

THE PROSECUTOR OF THE TRIBUNAL

AGAINST

SLOBODAN MILOSEVIC
MILAN MILUTINOVIC
NIKOLA SAINOVIC
DRAGOLJUB OJDANIC
VLAJKO STOJILJKOVIC

INDICTMENT

The Prosecutor of the International Criminal Tribunal for the former Yugoslavia, pursuant to her authority under Article 18 of the Statute of the Tribunal, charges:

SLOBODAN MILOSEVIC
MILAN MILUTINOVIC
NIKOLA SAINOVIC
DRAGOLJUB OJDANIC
VLAJKO STOJILJKOVIC

with **CRIMES AGAINST HUMANITY** and **VIOLATIONS OF THE LAWS OR CUSTOMS OF WAR** as set forth below:

BACKGROUND

1. The Autonomous Province of Kosovo and Metohija is located in the southern part of the Republic of Serbia, a constituent republic of the Federal Republic of Yugoslavia (hereinafter FRY). The territory now comprising the FRY was part of the former Socialist Federal Republic of Yugoslavia (hereinafter SFRY). The Autonomous Province of Kosovo and Metohija is bordered on the north and north-west by the Republic of Montenegro, another constituent republic of the FRY. On the south-west, the Autonomous Province of Kosovo and Metohija is bordered by the Republic of Albania, and to the south, by the Former Yugoslav Republic of Macedonia. The capital of the Autonomous Province of Kosovo and Metohija is Pristina.

2. In 1990 the Socialist Republic of Serbia promulgated a new Constitution which, among other things, changed the names of the republic and the autonomous provinces. The name of the Socialist Republic of Serbia was changed to the Republic of Serbia (both hereinafter Serbia); the name of the Socialist Autonomous Province of Kosovo was changed to the Autonomous Province of Kosovo and Metohija (both hereinafter Kosovo); and the name of the Socialist Autonomous Province of Vojvodina was changed to the Autonomous Province of Vojvodina (hereinafter Vojvodina). During this same period, the Socialist Republic of Montenegro changed its name to the Republic of Montenegro (hereinafter Montenegro).

3. In 1974, a new SFRY Constitution had provided for a devolution of power from the central government to the six constituent republics of the country. Within Serbia, Kosovo and Vojvodina were given considerable autonomy including control of their educational systems, judiciary, and police. They were also given their own provincial assemblies, and were represented in the Assembly, the Constitutional Court, and the Presidency of the SFRY.

4. In 1981, the last census with near universal participation, the total population of Kosovo was approximately 1,585,000 of which 1,227,000 (77%) were Albanians, and 210,000 (13%) were Serbs. Only estimates for the population of Kosovo in 1991 are available because Kosovo Albanians boycotted the census administered that year. General estimates are that the current population of Kosovo is between 1,800,000 and 2,100,000 of which approximately 85-90% are Kosovo Albanians and 5-10% are Serbs.

5. During the 1980s, Serbs voiced concern about discrimination against them by the Kosovo Albanian-led provincial government while Kosovo Albanians voiced concern about economic underdevelopment and called for greater political liberalisation and republican status for Kosovo. From 1981 onwards, Kosovo Albanians staged demonstrations which were suppressed by SFRY military and police forces of Serbia.
6. In April 1987, **Slobodan MILOSEVIC**, who had been elected Chairman of the Presidium of the Central Committee of the League of Communists of Serbia in 1986, travelled to Kosovo. In meetings with local Serb leaders and in a speech before a crowd of Serbs, **Slobodan MILOSEVIC** endorsed a Serbian nationalist agenda. In so doing, he broke with the party and government policy which had restricted nationalist expression in the SFRY since the time of its founding by Josip Broz Tito after the Second World War. Thereafter, **Slobodan MILOSEVIC** exploited a growing wave of Serbian nationalism in order to strengthen centralised rule in the SFRY.
7. In September 1987 **Slobodan MILOSEVIC** and his supporters gained control of the Central Committee of the League of Communists of Serbia. In 1988, **Slobodan MILOSEVIC** was re-elected as Chairman of the Presidium of the Central Committee of the League of Communists of Serbia. From that influential position, **Slobodan MILOSEVIC** was able to further develop his political power.
8. From July 1988 to March 1989, a series of demonstrations and rallies supportive of **Slobodan MILOSEVIC**'s policies -- the so-called "Anti-Bureaucratic Revolution" -- took place in Vojvodina and Montenegro. These protests led to the ouster of the respective provincial and republican governments; the new governments were then supportive of, and indebted to, **Slobodan MILOSEVIC**.
9. Simultaneously, within Serbia, calls for bringing Kosovo under stronger Serbian rule intensified and numerous demonstrations addressing this issue were held. On 17 November 1988, high-ranking Kosovo Albanian political figures were dismissed from their positions within the provincial leadership and were replaced by appointees loyal to **Slobodan MILOSEVIC**. In early 1989, the Serbian Assembly proposed amendments to the Constitution of Serbia which would strip Kosovo of most of its autonomous powers, including control of the police, educational and economic policy, and choice of official language, as well as its veto powers over further changes to the Constitution of Serbia. Kosovo Albanians demonstrated in large numbers against the proposed changes. Beginning in February 1989, a strike by Kosovo Albanian miners further increased tensions.
10. Due to the political unrest, on 3 March 1989, the SFRY Presidency declared that the situation in the province had deteriorated and had become a threat to the constitution, integrity, and sovereignty of the country. The government then imposed "special measures" which assigned responsibility for public security to the federal government instead of the government of Serbia.
11. On 23 March 1989, the Assembly of Kosovo met in Pristina and, with the majority of Kosovo Albanian delegates abstaining, voted to accept the proposed amendments to the constitution. Although lacking the required two-thirds majority in the Assembly, the President of the Assembly nonetheless declared that the amendments had passed. On 28 March 1989, the Assembly of Serbia voted to approve the constitutional changes effectively revoking the autonomy granted in the 1974 constitution.
12. At the same time these changes were occurring in Kosovo, **Slobodan MILOSEVIC** further increased his political power when he became the President of Serbia. **Slobodan MILOSEVIC** was elected President of the Presidency of Serbia on 8 May 1989 and his post was formally confirmed on 6 December 1989.
13. In early 1990, Kosovo Albanians held mass demonstrations calling for an end to the "special measures." In April 1990, the SFRY Presidency lifted the "special measures" and removed most of the federal police forces as Serbia took over responsibility for police enforcement in Kosovo.
14. In July 1990, the Assembly of Serbia passed a decision to suspend the Assembly of Kosovo shortly after 114 of the 123 Kosovo Albanian delegates from that Assembly had passed an unofficial resolution declaring Kosovo an equal and independent entity within the SFRY. In September 1990, many of these same Kosovo Albanian delegates proclaimed a constitution for a "Republic of Kosovo." One year later, in September 1991, Kosovo Albanians held an unofficial referendum in which they voted overwhelmingly for independence. On 24 May 1992, Kosovo Albanians held unofficial elections for an assembly and president for the "Republic of Kosovo."

15. On 16 July 1990, the League of Communists of Serbia and the Socialist Alliance of Working People of Serbia joined to form the Socialist Party of Serbia (SPS), and **Slobodan MILOSEVIC** was elected its President. As the successor to the League of Communists, the SPS became the dominant political party in Serbia and **Slobodan MILOSEVIC**, as President of the SPS, was able to wield considerable power and influence over many branches of the government as well as the private sector. **Milan MILUTINOVIC** and **Nikola SAINOVIC** have both held prominent positions within the SPS. **Nikola SAINOVIC** was a member of the Main Committee and the Executive Council as well as a vice-chairman; and **Milan MILUTINOVIC** successfully ran for President of Serbia in 1997 as the SPS candidate.

16. After the adoption of the new Constitution of Serbia on 28 September 1990, **Slobodan MILOSEVIC** was elected President of Serbia in multi-party elections held on 9 and 26 December 1990; he was re-elected on 20 December 1992. In December 1991, **Nikola SAINOVIC** was appointed a Deputy Prime Minister of Serbia.

17. After Kosovo's autonomy was effectively revoked in 1989, the political situation in Kosovo became more and more divisive. Throughout late 1990 and 1991 thousands of Kosovo Albanian doctors, teachers, professors, workers, police and civil servants were dismissed from their positions. The local court in Kosovo was abolished and many judges removed. Police violence against Kosovo Albanians increased.

18. During this period, the unofficial Kosovo Albanian leadership pursued a policy of non-violent civil resistance and began establishing a system of unofficial, parallel institutions in the health care and education sectors.

19. In late June 1991 the SFRY began to disintegrate in a succession of wars fought in the Republic of Slovenia (hereinafter Slovenia), the Republic of Croatia (hereinafter Croatia), and the Republic of Bosnia and Herzegovina (hereinafter Bosnia and Herzegovina). On 25 June 1991, Slovenia declared independence from the SFRY, which led to the outbreak of war; a peace agreement was reached on 8 July 1991. Croatia declared its independence on 25 June 1991, leading to fighting between Croatian military forces on the one side and the Yugoslav People's Army (JNA), paramilitary units and the "Army of the Republic of Srpska Krajina" on the other.

20. On 6 March 1992, Bosnia and Herzegovina declared its independence, resulting in wide scale war after 6 April 1992. On 27 April 1992, the SFRY was reconstituted as the FRY. At this time, the JNA was re-formed as the Armed Forces of the FRY (hereinafter VJ). In the war in Bosnia and Herzegovina, the JNA, and later the VJ, fought along with the "Army of Republika Srpska" against military forces of the Government of Bosnia and Herzegovina and the "Croat Defence Council." Active hostilities ceased with the signing of the Dayton peace agreement in December 1995.

21. Although **Slobodan MILOSEVIC** was the President of Serbia during the wars in Slovenia, Croatia and Bosnia and Herzegovina, he was nonetheless the dominant Serbian political figure exercising *de facto* control of the federal government as well as the republican government and was the person with whom the international community negotiated a variety of peace plans and agreements related to these wars.

22. Between 1991 and 1997 **Milan MILUTINOVIC** and **Nikola SAINOVIC** both held a number of high ranking positions within the federal and republican governments and continued to work closely with **Slobodan MILOSEVIC**. During this period, **Milan MILUTINOVIC** worked in the Foreign Ministry of the FRY, and at one time was Ambassador to Greece; in 1995, he was appointed Minister of Foreign Affairs of the FRY, a position he held until 1997. **Nikola SAINOVIC** was Prime Minister of Serbia in 1993 and Deputy Prime Minister of the FRY in 1994.

23. While the wars were being conducted in Slovenia, Croatia and Bosnia and Herzegovina, the situation in Kosovo, while tense, did not erupt into the violence and intense fighting seen in the other countries. In the mid-1990s, however, a faction of the Kosovo Albanians organised a group known as *Ushtria Çlirimtare e Kosovës* (UÇK) or, known in English as the Kosovo Liberation Army (KLA). This group advocated a campaign of armed insurgency and violent resistance to the Serbian authorities. In mid-1996, the KLA began launching attacks primarily targeting FRY and Serbian police forces. Thereafter, and throughout 1997, FRY and Serbian police forces responded with forceful operations against suspected KLA bases and supporters in Kosovo.

24. After concluding his term as President of Serbia, **Slobodan MILOSEVIC** was elected President of the FRY 15 July 1997, and assumed office on 23 July 1997. Thereafter, elections for the office of the President of Serbia were held; **Milan MILUTINOVIC** ran as the SPS candidate and was elected President of Serbia on 21 December 1997. In 1996, 1997 and 1998, **Nikola SAINOVIC** was re-appointed Deputy Prime Minister of the FRY. In part through his close alliance with **Milan MILUTINOVIC**, **Slobodan MILOSEVIC** was able to retain his influence over the Government of Serbia.

25. Beginning in late February 1998, the conflict intensified between the KLA on the one hand and the VJ, the police forces of the FRY, police forces of Serbia, and paramilitary units (all hereinafter forces of the FRY and Serbia), on the other hand. A number of Kosovo Albanians and Kosovo Serbs were killed and wounded during this time. Forces of the FRY and Serbia engaged in a campaign of shelling predominantly Kosovo Albanian towns and villages, widespread destruction of property, and expulsions of the civilian population from areas in which the KLA was active. Many residents fled the territory as a result of the fighting and destruction or were forced to move to other areas within Kosovo. The United Nations estimates that by mid-October 1998, over 298,000 persons, roughly fifteen percent of the population, had been internally displaced within Kosovo or had left the province.

26. In response to the intensifying conflict, the United Nations Security Council (UNSC) passed Resolution 1160 in March 1998 "condemning the use of excessive force by Serbian police forces against civilians and peaceful demonstrators in Kosovo," and imposed an arms embargo on the FRY. Six months later the UNSC passed Resolution 1199 (1998) which stated that "the deterioration of the situation in Kosovo, Federal Republic of Yugoslavia, constitutes a threat to peace and security in the region." The Security Council demanded that all parties cease hostilities and that "the security forces used for civilian repression" be withdrawn.

27. In an attempt to diffuse tensions in Kosovo, negotiations between **Slobodan MILOSEVIC**, and representatives of the North Atlantic Treaty Organisation (NATO), and the Organisation for Security and Co-operation in Europe (OSCE) were conducted in October 1998. An "Agreement on the OSCE Kosovo Verification Mission" was signed on 16 October 1998. This agreement and the "Clark-Naumann agreement," which was signed by **Nikola SAINOVIC**, provided for the partial withdrawal of forces of the FRY and Serbia from Kosovo, a limitation on the introduction of additional forces and equipment into the area, and the deployment of unarmed OSCE verifiers.

28. Although scores of OSCE verifiers were deployed throughout Kosovo, hostilities continued. During this period, a number of killings of Kosovo Albanians were documented by the international verifiers and human rights organisations. In one such incident, on 15 January 1999, 45 unarmed Kosovo Albanians were murdered in the village of Racak in the municipality of Stimlje/Shtime.

29. In a further response to the continuing conflict in Kosovo, an international peace conference was organised in Rambouillet, France beginning on 7 February 1999. **Nikola SAINOVIC**, the Deputy Prime Minister of the FRY, was a member of the Serbian delegation at the peace talks and **Milan MILUTINOVIC**, President of Serbia, was also present during the negotiations. The Kosovo Albanians were represented by the KLA and a delegation of Kosovo Albanian political and civic leaders. Despite intensive negotiations over several weeks, the peace talks collapsed in mid-March 1999.

30. During the peace negotiations in France, the violence in Kosovo continued. In late February and early March, forces of the FRY and Serbia launched a series of offensives against dozens of predominantly Kosovo Albanian villages and towns. The FRY military forces were comprised of elements of the 3rd Army, specifically the 52nd Corps, also known as the Pristina Corps, and several brigades and regiments under the command of the Pristina Corps. The Chief of the General Staff of the VJ, with command responsibilities over the 3rd Army and ultimately over the Pristina Corps, is **Colonel General Dragoljub OJDANIC**. The Supreme Commander of the VJ is **Slobodan MILOSEVIC**.

31. The police forces taking part in the actions in Kosovo are members of the Ministry of Internal Affairs of Serbia in addition to some units from the Ministry of Internal Affairs of the FRY. All police forces employed by or working under the authority of the Ministry of Internal Affairs of Serbia are commanded by **Vlajko STOJILJKOVIC**, Minister of Internal Affairs of Serbia. Under the FRY Act on the Armed Forces, those police forces engaged in military operations during a state of war or imminent threat of war are subordinated

to the command of the VJ whose commanders are **Colonel General Dragoljub OJDANIC** and **Slobodan MILOSEVIC**.

32. Prior to December 1998, **Slobodan MILOSEVIC** designated **Nikola SAINOVIC** as his representative for the Kosovo situation. A number of diplomats and other international officials who needed to speak with a government official regarding events in Kosovo were directed to **Nikola SAINOVIC**. He took an active role in the negotiations establishing the OSCE verification mission for Kosovo and he participated in numerous other meetings regarding the Kosovo crisis. From January 1999 to the date of this indictment, **Nikola SAINOVIC** has acted as the liaison between **Slobodan MILOSEVIC** and various Kosovo Albanian leaders.

33. **Nikola SAINOVIC** was most recently re-appointed Deputy Prime Minister of the FRY on 20 May 1998. As such, he is a member of the Government of the FRY, which, among other duties and responsibilities, formulates domestic and foreign policy, enforces federal law, directs and co-ordinates the work of federal ministries, and organises defence preparations.

34. During their offensives, forces of the FRY and Serbia acting in concert have engaged in a well-planned and co-ordinated campaign of destruction of property owned by Kosovo Albanian civilians. Towns and villages have been shelled, homes, farms, and businesses burned, and personal property destroyed. As a result of these orchestrated actions, towns, villages, and entire regions have been made uninhabitable for Kosovo Albanians. Additionally, forces of the FRY and Serbia have harassed, humiliated, and degraded Kosovo Albanian civilians through physical and verbal abuse. The Kosovo Albanians have also been persistently subjected to insults, racial slurs, degrading acts based on ethnicity and religion, beatings, and other forms of physical mistreatment.

35. The unlawful deportation and forcible transfer of thousands of Kosovo Albanians from their homes in Kosovo involved well-planned and co-ordinated efforts by the leaders of the FRY and Serbia, and forces of the FRY and Serbia, all acting in concert. Actions similar in nature took place during the wars in Croatia and Bosnia and Herzegovina between 1991 and 1995. During those wars, Serbian military, paramilitary and police forces forcibly expelled and deported non-Serbs in Croatia and Bosnia and Herzegovina from areas under Serbian control utilising the same method of operations as have been used in Kosovo in 1999: heavy shelling and armed attacks on villages; widespread killings; destruction of non-Serbian residential areas and cultural and religious sites; and forced transfer and deportation of non-Serbian populations.

36. On 24 March 1999, NATO began launching air strikes against targets in the FRY. The FRY issued decrees of an imminent threat of war on 23 March 1999 and a state of war on 24 March 1999. Since the air strikes commenced, forces of the FRY and Serbia have intensified their systematic campaign and have forcibly expelled hundreds of thousands of Kosovo Albanians.

37. In addition to the forced expulsions of Kosovo Albanians, forces of the FRY and Serbia have also engaged in a number of killings of Kosovo Albanians since 24 March 1999. Such killings occurred at numerous locations, including but not limited to, Bela Crkva, Mali Krusa/Krushe e Vogel -- Velika Krusa/Krushe e Mahde, Dakovica/Gjakovë, Crkovez/Padalishte, and Izbica.

38. The planning, preparation and execution of the campaign undertaken by forces of the FRY and Serbia in Kosovo, was planned, instigated, ordered, committed or otherwise aided and abetted by **Slobodan MILOSEVIC**, the President of the FRY; **Milan MILUTINOVIC**, the President of Serbia; **Nikola SAINOVIC**, the Deputy Prime Minister of the FRY; **Colonel General Dragoljub OJDANIC**, the Chief of the General Staff of the VJ; and **Vlajko STOJILJKOVIC**, the Minister of Internal Affairs of Serbia.

39. By 20 May 1999, over 740,000 Kosovo Albanians, approximately one-third of the entire Kosovo Albanian population, were expelled from Kosovo. Thousands more are believed to be internally displaced. An unknown number of Kosovo Albanians have been killed in the operations by forces of the FRY and Serbia.

THE ACCUSED

40. **Slobodan MILOSEVIC** was born on 20 August 1941 in the town of Pozarevac in present-day Serbia. In 1964 he received a law degree from the University of Belgrade and began a career in management and

banking. **Slobodan MILOSEVIC** held the posts of deputy director and later general director at *Tehnogas*, a major gas company until 1978. Thereafter, he became president of *Beogradska banka (Beobanka)*, one of the largest banks in the SFRY and held that post until 1983.

41. In 1983 **Slobodan MILOSEVIC** began his political career. He became Chairman of the City Committee of the League of Communists of Belgrade in 1984. In 1986 he was elected Chairman of the Presidium of the Central Committee of the League of Communists of Serbia and was re-elected in 1988. On 16 July 1990, the League of Communists of Serbia and the Socialist Alliance of Working People of Serbia were united; the new party was named the Socialist Party of Serbia (SPS), and **Slobodan MILOSEVIC** was elected its President. He holds the post of President of the SPS as of the date of this indictment.

42. **Slobodan MILOSEVIC** was elected President of the Presidency of Serbia on 8 May 1989 and re-elected on 5 December that same year. After the adoption of the new Constitution of Serbia on 28 September 1990, **Slobodan MILOSEVIC** was elected to the newly established office of President of Serbia in multi-party elections held on 9 and 26 December 1990; he was re-elected on 20 December 1992.

43. After serving two terms as President of Serbia, **Slobodan MILOSEVIC** was elected President of the FRY on 15 July 1997 and he began his official duties on 23 July 1997. At all times relevant to this indictment, **Slobodan MILOSEVIC** has held the post of President of the FRY.

44. **Milan MILUTINOVIC** was born on 19 December 1942 in Belgrade in present-day Serbia. **Milan MILUTINOVIC** received a degree in law from Belgrade University.

45. Throughout his political career, **Milan MILUTINOVIC** has held numerous high level governmental posts within Serbia and the FRY. **Milan MILUTINOVIC** was a deputy in the Socio-Political Chamber and a member of the foreign policy committee in the Federal Assembly; he was Serbia's Secretary for Education and Sciences, a member of the Executive Council of the Serbian Assembly, and a director of the Serbian National Library. **Milan MILUTINOVIC** also served as an ambassador in the Federal Ministry of Foreign Affairs and as the FRY Ambassador to Greece. He was appointed the Minister of Foreign Affairs of the FRY on 15 August 1995. **Milan MILUTINOVIC** is a member of the SPS.

46. On 21 December 1997, **Milan MILUTINOVIC** was elected President of Serbia. At all times relevant to this indictment, **Milan MILUTINOVIC** has held the post of President of Serbia.

47. **Nikola SAINOVIC** was born on 7 December 1948 in Bor, Serbia. He graduated from the University of Ljubljana in 1977 and holds a Master of Science degree in Chemical Engineering. He began his political career in the municipality of Bor where he held the position of President of the Municipal Assembly of Bor from 1978 to 1982.

48. Throughout his political career, **Nikola SAINOVIC** has been an active member of both the League of Communists and the Socialist Party of Serbia (SPS). He held the position of Chairman of the Municipal Committee of the League of Communists in Bor. On 28 November 1995, **Nikola SAINOVIC** was elected a member of the SPS's Main Committee and a member of its Executive Council. He was also named president of the Committee to prepare the SPS Third Regular Congress (held in Belgrade on 2-3 March 1996). On 2 March 1996 **Nikola SAINOVIC** was elected one of several vice chairmen of the SPS. He held this position until 24 April 1997.

49. **Nikola SAINOVIC** has held several positions within the governments of Serbia and the FRY. In 1989, he served as a member of the Executive Council of Serbia's Assembly and Secretary for Industry, Energetics and Engineering of Serbia in 1989. He was appointed Minister of Mining and Energy of Serbia on 11 February 1991, and again on 23 December 1991. On 23 December 1991, he was also named Deputy Prime Minister of Serbia. **Nikola SAINOVIC** was appointed Minister of the Economy of the FRY on 14 July 1992, and again on 11 September 1992. He resigned from this post on 29 November 1992. On 10 February 1993, **Nikola SAINOVIC** was elected Prime Minister of Serbia.

50. On 22 February 1994, **Nikola SAINOVIC** was appointed Deputy Prime Minister of the FRY. He was re-appointed to this position in three subsequent governments: on 12 June 1996, 20 March 1997 and 20 May 1998. **Slobodan MILOSEVIC** designated **Nikola SAINOVIC** as his representative for the Kosovo situation.

Nikola SAINOVIC chaired the commission for co-operation with the OSCE Verification Mission in Kosovo, and was an official member of the Serbian delegation at the Rambouillet peace talks in February 1999. At all times relevant to this indictment, **Nikola SAINOVIC** has held the post of Deputy Prime Minister of the FRY.

51. **Colonel General Dragoljub OJDANIC** was born on 1 June 1941 in the village of Ravni, near Uzice in what is now Serbia. In 1958, he completed the Infantry School for Non-Commissioned Officers and in 1964, he completed the Military Academy of the Ground Forces. In 1985, **Dragoljub OJDANIC** graduated from the Command Staff Academy and School of National Defence with a Masters Degree in Military Sciences. At one time he served as the Secretary for the League of Communists for the Yugoslav National Army (JNA) 52nd Corps, the precursor of the 52nd Corps of the VJ now operating in Kosovo.

52. In 1992, **Colonel General Dragoljub OJDANIC** was the Deputy Commander of the 37th Corps of the JNA, later the VJ, based in Uzice, Serbia. He was promoted to Major General on 20 April 1992 and became Commander of the Uzice Corps. Under his command, the Uzice Corps was involved in military actions in eastern Bosnia during the war in Bosnia and Herzegovina. In 1993 and 1994 **Dragoljub OJDANIC** served as Chief of the General Staff of the First Army of the FRY. He was Commander of the First Army between 1994 and 1996. In 1996, he became Deputy Chief of the General Staff of the VJ. On 26 November 1998, **Slobodan MILOSEVIC** appointed **Dragoljub OJDANIC** Chief of General Staff of the VJ, replacing General Momcilo Perisic. At all times relevant to this indictment, **Colonel General Dragoljub OJDANIC** has held the post of Chief of the General Staff of the VJ.

53. **Vlajko STOJILJKOVIC** was born in Mala Krsna, in Serbia. He graduated from the University of Belgrade with a law degree, and then was employed at the municipal court. Thereafter, he became head of the Inter-Municipal Secretariat of Internal Affairs in Pozarevac. **Vlajko STOJILJKOVIC** has served as director of the PIK firm in Pozarevac, vice-president and president of the Economic Council of Yugoslavia, and president of the Economic Council of Serbia.

54. By April 1997, **Vlajko STOJILJKOVIC** became Deputy Prime Minister of the Serbian Government and Minister of Internal Affairs of Serbia. On 24 March 1998, the Serbian Assembly elected a new Government, and **Vlajko STOJILJKOVIC** was named Minister of Internal Affairs of Serbia. He is also a member of the main board of the SPS. At all times relevant to this indictment, **Vlajko STOJILJKOVIC**, has held the post of Minister of Internal Affairs.

SUPERIOR AUTHORITY

55. **Slobodan MILOSEVIC** was elected President of the FRY on 15 July 1997, assumed office on 23 July 1997, and remains President as of the date of this indictment.

56. As President of the FRY, **Slobodan MILOSEVIC** functions as President of the Supreme Defence Council of the FRY. The Supreme Defence Council consists of the President of the FRY and the Presidents of the member republics, Serbia and Montenegro. The Supreme Defence Council decides on the National Defence Plan and issues decisions concerning the VJ. As President of the FRY, **Slobodan MILOSEVIC** has the power to "order implementation of the National Defence Plan" and commands the VJ in war and peace in compliance with decisions made by the Supreme Defence Council. **Slobodan MILOSEVIC**, as Supreme Commander of the VJ, performs these duties through "commands, orders and decisions."

57. Under the FRY Act on the Armed Forces of Yugoslavia, as Supreme Commander of the VJ, **Slobodan MILOSEVIC** also exercises command authority over republican and federal police units subordinated to the VJ during a state of imminent threat of war or a state of war. A declaration of imminent threat of war was proclaimed on 23 March 1999, and a state of war on 24 March 1999.

58. In addition to his *de jure* powers, **Slobodan MILOSEVIC** exercises extensive *de facto* control over numerous institutions essential to, or involved in, the conduct of the offences alleged herein. **Slobodan MILOSEVIC** exercises extensive *de facto* control over federal institutions nominally under the competence of the Assembly or the Government of the FRY. **Slobodan MILOSEVIC** also exercises *de facto* control over functions and institutions nominally under the competence of Serbia and its autonomous provinces, including the Serbian police force. **Slobodan MILOSEVIC** further exercises *de facto* control over numerous aspects of the FRY's political and economic life, particularly the media. Between 1986 and the early 1990s, **Slobodan**

MILOSEVIC progressively acquired *de facto* control over these federal, republican, provincial and other institutions. He continues to exercise this *de facto* control to this day.

59. **Slobodan MILOSEVIC's** *de facto* control over Serbian, SFRY, FRY and other state organs has stemmed, in part, from his leadership of the two principal political parties that have ruled in Serbia since 1986, and in the FRY since 1992. From 1986 until 1990, he was Chairman of the Presidium of the Central Committee of the League of Communists in Serbia, then the ruling party in Serbia. In 1990, he was elected President of the Socialist Party of Serbia, the successor party to the League of Communists of Serbia and the Socialist Alliance of the Working People of Serbia. The SPS has been the principal ruling party in Serbia and the FRY ever since. Throughout the period of his Presidency of Serbia, from 1990 to 1997, and as the President of the FRY, from 1997 to the present, **Slobodan MILOSEVIC** has also been the leader of the SPS.

60. Beginning no later than October 1988, **Slobodan MILOSEVIC** has exercised *de facto* control over the ruling and governing institutions of Serbia, including its police force. Beginning no later than October 1988, he has exercised *de facto* control over Serbia's two autonomous provinces -- Kosovo and Vojvodina -- and their representation in federal organs of the SFRY and the FRY. From no later than October 1988 until mid-1998, **Slobodan MILOSEVIC** also exercised *de facto* control over the ruling and governing institutions of the Montenegro, including its representation in all federal organs of the SFRY and the FRY.

61. In significant international negotiations, meetings and conferences since 1989, **Slobodan MILOSEVIC** has been the primary interlocutor with whom the international community has negotiated. He has negotiated international agreements that have subsequently been implemented within Serbia, the SFRY, the FRY, and elsewhere on the territory of the former SFRY. Among the conferences and international negotiations at which **Slobodan MILOSEVIC** has been the primary representative of the SFRY and FRY are: The Hague Conference in 1991; the Paris negotiations of March 1993; the International Conference on the Former Yugoslavia in January 1993; the Vance-Owen peace plan negotiations between January and May 1993; the Geneva peace talks in the summer of 1993; the Contact Group meeting in June 1994; the negotiations for a cease fire in Bosnia and Herzegovina, 9-14 September 1995; the negotiations to end the NATO bombing in Bosnia and Herzegovina, 14-20 September 1995; and the Dayton peace negotiations in November 1995.

62. As the President of the FRY, the Supreme Commander of the VJ, and the President of the Supreme Defence Council, and pursuant to his *de facto* authority, **Slobodan MILOSEVIC** is responsible for the actions of his subordinates within the VJ and any police forces, both federal and republican, who have committed the crimes alleged in this indictment since January 1999 in the province of Kosovo.

63. **Milan MILUTINOVIC** was elected President of Serbia on 21 December 1997, and remains President as of the date of this indictment. As President of Serbia, **Milan MILUTINOVIC** is the head of State. He represents Serbia and conducts its relations with foreign states and international organisations. He organises preparations for the defence of Serbia.

64. As President of Serbia, **Milan MILUTINOVIC** is a member of the Supreme Defence Council of the FRY and participates in decisions regarding the use of the VJ.

65. As President of Serbia, **Milan MILUTINOVIC**, in conjunction with the Assembly, has the authority to request reports both from the Government of Serbia, concerning matters under its jurisdiction, and from the Ministry of the Internal Affairs, concerning its activities and the security situation in Serbia. As President of Serbia, **Milan MILUTINOVIC** has the authority to dissolve the Assembly, and with it the Government, "subject to the proposal of the Government on justified grounds," although this power obtains only in peacetime.

66. During a declared state of war or state of imminent threat of war, **Milan MILUTINOVIC**, as President of Serbia, may enact measures normally under the competence of the Assembly, including the passage of laws; these measures may include the reorganisation of the Government and its ministries, as well as the restriction of certain rights and freedoms.

67. In addition to his *de jure* powers, **Milan MILUTINOVIC** exercises extensive *de facto* influence or control over numerous institutions essential to, or involved in, the conduct of the crimes alleged herein. **Milan MILUTINOVIC** exercises *de facto* influence or control over functions and institutions nominally

under the competence of the Government and Assembly of Serbia and its autonomous provinces, including but not limited to the Serbian police force.

68. In significant international negotiations, meetings and conferences since 1995, **Milan MILUTINOVIC** has been a principal interlocutor with whom the international community has negotiated. Among the conferences and international negotiations at which **Milan MILUTINOVIC** has been a primary representative of the FRY are: preliminary negotiations for a cease fire in Bosnia and Herzegovina, 15-21 August 1995; the Geneva meetings regarding the Bosnian cease fire, 7 September 1995; further negotiations for a cease fire in Bosnia and Herzegovina, 9-14 September 1995; the negotiations to end the NATO bombing in Bosnia and Herzegovina, 14-20 September 1995; the meeting of Balkan foreign ministers in New York, 26 September 1995; and the Dayton peace negotiations in November 1995. **Milan MILUTINOVIC** was also present at the negotiations at Rambouillet in February 1999.

69. As the President of Serbia, and a member of the Supreme Defence Council, and pursuant to his *de facto* authority, **Milan MILUTINOVIC** is responsible for the actions of any of his subordinates within the VJ and within any police forces who have committed the crimes alleged in this indictment since January 1999 within the province of Kosovo.

70. **Colonel General Dragoljub OJDANIC** was appointed Chief of the General Staff of the VJ on 26 November 1998. He remains in that position as of the date of this indictment. As Chief of the General Staff of the VJ, **Colonel General Dragoljub OJDANIC** commands, orders, instructs, regulates and otherwise directs the VJ, pursuant to acts issued by the President of the FRY and as required to command the VJ.

71. As Chief of the General Staff of the VJ, **Colonel General Dragoljub OJDANIC** determines the organisation, plan of development and formation of commands, units and institutions of the VJ, in conformity with the nature and needs of the VJ and pursuant to acts rendered by the President of the FRY.

72. In his position of authority, **Colonel General Dragoljub OJDANIC** also determines the plan for recruiting and filling vacancies within the VJ and the distribution of recruits therein; issues regulations concerning training of the VJ; determines the educational plan and advanced training of professional and reserve military officers; and performs other tasks stipulated by law.

73. As Chief of the General Staff of the VJ, **Colonel General Dragoljub OJDANIC** -- or other officers empowered by him -- assigns commissioned officers, non-commissioned officers and soldiers, and promotes non-commissioned officers, reserve officers, and officers up to the rank of colonel. In addition, **Colonel General Dragoljub OJDANIC** nominates the president, judges, prosecutors, and their respective deputies and secretaries, to serve on military disciplinary courts.

74. **Colonel General Dragoljub OJDANIC** carries out preparations for the conscription of citizens and mobilisation of the VJ; co-operates with the Ministries of Internal Affairs of the FRY and Serbia and the Ministry of Defence of the FRY in mobilising organs and units of Ministries of Internal Affairs; monitors and, proposes measures to correct problems encountered during, and informs the Government of the FRY and the Supreme Defence Council about the implementation of the aforementioned mobilisation.

75. As the Chief of the General Staff of the VJ, **Colonel General Dragoljub OJDANIC** is responsible for the actions of his subordinates within the VJ and for the actions of any federal and republican police forces, which are subordinated to the VJ, who have committed crimes since January 1999 within the province of Kosovo.

76. **Vlajko STOJILJKOVIC** was named Minister of Internal Affairs of Serbia on 24 March 1998. As head of a Serbian government ministry, **Vlajko STOJILJKOVIC** is responsible for the enforcement of laws, regulations and general acts promulgated by Serbia's Assembly, Government or President.

77. As Minister of Internal Affairs of Serbia, **Vlajko STOJILJKOVIC** directs the work of the Ministry of Internal Affairs and its personnel. He determines the structure, mandate and scope of operations of organisational units within the Ministry of Internal Affairs. He is empowered to call up members of the Ministry of Internal Affairs reserve corps to perform duties during peace time, and to prevent activities threatening Serbia's security. The orders which he and Ministry of Internal Affairs superior officers issue to Ministry of Internal Affairs personnel are binding unless they constitute a criminal act.

78. As Minister of Internal Affairs of Serbia, **Vlajko STOJILJKOVIC** has powers of review over decisions and acts of agents for the Ministry. He considers appeals against decisions made in the first instance by the head of an organisational unit of the Ministry of Internal Affairs. Moreover, he is empowered to decide appeals made by individuals who have been detained by the police.

79. On 8 April 1999, as Minister of Internal Affairs of Serbia, **Vlajko STOJILJKOVIC**'s powers during the state of war were expanded to include transferring Ministry employees to different duties within the Ministry for as long as required.

80. As Minister of Internal Affairs of Serbia, **Vlajko STOJILJKOVIC** is responsible for ensuring the maintenance of law and order in Serbia. As Minister of Internal Affairs, he is responsible for the actions of his subordinates within the police forces of the Ministry of Internal Affairs of Serbia who have committed crimes since January 1999 in the province of Kosovo.

GENERAL ALLEGATIONS

81. At all times relevant to this indictment, a state of armed conflict existed in Kosovo in the FRY.

82. All acts and omissions charged as crimes against humanity were part of a widespread or systematic attack directed against the Kosovo Albanian civilian population of Kosovo in the FRY.

83. Each of the accused is individually responsible for the crimes alleged against him in this indictment, pursuant to Article 7(1) of the Tribunal Statute. Individual criminal responsibility includes committing, planning, instigating, ordering or aiding and abetting in the planning, preparation or execution of any crimes referred to in Articles 2 to 5 of the Tribunal Statute.

84. In as much as he has authority or control over the VJ and police units, other units or individuals subordinated to the command of the VJ in Kosovo, **Slobodan MILOSEVIC**, as President of the FRY, Supreme Commander of the VJ and President of the Supreme Defence Council, is also, or alternatively, criminally responsible for the acts of his subordinates, including members of the VJ and aforementioned employees of the Ministries of Internal Affairs of the FRY and Serbia, pursuant to Article 7(3) of the Tribunal Statute.

85. In as much as he has authority or control over police units of the Ministry of Internal Affairs, the VJ, or police units, other units or individuals subordinated to the command of the VJ in Kosovo, **Milan MILUTINOVIC**, as President of Serbia and a member of the Supreme Defence Council, is also, or alternatively, criminally responsible for the acts of his subordinates, including aforementioned employees of the Ministry of Internal Affairs of Serbia, pursuant to Article 7(3) of the Tribunal Statute.

86. In as much as he has authority or control over the VJ and police units, other units or individuals subordinated to the command of the VJ in Kosovo, **Colonel General Dragoljub OJDANIC**, as Chief of the General Staff of the VJ, is also, or alternatively, criminally responsible for the acts of his subordinates, including members of the VJ and aforementioned employees of the Ministries of Internal Affairs of Serbia and the FRY, pursuant to Article 7(3) of the Tribunal Statute.

87. In as much as he has authority or control over employees of the Ministry of Internal Affairs, including any other regular or mobilised police units, **Vlajko STOJILJKOVIC**, as Minister of Internal Affairs of Serbia, is also, or alternatively, criminally responsible for the acts of his subordinates, including employees of the Ministry of Internal Affairs of Serbia, pursuant to Article 7(3) of the Tribunal Statute.

88. A superior is responsible for the acts of his subordinate(s) if he knew or had reason to know that his subordinate(s) was/were about to commit such acts or had done so and the superior failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof.

89. The general allegations contained in paragraphs 81 through 88 are re-alleged and incorporated into each of the charges set forth below.

CHARGES

COUNTS 1 - 4
CRIMES AGAINST HUMANITY
VIOLATIONS OF THE LAWS OR CUSTOMS OF WAR

90. Beginning in January 1999 and continuing to the date of this indictment, **Slobodan MILOSEVIC, Milan MILUTINOVIC, Nikola SAINOVIC, Dragoljub OJDANIC, and Vljako STOJILJKOVIC** planned, instigated, ordered, committed or otherwise aided and abetted in a campaign of terror and violence directed at Kosovo Albanian civilians living in Kosovo in the FRY.

91. The campaign of terror and violence directed at the Kosovo Albanian population was executed by forces of the FRY and Serbia acting at the direction, with the encouragement, or with the support of **Slobodan MILOSEVIC, Milan MILUTINOVIC, Nikola SAINOVIC, Dragoljub OJDANIC, and Vljako STOJILJKOVIC**. The operations targeting the Kosovo Albanians were undertaken with the objective of removing a substantial portion of the Kosovo Albanian population from Kosovo in an effort to ensure continued Serbian control over the province. To achieve this objective, the forces of the FRY and Serbia, acting in concert, have engaged in well-planned and co-ordinated operations as described in paragraphs 92 through 98 below.

92. The forces of the FRY and Serbia, have in a systematic manner, forcibly expelled and internally displaced hundreds of thousands of Kosovo Albanians from their homes across the entire province of Kosovo. To facilitate these expulsions and displacements, the forces of the FRY and Serbia have intentionally created an atmosphere of fear and oppression through the use of force, threats of force, and acts of violence.

93. Throughout Kosovo, the forces of the FRY and Serbia have looted and pillaged the personal and commercial property belonging to Kosovo Albanians forced from their homes. Policemen, soldiers, and military officers have used wholesale searches, threats of force, and acts of violence to rob Kosovo Albanians of money and valuables, and in a systematic manner, authorities at FRY border posts have stolen personal vehicles and other property from Kosovo Albanians being deported from the province.

94. Throughout Kosovo, the forces of the FRY and Serbia have engaged in a systematic campaign of destruction of property owned by Kosovo Albanian civilians. This has been accomplished through the widespread shelling of towns and villages; the burning of homes, farms, and businesses; and the destruction of personal property. As a result of these orchestrated actions, villages, towns, and entire regions have been made uninhabitable for Kosovo Albanians.

95. Throughout Kosovo, the forces of the FRY and Serbia have harassed, humiliated, and degraded Kosovo Albanian civilians through physical and verbal abuse. Policemen, soldiers, and military officers have persistently subjected Kosovo Albanians to insults, racial slurs, degrading acts, beatings, and other forms of physical mistreatment based on their racial, religious, and political identification.

96. Throughout Kosovo, the forces of the FRY and Serbia have systematically seized and destroyed the personal identity documents and licenses of vehicles belonging to Kosovo Albanian civilians. As Kosovo Albanians have been forced from their homes and directed towards Kosovo's borders, they have been subjected to demands to surrender identity documents at selected points *en route* to border crossings and at border crossings into Albania and Macedonia. These actions have been undertaken in order to erase any record of the deported Kosovo Albanians' presence in Kosovo and to deny them the right to return to their homes.

97. Beginning on or about 1 January 1999 and continuing until the date of this indictment, the forces of the FRY and Serbia, acting at the direction, with the encouragement, or with the support of **Slobodan MILOSEVIC, Milan MILUTINOVIC, Nikola SAINOVIC, Dragoljub OJDANIC, and Vljako STOJILJKOVIC** have perpetrated the actions set forth in paragraphs 92 through 96, which have resulted in the forced deportation of approximately 740,000 Kosovo Albanian civilians. These actions have been undertaken in all areas of Kosovo, and these means and methods were used throughout the province, including the following municipalities:

a. Dakovica/Gjakovë : On or about 2 April 1999, forces of the FRY and Serbia began forcing residents of the town of Dakovica/Gjakovë to leave. Forces of the FRY and Serbia spread out through the town and went house to house ordering Kosovo Albanians from their homes. In some instances, people were killed, and most persons were threatened with death. Many of the houses and shops belonging to Kosovo Albanians were set on fire, while those belonging to Serbs were protected. During the period from 2 to 4 April 1999, thousands of Kosovo Albanians living in Dakovica/Gjakovë and neighbouring villages joined a large convoy, either on foot or driving in cars, trucks and tractors, and moved to the border with Albania. Forces of the FRY and Serbia directed those fleeing along pre-arranged routes, and at police checkpoints along the way most Kosovo Albanians had their identification papers and license plates seized. In some instances, Yugoslav army trucks were used to transport persons to the border with Albania.

b. Gnjilane/Gjilan: Forces of the FRY and Serbia entered the town of Prilepnica/Përlepnicë on or about 6 April 1999, and ordered residents to leave saying that the town would be mined the next day. The townspeople left and tried to go to another village but were turned back by police. On 13 April 1999, residents of Prilepnica/Përlepnicë were again informed that the town had to be evacuated by the following day. The next morning, the Kosovo Albanian residents left in a convoy of approximately 500 vehicles and headed to the Macedonian border. Shortly after the residents left, the houses in Prilepnica/Përlepnicë were set on fire. Kosovo Albanians in other villages in Gnjilane/Gjilan municipality were also forced from their homes, and were made to join another convoy to the Macedonian border. Along the way, some men were taken from the convoy and killed along the road. When the Kosovo Albanians reached the border, their identification papers were confiscated.

c. Kosovska Mitrovica/Mitrovicë : In late March 1999, forces of the FRY and Serbia began moving systematically through the town of Kosovska Mitrovica/Mitrovicë . They entered the homes of Kosovo Albanians and ordered the residents to leave their houses at once and to go to the bus station. Some houses were set on fire forcing the residents to flee to other parts of the town. Over a two week period the forces of the FRY and Serbia continued to expel the Kosovo Albanian residents of the town. During this period, properties belonging to Kosovo Albanians were destroyed and Kosovo Albanians were robbed of money, vehicles, and other valuables. A similar pattern was repeated in other villages in the Kosovska Mitrovica/Mitrovicë municipality, where Kosovo Albanians were forced from their homes, followed by the destruction of their villages by forces of the FRY and Serbia. The Kosovo Albanian residents of the municipality were forced to join convoys going to the Albanian border. *En route* to the border, Serb soldiers, policemen, and military officers robbed them of valuables and seized their identity documents.

d. Orahovac/Rahovec: On the morning of 25 March 1999, forces of the FRY and Serbia surrounded the village of Celine with tanks and armoured vehicles. After shelling the village, troops entered the village and systematically looted and pillaged everything of value from the houses. Most of the Kosovo Albanian villagers had fled to a nearby forest before the army and police arrived. On 28 March, a number of Serb police forced the thousands of people hiding in the forest to come out. After marching the civilians to a nearby village, the men were separated from the women and were beaten, robbed, and had all of their identity documents taken from them. The men were then marched to Prizren and eventually forced to go to the Albanian border.

On 25 March 1999, a large group of Kosovo Albanians went to a mountain near the village of Nagafc, also in Orahovac/Rahovec municipality, seeking safety from attacks on nearby villages. Forces of the FRY and Serbia surrounded them and on the following day, ordered the 8,000 people who had sought shelter on the mountain to leave. The Kosovo Albanians were forced to go to a nearby school and then they were forcibly dispersed into nearby villages. After three or four days, the forces of the FRY and Serbia entered the villages, went house to house and ordered people out. Eventually, they were forced back into houses and told not to leave. Those who could not fit inside the houses were forced to stay in cars and tractors parked nearby. On 2 April 1999, the forces of the FRY and Serbia started shelling the villages, killing a number of people who had been sleeping in tractors and cars. Those who survived headed for the Albanian border. As they passed through other Kosovo Albanian villages, which had been destroyed, they were taunted by Serb soldiers. When the villagers arrived at the border, all their identification papers were taken from them.

e. Pec/Pejë : On 27 and 28 March 1999, in the city of Pec/Pejë , forces of the FRY and Serbia went from house to house forcing Kosovo Albanians to leave. Some houses were set on fire and a number of people were shot. Soldiers and police were stationed along every street directing the Kosovo Albanians toward the town centre. Once the people reached the centre of town, those without cars or vehicles were forced to get on buses or trucks and were driven to the town of Prizren. Outside Prizren, the Kosovo Albanians were forced to get off the buses and walk approximately 40 kilometres to the Albanian border where they were ordered to turn their identification papers over to Serb policemen.

f. Pristina/Prishtinë : On or about 1 April 1999, Serbian police went to the homes of Kosovo Albanians in the city of Pristina/Prishtinë and forced the residents to leave in a matter of minutes. During the course of these forced expulsions, a number of people were killed. Many of those forced from their homes went directly to the train station, while others sought shelter in nearby neighbourhoods. Hundreds of ethnic Albanians, guided by Serb police at all the intersections, gathered at the train station and then were loaded onto overcrowded trains or buses after a long wait where no food or water was provided. Those on the trains went as far as General Jankovic, a village near the Macedonian border. During the train ride many people had their identification papers taken from them. After getting off the trains, the Kosovo Albanians were told by the Serb police to walk along the tracks into Macedonia since the surrounding land had been mined. Those who tried to hide in Pristina/Prishtinë were expelled a few days later in a similar fashion.

During the same period, forces of the FRY and Serbia entered the villages of Pristina/Prishtinë municipality where they beat and killed many Kosovo Albanians, robbed them of their money, looted their property and burned their homes. Many of the villagers were taken by truck to Glogovac in the municipality of Lipljan/Lipjan. From there, they were transported to General Jankovic by train and walked to the Macedonian border. Others, after making their way to the town of Urosevac/Ferizaj, were ordered by the Serb police to take a train to General Jankovic, from where they walked across the border into Macedonia.

g. Prizren: On 25 March 1999 the village of Pirana was surrounded by forces of the FRY and Serbia, tanks and various military vehicles. The village was shelled and a number of the residents were killed. Thereafter, police entered the village and burned the house of Kosovo Albanians. After the attack, the remaining villagers left Pirana and went to surrounding villages. Some of the Kosovo Albanians fleeing toward Srbica were killed or wounded by snipers. Serb forces then launched an offensive in the area of Srbica and shelled the villages of Reti e Utlet, Reti and Randobrava. Kosovo Albanian villagers were forced from their homes and sent to the Albanian border. From 28 March 1999, in the city of Prizren itself, Serb policemen went from house to house, ordering Kosovo Albanian residents to leave. They were forced to join convoys of vehicles and persons travelling on foot to the Albanian border. At the border all personal documents were taken away by Serb policemen.

h. Srbica/Skenderaj: On or about 25 March 1999, the villages of Vojnik, Lecina, Klladernica, Turiqevc Broje and Izbica were destroyed by shelling and burning. A group of approximately 4,500 Kosovo Albanians from these villages gathered outside the village of Izbica where members of the forces of the FRY and Serbia demanded money from the group and separated the men from the women and children. A large number of the men were then killed. The surviving women and children were moved as a group towards Vojnik and then on to the Albanian border.

i. Suva Reka/Suharekë : On the morning of 25 March 1999, forces of the FRY and Serbia surrounded the town of Suva Reka/Suharekë . During the following days, police officers went from house to house, threatening Kosovo Albanian residents, and removing many of the people from their homes at gunpoint. The women, children and elderly were sent away by the police and then a number of the men were killed by the Forces of the FRY and Serbia. The Kosovo Albanians were forced to flee making their way in trucks, tractors and trailers towards the border with Albania. While crossing the border, they had all their documents and money taken.

On 31 March 1999, approximately 80,000 Kosovo Albanians displaced from villages in the Suva Reka/Suharekë municipality gathered near Bellanice. The following day, forces of the FRY and Serbia shelled Bellanice, forcing the displaced persons to flee toward the Albanian border. Prior to crossing the border, they had all their identification documents taken away.

j. Urosevac/Ferizaj: During the period between 4 and 14 April 1999, forces of the FRY and Serbia shelled the villages of Softaj, Rahovica, Zltara, Pojatista, Komoglava and Sojevo, killing a number of residents. After the shelling, police and military vehicles entered the villages and ordered the residents to leave. After the villagers left their houses, the soldiers and policemen burned the houses. The villagers that were displaced joined in a convoy to the Macedonian border. At the border, all of their documents were taken.

98. Beginning on or about 1 January 1999 and continuing until the date of this indictment, forces of the FRY and Serbia, acting at the direction, with the encouragement, or with the support of **Slobodan MILOSEVIC**, **Milan MILUTINOVIC**, **Nikola SAINOVIC**, **Dragoljub OJDANIC**, and **Vlajko STOJILJKOVIC**, have murdered hundreds of Kosovo Albanian civilians. These killings have occurred in a widespread or systematic manner throughout the province of Kosovo and have resulted in the deaths of numerous men, women, and children. Included among the incidents of mass killings are the following:

a. On or about 15 January 1999, in the early morning hours, the village of Racak (Stimlje/Shtime municipality) was attacked by forces of the FRY and Serbia. After shelling by the VJ units, the Serb police entered the village later in the morning and began conducting house-to-house searches. Villagers, who attempted to flee from the Serb police, were shot throughout the village. A group of approximately 25 men attempted to hide in a building, but were discovered by the Serb police. They were beaten and then were removed to a nearby hill, where the policemen shot and killed them. Altogether, the forces of the FRY and Serbia killed approximately 45 Kosovo Albanians in and around Racak. (Those persons killed who are known by name are set forth in Schedule A, which is attached as an appendix to this indictment.)

b. On or about 25 March 1999, forces of the FRY and Serbia attacked the village of Bela Crkva (Orahovac/Rahovec municipality). Many of the residents of Bela Crkva fled into a streambed outside the village and sought shelter under a railroad bridge. As additional villagers approached the bridge, a Serbian police patrol opened fire on them killing 12 persons, including 10 women and children. The police then ordered the remaining villagers out of the streambed, at which time the men were separated from the women and small children. The police ordered the men to strip and then systematically robbed them of all valuables. The women and children were then ordered to leave. The village doctor attempted to speak with the police commander, but he was shot and killed, as was his nephew. The other men were then ordered back into the streambed. After they complied, the police opened fire on the men, killing approximately 65 Kosovo Albanians. (Those persons killed who are known by name are set forth in Schedule B which is attached as an appendix to the indictment.)

c. On or about 25 March 1999, the villages of Velika Krusa and Mali Krusa/Krushe e Mahde and Krushe e Vogel (Orahovac/Rahovec municipality) were attacked by forces of the FRY and Serbia. Village residents took refuge in a forested area outside Velika Krusa/Krushe e Mahde, where they were able to observe the police systematically looting and then burning the villagers' houses. On or about the morning of 26 March 1999, Serb police located the villagers in the forest. The police ordered the women and small children to leave the area and to go to Albania. The police then searched the men and boys and took their identity documents, after which they were made to walk to an uninhabited house between the forest and Mali Krusa/Krushe e Vogel. Once the men and boys were assembled inside the house, the Serb police opened fire on the group. After several minutes of gunfire, the police piled hay on the men and boys and set fire to it in order to burn the bodies. As a result of the shootings and the fire, approximately 105 Kosovo Albanian men and boys were killed by the Serb police. (Those persons killed who are known by name are set forth in Schedule C which is attached as an appendix to this indictment.)

d. On or about the evening of 26 March 1999, in the town of Dakovica/Gjakovë, Serb gunmen came to a house on Ymer Grezda Street. The women and children inside the house were separated from the men, and were ordered to go upstairs. The Serb gunmen then shot and killed the 6 Kosovo Albanian men who were in the house. (The names of those killed are set forth in Schedule D which is attached as an appendix to this indictment.)

e. On or about 27 March 1999, in the morning hours, forces of the FRY and Serbia attacked the village of Crkolez/Padalishte (Istok/Istog municipality). As the forces entered the village, they fired on houses

and on villagers who attempted to flee. Eight members of the Beke IMERAJ family were forced from their home and were killed in front of their house. Other residents of Crkolez/Padalishte were killed at their homes and in a streambed near the village. Altogether, forces of the FRY and Serbia killed approximately 20 Kosovo Albanians from Crkolez/Padalishte. (Those persons killed who are known by name are set forth in Schedule E which is attached as an appendix to this indictment.)

f. On or about 27 March 1999, FRY and Republic of Serbia forces attacked the village of Izbica (Srbica/Skenderaj municipality). Several thousand village residents took refuge in a meadow outside the village. On or about 28 March 1999, forces of the FRY and Serbia surrounded the villagers and then approached them, demanding money. After valuables were stolen by the soldiers and policemen, the men were separated from the women and small children. The men were then further divided into two groups, one of which was sent to a nearby hill, and the other of which was sent to a nearby streambed. Both groups of men were then fired upon by the forces of the FRY and Serbia, and approximately 130 Kosovo Albanian men were killed. (Those persons killed who are known by name are set forth in Schedule F which is attached as an appendix to this indictment.)

g. On or about the early morning hours of 2 April 1999, Serb police launched an operation against the Qerim district of Dakovica/Gjakovë . Over a period of several hours, Serb police forcibly entered houses of Kosovo Albanians in the Qerim district, killing the occupants, and then setting fire to the buildings. In the basement of a house on Millosh Gilic Street, the Serb police shot the 20 occupants and then set the house on fire. As a result of the shootings and the fires set by the Serb police, 20 Kosovo Albanians were killed, of whom 19 were women and children. (The names of those killed are set forth in Schedule G which is attached as an appendix to this indictment.)

99. Beginning on or about 1 January 1999 and continuing until the date of this indictment, the forces of the FRY and Serbia, acting at the direction, with the encouragement, or with the support of **Slobodan MILOSEVIC, Milan MILUTINOVIC, Nikola SAINOVIC, Dragoljub OJDANIC, and Vljako STOJILJKOVIC**, have utilised the means and methods set forth in paragraphs 92 through 98 to execute a campaign of persecution against the Kosovo Albanian civilian population based on political, racial, or religious grounds.

100. By these actions **Slobodan MILOSEVIC, Milan MILUTINOVIC, Nikola SAINOVIC, Dragoljub OJDANIC, and Vljako STOJILJKOVIC** planned, instigated, ordered, committed or otherwise aided and abetted the planning, preparation or execution of:

**COUNT 1
(DEPORTATION)**

Count 1: Deportation, a **CRIME AGAINST HUMANITY**, punishable under Article 5(d) of the Statute of the Tribunal.

**COUNT 2
(MURDER)**

Count 2: Murder, a **CRIME AGAINST HUMANITY**, punishable under Article 5 (a) of the Statute of the Tribunal.

**COUNT 3
(MURDER)**

Count 3: Murder, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, punishable under Article 3 of the Statute of the Tribunal and recognised by Article 3(1)(a) (murder) of the Geneva Conventions.

**COUNT 4
(PERSECUTIONS)**

Count 4: Persecutions on political, racial and religious grounds, a **CRIME AGAINST HUMANITY**, punishable under Article 5(h) of the Statute of the Tribunal.

Louise Arbour
Prosecutor

22 May 1999
The Hague, The Netherlands

Schedule A
Persons Known by Name Killed at Racak - 15 January 1999

<u>Name</u>	<u>Approximate Age</u>	<u>Sex</u>
ASLLANI, Lute	30	Female
AZEMI, Banush		Male
BAJRAMI, Ragip	34	Male
BEQIRI, Halim	13	Male
BEQIRI, Rizah	49	Male
BEQIRI, Zenel	20	Male
BILALLI, Lutfi		Male
EMINI, Ajet		Male
HAJRIZI, Bujar		Male
HAJRIZI, Myfail	33	Male
HALILI, Skender		Male
HYSENAJ, Haqif		Male
IBRAHIMI, Hajriz		Male
IMERI, Haki		Male
IMERI, Murtez		Male
IMERI, Nazmi		Male
ISMALJI, Meha		Male
ISMALJI, Muhamet		Male
JAKUPI, Ahmet		Male
JAKUPI, Esref	40	Male
JAKUPI, Hajriz		Male
JAKUPI, Mehmet		Male
JAKUPI, Xhelal		Male
JASHARI, Jasher	24	Male
JASHARI, Raif	20	Male

JASHARI, Shukri	18	Male
LIMANI, Fatmir	35	Male
LIMANI, Nexhat	19	Male
LIMANI, Salif	23	Male
MEHMETI, Bajram		Male
MEHMETI, Hanumshah		Female
METUSHI, Arif		Male
METUSHI, Haki	70	Male
MUSTAFA, Ahmet		Male
MUSTAFA, Aslani	34	Male
MUSTAFA, Muhamet	21	Male
OSMANI, Sadik	35	Male
SALIHU, Jashar	25	Male
SALIHU, Shukri	18	Male
SHABANI, Bajrush	22	Male
SMAJLAI, Ahmet	60	Male
SYLA, Sheremet	37	Male
SYLA, Shyqeri		Male
XHELADINI, Bajram		Male
ZYMERI, Njazi		Male

Schedule B

Persons Known by Name Killed at Bela Crkva - 25 March 1999

<u>Name</u>	<u>Approximate Age</u>	<u>Sex</u>
BEGAJ, Abdullah	25	Male
BERISHA, Murat	60	Male
GASHI, Fadil	46	Male
MORINA, Musa	65	Male
POPAJ, Abdullah	18	Male
POPAJ, Agon	14	Male
POPAJ, Alban	21	Male
POPAJ, Bedrush	47	Male
POPAJ, Belul	14	Male

POPAJ, Ethem	46	Male
POPAJ, Hazer	77	Male
POPAJ, Hyshi	37	Male
POPAJ, Irfan	41	Male
POPAJ, Isuf	76	Male
POPAJ, Kreshnik	18	Male
POPAJ, Lindrit	18	Male
POPAJ, Mehmet	46	Male
POPAJ, Mersel	53	Male
POPAJ, Nazmi	45	Male
POPAJ, Nisim	35	Male
POPAJ, Rrustem		Male
POPAJ, Sahid	40	Male
POPAJ, Sedat	47	Male
POPAJ, Shendet	17	Male
POPAJ, Vehap	58	Male
POPAJ, Xhavit	32	Male
SPAHIU, FNU (daughter of Xhemal)		Female
SPAHIU, FNU (daughter of Xhemal)		Female
SPAHIU, FNU (daughter of Xhemal)		Female
SPAHIU, FNU (daughter of Xhemal)		Female
SPAHIU, FNU (wife of Xhemal)		Female
SPAHIU, Xhemal		Male
ZHUNIQI, Abein	37	Male
ZHUNIQI, Agim	51	Male
ZHUNIQI, Bajram	51	Male
ZHUNIQI, Biladh	67	Male
ZHUNIQI, Clirim	40	Male
ZHUNIQI, Dardan	6	Male
ZHUNIQI, Dardane	8	Female

ZHUNIQI, Destan	68	Male
ZHUNIQI, Eshref	55	Male
ZHUNIQI, Fatos	42	Male
ZHUNIQI, FNU	4	Male
ZHUNIQI, FNU (wife of Clirim)		Female
ZHUNIQI, FNU (son of Fatos)	16	Male
ZHUNIQI, Hysni	70	Male
ZHUNIQI, Ibrahim	68	Male
ZHUNIQI, Kasim	33	Male
ZHUNIQI, Medi	55	Male
ZHUNIQI, Muhammet	70	Male
ZHUNIQI, Muharrem	30	Male
ZHUNIQI, Qamil	77	Male
ZHUNIQI, Qemal	59	Male
ZHUNIQI, Reshit	32	Male
ZHUNIQI, Shemsi	52	Male

Schedule C

Persons Known by Name Killed at Velika Krusa/Krushe e Mahde -- Mali Krusa/Krushe e Vogel - 26 March 1999

<u>Name</u>	<u>Approximate Age</u>	<u>Sex</u>
ASLLANI, Adem	68	Male
ASLLANI, Asim	34	Male
ASLLANI, Feim	30	Male
ASLLANI, Muharrem	66	Male
ASLLANI, Nexhat	27	Male
ASLLANI, Nisret	33	Male
ASLLANI, Perparim	26	Male
AVDYLI, Bali	72	Male
AVDYLI, Enver	28	Male
BATUSHA, Ahmet	38	Male
BATUSHA, Amrush	32	Male

BATUSHA, Asllan	46	Male
BATUSHA, Avdi	45	Male
BATUSHA, Bekim	22	Male
BATUSHA, Beqir	68	Male
BATUSHA, Burim	18	Male
BATUSHA, Enver	22	Male
BATUSHA, Feim	23	Male
BATUSHA, FNU (son of Ismail)	19	Male
BATUSHA, FNU (son of Zaim)	20	Male
BATUSHA, Haxhi	28	Male
BATUSHA, Lirim	16	Male
BATUSHA, Milaim	32	Male
BATUSHA, Muharrem	69	Male
BATUSHA, Njazi	39	Male
BATUSHA, Osman	65	Male
BATUSHA, Sefer	19	Male
BATUSHA, Sejdi	68	Male
BATUSHA, Skifer	22	Male
BATUSHA, Sulejman	46	Male
BATUSHA, Zaim	50	Male
HAJDARI, Abaz	40	Male
HAJDARI, Abedin	17	Male
HAJDARI, Halil	42	Male
HAJDARI, Halim	70	Male
HAJDARI, Hysni	20	Male
HAJDARI, Marsel	17	Male
HAJDARI, Nazim	33	Male
HAJDARI, Qamil	46	Male
HAJDARI, Rasim	25	Male
HAJDARI, Sahit	36	Male
HAJDARI, Selajdin	38	Male
HAJDARI, Shani	40	Male

HAJDARI, Vesel	19	Male
HAJDARI, Zenun	28	Male
LIMONI, Avdyl	45	Male
LIMONI, Limon	69	Male
LIMONI, Luan	22	Male
LIMONI, Nehbi	60	Male
RAMADANI, Afrim	28	Male
RAMADANI, Asllan	34	Male
RAMADANI, Bajram	15	Male
RAMADANI, FNU (son of Hysen)	23	Male
RAMADANI, Hysen	62	Male
RAMADANI, Lufti	58	Male
RAMADANI, Murat	60	Male
RAMADANI, Ramadan	59	Male
RAMADANI, Selajdin	27	Male
RASHKAJ, FNU	16	Male
RASHKAJ, FNU	18	Male
RASHKAJ, Refki	17	Male
SHEHU, Adnan	20	Male
SHEHU, Arben	20	Male
SHEHU, Arif	36	Male
SHEHU, Bekim	22	Male
SHEHU, Burim	19	Male
SHEHU, Destan	68	Male
SHEHU, Din	68	Male
SHEHU, Dritan	18	Male
SHEHU, Fadil	42	Male
SHEHU, Flamur	15	Male
SHEHU, FNU (son of Haziz)	20	Male
SHEHU, FNU (son of Sinan)	18	Male
SHEHU, Haxhi	25	Male

	<u>Age</u>	
BEGOLLI, Sylejman	48	Male
BYTYQI, Arif	72	Male
BYTYQI, Urim	38	Male
DERVISHDANA, Emin	31	Male
DERVISHDANA, Fahri	37	Male
DERVISHDANA, Zenel	59	Male

Schedule E

Persons Known by Name Killed at Crkolez/Padalishtë - 27 March 1999

<u>Name</u>	<u>Approximate Age</u>	<u>Sex</u>
IMERAJ, Afrim	2	Male
IMERAJ, Ardiana	13	Female
IMERAJ, Arijeta	11	Female
IMERAJ, Avdyl	67	Male
IMERAJ, Beke	53	Male
IMERAJ, Feride	21	Female
IMERAJ, Fetije	42	Female
IMERAJ, Florije	19	Female
IMERAJ, Gjylfidan	15	Female
IMERAJ, Hasan	63	Male
IMERAJ, Mihane	72	Female
IMERAJ, Mona	72	Female
IMERAJ, Muhamet	19	Male
IMERAJ, Nexhmedin		Male
IMERAJ, Rab	30	Male
IMERAJ, Rustem	73	Male
IMERAJ, Sabahat	21	Male
IMERAJ, Shehide	70	Female
IMERAJ, Violeta	17	Female
IMERAJ, Xhyfidane	14	Female

Schedule F

Persons Known by Name Killed at Izbica - 28 March 1999

<u>Name</u>	<u>Approximate Age</u>	<u>Sex</u>
BAJRA, Bajram	62	Male
BAJRA, Brahim		Male
BAJRA, Fazli	60	Male
BAJRA, Ilaz		Male
BAJRA, Sami		Male
BEHRAMAJ, Demush	60	Male
BEHRAMAJ, Muhamed	50	Male
BEHRAMAJ, Nur	85	Male
BEHRAMI, Ardita		Male
BEHRAMI, Bemush	75	Male
BEHRAMI, Edona		Male
BEHRAMI, Muhamet		Male
BEHRAMI, Nuredin	90	Male
BEQIRI, Ajet		Male
CAKAJ, Demush	65	Male
CAKAJ, Muhamet	60	Male
CAKAJ, Nura	80	Male
CAKAJ, Thair	65	Male
CAKAJ, Zeqir	80	Male
CELI, Metush	62	Male
CELI, Rexhe		Male
CELI, Smajl	67	Male
CUPEVA, Hamz	46	Male
DRAGA, Ali	65	Male
DRAGA, Bahim	72	Male
DRAGA, Cen	68	Male
DRAGA, Hajriz	43	Male
DRAGA, Halit		Male
DRAGA, Hazir		Male
DRAGA, Ismet	28	Male
DRAGA, Jetulla	60	Male

DRAGA, Murat		Male
DRAGA, Rahim	70	Male
DRAGA, Rustem	70	Male
DURAKU, Dibran	65	Male
FEJZA, Zyra		Male
FETAHI, Azem	75	Male
FETAHI, Hetem	63	Male
FETAHI, Muharem	80	Male
FETAHU, Lah	67	Male
GASHI, Beqe		Male
GASHI, Brahim	70	Male
GASHI, Deli		Male
GASHI, Hajrullah		Male
GASHI, Ram	57	Male
HAJRIZI, Fata		Male
HASANI, Nezir		Male
HAXHA, Bajram	78	Male
HAXHA, Fejz	86	Male
HOTI, Muhamet		Male
JETULLAHU, Beqir		Male
JETULLAHU, Selim		Male
KELMENDI, Bajram		Male
KELMENDI, Beqir		Male
KRASNIQI, Deli	80	Male
KRASNIQI, Mustafe		Male
KRASNIQI, Rahim	62	Male
KRASINIQI, Rrahim		Male
LATIFI, Jetullah		Male
LNU, Qazim	70	Male
MUSLIA, Shaban	75	Male
MUSTAFA, Hasan	70	Male
NEBIHI, Selim	95	Male
OSMANI, Azem	75	Male

OSMANI, Hetem	70	Male
OSMANI, Muharrem	90	Male
RACI, Ramadan	56	Male
RAMA, Halit	60	Male
REXHEPI, Muji	47	Male
REXHEPI, Zaim	38	Male
RUSTEMI, Halit	60	Male
SALIHU, Zeqir		Male
SEJDIU, Bajram		Male
SEJDIU, Mustafe	41	Male
SHALA, Kujtim	47	Male
SHALA, Isuf		Male
SHALA, Sali	35	Male
SPAHIU, Rizah		Male
TAHAJ, Ethem	65	Male
TAHAJ, Muharem	75	Male
TAHI, Azem	60	Male
TAHI, Hetem	50	Male
TAHI, Muharem	70	Male
TAHIRI, Brahim		Male
TAHIRI, Rrahim		Male
THACI, Hamit	70	Male
THACI, Haxhi		Male
THACI, Jetullah		Male
THACI, Rame		Male
THACI, Sahit		Male
THACI, Salih		Male
THACI, Uke	80	Male
XHEMAJLI, Esat		Male
XHEMALI, Demush	87	Male
XHEMALI, Idriz	67	Male

<u>Name</u>	<u>Approximate Age</u>	<u>Sex</u>
CAKA, Dalina	14	Female
CAKA, Delvina	6	Female
CAKA, Diona	2	Female
CAKA, Valbona	34	Female
GASHI, Hysen	50	
HAXHIAVDIJA, Doruntina	8	Female
HAXHIAVDIJA, Egzon	5	
HAXHIAVDIJA, Rina	4	Female
HAXHIAVDIJA, Valbona	38	Female
HOXHA, Flaka	15	Female
HOXHA, Shahindere	55	Female
NUÇ I, Manushe	50	Female
NUÇ I, Shirine	70	Female
VEJSA, Arlind	5	Male
VEJSA, Dorina	10	Female
VEJSA, Fetije	60	Female
VEJSA, Marigona	8	Female
VEJSA, Rita	2	Female
VEJSA, Sihana	8	Female
VEJSA, Tringa	30	Female