

**IN THE BASIC COURT OF FERIZAJ/UROŠEVAC**

**P.nr. 250/13**

**6 October 2016**

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 FERIZAJ/UROŠEVAC**, in a trial panel comprised of EULEX Judge Piotr Bojarczuk, as Presiding Judge, EULEX Judge Marie Tuma and Kosovo Judge Musa Konxheli as panel members, with court recorder, Hysni Recica, in the criminal case against:

**1.M. S.**

<b>Nickname</b>	<b>M</b>
<b>Father's name</b>	<b>X</b>
<b>Date of Birth</b>	<b>-</b>
<b>Place of Birth</b>	<b>-</b>
<b>Gender</b>	<b>-</b>
<b>Address</b>	<b>-</b>
<b>Nationality</b>	<b>-</b>
<b>Citizenship</b>	<b>-</b>
<b>Occupation</b>	<b>-</b>
<b>Personal identity</b>	<b>-</b>

<b>number</b>	
<b>Arrested</b>	<b>XX XX</b>

**2. V. T.**

<b>Nickname</b>	-
<b>Father's name</b>	<b>X</b>
<b>Date of Birth</b>	-
<b>Place of Birth</b>	-
<b>Gender</b>	-
<b>Address</b>	-
<b>Nationality</b>	-
<b>Citizenship</b>	-
<b>Occupation</b>	-
<b>Personal Identity Number</b>	-
<b>Financial status</b>	-
<b>Family status</b>	-
<b>Education</b>	-
<b>Restrictive measures</b>	<b>XX</b>

Charged in the Indictment of the Special Prosecutor PPS.nr. 5/12 dated 27 December 2013  
and filed with the Registry of the Basic Court of Ferizaj/Uroševac on 27 December  
2013,

Charged with the criminal offences of:

**M S (and B S):**

**Count 1: ABUSE OF OFFICIAL POSITION** in co-perpetration, contrary to Article 339 (1) and (2) in connection with Article 23 of the former Criminal Code of Kosovo (“CCK”), currently penalized under Article 422 in connection with Article 31 of the CCK 2013.

**Count 2: ACCEPTING BRIBES** in co-perpetration, contrary to Article 343 (1) in connection with Article 23 of the former CCK, currently penalized under Article 428 in connection with Article 31 of the CCK 2013.

**Count 3: TRADING IN INFLUENCE** in co-perpetration, contrary to Article 345 (1) in connection with Article 23 of the former CCK, currently penalized under Article 431 (1) and Article 31 of the CCK 2013.

**M S and V T**

**Count 4: AVOIDING PAYMENT OF MANDATORY CUSTOMS FEES** in co-perpetration, contrary to Article 318, paragraphs 1 and 4, in connection with Article 31 of the CCK 2013.

**M S:**

**Count 5: PROVIDING ASSISTANCE TO PERPETRATORS AFTER THE COMMISSION OF THE OFFENSE**, contrary to Article 388 (1) of the CCK 2013.

**Count 6: PROVIDING ASSISTANCE TO PERPETRATORS AFTER THE COMMISSION OF THE OFFENSE**, contrary to Article 388 (1) and (2) of the CCK 2013.

**Count 7: FAILURE TO REPORT CRIMINAL OFFENSES OR PERPETRATORS**, contrary to Article 386 (1) (sub-paragraph 1.9) of the CCK 2013.

**Count 8: UNAUTHORISED OWNERSHIP, CONTROL OR POSSESSION OF**

**WEAPONS**, contrary to Article 374 paragraph 1, in connection with Article 120, item 38, of the CCK 2013.

after holding the main trial sessions in the Basic Court of F/U (sitting in Ku/K and in the Palace of Justice, Veternik, P) on 19 and 30 May, 2 and 12 June, 10 and 11 July, 4 and 25 August, 8, 16, 19 and 30 September, 13 and 28 October, 13, 14 and 27 November, 5, 8 and 15 December 2014 and 16, 26 and 30 January and 10, 23, 24, 25, 26 February 2015, 3 and 31 March 2015 and 2 and 21, 23 and 27, 28 and 29 April and 13, 15 and 27 May 2015 and 22 and 29 June 2015 and 1, 2, 3, 9, 10, 11, 13, 22, 23 and 24 July 2015 and 2, 28 and 29 September 2015 and 6, 13, 19 and 27 October, 16 and 20, 23 and 24 November, 7 and 8 December 2015, 15 February, 17 and 18 March, 21 and 24 March, 22, 25 and 26 April, 21 July, 2 August, 5, 9 and 26 September and 4 and 6 October 2016 and in the presence of the SPRK Prosecutor Mr. Drew G. Engel, the defendants, M S and V T and their defence counsels the lawyers, A R (previously A I) and A S and at which the injured parties were either present or were summoned throughout;

The trial panel having deliberated and voted pursuant to Article 357 paragraph 2 and Article 359 of the Criminal Procedure Code<sup>1</sup> (“CPC”) in open court and in the presence of the parties, the Court renders and announces the following:

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<sup>1</sup> Criminal Law No. 04/L-123

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## JUDGMENT

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The defendant, M S with personal details above, is **GUILTY** of;

**M. S. (and B. S.):**

**COUNT 1: ABUSE OF OFFICIAL POSITION in co-perpetration, in violation of Article 339, paragraph 2, in connection with paragraph 1, in conjunction with Article 23 of the former CCK, currently penalized under Article 422 in conjunction with Article 31 of the CCK 2013.**

Because in June 2012, in F, Kosovo and/or elsewhere in Kosovo, the defendants **M S**, as an official person, namely, xxxxxxxxx and the Head of xxxxxx in F (and **B S**, as an official person, namely a xxxxxx), in co-perpetration and with the intent to obtain an unlawful material benefit for themselves, abused their official position, namely they acquired money from X B and A S, and by extension other family members of B S (namely, 4750 Euro), thereby causing financial damage to these individuals, in exchange for promising to secure the release of B S from detention, or promising to make sure he will not be convicted and/or promising to make sure that he does not serve his sentence. These actions of the defendants included, among other things, representations to the S family that the defendants would contact witnesses to have them change their statements against B S, provide gifts to the prosecutors assigned to B's case, and withhold certain evidence against B S from the case file provided to the prosecutor's office.

**COUNT 2: ACCEPTING BRIBES in co-perpetration, in violation of Article 343, paragraph 1, in conjunction with Article 23 of the former CCK, currently penalized under Article 428 in conjunction with Article 31 of the CCK 2013.**

Because in June 2012, in Ferizaj, Kosovo and/or elsewhere in Kosovo, the defendants **M S**, as an official person, namely, a xxxxxx and the xxxxxx Unit in F (and **B S**, as an official person, namely a police officer), in co-perpetration solicited and accepted a gift or some other benefit for themselves (namely, monetary payment totaling approximately 4750 Euro) to perform within the scope of their authority an official or other act which he or she should not perform or to fail to perform an official or other act which they should or could have performed, so as to either secure the release of B S from detention, or make sure he will not be convicted and/or make sure that he does not serve his sentence. These actions of the defendants included, among other things, representations to the S family that the defendants would contact witnesses to have them change their statements against B S, provide gifts to the prosecutors assigned to his case, and withhold certain evidence against B S from the case file provided to the prosecutor's office.

**COUNT 3: TRADING IN INFLUENCE in co-perpetration, in violation of Article 345, paragraph 1, in conjunction with Article 23 of the former CCK, currently penalized under Article 431, paragraph 1, in conjunction with Article 31 of the CCK 2013.**

Because in June 2012, in Ferizaj, Kosovo and/or elsewhere in Kosovo, the defendants **M S** (and **B S**), in co-perpetration, requested and received an offer (namely, monetary payment total approximately 4750 Euro) of any undue advantage for themselves in consideration of the exertion of an improper influence by the perpetrator over the decision-making of an official person so as to either secure the release of B S from detention, or make sure he will not be convicted and/or make sure that he does not serve his sentence, whether or not the influence is exerted or whether or not the supposed influence leads to the intended result.

**M S (and V T):**

**COUNT 4: AVOIDING PAYMENT OF MANDATORY CUSTOMS FEES in co-perpetration, in violation of Article 318, paragraphs 1 and 4, in connection with Article 31 of the CCK 2013.**

Because V T intentionally avoided payment of the customs tax fee or other fees or customs obligations payable for the import of goods, namely, a vehicle being a R C, F registration plate number XXXXXX, including by seeking the intervention of the defendant M S when V T was stopped by a police officer on 28<sup>th</sup> May 2013, to avoid paying and customs fees or obligations otherwise payable, or having the aforementioned vehicle confiscated. M S then intervened in order to ensure that V T received a “symbolic ticket”, and thereby intentionally enabled V T to avoid paying the customs tax fee, other fees or customs obligations payable for the above mentioned vehicle. In so doing, M S also enabled V T to avoid confiscation of the goods, namely the aforementioned car, that were not accurately declared or the value of payment.

**M S:**

**COUNT 5: PROVIDING ASSISTANCE TO PERPETRATORS AFTER THE COMMISSION OF THE OFFENSE, in violation of Article 388, paragraph 1, of the CCK 2013.**

Because on 28 May 2013, in Ferizaj, Kosovo or elsewhere in Kosovo, the defendant M S was informed by telephone by a person called S T that the latter was stopped on the road by the police because he was driving an unregistered vehicle and did not pay custom clearance for the vehicle, specifically, a R C, French registration plate number XXXXX. On S T’s request, M S talked to the police officer that stopped S T and persuaded this police officer to only issue a ticket for a minor offense. By doing so, M S aided S T as the perpetrator of a crime (namely, avoiding payment of mandatory customs fees contrary to Article 318 paragraph 1 of the CCK) to elude discovery or arrest.

**COUNT 6: PROVIDING ASSISTANCE TO PERPETRATORS AFTER THE  
COMMISSION OF THE OFFENSE, in violation of Article 388, paragraphs 1 and  
2, of the CCK 2013.**

Because on 29 May 2013, in Ferizaj, Kosovo or elsewhere in Kosovo, the defendant **M S** was informed that **R A** had shot at a car near a restaurant called, “*International*” and not only did **M S** not report this incident, he actively intervened to persuade the victim(s) not to report the incident to the police. By doing so, **M S** aided **R A** as the perpetrator of a crime (namely, violations of Article 365(1) “Causing General Danger” and Article 375(2) “Use of Weapon or Dangerous Instrument” of the CCK 2013, which are offences under Chapter XXX –Weapons Offenses of the CCK 2013) to elude discovery or arrest and took steps towards frustrating the arrest, execution or punishment of **R A** by ensuring that **R A** would not be reported for a criminal offence he had committed.

**COUNT 7: FAILURE TO REPORT CRIMINAL OFFENSES OR PERPETRATORS,  
in violation of Article 386, paragraph 1, sub-paragraph 1.9, of the CCK 2013.**

Because on 29 May 2013, in Ferizaj, Kosovo or elsewhere in Kosovo, the defendant **M S** was informed that **R A** had shot at a car near a restaurant called “*International*” and **M S** subsequently did not report this incident, which constitutes a criminal offence (namely, violations of Article 365(1) “Causing General Danger” and Article 375(2) “Use of Weapon or Dangerous Instrument” of the CCK 2013, which are both offences under Chapter XXX –Weapons Offenses of the CCK 2013).

**COUNT 8: UNAUTHORISED OWNERSHIP, CONTROL OR POSSESSION OF  
WEAPONS, in violation of Article 374 paragraph 1, in connection with Article  
120, item 38, of the CCK 2013.**

Because on 11 September 2013, in F, Kosovo, **M S** owned, controlled or possessed an amount of 48 bullets of sharp ammunition, not being in possession of a proper licence required

by law; and owned, controlled or possessed an amount of 50 “gas” bullets, prohibited by the The Law on Weapons in Article 4, paragraph 1.1.10, thus violating the applicable Law (Law on Weapons).

## **REASONING**

### **A. COMPETENCE OF THE TRIAL PANEL**

1. According to Article 11 (1) of the Law on Courts, Law Nr. 03/L-199, Basic Courts are competent to adjudicate in the first instance all cases, except otherwise foreseen by Law. Article 8 of the Law on Courts states that the Basic Court of Ferizaj/Uroševac is established for the territory of *inter alia* the Municipality of Ferizaj/Uroševac. The defendant, M S was co-accused in the same indictment with six (6) defendants accused of offences coming within the ambit of Article 15 (1.19) of the same Law. The indictment in this case was filed on 27 December 2013.

### **B. PROCEDURAL BACKGROUND**

2. On 23 March 2013, the Prosecutor issued a Decision on Initiation of Investigation, which was expanded on 28 March 2013 upon issuance by the Prosecutor of a Decision to Expand the Investigation.
3. On 11 September 2013, the defendant M S was arrested and on 12 September 2013 the pre-trial judge ordered detention on remand against all the defendants in the case, including the defendant M S, for the period of one (1) month. Upon the expiration of this period the prosecutor applied for it to be extended. The pre-trial Judge granted this application. The period of detention was extended pursuant to statute from time to time.
4. On 27 December 2013, the Prosecutor filed the Indictment PPS No. 05/2012, formally charging the defendants M S, B B, B V, S M, and R A. All applications to have the

indictment and/or evidence dismissed or rejected respectively were rejected at first instance and on appeal.

5. The first session of the initial hearing was held on 10 January 2014. The second session was held on 10 February 2014. The defendant, A M did not attend at either session although duly summoned. On 12 February 2014 the presiding Judge issued a domestic Arrest Order and applied for an Arrest Order which was subsequently issued. The case was formally severed and assigned the new reference PKR. Nr. 193/15. The defendant, A M remains at large. Counsel for the remaining defendants filed objections to the evidence and requests to dismiss the indictment but the presiding Judge and Court of Appeals rejected these.
6. The main trial commenced on 19 May 2014 in the Basic Court of Ferizaj/Uroševac (sitting in Kacanik). Sessions were subsequently held on the dates set out above.
7. In the main trial session on 2 February 2015 the defendant, R A concluded a guilty plea agreement with the SPRK prosecutor. On 23 February 2015 the presiding Judge severed the case against the defendant, R A and on 25 February 2015 the trial panel issued judgment imposing sentence.
8. In the main trial session on 8 December 2014 counsels for the defendants, B V and S M, the lawyers, I H and A A respectively, indicated their clients wished to enter pleas of guilty to the charges. On 15 December 2014 the presiding Judge issued a ruling releasing both defendants from detention on remand and into house detention. He stated he proposed recalling them both for sentence when the main trial had concluded in respect of the remaining defendants, M S and S T. However, sometime in July 2015 the defendant, B V absconded. On 17 August 2015 the presiding Judge issued an Arrest Order and request for issuance of a Wanted Notice which was subsequently issued. In February 2016 the defendant, B V was arrested in Germany and extradited to Kosovo arriving on 1 April 2016. The on-call, Eulex Judge placed him in detention on remand. On 4 August 2016 the main trial panel issued judgment imposing sentence.

9. In October 2015 the defendant, S M also absconded. The presiding Judge issued a domestic Arrest Order and applied for an International Arrest Order which was subsequently issued and remains extant. On 8 November 2016 the presiding Judge issued an Order severing the case against S M. The case was also remitted to the Kosovo judiciary for any future proceedings.

### **C.ADMISSABLE EVIDENCE**

10. The injured party **B S** gave statements to the Police Inspectorate of Kosovo (“PIK”) on 11 April<sup>2</sup>, 19 August<sup>3</sup> and 20 November 2013<sup>4</sup>. He also gave a statement to the prosecution on 26 September 2013<sup>5</sup>. He subsequently testified in the main trial sessions.
11. The injured party B S began his statement of 11 April 2013 to PIK by confirming his personal details and setting out his background. He stated his current occupation was as Director of “L” Company in the Municipality of S S. However, he stated he had not acted in this capacity since he was arrested by Kosovo police on 30 May 2012 in F, where he said he stayed for about 6 (six) months in detention on remand. He sated he was released on 27 November 2012 before being arrested again on 4 January 2013 but released again on 5 January 2013.
12. B S stated he was arrested on 30 May 2012 by Police Officers E A, B B and a Police Officer called but he did not know his surname. He stated he was arrested on suspicion of trafficking human beings.
13. B S stated on the morning of 30 May 2012 he went to G, to do some business. There he met a person called V who worked for the insurance company “XXX”. He met her in a

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<sup>2</sup> Prosecution File 2A at pp 460-485

<sup>3</sup> Prosecution File 2A at pp 486-491

<sup>4</sup> Prosecution File 2A at pp 492-498

<sup>5</sup> Prosecution File 2A at pp 433-459

restaurant called “Planet” accompanied by her husband. A person called S was with the injured party, B S.

14. B S stated while they were having lunch, he got a phone call from an unknown number, but he did not answer it. Later, his friend, R B called and asked him “*why you don’t respond as it is number of the Police?*” B S stated he would call them immediately and he did so. He stated a police officer named M answered and told him to come to the police station at once. B S answered he would be a bit late and he said M asked if they could depart at the same time, (M from F and B S from G) in order to meet half way. However, B S stated he was still busy so M came to G.
15. B S stated that upon his arrival in G, M called him he went alone to meet with M who had told him “*they*” were at petrol station in G. However, B S stated when he got there M was not there. Instead, there were E A, a police officer from the village of B, his “*first neighbor*”, B B, from the village of F (also a police officer) and the police officer N.
16. B S stated the three of them approached his car and N asked him “*do you have weapons in the car?*” B S stated he was surprised by his question but E A said to N “*he is not dealing with weapons*” and then B B said, “*You should come to police station in F*”. B S said he replied, “*No problem, let us go immediately*”.
17. B S stated B B told him he could not drive his car and he would take while B S travelled with N and E A. B S stated in the police car N told him several times, “*men sometimes make a mistake in their life*”. He stated he did not know what he was referring to.
18. B S stated when they got to the roundabout near F police station; N told him “*we should put you handcuffs as we had an order to put them from the moment when we met but we let you free up to this point*”. B S stated he was surprised by this.
19. B S stated that at around 17:30hrs, they entered an office in the police station where he saw a man he did not know. The man said threateningly, “*Why did you not come*

*immediately?” B S said he answered, “I came in cooperation with you and I was not hiding or fleeing at all”. He said the unknown man said “do you know me?” to which B S replied he did not. He stated the man asked “did you go out some times to coffee bars with music?” B S replied he rarely did so. He said this man then said, “I am M that I contacted from the beginning” before asking “did you kill anyone?” B S state he was deeply shocked by this.*

20. B S stated M then asked *“Did I marry any Serb to a woman from Albania?”* B S stated this was not true and he did not have time to deal with such things. However, he stated he was invited by P J to a lunch to which some guests from Albania had also been invited so he went there and translated. He stated he understood the parties reached an agreement between themselves for a marriage and he had no role at all in this.
21. B S stated M went out to another office and brought back a photograph of a woman and asked B S if he knew her to which he said “I don’t know her”. B S stated it was then he realised he did not kill anyone but was accused of trafficking women. He stated he realised this because M asked if he understood the word trafficking and he answered he knew a little bit about it to which M said “the criminal offence of trafficking is more serious than murder”.
22. B S stated M’s then asked him *“have you ever organized any party in your life?”* and if he knew *“L. and X.”* B S replied he had in 2010. B S said M then left the office and left him with E A and B B. B B asked him if he had a lawyer and when he said no B B said he would get him one. B S stated B B and E A said to him *“we stopped as you are our neighbor and we stopped to help you as someone else was interviewed and you would not escape so easy”*.
23. B S stated a lawyer, R S then arrived. B B said to M, *“should I help my cousin on computer, to fix the sentences to be easier later in further proceedings?”* B S stated they continued to question him and he answered and they noted his replies and asked the lawyer if they were drafting them correctly.

24. B S stated he stayed for 3 to 4 more hours. He stated B B told him to go to M' office where he closed the door and said *"you are my uncle so how can I help you?"* B S stated he replied *"do you have children?"* to which M said *"yes"*. B S stated he said, *"for the sake of your children, I have nothing to do with this issue at all"*. B S stated M told him, *"I will help as much as can"*. B S stated he returned to the office where he was earlier, where B B gave him his telephone and said, *"we will let you know at home as I will stay at the police station"*.
25. B S stated his belief the purpose of detaining him for so long at the police station was *"to get money from me, however, at that moment I did not realised it at all that their aim was money"*. He stated *"they sent me to prison of police station in F where B and N accompanied me. There I spent 2 nights and one day, then at 8:00 hrs in the morning E and N came, took me and told me that we were going to the Court in P"*.
26. B S stated when they got as far as the restaurant *"Lamburgjini"* on the outskirts of F, M left saying *"help him because he is ours"*. B S stated they continued to P, and during this time N and E were *"somewhat sorry"* and advised him to talk, *"like we arranged it for you"*. He said he realised his closest friend, R B was a witness and E A said, *"He made a good statement in favor of you, and he is a good friend"* and they advised him, *"those women spoke bad about you but there is no risk for you"*. He also said *"if you could contact these women in order to influence them to change their statement and it will be good, but it is very risky to influence the witnesses"*.
27. B S stated before they sent him to the court they handcuffed him and asked, *"did the lawyer come?"* B S said he did not know and they gave him his telephone and he called a friend called M A to ask if a lawyer had come and he said *"he will come now"*. B S said later a man he recognized came and introduced himself as T G and he said he was his lawyer. B S said T G asked a few questions which he answered.

28. B S stated that in court the Judge sentenced him to detention on remand for one month and asked him if he agreed with this measure to which he said “yes”, before his lawyer intervened to say, *“my client is not in good health condition and has nothing to do with this issue”*. B S stated they sent him to L prison. 2-3 days later the lawyer T G came and told him the case required a lot of work and asked for 25.000 euro. B S stated he consulted with his brothers A and S and they told him, *“we have arranged it; it is going well and we are in contact with M and B all the time”* Subsequently they told him, *“we have fixed this business and on 27 November you will be released from the detention on remand just €25,000 euro should be given”*. B S stated 27 November 2012 came he saw his lawyer R G who told him, *“we have made an agreement with judge H H that you plead guilty”*. B S stated he asked, *“how to accept something that I did not do?”*, but the lawyer said, *“it is better to plead guilty and be at liberty, and then when you’ll be at liberty you know somebody and you can hide the case file for 2-3 years and it becomes outdated and there are plenty of methods to not go to prison”*
29. B S stated his lawyer told him, *“You will be sentenced to imprisonment of 2 and a half years”*. B S stated he did not accept this and asked to see his brothers, K, A and S. He said he asked K, *“is this how I should come out from prison – to admit what I did not do”* to which K did not say anything, whereas A said *“brother admit or otherwise they will not release you even though we know you are not guilty, as there is no justice here”*.
30. B S stated *“at that moment, I was thinking to admit, to get free, and to see my justice, so with violence and extortion I was compelled to do such pleading and the procedures concluded and I was sentenced in a proceeding that lasted not more than 5 minutes and I was punished with 2 or 3 months of imprisonment as the judge H H pardoned me 2 months based on what the lawyer told me”*.
31. B S stated afterwards he went back to detention on remand and at 13:00hrs, he asked to go out and make a telephone call to his family to tell them he was coming back home and he told them to not give money to anyone until he came home. He stated at 16:00 hrs he was released and (his brother) A and (brother-in-law) X B were waiting for him.

32. B B stated after 2-3 days, M S called him and they met in a restaurant in the village of J. Present were M, B B and X B. B B stated they were having lunch and M and B B were saying *“we helped you a lot”* and B B was all the time saying *“you should thank to uncle (M) as he helped a lot”* but M was saying *“you were unlucky”* as B K, the prosecutor, was sick and the proceedings were progressing slowly and *“I had a difficulty until I found another Prosecutor in order to replace the (previous) prosecutor”*.
33. B B stated during the conversation he did not tell them he was punished with imprisonment of 2 years and 3 months. He stated he could not believe how much they took money from his brother and that they spread the money by buying telephones and lap-tops for prosecutors and judges in order to speed-up his case and to release him from detention on remand and the charge in general. B B stated he could not stand it anymore and he told them to their faces *“you lied to me enough as I was punished with imprisonment of 2 years and 3 months”*. He stated they changed the style of conversation and they told him *“we will help you again as we will return the case for retrial as there is no other possibility; don't worry you are at liberty, work”*.
34. B B stated after finishing lunch, they went out and M said to him *“I have done a lot of harm to you, but I did not know you and my relation with you, and I feel ashamed to meet uncle B (B's father)”*. He said, *“I need to come to your house and apologize to your father (and tell him) your son is innocent but he did not have luck*. B B stated he told him to come but his aim was to uncover as much as possible and to gather information.
35. B B stated that 3-4 days before the New Year they informed him they were coming. He stated M came to his house with B B and his brother-in-law, X. They had dinner and they apologized to his father for the case of his son. B B stated after midnight he went to escort the guests home, B B went with X's car whereas M left with him in the car. B B stated he asked him about B D, director of the Bi Company from K/K because his brothers had told him he was behind the entire set-up but M was evasive and changed the

subject. B B stated they stopped at the restaurant “*Evropa*” at 02:30 hrs and all the time B B was saying, “*You owe so much to uncle (M) as he helped you a lot*”.

36. B S stated four days later he was with a friend at restaurant “*Lamburgjini*” when M came and he invited him to sit with them and he did. The friend left and B S invited M to lunch and they went to a restaurant in J. B S stated along the way M called B B and when they arrived at the restaurant B B again started saying, “*you owe so much to M*”.

37. B S stated he did not know M before the day of his arrest however, when he was arrested M told him, “*you are my uncle*” which meant that he is his nephew. He stated he knew B B since he is from the village of F, village close to his village, and he went to secondary school in F together with B’s brother, A. He stated E A was a neighbor in the village where he lives and there were no problems with him or his family.

38. B S stated B D, is from the village of D, Municipality of K and he is the owner of the “*Bi*” Company an until he was arrested, he had good relations.

39. B S then described how he bought a M car for himself in Germany and another one, a MML jeep, also for himself, but he gave the car to B (D, “B.”) since they were cooperating in business among each other. However, B S stated during the time he was in prison, his brothers told him “*the M that you brought is driven by M, who arrested you*” and during the whole time they suspected “B” is the person who was behind the plot to send me to prison.

40. B S stated after he was released from prison he also met with M and B in restuarant “*Freskia*” in Nerodime, F; his brother-in-law X (B) was also present. He stated after the meeting B and M came to his house where they had dinner together and he also met just M once again in restuarant “*Lamburgjini*” and from there they went to the restaurant “F” and B B came later.

41. B S stated in these two meetings he had with them in the restaurant “F”, M and B B requested the ruling by which he was convicted and released from detention on remand “*in order to try to help me*”. He also stated how M had told him he had come into possession of the M car because “*B was having troubles*” and how he bought it saying, “*I gave him an A and some money*”.
42. B S stated after his release from prison B D came to his house 2 or 3 times. He said they spoke about the M car and B he told him. “*Before you got imprisoned, I send some concrete to the facility of M but I did not know whose facility that was but since you were arrested I realised that I was sending concrete to M’s facility and that he had your case*”. He also stated a partner of his and B’s named N Z, from K, told him that B. had a problem and he had to give a M. for free but he did not know anything more.
43. B S stated that on 4 January 2013, he was having lunch when he got a phone call at 13:00 hrs from M S who wanted him to go to his house to assess how much it would cost to paint the facade of the house. He also got a call from a Serbian man from S and he went to a bar called “*Made*” in B to sell him a VW “*T*” jeep for €18,000. He states the purchases went to withdraw money from a bank and he was waiting and was late to meet with M. He stated that during the time while he was discussing to sell the jeep some friends were waiting for him in S where they waited for 2 hours and when he saw he was late, he called them to come to Brezovicë, because he could not go to S He stated during the conversation with them S, owner of the Bageri Company, also called him. He stated he also had a phone call from an unknown number. The caller introduced himself as a Police Officer with the Serious Crimes department in P, and asked him to meet somewhere in F. B S stated he got surprised and very shocked and he called M on the phone and asked if he knew this man. He stated M said “*B, if you do not feel guilty, go and meet with him, as I know him very well he is my colleague*”.
44. B stated he called his brother K to come as fast as he could to B, to the restaurant “*Made*” and he arrived quickly. B S told him to call X, go to M and take the son and hide

him somewhere as the situation is not good and this alarmed X. He stated his father also called and he knew something was wrong.

45. B S stated he subsequently spoke by telephone with X and K who were meeting with M. He stated he did not know whether to go and meet the man from P because if he did not go they would think he was guilty, if he did he knew it was a set-up and for sure he would go to prison. He stated he went with the owner of “*Bageri*” Company (S) in the direction of S and they stopped at the bar in Shërpce where they stayed until 19:15 hrs when K called him and said, “*come to F as we are talking to M, they will not send you to prison, you only have to make a statement*”.
46. B S stated at 20:00 hrs he went X and K to M’ office in the police station in F. On arrival M asked, “*Do you know S?*” to which he answered, “*Yes I know her*”. M said, “*The situation is not good as this is a serious case*”. He stated in less than 2 min a police officer and another police officer in civilian clothes came and asked M, “*is this man involved in G case?*” to which M said “*Yes*”. He stated M stood up, approached the two police officers from P, while he had his back turned and said “*he is my cousin*” but he made a gesture with his head to the police officer from P to take B S and act according to a plan previously arranged by them. B S stated he immediately departed for P with these two police officers in a private car. The time was 21:00 hrs. He stated he did not receive any official document in relation to this detention nor was any lawyer notified.
47. B S stated that when they arrived in Pristina he was taken to a police station he did not know and there were 3-4 police officers who were all without uniforms. He stated immediately one of the police officers told one of his colleagues to immediately complete a case file for detention. He stated they entered to an office where they told him to sit down and after a while his lawyer R G came and said, “*B, how come you are here again with the same problems?*” He answered, “*I have nothing to do with such things, and everything is a set-up*”. He said the police asked him further and then put him in a cell where they told the guards, “*this man did a very serious offence, we cannot do anything*”.

*but we have to find for him a wet mattress that he sleeps the whole night in water*". He was not allowed to smoke.

48. B S stated the next day he was taken to Court. The prosecutor read the indictment and mentioned drugs and trafficking which shocked him. He stated initially the court proposed detention on remand but his lawyer argued against this and it was changed to house detention instead.
49. B S stated that while he was in house detention, X and K, met with M a few times as it was a serious case. He stated that on 27 January he went before the Court where the victim made a statement before the judge and at no stage implicated him in any criminal offence against her. She even said, "*B did nothing bad to me, he only helped me*".
50. B S stated after he was released from house detention on 5 January 2013 he did not meet with M or B B.
51. In his statement to PIK on 19 August 2013 the injured party B S stated he was released from house detention on 2 August 2013. He stated on the morning of 14 August 2013 he was having coffee with his brother-in-law X B in the "*Lamborghini*" café in the HIB fuel station in F. He stated Lt. M S of the F police approached them and said he was afraid for B S and for what he had done. They swapped telephone numbers and agreed to meet later. B S subsequently sent M S an SMS message and he replied "*OK*" but they did not meet. B S added X B had met with M S and B B in H i E some days prior to the meeting of 14 August 2013.
52. The injured party, B S stated he met M S once again in the "*Lamborghini*" café petrol station. He stated this was a month after his release in 2012. They agreed to go again to a café in Jezerc and B B joined them. B S stated B B stated talking about somebody who owed him money and B S understood this as a hint that he was to give B B money.
53. The injured party, B S then repeated his earlier evidence of what occurred on 4 January

2014 with his son M in S. He repeated how he asked his brother K to take his son as he was very upset and was crying. He stated he had failed to mention previously that when he received a phone call from P police, they asked him to meet in “*Ben-af*” store in F. He repeated his previous allegation the purposes of the contact and subsequent meeting was to extort more money from him.

54. The injured party, B S stated that after he was released into house arrest he met with M S by chance and he said he felt sorry for what happened and he was concerned that B S was held in house arrest for 7 months. He stated he gave M S his new telephone number.

55. The injured party, B S began his testimony to the main trial panel on 2 June 2014. He confirmed his family relationships to the other injured parties and witnesses in this case and he gave as many of their telephone numbers and his own as he could remember. He stated he founded the “*L*” construction company in 2002. He stated that at its peak the company employed more than seventy (70) people but this declined since his arrest in 2012. He stated the company had a very good reputation everywhere. He stated he could not put a figure on his turnover but he was doing well and travelled regularly to other European countries to purchase plant. He stated he had gotten a loan through the defendant, M S’s brother, who was a bank director, for this purpose. He said he did not know the defendant, M S at the time. He stated he included the entire assets of his company in the loan application. He stated he owns a large family home that he shares with his brothers and that is worth approximately €200,000 as well as his own home. He also stated he also owned two (2) parcels of land. He stated the “*L*” company belonged to the entire family. He stated he also owned other parcels of land associated with his business. He stated he had many bank accounts and owned shares in “*B*”, B D’s Company. He stated between 2010 and 2012 there was approximately three to four million euros in his accounts and at its peak the “*L*” company was worth around two million euros.

56. He stated in 2012 he went to Germany with B D and bought a M car which afterwards he gave to B and travelled in a different car. He stated the car was a 2012 model and it cost €12,500.
57. The injured party B S then described his first arrest in May 2012. The details were essentially the same as those described in his previous interviews. He added that M S told him he was his father's uncle. He stated he was asked if he wanted a lawyer which he did and Mr. R S eventually arrived.
58. He stated before his lawyer arrived B B and N O kept telling him this case should have been taken by somebody else but they had taken it to make it easier on him. He stated B B spoke to him in private and told him to speak with M S in private as he would help him. B S stated he did this and M S stated he would do his best to help him.
59. The injured party B S then described how he was taken to P where he met his lawyer, T G. He stated he was in shock at what was happening. He stated he had not informed the prosecutor earlier that at the time M S and B B were at B P Restaurant and M S told his brother-in-law X B that he would be under house arrest but he will not be released because he accepted the detention. He stated after the court hearing he met two of his brothers who told him there was no need to hire T G because they were in touch with M S and B all the time and the case was a "done deal".
60. The injured party B S then identified M S and B B in court. He stated he knew both of them from the locality and had no problems with either.
61. The injured party B S recited how he was then advised to plead guilty and he spoke to his brothers and he decided to accept the deal. He stated he was fully conscious when I took this decision. He stated he knew there was no proof against him. He stated his lawyers only told him what the charges were but never showed him any evidence or asked what his defence was.

62. When he resumed his testimony on 12 June 2014 the injured party, B S confirmed that upon his arrest in the F police station M S and B B were present and he was questioned before his lawyer arrived and at a certain point he went and spoke to M S in his own separate office where he said *“I didn’t know that we are related, I didn’t know who you are,”* and, *“I will do my best to help you.”* B S stated he was shocked at this. B S stated B B called him his cousin and M S told him he was his father’s uncle before repeating he would do his best to help.
63. B S stated he was taken to the police station and was kept there for two nights and one day and then taken to the detention centre by B B who gave him a telephone to call his family which he did. He stated he called his brother, A S and told him he was in police detention but he did not really know why.
64. B S stated on the following day he was taken to Prison by M S, B B and another officer. He was given a telephone to call a lawyer. The lawyer, T G subsequently attended. B S stated he asked a few questions before he was taken to court where he accepted the imposition of one month in detention event though the charges meant nothing to him and he was shocked by them.
65. B B stated he was taken to Lipjan Prison where three to four days later his lawyer, T G again attended and asked for €25,000. B S stated he would speak to his family about this later in the day but they advised against this course of action and stated the case was already a *“done deal”*.
66. B S stated he was shocked at what was happening throughout this time. He stated at one point he lost consciousness. He stated the officers responsible for all of this were from the F police and he identified M S and B B in court. He stated he knew B B from his locality. He was in school with his brother, A B. He stated until his arrest he had never seen M S in his life much less have any problems with him.

67. B S stated before his arrest he used a mobile telephone number ending in 904 and this was a public number in the name of the “L” company.
68. B S stated he remain in detention on remand in Lipjan until the end of November 2012. He stated approximately one month before that his brothers came to see him and stated they would pay €25,000 and he would be released on 27 of November as an innocent man. He stated that on that day he was taken to P and he appeared before the trial panel. His new lawyer, R G told him an agreement had been reached with the Prosecutor, B P and if B S pleaded he would be sentenced to two and a half years in prison. B S stated he would not plead guilty to anything as he had done nothing wrong. He stated he spoke to his brothers who were in court and his brother A S advised him to accept this deal as there was no justice and this was his only chance of getting out. B S stated he decided to accept the deal. He stated his lawyer did not know anything about the money that was paid as this was not mentioned in front of him. He stated he did not trust his counsel. He stated he was not shown any evidence against him and their consultation only lasted fifteen minutes. He stated he only knew the case against him related to trafficking human beings and none of his legal advisers ever asked him if he had a defence to this.
69. The injured party, B S continued his evidence before the main trial panel on 10 July 2014.
70. B S stated once he decided to plead guilty the hearing only lasted about five minutes. He stated he received a sentence of two and half years imprisonment but three months of this was to be suspended meaning he had to serve a net term of two years and three months.
71. B S stated that 2-3 days after he was released M S invited him to meet through X B. They met in the village of Jezerca in “Freskia” Restaurant. Present were B S, M S, B B and X B. B S stated B B repeatedly stated he (B) owed a lot to M S because he did a lot for him and helped him a lot. He stated M S told him he was unlucky, his process went slowly and he did not know that he was his uncle. He also stated the prosecutor; B K was ill

which also delayed the process. Finally, he stated he had received some money from B's brother to buy iPhones and laptop computers for Judges and prosecutors.

72. B S stated M S and B B did not know he had been convicted and when he told them they immediately changed the topic and said, "*We still are able to help you out because we can send your case for retrial because there is no other option.*" He stated his belief they already knew he had been convicted and their surprise was feigned. He said they instructed him to keep working and they would continue to assist him.
73. B S stated when the group was breaking up M S told him, "*I owe you a lot because I don't know we were related and I am embarrassed to face your father B. S..*" He stated M S also offered to come to his house to apologise to his father.
74. B S stated he informed M S his doors were open to him. B S stated M S and B B subsequently came to his house for dinner and they apologised to his father, told him his son was unlucky and the problem could be fixed and they stayed up talking until 2 o'clock in the morning.
75. B S stated when the group was breaking up he asked M S about B D because when he was in detention his brothers thought he was in some way involved in his framing. He stated M S would only say B D also was in trouble but he would not say why. When asked how he came to be driving a M vehicle B and B D had purchased in Germany and had given to B D, M S stated B had given an A vehicle to B D and a sum of money. He did not say how much and then he changed the subject.
76. B S then stated there was a subsequent meeting with M S and B B at the "*Lamborghini*" café. B S stated he was there with a friend when M S arrived and he invited him to sit and have a coffee. His friend left and he and M suggested going back to restaurant "*Freskia*" in Jezerc. When they arrived at "*F*" B B also arrived and he stated he had a problem and needed some money for a plane ticket. The figure of €600 was mentioned. At this point, B S again identified M S and B B in court.

77. B S continued his evidence to the main trial panel in the session on 11 July 2014.
78. B S stated M S subsequently requested a copy of the court ruling that had released him. B S then gave evidence of a second, subsequent arrest which took place on 4 January 2013 in the “M” Restaurant. That morning he had gone to S with his son M to have coffee. There, they met some friends, namely the owner of the restaurant “E”, a man called K and another friend called R , who works in Afghanistan and was on leave at the time. He invited B and M S to go and have lunch together at restaurant “L” in B. However, at approximately 1300 hours he received a telephone call from M S. He said, *“I heard you have a group of people who deal with the exterior of buildings”* and *“could you come and have a look what work needs to be done”*. B S stated he replied he had some things to do first but he would come.
79. B S stated he was delayed and could not go and instead went to a nearby café where he concluded an agreement to sell a VW “T” vehicle for €18,000. However, at about 16:00 hours, he received another call and the person stated it was the police from the Serious Crimes Department in P and the officer wanted to meet at 18:00 hours on the road P-K. B S stated he was shocked when he received this call and he immediately phoned M and he advised *“if you did not do anything wrong, you can just go and meet them”*.
80. B S stated at this point he was very shocked and he switched off his phone. He stated his son was also shocked. He stated he called his brother, K S and asked him to take his son and shelter him at X B’s house. Then he asked X and K to meet M S. B S stated he decided to run away somewhere to avoid being arrested again.
81. B S stated he left B and went to Strpce. He stated K and X phoned him on his son, M ’s phone and X told him *“B, if you didn’t do anything wrong, come over”*. B S stated he met S B in Strpce and he advised him not to meet with anybody as it was too late. However, B S stated he decided to go and when he reached F he phoned his brother K

who was in a cA eria close to the police station with X. They went to the police station. M S was there.

82. B S stated M S asked him if he knew a female called S and he said he did to which M S said that it is a serious case. B S stated he told M S he had nothing to do with this matter, serious or not, but M S said he too had *“nothing to do with this case”*. He said the police will arrive from P and B S could talk to them.
83. B S stated about 5 minutes later two plain clothes police officers arrived. He stated M S told them B S was involved in the S case, and he nodded his head signaling to them to take him away and he was taken to P.
84. B S stated en route the police officers insulted him. He stated they arrived at about 21:00 hours at the police station in P and he saw three or four persons/police officers who asked the two who had escorted him *“have you brought him here?”* and when they confirmed they said *“you should start immediately to make preparation for arrest.”* He stated he was placed in a room to wait for his lawyer R G.
85. When R G arrived he said *“B, so it is still with the same problems and offenses”* but B replied *“I have nothing to do with these matters.”* He stated the police officer then continued to interview him. He stated lots of different things were being mentioned including drugs and he repeated he had nothing to do with any of this. However, he stated they arranged all the documents and sent him to detention on remand in another building in P where a police officer told the guards, *“if this man is aware what he did, we have no right to do anything to him”* and *“you should wet the mattress where he will sleep”*.
86. The following morning at 09:00 or 10:00 hours, B S stated he was taken to court by four people one of whom was a civilian and who he gradually realized was intended as a co-accused in his case. When they reached the court the prosecutor started to read the indictment and B S stated his was *“very terrifying to hear”*. He stated he did not know the co-accused. He stated the case related to something that allegedly happened about 2

and half years before somewhere in G. He stated the Judge ordered one month detention on remand for both of them but his lawyer, R G stood up and said, "*you have no arguments, there is no evidence against them*" and he also said there are other measures that could be used instead of detention on remand such as house arrest or reporting at the police station. B S stated they were taken out of the courtroom but shortly afterwards they were called back and in order for house arrest was issued. He stated the when he returned home, there was a terrifying situation in the S family. He stated it was a mixture of happiness and fear and for him the situation was terrifying.

87. B S stated his belief he was targeted by M S as he was trying to build a house on the salary of a police officer and as a result he was in desperate need of money. He stated he subsequently reported the case to the PIK.

88. B S continued his evidence to the trial panel in the session on 4 August 2014. He stated S SH. was with him all the time when the P police called him and had advised him not to go with them that evening. He stated his court appearance as on 5 January 2013, a Saturday. There was him, a co-accused, who he did not know, two police officers in plain clothes and a panel of Judges. His defence counsel, R G was also present.

89. B S stated his case was listed in court again on 27 January 2013 and prior to that R G called either K or A S (he could not remember which) and the injured party would be present on 27 January 2013 and he, "*barely managed to convince the court to hear B S*" because they did not want to hear him.

90. B S stated on 27 January 2013 the police took him to court in P. He stated the alleged injured party was present and gave a statement which did not implicate him at all. She recounted how she had been taken from Pajtimi to Strpce and how she knew many people there but she said B S had done nothing to her.

91. B S stated he was eventually released from house arrest on 2 August 2013. He stated that on 14 August 2013 he went to F and was having coffee in the "*Lamborghini*" café in the

HiB fuel station when M S appeared. B S stated M S said he was very concerned he had been held in prison for such a long time and he was very happy he was released and he said *"I love you and your family"*. He stated he was in a hurry but they should meet again and he gave B S his telephone number.

92. B S stated he, his family and his business were at great financial loss as a result of this entire series of events.
93. Under cross-examination by then counsel for the defendant, M S the lawyer, A I in the main trial session on 25 August 2014, B S stated when, as a director of the "L" company, he was absent abroad he was replaced by his brother, A S who was the *"second owner of the enterprise"*. He also had access to the company's many bank accounts. He stated that in 2012 there was not so much cash in these accounts.
94. He confirmed that on 30 May 2012 he was at the *"Planet"* restaurant in G in a group that included S, the alleged victim in the second case against him when he was on 4 January 2013.
95. B S stated he also knew L.P. and N. P. since 2010 and he had good relations with them. He recalled a party in 2012 when then they were present. B S stated any statements implicating him in human trafficking were taken by force and false. However, he stated his belief he was now no longer *"in the hands of gangs"* but was now, *"in the hands of justice"*. When asked to elaborate he said these *"gangs"* were the defendants present in the court.
96. B S stated during his first arrest, B B directed him the M S's office to seek help. However, he stated M S did not directly ask him for money at that time.
97. B S stated he met with M S again shortly after his release from his first period of detention and this was arranged by X B. He stated B B was also present. He stated in that meeting M S did not ask for money or any other benefit. He confirmed they met again at

his home at the behest of M S as he wanted to speak to B S's father. Again, he stated no money was sought or given at this meeting.

98. B S stated he knew R B and he was a witness in the proceedings to which he pleaded guilty. He stated he works in the Municipality as Chief of Planning. He stated he knew him from their school days and they still enjoy good relations.

99. B S reiterated his belief the cases against him were a fabrication and the accused persons before the court were responsible for this. He also stated his brother's belief B D was involved. He stated he had met him after his release from detention on 27 November 2012.

100. B S confirmed M S did not ask for money at any of their meetings. He stated he eventually reported the case to the police on 14 April 2013 when he gave a statement to the PIK. He stated he only agreed to meet the defendants after that in order to gather evidence against them.

101. B S stated G I ("M") is his nephew and in April 2013 he came to see him and asked, *"What did you do to my uncle?"* He stated *"everything was done through the company S."* and the owner was E A's cousin and *"allegedly he made him make this plot"*.

102. B S confirmed he knew A. D and he is the nephew of B D associated with the *"Bi"* Company. He stated he gave the M vehicle he imported in 2012 to B (and not to A.) D.

103. In response to questions from counsel for the defendant, B B, the lawyer, B S stated he was initially in police custody for two nights and one day. He stated B B recorded his interview and the minutes were read over to him. He confirmed he knew B B through his brother from a neighbouring village and enjoyed good relations with them. He stated that after B B's arrest there no *"efforts or trading in influence"* between him

and his family. He stated he had no knowledge of any threat by B B's family against his family members or against any of the witnesses.

104. B S stated he received therapy in relation to the trauma he suffered. He stated he commenced the therapy after 2 August 2013. B S stated he ran a good business which at its peak employed 70 people but was now in a very bad way and had only 6 employees. He stated he attributed this decline to his arrests. However, he stated his intention to rebuild the business. He stated his family had suffered as a result of the arrests and continued to suffer as they never had any negative involvement with the police.

105. The next witness to testify was the injured party **K S**. In pre-trial he gave statements to PIK on 24 March 2013<sup>6</sup> and to the prosecutor on 27 September 2013<sup>7</sup>. He appeared to testify before the main trial panel on 8 September 2014. However, on the day he was taken ill in the courtroom and was not fit to testify until 16 of September 2014.

106. On 16 September 2014 K S stated he had worked for the "L" company since 2001 and had been at the top since 2013. He confirmed the decline in the company's fortunes since 2012. He stated at its peak it was worth some 2 million euros. He stated the company and indeed the S family enjoyed a good relationship in the community in the K area and they never had any problems with the police.

107. K S stated B S took charge of the company's financial arrangements with banks but he was involved in these processes. He named various people in banks that they liaised with but he did not know the name A S.

108. K S stated in 2012-13 he was using a mobile telephone that was registered in the name of the company and therefore the number was available publicly including to the police.

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<sup>6</sup> Prosecution File 2A at pp 602-609

<sup>7</sup> Prosecution File 2A at pp 566-601

109. K S stated his brother; B was arrested at the end of May 2012. He was informed by their brother A. He stated he went to the police station in F where he met his defence counsel, K but he could not recall his surmane. He stated he could not give any reason for B's arrest and subsequently withdrew from the case but not before saying M S, B B and E A had informed him B had been "*charged very gravely*" regarding the smuggling of human beings as he was. He stated prior to 2012 he had never even heard the name, M S. He knew B B once worked at a fuel station but he had no problems with him and he knew E A as he was a neighbor.
110. K S stated immediately after B's arrest his brother A and brother-in-law, X B were mostly involved in the case. They said had made acquaintance with M S and B B and they were helping with the case.
111. K S stated some 3 months after B's arrest; he met his friend F H in "*F*" restaurant. He enquired after the family and talked about lawyers. K stated since A S and X B were involved with M S and B B in the case he thought it would come to an end. However, he did recall F H saying "M" (aka M S would "*wrap things up very well*").
112. K S stated at the time A S and X B met M S and B B almost on daily basis and they were expecting B to be released any moment. He stated they any time they had a meeting with M S and B B they would meet him too. He stated they informed him M S and B B was going to help B by influencing L P and N H who were both victims at the time. He stated M S and B B asked for money in order to buy computers or iPhones for the Prosecutors.
113. K S stated he believed F H had cousins in the police force and he certainly knew M S. He stated that at a certain point X B and A S advised him they needed money. He stated he gave them 300 or 400 euros but he could not remember which. He stated he regularly gave them money without necessarily confirming on each occasion what it was for. However, he agreed it was to help with B's case. He stated his belief that in total he

gave the sum of of €4,500. He stated he was informed the money was mostly handed over at the “V Fresh” market in F and the rest at the petrol station “Euro-Miti”. He stated some money was also borrowed from B H. and R I and from the bank. He stated he saw A S and X B sitting with M S and B B at Balkan-Petrol having dinner together with B H and that was the first time he saw M S. He stated this meeting occurred after B’s first arrest but he did not know exactly when.

114. The injured party K S continued his testimony on 19 September 2014. He stated he visited his brother regularly in L prison and informed him he had intervened and the case would be sorted by 27 November 2012. On the day he stated he went with his brother and his brother-in-law X B to P where B’s lawyer, R G proposed to B to plead guilty, which he did and was duly sentenced to 2 years and three months imprisonment. He stated this court session had not originally been scheduled for this date. He stated his belief B V and S M had arranged it.

115. K S stated after B was released he called him using A S’s phone and told him not give any money because he had pleaded guilty and K said he would do this.

116. K S recounted how in mid-December 2012 M S and B B came to his family home in Brod village for dinner and some drink and they stayed until midnight and they apologised to his father for the case and said B had been unlucky or unfortunate. He stated this was his first time to be in the company of M S and B B although he had seen them before in the Balkan fuel station. He identified both of them in court.

117. K S then recounted how one afternoon early in 2013 he went to B because B had sold a vehicle there. He stated as soon as he arrived there B was in a hurry to leave because he had spoken to M S who wanted some works done to his house. He stated sometime in the evening, B got a call from the serious crimes police department in P and he called K to inform him of this. He stated B had called M S who advised him, “*if you feel guilty you’d better avoid falling in their hands, if you are innocent, go there as they will do nothing to you*”. He said that evening he and X B went to the coffee shop

“Cosmo” near the health centre. He stated he asked M S what the problem was and could he meet the people looking for his B. He stated M S replied, “*You cannot play with the State like this*” and, “*your brother has done so many bad things, that it would fill a truck and I just took a small bag out of it and concealed the rest. I do not want to conceal things as justice is equal*”. He stated M S was not at work that day but he went in to wait for B, who K S stated he called and he then handed himself in to M S at the Police station in F.

118. The injured party K S resumed his testimony on 30 September 2014.

119. He stated M S said B should go to the police station in F and he would interview him personally. K S stated his belief this was a game to secure the surrender of B S. In the end he said B B went to his home and later B S and X B went to the police station.

120. K S stated his understanding that at the police station police officers from P arrived and asked who B S was and according to B S and X B, M S said to them “*Take him. He’s mine. Help him a little*”.

121. K S stated B was arrested and the next day at around 17:00 M S contacted him directly and invited him to coffee bar “*Lamborghini*” where he said he will help B S “*to his maximum*” but after that and until 21 March 2013 the situation was relatively quiet. He said M S’s son was also present at this meeting.

122. K S stated on 27 March 2013 along with X B he met B B in front of B B’s house in his car. They spoke about B S’s case. He stated this conversation was also recorded in its entirety by PIK who were also observing the meeting. He stated B B stated he wanted the case to be remitted to F as he could exert some influence there whereas only M S had influence in P. He said B B said he would speak with M S the next day in order to ascertain what happened with B S.

123. K S stated his belief M S could do something about the first case involving B S even though B S had already pleaded guilty. He said B had given M a document to help. He said B B had indicated M S was talking to somebody in P about B's case. He stated there would be a re-trial in F where he had influence. He could not recall if there was reference made to a prosecutor called A. He said B B told him he should assemble a certain amount of money but he did not remember the figure.
124. In response to questions from lawyer, A I counsel for the defendant, M S the injured party K S stated at the end of 2011 and the beginning of 2012 the account of the "L" company was empty. He stated B S was company director and A S was his deputy. He stated that following the arrest of B S in 2013 he took over the running of it. However, he stated that following B's S's arrest in May 2012 the company began to experience financial problems.
125. K S could not say how many times after his brother's arrest he contacted A and X but he said it was regularly and each time there were meetings with M S and B B, he was informed by my brothers A and X that they had certain discussions.
126. K S stated he was aware a number of lawyers were engaged to represent his brother but the only one he met was R G. K S stated he was aware his brother was released on 27 November 2012. He stated he had a conversation with lawyer R G that day. He stated the lawyer advised him his brother should plead guilty because at the re-trial he would be acquitted. He stated the lawyer had already told X B the case was a set up and he was framed by the police.
127. K S stated he knew B D and he was the owner of the "Bi" Company. He stated he also knew of the "S" company. He stated he was aware of speculation rival companies had framed his brother. He stated the case was eventually reported to police in March 2013 but he could not say by how. He stated by this time his family had given more than €4,500 to M S.

128. Defence counsel then raised the issue of a loan agreement he had allegedly witnessed between some of the parties in this case. Following submissions by all parties defence counsel eventually withdrew from the case and was replaced amid concerns he could be required as a witness at some point.
129. The injured party K S resumed his testimony on 13 October 2014. In response to questions from lawyer R.A., defence counsel for the defendant, B SH he stated that after his meeting with the lawyer, K at the time of his brother's first arrest X B and A S dealt with the case. However, he repeated his earlier statement they informed him about developments in the case and about each meeting with B B.
130. K S confirmed he personally never gave money directly to M S or B B but he confirmed he gave approximately 300 or 400 euros to A S which he may have spent on going out with M S or B B.
131. K S stated he heard from A S and X B who were there present that B B had approached the prosecutor to assist B S.
132. K S stated at a certain point he took advice from PIK before speaking on the telephone about this case. However, he stated PIK did not advise him what to say in recorded conversations.
133. K S stated his family decided unanimously to report what had been happening to the police in February 2013. He accounted for the delay by saying he wished to gather information before informing the police. He repeated his earlier statement the police did not coach him in what to say but was simply interested in recording the conversations.
134. In response to questions from lawyer, A S counsel for the defendant, S T the injured party K S stated he discussed his brother's with many defence counsels including Mr. R.A.who he instructed when his brother was in house arrest. He stated Mr. A. had advised him there was no case against his client.

135. In response to questions from the defendant, M S in the session on 13 November 2014 the injured K S stated he knew nothing about his promotion within Kosovo police and was not interested in it.

136. In response to questions in re-examination from the prosecutor the injured party K S stated his belief his brother was entirely innocent of all charges against him, the motivation of those who fabricated charges against him was financial gain and he only pleaded guilty because his lawyer advised him to do so.

137. The injured party A S gave two pre-trial statements to PIK<sup>8</sup> and one to the prosecutor<sup>9</sup>. He began giving evidence before the main trial panel in the session on 14 November 2014.

138. In his statements to PIK he states the day when the police arrested his brother B (either 28 or 30 May 2012), his brother A told him he should go and pick-up B's car from the Police Station in F, as B had "*some problem*". He stated he phoned their brother-in-law X B. and along with him that night they went to the Police station in F. He stated as they entered they were not told what happened, they were just handed the keys to B's car and they went home. He states the police officer who was staying at the cabin did not tell them anything.

139. He stated the next day they went with X B to meet his brother K S by the Police station and he told them that he had hired a lawyer named but he stated he did not know much else about B's case.

140. He stated subsequently he, X B and his uncle's son, S S, went to another café where they met B and B D who proposed meeting M D, a brother of B D, to find out more about the case. He stated they met him in "E" café in K. There M D informed

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<sup>8</sup> Prosecution File 2A at pp 815-835

<sup>9</sup> Prosecution File 2A at pp 758-814

them (about B), *“they have taken him because of some women, because even earlier I have heard some few words about him”*, and he also said *“it is pretty bad or problematic, and that no devil (one) can get him out of there, since it has to do with women”*. He stated it was then they understood that the case was about two (2) women named L P and N H. He stated he also heard when B D said to X B, *“Stick to D, because he is the one who do the job”*.

141. He stated at a subsequent meeting in a restaurant called, *“Adriatiku”* a man called A K or “L” mentioned a person called R, who was *“more in touch with M”*. He stated later that evening they met R at a café on the left side of the F-P road. He told them “M” had been here a few minutes ago, but he told them that they could meet him the next day.

142. He stated the next day they went to “Llamburgjini” café in F and had coffee there, and “B” phoned “M” who later arrived and had coffee with “Lindi”. A S stated after a short time M walked away while L came to their table and told them, “things were good, that B. was sent to P”. He stated they went to P, along with L and he told him (A) it would be good to give to M some five thousand (5.000) euros, because only he could *“work this out”*. He stated they came to P where the court hearing was held and before the hearing, in the court he also met M, B’s friend, who informed him he had found a lawyer, T G, to whom the family should give two thousand six hundred (2,600) euros, only for this session.

143. He stated the Court imposed thirty (30) days detention and they went back to F. E route he phoned his brother-in-law, X B and they agreed to meet in “Balkani” restaurant in K. He stated when he went there he saw *“M, B (police officer)”*, and with X B they had lunch. He stated, *“From this day almost every day the police officer B kept calling my brother-in-law Xh on the phone”*. He stated two days later X B informed him B B wanted to meet them in F. He stated the next day in the morning, he and X went to F and met B B took us who took them in his office and started telling them about B’s deeds and told them, *“we also have about 100 more pages to send, but aren’t going to,*

*as now we are going to help you*". He stated then "M" came. He stated B B came out of his office and discussed something with him and then took them to M S's office where they talked with M.

144. He stated M S started telling them it is possible for B to be sentenced to up to twelve (12) years and that, *"they have 100 other sheet to send on B, but we are not going to send them, we will even tear (rip) them off and we'll not send them over, as he appears to be my uncle and I didn't know about it"*.

145. A S stated they eventually went home and after a few days he and X B went to the old "V" supermarked carpark. He stated B B arrived and told them he had crashed M's car (an Audi) and he needed €1,000 to repair it, plus €50 for lunch since he was helping them out. He stated he went to the ATM at the ProCredit bank in F town, where he withdrew €300, and he already had some cash, and went back to the parking lot to X B and B B and told them the ATM would not give him any more money. He stated he phoned his uncle's son, S S and asked him if he could lend him €500 but he told him he did not have it but he would see if he can find it from some of his neighbors who live in F. He stated he called later to say he had gotten the money from his relation, *"Rakip"*. He stated he and X B then met B. SH. two hours later in the again in the parking lot of the old "V" supermarked in F. He stated B SH. again entered in the back of their car and again told them the money was necessary for him to repair M's car. He stated X B gave €1,050 to B B.

146. A S stated the next day B B phoned X B and said they must go to P, *"in order to prove to us that he is engaging in order to help B"*. He stated the same day, he and X B went to the "B" gas station to meet B SH and they drove to P. He stated they went to the prosecutor's office in P and B B went to the Prosecutor B K's and after about 15 minutes B B came back and told them he had spoken with the Prosecutor and that B's case is good. A S

stated then B B said, *“let’s go to the “AAB” college in Fushe Kosovo”*. He stated they went there and just before they entered the *“AAB” college* B B said, *“I need € 300, because I shall pay the semester, so do you have it”*. He stated X B checked in his pockets but he had no money so B B asked him if he had €300, and he stated he gave him €300 but he knew he needed only €280.

147. He stated after B B had paid his fees in *“AAB” college* B B said, *“we are now going to go and see the boss, he meant about M, because he always used to call M, boss”*. He stated they went to a restaurant (he did not remember the name) but when they arrived, *“M saw us and came outside the restaurant and thereat immediately shouted on B, telling him off by saying “why did you bring these guys here”, he was reefing to me and X”*.

148. A S stated after three to five days, B B called again and set up an appointment with X and A again in the parking lot of the old *“V” carpark* in F where he told them, *“we need €1,400, of which €400 for H as he’s got those women in hand, €500 for B and €500 for M”*. He stated they agreed to bring the money in one hour. He stated he had €1,000 of his own while he got €400 from X B and again in the parking lot of the old *“V” supermarket* B B got into their car and X gave €1,400 to B B in his presence and as he took the money he addressed X B saying, *“if something occurs you’ll be considered my blood debtor”*, and he also said, *“if we manage to do all this work, you should pay €15,000”*.

149. A S stated he was also aware B B phoned X B again the next day and asked to meet in the *“Fusha e Pajtimit”* neighborhood in K but X B went alone. He stated after a few days, B has also called X again asking him to meet in a restaurant along the Nerodime road, *“to the Mill”*. He stated this time he went with X B and M and B were there but as they arrived in the parking lot, B B stepped out and addressed him saying, *“you should not come, since M doesn’t want you to be here”* so he went home. He stated X B subsequently told him he gave €500 but he was not present.

150. A S stated when B S had his next session in court, “they” phoned X B again and told him that, “€1,500 should be provided that are to be given to the Prosecutor, a Laptop and 2 iPhones”. He stated he immediately called A S to possibly provide some money and he asked him to come to S. He stated he went there, but A was not able to get the money, so he called “M” who has a gas station in G village road and a driving school and he asked him to lend €1,500 for 2 to 3 days but he did not have it. A S stated X B decided to call “B” who owns the “B P” gas station and they went straight there and X got the money from him and from there they went to F where they phoned B B and agreed to meet but he was not able to go to the meeting because he did not feel well but he stated his belief X B went and, “took the money to them”.

151. A S stated on the day of B’s trial, he and X B, K. and S S went to P. He stated they entered the court building and the lawyer, R G called him and K and they went out and he took them to B and told them, “B should plead guilty, or else it will be protracted for 7 or 8 months there will be no hearing session and yet again he’ll be convicted”. He stated K did not agree with this but he (A) said to B to plead guilty only to get released but B did not agree either saying, “how could I admit it when I didn’t do it”. He stated the hearing session was held and B was convicted with 2 years and 3 months of imprisonment and was released the same day.

152. In his subsequent evidence to the prosecutor, A S repeated the same allegations in respect of handing over money to the defendants, M S and B B and what he believed the purpose of this was.

153. In his evidence to the main trial panel A S stated his is the brother of A, B and K S and their father is B S. He stated X B is his brother-in-law and they are very close. He stated he is a machine operator by profession. He lives with his family in Brod.

154. A S stated SS is his cousin. He stated he knew B H because he owned the restaurant at “B P” and he is related to X B. He stated the “L” company bought all its fuel supplies there.

155. A S stated he knew R A (not I) and H B. He stated M S was an engineer who worked with the “L” company. He stated D D also worked for the company transporting sand as did R V.
156. A S stated he did not know A B, A I or R. S. However, he stated he did know B D, who owned a road construction company and with whom the “L” company regularly worked and enjoyed good relations. He stated he knew R B who worked in the S municipal administration. He stated he knew F H from his home village of Brod. He stated he knew S B as a person who also owned a road construction company and with whom the “L” company regularly did business.
157. A S stated in 2012 and 2013 he had a mobile telephone registered to the company. He stated during this time he was B S’s deputy while still working as a machinist. He stated the company was busy and he had many contracts to deal with as well as B’s “*problem*”.
158. A S stated the “L” company was founded in 2000, was profitable from 2004 and was well known in the local community as it was engaged in lots of projects for public and private entities. It was based in the S municipality. He stated at its peak the company employed approximately 70 employees. However, he stated he could not comment accurately on the company’s financial position when B S was first arrested in 2012.
159. Turning to the issue of his brother, B’s arrests the injurd party, A S stated on 30 May 2012 he was called by A S who informed him B S had been arrested and they needed to take his car from the police station in F. He stated he called X B and they went together to the police station in F.
160. A S stated when they got to the police station they were not given any information about B but simply told to come back the next day and give the keys of his car to take it away. He said prior to this the family had no problems with the authorities.

161. A S stated the next day M, friend of B S's called him and together with X B they arranged to meet at a cattle market in F. He stated M had obtained a lawyer named K. They all met in a café. He stated M spoke separately with K and then informed him and X that B had been arrested for offences involving women and they should go home and wait for his instructions which they did. Later that day he received a call from a man named B (whose second name he could not remember) but who was from S Municipality and owned a company called "Iliria". B stated he wanted to come to A's house with B D the owner of the "Bi" Company. A S stated he rejected this proposal because he did not want the rest of the family to find out B had been arrested. They agreed to meet in a café in S. There he, X B and S S met with B D and B who came.
162. A S stated they asked some questions about B and said they would do everything they could to help him. He said B called a person named M D (who owned a road-paving company called "Euro-Trans"), B D's brother and proposed a meeting. A S stated he knew M from previous construction business-related matters. He stated the meeting took place at the "E" café near the B fuel station on the road to P. He stated X, S, himsel, B and B all attended. M D came later. He stated he knew of the case and that L P and N H were accusing B S.
163. A S stated M D suggested calling A A because "he deals with those girls". He stated B D said, "please do not stick with the uncle because he works there" and he understood this to be a reference to B B who A S then pointed to in court. He also stated B and B told them M knew M from previously, he was a lieutenant in Kosovo police and he was in charge of B's case.
164. A S stated B B and B D's family were related but he did not know how exactly. He stated X B called A A and he went with him to F where they met him in a restaurant called "Adriatik". He stated A A arrived and wanted to contact a friend of L P and N H but he could not. He stated he did not know A A previously. He stated a person called L came and sat at their and stated M S (who he referred to as "M" was in charge of the

case). He stated L was friends with A D . He stated L said he had a friend named R who is a friend of M S and they should talk to him. He stated he subsequently discovered this was a reference to R A and he pointed him out in the body of the court. An appointment was made to meet R the next day. He stated he knew him since childhood and they used to play together but he did not know L from before.

165. A S stated his belief M S and R A were close friends and confirmed in an earlier statement he expressed the opinion they were cooperating.

166. When the injured party A S resumed his testimony on 5 December 2014 he stated the next day himself, Selin and X met R A in a music bar and L spoke to him but he said M was there 15 minutes ago but already left so L arranged to meet R again the next day at the “*Lamborghini*” fuel station near S. He stated the next day L could not contact R so he called M S directly.

167. A S stated when he arrived this was the first time he had seen M S. He pointed him out in court. A S stated M S said he could bring B S there to have coffee. A S stated L told them things were fine but he said they should give M 5,000 euros and he would help them as he could “*get things done*”. He stated he had never met or transacted business with L before and there were no bad relations between his family and M S, R A or L prior to this. He stated L and M S were friendly to each other.

168. A S stated after this meeting himself, S and L went to P where he met M, B S’s friend. He informed him he had instructed lawyer T G who should be paid 2600 euros for the detention hearing. A S stated he made payment this payment.

169. A S stated when they arrived in P they went to the court and paid lawyer, T G . However, he stated B S was remanded in custody and placed in detention on remand for one month. Later that day he stated X B had a meeting with M S, B B and B H at “*B P*”. He was not present but X B told him about it. He stated he told him M S said the thing was done and B S would be released.

170. A S stated there was also a lunch two days later (also at “B P” at which M S, B B and another police officer whose name he thought was N (he could not remember his last name) were also present. A S stated he attended with X B. He had not met nor had any interactions (good, bad or indifferent) with B B or his family before. He pointed him out in court.

171. A S stated M S did most of the talking but he did not say much about B S’s case. A S stated that subsequent to these lunches B B called X B nearly every day. He stated the next meeting was at the the police station. He stated X more or less immediately after each time B B called him. He stated the calls were usually to arrange meetings but nothing was ever discussed over the phone. He said neither he nor X B ever received calls from M S or B B before B’s case. He stated B B called X B as he trusted him as they were related.

172. A S stated three days after Balkan meeting, B B called X and told him to come to F police station. He went together with B B and he met them there and took them to his office. He stated B B offered them juice and stated “we” would remove 100 pages from B’s case file and not send them to the prosecutor. After a while M S came. B B stated he would help B but “*only M can finish the job*”. A S stated his belief that by “we” B B meant himself and M S. He stated his belief they would both ensure his brother’s release.

173. A S stated B B then told them to go to M S’s office which was next door. A S stated as soon as he and X sat he started to talk about B’s case saying it is difficult and he could be sentenced from 10 to 12 years. He also said if he knew earlier that B was his uncle and now he will try to help him. He repeated the assertion he would not send 100 pages to the prosecutor. He stated he and X then left M S’s office and met B B who repeated his earlier claim only M S can help to get B out of prison. He stated his belief this was because M S was a police officer and in charge of the case.

174. A S stated approximately three days later B B called X B and arranged a meeting at the old "V" supermarket building in F. He said that when they got there B B stated /he had an accident with M's car and he said it would be good to help him because he is working on B's case and he asked for €1,000 in order to fix the car. He stated this conversation was held in the parking lot in either his or X's car. He stated B B also asked €50 because he had bought lunch for M S earlier. He said X B saw the damaged car later and told him.
175. A S stated that when B B asked for this money he went to the ATM but he could not withdraw more than €300 so he went back and told this to B and X and B told him to go and try again. He stated he tried again unsuccessfully so together with X B they went to one of A's uncle's but he did not have it so A asked his cousin Si, who spoke to some neighbours and eventually obtained €500. A S stated he then met S, took the money from him and sent it to B B. He said the money was obtained from R A. He had some money himself and he stated he gave a total of €1,050 to B B at the "V" supermarket who again stated it was needed to fix M S's car. A S stated he and X B gave this money to B B because they believed he and M S were helping them to get B S out of prison however he said they found out they were doing the opposite and making things worse.
176. A S stated X and B B spoke by telephone that night and agreed to go to the prosecution office in P the next day. He stated the next day he and X met B B and B D in "E". He stated they went to P and along the way B B annoyed him by turns saying everything in relation to B would be alright and then saying things were at their worst point, that he could get six to ten years but he and M S would do their best for him. He stated his belief the purpose of this trip was to prove that he is working on B S's case.
177. A S stated when they arrived at the prosecution office B B told them to go for coffee and he would meet with prosecutor B K. They had never met her before. A S stated when B returned he said things were great and he could not believe they could be so great but he did not say why.

178. A S stated the group then went to F K because B B had to pay some tuition fees there. A S stated once they arrived there B B asked for €280 to pay his tuition fees in AAB University. A S stated he gave him €300. He stated he felt obliged to pay the money because B B was helping in relation to B's case.
179. A S stated after the tuition fees were paid B B suggested going to meet M S because he was in P.
180. When A S resumed his evidence to the main trial panel on 8 December 2014 he stated this meeting took place in a restaurant (the name of which he could not remember) but on the way there he withdrew €100. He stated as soon as they approached the door of the restaurant, M S saw them, he went pale, came over, blocked the entrance and shouted at B B *'Why did you bring them here?'* He stated B B replied he had met B K and the things were going well to which M S said, *'we will clarify these issues later'*. Then he, X and B B left the restaurant and drove back to F.
181. A S stated after four days B B called X and arranged another meeting at the "O M" restaurant. A S stated when they went to the restaurant B B came out and said M S did not want to meet them and he said to X, *'it is good to have 500 Euros with you'*. He stated that after this meeting there was a further meeting at the old "V" store in F. He stated that earlier when B B told them M S did not want to meet with them and X should have €500 with him, he had given €500 to X. He stated he did not do this voluntarily. X subsequently informed him he handed these €500 to M S and B B that day. He also stated X told him M S told him to go to R B place and to tell him to change his statement.
182. A S stated as soon as he met X, they went to R B and told him this. He said R B replied, *"don't worry when I appear before the Prosecutor I will tell the truth"*.
183. In relation to the old "V" store in F, A S stated B B called X to meet there and X told him and they went to there. He stated when they arrived B B entered their vehicle

and asked them for €1,400. He stated €500 was for M S, €500 for himself and €400 for H B , a police officer who worked in a special unit of Kosovo police in K municipA ty. He stated B B stated H had control over the women that accused B and they would do whatever he said. A S stated these women were L P and N H. A S stated he was under the impression he could not refuse B B's request for money.

184. A S stated he only had €1,000 with him that day so they went to X's B's place and collected €400 more. He stated B B did not go with them but he telephoned X again and they met the "V", store again and he gave the money to B B. He stated X told B B not to call them every day asking for money. He stated in reply B B said that if something happens then they will owe a life to him. He stated B B also said, "*when all this thing is over, you have to give another 15,000 Euros*".
185. On being shown a previous statement A S statement it was definitely him who had handed the money over to B B. He stated B B took the money and he said to X that if something were to occur he would consider X a blood debtor. He explained that by "*something*" he understood he meant that if anything were to be spoken about this and this was a bad thing.
186. A S stated his belief B B and M S had control over the evidence in B's case and could therefore influence the outcome.
187. A S stated that after making this €1,400 payment the next day B called X again and they agreed to meet at "*Fusha e Pajtimit*" by the highway near K. H B was to be present too as the purpose of the meeting was to make the payment of €400 to him which was to be used to purchase a pump for a car. A S stated he did not attend this meeting but afterwards X indicated to him the money was handed over.
188. A S stated there were also subsequent meetings with B B including one at N road at the restaurant "*O M*". He stated he attended this meeting with X and both B B and M S

were there. He stated it was clear to him they preferred to meet with X B and A S stated his belief this was because he was related to B B.

189. A S stated at the first meeting in the “O M ” restaurant he did not go inside but X subsequently told him he gave B B and M S €500 that day and he had given him the money in the presence of B B earlier in the parking lot of the “O M ” restaurant - in the parking lot. A S stated X told him he gave the money to M S and it was for “*expenses*” they allegedly incurred working for B and that he would be released by the end of the month. However, he stated at this time there were no developments in B’s case that month.

190. A S stated the same day they handed over €500 to R B. He stated they called him first and agreed to meet at his house in the village of B. He stated X told him to change his statement. He said M had told them if R B did not agree to do this he and B B would speak to him.

191. A S stated R B felt very bad about giving a statement to the police because he was scared of them. He stated his belief M S and B B indicated they were going to talk to the women. A S stated R B told them, “*don’t worry because when I speak to the prosecutor I will speak the truth*” and this would be of assistance to B S. He informed them what he had stated previously to the police was not true and he had only said it because he was afraid of the regional police in F.

192. In relation to the second meeting at the “O M” restaurant, A S stated again B B called X B to arrange it and when they arrived M S and B B were already there. He stated they all had lunch but no business was discussed.

193. In relation to the meeting at the “O M” restaurant A S stated again this was arranged by B B. He did not attend. He stated X B told him B B asked for €1,500 to buy a laptop and two iPhones for the Prosecutor. He stated his belief the request was made to X on behalf of both B B and M S. He stated he tried to get the money from his brother A

and from a man called M but they did not have it. They then turned to B H who owned “B P” and he gave them the money. From there he stated X called B B and they arranged to meet at “B” which is a restaurant and a fuel station on the way to P from F. He said he was not feeling good so he did not attend.

194. A S stated X told him at this meeting B B told him to go to a supermarket and buy some perfume and to put €1,500 in it. He stated X also told him he did this and they went to meet M. He stated X also told him that when he gave the perfume with the money in it to M S he said, ‘*Do you want to bribe me now?*’ He stated X told him this later the same day.

195. A S stated B’s case returned to court on 27 November 2012. He stated he attended court along with S S, X B and K S. He stated lawyer, R G was present and spoke with him and K S. He stated the lawyer, R G advised B S he should ask for a guilty plea agreement or it would take seven more months and B would still be convicted.

196. A S stated K S and B S did not agree with the stance of the defence counsel because B had done nothing wrong. However, he stated his view was B should plead guilty simply to get the out of the detention centre as soon as possible.

197. A S stated B S and defence counsel, R G agreed to enter a plea of guilty and he would be sentenced to 2 years and six months imprisonment. He said B was taken back to the detention centre but was released the very same day. He said himself and X B collected him the same day and drove him home.

198. A S stated M S and B B also came to his house after B S was released. He stated he was present at the time but he did not stay with them because he was tired of them looking for money. He stated he heard from his father and from X B, M S came to his father to apologise for his son’s imprisonment. He stated his belief they were not invited.

199. A S stated B S was arrested again in January 2013 during the evening but this time the next day he was released into house detention. He stated shortly after B met with B B and M S at “*Lamburgini*” café. He was also present along with X B.
200. A S stated M S spoke about the case related to his brother’s earlier arrest and said there would not be a problem as it would be sent for re-trial and his current house arrest would be continued for two months. However, he also said the second case was “*much more serious*”. A S stated his belief he understood himself and B B would ensure the case was sent for re-trial and they knew the prosecutors and the judges. B B did not speak during this meeting.
201. A S stated B’s lawyer at the time of his first arrest was T G but he was only retained for the first month as M S told X B there was no need for an expensive lawyer. However, he stated the family subsequently spent in excess of €10,000 on legal fees. He stated the entire case affected him very badly. He stated he could not work. He stated he gave PIK bank statements related to withdrawl of monies he had made at the time.
202. When the injured party, A S returned to the witness box on 16 January 2015 he was cross-examined on aspects of his testimony by counsel for the defendant, M S the lawyer A R.
203. A S stated he completed basic education and subsequently worked with machines but he had no financial or commercial education. He stated the “*L*” company was based in S. He said he did not know anything about the “*S*” company. However, he stated he did know this company also bid for a tender “*L*” was competing for. He stated he was not aware of any tensions between them. He stated he knew Kosovo police officer called E A and that he was connected to the “*S*” company but not in what way.
204. A S stated that when B S was not in Kosovo he was *de facto* director and would do whatever was needed to run the company including the financial management of the

company. A S stated the company celebrated ten years of its existence with a party in a restaurant in S. There were female singers but he did not know them.

205. A S repeated his earlier evidence of meeting with M and the lawyer K in a café the day after B's first arrest and how the lawyer K informed him B's arrest was "*related to females*".

206. A S repeated his earlier evidence about the next meeting in Café Bar "*E*" in K, where he met M D, S, ZH, B and B and how M said it would be difficult to ensure B's release. He agreed M had said they should find these women and ask them why they were accusing B.

207. A S stated M said "*stay to the maternal uncle*" and he understood this was a reference to B Dajke, a maternal uncle, because he could help B. He agreed at that meeting nobody mentioned M S or advised against separating from him. He stated L had called M S during the meeting in "*Lamborghini*" café. He repeated his earlier evidence L stated M S had stated he could bring B to have coffee.

208. A S confirmed on the day B S was placed in detention for one month after his first arrest there was a meeting in "*B P*" with X B, B B, M S and B H. He stated he was in P but X called him and said the matter was completed. A S stated X told him lunch was served in honour of B S as he would be released that day.

209. A S repeated his earlier evidence he had no direct phone contact with M S but X B. A S repeated his earlier evidence that after the meeting at "*B P*" he went with X B to the police station in F as B B had summoned them through X. He stated he did not ask to see any of the case papers he referred to there. He stated in total he went to the police station twice.

210. A S stated he was not aware that R A had ever worked at anything but he only used to hang out on the street. He knew he was close friends with M S but he did not

know if they cooperated. A S stated the day he met with M S was the day B B took him and X to a restaurant in P but as soon as M S saw them he came over and became annoyed asking B B why he had brought them there. He did not shake hands with M S nor, he admitted, did he ever give cash to M S personally or promised any other material benefits. However, he stated he always felt very bad after he met with M S and B B.

211. A S stated personally he only consulted with the lawyer E B about B's case once. He stated he did not tell he was giving money to the police in respect of B S's case.
212. In response to questions from lawyer, counsel for the defendant, B B in the session on 26 January 2015, the injured party A S confirmed he was deputy director of the "L" company and managed in B S's absence even though he had not completed high school. He stated he met with and spoke to his brothers regularly about issues related to the company. He stated he had access to the company's accounts.
213. A S stated in 2010 the company threw a party in S to celebrate ten years in business. He could not recall if L P and N H were present. He could not recall another party in "*Planet*" in 2012 in which a lady called S or R B was present. However, he confirmed he knew R B although B was closer to him. He stated he knew R B worked in the Municipality of S but not that he worked in the procurement office there. He confirmed that on the occasion of B's first arrest he requested from R B to testify only to the truth.
214. A S then confirmed aspects of his previous testimony namely the assertion that at the meeting in the restaurant "E" M had stated B was arrested because of some ladies, he should be in contact with D and he had subsequently gone to the police station in F with X B twice. He stated on the occasion when B B showed him papers he claimed were part of B S's case he did not have a chance to read or even touch them.
215. A S then confirmed various other aspects of his earlier testimony including how a meeting took place at the "V" supermarket in F, how he gathered money but how X

actually gave it to B B. He confirmed he was not present at the meeting that took place at the restaurant “*Mull e Ri*” at Nerodime Street but X B told him he had given M S and B B €500. He confirmed he personally had never contacted B B by telephone.

216. In response to questions from the defendant, B B the injured party, A S stated he knew him through X B and he knew they had some kind of family tie but he did not know which one.

217. A S then confirmed various aspects of his earlier testimony including details about a meeting at the “V” supermarket in Ferizaj, at his house in Brod village and at B B’s house where they remained outside in their car.

218. In re-examination to clarify issues that had arisen in cross-examination, the injured party A S stated “D” was a reference to B B and “*sticking to him*” meant rely on him as he could do the deal. He also clarified neither M S or B B had actually shown him documents related to B’s case but he said he felt very bad when he heard there was do many documents in the case against B.

219. A S stated there were a lot of telephone contacts from B B to X B. In particular he stated B B called to arrange the meeting at “V”. In fact he stated every meeting was arranged by B B and he almost invariably raised the issue of money.

220. In response to questions from the presiding Judge, the injured party, A S stated the alleged events concerning his brother that he had just recounted adversely affected the financial position of the “L” company. He said it fell to him the deal not only with all the issues involved in running the company but also with M S and B B who were calling him every day.

221. The witness **X B** commenced giving evidence before the trial panel in the main trial session on 30 January 2015. Previously, he gave statements to PIK<sup>10</sup> and to the prosecutor<sup>11</sup>.
222. At the beginning of his evidence to the trial panel on 30 January 2015, X B stated his father's sister and B B's father are related by marriage. He stated he had worked as a mechanic for 25 years since he left school. He stated he can read and write. He stated he is often referred to by the nickname "Xh". He stated he married B S's sister in 1996. He stated A and K S are his wife's brothers.
223. X B stated he stated he worked for many companies over the years. From 2012 to 2014 he stated he worked for "O" in F and the "L" company too. He stated when he worked with the "L" company he had an oral agreement with B S that he would not receive a regular salary. He stated they intended to expand the company and they agreed he would be in charge of the mechanical department.
224. X B stated he knew all of B S's immediate family and most of his extended family. He stated he had their mobile telephone numbers and spent a lot of time in their company in or from 2012 to 2014. He stated he also knew B H as they had grown up together and he always had his mobile telephone number too.
225. X B stated he only knew R I to see. He stated he knew H B was a police officer from B but only contacted with him once in relation to B. 's case. He stated he knew M S because he is from the same village and they are related. He stated he knew D D because he was from a village close to his and he was a truck-driver who transported sand. He stated he did not know R V, A B, or S B . He stated he knew B D as they had served in the Yugoslav army together. He stated he knew R B and had contact with him in 2012-2013.

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<sup>10</sup> Prosecution File 2A at pp 542-565

<sup>11</sup> Prosecution File 2A at pp 499-541

226. X B stated he and B B were very close when they were very young. He stated over the years they drifted apart but that was not because there were problems between them. He stated contact was resumed when he contacted him in relation to B S's case after he had already been arrested.
227. X B stated B S was the director of the "L" company and he was responsible for everything. He stated within two months of his arrest the business had spiraled out of control as it was impossible to run the company without him. He stated the company was based in S. It was founded in 2001 and initially it only employed members of the S family and was run out of their home. However, he stated by 2012 it owned a half a hectare of land where all its machinery and vehicles were kept. The company also rented some small offices in S. By 2012 he considered the company was worth about a million euros. He stated that prior to the B's arrest the company's value was increasing but afterwards it declined.
228. X B stated lives with his wife and children in his own home approximately 7 km from the S family. However, he stated his own financial situation had deteriorated since B's arrest as this created problems in respect of contracts he was supposed to work on.
229. X B stated he currently drove M but in 2012-2013 he drove a red O "A" or sometimes a VW "G" and/or "T" belonging to A and B S respectively.
230. X B stated his involvement in B's arrests began when he received a telephone call from A S one evening at around 21:00 or 22:00. A informed him B had been arrested and to go to the police station to collect his vehicle. He stated A S did not give him any further details about the arrest.
231. X B stated he and A went to the police station in F and took B's car and they asked the police why B was arrested but they did not give any information. He stated they went for coffee and then home. He stated B's family was traumatized as they never had problems with the police before.

232. X B stated the next day he we went with A to F where a person called M from P called A and they met in a restaurant called, "*K e D*". He stated M was a friend of B's and they had met two or three times previously. He stated M told himself and A he had hired some lawyers for B. He stated some lawyers did then come and discussed some issues with M. However, he stated they were not able to enlighten him as to why B had been arrested. He agreed in his previous statement to PIK in March 2013 he stated M had informed him B was arrested on account of "*some women*". He stated the statement was truthful. He stated M also informed him he would deal with the case together with the lawyers.

233. X B stated that night B D called A S. They agreed to meet in S together with a man called B from XX. He gave evidence B advised them so seek out a person who could explain why B was arrested and he mentioned M D. He stated at this point B D recommended they contact "*Uncle*". He stated he understood this was a reference to B H. He stated B B's name was not mentioned.

234. However, X B conceded that in his statement to the prosecutor in September 2013 he had said the name of B B was metioned and he could be contacted through B H. He stated they are "*both uncles to one another*". He stated he understood B D's reference to "*D*" was in fact a reference to B H and not B B but he admitted this was not what he said in his statement to the prosecutor in September 2013 or to PIK in May 2013. He stated he called B H right away. He stated they met the next day at the "*B P*" fuel station and it was then he was informed B B was working on the investigation.

235. When he resumed his testimony on 10 February 2015, the injured party X B stated he never said it would be a problem meeting B B but rather B H. However, he admitted he signed a statement asserting the opposite. He stated he met B B for the first time at "*B P*" and subsequently had a lot of telephone contact with him. He stated he got B B's mobile telephone numer at the meeting at "*B P*". He stated he met M D at "*E*" also with B D , A S and S S A's cousin. He stated it was M who informed him why B

was arrested and he said he found it strange how he was aware of this. He stated M referred to these people in derogatory terms. He stated he knew B from before through his work as a mechanic. When it was put to him that in his previous statements he stated he did not know him, the injured party X B stated he was ill when giving his statement and he didn't recall knowing him at the time. However, he admitted signing the statement.

236. X B stated the S family was traumatized by B's address and nothing like it had ever happened to them before. He stated B's immediate and extended family relied on him a lot. He stated as also traumatized.

237. X B confirmed the contents of an earlier statement to the effect that later he found out that M is a friend of M S and he told him who the girls involved in the case were. However, he stated he in fact had said he doubted M S had informed M D who the girls were but the words "*I doubt that*" had not been recorded. He confirmed his recollection was better in the present than when he made the statement. In response to a question from the presiding Judge he stated he had not been threatened to deny his earlier statement. He stated he was simply calmer now and had been unwell at the time he gave his previous statements.

238. X B stated he found out from subsequent discussion with friends and finally that M and M S were friends. X B stated his belief M S and B D exchanged their vehicles, an Audi for a Mercedes. He stated the M was purchased by B.

239. When he resumed his evidence to the main trial panel on 23 February 2015 the injured party, X B repeated his earlier claim he was not well when he gave his earlier statements but his statements to the police was more accurate than the one he gave to the prosecutor.

240. X B stated he went to the meetings after B's arrest with A S. He repeated his earlier evidence he met B and M the day after B's arrest. A and S were also present. He

stated at this meeting M mentioned the name A A and advised the S's to meet him as he could arrange for the alleged injured parties to withdraw their statements.

241. X B stated he subsequently called Mr. A and along with A and S S he met him in F. He was present in a restaurant with a person called L who X B had not met before. He stated Mr. A was not aware of the situation involving B S and they had to inform him. He stated A A informed him the injured parties could not be contacted as they had changed their phone numbers and it was then L said M S was dealing with the case. He stated his belief L was related to M. S.

242. X B stated L told them M S was a high ranking lieutenant in Kosovo Police and he may do a favour for L. However, he recalled A A ultimately indicated that he could not help.

243. X B stated L said it was a good idea to go and meet with M S. He stated together with A and S S he and L met him at a live music venue in P on the main road from F to P.

244. X B stated at this venue he met a mutual friend of L and M who told them M had left five minutes earlier. He stated they arranged a meeting for the next morning where A and S would meet M S. X B stated he had already agreed to meet with B at "B P". He stated his understanding L was a friend of M but nothing more. He said it was not until later that he met M S and he pointed him out in court. He stated L did not indicate precisely what M could do to help B S.

245. X B stated the next day he went to "B P" and met with B H. He stated he told him about B's case and this is when B told him B B was a police officer. X B stated B H proposed they ask B B what had happened in B's case and he agreed to do this. He stated B H then called B B. He pointed out B B in the court.

246. X B stated B B invited both of them to F. He said B went there and then phoned him and asked him to go back to “B P” and when he got there B B and M S were both present but he did not know who M S was at the time.
247. X B stated B B approached and told him B was in trouble and could receive a prison sentence from 6 to 10 years. He stated he also said M was on the phone speaking with prosecutor, B K trying to help B by releasing him. He stated he recalled B B referring to M S as a friend.
248. X B stated the group sat down and began to talk. He said M S stated words to the effect B had become “*more than a Serbian*”. However, he also stated he would help as B was related to B and the prosecutor promised B would be released. He could not recall if B H was present.
249. X B stated the group had lunch and during it he had a conversation with B B who told him M S skilled and capable. When reminded by the prosecutor of a statement he gave to PIK in March 2013 in which he stated B B pulled him aside and told him M S is an old wolf he will help B S but maybe he will ask something in return X B stated he could not recall these specific words. X B stated he told B B there was no problem about this.
250. X B stated he did not pay any money to anybody in consideration of anything that day. When pressed he stated he was not even sure if B B was referring to a legitimate or illegitimate payment but later realized it was “*a fraud*”. He could not recall if an amount was mentioned by anybody either. He was confused about whether the prosecutor was referring to payments to the B B and M S or to T G. However, he admitted he never received any receipts for payments he allegedly subsequently made to them. When pressed by the Presiding Judge the injured party X B stated he made some payments to police officers between May 2012 and March 2013.

251. When he resumed his evidence to the main trial panel on 24 February 2015 the injured party, X B stated he was surprised when the persons who arrested B S offered their help to him. However, he stated he was also surprised when he went home and was informed B was not released. He stated the lunch was long and he could not recall everything M S said to him. However, he believed it was B B who subsequently called him to say B's detention had been extended. X B stated prior to this meeting in "B P" he had no involvement with B B and/or M S good, bad or indifferent.
252. X B stated A S told him, L met with M S during the time B S was being brought to P. He stated prior to the meeting in "B P" he never had any contact with M S.
253. X B stated the next day himself, A S, B B, M S and one of their colleagues (whose name he did not remember) met again at "B P". He could not recall who had arranged the meeting but when it was put to him he had previously stated B B had arranged it he agreed this was true. He went to the meeting with A S. They met at "B P" again. X B stated M S, B B and one of their colleagues were all present. He stated the group discussed B's case.
254. X B stated one of the topics discussed was in relation to helping B, if there would be money asked for, who would guarantee this payment. He stated B B and M S asked this from him. He stated no official paperwork was referenced in relation to this but the figure of around €4,000 was mentioned. He stated neither B B nor M S discussed the procedure by which B would be receiving help for this money.
255. X B stated he and A S also received a telephone call from B B inviting them to meet him at F police station the next day. He stated they went and when they arrived and B B served them a drink and told them to write a request "to the chief", because he would help them. He said M S was not there then but he came later.
256. X B stated there was a discussion with B B about B's case. He recalled B B showed him a CD and stated it would be bad for B if its contents were revealed.

However, he recalled he said, *“that B is in very bad situation that we have not sent the half of thing; chief is helping a lot, because of me when he says that he will not never present these things that are in the cd and we will burn them”*

257. X B stated B B also said, *“Now I know that he is your friend, and now the chief (M S) is reasing that he is the uncle of his father”*. He stated B was in a bad situation but the chief will help him and facilitate his case. X B stated his belief this was a reference to M S. X B stated B B said B could be facing 6 to 12 years imprisonment.

258. X B stated when M S arrived they went to his office. He stated M then referred to the family relationship too and stated they would not send to the prosecution the CD of evidence referred to by B B earlier. X B stated neither B B nor M S asked for anything in return for this at that point.

259. X B stated from the time they arrived at the police station until the end of their visit B B referred to the need to appreciate M S as he could accomplish a myriad of things. He stated he was there to help and was very powerful. He stated M S and B B both promised they would help. He stated M S said they would do *“whatever is needed”*. He stated he was under stress but had *“a certain trust”* in them as they were police officers.

260. X B stated a man called N entered M S’s office as they were leaving. He stated he was also a police officer. He stated after this he and A S went home. He stated they talked and were optimistic M S and B B would help them.

261. X B then stated 3-4 days after this meeting he received a phone call from B B proposing they go to the prosecutor in P. However, when shown a copy of an earlier statement he agreed he in fact called to arrange a meeting at the old “V” supermarket in F. A S went with him. He stated B B told them he had an accident in M’s car, an Audi A4. He asked for €1,000 to fix it. He agreed that in a previous statement he had said he was asking for the money since he was helping in B’s case. He stated he did not see

either the damage or a receipt for the repair. He stated A also gave B B €50 for lunch. X B stated they didn't have €1,000 with them so A withdraw €300 or €400 from the ATM but he did not know where he got the additional €600. He said they gave €1,050 to B B in A's car at a subsequent meeting at the old "V" supermarket. He agreed he was correct in his previous statement when he said B took the money and said they shouldn't worry because this issue will be solved and that he meant it. He also stated he was correct in his previous statement when he said the money would not be wasted and he was helping B. He stated he did not consider paying the money. He stated he did not get a receipt for it either.

262. X B stated he met with B B again a couple of days later in "E M". He stated the meeting was arranged by B B and he and A collected him there and went to P. He stated M M and B D were also at in "E M". He arrived with A in his VW Golf 5. A drove.

263. X B stated B B informed them he would go and ask the Prosecutor to work on B's case. He stated when they got there, on B's instructions, he and A stayed in the café in the prosecution building while he went to speak to the prosecutor, B K. He stated the only previous occasion he heard this name was when M S spoke to her on the phone at their first meeting at "B P". He stated he did not see B B speak to the prosecutor.

264. X B stated B B returned to them at the end of their visit and said "*things are not bad, it's okay*". X B. stated he, A S and B B then went to University AAB. He stated on arrival they entered the building, B B went to the registry but returned to them shortly after and asked for €300 to pay for that semester's tuition fees. He stated A gave him the money. He stated the fact B B was helping with B's case, "*was always constant factor but mainly money was given to register the semester*". He could not recall any agreement the money would be repaid.

265. X B stated when they had finished at AAB University B B suggested the group go to a restaurant in P where they met M S. He stated when they arrived at the restaurant B entered, he and A S approached to the door but M immediately came out and shouted at

B B asking why he had taken them to that restaurant? He stated B B went pale and looked uncomfortable. He stated at this the group went back to the car and returned to F.

266. X B then agreed with the content of his statement of 24 March 2013 in which he stated, *“Yes, after several days, B phoned me and told me to meet M near the “O M”*. He stated this was a restaurant in F. He stated he went to the meeting with A S but when they arrived there, *“upon the request of M; A was asked not to take part in the meeting”*. He stated B B informed them of this. He stated B B also reminded him he should have some money with him, at least €500. He stated A S gave him the money and then left.

267. X B stated he then went inside the restaurant and M S was there. He said he was told there was a need for €500 for *“expenditures”*. He stated both B B and M S informed him of this and said the money was to pay for lunches, to pay different people and other expenses. Again, he stated he did not get a receipt for this money.

268. X B agreed with the content of his statement of 24 March 2013 to the effect B said *“A is B and B is A”*. He stated A B was B B’s brother. He also agreed R B was a witness in B’s case. He stated, *“he is B’s friend since elementary school, and before B was caught; R was caught, M and B; and he gave a statement in relation to B”*.

269. X B stated M S said to him, *“if R would amend a little bit his statement he will help a lot to B”*. X B stated he replied, *“No problem, I will go and talk with R”*.

270. X B agreed with the contents of his earlier statements to the effect, *“M told B that you were tasked to find those girls and ask them to change their statements”*. He stated M S said he would deal with the Prosecutor, the court and other issues in P.

271. X B stated he felt badly treated and insulted at this meeting. He stated he resented the way B was associated with B B’s brother in a false way and he was made to feel *“like someone who doesn’t know how the world works”*. He stated it was obvious to him B B and M S had contrived and staged the entire incident but he stated he could not object

even though he wanted to show he was not weak. He agreed he felt humiliated. X B stated the contrived nature of this meeting aroused his suspicions that somebody was trying to take advantage of him. He agreed he had handed over money on a number of occasions and B S was still in jail.

272. X B stated after the meeting at the “O M” restaurant he had a meeting with lawyer T G. X B also agreed with the contents of his statement dated 26 September 2013 to the effect M S advised him, “*to have R call him, M, directly; if R was afraid*”. X B stated his belief this was in relation to the statement he gave about B’s case. He stated R B lived in the village of B and he and A S visited him there.

273. X B stated R B was very much stressed and he said that- “*the statement he has given, was under his control*”; and when questions were asked by the police he said that “*they yelled at me*”, and as he stated, “*I lost my control somehow; and what the police stated, I have admitted. Whereas, when I go to the prosecution, I will not be afraid of anyone and I will accept the statement as mine, but not the question and the answers*”. X B stated R B stated he would not admit the question and the answers which were written down in the statement.

274. When he resumed his evidence to the main trial panel on 25 February 2015 the injured party, X B agreed with the contents of his statement to PIK of 26 of September 2013 to the effect R B lied in his previous statement to the police about B. He stated R B told him the investigating officers from F had put pressure on him and he was scared. X B stated R B told him and A he was contacted by the police and he went to them to give a statement on the same day B was arrested.

275. X B stated one or two days after this conversation with R he received a phone call in relation to a meeting with B B. He stated they subsequently met at the old “V” supermarket in F. He stated he drove there with A. He stated they met B B in the carpark at his suggestion.

276. X B stated when he met B B he told him M S “*is on the other side of the premises, 500 euros was needed for M, another 500 for B and another 400 for H*” and this was to solve B’s problem.
277. X B stated B informed him H was a special police officer who used to be a friend of his. X B stated H was not there but M S was present in another premises, on the other side of the parking lot. He stated he knew H from before. He agreed he had previously stated H knew the two complainants and could approach them to change their statements.
278. X B stated this latest request for money gave him a feeling of optimism that something was to be done for B by M S and B B. He stated neither he nor A had this money with them at the time. He stated they were forced to borrow it but he could not recall from whom. He stated the donors were not informed of the reason they needed the money. He stated S. S. was also involved in collecting the money.
279. X B stated he arranged with B B the money would be handed over in the parking lot of the old “V” supermarket in F two hours later. He stated he felt he could not resist the request for money because it was to help B albeit he did not know how M S and B B would help him. He stated giving money like this was a reality of life in Kosovo. He stated his belief if he had not given the money assistance would not have been forthcoming. However, he stated at the time he did not think of it as a bribe. Even now, he stated, he believed it was to cover the officers’ expenses. Specifically, he stated his family and B B’s family were related for fifty years and it was in this context that he paid for his tuition fees.
280. X B stated prior to B’s arrest he had no adverse relations with the police much less ever paid them money for anything. He agreed with the Presiding Judge he believed if he paid these sums of money to B B everything would be solved. He stated A S gave the €1,400 to B B on this occasion. X B stated they met with B B again the next day and went to Restaurant “*Beni*” in K. He stated H was also there.

281. When he resumed his testimony on 26 February 2015, the injured party X B stated B B had called him to arrange this meeting. He stated B B spoke about a pump which was working well and to him this was a reference to the €400 he had given to him for H earlier. He stated neither B B nor H gave him a receipt for a €400 Bosch pump.
282. X B stated he could not recall having a conversation with H about how B's case was going. However, he agreed he was under the impression he was there regarding the assistance for B that was mentioned earlier. He agreed with the contents of an earlier statement to the effect B B repeatedly told him B H. did not know anything about the fact that he and A gave him money. He stated it was not explained why this was so but he stated it was agreed to keep the payments secret.
283. X B stated a couple of days after the meeting in "*Beni*", he received another call from B Sh. He stated this was a call to arrange a meeting at "*M i v*" or "*O M*" restaurant. He stated there were a number of meetings here with M S and B B but A S was not always present. He stated M S and B B were present there was a request for €500. He agreed with the contents of a previous statement to the effect he gave B B €500 in cash in front of M.
284. X B stated there were four or five similar meetings in the "*O M*" restaurant and M S and B., B were always present together. There were never any strangers present. He stated they would discuss B's case and say they believed at the end of the month they believed B would be released but M would also say, "*I can never guarantee 100 percent*". He agreed in a previous statement he had stated they said, "*it is our job, and we have Prosecutor and this is what we do*". He stated the prosecutor was B K.
285. X B stated after T G the family retained lawyer, E B to deal with the case. He stated this was because T G for one court session requested €25,000. He stated M S stated there was no need to pay this much money. X B stated E B was the only other lawyer he knew. He stated M S approved of this choice. He stated he spoke to M S about his issue as he believed he was helping him.

286. X B stated at around this time R B was summoned to testify at the prosecutor's office. He stated he went to P together with A and R. He stated R went to the prosecutor's office and gave his statement and after he joined them for coffee. He told them everything was fine and he told the whole truth in relation to B's case.
287. X B stated A S paid E B €2,000 and got a receipt for this. He stated he was not happy with his performance. He stated E B informed him the Prosecutor phoned the alleged victims several times but they did not answer.
288. X B stated at this point he telephoned B B and he told him to meet at the restaurant "Nukodime" road in F. He stated M S and B B were there. He stated they referred to the two complainants and said, "*There seems to be a problem, but it will be resolved as we would find them somehow*". However, he stated they also told him to remain calm and they would deal with the problem.
289. X B stated he spoke on the telephone with B B the next day. He stated he informed him the victims had been found and to go to B's house to talk about this. M S would also be there. He stated A S dropped him there and then left.
290. X B stated at the meeting M said, that they have found the victims and "*since the job is almost done, let's not spoil it just for a little bit*". He stated by this he understood the alleged victims would give statements and B would be released. He stated he was informed B K got sick and would be replaced at this interview. He stated B B said the new prosecutors needed two iPhones and one laptop as a "*reward*". He mentioned the figure of €1,500. He stated he would tell him when to hand it over. He stated this was only a few days before B's detention on remand was due to expiring. He stated he left with A to get this money. He stated he felt he was obliged to get it out of fear of what was going to happen to B. He stated he was stressed and afraid.

291. X B stated he and A S made some phone calls to friends but could not find the money. He stated eventually they went to "B P" and got the money from B H. They did not explain to him why they needed the money.
292. X B stated around this time A S became unwell. He stated he went back to B B's home and went to meet M S at "B ". He stated on their way they stopped at a grocery store, where he bought a pack of cigarettes and B B bought a bottle of perfume. X B stated B B advised him to put the €1,500 into the perfume box and, when told, to give this to M. He stated they they went to "B " and met M who said *"things were settled up in P "*. He stated B B then indicated to him to hand over the box which he did by putting it on the table, whereupon M took it, he opened it, and said that, *"now you want to corrupt me as well"*. He stated at that moment M S called one of the victims and said *"don't turn this phone off tomorrow because I will send one of my employees to send you to P in order to give a statement in front of the Prosecutor"*. He agreed with the contents of an earlier statement to the effect he had asked B B why the money had to be in a box and he had replied *"this needs to be done"*.
293. X B stated the secretive way the money was handed over and M S's words gave rise to a suspicion there was something untoward going on. He stated A S was not present at this time. X B agreed with a previous statement to the effect during the meeting he said he had spoken to the lawyer, E B who had said *"the things are all right"*.
294. X B stated on the next day E B went to the Prosecutor's office to listen to the statement given by the victims. He informed him he had spoken with M S and he is also helping a lot with issue of B.
295. X B stated M S told him he would be in P to see what was going on in terms of giving the statements. He stated later the lawyer, E B phoned him to say things went very bad in P in relation to the statements. He stated he was in the car with A S when he got this news. He stated he did not tell A as he was already very stressed. He stated he went straight away to B B's house where he and M were playing chess. He stated he told them

about the call from the lawyer. He stated M said he had no comment now, B got angry and said H had betrayed them. X B stated he stayed there for another ten minutes but he was rather stressed and he moved away from there.

296. X B stated the issue of the €1,500 came up and M S stated this money was spent and for the moment he did not have it. He agreed with the contents of an earlier statement to the effect M S said the money was spent on *“fixing things, but one betrayal put down on the water everything”*. He stated M S said something had happened with H and E (an officer of inferior rank in M’ unit).

297. X B stated his belief he was under the impression the alleged victims would change their statement to such an extent B would be released 100% and H was supposed to ensure they did so. X B stated after this conversation he went home and he knew B’s detention on remand would be extended. X B stated A S subsequently discharged lawyer, E B from his position and he hired R G.

298. X B stated it was during this period of B’s incarceration that the *“L”* company’s fortunes began to significantly decline. He stated B D told him he didn’t even know M S whereas M S and B D had exchanged their vehicles within four or five days after B’s detention was extended for two more months. X B stated his belief B S had not committed any criminal offence and his arrest and imprisonment was stated to obtain money and to adversely affect the fortunes of the *“L”* company. He stated his payments for one month alone were around €4,700 not including additional expenses for fuel and other things.

299. X B stated after a certain amount of time handing over money in the form of payments and other expenses he started talking to his friends and he understood *“it is a very big game going on”*. He stated his suspicion the friendship of M S and B D lay behind this. He stated he knew they were friends when B D gave the car to M S. He said he was not aware of the company’s arrangements with local banks but he subsequently found out from B that M S’s brother worked in a bank. He stated his belief B was

targeted because of the wealth of the company. He stated after B's arrest the company had problems with B D's company. Previously, they had been cooperating but after B's arrest some of "L's" machinery remained with them and B D did not return it and was using this equipment. He stated B D "*turned against us and used us*".

300. X B stated after B's detention was extended he felt there was no progress for five months and he felt he was cheated by B B and particularly M S. He stated his belief people in F were afraid of M S and used to go away whenever his name was mentioned.

301. X B stated between May and November 2012 there were further contacts with K S to resolve the case. He stated he also received further calls from B B. He stated he never refused his requests to meet as they were related.

302. X B resumed his testimony on 31 March 2015. He stated at court only K and A spoke with lawyer, R G outside and they talked with B and the session did not take place at all and B was released. He stated N told him neither B nor she were guilty. He stated she didn't know who the policemen who arrested her were.

303. X B stated B told him the advice from his lawyer was he would be released if he pleaded guilty. X B stated during the same period of time he had a conversation with a neighbour called M S who informed him he saw N, M S and B B sitting at a table in "B P" before B was released. X B stated he did not notify B B and M S of B's release because after their initial, earlier efforts to have B released failed he had no more contact with them.

304. X B stated later on B S told him M S called him to take a look at a house that he was painting, "*and make an agreement*". He did not recall the "*L Company*" ever doing any painting or construction for M S before that phone call to B. X B stated he understood they had agreed to meet and see the house but B got delayed by somebody who wished to buy a vehicle and then later on he received the phone call from P police. He also stated B had called M S and asked why did the police want him and M told him

he did not know anything about this issue but if he had not done anything bad he should call them back.

305. X B stated then B phoned him and told him K was on his way and they were to meet M S in F. They met at a café in F. B B was also present. X B stated at this meeting M S again said that if B did not do anything wrong he should go and meet the police but if he was scared he should go to his office and he would make some calls because if he has not done anything wrong nobody can take him.

306. X B stated he then called B B who met them and they went to M S's office. He stated two persons came from P, a man and a woman, and they asked B some questions about whether he knew a Serbian lady in G. He stated M S again told B S not to be afraid if he did not do anything wrong. He stated B stated he did know this lady. Immediately B was arrested. His lawyer, R G was called. The police took B S to P.

307. X B stated when B said he knew this woman M S asked "*what we can do because he is his father's uncle?*" He stated he, A, K and S went to P. He stated B was taken to a detention centre and after some time the lawyer came out and he told them B was to be kept in detention on remand that night, and that there would be a hearing session the following day.

308. X B stated when the hearing session was held it turned out that B was not charged by anybody. Furthermore, this Serbian woman, she only knew his name as B and she did not know anything more about him. However, he stated B was placed in house detention.

309. X B stated three or four days later K S, M S and he met and had coffee at "*Lamborghini*" bar in F. He said M S told him there was no need to say anything and that he will try to help B.

310. X B stated within a couple of days or so, there was another meeting at "*Lamborghini*" between himself, A S, M S and B B. They had coffee and again M S said

he was taking care of the case. He did not say what specifically he was doing but he said he wanted to help because of his family ties. He could not recall anything B B said.

311. X B stated he also met M S and B B in a place called "*Freskia*". He repeated his claim he was trying to help and that the case was to be transferred to F. He indicated his efforts in P seem to have failed. X B stated neither M S nor B B asked for money in any of these meetings in "*Lamborghini*" or "*Freskia*".

312. X B stated there was also an accidental meeting at "*Lamborghini*" around August 2013 where he was present with B and M S came by and greeted them. He stated M S said was good B was released as he was afraid of what would happen to him.

313. X B stated M S said he had tried to help B. They exchanged their phone numbers. He stated B's charges were still pending and unresolved at this time. He stated he had also met both of them by chance earlier in August at "*B P*", He stated they had a normal conversation during which M S asked if B was working.

314. X B stated he had not received any pressure or threats he considered inappropriate in the case. X B stated he was "*a bit uncomfortable facing with B in this case*". He stated the police had offered him protective measures but he refused. He denied he considered B B a danger to himself and his family. He denied that since B B, M S, B V and S M were arrested in September 2013, he received a lot of unwelcome phone calls in the context of this case.

315. The injured party, X B was cross-examined by defence counsels in the main trial session on 21 April 2015.

316. In response to questions from counsel for the defendant, M S the lawyer, A R the injured party, X B stated, for health reasons, he was driven to his interview with the prosecutor by B S. He stated the prosecutor asked him about his health condition and he replied he was not well enough to make a statement. He stated he accepted the

prosecutor's offer of repeated breaks but he did not inform him he might be inaccurate and this could cause problems at the main trial. He stated he also informed the prosecutor it would be hard for him *"to appear with my people in front of the court"*. He stated he also informed the prosecutor he was sick and taking medication.

317. A R put it to the injured party, X B in the main trial session on 10 February 2015 he said the statement he gave to the Prosecutor was 20 percent untrue. X B did not confirm this percentage but admitted he might have forgotten some things at that time because of his medical condition. He stated the contents of his statement were true but he might have been some things absent from it.

318. A R put it to X B he had stated that when B D told him to call D he had immediately called B H and it was only later B D explained D is B B. He asked if this incorrectness was a result of his medical sickness or he just did not remember. He stated it was his genuine belief as he usually addressed B H as D.

319. X B confirmed he had an agreement with B S in relation to the running of the "L" company since 2001 but this was never formalised. He stated he never represented himself as a co-owner of the "L" Company but rather as a friend or brother-in-law of the S family. He stated he was a close friend of B S's even before he married his sister. He enjoyed a strong relationship with him.

320. X B agreed he knew S S and her family. He knew her brother G F. He stated he knew he had killed a person and was arrested and charged by M S. X B stated as far as he was aware he was categorized as an injured party from the beginning of the criminal proceedings.

321. X B stated the company "L" had main offices rented in S from when it was founded by he did not know when it left these. He said his responsibility was more on the machines not administration. He said most of the company's machines were second-

hand. He stated an asphalt-scraper in particular was purchased second-hand from Germany.

322. X B stated M S came into possession of a M vehicle that previously was the property of B S through a swap arrangement and some money was also involved.
323. X B agreed he had attended the tenth anniversary party of the "L" company in S. He stated there was music and dancing but he did not know the dancers. In relation to the meeting with M in "F" after B's arrest X B stated M simply told him and A to go home and wait. He said it was possible he also told them not to talk to anybody.
324. X B stated the purpose of the meeting between him, A S and M D in "E 92" in K was to ask if he was aware of anything to do with B's case if he could get something done. X B stated his belief it was "*in relation to the girls*". He stated M D suggested meeting with A which he and A did.
325. X B agreed he understood that M D was a friend of M S's from the time when a deal was struck between him and B D in relation to the car that used to belong to B S. X B stated that from the moment M S told him he knew M he suspected M S told M about B's case.
326. X B stated he did not ask defence counsel why B was initially arrested as the family had limited contact with him. He stated he and A S went to the police station to collect B's vehicle but they did not meet with B B and M S.
327. X B stated on his second visit to the police station (three days later) M S and B B behaved normally, even good. X B stated A A is not a police officer. He stated M D told them A A knew the girls who had made a complaint against B and they went to ask him the reason for Bidajest's arrest. He agreed he already knew why B was arrested but he believed would know the specific allegations. However, he stated A told them those girls changed their phone numbers very often, and he was not able to talk to them.

328. X B stated at that time he was not aware of the statements of these two. He stated he did not speak to defence counsel about them and was not aware if they were telling the truth. He only knew their names and did not have any other information.
329. X B stated he had mostly communications with B B in 2012 and M S never called him. He could not recall if he had called M. S in June 2012 though.
330. When asked if M S asked in person for the money to repair his vehicle, the injured party, X B stated he did not but after the money was given M S and B B showed him the vehicle was repaired. He confirmed M S was not present when the €1,050 was handed to B B. He repeated his earlier allegation the amount of €1,500 was given directly to M in a perfume box.
331. X B stated he and A S had to borrow a lot of the cash they gave to B B and M S because they had a lot of their money tied up in investments and no ready cash-flow.
332. In relation to occasions where he was informed M S was speaking with or had spoken with B K he stated he did not take the phone to confirm this. He claimed he had not previously been asked and he never thought of telling that during one meeting M told him about this conversation with B K.
333. X B repeated his testimony namely after paying B B's tuition fees in AAB University they met M S at a restaurant but when M S saw B B he got mad and said "*you didn't have to come here*".
334. X B stated when B B subsequently asked for €1,400 he did so in cooperation with M S as agreed in a previous meeting. He stated when the money was handed over M S was in a nearby building approximately 2-3meters away. He stated he did not actually see him until the next day.

335. X B repeated his earlier evidence that at the end of June 2012 when B S's detention was extended he realised the family was being deceived and they resolved not to hand over any more money. He stated he did not tell defence counsel he was giving money to the police.
336. X B stated his belief B B is a relative and it was not his job to help him with B's case whereas it was M's job to help. In relation to one of the meetings at the "O M" restaurant he stated it was arranged by speaking to B B but the purpose of the meeting was to meet him and M S.
337. X B stated he gave €500 to M S because the transaction took place in a public place, namely "EM" and it was necessary to conceal the money. He stated he subsequently spoke to members of PIK and informed them of B's arrests and the alleged reasons for them.
338. When the injured party, X B resumed his cross-examination on 23 April 2015, he stated he did not keep a written note of how many times he gave money to M S or B B.
339. X B stated he was present in the court room when B S pleaded guilty. X B stated he did not remember exactly who told the family why B B was arrested but he stated the family understood later on. He stated he did not know himself why he was arrested and later on the family found out through others. He stated as far as he could recall the police did no search B's house much less provoke or maltreat his family during either of his arrests.
340. X B the witness Mr. R B went on his own to the prosecutor's office. He himself went in too but in a separate vehicle. He stated when they arrived R Bajarami entered the prosecution and after he finished he went outside and they had coffee during which time E B came out and they met him. He told them the alleged victims were summoned by the Prosecutor but did not attend. R B told him he did not accept questions and answers but

simply “accepted my free statement”. He stated he did not know he was not allowed to discuss these issues with a witness in the case.

341. In response to questions from the Presiding Judge the injured party X B stated when he gave his statements to the prosecutor he was unwell and had gaps in his memory but he agreed these related to certain details and not the main facts of the case. He stated they did not relate to, “*something of high importance*”. He stated he felt he did not need psychiatric or psychological care.

342. The witness A S commenced his testimony to the main trial panel also in the session on 23 April 2015.

343. He stated he was a carpenter by trade and had worked for the “L” company. He stated he was married with four children. He stated he finished high school in 1990. He stated he started working for B S in 2009-2010. A S stated he gave truthful statements to the police and prosecutor.

344. A S stated he did not have any income as the company was no longer functioning. He stated prior to 2012 when B was arrested it was very successful. He stated he earned €500 per month. He was employed as a supervisor of employees in the company’s road construction, sewage, asphaltting and public and private construction business.

345. A S stated he did not know B H. He stated he knew R I as he used to live in the same village and they had good friendly relations. He stated he did not know H Bunajku or M S. He stated he knew D D and B D. He stated he knew R V. He stated he did not know A I but he could not recall if he knew R S.

346. A S stated he knew R B as he was from B. However, in relation to B’s case, he stated he did not know a person called M. However, in the same context, he stated he did

know a person called and had good relations with him. He stated he did not know L D. A S stated prior to May 2013 he had not heard of M S, B B, V T and R A.

347. A S stated he recalled the time of B's arrest in late May 2012. He stated his belief the first arrest was on 30 May 2012, he was released on 12 November 2012 and the second arrest was on 4 January 2013. A S stated initially the family did not know the reason for the first arrest but found out later on. At the time he stated he was more concerned about dealing with the company's matters.

348. A S confirmed he gave a statement to Kosovo Police on 17 May 2013. He confirmed in it he had stated he was told by his brothers that "*E and M arrested him*". He stated he knew E but not M. S.

349. A S stated until B's arrest his family never had any negative interaction with the police, prosecutor or courts. He stated B's arrest had a terrible on his your family. He stated he took over B's work. He stated A had a role but he mainly dealt with B's case after the arrest. He stated K S and X B were also "*running after B's case*".

350. A S agreed with the contents of his statement dated 17 May 2013 to the effect K , X and A were in contacts with the lawyers of the case. He stated whenever he asked them for details about the case they always told him B will be released today or tomorrow.

351. A S recalled that in June 2012 he had a phone call with A S in relation to some money. He stated he needed €1,500 but he could not get this amount of money so X and A got the money from somewhere and later he got €1,500 from his uncle, B S and returned it to them. He stated he told them the money was for B's case and if they give the money he will be released. He stated he was not told who it was eventually for nor that it was a bribe.

352. However, when shown an earlier statement he agreed A S did tell him the money was intended as a bribe for the release of B. He was not aware if, prior to B's arrest, any

members of his family socialised with any of the defendants or owe money or some other goods to them. He stated he did not know but he did not believe that there were any bad feelings between them either.

353. A S stated A S and X B gathered money for payment of B's lawyer. He stated he was not told the precise details, or of payments to B B and/or M S but for sure A S and X B would know better to whom they gave money. He could not recall if he had been told about a payment in respect of an automobile accident.

354. In response to questions from counsel for the defendant, M S the lawyer, A. R and A S stated he did not register his employment with the "L" because B S dealt with all administrative issues. He did not know if any other companies in the region went bankrupt in the years 2012 and/or 2013. A S stated his belief that B got arrested with M' order and also with E's and that they were on duty because they could not perform any arrest privately.

355. The witness M S commenced his testimony to the main trial panel on 27 April 2015. He stated he was seventeen years old. He stated he understood the difference between telling the truth and a lie.

356. M S stated B S is his father, K S is his uncle, as is A S, whereas X B his father's brother-in-law. B S is his grandfather. He stated SS is his cousin.

357. M S stated he stood by his previous statements to the police and prosecutor. He stated in the years 2012-2013 he was not working and was supported by his father who worked with the "L" company in S. He stated he has a close relationship with his father. However, he also stated that from 2012 until now he was in frequent telephone contact with his grandfather and uncles.

358. M S stated he did not know B H, R Y or H B . However, he did know M.S. as he had worked with "L". He stated he also knew D D as he had also worked at the company.

He stated he knew R Boglici as a friend of his cousin S's and he described him. M S stated he did not know A B but he did know R S, B D and R B.

359. M S stated he knew M S and B B. He stated he knew R Ajavazi and S T but only by name and from the courtroom. He stated he had never socialised with any of these persons nor was he related to them.

360. M S stated he recall when his father was arrested in 2012. He stated it was the 30 of May and he was 14 years old at the time. He stated this made him feel "very bad". M S stated in 2012 and 2013 he had an iPhone 4. He changed his number in 2014. M S stated he helped the "L" company with preparing papers for tenders and did some other menial tasks. He stated prior to his father's arrest the company was busy and well-known in F and the municipality of S.

361. M S stated the "trouble" only started after his father's arrest. He stated his uncles were talking about this. He stated they were not working at that time. M S stated he learned of his father's arrest from his uncle, A but he did not find out the reason for it until three or four days later. He stated prior to that arrest nobody in his family knew or associated with M S or B B, R A or V T nor did they owe any of them favours or money or vice versa.

362. M S stated he did not do anything or hold any meetings to try to meet someone to help his father. He stated after his initial arrest his father was released on 27 of December 2012 but, on being shown his statement of 16 October 2013 he agreed it was in fact November 2012. M S stated there was a large homecoming celebration in the family home in Brod. He stated A and K S and X B were also present as was his immediate family and grandfather. A and S. S were also present.

363. M S stated some time after his father's release two police officers came to the family home. He stated they came "supposedly to apologize" because they arrested his father. He stated he was present. He identified M S and B B in court as the two officers.

He stated his grandfather and K were also present. He stated the two officers arrived with X B. He stated he left at midnight but the two police officers were still there.

364. When shown his statement to PIK of 16 of October 2013 the witness M S agreed B B spoke more than M S but M apologized to his grandfather and stated he was not aware that he was his uncle. He said present B B, M S, his father, his grandfather and X B. His mother and sister A were serving the food. He stated his impression from that night that M S and B B had a connection with his father's case. M S stated at this meeting B B gave €5 to a child in the house. M S concluded his direct evidence by stating there was a very bad feeling in the S family in relation to the arrest of his father.

365. In response to questions from counsel for the defendant, M S the lawyer A R, M S stated X B brought M S and B B to his house. He stated the family hosted them well.

366. The witness S S began his testimony to the main trial panel in the session on 28 April 2015 and continued on 29 April 2015. He previously gave statements to PIK and to the prosecutor.

367. He stated the injured party B S, K S and A S were his cousins. He stated he worked with the "L" company as a foreman from 2008 until 2012 until the business deteriorated.

368. He stated he knew B H as the owner of "B P". He stated he knew R I as he is from his home village of B and he had a good relationship with him. He stated he had now relationship with B H and just knew him as an acquaintance. He stated his belief X B was somehow related to B H. He stated he did not know H B or M S but he knew A S was B S's daughter. He stated he knew D D as he worked briefly for the "L" company. He stated he knew R V as he was worked with him in Switzerland and enjoyed good relations with him.

369. SS stated he did not know A B but he did know R S since 1997. He stated he knew B D and he was the owner of the Bi Company which was a rival company but one with whom the L sometimes collaborated also. S S stated he knew R B from Brod and he worked in the municipA ty office of S. SS stated he did not know any of the defndants except V T, whom I knew fifteen years earlier, as he was in the secondary school with him. S S stated he had two telephone numbers in 2012 and 2013. He stated one was for work and the other was his private number but both were publicly available and well known.

370. S S stated B S was the owner of the “L” company and “*the main person in the company*”. SS stated, prior to B S’s arrest, the “L” company had a very high reputation with no problems, especially in the municipA ty of S and during the summer season there were 65 up to 70 employees working with the company. He stated he knew B S had taken some loans from private banks, proCredit bank and maybe Economic Bank as well. He said at the beginning of 2012 the company was “*in very good financial situation*”. He stated was very close to B S at this time was familiar with the company’s accounts. He agreed the family’s wealth was well known in the area.

371. S .S stated since then his financial position had deteriorated and he attributed this to “*state persons, who misinformed and fabricated certain information*” which also affected the S family. He stated one of these persons was the defendant, M S.

372. S .S stated one day in May 2013 he returned from submitting a tender document in P and went straight at work but he saw that the employees were not in a good mood. He stated he met A, the brother of B, and he told him the news about B’s arrest. He stated B’s brothers, A and K confirmed the news but they could not say for what offence(s). He agreed the arrest had happened the previous day.

373. S.S stated the next day in the company’s offices, K S told him the lawyer who attended B at the police stated said he was arrested because of the statement of two witnesses but he did not know say who. He stated he subsequently met with A S, X B,

and K S at the “Popi” café. He stated A S received a call from B and B D who were aware of B’s arrest.

374. S.S. stated B and B D arrived at the café and informed the group the two witnesses were called N H and L P. He stated B and B suggested they should call M D because he knew police officers in F. He stated B or B D called M and arranged a meeting in the Restaurant “E 92”. He stated he went there with A and K and B and B came. He stated M D came later. However, he stated it was not clear if M D was aware of B S’s arrest. He stated M D spotted a man called A A sitting at a table nearby and spoke to him about the case because he said he had a good relationship with NH, and he asked him whether he can call her and ask her what what did she say in her statement.

375. S S agreed with the contents of an earlier statement to the effect B D stated M D knew M S and B B and had a friendly relationship but M D stated this case was “*a dangerous issue*” and he could not be involved.

376. S. S. stated he, X B and A S arranged to meet A A in F in a casino where he tried to telephone one of the girls but he did not succeed. He also tried to make contact through a mutual female friend but this failed too.

377. S. S stated a man called L was also present in the casino and A A told his group he was from old K and he said he may know police officers and he may also know the two female complainants. S S stated it was L who mentioned the head of the Human Trafficking Unit of Kosovo Police in F was M S and he stated he enjoyed good relations with him and would try to contact him to see what the problem is and “*how we can help*”.

378. S. S stated the following day he saw M S at “Lamborghini” café very briefly but they did not talk as he was at another table. S. S stated his group spoke with “Lindi” from midnight until 2-3 am. He stated during this time L spoke to somebody called D who he asked about M S. He stated he did not know L knew D or how he knew M S.

379. S. S resumed his evidence on 13 May 2015. He stated he was uncomfortable in Lindi's presence as he did not really know him. However, he was prepared to speak to him if this would facilitate contact with M S. He stated L appeared to have arranged a meeting with M S to take place the next day when B was sent to the District Court.

380. S. S stated the next day when B S was supposed to be sent to the District Court, he and A S collected L and went to F. He stated L had also wanted to take a person called D to this meeting. He stated A S had L's number. S S stated one of the reasons the group stayed late at the "International" café was it was possible the complainants might attend there for the music.

381. S. S stated the person called D was present when his group arrived at the café. He did not know him. He stated D said M S would not be there that night but it would be possible to meet him the next day at eight o'clock in F where B's predicament would be addressed. He agreed L had stated D was a close friend of M.

382. S. S stated the family wanted to know the reason for B S's arrest and getting access to M S (who had arrested him) was "the first path to get hold of information". He stated their intention was also "to reach some kind of help". He stated he knew the prosecutor and the court would rely on information from the police. He stated his belief M S and/or B B could help with the release of B S. He stated the lawyer, T G showed him the complainant's statements and they were very weak. S S stated he knew what ranks M S and B B held, these were high ranks and the family considered this important in relation to assisting B.

383. S S stated the next morning he, X B, A S and L were supposed to meet D. However, they could not locate D so L telephoned M S directly by telephone. They arranged to meet at café "Lamborghini" which used to be a gas station and a pizza shop. He stated M S arrived and drove L to the police station. When he returned he had a conversation at a separate table with L. When this was finished L informed the group the

situation was quite serious but M S had assured him he would help B and he had a lot of evidence that he did not send to the prosecutor. He had said *“don’t worry everything will be arranged”*. He stated L took M back to the police station in their vehicle.

384. S. S he felt uncomfortable at this time. He stated on the one hand M S was involved in the construction of cases and on the other hand he was trying to provide assistance. He stated he did not know M S at this time but later he learned he was a person with influence in the police.

385. He said the group then drove to P for B S’s detention hearing in the Basic Court. In the car L stated M had said he had withheld some evidence from the prosecutor and this was important because the alleged offences were serious. He stated he was shocked when he heard this.

386. S. S stated he thought M was going to help B S because he knew him through L and as a friend of a friend. He stated B did not know L but he had mentioned *“we shall give an award, any gift”* and that, *“M will help B”*.

387. S.S stated in P the lawyer was T G. He stated the Judge did not announce the verdict until 15:00. B was sent to detention on remand for 30 days. He stated he was informed of the decision by a Kosovo police officer, E A who he knew as a neighbor. He stated he had not previously approached him for assistance because he was only of a low rank. However, he also stated his belief this officer was *“part of this crime”*.

388. S. S stated after the court session in P he, A and K S, X B and L arranged to meet at *“B P”*. He stated he knew the owner’s name was B and he knew him to see him. When they arrived L was already there sitting at a table together with M S and B B and they were having lunch.

389. He stated he and K S did not join this group. He stated he subsequently received a message from B B through X requesting him *“to stay far from this case, I should be far from this case and not get involved in otherwise it will be bad for me too”*.
390. S. S stated after they had their lunch, these officers stood up and left and said to the waiter that they will not pay for this lunch because they told A and X that *“B will very soon be released and that he will pay for it”*. They did not pay. He stated he did not understand this. He stated the police officers told A S and X B that B S would soon be released. He stated after this, L also left and went home. He stated X B told him from then on he was to address any problems directly to M S and not use mediators any more. He stated his belief this was due to the fact X B had a family relationship with B B.
391. S. S stated from the beginning, in the event a reward or money became an issue he was in favour of that and wanted to know the figure or what kind of award. He stated A S did not have a problem with that issue either. He stated his belief money would be given in return for B S’s release.
392. S. S stated when the expiry date of detention on remand was approaching the discussions about money started. He stated specifically, A S and X B asked for €1,500. He stated they informed him M S and B B was asking for it in relation to change the prosecutor so that another prosecutor from F would take over the case. They allegedly knew him and he would terminate detention on remand. He stated he gave this money. He had some of it and borrowed the rest. He stated A S and X B were meeting with M S and B B perhaps on a daily basis.
393. S. S stated around this time he also had regular meetings with F H who was a friend and neighbor and who encouraged them to pay a bribe to secure B’s release as, in his experience, this was the only thing that worked in Kosovo. He stated his belief F H knew M S and B B but did not have any connections with them.

394. S S stated while the family were waiting in front of the District Court, the witness N.H appeared, approached them and said, *'I am going to tell the truth to the court because I was personally extorted and threatened to give that statement in front of the police investigators even I know B and I feel very sorry and the words that they said do not stand at all'*. He stated she said *'I am sure that I am going to speak only the truth'*.
395. However, SS stated B's lawyer then got involved, there was, *"some kind of commotion"* and the lawyer insisted B should plead guilty because from 1 January 2013 a new law would come into force and the case would be transferred to F and B might languish in house detention for a long time. SS stated he would not accept this as B had not committed any criminal offence. He said the lawyer went with A and K and spoke to B and they convinced B to plead guilty. He stated B did this because if he would be released from prison he would have opportunity to report this case to the authorities. He stated the trial panel accepted his plea without hearing any witnesses and convicted him.
396. S S stated N H had said Kosovo Police, mainly M S, B B but also E A had taken a false statement from her and wrongly accused B S in order to destroy B S by all means. He stated they did this because they knew N H and L P could be easily manipulated. The police knew them from bars they frequented. He stated N H stated B S was a good man and she had nothing against him.
397. S S stated the court sentenced B S to two years and three months, or two years and six months and also the time he spent in prison was also calculated as the part of sentence and the court decided to release him temporarily until the verdict became final.
398. S S stated when he visited B's the next morning he advised him to report the case and not contact M S and B B anymore. However, he stated B did not take his advice and instead and through X B he organized a meeting with B S and B B and they had dinner in a restaurant in F.

399. S S stated B subsequently told him this meeting took place and M S and B B apologized and said they did not know B so well but not to worry they would work on this, convince the witnesses and the case would be disposed of and B would be unconditionall released. He said they wanted to go to the S family home and apologize to B's father. He stated he was surprised at all this and he warned B if he continued indulging them he would not support him any longer and he did not want to be involved in this. He said, "*do whatever you want, but I guarantee to you that you will go to the prison again*". He stated a week or ten days following B's release M and B went to B's father's house and dinner and he had no idea about this. He had arrived at their house and seen a strange car which B's daughter informed him belonged to M and B and at that point he left. SS stated he subsequently learned from B they had apologized and he told B he was like a child who had been deceived with candy.
400. S S agreed with the contents of his previous statement to the prosecutor to the effect B B and M S met A and X some ten more times but not him because they did not trust him.
401. S S stated he did not now enjoy very good relations with X B and he said he is the type of person who does not know his own mind. He stated his belief none of the S's trusted M S and B B but X B was the most optimistic one in this regard and he convinced A. He stated his belief they all believed the "case" against B S was a fabrication. He stated his belief A and X were afraid of M and B but he was not. He stated B's family was afraid of M S and B B. He stated B's wife informed him her son and stopped attending an English language course in Ferizja out of fear.
402. In response to questions from counsel of the defendant, M S the lawyer, A R S S stated before B's arrest the company was profitable and all bills were paid. He stated he was not the accountant of the company but he was in daily contact with B and I was well aware of the financial situation.

403. S S recounted an incident when he was in F driving a VW Golf 5 registered in the name of the "L" company and the police stopped me. They asked for his driving licence and vehicle registration document. When they saw it was registered in the name of the "L" company, an officer said, *"This belongs to the Boss who sold women"*. He stated he reacted by saying *"Are you sure Mr. police officer that he sold women?"* then the officer replied, *"The whole police knows that he sold women"*. He knew this was not true so he addressed the police officer saying *"Very soon the time will come when B's innocence will be confirmed and other people will go to jail"*. He stated this confirmed to him M S's influence among the police in F. S S stated the reason the family wished to speak to M D, Lindi, D and B D was they wanted to know what this was all about why B was being accused.
404. S S stated he read the statements of N H and L Pand they contradicted each other. He stated they said they knew B through R B. He recalled they admitted being at a party to celebrate the "L" company's tenth anniversary, there had been mention of *"normal"* sexual relations with B S but neither woman ever worked for the "L" company.
405. S S explained that in the beginning of 2012 "L" Company started very successfully. It made huge investments. It had a plan to open another quarry to expand the business and the "case" against B was the shortest way to stop a successful future of the company.
406. S S stated L claimed he was friends with M S but he could not confirm this. He stated L proposed approaching M S through D as he was closer to him.
407. S S repeated his earlier evidence N .H told him personally on 27 November 2012 saying *"We were forced and this is not true"* and the investigating officers were M S, E A, N O and B B. SS confirmed he did not know M S before this case. He confirmed he personally never gave him any money nor did he ask for it nor was he present when others gave him money.

408. S S stated at the time of B's arrest his house was not searched. He said B's wife and daughters did not meet M S then or since.
409. He said at the session when B pleaded guilty there was a female Judge and the prosecutor was B K. Defence counsel stated the Judge was H. H.
410. In response to a question from counsel for the defendant, S T, E H-V (replacing A S), S S stated his belief the "L" company was targeted by police because they were aware the company was planning to expand the business. He also stated his belief the police officers were not happy the company was associating too much with the Serbian community in with the municipality of S.
411. In response to questions from the defendant, M S, SS stated he had read the statement of R B, allegedly one of B's best friends, and R B confirmed the police "*exercised violence against him when he was questioned*". He stated he "*passed out and they poured water on me*". In short, he was forced to give the statement.
412. M S also asked was he also making the allegation the victim's advocate suffered physical and psychological violence in order to give false statementocate also tortured? In response, SS stated he had not spoken to the victim's advocate. He stated he attempted to talk to the case prosecutor, B K but she would not meet with him.
413. M S then asked S S wheat he meant when he alleged he (M S) stages criminal offences on the one hand and on the other hand he helped sort them out? SS replied he considered M S had not helped B with anything and had tried to play two roles.
414. S S stated one of the reasons M S had come to B S's father's house to convince him he was helping with B's case. When asked why M S would do this *afer* B's release he stated he was not present but they had tried to convince the witnesses to change their statements and to return the case to re-trial.

415. M S stated he alleged L was his (M') friend and made promises on his behalf and did he still trust L.? S S stated he did not. M S asked if he could explain why he went and asked for help from a person who spent all day in a casino gambling? SS replied it was not for him to Judge how L spent his time and he did not know him previously.
416. M S referred to S S's poor relationship with X B and asked what were the "nonsenses" he had allegedly spoken about? SS replied X B's greatest fault was he trusted M S and B B too much.
417. M S asked if A S and X B were afraid of him and B B. SS stated they were. However, M S put it to him B and X had family ties stretching back over 20 years meaning this would be unlikely, but SS stated this connection was none of his business and he was adamant X B told him M S was a "*dangerous person in F*" and not to get involved with him.
418. M S concluded by asking the witness to confirm he never met him before and all his allegations were hearsay. S S confirmed he never met M S before but he heard the allegations from A S and other S family members.
419. The next witness to testify before the main trial panel was **B H**. He began his testimony on 19 May 2015. He states his uncle's wife came from the same family as X B and his aunt's daughter married into that family.
420. He stated he was married with children and was a businessman with many business activities, the main one being trading in engine oil. He was also the proprietor of the "*B P*" chain of fuel stations.
421. B A stated he knew B S's brothers but he could not always identify one from the other. He stated he knew B S for seven or eight years as a client. He stated he would see him every month from time to time. He stated he always paid his bills even if he was sometimes a little late.

422. B A stated from 2008-2012 he knew about the activities of the “L” and he did not have a good impression about it. B H stated they often asked for oil without being able to pay and usually through someone else like X B as a guarantor. He said they did not always pay on time either. However, he agreed this was not such a big issue and did not stop him trading with them. B H agreed he heard of B S’s arrest. He also agreed business with his company decreased after that but he could not say by how much.
423. B H stated besides their family relationship he knew X B as he had worked for a long time in the company as a maintenance person but not as a regular employee. He stated X B told him about B’s arrest and the family was trying to find out the reason for it. He said until that time they were on good terms but this subsequently deteriorated and he considered X B “cheater”. He attributed this to an illness which he considered was feigned. He admitted he had no evidence of this. He stated he used to be a great worker but they had nothing in common now.
424. B H stated he was now closer to B B than to X B. He stated he recently visited B B following his release into house detention. However, he visited him as a relative and because his parents were ill and he had no interest in, much less did they discuss, details of the case against him.
425. B H stated he knew who M S was and that he was a police officer but he did not know his rank. He stated he was not aware he lived close to M S. B H stated he knew B B had been charged with four or five offences but he did not know what they were. He agreed he had given a prior statement to PIK. B H stated his belief he had nothing to do with this case and his involvement was only because of X B.
426. B H stated had previously worked at “B P” for 4-5 years and when he was arrested he went to visit. However, he claimed they did not discuss the case as he thought this might embarrass him. He repeated his earlier evidence he did not ask him about his

case when he visited him after his release and only went to enquire after his parents' health.

427. B H stated he knew A K or "L". He also knew R I. He knew H B was a police officer but he never had any contact with him. He stated he knew many police officers from coming in and out to his stations to get fuel.

428. B H stated he knew M S as a geodesy expert who worked for his company. He stated he knew R V and A I as a lawyer. He was not sure about R I and he knew A A to see only. He knew M D as a local businessman and B D was his brother.

429. B H stated he saw M S and B B together with other people in the street in F in a car. He stated they sometimes came to his café but B B came more often than M S. B A stated he did not know an individual by the name of R A or "D ". He did not know B V or A S.

430. B H stated X B told him about B S's arrest. He stated X B did not mention B B after the arrest of B. He stated he did not introduce them as there was no need to because they knew each other from a long time ago but he may have given X B and B B's number. He stated his belief they subsequently met and he thought he had seen them together. However, he stated they were also together on other occasions prior to B's arrest.

431. B H stated X B asked him for assistance many times after B's arrest but other members of the S family did not. He stated he asked for loans of substantial sums for example, €3,000 and €5,000. He stated these were for medical expenses incurred by members of his family and auto services. B H stated he never refused him. B H stated he did not speak to B B about B S's arrest but he stated he could have been in his restaurant with some of the S family.

432. B H stated it was B S's brother, A who informed him of B's arrest. He stated A S did not know the reason for the arrest but he stated someone in the police had mentioned the name of X B. He asked B H if he knew about this because he was aware he saw X every day. B H stated he phoned X B immediately to get some information. He stated he subsequently called to the restaurant and met him and A but did not provide any satisfactory answers.
433. B H stated he did not consider this "*getting involved*" in B B or B S's case. He repeated he asked X B in A B's presence if he had any problems with B B but he only received five or six different answers versions within five minutes. However, he believed there were problems between them. He stated he stood by his previous statements in this case.
434. B A stated there were two or three subsequent occasions in his factory when X B came by to buy oil and A B was present there as well. However, he was adamant he had not arranged any meetings with the S family, M S and B B.
435. In response to questions from the injured party B S, the witness, B H stated he visited B B while he was in the detention centre and he obtained a permit from EULEX having first furnished details of his ID.
436. In response to questions from counsel for the defendant, M S the lawyer, A R B A stated he attended X B's mother's funeral but X H. could not attend because he was in very serious psychological state. He stated X's brothers asked him to help so he took X B to a clinic in S where he was assessed. The doctor stated he had no physical illness but he was overwhelmed and stressed out and needed to see psychologist in P with whom he could speak in his native language.
437. In response to questions from the defendant, M S the witness B H stated he did not know B S very well before his arrest. He stated he eventually found out the reason for

his arrest but not from X B who did not know. He stated he did not learn the real reason until one year later when he was interviewed by PIK.

438. The next witness to testify before the main trial panel was **R I**. He began his testimony on 27 May 2015. He stated he was an unemployed ecologist. He was married with two children and was living on donations from his family.

439. R I stated he knew K S from the village of Brod since childhood and they were neighbours. He did not owe him anything and could recall occasional contact with him in 2012 and 2013. He stated he knew A S as K's brother. He also knew B S as a neighbour. Overall, he stated he knew the family and he knew their business although he never worked for them. He was aware their company had been doing very well but then its fortunes declined. He stated he learned this from B S's neighbours.

440. R I stated he heard about B S's arrest. He stated he did not know who X B was. He assumed A and S S were also B S's brothers.

441. R I stated he S S borrowed €500 from him but he could not remember whether this was in May or June 2013 or in 2012. He said besides there were no other issues or bad feelings between him and the S family and never had been.

442. R I stated he did not know H B, M. S, or M.S. Neither did he know A S, D D, R V, A B, R S, Shkurta S or S B but he did know R B as an official who worked in S. He stated he did not know A D, M D, B D or A K (aka L.) from Kaqanik. However, he stated he knew F. and F Has co-villagers but he would not have much interaction with them. R I stated he knew M S but only through the media. He did not hear about him in 2012-2013. Similarly, at that time he had no knowledge of R A (known as D) or V T.

443. R I stated he heard about B S's arrest from his family members but they did not say why he was arrested. He stated S S asked to borrow money from him but he did not remember whether it was May or June or whether it was 2012 or 2013.

444. However, he agreed he gave a statement to the Police Inspectorate of Kosovo in November 2013 including an account of this borrowing which was true and then he stated he was asked for this money in 2012. He stated he gave S S €500. He said he did not say what the money was for and he did not ask however he thought this was after B's arrest. He stated he had not asked him for money like that previously. He collected the money at his house and re-paid it after two or three months. Nobody witnessed this.

445. In response to questions from Counsel for the defendant, M S the lawyer, A R, R I stated he had no personal access to the financial records of the "*L Company*".

446. The witness **R B** also testified before the main trial panel on 27 May 2015.

447. He stated since the war he was employed as Chief of Urbanism Directorate of S Municipality. In essence, this meant he was involved with overseeing the implementation of construction projects and particularly the legal regulation of these. R B stated in the past he had occasion to oversee the "*L Company*". However, he stated he was not involved in awarding contracts as this was the responsibility of the procurement office.

448. R B stated he knew B S and his family but he did not work directly with the "*L Company*" after it was contracted to work by S Municipality. However, he stated he did have social contact with them because they were friends since the first grade of primary school. He stated he heard about B S's arrest in or around May of 2012. He stated prior to his arrest the company was one of the most powerful companies in S Municipality. R B stated the "*L Company*" generally did good work and had a large amount of employees prior to B S's arrest in 2012 but there was a "*drastic downfall after B's arrest*".

449. R B stated he knew X B a mechanic and brother-in-law of B S. He said he saw him regularly since 2000 and was on neither good nor bad terms with him. He also knew A, M and S S as B's brother, son and close cousin respectively. He said none of them

owed him money either now or in 2012-13 and there were no bad feelings between him and their family then or since.

450. R B stated he did not know, H B but he did know M.S. as a geometer who worked in B's company. R B stated he knew B S was B's father and A was his daughter.

451. R B stated as far as he knew D D was a truck driver but he had no dealings with him. He stated he did not know R V , A B or R. S. but he knew S S was B's wife. He stated he did not S B , A D, or A K (aka L) but he did know M D as the owner of an asphalt company. He also knew F and F H were working in the Municipal assembly of S and F is his family member. He knew B D as the owner of an asphalt company, "Bi".

452. R B stated in 2012 he received a telephone call from M S who wanted to meet him in F police station. He arrived there at 1 o'clock and went to M S's office. He did not know his rank or whether it was high or low. He knew B B but only from the first time he was questioning him. He understood he was in Kosovo police too but he did not know his rank either. He stated this was the only time he saw B B and M S together.

453. R B stated he heard about the arrest of B S at the police station. He stated there were other police officers present and M S asked them to escort him to another office. He stated N and E A were also present. He knew E A from the locality. He stated M S was giving the orders and he was in charge of the situation. R B stated when he was taken to the other office by the other police officers they started to pressurise him saying if he did not say what they wanted him to say he would be arrested as well.

454. R B stated the police began by asking him biographical data and then if he knew B S and he said he did. However, then they asked if he knew B S was involved in trafficking in human beings and he said he did not. He said M S was not present at this time. He said they believed he was and he should tell them all he knew about this. He stated they asked him questions about two females called L P and N H. He stated the questions went on and on and he was not finished there until 5 o'clock. He stated he was

very angry and upset at that time. He stated he informed the police officers he knew L P and N H . He stated his belief the police did not accept his answers to the questions. He read over his statement and signed it but he stated he was very upset and he did not know what the content of the statement was. He stated B B asked most questions. He stated the police did not threaten his family but they raised their voices and he did not go to the toilet. He stated he felt he as not free to leave until he signed the statement. However, he stated they gave him water and he did not ask for a break. He stated the only question M S asked was if he knew the two females and he asked this in his office. He could not recall of M S was in his office while he was being questioned in the next office.

455. R B stated M S told him to call B S because he was not responding on the phone so he did. He stated he told B police officers wanted to meet him and he said he was busy and away in G but he would come. He said at that time he felt he had no other choice but to call B S. He had already given his statement. He stated he did not inform B of the police suspicions. He stated he had no further contact with the police after this in May 2012 in relation to B.

456. R B stated after his interview with the police in F he had contact with the S family but only after B was released. He stated he had contact with A S and X B. He stated they also met in the yard of their home and in F. He stated he also had occasional meetings with K S. He stated they discussed B's case and he told them about the police interview and questioning. He stated he told A and X his statement was not truthfull and he had been pressurised. He said they told him to tell the truth when he went to the prosecutor. He stated from the moment he gave his statement until the date of his evidence to the court he had "*concerns*". R B stated eventually he gave a statement to the Eulex prosecutor and he told the "*real situation*".

457. R B agreed with the contents of his interview with PIK on 21 October 2013 to the effect he had an interim meeting with Kosovo Prosecutor, B K in which he had not changed his earlier statemet to the police because he still felt pressure from them. He stated he subsequently spole to A S and X B and his lawyer, E B. He stated A and X said

they had spoken with M S who said the statement should be changed. He stated he informed them he would not “*get into this game*” and would say “*whatever is real*”.

458. R B on one occasion there was an indication by X B that B B, M S, E A or police officer N were trying to offer assistance to B or the S family in any way. He stated he had no idea how the case was progressing except he attended the final court session without any summon but nobody called him to testify. He said the family did not tell him any bribes had to be paid to assist B. R B stated he never had any problems with the police before this case and this was his first time in court.

459. In response to questions from counsel for the defendant, M S the lawyer, A R, R B stated he had no personal knowledge of B S’s financial situation.

460. R B stated when he was giving his answers to the police, he answered their questions truthfully but they replied “*no it is not like this, it is the other way*” however, he admitted he signed the minutes. He also admitted he did not make any complaint about the pressure he alleged he was subjected to, either further up the chain of command or to the prosecutor. He stated at no point did the defendant, M S tell him to change his statement.

461. In response to questions from the defendant, M S himself, R B agreed B S was his best friend but notwithstanding this he still felt pressure from the police in interview. He could not explain why he did not tell M S in his office that he knew N H and L P. He also stated he could not explain why B S had pleaded guilty at the court session he was summoned to.

462. In response to further questions from the prosecutor R B he did not include any remarks about his treatment in his statement because he was under pressure and he did not know how he even signed it. He stated the officers had raised their voices to him. He stated he did not even know in what capacity he had been invited there although his rights were read to him at the beginning.

463. The next witness was **H B** and he began his testimony on 22 June 2015. He stated he worked as a police officer for about nine years in the Support Unit (ROSU) in F before he was transferred to the Investigation Unit in K. He stated he was a colleague of M S and B B and he knew them. He confirmed, from a policing perspective, S came under the authority of F. H B stated he provided two statements, in PIK and in EULEX prosecution, in relation to this case and he stood by the contents of both.

464. H B stated he heard the name B S but knew nothing about him and had not even seen him before. He stated he had never heard about the “L” Company before. He stated he heard a “*very few things*” about a case involving B S but he did not know the details. He only heard he was arrested as the case was not being handled by his unit. He agreed he knew the case involved N H and L P. He stated he had no kind of relationship with B S and there was no money owing on either side. He did not know any of his relatives either.

465. H B stated while he was stationed in F and M. S held the rank of lieutenant and B B was an ordinary police officer. He stated he was in a separate unit from M S and was not in a position to assess his work. However, he stated neither M S nor B B or someone acting on their behalf had approached him about the statement he was about to make. H B stated B B was member of the unit and he had a normal relationship with him. However, he could not say what type of relationship M S had with B B.

466. H B agreed a person called X, through B B, came and sat at the same table as him on one occasion but he did not know him. He did not recall when this was but possibly at the end of 2013. He knew it was in restaurant “*Beni*” close to his village (B) on the road from K to F. He and B B were in civilian clothes.

467. H B stated B B had invited him and discussed B S’s case. He stated he told him there was a case involving two ladies and as one girl came from his village could he influence them to “*ease*” their statements. He said he did not know anything about B S.

He stated he knew N H was from his village but he did not know that she had problems rather he heard it later on after being told by B B but he distanced myself from it. He stated he did not even know to whom these statements had been given. He did understand B S had a family relationship with B B.

468. H B stated he did accept B B's proposal and he disregarded the request. He stated after they finalized their conversation a person came and joined them and introduced himself as X. He did not remember whether B B was expecting him.

469. H B stated he had no knowledge that allegedly €400 was asked on his behalf from B S's family for him to influence N H and L P. At the time he stated he informed B B he would see if he could assist but he only said this to complete the conversation and in fact had no intention of assisting him. He stated the name M S never mentioned in the conversation. However, the Prosecutor put it to him that in his statement to the previous prosecutor on 29 of November 2013 he stated he had declined to assist B B and stated *'they were the ones who had contacts with the girls and had interrogated them and they could invite them back to change the statement'*. The prosecutor asked who he meant by *"they?"* and H B stated he thought the reference was to the police officers M S and B B because they were part of the relevant unit.

470. H B stated he knew N H's economic status was between medium to poor. He stated he never spoke to her about this case. He stated when X joined him and B B in restaurant *"Beni"* they had a general conversation and he could not remember what they spoke about. He stated X did not approach him ever regarding B's case.

471. H B stated he did not discuss B B's request with superiors or colleagues. He stated he considered it a relatively minor matter and B B had not attempted to pressurize him.

472. In response to questions from counsel for the defendant, M S the lawyer A R, H B confirmed the person whose arrest and case he was talking about was B S. He stated he

did not know who had interviewed NH and L P. He stated he was never offered money by someone acting on behalf of M S.

473. The next witness to testify was M S. He began his testimony on 29 June 2015. He stated his business was with geodesy as it related to road construction projecting and he had carried out some work for B S at a time when it was successful and doing good work in his view. MS stated he recalled when B S he was arrested but he did not know what affect, if any, this had on the “L” company. M .S. agreed he was examined by the police on 21 October 2013 and he stood by the contents of that interview.

474. MS stated he knew X B as he was a neighbour and a mechanic and maintained the vehicles of his company. He stated he also knew A S, Xh S and S S through his profession.

475. M S stated he was not familiar with Mr. M S. He stated he knew B B and met him once or twice at “B P” and he knew he was a police officer. He stated X B told him about B’s arerest when he took his vehicle to his workshop. He stated he did not know the reason for his arrest.

476. In response to questions from counsel for the defendant, M S the lawyer, A R, M .S. stated prior to his arrest he worked with B S as two businessmen and he did not make any inquiries about the “*pureness*” of B S’s character.

477. The next witness to testify was B S. He began his testimony on 29 June 2015. He is B S’s uncle.

478. B S stated B S, the father of B S, informed him B was arrested. He stated this caused surprise in the family. He stated at this time his nephews approached him for €1,500 and luckily his son was in Afghanistan otherwise he would not have had it. B S confirmed as soon as B was arrested the fortunes of the “L” company began to decline.

479. B S could not say how long after B's arrest his nephews approached him for money. He agreed it was a matter of record his arrest took place on 30 May 2012. He was shown a Rafeisen Bank statement from 18 October 2012 showing a withdrawal from his son's bank account. He stated this withdrawal was for B S's family. He said it was A S who asked him for the €1,500. He said it was to pay the employees. B S stated after the arrest he also gave the S family other money because they were financially very badly off. However, he said these were not big amounts of money. B S told him the withdrawal of USD 2,000 from Rafeissen on 18 October 2012 was at the request of A S to pay the salaries of employees. He had stated after a couple of days the company will get money since they were asphaltting a road. B S stated the S also requested small amounts of money from time to time. He stated they paid most of this back but still owed him a little but not more than €2,000.
480. In response to questions from counsel for the defendant, M S the lawyer A R the witness B S stated initially the S family did not know the reasons for B's arrest but later they found out.
481. In response to questions from M S B S stated on that day he came to the session from F with B in B's vehicle. He admitted they discussed his testimony.
482. The next witness to give evidence was **B S**. He began his testimony on 1 July 2015. He is B S's father and a distant uncle of M S's. B S stated he was interviewed by the PIK in May 2013 and on that occasion he provided information truthfully. He confirmed M S was a distant nephew but he never ever had any interaction with him.
483. B S stated until B was arrested everything was ok in the "L" company. However, he stated after his arrest it collapsed within two weeks largely because there was no money to pay workers. He stated the family was forced to survive on his and his wife's pensions.

484. B S stated he knew D D and A B only to see but he did not know R V at all. He did know R B as B's friend but he only knew A A and M D to see. He did not know A K (aka L) from K or F and/or F H.
485. B S stated prior to B's arrest in May 2012 his family never had any problems with the police in F or with the law generally. He stated he only met M S for the first time after his son's arrest. He stated he knew B B is the family used to live near him before re-locating to F. He knew his father to say "hello" to.
486. B S stated he found out M S, B B and E A had arrested B. However, he stated he never saw M S and B B together until they arrived at his house after the release of B.
487. B S stated he was familiar with the name R A or D and he knew him to see. He could not say if M S or B B were in association with S M or R A. He could not say if he knew V T.
488. B S stated he was not present when his son was arrested but he subsequently told him about it. He stated people told him it was B and E who apprehended him. He stated A, K and X were immediately actively engaged to release B. He stated he recalled being asked a question by PIK about when A and X told him about helping in B's case and he replied that they informed him they needed to provide money and there would be no problems securing B's release. However, he stated he did not know if they gave money.
489. B S stated he could not recall the exact date of B's release but he was in detention on remand approximately seven months. He agreed with the contents of his earlier statement to PIK to the effect K S had informed him prior to B's release €25,000 would be needed in order to release B from prison. He stated he did not have it readily available and he had to go and collect it from his next-of-kin, acquaintances etc. He stated the whole family knew the money was required. He stated K S was the one who actually collected the money (as he was sick at the time) but he had kept it safe.

490. B S stated when B S was arrested again the police did not come to arrest him but rather a letter came from S with the order. B S recalled after B S's first arrest and release M S and B B came to his house one night for dinner. They were in civilian attire. He said the group had a good time. They said B was innocent and had been unlucky. He said it was his understanding they had come to apologise and reconcile for arresting B. Instead, he stated B B kept saying what a "big man" M S was and whatever he says will be done. However, they did not say not to worry and that B's case was taken care of.

491. B S stated he knew before M S and B B came over that members of the S family had been in contact with them regarding B's case. He stated he believed something good would come of this. He knew his son had done nothing wrong.

492. In response to questions from counsel for the defendant, M S the lawyer A R B S stated he knew M S's father, U S from B and he could not say he was a bad man. B S stated neither he nor his son and invited M S and B B to his house. He stated they came with X B. He stated B's wife prepared dinner which was nothing special and they stayed until 1am.

493. B S stated M S never asked or solicited money from him nor did he give him any during that night or ever before. In fact he stated money was not mentioned at all that night.

494. A R put it to B S why he did not ask them why they were there as he believed they had imprisoned his son and now they were coming for a visit. B S stated he felt he could not do this. He stated his view they were, "*in that affair and they came for a good purpose*". However, he stated they did not apologise to him but merely said B had been "unlucky".

495. The defendant, M S then asked B S if he was was he afraid or intimidated when he came to his house and he was said he was "*full of stress*" but he felt it would be ok due to his blood ties with M S.

496. B S stated his belief the first time B was arrested he was taken to G and they told him he have murdered another human and he said he did not. He stated his belief this was done only to intimidate him. He stated B was in prison for seven months but he did not know for what. He stated he did not know why he as arrested the second time either but he knew M S had asked him over the telephone if he was coming to put a façade on his house. He stated the police had never gone to his house to search it.

497. In response to questions from the Prosecutor in re-examination B S stated he felt he could not question why M S and B B came to his house because in some way M S and B B could control the future fate of what would happen to B S.

498. The next witness to testify was A S. She is B S's daughter. She began her testimony on 1 July 2015. She stated in the time period 2012-2013 she lived with her paternal uncles but now she lived with her parents.

499. She stated she did not know B B by appearance but she heard about him. She stated her father's company was successful and she thought some people were envious of this. She stated her father's arrest completely destroyed the company. She stated for the duration of the time that he was imprisoned, his brothers had a lot of problems and they gave a lot of money for the time he was in prison.

500. She stated she did not know D D, R V , A Ior R S . She did know R B but not A A or A. (aka L) from K. She stated there were no debts, bad feelings or unresolved issues between any of these persons and her family.

501. A S stated she did not know any of the defendants in the case nor had she seen them before or was she related to them. She could not recall whether she heard of M S before her father's arrest or after. She stated it was her uncle K who mentioned him. She was with other family members at the time. She stated she subsequently found out about M S and B B by reading the statements in her father's case.

502. When she resumed her testimony on 2 July 2015 she stated she knew her father was arrested on 30 May 2012. She did not recall who exactly notified her about his arrest. She stated initially the family tried to keep it from the children. She stated her uncles were the ones who really gave strength to her father and tried to help him. They were K, A and A S. She stated X B did too. She stated they tried to find anything to discover the truth and also tried to find lawyers. She did not know if they spoke to Judges, prosecutors, police, and witnesses besides talking to lawyers. A S stated her father was in detention for six to seven months. She knew he had a number of lawyers.

503. A S agreed with the contents of her earlier statement to the effect two police officers subsequently visited the family home but she could not recall who told her about this. She recalled she had gone to the shop in K to buy something to serve to them. She could not recall exactly when this was but it was approximately one or two weeks after her dad's release. She could not describe them. She believed her father was not present. She did not know the purpose of their visit. She did not serve them.

504. In response to questions from the defendant, M S the witness A S stated she did not know who the injured parties were in her father's case.

505. The next witness to testify was **R V** . He began his testimony on 2 July 2015. He had his own construction company in S.

506. R V stated he knew B S since 2008 through a friend, S S. He stated he had normal relations with both but was particularly close to S. R V he knew A and K B and the "*L Company*" as he co-operated with it. He stated he built two houses for them in 2008-2009. He stated there was no money owing between them. He knew B S was the owner and manager of the company. He knew it was a big, busy company. He heard B was arrested but he did not hear about any affect this had on the fortunes of the company.

507. R V stated he knew X S but not X B. He knew A S, S S and M S. However, he stated he would not lie for them or for anybody. He stated he did not know D D, A B, R S, S S, S B or R B. He stated he knew A D and M D but only to see. He stated he heard of A or LK from K but had never met him and the same for F or Flori Hi. He stated he did not know any of the defendants. However, he now knew M S was a police officer. He admitted he had met B B once in Switzerland in 1993.
508. R V stated S S informed him of B S's arrest but could not explain why he was arrested. R V stated Sand K S asked him for €8,000. He stated they said they needed it urgently but did not say for what. He stated he had lent him a similar sum previously in Switzerland.
509. R V confirmed his interview with Kosovo police on 17 October 2013 was truthful. He agreed he had lent the money in the autumn of 2013 and it was interest free. He stated S was present when he paid it but he was not sure if K was also present. He stated the money was repaid. He had the money at home. He was not told the money was to help B. He heard he was arrested after he gave the money.
510. In response to questions from the defendant, M S, R V stated he did have coffee with B S before the session because he did not know the location of the courtroom.
511. The next witness was **R S**. He began his testimony on 3 July 2015. He was a wood-worker residing in F. He also owned "M" petrol which dealt in oil. He stated he did not know M S but V T was a distant relative on his paternal uncle's side. He was not related to the alleged injured parties. R S stated B S was one of the best clients of "M" petrol.
512. R. S. recalled talking to the PIK in October 2013. He stated he did not know much about the "L" company. He said he always had very good business relations with B S. He knew his brothers. He stated the company did not always settle its bills. It owed a

debt prior to B S's arrest. He knew the company was successful until B's arrest which he believed was in 2012.

513. R S agreed with the contents of his earlier statement to the PIK that after B was arrested by the police in 2012, his brothers passed through a financial crisis and during this period of time they got fuel with delayed payment. He could not recall if the family related this problem to B's arrest. R S stated he knew X B as a client at his furniture shop but he did not speak to him about Bs' arrest or legal predicament.
514. R S stated he did not know D D, but he knew RV, A B, R Bajram but he did not know A D, M D or A K (aka L ) from K but he knew F and F H they were distant cousins. He stated he had no knowledge of M S but he knew S T was a distant counse and he worked in construction. He knew B B but only to see as somebody from the village of Firaja his birthplace. He did not know R A known as D.
515. R S stated after B S's arrest A, K and S came to him looking for money they needed for a lawyer. He was not sure but he thought the amount was €15,000. B S was in prison at the time. He agreed he has told the police in his earlier statement they could solve B S's problem with this amount of money. The money was to be a loan. He agreed K was begging him and was crying. He recalled giving €7,000-8,000 and the rest was provided by someone else. He agreed he contacted a truck/taxi driver called A about the balance of the loan. He did not know if A asked K to guarantee the loan. He knew they subsequently met and the money was paid back and B S was still in prison at the time. R S stated K S informed him somebody had asked for this money and it was in relation to B S's case.
516. In response to questions from counsel for the defendant, M S the lawyer, A R R S agreed with the contents of his statement to the police on 17 October 2013 to the effect K S asked for that money in order to pay the lawyers. However, he stated he could not recall if they ever informed him of the reason for B S's arrest. He stated there was no contract drawn up in respect of the load he provided to the S family.

517. In response to questions from the defendant, M S the witness R S stated he did not know why A S was arrested or that he ultimately pleaded guilty. He did know it was the police who arrested him.
518. In response to questions from the injured party, B S R S stated he was one of his best clients until his arrest but after which time there was a reduction of 95%.
519. The next witness was S S. She began her testimony in the session on 9 September 2015. She is the spouse of B S and mother of A, A and M S. She stated the family was doing well economically from 2010 until 2012 when B S was arrested but after that the situation became, “catastrophic”. She stated she performed some administrative functions in the “L” company.
520. S S stated she was familiar with D D because he worked with B. However, she did not know R V, A B or R S . She did know S B , R B and B D from “Bi” company. She stated she did not know M D, A. K (aka “L.”), F or F.H., S O or N S. She stated her belief to the best of her knowledge there was no money owing between the S family and these people.
521. S S stated she did not know any police officers including M S. She stated she heard the names of M S and B B for the first time after her husband’s arrest. She stated X B and A S had mentioned them “because they needed money to release B”. She stated the sum involved was €6,000-7,000. She stated this was immediately after B’s arrest. She stated she knew they had meetings to discuss B’s case in order to release him. She stated X B, A and K S mostly dealt with them.
522. S S stated she heard her husband was arrested for trafficking in human beings this but she knew this was a lie because she knew her husband was arrested for money. She stated initially nobody knew why he was arrested but after he was brought to P they understood about the charges.

523. S S stated there were discussions within the family about contacting prosecutors, judges, witnesses, relatives and police to try to help B. She knew her husband had appointed three or four attorneys and it was not easy to pay them. S S stated her husband was released on 27 November 2012. She stated he arrived home after 6 p.m. and there were over 30 guests, mainly family relatives including nieces, uncles, and aunts to greet him. X B was also there. He stated the family were very happy.

524. S S stated she remembers after B's release, M S and B B came to her home. She stated she did not see them. She prepared dinner but did not serve it. At the time she did not know who these two men were. She said they had contacted X B who had contacted B S to invite them. She stated they told B's father that they came to apologise about his arrest. She stated when they arrived she was in the other house in the family compound whereas B's father, B, B himself and M S were present with the visitors in B S's house. She could not recall if X was there. She stated K and A S had gone shopping in Kacnaik for special food.

525. S S stated when her husband was arrested for the second time, their son, M, was with him. She stated he was called and told that the police were calling him and when B was arrested, M S was also present. She stated B informed her of this and of a conversation he had with M S about construction works when he was arrested for the first time. She stated B was in G when he received the call and they told him he was needed in relation to work to which B had replied "*I am in G and I will take a while*" so they went to G where he was and took him straight to jail.

526. In response to question from counsel for the defendant, M S, the lawyer, A R S S stated she had not completed any formal training in commercial or financial matters. S S stated she had one brother, G. A., who is serving a prison sentence. She stated as far as she knew, M S did not arrest him and there was no connection between her brother's and B's case.

527. A R put it to S S it was not normal or traiditonal to serve people with special food for three hourse when they had come to apologize for a grave wrong they had done to that family. S S replied it was for M S and B B to explain why they stayed for so long. S S stated she did not give any money in person to M S and he never requested any money from her either.

528. In response to questions from M S himself the witness S S stated pleaded guilty (although he was innocent) and had four defence counsels, "*to make it possible to come in front of justice*". She stated the police did not search her house after B's arrest but the "*L Company*" was searched but she could not say by whom.

529. S S stated B was called by the police and arrested for a second time on 4 January 2013. She stated he served seven months in house detention and during the house arrest he received a phone call from M S who essentially told him he awas lucky to only be in house detention. She stated her belief the second arrest was in relation to similar offences to his first arrest and the police were searching for a Serbian lady, S. She stated the first arrest related to two ladies but the real purpose was only to destroy B and the whole issue was about the money.

530. The next witness to testify was **D D**. He also commenced his testimony to the main trial panel on 9 July 2015. He stated he worked as a transport truck driver since 1996. He stated he had worked "*Bi*", "*B*", "*E T*" and "*L*" companies. He stated he knew a man called S as transport manager of some of the afore-mentioned companies. He stated he never had an occasion to deliver goods to F police station on behalf of the police.

531. D D stated he knew K S from his work with the, "*L Company*". He also knew A S and B S for many years through his work. He knew B was the director of the company and it had between 50 to 70 employees. He stated the company had a good reputation before B's arrest. However, he stated after his arrest there was a lot of change and

payments were delayed. A lot of workers were made redundant as there was less work to be done.

532. D D stated he knew X B and A S, B's brother. He also knew M S and S. S. He stated in the period 2010-2012 he did not owe these persons anything nor were they indebted to him, neither did he have any exclusive type of contract with B or his company. He stated there were no bad feelings or any unresolved issues between him and the S family either.

533. D D stated he knew B S's family members and had socialised at the family home many times. However, he stated he was not familiar with R V, A B to R S but he did know R B as he worked at S municipality. He stated he also knew A D, M D but he did not know A K. (aka L.) from K or F or F. H. He stated he had worked with S associated with the "Bageri" company from 2007. D D stated he was not familiar with the name M S. He stated he knew a B who worked in "L Company".

534. D D stated he heard about B S's arrest but not which police force was involved. He stated he was in contact with his brothers and he heard he was arrested and put in detention on remand. Did they did not inform him why. He was not aware of his family discussed how they could help him. He did not know which of his family was engaged in helping with B's case. He did not know if his family had any police or judicial contacts.

535. When he resumed his testimony on 10 July 2015 he stated he was with one of B S's brothers when he was released on the evening of 27 November 2012.

536. In response to questions from counsel for the defendant, M S the lawyer, A R, D D stated from the date when B S was arrested until the day of his release from detention on remand he had performed work for the "L Company". He stated B S contacted him to transport gravel.

537. The next witness to give evidence was **Ms. S B** . She commenced her testimony on 10 July 2015. She is married to K S and is therefore the sister-in-law of B S. She stated she was not related to H. S. and A Xh.
538. S B stated in 2011-2012 her economic condition was good because her immediate and extended families were working but after B's arrest this deteriorated. She stated the family was only surviving with the aid of B S's pension and the "*L Company*" had been forced to lay off many workers.
539. S B stated she knew D D and R V by appearance but not A B, R S , R B, A D , M D, F or F H A K but she had heard of B D. She was not aware if any of them owed money to the S family or vice versa in the period of time between 2010 and 2013.
540. S B stated she had not previously heard the names M S or V T. She did not hear the name R A or "D". She stated she heard M S worked as a police officer in the years 2012-2013. She heard mention of B B's name and he had discussions with A and K S and X B but she did not know what they were about.
541. S B stated M S and B B came to her house and asked for forgiveness from her father-in-law. S B stated Xh B informed her M S and B B came to express their regret about B's arrest. She knew they were police officers and they came after B's release.
542. In response to questions from counsel for the defendant, M S the lawyer A R the witness S B stated M S and B S both came alone and willingly to her house. She stated her understanding they came to ask for forgiveness. She stated the atmosphere was not a hostile or threatening environment.
543. S B stated she came to understand B S's first arrest was in relation to some women but, as far as she heard, "*they obtained false testimonies*".

544. The next witness was **H S**. He began his testimony in the session on 13 July 2015. He stated he had worked as a mechanic but now worked in a restaurant.
545. He stated he has some military experience and was trained in the use of firearms. He stated he had a bar called "*I*" in the village of P just off the F-P highway but he left that in 2014 and now was the manager in "*Restaurant B*" in G village for a year and a half. F B was the owner.
546. H. S. stated in 2013 he was the owner of the "*I*" bar. There was live music with dancing and singing. The dancers were female. The customers were mostly men aged from 20-50 whereas the dancers were from 22 to 30 years of age. The business made modest profits. He stated he had security but this was imposed on him. One of the security "*officers*" was R A. He stated R A didn't say anything directly to him but he came to the restaurant and started breaking things, got into a quarrel with guests so he hired him. He stated when sober he was fine but under the influence of alcohol he had a temper.
547. H S stated he knew D had important friends but he did not know who his friends were. He stated he did attend the bar two or three times with M S who wore civilian clothes but he knew he was a police officer.
548. H S stated he employed two male waiters, a bar-tender and up to ten singers and dancers. H S stated some of his guests did not want to be there when M S was present as he was a police officer. He stated he politely asked him not to come but he refused. He stated M S was responsible for closing his premises a few times.
549. H S stated he did not know K or A S but he did know B S. He knew he had a company and they came from the same village. He stated he did not socialize with him but sometimes he came to his bar "*for fun*". He did not know if he was there when M S was there and D never asked about him either. He did not know his family. He stated he did not know, B H, R Y , H B , M. S or B S.

550. H S endorsed the contents of his statement to PIK of 11 September 2013. He stated M S never helped him in any matter related to the restaurant. He said the only time was when he called him to come and collect R A. H S stated M S would usually inspect the premises once a month but sometimes less often. He would come with between 15-20 colleagues. Sometimes B B was present too. However, he stated they did not attend the restaurant together when off duty. H. S. stated he did not know V T.

551. H. S. stated he had coffee with M S on the day R A “caused problems”. He also had coffee with him at “Euro-Miti” two days after. He stated A Xh, Z N and A ’s sister were also present. He stated he saw M S and R A have coffee twice in 2013 but he could not recall any more occasions than this. H S stated A Xh was an employee of his. She was a dancer. She became an employee in 2012.

552. H S. agreed there was a shooting incident involving R A at his restaurant and A Xh was working there then. She continued to work after it. He recalled R A came to the “Restaurant I” in 29-30 May 2012. He was under influence of alcohol and also drank in the restaurant then he started breaking glasses, at which point H S grabbed him to send him out and he went out to the door, behind the restaurant, and he shot in the direction of A Xh’s vehicle. He stated this was at approximately 2 or 3 o’clock in the morning. He stated his earlier statement to the effect he came with A Xh and Z N (nickname M) was not true rather he came alone and they were already there. He stated R A had a dispute with them and threatened to beat both of them so he grabbed D and put him out. He stated Z was a little bit intoxicated but A was not. He stated R A drew his weapon and shot at A Xh’s car, a Peugeot 206. He stated he approached him, took his gun, told him to go home and sent him to his car. Then he called some of D ’s relatives but none of them answered the phone so ultimately he called M S. He stated he asked him to come because and send D home because he was causing trouble and he said he would. After more than 20 minutes he had not come so he called him again and M S arrived and left with D in his (M’s) car.

553. H. S. stated about 40-45 minutes later M S called him. He stated he had called him earlier because he knew he was a police officer and he had his number from an earlier time when he had closed his premises. H S stated he did not call the police station because he did not want to make a big deal out of the situation. He stated he did not know M S was an officer of high rank. He stated there were no victims. He stated other employees namely, V T and R H proposed that he call M S. HSi stated at the time R A's girlfriend was a girl called Z but he did not have her number.

554. H S stated initially he did not tell M S, R A had discharged a firearm. He stated when he got to the restaurant R A stood up and went to the toilet, he was crying, and then M S asked what exactly what happened and what was wrong with him. He stated he stayed inside the restaurant but has staff informed him M S took R A away to restaurant "D " from where R A later called him and he was crying and he said he wanted to apologise so HSi went to the restaurant "I" with A Xh, Z N and A.

555. H S resumed his testimony in the session on 16 July 2015. He stated R A apologized to the ladies in restaurant D and they insisted they did not want to initiate a criminal investigation. He stated they left shortly after and he did too and only M S and R A were left.

556. He agreed with the contents of his earlier statement to the effect, "*the girls came and had café with us, D apologise to them by saying that he was under the influence of alcohol and we had those cafes and girls went away and I went as well the M S as well. As far as I remember after two days, A , Z and D told me that they have been called by M asking if they would like to complain against D and they advised him no and the matter was closed*". He said it was a joint mutual decision on the part of the girls and him to call M S. H claimed the girls said not to call the police and he did not want to call the police because of the nature of his business.

557. H S stated R A was only 5-6 metres away from A Xh's car when he shot twice or three times at it. He stated there were numerous other employees present but he was closest.

558. He agreed he knew M S as "M " at the time of the incident but he denied they were friends or that he was under his influence. He denied his statement to the prosecutor of 13 September 2013 wherein he allegedly said he was, "*like my friend*". He said he could not recall how he came to have his number when he called him after the shooting incident. He also denied the part of the statement where he allegedly said, "*both of them M S and R A are from F. He knows R, they have friendship between them and I begged him to come and deal with it*". He stated he knew M S would take R A away from there and he would calm him down and this is what actually happened. He agreed M S had initially responded, "*Why don't you call the police?*" He admitted he exaggerated the incident in order to persuade M S to come. HSi stated M S made efforts to investigate the case. He stated he contacted the girls and invited them to go to the police station but they did not want to initiate a case against R A. He stated he did not know if M S took R A to the police station for processing.

559. H S stated the girls went with him in his car to the restaurant "D " and from the restaurant they went home by taxi and he went home to fix A Xh's car. In restaurant "D " he repeated D was crying, he apologized for his actions and offered to fix the car. M S was mostly silent. However, he asked them if they wished to have R A prosecuted and they said they did not. He said he later called A Xh to see if she was ok and her main concern was to get her car fixed. He insisted he was alone when he made this call.

560. H S stated R A called him the next day and invited him to his apartment in F for tea and he went.

561. H S stated A Xh's vehicle was fixed in a garage in F on the road to G. The windows were bought in L . He stated R A paid for the windows and he paid for the

labour. He stated the total bill was €300 and in effect they paid half each. He said he felt like he should pay as he had given him the alcohol that made him drunk.

562. H S agreed that when he heard the girls were planning to leave Kosovo and return to A and he sent A Xh an SMS to encourage her not to do that and to liaise with Medneres S if she had any problems and he might help them.

563. H S stated R A no longer worked for him nor did the girls but they left after R but not immediately after. H S stated there was another incident involving R A in his restaurant, “*Burdushi*” in 2014. There was an altercation between him and some other guests. They started throwing cups and glasses at each other.

564. H S stated R A also sent an SMS that was conveyed to him by his workers wherein R A allegedly said that “*he would come to the restaurant and would kill us all with a Kalashnikov*”. He stated he called D directly and talked to him, they went out and had coffee, and he asked him what the problem was as he had no problem with him. He said there was no problem.

565. In response to questions from counsel for the defendant, M S the lawyer, A R H S stated he did not know if M S was a friend of R A’s or not, but he used to see them together sometimes. He repeated he initially did not tell M S the damage to the car was caused by a gun as he did not wish to make a big deal out of it.

566. H S stated while he was present he did not hear M S and R A having a conversation nor did he hear M S promise R A he would hide anything, he would fix some kind of document such as a passport or anything for traveling abroad. He did not hear him say he would protect him either.

567. In response to questions from the defendant, M S the witness, H S confirmed it was a multi-disciplinary group that inspected his premises but it was the defendant, M S who was responsible for closing it. He stated he paid a fine of €1,000 in respect of

infringements of the employment legislation. He agreed other premises were also searched but he did not know if they also paid fines.

568. H S stated R A informed him he got to know M S through his uncle. He confirmed it was a joint decision by him and the girls not to make a big deal of the shooting. He stated he had not made M S aware he sent an SMS to the girls on his behalf. He agreed he had initially told him the window was broken by bottles and in restaurant "D " M S informed him even if these were the case he should report this to the police. He agreed M S had advised him that even if he didn't want to report this to him he could report it to any police officer in Kosovo.

569. In response to further questions from the prosecutor H S agreed his actions after the shooting, including calling M S, were aimed at covering up what had happened.

570. The next witness to testify was A Xh. She began her testimony on 23 July 2016.

571. She stated she was a dancer working in a club in L. She stated in 2012-13 she worked as a dancer in the "I" café. She agreed the prosecutor interviewed her on 11 September 2013 and her answers then were truthful. She stated to the best of her recollection she did not work there after August 2013. She stated it was a live music venue owned by H S. She stated most of the clients were good and there were more men than women. She stated the clientele did not pay for dances or drinks for the girls and the girls were not allowed to sit by the table with clients. She said the clientele changed a lot and she was not familiar with many regulars.

572. A XH stated she was familiar with the name of M S. She recognized him in the courtroom. She did not know he was a police officer nor did she know any other police officers or if they frequented the "I" café. She stated she did not recognize M S as having come to "I" café while she was working there.

573. A XH stated on the evening of the shooting she was there with her sister and a friend. She stated she did not know any of the security staff at the time. She stated she knew R A His girlfriend, Z was a friend of hers. They were very close. She saw Z and R A together. She saw him at "T" but was not sure if he was a security guard.
574. A Xh stated she knew V Si was H Si's son and he sometimes came to at the restaurant and stayed at the bar. She stated DXh was her sister and was known as A. She stated she also knew Z N who was also known as M. She stated she herself was also known as J, short for A.
575. A Xh stated she heard of M S as a result of the present case. It was put to her in here statement to the prosecutor she had said, "*No, D works security at the bar, and M would visit the bar sometimes*" therefore she must have know him before the present case. She stated she said "maybe" he came to the bar but she did not know everybody who did. She knew his nickname was "M ". She learned this from H S. When she met him on the morning of the incident he told her to report it to the police but she said no. She found out then he was a police officer. Nobody told her which station he was attached to or what his rank was.
576. A Xh denied she had any form of intimate relationship with R A. She stated she did not remember if she had a boyfriend in May of 2013. She stated she socialized many times with R A and Z at the time but she did not see him in the company of M S. A Xh stated the damaged car was her's. It was a Peugeot 206 bearing registration number AA 724 DG and was registered in Albania.
577. A Xh stated R A was in the "*International*" venue the night the vehicle was damaged. She stated he was drunk. She stated he may have left with friends but she was not sure. She stated when she finished her shift she took her wage, went outside and saw the rear windows windows on both sides of her vehicle were broken. She stated R A was outside, upset, crying and apologizing to her. She stated she ordered a taxi and went home with her sister and close friend.

578. A Xh stated R A informed her he had damaged the windows unintentionally and that he was under the influence of alcohol but she agreed that when the Prosecutor asked her about this in September 2013 her answer was *“No, in fact there was nothing between him and me but I think it was because I wanted to quit”*. She stated it was probably H S who told him she was quitting.

579. A Xh stated H S shouted a lot at R A and wanted to report him to the police but she said no because he did it unintentionally. A Xh stated she did not know why R A damaged her car but he did it unintentionally and he did it without any bad intentions towards her. She stated she was inside when it happened. She stated she did not know how he had damaged her car. She stated when she got home H S called her and asked her to meet and explain this issue. She went to “D ” restaurant. There she said R A admitted he made a mistake when he broke the windows of the car. Eventually, she admitted she heard he had caused the damage by firing a gin at the car. A Xh stated if she knew 100% R A had used a gun she would have reported him because he could have harmed people.

580. A Xh stated R A fixed her car but she didn’t know how or where. She stated he promised to pay for it. She agreed H S was present when she gave the keys of the car to R A. She stated she got them back the next day.

581. A Xh stated H S told her to report the case to the police but she said she did not want to. She did not know if the police subsequently came because ten minutes later she went home. She agreed she received an SMS message from R A’s girlfriend, Z that read, *“Don’t be upset you are going to be paid for that”*. She agreed she also received an SMS from Z that read, *“I will fix the car windows. Swear to God. But I am more worried about Awho is worried. I love the three of you. Sweet sleep!”*. She stated A was her sister but she denied there was an argument inside the restaurant that resulted in R A getting ejected and shooting at the car and A got upset as she knew there was a gun involved. She also denied her or her sister were anything more than friends with D.

582. A Xh stated when she subsequently went to restaurant "D" at H Si's request. She stated H S was present with R A and M S later attended. She stated he told her, "*Don't waste a minute. Let's go to the police to report it.*" She stated H S told her R A wished to apologise to her. A Xh agreed she sent an SMS to R A saying, "*it was not nice what you did*". She agreed she also sent him an SMS after her car was fixed.

583. A Xh stated she did not remember receiving an SMS on 5 June 2013, at 23:23 hrs, from H S's number 044 130362, that read, "*M is saying take the number. If you have anything let me know about everything. You were fair that day. Ok, call us sometime, ok?*" Similarly, she did not recall on June 7 2013 sending an SMS to the number of M S that read, "*Hello dear, this is my number. With respect, J*". However, she agreed that when asked about these SMSs in September 2013 her answer was, "*M was a friend of D, and H said to call him as he might help me in relation to the incident. There was nothing between M and me.*" She agreed M S and R A were friends. She stated in Albania it was common to greet somebody with the words, "*Hello dear*".

584. A Xh could not recall having coffee with M S two days after the incident. She did not know who called him on the night of 29 May 2013. When pressed she agreed with her previous statement she might have called M S and she did have coffee with him and with her sister and he said "*despite the fact he is a friend of mine come to report him (R A) now*".

585. A Xh agreed with her earlier statement R A called her a hundred times to go to restaurant "D" on the morning of the incident. She went with her friends A and M and stayed about 20 minutes. She agreed with her earlier statement that M S said, "*The incident that happened, he asked me what did you decide and he even told me to report it to the police. He said even though he is my friend he should be punished and realized his mistake*". She stated her belief M S said this as he worked for the state.

586. A Xh resumed her testimony on 24 July 2015. She stated she did not think it was strange or unusual that someone in the police would have or take part in a conversation

at 5 o'clock in the morning when he was not actually involved in the incident. She stated he was there to report the incident. She stated there was no reporting because she did not want to make a big deal out of it as she knew R A.

587. A Xh stated to the best of her knowledge H S was inside when the windows were broken and there was argument going on there involving her M, D and R A prior to the time the windows were broken.

588. A Xh stated she had coffee with A, M and Z before and after the incident. She could not recall going for lunch with Z the day after the incident but she agreed she did. She agreed they discussed the incident and she agreed she stated before the prosecutor *"the cause was that I was going to quit and he was not happy with that."* She agreed because she attracted customers and was friends with H S and Z too.

589. The prosecutor put it to A Xh there was an SMS sent to her phone that read, *"044 121 611 M, daughter is saying here you have the number, if you have anything just to inform for anything as you were fair that day, call him sometimes, he might be fruitful for us, ok"* but she stated she could not remember this.

590. A Xh stated that it was only what they talked at restaurant "D " did M S know the windows of the car were broken because it was there and then R A told her he broke them with his fist and a bottle and apologised. She agreed she had not mentioned this previously and said she just recalled it now.

591. In response to questions from A R, counsel for the defendant, M S, A Xh stated her statement to the prosecutor in September 2013 was the truth. She stated when she went outside on the night she did not notice the size of the glass particles but she did notice R A was sitting approximately 50 meters from the vehicle. She stated he was distressed and apologizing to her. He was drunk.

592. A Xh stated in the café “D” M S told, “*You should report the case in order to compensate your damage, to get compensation*” but she did not recall him promising to R A that he will help him to get a new passport and new ID card, or any other document in order for him to hide and leave F or any other supporting document for him to leave the country. She could not recall there being any discussion about the weapon or any firearms.

593. In response to questions from the Presiding Judge A Xh confirmed M S asked or advised her to report the case to the police. She stated he said this in the presence of R A and everyone at the table would have heard it as it was said openly. She confirmed she replied she was not planning to do so eventhough M S said it would be to her benefit. She believed he also said it should be reported as it was a criminal offence but could not be sure. She stated H S also advised her to report the incident to police in order to obtain compensation. She stated her sister and friend also heard that advice. A Xh agreed H H was very upset over the incident and he felt sorry for what happened to her.

594. The next witness was A Xh’s sister, **D Xh**. She began her testimony in the session on 24 July 2015.

595. D XH stated she was working as a part-time dancer in the restaurant “I” when the incident happened. She agreed she gave a statement to the EULEX prosecution on 1 of October 2013 and truthful answers and information to the best of her knowledge.

596. D Xh confimed she knew R A from the café “I” as he worked there as security. She stated she had coffee with a man named M in restaurant “D ” after the incident happened and she indentified M S as this man. She knew he worked in the police in F. She stated he advised A Xh to report the case to the police. She stated it was only in restaurant “D” that she became aware M S and R A knew each other. She stated A, M and H S were present at this meeting. She stated she knew Z A was R A’s girlfriend. She stated prior to the incident they socialised a lot but not so much after.

597. D XH on the night her sister's car was damaged R A's and his friends were drinking alcohol in café "I". She stated she was working at that time and then he went out, he was upset when he went out, and after a while "we" finished our shift. Shee stated when "they" went outside they saw shattered glasses on the car and R A was crying and also distressed. She stated he apologized to them and they went inside, called the taxi and went home. She stated they were upset too. She stated when they were at home "they" called A and asked her to meet at restaurant "D ". She stated she went there with A and Z A and R A apologized to them there as well. She stated M S came and joined them and asked to report the case to the police. She stated A said she did not want to report it because she did not want to make big deal out of it because R A had apologized and was sorry. She states she was also under the influence of alcohol that night.

598. D XH stated she did not see the windows being broken she was inside. She stated R A was upset because "we" wanted to resign. She stated "they" told him several times. She could not recall if girls went out and saw the damaged vehicle before H S. She stated everybody went out more or less at the same time. She stated she was also drunk that night and her recollection was not that clear. However, she recalled seeing blood on R A's fist and was told he had punched the glass. She could not recall seeing stones, bottles or shell casings beside the car. She did not know if the police were called. She stated a taxi arrived 10 minutes later. She agreed R A had the keys to her sister's car and had offered to fix it. She stated her sister was crying. However, she stated she and her sister forgave him and allowed him to fix the car.

599. D XH stated they went home and after a few minutes R A phoned them. He invited them to meet at the restaurant "D ", they went there, met him, discussed the incident, he regretted what he had done, after a few minutes M arrived and told them to report this case to the police to get compensation for the damage but A said 'No, I don't want to report it'. She stated after 20 or 25 minutes they went home. She could not recall if M S was already in the restaurant or if he arrived after them. She stated he introduced himself as a friend of R A's and she assumed he was. He said he was a police officer and

he said *“If you want you can report it to the Police.”* She stated he said, *“Although he is my friend you can still report him to the police.”*

600. D Xh stated she could not recall hearing about gher sister having a coffee with M S and H S after the incident. She did recall Z A sent her sister an SMS about the incident. She was not aware her sister also received antother SMS with M S’s number.

601. In response to question from the lawyer, A R counsel for the defendant, M S DXh stated she was under the influence of alcohol in *“I”* and *“D”* cafes and her recollection was impaired by that.

602. The next witness to testify was V S. He gave evidence in the session on 29 September 2015. V S stated he worked with and for his father, H S in a restaurant called *“B”*. He stated they used to run a restaurant and live music bar called *“I”* three years ago. He stated he worked there occasionally and at that time he was at school. He stated his father leased it from a man called R. He stated his father was in charge of hiring and firing and they did not employ a manager. V S stated he recalled giving a statement to PIK on 11 September 2013 and he stood by its contents. V S stated he did not know B B.

603. V S stated A G, her sister A, Z N were dancers in the restaurant, *“International”*. He knew one of the security workers was D but he did not know his full name. V S stated he was aware of a similar live music venue called *“M”* nearby and sometimes the same dancing girls worked in both premises. He did not know a dancer called Z A from T.

604. V S stated his family had nothing to do with the S family nor were they friends with any police officer. He knew M S as *“M”*, he was a police officer and he came to the restaurant very rarely. He stated he did not have any relations or close relations and he did not remember even speaking to him. He identified him in the courtroom. He stated a colleage in the restaurant told him he was a police officer. He did

not recall ever seeing him performing the duties of a police officer though. He did recall him sitting at the same table as R A.

605. V S agreed with the contents of his earlier statement to PIK to the extent that on the night of the incident when he wanted to go home he went out of the premises and noticed A 's car had broken window glasses and his father told him "D " shot at it with a pistol. He stated his father told him, "*go home together with Ramadush Hysa.*"

606. He agreed he previously stated R A on 29 of May 2013 at 18:29.06 phoned him from the phone number XXX XXXXXX and amongst other things said, "*Don't worry. The car will be fixed. I think it has only two holes. Do you remember this conversation?*" and he replied, "*Yes, I remember this conversation. He told me so.*" He could not explain why R A called him when they were not close. He stated he had taken the car home and this might have been the reason.

607. V S stated he recalled R A drinking alcohol and getting quite drunk the night the car was shot at. The prosecutor put it to him that in his statement to the Eulex prosecutor on 1 October 2013 he stated he had seen the car being shot. He stated he in fact saw the aftermath when he went outside at the end of the shift with his nephew Ramadush. He stated he was inside and did not hear any shots but heard about it from his father. He went outside but his father told him to go home which he did but his father called him and asked him to return and remove A Xh's car which he also did. He stated he had no interaction with R A.

608. He agreed with his statement in October of 2013 when he stated later on he was told "M", M S arrived, he did not see him but his father told him. He stated his father did not tell him when he arrived and when he left. He knew his father took the car to be fixed the next day but he did not know where.

609. V Si stated he did not see A Xh's reaction when she saw her car. He stated he did not know what type of weapon was used to shoot at the car and he did not see M S that night. He confirmed he did not see R A shooting at the car. He could not recall who told him but he knew some of the people in the incident met for coffee in restaurant, "D".
610. In response to questions from A R counsel for the defendant, M S V Si stated he attended work at 8 p.m on the night and he did not see M S at all then or the next day.
611. The next witness was Z N. She gave evidence to the main trial panel in the session on 13 October 2015. She stated she worked as a singer in restaurant "International" for three or four months approximately two years previously. She stated her nickname was M.
612. Z N stated most of the clientele in café "International" were men but she did not know of any was police officers. However, she recognized the defendant, M S as a client and pointed him out in the courtroom. She stated she only met him once.
613. Z N stated she learned M S had the nickname "M" when she met him for the first time with her friends A Xh nickname "J" and her sister, D nickname "A". They were also singers and dancers in "International" when she worked there.
614. Z N stated "D" worked in security but she did not know his real name. She also knew a colleague called Z as they worked in similar live music venues. She knew she was D's girlfriend but she did not know if they were together in 2013. She knew she gave a statement to the Eulex prosecutor in 2013 and she agreed its contents were truthful and honest and she signed that statement.
615. Z N stated she lived with A and DXh in 2013 and they were good friends. She stated she did not know B B, B V or S M. She stated A Xh was not romantically involved with anybody from "International" in 2013.

616. In relation to the events of 29 May 2013 Z N stated herself, A and DXh hung out together all the time. She stated she had a long break from work as her mum passed away. She stated she I used to work all the time with her mother and it was not easy to work without her and because of that she was drinking and under the influence of alcohol most of the time. She stated they got bored and wanted to change the restaurant they worked at. She stated A told H S and all three of them were drinking. She stated D was there with a large group also drinking. She stated she had drunk quite a lot and she was late to collect her salary. She stated their cars were parked in a separate carpark to the customers. She stated A Xh went out there as she was collecting her salary. She stated another dancer or singer mahy have been there and she heard them shouting "*the car the car.... the car*". She heard A 's voice. She stated when she I opened the door she, "*heard the cars window was broken*". She went out, D A, J's sister went out "*the owner heard it and he also got out*". She stated A Xh was outside before her and she said the window of the car was broken. When she went out, she checked the vehicle and saw only the window was broken. She stated she asked what happened and A Xh said, "*I don't know*". She stated H S asked the same question to A . She stated they could see D sitting on the ground with his head bowed and his hands on his face and it seemed that he was crying. She stated J went to him and asked what was wrong. She stated she could not recall what happened next and A XH stated, "*let's go home*" but she preferred ot leave the car there and get a taxi. She stated D apologized to J saying "*I apologize and I will fix the damage and I didn't do it intentionally*". She stated they took a taxi and went home. She stated D called J on the phone and she was overhearing the conversation and D was apologizing and J was crying. She stated D said, "*let's go and have coffee at "D " restaurant*" and he said, "*please forgive me*". She said A did not want to take her along with her but she insisted on going. She stated Dstayed behind and they went to restaurant "*D "* and H S, his girlfriend, Milja, D and M .

617. Z N stated she was drunk on the evening in question but not to any great extent and she remembered what happened. She stated neither herself, A or D had any problems with D prior to this. She stated she did not know H S told D they were contemplating leaving but it was possible.

618. Z N stated once she saw the broken windows they went back inside in the restaurant. She stated she did not know how the car was damaged. She stated A did not know either. However, she also stated when they went home A started crying and she said “*D broke it unintentionally*” but she did not say how and Z N did not ask. She stated D called A Xh several times after the incident.
619. Z N stated when she got to restaurant “D ” she could not recall if M was already there or if he arrived later. She stated she did know if M and D were close. She agreed in a previous statement she D was in restaurant “D ” with his “*friend M* ”. She stated they stayed in restaurant, “D ” for approximately 30 minutes. She stated M left before her. She stated while he was there, M spoke with A but she could not hear what was said.
620. The prosecutor put it to Z N in her statement in October 2013 she was asked what did “M ” say and replied after D went to the restroom “M ” said “*regardless of the facts that he is my friend I support the truth more so please report this to the police*” and they said no because we love D and “*we know he did not do this with full consciousness,*” and she did not deny it was true. She states she never found out what method D used to break the windows. She knew he fixed the car. Z N stated she did not recall there being any sort of a discussion or argument between D and A or anybody in their group of girls before D went outside.
621. In response to questions from A R counsel for the defendant, M S Z N stated she had never seen M S before the night of the incident. She did not see him in restaurant “I” that night. She stated she had no specific knowledge D and M were friends she just assumed so. She stated at the time she did not hear how the window of the car was broken.

622. The next witness was N S. He began his testimony to the main trial panel in the session on 13 October 2015. N S stated he was in the employ of Kosovo Police having graduated in 2000. Since then he was almost always attached to the Regional Traffic Unit in F. He stated this encompassed speed-check controls, checkpoints and attendance at accidents. He stated they also cooperated with officials from the Kosovo Tax Administration regarding the smuggling of goods and all activities regarding taxes including import and export duties payable on vehicles. N S stated he had undergone specific training for traffic officers as well as training to be an instructor within that unit. He also received training on ethical and professional behaviour and this included anti-corruption training.

623. In relation to specific functions Officer N S stated before the commencement of each shift he reported to his supervisor who would be the Sergeant or a Police Officer without a rank but performing the job of a sergeant. The Sergeant or the Acting Sergeant would then brief him and inform him about the possible tasks he would need to perform during the shift. He stated in case of anything happening during the shift he would immediately inform the Sergeant or the Acting Sergeant by phone or handset. He stated above the Sergeant is the Lieutenant and then above the Lieutenant is the Captain and at the Regional Traffic Unit, the captain is the highest rank and he is the Commander of the Regional Traffic Unit. He said it was his duty to obey orders. He stated he would not comply with an illegal order even if it came from a superior officer.

624. N S stated he knew M S as a colleague and as a superior officer. He identified him in the courtroom. He knew S T but only as a person he had stopped driving once. He did not remember his face. However, he was able to identify him in court. N S stated he knew B B as they used to work in the same police station.

625. N S stated he was familiar with E L who was currently the shift leader in the station. He stated he also knew S O as a colleague who used to work in the same unit and he lived in the same village. He stated they worked together for four or five years but not always in the same shift. He stated if they worked the same shift together he would be the

patrol leader as he had more experience albeit he did not hold a superior rank. N S stated there were occasions when he would consult persons outside the traffic unit on traffic duties when he did not have knowledge of a specific issue.

626. N S confirmed he made statement to the EULEX prosecutor and to PIK. He confirmed his answers were accurate. He stated he had kept the same phone numbers (official and private) since 2013.
627. N S stated in 2013 as far as he knew M S was assigned to the Anti-Drugs Unit of the police in F. He stated they were in the same class in the police academy and as the amount of police officers was very small in 2000 they had frequent contact when they commenced work. He stated he never had coffee with him socially over the years but may have had two or three times at work. He stated M S was a supervisor but never his supervisor. He did not have his phone number and, as far as he knew, M S did not have his. N S stated his opinion M S was a good colleague and a good police officer. He stated he was aware he was currently charged with criminal offences.
628. Officer N S continued his evidence on 19 October 2015. He stated he knew M S's nickname was "M". He stated in 2013 he believed he was assigned to the anti-drug unit with the rank of Lieutenant. He stated he was in Switzerland at the time of his arrest and when he returned he was interviewed by PIK. He stated it was then he learned of M S's arrest. He stated he subsequently heard about it from police colleagues but only in superficial detail. He agreed he tried to find out more but he stated whenever Eulex was involved colleagues were more reticent about divulging information. N S stated he had discussed the traffic stop at issue in this case with his colleague S O but not after he was interviewed by PIK. N S stated he was not aware M S and B B ever had any contact or if they worked in the same unit at the police. He stated he also heard B B was involved in criminal proceedings but nothing more than that.
629. N S agreed he was on traffic duty with S O on 28 May 2013. He stated they were supervised by a sergeant but he could not recall who this was. He stated he was the leader

of the patrol by virtue of his superior length of service. However, he stated decisions were taken as a team job and there was no superiority or inferiority. However, he stated if there was a dispute or query the leader would speak to the supervisor and/or report on everything related to the shift.

630. In relation to the specific incident of 28 May 2013 N S stated he recalled it better than he did in his interview with PIK in September 2013. He stated he was conducting a checkpoint with S O in the village of Koshare from 15:00 to 23:00 hrs. He stated at a certain point he was in the vehicle performing an administrative task while Officer O was measuring the speed of the vehicles with a laser-gun. He stated a R "C" vehicle drove by a little bit faster but a greater issue was it had no lights on. He stated his colleague stopped the vehicle and spoke to the driver. He stated he did not know what the conversation was about. He took his documents, approached him and said: *"Colleague, this gentleman is not in order at all. Here are the documents."* Officer N S stated he stepped out of the vehicle replied *"Colleague, this is what we deal with. This is why we are here."*

631. He stated they noted the vehicle had no customs fees paid and was not registered. The driver exited the vehicle. He recalled his name was V T. He stated it was clear he knew what situation he was in. She stated he told him *"Are you aware that in this situation we should call the customs service and seize your vehicle. The fine is huge; it is 5000 -5500 euro. The vehicle is automatically seized."* He stated he wanted to scare him with this information. He stated he informed him of all the other problems too (i.e. speeding, no lights). He stated S T replied, *"Dear police officer I know whatever you say is right"*. He stated he behaved correctly and said, *"I've taken this vehicle on loan and I am taking it to a secure place and I will not drive it out again but I will prepare to complete the customs fees paid."* Officer N S stated he did not believe him at first but he promised them that if they released him this time and if they saw him next time with this vehicle in that situation, then they could apply all legal procedures and enforce a more severe punishment. Officer N S stated he did not trust him so he stepped inside the police vehicle and started to issue him a ticket. Officer N S stated at this point he beckoned his

colleague S O to approach him out of earshot of S T. He stated they discussed his story he only had the car on loan and he would park it somewhere secure and would not go out with it and they agreed they would not fine him but rather just take his particulars more like a warning and not a punishment.

632. Officer N S stated at this point he observed the driver had a telephone in his hand that he was communicating with it. He stated he approached the police vehicle and asked him, *“Mr. police officer, is it possible to speak to a certain colleague?”* Officer N S stated he, *“absolutely denied that request”* and told him *“If I want to phone someone I have my own phone.”* He stated the driver went away from the vehicle because he told him to do so. He stated he asked him twice to speak over the phone to a colleague and he rejected him both times. He stated he then approached him a third time and asked, *“Will you speak to Lieutenant ‘M’?”* Officer N S stated at first he refused to talk to anyone but when he mentioned him specifically and he knew who it was, out of respect he took the phone and spoke to lieutenant “M”. He stated while the driver tried to speak on the phone beside his vehicle, he and his colleague S had agreed to issue him a fine for driving with no lights. He stated the driver in question had the impression he maintained his professional stance because he started to write the traffic ticket and he was convinced they were fining him with the most severe punishment, though actually they had already decided to fine him only for not turning on the headlights and for not having the authorization to drive that vehicle.

633. Officer N S stated he took the driver’s phone and introduced himself saying *“Hello, N S is here, who is there?”* He stated a voice replied, *“Hello my war friend. This is Lieutenant M speaking.”* He stated he said, *“Look after this person, he is my relative, could you give him a more lenient fine?”* Officer N S stated he attempted to explain the issues saying, *“Yes, we stopped him because he is driving fast, he has not registration, the vehicle is not under his name.”*

634. Officer N S stated Lt. “M” replied, *“Yes, he had taken the vehicle on loan and he will not drive it anymore.”* Officer N S stated he finally said, *“Ok, let it be so this time.”*

*We will just fine him for not turning the vehicle lights on but let this not happen again because we will undertake other legal measures.”* He stated Lt. M thanked him and he said “*bye-bye*” and that was it. He stated he completed the ticket he had started to fill out, ripped off the paper and prior to giving the paper to the driver he said, “*Accept this fine but considering your current situation this is not a fine at all. Take it more as a warning and if we come across you again we have your general data.*” He stated the final words of the driver were “*There is no chance that you will ever see this vehicle without being registered.*” He stated he thanked him and shook his hand. He stated the driver went on his way and himself and his colleague continued with their normal duties.

635. Officer N S stated the phone call lasted no more than a minute or so. He was adamant it did not have any influence over the decision which they had already taken beforehand.
636. N S stated he had issued thousands of tickets for motoring offences in his career. He stated most of the revenue generated went to the Municipality but some went to the Ministry of Internal Affairs too.
637. N S admitted in this case there was “*some professional omission within the force*” and he and his colleague should have informed the Custom Service to come or confiscated the vehicle. However, he stated they considered and believed the driver’s promise he would register the vehicle and pay the duty owed. He stated this was the first case he encountered when the vehicle had no customs fee paid.
638. N S agreed when the driver referred to “M”, he understood this as a reference to M S. He agreed it was unusual he would be asked for a favour on the phone in that way. He stood by his assertion his memory of the incident was better now and had improved his two previous interviews as he has focused more on it.
639. N S stated initially he did not trust S T. However, he stated when he considered the explanation he had gotten the vehicle as compensation for work and if given a chance

he would never see it again he reconsidered. He stated his belief the unpaid customs fees could be subject to penalties to up to 5500 euros but the maximum fine the police could impose was limited to 40 euros. He stated the driver admitted it was not registered to him but he had taken it as compensation for some work he had done and he had begun preparing the documents to register it and pay the customs fees. He agreed all the driver by way of documents at the time was the vehicle registration document and a driving license. He did not have authority to drive it.

640. The prosecutor put it to Officer N S he said at the beginning he did not believe S T but then he and his colleague decided to give him a break and only issue a ticket for a light offence and had started to write it but then he said he was going to tell “M ” he thought he was lying. In response Officer N S stated the driver had convinced them by his story and his attitude. He agreed he informed M S he thought the driver was lying but he said he did not mean it as strongly as that.

641. In response to a question from the Presiding Judge officer N S stated he did not report the incident to his superior. He accepted this was a disciplinary offence. In response to questions from the prosecutor he stated he did not search the car.

642. In response to a question from the presiding Judge he agreed the decision to release S T was taken before speaking to M S on the phone. He repeated he spoke to M S out of respect and because he would have felt bad to tell him “*No, I don't want to speak to you.*” However, he agreed M S had asked him to punish his friend as leniently as possible. He agreed it was improper for M S to ask this of him and he said it would have been better for him also if he had not called on the phone at all. He repeated his earlier assertion the phone call did not influence the decision. However, he agreed he did not follow the law and violated the police Code of Conduct in taking the call and then not reporting the call.

643. N S agreed he had stated to the prosecutor the reason he accepted the phone was he felt sorry for the driver. He stated he felt respect and sorry. He said he did it out of

respect and he would have felt sorry if he hung up. He said the greeting “*Hello war friend*” was strange to him because M S should have known he did not participate in war.

644. N S agreed with his earlier statement to the Eulex prosecutor that he said, “*he was speaking as a colleague and told me to take care of him as a relative, if you can find him lighter, and I said ok M since you called as well I shall fine him only for driving with lights off*”.

645. N S stated he did not make any calls to anybody to access the police database for information about the vehicle S T was driving. He stated the only police officers involved in this incident were himself, S Obrazhde and M S.

646. The prosecutor then put the following intercepted telephone call from S T to M S:

*M: Hello V my friend.*

*V: Hello “M ”, where have you been?*

*M: I’ve been around my friend.*

*V: How are you doing?*

*M says: I am doing fine.*

*V says: I was going somewhere with unregistered vehicle and I was stopped by somecolleagues of yours.*

*M: Who were they?*

*V: I don't know them.*

*M: Are you there with them?*

*V: Yes.*

*M: Tell them that “M ” is your uncle.*

*V: I told them that “M ” is my uncle, but they didn't.*

*M: Who are they?*

*V: I don't know them.*

*M: Tell them if they can talk to me.*

*V addressed to police officer, can you talk to “M ” for a moment?*

647. N S stated, as far as he was aware, there was no significance to “M” being his uncle or any relative. He stated he did not hear this conversation as he was sitting in the vehicle writing a ticket.
648. Officer N S resumed his evidence in the session on 27 October 2015. He stated at no point did S T represent to him that he was related to M S. He repeated he only indicated who was on the other end of the line when he approached him for the third time. He agreed he immediately made the association between “M” and M S.
649. Officer N S stated S T handed the phone directly to him. He agreed he recognized M S’s voice. He agreed there was a subsequent conversation where he said: *“Hey I have this guy here. If I tell him that he is lying he will get angry but he mentioned your name after I filled everything and he has neither customs clearance nor anything else and I have to make him pay low ticket just for not fastening the seat belt or something like that”*
650. Officer N S agreed there was no explanation offered to him by M S about how he knew the driver, about the car ownership or who the true owner was. Similarly, there was no explanation about the customs fee that was owed or the registration of the car.
651. In response to a question from the Presiding Judge Officer N S stated when he said he thought the driver was lying he meant to ask “M” if what he was saying was true or was the driver lying to him. He stated his idea was to confirm if what was said by Mr. T was true. However, he admitted his opinion had no relevance to the investigation as he and his colleague had made up their minds up already. He stated when he said the driver would get angry if he accused him of lying he meant more in the sense he would be humiliated and this was not good from an ethical perspective as he had to respect him.
652. When the subsequent conversation was put to him N S agreed he said he might just issue a symbolic ticket and this was in contradiction with his earlier testimony he had

already made up his mind to do this anyway. He stated he said it like this just to conclude the conversation and get rid of M.

653. The prosecutor also put it to him M said, *“hey my friend he will issue a very small fine because he told me that you told him about me only after he filled the papers”* and this implied “M ” was also under the impression Officer N S had already started filling out papers which were going to be a lot more costly to Mr. T but Officer N S disagreed with this.

654. He stated when he was offered the phone, and he spoke to M , he was about to finish the ticket for the lights, and he had only to fill in the part to give the description of the offence but he was interrupted and initially he did not tell him that it was about the lights, but they would issue a fine about the seat belt. He reiterated the conversation with M S did not make him change his mind from what he had already decided to do. He agreed being asked to change a ticket was *“not professional at all”*. He stated his belief the person who asked was also doing something illegal.

655. Officer N S stated he did not hear anything S T said to M after he handed back the phone. He confirmed when questioned by PIK investigators he had stated he hated getting telephone calls like this or indeed any phone calls. He stated he initially believed the fine for this offence was between €5,000 and €5,500 but he since learned it was a maximum of €500. He repeated he stated the initial higher amount to scare the driver. He confirmed he said to M he would not issue the correct fine on that occasion but the driver could not continue to drive like that. He said he had no other occasion to speak with M S on the phone in the year 2013.

656. In response to questions from the lawyer, A R counsel for the defendant, M S Officer N S stated he did not know exactly how the Kosovo Customs authorities calculated fines in respect of late payment of import duties. He stated he did not find out if S T subsequently registered the vehicle. He stated he was aware there is a system of grace whereby the Kosovo Customs authorities allow drivers one month to register a

vehicle and pay the import duty. He did not know if the interim period between entering the country and being registered was not fined if the vehicle was certified “*off the road*” but he thought there was such a policy.

657. In response to questions from the defendant, M S Officer N S stated he had the legal authority to give a warning (effectively “*use his discretion*”) rather than immediately proceed to issue a fine.
658. In response to questions from the lawyer, Mr. A S counsel for the defendant, S T Officer N S agreed he was not competent to determine the value of a vehicle he stopped, the amount of the fine that could be for that vehicle or the actions that should be taken by other institutions in respect of it. He stated his colleague had stopped the vehicle because it was speeding and its lights were not on but he stated they could stop a vehicle without any purpose just for checking. However, he stated his first duty was to explain to the person he had stopped why he had done so.
659. Officer N S agreed as a police officer he was not authorized to determine the value of goods discovered in a vehicle. He stated he had stopped vehicles with registration plates that were not from Kosovo and without registration plates at all but these were mostly cases where the owner had paid the tax owing and was simply waiting for the money to go through the system and for confirmation to issue.
660. Defence counsel A S then showed Officer N S a unique customs document called a “*D*” in Albanian. He stated he had not seen one before but he knew it was an important document.
661. Officer N S stated as a result of his actions in this case he was suspended for two months on half pay. He stated there were promotions available at the time and he had prepared for these but due to his suspension he could not compete for them. He stated he subsequently went back to work and felt bad about this. He agreed that in cases such as

this his duty was to notify the Kosovo Customs Service to come and takes the vehicle and process the case.

662. The next witness to give evidence was Kosovo police officer **S O**. He commenced his evidence in the main trial session on 27 October 2015. He stated he was a police officer from 1977 to 1990. Officer **S O** stated he was attached to the patrol unit in **F** police station but worked in the traffic unit from 2005 to 2014. Officer **S O** stated he had received general anti-corruption training but this was quite basic.

663. Officer **S O** stated in 2013 his immediate superior officer was Sergeant **I. SH.**, above him was Captain **B S** and above him was a Director. He stated he knew at the time **M S** was lieutenant but he stated he was not in his chain of command. He stated he knew him as a colleague and superior since 2013. He pointed him out in the courtroom. He knew his nickname was **M**. He also knew **B B** was a colleague. He believed **M S** was assigned to the Anti-Drug Unit but he did not know about **B B**. He stated in 2013 he was not in possession of either of their numbers nor was he in possession of them now.

664. Officer **S O** stated he knew Officer **N S**. He stated they were from the same village and worked together in the traffic unit but only briefly on the same shift. He stated they were not related to one another nor were they particularly good friends. He stated when they did work together Officer **S O** work was the shift leader as he had longer service even though they both held the same rank. He confirmed his telephone number in 2012 and 2013. He stated he and Officer **S O** had each other's telephone numbers in 2013.

665. Officer **S O** confirmed he gave a statement to **PIK** about the incident in question on 17 September 2013 and its contents were correct. He stated he remembered the name **S T** after he had seen it and the ticket that was shown to him in the **PIK**. He stated he had never been to court before to testify about a traffic ticket.

666. Officer S O stated S T's was a regular stop for speeding and having no lights on. Officer S O stated as far as he was aware there was only one sentence left to be written on the ticket when Officer N S took a phone call. He said he informed him he spoke to M . He agreed this was M S who he had identified some moments ago. Officer S O stated M S had never called him like this.
667. Officer S O stated Officer N S he refused several times and only when he was done did he answer the phone. He stated Officer S knew M the same way as he did. He stated he has never seen them together.
668. Officer S O stated he recalled 28 of May 2013 after he gave his statement to PIK. He stated he stopped the vehicle for speeding and not having any lights and then he approached his colleague, who was sitting in the car, to tell him the driver's paperwork was not in order either. He stated he went back to work and after some time his colleague called him back and asked what they should do? He stated they consulted each other and agreed to give the driver a lower fine and let him go, because he promised he would not take this vehicle out on the road again because he had borrowed it. He stated the driver was respectful and not a man of means.
669. Officer S O was adamant his colleague had already written down the ticket and was about to issue it and tear it out and only then did he speak to "M ". He stated his colleague spoke with M S and he did not hear the conversation.
670. Officer S O resumed his testimony on 28 October 2015. He stated when stopped S T presented a driver's licence and he also had some other documentation but the officers did not understand it as they were in a foreign language. He stated S T was told to remain in his vehicle but he got out and asked the officers to issue a fine for a lesser offence. He said all of this took between around 10 minutes. He repeated Officer N S refused to talk on the phone twice while he was writing the ticket and only when he finished writing the ticket did he answer the phone.

671. Officer S O stated his belief the actual offence occurred 3-4 minutes before the time written on the ticket i.e. 17:35hrs. He stated the entire event lasted 10 to 15 minutes. He stated he did not particular regard to the time but he was sure “M ” called after the ticket was issued. Officer S O stated Officer N S did not say what M said on the phone and, in fact, he did not say anything. He stated if he had said to release him with a fine for a lesser offence he would have said so. Officer S O confirmed Officer N S was suspended in relation to this incident but he was not.
672. In response to questions from A S counsel for the defendant, S T Officer S O stated the vehicle he stopped was a white R “C”.
673. The next witness was A I. He gave evidence in the session on 16 November 2015. He was summoned by the court but called by M S and his defence counsel, A R.
674. In response to questions from A R, A I stated in a previous session it was alleged that on 26 November 2012 K S and A B drafted a contract in his law office. He confirmed this allegation lead to him being disqualified and replaces as counsel for the defendant, M S. However, he stated K S did not even know where is office was located. He stated the contract was drafted in a different office altogether and he was not present. He stated the alleged contract does not bear the drafter’s seal or even of the signatory parties (i.e. the lender nor the borrower).
675. In response to questions from the defendant, M S, A I stated on the date the contract was allegedly drafted he was in P representing a client.
676. In response to questions from the prosecutor, A I stated he represented the defendant M S from his arrest in September 2013 until he was disqualified in October 2014. He stated he did not ask for any payment of any kind because he knew the S family was struggling financially.

677. A I stated he did not know K S or any members of the S family before the time of the arrest of M S. Similarly, he stated he also did not know A B , B or R S . He stated he did not owe any of these people or any of their family members any favours or any debts nor was there any bad feelings between him and them.

678. A I stated he had seen the alleged contract and there was nothing on it indicating he was involved. He stated format, the content and the terminology were not of a type he used in his standard contracts. However, he agreed it appeared to contain all the elements of a legally binding contract and a lawyer was most likely involved in drafting it.

679. A I stated his belief the contract was in fact drafted by the lawyer Skender Jetishi whose offices were 150 metres from his. In response to a question from the presiding Judge the witness A I stated the injured party K S and the witness A B were wrong and were lying when they identified him as the person who had drafted the contract.

680. The next witness to testify was the lawyer, S T. He commenced his evidence in the main trial session on 16 November 2015. He was called by the defence of M S.

681. S T stated he was a lawyer and a victims' advocate within the framework of the Ministry of Justice. He stated he knew M S and B B worked together in the division for trafficking in human beings division in Kosovo police. He stated he knew the name B S from when his case was adjudicated before the District Court and when a judgment of conviction was rendered against him.

682. S T stated he recalled 29 June 2012 when before the District Prosecution Office of P he served in the capacity of victims' advocate to a lady called N H. He agreed also present were the injured party N H, the *ex officio* defence counsel L Xh and the defence counsel of the defendant B S, the defence counsel E B.

683. S T stated during the course of the testimony of the witness N H there was no pressure brought to bear on her and her testimony was given of her own free will. He stated he signed the minutes.
684. In response to questions from M S, S T stated he had participated during the interviewing or questioning of victims since he began his job in 2011. He stated the police were also bound to summon or invite him. He stated he never saw and evidence of any pressure or any type of violence towards the victims of trafficking coming from the police authorities.
685. S T stated he could not recall if, in relation to the specific case of NH, he observed any change or any alteration in the testimony of the alleged victims of trafficking starting from investigation to the prosecution and ultimately to the court.
686. In response to questions from the prosecutor, S T stated he initially met N H at the police station in F. He did not know how long she had been there. He stated he spoke with her for 5 to 10 minutes before her statement was taken.
687. S T stated N H's case was, "*nothing special*" in that it did not stand out from all the other cases he dealt with. He stated he had never met her or anybody from her family previously.
688. S T agreed he was from the village of Greme but he stated it is a rather big village with 1,100 houses and more than 5,000 inhabitants therefore he was not familiar with B V, S M or A M. Similarly, he stated he did not know the S family and the "L" business. He stated when he was summoned to attend N H he was not aware there were criminal charges against any of these parties. S Topall stated he was aware there was another girl involved in this case as he went to the police station with a colleague. S T stated he did not form any impression about N H's credibility.

689. In response to questions from the injured party, B S S T stated he could not say how N H came to be at the police station. He stated in general if the alleged victim had any official complaints with regard to their treatment including the method of examination of the police officers these would be reported to the prosecutor or directly to his department.
690. The next witness to testify was A K. He gave evidence in the main trial session on 20 November 2015. He was also called by the defence of M S.
691. He was employed by Kosovo police. He stated he knew M S and B B from his work. He stated he knew B S as someone who was a suspect for trafficking in of human beings and was arrested for that. He stated he also knew a person called "S" as a victim of human trafficking.
692. In response to questions from A R, A K stated from January 2013 he was lead investigator in the central section, in the directorate of trafficking in of human beings in Kosovo Police. He stated above him was a director and the regional units reported directly to him.
693. Officer A K stated he handcuffed B S at the police station in F. A K stated he contacted B S by phone and asked him to report to the Police station. He said he is going to be late as he was far away so he told him "*it is not a problem*". However, he stated when the time came for him to attend he did not so he called him again but he did not respond. He stated after a while, the chief of the investigations of the Police station in F, Lieutenant M S phoned him and asked whether he had requested the presence of B. He stated he told him; "*yes, we need some clarification regarding a case*".
694. Officer A K stated a citizen from P reported this case. He stated initially the south police station in P handled it and then it was continued by the central unit of the directorate for trafficking in human beings and the unit in F was not aware of it until the

moment of the arrest of B S. He stated the the case was lead completely by the central unit in P.

695. In response to questions from the prosecutor Officer A K stated he did not know nor was he related to the injured parties in the case involving B S or in the current case.

696. Officer A K stated he would meet M S approximately once a month through their work but he did not socialize with him outside of work. However, he stated his belief he was now before the court charged with abuse of official position.

697. Officer A K stated he never conducted a joint investigation together with M S. However he stated from 2010 to 2013 he assigned duties to all the units and he also assigned specific duties to M S and not just in this case. He stated M S was the lead investigator in cases assigned to him. Officer A K stated he did not work cases with B B.

698. Officer A K stated but virtue of his position he had general knowledge about prostitution and trafficking establishments in Kosovo. He denied he heard of the cafes “*Montana*” and “*International*” as being places where girls from Macedonia and Albania were trafficked and prostitution was alleged going. He stated he was not aware that as recently as March 2015 the café “*T*” was shut down in a Police raid in which the owner was arrested and there were immigration Police arrested in connection with this café.

699. The next witness to give evidence was Kosovo police officer E A. He also began his testimony in the session on 20 November 2015. He was called by the defence of M S.

700. In response to questions from the lawyer A R, counsel for the defendant, M S he stated he was an investigating Police officer since 2002 and as of September 2003 he was working in the investigation of human trafficking. He stated as such his first priority was the protection of victims and then deal with suspects in the case.

701. Officer E A stated he recalled a case with injured parties named L H. He stated initially they were examined as witnesses. However, he stated after the investigation and upon consultation with the prosecutor, police established they were possibly victims and then they re-summoned them. He stated they were interviewed in the presence of the defence counsel and they were accepted to be victims. He stated the defence counsel was Mr. I. T. He stated he also knew S T. He stated the two ladies, in the capacities of victims, explained in a concrete and precise way the way in which they alleged they had been victimized. He stated nobody influenced or exerted pressure towards them in his presence or in the presence of Police officers while they were being interviewed and there was a procedure in place for them to report this if they had. He stated M S did not intervene in the investigation with words or threats.
702. Officer E A stated he knew R B. He stated he recalled “*all the Police officers were present*” when he was examined but he did not remember who exactly examined him.
703. Officer E A stated there was a defencecounsel present when B S was examined. He stated he was not familiar with any pressure, influence, whether physical or psychological exercised during the examination towards B S not least by the defendant, M S.
704. Officer E A stated investigations in Kosovo police are carried out independently. He stated in the case of B S, the case initially came from the directorate of P and then the chief handed over the case to him. However, he stated that after starting with the investigations, since B S was from the same village, there was an agreement to a police officer named N O .
705. In response to questions from the prosecutor Officer E A stated he first became acquainted with M S in July 2005. He stated M S was a lieutenant and chief of his unit. He stated B B held the same rank as him.

706. Officer E A stated he did not instructions or specific orders from M S. However, he stated he did review his work and assigned cases. He stated he was concerned when he was arrested and a dark shadow was cast over the unit.

707. Officer E A stated he knew B S since childhood. He stated he knew he was running the "L" Company. He did not know if it was successful or not. He stated he knew of the "S." company. He stated his cousin, the son of his paternal aunt, was the owner of that company and they laid asphalt. He did not know if there has ever been competition between the two companies.

708. Officer E A stated he never had occasion to meet B S outside the Police station nor did he ever transport him outside the Police station. He agreed he interviewed him with B B. He did not recall M S being present. He stated after B S was detained for two nights in F, he was transported by himself and B B to the Basic Court in P. He stated himself and N O brought B S to the District Prosecution Office. He stated M S was with them from the Police station to the café "Lamborghini" but, to the best of his knowledge, neither M nor B B came with them to P.

709. Officer E A stated it was possible somebody said (words to the effect of), "*help him because he is one of ours*" but he could not recall if it was M S who said it. He said he took that as an exhortation to help him as a fellow human being.

710. Officer E A stated the investigation of the case involving B S was ongoing for over a year. He stated it was assigned to Officer N O . He denied the officers took statements from suspects first and then statements from the victims.

711. Officer E A stated B S was not initially arrested but rather they asked him to come with them for an interview and he did not object. However, he agreed he was not free to leave. He stated he provided him with a lawyer. He stated his interrogation lasted between one hour and one hour and a half. He could not be sure M S was in the vicinity

while he was interrogating B S. However, he stated he was sure he was present when statements were taken from N H and L P.

712. Officer E A stated he remembered having a conversation in the presence of B S about R B. He stated he mentioned his name not as a witness but as a suspect.

713. Officer E A stated the day he took B to the court, his family members were not following him in the police car and he did not see his family members at the court or immediately after the court. He stated he never had any interaction with any of them. Officer E A stated he was present when B S was given 30 days of detention on remand.

714. Officer E A resumed his testimony on 23 November 2015. In response to questions from the prosecutor he stated six to seven months could have elapsed before he asked to be relieved of the duty of lead investigator. He stated, after they explained their reasons, M S agreed to that but he never saw any paperwork in this regard. Officer E A agreed notwithstanding this he remained working in the case until November 2012. However, he stated during this time he was not interested in the case and mostly worked on other cases.

715. Officer E A stated he knew a person by the name B G and he was a sergeant but fulfilled the role of a lieutenant and a supervisor.

716. The next witness was Kosovo police officer **B G** . He commenced his evidence in the main trial session on 23 November 2015.

717. In response to questions from lawyer, A R counsel for the defendant, M S, Officer B G stated he worked for Kosovo Police since 2004. He stated from 2007 to 2013 he held the rank of sergeant and was promoted to lieutenant in 2013.

718. Officer B G stated he knew M S since 2004 when he started working for Kosovo Police. He stated they worked in a patrol unit at that time. He stated he also knew B B as

he worked at a special unit with him for 5 - 6 years. He stated he also knew E A who worked in the Centralized Investigation Unit as an investigator and when he worked in the unit for Trafficking of Human Beings he worked with him and B B too.

719. Officer B G stated he did not know B S. He stated he recalled the names L P and N H. He stated this was from a case also involving B S in the Unit for Trafficking in Human Beings. He stated at the time he was leader of investigations but he did not take a “hands on” approach but instead he oversaw the situation and allowed the specialized investigators to deal with the specific issues.

720. Officer B G stated he went to live music bars with M S, “*once or twice*” outside of working hours. He stated he knew a man called “D” but he could not recall if he was present at these times. He stated M S and D had “*some kind of interaction*” but he did not know if they were friends.

721. Officer B G stated officially he knew when M S and B B were arrested and their offices searched. He stated he did not know the reason for their arrests and he did not make any enquiries in this regard as he was not very interested in gossip.

722. Officer B G stated from January until June 2012 he worked in the unit supervised by M S and he worked on his orders, advice and instructions.

723. Officer B G stated in relation to the investigation of B S he interviewed two juvenile females of Serbian nationality and the interview took place in the presence of a social worker in S. He stated the two juveniles were interviewed in the capacity of witnesses. He stated the case was led by N O while E A acted as support. He stated apart from interviewing two juvenile females he did not take any other part. However, he admitted he signed two documents in the investigation in the period from January to June 2012. He stated M S was his superior officer and he did not know what he did in the investigation and he did not follow him around. Officer B G stated he did not know when B S’s case came to his office but he knew N O was the original lead investigator.

724. Officer B G stated he was concerned not only with the arrest of M S, but whenever a Police officer gets arrested but he stated any such officer enjoyed the presumption of innocence. He stated he trusted M S while he worked with him and he did not consider his work was in any way tainted. He said he also had faith in B B.

725. The next witness was A “L” K. He began his evidence in the main trial session on 24 November 2015. He was called by the defence of M S. A K stated his occupation was a painter and he had high school education.

726. A K stated he knew M S since 2007 or 2008 when a murder occurred in his village and M S and his team investigated it. He stated he also knew B B as a a police officer. He stated he knew A A as a truck driver. A K stated he might know A S to see but he did know X B, S S and while he never knew B S he knew him now. He stated he knew R A.

727. A K stated he could not remember the date or the year but he knew he was in F with his friend A A when X B telephoned A D. He stated X B, B’s brother, and another person came to F. He stated they met in a coffee bar and they asked A A if he knew B S. A K stated X B was also asking him whether he knows the police officer M. He stated A A asked him “*why?*” and replied my “*brother in law was arrested and we want to know why he was arrested.*” He stated as far as he remembered and as X told him it was about some girls and some tenders. He stated he knew M but he did not have any friendly relations with him. He stated X B said M had a friend called D and A K stated he knew him and the venue where he worked. They agreed to go there that night.

728. A K stated when they arrived they drinks and D was there and they invited him to their table and told him that wished to speak to M. He stated D said “*he was just here but he left*”. He stated they asked him to telephone him but it was between 11 p.m. and 01:00 a.m. and M did not answer his phone. He stated D said, “*come and pick me up at*

*my home and we will go and find "M"*. However, he stated the next day D was not at home nor would he answer the phone.

729. A K stated they decided to call M themselves. He stated they met at the gas station "*Lamborghini*" in F. However, he stated M refused to sit with the others because he did not know them. He stated he asked M what the S family wanted to know i.e. why had B been arrested? Was it related to girls or to tenders? However, he stated M would not answer but told him to go to the prosecution office in P. He stated they went there and spoke to a lawyer who told them the Judge had imposed one month of detention. He stated he went back to F with B S's family members. He stated they had a general conversation and he did not suggest any specific action to them.

730. Under cross-examination from the prosecutor A K stated he did not talk about the case today with counsel for the defendant, M S the lawyer A R. A K stated he had never been the subject of an investigation himself nor had he ever been arrested.

731. A K stated items were stolen from his house three times and he asked help from M S and other police officers as well. He stated he had M S's number at the police station as a result of the murder in his village in 2007 or 2008.

732. A K agreed he knew R A. He stated he went to the "*I*" and "*M*" venues. He stated he saw R A working in these places. He could not recall if he also saw M S in these venues.

733. A K agreed he had coffee with M S at "*Lamborghini*" café but he could not recall any other occasion. He stated he did not know if R A and M S were friends. He stated he may have seen them together once in café "*International*" but he could not remember when.

734. A K stated the first meeting in F he described earlier was in a restaurant or café but he did not remember the name. He stated A A knew M S or “M”. He repeated X B arrived with one of B S’s brothers and another man. He stated his belief X B did not know he had contacts in the police. Similarly, he stated his belief A A did not know the girls at the centre of B’s case. He admitted he said he knew R A or D knew M S and could put members of the S family in touch with him. He could not explain why he did not just give them M S’s number.

735. A K stated he did not hear the names of L P and N H in relation to B S’s case.

736. A K stated at the meeting in “*Lamborghini*” café he had coffee with M S for only ten to fifteen minutes approximately. He stated he was not friends with M S but he could not explain why he had dropped what he was doing and come to meet him. He repeated M S would not disclose any information and they should go to the Basic Court in P. He stated he did not recall telling X B and the other two men, something like “*the case will be fine*”. He stated he did recall telling them they should be thinking about giving “M” some sort of reward or a tip and he stated they did not speak about this topic. He stated B B’s name was not mentioned at all. He stated the main reason he was involved in the case X B was his friend.

737. A K stated he knew B H. as the owner of “*B P*” and his sister was married to his brother. He stated he did not do anything else to help the S family and he did not know the final result in B S’s case.

738. The next witness was **B K**. He was a customs officer with Kosovo Customs. He commenced his testimony in the main trial session on 7 December 2015. He was called by the defence of V T.

739. Counsel for the defendant, V T the lawyer A S presented the witness with a document.<sup>12</sup> **B K** stated it was a unique customs document, bearing the Albanian

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<sup>12</sup> Court Exhibits file Volume I at Tab 22.

acronym DUD. He stated it was a customs declaration, initially presented by the corresponding customs unit declaring a certain place of origin and value of the vehicle and the amount of payment of the customs taxes, VRT and excise etc. He stated the customs authorities in F had accepted the valuation of this particular vehicle at €2,050. He stated having regarded to the document *prima facie* all taxes had been paid in respect of the vehicle. However, he could not say if the valuation of the vehicle was correct.

740. **B K** stated Kosovo Customs was the only authority that could assess the value of the car for taxation purposes and they also had the power to reassess this within three years. He stated Kosovo Customs and other custom brokers and forwarding agencies were the only bodies that can generate a “DUD” document.

741. When shown another document<sup>13</sup> by defence counsel **B K** stated this did not certify any payment but rather confirmed the associated vehicle was roadworthy. He stated it was mandatory to produce such a document before the vehicle could be taxed.

742. **B K** agreed many vehicles were driven in Kosovo but were registered elsewhere and it was for the authorities who assess if the vehicle was a provisional import or only transiting through the country. He stated there was legislation in place to regulate how long such vehicles can be driven in Kosovo with these plates. In general he stated there was a procedure whereby when the police stopped a vehicle in respect of which the taxes had not been paid they could give the owner a “*period of grace*” to pay. He stated the police handed the case over to Kosovo Customs during this period to ensure the money was paid. He stated once the deadline to pay expired there was another procedure.

743. Defence counsel asked the witness if he was familiar with the legal opinion of Supreme Court in relation to Article 276 of the Code of Customs and Excise as well as the previous Article 319. The witness stated from the entry to force of the new Criminal Code, Article 439 used a sentence which provided every violation under that Article would be a criminal offence. He stated this created a problem in Kosovo Customs

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<sup>13</sup> Court Exhibits file Volume I at Tab 22.

because they were used to treating some offences under this section as administrative (and not criminal) offences. He stated his belief there was a legal opinion of the Supreme Court of Kosovo and EULEX that only alleged offences where the amount of avoided tax exceeded €5,000 were criminal. He stated this is how Kosovo Customs were implementing the law.

744. In response to questions from lawyer, A R counsel for the defendant, M S, B K stated there were six (6) criteria Kosovo Customs used when assessing the value of a vehicle.

745. In response to questions from the prosecutor B K stated the Supreme Court of Kosovo issued a legal opinion to the General Directorate of Kosovo Customs on this issue and there was an opinion from EULEX as well. He stated he had read the Supreme Court opinion and as far as he could recall it stated it was issued “*in cooperation with EULEX judges*”.

746. B K stated he was not involved in the assessment of the vehicle in this case nor was he aware of the traffic stop and the circumstances surrounding that before the court now. He stated he did not know M S, B B, S Oor N S.

747. The next witness was L P. She commenced her testimony in the main trial session on 7 December 2015. She was called by the defence of M S.

748. In response to questions from A R counsel for the defendant M S she stated she had not completed secondary education. She stated in 2012 she was involved as an injured party in another case involving B S and she stated her belief that case had not yet concluded. She agreed she gave two statements in that case-one to police and one to the prosecutor. When asked if she accepted these statements as her own she stated a long time had passed.

749. L P could not recall if she knew a person by the name of B B. In relation to the statements she stated she did not go to police station rather the police came to her without any warning. She stated, “we” were called, and “we” were told “we” needed to give statements in relation to B S, and “we” were also told, “*he is a very bad person*” while she personally know him only as a friend. She stated this may have been said by a person named B who interviewed her in the police station but she could not be sure as a long time had passed. She stated there were two other persons present but they did not introduce themselves.

750. L P stated she did not know I. T. She stated the two other persons present at the interview stated they knew “we” knew B S and “we” were surprised by that because we did not know how they knew this. She stated she was asked questions about how she knew him and she stated she responded she knew him and that he was her friend. She stated she knew R B and she met him while she was having coffee with B. She stated he was her ex-boyfriend.

751. L P stated she did not know M S nor did she know him from before nor would she recognize him. She stated N H was her friend. She stated she knew her for seven or eight many years but not more. She stated in 2011 and 2012 she lived with her family and she was the only one employed. She stated she worked at an internet café. She stated B S came there as a customer and would pay in cash and would tip her. She stated she introduced N H to B S. She stated she went to other towns in Kosovo together with them. She stated she went to Hotel “E 92” many times with them. She stated she had also been to Sarandë, Ania with them but she could not remember for how long. She stated they returned to Durrës from where B S returned to Kosovo and she stayed in D with her friend.

752. Defence counsel A R showed the witness her statement PP. nr. 390-1/12 dated 29 June 2012, compiled in District Public Prosecution Officer in P in which she allegedly stated, “*I remember that we asked money from B because we wanted to go to Ania for*

*vacations.....”<sup>14</sup> and to which he allegedly replied, “yes if you go out with me and we all together have sex”, and she further stated, “we did not talk a price and we accepted his condition, and after we finished the intercourse, he left 100 EUR for each on the table, and I want to emphasize that I have had such intercourse with B many times, and every time he paid us, but we have never set a price for that. I remember that 3 year ago we went to Saranda with B and my friend Ne, where we stayed for two days, and B asked us to have an orgy, but I refused and then as a consequence he left us on the road, but then he returned again and picked us up and dropped us in Durres, where he left us”. She stated she did not remember saying this.*

753. Defence counsel A R put it to the witness she also stated, *“B had promised that he would give me a job in his company, by saying that he was going to open a shopping mall similar to Ban-af, I believed him since I didn’t have job and I needed one and I thought that I would have had a good income, since the income I had was not sufficient for the family. I was in a relationship with B until a year ago, and during the relation I had sexual intercourse, and after every intercourse he paid me an amount of either 100 or 50 EUR”<sup>15</sup>. She stated she did not remember saying this. L P stated she may be able to recognise B B by appearance.*

754. The witness L P resumed her evidence the following day, 8 December 2015.

755. In response to questions from the prosecutor about her statement dated 5 April 2012 she stated she could not recall using the word *“precisely”* and she stated she did not use the words *“my economic condition”* or the expression, *“approached to us”*? She could not recall using the expression *“to come on the occasion of celebration”*. She agreed she would usually say, *“S”* as opposed to *“Municipality of Strpce”*. She also stated she could not recall a time when she was angry with B S for not fulfilling a promise. She agreed for a period she was friendly with him.

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<sup>14</sup> At page 3 paragraph 4

<sup>15</sup> At page 2 final paragraph.

756. L P stated B S never enslaved her, made her his captive or tied her up with a chain. She stated he had not locked her in a dungeon or other room either. She stated he never used force or other forms of coercion to get her to do something that she did not want to do either. She stated he never abducted her. She stated he never committed a fraud or deception on her or force her into pornography. She stated she did not feel uncomfortable around him or his family members.
757. L P stated she did not know or recognize M S. She looked and she stated she did not recognize anybody in this courtroom as being connected to the police. L P stated from 2012 until 2015 she worked in the internet café and with N H at a sweetshop. She stated she never worked in a live music bar. L P stated she had never been interviewed by the police before she gave the three statements in this case to them. She stated they came to her house during daytime but still caught her by surprise. She stated they said, *“You are obliged to come”* but they did not handcuff her. She stated there were three officers. She stated she already knew they had spoken with N H but she said, *“I cannot tell you more details”*. L P stated the three police officers told her to go with them but they did not tell her why and this made her feel, *“very bad”*.
758. L P stated when they reached the police station for the first time the officers said *“You must talk about B S because you are his friend and you communicate with him and we know because we have the SMS”* and this also made her feel, *“very bad”*. She stated she felt she had no choice but to talk to the police officers and she did not ask to see a lawyer. She stated she was, *“very anxious”*.
759. L P stated she could not recall how long she was there but it was approximately one hour. She stated she was asked questions by all three officers and one was in uniform while two others were in plain clothes. She stated they did not speak in raised voices but they did say, *“We know things”* and *“why are you trying to lie”*? She agreed she did not read over her any of statements but instead signed them because she wanted to leave. She stated she made her own way home.

760. L P she came to give her second statement through a summons. She stated the first time she went she was told she would get a summons but not why. However, she stated she knew what it was about. She stated she felt bad and anxious like the first time. She stated she gave her second statement in an office and the same people were present. She stated she was there for roughly the same amount of time as the first day. She stated the demeanour of the police was the same the first time. She stated one of them said, *“You have no choice, otherwise you will go to prison”*. She stated they said this the first time as well. She stated on one occasion she was interviewed with N H and on another occasion it was separately but she could not remember when.

761. L P stated the police officers said she would be prosecuted, *“Because you talked to B on the phone, you were at a party”*. She stated this made her feel, *“very bad”*. She stated she had no choice but to tell the police what they wanted to hear. L P stated she could recall victims advocate Mr. T being present on one occasion but she stated he was not there from the beginning. She stated she did you have the chance to talk to Mr. T before the interview. When she did speak to him she could not remember what he said. She could not recall if he was present for the first, second or third time.

762. L P stated she could not remember if there was a summons for the third interview. She stated the police told her you cannot change those statements and you do not even dare to change them and you have to maintain those statements all the way to the end otherwise you will go to prison. She stated it was the police who were previously there.

763. In response to questions from counsel for the injured parties, B S the witness L P stated she could not be sure if she received phone calls from the Police after the third interview. She stated two officers took her from F to P to the District Court. She stated they told her, *“you cannot change the things you said before and they should remain as such”*.

764. L P concluded her testimony by stating she did not think the injured party B S did anything bad to her. She confirmed she signed all her statements but did not read them.

She also confirmed she signed her statement to EULEX Police dated 28 October 2013. In relation to her statement to the district prosecution in P she repeated in the first, second and third interviews she said the same as the police told her she could not change.

765. The next witness was **I. T.** He began his testimony in the session on 8 December 2015. He was called by the defence of M S.

766. In response to questions from A R the witness stated on 29 May 2012 he attended a police interview in the capacity of victim's advocate with L P and Kosovo police in F police station. He stated E A, M S and N O were all present. He was not sure but he believed Officer E A invited him to attend. He stated he was aware this as a case of alleged trafficking in human beings ("THB") and he advised the alleged victim of her rights and advised her to tell the truth in a separate office. He stated the police should also inform the victim of her rights.

767. **I. T.** stated during the interview of L Prishi he did not notice anything that was in contradiction with the CPC. He stated if he had done so he would have. He agreed he also attended the interview of this witness at the District Prosecution Office in P on 29 June 2012 and, as with her statement before the police, he stated his belief the victim's statement was given voluntarily and in accordance with the law.

768. **I. T.** stated his view L P gave three statements - one to the police, one to the prosecutor and another at the main trial in the District Court in P. He stated he was not aware there was another statement when she was only a witness. He stated he was not aware of anything the police may or may not have said to her prior to the time he got involved in the case.

769. **I. T.** stated he did not talk to L P about how she had been picked up by the Police at her house for her interview. He stated she did not inform him the police told her she could be prosecuted and she had to cooperate. He stated he spoke with her for

approximately fifteen minutes prior to her interview and explained her rights. He stated she signed a form indicating she understood them.

770. I. T stated the police officers informed hm of the basic allegations of the case before he spoke to L P. He stated E A and N O informed him while the lead investigator, Lieutenant M S was in a separate room. He could not recall if he ever entered the room where the statement was being taken. He identified M S in the courtroom. IbR T stated he had a very good opinion of M S. He stated the F region was the leading region in THB cases because they worked night and day. He stated E A and N O conducted the interview and B B arrived later. Overall, he stated there was nothing unusual about this case.
771. I. T stated he was present around the time the victim’s statement was taken and for approximately three hours in total. He stated he heard the victim’s use words and phrases like, “*economic condition*”, “*approached to*”, “*on the occasion of celebration*” but he could remember her using the word, “*precisely*”. He stated he remembered very well that it was a special case and she said the mayor of S asked her to dance with him. He stated he read her statement over to her and she signed it.
772. I. T stated L P gave her statement to the prosecution approximately one month after her statement to the Police in F. He stated until that point she was treated as a victim of THB. He stated his belief following an appeal by defence counsel; the case was referred from the Court of Appeals back to the Basic court of F the initial hearing was held the previous week.
773. I. T stated he was aware N H declared she was transported, kept under control and left on the road. He stated she declared her suffering at the hands of the defendant and the entire criminal proceeding was based on this. He stated all victims of THB cases change their statements. However, he agreed he did not know what evidence the police had gathered that led to L P coming to the police station before his arrival.

774. In response to questions from victim's advocate, B S counsel for the S family I. T stated he was given a form to fill out at the police station.

775. I. T stated L P's statement was two and a half or three pages and it was not unusual for such a statement to take three hours.

776. The next witness was N. H. She commenced her testimony in the main trial session on 17 December 2015.

777. In response to questions from lawyer A R counsel for the defendant, M S she stated in 2011-2012 she and her father were the only ones working and supporting seven family members. She stated she worked as waitress in a sweet shop.

778. N H agreed she made her first statement to police at the police station in F on 29 May 2012 and she was declared a victim of trafficking. However, she asked for it to be read to her again as, "*there are some words I did not say*". She stated she did not know M S but she did know B B.

779. In respect of her interview in the District Prosecution Office in P in case PP. no. 390-1/2012 on 29 June 2012 lawyer, A R put it to NH she had stated<sup>16</sup>, "*B told to Lira, to tell me to have sexual relationship with him and for this he will help me materially and I accepted this and I had 5 or 6 sexual intercourses with him and L. was together with us and we performed sexual intercourse as a group*". She stated this was not true, they did not had sexual intercourse in a group but just "*hung out*" as friends. She stated she knew R B as "R" only and he was a friend of her friend, L P. She stated she had no relationship with him.

780. A R put it to the witness she stated<sup>17</sup>, "*B suggested us to have sexual intercourse with his friend, we accepted to go with his friend, and that person was from Sterpce*"

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<sup>16</sup> At page 2 paragraph 4.

<sup>17</sup> At page 2 paragraph 3.

*municipality, he was employed there where the tenders are issued. His name was “R” and B S did this for his own interests” and “B S told successful you should not tell to “R” anything, because I will pay you”. N H stated she did not remember saying this and she did not receive any payment from “R” or anybody else. Similarly, she did not remember stating, “we were paid each separately 100 € each (for having sex with R B)”.*

781. N H stated she was in S, A with B St and L P for four days. However, she stated B had an argument with L P and he dropped them in Durrës and they got a bus back to Kosovo.

782. Defence counsel A R put it to the witness she also said<sup>18</sup>, *“that I and L accepted to have sexual intercourse with “R” and then along with L, in two occasions while Lira and “R” had sexual intercourse before as well. I did not have any desire to have sexual intercourse with “R” but B proposed this to me and promised me to employ me and he also promised me that he will buy me a vehicle when I get my driving license “.* N. H stated she did not have sex with “R” but B S had promised her and L P employment in a big shopping mall if she did so.

783. N. H explained the differences in her prior testimony and her testimony to the panel by stating when she gave her statement she was younger and she did not know she was supposed to tell what had actually happened and not what she was supposed to say. In response to questions from the prosecutor N. H stated she worked for a month in *“Macedonia”* live music bar.

784. N. H stated in her statement of 29 June 2012 she said she met B S in a “sweet” (and not a “confectionary”) shop. She also denied she had used the words, *“respectively”* and, *“Municipality of S”*. She stated she did not complain to her victims advocate about feeling pressure while giving her statement when “we” gave the statements in F he came late. She also stated she was afraid because “we” were told by the police officers that

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<sup>18</sup> At page 3 paragraph 1.

“we” needed to, “*stick to our statements*”. She stated they had other evidence against B S and she had no choice but to give a statement.

785. In relation to her statement on 29 May 2012 she stated she did not use the words, “*economic condition*”, “*procurement office*” or “*accommodated*”. N H stated she went to Sarandë, Albania willingly. She stated when the police came to her house B B left a number and when she called it she was told, “*you have to come here*” and, “*It is mandatory to come here*”. She said she did not know what tit was about and she was very worried. She stated she went to the police station with L P the first time but the second time they were collected by B and somebody else but they were not in uniform. She stated the third time they were sent to the prosecution office in P.

786. In relation to her first statement, N H stated she went with L P to the police station where B B met them and took them to an office with a glass partition to another office. She could not recall seeing anybody in that other office. She stated there was another officer in the office she was in. He was not in uniform. She stated she did not recall the names N O or E A. She stated the talking was split between them.

787. NH stated, “*both of them told us*” they were there for B S and they said, “*We know that he did other things as well, and you have to give a statement, it is mandatory that you give a statement, because we have all the SMS that you exchanged with him*”. She stated she was not shown these messages. She stated she felt, “*very bad*” and “*afraid*”. She stated the police did not advise her of her rights before they started talking with her. She stated the officers were typing as they were talking but she could not recall who was typing. She stated they were there for approximately three hours the first time. She said she did not read over the statement carefully before signing it. She said she felt pressure to sign. She stated the victim’s advocate arrived only after “*we*” gave our statements.

788. In relation to the second time she was notified to come to the police she was collected in an unmarked vehicle by B B and another man. She stated they did not announce themselves but just came. However, she stated she felt bad about going back.

She stated on that occasion they only signed. She stated the police told them they had to sign. She stated they did not read their statements. She stated she felt pressure to sign and she would get into trouble if she did not.

789. In relation to her third interview at the prosecutor office, NH stated B B and another officer drove them. She stated on the way they told them, “*you need to stick to your statements you gave before*”. She stated they said if they did not they might be imprisoned. She could not recall if the victim’s advocate was present when she gave her statement in front of the Prosecutor. She stated his name was I. T. She could not explain why she did not contact him to inform him of the earlier pressure she referred to. However, she stated did not notice any closeness, or any sort of feeling at all between the Police, the prosecutor, and the victim’s advocate. She stated she did not file any claim for any victim’s compensation. She stated she recently testified in Ferizaj Basic Court about this matter again.

790. In response to questions from M S the witness stated in the prosecution office, as far as she remembered, they only asked, “*if I stick to the words I said*”, and she said “yes”. She said the police had told her this. She stated nobody put pressure on her one year later when she gave her statement to the Police Inspectorate of Kosovo but she stuck to her earlier words as she had been told to do so. She stated the police called them and said, “*B is a really bad guy*” and they were afraid.

791. N. H said her statements to the police contained many words that “*we*” did not say but the statement she went to S and later D with L P was true. She stated she was not forced to say this and the police already knew about it through SMS messages. She stated the police said they knew she was at a party in S.

792. The defendant M S put it to N H she had given the same statement through two police interviews and one interview with the prosecutor but was now changing it and he asked her why this was? N H stated she did everything willingly and no one forced her to do anything and no one paid her but now she could not remember and was very confused.

She stated at the time she was younger and she spoke out of fear and the police told her they would send her to the shelter house. She stated she did not hear any police officers had been investigated in connection with this incident and therefore this would not have influenced the statement she gave to the Police Inspectorate of Kosovo. She also stated she heard “they” had prepared “scenarios” against B. When asked by the presiding Judge what she meant by this, N. H stated her friend L P she told her “they” prepared scenarios against B S because he had a company and in order to bankrupt him “they” prepared a “scenario”. She stated she was informed “they” were the Police. N H completed her testimony by stating she did not feel the same pressure when testifying before the court as she did when making her statements to the police.

793. In response to questions from the victim’s advocate B S, N H stated she was never formally summoned to the police station to give statements. She repeated her earlier testimony she was on friendly terms with B S and he never falsely imprisoned her or forced her to do anything. She confirmed she gave evidence in the case against B S and had confirmed the contents of her earlier statements.

794. The next witness was **S L**. She began her evidence in the session on 17 December 2015.

795. She states she was a dancer and had worked at the “M” and now “T” venues among others. She stated **I. A** was her friend. She knew she was in a relationship with a person called D. or D. and whose real name was R. She stated she knew M S as a police officer in F but never had anything to do with him. She states she saw him in “M” and “T” occasionally never in the company of D. However, she agreed they may have been friends.

796. The next witness was **I. A**. She began her testimony on 17 December 2015. **I. A** stated she was a singer and dancer who had sung and danced at live music bars in Switzerland and Kosovo including “M” and “T”.

797. I. A stated she knew S L as a “good friend”. She stated stated R A was her boyfriend. She stated he never worked as a security officer in “M” restaurant. She could not recall saying the opposite in her statement of 31<sup>st</sup> March 2014. She agreed her statement was correct and R A had asked her not to tell the police anything about a shooting incident.

798. I. A stated she did not know M S personally but through D . She knew he was a police officer. She agreed she stated in her statement of 31 March 2014 K. S. called R A after the shooting in “M” because he had friends in the police in F. However, she stated R A did not call M S.

799. In response to questions from defence counsel A R for the defendant, M S, the witness stated she worked in “” café bar for one year and during this time she only saw M S there two or three times.

800. The next witness was **R K**. He was called by the prosecution. He testified before the main trial panel on 15 February 2016.

801. **R K** stated he was a police officer for 26 years. He stated he worked as an investigator for about 14 years before moving to the traffic corps in 2014. He stated since the armed conflict in Kosovo he served in F.

802. He stated he knew R A who worked in security in various bars and he knew M S for many years. He stated he did not know if M S and R A knew each other although he stated he did see them having coffee once of twice.

803. The next witness was **B D**. He was called by the prosecution. He gave evidence to the trial panel in the session on 17 March 2016.

804. B D stated he owned a company called “*Bi*” since 1989. He stated the company was in the business of road construction and he owned it together with his five brothers. Specifically, they were sub-contractors who made and sold concrete to other road construction companies. The company fulfilled public and private contracts. He stated his business was profitable and he had worked with the “*L*” Company continuously since 2008.
805. B D stated he heard of B S’s arrest in 2012 one or two days after the event. He stated the amount of work they did together tapered off immediately after that.
806. B D stated initially he did not know who was involved in B S’s arrest but after some time he came to hear it was M S and B B. He stated he did not know M S at all but he knew B B because he worked earlier at the fuel station “*B P*”. B D stated M D is his brother. He stated he knew B S’s brothers and X B because they worked together.
807. B D stated a day or two after B S’s arrest he met with X B and one of B’s brother. He stated M D and A A were also there. He stated they dicussed B’s case but they did not know what had happened to him. He stated he knew of Lor A K from K but he did not have contact with him in relation to B S’s case.
808. B D stated before B S’s arrest in January 2012 they went to Germany. He stated in Germany, B S bought 2 trucks and he purchased a tank for concrete. He stated he also bought a small vehicle and B S bought a Jeep. He stated both vehicles were M. The smaller vehicle was a C class model and the Jeep was an M L model. He stated he kept the C class model for one year before deciding to give it to his nephew H. D and later it was swapped with M S for his Audi A4. He stated prior to the exchange he only knew M S as a potential client to purchase concrete. He stated when they met in relation to this a week previously M S asked him to swap the vehicles. He stated B B was also involved. He stated he agreed with M S the Audi was worth €12k whereas the M was worth €17,000 so M would give him €5,000 in cash.

809. B D agreed with his earlier statement that some days after B S's arrest he was contacted by a person named B B and they agreed to meet in restaurant "Veranda". He stated he met them there and he understood they were the persons that arrested B S and he was a little bit afraid. He stated they told him they needed concrete and after that the exchange of vehicle occurred.
810. B D stated he was afraid because of what happened to B S and he was afraid the same thing would happen to him as well. He stated he felt he had no choice but to meet them. He also agreed with his earlier statement he felt under pressure to supply concrete to M S and his brother, A.
811. B D stated he did not have the conversation about trading the M vehicle until he met M S and B B the second time in a coffee bar called "Lamborghini". He agreed with his earlier statement M S insisted on the trade at the first meeting too. He stated he never received the €5,000 cash balance. He stated he felt obliged to make the transfer even though he did not want to. He agreed he was scared. He stated M S also owed him €6,000 for the concrete he supplied to him. He stated he would sue him if he did not pay.
812. B D stated he did not talk about B S's case with M S. However, he agreed with his statement given in 2014 that he had done so stating B S was in a physical and financial crisis but M S said he did not believe this.
813. At this point the witness, B D stated during a recent recess he was in the toilet with B S when A S, M S's brother told him "not to damage us" and he would repay the debts. He stated he had not met him before.
814. In response to questions from counsel for the defendant, M S the lawyer, A R the witness, B D stated M S did not personally and directly frighten him by words or gestures or in any other way when he met him for the first time. In response to a question from the defendant, M S the witness, B D stated although the M belonged to his nephew the transfer to M S took place with his consent. He agreed with M S that once he got to know

him he did not fear him but was only concerned with getting paid. However, he agreed with the prosecutor the M was worth €20,000 and he felt pressurized into parting with it.

815. The defendant, **M S** elected to make a statement in his own defence. He began this in the main trial session on 18 March 2016.

816. In reply to questions from his counsel **A R** the defendant **M S** stated none of his personal circumstances had changed and he understood the charges against him.

817. **M S** stated he joined Kosovo police in 2000. He stated in 2004 he was promoted to the rank of sergeant and in 2005 he was promoted to the rank of lieutenant. He stated very soon after he was appointed as Chief of Specialized Investigation in the F region and he ran the Missing Persons Unit, the Anti-Narcotics Unit and the Anti-Trafficking in Human Beings (“**ATHB**”) Unit. He stated in 2010 a change in organisational structure took place and he was focused on the **ATHB** Unit.

818. **M S** stated initially the **ATHB** Unit as of 2010 was centralized with its HQ being in **P**. It was a directorate. He stated there were five officers in his unit. He stated it was supervised much more than other units by the supervisors and received regular training. He stated the unit enjoyed good levels of cooperation with prosecutors and other relevant agencies.

819. **M S** stated in the unit beside himself there were officers **E A**, **N O**, **V H**, **B B** and Sergeant **B G**. He stated in relation to the case of **B S** the first information came from the directorate namely the HQ in **P**. He stated he appointed **E A** to investigate it because he lived in the same region as **B S**. He stated an investigation plan was drafted in cooperation with the prosecutor.

820. **M S** stated initially **B S**'s case was reported as trafficking women from Ania who got married in the territory of Shtpce. He stated the investigators worked in cooperation

with social centres in the Shterpce municipality but the alleged victims did not want to cooperate nor did the social welfare centre. He stated some of B S's telecommunications were intercepted. He stated it became evident there were two other victims which the unit was unaware of. He stated the alleged victims were interviewed by the investigator E A, N O, V H and B B. He stated R B gave his statements voluntarily.

821. M S stated in B S's case, the public prosecutor was informed and B was brought to the police station, his statement was taken and the public prosecutor was updated and pursuant to the prosecutor's order he was held for 48 hours. He stated his case was completed, he was sent to the court and no further action was taken afterwards by the police.

822. M S stated he knew B B from Kosovo police but he did not know him previously. M S stated he knew B H. He stated he knew he was the owner of the fuel station 'B P' and was related to B B but nothing else.

823. M S stated he got to know Mr. B Syejmani after his unit arrested him and the same for X B. He stated he met him at the "B P" fuel station for the first time. He stated together with B B he was in the official vehicle; they were at Bibaj village travelling in the direction of G when B B received a phone call. He spoke with somebody and then asked if they could go to "B P" because "B" who he was related to wanted to discuss something.

824. He stated they sat at a table outside the restaurant and B H and X B came too. He stated he did not even know who X B was but he introduced himself and he understood he was related to B B. He stated there was a brief conversation where X B wanted to know why B S was arrested. He stated he did not provide any information to him, and immediately said to B B they should go. He told X B if he really wanted to know why B was arrested he should come to the station. He stated he came one or two days later with B's brother A and they went to the office of B B. He stated B B brought them to his office. He stated he explained why B was arrested and he discovered their two families

were related but he said he informed X B and A S there was nothing he could do to help them.

825. M S stated in the following days he went with B B to that restaurant “B” but he personally did not know that X B and A S would be there. He stated he told them they arrested B S so they did not want to talk with them. He stated they both left but after a while X B came back. He stated he informed him there would be no intervention and it was a police matter.

826. M S stated he also recalled a subsequent meeting. He stated he did not recall the date but he was officially attending a seminar in a restaurant organized by the centre for social welfare and the Swiss organization “T” and B B appeared together with X B and A S. He stated he saw them from a distance and got up, went over to them and shouted at them asking why they were there? He said B B stated they wanted to explain something but he said he did not allow this and told them to leave.

827. M S stated he was not a friend of B B and only had professional contact with him. He stated he had only been to his house once or twice. He recalled being there after his children were circumcised. He stated he went there but did not go inside his house rather he sat down in the yard and saw X B was there as well. He stated this made him feel uncomfortable and he did not talk to him. Later he asked B B why X was there and why he invited him (M) knowing he would be there and he said he came to express his good wishes.

828. M S also stated another day B B suggested him to go to a restaurant “E” in the suburbs of F to have coffee. He stated after five minutes X B appeared smiling, greeting and hugging B B. He stated he did not object to him joining them. He stated the conversation turned to B S and X B stated R B framed B. He stated he advised him not to worry as the truth would come out from the court and the prosecution office. He stated X B informed him he wanted to buy perfume. He stated he though this was strange and he stood up and hit the table with his palms shouted to him, “*you want to buy or corrupt*

*me?*". He stated B B stood up and supported him and told X B, "*uncle you are not supposed to do so*". He said they immediately left.

829. M S stated he did not know the witnesses L P and N H much less did he contact them or ask them to change their statements. He stated he only saw them in court when he was instructed to bring them there.

830. M S stated B B felt unable to tell X B to leave him alone as they were related. He stated he never saw him taking any gift or money whatsoever, or even discusses this, from X B. He stated he only discovered these allegations after his arrest in the case files. He stated B B was a person who "*played a regretful or sorrow role*" but in his presence was a very good person and was also very good in front of X B. He did not state none of the S family ever gave him cash or presents to assist B S either nor were there any such conversations.

831. M S stated he now believed B B had abused him but he did not know this then. He stated his belief he abused the police organization as well and the court. He stated B B never fixed his vehicle or give him any money for this.

832. M S stated he visited the S home in mid-December 2012 and this was at the behest of B B. He stated they went there in X B's car. He stated they were welcomed very well, he stayed together with B, they had drinks and B stayed mostly with B's father and B's family members were introduced to him one after another. He stated they were happy to meet him and would not allow him to leave. He stated at midnight they got up to leave but B insisted they go to "*E*" for a coffee.

833. M S stated his belief he was invited to the S home and for coffee because B S knew his second arrest was imminent and wanted to curry favour with him in advance of it. He stated after two weeks information arrived from P and he helped that unit and B A himself to surrender himself to the police. He stated his belief as B left with P investigators towards P. he understood M S had betrayed him.

834. M S stated B's S's second arrest took place in the beginning of 2013 and concerned another case in trafficking of human beings investigated by the central unit of P, in cooperation with G regional unit. The alleged victim was a female from Serbia, or a Serbian female from Kosovo, he was not sure. He stated on the nights of his arrest before 8 pm, X B, K Sand B B came to a cA eria where he was in the vicinity of the police station. B went away. X told him B had no faith in the P police and would only surrender to M S. He stated he did so in the police station later that night and he asked the investigators from P why he was being arrested. He stated he was informed and was taken to P and meanwhile M S stated he contacted his lawyer.

835. M S stated his belief he was misused by B B and the family of B S. He stated his belief they thought he had betrayed them which was compounded by the fact he was related to the brother of the wife of B S.

836. In relation to the remaining counts on the indictment in the main trial session on 21 March 2016, M S stated he did not collude in the avoidance of custom fees (Count 4), nor did he provide assistance to the perpetrator after the commission of criminal offence (Count 5). He admitted he spoke on the phone with V T, and he passed him on the phone a police officer but immediately the police officer told him he had filled out the ticket and had decided to issue a slighter fine. He stated it was not mandatory under the law for the tax payer to pay the customs immediately and he could not have influenced the relevant police officer as he had made up his mind what he was going to do before he spoke to him anyway.

837. In relation to Courts 6 and 7 M S stated R A was not his friend but his uncle E A was. Concerning failure to report a criminal offence he agreed it was true he received a phone call which he answered and he went to the place where it was alleged the offence occurred but he saw nothing except R A who was crying while sitting in the ground. He stated there was no vehicle there, there was no witness or other person who could have told him what had happened. He stated the persons who called him was there but he told

him the only reason he stated a firearm was involved was to encourage him to attend. He stated the owner of the vehicle and others present did not say R A used a weapon. He stated they hid the truth from him by saying the car window had been broken by glass bottle and a stone. He stated he made efforts to get more important information but all the times he got the same answer that there was no pistol. He stated he advised the owner of vehicle to report to police despite the window has been broken using the bottle but the owner stated she did not want to make a big deal out of the incident. He stated in these circumstances there was no point contacting a Kosovo police patrol. He stated he took R A to a bar to sober him up and after to his apartment.

838. In relation to the offence at Court 8 in the indictment i.e. unauthorized possession and control of weapons, he admitted the weapon was found in his house together with a number of bullets i.e. 40 bullets and 50 gas bullets. However, he stated firstly of all they were not gas bullets, they were pyrotechnic bullets that only produced noise and did not have any gas. He agreed the number was beyond what he was allowed to possess by police rules and procedures (only 30 bullets) but the balance remained from shootings at a shooting range where he trained and shot firearms with I staff.

839. In response to questions from the prosecutor M S agreed he gave statement in October and December 2013 and they were truthful and accurate.

840. M S stated prior to his suspension he held the rank of lieutenant since 2005 and had undertaken some leadership trainings on how to become manager and supervisor. He declined to answer other questions about his family, his relationship with S T and what he had learned in the police academy.

841. M S stated at the time of his arrest and suspension he supervised several officers. He stated they mostly worked autonomously but occasionally he issued them orders and instructions which they respected and obeyed. He stated he never disciplined a subordinate officer in 13 years.

842. M S said he did not recall if B B ever violated one of his orders. He stated he supervised the officers in his unit (B B, E A, N O and V H) on a daily basis. He stated he was also supervised by Is but this ceased in 2012 and he had no contact with Is in relation to B's case.
843. M S agreed he had some contact with/by and/or from X B and/or the S family during the time B's case was pending but he did not remember the dates. He stated he only met A S and X B once or twice but he met the whole S family when he visited their family home. He stated he did not make a written note of these meetings nor did he report them to his superiors.
844. M S stated B B was trying to get him to meet with the A S and X B but resisted many of these contacts because he felt it is wrong because A and X wanted information and he was an investigator and did not want to share such information.
845. M S stated in his unit and in Kosovo police generally there is no police officer who has criminal offences and if they have committed criminal offences they are removed. He said he personally evaluated the officers in his unit but this was signed off by the director. In fact, he stated this was the case in relation to all investigative tasks undertaken by the unit i.e. they were signed off by the director and/or prosecutor.
846. M S stated he he never had occasion to give any of the above-named officers in his unit any negative evaluation. M S stated he and his unit regularly had contact with welfare centres and victims rights advocates. He stated he was not involved in their remuneration. He stated his unit could not interfere in how they did their work and they were entitled to be present when police officers interviewed alleged victims. He stated he was not present when the alleged victims in B S's case were interviewed.
847. The prosecutor continued his cross-examination of the defendant, M S in the session on 24 March 2016.

848. M S stated before his suspension he was fully aware of their first investigation in relation to B S but only vaguely aware of the second in which he only assisted. He stated B S himself and his friend R B were both suspects in the first investigation. He stated he did not know either of them previously. He stated his role was to supervise the investigation and he did not interview or arrest B S or R B.

849. M S stated having read the statements of the victims in B's case, and in consultation with the public Prosecutor, the unit noticed there were elements of the criminal offence of trafficking in human being. He stated in that particular case the factual bases for the charges were the statements of the alleged victims. Specifically, he stated in the content of their statements there were explanations how B S had allegedly used and promised them and held them under control. He stated he had exploited them sexually by making regular payments to them in exchange for sexual services. He stated he had committed the offences of Prostitution and Trafficking in Human Beings. M S said the victims stated in the statements B S sexually exploited them, moreover he also offered them to other persons and promised them employment. He stated this constituted trafficking because they had to do whatever B S told them to do in the hope of having a better life. He stated it was not necessary to have violence or the threat of violence in order to have the offence of trafficking and the making of false promises was sufficient.

850. M S stated Sergeant B G was the leader of the investigation into B S's case but initially the main investigator of the case was E A. He stated the initial information that came from the directorate was to the effect a person with the first name B, in the region of the municipality of S was bringing women from Albania, and marrying them with persons from S municipality and is selling them for money.

851. M S stated an investigation plan was drawn up and he was orally informed by the investigators from time to time about their work. He stated they identified some women from Albania but they did not cooperate and neither did the Centre for Social Welfare in the municipality of S. He stated he only got more specific details about B S after he was arrested for the first time. He stated he was not personally involved in any covert measures

against him. He stated the main bases for his arrest were the statements of NH, L and R B.

852. The prosecutor resumed his cross-examination of the defendant, M S in the main trial session on 22 April 2016.

853. M S stated before B S's arrest he saw the statements of the alleged victims and the witness R B together with the SMS messages from B's telephone. He stated these were clear that B interfered with the victims of trafficking in human beings and was arranging payment. He stated he was arrested and detained in consultation and coordination with the prosecutor. He stated the police in F took B S and the case file to the district prosecution office in P and from that moment the police never took any action that harmed B or the case. He stated as far as he was concerned that was the end of his involvement in the case. He stated the investigators sent the case file and he saw, but did not read, it before it went. He said in most cases a lot of documents came across his desk but not every document in every case. He stated the criminal report was signed by him or by somebody else on his behalf if he was not in duty.

854. M S stated when he read the statements of the alleged injured parties he was not interested in the alleged actions of B S and not him personally. He agreed he was aware the alleged injured party, N H stated she had been in a relationship with B S for three or four months.

855. The prosecutor resumed his cross-examination of the defendant, M S in the main trial session on 25 April 2016.

856. M S stated the original investigator's report in the case against B S stated the allegations came from a trusted source "AB". He did not know who this was and he was not interested if the source knew B S or not.

857. M S agreed in B's case reports began to appear probably in late 2011 and continued through until his arrest in late May 2012. However, he could not say how many reports he received. He stated he did not hear or see the first interview with NH and L P. He stated he briefly saw them in the police station at the time of giving their second interviews. He stated he did not know them even when they appeared in court. However, he stated at the time the investigators informed him of their actions concerning them. He knew their SMS messages had been intercepted and he read them.
858. M S stated his unit treated N H and L P as honest reliable complainants and did not consider their levels of education or histories of involvement with the criminal justice system.
859. M S agreed E A was initially an investigator and worked the case from approximately late 2011 until May of 2012. He stated he was not aware E A had a relative in a rival business of B S's. He stated his deputy was Sergerant B G and B B did not hold the rank of Sergeant.
860. M S stated he did not know N H and L P were dancers for money but he did not know they once danced at the tenth anniversary of B S's company. He stated his belief B S had been involved in trafficking them and there was no romantic involvement with either.
861. M S agreed he informed some of the S family members and X B the case was with the prosecution office. He stated they continued to approach him about the case but did so through B B and did not call him personally. He stated after he read the Criminal Report against him he realized they had called B B repeatedly. M S stated B B never told him this and the meetings that occurred with the members of B's family were accidental as far as he was concerned. He stated he only ever spoke with X B, who B B informed him he was related to, but was present in the company of A S and other members of the S family on some other occasions. He stated he did not report these meetings as there was nothng to report except a family were interested in what was happening one of their

family members in a criminal case. He stated he did not know if they tried to contact any of the other police officers in the unit about B's case.

862. M S stated he did not remember the allegation that N H and L P did not want to declare they were victims of trafficking or that the prosecution ever heard about that.

863. M S repeated Sergeant B G was the leader of all investigations that occurred within the unit and they signed documents interchangeably. He stated he trusted him and even socialized with him occasionally but he could not recall if they went to live music bars. He said he only went there to carry out raids.

864. M S agreed he had occasion to go to the live music bar "*International*" after working hours but not frequently. He agreed in 2013 he knew Y H and Z but not S L but he did not.

865. M S stated he knew R A hung around "*M*" and "*International*" bars but he did not know he performed security duties there. He knew H S<sub>i</sub> was the owner of "*I*" bar in 2013 and R B was the owner of "*M*".

866. M S stated his Kosovo police identity card was taken from him the day he was arrested and he had not been paid a cent since. He agreed he owned the M car the witness B D described to the court.

867. M S stated he knew B B before the police because they were from the same neighbourhood but he never had a discussion with him before they joined the Police. He stated he did not know he had three cars. He stated he worked with him in the anti-trafficking unit since the second half of 2010. He stated his office was immediately adjacent to his.

868. M S stated the second time N H and L P were interviewed the whole unit was present. He stated B B lied when he said he held the rank of sergeant. He stated they went

on many official trips together but no unofficial ones. He denied he was friends with him but he admitted he went to his house once. He denied this was to play chess. However, he admitted he was present when his sons were circumcised.

869. M S stated when they went to "B P" and "B" they were on duty during working hours. He admitted he had discussions with X B and B H. M S stated initially he did not know why he and B were arrested and he said B told him when they were being transported in a vehicle. He stated he also asked why X B had filed a complaint against him?

870. M S stated he heard some time after he was arrested that B B had used his name repeatedly in different conversations with X B, A and K S. M S stated B B presented him as somebody who could help them but that was never the case. He repeated he never influenced the case against B S nor did he try to nor could he have. He stated he had no reason to and he never even thought about doing it.

871. M S stated he knew R A as "D" and he said he worked as security in in "M", "International" and other places but he did not know that. He admitted he had coffee with him in a number of places.

872. M S declined to answer if H S had called him twice to pick up R A in the early morning hours after a shooting incident at the "International" bar. He simply said he was not R A's friend. He denied they were friends and he therefore had a reason to pick him up, lie about the investigating or not investigating the matter, fix the case with him and convince A XH not to press charges. He denied there was a shooting at the bar at all. He stated he did not see any shootings or damage. He stated he went there himself to verify what had happened rather than potentially waste their time. He stated he was a drunk person, no car, and no other person so he had nothing to report. He said HSi did not admit there was a shooting either. Nevertheless, he admitted he got up very early in the morning and attended the scene. He stated he met R A who was drunk and incoherent so he took

him to another restaurant for coffee. He stated when he arrived there he did not call H S who instead arrived of his own accord.

873. The prosecutor resumed his cross-examination of the defendant, M S in the main trial session on 26 April 2016.

874. M S stated he did not attend the incident at the “*International*” bar as R A’s friend but because the owner telephoned him and he felt obliged to go. He stated he did not attend in an official capacity. He stated there was no car at the scene and he did not call a tow-truck or any emergency services. He stated he did not carry out any forensic examination to determine if firearms had been discharged.

875. M S did not want to answer why he spoke on R A’s telephone with his girlfriend, Z and assured Z her he was having coffee with him and would bring him home. He denied he ever advised A XH to report the incident to police even though he was friends with R A. He denied he had developed friendly relations with some of the girls working in some of the live music bars in the F area.

876. M S then declined to answer questions about his relationship with S T. However, he stated when S T called him to help him avoid a ticket for a road traffic offence he did not help him. He denied he even recognised his voice on the telephone. He declined to answer questions about the conversation he had with Officer N S.

877. The prosecutor resumed his cross-examination of the defendant, M S in the main trial session on 21 July 2016.

878. M S stated he could not say if there was a conspiracy against him between B B, X Band the S family however, he stated he could not rule this out either. He could not say if there was a similar conspiracy in the case involving Heste Si nd R A nor on the part of S T.

879. M S stated when X B and A S expressed their interest in B S's case in his presence he stood up and told them *"for this issue only court and prosecution, you should address this issue only to the court and prosecution, police station is not the place for it"*. He stated he implied they should leave his office.
880. M S stated the subsequent meeting at "E" was unorganized. He denied he saw a cologne box, and certainly not one containing money, from X B when B B was present. He stated X B informed him he had purchased such an item and wanted to give it to him whereupon he stated he reacted immediately, hit the table, stood up and told him to move away immediately. He stated it was then B B said to X B, *"uncle this is not the way how it should be dealt with"*. He stated outside the gas station he told B B there was no need to arrest X B and they should simply leave.
881. M S did not deny he discussed details of the case with X B and A S but he stated he informed them the police had nothing to do with it anymore and the case was now with the Court and Prosecution office. He stated he only informed them why B S was arrested. He stated his belief they had already received further information about the case. He stated the family knew more about the case than he did but he admitted he confirmed what they already knew.
882. M S declined to answer why he did not report the alleged corrupt proffering of a box of cologne from X B or his attempts to find out information about the case against B S. He stated he did not consider the offer of the cologne as an act of attempted corruption but rather as a naive gesture.
883. M S stated he did not yell at B B in the parking lot of the "O M" restaurant but he did at the restaurant in P. He recalled X B was present but he could not recall whether A or his brothers were too. M S stated nobody forced him to visit the S family at their home but they were constantly begging for meetings.

884. The prosecutor resumed his cross-examination of the defendant, M S in the main trial session on 2 August 2016.
885. M S stated he did not inform or confirm with X B any of the SMS or telephone intercepts in B's case nor did he discuss any of the evidence, written statements or potential sentence he was facing.
886. M S stated he did not know B S prior to this case. However, he admitted he asked him about engaging his services to work on the façade of a building, after he had pleaded guilty. He agreed he had never previously used his services.
887. M S admitted some ammunition was found in a search of his house. He stated it was of the calibre of the official handgun he held. He stated it was left over from the shooting range where he trained with local and I police. He admitted he possessed more than the permitted amount.
888. In relation to the incident involving, S T, M S stated he answered the telephone and he told S T to tell the police officers "M " was on the phone and that M was his uncle.
889. Also in the main trial session on 27 July 2016 the defendant, S T, nor his defence counsel, A S stated they had any questions to ask M S.
890. Also in the main trial session on 27 July 2016 the injured party B S stated he had no questions for the defendant, M S.
891. In response to questions from counsel for the injured parties, the lawyer, B S, M S stated his first contact with B S was by telephone when he was in police custody before he was arrested on the same day. He repeated he never saw, much less accepted, any perfume or cologne.

892. M S stated when he first met B S in the police station he did not tell him that he was his uncle but during the interview he found out that he might have been. He said the meeting and interview were conducted cordially.

893. Also in the main trial session on 27 July 2016 the defendant, S T, stated he did not wish to make a closing statement.

894. The prosecutor delivered his closing speech in the main trial session on 9 September 2016 and it is attached to the minutes in the case file.

895. The defence counsel, A R and the injured party, B S delivered their closing statements in the main trial session on 26 September 2016 and they are attached to the minutes in the case file.

896. The defence counsel, A S for the defendant, S T and the defendant, M S delivered their closing statements in the main trial session on 30 September 2016 and these are attached to the minutes in the case file.

897. The prosecutor delivered his rebuttal to the closing speeches of both defendants in the main trial session on 4 October 2016.

#### **D. DOCUMENTARY EVIDENCE**

898. The parties agreed the Court's inventory of documentary evidence in the main trial session on 5 September 2016 and this is set out in Appendix 1 of this judgment.

#### **E. ANALYSIS of the EVIDENCE and FACTUAL FINDINGS**

*M S*

899. This was a long, complex investigation and main trial which raised many issues and allegations against multiple defendants. The indictment described five separate factual scenarios. These were firstly, B S's first "case" (Counts 1, 2, and 3 against M S and B B), secondly the incident involving R A at restaurant "T" on 29 May 2013 (Counts 6 and 7 against M S), thirdly, alleged unlawful possession of a firearm when he was arrested on 11 September 2013 (Count 8 against M S), fourth, the alleged incident involving the defendant S T on 28 May 2013 (Counts 4 and 5 against the defendant, M S) and finally the incident that allegedly occurred at the S home following his release on 27 November 2012 and in January and March 2013. The defendants, A M, S M and B V were charged in respect of this final incident at Counts 14, 15 and 16.

900. The indictment charged seven (7) defendants. The defendant, A M remains at large having absconded prior to the initial hearing. During the main trial the defendants, R A and B B concluded guilty plea agreements with SPRK and the trial panel severed their respective cases from the main trial. The defendants, B V and S M pleaded guilty before the trial panel. The defendant, B V absconded and was not sentenced until 4 August 2016. The defendant, S M remains at large and the presiding Judge has issued domestic and I arrest orders for his arrest. The presiding Judge also severed their cases from the main trial.

901. The prosecutor obtained allocutions from the defendant, B B in relation to the Counts in respect of which he as a co-accused together with the defendant, M S (i.e. Counts 1, 2 and 3). However, the trial panel ruled these allocutions, made as the main trial was ongoing, elevated the defendant, B B to the status of a cooperative witness and this was outside the scope of a guilty plea agreement at that stage of the proceedings therefore the allocutions could not be considered as evidence.

902. The trial panel did not consider the fact the defedants, B B and R A pleaded guilty as probative of any factual allegations against the defendant, M S. Similarly, the trial panel did not consider the fact the defendants, B V and S M pleaded guilty to Counts 14, 15 and 16 as probative of any allegations against the defendant, M S. Some witnesses

expressed the view there was a factual nexus between the defendant, M S and the defendants and allegations at Counts 14, 15 and 16 of the indictment but the trial panel did not find any reliable evidence to prove this.

903. Central to the allegations at Counts 1, 2 and 3 of the indictment was the issue of the credibility of the immediate and extended S family especially B S, A S and X B as against the statements and evidence of the defendant, M S. The trial panel considered the defence in particular attempted to adduce evidence from other witnesses about several issues which were entirely extraneous and utterly irrelevant. In addition, the trial panel considered the content of the mobile telephone interceptions gathered by the prosecution were of great assistance in enabling it to decide who was telling the truth in relation to each of the counts in the indictment.
904. The main trial panel comprehensively reviewed the statements and evidence of the members of the S family and unanimously agreed they were probative beyond reasonable doubt of all of the allegations contained therein relating to Counts 1, 2 and 3. Not only were their statements individually cohesive, cogent and credible but collectively they were mutually corroborative in a manner which was so detailed this could only have been so because what they were saying was true and was not invented or concocted. The trial panel had the opportunity to observe each member of the immediate and extended Sylejamni family when they testified in the main trial sessions. The trial panel was not only impressed by the accuracy of their recall but also their calm demeanour under sustained and often irrelevant cross-examination.
905. The trial panel was particularly impressed at how accurate the members of the immediate and extended S family could accurately recollect their numerous meetings with the defendant, M S, where and when they occurred, who was present as well as what occurred and what was said and by whom. To take just one example, the evidence convinced the panel beyond doubt M S said when he was handed money in a perfume box i.e. *“are you trying to corrupt me?”* The panel finds it proven beyond doubt the defendant, M S, in cooperation with the defendant, B B, solicited this (and other) payments for their own benefit. They did so by consciously and deliberately giving the

members of the immediate and extended S family the impression they were, in return, working hard to obtain a favourable outcome to B S's case. The trial panel considered this a gross abuse of their respective positions.

906. There were many other examples of the S family's accurate ability to recount important meetings and conversations that took place between them and the defendant, M S. Principally, the trial panel considered the recollections of the injured party, B S were extremely accurate especially when considered in the light of the traumatic ordeal he was forced to endure. The injured party, B S was able to recount in great detail the events on the days of each of his arrest, what occurred in the police station and when he was taken to Court.

907. The trial panel considers the evidence established beyond doubt that the "case" against the injured party, B S for alleged trafficking in human beings related to N H and L P was entirely spurious from the outset. Both N H and L P gave evidence which was entirely consistent with this interpretation. It is true they gave evidence of having intimate relations with the injured party, B S and receiving money from him. However, it was not their evidence (a) the money was expressly and exclusively in return for sexual favours and (b) there was certainly no evidence Bidajey S trafficked them for the purposes of sexual exploitation. On the contrary, they appeared to have been willing participants.

908. The trial panel considers it important to state that even if there was reliable evidence to prove the "case" against B S was genuine and not concocted, the conduct of M S and B B in soliciting bribes by trading in influence still amounted to an abuse of their official positions and this constituted the offences they were charged with at Counts 1, 2 and 3. The trial panel is sure, the "case" against B S was concocted by police in order to oppress and exploit him, his family and the "L" company. In fact this was precisely the allegation was made by members of the S family some of whom believed it was done specifically to financially enrich the defendants, M S and B B. The fact the "case" was entirely unmeritorious was ultimately corroborated by the decision PKR. Nr. 73/2014 of the Municipal Court in F dated 9 February 2016 by which the injured party, B S was

acquitted of the offence of Trafficking in Human Beings.<sup>19</sup>

909. The trial panel entirely rejects the defendant, M S's claims he was not aware of what was happening in this or every case in his unit. The trial panel is sure as the chief of the Anti-Trafficking Unit in F the defendant, M S knew (or ought to have known) about this case and who the defendant was. It defies belief that a wealthy local businessman in a small region of a small country could be arrested on foot of serious allegations but the chief of the relevant local police unit had only a general awareness of the case. The trial panel is sure M S was aware the injured party, B S was a wealthy man and he saw an opportunity to make some money for himself by accepting bribes to abuse his official position and trade in influence. Indeed he told B S when he first caused him to be brought to the police station in F that he would, "*help you as much as I can*".

910. The trial panel simply did not accept the defendant, M S's claim he was himself exploited by B B who was the true instigator of the offences nor does it accept the extended S family consistently approached him but he tried to distance himself from them. In fact, the trial panel considers the members of the extended S family were encouraged, especially by B B, to believe he and M S were working hard to help B S and secure the best possible result for him. The trial panel notes it was B B who instigated telephone contact with A S and X B but the trial panel is certain he did this on the instructions of his superior officer, M S and as part of a plan they had agreed together to extract bribes from a man they knew was wealthy.

911. The trial panel also entirely accepts the evidence of the injured party, B S that after his release he met with M S and B S and they both informed him how lucky he was with all the efforts they had made to resolve his "case". The trial panel also completely rejects the evidence of M S that he was a reluctant visitor to the S family home after B's release and B S had only invited him to curry favour with him because he knew his second arrest was imminent. On the contrary, the trial panel takes the view it is more likely M S went there in a selfish attempt to curry favour with the S family in the hope

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<sup>19</sup> Case file created by the Court relation to "Case" P. Nr. 594/12 at Tab 20.

they would not report him for his criminal actions.

912. The trial panel found it proven beyond doubt that on 30 May 2012, B S received a phone call M S who told him to come to the police. In fact, B S was met at a gas station by Kosovo police officers E A, B B, and another officer. M S was not there but they took B Sylemnai with them in the police car to F police station. There he met M S who asked him whether he had *“killed anyone”* and whether he *“married any Serb to a woman from Ania”*. B S denied this but M S showed him a photograph and told him *“the criminal offence of trafficking is more serious than murder”*. M then asked him if he knew *“L. or X.?”* and B S replied he did. B S was then interviewed by E A and B B after which he was taken to M’ S’s office who told him, *“I will help as much as can”*. The trial panel finds it proven beyond doubt the defendant, M S uttered these words and they indicated his plan to illicit bribes from the injured party, B S by abusing his official and trading trading in influence to convince B S he had helped achieve a favourable result in an utterly spurious criminal case involving allegations of trafficking L Pand NH he had been instrumental in concocting against B S in the first place.

913. The trial panel also found it proven beyond doubt B S was subsequently detained at the police station in F for two nights, after which he was transported by E A and B B to the Basic Court in P. The trial panel accepts B S’s evidence, M S accompanied them for the first part of the journey however, he exited from the vehicle at café Labourghini in F but not before telling E A and B B *“help him because he is ours”*. Court records show B S was placed in detention in remand for one month but around two to three days after the hearing, while in detention, B met with his brothers A and SS, who told him *“we have arranged it; it is going well and we are in contact with M [S] and B [B] all the time”*.

914. The trial panel finds it proven beyond doubt that on 27 November 2012 B S was released from detention in exchange for payment of €25,000. B S pleaded guilty and was sentenced to two years and three months imprisonment, with credit for time served. He was subsequently released on 27 November 2012 and returned to his family. B’s S’s

statement about this are confirmed by the chronology of the court proceedings against him as it can be found in the case file P. Nr 594/12.<sup>20</sup>

915. There then followed a sequence of events which relate to the defendants, B V, S M and A M and which are reflected at Counts 14, 15 and 16 of the indictment. The trial panel does not make any reference to any evidence in respect of those events in this judgment. Principally, this is because the defendant, A M has yet to enter a plea in respect of those offences and the trial panel does not wish to prejudice him in any way. In addition the defendant, S M has entered pleas of guilty but he absconded thereafter and has not yet been arrested to confirm his guilty pleas and potentially be sentenced.

916. Of course, the trial panel is obviously aware the defendant, B V pleaded guilty and has been sentenced in respect of these Counts. However, the trial panel considers it very important to state it has not taken this into consideration in any way when considering the factual allegation in the Counts in the indictment against the defendant, M S. The trial panel found no evidence to link the defendant, M S with the allegations contained at Counts 14, 15 and 16 of the indictment. The trial panel accepts the injured party, B S was placed back in detention sometime in early January 2013.

917. The trial panel also finds it proven beyond doubt the file of B S's "case" shows that M S was indeed involved in this case because his name and signature appears on the arrest forms. The trial panel does not accept his evidence he signed them in the way he signed lots of documents generated by his unit i.e. because he was in charge and as a formaly but without necessarily knowing the precise content of each and every one. The trial panel finds the defendant, M S was heavily involved in the "case" against the injured party, B S to the extent he concocted it together with B B in order extract bribes from him by abusing his official position and trading in influence.

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<sup>20</sup> The records of this "case" were included in the case file served by the prosecutor but the Court also created its own file containing all the rulings and orders in the "case".

918. The trial panel finds it proven beyond reasonable doubt this criminal conduct continued into January 2013 when B S was arrested again on 4 January 2013 and placed under house detention on 5 January 2013. The trial panel entirely accepts the evidence of the injured party, B S that at around 13:00 hours on 4 January 2013, while he was having lunch with his son in B, he received a phone call from M S, who told him: “*B, I heard that you are deA ng with doing facades of houses*”. M then requested B to go to M’ house with him to see what would need to be painted and they agreed to meet that afternoon. Later that afternoon, B received a phone call from an unknown number, and the caller introduced himself as a Police Officer at Serious Crimes from P. The caller asked B to meet him in F. The trial panel entirely accepts the evidence of B S he was shocked to receive this call and immediately phoned M S to ask if he knew the police officer who had contacted him. The panel also accepts his evidence M S responded: “*B, if you do not feel guilty, go and meet with him, as I know him very well he is my colleague*”. The panel finds it proven B S then spoke with his brother K S who spoke with M S and informed B it was safe to come to the police station in Ferizja as he would only have to make a statement there.

919. However, when B and K S arrived at the police station in F M S asked B S. whether he knew a woman called S and when he replied that he did, M S stated, “*The situation is not good as this is a serious case*”. The trial panel accepts M S then identified Bidayet S to two police officers from P and said “*he is my cousin*”. B S was and appeared before a P court on 5 January 2013 where he was released into house detention.

920. The trial panel entirely accepts as proven beyond doubt, principally by the accurate and detailed statements and evidence of A S and X B, that the extended S family made payments totalling €4,750 to the defendants, M S and B B.

921. Firstly, the trial panel finds it proven that approximately five or six days after B S’s detention hearing B B called X B and asked to meet at the old “*V*” market in F. A S gave evidence, and the trial panel accepts this, that this meeting occurred two to three days after he met M S and B B at the police station. X B and A S went to the old “*V*”

market in F. On arrival, they met with B B, who told them that he had just damaged M S's car, an Audi, and asked them to pay him €1,000 euro to repair it, since M was "helping" with B's case, and to give €50 for lunch for M S. The trial panel accepts A S's evidence he withdrew €300 from his account at a Pro Credit ATM, in addition to other cash (amounting to €100) which he had withdrawn a day earlier, and had at home. The trial panel also accepts X B recalled A S also contributed €400 and that he had to go home to collect the balance of €650. A S also obtained €500 euro through S S who obtained it from, R. I.

922. The trial panel accepts the evidence of A S and X B they gave this €1,050 to B B in the back of their car at the "V" Market and B B told them that they not to worry because the issue will be solved. The trial panel is sure that although B B received the money he was acting in concert with M S for their mutual benefit and this was a bribe, an abuse of both of their official positions by trading in influence committed in co-perpetration.

923. The trial panel also accepts the evidence of A S and X B that around 6 June 2012 they travelled to the Prosecutors office in P, then to a café and after to "AAB University" where B SH asked X and A to give him €300 to pay for course fees. The trial panel accepts A S's evidence he gave B B the money and he used it to pay his tuition fees.

924. The trial panel also accepts the evidence of A S and X B supported by the telephone metering data and finds it proven beyond doubt that shortly after the incident at the AAB University there was B B called X B and asked to meet at the car park of the old "V" in F again. The trial panel accepts they went to the meeting together and on arrival, B B asked them for €1,400, telling them €500 was for him, €500 Euro was for M S, and €400 Euro was for another police officer who was not before the Court. The trial panel accepts the evidence of X B that he did not have the money there and then, and he had to leave and request it from relatives. Both A S and X B stated (and the trial panel accepts that) about one hour later that same evening, after obtaining the money, they met B B

again at the “V” market parking lot and B entered their car before X B and A S then paid B B €1,400.

925. The trial panel also accepts the evidence of A S and X B supported by the telephone metering data and finds it proven beyond doubt that several days after paying the €1,400 to B B, B B called X B and they met at “TMV” restaurant with A S. On arrival, X was met by M S, who refused to meet with A S. However, X B met with M S and B B, while A S returned to F alone. The trial panel accepts the evidence of X B that during the meeting, B B told him, “*You should find for us 500 euro, for the expenses we are making*”. X B then paid B B €500 Euro in cash in the presence of M S.

926. The trial panel also accepts the evidence of A S and X B supported by the telephone metering data and finds it proven beyond doubt that a few days after paying the €500 to B B he travelled to the Prosecutor’s office in P in connection with B’s case. After being informed that the injured parties in the case had not responded to summons, X returned to F and contacted B B. X and A then met with B B and M S in a restaurant along the N road in F and told them about this development.

927. According to X B, and the trial panel accepts, B B called him the next day, and they arranged to meet at his home in F and also present was M S. A S did not attend the meeting but during that meeting, B B told X B “*the job was close to being done*” and M S told X that he would need to find an additional €1,500 to be paid to him at the moment he said it was due. On leaving B B’s house, X B recounted the conversation to A S and they then tried to get the money from various relatives. Eventually, X called B H and obtained the money from him.

928. The trial panel also accepts the evidence of A S and X B supported by the telephone metering data and finds it proven beyond doubt that B B called X B again, and together they went to meet M S at “B”. A. S. did not attend because he was feeling unwell. On the way, at B B’s request, they stopped and X B purchased a box of perfume from a supermarket. B B told him that the €1,500 euro should be put in the perfume

package, and that he should give the package to M S when he said it was the right time to do so. At the restaurant, B B then told X to give the perfume box to M S, which X did. M S took the box, opened it, saw the money inside, smiled and said “*you also want to corrupt me*”. The trial panel considered the X B’s accurate recall of this exchange as particularly damning evidence of the criminal conduct of M S and B B and clear proof they were acting together in concert and as part of a pre-arranged plan.

929. In relation to Count 1 of the indictment the trial panel is entirely satisfied the defendant, M S, was an official person, namely, a Lieutenant in the Kosovo Police and the Head of the Anti-Trafficking Unit in F and together with the defendant, B B, also an official person, in co-perpetration and with the intent to obtain an unlawful material benefit for themselves, (namely, 4750 Euro) abused their official position. Specifically they acquired money from X B and A S, and by extension other family members B S, thereby causing financial damage to these individuals, in exchange for promising to secure the release of B S from detention, or promising to make sure he will not be convicted and/or promising to make sure that he would not serve his sentence. These actions of the defendants included, among other things, representations to the S family that the defendants would contact witnesses to have them change their statements against B, provide gifts to the prosecutors assigned to B’s case, and withhold certain evidence against B from the case file provided to the prosecutor’s office.

**Thereby committing the offence of Abuse of Official Position contrary to Article 422 of the CCK of 2013, punishable by a term of imprisonment of from six (6) months up to five (5) years.**

930. In relation to Count 2 of the indictment the trial panel is entirely satisfied that in June 2012, in F, Kosovo and/or elsewhere in Kosovo, the defendant M S, as an official person, namely, a Lieutenant in the Kosovo Police and the Head of the Anti-Trafficking Unit in F together with the defendant, B B, also an official person, namely a police officer, in co-perpetration solicited and accepted a gift or some other benefit for themselves (namely, monetary payment totaling approximately 4750 Euro) to perform within the scope of their

authority an official or other act which he or she should not perform or to fail to perform an official or other act which they should or could have performed, so as to either secure the release of B S from detention, or make sure he will not be convicted and/or make sure that he does not serve his sentence. These actions of the defendants included, among other things, representations to the S family that the defendants would contact witnesses to have them change their statements against B, provide gifts to the prosecutors assigned to B's case, and withhold certain evidence against B from the case file provided to the prosecutor's office.

**931. Thereby committing the offence of Accepting Bribes contrary to Article 428 of the CCK of 2013, punishable by a term of imprisonment of from six (6) months up to five (5) years.**

932. In relation to Count 3 of the indictment the trial panel is also satisfied beyond a reasonable doubt that in June 2012, in F, Kosovo and/or elsewhere in Kosovo, the defendants M S and B B, in co-perpetration, requested and received an offer (namely, monetary payment totalling approximately 4750 Euro) of any undue advantage for themselves in consideration of the exertion of an improper influence by the perpetrator over the decision-making of an official person so as to either secure the release of B S from detention, or make sure he will not be convicted and/or make sure that he does not serve his sentence, whether or not the influence is exerted or whether or not the supposed influence leads to the intended result.

**933. Thereby committing the offence of Trading in Influence contrary to Article 431 para, 1 of the CCK of 2013, punishable by a fine, or by imprisonment of up to eight (8) years.**

934. In relation to Counts 4 and 5 the trial panel was not especially impressed with the evidence of the witness Officer N S or the evidence offered by the defendant, M S in his

own defence. However, the trial panel could not ignore Officer S and Officer O's repeated and adamant assertions Officer S he had made up his mind what type of ticket to issue *before* he spoke with the defendant, M S and in compliance with the principle of *in dubio reo* was bound to give the benefit of the doubt to the defendant, M S. The panel also took into consideration the defendant, S T was acquitted of the offence of Avoiding Payment of Mandatory Customs Fees (for reasons which are set out *infra*) therefore the defendant, M S should not be convicted as a co-conspirator.

### ST

935. In relation to Count 4 of the indictment the trial panel acquitted the defendant, S T because the panel considered the wording of the offence in English was ambiguous to the point where it did not actually create any offence. Article 318 paragraph 1 provides:

936. *“Whoever, with the intent to enable himself or another person to avoid payment of the customs tax fee or other fees or customs obligations payable for the import or export of goods, or if a false document is presented to customs about the origin, value, quantity, quality, type and other characteristics of the goods, shall be punished by a fine or imprisonment of up to three (3) years”.*

937. As a matter of plain English this wording does not create an offence as it fails to adequately describe and proscribe specific conduct. The trial panel also considered there was a doubt because Kosovo police officers, N S and S O brazhde gave evidence they had already made up his mind to issue a ticket for a minor offence before the intervention of M S and to accept the defendant, S T's explanation he had received the vehicle as payment for work and would formalise the paperwork as soon as possible. The trial panel accepted their version of events was possible and gave rise to a doubt in their mind and this beign the case they were bound to give the benefit of the doubt to the defendant, S T.

**938. Therefore the trial panel decided to acquit the defendant, M S of the counts of Avoiding Payment of Mandatory Customs Fees and Providing Assistance to the Perpetrators after the Commission of the Offence because it was not proven he had committed the acts with which he had been charged and the facts with which the accused were charged do not constitute a criminal offence.**

939. In relation to Counts 6 and 7 the trial panel firstly considered it entirely inappropriate the defendant, M S attended the scene of the alleged incident at all. His evidence was he did so in an unofficial capacity but as an officer of his rank and experience he should not have done that. Instead he should have informed H S to contact the local police in F who would investigate the incident in the usual way. Secondly, it is clear to the trial panel that when the defendant, M S arrived at the scene he already had been informed a firearm had been discharged and who the suspect was yet he made no effort to take any further investigative steps much less to place the defendant, R A under arrest. The trial panel finds this is because there is ample evidence the defendant, M S was friends with the defendant, R A. In fact he admitted this to A Xh when she arrived at the café, “D ” in the early hours of the morning. The trial panel finds M S’s statement to her that she should report the matter to the police was not genuine and he uttered it certain she would not accept because she was already in his presence and would not want to involve herself and/or R A with the authorities. The trial panel considers it proven that when M S arrived at the scene his primary concern was not to investigate but rather to conceal the offences the defendant, R A had committed and attempt to reconcile the parties. In order to do this he took the defendant, R A away to café “D ” where he attempted to reconcile him with the injured party A Xh. These were all entirely inappropriate steps for a senior officer in any police force to take. In fact, they were criminal offences.

940. In relation to Count 6 of the indictment the trial panel is entirely satisfied on 29 May 2013, in F, Kosovo or elsewhere in Kosovo, the defendant M S was informed by H S i that his friend R A had shot at a car near a restaurant called, “I”. The defendant, M S did not report this incident and he actively intervened to persuade the victim(s) not to

formally report the incident involving R A to the police. By doing so, M S aided R A as the perpetrator of a crime (namely, violations of Article 365(1) “Causing General Danger” and Article 375(2) “Use of Weapon or Dangerous Instrument” of the CCK 2013, which are offences under Chapter XXX –Weapons Offenses of the CCK 2013) to elude discovery or arrest and took steps towards frustrating the arrest, execution or punishment of R A by ensuring that R A would not be reported for a criminal offence he had committed.

**941. Thereby he committed the offence of Providing Assistance to Perpetrators after the Commission of the Offence contrary to Article 388, paragraphs 1 and 2, of the CCK 2013.**

942. In relation to Count 7 of the indictment the trial panel is entirely satisfied that on 29 May 2013, in F, Kosovo or elsewhere in Kosovo, the defendant M S was informed that R A had shot at a car near a restaurant called “I”. M S subsequently did not report this incident, which constitutes a criminal offence (namely, violations of Article 365(1) “Causing General Danger” and Article 375(2) “Use of Weapon or Dangerous Instrument” of the CCK 2013, which are both offences under Chapter XXX –Weapons Offenses of the CCK 2013). The trial panel was also satisfied this conviction did not constitute a second conviction in respect of the same set of facts as at Count 6 above. The principal culpable element at Count 6 is that the defendant, M S provided assistance to a friend whereas under Count 7 it is that he neglected his duty as a police officer.

**943. Thereby he committed the offence of Failure to Report Criminal Offences or Perpetrators after the Commission of the Offence contrary to Article 386, paragraph 1, sub-paragraph 1.9 of the CCK 2013.**

944. In relation to Count 8 of the indictment, the trial panel noted the defendant was charged with having in excess of the permitted amount of ammunition for a police officer. M S admitted this and stated the ammunition consisted of surplus bullets left over after shooting exercises at Kosovo police practice ranges carried out in the company of I

colleagues. The trial panel considered this offence was covered by the Law on Amnesty No. 04/L-209. The trial panel also considers it important to observe there was no allegation or evidence of any violence or threat of violence involving the use of weapons or otherwise by the defendant, M S in any of the charges preferred by the prosecutor in the indictment.

**945. Therefore the trial panel decided to acquit the defendant, M S of the counts of Unauthorised Ownership, Control or Possession of Weapons contrary to Article 374 paragraph 1 because there are circumstances which excluded criminal liability.**

## **G. DETERMINATION OF THE PUNISHMENT**

946. As aggravating factors the trial panel took into consideration the facts that at the time of the offences the defendant, M S was a lieutenant in Kosovo Police which is a high rank that calls for high levels of professionalism and trust but the defendant abused these. The trial panel also noted the defendant continued abusing his official position for over one year. An especially aggravating factor is the near catastrophic effects the defendant's criminal conduct had on B S both personally and professionally i.e. on the fortunes of the family business the, "L" company.

947. As mitigating factors the trial panel took into account the defendant, M S did not have any previous convictions, he has a strong record of employment and he also has a family on whom his criminal conduct will have a very negative effect.

**MS (and B B):**

**COUNT 1: ABUSE OF OFFICIAL POSITION in co-perpetration, in violation of Article 339, paragraph 2, in connection with paragraph 1, in conjunction with Article 23 of the former CCK, currently penalized under Article 422 in conjunction with Article 31 of the CCK 2013.**

The trial panel imposes a sentence of three years imprisonment.

**COUNT 2: ACCEPTING BRIBES in co-perpetration, in violation of Article 343, paragraph 1, in conjunction with Article 23 of the former CCK.**

The trial panel imposes a sentence of five years imprisonment.

**COUNT 3: TRADING IN INFLUENCE in co-perpetration, in violation of Article 345, paragraph 1, in conjunction with Article 23 of the former CCK, currently penalized under Article 431, paragraph 1, in conjunction with Article 31 of the CCK 2013.**

948. The trial panel imposes a sentence of two years imprisonment.

**COUNT 6: PROVIDING ASSISTANCE TO PERPETRATORS AFTER THE COMMISSION OF THE OFFENSE, in violation of Article 388, paragraphs 1 and 2, of the CCK 2013.**

The trial panel imposes a sentence of one year of imprisonment.

**COUNT 7: FAILURE TO REPORT CRIMINAL OFFENSES OR PERPETRATORS, in violation of Article 386, paragraph 1, sub-paragraph 1.9, of the CCK 2013.**

949. The trial panel imposes a sentence of one year of imprisonment.

***Pursuant to Article 80.1 of the CCRK the Court imposes an aggregate sentence of seven (7) years of imprisonment.***

950. However, pursuant to Article 83.1 of the CCK the Defendant is given credit for the time he has already served in Detention on Remand which is calculated as follows:

951. On 11 September 2013 the defendant was arrested and deprived of his liberty. On 12 September 2013 the defendant was placed in detention on remand. On 28 April 2015 the defendant was released into house detention. The presiding Judge has not altered this measure to date therefore as of 6 October 2016 the defendant has spent a total of 1,121 days in detention on remand or house detention. On 6 October 2016 the presiding Judge issued a ruling imposing detention on remand until judgment becomes final.

952. Pursuant to Articles 42 paragraph 1 and 65 paragraph 1 the defendant, M S is disqualified from holding any official position for the period of five years.

953. Pursuant to Articles 41.1.3, 62.2.2, 64.1 and 2 of the CCRK the trial panel orders the defendant, M S to make restitution to the S family for the loss of €4,750 which was unlawfully procured from them in consideration of the defendants, M S and B B influencing the criminal proceedings against, B S. The defendant, M S is jointly and severally liable with his co-accused, B B, who has also pleaded guilty, for the return of this sum. The entire amount is to be refunded by 31 December 2020. If it is not, the prosecutor may re-enter the matter before the trial panel, or any member of it to consider an alternative sentence.

954. The defendant, M S *may* also be liable to the members of the S family for the economic and personal damage they sustained as a result of his actions. The S family have filed claims with the Court in this regard. However, these claims should be the subject of separate, civil proceedings where the alleged damage should be particularised in greater detail.

955. Pursuant to Article 450 of the CPC the costs of the proceedings will be reimbursed by the Defendant. These are assessed in the amount of €500.

956. Any property claim shall be pursued through the civil courts.

## **H. FORFEITURE**

957. The Court orders the permanent seizure of the ammunition seized from the Defendant's residence.

## **I. COSTS OF THE PROCEEDINGS**

958. Pursuant to Article 450 of the CPC the costs of the proceedings will be reimbursed by the Defendant. These are assessed in the amount of €500.

**BASIC COURT OF F/U**

**P. nr. 250/13**

**Dated this 6<sup>th</sup> day of October 2016**

Piotr Bojarczuk

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Presiding Judge

Marie Tuma

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Panel Member

Musa Konxheli

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Panel Member

Hysni Recica

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Court Recorder

**LEGAL REMEDY:** Pursuant to Article 380 of the CPC authorized persons may file an appeal against judgment in the Court which rendered it within fifteen (15) days of receipt of the judgment.

#### APPENDIX 1: Documentary Evidence

(1) All of the contents of the Prosecution Files submitted with Indictment PPS. 05/2012 and whose contents are described at Point V of the Indictment and are labelled as follows:

1, 2A, 2B, 2 B, 3A, 3B, 3C, 4A, 4B, 5, 6A, 6B, 6C, 6D, 7 & 8.

(2) All of the contents of the Court's pre-trial case files PP. nr. 51/13 labelled as follows:

Volumes 1-7

(3) All of the contents of the Court's main-trial case files P. nr. 250/13 labelled as follows:

Volumes 1-27

(4) Documents sought by the Court and submitted by the parties relating to the cases at first and second instance involving the injured party B S and allegations of Trafficking in Human Beings. These are retained in a separate file P. Nr. 594/12.

(5) Documents submitted during the main trial and included in the Court file marked "Exhibits" and which include but are not limited to:

- Claim for compensation and supporting documents submitted by the injured party, B S in the main trial session on 19 September 2014;
- Documents from Kosovo Customs and Supreme Court of Kosovo Opinion re-submitted by counsel for the defendant, S T the lawyer, A S in support of his application dated 25 May 2015;
- Medical documents submitted by lawyer, B S dated 17 March 2016;
- Mortgage agreement between Commercial Bank JSC and "L" LLC, A S and "BI" LLC;
- Previous Conviction of A K (aka "Lindi") from Pristhina Municipal Court dated 8 July 2009;

- Motion to Property Claims filed by B S through his lawyer, B S in Basic Court of Ferizaj on 15 March 2016;
- Documents generated during the course of the disciplinary investigation against Officer N S of Kosovo Police;
- Request for compensation for material and non-material damage filed by the injured party, B S in the main trial session on 28 August 2014.
- Decision of Court of Appeals dated 13 March 2014 annulling the decision of the District Court of P dated 27 November 2012;
- Statement of assets of the “L” company in 2012;
- Documents filed by lawyer, B S in main trial session on 21 July 2016 in relation to expenses incurred by the S family.