

**BASIC COURT OF PRISTINA**  
**PKR.Nr.488/14 (PPS 40/13)**  
**03 June 2015**

**IN THE NAME OF THE PEOPLE**

The Basic Court of Pristina, in the trial panel composed of EULEX Judge Jennifer Seel, as Presiding Judge, Judge Naime Krasniqi Jashanica and EULEX Judge Vladimir Mikula, as Panel members, with the assistance of the Court Recorder Nuhi Shala in the criminal case against:

1)

<b>Name</b>	<b>S</b>
<b>Surname</b>	<b>Q</b>
<b>Nickname</b>	S
<b>First name and surname of father</b>	I. Q
<b>Mother's first name / maiden name</b>	Sh. M
<b>Personal Identification Number</b>	
<b>Nationality</b>	Kosovo-Albanian
<b>Citizenship</b>	Kosovo
<b>Date of birth</b>	_____
<b>Place of birth</b>	_____ village, _____, Kosovo
<b>Gender</b>	Male
<b>Place of residence</b>	_____ village, _____, Kosovo
<b>Family status</b>	Married, 1 child
<b>Occupation</b>	Formerly a cook
<b>Education level</b>	Secondary school
<b>Restrictive measures status</b>	In detention on remand since 10 December 2013.

Charged in the indictment of the Special Prosecution Office of Republic of Kosovo with reference number 40/2013 dated 15 September 2014, filed with the court on 18 September 2014, with the following counts

**COUNT 1:** *Organising, supervising, managing or directing the activities of an organised criminal group*, in violation of Article 283, paragraph 2 of the Criminal Code of Kosovo of 2012, and where applicable, Article 274 paragraphs 1 and 3 of the old Criminal Code of Kosovo of 2003,

**COUNT 2:** **Smuggling of migrants**, in violation of Article 170, paragraphs 1, 2, 3, 4, 5 and 6 of the Criminal Code of Kosovo of 2012, and where applicable Article 138

paragraphs 1, 2, 3, 4, 5 and 6 of the old Criminal Code of Kosovo punishable by a fine of up to five hundred thousand (500,000) EUR.

**COUNT 9: Money Laundering**, in violation of Article 32 of *Law 03/L-196 on the Prevention of Money Laundering and Terrorist Financing*,

Having received a guilty plea agreement entered between the defendant and the prosecution on 8 May 2015;

After conducting a hearing pursuant to Article 233(14) of Criminal Procedure Code of the Republic of Kosovo No. 04/L-123 (hereinafter "CPC"), on 21 May 2015, and accepting the guilty plea agreement;

After having severed the case against the above mentioned defendant;

Having heard the submissions of both parties regarding sentencing on 3 June 2015;

After the deliberation and voting that took place on 3 June 2015;

In the presence of the defendant, his defence counsel and the prosecutor, pursuant to Article 359 Paragraph 1 of the CPC, in a public session on 3 June 2015 renders the following:

## **JUDGMENT**

I. Pursuant to Article 365 of the CPC , in relation to **Count 1** of the indictment, the defendant S.Q is found:

### **GUILTY**

#### ***Because***

From 1 November 2012 to 9 December 2013, S.Q, on the territory of Kosovo, Serbia, Hungary, Austria, Germany and Italy, organized, supervised, managed or directed the activities of an organized criminal group consisting of S.Q, A.H, Z.V, A.H-S, A.J.O, M.L, I.B, A.L, R.R, E.P.S, Z.N, R.S, P.S, S.O, N.N, "V.G.K, "C", "R", "A", "A", A.C, G.I, M.P, J.D, "Z", "D", S.Q, F.K, L.M, S.S and M.F with the intent and with knowledge of the aim and general activity of the organized criminal group or its intention to commit one or more criminal offences which are punishable by imprisonment of at least four years, namely smuggling of migrants contrary to Article 170 of the Criminal Code of Kosovo, and committed the said serious crime as part of the organized criminal group, in order to obtain, directly or indirectly, a financial or other material benefit.

Thereby, the defendant, pursuant to legal requalification made by the court, committed the criminal offence of *Organising, supervising, managing or directing the activities of an organised criminal group*, in violation of Article 283, paragraph 2 of the Criminal Code of Kosovo of 2012.

\*\*\*

II. Pursuant to Article 365 of the CPC , in relation to **Count 2** of the indictment, the defendant S.Q is found:

### **GUILTY**

#### ***Because***

From 1 November 2012 to 9 December 2013, as a continuous offence, S.Q, on the territory of Kosovo and Serbia, Hungary, Austria, Germany and Italy, has organized, directed and committed the offence of Smuggling of Migrants by engaging in the smuggling; procuring and providing fraudulent travel or identity documents to enable the smuggling to obtain a financial or other material benefit; and enabling persons who are not residents of Kosovo to enter Kosovo, or persons who are not nationals or permanent residents to cross a border without complying with the requirements for legal entry and remain in the State concerned without complying with the necessary legal requirements to remain by the previously-stated means or by other illegal means; and most importantly, by organizing and directing other persons to commit the same, including for the following migrants:

- (1) Smuggling of migrants at the end of November 2012, including a group of Kosovo citizens from Kosovo through Serbia into Hungary and Austria, committed as part of a group with A.H, Z.V, A.H-S, R.R, S.Q, F.K, L.M, M.F, S.O and others
- (2) Smuggling of migrants on or around 21 December 2012, including a group of 8 Kosovo citizens from Kosovo through Serbia into Hungary and Austria, committed as part of a group with A.H, Z.V, A.H.-S, R.R, S.O, S.Q, F.K, L.M, S.S, and others
- (3) Smuggling of migrants on or around 8 January 2013, including 5 Kosovo citizens from Kosovo through Serbia into Hungary, who were arrested on 9 January 2013 in the vicinity of Ásotthalom, Republic of Hungary, for entry without papers: L.Xh (15/10/1987), L.Xh (20/02/1989), A.I (11/06/1978), B.L (24/04/1984) and A.B (02/10/1985), with the further intended destination being Vienna, Austria, committed as part of a group with A.H, Z.V, A.H-S, R.R, E.P S, and others

- (4) Smuggling of migrants on or around 15 January 2013, including 7 Kosovo citizens from Kosovo through Serbia into Hungary, who were arrested on 16 January 2013 in Bácsalmás, Republic of Hungary for entry without papers: Sh.Sh (dob 03/03/1989), G. I (dob 18/06/1992), Sh.I (08/07/1968), V. H (07/11/1979), R.A (07/12/1986), G.L (01/08/1988) and K.F, with the further intended destination being Vienna, Austria, committed as part of a group with A.H, Z.V, A.H-S, R.R, E.P. S and others
- (5) Smuggling of migrants on or around 23-24 January 2013, including 17 Kosovo citizens from Kosovo through Serbia into Hungary, who were arrested on 24 January 2013 in Bácsalmás, Republic of Hungary for entry without papers: B.M (21/09/1982), B. B (17/05/1990), M.A (09/07/1985), U.H (20/12/1981), A. A (22/04/1971), D.S (18/12/1992), J.I (22/08/1995), B.M (15/08/1990), Z.A (04/09/1990), N.T (20/06/1977), A.S (15/01/1980), H.Z (20/03/1974), N.M (01/04/1972), M.B.M (06/09/1982), B.T (30/11/1983), A.B (16/06/1979), and N.A (06/08/1974), with the further intended destination being Vienna, Austria, committed as part of a group with A.H, Z.V, A. H-S, R.R, E.P.S, "C", "R", "A", S.Q, F.K, S.S, M.F and others
- (6) Smuggling of migrants on or around 9 April 2013, including 5 Kosovo citizens from Kosovo through Serbia into Hungary, who were arrested on 09 April 2013 in Kunbaja, Republic of Hungary for entry without papers: B.M (15/08/1990), V. J (05/08/1986) and 3 others, with the further intended destination being Vienna, Austria, committed as part of a group with A.H-S, P.S, F.K, S.S, and others
- (7) Smuggling of migrants between 7 and 19 June 2013, including four groups of Kosovo citizens, including but not limited to A.R (dob 10/1/1991), Sh.S (dob 31/1/1988) and R.S (dob 03/5/1985), the first group smuggled on or around 7 June 2013, including N.M (dob 01/4/1972), the second group smuggled on or around 13-14 June 2013, including N.A (dob 023/1990), the third smuggled on or around 17 June 2013 and the fourth smuggled on or around 18 June 2013, including F.K (dob 18/08/1981), from Kosovo through Serbia into Hungary and onwards to Vienna, Austria and Udine, Italy, committed as part of a group with A.H-S, A.J, M. L, I. B, A.L, G.I, M.P, S.Q, S.S, L.M, M.F and others
- (8) Smuggling of migrants between 16 and 19 June 2013, including 8 Kosovo citizens A. S(dob 15/2/1979,), N.K (dob 10/11/1989), L.Th (dob 25/7/1978), L.Th (dob 26/11/2009), A.M (dob 20/7/1985), F.M (dob 072/1985), K.B(dob 10/4/1990, and A.N(dob 15/6/1993) from Kosovo through Serbia into Hungary, with the further intended destination being Vienna, Austria, committed as part of a group with A.H-S, A.J.O, M.L, I.B, S.S, M.F. others
- (9) Smuggling of migrants on or around 20 June 2013, including a group of 8-9 persons (7 adults and a child) with Kosovo citizenship, including K.B(dob 10/4/1990 Rahovec) and A.N(dob 15/6/1993 Gjinoc) from Győr city, Hungary with the intended destinations of Vienna and Linz, Austria, before they were stopped by the Austrian Police, committed as

part of a group with A.H-S, A.J.O, T.G, S.D known as “S. T, known as “H””, S. Q and others

- (10) Smuggling of migrants between 20 and 28 June 2013, including 11 Kosovo citizens S.D (dob 259/1983), D. J (dob 12/3/1990), V.G (dob 30/10/1985), S. H (dob 08/09/1981), Mihane Rama (dob 266/1986), P. H (dob 22/10/1981), L.H (dob 06/4/2008), E.H (dob 14/11/2002), L.H (dob 26/10/2010), A.H (dob 11/3/2006) and A. D (dob 2/10/2012) from Kosovo through Serbia into Hungary, with the further intended destination being Vienna, Austria, committed as part of a group with A.H-S, A.J.O, M.L, I.B, S.T, known as “H”, A.L, G. I, M. P, S.Q, S.S, M.F others
- (11) Smuggling of migrants between 16 July and 10 August 2013, including a group of Kosovo citizens suspected to include R.R, (dob 24/10/1982), from Kosovo through Serbia into Hungary and onwards to Vienna, Austria and Udine, Italy, committed as part of a group with A.H-S, A.J.O, M.L, I.B, A.L, G.I, M.P, S.Q, F.K, L.M and others
- (12) Smuggling of migrants between 10 and 13 August 2013, including a group of Kosovo citizens suspected to include E.N (dob 31/08/1975), from Kosovo through Serbia into Hungary and onwards to Vienna, Austria and Udine, Italy, committed as part of a group with A.H-S, A.J.O, M.L, I.B, A.L, G.I, M.P, M.F others
- (13) Smuggling of migrants between 14 and 17 August 2013, including a group of 3 Kosovo citizens, namely R.A (dob 10/01/1991 Polac), S.Sh (dob 31/01/1998 Abri E Eperme) and another, arrested on 17 August in Morahalom, Republic of Hungary for entry without papers from Kosovo through Serbia into Hungary, with the further intended destination being Vienna, Austria, committed as part of a group with A.H-S, A.J.O, M.L, I.B, A.L, G.I, Z. N, M.Fand others
- (14) Smuggling of migrants between 4 and 19 September 2013, including a group of Kosovo citizens including but not limited to F.G and A.S, from Kosovo through Serbia into Hungary and onwards to Vienna, Austria, committed as part of a group with A.H-S, A.C, J.D, “S”, S.Q, L.M, M.F others
- (15) Smuggling of migrants between 19 and 26 September 2013, including Kosovo citizens suspected to include but not limited to B, B.H, D. M (dob 30/9/1991), F. R (dob 08/04/1996) and T.R (dob 23/5/1992), R.K (dob 25/01/1974), from Kosovo through Serbia into Hungary and onwards to Vienna, Austria, committed as part of a group with A.H-S, A.J.O, “A”, S.Q, F.K, L.M, S.S, M.F others
- (16) Smuggling of migrants between 26 and 29 September 2013, including 4 Kosovo citizens from Kosovo through Serbia into Hungary and onwards to Vienna, Austria, with the intended destination of Italy, committed as part of a group with L.M, M.Fand others

- (17) Smuggling of migrants between 29 September and 2 October 2013, including a group of Kosovo citizens from Kosovo through Serbia into Hungary and onwards to Vienna, Austria, committed as part of a group with L.M and others
- (18) Smuggling of migrants between 3 and 14 October 2013, including Kosovo citizen A.S and Q.S and groups of Kosovo citizens arrested in Hungary on 8 October 2013, namely, M.Th (dob 30/6/1979), L.U (dob 08/2/1989), F.M (dob 12/10/1985), H.S (dob 04/1/1980), A.I (dob 14/3/2004 Peje) and A.I (dob 10/10/2006 Peje) and 9 October 2013, namely, L.U (dob 08/2/1989) and F.M (dob 12/10/1985), from Kosovo through Serbia into Hungary, and where successful, onwards to Vienna, Austria, committed as part of a group with Z.N, R.S, “Z”, F, L.M, S.S, M.F others
- (19) Smuggling of migrants between 7 and 25 November 2013, including a group of 3-4 Kosovo citizens, including Sh.H (dob 17/2/1987 Plluzhine), E.H (dob 02/5/1988 Plluzhine) and Sh.O (dob 05/3/1997 Izbice), who were arrested in Hungary on 24/25 November 2013, from Kosovo through Serbia into Hungary, with the intended destination being Vienna, Austria, committed as part of a group with S.Q, F.K, L.M, S.S, A.C, N.N known as “N”, “V.G.K, known as “V””, G.I and others
- (20) Smuggling of migrants between 29 November and 9 December 2013, including a group of Kosovo citizens, from Kosovo through Serbia and into Hungary and onwards to Vienna, Italy, committed as part of a group with A.J.O, R.R, “D”, “S”, A.C, S.Q, F.K, L.M, S.S and others

Thereby, the defendant, pursuant to legal requalification made by the court committed the criminal offence of **Smuggling of migrants, in violation of Article 170, paragraphs 1, 2, 3, 4, 5 and 6 of the Criminal Code of Kosovo of 2012**, in co-perpetration pursuant to Article 31 of the CCK.

\*\*\*

**III.** Pursuant to Article 363 (1.1) of the CPCCK, in relation to **Count 9** of the indictment, the charge is:

**REJECTED**

**Because:**

The prosecutor withdrew the charge pursuant to the guilty plea agreement reached with the defendant.

\*\*\*

Therefore, the court imposes the following sentence:

**S.Q**

- For the criminal offence under Point I of this judgment, is sentenced to four (4) years of imprisonment and with a fine of five thousand (5,000) Euros.
- For the criminal offence under Point II of this judgment, is sentenced to three (3) years of imprisonment.

Thereby, the defendant S.Q, pursuant to Article 80, paragraphs 1 and 2.2 of CCK is sentenced to an aggregate sentence of **four (4) years and six (6) months of imprisonment and a fine of five thousand (5,000) Euros.**

\*\*\*

**IV.** The time spent on detention on remand is credited to the sentence.

\*\*\*

**V.** Pursuant to Articles 450(2) and 453(1) of CPC the defendant is obliged to pay the cost of the criminal proceedings in the amount of two hundred (200) Euros which shall be paid within fifteen (15) days after the judgment becomes final.

\*\*\*

**VI.** The auto vehicle brand BMW, which has been confiscated in occasion of the search conducted at the house of S.Q is hereby permanently confiscated because it represents material benefit from the commission of the criminal offences.

---

Jennifer Seel,  
Presiding EULEX Judge

---

Naime Krasniqi Jashanica,  
Judge

---

Vladimir Mikula,  
EULEX Judge

---

Nuhi Shala

## Court Recorder

**LEGAL REMEDY:** Authorized persons may file an appeal, pursuant to respective provisions of Criminal Procedure Code of Kosovo, to the Court of Appeals through this court. The appeal may be filed within fifteen days (15) from the day the copy of written judgment has been served to the parties.