

BASIC COURT OF PRISHTINE/PRISTINA

P.Kr nr.18/14

PPS No. 38/09

Court No: GJPP No. 138/09

13th March 2014

The judgments published may not be final and may be subject to an appeal according to the applicable law.

IN THE NAME OF THE PEOPLE

The Basic Court of Prishtine/Pristina in the trial panel composed of EULEX Judge Mariola Pasnik as Presiding judge, and Kosovo Judge Suzana Cerkini and EULEX Judge Marie Tuma as panel members, assisted by Recording Officer David Hegarty and Zeqir Shebani as Interpreter, in the criminal case against:

Name	S.
Surname	T.
Father's name	...
Date of Birth	...
Place of Birth	...
Gender	Male
Address	...
Nationality	Albanian
Citizenship	Republic of Albania
I.D. No.	...
Occupation	Retired
Economic status	Poor to average
Education	4 years Elementary School
Family status	Married. 5 adult children.
Other Criminal Proceedings	None
Previous Convictions	None.
Custody and Chapter XXX measures in place	Detention on remand since 01 July 2011

Who is charged with the following counts

COUNT 1

UNAUTHORISED PURCHASE, POSSESSION, DISTRIBUTION, AND SALES OF DANGEROUS NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES, COMMITTED IN CO-PERPETRATION AND CONTRARY TO Article 229, paragraphs 1,2,3 and 4 of the Provisional Criminal Code of Kosovo (PCCK) in conjunction with Article 23 thereof, punishable by a fine and by imprisonment of three to fifteen years, or alternatively, intentionally assisted in the commission of this criminal offence as provided by Article 25 of the PCCK.

BECAUSE between 24 July 2009 and 15 September 2009, S.T. committed the offence of unauthorised purchase, possession, distribution and sale of dangerous narcotic drugs and psychotropic substances by participating in the exportation from Albania to Kosovo and transportation through Kosovo for export to countries in Western Europe including Switzerland of a shipment of heroin as a member of a group.

COUNT 2

UNAUTHORISED PURCHASE, POSSESSION, DISTRIBUTION, AND SALES OF DANGEROUS NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES, COMMITTED IN CO-PERPETRATION AND CONTRARY TO Article 229, paragraphs 1,2,3 and 4 of the Provisional Criminal Code of Kosovo (PCCK) in conjunction with Article 23 thereof, punishable by a fine and by imprisonment of three to fifteen years.

BECAUSE between 01 October 2009 and 25 November 2009, S.T. committed the offence of unauthorised purchase, possession, distribution and sale of dangerous narcotic drugs and psychotropic substances by participating in the exportation from Albania to Kosovo and transportation through Kosovo for export to countries in Western Europe , namely Switzerland, Netherlands, Italy and /or Germany, of a shipment of at least 109 kg of cannabis sativa as a member of a group.

COUNT 3

ORGANISED CRIME, contrary to Article 274 Paragraph 2 of the PCCK, punishable by imprisonment of at least five years.

BECAUSE between 24th July and 25th of November 2009, S.T. on the territory of Kosovo committed the offence of Organised Crime by actively participating in the criminal or other activities of an organised criminal group together with Xh.T., A.K. G.G., G.I., A.T., H.T., and other unidentified co-perpetrators, knowing that his participation would contribute to the commission of serious crimes by the organised criminal group namely Unauthorised Purchase, Possession, Distribution and Sales of Dangerous Narcotic Drugs from Albania into Kosovo and onwards to countries in

Western Europe, *inter alia*, Slovenia, Italy, Germany, Switzerland and/or the Netherlands.

AFTER having held the Main Trial sessions in open court on 04 March 2014, 11 March 2014 and 12 March 2014, in the presence of the defendant S.T., his Defence Counsel R.D. and in the presence of EULEX Special Prosecutor Charles Hardaway of the Special Prosecution Office of Kosovo and after deliberation and voting held on 12 March 2014, according to Article 391, paragraph (1) of the Provisional Criminal Procedure Code of Kosovo (“KCCP”), pursuant to Article 392 Paragraph (1) of KCCP, and Articles 385, 386 and 387 of the KCCP on this 13th day of March 2014, in open court and in the presence of the Defendant, his Defence Counsel and the EULEX Special Prosecutor, the Court renders and announces the following

JUDGMENT

S.T., with personal details above, in detention since 01 July 2011 is found as follows:

Pursuant to Article 389 paragraph 1 of the KCCP,

Count 1: **REJECTED** because the prosecutor withdrew the charge during the main trial;

Further, pursuant to Article 391 of the KCCP,

Count 2: **GUILTY** of the **UNAUTHORISED PURCHASE, POSSESSION, DISTRIBUTION, AND SALES OF DANGEROUS NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES, COMMITTED IN CO-PERPETRATION**, in violation of Article 229, paragraph 1, 2, 3 and 4 of the Provisional Criminal Code of Kosovo (PCCK) in conjunction with Article 23 thereof

BECAUSE between 01 October 2009 and 25 November 2009, S.T. committed the offence of unauthorised purchase, possession, distribution and sale of dangerous narcotic drugs and psychotropic substances by participating in the exportation from Albania to Kosovo and transportation through Kosovo for export to countries in Western Europe, namely Switzerland, Netherlands, Italy and /or Germany, of a shipment of at least 109kg of cannabis sativa as a member of a group.

Further, pursuant to Article 391 of the KCCP

Count 3: GUILTY of ORGANISED CRIME, in violation of Article 274 Paragraph 2 of the PCCK.

BECAUSE between 24th July and 25th of November 2009, S.T. on the territory of Kosovo committed the offence of Organised Crime by actively participating in the criminal or other activities of an organised criminal group together with Xh.T., A.K. G.G., G.I., A.T., H.T., and other unidentified co-perpetrators, knowing that his participation would contribute to the commission of serious crimes by the organised criminal group namely Unauthorised Purchase, Possession, Distribution and Sales of Dangerous Narcotic Drugs from Albania into Kosovo and onwards to countries in Western Europe, *inter alia*, Slovenia, Italy, Germany, Switzerland and/or the Netherlands.

THEREFORE, by reason of the aforesaid, the Court imposes the following sentence:

Having been found guilty under Count 2 of Unauthorised purchase, possession distribution and sales of dangerous narcotic drugs and psychotropic substances under Article 3 paragraph 2 of the CCK and Article 229 paragraph 4, Article 66 paragraph 2, Article 67 paragraph 1 sub-paragraph 2 and Article 39 paragraph 1 and 2 of the PCCK the Defendant is sentenced to a term of imprisonment of 2 (two) years and 6 (six) months imprisonment, and to a fine of €400 with two months to pay.

Having been found guilty under Count 3 of organised crime, based on Article 3 paragraph 2 of the CCK and Article 274, paragraph 2 and Article 66 paragraph 2, Article 67 paragraph 1 subparagraph 2 of the PCCK the Defendant is sentenced to a term of 3 (three) years and 11 (eleven) months imprisonment.

Pursuant to Article 71, paragraph 2 subparagraph 2 of the PCCK, the Court imposes an aggregated punishment a term of imprisonment of 4 (four) years.

Pursuant to Article 73 paragraph 1 of the PCCK and Article 393, paragraph 1, subparagraph (5) of the KCCP, the time spent in detention from 01 July 2011 shall be credited towards the sentence.

Pursuant to Article 54, paragraph 2, sub-paragraph 7, and Article 60, paragraph 1 of the PCCK Nokia mobile telephone, black, model 1280, belonging to S.T.: with the IMEI number 355926/04/360261/1 shall be confiscated.

Pursuant to Article 102, paragraph 4 of the KCCP the Defendant is hereby entirely relieved from liability for the costs of the criminal proceedings which shall be paid from budgetary resources.

REASONING

Procedural Background

The indictment

On 30 September 2011 the Special Prosecution Office filed Indictment PP.nr. 138/09 against the accused S.T. for the criminal offences as follows, namely, two counts of unauthorised purchase, possession, distribution and sale of dangerous narcotic drugs, committed in co-perpetration contrary to Article 229, paragraphs 1, 2, 3 and 4 in conjunction with Article 23 PCCK, and one count of organised crime contrary to Article 274, paragraphs 1, 2 and 3.

On 21 December 2011 the confirmation judge of the District Court of Prishtinë/Pristina confirmed the aforementioned Indictment through ruling KA.nr. 649/11.

During the confirmation hearing the defendant pleaded not guilty.

Competence of the Court and Panel Composition

The accused were charged with an offence punishable by imprisonment of at least five years.

In accordance with Article 23 (1) of KCCP, District Courts shall have jurisdiction to adjudicate at first instance criminal offences punishable by imprisonment of at least five years or those offences punishable by long-term imprisonment.

The criminal offence, according to the Indictment, was committed in the territory of the Republic of Kosovo. Therefore, in accordance with Article 27 (1) of KCCP, this court has territorial jurisdiction to adjudicate the case.

No issue was raised by the parties regarding the jurisdiction of this Court, and the matter of the competence of the EULEX judge to preside in this case was uncontested.

It is to be pointed out that pursuant to the Article 3.1 of the Law on Jurisdiction Case Selection and Case Allocation of EULEX Judges and Prosecutors in Kosovo (hereinafter "the LoJ"), EULEX Judges assigned to criminal proceedings have the jurisdiction and competence over any case investigated or prosecuted by the Special Prosecutors of Republic of Kosovo. On 26 February 2014 the President of the Assembly of EULEX Judges ruled that the trial panel in this case should be composed of a EULEX presiding judge, a EULEX panel member and a Kosovo judge. The Focal Point of the Basic Court assigned Mariola Pashnik as Presiding Judge. The ruling was based on Article 3 of the Law on Jurisdiction. Therefore, the trial panel was correctly composed as a mixed panel of one EULEX Judge as a Presiding Judge and one EULEX and one local Judge as panel members.

Main Trial

The main trial was held in public on 4 March 2014, 11 March 2014 and 12 March 2014 in the presence of the Special Prosecutor Charles Hardaway, the accused S.T. and his defense counsel R.D.

On 12 March 2014, and upon the Motion of the Prosecutor, an application was made that the first count on the indictment be withdrawn under Article 389, paragraph 1 of the KCCP. The trial panel considered this application and, after deliberation permitted the withdrawal of Count number one on the indictment. Accordingly, this count is rejected in the judgment above using the power granted to the Trial Panel by Article 389, paragraph 1 of the KCCP.

In accordance with Article 15 of KCCP, international interpreters translated the court proceedings and all court documents relevant to the trial from English into Albanian and vice-versa, as necessary.

Summary and evaluation of evidence presented

The trial panel based its factual finding on the following pieces of evidence which were found to be fully credible, namely the factual allegations as described in the indictment against the defendant S.T., as orally modified, were proven by the evidence submitted with the case file.

(1) INTERCEPTION

1. The interception evidence is of critical importance. The Defendant accepted – by accepting in his response put to him in questioning by the Presiding Trial Judge on 12 March 2014 that references to “Su.”, “Sy.” or “Sl.” were references to him. This is based on the fact that these references took place in telephone calls which were clearly part of the planning and execution of the criminal offences charged. The defendant was by his own admission in physical contact with the people using these references. From the expert evidence, he was clearly in telephone contact with them. The references took place in the context of this regular contact. There is no evidence of any other “Su.”, “Sy.” or “Sl.” being involved. It is submitted that the only inference to be drawn by the Court is that these references are references to the defendant.

(2) VOICE EXPERTISE

2. At the request of the Prosecutor, an analysis was carried out to compare certain interceptions and the voice of S.T. as recorded in his pre-trial testimony, to establish if these calls were made by S.T., a number of calls were matched to S.T., with the conclusion about the strength of this comparison suggesting there were significant similarities between the voices and no significant differences. Notably, the expert did

not conclude that other calls were not made by S.T. – she was unable to come to a conclusion.

3. In particular, the expert was of the opinion that the following calls fell into the category of matching S.T.'s voice:

27 July 2009 at 16:29:58
28 July 2009 at 12:46:12
28 July 2009 at 17:21:23
28 July 2009 at 21:58:26
28 July 2009 at 21:53:00
29 July 2009 at 19:36:06

(3) EXPERT ANALYSIS OF MOBILE PHONE

4. Following the analysis of the mobile phone of the defendant, a NOKIA mobile telephone, black, model 1280, with the IMEI number: 355926/04/360261/1, the Trial Panel notes the presence of contacts named “M.” “Do.”, “X.” and “Ga.”. The Panel is aware that persons named “M.”, “Do.” and “X.” are referred to in the material from Albania as participants in the serious crimes committed by the organised criminal group, particularly the drugs shipment of November 2009. This provides an additional piece of evidence linking the defendant to the group.

(4) SURVEILLANCE EVIDENCE

5. The Trial Panel note the Kosovo Police summary of surveillance logs for 15/16 September and 19 November 2009 which record meetings between Xh.T. and S.T. in a restaurant and a carpark, including where they are seen exchanging a package, as filmed on video and recorded in photographs. In addition to the report, the meeting between Xh.T., S.T. and G.G. at restaurant Iliria in Vermicë on 16th September 2009 is recorded on video and in photographs submitted to the Court with the case file marked “CD 2”.
6. The trial panel also notes an Albanian Police report regarding surveillance logs for 26, 27, 28, 29 and 30.9.2009, BINDER XXIV, which record that on 29th September 2009, Xh.T. met with G.G. and others in Albania. The fact that this meeting took place is demonstrated by the surveillance report of the Albanian Police covering the dates 26, 27, 28, 29 and 30th September 2009. Photographs of their meeting on 29th September 2009 provided in this report were submitted to the Court with the casefile marked “CD 3”.
7. It is recalled that in relation to the events of November 2009, in his Statement to the Prosecutor of 6th December 2010, Xh.T. identified the car with [registration no.] as belonging to himself (p.16). Upon being confronted with pictures obtained from the authorities of Albania, Xh.T. identified G.G. and S.T. therein (p.16).

8. According to the Albanian Police report regarding surveillance logs for 7, 8 and 9.10.2009, BINDER XXIV, section 3, pp.1644 – 1653, there was a further meeting between Xh.T. and G.G., with photographs of their meetings on 8th and 9th October 2009 and submitted to the Court with the casefile marked “CD 3”.
9. The Trial Panel notes particularly the Albanian Police report regarding surveillance logs for 25.11.2009, ILA Binder XXIV, pp. 1950-1952, which records that on 25 November 2009, S.T. met G.G. between 10.00 and 10.35.
10. It is further recorded therein that later on 25th November 2009, Albanian Police observed G.G., “M.”, “Il.” and three other persons meeting in the Albanian town of Fier, at the hotel “Europa”. They arrived at the hotel in three separate cars: (i) a grey BMW car with [registration no.] in which “M.” and G.G. arrived; (ii) a blue Ford Mondeo with a portable trunk with [registration no.] in which “Il.” arrived with two persons aged 25-30 years old; and (iii) a grey Mercedes Benz with [registration no.].
11. Following the meeting, the surveillance team witnessed “M.” leaving in the BMW car in the direction of Fier, while the other five persons left towards Tirana in the other two cars with [registration no.] and [registration no.]: G.G., “Il.” and another person “Lu.” were in the Ford Mondeo with [registration no.] and another two persons, suspected to be G.T. and D.M. or “B.” from the Republic of Albania, were in the Mercedes Benz with [registration no.]. The vehicles travelled at a distance of 2-3 km between them. The Albanian police stopped the two vehicles. No drugs were found in the vehicle in which G.G. and “Il.” travelled. The second vehicle avoided the checkpoint and the two passengers abandoned the car and successfully escaped. The Albanian police found several packages containing the narcotic substance in the abandoned Mercedes Benz.

A. OVERVIEW OF EVIDENCE SPECIFIC TO NOVEMBER 2009 SHIPMENT – COUNT 2 (Count 1 on the amended Indictment)

12. S.T. stands has been convicted of one count of committing the offence of Unauthorised purchase, possession, distribution and sale of narcotic drugs in violation of Article 229 , paragraph 1, 2, 3 and 4 of the PCCK in co-perpetration relating to a November 2009 shipment.
13. S.T. is also to be held responsible for purchasing, possessing, distributing and selling narcotic drugs between 1st October 2009 and 25th November 2009.
14. In this regard, the Prosecutor has presented evidence that S.T. took part in the purchase of a narcotic substance from associates in Albania, specifically, 109 kilograms of cannabis sativa, and planned its transportation from Albania to Kosovo

for intended distribution to and sale in Slovenia, Italy, Germany and/or The Netherlands. Xh.T. also planned and directed the shipment together with other members of the criminal group in Albania - particularly S.T. and G.G. - and The Netherlands, namely A.T. and H.T.

15. The drugs were cut and prepared by members of the organised group in Albania. Xh.T. and G.G. planned and supervised the transportation of the drugs to Kosovo by couriers. Xh.T., G.G., A.T. and H.T. also planned their onwards distribution and sale.
16. 109 kg of cannabis sativa was successfully intercepted and confiscated by the Albanian Police on 25th November 2009. The drugs were found in 102 packages in a vehicle with [registration no.] abandoned by the couriers in Albania when the Albanian Police surveillance team was spotted. The substance in each package was analysed by the Albanian Criminalistics Forensic Laboratory which confirmed it to be cannabis.

Planning

17. The planning of the second shipment of November 2009 started in late September 2009 to early October 2009, and was performed by Xh.T. in Kosovo, H.T. and A.T. in The Netherlands and S.T. and G.G. in Albania.
18. On 29th September 2009, Xh.T. met with G.G. in Albania. The fact that this meeting took place is proven by the surveillance report of the Albanian Police covering the dates 26, 27, 28, 29 and 30th September 2009. Photographs of their meeting on 29th September 2009 provided in this report were shown to the Court.
19. The first step thereafter is shown by an intercepted call between Xh.T. and H.T. of 4th October 2009 in which H.T. informs him that he was arranging the money necessary to purchase new drugs and pay the couriers.¹ S.T. is specifically mentioned as being involved in this deal.
20. Soon after, Xh.T. makes plans to go to Albania to make an agreement with G.G. for the next shipment.²

¹ Interception Binder XI, 04/10/2009 at 16:54:54, (pp. 217-218) H.T. to Xh.T.: "Uncle Sy. [S.T.] came to Germany... with a vehicle, so A.T. is preparing some of my money so he takes it to "G." [G.G.]" and "a very powerful friend of mine has come from Switzerland, a very good guy with money has come".

² Interception Binder XI, 07/10/2009, 15:51:10, (pp.220-223, 222) H.T. to Xh.T.: "that yours told me, he told me that you are going to "G.", if you will arrange something, but ...don't dare to do anything without me".

21. The fact that this meeting took place is proven by the surveillance report of the Albanian Police covering the dates 7, 8 and 9th October 2009. Photographs of their meetings on 8th and 9th October 2009 provided in this report were shown to the Court.
22. Five days later, Xh.T. called A.T. on [Tel. No.] in The Netherlands to discuss the terms of the new deal with the Albanians.³ Therein, Xh.T. answers affirmatively A.T.'s question whether a purchaser had bought "500m2". Xh.T. told A.T. that he had been in Albania himself and "directly to the head". A.T. tells Xh.T. that he wants "Be." [B.T.'s nickname] to Albania to assess "the parcel" [meaning to test the quality of the narcotics] and asks Xh.T. to go after to make the deal. Xh.T. tells him that they had both already been to see the "parcels" which he later refers to as "all those cars". This is coded language for packages of drugs.
23. On 12 October 2009, at 13:17:00, Xh.T. spoke to A.T. who used the [Tel. No.]. Xh.T. told A.T. that "a friend is coming tonight for diner at my place, you know whose brother [he] is, he is [the] brother of the biggest, today he will come at my place and will tell me everything in details about these guys that you asked me about all of them". A.T. said "fine" and asked if "Su." came. Xh.T. replied that "I was in Albania and I didn't call after that". A.T. said "I was hoping to get some money but they didn't brought yet and they are late, all what I had I had to send, and all the money that he put in order to help them a bit". Xh.T. told him "ok fine but what are the guys saying?" A.T. said that "they are not saying anything they are fed [up] of them, I told them to keep their phone on at least, I have more 3 or 4 guys here, they are asking me but I do not dare to cooperate with them, do you understand".
24. A deal is clearly made, as evidenced by Xh.T.'s call to L.K., A.K.'s brother, on 28th October 2009 where he asks L.K. to send him "10,000 euros and you have to send me here in Kosova this week because we will get stronger...we are talking some good cars".⁴ This is further supported by Xh.T.'s call to an associate named "Gr." in Gjilan/Gjilane on 2nd November 2009 in which he tells him "in 10 days I will give you a big infusion, remember that I will give you a big one that you will never forget".⁵
25. At the same time, H.T. made an agreement on behalf of the group with an onwards purchaser from Peja who had promised "money in cash ...for 150 pieces of that, you know what pieces I mean...".⁶
26. On 16 November 2009, G.G. sent an SMS to an unknown person asking "where is "Baca Sl." [S.T.]?"⁷

³ Interception Binder, 12/10/2009 at 13:21:48, (pp.224-229)

⁴ Interception Binder X, 28/10/2009 at 16:10:51, (p.2289)

⁵ Interception Binder X, 02/11/2009 at 19:02:32, (p.2299).

⁶ Interception Binder XI, 12/11/2009 at 19:16:50, (p.251-252).

⁷ Albanian interception material, 16/11/2009 at 19:56:01

27. Interception evidence obtained by the Albanian Police who tapped G.G.'s phone shows that on 18th November 2009, G.G. was instructed to finalise the deal.⁸ Here, meters refer to quantity of the drugs.
28. On 19th November 2009, Xh.T. met with G.G. to make further arrangements about the transportation from Albania.⁹
29. This is corroborated by the report of the Kosovo Police surveillance team of 19th November 2011.¹⁰ The photographs 2-12 show G.G. meeting B.B. near a market in Prizren. As noted by witness "Ga.", Xh.T. cannot be seen in the photographs but was seen by the surveillance team meeting G.G. afterwards, as recorded in the reports.
30. On 19.11.2009, according to surveillance at 14:44 by the exit of Prizren, in the direction of Brezovica, G.G., in his Range Rover car with [registration no.], met Xh.T. who was driving the car Golf V with license [registration no.]. Afterwards, they proceeded towards Prevala, and at 14:58 they went to the restaurant 'Marlboro'. From the restaurant 'Marlboro' both suspects in question headed up to 'Vila Park' restaurant. At 16:51hrs on the same date, Xh.T. and G.G. went to the house of Q.T. in Prevala. That house is near a wooden restaurant. The suspects in question entered that house. Close to that house was also a car Golf 6 with [registration no.] and a Mercedes with [registration no.], and they stayed there until 17:24 hrs and then all the mentioned cars proceeded to Prizren where they parked at the restaurant "Do." which belonged to Xh.T. They stayed in this restaurant until 20:15 and then went to the trade center 'ETC' in Prizren. They met the driver of BMW again and stayed together until 20:45. Afterwards, G.G. went in the direction of the border at Vermicë/Vermica.
31. Thereafter, interception evidence obtained by the Albanian Police shows that Xh.T. was asked by G.G. to organise the courier for transportation of the new shipment from Albania to Kosovo.¹¹
32. The payment for the deal was provided by H.T., who called Xh.T. on 21st November 2009 to inform him that "on Monday we will take 110, 000 euros to be sent to G.G. for their goods".¹² The same day, H.T. informs Xh.T. that he had already received 62,200 from the purchasers in The Netherlands.¹³ This money came from "K."

⁸ 18/11/2009 at 10:26:12 – "Buddy, I talked to that friend who is the commander; this deal will be made, 100 to 150 meters square".

⁹ Interception Binder X, 18/11/2009 at 22:46:34, (p.2385) "did "G." arrive?"; and Interception Binder XI, 19/11/2009 at 14:30:04, (pp.256-257) "now he will come".

¹⁰ Police Binder VII, pp.2586-2588) and accompanying photographs.

¹¹ 20/11/2009 at 13:00 and 13:31:09 – provide a "donkey" for "our business" for the price of "15-20 thousand"

¹² Interception Binder XI, 21/11/2009 at 12:46:37, (pp.263-264)

¹³ Interception Binder XI, 21/11/2009 at 13:09:36, (pp.265-266)

33. There is evidence that some of the purchasers were also from Italy. Namely, on 21st November 2009, A.T. called Xh.T. from The Netherlands to enquire whether the couriers from Italy would be coming the following week – “maybe next week they will come...you know about that deal to the water...you said somebody will come and will get it, do you understand me?” Here “water” is again code for Italy.¹⁴ This conversation is also evidence of Xh.T.’s deal with S.T., as A.T. states “this guy who was at yours, this “Su.”, how much is his ‘land’, until 300 square meters? Until 600 sqm without problem...next week will come one guy...” (p.272). Here the land is code for drugs, with square meters the quantity.
34. The allegation of a pending shipment is also supported by another call between Xh.T. and H.T. the same day in which they discuss concerns over the quality of the drugs coming from Albania and the previous involvement of S.T.:
- A.T.: .. you were here when Uncle “Sl.” came with that dirty premise/object
...it should not be like that dirty one..
- Xh.T.: do not worry for that business at all
- A.T.: the ‘place’ should be clean...they could have nearly 50% left for you
- Xh.T.: do not worry
- A.T.: ..the garbage should be clean ...otherwise you tell [them] that we will wait...we will wait until it is cleaned, do you understand me”.¹⁵
35. There is also additional intercept evidence where H.T. and Xh.T. discuss the share of profits and the quantity and packaging of the shipment:
- A.T.: one third (1/3) will be taken from us by him and two thirds (2/3) will be in our possession
...I was with H.T., I spoke with Uncle as well yesterday; 2000 as they were but also we had to pay 300 till there, do you understand me?
...I told to G.G. 1/3 will be taken from them, to us will be paid 2000, and from 2000 we have to pay 300 for the ticket, do you understand me? [meaning 300 for the courier]
- Xh.T.: Yes
-
- A.T.: do you remember that we tried to make our ‘tricks’ not 60 but 65...what I had, I had together with H.T. and we had those in your presence...
...I was missing them, but we have told him in the beginning, packing issues and stuff, do you understand me?
- Xh.T.: end this conversation¹⁶
36. Interception evidence obtained by the Albanian Police who tapped G.G.’s phone shows that G.G. was overseeing the process of cutting and preparing the drugs for the new shipment. Most striking are the interceptions highlighted in the Report from the

¹⁴ Interception Binder XI, 21/11/2009 at 13:14:41, pp.268-273, 271

¹⁵ Interception Binder XI, 21/11/2009 at 13:26:03, pp.274-277, 276

¹⁶ Interception Binder XI, 23/11/2009 at 19:26:50, (pp.281-283)

Office of the High Prosecution for Serious Crimes of the Republic of Albania titled ‘sequestration of 100kg of cannabis sativa on 25.11.2009:

37. On 24th November 2009 at 06:00:08 PM, G.G. sent an SMS to the associate with [Tel. no.] instructing him to “make 10 more”.
38. On 24th November 2009 at 08:36:36 PM, G.G. sent an SMS to the associate with [Tel. no.] stating “we will land tomorrow morning”, meaning that the shipment to Kosovo was scheduled for 25th November 2009.
39. On 25th November 2009 at 09:07:53 AM, G.G. sent an SMS to the associate with [Tel. no.] asking him “How did you made [make]?” referring to the compression of narcotic substances. This is followed by another message at 09:09:56 AM to the same associate to see if they had compressed the drugs with the compressor or by hand, saying “by the ‘va’ or by hand?”. The associate replied at 09:10:34, telling G.G. that “I did it by hands”, meaning that he had pressed the drugs by hand.
40. This is corroborated by the expert analysis which shows that the drugs had been packaged manually.
41. Interception evidence obtained in Albania, as corroborated by surveillance evidence of the Albanian Police at the scene, reveals the events of 25th November 2009 in which the members of the group in Albania attempted to transport 109 kg of cannabis to Kosovo pursuant to the deal between Xh.T., H.T., A.T., S.T. and G.G.. The Albanian Police were intercepting the phone of G.G. and had both G.G. and “M.” under surveillance. They were able to catch Xh.T.’s meetings with them as well as his calls made to them.
42. The most relevant intercept evidence is again that highlighted in the Report from the Office of the High Prosecution for Serious Crimes of the Republic of Albania. The Court additionally notes the Kosovo Police Report dated 01.03.2010 titled “Report about transcripts of interception from CDs from Albania 17.11.2009 till 25.11.2009”.¹⁷

25.11.2009 at 8:59:02 AM

“M.” on [Tel. no.] called G.G. to ask if he had started. G.G. said that now he is “getting on”. “M.” told him not to be late. “M.” and “Il.” were in Gjirokaster.

25.11.2009 at 9:46:22 AM

¹⁷ Police Binder V, section 10

K.T., S.T.'s son using [Tel. no.] sent an SMS message to G.G. as follows: "how long it will take to come?"

25.11.2009 at 10:58:51 AM

The person using [Tel. no.] called G.G. and asked what was happening. G.G. stated "I am on the way to you".

25.11.2009 at 1:47:22 PM

G.G. called the person using [Tel. no.] and asked where he is. The respondent answered "I am here close to the water coming to the car, are you coming there?" G.G. stated "I am on the way". The respondent replied "I am at the place before you go to the bridge, before you reach the cold water, on the right side of the vehicles at the Luzat".

25.11.2009 at 1:57.35 PM

G.G. called the person using the telephone [Tel. no.] again to ask where he is. The respondent stated that he was "at the water". G.G. asked if he is stopped at the water. The person replied that he is "getting closer to the cold water. We are not with the car we are with the van at Luzat where the table is written on the right side there is an auto service and you stop there to pick me up". G.G. said "I don't want to come since I have to stop in Tepelena you have to come and pick me up there".

25.11.2009 at 6.31.35 PM

The person using [Tel. no.] called G.G. G.G. said that he is "together with that friend", referring to "M.". The respondent asked if they were "up or down". G.G. stated that he was "getting closer". At the same time, "M." spoke to another person using the [Tel. no.] who told him that he was in Peja.

25.11.2009 at 8.57.42 PM

G.G. called the [Tel. no.]. The respondent stated "we are far away from the car". G.G. replied "get closer and look". Later, G.G. said "come over, I am passing by". The user of [Tel. no.] is suspected to be one of the two persons who were transporting the drugs in the car subsequently found by the Albanian Police.

43. This sequence of events is corroborated by the report of the Albanian Police surveillance team¹⁸ who on 25th November 2009 observed G.G., "M.", "Il." and three other persons meeting in the Albanian town of Fier, at the hotel "Europa". They arrived at the hotel in three separate cars: (i) a grey BMW car with [registration no.] in which "M." and G.G. arrived; (ii) a blue Ford Mondeo with a portable trunk with

¹⁸ ILA Binder XXIV, pp. 1950-1952

[registration no.] in which “Il.” arrived with two persons aged 25-30 years old; and (iii) a grey Mercedes Benz with [registration no.].

44. Following the meeting, the surveillance team witnessed “M.” leaving in the BMW car in the direction of Fier, while the other five persons left towards Tirana in the other two cars with [registration no.] and [registration no.]: G.G., “Il.” and another person “Lu.” were in the Ford Mondeo with [registration no.] and another two persons, suspected to be G.T. and D.M. or “B.” from the Republic of Albania, were in the Mercedes Benz with [registration no.]. The vehicles travelled at a distance of 2-3 km between them. The Albanian police stopped the two vehicles. No drugs were found in the vehicle in which G.G. and “Il.” travelled. The second vehicle avoided the checkpoint and the two passengers abandoned the car and successfully escaped. The Albanian police found several packages containing a substance in the abandoned Mercedes Benz.¹⁹
45. The forensic examination reports from the Criminalistics Laboratory in Albania dated 8th December 2009, 21st June 2010 and 6th July 2010 prove that the confiscated substance was in fact 109 Kg of cannabis sativa²⁰.
46. That shipment of cannabis was on its way to Kosovo as a result of the arrangements made by the organised criminal group.

Conclusion

47. It is clear from the evidence that a shipment of narcotic drugs was purchased and distributed in November 2009 by an organised criminal group. It is clear that the shipment was of 109kg of cannabis. It is also clear that the defendant was involved in this serious crime.

B. OVERVIEW OF FURTHER EVIDENCE IN SUPPORT OF ORGANISED CRIME – COUNT 3 (Count 2 on the amended Indictment)

48. The defendant in this case has been convicted of one count of organised crime.
49. The Prosecution has demonstrated the existence of a structured group of well above 3 persons that has existed from at least 2009 to present and acts in common agreement to commit drug crimes for their own and others material benefit.

¹⁹ Minutes on the inspection of vehicle Mercedes Benz [registration no.], ILA Binder XXIV, pp. 1975-1980; and Report on seizure of items by Albanian Police, pp.1981-1982.

²⁰ ILA Binder XXIV, section 6, pp. 1992-1997

50. The evidence related earlier about the planning of drugs shipments and the September and November 2009 shipments also stands as proof of organised crime.

(i) Structure of the group: cross-border connections

51. S.T. is a member of this criminal group, which comprised Xh.T., A.K., G.G., G.I., H.T., A.T. and others. He was involved, as described above, in the purchase, possession, distribution and sale of narcotic drugs. He was in regular contact with members of the group in Kosovo, Albania and the Netherlands.

52. Xh.T. has a key role in co-ordinating the implementation of the group's criminal activities. To that end, he frequently communicated or met numerous accomplices in Kosovo (A.K., "Bes.", "Ku.", B.B., "Sh.", "Gr." and B.T.), in Albania (G.G., S.T. and "M."), in The Netherlands (H.T., "A.T." and Z.T.), Germany, Italy and Switzerland ("Ad." and others). I

53. A.K. acts mainly with Xh.T. and according to the orders from Xh.T. Concerning the September shipment A.K.'s role was to arrange and supervise the courier who transported the drugs Switzerland. Xh.T. had overall supervisory control the operation. A.K. and Xh.T. contacted each other daily on phone and also met each other regularly.

54. G.I. is also a member of the group involved in transporting, delivering and distributing narcotic drugs with the intent that they shall be distributed, sold or offered for sale. G.I. works for the group members in Albania and his role is to act as a courier of the drugs from Albania to Kosovo.

(ii) Modalities of committing the offence of drug trafficking

55. The criminal group uses vehicles including cars, buses and trucks to commit the criminal offence of drug trafficking. Each drug shipment is wrapped in packaging in a hidden compartment of the vehicle (trucks), or in the fuel tank or beneath the back seat of the cars.

56. This can be seen from the way in which the group transported the November 2009. Namely, the 109kg of cannabis sativa was found by the Albanian Police in a compartment in the abandoned Mercedes Benz with [registration no.] in 102 packets. This shipment was on its way to Xh.T. in Kosovo.

(iii)Material benefit

57. Evidence before the Court unquestionably shows that financial and other material benefits were made by members of the criminal group, including Xh.T. and A.K. and other members in Kosovo, The Netherlands and Switzerland, and S.T. and G.G. in Albania.
58. First, numerous conversations between members of the organised group which were lawfully intercepted by the Kosovo Police and the authorities of the Republic of Albania consist of financial discussions relating to the purchase of narcotics and the profit made there from. For example, on 29th December 2009, Xh.T. informed his associate that he had now bought his restaurant in full.²¹
59. Similarly, in the immediate aftermath of the September 2009 shipment, H.T. told Xh.T. that he had been given or bought a large apartment in France. It is clear that this apartment was the reward for previous drug shipments and sales as they continued to discuss future deliveries:
H.T.: ...on Monday he will send two deliveries for his own 400 pieces
Xh.T.: I know, do not talk
H.T.: Everything is going according to the plan...
...
Xh.T.: I will be tomorrow on that side but call me with IPKO, do not call me on this one²²
60. At this point, it is important to recall the conversations where H.T. told Xh.T. that their profit from the September 2009 shipment was 86,000 euro.²³
61. On 24th October 2009 Xh.T. told another associate that he had “bought land in Prizren for 80.000 euro”.²⁴ This land was clearly purchased using money obtained from distributing drugs.
62. As regards the shipment of November 2009, the Albanian Police lawfully intercepted financial discussions between G.G. in Albania with H.T. and A.T. in The Netherlands and Xh.T. in Kosovo. For example, on 18th November 2009, G.G. received an SMS message from an unknown associate regarding transporting the narcotics from Albania to Kosovo asking “G.G., when [do] you want to cross? Do you have 2900 Euro? I need them for the ‘winners’”. In this message, “winners” is the coded word used to describe the narcotics. Again, at 13:00:08 on 19th November 2010, G.G. asked Xh.T. to complete a job for him regarding a “donkey” concerning “15 or 20 thousand”. As noted above, “donkey” is a code for the truck or courier transporting

²¹ Interception Binder VIII, 29/12/2009 at 17:58:10, p.2010

²² Interception Binder VIII, 18/09/2009 at 23:30:19, p.2024

²³ Interception Binder VIII, 13/09/2009 at 14:01:06, pp.1976-1977

²⁴ Interception Binder IX, 24/10/2009 at 18:43:19, p.2203

the drugs. Xh.T. organised the transportation for the corresponding shipment in November 2009. I refer the Court to Kosovo Police Report dated 01.03.2010 titled "Report about transcripts of interception from CDs from Albania 17.11.2009 till 25.11.2009.

63. The Prosecutor further relies on the Expert Report from the Financial Investigation Section of Kosovo Police Department for Organised Crime dated 17th December 2010. The information illustrates a number of suspicion transactions which it is submitted involve the deposit and transfer of the proceeds of the supply and distribution of narcotics during the relevant time periods.

A.K.

64. During the search of A.K.'s house in "K. Village" on 27th May 2010, the Police found and confiscated thirteen (13,000) Euros comprising twenty-six (26) bills each to the value of five-hundred (500) Euros. This money can only credibly be explained as the profit from distributing drugs for the group. This assertion is supported by the interception evidence.

S.T.

65. As proven by an intercepted phone call of 5 August 2009 at 16:07:35, S.T. received the sum of € 4500 from H.T. and A.T.. He therefore received a material benefit.

Conclusion

66. It is clear that there was an organised criminal group operating between 24th July 2009 and 25th of November 2009 which committed a serious crime, namely unauthorised purchase, possession, distribution and sales of dangerous narcotic drugs. Further, it is clear that the members of the group included Xh.T., A.K., G.G., G.I. A.T. and H.T. The defendant was an active participant in this group. This conclusion is based on the totality of the evidence, and in particular the evidence that he was in repeated contact with the other members, discussing the shipment of drugs and payments for those shipments. Also to be taken into account is the surveillance evidence, showing him to be having meetings with these other members of the criminal group.

DESCRIPTION OF THE VERDICT dated 18 March 2013 against A.K. and Xh.T.

67. In a Judgment given by the Basic Court of Pristina in case PPkr 22/13 against A.K. and Xh.T. on 18 March 2013, the trial panel (EULEX Judge Dean PINELES

presiding) found the defendant A.K. guilty of the unauthorised purchase, possession, distribution and sale of dangerous narcotic drugs in violation of Article 229, paragraphs 2 and 4, subparagraph 1 of the PCCK and the defendant Xh.T. guilty of the unauthorised purchase, possession, distribution and sale of dangerous narcotic drugs in violation of Article 229, paragraphs 2 and 4, subparagraph 1 of the PCCK, and guilty of one count of organised crime in violation of Article 274, paragraph 2 of the PCCK.

68. That case arose out of the facts that were also going to be considered in this case. In case PPkr nr 22/13 the defendants referred to above pleaded guilty on foot of amended indictments in which, as in Mr. S.T.'s case, one count was withdrawn against both of the defendants under Article 389, paragraph 1 of the KCCP. In case PKrnr 22/13, defendant A.K. was sentenced to three (3) years imprisonment and defendant Xh.T. was sentenced to an aggregated term of five (5) years and six (6) months imprisonment.

Determination of the Punishment

While determining the punishment for the accused the court has been obliged to evaluate all factors, pursuant to Article 64 Paragraph (1) of the PCCK.

Pursuant to Article 66 paragraph 2 of the PCCK as mitigating factors the trial panel took into consideration that:

The plea of guilty offered by the accused;

The age and ill-health of the accused;

The fact the accused has no previous convictions.

It was the duty of the court to credit the periods of time that the accused spent in detention on remand into the terms of imprisonment which were imposed.

The Court considered, taking into account the factors in this case that a sentence of two years and six months imprisonment should be imposed in relation to the remaining narcotics count on the indictment, in accordance with Article 38, paragraphs 1 and 2 of the PCCK.

Article 229, paragraph 4 contemplates a term of imprisonment of between three (3) and fifteen (15) years imprisonment. This punishment may be mitigated in accordance with Article 66, paragraph 2 of the PCCK, and in particular the provisions of Article 67, paragraph 1, sub-paragraph 2 which refer to the possibility of mitigating down to a year's imprisonment if an offence carries a minimum term of imprisonment of three years; in this case, the trial panel, in giving what it Be.eves to be appropriate weight to all relevant factors has reached the penalty recited above.

The trial panel also note that Article 229, paragraph 4 states that "*the perpetrator shall be punished by a fine...*", and accordingly, in accordance with the provisions of Article 38,

paragraphs 1 and 2 the Trial panel impose a fine of €400 and grant the defendant two (2) months to pay the fine levied.

The Court has further considered, taking into account all of the circumstances of the case, that a term of imprisonment of three (3) years and eleven (11) months imprisonment should be imposed on the organised crime count in the indictment, in accordance with the provisions of Article 38, paragraphs 1 and 2 of the PCCK.

In calculation of the sentence, the Trial panel determined to utilise the rules on the application of mitigation of punishment in accordance with Article 66 paragraph 2 of the PCCK, specifically, a punishment may be imposed below the limit provided for by Article 274 paragraph 2, which states that the offence shall be punished with a term of imprisonment of at least five years. The Court also notes in particular the provisions of Article 67, paragraph 1, sub-paragraph 2 which refer to the possibility of mitigating down to a year's imprisonment if an offence carries a minimum term of imprisonment of three years.

Thereafter the Trial Panel is obliged to consider the provisions of Article 71, paragraph 2, sub-paragraph 2 of the PCCK, which states *“If the court has pronounced a punishment of imprisonment for each criminal offence, the aggregate punishment must be higher than each individual punishment but the aggregate punishment may not be as high as the sum of all prescribed punishments nor may it exceed a period of twenty years”*. The Court notes that the requirement to aggregate sentences is a mandatory one, subject to the parameters set out above and determines that, in all of the circumstances of the case, the appropriate aggregated penalty is one of four (4) years imprisonment.

The accused has been in custody since 01 July 2011 and in accordance with the provisions of Article 73 paragraph 1 of the PCCK and Article 393, paragraph 1, sub-paragraph (5) of the KCCP, the time spent in detention from 01 July 2011 shall be credited towards the sentence.

In determining the applicable penalty the Trial Panel note the provisions of Article 3, paragraph 2 of the Criminal Code of the Republic of Kosovo (Law 04/L-082 dated 20 April 2012)(hereinafter referred to as the “CCK”) which states, in an Article headed “Application of most favourable law” at paragraph 2 that *“in the event of a change in the law applicable to a given case prior to a final decision, the law most favourable to the perpetrator shall apply”*. The Trial panel has considered this provision and determined that the CCK does not confer any advantage on the accused vis-a-vis the sentencing provisions on the narcotics count or the organised crime count.

CONFISCATION

The Trial Panel has also determined that, in accordance with the provisions of Article 54, paragraph 2, sub-paragraph 7, and Article 60, paragraph 1, of the PCCK that the telephone used by the accused was the subject of an application for confiscation by the prosecutor on the basis that the telephone assisted in the commission of the offences to

which Mr. S.T. pleaded guilty. In circumstances where a very substantial portion of the evidence in this case involved telephone intercepts and the group engaged in significant contact, the trial panel has no hesitation in directing the confiscation of the telephone owned by Mr. S.T. with the following identifiers:

- 1. Nokia mobile telephone, black, model 1280, belonging to S.T.: with the IMEI number 355926/04/360261/1*

COSTS

Pursuant to Article 102, paragraph 4 of the KCCP the accused is hereby entirely relieved from liability for the costs of the criminal proceedings herein which shall be paid from the budgetary resources.

Dated this 13th day of March 2014 at Prishtine/Pristina

Presiding Judge

Mariola PASNIK

Panel Member

Suzana CERKINI

Panel Member

Marie TUMA

Court Recorder

David HEGARTY

LEGAL REMEDY:

Pursuant to Article 398 paragraph 1 of the KCCP authorized persons may file an appeal in written form against this judgment through the Basic Court of Prishtine/Pristina to the Supreme Court of Kosovo, within fifteen days from the date the copy of the judgment has been served.

ANNEX 1

EVIDENCE ATTACHED TO COURT FILE *ex-officio* BY THE COURT

1. VERDICT P. Kr. Nr. 22/13 delivered on 18 March 2013 against A.K. and Xh.T.;
Basic Court of Prishtina; Judge Pineles Presiding

ANNEX 2

EVIDENCE RELIED UPON BY THE PROSECUTION

MATERIALS FROM REPUBLIC OF ALBANIA

1. **Police report on the operation dated 26, 28, 29 and 30.09.2009**
BINDER XXVI pp. 2359-2361 (inc. attached video and pictures labelled “CD3”) [English], pp. 2461-2466 [Albanian]
2. **Police service report from Albania of 1, 2, 3 and 5.10.2009**
BINDER XXVI pp. 2373-2378 [English], pp. 2467-2472 [Albanian]
3. **Police officer report regarding 25.11.2009**
BINDER XXIV pp. 1644-1645 [English], pp. 1637-1639 [Albanian]
4. **Police officer report regarding 16 and 22.10.2009**
BINDER XXIV pp. 1649-1650 [English]
5. **Police officer report regarding 7, 8 and 9.10.2009**
BINDER XXIV, section 3, pp.1650 – 1653 [English], BINDER XXVI, Section 3 [Albanian]
6. **Minutes on the inspection of vehicle Mercedes Benz [registration no.]**
BINDER XXIV, section 6, pp. 1975-1980 [English], S.T. BINDER I, pp. 271-281 [Albanian]
7. **Report on seizure of items by Albanian Police**
BINDER XXIV, section 6, pp.1981-1982 [English], pp. 1922-1923 [Albanian]

8. **Analysis of the Forensic Expert of the Republic of Albania on the substances found upon confiscation**
S.T. BINDER I, pp. 247-252 [English], BINDER XXIV, section 6, pp. 1992-1997 [Albanian]
9. **Report from Republic of Albania regarding confiscation of the truck (of S.T.) dated 30.11.2010 (including photographs labelled “CD 5”)**
BINDER XXVI, section 10 [Albanian]

MATERIALS FROM KOSOVO

10. **Kosovo Police Surveillance Report of 5.08.2009, 2 to 5.09.2009 and 19.11.2009**
POLICE BINDER V, section 12, pp. 1751-1757 [English], pp.1744-1750 [Albanian]
11. **Kosovo Police Surveillance Report of 3, 4, 5 September 2009**
POLICE BINDER V, section 12, pp. 2578-2583 [English]
12. **Supplement to Surveillance Report dated 24.05.2010 with photographs**
POLICE BINDER VI, section 3 and photographs labelled “CD1” and “CD2”
pp. 1798 [Albanian]
13. **Kosovo Police Report dated 3 March 2010: final interception report on results and analysis –‘summary of suspects’**
BINDER V, Section 11, pp. 1654-1701 [English], pp.1702-1743 [Albanian]
14. **Kosovo Police Report dated 16 June 2010 (Ref: 2008-XZ-039) re: financial investigation.**
BINDER VI, Section 7, pp. 2035-2038 [English], pp. 2039-2042 [Albanian],
pp. 2043-2088
15. **Kosovo Police Report on Results of Financial Investigation dated 17th December 2010**

BINDER IX

- 16. Kosovo Police Search Report of Xh.T.'s house dated 27.5.2010
POLICE BINDER VI, volume 6, section 3, pp. 1804-1886 (with photos)**
- 17. Debtors' agreement, seized during house search of Xh.T. on 27.5.2010
POLICE BINDER VI, volume 6, section 3, pp. 1808-1812**
- 18. Kosovo Police Search Report of A.K.'s house dated 27.5.2010
POLICE BINDER VI, volume 6, pp. 1968-2010**
- 19. Kosovo Police Supplementary Report dated 31.5.2010 (2008-XZ-039)
POLICE BINDER VI, volume 6, section 4, pp.1927-1928**
- 20. Report on forensic examination (Ref: 2008-XZ-039) of the items found
during the house search of A.K. and Xh.T.**
- 21. Kosovo Customs report on G.I. dated 4th December 2010**
- 22. Kosovo Regional Border Police report on G.I. dated 4th December 2010**
- 23. Order from Senior Police Officer K.G. on G.I. dated 30th November**
- 24. Kosovo Police Report about transcripts of interception from CDs from
Albania, 17.11.2009 – 25.11.2009, dated 1st March 2010
BINDER V, section 10, pp. 1594-1653 [English], pp. 1598-1653 [Albanian],**
- 25. All transcripts in Main Interception Binder (with enclosed CD of
interceptions)
BINDER XI**
- 26. Results of forensic analysis of SIM card of S.T.**
- 27. Expert report on Voice Analysis titled Speech and Audio Analysis by
Forensic Scientist T.N. of the Forensic Laboratory of the National Bureau of
Investigation of Finland, dated 12.1.2012 with CD of recordings sent for**

**analysis including intercepts and the recording of the defendant's hearing of
9 August 2011**

**28. Statements of S.T. to the Prosecutor dated 2 August 2011, 9 August 2011 and
6 March 2014**

MAIN TELEPHONE INTERCEPTIONS

LIST OF PHONE NUMBERS AND USERS

Xh.T.

[Tel.no.] Kosovo

[Tel.no.] Kosovo

[Tel.no.] Albania

[Tel.no.] Albania

[Tel.no.] the Netherlands

[Tel.no.] the Netherlands

[Tel.no.] the Netherlands

[Tel.no.] the Netherlands

[Tel.no.] Kosovo

Evidence establishing ownership: - Admission of Xh.T. in hearings with prosecutor, subscriber information from IPKO and VALA, KP Database, ILA documentation from Albania and voice recordings, name used during intercepted calls, Judgment of 4.7.2011.

A.K.

[Tel.no.]

Evidence establishing ownership: - Admission of A.K. in hearings with prosecutor, subscriber information from VALA, KP Database, name used during intercepted calls.

S.T.

[Tel.no.]

[Tel.no.]

Evidence establishing ownership:- Part admission of defendant in hearings with prosecutor, response from Albania, interrogation of co-accused Xh.T., name or other identifying term used during intercepted calls e.g. “Uncle Sl.” or “Baca Sl.”, voice expertise.

G.G.

[Tel.no.]

[Tel.no.]

Evidence establishing ownership: - ILA documentation from Albania, voice recordings, interrogation of Xh.T.

G.I.

[Tel.no.]

Evidence establishing ownership: - Part admission of G.I. in hearing with prosecutor & testifying at trial– excuse that he had lent it to an unidentified third party not found credible by trial panel, voice recordings, related intercepted SMS received by associate.

B.T.

[Tel.no.]

Evidence establishing ownership: - Name and other identifying terms used during intercepted calls and SMS ‘Uncle Be.’ etc, related transcripts, metering results.

H.T.

[Tel.no.]

[Tel.no.]

[Tel.no.]

[Tel.no.]

[Tel.no.] (shared line with A.T.)

Evidence establishing ownership: - Record of interrogation of Xh.T., name and other identifying terms used during intercepted calls and SMS, related transcripts.

A.T.

[Tel.no.]

Evidence establishing ownership: - Record of interrogations of Xh.T. and A.K., name and other identifying terms used during intercepted calls and SMS, related transcripts.

Z.T.

[Tel. no.]

Evidence establishing ownership: - Name and other identifying terms used during intercepted calls and SMS, related transcripts, KP database.

“M.”

[Tel. no.]

Evidence establishing ownership: - name and other identifying terms used during intercepted calls and SMS, ILA documentation from Albania.

“H.”

[Tel. no.]

Evidence establishing ownership: - name and other identifying terms used during intercepted calls and SMS, ILA documentation from Albania.

KOSOVO INTERCEPTS

(1) **21.04.2009 at 11:49:40** [Tel. no.] A.K. SMS to [Tel. no.] (Xh.T.) (*Interception Binder III, page 712*)

A.K. asked Xh.T. to send him money to do their business

(2) **28.04.2009 at 15:24:27** [Tel. no.] A.K. SMS to [Tel. no.] (Xh.T.) (*Interception Binder III, page 778*)

Xh.T. and A.K. discuss finding a “car”, suspected to be a courier.

(3) **03.06.2009 at 18:59:35** [Tel. no.] A.K. SMS from [Tel. no.] (Xh.T.) (*Interception Binder III, page 742*)

A.K. asked Xh.T. to send him money to do their business

(4) **04.06.2009 at 22:42:52** [Tel. no.] A.K. SMS to [Tel. no.] (Xh.T.) (*Interception Binder III, page 758*),

A.K. and Xh.T. discuss shipment route.

(5) **04.06.2009 at 22:48:27** [Tel. no.] A.K. SMS from [Tel. no.] (Xh.T.) (*Interception Binder III, page 759*),

A.K. and Xh.T. discuss shipment route.

(6) **04.06.2009 at 22:49:08** [Tel. no.] A.K. SMS to [Tel. no.] (Xh.T.) (*Interception Binder III, page 760*),

A.K. and Xh.T. discuss shipment route.

(7) **04.06.2009 at 22:50:59** [Tel. no.] A.K. SMS from [Tel. no.] (Xh.T.) (*Interception Binder III, page 761*),

A.K. and Xh.T. discuss shipment route – Montenegro

(8) **27.07.2009 at 14:42:58** [Tel. no.] Xh.T. called by [Tel. no.] (S.T.) (*Interception Binder XI, pp. 18-19*))

Xh.T. had a phone conversation with S.T. where Xh.T. asked whether he had departed – that “we are on this side”. S.T. replied “any time you wish”. Xh.T. stated that he is ready, anytime he would like he might come because “I might go for 2-3 days in Slovenia”.

(9) **27.07.2009 at 16:29:58** [Tel. no.] Xh.T. called by [Tel. no.] (S.T.) (*Interception Binder IV, p.1058*))

Xh.T. had conversation with S.T. Xh.T. asked S.T. “when are you going to come?” S.T. replied “when you will tell me”. Xh.T. said “I am ready; anytime you want you might come”. S.T. answered by saying that he might come tomorrow.

(10) **27.07.2009 at 20:03:34** [Tel. no.] Xh.T. called by [Tel. no.] (H.T.)
(*Interception Binder XI, pp. 26-33*).

H.T. from The Netherlands called Xh.T. to discuss a person named G.G. from Albania. H.T. had spoken to G.G. regarding a narcotic shipment, but H.T. told Xh.T. that the delivery “cannot be done before September because those boys will not be back till then”. During this conversation, they mentioned a person with the nickname “i Vogli” then Bosnjak, ‘Gi.’, while discussing the price using the code 104. H.T. asked Xh.T. “what happened with those that we had purchased together?”. Xh.T. answered by saying that “it became phenomenal with those from Switzerland”. Then, Xh.T. mentioned S.T., whom he said he continuously paid.

(11) **28.07.2009 at 21:53:00** [Tel. no.] Xh.T. called by [Tel. no.]
(S.T.)

S.T. spoke to A.T. on Xh.T.’s phone where he threatened to sell the Scania truck in order to pay his son’s hospital bills. S.T.: “A.T. you have to straighten up with Xh.T. and with H.T. and G.G. so I can finish the job...otherwise I have the car, I will sell the car and pay back your debt...”).

This conversation links S.T. to the enterprise with Xh.T., H.T. and A.T. concerning the transportation of drugs in the Scania truck.

(12) **28.07.2009 at 21:58:26** [Tel. no.] (A.T. using Xh.T. Xhaqi’s phone) called by [Tel. no.] (S.T.) (*Interception Binder XI, pp.41-43*).

S.T. used Xh.T.’s phone to talk to A.T. who is located in The Netherlands. S.T. asked him for 10 thousand Euros which A.T. and H.T. owed to S.T. They also mentioned G.G. and K.T., S.T.’s son. S.T. threatened to sell the truck in order to pay his son’s hospital bills. S.T.: “A.T. you have to straighten up with Xh.T. and with H.T. and G.G. so I can finish the job...otherwise I have the car, I will sell the car and pay back your debt...”).

(Interception Binder XI, 28/07/2009 at 21:58:26, pp.41-43).

It is asserted that the money owed to the defendant S.T. was for his share in drug transportation, particularly for supplying the Scania truck used for that purpose.

(13) **28.07.2009 at 22:07:38** [Tel. no.] (A.T. using Xh.T.’s phone)
Called by [Tel. no.] (“Bo.”) (*Interception Binder XI, pp.44-46*)

A.T. and Xh.T. discuss the money that they owe to S.T.. Xh.T. said that S.T. “become nervous, he said that if you do not give to me the money, I will sell the truck”. According to this and subsequent conversations, the truck which is driven by S.T. was purchased jointly by Xh.T., H.T. and A.T. for the transportation of narcotics.

(14) **28.07.2009 at 22:10:35 [Tel. no.]** Xh.T. called by [Tel. no.]
("Bo.") (*Interception Binder XI, pp.47-52*)

Xh.T. and A.T. further discuss the money that they owe to S.T. who arranged the transportation of narcotics to The Netherlands. H.T. said "I have told "Sl." that I will help you with 10 thousand but we have not finish the business yet". In discussing how much lek [money] he had given to G.G., H.T. mentioned the amount of 28. Thereafter, A.T. noted Germany in relation to finishing the business.

(15) **28.07.2009 at 22:39:38 [Tel. no.]** Xh.T. called by [Tel. no.]
(*Interception Binder IV, page 1081*)

Xh.T. and H.T. discuss the money that they owe to S.T.. G.G. as well as the truck which S.T. said he would sell if they did not pay up.

"H.T.: Uncle "Sl." not there?"; Xh.T.: "no, he just left"

(16) **29.07.2009 at 11:35:40 [Tel. no.]** Xh.T. called by [Tel. no.]
(H.T.) (*Interception Binder XI, pp.55-57*)

Xh.T. spoke to H.T. on the [Tel. No.]. H.T. asked Xh.T. to give him the number for S.T. in Albania. Xh.T. gave him [Tel. no.] which is used by S.T. H.T. suggested that Xh.T. go to KU city in Macedonia [Kumanova] and to talk to another associate regarding the transportation of the drugs. H.T. stated that "his price is fixed 10 thousand Euros even in big deliveries of the transportation, but I will pay to him more, till 20 thousand for delivery".

(17) **29.07.2009 at 11:55:16 [Tel. no.]** Xh.T. called by [Tel. No.]
(H.T.)

(18) **29.07.2009 at 19:36:06 [Tel. no.]** Xh.T. called by [Tel. no.]
(S.T.) (*Interception Binder XI, pp.58-60*)

S.T. called Xh.T.. They discussed the delivery that S.T. wishes to transport into Kosovo to Xh.T. S.T. tells Xh.T. not to inform anyone and to avoid G.G..

(19) **03.08.2009 at 17:52:08 [Tel. no.]** Xh.T. called by [Tel. no.]
(*Interception Binder XI, pp.63-64*)

Xh.T. spoke to G.G. on the phone who told him "Uncle, Uncle will come tomorrow at you because he has a little business [for] you". Xh.T. said "why, he did not like it?" UMP

stated “yes, he had worked [up] a little at you”. Xh.T. replied “tomorrow I will be in Macedonia, so tell to Uncle to come [the] day after tomorrow”.

(20) **03.08.2009 at 17:59:57 [Tel. no.]** Xh.T. called by [Tel. no.](A.K.) *Interception Binder XI, pp.64-65)*

A.K. to Xh.T.: “I have to send the car to A.T.”).

(21) **03.08.2009 at 19:25:27 [Tel. no.]** Xh.T. calling [Tel. no.](A.K.) *(Interception Binder XI, p.66)*

Xh.T. spoke to A.K., asking him “are you together?” A.K. said “we are together and we are coming to you”. Xh.T. told A.K. “say that for one week I am going to find some 50.000 euro for some 5-6 days all money in cash, ok, ok”.

(22) **03.08.2009 at 21:37:53 [Tel. no.]** Xh.T. called by [Tel. no.] (S.T.) *(Interception Binder XI, pp.77-78)*

S.T. told Xh.T. that he was “ordered to come again at you with vehicles, I have just passed the border and I am on the way to Prizren, I will sleep somewhere in the vehicle and tomorrow at 8 o clock I will make a phone call to you and we will go there”. Xh.T. replied that “now is late to come to us because we cannot enter”. S.T. said “no, because I will come tomorrow”.

(23) **04.08.2009 at 21:41:11 [Tel. no.]** Xh.T. called by [Tel. no.] (“Sa.”) *(Interception Binder XI, (pp.69-76, 75)*

Xh.T. says: “I was in Netherlands for 3 months”

(24) **05.08.2009 at 12:37:32 [Tel. no.]** Xh.T. calling [Tel. no.] (G.G.) *(Interception Binder XI, pp.77-78)*

Xh.T. told G.G. “I am here with Uncle “Sl.””, while G.G. replied “I am in Kukës and within 30 min. I will come to meet with Uncle because I have come for that issue to take it, he will come back with me”. Later G.G. tells Xh.T. to “take H.T. because he told me that “Go.” shall depart and I will give you [the] money”. Xh.T. told G.G. “when you come here we will talk”.

(25) **05.08.2009 at 14:48:43 [Tel. no.]** Xh.T. SMS to [Tel. no.] *(Interception Binder XI, p.79)*

Xh.T. sent a SMS on number [Tel. no.] with the content: “S.T. Amsterdam”, and then “Amsterdam Tirana”. This was a request for the recipient to purchase a ticket for S.T. to travel to The Netherlands.

(26) **05.08.2009 at 15:13:52 [Tel. no.]** Xh.T. called by [Tel. no.]
(H.T.) (*Interception Binder XI, pp.81-82*)

Xh.T. spoke to H.T. in The Netherlands. He told him “I am in Vermicë with G.G. and “Sl.” and asked for the number of an associate in Albania. H.T. gave him the [Tel. no.] (Z.T.).

The fact that this meeting took place is proven by the surveillance photographs and video of the Kosovo Police of 5th August 2009, in which Xh.T. is seen meeting G.G. at restaurant Iliria in Vermicë. The photographs of their meeting are labelled “CD 1”. I also refer the Court to the surveillance report, Police Binder VII, pp.2124-2125.

(27) **05.08.2009 at 16:07:35 [Tel. no.]** Xh.T. called by [Tel. No.]
(A.T.) (*Interception Binder XI, pp.84-86*)

Xh.T. spoke to A.T. on the phone [Tel. No.]. Xh.T. told A.T. “I am with “Sl.” and G.G.”. A.T. told Xh.T. “ok go to my place and take 4500 euro because I will give here, and he will give to you there”. S.T. then joined in the conversation, whereupon A.T. told him that “now one friend of H.T. will bring 4,500 euro”. S.T. said “ok”. This money is the debt which A.T., H.T., and Xh.T. owe S.T. for prior transportation of drugs.

(28) **05.08.2009 at 16:14:44 [Tel. no.]** Xh.T. called by [Tel. no.]
(Z.T.)

Z.T. calls Xh.T.. Xh.T. tells Z.T. “don’t take from him because I heard you did. I think he had it done”.

(29) **05.08.2009 at 16:16:24 [Tel. no.]** Xh.T. called by [Tel. no.]
(H.T.)

H.T. calls Xh.T. and tells him that now a friend of his (Uncle Hys) would call him and will bring “it” through someone. Xh.T. replies “good because they will leave in 1 hour you know that? “. H.T. tells Xh.T. “ok. As soon as he makes 4,500 he will give it to you”.

This is suspected to refer to profit from the sale of narcotics.

(30) **05.08.2009 at 17:30:40 [Tel. no.]** Xh.T. called by [Tel. no.]
 (“Da.”)

“Da.” calls Xh.T.. Xh.T. tells “Da.” “the conversation that you have regarding beyond ‘Shkive’...” “Da.” replies “yes I am ready, they are waiting for me. But I will come this week and we’ll talk”. Xh.T. discusses the price.

(31) **05.08.2009 at 18:13:04 [Tel. no.]** Xh.T. called by [Tel. No.]

Xh.T. informs another associate that “Uncle Sl.” says we finished the job”.

(32) **05.08.2009 at 22:20:35 [Tel. no.]** Xh.T. called by [Tel. No.]
 (“Go.”)

“Go.” tells Xh.T. that he would “send them another 4,500”. Xh.T. says “I have taken them up to the border”.

(33) **12.08.2009 at 21:32:32 [Tel. no.]** Xh.T. SMS to [Tel. no.]
 (V.G.) (*Interception Binder XI, p.103*)

Xh.T. sent an SMS message to his then girlfriend V.G., telling her “on Saturday [15.08.2009] I am going to Albania with Q.T. because we have business”.

(34) **12.08.2009 at 21:33:27 [Tel. no.]** Xh.T. SMS from [Tel. no.]
 (*Interception Binder IV, p.1187*)
 Associate: “100kg of meat I will finish the work”

(35) **17.08.2009 at 16:34:13 [Tel. no.]** Xh.T. SMS from [Tel. no.]
 (*Interception Binder IV, p.1247*)

Xh.T. received a message from another associate promising to bring him 70 thousand euro

(36) **20.08.2009 at 17:58:08 [Tel. no.]** A.K. sent SMS to [Tel. no.]
 (Xh.T.) (*Interception Binder VII, p.1785*)

A.K. advised Xh.T. to “call “Ad.” [Tel. no.]” in Switzerland. “Ad.” is suspected to be the dealer-intermediary of the criminal group in Switzerland. Xh.T. was directed to call him in order to seal the deal.

(37) **24.08.2009 at 22:00:53 [Tel. no.]** A.K. calling [Tel. no.]

Xh.T. sent an SMS message to an associate stating “Uncle tomorrow I am at you, mail to me some money because I am in bad position and we will speak about it because people are pressing on me”.

(38) **25.08.2009 at 15:27:46 [Tel. no.]** A.K. called by [Tel. no.]
 (“Ad.”) (*Interception Binder VII, pp.1790-1792*)

A.K. spoke to “Ad.” in Switzerland who uses [Tel. no.]. “Ad.” told A.K.: “I will send to you “Arb.”, you finish the job with him”. He mentioned the figure of “12 thousand euro” for “a vehicle”. A.K. offers to start arranging the delivery in return for 1,000.

These figures refer to the purchase and sale of narcotics. Thereby, A.K. arranged a narcotics delivery with "Ad." in Switzerland. Based on the price, the drug in concern is Heroin. Arben is the courier provided by "Ad."

(39) **28.08.2009 at 11:55:46 [Tel. no.]** Xh.T. called by [Tel. no.]

(40) **28.08.2009 at 12:46:12 [Tel. no.]** Xh.T. called by [Tel. no.]

(41) **28.08.2009 at 17:21:23 [Tel. no.]** Xh.T. called by [Tel. no.]

(42) **01.09.2009 at 12:01:09 [Tel. no.]** Xh.T. calling [Tel. no.]
(*Interception Binder XI, pp.109-110*).

Xh.T. asked his associate "would it be a problem if they were from Slovenia?" and upon assent, stated "I will go out to meet those men".

This conversation refers to the couriers.

(43) **01.09.2009 at 12:09:36 [Tel. no.]** Xh.T. called by unknown foreign number (*Interception Binder XI, p.111-113, 113*).

Xh.T. spoke to his associate in Italy informing him that he had "good news" but need money to "start the car" to Italy

(44) **01.09.2009 at 21:54:09 [Tel. no.]** Xh.T. called by [Tel. no.]
(G.G.) (*Interception Binder XI, pp.115-16*)

Xh.T. and G.G. discuss the final arrangements on the couriers, payment to the couriers, route and destination of the drugs shipment

Xh.T. tells him "that man can start off but only till the water [Italy] he request[ed] 1000 euro for Kg. And till the cross [Switzerland] he request[ed] 1700 for [the] car [Kg]". Xh.T. and the associate thereafter agreed to meet in Albania.

This call is interpreted to concern the cost of the courier. This fee is alleged to equate with the cost of transporting heroin.

(45) **02.09.2009 at 16:44:57 [Tel. no.]** Xh.T. calling [Tel. no.]
(V.G.) (*Interception Binder XI, pp.118-119*)

V.G., Xh.T.'s then girlfriend asked him "where are you?" Xh.T. replied saying "I am with Q.T. almost near the customs [at the border]".

(46) **02.09.2009 at 16:48:50 [Tel. no.]** Xh.T. calling [Tel. no.]
(G.G.) (*Interception Binder XI, p. 120*)

Xh.T. to G.G.: "I am coming towards you, with my guy, we are together". This "mine" refers to Q.T. G.G. replies "OK, I am at work".

(47) **02.09.2009 at 19:44:08 [Tel. no.]** A.K. calling [Tel. no.](Xh.T.) (*Interception Binder XI, pp.123-124*)

A.K. established contact with Xh.T. A.K. told Xh.T.: "While you are in Albania, look if you can call Astrit and meet with him". Xh.T. told A.K.: "Tomorrow you agree with him well at what time and how we can finish the job".

This was Xh.T. instructing A.K. to make the final arrangements for the couriers from Kosovo for onwards delivery of the shipment.

(48) **02.09.2009 at 21:19:50 [Tel. no.]** A.K. calling [Tel. no.](Xh.T.) (*Interception Binder XI, pp.129-130*)

A.K. spoke to Xh.T.. Xh.T. told A.K.: "Arrange the tasks well because these guys will come". A.K. told Xh.T. that he would like to change his vehicle and would like to leave on Friday. Xh.T. went to Albania in order to arrange a shipment of narcotic substances to Kosovo. The role of the A.K. was to organise and prepare couriers for further transportation of drugs into Switzerland and elsewhere. Xh.T. told A.K. to "be secured because these will come tomorrow to me and immediately it should be sent because it might not stay at me, you should have that in mind".

This conversation shows that A.K. arranged the couriers on the instruction of Xh.T..

(49) **03.09.2009 at 11:46:20 [Tel. no.]** A.K. called by [Tel. no.] ("F.") (*Interception Binder VII, p. 1906-1907*)

A.K. spoke to "F.". "F." asked A.K. if he has "completed the duty". A.K. answered by saying that he has "gone in Albania" and is waiting to hear from Xh.T. in regard to the delivery which is expected to arrive in Kosovo.

(50) **03.09.2009 at 12:58:51 and 13:01:35 (2 parts) [Tel. no.]** A.K. called by [Tel. no.] (*Interception Binder VII, p. 1903*)

Xh.T. sent an SMS message to A.K. stating "they are in Kukës, coming to me, you do everything you can because we cannot lie to them, understand me because the things might go bad, Uncle you speak good because I have really arranged the business, I will tell you when I come there".

(51) **04.09.2009 at 11:59:48 [Tel. no.]** Xh.T. called by [Tel. no.](A.K.) (*Interception Binder XI, pp. 152-153*)

A.K. to Xh.T.: “in half an hour I will get details [of] who he is...he does not dare to [come] yet”).

This conversation refers to the courier.

Intercepts around the same time show that Xh.T. became nervous and continuously pressed on A.K. to make certain that the couriers were ready.

(52) **04.09.2009 at 12:09:05 [Tel. no.]** Xh.T. SMS to [Tel. no.]
(*Interception Binder VII, p. 1204*)

Xh.T. sent an SMS message to an Albanian associate “Uncle, I cannot get you”.”

(53) **04.09.2009 at 15:34:13 [Tel. no.]** Xh.T. SMS to [Tel. no.]
(*Interception Binder XI, p. 156*)

Xh.T. sent a SMS message to the same number as before, with the content: “at 23:00 that friend will arrive, Uncle”.

(54) **04.09.2009 at 17:07:46 [Tel. no.]** Xh.T. SMS from [Tel. no.]
(*Interception Binder XI, p. 157*)

Xh.T. receives an SMS message from an Albanian associate, with the content: “At about eight o clock PM he is at your place”.

(55) **04.09.2009 at 20:33:57 [Tel. no.]** Xh.T. SMS to [Tel. no.]
(*Interception Binder VII, p. 1208*)

Xh.T. sent an SMS with the text: “Uncle, come over my place?”

(56) **04.09.2009 at 20:47:02 [Tel. no.]** Xh.T. calling [Tel. no.]
(S.T.) (*Interception Binder XI, p. 159-160*)

Xh.T. spoke on the phone to an Albanian associate who used [Tel. no.]. Xh.T. asked him if “those friends” are coming. He answered that “they are there, shall I tell them to come?” Xh.T. tells him to “tell them to come”. He asked him whether they should come “tonight or tomorrow in the morning, what is your opinion?” Xh.T. answered stating “it is OK for tomorrow morning at 8 because tonight they will be late”. He replied “OK, better tomorrow at about 8, but I do not remember the place where you told me, I know the village but I cannot remember the place”. Xh.T. told him that “restaurant “Albest” is

located on the road for Suhareka, they will see it". He said "yes, I will tell to them to be tomorrow there at 8". Xh.T. answers by saying "OK at 8-8:30 at any time they wish".

(57) **04.09.2009 at 21:01:42 [Tel. no.]** Xh.T. called by [Tel. no.] ("Sy.") (*Interception Binder XI, pp.161-162*)

An Albanian associate talks to Xh.T. discussing the courier from Albania to Kosovo. He stated "hey Uncle, he is there at you, but I will send the number through the SMS". Xh.T. said, "OK send it because I will call him on the phone".

(58) **04.09.2009 at 21:03:12 [Tel. no.]** Xh.T. called by [Tel. no.] (*Interception Binder XI, p.163*)

The Albanian associate sent the courier's number: the number 044 715 171 belongs to G.I.

(59) **04.09.2009 at 21:06:09 [Tel. no.]** Xh.T. calling [Tel. no.] (G.I.) (*Interception Binder XI, p.164*)

Xh.T. spoke to G.I. who uses the number 044 715 171. G.G. told Xh.T. "I am at [the] wedding shop, near restaurant "Albest"". Xh.T. told him to "wait because within 5 minutes I will be there".

(60) **04.09.2009 at 21:15:50 [Tel. no.]** Xh.T. calling [Tel. no.] (G.I.) (*Interception Binder XI, p.166*)

Xh.T. told G.I. to "stay there where you are because now is coming my boy to you, OK, OK".

(61) **04.09.2009 at 21:17:42 [Tel. no.]** Xh.T. called by [Tel. no.] ("Sy.") (*Interception Binder XI, pp.168-169*)

Xh.T. spoke to an Albanian associate on the telephone number [Tel. no.], asking "Uncle, listen to me, I met those guys, they have come to ask if they might bring, shall we come tonight for dinner or tomorrow in the morning, what shall I tell to this boys now?" He said to "tell them whenever they want, where, why". Xh.T. told him "I am telling you if in the morning at this place". He told him "anytime you want, you tell to them like this to agree for tomorrow".

(62) **05.09.2009 at 00:04:20 [Tel. no.]** Xh.T. calling [Tel. no.](A.K.) (*Interception Binder XI, pp.170-171*)

Xh.T. asked A.K. if "that one called him or not?" A.K. said "I am waiting because he will send an SMS, he has to because the time has come and at what time you will start off tomorrow?" Xh.T. stated "at about 8". A.K. said "OK, we will go for coffee and now you go". Xh.T. then told A.K. that "when I write you an SMS you write to me too and keep your phone open".

(63) **05.09.2009 at 09:08:37 [Tel. no.]** Xh.T. calling [Tel. no.](A.K.) (*Interception Binder XI, pp.174-175*)

Xh.T. told A.K. to “come and have coffee at the place where we mentioned earlier because I have to leave”.

[The agreed meeting place is the restaurant “Albest” as confirmed by the surveillance report made by Kosovo Police on that day.]

(64) **05.09.2009 at 09:16:10 [Tel. no.]** Xh.T. called by [Tel. no.] (*Interception Binder XI, p.176*).

Xh.T. received an SMS from an Albanian associate stating “MURGENTAHL near Arau”, a location in Switzerland,

(65) **05.09.2009 at 09:25:54 [Tel. no.]** Xh.T. calling [Tel. no.] (V.G.) (*Interception Binder XI, p.177*)

Xh.T. stated: “I have become very angry, they were supposed to come last night but they did not. Fuck them”.

(66) **05.09.2009 at 10:34:54 [Tel. no.]** Xh.T. called by [Tel. no.] (“Sy.”) (*Interception Binder XI, pp.179-180*)

Xh.T. Xh.T. called S.T. Xh.T. tells him “Somebody else met them because I didn’t want to meet them...they have had a real mess, my guys, because people went after them...[but] he is saying that they managed to run away...when they saw that they were being chased, they changed the direction.”

Xh.T. delegated the task of meeting the onwards couriers to other members of the criminal group in Kosovo under his control.

(67) **05.09.2009 at 11:37:29 [Tel. no.]** Xh.T. called by [Tel. no.] (G.G.) (*Interception Binder XI, p.186*)

Xh.T. to G.G. “: I asked the guys, they told me it is silent now...

...he left that WOMAN on the road, do you understand? [meaning the drugs]

... But in a safe place, do you understand?

...he dropped her there and left very quickly towards another direction, do you understand...

...it was real luck, and when you come this way...let’s hope there will be a good silence and nothing has happened later, do you understand”

Xh.T. informed his associate from Albania that the courier had thrown the drugs out of the car to be retrieved later.

(68) **05.09.2009 at 12:38:07 [Tel. no.]** Xh.T. called by [Tel. no.] (S.T.) (*Interception Binder XI, pp.190-191*)

Xh.T. informed his associate: "now the guys are going there...these are going to the scene"

Xh.T. sends his associates out to recover the package.

(69) **05.09.2009 at 12:55:38 [Tel. no.]** Xh.T. SMS from [Tel. no.] (*Interception Binder XI, 05/09/2009 at 12:55:38, p.192*)

V.G. sent a message to Xh.T.: "has your mother become better? Has she recovered?"

(70) **05.09.2009 at 12:56:33 [Tel. no.]** Xh.T. SMS to [Tel. no.] (V.G.) (*Interception Binder XI, p.193*).

Xh.T.'s response: "I am at the doctor's"

[NB: *In her Statement to the Prosecutor of 4th June 2010, the witness V.G. stated that on 5th September 2009, Xh.T. informed her that he and B.T. had incurred trouble with the police earlier in the day (p.10). The police had been following them in relation to the dealings in Albania (p.11). Following these events, V.G confirmed that Xh.T. asked her to talk in code in relation to his "mother" regarding the trouble with the police, if she insisted in getting in touch again (p.11). In this regard, she related the intercepted conversations on 5th September 2010 as in reality referring to the drugs deal that had gone wrong (p.11).*]

(71) **05.09.2009 at 13:46:24 [Tel. no.]** Xh.T. calling [Tel. no.] ("Be.") (*Interception Binder XI, pp.203-204*)

Xh.T. told Besim to "come quickly to these nephews because they need you quickly, quickly". Besim replied "I will not be late". Xh.T. told him "only 5 minutes then you will be back".

Besim is suspected to be a member of the group who checked on the drugs that were retrieved before they were transported to Switzerland as planned.

(72) **05.09.2009 at 14:00:17 [Tel. no.]** Xh.T. called by [Tel. no.] (*Interception Binder XI, pp.207-208*).

The Albanian associate informs Xh.T. Xhaqi that he will stop using his previous phone

(73) **05.09.2009 at 14:05:25 [Tel. no.]** Xh.T. calling [Tel. no.](A.K.) (*Interception Binder XI, pp.212-213*)

Xh.T. asked A.K. to buy him two new IPKO telephone numbers.

(74) **11.09.2009 at 14:01:06 [Tel. no.]** Xh.T. called by [Tel. no.] (H.T.) (*Interception Binder VIII, pp.1976-1977*)

H.T.: "he has finished the job and it means that the profit is 86,000 euro

Xh.T.: congratulations

H.T.: the main thing is as he said that those had not been measured well...I have lost two samples...now they will calculate, I do not know what ...they will take off and ...there a possibility that he will give to me on Monday 100,000 persons...

Xh.T.: No problem, tomorrow, day after tomorrow, I can immediately do the business for you...

H.T.: listen, for how much, 300 euro, 200 euro ...?

Xh.T.: 300 euro"

H.T. told Xh.T. that *"the guy from Drenica didn't turn back two pieces that I gave him for [a] sample"*.

"Kerart" from The Netherlands is also referred to.

They discussed the numbers "200-300" which refers to the weight (kilos) or price of the drugs.

This clearly demonstrates that a profit was made by the criminal group.

(75) **11.09.2009 at 19:04:56 [Tel. no.]** Xh.T. called by [Tel. no.] (H.T.) (*Interception Binder VIII, p.1979*).

H.T. called Xh.T., stating that "on Monday we will go and send him **100.000** or **150.000** and now we will see "K."s as well". Xh.T. said "yes, yes I know". H.T. said that "on Saturday he asked **200-100** for these fucking guys there and **100** for himself". Xh.T. replied "hold on a second, I will give you a ring and call me on that number".

This conversation is suspected to relate to the ratio of the division of profits.

(76) **11.09.2009 at 20:33:33 [IMEI number], [Tel. no.]** Xh.T. called by [Tel. no.] ("Sk.") (*Interception Binder VIII, p.1980*)

Xh.T. spoke to "Sk." who was in Switzerland on the number [Tel. no.]. Xh.T. asked him "how did you travel?" and asked him to "send some money since they are in need". Thereafter, he asked him to "go to Geneva in the afternoon" and stated "if you can't find

a car to go there I'll find you one tomorrow and I will tell you". After that Xh.T. asks "Sk." "how was it on the way?"

"Sk." was one of the couriers of the drugs from Kosovo to Switzerland.

(77) **13.09.2009 at 15:30:57 [IMEI number] phone number [Tel. no.]** Xh.T. called by [Tel. no.] (*Interception Binder VIII, p.1989*)

Xh.T. spoke to an unidentified male, most likely "Sk.", using the telephone number [Tel. no.]. He asked "What happened why didn't you inform me to go to Geneva?" Xh.T. replied that "I am waiting for the other one to inform me". The respondent told Xh.T. "send the car to me so my friend can have a look at it, let him see what kind of car it is and if he likes it...regarding the price, you should define it..."

The associates used coded words to discuss the price and other persons involved. In this conversation, "car" is code for the drugs.

(78) **18.09.2009 at 23:30:19 [Tel. no.]** Xh.T. called by [Tel. no.] (H.T.) (*Interception Binder VIII, p.2024*)

H.T. told Xh.T. that he had been given or bought a large apartment in France.:

H.T.: ...on Monday he will send two deliveries for his own 400 pieces

Xh.T.: I know, do not talk

H.T.: Everything is going according to the plan...

...

Xh.T.: I will be tomorrow on that side but call me with IPKO, do not call me on this one"

It is clear that this apartment was the reward for previous drug shipments and sales as they continued to discuss future deliveries.

(79) **4.10.2009 at 16:54:54 [Tel. no.]** Xh.T. called by [Tel. no.] (H.T.) (*Interception Binder XI, pp. 217-218*)

ALREADY HEARD IN COURT

Xh.T. on [Tel. no.] spoke to H.T. on the phone number [Tel. no.]. H.T.: "Uncle "Sy." [S.T.] came to Germany...with a vehicle, so A.T. is preparing some of my money so he takes it to G.G." and "a very powerful friend of mine has come from Switzerland, a very good guy with money has come"). *Interception Binder XI, 04/10/2009 at 16:54:54, (pp. 217-218)*

(80) **07.10.2009 at 15:51:10 [Tel. no.]** Xh.T. called by [Tel. no.](H.T.) (*Interception Binder XI, pp.220-223, 222*)

H.T. to Xh.T.: “that yours told me, he told me that you are going to G.G., if you will arrange something, but ...don’t dare to do anything without me”).

Xh.T. said that he was tiring since he had no money.

H.T. asked Xh.T. if he sent 20.000 Euros.

Here, H.T. and Xh.T. are planning to make an agreement with G.G. in Albania for the next shipment

[The fact that this meeting took place is proven by the surveillance report of the Albanian Police covering the dates 7, 8 and 9th October 2009. Photographs of their meetings on 8th and 9th October 2009 are labelled “CD 3”]

(81) **10.10.2009 at 12:29:16 [Tel. no.]** Xh.T. calling [Tel. no.]
(A.K.) (*Interception Binder X, p.2274*)

Xh.T. spoke to A.K. A.K. said that he is “in Suhareka”. Xh.T. told him to “find some money and meet in Grejkovc with “Bu.” [nephew of Xh.T.]”.

(82) **12.10.2009 at 13:17:00 [Tel. no.]** Xh.T. called by [Tel. No.]
(A.T.) (*Interception Binder VI, pp.1560-1561*)

Xh.T. spoke to A.T. who used the [Tel. No.]. Xh.T. told A.T. that “a friend is coming tonight for diner at my place, you know whose brother [he] is, he is [the] brother of the biggest, today he will come at my place and will tell me everything in details about these guys that you asked me about all of them”. A.T. said “fine” and asked if S.T. came. Xh.T. replied that “I was in Albania and I didn’t call after that”. A.T. said “I was hoping to get some money but they didn’t brought yet and they are late, all what I had I had to send, and all the money that he put in order to help them a bit”. Xh.T. told him “ok fine but what are the guys saying?” A.T. said that “they are not saying anything they are fed [up] of them, I told them to keep their phone on at least, I have more 3 or 4 guys here, they are asking me but I do not dare to cooperate with them, do you understand”.

(83) **12.10.2009 at 13:21:48 [Tel. no.]** Xh.T. called by [Tel. No.]
(A.T.) (*Interception Binder, pp.224-229*).

Xh.T. called A.T. in The Netherlands to discuss the terms of the new deal with the Albanians. Therein, Xh.T. answers affirmatively A.T.’s question whether a purchaser had bought “500m2”. Xh.T. told A.T. that he had been in Albania himself and “directly to the head”. A.T. tells Xh.T. that he wants “Be.” [B.T.’s nickname] to Albania to assess “the parcel” [meaning to test the quality of the narcotics] and asks Xh.T. to go after to make the deal. Xh.T. tells him that they had both already been to see the “parcels” which he later refers to as “all those cars”.

This is coded language for packages of drugs.

(84) **24.10.2009 at 18:43:19 +377 (0) 44 890 609** Xh.T. calling
[Tel. no.] (*Interception Binder IX, p.2203*).

Xh.T. told another associate that he had “bought land in Prizren for 80.000 euro”.

This land was purchased using money obtained from distributing drugs.

(85) **26.10.2009 at 15:23:21 [Tel. no.]** Xh.T. calling [Tel. no.](A.K.) (*Interception Binder VI, p 1574 Albanian and Interception Binder X, pp.2784 English*)

Xh.T. spoke to A.K., telling him that he was “in Vermicë and we met with some friends from Albania”. A.K. asked “how was it?” Xh.T. replied “very good and they told me that they will give me money as much as I want”. A.K. stated “this is what we need”.

(86) **26.10.2009 at 15:51:44 [Tel. no.]** Xh.T. calling [Tel. no.] (“Gr”) (*Interception Binder VI, p 1575 Albanian and Interception Binder X, pp.2785 English*)

Xh.T. spoke to “Gr”. He told him that he “met with some friends from Albania in Vermicë and he told me to wait for some few weeks since everything will be fine”. “Gr.” said that “we will meet in the noon”.

(87) **27.10.2009 at 16:48:54 [Tel. no.]** Xh.T. calling [Tel. no.] (A.K.) (*Interception Binder VI, p 1577 Albanian and Interception Binder X, pp.2787 English*)

Xh.T. asked A.K. for 500 Euros, telling him that “the friends from Switzerland came, and you know the guy from Tirana who went in Switzerland so that’s him, he came”. A.K. said “ok I will check for the money”.

(88) **28.10.2009 at 16:10:51 [Tel. no.]** Xh.T. called by Unknown foreign number (“Luli”) (*Interception Binder X, p.2289*)

Xh.T. spoke to L.K. who is in Slovenia. Xh.T. asked L.K. for 10.000 Euros, stating “in this week we will get stronger since you know that we have trouble and we have to give to someone since we are receiving some very good cars you take the money by someone with a low percentage and then automatically you make the percentage lower since you will give the money back immediately”. L.K. said “ok I will see what I can do”. Xh.T. told him “don’t say ok, but you have to see since there is no other way you take the money with a low percentage, since here the percentage is very high, afterwards Xh.T. says “you know what to do, we have time only till tomorrow or maximum the day after tomorrow do you understand?” L.K. replied “ok I will inform you”.

(89) **2.11.2009 at 19:02:32 [Tel. no.]** Xh.T. called by [Tel. no.] (“Gr.”) (*Interception Binder X, p.2299*)

Xh.T. spoke to an associate named “Gr.” from Gjilan/Gjilane. Xh.T. tells “Gr.” that he will “do something for you[r] Uncle since I have become the strongest”. “Gr.” said

“we can do something but first of all you have to give us an infusion and then everything will be fine”. Xh.T. replied “in 10 days I will give you a big infusion, remember that I will give you a big one that you will never forget”

This is suspected to refer to the supply of narcotics.

(90) **5.11.2009 at 22:54:02 [Tel. no.]** Xh.T. calling [Tel. no.] (“Gr.”) (*Interception Binder VI, pp. 1616-1617 Albanian and Interception Binder X, pp.2323-2324 English*)

Xh.T. told “Gr.” from Gjilan/Gjilane to “tell to ...[another person] that at that moment when you arrive you will give in total 40”. Thereafter they discuss “Gr.’s” associate who is on the way. “Gr.” tells Xh.T. that “the day after tomorrow [we] will know a lot of things, he says that on the name of God he will come but I don’t know how long it will take him to arrive so the day after tomorrow I will know [the] details”.

(91) **6.11.2009 at 16:24:13 [Tel. no.]** Xh.T. calling [Tel. no.]
Xh.T. received an SMS message with the following content: “I am going to take some 70 thousand”.

(92) **12.11.2009 at 19:16:50 [Tel. no.]** Xh.T. called by [Tel. no.] (H.T.) (*Interception Binder XI, p.251-252*)

H.T. informed Xh.T. he had made an agreement on behalf of the group with an onwards purchaser from Peja who had promised “money in cash ...for 150 pieces of that, you know what pieces I mean...”

(93) **12.11.2009 at 19:19:51 [Tel. no.]** Xh.T. called by [Tel. no.] (H.T.) (*Interception Binder VI, p 1647 Albanian and Interception Binder X, p.2352 English*)

Xh.T. spoke to H.T. regarding the plan for the delivery from Albania to Kosovo [of 25th November 2009] organised by Xh.T., H.T., A.T. and other associates.

(94) **12.11.2009 at 19:20:27 [Tel. no.]** Xh.T. called by [Tel. no.] (H.T.) (*Interception Binder VI, p 1648 Albanian and Interception Binder X, p.2353 English*)

Xh.T. spoke to H.T. again regarding the plan for the delivery from Albania to Kosovo [of 25th November 2009] organised by Xh.T., H.T., A.T. and other associates.

(95) **16.11.2009 at 18:19:52 [Tel. no.]** Xh.T. called by [Tel. no.]
(*Interception Binder VI, p 1667 Albanian and Interception Binder X, p.2372 English*)

Xh.T. talked to an unidentified person. Xh.T. asked him “where have you been so far, we were talking about you?”. The respondent stated “I am in Gjakova. I told you that I would be busy and that it would take me about an hour and half to arrive to you”. Xh.T. asked, “is the deal we made still valid?” The respondent said “yes it is but I am very confused, you can arrange the things over there”. Xh.T. replied “try to come here as soon as possible, as I have arranged all my things”. The respondent asked “have you arranged all?”. Xh.T. said “yes”.

(96) **18.11.2009 at 22:46:34 [Tel. no.]** Xh.T. called by [Tel. no.]
(“Z.”) (*Interception Binder X, p.2385*)

Xh.T. spoke to “Z.”. The respondent asked “what happened with “Tezajka”?” Xh.T. said “I think it’s positive, but that guy has not been in touch because he was at work and I am waiting for him to call me in any moment”. The respondent stated “check it quickly because it will be late then. Is G.G. back or not? because he told me he would be over here today and he is not yet”. He added “for the deal to be made I will take Golf, because I don’t have money, as I took an Opel Corsa”. Xh.T. replied “may God help us afterwards” and asked “when are you leaving?”. The respondent stated “tomorrow morning and when I arrive there I will give you a call and then you check about that deal of “Tezajka” because you know....” Xh.T. said “it’s done”.

This refers to a planned meeting between Xh.T. and G.G.

(97) **19.11.2009 at 14:30:04 [Tel. no.]** Xh.T. called by [Tel. no.]
(*Interception Binder XI, pp.256-257*)

Xh.T. spoke to an unidentified person on number [Tel. no.]. The respondent asked “did you ask him when was coming the “Tezajka“ [aunt], and how and when?”. Xh.T. said “he will come to me now, so you call me by phone later on”. The respondent stated “I will call you back in half an hour, ok”. The word “tezakja” is code for the drugs.

This refers to a planned meeting between Xh.T. and G.G..

[NB: *This is corroborated by the report of the Kosovo Police surveillance team of 19th November 2009 (Police Binder VII, pp.2586-2588)*]

(98) **20.11.2009 at 12:03:51 [Tel. no.]** B.T. called by [Tel. no.] (“Do.”)

Do., an associate under the control of G.G. on number [Tel. no.] phoned B.T. (aka “Be.”) on number [Tel. no.]. Do. asked Be. if they have put all. B.T. answered that “they have put only 28” and when Do. would need them he “will make all of them ready”.

(99) **21.11.2009 at 12:21:01 [Tel. no.]** Xh.T. called by [Tel. no.]
(*Interception Binder VI, p 1693 Albanian and Interception Binder X, p.2398 English*)

An unknown person serving as the courier called Xh.T. stating “I am the one from Hoqa and could we meet for 5 minutes”. Xh.T. said “I am with a friend in the town and in half an hour I will be waiting for you in the café” [restaurant “Do.”].

(100) **21.11.2009 at 12:46:37 [Tel. no.]** Xh.T. called by [Tel. no.]
(H.T.) (*Interception Binder XI, pp.263-264*)

Xh.T. spoke to H.T. to inform him that he had “met “Mil.” and he gave me the letter. On Monday he is leaving and he told me where, and said that the job will be done immediately”. H.T. said, “is G.G. there or where is he?” Xh.T. said “no, he has left”. Then H.T. told Xh.T. “he gave us 62.200”. Xh.T. replied “very good, to make the accounts with him”. H.T. said “there no good, as he sold it to us for 2000 Euro and actually took our part and on the other said he said to have done it for us, and said this, ‘if you want to work to work in half do it and if not go to hell...’” Then H.T. told Xh.T. “if they tried something, I will let you know. 1.2 for 500 thousand, do you understand me, regarding that deal”.

Here, the “goods” supplied by the Albanians are suspected to be drugs.

(101) **21.11.2009 at 13:09:36 [Tel. no.]** Xh.T. called by [Tel. no.]
(H.T.) (*Interception Binder XI, pp.265-266*).

H.T. informs Xh.T. that he had already received 62,200 from the purchasers in The Netherlands.

(102) **21.11.2009 at 13:14:41 [Tel. no.]** Xh.T. called by [Tel. no.]
(A.T.) (*Interception Binder XI, pp.268-273, 271*).
ALREADY HEARD IN COURT

Summary: A.T. called Xh.T., asking “this guy who was at yours, this “Su.”, how much is his ‘land’, until 300 square meters?” (p.272).

Xh.T. spoke to A.T. but only A.T.’s voice can be heard on the interception. A.T. said “it is going cheaper now and I have finished with that “Mik.”, as they had had some problems regarding the deals there and I was with the small one in Tirana, and I said to him that, ‘if you want to work, we can work only when you have the money ready in your hands’. He said, ‘on Monday you can come and take the money in CASH, the other car and I will not let you speak because this is the second time. But anyway, as his things are also perverted and he said to have settled many things. I have checked some ‘dogs’ that are slow and I said to them to deal with somebody else, and those that are quick to join me. I said to him that, ‘you have left us pending for 8 months because for over 30 offers

that were offered to us we did not deal with because we waited for you, and some other guys from Albania made an offer to me, and if you ever hear that I cheated you, I will put my children on hostage, and he said that I gave the money only to the one with dressed hair before 2-3 years but then sent him to hell and said that he would deal only with us. Probably **I will come next week regarding the deal that you mentioned that somebody comes to the water and take it.** I have spoken with 3-4 persons but I want to deal only with one person and not to make the deal at all for less than 100 euro. Do you know from where came that friend of “Sh.”, and he said that it would arrive on Tuesday. They gave me the money, and you call your friends but I said to them that I will not follow that system any longer, but he said, ‘I don’t want to be the loser’, as we disputed about that deal”. Then A.T. asked Xh.T. “for how much that friend of yours “Sy.” [S.T.] gives that parcel; it is no problem up to 300 quadrates”. A.T. added “that Netherlands guy has a son that has **a parcel of 1600 quadrates**, but what about the money, because we [will] send the money there to transact the land, he said that no need to discuss about that thing, as I will say nothing without having the money”. As soon as A.T. started to mention S.T., Xh.T. cut the phone line.

Here the land is code for drugs, with square meters the quantity. “Su.” is suspected to be S.T.

(103) **21.11.2009 at 13:25:08 [Tel. no.]** Xh.T. called by [Tel. no.] (A.T.) (*Interception Binder VI, p 1707 Albanian and Interception Binder X, p.2399 English*)

A.T. says “when he was here, when that “Baca Sl.” [S.T.] was here, he bought those...do you understand?” before Xh.T. disconnects the line.

(104) **21.11.2009 at 13:26:03 [Tel. no.]** Xh.T. called by Unknown foreign number (A.T.) (*Interception Binder XI, pp.274-277, 276*)
ALREADY HEARD IN COURT

Xh.T. and A.T. discuss the deal. A.T. states “do you know when “Sy.” was here with that dirty object?”. Xh.T. replied “yes, I do”. A.T. warned “it is not good to be so dirty because it does not work”. Xh.T. told him “you don’t worry about that”. A.T. replied “**the cleanliness should be in a good level**, and we talked about that. Do you know how many left to...less than 50 % almost left. And say no filthy, it should be clean, otherwise we’ll be waiting until the cleanliness is in order, do you understand me, because he told me that the question was about “K.”, as if it is cleanliness then it means every two weeks, and we can start right now and he said that on Monday come here to get the money”. **Xh.T. said “don’t worry at all about the cleanliness** it will be in order, and shall I call you today evening because my guy will be there too”. A.T. stated “we have made the things clear and for two hours spoke together [with “K.” in The Netherlands]”. Xh.T. asserted “it is done with those over here; all of them are settled”.

The “cleanliness” refers to the quality of the narcotics.

(105) 23.11.2009 at 17:03:21 [Tel. no.] Xh.T. called by Unknown foreign number (A.T.) (*Interception Binder XI, pp.278-280*)

Summary: Xh.T., H.T. and A.T. discussed their share in the Scania truck:

A.T.: do you know how much we had [to] buy that truck, 24 or 25?

Xh.T.: we agreed for 24...

...

H.T.: ...yesterday your guy called me [meaning Q.T.] so that's why he came here today, call G.G....we want to know does he want to take the truck...

Xh.T.: he said so..

H.T.: ...today that "K." brought money to his one 80 and some thousand euro to send in that part...we should count how much will be left for G.G., if everything is left we share it, you take from him if you like or you go with him or as Q.T. wants...

Xh.T.: if you take from him

H.T.: he has 7,500 euro, how much belong to us for the truck, we will share it...

Longer form:

Xh.T. spoke to A.T. in The Netherlands who asked him "do you know how much we have bought that van, 24 or 25?" Xh.T. replied "we have bought it [for] 24". A.T. said, "ok, I thought it was 25" adding "I wanted to know about it because I am arranging them, do you understand me, and call the small one because he needs to talk to you". H.T. then joins the conversation, telling Xh.T., "I spoke with your guy today and that's why I came here today to ask you to call that G.G. who is supposed to call us because "Go." [A.T.] has already sent him by sms the number but he again did not call to let us know if he is taking the van or not, just to finish with all of that".

Xh.T. responded "I suggested the same. Speak with him, no problem". H.T. said "today that **"K." brought to him the money that was over 80 thousand Euros** in order to take them over there but I suggested not to do it now, in order to not block the things and to see how much it will be left for G.G., to see how much it will be left and then to share it. You decide to take it or to join him, whereas Q.T. can decide whatever he wants, no problem". Xh.T. asked "what do you mean to take it?" H.T. clarified "**out of 7.500 Euro**, what will be our share for the van and the share for what G.G. missed because G.G. needs more money, and we'll take the rest of the share, so ask G.G. to call us". Later, A.T. told Xh.T. "G.G. called me yesterday and he said that we had had it in three shares, do you know about the deal that was made for three shares, and it was we that did the job, and yesterday he said to me that only if we agree for the half, fifty-fifty, as that guy is not here, so I will have that guy who brought me 80 "thousand" but I did not accept it and I said to him that tomorrow I will meet him". Xh.T. replied "I will give your number to G.G. and then he will call you". A.T. mentioned the figure "84, that said to Baci that

owed us 2000 and we had to pay 300". Xh.T. gave A.T. [Tel. no.], thought to be used by G.G.

(106) **23.11.2009 at 19:26:50 [Tel. no.]** Xh.T. called by [Tel. no.] (A.T.) (*Interception Binder XI, pp.281-283*)

A.T. and Xh.T. discuss the share of profits and the quantity and packaging of the shipment:

A.T.: one third (1/3) will be taken from us by him and two thirds (2/3) will be in our possession

...I was with H.T., I spoke with "Uncle" as well yesterday; 2000 as they were but also we had to pay 300 till there, do you understand me?

...I told to G.G. 1/3 will be taken from them, to us will be paid 2000, and from 2000 we have to pay 300 for the ticket, do you understand me? [meaning 300 for the courier]

Xh.T.: Yes

A.T.: do you remember that we tried to make our 'tricks' not 60 but 65...what I had, I had together with H.T. and we had those in your presence...

...I was missing them, but we have told him in the beginning, packing issues and stuff, do you understand me?

A.T. added "I also said to "Uncle" [S.T.] that all the things were not in order, as it was very dirty, otherwise I would have done the job, and "Uncle Sl." [S.T.] said to me if they had come to see it. I said to "Uncle Sl." [S.T.] that "Be." had been there and saw it, and as soon as he came he said that it was not the thing he had seen".

Xh.T.: end this conversation

(107) **23.11.2009 at 20:28:15 [Tel. no.]** Xh.T. called by Public Phone – Netherlands (H.T.) (*Interception Binder VI, p 1574 Albanian*)

Xh.T. spoke to H.T. in The Netherlands who informed him that A.T. had arrived there too, but "he does not answer the phone", referring to G.G. Xh.T. stated "he might be busy". H.T. added "ask him to answer the phone and let us finish this deal". Xh.T. replied "I will send him an sms now and ask him to answer the phone". H.T. responded "ask him to call "Go." [A.T.], and we will make the arrangements and no problems".

(108) **29.12.2009 at 17:58:01 IMEI number 35197303026379, phone number [Tel. no.]** Xh.T. SMS to [Tel. no.] (*Interception Binder VIII, p.2010 English, p. 2130 Albanian*).

Xh.T. informed his associate that he had now bought his restaurant in full.

MAIN TELEPHONE INTERCEPTIONS FROM REPUBLIC OF ALBANIA

1) 9.10.2009 at 5:32:47 PM

*(ILA Volume 1 p.176, interception of [Tel. no.] S.T.,
Binder XXVI, p.1729 English)*

S.T. calls from [Tel. no.] to [Tel. no.]

“...meeting with G.G. in Rinas...”

2) 16.11.2009 at 7:56:01 PM SMS

*(ILA Volume 1 , p.287, interception of [Tel. no.] G.G.
Binder XXIV, p.1818 English)*

G.G. SMS to unknown person: “...where is “Baca Sl.” [S.T.]?”

3) 18.11.2009 at 10:26:12 SMS

*(ILA Volume 1, p.323 interception of [Tel. no.] G.G.
Binder XXIV, p 1836 English)*

An unidentified person using [Tel. no.] sent an SMS message to G.G.: "Buddy, I talked to that friend who is the commander; this deal will be made, 100 to 150 meters square".

4) 18.11.2009 at 10:28:36 SMS

*(ILA Volume 1, p.324, interception of [Tel. no.] G.G.
Binder XXIV p. 1836b English)*

G.G. sent an SMS message to the [Tel. no.]: "Tonight I will be at your place, the deal will be made".

In addition, the surveillance report of the Albanian police records that on 25 November 2009, S.T. met G.G. between 10.00 and 10.35.

5) 18.11.2009 at 2:09:44 AM SMS

*(ILA Volume 1, p.319, interception of [Tel. no.] G.G.
Binder XXIV, p.1836 English)*

A person using the [Tel. no.] sent an SMS message to G.G. on [Tel. no.] with the content: "What's up, on Tuesday probably 'will be ok 100 to 150 meters square ok?"

6) 24.11.2009 at 4:02:53 PM

*(ILA Volume 1, p.310, interception of [Tel. no.] G.G.
Binder XXV, p. 2016b English)*

G.G. called Xh.T. on the [Tel. no.], and told him that “the guy will call” him, in a half or one hour. Later, Xh.T. asked G.G. if he met Xh.T.'s friend and G.G. replied “yes”. In fact, on this date, G.G. went to Kukës and met at the border with Xh.T.'s associate.

7) 24.11.2009 at 6:00:08 PM SMS

*(ILA Volume 1, p.312, interception of [Tel. no.] G.G.
Binder XXV, p.2013b English)*

G.G. sent an SMS message to the [Tel. no.] as follows: "make 10 more"

8) 24.11.2009 at 8:36:36 PM SMS

*(ILA Volume 1, p.314, interception of [Tel. no.] G.G.
Binder XXV, p. 2011 English)*

G.G. sent an SMS message to the [Tel. no.] with the content: "We will land tomorrow morning".

9) 25.11.2009 at 8:47:50 AM SMS

*(ILA Volume 1, p.317, interception of [Tel. no.] G.G.
Binder XXV, p. 2009 English)*

G.G. sent an SMS message to the telephone [Tel. no.] with the content: "What is going on?"

10) 25.11.2009 at 8:59:02 AM

*(ILA Volume 1, p.318, interception of [Tel. no.] G.G.
Binder XXV, p. 2033b English)*

“M.” on [Tel. no.] called G.G. to ask if he had started. G.G. said that now he is “getting on”. “M.” told him not to be late saying, that “I am up here, send me “Lu.’s” number I want to meet her here for a while, until you reach this place we will see something around, send me by SMS”.

11) 25.11.2009 at 9:02:52 AM SMS

*(ILA Volume 1, p.379, interception of [Tel. no.] G.G.
Binder XXV, p.2034 English)*

G.G. sent an SMS message to “M.” with “Il.’s” number AMC [Tel. no.]. “M.” and “Il.” were in Gjirokaster.

12) 25.11.2009 at 09:07:53 AM SMS

*(ILA Volume 1, p.381, interception of [Tel. no.] G.G.
Binder XXV, p.2034b English)*

G.G. sent an SMS message to the telephone [Tel. no.] with the content: "How did you made?" referring the compression of narcotic substances.

13) 25.11.2009 at 9:09:56 AM SMS

*(ILA Volume 1, p.384, interception of [Tel. no.] G.G.
Binder XXV, P.2036 English)*

G.G. asked the person using the telephone [Tel. no.] via an SMS message if they had compressed [the drugs] with the compressor or by hand, asking "by the "va" or by hand?"

14) 25.11.2009 at 9:10:34 AM SMS

*(ILA Volume 1, p.385, interception of [Tel. no.]
Binder XXV, p. 2036b English)*

The person using telephone [Tel. no.] answered G.G. via an SMS that he had pressed the narcotic substances as follows: " I did it by hands".

15) 25.11.2009 at 9:46:22 AM SMS

*(ILA Volume 1, p.387, interception of [Tel. no.] G.G.
Binder XXV, p.2038 English)*

K.T., S.T.'s son using [Tel. no.] sent an SMS message to G.G. as follows: "how long it will take to come?"

16) 25.11.2009 at 10:58:51 AM

*(ILA Binder 1, p.389, interception of [Tel. no.] G.G.
Binder XXV, p.2040 English)*

The person using telephone [Tel. no.] called G.G. and asked what was happening. G.G. stated "I am on the way to you".

17) 25.11.2009 at 11.55:30 AM

*(ILA Binder 1, p.390, interception of [Tel. no.] G.G.
Binder XXV, p.2041 English)*

G.G. called "M." on [Tel. no.], asking "Yes "M." where are you?" "M." said that "I finished the job" and that he was "returning back in Tirana". G.G. asked "did you finish

all jobs in a proper way?" "M." replied "yes I finished but I was a bit afraid that someone will see me".

18) 25.11.2009 at 1:47:22 PM

(ILA Binder 1, p.392, interception of [Tel. no.] G.G.

Binder XXV, p. 2044 English)

G.G. called the person using telephone [Tel. no.] and asked where he is. The respondent answered "I am here close to the water coming to the car, are you coming there?" G.G. stated "I am on the way". The respondent replied "I am at the place before you go to the bridge, before you reach the cold water, on the right side of the vehicles at the Luzat".

19) 25.11.2009 at 1:57.35 PM

(ILA Binder 1, p.393, interception of [Tel. no.] G.G.

Binder XXV, p.2045-2046 English)

G.G. called the person using the telephone [Tel. no.] again to ask where he is. The respondent stated that he was "at the water". G.G. asked if he is stopped at the water. The person replied that he is "getting closer to the cold water. We are not with the car we are with the van at Luzat where the table is written on the right side there is an auto service and you stop there to pick me up". G.G. said "I don't want to come since I have to stop in Tepelena you have to come and pick me up there". The respondent replied that "the car is over; I will come and pick you up there". G.G. stated "even if it is not over or not you have to come and to pick me up".

20) 25.11.2009 at 6.31.35 PM

(ILA Binder 1, p.409, interception of [Tel. no.] G.G.

Binder XXV, p.2064-2065 English)

The person using [Tel. no.] called G.G. G.G. said that he is "together with that friend", referring to "M.". The respondent asked if they were "up or down". G.G. stated that he was "getting closer". The respondent replied "ok when you reach call him since he wants to talk with the friend but his phone was off". G.G. said that he will "pass on the phone now in a minute" since he was out of the car. G.G. was together with "M.". At the same time, "M." spoke to another person using the [Tel. no.] who told him that he was in Peja.

21) 25.11.2009 at 8.57.42 PM

(ILA Binder 1, p.419, interception of [Tel. no.] G.G.

Binder XXV, p.2074-2075 English)

G.G. called the [Tel. no.]. The respondent stated "we are far away from the car". G.G. replied "get closer and look, but the person that he was talking with tells him how to get closer". Later, G.G. said "come over, I am passing by". The users of the numbers [Tel.

no.]and [Tel. no.] are suspected to be the two persons who were transporting the drugs in the car that was found by the Albanian Police.

22) 26.11.2009 at 8.44.09 AM

(ILA Volume 1, p.422, interception of [Tel. no.] “Il.”

Binder XXV, p.2078-2079 English)

The person using [Tel. no.] called “Il.” with the number [Tel. no.] to ask “where is G.G.?” “Il.” answered that he did not know and asked if he had a mobile phone. The respondent replied “yes I have but it is off”. “Il.” stated “come on over, I will find and I will tell him to call him on the phone”. Afterwards the person asked “Il.” if G.G. “came over [to] me”. But “Il.” replied “no he didn't come”. “Il.” added that he would call him after he spoke to G.G. at lunch time. At this moment, the person from Peja got irritated and said “what are you talking about lunch I need it urgently”. “Il.” replied “but you want 1000 time to explain you do you get it? Two persons from Peja are here”.

23) 26.11.2009 at 9.26.07AM SMS

(ILA Volume 1, p.423, interception of [Tel. no.] G.G.

Binder XXV, p.2080 English)

G.G. sent an SMS message to the [Tel. no.] as follows “24 I have to get my expenses only”.

24) 26.11.2009 at 8.53.54 AM

(ILA Volume 1, p.424, interception of [Tel. no.] “Il.”

Binder XXV, p.2081 English)

The user of [Tel. no.] called “Il.” on number [Tel. no.], “Il.” stated that he “had a small problem yesterday”. The person asked “what problem?” “Il.” replied “[I] had a problem if you would know what problem; problem I understand wait a bit at the lunch time I will call or I will sent an SMS or something else”. “Il.” added that he was “at home” and he is “waiting for a call”. The person from Peja said that “today people will come from far away and is that friend coming since they will not wait to long for him”. “Il.” replied that “the drug was left in the car” and “the persons are fine and they are back at home”.