

IN THE MUNICIPAL COURT of PRIZREN
Case P. Number 385/10
25 March 2010

IN THE NAME OF THE PEOPLE

Judge Malcolm Simmons Presiding with Court Recorder Robert Abercrombie, Eriona Bitri-Brading and Sophie Ashmore, in the criminal case against Agim Zeka, charged pursuant to Indictment PP. Number 1916/09 filed by the Municipal Prosecutor in Prizren dated 8 August 2009 with the criminal offence of Giving Bribes under Article 344 (1) of the Provisional Criminal Code of Kosovo, after holding a public trial on 23 and 25 March 2010 during which the Municipal Prosecutor was represented by Gabriela Walentich, the Defendant and his Counsel Rame Gashi, on 25 March 2010 took and publicly announced the following

JUDGMENT

The Defendant Agim Zeka born on 29 January 1971 in Makresh Village, Municipality of Gjilan, son of Jahi and Fatime (nee Ademi), current address House number 2, Street 1, Caglavica, Municipality of Pristina, Kosovar Albanian, Identification number 1004148599, married, father of two children, completed education, of good financial situation, with no previous convictions, who was in House Detention during the period 30 June 2008 - 11 August 2008 is

GUILTY

Because during the years 2005/2007 the Defendant, while acting as intermediary, conferred upon a Judge of the District Court Pristina money in at least the sum of 53,000 Euro's and a Volkswagen Caddy motor vehicle with the intention that the Judge would perform within the scope of his official authority an official or other act which he should not have performed or to fail to perform an official or other act which he should have performed.



By reason thereof the Defendant committed the criminal offence of Giving Bribes as an intermediary under Article 344 (1) of the Provisional Criminal Code of Kosovo and

SENTENCED

to a term of **12 (twelve) Months imprisonment**. Further, pursuant to Article 54 (2) of the Criminal Code of Kosovo the Court imposes a fine of 2000 (two thousand) Euros.

Pursuant to Article 73 of the Criminal Code of Kosovo, the sentence of imprisonment shall take into account the time spent in house detention shall be taken into account from 30 June 2008 until 11 August 2008.

In accordance with Article 102 (1) of the Criminal Procedure Code of Kosovo the Defendant shall pay the costs of these criminal proceedings. The Defendant shall also pay the sum of 50 (Fifty) Euro's in respect of the Scheduled amount.

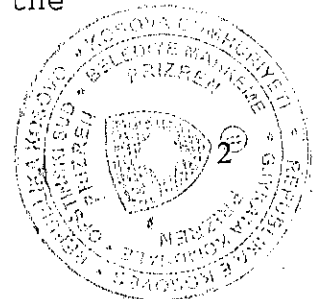
Pursuant to Article 391 (1) (6), the final Judgment may be announced in the public media.

REASONING

The Municipal Prosecution Office of Prizren filed Indictment PP. number 1916/09 dated 8 August 2009 against a judge of the District Court of Pristina (hereinafter "the Judge") and Agim Zeka (hereinafter "the Defendant") who were charged with the criminal offences of Accepting Bribes under Article 343 of the Provisional Criminal Code of Kosovo and Giving Bribes under Article 344 of the Provisional Criminal Code of Kosovo respectively.

At the commencement of the Main Hearing the Defendant pleaded guilty to the offence of Giving Bribes under Article 344 (1) of the Provisional Criminal Code of Kosovo.

Thereafter, pursuant to Article 34 of the Criminal Procedure Code of Kosovo, the Court issued a Ruling whereby it ordered the severance of proceedings against the aforementioned Defendants.



In the Indictment it was averred that during the years 2005/2007 Vesel Alshiqi, on several occasions, with the intermediation of Agim Zeka, conferred upon the Judge, a Judge of the Prishtina District Court and therefore an official person, money in the total sum of 123,000 Euros and also conferred upon the Judge a Volkswagen Caddy motor vehicle so that the Judge, within the scope of his official authority, performed an official act which he should not have performed - specifically the acquittal or at least the release of Afrim Alshiqi and Besim Alshiqi who were each charged with murder. It was alleged in the Indictment that by reason thereof the Defendant committed the criminal offence of Giving Bribes pursuant to Article 344 (1) of the Provisional Criminal Code of Kosovo.

There was no dispute the Judge was the Presiding Judge in the case of Afrim and Besim Alshiqi.

The Court finds that the Judge was an 'official person' within the meaning of Article 344 of the Provisional Criminal Code of Kosovo.

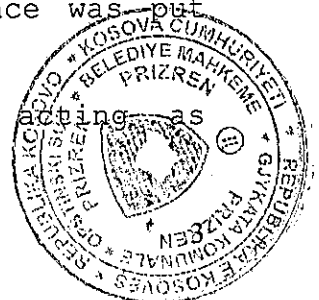
The Defendant admitted that he had agreed with his neighbour Vesel Alshiqi to his acting as intermediary in the latters dealings with the Judge.

While performing the role of intermediary, the Defendant admitted receiving from Vesel Alshiqi cash in the amount of 53,000 Euro's which sum he gave to the Judge. The Defendant was present on at least one other occasion when Vesel Alshiqi met the Judge. Further, the Defendant admitted that he gave the Judge a Volkswagen Caddy motor Vehicle that Vesel Alshiqi had brought from Austria for the Judge.

The Court finds that the money the Defendant gave to the Judge while acting as intermediary for Vesel Alshiqi was intended as a bribe in order to influence the outcome of the trial of Afrim Alshiqi and Besim Alshiqi and secure the acquittal and/or release of the said Defendants.

The Defendant denied that he had benefited financially from his arrangement with Vesel Alshiqi. No evidence was put before the Court to prove otherwise.

The Court finds that the Defendant, while acting as



intermediary, conferred upon the Judge money in at least the sum of 53,000 Euro's and a Volkswagen Caddy motor vehicle with the intention that the Judge would perform within the scope of his official authority an official or other act which he should not have performed or to fail to perform an official or other act which he should have performed.

The Defendant having pleaded Guilty to the offence under Article 344 (1) of the Provisional Criminal Code of Kosovo, pursuant to Article 359 (5) of the Criminal Procedure Code of Kosovo, being satisfied that the requirements under Article 315 (1) of the Criminal Procedure Code had been met, concluded the evidentiary procedure and continued the main trial with the closing statements.

The Court was satisfied that none of the circumstances under Article 316 paragraphs 1 to 3 of the Criminal Procedure Code exist.

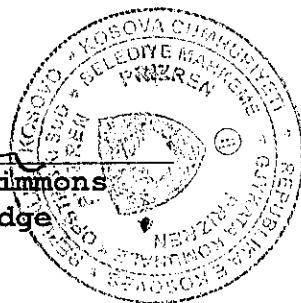
The Court has taken into account the Defendants personal circumstances, the fact he has no previous convictions and gives him full credit for his early guilty plea. The Court is satisfied that in all the circumstances the sentence is proportionate.

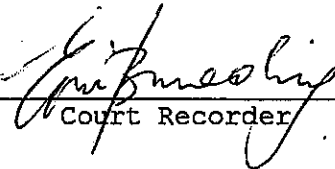
For the reasons stated herein I hereby render this Judgment.

Dated this 25 day of March 2010.



Judge Malcolm Simmons
Presiding Judge





Court Recorder

LEGAL REMEDY: Pursuant to Article 398(1) of the Criminal Procedure Code of Kosovo, the authorized persons may file an appeal of this Judgment within fifteen (15) days of the day the copy of the judgment has been served.

