

DISTRICT COURT OF PRISHTINA

P. No. 498/10

Date: 27 May 2011

IN THE NAME OF THE PEOPLE

The District Court of Prishtina, in the trial panel composed of:

- 1) EULEX Judge, Mr. Francesco Florit, as presiding Judge,
- 2) Local Judge, Ms. Fllanza Kadiu, as panel member, and
- 3) Local Judge, Ms. Shqipe Qerimi, as panel member,

assisted by the court recorder undersigned below, in the criminal case against:

Ilaz Kurtaliqi, born on 20 September 1950, in Pleshina, Ferizaj,

Faik Mazreku, born on 1 January 1971, in Mamusha

Shyhrete Hasani, born on 1 March 1961 in Qerkez Sudovina Street, Viti; and

Fatmir Neziri, born on 10 December 1966 in Skopje

All charged pursuant to the indictment 30 November 2010, filed with the District Court of Pristina on 14 December 2010, for the criminal offences of;

- **Organized Crime** contrary to Article 274 (1) of the Criminal Code of Kosovo "CCK" and
- **Unauthorised Purchase, Possession, Distribution and Sale of Dangerous Narcotic Drugs and Psychotropic Substances** contrary to Article 229 (4) of the CCK.

After having held the main trial, in the presence of the Public Prosecutor, of the accused, their defense counsels, after the panel deliberation held on 27 May 2011, based on Article 385, 387, 391 and 393 n.3 of the KCCP, pronounces the following

ENACTING CLAUSE

Ilaz Kurtaliqi

is found guilty of the criminal act of **Organized Crime**, contrary to Article 274 (1) of the Criminal Code of Kosovo (CCK) and of the crime of **Unauthorized Purchase and Possession for sale of Dangerous Narcotic Drugs and Psychotropic Substances**, contrary to Article 229 (4) n.1 of the CCK.

Faik Mazreku

is found guilty of the crime of **Unauthorized Possession and Sale of Dangerous Narcotic Drugs and Psychotropic Substances** contrary to Article 229 (2) of the CCK;

the same accused is found not guilty of the crime of Organized Crime, contrary to Article 274 CCK.

Shyhrete Hasani

is found guilty of the crime of **Unauthorized Purchase and Possession for sale of Dangerous Narcotic Drugs and Psychotropic Substances**, in co-perpetration, contrary to Article 229 (4) n.1 and art.23 of the CCK;

the same accused is found not guilty of the crime of Organized Crime, contrary to Article 274 CCK.

Fatmir Neziri

is found not guilty of the crimes described in the indictment.

Because

During June 2010, the defendant Kurtaliqui, acting in co-perpetration as a structured and organized criminal group with Abdullah Lohaj and Gezim Rraci, currently at large, in order to directly gain financial profit, committed a serious crime – they bought for transportation and sale of dangerous narcotics. Shyhrete Hasani participated in the purchase of the amount of drug. They acted in the following manner and with the following roles.

The defendant Gezim Rraci, who is at large, organized and lead the actions of this group. In Switzerland, he gave the defendant Ilaz Kurtaliqui the vehicle Hyndai Santa Fe 4WDV6, with registration plates BS36071 and based on a prior agreement he sent the latter to Kosova with the aim to purchase around 7, 5 kg of heroin and transport it back to Switzerland for selling purposes. After Ilaz arrived to Kosova, Gezim personally brought him the money, in the amount of 34,000€ which Ilaz gave to Shyhrete Hasani for holding the money with a compensation of 2,000€. Following telephone consultations with Gezim, on 20.06.2010 Ilaz took the money from Shyhrete and with the vehicle in question went to Mamusha at Faik Mazreku's home and delivered the vehicle and the money to his brother, Muhamet Mazreku who is at large. Then, in a hidden special reservoir concealed in the Hyundai they put 6.969 kg of heroin while on 25.06.2010 Shyhrete provided Ilaz transportation from Ferizaj to Mamusha so that her sons Burim and Besart Hasani, with a Audi registration plates 216-KS-053 send Ilaz to Mamusha in order for him to pick up the vehicle containing concealed heroin and at 11:55 at the gas station, owned by Faik, Ilaz took the vehicle in question and headed towards Switzerland, but about one hour later he was stopped by the police in Malisheva and following a search the above indicated amount of narcotics were found and confiscated.

For the above mentioned reasons the Panel issues the following:

SENTENCE

1. Ilaz Kurtaliqi

Pursuant to Article 274 paragraph 1, 66(2) and 67(1) of the CCK is sentenced to imprisonment of 4 years and fine of 20.000 euro;

Pursuant to Article 229 paragraph 4 n.1, 66(2) and 67(1) of the CCK is sentenced to imprisonment of 5 years and fine of 10.000 euro;

Pursuant to Article 71 of the CCK the defendant Ilaz Kurtaliqi shall serve the aggregated punishment of 6 years and 9 months of imprisonment and a fine of 25.000,00 euro.

Based on article 39(2) CCK, the deadline for the payment of the fine is determined in three months from the day when the decision becomes final.

2. Faik Mazreku

Pursuant to Article 229 paragraph 2, 66(2) and 67(1) of the CCK is sentenced to imprisonment of 4 years and 6 months and to a fine of 10.000,00 euro.

Based on article 39(2) CCK, the deadline for the payment of the fine is determined in three months from the day when the decision becomes final.

3. Shyhrete Hasani

Pursuant to Article 229 paragraph 4, n.1 in connection with article 25, 65(2), 66(2), 67(1) n.2 of the CCK is sentenced to imprisonment of 1 year and 6 months and to the fine of 800,00 euro. Based on article 39(2) CCK, the fine will be paid in twenty installments starting from the first day of the first month after the decision becomes final.

The time spent in detention on remand until the judgment becomes final will be counted as part of the punishment of imprisonment pursuant to Article 73 of the CCK.

COST OF THE PROCEEDINGS

Pursuant to Article 102 paragraph 1 of the Kosovo Code of Criminal Procedure (KCCP), the convicted persons shall pay the costs of the proceedings which are determined, in relation to the number of sessions held, in the amount of 300,00 euro.

CONFISCATION

Based on article 60 CCP and article 489 and following KCCP, the seized items (narcotic substance and the instrument seized on 25 June 2011 as evidence n. 1 (identified as “a small metallic manual device assumed to be used to pack narcotic substance”) are confiscated.

It is herewith ordered that they are destroyed once this decision becomes final.

Date: 27 May 2011

Presiding Judge
Francesco Florit

Recording Clerk
Stephen Parkinson



Legal remedy

Pursuant to article 400 (1) KCCP, an appeal must be announced within 8 days from the announcement of this Judgment and, according to article 398(1) KCCP, the appeal shall be filed with this Court within 15 days from the date the copy of the judgment has been served to the parties.