

VIEW FROM THE HAGUE

WHO KILLS ON BEHALF OF THE CITIZENS OF SERBIA

Prime Minister Designate, Mr. Vojislav Koštunica recently announced in an interview to Associated Press that he would not transfer Nebojša Pavković, Vladimir Lazarević, Sreten Lukić and Vlastimir Đorđević to the International Criminal Tribunal for the former Yugoslavia. He is also quoted as saying that “even Serbia's previous government refused to hand them over because the charges against them were too vague”. Not only is his position in contravention of domestic and international law, and as such goes directly against the best interests of the citizens of the Republic of Serbia, but it is also inaccurate.

The indictment against Mssrs. Nebojša Pavković, Vladimir Lazarević, Sreten Lukić and Vlastimir Đorđević is 59 pages long, contains 74 paragraphs of text and has 12 annexes listing the names of those killed and it is publicly available on the Internet or from the Tribunal's office in Belgrade. The four police and army generals are charged on the basis of their individual responsibility with planning, instigating, ordering, and otherwise aiding and abetting in the commission of very serious crimes – deporting some 800,000 Kosovo Albanians from Kosovo, killing over 700 named Kosovo Albanians, sexually assaulting many women, looting and destroying Kosovo Albanian property and other inhumane acts. The Tribunal indictment lists some 40 specific incidents of these crimes, which are too numerous to describe here.

The killings that took place at the end of March 1999 are but one example which demonstrates the gravity of the crimes with which Pavković, Lazarević, Lukić and Đorđević are charged and the details of the charges. The indictment alleges that on that day Yugoslav and Serbian forces under the control of Pavković, Lazarević, Lukić and Đorđević surrounded the compound of the Berisha family in Suva Reka. They ordered everyone out, separated the men from the women and children and killed six people. The remaining members of the family were herded into a coffee shop along with other members of the Berisha's extended family. Yugoslav and Serbian forces walked into the coffee shop and opened fire on the people inside. Afterwards, they also threw in explosives. Forty-four people were killed in this action and others were seriously wounded. The bodies of the victims were pulled out of the coffee shop and loaded into a truck that departed in the direction of Prizren. Three injured people who were thrown in together with the other dead bodies, jumped out of the truck *en route* to Prizren. Property belonging to at least six of the persons killed in the coffee shop was found in a mass gravesite at a VJ firing range near Korusa and identification documents belonging to at least five of them were found on bodies exhumed from a mass grave located in Batajnica, near Belgrade.

The indictment also states that identity documents from at least seven persons who were last seen at Meja in the Djakovica municipality on 27 April 1999 were also found in the mass grave located in Batajnica. The indictment alleges that on that day Yugoslav and Serbian forces summarily executed many men from a large, and as yet undetermined, number of Kosovo Albanian civilian males who were fleeing the village. Approximately 300 persons are still missing.

The mass grave on the grounds of the Special Anti-Terrorist Unit of the Ministry of Internal Affairs at Batajnica contained the bodies of over 700 Kosovo Albanians killed in Kosovo during the 1999 NATO intervention and then transported across the whole country.

The Serbian Special Prosecutor for War Crimes is currently investigating the direct perpetrators of these crimes. The Tribunal welcomes this investigation and will support it with whatever technical, legal, and evidentiary materials the War Crimes Prosecutor requires. Thus far, Serbian authorities have exhumed 707 bodies from the graves, of which 186 have been identified. Though not widely reported in the Serbian media, so far the Serbian authorities have already returned 120 of these remains to their families in Kosovo.

The surviving family members of the victims buried in the mass grave at Batajnica and in other mass graves recently discovered in Serbia, deserve to know who killed their loved ones and then removed their bodies from Kosovo and reburied them 400 km away. They also deserve to know who ordered these crimes.

Moreover, all citizens of Serbia are entitled to know who took it upon themselves to kill innocent civilians in their name, load them into refrigerator trucks and transport them over hundreds of kilometers throughout their country. Determining whether individuals like Mssrs. Pavković, Lazarević, Lukić and Đorđević are indeed guilty of the crimes they are charged with can certainly help answer these questions.

When Mr. Koštunica said earlier this week that "this country is not a simple deliverer of human goods to The Hague tribunal", he was absolutely right: no country should ever be 'delivering human goods'. Luckily, transferring individuals accused of some of the most serious crimes to an international court of law is a completely different matter.

Outreach Programme

outreach@icty.org