

WAR CRIME CASES IN KOSOVO COURTS (JULY - DECEMBER 2022)

NEWSLETTER | JULY - DECEMBER 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 July - December 2022.

During this period, twenty one (21) hearings were held at the Kosovo Courts in both first and second instance. Meanwhile, three (3) suspects have been arrested for the criminal offense of war crime against the civilian population and investigations are ongoing.

PRE-TRIAL PROCEEDINGS

CASE: PROSECUTOR VS. EKREM BAJROVIĆ

Ekrem Bajrović was arrested on October 19, 2022 under the suspicion of having committed the criminal offense of war crimes against the civilian population during May 1999 in the village of Staradran/Starodvorane, Istog/Istok municipality. During that period, the suspect served as a policeman in the police station in Gjurakoc/Đurakovac.

The defendant is in custody and investigations are ongoing.

CASE: PROSECUTOR VS. GAVRILO MILOSAVLJEVIĆ

Gavrilo Milosavljević was arrested on December 2, 2022 under suspicion of having committed the criminal offense of war crime against civilian population, during the period between 1998-1999 in Kosovo. The defendant held the position of warden in Dubrava Prison, and is suspected to have been involved in the mistreatment and execution of Albanian prisoners in Dubrava Prison.

The defendant is in custody and investigations are ongoing.

CASE: PROSECUTOR VS. SLADJAN TRAJKOVIĆ

Sladjan Trajković was arrested on December 15, 2022 under the suspicion of having committed the criminal offense of war crimes against the civilian population during 1999 in the village of Reznik/Resnik, Vushtrri/Vučitrn Municipality and in the city of Vushtrri/Vičitrn.

The defendant is in custody and investigations are ongoing.

FIRST INSTANCE TRIALS

CASE: PROSECUTOR VS. ČASLAV JOLIĆ

On November 18, 2022, the Special Prosecution Office of the Republic of Kosovo (SPRK) filed an indictment against the defendant Časlav Jolić, under the suspicion of perpetration of war crimes against the civilian population during the period March - May 1998, in the village Gjurakoc/Đurakovac of the Istog/Istok Municipality. The defendant, in the capacity of a police officer, is accused of participating in the beating of three Albanian civilians in co-perpetration with other persons.

The initial hearing was held on December 4, 2022. The main hearing in this case has not started yet.

The defendant has been in custody since his arrest.

CASE: PROSECUTOR VS. DUŠKO ARSIĆ

On November 2, 2022, the SPRK filed an indictment against the defendant Arsić. He is accused that, in co-perpetration with other members of the Serbian police and paramilitary groups, during the period of the war in Kosovo, specifically from January to June 1999, he participated in the deportation, looting, property damage and mistreatment of Albanian civilians from Prishtinë/Priština and its surroundings.

The defendant is suspected to have participated in the execution of Brahim Shala, on April 20, 1999, in the village of Butovc/Butovac, in the place called "Macedonian cemetery".

On the same day in the same place, the defendant physically and mentally abused the injured party A.K (15 years old at the time), hitting him in the back with the barrel of the machine gun. While they were mistreating the A.K, a shot was fired in the direction of Brahim Shala from the Trudë/Trudna village.

The initial hearing was held on November 10, 2022. The main hearing in this case has not started yet.

The defendant has been in custody since his arrest.

CASE: PROSECUTOR VS. MUHAMET ALIDEMAJ

On March 29, 2022, the SPRK filed an indictment against the defendant Alidemaj on the suspicion that he committed the criminal offense of war crime against the civilian population. The defendant is accused that on the time period between March 24 and June 11, 1999, during the armed conflict in Kosovo, as members of the Serbian police and military forces, he has seriously violated the rules of international law in detriment of civilian population and their property, in such a way that:

- on March 28, 1999 in the village of Izbicë/Izbica, Skënderaj/Srbica Municipality, the defendant is suspected of participation and contribution to the murder of 130 Albanian civilians who were initially separated from women and children, in co-perpetration with other members of the Serbian military and police forces.

- on March 28, 1999, the defendant, together with other members of the Serbian police and military forces, took part in the inhumane treatment, violation of bodily integrity and health, robbery and destruction of property of the civilian population of the village of Izbicë/Izbica and surrounding villages. Thereby initially forcing Albanian civilians to leave their homes by threatening them with weapons and gathering them in a meadow in the middle of the village.

- Two (2) months later, the defendant, together with other members of the Serbian police and military forces returned to the village in the same place where the Albanian civilians were executed, to exhume the corpses with an excavator in order to send them to an unknown location.

After the war, most of these corpses were found in mass graves in Batajnica, Serbia, in the village of Suhodoll/Suvi Do in Mitrovica/Mitrovica and in the village of Novolan/Nevoljane in Vushtrri/Vučitrn.

In the session held in December 28, 2022, parties presented their opening statements. The next session continued on January 18, 2023 with the hearing of the witnesses proposed by the prosecution.

The defendant has been in custody since his arrest.

CASE: PROSECUTOR VS. SVETOMIR BAČEVIĆ

On September 8, 2022 the Trial Panel of the Special Department of the Basic Court in Prishtina/Priština found the defendant Svetomir Bačević guilty of the criminal offense of war crimes against the civilian population. The defendant was sentenced to five (5) years of imprisonment for having taken the injured Tigjë Kadrija hostage, in the village of Bellopojë/Belo Polje in the Municipality of Pejë/Peć during the period July - August 1998.

The defense has filed an appeal against the first instance judgment, and the Court of Appeals did not rule on the appeal until the end of 2022.

FIRST INSTANCE RETRIAL PROCEEDINGS

CASE: PROSECUTOR VS. REMZI SHALA

At the Serious Crimes Department of the Basic Court in Prizren, the trial is ongoing in the case vs. Remzi Shala, accused of war crimes against the civilian population.

On October 19, 2016, the SPRK filed an indictment against the accused Remzi Shala for the criminal offense of war crimes against the civilian population committed in co-perpetration with unknown perpetrators during the armed conflict in Kosovo. The accused is charged for forcibly taking Haxhi Përteshi from his house on June 26, 1998, in the village of Duhël/Dulje, Suhareka/Suva Reka municipality. His body was found a few days later (July 1, 1998) near the regional road in the village of Duhël/Dulje, Suhareka/Suva Reka municipality.

During 2022, a total of sixteen (16) court hearings were held. During this period, seventeen (17) witnesses were heard, and during two hearings there were confrontations of some of the witnesses.

In the period July - December 2022, eight (8) hearing sessions were held, during which eight (8) witnesses were heard and the defendant entered his plea.

CASE: PROSECUTOR VS. ZORAN VUKOTIĆ (VUKOTIĆ IV)

The trial panel of the Special Department of the Basic Court in Prishtina/Priština in the case of the Prosecutor vs. Zoran Vukotić-Vukotić IV, on November 11, 2022, in the retrial, announced the judgment, thereby finding the accused Vukotić guilty of committing the criminal offense of war crimes against the civilian population. The accused, as a member of reserve police forces of the Ministry of Internal Affairs of Serbia, on May 22, 1999 during the war in Kosovo, in the municipality of Vushtrri/Vučitrn, in collaboration with other members of this unit, participated in the deportation of the Albanian civilian population, in perpetrating physical and mental violence against them as well as using violence and other inhuman actions, perpetrating sexual violence against a woman of Albanian nationality.

The accused was sentenced to ten (10) years of imprisonment. The verdict is still not final, the parties have the right of appeal in the second instance.

DECISIONS FROM THE COURT OF APPEALS

PROSECUTOR VS. GORAN STANIŠIĆ

The Court of Appeals Panel in the criminal case against the accused Goran Stanišić, accused of committing the criminal offense of war crime against the civilian population, after the panel session, on September 27, 2022, deciding on the appeal of the defense counsel of the defendant, rendered a judgment whereby it partially upheld the appeal of the defense Counsel.

The Appellate judgment only modified the decision on the sentence, thereby sentencing the defendant Stanišić with a prison sentence of fifteen (15) years, for the criminal offense for which he was found guilty.

According to the court, the convicted person Goran Stanišić, in the capacity of a reserve member of police forces of the Ministry of Internal Affairs of the Republic of Serbia, in the period, April 15 and 16, 1999, during a wide and systematic attack by the Serbian military, paramilitary and police forces against the Albanian civilian population in the villages of Sllovi/Slovinje and Tërbovc/Trbovce of Lipjan/Lipljan municipality, in collaboration with other members of this unit, participated in the expulsion of the Albanian civilian population, the murder of thirteen (13) Albanian civilians and the injury of A1.

HLCK FINDINGS:

- The Judicial Council of Kosovo must undertake urgent measures to ensure that the four (4) war crimes judicial processes, which are pending in the Basic Court of Mitrovica/Mitrovica, are initiated as soon as possible.

-The Supreme Court of Kosovo, as the highest judicial instance in Kosovo, which is also competent for issuing legal opinions, when deciding on the request for protection of legality in the case of Prosecutor vs. Goran Stanišić, must issue a detailed and comprehensible decision for the parties in the proceedings with the aim of unifying the sentencing practice and the maximum prison sentence for criminal offenses of war crimes in Kosovo.

[Click here](#) to read the newsletter for the period January - June 2022.

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