

**DISTRICT COURT OF MITROVICË/MITROVICA**

**P. Nr. 11/2011**

**27 March 2012**

**IN THE NAME OF THE PEOPLE**

**THE DISTRICT COURT OF MITROVICË/MITROVICA**, in the trial panel composed of EULEX Judge Hajnalka Veronika Karpati, as presiding judge, Judge Beqir Halili and EULEX Judge Roxana Comsa as panel members, with the participation of EULEX Legal Advisor Kabil Merovci, as recording officer, in the criminal case against:

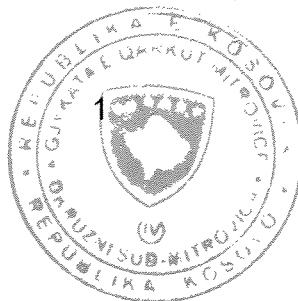
**REMZI HASANAJ**, charged with Murder under Article 146 of the Criminal Code of Kosovo (CCK), Unauthorized Ownership, Control, Possession or Use of Weapons under Article 328 Paragraph (1) of the CCK and Unauthorized Ownership, Control, Possession or Use of Weapons under Article 328 Paragraph (2) of the CCK, according to the Indictment of the District Public Prosecutor PP nr. 146/10, dated and filed on 15 February 2011,

After having held the main trial hearings open to the public on 21, 22, 23 February, 02, 12, 16, 22, 23 and 26 March 2012, in the presence of the Accused Remzi Hasanaj, his Defence Counsel Mahmut Halimi (with the exception of the session on 12 March 2012, when he was replaced by Defence Counsel Betim Shala), EULEX Public Prosecutor Neeta Amin, and the Injured Party Zeqir Durmishi, representing the family of the victim Musa Durmishi;

After the trial panel's deliberation and voting held on 26 March 2012, pursuant to Article 392 Paragraph (1) of the Criminal Procedure Code of Kosovo (CPCK), on 27 March 2012 pronounced in public and in the presence of the Accused, his Defence Counsel, EULEX Public Prosecutor and the Injured Party the following:

**JUDGMENT**

The Accused **REMZI HASANAJ**, father's name Kadri, mother's name Hanife, maiden name Hoti, born on 26.06.1938 in the village of Klodernica, Municipality of Skenderaj/Serbica, retired, residing at street "Dërshmorët e Kombit" Shipol, Mitrovicë/Mitrovica Municipality, Kosovar Albanian, married, with seven grown up



children, of average economic status, in detention on remand from 22.11.2010 until 11.11.2011 and thereafter under house arrest;

is

### **FOUND GUILTY**

Because on 18 November 2010 at around 10:45 at the place called Ura e Gjakut in Mitrovica he intentionally deprived of his life Musa Durmishi by attacking him with a knife and stabbing him eight times in different parts of the body, among them in the chest in the area of the heart causing serious bodily injuries. As a result of these injuries Musa Durmishi died on the way to the clinic in Mitrovica.

**By doing so, Remzi Hasanaj committed and is criminally liable for the criminal act of Murder in violation of Article 146 of the CCK. – /Count 1/**

The Accused Remzi HASANAJ is also

### **FOUND GUILTY**

Because between 1990 and 24 August 2010, in his house in street Deshmoret e Kombit in Shipol village in Mitrovica municipality he was in possession of a weapon - a pistol TT M57 with serial number C-22309, calibre 7,62 mm - without a valid authorization card.

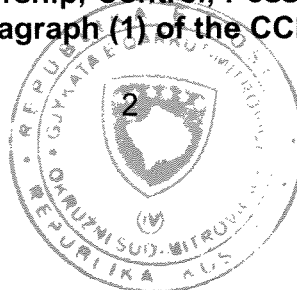
**By doing so, Remzi HASANAJ committed and is criminally liable for the criminal act of Unauthorized Ownership, Control, Possession or Use of Weapons in violation of Article 328 Paragraph (2) of the CCK. /Count 3/**

The Accused Remzi HASANAJ is

### **FOUND NOT GUILY**

Because it was not proven that on 24 August 2010 in his house in street Deshmoret e Kombit in Shipol village in Mitrovica municipality he fired in the air bursts of shots with an automatic weapon to intimidate and threat his neighbour, Musa Durmishi.

Therefore, pursuant to Article 390 Item 3) of the CPCK, he is acquitted of the charge of **Unauthorized Ownership, Control, Possession or Use of Weapons in violation of Article 328 Paragraph (1) of the CCK. /Count 2/**



THEREFORE, the accused Remzi HASANAJ is

### SENTENCED

- to 8 /eight/ years of imprisonment for the criminal act of Murder /Count 1/
- to 2 /two/ years of imprisonment for the criminal act of Unauthorized Ownership, Control, Possession or Use of Weapons /Count 3/

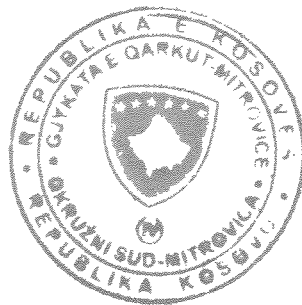
The aggregate punishment is determined in 9 /nine/ years of imprisonment, pursuant to Article 71 Paragraph (1) and Paragraph (2) item 2 of the CCK.


The time spent in detention on remand between 22 November 2010 and 11 November 2011 and the time spent in house detention from 11 November 2011 until the day of the announcement of the judgment is to be credited pursuant to Article 73 paragraphs (1) and (4) of the CCK.

The weapon – the pistol TT M57 with serial number C-22309, calibre 7,62 mm – is hereby confiscated pursuant to Article 60 Paragraph (1) and Article 328 Paragraph (5) of the CCK.

The accused shall reimburse 400 (four hundred) Euro as part of the costs of criminal proceedings but he is relieved of the duty to reimburse the rest of the costs pursuant to Article 102 Paragraphs (1) and (4) of the CPCK.

  
**Recording Officer**  
**Kabil Merovci**



  
**Presiding Judge**  
**Hajnalka Veronika Karpati**