

**BASIC COURT OF PRISHTINË/PRIŠTINA**

Case number: **P. Kr. Nr. 282/2014; PPS 45/2012**

Date: **4 February 2015**

[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 PRISHTINË/PRIŠTINA** in the Trial Panel composed of EULEX Judge **Jennifer SEEL**, presiding, Republic of Kosovo Judge **Valbona Musliu-Selimaj**, and EULEX Judge **Marie Tuma**, panel members, with the participation of EULEX Legal Advisor Valon Hasani, as a recording officer, in the criminal case against:

**1. B.D.**

<b>Name and surname:</b>	<b>B.D.</b>
<b>Name of father:</b>	<b>XXX</b>
<b>Profession:</b>	<b>Farmer</b>
<b>Date of birth:</b>	<b>XXX</b>
<b>Place of birth:</b>	<b>Abri, Municipality of Drenas</b>
<b>Place of residence:</b>	<b>XXX</b>
<b>Nationality and citizenship:</b>	<b>Kosovar Albanian</b>
<b>Identification number:</b>	<b>XXX</b>
<b>Family status:</b>	<b>Married; four children</b>

**2. H.T.**

<b>Name and surname:</b>	<b>H.T.</b>
<b>Name of father:</b>	<b>XXX</b>
<b>Profession:</b>	<b>Unemployed</b>

<b>Date of birth:</b>	<b>XXX</b>
<b>Place of birth:</b>	<b>Buroja, Municipality of Skenderaj</b>
<b>Place of residence:</b>	<b>XXX</b>
<b>Nationality and citizenship:</b>	<b>Kosovar Albanian</b>
<b>Identification number:</b>	<b>XXX</b>
<b>Family status:</b>	<b>Married; two sons</b>

*Both* charged under the Public Prosecutor’s Indictment P Kr. Nr. 282/14, dated 19 May 2014 and filed with the Registry of the Basic Court of PRISHTINË/PRIŠTINA on 21 May 2014 with the offence of:

- 1. TRADING IN INFLUENCE**, by requesting, receiving or accepting an offer or promise of any undue advantage to himself, herself or another person in consideration of the exertion of an improper influence by the perpetrator over the decision-making of an official person, whether or not the influence is exerted, or whether or not the supposed influence leads to the intended result, in violation of Article 345, paragraph 1 of the Criminal Code of Kosovo (2004)(hereinafter referred to as the “PCCK”), and punishable by a fine or by imprisonment of up to two (2) years;

*And* having held the main trial hearing, open to the public, on 29 and 30 October 2014, 04, 11, 12, 25 and 26 November 2014, 17 December 2014, 20 and 21 January 2015 and 2 February 2015 and with the verdict announced on 04 February 2015; all in the presence of the defendants B.D. and H.T.; and when requested by the defendants in the presence of their respective Defence Counsel XXX and XXX or their substitutes; and EULEX Public Prosecutor Andrew Carney, after the trial panel’s voting and deliberation held on 2 February 2015, pursuant to Article 359 of the Criminal Procedure Code of Kosovo (hereinafter referred to as the “CPC”), pronounced in public and in the presence of the Defendants, their Defence Counsel, and the Public Prosecutor Andrew Carney, issues the following:-

## **VERDICT**

I. The Accused, **B.D.** and **H.T.**, with the personal data recited above,

Are each on Count No. 1 of the Indictment found

**GUILTY**

**Because** it was proven beyond a reasonable doubt that in the time period between April 2009 and June 2009 the two defendants requested and received an amount of 200.000 Euro from a group of five

individuals in consideration of exerting influence over the decision-making of officials from the Privatization Agency of Kosovo (hereafter “the PAK”) in relation to a bid submitted in a privatization tender.

Arising from the announcement of the 34<sup>th</sup> Wave of Privatization by PAK on 14 April 2009 the above mentioned 5 individuals, namely S.Z., Z.B., I.M., B.K. and A.J. agreed to buy 91 hectares of land in Muzakaj village in the Municipality of Obiliq. Prior to their submission of a tender to purchase the land, the defendants and at least four of the members of the group, namely S.Z., Z.B., I.M. and B.K., entered into an agreement whereby the defendants would exert their influence with the PAK to ensure that the bid to purchase land in the name of B.K. would succeed. The consideration for this agreement was to be a payment of at least 200.000 Euro cash to be given to the defendants.

On 20 May 2009 B.K. submitted a bid in the sum of one and an half million Euro for the 91 hectares of land referred to above. This bid was successful. The agreed consideration was paid to the defendants upon their demand. The defendants accordingly received the sum of 200.000 Euro in two installments. The first instalment of at least 120.000 Euro in cash was handed over to the defendants by S.Z. and Z.B. during a meeting at Restaurant Drruri at the end of May 2009. A second installment was paid about one week later.

Thereby, the defendants B.D. and H.T., with personal data abovementioned, committed the criminal offence of **TRADING IN INFLUENCE** in co-perpetration in violation of Article 345, paragraph 1 in conjunction with Article 23 of the Criminal Code of Kosovo (2004).

II. The Defendant **B.D.** is:

**SENTENCED**

To one (1) year and three (3) months of imprisonment on Count 1 – trading in influence;

The Defendant **H.T.** is:-

**SENTENCED**

To one (1) year and three (3) months of imprisonment on Count 1 – trading in influence.

III. The Defendants **B.D.** and **H.T.** are jointly and severally obliged to pay an amount of 200.000 Euro as a compensation for the confiscation of the corresponding amount of 200.000 Euro acquired by the commission of the criminal offence.

The Defendants are allowed to pay this amount in 20 monthly instalments of 10.000 Euro each.

IV. The Defendants shall each reimburse the sum of one hundred and fifty Euro (€150) as part of the costs of the criminal proceedings, while being relieved of the duty to reimburse the balance of the costs of the proceedings, pursuant to Article 453, paragraphs 1, 3 and 4 of the CPCK.

PRESIDING JUDGE:

PANEL MEMBERS:

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EULEX Judge  
Jennifer Seel

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Judge Valbona Musliu-  
Selimaj

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EULEX Judge  
Marie Tuma

RECORDING CLERK

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EULEX Legal Advisor  
Valon Hasani

LEGAL REMEDY:- A Defendant, their legal counsel, the Prosecutor or an injured party have fifteen (15) days from service of this judgment to appeal in accordance with Article 380 paragraph 1, and Article 381, paragraph 1 of the CPCK. Any appeal must be filed with the Court of First Instance under Article 388, paragraph 1 of the CPCK.