

DISTRICT COURT OF MITROVICA

P. No. 04/2011

23 April 2012

IN THE NAME OF THE PEOPLE

The District Court of Mitrovicë/a, in the trial panel composed of EULEX Judges Katja Dominik presiding, EULEX Judge Andrew Hatton and EULEX Judge Nikolay Entchev as panel members with the participation of EULEX Legal Advisor Jana Božović as Recording Officer, in the criminal case against **Albano RUGOVA** and **Eljon BEQIRI**, both charged of committing the criminal offence of Unauthorized Purchase, Possession, Distribution and Sale of Dangerous Narcotic Drugs and Psychotropic Substances, contrary to Article 229 paragraph 4 item 1 in conjunction with paragraph 2 of the Criminal Code of Kosovo (CCK), in co-perpetration (Art. 23 of the CCK),

Pursuant to the indictment dated 30 November 2011 and filed at the District Court of Mitrovicë/a on 1 December 2011, as confirmed by the Ruling on Confirmation of the Indictment dated 21 January 2011,

After holding the main trial in public on 19, 20 and 23 April 2012, in the presence of Eulex Prosecutor Philippe Bauduin, the Accused Rugova and Beqiri and their Defence Counsels Betim Shala and Mahmut Halimi, after the Panel's deliberating and voting on 23 April 2012,

Pursuant to Article 392 paragraph (1) of the Criminal Procedure Code of Kosovo (CPCCK) pronounces in public and in the presence of all aforementioned parties the following

JUDGMENT

The Accused

(1) Albano **Rugova**, son of Idriz and Haijrije Rugova, mother's maiden name Buqaj, born on 04 September 1971 in Pejë/a, Kosovo-Albanian with permanent residence in Mother



Theresa Street 121, Pejë/a, secondary school education, unemployed, no income, not married, two children, who has been in detention on remand since 15 July 2010, is

GUILTY

of committing the criminal offence of Unauthorized Purchase, Possession, Distribution and Sale of Dangerous Narcotic Drugs and Psychotropic Substances under Article 229 Paragraph (4) item 1 of the CCK in conjunction with Paragraph (2) of the Criminal Code of Kosovo (CCK), in co-perpetration pursuant to Art. 23 of the CCK,

and therefore

SENTENCED

to a term of 5 (five) years imprisonment and to a fine of 500,00 Euros. In the term of imprisonment the time spent in detention on remand shall be taken into account from 15 July 2010 until the Judgment becomes final pursuant to Article 73 Paragraph (1) of the CCK. The fine shall be paid within a period of three months after the Judgment becomes final pursuant to Article 39 Paragraph (2) of the CPCK.

(2) Eljon **Beqiri**, son of Bernardin and Mimoza Beqiri, mother's maiden name Mlika, born on 21 August 1982 in Lezha/Albania, citizen of Albania with permanent residence in Beslidhja neighborhood, Lezhe, Albania, construction worker, married, two children, primary school education, who has been in detention on remand since 15 July 2010, is

GUILTY

of committing the criminal offence of Unauthorized Purchase, Possession, Distribution and Sale of Dangerous Narcotic Drugs and Psychotropic Substances under Article 229 Paragraph (4) item 1 of the CCK in conjunction with Paragraph (2) of the Criminal Code of Kosovo (CCK), in co-perpetration pursuant to Art. 23 of the CCK, and therefore



SENTENCED

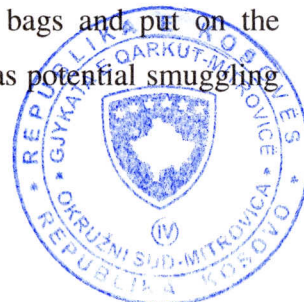
To a term of 6 (six) years imprisonment and a fine of 500,00 Euros. In the term of imprisonment the time spent in detention on remand shall be taken into account from 15 July 2010 until the Judgment becomes final pursuant to Article 73 Paragraph (1) of the CCK. The fine shall be paid within a period of three months after the Judgment becomes final pursuant to Article 39 Paragraph (2) of the CPCK.

Further, pursuant to Article 229 Paragraph (5) of the CCK, the seized Narcotic Substances contained in four plastic bags and three paper bags with a net total weight of 44,77 kg are hereby confiscated. They have to be destroyed after the Judgment becomes final.

Pursuant to Article 60 Paragraph (1) of the CCK, the motor vehicle Cadillac ESC, dark blue, chassis No. 1GYFK63857R349146, plates DPD 1288, registered in the State of New York, United States, shall be confiscated.

Pursuant to Article 102 Paragraph (1) and Paragraph (3) of the CPCK, the Accused shall jointly and severally be liable to pay the costs of the criminal proceedings. Both defendants shall each pay the sum of 250 (two hundred and fifty) Euros in respect of the scheduled amount.

Because: On 15 July 2010 around 17.00 h, both Accused depart from Skenderaj/Srbica Municipality within Beqiri's car type Cadillac, driven by Rugova, with the intention to bring 44.77 kg of Marihuana to Mitrovicë/a where it was supposed to be further distributed and sold, as both Accused intended. The identity of the persons, who had handed over the marijuana to the Accused Rugova at the Hotel Thana near Klina, and other persons who were awaiting them in Mitrovicë/a, has remained unclear. Neither Rugova nor Beqiri had the authorization to deal in this way with narcotic substances, as they knew. The marijuana has been packed in four big plastic bags and put on the backseats of the car. These bags have been spotted and identified as potential smuggling



goods by the witnesses Lanaj and Mangjolli, both police officers, in a control near Mikushnica Village. They told the Accused to drive in front of them to Skenderaj/Srbica police station for further investigation and told Beqiri to drive the car there. Because the Accused didn't want the drugs to be found by the police, Beqiri accelerated the car away from the following Police car and over the course of approximately 870 meters when they have been on a winding road to Prekaz i Eperm village, when the following police car had lost sight of them because of the high speed of the Cadillac, Rugova threw all plastic bags out of the car one by one. There they have been found and seized by another unit of Kosovo Police. The Marihuana and the Cadillac have been temporarily confiscated.

By doing so, both Accused committed in co-perpetration (Art. 23 of the CCK) and are criminally liable for the aforementioned criminal act of Unauthorized Purchase, Possession, Distribution and Sale of Dangerous Narcotic Drugs and Psychotropic Substances Article 229 Paragraph (4) item 1 of the CCK in conjunction with Paragraph (2) of the Criminal Code of Kosovo (CCK).



The Presiding Judge

Katja Dominik
Katja Dominik

Legal remedy:

An appeal must be announced within 8 days from the pronouncement of this verdict and shall be filed with the court of first instance, pursuant to Article 398 Paragraph (1) of the CPCK. Authorized persons may file an appeal in written form against this verdict through the District Court of Mitrovica to the Supreme Court of Kosovo within fifteen days from the date the copy of the judgment has been served.