

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

OKRUGUZI SUD PEÇE
17.1.31.99
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MARRË NË DORËZIM
PRIMLJERO

Pristina, 8 September 2010

PPS 18/09

To the District Court of Pejë/Peć

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

Indictment

Against:

Name	Vukmir
Surname	CVETKOVIĆ
Father's name	
Date of Birth	12.08.1969
Place of Birth	Kline/Klina (Pejë/Peć)
Gender	Male
Address	Boro Milotović street n. 4 (Klinë/Klina)
Nationality	Serbian
Citizenship	Kosovar

For the following criminal offence:

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 121 (2) of the Criminal Code of Kosovo (CCK), because, in violation of Article 3 common to the four Geneva Conventions of 12 August 1949, and Articles 1 and 17 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 charge, the defendant, acting jointly with members of the Serbian Police and wearing himself a uniform, participated in a military operation in the town of Kline/Klina, which consisted in expelling the Albanian civilian population of Kline/Klina out of the town, by ordering them to vacate their houses and leave the village, and by burning their houses; in Kline/Klina, at the end of March 1999.

FOUNDATIONS FOR THE INDICTMENT AND EVIDENCE OVERVIEW

The investigation in the case originated from the complaints filed in September 2005

against Mr. Cvetković, then a Kosovo Police officer, by some citizens of Klina, including S [redacted] S [redacted] (13.02.1958), A [redacted] T [redacted] and S [redacted] S [redacted] (19.8.1966).

The evidence collected during the investigation into such complaints enables the Prosecutor to conclude that on 27 or 28 March 1999 Vukmir Cvetković took part, together with members of Serbian Police, in a military operation in the town of Kline/Klina. Such operation consisted in expelling the Albanian civilian population of Kline/Klina out of the town, by ordering them to vacate their houses and leave the village, and by burning their houses. As a result of such operation, several Albanian families fled the town and several Albanian houses were burnt.

In particular, S [redacted] S [redacted] (13.02.1958) testified before UNMIK Police and the undersigned Prosecutor that after being expelled by Serbian Police from his home in Klina, he observed Mr. Cvetković setting fire to the houses of N [redacted] S [redacted] and of K [redacted] and Z [redacted] Q [redacted] by using a flame-thrower.

That Mr. Cvetković set fire to Z [redacted] Q [redacted]'s house with a flame-thrower is also the evidence of E [redacted] T [redacted] and P [redacted] S [redacted] who gave statements to UNMIK Police.

S [redacted] S [redacted] (19.8.1966) testified before the undersigned Prosecutor that Mr. Cvetković together with an unidentified Serbian Police Officer entered the yard of his house. The unknown officer ordered Mr. S [redacted] at gunpoint to leave immediately his house. Meanwhile, Mr. Cvetković, holding an AK-47, was standing next to the other perpetrator.

The three witnesses, who have known Mr. Cvetković as a co-villager for most of their lives, indicated that they reported the case only in 2005 because the defendant made return to the town only in 2005 to work as a Police officer. The sight of the defendant in the village wearing a Police uniform prompted the witnesses to report him for what he had done in 1999.

During his examination by the undersigned prosecutor on 17 August 2010, and in the presence of a defence counsel of his choice, Mr. Cvetković confirmed that in March 1999 he was a reserve Police officer who had been called to duty after the start of the NATO bombing campaign (24 March 1999). He also stated that he had been equipped with a Police uniform, which he was wearing when on duty, and with an AK-47 rifle. Mr. Cvetković also stated that on the day in question, on his way back from work, he passed through the centre of Klina and observed a number of Albanian families being expelled from the town. He recognized several of them, including the relatives of the S [redacted] family. Mr. Cvetković finally stated that he knows personally both S [redacted] S [redacted] and E [redacted] T [redacted] and that he always had good neighborly relations with them.

The evidence outlined above shows the well-grounded suspicion that Mr. Cvetković towards the end of March 1999 participated in the military operation aimed at expelling the Albanian civilian population from Kline/Klina. He participated in threatening civilians to leave their houses, and he set on fire at least two houses.

Such actions amount to the offence of War crime against the civilian population,

given that they clearly infringe the provisions of Articles 22 and 142 of the CCSFRY (the same conduct is currently criminalized under Articles 23 and 121, par. 2 of the CCK) and violates Article 3 common to the four Geneva Conventions of 12 August 1949, and Articles 1 and 17 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.

There is a well established internal and international case-law stating that in March 1999 an internal armed conflict between Serbian forces and KLA was ongoing on the territory of Kosovo. The defendant's conduct, as seen above, is part of a broader operation carried out by Serbian forces (likely Serbian Police) in the context of such armed conflict (nexus between the conduct and the conflict). Finally, there can be little doubt that the victims of Mr. Cvetković's actions were civilians, taking no part whatsoever in the hostilities.

PROPOSAL FOR TRIAL

The Prosecutor proposes that the main trial of this case be scheduled and held in the District Court of Pejë/Peć.

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

- The undersigned Prosecutor
- The defendant Mr. Cvetković and his defence counsel Mr. Ljubomir Pantović
- The injured parties S [REDACTED] S [REDACTED] (13.02.1958), E [REDACTED] T [REDACTED], P [REDACTED] S [REDACTED], S [REDACTED] S [REDACTED] (19.8.1966), Z [REDACTED] Q [REDACTED], K [REDACTED] C [REDACTED] and N [REDACTED] S [REDACTED]

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

- S [REDACTED] S [REDACTED] (13.02.1958)
- S [REDACTED] S [REDACTED] (19.8.1966)
- E [REDACTED] T [REDACTED]
- P [REDACTED] S [REDACTED]

The Prosecutor also proposes that the following documents are admitted:

- Pictures of the houses allegedly burnt by the defendant
- Mr. Cvetković's file as Kosovo Police officer
- UNMIK Police investigative reports
- Statement of the accused

MOTION FOR THE DETENTION OF THE DEFENDANT

The defendant, after being extradited from Norway, was arrested in Kosovo on 13 July 2010. At the outcome of the detention hearing held in front of the pre-trial judge in Pejë/Peć, one month of detention on remand was imposed on the accused. A three-Judge panel of the same Court subsequently extended for another two months the detention on remand against the accused.

The undersigned Prosecutor believes that all the circumstances indicated in previous applications for detention on remand (with a particular view to the risk of flight, as the defendant escaped from Kosovo and took shelter in Norway, where he was apprehended) are still present, and that detention on remand is necessary to ensure the defendant's presence at the trial.

For the foregoing reasons, the Prosecutor respectfully requests that the confirmation Judge orders that the measure of detention on remand against the defendant continues to be in place.


Maurizio Salusto
SPRK Prosecutor

