

SUPREME COURT OF KOSOVO

Api – Kzi. 7/2012

23 April 2013

IN THE NAME OF THE PEOPLE

THE SUPREME COURT OF KOSOVO, in a panel composed of Martti Harsia as Presiding Judge, and Supreme Court Judges Nazmije Ibrahim and Avdi Dinaj as panel members, assisted by Legal Advisor Lendita Berisha acting in the capacity of recording clerk,

In the criminal case against the defendants:

H.G.

[REDACTED] currently in detention on remand,

Found guilty in second instance by the judgment Ap-Kz 373/10 for the criminal offences of *Murder* contrary to Article 146 of the Criminal Code of Kosovo (CCK), *Attempted Murder* contrary to Article 146 as read in conjunction with Article 20 of the CCK, and *Unauthorized Ownership, Control, Possession and Use of Weapons* contrary to Article 328 Paragraph 1 of the CCK; convicted to an aggregate sentence of 16 (sixteen) years of imprisonment pursuant to Article 71 and also Article 147 item 11 of the CCK; and

K.G.

[REDACTED]

Convicted on first instance by the judgment P.no.24/09 for the criminal offence of *Unauthorized Ownership, Control, Possession and Use of Weapons* contrary to Article 328 Paragraph 1 of the CCK; sentenced as per modified judgment of second instance Ap-Kz 373/10 to one (1) year and six (6) months of imprisonment;

H.G.

A.H.

A.V.

K.G.

Acting upon the Appeals filed by the Defence Counsels [REDACTED] on behalf of the defendant [REDACTED] and [REDACTED] on behalf of the defendant [REDACTED] against the Judgment Ap-Kz 373/10 of the Supreme Court of Kosovo dated 7 February 2012, and considering the response of the legal representative of injured party lawyer [REDACTED] on the appeal of [REDACTED] and the response of the Public Prosecutor and the Opinion of the Office of the State Prosecutor of Kosovo (OSPK) filed on 13 November 2012,

H.J.

H.G.

A.V.

K.G.

H.S.

After having held a public session on 23 April 2013 in the presence of the defendant [REDACTED] and his defence counsel [REDACTED] defendant [REDACTED] Lawyer [REDACTED] the representative of the injured party [REDACTED] in the presence of the State Prosecutor Judit Eva Tatrai, having deliberated and voted on the same day;

H.J.

J.G.

Acting Pursuant to Article 430 paragraph 2 and Article 420 and following of the Kosovo Code of Criminal Procedure (KCCP), issues the following

JUDGMENT

A.V

1. The appeal of the Defece Counsel [REDACTED] is partially granted.

The Judgment of the Supreme Court of Kosovo Ap-Kz 373/10 dated 7 February 2012 is modified.

H.S

The defendant [REDACTED] is found guilty of the criminal offence of Murder contrary to Article 146 of the CCK because on 20 September 2008 at around 13:00 in the neighborhood "Gashi", Kryshevc village, Municipality of Skenderaj with the automatic rifle AK - 47 of caliber 7.62 x 39 mm with serial number C - 43367 fired 10 shots in the direction of [REDACTED] and [REDACTED] hitting and thereby causing the immediate death of [REDACTED]

A.S

A.S

H.S

K.S

A.S

K.S

The defendant [REDACTED] is found guilty of the criminal offence of Attempt murder contrary to Article 146 as read with Article 20 of the CCK, because on 20 September 2008 at around 13:00 in the neighborhood "Gashi", Kryshevc village, Municipality of Skenderaj with the automatic rifle AK - 47 of caliber 7.62 x 39 mm with serial number C - 43367 fired 10 shots in the direction of [REDACTED] and [REDACTED] hitting and thereby causing the serious bodily injuries to [REDACTED] on his right arm.

H.S

K.S

The Defendant [REDACTED] is found guilty of the criminal offence of Unauthorized Ownership Control Possession and Use of Weapons, contrary to Article 328 Paragraph 2 of the CCK.

Therefore the defendant is sentenced as follows:

- for the criminal offence of Murder pursuant to Article 146 of the CCK, the defendant is sentenced to imprisonment of twelve (12) years;
- for the criminal offence of Attempted murder pursuant to Article 146 read in conjunction with Article 20 of the CCK the defendant is sentenced to imprisonment of three (3) years;
- for the criminal offence of Unauthorized Ownership, Control, Possession and Use of Weapons pursuant to Article 328 paragraph 2 of the CCK the defendant is sentenced to imprisonment of one (1) year and six (6) months;

H.S

Based on Article 71 paragraph 1 and 2, subparagraph 2 of the CCK the defendant [REDACTED] is convicted to an aggregate sentence of fifteen (15) years and six (6) months imprisonment.

The time spent in detention on remand is to be credited pursuant to Article 73 paragraph 1 of the CCK.

2. The remaining parts of the appeal are rejected as ungrounded and the judgment in remaining parts is affirmed.

3. The Appeal filed by Defence Counsel on behalf of the defendant [REDACTED], is DISMISSED as impermissible. (K.G.)

Reasoning

I. Procedural background

The criminal procedure in this case relates to the event that occurred on 20 September 2008 at around 13:00 in Kryshevc village, municipality of Skenderaj/Srbica. Following disagreements between two neighbouring families, [REDACTED] and his brother [REDACTED] went to the house of [REDACTED] and [REDACTED] and [REDACTED] shot with their weapons at the direction of the other. [REDACTED] was shot dead and [REDACTED] was injured on his right arm. (S) (H) (G) (K.G.) (K.G.) (H.G.) (A.G.)

On 10 March 2009 the EULEX Prosecutor filed an indictment PP.No 104/2008 against [REDACTED] and [REDACTED]. The indictment was confirmed with the rulings KA.no.24/2009 of 11 January 2010. (K.G.) (S.G.) (A.G.) (K.G.) (H.G.)

On 10 June 2010 the Trial panel of District Court of Mitrovicë/a rendered a judgment, by which: (H.G.)

[REDACTED] was found guilty of Unauthorized Ownership Control Possession and Use of Weapons, contrary to Article 328 Paragraph 2 of the CCK and sentenced to four (4) years of imprisonment. (H.G.)

Pursuant to Article 390 item 3 of the PCCK the defendant [REDACTED] was acquitted for the charges of Murder contrary to Article 146 of the CCK and Attempt murder contrary to Article 146 as read with Article 20 of the CCK.

[REDACTED] was found guilty of Unauthorized Ownership Control Possession and Use of Weapons, contrary to Article 328 Paragraph 2 of the CCK and sentenced to three (3) years of imprisonment; and the third defendant [REDACTED] was acquitted of all the charges. (K.G.) (S.G.)

The District Court judgment was appealed by the Public Prosecutor, the defendants [REDACTED] and [REDACTED] and the injured party. (H.G.) (K.G.)

After the session held on 7 February 2012 the Supreme Court of Kosovo with its judgment Ap-Kz no 373/2010 modified the judgment of the District Court of Mitrovicë/a as follows:

The appeal filed by the District Public Prosecutor was granted and the appeals filed on behalf of [REDACTED] and [REDACTED] were partially granted and the appeal of the injured party was rejected as inadmissible. (H.G.) (K.G.)

The defendant [REDACTED] was found guilty of the criminal offence of Murder contrary to Article 146 of the CCK and Attempt murder contrary to Article 146 as read with Article 20 of the CCK, because on 20 September 2008 at around 13:00 in the neighbourhood "Gashi", Kryshevc village, Municipality of Skenderaj with the automatic rifle AK - 47 of calibre 7.62 x 39 mm with serial number C - 43367 fired 10 shots in the direction of [REDACTED] and [REDACTED] hitting them and thereby causing the immediate death of [REDACTED] and causing the serious bodily injuries to [REDACTED] on his right arm. (K.G.) (H.G.) (A.G.) (K.G.) (A.G.)

The defendant [REDACTED] ^{H.G.} was also found guilty of the criminal offence of Unauthorized Ownership Control Possession and Use of Weapons, contrary to Article 328 Paragraph 2 of the CCK.

The defendant [REDACTED] ^{H.G.} was sentenced to fifteen (15) years of imprisonment pursuant to Article 147 item 11 of the CCK for the criminal offence of Murder and Attempted murder. The punishment of four (4) years imposed on the defendant for the criminal offence of Unauthorized Ownership Control Possession and Use of Weapons, contrary to Article 328 Paragraph 2 of the CCK by the first instance court was modified to one (1) year and six (6) months of imprison.

Pursuant to Article 71 of the CCK the Supreme Court convicted the Defendant [REDACTED] ^{H.G.} to an aggregate sentence of sixteen (16) years of imprisonment.

As to the defendant [REDACTED] ^{K.G.} the punishment of three (3) years imprisonment imposed onto the defendant by the first instance court for the criminal offence of Unauthorized Ownership Control Possession and Use of Weapons, contrary to Article 328 Paragraph 2 of the CCK was modified to one (1) year and six (6) months of imprison.

On 7 February 2012 the Supreme Court with its Ruling Ap-Kz no 373/2010 ordered detention on remand against [REDACTED] ^{H.G.}

The appeals against the verdict of the Supreme Court of Kosovo were filed by the Defence Counsel [REDACTED] ^{A.V.} on behalf of the defendant [REDACTED] ^{H.G.} on 30 March 2012 and Defence Counsel [REDACTED] ^{A.H.} on behalf of the defendant [REDACTED] ^{K.G.} on 5 April 2012.

The response of the legal representative of injured party lawyer [REDACTED] ^{H.G.} on the appeal of [REDACTED] ^{H.G.} was filed on 12 April 2012 and of the public prosecutor on 19 April 2012.

The opinion of the Office of State Prosecutor of Kosovo was submitted on 13 November 2012.

II. Submissions of the parties:

II.1 Appeal of the Defendant [REDACTED] ^{H.G.}

In his appeal the Defence Counsel alleges substantial violations of the provisions of the procedural law, in the terms of Article 403 paragraph 1, item 10 and 12, paragraph 2, item 1 of the KCCP, violation of the criminal law in terms of Article 404 paragraph 2 of the KCCP and of the decision on punishment pursuant to Article 406 paragraph 1 of the KCCP. The Defence proposes the Supreme Court of Kosovo to annul the judgment and send the case back to the Supreme Court for re-trial, or to amend the challenged judgment and suspend the criminal proceedings or dismiss the indictment pursuant to Article 384 paragraph 1 item 3, as read with Article 386 paragraph 1 and Article 390 paragraph 1 item 2 of the KCCP.

The Defence claims that the court of second instance did not act correctly when it amended the first instance judgment and found the defendant guilty for the criminal offence of Murder

contrary to Article 146 of the CCK and Attempted murder contrary to Article 146 as read with Article 20 of the CCK, and it erroneously applied the provisions of Article 147 item 11 of the CCK when sentenced him with fifteen (15) years of imprisonment, considering that this Article (147 of the CCK) deals with the criminal offence of qualified murder.

The Defence emphasizes that the reasoning of the challenged judgment is illogical, because for the same situation different assessment was made by the first instance compared to second instance court, referring to the findings of the Supreme Court panel "...that all relevant facts have been determined by the District Court and then partly only differently assessed' .

According to the Defence the second instance court may amend the judgment of first instance court from the procedural point of view but it is incomprehensible that it assesses in a completely different manner the evidences administrated directly by the first instance court. It is unclear for the Defence how can the second instance court observe aggressiveness of members of [REDACTED] family (as indicated in the page 12 of the judgment) and then assess that the threat of bombing the house was not real, but, is act a desperate expression of range.

The Defence maintains that it is not disputed that the defendant [REDACTED] on the critical day acted on necessary defence pursuant to Article 8 paragraph 1 and 2 of the CCK as he shot with the intention to avoid illegal, direct, real and immediate attack. This was confirmed by the testimony of the witnesses [REDACTED] and [REDACTED] – both police officers. Then the expertise of Zagreb Forensic Police Directorate – Zagreb Toxicology branch of expertise No.511 – 01 - 115/1 – 11674 – 08 VN dated 13 January 2009 confirmed the use of the weapon by [REDACTED]. Further, based on forensic report of KP forensic laboratory of the weapons and cartridge cases the five cartridges of caliber 7.62 x 25 mm found on the crime scene on the critical day were fired from the weapon of defendant [REDACTED]. Also, the photos taken from the crime scene describes the damages caused to the window glasses of the room where the defendant [REDACTED] was staying. Based on this it is proven that the attack against the [REDACTED] family was not of little intensity or unimportant. .

Moreover, the defendant did not proceed with the attack against [REDACTED] and [REDACTED] after they stopped attacking but while he was being attacked from them with a weapon. The Defence quotes the findings of Supreme Court of Serbia in the Decision Kz1 no.260/70 the right to necessary defence ceases to exist once the attack has stopped claiming.

Further, the fact that in the critical day the defendant used an automatic weapon against the other party who had a handgun does not automatically exclude the possibility that he has acted in necessary defence. In regard to this the Defence refers to the Decision of Supreme court of Croatia Kz no.1298/67 wherein the court finds that when discussing the necessary defence – the intensity of the attacker and equivalence between the attack and the defence cannot exclusively assesses on the grounds of the tool used, but intensity must be assessed under all circumstances in which the criminal offence was committed and lately to assess also that what defence tool has the attacked person had in possession in order to be able to avert the attack.

II.2. Appeal of the Defendant [REDACTED]

The Defence Counsel filed an appeal on the grounds of the decision on criminal sanction and expenses of the criminal procedure. The Defence proposed to the Supreme Court to amend

the judgment of the second instance court and release the defendant of the charge or impose a fine or suspended sentence.

III.3 Reply of the EULEX District Prosecutor of Mitrovicë/a to the Appeal of the Defence Counsel of the defendant [redacted] (H.G.)

The EULEX District Prosecutor proposes the appeal of the defendant [redacted] (H.G.) to be rejected as ungrounded. (H.G.)

The Prosecution in its reply submits that the Defence counsel, in his appeal has accepted that the defendant [redacted] was not facing "unlawful and imminent attack toward" himself or his member of the family.

The prosecution maintained that the statement of the Defence Counsel (referring to page 5, paragraph 2 of the English version of the appeal) clearly demonstrates that the unlawful and imminent attack (as believed by the defendant) has stopped. According to this the defendant believed that his father was killed as the member of the family screamed, so at that moment the unlawful and imminent attack had completed. It was after this that the defendant took the automatic weapon and from the balcony of the house he shot killing [redacted] and seriously injuring [redacted] (K.G.) (A.G.)

Further, the fact that the defendant had 22 cartridges and that he had the opportunity to fire them is completely irrelevant. At this stage it is not important the potential possibility but whether the actions of the defendant were necessary to avert an unlawful, real and imminent attack.

III.4 Reply of the injured party to the Appeal of the Defence Counsel of the defendant [redacted] (H.G.)

The representative of the injured party proposes to the Supreme Court to reject the Appeal as ungrounded and affirm the second instance judgment.

III.5. Opinion of the OSPK

The OSPK proposes to the Supreme Court of Kosovo: (K.G.) (H.G.)

- Dismiss the appeal of defendant [redacted] as inadmissible, in accordance with Article 422 and 430 paragraph 1 of Kosovo Criminal Code Procedure (KCCP);
- Amend the challenged decision by removing the reference to Article 147, item 11 of the CCK and, pursuant to Article 71 of the CCK, impose on [redacted] an aggregated punishment (the same already imposed or another one as deemed appropriate) for the current criminal offences of Murder contrary to Article 146 of the CCK, Attempted Murder contrary to Article 146 and 20 of the CCK and Unauthorized Ownership, Control, Possession and Use of Weapons contrary to Article 328, paragraph 2 of the CCK;
- Confirm for the remaining part of the challenged judgment.

Contrary with the findings of the panel of second instance the State Prosecutor considers that the murder and attempted murder the defendant is charged with were not committed within the same event. They were events in themselves, namely two separated events that attacked

KG

AG

two distinct values protected by the legal system: the life of [REDACTED] of which the victim was deprived and the life of [REDACTED] which was endangered.

The State Prosecutor submits that Item 11 of the Article 147 foresees the aggravating circumstance of intentionally committing two or more murders as completed event which resulted in the death of the victims.

Further the said item only establishes an aggravated circumstance and it is not foreseen for the purpose of imposing a unified punishment for concurred criminal offences based on the fact that the perpetrator acted with a unified intent.

The State Prosecutor refers to the comment of the corresponding Article 47, paragraph 2, item 6 of the Criminal Law of Serbia, 1995, 5th edition:

This criminal act [i.e. taking the life of a few persons with premeditated intent] exists only when at least two or more persons have been deprived of life. If only one person has been deprived of life and there has been an attempt to deprive of life another person, that shall not amount to the attempted murder from item 6 if the perpetrated premeditated the murder of several persons; if opposite is the case, that shall be considered a real concurrence between a committed an attempt murder. This act exists in an attempted form when two or more murders have been started through premeditation but neither has been committed.

As such, the opinion of the State Prosecutor is that in the case like this, only an issue of "concurrence" between murder and attempted murder as per Article 71 of the CCK arises.

III. Findings of the Court

A. Applicable law

Pursuant to Article 2¹ of the Legal Opinion No.56/2013 dated 23 January 2013 of the Supreme Court of Kosovo this case will be adjudicated based on the old procedural law, considering that the criminal proceedings commenced before entering into force the new procedural law.

B. Composition of the panel

The Panel of Supreme Court is composed of three judges based on the Article 28 paragraph 2 of the Criminal Procedural Code and Article 3.7 of the Law on Jurisdiction, Case Selection and Case Allocation of EULEX Judges and Prosecutors in Kosovo, Law no. 03/L-053.

It is a unique approach of the Supreme Court that notwithstanding with the requirement set out in Article 2 of the Legal Opinion and Article 26 paragraph 2 of the PCCK² the Supreme Court always adjudicate in the panel of three judges.

¹ In criminal proceedings initiated prior to the entering into force of the present Code, for which the main trial has already commenced but has not been completed, provisions of old Code shall apply *mutatis mutandis* until the decision becomes final.

² the Panel of the Supreme Court of Kosovo when deciding at third instance on an appeal against the judgment rendered at second instance should adjudicate in a panel of five judges.

Article 430 paragraph 1 of KCCP stipulates that an appeal against the second instance court may be filed only if a court of second instance has imposed a punishment of long-term imprisonment or has affirmed the judgment of a court of first instance by which such punishment was imposed; or if a court of second instance after conducting a hearing has made a different determination of the factual situation from the court of first instance and based its judgment on such factual determination; or if a court of second instance has modified a judgment of acquittal by the court of first instance and rendered instead a judgment of conviction.

In the case at hand the court of second instance confirmed the judgment of the first instance by which the defendant was found guilty for criminal offence of Unauthorized Ownership Control Possession and Use of Weapons, contrary to Article 328 Paragraph 2 of the CCK and modified the judgment in relation to the imposed sentence by reducing the punishment to one (1) year and six (6) months imprisonment.

The law indicates the circumstances in which the defendant has the right to challenge the judgment. In the case at hand, as regard to the defendant *K.G.* the second instance judgment is final; therefore the defendant has no right to filed an appeal.

Supreme Court considers that appeal of the defendant is impermissible as it does not meet the criteria's foreseen with Article 430 paragraph 1 of the KCCP and it had to be dismissed by ruling according to Article 422 of the KCCP.

C. As to appeal of the defendant

H.G.

The Supreme Court finds that the appeal is admissible as timely filed by an authorized person.

The appealed judgment was announced on 7 February 2012. The judgment was served on the Defendant and his Defence Counsel on 16 March 2012.

The appeal of the Defense Counsel was filed on 30 March 2012.

The Supreme Court of Kosovo held its panel session in conformity with provisions of Article 410 of KCCP; the session was attended also by the defendant *A.V.* and his Defence Counsel *K.G.* defendant *H.G.* the Representative of the injured party Lawyer *H.J.* and the State Prosecutor Judit Eva Tatrai.

The Supreme Court of Kosovo has reviewed the case files as well as the judgment challenged by the appeal, examining them as stipulated by provisions of Article 415 of the KCCP; the Supreme Court has then examined the reply's filed by the Public Prosecutor and the Authorised representative of the Injured party and the opinion filed by the Office of the State Prosecutor, coming to the following conclusions.

The Defense Counsel, the Representative of the injured party and the State Prosecutor maintained that they entirely stood by their submissions and the proposal presented in them.

The appeal filed by the Defence Counsel of the defendant [REDACTED] is partially grounded. [H.G.]

The Defence Counsel alleged violation of the criminal law by the second instance court on the detriment of the defendant, since he was found guilty for the criminal offence of Murder and Attempted murder pursuant to Article 146 of the CCK.

The Supreme Court in particular shares the legal assessment of the second instance court as laid down under the title "C. Merits of the Appeals / In respect to defendant [REDACTED]" (pages 11 – 13 of the English version). [H.G.]

The Supreme Courts finds that the allegations of the Defence Counsel that the actions of the defendant are to be considered as necessary defence are ungrounded. The panel observes that there are several arguments which exclude the possibility that the defendant acted in necessary defence and which are clearly/duly identified by the second instance court.

From the case files and from the main trial it is established that the defendant [REDACTED] on a critical day was inside the house thus he had a relatively secure shelter and only indirectly was exposed to shots from outside. From the development of the action, it's obvious, that the defendant went out and started shooting only after shootings coming from the other party (from [REDACTED]) ended. The panel considers that it is uncontested that at the moment the defendant showed up at the balcony of his house and started shooting after the unlawful and imminent attack had been completed. [H.G.]

Further, it is obvious that the defendant's intention was not to frighten the victims. Otherwise the defendant would have warn them, shooting in the air or in any other directions but not as he did directly on the victims causing the death of the first one and seriously injuring the second person. Additionally, a person acting in necessary-defence would not chase the aggressor who is carrying a hand gun from the higher position, in relatively short distance and with an automatic weapon. [K.G.]

Therefore, the undersigned Panel establishes that the reasons provided by the Defence that the defendant believed that his father was killed as the member of the family screamed and then he took his weapon and went out in the balcony of the house and *while not daring to look around because of the shots fired in his directions, shot with automatic gun without awareness of the directions where he was shooting at*, are unacceptable.

Finally, the Supreme Court agrees with the findings of the second instance court that the defendant [REDACTED] has committed the criminal offence of Murder contrary to Article 146 of the CCK by depriving [REDACTED] of his life and criminal offence of Attempted murder contrary to Article 146 read in conjunction with Article 20 of the CCK by injuring [REDACTED]. [H.G.] [A.G.] [K.G.]

H.G

Based on the appealed judgment the defendant [REDACTED] was found guilty of three criminal offences: of Murder contrary to Article 146 of the CCK, of Attempt murder contrary to Article 146 as read with Article 20 of the CCK, and of the criminal offence of Unauthorized Ownership Control Possession and Use of Weapons, contrary to Article 328 Paragraph 2 of the CCK.

H.G

The defendant [REDACTED] was sentenced by second instance court to fifteen (15) years of imprisonment pursuant to Article 147 item 11 of the CCK, as it found that the criminal offences of Murder and Attempted murder have been committed within the same event, in similar conditions with the same intend of the perpetrator.

A.G K.G

The Supreme Court agrees with the findings of the second instance court that the protected rights to life of [REDACTED] and [REDACTED] have been violated; however it considers that the sentence imposed on the defendant for the criminal offence of Murder and Attempted murder is incorrect.

The Panel concurs with the opinion of the state prosecutor that these were two separate events that attacked against two distinct values by the legal system. Further, both criminal acts are punishable under Article 146 of the CCK as separate criminal offences.

Article 147 item 11 of the CCK foresees that a punishment of imprisonment of at least ten years or of long term imprisonment shall be imposed of any person who intentionally commits two or more murders, ...

The Supreme Court clarifies that Article 147 of the CCK contains qualifications of a criminal offences as well as provision on punishment for those qualified offences. But it does not provide that the defendant who is charged or convicted for any other criminal offence may be sentenced pursuant to this Article. And as such it is not applicable in the case, in which the defendant is charged and convicted for the criminal offences of Murder and Attempted murder contrary to Article 146 of the CCK.

The Supreme Court in principle agrees with the aggravated and mitigating factors indicated in the appealed judgment (page 14 of the English version).

Therefore, the Supreme Court modifies the judgment in regard to the imposed punishment and it deems appropriate to sentence the defendant for the criminal offence of Murder pursuant to Article 146 of the CCK, with twelve (12) years of imprisonment and for the criminal offence of Attempted murder pursuant to Article 146 read in conjunction with Article 20 of the CCK with three (3) years of imprisonment.

For the criminal offence of Unauthorized Ownership, Control, Possession and Use of Weapons pursuant to Article 328 paragraph 2 of the CCK the defendant has already been sentence to one (1) year and six (6) months imprisonment.

Based on Article 71 paragraph 1 and 2, subparagraph 2 of the CCK the defendant [REDACTED] is convicted to an aggregate sentence of fifteen (15) years and six (6) months imprisonment.

H.G

For the above mentioned reasons the Supreme Court has decided as in the enacting clause.

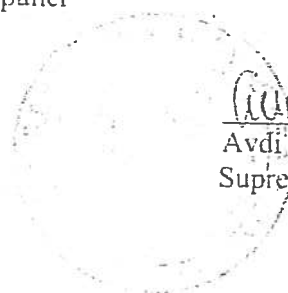
Presiding judge:

Marrti Harsia
Marrti Harsia

Members of the panel

Nazmije Ibrahim
Nazmije Ibrahim,
Supreme Court Judge

Avdi Dinaj
Avdi Dinaj,
Supreme Court Judge



Recording clerk

Lendita Berisha
Lendita Berisha
Legal Adviser

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Prishtinë/Priština