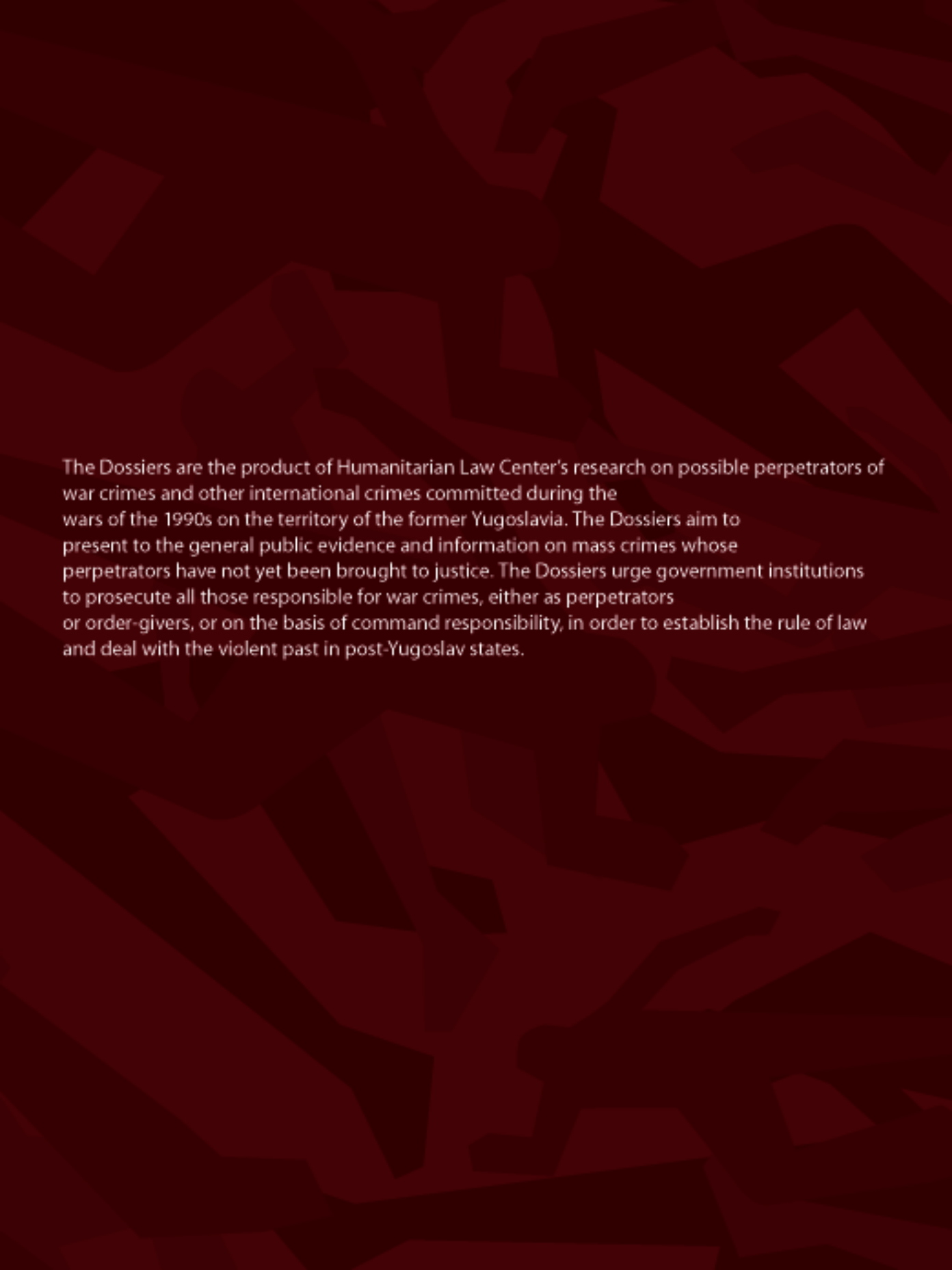




Humanitarian Law Center

Dossier: Operation *Reka*

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The Dossiers are the product of Humanitarian Law Center's research on possible perpetrators of war crimes and other international crimes committed during the wars of the 1990s on the territory of the former Yugoslavia. The Dossiers aim to present to the general public evidence and information on mass crimes whose perpetrators have not yet been brought to justice. The Dossiers urge government institutions to prosecute all those responsible for war crimes, either as perpetrators or order-givers, or on the basis of command responsibility, in order to establish the rule of law and deal with the violent past in post-Yugoslav states.



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October 2015

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Abbreviations

125th MtBr VJ	125th Motorized Brigade of the Yugoslav Army
52nd ArBr VJ	52nd Artillery Rocket Brigade of the Yugoslav Army
549th MtBr VJ	549th Motorized Brigade of the Yugoslav Army
ex. no.	Exhibit number (number designated for the exhibits presented before the International Criminal Tribunal for the Former Yugoslavia)
Đorđević	The case before the International Criminal Tribunal for the Former Yugoslavia IT-05-87/1-T, the Prosecutor vs. Vlastimir Đorđević
EULEX	European Union Rule of Law Mission in Kosovo
HLC	Humanitarian Law Center
INTERPOL	International Criminal Police Organization
Milošević	The case before the International Criminal Tribunal for the Former Yugoslavia IT-02-54, the Prosecutor vs. Slobodan Milošević
ICRC	International Committee of the Red Cross
ICTY	International Criminal Tribunal for the Former Yugoslavia
MO	Ministry of Defense of the Republic of Serbia
MUP	Ministry of the Interior of the Republic of Serbia
NATO	North Atlantic Treaty Organization
KLA	Kosovo Liberation Army
OMPF	EULEX Office of Missing Persons and Forensics
PJP	Special Police Units of the MUP
PrC	Priština Corps of the Yugoslav Army
RDB	State Security Department of the MUP
RJB	Public Security Department of the MUP
SAJ	Special Antiterrorist Unit
FRY	Federal Republic of Yugoslavia
Serbian forces	Yugoslav Army and the Ministry of the Interior
SUP	Secretariat of internal affairs of the MUP
Šainović et al.	The case before the International Criminal Tribunal for the Former Yugoslavia IT-05-87, the Prosecutor vs. Milan Milutinović, Nikola Šainović, Dragoljub Ojdanić, Nebojša Pavković, Vladimir Lazarević and Sreten Lukić
SHTF	„Shiptar terrorist forces“ (a term for the Kosovo Liberation Army usually used in the documents of the Yugoslav Army)
OWCP	Office of the War Crimes Prosecution of the Republic of Serbia
UNMIK	United Nations Interim Administration Mission in Kosovo
VJ	Yugoslav Army
VP	Military Police
VS	Army of the Republic of Serbia
VTO	Military-territorial Detachment



I. Summary

On 27 and 28 April 1999, the Yugoslav Army (VJ) and Serbian Ministry of Interior (MUP) conducted a joint, large-scale operation named “Operation Reka” in the Kosovo villages lying west of the town of Gjakovë/Đakovica. During the operation, members of Serbian forces killed at least 350 ethnic Albanian civilians, and expelled thousands more to Albania. The mortal remains of 309 victims were found in the secret mass graves in Belgrade suburb in 2001. With the number of victims, the attack against the civilian population in the Reka e Keq/Reka Valley was the gravest crime against civilians committed during the war in Kosovo, and among the gravest of all the crimes committed in the 1990s in the wars in the former Yugoslavia.

In the trials of Vlastimir Đorđević and the so-called “Kosovo Five” (*Šainović et al.*), the International Criminal Tribunal for the Former Yugoslavia (ICTY) reconstructed to a large extent the circumstances surrounding this crime, including the role of the VJ and the MUP, and the pattern of crimes and the subsequent operations for the concealment of the bodies. Operation *Reka* was planned by the VJ Priština Corps (PrC) and the highest-ranking MUP officers with the purpose to expel Kosovo Albanians from the area of Gjakovë/Đakovica municipality bordering with Albania and take revenge against Kosovo Albanian men for the murder of four officers of the Gjakovë/Đakovica Secretariat of Internal Affairs (SUP). The operation was commanded by the PrC Command from its forward command post in Gjakovë/Đakovica.

In the early morning hours of 27 April 1999, VJ soldiers and policemen, in a coordinated action moving from the northern part of the Reka e Keq/Reka Valley towards the south, entered the Albanian-inhabited villages in the area (Dobrosh/Dobroš, Ramoc, Racaj/Racaj, Korenicë/Korenica, Molić, Brovina, Guskë/Guska, Nivokaz, and others). They entered houses and ordered local residents to leave for Albania, directing them towards the town of Gjakovë/Đakovica. While they were driving the civilians from their homes, members of Serbian forces killed dozens of civilians. The largest numbers of civilians (68) were killed in the village of Korenicë/Korenica.

Several thousands of the villagers who were forced out of their villages formed two convoys of tractors and headed towards the town of Gjakovë/Đakovica. In the village of Mejë/Meja near Gjakovë/Đakovica, the convoys had to pass through two checkpoints manned by police officers of the Gjakovë/Đakovica SUP. At the checkpoint, the police stopped the tractors, took the men out of the convoy and, after robbing them of their money and jewellery, ordered the women, children and the elderly to continue towards Albania. The police separated 274 males from the convoys, among them 36 underage boys, and later killed them in various unknown locations. The mortal remains of 252 of those men were found in 2001 in a mass grave in Batajnica, 10 in Mejë/Meja and surrounding villages, while 12 men are still unaccounted for.

The manner in which these 274 men and boys separated from the checkpoints in Mejë/Meja were killed is not fully known. This is one of the few mass killings in Kosovo where there were no survivors and therefore no witnesses to testify. Some members of the VJ who took part in Operation *Reka* have testified about how some groups of the civilians were killed.



Almost the entire police and military leadership of the Federal Republic of Yugoslavia (FRY) - Vladimir Lazarević, Commander of the PrC of the VJ, Nebojša Pavković, Commander of the 3rd Army of the VJ and the superior of Vladimir Lazarević, Dragoljub Ojdanić, Chief of General Staff of the VJ, Sreten Lukić, Chief of Staff of the MUP in charge of Kosovo, and Vlastimir Đorđević, Assistant Minister of the Interior and Chief of Public Security Department (RJB) of the MUP - was found guilty and convicted by the ICTY of the crimes committed in Operation Reka.

To date, not a single individual has been tried before Serbian courts for the crimes committed in Operation *Reka*, or for the concealment of bodies in the Batajnica mass grave - that is, for concealment of evidence. Back in 2004, the Office of the War Crimes Prosecutor (OWCP) began to work on this case and announced that it would be investigated. However, no investigation has been launched prior to the publishing of this Dossier.

According to available information, the following VJ and Serbian police units took part in Operation Reka: the 549th Motorized Brigade of the VJ, the 63rd Parachute Brigade of the VJ, the 52nd Military Police Battalion, the 52nd Artillery Rocket Brigade of the VJ, the 125th Motorized Brigade of the VJ, the 113th Military Territorial Detachment, members of Gjakovë/Đakovica SUP, and several detachments of the Special Police Units (PJP).

While preparing this Dossier, the HLC submitted a few dozen requests for access to information of public importance, asking for additional information on the units involved in Operation *Reka* and some of their ranking officers and members. The Ministry of Defence of the Republic of Serbia (MO) and the MUP refused in a great number of cases to disclose the information the HLC requested, either by invoking the confidentiality of certain information, or by denying holding the information, or by claiming that the request was not precise enough. In some cases though, the MO and MUP provided information on the current employment of some persons. On the basis of this information and other sources, the HLC was able to determine that a certain number of persons who participated in Operation Reka are holding significant positions in the institutions of the Republic of Serbia even today.

The Dossier also presents detailed evidence regarding the role in Operation Reka of Momir Stojanović, current Member of the Parliament of the Republic of Serbia and Chairman of the Parliamentary Committee for Security Services Control. In March 2015, INTERPOL issued a notice for Stojanović and another 16 individuals for crimes committed during Operation Reka. The notice was issued at the request of the United Nations Interim Administration Mission in Kosovo (UNMIK).



II. INTRODUCTION

In its final judgments issued in the cases of *Đorđević* and *Šainović et al*, the ICTY established that, from late March to early June 1999, the VJ and MUP displaced at least 700,000 Kosovo Albanian civilians from Kosovo, as part of a widespread and systematic campaign. The deportations and forcible transfer of civilians were accompanied by mass executions of civilians, including women, children and the elderly. The crimes were committed in the context of a joint criminal enterprise in which the most senior Serbian officials participated, and the purpose of which was to permanently modify the ethnic balance in Kosovo. The facts that the ICTY established expose a pattern of crimes and the role of certain government institutions in the commission and concealment of the crimes committed against Kosovo Albanian civilians during the 1998-1999 armed conflict in Kosovo, which resulted in the deaths or enforced disappearance of more than 7,000 Kosovo Albanian civilians.¹

The killing of at least 350 civilians in just two days, as well as the deportation of several thousand residents from the area under Operation Reka constitutes the most striking example of a pattern of actions by Serbian forces during the Kosovo war.

The ICTY convicted a number of high-ranking state officials of the Republic of Serbia over this crime, and during the trials before this court, the military and police units which took part in it were identified. Not one case regarding the crimes committed during Operation *Reka* has been brought to Serbian courts to date. The initiation of an investigation by the Office of the War Crimes Prosecutor (OWCP) against those responsible was announced as far back as 2004.² However, to date, no criminal proceedings have been initiated by the OWCP in relation to the crimes committed during Operation *Reka*.

9

In February 2015, INTERPOL issued a 'red notice'³ for 17 former members of Serbian forces, including Momir Stojanović, the former Head of the Security Department of the VJ PrC during the conflict in Kosovo, and currently a Serbian Progressive Party MP, for war crimes committed against civilians in Operation *Reka*.⁴

1 ICTY Trial Chamber Judgment in the *Šainović et al*. Case, 26 February 2009, Vol. 2, para. 1178; Pronouncement of the Trial Chamber Judgment in the *Šainović et al*. Case, 26 February 2009, available in English at <http://www.icty.org/x/cases/milutinovic/tjug/en/090226summary.pdf>, accessed on 28 September 2015; Pronouncement of the Trial Chamber Judgment in the *Đorđević* Case, 23 February 2011, available in English at http://www.icty.org/x/cases/djordjevic/tjug/en/110223_summary.pdf, accessed on 28 September 2015; HLC Press Release, "Demystifying 'NATO Aggression and the Fight Against Siptar Terrorists'", 25 March 2015, available in English at <http://www.hlc-rdc.org/?p=28616&lang=de>

2 Radio Free Europe, transcript of the programme "The Hague Chronicles", 16 June 2004, available in Serbian at http://www.tuzilastvorz.org.rs/html_trz/DRUGI_O_NAMA/DON_2004_06_16_LAT.PDF accessed on September 22nd 2015.

3 Interpol official website: <http://www.interpol.int/notice/search/wanted/2015-8413> accessed on April 7th 2015.

4 Marija Ristić, „Interpol's red notice issued for a SPP MP“, *BIRN*, 25 February 2015, available in Serbian at: <http://www.balkaninsight.com/rs/article/poslanik-sns-a-na-crvenoj-poternici-interpola#.VO7erp5iGbo.twitter>, accessed on April 21 2015.



Commenting on the INTERPOL notice for Stojanović in a newspaper interview, the Serbian War Crimes Prosecutor, Vladimir Vukčević, said the OWCP has information about the crime committed in Operation *Reka*, but it did not point to Momir Stojanović, not even as a “possible perpetrator.”⁵

The aim of this Dossier is to inform the general public about the circumstances of the crimes committed by Serbian forces in the course of Operation *Reka*, to present the available information and evidence about the role and responsibility of members of the VJ and MUP for the crimes committed in the course of the operation, and to present the activities undertaken by state authorities after the crime.

The information contained in the Dossier was drawn from two main sources. The first source was comprised of the statements that survivor-witnesses, victims’ family members and eyewitnesses gave to the HLC and HLC Kosovo about the events that preceded the crimes, the circumstances surrounding the crimes, the perpetrators and their uniforms and weapons, the removal of the bodies, etc. The second source included authentic military and police documents that were presented as evidence before the ICTY⁶ in the two above-mentioned cases, and statements by army and police officials. The Dossier also features media reports and reports from domestic and international non-governmental and governmental organizations.

III. MILITARY-POLICE OPERATION *REKA*

1. Operation *Reka* got its name from the geographic location – the Reka e Keq/Reka Valley, which is situated west of the town of Gjakovë/Đakovica (Gjakovë/Đakovica municipality). There are over 20 villages in the Gjakovë/Đakovica municipality, which were in 1999 mainly inhabited by Kosovo Albanians. The Reka e Keq/Reka Valley is a ravine formed by three rivers – the Carragojs, Erenik and Trava - in the northwest of the municipality of Gjakovë/Đakovica. The ravine runs down to the southern borders of Deçane/Dečane, and southeast 25 kilometres towards the town of Gjakovë/Đakovica. It is situated some 10 to 15 kilometres from the Albanian border.

2. According to VJ and MUP documents and the testimonies of VJ officers, a joint VJ and MUP operation called “Reka” began on 27 April 1999 at 06.00 hours and ended the next day at 18.00 hours.⁷

5 V. C. Spasojević, “Vladimir Vukčević: We have no evidence against Stojanović”, *Novosti*, 5 March 2015, available in Serbian at <http://www.novosti.rs/vesti/naslovna/dosije/aktuelno.292.html:536864-Vladimir-Vukcevic-Nemamo-dokaze-protiv-Stojanovica>, accessed April 21 2015.

6 These documents are publicly available at the ICTY website: <http://icr.icty.org/bcs/defaultb.aspx>

7 ICTY Trial Chamber judgment in *Đorđević*, 23 February 2011, Vol. 1, para. 950.



3. Approximately 500 VJ members and 400 MUP members took part in the operation.⁸ At least 350 Kosovo Albanian civilians⁹ and one member of the VJ were killed in the course of the operation.¹⁰

4. As established in the ICTY's final judgments in the cases of *Šainović et al.* and *Đorđević*, the police-military Operation *Reka* was planned at the highest VJ and MUP levels and had at least two objectives with respect to the Kosovo Albanian civilian population, namely: taking revenge for the killing of several Serbian policemen by the KLA [see para. 8] and the displacement of large numbers of Kosovo Albanians from their villages in Gjakovë/Đakovica municipality and sending them to Albania, as part of a broader policy of forcible displacement of Kosovo Albanians.¹¹

5. When giving evidence before the ICTY, senior VJ officers claimed that the operation was aimed purely at preventing KLA fighters from entering Kosovo from Albania and joining the KLA brigade that was operating in the valley area.¹²

6. As testified by some members of the VJ, the presence of the KLA in the valley was insignificant.¹³ Miloš Došan, who was the Commander of a unit that took part in the Operation *Reka* (the 52nd Artillery Rocket Brigade), said that his unit did not have any contact with the KLA and therefore suffered no losses.¹⁴ The ICTY established that at the relevant time KLA activity in the area was insignificant, and that the Operation *Reka* was disproportionate to the actual KLA threat - that is, it was primarily targeting the civilian population.¹⁵

7. The ICTY established that all the victims – Kosovo Albanians who were killed in Operation *Reka* - were civilians and that there was no evidence that “any of the Kosovo Albanians killed in the relevant period was armed or took an active part in hostilities.”¹⁶

8. An order issued on 24 April 1999 by the Commander of the VJ 125th MtBr, Dragan Živanović, confirms that the objective of the operation was illegitimate and that the operation was directed against Kosovo Albanian civilians. In it, Živanović estimates that “in the areas of Racaj, Pacaj, Šeremet, and Dobroš villages are some 200 individuals who took part in combat operations against VJ forces, and are now in these villages dressed in civilian clothes and posing as

11

8 Ibid, para. 952.

9 HLC Database, See list of victims in Appendix 1.

10 HLC Database, on 28 April 1999 Željko Tošić, member of the 52nd Military Police Battalion was killed; Witness statement of Saša Antić, ICTY, *Šainović et al.*, ex. no. 5D1443, para. 82; Witness statement of K73, ICTY, *Đorđević*, ex. no. P330, para. 44.

11 ICTY Trial Chamber judgment in *Šainović et al.*, 26 February 2009, Vol. 2, paras. 228-230; ICTY Trial Chamber judgment in *Đorđević*, 23 February 2011, Vol. 1, para. 945.

12 Witness statement of Saša Antić, ICTY, *Šainović et al.*, ex. no. 5D1443, para. 21; Witness statement of Sergej Perović, ICTY, *Šainović et al.*, ex. no. 5D1396, para. 21-22.

13 Witness statement of K90, ICTY, *Đorđević*, ex. no. P3321, paras. 62-63; witness statement of K90 dated 30 January 2007, *Šainović et al.*, p. 9451; Witness statement of K73, ICTY, *Đorđević*, ex. no. P330, para. 40.

14 Miloš Došan's statement to the Commission for Cooperation with the ICTY, *Milošević*, ex. no. D321.28, p. 2.

15 ICTY Trial Chamber judgment in *Đorđević*, 23 February 2011, Vol. 1, para. 980; ICTY Trial Chamber judgment in *Šainović et al.*, 26 February 2009, Vol. 2, par. 230.

16 Ibid, paras. 959, 963, 967, 976, and 1739; ICTY Appeal Chamber judgment in *Đorđević*, 27 January 2014, para. 772.



refugees”.¹⁷ Three days after this order was issued, the civilians from the said villages became the targets of police-military forces in Operation *Reka*. This order constitutes a clear violation of international humanitarian law, because it refers to civilians as legitimate targets of attack, without making a distinction between combatants and civilians.¹⁸

9. The killing of Milutin Prašćević, a senior MUP officer, and three of his colleagues in the village of Mejë/Meja that had taken place a week before the Operation *Reka*, was the event that triggered off Operation *Reka*.¹⁹ On 21 April 1999, Milutin Prašćević, Ljubodrag Lazarević, Boban Lazović, and Naser Arifaj were killed and Miladin Dončić was seriously injured in an ambush by KLA members, when the vehicle carrying the five policemen was attacked in Mejë/Meja on the road leading towards Gjakovë/Đakovica.²⁰

10. According to the evidence of the Head of the Security Department of the PrC, Momir Stojanović, the Operation *Reka* had been planned prior to the killings of the policemen and its objective was to “neutralise terrorist elements” in the area.²¹

11. A few days after the killings of the policemen, several senior police and army officials had a meeting in a private house opposite the VJ barracks in Gjakovë/Đakovica. The meeting was to discuss launching a large-scale military-police operation directed against Kosovo Albanian civilians. According to Nikë Peraj, a VJ officer who was present at the meeting, also present at the meeting were: Momir Stojanović, Sergej Perović, Chief of Security in the 52nd Artillery Rocket Brigade, Sreto Camović, member of the State Security Service (RDB), officer in charge of security in the 63rd Parachute Brigade, Major Nikola Mićunović, Commander of the 113th Military Territorial Detachment, and Milovan Kovačević, Chief of the Gjakovë/Đakovica SUP.²²

12. According to Nikë Peraj, Momir Stojanović, who was a relative of Prašćević, one of the police officers who had been killed several days earlier, ordered Mićunović and Kovačević to carry out an operation

17 Measures to stabilize the Defence, 24 April 1999, Command of the VJ 125th MtBr VJ, *Šainović et al.*, 6D1123, p. 1, Appendix 2.

18 Common Article 3 of the Geneva Conventions: “Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed ‘hors de combat’ by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.” Article 48 of the Protocol I Additional to the Geneva Conventions: “In order to ensure respect for and protection of the civilian population and civilian objects, the Parties to the conflict shall at all times distinguish between the civilian population and combatants...” See also Article 85 (3) of the Protocol I Additional to the Geneva Conventions: “In addition to the grave breaches defined in Article 11, the following acts shall be regarded as grave breaches of this Protocol, when committed wilfully, in violation of the relevant provisions of this Protocol, and causing death or serious injury to body or health: (a) making the civilian population or individual civilians the object of attack...” See the ICTY Trial Chamber Judgment in *Blaškić*, para. 180, Trial Chamber Judgment in *Galić*, paras. 29, 32, 50 and 56. See also the UN General Assembly Resolutions 2444, 2675 and 2673.

19 ICTY Trial Chamber judgment in *Šainović et al.*, 26 February 2009, Vol. 2, para. 228; Witness statement of Nikë Peraj, ICTY, *Đorđević*, ex. no. P313, para. 59.

20 Witness statement of Nikë Peraj, ICTY, *Đorđević*, ex. no. P313, para. 58; Human Rights Watch, “Under Orders: War Crimes in Kosovo”, p. 303.

21 Witness statement of Momir Stojanović dated 25 February 2010, *Đorđević*, p. 11912-11914.

22 Witness statement of Nikë Peraj, ICTY, *Đorđević*, ex. no. P313, para. 59.



in retaliation for the killing of Praščević, where at least 100 “heads” would be eliminated and all houses burned.²³ When Kovačević and Mićunović said that such an action needed to be approved by VJ top brass, Stojanović replied that he would take care of that, mentioning his friendship with Nebojša Pavković, the then Commander of the VJ 3rd Army.²⁴

13. Several other sources indicate that at least one more meeting had been held before the operation started, at which roles and tasks were assigned to various army and police units. One such source is the war diary of the 2nd Motorized Battalion of the VJ 549th MtBr, which states that the command of this battalion had a meeting on 26 April 1999 with the Chief of Staff of the PrC [Veroljub Živković – HLC’s note], at which tasks were assigned to various army and police units involved in the Operation *Reka*.²⁵ Further, the Chief of Infantry in the PrC Command, Milan Kotur, said in his evidence before the ICTY that he attended the “coordination meeting” with the Chief of the Gjakovë/Đakovica SUP, Milovan Kovačević, at which deployment of military units to the Reka e Keq/Reka Valley had been agreed.²⁶

14. During the course of Operation *Reka*, both the MUP and VJ had their command posts in the Reka e Keq/Reka Valley, in the village of Duzhne/Dužnje and in the village of Osek Hilë/Osek Hilje, respectively [see Map on page 19].²⁷ Both posts were located approximately 3.5 km from Mejë/Meja and provided a clear view of the whole Reka e Keq/Reka Valley.

IV. CRIMES AGAINST CIVILIANS COMMITTED IN THE COURSE OF OPERATION REKA

13

15. In the course of Operation *Reka*, conducted on 27-28 April 1999, at least 350 civilians were killed and several thousands of local residents were expelled from the area and their property looted or destroyed. Among the civilians killed, 36 were minors, and 13 individuals are still accounted as missing.²⁸

16. In the early morning of 27 April, Serbian forces entered most of the villages in the Reka e Keq/Reka valley that were inhabited by Kosovo Albanians. Members of Serbian forces first moved into the villages located at the north-western end of the valley, and moved south-eastwards towards the town of Gjakovë/Đakovica. Going from house to house, they ordered the villagers to leave for Albania. In the villages of Dobrosh/Dobroš, Ramoc and Korenicë/Korenica, members of the MUP killed 75 civilians while the civilians were leaving the villages or immediately after they had left them. At the same time, a two convoys travelling to Gjakovë/Đakovica, made up of civilians who had been expelled from their

23 Ibid.

24 Ibid.

25 War diary of the 2nd Motorized Battalion of the VJ 549 MtBr, entry for 26 April 1999, *Milošević*, ex. no. D322.3e, p. 12, Appendix 5.

26 Witness statement of Milan Kotur dated 21 January 2008, *Šainović et al.*, p. 20680-20683.

27 ICTY Trial Chamber judgment in *Đorđević*, dated 23 February 2011, Vol. 1, para. 950.

28 ICRC’s List of persons who went missing in Kosovo in relation to events as of January 1998; HLC Database, See the names of all victims in Appendix 1.



villages, was passing through two checkpoints manned by Serbian forces. At the checkpoints, members of the Serbian MUP took the men out of the convoys, allowing the women and children to continue towards Albania. All 274 of the men who were taken out from the convoys were subsequently killed by members of Serbian forces, at several locations.

1. Killings of civilians

1.1. Dobrosh/Dobroš and Ramoc

17. The village of Dobrosh/Dobroš lies 18 kilometres south-west from Gjakovë/Đakovica on the Gjakovë/Đakovica-Junik road. Ramoc is situated three kilometres south-east from Dobrosh/Dobroš. On 27 and 28 April 1999, seven civilians were killed by members of Serbian forces in Dobrosh/Dobroš and Ramoc.

a. Statements of survivors and forensic evidence

18. The Hasani and Avdyli families, after being forced by Serbian forces from their homes together with other residents of Dobrosh/Dobroš, travelled in convoys toward a meadow near the village cemetery. There was another group of policemen already waiting for them at the meadow. The police took **Avdyli (Selid) Avdyli** (1952) and **Iber (Ukë) Hasani** (1953) out of the column, ordering the others to continue towards Albania. As they were moving away from the meadow, the other villagers heard multiple shots from the place where the two men were being held.²⁹ Years later, the mortal remains of Avdyli and Hasani were found in the mass grave at Batajnica.³⁰

19. In Ramoc, members of Serbian forces ordered residents to leave their homes and set off for the neighbouring village of Korenicë/Korenica. When about 50 residents arrived on tractors at a crossroads whence they were to continue towards Korenicë/Korenica, a VJ soldier separated three men from the column: **Pashk (Gjom) Abazi** (1959), **Pjetër (Mark) Abazi** (1946) and **Mark (Gjon) Abazi** (1962). Together with **Hysen (Zenel) Rragamaj** (1949), who had been brought to the crossroads with his hands tied together with a barbed wire, the three men were taken to an unknown destination.³¹ The mortal remains of these four men were found in the mass grave Batajnica V.³²

20. Once they had expelled all the residents of Dobrosh/Dobroš and Ramoc, members of the Serbian forces set fire to their houses and property.³³

29 HLC Database, statement of witness A.H, given to the HLC in September 2007; statement of witness G.A, given to the HLC in September 2007; statement of witness H.A, given to the HLC in November 2009; "Tacit crimes: Massacres in Kosovo in the spring of 1999", 28 April 2013, available in Serbian at <http://tacno.net/novosti/precutani-zlocini-masakri-na-kosovu-u-prolece-1999/> accessed on 19 December 2014.

30 OMPF, Consolidated list of persons missing in Kosovo, 2. 10. 2006.

31 Witness statement of Saša Antić, ICTY, ex. no. 5D1443, *Šainović et al.*, para. 26; HLC Database, statement of witness L.K. given to the HLC in September 2009; statement of witness V.R. given to the HLC in November 2009.

32 HLC Database, statement of witness L.K. given to the HLC in September 2009; witness statement V. R given to the HLC in November 2009; witness statement M.M given to the HLC in September 2007.

33 HLC Database, statement of witness L.K. given to the HLC in September 2009.



b. Military documents and testimonies of VJ members

21. The 52nd Battalion of the Military Police operated in Dobrosh/Dobroš and Ramoc on 27 April 1999.³⁴ On that day, this unit was ordered to “clean” the area from Dobrosh/Dobroš to Korenicë/Korenica from Albanians. The order was issued orally by Stevo Kopanja, the Commander of the 52nd Battalion of the Military Police.³⁵

22. When giving evidence under protective measures before the ICTY, witness K73, a member of the 52nd Battalion of the Military Police, said the first village that was “sealed” by his unit on 27 April was Dobrosh/Dobroš and that the “cleaning up” that started there continued for two days.³⁶ During the first day they expelled “hundreds” of Kosovo Albanian civilians from the area and set fire to their houses.³⁷

23. The same witness described how the male members of the Abazi family were separated from the rest of their family [para. 19]. According to this witness, it was Saša Antić, the Commander of the Special Unit of the 52nd Battalion of the Military Police, who did this. He then took the four men to Korenicë/Korenica to hand them over the following day, 28 April 1999, to the PJP commander nicknamed “Markoni”, who then handed them over to a police officer saying: “These four assholes are yours”. The police officer took the men, who had their hands tied behind their backs, to a nearby wood. A few minutes later, gunshots were heard from the woods. When the officer came back, he said to the people present: “I was so fair, I gave them a cigarette, and they were smoking and crying, aware of what was going to happen next”.³⁸ In his statement to the ICTY, Saša Antić confirmed that he had held the four Kosovo Albanian civilians and then handed them over to a PJP unit.³⁹

24. According to the documents belonging to the VJ 125th MtBr, it is certain that this VJ brigade was also active in Ramoc on 27 April, even though it was not possible to ascertain which of its formations. The 125th MtBr Combat Report for 27 April 1999 states as follows: “During the day, at 08.00 hours, a column made up of Shiptar civilians was formed on the following axis: Šeremt village - Pačaj village Orize - Đakovica and further on. We believe they want to pull out *from the sector of operations of our forces in the general area of the Ramoc facility*”. [italics added]⁴⁰

1.2. Korenicë/Korenica

25. The village of Korenicë/Korenica is situated about seven kilometres to the west of Gjakovë/Đakovica town, on the road connecting Gjakovë/Đakovica with Junik. It was inhabited mainly by Catholic Kosovo

34 More on this unit in section V.4.

35 Witness statement of K73, ICTY, *Đorđević*, P330, paras. 40-41.

36 Ibid, para. 41.

37 Ibid, para. 2.

38 Ibid, paras. 43, 45.

39 Witness statement of Saša Antić, ICTY, *Šainović et al.*, ex. no. 5D1443, paras. 24-27.

40 Regular combat report, 27 April 1999, Command of the VJ 125th MtBr, *Đorđević*, ex. no. P950, Appendix 3.



Albanians.⁴¹ The only Serb family living in the village were the Mićunovići.⁴² On 27 April 1999, members of the PJP and the 2nd Motorized Battalion of the VJ 549th MtBr killed 68 Kosovo Albanian civilians in Korenicë/Korenica.⁴³

a. Survivors' statements and forensic evidence

26. Around 05.00 hours on 27 April 1999, Serbian forces began to shell Korenicë/Korenica, and then moved into the village, backed by tanks, from the direction of Pertej pronit [Above the Creek, translation added by the HLC] Mahala.⁴⁴ After entering the village, members of Serbian forces, in blue and green camouflage uniforms, some wearing masks and hats, and carrying automatic rifles, entered houses inhabited by Kosovo Albanians and ordered their inhabitants to leave for Albania.⁴⁵

27. As a rule, once the inhabitants left their homes, the women were robbed of their jewellery and other valuables, after which the women and children were ordered to leave for Albania and the men were kept in the courtyard and subsequently killed.⁴⁶

28. At around 07.00 hours, approximately 30 members of Serbian forces wearing green and blue camouflage uniforms, hats or bandanas on their heads, and red armbands, entered the courtyard of the Malaj family. They ordered all the family members to come outside into the courtyard, and then separated the men from the women and children. One policeman found a young boy, **Blerim (Vatë) Malaj** (1983), in the outhouse, threw him to the ground and pointed his automatic rifle at his head, holding him at gunpoint all the time. After that, they asked Blerim's father, **Vatë (Mark) Malaj** (1962), for the keys to the car that was parked in the courtyard. The men from the Kabashi family were also separated from their women and children. The Kabashis - **Nikollë (Zef) Kabashi** (1956), **Arben (Sokol) Kabashi** (1975) and **Andrush (Nikollë) Kabashi** (1981) had fled their home village of Guskë/Guska a couple of days earlier. The women and children were ordered to leave the courtyard and go to Albania. As they were leaving, the

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41 Witness statement of Lizane Malaj, ICTY, *Šainović et al.*, ex. no. P2232, p. 2.

42 The Mićunović family consisted of three brothers and their respective wives and children. Nikola Mićunović, known as "Dragan", was Head of the Army Recruitment Office in Gjakovë/Đakovica and the Commander of the 113th Military Territorial Detachment. Aleksandar (Aca) Mićunović was a policeman. Predrag Mićunović worked for the VJ. See witness statement of Lizane Malaj, ICTY, *Šainović et al.*, ex. no. P2232, p. 10.

43 Smajl (Hysen) Binaku (1963) remains missing. He is registered as BLG-800931-03 in the ICRC's List of persons who went missing in Kosovo in relation to events as of January 1998.

44 Testimony of Lizane Malaj, 10 March 2009, *Đorđević*, p. 813; HLC Database, statement of witness M.D., given to the HLC in August 2007; statement of witness M.P., given to the HLC in August 2007; statement of witness K.P., given to the HLC in January 2001; statement of witness A.K., given to the HLC in October 2008; statement of witness L.P., given to the HLC in August 2007.

45 Testimony of Lizane Malaj, 10 March 2009, *Đorđević*, p. 813; HLC Database, statement of witness M.K., given to the HLC in August 2007; statement of witness K.P., given to the HLC in January 2001; statement of witness Xh.B., given to the HLC in August January 2001; statement of witness A.D., given to the HLC in August 2007; statement of witness L.P., given to the HLC in August 2007; statement of witness B.M., given to the HLC in January 2001; statement of witness H.B., given to the HLC in January 2001.

46 HLC Database, statement of witness M.K., given to the HLC in August 2007; statement of witness V.P., given to the HLC in August 2007; statement of witness H.B., given to the HLC in August 2007.



women and children heard automatic gunfire from the courtyard. After that, members of Serbian forces burned the house of the Malaj family.⁴⁷

29. At about 08.30 hours, members of the Serbian forces, whom the witnesses identified as policemen, barged into the Berisha family compound. The Deda family from the village of Guskë/Guska (Gjakovë/Đakovica municipality) were staying with the Berishas at the time.⁴⁸ Serbian forces ordered all the people in the house to come out into the courtyard and then separated the men from the women and children. Three men of the Berisha family and three from the Deda family were kept in the courtyard. When the women and children left, the policemen took the men to a room on the third floor of the house and killed **Daniel (Ibish) Berisha** (1959), **Mark (Luk) Berisha** (1931), **Kolë (Ibish) Berisha** (1950), **Musë (Ndue) Deda** (1942) and **Nikollë (Gjokë) Deda** (1981). After that, they set fire to the room where the bodies of the victims were. **Gjokë (Nikollë) Deda** (1959), who was wounded in the shooting, managed to escape and went the house of a neighbour, K. M. The following day, members of Serbian forces burst into K.M.'s house, found **Gjokë** there, and killed him.⁴⁹

30. At about 09.00 hours, members of Serbian forces entered the Duzhmani family compound in Korenicë/Korenica. They took six men out of the house: **Agostin (Mark) Duzhmani** (1964), **Mikel (Mark) Duzhmani** (1967), **Fran (Mark) Duzhmani** (1976), **Gezim (Ndue) Duzhmani** (1974), **Manol (Ndue) Duzhmani** (1979) and **Ndue (Bibë) Krasniqi** (1966), and marched them down a village road to the nearby petrol station, opposite the graveyard, near the entrance to Korenicë/Korenica coming from the direction of Gjakovë/Đakovica. In the same way, Serbian forces stormed the Prela family home, where they found **Sokol (Prele) Prela** (1965), **Gjergj (Prele) Prela** (1970), **Ardian (Marash) Prela** (1981), **Tomë (Kolë) Prela** (1962) and **Driton (Pale) Prela** (1974), and marched them too towards the petrol station.⁵⁰ Once at the petrol station, the men were ordered to sit on the ground. The villagers who were leaving the village were the last to see these 11 men alive, surrounded by members of Serbian forces in blue and green camouflage uniforms.⁵¹

31. After having forced the villagers out of their homes, members of Serbian forces burned all the houses in the village.⁵²

47 Witness statement of Lizane Malaj, ICTY, *Šainović et al.*, ex. no. P2232, p. 3-4; HLC Database, statement of witness L.M., given to the HLC in August 2007; statement of witness B.M., given to the HLC in January 2001; statement of witness M.K., given to the HLC in August 2007.

48 HLC Database, statement of witness Sh.B., given to the HLC in August 2007.

49 HLC Database, statement of witness Sh.B., given to the HLC in August 2007; statement of witness A.D., given to the HLC in October 2008.

50 HLC Database, statement of witness K.P., given to the HLC in January 2001; statement of witness P.P., given to the HLC in August 2007; statement of witness R.D., given to the HLC in January 2001; August 2007; statement of witness L.P., given to the HLC in August 2007.

51 HLC Database, statement of witness P.P., given to the HLC in August 2007; statement of witness K.P., given to the HLC in January 2001; statement of witness R.D., given to the HLC in January 2001; August 2007; statement of witness L.P., given to the HLC in August 2007; statement of witness Sh.D., given to the HLC in July 2015.

52 HLC Database, statement of witness A.K., given to the HLC in October 2008; statement of witness B.K., given to the HLC in August 2007; statement of witness Xh.B., given to the HLC in August 2007; statement of witness B.M., given to the HLC in January 2001; statement of witness H.B., given to the HLC in January 2001.



32. According to the testimony of a village resident, Nikola Mićunović (a.k.a. Dragan) [Commander of the Gjakovë/Đakovica Military Department and the 113th Military Territorial Detachment – HLC’s note], who lived in Korenicë/Korenica, filmed everything that happened in the village that morning.⁵³

33. The mortal remains of 51 of the 68 who were killed or forcibly kept by Serbian forces on 27 April 1999 in Korenicë/Korenica, were subsequently found in the mass grave in Batajnica.⁵⁴ The mortal remains of another 16 victims were found, after the war, in the houses where they were killed, or in nearby forests, or in the cemetery in Gjakovë/Đakovica.⁵⁵ The mortal remains of Smajl (Hysen) Binaku have not yet been found.⁵⁶

b. Military and police documents and testimonies of VJ members

34. Military and police documents and testimonies of VJ members conclusively indicate that the 2nd Motorized Battalion of the VJ 549th MtBr, MUP forces and, most probably, the PJP 73rd Territorial Detachment were active in Korenicë/Korenica on the day when the crimes were committed.⁵⁷ The ICTY established that mixed VJ and MUP forces – the 2nd Motorized Battalion of the VJ 549th MtBr and PJP – and paramilitaries were engaged on 27 April in Korenicë/Korenica, where they “killed a number of Kosovo Albanian men.”⁵⁸

35. According to the war diary of the 2nd Motorized Battalion of the VJ 549th MtBr, this battalion from 26 to 29 April 1999 took part in Operation *Reka* and in the blockade of Mejë/Meja and Korenicë/Korenica villages.⁵⁹

36. In accordance with the assignment given to them by the PrC on 26 April, the battalion “blocked off the wider area of the village of Korenica” at 06.00 hours of 27 April.⁶⁰ Since 05.00 hours, the command post of the 2nd Motorised Battalion of the VJ 549th MtBr had been operating in an abandoned house belonging to Spasoje Vukčević, situated between Korenicë/Korenica and Gjakovë/Đakovica [see map on page 19].⁶¹

53 HLC Database, statement of witness A.M., given to the HLC in August 2007.

54 OMPE, Remains identified and handed over to the families between March 2003-2007.

55 HLC Database, statement of witness M.P., given to the HLC in August 2007; statement of witness V.P., given to the HLC in August 2007; statement of witness M.P., given to the HLC in October 2008; statement of witness Sh. B., given to the HLC in August 2007; statement of witness F.M., given to the HLC in August 2007; statement of witness H.A., given to the HLC in January 2001.

56 Persons who went missing in relation to the events in Kosovo, International Committee of the Red Cross; Smajl Binaku is referred to in this list as BLG-800931-03.

57 See section V for more information about these units.

58 ICTY Trial Chamber Judgment in *Đorđević*, 23 February 2011, Vol. 1, para. 955; ICTY Trial Chamber Judgment in *Šainović et al.*, 26 February 2009, Vol. 2, para. 233.

59 The war diary of the 2nd Motorized Battalion of the VJ 549th MtBr, entries for 26, 27, 28 and 29 April 1999, *Milošević*, ex. no. D322.3e, p. 10-11, Appendix 5; Statement of Vlatko Vuković, Commission for the Cooperation with the ICTY, dated 10 January 2002, *Milošević*, ex. no. D321.30.1.

60 War diary of the 2nd Motorized Battalion of the VJ 549th MtBr, entries for 26 and 27 April 1999, *Milošević*, ex. no. D322.3e, p. 10, Appendix 5; Statement of Vlatko Vuković, Commission for the Cooperation with the ICTY, dated 10 January 2002, *Milošević*, ex. no. D321.30.1.

61 Statement of Radiša Vukadinović, Commission for Cooperation with the ICTY, dated 25 December 2002, *Milošević*, ex. no. D321.30.3; witness statement of Vlatko Vuković, ICTY, *Šainović et al.*, ex. no. 5D1442, para. 71.



37. In his witness statements before the ICTY, Vlatko Vuković, the Commander of the 2nd Motorized Battalion of the VJ 549th MtBr, said that for blocking-off the wider area of Korenicë/Korenica he used “three rifle platoons, [...] a Military Police platoon, a Communications Department and a Medical Service Department”.⁶² In another statement given to the ICTY, Vuković said that for the purpose of blocking the wider area of Korenicë/Korenica, he had formed a “combat group”.⁶³

38. According to Vuković, members of his unit wore green camouflage uniforms, and sometimes red ribbons on their shoulders [see paragraph 28 – the murder of the Malaj family].⁶⁴

39. The war diary of the 2nd Motorized Battalion describes an event which supposedly took place at the time of the events discussed here in the immediate vicinity of the place where, according to survivors’ testimonies, male members of the Prela and Duzhmani families were last seen alive in the custody of members of Serbian forces in blue and green camouflage uniforms [see paragraph 30]. This entry in the war diary in fact confirms the presence of this unit near the village cemetery, which lies some 150 metres from the petrol station in Korenicë/Korenica, at the time when the men from the Prela and Duzhmani were last seen alive (around 9 a.m.).⁶⁵

40. The presence of the 2nd Motorized Battalion near the cemetery was also confirmed by its commander, Vlatko Vuković, who said before the ICTY that KLA members from within a group of 50 civilians fired at around 8:30 a.m. on his unit near the cemetery, wounding two soldiers. Vuković also said that during the evacuation of these two wounded soldiers, VJ members were fired at from some nearby houses. The commander of the platoon which was located at the village cemetery in Korenicë/Korenica was Sublieutenant Dragan Mitić.⁶⁶

41. The presence of the 2nd Motorized Battalion at the cemetery was also confirmed by a member of this brigade who took part in the evacuation of the two wounded soldiers, and who testified under protective measures before the ICTY [witness K90]. However, contrary to Vuković’s accounts, this soldier stated that it was members of the MUP who fired on the soldiers, saying that he had obtained that information from soldiers who were present near the cemetery.⁶⁷ Vuković’s testimony regarding who opened fire on VJ members is also in contradiction with the accounts in the 2nd Motorized Battalion’s war diary - the entry for 27 April 1999, which states that a person from within a group of civilians who were near the cemetery in Korenicë/Korenica opened fire on VJ members, making no mention at all of what Vuković said in the second part of his statement, that fire was opened from nearby houses.⁶⁸ The contradiction

62 Witness statement of Vlatko Vuković, ICTY, *Šainović et al.*, ex. no. 5D1442, para. 69; statement of Vlatko Vuković, Commission for the Cooperation with the ICTY, dated 10 January 2002, *Milošević*, ex. no. D321.30.1.

63 Testimony of Vlatko Vuković, 27 October 2005, *Milošević*, HLC, Book 23, p. 785.

64 Testimony of Vlatko Vuković, 2 November 2005, *Milošević*, HLC, Book 24, p. 166.

65 War diary of the 2nd Motorized Battalion of the VJ 549th MtBr, *Milošević*, ex. no. D322.3E, p. 12, Appendix 5.

66 Statement of Vlatko Vuković, Commission for the Cooperation with the ICTY, dated 10 January 2002, *Milošević*, ex. no. D321.30.1; statement of Radiša Vukadinović, Commission for the Cooperation with the ICTY, 25 December 2002, *Milošević*, ex. no. D.321.30.3.

67 Witness statement of K90, ICTY, *Dorđević*, ex. no. P321, para. 63.

68 War diary of the 2nd Motorized Battalion of the VJ 549th MtBr, *Milošević*, ex. no. D322.3E, p. 12, Appendix 5.



between the evidence given by Vlatko Vuković before the ICTY and the accounts in the war diary of the 2nd Battalion was noted by the ICTY as well.⁶⁹

42. Members of the 2nd Battalion of 549th MtBr VJ stated that members of the MUP were also engaged in Korenicë/Korenica, but they did not say which unit it was.⁷⁰ A member of the Military Police of this Battalion [witness K90] stated that around 7 o'clock in the morning about 10 buses arrived in Korenicë/Korenica with 30-40 policemen in each, most of them from the direction of Gjakovice/Đakovica.⁷¹

43. According to the conclusions reached by the ICTY, the 73rd PJP Detachment was operating in Korenicë/Korenica.⁷² Namely, according to the documents of the VJ 125th MtBr, the 73rd PJP Detachment was deployed in Korenicë/Korenica on 24 and 25 April 1999.⁷³

44. Witness K90 (member of the Military Police of the 2nd Motorized Battalion of the 549th MtBr) stated that around 8 o'clock in the morning he saw from the command post of his unit, which was located around 100-150 meters away from the first houses, that the houses had been burnt.⁷⁴ He notified Major Vlatko Vuković, Commander of the 2nd Battalion of the 549th MtBr, about the burnt houses.⁷⁵

45. Testifying before the ICTY under protection measures [witness K73], a member of the VJ Special Unit said that on 28 April he found members of the PJP in Korenicë/Korenica, and saw houses of local residents in flames. When he asked one of the PJP members where the Albanians were, he was told that they had been "sent out on a trip".⁷⁶

46. In the statements they gave before the ICTY, the Commander and some members of the 2nd Motorized Battalion of the VJ 549th MtBr claimed that it was only in late 2001 that they learned about the crimes in Korenicë/Korenica, from the book "As Seen, as Told"⁷⁷, published by the HLC.

21

1.3. Mejë/Meja

47. The village of Mejë/Meja is located five kilometres west of Gjakovë/Đakovica town. On 27 April, in this village, members of Serbian forces took 274 men out of convoys of people who had been expelled from the nearby villages, and killed them in various locations. Local MUP forces, Special Police Units,

69 ICTY Trial Chamber Judgment in *Šainović et al.*, 26 February 2009, Vol. 2, paras. 197-198.

70 Statement of Vlatko Vuković, Commission for Cooperation with the ICTY, 10 January 2002, *Milošević*, ex. no. D321.30.1; statement of Radiša Vukadinović, Commission for the Cooperation with the ICTY, 25 December 2002, *Milošević*, ex. no. D321.30.3.

71 Testimony of witness K90, 23 February 2009, *Đorđević*, pp. 1343-1344.

72 ICTY Trial Chamber Judgment in *Đorđević*, 23 February 2011, Vol. 1, para. 1007.

73 Defence stabilizing measures of 24 April 1999, Command of the 125th MtBr VJ, *Šainović et al.*, ex. no. 6D1123, p. 2, Appendix 2.

74 Witness statement of K90, ICTY, *Šainović et al.*, ex. no. P2652, par. 50.

75 Ibid, para. 64.

76 ICTY Trial Chamber Judgment in *Šainović et al.*, 26 February 2009, Vol. 2, para. 200.

77 The OSCE Kosovo Verification Mission published a report entitled "As Seen, As Told" on the human rights situation in Kosovo from 1998 to June 1999. The Serbian translation of the report was published by the HLC.



the 549th MtBr, the 52nd Artillery Brigade and paramilitary units were operating in Mejë/Meja and its immediate vicinity at the time.

a. Witness statements and forensic evidence

48. In the early morning of 27 April 1999, residents of the villages in the Reka e Keq/Reka Valley (Pacaj, Nivokaz, Sheremet/Šeremet, Mejë/Meja, Dobrosh/Dobroš, Dallashaj/Dalašaj, Rracaj/Racaj, Osek Hilë/Osek Hilja and others) were ordered by members of Serbian forces to leave their homes and go to Albania [see paras. 68-77 for more information about the deportation]. Two convoys of tractors were formed and headed towards Gjakovë/Đakovica. Masked members of the Serbian forces were on both sides of the road along which the column was moving.⁷⁸

49. The convoys reached two checkpoints (at the crossroads in Mejë/Meja, and at Meja-Orize) manned by Serbian forces. Members of Serbian forces in green and blue camouflage uniforms, some of whom wore caps and masks, and armed with automatic rifles, stopped the tractors. They ordered the women to hand over their money and jewellery. The men between the ages of 14 and 90 were taken off the tractors and marched to a meadow to the right of the road. Members of Serbian forces beat them and hit them with rifle butts and police batons along the way. Dragutin Stojanović, known as “Guta”, the Commander of the police station in Ponoshec/Ponoševac, was identified by the witnesses as having been amongst the members of the Serbian forces who had been separating the men from the women and children.⁷⁹

50. The men in the meadow were then lined up in three rows by several dozen members of the Serbian forces, and made to kneel down, raise their hands above their heads and shout “Serbia! Serbia!”⁸⁰

51. After separating the men from the column, members of the Serbian forces ordered the women and children to continue to Albania.⁸¹

78 HLC Database, statement of witness V.S., given to the HLC in March 2001; statement of witness M.S., given to the HLC in October 2007; statement of witness G.R., given to the HLC in January 2001; statement of witness Z.Xh., given to the HLC in August 2007; statement of witness S.B., given to the HLC in September 2007.

79 HLC Database, statement of witness F.B., given to the HLC in September 2009; statement of witness N.D., given to the HLC in January 2001; ICTY Trial Chamber Judgment in *Đorđević*, 23 February 2011, Vol. 1 of 2, para. 965.

80 HLC Database, statement of witness G.R., given to the HLC in January 2001; statement of witness N.G., given to the HLC in January 2001; statement of witness V.B., given to the HLC in 2001; statement of witness Z.T., given to the HLC in January 2001; statement of witness S.A., given to the HLC in August 2007; statement of witness A.M., given to the HLC in August 2007; statement of witness G.T., given to the HLC in August 2007; statement of witness L.M., given to the HLC in August 2007; statement of witness Xh.P., given to the HLC in October 2000; statement of witness M.Q., given to the HLC in December 2000; statement of witness T.M., given to the HLC in January 2001; statement of witness V.A., given to the HLC in March 2001.

81 HLC Database, statement of witness P.R., given to the HLC in August 2007; statement of witness R.P., given to the HLC in September 2007.



52. As for the 274 men who were taken out of the convoy in Mejë/Meja on 27 April 1999, the bodies of 252 were exhumed in 2001-2002 from the mass graves at Batajnica, eight were found in Mejë/Meja, one in Nivokaz, one in Ripaj Madanaj, while 12 of the men are still unaccounted for.⁸²

b. Testimonies of VJ and MUP members and military documents

53. From the testimonies of VJ members it can be inferred that, during Operation *Reka*, on the 27th of April, the MUP established and controlled checkpoints through which convoys of people were passing towards Albania, while the VJ held under siege the area around Mejë/Meja [see Map on page 19].⁸³

54. One checkpoint was on the Dobrosh/Dobroš- Gjakovë/Đakovica road, at Meja Orize, and the other was at a crossroads on the road from Mejë/Meja to Korenicë/Korenica. The convoy of people expelled from the villages located to the north-west of the town of Gjakovë/Đakovica [Ripaj Madanaj, Rracaj/Racaj, Sheremet/Šeremet, Dobrosh/Dobrošetc. – HLC's remark] had to pass through the first one, at Meja Orize.⁸⁴ The people expelled from Korenicë/Korenica had to pass through the second one (at the crossroads on the road leading to Korenicë/Korenica).⁸⁵

55. In their testimonies, VJ officers stated that the checkpoints were controlled by the MUP.⁸⁶ Nikë Peraj, a VJ officer, said that at the checkpoint at Meja Orize he saw PJP members in blue camouflage uniforms and members of the Police Reserve in plain blue uniforms.⁸⁷ The SUP Gjakovë/Đakovica Inspector Dimitrije Rašović was in charge of this checkpoint.⁸⁸ The person in charge of the checkpoint located at the crossroads on the road leading to Korenicë/Korenica most likely was Milan Šćepanović, also an Inspector of the SUP Gjakovë/Đakovica.⁸⁹

56. A member of the Military Police responsible for securing the 2nd Motorized Battalion's command post which was located around 100-150 meters from the checkpoint on the crossroad towards Korenicë/Korenica (witness K90), saw from that post that there the inflow of people through the checkpoint was not steady, but that people were arriving in groups. The police would stop them at the checkpoint, seize

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82 OMPE, Mortal remains identified and handed over to the families between March 2003-2007; International Committee of the Red Cross, List of persons who went missing in relation with the Kosovo conflict since January 1998, last updated on 24 June 2014.

83 Witness statement of K90, ICTY, ex. no. P2652, *Šainović et al.*, para. 48; ICTY Trial Chamber Judgment in *Đorđević*, 23 February 2011, Vol. 1, para 860; Testimony of Nikë Peraj, 18 February 2009, *Đorđević*, pp. 1208–1209; witness statement of Sergej Perović, ICTY, *Šainović et al.*, ex. no. 5D1396, para. 24.

84 ICTY Trial Chamber Judgment in *Šainović et al.*, 26 February 2009, Vol. 1, para. 184.

85 Witness statement of K90, ICTY, *Šainović et al.*, ex. no. P2652, paras. 54–55, 58–59; Testimony of Nikë Peraj, 14 August 2006, *Šainović et al.*, T. 1578–1579 (14 August 2006).

86 Witness statement of K90, ICTY, *Šainović et al.*, ex. no. P2652, para. 54; witness statement of Nikë Peraj, 14 August 2006, *Šainović et al.*, pp. 1578–1579; Marked map of the Đakovica area, ICTY, *Šainović et al.*, ex. no. P326.

87 Testimony of Nikë Peraj, 18 February 2009, *Đorđević*, pp. 1208–1209.

88 Witness statement of Nikë Peraj, ICTY, *Šainović et al.*, ex. no. P313, para. 68; Testimony of Nikë Peraj, 18 February 2009, *Đorđević*, pp. 1185, 1207–1208.

89 Witness statement of Nikë Peraj, ICTY, *Đorđević*, ex. no. P313, para. 82.



their valuables and separate the men from the rest of the groups and order the women and children to continue their way.⁹⁰

57. On the other hand, Radovan Zlatković, who was Detective Inspector at the Gjakovë/Đakovica Police Department at the time when the crimes took place, said that the checkpoint at the crossroads in Mejë/Meja was jointly operated by the VJ and the MUP.⁹¹ Zlatković's accounts were indirectly supported by the combat report of the 3rd Army for 4 April 1999, which states that mixed VJ and MUP checkpoints were set up on all major roads leading out of Kosovo.⁹²

58. In the context of Operation *Reka*, the VJ was ordered to surround the area around Korenicë/Korenica and Mejë/Meja [see the Map on page 19].⁹³ According to available documents, 52nd Artillery Brigade and 549th MtBr units were deployed in the immediate vicinity of Mejë/Meja on 27 April 1999. During the Operation *Reka*, the command post of the 2nd Motorized Battalion of the VJ 549th MtBr VJ was located beside the road connecting Korenicë/Korenica with Mejë/Meja, about 100 metres away from the checkpoint.⁹⁴ The VJ 52nd ArBr held under siege the area between the villages of Skivjan/Skivjane and Rracaj/Racaj, about a kilometre and a half away from Mejë/Meja.⁹⁵

59. From the testimonies of VJ officers it can be inferred that the local MUP force,⁹⁶ the PJP,⁹⁷ and Arkan's and Šešelj's paramilitary units⁹⁸ operated in Mejë/Meja on the day when the crimes were committed in this village. The ICTY established that VJ, MUP and paramilitary forces operated in Mejë/Meja on 27 April⁹⁹ and that the VJ provided support to the MUP in Mejë/Meja.¹⁰⁰

c. Execution of the men

60. How and at what locations the 274 male civilians who were separated from the convoys were killed remains largely unknown. Only the circumstances of the executions of some smaller groups of men have been established so far. This is one of the few mass killings in Kosovo where there were no survivors and therefore no witnesses to testify.

90 Witness statement of K90, ICTY, *Šainović et al.*, ex. no. P321, para. 54.

91 Testimony of Radovan Zlatković, 15 April 2008, *Šainović et al.*, p. 25315; witness statement of Radovan Zlatković, ICTY, *Šainović et al.*, ex. no. 6D1627, para. 2.

92 3rd Army combat report submitted to the General Staff on 4 April 1999, VJ, *Šainović et al.*, ex. no. 3D1128, p. 3.

93 Witness statement of K90, ICTY, *Šainović et al.*, para. 48.

94 Testimony of Vlatko Vuković, 29 January 2008, *Šainović et al.*, pp. 21346–21347; witness statement of K90, ICTY, *Šainović et al.*, ex. no. P2652, para. 51.

95 Statement of Miloš Došan, Commission for the Cooperation with the ICTY, dated 27 December 2002, *Đorđević*, ex. no. P1539.

96 Witness statement of K90, ICTY, *Šainović et al.*, ex. no. P2652, paras. 54–55, 58–59, 65; witness statement of Nikë Peraj, ICTY, *Šainović et al.*, ex. no. P2236, p. 4.

97 Testimony of K90, 25 February 2009, *Đorđević*, pp. 1535–1536.

98 Witness statement of Nikë Peraj, ICTY, *Šainović et al.*, ex. no. P2236, p. 5.

99 ICTY Trial Chamber Judgment in *Šainović et al.*, 26 February 2009, Vol. 2, paras. 234–235.

100 Ibid, para. 235.



61. An examination of the bodies exhumed from the mass grave at Batajnica revealed numerous gunshot wounds on the victims' bodies (see para. 218).

62. Several VJ members who took part in Operation *Reka* and an eyewitness testified before the ICTY as to the manner in which some groups of civilians were executed.

63. According to a Military Police member [witness K90] whose task was to secure the command post of the VJ 549th MtBr's 2nd Motorized Battalion on 27 April, a certain number of the separated men were taken in groups, under gunpoint, to a compound near the command post of the VJ.¹⁰¹ There the men were herded into a house in the compound, followed by the police. Although witness K90 could no longer see them, he heard a prolonged automatic fire, after which the police left the house. Witness K90 said: "I could understand why they fired for so long. It was very clear to me what was going on, the Albanian men were just murdered."¹⁰² He saw at least four groups, numbering from five to over ten men, taken to the compound in this manner.¹⁰³ He then went to the compound, entered one of the houses and saw dead bodies. In his witness statement he said he could not tell how many bodies there were, but that they covered the floor.¹⁰⁴

64. While at the compound, witness K90 spoke to a policeman, who told him that they were "slaughtering Shiqtars".¹⁰⁵

65. From a position near the command post of the 2nd Battalion of the Military Police, located at the entrance to Korenicë/Korenica, witness K90 saw a group of about 10 men, led by policemen at gunpoint, walking towards him from the direction of the command post. These men were being forced to sing a Serbian nationalistic song and taken to the compound, from where K90 again heard automatic weapons firing.¹⁰⁶ Before leaving the compound, the police burned the smaller buildings in the compound in which the men were murdered.¹⁰⁷ Witness K90 reported what he had seen to his superior, Major Vlatko Vuković, who reacted angrily but did not report the incident to anyone.¹⁰⁸

66. VJ officer Nikë Peraj, in the afternoon of 27 April 1999, saw 20 male corpses lying in a field beside the Hasanaj family house,¹⁰⁹ about 30 metres away from the checkpoint in Mejë/Meja.¹¹⁰ He noticed powder

101 Witness statement of K90, ICTY, *Šainović et al.*, ex. no. P2652, paras. 54-55, 58-59, 65.

102 Ibid.

103 Testimony of witness K90, ICTY, *Šainović et al.*, ex. no. P322, pp. 9274-9402; ICTY Trial Chamber Judgment in *Đorđević*, 23 February 2011, Vol. 1, para. 967.

104 Witness statement of K90, ICTY, *Šainović et al.*, ex. no. P2652, para. 60.

105 Ibid.

106 Ibid, para. 65.

107 Testimony of witness K90, ICTY, *Đorđević*, ex. no. P321, paras. 61, 66; ICTY Trial Chamber Judgment in *Đorđević*, 23 February 2011, Vol. 1, para. 969.

108 Witness statement of K90, ICTY, *Šainović et al.*, ex. no. P2652, para. 61; ICTY Trial Chamber Judgment in *Šainović et al.*, 26 February 2009, Vol. 2, para. 210.

109 Witness statement of Nikë Peraj, ICTY, *Đorđević*, ex. no. P313, para. 73; ICTY Trial Chamber Judgment in *Đorđević*, 23 February 2011, Vol. 1, para. 971.

110 Testimony of Nikë Peraj, 18 February 2009, *Đorđević*, p. 1211; Map drawn by Nikë Peraj, ICTY, *Đorđević*, ex. no. P315; ICTY Trial Chamber Judgment in *Đorđević*, 23 February 2011, Vol. 1, para. 971.



burns on the heads of some of the victims, which indicated that they were shot at point-blank range.¹¹¹ Peraj also saw three petrol canisters and a heap of torn-up identity documents there.¹¹²

67. Martin Pnishi,¹¹³ a Kosovo Albanian from Mejë/Meja, saw, at about 11:45 hours of 27 April, five armed men in uniforms, of whom he recognized Predrag Stojanović, a member of the Gjakovë/Đakovica SUP, marching seven young Kosovo Albanians from the school in Mejë/Meja towards the bridge over the Trava River.¹¹⁴ At the Mejë/Meja side of the bridge, the policemen lined up the young men. One policeman then walked to the middle of the bridge, while the others stayed behind, guarding the young men. The policemen who stood in the middle of the bridge then shot the young men from a machine-gun. The young men all fell to the ground. A short time later, Martin Pnishi went to the bridge, but he could not recognize any of the young men.¹¹⁵ The ICTY Chamber in the *Dorđević* case found that there was no evidence that these seven young men had been members of the KLA. "The circumstances of their deaths were such that they were unarmed, prisoners in the custody of the police and were not taking any active part in hostilities. The Chamber is satisfied that they were all killed on account of being Kosovo Albanians."¹¹⁶

2. Deportation

68. As it was mentioned before in chapter I, the permanent removal of Kosovo Albanians from the Reka e Keq/Reka Valley was the second objective of Operation *Reka*. The displacement of the local population, their direction towards the border with Albania and the destruction of personal IDs which was supposed to prevent or make their return more difficult was executed by the MUP and VJ together in a coordinated fashion.

69. That the deportation of Kosovo Albanians from the Reka e Keq/Reka valley area was a pre-prepared plan of Serbian forces is further evidenced by the fact that two weeks prior to Operation *Reka*, on April 14th 1999, the Serbian forces started with the expulsion of Albanians from that area. Namely, on the morning of April 14th, members of the MUP entered the villages of Gjakovë/Đakovica municipality (Rracaj/Racaj, Dobrosh/Dobroš, Mejë/Meja, Brekoc/Brekovac) and ordered civilians to leave their houses within the next two hours and head towards Albania. The people created a long convoy and headed towards Gjakovë/Đakovica. When the convoy arrived at Bishtrazhin/Bistražin, at the entrance to

111 Witness statement of Nikë Peraj, ICTY, *Dorđević*, ex. no. P313, para. 74; ICTY Trial Chamber Judgment in *Dorđević*, 23 February 2011, Vol. 1, para. 971.

112 Overview of additional information given by Nikë Peraj, *Dorđević*, ex. no. D34, par. 8; ICTY Trial Chamber Judgment in *Dorđević*, 23 February 2011, Vol. 1, para. 972.

113 The ICTY Chamber in *Šainović et al.* found Martin Pnishi to be "credible and generally reliable." ICTY trial judgment in *Šainović et al.*, 26 February 2009, Vol. 2, para. 80.

114 The witness statement of Martin Pnishi, ICTY, *Šainović et al.*, ex. no. P1033, p. 4; Testimony of Martin Pnishi, 10 August 2006, *Šainović et al.*, pp. 1448, 1493–1494.

115 Witness statement of Martin Pnishi, ICTY, *Šainović et al.*, ex. no. P1033, p. 4.

116 ICTY Trial Chamber Judgment in *Dorđević*, 23 February 2011, Vol. 1, para. 966.



Gjakovë/Đakovica, NATO airplanes targeted the column, killing at least 40 Albanian civilians instantly.¹¹⁷ The Serbian forces then ordered the civilians to return to their villages.¹¹⁸ The attempt at deportation just described leads to the conclusion that the plan of expelling the people of the local villages west of Gjakovë/Đakovica existed long before, and that the bombardment of the column at Bishtrazhin/Bistražin only postponed the deportation by two weeks.

70. The expulsion of Kosovo Albanian from their houses on April 27th started early in the morning. As described previously in this chapter, military-police forces entered into villages, moving from the north-western part of the valley towards the southeast and the town of Gjakovë/Đakovica. Members of Serbian forces entered into nearly every individual house, ordering people to go to Albania.

71. The expelled population crossed into Albania in two convoys via two border crossings: Qafa e Prushit/Ćafa Prušit, located to the south-west of Gjakovë/Đakovica town, and Morina, located about 54 kilometres from the town of Gjakovë/Đakovica.¹¹⁹

72. The formation of one convoy was noted also by the Commander of the 125th MtBr VJ, Dragan Živanović. In his report dated April 27th, the Commander of the brigade Dragan Živanović notified the command of the Prishtina Corps that: "During the day at around 8:00 hours a column of civilians of the Shiptar civilians was formed on the following axis: Sheremet, Pacaj, village of Orize - Gjakovë/Đakovica and further on. We believe they want to pull out from the sector of operations of our forces in the general area of the Ramoc facility."¹²⁰

73. Lizane Malaj testified before the ICTY that she joined a convoy of about 300-400 people that set out from Korenicë/Korenica and was directed to Albania via Gjakovë/Đakovica and Prizren.¹²¹ According to Malaj, when the convoy came to the Ura e Tabakeve/Tabački most at the entrance to Gjakovë/Đakovica town, members of Serbian forces directed the convoy to a park next to the "Bloku i ri" Hospital. The civilians were held in the park for four hours, without food or water, before being ordered to continue to Albania, under threat of otherwise being killed.¹²²

74. The police escorted the convoy of Kosovo Albanian civilians all the way to the Morina border post, through the villages of Rogovë/Rogovo, Krushë e Madhe/Velika Kruša, Krushë e Vogël/Mala Kruša, Piranë/Pirane, Landovicë/Landovica and Dushanovë/Dušanovo. The police ordered the people in the convoy to move faster, not allowing them to rest for even a few minutes. The convoy reached the Morina border crossing on 28 April 1999 around noon.¹²³

117 HLC's Database, witness statement M. M given to the HLC in September 2007; witness statement of Sh. A given to the HLC in January 2001; witness statement of V. B given to the HLC in July 2001; witness statement of Z. T given to the HLC in January 2001; witness statement of A. M given to the HLC in September 2007.

118 Ibid.

119 Testimony of Nikë Peraj, 14 August 2006, *Šainović et al.*, pp. 1573-1574; HLC Database, statement of witness B.M., given to the HLC in January 2001; statement of witness Xh. B., given to the HLC in January 2001.

120 Regular combat report of 27 April 1999, 125th Mtbr commander, *Đorđević*, ex. no. P950, Appendix 3.

121 Witness statement of Lizane Malaj, ICTY, *Šainović et al.*, ex. no. P2232, p. 5.

122 Ibid, pp. 5- 6.

123 Ibid, pp. 6-7; HLC Database, witness statement of H. B given to the HLC in January 2001.



75. At the border post they saw many other people from villages in the Gjakovë/Đakovica municipality, and members of the VJ who were taking identity documents from them. Civilians who came to the border crossing on tractors were forced to hand over their license plates to members of Serbian forces before being allowed to cross into Albania.¹²⁴

76. The role of the VJ during the displacement of Kosovo Albanian from the Reka e Keq/Reka Valley was subject of the testimonies of VJ officers Goran Jevtović and Vlatko Vuković. Goran Jevtović, an officer at the forward command post of the PrC in Gjakovë/Đakovica, confirmed that Serbian forces did indeed send the civilians from Reka e Keq/Reka Valley to Albania, but this was done, as he said, in order to “protect” them from the NATO bombing and the minefields that had been placed in the area.¹²⁵ Similarly, Vlatko Vuković stated he had received an order from the PrC to have the 2nd Motorized Battalion of the VJ 549th MtBr under his command assist the civilians to cross the border and allow them to go to Albania, in order to protect them from being injured by mines that had been laid by Serbian forces, but that he had not received any written order to that effect.¹²⁶

77. According to the findings of the ICTY, the confiscation and destruction of personal identity documents was done as part of the plan of forcible displacement of Kosovo Albanians that took place in the context of a joint criminal enterprise. The seizure of Kosovo Albanians’ identity documents did not mean that they lost their FRY citizenship as a result, but it certainly made their return to their homes in Kosovo much more difficult.¹²⁷

V. VJ AND MUP UNITS INVOLVED IN OPERATION REKA

78. Information contained in the documents that the HLC had access to indicate that six military units, at least two PJP detachments, police officers of the Gjakovë/Đakovica SUP, JSO, paramilitary units, as well as other formations under the command of the MUP or the VJ, participated in Operation *Reka*. This section provides some basic information about these units, their ranking officers and some of their members, whose roles need to be investigated on the basis of the available information concerning their engagement and functions in Operation *Reka*, in the course of which the crimes described above were committed.

79. While researching these crimes, the HLC has sought, among other things, to find out if some members and ranking officers of the military and police units that participated in the operation are still serving in the MUP, Army of Serbia (VS) or other institutions, and if so, what posts they are holding. With this in mind, the HLC has submitted 39 requests for access to information of public importance to the Ministry of Defence (MO) and the MUP.

124 Ibid, pp. 6-7; HLC Database, statement of witness H.B., given to the HLC in January 2001.

125 Witness statement of Goran Jevtović, ICTY, *Šainović et al*, ex. no. 5D1384, paras. 21-22.

126 Witness statement of Vlatko Vuković, ICTY, *Šainović et al*, ex. no. 5D1442, paras. 42-44; Testimony of Vlatko Vuković, 30 January 2008, *Šainović et al*, pp. 21401-21402.

127 ICTY Trial Chamber Judgment in *Šainović et al*, 26 February 2009, Vol. 3, para. 172; ICTY Appeals Chamber Judgment in *Šainović et al*, 23 January 2014, para. 652.



80. The majority of the requests have been turned down. In its decisions denying the HLC access to requested information on certain individuals, the MO explained that providing such information would “undermine the combat readiness of present-day combat units and the operative and functional ability of the Army of Serbia to perform certain tasks and missions assigned to it by law, and thus breach the country’s defence and security, as well as the personal security of the members of the Army of Serbia to whom the requested information relates”. On the other hand, with regard to some former members of the VJ, the MO responded that they had retired and were no longer serving as professional VS officers. As regards one former VJ officer (Sergej Perović, Head of Security in the 52nd Artillery Rocket Brigade of the VJ), the MO stated that it held no information whatsoever about him.¹²⁸

81. As far as the MUP is concerned, most of their letters of reply refusing the HLC’s requests stated that, on the basis of the information provided in the HLC’s requests (the units with which the concerned individuals served and the posts they held in these units in April 1999), it was not possible to determine the identity of the individuals concerned, and that in order for the MUP to be able to do so, additional information should be supplied, such as their respective personal identification numbers, dates of birth or names of parents¹²⁹. One of the letters of reply stated that the MUP “does not hold the information requested or copies of documents containing the information requested”.¹³⁰ The MUP gave information on their current positions within the MUP for two MUP officers (Momčilo Stijović and Borislav Josipović).¹³¹

1. 549th Motorised Brigade of the VJ

82. According to the VJ documents, testimonies of VJ members and the ICTY’s conclusions, the 2nd Motorized Battalion of the 549th MtBr was engaged in Operation *Reka*. This unit was deployed in the village of Korenicë/Korenica and its surroundings on 27-28 April 1999, when 68 Kosovo Albanian civilians were killed in this village or forcibly taken away [see paras 26-46].¹³²

83. During peacetime, the 2nd Motorized Battalion of the 549th MtBr was stationed at the VJ Devet *Jugovića* barracks in Gjakovë/Đakovica¹³³ and consisted of about 2,000 soldiers.¹³⁴ Its commander was Vlatko Vuković.¹³⁵

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128 MO, decision no. 837-5/14 dated 14 October 2014; MO, decision no. 837-4/14 dated 10 October 2014; MO, decision no. 4350-2 dated 27 October 2014; MO, decision no. 4346-2 dated 27 October 2014; MO, decision no. 4345-2 dated 27 October 2014; MO, decision no. 4342-2 dated 27 October 2014; MO, decision no. 4343-9 dated 27 October 2014; MO, decision no. 4351-2 dated 27 October 2014; MO, decision no. 4347-2 dated 27 October 2014; MO, decision no. 4344-2 dated 27 October 2014; MO, decision no. 3687-4 dated 30 May 2014

129 MUP, decisions nos. 5458/15-2, 5454/15, 5433/15, 5454/15, 5461/15, 5462/15, 5460/15, 5455/15, 5435/15, 5457/15, 5459/15 all dated 15 May 2015; MUP, decisions nos. 5530/15, 5532/15, 5531/15, 5533/15, 5534/15 all dated 18 May 2015; MUP, decision 10177/14-2 dated 2 October 2014.

130 MUP, letter of reply no. 9608/15-2 dated 11 September 2015.

131 MUP, letter of reply no. 6348/15-2 dated 2 July 2015; MUP, response 1465/14-6 dated 4 April 2014.

132 See Section IV, 1.2. for more information about the crime in Korenicë/Korenica.

133 Testimony of Vlatko Vuković dated 26 October 2005, *Milošević*.

134 Collegium meeting convened by the Chief of VJ General Staff, held on 29 June 1998, General Staff of the Army of Yugoslavia, *Đorđević*, ex. no. P927, p. 2.

135 Witness statement of Vlatko Vuković, *Šainović et al.*, ex. no. 5D1442, para. 2.



84. During 1999, the 549th MtBr operated in the municipalities of Suharekë/Suva Reka, Rrahovec/Orahovac, Prizren and Gjakovë/Đakovica.¹³⁶ The brigade had approximately 14,000 soldiers.¹³⁷ The then President of the FRY, Slobodan Milošević, decorated the 549th MtBr VJ with the Order of National Hero for heroism shown in defence of the country.¹³⁸

85. In July 1997, Božidar Delić became the Commander of the VJ 549th MtBr.¹³⁹ In January 2010, Delić was appointed Chief of Staff of the VJ Belgrade Corps.¹⁴⁰ He retired on 1 April 2005 with the rank of general. Since 2011, he has been holding a senior position within the Serbian Progressive Party. Between 2008 and 2012 he was the Vice-President of the National Assembly of Serbia and a member of its committees for security and Kosovo and Metohija.¹⁴¹

86. Vlatko Vuković was appointed Commander of the 2nd Motorized Battalion of the VJ 549th MtBr in 29 July 1998, and remained in that post until 14 June 1999. He retired in 2002 as a war invalid.¹⁴²

87. Junior Lieutenant Dragan Mitić, Commander of the platoon of the VJ 549th MtBr's 2nd Motorized Battalion, which operated near the village cemetery in Korenicë/Korenica on 27 April 1999 [see para. 40], is no longer with the VS.¹⁴³

88. On 20 March 2013, the HLC released its "Dossier: the 549th Motorized Brigade of the Yugoslav Army", which provides a detailed account of the composition and operations of this VJ unit during the Kosovo conflict, as well as of the crimes that took place in this unit's area of responsibility, where more than 2,000 Kosovo Albanian civilians were killed.¹⁴⁴ In December 2013, the HLC filed a criminal complaint with the Office of the War Crimes Prosecutor (OWCP) against Božidar Delić, Commander of the VJ 549th MtBr, Radivoj Paravinja, Commander of the combat group 3 of the VJ 549th MtBr and several as yet unidentified members of the VJ 549th MtBr, for the offense of a war crime against the civilian population committed in the village of Landovicë/Landovica (Prizren municipality), in which 18 civilians were killed.

136 Testimony of Božidar Delić dated 6 December 2007, *Šainović et al.*, p. 19671; War diary of the Armoured Battalion of the VJ 549th MtBr, VJ 549th MtBr Command, *Šainović et al.*, ex. no. P2574; Witness statement of K90, ICTY, *Šainović et al.*, ex. no. P2652, paras. 43-44.

137 "Vojska Jugoslavije u odbrani od agresije NATO 1999" (Army of Yugoslavia defending the country from the 1999 NATO aggression), Book 2, Klub generala i admirala Vojske Srbije (VJ Generals and Admirals Club), p. 287.

138 Ibid, Book 3, p. 228.

139 Testimony of Božidar Delić dated 7 July 2005, *Milošević*; "Vojska: Generali prekršili kodeks" (Army: Generals breached code of ethics), *Blic*, available in Serbian at <http://www.blic.rs/Vesti/Politika/301297/Vojska-Generali-prekršili-kodeks/printv> accessed on 27 March 2015.

140 Testimony of Božidar Delić dated 7 July 2005, *Milošević*, p. 42015; Testimony of Božidar Delić dated 11 July 2005, *Milošević*, p. 42069.

141 "Božidar Delić", *Istinomer*, available in Serbian at <http://www.istinomer.rs/akter/bozidar-delic/>, accessed 19 December 2014.

142 Witness statement of Vlatko Vuković, *Šainović et al.*, ex. no. 5D1442, paras. 1-2.

143 MO, decision no. 3687-4 dated 30 May 2015.

144 FHP, Dossier: the 549th Motorized Brigade of the Army of Yugoslavia, available in English at <http://www.hlc-rdc.org/?p=22700&lang=de>



89. On 4 November 2013, the OWCP issued an indictment against two members of the VJ 549th MtBr, namely Pavle Gavrilović, Commander of the Logistics Battalion of the VJ 549th MtBr, and Rajko Kozlina, commander of the Combat Group One of the VJ 549th MtBr, for a war crime committed in the village of Trnje (Suharrekë/Suva Reka municipality) on 25 March 1999, in which 27 Kosovo Albanian civilians were killed.¹⁴⁵

2. 63rd Parachute Brigade of the VJ

90. Between 30 and 40 members of a unit of the 63rd Parachute Brigade also participated in Operation *Reka*.¹⁴⁶ Together with members of the PJP and one detachment of the 52nd Military Police Battalion, this unit played an important role in the expulsion of civilians on 27 April 1999 in the Reka e Keq/Reka Valley.¹⁴⁷

91. According to the ICTY findings and testimonies of VJ members, the 63rd Parachute Brigade was on the left flank of the joint military-police forces which proceeded from the north-eastern part of the Reka e Keq/Reka Valley towards the south-east, expelling residents of the villages located in the Reka e Keq/Reka Valley [see Map on page 19].¹⁴⁸ That the 63rd Parachute Brigade was involved in the operation is also indicated by the presence of the security officer of the brigade at the informal meeting of VJ and MUP officers in Gjakovë/Đakovica, in which plans to expel civilians from the Reka e Keq/Reka Valley and retribution for the murder of the four policemen of the Gjakovë/Đakovica SUP were discussed [see paragraph 11 for more information about the meeting].¹⁴⁹

92. The 63rd Parachute Brigade was formed in mid-1991. It took part in the conflicts in Slovenia (1991), Croatia (1991-91) and Bosnia and Herzegovina (1992-93).¹⁵⁰ During the conflict in Kosovo, the 63rd Parachute Brigade was for the most part deployed in the army outposts along the border with Albania.¹⁵¹ On 14 October 1999, the 63rd Parachute Brigade was awarded a National Hero Order and on 16 June 2000 a War Flag Order.¹⁵²

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145 Indictment KTO no. 7/2013 dated 4 November 2013, available in Serbian at http://www.hlc-rdc.org/wp-content/uploads/2014/06/Optuznica_Trnje.pdf accessed on 30 April 2015.

146 Testimony of Saša Antić dated 28 January 2008, *Šainović et al.*, p. 21176; Testimony of Milan Kotur dated 21 January 2008, *Šainović et al.*, pp. 20679–20680.

147 ICTY Trial Chamber Judgment in *Đorđević*, 23 February 2011, Vol. 1, para. 974.

148 Ibid; Map – Operation Meja, drawn by Nikë Peraj, ICTY, *Milošević*, ex. no. P143.4; Witness statement of K90, ICTY, *Đorđević*, ex. no. P321, para. 41; Witness statement of K73, ICTY, *Đorđević*, ex. no. P330, para. 41; Witness statement of Saša Antić, ICTY, *Šainović et al.*, ex. no. 5D1443, para. 23.

149 ICTY Trial Chamber Judgment in *Šainović et al.*, 26 February 2009, Vol. 2, paras. 169 and 228.

150 Association of Veterans, “We remember”, 17 May 2009, available in Serbian at <http://www.63padobranska.com/pamtimo/> accessed on 9 June 2015; Witness statement of K73, ICTY, ex. no. P330, *Đorđević*, para. 8.

151 “Ponos Srbije: Čuvena 63. Padobranska brigade poštovana širom sveta” (The pride of Serbia: famous 63rd Parachute Brigade respected all over the word), *Intermagazin*, accessed 1 April 2015, <http://www.intermagazin.rs/ponos-srbije-cuvena-63-padobranska-brigada-postovana-sirom-sveta/>

152 Army of Yugoslavia website, <http://www.vs.rs/index.php?content=0d4d8c7b-f71e-102b-bdc2-a0672172d7df> accessed on 1 April 2015.



93. Ilija Todorov was the Commander of the 63rd Parachute Brigade from 1995 to 2006. In 2006, he was appointed the first Commander of the Special Brigade of the Army of Serbia.¹⁵³ By a decree of President of the Republic of Serbia Tomislav Nikolić, Todorov was in November 2013 appointed Head of the Intelligence and Reconnaissance Administration of the VS General Staff.¹⁵⁴

94. The officer in charge of security in the 63rd Parachute Brigade was Mile Karanović.¹⁵⁵ According to one source, Karanović has not been working for the VJ since 2002.¹⁵⁶ The MO refused to deliver the HLC information as to whether Karanović is now employed by the VS.¹⁵⁷

3. 52nd Artillery Rocket Brigade of the VJ

95. During Operation Reka, i.e. on 27 and 28 April 1999, a company of the 52nd ArtBr commanded by Major Zlatko Odak carried out a blockade of an area of about three square kilometres located in the north-eastern part of the Reka e Keq/Reka Valley, between the villages of Racaj/Racaj and Skivjan/Skivjane, some 1.5 kilometres from Mejë/Meja [see map on page xx].¹⁵⁸ Sergej Perović, Head of Security of the 52nd ArtBr, attended the meeting of army and police officers in Gjakovë/Đakovica held several days before the operation started, at which plans to expel civilians from the Reka e Keq/Reka Valley and to take vengeance for the murder of four police officers of the Gjakovë/Đakovica SUP were discussed [see paras. 11 for more information on this meeting].

96. The VJ 52nd ArtBr war diary entry for 26 April 1999, records as follows: “We received a decision from KG (forward command post of Prishtina Corps) that our elements will be used in Reka Action. Major Odak, Major Pejčinović (company commander), one rifle platoon from the Anti- armour Battalion, and two rifle platoons from Comand Battalion will be used.”¹⁵⁹ The entry for 27 April, the day when Operation *Reka* began, states as follows: “The ‘Reka’ clean-up operation began, with the participation of a 1st Manoeuvre Battalion, 1st Rifle Platoon, with commander of a company of the logistics battalion and the 2nd rifle platoon of the Command Battalion.”¹⁶⁰

153 „Pukovnik Todorov komandant specijalaca“(Colonel Todorov, Commander of Special Units), *Politika* online, available in Serbian at <http://www.politika.rs/rubrike/Drustvo/t6444.sr.html>, accessed on 7 September 2015.

154 “Primopredaja dužnosti načelnika Uprave za obaveštajno-izviđačke poslove“ (Handover of duty of Head of the Intelligence-reconnaissance Administration), *Vojska Srbije* (Army of Serbia), available in Serbian at http://www.vs.rs/index.php?news_article=5ac8beec-60cd-11e3-8f17-00163e135009, accessed on 7 September 2015.

155 „Kako je pripremano smenjivanje jugoslovenskih generala“(How dismissal of Yugoslav generals was prepared), *Vesti iz Srbije*, available in Serbian at <https://groups.yahoo.com/neo/groups/SrpskaInformativnaMreza/conversations/messages/13217>, accessed on 5 September 2015.

156 Ibid.

157 MO, decision no. 5907-2 dated 8 September 2015.

158 Statement of Miloš Došan given to the Commission for the Co-operation with the ICTY on 27 December 2002, *Dorđević*.

159 War diary of the VJ 52nd ArtBr VJ, entry for 26 April 1999, *Šainović et al.*, ex. no. P1086, Appendix 6.

160 Ibid, entry for 27 April 1999.



97. The VJ 52nd Artillery Rocket Brigade was directly subordinate to the PrC Command.¹⁶¹ From 1 April 1999, the headquarters of the brigade was based at the cultural centre in Gjakovë/Đakovica.¹⁶²

98. From 15 July 1998 until 11 June 1999, the 52nd ArtBr was led by Colonel Miloš Došan. Došan was also the Commander of the VJ garrison in Gjakovë/Đakovica.¹⁶³ In a statement to the Commission for the Co-operation with the ICTY, Došan said that some forces of his unit did participate in Operation Reka, but they had no contacts with the civilians. He further said that soldiers under his command did not commit any crimes in the said action and that he did not know of the crime committed in Mejë/Meja, adding that he would have been informed about it if it had happened.¹⁶⁴ Došan retired on 31 December 2001 with the rank of major-general.¹⁶⁵

99. Zlatko Odak, who commanded the unit which carried out the blockade of Rracaj/Racaj and Skivjan/Skivjane villages, said that he participated in the Operation *Reka* on the orders of the brigade commander, and that he and his company came to the villages of Osek Hilë/Osek Hilje and Skivjane/Skivjan, located some 1.5 km from Mejë/Meja. Like Došan, he also claimed that he did not learn of crimes having been committed and that soldiers from his company took no part in any crimes.¹⁶⁶ From September 1998 until mid-May 1999, Odak was the Commander of the Logistic Battalion of the VJ 52nd ArtBr.¹⁶⁷ The Ministry of Defence refused to provide information as to whether Odak has retired or is still serving in the VS.¹⁶⁸

100. Sergej Perović held the post of Head of Security in the 52nd Artillery Rocket Brigade of the VJ. In 2008, he served as an officer at the 3rd centre of the Military Intelligence Agency in the Niš garrison, holding the rank of lieutenant-colonel.¹⁶⁹ When requested by the HLC to provide information concerning the current position of Perović within the VS, the MO responded as follows: "We do not hold information that could indicate that the person whose first name and last name were stated in your request served as a professional soldier, non-commissioned officer or officer in the Army of Yugoslavia, Army of Serbia and Montenegro or Army of Serbia, and or was engaged as such in the conflict in Kosovo."¹⁷⁰

161 Witness statement of Nikë Peraj, ICTY, *Dordević*, ex. no. P313, para. 6.

162 ICTY Trial Chamber Judgment in *Šainović et al.*, 26 February 2009, Vol. 2, para. 98.

163 Testimony of Miloš Došan dated 18 October 2005, *Milošević*, p. 45337.

164 Statement of Miloš Došan given to the Commission for the Co-operation with the ICTY on 27 December 2002, *Dordević*, ex. no. P703; Testimony of Miloš Došan dated 18 October 2005, *Milošević*, pp. 474,475.

165 Testimony of Miloš Došan dated 15 February 2010, *Dordević*, p. 11337.

166 Statement of Zlatko Odak given to the Commission for the Co-operation with the ICTY on 26 December 2002, *Dordević*, ex. no. P1540; Testimony of Zlatko Odak dated 15 November 2005, *Milošević*, pp. 393-395.

167 Statement of Zlatko Odak given to the Commission for the Co-operation with the ICTY on 26 December 2002, *Dordević*, ex. no. P1540.

168 Ministry of Defence, decision no. 4345-2 dated 27 October 2014.

169 Witness statement of Sergej Perović, ICTY, *Šainović et al.*, ex. no. 5D1396, para. 2.

170 In its letter of reply no. 4350-2 dated 27 October 2014, the Ministry of Defence stated that it held no information whether Sergej Perović currently works for the Army of Serbia.



101. Zdravko Vintar was Head of the Information and Morale Organ of the VJ 52nd ArtBr. In 2007, he served in the Niš Garrison of the VS, in the Human Resources Organ of the Ground Forces Command, holding the rank of lieutenant-colonel.¹⁷¹ He retired in December 2011.¹⁷²

102. Novica Stanković was Deputy-Commander of the VJ 52nd ArtBr VJ.¹⁷³ According to information provided by the MO, he is no longer on active-duty in the VS.¹⁷⁴

4. 52nd Military Police Battalion

103. The 52nd Military Police Battalion, along with the 63rd Parachute Brigade and the PJP, was among the forces that expelled civilians from the Reka e Keq/Reka Valley during Operation *Reka*. During the operation, which started in the north-eastern part of the valley and continued towards the city of Gjakovë/Đakovica, located in the south-eastern part of the valley, the 52nd Military Police Battalion was in the middle, while the 63rd Parachute Brigade and the PJP were on the left and right flanks respectively [see Map on page 19].¹⁷⁵ In the villages of Rramoc/Ramoc and Dobrosh/Dobroš, members of the 52nd Military Police Battalion singled out four Kosovo Albanian civilians and handed them over to the PJP, who later executed them [see para. 23].

104. The 52nd Military Police Battalion was subordinated to the PrC Command. According to available military sources, the battalion received assignments from Momir Stojanović, the then head of the Security Department of the PrC. A member of the 52nd Military Police Battalion, when giving evidence before the ICTY under the witness protection scheme (K73), said that the battalion received assignments from Momir Stojanović.¹⁷⁶ This is corroborated by the war diary of the 52nd Military Police Battalion, under the entry for 13 April 1999, according to which a special unit of this battalion was “tasked” by the head of the PrC Security Department to capture a border outpost in Kamenicë/Kamenica.¹⁷⁷

105. In late March and early April 1999, the 52nd Military Police Battalion was stationed in Prishtina/Prishtina.¹⁷⁸ It consisted of around 500 soldiers. In wartime, the 52nd Military Police Battalion consisted of its command, a platoon performing military police functions, an anti-terrorist platoon, two military police companies, a special-purpose military police company, a company responsible for traffic, a support platoon and a logistics platoon.¹⁷⁹

171 Witness statement of Zdravko Vintar, ICTY, *Šainović et al.*, ex. no. 5D1394, paras. 2, 4.

172 MO, decision no. 4342-2 dated 27 October 2014.

173 Witness statement of Nikë Peraj, ICTY, *Đorđević*, ex. no. P313, para. 6.

174 MO decision no. 3685-4 dated 30 May 2015.

175 ICTY Trial Chamber Judgment in *Đorđević*, 23 February 2011, Vol. 1, para. 974; Map – operation Meja, drawn by Nikë Peraj, ICTY, *Milošević*, ex. no. P143.4; Witness statement of K90, ICTY, *Đorđević*, ex. no. P321, para. 41; Witness statement of K73, ICTY, *Đorđević*, ex. no. P330, para. 41; Witness statement of Saša Antić, ICTY, *Šainović et al.*, ex. no. 5D1443, para. 23.

176 Witness statement of K73, ICTY, *Đorđević*, ex. no. P330, para. 33.

177 War diary of the 52nd Military Police Battalion, *Šainović et al.*, ex. no. P2297, p. 6, Appendix 7.

178 Ibid, pp. 1-3.

179 Witness statement of Saša Antić, ICTY, *Šainović et al.*, ex. no. 5D1443, paras. 5, 7.



106. From 13 April 1999, a company of the 52nd Military Police Battalion led by Saša Antić was subordinated to the VJ 125th MtBr.¹⁸⁰ At that time, the company operated at the Koshare/Košare border outpost.¹⁸¹

107. According to K73's evidence, the order for engaging a company of the 52nd Military Police Battalion came directly from the battalion's commander, Major Stevo Kopanja. The company comprised 40-50 men.¹⁸² The objective of the operation was "to clean the area from Albanians". Kopanja said that all Albanians were to be sent to Korenicë/Korenica, where members of MUP waited for them "with a list of names of terrorists".¹⁸³

108. Saša Antić, the commander of the company engaged in Operation Reka, retired in 2002 with the rank of captain.¹⁸⁴

109. Stevo Kopanja retired in November 2013.¹⁸⁵

5. 125th Motorized Brigade of the VJ

110. The involvement of the 125th MtBr in Operation *Reka* was documented in combat reports of this brigade. The combat reports for 27 and 28 April 1999 record that "part of the forces [of the brigade] is engaged in mopping up the terrain from the ŠTS in the general area of Reka".¹⁸⁶ The report for 29 April 1999 records that Operation *Reka* was "successfully completed" on 28 April.¹⁸⁷

111. The Commander of the 125th MtBr recorded that as a result of VJ operations, a refugee convoy was formed, composed of Albanian civilians who were leaving their villages in the Reka e Keq/Reka Valley; he informed the Command of the PrC of this.¹⁸⁸

112. During the operation, several PJP companies [see para. 126] and a company of the 52nd Military Police Battalion [see para. 106] were subordinated to the brigade.

113. In 1999, the area of responsibility of the 125th MtBr encompassed the municipalities of Leposaviq/Leposavić, Mitrovicë/Kosovska Mitrovica, Zubin Potok, Skënderaj/Srbica, Vushtrri/Vučitrn, Klinë/Klina, Istog/Istok, Pejë/Peć and Deçan/Dečani.¹⁸⁹ In January 1998, the brigade had 1,400 soldiers; by

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180 Ibid, paras. 15, 17, 19; War diary of the 52nd MPB, entry for 28 April 1999, states that the use of ammunition is registered through the VJ 125 MtBr, *Dorđević*, ex. no. P338, p.15; also, the 52nd MPB war diary of 15 April states that one company is ready to be deployed in the area of the Košare border post, Appendix 7.

181 ICTY Trial Chamber Judgment in *Šainović et al.*, 26 February 2009, Vol. 2, para. 99.

182 Witness statement of Saša Antić, ICTY, *Šainović et al.*, ex. no. 5D1443, para. 23.

183 Witness statement of K73, ICTY, *Dorđević*, ex. no. P330, para. 40.

184 Witness statement of Saša Antić, ICTY, *Šainović et al.*, ex. no. 5D1443, paras. 2, 4.

185 MO, decision no. 4351-2 dated 27 October 2014.

186 Regular combat report of 27 April 1999, Command of the VJ 125th MtBr, *Dorđević*, ex. no. P950, Attachment 3;

Regular combat report of 28 April 1999, Command of the VJ 125th MtBr, ex. no. P920, *Dorđević*, Appendix 4.

187 Regular combat report of 29 April 1999, Command of the VJ 125th MtBr, *Dorđević*, ex. no. P921, p. 1.

188 Regular combat report of 27 April 1999, Command of the VJ 125th MtBr, *Dorđević*, ex. no. P950, Appendix 3.

189 Dragan Živanović's order to clear up the battlefield, *Šainović et al.*, ex. no. P1246.



December the same year, this number had grown to 2,500.¹⁹⁰ During 1998, the 125th MtBr had five combat groups. Immediately before the NATO intervention it had six combat groups.¹⁹¹

114. On 11 October 2013, the HLC released its “Dossier: the 125th Motorized Brigade of the VJ”. The Dossier describes the operation of this VJ unit and the crimes committed within its area of responsibility, in which more than 300 Albanian civilians were murdered.¹⁹²

115. In October 2013, the HLC filed a criminal complaint with the OWCP against Dragan Živanović (Commander of the VJ 125th MtBr) and another four members of the VJ 125th MtBr, for a war crime against civilians committed on 2 April 1999 in the village of Kralan/Kraljane (Gjakovë/Đakovica municipality), in which 78 Kosovo Albanian civilians were killed.¹⁹³

116. On 5 August 2014, the OWCP ordered that Dragan Živanović be put under investigation for failing to prevent members of the 177th VTO from killing 118 Kosovo Albanian civilians in four villages in the Pejë/Peć municipality, namely Qyshk/Čuška, Zahaq/Zahać, Pavlan/Pavljane and Lubeniq/Ljubenić, and to punish the perpetrators.¹⁹⁴

117. Dragan Živanović was the Chief of Staff of the 125th MtBr from 1 September 1997 until 12 June 1998. He was appointed Commander of the 125th MtBr on 12 June 1998 and remained in this position until the VJ withdrew from Kosovo on 10 June 1999. In 2000 he was promoted to the rank of major-general. By a decree of the then President of the FRY, Vojislav Koštunica, Živanović was in April 2002 appointed Chief of Staff of the VJ Belgrade Corps.¹⁹⁵ He retired on 31 March 2006, with the rank of major-general.¹⁹⁶ After the war in Kosovo, the 125th MtBr was awarded the Order of National Hero.¹⁹⁷

6. 113th Military Territorial Detachment

118. According to the ICTY findings, the 113th Military Territorial Detachment (113th VTO), acting in concert with the VJ 52nd ArtBr, engaged in the expulsion of civilians from the Reka e Keq/Reka Valley in late April 1999.¹⁹⁸ The Commander of the 113th VTO, Nikola Mićunović, attended the meeting of army

190 Testimony of Dragan Živanović dated 9 August 2007, ICTY, *Haradinaj et al.*, ex. no. P1018, para. 11.

191 Testimony of Dragan Živanović dated 18 January 2008, *Šainović et al.*, p. 20533.

192 HLC, “Dossier: the 125th Motorized Brigade of the Army of Yugoslavia,” available in English at <http://www.hlc-rdc.org/?p=24671&lang=de>

193 On 10 October 2013, the HLC filed a criminal complaint with the OWCP, and supplemented it on 15 and 29 October 2013.

194 Press release of the Office of the War Crimes Prosecutor, “Naredba za sprovođenje istrage protiv generala Živano-vić za ratne zločine na KiM” (OWCP orders that General Živanović be put under investigation for war crimes in Kosovo), http://www.tuzilastvorz.org.rs/html_trz/VESTI_SAOPSTENJA_2014/VS_2014_08_05_LAT.pdf; accessed on 1 April 2015.

195 Testimony of Dragan Živanović dated 9 August 2007, ICTY, *Haradinaj et al.*, ex. no. P1018, paras. 2, 3; “Lazarević na čelu KOV-a” (Lazarević Chief of Ground Forces), *Glas Javnosti*, <http://arhiva.glas-javnosti.rs/arhiva/2002/04/06/srpski/P02040507.shtml> accessed on 1 April 2015.

196 Testimony of Dragan Živanović dated 9 August 2007, ICTY, *Haradinaj et al.*, ex. no. P1018, para. 2.

197 M. Danilović, “Podrška naroda i vojske” (Support of the people and the army), *Vojska*, 7 August 1999, pp. 99-10, ICTY Database.

198 ICTY Trial Chamber judgment in *Đorđević*, 23 February 2011, Vol. 1, para. 1006.



and police officers in which the expulsion of civilians from the Reka e Keq/Reka Valley was planned [see para. 11].¹⁹⁹ Witness Nikë Peraj identified the Commander of the 113th VTO as one of the persons whom Momir Stojanović ordered at the said meeting to carry out an operation in the Reka e Keq/Reka Valley (the other was the Head of the Gjakovë/Đakovica SUP).²⁰⁰

119. The 113th VTO was composed of VJ reservists.²⁰¹ During 1999, 24 military territorial departments were active in Kosovo, with a total of between 9,000 and 12,000 men.²⁰² Most military territorial departments during the conflict in Kosovo were re-subordinated to various units of the PrC.²⁰³

120. The 113th VTO had 500-600 members.²⁰⁴ From late March 1999, the 113th VTO was based in Gjakovë/Đakovica, and its task was to “guard the *Devet Jugovića* and *Metohija* barracks and protect the Serbian population in the town of Đakovica”, in coordination with the VJ 52nd ArtBr.²⁰⁵ The 113th VTO was also tasked with securing facilities of vital importance in Gjakovë/Đakovica (post office, hospital, and city hall), and organizing and carrying out patrols to prevent robberies. In addition to this, the 113th MTD’s duty was to take part in the “breaking up of the ŠTS” alongside the MUP and the VJ.²⁰⁶

121. The 113th VTO was under the command of the VJ 52nd ArtBr, therefore Mićunović had to report to the Commander of the 52nd ArtBr, Miloš Došan, twice a day. In addition to this, Mićunović had an obligation to report to the Mayor of Gjakovë/Đakovica, Momčilo Stanojević.²⁰⁷

122. The 113th VTO was under the command of Mayor Nikola Mićunović a.k.a. “Dragan”, from Korenicë/Korenica.²⁰⁸ According to information obtained from the MO, Mićunović retired on 25 July 2005.²⁰⁹ As established by the ICTY in the *Đorđević* case, Nikola Mićunović and the forces under his command participated in the forcible displacement of Kosovo Albanians from the villages in the Gjakovë/Đakovica municipality (Guskë/Guska, Korenicë/Korenica, Devë/Deva, Babaj and Bokës/Babaj Boks) in late April 1999.²¹⁰ According to the testimony of Merita Deda, a resident of Guskë/Guska, the forces commanded by Mićunović killed eight Kosovo Albanian civilians in the village of Devë/Deva in late March 1999.²¹¹

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199 ICTY Trial Chamber judgment in *Šainović et al.*, 26 February 2009, Vol. 2, para. 169.

200 Witness statement of Nikë Peraj, ICTY, *Đorđević*, ex. no. P313, para. 59.

201 Testimony of Zlatimir Pešić dated 22 November 2006, *Šainović et al.*, pp. 7159-7160; Witness statement of Nikë Peraj, ICTY, *Đorđević*, ex. no. P313, para. 21.

202 ICTY Trial Chamber judgment in *Šainović et al.*, 26 February 2009, Tom 1, para. 641.

203 Testimony of Ljubiša Stojimirović dated 26 October 2007, *Šainović et al.*, pp. 17654-17655.

204 Witness statement of Nikë Peraj, ICTY, *Đorđević*, ex. no. P313, para. 21.

205 Order of the Command of the Priština Military District to use VOd Priština, *Đorđević*, ex. no. P896, p. 4.

206 Order of the Command of the Priština Corps, Command of the Priština Military Corps, *Đorđević*, ex. no. P900.

207 Witness statement of Nikë Peraj, ICTY, *Đorđević*, ex. no. P313, para. 21.

208 Ibid.

209 MO, decision no. 4347-2 dated 27 October 2014.

210 HLC Database, statement of witness L.M. given to the HLC in August 2007; statement of witness L.D given to the HLC in August 2007; statement of witness S.K. given to the HLC in December 2000; witness statement of Merita Deda, ICTY, *Đorđević*, ex. no. P1030, p. 2; ICTY Trial Chamber judgment in *Đorđević*, 23 February 2011, Vol. 1, para. 1006.

211 Witness statement of Merita Deda, ICTY, *Đorđević*, ex. no. P1030, p. 2.



7. Special Police Units²¹²

123. Special police units (PJP) played a most important part in Operation *Reka*. Alongside the 63rd Parachute Brigade and the 52nd MPB [See Map at page 19], members of the PJP participated in the “mopping up” and “searches” of the villages inhabited by Kosovo Albanians in the Reka e Keq/Reka Valley - that is to say, in the killings, and the forcible expulsions of civilians from their homes and the directing them towards the checkpoints in Mejë/Meja.²¹³ Some testimonies indicate that members of PJP participated in the separation of men from women and children at the checkpoints in Mejë/Meja.²¹⁴

124. According to the ICTY findings and testimonies of some members of the VJ, the PJP units engaged in Operation *Reka* were composed of men who came from central Serbia, Prizren and Gjakovë/Đakovica,²¹⁵ and numbered at least 400 members.²¹⁶

125. The ICTY has established that members of the **73rd Detachment of the PJP** were active on 27 April in the village of Korenicë/Korenica, where 68 civilians were murdered [see paras. 26-46].²¹⁷

126. As of 24 April 1999 a part of this detachment was subordinated to the VJ 125th MtBr. A part of its 73rd Detachment was subordinated to the VJ 549th MtBr.²¹⁸

127. The 73rd Detachment of the PJP consisted of MUP members from Novi Sad, Sremska Mitrovica, Pančevo, Zrenjanin, Kikinda, Sombor and Subotica.²¹⁹ Its commander was Lieutenant-Colonel Miladin Milić.²²⁰ The MUP refused to provide information as to whether Milić still works for the MUP.²²¹

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212 The Special Police Unit was formed on 1 August 1993 by the then Minister of the Interior, Zoran Sokolović. Like the other two special units, namely the Special Anti-terrorist Unit and the Operational Pursuit Group, the PJP was controlled by the RJB. The PJP detachments based in central Serbia were deployed to Kosovo as of the first half of 1998. They consisted of between 500 and 600 men. Each of the units consisted of four to seven companies, each composed of 150-180 men.

213 ICTY Trial Chamber Judgment in *Šainović et al.*, 26 February 2009, Vol. 2, para.180; CTY Trial Chamber judgment in *Đorđević*, 23 February 2011, Vol. 1, para. 974; Witness statement of K90, ICTY, *Đorđević*, ex. no. P321, paras. 47-66; witness statement of K73, ICTY, *Đorđević*, ex. no. P330, para. 41; witness statement of Saša Antića, ICTY, *Šainović et al.*, ex. no. 5D1443, para. 23.

214 Testimony of Nikë Peraj dated 18 February 2009, *Đorđević*, pp. 1208-1209; Witness statement of K90, ICTY, *Đorđević*, ex. no. P321, para. 54.

215 ICTY Trial Chamber judgment in *Đorđević*, 23 February 2011, Tom 1, para. 938; Testimony of Milan Kotur, 21 January 2008, *Šainović et al.*, pp. 20679-20680; Witness statement of Saša Antić, ICTY, *Šainović et al.*, ex. no. 5D1443, para. 23.

216 ICTY Trial Chamber judgment in *Đorđević*, 23 February 2011, Vol. 1, para. 938.

217 Ibid, para. 1007.

218 Defence stabilising measures, order of the Command of the 125th MtBr dated 24 April 1999, *Šainović et al.*, ex. no. 6D1123, Attachment 2; Plan for deployment of the joint forces dated 25 April 1999, *Šainović et al.*, ex. no. 6D1023.

219 Organisational structure of the Special Police Units of the Republic of Serbia, HLC- F113702.

220 Minutes of the meeting of the MUP Staff for Kosovo and Metohija, held on 11 May 1999 in Priština, *Šainović et al.*, ex. no. P1993, p. 1.

221 MUP, response no. 5458/15 -2 dated 15 May 2015.



128. During Operation *Reka*, six companies of the **23rd PJP detachment** were also active in the Gjakovë/Đakovica area.²²² The Commander of the 23rd PJP detachment was Lieutenant-Colonel Borislav Josipović,²²³ who presently holds the post of Head of Operations Division of the 3rd Gendarmerie Detachment and the rank of colonel of the police.²²⁴

129. This detachment was also made up of MUP members from Novi Sad, Sremska Mitrovica, Pančevo, Zrenjanin, Kikinda, Sombor and Subotica.²²⁵

130. PJP members from Gjakovë/Đakovica and Prizren were assigned to the 124th and the 74th detachments of the PJP.²²⁶ On the basis of the available information, it is not possible to determine if both detachments or only one of them participated in Operation *Reka*. The HLC does not possess information about the identity of the commander of the 74th PJP detachment. The PJP 124th detachment was headed by Žarko Braković, who currently works for the MUP, performing jobs related to organization, monitoring and improvement of Police Directorate's work.²²⁷ In October 2013, the HLC filed a criminal complaint with the OWCP against Žarko Braković and five other VJ members for a war crime against the civilian population committed on 2 April 1999 in the village of Kraljane (Đakovica municipality), where 78 Albanian civilians were killed.²²⁸

131. Decisions regarding the engagement of the PJP were issued by the Head of the RJB, Vlastimir Đorđević.²²⁹

8. Ministry of the Interior Secretariat (SUP) in Gjakovë/Đakovica

132. According to eyewitnesses and the conclusions of the ICTY, during Operation *Reka*, members of the Gjakovë/Đakovica SUP set up two checkpoints in Mejë/Meja, through which displaced civilians had to pass on their journey to Albania. One was located opposite an elementary school in the place known as Meja Orize. The Commander of this checkpoint was Dimitrije Rašović, Inspector at the Gjakovë/Đakovica SUP.²³⁰ Besides Rašović, there were another ten or so MUP members at this checkpoint, who

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222 Dispatch no. 129 dated 22 March 1999, Ministry of the Interior of the Republic of Serbia, *Đorđević*, ex. no. P1193; Dispatch no. 288 dated 22 March 1999, SUP Pančevo, Ministry of the Interior of the Republic of Serbia, *Đorđević*, ex. no. P1196; Dispatch no. 02-204-321 dated 22 March 1999, SUP Sombor, Ministry of the Interior of the Republic of Serbia, *Đorđević*, ex. no. P1199.

223 Minutes of the meeting with the senior leaders of the police in Kosovo and Metohija dated 4 April 1999, Ministry of the Interior of the Republic of Serbia, *Đorđević*, ex. no. P764.

224 Response of the MUP Information of Public Importance Bureau to an HLC request for access to information of public importance, HLC, no. 1465-14-6 dated 4 April 2014.

225 Organisational structure of the Special Police Units of the Republic of Serbia, HLC- F113702.

226 Ibid.

227 *Decision on the formation of the 124th Intervention Brigade of the PJPs*, ICTY, *Đorđević*, ex. no. P257; MUP, response no. 1464/14-4, dated 1 April 2014.

228 HLC Press release, "Criminal Report against Officers and Members of YA and MUP on account of Crime Committed Against 78 Kosovo Albanians", October 10 2013, available at: <http://www.hlc-rdc.org/?p=24590&lang=de>

229 Testimony of Ljubinko Cvetić dated 29 June 2009, *Đorđević*, p. 6604.

230 Witness statement of Nikë Peraj, ICTY, *Đorđević*, ex. no. P313, paras. 68-69.



searched the civilians travelling in convoys towards Mejë/Meja and robbed them of money and other valuables.²³¹

133. The other checkpoint was also in Mejë/Meja, at a crossroads on the road from Mejë/Meja to Korenicë/Korenica. Its Commander most probably was Milan Šćepanović, Inspector at the Gjakovë/Đakovica SUP.²³² According to eyewitnesses who gave statements to the HLC, among the MUP members who were taking the men off the tractors in Mejë/Meja were Aca Mićunović, brother of Nikola Mićunović, Commander of the 113th MTD, Dragutin Stojanović a.k.a. “Guta”, Commander of the police station in Ponošec/Ponoševac, and Predrag Stojanović, a police officer at the Gjakovë/Đakovica SUP.²³³

134. During 1999, the Head of Gjakovë/Đakovica SUP was Colonel Milovan Kovačević,²³⁴ who was also in charge of volunteers who came to the city.²³⁵ Kovačević also attended the meeting of army and police officers at which the expulsion of Kosovo Albanian civilians was planned [see para. 11].²³⁶ The MUP refused to provide information regarding whether Kovačević is still working for the MUP.²³⁷ According to unofficial information, Kovačević was born in Bosnia and Herzegovina.

135. Milan Šćepanović, Inspector at the Đakovica SUP, was at the checkpoint located at the crossroads in Mejë/Meja through which the convoy of displaced residents of Korenicë/Korenica passed, and he participated in separation of men from convoy.²³⁸ The MUP refused to provide information regarding whether Šćepanović still works for the MUP.²³⁹

136. Dimitrije Rašović, Inspector at the Đakovica SUP, was in charge of the checkpoint at Meja Orize.²⁴⁰ He was born in the village of Piskote (Kosovo).²⁴¹ The MUP refused to provide information regarding whether Rašović still works for the MUP.²⁴²

231 Statement of witness G.R given to the HLC in January 2001; statement of witness N.G given to the HLC in January 2001; statement of witness V.B given to the HLC in 2001; statement of witness Z.T. given to the HLC in January 2001; statement of witness S.A given to the HLC in August 2007; statement of witness A.M. given to the HLC in August 2007; statement of witness G.T. given to the HLC in August 2007; statement of witness L.M. given to the HLC in August 2007; statement of witness Xh.P. given to the HLC in October 2000; statement of witness M.Q. given to the HLC in December 2000; statement of witness T.M. given to the HLC in January 2001; statement of witness V.A. given to the HLC in March 2001.

232 Witness statement of Nikë Peraj, *Đorđević*, ex. no. P313, para. 75 ICTY Trial Chamber judgment in *Đorđević*, 23 February 2011, Vol. 1, paras. 971-972.

233 Witness statement of Nikë Peraj, *Đorđević*, ex. no. P313, para. 95; HLC Database, statement of witness F.B. given to the HLC in September 2009; statement of witness N.D. given to the HLC in January 2001; ICTY Trial Chamber judgment in *Đorđević* dated 23 February 2011, Vol. 1, paras. 965-6.

234 Testimony of Miloš Došan dated 16 February 2010, *Đorđević*, p. 11446.

235 ICTY Trial Chamber judgment in *Šainović et al.*, 26 February 2009, Vol. 2, para. 169.

236 ICTY Trial Chamber judgment in *Đorđević*, 23 February 2011, Vol. 1, para. 940.

237 MUP, decision no. 5454/15 dated 15 May 2015.

238 Witness statement of Nikë Peraj, *Đorđević*, ex. no. P313, para. 82.

239 MUP, decision no. 5453/15 dated 15 May 2015.

240 Witness statement of Nikë Peraj, *Đorđević*, ex. no. P313, para. 68.

241 Ibid.

242 MUP, 5456/15 dated 15 May 2015.



137. Aleksandar (Aca) Mićunović was a member of the Gjakovë/Đakovica SUP.²⁴³ He was born in Korenicë/Korenica, and is a brother of Nikola Mićunović [see para. 118]. The MUP refused to provide information regarding whether Mićunović still works for the MUP.²⁴⁴

138. Dragutin Stojanović, a.k.a. “Guta”, was the Commander of the police station in Ponošec/Ponoševac.²⁴⁵ The MUP refused to provide information regarding whether Stojanović still works for the MUP.²⁴⁶

139. Predrag Stojanović was a member of the Gjakovë/Đakovica SUP.²⁴⁷ The MUP refused to give the HLC information regarding whether Stojanović still works for the MUP.²⁴⁸ INTERPOL issued a notice for Stojanović in April 2015.²⁴⁹

140. The names of another 12 individuals, probably MUP members, appear on the INTERPOL notice of April 2015. They are: the brothers Momčilo, Milutin and Miladin Novaković, former police officers; Muharrem Ibraj; Sreten Camović, former member of the State Security Service; Dragan and Aleksandar Peković (father and son); Živko Vuksanović; Miraš Gegović; Mišo Popović; Lazar Drašković; and Zoran Mirković.²⁵⁰

141. The HLC requested information from the MUP on whether these individuals still work for the MUP. All the requests for information, except the one relating to Momčilo Stijović, were turned down. Explaining why the requests were refused, the MUP stated that they could not determine who these individuals were.²⁵¹

142. During the war in Kosovo, Muharrem Ibraj was the Commander of the so-called Local Security Forces²⁵² in Gjakovë/Đakovica, which were composed of Kosovo Albanians loyal to the Serbian

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243 HLC Database, statement of witness F.B given to the HLC in September 2009.

244 MUP, decision no. 5452/15 dated 15 May 2015.

245 HLC Database, statement of witness N.D given to the HLC in January 2001; Testimony of Martin Pnishi dated 29 August 2002, *Milošević*, p. 697.

246 In its reply no. 10177/14-2 dated 2 October 2014, the MUP stated that they could not find out which Dragutin Stojanović the HLC referred to, even though the HLC specified in its request for information that Stojanović was the Commander of the police station in Ponošec/Ponoševac.

247 ICTY Trial Chamber judgment in *Đorđević*, 23 February 2011, Vol. 1, paras. 965-6.

248 In its reply no. 5534/15 dated 18 May 2015 the MUP stated that they could not find out which Predrag Stojanović the HLC referred to, even though the HLC specified in its request for information that Stojanović was Inspector at the Gjakovë/Đakovica SUP during the war.

249 INTERPOL, available at <http://www.interpol.int/notice/search/wanted/2015-8736>, accessed on 4 September 2015.

250 See Marija Ristić, „Poslanik SNS na crvenoj poternici Interpola“(INTERPOL red notice for a SPP MP), *BIRN*, 25 February 2015, available at <http://www.balkaninsight.com/rs/article/poslanik-sns-a-na-crvenoj-poternici-interpola#.VO7erp5iGbo>.twitter accessed on 21 April 2015.

251 MUP, decisions nos. 5461/15, 5462/15, 5460/15, 5455/15, 5435/15, 5457/15 and 5459/15 all dated 15 May 2015; MUP, decisions nos. 5530/15, 5532/15, 5531/15 and 5533/15 all dated 18 May 2015; BIA, decision no. 15-10715 dated 8 October 2014.

252 Witness statement of Nebojša Bogunović, ICTY, *Šainović et al.*, ex. no. 6D1614, paras. 18–20; Testimony of Martin Pnishi dated 11 August 2006, *Šainović et al.*, p. 1507.



institutions.²⁵³ He now lives in Niš.²⁵⁴ Ibraj testified before the ICTY as a defence witness for Slobodan Milošević.²⁵⁵ Muharrem Ibraj was recognised by witnesses as having been among the policemen who mistreated civilians at the checkpoint at Meja Orize, robbing them of their money and valuables and singling out the men to be later executed.²⁵⁶ According to witnesses' accounts, Ibraj was involved in the murder of a Kosovo Albanian in February 1999 (in the village of Osek Hilë/Osek Hilje).²⁵⁷

143. Miraš Gegović was arrested on 19 February 2015 in Podgorica (Montenegro) on the basis of the INTERPOL notice issued for him over the war crime against civilians in the Reka e Keq/Reka Valley.²⁵⁸ On 10 June 2015, Montenegro refused Kosovo's request for the extradition of Gegović to this country.²⁵⁹

144. Momčilo Stijović now works for the Police Administration of the City of Belgrade as Deputy Commander of the Cavalry Company.²⁶⁰

9. Other units

9.1. Special Operations Unit

145. The Special Operation Unit (JSO), also known as "Frenki's men,"²⁶¹ was active in the Gjakovë/Đakovica area during Operation *Reka*. The JSO was a unit of the State Security Department (RDB). The Head of the RDB was Radomir Marković.²⁶² Although formally controlled by the Minister of the Interior, Vlatko Stojiljković, who was formally in charge of the RDB, the unit was *de facto* controlled by Slobodan Milošević, through Radomir Marković.²⁶³ David Gajić²⁶⁴ was the Head of the RDB for Kosovo in 1998 and Milosav Vilotić from 1 January 1999.²⁶⁵

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253 Testimony of Muharrem Ibraj dated 17 August 2005, *Milošević*, p. 42709.

254 S. Babović „Potresna priča haškog svedoka“ (Harrowing story of a Hague witness), *Večernje novosti- online*, 11 April 2011, available in Serbian at <http://www.novosti.rs/vesti/naslovna/aktuelno.69.html:326586-Potresna-sudbina-haskog-svedoka>, accessed on 10 September 2015.

255 Witness statement of Muharrem Ibraj dated 17 August 2005, *Milošević*.

256 HLC Database, statement of witness R.F. given to the HLC in December 2000; statement of witness M.S. given to the HLC in November 2000.

257 HLC Database, statement of witness A.B. given to the HLC in March 2012; statement of witness A.B. given to the HLC in December 2014.

258 „Nastavak zastrašivanja Đakovčana“ (Intimidation of Đakovica residents continues), *B92*, available in Serbian at http://www.b92.net/info/vesti/index.php?yyyy=2015&mm=02&dd=21&nav_id=960542, accessed on 4 September 2015.

259 “Crna Gora odbila da Kosovu izruči Miraša Gegović” (Montenegro refuses to extradite Miraš Gegović to Kosovo), *Kosovo sever portal*, available in Serbian at http://kossev.info/strana/arhiva/koha_crna_gora_odbila_da_izruci_kosovu_osumnjicenog_zamasa_kr_u_meji/5548, accessed on 5 September 2015.

260 MUP, reply no. 6348/15-2 dated 2 July 2015.

261 The group was named “Frenki's men” after Franko Simatović, founder of the Special Operations Unit.

262 Rules on the Internal Organisation of the State Security Department, Ministry of the Interior of the Republic of Serbia, *Đorđević*, ex. no. P1349, Art. 41-42, p. 15.

263 Testimony of Aleksandar Vasiljević dated 8 June 2009, *Đorđević*, pp. 5684-5685.

264 Ibid, pp. 5885-5886.

265 Testimony of Momir Stojanović dated 23 February 2010, *Đorđević*, p. 11786.



146. Member of the 549th MtBr VJ who participated in Operation Reka (witness K90) stated that large numbers of policemen arrived in the municipality of Gjakovë/Đakovica after several Serbian policemen had been killed in late April 1999. During those days, he saw two individuals of whom it was said by a member of his unit that they were JSO members. K90 recognised them by their distinctive “Frenki-style” hats, as well as by their uniforms.²⁶⁶

147. The unit was active in Kosovo from 1998.²⁶⁷

148. Nikë Peraj testified that the JSO was based in a building between the Vllaznimi Stadium and Gjakovë/Đakovica High School in Dimitrija Tucovića Street.²⁶⁸

149. Members of this group did not wear standard uniforms. Some of them wore VJ uniforms, others wore MUP uniforms.²⁶⁹ The UK Military Attaché to the FRY, Colonel John Crosland, CBE, MC, testified before the ICTY that JSO members sometimes conducted operations dressed in PJP uniforms.²⁷⁰

9.2. Serb Volunteer Guard – Arkan's Tigers

150. Arkan's “Tigers”, headed by Željko Ražnatović Arkan, were also active in Mejë/Meja and its surroundings on 27 and 28 April 1999. Nikë Peraj, officer of the VJ 52nd Artillery Rocket Brigade, confirmed that this group was present in Mejë/Meja during Operation Reka.²⁷¹

151. Giving evidence before the ICTY, Aleksandar Vasiljević, Deputy Head of the VJ Security Services, said that some 30 members of the “Tigers” were present in Kosovo during the conflicts, and that they were attached to the State Security Service.²⁷² John Crosland, UK Military Attaché to the FRY, testified that Arkan's “Tigers” were brought to Kosovo from Montenegro and that they were based in Mitrovicë/Kosovska Mitrovica for a time, and in the Grand Hotel in Prishtina/Priština and the Paštrik Hotel in Gjakovë/Đakovica later.²⁷³

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²⁶⁶ Testimony of K90 dated 29 January 2007, *Šainović et al.*, pp. 9313-9314.

²⁶⁷ Analysis of the performance of tasks in Kosovo, 2 October 1998, *Šainović et al.*, ex. no. 3D697, p. 10.

²⁶⁸ Witness statement of Nikë Peraj, *Đorđević*, ex. no. P313, para. 30.

²⁶⁹ Ibid.

²⁷⁰ Testimony of John Crosland dated 7 February 2007, *Šainović et al.*, p. 9761.

²⁷¹ Witness statement of Nikë Peraj, ICTY, *Đorđević*, ex. no. P313, para. 80; Testimony of Nikë Peraj dated 18 February 2009, *Đorđević*, p. 1211; the “Tigers” were also seen on 25 March 1999 in the area between Rahovec/Orahovac and Gjakovë/Đakovica, on 8 April 1999 in Skenderaj/Srbica, on 24 March 1999 in Prishtina/Priština, on 25 March 1999 around the village of Lladove/Vladovo, (Gjilan/Gnjilane municipality), and on 13 April 1999 in the village of Vataj/Vata (Kacanik/Kaçanik municipality).

²⁷² Testimony of Aleksandar Vasiljević dated 8 June 2009, *Đorđević*, pp. 5681 and 5669-5670.

²⁷³ Witness statement of John Crosland, ICTY, *Đorđević*, ex. no. P1400, para. 15; Witness statement of Nikë Peraj, ICTY, *Đorđević*, ex. no. P313, para. 32.



152. Members of this group normally wore green camouflage uniforms with the insignia on their sleeves featuring a tiger's head. However, they often combined civilian trousers with military jackets.²⁷⁴ At times, they wore black bandanas, or tied red ribbons around their heads and on their sleeves.²⁷⁵ They also wore vests with many pockets in which they carried ammunition, grenades and knives.²⁷⁶

9.3. White Eagles

153. Nikë Peraj testified before the ICTY that the "White Eagles" participated alongside the MUP and Territorial Defence Forces in Operation *Reka*.²⁷⁷ The presence of the "White Eagles" in the Reka e Keq/ Reka Valley was corroborated by a resident of Mejë/Meja, Martin Pnishi, who described in detail the uniforms worn by this group.²⁷⁸

154. Members of the "White Eagles" usually wore black uniforms and black hats, very similar to those worn by the Yugoslav People's Army in WWII.²⁷⁹ They wore yellow, black and green armbands featuring the double-headed eagle and the title "Beli orlovi" in Cyrillic script.²⁸⁰ The group was made up of volunteers recruited by the Serbian Radical Party.²⁸¹

9.4. Brigade from Republika Srpska

155. According to the testimony of Nikë Peraj, officer of the 52nd ArtBr, a brigade numbering a 1,000 people or so arrived in Kosovo in late February or early March 1999.²⁸² Its Commander was Lieutenant-Colonel Vuković (first name unknown).²⁸³ The brigade was equipped with tanks and air defence artillery.²⁸⁴

156. It was stationed in the Gjakovë/Đakovica area and had logistical support from the VJ 52nd ArtBr.²⁸⁵

157. During the conflict in Kosovo, the Commander of the brigade attended the meetings held in the office of Miloš Đošan, Commander of the VJ 52nd ArBr.²⁸⁶

274 Witness statement of Nikë Peraj dated 20 February 2009, *Đorđević*, pp. 1270-1273.

275 Ibid; Witness statement of Martin Pnishi, ICTY, *Đorđević*, ex. no. P1033, p. 5.

276 Witness statement of Nikë Peraj, ICTY, *Đorđević*, ex. no. P313, para. 42.

277 Testimony of Nikë Peraj dated 20 February 2009, *Đorđević*, p. 1258.

278 Witness statement of Martin Pnishi, ICTY, *Đorđević*, ex. no. P1033, p. 5.

279 Photographs depicting various uniforms, *Đorđević*, ex. no. P1301.

280 Witness statement of Martin Pnishi, ICTY, *Đorđević*, ex. no. P1033, p. 5; Army and police insignias, *Đorđević*, ex. no. P327.

281 Witness statement of Nikë Peraj, ICTY, *Đorđević*, ex. no. P313, paras. 12, 95. „Šešeljevci ili Beli orlovi“ (Šešelj's Men or White Eagles, *Sense Tribunal*, available in Serbian at [http://www.sense-agency.com/tribunal_\(ICTY\)/quotbeli-orloviquot-ili-quotsešeljevciquot.25.html?cat_id=1&news_id=5488](http://www.sense-agency.com/tribunal_(ICTY)/quotbeli-orloviquot-ili-quotsešeljevciquot.25.html?cat_id=1&news_id=5488); accessed on 4 September 2015.

282 Witness statement of Nikë Peraj, ICTY, *Đorđević*, ex. no. P313, para. 13.

283 *Ibid*.

284 *Ibid*.

285 *Ibid*, para. 15.

286 *Ibid*.



VI. CHAIN OF COMMAND

158. Operation *Reka* was a joint operation of the VJ and MUP that was approved by the senior leadership of the FRY. As established by the ICTY, “Operation Reka was planned and ordered by the Pristina Corps Command in conjunction with the senior leaders of the MUP in Prishtina/Priština and Belgrade.”²⁸⁷

159. The most senior officers of the Command of the VJ PrC exercised direct command and control over the deployment of the VJ units in Operation *Reka* from the PrC forward command post in Gjakovë/Đakovica, which was set up in mid-April 1999.²⁸⁸ According to ICTY findings, “General Lazarevic was in a position of command [...] with officers under his direction exercising more detailed day-to-day control of Operation Reka.”²⁸⁹ The operation of the VJ units was led on the ground by Milan Kotur, Chief of PrC Infantry, and Veroljub Živković, Chief of Staff of the PrC.²⁹⁰

160. The ICTY concluded that the operation was ordered orally and it was orally commanded.²⁹¹ A member of the 549th MtBr VJ who participated in Operation *Reka* – witness K90²⁹² – said in his ICTY statement in regard to the expulsion of civilians from the Municipality of Gjakovë/Đakovica: “We (the Serbs) had learnt from the mistakes made during the wars in Croatia and Bosnia, and so that a commander wouldn’t order the expulsion of innocent Albanian civilians in writing, but rather pass the order down verbally.”²⁹³

161. According to the testimonies of several senior VJ officers, Veroljub Živković, Commander of the PrC forward command post and Chief of Staff of the PrC, ordered the deployment of the VJ, by issuing a verbal combat order to VJ units to “secure the Reka area.”²⁹⁴

162. Senior PrC officers directly led and controlled Operation *Reka*. Nikë Peraj, officer of the VJ 52nd ArtBr, testified before the ICTY that on 28 April 1999 he saw a wall-sized map in Lazarević’s office at the VJ Headquarters in Gjakovë/Đakovica. Goran Jevtović, first officer in the Operations Division at the forward command post, was marking the map with details of the Operation *Reka*.²⁹⁵ Peraj testified that on 28 April 1999 he saw Milan Kotur, Chief of Infantry in the PrC Command, and Novica Stanković, Deputy Commander of the VJ 52nd Artillery Rocket Brigade, at the VJ command post in Osek Hilë/Osek

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287 ICTY Trial Chamber Judgment in *Đorđević*, 23 February 2011, Vol. 1, para. 949.

288 ICTY Trial Chamber Judgment in *Šainović et al.*, 26 February 2009, Vol. 2, para. 178; Testimony of Milan Kotur, 21 January 2008, *Šainović et al.*, p. 20678.

289 ICTY Trial Chamber Judgment in *Đorđević*, 23 February 2011, Vol. 1, para. 948.

290 Testimony of Miloš Došan, 16 February 2010, *Đorđević*, p. 11475; Testimony of Momir Stojanović, 23 February 2010, *Đorđević*, p. 11475.

291 ICTY Trial Chamber Judgment in *Šainović et al.*, 26 February 2009, Vol. 2, para. 167.

292 The ICTY Trial Chamber in *Šainović et al.* concluded: “The Chamber finds K90 generally credible and reliable on the issues from his witness statement that he re-confirmed in his oral evidence.” ICTY Trial Chamber Judgment in *Šainović et al.*, 26 February 2009, Vol. 2, para. 74.

293 Witness statement of K90, ICTY, *Šainović et al.*, ex. no. P2652, para. 41.

294 Testimony of Milan Kotur, 21 January 2008, *Šainović et al.*, pp. 20682-20683; Testimony of Dragan Živanović, 18 January 2008, *Šainović et al.*, pp. 20587-20588; Testimony of Goran Jevtović, 16 January 2008, *Šainović et al.*, pp. 20400-20441; Witness statement of Vlatko Vuković, ICTY, *Šainović et al.*, ex. no. 5D1442, paras. 68-70.

295 Witness statement of Nikë Peraj, ICTY, *Đorđević*, ex. no. P313, para. 96.



Hilje, located approximately three km from Mejë/Meja, which had a commanding view of the Reka e Keq/Reka Valley.²⁹⁶

163. According to the information available, the operations of the MUP units were led on the ground by Milovan Kovačević, Chief of the Gjakovë/Đakovica SUP.²⁹⁷ His superior was Sreten Lukić, who held the post of Chief of the MUP Staff for Kosovo from June 1998 until the end of the Kosovo conflict (Mid June 1999). The MUP Staff was responsible for planning, organizing, co-ordinating and directing the work of urban and municipal police departments in Kosovo (SUPs and OUPs), combating terrorism, and co-ordinating and planning joint actions with the VJ.²⁹⁸ Lukić reported to the Chief of MUP Public Security Division (RJB), Vlastimir Đorđević.²⁹⁹ As the ICTY established, “Lukić was Pavković’s counterpart with respect to the VJ who and throughout the NATO air campaign, had both *de jure* and *de facto* responsibility over MUP forces that committed crimes on a massive scale.”³⁰⁰

164. Dragoljub Ojdanić, Chief of the VJ General Staff, Nebojša Pavković, Commander of the VJ 3rd Army, Vladimir Lazarević, Commander of the VJ Priština Corps, Sreten Lukić, Chief of the MUP Staff for Kosovo and Vlastimir Đorđević, Assistant Minister of the Interior and Head of the RJB, were convicted by the ICTY of the crimes committed during Operation *Reka*.³⁰¹

165. Goran Jevtović and Veroljub Živković are no longer members of the Army of Serbia. From 2005 until his retirement in 2008, Jevtović was the Assistant Head of the Military Academy for operational-staff affairs.³⁰² Along with 15 other generals, in March 2003 Živković was dismissed from duty by decision of the Supreme Defense Council.³⁰³

i. The role of Momir Stojanović

166. The available military sources and ICTY findings indicate that Momir Stojanović, Head of the Security Department in the Command of the PrC at the time, played an important, three-fold role in Operation *Reka*: 1) he was involved in the planning and launching of the operation aimed at expelling the Albanian population from the area and taking revenge for the killing of four policemen; 2) he was superior to the unit that participated in the commission of crimes (the 52nd Battalion of the Military Police); 3) he took no steps to punish the perpetrators.

296 Testimony of Nikë Peraj, 14 August 2006, *Šainović et al.*, pp. 1616, 1629.

297 Witness statement of Nikë Peraj, ICTY, *Đorđević*, ex. no. P313, para. 92.

298 ICTY Trial Chamber Judgment in *Šainović et al.* of 26. February 2009, Vol. 3, para. 1012.

299 Ibid, para. 950.

300 Ibid, para. 1132.

301 Ibid, paras. 630, 788, 930, 1138. ICTY Appeals Chamber Judgment in *Šainović et al.*, 23 January 2014, pp. 731-733; ICTY Trial Chamber Judgment in *Đorđević*, 23 February 2011, Vol. 2, para. 2233; ICTY Appeals Chamber Judgment in *Đorđević*, 27 January 2014, pp. 356-357.

302 Witness statement of Goran Jevtović, ICTY, *Šainović et al.*, ex. no. 5D1385, para. 2.

303 “16 generals dismissed”, *Večernje novosti*, 7 August 2003, available in Serbian at <http://www.novosti.rs/vesti/naslovna/aktuelno.69.html:149426-RAZRESENO--16-GENERALA> accessed on 5 September 2015.



167. Giving evidence before the ICTY, in the *Šainović* and *Đorđević* trials, Stojanović denied having played any role in the Operation *Reka* and, therefore, any kind of responsibility for the crimes. In both cases, ICTY found Stojanović to be not credible as a witness, and his testimony to be at times “nonsensical”, “implausible” and “inconceivable”.

168. In February 2015, INTERPOL issued a “red notice”³⁰⁴ for Momir Stojanović and another 16 former members of Serbian forces,³⁰⁵ over the war crimes committed against civilians in Mejë/Meja and Korenicë/Korenica.³⁰⁶ The red notice seeks the location and arrest of wanted persons from member countries with a view to extradition or similar lawful action.³⁰⁷

a. Stojanović’s responsibilities

169. Stojanović, as the Head of the Security Department of the PrC, was in charge of all security organs in the PrC.³⁰⁸ The Security Department was in charge of counter-intelligence and overall security of the units comprising the PrC.³⁰⁹ The Counter-intelligence Section of the Security Department was responsible for monitoring, intercepting and detecting activities against VJ commands and institutions.³¹⁰ According to Stojanović, the Security Section of the Security Department was in charge of proposing pre-emptive command measures in the security field and of providing “technical guidelines” to the military police units of the PrC.³¹¹

170. The units that were subordinated to the PrC, i.e. the officers in charge of security in these units, had an obligation to regularly report to the Security Department of the PrC, namely to the head of this department, Momir Stojanović. As testified by Vladimir Marinković, Chief of Security in the VJ 15th Armoured Brigade (which formed part of the PrC), he had an obligation to report to Stojanović “twice a day, and if there were any events that had taken place, then more than that, depending on the urgency”.³¹² From the beginning of the NATO intervention, Stojanović had the duty to submit daily reports to the

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304 INTERPOL’s website: <http://www.interpol.int/notice/search/wanted/2015-8413> accessed on 7 April 2015.

305 Besides Momir Stojanović, the following names appeared in the INTERPOL notice: Nikola Mićunović, Zoran Mirković, Momčilo, Miladin and Milutin Novaković, Dragan and Aleksandar Perković, Živko Vuksanović, Miraš Gegović, Predrag Stanojević, Muharrem Ibraj, Mišo Popović, Dimitrije Rašović, Sreten Camović and Lazar Drašković.

306 „A notice for Momir Stojanović and 17 other individuals”, *Večernje novosti*, 25 February 2015, available in Serbian at <http://www.novosti.rs/vesti/naslovna/dosije/aktuelno.292.html:535708-Poternica-za-generalom-Momirom-Stojanovicem-i-jos-17-osoba>, accessed on 2 September 2015.

307 International police organization (INTERPOL): <http://www.interpol.int/INTERPOL-expertise/Notices> accessed on 21 April 2015.

308 Testimony of Momir Stojanović, 6 December 2007, *Šainović et al.*, pp. 19683-19684; The following units were subordinated to the Priština Corps: the VJ 549th Motorized Brigade, the VJ 52nd Air Defence Artillery Rocket Brigade, the VJ 243rd Mechanized Brigade, the 15th Armoured Brigade, the VJ 125th Motorized Brigade, the 58th Light Infantry Brigade the 52nd Mixed Artillery Brigade, the 354th Infantry Brigade, the 192nd Engineer Battalion, the 53rd Border Guard Battalion, the 55th Border Guard Battalion, the 57th Border Guard Battalion, 52nd Military Police Battalion, the 52nd Communications Battalion, the 52nd Reconnaissance and Sabotage Company, the 52nd Nuclear-Biological/Chemical Defence Battalion and the 52nd Centre for Electronic Reconnaissance and Sabotage.

309 Testimony of Momir Stojanović, 22 February 2010, *Đorđević*, p. 11682.

310 Ibid, pp. 11683-11684.

311 Ibid, p. 11684.

312 Testimony of Vladimir Marinković, 14 December 2007, *Šainović et al.*, p. 20288.



Command of the 3rd Army on the basis of Marinković's reports. The reports concerned the security situation at the border, on the territory covered by the PrC and the security situation in the units and commands of the PrC.³¹³ Furthermore, Stojanović reported regularly to the Commander of the PrC, Vladimir Lazarević, on all security issues in the units, as well as on KLA activities.³¹⁴

b. Stojanović's role in Operation Reka

b.1. Support to the attacks directed against civilians in the Reka e Keq/Reka Valley

171. According to the testimony of Nikë Peraj, former officer with the 52nd ArBr, during a meeting of military and police officers held in April 1999, Momir Stojanović was suggesting deployment of VJ and police against Albanian civilians in the Reka e Keq/Reka Valley. The meeting took place several days after the KLA had killed four policemen in the village of Mejë/Meja, including Milutin Praščević, officer of the in Gjakovë/Đakovica SUP,³¹⁵ and Momir Stojanović's relative³¹⁶. Stojanović addressed Mićunović and Kovačević, saying that the Reka e Keq/Reka Valley would "pay a high price" for the killing of Milutin Praščević and others, that at least a hundred "heads" had to be eliminated and all the houses burned.³¹⁷ Kovačević said that such an action required approval, to which Stojanović replied that he would take care of that, adding that he would provide protection to him and Mićunović in case Albanians took revenge, mentioning his close friendship with Nebojša Pavković, the then Commander of the VJ 3rd Army.³¹⁸

172. Stojanović appeared before the ICTY as a defence witness in the trials of *Šainović et al.* and *Đorđević*, testifying about the crimes committed in the villages of Mejë/Meja and Korenicë/Korenica in the course of Operation *Reka*. His testimony was aimed primarily at refuting the evidence given by former officer of the 52nd ArBr Nikë Peraj. Stojanović denied having attended the meeting at which the operation in the Reka e Keq/Reka Valley was planned and having ordered the VJ units to expel Kosovo Albanians and burn their homes, saying that he first learned of the Operation *Reka* in the evening of 28 April 1999 (on the second day of the operation).³¹⁹

173. On the basis of well-documented examples of his command roles,³²⁰ the ICTY inferred that "Stojanović was closely involved in the operations of, and issuing of tasks to, subordinate units of the Priština Corps, and would have been informed of their movements."³²¹ The ICTY did not accept Stojanović's claim that he first learned of Operation *Reka* on 28 April, because it was his responsibility as the Head of the Security Department during the conflict in Kosovo to monitor and detect any terrorist

313 Testimony of Momir Stojanović, 6 December 2007, *Šainović et al.*, pp. 19688-19690.

314 Ibid, p. 19734.

315 Testimony of Momir Stojanović, 24 February 2010, *Đorđević*, pp. 11888-11889.

316 Stojanović's wife and Praščević were cousins. See the testimony of Momir Stojanović, 24 February 2010, *Đorđević*, p. 11888.

317 Witness statement of Nikë Peraj, ICTY, *Đorđević*, ex. no. P313, para. 59; ICTY Trial Chamber Judgment in *Šainović et al.*, 26 February 2009, Vol. 2, para. 169.

318 Witness statement of Nikë Peraj, ICTY, *Đorđević*, ex. no. P313, paras. 60-61.

319 Testimony of Momir Stojanović, 7 December 2007, *Šainović et al.*, pp. 19838 – 19841, 19855.

320 War diary of the 52nd Military Police Battalion, *Šainović et al.*, ex. no. P2297, p.9, Appendix 7.

321 ICTY Trial Chamber Judgment in *Šainović et al.*, 26 February 2009, Vol. 2, para. 171.



activities. Since Operation *Reka* was allegedly directed against the KLA, the ICTY did not accept as true the Stojanović's claim that he was not informed of it.³²²

174. The ICTY found Peraj to be a reliable and credible witness,³²³ whereas the testimony of Momir Stojanović was found to be lacking credibility, and calculated to minimise his own role in the Operation *Reka*.³²⁴

b.2. The 52nd Military Police Battalion was directly subordinate to Stojanović

175. Two available military sources indicate that the 52nd Military Police Battalion, the unit involved in crimes committed during Operation *Reka* [see Section V] was directly subordinate to Momir Stojanović. A member of the 52nd MPB testifying before the ICTY under witness protection scheme (witness K73) claimed that the battalion received tasks from the Head of the PrC Security Department, namely Momir Stojanović.³²⁵ This claim was confirmed by the 52nd MPB's war diary, with an entry for 13 April 1999, according to which a special unit of the battalion was "tasked" by the Head of the PrC Security Department to capture a border outpost in Kamenica.³²⁶

b.3. Failure to conduct investigation and covering up of the crimes

176. The positions he held, that of Head of PrC Security Department, and his later positions as the Head of the Military Security Administration Service and the Director of Military Security Agency, imposed an obligation on Momir Stojanović to launch an urgent and professional investigation into allegations of crimes.³²⁷ The ICTY established that Momir Stojanović was informed of the crimes committed by MUP and VJ members in the course of Operation *Reka*, but took no steps to investigate them.³²⁸

177. Stojanović claimed that he first learned of Operation *Reka* on 28 April, when the Chief of Security in the 52nd ArBr informed him that "large numbers of civilians left their homes as the action was underway and set out towards Gjakovë/Đakovica."³²⁹ On the basis of this report, Stojanović said, he could not infer that any crimes had been committed against Albanian civilians or that Albanian civilians were leaving their homes because they were expelled by Serbian forces. Stojanović maintained categorically that he would certainly have been informed if any crimes against civilians had been committed.³³⁰

322 ICTY Trial Chamber Judgment in *Đorđević*, 23 February 2011, Vol. 1, para. 998.

323 ICTY Trial Chamber Judgment in *Šainović et al.*, 26 February 2009, Vol. 2, para. 82; ICTY Trial Chamber Judgment in *Đorđević*, 23 February 2011, Vol. 1, paras. 941, 943, 945, 998.

324 ICTY Trial Chamber Judgment in *Đorđević*, 23 February 2011, Vol. 1, para. 943; ICTY Trial Chamber Judgment in *Šainović et al.*, 26 February 2009, Vol. 2, para. 85.

325 Witness statement of K73, ICTY, *Đorđević*, ex. no. P330, para. 33.

326 War diary of the 52nd Military Police Battalion, *Šainović et al.*, ex. no. P2297, p. 9, Appendix 7.

327 Article 30 of the Law on the Army of Yugoslavia (Official Gazette of the FRY No. 43, 1994); Article 52 of the Law on Military Courts (Official Gazette of the FRY No. 11, 1995).

328 ICTY Trial Chamber Judgment in *Đorđević*, 23 February 2011, Vol. 1, para. 1000.

329 Testimony of Momir Stojanović, 25 February 2010, *Đorđević*, pp. 11927-11928; Testimony of Momir Stojanović, 7 December 2007, *Šainović et al.*, pp. 19841-19843.

330 Testimony of Momir Stojanović, 25 February 2010, *Đorđević*, pp. 11933-11934.



178. Giving evidence before the ICTY, Momir Stojanović said that he first learned about the crimes committed against civilians during the Operation Reka at the time when the mass grave sites at Batajnica were discovered, but that he did not conduct investigation into the bodies found at Batajnica because he received no request from judicial authorities to do so, and also because he could not obtain access to the Batajnica grave sites for security reasons.³³¹

179. The ICTY found that “the only proper inference from the evidence it has received is that Momir Stojanović was informed of the crimes committed by VJ, MUP and other Serbian forces in the Reka operation but took no steps to investigate them, contrary to the obligations of his office. His failure to institute investigations of VJ criminality in Operation Reka, both at the time of the events and later when the bodies of victims of the operation were found at the Batajnica SAJ centre, is persuasive evidence of the complicity of the VJ in the cover-up of the crimes committed in the Carragojs [Reka e Keq/Reka] Valley by VJ, MUP and other Serbian forces.”³³²

180. The ICTY regarded the part of Stojanović’s testimony in which he explains that he was not authorized to institute an investigation after the discovery of the mass grave sites at Batajnica as “implausible”, and his claim that he could not access the SAJ training centre at Batajnica for security reasons as “nonsensical”, because even international forensic teams could gain access at that time.³³³

c. Short biography

181. Momir Stojanović was born in Gjakovë/Đakovica. He left his hometown to attend the Military Academy in Belgrade.³³⁴ During the conflict in Kosovo, he held the post of Head of the Security Department in the PrC.³³⁵ After the conflict in Kosovo, he became the Head of the Operations Department of the 3rd Army PrC of the Army of Serbia and Montenegro.³³⁶ During 2003 and 2004 he served as the Head of the Military Security Service Administration and as first Director of the Military Security Agency.³³⁷ After being dismissed from this post, he was appointed as Head of the Niš Corps of the Army of Serbia and Montenegro.³³⁸ He retired in 2005.³³⁹

331 Ibid, pp. 11938-11942.

332 ICTY Trial Chamber Judgment in *Dorđević*, 23 February 2011, Vol. 1, para. 1000.

333 Ibid, para. 999.

334 Testimony of Momir Stojanović, 24 February 2010, *Dorđević*, pp. 11879-11880.

335 Ibid, p. 11826; ICTY Trial Chamber Judgment in *Šainović et al.*, 26 February 2009, Vol. 2, para. 169.

336 Momir Stojanović, Serbian Progressive Party, Open Parliament, available in Serbian at <http://www.otvoreniparlament.rs/politicari/momir-stojanovic/>, accessed on 2 September 2015.

337 Testimony of Momir Stojanović, 25 February 2010, *Dorđević*, p. 11940;

338 ‘Momir Stojanović’, *Južne vesti*, March 1 2015, available at: <http://www.juznevesti.com/ko-je-ko/Momir-Stojanovic.sr.html>, accessed on 2 September 2015.

339 The Republic of Serbia paid EUR 30,000 to Momir Stojanović in 2013 in compensation for unlawful retirement, available in Serbian at: <http://www.blic.rs/Vesti/Politika/397568/Generalu-u-penziji-i-poslaniku-SNS-drzava-placa-30000-evra>, accessed on 5 September 2015.



182. Stojanović has been active in politics since 2007, when he joined the Serbian Radical Party, only to switch to the Socialist Party of Serbia in 2008. In 2010, he joined the Serbian Progressive Party.³⁴⁰ He has been Serbian Progressive Party MP since 2012. He chairs the Serbian Parliamentary Committee for Security Services Control and sits on the Committee for Kosovo and Metohija.³⁴¹

183. In 1999-2000, Stojanović was on the list of “persons who acted for or on behalf of the Government of Yugoslavia or the Republic of Serbia”, entities which were subjected to EU sanctions at the time.³⁴²

184. In April 2015, INTERPOL issued a red notice for Stojanović and 16 other individuals for crimes committed in Operation *Reka*.³⁴³ Commenting on the INTERPOL notice for Stojanović in a newspaper interview, the War Crimes Prosecutor, Vladimir Vukčević, said the OWCP was conducting an investigation into the crime committed in Mejë/Meja, but the investigation did not point to Momir Stojanović as even a “possible perpetrator”.³⁴⁴

VII. THE ACTIONS OF STATE ORGANS AFTER THE CRIME

185. The mortal remains of civilians who had been killed by Serbian forces in the course of Operation *Reka* were immediately after the crime buried in several locations on the territory of Gjakovë/Đakovica municipality. In April and May 1999, members of the MUP exhumed the mortal remains of killed civilians and transported them to a clandestine location – the MUP training centre in Batajnica. The MUP operation in which the bodies of civilians killed in Operation *Reka* were removed from Kosovo and concealed in secret locations was conducted on the orders of the most senior state officials, with a view to covering up the mass crimes that Serbian forces had committed in Kosovo.

186. The competent institutions of the Republic of Serbia – civilian and military alike – have never investigated these crimes.

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340 ‘Momir Stojanović’, *Južne vesti*, 1 March 2015, available in Serbian at <http://www.juznevesti.com/ko-je-ko/Momir-Stojanovic.sr.html>, accessed on 2 September 2015.

341 Website of the National Assembly of Serbia: http://www.parlament.gov.rs/%D0%9C%D0%9E%D0%9C%D0%98%D0%A0_%D0%A1%D0%A2%D0%9E%D0%88%D0%90%D0%9D%D0%9E%D0%92%D0%98%D0%8B.620.245.html, accessed on 19 December 2014.

342 Council Regulation (EC) No 1294/1999 of 15 June 1999 concerning a freeze of funds and a ban on investment in relation to the Federal Republic of Yugoslavia (FRY) and repealing Regulations (EC) No 1295/98 and (EC) No 1607/98, available at http://publications.europa.eu/resource/ellar/99d77d4d-2f5a-48bf-9fe9-48ad216e09b4.0004.01/DOC_1, accessed on 8 September 2015; Council Regulation (EC) No 2488/2000 of 10 November 2000 maintaining a freeze of funds in relation to Mr Milosevic and those persons associated with him and repealing Regulations (EC) Nos. 1294/1999 and 607/2000 and Article 2 of the Regulation (EC) No 926/98, available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2000:287:0019:0037:EN:PDF>, accessed on 8 September 2015.

343 INTERPOL, available at: <http://www.interpol.int/notice/search/wanted/2015-8413>, accessed on 5 September 2015.

344 V. C. Spasojević, “Vladimir Vukčević: We have no evidence against Stojanović”, *Večernje Novosti online*, 5 March 2015, available in Serbian at <http://www.novosti.rs/vesti/naslovna/dosije/aktuelno.292.html:536864-Vladimir-Vukcevic-Nemamo-dokaze-protiv-Stojanovica>, accessed on 21 April 2015.



1. Concealment of the bodies³⁴⁵

187. According to the ICTY, the concealment of the bodies of the civilians killed during Operation *Reka* and in other places in Kosovo represents obstruction of justice and indirect proof of the existence of a joint criminal enterprise which aimed at permanently deporting Albanians from Kosovo.³⁴⁶

1.1. Primary graves in Kosovo

188. Immediately after the crime, members of the MUP and VJ buried the bodies of civilians killed in the Operation *Reka* in several locations on the territory of Gjakovë/Đakovica municipality (primary graves). From the available evidence, it is not possible to establish all the facts surrounding the burial of the bodies in primary graves or determine the locations of all the primary graves, as only circumstantial evidence and witness accounts are available for the time being.

189. An undetermined number of bodies of civilians killed during Operation *Reka* were buried in three mass graves in Kosovo: near the bridge in Bistazhin/Bistražin, at the public cemetery in Brekoc/Brekovac located on the outskirts of Gjakovë/Đakovica, and in a forest near the village of Guskë/Guska.³⁴⁷

190. Some of the civilians killed in Korenicë/Korenica were buried at the Gjakovë/Đakovica public cemetery³⁴⁸ and in a forest near Korenicë/Korenica³⁴⁹. The mortal remains of several local residents were found in the houses where they had been killed, by their family members upon their return from exile.³⁵⁰ The mortal remains of three men killed in Mejë/Meja were found in July 1999 on a meadow in Mejë/Meja³⁵¹, by their family members. In 2002, the ICRC found one body in the village of Ripaj Madanaj near Mejë/Meja.³⁵²

191. Merita Deda, Nikë Peraj and Martin Pnishi witnessed the removal of bodies from Mejë/Meja and Korenicë/Korenica, and gave evidence before the ICTY on this matter.

345 Detailed reconstruction of the concealment of the bodies of victims of war crimes committed by Serbian forces in Kosovo and their transportation to mass graves in Serbia will be the subject of a separate dossier.

346 ICTY Trial Chamber judgment in *Šainović et al.*, 26 February 2009, Vol. 2, paras. 87-88.

347 ICTY Trial Chamber Judgment in *Đorđević*, 23 February 2011, Vol. 1, para. 988.

348 HLC Database, statement of witness F.N., given to the HLC in August 2007; statement of witness H.A., given to the HLC in January 2001.

349 HLC Database, statement of witness M.P., given to the HLC in August 2007; statement of witness V.P., given to the HLC in August 2007.

350 HLC Database, statement of witness A.D., given to the HLC in October 2008; statement of witness M.P., given to the HLC in October 2008.

351 HLC Database, statement of witness A.V., given to the HLC in July 2008; statement of witness N.Z., given to the HLC in September 2007; statement of witness L.B., given to the HLC in October 2007; statement of witness K.S., given to the HLC in September 2007.

352 HLC Database, statement of witness N.D., given to the HLC in October 2007.



192. Giving evidence before the ICTY, Merita Deda,³⁵³ a Kosovo Albanian woman from Guskë/Guska, said that on 27 April 1999, as she was moving in a convoy together with other expelled people, she saw members of the VJ loading eight dead bodies into a military lorry, after which the lorry drove off in the direction of Gjakovë/Đakovica.³⁵⁴

193. On 29 April, at about 9:30 hours, VJ officer Nikë Peraj saw two civilian lorries carrying workers in orange uniforms on the road leading to Gjakovë/Đakovica. A police Lada Niva off-road vehicle was escorting the lorries. The lorries were covered by tarpaulins. When at one point the wind lifted a tarpaulin, Peraj saw some bodies underneath it.³⁵⁵

194. Martin Pnishi, a resident of Mejë/Meja, on 2 May 1999 near the bridge in Bistazhin/Bistražin, saw a group of Roma collecting the bodies of the seven men who were killed on 27 April 1999 near the bridge. After collecting the bodies, they loaded them onto a lorry, which two hours later drove off in the direction of the public cemetery in Gjakovë/Đakovica. In a later conversation, one of the Roma men who collected the bodies told Pnishi that he had loaded about 400 corpses near the bridge in Bistazhin/Bistražin, and in Korenicë/Korenica.³⁵⁶

1.2. Disinterment of bodies from primary graves

195. An excavator operator who worked for a private company in Gjakovë/Đakovica took part in the disinterment of bodies from three sites, located near the bridge in Bistazhin/Bistražin, at the Brekoc/Brekovac cemetery and near the village of Guskë/Guska. He testified before the ICTY as protected witness K72.³⁵⁷ K72 said that he received first order to dig up corpses in late April 1999 from an as yet unidentified member of the MUP. This was done near the Bistazhin/Bistražin bridge, in the presence of MUP members. All the bodies that were disinterred on that occasion were male, wore civilian clothing, and had gunshot wounds. Several individuals in plain clothes then loaded the disinterred bodies into two lorries, one of which was a refrigerated lorry. The MUP members present told K72 that about 100 bodies had been dug up on that occasion.³⁵⁸

196. About twenty days after the disinterment of bodies near the bridge in Bistazhin/Bistražin, witness K72 took part in the exhumation of bodies from the cemetery in the village of Brekoc/Brekovac, located about four kilometres from Gjakovë/Đakovica. While digging up the bodies with his excavator, K72 noticed that they were all male, wore civilian clothing and had gunshot wounds. A few Roma men loaded

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353 The ICTY Chamber in *Šainović et al.* held that “because of some inconsistencies between Deda’s evidence and her prior statements, the Chamber has relied upon Deda’s evidence only where corroborated by other evidence.” ICTY Trial Judgment in *Šainović et al.*, 26 February 2009, Vol. 2, para. 77. However, the Chamber relied upon Merita Deda’s evidence in the part concerning the removal and concealment of the bodies, see ICTY Trial Judgment in *Šainović et al.* of 26 February 2009, Vol. 2, para. 237.

354 Witness statement of Merita Deda, ICTY, *Đorđević*, ex. no. P1030, p. 3.

355 Witness statement of Nikë Peraj, ICTY, *Đorđević*, ex. no. P313, paras. 86, 88.

356 Witness statement of Martin Pnishi, ICTY, *Đorđević*, ex. no. P1033, pp. 4-5.

357 ICTY Chamber in *Šainović et al.* found “the account given by K72 to be compelling and credible.” ICTY Trial Judgment in *Šainović et al.*, 26 February 2009, Vol. 2, para. 1274.

358 Witness statement of K72, ICTY, *Šainović et al.*, ex. no. P2551, paras. 13-14.



the bodies onto a trailer and transported them to a larger, tarpaulin-covered truck. At that site, witness K72 disinterred more than 100 bodies.³⁵⁹

197. In the village of Guskë/Guska, near Korenicë/Korenica, witness K72 excavated bodies from unmarked graves. In a forest near Guskë/Guska, K72 dug up a few more bodies from unmarked graves. All the bodies were male, and all in civilian clothing. Once the bodies were dug up, several Roma men loaded them onto the trailer of a small lorry.³⁶⁰

198. After K72 finished digging out the bodies in Guskë/Guska, K72 was told by a MUP officer not to tell anyone about the excavation activities or he would be killed.³⁶¹

1.3. Transport of bodies to Serbia

199. On an undetermined date in March 1999, a meeting took place in the office of the then President of the Federal Republic of Yugoslavia, Slobodan Milošević. Besides Milošević, also present were Vljako Stojiljković, the then Minister of the Interior, Vlastimir Đorđević, the then Chief of the RJB, and Radomir Marković, the then Chief of the State Security Division of the MUP. During the meeting, Đorđević raised the issue of cleaning up (*asanacija*) of the terrain in Kosovo, after which Milošević ordered Stojiljković to “take measures to remove all traces which could indicate the existence of evidence of the crimes committed”.³⁶²

200. Stojiljković then issued orders to Đorđević and Dragan Ilić, Head of Crime Police Administration and member of the MUP Collegium, to carry out the cleaning up of the terrain, in order to remove civilian victims who might potentially become the subject of investigation by the ICTY.³⁶³ In May 1999, Ilić met with chiefs of the Ministry of the Interior Secretariats (SUPs) in Kosovo to draw up a plan for the “restoration of the territory”, which was subsequently distributed to all the SUPs.³⁶⁴

201. To the HLC’s request for information on whether Dragan Ilić is still employed by the MUP, the MUP replied that it doesn’t have such information.³⁶⁵

359 Ibid, paras. 17-18; ICTY Trial Chamber Judgment in *Đorđević*, 23 February 2011, Vol. 1, para. 987.

360 Witness statement of K72, ICTY, *Šainović et al.*, ex. no. P2551, para. 19.

361 Ibid, para. 20.

362 Information concerning “Refrigerated Lorry”, 25 May 2001, Ministry of the Interior of the Republic of Serbia, *Đorđević*, ex. no. P387, pp. 3-4.

363 Ibid, p. 4

364 Minutes of the MUP Staff meeting of 7 May 1999, Ministry of the Interior of the Republic of Serbia, *Šainović et al.*, ex. no. P1996, pp. 9-10.

365 MUP, reply no. 9609/15-2, 17 September 2015.



202. All the individuals who took part in the transportation of bodies to Serbia and their burial in mass graves were subordinated to Vlastimir Đorđević, Head of the RJB at the time.³⁶⁶ Petar Zeković, Assistant Minister of the Interior and Head of the Joint Affairs Administration of the MUP, issued instructions concerning the collection of bodies in Kosovo and their transportation to the “13 Maj” training centre of the MUP Anti-terrorist Unit (SAJ) located at Batajnica and Petrovo Selo.³⁶⁷ Zeković was also responsible for the use of the MUP vehicles which were used for transporting corpses from Kosovo to central Serbia.³⁶⁸

203. To the HLC’s request for information on whether Petar Zeković is still employed by the MUP, the MUP replied that it doesn’t have such information.³⁶⁹

204. Members of Serbian forces transported at least 885 bodies of killed Kosovo Albanians to clandestine locations in Serbia, and buried them in clandestine locations, either within MUP facilities (the SAJ training ground in Petrovo Selo and SAJ training centre at Batajnica), or in the vicinity of VJ facilities (Rudnica and Batajnica), or in remote inaccessible places (Kladovo, Perućac).

205. The bodies of civilians killed in Operation *Reka* were transported to Serbia and buried in eight mass grave sites located on the shooting range of the SAJ training centre at Batajnica. The SAJ training centre consisted of several buildings and a shooting range.³⁷⁰ Right next to the centre there were the VJ ‘13 Maj’ barracks. The barracks were bombed at the onset of the NATO intervention, because of which its staff and SAJ’s equipment were relocated several kilometres from the centre.³⁷¹ The VJ barracks were not in use at the time.

206. Regarding the manner in which the bodies were transported and buried at Batajnica and other mass grave sites in Serbia, 20 witnesses – both former and active members of the MUP – gave evidence before the ICTY on this matter.

207. Božidar Protić, a driver for the MUP, described in detail how the bodies were transported. In April 1999, he received an order from his superior, Petar Zeković, to carry out a task which Zeković said was “very important for the state.”³⁷² In April and May 1999, Protić transported to Serbia in his lorry the corpses of Kosovo Albanians killed in Kosovo. He made four trips to Serbia – three to Batajnica and one to Petrovo Selo.³⁷³

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366 ICTY Trial Chamber Judgment in *Đorđević*, 23 February 2011, Vol. 2, para. 1978.

367 Ibid, para. 1979.

368 Ibid.

369 MUP, reply no. 9608/15-2, 11 September 2015.

370 Witness statement of K87, ICTY, *Šainović et al.*, ex. no. P2847, paras. 7, 11.

371 Witness statement of K88, ICTY, *Šainović et al.*, ex. no. P2800, para. 11. The Ministry of Defence rejected the HLC’s request for information of public importance in which it requested information on whether the ‘13 Maj’ barracks were in operation during April and May 1999, calling upon the protection of secret and personal data. Ministry of Defence decision no. 5869-4, 15 September 2015.

372 Examination of witness Božidar Protić of 5 December 2003, District Court in Belgrade, *Šainović et al.*, ex. no. P2816, p. 2.

373 Minutes of gathering information from Božidar Protić as a private citizen No. 03/4-3-1 407/06 of 29 June 2006, Ministry of the Interior – Police Directorate – Crime Police Administration – War Crimes Detection Service, *Šainović et al.*, ex. no. P2817.



208. Two MUP members who took part in the reburial of the bodies in graves at Batajnica gave evidence before the ICTY under the witness protection scheme (as K87 and K88). In early April 1999, K87 was given the task by Vlastimir Đorđević himself to bury in temporary graves the bodies contained in two lorries that were located at the SAJ centre at Batajnica. The first victims to be buried at the SAJ centre in early April 1999 were those contained in the refrigerated lorry that had been discovered in Tekija, near Kladovo [see paras. 210-212].³⁷⁴ Towards the end of April and beginning of May 1999, protected witnesses K87 and K88 took part in the burial and concealment of bodies that had been brought in several lorries to the SAJ centre.³⁷⁵

209. Over a period of 20 days during April and May 1999, more than 700 bodies of Kosovo Albanians were buried in eight mass graves in Batajnica.³⁷⁶

1.4. Discovery of the mass grave at Batajnica and exhumations

210. On 1 May 2001, *Timočka krimi revija* from Zaječar published an article titled “50 corpses in a refrigerated lorry – a state secret”. In it, driver Živojin Đorđević, who helped to pull the refrigerated lorry out from the Danube, described to the author of the article, Dragan Vitomirović, how the lorry was discovered in Tekija near Kladovo in early April 1999. The author said in the text that officials of the Kladovo Police Department, the Public Prosecutor and the competent investigating judges were all informed about the bodies found in the refrigerated lorry, but that “shortly afterwards an instruction came from ‘above’ to declare this information a state secret”.³⁷⁷

211. A few days after the publication of the article, the then Minister of the Interior, Dušan Mihajlović, and the Chief of the RJB Sreten Lukić, formed a working group to investigate the allegations contained in the article. The working group comprised Dragan Karleuša, Dragan Furdulović, Head of the MUP Department for the Control of Legality, Bora Banjac, Head of the MUP Property Crime Section, Dragan Mirčić and Milorad Veljović (for a certain period).³⁷⁸

374 Witness statement of K87, ICTY, *Đorđević*, ex. no. P1414, paras. 13, 24. Testimony of K87, 15 May 2010, *Đorđević*, pp. 14161,14155.

375 Witness statement of K87, ICTY, *Šainović et al.*, ex. no. P2847, paras. 18, 19, 21, 22; Witness statement of K88, ICTY, *Šainović et al.*, ex. no. P2800, paras. 19, 20, 22, 23, 28.

376 Witness statement of K88, ICTY, *Šainović et al.*, ex. no. P2800, para. 31; According to the report of the Serbian authorities, a total of 705 mortal remains were exhumed at Batajnica. After the mortal remains were delivered to the morgue in Rahovec/Orahovac, the OMPF established causes of death for 744 mortal remains. This discrepancy occurred because the report of the Serbian authorities did not include the mortal remains exhumed from two of the Batajnica grave sites, namely Batajnica VI and Batajnica VIII. ICTY Trial Chamber Judgment in *Đorđević* of 23 February 2011, Vol. 2, para. 1460-1; In September 2014, the Serbian OWCP ordered re-examination of the “Shooting Range” site at Batajnica, from where the mortal remains of Kosovo Albanians killed during the conflicts in Kosovo were exhumed in 2001 and 2002. Namely, there are indications that one site has not been examined yet, because a tent used during exhumations was set up above it. OWCP’s press release, “Prosecutor orders new probes into Batajnica site”, 29 September 2014, available at http://www.tuzilastvorz.org.rs/html_trz/VESTI_SAOPSTENJA_2014/VS_2014_09_29_ENG.pdf accessed on 24 September 2015.

377 “50 bodies in a refrigerator truck – state secret”, *Timočka krimi revija*, 1 May 2001, *Đorđević*, ex. no. P365.

378 Witness statement of Dragan Furdulović, ICTY, *Šainović et al.*, ex. no. 6D1605, para. 3. ICTY Trial Chamber Judgment in *Đorđević*, 23 February 2011, Vol. 2, para. 1369.



212. The working group commenced its work on 12 May 2001. It interviewed more than 30 persons suspected of knowing something about the bodies contained in the refrigerated lorry discovered in April 1999 near Kladovo.³⁷⁹ The working group issued two press releases concerning the progress of the investigation. In the second press release, the working group said, among other things, that it had established that the bodies, after being found in the refrigerated lorry that surfaced near Tekija in 1999, were transported to the SAJ centre at Batajnica.³⁸⁰

1.5. Exhumation of bodies and establishing causes of death³⁸¹

213. In June 2001, Goran Čavlina, an investigating judge with the District Court in Belgrade, ordered that the corpses be exhumed for examination and autopsy.³⁸²

214. The remains of 309 Kosovo Albanians killed in the Reka operation were exhumed in 2001 and 2002 from three mass graves (Batajnica II, III, V and VIII) - 257 from Batajnica II, three victims from Batajnica III, 47 from Batajnica V, and two from Batajnica VIII.³⁸³

1.5.1. Autopsy findings

215. Between June 2001 and December 2002, an expert team led by Dr Dušan Dunjić of the Forensic Medicine Institute in Belgrade, performed the exhumation and forensic examination of the mortal remains contained in all eight mass graves discovered at the SAJ centre at Batajnica.³⁸⁴

216. The Serbian forensic team could not establish the causes of the deaths of any of the victims exhumed from the grave sites at Batajnica. As explained by the team, the advanced state of decomposition of the bodies and the absence of vital bodily organs and tissue rendered it not only impossible for them to determine the causes of death, but it also repudiated any other possible causes of death. Furthermore, the forensics, even when recording some fatal injuries on the bodies, such as gunshot wounds, did not record them as relevant to the final findings as to the causes of death. The ICTY held that the Serbian team did not consider some contextual information to be relevant, e.g. the fact that all the bodies were found together and that each of them had a gunshot wound to the head.³⁸⁵

217. Following the exhumation and forensic examination performed by Serbian pathologists, the mortal remains were handed over to the Office on Missing Persons and Forensics (OMPF) in Kosovo. A team of

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³⁷⁹ Witness statement of Dragan Furdulović, ICTY, *Šainović et al.*, ex. no. 6D1605, paras. 5-6.

³⁸⁰ Information provided by the working group on 26 June 2001, Ministry of the Interior of the Republic of Serbia, *Šainović et al.*, ex. no. P568.

³⁸¹ For more detail about the exhumations and forensic expertise, see the HLC report "Fate of the Missing Albanians in Kosovo" at <http://www.hlc-rdc.org/wp-content/uploads/2013/07/Sudbina-nestalih-Albanaca-izvestaj-ENGL-23.11.2005-ff.pdf>, accessed on 4 September 2015.

³⁸² Witness statement of Dragan Furdulović, ICTY, *Šainović et al.*, ex. no. 6D1605, para. 6.

³⁸³ ICTY Trial Chamber Judgment in *Đorđević*, 23 February 2011, Vol. 2, paras. 1493, 1500, 1506; HLC Database.

³⁸⁴ Witness statement of Dušan Dunjić, ICTY, *Đorđević*, ex. no. P526, paras. 3, 5, 6, 7.

³⁸⁵ ICTY Trial Chamber Judgment in *Đorđević*, 23 February 2011, Vol. 2, para. 1463.



OMPF pathologists³⁸⁶ performed a second identification of the mortal remains.³⁸⁷ Where inconsistencies were found between the mortal remains in body-bags and what was specified in the corresponding autopsy findings of the Serbian forensics, the OMPF team performed a second forensic examination.

218. The OMPF reported having received the mortal remains of 744 individuals exhumed in Batajnica and that it was able to determine the most probable cause of death of 506 of the victims.³⁸⁸ Nearly all of the victims for which the OMPF was able to determine the most probable cause of death had one or more gunshot wounds.³⁸⁹ As was explained by the OMPF team leader, where the mortal remains were in an advanced state of decomposition, as was the case with the mortal remains unearthed at Batajnica, it is not the mechanism of death which is being determined, but only the most probable cause of death.³⁹⁰

2. Crime that has gone uninvestigated

219. Despite the magnitude of the crimes committed in the course of Operation *Reka* and the fact that it was one of the biggest crimes committed in the wars in the former Yugoslavia, the competent authorities of the Republic of Serbia have never investigated those responsible – the individuals who committed the crime, or ordered it, or aided or instigated it, or concealed the evidence about it, or were obliged to prevent it from happening, or to punish the perpetrators.

220. Not even the fact that the bodies of the victims killed in this operation were brought to Serbia and hidden practically in the capital city of Serbia, some 15 kilometres from the city centre, nor the extensive body of material that the ICTY compiled about these crimes, has succeeded in triggering any investigation into these crimes.

2.1. Response of the civil authorities

221. The civil authorities in Đakovica (Police, Prosecutor's Office and Court) that were competent to conduct an investigation into this matter were apparently not interested in prosecuting those responsible

386 The OMPF team consisted of pathologists, anthropologists, radiographers, scene of crime officers and odontologists. The head of the team was forensic anthropologist Jose Pablo Baraybar.

387 Witness statement of Jose Pablo Baraybar, ICTY, *Đorđević*, ex. no. P453, paras. 20, 21, 23, 27-29. Cooperation between the FRY and UNMIK was based on three protocols signed on 5 November 2001, namely: the Protocol on the exchange of information, the Protocol on the exchange of forensic experts and expertise and the Protocol on cross-border repatriation of identified remains.

388 Witness statement of Jose Pablo Baraybar, ICTY, *Đorđević*, ex. no. P455, p. 1. The inconsistency between the number of bodies reported to have been handed over by Serbian authorities to the OMPF and the number of bodies received and examined by the OMPF could be explained by the omission from the report of the Serbian authorities of the mortal remains exhumed at two of the grave sites at Batajnica (Batajnica VI and Batajnica VIII), as well by inconsistencies between what was stated on the labels on body-bags and their actual content, as some body-bags contained mixed mortal remains belonging to various persons. See: Expert Report on Exhumations, International Commission on Missing Persons, *Đorđević*, ex. no. P815, p. 4. Testimony of Jose Pablo Baraybar, 19 March 2009, *Đorđević*, p. 2526.

389 Witness statement of Jose Pablo Baraybar, ICTY, *Šainović et al.*, ex. no. P2794, Addendum C, pp. 14-15.

390 Testimony of Jose Pablo Baraybar, 23 March 2009, *Đorđević*, p. 2268.



for the crimes. In a trial before the ICTY, an Inspector at the Gjakovë/Đakovica SUP, Radovan Zlatković,³⁹¹ claimed that the Crime Police of the Gjakovë/Đakovica SUP conducted on-site investigations in late April 1999³⁹² and found between 30 and 40 bodies with gunshot wounds in the villages of Rramoc/Ramoc, Ponošec/Ponoševac, Korenicë/Korenica, Nivokaz, Smonicë/Smonica, as well as in other villages in the Reka e Keq/Reka Valley.³⁹³ According to Zlatković, the bodies of unidentified civilians were buried at the Muslim cemetery in Gjakovë/Đakovica, and those identified were handed over to their respective family members for burial.³⁹⁴

222. According to Zlatković, the interviewing of the members of the MUP and VJ who were deployed in that area of the Reka e Keq/Reka Valley “had been planned” but was never carried out.³⁹⁵ Once the NATO intervention ended in June 1999, the officers of the Gjakovë/Đakovica SUP had to leave Kosovo, which is why the investigation was not completed.³⁹⁶ Zlatković stated that he did not see the bodies of the 300 people killed in Mejë/Meja, and that he first learned of the killings from newspapers after the discovery of the mass grave at Batajnica.³⁹⁷

223. Zlatković’s claim that some of the bodies of victims were handed over to their families has not been confirmed by any of the more than 200 statements that family members of the civilians killed in the Reka e Keq/Reka Valley have given to the HLC. This claim is also contradicted by the very fact that at the time when police officers of the Gjakovë/Đakovica SUP ostensibly found the bodies, the family members of the victims, as well as other local residents, had already been expelled and sent to Albania.

224. In 2004, at the beginning of their work, the OWCP announced that it would conduct an investigation into the crimes committed in Mejë/Meja and Korenicë/Korenica. However, the investigation has not been launched to date.³⁹⁸ In early 2015, the War Crimes Prosecutor, Vladimir Vukčević, commenting on the INTERPOL notice for the individuals suspected of having committed the crimes in Mejë/Meja and Korenicë/Korenica, said that the OWCP “was looking at the crime in Meja” and had obtained “some insights about the event and possible perpetrators.”³⁹⁹

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391 The ICTY Chamber in *Šainović et al.* found Zlatković’s evidence to be unreliable, as he did not provide a satisfactory account of the investigations he conducted into the bodies found. See the ICTY Trial Judgment in *Šainović et al.*, 26 February 2009, Vol. 2, para. 87.

392 Testimony of Radovan Zlatković, 14 April 2008, *Šainović et al.*, pp. 25296-25297.

393 Testimony of Radovan Zlatković, 15 April 2008, *Šainović et al.*, pp. 25285, 25298-25299.

394 Witness statement of Radovan Zlatković, ICTY, *Šainović et al.*, ex. no. 6D1627, para. 42.

395 Testimony of Radovan Zlatković, 15 April 2008, *Šainović et al.*, pp. 25313-25314.

396 Ibid.

397 Ibid, pp. 25314-25315.

398 Radio Free Europe, transcript of the programme “The Hague Chronicles”, 16 June 2004, available in Serbian at http://www.tuzilastvorz.org.rs/html_trz/DRUGI_O_NAMA/DON_2004_06_16_LAT.PDF accessed on September 22nd 2015

399 V.C. Spasojević, “Vladimir Vukčević: We have no evidence against Momir Stojanović”, *Večernje novosti online*, 4 March 2015, available in Serbian at <http://www.novosti.rs/vesti/naslovna/dosije/aktuelno.292.html:536864-Vladimir-Vukcevic-Nemamo-dokaze-protiv-Stojanovica>, accessed on 4 September 2015.



2.2. Activities of the VJ

225. According to the applicable regulations, it was the responsibility of the VJ and Military Police security organs to conduct an investigation into the crimes.⁴⁰⁰ Neither the VJ security organs nor the Prosecutor's Office investigated the crimes committed in the course of Operation *Reka*, although they apparently had information about them.

226. Momir Stojanović, Head of the Security Department of the PrC Command,⁴⁰¹ the body responsible for collecting information about criminal activities of VJ members, claimed before the ICTY that he had no reasons to suspect that crimes were committed during the operation. In Stojanović's evidence, it was only on 28 April 1999 that he received a verbal report from his subordinates that the VJ and MUP were conducting Operation *Reka*, as a result of which many civilians were leaving their homes.⁴⁰² Stojanović further said that the report did not lead him to believe that civilians left their homes as a result of expulsion.⁴⁰³ He also claimed that he only learnt several years later from the media about the killings of civilians, when a mass grave site was discovered at Batajnica.⁴⁰⁴

227. Not even after the discovery of the mass grave site at Batajnica did the competent VJ organs launch an investigation into this matter. Stojanović, who between 2003 and 2004 held the posts of the Head of the Military Security Service Administration and of the Head of Military Security Agency, said that he did not conduct any investigation because "he did not receive such a request from the state judiciary and because it was difficult to gain access to the site for security reasons".⁴⁰⁵ Given the powers that Stojanović had under the law, the ICTY considered it "nonsensical [...] that the Chief of Security could not obtain access to a MUP property such as the Batajnica SAJ centre for security reasons; even international forensic teams were able to gain access at the same time."⁴⁰⁶

400 Article 30 of the Law on the Army of Yugoslavia (Official Gazette of the FRY No. 43, 1994); Article 52 of the Law on Military Tribunals (Official Gazette of the FRY, No. 11, 1995).

401 The role of M. Stojanović was discussed in more detail in VI.i.

402 Testimony of Momir Stojanović, 25 February 2010, *Đorđević*, pp. 11927-11928, 11932.

403 Ibid, p. 11928.

404 Ibid, p. 11938.

405 Ibid, pp. 11940-11941.

406 ICTY Trial Chamber Judgment in *Đorđević*, 23 February 2011, Vol. 1, para. 999.



1. Mark (Gjon) Abazi (1962)
2. Pashk (Gjon) Abazi (1959)
3. Pjeter (Mark) Abazi (1946)
4. Bekim (Muharrem) Ademaj (1981)
5. Shemsi (Binak) Ademaj (1961)
6. Isuf (Avdyl) Ademi (1963)
7. Mazllam (Bajram) Ademi (1982)
8. Liridon (Qaush) Ahmetaj (1982)
9. Ahmet (Mustafe) Ahmeti (1944)
10. Ahmet (Ramadan) Ahmeti (1934)
11. Blerim (Hysen) Ahmeti (1980)
12. Hysen (Sadik) Ahmeti (1931)
13. Malë (Avdyl) Ahmeti (1936)
14. Ali (Mustafë) Aliaj (1949)
15. Zenun (Ramë) Aliaj (1955)
16. Adem (Haxhi) Alijaj (1944)
17. Agron (Adem) Alijaj (1982)
18. Arben (Adem) Alijaj (1980)
19. Sali (Ramë) Alijaj (1946)
20. Ymer (Xhemajl) Avdullahu (1982)
21. Afrim (Hysen) Avdyli (1980)
22. Avdyl (Selid) Avdyli (1952)
23. Bajrush (Riza) Avdyli (1983)
24. Hysen (Ukë) Avdyli (1943)
25. Mehmet (Din) Avdyli (1957)
26. Myhedin (Ali) Avdyli (1973)
27. Lavdim (Xhafer) Bajraktari (1976)
28. Ali (Kadri) Bajrami (1944)
29. Shaban (Bajram) Bajrami (1972)
30. Sylë (Halil) Bajrami (1962)
31. Xhafer (Hamzë) Bajrami (1964)
32. Xhavit (Ali) Bajrami (1972)
33. Ali (Sali) Bala (1924)
34. Bajram (Ali) Bala (1953)
35. Mehmet (Ali) Bala (1961)
36. Përparim (Ali) Bala (1970)
37. Ragip (Zenun) Balijs (1969)
38. Demush (Selim) Bardheci (1970)
39. Idriz (Din) Bardheci (1974)
40. Haki (Dervish) Batusha (1970)
41. Armend (Muhamet) Beqaj (1982)
42. Bajram (Brahim) Beqaj (1958)
43. Bedri (Brahim) Beqaj (1963)
44. Ibrahim (Sylejman) Beqaj (1971)
45. Dritan (Ymer) Beqaj (1982)
46. Emin (Beqë) Beqaj (1965)
47. Kujtim (Tafë) Beqaj (1983)
48. Mentor (Rasim) Beqaj (1980)
49. Milazim (Beqë) Beqaj (1968)
50. Ramadan (Shaban) Beqaj (1942)
51. Rasim (Brahim) Beqaj (1953)
52. Tafë (Shaban) Beqaj (1949)
53. Ymer (Brahim) Beqaj (1949)
54. Albert (Tahir) Beqiraj (1978)
55. Arsim (Musa) Beqiraj (1982)
56. Sylë (Haxhi) Beqiraj (1944)
57. Tahir (Haxhi) Beqiraj (1941)
58. Daniel (Ibish) Berisha (1959)
59. Halil (Ukë) Berisha (1950)
60. Kolë (Ibish) Berisha (1950)
61. Mark (Lukë) Berisha (1931)
62. Ajne (Cene) Binaku (1913)
63. Avni (Adem) Binaku (1957)
64. Binak (Hysen) Binaku (1965)
65. Smajl (Hysen) Binaku (1963)
66. Ismet (Ali) Bobi (1978)
67. Xhevdet (Ali) Bobi (1967)
68. Istref (Rrustem) Curri (1967)
69. Izet (Rrustem) Curri (1973)
70. Gjon (Ukë) Dedë (1937)

71. Linton (Pashk) Deda (1983)
72. Mark (Ukë) Deda (1952)
73. Martin (Pjetër) Deda (1967)
74. Pashk (Ukë) Deda (1958)
75. Pjetër (Ukë) Deda (1935)
76. Errok (Nikë) Dedaj (1965)
77. Gjokë (Nikolle) Dedaj (1959)
78. Mikel (Nikë) Dedaj (1962)
79. Musë (Ndue) Dedaj (1942)
80. Nikollë (Gjoke) Dedaj (1981)
81. Deli (Miftar) Deliu (1962)
82. Agostin (Mark) Duzhmani (1964)
83. Agron (Tome) Duzhmani (1982)
84. Frane (Mark) Duzhmani (1976)
85. Gëzim (Ndue) Duzhmani (1974)
86. Kolë (Mark) Duzhmani (1928)
87. Manol (Ndue) Duzhmani (1979)
88. Marjan (Ndue) Duzhmani (1968)
89. Mikel (Mark) Duzhmani (1967)
90. Palë (Kolë) Duzhmani (1966)
91. Pashk (Ndue) Duzhmani (1965)
92. Malë (Bajram) Fazlija (1955)
93. Haxhi (Avdullah) Fetaj (1959)
94. Lulzim (Zef) Gashi (1968)
95. Robert (Zef) Gashi (1970)
96. Brahim (Muharrem) Gaxherri (1961)
97. Fadil (Avdyl) Gaxherri (1964)
98. Hasan (Hajdar) Gaxherri (1971)
99. Xhafer (Adem) Gaxherri (1933)
100. Demë (Ali) Gjocaj (1960)
101. Ardian (Ibrahim) Gjokaj (1976)
102. Asllan (Brahim) Golaj (1958)
103. Avdi (Murat) Golaj (1968)
104. Idriz (Mehmet) Golaj (1943)
105. Musë (Rexhë) Golaj (1975)
106. Ramë (Mehmet) Golaj (1964)
107. Rexhë (Mehmet) Golaj (1945)
108. Skënder (Bajram) Hadërgjonaj (1982)
109. Faik (Sadik) Hajredini (1956)
110. Hysni (Ymer) Hajredini (1964)
111. Qamil (Hazir) Hajredini (1965)
112. Elson (Miter) Hasanaj (1971)
113. Gjon (Palush) Hasanaj (1933)
114. Luan (Shyt) Hasanaj (1982)
115. Miter (Palush) Hasanaj (1943)
116. Ndue (Palush) Hasanaj (1939)
117. Shyt (Gjon) Hasanaj (1954)
118. Ibër (Ukë) Hasani (1953)
119. Mentor (Sadri) Haxha (1974)
120. Afrim (Isuf) Haxhija (1963)
121. Avdi (Jashar) Haxhija (1976)
122. Florim (Isuf) Haxhija (1965)
123. Tahir (Alush) Haxhija (1950)
124. Ardian (Bajram) Hoxha (1983)
125. Bajram (Zenun) Hoxha (1955)
126. Blendian (Bajram) Hoxha (1981)
127. Fadil (Hamdi) Hoxha (1960)
128. Fitim (Sadik) Hoxha (1967)
129. Hajrullah (Hysni) Hoxha (1972)
130. Naim (Hysni) Hoxha (1974)
131. Ramiz (Shaban) Hoxha (1957)
132. Rifat (Ilijaz) Hoxha (1966)
133. Gaffur (Rrustem) Hykosmani (1970)
134. Binak (Ramë) Hyseni (1982)
135. Masar (Ismajl) Idrizi (1978)
136. Elez (Tafë) Imeri (1940)
137. Halit (Mustafe) Imeri (1942)
138. Hasan (Halit) Imeri (1975)
139. Hysen (Halit) Imeri (1981)
140. Zenel (Xhafer) Imeri (1958)

141. Demë (Ali) Islamaj (1936)
142. Bajram (Bekë) Isufi (1983)
143. Isa (Bekë) Isufi (1980)
144. Andrush (Nikolle) Kabashi (1981)
145. Arben (Sokol) Kabashi (1975)
146. Nikollë (Zef) Kabashi (1956)
147. Pjetër (Tunë) Kacoli (1964)
148. Tomë (Tunë) Kacoli (1976)
149. Besim (Bajram) Kameri (1970)
150. Brahim (Rrustem) Kameri (1927)
151. Gëzim (Halim) Kameri (1970)
152. Muharrem (Malë) Kameri (1963)
153. Rrustem (Sadri) Kameri (1958)
154. Shpend (Malë) Kameri (1950)
155. Fronë (Prenk) Komani (1971)
156. Nikollë (Gjokë) Komani (1963)
157. Pashkë (Prenk) Komani (1966)
158. Luz (Mark) Kqira (1960)
159. Mikel (Ndue) Kqira (1962)
160. Pashkë (Dedë) Kqira (1959)
161. Albert (Ndrec) Krasniqi (1980)
162. Llazer (Dedë) Krasniqi (1960)
163. Mark (Hil) Krasniqi (1975)
164. Ndue (Bibë) Krasniqi (1966)
165. Pjetër (Dedë) Krasniqi (1966)
166. Halil (Mehmet) Kuqi (1938)
167. Hasan (Brahim) Kuqi (1962)
168. Shpend (Avdyl) Kuqi (1980)
169. Ilmi (Rexhep) Kurpali (1980)
170. Haki (Muhamet) Kurtaj (1980)
171. Isa (Osman) Kurtaj (1969)
172. Muhamet (Osman) Kurtaj (1954)
173. Sami (Qazim) Kurtaj (1970)
174. Anton (Zef) Lleshi (1974)
175. Gjergj (Zef) Mala (1945)

176. Vilson (Gjergj) Mala (1972)
177. Blerim (Vatë) Malaj (1983)
178. Klaudie (Kole) Malaj (1984)
179. Kolë (Nikë) Malaj (1955)
180. Monike (Zef) Malaj (1934)
181. Vatë (Mark) Malaj (1962)
182. Burim (Ibrahim) Maloku (1981)
183. Petrit (Hajdar) Maloku (1977)
184. Ymer (Hazir) Maloku (1960)
185. Besim (Muhamet) Malushaj (1963)
186. Isat (Qazim) Malushaj (1972)
187. Shefki (Mustafë) Malushaj (1961)
188. Pjeter (Smajl) Marashi (1969)
189. Bekim (Mark) Markaj (1974)
190. Dedë (Zef) Markaj (1963)
191. Gëzim (Sokol) Markaj (1978)
192. Gjovalin (Dedë) Markaj (1963)
193. Mark (Zef) Markaj (1939)
194. Milan (Dedë) Markaj (1964)
195. Pashuk (Prend) Markaj (1958)
196. Petrit (Mark) Markaj (1970)
197. Prend (Zef) Markaj (1932)
198. Sokol (Zef) Markaj (1936)
199. Agron (Gani) Mehmeti (1978)
200. Arben (Gani) Mehmeti (1980)
201. Gani (Elez) Mehmeti (1954)
202. Hysen (Mehmet) Mehmeti (1955)
203. Hysni (Ali) Mehmeti (1959)
204. Mehmet (Rame) Mehmeti (1981)
205. Muharrem (Sali) Mehmeti (1931)
206. Qaush (Bajram) Mehmeti (1954)
207. Ramë (Ramë) Mehmeti (1956)
208. Sami (Muharrem) Mehmeti (1979)
209. Marash (Mhil) Merturi (1970)
210. Bajram (Rexhep) Meta (1984)

211. Ismet (Lahë) Miftari (1977)
212. Brahim (Isuf) Miroci (1981)
213. Fahredin (Magjun) Miroci (1975)
214. Isuf (Elez) Miroci (1955)
215. Sokol (Ramë) Miroci (1957)
216. Kolë (Palush) Ndrejaj (1954)
217. Ndrec (Ndue) Ndrejaj (1967)
218. Pashk (Zef) Ndrejaj (1960)
219. Ndue (Adem) Ndue (1931)
220. Sokol (Adem) Ndue (1954)
221. Ahmet (Tafë) Neziri (1974)
222. Sokol (Malë) Nuza (1948)
223. Shpend (Sylejmon) Osmani (1928)
224. Avdyl (Mehmet) Pajaziti (1958)
225. Gani (Rexhep) Pajaziti (1962)
226. Halil (Mujë) Pajaziti (1975)
227. Haxhi (Muharrem) Pajaziti (1984)
228. Idriz (Mehmet) Pajaziti (1954)
229. Ismet (Rexhep) Pajaziti (1969)
230. Mujë (Isuf) Pajaziti (1947)
231. Qerim (Pajazit) Pajaziti (1969)
232. Shkëlzen (Mujë) Pajaziti (1980)
233. Shpend (Halit) Pajaziti (1943)
234. Smajl (Mehmet) Pajaziti (1951)
235. Zenel (Mehmet) Pajaziti (1950)
236. Mire (Zef) Paloka (1955)
237. Musë (Nikollë) Paloka (1956)
238. Kolë (Zef) Palokaj (1916)
239. Mark (Leke) Palokaj (1944)
240. Ukë (Mark) Pepaj (1983)
241. Gasper (Mhill) Pjetri (1966)
242. Ilirjan (Pashk) Pjetri (1975)
243. Skënder (Mhill) Pjetri (1971)
244. Ardian (Marash) Prela (1981)
245. Driton (Pale) Prela (1974)
246. Gjergj (Prele) Prela (1970)
247. Sokol (Prele) Prela (1965)
248. Tomë (Kolë) Prela (1962)
249. Gjergj (Gjon) Prendi (1978)
250. Leonard (Pale) Prendi (1978)
251. Mark (Gjon) Prendi (1973)
252. Palë (Nikë) Prendi (1950)
253. Pren (Mark) Prendi (1944)
254. Robert (Gjon) Prendi (1975)
255. Sokol (Gjon) Prendi (1962)
256. Vitor (Gjon) Prendi (1971)
257. Hajdar (Niman) Qestaj (1938)
258. Fiqiri (Bardh) Quni (1953)
259. Muharrem (Ali) Quni (1935)
260. Sutki (Muharrem) Quni (1979)
261. Adem (Sadri) Rama (1977)
262. Bujar (Arif) Rama (1972)
263. Nijazi (Xhafer) Rama (1977)
264. Sadri (Adem) Rama (1949)
265. Zenun (Rame) Rama (1966)
266. Zeqir (Metë) Rama (1972)
267. Sezai (Hazir) Ramaj (1963)
268. Tahir (Murat) Ramaj (1929)
269. Adem (Zenel) Rexha (1955)
270. Anton (Hajdar) Rexha (1979)
271. Avni (Idriz) Rexha (1971)
272. Bashkim (Rexhë) Rexha (1979)
273. Hamëz (Rexhep) Rexha (1937)
274. Ibër (Hasan) Rexha (1946)
275. Isuf (Adem) Rexha (1972)
276. Ruzhdi (Idriz) Rexha (1974)
277. Tahir (Adem) Rexha (1979)
278. Xhevdet (Hamëz) Rexha (1959)
279. Hysen (Zenel) Rragamaj (1949)
280. Bekim (Ali) Rrustemi (1971)

281. Dan (Osman) Rrustemi (1964)
 282. Xhafer (Osman) Rrustemi (1972)
 283. Ibër (Male) Sadiku (1959)
 284. Ismet (Miftar) Sadiku (1971)
 285. Osman (Beqe) Sadiku (1945)
 286. Ramiz (Sadik) Sadiku (1966)
 287. Sadik (Haxhi) Sadiku (1942)
 288. Rexhep (Ukë) Sadriu (1955)
 289. Shaqir (Muharrem) Sadriu (1952)
 290. Esat (Isuf) Sahiti (1965)
 291. Xhavit (Selman) Salcaj (1973)
 292. Osmon (Jakup) Salihaj (1952)
 293. Nimon (Salih) Salihu (1950)
 294. Bajram (Male) Salihu (1949)
 295. Jonuz (Bajram) Selmanaj (1963)
 296. Ali (Sahit) Selmani (1945)
 297. Baki (Xheme) Selmani (1973)
 298. Beqir (Muharrem) Selmani (1959)
 299. Burim (Xheme) Selmani (1979)
 300. Nexhat (Beqir) Selmani (1983)
 301. Sherif (Sahit) Selmani (1938)
 302. Shpend (Zenun) Selmani (1979)
 303. Ujkan (Ali) Selmani (1981)
 304. Xheme (Isuf) Selmani (1940)
 305. Zenun (Isuf) Selmani (1951)
 306. Agim (Hasan) Shehu (1965)
 307. Ahmet (Deli) Shehu (1946)
 308. Bujar (Beqë) Shehu (1981)
 309. Ismet (Hasan) Shehu (1969)
 310. Mehmet (Ramë) Shehu (1974)
 311. Ramë (Hasan) Shehu (1955)
 312. Elvis (Miftar) Shoshi (1980)
 313. Naser (Shaban) Shoshi (1974)
 314. Përparim (Shaban) Shoshi (1978)
 315. Gani (Imer) Smajli (1958)

316. Filip (Ibrahim) Sokoli (1954)
 317. Gjergj (Pjeter) Sokoli (1961)
 318. Kastriot (Pashk) Sokoli (1981)
 319. Kristë (Ibrahim) Sokoli (1969)
 320. Simon (Ibrahim) Sokoli (1962)
 321. Ismet (Zenun) Sylja (1951)
 322. Rexhep (Avdi) Sylja (1922)
 323. Bajram (Salih) Sylaj (1948)
 324. Bajram (Malë) Tahiraj (1944)
 325. Halil (Miftar) Tahiraj (1965)
 326. Isuf (Tahir) Tahiraj (1936)
 327. Osman (Tahir) Tahiraj (1952)
 328. Ramadan (Tahir) Tahiraj (1959)
 329. Rrustem (Sadri) Tahiraj (1977)
 330. Selman (Tafë) Tahiraj (1952)
 331. Xhevdet (Selman) Tahiraj (1975)
 332. Alban (Zenun) Xhemajlaj (1981)
 333. Hasan (Ramë) Xhemajlaj (1936)
 334. Isa (Ramë) Xhemajlaj (1944)
 335. Miftar (Hasan) Xhemajlaj (1966)
 336. Rifat (Isa) Xhemajlaj (1980)
 337. Shpend (Osman) Xhemajlaj (1978)
 338. Ukë (Osman) Xhemajlaj (1970)
 339. Shkëlzen (Zenun) Xhemajli (1979)
 340. Xhemajl (Ramë) Xhemajli (1953)
 341. Musa (Xhafer) Ymeri (1963)
 342. Xhafer (Musë) Ymeri (1931)
 343. Bajram (Lahë) Zenuni (1963)
 344. Xhevat (Hazir) Zenuni (1953)
 345. Zenel (Zeqë) Zenuni (1957)
 346. Hasan (Ramë) Zeqiri (1943)
 347. Arbër (Selim) Zyberi (1982)
 348. Beqir (Haxhi) Zyberi (1938)
 349. Gani (Sadri) Zyberi (1961)
 350. Skënder (Beqir) Zyberi (1969)

/handwritten: 29 April 1999

Send to: /illegible/
 Command 73 423
 /illegible/
 /?Colonel/ /illegible/

COMMAND OF THE 125TH mtbr
 /Motorised Brigade/
 Strictly confidential no. 2009-3
 24 April 1999

Military Secret
 STRICTLY CONFIDENTIAL

/handwritten: Pe} MUP /Ministry of the Interior/

Measures for the stabilisation of
 defence – Order

For the purpose of stabilising defence in the zone of the Brigade, I hereby issue the following

ORDER

1. Establish full combat control of the sectors covered by battalions – divisions by deploying units in a more suitable manner and taking hold of vital features by manoeuvring part of the troops.

Relocate units of the Pe} VOd /Military Department/, PJ /?Police Units/ Command, 177th VTOd /Military Territorial Detachment/, and 1/113th VTOd from the sectors previously assigned and occupy features around Pe} in order to block the area and protect our and other forces in the region. NB /Chief of Security/ and NObP /Chief of Intelligence and Security/ shall assess the number of the remaining [TS /?iptar /derogatory for Albanian/ terrorist forces/ in the area of responsibility of the Brigade and pass it on to the OONP /organ for operations and training/.

Assessment of the number of [TS in the area of responsibility of the Brigade

There are around 300 /iptar terrorists in the sector of Rugovska Klisura /gorge/ who are putting up resistance to our forces. In the areas of Racaj, Pacaj, [eremet and Dobro{ villages are some 200 individuals who took part in b/d /combat operations/ against the VJ /Yugoslav Army/ forces, and are now in these villages dressed in civilian clothes and posing as refugees. In the areas of Jablanica and @abelj villages are some 50 /iptar terrorists. Another 100 individuals who took part in combat operations against our forces are in the area of Blagoje, /?Naklo/, Zabr[e, Osoje, Ju{ka and Zaha~ villages wearing civilian clothes and living in their native villages.

Deadline: 25 April 1999
 Responsible: Commanders of battalions – divisions, VTJ /?military territorial units/, NB and NObP

2. Engage all MUP units in the area of responsibility of the Brigade as follows: g/s /main forces/ shall secure and control the territory, and p/s /auxiliary forces/ shall

maintain public order, secure private property of citizens, and guarantee the functioning of the organs of authority – Pe} MUP in the municipalities of Pe}, Istok and Klina, and \akovica MUP in the municipality of De~ani.

The 73rd Trod /expansion unknown/ of the MUP and the reserve brigade shall scour the ground in the triangle bordered by \akovica and Rastavica and [i{man villages.

Part of the forces of the 22nd Trod of the MUP, the 177th VTod and the 2nd Battalion of the 58th Ipbr /Light Infantry Brigade/ shall mop up Rugovska Klisura and Belopoljski Stanovi.

The NB shall prepare a proposal for the engagement of MUP forces in the area of responsibility of the Brigade.

Two companies from the 22nd MUP Manoeuvre Detachment have been deployed in the area of responsibility of the Brigade – the territory of Pe} municipality – and five companies from the 73rd MUP TrOd have been deployed as follows:

- in the sectors of Donji Streoc, Istini}, Gornja Luka and Donja Luka villages,
- in the sectors of Po`ar and Kodralija villages,
- in the sectors of Rzni} and Glo|ane villages,
- in the sectors of Junik, Babalo}, /?Rostovce/ and Prilep villages,
- in the sectors of Pono{evac, Korenica and Smonica villages.

A PJP /Special Police Unit/ from the Pe} MUP shall also act as a manoeuvre formation in combat operations in Rugovska Klisura.

Deadline: 25 April 1999
Responsible: Commanders of battalions – divisions, VTJ, NB, Chiefs of the Pe} and De~ani MUPs

3. Reception, accommodation and care for the civilian population shall be carried out in accordance with the orders already given by the Brigade Command.

The civilians shall be accommodated in secured settlements. Prevent any wilful treatment of the civilian population, especially by lower-ranking commanding officers (such as prohibiting their return to populated areas). MUP organs shall prepare lists of returnees for these populated areas and send one copy to the 125th mtbr Command.

Deadline: Ongoing task.
Responsible: Commanders of battalions – divisions and MUP Chiefs.

COMMANDER
Colonel Dragan @IVANOVIJ
/signed and stamped/

/handwritten: 2072-1/

/stamp: KEEP PERMANENTLY/

125TH mtbr /Motorised Brigade/ COMMAND

Strictly confidential no. 2072-1

27 April 1999

To the PrK /Priština Corps/ Command and the Đakovica IKM /Forward Command Post/

Regular Combat Report

Very Urgent

1. There are still ŠTS /Šiptar /Albanian/ Terrorist Forces/ at the Padež border post – Rasa e Kosares feature axis. During the reporting period, a group of some 50 members of the ŠTS have been spotted near the Padež border post. Firing positions of an 82 mm mortar have also been spotted at the rear slope of Vis, some 600 metres from the Padež border post. During 26 April, two helicopters were spotted rising above the Morina pass. They stayed there for a minute or two and again went down (disappeared from the visual field) in the territory of the RA /Republic of Albania/. So far, helicopters have been spotted flying in the territory of Albania towards our DG /state border/, but this was the first time they made the aforementioned manoeuvre and returned to the territory of Albania.

During the night of 26 and 27 April 1999, strong infantry fire was opened at our forces in the Rasa e Kosare and Košare village sectors, most probably with the aim to

make our forces withdraw. During the reporting period, a bst /recoilless gun/ was operational in the Rasa e Kosares sector (at the R /?inscription/ of Rasa e Kosares) and from Mala Glava, tt. /trig. point/ 1157 sector on our sectors in Škoza and Košare villages. In the Musina kuća /house/ sector, ammunition and food were brought in on horses and several wounded members of the ŠTS were pulled out.

During the day at 0800 hours, a column of Šiptar civilians was formed on the following axis: Šeremet village – Pačaj village - /illegible/ Đakovica and further on. We believe they want to pull out from the sector of operations of our forces in the general area of the Ramoč facility.

In the period between 1145 and 1215 hours, mortar fire was opened from the territory of Albania in the deployment sector of the PVO lav /light artillery platoon/ 20/3 /20 mm triple-barrel gun/ /?by some 500 metres/.

Our forces did not sustain any losses. Around 1530 hours, NATO aircraft opened fire from aircraft guns at our units engaged in mopping up operations and dropped IC /infra-red/ decoys. Our forces did not sustain any losses.

2. Units of the brigade are focused on reinforcement, setting up obstacles and making decoy firing positions. Part of the forces is engaged in mopping up the terrain from ŠTS in the general area of Reka, in keeping with your decision.

3. Our forces did not sustain any losses, and the losses of the ŠTS are unknown because mopping up of the terrain is still underway.

4. Morale: Despite harsh weather conditions, morale is satisfactory. The brigade is doing everything in its power to improve living conditions.

5. During 26 April 1999, fire was opened at NATO aircraft and the following ammunition was consumed: 1 S-2M missile, 450 shells for 20/3 mm /triple barrel gun/ and 130 shells for 30/2 mm /double barrel gun/.

6. The commander's decision for the next day: Continue fortification and laying obstacles in the defence sector. Step up vigilance on the state border, continue monitoring the situation in the Republic of Albania and continue work on making as many decoy firing positions for the artillery, anti-aircraft defence and OMJ /Armoured Mechanised Units/ as possible. Part of the forces to continue mopping up the general area of Reka in a concerted action with the MUP /Ministry of the Interior/

7. Requests:

Same as on the previous day.

/?/ ??R/M

Commander

Colonel

Dragan ŽIVANOVIĆ

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		(day and month)	(hour and minute)	(signature)
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		(day and month)	(hour and minute)	(signature)

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COMMAND, 125th mtbr /Motorised Brigade/

Strictly confidential no. 2072-2

28 April 1999

To: Command, PrK /Priština Corps/ and Đakovica IKM /Forward Command Post/

REGULAR COMBAT REPORT

1. During the reporting period the ŠTS /Šiptar /Albanian/ terrorist forces/ did not undertake any particular activities, particularly on the Padež border post (RA /Republic of Albanian/) – Rasa e Kosares axis except for sporadic rifle and machine-gun fire against our positions in the Rasa e Kosares sector and the Škoza feature.

We did not spot any particular activities in the RA border area. To back this up, a group of men were delivered as normal to work in the mine in the village of /?Stoberc/. Given their orange uniforms, we believe that they were miners. Our observation posts spotted 82-mm MB /mortar/ firing positions in the Maja Glava feature sector, from where our forces in the Morina sector came under fire, without consequences for our forces.

Over the course of the day, our subordinates heard on the walkie-talkie that increasing numbers of Muslims and Croats have appeared in recent times.

During the course of the night and the day, NATO aircraft have been very active in the brigade's zone. Several of our positions in the Juničko Polje sector were hit, as well as over Junik towards Jašić. At about 1000 hours today, they fired on the Planik feature (Ponoševac village) and disabled a 90-mm SO /expansion unknown/ (without any casualties). Between 1500 and 1900 hours yesterday, an unmanned drone flew over the general Junik village sector.

2. The focus of the brigade units' work has been on fortification, setting up obstacles and creating mock firing positions. Some forces have been used to clear the terrain of ŠTS in the general Reka sector, as per your decision.

3. On 26 April 1999, Saša MILOJEVIĆ, son of Milisav, was wounded when getting into a lorry. He died of his wounds on the way to hospital. He was born on 18 March 1978 in Kosovska Mitrovica. Address: Lesak village, 38219 Lesak. He had been in the unit since 26 March 1999. We do not know what casualties the ŠTS have.

4. Morale level: Due to conducting combat missions in high, mountainous terrain in difficult meteorological conditions as well as the sense of exhaustion and burden, morale in the 2nd mtb /Motorised Battalion/ and partly in the 1st mtb is at a satisfactory level while it is at the level in the other units.

5. Over the course of 27-28 April 1999, the following was consumed through firing on NATO aircraft:

- One S-2M missile
- 130 30-mm shells

6. Commander's decision for the forthcoming day:

- Continue with fortification and laying obstacles in the defence sector, increase alertness on the DG /state border/ and continue reconnaissance into the Republic of

Albania. Continue to produce as many mock firing positions for artillery, PVO /Anti-Aircraft Defence/ and OMJ /armoured mechanised units/ as possible.

7. Requests:

Replenish 30-mm ammunition.

VJ/RM

Commander

Colonel

Dragan ŽIVANOVIĆ

/incoming stamp:

RECEIVED:			28 April	1830 hours	/a signature/
			(day and month)	(hour and minute)	(signature)
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			(day and month)	(hour and minute)	(signature)
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			(day and month)	(hour and minute)	(signature)

Appendix 4

- From 2305 hours to 2325 hours, enemy aircraft fired six missiles on the Battalion's defence sector. No consequences.

26 April 1999

- We had a meeting with the PrK Chief of Staff at which we were informed of the military and political situation and given further tasks.
- We were given the task of blocking off the general sector of Korenica village.
- 1945 hours, Private Slaviša DMITROVIĆ unintentionally killed Private Petar MARKOVIĆ from the 2nd mtč.
- During the day, enemy aircraft flew several sorties. They did not fire on the defence sector.

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27 April 1999

- 0600 hours, the axis of Korenica village (tt 360) - cemetery - cross roads - Meja-Orize village - Kodra e Kikes was blocked off.
- 0835 hours, in the cemetery sector along the blockade axis, someone from a group of civilians, among whom were children, fired at the soldiers manning the blockade. Two soldier volunteers from the 1st mtč were wounded:
 1. Dobrica VUČKOVIĆ from Smederevo;
 2. Miroslav LAPADATOVIĆ from Kostolac.

The soldiers were given first aid and VUČKOVIĆ was taken to the Priština VMC /Military Medical Centre/ because his thigh bone was fractured.

- 1420 hours, enemy aircraft fired a missile on the facility of Guri i Mad. There were no consequences.
- 2105 hours, two missiles fired at the barracks. There were no casualties.

28 April 1999

- A part of the unit is blocking off the Reka feature.
- 0220 hours, the Šiptars tired to pull out of the blockade in the sector of Kodra e Kikes. The group was overwhelmed; one person was killed; a large amount of ammunition and shells for hand-held rocket launcher were seized.
- 1435 hours, a soldier-volunteer Branimir LETIĆ from Brčko was wounded in the head. After he was given first aid, we took him to the Priština VMC.
- Enemy aircraft flew sorties the whole day, there were no attacks on the defence sector.

/page 21/

29 April 1999

- A part of the unit is closing off the Reka sector.
- Enemy aircraft flew sorties throughout the day. They did not fire on our defence sector.
- 1630 hours, six vehicles carrying armed men came to the Zogaj village sector.
- 1920 hours, the civilians are moving out of the villages of Vlahu /as printed/, Dobruna and Zogaj to the Republic of Albania.

30 April 1999

- 0240 hours, enemy aircraft fired eight missiles on the Goden border post. The building and the repeater were destroyed. Two soldiers from the 2nd Border Company were slightly wounded:

		surgeons; The commander of the Priština Corps and the PkPO /Assistant Commander for Logistics/ of the Priština Corps will visit the unit tomorrow.		
10.	1900-2400 hrs	Because of bad weather (it was raining) the frequency of enemy aircraft flights decreased in comparison to the day. We received a decision from the KG /?Command Group/ command (IKM /forward command post/ of the Priština Corps) that our elements would be used in the Reka action. Major ODAK, Major PEJČINOVIĆ (kč /company commander/), one sv /rifle platoon/ from the pob /Anti-armour Battalion/ and two rifle platoons from the Command Battalion will be used. All material preparations for the mission have been carried out.	/a signature/	35 th day of war
1.	Đakovica Tuesday 27 April	Enemy planes violated the airspace more frequently since the early morning hrs. They attacked the usual targets, the <i>Devet Jugovića</i> barracks at 0420 hrs and the MUP building.		
2.	0800 hrs	The "Reka" clean-up operation began with the participation of the 1 st sard PVO mub /Manoeuvre Battalion/, the 1 st sv /Rifle Platoon/ with a kč /expansion unknown/ from /illegible/ and the 2 nd rifle platoon of the Command Battalion. The <i>Reka</i> operation was carried out according to plan and dynamics. Due to the absence of the commander (at the 2 nd and 4 th sard PVO) and the Chief of Staff, the command organs started the <i>Reka</i> operation as scheduled.		
3.	0830 hrs	NATO planes attacked Rakovina bridge with several projectiles and damaged /illegible/ from operation.		
4.	1100 hrs	The brigade commander attended an award ceremony of the Order of Gallantry at the Priština Corps command.		
5.	1700 hrs	Colonel TRAJKOVIĆ from Priština informed the brigade command post that soldier Toplica ILJIĆ of the 1 st sard		

	<ul style="list-style-type: none"> - Daily activities were focused was on securing the PrK command both while stationary or on the move. - The battalion's deployment was not changed. - The strength remains unchanged and stands at 124%. - The morale is really very good; there were no signs of defeatism, panic, or cowardice. - Communication lines with the PrK command are functioning superbly. 3. Logistical support - The logistics is functioning well. - No losses of manpower or equipment were sustained. - There was no consumption of ammunition, MES, or UbS. 	
11 April 1999, Sunday	<ul style="list-style-type: none"> 1. Enemy - There was no action against the battalion's positions during the day. 2. Our forces - Daily activities were focused was on securing the PrK command both while stationary or on the move. - Following an order given by the PrK NŠ /Chief of Staff/, two squads from the 4th VPSN(OT) and the 3rd Squad of the VPTD, along with two guides and two tracking dogs, were engaged in a search for the pilot in the general areas of the villages of Topličane, Lugadžije, Mužićane and Babljak. The pilot was not found. - The strength remains unchanged and stands at 124%. - The morale is really very good. 3. Logistical support - The logistics is functioning well. - No losses of manpower or MTS were sustained. - There was no consumption of ammunition, MES, or UbS. - 50 litres of Diesel and 50 litres of MB were used up. 	
12 April 1999, Monday	<ul style="list-style-type: none"> 1. Enemy - There was no action against the battalion's positions during the day. 2. Our forces - Following approval of the PrK commander, troops were withdrawn from Gračanica (1st Squad of the 4th VPSN(OT)) and from Kišnica (1st Platoon of the 1st ČVP). - A VP company was formed with additional 82mm O/expansion unknown/ MB /mortar/ as reinforcement at the state border. Yesterday, a large group of DTS /sabotage and terrorist forces/ (around 1,000 men) captured Košare and are relentlessly holding the occupied positions. - We have made all the necessary preparations in material terms and terms of morale. - Another lot of MTS was pulled out of the demolished facility within the KJ barracks compound. Maps were the main priority. 3. Logistical support - There was no consumption of ammunition, MES, or UbS. - No troops or MTS were lost. - The logistics is functioning well. 	
13 April 1999, Tuesday	<ul style="list-style-type: none"> 1. Enemy - There was no action against the bVP positions during the day. 2. Our activities - A VP company was formed made up of one platoon from the 1st ČVP, 1st Squad of the 4th VPSN, VPTD and an MB squad for an operation in the sector of the Morina border post. During the march, at around 0500 hours, an accident happened in which the following people were injured: Sergeant Vladica (son of Dragoslav) PETKOVIĆ, Private Igor (son of Dragan) ŠALIPUR, Private Nenad (son of Milan) STANISAVLJEVIĆ, and Private Dušan (son of Čedomir) ŽIVULOVIĆ. They were all taken to the KBC /Clinical Hospital Centre/. Upon arrival in the Morina border post sector, we were tasked by the chief of the PrK /O/B Security /Department/ to capture the border post in the village of Kamenica (Republic of Albania). The task was carried out, and our troops suffered no consequences. In the afternoon, the ČVP rejoined the bVP in Priština. 3. Logistical support - We used up 100 AP /automatic rifle/ bullets, four zolja rockets /for 	

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