

IN ABSENTIA INDICTMENTS FOR WAR CRIMES IN KOSOVO

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The Humanitarian Law Center Kosovo (HLCK) has been monitoring war crimes trials before Kosovo's courts since the end of the armed conflict. HLCK has consistently published case analyses and newsletters, providing the public with informed insights into these judicial proceedings—a commitment it will continue to uphold.

This newsletter provides an overview of all indictments in absentia for war crimes filed by the Special Prosecution Office of the Republic of Kosovo (SPRK) up until early 2025.

Since the entry into force of the Law on Trials in Absentia and up to the publication of this newsletter (February 2025), a total of **fifteen (15) indictments in absentia have been filed against seventy-three (73) members of the Serbian forces**, suspected of committing war crimes in Kosovo.

ENACTMENT OF LEGISLATION FOR IN ABSENTIA TRIALS

-On July 19, 2019, amendments to the Criminal Procedure Code of the Republic of Kosovo (CPCRK) entered into force, enabling trials in absentia for criminal offenses against international humanitarian law and criminal law committed between January 1990 and June 1999.

-On June 18, 2021, a second amendment to the CPCRK regarding trials in absentia took effect, further simplifying the procedural requirements for such trials.

-On August 17, 2022, the new Criminal Procedure Code (08/L-032) was published in the *Official Gazette of the Republic of Kosovo*. Article 303 of this Code extends the provision for trials in absentia to all categories of criminal offenses, including war crimes.

Under the new Criminal Procedure Code (CPC), before filing an indictment in absentia, the following steps must be undertaken: Issuance of a summons, Issuance of a warrant, Search for the defendant's address, Issuance of an arrest warrant.

Once an indictment in absentia for war crimes has been filed, the trial may commence if the presiding judge is satisfied that reasonable efforts have been made to inform the accused of the proceedings and to secure their presence.

“Reasonable efforts” imply that in, addition to the summons and arrest warrant, a complete informational campaign must be carried out, calling the accused to surrender to the jurisdiction of the court.

A person tried in absentia has the right to be represented by an ex officio defense counsel and the **right to an unconditional retrial whenever arrested.**

IN ABSENTIA INDICTMENTS

Below is a brief summary of the indictments, including the criminal offenses for which the defendants have been charged. Some of the accused are identified only by their initials, as their indictments had not been made public at the time of this bulletin’s publication.

CASE: PROSECUTOR AGAINST DEJAN RACIĆ

On May 2, 2023, the SPRK filed an in absentia indictment against Dejan Racić, on suspicion of committing the criminal offense of *war crimes against the civilian population*, classified under the current Criminal Code as a *crime against humanity*.

According to the SPRK, there is well-founded suspicion that on June 2, 1999, during the war in Kosovo, the defendant—dressed in a Serbian military uniform and armed with an automatic rifle and a knife—committed **rape** against a woman of Albanian nationality in a village in the Municipality of Klina/Klina.

On February 21, 2024, the initial hearing was held at the Special Department of the Basic Court in Prishtina/Priština, in the absence of the accused, who was represented by an ex officio defense attorney.

CASE: PROSECUTOR AGAINST ČEDOMIR AKSIĆ

On May 2, 2023, the SPRK filed an in absentia indictment against Čedomir Aksić, on suspicion of committing the criminal offense of *war crimes against the civilian population*.

According to the SPRK, there is well-founded suspicion that during the war in Kosovo, between January and May 1999, the defendant, in co-perpetration with other members of the military and police forces, was involved in the forcible expulsion, infliction of great suffering, violations of bodily integrity or health, and the killing of Albanian civilians in the vicinity of the Municipality of Shtime/Štimlje.

On December 26, 2024, the Special Department of the Basic Court in Prishtina/Priština delivered its verdict, finding Aksić guilty of *war crimes against the civilian population* and sentencing him to fifteen (15) years of imprisonment.

The parties have the right to appeal this judgment, which is has not become final yet.

CASE: PROSECUTOR AGAINST G.P.

On May 19, 2023, the SPRK filed an in absentia indictment against the defendant G.P., on suspicion of committing the criminal offense of *war crimes against the civilian population*, classified under the current Criminal Code as a *crime against humanity*.

According to the SPRK, there is well-founded suspicion that the defendant, serving as a member of the reserve unit of the Ministry of Internal Affairs of Serbia, in co-perpetration with other police officers, committed **rape** against a male of Albanian nationality in a village in the Municipality of Fushë Kosova/Kosovo Polje during the war in Kosovo, specifically between July and August 1998.

CASE: PROSECUTOR AGAINST I.B.

On July 10, 2023, the SPRK filed an in absentia indictment against the defendant I.B., on suspicion of committing the criminal offense of *war crimes against the civilian population*.

According to the SPRK, there is well-grounded suspicion that the defendant, as a member of the Serbian military and police forces, in co-perpetration with other individuals, committed looting and the forcible deportation of civilians during the war in Kosovo, in the village of Zajm/Zajmovo and surrounding areas within the Municipality of Klina/Klina.

CASE: PROSECUTOR AGAINST IVICA RAJKOVIĆ AND DRAGAN DENIĆ

On September 14, 2023, the SPRK filed an in absentia indictment against the defendant Ivica Rajković and Dragan Denić, on suspicion of committing the criminal offense of *war crimes against the civilian population*, classified under the current Criminal Code as a *crime against humanity*.

According to the SPRK, there is well-grounded suspicion that the defendant, as a member of the Serbian Ministry of Internal Affairs (MUP) police forces, in co-perpetration with other uniformed and armed individuals, during the war in Kosovo, specifically in May 1999, was involved in the expulsion of the Albanian civilian population from the Municipality of Prishtina/Priština.

Furthermore, it is alleged that the defendant and others engaged in robbery, inflicted both physical and psychological violence, and committed **rape** against a woman of Albanian nationality.

CASE: PROSECUTOR AGAINST SLAVIŠA FILIĆ

On September 15, 2023, the SPRK filed an in absentia indictment against Slaviša Filić on suspicion of committing the criminal offense of *war crimes against the civilian population*.

According to the SPRK, there is well-grounded suspicion that the defendant, as a member of the State Security in Pristina - MUP, in co-perpetration with others, during the war in Kosovo, specifically on April 10, 1998, was involved in the beating and torture of an individual in the Municipality of Pristina/Priština, whose fate remains unknown to this day.

The main hearing in this case commenced on December 3, 2024, and is currently in the evidence administration phase, where witnesses proposed by the prosecution are being heard.

CASE: PROSECUTOR AGAINST MILAN JOVANOVIĆ

On October 2, 2023, the SPRK filed an in absentia indictment against Milan Jovanović on suspicion of committing the criminal offense of *war crimes against the civilian population*, classified under the current Criminal Code as a *crime against humanity*.

According to the SPRK, there is well-grounded suspicion that the defendant, as a member of the Serbian police forces, in co-perpetration with other uniformed and armed individuals, committed **rape** against a minor girl of Albanian nationality in the Municipality of Ferizaj/Uroševac during the war in Kosovo, specifically in January 1999.

CASE: PROSECUTOR AGAINST M.S AND OTHERS

On December 7, 2023, the SPRK filed an in absentia indictment against M.S. on suspicion of committing the criminal offense of *war crimes against the civilian population*, classified under the current Criminal Code as a *crime against humanity*.

According to the SPRK, there is well-grounded suspicion that fifty-three (53) members of the Serbian police, paramilitary, and military forces, including sixteen (16) individuals stationed in key military and police positions in Serbia, conducted a joint and well-organized operation of the Yugoslav Army and the MUP during the war in Kosovo, specifically between April 27 and 29, 1999, in the villages of the north-western part of the Municipality of Gjakova/Đakovica. This operation involved murders, mistreatment, destruction of property, and the mass expulsion of the Albanian civilian population, resulting in the killing of three hundred and seventy (370) civilians.

Following a request by the presiding judge of the Special Department of the Basic Court in Prishtina/Priština, dated April 23, 2024, to amend the indictment, the SPRK submitted the amended indictment against M.S. and others on December 23, 2024.

CASE: PROSECUTOR AGAINST LJUBOMIR ČIMBUROVIĆ AND OTHERS

On May 14, 2024, the SPRK filed an in absentia indictment against Ljubomir Čimburović, Predrag Bradić, and Milivoje Ivić on suspicion of committing the criminal offense of *war crimes against the civilian population*.

According to the SPRK, there is well-grounded suspicion that the defendant Ljubomir Čimburović, in his capacity as director of the District Prison in Priština/Priština, during the war in Kosovo, specifically from May 24, 1999, to June 10, 1999, exercised effective control over his subordinates. It is alleged that Čimburović was aware of and present during incidents of systematic mistreatment of Albanian prisoners. Despite this, he took no preventive action to stop or report to higher authorities the actions of the prison guards, including the defendants Predrag Bradić, Milivoje Ivić, and Dragiša Milenković, who, in co-perpetration with other officials at the Priština/Priština prison and the parallel prison in Lipjan/Lipljan, were involved in a mistreatment of Albanian prisoners, thereby seriously jeopardizing their lives.

CASE: PROSECUTOR AGAINST S.S AND M.S

On October 29, 2024, the SPRK filed an in absentia indictment against S.S. and M.S. on suspicion of committing the criminal offense of *war crimes against the civilian population*.

According to the SPRK, there is well-grounded suspicion that the defendants, in co-perpetration with other members of the Serbian police, paramilitary, and military forces, committed murders, physical and psychological abuse, looting of property, and the expulsion of the Albanian civilian population during the war in Kosovo, specifically on April 6, 1999, in the village of Cernicë/Cernica in the Municipality of Gjilan/Gnjilane.

CASE: PROSECUTOR AGAINST Z.P.

On December 19, 2024, the SPRK filed an in absentia indictment against the defendant Z.P. on suspicion of committing the criminal offense of *war crimes against the civilian population*.

According to the SPRK, there is well-grounded suspicion that the defendant, uniformed and armed, in co-perpetration with other members of the Serbian police and military forces, during the war in Kosovo, specifically on March 26, 1999, in the village of Brestoc/Brestovac in the Municipality of Rahovec/Orahovac, was involved in murders, robbery, mass expulsion, and the looting and destruction of property belonging to the Albanian civilian population.

CASE: PROSECUTOR AGAINST V.N.

On December 20, 2024, the SPRK filed an in absentia indictment against the defendant V.N. on suspicion of committing the criminal offense of *war crimes against the civilian population*.

According to the SPRK, there is well-grounded suspicion that the defendant, in co-perpetration with other members of the Serbian police, paramilitary, and military forces, during the war in Kosovo, specifically on April 16, 1999, in Suva Reka/Suva Reka, was involved in murders and physical and psychological abuse of the Albanian civilian population.

CASE: PROSECUTOR AGAINST G.V.

On December 23, 2023, the SPRK filed an in absentia indictment against G.V. on suspicion of committing the criminal offense of *war crimes against the civilian population*, classified under the current Criminal Code as a *crime against humanity*.

According to the SPRK, there is well grounded suspicion that the defendant, as a member of the police forces, in co-perpetration with other uniformed and armed members of the Serbian police and military forces, during the war in Kosovo, specifically in February 1999, in the Municipality of Istog/Istok, was involved in the **rape** of a woman of Albanian nationality.

CASE: PROSECUTOR AGAINST D.G AND OTHERS

On December 30, 2024, the SPRK filed an in absentia indictment against D.G., Zh.C., and Z.Sh. on suspicion of committing the criminal offense of *war crimes against the civilian population*.

According to the SPRK, there is well-grounded suspicion that the defendant D.G., in his capacity as the head of the Secretariat of Internal Affairs in Gjilan/Gnjilane, and as a superior officer with effective control over his subordinates, was aware of the war crimes committed in the villages of Inatoc/Inatovce, Llovçë/Lovce, Pogragjë/Podgrađe, and Uglarë/Ugljare in the Municipality of Gjilan/Gnjilane, but failed to take any preventive action or report these crimes to his superiors.

Additionally, the SPRK has well-grounded suspicion that the defendant Zh.C., as a member of a criminal group, in co-perpetration with other Serbian forces, during the war in Kosovo, specifically on April 5, 1999, was involved in murders, beatings, mistreatment, torture, robbery, and the expulsion of the Albanian civilian population in the Gjilan/Gnjilane region.

Furthermore, the SPRK alleges well-grounded suspicion that the defendant Z.Sh., in his capacity as a doctor at the Regional Hospital of Gjilan/Gnjilane, during the war in Kosovo, specifically on April 5, 1999, failed to provide proper medical assistance to a victim wounded by Serbian forces, solely because the victim was Albanian. As a result of this failure, the victim died on the same day.

CASE: PROSECUTOR AGAINST C.K.

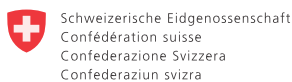
On January 27, the SPRK filed an in absentia indictment against C.K. on suspicion of committing the criminal offense of *war crimes against the civilian population*, classified under the current Criminal Code as a *crime against humanity*.

According to the SPRK, there is well-grounded suspicion that the defendant, as a member of the Serbian police forces, in co-perpetration with other uniformed and armed individuals, during the war in Kosovo, specifically in January 1999, in the Vushtrri/Vučitrn Municipality, committed **rape** against a woman of Albanian nationality.

Of the fifteen (15) in absentia indictments filed, **six (6) involve charges of rape** committed against Albanian civilians during the Kosovo War.

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