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Criminal Tribunal  
for the former  
Yugoslavia

Tribunal Pénal  
International pour  
l'ex-Yougoslavie



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REGISTRY

GREFFE

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**TRANSFER OF GENERAL NEBOJŠA PAVKOVIĆ**

Today, 25 April 2005, Nebojša Pavković was transferred to the Detention Unit of the International Criminal Tribunal for the former Yugoslavia from Serbia. He had been at large for more than a year and a half.

Nebojša Pavković was indicted by the Tribunal on 2 October 2003, alongside Vladimir Lazarević, Vlastimir Đorđević and Sreten Lukić. The charges were made public on 20 October 2003. According to the indictment, Colonel General Nebojša Pavković, as Commander of the Armed Forces of the Federal Republic of Yugoslavia (VJ) 3<sup>rd</sup> Army, planned, instigated, ordered, committed, or otherwise aided and abetted in the planning, preparation, or execution of the alleged crimes of:

- four counts of crimes against humanity (Article 5 – deportation; other inhumane acts (forcible transfer); murder; persecutions on political, racial and religious grounds), and
- one count of violations of the laws or customs of war (Article 3 – murder).

As well as being charged on the basis of his individual criminal responsibility -- Article 7(1) of the Statute, Nebojša Pavković is also charged on the basis of his superior or command responsibility – Article 7(3). This means that Pavković is responsible for the crimes charged in the indictment if he knew or had reason to know that they were about to be committed by his subordinates and failed to take the necessary and reasonable measures to prevent them, or to punish his subordinates for committing the crimes.

“Committing” in this indictment refers to participation in a joint criminal enterprise as a co-perpetrator. The indictment alleges that the purpose of this joint criminal enterprise was, *inter alia*, the expulsion of a substantial portion of the Kosovo Albanian population from the territory of the province of Kosovo in an effort to ensure continued Serbian control over the province. This joint criminal enterprise allegedly came into existence no later than October 1998 and continued throughout the time period when the crimes alleged in counts one to five occurred, beginning on or about 1 January 1999 and continuing until 20 June 1999. The indictment alleges that each of the accused, acting individually or in concert with each other and with others known and unknown, significantly contributed to the joint criminal enterprise using *de jure* and *de facto* powers available to them.

The indictment alleges, among other things, that:

*“In addition to the deliberate destruction of property owned by Kosovo Albanian civilians, forces of the FRY and Serbia committed widespread or systematic acts of brutality and violence against Kosovo Albanian civilians in order to perpetuate the climate of fear, create chaos and a pervading fear for life. Forces of the FRY and Serbia went from village to village and, in the towns and cities, from area to area, threatening and expelling the Kosovo Albanian population. Kosovo Albanians were frequently intimidated, assaulted or killed in public view to enforce the departure of their families and neighbours. Many Kosovo Albanians who were not directly forcibly expelled from their communities fled as a result of the climate of terror created by the widespread or systematic beatings, harassment, sexual assaults, unlawful arrests, killings, shelling and looting carried out across the province. Forces of the FRY and Serbia persistently subjected Kosovo Albanians to insults, racial slurs, degrading acts and other forms of physical and psychological mistreatment based on their racial, religious, and political identification. All sectors of Kosovo Albanian society were displaced, including women, children, the elderly and the infirm.”*

Internet address: <http://www.un.org/icty>

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The indictment alleges that the forces of FRY and Serbia “*acting at the direction, with the encouragement, or with the support of*” Nebojša Pavković, murdered hundreds of Kosovo Albanian civilians as part of a widespread and systematic campaign of brutality and violence that resulted in the forced deportation of approximately 800,000 Kosovo Albanian civilians.

Colonel General Nebojša Pavković was appointed Commander of the Armed Forces of the Federal Republic of Yugoslavia (VJ) 3<sup>rd</sup> Army on 25 December 1998 and assumed command on 13 January 1999. He exercised his authority as VJ 3<sup>rd</sup> Army Commander in relation to events in Kosovo from January 1999 to June 1999, inclusive. Under the law of the FRY and through joint command and coordination structures, Nebojša Pavković also exercised command authority or control over republic police units subordinated to, or operating in co-operation or co-ordination with, the VJ 3<sup>rd</sup> Army as well as military-territorial units, civil defence units, members of the Serbian Ministry of Internal Affairs (MUP) and other armed groups.

A date and time for Nebojša Pavković’s initial appearance will be announced in due course.

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***The full text of the indictment is available on the Tribunal’s website  
<http://www.un.org/icty>. Hard copies can also be obtained from the Media Office.  
Proceedings can also be followed on the Tribunal’s website.***