bodies went up I believe that we should not inform either the investigating judge or anybody else. I informed Mr. Krivokapić, the investigating judge...” Given the context, it appears that this was an error in translation. In any case, the translation of the original makes clear that it was Đorđević who had insisted that the investigating judge not be contacted.}
\item \footnote{See Đorđević,T.9953.}
\item \footnote{Đorđević,T.9821.}
\item [REDACTED].
\item \footnote{K87,1415,para.17;P1416.1,p.5.}
\item [REDACTED].
\item \footnote{Đorđević,T.9731; [REDACTED].}
\item [REDACTED].
\end{itemize}}
Batajnica. It can safely be concluded that truckloads of bodies arrived at Batajnica on or about 7-8 August. On 7 April, the bodies from Tekija were loaded into a first truck, which left for Belgrade. The second truck left shortly after the first. Ursuljanović, the driver of the first truck, reported that he passed through Belgrade and that the truck was taken over "on the way to Novi Sad", which is consistent with it being taken straight to Batajnica. This evidence is consistent with K88's evidence – in 1999, Good Friday fell on 9 April and the "Thursday before" was thus 8 April.

The Arrival and Burial of Bodies

1221. Acting on Đorđević's instructions, K87 and other MUP members buried these bodies at the 13 Maj Centre. Shortly after these first shipments were buried, Đorđević arranged for the concealment of additional shipments of bodies.

1222. Đorđević was clear in his testimony that he issued orders to K87 to bury the bodies from these additional trucks and that K87 "followed the orders". Đorđević stated that he called "the officer" (K87) and conveyed orders for bodies in two or three more trucks to be buried, following the same procedure he had initially sent out. He also confirmed his awareness that the job had been done. As Đorđević put it, rather succinctly: "I called the officer, related that to him, and he did the job."

1223. [REDACTED] Lipovać was Đorđević's personal driver. Bašanović was the driver for Assistant Minister Zeković, who tasked K93 to collect corpses on several occasions. Đorđević claimed that he was not aware that Lipovać and Bašanović were involved in the operations to transport bodies, and to bury bodies in Batajnica. Given Đorđević's role, Lipovać and Bašanović's extensive involvement, and Đorđević's relationship with Lipovać in particular, this is not a credible denial.

3315 Đorđević,T.9729-9730.
3316 [REDACTED].
3317 Golubović T.1666-1667,1735,1744.
3319 [REDACTED].
3320 Evidence with respect to the initial burials is outlined in Part III, Section(B)(5)(d).
3321 [REDACTED].
3322 [REDACTED].
3323 K87,T.14176.
3324 Đorđević,T.9988.
3325 Đorđević,T.9989.
While Dordević was Concealing Bodies at Batajnica, Crimes were Continuing

1224. Evidence from a variety of sources outlines further MUP massacres, and subsequent operations to conceal the bodies evidencing these crimes, that took place after Dordević had begun concealing these shipments of bodies. Civilians were murdered by police at the end of April in Meja/Mejić and their bodies were transported and temporarily buried. In large-scale MUP operations running through May and into June of 1999, these bodies were systematically exhumed once again and transported out of Kosovo to the 13 Maj Centre, where Dordević arranged for their concealment in mass graves.\footnote{3326}

1225. Dordević’s ongoing role in concealing the evidence of these large-scale murders, as they continued to occur, enabled and encouraged the crimes to be committed without local or international observers learning about them or intervening.

*It Was Dordević Who Ceased the Operations at Batajnica*

1226. [REDACTED].\footnote{3327} Dordević confirmed that K87 had contacted him and “expressed his dissatisfaction with the situation”, although he again claimed that he was only conveying the Minister’s orders.\footnote{3328}

*Trajković’s Conversations with Dordević*

1227. Comments that Dordević made to Živko Trajković, the SAJ Commander, suggest further that the concealment of bodies in Batajnica was part of a larger high-level plan, and that Dordević was the one responsible for overseeing the concealment operations. Trajković spoke to Dordević on two occasions about the burial of bodies in Batajnica. At the beginning of June 1999, Trajković asked Dordević why they had chosen to bury the bodies at the SAJ base. Dordević replied that the decision had come from high up, stating something like, “This was the decision of people who are much more important than both you and me, and don’t ask too many questions about this.” Trajković understood that this was a state secret and that the decision had been taken at a high level. When Trajković asked what had happened, Dordević responded, “What can I tell you? All of my brave generals put their heads into this -- buried their heads into the sand and they left it to me to finish this part of the work.”\footnote{3329}

\footnotesize{\textsuperscript{3326} See Part III, Section(B)(5)(iii). \
\textsuperscript{3327} [REDACTED]. \
\textsuperscript{3328} Dordević, T:10000. \
\textsuperscript{3329} Trajković, T:9124-9126.}
1228. Đorđević confirmed that he had expressed his "dissatisfaction with the way things were being dealt with" to Trajković. However, he then denied that he had said "anything of the sort" of what Trajković had described. When asked once again, directly, whether he had told Trajković that the decision to bury the bodies had been made from a "very high level", Đorđević stated: "I didn't use those words. I said that there was someone above me who decided about it, and I did what I did and that's why I'm here." Đorđević acknowledged that the burial of these bodies in mass graves was unlawful.

1229. Trajković's second conversation with Đorđević took place at the Ministry's Head Office in June 1999. They spoke about the potential of exhuming the bodies and moving them elsewhere. Đorđević said that the time would come for this to be done and that Trajković shouldn't raise the issue anymore. Đorđević said that when the time was right, Trajković would be informed about what should be done with the bodies.

(iv) Bodies Concealed at Petrovo Selo

1230. Over the same time period as the Batajnica operation, the MUP was also concealing the bodies of Kosovo Albanian victims at another SAJ base in Serbia, in Petrovo Selo. [REDACTED]. The mass graves at Petrovo Selo and Batanica were components of the same plan to conceal the evidence of large-scale crimes.

1231. Đordević's knowledge and involvement in both operations can be inferred from the obvious similarities, and the basic overlap, between the Petrovo Selo concealment operations and the operations that Đorđević was directly co-ordinating in Batajnica. The circumstances surrounding [REDACTED] transporting human remains to Petrovo Selo – the use of a SAJ base as the final destination for concealment, the way the orders were conveyed to him, the provision of his escort, his contact when in Kosovo – are in material respects similar to the circumstances regarding his transportation of bodies from Kosovo to the 13 Maj Centre. [REDACTED]. The links between the two operations, and the obvious co-ordination suggested by the transfer of equipment and the overlapping use of personnel, make it readily apparent that this was part of the same operation.

1232. Đorđević also exercised effective command and control over the police personnel attached to the SAJ base in Petrovo Selo. Đorđević accepted that in July 1999 he had instructed MUP
officer Sreten Popović to collect the three Bytyqi brothers, who were serving sentences for misdemeanors in Prokuplje, and transport them to the SAJ training centre at Petrovo Selo. Đorđević’s orders were complied with and the task was carried out. Although Đorđević is not criminally charged for the deaths of these brothers, and the Prosecution makes no submission in this regard, it is relevant and probative that in 2001 their remains were found in one of the mass graves at Petrovo Selo, along with the remains of a number of Kosovo Albanian victims mentioned in the Indictment.\textsuperscript{3336}

1233. [REDACTED].\textsuperscript{3337} [REDACTED].

1234. [REDACTED].\textsuperscript{3338} [REDACTED].\textsuperscript{3339} [REDACTED].\textsuperscript{3340} [REDACTED].\textsuperscript{3341} Đorđević confirmed that this conversation took place. His testimony with respect to the content of the discussion was evasive, however, and his claim that he simply “came there as a pensioner to take care of some of my own business” is not credible.\textsuperscript{3342}

\textit{(v) Đorđević’s flight}

1235. In May 2001, the Serbian media started to publish reports on the discovery of hundreds of corpses at Batajnica. The fact that bodies had been found in the Danube was being circulated in the press, and Đorđević knew that he had played a significant role in the concealment of bodies.

1236. [REDACTED].\textsuperscript{3343} [REDACTED].\textsuperscript{3344}

1237. [REDACTED]\textsuperscript{3345} He remained a fugitive until he was caught and brought before this Tribunal in 2007.

\textit{(h) Đorđević created an environment permissive of criminal behaviour}

1238. Đorđević contributed significantly to the JCE by creating an environment permissive of crimes committed against the Kosovo Albanian population. As one of the most senior members of

\textsuperscript{3335} Đorđević,T.9973-9975. Đorđević once again claimed he was acting in accordance with a decision of the Minister.

\textsuperscript{3336} PB15, pp.31-35. [REDACTED].

\textsuperscript{3337} [REDACTED].

\textsuperscript{3338} [REDACTED].

\textsuperscript{3339} [REDACTED].

\textsuperscript{3340} [REDACTED].

\textsuperscript{3341} [REDACTED].

\textsuperscript{3342} Đorđević,T.9990.

\textsuperscript{3343} [REDACTED].

\textsuperscript{3344} [REDACTED].

\textsuperscript{3345} [REDACTED].
the MUP, Đorđević had a duty to protect the safety of the civilian population. As the Head of the RJB, he had several powers available to him in order to guarantee that his units on the ground complied with the law, or at least to make it significantly more difficult for the crimes charged to have been committed. In light of his knowledge of the gravity and widespread nature of the crimes, Đorđević had a duty to try everything within his powers to impede the perpetrators. He should have followed up on allegations of crimes and ensured that crimes were adequately reported, investigations were initiated and perpetrators were punished. In deliberately omitting to do so, despite his knowledge of the crimes committed by his forces in Kosovo in 1998 and 1999, Đorđević encouraged and legitimized crimes committed against Kosovo Albanians. He also failed to take any steps to restrain the use of excessive force by the MUP that led to widespread crimes against civilians in 1998. He did not dissociate himself from the heavy-handed tactics used by the MUP in 1998 and, instead approved of them by re-deploying the same units in 1999.

1239. Notably, hundreds of police officers were also involved in operations to conceal bodies throughout the Indictment period. They participated in a variety of capacities, from personally removing bodies after massacres, to subsequently re-exhuming bodies, to securing the sites of concealment operations. The practice of concealing the evidence of such crimes would have been well-known to MUP forces in Kosovo, and would no doubt have significantly permeated the institutional culture. These actions to cover-up the slaughter of Kosovo Albanian civilians, sanctioned at a systemic level within the MUP, inevitably fostered a strong culture of impunity amongst the forces on the ground. Đorđević’s extensive actions in sanctioning and participating in these operations significantly contributed to the creation of an environment where such crimes would not only be permitted but systematically covered up.

(i) Đorđević’s knowledge of crimes

1240. Đorđević knew that the heavy-handed tactics employed by the forces of the FRY and Serbia in operations in 1998 led to the commission of crimes against the ethnic Albanian civilian population. Throughout the Indictment period, he continued to engage MUP units in the same activities. As set out below, Đorđević demonstrated his approval of such crimes and his intent to commit them in 1999.

(i) Knowledge of crimes in 1998

1241. Đorđević was fully aware of the indiscriminate and excessive use of force by the forces of the FRY and Serbia during operations against the KLA in 1998, and knew that this resulted in the massive displacement of the Kosovo Albanian population through the perpetration of widespread
crimes against Kosovo Albanians. He was aware that if these same forces were deployed in the same theatre of operations, they would continue to commit such crimes in 1999. He had specific knowledge of: (a) MUP operations on the ground; (b) widespread destruction and looting; (c) killings; (d) large-scale displacement of civilians; (e) and complaints of internationals.

a. Knowledge of MUP operations on the ground

1242. Dordević was comprehensively informed about the situation on the ground. As he described: "I knew every village, every hamlet, every path and every road, and I knew the circumstances there." Dordević was in Kosovo in 1998 when the Plan for Suppressing Terrorism was planned and implemented. He was directly involved in the planning process and in ensuring that day-to-day operations were conducted by MUP units in accordance with this Plan. He regularly attended Joint Command meetings, where the implementation of the Plan was co-ordinated.

1243. Dordević closely monitored MUP operations during the 1998 summer offensive. He attended the MUP Staff meeting of 22 July 1998, at which the implementation of the "Global Plan" was discussed. He also attended MUP Staff meetings on 1 September 1998, in late September, when the summer offensive was coming to an end, and on 5 November 1998, when the implementation of the October Agreements by the MUP was discussed at the presence of Milutinović, Stojilković, and other senior members of the MUP.

1244. Dordević toured MUP units in the field during the large-scale MUP actions in 1998. In his 2004 letter to the Nedelnji Telegraf, he wrote: "From the first day until the completion of the operations, I was always with my officers and policemen, and with them, we liberated roads and entered the main strongholds of the terrorists."

1245. Dordević’s statements at Joint Command meetings show he possessed detailed information about MUP operations. For example, the notes of 1 August 1998 record Dordević reporting: “All preparations for tomorrow’s operations have been completed (launching of the third phase). The detachments will attack Rastavica and Prilep from the direction of Crnobreg tomorrow. A tank is
needed in Prilep and Glodane." At the meeting of 22 September 1998, Dordević showed his 
knowledge of specific companies, stating: "These two companies have been engaged with one PJP 
detachment to close the route through Drvare with one company; two companies came out west of 
Žilivoda village".

1246. Dordević’s detailed knowledge of MUP/VJ operations made him aware of criminal 
activities occurring in that territory.

b. Knowledge of widespread destruction and looting

1247. Dordević’s presence and active participation at Joint Command meetings illustrates his 
knowledge of crimes in Kosovo in 1998. For example:

- On 24 July, Gajić reported that “after Orahovac there has been uncontrolled looting of 
etnic Albanian houses”.

- On 26 July, Gajić reported: “Bakali has accused Milošević of conducting ethnic cleansing in 
Orahovac”.

- On 7 August, Šainović pointed out that “The needless torching of houses causes the biggest 
political damage and this may result in pressure being exerted on the country.”

- On 12 August, Minić ordered, “The torching of houses must stop.”

- On 7 September, Dordević warned that “We must reduce the use of artillery. We must take 
measures against persons who torch houses subsequently.”

- On 21 September, Šainović stated that tasks should be carried out in a disciplined manner in 
order to prevent the torching.

1248. In the field, Dordević observed and reported to the Joint Command on arson-damaged 
homes. He knew that MUP units were involved in torching and looting Kosovo Albanian homes

3355 P886,p.27.
3357 P886,p.8. Absences were recorded at the beginning of each meeting. While Dordević is not recorded as having 
spoken at this meeting, he is also not recorded as being absent. It can thus be inferred that he attended.
3358 P886,p.11.
3359 P886,p.36.
3360 P886,p.42.
3361 P886,p.82.
3362 P886,p.107.
and property. Dordević testified that the position of the MUP leadership and the commanders on the ground was that “such negative conduct was to be prevented.” He admitted his awareness, however, that, “Unfortunately, it wasn’t done each and every time.”

1249. Throughout August and September 1998, PJP units were observed forcibly expelling Kosovo Albanians from their villages, destroying property and torching villages almost daily. Lukić, Dordević’s subordinate, was directly informed of such activity by Byrnes. Byrnes appealed to Lukić to stop the police from forcing Kosovo Albanians villagers from their homes. However, the complaints were not addressed, and the excessive use of force by police continued. Given that Dordević was in Kosovo at the time directing operations and was in regular contact with Lukić, Byrnes’ complaints would have reached him.

c. Knowledge of killings

1250. From early 1998, Dordević knew that civilians were murdered in MUP operations. He confirmed his own role in the attack on the Jashari compound in March 1998, stating that pursuant to Stojiljković’s order, he and Jovica Stanislić headed the Staff that planned “a co-ordinated action” against the Jashari compound in early March 1998. The SAJ and the JSO were involved in this action. Dordević acknowledged that the MUP knew that “there were also a number of civilians in the area[3372] and that his police forces killed civilians in the attack. In fact, 58 ethnic Albanians were killed, including 18 women and 10 children.

1251. Dordević knew that the joint VJ/MUP action in Gornje Obrinje/Abria e Epërme led to civilian deaths. At the Joint Command meeting of 26 September 1998, both Lukić and Pavković reported on the completion of the MUP/VJ action in Donje Obrinje/Abria e Poshtme and Gornje Obrinje/Abria e Epërme. After news of a massacre of civilians at Gornje Obrinje/Abria e

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3364 Dordević,T.10093-10094.
3365 Dordević,T.10094-10095. See P1474,p.5.
3366 Dordević,T.10094-10095.
3369 Byrnes,P1214,pp.21-24,26.
3371 See also Cvetić,T.6747-6748.
3372 Cvetić,T.6616;Trjajković,T.9060-9061;Crosland, P1400,para.28;T.9156.
3373 Dordević,T.9541.
3374 Dordević,T.9541.
3375 P886,p.112. Although Dordević is not recorded as having spoken at this meeting, he is also not recorded as being absent from the meeting. It can thus be inferred that he attended.
Epërme reached the international media, and the ECMM referred the matter to the ICTY.\textsuperscript{3376} Authorities in Belgrade requested that the incident be investigated.\textsuperscript{3377} At the Joint Command meeting of 4 October 1998, Šainović referred to the need “launch an investigation into Obrinje.”\textsuperscript{3378}

d. **Knowledge of the large-scale displacement of civilians**

1252. Joint Command members also discussed the refugee crisis stemming from the VJ and MUP actions.\textsuperscript{3379} For example:

- On 31 July 1998, following Đorđević’s report on recent actions, Šainović noted that “refugees are the biggest problem and the media should report that the Šiptars are returning home. If we could only have footage of them returning home.”\textsuperscript{3380}

- On 2 August 1998, Pavković reported that “there were very many refugees in the direction of Lauša village.”\textsuperscript{3381}

- On 26 August 1998, Radović reported that 16,000 to 17,000 people took refuge in Albania and 40,000 people took refuge in Montenegro.\textsuperscript{3382}

- On 20 September 1998, Andelković reported that “there are around 15,000 refugees near Novo Selo and Beriša.”\textsuperscript{3383}

- On 21 September 1998, Šainović stated that one of the problems was the “humanitarian catastrophe.”\textsuperscript{3384}

1253. Đorđević knew that as a result of combat activities, “civilians were leaving their homes and going to areas that they believed were safer.”\textsuperscript{3385} He was aware that the international press and some international representatives were concerned about the displacement of civilians.\textsuperscript{3386} Specifically, he was aware that international organisations were “condemning the Serb forces, saying that it was

\textsuperscript{3376} Kickett,T.2586;P485,p.3.
\textsuperscript{3377} Abrahams,T.3960,4021. See also P886,p.116.
\textsuperscript{3378} P886,p.119.
\textsuperscript{3380} P886,p.26.
\textsuperscript{3381} P886,p.28.
\textsuperscript{3382} P886,p.63. While Đorđević is not recorded as having spoken at this meeting, he is also not recorded as being absent.
\textsuperscript{3383} P886,p.105.
\textsuperscript{3384} P886,p.107.
\textsuperscript{3385} Đorđević,T.9810.
\textsuperscript{3386} Đorđević,T.9810-9811,9814.
allegedly their activities that caused a lot of harm and suffering to civilians, forcing them to leave their homes”. He accepted that there were situations where this was true.  

1254. Đorđević claimed that he took measures to persuade refugees to return home. More accurately, however, notes of Joint Command meetings reveal that the MUP used force to return refugees to their villages. At the meeting of 4 September 1998, Đorđević instructed Lukić to “return all inhabitants to the village by force tomorrow” and to search the terrain for weapons. The following day, Lukić indicated that “the activities have been realised- the return of civilians, combing of the terrain”. Two days later, Đorđević ordered that one company was to go to the Sedlari sector and force the people to return to their villages.  

1255. Đorđević explained these passages of the Joint Command notes by saying that he had “merely launched an initiative”, the gist of which was that whenever MUP units came across refugees, they were to tell them to return home. He denied that the MUP used force to return refugees to their villages or that the internationals complained about how this was done.  

1256. Đorđević’s testimony is contradicted by US KDOM representative Shaun Byrnes, who explained that he repeatedly complained to the MUP about the use of unnecessary force in handling refugees. For example, Byrnes reported about the excessive use of force by the MUP in September 1998, when MUP special forces conducted a sweep operation against the KLA in a number of Albanian villages in the Peć/Peja area, driving villagers from their homes. Once the international press began reporting on this action, the MUP sent forces to the area and “effectively herded” the refugees onto police buses, transporting them back to their villages. Byrnes’ team photographed this event and reported that the civilians were terrified to be forced against their will onto MUP buses by members of the police. When Byrnes complained to Lukić about the unnecessary force used, Lukić cynically replied that it was “a humanitarian operation.”  

1257. When the KVM was set up in Kosovo, members of KVM received reports that MUP units were employing excessive force during actions. This was reported to Lukić. Given Đorđević’s
role and the well-established reporting procedures in place at the MUP, KVM’s complaints would have reached Đorđević.

e. Knowledge of allegations levelled against the MUP by the international community

1258. Đorđević knew of the allegations of excessive force levelled by the international community against forces of the FRY and Serbia in Kosovo in a UN Security Council (SC) Resolution of 31 March 1998, which “condemned the use of excessive force by the Serbian police against civilians." 3398

1259. Foreign media publicly and prominently condemned the excessive use of force by the forces of the FRY and Serbia in 1998 that resulted in violence against civilians. MUP officials in Belgrade were well aware of these allegations. For example, in relation to the MUP action on the Jashari compound in early March 1998, the MUP in Belgrade released a communiqué on 5 March 1998. 3399

1260. By mid-August 1998, Đorđević knew that a UN SC resolution condemning the use of force by the MUP and the VJ was imminent. Đorđević was present at the Joint Command meeting of 12 August 1998, for example, when Minić reported that the Minister of Foreign Affairs “lead a dogged battle during the night for the Security Council to adopt the most lenient resolution.” 3400

1261. Đorđević said that he was familiar with the UN SC Resolution adopted on 23 September 1998 regarding “the excessive use of force by Serbian security forces and the Yugoslav Army.” 3401 He said it preceded the political negotiations aimed at preventing “the escalation of further activity in the territory of Kosovo by Serb forces” and also terrorist activity. 3402 Given Đorđević’s involvement in these negotiations in October 1998 as Head of the MUP delegation, he would have been comprehensively informed of the position of the international community regarding the use of force by the MUP in Kosovo.

1262. Human rights organisations condemned the actions of MUP and VJ forces in Kosovo in 1998. On 20 July 1998, HRW sent requests to the VJ, the MUP and the Serbian Secretary for Information on human rights violations in Kosovo. 3403 In October 1998, HRW documented a series

3398 Đorđević,T.10095;P1074.
3399 D424.
3400 P886;p.41.
3401 Đorđević,T.10095-10096;D160.
3402 Đorđević,T.10095;P726;P743;P744;P745;P746;P747;P748;Abrahams,P739;pp.2-3;T.3943-3948;P740;pp.30-32. HRW received no response to their requests for information: T.3945;P738;p.5.
of crimes perpetrated by members of the VJ and the MUP against the Kosovo Albanian population in Drenica.\textsuperscript{3404} HRW also conducted an investigation into the massacre of civilians at Gornje Obrije/Abria e Epërme in late September 1998.\textsuperscript{3405} The findings of this investigation were published in February 1999 and distributed widely to the press, including the FRY media.\textsuperscript{3406} HRW’s distribution list also included various entities within the Serb and Yugoslav government, including the Serbian MUP.\textsuperscript{3407}

(ii) Knowledge of crimes in 1999

1263. Đorđević knew that the common plan could only be implemented by the use of force, and he had detailed knowledge that crimes were being committed pursuant to the common plan. Information was available to Đorđević through various channels: his observations on the ground; the reporting systems within the MUP; his meetings with senior MUP, VJ and civilian leadership; the media, and the complaints of the international community.

a. Knowledge of MUP operations

1264. The evidence establishes that Đorđević was in Kosovo in January, February and March 1999, when the Spring offensive was planned, and in April 1999, during its implementation. He was travelling to Kosovo when the large-scale crimes took place in the province. In fact, he was in Priština/Prishtinë and Uroševac/Ferizaj in mid-April during the massive expulsions.

1265. Đorđević continued to be involved in MUP operations in Kosovo during 1999. He monitored the Račak/Reacak action from the Stimlje Police Station on 15 January 1999 and reported its outcome to Šainović.\textsuperscript{3408} He knew that the on-site team investigating the incident found 40 bodies at the mosque in Račak/Reacak and that KVM Head William Walker had called the action “a civilian massacre”.\textsuperscript{3409}

1266. Đorđević made several trips to Kosovo between February and June 1999, which allowed him to follow the situation on the ground first-hand:

\textsuperscript{3404} p753; Abrahams, p741, pp.26-34; T.3942-3943.
\textsuperscript{3405} Abrahams, T.3949-3952.
\textsuperscript{3406} Abrahams, T.3950;753; p.3.
\textsuperscript{3407} Abrahams, T.3937-3940, 3943, 4078-4079; p741, p.3; p740, p.26.
\textsuperscript{3408} See supra paras.1124-1137.
\textsuperscript{3409} Đorđević, T.9670-9672.
• On 17 February 1999, Đorđević attended a MUP Staff meeting where Lukić presented the RJB plan to conduct three large-scale “mopping-up” operations in the Podujevo/Podujevč, Dragobilja and Drenica areas.3410

• On 8 March 1999, Đorđević participated at a MUP Staff meeting where the overall security situation in Kosovo and the implementation of measures in the defence plan were discussed.3411 At the time, the MUP and VJ had intensified the activities on the ground and were conducting “mopping-up” operations in Kačanik3412 and Vučitrn.3413

• On 16 April 1999, Đorđević took part in a meeting at the MUP Staff with Stojilković and TEC President Zoran Andjelković.3414

• On 18 April 1999, Đorđević met with Lukić and other MUP Staff members at the MUP Staff. He also met with the Priština and Uroševac SUP chiefs at their respective SUPs.3415 That afternoon, he met with Pavković, Lazarević and Đaković at the premises of the PrK staff. Lukić and Stevanović also attended this meeting.3416

• On 1 June 1999, Đorđević was present at a Joint Command meeting in Priština, also attended by Šainović, Pavković, Lazarević, Stevanović, and Lukić.3417

• On 10 June 1999, Đorđević attended a meeting in Priština about the implementation of the Kumanovo agreement concerning the withdrawal of Serb forces from Kosovo.3418

1267. When in Belgrade, Đorđević attended weekly meetings of the MUP Minister’s Collegium, where the situation on the ground in Kosovo was discussed. Đorđević’s claims that the Collegium never discussed anti-terrorist operations in Kosovo are not credible. Even Mišić had to accept that in view of the extremely complex security situation in Kosovo in 1998 and 1999, the situation in the province was one of the priorities at Collegium meetings.3420 He agreed that the replenishment and number of police units engaged in combating terrorism in Kosovo was discussed at these meetings.3421

1268. More generally, it is inconceivable that the MUP Minister’s Collegium would discuss the security situation in the province, with detailed information on the number of police units in the

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3411 Cveticć,T.6682-6684.
3412 Drewienkiewicz,T.6407,P.996,para.192;P.844,p.7;P.1029,pp.51,67. See also Ciaglinski,T.5259-5260.
3413 Drewienkiewicz,T.6374-6375,P.996,paras.190-191;P.844,p.7;P.1029,p.52.
3414 Đorđević,T.9735.
3415 Đorđević,T.9737-9738.
3416 Đorđević,T.10020.
3417 See supra paras.302-307.
3418 Đorđević,T.9760-9761,10022-10023.
3419 Đorđević,T.9419-9420
3420 Mišić,T.14086.
3421 Mišić,T.14032,14040,14054,14086–14088,14090,14092,14097. See also Mišić,T.14095.
field, but knew nothing about the operations these units were conducting. In 1998 and in 1999, the conflict in Kosovo was the most important security-related situation involving the MUP. Collegium members therefore must have been fully informed of operations on the ground.

1269. Đorđević also knew about the situation in Kosovo through the MUP reporting systems. During the Indictment period, the MUP had well-functioning reporting systems in place. The Duty Operations Centre at the MUP HQ provided a means for senior MUP officials to remain informed of the activities of field headquarters and units.**3422** SUPs were under an obligation to forward reports to the MUP Staff and Operations Centre.**3423** The Operations Centre then forwarded the information to the Analyses Administration, which compiled a summary of events and incidents for Serbia,**3424** and distributed these reports to the senior leadership of the Ministry.**3425** The MUP Staff also sent daily bulletins to the MUP HQ.**3426**

1270. In his dispatches, Đorđević regularly reminded RJB units to report all events of security interest to the Operations Centre at the Ministry HQ.**3427**

1271. Đorđević also received oral reports from his subordinates about the activities of MUP units in Kosovo.**3428** Trajković said that when he was in the field, he would normally use his mobile phone to communicate important information to other MUP officers.**3429** Trajković described calling Đorđević in late March 1999 from his mobile phone to ask about obtaining additional men for the SAJ.**3430** When testifying before a Belgrade Court on 26 June 2009, Đorđević acknowledged that “Everything that was happening in the organs of the interior was for the most part brought to my attention through regular channels or in some other way.”**3431** He later clarified that by regular channels, he meant “by telephone or somebody coming personally and conveying whatever it is they had to convey.”**3432**

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**3422** p357, Ar. 17.
**3423** See e.g. Cvetić, T. 6723: he testified that everything that happened in the territory of the SUPs was reported to the Ministry and the MUP Staff.
**3424** Mišić, T. 14044.
**3425** See e.g. D275; Cvetić, T. 6845-6846.
**3426** See Part III, Section (A)(3)(b)(ii).
**3427** See e.g. P1203; P356.
**3428** See Part III, Section (A)(3)(b)(ii).
**3429** Trajković, T. 9090-9091.
**3430** Trajković, T. 9090.
**3431** P1508, p. 5.
**3432** Đorđević, T. 10086-10087.
b. Knowledge of large-scale displacement

1272. By early April 1999, Đorđević was aware of the numbers of Kosovo Albanians fleeing Kosovo. Lukić’s daily dispatches to the MUP in Belgrade provided a daily count of the increasing number of Kosovo Albanian refugees fleeing the province. On 1 May 1999, Lukić reported that a total of 715,158 persons “belonging to the Šiptar national minority” had left the territory.

1273. During his trips to Kosovo, Đorđević was in a position to observe the situation on the ground first-hand. While at the Uroševac SUP on 18 April 1999, the SUP Chief briefed Đorđević about the situation on the ground and told him “that movement was noted of civilians, primarily by train to Macedonia, because the railway line goes through Uroševac”. Đorđević testified that this information was not new to him, as he had heard about the large-scale departure of the population while in Belgrade.

c. Knowledge of killings

1274. From the onset of the conflict, Đorđević knew of specific crimes committed by his subordinates. He was directly informed about the massacre of women and children in Podujevo on 28 March 1999 by the Skorpions, a unit he had just integrated into the SAJ and deployed. Đorđević asked Trajković to prepare a simple report about the incident in mid-May, but took no further measures to ensure that the perpetrators of this massacre were punished. Đorđević knew of the criminal propensity of this unit, and knew they were likely to commit serious crimes. However, he re-deployed the unit to Kosovo in April 1999, where it participated in “clearing-up” operations with PJP units, during which the homes of Kosovo Albanians were burnt down.

1275. Throughout the conflict, Đorđević had reliable information that MUP units in Kosovo were killing Kosovo Albanian civilians. He participated in concealing truckloads of victims’ bodies at

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343 P718, p. 5. See Đorđević, T. 10089.
344 See e.g. P718, p.5; P697, p.6; P719, p.6; P720, p.6; P721, pp.5-6; P698, p.4; P722, p.4; P723, p.3; P699, p.5.
345 P694, p.8. The exhibit says, in error, “Between 24 April and 30 April 1999 […].” P701, p.5 indicates that the period in question is that between 24 March and 30 April 1999.
346 Đorđević, T. 10021.
347 Đorđević, T. 10021.
348 Đorđević, T. 9703-9705. See Part V, Section (C)(i)(ii).
349 Trajković, T. 9106-9107 (in relation to P86); Đorđević, T. 9713, 10113-10114. See D442; P86.
350 Stoparic, P493, para. 68.
different mass grave sites in Serbia proper. He knew that these were the bodies of murdered Kosovo Albanians, and thus that unlawful killings of civilians were taking place in Kosovo.

1276. In the course of seeking to place the responsibility for dealing with these bodies onto the Minister, Dordević made a number of significant admissions with respect to notice. He stated, for example, that the Minister, made it known to me that he was fully behind it, that certain incidents had happened down there; and that something should be done in order to prevent the revelation of the finding of these bodies because of the whole NATO campaign and bombing. And he also added that no further measures should be undertaken in order to establish the true facts, that is to say to establish the origin of the bodies and how they were killed.

1277. Dordević ultimately accepted that he knew these were victims of illegal killings:

Q. Didn't you at least suspect that Mr. Stojiljković wanted these bodies concealed because they resulted from irregular activities of persons that he was responsible for, that is the police?

A. Well, of course I had -- I suspected that the people came to harm in the activities at Kosovo, but I couldn't know how that happened, whether we're speak -- talking about crimes or bombing or something else, but everything indicates what you're assuming, but those were my assumptions, too, that those were bodies of persons who had lost their lives under circumstances I was unfamiliar with them, and I could suppose that they had been killed in one or more of many ways.

1278. Even accepting Dordević's claims that he initially knew nothing about how these bodies ended up in trucks in the first place, as truckloads of bodies began arriving from Kosovo, Dordević was given clear notice of crimes that were obviously occurring on a truly alarming scale. From the very nature of this evidence, Dordević would have been aware that these murders were not isolated incidents, but systematic killings committed by the forces deployed on the ground. Dordević acknowledged that his role was neither proper nor lawful.

1279. Dordević claimed that he did not have information about the perpetrators, but these bodies were coming from Kosovo, where his men were deployed and actively engaged in operations. Dordević accepted the possibility that the police could be responsible for these murders. Given the circumstances, this inference was inescapable.

3441 See Part III, Section(B)(5).
3442 Dordević, T.9723.
3443 Dordević, T.9723-9724.
3444 Dordević, T.10008(emphasis added).
3445 Dordević, T.10010.
3446 Dordević, T.10011.
1280. In his testimony, Đorđević ultimately acknowledged his responsibility in the concealment of the crime of murder. He stated: "I am ashamed of my deeds, and I believe that the Court's decision will be adequate, and I will be held responsible for what I did".  

**d. Knowledge of crimes at high-level meetings in Belgrade**

1281. The issue of serious crimes being committed by VJ and MUP members was discussed at a meeting with the FRY and Serbian military and civilian leadership on 4 May 1999 that Đorđević attended. Milutinović, Stojiljković, Ojđanić and the most senior VJ and MUP officers, and senior politicians, were present. Pavković and Lukić briefed the gathering about the security situation in Kosovo. According to a press report about the meeting, information was presented that the MUP and the VJ had dealt with numerous cases of violence, killings, pillage, and other crimes, and had arrested several hundred perpetrators whose crimes were a great danger to the civilian population.

1282. Several sources corroborate this account of the 4 May 1999 meeting:

- Serbian media reported that Milošević held a detailed meeting on 4 May with army and police heads to discuss the security situation in Kosovo, including numerous cases of crimes against civilians.

- Two days after the meeting, Lukić issued a formal order to MUP personnel to familiarise themselves with the contents of an article from Politika, dated 5 May, and to adhere to its directions. He further directed SUP chiefs and PJP and SAJ commanders to take "all measures in the forthcoming period to prevent paramilitary formations and individuals from committing acts of violence, killing, raping, looting and other criminal acts... against civilians".

- The statements made by Šainović at the MUP Staff meeting of 7 May confirm the accuracy of the press accounts.

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3447 Đorđević, T.10006.
3448 Đorđević, T.9743, 10144.
3449 Đorđević, T.9743-9744.
3450 Đorđević, T.9743.
3451 P1537,p.1.
3452 P1537;D443.
3453 D443.
3454 D443,p. 2.
3455 P771,p. 4.
c. Knowledge of crimes from the international community and the media

1283. On 27 May 1999, the initial ICTY indictment against Milošević, Milutinović, Šainović, Ojdanić and Stojiljković was made public.\textsuperscript{3450} This indictment contained detailed allegations about serious crimes—such as deportation, murder, and rape—committed by MUP forces across Kosovo. This put Đorđević on direct notice that forces under his command were alleged to be responsible for war crimes against ethnic Albanian civilians.

1284. Given the extensive publicity the indictment received in the media, Đorđević would have been made aware of it soon after 27 May. He would have also been aware of the specific charges levelled against Stojiljković and the MUP. Đorđević stated that he learned about the indictment related to Kosovo but had no information about its contents. Despite the fact that Stojiljković was in the neighbouring office, Đorđević said that they never discussed the indictment and that he did not read it.\textsuperscript{3457} However, Mišić, who worked in the office next to Đorđević’s, heard about the indictment from the press and said that he informally discussed it with Stojiljković.\textsuperscript{3458} Although Mišić and Stojiljković did not discuss the specific charges within the indictment,\textsuperscript{3459} Mišić presumed that the indictment included charges for crimes committed by MUP forces in Kosovo during the war in 1999 because the foreign press and the media reported this.\textsuperscript{3460} This information would have also been available to Đorđević.

1285. Both domestic and international press covered the 1999 Kosovo conflict extensively. For example, on 5 April 1999, the New York Times ran a story on the killing of the Berisha family by Serbian police in Suva Reka.\textsuperscript{3461} On 7 April 1999, the same newspaper published an article on the killing of roughly one hundred people by Serb forces in the village of Mala Kruša.\textsuperscript{3462} On 17 July 1999 Vreme magazine reported:

\begin{quote}
In the three months of war, almost 700,000 of the Albanian residents were deported from Kosovo. Many of their houses were burnt and looted. The investigation by international experts who are working on several mass graves in Kosovo at the moment should show how many of them were killed and in what way.\textsuperscript{3463} There is no... doubt now: The state military, police, and paramilitary forces committed horrible crimes in Kosovo.\textsuperscript{3464}
\end{quote}

\textsuperscript{3450} P42.
\textsuperscript{3457} Đorđević,T.10075-10078;P42.
\textsuperscript{3458} Mišić,T.14136-14137.
\textsuperscript{3459} Mišić,T.14136–14139,14143.
\textsuperscript{3460} Mišić,T.14137.
\textsuperscript{3461} P1514.
\textsuperscript{3462} P1515.
\textsuperscript{3463} P1516,p.1.
\textsuperscript{3464} P1516, p.2.
1286. Đorđević claimed that he followed Serbian, but not foreign, media during the war, and that he was not familiar with the Vreme article or with any crime committed. He stated that he only heard about such crimes for the first time during his trial before this Tribunal. His position that he did not know of specific allegations of MUP crimes is wholly incredible given his high-profile position at the time and the widespread media coverage of the conflict.

2. Đorđević shared the intent to carry out the common plan

1287. Đorđević shared the intent to carry out the common plan and thus intended for the crimes to occur. His actions, including controlling MUP units engaged in combat operations, and his participation in the MUP Minister’s Collegium, the MUP Staff and the Joint Command during the commission of the crimes, demonstrate that he intended to modify the ethnic balance in Kosovo through criminal means, which included the commission of the crimes charged in the Indictment.

1288. In light of his involvement in Kosovo in 1998, when excessive and disproportionate force was used by the FRY/Serbian authorities resulting in the displacement of approximately 230,000 Kosovo Albanians, Đorđević would have been well able to predict the repetition of this situation should he deploy MUP units to Kosovo in 1999. Despite Đorđević’s knowledge of the widespread crimes being committed in the territory of Kosovo by members of the MUP and the VJ, he continued to instruct the MUP to engage in additional joint operations with the VJ in Kosovo.

1289. Moreover, although he had the power to do so, as Head of the RJB and a high-ranking member of the MUP, he deliberately refrained from intervening against the perpetrators of crimes. By organising the concealment of the crime of murder, and by repeatedly failing to use his position of authority to prevent his subordinates from committing crimes or to punish those who had perpetrated crimes, he demonstrated his approval of these crimes. In contrast to his extensive knowledge of crimes in Kosovo, Đorđević took no action against the perpetrators.

1290. The only reasonable inference is that Đorđević had the intent to forcibly displace the Kosovo Albanian population by means of forcible transfer, deportation, murder and persecutions (based on forcible transfer, deportation, murder, sexual assault and wanton destruction and damage to religious sites) and thereby ensure continued control by the FRY and Serbian authorities over the province. He shared this intent with other members of the JCE, such as Milošević, Stojiljković, Ojđanić, Šainović, Pavković, Lukić and Lazarević.

3465 Đorđević,T.10078.
3466 Đorđević,T.10071-10072.
3467 Đorđević,T.10084.
1291. In the alternative, if any of the crimes are found to fall outside the common purpose of the JCE, his knowledge of the events in 1998 shows that he was aware that such crimes were at least a possible consequence of the implementation of the common purpose to modify the ethnic balance through a campaign of deportations and forcible transfer during 1999. In 1998, Đorđević played a central role in planning, organising, and directing the work of MUP units in Kosovo. He was also intimately involved in the Joint Command, the body that oversaw and implement joint MUP/VJ operations during the summer of 1998. When the common plan was implemented, Đorđević knew that joint MUP/VJ operations in 1998 had led to the use of excessive force and widespread crimes against civilians. He nevertheless re-engaged the MUP with the VJ in an offensive of far greater scale in 1999, which involved the use violence and terror to displace Kosovo Albanians. In so doing, Đorđević accepted the risk that these forces might commit crimes such as murders and persecutions (based on forcible transfer, deportation, murder, sexual assault and wanton destruction and damage to religious sites) to forcibly displace Kosovo Albanians.

3. Other forms of participation under Article 7(1)

(a) Đorđević is responsible for aiding and abetting the commission of crimes

1292. In the alternative to his liability as a member of the JCE, Đorđević is responsible for aiding and abetting the commission of crimes under Article 7(1) of the Statute. Đorđević provided practical assistance, encouragement and moral support to the perpetrators of crimes. Đorđević knew of the commission of widespread crimes by the forces of the FRY and Serbia and was aware that he was assisting the commission of such crimes.

1293. Đorđević provided moral support and practical assistance to the perpetrators of deportation, forcible transfer, murder, persecutions (based on forcible transfer, deportation, murder, sexual assaults and the wanton destruction or damage of religious sites). He contributed by deploying PJP units to Kosovo to participate in joint operations with the VJ during the NATO bombing and by furnishing them with equipment. He also incorporated paramilitaries into the MUP to participate in these operations. He armed local Serbs and ordered their engagement with the MUP in 1999. He participated in the planning of the joint operations conducted by the MUP.  

1294. Đorđević played a leading role in co-ordinating large-scale operations to conceal the evidence of widespread murders committed by his forces against Kosovo Albanians during the two month period from early April. While Đorđević was acting to conceal shipments of bodies to

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3468 See Part V, Section(C)(1).
3469 See Part V, Section(C)(1)(g).
Batajnica murders were still being committed in Kosovo by these forces. Operations to quickly and surreptitiously transport bodies require organization and pre-planning. When bodies were moved, concealment measures were often known in advance.

Across Kosovo, forces on the ground sought to conceal the evidence of civilian massacres by burning the bodies, hiding them in wells, dynamiting them en masse, or most effectively, removing the bodies from the crime sites entirely and burying them in another location. The perpetrators of the murders – the forces on the ground and those who commanded them – at Meja/Mejë, Đakovica/Gjakove municipality on or about 27 or 28 April knew that systematic actions were being taken to conceal the evidence of murder. Knowing that the bodies would be taken care of provided substantial support to the perpetrators.

1295. Further, despite his awareness of crimes, Đorđević refrained from taking any measures at his disposal to ensure adequate investigations of serious crimes by the MUP. His failure to take adequate measures to investigate crimes enabled and encouraged MUP forces to continue their campaign of terror, violence and displacement with the VJ. He therefore substantially contributed to the commission of these crimes.

1296. Đorđević knew that the MUP and the VJ were responsible for serious criminal acts against ethnic Albanians in Kosovo in 1998. He thus knew that excessive use of force, including deportation, forcible transfer, murder, persecutions (based on forcible transfer, deportation, murder, sexual assaults and the wanton destruction or damage of religious sites) were probable once he ordered the MUP into Kosovo in 1999 and that his conduct would substantially assist the commission of the crimes.

1297. Đorđević was aware of the general campaign of forcible displacements conducted by the VJ and the MUP throughout Kosovo during the NATO bombing. He was also aware of the broad discriminatory context of the conflict. The combination of his general knowledge of the widespread displacement of Kosovo Albanians in the course of MUP operations combined with his specific knowledge of locations of those operations show that he knew of the campaign of terror.

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3470 When members of the MUP massacred members of the Berisha family at a pizzeria in Suvë Reka/Suharekë, for example, civilian protection workers were on the scene within 15-20 minutes and two trucks were promptly brought to the scene, which police ordered to be loaded with bodies (K83, T.389-392).
3471 See Part IV, Section (C) (1)(a), Qyshkë/Cuska.
3472 See Part IV, Section (C) (1)(a), Kofinë/Kotinë.
3473 See Part IV Section (C) (1)(d), Malë Kruja/Krujë e Vogël.
3474 See Part III Section (B)(5).
3475 See Part IV Section (C)(8)(d), Meja/Mejë.
3476 See Part V Section (C)(1)(b).
3477 See Part V Section (C)(1)(b)(ii).
3478 See Part V, Section (C)(1)(2).
violence deportation and forcible displacement being carried out by MUP and VJ forces against Kosovo Albanians.\textsuperscript{3479}

1298. In relation to murders and persecutions (based on sexual assaults and the wanton destruction or damage of religious sites), Đorđević knew that it was probable these crimes would be committed by MUP units during joint MUP/VJ operations in 1999. He was fully aware of the high ethnic animosities in Kosovo. Based on his own observations in the field, he was aware that MUP forces torched civilian homes and villages during their operations in 1998\textsuperscript{3480} and were likely to engage in similar behaviour if redeployed in 1999. Through his participation at the meeting in Beli Đvor on 4 May 1999, he was aware of allegations of sexual violence involving members of the MUP.\textsuperscript{3481} That sexual violence is probable is not only consistent with common sense but also with the recent history in the former Yugoslavia. Đorđević knew that a campaign of violence and terror was being carried out by joint MUP/VJ forces against Kosovo Albanians and that MUP members would probably commit these violent crimes against vulnerable ethnic Albanians when forcibly expelling them from their homes. He knew that destruction of property and sexual assault were probable consequences of this campaign. Being aware of the discriminatory nature of this campaign of violence, he must have been aware that such crimes would probably be carried out with the same discriminatory intent.

1299. When involved in the concealment operations, Đorđević was aware that further killings would probably occur and that his involvement in the concealment would support the perpetrators.

(b) Đorđević is responsible for planning, ordering and instigating

1300. The facts set out above also establish the criminal responsibility of Đorđević on the basis of planning and ordering under Article 7(1) of the Statute. These facts, combined with Đorđević’s failure to discipline MUP officials who committed crimes, establish the criminal responsibility of Đorđević on the basis of instigating. Despite his knowledge of the crimes committed by MUP units during the Indictment period, Đorđević failed to take substantive measures to prevent his subordinates from committing further crimes, or punish them for the crimes they had committed.

\textsuperscript{3479} See Part V, Section(C)(1)(i)(ii).
\textsuperscript{3480} See Part V, Section(C)(1)(i)(b).
\textsuperscript{3481} See Part V, Section(C)(1)(i)(ii)(d).
D. Vlastimir Đorđević’s Individual Criminal Responsibility under Article 7(3) of the Statute

1301. The evidence establishes that Đorđević is liable as a superior under Article 7(3) for the crimes charged in the Indictment that were committed by members of the RJB.

1. Superior-subordinate relationship

1302. As Assistant Minister of the MUP and Chief of the RJB, Đorđević exercised de jure and de facto authority over all RJB units in Kosovo, including PJP units and the SAJ.3482

1303. As Chief of the RJB, Đorđević had effective control over his subordinates. He had the material ability to prevent crimes from being committed as well as to punish crimes. He had the authority to enforce discipline among members of MUP units,3483 which included the authority to establish appropriate investigating bodies or commissions.3484

1304. Đorđević had the power to issue orders to subordinate officers, including Lukić, members of the MUP Staff and PJP commanders in Kosovo.3485 SUP Chiefs were subordinate to Đorđević and under the principle of subordination they were obliged to comply with his orders.3486 If SUP Chiefs did not comply with his orders, Đorđević had the power to discipline them. He could also reassign or remove them from the MUP.3487 Based on the principle of subordination, SUP Chiefs were duty bound to report to him.3488 Đorđević had the authority to enforce this obligation to report.3489

1305. Đorđević had the authority to demand specific information. For example, on 21 December 1998, Đorđević sent a dispatch to the SUP Chiefs and the MUP Staff ordering the prevention of “the crimes and violations that could be committed through the use of firearms and may contain elements of violence, especially murder, robbery, aggravated theft, the stealing of vehicles and so
on. In this dispatch, he requested certain information and set deadlines for receipt of this information.

1306. Đorđević’s dispatch dated 9 April 1999 further illustrates his disciplinary authority. In this dispatch, Đorđević set out certain disciplinary procedures. He informed SUP Chiefs about the recently-adopted Decree on Internal Affairs During the State of War, which regulated the duties of MUP superiors to investigate and conduct preliminary proceedings against subordinates who had breached the law. Pursuant to his authority emanating from this decree, he authorised heads of organisational units to impose the disciplinary sanctions prescribed in the decree for serious violations of employment obligations and duties. Đorđević’s dispatch was implemented by Assistant Minister Petar Zeković.

1307. SUP Chiefs who were subordinate to Đorđević played a key role in the MUP disciplinary procedure. In order to discipline an insubordinate policeman, his immediate superior, for example, the unit commander or OUP Chief would inform the respective SUP Chief. The SUP Chief would then request the prosecutor to initiate disciplinary proceedings after which the prosecutor would submit a request to the court.

1308. Crimes committed in connection with official duties, including war crimes and crimes against humanity would constitute a breach of duty and provided grounds for disciplinary action. If the alleged breach of discipline was a criminal offence, the SUP Chief was required to inform the MUP HQ and request approval that criminal proceedings be initiated against the offender. Simultaneously, a disciplinary procedure would be instigated and the perpetrator would be suspended until the completion of the procedures. Upon approval from the MUP HQ, the SUP Chief would submit a criminal report and a motion for disciplinary action to a disciplinary

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3490 P717,p.1; Đorđević,T.9659. P1479 is Đorđević’s order of 24 December 1999 to the SUP Chiefs on points for drawing up a report on the work done in 1999. At p.3, he requested information on crimes rates including the number and categories of crimes and perpetrators.
3491 P717,p.4. See also P1203. This is a dispatch from Đorđević dated 7 October 1998 in which he orders the SUP Chief and the MUP Staff to “Report all events and incidents of security interest to the operations centre and the work lines at the Ministry headquarters immediately.”
3492 Cvetić,T.6711-6712;P1050.
3493 P1050,p.2.
3494 D262/P1480; Đorđević,T.9752.
3495 Cvetić,T.6704,6708,6852;Đorđević,T.9522-9523;Brasković,T.4117-4118. Brasković said that when a PJP member had to be disciplined the company commander would report the incident to the appropriate SUP Chief. The company commander could not take disciplinary action himself.
3496 Cvetić,T.6704;Mrčić,T.12725.
3497 P66, Arts.50-57. See also Đorđević,T.9516-9518;Cvetić,T.6743.
3498 Cvetić,T.6708,6711,6737-6758;See P1049, Arts.8-10; P66, Arts.50-57; See e.g. P1434,P1435 P1437,P1546.
3499 Cvetić,T.6709.
3500 Cvetić,T.6757,6758. Cvetić stated that his requests for disciplinary proceedings in cases of serious violations were never denied.
prosecutor.\textsuperscript{3501} Criminal proceedings were not a substitute for disciplinary proceedings: both proceedings needed to be conducted.\textsuperscript{3502}

1309. During the Indictment period, a functioning justice system existed to enforce the law within the MUP. MUP disciplinary courts were in place to establish both disciplinary responsibility and an internal system of justice.\textsuperscript{3503} As the civilian court system functioned normally during the relevant period, MUP perpetrators should have been prosecuted under the regular criminal law system for crimes committed in Kosovo.\textsuperscript{3504} Various legal procedures were thus in place, allowing for efficient investigations and prosecutions.\textsuperscript{3505}

1310. The Law on Internal Affairs established a framework for disciplining MUP officials who breached their professional duties.\textsuperscript{3506} The Decree on Disciplinary Responsibility regulated the duties of MUP superiors to investigate and conduct preliminary proceedings against subordinates who had breached the law.\textsuperscript{3507} Together with the Law on Internal Affairs, the Decree on Disciplinary Responsibility created the legal mechanisms for enforcing discipline in the MUP.

1311. On 24 March 1999, the Decree on Internal Affairs During the State of War was issued following the Declaration of War.\textsuperscript{3508} The Decree simplified the disciplinary system by authorising the head of a sector of the MUP (i.e. Dordevi\'c or Markovi\'c) or a person designated by him to discipline MUP personnel for certain breaches without resort to the usual procedures.\textsuperscript{3509} According to Dordevi\'c, this decree made disciplinary proceedings more urgent by abbreviating certain procedural actions and superiors could immediately discipline subordinates.\textsuperscript{3510} As Chief of the RJB, Dordevi\'c had responsibility to ensure the functioning of the disciplinary proceedings and courts.\textsuperscript{3511}
2. Knew or had reason to know and failure to take necessary and reasonable measures to prevent or to punish

(a) Failure to prevent

(i) Đorđević had reason to know of and failed to take necessary and reasonable measures to prevent crimes committed by his subordinates in 1999

1312. Đorđević knew that the excessive force used by the forces of the FRY and Serbia during operations in 1998 led to the commission of crimes against the ethnic Albanian civilian population. In light of his knowledge of the widespread nature of the serious crimes such as murder and destruction committed by his units in 1998, Đorđević should have ensured that crimes were adequately reported, investigations were initiated and perpetrators punished. By deliberately failing to do so, Đorđević encouraged and gave legitimacy to crimes committed against Kosovo Albanians in 1999. He did not restrain the MUP’s heavy-handed tactics that led to the widespread crimes against civilians in 1998. Instead he supported them by redeploying the same units in 1999 that followed the same pattern of engagement. By not punishing and removing perpetrators of crimes from units he was redeploying, Đorđević failed to take reasonable and necessary measures to prevent the commission of crimes in 1999. Thus, Đorđević had reason to know that similar crimes would be committed by his subordinates in 1999. Therefore his failure to punish resulted in his failure to prevent the crimes in 1999.

1313. Specifically, Đorđević knew that policemen who killed civilians by using excessive force during MUP operations in 1998 went unpunished. The massacres of the Jashari and Delijaj families in March and September 1998 underline this failure. By not taking punitive measures, Đorđević tacitly approved their criminality and failed to prevent further killings of civilians in 1999.

1314. In March 1998, the police attack on the Jashari compound resulted in 58 people being killed, 28 of whom were women, teenagers and children. Đorđević played a key role in this operation. Đorđević claimed that judicial organs carried out an on-site investigation. Even if an investigation was undertaken, no disciplinary action was initiated against the policemen.

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3512 See Part V, Section(C)(1)(i)(6).
3513 See Part V, Section(C)(1)(i)(ii).
3514 See Part III, Section(A)(2)(b)(iii). See also supra paras.104-105.
3515 Đorđević, T.9541-9542. See also, P741,p.38.
1315. Similarly, MUP units that were involved in the massacre of the Delilaj family in Gornje Obrinje/Abria e Epërme in September 1998 went unpunished.\textsuperscript{3516} This was a joint MUP-VJ action that resulted in the killing of 21 members of the Delijaj family, 11 of whom were women and children.\textsuperscript{3517} In December 1998, an on-site investigation was attempted but it was never completed.

1316. As was the case with the Jashari incident, Đorđević knew that his subordinates were allegedly involved in the killing of women and children in Gornje Obrinje/Abria e Epërme. He made no effort to ensure that the incident was investigated. While on-site investigations fall within the purview of the judiciary, this does not absolve Đorđević of his responsibilities as a MUP commander.\textsuperscript{3519} By Đorđević’s own admission, the RJB was responsible for “determining criminal liability after anti-terrorist actions”.\textsuperscript{3520} He did nothing and as such failed to prevent crimes against civilians in 1999.

1317. The criminal conduct of the 3\textsuperscript{rd} PJP detachment 4\textsuperscript{th} Company (Niš Detachment) in 1998 and 1999 further illustrates Đorđević’s failure to prevent crimes.\textsuperscript{3521} In July 1998, Đorđević ordered the dispatch of this unit to Kosovo.\textsuperscript{3522} Đorđević knew that crimes were being committed during the summer offensive which had resulted in widespread destruction.\textsuperscript{3523} In particular, this unit participated in the summer offensive where it committed crimes.\textsuperscript{3524} However, murders, looting and rapes committed by the unit remained unpunished. [REDACTED].\textsuperscript{3525}

1318. In March 1999, Đorđević re-deployed the unit to Kosovo.\textsuperscript{3526} Given its prior conduct, and the impunity it had enjoyed, it is no surprise that the unit continued to commit crimes in 1999. In April 1999, the unit expelled civilians in the village of Ljubizda (Prizren municipality).\textsuperscript{3527} It also murdered civilians.\textsuperscript{3528}

\textsuperscript{3516} See Part V Section (C)(h)(6)(c). Kickert, T.2586;P485,p.3.
\textsuperscript{3517} Abrahams, T.3949-3950;P753,pp.11,37;P740,p.12. See also P891,p.3.
\textsuperscript{3519} Marinkovic,T.12992-12993,13117-13118;Kickert,D61,T.2593,2637-2638,2648,P478,p.5;P479,pp.41-43,50,93-95,104-106;P489,P490.
\textsuperscript{3519} Cvetić,T.6711. See also Cvetić,T.6852;D282.
\textsuperscript{3521} Đorđević, T.9543-9544.
\textsuperscript{3522} K79, [REDACTED];P1260,pp.30,32,34-36,39,48,50-51. [REDACTED].
\textsuperscript{3523} P133. See Cvetić,T.6658-6659;P139;P131.
\textsuperscript{3524} P886,pp.8,11,36,42,82,107. Although Đorđević is not recorded as having participated in the discussions on 24 July or 7 August, it is assumed that he is present as he is not recorded as being absent.
\textsuperscript{3525} Supra in.3523.
\textsuperscript{3526} [REDACTED].
\textsuperscript{3527} P711.
\textsuperscript{3528} K79, [REDACTED];P1260,pp.70-71.
\textsuperscript{3529} K79, [REDACTED];P1260,p.64,86-87.
1319. Đorđević failed to take necessary and reasonable measures to prevent these crimes committed by his subordinates in 1998. Such measures included implementing orders to obey the law and ensuring compliance with them, and imposing disciplinary sanctions on members of the MUP who breached the law. Policemen who had committed crimes should have been disciplined and removed from Kosovo.

1320. In relation to the incidences set out above, at the very least, Đorđević should have insisted that the relevant SUP Chiefs took steps to investigate. Đorđević could also have requested reports from SUP Chiefs and inquired into disciplinary proceedings initiated against policemen who had committed these crimes against civilian, including killing women and children as a result of the excessive use of force. When initiating criminal proceedings, SUP Chiefs were required to inform the MUP HQ in Belgrade and to request their approval. SUP Chiefs also had to conduct disciplinary proceedings alongside criminal proceedings. As his subordinates, SUP Chiefs were duty bound to implement Đorđević’s orders.

1321. Having had these measures available to him, Đorđević should have ensured that steps were taken to punish the crimes committed in 1998. Instead, Đorđević engaged the same units (including the policemen who had committed crimes) and employed the same tactics during the Indictment period. By persisting with this pattern of engagement, Đorđević failed to prevent the commission of crimes in 1999. He redeployed units to Kosovo in 1999 where they committed the crimes charged in the Indictment.

(ii) Đorđević had reason to know of and failed to take necessary and reasonable measures to prevent crimes committed by the Skorpions

1322. Members of the Skorpions murdered 16 civilians in Podujevo/Đorđević on 28 March. The Skorpions were Đorđević’s subordinates and he facilitated their deployment to Kosovo in 1999. Đorđević approved their incorporation into the RJB, as members of the SAJ. The Skorpions were a notorious paramilitary group. From as early as April 1998, Đorđević was

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aware that such groups were "as a rule a front for criminal interests" and had even warned SUP Chiefs of this.\textsuperscript{337} Thus he had reason to know that the Skorpions would commit crimes in 1999.

1323. Having had notice of the criminal propensities of the Skorpions, Đorđević failed to take necessary and reasonable measures to prevent crimes committed by the Skorpions. At the very least, Đorđević must have known that some members of the Skorpions were unsuited for police duties in a war zone, and that at a minimum, background checks should be performed. He should have insisted that the men be screened before being sent to Kosovo. This basic step would have informed him that some members of the Skorpions had criminal pasts. Vasiljević, former Head of the VJ Security Administration was able to obtain this information from the VJ counter-intelligence group.\textsuperscript{338} According to Vasiljević, their general reputation was that they had: "criminal types in their ranks, problematic people [...]".\textsuperscript{339} As Chief of the RJB, Đorđević could have obtained information on the Skorpions. He did not.

1324. [REDACTED].\textsuperscript{340} These men were being incorporated into the SAJ, the most elite special force of the RJB,\textsuperscript{341} with some of the best trained men in the RJB, yet many members of the Skorpions were untrained with no fighting experience.\textsuperscript{342} Having failed to request background checks, Đorđević sent an untrained paramilitary group reputed to have criminals within its ranks to fight in Kosovo. By deploying them with disregard to their suitability for their tasks, Đorđević put civilians in Kosovo at risk when he had a duty to protect them. Within minutes of arriving in Podujevo/Podujevë, they opened fire and killed elderly men, women and children.

1325. Having murdered civilians, the Skorpions were initially removed from Kosovo by the SAJ commander, Simović.\textsuperscript{343} However, upon Đorđević's approval, they were later returned to Kosovo.\textsuperscript{344} They then participated in joint actions with PJP units that resulted in the burning of Kosovo Albanian homes in order to prevent their return.\textsuperscript{345}

1326. Given his knowledge of the criminal propensities of his subordinates, Đorđević should have taken proactive measures to investigate allegations of crimes committed by MUP members. He had sufficiently alarming information available to him to justify inquiry. He failed to do so and

\textsuperscript{337} Dordević,T.9545,P709.
\textsuperscript{338} Vasiljević,T.5663,5667.
\textsuperscript{339} Vasiljević,T.5667.
\textsuperscript{340} [REDACTED]. See Art.29 of the Law on Internal Affairs (P66). See also Arts. 27.
\textsuperscript{341} Stoparic,P493,para.39;Đorđević,T.9695.
\textsuperscript{342} Stoparic,P493,para.39; [REDACTED].
\textsuperscript{343} Simović,T.13588. See also T.13720–13721,13753.
\textsuperscript{344} Đorđević,T.10113. See PartV,Section(C )1(1)(d)(i).
\textsuperscript{345} Stoparic,P493,para.68. See PartV, Section(C )1(1)(ii)(j).
deployed units to Kosovo that committed crimes. Hence, he failed to prevent the crimes committed by his subordinates in 1999.

(b) Failure to punish

(i) Đorđević knew about the Podujevo/Padujeve massacre and failed to take necessary and reasonable measures to punish the crime

1327. The perpetrators of the Podujevo/Padujeve murders were members of the Skorpions who had been incorporated into the RJB as members of the SAJ.\textsuperscript{3546} They were Đorđević’s subordinates and he had the material ability to punish them.\textsuperscript{3547} Đorđević had specific notice that his subordinates had committed this crime.\textsuperscript{3548} Simović, the Commander of the Belgrade SAJ who was present at the crime scene informed Đorđević that that some members of the Skorpions had murdered women and children.\textsuperscript{3549}

1328. As Chief of the RJB, Đorđević was responsible for ensuring that necessary and reasonable measures were taken to punish the members of the Skorpions involved in the murders they had committed in Podujevo/Padujeve on 28 March 1999. He failed to do so. The massacre was not investigated properly. Instead, it was covered up and the perpetrators were not punished until several years after the crime.

1329. Đorđević claimed that he was satisfied that the incident was investigated at the time. He testified that although there were many problems in uncovering the truth, eventually the whole incident was processed.\textsuperscript{3550} However, as discussed below, the massacre in Podujevo was not adequately investigated and appropriate steps were not taken to punish the perpetrators.

1330. On 28 March, Simović told Đorđević that the OUP had been notified about the incident and that operational actions were taken to detect the perpetrators of this crime.\textsuperscript{3551} However, Simović did not participate in the investigation on 28 March because he left for Belgrade on that day.\textsuperscript{3552} He also ordered that the Skorpions be returned to Serbia.\textsuperscript{3553} Simović informed Đorđević about his departure and as such, Đorđević was aware that the most senior MUP officer present at the crime

\textsuperscript{3546} See Part V, Section(C)(1)(G)(i)(c).
\textsuperscript{3547} Đorđević, T. [REDACTED], 10115. [REDACTED].
\textsuperscript{3548} Đorđević, T. [REDACTED], 10115. [REDACTED].
\textsuperscript{3549} Đorđević, T. 9703-9705, 10052. Simović, T. 13588-13589 ("I also informed the head of sector, Mr. Vlastimir Djordjevic, in Belgrade, because I could not reach my own Commander Trajkovic on his cell phone.") See also Simović, T. 13723. See Part V, Section(C)(1)(D)(i)(f).
\textsuperscript{3550} Đorđević, T. 9705.
\textsuperscript{3551} Đorđević, T. 9705.
\textsuperscript{3552} Simović, T. 13615, 13689, 13723.
\textsuperscript{3553} Simović, T. 13588. See also T. 13720–13721, 13753.
scene had left after the incident without taking adequate steps to investigate or discipline his men.3554

1331. Simović claimed that he did not cover up any crime because when he learnt about the incident, he alerted the competent authorities that took all investigative measures required.3555 However, immediately after the killings occurred, Simović sent the prime suspects – the Skorpions – back to Prolom Banja, thereby obstructing a proper investigation. Simović’s sending away of the perpetrators and hasty departure from the scene without commencing any investigation is astounding. His conduct at the scene of this horrendous crime was clearly inadequate and this must have been clear to Đorđević.

1332. Simović insisted that by notifying the OUP about the massacre, he had discharged his duties.3556 However Simović did not know what “further steps” the OUP took, or whether the investigating judge arrived after he left Podujevo.3557 In response to the proposition that when he left Podujevo/Podujevè, no investigating judge nor prosecutor arrived, he said: “I don’t know”.3558 Despite not participating in the investigation, leaving the crime scene, and not knowing what steps were taken, he maintained that the police officers took the “necessary follow-up steps” and informed an investigating judge.3559 His position is best encapsulated in the statement: “I know that measures were taken to conduct all investigative measures, but after I left for Belgrade, I don’t know what transpired”.3560 Moreover, when he returned to Kosovo some days later,3561 Simović did not contact anyone about the incident,3562 and thus did not keep himself informed about the investigation. Similarly, Stalević, another SAJ commander, did not ensure that the men would be questioned in Prolom Banja.3563

1333. Đorđević failed to adopt any reasonable measures available to him to ensure that his subordinates, took any steps at all to investigate the incident and to identify the perpetrators. On the contrary, he acceded to Simović’s sending away the perpetrators from the scene without any

3550 Simović,T.13649-13650.
3551 Simović,T.13652-13653.
3552 Simović,T.13588,13615-13618,13622-13623,13648-13649,13652-13653,13658,13670,13673,13682,13723.
3553 Simović,T.13590,13618,13654,13677.
3554 Simović,T.13654.
3555 Simović,T.13588,13615,13618,13620,13652-13654,13590-13591.
3556 Simović,T.13677.
3557 Simović,T.13591,13677-13678.
3558 Simović,T.13621.
3559 Stalević,T.13884.
investigation and worse, later he ordered Trajković to disband and disperse them without ensuring that any investigations were conducted and the offenders apprehended. 3564

1334. On 29 March 1999 Đorđević received the MUP Staff Daily Bulletin for Kosovo for 28 March 1999 which made no reference to this serious crime. 3565 The incident should have been listed under the “Serious Crimes” heading. 3566 Đorđević himself said: “These reports must include crimes committed in the territory”, and that the SUPs were duty bound to report to the MUP Staff and Ministry in Belgrade. 3567 However, he was unable to explain why these multiple murders had not been reported up. He said: “Why this report does not include that information I cannot explain. I don’t know why it is left unmentioned here”. 3568 Neither could he explain the steps he took to rectify this serious failure of reporting.

1335. If the incident was being investigated by the SUP and the OUP, it should have been recorded in the Bulletin. This omission must have alerted Đorđević to the fact that the Podujevo/Podujevë massacre was not being properly reported and investigated. Yet Đorđević did not even inquire as to why this was the case. He did not contact his subordinates to demand an explanation for this alarming omission which indicated that a horrific crime committed by his subordinates was being overlooked without proper investigation. He took no steps to discipline the SUP Chief who was responsible for this omission or to demand that they conduct an investigation and report to him. 3569 Having thus been alerted to the possibility that no investigations were being carried out by the responsible SUP or OUP, he failed to adopt any necessary and reasonable measures or any measures at all to ensure that the perpetrators were apprehended.

1336. Đorđević maintained that “the information about this crime was received and the service reacted”. 3570 Yet, as explained above, the immediate reaction of the service was the departure of the most senior officer (Simović) from the crime scene and the removal of the perpetrators, thus impeding the investigation.

1337. Stoparic a Skorpion member present at Podujevo/Podujevë, confirmed that the massacre was not investigated. He testified that when the Skorpions returned to Prolom Banja, no one questioned them about the Podujevo/Podujevë massacre. No one was arrested or taken into custody.

3566 Đorđević, T. 9706-9707 (“I issued an order for this reserve force to be sent home”). See also Trajković, T. 9096.
3569 Đorđević, T. 10052.
3570 Đorđević, T. 10051.
and no internal investigation was carried out. Stoparic and other squad commanders unofficially asked their men whether they had taken part in the incident. Stoparic believed that this unofficial investigation was “obstructed by the commander”, Boca, because his brother, Dragan Medici, was involved in the massacre. He said: “Therefore, it was possible that our investigation revealed who those involved were, but that is where it stopped. Nothing else happened.” Stoparic believed that Dragan Medici ordered the men to kill the civilians in the courtyard in Podujevo/Podujeve. However, Dragan Medici was not even questioned about the killings at that time.

1338. The investigation that eventually did follow was a token affair. On 30 March, an investigating judge conducted an on-site investigation. Dordevic could not explain why it took judicial authorities more than 24 hours to carry out the crime-scene investigation. According to Vasiljevic, the corpses of the victims lay in the courtyard for three days. In addition, the report of the on-site investigation conducted on 30 March produced by an investigating judge was meagre. It contained no information about the perpetrators despite it being known that the Skorpions were the prime suspects. The report merely referred to the bodies of the victims found on-site.

1339. In mid-May, a month and a half after the massacre, Dordevic asked Trajkovic to prepare a report about the deployment of the Skorpions to Kosovo. However, his purpose in requesting the report was not to investigate the crime and find the perpetrators. The report made no mention of any steps taken by the MUP to investigate the incident or to detain the perpetrators.

1340. It was only on 23 May that the Podujevo/Podujeve OUP eventually filed criminal reports against members of the Skorpions - Sasa Cvetan and Dejan Demirovic - almost two months after the incident. During this time, the SAJ commanders on the ground, Simovic and Stalevic, did not investigate the incident. Indeed Simovic said that he did not know about the criminal reports and subsequent investigation in late May because he did not take part in it. Thus, two months after the incident, the SAJ commanders’ disregard for this massacre persisted.

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3571 Stoparic, T. 2843-2844, P495, pp. 101-103.
3572 Stoparic, T. 2869, P495, p. 18.
3573 Stoparic, T. 2839.
3574 Stoparic, T. 2844.
3575 Dordevic, T. 9706, D441. See Trajkovic, T. 9097; Vasiljevic, T. 5916, 5736. Vasiljevic said that he later learned that due to road conditions, the investigation, while delayed, took place three days after the incident.
3576 Vasiljevic, T. 5916, 5736.
3577 D441.
3578 Trajkovic, T. 9106-9107. See also P86.
3579 Dordevic, T. 9713, 10113-10114. See D442; P86.
3580 Simovic, T. 13688-15689.
1341. On 24 May, the District Court in Prokuplje issued a decision to investigate and detain Cvetan and Demirović. They were arrested at the end of the 1999 conflict, but were released some 10 or 20 days later. No one was brought to justice for the Podujevo/Podujevë massacre until several years after the end of Đorđević's tenure. Judicial proceedings against four other members of the Skorpions – Željko Đukić, Dragan Borojević, Dragan Medić and Miodrag Solaja – were only initiated in April 2008, some nine years after the massacre. Until then, they had not been held accountable for the killings of 28 March in Podujevo.

1342. Aside from these judicial measures, no internal disciplinary measures were taken by Đorđević with the sense of urgency that a crime of this nature demanded. Instead of being detained and questioned, the prime suspects were initially sent away and even disarmed and disbanded on his orders. Đorđević could have ordered his subordinates to ensure that the suspects were at least taken into custody for questioning after the incident. Nevertheless, he merely requested and forwarded reports weeks after the incident. In the circumstances, this was not reasonable. Consequently, no internal MUP investigations or disciplinary actions were carried out at that time or during the remainder of Đorđević’s tenure as RJB Chief which ended on 2001.

(ii) Đorđević knew that his subordinates had committed murders and failed to take necessary and reasonable measures to punish them.

1343. Apart from the Podujevo/Podujevë massacre, Đorđević failed to punish hundreds of murders that were committed by his subordinates in Kosovo. From early April and continuing over a period of approximately two months, Đorđević co-ordinated the concealment of truckloads of human corpses in mass graves in Serbia proper. Đorđević admitted that he participated in the concealment of bodies and that he was aware that these were bodies of victims of crimes. Rather than punishing his subordinates who had perpetrated the murders, he assisted them by concealing these bodies.

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3581 P1592 and P1593.
3582 Stoparic, P493, paras 83-88; T.2835,2845-2849; P495,p.21. See Trajkovic,T.9007-9009; [REDACTED]. The Trial Chamber in Belgrade stated, “The Court fully accepted the statement of the witness Stoparic from the main hearing of 10 December 2003. This statement is clear and convincing and is, most importantly, consistent with the statements of the children – injured parties.” P440, p. 33.
3584 P1594.
3585 See supra paras.1304-1307.
3586 See Part V, Section(C)(1)(f).
3587 Đorđević,T.10008 (“Well, of course I had -- I suspected that the people came to harm” in the activities in Kosovo).
1344. Contained in these trucks, as Đorđević was well aware, were the bodies of Kosovo Albanian civilians. Đorđević knew that these were the bodies of Kosovo Albanian civilians that had been killed during joint operations involving his subordinates. During joint operations, at the very least, his subordinates assisted in these murders. The obvious and inescapable inference is that these bodies were the evidence of widespread criminal acts in Kosovo. Đorđević himself accepted that he was aware of the possibility that the perpetrators were police officers. Evidence in regard to the several murder sites such as Suva Reka/Subarekë, Bela Crkva/Bellacërka, Mala Kruša/Krusha e Vogël and Miloš Gilić/Milosh Giliq Street, Pusto Selo/Pustaselë and Qyska/Çuska indicates that the perpetrators of these massacres included policemen or armed persons attached to the police who were Đorđević’s subordinates. Some victims of the massacres at “Suva Reka/Subarekë, Izbica/Izbicë and Meja/Mejë were identified from among the human remains found in the mass graves in Serbia proper.

1345. Đorđević testified that his suggestion to Stojiljković that a commission be set up to investigate the origins of these bodies was not taken up. As Head of the RJB, Đorđević was aware that he himself had a legal obligation to arrange for a proper investigation of these bodies. He had a legal duty to punish his subordinates who were responsible for murders. He made no attempts to fulfill this obligation and admitted that he failed to do so. He said: “I should have acted accordingly […] I didn’t act that way, although I assumed that there may have been a crime involved and that the procedure wasn’t regular and fair, but I didn’t.” These bodies were not autopsied and processed in any way. In this context, he accepted that “the Court’s decision will be adequate, and I will be held responsible”.

1346. Instead of fulfilling his duty to investigate the murders, Đorđević took a range of steps to ensure precisely the opposite — that the murders were concealed as comprehensively as possible. For example:

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3587 Golubovic,T.1735-1736;P353,p.14;Đorđević,T. 9979. Đorđević was also told that the truck in Bor stated clearly on its side that it was from Kosovo;Đorđević,T. 9721.
3588 See Part V, Section(C)(1)(g)(i).
3589 Đorđević,T.10011. When it was put to him that he must have been aware of the possibility that policemen had committed these murders, he said: “Well, that’s a mere assumption, whether it was the police or anybody else. I can’t know who committed those crimes. Possibly the police. We saw here in the proceedings that there were really some gruesome situations. Who had committed those misdeeds and crimes. In some circumstances the perpetrators were police officers”.
3590 See Part IV, Section(C)(4)(a), Section(C)(1)(b), Section(C)(1)(d), Section(C)(8)(b), Section(C)(15).
3591 See Part III, Section (B)(S).
3592 Đorđević,T.9723-9724.
3593 Đorđević,T.10010.
3594 Đorđević,T.10006,9723-9724. See also T.10002.
He gave an unlawful order to Golubović to destroy the first refrigerator lorry after the bodies were transported to Belgrade.\footnote{3955}

He instructed Golubović that any information about the case was to be suppressed and not made public.\footnote{3956} [REDACTED].\footnote{3957}

When the second truck of bodies surfaced in Lake Perucac, he instructed Kerić not to inform the investigating judge.\footnote{3958}

He gave an unlawful order to Kerić to bury the bodies in Lake Perucac.\footnote{3959}

He ensured that other individuals who participated in these illegal operations were remunerated.\footnote{3960}

1347. In respect to murders involving perpetrators from the RJB, and having regard to the admissions made, Đorđević knew or had reason to know that murders of Kosovo Albanians were being committed by his subordinates in Kosovo and that, as he acknowledged, the situation “required a full check and that all the facts needed to be established”\footnote{3961} and “a commission or a group” be set up to investigate it.\footnote{3962} Having failed take any measures, he is liable under Article 7(3) for these murders.

1348. Đorđević was aware of these murders in addition to wide-scale persecutory and inhumane acts that were being committed against the Kosovo Albanians by his subordinates and he not only failed to take necessary and reasonable measures to prevent or punish these crimes but also attempted to cover them up. This attitude was apparent at a meeting of the leadership of the VJ and MUP on 9 July 1999. The meeting was attended by Stojiljković, Đorđević, Stevanović, and Lukić and VJ Generals Ojdanić, Farkaš, Gajić, Krqa and Vasiljević.\footnote{3963} Stojiljković praised the successful work of the MUP, and said there were only 13 MUP members who had committed crimes, and procedures had been initiated accordingly in each case.\footnote{3964}

\footnote{3955} Đorđević,T.10002; Golubović,T.1715,1755-1756;P353,pp.19-20; Đorđević,T.9726.
\footnote{3956} P352, p. 4; Golubović, T. 1710; P.353, pp.20-21.
\footnote{3957} [REDACTED].
\footnote{3958} Đorđević told Kerić not to advise either the investigating judge or the prosecutor. This was contrary to standard procedure (Kerić T.7761-7762). Kerić explained that he obeyed Đorđević’s command, despite his knowledge of what the law required him to do, because, “according to the principle of subordination we were obliged to respect and comply with orders from the ministry and senior officials.” He noted that if he had not complied, he would have been subject to disciplinary proceedings or would perhaps have been removed or reassigned from the Ministry. Đorđević as the Chief of the Public Security Department, had this power. (Kerić, T.7811).
\footnote{3959} Đorđević,T.10002.
\footnote{3960} See Part V, Section (C)(1)(g)(i).
\footnote{3961} Đorđević,T.9723-9724. See also T.10002.
\footnote{3962} Đorđević,T.9723. See also T.10002.
\footnote{3963} Vasiljević,T.5720. See also Đorđević,T.10100-10101.
\footnote{3964} Vasiljević,T.5725-5726.
1349. The figure of 13 MUP perpetrators was grossly low. Đorđević knew this did not accord with the general information he had available on the scale of the crimes in Kosovo.\textsuperscript{3605} The Indictment in the Milošević \textit{et al} case alleging widespread and systematic crimes such as rape, murder and deportation committed in Kosovo by the police and army had become public by this stage.\textsuperscript{3606} This alone should have alerted him that urgent measures were required. An obvious step would have been to request reports from SUP Chiefs about the specific crimes alleged. Đorđević did nothing.

1350. A letter from the MUP to the OSCE dated 12 May 2003 highlighted the very limited investigations and prosecutions for MUP crimes against civilians.\textsuperscript{3607} An OSCE report noted that for the prosecution of war crimes in Kosovo during and following the 1999 conflict the MUP “has largely investigated crimes committed by KLA soldiers and only a few cases where potential perpetrators were Serbian police or security forces”.\textsuperscript{3608} Policemen were investigated for crimes such as aggravated theft or concealing stolen items.\textsuperscript{3609}

1351. Đorđević remained in the role of Head of RJB until 30 January 2001.\textsuperscript{3610} At no time after the Indictment period did he take steps to punish crimes committed in Kosovo by his subordinates. When asked:

\begin{quote}
Did you, Mr Đorđević at any time set up a commission or a body specifically charged with responsibility to investigate the allegations of crimes committed by the police in Kosovo during 1999?
\end{quote}

He replied:

\begin{quote}
No, I did not establish any commission or body.\textsuperscript{3611}
\end{quote}

1352. Đorđević exercised effective control over MUP units operating in Kosovo during the Indictment period. He knew or had reason to know that his subordinate units were committing widespread crimes against the ethnic Albanian population in Kosovo. He received clear, specific and continuing notice of the criminality of MUP units. Against this backdrop of widespread criminality, he had a duty to investigate these allegations. Đorđević, however, failed to take the necessary and reasonable measures to stop such criminal activity or to punish the perpetrators. He is therefore responsible under Article 7(3) of the Statute for the crimes charged in the Indictment.

\textsuperscript{3605} See Part V, Section(C)(1)(i)(I). See also Vasiljevic,T.5728;Đorđević,T.9743,10144;D443.P1537.
\textsuperscript{3606} P42. See also Đorđević,T.10084.
\textsuperscript{3607} p725.
\textsuperscript{3608} p726, p.13.
\textsuperscript{3609} D18;D418;D805; D19.
\textsuperscript{3610} Đorđević,T.9396-9397;D396;D397;Order on Agreed Facts,p.25.
\textsuperscript{3611} Đorđević,T.10095-10096.
VI. SENTENCING

1353. Đorđević committed crimes whereby thousands of Kosovo Albanians were killed, thousands suffered serious abuse and injury and over 800,000 were expelled from their homes and the province. These crimes were committed on the basis of the ethnicity of the victims. Many of the victims have disappeared and remain missing. It is likely that thousands of survivors will never achieve full closure of these horrendous events.

1354. Đorđević, occupying high leadership positions, did not allow himself to be restrained in this massive and brutal campaign by the fact that the entire world was watching or by the opprobrium being expressed by leaders of the world community. Having regard to the high level of leadership of the accused as well as the scope of the crimes, lengthy prison sentences would be warranted if the accused was held liable under Article 7(1) or Article 7(3). The Prosecution submits that in order to give due consideration to the victims of these heinous crimes and to send a clear message that the international community is determined to deter ethnic cleansing, justice requires a sentence ranging from 35 years to life imprisonment.
THE INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIA

Case No. IT-05-87/1-T

IN THE TRIAL CHAMBER

Before: Judge Kevin Parker, Presiding
Judge Christoph Flügge
Judge Melville Baird

Registrar: Mr. John Hocking

Date Filed: 30 June 2010

THE PROSECUTOR
v.
VLASTIMIR DORDEVIĆ

ANNEX A

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Ms. Silvia D’Ascoli
Mr. Elliott Behar

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THE INTERNATIONAL CRIMINAL TRIBUNAL
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ANNEX B

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Appendix 1: Approximate areas of Combat Operations ordered by the Joint Command and conducted during the period of 23 March - 04 April 1999

- Joint Command Order 455-54
  Start Date: 23-Mar-1999
  Exhibit P972

- Joint Command Order 455-56 & 455 56/1
  Start Date: 24-Mar-1999
  Exhibit D105

- Joint Command Order 455-63
  Start Date: 25-Mar-1999
  Exhibit P950

- Joint Command Order 455-73
  Start Date: 29-Mar-1999
  Exhibit P971

- Joint Command Order 455-90
  Start Date: 30-Mar-1999
  Exhibit P970

- Joint Command Order 455-115
  Start Date: 01-Apr-1999
  Exhibit P1235
Appendix 2: Approximate areas of Combat Operations ordered by the Joint Command and conducted during the period of mid-April - May 1999

P1382 Joint Command Order
Start Date: 13-April 1999

P766 Joint Command Order
Start Date: 15-Apr-99

P1328 Joint Command Order
Start Date: 15-Apr-1999

P1385 Joint Command Order
Start Date: 16-Apr-99

P1386 Joint Command Order
Start Date: 17-Apr-1999

P1384 Joint Command Order
Start Date: 18-Apr-99

P1383 Joint Command Order
Start Date: 18-Apr-99

P767 Joint Command Order
Start Date: 23-Apr-1999

P969 Joint Command Order
Start Date: 25-Apr-99
THE INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIA

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        Judge Christoph Flügge
        Judge Melville Baird

Registrar: Mr. John Hocking

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THE PROSECUTOR
v.

VLASTIMIR DORDEVIĆ

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THE INTERNATIONAL CRIMINAL TRIBUNAL
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THE PROSECUTOR
v.

VLASTIMIR ĐORĐEVIĆ

ANNEX D (P01242)

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THE INTERNATIONAL CRIMINAL TRIBUNAL
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Judge Melville Baird

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THE PROSECUTOR
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ANNEX E (P01037)

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Mr. Elliott Behar

Counsel for the Accused:
Mr. Dragoljub Dordević
Mr. Veljko Đurić
Command Structure of the Republic of Serbia Ministry of Internal Affairs (MUP)

Republic of Serbia Ministry of Internal Affairs (MUP)
V. Stoijiljković

State Security Department (RDB)
K. Marković

Public Security Department (RJB)
V. Djordjević

Police Administration
O. Stevanović

MUP Staff for Kosovo

Special Operations Unit (JSO)
M. Luković (aka "Legija"
aka "Ulemek")

Special Anti-Terrorist Unit (SAJ)
Zivko Trajković

Operational Sweep Group (OPG)

Special Police Units (PJP)
Brigades + Detachment
with various commanders

Secretariats for Internal Affairs (SUPs)

Pristina
Bogoljub Janjevic
(May 1999)
Boštjan Petrović
(May 1999)

Kosovo Mitrovica
Ljubinko Crvović

Peć
Boro Vlahović

Djakovica
Dragutin Adamović
(May 1999)
Milan Kovačević
(April 1999)

Prizren
Milos Vojnović
(May 1999)

Uroševac
Božidar Filić
(May 1999)
Bogoljub Janjevic
(May 1999)

Gužine
Dušan Gavrančić
THE INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIA

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Judge Christoph Flügge
Judge Melville Baird

Registrar: Mr. John Hocking

Date Filed: 30 June 2010

THE PROSECUTOR
v.
VLASTIMIR DORDEVIĆ

ANNEX F

The Office of the Prosecutor:
Mr. Chester Stamp
Ms. Daniela Kravetz
Ms. Priya Gopalan
Ms. Paige Petersen
Ms. Silvia D’Ascoli
Mr. Eliott Behar

Counsel for the Accused:
Mr. Dragoljub Đorđević
Mr. Veljko Đurić
**Glossary of Terms**

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
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<tbody>
<tr>
<td>AOR</td>
<td>Area of Responsibility</td>
</tr>
<tr>
<td>AP</td>
<td>Autonomous Province</td>
</tr>
<tr>
<td>APC</td>
<td>Armoured Personnel Carrier</td>
</tr>
<tr>
<td>API</td>
<td>Additional Protocol I to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I) of 8 June 1977</td>
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<tr>
<td>APII</td>
<td>Additional Protocol II to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol I) of 8 June 1977</td>
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<tr>
<td>ARB</td>
<td>Artillery Rocket Brigade</td>
</tr>
<tr>
<td>CO</td>
<td>Civilian Defence</td>
</tr>
<tr>
<td>Col</td>
<td>Colonel</td>
</tr>
<tr>
<td>CSB</td>
<td>Central Security Service</td>
</tr>
<tr>
<td>CZ</td>
<td>Civil Protection</td>
</tr>
<tr>
<td>ECMM</td>
<td>European Community Monitoring Mission</td>
</tr>
<tr>
<td>EU</td>
<td>European Union</td>
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<tr>
<td>Forces of the FRY and Serbia</td>
<td>The forces set out in paragraph 20 of the Indictment</td>
</tr>
<tr>
<td>FRY</td>
<td>Federal Republic of Yugoslavia</td>
</tr>
<tr>
<td>HQ</td>
<td>Headquarters</td>
</tr>
<tr>
<td>HRW</td>
<td>Human Rights Watch</td>
</tr>
<tr>
<td>ICC Statute</td>
<td>Rome Statute of the International Criminal Court</td>
</tr>
<tr>
<td>ICMP</td>
<td>International Commission on Missing Persons</td>
</tr>
<tr>
<td>ICRC</td>
<td>International Committee of the Red Cross</td>
</tr>
<tr>
<td>ICTY</td>
<td>International Criminal Tribunal for the former Yugoslavia</td>
</tr>
<tr>
<td>ID</td>
<td>Identification Document</td>
</tr>
<tr>
<td>IDP</td>
<td>Internally Displaced Person</td>
</tr>
<tr>
<td>Indictment</td>
<td><em>Milutinović</em> Third Amended Indictment, 21 June 2006</td>
</tr>
<tr>
<td>Indictment period</td>
<td>1 January to 20 June 1999</td>
</tr>
<tr>
<td>JCE</td>
<td>Joint Criminal Enterprise</td>
</tr>
<tr>
<td>JNA</td>
<td>Old Yugoslav Army</td>
</tr>
<tr>
<td>Joint Command</td>
<td>Joint Command for Kosovo and Metohija</td>
</tr>
<tr>
<td>JSO</td>
<td>Jedinica za Specijalne Operacije, Special Operations Unit</td>
</tr>
<tr>
<td>Acronym</td>
<td>Description</td>
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<tr>
<td>---------</td>
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</tr>
<tr>
<td>JUL</td>
<td>Yugoslav Left Party</td>
</tr>
<tr>
<td>KDOM</td>
<td>Kosovo Diplomatic Observation Mission</td>
</tr>
<tr>
<td>KFOR</td>
<td>International Security Force</td>
</tr>
<tr>
<td>KiM</td>
<td>Kosovo and Metohija</td>
</tr>
<tr>
<td>KLA/UCK</td>
<td>Kosovo Liberation Army/Ushtria Çlirimtare e Kosovës</td>
</tr>
<tr>
<td>KVM</td>
<td>Kosovo Verification Mission</td>
</tr>
<tr>
<td>LDB</td>
<td>United Democratic Movement</td>
</tr>
<tr>
<td>LDK</td>
<td>Lidhja Demokratike e Kosovës, Democratic League of Kosovo</td>
</tr>
<tr>
<td>LPK</td>
<td>Lëvizja Popullore e Kosovës, Kosovo People’s movement</td>
</tr>
<tr>
<td>Ltbg</td>
<td>Light Infantry Brigade</td>
</tr>
<tr>
<td>Lt</td>
<td>Lieutenant</td>
</tr>
<tr>
<td>Mbr</td>
<td>Mechanized Brigade</td>
</tr>
<tr>
<td>MoD</td>
<td>Federal Ministry of Defence</td>
</tr>
<tr>
<td>MPBn</td>
<td>Military Police Battalion</td>
</tr>
<tr>
<td>Mtbr</td>
<td>Motorised Brigade</td>
</tr>
<tr>
<td>MUP</td>
<td>Ministarstvo unutrašnjih poslova, Ministry of Interior of the Republic of Serbia</td>
</tr>
<tr>
<td>MUP Staff</td>
<td>Staff of the Ministry of Interior for Kosovo and Metohija</td>
</tr>
<tr>
<td>NATO</td>
<td>North Atlantic Treaty Organization</td>
</tr>
<tr>
<td>October Agreements</td>
<td>Collectively, the Agreement on Kosovo Verification Mission; the NATO Air Surveillance Agreement (Clark-Perišić Agreement); the Record of Meeting in Belgrade (Clark-Naumann Agreement); and the Understanding Between KDOM and Ministry of Interior of the Republic of Serbia (Byrnes-Dordević Agreement)</td>
</tr>
<tr>
<td>OKBR</td>
<td>Armoured Brigade</td>
</tr>
<tr>
<td>OMPF</td>
<td>Office on Missing Persons and Forensics of the United Nations Mission in Kosovo</td>
</tr>
<tr>
<td>OPG</td>
<td>Operational Sweep Group</td>
</tr>
<tr>
<td>OSCE</td>
<td>Organization for Security and Co-operation in Europe</td>
</tr>
<tr>
<td>OUP</td>
<td>Departments/Sectors of the Interior</td>
</tr>
<tr>
<td>PJP</td>
<td>Posebne Jedinice Policije, Special Police Unit</td>
</tr>
<tr>
<td>PrK</td>
<td>Prištinski korpus, Priština Corps</td>
</tr>
<tr>
<td>PS</td>
<td>Police Station</td>
</tr>
<tr>
<td>RDB</td>
<td>State Security Division of the Ministry of Interior</td>
</tr>
<tr>
<td>RJB</td>
<td>Public Security Sector of the Ministry of Interior</td>
</tr>
<tr>
<td>RPO</td>
<td>Reserve Police Squads</td>
</tr>
<tr>
<td>Acronym</td>
<td>Description</td>
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<td>---------</td>
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<tr>
<td>RSK</td>
<td>Republic of Serbian Krajina</td>
</tr>
<tr>
<td>SAJ</td>
<td>Specijalna anti-teroristčka jedinica, Special Anti-Terrorist Unit</td>
</tr>
<tr>
<td>SC</td>
<td>Supreme Command</td>
</tr>
<tr>
<td>SC Staff</td>
<td>Supreme Command Staff</td>
</tr>
<tr>
<td>SDC</td>
<td>Supreme Defence Council</td>
</tr>
<tr>
<td>SFRY</td>
<td>Socialist Federal Republic of Yugoslavia</td>
</tr>
<tr>
<td>SPS</td>
<td>Socialist Party of Serbia</td>
</tr>
<tr>
<td>SRS</td>
<td>Serbian Radical Party</td>
</tr>
<tr>
<td>Statute</td>
<td>Statute of the International Criminal Tribunal for the former Yugoslavia</td>
</tr>
<tr>
<td>ŠTS</td>
<td>Šiptar Terrorist Forces</td>
</tr>
<tr>
<td>SUP</td>
<td>Sekretariat za Unutrašnje Poslove, Secretariat of Internal Affairs Secretariat of the Interior</td>
</tr>
<tr>
<td>TEC</td>
<td>Temporary Executive Council</td>
</tr>
<tr>
<td>UK</td>
<td>United Kingdom</td>
</tr>
<tr>
<td>UN</td>
<td>United Nations</td>
</tr>
<tr>
<td>UNHCR</td>
<td>United Nations High Commissioner for Refugees</td>
</tr>
<tr>
<td>US</td>
<td>United States of America</td>
</tr>
<tr>
<td>VJ</td>
<td>Vojska Jugoslavije, Army of Yugoslavia</td>
</tr>
<tr>
<td>VJC</td>
<td>VJ Collegium</td>
</tr>
<tr>
<td>VJ General Staff</td>
<td>General Staff of the Army of Yugoslavia</td>
</tr>
<tr>
<td>VOK</td>
<td>Military Sector</td>
</tr>
<tr>
<td>VTOd</td>
<td>Military Territorial Detachment</td>
</tr>
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**List of Legal Authorities**

*Pleadings from Prosecutor v. Milutinović et al., Case No. IT-05-87-T*

<table>
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**ICTY authorities**

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<tr>
<td>Aleksovski TJ</td>
<td><em>Prosecutor v. Zlatko Aleksovski,</em> Case No. IT-95-14/1-T, T.Ch., Judgement, 25 June 1999</td>
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<tr>
<td>Blagoev J</td>
<td><em>Prosecutor v. Vidoje Blagojevic and Dragom Jokic,</em> Case No. IT-02-60-T, T.Ch., Trial Judgement, 17 January 2005</td>
</tr>
<tr>
<td>Bliški TJ</td>
<td><em>Prosecutor v. Tihomir Bliški,</em> Case No. IT-95-14-T, T. Ch., Judgement, 3 March 2000</td>
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<td>Boskovski TJ</td>
<td><em>Prosecutor v. Ljube Boškovski,</em> Case No. IT-04-82-T, T. Ch, Judgement, 10 July 2008</td>
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<td>Brdanin TJ</td>
<td><em>Prosecutor v Radoslav Brdanin,</em> Case No. IT-99-36-T, T. Ch., Judgement, 1 September 2004</td>
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<td>Name</td>
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<td>Delić TJ</td>
<td>Prosecutor v. Rasim Delić, Case No. IT-04-83-T, T.Ch., Judgement, 15 September 2008</td>
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<td>Furundžija TJ</td>
<td>Prosecutor v. Anto Furundžija, Case No. IT-95-17/1-T, T.Ch., Judgement, 10 December 1998</td>
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<td>Hadžihasanović TJ</td>
<td>Prosecutor v. Enver Hadžihasanović and Amir Kubura, Case No. IT-01-47-T, T.Ch., Judgement, 15 March 2006</td>
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<tr>
<td>Halilović TJ</td>
<td>Prosecutor v. Sefer Halilović, Case No. IT-01-48-T, T.Ch., Judgement, 16 November 2005</td>
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<tr>
<td>Kordić TJ</td>
<td>Prosecutor v. Dario Kordić &amp; Mario Čerkez, Case No. IT-95-14/2-T, T.Ch., Judgement, 26 February 2001</td>
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<tr>
<td>Kordić AJ</td>
<td>Prosecutor v. Dario Kordić &amp; Mario Čerkez, Case No. IT-95-14/2-A, App.Ch., Judgement, 17 December 2004</td>
</tr>
<tr>
<td>Krstić TJ</td>
<td>Prosecutor v. Radislav Krstić, Case No. IT-98-33-T, T.Ch., Judgement, 2 August 2001</td>
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<tr>
<td>Kvočka TJ</td>
<td>Prosecutor v. Miroslav Kvočka, Milojica Kos, Mlado Radić, Zoran Žigić and Dragoljub Prcač, Case No. IT-98-30/1-T, T.Ch., Judgement, 2 November 2001</td>
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<tr>
<td>Case Name</td>
<td>Citation</td>
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<tr>
<td>Limaj TJ</td>
<td>Prosecutor v. Fatmir Limaj, Haradin Bala and Isak Musliu, Case No. IT-03-66-T, T.Ch., Judgement, 30 November 2005</td>
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<td>Milutinović TJ</td>
<td>Prosecutor v Milan Milutinović, Nikola Šainović, Dragoljub Ojdańić, Nebojša Pavković, Vladimir Lazarević and Sreten Lukić, Case No. IT-05-87-T, T.Ch., Judgement, 26 February 2009</td>
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<tr>
<td>Popović TJ</td>
<td>Prosecutor v. Vujadin Popović, Ljubiša Beara, Drago Nikolić, Ljubomir Borovčanin, Radivoje Miletić, Milan Gvero, Vinko Pandurović, Case No. IT-05-88-T, 10 June 2010</td>
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<tr>
<td>Strugar TJ</td>
<td>Prosecutor v. Pavle Strugar, Case No. IT-01-42-T, T.Ch., Judgement, 31 January 2005</td>
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<td>Vasiljević TJ</td>
<td>Prosecutor v. Mitar Vasiljević, Case No. IT-98-32-T, T.Ch., Judgement, 29 November 2002</td>
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**ICTR authorities**

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<tr>
<td>Bagilishema TJ</td>
<td>Prosecutor v. Ignace Bagilishema, Case No. ICTR-95-1A-T, T.Ch., Judgement, 7 June 2001</td>
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<td>Gacumbitsi AJ</td>
<td>Prosecutor v. Sylvestre Gacumbitsi, Case No. ICTR-2001-64-A</td>
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THE INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIA

Case No. IT-05-87/1-T

IN THE TRIAL CHAMBER

Before: Judge Kevin Parker, Presiding
Judge Christoph Flügge
Judge Melville Baird

Registrar: Mr. John Hocking

Date Filed: 30 June 2010

THE PROSECUTOR
v.
VLASTIMIR ĐORĐEVIĆ

ANNEX G (P00477)

The Office of the Prosecutor:
Mr. Chester Stamp
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Ms. Priya Gopalan
Ms. Paige Petersen
Ms. Silvia D’Ascoli
Mr. Eliott Behar

Counsel for the Accused:
Mr. Dragoljub Đorđević
Mr. Veljko Đurdić
Map Showing Distribution of Reported Place of Disappearance from Exhibit P477