

MUNICIPAL COURT OF GJILAN/GNJILANE

P No.: 1254/08

Date: 24 June 2009

IN THE NAME OF THE PEOPLE

The Municipal Court of Gjilan/Gnjilane, in a panel composed of:

- EULEX Judge Dragomir Yordanov as Presiding Judge,
- Professional Judge of the District Court of Gjilan/Gnjilane Kadri Sylaj and
- EULEX Judge Vitor Pardal and as members of the panel,

assisted by Patricia Faltusova as court recorder,

in the criminal case against the Accused Arsim Huruglica, charged in an indictment P Nr. 2127/08 dated 15 September 2008 with:

- **Count One: Attempted unauthorised purchase, possession, distribution and sale of dangerous narcotic drugs and psychotropic substances**, contrary to article 229(1) of the Provisional Criminal Code of Kosovo (PCCCK) read together with article 20 PCCCK, punishable by a fine and by imprisonment of one to five years;
- **Count Two: Unauthorised purchase, possession, distribution and sale of dangerous narcotic drugs and psychotropic substances** contrary to article 229(1) PCCCK, punishable by a fine and by imprisonment of one to five years;

after a public main trial held on 26 May, 15, 16 and 22 June 2009 in the presence of the Public Prosecutor Mr. Nazmi Mustafi and the Accused, publicly announces the following:

VERDICT

I. The Accused Arsim Huruglica, born on 10.01.1975 in Gjilan/Gnjilane, nicknamed Cima, male, father's name Avdil, mother's name Kadire, mother's maiden name Tahiri, Kosovo Albanian citizen, residence in Gjilan/Gnjilane, Lagja Arberia, Rr. Hoxhe Lipovca, nr. 116, computer installer, high school education, married, father of three children, currently at liberty,

IS FOUND GUILTY

On Count One of the Indictment, because in the period from 12 until 15 June 2007, at restaurants "Agmia", "Pojata" in Gjilan/Gnjilane and "Freskia", "Dardania", "Garden" in Pristina, without authorization he offered for sale substances which have been declared to be dangerous narcotic drugs or psychotropic substances, namely 5 (five) kilograms of heroine, with the price of 11 500 Euro per kilogram, to KPS police officers Ahmet Salihu and Xhavit Gashi, who were implementing an order for covert measures of simulated purchase.

Thus hereby committing the criminal offence of unauthorised purchase, possession, distribution and sale of dangerous narcotic drugs and psychotropic substances, pursuant to Article 229, Paragraph 1 of the Provisional Criminal Code of Kosovo,

Therefore, pursuant to Article 229, Paragraph 1 in relation to Article 44 and Article 39 of the Provisional Criminal Code of Kosovo the Accused is herewith

SENTENCED

To 1 (one) year and 6 (six) months of imprisonment, suspended for a period of 4 (four) years, together with a fine of 500 (five hundred) Euros paid in installments within a period of 3 (three) months.

II. The Accused Arsim Huruglica, with above mentioned identity,

IS FOUND NOT GUILTY

On Count Two of the Indictment, because on 08 June 2007, at the restaurant “Bujana” in Gjilan/Gnjilane willingly and without authorisation he took direct actions, with intention to sell, distribute and offer for sale the substances which are declared as dangerous, narcotic and psychotropic substances, namely gave a certain quantity of the drug as sample weighing 0.59 gram of heroine, to KPS police officers Ahmet Salihu and Xhavit Gashi, who were implementing an order for covert measures of simulated purchase, And therefore, pursuant to Article 390, point 3 of the Provisional Criminal Code of Kosovo the Accused is herewith

ACQUITTED

From the charge of the criminal offence of unauthorised possession and distribution of dangerous narcotic drugs and psychotropic substances, pursuant to Article 229, Paragraph 1 of the Provisional Criminal Code of Kosovo.

III. The narcotics drug sample of 0.59 grams heroine shall be confiscated pursuant to Article 489, paragraph 1 PCPCK in relation to Article 229, Paragraph 5 of PCCK.

IV. The Accused shall bear the costs of the proceedings. The amount of 50 (fifty) Euros shall be paid as a lump sum. A separate decision on the amount of costs shall be made when the data on the amount of costs are obtained.

Dragomir Yordanov
EULEX Presiding Judge

Vitor Pardal
EULEX Judge

Kadri Sylaj
Kosovo judge

Legal Remedy:

The parties have the right to appeal this verdict within fifteen (15) days of the day the copy of the judgment has been served pursuant to Article 398, Paragraph 1 of PCPCK.

The parties shall be obliged to announce an appeal. They may announce an appeal immediately after the announcement of the judgment or after the instruction on the right to appeal, but no later than 8 (eight) days after the date of the announcement of the judgment, pursuant to Article 400 of PCPCK.