



FIRST WAR CRIMES JUDGMENTS IN ABSENTIA

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Trials in absentia for war crimes in Kosovo have been made possible following a series of legislative amendments to the Criminal Procedure Code of the Republic of Kosovo. These amendments aim to enable the criminal prosecution of individuals suspected of war crimes even in cases where they are not present within the territory of Kosovo.

The legal basis for such trials was initially established in July 2019, with the adoption of Law No. 06/L-091 on Amending and Supplementing the Criminal Procedure Code, which for the first time enabled trials in absentia for criminal offenses against international humanitarian law and international criminal law committed during the period January 1990 to June 1999.

Subsequently, in 2021 and 2022, the legal provisions were further supplemented and clarified through additional amendments and the entry into force of the new Criminal Procedure Code, which explicitly regulates the conditions for conducting trials in absentia.

CONDITIONS FOR CONDUCTING TRIALS IN ABSENTIA

Pursuant to Article 303 of the Criminal Procedure Code, a trial in absentia for war crimes may only be initiated if the court determines that reasonable efforts have been made to notify the accused and to secure their presence in the proceedings.

These efforts include: service of summons to appear before the court; issuance of an arrest warrant by the court; verification of the defendant's address; issuance of a wanted notice; and the conduct of public information campaigns calling for the accused to surrender.

In addition, the summons to appear before the court and the indictment are published on the website of the State Prosecutor, on the website of the competent court, and in the Official Gazette.

In such cases, the accused is represented by court-appointed defense counsel throughout the criminal proceedings and is guaranteed the right to an automatic and unconditional retrial should they subsequently appear before the judicial authorities.

The first indictment in absentia for war crimes in Kosovo was filed on 2 May 2023. Since then, the prosecution has scaled up the use of this mechanism to pursue war crimes cases.

By the end of 2025, a total of 24 indictments in absentia had been filed against 120 members of Serbian forces. In 2025 alone, 10 indictments were filed against 55 individuals.

FIRST JUDGMENTS IN ABSENTIA

The first judgment in absentia was rendered on 26 December 2024 against Čedomir Aksić, who was sentenced to 15 years' imprisonment for war crimes against the civilian population.

However, on 10 November 2025, the Court of Appeals vacated this judgment and remitted the case for retrial, citing the failure to meet certain procedural requirements for initiating a trial in absentia, including the absence of a comprehensive public information campaign.

During 2025, two additional judgments in absentia were also delivered by the Basic Court: one against Slaviša Filić, who was sentenced to 15 years' imprisonment, and another against Ivica Rajković and Dragan Denić, each of whom was sentenced to 15 years' imprisonment for war crimes against the civilian population.

1. PROSECUTOR AGAINST ČEDOMIR AKSIĆ

On 10 November 2025, the Court of Appeals vacated the judgment of the Basic Court of Prishtinë/Priština, by which the accused, Čedomir Aksić, had been sentenced to 15 years' imprisonment for the criminal offense of war crimes against the civilian population, and remitted the case for retrial at first instance.

COURSE OF THE PROCEEDINGS

On 2 May 2023, the Special Prosecution of the Republic of Kosovo (SPRK) filed an indictment for trial in absentia against Čedomir Aksić for the criminal offense of war crimes against the civilian population.

The accused, Aksić, is charged that, during the period January to May 1999, in the context of the armed conflict in Kosovo, acting in co-perpetration with other persons, and wearing police, paramilitary, and military uniforms, he inflicted great suffering or serious injury to bodily integrity or health, and menaced the Albanian civilian population, in that:

- At the beginning of April, at the location known as "Kodra e Gështenjave," situated between Shtime/Štimlje and the villages of Mollopolc/Malopoljce, Reçak/Račak and Petrovë/Petrovo, the accused participated in the expulsion of civilians, killings, and the burning of the houses of Ruzhdi Jashari, Sadri Jashari, Rexhep Jashari, and Hamdi Jashari, on "Sylejman Vokshi" Street in Shtime/Štimlje.

- On 13 and 14 May 1999, at the location known as "Lugu i Neshës," in the village of Petrovë/Petrovo, Municipality of Shtime/Štimlje, the accused, acting in co-perpetration with other members of Serbian forces, inflicted great suffering or serious injury to bodily integrity or health, menaced the defenseless civilian population, committed killings, and ordered the displacement of civilians, in that, while the late Halil Hysenaj was in the mountains with his family, the accused pointed a weapon at him, after which he was later found dead.

- On 15 January 1999, in the village of Reçak/Raçak, Municipality of Shtime/Štimlje, the accused, acting in co-perpetration with other members of Serbian forces, inflicted great suffering or serious injury to bodily integrity or health, menaced the defenseless civilian population, committed killings, and ordered the displacement of civilians, in that he participated in the killing of Hajriz Brahimi, Haki Murati, Sabri Murati, Arif Murati, Ahmet Mustafa, Sadik Mujota, Hanumshahe Mujota, Skender Halili, and Mehmet Mustafa.

The Prosecution proposed that the trial in absentia against the accused Čedomir Aksić be conducted before the Special Department of the Basic Court in Prishtinë/Priština, and that twelve (12) witnesses be examined during the trial.

JUDGMENT OF THE BASIC COURT IN PRISHTINË/PRIŠTINA

The trial panel of the Special Department of the Basic Court in Prishtinë/Priština, in the case Prosecutor against Čedomir Aksić, on 26 December 2024 rendered a judgment finding the accused Aksić guilty and sentencing him to 15 years' imprisonment for the criminal offense of war crimes against the civilian population.

The trial panel established that, during the period January to May 1999, the accused Čedomir Aksić, acting in co-perpetration with other members of Serbian forces, inflicted great suffering and serious injury to bodily integrity or health, menaced the defenseless civilian population, committed killings, and ordered the displacement of civilians for reasons related to the conflict and the war, directed against the civilian population or against individual civilians not taking direct part in hostilities. These acts were committed in the context of a non-international armed conflict between the Kosovo Liberation Army (KLA) and the military forces of the Federal Republic of Yugoslavia (FRY) and Serbian police forces, during which the accused intentionally violated the rules of international law applicable to the protection of civilians, as follows:

- At the beginning of April 1999, the accused Čedomir Aksić, acting in co-perpetration with other members of Serbian forces, initially ordered the expulsion of residents from an area near Shtime/Štimlje. Following the forcible expulsion of the civilian population, he participated in placing explosives to burn the houses of Ruzhdi Jashari, Sadri Jashari, Rexhep Jashari, and Hamdi Jashari on "Sylejman Vokshi" Street in Shtime/Štimlje, thereby causing them significant material and moral harm, estimated at approximately EUR 300,000.

- On 13-14 May 1999, in the village of Petrovë/Petrovo, Municipality of Shtime/Štimlje, Čedomir Aksić, together with other members of Serbian forces, detained and took away Halil Hysenaj, who had gone out to determine whether the approaching forces were KLA or Serbian forces. The following day, Halil Hysenaj was found killed in a shallow grave in the village, causing his family severe emotional suffering as well as material and moral harm.

- On 15 January 1999, in the village of Reçak/Raçak, Municipality of Shtime/Štimlje, Čedomir Aksić, acting in co-perpetration with other Serbian forces, took part in armed attacks against Albanian civilians who were fleeing their homes. During these attacks, he and his group killed Hajriz Brahimi, Haki Murati, Sabri Murati, Arif Murati, Ahmet Mustafa, Sadik Mujota,

Hanumshahe Mujota, Skender Halili, and Mehmet Mustafa. As a result, their families suffered severe emotional distress as well as material and moral harm.

RULING OF THE COURT OF APPEALS (REMITTAL FOR RETRIAL)

On 10 November 2025, the Court of Appeals vacated the judgment of the Basic Court of Prishtinë/Priština by which the accused, Čedomir Aksić, had been sentenced to 15 years' imprisonment for the criminal offense of war crimes against the civilian population.

The first-instance judgment was quashed on the grounds that the appellate panel found that the trial in absentia, namely the main hearing, had been conducted without fulfilling the statutory requirements, specifically without undertaking reasonable efforts to notify the accused of the trial and to secure his presence. Furthermore, according to the panel, the first-instance court entirely failed to conduct a comprehensive public information campaign, which constitutes one of the cumulative conditions prescribed under Article 303 of the Criminal Procedure Code of the Republic of Kosovo.

2. PROSECUTOR AGAINST IVICA RAJKOVIĆ AND DRAGAN DENIĆ

On 27 August 2025, the Basic Court of Prishtinë/Priština rendered its judgment in the case Prosecutor against Ivica Rajković and Dragan Denić, sentencing each of the accused to 15 years' imprisonment for the criminal offense of rape as a war crime against the civilian population.

COURSE OF THE PROCEEDINGS

On 14 September 2023, the Special Prosecution of the Republic of Kosovo (SPRK) filed an indictment for trial in absentia against Ivica Rajković and Dragan Denić for the criminal offense of rape as a war crime against the civilian population.

The accused, Rajković and Denić, are charged that, as members of the forces of the Ministry of Internal Affairs (MUP) of Serbia, during the war in Kosovo, in May 1999, at around midday in Prishtinë/Priština, while in uniform and armed, and together with other as yet unidentified persons, they assaulted, robbed, and mistreated residents of a neighborhood in Prishtinë/Priština. They are further suspected of having entered the house of the victim, identified as D.1., where they, by force and together with other persons, raped her.

The Prosecution proposed that a trial in absentia be conducted before the Special Department of the Basic Court in Prishtinë/Priština against the accused Rajković and Denić, and that, during the main trial, the injured party D.1. and nine (9) additional witnesses be examined.

JUDGMENT OF THE BASIC COURT IN PRISHTINË/PRIŠTINA

The trial panel of the Special Department of the Basic Court in Prishtinë/Priština, in the case Prosecutor against Ivica Rajković and Dragan Denić, on 27 August 2025 rendered a judgment finding the accused guilty and sentencing each of them to 15 years' imprisonment for the criminal offense of rape as a war crime against the civilian population.

The trial panel established that the accused, as members of the police forces of the Ministry of Internal Affairs of Serbia, during the war in Kosovo and acting in co-perpetration with other persons, committed the criminal offense of rape against a woman of Albanian ethnicity. Specifically, in May 1999, in a neighborhood of the Municipality of Prishtinë/Priština, the accused Rajković and Denić, while in uniform and armed, together with other as yet unidentified persons, entered the house of the victim, identified as D.1., and raped her, causing her severe physical and psychological trauma.

This case has not yet become final, as it is currently pending before the Court of Appeals following the submission of legal remedies against the first-instance judgment.

3. PROSECUTOR AGAINST SLAVIŠA FILIĆ

The trial panel of the Special Department of the Basic Court in Prishtinë/Priština, on 17 July 2025, rendered a judgment finding the accused, Slaviša Filić, guilty and sentencing him to 15 years' imprisonment for the criminal offense of war crimes against the civilian population.

COURSE OF THE PROCEEDINGS

On 15 September 2023, the Special Prosecution of the Republic of Kosovo (SPRK) filed an indictment for trial in absentia against Slaviša Filić for the criminal offense of war crimes against the civilian population.

The accused, Slaviša Filić, is charged that, in his capacity as a member of the Serbian State Security Service, together with two other officials of this service, whose identities remain unknown to the prosecuting authorities, on 10 April 1998, on the Drenas/Glogovac – Prishtinë/Priština road, at the Sllatinë/Slatina junction, stopped a vehicle in which the victim, Dr. Hafir Shala, and two other individuals were traveling. Following identification by Serbian police officers and members of the State Security Service, the accused and the two other State Security members forcibly took Dr. Hafir Shala and transported him to the State Security Service building in Prishtinë/Priština. There, he was subjected to beatings and torture, and since that day, his fate remains unknown.

The Prosecution proposed that a trial in absentia be conducted before the Special Department of the Basic Court in Prishtinë/Priština against the accused Slaviša Filić, and that sixteen (16) witnesses be examined during the main hearing.

JUDGMENT OF THE BASIC COURT IN PRISHTINË/PRIŠTINA

The trial panel established that on 10 April 1998, acting in co-perpetration with two other unidentified individuals, in their capacity as officials and members of the Serbian State Security Service, near Prishtinë/Priština Airport, on the Drenas/Glogovac – Prishtinë/Priština road, at the Sllatinë/Slatina junction, they stopped a vehicle in which the victim, Hafir Shala, a medical doctor, and two other persons were traveling. Following identification by police, the victim, Hafir Shala, was taken by the accused Slaviša Filić and the two unidentified individuals, all dressed in civilian clothes. They placed him in a vehicle driven by the accused and transported him to the State Security Service building in Prishtinë/Priština, where he was initially subjected to beatings and torture, and since that day, his fate remains unknown.

This case has not yet become final, as it is currently pending before the Court of Appeals following the submission of legal remedies against the first-instance judgment.

HLCK FINDINGS:

- The decision of the Court of Appeals in the case Prosecutor against Čedomir Aksić underscores the need for strict compliance with international human rights standards, particularly in trials in absentia. This decision serves as guidance for lower courts to ensure due process and the effective protection of the rights of the accused.
- Given that more than 120 individuals have been indicted in absentia over the past three years, this form of trial should not become the dominant practice. In order to ensure more comprehensive justice and the presence of the accused, enhanced cooperation between Kosovo and Serbia is required through concrete agreements, with an active role of the international community in facilitating such cooperation.
- More broadly, in war crimes cases, courts should avoid generalizing criminal conduct at the group level and must ensure that each accused is tried solely for their individual actions. Any finding of guilt must be based on compelling evidence beyond a reasonable doubt, in line with the principle of individual criminal responsibility.

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