

WAR CRIME CASES IN KOSOVO COURTS (JANUARY- JUNE 2022)

NEWSLETTER | JULY 2022

The Humanitarian Law Center Kosovo (HLCK) has been monitoring war crime trials before the Kosovo courts since the end of the armed conflict in Kosovo. The HLCK has and will continue to publish relevant case analysis and newsletters, providing information of general public interest related to war crime court proceedings.

This newsletter provides general information on war crime trials in Kosovo, for the period January-June 2022.

During the period January-June 2022, Kosovo courts conducted proceedings in fourteen (14) cases of war crimes in Kosovo, with most of these cases being in proceedings for several years now. Of them, three (3) cases in preliminary proceedings, seven (7) cases in first instance proceedings – trial stage, two (2) cases in second instance proceedings – appeals stage, and two (2) cases in third instance proceedings with the Supreme Court of Kosovo.

In the above fourteen (14) war crimes cases, only twelve (12) persons stand as defendants, two (2) of them arrested during the months of January-June 2022.

PRE-TRIAL PROCEEDINGS

CASE: PROSECUTOR V. DUŠKO ARSIĆ

The suspect Duško Arsić was arrested on December 8, 2021, by the Kosovo Police at the Jarinje border crossing point on suspicion of having committed the criminal offense of war crimes against the civilian population.

The Basic Court in Prishtinë/Priština – Special Department, on December 9, 2021, ruled to detain the defendant on remand.

According to the Prosecution, there is grounded suspicion that defendant Arsić, on April 20, 1999, in the village of Butovc/Butovac, Municipality of Prishtinë/Priština, in a place called the “Maqedonci Cemetery”, initially detained A.K., at that time a juvenile aged fifteen (15), in such manner that, after the Injured Party was detained, the defendant together with other Serb paramilitaries started harassing, torturing, and ill-treating him to such an extent that even today the injured party suffers consequences caused by those events.

The defendant is held in remand and the proceedings against him are still in the investigation stage.

CASE: PROSECUTOR V. ČASLAV JOLIĆ

The suspect Časlav Jolić was arrested on June 2, 2022, in Istog/Istok, by the Kosovo Police on suspicion of having committed the criminal offense of war crimes against the civilian population.

The Basic Court in Prishtinë/Priština – Special Department, on June 3, 2022, ruled to detain the defendant on remand.

According to the Prosecution, there is well-grounded suspicion that defendant Jolić, during the months of March and May 1998, in Istog/Istok and in the village of Gjurakoc/Đurakovac, had used physical violence against the injured party Z.M.

The defendant is held in remand and the proceedings against him are still in the investigation stage.

CASE: PROSECUTOR V. MILORAD ĐOKOVIĆ

The suspect Milorad Đoković was arrested on June 27, 2022, in Pejë/Peć, by the Kosovo Police on suspicion of having committed the criminal offense of war crimes against the civilian population.

The Basic Court in Prishtinë/Priština – Special Department, on June 28, 2022, ruled to detain the defendant on remand.

According to the Prosecution, there is well-grounded suspicion that the defendant Đoković was a member of police forces and took part in the operation conducted on May 7, 1999, in the village of Ozdrim/Ozrim of the Municipality of Pejë/Peć. According to the criminal complaint filed by the Kosovo Police, nine (9) Albanian civilians were killed, and five (5) others disappeared in this offensive operation.

The defendant is held in remand and the proceedings against him are still in the investigation stage.

Kosovo judiciary should establish long-term cooperation with international and regional judiciary counterparts, who deal with war crimes proceedings to exchange experiences and engage in professional training in the area of war crimes.

CASES IN FIRST INSTANCE PROCEEDINGS – TRIAL STAGE

CASE: PROSECUTOR V. MUHAMET ALIDEMAJ

On March 29, 2022, the Special Prosecution of the Republic of Kosovo (SPRK) filed an indictment against defendant Muhamet Alidemaj due to the suspicion that he committed the criminal offense of war crimes against the civilian population. This is the only indictment filed in this time period.

The initial hearing on this case was held at the Special Department of the Basic Court in Prishtinë/Priština in April 2022.

According to the SPRK, there is well-grounded suspicion that the defendant, on March 28, 1999, in the village of Izbicë/Izbica of the Municipality of Skenderaj/Srbica, in co-perpetration with other members, participated and contributed to the ill-treatment and killing of the Albanian civilian population. In addition, two months later, he participated in the exhumation and transportation of the bodies in an unknown direction.

CASE: PROSECUTOR V. SVETOMIR BAČEVIĆ

The trial proceedings against Svetomir Bačević, due to the suspicion that he has committed the criminal offense of war crimes against the civilian population, are ongoing at the Special Department of the Basic Court in Prishtinë/Priština.

As of the end of June 2022, there were four (4) trial sessions were held, where five (5) witnesses proposed by the Prosecution were heard.

On November 9, 2021, the SPRK filed an indictment against defendant Bačević, due to the suspicion that the defendant, between July-August 1998, in the village Bellopojë/Belo Polje of the Municipality of Pejë/Peć, took hostage the injured party, T.K.

CASE: PROSECUTOR V. REMZI SHALA – RETRIAL

The trial proceedings against defendant Remzi Shala, suspected of having committed the criminal offense of war crimes against the civilian population, are ongoing at the Serious Crimes Department of the Basic Court in Prizren/ Prizren.

On March 20, 2020, the Supreme Court of Kosovo ruled, upon Petition for Protection of Legality by the defense, to remand the case. On June 24, 2020, the trial proceedings in the retrial stage were initiated and, until the end of June 2022, there were thirty-two (32) court hearings held, where twenty-four (24) witnesses were heard.

Before the case was remanded, the defendant had been convicted of co-perpetration and sentenced to ten (10) years of imprisonment by final decision, because on June 26, 1998, in the village of Duhël/Dulje of the Municipality of Suharekë/Suva Reka, he forcibly took Haxhi Përteshi from home, whose body was found after a few days later near the regional road in the village of Duhël/Dulje.

CASE: PROSECUTOR V. ZORAN VUKOTIĆ (VUKOTIĆ I) – RETRIAL

On January 30, 2019, the Court of Appeals partially affirmed the judgment of the first instance court, and the case was partially remanded to the Basic Court in Mitrovicë/Mitrovica.

The defendant was found guilty by final decision that, between May 3, 1999, and the beginning of June 1999, in his capacity as a reserve police officer from the Vushtrri/Vučitrn Station, acting as a prison guard and in co-perpetration with other members of Serbian Forces, he had ill-treated and beaten a large number of Albanian civilians, who were detained in Smrekonicë/Smrekovnica Prison.

While on charges in the indictment related to the suspicion that on May 2 and 3, 1999, he acted in co-perpetration and participated in the attack on the ethnic Albanian civilian population, traveling in a convoy between Studime e Epërme/Gornja Sudimlja and Studime e Poshtme/Donja Sudimlja, the case was **remanded**. Within this convoy, civilians were subjected to brutal and unlawful killing, inhumane treatment, great suffering, removal and displacement, intimidation and terror, confiscation of property, robbery, and large-scale theft of property that is not justified by military needs.

As of June 2022, there were no court sessions held on this case.

CASE: PROSECUTOR V. ZORAN VUKOTIĆ (VUKOTIĆ II) – RETRIAL

On January 9, 2019, the Court of Appeals granted the appeal filed by the Prosecution and remanded the case to the Basic Court in Mitrovicë/Mitrovica.

According to the indictment dated May 16, 2017, Zoran Vukotić is accused that, on May 5, 1999, in Vushtrri/Vučitrn, in co-perpetration with another person, he killed four (4) Albanian civilians, as well as robbed and tortured a number of Albanian civilians, beating them with fists, kicks, and other hard objects in different parts of the body.

As of June 2022, there were no court sessions held on this case.

CASE: PROSECUTOR V. ZORAN VUKOTIĆ (VUKOTIĆ III)

On December 15, 2017, the Basic Court in Mitrovicë/Mitrovica held the initial hearing on the indictment dated June 23, 2017. According to this indictment, Vukotić is accused that on April 17, 1999, in Vushtrri/Vučitrn, in co-perpetration, he participated in robbery against the Albanian civilian population and the murder of a 13-year-old boy.

After the initial hearing and until June 2022, there were no court sessions held on this case.

CASE: PROSECUTOR V. SYLEJMAN SELIMI (DRENICA I) – RETRIAL

On June 11, 2018, the Supreme Court of Kosovo ruled, pursuant to a Petition for Protection of Legality, to remand the case to the Basic Court in Mitrovicë/Mitrovica.

The charges against Selimi are related to war crimes which occurred during the period August-September 1998 against detainees in the Detention Center in Likoc/Likovac, Municipality of Skenderaj/Srbica.

As of June 2022, there were no court sessions held on this case.

You can read more about the “Drenica” group case in the HLCK Annual Reports for 2015, 2016, 2017, and 2018 at www.hlc-kosovo.org.

The Government of Kosovo should engage to introduce, among priority issues on the agenda of negotiations with Serbia, the establishment of international legal cooperation through the signing of cooperation protocols between the special prosecution authorities of Kosovo and Serbia.

CASES IN SECOND INSTANCE PROCEEDINGS – COURT OF APPEALS

CASE: PROSECUTOR V. GORAN STANIŠIĆ

On October 5, 2021, the Basic Court in Prishtinë/Priština – Special Department issued its judgment whereby defendant Goran Stanišić was found guilty of war crimes against the civilian population and sentenced to twenty (20) years in prison.

According to the Court, the accused, in the capacity of a member of the Reserve Police Force of the Ministry of Interior Affairs of the Republic of Serbia, during the period April 15-16, 1999, in the villages of Sllovi/Slovinje and Tërbuc/Trbovce of the Municipality of Lipjan/Lipljan, in co-perpetration with other members, participated in the expulsion of the Albanian civilian population, in the murders of thirteen (13) Albanian civilians, and in the wounding of A1.

Currently the case is the second instance proceedings at the Court of Appeals since the decision of the first instance court has been appealed by the defense. As of end of June 2022, there were no hearings held before the appellate panel.

CASE: PROSECUTOR V. ZORAN VUKOTIĆ (VUKOTIĆ IV)

On July 5, 2021, the Basic Court in Prishtinë/Priština – Special Department issued its judgment whereby defendant Zoran Vukotić was found guilty of war crimes against the civilian population and sentenced to ten (10) years in prison.

According to the Court, the accused, as a member of the Reserve Police Force of the Ministry of Interior Affairs (MIA) of Serbia, on May 22, 1999, in the Municipality of Vushtrri/Vučitrn, in co-perpetration with other members of this unit, participated in the expulsion of the Albanian civilian population, engaged in physical and psychological violence against them, and used force and other inhuman treatment to rape a woman of Albanian nationality.

On December 12, 2021, there was a hearing held before the appellate panel, upon appeals filed by the parties to proceedings.

As of the end of 2022, the Court of Appeals had not issued any decision on the appeals filed by the parties to proceedings.

RASTET NË SHKALLËN E TRETË - GJYKATA SUPREME E KOSOVËS

CASE: PROSECUTOR V. ZORAN ĐOKIĆ

On February 15, 2022, the Supreme Court of Kosovo ruled, in proceedings related to the extraordinary legal remedy (Petition for Protection of Legality filed by the defense counsel of convicted party Zoran Đokić), to reject the Petition for Protection of Legality and affirm the judgment of the Special Department of the Court of Appeals.

On October 12, 2021, the Special Department of the Court of Appeals issued a judgment whereby it rejected the appeals filed by the parties to proceedings and affirmed the judgment of the first instance court. The accused was found guilty of war crimes against the civilian population and sentenced to twelve (12) years of imprisonment. Zoran Đokić was convicted of expulsion, ill-treatment, robbery, and murder of Albanian civilians, which occurred in the city of Pejë/Peć, on March 28 and 29, 1999.

CASE: PROSECUTOR V. ZLATAN KRSTIĆ AND DESTAN SHABANAJ

On June 23, 2022, the Supreme Court of Kosovo ruled, in proceedings related to the extraordinary legal remedy (Petition for Protection of Legality filed by the defense counsels of the convicted parties Krstić and Shabanaj), to grant the Petition filed by the lawyer of defendant Shabanaj, thereby acquitting defendant Destan Shabanaj of charges of war crimes against the civilian population. However, the Petition filed by the defense counsel of convicted party Krstić was rejected and the judgment of the second instance court was affirmed for defendant Krstić.

On November 8, 2021, the Special Department of the Court of Appeals had issued a judgment whereby it rejected the appeals filed by the parties to proceedings and affirmed the judgment of the first instance court finding the accused guilty as charged. Defendant Krstić was sentenced to fourteen (14) years and six (6) months of imprisonment, while defendant Shabanaj was sentenced to seven (7) years of imprisonment.

Zlatan Krstić was found guilty of expulsion, inhumane treatment, torture, unlawful destruction of property of the Nuhaj family, as well as the murder of four (4) Albanian civilians on March 26, 1999, in the village of Nerodime e Epërme/Gornje Nerodimlje of the Municipality of Ferizaj/Uroševac.

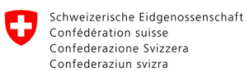
Finally, Destan Shabanaj was acquitted by the Supreme Court of charges of desecration, debasement, and degrading treatment of human remains and undignified burial of civilian victims.

DULY NOTED BY HLCK:

In court proceedings where the defendants are Serbs, there are delays in the translation of court files, from Albanian into Serbian.

The Kosovo Judicial Council must take urgent measures to ensure that the four (4) war crimes trials, pending in the Basic Court in Mitrovicë/Mitrovica, begin post-haste.

You can read more about war crime cases in Kosovo in the annual reports published by the Humanitarian Law Center Kosovo at <https://www.hlc-kosovo.org/en/publications>.



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Confédération suisse
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Federal Department of Foreign Affairs FDFA
Directorate of Political Affairs DP
Human Security Division

This publication was produced with funding from the Swiss Federal Department of Foreign Affairs through the "Enhancing the reconciliation process through inclusive and holistic approach to Dealing with the Past in Kosovo" Project.

The contents of this publication are the sole responsibility of the Humanitarian Law Center Kosovo and do not necessarily reflect the views of the Swiss Federal Department of Foreign Affairs.



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