

DISTRICT COURT OF MITROVICË / MITROVICA
P Nr. 46/10
13 July 2011

IN THE NAME OF THE PEOPLE

THE DISTRICT COURT OF MITROVICË/MITROVICA, in the trial panel composed of EULEX Judge Klaus Jung, as presiding judge, and EULEX Judges Christine Lindemann-Proetel and Vitor Pardal as panel members, with the participation of EULEX Legal Officer Francesco de Sanctis as recording officer, in the criminal case against:

the Accused SH. K., charged according to the Indictment of the District Prosecutor PP. Nr. 114/2010 dated 19 October 2010 with the criminal offence of Attempted Aggravated Murder under Article 147 item 4 in conjunction with Article 20 of the CCK, and the criminal offence of Unauthorized Ownership, Control, Possession and Use of Weapons under Article 328 paragraph 2 of CCK;

After having held the main trial hearings open to the public on 4, 5, 6, 8 and 13 July 2011, all in the presence of the Accused **Sh. K.**, his Defence Counsel Mahmut Halimi, EULEX Public Prosecutor Neeta Amin, Injured Party B. O. and his Legal Representative Fazli Balaj, after the trial panel's deliberation and voting held on 13 July 2011, on the same day pursuant to Article 392, Paragraph (1) of the Criminal Procedure Code of Kosovo (CPCCK), pronounced in public and in the presence of the above-mentioned Accused, his Defence Counsel, EULEX Public Prosecutor and the Injured Party, the following

JUDGMENT

Sh. K., with nickname **D. Sh.**, born on _____, in _____, _____, Kosovo, father's name A., mother's name Sh. I., with permanent residence in _____, _____, Kosovo A., single with no children, finished Secondary School, with poor income, previously convicted of Aggravated Offence Against Traffic Safety,

;

is

FOUND GUILTY

Because: on _____ at around _____ hrs, in _____, Municipality of _____, in the proximity of the bus stop close to fuel station " _____ ", the Accused willingly shot with his pistol - _____ of calibre _____ mm - at least five times at the injured party B. O., Commander of the Kosovo Security Forces, causing him serious injuries at his right forearm, right leg, left leg and left ankle. On the critical day the injured party

was travelling in a Kosovo Security Forces official vehicle together with his colleagues S. G., R. R. and the driver B. T., heading towards . While S. G. and R. R. were sitting on the back seats of the vehicle, B. O. was in the front seat on the passenger side. When they reached the above mentioned bus stop, the Accused, being also a member of the Kosovo Security Forces, raised his hand to stop the vehicle. As the vehicle stopped about 20-30 meters after the Accused, B. T. went out of the vehicle to ask the Accused why he had made sign to stop. The other three passengers remained in the car. The Accused told T. that he wanted to have a short discussion with Commander O.. As the driver walked back to the vehicle and was on the point of entering on the driver's seat, the Accused instead went towards the vehicle on the right side, opened the door of the front passenger's seat and asked B. O. "why did you remove the photograph?" It was later clarified that the photograph in question was one of A. J., which had been removed some time before the incident from the office where the Accused was working at the Kosovo Security Forces base in . Immediately after he posed that question, the Accused, standing outside the vehicle at a very short distance from the injured party, pulled out his pistol and started shooting inside the vehicle towards the legs of the injured party. After the shooting the Accused left the crime scene and walked in the direction of . Due to the injuries sustained, the injured party had to undergo several surgery operations and, at the present date, has still not completed his medical treatment, which will take additional several months of treatment and rehabilitation. The injuries inflicted to the injured party were serious enough to result in permanent weakening of his limbs and permanently diminishing of his capacity to work.

By doing so, **Sh. K.** committed and is criminally liable for the criminal act of **Grievous Bodily Harm**, contrary to Article 154, Paragraph (1), Items 1), 2) and 4) of the Criminal Code of Kosovo (CCK).

Furthermore, the **Accused Sh. K.**

Is

FOUND GUILTY

Because during an unknown period of time until , without authorization, he was in possession of pistol of calibre mm, which he used in the above-mentioned manner.

By doing so, the Accused **Sh. K.** committed and he is criminally liable for the criminal act of **Unauthorized Ownership, Control, Possession or Use of Weapons**, contrary to Article 328, Paragraph (2) of the CCK;

Therefore, Sh. K. is

SENTENCED

- to five (5) years of imprisonment for the criminal act of Grievous Bodily Harm
- to three (3) years of imprisonment for the criminal act of Unauthorized Ownership, Control, Possession or Use of Weapons

The aggregate punishment is determined in seven (7) years imprisonment pursuant to Article 71 Paragraph (1) and Paragraph (2) Item 2 of the CCK.

The time spent in detention on remand from _____ are to be credited pursuant to Article 73 Paragraph (1) of the CCK.

The pistol - of calibre _____ mm, serial number _____ - is hereby confiscated pursuant to Article 60 Paragraph (1) and Article 328 Paragraph (5) of the CCK.

The Accused shall reimburse the costs of criminal proceedings pursuant to Article 102 Paragraph (1) of the CPCK with the exception of the costs of interpretation and translation.

The property claim of the Injured Party is referred for civil proceedings pursuant to Article 112 Paragraph (2) of the PCPCK.

Recording Officer
Francesco de Sanctis

Presiding Judge
Klaus Jung