

BASIC COURT OF GJILAN/GNJILANE
PKR. No. 53/13
16 October 2013

The judgments published may not be final and may be subject to an appeal according to the applicable law.

IN THE NAME OF THE PEOPLE

THE BASIC COURT OF GJILAN/GNJILANE, in the trial panel composed of EULEX Judge Arkadiusz Sedek as Presiding Judge, EULEX Judge Franciska Fiser and the Kosovan Judge Emine Salihu as panel members, assisted by Legal Officer Tobias Lapke as recording clerk, in the criminal case against:

- 1. V.J., father's name X, date of birth X, charged with count 1, COMMISSION OF TERRORISM, contrary to Article 109 paragraph 1 n. 10, 110 paragraph 1 of the Criminal Code of Kosovo (CCK), currently criminalized by Article 135(1.10) and 136(1) of the Criminal Code of the Republic of Kosovo (CCRK), count 2, ORGANIZATION OF A TERRORIST GROUP, contrary to Art. 113(1) of the CCK, currently criminalized by Article 143(1) of the CCRK and count 3, UNAUTHORISED CONTROL AND POSSESSION OF WEAPONS, foreseen and punished by Article 328 of the criminal Code of Kosovo, currently criminalized by Article 374 of the CCRK,**
- 2. S.J., father's name X, date of birth X, charged with count 1, COMMISSION OF TERRORISM, contrary to Article 109 paragraph 1 n. 10, 110 paragraph 1 of the Criminal Code of Kosovo (CCK), currently criminalized by Articles 135(1.10) and 136(1) of the Criminal Code of the Republic of Kosovo (CCRK), count2, PARTICIPATION IN A TERRORIST GROUP, contrary to Art. 113 (3) of the CCK, currently criminalized by Article 143(2) of the CCRK and count 3, UNAUTHORISED CONTROL AND POSSESSION OF WEAPONS, foreseen and punished by Article 328 of the Criminal Code of Kosovo, currently criminalized by Article 374 of the CCRK,**
- 3. G.L., father's name X, date of birth X, charged with count 1, COMMISSION OF TERRORISM, contrary to Article 109 paragraph 1 n. 10, 110 paragraph 1 of the Criminal Code of Kosovo (CCK), currently criminalized by Articles 135(1.10) and 136(1) of the Criminal Code of the Republic of Kosovo (CCRK) and count2, PARTICIPATION IN A TERRORIST GROUP, contrary to Art. 113 (3) of the CCK, currently criminalized by Article 143(2) of the CCRK,**
- 4. G.Xh., father's name X, date of birth X, charged with count 1, COMMISSION OF TERRORISM, contrary to Article 109 paragraph 1 n. 10, 110 paragraph 1 of the Criminal Code of Kosovo (CCK), currently criminalized by Articles 135(1.10) and 136(1) of the Criminal Code of the Republic of Kosovo (CCRK) and count 2, PARTICIPATION IN A TERRORIST GROUP, contrary to Art. 113 (3) of the CCK, currently criminalized by Article 143(2) of the CCRK,**

5. **Q.R., father's name X, date of birth X, charged with count 1, COMMISSION OF TERRORISM, contrary to Article 109 paragraph 1 n. 10, 110 paragraph 1 of the Criminal Code of Kosovo (CCK), currently criminalized by Articles 135(1.10) and 136(1) of the Criminal Code of the Republic of Kosovo (CCRK), count 2, PARTICIPATION IN A TERRORIST GROUP, contrary to Art. 113(3) of the CCK, currently criminalized by Article 143(2) of the CCRK, UNAUTHORISED OWNERSHIP and count 3, CONTROL AND POSSESSION OF WEAPONS, foreseen and punished by Article 328 of the Criminal Code of Kosovo, currently criminalized by Article 374 of the CCRK,**
6. **M.A., father's name X, date of birth X, charged with count 1, COMMISSION OF TERRORISM, contrary to Article 109 paragraph 1 n. 10, 110 paragraph 1 of the Criminal Code of Kosovo (CCK), currently criminalized by Articles 135(1.10) and 136(1) of the Criminal Code of the Republic of Kosovo (CCRK) count 2, PARTICIPATION IN A TERRORIST GROUP, contrary to Art. 113(3) of the CCK, currently criminalized by Article 143(2) of the CCRK,**
7. **S.S., father's name X, date of birth X, charged with count 1, COMMISSION OF TERRORISM, contrary to Article 109 paragraph 1 n. 10, 110 paragraph 1 of the Criminal Code of Kosovo (CCK), currently criminalized by Articles 135(1.10) and 136(1) of the Criminal Code of the Republic of Kosovo (CCRK) and count 2, PARTICIPATION IN A TERRORIST GROUP, contrary to Art. 113(3) of the CCK, currently criminalized by Article 143(2) of the CCRK,**
8. **E.M., date of birth X, charged with count 1, COMMISSION OF TERRORISM, contrary to Article 109 paragraph 1 n. 10, 110 paragraph 1 of the Criminal Code of Kosovo (CCK), currently criminalized by Articles 135(1.10) and 136(1) of the Criminal Code of the Republic of Kosovo (CCRK) and count 2, PARTICIPATION IN A TERRORIST GROUP, contrary to Art. 113(3) of the CCK, currently criminalized by Article 143(2) of the CCRK,**
9. **A.Z., father's name X, date of birth X, charged with count 1, COMMISSION OF TERRORISM, contrary to Article 109 paragraph 1 n. 10, 110 paragraph 1 of the Criminal Code of Kosovo (CCK), currently criminalized by Articles 135(1.10) and 136(1) of the Criminal Code of the Republic of Kosovo (CCRK) and count 2, PARTICIPATION IN A TERRORIST GROUP, contrary to Art. 113(3) of the CCK, currently criminalized by Article 143(2) of the CCRK,**
10. **J.S. father's name X, date of birth X charged with count 1, UNAUTHORISED CONTROL AND POSSESSION OF WEAPONS, foreseen and punished by Article 328 of the CCK, currently criminalized by Article 374 of the CCRK, count 2, UNAUTHORISED CONTROL AND POSSESSION OF WEAPONS, foreseen and punished by Article 328 of the CCK, currently criminalized by Article 374 of the CCRK, count 3, UNAUTHORISED CONTROL AND POSSESSION OF WEAPONS, foreseen and punished by Article 328 of the Criminal Code of Kosovo, currently criminalized by Article 374 of the CCRK, count 4, UNAUTHORISED SUPPLY AND SALE OF WEAPONS, foreseen and punished by Article 327 of the Criminal Code of Kosovo, currently criminalized by Article 372 of the CCRK, count 5, UNAUTHORISED CONTROL AND POSSESSION OF WEAPONS, foreseen and punished by Article 374 of the**

CCRK and count 6, USE OF WEAPON, foreseen and punished by Article 375 of the CCRK.

After having held the initial hearings in public on 11 March, 15 April, and the main trial hearings in public 25, 26 and 27 June, 22, 23, 24 and 26 July, 19 August, 10 and 11 September and 7, 8 and 14 October 2013 in the presence of:

- the defendant Mr. V.J. and his defense counsel Mr. M.D.,
- the defendant Mr. S.J. and his defense counsel Mr. R.S.,
- the defendant Mr. G.L. and his defense counsel Mr. S.P.,
- the defendant Mr. G.Xh. and his defense counsel Mr. S.Sh.,
- the defendant Mr. Q.R. and his defense counsel G.E.,
- the defendant Mr. M.A. and his defense counsel M.M.,
- the defendant S.S. and his defense counsels D.R.,
- the defendant E.M. and his defense counsel S.Sy.,
- the defendant A.Z. and his defense counsels H.A.
- the defendant J.S. and his defense counsel L.A.,
- the Public Prosecutor Mr. Maurizio Salustro,

after the trial panel deliberation and voting held on 14 October 2013, based on Article 359 of the Kosovo Criminal Procedure Code (KCCP),

on 16 October 2013, pursuant to Article 366 KCCP, pronounces in public, the following

J U D G M E N T

The defendant V.J. is

F O U N D G U I L T Y

of count 1, COMMISSION OF TERRORISM, contrary to Article 109 paragraph 1.10, 110 paragraph 1 of the Criminal Code of Kosovo (CCK), currently criminalized by Article 135 paragraph 1.10 and 136 paragraph 1 of the Criminal Code of the Republic of Kosovo (CCRK) because it was proven beyond a reasonable doubt that the defendant, in co-perpetration with other participants in a self-styled terrorist group known as “MOF”, with the intent to unduly compel the Government of the Republic of Serbia to cease its policing activities in the Bujanovac region, unduly compel members of the Serbian Police forces of Albanian nationality to leave their work place, and unduly compel the “international community” to deploy peacekeeping forces in the region,

1. took part in an attack which damaged the Serbian Border Police container located in Bujanovac and caused light bodily injuries to the Serbian police officer B.M., by firing with different weapons, all illegally possessed and used, an undetermined number of various calibre rounds (in any case superior to 100), in co-perpetration with G.Xh. and E.M.; The attack took place in Dobrosin (Gjilan/Gnjilane municipality), on 28 June 2012 at around 04.00 hrs,
2. he illegally possessed and controlled an undetermined number of weapons (including assault rifles, machine guns and rocket launchers) which were at the disposal of the terrorist group “MOF”, in co-perpetration with G.Xh., G.L., S.J., A.Z., E.M., S.S.,

M.A., Q.R. in an unspecified location, starting at the latest from April 2012 and until 1 July 2012.

The defendant V.J. is also found guilty of count 2, ORGANIZATION OF A TERRORIST GROUP, contrary to Article 113 paragraph 1 of the CCK, currently criminalized by Article 143 paragraph 1 of the CCRK, because it was proven beyond a reasonable doubt that the defendant organized and directed a self-styled terrorist group known as “MOF”, by procuring armaments, uniforms and other means needed for the activities of the group, deciding what activities are to be carried out by the group, deciding when, where and by whom such activities are to be carried out, personally taking part in at least one of the attacks carried out by the group, described above, laying out the political objectives of the group, including by dictating claims of responsibility for attacks carried out by the group. The activities took place in an unspecified location, starting at the latest from April 2012 and until 1 July 2012.

The count of UNAUTHORISED CONTROL AND POSSESSION OF WEAPONS, foreseen and punished by Article 328 of the criminal Code of Kosovo, currently criminalized by Article 374 of the CCRK against the defendant V.J. is **REJECTED** according to Article 363 paragraph 1.1 of the CPC because the prosecutor withdrew the charge.

The defendant V.J. is

SENTENCED

For the criminal offense described in count 1, based on Article 3 (2) of the Criminal Code of the Republic of Kosovo in conjunction with Article 136 (1) and 135 (1.10) to imprisonment of 6 (six) years;

For the criminal offense described in count 2, based on Article 3(1) of the Criminal Code of the Republic of Kosovo in conjunction with Article 113(1) of the Criminal Code of Kosovo to imprisonment of 7 (seven) years and fine of 1000 (one thousand) Euro based on Article 39(1) and (2) of the latter code paid no later than 3(three) months after the judgment is final;

Based on Article 71 (1) (2) point 2 of the Criminal Code of Kosovo an aggregate punishment of 9 (nine) years is imposed on V.J.

The time spent in detention on remand by V.J. is to be credited against the punishment, pursuant to Article 365 paragraph 1 sub-paragraph 5 of the KCCP;

The defendant shall be relieved of the duty to reimburse the costs of the criminal proceedings in accordance with Article 453 paragraph 4 of the KCCP.

* * *

The defendant S.J. is

FOUND GUILTY

of count 1, COMMISSION OF TERRORISM, contrary to Article 109 paragraph 1.10, 110 paragraph 1 of the Criminal Code of Kosovo (CCK), currently criminalized by Articles 135 paragraph 1.10 and 136 paragraph 1 of the Criminal Code of the Republic of Kosovo (CCRK) because it was proven beyond a reasonable doubt that the defendant, in co-perpetration with other participants in a self-styled terrorist group known as “MOF”, with the intent to unduly compel the Government of the Republic of Serbia to cease its policing activities in the Bujanovac region, unduly compel members of the Serbian Police forces of

Albanian nationality to leave their work place and unduly compel the “international community” to deploy peacekeeping forces in the region, took part in an attack which damaged the Serbian Border Police container located in Bujanovac, by firing with different weapons, all illegally possessed and used, an undetermined number of various calibre rounds, in co-perpetration with E.M. and with an unidentified number of additional perpetrators. The attack took place in Dobrosin (Gjilan/Gnjilane municipality), on 7 October 2012 at around 21.35 hrs and because he illegally possessed and controlled an undetermined number of weapons (including assault rifles, machine guns and rocket launchers) which are at the disposal of the terrorist group “MOF”, in co-perpetration with V.J., E.M., G.L., A.Z., G.Xh., S.S., M.A., Q.R. in an unspecified location, starting at the latest from April 2012 and until 16 October 2012.

The defendant S.J. is also found guilty of count 2, PARTICIPATION IN A TERRORIST GROUP, contrary to Art. 113 paragraph 3 of the CCK, currently criminalized by Article 143 paragraph 2 of the CCRK, because it was proven beyond a reasonable doubt that the defendant, in co-perpetration with V.J., E.M., G.L., A.Z., G.Xh., S.S., M.A., Q.R., actively participated in a self-styled terrorist group known as “MOF”, by drafting claims of responsibilities, looking for armaments, committing the criminal offences described above, and otherwise putting himself at the disposal of the terrorist group for its activities. The activities took place in an unspecified location of Kosovo, starting at the latest from April 2012 and until 16 October 2012.

The count of UNAUTHORISED CONTROL AND POSSESSION OF WEAPONS, foreseen and punished by Article 328 of the criminal Code of Kosovo, currently criminalized by Article 374 of the CCRK against the defendant S.J. is **REJECTED** according to Article 363 paragraph 1.1 of the KCCP because the prosecutor withdrew the charge.

The defendant S.J. is

SENTENCED

For the criminal offense described in count 1, based on Article 3 (2) of the Criminal Code of the Republic of Kosovo in conjunction with Article 136 (1) and 135 (1.10) to imprisonment of 6 (six) years;

For the criminal offense described in count 2, based on Article 3(1) of the Criminal Code of the Republic of Kosovo in conjunction with Article 113(3) of the Criminal Code of Kosovo to imprisonment of 4 (four) years;

Based on Article 71 (1) (2) point 2 of the Criminal Code of Kosovo an aggregate punishment of 8 (eight) years is imposed on S.J.;

The time spent in detention on remand by S.J. is to be credited against the punishment, pursuant to Article 365 paragraph 1 sub-paragraph 5 of the KCCP;

The defendant shall be relieved of the duty to reimburse the costs of the criminal proceedings in accordance with Article 453 paragraph 4 of the KCCP.

* * *

The defendant G.L. is

FOUND GUILTY

of count 1, COMMISSION OF TERRORISM, contrary to Article 109 paragraph 1.10, 110 paragraph 1 of the Criminal Code of Kosovo (CCK), currently criminalized by Articles 135 paragraph 1.10 and 136 paragraph 1 of the Criminal Code of the Republic of Kosovo (CCRK) because it was proven beyond a reasonable doubt that the defendant in co-perpetration with other participants in a self-styled terrorist group known as “MOF”, with the intent to unduly compel the Government of the Republic of Serbia to cease its policing activities in the Bujanovac region, unduly compel members of the Serbian Police forces of Albanian nationality to leave their work place and unduly compel the “international community” to deploy peacekeeping forces in the region, illegally possessed and controlled an undetermined number of weapons (including assault rifles, machine guns and rocket launchers) which are at the disposal of the terrorist group “MOF”, in co-perpetration with V.J., S.J., A.Z., Q.R., G.Xh., M.A., E.M., S.S. in an unspecified location, starting at the latest from April 2012 and until 13 February 2013.

The defendant G.L. is also found guilty of count 2, PARTICIPATION IN A TERRORIST GROUP, contrary to Art. 113 paragraph 3 of the CCK, currently criminalized by Article 143 paragraph 2 of the CCRK, because it was proven beyond a reasonable doubt that the defendant, in co-perpetration with V.J., S.J., A.Z., Q.R., G.Xh., M.A., E.M., S.S., actively participated in a self-styled terrorist group known as “MOF” which committed the attacks on Serbian Police installations on 17 May, 28 June, and 7 October 2012, by putting himself at the disposal of the terrorist group for its activities and by committing the criminal offences described above in an unspecified location, starting at the latest from April 2012 and until 13 February 2013.

The defendant G.L. is

SENTENCED

For the criminal offense described in count 1, based on Article 3 (2) of the Criminal Code of the Republic of Kosovo in conjunction with Article 136 (1) and 135 (1.10) to imprisonment of 5 (five) years;

For the criminal offense described in count 2, based on Article 3(1) of the Criminal Code of the Republic of Kosovo in conjunction with Article 113(3) of the Criminal Code of Kosovo to imprisonment of 2 (two) years;

Based on Article 71 (1) (2) point 2 of the Criminal Code of Kosovo an aggregate punishment of 5 (five) years and 6 (six) months is imposed on G.L.;

The time spent in detention on remand by G.L. is to be credited against the punishment, pursuant to Article 365 paragraph 1 sub-paragraph 5 of the KCCP;

The defendant shall be relieved of the duty to reimburse the costs of the criminal proceedings in accordance with Article 453 paragraph 4 of the KCCP.

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The defendant **G.Xh.** is

FOUND GUILTY

of count 1, COMMISSION OF TERRORISM, contrary to Article 109 paragraph 1 n. 10, 110 paragraph 1 of the Criminal Code of Kosovo (CCK), currently criminalized by Articles 135(1.10) and 136(1) of the Criminal Code of the Republic of Kosovo (CCRK) because it

was proven beyond a reasonable doubt that the defendant, in co-perpetration with other participants in a self-styled terrorist group known as “MOF”, with the intent to unduly compel the Government of the Republic of Serbia to cease its policing activities in the Bujanovac region, unduly compel members of the Serbian Police forces of Albanian nationality to leave their work place and unduly compel the “international community” to deploy peacekeeping forces in the region, took part in an attack which damaged the Serbian Border Police container located in Bujanovac and caused light bodily injuries to the Serbian police officer B.M., by firing with different weapons, all illegally possessed and used, an undetermined number of various calibre rounds (in any case superior to 100), in co-perpetration with V.J. and E.M. in Dobrosin (Gjilan/Gnjilane municipality), on 28 June 2012 at around 04.00 hrs and because he illegally possessed and controlled an undetermined number of weapons (including assault rifles, machine guns and rocket launchers) which are at the disposal of the terrorist group “MOF”, in co-perpetration with V.J., S.J., G.L., A.Z., E.M., S.S., M.A., Q.R. in an unspecified location, starting at the latest from April 2012 and until 1 July 2012.

The defendant G.Xh. is also found guilty of count 2, PARTICIPATION IN A TERRORIST GROUP, contrary to Article 113 paragraph 3 of the CCK, currently criminalized by Article 143 paragraph 2 of the CCRK, because it was proven beyond a reasonable doubt that the defendant, in co-perpetration with V.J., S.J., G.L., A.Z., E.M., S.S., M.A., Q.R., actively participated in a terrorist group which refers to itself as “MOF”, by looking for armaments, committing the criminal offences described above, and otherwise putting himself at the disposal of the terrorist group for its activities in an unspecified location of Kosovo, starting at the latest from April 2012 and until 1 July 2012.

The defendant **G.Xh.** is

SENTENCED

For the criminal offense described in count 1, based on Article 3 (2) of the Criminal Code of the Republic of Kosovo in conjunction with Article 136 (1) and 135 (1.10) to imprisonment of 6 (six) years;

For the criminal offense described in count 2, based on Article 3(1) of the Criminal Code of the Republic of Kosovo in conjunction with Article 113(3) of the Criminal Code of Kosovo to imprisonment of 2 (two) years;

Based on Article 71 (1) (2) point 2 of the Criminal Code of Kosovo an aggregate punishment of 6 (six) years and 6(six) months is imposed on G.Xh.;

The time spent in detention on remand by G.Xh. is to be credited against the punishment, pursuant to Article 365 paragraph 1 sub-paragraph 5 of the KCCP;

The defendant shall be relieved of the duty to reimburse the costs of the criminal proceedings in accordance with Article 453 paragraph 4 of the KCCP.

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The defendant **Q.R.** is

FOUND GUILTY

of count 1, COMMISSION OF TERRORISM, contrary to Article 109 paragraph 1.10, 110 paragraph 1 of the Criminal Code of Kosovo (CCK), currently criminalized by Articles 135

paragraph 1.10 and 136 paragraph 1 of the Criminal Code of the Republic of Kosovo (CCRK) because it was proven beyond a reasonable doubt that the defendant in co-perpetration with other participants in a self-styled terrorist group known as “MOF”, with the intent to unduly compel the Government of the Republic of Serbia to cease its policing activities in the Bujanovac region, unduly compel members of the Serbian Police forces of Albanian nationality to leave their work place; and unduly compel the “international community” to deploy peacekeeping forces in the region, illegally possessed and controlled an undetermined number of weapons (including assault rifles, machine guns and rocket launchers) which are at the disposal of the terrorist group “MOF”, in co-perpetration with V.J., S.J., G.L., A.Z., G.Xh., M.A., E.M., S.S. in an unspecified location, starting at the latest from April 2012 and until 1 July 2012.

The defendant Q.R. is also found guilty of count 2, PARTICIPATION IN A TERRORIST GROUP, contrary to Art. 113(3) of the CCK, currently criminalized by Article 143(2) of the CCRK, because it was proven beyond a reasonable doubt by evidence that the defendant, in co-perpetration with V.J., S.J., G.L., A.Z., G.Xh., M.A., E.M., S.S., actively participated in a self-styled terrorist group known as “MOF” which committed the attacks on Serbian Police installations on 17 May, 28 June, and 7 October 2012 by putting himself at the disposal of the terrorist group for its activities and by committing the criminal offences described above in an unspecified location, starting at the latest from April 2012 and until 1 July 2012.

The count of UNAUTHORISED CONTROL AND POSSESSION OF WEAPONS, foreseen and punished by Article 328 of the criminal Code of Kosovo, currently criminalized by Article 374 of the CCRK against the defendant Q.R. is **REJECTED** according to Article 363 paragraph 1.1 of the KCCP because the prosecutor withdrew the charge.

The defendant **Q.R.** is

SENTENCED

For the criminal offense described in count 1, based on Article 3 (2) of the Criminal Code of the Republic of Kosovo in conjunction with Article 136 (1) and 135 (1.10) to imprisonment of 5 (five) years;

For the criminal offense described in count 2, based on Article 3(1) of the Criminal Code of the Republic of Kosovo in conjunction with Article 113(3) of the Criminal Code of Kosovo to imprisonment of 2 (two) years;

Based on Article 71 (1) (2) point 2 of the Criminal Code of Kosovo an aggregate punishment of 5 (five) years and 6(six) months is imposed on Q.R.;

The time spent in detention on remand by Q.R. is to be credited against the punishment, pursuant to Article 365 paragraph 1 sub-paragraph 5 of the KCCP;

The defendant shall be relieved of the duty to reimburse the costs of the criminal proceedings in accordance with Article 453 paragraph 4 of the KCCP.

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The defendant **M.A.** is

FOUND GUILTY

of count 1, **COMMISSION OF TERRORISM**, contrary to Article 109 paragraph 1.10, 110 paragraph 1 of the Criminal Code of Kosovo (CCK), currently criminalized by Articles 135 paragraph 1.10 and 136 paragraph 1 of the Criminal Code of the Republic of Kosovo (CCRK) because it was proven beyond a reasonable doubt that the defendant in co-perpetration with other participants in a self-styled terrorist group known as “MOF”, with the intent to unduly compel the Government of the Republic of Serbia to cease its policing activities in the Bujanovac region, unduly compel members of the Serbian Police forces of Albanian nationality to leave their work place, and unduly compel the “international community” to deploy peacekeeping forces in the region, illegally possessed and controlled an undetermined number of weapons (including assault rifles, machine guns and rocket launchers) which are at the disposal of the terrorist group “MOF”, in co-perpetration with V.J., S.J., G.L., A.Z., G.Xh., S.S., E.M., Q.R. in an unspecified location, starting at the latest from April 2012 and until 1 July 2012.

The defendant M.A. is also found guilty of count 2, **PARTICIPATION IN A TERRORIST GROUP**, contrary to Art. 113 paragraph 3 of the CCK, currently criminalized by Article 143 paragraph 2 of the CCRK, because it was proven beyond a reasonable doubt by evidence that the defendant, in co-perpetration with V.J., S.J., G.L., A.Z., G.Xh., S.S., E.M. and Q.R., actively participated in a self-styled terrorist group known as “MOF” which inter alia committed the attacks on Serbian Police installations on 17 May, 28 June, and 7 October 2012 by putting himself at the disposal of the terrorist group for its activities and by committing the criminal offences described above in an unspecified location, starting at the latest from April 2012 and until 1 July 2012.

The defendant **M.A.** is

SENTENCED

For the criminal offense described in count 1, based on Article 3 (2) of the Criminal Code of the Republic of Kosovo in conjunction with Article 136 (1) and 135 (1.10) to imprisonment of 5 (five) years;

For the criminal offense described in count 2, based on Article 3(1) of the Criminal Code of the Republic of Kosovo in conjunction with Article 113(3) of the Criminal Code of Kosovo to imprisonment of 2 (two) years;

Based on Article 71 (1) (2) point 2 of the Criminal Code of Kosovo an aggregate punishment of 5 (five) years and 6(six) months is imposed on M.A.;

The time spent in detention on remand by M.A. is to be credited against the punishment, pursuant to Article 365 paragraph 1 sub-paragraph 5 of the KCCP;

The defendant shall be relieved of the duty to reimburse the costs of the criminal proceedings in accordance with Article 453 paragraph 4 of the KCCP.

* * *

The defendant **S.S.** is

FOUND GUILTY

of count 1, **COMMISSION OF TERRORISM**, contrary to Article 109 paragraph 1.10, 110 paragraph 1 of the Criminal Code of Kosovo (CCK), currently criminalized by Articles 135 paragraph 1.10 and 136 paragraph 1 of the Criminal Code of the Republic of Kosovo

(CCRK) because it was proven beyond a reasonable doubt that the defendant in co-perpetration with other participants to a self-styled terrorist group known as “MOF”, with the intent to unduly compel the Government of the Republic of Serbia to cease its policing activities in the Bujanovac region, unduly compel members of the Serbian Police forces of Albanian nationality to leave their work place and unduly compel the “international community” to deploy peacekeeping forces in the region, illegally possessed and controlled an undetermined number of weapons (including assault rifles, machine guns and rocket launchers) which are at the disposal of the terrorist group “MOF”, in co-perpetration with V.J., S.J., G.L., A.Z., G.Xh., M.A., E.M., and Q.R. in an unspecified location, starting at the latest from April 2012 and until 16 October 2012.

The defendant S.S. is also found guilty of count 2, PARTICIPATION IN A TERRORIST GROUP, contrary to Art. 113 paragraph 3 of the CCK, currently criminalized by Article 143 paragraph 2 of the CCRK, because it was proven beyond a reasonable doubt by evidence that the defendant, in co-perpetration with V.J., S.J., G.L., A.Z., G.Xh., M.A., E.M. and Q.R., actively participated in a self-styled terrorist group known as “MOF” which committed the attacks on Serbian Police installations on 17 May, 28 June, and 7 October 2012, by putting himself at the disposal of the terrorist group for its activities and by committing the criminal offences described above in an unspecified of Kosovo location, starting at the latest from April 2012 and until 16 October 2012.

The defendant **S.S.** is

SENTENCED

For the criminal offense described in count 1, based on Article 3 (2) of the Criminal Code of the Republic of Kosovo in conjunction with Article 136 (1) and 135 (1.10) to imprisonment of 5 (five) years;

For the criminal offense described in count 2, based on Article 3(1) of the Criminal Code of the Republic of Kosovo in conjunction with Article 113(3) of the Criminal Code of Kosovo to imprisonment of 2 (two) years;

Based on Article 71 (1) (2) point 2 of the Criminal Code of Kosovo an aggregate punishment of 5 (five) years and 6(six) months is imposed on S.S.;

The time spent in detention on remand by S.S. is to be credited against the punishment, pursuant to Article 365 paragraph 1 sub-paragraph 5 of the KCCP;

The defendant shall be relieved of the duty to reimburse the costs of the criminal proceedings in accordance with Article 453 paragraph 4 of the KCCP.

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The defendant **E.M.** is

FOUND GUILTY

of count 1, COMMISSION OF TERRORISM, contrary to Article 109 paragraph 1.10, 110 paragraph 1 of the Criminal Code of Kosovo (CCK), currently criminalized by Articles 135 paragraph 1.10 and 136 paragraph 1 of the Criminal Code of the Republic of Kosovo (CCRK) because it was proven beyond a reasonable doubt that the defendant, in co-perpetration with other participants in a self-styled terrorist group known as “MOF”, with the intent to unduly compel the Government of the Republic of Serbia to cease its policing

activities in the Bujanovac region, unduly compel members of the Serbian Police forces of Albanian nationality to leave their work place and unduly compel the “international community” to deploy peacekeeping forces in the region, took part in an attack which damaged the Serbian Border Police container located in Bujanovac and caused light bodily injuries to the Serbian police officer B.M., by firing with different weapons, all illegally possessed and used, an undetermined number of various calibre rounds (in any case superior to 100), in co-perpetration V.J. and G.Xh. in Dobrosin (Gjilan/Gnjilane municipality), on 28 June 2012 at around 04.00 hrs; because he took part in an attack on the Serbian Border Police container located in Bujanovac, by firing with different weapons, all illegally possessed, an undetermined number of various calibre rounds; in co-perpetration with S.J. and with an unidentified number of additional perpetrators in Dobrosin (Gjilan/Gnjilane municipality), on 7 October 2012 at around 21.35 hrs and because he illegally possessed and controlled an undetermined number of weapons (including assault rifles, machine guns and rocket launchers) which are at the disposal of the terrorist group “MOF”, in co-perpetration with V.J., S.J., G.L., A.Z., G.Xh., S.S., M.A., and Q.R. in an unspecified location, starting at the latest from April 2012 and until 16 October 2012.

The defendant E.M. is also found guilty of count 2, PARTICIPATION IN A TERRORIST GROUP, contrary to Article 113 paragraph 3 of the CCK, currently criminalized by Article 143 paragraph 2 of the CCRK, because it was proven beyond a reasonable doubt by evidence that the defendant, in co-perpetration with V.J., S.J., G.L., A.Z., G.Xh., S.S., M.A., Q.R., actively participated in a terrorist group which refers to itself as “MOF”, inter alia by looking for armaments, putting himself at the disposal of the terrorist group for its activities and by committing the criminal offences described above in an unspecified location of Kosovo, starting at the latest from April 2012 and until 16 October 2012.

The defendant **E.M.** is

SENTENCED

For the criminal offense described in count 1, based on Article 3 (2) of the Criminal Code of the Republic of Kosovo in conjunction with Article 136 (1) and 135 (1.10) to imprisonment of 6 (six) years;

For the criminal offense described in count 2, based on Article 3(1) of the Criminal Code of the Republic of Kosovo in conjunction with Article 113(3) of the Criminal Code of Kosovo to imprisonment of 2 (two) years;

Based on Article 71 (1) (2) point 2 of the Criminal Code of Kosovo an aggregate punishment of 6 (six) years and 6(six) months is imposed on E.M.;

The time spent in detention on remand by E.M. is to be credited against the punishment, pursuant to Article 365 paragraph 1 sub-paragraph 5 of the KCCP;

The defendant shall be relieved of the duty to reimburse the costs of the criminal proceedings in accordance with Article 453 paragraph 4 of the KCCP.

* * *

The defendant **A.Z.** is

FOUND GUILTY

of count 1, COMMISSION OF TERRORISM, contrary to Article 109 paragraph 1.10, 110 paragraph 1 of the Criminal Code of Kosovo (CCK), currently criminalized by Articles 135 paragraph 1.10 and 136 paragraph 1 of the Criminal Code of the Republic of Kosovo (CCRK) because it was proven beyond a reasonable doubt that the defendant in co-perpetration with other participants in a self-styled terrorist group known as “MOF”, with the intent to unduly compel the Government of the Republic of Serbia to cease its policing activities in the Bujanovac region, unduly compel members of the Serbian Police forces of Albanian nationality to leave their work place and unduly compel the “international community” to deploy peacekeeping forces in the region, illegally possessed and controlled an undetermined number of weapons (including assault rifles, machine guns and rocket launchers) which are at the disposal of the terrorist group “MOF”, in co-perpetration with V.J., S.J., G.L., Q.R., G.Xh., M.A., E.M. and S.S. in an unspecified location, starting at the latest from April 2012 and until 17 October 2012.

The defendant A.Z. is also found guilty of count 2, PARTICIPATION IN A TERRORIST GROUP, contrary to Art. 113 paragraph 3 of the CCK, currently criminalized by Article 143 paragraph 2 of the CCRK, because it was proven beyond a reasonable doubt by evidence that the defendant, in co-perpetration with V.J., S.J., G.L., Q.R., G.Xh., M.A., E.M., S.S., actively participated in a self-styled terrorist group known as “MOF” (which *inter alia* committed the attacks on Serbian Police installations on 17 May, 28 June, and 7 October 2012) by putting himself at the disposal of the terrorist group for its activities and by committing the criminal offences described above in an unspecified location, starting at the latest from April 2012 and until 17 October 2012.

The defendant **A.Z.** is

SENTENCED

For the criminal offense described in count 1, based on Article 3 (2) of the Criminal Code of the Republic of Kosovo in conjunction with Article 136 (1) and 135 (1.10) to imprisonment of 5 (five) years;

For the criminal offense described in count 2, based on Article 3(1) of the Criminal Code of the Republic of Kosovo in conjunction with Article 113(3) of the Criminal Code of Kosovo to imprisonment of 2 (two) years;

Based on Article 71 (1) (2) point 2 of the Criminal Code of Kosovo an aggregate punishment of 5 (five) years and 6(six) months is imposed on A.Z.;

The time spent in detention on remand by A.Z. is to be credited against the punishment, pursuant to Article 365 paragraph 1 sub-paragraph 5 of the KCCP;

The cost of the criminal proceedings in relation to the criminal offences which the accused are acquitted shall be paid from the budgetary resources, pursuant to Article 453 paragraph 2 of KCCP.

* * *

The defendant **J.S.** is

FOUND GUILTY

of count 4, UNAUTHORISED SUPPLY AND SALE OF WEAPONS, foreseen and punished by Article 327 of the Criminal Code of Kosovo, currently criminalized by Article 372 of the

CCRK because it was proven beyond a reasonable doubt by evidence that the defendant without authorization brokered and concluded a number of transactions for the sale of firearms of different caliber, including selling of the unspecified firearm mentioned under Count 3 above in an undetermined location, on 7 November 2012.

of count 6, USE OF WEAPON, foreseen and punished by Article 375 of the CCRK, because it was proven beyond a reasonable doubt by evidence that the defendant used and fired a weapon which he illegally possessed. In an undetermined location, on an undetermined date prior or equal to 3 January 2013.

The counts 1, 2, 3 and 5 of UNAUTHORISED CONTROL AND POSSESSION OF WEAPONS, foreseen and punished by Article 328 of the criminal Code of Kosovo, currently criminalized by Article 374 of the CCRK against the defendant J.S. are **REJECTED** according to Article 363 paragraph 1.1 of the KCCP because the prosecutor withdrew the charges.

The defendant **J.S.** is

SENTENCED

For the criminal offense of UNAUTHORISED SUPPLY AND SALE OF WEAPONS, foreseen and punished by Article 327 of the Criminal Code of Kosovo, currently criminalized by Article 372 of the CCRK described in count 4, based on Article 3 (2) of the Criminal Code of the Republic of Kosovo in conjunction with Article 327(1) to imprisonment of 2 (two) years;

For the criminal offense of USE OF WEAPON, foreseen and punished by Article 375 of the CCRK described in count 6 , based on Article 3(1) of the Criminal Code of the Republic of Kosovo in conjunction with Article 328(1) of the Criminal Code of Kosovo to imprisonment of 1 (one) year;

Based on Article 71 (1) (2) point 2 of the Criminal Code of Kosovo an aggregate punishment of 2 (two) years and 2 (two) months is imposed on J.S.;

The time spent in detention on remand by J.S. is to be credited against the punishment, pursuant to Article 365 paragraph 1 sub-paragraph 5 of the KCCP;

The cost of the criminal proceedings in relation to the criminal offences which the accused are acquitted shall be paid from the budgetary resources, pursuant to Article 453 paragraph 2 of KCCP.

Arkadiusz Sedek, EULEX Presiding Trial Judge

Tobias Lapke, Recording Clerk, EULEX Legal Officer

LEGAL REMEDY: Authorized persons may file an appeal in writing against this Judgment to the Appeal Court through the Basic Court of Gjilan/Gnjilane within fifteen (15) days from the date the copy of the Judgment has been received, pursuant to Article 380 (1) of the CPCK.