

District Court of Prishtina
P No. 445/2010
Date 22nd July 2011

IN THE NAME OF THE PEOPLE

The District Court of Pristina, in a trial panel composed of:

- 1) EULEX Judge Ferdinando Buatier de Mongeot, presiding judge
- 2) EULEX Judge Gianfranco Gallo, member of the panel,
- 3) Local Judge Mediha Jusufi, member of panel,

assisted by the undersigned court recorder, in the criminal case against:

I

Name	Slobodan
Surname	MARTINOVIĆ
Nickname	"Shuki"
Father's name	Krsta Martinovic
Date of Birth	15.02.1956
Place of Birth	Bostane village Novobërdë/Novo Brdo municipality
Sex	Male
Address	Village Pllavicë, Novobërdë/Novo Brdo municipality
Civil status	Married father of two children
Education	Primary school
level	
Financial	Average
status	
Occupation	Driver
Nationality	Serbian
citizenship	Kosovar

II

Name	Srecko
Surname	MARTINOVIĆ
Nickname	"Traja"
Father's name	Krsta Martinovic
Date of Birth	17.02.1952
Place of Birth	Bostane village (Novoberdo /Novobrdo)
Sex	Male
Address	Bostane village Novobërdë/Novo Brdo municipality
Civil status	Married father of three children
Education	Secondary school
level	
Financial	Poor
status	
Occupation	Police officer

Nationality	Serbian
Citizenship	Kosovar

1. War crime against the civilian population contrary to Articles 22 and 142 of the Criminal Code of the Socialist Federal Republic of Yugoslavia (CCSFRY), currently criminalized under Articles 23 and 120(2) of the CCK, in violation of common Article 3 common to the four Geneva Conventions of 12th August 1949 ("common Article 3") and Articles 1 and 17 of the Protocol II of 08 June 1977, Additional to the 1949 Geneva Conventions ("Additional Protocol II"), all rules of international law effective at the time of the internal armed conflict in Kosovo and at all times relevant to the present charge the defendants in their capacity as Serbian Police officer or paramilitary member, in co-perpetration with each other and with other Serbian military or paramilitary members, including Sinisa Filic, Ivan Peric, Dragan Trajkovic, Sreten Trajkovic, Srdjan Trajkovic, and Novica Pavlovic, treated inhumanely [REDACTED] and [REDACTED] two civilians not taking part in the hostilities, by keeping them detained in inhumane conditions (filibiness; lack of food, water and medical care); in around Novoberde /Novobrdó between 19 and 22 April 1999.

2. War crime against the civilian population contrary to Articles 22 and 142 of the Criminal Code of the Socialist Federal Republic of Yugoslavia (CCSFRY), currently criminalized under Articles 23 and 120(2) of the CCK, in violation of common Article 3 and Articles 1 and 17 of Additional Protocol II, all rules of international law effective at the time of the internal armed conflict in Kosovo and at all times relevant to the present charge the defendants in their capacity as Serbian military or paramilitary officers, including Dragan Trajkovic, Sreten Trajkovic, Srdjan Trajkovic and Novica Pavlovic, violated the bodily integrity and health of [REDACTED] and [REDACTED] two civilians not taking part in the hostilities, by repeatedly beating them, in and around Noveberde Novobrdó between 21 April 1999.

III.

Name	Svetlana
Surname	STOJANOVIĆ
Nickname	"Cica"
Father's name	Tomislav
Date of Birth	09.10.1963
Place of Birth	Unknown
Sex	Female
Address	Village Bostanë, Novobërdë/Novo Brdo municipality
Civil status	single
Education level	secondary school
Financial status	poor
Occupation	Trader
Nationality	Serbian
citizenship	Kosovar

for the following criminal offence, which is prosecuted *ex officio*:

3. War crime against the civilian population contrary to Articles 22 and 142 of the Criminal Code of the Socialist Federal Republic of Yugoslavia (CCSFRY), currently criminalized under Articles 23 and 120(2) of the CCK, in violation of common Article 3 and Articles 1 and 17 of Additional Protocol II, all rules of

international law effective at the time of the internal armed conflict in Kosovo and at all times relevant to the present stage the defendant in their capacity as Serbian Police officer or paramilitary member, in co-perpetration with other Serbian military or paramilitary officers, violated the bodily integrity and health of [REDACTED] and [REDACTED] two civilians not taking part in the hostilities, by beating them, and particularly by striking [REDACTED] on the head with wooden trunk in Novobrdó on or about 21 April 1999.

After having held the main trial in public held on 07th and 16th of June, 12th, 13th, 14th, 19th, and 20th of July 2011, in the absence of the accused, in the presence of defense counsels: Zivojin Jokanovic and Dejan Vasic and in the presence of the Special Public Prosecutor; after the panel's deliberation held on 21st July 2011, pursuant to article 392 of the KCCP; pronounces in public and in the presence of the parties the following:

JUDGMENT

Having seen article 390 paragraph 3 of the KCCP, **Sllobodan Martinovic, Srecko Martinovic and Svetlana Stojanovic** are

ACQUITTED

of all the charges brought against them, as described above in counts 1, 2 and 3, because it was not proved that they committed the acts they were accused of.

Pursuant to article 103 of the KCCP, the costs of this criminal procedure will be covered by the budgetary resource of the court.

The security measures pursuant to art. 271 KCCP are hereby terminated and the travel documents confiscated from the accused shall be rendered to them.

The Presiding Judge
Ferdinando Buatier de Mongeot

The Panel member
Gianfranco Gallo

The Panel member
Mediha Jusufi

The Court Recorder
Jacqueline Ryan

Legal remedy

Pursuant to article 400 (1) KCCP, an appeal must be announced within 8 days from the announcement of this verdict and, according to article 398(1) KCCP, the appeal shall be filed with this Court within 15 days from the date the copy of the judgment has been served to the parties.

For publication purpose.