

DISTRICT COURT OF PEJA/PEC

P.nr. 329/11

Dt. 29th March 2012

IN THE NAME OF THE PEOPLE

THE DISTRICT COURT OF PEJA/PEC, in the trial panel composed of the EULEX Judge Dariusz Sielicki as Presiding Judge, the EULEX Judge Malcolm Simmons and the Kosovan Judge Gezim Pozhegu as panel members, assisted by the Recording Officer Joseph Hollerhead, in the criminal case against the accused:

- ISUF IDRIZAJ, son of father Skender and mother Shukrije, born on 27th September 1979, in the village of Kodrali in Decani Municipality, married, secondary school accomplished, of poor financial state, Kosovo Albanian, in detention from 13th June 2010 until 8th December 2011 and under house arrest thereafter,
- DERVISH IDRIZAJ, son of Skender, born on 4th May 1984 in Deçan/Decane, residing at Kodrali village, Deçan/Decane municipality, Kosovo Albanian, in detention since 17th December 2010, and
- BEDRI KRASNIQI, son of Nezir, born on 10th September 1979 at Turjakë village, Pejë/Pec Municipality, where he resides, Kosovo Albanian, in detention since 17th December 2010,

Charged with the Indictment of the EULEX District Public Prosecutor in Peja PP.nr.217/10, dated 9th June 2011, with the criminal offences of *Attempted Murder* contrary to Article 146 in conjunction with Article 20 and 23 of CCK as against Dervish Idrizaj and Bedri Krasniqi only; and *Attempted Aggravated Murder* contrary to Article 147 item 4 and 9 in conjunction with Article 20 and 23 of CCK as against all three defendants,

After having held the main trial hearings in public on 5th, 6th, 7th, 8th December 2011, 17th and 18th January 2012 and 13th, 20th and 28th March 2012 in the presence of:

- the accused Mr. Isuf IDRIZAJ and his defense counsels Mr. Gezim KOLLCAKU;
- the accused Mr. Dervish IDRIZAJ and his defense counsel Mr. Gezim BALOKU;
- the accused Mr. Bedri KRASNIQI and his defense counsels Mr. Klaus KIRCHNER and Mr. Ragip RADONIQI;
- the Public Prosecutor Mr. Peter KORNECK,
- the injured party Valon ZUKAJ and Arlis ZUKAJ, present on 5th and 7th December 2011
- Legal representative appointed *ex officio* for the injured party Arlis ZUKAJ, Ms. Hamijete MIFTARI;

after the trial panel deliberation and voting held on 28th and 29th March 2012, based on Article 391 Paragraph 1 of the Kosovo Criminal Code of Procedure (KCCP);

on 29th March 2012, pursuant to Article 392 Paragraph 1 of KCCP, pronounces in public, the following

VERDICT

Under Count 1

Pursuant to Article 390 par. 1 item 3 of KCCP, the accused BEDRI KRASNIQI, is

ACQUITTED

Of having committed the criminal offence of *Attempted Murder* pursuant to Article 146 in conjunction with Article 20 and 23 of CCK, because it has not been proven beyond a reasonable doubt that the accused has committed the act with which he has been charged in the indictment.

* * *

The defendant DERVISH IDRIZAJ is

FOUND GUILTY

Because on 23rd September 2009, at about 18:50, in the village of Decani, with his gun drawn, he approached the injured party Valon Zukaj in front of the Supermarket "Tropikana" where a large number of people were gathered. Valon Zukaj fired one shot in necessary defense hitting Dervish Idrizaj in the neck. Then Dervish Idrizaj fired two shots from his pistol of 9mm of unknown model in the direction of the Supermarket "Tropikana" into which Valon Zukaj had fled.

- By which Dervish Idrizaj committed the criminal offence of *Causing General Danger* in a place where a large number of people were gathered pursuant to Article 291 paragraphs 1 and 3 of CCK, thus re-qualifying the original charge of *Attempted Murder* pursuant to Article 146 in conjunction with Article 20 of CCK.

Under Count 2

Pursuant to Article 390 paragraph 1 item 3 of KCCP, the defendants ISUF IDRIZAJ, DERVISH IDRIZAJ and BEDRI KRASNIQI are

ACQUITTED

Of having committed the criminal offence of *Attempted Aggravated Murder* pursuant to Article 147 items 4 and 9 in conjunction with Article 20 and 23 of CCK, because it has not been proven beyond a reasonable doubt that the accused have committed the act with which they have been charged by the indictment.

Therefore, pursuant the provisions of Articles, 6, 11, 15, 31, 32, 33, 34, 38, 64 par 1 and 2, 65 par 1, 73 par 1, 99 par 1, Article 146 in conjunction with Article 20 of CCK and Articles 99 par 1, 2 item 2, 3, 5, 6, 102 par. 1, 328 par 1, 385 par. 1 and 2, 386 par 2, 387 par 1 and 2, 391 and 392 of the KCCP,

The accused, Dervish IDRIZAJ is

SENTENCED

To 5 (five) years of imprisonment

The time spent in detention on remand by the defendant is to be credited against the punishment, pursuant to Article 391 paragraph 1 sub-paragraph 5 of the KCCP.

The cost of the criminal proceedings in relation to the criminal offences which the accused are acquitted shall be paid from the budgetary resources, pursuant to Article 102 paragraph 2 of KCCP.

The cost of the criminal proceedings in relation to the criminal offence the accused is found guilty shall be reimbursed by the accused in an amount of Euro 500 and 100 Euros for the scheduled amount, pursuant to Article 102 paragraph 1 in conjunction with Article 99 paragraph 2 sub-paragraph 6 of KCCP.

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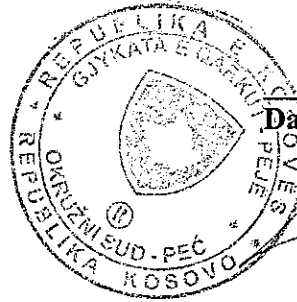
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Dated this 29th day of March 2012

Court Recorder

Joseph Hollerhead

Presiding Judge



Dariusz Sielicki

Legal Remedy

An appeal must be announced within 8 days from the announcement of this verdict and shall be filed with the court of first instance, pursuant to Article 400 paragraph 1 of the KCCP.

Authorized persons may file an appeal in written form against this verdict through the District Court of Peja/Pec to the Supreme Court of Kosovo within fifteen days from the date the copy of the judgment has been served, pursuant to Article 398 paragraph 1 of the KCCP.