



Humanitarian Law Center

Dossier:  
549th Motorized Brigade  
of the Yugoslav Army



## Abbreviations used in the text

<b>549th MtBr</b>	549th Motorized Brigade of the Yugoslav Army, Priština Corps
<b>HLC</b>	Humanitarian Law Center
<b>HLC Kosovo</b>	Humanitarian Law Center Kosovo
<b>KiM</b>	Kosovo and Metohija
<b>Case Milošević</b>	Case before the International Criminal Tribunal for the Former Yugoslavia IT-02-54, <i>Prosecutor v. Slobodan Milošević</i>
<b>Case Milutinović et al.</b>	Case before the International Criminal Tribunal for the Former Yugoslavia IT-05-87, <i>Prosecutor v. Milan Milutinović, Nikola Šainović, Dragoljub Ojdanić, Nebojša Pavković, Vladimir Lazarević, and Sreten Lukić</i>
<b>ICRC</b>	International Committee of the Red Cross
<b>ICTY</b>	International Criminal Tribunal for the Former Yugoslavia
<b>MUP</b>	Republic of Serbia Ministry of the Interior
<b>NATO</b>	North Atlantic Treaty Organization
<b>OMPF</b>	Office on Missing Persons and Forensics (United Nations Office in Kosovo)
<b>KLA</b>	Kosovo Liberation Army
<b>FRY</b>	Federal Republic of Yugoslavia
<b>Serb forces</b>	Yugoslav Army and the Republic of Serbia Ministry of the Interior
<b>Case Suva Reka</b>	Case before the Higher Court in Belgrade, War Crimes Department, <i>Radoslav Mitrović et al</i> , Case no. K.V. nr. 2/2006
<b>STS</b>	Shiptar Terrorist Forces (term used customarily in documents of the Yugoslav Army to describe the Kosovo Liberation Army)
<b>VJ</b>	Yugoslav Army







## Dossier: 549th Motorized Brigade of the Yugoslav Army

### INTRODUCTION

According to information held by the HLC and HLC Kosovo, at the time of the armed conflict between the Serb forces and the KLA, between March 24<sup>th</sup> and June 10<sup>th</sup>, 1999, more than 6,200 Kosovo Albanian civilians were killed or forcibly disappeared in the campaign of violence and terror implemented by the Serb forces in Kosovo.<sup>1</sup>

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This dossier contains a description of actions of the 549<sup>th</sup> MtBr, in their area of responsibility, in which more Kosovo Albanian civilians were killed by Serb forces than in any of the areas of responsibility of any other brigade deployed in the territory of Kosovo during 1999. Between March 24<sup>th</sup> and June 10<sup>th</sup>, 1999, in areas controlled by the 549<sup>th</sup> MtBr, including the municipalities of Prizren, Đakovica/Gjakovë, Orahovac/Rahovec, and Suva Reka/Suharekë, 2,174 Kosovo Albanian civilians were killed by Serb forces.<sup>2</sup> 459 of these civilians were found in mass graves in Serbia and 375 are still registered as missing.<sup>3</sup>

To date, no criminal proceedings to establish individual criminal responsibility have been initiated for the crimes described in this Dossier.

Provisions of international criminal law regulate the individual criminal responsibility of immediate perpetrators of crimes, their military commanders, and political leaders who ordered the commission of crimes, and also the principle of command responsibility, according to which, those superiors who fail to undertake measures necessary to prevent the commission of crimes or to punish the perpetrators, should also be held accountable.

The judicial authorities in Serbia have not yet applied the principle of command responsibility in any of

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1 HLC database.

2 HLC database.

3 429 civilians were exhumed from a mass grave in Batajnica and 30 civilians from Perućac; HLC database.



the cases of war crimes committed during the 1990's, claiming that this would violate the the Constitution<sup>4</sup>, because command responsibility, as a particular form of criminal responsibility, was not explicitly defined in the the Criminal Code, which was in force during the 1990s.<sup>5</sup> Article 34 of the Constitution of Serbia, which defines the principle of legality reads: 'No person may be held guilty for any act which did not constitute a criminal offence under law or any other regulation based at the time when it was committed, nor shall a penalty be imposed which was not prescribed for this act.'

However, this position is not viable bearing in mind the fact that the Socialist Federal Republic of Yugoslavia ratified the Additional Protocol (I) to the Geneva Conventions in 1978, which, in Articles 86 and 87, defines the obligation of commanders to supervise their subordinates and the responsibility for failing to abide by this obligation.<sup>6</sup>

This Protocol became part of the legal system of Serbia at the moment of its ratification.<sup>7</sup> Indeed, this is how courts in Croatia and Kosovo have interpreted the application of the Protocol in their internal legal systems.<sup>8</sup> Any possible argument in favor of not recognizing the Additional Protocol as part of customary international law or its incompatibility with the Constitution is contradictory to the extant practice of courts in Serbia, which apply other provisions of the Additional Protocol (I) on a regular basis, whilst refusing to apply articles 86 and 87, which define command responsibility.<sup>9</sup>

Additionally, Article 21 of the Guidelines on the Application of International Humanitarian Law in the Armed Forces of the Socialist Federal Republic of Yugoslavia adopted in 1988 and applied during the 1990s<sup>10</sup> clearly define the command responsibility of military commanders.<sup>11</sup>

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4 Siniša Važić, "Command Responsibility – Towards Clear Answers and Precise Positions", Justice in Transition, issue nr. 7, page 1-2, [http://www.tuzilastvorz.org.rs/html\\_trz/\(CASOPIS\)/SRP/SRP07/1477.pdf](http://www.tuzilastvorz.org.rs/html_trz/(CASOPIS)/SRP/SRP07/1477.pdf) accessed on October 2nd, 2012.

5 Command responsibility was explicitly defined by the Criminal Code from 2005.

6 Additional Protocol (I) to Geneva Convention from August 12<sup>th</sup>, 1949 relating to the Protection of Victims of International Armed Conflicts, "Official Gazette of the FRY", International Treaty no. 16/1978, Article 86: "The fact that a breach of the Conventions or of this Protocol was committed by a subordinate does not absolve his superiors from penal or disciplinary responsibility, as the case may be, if they knew, or had information which should have enabled them to conclude in the circumstances at the time, that he was committing or was going to commit such a breach and if they did not take all feasible measures within their power to prevent or repress the breach." Article 87: "The High Contracting Parties and Parties to the conflict shall require any commander who is aware that subordinates or other persons under his control are going to commit or have committed a breach of the Conventions or of this Protocol, to initiate such steps as are necessary to prevent such violations of the Conventions or this Protocol, and, where appropriate, to initiate disciplinary or penal action against violators thereof."

7 Constitution of FRY, Article 16

8 Verdict of the Zagreb County Court, Case no. II K-rz-1/06, 2008, page 98, Supreme Court of the Republic of Croatia, no. I Kž 1008/08-13, 8<sup>th</sup>, 2009, page 98. District Court of Priština/Prishtine, case no. 4251/2001, pages 23-24. District Court in Gnjilane/Gjilan, Trajković case, Verdict, May 6<sup>th</sup>, 2001.

9 For instance, see the verdict of the Belgrade District Court, War Crimes Chamber, in the *Zvornik I* (June 12<sup>th</sup>, 2008), *Suva Reka* (April 23<sup>rd</sup>, 2009), and *Ovčara* (March 12<sup>th</sup>, 2009) cases.

10 Order to all units of the Yugoslav Army, page no. 06/4026-1, May 10<sup>th</sup>, 1999 (Taken from *Application of Rules of the International Humanitarian Law - Yugoslav Army and Kosovo 1998-1999*, editor Ivan Marković, Belgrade, 2001, page 15).

11 Direction on the application of the rule of International Humanitarian Law in the Armed Forces of the Socialist Federal Republic of Yugoslavia, Official military gazette, no. 10, 1988. Article 21: "A military commander shall be held individually responsible for violations of International Humanitarian Law if he



The principle of command responsibility was also recognized as a rule of customary international law<sup>12</sup>, which Serbia is obliged to uphold as a state signatory of the Statute of the International Court of Justice.<sup>13</sup>

The purpose of this dossier is to allow the public in Serbia to have access to information about mass crimes committed against Kosovo Albanian civilians in the area under the responsibility of the 549<sup>th</sup> MtBr and the role of this unit and a number of its members in the commission of these crimes. The information is based on statements given by surviving victims, eyewitnesses, members of the 549<sup>th</sup> MtBr, victims' family members, forensic reports judgments and transcripts from ICTY trials, authentic military documents presented as evidence in ICTY trials, the media archive, and other documents.

The first part of the dossier provides basic information about the organization of the VJ, the area of responsibility of the 549<sup>th</sup> MtBr, the structure and the number of members of this brigade, and the participation of officers from the 549<sup>th</sup> MtBr in the commission of crimes against Kosovo Albanians. The second part of this document will describe eight cases of mass murders of Kosovo Albanians committed by Serb forces in this Brigade's area of responsibility. The information about the commanders of this Brigade will be presented in the third part of the Dossier.

## I Basic Information About the 549th MtBr

### 1. Structure of the VJ

In 1999 the VJ was divided in three services: the Land Forces, the Navy, and the Airforce and Anti-Aircraft Defence forces.<sup>14</sup>

The land forces were divided in three armies: the 1<sup>st</sup> army (headquartered in Belgrade), the 2<sup>nd</sup> army (headquartered in Podgorica), and the 3<sup>rd</sup> Army (headquartered in Niš). The 3<sup>rd</sup> Army's area of responsibility encompassed South Serbia, including the entire territory of Kosovo.<sup>15</sup>

The Third Army commanded the Priština and Niš Corps, and the military districts of Priština and Niš with their military detachments.<sup>16</sup>

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knew or he could have known that his subordinate or other units or individuals were about to commit such crimes, and, if at a time when it is still possible to prevent the commission of the crime, he does not take necessary measures to prevent these violations. A military commander shall also be held responsible if he knows that violations of international humanitarian law were committed, and he fails to initiate disciplinary or criminal proceedings against the perpetrators, or, if he is not authorized to initiate such proceedings, he fails to report them to the appropriate military commander”

12 Verdict of the ICTY Trial Chamber in the *Mucić et al.* case (IT-96-21-T), para. 334, 340.

13 Statute of the International Court of Justice, ratification date, August 26<sup>th</sup>, 1945.

14 Document no. P984 (FRY Law on VJ), Article 2, *Milutinović et al.*

15 Ljubiša Stojimirović, Exhibit 4D506 (Witness statement from October 2<sup>nd</sup>, 2007), paragraph 17, October 26<sup>th</sup>, 2007, *Milutinović et al.* Exhibit P950 (Prosecution interview with Vladimir Lazarević), page 14-15, *Milutinović et al.* Aleksandar Vasiljević, Exhibit P2600 (Witness statement from January 14<sup>th</sup>, 2007), paragraph 12, *Milutinović et al.*

16 Ljubiša Stojimirović, October 26<sup>th</sup>, 2007, *Milutinović et al.*, Zlatomir Pešić, Exhibit P2502 (Witness statement from January 30<sup>th</sup>, 2004), paragraph 6-9, *Milutinović et al.*, Exhibit 4D240 (Structure, Deployment and Manning of the 3<sup>rd</sup> Army Military-territorial Component, January 14<sup>th</sup>, 1999), page 1, *Milutinović et al.*



The Priština Corps consisted of the following brigades: the 52<sup>nd</sup> Artillery and Rocket Brigade for Anti-Aircraft Defence, the 243<sup>rd</sup> Mechanized Brigade, the 125<sup>th</sup> Motorized Brigade, the 58<sup>th</sup> Light Infantry Brigade, the 52<sup>nd</sup> Mixed Artillery Brigade, and the 549<sup>th</sup> MtBr.<sup>17</sup>

## 2. 549th MtBr's Area of Responsibility

During the year of 1999, the 549<sup>th</sup> MtBr carried out operations on the territory of the municipalities of Suva Reka/Suharekë,<sup>18</sup> Orahovac/Rahovec,<sup>19</sup> Prizren<sup>20</sup> and Đakovica/Gjakovë.<sup>21</sup>

The 549<sup>th</sup> MtBr's area of responsibility was organized in a differently during peacetime, namely until March 24<sup>th</sup>, 1999, and during wartime, namely from March 24<sup>th</sup> until June 26<sup>th</sup>, 1999.<sup>22</sup>

In his testimony in the *Milošević* case, Božidar Delić, the Commander of this Brigade in 1999, described the area of responsibility of the 549<sup>th</sup> MtBr during peacetime by pointing to its borders on a map<sup>23</sup>: "on the state border between the Federal Republic of Yugoslavia and the border post of Morina in the Republic of Albania, then along the state border to the border between the Federal Republic of Yugoslavia, the Republic of Albania, and the Republic of Macedonia. Then the state border with the Republic of Macedonia and - that is to say between the Federal Republic of Yugoslavia and Macedonia all the way up to the Peskovi summit on Mount Sara. From Peskovi on Mount Sara, Prevolac Pass, Mount Osman, then Sar-Planina, Bukova Glava, then east of Suva Reka, Precevsko Brdo, then Dulje pass, Luznica, and north-east to Klecka, about one kilometre. Then east of Malisevo about two kilometres, then along the valley - along the valley of the river to Beli Drim. Then the valley of Decanska Bistrica, here to Ljumbarde, the village of Ljumbarde, and then Lake Radonjic, Erecka Suka, and back to the Morina border post on the state border between the Federal Republic of Yugoslavia and the Republic of Albania."<sup>24</sup>

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17 Exhibit 3D1116 (Expert Radovan Radinović's Report), page 15, *Milutinović et al.*

18 Exhibit P2000 (Order, 549<sup>th</sup> MtBr, March 29<sup>th</sup>, 1999), *Milutinović et al.*; Exhibit P2002 (Analysis of Operations of the 549<sup>th</sup> MtBr, March 30<sup>th</sup> [sic] 1999); Exhibit P1981 (Order of the 549<sup>th</sup> MtBr, March 23<sup>rd</sup>, 1999), *Milutinović et al.*; Exhibit P2575 (War diary of the Light Artillery Rocket Division of the 549<sup>th</sup> MtBr Anti Aircraft Defence), page 2, *Milutinović et al.*

19 Božidar Delić, December 6<sup>th</sup>, 2007, *Milutinović et al.*; Exhibit P1981 (Order of the 549<sup>th</sup> MtBr, March 23<sup>rd</sup>, 1999), *Milutinović et al.*; ; Exhibit P1969 (Order of the Joint Command for Kosovo and Metohija, March 28<sup>th</sup>, 1999), pages 7-8, *Milutinović et al.*; Exhibit P1995 (Analysis of Operation of 549<sup>th</sup> MtBr, March 30<sup>th</sup>, 1999), *Milutinović et al.*; Exhibit P2015 (Order of the Kosovo and Metohija Joint Command, March 23<sup>rd</sup>, 1999), page 3, *Milutinović et al.*; Exhibit P2000 (Order of the 549<sup>th</sup> Motorized Brigade, March 29<sup>th</sup>, 1999), pages 1-2, *Milutinović et al.*; Exhibit P2002 (Analysis of Operation of 549<sup>th</sup> MtBr, March 30<sup>th</sup>, [sic] 1999), *Milutinović et al.*

20 Exhibit P2574 (War diary of the 549<sup>th</sup> MtBr Artillery Battalion), page 1, *Milutinović et al.*; Exhibit P2575 (War diary of the Light Artillery and Rocket Division of the 549<sup>th</sup> MtBr Anti Aircraft Defence Force), page 2, *Milutinović et al.*

21 K-90, January 29<sup>th</sup>, 2007, Exhibit P2652 (Witness Statement from December 8<sup>th</sup>, 2007), paragraph 43-44, *Milutinović et al.*

22 According to the Decision of the Federal Government of the FRY on declaring a state of war, E.p. number 66 from March 24<sup>th</sup>, 1999, "FRY Official Gazette", no. 15/1999 and the Decision of the FRY Federal Parliament on the termination of the state of war, AS number 210 from June 24<sup>th</sup> 1999, FRY Official Gazette, number 44/1999.

23 Map of Kosovo showing areas of responsibility of KLA and VJ Brigades, Exhibit P1099, and the draft map made by the 549<sup>th</sup> MtBr's Commander, April 9<sup>th</sup>, 1999, 5D1332, *Milutinović et al.*

24 Božidar Delić, June 21<sup>st</sup>, 2005, *Milošević*.





In his testimony, Delić also described the wartime area of responsibility “which included a considerably smaller area than I showed just now... In addition to Prizren, where the command of my brigade was, there was also Dragas, Suva Reka, Orahovac, Đakovica. But in Đakovica there was another brigade too.<sup>25</sup> So with regard to control over Đakovica, from 1997 onwards I did not have Đakovica under my control, although it was within my area of responsibility.”<sup>26</sup>

### 3. Structure and Number of Soldiers in the 549th MtBr

The 549<sup>th</sup> MtBr in 1999 included the following bodies and units: the commander, headquarters, assistant commander for morale guidance, security unit, logistics unit, three motorized battalions, artillery battalion, 122mm howitzer artillery battalion, mixed anti-armoured artillery battalion, light anti-aircraft defence artillery battalion, and engineers battalion.<sup>27</sup>

According to the testimony of Božidar Delić given in the *Milošević case*, the following units were his subordinates: “40mm ‘Bofors’ Anti-Aircraft unit, Prizren Military Detachment with its two military territorial detachments, the 108<sup>th</sup> and 68<sup>th</sup>, the 354<sup>th</sup> Company of the 354<sup>th</sup> Brigade, the 55<sup>th</sup> Border Battalion, the 3<sup>rd</sup> Company of the 53<sup>rd</sup> Border Battalion, two self-propelled 128mm ‘Oganj’ batteries and one 155mm battery from the Corps, i.e. the artillery brigade.”<sup>28</sup> The 549<sup>th</sup> MtBr also had 31 tanks.<sup>29</sup>

The Brigade had more than 14,000 soldiers and it was reinforced by forces from the Priština Corps.<sup>30</sup>

During his testimony in the *Milutinović et al.* case, Delić said that there were ‘several hundreds’ of volunteers of different nationalities, including Russians and Ukrainians, in the 549<sup>th</sup> Motorized Brigade and they were assigned to various units of the 549<sup>th</sup> MtBr.<sup>31</sup>

Considering the military power and operations that it participated in, the most important battalion within the 549<sup>th</sup> MtBr was the 2<sup>nd</sup> Motorized Battalion under the command of Vlatko Vuković. During peacetime, the battalion was stationed in the Đakovica/Gjakovë Garrison in the ‘Devet Jugovića’ barracks. During his testimony in the *Milošević case*, Vuković described the area of responsibility of the 2<sup>nd</sup> motorized battalion in the following manner: “It was bordered by the River Belaja in the West, the Čafa Vanes/Qafa e Thanës pass in the South, by the state border from the Čafa Vanes pass to Paštrik/Pashtrik... On the East from Paštrik/Pashtrik mountain to the Beli Drim/Drini i Bardhe River and on the North by the rivers Beli Drim/Drini i Bardhe and Erenik/Ereniku.”<sup>32</sup> He underlined that at the beginning of the armed conflict in Kosovo he had about 1,600 and shortly thereafter 2,500 well trained soldiers, but according to the plans they engaged only small portions of the unit and a combat group of up to 10% of

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25 The 52<sup>nd</sup> Artillery Rocket Brigade of the Anti-Aircraft Defence Force (PVO), with its command post in Đakovica/Gjakovë, and Lieutenant Miloš Đošan, as its commander. Đošan was also the commander of the Đakovica/Gjakovë Garrison.

26 Božidar Delić, June 21<sup>st</sup>, 2005, *Milošević*.

27 Božidar Delić, July 7<sup>th</sup>, 2005, *Milošević*.

28 Božidar Delić, July 7<sup>th</sup>, 2005, *Milošević*.

29 Božidar Delić, September 20<sup>th</sup>, 2005, *Milošević*.

30 “Yugoslav Army’s Defence Against NATO Aggression in 1999”, Volume 2, Generals and Admirals of the Serbian Army Club, page 287.

31 Božidar Delić, December 5<sup>th</sup>, 2007, *Milutinović et al.* Photo of Božidar Delić and Russian volunteers Dimjan-Dima and Albert (with an eye-patch) from July 17<sup>th</sup>, 2000; Exhibit P3040 (Evaluation and Opinion of Božidar Delić on the work of Balan Dimjan), *Milutinović et al.*

32 Vlatko Vuković, October 26<sup>th</sup>, 2005, *Milošević*.



the entire capacity, between 160 and 250 soldiers.<sup>33</sup> The 2<sup>nd</sup> Motorized Battalion left Kosovo on June 14<sup>th</sup>, 1999 and was transferred to Medveđa. Total losses in the battalion between May 1998 and June 1999 were 15 killed and 53 wounded.<sup>34</sup>

Companies and platoons of the Logistics Battalion, which was not designated for combat, but to provide other units with the necessary weapons, ammunition, machinery, and other equipment, were engaged in fighting on several occasions.<sup>35</sup> The Commander of the Logistics Battalion was Pavle Gavrilović.<sup>36</sup>

On the basis of the testimony given by Božidar Delić and other members of the 549<sup>th</sup> MtBr in the *Milošević, Milutinović et al. and Suva Reka* cases, as well as on the basis of VJ documents, it can be concluded that most of the combat operations of the 549<sup>th</sup> MtBr were carried out by specific combat groups of the brigade. Information pertaining to the organization and activities of combat groups between March 24<sup>th</sup> and June 10<sup>th</sup>, 1999 is fragmented and it shows that some combat groups were created *ad hoc* for the needs of specific military operations and that they changed their positions depending on the place where military operations were planned.

Combat Group 1<sup>37</sup> operated in the vicinity of Suva Reka/Suharekë and was usually under the command of Uroš Nikolić.<sup>38</sup>

Combat Group 2 consisted of a part of the 2<sup>nd</sup> Motorized Battalion. One part of this combat group was situated in Šulani, some 10 km South-West of Đakovica/Gjakovë and the other was stationed at the military barracks in Đakovica/Gjakovë. Vlatko Vuković, Commander of the 2<sup>nd</sup> Motorized Battalion, was also the commander of Combat Group 2.<sup>39</sup> Vuković testified that this combat group “provided in-depth security of the state border with the aim of preventing the actions by ethnic Albanian Terrorist Forces (ŠTS) and the illegal traffic of arms and equipment from Albania to Kosovo and Metohija. Additionally, it provided security on the Đakovica/Gjakovë - Ponoševac/Ponoshec road to ensure unhindered supply to observation points.”<sup>40</sup> He also added that the command of the 549<sup>th</sup> MtBr and the command of the Priština Corps, conducted regular checks on the groups in the field and Combat group 2, particularly from the Forward Command Post in Đakovica/Gjakovë.<sup>41</sup>

The command post of Combat Group 3 was in the village of Damjane/Damjan, in the municipality of Đakovica/Gjakovë.<sup>42</sup> The Commander of Combat Group 3 was Radivoj Paravinja,<sup>43</sup> but Zlatko Odak also

33 Vlatko Vuković, November 9<sup>th</sup>, 2005, *Milošević*.

34 Vlatko Vuković, January 30<sup>th</sup>, 2008, Exhibit 5D1442 (Witness statement from January 5<sup>th</sup>, 2008), paragraph 111, *Milutinović et al.*

35 See Part II, 5. Trnje/Ternje.

36 Božidar Delić, June 30<sup>th</sup>, 2005, *Milošević*.

37 Božidar Delić, July 1<sup>st</sup>, 2005, *Milošević*.

38 Božidar Delić, July 5<sup>th</sup>, 2005, *Milošević*; Uroš Nikolić was the commander of the 1<sup>st</sup> Motorized Battalion; Božidar Delić, June 4<sup>th</sup>, 2008, *Suva Reka*.

39 Božidar Delić, June 4<sup>th</sup>, 2008, Case *Suva Reka*.

40 Vlatko Vuković, January 30<sup>th</sup>, 2008, Exhibit 5D1442 (Witness statement from January 5<sup>th</sup>, 2008), para 6, *Milutinović et al.*

41 Vlatko Vuković, January 30<sup>th</sup>, 2008, Exhibit 5D1442 (Witness statement from January 5<sup>th</sup>, 2008), para 10, *Milutinović et al.*

42 Vlatko Vuković, January 30<sup>th</sup>, 2008, Exhibit 5D1442 (Witness statement from January 5<sup>th</sup>, 2008), para 16, *Milutinović et al.*

43 Božidar Delić, June 4<sup>th</sup>, 2008, *Suva Reka*.



occasionally commanded this unit. Vlatko Vuković, during his testimony in the *Milošević* case, explained that at the beginning of the NATO bombing of the FRY “one company was placed under the command of this unit [2<sup>nd</sup> Motorized Battalion], which had previously been part of Combat Group 3.”<sup>44</sup>

On May 22<sup>nd</sup>, 1999, Combat Group 4 was positioned in the area of Ovčarska farm, in the village of Buzec-Mejdan.<sup>45</sup>

Between March 25<sup>th</sup> and 27<sup>th</sup>, 1999, Combat Group 5 operated from the area of Suva Reka/Suharekë towards the village of Studenčani/Studenčan, in the municipality of Suva Reka/Suharekë, and in the area of the local road, ‘for the purpose of ... linking up with the troops of Combat Group 6 and ... opening up this road for traffic.’<sup>46</sup> The Commander of Combat Group 5 was Stojan Konjikovac. The Combat group had 180 troops and three tanks, one self-propelled artillery piece, two self-propelled anti aircraft guns, and a 120 mm mortar platoon with two mortars.<sup>47</sup>

Between March 25<sup>th</sup> and 27<sup>th</sup>, 1999, Vladimir Stojiljković, the 549<sup>th</sup> MtBr Chief of Staff, was also the Commander of the newly established Combat Group 7, which was operating in the area between Combat Group 6 and Combat Group 2, in the wider area of Velika Hoča/Hoca i Madhe, in the municipality of Orahovac/Rahovec.<sup>48</sup>

The President of the FRY, Slobodan Milošević, awarded the 549<sup>th</sup> MtBr the Order of the Peoples’ Hero, for its heroic defence of the country.<sup>49</sup>

#### 4. Participation of the 549<sup>th</sup> MtBr in the Commission of Crimes

Between 1998 and 1999, independently or in joint operation with other units of the MUP and VJ, the 549<sup>th</sup> MtBr under the command of Božidar Delić, acted as fire support and was preparing for the invasion of Serb forces into Albanian villages in Kosovo, in which a number of mass killings of Kosovo Albanian civilians and the looting and destruction of property occurred.

This document contains a description of the eight most serious crimes committed in late March and April 1999, which show the *modus operandi* of Serb forces in the 549<sup>th</sup> MtBr’s area of responsibility. That *modus operandi* was as follows: in early morning hours, the 549<sup>th</sup> MtBr would shell villages inhabited largely by Kosovo Albanians; after this members of the MUP and the 549<sup>th</sup> MtBr would enter the village, gather the Kosovo Albanians together, separate the women, children and the elderly, from the men, deport the women, children and the elderly to Albania, set houses owned by Kosovo Albanians on fire, and kill the remaining men. However, there are some significant exceptions from this regular pattern of operation of Serb forces, in which members of the MUP and 549<sup>th</sup> MtBr also killed a great number of women and children.

The highest ranking commanders of the VJ during 1999 - Dragoljub Ojdanić, Nebojša Pavković and

44 Vlatko Vuković, October 27<sup>th</sup>, 2005, *Milošević*.

45 Exhibit P925, War diary of the 549<sup>th</sup> MtBr, written on the day of May 22<sup>nd</sup>, 1999, *Milutinović et al.*

46 Božidar Delić, July 1<sup>st</sup>, 2005, *Milošević*.

47 Božidar Delić, July 1<sup>st</sup>, 2005, *Milošević*; Božidar Delić, June 4<sup>th</sup>, 2008, Case *Suva Reka*

48 Božidar Delić, July 1<sup>st</sup>, 2005, *Milošević*.

49 “Yugoslav Army Defence Against NATO Aggression 1999”, Volume 3, Generals and Admirals of the Yugoslav Army Club, page 228.



Vladimir Lazarević, the then Deputy Prime Minister of the FRY in charge of Kosovo, Nikola Šainović, and police generals Sreten Lukić and Vlastimir Đorđević, were found guilty by first instance judgments of the ICTY, of mass killing and other acts of violence committed by VJ and MUP units against Kosovo Albanians during 1999 in the area of responsibility of the 549<sup>th</sup> MtBr.<sup>50</sup>

Generals Ojdanić, Pavković and Lazarević were found guilty of committing murders, deportation, forcible transfer, sexual assaults, wanton destruction and damage to religious property and persecution on ethnic grounds, which were committed in a common purpose to modify the ethnic balance in Kosovo in order to ensure continued control by the FRY and Serbian authorities over the province. The common purpose was achieved through the use of MUP and VJ troops.<sup>51</sup> With regard to mass murders in which members of the 549<sup>th</sup> MtBr participated, not a single member of this brigade – neither the immediate executors or commanders from the 549<sup>th</sup> MtBr – were held criminally responsible for a single case of mass murder.<sup>52</sup>

In their testimonies before the ICTY, Božidar Delić and other commanders of the 549<sup>th</sup> MtBr claimed that they had no information about mass murders of Kosovo Albanians committed in the area of responsibility of the 549<sup>th</sup> MtBr that are described in this Dossier.

The Trial Chamber in the *Milutinović et al.* case, before which Božidar Delić and two other commanders from the 549<sup>th</sup> MtBr testified, <sup>53</sup> described on several occasions in its judgment the testimonies about mass murders given by these witnesses, using the terms ‘not credible,’ ‘unconvincing,’ ‘credibility must be questioned,’ and ‘unconvincing and unreliable.’<sup>54</sup>

50 The ICTY judgment rendered in *Milutinović et al.* which is referred to later in the text is the judgment of the Trial Chamber, is a first instance and is not final as the case is pending the appeals procedure. We should mention that the ICTY Appeals Chamber will additionally revise the established state of facts only if it comes to the conclusion that the factual finding established by the Trial Chamber could not be established by “a reasonable person” (see second instance judgments in the following cases: *Tadić*, para. 64; *Furundžija*, para. 37; *Aleksovski*, para. 63; *Čelebići*, para. 434-435). The indictment raised by the ICTY Office of the Prosecutor against Milutinović et al. did not encompass all of the crimes committed against Kosovo Albanians by Serb forces in Kosovo between January 1<sup>st</sup> and June 20<sup>th</sup>, 1999, but just a limited number of crimes, which the Prosecution felt were sufficient to prove certain counts of the indictment – deportation, other inhumane acts (forcible transfer), murder, and persecution.

51 ICTY Trial Chamber judgment in *Milutinović et al.*, Volume 3 of 4, pages. 271-273, 347-349, 407-409; Summary of the ICTY Trial Chamber Judgment in *Milutinović et al.*, February 26<sup>th</sup>, 2009, page 7.

52 The ICTY Trial Chamber convicted Vladimir Đorđević, the Commander of the Priština Corps and immediate superior of Commander Božidar Delić, to 15 years of imprisonment for aiding and abetting the deportation and forcible transfer of Kosovo Albanians. The Commander of the 3<sup>rd</sup> Army was Nebojša Pavković, who was convicted by the ICTY Trial Chamber to 22 years of imprisonment because, as a member of a joint criminal enterprise, he had shown intent to forcibly displace a part of the Kosovo Albanian population and he shared this intent with other members of the joint criminal enterprise having the purpose of forcibly transferring Kosovo Albanians and their deportation from Kosovo in order to ensure continued control by the FRY and Serbian authorities over Kosovo. The Chief of Staff of the VJ during the NATO bombing of the FRY was Dragoljub Ojdanić, who was convicted by the ICTY Trial Chamber to 15 years of imprisonment for aiding and abetting the deportation and forcible transfer of Kosovo Albanians (ICTY Trial Chamber Judgment in *Milutinović et al.*, Volume 3 of 4, para 627-628, 781-782, 930).

53 Vlatko Vuković, Commander of the 2<sup>nd</sup> Motorized Battalion, and Pavle Gavrilović, Commander of the Logistics Battalion.

54 ICTY Trial Chamber Judgment in *Milutinović et al.*, Volume 2 of 4, para. 333, 380, 432 and 470.



Delić spoke publicly on several occasions about his official role and the responsibility he had during the war in Kosovo:

“I know what was happening in my area of responsibility.”<sup>55</sup>

“I was always at the frontline.”<sup>56</sup>

Delić also spoke about this in the media on several occasions. In a statement broadcast by the Produkcijnska grupa Mreza (Network Production Group), he said: “I am solely responsible for everything that happened in my unit or in my area of responsibility, and for every one of my soldiers and officers. Certain things happened. During 1998 and particularly during 1999 I signed 300 criminal complaints against my commanders and soldiers.”<sup>57</sup>

None of the criminal complaints signed by General Delić related to mass murders committed by members of the 549<sup>th</sup> MtBr and MUP in his area of responsibility. According to statements made by Delić, during 1998 and 1999 soldiers of the 549<sup>th</sup> MtBr killed a total of eight Kosovo Albanian civilians.<sup>58</sup>

## II Documented Operations of the 549th MtBr

### 1. *Bela Crkva/Bellacërkë – members of Serb forces killed 65 Kosovo Albanian civilians in this village between March 25<sup>th</sup> and 28<sup>th</sup>, 1999.*

The village of Bela Crkva/Bellacërkë, now called Fortesë, the municipality of Orahovac/Rahovec, is located in the vicinity of the Prizren – Đakovica/Gjakovë main road.

#### 1.1 Official VJ documents and testimonies of VJ officers.

The joint command for Kosovo and Metohija issued the ‘Order for assistance to MUP forces in crushing and destroying STS in the Orahovac, Suva Reka, and V. Kruša area’ on March 23<sup>rd</sup>, 1999 to the units of the Priština Corps in which the task of the 549<sup>th</sup> MtBr was described in the following manner ‘in a joint action with the VJ and MUP carry out an all-out attack from the all-round support point in the direction of the villages of **Bela Crkva**, Mala Hoča, Velika Kruša.’<sup>59</sup>

On the basis of this order of the Joint Command, the commander of the 549<sup>th</sup> MtBr, Božidar Delić, issued the ‘Order on destroying STS in the wider area of the village of Retimlje, lifting the blockade of the Suva Reka-Orahovac road and establishing the control of the territory’ on March 23<sup>rd</sup>, 1999 in which he issued an order to Combat Group 2 to cooperate with the 4<sup>th</sup> Company of the Đakovica Special Police Units

55 Božidar Delić, July 18<sup>th</sup>, 2005, *Milošević*.

56 Božidar Delić, June 4<sup>th</sup>, 2008. *Suva Reka*.

57 Statement by Božidar Delić given to the Network PG in February 2012, <http://www.youtube.com/watch?v=rj1GPYhKGos&list=UUKDo30nD-0KCys8DVIDd-eg&index=8&feature=plcp> Accessed on June 12<sup>th</sup>, 2012.

58 Božidar Delić, July 1<sup>st</sup>, 2005, *Milošević*.

59 Order to provide assistance to MUP in crushing and destroying STS in Orahovac, Suva Reka and V. Kruša area, Exhibit P2015, page 3, *Milutinović et al*;



‘and undertake an energetic attack to search the village of **Bela Crkva**, and end up at the Brnjača line.’<sup>60</sup> Delić and the Commander of the 2<sup>nd</sup> Motorized Battalion, Vlatko Vuković, alleged in their testimonies given in the *Milutinović et al.* case that they passed through Bela Crkva / Bellacërkë on March 25<sup>th</sup>, 1999 with their troops but that the VJ did not carry out any operations in the village at that time.<sup>61</sup>

In his testimony given in the *Milošević case*, Delić stated, “My unit was in Bela Crkva/Bellacërkë on March 25<sup>th</sup> only. After this it continued operations in other directions. I passed through Bela Crkva/Bellacërkë on the following days as well... through to April 4<sup>th</sup>.” When asked by Milošević: “Did you notice any changes during these following days or anything happening in Bela Crkva/Bellacërkë?”, Delić said: “As far as I am concerned, it was completely normal, just like the first day, I didn’t notice anything.”<sup>62</sup> However, in the war diary of the 2<sup>nd</sup> motorized battalion of the 549<sup>th</sup> MtBr, a note for the day of March 25<sup>th</sup>, reads: ‘The villages of **Bela Crkva**, Celina, Nogovac, and a part of V. Kruša were blocked and cleansed.’<sup>63</sup> Vuković added that the VJ did not search the villages since it had already been done by the 23<sup>rd</sup> Detachment of the Special Police Units from Đakovica<sup>64</sup> and said that he was convinced that no murders of Kosovo Albanians were committed in Bela Crkva/Bellacërkë because he was in the area at that time.<sup>65</sup>

In the ‘Analysis of operations of the 549<sup>th</sup> MtBr on the destruction of STS in the wider area of Retimlje and lifting the blockade of the Suva Reka – Orahovac road’, dated March 30<sup>th</sup>, 1999, it is alleged that a ‘fierce breakthrough of forces of the 23<sup>rd</sup> Detachment of the Special Police Units from the direction of Bela Crkva and Brnjača towards the villages of Celina and M. Hoča was carried out.’<sup>66</sup>

## 1.2 Eyewitness testimonies

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According to the description provided by citizens of the village, Isuf Zhuniqi and Sabri Popaj, at around 03:30 hours on March 25<sup>th</sup>, 1999, members of Serb forces accompanied by tanks entered the village. Half an hour later, they opened fire shooting above the roofs of houses, which Zhuniqi interpreted as a warning sent to the villagers to leave the village, which they did. Several hundred villagers from Bela Crkva/Bellacërkë, including a great number of juveniles, ran away and hid in a number of concealed locations in the bed of the Belaja/Lumi i Bellajes stream.<sup>67</sup>

Later the same morning, while he was still hidden by the Belaja/Lumi i Bellajes stream, Sabri Popaj heard

60 Order to destroy STS in the area of the village of Retimlje, deblocking the Suva Reka – Orahovac road and establishing control over the territory, P1981, page 3, *Milutinović et al.*

61 Božidar Delić, November 29<sup>th</sup>, 2007, December 4<sup>th</sup>, 2007, *Milutinović et al.*; Vlatko Vuković, Exhibit 5D1442 (Witness statement from January 5<sup>th</sup>, 2008), para 21, *Milutinović et al.*

62 Božidar Delić, July 1<sup>st</sup>, 2005, *Milošević*. Exhibit P98, Comparative video of Bela Crkva no March 11<sup>th</sup> and April 4<sup>th</sup>, 1999 showing the extent of destruction of buildings in the village, *Milutinović et al.*

63 War diary of the 2<sup>nd</sup> Motorized Battalion, Exhibit D322, *Milošević*: Vuković challenged the veracity of this note in the War diary of the 2<sup>nd</sup> Motorized Battalion claiming that his deputy practically copied the text from the Order to provide assistance to MUP in crushing and destroying STS in Orahovac, Suva Reka, and V. Kruša area, issued by the Joint Command for Kosovo and Metohija on March 23<sup>rd</sup>, 1999 (Exhibit P2015), *Milutinović et al.* (Vlatko Vuković, January 30<sup>th</sup>, 2008, *Milutinović et al.*).

64 Vlatko Vuković, Exhibit 5D1442 (Witness statement from January 5<sup>th</sup>, 2008), para 21, *Milutinović et al.* Vlatko Vuković, January 30<sup>th</sup>, 2008, *Milutinović et al.*

65 Vlatko Vuković, January 30<sup>th</sup>, 2008, *Milutinović et al.*

66 Analysis of operation of the 549<sup>th</sup> MtBr in routing the STS in the general area of Retimlje and lifting the blockade on the Suva Reka-Orahovac road, Exhibit P1995, *Milutinović et al.*

67 Statement by Isuf Zhuniqi given to the HLC; Statement by Sabri Popaj given to the HLC.



bursts of gunfire coming from downstream in the direction of the asphalt road. From the location where he was hiding, some 120 meters closer, Sabri Popaj saw a group of police officers approach a group of 13 Kosovo Albanian civilians that he knew. He heard police officers shouting, “We will fuck your mother” and “Ask NATO for help now”. Then they opened fire with automatic weapons at those people.<sup>68</sup> Five members of the Zhuniqi family (Çlirim, Lumturije, Dhurata, Dardane and Dardan) and seven members of the Spahiu family (Xhemajl, Qamile, Fiqirije, Ilirijana, Marigona, Labinot and Lirim) were killed. Four-year-old Skodran Zhuniqi survived the execution.<sup>69</sup>

At around 09:00, a number of members of Serb forces found and surrounded the Kosovo Albanians who were hiding by the Belaja/Lumi i Bellajes stream. They found another larger group of people under the railway bridge over the Belaja/Lumi i Bellajes stream, which connects the village of Zrze/Xerxhe and Prizren towards the village of Rogovo/Rogove, in the vicinity of the Prizren - Đakovica/Gjakovë main road. They made them strip to their underwear. They forcibly separated men from women and children. They beat them and stole their money, jewellery and watches. They confiscated personal identification documents from all of them and tore them up.<sup>70</sup> The leader among the police officers told the women and children to walk along the railroad in the direction of Zrze/Xerxhe.<sup>71</sup> According to Isuf Zuniqi: “... one of the men in uniform hit Shendet Popaj (18) [Sabri Popaj’s son] and knocked him down... Then he stepped on him and held him to the ground. Nesim Popaj [Sabri’s brother] reacted and said, “let go of the boy, it is not his fault...” That same moment, one of the men in uniform, who was pretty big and tall, and had a characteristic jaw, in his thirties, fired a burst from his automatic rifle, first killing Doctor Nesim Popaj and then Shendet Popaj. Immediately we all lay down next to the canal but the gunfire did not stop. Some tried to run, but they were killed immediately. I did not move, however. A bullet scratched me in the upper part of my right hand. As I was lying down bleeding, the bodies of three killed men fell over me. After the burst of gunfire stopped and after a small pause, I heard several individual shots. I could not see who was doing this or why, but I assumed they were shooting at the dead to make sure no one stayed alive by any chance.”<sup>72</sup>

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That same day, around 11:00 hours, two women, F.P. and Z.P. went to the stream where men from their village had been detained. According to F.P. after they were convinced that there were no Serb soldiers by the stream any more, they “went closer and we saw a great number of killed people, but there were some who were wounded. Then we immediately returned to Zrze/Xrxe and told this to some of the women from our village and then we went back to this place together with Abaz Kryeziu, Nexhide, Nasibe Popaj and Fidaije Zhuniqi and took the wounded away. In this place I saw around 70 men and two of my sons who were killed – Shendet and Agon, as well as my brothers-in-law Nazmi and Nesim Popaj, while my brother-in-law’s son, Alban Popaj was wounded. Then we took the wounded, Alban Popaj, Hysni Popaj, Defrim and Jeton Zhuniqi, Feim Popaj and Sefer Popaj and placed them on Abaz Kryeziu’s tractor and took them to Zrze/Xrxe. I saw my sons Shendet and Agon in this place and they were killed and I was not able to move them.”<sup>73</sup>

Sabri Popaj, together with several other Kosovo Albanians, including several KLA soldiers, buried the killed, including two of his sons, on March 26<sup>th</sup> and 27<sup>th</sup>, 1999. They buried them in a field in a trench and

68 Sabri Popaj, Exhibit P2446 (Witness statement from June 14<sup>th</sup>, 1999), page 4, November 1<sup>st</sup>, 2006, *Milutinović et al*; Sabri Popaj, Exhibit P2446 (Witness statement from June 14<sup>th</sup>, 1999), page 4, *Milutinović et al*.

69 Statement by Sabri Popaj given to the HLC, page 1

70 Statement by Isuf Zhuniqi given to the HLC, page 1.

71 Isuf Zhuniqi, Exhibit P2331 (Witness statement from May 4<sup>th</sup>, 1999), page 4, *Milutinović et al*.

72 Statement by Isuf Zhuniqi given to the HLC.

73 Statement by F.P. given to the HLC.



at other locations near the place where they were murdered.<sup>74</sup>

After the massacre by the Belaja stream/Lumi i Bellaj, Serb forces settled down in Bela Crkva/Bellacërkë inside the “houses, which they didn’t destroy and they stayed in these houses until March 28<sup>th</sup>, 1999. During this time, they looted property, set the remaining houses on fire and killed people. And so a husband and wife, Morina Zuhar and Mustafa, and Zhuniqi Muhamet, a disabled person without a leg, were killed in their own houses.”<sup>75</sup>

On March 28<sup>th</sup>, 1999 on the Muslim holiday of Eid, the mosques in Celina/Celinë, Bela Crkva/Bellacërkë and Rogovo/Rogovë were mined.<sup>76</sup>

From June 29<sup>th</sup> to July 3<sup>rd</sup>, 1999, the University of Glasgow Department of Forensic Science [Scotland] undertook 54 *post mortem* examinations of 42 identified victims and 12 unidentified victims killed in Bela Crkva/Bellacërkë. 47 of the 54 exhumed victims were male (including three children) and there were seven female (including four children).<sup>77</sup>

### 1.3 Conclusions from the ICTY Trial Chamber Judgment in the *Milutinović et al.* Case

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“The Chamber [...] notes that an action was carried out by the VJ and the MUP in the area of Bela Crkva/Bellacërkë at the time of the events described above. The Chamber accepts the very detailed and consistent eye-witness evidence from Zhuniqi and Popaj about these events. Delić, Vuković and SD1 confirm the presence of VJ and MUP in and near Bela Crkva/Bellacërkë at the time, but the specific events as described by the eye-witnesses are denied by them. By generally denying having seen or taken part in any of the events in the village, although admitting being present in the area at the time, both Delić’s and Vuković’s credibility must be questioned and the Trial Chamber cannot, therefore, rely on them in relation to these events. The Chamber therefore finds that on 25 March 1999 VJ tanks entered Bela Crkva/Bellacërkë and VJ and MUP forces started to shoot at the village, forcing the inhabitants to flee. Hundreds of villagers fled along the Belaja stream.

MUP forces killed at least 10 people at the stream, including women and children, while shouting insults at them. A two-year old child survived this incident...

The police then ordered the remaining villagers by the stream to split into three groups, one of women and children, and the other two to include all the men standing on the ground on either side of the bridge and stream. The police ordered the women and children to leave in the direction of Zrze/Xërxa. A doctor from Bela Crkva/Bellacërkë spoke to the leader of the group of policemen and was shot and killed, as was his nephew. The men were then robbed of their valuables and forced into the stream where they were shot. The Trial Chamber finds that at least 42 men were killed in this incident, namely: Abdullah Begaj, Murat Berisha, Fadil Gashi, Musa Morina, Alban Popaj, Agon Popaj, Abdullah Popaj, Bedrush Popaj, Belul Popaj, Ethem Popaj, Hazer Popaj, Hysni Popaj, Isuf Popaj, Kreshnik Popaj, Lindrit Popaj, Mehmet Popaj, Mersel Popaj, Nazmi Popaj, Nisim Popaj, Rrustem Popaj, Sahid Popaj, Shendet Popaj, Vehap Popaj, Xhavit Popaj, Abein Zhuniqi, Bajram Zhuniqi, Bilal Zhuniqi, Destan Zhuniqi, Eshref Zhu-

74 Statement by Sabri Popaj given to the HLC; Statement by E.P. given to HLC.

75 Statement by Sabri Popaj given to the HLC.

76 Photos of destroyed mosques in Bela Crkva/Bellacërkë and Celina/Celinë, P1774 and P1800, *Milutinović et al.* Sabri Popaj, November 1<sup>st</sup>, 2006, *Milutinović et al.*

77 Exhibit P1809 (Eric Baccard, Overview of report), pages 15, 28, *Milutinović et al.*; Eric Baccard, February 19<sup>th</sup>, 2007, *Milutinović et al.*





niqi, Fatos Zhuniqi, Labinot Zhuniqi, Ibrahim Zhuniqi, Kasim Zhuniqi, Muhammet Zhuniqi, Muharrem Zhuniqi, Qamil Zhuniqi, Qemal Zhuniqi, Reshit Zhuniqi, Shemsi Zhuniqi, Ardian Fetoshi, Fatimir Fetoshi and Hysni Fetoshi. Seven others were killed close to the stream by the police; Irfan Popaj, Sedat Popaj, Agim Zhuniqi, Hysni Zhuniqi, Medi Zhuniqi, Hajrulla Begu and Halim Fetoshi. Consequently, on the basis of the forensic and additional evidence relating to the events in Bela Crkva/Bellacërka discussed above, the Chamber finds that 59 people were killed there by MUP forces on 25 March 1999.<sup>78</sup>

**2. Celina/Celinë – members of Serb forces killed 81 Kosovo Albanian civilians in this village between March 25<sup>th</sup> and 28<sup>th</sup>, 1999.**

The village of Celina/Celinë is located in the southern part of the municipality of Orahovac/Rahovec.<sup>79</sup>

### 2.1 Official VJ documents and testimonies of VJ officers

The Joint Command for Kosovo and Metohija issued an 'Order to provide assistance to the MUP in crushing and destroying STS in Orahovac, Suva Reka, and V. Kruša area' to the units of the Priština Corps on March 23<sup>rd</sup>, 1999, which defined the task of the 549<sup>th</sup> MtBr in the area of the villages of **Celina**, Velika Kruša, Mala Kruša, Pirane, Zojić, and Medvedce.<sup>80</sup>

On the basis of this order from the Joint Command, on March 23<sup>rd</sup>, 1999 the Commander of the 549<sup>th</sup> MtBr, Božidar Delić, issued an 'Order on Destroying STS in the wider area of the village of Retimlje, lifting the blockade on the Suva Reka-Orahovac road and establishing control of the territory' in which he issued an assignment to Combat Group 2 to cooperate with the 4<sup>th</sup> Company of the Đakovica Special Police Units and to 'carry out an energetic attack and search the village of Bela Crkva, come out of the Brnjača line, Brod elevation point tt. 432, tt. 440 in a coordinated action and cut off and destroy STS in the village of **Celine** and the village of Nogavac...'<sup>81</sup>

On the same day, the War Diary of the 2<sup>nd</sup> Motorized Battalion, records the following: 'The blockade was lifted and the villages of Bela Crkva, **Celina**, Nogavac, and a part of V. Kruša were cleansed.'<sup>82</sup>

It is claimed in the 'Analysis of the operations carried out by the 549<sup>th</sup> MtBr to destroy STS in the general areas of Retimlje and to remove the Suva Reka-Orahovac roadblock' dated March 30<sup>th</sup>, 1999 that the '23<sup>rd</sup> Detachment of the Special Police Unit made a strong breakthrough from the direction of Bela Crkva and Brnjača towards the village of **Celina** and Mala Hoča...'<sup>83</sup>

78 Judgment of the ICTY Trial Chamber, *Milutinović et al.* Volume 2 of 4, para 380-382.

79 Agim Jemini, June 7<sup>th</sup>, 2002, *Milošević*.

80 Order to provide assistance to the MUP in crushing and destroying STS in Orahovac, Suva Reka and V. Kruša area, Exhibit P2015, page 3, *Milutinović et al.*

81 Order on destroying STS in the general area of the village of Retimlje, lifting the blockade of the Suva Reka-Orahovac road and establishing control of the territory, P1981, page 3, *Milutinović et al.*

82 War diary of the 2<sup>nd</sup> Motorized Battalion, Exhibit D322, *Milošević*; Vuković challenged the veracity of this note from the War diary of the 2<sup>nd</sup> Motorized Battalion claiming that his deputy essentially copied the text from the Order for assistance to the MUP in crushing and destroying STS in Orahovac, Suva Reka, and V. Kruša area issued by the Joint Command for Kosovo and Metohija on March 23<sup>rd</sup>, 1999 (Exhibit P2015), *Milutinović et al.* (Vlatko Vuković, January 30<sup>th</sup>, 2008, *Milutinović et al.*).

83 Analysis of the operations of the 549<sup>th</sup> MtBr to destroy STS in the general areas of Retimlje and to remove the Suva Reka-Orahovac roadblock, Exhibit P1995, *Milutinović et al.*



In his testimony given in the *Milutinović et al.* case, Delić denied that his units surrounded or shelled Celina/Celinë. He added that on March 25<sup>th</sup>, police forces neutralized the KLA in the village and that his units provided assistance with light artillery fire, directing the fire above the village at the hillsides where the KLA had dug trenches, and not at houses in the village.<sup>84</sup> Vuković confirmed this, adding that when he went through the village later on, around 10:00, police units had already searched the village and “terrorists” had been “neutralized”. Vuković stated that at that time he did not see a single civilian in Celina/ Celinë nor did he see members of the VJ or police setting houses on fire, destroying mosques or looting the village.<sup>85</sup>

## 2.2 Description of the event

Villagers, Reshit Salihi and Agim Jemini, testified before the ICTY in the *Milutinović et al.* case, that Serb forces launched an attack on Celina/Celinë in the early morning hours of March 25<sup>th</sup>, 1999. First of all, tanks, armoured vehicles, and armoured transporters belonging to the VJ surrounded the village. Most villagers left their homes. Approximately between 05:00 and 05:30, the VJ started shelling the village. The shelling continued intermittently until 22:00 that night.<sup>86</sup> According to Jemini, it did not seem as if the VJ was shooting at the people in the village, but it rather looked as if they were trying to intimidate them.<sup>87</sup>

After the shelling of the village, most Kosovo Albanian families ran from their houses in panic and went to the nearby forest and hid there, initially in the *Pastidol* ravine at the north end of the village and later deeper in the forest, to a place called Pisjake/Pisjakë. Later, Serb soldiers arrived in the village.<sup>88</sup>

Men from 18 to 40 years of age in particular decided to hide in different places in the village, but in smaller groups, since they were scared that they would ‘be a target’ of members of the Serb forces. Cousins Agim Jemini and Isuf Jemini were among these people; they hid in the attic of their unfinished three-storey house. According to Agim Jemini, from this point they were able to see 80% of the village since the house was located some 10 metres off the road from Bela Crkva/Bellacërkë to Velika Kruša/Krusha e Madhe.<sup>89</sup> They saw approximately 500 soldiers at around 09:30 on March 25<sup>th</sup> enter the village from four directions: Bela Crkva/Bellacërkë, Orahovac/Rahovec, Velika Kruša/Krusha e Madhe and from the direction of the main road from Đakovica /Gjakovë to Prizren. According to the description given by Agim Jemini; “They were all in green and brown camouflage uniforms, and they had patches with the Yugoslav eagle on their left shoulder. Those who looked as if they were commanders had dark green berets, and regular soldiers wore the so-called ‘Tito’s’ hats”<sup>90</sup> Already by around 9:30, some 35 soldiers had broken the gate to Agim Jemini’s courtyard which had five houses in it. They searched all five houses and looted all the valuables. Then some of the soldiers settled on the second floor of the house in which Agim and Isuf Jemini were hiding and their commanders settled in the house next-door. From the place where they were hiding, Agim and Isuf Jemini saw soldiers entering houses all over the village, taking out valuable

84 Božidar Delić, November 29<sup>th</sup>, 2007, *Milutinović et al.*

85 Vlatko Vuković, January 30<sup>th</sup>, 2008, Exhibit 5D1442 (Witness statement from January 5<sup>th</sup>, 2008), para 27, *Milutinović et al.*

86 Reshit Salihi, September 28<sup>th</sup>, 2006, Exhibit. P2336 (Witness statement from April 29<sup>th</sup>, 1999), page 2, *Milutinović et al.* Agim Jemini, Exhibit P2338 (Witness statement from July 17<sup>th</sup>, 1999), page 2, September 28<sup>th</sup>, 2006, *Milutinović et al.*

87 Agim Jemini, Exhibit P2338 (Witness statement from July 17<sup>th</sup>, 1999), page 2, September 28<sup>th</sup>, 2006, *Milutinović et al.*

88 Statement by A.Z. given to the HLC.

89 Exhibit P2356 (Photo showing the view from the attic window of the house in which Agim and Isuf Jemini were hiding), *Milutinović et al.*

90 Agim Jemini, Exhibit P2338 (Witness statement from July 17<sup>th</sup>, 1999), *Milutinović et al.*



property, and then setting the houses on fire. They set up check points at several locations in the village manned by 20-30 soldiers and the majority of soldiers left the village during the night, including those that had been in Jemini's houses.<sup>91</sup>

The following day around 8:00, Agim Jemini's parents and three other members of his family returned to the house where he and Isuf Jemini were hiding. They told them that soldiers had looted their houses and that they had to go to the village of Zrze/Xerxhe. They all believed that the attack was over, so they decided to stay in the village. However, around 9:00, some 200-300 soldiers returned to the village. Agim and Isuf Jemini once again hid in the attic of their unfinished house, while five family members, Agim's parents and three of their relatives, went to another house in the same courtyard. Agim watched as some 30 soldiers entered the courtyard at around 9:30, found the five members of the Jemini family, requested money from them and then ordered them to go towards the courtyard gate. Then the soldiers opened fire on them; all five of them were killed and they fell on the ground. During the day, the soldiers looted all five houses located in the Jemini family courtyard and set three houses on fire. They saved the two newly-built houses - the one the Serb commanders had stayed in the previous day and the other, where Agim and Isuf Jemini were hiding. During March 26<sup>th</sup>, soldiers set almost all of the houses in the village on fire.<sup>92</sup>

Agim Jemini's statement reads: "We could hear automatic gunfire and men, women and children screaming that entire day."<sup>93</sup>

After the soldiers left the Jemini courtyard at around 01:00, Agim and Isuf sneaked out of their house and ran away to the village of Zrze/Xerxhe.<sup>94</sup>

Isuf Jemini's description of events in Celina/Celinë in the period March 25<sup>th</sup>-28<sup>th</sup> matched those of his brother.<sup>95</sup>

Agim Jemini, and several other Kosovo Albanians, returned during the following nights and buried the residents of the village who had been killed and whose bodies were lying all over the village. Over some 30 days, they buried the bodies of 78 Kosovo Albanians, who were killed in Celina/Celinë between March 25<sup>th</sup>-28<sup>th</sup>, 1999. 18 of these bodies had been burned. Agim Jemini did not find the bodies of his parents among these 78.<sup>96</sup>

13 of those killed were children under the age of 18 years: eight children from Zeqiri family – Alma (18 months-old), Alban (5 years-old), Bledar (8), Besart (10), Altin (10), Albulena (11), Suzana (11), Burbuqe (13), Salihu Ramazan (8), Alban Rexhepi (14), Bedrush Hasani (15), Mejreme Salihu (15) and Gezim Salihu (17 years old).

Serb soldiers deported the surviving men, women, and children on March 28<sup>th</sup>, 1999 across the border to the Republic of Albania, and confiscated their identification and all other documents.<sup>97</sup>

91 Agim Jemini, Exhibit P2338 (Witness statement from July 17<sup>th</sup>, 1999), *Milutinović et al.*

92 Agim Jemini, Exhibit P2338 (Witness statement from July 17<sup>th</sup>, 1999), *Milutinović et al.*

93 Agim Jemini, Exhibit P2338 (Witness statement from July 17<sup>th</sup>, 1999), *Milutinović et al.*

94 Agim Jemini, Exhibit P2338 (Witness statement from July 17<sup>th</sup>, 1999), *Milutinović et al.*

95 Statement by Isuf Jemini given to the HLC.

96 Agim Jemini, Exhibit P2338 (Witness statement from July 17<sup>th</sup>, 1999), *Milutinović et al.*

97 Statement by R. D. given to the HLC; Statement given by A. Z. given to the HLC.



### 2.3 Conclusions from the ICTY Trial Chamber Judgment in the *Milutinović et al.* Case

‘The Trial Chamber notes that an action was carried out by the VJ and the MUP in the area of Celina at the time of the events described above. The Chamber finds no reason to doubt the credibility of the very detailed and consistent evidence from Jemini and Salihi about events in Celina on 25 March 1999, and the days following. Delić and Vuković’s general denials of their units having seen or taken part in any of the events in the village, although they both admit being present in the area at the time, lack credibility.

The Trial Chamber finds that the VJ surrounded Celina on 25 March 1999, and shelled the village. Mixed VJ and MUP forces, including irregular forces, entered the village and looted and set fire to houses. The villagers consequently fled out of fear. Many fled to the woods. Some villagers were assaulted and killed.<sup>98</sup>

### 3. Mala Kruša/Krushë e Vogël – members of Serb forces killed 115 Kosovo Albanian civilians in this village between March 25<sup>th</sup> and 27<sup>th</sup>, 1999.

The village of Mala Kruša/Krushë e Vogël is located in the southern part of the municipality of Orahovac/Rahovec.

#### 3.1 Official VJ documents and testimonies of VJ officers

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The Joint Command for Kosovo and Metohija issued the ‘Order to provide assistance to the MUP in crushing and destroying STS in the Orahovac, Suva Reka, and V. Kruša areas’ to the units of the Priština Corps on March 23<sup>rd</sup>, 1999 in which the 549<sup>th</sup> MtBr was tasked to ‘crush and destroy STS in the area of the villages Celina, Velika Kruša, **Mala Kruša**, Pirane, Zojić, and Medvedce.’<sup>99</sup>

On the basis of this order from the Joint Command, the Commander of the 549<sup>th</sup> MtBr, Božidar Delić issued the ‘Order on destroying STS in general area of the village of Retimlje, lifting the blockade of the Suva Reka–Orahovac road and establishing control of the territory’ on March 23<sup>rd</sup>, 1999. In the order he issued an assignment to Combat Group 1 to cooperate with the 37<sup>th</sup> Detachment of the Special Police Units and two platoons of MUP forces ‘to energetically attack and destroy major individual targets using hardware to overpower and destroy the STS in **Mala Kruša**, take control of the wine cellar and move on to tt.382, and to destroy STS in the village of Pirane and the village of Zojić.’<sup>100</sup>

In his testimony in the *Milutinović et al.* case, Delić denied that his troops had entered the village of Mala Kruša/Krushë e Vogël on March 25<sup>th</sup>, 1999 saying that this village was not on the route taken by his troops. However, he did accept that MUP units passed through the village and unknown persons had opened fire at the police.<sup>101</sup> He stated that on March 26<sup>th</sup>, 1999 he was located some five or six kilometres away from Mala Kruša /Krushë e Vogël, but he denied that he had heard that 105 Kosovo Albanians had

98 Judgment of the ICTY Trial Chamber in *Milutinović et al.*, Volume 2 of 4, paras. 333-334.

99 Order for assistance to the MUP in crushing and destroying STS in the Orahovac, Suva Reka, and V. Kruša areas, Exhibit P2015, page 3, *Milutinović et al.*

100 Order on destroying STS in the general area of the village of Retimlje, lifting the blockade of the Suva Reka–Orahovac road and establishing control of the territory, P1981, page 3, *Milutinović et al.*

101 Božidar Delić, November 29<sup>th</sup>, 2007, December 6<sup>th</sup>, 2007, Case *Milutinović et al.* Exhibit 6D1013 (MUP Prizren Report, March 13<sup>th</sup>, 1999), page 4, Exhibit 5D887 (Intelligence Information, Command of the 549<sup>th</sup> MtBr, April 14<sup>th</sup>, 1999).



been killed there on that day.<sup>102</sup> The 'Analysis of the operation of the 549<sup>th</sup> MtBr on destroying STS in the general area of Retimlje and lifting of the blockade on the Suva Reka-Orahovac road' from March 30<sup>th</sup>, 1999 signed by Delić, among others states: 'The forces of Combat Group 1, in a planned manner, took hold of the line: village of Zojić, village of Pirane, 400 metres to the north, and from Mala Kruša made a breakthrough up to the key facilities in front of Randubrava.'<sup>103</sup>

### 3.2 Eyewitness testimonies

Citizens of the village were woken up at around 03:00 on March 25, 1999 by the noise made by tanks, armoured vehicles, anti-aircraft guns and heavy artillery positioned along the Prizren-Đakovica/Gjakovë road.<sup>104</sup>

All of the Kosovo Albanians left their houses and ran away into the forests located above the village.<sup>105</sup>

At dawn, the tanks opened fire in the direction of the forest where citizens of the village were hiding. Members of Serbian forces continued firing for one hour above the heads of the villagers, in the direction of the forest. Then, members of Serb forces started setting the village on fire. Members of the MUP took away vehicles and tractors. Local Serbs participated in the attack alongside members of the MUP and VJ.<sup>106</sup>

Around 19:00, most villagers went to Sejdi Batusha's house in the village because the nights were cold and they were not well dressed, and they spent the night there.<sup>107</sup>

In the early morning hours of March 26<sup>th</sup> Serbs from the village, with the help of MUP officers, started shooting and broke into, and looted Kosovo Albanian houses removing valuables, tractors, and cars. After removing all of the valuables, they would set the houses on fire.<sup>108</sup> During the morning, they also killed Hyseni Ramadani (born in 1922) in the village.<sup>109</sup>

As they were setting houses on fire, MUP members approached the Batusha family compound. They took up positions in the house of Milaim Batusha. Then they ordered Aziz Shehu to gather the people who were still hiding in the forest, and bring them to the village.

After they had gathered all of the Kosovo Albanians by the main road in the village, members of Serb forces separated the women and children from the men. Boys, who were 13 years old and more, were ordered to join the group of men. This group of men included older men, some 14 teenagers, two mentally challenged men, and two paralyzed men - Liman and Sait Hajdari. One police officer in "black police uniform" told the women to go to Albania. They went down the road towards the River Drim. Four boys,

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102 Božidar Delić, November 29<sup>th</sup>, 2007, *Milutinović et al.*

103 Analysis of the operation of the 549<sup>th</sup> MtBr to destroy STS in the general area of Retimlje and lifting of the blockade on the Suva Reka-Orahovac road, Exhibit P1995, page 2, *Milutinović et al.*

104 Mehmet Krasniqi, Exhibit P2341 (Witness statement from April 4<sup>th</sup>, 1999), page 8, September 28<sup>th</sup>, 2006, *Milutinović et al.*

105 Mehmet Krasniqi, Exhibit P2341 (Witness statement from April 4<sup>th</sup>, 1999), page 8, September 28<sup>th</sup>, 2006, *Milutinović et al.*

106 Mehmet Krasniqi, Exhibit P2341 (Witness statement from April 4<sup>th</sup>, 1999), page 8, *Milutinović et al.*

107 Lutfi Ramadani, September 28<sup>th</sup>, 2006, Case *Milutinović et al.*

108 Lutfi Ramadani, September 28<sup>th</sup>, 2006, Case *Milutinović et al.*

109 Lutfi Ramadani, September 28<sup>th</sup>, 2006, Case *Milutinović et al.*



brothers Burim and Lirim Batusha and brothers Visar and Enver Batusha, were separated from their mothers as the convoy was leaving the village and then they were detained with the rest of the men.<sup>110</sup>

Members of Serb forces detained 120 men and boys, including 13-year-old Mehmet Shehu, 13-year-old Xhelal Shehu and the 72-year-old uncle of Mehmet Krasniqi, Bali Avdyla. They searched all of them and confiscated their money and personal documents.<sup>111</sup>

Police officers took them to the stable owned by Qazim Batushi, which consisted of two rooms and one hallway, and after they had pushed all of them inside the stable – they opened fire without warning.<sup>112</sup> One of eight survivors, Mehmet Krasniqi fell to the ground immediately and was covered by other bodies. The shooting came from the window and lasted for several minutes. After this, one police officer came in with a rifle and shot at anyone who raised their head.<sup>113</sup>

When the shooting ceased, members of MUP threw hay over the bodies and set it on fire. Krasniqi was still at the bottom of the pile of dead and wounded people. He pulled himself out from the bottom of the pile of bodies and managed to run away by jumping out of the side window. He ran to his uncle's house, which was right next to the stable, and he hid in the basement.<sup>114</sup> Krasniqi later hid in the forest where he stayed until midnight, watching the stable where the men were killed. He stayed for a further two days in the forest as he was able to watch what was happening in the village from this point and because MUP members were still close by. The village was on fire for several days thereafter.<sup>115</sup>

A second survivor, Lufti Ramadani, was not wounded in the shooting, but the right side of his body and his head were burned. He managed to escape through the door together with two other men, Bajram Zylfiu and 'Agim'. Ramadani's sons, Bajram (14) and Afrim (27), his brother Murat Ramadani (54) and nephew Selajdin Ramadani (28) were among those killed.<sup>116</sup>

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Ramadani returned to Mala Kruša/Krushë e Vogël sometime around June 15<sup>th</sup>, 1999 and he saw that all of the houses of Kosovo Albanians were burnt, while houses owned by Serbs and Roma were still in a good condition. He went to the Batusha's stable and saw that it had been destroyed by explosive and levelled with a bulldozer. He found several burnt shoes, sleeves and pieces of clothing.<sup>117</sup>

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110 Lufti Ramadani, September 28<sup>th</sup>, 2006, Case *Milutinović et al.*

111 Lufti Ramadani, September 28<sup>th</sup>, 2006, *Milutinović et al.* Mehmet Krasniqi, Exhibit P2341 (Witness statement from April 4<sup>th</sup>, 1999), page 8, *Milutinović et al.*

112 Mehmet Krasniqi, Exhibit P2341 (Witness statement from April 4<sup>th</sup>, 1999), page 9, September 29<sup>th</sup>, 2006, *Milutinović et al.* Lufti Ramadani, September 28<sup>th</sup>, 2006, *Milutinović et al.*

113 Mehmet Krasniqi, Exhibit P2341 (Witness statement from April 4<sup>th</sup>, 1999), page 9, September 29<sup>th</sup>, 2006, Case *Milutinović et al.*; Lufti Ramadani, September 28<sup>th</sup>, 2006, Case *Milutinović et al.*

114 Mehmet Krasniqi, Exhibit P2341 (Witness statement from April 4<sup>th</sup>, 1999), page 9, September 29<sup>th</sup>, 2006, Case *Milutinović et al.*; Lufti Ramadani, September 28<sup>th</sup>, 2006, Case *Milutinović et al.*

115 Mehmet Krasniqi, Exhibit P2341 (Witness statement from April 4<sup>th</sup>, 1999), page 9, September 29<sup>th</sup>, 2006, Case *Milutinović et al.*

116 Lufti Ramadani, September 28<sup>th</sup>, 2006, Case *Milutinović et al.*

117 Photos of Batusha's house taken on July 23<sup>rd</sup>, 1999, Exhibit P100, Case *Milutinović et al.*; Lufti Ramadani, September 28<sup>th</sup>, 2006, Case *Milutinović et al.*; Dr. John Sweeney, October 13<sup>th</sup>, 2006, Case *Milutinović et al.*; and Dr. Sweeney, Exhibit P2383 (Witness statement from January 24<sup>th</sup>, 2001), page 5, Case *Milutinović et al.*



### 3.3 Conclusions from the ICTY Trial Chamber Judgment in the *Milutinović et al.* Case

‘The Trial Chamber finds that the VJ and MUP along with other irregular forces, such as armed civilians, attacked the village of Mala Kruša/Krusha e Vogël on 25 March 1999. Although denying that his units were in the area, Deliç confirmed that the MUP was engaged in the village. The Chamber finds that this is one of a number of examples of Deliç trying to play down or deny the role of the VJ in incidents and again finds his denial of VJ presence not credible. The Chamber further finds that the VJ shelled the village, after which MUP forces entered and looted and burned houses. Kosovo Albanian villagers fled to the woods and thereafter hid in Sejdi Batusha’s house. Further, the Chamber is convinced that the forces acting included local Serbs who were in the MUP, and other local Serb men. It finds that the following day police and armed Serbs continued to loot and raid and set houses on fire. Policemen ordered all people out on to the main street and separated the women and children from the men. The women were ordered to go to Albania. At least 111 men were grouped together, including teenagers, the elderly, mentally and physically disabled men, and were assaulted, robbed of their valuables and identity documents and escorted to an empty barn belonging to a Kosovo Albanian villager. Members of the MUP shot through the windows of the barn and killed almost all of the men inside, after which they set fire to their bodies. The Trial Chamber does not accept that Deliç and SD1 would have no knowledge of this incident, given their admission that they were present in the area, or close by.

The Trial Chamber finds, on the basis of eye-witness evidence from Mehmet Krasniqi and Lutfi Ramadani, which was partly supported by the hearsay evidence of John Sweeney, that the following 111 individuals were killed by members of the MUP and other armed Serbs, in the Batusha barn on 26 March 1999: Adem Asllani, Asim Asllani, Feim Asllani, Muharrem Asllani, Nexhat Asllani, Nisret Asllani, Perparim Asllani, Bali Avdyli, Enver Avdyli, Ahmet Batusha, Amrush Batusha, Asllan Batusha, Avdi Batusha, Bekim Batusha, Beqir Batusha, Burim Batusha, Enver Batusha, Feim Batusha, Mergim Batusha, Haxhi Batusha, Lirim Batusha, Milaim Batusha, Muharremi Batusha, Njazi Batusha, Osman Batusha, Sejdi Batusha, Skifer Batusha, Sulejman Batusha, Zaim Batusha, Abaz Hajdari, Abedin Hajdari, Halil Hajdari, Halim Hajdari, Marsel Hajdari, Nazim Hajdari, Qamil Hajdari, Rasim Hajdari, Sahit Hajdari, Selajdin Hajdari, Shani Hajdari, Vesel Hajdari, Zenun Hajdari, Avdyli Limoni, Limon Limoni, Luan Limoni, Nehbi Limoni, Afrim Ramadani, Asllan Ramadani, Bajram Ramadani, Sabit Ramadani, Murat Ramadani, Ramadan Ramadani, Selajdin Ramadani, Kadri Rashkaj, Refki Rashkaj, Adnan Shehu, Arben Shehu, Arif Shehu, Bekim Shehu, Burim Shehu, Destan Shehu, Din Shehu, Dritan Shehu, Fadil Shehu, Flamur Shehu, FNU Shehu (the son of Haziz), FNU Shehu (the son of Sinan), Haxhi Shehu, Haziz Shehu, Ismail Shehu, Ismet Shehu, Mehmet Shehu, Mentor Shehu, Myftar Shehu, Nahit Shehu, Nehat Shehu, Sahit Shehu, Sami Shehu, Sefer Shehu, Shani Shehu, Shefqet Shehu, Sinan Shehu, Veli Shehu, Vesel Shehu, Xhafer Shehu, Xhavit Shehu, Xhelal Shehu, Afrim Zylfiu, Halim Zylfiu, Hamdi Zylfiu, Hamit Zylfiu, Hysen Zylfiu, Njazim Zylfiu, Islam Batusha, Syle Batusha, Visar Batusha, Mehmet Berisha, Isni Hajdari, Anton Prenkaj, Nikolle Prenkaj, Halim Qollaku, Hamdi Qollaku, Hamit Qollaku, Xhelal Qollaku, Ajvaz Shehu, Kujtim Shehu, Nuredin Shehu, Selami Shehu, Shefqet Shehu, Visar Shehu and Cene Zylfiu<sup>118</sup>

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#### 4. *Velika Kruša/Krushë e Madhe* – members of Serb forces killed 204 Albanian civilians in the village between March 25<sup>th</sup> and 27<sup>th</sup>, 1999.

The village of Velika Kruša/Krushë e Madhe is located in the southern part of the municipality of Orahovac/Rahovec, alongside the Prizren-Đakovica/Gjakovë main road, some 15 kilometres from Prizren/Prizren.

118 Judgment of the ICTY Trial Chamber in *Milutinović et al.*, Volume 2 of 4, paras. 432-433



## 4.1 Official VJ documents and testimonies of VJ officers

The Joint Command for Kosovo and Metohija issued the 'Order to provide assistance to MUP in crushing and destroying STS in the Orahovac, Suva Reka and V.Kruša area' on March 23<sup>rd</sup>, 1999, to the units of the Priština Corps. The order suggested that local KLA headquarters were located in the villages of **Velika Kruša**/Krushë e Madhe, Brestovac/Brestovc and Donje Retimlje/Reti e Ulët with a strength of '50 to 100 terrorists'. The order details the assignment of the Priština Corps as follows: 'With reinforcements and armed non-Šiptar population from KiM, the Priština Corps will assist the MUP in crushing and destroying STS in its zone of responsibility. Task: To support MUP forces in blocking, crushing and destroying STS in the general area of Orahovac, Suva Reka and Velika Kruša.'<sup>119</sup> The assignment for the 549<sup>th</sup> MtBr (its Combat Groups 1, 2, 5, 6, and 7) is described as follows: 'In a joint action with the VJ and MUP carry out an all-out attack from the all-round support point on the following axes: the villages of Bela Crkva, Mala Hoča-**Velika Kruša**.'<sup>120</sup>

On the basis of this order issued by the Joint Command, on March 23<sup>rd</sup>, 1999, the Commander of the 549<sup>th</sup> MtBr, Božidar Delić, issued the 'Order on destroying STS in the general area of the village of Retimlje, lifting the blockade of the Suva Reka – Orahovac road and establishing control of the territory'. In the order, he issued an assignment to Combat Group 2 to cooperate with the 4<sup>th</sup> Company of the Đakovica Special Police Units, and 'carry out an energetic attack and search of the village of Bela Crkva, and to emerge at the Brnjača line, Brod elevation point tt. 432, tt. 440 and in a coordinated action to cut off and destroy STS in the village of Celine and the village of Nogavc, seal off **Velika Kruša** and direct some forces from the Brod elevation point'<sup>121</sup> In the same order the forces clearing the territory are issued the following assignment – 'to prevent any pull-out on the part of STS across the asphalt road and to coordinate their actions with our forces in taking control of the villages of Pirane, Mala Kruša, **Velika Kruša**, and Celina.'<sup>122</sup>

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Delić testified in the *Milutinović et al.* case that Velika Kruša/Krushë e Madhe was a terrorist stronghold and that his forces did not enter the village on March 25<sup>th</sup>, 1999 because it was not located in the direction they were heading, but MUP units went through the village and that the police had been fired on.<sup>123</sup>

In the 'Analysis of the operation of the 549<sup>th</sup> MtBr in routing of the STS in the general area of Retimlje and lifting the blockade on the Suva Reka – Orahovac road', dated March 30<sup>th</sup>, 1999, it is alleged: 'During the second day of combat operations, the STS that were trapped in **V. Kruša** were routed and the village of Randubrava was taken...'<sup>124</sup>

119 Order to provide assistance to the MUP in crushing and destroying STS in Orahovac, Suva Reka, and V. Kruša area, Exhibit P2015, page 2, *Milutinović et al.*

120 Order to provide assistance to the MUP in crushing and destroying STS in Orahovac, Suva Reka, and V. Kruša area, Exhibit P 2015, page 3, *Milutinović et al.*

121 Order on destroying STS in the general area of Retimlje, lifting the blockade on the Suva Reka – Orahovac road and establishing control of the territory, P1981, page 3, *Milutinović et al.*

122 Order on destroying STS in the general area of Retimlje, lifting the blockade on the Suva Reka – Orahovac road and establishing control of the territory, P1981, page 3, *Milutinović et al.*

123 Božidar Delić, November 29<sup>th</sup>, 2007, December 6<sup>th</sup>, 2007, *Milutinović et al.*

124 Analysis of the operation of the 549<sup>th</sup> MtBr in routing STS in the general area of Retimlje and lifting the blockade on the Suva Reka-Orahovac road, Exhibit P1995, page 2, *Milutinović et al.*





It is noted in the War diary of the 2<sup>nd</sup> Motorized Battalion for March 25<sup>th</sup>, 1999: ‘The villages of Bela Crkva, Celina and a part of V. Kruša were captured and cleansed.’<sup>125</sup>

#### 4.2 Eyewitness testimonies

In a statement given to the HLC, S.G. from Velika Kruša/Krushë e Madhe described how Serb forces continuously shelled Velika Kruša/Krushë e Madhe on March 25<sup>th</sup>, 1999: ‘Several shells fell in my courtyard. One made a crater more than one metre wide. The other grenades hit two of our ‘Mercedes’ and ‘TAM’ trucks that were parked in the yard and destroyed them completely. There were some 200 refugees together with 28 members of my family in three of our houses, and 13 of them were under the age of 10. We were intimidated and forced to leave our houses. We went down the street towards the exit from the village in the direction of local hills. The street was blocked by a great number of vehicles and because this it took us a while to get through to the ravine above the village. More than a thousand of us stayed in the ravine in the cold until almost midnight, when we took shelter in the Nalli family’s houses where we spent the night.’<sup>126</sup>

The family of B. N. (born 1942), a librarian in Velika Kruša/Krushë e Madhe, were among a group of 1,500<sup>127</sup> people, who were hiding in the ravine close to the houses owned by the Nalli brothers. The entire time they were in the ravine they heard shooting and grenades exploding. After some time, a smaller group of villagers, including B.N, decided to take shelter in the big Ravine of the River Dulove/Proni i Duloves locted above the village. The Ravine of the Dulove/Proni i Duloves River was located out of the range of grenades. The shooting ceased around 21:00 when the villagers, due to the cold weather, started going back to Velika Kruša/Krushë e Madhe.<sup>128</sup>

The people who returned to Velika Kruša/Krushë e Madhe, spent the night in Nalli family’s houses and yard. The following day, March 26<sup>th</sup>, in the early morning hours, Serb forces surrounded the houses. 20 police officers surrounded B.N’s house. B.N. stated: ‘Five officers in blue camouflage uniforms and flak vests, carrying automatic rifles, rifle grenades, hand grenades and knives entered my courtyard. They ordered all of us to step outside and assemble in the yard. Then they separated men from women and children and started searching us individually and asking us if we had weapons and if there were any terrorists among us. They took us, the men, out in the street, lined us again and ordered us to put our hands in the air and they ordered the village Imam Mulla Jusuf to take women and children to the mosque. After this, they took us some 100 metres down the street to Shala Nebi’s courtyard.’<sup>129</sup> Some 10-15 police officers were there [...] At one point they fired a burst of gunfire above our heads and one of them found a shepherd’s stick in a stable and beat whoever he could with it. They did not spare the elderly or the sick, like Muhadri Plakus, Nali Besim, and the paralyzed Duraku Rasim. Then, they ordered us to lie down with our faces turned towards the ground [...] After several hours of lying on the ground, they told the people younger than 16 years and those older than 60 to get up. My older son Hasin, who was lying next

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125 War diary of the 2<sup>nd</sup> Motorized Battalion, Exhibit D322, *Milošević*; Vuković denied the veracity of this exhibit in the War diary of the 2<sup>nd</sup> Motorized Battalion claiming that his deputy had essentially copied the text of the Order to provide assistance to the MUP in crushing and destroying STS in the Orahovac, Suva Reka and V. Kruša area, issued by the Joint Command for KiM on March 23<sup>rd</sup>, 1999 (Exhibit P2015), *Milutinović et al.* (Vlatko Vuković, January 30<sup>th</sup>, 2008, *Milutinović et al.*

126 Statement by S. G. given to the HLC.

127 Witness BN estimated this number to be around 1,500. Another witness, G.S. estimated the number to be around 1,000.

128 Statement by B. N. given to the HLC.

129 The identity of several dozen men, who were seen for the last time in Sala Nebi’s courtyard, was established.



to me said: 'Lale,' that's what he called me, 'Go out because the children are alone'; he referred to the children who went together with women towards the mosque earlier this day. I got up and tried to join the group that was already separated. Suddenly a police officer pointed an automatic rifle at my chest and ordered me to put my hands in the air and lean against the wall. He requested that I give him German marks, which I didn't have. He told me angrily 'you are going home.' I didn't understand what he meant by this, but I was very scared. I managed to join the group and that is how I managed to escape the great massacre in Velika Kruša/Krushë e Madhe."<sup>130</sup>

S. S. (born in 1942), a teacher of Albanian language and literature at the 'Bajram Curri' Elementary School in Velika Kruša/Krushë e Madhe, was in the group of villagers that were taken by Serb police officers to Nebi Shala's house. He heard the police officer, who handed over captured villagers to another police officer, say, "You have 168". Some 20 armed police officers, who unlike the previous police officers had white ribbons on their sleeves and were visibly more untidy, arrived in the yard. They assembled the captured villagers and ordered them to put their hands in the air and turn with their faces towards the wall. They kept them standing like this and then lying on the ground from 7:00 until 14:00. Around 14:00 they ordered them to get up and told the ones who were not residents of Velika Kruša/Krushë e Madhe to step out of the group of captured people. Police officers took the group of 19 civilians who stepped out upon the order to the nearby stable.<sup>131</sup>

Selami Elshani from the village of Retimlje/Retimlë, the only one from the group that was taken to the stable who survived, testified later on that the 18 civilians were executed in the stable, and then their bodies were covered with hay and set on fire.<sup>132</sup> They did not hit Selami during the execution, but he fell and several men who were shot, fell over him. After the stable filled with smoke, he jumped out of it and ran away.<sup>133</sup>

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In the other part of the village, on the hill known as Velika Planina/Mali i Madh, members of Serb forces surrounded a group of some 50 villagers from Velika Kruša/Krushë e Madhe at around 11:00. They searched them and separated women and children from the men. They ordered the women and children to go towards the main road and they detained the men. Every trace of this group of men has been lost since March 25, 1999.<sup>134</sup>

Members of Serb forces executed a number of Kosovo Albanians in a similar manner in other places in the village of Velika Kruša/Krushë e Madhe, between March 25<sup>th</sup> and 27<sup>th</sup>, 1999. According to information held by the HLC, members of Serb forces killed 204 Kosovo Albanians in Velika Kruša/Krushë e Madhe, between March 25<sup>th</sup> and 30<sup>th</sup>, 1999.<sup>135</sup>

#### 5. **Trnje/Ternje** – *members of Serb forces killed 36 Kosovo Albanian civilians in this village between March 25<sup>th</sup> and 30<sup>th</sup>, 1999.*

The village of Trnje/Ternje is located in the southwest of the municipality of Suva Reka/Suharekë.

130 Statement by B. N. given to the HLC.

131 Statement by S. S. given to the HLC.

132 Statement by S. S. given to the HLC.

133 Interview with Elshani Selami, 'Bota sot', August 26<sup>th</sup>, 1999.

134 Statement by B. R. given to the HLC.

135 HLC database; Killings in the village of Velika Kruša/Krushë e Madhe were not covered by the ICTY Prosecution indictment in *Milutinović et al.*



## 5.1 Official VJ documents and testimonies of VJ officers

The commander of the 549<sup>th</sup> MtBr, Deliĉ, issued the 'Order on destroying STS in the general area of Retimlje, lifting the blockade on the Suva Reka – Orahovac road and establishing the control of the territory' on March 23<sup>rd</sup>, 1999. The order contains the following instruction to the units: 'Forces to seal off territory: Parts of the poz.b. [logistics battalion], ĉv. had bardPVO /expansion unknown/ shall seal off the following line: tt. 357, the village of Trnje, the lake, the Mistra feature at tt. 330, the village of Smaĉ, tt. 316, the village of Donja Srbica'.<sup>136</sup>

In their testimonies in the *Milošević* and *Milutinović et al.* cases, soldiers from the Logistics Battalion of the 549<sup>th</sup> MtBr, K-32 [K-54]<sup>137</sup> and K-41 [K-82]<sup>138</sup> described the attack by the VJ on the village of Trnje/Ternje which commenced on March 25<sup>th</sup>, 1999, and in which they participated. Pavle Gavrilović, the then commander of the Logistics Battalion, challenged the statements given by witnesses K-32 and K-41 in their testimonies in the *Milutinović et al.* case.<sup>139</sup>

According to the testimonies of K-32 and K-41, some 80 to 100 soldiers from the Logistics Battalion arrived in trucks at around 04:00 on March 25<sup>th</sup> to the hill above Trnje/Ternje, on the southern side of the village. Officers from the Logistics Battalion were also there – the Battalion Commander, Captain Pavle Gavrilović, his deputy, Sergeant Gligoreviĉ (first name unknown), and Lieutenant Dragiša Jaĉimović, who were in charge of their platoons, Sergeant Rajko Kozlina and Staff Sergeant Muhamed Fejziĉ. According to the statement given by witness K-42, which was corroborated by the statement given by witness K-32, soon Gavrilović "pointed his hand in the direction of Trnje/Ternje and said that 'no one should be left alive here today' and later once they had understood the order given to them, they headed towards us. Our sergeant turned towards us. He told us to assemble our company..." After this the village was shelled for twenty minutes with the anti-aircraft guns of the Logistics Battalion and during this time the villagers ran from their houses and ran away from the village in the direction of the Lešanska River/Lumi i Leshanit.<sup>140</sup>

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## 5.2 Description of the event

After the shelling, soldiers from the Logistics Battalion launched an infantry attack on the village during which they killed villagers and set their houses on fire. The group consisting of members of the Logistics Battalion Technical Company, including witness K-32 and witness K-41, killed at least 24 Albanians in this village. Almost all of the killings were committed on the order and with participation of Sergeant Kozlina, who committed some of the murders alone. During the launching of the operation and during the operation itself, Kozlina repeated Commander Gavrilović's order several times – that there must be no survivors in that village on that day.<sup>141</sup>

When private Milošević [the first name unknown], refused to execute Sergeant Kozlina's order to kill an Albanian old man as they forced him out of his house, Kozlina killed the old man by knocking him on

136 Order on destroying ŠTS in the general area of Retimlje, lifting the blockade on the Suva Reka – Orahovac road, and establishing control of the territory, P1981, page 3, *Milutinović et al.*

137 Witness K-32 also testified in *Milutinović et al.* under the pseudonym K-54, when he repeated his statement previously given in *Milošević*.

138 Witness K-41 also testified *Milutinović et al.* under the pseudonym K-82, when he repeated his statement previously given in *Milošević*.

139 Pavle Gavrilović, January 28<sup>th</sup>, 2008, *Milutinović et al.*

140 K-41, September 6<sup>th</sup>, 2002, *Milošević*; K-32, July 17<sup>th</sup>, 2002, *Milošević*.

141 K-41, September 6<sup>th</sup>, 2002, *Milošević*.



the ground with the butt of his rifle and then fired a burst at his head, reprimanding Private Milošević and saying: "This is how you should do it."<sup>142</sup>

Members of Serb forces executed 16 Kosovo Albanians in Musli Gashi's courtyard. Witnesses K-41 and I.G, who survived the execution, testified about this event, noting that Kozlina and witness K-41, together with three or four unidentified soldiers from the group led by Kozlina, found 18 Kosovo Albanians, who were hiding in Musli Gashi's house. They forced them from the house by beating them and threatening them with the use of guns and, on the orders of Sergeant Kozlina, they fired a coordinated burst of gunfire from immediate vicinity killing 16 civilians: Fisnik Gashi (m)(born 1989), Lumturije Gashi (f)(born 1981), Luljete Gashi (f) (born 1966), Musli Gashi (m)(born 1927), Hyrie Gashi (f)(born 1942), Selveta Gashi (f)(born 1968), Blerta Gashi (f)(born 1984), Sedat Gashi (m)(born 1986), Natyra Gashi (f)(born 1991), Emira Gashi (f)(born 1995), Shyqeri Gashi (m)(born 1949), Shefkinaze Gashi (f)(born 1927), Habibe Gashi (f)(born 1968) and Altion Bytyqi (m)(born 1988), all residents of the village of Trnje/Ternje, and Shqipe Bytyqi (f)(born 1972) and Gjyzide Bytyqi (f)(born 1940), both from the village of Studenčane/Studenčan, in the municipality of Suva Reka/Suharekë. Two persons were seriously wounded: I. G. sustained gunshot wounds to the head and Nexhat Bytyqi was shot in the arm. They survived the execution because the executed members of their families fell on top of their bodies.<sup>143</sup>

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In the trial in the *Milošević* case, K-41 described another mass execution in the village of Trnje/Ternje committed on March 25<sup>th</sup>, 1999 by members of his unit; "We went on across the bridge... we went along the river and some 200 to 300 metres from the bridge there was a group of people who had escaped from the village and found shelter by the river... there were some 30 to 40 people there. One of the soldiers said that they should all be killed, but Lieutenant Jaćimović, who was there at that moment, started begging for women and children to be released, which they did. The women and children were released, along with one man who was disabled, I remember that he had no legs. They were released, but four or five men remained and they were executed."<sup>144</sup> Eye-witness to the execution, F.K. also testified about this event: "In the early morning hours of March 25<sup>th</sup>, 1999, we came out of the basement and headed towards the bank of the Leštanska River/Lumi i Leshanit river. Soldiers came to the bank of the river around seven o'clock in the morning and stood next to a huge willow tree. Then they separated the men: Muhamet Krasniqi, Refki Rexha, Shaban Gashi and Hamzi Gashi. They ordered us to go back home and they detained these men and, as soon as we went towards the village as we were ordered, they killed them. I saw it with my own eyes."<sup>145</sup>

Members of Serb forces also executed a number of Kosovo Albanians at other spots in the village of Trnje/Ternje on March 25<sup>th</sup>, 1999.<sup>146</sup>

During the following days, members of Serb forces ejected the surviving villagers. On an unidentified day, most likely in the evening of March 30<sup>th</sup>, 1999, members of the Logistics Battalion transported and buried the bodies of several killed women in concealed mass-grave sites on the territory of Dragaš/Dragash in the direction of the Albanian border. Pavle Gavrilović and Sergeants Rajko Kozlina and Milan Nedeljkić, directly managed the mission of collecting the bodies of the killed, loading them, transporting and burying them in concealed grave sites.<sup>147</sup>

142 K-41, September 6<sup>th</sup>, 2002, *Milošević*.

143 K-41, September 6<sup>th</sup>, 2002, *Milošević*; Statement by I. G. given to the HLC.

144 Witness K-41, September 6<sup>th</sup>, 2002, *Milošević*.

145 Statement by F.K. given to the HLC.

146 K-32, July 17<sup>th</sup>, 2002, *Milošević*; Statement by F. K. given to the HLC; K-41, September 6<sup>th</sup>, 2002, *Milošević*; Statement by G. G. given to the HLC.

147 K-32, July 17<sup>th</sup>, 2002, *Milošević*.



During the month of July 1999, in the village of Brezna/Brezne, in the municipality of Dragaš/Dragash, one grave site was located and the bodies of six persons, four women and two men, were exhumed and identified as Bahrije (Krasniqi) Gashi (born 1939), Ajmone (Nuhi) Gashi (born 1966), Besarta (Shaban) Gashi (born 1986) and Rrahime (Eqrem) Voci, Behare (Shkelzen) Bytyqi (born 1975) and Refije (Behxhet) Krasniqi.<sup>148</sup>

The bodies of 20 Kosovo Albanians who were killed in the village of Trnje/Ternje on March 25<sup>th</sup>, 1999 have yet to be found and they are registered as missing on the ICRC's list of the missing: Altion Bytyqi registered under the number BLG-804123-02, Gjyzide Bytyqi, BLG-804123-01, Shqipe Bytyqi, BLG-804084-01, Blerta, BLG-804125-05, Emir Gashi, BLG-804126-04, Fisnik Gashi, BLG-804126-02, Habibe Gashi, BLG-804126-01, Haki Gashi, BLG-804106-01, Hyre Gashi, BLG-804125-01, Ljuljeta Gashi, BLG-804125-03, Lumturie Gashi, BLG-804125-04, Musli Gashi, BLG-804124-01, Natyra Gashi, BLG-804126-03, Sedet Gashi, BLG-804060-01, Selvete Gashi, BLG-804125-02, Shefkinaze Gashi, BLG-804121-03, Shyqyri Gashi, BLG-804124-02, Muhamet Krasniqi, BLG-804082-01, Ramadan Krasniqi, BLG-804085-01 and Musli Voci, BLG-804083-01.

### 5.3 Conclusions from the ICTY Trial Chamber Judgment in the *Milutinović et al.* Case

'The Chamber notes that K54 and K82 were cross-examined at length, and their evidence extensively challenged by the Defence. As part of their attack on the credibility of K54 and K82, the Lazarević Defence called Pavle Gavrilović, who contradicted them on major points.

However, despite these challenges, the Chamber found the evidence of K54 and K82 to be generally reliable. Their accounts were largely consistent inter se and partially corroborated by VJ documents confirming the presence of their unit in the area at the time. In addition, the Chamber found the willingness of K82 to admit to shooting and killing Kosovo Albanian civilians to be a good indication of his honesty, despite his conviction for an unrelated offence. As a result, the Chamber finds the evidence of K54 and K82 generally reliable. On the other hand, having carefully examined the evidence of Pavle Gavrilović against the compelling evidence of these two witnesses, the Chamber finds it unconvincing and unreliable.<sup>149</sup>

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### 6. Landovica/Landovicë – members of Serb forces killed 17 Kosovo Albanian civilians in the village on March 26<sup>th</sup>, 1999.

The village of Landovica/Landovicë is located eight kilometres northwest of the city of Prizren, on the Prizren - Đakovica/Gjakovë road.<sup>150</sup>

#### 6.1 Official VJ documents and testimonies of VJ officers

Two soldiers and one KLA member were killed in an armed clash involving the KLA and four soldiers of the 549<sup>th</sup> MtBr around 10:00 on March 26<sup>th</sup>, 1999.<sup>151</sup>

148 Statement by M. G. given to the HLC.

149 ICTY Trial Chamber judgment in *Milutinović et al.* para 470.

150 Rahim Latifi, October 16<sup>th</sup>, 2006, *Milutinović et al.*

151 Statement given by Božidar Delić to the FRY Commission for Cooperation with ICTY, December 18<sup>th</sup>, 2002; Halil Morina, February 21<sup>st</sup>, 2003, *Milošević*; The killed soldiers from the 549<sup>th</sup> MtBr were Vladimir (Žarko) Mirkov (DoB: December 20<sup>th</sup>, 1978) and Slobodan (Branko) Gašparić (DoB: February 23<sup>rd</sup>, 1980). The KLA member killed was Hashim (Nuhi) Gashi (DoB: June 10<sup>th</sup>, 1962), a member of the 125<sup>th</sup> Brigade of the KLA.



During 2002, Božidar Delić gave a statement to the FRY Commission for Cooperation with the ICTY in which he described the events in Landovica/Landovicë on March 26<sup>th</sup>, 1999. His statement alleges that after receiving the news about the armed clash in the village, at around 10:30, he 'ordered ... the engagement of reserve forces from one platoon, that Major Paravinja separate a part of the forces from the blockade, and that Commander of Combat group 1 and that Major Nikolić, send one tank. Until backup units arrived, elements of the 122 mm Battery unit, located at the Landovica hill fought with the terrorists'.<sup>152</sup>

## 6.2 Description of the event

After the armed incident involving VJ soldiers and the KLA in the village, Serb forces took positions on the Prizren-Đakovica/Gjakovë asphalt road on March 26<sup>th</sup> at around 11:00 with a tank, armoured transporters, and anti-aircraft guns. From there, they shelled the village until 15:00. When the shelling began, in RG's house there were 45 members of his family and several dozen other civilians. After the first shells hit the house killing Njomza Morina (f)(born 1983), everybody inside ran out and escaped towards the nearby forest. On their way to the forest, as they were running across the meadow, they were hit by a burst of gunfire and shells were fired at them. The following persons were killed: Dalife Gashi (f)(born 1923), Ismet Gashi (m)(born 1952), Afrim Gashi (m)(born 1981), Kushtrim Selimaj (m)(born 1991), Kosovare Selimaj (f)(born 1989), Fatima Morina (f) (born 1955), Festine Morina (f)(born 1997), Nazmije Qarreti (f)(born 1984), Gezim Qarreti (m)(born 1990), Bukurije Qarreti (f)(born 1971), Diellza Qarreti (f)(born 1998) and Luljete Qarreti (f)(born 1965).<sup>153</sup>

Members of VJ and MUP then entered the village, set houses on fire and killed three other civilians: Avdi Morina (m)(born 1935), Avdi Gashi (m)(born 1939) and Hadije Gashi (f)(born 1924), and they took Shefki Jahaj (m)(born 1948) to an unknown place.<sup>154</sup>

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Most of the villagers escaped from Landovica/Landovicë on March 26<sup>th</sup>, 1999 and found shelter in other places in Kosovo.<sup>155</sup>

A VJ soldiers entered the village mosque on March 27<sup>th</sup>, 1999 and came out of it several minutes later. Some ten minutes after that, there was an explosion and the minaret on the mosque collapsed.<sup>156</sup>

On the same day, members of the VJ loaded the bodies of the civilians who had been killed in Landovica/Landovicë the day before on a truck and took them away.<sup>157</sup>

The remains of the civilians killed in Landovica/Landovicë were found at various locations: the mass-grave in Batajnica, in a mass-grave in Široko/Shirokë near Suva Reka/Suharekë, in the village of Ljubižda/Lubizhdë, and remains of the three people who were killed when the Serb forces entered the village, were

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152 Statement given by Božidar Delić to the FRY Commission for Cooperation with ICTY, December 18<sup>th</sup>, 2002

153 Halil Morina, February 21<sup>st</sup>, 2002, *Milošević*; statement by Halil Morina given to ICTY on October 4<sup>th</sup> and 5<sup>th</sup>, 2001; Statement by R.G. given to the HLC.

154 Statement by Halil Morina given to the ICTY on October 4<sup>th</sup> and 5<sup>th</sup>, 2001.

155 Statements by M.G. H.S. and H.Q. given to the HLC; Members of Serb forces ejected most of the Kosovo Albanian refugees from Landovica /Landovicë to Albania in April and May 1999.

156 Statement by Halil Morina given on October 4<sup>th</sup> and 5<sup>th</sup>, 2001 to the ICTY; Halil Morina, February 25<sup>th</sup>, 2002, *Milošević*.

157 Statement by Halil Morina given to the ICTY on October 4<sup>th</sup> and 5<sup>th</sup>, 2001.



found at different locations in Landovica/Landovicë.<sup>158</sup>

The bodies of Njomza Morina and Kushtrim Selimaj have yet to be found.<sup>159</sup>

**7. Ljubižda Has/Lubizhdë e Hasit** – during the month of April 1999, members of Serb forces killed 15 Kosovo Albanian civilians in the village and took another 38 to an unknown destination, after which 31 of them were found dead and seven are still registered as missing.

The village of Ljubižda Has/Lubizhdë e Hasit is located in the northwest of the municipality of Prizren.

### 7.1 Official VJ documents and testimonies of VJ officers

The War diary of the 549<sup>th</sup> MtBr for April 11<sup>th</sup>, 1999 contains the following statement: ‘There is information that some 20 terrorists are located in the village of **Ljubižde Has**’.<sup>160</sup>

The Intelligence Report from April 14<sup>th</sup>, 1999, sent by Božidar Delić as the Commander of the 549<sup>th</sup> MtBr to the Priština Corps, contains the following statement: ‘Intelligence units reported that in the area of the village of **Ljubižda Has** a group of armed men was spotted, namely a group of 10 to 15 individuals. They were holding villagers, women, children and elderly, as hostages. On April 13<sup>th</sup>, the terrain was searched and approximately 100 people were found in the village’.<sup>161</sup>

### 7.2 Description of the event

As Serb forces had been shooting in the direction of the village of Ljubižda Has/Lubizhdë e Hasit between March 30<sup>th</sup> and April 12<sup>th</sup>, 1999, some villagers had left their houses and hidden in the forest, in the part of the village known as Deliu/Deli Ujit. On April 12<sup>th</sup>, 1999, after Serb forces noticed that villagers were hiding in the forest, they surrounded the forest and captured all of the people found there. They separated men from women and took 15 men away from the women and executed them. S.K. was present during this execution and on this occasion, her husband Qazim Krasniqi and her brother-in-law Shyqer Krasniqi were killed; Mihra Nerjovaj whose husband Osman Nerjovaj and brother-in-law Islam Nerjovaj were also killed, was also there.<sup>162</sup>

According to the statements of the residents of the village of Ljubižde Has/Lubizhdë e Hasit, after executing 15 men at the location known as Deliu/Deli Ujit, members of Serb forces ordered women and

158 Statement by N. G. given to the HLC; Statement by R.G, given to the HLC; Statement by R.J, given to the HLC; Statement by H.Q. given to the HLC; Statement by I.M. given to the HLC.

159 Statement by N.G. given to the HLC.

160 War diary of the 549<sup>th</sup> MtBr, P925, page 19, *Milutinović et al.*

161 Intelligence Report of the 549<sup>th</sup> MtBr, 5D887, *Milutinović et al.*

162 Statement by Mihra Nerjovaj given to the HLC; Statement by S. K. given to the HLC; The following 15 Kosovo Albanians were killed: 1) Osman (Ahmet) Nerjovaj (DoB:5.04.1956); 2) Islam (Ahmet) Nerjovaj (DoB:17.04.1944); 3) Latif (Jemin) Nerjovaj (DoB:21.03.1952); 4) Mehmet (Gani) Nerjovaj (DoB:17.06.1962); 5) Rexhep Nerjovaj (52); 6) Murtez Nerjovaj (60); 7) Lulzim Nerjovaj (17); 8) Tafe Nerjovaj (31); 9) Neki Gigollaj (54); 10) Sinan Gigollaj (29); 11) Nexhat (Haxhi) Gigollaj (DoB:25.03.1977); 12) Naser (Muharrem) Gigollaj (08.01.1973), all from the village of Ljubižda Has/Lubizhdë e Hasit; 13) Qazim (Sejdi) Krasniqi (DoB:30.10.1966); 14) Shyqer (Sejdi) Krasniqi (DoB:11.10.1956) and 15) Abdullah Krasniqi (51), all three from the village of Damjane/Damjan. Three persons were seriously wounded, namely: brothers, Fejza and Qerim Nerjovaj and Haxhi Gigollaj. All three wounded persons are residents of the village of Ljubižda Has/Lubizhdë e Hasit.



children to return to the village of Ljubižda Has/Lubizhdë e Hasit where they kept them for several hours, where they were later joined by the men, who had been found in the woods near the village. Then they took all of them to the Dedaj community, where they held some 100 of them, detained in several houses and stables. Several days later, they put the women, children and some of the men on buses and trucks, and transported them to the border with Albania. There, they confiscated their identification and other personal documents and expelled them to Albania. They kept a group of 38 men. Members of Serb forces took them in the direction of the village of Mazrek/Mazrekë, in the municipality of Prizren.<sup>163</sup>

In July 1999, upon their return from Albania, the families of 15 Kosovo Albanians who were killed by members of the VJ at Deliu/Deli Ujit on April 12<sup>th</sup>, 1999, found their bodies at the place where they were killed.<sup>164</sup>

The remains of 31 Kosovo Albanians from the total of 38 who were separated by Serb forces from other Kosovo Albanians and taken in an unknown direction, were discovered and exhumed in September 1999 in a place called Gurišta/Gurishta, located between the villages of Mazrek/Mazrekë, Planeja/Planejë and Milajj/Millaj in the municipality of Prizren. The remaining seven men are still registered as missing.<sup>165</sup>

During the testimony of Božidar Delić in the *Milošević* case, two videos were played showing Mihra Nerjovaj speaking. The first video was made by Radio Television of Serbia (RTS) in mid-April 1999 in which Mihra Nerjovaj says that KLA did not give food to Kosovo Albanians and that Kosovo Albanian refugees were hungry and that the VJ then showed up and rescued the Kosovo Albanians, gave them food and saved them from the KLA.<sup>166</sup>

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163 The following 38 Kosovo Albanians have been identified with certainty: 1) Beqir (Riza) Gigollaj (DoB:09.02.1964); 2) Agim (Riza) Gigollaj (DoB:14.07.1977); 3) Mustafë (Rizë) Gigollaj (DoB:31.05.1966); 4) Xhafer (Maliq) Gigollaj (DoB:10.10.1977); 5) Afrim (Maliq) Gigollaj (DoB:28.06.1973); 6) Gëzim (Avdyl) Gigollaj (DoB:18.11.1979); 7) Refki (Maliq) Gigollaj (DoB:23.05.1978); 8) Selman (Avdyl) Gigollaj (DoB:30.05.1974); 9) Ylber (Qerim) Gigollaj (DoB:09.12.1982); 10) Beqir (Qazim) Gigollaj (Born 1979); 11) Qerim (Bajram) Gigollaj (DoB:06.08.1949); 12) Selim (Fejzullah) Muçaj (DoB:24.10.1977); 13) Isni (Haki) Muçaj (DoB:05.02.1980); 14) Njazi (Haki) Muçaj (DoB:17.03.1982); 15) Bylbyl (Haki) Muçaj (DoB:01.12.1950); 16) Abedin (Haki) Muçaj (DoB:13.05.1963); 17) Avdulla (Bylbyl) Muçaj (DoB:20.06.1977); 18) Shefqet (Murteza) Muçaj (DoB:07.09.1979); 19) Jeton (Latif) Memqaj (DoB:08.05.1977); 20) Enver (Nazif) Memqaj (DoB:19.02.1982); 21) Hasan (Hysen) Memqaj (DoB:15.07.1961); 22) Xhavit (Hysen) Memqaj (DoB:04.05.1964); 23) Zenun (Avdulla) Parallnagaj (DoB:17.07.1961); 24) Rifat (Ukë) Parallagaj (DoB:25.07.1972); 25) Avdush (Ragip) Kajdomçaj (DoB:21.01.1984); 26) Afrim (Ragip) Kajdomçaj (DoB:12.09.1981); 27) Idriz (Nebi) Osmankaj (DoB:10.07.1972); 28) Selman (Man) Osmankaj (DoB:05.07.1972); 29) Hysen (Man) Osmankaj (DoB:24.04.1975), and 30) Teki (Haxhi) Nerjovaj (DoB:14.05.1961); 31) Skender (Hasan) Parallangaj; 32) Afrim (Avdyl) Gigollaj; 33) Sulejman (Avdyl) Gigollaj; 34) Shefqet (Magjun) Gigollaj (21); 35) Xhem (Dervish) Gigollaj (21); 36) Sadri (Nuh) Gjakollaj (23), and, 37) Afrim Gjibegjiu (18), all 37 from the village of Ljubižda Has/Lubizhdë e Hasit, and, 38) Rustem Taçi (DoB:13.11.1971), from the village of Damnjane/Demjan, in the municipality of Đakovica/Gjakovë; Statement by A. G. given to the HLC; Statement by S.K. given to the HLC; Statement by M.P. given to the HLC; Statement by S.G. given to the HLC; Statement by H.M. given to the HLC; Statement by Z.N. given to the HLC; Statement by F.M. given to the HLC.

164 Statement by S. K. given to the HLC; Statement by Mihre Nerjovaj given to the HLC; Statement by I. G. given to the HLC.

165 Skender (Hasan) Parallangaj, Afrim (Avdyl) Gigollaj, Sulejman (Avdyl) Gigollaj, Shefqet (Magjun) Gigollaj, Xhem (Dervish) Gigollaj, Sadri (Nuh) Gjakollaj and Afrim Gjibegjiu (18), all from the village of Ljubižda Has/Lubizhdë e Hasit; Statement by A. G. given to the HLC; Statement by S. K. given to the HLC; Statement by M. P. given to the HLC; Statement by S. G. given to the HLC; Statement by H. M. given to the HLC; Statement by Z. N. given to the HLC; Statement by F. M. given to the HLC.

166 A video recording of the statement given by Mihra Nerjovaj to RTS in April 1999, July 6<sup>th</sup>, 2005, *Milošević*.





Then Prosecutor, Geoffrey Nice, played a recording of an interview conducted by an ICTY investigator after the NATO bombing of the FRY with Mihra Nerijovaj in which she explained how the statement she had given to RTS had been coerced: “They took me to a field and told me that I had to say everything they told me to say. I was afraid and as they turned the camera towards me, my child came and stood behind me. A civilian approached my daughter, took her to one side, told her ‘do not be afraid’, and gave her two pieces of candy. He told me to continue repeating the words that he was saying. He told me this twice, but I just couldn’t do it. The third time he asked me again, but the moment they started recording, I simply wasn’t able to say this, I couldn’t say these words. They repeated this for the fourth time, but I still couldn’t do it because I was out of breath. Then they told me, ‘You will either say this or we will kill your daughter’. I didn’t know what to do and I just looked to the side to see what they were doing to her. They took my daughter closer to them and put a knife to her neck and then they told me ‘you will either speak or we will cut her head off’ [...] They told us that the KLA was torturing us, but I didn’t know what the KLA was since I never saw their uniforms. They told me that I had to say that they tortured us, that the KLA did not let us drink or eat anything, and that, when the Yugoslav Army arrived, they forced the KLA out, that they forced them to leave the village and then the Yugoslav Army helped us. I had to say this. They would have killed my daughter if I hadn’t said this [...] They released her when I started speaking.”<sup>167</sup>

After seeing the video recording, Delić challenged the veracity of the statement given by Mihra Nerjovaj explaining that she lived in Kosovo and because of pressure from the KLA “she cannot [...] say nice things about Serbian troops.”<sup>168</sup>

During the rest of his testimony, Delić accepted the Prosecutor’s suggestion that units of the 2<sup>nd</sup> Motorized Battalion had operated in the area of the village of Ljubizda Has/Lubizhdë e Hasit.<sup>169</sup>

## **8. Meja/Mejë and Korenica/Korenicë – members of Serb forces killed 352 Kosovo Albanian civilians from these villages on April 27<sup>th</sup>, 1999.**

The Reka Valley is a ravine formed by three rivers - Carragojs, Erenik and Trava, in the northwest of the municipality of Đakovica/Gjakovë. The ravine spreads to the southern borders of Deçane/Deçane, and southeast towards the city of Đakovica/Gjakovë, for 25 kilometres. There are 31 mountain villages in the Reka valley, including the villages of Meja/Mejë and Korenica/Korenicë.

### **8.1 Official VJ documents and testimonies of VJ officers**

Milutin Prašević, a local MUP officer, and three other police officers were killed in the village of Meja/Mejë, located near the town of Đakovica/Gjakovë, at the southern end of the Reka Valley, on April 21<sup>st</sup>.<sup>170</sup>

K-90, who was a VJ soldier at the time and who was stationed in Đakovica/Gjakovë, gave his testimony in the *Milutinović et al.* case, saying that the murder of four police officers was the catalyst for a mass deployment of police in the area. Within days of the incident about 400 additional police arrived in the Đakovica area in about 10 buses and a number of civilian vehicles. They included Special Police Units

167 A video recording of the interview conducted by ICTY Prosecution investigators with Mihra Nerjovaj, July 18<sup>th</sup>, 2005, *Milošević*.

168 Božidar Delić, July 18<sup>th</sup>, 2005, *Milošević*.

169 Božidar Delić, July 18<sup>th</sup>, 2005, *Milošević*; Killings in the village of Ljubizda Has/Lubizhdë e Hasit were not covered by the indictment filed by the ICTY Office of the Prosecutor in *Milutinović et al.*

170 Police officers Ljubodrag Lazarević, Boban Lazović and Naser Arifaj were also killed; HLC database.



and 'Frenki's guys' (Frenkijevci) from the MUP State Security Department and the Special Operations Units.<sup>171</sup> According to his own admission, K-90 participated in the expulsion<sup>172</sup> of Kosovo Albanians from the villages and hamlets in and around this municipality; concretely, he was among those who ordered villagers from nine or ten villages to leave.<sup>173</sup>

Nikë Peraj, who was a First Class Captain of the VJ in April 1999, testified in the *Milutinović et al.* case that soon after the murder of Prašević, an informal meeting took place in a private house in Đakovica/Gjakovë in which Captain Sergej Perović, the Chief of Military Security of his Brigade - the 52<sup>nd</sup> Artillery Rocket Brigade, and Momir Stojanović, the Chief of the Priština Corps Security Department participated, among others.<sup>174</sup> Peraj said that "during the meeting Stojanović addressed Mićunović [Commander of the VJ reserve units in Đakovica/Gjakovë] and Kovačević [Chief of the Đakovica/Gjakovë Secretariat of the Interior] ordering them to carry out an operation in the Carragojs Valley where at least 100 'heads' had to be eliminated and all houses burned in retribution for the killing of Prašević."<sup>175</sup> According to Peraj, Stojanović mentioned that he was a close friend of the accused Pavković and offered to protect Mićunović and Kovačević.<sup>176</sup> Peraj said that Stojanović was his "good acquaintance" and that in early March 1999 he told him that FRY/Serbian forces would carry out ethnic cleansing of the Kosovo Albanian population in the municipality of Đakovica/Gjakovë.<sup>177</sup>

The War diary of the 2<sup>nd</sup> Motorized Battalion for the day of April 26<sup>th</sup>, 1999 states that the Battalion Commander [Vlatko Vuković] had a meeting with the Priština Corps Chief of Staff in which he received further tasks, including the 'task of cutting-off the general area of the village of **Korenica**'.<sup>178</sup>

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The War diary of the 2<sup>nd</sup> Motorized Battalion for the day of April 27<sup>th</sup>, 1999 states: '0600 hours, the axis of **Korenica** village (tt 360) – cemetery - crossroads- Meja-Orize village – Kodra e Kikes was blocked off, and two soldiers from the 1<sup>st</sup> Motorized Company were wounded.'<sup>179</sup> The information that the 2<sup>nd</sup> Motorized Battalion had cut-off the village of Korenica on April 27<sup>th</sup>, 1999 was confirmed in the War diary of the 549<sup>th</sup> MtBr.<sup>180</sup>

The War diary of the 2<sup>nd</sup> Motorized Battalion for April 28<sup>th</sup> and 29<sup>th</sup>, 1999 notes: 'Part of the units have cut-off access to the river.'<sup>181</sup>

Vuković stated during his testimony in the *Milutinović et al.* case that members of the Special Police Unit from Đakovica /Gjakovë and Peć/Pejë were engaged in searching the terrain and destroying KLA forces, while he, in Korenica/Korenicë, engaged "three execution squads", one military police squad and

171 K-90, January 29<sup>th</sup>, 2007, Exhibit P2652 (Witness statement from December 8<sup>th</sup>, 2002), paragraph 47, *Milutinović et al.*

172 K-90, Exhibit P2652 (Witness statement from December 8<sup>th</sup>, 2002), paragraph 41-45, *Milutinović et al.*

173 K-90, January 29<sup>th</sup>, 2007, Exhibit P2652 (Witness statement from December 8<sup>th</sup>, 2002), paragraph 44, *Milutinović et al.*

174 Nikë Peraj, Exhibit P2253 (Witness statement from August 9<sup>th</sup>, 2006), para 59, *Milutinović et al.*

175 Nikë Peraj, Exhibit P2253 (Witness statement from August 9<sup>th</sup>, 2006), para 59, August 15<sup>th</sup>, 2006, *Milutinović et al.*

176 Nikë Peraj, Exhibit P2253 (Witness statement from August 9<sup>th</sup>, 2006), para 60-61, August 16<sup>th</sup>, 2006, *Milutinović et al.*

177 Nikë Peraj, Exhibit P2253 (Witness statement from August 9<sup>th</sup>, 2006), para 57, *Milutinović et al.*

178 War diary of the 2<sup>nd</sup> Motorized Battalion, from April 26<sup>th</sup>, 1999, Exhibit P2019, *Milutinović et al.*

179 War diary of the 2<sup>nd</sup> Motorized Battalion, from April 27<sup>th</sup>, 1999, Exhibit P2019, *Milutinović et al.*

180 War diary of the 549<sup>th</sup> MtBr, from April 27<sup>th</sup>, 1999, Exhibit P925, *Milutinović et al.*

181 War diary of the 2<sup>nd</sup> Motorized Battalion, from April 28<sup>th</sup> and 29<sup>th</sup>, 1999, Exhibit P2019, *Milutinović et al.*



other logistics squads as part of the anti-terrorist activities.<sup>182</sup> Vuković testified that member of his unit saw groups of civilians leaving the village and going in the direction of the VJ forces on April 27<sup>th</sup> and 28<sup>th</sup> while his unit was near Korenica/Korenice.

According to Nikë Peraj, Serb forces set up checkpoints in this area during the operation in the Reka Valley. One of these checkpoints was located on the road from Dobroša/Dobrosh to Meja/Mejë, where displaced Kosovo Albanians were passing as they headed south down the Reka Valley. Another was set up in the vicinity of the junction on the road from Korenica/Korenice to the city of Đakovica/Gjakovë, which displaced Kosovo Albanians from Korenica/Korenice and surrounding villages took.<sup>183</sup>

It was noted in the report of the Priština Corps addressed to the Command of the 3<sup>rd</sup> Army and the Supreme Command Headquarters that during the entire operation in the Reka Valley not a single soldier was killed, but that there were 25 wounded, and that 'several tens of terrorists' had been killed.<sup>184</sup> This is in line with the report of the 125<sup>th</sup> Motorized Brigade from April 29<sup>th</sup>, 1999 in which it is stated that the operation was completed successfully and that there were no losses, except for one case of light wounds.<sup>185</sup>

Dragan Živanović, the Commander of the 125<sup>th</sup> MtBr, Colonel Goran Jevtović, the first assistant in the Command Department for Operational and Educational Affairs, and Vlatko Vuković testified that they were engaged in the operation in the Reka Valley following a verbal order only, issued by Veroljub Živković, the Chief of Staff of the Priština Corps and on April 27<sup>th</sup>, 1999 when the operation in the Reka Valley was carried out, another from the Commander of the Forward Command Group of the Priština Corps, because this operation included platoons from various brigades and not entire brigades.<sup>186</sup>

In April 1999, Witness K-73 was transferred to the municipality of Dečane/Deçane, north of the municipality of Đakovica/Gjakovë.<sup>187</sup> His commander told him that his unit would be engaged in the "cleansing" of Kosovo Albanians from the terrain and that all Kosovo Albanian civilians had to be sent towards Korenica/Korenice, so that the police could arrest members of the KLA, whom he referred to as "terrorists".<sup>188</sup> Witness K-73 testified that he was used as a 'screen' and that the only purpose of this operation was to cleanse the villages of Kosovo Albanians. He explained that he didn't know that these villagers were to be killed, but he knew that they were to be ejected from the area.<sup>189</sup> With regard to the KLA, he said that no KLA members would go there on their own because they would not be able to avoid VJ and MUP forces.<sup>190</sup>

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182 Vlatko Vuković, Exhibit 5D1442 (Witness statement from January 5<sup>th</sup>, 2008), para. 69, *Milutinović et al.*

183 Nikë Peraj, August 14<sup>th</sup>, 2006, *Milutinović et al.*; Exhibit P326 (Map of the area marked by Nike Peraj), *Milutinović et al.*, Exhibit 3D1128 (Battle report of the 3<sup>rd</sup> Army Addressed to the Headquarters, April 4<sup>th</sup>, 1999), page 3 (where it is written that joint army and police checkpoints were set up at 11 important roads leading from Kosovo), *Milutinović et al.*

184 Exhibit 6D1468 (Report by Priština Corps, April 30<sup>th</sup>, 1999), page 1-2, *Milutinović et al.*

185 Exhibit P2026 (Combat report of the 125<sup>th</sup> MtBr, April 29<sup>th</sup>, 1999) page 2. It is alleged in this report that one volunteer company was engaged in the operation, *Milutinović et al.*

186 Dragan Živanović, January 18<sup>th</sup>, 2008, *Milutinović et al.*; Goran Jevtović, January 16<sup>th</sup>, 2008, *Milutinović et al.* Vlatko Vuković, Exhibit. 5D1442 (Witness statement from January 5<sup>th</sup>, 2008), para 68-70, *Milutinović et al.*

187 K-73, Exhibit P2440 (Witness statement), para. 38, 40, *Milutinović et al.*

188 K-73, Exhibit P2440 (Witness statement), para. 40, September 14<sup>th</sup>, 2006 (private session), *Milutinović et al.*

189 K-73, Exhibit P2440 (Witness statement), par. 40, September 13<sup>th</sup>, 2006, (private session), September 14<sup>th</sup>, 2006 (private session), *Milutinović et al.*

190 K-73, Exhibit P2440 (Witness statement), par. 40, September 13<sup>th</sup>, 2006, (private session), September 14<sup>th</sup>, 2006 (private session), *Milutinović et al.*



## 8.2 Description of the event

Kosovo Albanian woman, Merita Deda, a resident of the village of Guske/Guskë, who arrived in Korenica/Korenice from Guske/Guskë in early April 1999, testified that armed and uniformed Serb forces entered the courtyard of the Markaj family on April 27<sup>th</sup> in Korenica/Korenice and ordered the people who lived there to come out. In the courtyard, men were separated from women and beaten up and their valuables were confiscated. They were also forced to show three fingers and shout “Serbia” several times.<sup>191</sup> The women were then ordered to leave. When Deda was some 20 metres away from the house, she heard gunfire. She turned around and saw nine men lying on the ground, including her father, other members of her family and neighbours.<sup>192</sup> Deda testified before the ICTY that she had not seen any of these men alive again and that some of the bodies were later on sent back to her after they were exhumed from a mass-grave in Batajnica.<sup>193</sup> She stated that none of these men were members of the KLA, but that her family was targeted because one of her cousins was a member of the Liberal Party of Kosovo.<sup>194</sup> During the cross-examination, Deda’s statement about possible members of the KLA among her family members was not challenged. Deda stated in the courtroom and in her written statement given in 2000 to the Office of the Prosecutor, that members of the VJ participated in the beating and shooting in the Markaj family courtyard on April 27<sup>th</sup>. When she was confronted by the notes from the interview that members of the International Crisis Group had made with her on an unspecified date, where she said that perpetrators were “Serb police”,<sup>195</sup> she reiterated that the persons who were inside her courtyard were members of the VJ.<sup>196</sup> According to her description, they wore various uniforms, including green and brown camouflage uniforms, black masks, scarfs, bands and ribbons.<sup>197</sup>

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Lizane Malaj also testified that on April 27<sup>th</sup>, 1999, at around 07:30 armed members of Serb forces surrounded her house in Korenica/Korenice and entered their courtyard. These men were wearing military, police and paramilitary uniforms.<sup>198</sup> They ordered her son Belirum and other men that they found in the house, including her husband Vat Malaj, nephew Arben Kabashi, brother Nikolla Kabashi, Kabashi’s son – the nephew of the witness Malaj – Andrush Kabashi, and nephew Engjelli, to lie face down.<sup>199</sup> Then they ordered the women to go to Albania.<sup>200</sup> Lizane Malaj did not want to leave, but she was forced to. When she and other women were some 50 metres away from the house, she heard multiple gunshots from the direction of her house and she heard her son crying. Then she turned around and she saw that

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191 Merita Deda, August 10<sup>th</sup>, 2006, Exhibit P2233 (Witness statement from April 8<sup>th</sup>, 2000), page 3, *Milutinović et al.*

192 Merita Deda, Exhibit P2233 (Witness statement from April 8<sup>th</sup>, 2000), page 3; August 10<sup>th</sup>, 2006, *Milutinović et al.*

193 Merita Deda, August 10<sup>th</sup>, 2006, *Milutinović et al.* Remains of Mark Deda, 47 years old, Pash Deda, 42 years old, Linton Dedda, 16 years old, Prend Markaj, 60 years old, Pashuk Markaj, 38 years old, Mark Markaj, 65 years old, Bekim Markaj, 23 years old, and Petrit Markaj, 27 years old, were found in a mass-grave in Batajnica. However, the body of Skender Pjetri was not identified among the bodies from Batajnica.

194 Merita Deda, Exhibit P2233 (Witness statement from April 8<sup>th</sup>, 2000), page 3, *Milutinović et al.*

195 Exhibit 3D2 (International Crisis Group, Incident Database– Merita Deda), page 1, *Milutinović et al.*

196 Merita Deda, August 10<sup>th</sup>, 2006, Exhibit P2233 (Witness statement from April 8<sup>th</sup>, 2000), page 4, *Milutinović et al.*

197 Merita Deda, August 10<sup>th</sup>, 2006, Exhibit P2233 (witness statement from April 8<sup>th</sup>, 2000), pages 3-4, *Milutinović et al.*

198 Lizane Malaj, August 9<sup>th</sup>, 2006, Exhibit P2232 (Witness statement from September 9<sup>th</sup>, 2001), page 3, *Milutinović et al.*

199 Lizane Malaj, August 9<sup>th</sup>, 2006, Exhibit P2232 (Witness statement from September 1<sup>st</sup>, 2000), pages 3-4, *Milutinović et al.*

200 Lizane Malaj, August 9<sup>th</sup>, 2006, *Milutinović et al.*



her house was on fire. Malaj said that she tried to go back, but that a police officer prevented her from doing so.<sup>201</sup> She stated that none of the men from her family was a member of the KLA and that they had no weapons in the house.<sup>202</sup> Just like Deda, Malaj testified that the bodies of some of the men, her cousins from whom she had been separated, were later on returned to her.<sup>203</sup> She stated that “some 73 more men from the village were still registered as missing at the time of her testimony.”<sup>204</sup> Malaj testified that other residents of her village had been killed as well as her closest relatives and she added that “Klaudija, the daughter of Marija Malaj, was shot in the back as she was walking.”<sup>205</sup> Malaj said that “members of the paramilitary formations” had a lot of weapons, long beards, masks and ribbons on their arms, and that they wore blue and brown uniforms. She said that the police officers were wearing blue and light blue police uniforms with bands on their sleeves. She described other forces that were present as members of the army wearing brown and green uniforms with patches on the sleeves.<sup>206</sup>

Martin Pnishi, a Kosovo Albanian, was a resident of the village of Meja/Mejë, in the municipality of Đakovica/Gjakovë. Pnishi’s account of the operation in the Reka Valley matches the description given by Witness K-90 and Nikë Peraj. Martin Pnishi testified that at approximately 07:00 on April 27<sup>th</sup>, 1999 in Meja/Mejë a great number of police officers, army and other forces appeared.<sup>207</sup> Two members of the MUP, accompanied by two ‘Russian soldiers’ told him to take his family and leave the house, because they were going to set it on fire.<sup>208</sup>

Members of Serb forces killed 356 Kosovo Albanian civilians on April 27<sup>th</sup>, 1999 – 277 in Meja/Mejë, 67 in Korenica/Korenicë, one in Bistražin/Bistrashin, two in Dobroš/Dobrosh, one in Đakovica/Gjakovë, one in Jahoc/Jahoc, two in Racaj/Rracaj, four in Ramoc/Ramoc and one in Šeremet/Sheremet.<sup>209</sup>

In the consolidated list of missing persons compiled by the OMPF it is noted that more than 300 persons from the territory of Meje/Mejë went missing on April 27<sup>th</sup>, 1999. After exhumation of human remains from mass-graves in Batajnica near Belgrade, 287 persons who had been missing from the territory of

201 Lizane Malaj, August 9<sup>th</sup>, 2006, Exhibit P2232 (Witness statement from September 1<sup>st</sup>, 2000), page 4, *Milutinović et al.*

202 Lizane Malaj, August 9<sup>th</sup>, 2006, Exhibit P2232 (Witness statement from September 1<sup>st</sup>, 2000), page 4, *Milutinović et al.*

203 Lizane Malaj, August 9<sup>th</sup>, 2006, Case *Milutinović et al.*; Exhibit (Criminal complaint, August 28<sup>th</sup>, 2001), *Milutinović et al.*; Lizane Malaj, August 10<sup>th</sup>, 2006, *Milutinović et al.* Among the bodies found in mass-graves in Batajnica were those of of Blerim Malaj, Nikolla Kabashi, Arben Kabashi, Andrush Kabashi and Vat Malaj.

204 Lizane Malaj, Exhibit P2232 (witness statement from September 9<sup>th</sup>, 2001), page 3, *Milutinović et al.*

205 Lizane Malaj, August 10<sup>th</sup>, 2006, *Milutinović et al.*

206 Lizane Malaj, August 9<sup>th</sup>, 2006, *Milutinović et al.*

207 Martin Pnishi, Exhibit P2236 (Witness statement from March 14<sup>th</sup>, 2002), page 2 and 3, August 10<sup>th</sup>, 2006, Lizane Malaj, August 10<sup>th</sup>, 2006, *Milutinović et al.* Pnishi stated that the VJ tanks were stationed on Čabrat hill. However, during cross-examination, witness K-72 stated that there were no tanks on Čabrat Hill, but anti aircraft guns and other military vehicles. (Witness K-72, October 26<sup>th</sup>, 2006, *Milutinović et al.*)

208 Martin Pnishi, Exhibit P2236 (Witness statement from March 14<sup>th</sup>, 2002), page 3, *Milutinović et al.*

209 Statement of a total of 250 witnesses given to the HLC; ICRC (2010), Missing persons in relation to the events in Kosovo From January 1998, Belgrade: ICRC, HLC-9795; Office on Missing Persons and Forensics, Remains identified and handed over to the affected families between March 2003-2007, 2007, HLC-15297; Office for Missing Persons and Forensics, Consolidated list of persons missing in Kosovo, October 2<sup>nd</sup>, 2006, HLC-32367; Office on Missing Persons and Forensics, Remains identified and handed over to the affected families between 2011-2012, 2012, HLC-55816; Office on Missing Persons and Forensics, Remains identified and handed over to the affected families between 2011-2012, 2012, HLC-42495.



Meje/Mejë were identified. 13 of these 287 persons were people that Merita Deda and Lizane Malaja testified had been killed in Korenica/Korenicë.<sup>210</sup>

The bodies of 17 of those who were killed on April 27<sup>th</sup>, 1999 in the villages of Meja/Mejë and Korenica/Korenicë, have not yet been found and they are registered as missing on the ICRC's list of the missing: Male Ahmeti registered under number BLG-801858-01, Avdyli Mehmet, BLG-802548-01, Mentor Beqaj, BLG-802566-02, Ismail Binaku, BLG-800931-03, Elson Hasanaj, BLG-802910-01, Miter Hasanaj, BLG-802910-02, Ndue Hasanaj, BLG-802911-01, Lazer Krasniqi, BLG-801205-01, Mehmet Mehmeti, BLG-803064-02, Naim Nimanaj, BLG-802419-01, Idriz Pajaziti, BLG-802446-03, Skender Pjetri, BLG-802941-01, Xhavit Salcaj, BLG-801208-01, Niman Saliu, BLG-802292-01, Ilir Xhemajli, BLG-802572-03, Muharem Xhemajli, BLG-802572-02 and Shkelzen Xhemajli, BLG-802572-04.

### 8.3 Conclusions from the Judgment of the ICTY Trial Chamber in the *Milutinović et al.* case.

“The Chamber finds that the Reka/Caragoj operation was launched in part as a response to the killing of five policemen<sup>211</sup> on 22 April [...] the Chamber is convinced that this was an organised joint operation of the VJ and MUP, carried out with the awareness and approval of higher MUP and VJ chains of command, in which members of paramilitary groups also participated. VJ documentation [...] confirms that this was an operation approved by the Priština Corps command.

The Chamber finds that during the Reka/Caragoj valley operation VJ and MUP forces, acting jointly, expelled Kosovo Albanian civilians from their villages, and sent many of them to Albania.

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In relation to Korenica, the Chamber recalls that VJ reports demonstrate that members of the 549<sup>th</sup> Motorised Brigade engaged in operations in the Korenica cemetery on the same day that Deda and Malaj described seeing VJ soldiers in that village. The Chamber is satisfied on the basis of the evidence of Merita Deda, Lizane Malaj, and K73 that on 27 April 1999 members of the MUP, including PJP, the VJ, including the 549<sup>th</sup> Motorised Brigade and reservists, and paramilitaries, killed a number of Kosovo Albanian men during a joint operation, and forcibly expelled a number of Kosovo Albanian civilians including Merita Deda and Lizane Malaj, some of whom were forced on to Albania.

[...] The Chamber finds that the specific killings [...]in Meja and Korenica, and other villages in the Reka/Caragoj valley on 27 April 1999, are indicative of a far greater massacre [...] carried out by VJ and MUP personnel, along with members of paramilitary groups, which resulted in the killing of at least 287 Kosovo Albanians. The only reasonable inference from all of the evidence is that many of these killed people were civilians or hors de combat at the time of their killing.

[...] the Chamber finds that the following 275 individuals<sup>212</sup> [...] were killed by the VJ and MUP forces on 27 April 1999 in and around the villages of Meja and Korenica[...]:

Mark Abazi; Pashk Abazi; Bekim Ademaj; Shems Ademaj; Isuf Ademi; Mazllum Ademi; Liridon Ahmetaj; Ahmet Ahmeti; Ahmet Ahmeti; Blerim Ahmeti; Hysen Ahmeti; Adem Aliaj; Agron Aliaj; Ali Aliaj; Sali Aliaj; Zenun Aliaj; Ymer Avdullahu; Avdyli Avdyli; Bajrush Avdyli; Hysen Avdyli; Muhedin Avdyli; Lavdim Bajraktari; Shaban Bajrami; Syle Bajrami; Xhafer Bajrami; Xhavit Bajrami; Ali Bala;

210 Exhibit P2798 (OMPF List of the Missing), *Milutinović et al.*

211 According to information held by the HLC and HLC Kosovo four policemen were killed on 22<sup>nd</sup> April 1999

212 According to information held by the HLC and HLC Kosovo 356 individuals were killed by Serb forces on 27<sup>th</sup> April 1999 in and around the villages of Meja/Mejë and Korenica/Korenicë.



Bajram Bala; Mehmet Bala; Perparim Bala; Ragip Baliu; Demush Bardheci; Idriz Bardheci; Haki Batusha; Armend Beqaj; Bajram Beqaj; Bedri Beqaj; Brahim Beqaj; Dritan Beqaj; Emin Beqaj; Kujtim Beqaj; Milazim Beqaj; Ramadan Beqaj; Rasim Beqaj; Tafe Beqaj; Ymer Beqaj; Albert Beqiraj; Arsim Beqiraj; Syle Beqiraj; Tahir Beqiraj; Halil Berisha; Avni Binaku; Binak Binaku; Ismet Bobi; Fiqrih Cuni; Muharrem Cuni; Sutki Cuni; Errok Dedaj; Gjon Dedaj; Mikel Dedaj; Pjeter Dedaj; Deli Deliu; Ali Demaj; Agron Duzhmani; Frane Duzhmani; Gostin Duzhmani; Mikel Duzhmani; Gezim Duzhmani; Manuel Duzhmani; Marjan Duzhmani; Pashk Duzhmani; Pal Duzhmani; Male Fazlija; Haxhi Fetaj; Lulzim Gashi; Brahim Gaxherri; Xhafer Gaxherri; Deme Gjocaj; Ardian Gjocaj; Asllan Golaj; Avdi Golaj; Idriz Golaj; Musa Gola; Rame Golaj; Rexhe Golaj; Skender Hadergjonaj; Faik Hajredini; Hysni Hajredini; Qamil Hajredini; Gjon Hasanaj; Luan Hasanaj; Shyt Hasanaj; Mentor Haxhaj; Avdi Haxhiu; Florim Haxhiu; Tahir Haxhiu; Ardian Hoxha; Blendian Hoxha; Bajram Hoxha; Fitim Hoxa; Hajrullah Hoxha; Naim Hoxha; Ramiz Hoxha; Rifat Hoxha; Binak Hyseni; Hysni Ibrahim; Masar Idrizi; Demë Islamaj, Bajram Isufi, Isa Isufi, Besim Kameri, Gëzim Kameri, Muharrem Kameri, Rrustem Kameri, Shpend Kameri, Nikolle Komani, Fran Komani, Pashk Komani, Mikel Kqira, Pashk Kqira, Luz Kqira, Albert Krasniqi, Pjeter Krasniqi, Mark Krasniqi, Ndue Krasniqi, Hasan Kuqi, Shpend Kuqi, Haki Kurtaj, Isa Kurtaj, Muhamet Kurtaj, Sami Kurtaj, Kllaudie Mala, Kol Mala, Monika Mala, Blerim Maloku, Burim Maloku, Petrit Maloku, Ymer Maloku, Besim Malushaj, Shefki Mulashaj, Dede Markaj, Gezim Marku, Gjovalin Markaj, Milan Markaj, Sokol Markaj, Agron Mehmeti, Arben Mehmeti, Gani Mehmeti, Hysen Mehmeti, Hysni Mehmeti, Muharrem Mehmeti, Quash Mehmeti, Rame Mehmeti, Sami Mehmeti, Marash Merturi, Bajram Meta, Ismet Miftari, Brahim Miroci, Fahredin Miroci, Isuf Miroci, Sokol Miroci, Kole Nreaj, Nue Ndue, Ahmet Neziri, Sokol Ndue, Sokol Nuza, Shpend Osmani, Avdyl Pajaziti, Smajl Pajaziti, Gani Pajaziti, Haxhi Pajaziti, Ismet Pajaziti, Muje Pajaziti, Qerim Pajaziti, Shkelzen Pajaziti, Shpend Pajaziti, Zenel Pajaziti, Uke Pepaj, Gasper Pjetri, Ilirjan Pjetri, Ardian Prelaj, Driton Prelaj, Sokol Prelaj, Gjergj Prelaj, Tome Prelaj, Pal Prendi, Prend Prendi, Sokol Prendi, Vitor Prendi, Hajdar Qestaj, Adem Rama, Bujar Rama, Nijazi Rama, Sadri Rama, Sezaj Rama, Zenun Rama, Zeqir Rama, Rame Ramaj, Tahir Ramaj, Adem Rexha, Anton Rexhaj, Avni Rexha, Bashkim Rexha, Iber Rexha, Ruzhdi Rexha, Hamza Rexhaj, Isuf Rexhaj, Xhevdet Rexhaj, Bekim Rrustemi, Dan Rrustemi, Xhafer Rrustemi, Iber Sadiku, Ismet Sadiku, Osman Sadiku, Ramiz Sadiku, Sadik Sadiku, Hysni Sadriu, Rexhep Sadriu, Shaqir Sadriu, Osman Salihaj, Bajram Salihu, Beqir Selmanaj, Nexhat Selmanaj, Ali Selmani, Baki Selmani, Burim Selmani, Jonuz Selmani, Ujkan Selmani, Xheme Selmani, Zenun Selmani, Deme Shala, Ismet Shehu, Agim Shehu, Ahmet Shehu, Bujar Shehu, Mehmet Shehu, Rame Shehu, Elvis Shoshi, Gani Smajli, Filip Sokoli, Kastriot Sokoli, Kriste Sokoli, Simon Sokoli, Ismet Sylja, Rexhep Sylja, Bajram Sylja, Bajram Tahiraj, Halil Tahiraj, Isuf Tahiraj, Osman Tahiraj, Ramadan Tahiraj, Rrustem Tahiraj, Selman Tahiraj, Xhevdet Tahiraj, Uke Xhemajli, Hasan Xhemajli, Isa Xhemajli, Miftar Xhemajli, Rifat Xhemajli, Xhemajl Xhemajli, Elez Ymeri, Halit Ymeri, Hasan Ymeri, Hysen Ymeri, Musa Ymeri, Xhafer Ymeri, Zenel Ymeri, Bajram Zenuni, Xhevat Zenuni, Zenel Zenuni, Hasan Zeqiri, Arber Zyberi, Gani Zyberi, Skender Zyberi.

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In relation to the remaining individuals named in Schedule H of the Indictment, the Chamber finds that, although it is probable that they were also killed on 27 April 1999 in and around Meja and Korenica, it has not been proven beyond reasonable doubt. These individuals are: Pjeter Abazi; Male Ahmeti; Arben Aliaj; Afrim Avdyli; Mehmet Avdyli; Pajazit Avdyli; Ali Bajrami; Mentor Beqaj; Ahmet Berisha; Ismail Binaku; Istref Curri; Izet Curri; Shani Fazlijaj; Lulzim Gashi; Hasan Gaxheri; Elson Hasanaj; Mitër Hasanaj; Ndue Hasanaj; Afrim Haxhiu; Fadil Hoxha; Gafurr Hykosmanaj; Ali Ibrahim; Pjeter Kacoli; Tom Kacoli; Lazer Krasniqi; Ilmi Kurpali Anton Lleshi; Vilson Malaj; Esad Malushaj; Mehmet Mehmeti; Naim Nimanaj; Pashk Ndreaj; Nrec Nreaj; Idriz Pajaziti; Halil Pajaziti; Mark Palokaj; Gjergj Prendi; Robert Prendi; Mark Prendi; Leonard Prendi; Tahir Rexhaj; Esat Sahiti; Xhavit Salcaj; Nimon Salihu; Sherif Selmani; Shpend Selmani; Perparim Shoshi; Naser Shoshi; Gjergj Sokoli; Shpend Xhemajli; Alban



### III Military Commanders from 549th MtBr

**Božidar Delić**, the Commander of the 549<sup>th</sup> MtBr in 1998 and 1999, now a retired Major General.

Delić was born on February 20<sup>th</sup>, 1956 in the vicinity of Đakovica/Gjakovë.<sup>214</sup> He is currently resident in Belgrade.<sup>215</sup> He was a high-ranking official in the Serbian Radical Party and then in the Serbian Progressive Party. In 2011 he returned to the Serbian Radical Party.<sup>216</sup> During this time he was a member of the Serbian National Assembly and a member of the Security Committee.<sup>217</sup>

He was the youngest Second Lieutenant, the youngest Colonel, and the youngest General in the VJ.<sup>218</sup>

He graduated from the Military Academy in 1977, and later completed the Command Staff School and the School of National Defence. He was a lecturer and then the head of the Tactics Department at the Military Academy with the professional title of Docent in Tactics.<sup>219</sup> From 1977 to 1987 he was the commander and then a lecturer in the School for Reserve Infantry Officers in Bileća.<sup>220</sup>

He was the Chief of Staff of the 715<sup>th</sup> Brigade of the Herzegovina Corps of the army of Republika Srpska Army through the 30<sup>th</sup> Personnel Centre of the VJ during 1993 and 1994 and then in the same unit he was the Chief of Information Security in the Brigade.<sup>221</sup>

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On February 6<sup>th</sup>, 1995, he was appointed Chief of Staff of the 549<sup>th</sup> MtBr, and on July 26<sup>th</sup>, 1997 he became the Commander of the Brigade.<sup>222</sup> On January 15<sup>th</sup>, 2000, Delić was appointed Chief of Staff of the Belgrade Corps,<sup>223</sup> and then served in the HQ Operations Administration. He retired on April 1<sup>st</sup>, 2005.<sup>224</sup>

He wrote a graduation paper in the National Defence School in the period 1996-1997 titled 'Preparation and Engagement of Defence Forces in Preventing and Crushing of Armed Insurgency in Kosovo and Metohija'.<sup>225</sup>

**Vladimir Stojilković** was Chief of Staff of the 549<sup>th</sup> MtBr and the Delić's Deputy Commander and was a Colonel in the VJ.<sup>226</sup> Between March 25<sup>th</sup> and 27<sup>th</sup>, 1999, Stojilković was Commander of the newly

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213 Judgment of the ICTY Trial Chamber in *Milutinović et al*, Volume 2 of 4, paras. 228, 230, 233, 236, 238 and 239.

214 Božidar Delić, June 21<sup>st</sup>, 2005, *Milošević*.

215 <http://www.vojislavseselj.info/2012/03/srpska-radikalna-stranka-dr-vojislav.html>; Accessed on October 2<sup>nd</sup>, 2012.

216 [http://www.mondo.rs/s198967/Srbija/Bozidar\\_Delic\\_se\\_vratio\\_radikalima.html](http://www.mondo.rs/s198967/Srbija/Bozidar_Delic_se_vratio_radikalima.html); Accessed on October 2<sup>nd</sup>, 2012.

217 <http://istinomer.rs/akter/bozidar-delic/>; Accessed on October 2<sup>nd</sup>, 2012.

218 Božidar Delić, July 11<sup>th</sup>, 2005, *Milošević*.

219 Božidar Delić, July 21<sup>st</sup>, 2005, *Milošević*.

220 Božidar Delić, July 11<sup>th</sup>, 2005, *Milošević*.

221 Božidar Delić, July 11<sup>th</sup>, 2005, *Milošević*.

222 Božidar Delić, July 7<sup>th</sup>, 2005, *Milošević*.

223 Božidar Delić, July 11<sup>th</sup>, 2005, *Milošević*.

224 <http://www.blic.rs/Vesti/Politika/301297/Vojaska-Generali-prekrsili-kodeks/print>; Accessed on June 9<sup>th</sup>, 2012.

225 Božidar Delić, July 11<sup>th</sup>, 2005, *Milošević*.

226 Božidar Delić, June 29<sup>th</sup>, 2005, *Milošević*.





established Combat Group 7, that operated in the area between Combat Group 2 and Combat Group 6, in the wider area of Velika Hoča/Hoca i Madhe.<sup>227</sup>

**Stojan Konjikovac** was the Head of the Operations Group in the 549<sup>th</sup> MtBr Headquarters in 1999.<sup>228</sup> From March 25<sup>th</sup> to March 27<sup>th</sup>, 1999, he led and commanded Combat Group 5, which operated in the area from Suva Reka/Suharekë to the village of Studenčani, the municipality of Suva Reka/Suharekë, along the local road, with the objective of linking up with the forces of Combat Group 6 and opening up the road for traffic.<sup>229</sup>

**Nikola Mićunović**, aka Dragan, was a Major in the VJ in 1999, and Commander of the VJ Reserve Units in Đakovica/Gjakovë.<sup>230</sup>

**Vlatko Vuković**, was the Commander of the 2<sup>nd</sup> Motorized Battalion in 1999, which was stationed in the Đakovica/Gjakovë Garrison during peacetime in the 'Devet Jugovića' barracks in Đakovica/Gjakovë. He graduated from the Military Academy for Land Forces in 1983. His first service was in the Pirot Garrison. In 1988 he was transferred to the Military Academy for Land Forces of Yugoslavia, where he served as a commander and a lecturer. In 1998 he was transferred to the Đakovica/Gjakovë Garrison. He also served in garrisons in Medveđa, Leskovac, once again in Belgrade, and he retired in 2002.<sup>231</sup> Vuković was the leader of Combat Group 2.<sup>232</sup>

**Zlatko Odak**, served in Đakovica/ Gjakovë from his graduation from the Military Academy for Land Forces in 1986 until 1999. During 1998, and from May 20<sup>th</sup>, 1999 until the withdrawal from Kosovo, he was Deputy Commander of the 2<sup>nd</sup> Motorized Battalion and he held the rank of Lieutenant Colonel. From October 1998 until May 20<sup>th</sup>, 1999 he was the Commander of the Logistics Battalion in the 52<sup>nd</sup> Artillery Rocket Brigade of the Anti Aircraft Defence Force.<sup>233</sup>

**Uroš Nikolić**, was a Lieutenant Colonel of the VJ in 1999 and Commander of the 1<sup>st</sup> Motorized Brigade in the 549<sup>th</sup> MtBr.<sup>234</sup> He also led Combat Group 1.<sup>235</sup>

**Radivoj Paravinja** was the commander of Combat Group 3 in 1999.<sup>236</sup>

**Zoran Đokić**, was the commander of Combat group 6 in 1999.<sup>237</sup>

**Sel Janoš**, was a VJ officer with the rank of First Class Captain in 1998 and 1999, and was the Commander of the 2<sup>nd</sup> Motorized Battalion, 1<sup>st</sup> Company.<sup>238</sup>

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227 Božidar Delić, July 1<sup>st</sup>, 2005, *Milošević*.

228 Božidar Delić, July 5<sup>th</sup>, 2005, *Milošević*.

229 Božidar Delić, July 1<sup>st</sup>, 2005, *Milošević*.

230 Nike Peraj, Exhibit P2253 (Witness statement from August 9<sup>th</sup>, 2006), para 59, August 15<sup>th</sup>, 2006, *Milutinović et al.*

231 Vlatko Vuković, October 26<sup>th</sup>, 2005, *Milošević*.

232 Božidar Delić, June 4<sup>th</sup>, 2008, *Suva Reka*.

233 Zlatko Odak, November 15<sup>th</sup>, 2005, *Milošević*.

234 Božidar Delić, July 1<sup>st</sup>, 2005, *Milošević*.

235 Božidar Delić, July 5<sup>th</sup>, 2005, *Milošević*.

236 Božidar Delić, June 4<sup>th</sup>, 2008, *Suva Reka*.

237 Božidar Delić, June 4<sup>th</sup>, 2008, *Suva Reka*.

238 Vlatko Vuković, October 26<sup>th</sup>, 2005, *Milošević*.



**Slobodan Rangelov**, was an active officer in the VJ in 1999 and held the rank of First Class Captain and was the Commander of the 2<sup>nd</sup> Company of the 2<sup>nd</sup> Motorized Battalion.<sup>239</sup>

**Zaim Ajdinović**, was an active duty officer in the VJ with the rank of Captain in 1999. He was the Commander of the 3<sup>rd</sup> Company of the 2<sup>nd</sup> Motorized Battalion.<sup>240</sup>

**Feta Elifat**, was an officer in the Yugoslav Army and in 1998 and 1999 held the rank of First Class Captain. He was Commander of the 120 mm Artillery Battery of the 2<sup>nd</sup> Motorized Battalion.<sup>241</sup>

**Milovan Živković**, he was a VJ officer with the rank of Captain and was Commander of the Execution Squad in 1998 and 1999, which was deployed as a support unit for the 2<sup>nd</sup> Motorized Battalion.<sup>242</sup>

**Pavle Gavrilović**, was a VJ officer holding the rank of First Class Captain in 1999 and was the Commander of the Logistics Battalion.<sup>243</sup>

**Gligorević**, (first name unknown), was a VJ officer in 1999 and was Deputy Commander of the 549<sup>th</sup> MtBr's Logistics Battalion.<sup>244</sup>

**Dragiša Jaćimović**, was a VJ officer holding the rank of Lieutenant, and in 1999 was the Commander of the 549<sup>th</sup> MtBr Logistics Battalion Technical Company.<sup>245</sup>

**Rajko Kozlina**, was a non commissioned officer in the VJ holding the rank of Sergeant and in 1999 was a Platoon Commander in the 549<sup>th</sup> MtBr's Logistics Battalion Technical Company.<sup>246</sup>

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**Muhamed Fejzić**, was a non commissioned officer holding the rank of Staff Sergeant and in 1999 was a Platoon Commander in the 549<sup>th</sup> MtBr.<sup>247</sup>

**Milan Nedeljković**, was a non-commissioned officer in the VJ in 1999, holding the rank of Sergeant and Platoon Commander in the 549<sup>th</sup> MtBr.<sup>248</sup>

**Dimjan (or Demjan) Balan**, was a volunteer from Russia, serving with the 549<sup>th</sup> MtBr.<sup>249</sup>

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239 Vlatko Vuković, October 26<sup>th</sup>, 2005, *Milošević*.

240 Vlatko Vuković, October 26<sup>th</sup>, 2005, *Milošević*.

241 Božidar Delić, July 1<sup>st</sup>, 2005, *Milošević*.

242 Božidar Delić, July 1<sup>st</sup>, 2005, *Milošević*.

243 K-41, September 6<sup>th</sup>, 2002, *Milošević*; K-32, July 17<sup>th</sup>, 2002, *Milošević*.

244 K-41, September 6<sup>th</sup>, 2002, *Milošević*; K-32, July 17<sup>th</sup>, 2002, *Milošević*.

245 K-41, September 6<sup>th</sup>, 2002, *Milošević*; K-32, July 17<sup>th</sup>, 2002, *Milošević*.

246 K-41, September 6<sup>th</sup>, 2002, *Milošević*; K-32, July 17<sup>th</sup>, 2002, *Milošević*.

247 K-41, September 6<sup>th</sup>, 2002, *Milošević*; K-32, July 17<sup>th</sup>, 2002, *Milošević*.

248 K-41, September 6<sup>th</sup>, 2002, *Milošević*; K-32, July 17<sup>th</sup>, 2002, *Milošević*.

249 Exhibit P3040 (Evaluation and opinion of Božidar Delić on the work of Dimjan Balan), *Milutinović et al.*







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