

District Public Prosecutor  
Cadastre No. 83/2000  
20 March 2003 (original indictment filed  
on April 3, 2000)  
Gjilan

## **TO THE DISTRICT COURT OF GJILAN, for the Trial Panel**

On the basis of Article 45, paragraph 2, item 3 in relation to Article 337 of the Law on Criminal Procedure, we hereby submit the following

### **AMENDED INDICTMENT**

#### **Against:**

MOMCILO TRAJKOVIC, of father [REDACTED] and mother [REDACTED], nee [REDACTED], born on [REDACTED] in the village of Carakovac, with permanent residence in Kamenica, [REDACTED] street, Serbian, married, father to three children, graduated from a high school, completed regular military service, of medium economic status, no previous criminal record and at liberty.

#### **BECAUSE**

On June 27, 1999, in Kamenica at around 1700, accused with intent to kill and motivated by ethnic hatred and prejudice fired and shot at [REDACTED] and [REDACTED] while both injured parties were placing an Albanian flag in front of the building of the Department of Internal Affairs in Kamenica in the same place where Serbian flag was hoisted. The accused came out of the balcony of his apartment which was across the building of the Department of Internal Affairs and screamed how it was possible for Albanian terrorists to place a flag there. Accused then fired and shot at [REDACTED] and [REDACTED] from the accused balcony and later from the window of his apartment. [REDACTED] was hit and wounded on the right leg.

Accordingly, committed two counts of attempted murder defined and penalized under Article 30, paragraph 2 item 3 of the Criminal Code of Kosovo in relation to Article 19 of the Criminal Code of the Federal Republic of Yugoslavia.

On an unknown date he acquired the following fire arms and explosive material and kept them without licence in his apartment in Kamenica until September 7, 1999; one automatic rifle AK-47, 300 bullets for the rifle and 2 hand grenades, which the citizens are not allowed to keep at all; the KFOR military police confiscated everything when they searched the apartment.

Accordingly, accused committed the crime of unauthorized possession of weapons or explosive material under Article 199, paragraph 3 in relation to paragraph 1 of the Criminal Code of Kosovo.

## **PROPOSAL**

It is thus proposed that a main public hearing be scheduled before the court to which the following parties are invited:

1. The District Public Prosecutor from Gjilan  
The accused Momcilo Trajkovic  
The injured party, [REDACTED], Kamenica  
The injured party [REDACTED]

The witnesses:

- [REDACTED] a soldier of American forces in Gjilan  
[REDACTED] Street from Kamenica, and  
[REDACTED] from the Village of Tudjevce - Kos. Kamenica
2. The following is to be presented as material evidence:  
Release form No. 1137 of June 27, 1999 issued by the Medical Centre in Gjilan, Orthopedics Section  
A medical report issued by the medical Center in Gjilan, Orthopedics Section is to be obtained before the main hearing.
3. After the main public hearing interrogation of parties in the criminal procedure, presentation of material evidence and their administration, I propose that the accused Momcilo Trajkovic be found guilty as charged and punished by an appropriate sentence according to the law.

## **Explanation**

Evidence, information and facts collected and established during the investigation served to prove beyond doubt that the accused, at a time, place and in the way described in this indictment, with a direct intention committed the crime under Article 30, par.2 item 3 1 of the Criminal Code of Kosovo, in relation to Article 19 of the Criminal Code of Yugoslavia, and the crime of unauthorized possession of weapons or explosive material under Article 199, par. 3 in relation to the par. 1 of the Criminal Code of Kosovo.

The collected evidence indicate that the accused Momcilo Trajkovic, on June 27, 1999, with a direct intention attempted to take the life of the injured party [REDACTED] and [REDACTED] from Kamenica, for the reasons of national hatred over the Albanian flag that was put up on that day on the building of the Secretariat of Internal Affairs by [REDACTED] and [REDACTED]. Upon noticing the flag, the accused went out of his apartment and proceeded to the balcony of the third floor and expressed his anger. After saying that, he went back in and from the balcony and he shot 2 to 3 short bursts towards the injured party [REDACTED] who was standing beside the building at that moment. The accused shot from both the balcony and the window of his apartment. One bullet shot the injured party [REDACTED] in the right knee.

On September 7, 1999 the KFOR military police searched his apartment and confiscated the quantity of ammunition and hand grenades mentioned above, as well as the automatic rifle AK-47 which was probably used on June 27, 1999 when [REDACTED] was wounded.

The accused Momcilo Trajkovic in his defence entirely denied that on June 27, 1999 he deliberately tried to take the life of the injured party [REDACTED] from Kamenica. He further stated that he did not fire a single shot from automatic rifle AF-47 from his apartment next to the Secretariat building and that he did not notice an Albanian flag being put up that day.

Further he confirmed that on June 27, 1999 was a Sunday and that he was with his family spending a weekend at the village of Carakovac on that day or not. He was informed about what happened to [REDACTED] and [REDACTED] when he was arrested and brought to prison in Gjilan on September 7, 1999 and when he heard this news he was shocked; he precisely stated that he was not the author of the crime.

As for the other criminal act, the defendant claimed that the weapons, the automatic rifle, AK--47, two hand grenades and 300 bullets did not belong to him but to his neighbour [REDACTED] who brought them from his apartment into the defendant's. Further, he stated that he handed over his weapons to the KFOR police in early July 1999.

Facts given by the defendant cannot be taken as substantial because they do not correspond to reality in the least and they contradict the material evidence, the testimonies of witnesses obtain in course of investigation, and for that reason this defense should be rejected, with explanation that not any of the documents in the case file confirms a single statement in his defense.

The injured party, [REDACTED] and the witness [REDACTED] convincingly described the horror they went through during the attempt of murder on June 27, 1999 in

Kamenica in front of the Secretariat building, after they had put up an Albanian flag. Suddenly the accused came out to the terrace, and first addressed them with derogatory words and in the next five minutes he fired 2 to 3 short bursts from an automatic rifle and wounded. [REDACTED]

The witness [REDACTED] stated precisely that on June 27, 1999 around 17:00 in Kamenica, when he was at the terrace of the building, in which the accused lives, he heard the words cited in the purview of the indictment, full of anger and revolt, and that in a short while he heard a shot from an automatic weapon and he went immediately back to his apartment, and found out what happened on the next day.

The witness [REDACTED], a soldier of American troops, convincingly confirmed the fact that on the critical day, September 7, 1999 accompanied by two soldiers and one officer of the military forces with a rank of major, he searched the apartment of the accused and on the same day they confiscate done automatic rifle, AK-47, two hand grenades and 300 bullets.

The release form No. 1137 of June 27, 1999 issued by the Medical Centre in Gjilan to the name of [REDACTED] shows that he was admitted and hospitalized as an emergency case because of a gunshot wound on this knee

Testimonies of witnesses and presentation of material evidence such as the release form No. 1137, as well as other sources convincingly confirm the liability of the accused who at the time, place and in the way already described, with a direct intention committed two criminal acts of attempted murder under Article 30 of the Criminal Code of Kosovo in relation with Article 19 of the Criminal Code of Yugoslavia and a criminal act of unauthorized possession of weapons or explosive material under Article 199, par. 3 in relation to par. 1 of the Criminal Code of Kosovo, so that his acts reflect all incriminating elements of these criminal acts, and on that grounds I demand from this court to find him guilty as charged and punish him by an appropriate punishment according to the law.

**CECILIA TILLADA**  
**International Prosecutor**