

**District Public Prosecutor's Office**  
**PP.Nr. 115/2000**  
**On 21.09.2000**  
**GJILAN**

**To the District Court of**

**GJILAN**

Based on article 45. paragraph 2. item 3. of the LCP raised:

**The INDITEMENT**

Against:

MOMQILLO TRAJKOVIQ, the son of [REDACTED] and [REDACTED], born in Zhivkoviq, on [REDACTED], in the Carakove village, permanent resident in Kamenica, in "[REDACTED]" street, serb, married, father of three children, educated, former Chief of the Kamenica Police Station, middle class, not tried, the procedure of who takes place in connection with the criminal act of killing, according to article 30, paragraph 1, of the KCL, in conjunction with the article 19 of the YCL, as well as illegal weapon possession or possession of explosive material from the article 199, paragraph 3 in connection with paragraph 1 of the KCL, in DETENTION in the prison of Bondsteel in Sojev.

**DUE TO**

During the period from 24.05.1999 until the day of the entry of the International Forces in Kosova, during the armed conflict and the bombing pact of NATO, against FR of Yugoslavia, has violated the rules of International Justice during the war, so that with the capacity of the Head of the Kamenica Police, with the initiative, orders and his actions, by applying the orders of higher levels, purposely in systematic way has planned, ordered and exercised criminal acts against the unarmed civilian population, such as: killings, executions, tortures, violation of human rights and physical integrity, expulsions, has also applied measures of fear and terror, kidnapping, collective punishment, made people hungry, looted and robbed the property of the population of this area, dealt with the unlawful annihilation and arbitrary extermination of the property that can not be reasoned by policy and military means, in the way that he has drawn the lists of the people by name and surname who have participated in political, social and human activities of the territory of Kamenica. He has handed these lists to the police officers under his command and has ordered that alone or together, in cooperation with the military forces, so that the people in those lists would be executed at the place, something that was achieved later, and all these acts have been committed as follows:

-on April 18, 1999, by applying his orders as a chief, the police forces in cooperation with the military forces early in the morning have surrounded the villages of: Strezovc, Leshtar, Rahovice, Krileve dhe Gregjenik, armed with an automatic gun and other guns of different caliber have opened fire from all over and nonstop shot in the open in the quarters and the houses in the villages aiming to create panic and terror on the civil local unarmed population by expelling them forcibly out of their houses and then started the executions. A [REDACTED] A [REDACTED] 70 years old from Gregjenik village was executed, A [REDACTED] I [REDACTED] 23 years old from Rahovice village, who was executed in the doorstep in the presence of the family members. Sh [REDACTED] I [REDACTED] 34 years old, and R [REDACTED] K [REDACTED] from Karaqeve village, were kidnapped in Rahovice village and were executed in the suburbs of Kamenica. After these crimes were committed and the civil population was expelled, they started immediately the criminal acts of the destruction of the property, looting and at the end burning of the houses.

-on April 19, 1999, the military-police forces commanded by the accused Momqillo Trajkoviq, early in the morning surround the village of Petrovc who has a population of 3000 people, and expelled by force the civil population by expelling the people out of their houses in the direction of the Kosovar-Maqedonian border and after emptying the village the criminal act of looting the properties, burning houses and in the doorsteps of their house they executed father and son M [REDACTED] and F [REDACTED] Sh [REDACTED], who were not able to leave the village in time. They buried the bodies of the victims aiming to hide the traces.

-on May 11, 1999, the military – police forces directed and commanded by Momqillo Trajkoviq, with the lists in the hand compiled early, have surrounded Hogosht, Kopernice, Shipashnice, Kranidell, Upper Karaqeve and Lower Karaqeve, Rogocice, Hodonovc, Topanice and Koretine villages where they had already compiled the lists of the people by name and surname who have participated in political, social and humanitarian activities, with intention of liquidation, for which reason from the village Hogosht first were kidnapped R [REDACTED] L [REDACTED] and M [REDACTED] S [REDACTED] who were executed without any reason at the village Karaqeve. I [REDACTED], from village Kopernice, was executed in the presence of the members of his family, N [REDACTED] K [REDACTED] was executed only because he did not tell where his sons were; they were in the list of execution. In the village Karaqeve, A [REDACTED] Th [REDACTED] was taken from his home. First he was severely beaten and maltreated in the presence of the members of his family; with the vehicle he was escorted to the Police Station in Kamenice, and later with the order of the Police Chief was send to Prishtina and executed by Zh [REDACTED] F [REDACTED] “Przha” and S [REDACTED] A [REDACTED] at the Badovc Lake near Prishtina. The same day in village Karaqeve the house of M [REDACTED] K [REDACTED] was burnt to the grounds as revenge, because his son B [REDACTED], who was in the list of liquidation, was not home.

- on 01.05.1999 in the place called “Qafa e Kopernices”, while executing orders given previously by Momqillo Trajkoviq, the police forces in collaboration with military forces killed: E [REDACTED] J [REDACTED], from the village Daznice and R [REDACTED] S [REDACTED] from village Feriqeve, and later these forces and military had given orders to the workers of the enterprise “Napredak” to bury the killed persons.

- on 11. April 1999 the accused Momqillo Trajkoviq personally, sometime afternoon in Kamenice, armed and leading a group of policemen, entered the locations of the Driving Scholl "Jehona". They asked for the director of the school Hajdar Ramabaja, and because nobody answered, he order F█████ Sh█████ to find the H█████ R█████ buss and house's keys, otherwise they with put on fire the house and the buss. On the night between 11 and 12 April 1999, at about 01:00 they had put on fire the mentioned house and buss, where as a consequence the buss, house and the other locations near the house was burn to the grounds.
- on 18.04.1999 in the village of Krileve by the police-military armed forces, using fire arms were wounded: Z█████ D█████, A█████ D█████ and B█████ S█████ from village Leshtar.
- on 17.04.1999 in Kamenice by police-military forces using fire arms were wounded: Xh█████ L█████, G█████ L█████ and V█████ Sh█████ all from Kamenica.
- 03.04.1999 in Kamnice by police-military forces at about 01:00 in the backyard of I█████ B█████ house, was thrown a hand granate, which exploded and as a consequence were severely wounded I█████ B█████ and A█████ B█████.
- on 01.04.1999 in Kamenice by police-military forces, using firearms were wounded M█████ and R█████ R█████. Their wounds were inflicted in the back area and right shoulder.
- on 04.05.1999 in Kamenice, by police-military forces, at his step door, was wounded A█████ K█████.
- on 25.05.1999 in the village Koretin, by the police-military forces, from the firearms severely were wounded S█████ S█████, H█████ H█████ and Xh█████ R█████.
- on 11.05.1999 in the village Hodonovc in the neighborhood called "Batall", from the firearms of the police-military forces, while they were traveling with their vehicle type "Lada Niva", were wounded Sh█████ B█████ and H█████ Sh█████.
- on 17.05.1999 the police-military forces, acting according to the orders of the accused, in village Topanice, took from his home R█████ M█████ taking him to the police station and with no reason they had beaten him up, maltreating and torturing him brutally until he blacked out.
- on 17 April 1999 at about 11:00, in village Krileve by police-military forces, H█████ D█████ along with another person NN, while driving a car type "Pezho" on his way out the village, was kidnapped and sent to the Novo Brdo, where he was beaten up brutally, maltreated continuously for four days in a row, and after that he was released and told not to come back ever.

- by doing this he has committed a criminal act war crime against the civilian population as provided in article 142 par.1 of CLJ.

Therefore I:

Propose

To schedule a hearing and a trial at that court to which the following persons should be summoned:

1. District Public Prosecutor in Gjilane,  
The accused Momqillo Trajkoviq who is in detention on Bondseell-Sojeve

2. The witnesses and aggrieved parties:

- L S [redacted] – “ [redacted] Prishtine
- B S [redacted], village Hogosht – Kamenice
- B G [redacted], village Hogosht – Kamenice
- Z I [redacted], village Kopernice – Kamenice
- B Th [redacted], village Karaqeve e Ulet, Kamenice
- N V [redacted], village Rahovice – Kamenice
- H Th [redacted], village Karaqeve e Ulet, Kamenice
- K I [redacted], village Raahovice, Kamenice
- F I [redacted], village Rahovice, Kamenice
- B K [redacted], village Petrovc, Kamenice
- Q D [redacted], village Ropotove e Vogel – Kamenice
- M I [redacted], village Kopernice – Kamenice
- M F [redacted], village Gjyrishevc – Kamenice
- B F [redacted], village Karaqeve – Kamenice
- I S [redacted], village Feriqeve – Kamenice
- Sh S [redacted], village Feriqeve – Kamenice
- Z D [redacted], village Strezovc – Kamenice
- S I [redacted], village Matiqan – prishtine
- B K [redacted], village Karaqeve – Kamenice
- R B [redacted], village Hogosht – Kamenice
- H D [redacted], village Krileve – Kamneice
- Sh K [redacted], village Karaqeve e Eperme – Kamenice
- A K [redacted], village Karaqeve e Eperme – Kamenice
- N K [redacted], village Karaqeve e Ulet – Kamenice
- B K [redacted], village Rogoqice – Kamenice
- M R [redacted], village Bratillov – Kamenice
- R M [redacted], village Topanice – Kamenice
- L K [redacted], village Rogacice – Kamenice
- M K [redacted], village Rogacice – Kamenice
- B K [redacted], village Karaqeve e Eperme – Kamenice

M [REDACTED] B [REDACTED], village Strezovcc – Kamenice  
Xh [REDACTED] K [REDACTED], “ [REDACTED] ” Street, Kamenice

R [REDACTED] R [REDACTED], ‘ [REDACTED] ’ Kamenica,  
Xh [REDACTED] L [REDACTED], ‘ [REDACTED] ’ Kamenica,  
G [REDACTED] L [REDACTED], ‘ [REDACTED] ’ Kamenica,  
F [REDACTED] Sh [REDACTED], ‘ [REDACTED] ’ Kamenica,  
I [REDACTED] B [REDACTED], ‘ [REDACTED] ’ Kaminca,  
R [REDACTED] I [REDACTED], Kopernica vilage, Kamenica,  
M [REDACTED] R [REDACTED], ‘ [REDACTED] ’ Kamenica,  
A [REDACTED] K [REDACTED], ‘ [REDACTED] ’ Kamenica,  
A [REDACTED] B [REDACTED], ‘ [REDACTED] ’ Kamenica,  
S [REDACTED] S [REDACTED], ‘ [REDACTED] ’ Kamenica,  
H [REDACTED] H [REDACTED], Koretin vilage, Kamenica,  
Xh [REDACTED] R [REDACTED], Koretin vilage, Kamenica,  
[REDACTED] M [REDACTED], ‘ [REDACTED] ’ Prishtina,  
F [REDACTED] K [REDACTED], ‘ [REDACTED] ’ Kamenica,  
T [REDACTED] I [REDACTED], Kamenica,  
Sh [REDACTED] I [REDACTED], Koperrnica vilage, Kamenica,  
B [REDACTED] S [REDACTED] i, Leshtar vilage, Kamenica,  
A [REDACTED] D [REDACTED], Krilevë vilage, Kamenica,  
Z [REDACTED] D [REDACTED], Krilevë vilage, Kamenica,  
B [REDACTED] S [REDACTED], Leshtar vilage, Kamenica,  
F [REDACTED] Th [REDACTED], Karaqevë e Ultë vilage, Kamenica,  
F [REDACTED] S [REDACTED], ‘ [REDACTED] ’ Prishtina,  
B [REDACTED] K [REDACTED], Ragaçicë vilage, Kamenica,  
B [REDACTED] k [REDACTED], Karaqevë e Epërme, Kamenica,  
L [REDACTED] L [REDACTED], Petrovc vilage, Kamenica,  
T [REDACTED] K [REDACTED], Rogaçicë vilage, Kamenica,  
M [REDACTED] K [REDACTED], Karaqevë e Ultë vilage, Kamenica,  
Sh [REDACTED] B [REDACTED], Honodovc vilage, Kamenica,  
H [REDACTED] Sh [REDACTED], Poliçkë vilage, kamenica,  
S [REDACTED] d [REDACTED], Shipashnicë e Epërme vilage, Kamenica  
R [REDACTED] R [REDACTED], Koretin vilage, kamencia,  
H [REDACTED] R [REDACTED], ‘ [REDACTED] ’ Kamenica,  
R [REDACTED] M [REDACTED], Topanicë vilage, Kamenica,

3. To be examined as material evidence:

- Report of (SPB/SIA) the Police in Gjilan from 27.04.1999.
- Report of (SPB/SIA) the Police in Gjilan from 04.05.1999.
- Minutes from seeing of the scene of the crime of the Investigating Judge No.44/99.
- Minutes of the Municipal Enterprise “Napredak” No.64/99.

- Report of the I.D. on checking the persons, register of the persons by name and surname for liquidation written in Serbo-Croatian language in 'Cyrillic'.
- Release paper Nr.536 on the name of Xh [REDACTED] L [REDACTED].
- Medical report of I [REDACTED] B [REDACTED], from Kamenica.
- Medical report Nr.1873 of R [REDACTED] R [REDACTED].
- Medical report No.3193 of Xh [REDACTED] R [REDACTED].
- Release paper Nr.463 of M [REDACTED] R [REDACTED].
- Medical report Nr.9204 of B [REDACTED] S [REDACTED].
- Medical report Nr.9235 of Z [REDACTED] D [REDACTED].
- To view a photo album with six pictures on the name of R [REDACTED] M [REDACTED].
- Photo album with four pictures of the house of M [REDACTED] K [REDACTED].
- To view a photo album with eight pictures of the house, of driving school "JEHONA" in Kamenica.

4. that after the main public session is finished, questioning legal procedural parties, examining material evidences and administering them, the accused Momcilo Trajkovic to pronounce guilty and to punish him with deserved punishment by the law.

#### JUSTIFICATION

During conducting the investigation against the accused Momcilo Trajkovic, from Kamenica, there are provided evidences, data and facts, based on which it is verified that on time, place and manner as prescribed in the enacting close of the indictment, willfully and directly has committed criminal act of war crime, against the civilian population for article 142 paragraph 1 of CLY.

The accused Momcilo Trajkovic, in his defense during the investigating procedure denied enacting close of the Request for conducting the investigation, justifying it that he didn't commit crimes, killings, expulsions, attempt murders, robberies and violations of the international law during the war and he refutes it as unfounded.

In his defense the accused emphasized, that as of 1995 and up to 10 June of 1999, he as head chief of the Secretariat of the Internal Affairs in Kamenica, and as one he was conducting administrative duties of the organ, and he answered to D [REDACTED] G [REDACTED] from Zrenjanin, and for everything he did he reported to him.

As head chief of the organ, he didn't have any supervision over police; he only had supervision over two, three administrative clerks.

Further, in his defense, he emphasized that on 18.04.1999, when are expelled habitants of the villages Strezovc, Leshtar, Rahovica, Krileva and Gragjenik, and when people has been killed, he didn't have any knowledge of that, because public security wasn't in his competency. Also he defended himself in the same way that he didn't have any knowledge for killings that occurred on the 11.05.1999 in the villages of the Hogosht, Kopernice, Shipashnice, Kranidell, Karaceve e Eperme and Karaceve e Ulte, Rogacic, Hodonovc, Topanice dhe Koretin, whose inhabitants were expelled by force from their houses, and during that time people were executed and their goods robbed of them, and that he was informed only for some cases, from his family.

He, also denied that he committed crimes of the 19 April 1999, done by police-military forces in Petrovc village, where except expulsions by force of the civilian population,

two persons are executed, father and son, M [REDACTED] and F [REDACTED] Sh [REDACTED], and their corpses burned, and that he wasn't informed about that.

Further, he specified, that he did not have any information for the event in Kamenica and around Kamenica where people got wounded, and in his defense he stated that during the whole time the conflict lasted, he was in Kamenica in civilian wardrobe and that he did not wear uniform.

Defense of the accused is unfounded because any evidence brought during the investigating proceedings does not support it. This kind of defense is in controversy and illogical and that is in contradiction with over 60 statements of the aggrieved and witnesses and also with material evidence obtained during the investigation as: Minutes of seeing of the scene of the crime, medical reports, list of the personal I.D. checking, with underlined names and surnames for the persons that were to be killed, photo albums with photos, and all this confirm the opposite of his defense, and that make his defense ungrounded, illogical, because the accused was fully aware of all cases and for all actions that were undertaken by his men in cooperation with military forces and in a way he tries to avoid the responsibility, saying that he only supervised the administration, according to the assigned duties. We have to do with a person with special authorizations that gives orders and executes the orders from higher levels in accordance with the law in power, but he overstepped them, and he directs the defense in order to avoid criminal responsibility.

They are obvious facts that the accused Momcilo Trajkovic in time, place and the manner as described in enactive close of the Indictment willingly committed criminal act of war crimes, against civilian population, from article 142 para. 1 of CLY.

The crimes committed to unarmed civilian population prove statements of the aggrieved L [REDACTED], S [REDACTED], Z [REDACTED], D [REDACTED], Z [REDACTED], I [REDACTED], H [REDACTED], Th [REDACTED], K [REDACTED], I [REDACTED], B [REDACTED], K [REDACTED], I [REDACTED], S [REDACTED], S [REDACTED], I [REDACTED], H [REDACTED], D [REDACTED], B [REDACTED], K [REDACTED], R [REDACTED], M [REDACTED] and other witnesses that stated in convinced way every detail of this criminal act, and that one by one for everything they saw and experienced during the period of time while the armed conflict lasted, and who directly confronted face to face police and military that acted according to the orders given by the accused.

Witness L [REDACTED] S [REDACTED] stated that on 11.05.1999. around 10,30, big police forces, surrounded Hogosht village and with the list in their hands, got out from his home M [REDACTED] S [REDACTED] and executed him at the place called "Pishnajet" close to the village...

Borica Gjorgjevic has stated that on 11 May 1999, in the village of Hogosht two military men entered her house with a list in their hands and after legitimating it asked for her husband R [REDACTED] L [REDACTED] and in answer to the question "why do you need this person for" they said: "take the old and leave the house, because your husband R [REDACTED] has committed many mistakes in life" and then they have shown to her the register, which was written in Serbian "Cyrillic" and contained the names and surnames of eight (8) Albanians. One of the military men told her that her husband was to be liquidated and that was confirmed next day on 12 May 1999, in the morning, time when she was informed that the same person was liquidated at a place called "the pinery" close to the village of Karaqeva, and after that, the body was picked up

and buried in Hogosht. She has also stressed that one of the militaries was a policeman and that he was from the village of Kmetovc.

This information and some other data are also confirmed in the statements of Z [REDACTED] I [REDACTED], B [REDACTED] Th [REDACTED], N [REDACTED] V [REDACTED], who witnessed the whole event that occurred in the village of Rahovica and also H [REDACTED] Th [REDACTED] who witnessed the event that occurred in the village of Karaqeva, where on 11 May 1999 A [REDACTED] Th [REDACTED] was taken from his house, after being prior to that heavily ill-treated in front of his families, was driven in their car to the Police Station in Kamenica and later liquidated by order of the accused in the vicinity of Pristina, near Badovc lake, and in that event Zh [REDACTED] F [REDACTED] and S [REDACTED] A [REDACTED] were identified as executors.

The same was witnessed, and that without any sign of hesitation, also by all other witnesses who did not find it reasonable to attach these statements to the materials of the case because they already are amongst matter papers.

According to the material evidences like: the report of the legitimacy of the persons, which on its next page contains the registered names, surnames and locations of the persons, written in Serbian, in Cyrillic and that were foreseen to be liquidated. There were I [REDACTED] I [REDACTED], N [REDACTED] K [REDACTED], A [REDACTED] Th [REDACTED], M [REDACTED] S [REDACTED] and R [REDACTED] L [REDACTED] executed from this list.

According to the report of the SIA of Gjilan, sent to District Public Prosecutor's Office, the fact is proved that on 27.04.1999, in the village of Petrovc, the charred cadavers of NN persons were found in the house with the ordinal number 193.

This report has been dispatched to the Prosecutor's Office and to the District Court in order to start the investigation.

According to the report of the SIA of Gjilan, not numbered, it is proved that on 04.05.1999, in his village of Bratillovc of Kamenica Municipality, in the vicinity of the TV antenna, the cadaver of an approximately 40 years old male of Albanian nationality was found, who had been executed by fire weapons.

Based on the report of the crime scene investigation PC.Nr.36/99 dated 14.04.1999, it is already confirmed that a cadaver has been found, in the vicinity of Kamenica, in the direction to the village of Strezovc, close to the private house nr.221, at a place called "jaruga". The cadaver belongs to an approximately 60 years old person and Dr. M [REDACTED] A [REDACTED] from Kamencia did the autopsy.

(10)

Based on the report Pn.Nr.44/99, dated 04.May 1999, the investigation of the crime scene in the village of Bratillovc was done and the workers of the Public Utility Enterprise buried the cadaver.

According to the report nr.64/99, dated 01.05.1999 compiled by the workers of the Public Utility Enterprise "Napredak" in Kamenica, it is evident that the workers of this enterprise



buried the NN person, once the investigation of the crime scene, that's on the road to the village of Kopernica, was completed.

Judging by the medical reports of Xh [REDACTED], L [REDACTED], I [REDACTED], B [REDACTED], R [REDACTED] R [REDACTED], Xh [REDACTED] R [REDACTED], release certificate of M [REDACTED] R [REDACTED], B [REDACTED] S [REDACTED] report and Z [REDACTED] D [REDACTED] medical report, the fact was proved that all of them had heavy bodily injuries caused by fire weapons.

Based on the photo album containing the six photos on behalf of R [REDACTED] M [REDACTED], traces of ill-treatment and beating that kept going on till he lost his conscience are visible all over the body. Also, according to another photo album the fact of pillage and burning of houses, other accompanying facilities of "Jehona" driving school in Kamenica and of the house of M [REDACTED] K [REDACTED] from Karaqeva e Ulet is proved.

All gathered and separately justified statements and physical evidence substantiate the core of the indictment, because these proofs are irrefutable and from there results the juridical qualification of the penal act of the crime of war against civilian population pursuant from article 142.par.1.of the CLY, which has been willingly committed by the accused and realizing the consequences, which derived from orders given by him or received from his superiors, orders that he himself has first obeyed passing them after to his people together with the recommendation to reach their goals regardless the means. His final goal has been the emptying of these villages, that belong to the Albanian nation and were inhabited by them, of its ethnic Albanian population with the purpose to forcibly expel them which proved to be true judging by the fact that the overwhelmed majority of the population of this region crossed the Kosovo-Macedonian border, and another part of it sought refugee in those villages where the repression was of a lower intensity. Based on these facts we do rightfully conclude that in his actions the accused manifests all the incriminating elements of the penal act of the war crime against the civilian population as it is qualified pursuant to article 142.par.1.of the CLY, therefore we rightfully ask the accused to be pronounced guilty and to be punished according to the law.

**District Public Prosecutor**

**Sabit Maliqi**