

Special Prosecution Office of the Republic of Kosovo
Prokuroria Speciale e Republikës së Kosovës
Kancelarija Specijalnog Tužilaštva Republike Kosovo

Pristina, 22 August 2012

PPS 298/09

To the District Court of Pristina

Pursuant to Articles 304(1), 305 and 306 of the Kosovo Code of Criminal Procedure (KCCP) the undersigned Prosecutor, files this:

INDICTMENT

Against the following accused:

Name	Aleksandar BULATOVIC
Nickname	Aca
Father's name	██████████
Mother's name	██████████
Date of Birth	28.02.1975
Gender	Male
Nationality	Montenegrin
Place of Birth	Pristina
Current residence	Nis (Serbia)
Restrictive measures	In detention on remand since 13 August 2012

For the following criminal offence:

War crime against the civilian population, provided for and punished by **Articles 22 and 142 of the Criminal Code of the Socialist Federal Republic of Yugoslavia (CCSFRY)**, currently criminalized under Articles 23 and 121(1) of the Criminal Code of Kosovo (CCK), because, in violation of **Article 3 Common** to the four Geneva Conventions of 12 August 1949 (Common Article 3), and of **Article 13.2 of Protocol II** of 8 June 1977, Additional to the 1949 Geneva Conventions (Additional Protocol II), all rules of international law effective at the time of the internal armed conflict in Kosovo and at all times relevant to the present application, **the defendant**, in his capacity as member of the Serbian Police or paramilitary, in co-perpetration with P██████ B██████, M██████ P██████ and an undefined number of so far unidentified members of the Serbian Police or paramilitary, **violated the bodily integrity and health of Xh██████ I██████** a Kosovo Albanian civilian from Fushë Kosovo/Kosovo Polje, by repeatedly beating him and by slitting his throat; the defendant then abducted the victim, whose remains were later found in a grave in Vragoli/Vragolja

village, near Fushe Kosovo/Kosovo Polje.

- in Fushë Kosovo/Kosovo Polje, on 8 April 1999.

REASONING

1. The first requirement for the indictment is the existence of a well-grounded suspicion that the defendant committed the criminal offence he is charged with.
2. The key witness in the case is B [REDACTED] SH [REDACTED] a neighbor of the deceased. He was interviewed three times by the Police and once by the Prosecutor.
3. On his first interview, on the 8th June 2000, the witness referred that the victim suffered some injuries caused by the Serbian Police, but he could not give any further details about the perpetrators because they all wore skin masks. The witness could not see how he was abducted.
4. When interviewed on the 14th February 2002, he clarified that he didn't know who killed the victim or cut his throat but that he saw Xh [REDACTED] I [REDACTED] being beaten up by Aleksandar BULLATOVIC, P [REDACTED] B [REDACTED] and M [REDACTED] P [REDACTED]. He added that he and his family saw I [REDACTED] bleeding from the throat. When he tried to help him, M [REDACTED] v P [REDACTED] ([REDACTED]) approached and threatened him.
5. On the 1st of March 2003, in a photo line-up, he identified one of the suspects, Aleksandar BULLATOVIC, whose nick name is 'Acko'. Again he clarified that, in his statement dated 8th of June 2000, he never said that he was not able to give other details regarding the persons who assaulted the victim but he just declared that he didn't see the abduction or killing of I [REDACTED].
6. On the 31st of July 2008, interviewed by the Prosecutor, he clarified in a very accurate way his previous statements and explained in detail all the phases of the event and the persons involved in it. In particular, he stated: "On 8th April, it was the middle of the day, Xh [REDACTED] I [REDACTED] went towards the yard of Mr. SH [REDACTED] asking for help. He put his hand across his neck and he was bleeding heavily." The witness couldn't say if they had cut him on his neck or chest, but he was bleeding badly. He went out and said "Just give me 10 minutes to get dressed". At that moment, he saw his neighbors P [REDACTED], Acko and M [REDACTED]. They were armed with automatic guns, handguns, big knives, fully uniformed and equipped. There were other people armed and uniformed inside Acko's house as well. At that moment, these people just looked at him without saying anything. Therefore, he went back in, got dressed and went back out to help the victim bringing him to the hospital but at this point P [REDACTED], Acko and M [REDACTED] threatened him back inside, adding "otherwise we would do to you worse than Xh [REDACTED]". The witness provided also a sketch of the incident and explained where all parties were on the sketch. Two hours later he sent his son B [REDACTED] who was 8 years old at that time to see what had happened to Xh [REDACTED]. He justified this fact by saying that those people would not have done anything bad to him as he was a child. So the son went there and looked through the fence but he didn't see anything and came back. The day after, the witness sent his grandson again to see the victim and he actually went into the house of Xh [REDACTED] and looked all over the house and the yard, but could

not find Xheladin anywhere.

7. Another witness in the case is M [REDACTED] B [REDACTED], who confirmed that she saw her neighbor Xh [REDACTED] I [REDACTED] being mistreated by four Serbian Police officers, who cut off one of I [REDACTED] fingers.

8. In light of the above, there is no doubt that Aleksandar Bulatović was part of the group of Serbian police or paramilitaries who on 8 April 1999 mistreated and cut the neck of Xh [REDACTED] I [REDACTED].

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9. As to the legal qualification of the acts, in April 1999 a state of internal armed conflict existed between the Kosovo Liberation Army ("KLA") and the forces of the Republic of Serbia and the Federal Republic of Yugoslavia (FRY). Both armed forces were under responsible command and exercised control over part of the territory of Kosovo, enabling them to carry out sustained and concerted military operations.

10. There is a grounded suspicion that the defendants at the time of the alleged criminal offences were acting on behalf of Serbian military force and were a party into the conflict, as B [REDACTED] SH [REDACTED] referred that they were wearing a Serbian military uniform. The victim was member of the civilian population and was not taking any direct part in the hostilities. Thus, he is to be considered protected person as defined by the 1949 Geneva Convention IV and the 1977 Additional Protocol II to the Geneva Conventions.

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PROPOSAL FOR TRIAL

The Prosecutor proposes that the main trial of this case be scheduled and held in the District Court of Pristina.

The Prosecutor requests that the following persons be summoned to attend:

- The undersigned Prosecutor;
- The defendant Aleksandar Bulatović and his defence counsel.

The Prosecutor proposes that at the main trial the following witnesses be heard:

- B [REDACTED] Sh [REDACTED], residing in Fushë Kosovo/Kosovo Polje, Preheva street no. 18;
- M [REDACTED] B [REDACTED], residing in CH-1880 Bex (Switzerland), Avenue de la Gare 41;
- Sh [REDACTED] I [REDACTED], residing in Fushë Kosovo/Kosovo Polje, Presheva street no. 23;
- M [REDACTED] M [REDACTED], residing in Bedri Shala street no. 47, sunny Hill, Pristina.

The Prosecutor proposes that at the main trial the following documents and exhibits are presented:

- Autopsy report of the victim Xh [REDACTED] I [REDACTED].

The undersigned Prosecutor informs this Court that he might propose further evidence

as appropriate during the pre-trial and trial stages.

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MOTION TO EXTEND DETENTION ON REMAND

Pursuant to Article 306(4) KCCP, the undersigned Prosecutor respectfully requests the Confirmation Judge to extend the measure of detention on remand against the defendant pending the confirmation of the indictment.

The Prosecutor respectfully requests the confirmation judge to decide on the present motion within 48 hours of the filing of the indictment, as stipulated by Article 306(4) KCCP, and in any case **no later than 27 August 2012**, before the current term of detention on remand is due to expire.

Respectfully submitted,

Charles Hardaway

SPRK Prosecutor