

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

Pristina, 29 November 2012

GjPP 97/2012
PPS 89/2012

To the Mitrovicë/Mitrovica District Court

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

AMENDED INDICTMENT

Pursuant to the Ruling of the Confirmation Judge of the Mitrovicë/Mitrovica District Court dated 26 November 2012, against the following accused:

1.

Name	Jovica DEJANOVIĆ
Nickname	"Pero"
Father's name	J [REDACTED]
Date of Birth	11.09.1954
Citizenship	Kosovo
Nationality	Serbian
Gender	Male
Place of Birth	Glavotina
Residence	Priluzhjie

Charged with the following criminal offences:

1) **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 120 of the Criminal Code of Kosovo (CCK), because, in violation of **Article 3 common** to the four Geneva Conventions of 12 August 1949, and of **Articles 4 and 5(1) of Protocol II** of 8 June 1977, Additional to the 1949 Geneva Conventions, all rules of international law effective at the time of the internal armed conflict in Kosovo and at all times relevant to the present indictment, **the defendant**, in his capacity as a Serbian police officer, **raped V [REDACTED] K [REDACTED]**, a Kosovo Albanian female civilian; more precisely the defendant, who was armed with a rifle, drove the victim to an unknown location near Babin Most, and forced her, by threatening her with a knife, to have various

types of sexual intercourse against her will inside his car;

- **In Babin Most (Obiliq/Obilić municipality), on 14 April 1999.**

2) **Unauthorized ownership, control, possession or use of weapons**, foreseen and punished by Article 328 of the Criminal Code of Kosovo, because the defendant, without a valid Weapon Authorization Card, illegally possessed 9 rounds of caliber 9mm ammunition weapons, found during the search at his residence;

- **In Priluzhje (Vushtrri/Vučitrn municipality), on 27 September 2012.**

2.

Name	Djordje BOJKOVIĆ
Nickname	"Djoko"
Father's name	B [REDACTED]
Date of Birth	13.11. 1940
Nationality	Serbian
Citizenship	Kosovo
Gender	Male
Place of Birth	Babin Most
Residence	Babin Most

Charged with the following criminal offences:

1) **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 120 of the Criminal Code of Kosovo (CCK), because, in violation of **Article 3 common** to the four Geneva Conventions of 12 August 1949, and of **Articles 4 and 5(1) of Protocol II** of 8 June 1977, Additional to the 1949 Geneva Conventions, all rules of international law effective at the time of the internal armed conflict in Kosovo and at all times relevant to the present indictment, **the defendant raped V [REDACTED] K [REDACTED]**, a Kosovo Albanian female civilian who had been abducted by the Serbian police officer Jovica Dejanović; more precisely, the defendant, who had a gun on him, took the victim to an unfinished house in Babin Most, he threw on the floor and he forced her to have sexual intercourse against her will;

- **In Babin Most (Obiliq/Obilić municipality), on 14 April 1999.**

2) **Unauthorized ownership, control, possession or use of weapons**, foreseen and punished by Article 328 of the Criminal Code of Kosovo, because the defendant, without a valid Weapon Authorization Card, illegally possessed one AK-47 assault rifle, three magazines and 69 rounds of ammunition;

- **In Babin Most (Obiliq/Obilić municipality), on 27 September 2012.**

REASONING

The well-grounded suspicion against the defendants mainly arises from the statements given by the victim V [REDACTED] K [REDACTED] on 13.10.1999, 24.8.2010,

30.12.2010, and 17. 7.2012.

In particular, Ms. K [REDACTED] stated that on 14 April 1999 at around 19.30 hrs, a Serbian Police officer went to the K [REDACTED] family house in Stanovc. When specifically asked whether she had seen the same officer before, she stated that the officer had been at their house the day before, as stated by her brother N [REDACTED] K [REDACTED] (statement of 21.3.2012). Other members of the family, including the victim's mother H [REDACTED] confirmed that in that period Serbian Police would come often to the K [REDACTED] family house.

According to the victim and other members of the family who witnessed the event (including H [REDACTED] K [REDACTED], M [REDACTED] K [REDACTED], I [REDACTED] G [REDACTED], M [REDACTED] K [REDACTED]), the Serbian police officer wore a uniform and had an automatic weapon. The officer told the victim that she had to go with him to the nearby village Priluzhje, where she would have to be questioned.

The Serbian officer took Ms. K [REDACTED] away from home and put her in a Zastava 101 vehicle; then, he drove her to the Serbian-inhabited village of Babin Most. There, several persons surrounded the car, and the officer proudly showed Ms. K [REDACTED] to them.

Shortly thereafter, the officer drove the victim to a nearby house, parked the car there, and raped her at gunpoint inside the car.

Subsequently, the officer drove the victim to a drinks shop in Babin Most. After he exited the car and entered the shop, a second man went out the shop, got inside the car and drove the victim to a creek. The victim started screaming, and the man drove her back to the drinks shop.

At this point a third, older man got into the car and drove the victim away. He took her to a nearby house and there he raped her.

Afterwards, the Serbian Police officer and the older man drove the victim back to her village, threatening her not to tell anyone about what had happened.

The next day, the victim reported what had happened to the KLA Military Police. When interviewed as a witness, Military Police officer Sh [REDACTED] K [REDACTED] stated that he remembered V [REDACTED] K [REDACTED] coming to his office and reporting that the previous day she had been raped by two Serbian men.

Jovica DEJANOVIC's individual responsibility

The victim described the Serbian Police officer who abducted her from her house and subsequently raped her as a tall, thin man with short black hair and green/brown eyes. A similar description was provided by other members of the K [REDACTED] family who observed Mr. K [REDACTED]'s abduction.

Ms. K [REDACTED] identified Jovica Dejanović in a photo line-up as the Serbian police officer who abducted and raped her on 14 April 1999. Other details confirming that

the victim correctly identified Mr. Dejanović as the person who raped her are the following:

1. The victim stated that she was abducted by an armed Serbian Police officer: Mr. Dejanović confirmed that in April 1999 he served as a reservist police officer, that was assigned a Police uniform and a semi-automatic rifle, and that he was stationed at a checkpoint near Vushtrri for the whole duration of the war.
2. The victim stated that the Serbian officer put her and drove her away in a Zastava 101 vehicle. Mr. Dejanović confirmed that in 1999 he possessed a Zastava 101 vehicle.
3. The victim further stated that the Serbian officer had a bandaging around one of his arms. During the investigation Mr. Dejanović was subjected to a medical examination, which showed signs of an old injury to his right thumb. When examined as a defendant, Mr. Dejanović confirmed that he had an injury to his thumb and explained that the injury was caused by an accident occurred at his workplace before the war.

The identification made by the victim is strengthened by the testimony of other members of the family who were present at the K████ family house on 14 April 1999, who also identified Mr. Dejanović as the officer who abducted Ms. K████¹ In addition, N████ K████, brother of the victim, identified Mr. Dejanović as the officer who had come to the K████ family house the day before the abduction (and who according to the victim was the same who then abducted and raped her).²

In light of the multiple positive photo identifications, and of the other unique personal details provided (hand injury; car used; etc.) there is no doubt that V████ K████ correctly identified Mr. Dejanović as the Serbian Police officer who abducted and raped her on 14 April 1999.

The weapons charge stemming from the recovery of nine bullets in Mr. Dejanović's residence is proved by the search report compiled by EULEX Police.

Djordje BOJKOVIC's individual responsibility

Ms. K████ stated that, after being raped by Jovica Dejanović, she was also raped by an older man. She stated this during her interviews before the Police, and she had reported the same circumstance both to her brother and to the KLA military police officer Sh████ K████ the day after the event.

V████ K████ described the second person who raped her as an older man with a stout body, 165-170 cm tall. She identified Djordje Bojković in a photo line-up that was presented to her on 17.07.2012 as the second man who raped her.

Ms. K████ also stated that the older man who raped her limped a bit with one leg. When heard as a witness, Z████ G████, a former work colleague of Mr. Bojković,

¹ I████ G████, 26.4.2012; M████ K████, 26.4.2012; H████ K████, 24.5.2012.

² N████ K████, statement of 16.5.2012.

confirmed that the latter used to limp a bit and for this reason someone called him "Qopa" ("cripple").³ Witness K█████ A█████, who also used to work with Mr. Bojković, confirmed that the latter has a peculiar way of walking.⁴

Moreover, the victim pointed to the police investigators the unfinished house in Babin Most where she was raped. Subsequent inquiries into the Kosovo cadastre showed that the house belongs to Djordje Bojković's brother. When interviewed as a defendant, Mr. Bojković stated that his brother had started building that house before the war, and that when the war started the house had a roof, but was not finished. The house is today in the same condition as it was at the time of the war.

Finally, as to the circumstance that the rape happened in Babin Most, it is worthy to note that Mr. Bojković is indeed from Babin Most. Although the latter stated that he lived in Pristina at the time, he did admit that he would go to Babin Most from time to time.

Concerning the charge related to the illegal possession of weapons, Mr. Bojković denies knowledge of the weapons found in the garage next to his house, and alleges that someone has planted them. When interviewed as a defendant, Mr. Bojković clarified that:

- only he and his wife reside in the house;
- his property is fenced all around;
- there is only one gate to enter his property, which is kept locked at all times.

These circumstances render highly unlikely, if not imaginative, the possibility that someone may have sneaked into Mr. Bojković's property and planted the weapons in his garage. On the contrary, the admittedly exclusive access that Mr. Bojković has to his property gives rise to the well-grounded suspicion that he knowingly detained the weapons that were found during the search.

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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 Mitrovicë/Mitrovica.

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

- The undersigned Prosecutor;
- The two defendants Jovica Dejanović and Djordje Bojković, and their defence counsel;
- The injured party Vafije Krasniqi and her legal representative if appointed.

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

³ Z█████ G█████ statement of 4.10.2012.

⁴ K█████ A█████ statement of 30.10.2012.

1. The injured party V [REDACTED] K [REDACTED] to be heard via video-link from the United States of America through International Legal Assistance, for which the Prosecutor hereby requests the Court to start the necessary procedures
2. I [REDACTED] G [REDACTED], Stanovc village (Vushtrri/Vučitrn municipality);
3. M [REDACTED] K [REDACTED], Stanovc village (Vushtrri/Vučitrn municipality);
4. H [REDACTED] K [REDACTED], Stanovc village (Vushtrri/Vučitrn municipality);
5. N [REDACTED] K [REDACTED], Stanovc village (Vushtrri/Vučitrn municipality);
6. Z [REDACTED] G [REDACTED] Mramor Village (Pristina);
7. K [REDACTED] A [REDACTED] Sankovc village (Gllogovc/Gllogovac municipality).

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

- DFM medical report on Jovica Dejanović;
- KP report on the location of Djordje Bojković's house;
- Search reports of Jovica Dejanović's and Djordje Bojković's residences;
- Ballistic reports on the weapons found at Jovica Dejanović's and Djordje Bojković's residences.

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

Respectfully submitted,

Maurizio Salustro

SPRK Prosecutor