

DISTRICT COURT OF MITROVICA

P. nr. 45/2010

13 October 2011

IN THE NAME OF THE PEOPLE

THE DISTRICT COURT OF MITROVICA, in the trial panel composed of EULEX Judge Jonathan Welford-Carroll as Presiding Judge, and President Xhevdet Abazi and EULEX Judge Caroline Charpentier as panel members, with the participation of EULEX Legal Officer Tara Khan as Recording Officer, in the criminal case against:

S.R. charged, according to SPRK Indictment PPS nr. 117/2010 filed on 29 December 2010 and confirmed on 25 March 2011 by Ruling KA nr. 208/2010 and joined with case P nr. 45/2010 during the main trial hearing on 04 May 2011, with three counts of **War Crimes Against the Civilian Population** in violation of Articles 22 and 142 of the Criminal Code of the Socialist Federal Republic of Yugoslavia (“CCSFRY”), also foreseen in Articles 23 and 120 of the Criminal Code of Kosovo (“CCK”), and in violation of Common Article 3 of the Geneva Conventions and Articles 4 and 5(1) of Additional Protocol II to the Geneva Conventions;

After having held the main trial hearings open to the public on the following dates:

- 14, 16, 21, 23, 24, 28, 31 March 2011;
- 04, 06, 07 April 2011;
- 04, 05, 16, 19, 23, 25 May 2011;
- 02, 08, 09, 10, 20 June 2011;
- 12 October 2011;

All in the presence of SPRK Prosecutor Maurizio Salustro¹, defendant **S.R.** and his defence counsel Qazim Qerimi;

After deliberations and voting, pursuant to Article 392 Paragraph (1) of the Kosovo Code of Criminal Procedure (“KCCP”), on 13 October 2011 the Trial Panel pronounced in public and in the presence of all the above-mentioned parties the following:

VERDICT

¹ With the exception of those days when he sent an authorized substitute.

The Accused **S.R.**, son of M. R. and N. H., born _____ in _____, Municipality, currently residing in _____, ID nr. 1 _____;

Is

FOUND NOT GUILTY

Of (Count 1) War Crimes Against the Civilian Population

- because it was not proven that between _____, during a time of internal armed conflict in Kosovo, the Accused in his capacity as a member of the KLA holding a command position in the _____, in co-perpetration with R. A., H. H. and other unidentified KLA soldiers, treated inhumanely (e.g. filthy living conditions, lack of adequate sanitation, food and water) an undefined number of civilian prisoners detained in the detention center in the KLA camp in _____.

Therefore, pursuant to Article 390 Item (3) of the KCCP, the Accused S.R. is acquitted of the charge of (Count 1) War Crimes Against the Civilian Population.

The Accused S.R. is

FOUND GUILTY

Of (Count 2) War Crimes Against the Civilian Population

- because on or about _____, during a time of internal armed conflict in Kosovo, the Accused in his capacity as a member of the KLA, in co-perpetration with H. H., Sh. H. and other unidentified KLA soldiers, tortured Witness N, a Kosovo A. civilian detained in the _____ detention center by attempting to obtain information and confessions from him while repeatedly beating him with wooden sticks.

By doing so, **S.R.** committed and is criminally liable for the criminal act of War Crimes against the Civilian Population pursuant to Articles 22 and 142 of the CC SFRY and in conjunction with Common Article 3 of the Geneva Conventions and Articles 4 and 5(1) of Additional Protocol II to the Geneva Conventions.

The Accused S.R. is

FOUND NOT GUILTY

Of (Count 3) War Crimes Against the Civilian Population

- because it was not proven that on or about _____, during a time of internal armed conflict in Kosovo, the accused in his capacity as a member of the KLA, in co-perpetration with another unidentified KLA soldier, tortured Witness N, a Kosovo-A. civilian detained in the _____ detention center, by attempting to obtain information and confessions from Witness N while an unidentified KLA soldier beat him with a wooden stick on his hands and legs.

Therefore, pursuant to Article 390 Item (3) of the KCCP, the Accused S.R. is acquitted of the charge of (Count 3) War Crimes Against the Civilian Population.

S.R. is

SENTENCED

- to five /5/ years of imprisonment for (Count 2) War Crimes Against the Civilian Population.

The Accused shall reimburse the costs of criminal proceedings pursuant to Article 102 Paragraph (1) of the KCCP with the exception of the costs of interpretation and translation, in the amount of 500.00 Euro.

**Recording Officer
Tara Khan**

**Presiding Judge
Jonathan Welford-Carroll**