

**COURT OF APPEALS  
PRISTINA**

IN THE NAME OF THE PEOPLE

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**Case number:** PAKR 52/14  
**Date:** 6 November 2015

**Basic Court:** Pristina, P 309/10 & 340/10

Original: **English**

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The Court of Appeals, in a Panel composed of EULEX Court of Appeals judge Radostin Petrov, as presiding and reporting judge, Kosovo Court of Appeals judge Mejreme Memaj and EULEX Court of Appeals judge Dariusz Sielicki as panel members, assisted by Dr. Bernd Franke and Alan Vasak, EULEX legal officers, acting in the capacity of recording officers,

in the case concerning the defendants:

L. D.

Name of father:	H. D.
Mother's maiden name:	E. M.
Personal ID number:	□
Nationality:	Kosovo Albanian
Citizenship:	Kosovar
Date of birth:	□
Place of birth:	□
Place of residence:	Pristina
Family status	□
Occupation:	□
Educational level:	□
Income per year:	□
Financial status:	□
Other criminal proceedings:	None
Detention status:	Not detained

A. D.

Name of father:	L. D.
Mother's maiden name:	V. S.

Personal ID number:   
Nationality: Kosovo Albanian  
Citizenship: Kosovar  
Date of birth:   
Place of birth:   
Place of residence: Pristina  
Family status:   
Occupation:   
Educational level:   
Income per year:   
Financial status:   
Other criminal proceedings: None  
Detention status: Not detained

S. H.

Name of father: R. H.  
Mother's maiden name: S. S.  
Personal ID Number:   
Nationality: Kosovo Albanian  
Citizenship: Kosovar  
Date of birth:   
Place of birth:   
Place of residence: Pristina  
Family status:   
Occupation:   
Education level:   
Income per year:   
Financial status:   
Other criminal proceedings: None  
Detention status: Not detained

I. B.

Name of father: I. B.  
Personal ID number:   
Nationality: Kosovo Albanian  
Citizenship: Kosovar  
Date of birth:   
Place of birth:   
Place of residence:   
Family Status:

Occupation:   
Education level:   
Other criminal proceedings: None  
Detention status: Not detained

S. D.

Name of father: B. S.  
Personal ID number:   
Nationality: Kosovo Albanian  
Citizenship: Kosovar  
Date of birth:   
Place of birth:   
Place of residence: Pristina  
Family Status:   
Occupation:   
Education level:   
Other criminal Proceedings: None  
Detention status: Not detained;

charged under the Special Prosecution Office of the Republic of Kosovo's (SPRK) amended indictment PPS 02/09 dated 22 March 2013 with the following remaining criminal offences:

*Count 1*

Trafficking in Persons, in violation of Article 139 of the Provisional Criminal Code of Kosovo (PCCK), punishable by imprisonment of two years to twelve years, committed in Co-perpetration, Article 23 of the PCCK, against L. D., A. D. and S. H..

*Count 2*

Organized Crime, in violation of Article 274, paragraph 3, of the PCCK, punishable by a fine of up to 500 000 EUR and by imprisonment of seven years to twenty years, committed in Co-perpetration, Article 23 of the PCCK, against L. D..

*Count 3*

Organized Crime, in violation of Article 274, paragraph 1, of the PCCK, punishable by a fine of up to 250 000 EUR and by imprisonment of at least 7 years, against A. D. and S. H..

*Count 7*

Grievous Bodily Harm, in violation of Article 154 of the PCCK, punishable by imprisonment of 1 year to 10 years or in the alternative section 5 punishable by

imprisonment of 6 months to 3 years or in the alternative sections 1 (4) punishable by imprisonment of 6 months to 5 years committed in Co-perpetration, Article 23 of the PCCK, against L. D., S. H., I. B. and S. D..

adjudicated in first instance by the Basic Court of Pristina with judgment P 309/10 and 340/10, dated 29 April 2013, by which:

The defendants L. D. and A. D. were found guilty of Count 1, committing the criminal offence of Trafficking in Persons, in violation of Article 139 CCK, committed in co-perpetration (Article 23 CCK), by – briefly put – in the case against L. D., being personally involved in many of the illegal transplant operations at the Medicus Clinic. As the owner of the clinic, he was responsible for its overall development and functioning with regard to illegal kidney transplants; in the case against A. D., as the manager of the clinic he had a central role and was responsible for the numerous activities related to the illegal kidney transplant operations.

Count 1, the criminal offence of Trafficking in Persons, in violation of Article 139 CCK, committed in co-perpetration (Article 23 CCK), against the defendant S. H. was requalified as per Negligent Facilitation of the criminal offence of Trafficking in violation of Article 139, paragraph 4, CCK and was rejected.

The defendant L. D. was further found guilty of Count 2, committing the criminal offence of Organised Crime, in violation of Article 274, paragraph 3, CCK, by – briefly put – organizing, establishing, supervising and managing the overall illegal activity of Count 1, in concert with Dr. Y. S., M. H., A. D., Dr. K. D. and others, in order to obtain financial/material benefits.

The defendant A. D. was found guilty of Count 3, committing the criminal offence of Organised Crime, in violation of Article 274, paragraph 1, CCK, by – briefly put – being the manager of the Medicus Clinic and committing the illegal activity of Count 1, in order to obtain financial/material benefits.

The defendant S. H. was acquitted from Count 3, the criminal charge of Organised Crime, in violation of Article 274, paragraph 1, CCK.

Count 4, the criminal offence of Unlawful Exercise of Medical Activity, in violation of Article 221, paragraph 1, CCK, committed in co-perpetration (Article 23 CCK), against the defendants L. D., D. J., I. B., S. D. and S. H. was rejected.

Count 5, the criminal offence of Abusing Official Position or Authority, in violation of Article 339, paragraph 1, CCK, against the defendant D. J. was requalified as per Abusing Official Position or Authority, in violation of Article 339, paragraph 3, CCK and was rejected.

The defendant I. R. was acquitted from Count 6, the criminal charge of Abusing Official Position or Authority, in violation of Article 339, paragraph 1, CCK.

Count 7, the criminal offence of Grievous Bodily Harm, in violation of Article 154, paragraph 4, CCK, against the defendant L. D. was rejected. The defendant A. D. was acquitted from Count 7, the criminal charge of Grievous Bodily Harm, in violation of Article 154, paragraph 1, subparagraph 2, CCK, committed in co-perpetration (Article 23 CCK). Count 7, the criminal offence of Grievous Bodily Harm committed in co-perpetration against the defendants S. H., I. B. and S. D. was requalified as per Article 154, paragraph 1, subparagraph 2, CCK: destroying or permanently and substantially weakening a vital organ or a vital part of the body of the other person and the defendants were found guilty of this criminal offence, by – briefly put – knowingly participating in medical procedures which were unlawful under the laws of Kosovo, namely the removal of kidneys for transplantation and thereby permanently and substantially weakening a vital organ.

Count 8, the criminal offence of Fraud, in violation of Article 261 CCK, against the defendants L. D. and A. D. was rejected.

Count 9, the criminal offence of Falsifying Documents, in violation of Article 332, paragraph 1, CCK, against the defendants L. D. and A. D. was rejected.

Count 10, the criminal offence of Falsifying Official Documents, in violation of Article 348 CCK, against I. R. was rejected.

The defendant L. D. was sentenced to 8 (eight) years of imprisonment and a fine in the amount of EUR 10.000 (ten thousand) Euro. In addition the defendant L. D. was prohibited from exercising the profession of urologist for the period of 2 (two) years starting from the day the judgment becomes final.

The defendant A. D. was sentenced to 7 (seven) years and 3 (three) months of imprisonment and a fine in the amount of EUR 10.000 (ten thousand) Euro.

The defendant S. H. was sentenced to 3 (three) years of imprisonment. In addition the defendant S. H. was prohibited from exercising the profession of anesthesiologist for the period of 1 (one) year starting from the day the judgment becomes final.

The defendants S. D. and I. B. were sentenced to 1 (one) year of imprisonment, with the execution of the punishment not to be executed if the defendants do not commit another criminal offence for the period of 2 years.

The injured parties W1, W2, W3, PM, DS, AK and Y. A. were each awarded partial compensation for the psychological and physical damages sustained during kidney removal in the amount of 15,000 (fifteen thousand) Euro from L. D. and A. D. to be paid no more than 6 (six) months starting from the day the judgment becomes final.

A separate ruling was issued regarding the confiscation of the Medicus Clinic premise;

seized of the appeals filed by the SPRK (only regarding the confiscation ruling), defence counsel Linn Slattengren for the defendant L. D., defence counsel Petrit Dushi for the defendant A. D., defence counsel Ramë Gashi for the defendant S. H., defence counsel Ahmet Ahmeti for the defendant I. B. and defence counsel Hilmi Zhitia for the defendant S. D.,

having considered the responses of the SPRK, defence counsel Petrit Dushi for the defendant A. D., defence counsel Ramë Gashi for the defendant S. H. and defence counsel Ahmet Ahmeti for the defendant I. B.,

having considered the motion of the appellate state prosecutor,

after having held a public session of the Court of Appeals on 4 and 5 November 2015,

having deliberated and voted on 6 November 2015,

acting pursuant to Articles 409, 410, 411, 415, 417, 420, 421, 423, 424, 426 and 427 of the Provisional Criminal Procedure Code of Kosovo (PCPCK),

renders the following:

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## JUDGMENT

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**I. The appeal of defence counsel Linn Slattengren for the defendant L. D. against the judgment of the Basic Court of Pristina P 309/10 & 340/10 dated 29 April 2013 is partially granted with regard to the determination of the factual situation, insofar as the number of proven kidney transplants that took place at the Medicus Clinic in which the criminal organization, including the defendant L. D., was involved is to be established as seven and not twenty-four. The remainder of the appeal is rejected as unfounded.**

**II. The appeal of defence counsel Petrit Dushi for the defendant A. D. against the judgment of the Basic Court of Pristina P 309/10 & 340/10 dated 29 April 2013 is partially granted with regard to the determination of the factual situation, insofar as the number of proven kidney transplants that took place at the Medicus Clinic in which the criminal organization, including the defendant A. D., was involved is to be established as seven and not twenty-four. The remainder of the appeal is rejected as unfounded.**

**III. The appeal of defence counsel Ramë Gashi for the defendant S. H. against the judgment of the Basic Court of Pristina P 309/10 & 340/10 dated 29 April 2013 is partially granted with regard to the determination of the factual situation, insofar as the number of proven kidney transplants that took place at the Medicus Clinic in which the criminal organization, including the defendant S. H., was involved is to be established as seven and not twenty-four. The remainder of the appeal is rejected as unfounded.**

**IV. The appeal of defence counsel Ahmet Ahmeti for the defendant I. B. against the judgment of the Basic Court of Pristina P 309/10 & 340/10 dated 29 April 2013 is granted insofar as the defendant I. B. is acquitted from Count 7, namely inflicting grievous bodily harm by carrying out unlawful medical procedures in the capacity as anesthetist, including the removal of organs (kidneys) and transplantations.**

**V. The appeal of defence counsel Hilmi Zhitia for the defendant S. D. against the judgment of the Basic Court of Pristina P 309/10 & 340/10 dated 29 April 2013 is granted insofar as the defendant S. D. is acquitted from Count 7, namely inflicting grievous bodily harm by carrying out unlawful medical procedures in the capacity as anesthetist, including the removal of organs (kidneys) and transplantations.**

**VI. The appeal of the Special Prosecution Office of the Republic of Kosovo against the judgment of the Basic Court of Pristina P 309/10 & 340/10 dated 29 April 2013 is partially granted insofar as the defendant S. H. is convicted for the criminal offence of Organized Crime in connection with Trafficking in Persons, insofar as the defendant A. D. is sentenced to a higher punishment, and insofar as the accessory punishments shall start after the defendants have served the imposed sentence of imprisonment.**

**VII. The judgment of the Basic Court of Pristina P 309/10 & 340/10 dated 29 April 2013 is modified as follows:**

**Count 7**

**I. B. and S. D. are acquitted of Count 7, the charge of Grievous Bodily Harm, in violation of Article 154 of the PCCK, because pursuant to Article 390, paragraph 3, PCPCK it has not been proven that the accused committed the criminal offence with which they have been charged.**

**Count 1, 2 and 3**

**L. D. is guilty of committing the criminal offence of Organized Crime, in violation of Article 274, paragraph 3 of the PCCK in connection with Trafficking in Persons in**

**violation of Article 139, paragraph 1, of the Criminal Code of Kosovo, committed in Co-perpetration, Article 23 of CCK.**

**A. D. is guilty of committing the criminal offence of Organized Crime, in violation of Article 274, paragraph 1 of the PCKK in connection with Trafficking in Persons in violation of Article 139 of the Criminal Code of Kosovo, committed in Co-perpetration, Article 23 of CCK.**

**S. H. is guilty of committing the criminal offence of Organized Crime, in violation of Article 274, paragraph 1 of the PCKK in connection with Trafficking in Persons in violation of Article 139 of the Criminal Code of Kosovo, committed in Co-perpetration, Article 23 of CCK.**

**Because the prosecutor has proved beyond a reasonable doubt that:**

**On or about 1 January 2008 through to 4 November 2008, Dr. L. D. in his capacity as transplant surgeon and owner of the Medicus clinic, A. D. in his capacity as director/manager of the Medicus clinic; Dr. S. H. in his capacity as chief anesthesiologist; a co-conspirator in the capacity as transplant surgeon; a co-conspirator in the capacity of recruiter and facilitator; together with a co-conspirator in the capacity as transplant surgeon; and others, recruited, transported, transferred, harbored and received persons from foreign countries into Kosovo for the purpose of the removal of their organs (kidneys) at the Medicus clinic and the transplantation of those organs into waiting recipients.**

**L. D., as owner of the Medicus Clinic, was responsible for the overall development and functioning of the Clinic with regard to illegal kidney transplants. He was personally involved in many of the illegal kidney transplant operations listed below.**

**A. D., in his capacity of manager of the Clinic, was responsible for numerous and indispensable activities related to the illegal kidney transplant operations at the Medicus Clinic, including the following: arranging the transfer of donors and recipients from the Pristina Airport to the Medicus Clinic and their return to the Airport, and in certain cases performing the transfer himself; managing all logistical activities for transplantation operations, such as scheduling and insuring the availability of proper medical supplies; signing and providing letters of invitation to donors and recipients to facilitate their entry into Kosovo; assisting with financial arrangements, and providing receipts for payment in certain cases; maintaining close contact with a co-conspirator regarding logistical arrangements; and engaging in other related activities at the Clinic, such as accounting. All of**

these activities were carried out with the purpose of accomplishing illegal kidney operations at the Medicus Clinic.

S. H., as the lead anesthesiologist at the Medicus Clinic, personally interacted with most if not all of the donors and recipients involved in the 7 kidney transplant operations in preparation for surgery, and therefore knew that they were all foreign nationals. This striking fact should have, at the very least, aroused his suspicion that the Clinic was engaged in trafficking. He also participated in each of the surgeries, and, at the very least, should have known that kidney transplant operations were illegal in Kosovo, and that the Clinic had no license or authorization to conduct these operations.

Commencing in 2008, numerous persons were recruited in foreign countries, transported to Kosovo, transferred from Pristina airport to the Medicus clinic, received at the Clinic, and then harbored at the Clinic, all for the purpose of exploitation by the removal of their kidneys and the transplantation of their kidneys into waiting recipients. The donors were all victims of abuse of their position of vulnerability because of their extremely dire financial circumstances, and in certain cases also the victims of coercion, fraud and/or deception. Such conduct is contrary to Article 139 (1) and (8), subparagraphs 1 and 2, CCK.

Pursuant to Article 139, paragraph 8, subparagraph 3, CCK, the consent of the victim of trafficking to the intended exploitation is irrelevant for the purpose of Article 139, paragraph 1 CCK.

Beginning in March 2008 through to November 2008, the removal of organs from donors at the Medicus clinic, and the transplantation of those organs to waiting recipients, involved 7 separate cases, each one of which involved a donor and a recipient, as described below in chronological order.

The involved donors testified at the main trial, and were proven to be victims of abuse of their position of vulnerability, and in certain cases victims of coercion, fraud and/or deception, and were exploited by removal of their kidney within the meaning of article 139.

- (1) On 15 May 2008 the group of surgeons and anesthesiologists comprising Dr. L. D., Dr. S. H. and co-conspirators performed a kidney removal operation on the donor victim Protected Witness "W2". Protected Witness "W2" had been promised 15,000 USD in exchange for her kidney but only received 12,000 USD. Protected Witness "W2" had immigrated to Israel from the former

**Soviet Union in 2007 and was in poor financial condition. She was the victim of the abuse of her position of financial vulnerability, and the victim of fraud. It was not established how much the recipient “S.” paid for this organ transplant;**

- (2) On 19 June 2008, the group surgeons and anesthesiologists comprising Dr. L. D., Dr. S. H. and co-conspirators performed a kidney removal operation on the donor victim Protected Witness “W1”, the organ (kidney) then being transplanted to a recipient. The donor victim received 12,000 USD through a contact in Israel called “A.”. Protected Witness “W1” sold his kidney due to large financial difficulties he found himself in, and was the victim of the abuse of his financial vulnerability. He saw a media advertisement promising 12,000 USD payment for kidney donation. The donor victim suffered considerable physical and psychological trauma and his medical state deteriorated following the operation due to improper functioning of his remaining kidney and post operatory complications;**
- (3) On 24 July 2008, the group surgeons and anesthesiologists comprising Dr. L. D., Dr. S. H. and co-conspirators performed a kidney removal operation on the donor victim, Protected Witness “W3,” her organ (kidneys) then being transplanted to a recipient. The investigation established that the kidney transplant operation took place on this date; however, the prosecutor could not pair the donor victim with the recipient. Protected Witness “W3” had been in financial distress and immigrated to Israel from the former Soviet Union. She was offered 10,000 EUR through a newspaper announcement, to ‘donate’ a kidney, and she was the victim of the abuse of her financial vulnerability. Co-conspirators had made the necessary arrangements for her to travel to Pristina for the kidney removal procedure. She was paid the equivalent of 10,000 USD in EUR (8100 or 8200 EUR);**
- (4) On 09 September 2009, the group surgeons and anesthesiologists comprising Dr. S. H. and co-conspirators performed a kidney removal operation on the donor victim “PM”, his organ (kidney) being then transplanted to a recipient. The donor victim had been facing serious financial distress in 2008 due to his familial situation, and he was the victim of the abuse of his financial vulnerability. Following an advertisement he had seen on a Russian website, he contacted an unknown person who promised a payment of a 30,000 USD for donating a kidney. He was persuaded to go to Istanbul for further tests, and in Istanbul he met a co-conspirator who managed the preparations for a transplant operation in Kosovo. After the operation he received 1000 USD**

from the recipient's brother personally. The Protected Witness "PM" suffered significantly after the operation and he regretted he had agreed to give away his kidney. The donor victim was never provided any payment whatsoever for his organ (kidney) removed at the Medicus clinic, and was the victim of fraud.

- (5) On 21 October 2008 the group surgeons and anesthesiologists comprising Dr. S. H. and co-conspirators conducted a kidney removal operation on the donor victim "DS," a Kazakhstani national, his organ (kidney) then being transplanted to a recipient. The donor victim underwent the procedure as he had serious familial and financial problems as a single parent, and he was the victim of the abuse of his position of financial vulnerability. He was persuaded by a person called Y., allegedly a kidney transplant donor victim himself, to have his kidney extracted in Kosovo, in exchange for 20,000 USD. After undergoing the kidney removal surgery he only received 6,000 USD and was promised more money only if he recruited other kidney 'donors'. Thus, he was also the victim of fraud. At the clinic, he was not advised of the consequences of the kidney removal and was coerced by A. D. to sign consent papers he did not understand. The inquiry could not establish the amounts paid by the recipient of the transplanted organ (kidney);
  
- (6) On 26 October 2008 the group surgeons and anesthesiologists comprising Dr. S. H. and co-conspirators, conducted a kidney removal operation on the donor victim "AK", his organ (kidney) then being transplanted to a recipient. The donor victim had undertaken to have his kidney extracted in order to support his studies and help his sick father, and he was the victim of abuse of his position of financial vulnerability. He saw an advertisement on the internet and through two intermediaries, Y. and J. (Y.), he was offered 10,000 EUR in exchange for his kidney. After the operation, however, he only received 8,000 USD and was promised the rest of the money owed only after he recruited other kidney 'donors'. Finally, he was paid 500 USD for the outstanding debt and was threatened by the same intermediary J. to keep silent or suffer dire consequences. Thus, he was also the victim of fraud.
  
- (7) On 31 October 2008 the group surgeons and anesthesiologists comprising Dr. L. D., Dr. S. H. and co-conspirators, conducted a kidney removal operation on the donor victim Y. A., his organ (kidney) being then transplanted to the recipient B. S.. The recipient's family members, Protected Witness "A3" and Protected Witness "A4" confirmed that B. S. paid 90,000 EUR for the kidney transplant operation. The money was wired to the bank account of a co-conspirator in Turkey. The donor victim Y. A. was recruited in Istanbul by an

**intermediary, who had assured him he would receive 20,000 USD for his kidney, and he was the victim of the abuse of his position of financial vulnerability. His travel arrangements to the clinic in Pristina were managed by a co-conspirator. After the surgery, and at the time of the special investigative hearing, the donor victim had never received any money in exchange for his kidney, and was therefore the victim of fraud.**

**And thus**

**From on or about 1 January 2008 to 4 November 2008 at the Medicus clinic, Dr. L. D., in his capacity as transplant surgeon and the owner of the Medicus clinic with overall responsibility for the functioning of the Clinic, organized, established, supervised, managed and directed the activities of the organized criminal group which occurred at the Medicus Clinic. The organized criminal group was a structured group consisting of three or more persons, including L. D., A. D., S. H. and others. The group existed for at least several months during 2008, and was not randomly formed for the immediate commission of an offense. The group was formed with the aim of committing one or more serious crimes on an ongoing basis, specifically trafficking in persons, contrary to Article 139 CCK, in order to obtain, directly or indirectly, a financial or other material benefit, by means of the removal of organs (kidneys) and transplant to recipients who paid large sums of money for their kidney.**

**Beginning in March 2008 through to November 2008, the removal of organs at the Medicus clinic and transplantation to recipients involved 7 cases of organ removal and transplantation as specified in the above description of the trafficking charge in Count 1, which description is incorporated herein by reference. This illegal activity took place under the overall organization, establishment, supervision and management of L. D., acting in concert with others named above.**

**Dr. L. D. and the organized criminal group obtained financial or other material benefits including cash payments made directly to the Medicus clinic, and/or others from the recipients of organs (kidneys) including but not limited to the following cash payments:**

- (1) From Protected Witness "T3" in the amount of 100,000 USD**
- (2) From Protected Witness "T4" in the amount of 70,000 EUR**
- (3) From Protected Witness M2 in the amount of 108,000 USD**
- (4) From Protected Witness A1 in the amount of 79,000 EUR**
- (5) From T. S. in the amount of 25,000 EUR**

- (6) From R. F. in the amount of 80,000 EUR**
- (7) From Protected Witness “M1” in the amount of 77,000 EUR**
- (8) From Protected Witness “T2” in the amount of 90,000 EUR**

**and**

**From on or about 1 January 2008 to 4 November 2008 at the Medicus clinic, A. D., in his capacity as director/manager of the Medicus clinic, with the aim of committing one or more serious crimes, committed the offence of trafficking in persons, contrary to Article 139 CCK, in order to obtain, directly or indirectly, a financial or other material benefit, by means of the removal of organs (kidneys) and transplant to recipients.**

**A. D. and the organized criminal group obtained financial or other material benefits including the following cash payments made directly to the Medicus clinic, and/or others from the recipients of organs (kidneys):**

- (1) From Protected Witness “T3” in the amount of 100,000 USD**
- (2) From Protected Witness “T4” in the amount of 70,000 EUR**
- (3) From Protected Witness M2 in the amount of 108,000 USD**
- (4) From Protected Witness A1 in the amount of 79,000 EUR**
- (5) From T. S. in the amount of 25,000 EUR**
- (6) From R. F. in the amount of 80,000 EUR**
- (7) From Protected Witness “M1” in the amount of 77,000 EUR**
- (8) From Protected Witness “T2” in the amount of 90,000 EUR**

**and**

**From on or about 08 March 2008 to 04 November 2008 at the Medicus Clinic, Dr. S. H. in his capacity as chief anesthesiologist, knowingly participated in medical procedures which were criminal and unlawful under the laws of Kosovo, namely the removal of organs (kidneys) for transplantation, and thus committed the offence of trafficking in persons, contrary to Article 139 CCK, in order to obtain, directly or indirectly, a financial or other material benefit, by means of the removal of organs (kidneys) and transplant to recipients**

**S. H. and the organized criminal group obtained financial or other material benefits including the following cash payments made directly to the Medicus clinic, and/or others from the recipients of organs (kidneys):**

- (1) From Protected Witness “T3” in the amount of 100,000 USD**
- (2) From Protected Witness “T4” in the amount of 70,000 EUR**

- (3) From Protected Witness M2 in the amount of 108,000 USD**
- (4) From Protected Witness A1 in the amount of 79,000 EUR**
- (5) From T. S. in the amount of 25,000 EUR**
- (6) From R. F. in the amount of 80,000 EUR**
- (7) From Protected Witness “M1” in the amount of 77,000 EUR**
- (8) From Protected Witness “T2” in the amount of 90,000 EUR**

### **Punishments**

**Pursuant to Article 6, Article 11, Article 15, paragraph 1, Article 23, Article 274, paragraph 3 and Article 39, paragraph 1 and 2 of the CCK, L. D. is sentenced to imprisonment of 8 (eight) years and a fine of 10,000 (ten thousand) Euros that is to be paid no more than six months after the judgment is final.**

**Pursuant to Article 6, Article 11, Article 15, paragraph 1, Article 23, Article 274, paragraph 1, and Article 39, paragraph 1 and 2, of the CKK, A. D. is sentenced to imprisonment of 8 (eight) years months and a fine of 2,500 (two thousand five hundred) Euro that is to be paid no more than six months after the judgment is final.**

**Pursuant to Article 6, Article 11, Article 15, paragraph 1, Article 23, Article 274, paragraph 1, and Article 39, paragraph 1 and 2, of the CKK, S. H. is sentenced to imprisonment of 5 (five) years and a fine of 2,500 (two thousand five hundred) Euro that is to be paid no more than six months after the judgment is final.**

**Pursuant to Article 57, paragraph 1 and 2 of the CCK L. D. is prohibited from exercising the profession of urologist for the period of 2 (two) years starting from the day the prison sentence has been fully served.**

**Pursuant to Article 57, paragraph 1 and 2, of the CCK S. H. is prohibited from exercising a profession of anesthesiologist for the period of 1 (one) year starting from the day the prison sentence has been fully served.**

**VIII. The appeal of Linn Slattengren on behalf of L. D. and the companies Klinika Kardiokirurgjike Medikus and Ordinanca Urologjike Medicus against the ruling of the Basic Court of Pristina P 309/10 & 340/10 dated 25 November 2013 is granted, insofar as there is no ground to close and confiscate the Medicus Clinic premises.**

**IX. The appeal of F. I. on behalf of the economic entity Medical Center LLC against the ruling of the Basic Court of Pristina P 309/10 & 340/10 dated 25 November 2013 is granted, insofar as there is no ground to close and confiscate the Medicus Clinic premises.**

**X. The appeal of the Special Prosecution Office of the Republic of Kosovo against the ruling of the Basic Court of Pristina P 309/10 & 340/10 dated 25 November 2013 is rejected.**

**XI. The ruling of the Basic Court of Pristina P 309/10 & 340/10 dated 25 November 2013 is modified insofar as the Prosecutor's Application for confiscation of the Medicus Clinic establishment dated 29 April 2013 is hereby rejected as unfounded.**

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Presiding Judge

\_\_\_\_\_  
Radostin Petrov  
EULEX Judge

Panel member

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Mejreme Memaj  
Kosovo Judge

Panel member

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Dariusz Sielicki  
EULEX Judge

Recording Officers

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Alan Vasak  
EULEX Legal Officer

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Bernd Franke  
EULEX Legal Officer

**LEGAL REMEDY:** The defendant S. H. may file an appeal against this judgment with the Supreme Court of Kosovo, in accordance with Article 430, paragraph 1, item 3 PCPCK. The appeal may be filed within 15 days from the day the copy of this judgment has been served.

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**Court of Appeals**  
Pristina

**PAKR 52/14**

**6 November 2015**