

DISTRICT COURT OF MITROVICA
P. No. 04/2011
23 April 2012

IN THE NAME OF THE PEOPLE

The District Court of Mitrovicë/a, in the trial panel composed of EULEX Judges Katja Dominik presiding, EULEX Judge Andrew Hatton and EULEX Judge Nikolay Entchev as panel members with the participation of EULEX Legal Advisor Jana Božović as Recording Officer, in the criminal case against **A. R.** and **E. B.**, both charged of committing the criminal offence of Unauthorized Purchase, Possession, Distribution and Sale of Dangerous Narcotic Drugs and Psychotropic Substances, contrary to Article 229 paragraph 4 item 1 in conjunction with paragraph 2 of the Criminal Code of Kosovo (CCK), in co-perpetration (Art. 23 of the CCK),

Pursuant to the indictment dated 30 November 2011 and filed at the District Court of Mitrovicë/a on 1 December 2011, as confirmed by the Ruling on Confirmation of the Indictment dated 21 January 2011,

After holding the main trial in public on 19, 20 and 23 April 2012, in the presence of Eulex Prosecutor Philippe Bauduin, the Accused **R.** and **B.** and their Defence Counsels Betim Shala and Mahmut Halimi, after the Panel's deliberating and voting on 23 April 2012,

Pursuant to Article 392 paragraph (1) of the Criminal Procedure Code of Kosovo (CPCK) pronounces in public and in the presence of all aforementioned parties the following

JUDGMENT

The Accused

(1) **A. R.**, son of I. and H. R., mother's maiden name B., born on _____ in _____, Kosovo-A. with permanent residence in _____ Street _____, _____, secondary school

education, unemployed, no income, not married, children, who has been in detention on remand since , is

GUILTY

of committing the criminal offence of Unauthorized Purchase, Possession, Distribution and Sale of Dangerous Narcotic Drugs and Psychotropic Substances under Article 229 Paragraph (4) item 1 of the CCK in conjunction with Paragraph (2) of the Criminal Code of Kosovo (CCK), in co-perpetration pursuant to Art. 23 of the CCK,

and therefore

SENTENCED

to a term of 5 (five) years imprisonment and to a fine of 500,00 Euros. In the term of imprisonment the time spent in detention on remand shall be taken into account from 15 July 2010 until the Judgment becomes final pursuant to Article 73 Paragraph (1) of the CCK. The fine shall be paid within a period of three months after the Judgment becomes final pursuant to Article 39 Paragraph (2) of the CPCK.

(2) **E. B.**, son of B. and M. B., mother's maiden name M., born on in , citizen of Albania with permanent residence in neighborhood, , construction worker, married, children, primary school education, who has been in detention on remand since , is

GUILTY

of committing the criminal offence of Unauthorized Purchase, Possession, Distribution and Sale of Dangerous Narcotic Drugs and Psychotropic Substances under Article 229 Paragraph (4) item 1 of the CCK in conjunction with Paragraph (2) of the Criminal Code of Kosovo (CCK), in co-perpetration pursuant to Art. 23 of the CCK, and therefore

SENTENCED

To a term of 6 (six) years imprisonment and a fine of 500,00 Euros. In the term of imprisonment the time spent in detention on remand shall be taken into account from 15 July 2010 until the Judgment becomes final pursuant to Article 73 Paragraph (1) of the CCK. The fine shall be paid within a period of three months after the Judgment becomes final pursuant to Article 39 Paragraph (2) of the CPCK.

Further, pursuant to Article 229 Paragraph (5) of the CCK, the seized Narcotic Substances contained in four plastic bags and three paper bags with a net total weight of 44,77 kg are hereby confiscated. They have to be destroyed after the Judgment becomes final.

Pursuant to Article 60 Paragraph (1) of the CCK, the motor vehicle , , chassis No. , plates , registered in the , , shall be confiscated.

Pursuant to Article 102 Paragraph (1) and Paragraph (3) of the CPCK, the Accused shall jointly and severally be liable to pay the costs of the criminal proceedings. Both defendants shall each pay the sum of 250 (two hundred and fifty) Euros in respect of the scheduled amount.

Because: On around h, both Accused depart from Municipality within **B.**'s car type , driven by **R.**, with the intention to bring 44.77 kg of Marihuana to where it was supposed to be further distributed and sold, as both Accused intended. The identity of the persons, who had handed over the marijuana to the Accused **R.** at the near , and other persons who were awaiting them in , has remained unclear. Neither **R.** nor **B.** had the authorization to deal in this way with narcotic substances, as they knew. The marijuana has been packed in big plastic bags and put on the backseats of the car. These bags have been spotted and identified as potential smuggling goods by the witnesses L. and M., both , in a control near . They told the Accused to drive in front of them to police station for further

investigation and told **B.** to drive the car there. Because the Accused didn't want the drugs to be found by the police, **B.** accelerated the car away from the following Police car and over the course of approximately 870 meters when they have been on a winding road to _____, when the following police car had lost sight of them because of the high speed of the _____, **R.** threw all plastic bags out of the car one by one. There they have been found and seized by another unit of Kosovo Police. The Marihuana and the _____ have been temporarily confiscated.

By doing so, both Accused committed in co-perpetration (Art. 23 of the CCK) and are criminally liable for the aforementioned criminal act of Unauthorized Purchase, Possession, Distribution and Sale of Dangerous Narcotic Drugs and Psychotropic Substances Article 229 Paragraph (4) item 1 of the CCK in conjunction with Paragraph (2) of the Criminal Code of Kosovo (CCK).

The Presiding Judge

Katja Dominik

Legal remedy:

An appeal must be announced within 8 days from the pronouncement of this verdict and shall be filed with the court of first instance, pursuant to Article 398 Paragraph (1) of the CPCK. Authorized persons may file an appeal in written form against this verdict through the District Court of Mitrovica to the Supreme Court of Kosovo within fifteen days from the date the copy of the judgment has been served.