

**Basic Court of Pristina/Prishtina**  
**PKR. No. 383/09**

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

**9 September 2014**

**IN THE NAME OF THE PEOPLE**

The Basic Court of Prishtina/Prishtina – Serious Crimes Department in the trial panel composed of the EULEX Judge Piotr Bojarczuk as a Presiding Judge, the EULEX Judge Mariola Pasnik and the local Judge Nora Bllaca-Dula as panel members, assisted by the EULEX Legal Assistant Musa Bajraktari, in the criminal case PKR. 383/2009 against the following accused charged with the indictment of the State Prosecutor Office. PP. nr. 465-6/09, dated 13.August.2009, and confirmed with a ruling of Confirmation Judge, KA. Nr. 348/09, dated 05.10.2009 in the criminal case against:

1. **A.C.**, father`s name xxxx, mother`s name xxxx, mother`s maiden name xxxx, born on xxxx in xxxxx, accused of the following criminal offences:

1.1. ‘that On 22.05.2009, at around 13:40 hours, in the village Zabel i Ulët, Municipality of Drenas, near the village mosque, because of the aggravated relations and continuous conflicts between the defendant A.C., with the daughter of the deceased R.A., Q.A., to whom the defendant A.C. was married, and because of the continuous violence that was used on her by her husband, she left her house many times and she went at her father`s place, with the vehicle type “Mercedes” , grey colour, property of the second defendant, which was used by the defendant R.O.. A.C. left his house in the village Korroticë, he went to the village Zabel i Ulët near the mosque, where he parked the vehicle and waited about 30 minutes for the father (now the deceased) of the ex-wife of the defendant A.C., who at that time was inside the mosque praying, whose vehicle was noticed that was parked before by the defendant A.C., therefore he knew that he was there, so when the deceased stepped out of mosque and approached his vehicle, because of unscrupulous revenge, by thinking that he was the reason why his spouse was not returning home, the defendant A.C. with intention to deprive him of his life, approached the deceased and at a distance of 3-4 metres away, has fired four times with automatic gun towards him, by hitting him with four bullets on the vital parts of his body, by causing him deadly injures, because of which the person died instantly. After the committal of the crime with the same vehicle he returned to village Korroticë at his house.

which was classified in the Indictment as Aggravated murder under Article 147, item 9 of the Criminal Code of Kosovo (hereinafter “CCK”);

1.2. ‘that on the date, time and place described above in the item 1, without having a valid permit issued by the competent authority (the Ministry of Interior of Kosovo) for authorized ownership of such weapon, he was in the possession of the automatic firearm

“AK-47”, (calibre 7.62x39mm with serial number 09809-84) which he took it from his home and committed the criminal offence described above under item 1’,

which was classified in the Indictment as Unauthorized ownership, control, possession or use of weapons under Article 328 Paragraph 2 of CCK in conjunction with the criminal offence described above under item 1;

2. **R.O.**, father’s name xxxx, mother’s name and maiden name xxxx, born on xxxxx in xxxxx, accused of the following criminal offence:

2.1. ‘that on the day, time and place described in item I.1 above he has taken part in the assistance, by waiting inside the vehicle about 30 minutes, the first defended caused the death of deceased R. A.’,

which was classified in the indictment as criminal offence of assisting Aggravated Murder under Article 147 paragraph 1, item 9, in connection with Article 25 of CCK;

After having held the main trial hearings in public on 15,18, November and 11 December 2013 and 17, 21, 23, January, 13 February, 07 March 2014, 11 April 2014, 02 July 2014 and 5<sup>th</sup> September 2014.

in the presence of:

- the accused A.C. and his defence counsel D. R.;
- the accused R.O. and his defence counsel I.D., on 07 March 2014 the accused R.O. was presented by B. A., and
- the injured party Z. A. and his representative R. G.;

after the trial panel deliberation and voting held on 05 September 2014, based on Article 359 Paragraph 1 of the Criminal Procedure Code of the Republic of Kosovo(hereinafter CPC),

on 9 September 2014, pursuant to Article 359 of the CPC, pronounces in public the following:

## **JUDGMENT**

I. A.C. is GUILTY because:

on 22.05.2009, at about 13:40 hours, in the village Zabel i Ulët, Municipality of Drenas, near the village mosque:

he was in the possession of the automatic firearm “AK-47 calibre 7.62x39mm with serial number 09809-84 without a Weapon Authorisation Card or a permit which was a category A2 weapon as defined in the Article 4 Paragraph 1 subparagraph 1.1.2 of the Law on Weapons of 17 September 2009 (Law No. 03/L-143),and:

he intentionally used the AK-47 in such a way that he aimed and fired four shots at R.A. who was standing in front of the mosque's yard, while opening his car's door where approximately 20 other people were leaving the mosque after performing Friday prayers;

and by this action A.C. deprived with a direct intent the deceased R.A. of his life by hitting him with four bullets on the vital parts of his body, by causing him deadly injuries, because of which the person died instantly;

and by doing so A.C. committed in concurrence the following criminal offences:

- I.1. Unauthorized possession of weapon under Article 374 Paragraph 1 of the CCRK;
- I.2. Aggravated murder under Article 147, item (9) of the CCK;

II. **A.C.** is hereby SENTENCED:

pursuant to Article 3 paragraph 2 of the Criminal Code of the Republic of Kosovo entered into force on 1 January 2013 (hereinafter "CCRK") in conjunction with Article 374 Paragraph 1 of CCRK for the criminal offence of Unauthorized possession of weapon under Article 374 Paragraph 1 of CCRK described under I.1 to two (2) years of imprisonment;

- II.1. pursuant to Article 3 paragraph 2 of the CCRK in conjunction with Article 147, item 9 of the CCK, for the criminal offence of Aggravated murder to Long-Term Imprisonment for a period of 25 (twenty five) years;
- II.2. pursuant to Article 3 paragraph 2 of CCRK in conjunction Article 71 Paragraphs 1 and 2.1 of the CCK for both of the above offences A.C. is hereby sentenced to an aggregate punishment of 25 (twenty five) years of imprisonment.

III. Pursuant to Article 364 Paragraph 1 subparagraph 1.3 of CPC **R.O.** is hereby ACQUITTED because it has not been proven to the requisite standard or beyond reasonable doubt that on 22.05.2009, at about 13:40 hours, in the village Zabel i Ulët, Municipality of Drenas, near the village mosque, he has taken part in the assistance, by waiting inside the vehicle about 30 minutes, while the first defendant caused the death of deceased R. A.

IV. Pursuant to Article 374 Paragraph (3) of the CCRK, the automatic firearm "AK-47" calibre 7.62x39mm with serial number 09809-84 shall be forthwith confiscated and destroyed.

V. The Injured Party may pursue any claims for compensation through the civil courts.

VI. Pursuant to Article 365 paragraph 1, item 1.5 of the CPC the period of deprivation of liberty of A.C. from 22 May 2009 to 09 September 2014 shall be included in the aggregate punishment of long-term imprisonment imposed on him.

- VII. Pursuant to Article 453 Paragraphs 1 and of the CPC, the cost of the criminal proceedings shall be partially reimbursed by A.C. in a scheduled amount of Euro 100 and the remaining cost of the criminal proceedings shall be paid from the budgetary resources.

**Basic Court of Pristina/Prishtina**

**PP. No. 383/2009**

**Dated this 9<sup>th</sup> day of September 2014**

**Court Recorder**

**Presiding Judge**

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**Svetelina Zhekova**

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**Piotr Bojarczuk**

**Panel Member**

**Panel Member**

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**Mariola Pasnik**

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**Nora Bllaca-Dula**

By virtue of Article 287 paragraph 2 of the CPC parties have an obligation to announce any appeal within eight days.

The parties have the right to appeal against this judgment within 15 days of the day the copy of the judgment has been served (Article 380 Paragraph (1) CPC).