

IN THE NAME OF THE PEOPLE

BASIC COURT OF PRISHTINË/PRIŠTINA

Case: PKR 1098/13

Date: 18 November 2015

The Basic Court of Prishtina in the trial panel composed of presiding trial judge Vladimir Mikula and the panel members Anita Krasniqi-Prenaj and Judge Piotr Bojarczuk assisted by the court recorder Dea Dedi in the criminal case against:

G. K, male, born on (.....) in (.....), father's name (.....), Kosovo Albanian, citizenship Kosovo, current address (.....), Police officer (.....);

S. S, male, born on (.....) in (.....) Municipality, father's name (.....), Kosovo Albanian, citizenship Kosovo, Police officer (.....);

N. D, male, born on (.....) in (.....), father's name (.....), Kosovo Albanian, citizenship Kosovo, current address (.....), Police officer (.....);

S. A, male, born on (.....) in (.....), father's name (.....), Kosovo Albanian, citizenship Kosovo, current address (.....), Police officer (.....);

N. Z, male, born on (.....) in (.....), father's name (.....), Kosovo Albanian, citizenship Kosovo, current address (.....), Police officer (.....);

J. R, male, born on (.....) in (.....), father's name (.....), Kosovo Albanian, citizenship Kosovo, current address (.....), Police officer (.....);

N. SH, male, born on (.....) in (.....), father's name (.....), Kosovo Albanian, citizenship Kosovo, current address (.....), Police officer (.....);

XH. H, male, born on (.....) in (.....), father's name (.....), Kosovo Albanian, citizenship Kosovo, current address (.....), Police officer (.....);

V. K, male, born on (.....) in (.....), father's name (.....), Kosovo Albanian, citizenship Kosovo, (.....), Police officer (.....);

Z. S, male, born on (.....) in (.....), father's name (.....), Kosovo Albanian, citizenship Kosovo, current address (.....), Police officer (.....);

I. R, male, born on (.....) in (.....), father's name (.....), Kosovo Albanian, citizenship Kosovo, current address (.....), Police officer (.....);

All of them Charged pursuant to the Indictment dated 11.12.2013 and filed before the Basic Court of Prishtina on 12. 12. 2013 with the criminal offences as described in the Indictment as following;

G. K, S. S, N. D, S. A, N. A, J. R, N. SH, XH. H, V. K, Z. S and I. R all of them charged with;

COUNT 1: Mistreatment during Exercise of Official Duty or Public Authorization, contrary to Article 198, paragraph 1, in conjunction with Article 31 of the Criminal Code of Kosovo (hereafter 'CCK'), and punishable by imprisonment of up to three (3) years;

COUNT 2: Assault, contrary to Article 187, paragraph 1, in conjunction with Article 31 of the CCK and punishable by imprisonment of up to three (3) years;

COUNT 3: Assault, contrary to Article 187, paragraph 2 in connection with paragraph 1, in conjunction with Article 31 of the CCK, and punishable by imprisonment of six (6) months to five (5) years;

COUNT 4: Assault, contrary to Article 187, paragraph 3 in connection with paragraph 1, in conjunction with Article 31 of the CCK, and punishable by imprisonment of six (6) months to three (3) years;

G. K, N. D and S. A charged with charged with:

COUNT 5: Mistreatment during Exercise of Official Duty or Public Authorization, contrary to Article 198, paragraph 1, in conjunction with Article 31 of the CCK, and punishable by imprisonment of up to three (3) years;

S. A charged with:

COUNT 6: Threat, contrary to Article 185, paragraph 4 in connection with paragraph 1 of the CCK, and punishable by imprisonment of one (1) to five (5) years;

G. K charged with:

COUNT 7: Threat, contrary to Article 185, paragraph 4 in connection with paragraph 1, of the CCK and punishable by imprisonment of one (1) to five (5) years;

G. K charged with:

COUNT 8: Assault, contrary to Article 187, paragraph 1, of the CCK and punishable by imprisonment of up to three (3) years;

G. K charged with:

COUNT 9: Assault, contrary to Article 187, paragraph 2, in connection with paragraph 1 of the CCK, and punishable by imprisonment of six (6) months to five (5) years;

G. K charged with:

COUNT 10: Assault, contrary to Article 187, paragraph 3 in connection with paragraph 1, of the CCK and punishable by imprisonment of six (6) months to three (3) years:

S. S, N. Z, N. Sh and Xh. H all of them charged with:

COUNT 11: Mistreatment during Exercise of Official Duty or Public Authorization, contrary to Article 198, paragraph 1, in conjunction with Article 31 of the CCK, and punishable by imprisonment of up to three (3) years;

V. K, Z. S, J. R and I. R all of them charged with:

COUNT 12: Mistreatment during Exercise of Official Duty or Public Authorization, contrary to Article 198, paragraph 1, in conjunction with Article 31 of the CCK and punishable by imprisonment of up to three (3) years:

G. K charged with:

COUNT 13: Mistreatment during Exercise of Official Duty or Public Authorization, contrary to Article 198, paragraph 1, of the CCK and punishable by imprisonment of up to three (3) years;

G. K charged with:

COUNT 14: Assault, contrary to Article 187, paragraph 3 in connection with paragraph 1, of the CCK and punishable by imprisonment of six (6) months to three (3) years;

S. S charged with:

COUNT 15: Mistreatment during Exercise of Official Duty or Public Authorization, contrary to Article 198, paragraph 1, of the CCK and punishable by imprisonment of up to three (3) years;

S. S charged with:

COUNT 16: Assault, contrary to Article 187, paragraph 3 in connection with paragraph 1, of the CCK and punishable by imprisonment of six (6) months to three (3) years:

G. K and **N. D** both of them charged with:

COUNT 17: Mistreatment during Exercise of Official Duty or Public Authorization, contrary to Article 198, paragraph 1 in conjunction with Article 31 of the CCK and punishable by imprisonment of up to three (3) years;

G. K and **N. D** both of them charged with:

COUNT 18: Assault, contrary to Article 187, paragraph 2 in connection with paragraph 1, in conjunction with Article 31 of the CCK and punishable by imprisonment of six (6) months to five (5) years; and

G. K and **N. D** both of them charged with:

COUNT 19: Assault, contrary to Article 187, paragraph 3 in connection with paragraph 1, in conjunction with Article 31 of the CCK and punishable by imprisonment of six (6) months to three (3) years;

After having held the main trial sessions, in the presence of the EULEX Prosecutor Danilo Ceccarelli, the accused and their defense counsels Aziz Rexha for G. K, Nexhat Shabani for S. S, Bajram Maraj for N. D, Rame Dreshaj for S. A, Gani Asllani for N. Z, Naser Sopjani for J. R, Xhafer Maliqi for Xh. H, Teuta Zhinipotoku for V. K, Merita Stublla-Emini for Z. S, Albana Kelmendi for I. R, Fatmire Braha for N. Sh

On the following dates:

8 and 17 July 2014;

10, 11, 24 and 25 September 2014;

8, 9, 22, 23 and 24 October 2014;

19 November 2014;

3, 9, 10, 11 and 16 December 2014;

15, 27, 28 and 29 January 2015;

3, 4 and 5 February 2015;
3, 9 and 12 March 2015;
15, 16 and 17 April 2015;
12, 14, 18 and 20 May 2015;
30 June 2015;
7 and 14 July 2015;
25 and 26 August 2015;
8 September 2015;
9, 10 and 11 November 2015

after the trial panel's deliberation and voting held on 12 November 2015;

PURSUANT to Articles 359, 361, 362, 364, 365 and 366 of the Criminal Procedure Code of Republic of Kosovo (hereafter "CPCRK"), on this 18th day of November 2015, the trial panel in open court and in the presence of the defendants, defence counsels and the Prosecutor renders the following

J U D G M E N T

G. K, male, born on (.....) in (.....), father's name (.....), Kosovo Albanian, citizenship Kosovo, current address (.....), Police officer (.....);

Is found guilty

Because

As a serving, on-duty police officer with Kosovo Police, Special Operations Unit (SOU), on 08 January 2013, in Prishtinë/Priština, Kosovo, while:

- 1) Escorting M. J, who was in his custody and who was handcuffed, from the reception area to a vehicle, slapped and hit M. J, in the vehicle Toyota 293-01 when the vehicle was stationary, (Counts 1, 2 and 3)
- 2) Escorting I. P who was in his custody and who was handcuffed, from the reception area to a vehicle mistreated him by hitting him with his hands inside of the van Mercedes 288-01, (Counts 1, 2 and 3)
- 3) Escorting B. M, who was handcuffed, in the vehicle Mercedes 413-01 from the Prishtina detention Centre to the Minor Offenses Court, being very aggressive with B. M was hitting and kicking him with his combat boots to his stomach and back especially when he refused to confirm that he lives in independent Kosovo. He pointed a gun to his head while **S. A** pointed

his gun to B. M's knee with the intent to make him say "...Kosovo is a republic." **G. K** hit B. M with the butt of his rifle to his chest and it made B. M struggle for air and **G. K** beat him in this manner until the journey from Prishtina detention center to the Minor Offences Court was over. (Counts 5, 7, 8, 9 and 13)

- 4) Together with **N. D** he kicked D. V with his combat boots to the stomach and groin and genitals and verbally insulted and assaulted him in the toilet of the Minor Offences Court. (Counts 17 and 18,).

Therefore he committed

- By the actions at 1, 2, 3 and 4 above four criminal offences of Mistreatment during Exercise of Official Duty or Public Authorization, contrary to Article 198, paragraph 1, whereby criminal offences at 3 and 4 in co-perpetration pursuant to Article 31 of the CCK
- By the actions at 1 and 2 above two criminal offences of Assault, contrary to Article 187, paragraph 1 of the CCK
- By the actions at 3 and 4 above two criminal offences of Assault, contrary to Article 187, paragraph 2 in co-perpetration pursuant to Article 31 of the CCK
- By the action at 3 the one criminal offence of Threat, contrary to Article 185, paragraph 4 in co-perpetration pursuant to Article 31 of the CCK

Therefore, the trial panel imposes the following sentences:

For the criminal offence at 1 of Mistreatment during Exercise of Official Duty or Public Authorization, contrary to Article 198, paragraph 1, pursuant to Articles 41, 45, 73, 74 and 198 paragraph 1 of the CCK to the punishment of imprisonment for 8 months . Pursuant to Article 65 paragraph 1 of the CCK to the punishment of prohibition of exercising public administration or public service functions for one (1) year.

For the criminal offence at 2 of Mistreatment during Exercise of Official Duty or Public Authorization, contrary to Article 198, paragraph 1, pursuant to Articles 41, 45, 73, 74 and 198 paragraph 1 of the CCK to the punishment of imprisonment for 8 months . Pursuant to Article 65 paragraph 1 of the CCK to the punishment of prohibition of exercising public administration or public service functions for one (1) year.

For the criminal offence at 3 of Mistreatment during Exercise of Official Duty or Public Authorization, contrary to Article 198, paragraph 1, pursuant to Articles 41, 45, 73, 74 and 198 paragraph 1 of the CCK in co-perpetration pursuant to Article 31 of the CCK to the punishment of imprisonment for eight (8) months . Pursuant to Article 65 paragraph 1 of the CCK to the punishment of prohibition of exercising public administration or public service functions for one (1) year.

For the criminal offence at 4 of Mistreatment during Exercise of Official Duty or Public Authorization, contrary to Article 198, paragraph 1, pursuant to Articles 41, 45, 73, 74 and 198 paragraph 1 of the CCK in co-perpetration pursuant to Article 31 of the CCK to the punishment of imprisonment for 8 months . Pursuant to Article 65 paragraph 1 of the CCK to the punishment of prohibition of exercising public administration or public service functions for one (1) year.

For the criminal offence at 1 of Assault, contrary to Article 187, paragraph 1 of the CCK pursuant to Articles 41, 45, 73, 74, and 187, paragraph 1 of the CCK to the punishment of imprisonment for 6 months. Pursuant to Article 65 paragraph 1 of the CCK to the punishment of prohibition of exercising public administration or public service functions for one (1) year.

For the criminal offence at 2 of Assault, contrary to Article 187, paragraph 1 of the CCK pursuant to Articles 41, 45, 73, 74, and 187, paragraph 1 of the CCK to the punishment of imprisonment for 6 months. Pursuant to Article 65 paragraph 1 of the CCK to the punishment of prohibition of exercising public administration or public service functions for one (1) year.

For the criminal offence at 3 of Assault, contrary to Article 187, paragraph 2 in co-perpetration pursuant to Article 31 of the CCK pursuant to Articles 41, 45, 73, 74, and 187, paragraph 2 of the CCK to the punishment of imprisonment for 1 year. Pursuant to Article 65 paragraph 1 of the CCK to the punishment of prohibition of exercising public administration or public service functions for one (1) year.

For the criminal offence at 4 of Assault, contrary to Article 187, paragraph 2 in co-perpetration pursuant to Article 31 of the CCK pursuant to Articles 41, 45, 73, 74, and 187, paragraph 2 of the CCK to the punishment of imprisonment for 1 year. Pursuant to Article 65 paragraph 1 of the CCK to the punishment of prohibition of exercising public administration or public service functions for one (1) year.

For the criminal offence at 3 of Threat, contrary to Article 185, paragraph 4 in connection with paragraph 1, of the CCK in co-perpetration pursuant to Article 31 of the CCK and pursuant to Articles 41, 45, 73, 74, and 185, paragraph 4 of the CCK to the punishment of imprisonment of 1 year. Pursuant to Article 65 paragraph 1 of the CCK to the punishment of prohibition of exercising public administration or public service functions for one (1) year.

Pursuant to Article 80 of the CCK the Court imposes an aggregate punishment of one (1) year and six (6) months of imprisonment.

Pursuant to Article 65 paragraph 1 of the CCK to the court also imposes the punishment of prohibition of exercising public administration or public service functions for two (2) years.

S. S, male, born on (.....) in (.....) Municipality, father's name (.....), Kosovo Albanian, citizenship Kosovo, Police officer (.....);.

As a serving, on-duty police officer with Kosovo Police, Special Operations Unit (SOU) and team leader, on 08 January 2013, in Prishtinë/ Priština, Kosovo while:

- 1) Escorting B. M who was in his custody and who was handcuffed from the reception area to a vehicle twice kicked with combat boots and hit B. M upon exiting the vehicle and while in the car Mercedes 413-01 strapped the seat belt around B. M neck and continued to beat him (Counts 1, 2, 3 and 15)
- 2) Escorting I. P who was in his custody and handcuffed from the reception area to a vehicle, slapped I. P by “gypsy slap”. (Counts 1, 2 and 3)

Therefore he committed

- By the actions at 1 and 2 two criminal offences of Mistreatment during Exercise of Official Duty or Public Authorization, contrary to Article 198, paragraph 1, of the CCK
- By the actions at 1 a criminal offence of Assault, contrary to Article 187, paragraph 2 of the CCK
- By the actions at 2 two criminal offence of Assault, contrary to Article 187, paragraph 1 of the CCK

Therefore the trial panel imposes the following sentences:

For the criminal offence at 1 of Mistreatment during Exercise of Official Duty or Public Authorization, contrary to Article 198, paragraph 1, pursuant to Articles 41, 49, 50, 52 73, 74 and 198 paragraph 1 of the CCK to the punishment of 1 year of imprisonment which execution being suspended pursuant to Article 51 paragraph 2 of the CCK for the verification period of 2 years if the defendant does not commit another criminal offense during the verification period. Pursuant to Article 65 paragraph 2 of the CCK to the punishment of prohibition of exercising public administration or public service functions for two (2) years.

For the criminal offence at 2 of Mistreatment during Exercise of Official Duty or Public Authorization, contrary to Article 198, paragraph 1, pursuant to Articles 41, 49, 50, 52 73, 74 and 198 paragraph 1 of the CCK to the punishment of 1 year of imprisonment which execution being suspended pursuant to Article 51 paragraph 2 of the CCK for the verification period of two (2) years if the defendant does not commit another criminal offense during the verification period. Pursuant to Article 65 paragraph 2 of the CCK to the punishment of prohibition of exercising public administration or public service functions for two (2) years.

For the criminal offence at 1 of Assault, contrary to Article 187, paragraph 2 of the CCK. Pursuant to Articles 41, 49, 50, 52 73, 74, and 187, paragraph 2 of the CCK to the punishment of 1 year of imprisonment which execution being suspended pursuant to Article 51 paragraph 2 of the CCK for the verification period of two (2) years if the defendant does not commit another criminal offense during the verification period.

For the criminal offence at 2 of Assault, contrary to Article 187, paragraph 1 of the CCK. Pursuant to Articles 41, 49, 50, 52 73, 74, and 187, paragraph 1 of the CCK to the punishment of eight (8) months of imprisonment which execution being suspended pursuant to Article 51 paragraph 2 of the CCK for the verification period of two (2) years if the defendant does not commit another criminal offense during the verification period.

Pursuant to Article 65 paragraph 2 of the CCK to the punishment of prohibition of exercising public administration or public service functions for two (2) years.

Pursuant to Article 80 of the CCK the court imposes an aggregate punishment of two (2) years with execution being suspended pursuant to Article 51 paragraph 2 of the CCK for the verification period of three (3) years if the defendant does not commit another criminal offense during the verification period.

Pursuant to Article 65 paragraph 2 of the CCK to the punishment of prohibition of exercising public administration or public service functions for three (3) years.

S. A, male, born on (.....) in (.....), father's name (.....), Kosovo Albanian, citizenship Kosovo, current address (.....), Police officer (.....);

As a serving, on-duty police officer with Kosovo Police, Special Operations Unit (SOU), on 08 January 2013, in Prishtinë/Priština, Kosovo

- 1) In the vehicle Mercedes 413-01 while escorting **B. M** who was handcuffed from the Prishtina detention Centre to the Minor Offenses Court after **B. M** refused to say to **G. K** that he lives in the independent Kosovo and receiving from **G. K** a considerable number of blows, **S. A** as the driver of vehicle Mercedes 413-01 stopped it and cocked his weapon and pointed it at **B. M**'s knee and also beat **B. M** in the police vehicle Mercedes 413-01 (Counts 5 and 6)

Therefore he committed

- The criminal offence of Mistreatment during Exercise of Official Duty or Public Authorization, contrary to Article 198, paragraph 1 in co-perpetration pursuant to Article 31 of the CCK
- The criminal offence of Threat, contrary to Article 185, paragraph 4 in connection with paragraph 1, of the CCK in co-perpetration pursuant to Article 31 of the CCK

Therefore, the trial panel imposes the following sentences:

For the criminal offence of Mistreatment during Exercise of Official Duty or Public Authorization, contrary to Article 198, paragraph 1, in co-perpetration pursuant to Article 31 of the CCK and pursuant to Articles 41, 49, 50, 52 73, 74, and 198 paragraph 1 of the CCK to the

punishment of 1 year of imprisonment which execution being suspended pursuant to Article 51 paragraph 2 of the CCK for the verification period of 2 years if the defendant does not commit another criminal offense. Pursuant to Article 65 paragraph 2 of the CCK to the punishment of prohibition of exercising public administration or public service functions for one (1) year.

For the criminal offence of Threat, contrary to Article 185, paragraph 4 in connection with paragraph 1, of the CCK in co-perpetration pursuant to Article 31 of the CCK and pursuant to Articles 41, 49, 50, 52 73, 74, and 185, paragraph 4 of the CCK to the punishment of 1 year of imprisonment which execution being suspended pursuant to Article 51 paragraph 2 of the CCK for the verification period of 2 years if the defendant does not commit another criminal offense during the verification period. Pursuant to Articles 58 paragraph 2 and 59 paragraph 1 subparagraph 1.11 of the CCK the court orders **S. A** to refrain from carrying any kind of weapon for the time of the verification period. If the defendant does not comply with this condition then court may revoke the suspended sentence pursuant to Article 55 of CCK.

Pursuant to Article 65 paragraph 2 of the CCK to the punishment of prohibition of exercising public administration or public service functions for one (1) year.

Pursuant to Article 80 of the CCK the court imposes an aggregate punishment of one (1) year and six (6) months with execution being suspended pursuant to Article 51 paragraph 2 of the CCK for 2 years of verification period if the defendant does not commit another criminal during the verification period. Pursuant to Articles 58 paragraph 2 and 59 paragraph 1 subparagraph 1.11 of the CCK the court orders **S. A** to refrain from carrying any kind of weapon for the time of the verification period. If the defendant does not comply with this condition then court may revoke the suspended sentence pursuant to Article 55 of CCK. Pursuant to Article 65 paragraph 2 of the CCK to the punishment of prohibition of exercising public administration or public service functions for two (2) years.

N. D, male, born on (.....) in (.....), father's name (.....), Kosovo Albanian, citizenship Kosovo, current address (.....), Police officer (.....);

As a serving, on-duty police officer with Kosovo Police, Special Operations Unit (SOU), on 08 January 2013, in Prishtinë/Priština, Kosovo while:

- 1) Escorting **B. M** who was handcuffed from the Prishtina detention Centre to the Minor Offenses Court he hit **B. M** in the court building (Count 5)
- 2) Together with **G. K** he kicked with his combat boots **D. V** to the stomach, groin and genitals and verbally insulted and assaulted him in the court room toilet. (Counts 17 and 18)

Therefore he committed by these actions

By the actions at 1 and 2 two criminal offences of Mistreatment during Exercise of Official Duty or Public Authorization, contrary to Article 198, paragraph 1, in co-perpetration pursuant to Article 31 of the CCK;

By the actions at 1 criminal offence of Assault, contrary to Article 187, paragraph 1 of the CCK;

By the actions at 2 criminal offences of Assault, contrary to Article 187, paragraph 2 in co-perpetration pursuant to Article 31 of the CCK

Therefore, the trial panel imposes the following sentences:

For the criminal offence at 1 of Mistreatment during Exercise of Official Duty or Public Authorization, contrary to Article 198, paragraph 1, and pursuant to Articles 41, 49, 50, 52 73, 74, and 198 paragraph 1 of the CCK to the punishment of 1 year of imprisonment which execution being suspended pursuant to Article 51 paragraph 2 of the CCK for the verification period of 2 years if the defendant does not commit another criminal offense during the verification period. Pursuant to Article 65 paragraph 2 of the CCK to the punishment of prohibition of exercising public administration or public service functions for one (1) year.

For the criminal offence at 2 of Mistreatment during Exercise of Official Duty or Public Authorization, contrary to Article 198, paragraph 1, and pursuant to Articles 41, 49, 50, 52 73, 74, and 198 paragraph 1 of the CCK to the punishment of 1 year of imprisonment which execution being suspended pursuant to Article 51 paragraph 2 of the CCK for the verification period of 2 years if the defendant does not commit another criminal offense during the verification period. Pursuant to Article 65 paragraph 2 of the CCK to the punishment of prohibition of exercising public administration or public service functions for one (1) year.

For the criminal offence at 1 of Assault, pursuant to Article 187, paragraph 1 of the CCK pursuant to Articles 41, 49, 50, 52 73, 74, and 187, paragraph 2 of the CCK to the punishment of 1 year of imprisonment which execution being suspended pursuant to Article 51 paragraph 2 of the CCK for the verification period of 2 years if the defendant does not commit another criminal offense during the verification period. Pursuant to Article 65 paragraph 2 of the CCK to the punishment of prohibition of exercising public administration or public service functions for one (1) year.

For the criminal offence at 2 of Assault, pursuant to Article 187, paragraph 2 in co-perpetration pursuant to Article 31 of the CCK pursuant to Articles 41, 49, 50, 52 73, 74, and 187, paragraph 2 of the CCK to the punishment of 1 years of imprisonment which execution being suspended pursuant to Article 51 paragraph 2 of the CCK for the verification period of 2 years if the defendant does not commit another criminal offense during the verification period. Pursuant to

Article 65 paragraph 2 of the CCK to the punishment of prohibition of exercising public administration or public service functions for one (1) year.

Pursuant to Article 80 of the CCK the court imposes an aggregate punishment of two (2) years imprisonment with execution being suspended pursuant to Article 51 paragraph 2 of the CCK for the verification period of two (2) years if the defendant does not commit another criminal offense during the verification period. Pursuant to Article 65 paragraph 2 of the CCK to the punishment of prohibition of exercising public administration or public service functions for three (3) years.

N. Z, male, born on (.....) in (.....), father's name (.....), Kosovo Albanian, citizenship Kosovo, current address (.....), Police officer (.....);

As a serving, on-duty police officer with Kosovo Police, Special Operations Unit (SOU),

On 08 January 2013, in Prishtinë/Priština, Kosovo while escorting I. P who was handcuffed from the Prishtina detention Centre to the Minor Offenses Court mistreated I. P in the van while the vehicle Mercedes 288-01 was stationary. (Counts 1, 2 and 11)

Therefore he committed

- The criminal offence of Mistreatment during Exercise of Official Duty or Public Authorization, contrary to Article 198, paragraph 1 of the CCK;
- The Criminal offence of Assault, contrary to Article 187, paragraph 1 of the CCK;

Therefore, the trial panel imposes the following sentences:

For the criminal offence of Mistreatment during Exercise of Official Duty or Public Authorization, contrary to Article 198, paragraph 1, pursuant to Article of the CCK and pursuant to Articles 41, 49, 50, 52 73, 74 and 198 paragraph 1 of the CCK to the punishment of six (6) months of imprisonment which execution being suspended pursuant to Article 51 paragraph 2 of the CCK for the verification period of two (2) years if the defendant does not commit another criminal offense during the verification period. Pursuant to Article 65 paragraph 2 of the CCK to the punishment of prohibition of exercising public administration or public service functions for one (1) year.

For the criminal offence of Assault, contrary to Article 187, paragraph 1 of the CCK pursuant to Articles 41, 49, 50, 52 73, 74 and 187, paragraph 1 of the CCK and to the punishment of eight (8) months of imprisonment which execution being suspended pursuant to Article 51 paragraph 2 of the CCK for the verification period of two (2) years if the defendant does not commit another criminal offense during the verification period.

Pursuant to Articles 65 paragraph 2 of the CCK to the punishment of prohibition of exercising public administration or public service functions for one (1) year.

Pursuant to Article 80 of the CCK the court imposes an aggregate punishment of 1 year imprisonment with execution being suspended pursuant to Article 51 paragraph 2 of the CCK for two (2) years of verification period if the defendant does not commit another criminal offense.

Pursuant to Articles 65 paragraph 2 of the CCK to the punishment of prohibition of exercising public administration or public service functions for two (2) years.

I. R, male, born on (.....) in (.....), father's name (.....), Kosovo Albanian, citizenship Kosovo, current address (.....), Police officer (.....);

As a serving, on-duty police officer with Kosovo Police, Special Operations Unit (SOU),

On 08 January 2013, in Prishtinë/Priština, Kosovo, when B. M, who was handcuffed, was being escorted from the Prishtina detention Centre to the Minor Offenses Court he hit the neck of B. M in the van Mercedes van plate 413-01. (Counts 1 and 2)

Therefore he committed

- The criminal offence of Mistreatment during Exercise of Official Duty or Public Authorization, contrary to Article 198, paragraph 1 of the CCK;
- The criminal offence of Assault, contrary to Article 187, paragraph 1 of the CCK;

Therefore, the trial panel imposes the following sentences:

For the criminal offence of Mistreatment during Exercise of Official Duty or Public Authorization, contrary to Article 198, paragraph 1, of the CCK and pursuant to Articles 41, 49, 50, 52 73, 74 and 198 paragraph 1 of the CCK to the punishment of 6 months of imprisonment which execution being suspended pursuant to Article 51 paragraph 2 of the CCK for the verification period of one (1) year if the defendant does not commit another criminal offense during the verification period. Pursuant to Article 65 paragraph 2 of the CCK to the punishment of prohibition of exercising public administration or public service functions for one (1) year.

For criminal offence of Assault, contrary to Article 187, paragraph 1 of the CCK pursuant to Articles 41, 49, 50, 52 73, 74, of the CCK and to the punishment of 6 months of imprisonment which execution being suspended pursuant to Article 51 paragraph 2 of the CCK for the verification period of 1 year if the defendant does not commit another criminal offense during the verification period. Pursuant to Article 65 paragraph 2 of the CCK to the punishment of prohibition of exercising public administration or public service functions for one (1) year.

Pursuant Article 80 of the CCK court imposes aggregate punishment of 1 year of imprisonment with execution being suspended pursuant to Article 51 paragraph 2 of the CCK for the verification period of two (2) year if the defendant does not commit another criminal offense during the verification period.

Pursuant to Article 65 paragraph 2 of the CCK to the punishment of prohibition of exercising public administration or public service functions for two (2) years.

ACQUITALS

Pursuant to Article 364 paragraph 1.1.3 of the Criminal Procedural Code (CPC) **G. K** is acquitted

of the following counts in the indictment:

COUNT 4: Assault, contrary to Article 187, paragraph 3 in connection with paragraph 1, in conjunction with Article 31 of the CCK, and punishable by imprisonment of six (6) months to three (3) years:

On 08 January 2013, in Prishtinë/Priština, Kosovo, between approximately 14:15 hours and approximately 15:10 hours: **G. K, S. S, N. D, S. A, N. Z, J. R, N. Sh, Xh. H, V. K, Z. S and I. R**, police officers from Kosovo Police, Special Operations Unit (SOU), Team 3, as co-perpetrators, committed the criminal offence of Assault, by intentionally applying force without consent to vulnerable persons, namely one or more of the following handcuffed detainees **B. M, I. P, M. J, D. T, I. S, B. M, D. S, D. V, M. P** and/or **Z. M**, who were in the custody of the defendants, by hitting and kicking the handcuffed persons (also with objects), while escorting the ten detainees, from the reception room at the Prishtina Detention Centre to the three vehicles parked in the parking lot, “Toyota”, plate no. Police 293-01 and two “Mercedes” vans with plate numbers Police 288-01 and Police 413-01 and also while the vehicles remained stationary in the parking lot.

COUNT 10: Assault, contrary to Article 187, paragraph 3 in connection with paragraph 1, of the CCK and punishable by imprisonment of six (6) months to three (3) years:

On 08 January 2013, in Prishtinë/Priština, Kosovo, between approximately 15:10 hours and approximately 15:30 hours: **G. K**, police officer from Kosovo Police, Special Operations Unit (SOU), Team 3, committed the criminal offence of Assault, by intentionally applying force without consent to a vulnerable person, **B. M**, by hitting and kicking the handcuffed detainee, who was in the custody of the defendant, while transporting him in police vehicle “Mercedes”

with plate number Police 413-01, from the Prishtina Detention Centre to the Minor Offices Court, Prishtina.

COUNT 14: Assault, contrary to Article 187, paragraph 3 in connection with paragraph 1, of the CCK and punishable by imprisonment of six (6) months to three (3) years:

On 08 January 2013, in Prishtinë/Priština, Kosovo, between approximately 15:30 hours and approximately 18:00 hours: **G. K**, police officer from Kosovo Police, Special Operations Unit (SOU), Team 3, committed the criminal offence of Assault, by intentionally applying force without consent to a vulnerable person, namely handcuffed detainee, **B. M**, who was in the custody of the defendant, by hitting and kicking him (also with objects), while leading the detainee from the vehicle “Mercedes” with plate number Police 413-01 to the first floor of the Minor Offences Court, Prishtina, and while sitting inside the court house, on the first floor, in the corridor, with his head pushed to the ground.

COUNT 19: Assault, contrary to Article 187, paragraph 3 in connection with paragraph 1, in conjunction with Article 31 of the CCK and punishable by imprisonment of six (6) months to three (3) years:

On 08 January 2013, in Prishtinë/Priština, Kosovo, between approximately 15:30 hours and approximately 18:00 hours: **G. K** and **N. D**, police officers from Kosovo Police, Special Operations Unit (SOU), Team 3, as co-perpetrators, committed the criminal offence of Assault, by intentionally applying force without consent to a vulnerable person, **D. V**, by kicking the detainee in the groin area, while escorting him to the toilet at the Minor Offences Court, Prishtina.

Pursuant to Article 364 paragraph 1.1.3 of the Criminal Procedural Code (CPC) **S. S** is acquitted of the following counts in the indictment:

COUNT 4: Assault, contrary to Article 187, paragraph 3 in connection with paragraph 1, in conjunction with Article 31 of the CCK, and punishable by imprisonment of six (6) months to three (3) years:

On 08 January 2013, in Prishtinë/Priština, Kosovo, between approximately 14:15 hours and approximately 15:10 hours: **G. K, S. S, N. D, S. A, N. Z, J. R, N. Sh, Xh. H, V. K, Z. S and I. R**, police officers from Kosovo Police, Special Operations Unit (SOU), Team 3, as co-perpetrators, committed the criminal offence of Assault, by intentionally applying force without consent to vulnerable persons, namely one or more of the following handcuffed detainees **B. M, I. P, M. J, D. T, I. S, B. M, D. S, D. V, M. P** and/or **Z. M**, who were in the custody of the defendants, by hitting and kicking the handcuffed persons (also with objects), while escorting the ten detainees, from the reception room at the Prishtina Detention Centre to the three vehicles

parked in the parking lot, “Toyota”, plate no. Police 293-01 and two “Mercedes” vans with plate numbers Police 288-01 and Police 413-01 and also while the vehicles remained stationary in the parking lot.

COUNT 11: Mistreatment during Exercise of Official Duty or Public Authorization, contrary to Article 198, paragraph 1, in conjunction with Article 31 of the CCK, and punishable by imprisonment of up to three (3) years:

On 08 January 2013, in Prishtinë/Priština, Kosovo, between approximately 15:10 hours and approximately 15:30 hours: **S. S, N. Z, N. Sh** and **Xh. H**, police officers from Kosovo Police, Special Operations Unit (SOU), Team 3, as co-perpetrators, committed the criminal offence of Mistreatment during Exercise of Official Duty or Public Authorization by mistreating, intimidating and gravely insulting the dignity of one or more of the following persons: I. P, M. P, D. S and/or I. S, while performing an official duty, transporting the detainees, in police vehicle “Mercedes” with plate number Police 288-01, from the Prishtina Detention Centre to the Minor Offices Court, Prishtina, by inter alia, hitting and kicking the victims (also with objects) and cocking their weapons and playing Albanian music while demanding that the victims state that they live in Independent Kosovo/Republic of Kosovo.

COUNT 16: Assault, contrary to Article 187, paragraph 3 in connection with paragraph 1, of the CCK and punishable by imprisonment of six (6) months to three (3) years:

On 08 January 2013, in Prishtinë/Priština, Kosovo, between approximately 15:30 hours and approximately 18:00 hours: **S. S**, police officer from Kosovo Police, Special Operations Unit (SOU), Team 3, committed the criminal offence of Assault, by intentionally applying force without consent to a vulnerable person, namely handcuffed detainee, B. M, who was in the custody of the defendant, by hitting and kicking him (also with objects) while leading him from the vehicle “Mercedes” with plate number Police 413-01 to the first floor of the Minor Offences Court, Prishtina, and while sitting inside the court house, on the first floor, in the corridor, with his head pushed to the ground.

Pursuant to Article 364 paragraph 1.1.3 of the Criminal Procedural Code (CPC) **S. A**

is acquitted

of the following counts in the indictment:

COUNT 1: Mistreatment during Exercise of Official Duty or Public Authorization, contrary to Article 198, paragraph 1, in conjunction with Article 31 of the CCK, and punishable by imprisonment of up to three (3) years:

On 08 January 2013, in Prishtinë/Priština, Kosovo, between approximately 14:15 hours and 15:10 hours: **G. K, S. S, N. D, S. A, N. Z, J. R, N. Sh, Xh. H, V. K, Z. S and I. R**, police officers from Kosovo Police, Special Operations Unit (SOU), Team 3, as co-perpetrators, committed the criminal offence of Mistreatment during Exercise of Official Duty or Public Authorization by mistreating, intimidating and gravely insulting the dignity of one or more of the following persons: B. M, I. P, M. J, D. T, I. S, B. M, D. S, D. V, M. P and/or Z. M, while performing official duties, by, inter alia, hitting and kicking the handcuffed persons (also with objects) who had no opportunity to defend themselves; by escorting them in an insulting manner, namely handcuffed from behind with very tight plastic handcuffs, with their heads bent unnecessarily to the ground; being assaulted and handled roughly in front of witnesses; being verbally insulted on the basis of ethnicity and intimidated, while escorting the ten detainees, who were in the custody of the SOU officers, from the reception room at the Prishtina Detention Centre to the three vehicles parked in the parking lot, “Toyota”, plate no. Police 293-01 and two “Mercedes” vans with plate numbers Police 288-01 and Police 413-01 and also while the vehicles remained stationary in the parking lot.

COUNT 2: Assault, contrary to Article 187, paragraph 1, in conjunction with Article 31 of the CCK and punishable by imprisonment of up to three (3) years:

On 08 January 2013, in Prishtinë/Priština, Kosovo, between approximately 14:15 hours and 15:10 hours: **G. K, S. S, N. D, S. A, N. Z, J. R, N. Sh, Xh. H, V. K, Z. S and I. R**, police officers from Kosovo Police, Special Operation Unit (SOU), Team 3, as co-perpetrators, committed the criminal offence of Assault, by intentionally applying force, without consent, to one or more of the following persons, namely B. M, I. P, M. J, D. T, I. S, B. M, D. S, D. V, M. P and/or Z. M, by hitting and kicking the handcuffed persons (also with objects), while escorting the ten detainees, who were in the custody of the SOU officers, from the reception room at the Prishtina Detention Centre to the three vehicles parked in the parking lot, “Toyota”, plate no. Police 293-01 and two “Mercedes” vans with plate numbers Police 288-01 and Police 413-01 and also while the vehicles remained stationary in the parking lot.

COUNT 3: Assault, contrary to Article 187, paragraph 2 in connection with paragraph 1, in conjunction with Article 31 of the CCK, and punishable by imprisonment of six (6) months to five (5) years:

On 08 January 2013, in Prishtinë/Priština, Kosovo, between approximately 14:15 hours and 15:10 hours: **G. K, S. S, N. D, S. A, N. Z, J. R, N. Sh, Xh. H, V. K, Z. S and I. R**, police officers from Kosovo Police, Special Operations Unit (SOU), Team 3, as co-perpetrators, committed the criminal offence of Assault, by intentionally applying force, without consent, with objects capable of causing grievous bodily injury or a serious impairment to health, namely boots, batons, flashlights, seatbelts and/or firearms, to one or more of the following persons, namely B. M, I. P, M. J, D. T, I. S, B. M, D. S, D. V, M. P and/or Z. M, while escorting the ten detainees, who were in the custody of the SOU officers, from the reception room at the

Prishtina Detention Centre to the three vehicles parked in the parking lot, “Toyota”, plate no. Police 293-01 and two “Mercedes” vans with plate numbers Police 288-01 and Police 413-01 and also while the vehicles remained stationary in the parking lot.

COUNT 4: Assault, contrary to Article 187, paragraph 3 in connection with paragraph 1, in conjunction with Article 31 of the CCK, and punishable by imprisonment of six (6) months to three (3) years:

On 08 January 2013, in Prishtinë/Priština, Kosovo, between approximately 14:15 hours and approximately 15:10 hours: **G. K, S. S, N. D, S. A, N. Z, J. R, N. Sh, Xh. H, V. K, Z. S and I. R**, police officers from Kosovo Police, Special Operations Unit (SOU), Team 3, as co-perpetrators, committed the criminal offence of Assault, by intentionally applying force without consent to vulnerable persons, namely one or more of the following handcuffed detainees B. M, I. P, M. J, D. T, I. S, B. M, D. S, D. V, M. P and/or Z. M, who were in the custody of the defendants, by hitting and kicking the handcuffed persons (also with objects), while escorting the ten detainees, from the reception room at the Prishtina Detention Centre to the three vehicles parked in the parking lot, “Toyota”, plate no. Police 293-01 and two “Mercedes” vans with plate numbers Police 288-01 and Police 413-01 and also while the vehicles remained stationary in the parking lot.

Pursuant to Article 364 paragraph 1.1.3 of the Criminal Procedural Code (CPC) **N. D**

is acquitted

of the following counts in the indictment:

COUNT 1: Mistreatment during Exercise of Official Duty or Public Authorization, contrary to Article 198, paragraph 1, in conjunction with Article 31 of the CCK, and punishable by imprisonment of up to three (3) years:

On 08 January 2013, in Prishtinë/Priština, Kosovo, between approximately 14:15 hours and 15:10 hours: **G. K, S. S, N. D, S. A, N. Z, J. R, N. Sh, Xh. H, V. K, Z. S and I. R**, police officers from Kosovo Police, Special Operations Unit (SOU), Team 3, as co-perpetrators, committed the criminal offence of Mistreatment during Exercise of Official Duty or Public Authorization by mistreating, intimidating and gravely insulting the dignity of one or more of the following persons: B. M, I. P, M. J, D. T, I. S, B. M, D. S, D. V, M. P and/or Z. M, while performing official duties, by, inter alia, hitting and kicking the handcuffed persons (also with objects) who had no opportunity to defend themselves; by escorting them in an insulting manner, namely handcuffed from behind with very tight plastic handcuffs, with their heads bent unnecessarily to the ground; being assaulted and handled roughly in front of witnesses; being verbally insulted on the basis of ethnicity and intimidated, while escorting the ten detainees,

who were in the custody of the SOU officers, from the reception room at the Prishtina Detention Centre to the three vehicles parked in the parking lot, “Toyota”, plate no. Police 293-01 and two “Mercedes” vans with plate numbers Police 288-01 and Police 413-01 and also while the vehicles remained stationary in the parking lot.

COUNT 2: Assault, contrary to Article 187, paragraph 1, in conjunction with Article 31 of the CCK and punishable by imprisonment of up to three (3) years:

On 08 January 2013, in Prishtinë/Priština, Kosovo, between approximately 14:15 hours and 15:10 hours: **G. K, S. S, N. D, S. A, N. Z, J. R, N. Sh, Xh. H, V. K, Z. S and I. R**, police officers from Kosovo Police, Special Operations Unit (SOU), Team 3, as co-perpetrators, committed the criminal offence of Assault, by intentionally applying force, without consent, to one or more of the following persons, namely B. M, I. P, M. J, D. T, I. S, B. M, D. S, D. V, M. P and/or Z. M, by hitting and kicking the handcuffed persons (also with objects), while escorting the ten detainees, who were in the custody of the SOU officers, from the reception room at the Prishtina Detention Centre to the three vehicles parked in the parking lot, “Toyota”, plate no. Police 293-01 and two “Mercedes” vans with plate numbers Police 288-01 and Police 413-01 and also while the vehicles remained stationary in the parking lot.

COUNT 3: Assault, contrary to Article 187, paragraph 2 in connection with paragraph 1, in conjunction with Article 31 of the CCK, and punishable by imprisonment of six (6) months to five (5) years:

On 08 January 2013, in Prishtinë/Priština, Kosovo, between approximately 14:15 hours and 15:10 hours: **G. K, S. S, N. D, S. A, N. Z, J. R, N. Sh, Xh. H, V. K, Z. S and I. R**, police officers from Kosovo Police, Special Operations Unit (SOU), Team 3, as co-perpetrators, committed the criminal offence of Assault, by intentionally applying force, without consent, with objects capable of causing grievous bodily injury or a serious impairment to health, namely boots, batons, flashlights, seatbelts and/or firearms, to one or more of the following persons, namely B. M, I. P, M. J, D. T, I. S, B. M, D. S, D. V, M. P and/or Z. M, while escorting the ten detainees, who were in the custody of the SOU officers, from the reception room at the Prishtina Detention Centre to the three vehicles parked in the parking lot, “Toyota”, plate no. Police 293-01 and two “Mercedes” vans with plate numbers Police 288-01 and Police 413-01 and also while the vehicles remained stationary in the parking lot.

COUNT 4: Assault, contrary to Article 187, paragraph 3 in connection with paragraph 1, in conjunction with Article 31 of the CCK, and punishable by imprisonment of six (6) months to three (3) years:

On 08 January 2013, in Prishtinë/Priština, Kosovo, between approximately 14:15 hours and approximately 15:10 hours: **G. K, S. S, N. D, S. A, N. Z, J. R, N. Sh, Xh. H, V. K, Z. S and I. R**, police officers from Kosovo Police, Special Operations Unit (SOU), Team 3, as co-perpetrators, committed the criminal offence of Assault, by intentionally applying force without

consent to vulnerable persons, namely one or more of the following handcuffed detainees B. M, I. P, M. J, D. T, I. S, B. M, D. S, D. V, M. P and/or Z. M, who were in the custody of the defendants, by hitting and kicking the handcuffed persons (also with objects) while escorting the ten detainees, from the reception room at the Prishtina Detention Centre to the three vehicles parked in the parking lot, “Toyota”, plate no. Police 293-01 and two “Mercedes” vans with plate numbers Police 288-01 and Police 413-01 and also while the vehicles remained stationary in the parking lot.

COUNT 19: Assault, contrary to Article 187, paragraph 3 in connection with paragraph 1, in conjunction with Article 31 of the CCK and punishable by imprisonment of six (6) months to three (3) years:

On 08 January 2013, in Prishtinë/Priština, Kosovo, between approximately 15:30 hours and approximately 18:00 hours: **G. K** and **N. D**, police officers from Kosovo Police, Special Operations Unit (SOU), Team 3, as co-perpetrators, committed the criminal offence of Assault, by intentionally applying force without consent to a vulnerable person, **D. V**, by kicking the detainee in the groin area, while escorting him to the toilet at the Minor Offences Court, Prishtina.

Pursuant to Article 364 paragraph 1.1.3 of the Criminal Procedural Code (CPC) **N. Z**

is acquitted

of the following count of the indictment:

COUNT 3: Assault, contrary to Article 187, paragraph 2 in connection with paragraph 1, in conjunction with Article 31 of the CCK, and punishable by imprisonment of six (6) months to five (5) years:

On 08 January 2013, in Prishtinë/Priština, Kosovo, between approximately 14:15 hours and 15:10 hours: **G. K, S. S, N. D, S. A, N. Z, J. R, N. Sh, Xh. H, V. K, Z. S and I. R**, police officers from Kosovo Police, Special Operations Unit (SOU), Team 3, as co-perpetrators, committed the criminal offence of Assault, by intentionally applying force, without consent, with objects capable of causing grievous bodily injury or a serious impairment to health, namely boots, batons, flashlights, seatbelts and/or firearms, to one or more of the following persons, namely B. M, I. P, M. J, D. T, I. S, B. M, D. S, D. V, M. P and/or Z. M, while escorting the ten detainees, who were in the custody of the SOU officers, from the reception room at the Prishtina Detention Centre to the three vehicles parked in the parking lot, “Toyota”, plate no. Police 293-01 and two “Mercedes” vans with plate numbers Police 288-01 and Police 413-01 and also while the vehicles remained stationary in the parking lot.

COUNT 4: Assault, contrary to Article 187, paragraph 3 in connection with paragraph 1, in conjunction with Article 31 of the CCK, and punishable by imprisonment of six (6) months to three (3) years:

On 08 January 2013, in Prishtinë/Priština, Kosovo, between approximately 14:15 hours and approximately 15:10 hours: **G. K, S. S, N. D, S. A, N. Z, J. R, N. Sh, Xh. H, V. K, Z. S and I. R**, police officers from Kosovo Police, Special Operations Unit (SOU), Team 3, as co-perpetrators, committed the criminal offence of Assault, by intentionally applying force without consent to vulnerable persons, namely one or more of the following handcuffed detainees B. M, I. P, M. J, D. T, I. S, B. M, D. S, D. V, M. P and/or Z. M, who were in the custody of the defendants, by hitting and kicking the handcuffed persons (also with objects) while escorting the ten detainees, from the reception room at the Prishtina Detention Centre to the three vehicles parked in the parking lot, “Toyota”, plate no. Police 293-01 and two “Mercedes” vans with plate numbers Police 288-01 and Police 413-01 and also while the vehicles remained stationary in the parking lot.

Pursuant to Article 364 paragraph 1.1.3 of the Criminal Procedural Code (CPC) **I. R**

is acquitted

of the following counts in the indictment:

COUNT 3: Assault, contrary to Article 187, paragraph 2 in connection with paragraph 1, in conjunction with Article 31 of the CCK, and punishable by imprisonment of six (6) months to five (5) years:

On 08 January 2013, in Prishtinë/Priština, Kosovo, between approximately 14:15 hours and 15:10 hours: **G. K, S. S, N. D, S. A, N. Z, J. R, N. Sh, Xh. H, V. K, Z. S and I. R**, police officers from Kosovo Police, Special Operations Unit (SOU), Team 3, as co-perpetrators, committed the criminal offence of Assault, by intentionally applying force, without consent, with objects capable of causing grievous bodily injury or a serious impairment to health, namely boots, batons, flashlights, seatbelts and/or firearms, to one or more of the following persons, namely B. M, I. P, M. J, D. T, I. S, B. M, D. S, D. V, M. P and/or Z. M, while escorting the ten detainees, who were in the custody of the SOU officers, from the reception room at the Prishtina Detention Centre to the three vehicles parked in the parking lot, “Toyota”, plate no. Police 293-01 and two “Mercedes” vans with plate numbers Police 288-01 and Police 413-01 and also while the vehicles remained stationary in the parking lot.

COUNT 4: Assault, contrary to Article 187, paragraph 3 in connection with paragraph 1, in conjunction with Article 31 of the CCK, and punishable by imprisonment of six (6) months to three (3) years:

On 08 January 2013, in Prishtinë/Priština, Kosovo, between approximately 14:15 hours and approximately 15:10 hours: **G. K, S. S, N. D, S. A, N. Z, J. R, N. Sh, Xh. H, V. K, Z. S and I. R**, police officers from Kosovo Police, Special Operations Unit (SOU), Team 3, as co-perpetrators, committed the criminal offence of Assault, by intentionally applying force without consent to vulnerable persons, namely one or more of the following handcuffed detainees B. M, I. P, M. J, D. T, I. S, B. M, D. S, D. V, M. P and/or Z. M, who were in the custody of the defendants, by hitting and kicking the handcuffed persons (also with objects) while escorting the ten detainees, from the reception room at the Prishtina Detention Centre to the three vehicles parked in the parking lot, “Toyota”, plate no. Police 293-01 and two “Mercedes” vans with plate numbers Police 288-01 and Police 413-01 and also while the vehicles remained stationary in the parking lot.

COUNT 12: Mistreatment during Exercise of Official Duty or Public Authorization, contrary to Article 198, paragraph 1, in conjunction with Article 31 of the CCK and punishable by imprisonment of up to three (3) years:

On 08 January 2013, in Prishtinë/Priština, Kosovo, between approximately 15:10 hours and approximately 15:30 hours: **V. K, Z. S, J. R and I. R**, police officers from Kosovo Police, Special Operations Unit (SOU), Team 3, as co-perpetrators, committed the criminal offence of Mistreatment during Exercise of Official Duty or Public Authorization by mistreating, intimidating and gravely insulting the dignity of M. J, while transporting the detainee in police vehicle “Toyota”, plate no. Police 293-01, from the Prishtina Detention Centre to the Minor Offices Court, Prishtina, by hitting and kicking the handcuffed person and verbally insulting him on an ethnic basis.

Pursuant to Article 364 paragraph 1.1.3 of the Criminal Procedure Code (CPC) **J. R, N. Sh, Xh. H, V. K and Z. S;**

are acquitted

of the following counts in the indictment:

COUNT 1: Mistreatment during Exercise of Official Duty or Public Authorization, contrary to Article 198, paragraph 1, in conjunction with Article 31 of the CCK, and punishable by imprisonment of up to three (3) years:

On 08 January 2013, in Prishtinë/Priština, Kosovo, between approximately 14:15 hours and 15:10 hours: **G. K, S. S, N. D, S. A, N. Z, J. R, N. Sh, Xh. H, V. K, Z. S and I. R**, police officers from Kosovo Police, Special Operations Unit (SOU), Team 3, as co-perpetrators, committed the criminal offence of Mistreatment during Exercise of Official Duty or

Public Authorization by mistreating, intimidating and gravely insulting the dignity of one or more of the following persons: B. M, I. P, M. J, D. T, I. S, B. M, D. S, D. V, M. P and/or Z. M, while performing official duties, by, inter alia, hitting and kicking the handcuffed persons (also with objects) who had no opportunity to defend themselves; by escorting them in an insulting manner, namely handcuffed from behind with very tight plastic handcuffs, with their heads bent unnecessarily to the ground; being assaulted and handled roughly in front of witnesses; being verbally insulted on the basis of ethnicity and intimidated, while escorting the ten detainees, who were in the custody of the SOU officers, from the reception room at the Prishtina Detention Centre to the three vehicles parked in the parking lot, “Toyota”, plate no. Police 293-01 and two “Mercedes” vans with plate numbers Police 288-01 and Police 413-01 and also while the vehicles remained stationary in the parking lot.

COUNT 2: Assault, contrary to Article 187, paragraph 1, in conjunction with Article 31 of the CCK and punishable by imprisonment of up to three (3) years:

On 08 January 2013, in Prishtinë/Priština, Kosovo, between approximately 14:15 hours and 15:10 hours: **G. K, S. S, N. D, S. A, N. Z, J. R, N. Sh, Xh. H, V. K, Z. S and I. R**, police officers from Kosovo Police, Special Operations Unit (SOU), Team 3, as co-perpetrators, committed the criminal offence of Assault, by intentionally applying force, without consent, to one or more of the following persons, namely B. M, I. P, M. J, D. T, I. S, B. M, D. S, D. V, M. P and/or Z. M, by hitting and kicking the handcuffed persons (also with objects) while escorting the ten detainees, who were in the custody of the SOU officers, from the reception room at the Prishtina Detention Centre to the three vehicles parked in the parking lot, “Toyota”, plate no. Police 293-01 and two “Mercedes” vans with plate numbers Police 288-01 and Police 413-01 and also while the vehicles remained stationary in the parking lot.

COUNT 3: Assault, contrary to Article 187, paragraph 2 in connection with paragraph 1, in conjunction with Article 31 of the CCK, and punishable by imprisonment of six (6) months to five (5) years:

On 08 January 2013, in Prishtinë/Priština, Kosovo, between approximately 14:15 hours and 15:10 hours: **G. K, S. S, N. D, S. A, N. Z, J. R, N. Sh, Xh. H, V. K, Z. S and I. R**, police officers from Kosovo Police, Special Operations Unit (SOU), Team 3, as co-perpetrators, committed the criminal offence of Assault, by intentionally applying force, without consent, with objects capable of causing grievous bodily injury or a serious impairment to health, namely boots, batons, flashlights, seatbelts and/or firearms, to one or more of the following persons, namely B. M, I. P, M. J, D. T, I. S, B. M, D. S, D. V, M. P and/or Z. M, while escorting the ten detainees, who were in the custody of the SOU officers, from the reception room at the Prishtina Detention Centre to the three vehicles parked in the parking lot, “Toyota”, plate no.

Police 293-01 and two “Mercedes” vans with plate numbers Police 288-01 and Police 413-01 and also while the vehicles remained stationary in the parking lot.

COUNT 4: Assault, contrary to Article 187, paragraph 3 in connection with paragraph 1, in conjunction with Article 31 of the CCK, and punishable by imprisonment of six (6) months to three (3) years:

On 08 January 2013, in Prishtinë/Priština, Kosovo, between approximately 14:15 hours and approximately 15:10 hours: **G. K, S. S, N. D, S. A, N. Z, J. R, N. Sh, Xh. H, V. K, Z. S and I. R,** police officers from Kosovo Police, Special Operations Unit (SOU), Team 3, as co-perpetrators, committed the criminal offence of Assault, by intentionally applying force without consent to vulnerable persons, namely one or more of the following handcuffed detainees B. M, I. P, M. J, D. T, I. S, B. M, D. S, D. V, M. P and/or Z. M, who were in the custody of the defendants, by hitting and kicking the handcuffed persons (also with objects) while escorting the ten detainees, from the reception room at the Prishtina Detention Centre to the three vehicles parked in the parking lot, “Toyota”, plate no. Police 293-01 and two “Mercedes” vans with plate numbers Police 288-01 and Police 413-01 and also while the vehicles remained stationary in the parking lot.

Pursuant to Article 364 paragraph 1.1.3 of the Criminal Procedural Code **N. Sh and Xh. H,** are acquitted

of the following count of the indictment:

COUNT 11: Mistreatment during Exercise of Official Duty or Public Authorization, contrary to Article 198, paragraph 1, in conjunction with Article 31 of the CCK, and punishable by imprisonment of up to three (3) years:

On 08 January 2013, in Prishtinë/Priština, Kosovo, between approximately 15:10 hours and approximately 15:30 hours: **S. S, N. Z, N. Sh and Xh. H,** police officers from Kosovo Police, Special Operations Unit (SOU), Team 3, as co-perpetrators, committed the criminal offence of Mistreatment during Exercise of Official Duty or Public Authorization by mistreating, intimidating and gravely insulting the dignity of one or more of the following persons: I. P, M. P, D. S and/or I. S, while performing an official duty, transporting the detainees, in police vehicle “Mercedes” with plate number Police 288-01, from the Prishtina Detention Centre to the Minor Offices Court, Prishtina, by inter alia, hitting and kicking the victims (also with objects) and cocking their weapons and playing Albanian music while demanding that the victims state that they live in Independent Kosovo/Republic of Kosovo.

Pursuant to Article 364 paragraph 1.1.3 of the Criminal Procedural Code **J. R, V. K and Z. S;**
are acquitted

of the following count of the indictment:

COUNT 12: Mistreatment during Exercise of Official Duty or Public Authorization, contrary to Article 198, paragraph 1, in conjunction with Article 31 of the CCK and punishable by imprisonment of up to three (3) years:

On 08 January 2013, in Prishtinë/Priština, Kosovo, between approximately 15:10 hours and approximately 15:30 hours: **V. K, Z. S, J. R** and **I. R**, police officers from Kosovo Police, Special Operations Unit (SOU), Team 3, as co-perpetrators, committed the criminal offence of Mistreatment during Exercise of Official Duty or Public Authorization by mistreating, intimidating and gravely insulting the dignity of M. J, while transporting the detainee in police vehicle “Toyota”, plate no. Police 293-01, from the Prishtina Detention Centre to the Minor Offices Court, Prishtina, by hitting and kicking the handcuffed person and verbally insulting him on an ethnic basis.

None of the injured parties submitted a claim for compensation for damages.

The defendants who were convicted **G. K, S. S, S. A, N. D, N. Z** and **I. R** are obliged to pay the costs of the criminal proceedings in the amount of 300 EUR for each defendant.

The defendants who were acquitted are not obliged to pay any costs.

BASIC COURT OF PRISHTINË/PRISTINA
Date 18 November 2015; Case: PKR 1098/13

Presiding Judge
Vladimir Mikula

Recording clerk

Dea Dedi

Legal remedy:

Authorized persons may file an appeal in written form against this judgment through the Basic Court of Prishtinë/Pristina to the Court of Appeals within fifteen (15) days from the date the copy of the full reasoned judgment has been served, pursuant to Article 380 paragraph 1 of the CPC.