



Republic of Serbia
OFFICE OF THE WAR CRIMES
PROSECUTOR
07.07.2005.
Belgrade

DISTRICT COURT IN BELGRADE
War Crimes Chamber

BELGRADE

Pursuant to my authority under Art. 46 Para. 2 Item 3, Art. 265 Para. 1 and Art. 266 of the Criminal Procedure Act, I hereby raise the

INDICTMENT

Against:

Anton LEKAJ, aka »Pindo« aka »Balt« from Đakovica
FOR THE REASONS SET FORTH BELOW:

In the course of 1999, in the territory of the Đakovica municipality in the Autonomous Province of Kosovo and Metohija, during the armed conflict between the Yugoslav Army and Serbian Police forces on one side, and armed military units of the Kosovo Liberation Army (KLA) on the other, within the context of a war conflict between the FRY forces and NATO Alliance,

Taking advantage of suspended war activities between the Yugoslav and NATO Alliance's armed forces and the start of their withdrawal from Kosovo and Metohija,

Acting as a member of the so-called »Cipat« group within the KLA military police forces, breaking the rules of international law governing the conduct of armed conflicts, contained in the provisions of Art. 2 Para. 1, Art. 3 Paras. 1 (1) and 2 (a, c and d), and Art. 27 Paras. 1 and 2 of the 12 August 1949 Fourth Geneva Convention on protection of civilian subjects in a state of war, of Articles 51, 75 and 76 of the Annexed Protocol I on victims protection in noninternational armed conflicts, of Art. 4 Paras. 1 and 2 (a and e), and of Art. 13 of the Annexed Protocol II on victims protection in noninternational armed conflicts,

Aided and abetted by, all of whom have been excluded from this case and subject to separate proceedings, by late Besim BESTRAŽIMI, against whom

proceedings have been discontinued, as well as by a number of so far unidentified KLA members headed by Ramuš HARADINAJ, commander of the »Dukađini« operational zone, the aforementioned accused individual performed unlawful actions while he was aware of the joint enterprise towards the achievement of a common goal, which was the establishment of the full KLA control over the territory of Kosovo and Metohija and expulsion of all non-Albanians from that region,

The accused, Anton LEKAJ, unlawfully convicted non-Albanian civilians, denying them the right to regular and impartial trials, and subjecting them to killings, tortures, inhuman treatment, physical injuries and sexual assaults,

And thereby he did the following:

On the date of 12 June 1999, at around 5:30 p.m., in the vicinity of factory »Emin Duraku«, aided and abetted by Besim BESTRAŽIMI, and he stopped a wedding column of Romas, among whom were the following injured persons:,,,,,,, and, whom the aforementioned accused individual unlawfully captured and held confined for 3 or 4 hours in the factory reception room, while, acting all together and at a time, the aforementioned perpetrators kicked the captives and beat them with rifle butts over the head and body, whereas administered physical injuries to, and by inflicting cuts on their bodies; afterwards, at around 6:00 p.m., upon the order received via radio link by, aided and abetted by other KLA members, transferred the captives into the cellar premises of the »Paštrik« Hotel, where they were held confined for four days and nights; meanwhile, acting either alone or with other KLA members, tortured all of the aforementioned captives and beat them with hands and wooden batons, trying to extort confessions of their alleged participation in fights against the KLA, while he was threatening to kill them and saying: »What have you been waiting for, why haven't you gone away to Serbia, we don't need you here«; thereafter, abetted by other KLA members, he mutilated all of the captives with a knife, by cutting off some of their body parts, stabbing them and extinguishing burning cigarettes on their bodies, while he forced some of the victims to drink their own urine out of plastic dishes or eat faeces,

On the date of 12 June 1999 at around 7 p.m., the accused, Anton LEKAJ, forced the minor,, into a hotel room, where, abetted by a FNU LNU KLA member, he ordered her to undress and, producing a knife and a gun, threatened to kill her if she disobeyed; both armed with automatic weapons and threatening her by death, the aforementioned perpetrators forced the victim to take off her clothes, whereupon the accused, Anton LEKAJ, subjected her to a forcible sexual intercourse; thereafter, taking advantage of the victim's broken resistance, the aforementioned FNU LNU KLA member also sexually abused her;

On 13 June 1999, in the early morning hours, the herein accused individual, acting unlawfully and in a still unclear manner, detained on the stated cellar premises, while later on the same day, at around 6 p.m., he did the same with, whereupon he brutalized both victims, beat them with hands and batons on the head and body, stabbed and cut them with a knife, and extinguished burning cigarettes on their bodies;

In the night between 13 and 14 June, the herein accused, Anton LEKAJ, beat and subjected him to an unnatural sexual intercourse, whereby the accused,, pushed his sexual organ into the victim's anus, while the accused, Anton LEKAJ, forced his sexual organ into the victim's mouth; thereafter, the herein accused inflicted severe physical injuries to, who had been ordered to stay close to the perpetrators and supervise other captives, while late Besim BESTRAŽIMI passed his knife to the accused,, who used it to cut off 's right ear, thereupon pushing the cut-off ear into the mouth of and forcing him to eat it; having done that, approached and, using the same knife with the intention to deprive him of life, stabbed the victim into the left side of the chest, thereby wounding him in the heart, which resulted in the victim's immediate death;

Thereby the herein accused individual unlawfully captured thirteen persons, whom he held confined while subjecting them to tortures and inhuman treatment; subsequently, in the evening of 14 June 1999, following orders issued by Ramuš HARADINAJ, the herein accused released,,,, and

In the night of 15 June 1999, at around 2 a.m., informed the captives that they were going to be executed further to Ramuš HARADINAJ's orders, whereafter the accused, Anton LEKAJ, aided and abetted by Besim BESTRAŽIMI, and, tied,, and, loaded them onto several vehicles and transported them to the site called »Gropa Coftinave« in the vicinity of slaughterhouse »Agimi«, where the victims were lined up one next to the other and facing the executors, who subsequently, acting from a short while away, all together and at a time, fired several bursts from automatic weapons, thereby killing Zvezdan LJUŠAJ, Rade GAGOVIĆ and Red ŠALJA, whereas taking advantage of the executors' lack of attention, managed to escape from the execution scene,

Whereby the accused, Anton LEKAJ, acting as a co-perpetrator, committed the criminal offence of War Crime against Civilians, recognized by Art. 142 Para. 1 of the Basic Penal Code, in relation to Art. 22 of the Basic Penal Code.

For the foregoing reasons, I

PROPOSE

That a public trial be settled and held before the War Crimes Chamber, whereto the following subjects should be summoned:

1. The War Crimes Prosecutor;
2. The defendant, Anton LEKAJ, who is to be transferred from the District Prison in Belgrade;
3. The witnesses

Vladimir Vukčević,
WAR CRIMES PROSECUTOR