

**DISTRICT COURT OF PEJA/PEC**  
**P.nr. 336/10**  
**Dt. 22 July 2011**

**IN THE NAME OF THE PEOPLE**

**THE DISTRICT COURT OF PEJA/PEC**, in the trial panel composed of the EULEX Judge Gunnar Oyhaugen as Presiding Judge, the EULEX Judge Malcolm Simmons and the Kosovan Judge Shaban Shala as panel members, assisted by the Recording Officer Vlora Johnston, in the criminal case against the accused

**MARJAN KONAJ** son of Pashk, mother's name and maiden name Marthe Domgjoni, born on 30 September 1975 in the village of Jahoc, Gjakova Municipality, electrician, married and father of three children, of average financial situation, Kosovar Albanian, in detention on remand since 03 March 2010 and currently detained in Peja Detention Center.

Charged with the Indictment of the District Public Prosecutor in Peja PP.nr.80/2010 dated 22 October 2010, amended on 22 July 2011, related to the criminal offences of:

- *Aggravated Murder*, contrary to the Article 147 paragraph 7 of CCK,
- *Grievous Bodily Harm* contrary to Article 154 Paragraph 1, point 3 of CCK, and
- *Unauthorized ownership, control, possession or use of weapons* contrary to Article 328 paragraph 2 of the CCK,

After having held the main trial hearings in public on 8, 9, 10 March, 12, 14, 28 April, 5 May, 7 June, 21 and 22 July 2011 in the presence of:

- the accused Mr. Marjan KONAJ and his defense counsels Mr. Haxhi MILLAKU and Mr. Muharrem HOTI;
- the Public Prosecutor Mrs. Alenka SAGMEISTER-RANZINGER,
- the injured party L P , and his legal representative Mr. Zeqir BERDYNAJ;

after the trial panel deliberation and voting held on 22 July 2011, based on Article 391 Paragraph 1 of the Kosovo Criminal Code of Procedure (KCCP);

on 22 July 2011, pursuant to Article 392 Paragraph 1 of KCCP, pronounces in public, the following

**VERDICT**

The accused, Marjan KONAJ is

**ACQUITTED**

Of committing the criminal offence of *Aggravated Murder* pursuant to article 147 par. 1 item 4 of CCK, because it has not been proven that the accused has committed the act with which he has been charged in the Indictment.

\* \* \*

The accused, Marjan KONAJ is

**ACQUITTED**

Of committing the criminal offence of *Grievous Bodily Harm* pursuant to article 154 par. 1 item 3 of CCK, because it has not been proven that the accused has committed the act with which he has been charged in the Indictment.

\* \* \*

The accused, Marjan KONAJ is

**FOUND GUILTY**

Because

From an unknown date until 03 March 2010 in the house of the accused in the village of Jahoc, Gjakova Municipality, was in a possession of a revolver TT no. AA 703-1947, together with a magazine and eight bullets of caliber 7.62 mm, without a valid Authorization card

- By which he committed the criminal offence of *Unauthorized Ownership, Control, Possession or Use of Weapons* from Article 328 par. 2 of CCK.

THEREFORE, the accused, is

**SENTENCED**

To one (1) year of imprisonment.

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

An ancillary punishment of confiscation and destruction of the revolver TT no. AA 703-1947, together with the magazine and eight bullets of caliber 7.62 mm, is imposed.

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

The cost of the criminal proceedings in relation to the criminal offence the accused is found guilty of shall be reimbursed by the accused in an amount of 100 Euros and 80 Euros for the scheduled amount, pursuant to article 102 par. 1 in conjunction with Article 99 par. 2 sub par. 6 of KCCP.

## Reasoning

### *Procedural Background*

On 3 September 2010 the EULEX District Public Prosecution in Peja has filed an indictment PP.nr.88/10 dated 27 August 2010 against Marjan Konaj, accusing him of *Aggravated Murder*, contrary to the Article 147 point 4 of CCK, *Grievous Bodily Harm* contrary to Article 154 Paragraph 1, point 3 of CCK, and *Unauthorized ownership, control, possession or use of weapons* contrary to Article 328 paragraph 2 of the CCK, and against Lulzim Binakaj for the criminal offence of Incitement of Aggravated Murder pursuant to article 147 point 4 in conjunction with article 24 of CCK.

Before the confirmation hearing was scheduled, on 29 September 2010 the Public Prosecutor withdrew the Indictment against Lulzim Binakaj, dropping the charges against him. Herein the indictment was amended on 20 October 2010.

The indictment was confirmed on 08 November 2010 by the confirmation judge of the District Court of Peja/Pec, through the ruling KAJ.nr.265/10.

On 22 December 2010 the President of the Assembly of EULEX Judges, deciding upon the request of EULEX Prosecutor in Peja, after the hearing, decided to take over the case and allocate it to the competence of EULEX Judges for further proceedings.

### *Competence and Panel Composition of the Court*

In accordance with Article 23, paragraph 1 of the KCCP, District Courts shall have jurisdiction to adjudicate, at first instance, criminal offences punishable by imprisonment of at least five years or by long-term imprisonment.

In the present case the accused is charged with Aggravated Murder, in violation of Article 147 par. 4 of the CCK, punishable by imprisonment of at least ten (10) years imprisonment or long-term imprisonment. Therefore, the District Court of Pejë/Peć has the subject-matter jurisdiction to adjudicate the case.

The criminal offence, according to the indictment, was committed in the village of Moglice, Gjakova Municipality, which is within the territory of the District of Pejë/Peć. Therefore, in accordance with the Article 27, par. 1 of KCCP, the District Court of Pejë/Peć has the territorial jurisdiction to adjudicate the present case.

Since the present case was allocated to the competence of EULEX Judges by the decision of the President of the Assembly of EULEX Judge dated 22 December 2010, the panel was composed of two EULEX Judges and one Kosovan Judge pursuant to Article 3.7 of the Law on the Jurisdiction, Case Selection and Case Allocation of EULEX Judges and Prosecutors in Kosovo.

None of the parties objected to the panel composition.

### ***The Main Trial Sessions***

A pre-trial conference took place on 10 February 2011. The main trial was held in public on 8, 9, 10 March, 12, 14, 28 April, 5 May, 7 June, 21 and 22 July 2011 in the presence of the accused Marjan Konaj and his defense counsels Haxhi Millaku and Muharrem Hoti, the EULEX Public Prosecutor Alenka Sagmeister – Ranzinger, the injured part L P / Laferita Perlala and their legal representative, lawyer Zeqir Berdynaj.

In accordance with Article 15 of KCCP, international interpreters translated court proceedings and all court documents relevant to the trial from English into Albanian and vice-versa, as necessary.

### ***Evidence administered during the main trial***

During the course of the main trial, the trial panel examined the following witnesses:

L P examined on 8 March 2011  
G P examined on 8 March 2011  
Laferita Perlala examined on 9 March 2011  
F P examined on 9 March 2011  
Eugen Perlala examined on 9 March 2011 and 10 March 2011  
Zef Nue Allakaj examined on 10 March 2011  
Luz Allakaj examined on 10 March 2011  
Patrik (Tune) Allakaj examined on 10 March 2011  
Luke Perlala examined on 12 April 2011  
Ndrece Dodaj examined on 12 April 2011 and 14 April 2011  
Mark Pitaqi examined on 14 April 2011  
Lulzim Binakaj examined on 14 April 2011  
Petrit Perlala examined on 28 April 2011  
Nikolle Allakaj examined on 28 April 2011  
Patrik (Ndue) Allakaj examined on 28 April 2011

Enver Krasniqi examined on 28 April 2011  
Hasan Rexhaj examined on 5 May 2011  
Alberim Mujaj examined on 5 May 2011  
Mark Perlala examined on 07 June 2011  
Sabahudin Bitiqi examined 21 July 2011

The defendant Marjan Konaj also gave testimony/ was examined on 21 July 2011

*Documentary Evidence*

- Regional Investigations Report number 2009-DB-2818 dated 16 January 2010;
- Metering Analysis number 2009-HRP-261 dated 02 February 2010;
- Records of the House Search of Marjan Konaj dated 03 March 2010;
- Photo album of the house search;
- Certificate of confiscation number 2009-DB-2821 dated 03 March 2010;
- Police report number 2009-DB-2821 dated 26 January 2010;
- Photo album of seven males;
- Autopsy report with the album number 010-001 A dated 06 January 2010;
- Forensic examination report number 2010-0120 dated 10 February 2010;
- Transcription of a telephone conversation started on 14 February 2010 at 13:00:48 hrs between the defendant Marjan Konaj and a person named Adem;
- The crime scene inspection report number 2009-DB-2821 dated 31 December 2009;
- Photo album number 2009-DB-2821 dated 31 December 2009;
- CD of positioning Marjan Konaj's mobile telephone;
- Autopsy report number MA09-359 dated 27 April 2010;
- Photo dated 30 May 2006 with three men – amongst them Dedë Perlala and Marjan Konaj;
- 2 Photos from the same creation 30 May 2006;
- 3 Photos regarding houses.

*Site Inspection:*

The Court made on 5 May 2011 a site inspection where the murder took place – hereunder the close surroundings.

*Summary of the accused and the witness's statements:*

**The Accused Marjan Konaj's statement:**

He denies having been in Moglicë village in the morning of 31 December 2009. Consequently he denies that he shot Dedë Perlala and wounded his son L P on that morning.

He had been a guest in the Allakaj family's house in Marmulla from 30 December 2009 and until the morning of 31 December 2009 – when he went to buy some food for his family and to attend as a witness in a marriage ceremony. He never went to this marriage

ceremony because he was told that it was not necessary. The ceremony had already been finished.

He was friend of Dedë Perlala. He had no motive to kill him. If he had been the murderer, he has raised the question how he dared to go to the hospital the same day – risking to be identified by some of the boys. He has also underlined that since Dedë knew him, Dedë would probably have said his name just before or after he was shot, if he had been the shooter, but Dedë mentioned nothing about this before he died.

**L P** – born 21 November 1996:

He has in his testimony to the police on 21 January 2010, given the following statement regarding the person who shot at his father and himself:

*I think he was about 180 cm high or 2-3 cm more, he was wearing old dark trousers but I am not sure if they were jeans or fabric, on upper part was wearing nylon type jacket and it was clear that he wore something thick beneath. This jacket had two pairs of pockets, up and down and two zippers on both sides. His skin was of moderate color, not so dark not so white, round faced. I did not notice anything particular on his mouth or beard except that he had some rare hair on his mustaches. His nose was not big but a bit wider, at his eyes I did not notice any mark, either. His eyebrows were inclined and he was wearing an old black cap made of yarn.”*

He was then asked this question:

*If we show you pictures of different people, can you recognize any person that could fit to the description of suspected person?*

L answer to this question was:

*From the pictures bearing numbers from 1 to 7 that were shown to me, the person bearing number 3 is most likely the suspected person who killed my father. I would like to see color picture of him or to see him alive.*

**G P** – born 24 September 1995:

He has in his statement to the police on 20 January 2010, described the person who shot at Dedë Perlala and wounded L P in the following way:

*“Approximately, he was about 180 cm high, he was medium body, he was wearing a hat made of thread black color, his face was open, not so dark skin, didn’t had beard, as far as I remember swollen cheeks. I haven’t seen other details on his face since I was not focused on that person and from the place where I was sitting in the van (in the middle) I couldn’t see. He was wearing old jeans light blue color, was wearing jacket dark color, I am not sure what kind of color.....”*

*I have never seen that person and I haven’t heard that he stayed with anyone and even if I see him now I will not recognize him”*

He was asked by the police the following question:

*“Photos that was presented to you by the police with numbers from 1 up to 7, does any of the person looks like a suspect person that you described above?”*

His answer was: *“Person bearing number 3 looks like the suspect person I can say more than 50 %, if I could see color photo or person may be I would be more certain.”*

**F \_\_\_\_\_ P \_\_\_\_\_** – born 3 January 1993:

To the police on 20 January 2010 about the person who shot, he stated the following:

*“His height and body was same as my uncle Lluk, he had a black yarn hat on his head, he has rounded face, not quite shaved beard and his beard was not black. I can not remember more also because his cap was pulled down till eyebrows and while shooting he kept his head somehow downwards and his face was angry looking and blushed. I do not remember what he was wearing because everything was so fast and I did not pay attention at his clothes. ....No, I can not remember that I have seen him before.*

The police asked this question: *“Looking at the photo album pictures from 1 to 7, which one of these people looks more like the one who shot at you that day?”*

His answer: *“Out of these pictures shown to me, person bearing number 3 fit mostly to the description of the person that shot on us; I am saying this based on his face.”*

**Eugen Perlala:**

He stated in the court that Dedë Perlala and Marjan Konaj did not have any problems with each other. Eugen also explained that he was the person who submitted the photograph to the police where Dedë Perlala and Marjan Konaj were in the same picture – taken in the restaurant Adora.

**Luz Allakaj:**

He confirmed that he called Marjan Konaj regarding the agreement that Marjan Konaj should be a witness in the marriage ceremony the same day – 31 December 2009. He called Marjan Konaj in the morning and told him what his brother had told him: *“Do not rush because we have finished the matter”*(Meaning the marriage ceremony was finished).

He was also meant to be an alibi witness. But his testimony was too unclear in this respect to give an alibi for Marjan Konaj during the critical time.

**Zef Nue Allakaj, Patrik Allakaj, Nikolle Allakaj and Patrik (Ndue) Allakaj:**

They was also called as witnesses in order to establish an alibi for Marjan Konaj regarding the critical time when the shooting took place, about 08.00 in the morning of 31 December 2009.

However, their testimonies were either too unclear or they obviously were mistaken about the time Marjan Konaj left the Allakaj house.

**Luke Perlala:**

He told the court that he knew that Dedë Perlala had gotten some land from a person called Uke Gjini regarding some unpaid debt Uke Gjini had to Dedë Perlala. And also that Uke Gjini's brother – Nikolle – told Uke: *“Go out from my house and do not come back until you killed Dede Perlala since he took your land”*.

Luke Perlala also confirmed that he had been present when L P gave his statement to the police and that he also signed L and G P statements as their uncle. Furthermore, he said that when G was heard by the police, he was present when the pictures for identification were presented to him, whereas when the pictures was presented to F P , he was not present then.

Luke Perlala testified in the court that he – regarding Dedë Perlala's murder – was suspicious about Uke Gjini. Also some of his friends – Gjon Nikolla who is a close friend of Allakaj's and Marjan Konaj. And he also expressed the opinion that he had mentioned the name of Marjan Konaj to the Public Prosecutor.

Luke Perlala confirmed that he saw Marjan Konaj in the hospital on 31 December 2010 at about 11.00. At that time he knew Marjan Konaj by appearance, but after the incident he learned his name.

**Ndrece Dodaj, Laferita Perlala and Mark Perlala:**

These witnesses have not told the court anything important regarding the case.

**Mark Pitaqi:**

He told the court that he was a close friend of Dedë Perlala. In his opinion it was probably that Dedë Perlala knew Marjan Konaj. He never heard from Dedë Perlala that he had problems with Marjan Konaj.

He also told that the issue/-conflict Dedë Perlala had with Zef Leshdedaj was resolved before Dedë was killed. He told that the issue Dedë Perlala had with Uke Gjini regarding the land also was resolved before Dedë Perlala was killed. The same with the problems he had with Pashk Lasku and Ndua Mehmeti.

He was asked about the relationship Dedë Perlala had with Luz Allakaj and the Allakaj family, aaaand his answer was that they were on good terms.

**Lulzim Binakaj:**

He was in an earlier stage suspected in the case due to a statement given by a person named Arben Morina. It has been revealed that this statement was false – and the prosecution has dropped the indictment against him. He had nothing of value to tell the court.

**Petrit Perlala**

He told the court that it is possible that Dedë Perlala and Marjan Konaj knew each other, but he never saw them together, and he never heard any complaints about Marjan Konaj from Dedë Perlala. He also said that Marjan Konaj had visited him in his house in Moglice Village.

**Enver Krasniqi**

He dealt with the investigation in this case as a police officer. He described how the photo-confrontation took place. He could not explain why Marjan Konaj's picture had been put amongst the 7 photos shown to the Perlala children – other than the descriptions given by the children were background for placing a photo of Marjan Konaj amongst these photos. The photo-album was compiled by Sergeant Alberim Mujaj and not by the witness.

**Hasan Rexhaj**

He dealt with the investigation in this case as a police officer. He did not remember who compiled the photo-album – but he believed someone from the Investigative Unit made this. The supervisor in the case was Sergeant Alberim Mujaj.

**Alberim Mujaj**

He dealt with the investigation in this case as a police officer. He told about the photo-confrontation and also about how the single colored photo of Marjan Konaj was dealt with – and the source of this photo.

He could not remember who compiled the 7 photos. Based on the description provided by the witnesses, Marjan Konaj was one of the suspects and therefore they put his photo together with other photos. Alberim Mujaj was the person who decided which photos should be used in this respect. Choosing the photo of Marjan Konaj was also made with the request of Luke Perlala. Based on the conversation the witness had with Luke Perlala, he had information that Marjan Konaj could be one of the potential suspects. But he did not describe what kind of information this was. Marjan Konaj was also a suspect in another murder case.

Furthermore, he stated that none of the other 6 men in the photos were suspected of having killed Dedë Perlala.

### ***Evaluation of Presented Evidence:***

#### ***Factual Findings:***

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

1.

Dedë Perlala was shot dead on the morning of 31 December 2009 in Moglica village, while his son L [redacted] was wounded by a shot at the same time in the same place. Dedë Perlala, L [redacted] P [redacted], F [redacted] P [redacted] and G [redacted] P [redacted] were sitting in Dedë Perlala's car when a man came with a car. This man got out of the car and went towards the car where the Perlalas were sitting. He had a gun in his hand. From a distance of about 1,5 meter he fired several shots at Dedë Perlala and one of the bullets also hit L [redacted]. Then this shooter disappeared from the crime scene in the car.

Dedë Perlala died shortly after he was shot. But just after he was hit by the bullets he made a short remark to L [redacted]: *"Did the bullet catch you as well?"*. He never mentioned anything about the identity of the shooter/ murderer.

2.

During a house search at Marjan Konaj's home on 3 March 2010, the police found a revolver TT no AA.703-1947, together with a magazine and eight bullets of caliber 7.62 mm that belonged to Marjan Konaj. Marjan Konaj was not in a possession of a Weapon Authorization Card.

### ***The Courts Reasoning and Conclusions:***

In consideration of all the witness testimonies, as well as the statement of the Accused and the other evidence presented, the Court reached the following conclusions:

There is insufficient evidence to find the accused Marjan Konaj guilty of Aggravated Murder – CCK Article 147, point 4: *A punishment of imprisonment of at least ten years or of long-term imprisonment shall be imposed on any person who deprives another person of his or her life and in doing so intentionally endangers the life of one or more persons.*

Consequently, there is insufficient evidence to find the accused Marjan Konaj guilty of causing Grievous Bodily Harm CCK 154, Paragraph 1, Point 3: *"Whoever inflicts bodily harm upon another person to such an extent that it may result in temporarily and substantially weakening a vital organ or a vital part of the body of the other person."*

The Court finds that the person who killed Dedë Perlala, committed Aggravated Murder and that the same person also committed Grievous Bodily Harm.

The reason that the Court does not find Marjan Konaj guilty is that it is not proven, beyond reasonable doubt, that Marjan Konaj was this person.

The one and only piece of evidence that links Marjan Konaj directly, is the testimonies and identification of the perpetrator by the three eyewitnesses: L P , F P and G P . About three weeks after the incident they were shown photos of 7 men, numbered from 1 to 7. Marjan Konaj had number 3.

In the Court's opinion these three witnesses remarks/statements made on the first time they were confronted with these photos, are the most important ones. Afterwards it is not possible to know whether they remember the incident or if their memory is related to the memory of the first photo-confrontation.

All three boys have pointed out picture number 3 to be the picture which resembles the perpetrator most. However, they were not sure.

G P said: *"Person bearing number 3 looks like the suspect person I can say more than 50 % ....."*

F P said: *"Out of these pictures shown to me, person bearing number 3 fit mostly to the description of the person that shot on us; I am saying this based on his face."*

L P said: *"From the pictures bearing numbers from 1 to 7 that were shown to me, the person bearing number 3 is most likely the suspected person who killed my father....."*

The way these three boys express themselves shows that they were not sure that Marjan Konaj was the perpetrator. The fact that all three of them have pointed out photo number 3, is of course an element to make the identification more likely. But still this is not sufficient when none of them are sure about this. The most sure is L Perlala using the wording: *"most likely"*.

The way the boys were questioned had clear weaknesses which make the boy's statements less important. The questions to the boys should have been: *"Is the perpetrator one of these 7 persons?"*

However, they were questioned like this: (L ) *"can you recognize any person that could fit to the description of suspected person?"* (G ) *"does any of the person looks like a suspect person that you described above?"* (F ) *"which of these people looks more like the one who shot at you that day?"* Their answers must be assessed based on how these questions were put to them.

The photo-album had also clear weaknesses. The pictures which were shown had different "pattern". Some pictures had indications of the person's height. The descriptions

from F indicate that the person was Luke Perlala's height – 177cm. G has stated he was about 180 cm high. L has indicated 180 – 183 cm high.

Picture number 1 shows that the person is about 175 cm high. Picture number 2 shows that the person is about 177 cm high. Picture number 3 shows that the person (Marjan Konaj) is about 183 cm high. Pictures number 4, 5 and 7 have no indication how tall the person was. Picture number 6 shows that the person is almost 190 cm high.

Picture number 3 (Marjan Konaj) and number 5 are very different from the other pictures.

These weaknesses make this photo-confrontation less important.

The Court must also take into consideration in this respect that the boys only observed the perpetrator for few seconds. It was a shocking experience for them. In addition, the perpetrator had a cap which was pulled down to his eyebrow.

The court has been told that only Marjan Konaj was a suspect amongst these photos. The other 6 persons had no link to the case. However, the court has not been informed sufficiently why Marjan Konaj was a suspect before the photo-confrontation. Two reasons are given in this regard. The descriptions of the boys and that Luke Perlala had information that Marjan Konaj could be one of the potential suspects. Clearly, the descriptions of the boys could not make it possible – at that stage – to assess that Marjan Konaj could be a suspect. The court has never been told what kind of information Luke Perlala had regarding Marjan Konaj as a suspect.

The unsure identification of Marjan Konaj as described and considered above, is not sufficient evidence beyond reasonable doubt that Marjan Konaj is the perpetrator in this case.

A small element is also that Dedë Perlala did not indicate in any way to the boys that he recognized the shooter.

Is there other evidence which, together with the elements of identification, make it sure that Marjan Konaj is the perpetrator?

The court considers that there is no other evidence which links Marjan Konaj to this case.

There is no technical evidence to support that Marjan Konaj is the perpetrator. There are no eyewitnesses (except for the three boys) who have seen Marjan Konaj driving an Opel Kadett Car. (The shooter was driving such a car according to the boy's statements).

No motive has been established for Marjan Konaj to kill Dedë Perlala. Marjan Konaj seems to have had a good relationship with Dedë Perlala. No witnesses have indicated that Dedë Perlala had problems regarding Marjan Konaj.

The fact that Marjan Konaj – few hours after the shooting took place – went to the hospital shows that it is not very likely that he would have done so if he was the shooter. He could have risked to being recognized by the boys if he turned up in the hospital such a short time after the shooting.

In the Court's view, Marjan Konaj had no alibi for the time the shooting took place. The alibi-witnesses have not convinced the Court that he was in Allakaj's house when the murder took place 08.00. However, the lack of alibi is not an important element against Marjan Konaj – supporting that he is guilty. The fact that at 08.25 called his wife shows that he at that time was not in the Allakaj house, because this call was registered in an area outside the area where the Allakaj's house is situated.

Therefore – based on the above mentioned assessments – the court does not find that there is sufficient evidence showing that Marjan Konaj is guilty. For this reason Marjan Konaj is acquitted of Aggravated Murder and Grievous Bodily Harm.

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Regarding the charge of Unauthorized ownership, control, possession or use of weapons, the Court finds Marjan Konaj guilty. The Court bases this on the fact that the police, as a result of a search, found a revolver TT no. AA 703-1947 in Marjan Konaj's home combined with Marjan Konaj's confession in this regard. He is therefore to be convicted according to CCK Article 328 paragraph 2.

#### ***Sentencing/Determination of Punishment:***

When imposing the criminal sanction the Court has to bear in mind both the general purpose of punishment – that is to suppress socially dangerous activities by deterring others from committing similar criminal acts, and the specific purpose – to prevent the offender from re-offending. In determining the duration of the punishment, the Court has to evaluate all mitigating and aggravating factors, pursuant to Article 64 paragraph (1) of CCK.

According to CCK Article 328 paragraph 2 the punishment for such offense is a fine up to 7.500 Euro or imprisonment from one to eight years.

The Court considers that a punishment of imprisonment for one year is a suitable reaction. The Court finds that in Kosovo it is important to give strong signals that unauthorized ownership of weapons will be punished severely.

This punishment is already served because Marjan Konaj has been in detention on remand since 3 March 2010.

An ancillary punishment of confiscation and destruction of the revolver TT no. AA 703-1947, together with the magazine and eight bullets of caliber 7.62 mm, is also imposed by the Court.

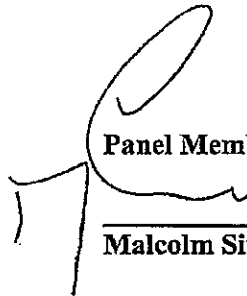
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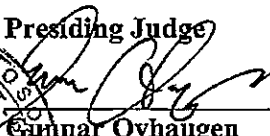
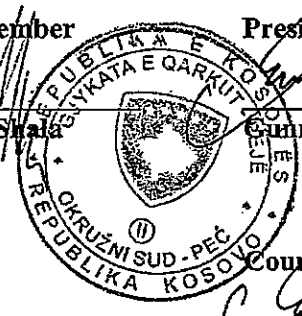
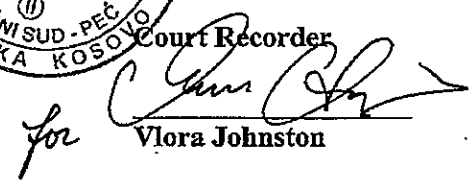
The cost of the criminal proceedings in relation to the criminal offence Marjan Konaj is found guilty of shall be reimbursed by him in the amount of 100 Euros and 80 Euros for the scheduled amount, pursuant to Article 102 paragraph 1 in conjunction with Article 99 paragraph 2, subparagraph 6 of KCCP.

**DISTRICT COURT OF PEJA/PEC**

**P.nr.336/10**

**Dated this 22<sup>th</sup> day of July 2011**

  
Panel Member  
\_\_\_\_\_  
Malcolm Simmons

Panel Member                      Presiding Judge  
                        
Shaban Shala                      Gunnar Oyhaugen  
  
Court Recorder  
  
for Vlora Johnston

**Legal Remedy**

Authorized persons may file an appeal against this verdict in written form, 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 Par. 1 of the KCCP.