

**BASIC COURT OF MITROVICË/MITROVICA**

**P. nr. 199/2015**

**14 June 2016**

**IN THE NAME OF THE PEOPLE**

**THE BASIC COURT OF MITROVICË/MITROVICA**, in the Trial Panel composed of EULEX Judge Franciska FISER, as Presiding Judge, and EULEX Judges Vidar STENSLAND and Rene Van VEEN as Panel Members, with the participation of EULEX Legal Adviser Dukagjin KERVESHI as the Recording Officer, in the criminal case against:

**S.G., born on ....., in the village of .....in Skenderaj, residing in the same permanent residence, employed at ....., married with three children, average economic status;**

*indicted with:*

- **Aggravated Murder** of I. I. in violation of Article 147, Item 4) of the Criminal Code of Kosovo (hereinafter: CCK); and
- **Unauthorized Ownership, Control, Possession or Use of Weapons** in violation of Article 328, Paragraph (2) of the CCK;

*and*

**A.G., father's name ..., Mother's name ..., maiden name ....., born .... in the village of ... in Skenderaj, Kosovo Albanian, residing in "...” Street, Mitrovica, unemployed, married with three children, average economic status;**

*indicted with:*

- **Aggravated Murder** of M. I. in violation of Article 147, Item 4) of the CCK;
- **Attempted Aggravated Murder** of B. I. in violation of Article 147, Item 4) of the CCK; and
- **Unauthorized Ownership, Control, Possession or Use of Weapons** in violation of Article 328, Paragraph (2) of the CCK;

both accused through the Indictment of the Prosecution Office of the Republic of Kosovo dated 26 May 2010, amended on 17 March 2016 and 13 June 2016;

*after* having held the Main Trial sessions, all open to the public, on 7 March 2016, 17 March 2016, 23 March 2016, 26 April 2016, 29 April 2016, 10 May 2016, 13 June 2016 and 14 June 2016, the crime scene visit on 26 April 2016, all in the presence of the EULEX Prosecutor of the Republic of Kosovo, the Defendant S.G. and his Defence Counsel H. Zh., the Defendant A.G. and his Defence Counsel H. M., on 7 March 2016, 17 March 2016, 23 March 2016 and 26 March 2016 also in the presence of injured party B.I. and on 17 March 2016 also in presence of injured party F.I.;

*following* the Trial Panel's deliberation and voting held on 14 June 2016;

*pursuant* to Article 392, Paragraph (1) of the Criminal Procedure Code of the Republic of Kosovo (hereinafter: CPCK) on ..... June 2016 in a public hearing and in the presence of Defendant S.G. and his Defence Counsel H. Zh., the Defendant A.G. and his Defence Counsel H. M. and the EULEX Prosecutor;

renders the following:

## **JUDGMENT**

### **I.**

Under COUNT 1, Aggravated Murder of M. I. and under COUNT 2, Attempted Aggravated Murder of B. I.:

the Defendant **A.G.** is found **GUILTY** because:

On 4 December 2009 after 12.00 near the junction of the streets “...” and “...” in Mitrovicë/Mitrovica, more specifically outside of the house of R. G.’s, on the small alley passing in front of G.’s house and leading left turn to I.’s house, A.G. with S.G., A. G. and R. G. met I. I., B.I. and M. I.. Due to an ongoing conflict between the families of the deceased I. I. and R. G., members of both families started arguing which accumulated into a fist fight between S.G. and B. I.

Then B.I. jumped into his car ... together with his wife M. I. and drove away towards the center of Mitrovica in order to search for help from the police, while the other members of both families remained on the spot.

After short time, B.I. and M. I. returned in the .... The police car came immediately after ... and stopped on the west side of “...” Street while B.I. turned into “...” Street.

While B.I. was driving on “...” street, A.G., S.G., A. G., R. G. and I. I. were standing on the road near the left turn of the alley.

A.G. pointed the gun type M57-TT with serial number 132205 and fired at the approaching ... car. B.I. then turned the car towards A.G. and hit A.G. with the left front part of the vehicle.

B.I. continued to drive after the hit and when he was about to take a turn towards I’s house, A.G. fired with his gun in the direction of the ... car, aiming at B.I. and hit his left arm. With this A.G. intentionally attempted to deprive of his life the victim B. I..

B.I. continued to drive the car ... around the corner, stopped in front of the I.’s gate and jumped over the wall into I.’s yard while A.G. followed the car.

M. I. was exiting the vehicle when A.G. intentionally fired with the gun-pistol type M57-TT with serial number ..., in the direction of and hit M. I. on the right arm and caused a lethal wound. The trajectory of this projectile went from the right side toward the left, and from up to down, and slightly backwards; the bullet was found in the left hole of the thorax. With this, A.G. has deprived of her life the victim M. I..

Thereby, **A.G.** committed:

- criminal offence of Attempted Murder of B. I., contrary to Article 146 of the CCK in conjunction with Article 20 of the CCK; and

- criminal offence of Murder of M. I., contrary to Article 146 of the CCK: and

THEREFORE **A.G.** is **CONVICTED** of committing the criminal offence of **Attempted Aggravated Murder**, contrary to Article 147, Item 11) of the CCK in conjunction with Article 20 of the CCK, thereby re-qualifying count 1 from the charge of Aggravated Murder, contrary to Article 147, Item 4) and count 2 from the charge of Attempted Aggravated Murder, contrary to Article 147, Item 4).

## II.

Under COUNT 3, Unauthorised Ownership, Control, possession or use of Weapons:

the Defendant **A.G.** is found **GUILTY** because:

On 4 December 2009 after 12.00 near the junction of the streets “...” and “...” in Mitrovicë/Mitrovica, more specifically outside of the house of R. G.’s, on the small alley passing in front of G.’s house and leading left turn to I.’s house, A.G. without a valid permission issued by the competent body, was in possession of a loaded pistol type M57-TT with serial number ... which was later confiscated by the police.

THEREFORE, **A.G.** is **CONVICTED** of committing the criminal offence of **Unauthorised Ownership, Control, Possession or Use of Weapons**, contrary to Article 328, Paragraph (2) of the CCK.

## III.

Under COUNT 1, Aggravated Murder of I. I.

The Defendant **S.G.** is found **GUILTY** because:

On 4 December 2009 after 12.00 near the junction of the streets “...” and “...” in Mitrovicë/Mitrovica, more specifically outside of the house of R. G.’s, on the small alley passing in front of G.’s house and leading left turn to I.’s house, S.G. with A.G., A. G. and R. G. met I.

I., B.I. and M. I.. Due to an ongoing conflict between the families of the deceased I. I. and R. G., members of both families started arguing which accumulated into a fist fight between S.G. and B. I..

Then B.I. jumped into his car ... together with his wife M. I. and drove away towards the center of Mitrovica in order to search for help from the police, while the other members of both families remained on the spot.

After short time, B.I. and M. I. returned in the .... The police car came immediately after ... and stopped on the west side of “...” Street while B.I. turned into “...” Street.

While B.I. was driving on “...” street, A.G., S.G., A. G., R. G. and I. I. were standing on the road near the left turn of the alley.

At the same time, another person and S.G., intentionally fired in the direction of and hit I. I.; specifically S.G. fired with the gun-pistol type TT with serial number .....

I. I. who sustained wounds on right side of head, left side of the neck, right side of the chest, and his left arm, died on the spot due to hemorrhagic shock caused by gunshot injuries.

With this, S.G. has deprived of his life the victim I. I..

THEREFORE, **S.G.** is **CONVICTED** of committing the criminal offence of **Murder** contrary Article 146 of the CCK in conjunction with Article 23 of the CCK, thereby re-qualifying from the charge of Aggravated Murder, contrary to Article 147, item 4) of the CCK.

#### IV.

Under COUNT 2, Unauthorised Ownership, Control, possession or use of Weapons:

The Defendant **S.G.** is found **GUILTY** because:

On 4 December 2009 after 12.00 near the junction of the streets “...” and “...” in Mitrovicë/Mitrovica, more specifically outside of the house of R. G.’s, on the small alley passing in front of G.’s house and leading left turn to I.’s house, S.G. without a valid permission issued by the competent body, was in possession of a loaded pistol type TT with serial number ... which was later confiscated by the police.

THEREFORE, **S.G.** is **CONVICTED** of committing the criminal offence of **Unauthorised Ownership, Control, Possession or Use of Weapons**, contrary to Article 328, Paragraph (2) of the CCK.

**V.**

THEREFORE, pursuant to the provisions of Article 36, Paragraph (1) Sub-Paragraph (2) and Article 38, Paragraphs (1) and (2) of the CCK, the court imposes the following sentences:

- **A.G.** having been convicted of the criminal offence of Attempted Aggravated Murder under count 1 and count 2 is **SENTENCED** to fourteen (14) years of imprisonment;
- **A.G.** having been convicted of the criminal offence Unauthorised Ownership, Control, Possession or Use of Weapons under count 3 is **SENTENCED** to one (1) year of imprisonment.

Pursuant to Article 71, Paragraph (2) Sub-paragraph (2) of the CCK the court imposes the following **AGGREGATED** punishment:

**A.G.** is **SENTENCED** to fourteen (14) years and six (6) months of imprisonment.

**VI.**

THEREFORE, pursuant to the provisions of Article 36, Paragraph (1) Sub-Paragraph (2) and Article 38, Paragraphs (1) and (2) of the CCK, the court imposes the following sentences:

- **S.G.** having been convicted of the criminal offence of Murder under count 1 is **SENTENCED** to ten (10) years of imprisonment; and
- **S.G.** having been convicted of the criminal offence Unauthorised Ownership, Control, Possession or Use of Weapons under count 2 is **SENTENCED** to one (1) year of imprisonment.

Pursuant to Article 71, Paragraph (2) Sub-paragraph (2) of the CCK the court imposes the following **AGGREGATED** punishment:

**S.G.** is **SENTENCED** to ten (10) years and six (6) months of imprisonment.

#### **VII.**

Pursuant to Article 391, Paragraph (5) of the CPCK and Article 278, Paragraph (7) of the CPCK, the time spent in detention on remand and house detention by **A.G.** from 4 December 2009 until the Judgment becomes final shall be credited against the punishment.

#### **VIII.**

Pursuant to Article 391, Paragraph (5) of the CPCK and Article 278, Paragraph (7) of the CPCK, the time spent in detention on remand and house detention by **S.G.** from 4 December 2009 until the Judgment becomes final shall be credited against the punishment.

#### **IX.**

The weapon - pistol type TT black in color with serial number ..., containing bullets is hereby **CONFISCATED** pursuant to Article 60, Paragraph (1) and Article 328, Paragraph (5) of the CCK.

The weapon - pistol type M57-TT with serial number ..., containing bullets is hereby **CONFISCATED** pursuant to Article 60, Paragraph (1) and Article 328, Paragraph (5) of the CCK.

#### **X.**

Pursuant to Article 102, Paragraphs (1) and (4) of CPCK **A.G.** shall pay the costs of the proceedings in an amount of four hundred (400) euros no later than 30 days from the day this Judgment is final.

Pursuant to Article 102, Paragraphs (1) and (4) of CPCK S.G. shall pay the costs of the proceedings in an amount of four hundred (400) euros no later than 30 days from the day this Judgment is final.

**XI.**

Pursuant to Article 112, Paragraph (2) of the CPCK, the injured parties are instructed that they may pursue their entire property claims in civil litigation.

**BASIC COURT OF MITROVICË/MITROVICA**

**P. Nr. 199/15**

**14 June 2016**

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**Franciska FISER**  
**EULEX Presiding Judge**

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**Vidar STENSLAND**  
**Panel Member**  
**EULEX Judge**

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**Rene Van VEEN**  
**Panel Member**  
**EULEX Judge**

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**Dukagjin KËRVESHI**  
**Recording Officer**

Drafted in English, as an authorized language