

SUPREME COURT of KOSOVO

31 March 2010
Prishtine/Pristina
Ap.-Kž. No. 282/09

IN THE NAME OF THE PEOPLE

The Supreme Court of Kosovo, in a panel composed of International Judge Guy van Craen as Presiding Judge, International Judge Emilio Gatti, and Kosovo National Judge Emine Mustafa as panel members, in the criminal proceedings against:

B [REDACTED], [REDACTED] in
detention on remand pursuant to the first instance court decision P Nr. 570/07 dated 27
May 2009, no previous convictions;

V [REDACTED] [REDACTED]
[REDACTED] currently in detention on remand pursuant to the first instance court decision P Nr.
570/07 dated 27 May 2009, no previous convictions;

V [REDACTED], [REDACTED]
[REDACTED] currently in detention on remand pursuant to the first instance court decision P Nr. 570/07
dated 27 May 2009, no previous convictions;

V [REDACTED], [REDACTED]
[REDACTED]; currently
residing in Fitorja street Podujevo.

Deciding on the appeal filed on 1 July 2009 by the SPRK Prosecutor, the appeal filed on 8 July 2009 by attorney **V** [REDACTED] **B** [REDACTED] on behalf of the defendant **V** [REDACTED] **S** [REDACTED], the appeal filed on 27 July 2009 by Advocate **H** [REDACTED] **M** [REDACTED] on behalf of the defendant **V** [REDACTED] **V** [REDACTED], the appeal filed on 29 June 2009 by Advocate **N** [REDACTED] **I** [REDACTED] on behalf of the defendant **V** [REDACTED] **A** [REDACTED] and the appeal filed on 30 June 2009 by Advocate **M** [REDACTED] **H** [REDACTED] on behalf of the defendants **B** [REDACTED] **R** [REDACTED], all of them challenging the verdict of the District Court of Pristina P. No. 570/07 dated 27 May 2009, which found the four defendants guilty of the criminal offence of Kidnapping, in Co-perpetration, contrary to Articles 159, Paragraph 2, and 23 of the Criminal Code of Kosovo (CCK).

After hearing the submissions of the appellants in the session held on 30 March 2010 and after a deliberation and voting held on 30 March 2010.

Acting pursuant to Article 420 of the KCCP and article 51 JJCK renders this

JUDGMENT

The appeal filed on 8 July 2009 by attorney V [redacted] B [redacted] on behalf of the defendant V [redacted] S [redacted] is unfounded and therefore rejected in its entirety;

The appeal filed on 27 July 2009 by Advocate H [redacted] M [redacted] on behalf of the defendant V [redacted] V [redacted] is unfounded and therefore rejected in its entirety;

The appeal filed on 29 June 2009 by Advocate N [redacted] L [redacted] on behalf of the defendant V [redacted] A [redacted] is unfounded and therefore rejected in its entirety;

The appeal filed on 30 June 2009 by Advocate M [redacted] H [redacted] on behalf of the defendants B [redacted] R [redacted] is unfounded and therefore rejected in its entirety;

The appeal filed on 1 July 2009 by the SPRK Prosecutor is partially granted and the punishment is established as follows:

- 7 years of imprisonment for B [redacted] R [redacted]
- 4 years of imprisonment for V [redacted] A [redacted]
- 5 years of imprisonment for V [redacted] V [redacted]

Pursuant to article 391.5 KCCP, the time spent in detention on remand by the defendants is included in the amount of punishment.

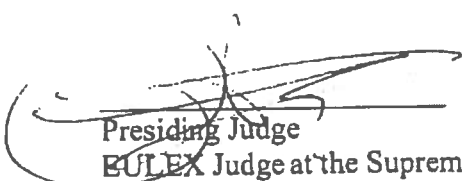
The Judgment of the District Court of Pristina P. No. 570/07 dated 27 May 2009 is affirmed in the remaining parts.


The costs of the second instance proceeding will remain in charge of the four defendants

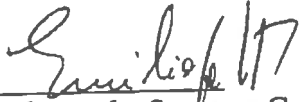
Detention for the defendants is confirmed.

Dated this 31st day of March 2010.
Ap.-Kz. No. 282/09

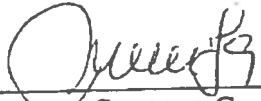
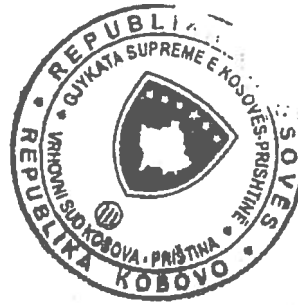
Prepared in English as authorized language.


Presiding Judge
EULEX Judge at the Supreme Court Level
Guy Van Craen


Recording Officer
EULEX Legal Officer
Francesco Caruso



EULEX Judge at the Supreme Court Level
Emilio Gatti



Kosovo Supreme Court Judge
Emine Mustafa

Legal Remedy

No appeal is possible against this Judgment (art. 430 PCPCK). Only a request for the protection of legality is possible, to be filed with the court which rendered the decision in the first instance, within 3 months of the service of this decision (art. 77 JJCK and art. 451 – 460 KCCP).