

DISTRICT COURT OF PRISTINA

P 408/11

11 May 2012

IN THE NAME OF THE PEOPLE

The trial panel of the District Court of Pristina, composed of EULEX Judge Jonathan Welford-Carroll, as Presiding Judge, and Kosovo Judge Mejreme Memaj, and EULEX Judge Andrew Hatton, as panel members,

In the criminal case against:

(1) **ZK**, born on *****, in village *****, Municipality of *****, where he currently resides, Kosovo Serbian,

Indicted with the Indictment filed on 1 August 2011 and confirmed on 23 August 2011, filed by SPRK Prosecutor Suad Kuraja, for the following criminal offences prosecuted *ex-officio*:

1. War crime against civilian population, provided for and punished by **articles 22 and 142 of the Criminal Code of the Socialist Federal Republic of Yugoslavia (CCSFRY)**, currently criminalized under articles 23 and 120 of the Criminal Code of Kosovo (CCK), because, in violation of **Common Article 3 of the four Geneva Conventions of 12 August 1949 (Common Article 3)**, and of **Articles 4 and 5 (1) of Protocol II of 8 June 1977, Additional to the 1949 Geneva Conventions (APII)**, all rules of international law effective at the time of the internal armed conflict in Kosovo and at all times relevant to the present ruling, **the defendant**, from 24 May 1999 in the capacity of guardian in the Prison of Lipjan, **treated inhumanely**, causing immense suffering and violating bodily integrity or health by beating and hitting with rubber batons, kicking and punching the prisoner GM detained in Lipjan Prison, until the victim was left unconscious and subsequently, on 25 May 1999, has died,

In Lipjan Prison, on 24 May 1999,

2. War crime against civilian population, provided for and punished by **articles 22 and 142 of the CCSFRY**, currently criminalized under articles 23 and 120 of the CCK, because, in violation of **Common Article 3 of the GC, and Articles 4 and 5 (1) of APII**, all rules of international law effective at the time of the internal armed conflict in Kosovo and at all times relevant to the present ruling, **the defendant**, in his capacity of guardian in the Prison of Lipjan **treated inhumanely** (causing immense suffering and violating bodily integrity or health by beating and hitting them with rubber batons, kicking and punching) the prisoner JR detained in Lipjan Prison,

In Lipjan Prison, on 24 May 1999

3. Unauthorized ownership, control, possession or use of weapons, foreseen and punishable by article 328 paragraph 2 CCK, because this defendant starting from year 1999 and until 7 April 2011, at his house located in ***** Municipality, he kept in his possession, without a valid weapon permit the following weapons: a “Zastava” TT type

revolver of 7.62 mm caliber, with serial number 1878, two magazines of the same revolver and 37 bullets of 7.62 mm caliber – all functional,

In Dobrotin village, on 7 April 2011

After the main trial sessions held on 1, 2, 3, 17 November 2011, 2, and 6 December 2011, 10 and 11 January 2012, 29 and 30 March 2012, 30 April 2012 and 8 May 2012, in public, in the presence of the defendant, his defence lawyers, SPRK Prosecutor,

After deliberation and voting held on 8 May 2012,

Pursuant to article 391 CCK hereby renders the following:

JUDGMENT

1. Defendant ZK, as identified above, is found guilty of count one of the indictment

Because on or about 24 May 1999, after prisoners from Dubrava Prison had been transported to Lipjan Prison, GM, along with an unidentified number of other Albanian prisoners were forced to pass through two lines of Serbian Prison Guards, Police and paramilitaries, and was treated inhumanely in that his bodily integrity was violated by beating by the Defendant and others with weapons, punches and kicks, thereby suffering injuries from which GM died at some point of time between the beating and 25 May 1999.

By doing so, the Accused ZK committed and is criminally liable for the criminal offence of War Crimes Against the Civilian Population as set out in full above.

2. Defendant ZK, as identified above, is found guilty of count two of the indictment

Because on or about 24 May 1999, after prisoners from Dubrava Prison had been transported to Lipjan Prison, JR, along with an unidentified number of other Albanian prisoners were forced to pass through two lines of Serbian Prison Guards, Police and paramilitaries, and was treated inhumanely in that his bodily integrity was violated by beating by the Defendant and others with weapons, punches and kicks, thereby suffering injuries.

By doing so, the Accused ZK committed and is criminally liable for the criminal offence of War Crimes Against the Civilian Population as set out in full above.

3. Defendant ZK, as identified above, is found guilty, of count three of the indictment,

Because on 7 April 2011, in *** village the Defendant was in possession of a Zastava TT type revolver, 7.62 calibre, serial number 1878. Two magazines and 37 bullets, all functional without a valid weapon permit.**

By doing so, the Accused ZK committed and is criminally liable for the criminal offence of Unauthorised ownership, control, possession or use of weapons, contrary to CCK Article 328(2).

Sentencing:

1. Pursuant to article 38 and article 142 of the Criminal Code of SFRY, ZK is hereby sentenced to 10 years of imprisonment for count one of the indictment;
2. Pursuant to article 38 and article 142 of the Criminal Code of SFRY, ZK is hereby sentenced to 6 years of imprisonment for count two of the indictment;
3. Pursuant to article 64 and 328 paragraph 2 of the Criminal Code of Kosovo, ZK is hereby sentenced to 500 euros fine for count three of the indictment.
4. Pursuant to article 48 and 142 of the Criminal Code of Kosovo, ZK is hereby sentenced to an aggregated **punishment of 14 years of imprisonment and 500 euros fine.**
5. Pursuant to article 50 paragraph 1 of the Criminal Code of SFRY the time the defendant spent in detention shall be counted as part of the sentence. Specifically, the time between 7 April 2011 until the verdict becomes final will be deducted from the sentence.

Detention on remand is hereby ordered until such time as this judgment becomes final.

Cost of the Proceedings

The defendant is obliged to pay the cost of the proceedings in the amount of 144,80 euros.

REASONING

1. Procedural History

- 1.1. The events set out in the indictment took place in May 1999. The investigation of the events started only in 2011, when one of the injured parties, JR went to the Police and reported the events. From this statement to the Police, the whole investigation started. On 7 April 2011, the defendant ZK was arrested and remanded into pre-trial detention.
- 1.2. The indictment was filed on 1 August 2011 and was confirmed by a EULEX judge on 23 August 2011. The original indictment alleges in count 1 that the defendant “has kicked and punched GM in different parts of his body, until the victim was left unconscious and subsequently, on 25 May 1999, has died”.
- 1.3. The Confirmation Judge retained the fact of GM death within the factual description of the indictment but asserted that the death cannot be directly attributed to the defendant. This was on the basis that there is not a direct causal link between the actions of the defendant and GM death. Thus, the first count of indictment was been confirmed with the modality that the defendant has most likely committed the criminal offence of inhuman treatment by using violence against GM.

1.4. However, on 26 October 2011, the SPRK Prosecutor filed with the Court a correction of the indictment concerning only count 1, thus the original version of the indictment, as quoted above has been reintroduced. The Main Trial Panel approved of this reinstatement of count 1 on the basis that though it cannot be concluded that ZK actions were the sole cause of GM death, the clear and obvious factual and temporal link between the beating in which ZK was alleged to have played a significant role and that death of GM was sufficient to establish that ZK conduct was a contributing factor to that death.

1.5. Presiding Judge of the panel held an extraordinary investigative opportunity on 17 October 2011 when the injured party JR was interrogated at length. All parties were present: SPRK Prosecutor, the defendant and his chosen defence lawyers. The injured party has been examined by the Public Prosecutor, the defence and the Presiding Judge.

1.6. The main trial started on 1 of November 2011. The trial panel heard the following witnesses: F. M., Xh. M., Dr. M. G., A. M., S. B., I. P., R. G., H. M., M. Th., I. T., M. Ll., S. B., E. G., and defense witnesses: M. D., S. M., M. M., S. R.. The defendant decided to testify during the session held on 30 April 2012.

1.7. All the statements given by the witnesses during the investigation stage have been deemed admissible and made part of the case file.

1.8. The panel also admitted as part of the case files the following documents:

1.8.1. Confirmation of identity issued by Office of Missing Persons and Forensic on 12 November 2003;

1.8.2. Identification certificate, issued by UNMIK on 10 January 2004;

1.8.3. Death Certificate, issued by Department of Justice, Office of the Medical Examiner, issued on 31 December 2003;

1.8.4. Autopsy report, issued by ICTY on 26 May 2000;

1.8.5. Police report with attachment extract from the Morgue books of 1999, submitted to the Court by the Public Prosecutor on 17 January 2012

2. Competence of the Court

2.1. Pursuant to KCCP Article 23(1), district courts have jurisdiction to adjudicate at first instance criminal offences punishable by imprisonment of at least five years or by long – term imprisonment.

2.2. The criminal offence war crimes as listed in the indictment is punishable with imprisonment from five to fifteen years of imprisonment, and the criminal offence of unlawful possession of weapons, as defined in CCK Article 328(2) is punishable with one to eight years of imprisonment, thus the material competence lies with the district court

2.3. According to the indictment, the criminal offences occurred in Ljppjan, which is under the territorial competence of the District Court of Pristina. Thus, pursuant to KCCP Article 27(1), the district court of Pristina has the territorial competence to adjudicate this case.

2.4. Pursuant to the Law on Jurisdiction, Case Selection and Case Allocation of EULEX Judges and Prosecutors in Kosovo (hereinafter LoJ) Article 3 EULEX Judges assigned to criminal proceedings will have the jurisdiction and competence over any case investigated or prosecuted by SPRK

2.5. The present case was represented by the SPRK Prosecutor; therefore, in accordance with article 4.7 of LoJ, the trial panel of the district court was composed of a mixed panel of two EULEX Judges and one local Judge.

2.6. None of the parties objected to the composition of the panel.

3. *Factual and legal findings:*

3.1. JR has given the following statements and evidence within these proceedings:

3.1.1. Witness statement to KP on 10/12/2009

3.1.2. Witness statement to EULEX Police on 24/9/2010

3.1.3. Witness statement to KP on 10/1/2011

3.1.4. Witness Hearing in presence of SPRK Prosecutor on 24/5/2011

3.1.5. Extraordinary Investigative Opportunity on 17/10/2011

3.2. JR stated that he had been detained in Lipjan prison twice. The first occasion was from December 1998 to February 1999. Though he asserted that he was beaten during this period, the primary relevance of JR's account regarding his first detention in Lipjan is that during that period he came to know ZK as one of the prison guards at Lipjan Prison.¹ The Court noted that though in his short first statement of 10/12/2009, JR did not refer to ZK during his first stay in Lipjan Prison, in his second statement of 29/9/2010, JR referred to a Serbian Prison guard called Z, about 25 years of age being present during this first stay in Lipjan. The Defendant admits that he has been known as 'Z***', this being a family nickname for him. Later in the same statement, JR specifically stated that ZK was one of the guards in Lipjan Prison that tortured him. In the same statement JR gave the following description of K: 'around 23 years old, around 185cm tall, brown eyes, short brown hair, scar on left side of face.' Though at the time of main trial ZK was aged 39 years, the description as given by JR is broadly consistent with ZK actual appearance, including the presence of a scar on his cheek as described. In the hearing before the SPRK Prosecutor on 24 May 2011 JR repeated and gave further detail of incidents involving ZK during his first period of detention at Lipjan Prison. The Court notes that in this statement, JR stated that he did not know the Defendants name during the period of first detention, only learning this after he returned to Lipjan prison on 24 May 1999,² a fact that he repeated and clarified during cross examination by defence counsel.³ During the Extraordinary Investigative opportunity, JR confirmed that it was during the incident at Lipjan prison on 24 May 1999 that he learned ZK name, though he recognized the defendant as a guard from the first time JR had been in Lipjan Prison.⁴

3.3. At some point, JR was moved from Lipjan Prison to Dubrava Prison. During his evidence, JR gave a detailed account of events within Lipjan Prison. As those events are

NOTE all references to page numbers refer to the English version of the documents.

¹ Minutes of Extraordinary investigative Opportunity 17 October 2011 pp4-5

² Minutes of Hearing before SPRK Prosecutor, 24/5/2011, p3.

³ Minutes of Extraordinary Investigative Opportunity 17 October 2012, p25

⁴ Minutes of Extraordinary Investigative opportunity 17 October 2011 pp5-6

not part of the indictment in the case against ZK, the facts are not repeated in this judgment and this court makes no specific findings of fact with regards to the Dubrava events.

- 3.4. As a result of events in Dubrava, the prisoners were transferred to Lipjan Prison on 24 May 1999. There were two relevant categories of prisoners; injured and uninjured prisoners. The injured were transferred to Lipjan on lorries. The uninjured were transferred to Lipjan in buses. JR was transferred by bus. GM was on the seat next to JR on the bus. JR makes clear that he did not have any injury and he did not see any sign of injury upon GM, then aged approximately 60 years old, who was able to walk freely and unaided onto and off the bus.
- 3.5. Upon arrival at Lipjan Prison on 24 May 1999, the prisoners were ordered to disembark from the buses. GM got off the bus immediately before JR. Upon getting off the bus, JR was able to see the Prison Guards. He stated that they 'were waiting for us with sticks in their hands'. In addition to the Prison Guards, there were paramilitaries and military police. They were armed with sticks and batons. The guards, paramilitaries and police had positioned themselves in two lines with a narrow gap between them creating a form of corridor. That corridor led from the bus to the gate through which the prisoners had to enter to go into the Detention Pavilions. ZK was part of one of these two lines. JR described him as follows: 'ZK is someone whose face I will never forget. He was holding a stick or baton, however, most importantly was some object he had tied around his wrist. And he was really angry, he was totally crazy.'⁵
- 3.6. The Prisoners were made to pass through the corridor of guards one by one. GM went before JR who was about 5-10 metres behind. As GM approached ZK, K began to beat him using a baton, punches and kicks, the blows landing all over his body, including in particular his back and head. The beating lasted for 4 to 5 minutes. As a result of that beating GM was beaten to the ground. Having fallen to the ground, GM was unable to stand again. JR saw that ZK continued to kick GM after he had fallen to the ground. At some point, one of the other guards shouted 'enough K', the man is dead.' At this point, GM was pushed a short distance to the side by the guards using their feet/ boots. GM appeared at this stage to JR to be unconscious. JR's evidence does not make it clear whether ZK acted alone in beating GM. JR stated during the Extraordinary Investigative opportunity that 'I saw ZK beat GM, maybe there was someone else that beat him up however when I was observing I had my head down and my hands were tied on the back. I only saw ZK but maybe there was someone else who beat him up too' whereas in his hearing before the public prosecutor he stated that 'only this man [ZK] was beating G, and I am completely sure of that.'
- 3.7. After GM had passed through the two lines of guards, it was JR's turn. JR had remained 5-10 metres from GM during G's beating. After that, ZK looked over to JR and called 'Next!'. JR approached. Though he had his head down in tried to keep his eyes on ZK. JR also had his hands behind his back. Although, JR initially stated that his hands were tied behind his back, he later clarified that what he meant was that he had been ordered to put his hands behind his back but they were not tied.⁶ ZK was armed with something tied to his hand. As JR approached ZK hit him with something hard on the head. Though JR was knocked to the ground, he managed to retain his feet, believing that it would be fatal to remain on the ground. Having got back to his feet, JR was aware that

⁵ Minutes of Extraordinary Investigative opportunity 17 October 2011 p11

⁶ Minutes of extraordinary Investigative opportunity p36

another person joined in beating him, using what felt like the barrel of a weapon, punches and batons. He estimated that three to four others were involved in the beating of him. He was beaten all over and as a result suffered bruising and pain.

3.8. GM was not placed into the same room in the detention pavilion as JR. Therefore JR did not learn of G's death until about two days later.

3.9. The Panel notes that JR was challenged both by the Prosecutor⁷ and by the Defence⁸ about why he did not report his allegations against ZK until 2009. The Panel finds his explanations for the delay in reporting the case to the authorities, namely that there was no point in reporting matters to the authorities during war time and that after the war he wanted to be sure that he had found the correct ZK to prevent him from having the chance to flee, are compelling and believable answers which the Panel accept. Therefore it follows that the Panel does not consider the mere fact that a period of ten years passed between the event and the reporting of the event renders JR's account less credible.

3.10. Identification:

3.10.1. Extraordinary Investigative opportunity – JR gave the following description of ZK – 23 or 24 years old, good physical condition, quite fit. Hair was short⁹. JR confirmed that the Defendant was the same ZK who he described and who committed the beatings against GM and JR¹⁰.

3.10.2. Photographic identification - JR once again confirmed his photographic identifications at the Extraordinary Investigative Opportunity.¹¹

3.10.3. Witness statement to KP 10 December 2009 – describes the beating and a guard telling the man inflicting the beating 'enough K, the man died'. Also states that he recognized K whom he knew by face.

3.10.4. Witness statement to EULEX Police 24 September 2010 – describes his first stay in prison and 'Z***' being a guard. Describes K as around 23 years old, around 185cm tall, brown eyes, short brown hair, scar on left side of his face (The defendant has such a scar). Describes the beating of GM on 24 May 1999 and repeats that one guard said 'enough K, because you're killing the man'.

3.10.5. Witness statement 10 January 2011 – describes ZK as about 23 years old, stoutly built, about 185 cm tall, brown eyes, very short brown hair, rounded face, and scar mark on left side of face. From the photographs he correctly identified number 2 as ZK

3.10.6. Minutes of witness hearing with prosecutor 24 May 2011 – correctly identifies photograph number 2 (sheet 1) and photograph number 7 (sheet 2) as ZK. Recognizes an ID card photograph obtained by the prosecution on 29 March 2011 as ZK. Describes ZK as having scar on left cheek.

3.11. There is an important issue for the Panel in determining the weight and credibility of the answers of other witnesses on questions of the name of the defendant and identification. JR accepts that after he had found the home of ZK he then went to the village of R. G. (another witness in this case) to find the correct address of the

⁷ Minutes of Extraordinary Investigative opportunity pp23

⁸ Minutes of Extraordinary Investigative opportunity p25-34

⁹ Minutes of Extraordinary Investigative opportunity p21

¹⁰ Minutes of Extraordinary Investigative opportunity p21

¹¹ Minutes of Extraordinary Investigative opportunity pp22-23

family of GM. It is clear that this would have involved some discussion with R. G. about the facts and allegations in this case against ZK. Thereafter, JR went to the home of GM family and again spoke with them about the facts and allegations of this case. Indeed, it is clear that at various times all of the factual witnesses in this case have talked and shared their recollections about the events and about the person they allege committed the offences, including by mentioning his name and descriptions. It follows that there was inevitably now a shared recollection rather than separate and independent recollections of the identification of the offender. This collusion was innocent in that it was not intended to be a deliberate attempt to improperly influence each other but nevertheless it thereby weakens the independence of their evidence and must significantly reduce the weight that the Panel can place upon the other evidence of identification from the remaining witnesses.

3.12. The Panel heard the other witnesses in the case as set out at paragraph 1.6 above. It is not necessary to set out in detail the evidence from these witnesses. As to the facts about the way the prisoners were received into Lipjan prison on the relevant day, and about the beatings of GM and JR, all of the witnesses were broadly consistent with JR's account with the exceptions of those listed at para 3.14 below. The Panel is entirely satisfied that there was no substantial or significant variation in their accounts such as would undermine JR's credibility.

3.13. However, as noted above, the Panel has treated the identification evidence that comes from the other witnesses with great caution. It is clear that before JR reported his allegations against ZK to the police, there had been substantial discussion between JR and the other witnesses as to the identity of ZK¹². The Panel does not consider that this was a deliberate attempt to improperly influence the witnesses, but cannot rule out the possibility that such discussions have innocently influenced and prejudiced the recollection of the other witnesses as to the correct identity of the person responsible for beating GM and JR. It is also noticeable how several witnesses in later statements and at trial named ZK but was unable to do so in their early statements to the police and to prosecutors. Finally there were considerable discrepancies in the descriptions given by the other witnesses including at least one describing the attacker as aged in his 40s. That clearly could not be ZK, if accurate. Accordingly therefore, the Panel concludes that the other witnesses provide powerful corroboration of JR's account as to what happened, but do not give evidence to which great weight can be attached as to the identification of the person responsible.

3.14. The exception to this is the evidence of I. P. This witness stated during his pre-trial statements that he would not recognize the person responsible for the beating. He did not make any photographic identifications. So, insofar as there may have been innocent collusion between the witnesses as to the identity of ZK, this does not apply to I.P. because he remained clear from start to finish that he would not be able to recognize the person responsible. However, during his evidence he said that during the beating, he heard guards say to the person mainly responsible for the beating 'hit him, hit him Z***'. Z*** is ZK nickname. This would be an incredible coincidence if the person responsible for the beating happened to have the same nickname as the defendant. The Panel takes the view that this is unlikely to be coincidence and that it is powerful corroboration for the accuracy of JR's identification of ZK as the offender.

¹² See for example evidence of F. M. Minutes of Main Trial 1 November 2011 and of H. M. Minutes of Main Trial on 2 December 2011

3.15. The Defence called several witnesses. Essentially, they asserted that nothing of significance happened and that insofar as anything did happen, ZK played no part in that. The Panel has carefully reviewed this evidence and rejects it as untruthful and unreliable. The events of 24 May 1999 in Lipjan prison plainly did happen. MD worked as the Health officer responsible for the care of detainees at Lipjan Prison. He recalled a large number of prisoners arriving at Lipjan prison on 24 May 1999, and that some were injured due to events at Dubrava prison. However, M. D. positively denied that any prisoner died at Lipjan prison and has no recollection of GM death in Lipjan prison. To that extent, the Panel concludes that M. D. recollection of events is unreliable and that he cannot assist one way or the other upon the primary issues of the beating of GM and JR.

3.16. S. M. was a Guard at the relevant time. He knows ZK but was not on the same shift as him. He recalls the prisoners arriving on 24 May 1999 and that some of them had injuries from events in Dubrava. He denied being present throughout the whole of the time that the prisoners were received within Lipjan but denied seeing ZK present at that time and denies that any violence was used towards the prisoners. The Panel found Mr M. evidence to be evasive, unreliable and inaccurate. There plainly was violence used to the prisoners which caused GM death. It may be that either Mr M did not see it because he was not present throughout the reception of the prisoners or because he is not being truthful. Either way, his unreliability allows the Panel to reject his assertion that ZK was not present. M. M. was present at Lipjan prison on the relevant day working as a shift leader. He recalls prisoners arriving. He was not sure of ZK work location on the relevant day but he thinks that K was working in the fourth pavilion. Mr M. states that throughout the relevant time he was on duty in the 'check-in office'. Mr M. has no recollection of GM or anyone dying in prison at the relevant time. Mr M. was not present at the relevant location in the prison yard during the moments of the alleged beating. He is therefore not able to assist the court on the key issues to be decided. His evidence does not assist. S. R. gave evidence and stated that he worked with ZK on the relevant day in Pavilion 4. S. R. stated that he heard vehicles arriving at the prison on the relevant day and went out to look at what was happening together with ZK. Mr R. denied that he or Z played any part in the reception of the prisoners and that they never went further than the front gate of Pavilion 4. Insofar as S. R. sought to support ZK evidence, there was material differences between what he said and what ZK said, including that Mr R. stated that neither he nor ZK stepped outside the gate of Pavilion 4 whereas K stated that they did step outside of the gate. In the circumstances, the Panel concludes that Mr R. was not a reliable or truthful witness as to the events in Lipjan on 24 May 1999.

3.17. When the home of ZK was searched on Defendant ZK on 7 April 2011, in ***** village, a Zastava TT type revolver, 7.62 calibre, serial number 1878 was found together with two magazines and 37 bullets. These were all functional but ZK did not possess a valid weapon permit.

3.18. By doing so, the Accused ZK committed and is criminally liable for the criminal offence of Unauthorised ownership, control, possession or use of weapons, contrary to CCK Article 328(2).

3.19.

4. Criminal Liability of ZK

4.1. In view of the findings of facts and assessment of evidence as set out in paragraph 3 above, the Trial Panel is satisfied to the criminal standard of proof that the Defendant ZK took part in and is criminally liable for a sustained group attack, using kicks, punches and weapons upon GM, who subsequently died from the injuries sustained in that attack, and upon JR.

4.2. The Panel are therefore satisfied that ZK is guilty of Count one and count two of the indictment.

4.3. As to count 3, the finding of the functioning weapon and bullets taken together with the absence of a valid licence, and together with ZK plea of guilty to the charge establishes his criminal liability for count 3.

5. **Sentencing**

5.1. The panel took into account the seriousness of the conduct, the consequential death of GM and the serious breach of trust that follows by a prison guard abusing his power and authority by inflicting unlawful violence on detainees who were unarmed and unable to defend themselves. The Panel also took into account the age of GM at the time of the attack.

5.2. The Panel regarded the following as mitigating circumstances: passing of time, family man, he was young at the time, he was neither the organizer nor the leader of the incident.

6. **Costs**

6.1. The Panel concluded that it was appropriate for the Defendant to pay costs in the sum of 144,80 euros.

Presiding Judge
Jonathan Welford Carroll

Panel member
Mejreme Memaj

Panel member
Andrew Hatton

Court recorder
Robert Abercrombie

Legal remedy:

The parties have the right to appeal this verdict within fifteen (15) days of the day the copy of the judgment has been served pursuant to Article 398 Paragraph 1 of the Kosovo Criminal Procedure Code (KCPC) to the Supreme Court of Kosovo through the District Court of Prishtinë/Priština.

The appeal must be announced within eight days from the date of the verdict