

DISTRICT COURT OF MITROVICA

P. nr. 41/09

31 January 2011

IN THE NAME OF THE PEOPLE

THE DISTRICT COURT OF MITROVICA, in the trial panel composed of EULEX Judges Nikolay Entchev as Presiding Judge, and EULEX Judges Caroline Charpentier and Jonathan Welford-Carroll, as panel members, with the participation of EULEX Legal Officer Noora Aarnio as Recording Officer in the criminal case against;

Nexhmedin DUSHI, charged with, according to the Indictment of the Prosecutor PP. nr. 86/2009, dated and filed with the Registry of the District Court of Mitrovica on 24.06.2009 and as confirmed by the Ruling on Confirmation of the Indictment dated 13.07.2010, criminal offences of Attempted Rape contrary to Article 193 paragraph 2 items 1 and 2 in conjunction with Article 20 of the Criminal Code of Kosovo (CCK).

After having held the main trial hearing in public on 14,15 and 16 December 2010, all in the presence of the accused Nexhmedin Dushi, his Defence Counsel Bashkim Mehana, Injured Party **F. D.**, Authorized Representative of the Injured Party Fatmire Braha and EULEX Public Prosecutor Petr Klement, after the trial panel's deliberation and voting held on 31 January 2011, pursuant to Article 392 paragraph (1) of the Criminal Procedure Code of Kosovo (CPCCK) pronounced - on the same day - in public and in the presence of the Accused, his Defence Counsel, the Injured Party, her Authorized Representative and the EULEX Public Prosecutor the following

VERDICT

The accused **Nexhmedin Dushi**, no nickname, son of Ismet Dushi and Shefkije Latifoviq, born on 21.6.1984 in Stanove I Ulet, in Vushtrri/Vučitrn, Kosovar, of Albanian ethnicity, resident of Vushtrri/Vučitrn, married, highest education secondary school, car mechanic, of average economic status, one known previous convictions, in detention from 21.4.2009 until 23.2.2010,

is

FOUND GUILTY

- because on 21.4.2009 at about 21.05 hours, at Stanovc I Ulet, in Vushtrri/Vučitrn, Nexhmedin Dushi tried to force **F.D.** to a sexual act (intercourse) by using a dangerous instrument. Nexhmedin Dushi appeared masked behind **F.D.**, closed her mouth and pulled her at suitable place to commit the sexual act. He pulled a knife out and said: "Shut up! Shut up! As I can stab you." **F.D.** screamed loudly and tried to protect herself. Nexhmedin Dushi cut her left hand with the knife and caused some abrasion to her face.

By doing so, the Accused **Nexhmedin Dushi** committed the criminal act of **Attempted Rape** contrary to Article 193 paragraph 3 items 3 in conjunction with Article 20 of the CCK.

The Accused **Nexhmedin Dushi** is

SENTENCED

- to 7 /seven / years of imprisonment for the criminal act of **Attempted Rape**

The time spent in detention on remand from 21 April 2009 until 23 February 2010 is to be credited pursuant to Article 73 Paragraph (1) of the PCCK.

The Accused **Nexhmedin Dushi** is obliged to reimburse the 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.

District Court of Mitrovica

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Prepared in English, an authorized language.



Noora Aarnio
Recording Officer



Nikolay Entchev
Presiding Judge

Legal remedy: The parties must announce an appeal no later than 8 days after the pronouncement of the Judgement pursuant to Article 400 Paragraph (1) of the KCCP. Authorized persons may file an appeal in written form against this verdict to the Supreme Court of Kosovo through the District Court of Mitrovica within fifteen (15) days from the date the copy of the judgment has been received pursuant to Article 398 Paragraph (1) of the KCCP.