

United Nations  
Nations UniesInternational Criminal Tribunal  
for the former Yugoslavia  
Tribunal Pénal International  
pour l'ex-Yougoslavie

(IT-05-87)

**MILUTINOVIĆ *et al.****The Prosecutor v. Milan Milutinović, Nikola Šainović,  
Dragoljub Ojdanić, Nebojša Pavković, Vladimir Lazarević & Sreten Lukić***MILAN MILUTINOVIĆ***Indicted for persecutions on political, racial or religious grounds,  
murder, deportation, forcible transfer*

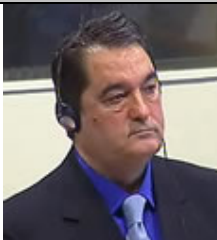
From 21 December 1997 until 29 December 2002, President of Serbia and a member of the Supreme Defence Council of the Federal Republic of Yugoslavia (Serbia and Montenegro).

**NIKOLA ŠAINOVIĆ***Indicted for persecutions on political, racial or religious grounds,  
murder, deportation, forcible transfer*


From February 1994 until November 2000, Deputy Prime Minister of the Federal Republic of Yugoslavia (Serbia and Montenegro).


**DRAGOLJUB OJDANIĆ***Indicted for persecutions on political, racial or religious grounds,  
murder, deportation, forcible transfer*

From 24 November 1998, Chief of the General Staff of the Yugoslav Army (VJ); from 15 February 2000 until 3 November 2000, Minister of Defence of the Federal Republic of Yugoslavia (Serbia and Montenegro).

**NEBOJŠA PAVKOVIĆ***Indicted for persecutions on political, racial or religious grounds,  
murder, deportation, forcible transfer*

From 25 December 1998 until early 2000, Commander of the Third Army of the VJ; from February 2000 until 24 June 2002, Chief of the General Staff of the VJ.

<b>VLADIMIR LAZAREVIĆ</b>		<i>Indicted for persecutions on political, racial or religious grounds, murder, deportation, forcible transfer</i>
	From 1998, Chief of Staff of the Priština Corps of the VJ; from 25 December 1998, Commander of the Priština Corps; from 28 December 1999, Chief of Staff of the Third Army of the VJ; from 13 March 2000, Commander of the Third Army of the VJ.	

<b>SRETEN LUKIĆ</b>		<i>Indicted for persecutions on political, racial or religious grounds, murder, deportation, forcible transfer</i>
	From May 1998, Head of the Serbian Ministry of Internal Affairs (MUP) Staff for Kosovo & Metohija; from June 1999, Assistant Chief of the Public Security Service (RJB) and the Chief of Border Administration of the Border Police in the MUP; from 31 January 2001, Assistant Minister and Chief of the RJB.	

*Crimes Indicted for:*

**Deportation, other inhumane acts (forcible transfer), murder, persecutions on political, racial or religious grounds (crimes against humanity) and**

**Murder (violations of the laws or customs of war)**

- Forces of the FRY and Serbia, acting at the direction, with the encouragement, or with the support of Milan Milutinović, Nikola Šainović, Dragoljub Ojdanić, Nebojša Pavković, Vladimir Lazarević and Sreten Lukić perpetrated crimes which resulted in the forcible transfer and deportation of approximately 800,000 Kosovo Albanian civilians. To facilitate these expulsions and displacements, forces of the FRY and Serbia deliberately created an atmosphere of fear and oppression through the use of force, threats of force and acts of violence.
- The same forces, acting at the direction, with the encouragement, or with the support of the accused murdered hundreds of Kosovo Albanian civilians and other persons taking no active part in the hostilities and sexually assaulted Kosovo Albanians, in particular women.
- These forces also systematically damaged and destroyed cultural monuments and Muslim sacred sites. They shelled, burned and dynamited mosques throughout the province.

<b>MILAN MILUTINOVIĆ</b>	
<b>Born</b>	19 December 1942 in Belgrade, Serbia
<b>Indictment</b>	Initial indictment: 24 May 1999, made public on 27 May 1999; amended indictment: 29 June 2001; second amended indictment: 29 October 2001; third amended indictment: 5 September 2002; redacted third amended joinder indictment: 26 June 2006
<b>Surrendered</b>	20 January 2003
<b>Transferred to ICTY</b>	20 January 2003
<b>Initial appearance</b>	27 January 2003, pleaded not guilty to all counts

<b>NIKOLA ŠAINOVIĆ</b>	
<b>Born</b>	7 December 1948 in Bor, Serbia
<b>Indictment</b>	Initial indictment: 24 May 1999, made public on 27 May 1999; amended indictment: 29 June 2001; second amended indictment: 29 October 2001; third amended indictment: 5 September 2002; redacted third amended joinder indictment: 26 June 2006
<b>Surrendered</b>	2 May 2002
<b>Transferred to ICTY</b>	2 May 2002
<b>Initial appearance</b>	3 May 2002, pleaded not guilty to all counts

<b>DRAGOLJUB OJDANIĆ</b>	
Born	1 June 1941 in the village of Ravni, municipality of Užice, Serbia
Indictment	Initial indictment: 24 May 1999, made public on 27 May 1999; amended indictment: 29 June 2001; second amended indictment: 29 October 2001; third amended indictment: 5 September 2002; redacted third amended joinder indictment: 26 June 2006
Surrendered	25 April 2002
Transferred to ICTY	25 April 2002
Initial appearance	26 April 2002, pleaded not guilty to all counts

<b>NEBOJŠA PAVKOVIĆ</b>	
Born	10 April 1946 in the village of Senjski Rudnik, municipality of Despotovac, Serbia
Indictment	Initial indictment: 2 October 2003, made public on 20 October 2003; redacted third amended joinder indictment: 26 June 2006
Surrendered	25 April 2005
Transferred to ICTY	25 April 2005
Initial appearance	28 April 2005, pleaded not guilty to all counts

<b>VLADIMIR LAZAREVIĆ</b>	
Born	23 March 1949 in the village of Grnčar, municipality of Babušnica, Serbia
Indictment	Initial indictment: 2 October 2003, made public on 20 October 2003; amended joinder indictment: 16 August 2005; second amended joinder indictment: 5 April 2006; third amended joinder indictment: 12 May 2006; redacted third amended joinder indictment: 26 June 2006
Surrendered	3 February 2005
Transferred to ICTY	3 February 2005
Initial appearance	7 February 2005, pleaded not guilty to all counts

<b>SRETEN LUKIĆ</b>	
Born	28 March 1955 in Višegrad, Bosnia and Herzegovina
Indictment	Initial indictment: 2 October 2003, made public on 20 October 2003; redacted third amended joinder indictment: 26 June 2006
Surrendered	4 April 2005
Transferred to ICTY	4 April 2005
Initial and further appearances	6 April 2005, did not enter a plea; 4 May 2005, pleaded not guilty to all counts

## STATISTICS

Trial days	285
Witnesses called by Prosecution	113
Prosecution exhibits	1455
Witnesses called by Defence	118
Defence exhibits	2896
Witnesses called by Chambers	2
Chambers exhibits	18

TRIAL	
Commenced	10 July 2006
Closing arguments	19 August - 27 August 2008
Trial Chamber III	Judge Iain Bonomy (presiding), Judge Ali Nawaz Chowhan, Judge Tsvetana Kamenova, Judge Janet Nosworthy (Reserve Judge)
Counsel for the Prosecution	Thomas Hannis, Chester Stamp, Patricia Neema, Daniela Kravetz
Counsel for the Defence	For Milan Milutinović: Eugene O' Sullivan and Slobodan Zečević For Nikola Šainović: Toma Fila and Vladimir Petrović For Dragoljub Ojdanić: Tomislav Višnjić and Norman Sepenuk For Nebojša Pavković: John Ackerman and Aleksandar Aleksić For Vladimir Lazarević: Mihajlo Bakrač and Đuro Čepić For Sreten Lukić: Branko Lukić and Dragan Ivetić

RELATED CASES <i>by geographical area</i>	
ĐORĐEVIĆ (IT-05-87/1.1) "KOSOVO"	
HARADINAJ <i>et al.</i> (IT-04-84)	
LIMAJ <i>et al.</i> (IT-03-66)	
MILOŠEVIĆ (IT-02-54) "KOSOVO, CROATIA & BOSNIA"	

## INDICTMENT AND CHARGES

All of the charges against Milan Milutinović, Nikola Šainović, Dragoljub Ojdanić, Nebojša Pavković, Vladimir Lazarević and Sreten Lukić are in relation to the crimes committed in the territory of Kosovo, beginning on or about 1 January 1999 and continuing until 20 June 1999. Kosovo is located in the southern part of the Republic of Serbia, and was part of the Socialist Federal Republic of Yugoslavia (SFRY). Kosovo is bordered on the north and north-west by the Republic of Montenegro, on the south-west by the Republic of Albania, and to the south by the Former Yugoslav Republic of Macedonia. The capital of Kosovo is Priština/Prishtinë.

The initial indictment against Slobodan Milošević, Milan Milutinović, Nikola Šainović, Dragoljub Ojdanić and Vljako Stojiljković (case number IT-99-37) was confirmed on 24 May 1999 and made public on 27 May 1999. This indictment was amended on 29 June 2001. The indictment was further amended on 29 October 2001 (second amended indictment) and on 5 September 2002 (third amended indictment). In the third amended indictment, the charges against Slobodan Milošević and Vljako Stojiljković were removed, due to the death of Vljako Stojiljković and the fact that Slobodan Milošević was being tried separately (case number IT-02-54). The case was then called Milutinović *et al.*

The initial indictment against Nebojša Pavković, Vladimir Lazarević, Vlastimir Đorđević and Sreten Lukić (case number IT-03-70, "Pavković *et al.*") was confirmed on 2 October 2003 and made public on 20 October 2003.

On 1 April 2005 the Prosecution filed a motion seeking to join the cases Milutinović *et al.* and Pavković *et al.* The motion was granted on 8 July 2005, and the Trial Chamber ordered the Prosecution to file an amended joinder indictment. The amended joinder indictment was filed on 16 August 2005. This indictment was challenged by the Defence and, based on a Trial Chamber order, the Prosecution submitted the second amended joinder indictment on 5 April 2006. On 11 May 2006, the Trial Chamber ordered the Prosecution to file a final copy of the indictment. On 12 May 2006, the Prosecution filed the third amended joinder indictment.

On 17 May 2006, the Pre-Trial Judge ordered the Prosecution to correct some typographical errors in the third amended joinder indictment and to sever Vlastimir Đorđević, who was still at large, from the other accused, in order for the trial against the other accused to commence as scheduled. On 21 June 2006, the Prosecution requested leave to replace the third amended joinder indictment with the corrected version of the indictment filed on the same day, and leave to sever Vlastimir Đorđević from the case. On 26 June 2006, the Trial Chamber granted the severance and accepted the redacted third amended joinder indictment as the operative indictment against the six accused. Vlastimir Đorđević was assigned a new case number IT-05-87/1.

The indictment alleges that the accused participated in a joint criminal enterprise that came into existence no later than October 1998 and continued throughout the time period when the crimes alleged in the indictment occurred. The purpose of the joint criminal enterprise was, among other things, the modification of the ethnic balance in Kosovo in order to ensure continued Serbian control over the province. This purpose was to be achieved by criminal means consisting of a widespread or systematic campaign of terror and violence that included deportations, murders, forcible transfers and persecutions directed at the Kosovo Albanian population during the indictment period.

It is alleged that forces of the Federal Republic of Yugoslavia (FRY) and Serbia, in a deliberate and widespread or 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, forces of the FRY and Serbia intentionally created an atmosphere of fear and oppression through the use of force, threats of force, and acts of violence.

The indictment states that throughout Kosovo, forces of the FRY and Serbia engaged in a deliberate and widespread or systematic campaign of destruction of property owned by Kosovo Albanian civilians. This was accomplished by the widespread shelling of towns and villages; the burning and destruction of property, including homes, farms, businesses, cultural monuments and religious sites, and the destruction of personal property. As a result of these orchestrated actions, villages, towns, and entire regions were made uninhabitable for Kosovo Albanians.

It is further alleged that, in addition to the deliberate destruction of property owned by Kosovo Albanian civilians, forces of the FRY and Serbia committed widespread or systematic acts of brutality and violence against Kosovo Albanian civilians in order to perpetuate a climate of fear, create chaos and a pervading

fear for life. Forces of the FRY and Serbia went from village to village and, in the towns and cities, from area to area, threatening and expelling the Kosovo Albanian population. Kosovo Albanians were frequently intimidated, assaulted or killed in public view to enforce the departure of their families and neighbours. Many Kosovo Albanians who were not directly forcibly expelled from their communities fled as a result of the climate of terror created by the widespread or systematic beatings, harassment, sexual assaults, unlawful arrests, killings, shelling and looting carried out across the province. Forces of the FRY and Serbia persistently subjected Kosovo Albanians to insults, racial slurs, degrading acts and other forms of physical and psychological mistreatment based on their racial, religious, and political identification. All sectors of Kosovo Albanian society were displaced including women, children, the elderly and the infirm.

The indictment states that thousands of Kosovo Albanians, who fled their homes as a result of the conduct of the forces of the FRY and Serbia, joined convoys of persons that moved toward Kosovo's borders with Albania and The Former Yugoslav Republic of Macedonia (FYROM). Allegedly, forces of the FRY and Serbia manned checkpoints along the routes to the border crossings and subjected the displaced Kosovo Albanians to beatings, extortion, robbery, harassment, assaults, illegal arrests and killings. At other times, forces of the FRY and Serbia escorted groups of expelled Kosovo Albanians to the borders.

According to the indictment, approximately 800,000 Kosovo Albanian civilians were deported. In order to facilitate these expulsions and displacements, forces of the FRY and Serbia deliberately created an atmosphere of fear and oppression through the use of force, threats of force and acts of violence. Throughout Kosovo, in a deliberate and widespread or systematic effort to deter expelled Kosovo Albanians from returning to their homes, forces of the FRY and Serbia looted and pillaged the personal and commercial property belonging to Kosovo Albanians. Forces of the FRY and Serbia used wholesale searches, threats of force, and acts of violence to rob Kosovo Albanians of money and valuables, and in a widespread or systematic manner, authorities at FRY border posts stole personal vehicles and other property from Kosovo Albanians being deported from the province.

In addition, throughout Kosovo, forces of the FRY and Serbia systematically seized and destroyed the personal identity documents and licenses of vehicles belonging to Kosovo Albanian civilians. As Kosovo Albanians were forced from their homes and directed towards Kosovo's borders, they were subjected to demands to surrender identity documents at selected points en route to border crossings and at border crossings into Albania and FYROM. These actions were 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.

In sum, it is alleged that, throughout Kosovo, forces of the FRY and Serbia systematically shelled towns and villages, burned homes and farms, damaged and destroyed Kosovo Albanian cultural and religious institutions, murdered Kosovo Albanian civilians and other persons taking no active part in the hostilities, and sexually assaulted Kosovo Albanian women.

The operative indictment charges Milan Milutinović, Nikola Šainović, Dragoljub Ojdanić, Nebojša Pavković, Vladimir Lazarević and Sreten Lukić on the basis of their individual criminal responsibility (Article 7(1) of the Statute) and on the basis of their superior criminal responsibility (Article 7(3) of the Statute) with:

- **Deportation, other inhumane acts (forcible transfer), murder, persecutions on political, racial or religious grounds** (crimes against humanity, Article 5),
- **Murder** (violations of the laws or customs of war, Article 3).

## PRE-TRIAL

Following the decision of the Trial Chamber of 14 April 2005, the accused Milan Milutinović, Dragoljub Ojdanić, Nikola Šainović and Vladimir Lazarević were provisionally released on 15 April 2005.

Pursuant to the decision of the Trial Chamber of 3 October 2005, Sreten Lukić was provisionally released on 5 October 2005.

On 21 November 2005, Nebojša Pavković was provisionally released, pursuant to a decision rendered on 18 November 2005 by the Trial Chamber.

All accused returned to the Detention Unit on 4 July 2006.

## THE TRIAL

The Milutinović *et al.* trial commenced on 10 July 2006. The accused were granted temporary provisional release from 15 July until 31 July 2006. The Prosecution completed its case-in-chief on 1 May 2007.

On 22 May 2007, the Trial Chamber dismissed motions for provisional release during the upcoming court recess for all six accused. On 7 June the Trial Chamber granted provisional release for Nikola Šainović from 12 until 18 June on compassionate grounds. Additionally, on 18 June 2007 the Trial Chamber granted provisional release on compassionate grounds to both Nebojša Pavković (from 4 until 9 July 2007) and Vladimir Lazarević (from 26 June until 2 July 2007).

The Defence case commenced on 6 August 2007.

On 7 December 2007, Milan Milutinović was granted provisional release on humanitarian grounds from 17 December 2007 until 2 January 2008.

On 20 March 2008, Nebojša Pavković was granted provisional release on compassionate grounds from 26 March until 31 March 2008.

On 7 April 2008, Nikola Šainović was granted provisional release on compassionate grounds from 8 April until 13 April 2008.

On 15 April 2008, Vladimir Lazarević was granted provisional release on humanitarian grounds from 25 April until 1 May 2008.

On 2 May 2008, Dragoljub Ojdanić was granted provisional release on compassionate grounds from 6 May until 12 May 2008.

The Defence case was completed on 16 May 2008.

From 19 May until 21 May 2008, the parties examined a witness called by the Trial Chamber.

On 8 July and 9 July 2008, the parties examined another witness called by the Trial Chamber.

On 11 July 2008, Dragoljub Ojdanić was granted provisional release on compassionate grounds from 18 July until 12 August 2008.

The closing arguments were held from 19 August until 27 August 2008.

On 5 September 2008, Milan Milutinović was granted provisional release on compassionate grounds from 10 September 2008 until 2 October 2008.

On 26 September 2008, Nikola Šainović was granted provisional release on compassionate grounds from 2 October until 17 October 2008.

## RULE 98*bis* PROCEEDINGS

After the conclusion of the presentation of Prosecution evidence, the Trial Chamber can rule whether there is a case to answer. If the Chamber believes that the Prosecution has not presented sufficient evidence to prove certain charge(s), it can dismiss those charges and enter a judgement of acquittal before the beginning of the presentation of defence evidence.

On 18 May 2007, the Trial Chamber in the Milutinović *et al.* case issued an oral decision pursuant to Rule 98*bis* and concluded there was evidence capable of supporting a conviction for the crimes charged in all the counts. Therefore, the Chamber dismissed the Defence motions for acquittal for each of the accused.