

District Court of Prishtina

P No.504/08

Date 21 March 2011

IN THE NAME OF THE PEOPLE

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

- 1) EULEX Judge Francesco Florit, presiding judge
- 2) Judge Shqipe Qerimi, member of the panel
- 3) EULEX Judge Horst Proetel, members of the panel,

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

Ismail Hyseni, son of Agush and Haka born on 24 November 1952 in the village of Ramune Municipality of Peja, married, Albanian nationality, Kosovo citizen residing at: "Muje Krasniqi ", B1 B2, 24/12, jurist,

Initially indicted for the criminal offences of Smuggling of Migrants contrary to article 138 paragraph 1 CCK and Falsifying Documents contrary to article 332, paragraph 1 of the CCK

After having held the main trial in public in the hearings held on 16, 18 and 21 March 2011, in the presence of the defendant, his Defense Counsel Mrs. Sadije Mjekiqi and in the presence of the Public Prosecutor Lulzim Sylejmani;

Considering the requalification of the facts made by the Prosecutor ex art. 376 KCCP, in the course of the hearing 21 March 2011,

After the panel's deliberation held on 21 March 2011, and based on the Article 390 paragraph 1, number 3 KCCP and article 389 paragraph 1, number 1 and 4;

Pronounced in public and in the presence of the parties the following:

ENACTING CLAUSE

I. The accused **Ismail Hyseni** is found not guilty of the criminal act of Fraud, contrary to article 261 of CCK,

II. The trial panel, considering that the prosecutor on 16 March 2011 withdrew the charge against the accused in relation to the crime of Falsifying Documents in violation to article 332, paragraph 1 of the CCK, based on article 389 paragraph 1 and 4 of the KCCP

rejects

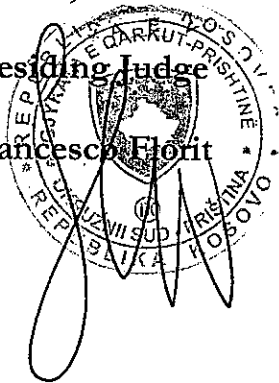
the charge for the crime of Falsifying Documents in violation to article 332, paragraph 1 of the CCK.

Pursuant to article 103 of the KCCP, the expenses made during this criminal procedure will be covered by the budgetary resource of the court.

Pristina, 21 March 2011

Presiding Judge

Francesco Florit



Horst Proetel

Panel member

A handwritten signature in black ink, appearing to read "Horst Proetel".

Shqipe Qerimi

Panel member

A handwritten signature in black ink, appearing to read "Shqipe Qerimi".

Court Recorder

Tsvetelina Zhekova

Legal remedy

Pursuant to article 400 (1) KCCP, an appeal must be announced within 8 days from the announcement of this verdict 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.