

DITRICT PUBLIC PROSECUTOR'S OFFICE
PP. No. 310/99
Prizren, 11.09.2000

TO DISTRICT COURT

PRIZREN

In the basis of Article 45 par. 2 item 3 LCP, I render

INDICTMENT

Against:

Sava Matic, born on [REDACTED] in Rahovec, from father [REDACTED], mother [REDACTED] maiden name [REDACTED] literate, single, of Serbian ethnicity, Yugoslav citizen, in detention since the date 27.12.1999.

BECAUSE

During the armed conflict in Rahovec in July 1998 and at the time of war in Kosovo from the date 23.03.1999 until the date 12.06.1999 in the territory of Rahovec Municipality and especially in villages Krushe e Madhe and Potoqan i Ulet, in violation of the rules of the international law has executed orders for commission of attacks on the un-protected civilian population, and terror, hostage-taking, illegal transfer to the camps and illegal detentions, forced labor, destruction and appropriation of property in illegal and big scale which is not justified by the military needs, burning of houses, looting of movable property of Albanian population, in a manner that as a member of Serbian paramilitary formation in Rahovec, has executed orders of other members for commission of above mentioned crimes dressed in camouflaged police dress and armed with automatic weapon participated in execution of 42 villagers of the village Krusha e Madhe that happened on the date of 26 March 1999 in which

occasion were shot dead 42 persons; he has participated and beaten up population especially villagers of the village Potoqan i Ulet by maltreating them physically and by robbing them, as: Xh [REDACTED] A [REDACTED] Q [REDACTED] S [REDACTED], H [REDACTED] H [REDACTED], H [REDACTED] A [REDACTED] I [REDACTED] Z [REDACTED] and [REDACTED] Z [REDACTED] all from village Potoqan i Ulet, municipality of Rahovec,

- In that manner he has committed criminal offence of the war crimes against civilian population from Article 142 par, 1 of the CL applicable according to UNMIK decree.

Therefore,

I PROPOSE

That before that Court is scheduled and held main public session, in which should be summoned:

- District Public Prosecutor in Prizren,

- The accused Sava Matic, in detention in the Mitrovica District Prison.

- Witnesses: A [REDACTED] Z [REDACTED], S [REDACTED] H [REDACTED], Xh [REDACTED] A [REDACTED], S [REDACTED] Z [REDACTED] Q [REDACTED] S [REDACTED], H [REDACTED] A [REDACTED], I [REDACTED] Z [REDACTED] and H [REDACTED] A [REDACTED] with addresses as in the case file.

That to the accused Sava Matic is continued detention pursuant to provision of Article 191 par. 2 item 1 and 4 of the LCP.

Reasoning

After the conclusion of investigations in the criminal case of the accused Sava Matic from Rahovec because of commission of criminal offence of war crimes against civilian population from Article 142 par. 1 of the YCL applied pursuant to UNMIK decree, it is established this factual situation:

that in this criminal matter it is not disputable the fact that the accused Sava Matic as member and paramilitary together with other paramilitaries during the armed conflict that happened in July 1998 was dressed in police camouflage clothes and with automatic weapon – sniper and in this capacity by executing the orders from above participated in beatings and looting of unprotected Albanian civilian population in the villages of Rahovec municipality thus he concretely participated in beating and physical and mental maltreatment of Xh [REDACTED] A [REDACTED] Q [REDACTED] S [REDACTED], H [REDACTED] H [REDACTED], H [REDACTED] A [REDACTED], I [REDACTED] Z [REDACTED] and S [REDACTED] Z [REDACTED] all from village Potoqani i Ulet and then on 23 March 1999 during the war in Kosovo participated directly in the massacre of villagers in the village Krushe e Madhe where were massacred and killed 42 villagers of the village Krushe e Madhe.

Such factual situation is established by statements of witnesses A [REDACTED] Z [REDACTED] S [REDACTED] H [REDACTED], Xh [REDACTED] A [REDACTED], S [REDACTED] Z [REDACTED], Q [REDACTED] S [REDACTED], H [REDACTED] A [REDACTED], I [REDACTED] Z [REDACTED] and H [REDACTED] A [REDACTED] H [REDACTED].

The accused does not admit the commission of criminal offence defending himself that he did not participate in the beating of the Albanian population or in the massacre that happened in Krusha e Madhe but emphasizes that he was mobilized and in the framework of his obligations that he had at work; he has accomplished his daily works, he have heard about the suffering of the Albanian population, murders, displacements, imprisonments, but he did not participate in all these. Such defence of the accused is not grounded and it is in contradiction with the evidence especially with the statements of proposed witnesses.

In favor of this groundlessness of the defence of the accused Sava Matic speaks statements of the witnesses as the statement of the witness Af [REDACTED] Z [REDACTED] from Krusha e Madhe which confirms the fact and circumstances that here the accused on the date 26 March 1999 when villagers of the village Krusha e Madhe departed from the village to mountains then they were separated women and men and children and in that occasion a big number of villagers were killed and massacred by Serb paramilitaries, and the accused Sava Matic was among them.

From the statements of witnesses as Se [REDACTED] H [REDACTED], Xh [REDACTED] A [REDACTED], S [REDACTED] Z [REDACTED], Q [REDACTED] S [REDACTED] H [REDACTED] A [REDACTED] I [REDACTED] Z [REDACTED] and H [REDACTED] A [REDACTED] H [REDACTED] all from village Potoqani i Ulet it is confirmed the fact and circumstance that except these witnesses from village Potoqani i Ulet were the accused Sava Matic operated, among others, there were maltreated, physically beaten up and robbed, other witnesses and other members of Albanian population by the accused Sava Matic who concretely by executing the orders from Belgrade and from his

superiors, he participated in the beatings and maltreatment of Albanian population, in their suffering and looting in various manners together with other paramilitaries.

Therefore, in the basis of such established factual situation I consider that in the actions of the accused Sava Matic are formed all key elements of criminal offence of war crimes against civilian population from Article 142 par. 1 of the YCL for which criminal offence he is criminally - legally responsible since there is no legal basis that would exclude or mitigate his criminal and legal responsibility.

Otherwise, from the evidence and statements of proposed witnesses undoubtedly is established the fact and circumstance that the accused was uniformed and armed paramilitary has acted concretely in the village Potoqan i Ulet and Krushe e Madhe together with other paramilitaries, has executed orders from above by maltreating Albanian population and by beating it up and looting and killing, in violation of international law rules and positive laws.

I consider that the indictment is proven and is based in the law,

PUBLIC PROSECUTOR

Skender Morina
(signed and stamped)