

DISTRICT COURT OF MITROVICË/MITROVICA
P. nr. 40/2010
13 April 2011

IN THE NAME OF THE PEOPLE

THE DISTRICT COURT OF MITROVICË/MITROVICA, in the trial panel composed of EULEX Judge Caroline Charpentier, as presiding judge, and EULEX Judges Nikolay Entchev and Dariusz Sielicki, as panel members, with the participation of EULEX Legal Officer Anu Juho, as recording officer, in the criminal case against:

MEXHIT BEQIRI, charged with Aggravated murder in violation of Article 147, Item 9) in conjunction with Item 4), with Unauthorized Ownership, Control, Possession or Use of Weapons in violation of Article 328, Paragraph (2) and with Threat in violation of Article 161, Paragraph (3) in conjunction with Paragraph (2) of the Criminal Code of Kosovo (CCK);

After having held the main trial hearings open to the public on 11, 12 and 13 April 2011, in the presence of the Accused Mexhit Beqiri, his Defence Counsel Muharrem Ramadani, EULEX Public Prosecutor Antonio Pastore, the Injured Party Islam Zeka and his Authorized Representative Attorney Rexhep Kacanicku;

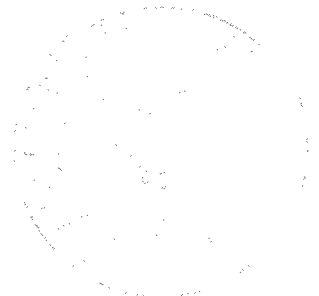
After the trial panel's deliberation and voting held on 13 April 2011, pursuant to Article 392 paragraph (1) of the Criminal Procedure Code of Kosovo (the CPCK), pronounced on 13 April 2011, in public and in the presence of the Accused, his Defence Counsel, EULEX Public Prosecutor Antonio Pastore, Injured Party and his Authorized Representative Attorney, the following:

JUDGMENT

MEXHIT BEQIRI, born on 15.07.1952, in Tërsten village, Municipality of Mitrovica residing in Sllatina village, Municipality of Vushtrri, father's name Raqip, mother's name Shehide, maiden name Hasani, high school, unemployed, no incomes, in detention on remand from 30 May 2010;

is

FOUND GUILTY



A - because on 27 May 2010 at about 9.30 in the village of Sllatina, Municipality of Vushtrri he deprived of his life Sylejman Zeka, on a ruthless and violent manner. On the same day, the late Sylejman Zeka was driving his vehicle, Mercedes 190 type, number plates 289-KS-353, with his two year-old son Albin Zeka. His vehicle got stuck in the mud at the place called "*Serbs meadows by the water spring*". He phoned his fellow villager Musa Beqiri to seek help. Musa Beqiri drove there with his BMW with number plates 311-KS-236 and helped him to get out of the mud. Musa Beqiri drove his vehicle of about 50 meters distance whereas the victim drove behind Musa's vehicle. One after the other, with 50 meters distance, they drove by the gates of the house of the Accused Mexhit Beqiri who was sitting outside, on the road. As soon as Mexhit Beqiri saw the victim in his car, he stood up and shot toward the victim several times and hit him on different parts of his body with his handgun "CZ PARA M70" 9 mm calibre, serial number 40074. The victim, Sylejman Zeka, managed to get out of his vehicle and ran towards Musa's BMW vehicle. He got in the BMW vehicle and sat on the passenger seat. Meanwhile, the Accused Mexhit Beqiri was chasing him with a gun, approaching the BMW vehicle and using his gun. He shot again many times in the direction of the victim until he spent his entire magazine. He reloaded it with bullets and stroke the victim again and in doing this he caused grave injuries to the victim, Sylejman Zeka, who died once arrived to the hospital.

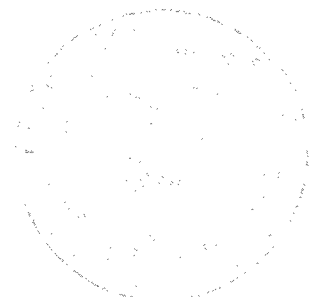
By doing so, the Accused Mexhit Beqiri committed and is criminally liable for the criminal act of **Aggravated Murder**, under Article 147 paragraph (5) of the CCK (Count I);

is

FOUND GUILTY

B - because until about 10.00 o'clock on 27 May 2010 in the village of Sllatina, Municipality of Vushtrri, he had in his possession and ownership, without being licensed with a valid permission to keep an authorized weapon, namely a type of handgun "Zastava", 9 mm calibre, serial number 40074.

By doing so, the Accused Mexhit Beqiri committed and is criminally liable for the criminal act of **Unauthorized Ownership, Control, Possession or Use of Weapons**, under Article 328 paragraph (2) of the CCK (Count II);



Is

FOUND GUILTY

- **because** on 27 May 2010 in Vushtrri, he brandished toward the victim Musa Beqiri, son of his brother, who was trying to stop him, a weapon "Zastava", 9 mm calibre, serial number 40074, in a threatening and intimidating manner by saying; "Go way, move or I'll kill you as well".

By doing so, the Accused Mexhit Beqiri committed and is criminally liable for the criminal act of **Unauthorized Ownership, Control, Possession or Use of Weapons**, under Article 328 paragraph (1) of the CCK (Count III).

THEREFORE, the Accused Mexhit Beqiri is

SENTENCED

A. To sixteen/16/ years of imprisonment for the criminal act of **Aggravated Murder**, under Article 147 item 5 of the CCK (Count I);

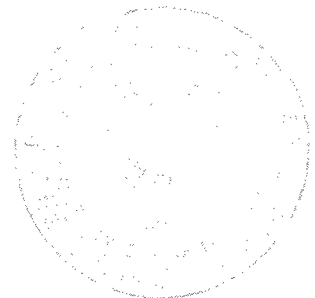
B. To three/3/ years of imprisonment for the criminal act of **Unauthorized Ownership, Control, Possession or Use of Weapons**, under Article 328 paragraph (2) of the CCK (Count II).

C. To two/2/ years of imprisonment for the criminal act of **Unauthorized Ownership, Control, Possession or Use of Weapons**, under Article 328 paragraph (1) of the CCK (Count III).

The aggregate punishment is determined 18 years of imprisonment, pursuant to Article 71 paragraph (1) and paragraph (2) item 2 of the CCK.

The time spent in detention on remand from 30.05.2010 is to be credited pursuant to Article 73 paragraph (1) of the CCK.

The weapon - the handgun ZASTAVA, 9 mm caliber, serial number 40074, is hereby confiscated pursuant to Article 60 paragraph (1) and Article 328 paragraph (5) of the CCK.



Pursuant to article 112 (2) of the CPCK, since the data collected in the criminal proceedings do not provide a reliable basis for either a complete or a partial award, the Court instructs the Injured Party that he may pursue the entire property claim in civil litigation.

The Accused Mexhit Beqiri shall reimburse his part of costs of criminal proceedings pursuant to Article 102 paragraph (1) of the CPCK with the exception of the costs of interpretation and translation. A separate ruling on the amount of the costs shall be rendered by the court when such data is obtained pursuant to Article 100 paragraph (2) of the CPCK.

REASONING

A. Procedural Background

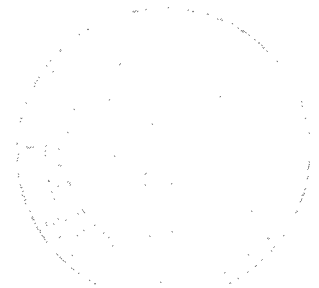
The District Public Prosecutor of Mitrovica in the indictment PP.nr. 78/2010 filed on 19 October 2010 charged MEXHIT BEQIRI with Aggravated murder in violation of Article 147, Item 9) in conjunction with Item 4) of the Criminal Code of Kosovo (CCK), with Unauthorized Ownership, Control, Possession or Use of Weapons in violation of Article 328, Paragraph (2) of the CCK and with Threat in violation of Article 161, Paragraph (3) in conjunction with Paragraph (2) of the CCK, in conjunction with counts 1 and 2.

The indictment was confirmed on 29 November 2010. On 02 December 2010, the President of the Assembly of EULEX Judges assigned the case to EULEX judges based on Article 3.3 on Law on Jurisdiction, Case Selection and Case Allocation of EULEX Judges and Prosecutors.

Main trial hearings were held on 11, 12, 13 April 2011. Closing arguments were heard from Antonio Pastore EULEX Prosecutor, Muharrem Ramadani Defense Council and the defendant Mexhit Beqiri on 13 April 2011. The Verdict was orally rendered the same day.

B. Competence of the court

Under article 23 Item 1 i) of the CPCK, district courts are competent to hear criminal cases involving charges for which the law allows the imposition of a penal sentence of at least five years. Pursuant to Article 27 paragraph (1) of the



CPCK, territorial jurisdiction is proper with the court in the district where a crime is alleged to have been committed.

The Accused is charged with the criminal offences of Aggravated Murder under Article 147, Item 9) in conjunction with Item 4) of the Criminal Code of Kosovo (CCK) which allows the imposition of a penal sentence of at least ten years imprisonment; Unauthorized Ownership, Control, Possession or Use of Weapons in violation of Article 328, Paragraph (2) of the CCK which allows the imposition of a fine of up to 7 500 Euros or by imprisonment of one to eight years and with Threat in violation of Article 161, Paragraph (3) in conjunction with Paragraph (2) of the CCK, in conjunction with counts 1 and 2 which allows the imposition of a fine or by imprisonment of up to two years.

The indictment alleged that the Accused committed the criminal act in the village of Sllatina, Vushtrri Municipality that lies within Mitrovica District.

Therefore, the District Court of Mitrovica is the competent judicial body to hear this criminal proceeding.

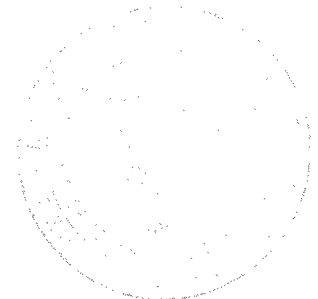
C. Legal Qualification - Law applied

The criminal acts were committed on 27 May 2010. At that time the Criminal Code of Kosovo (CCK) that entered into force on 06 January 2009 was the applicable law. Pursuant to Article 2 Paragraphs (1) and (2) of the CCK, the law in effect at the time of the commission of the criminal offense shall be applied to the perpetrator unless a new law in more favourable for the accused.

D. Evidence

During the course of the main trial, the following witnesses were heard:

- (1) Islam Zeka, injured party, 11 April 2011
- (2) Teuta Beqiri, witness of the Prosecutor, 11 April 2011
- (3) Musa Beqiri, witness of the Prosecutor, 11 April 2011
- (4) Doctor Fahri Drevinja, expert witness, 12 April 2011
- (5) Emine Dushnica, witness for the defense, 12 April 2011
- (6) Selim Kurti, witness for the defense, 12 April 2011



During the course of the main trial, the following documents were read and entered into evidence:

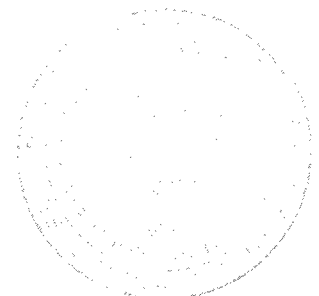
- (1) Forensic (Ballistic) Examination Report dated 6/07/2010 (pages 66 – 74)
- (2) Medical Report dated 27/05/2010 (pages 76 - 77)
- (3) Autopsy Report with attached photo album (pages 78 – 118)
- (4) Forensic Report dated 28/05/2010 (pages 119 – 121)
- (5) Initial Incident Report (pages 153 – 158)
- (6) Officers' Reports (pages 159 – 173)
- (7) Forensic Report (List of evidence) (pages 174 – 184)
- (8) Crime scene sketch and attached table of measures (pages 187 – 191)
- (9) Forensic Report (List of evidence) with the attached photo album (pages 192 – 204)
- (10) Supplementary Police Report (pages 205 – 208)
- (11) Officer's Report signed by Aziz Aliu (pages 209 – 210)
- (12) Police Report dated 30/05/2010 (pages 228 – 229)
- (13) Certificate on Confiscated Items (pages 230 – 231)
- (14) Photo Album concerning the crime scene (pages 260 – 325)
- (15) Crime Site Investigation Report (pages 336 – 341)
- (16) Psychiatric Report dated 18/03/2011 (not numbered in the Prosecution Case File)

On 12 April 2011, the expert witness, Doctor Fahri Drevinja gave details about the personality of the accused that is diagnosed as a person with characteristics of personality disorder of antisocial type coded as F60.2 DSM IV. The expert witness stood for the conclusion of the medical report dated 01 March 2011, by stating that based on the characteristics of the personality of the accused, the character of the criminal act and also the dynamics of the criminal act, "*his accountability is diminished but not at the essential level*".

During the trial session, on 12 April 2011, the accused Mexhit Beqiri gave a statement and answered questions.

E. Commission of crime and criminal liability

1. Factual findings



Upon the evidence presented during the course of the main trial, the Court considers the following facts as proven:

On 30 May 2010 at about 9.30 in the village of Sllatina, Municipality of Vushtrri, Sylejman Zeka who was with his two years old son Albin Zeka, got stuck in the mud with his car "Mercedes 190" type, registration plate number 289-KS-353. He called Musa Beqiri, a neighbour, to help him to drag his car out. The neighbour came and helped him. After this intervention done, Musa Beqiri and Sylejman Zeka drove behind each other 15 to 20 meters of distance. They both drove by Mexhit Beqiri's front gate, there was no alternative route. The accused was sitting outside of his house.

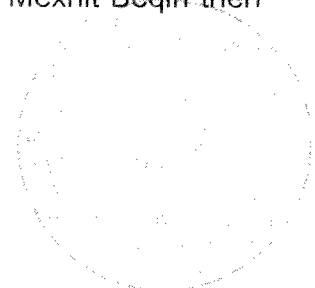
Islam Zeka, the father of the victim, was on foot nearby, taking care of the cattle in the so-called place "Serbian meadow". Shots were fired at Sylejman Zeka's car. The car stopped in front of Mexhit Beqiri's front door. After hearing gunshots Islam Zeka ran towards his son's car to pick up his grandson who was sitting on the passenger seat. An altercation occurred between Musa Beqiri and Mexhit Beqiri. Islam Zeka and Musa Beqiri both witnessed Mexhit Beqiri firing several times at Sylejman Zeka while the late victim was trying to reach Musa Beqiri's passenger seat stopped 15 meters away.

The consistent and invariable statements of the eyewitnesses, present on the crime scene, Islam Zeka injured party and Musa Beqiri support these facts. During the main trial, Islam Zeka and Musa Beqiri reiterated their previous statements given during the investigation phase.

Heard by the Police, on 07 June 2010, Islam Zeka indicated, "*When my son entered Musa's vehicle, Mexhit went there and shot him again*".

This statement is similar to the one given to the Police on 27 May 2010 by Musa Beqiri "*I went out of my vehicle and I saw Mexhit shooting with fire arm in the direction of Sylja. Then Sylja went out of his vehicle and keeping his head down he came to my vehicle and sat in the front passenger's seat.*"

The accused chose to remain silent during the investigation phase (suspect examination report on 30 May 2010) and pleaded not guilty at the confirmation of the indictment hearing on 29 November 2010. However, from the opening session of the main trial, on 11 April 2011 Mexhit Beqiri admitted "*that I committed the murder unwillingly and unintentionally*" until his examination in chief on 12 April 2011, where he described how he shot at Sylejman Zeka "*I grabbed him by the shoulder, pulled out my handgun and used it*". The parties dispute only the reasons of the shooting. He explained his action at the main trial by the fact that the victim had provoked and threatened him when driving by, he would have had a gun and went out of his car to insult him "*he had his handgun over there, as soon as he got out of the car, he told me, where are you, your mother this and that*". Mexhit Beqiri's allegation of the victim having a gun on the critical day is corroborated by no element within the case file or during the main trial. No gun was found on the crime scene or with the victim. Mexhit Beqiri then



explained the second series of shot "I sat him inside the car, one of his legs remained outside. I saw him struggling and I fired another shot at him to finish him off".

On 11 April 2011, at the main trial, Teuta Beqiri indicated that alerted by fire gunshots, she ran out of her house. Arriving at her cousin 's car, she helped to pull seriously injured Sylejman Zeka into Musa's car and then called the emergency. Musa Beqiri's statements on 25 May 2010 confirm her declaration.

By that time, Mexhit Beqiri disappeared from the crime scene.

After the shooting, Musa Beqiri drove Sylejman Zeka to the hospital in Vushtrri together with his father Faik Beqiri and Teuta Beqiri. Sylejman Zeka passed away few minutes after his arrival to the hospital. The autopsy report, dated 28 May 2010 concludes that the cause of death was due to "multiple gunshots wounds".

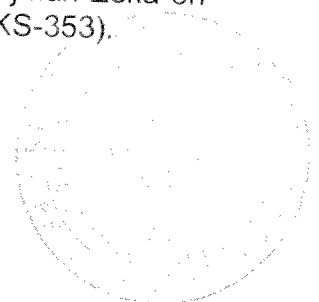
The reasons of the dispute between Mexhit Beqiri and Sylejman Zeka were not possible to be established during the main trial. Two reasons were evoked anyway. The first one is about a long dispute between Mexhit Beqiri and his neighbors, the Zeka's family. It is about the purchase of the property of Mexhit Beqiri by the Zeka's family. These facts were put forward during the main trial by two defense witnesses Emine Dushnica, partner of Mexhit Beqiri since twelve years and by Selim Kurti, a potential buyer of the house of Mexhit Beqiri. The second reason evoked is about old facts, dated 2003 in which Mexhit Beqiri blame Sylejman Zeka of burning his house yard (police report case number 2003 BD 1992). Nothing resulted from the police investigation.

2. On the charge of Aggravated Murder under Article 147, Item 9) in conjunction with Item 4) of the Criminal Code of Kosovo (CCK)

From the start of the trial, where the accused was asked about his plea until his last statement on 13 April 2011, Mexhit Beqiri invariably acknowledged that he committed the murder of Sylejman Zeka on 27 May 2010. However, he did not plead guilty considering that the charges against him were wrong and claiming that he murdered the victim "unwillingly and unintentionally".

All the witness's statements during the investigation and at the main trial corroborate Mexhit Beqiri's declaration, namely that he shot several times, one series of shots when the victim was in his car and another series of shots when the victim was in Musa Beqiri's car on the critical day.

The crime site investigation report dated 28 May 2010 mentions all the evidence found on the crime scene: blood stains found on the pavement next to the victim's car and on the passenger back seats of the victim's vehicle, 5 empty cartridges (9 mm caliber) found on the incident location and one empty cartridge (9 mm) found inside the victim's car, the vehicle of the victim Sylejman Zeka on which appears damages caused by projectiles (plate number 289-KS-353).



On 02 June 2010, the report of the police officer Aziz Aliu indicates that Mexhit Beqiri came to his place to surrender and gave him his weapon a pistol Zastava-9 mm serial number 40074 with a magazine of eight not fired bullets of caliber 9mm (report certificate of confiscated items dated 30 May 2010).

From the firearms report dated 06 July 2010, conclusion is to be made that the five empty cartridges of caliber 9X19 mm found on the crime scene were fired from the pistol Crvena Zastava "PARA" M70 of caliber 9X19 MM with a serial number "40074" which has been confiscated and belonged to Mexhit Beqiri. The same conclusion goes for the two bullets parts of the cartridges of caliber 9X19 mm found in the body of the victim.

The autopsy report of Sylejman Zeka dated 28 May 2010 indicates that *"the victim had fourteen body injuries where thirteen of them where holes, suspected to be caused by a firearm and a scratch on the back. In his body were found two projectiles"*. The two projectiles (caliber 9X19 mm) match with the caliber of the empty cartridges found next to the car of the victim and with the bullet found in the confiscated weapon. Also, the number of holes (14) in the body of the victims match with the number of empty cartridges found on the crime scene (5) and with the two projectiles found on the victim's body. The doctor's report dated 10 June 2010 gives all details of the wounds and concludes by indicating that the cause of death is due to *"multiple gunshot wounds"*.

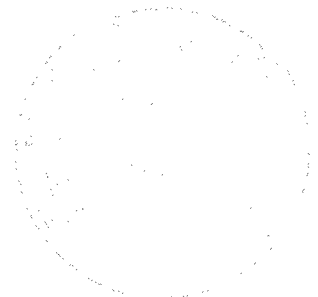
For all the above piece of evidence, the Court considers that Mexhit Beqiri is guilty for aggravated murder.

Pursuant to Article 386 Paragraph 2 of the CPCK, the Court is only bound by the factual description of the act of the accused according to the indictment and later on established by the evidence presented during the main trial. The Court is not bound by the motions of the Public Prosecutor as per the legal qualification of that act, either incorporated in the indictment or presented in the course of the main trial.

In this case, the Court is of the opinion that the conditions for the charges, as indicated in the indictment, of aggravated murder under article 147 Paragraph 4 and 9 are not met since **the intention** of endanger the life of one or more persons needed under Paragraph 4 has not been established nor the revenge or bases motives for the murder.

To the contrary, the court supports the idea of aggravated murder under Article 147 Paragraph 5 since the murder acknowledged by the defendant, was merciless and violent due to the modus operandi, namely, the fact the defendant shot at the victim while he was in his car, chased the victim up to another car when he was trying to escape the shooting and continued to shot at him, at a short distance when the victim reached his neighbor's car.

3. *On the charge of Unauthorized Ownership, Control, Possession or Use of Weapons, under Article 328 paragraph (2) of the CCK*



The defendant admitted after the reading of the indictment that he was in possession of a weapon by saying that he *"was forced to carry a weapon because I was threatened"*. His guilty plea is corroborated by the elements of the case files and by testimonies of the witnesses.

Therefore, the Court found Mexhit Beqiri guilty for unauthorized, control, possession or use of weapon under article 328 paragraph (2) of the CCK.

4. On the charge of Threat in violation of Article 161, Paragraph (3) in conjunction with Paragraph (2) of the CCK, in conjunction with counts 1 and 2

It is an undisputed fact that once Mexhit Beqiri started to shot at Sylejman Zeka Musa Beqiri went out of his car and tried to persuade his uncle, who was holding a gun, to stop shooting at him.

This factual finding is corroborated by all the witnesses' statements and also by the accused himself during the main trial.

Islam Zeka confirmed in his statement and at the main trial that he saw Mexhit Beqiri pushing away his nephew who came to help his son and *"tried to stop Mexhit"* (Islam Zeka statement dated 07 June 2010).

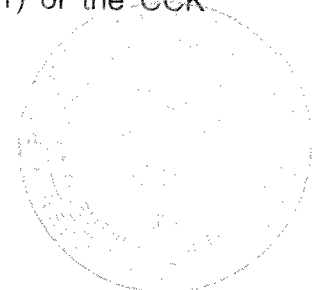
Musa Beqiri indicated to the police (witness statement dated 27 May 2010) *"Mexhit came in out direction chasing Syla. I tried to stop Mexhit, but Mexhit told me: go away or I will kill you too and then he pushed me and I could not stop him"*.

Mexhit Beqiri pleaded not guilty on the charge of threat against Musa Beqiri. However, at the main trial, while giving a statement, he stated *"Musa Beqiri stopped his car, he said " please my uncle don't do it," I told him "you move away or I will kill you"*. He reiterated his declaration later during his statement *" I told him get out of my sight or I will kill you. I was scared that I would hit him during the time I was killing the other one because I loved Musa Beqiri."*

It is undisputed that Mexhit Beqiri was holding his weapon when he addressed to his nephew and when he said, *" get out of my sight or I will kill you"*.

Therefore, taken into consideration the consistent statements of the witnesses and the statement of the accused on this count, the Court considers Mexhit Beqiri guilty since it is established that Mexhit Beqiri threatened his nephew while brandishing his weapon.

The Court accepts the request of requalification made by the Prosecutor from threat to use of weapon (Threat in violation of Article 161, Paragraph (3) in conjunction with Paragraph (2) of the CCK) to Unauthorized Ownership, Control, Possession or Use of Weapons, under Article 328 paragraph (1) of the CCK since the element developed in court confirmed this qualification.



5. Motions

At the main trial, the defendant and his defense council requested orally the Court to have an inspection site of the crime scene.

The Court rejected this motion taking into consideration the facts that enough evidence were in the case file that reflected the scene on the critical day, since the pictures of the criminal report have been taken at the crime scene after the event occurred and also detailed sketches of the scene were provided.

6. Criminal responsibility

Pursuant to article 12 (2) of the CCK “ *a person who committed a criminal is considered to have diminished mental capacity if, at the time of the commission of the criminal offence, his ability to understand or control his actions or omissions was substantially diminished because of the conditions referred to in paragraph 1 of the present article.*”

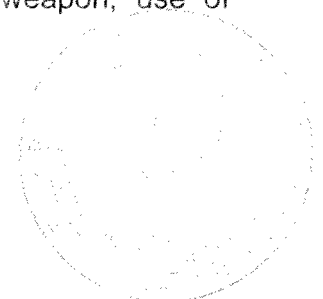
On 12 April 2011, **the expert witness**, Doctor Fahri Drevinja gave details about the personality of the accused that is diagnosed as a person with characteristics of personality disorder of antisocial type coded as F60.2 DSM IV. The expert witness stood for the conclusion of the medical report dated 01.03.2011, by stating that based on the characteristics of the personality of the accused, the character of the criminal act and also the dynamics of the criminal act, “*his accountability is diminished but not at the essential level*”.

From the medical reports, confirmed by the debates hold in Court on 12 April 2011, the court established that Mexhit Beqiri is criminally responsible for the criminal offenses he committed, although his responsibility was diminished but **not substantially**.

F. Determination of Punishment

In determining the duration of punishment, the Court must evaluate all mitigating and aggravating factors, pursuant to Article 64 Paragraph (1) of the CCK.

The Court considered as per count one on aggravating murder, as aggravating circumstances the persistency of the criminal action, despite the intervention of the witness Musa Beqiri, who tried to stop the defendant; the accumulation of crimes within a really short period of time (murder, use of weapon, use of



weapon with threat). As mitigating circumstances, the Court considered the imperfection of the mental functioning of the defendant and his antisocial character.

The defendant pleaded guilty after the reading of the indictment on Unauthorized Ownership, Control, Possession or Use of Weapons. The Court considered as aggravating circumstances the fact that the defendant was wearing a gun constantly (corroborating testimonies and also acknowledge by the defendant himself) and also the fact that the gun was ready to be used and even reload thanks to an accessible extra magazine of bullets.

As per the third count, the court has accepted the request of requalification from the Prosecutor. The court took as mitigating circumstances the fact that the threat was not persistent and ceased after the victim Musa Beqiri stopped to resist to the defendant.

For the criminal offense of **Aggravated Murder**, under Article 147 paragraph (5) of the CCK, the law foresees a penal sentence of at least ten years imprisonment.

For the criminal offence of **Unauthorized Ownership, Control, Possession or Use of Weapons**, under Article 328 paragraph (2) of the CCK, the law foresees a punishment of a fine up to 7500 Euros to imprisonment from one to eight years.

For the criminal offense of **Unauthorized Ownership, Control, Possession or Use of Weapons**, under Article 328 paragraph (1) of the CCK, the law foresees an imposition of a fine or by imprisonment of up to two years.

Mexhit Beqiri is sentenced

- to sixteen/16/ years of imprisonment for the criminal act of **Aggravated Murder**, under Article 147 item 5 of the CCK (Count I);
- to three/3/ years of imprisonment for the criminal act of **Unauthorized Ownership, Control, Possession or Use of Weapons**, under Article 328 paragraph (2) of the CCK (Count II) and
- to two/2/ years of imprisonment for the criminal act of **Unauthorized Ownership, Control, Possession or Use of Weapons**, under Article 328 paragraph (1) of the CCK (Count III).

Mexhit Beqiri committed three criminal acts. Pursuant to the rules of calculation of compounded sentence, the aggregate punishment must be higher than each

individual punishment, but not as high as the sum of the prescribed punishments. The panel imposed eighteen (18) years of imprisonment as aggregate punishment pursuant to article 71 Paragraphs (1) and (2) Item 1 of the CCK.

The accused have been in detention on remand since 3 May 2010. This period of time is to be credited in the imposed punishment of imprisonment pursuant to Article 73 Paragraph (1) of the CCK.

G. Confiscation

Pursuant to Article 60 paragraph (1) and Article 328 Paragraph (5) of the CCK, the Court orders the confiscation of the seized handgun ZASTAVA, 9 mm caliber, serial number 40074.

H. Costs

As the Court found the Accused Mexhit Beqiri guilty of **Aggravated Murder**, under Article 147 item 5 of the CCK; of **Unauthorized Ownership, Control, Possession or Use of Weapons**, under Article 328 paragraph (2) of the CCK; of **Unauthorized Ownership, Control, Possession or Use of Weapons**, under Article 328 paragraph (1) of the CCK, pursuant to Article 102 paragraph (2) of the CPCK Mexhit Beqiri shall reimburse the costs of criminal proceedings related to those criminal offence, with the exception of the costs of interpretation and translation.

District Court of Mitrovica

P. nr. 40/2010

Prepared in English, an authorized language

Presiding Judge
Caroline Charpentier

Panel Member
Nikolay Entchev

Panel Member
Dariusz Sielicki

Legal remedy:

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.

