

**BASIC COURT OF MITROVICĚ/MITROVICA**

**P. nr. 51/2014**

**IN THE NAME OF THE PEOPLE**

**THE BASIC COURT OF MITROVICĚ/MITROVICA**, in the Trial Panel composed of EULEX Judge Franciska Fiser, as Presiding Judge, and EULEX Judges Vladimir Mikula and Arkadiusz Sedek as Panel Members, with the participation of EULEX Legal Officer Chiara Tagliani as the Recording Officer, in the criminal case against:

**M. Z.;**

*and*

**R. R.;**

both Accused through the Indictment of the Special Prosecution Office of the Republic of Kosovo dated 23 April 2014 number PPS 90/13 of committing the criminal offence of:

*“Violating secrecy of proceedings”* contrary to Article 400, Paragraph (2) in conjunction with Article 31 of the Criminal Code of the Republic of Kosovo (CCK);

**and M. Z.**, data as above,

also accused in the same Indictment of committing the criminal offence of '*Attempted Obstruction of evidence or official proceedings*', contrary to Article 28 and 394, Paragraph (1) Sub-Paragraph (1.7) of the CCK;

after having held the Main Trial hearings, all open to the public, on 13, 14 and 15 October 2015, and on 08, 09 and 10 December 2015, and on 02, 03 and 10 February 2016, partially closed to the public on 02 February 2016, in the presence of the Special Prosecutor of the Republic of Kosovo, the Accused M. Z. and his Defence Counsel G.E., the Accused R. R. and his Defence Counsel G. G.-S., C. R. and T. G.;

after withdrawal of the charge against the Accused R. R. upon the Special Prosecutor's Notice dated 10 February 2016;

following the Trial Panel's deliberation and voting held on 11 February 2016;

pursuant to Article 363, Sub-Paragraph (1.1) and Article 366, Paragraph (1) of the Criminal Procedure Code of the Republic of Kosovo (CPC) on 12 February 2016 in a public hearing and in the presence of Accused M. Z., his Defence Counsel and the State Prosecutor;

renders the following:

## **JUDGMENT**

### **I.**

#### Under COUNT 1, Violating secrecy of proceedings

The charge against the Defendant **R.R.** is **REJECTED.**

## II.

### Under COUNT 1, Violating secrecy of proceedings

The Defendant **M.Z.** is **FOUND NOT GUILTY**, because:

It was found not proven that between 14 July 2013 and 31 October 2013, in Kosovo, acting in co-perpetration with R.R., after receiving confidential information regarding Witness A from R.R., the Defendant M.Z. by arranging and meeting Witness A on 29 and 30 October 2013 at the restaurant D. in S. to demonstrate, in the presence of others, that Witness A is a witness for the Prosecution in GJPP 27/12 (PPS 88/11), and by contacting members of S. L.'s defence team in GJPP 27/12 (PPS 88/11) during and immediately after the meeting on 29 October 2013, without authorisation revealed information as to the identity of Witness A (known as "Witness I" in GJPP 27/12 (PPS 88/11)), a person under protective measures in the criminal proceedings GJPP 27/12 (PPS 88/11).

Therefore, pursuant to Article 364, Paragraph (1) Sub-Paragraph (1.3) of the CPC, the **Defendant M.Z. is ACQUITTED**, of committing the criminal offence of "*Violating secrecy of proceedings*" contrary to Article 400, Paragraph (2) in conjunction with Article 31 of the CCK.

## III.

### Under COUNT 2, Attempted Obstruction of evidence or official proceedings

The Defendant **M.Z.** is **FOUND NOT GUILTY**, because:

It was found not proven that, between 28 October 2013 and 5 November 2013, in Kosovo, by:

- a) arranging to meet Witness A in the presence of M. M. at the restaurant D. in S. on 29 October 2013 and, at the meeting, first insisting that Witness A do a video interview with him and then insisting Witness A is a witness in GJPP 27/12 (PPS 88/11);
- b) meeting Witness A at the restaurant D. in S. on 30 October 2013, bringing to the meeting a cameraman, showing in the presence of M. M. to Witness A a signed copy of Witness A's statement to EULEX, and trying to convince Witness A to forgive the people named in Witness A's statement; and
- c) phoning Witness A on 31 October 2013 to get Witness A to forgive the people that Witness A accused in his statement in return for a public apology from them and for Witness A to put an end to the story;

the Defendant M.Z. tried to compel Witness A (known as "Witness I" in GJPP 27/12 (PPS 88/11)) including promising him a benefit, with the intent to induce Witness A in court case number GJPP 27/12 (PPS 88/11) to decline to give a statement in those proceedings.

Therefore, pursuant to Article 364, Paragraph (1) Sub-Paragraph (1.3) of the CPC, the **Defendant M.Z. is ACQUITTED**, of committing the criminal offence of "*Attempted Obstruction of evidence or official proceedings*", contrary to Article 28 and 394, Paragraph (1) Sub-Paragraph (1.7) of the CCK.

#### IV.

According to Article 454, Paragraph (1) of the CPC, the costs of the criminal proceedings shall be paid from budgetary resources.

-----  
**Franciska Fiser**  
**EULEX Presiding Judge**

-----  
**Vladimir Mikula**  
**Panel Member**  
**EULEX Judge**

-----  
**Arkadiusz Sedek**  
**Panel Member**  
**EULEX Judge**

-----  
**Chiara Tagliani**  
**Recording officer**

*Authorised persons have the right to file an appeal against this judgment within 15 days of the day the copy of the judgment has been served (Article 380, Paragraph (1) CPC).*